RECOMMENDATION ON THE VARIANCE APPLICATION OF
35 Meadowlands Holdings, LLC - New Hotel/
Convenience Store/Gas Station & Variances
FILE # 21-225

I. INTRODUCTION

Applications for one use variance and seven bulk variances have been filed with the New Jersey Sports and Exposition Authority (NJSEA) by Alexander Opper, of The Opper Group, on behalf of 35 Meadowlands Holdings, LLC, for the premises identified as 35 Meadowland Parkway, Block 100, Lots 1, 2, and 2.01, in the Town of Secaucus, New Jersey. The subject premises is located within the Hackensack Meadowlands District's Commercial Park zone. The variances are sought in connection with the applicant's proposal to construct a proposed new 122-room hotel, 5,869-square-foot convenience retail store, and fuel service station, with associated site improvements, at the subject premises.

Specifically, the applicant is requesting variance relief from the following:

1. N.J.A.C. 19:4-5.46(a), which does not list a fuel service station as a permitted use in the Commercial Park zone.
2. N.J.A.C. 19:4-5.49(a)3i, which requires a minimum 35-foot front yard setback in the Commercial Park zone; whereas, structures, including a utility hot box, fuel vent pipe, and compressed air/vacuum equipment, are proposed to be located in the required front yard along Meadowland Parkway at a minimum setback of 8.3 feet.
3. N.J.A.C. 19:4-8.2(b)1, which does not permit vehicular use areas in the required front yard or required buffer areas; whereas, twelve (12) parking spaces are proposed at a minimum setback of 5.3 feet within the required 35-foot front yard along Meadowland Parkway and seventeen (17) parking spaces are proposed within the required 50-foot waterway

buffer. Two of these parking spaces are located within both the required front yard and the waterway buffer.

4. N.J.A.C. 19:4-8.3(b)1, which does not permit loading areas in any front yard. A fuel loading zone is proposed in the front yard along Meadowland Parkway.
5. N.J.A.C. 19:4-8.4(a)37, which requires a minimum 12-foot by 30-foot loading space be provided for the proposed limited-service hotel; whereas, no loading space is proposed to be provided for the hotel use.
6. N.J.A.C. 19:4-8.7(a), which requires a minimum 50-foot-wide landscaped buffer measured from the mean high water line or top of bank where any development borders the Hackensack River, tributaries, or streams located in the District, and does not permit fill, structures, or impervious pavement within the waterway buffer; whereas, the hotel structure is proposed within the required 50-foot-wide buffer.
7. N.J.A.C. 19:4-8.7(a), which requires a minimum 50-foot-wide landscaped buffer measured from the mean high water line or top of bank where any development borders the Hackensack River, tributaries, or streams located in the District, and does not permit fill, structures, or impervious pavement within the waterway buffer; whereas, fill, site improvements, a refuse area, and accessory structures are proposed within the required 50-foot-wide buffer.
8. N.J.A.C. 19:4-8.14(i)6, which requires that signs shall be set back a minimum of 15 feet from property lines; whereas, a pylon sign is proposed to be set back 7.2 feet from the front lot line along Meadowland Parkway.

Notice was given to the public and all interested parties as required by law. The public notice was published in in the digital edition of the Star-Ledger on

January 15, 2026. The public notice was also posted to NJ.com under Legal Notices, on the New Jersey Press Association's website, njpublicnotices.com, and on the NJSEA's website. Public hearings for this matter commenced on Tuesday, January 27, 2026, and continued on February 10, 2026, at which time the hearing was adjourned. A second public notice was published in the digital edition of the Star-Ledger on May 27, 2026, which was also posted to NJ.com under Legal Notices, on the New Jersey Press Association's website, njpublicnotices.com, and on the NJSEA's website. The next public hearing was held on June 11, 2026 and continued on July 7, 2026, at which time the record was closed. All information submitted to the Division of Land Use Management relative to this application is made part of the record of this recommendation.

II. GENERAL INFORMATION

A. Existing and Proposed Use

The subject property, identified as 35 Meadowland Parkway, Block 100, Lots 1, 2, and 2.01, in the Town of Secaucus, is an 8.66-acre vacant site located along Meadowland Parkway in Secaucus. The property is the site of the former Amerada Hess ("Hess") fuel storage facility on Lots 2 and 2.01, and includes a 3.32-acre wetlands mitigation site within Lot 1. The northerly portion of the property contains an open water channel and stormwater outfall from Meadowland Parkway. Hess ceased operation of the fuel storage terminal on the property in 2002, and the property was sold to the current property owner, 35 Meadowlands Holdings, LLC, in July 2017.

The site contains frontage on Meadowland Parkway, opposite the intersection of the NJ State Highway Route 3 East ramp with Meadowland Parkway to the east. Clarendon Street (also known as Grace Street), a 40-foot-wide right-of-way (ROW), is a paper street adjacent to the site's northerly boundary line, which adjoins land owned by the New Jersey Department of Transportation

(NJDOT) containing a maintenance yard and a portion of the elevated Route 3 eastbound bridge over the Hackensack River. The Hackensack River forms the site's westerly boundary. Adjoining properties to the south include Snipes Park at Block 21, Lot 3.02, co-owned by the NJSEA and the Town of Secaucus, and an office and warehouse facility at 43 Meadowland Parkway, Block 21, Lot 2.02, that is planned to be converted to a light industrial use pursuant to a conditional use variance approval granted by the NJSEA in November 2025 (Resolution #2025-53). Properties located to the east of the site across Meadowland Parkway include the Osprey Cove East multi-family residential development at Block 101, Lot 8, and an office building at Block 110, Lot 1.

The subject property is located in the District's Commercial Park zone, as are many of the neighboring properties identified above, with the exception of Snipes Park, which is located in the Parks and Recreation zone, and the Osprey Cove East residences located in the Neighborhood Commercial zone.

The property is located at the signalized intersection at the Route 3 East ramp at Meadowland Parkway, and is subject to encumbrances, including an approximately 20-foot-wide roadway widening easement and Hackensack Water Company easement along the site's Meadowland Parkway frontage. The property also contains areas currently and formerly subject to the State's riparian interest. A riparian grant was issued for the property in 2002 by the NJDEP Bureau of Tidelands Management, with Excepted Areas A and B (Deed Book 6043, Pages 085-104). Remnants of an off-site dock and mooring dolphins within the Hackensack River, formerly utilized by Hess for fuel transport, are located within adjacent Block 100, Lot 2.02, owned by the State of New Jersey, pursuant to a New Jersey Tidelands revocable riparian license, identified as #88-0373 in Hudson County Deed Book 4962, Page 341 (1996) and Deed Book 5402, Page 262 (1999).

The site is located on the New Jersey Department of Environmental Protection (NJDEP) Known Contaminated Sites List (Site ID 6961/PI #003928), due to the presence of contaminants associated with the former fuel storage operations on the

site. Remedial actions undertaken by Hess included the excavation and removal of contaminated soil within identified areas of concern, and a deed notice was placed on the property in January 2017 as an institutional control pending final redevelopment of the site, intended to serve as a cap. Hess had received prior approvals for commercial office development on the site in the late 1990s, for which the above-mentioned Tidelands grant was issued in 2002. As part of those approvals, which included wetlands fill to support site development, Hess mitigated the wetlands tract on the site and, pursuant to the Tidelands grant, was required to construct a walkway within Excepted Areas A and B. While site preparation work commenced, the office development was never constructed. A wave screen and trash rack structure intended to have supported a walkway was constructed within Excepted Area A, and remains today.

The applicant proposes to construct a 122-room hotel, a 5,869-square-foot convenience retail store and fuel service station, and associated site improvements, at the subject premises. The fuel service station is proposed to accommodate 16 fueling positions, including two diesel dispensers. The applicant also proposes improvements to the Meadowland Parkway and Route 3 East ramp signalized intersection, and a dedicated bike lane along the site's Meadowland Parkway frontage.

A conditional fill permit was issued by the Town of Secaucus on May 22, 2018 in Conditional Zoning Certificate - Fill/Stockpile Only, designated CZC-18-544 (Fill), pursuant to the opt-out provisions of the Hackensack Meadowlands Agency Consolidation Act, to place surcharge material on the site to prepare it for the development of a hotel and a retail store (without a fuel service station). In August 2018, the NJDEP issued a Flood Hazard Area Individual Permit and Flood Hazard Area Verification for the development of a hotel and a retail store (without a fuel service station) on the site. In January 2021, the NJDEP issued a Flood Hazard Area Permit Modification approval for the development of a hotel and a retail store with a fuel service station on the site. It is noted that the District Master Plan serves as an element of the State of New Jersey's Coastal Zone Management Program

(CZMP) for the Hackensack Meadowlands District, as specified in N.J.A.C. 7:7-9.43. Pursuant to these rules, the NJSEA is the lead planning and management agency within the District, and coastal activity or development in the District shall be consistent with the District's Master Plan. The NJDEP modified permit was issued without the requisite Coastal Zone Management Consistency recommendation letter or other approval by the NJSEA, as required by the CZMP rules.

A use variance is required to be obtained for the proposed fuel service station use. A total of seven bulk variances are required to be obtained for the proposed placement of the hotel building, accessory structures, site improvements, fill, and a refuse area within the required 50-foot-wide waterway buffer from the mean high water line of the Hackensack River and its tributaries, as well as for the proposed front yard setback for accessory structures, parking location, loading, and signage setback.

B. Response to the Public Notice

No written comments were provided in response to the public notice, although letters from the public received by the NJSEA with respect to the application can be found in the file record.

III. PUBLIC HEARINGS (January 27, February 10, June 11, and July 7, 2026)

Public hearings were held on January 27, February 10, June 11, and July 7, 2026. NJSEA staff in attendance were Sara J. Sundell, P.E., P.P., Senior Director of Land Use Management and Chief Engineer; Nadereh Moini, Ph.D., P.E., PTOE, PTP, Chief of Transportation; Mia A. Petrou, P.P., AICP, CFM, Supervising Planner; and Anthony Albano, P.E., CME, Senior Engineer. Sharon A. Mascaró, P.E., Deputy Director of Land Use Management and Deputy Chief Engineer, was also present for a portion of the January 27, 2026 hearing.

A. Exhibits

The following is a list of the exhibits submitted by the applicant at the public hearing and marked for identification as follows:

Number	Description
A-1A	"Aerial Exhibit (Overall)", prepared by Zachary E. Chaplin, P.E., of Stonefield Engineering, dated 01/13/2026.
A-1B	"Aerial Exhibit", prepared by Zachary E. Chaplin, P.E., of Stonefield Engineering, dated 01/13/2026.
A-2A	"Historic Aerial Exhibit", prepared by Zachary E. Chaplin, P.E., of Stonefield Engineering, dated 01/14/2026.
A-2B	"Historical Aerial: Site Plan Exhibit", prepared by Zachary E. Chaplin, P.E., of Stonefield Engineering, dated 01/14/2026.
A-2C	"Historical Aerial: Site Plan with Landscape Exhibit", prepared by Zachary E. Chaplin, P.E., of Stonefield Engineering, dated 01/14/2026.
A-3A	"Site Plan Rendering Exhibit (Overall)", prepared by Zachary E. Chaplin, P.E., of Stonefield Engineering, dated 12/29/2025.
A-3B	"Site Plan Rendering Exhibit", prepared by Zachary E. Chaplin, P.E., of Stonefield Engineering, dated 12/29/2025.
A-4	Colored site renderings dated as marked 01/27/2026, and identified as follows: A-4A Existing Site Photo A-4B 3D Rendering A-4C Existing Site Photo A-4D 3D Rendering A-4E Existing Site Photo A-4F 3D Rendering

A-5	"NJSEA Waterway Exhibit," prepared by Zachary E. Chaplin, P.E., of Stonefield Engineering, dated 09/16/ 2025.
A-6	Site plan set prepared by Zachary E. Chaplin, P.E., of Stonefield Engineering, dated 06/09/2021, and revised through 07/25/2025.
A-7	"ALTA / NSPS Land Title Survey", prepared by Thomas F. Miller, P.L.S., of Stonefield Engineering, dated 08/06/2019, and revised through 06/11/2025.
A-8	NJDEP Correspondence with Stonefield Engineering regarding mean high water line dated 07/17/2025 and correspondence from Debbie Lawlor, Colliers Engineering & Design, regarding the Hudson County Greenway dated 02/15/2024.
A-9	Quick Chek architectural plans, prepared by Gary Kliesch, R.A., AIA, of gk+a Architects, P.C., dated 03/10/2021, and revised through 06/02/2025.
A-10	WoodSpring Suites architectural plans, prepared by Andrew S. Maass, R.A., of BRR Architecture, Inc., dated 02/22/2019, revised through 06/04/2025.
A-11	United States Army Corps of Engineers Preliminary Jurisdictional Determination dated 01/11/2024.
A-12	"Typical Modular Block Retaining Wall Detail", prepared by Petry Engineering, LLC, dated 12/19/2023
A-13	"NJDEP Land Use Permitting Engineering Report & Environmental Impact Statement", prepared by Jeffrey A. Martell, P.E., P.P., CME, LEED AP, of Stonefield Engineering, dated May 24, 2018, and revised through March 17, 2023.
A-14	"Stormwater Operations & Maintenance Manual", prepared by Jeffrey A. Martell, P.E., P.P., CME, LEED AP, of Stonefield

Engineering, dated August 20, 2018, and revised through March 17, 2023.

A-15 Xerxes Double-Wall Tank specification sheet.

A-16 EVO ONE Brochure.

A-17 Xerxes Fiberglass vs. Steel Fuel Tank Info Sheet.

A-18 QuickChek Colored Elevations, prepared by Gary Kliesch, R.A., AIA, gk+a Architects, P.C., dated 03/10/2021, and revised through 01/15/2026.

A-19 "Planner's Report", prepared by Deborah Alaimo Lawlor, FAICP, P.P., of Colliers Engineering & Design, dated December 2025.

A-20 "Overall Site Plan", prepared by Zachary E. Chaplin, P.E., of Stonefield Engineering, dated 06/09/2021, and revised through 04/02/2026.

A-21 "Fire Truck Circulation Plan", prepared by Zachary E. Chaplin, P.E., of Stonefield Engineering, dated 06/09/2021, and revised through 04/02/2026.

A-22 "Fuel Vehicle Circulation Plan", prepared by Zachary E. Chaplin, P.E., of Stonefield Engineering, dated 06/09/2021, and revised through 04/02/2026.

A-23 "Delivery Vehicle Circulation Plan", prepared by Zachary E. Chaplin, P.E., of Stonefield Engineering, dated 06/09/2021, and revised through 04/02/2026.

A-24 "SU30 Trash Circulation Plan", prepared by Zachary E. Chaplin, P.E., of Stonefield Engineering, dated 06/09/2021, and revised through 04/02/2026.

A-25 "Open Space Plan", prepared by Zachary E. Chaplin, P.E., of Stonefield Engineering, dated 06/09/2021, and revised through 04/02/2026.

A-26	"Utility Plan", prepared by Zachary E. Chaplin, P.E., of Stonefield Engineering, dated 06/09/2021, and revised through 05/04/2026.
A-27	"Site Plan Rendering Exhibit", prepared by Zachary E. Chaplin, P.E., of Stonefield Engineering, dated 12/29/2025, and revised through 05/27/2026.

The following is a list of the exhibits submitted by the Objector at the public hearing and marked for identification as follows:

Number	Description
O-1	Traffic Comment Letter, prepared by Michael Maris, Michael Maris Associates, Inc., dated July 1, 2026.
O-2	Planning Exhibit, prepared by Peter Steck, P.P., Planning Consultant, dated July 7, 2026.

B. Testimony

Douglas F. Doyle, Esq., of DeCotiis Doyle, LLP, represented 35 Meadowlands Holdings, LLC at the hearing. The following witnesses testified in support of the application:

1. Zachary E. Chaplin, P.E., Stonefield Engineering and Design, LLC;
2. Peter Michael Wolfe, P.L.S., Stonefield Engineering and Design, LLC;
3. Matthew Seckler, P.E., P.T.O.E., P.P., Stonefield Engineering and Design, LLC;
4. Stephen Hutchinson, Real Estate Manager, QuickChek Corporation;
5. Frank Marra, Chief Operating Officer, Michael Marra, Inc.;
6. John Santiago, Learning and Development Specialist, QuickChek Corporation;
7. Evan Carzis, Developer, DC Hospitality;

8. Deborah Alaimo Lawlor, P.P., AICP, Colliers Engineering and Design, Inc.;
9. Alexander Opper, 35 Meadowlands Holdings, LLC; and
10. Jonathan Ricablanca, land surveyor (not licensed as a Professional Land Surveyor), Colliers Engineering and Design, Inc.

Steven G. Mlenak, Esq., of the firm, Greenbaum, Rowe, Smith & Davis, LLP, represented Objector, Hartz Mountain Industries, Inc. ("Hartz"), at the hearing. The following witnesses testified in opposition to the application on behalf of Hartz at the hearing:

1. Michael Maris, President, Michael Maris Associates, Inc.;
2. Gabrielle Gornelli, P.E., Dresdner Robin; and
3. Peter Steck, P.P., Planning Consultant.

Staff findings and recommendations are based on the entire record. A transcript of the public hearing was prepared and transcribed by Susan Bischoff, CCR, RPR.

C. Public Comment

The following members of the public were present and commented on the application:

1. Gary M. Jeffas, Secaucus Town Administrator;
2. Don Torino, Bergen County Audubon Society; and
3. Eydie Shapiro, Town of Secaucus resident.

IV. RECOMMENDATIONS

A. Standards for the Granting of a Use Variance from the Provisions of N.J.A.C. 19:4-5(a), to permit the construction of a fuel service station in the Commercial Park zone, whereas a fuel service station is not listed as a permitted use in the Commercial Park zone

The District Zoning Regulations at N.J.A.C. 19:4-4.14(e) state in part that, *a variance shall not be granted unless specific written findings of fact directly based upon the particular evidence presented are made that support conclusions that...*

1. *Concerning use variances:*
   i. *The strict application of these regulations will result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the property owner.*

The strict application of the regulations would permit the development of the proposed hotel and retail use on the subject premises, but would not permit the development of a fuel service station, for which the subject use variance is requested.

The subject property is a unique site that is subject to various development challenges. Approximately 38 percent of the site is comprised of a large tract of wetlands that had been mitigated by Hess under a prior approval for an office development in the late 1990s, which ultimately was not constructed, but for which 0.26 acres of wetlands fill had occurred to support site development. Additionally, the site fronts along the Hackensack River to the west and an open water channel to the north. The remaining uplands on the site can be characterized as a peninsula, where a 50-foot-wide buffer from the mean high water line is required along three of its

sides. Furthermore, the site is located at the intersection of the heavily-trafficked Route 3 East ramp and Meadowland Parkway, and a 20-foot-wide roadway widening easement is located along the site's frontage with Meadowland Parkway, which also affects site development. Finally, the site is designated a Known Contaminated Site by the NJDEP due to the presence of contaminants related to the prior fuel storage operations by Hess.

The applicant has attested that the type of convenience retail proposed by Quick Chek would not be constructed without a fuel service station. (T-53, 1/27/2026) However, the applicant has not demonstrated that only a convenience retail sales use could be developed on the property, or that the development of another type of retail use, or other permitted use within the Commercial Park zone, would be precluded on the property. It is noted that the applicant received a fill permit from the Town of Secaucus and an initial NJDEP flood hazard permit based on a site plan showing conforming hotel and retail uses. Notwithstanding the challenges associated with the development of the subject property, the strict application of the use regulations of the Commercial Park zone, which provide for a variety of uses, and for which a site plan was provided showing that conforming uses could be accommodated on the property, would not result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the property owner.

ii. *The variance will not result in substantial detriment to the public good and will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.*

The requested use variance to construct the proposed fuel service station at the specified location in the Commercial Park zone would result in a substantial detriment to the public good and would adversely affect the public health, safety, order and general welfare. The requested variance cannot be evaluated solely from a macro perspective, where siting a fuel service station in a location proximate to a state highway ramp could seemingly be supported from a land use perspective. In the subject application, NJSEA staff provided multiple, multi-page review letters (dated 3/16/2022, 9/15/2023, 4/17/2025, 5/08/2025, 11/24/2025, and 3/20/2026) advising the applicant to address the micro-scale concerns with respect to how the fuel service station was proposed to be situated on the site, to avoid macro-scale impacts. These concerns include, but are not limited to, the location of improvements within required waterway buffers (see *iv.* below), dysfunctional and conflicting site circulation patterns, and deficient line-of-sight configurations, which would significantly impact public health, safety, order, and the general welfare. In its review correspondence, NJSEA staff also provided suggestions for alternatives to address these concerns.

While the applicant did make an adjustment to the site plan during the public hearing process to eliminate the easterly hotel driveway within the site nearest Meadowland Parkway, circulation concerns associated with the fuel service station persist. In particular, the proposed configuration of the fuel service station's fuel pump locations and stop-controlled intersections in relation to the main drive aisle and proximity to the signalized intersection at Meadowland Parkway, results in numerous overlapping conflicts at

these locations. Potential conflicts could result in blocking of entrances to the fueling positions by exiting traffic at the southeast corner of the fuel canopy. Additionally, the proposed site design would not prevent a vehicle positioned at either of the southernmost fuel pumps from performing a u-turn across the main access drive to exit the site after fueling. Furthermore, the full length of the sight triangle for the left-turn movement at the proposed southeasterly stop bar located next to the southeasterly fueling position was not depicted, despite review correspondence requesting that this be provided to evaluate public safety. The provided line-of-sight was configured for vehicles traveling at a speed of four to five miles per hour, whereas NJSEA staff had determined that site visibility would be compromised by a vehicle traveling at a more realistic speed of 10 to 15 miles per hour (T-28, 6/11/2026), making this an unsafe condition. Upon questioning from staff, the applicant's traffic expert agreed that "Looking to the right, if there is a vehicle fueling at the position closest to the stop bar, there would be a temporary limitation in terms of how far you could see" (T-26, 6/11/2026) and further stated "I'm not disagreeing with what you're discussing that the southeasterly most vehicle fueling spot, I agree that is what is limiting the sight distance looking to the right." (T-28-29, 6/11/2026) In review correspondence, NJSEA staff had suggested eliminating the southeasterly fueling position adjacent to the site's central access driveway, to allow for greater visibility for motorists and to minimize circulation conflicts. The applicant did not revise the site plan as suggested.

Furthermore, the site configuration also exhibits the potential for multiple truck circulation conflicts resulting in unsafe and inefficient

circulation patterns. For example, the "Fuel Vehicle Circulation Plan" (Exhibit A-22) depicts a conflict whereby the path of travel of the fuel delivery truck passes through a passenger vehicle fueling at the northwest fueling position, which highlights the lack of space provided within the proposed design to safely circulate the fueling truck. Additionally, at the stop-controlled intersection at the southwest corner of the fuel canopy, the fuel truck's exiting path encroaches on the westbound traffic lane for approximately 25 feet. Although it is anticipated that fuel deliveries would occur once per day, the site has not been designed to allow for adequate turning accommodations for fuel delivery without incursions, at any frequency. With respect to retail deliveries, the applicant attested that the WB-50 truck size is consistent with the size of both the Quick Chek fuel delivery tankers and retail delivery trucks (T-200, 1/27/2026). It is acknowledged that retail is a permitted use of the premises; however, it noted that a WB-50 sized truck utilized for retail deliveries also encroaches into opposing lanes to access the retail delivery area. The combined intensity of three uses on the site, including a fuel service station having 16 fueling positions, contributes to these constrained circulation patterns.

Testimony provided by the applicant and expert witnesses characterized the design and circulation patterns of the proposed Quick Chek fuel service station as prototypical. Deliveries are expected to occur at least twice daily (T-48, 1/27/2026), and the potential for daily incursions into opposing lanes and obstructions to the free flow of traffic on the site that may impact traffic at the adjacent intersection cannot be characterized as rare, but establishes

a problematic pattern resulting from the proposed land use and its configuration on the site.

Ultimately, the applicant did not provide a site plan configuration that could accommodate the operations of the proposed fuel service station use without significantly compromising public health, safety, order and the general welfare.

iii. *Adequate infrastructure, including storm and sanitary sewers, utilities, and access roads, will be provided and shall be so designed to prevent and/or minimize negative impacts upon the existing infrastructure. In addition, the proposed use will not decrease the ability of said infrastructure to perform in a safe and efficient manner.*

The site is currently vacant. Utilities, including water, sanitary sewer, natural gas, and electric services, will be provided on the site. The applicant has deferred review of the site's stormwater plans pending the decision by the NJSEA Board of Commissioners on the requested variances. The applicant's engineer attested that treatment devices for water quality would be installed to treat runoff from paved surfaces prior to discharge into tidal waters (i.e. the Hackensack River) in the southwesterly portion of the site. (T-27, 1/27/2026) However, given the prospective auto-centric use of a fuel service station and fuel drips that may occur during fueling operations, additional review with respect to water quality measures would be required.

With respect to access roads, the applicant proposes improvements to the signalized intersection of Meadowland Parkway, the Route 3

East ramp, and the subject property's proposed driveway. The applicant also proposes to construct a dedicated bike lane within the roadway easement along Meadowland Parkway. The westbound approach from the Route 3 off-ramp would be reconstructed to provide two exclusive left-turn lanes, a shared left turn/through lane, and a channelized right turn lane, increasing storage capacity from 36 to 54 vehicles before encroaching upon eastbound Route 3. The northbound approach of Meadowland Parkway would be reconstructed to provide an exclusive left-turn lane into the subject property, two exclusive through lanes, and two channelized right-turn lanes. The southbound approach of Meadowland Parkway would be reconstructed to remove the channelized through lane and provide an exclusive left-turn lane, an exclusive through lane, and a shared through/right turn lane. On the subject site, an eastbound full-movement driveway would be constructed to provide an exclusive left-turn lane, a full movement lane, and an exclusive right-turn lane from the subject property and a single westbound entrance lane would provide access to the subject site. According to the applicant's traffic analysis, under the full build out of the proposed development, the signalized intersection would operate at Level of Service (LOS) C for the weekday morning and evening peak hours, and queue lengths on the westbound approach along the Route 3 East ramp would be significantly reduced from the existing condition. The Objector's traffic professional's testimony questioned the calculation of the queue length and pass-by percentage. Notwithstanding, the applicant proposes significant improvements to the intersection of Meadowland Parkway and the Route 3 East ramp that will provide access to the site and would generally improve traffic conditions at the intersection. It is noted that the new

northbound left turn into the site would operate at LOS D during peak hour operations, whereas District zoning regulations require a LOS C or better.

The concern exists with the operations of the site driveway itself, where movements during the morning and evening peak hours range from LOS C to LOS E. The LOS of the site driveway, combined with the on-site circulation conflicts described in *ii.* above, may potentially cause back-ups that would affect the roadway operations at the intersection.

Being located at the terminus of the New Jersey Route 3 Eastbound ramp and along a major arterial to a large industrial neighborhood further south accessed via Meadowland Parkway, it could reasonably be anticipated that a larger-sized truck would try to access the site and then not be able to maneuver off the property. NJSEA staff expressed concerns regarding the likelihood of larger trucks of WB-60 or WB-67 entering the site, even on the rare occasion, and suggested that the diesel fuel pumps at the fuel service station be eliminated to minimize the attraction for trucks entering the site. Testimony was provided that Quik Chek does provide low-flow diesel pumps, that the site is not designed to accommodate tractor trailers for fueling, and that signage could be posted. (T-53, 1/27/2026) It was further attested that, in the event that a larger truck was to enter the site, fueling staff would be trained to physically direct them off-site (T-75, 1/27/2026), which would result in challenges given that the turning radii for larger vehicles are not accommodated in the proposed site design. This would result in reverse movements on a constrained site that could impact site

traffic and result in potential traffic back-ups that would obstruct the flow of traffic at the adjacent intersection. Testimony by Quick Chek's employee training specialist indicates that Quick Chek safety staff work with store personnel to identify how to direct trucks off site (T-75, 1/27/2026), potentially signaling that this occurrence may not be infrequent.

This would result in significant adverse public safety impacts along one of the most heavily traveled roadways in the District. Although the applicant attested that the proposed design is consistent with a prototypical Quick Chek facility, upon questioning from the NJSEA staff, the applicant did not demonstrate that the subject property, given its unique characteristics, is a prototypical site for a Quick Check facility. (T-38, 39, 6/11/2026)

The failure to design the site to accommodate the turning requirements for trucks to maneuver safely may result in negative impacts to that intersection when the free flow of traffic is obstructed within the site. The applicant has attested that the frequency of such obstructions is anticipated to be minimal; however, even minimal interruptions in the flow of traffic at the adjacent intersection would result in a negative impact to the area infrastructure and public safety. As stated in *ii.* above, daily incursions into opposing lanes cannot be characterized as rare, but establishes a problematic pattern resulting from the proposed land use and its configuration on the site.

iv. The variance will not have a substantial adverse environmental impact.

The NJSEA does not have jurisdiction over the environmental review of fuel service station installations, which is within the jurisdiction of the NJDEP. The NJSEA's review of this criterion relates to the planning and zoning evaluation of a fuel service station use on the property given its specific characteristics and its surroundings, its potential environmental impacts from a land use perspective, and with respect to the performance standards within N.J.A.C. 19:4-7.1 *et seq.* related to noise, glare, vibrations, airborne emissions, glare, hazardous and radioactive materials, wastewater, and traffic. During the public hearing, NJSEA staff received comments from the public concerned with the environmental impacts of accommodating fuels on the site in a location adjacent to the Hackensack River. (T-156-157, 1/27/2026)

NJSEA staff requested information from the applicant in review correspondence, requesting that a professional engineering report be submitted to address environmental concerns related to the proposed use on the subject site, such as the long-term durability of underground fuel tanks in a saline environment, where the tanks are positioned with respect to the water table, and any above-ground containment measures should there be a fuel spill from the pumps or tanker deliveries. The requested professional engineering documentation was not submitted. The applicant did provide testimony from Mr. Marra, an experienced tank installer licensed by the NJDEP for gas station installations and closures. Mr. Marra attested that the fuel will be stored in double-walled non-corrosive fiberglass storage tanks that are equipped with monitoring devices that will alert Quick Chek employees via alarm in the store in case of a leak. Mr. Marra further attested that his company conducts

monthly maintenance inspections, and that annual third-party testing is conducted on all the components of the gas station, including hydro testing of the containment, leak detection, line testing, and tank testing. (T-57-73, 1/27/2026) The fuel tanks proposed to be utilized by Quick Chek at the site are warrantied by the manufacturer for a period of 30 years. Testimony was also provided that Quick Chek employees receive specialized training and have standard operating procedures in place to address fuel spills or leaks. (T-74-78, 1/27/2026)

Notwithstanding these safeguards, there remains a possibility that mechanical failure or human operating error could occur. The possibility for human error was acknowledged in testimony by Mr. Marra, who stated that "I would say that that's correct, there's user error in everything". (T-147, 6/11/2026) The possibility for mechanical failure was recently evidenced by an incident occurring on September 11, 2026, where a diesel fuel spill originating from the Equinix NY2 data center facility located at 275 Hartz Way, Block 22, Lot 2, in Secaucus, migrated into nearby Anderson Creek (a.k.a. Sacks Creek). According to Equinix, which had been operating the NY2 facility since January 2002, the liquid level monitoring system of an exterior diesel fuel storage tank failed, causing approximately 5,000 gallons of diesel fuel to leak into a nearby storm sewer basin, which discharged into Anderson Creek. A fuel spill at the subject premises, such as during a fuel delivery, has the potential to result in significant environmental impacts, particularly since pavement associated with the fuel service station is located within 25 feet of the mean high water line along an open water channel feeding into the Hackensack River, which requires a 50-foot-wide buffer. The paved

area within the buffer will be traveled by fuel delivery tankers and will involve turning movements alongside the open water channel. As depicted on Exhibit A-22, these movements are constrained, including overlapping conflicts with vehicles at the northwesterly fueling position and in opposing traffic, and a travel path that skirts the northerly curb line along the open water channel.

The NJSEA staff also reviewed the site's Geotechnical Engineering Report (Exhibit A-13, Appendix G). This report indicates that groundwater at the site is located two feet below existing grade. In the area of the tanks, the grade is proposed to be raised five feet, which would result in groundwater located seven feet below grade. The proposed 20,000 gallon tanks are 12 feet in diameter and require 26 inches of cover when topped with an 8-inch concrete mat. As a result, the proposed tanks would be installed more than halfway into the tidal groundwater. The concerns regarding the potential adverse environmental impacts of the fuel components are not necessarily immediate, but rather, the potential effects of long-term exposure of tank components and fittings to a saline environment and the potential impacts that could occur in the time period between annual inspections or after the expiration of the 30-year warranty of the tanks. Although Quick Chek is the proposed operator, the NJSEA is reviewing the proposed use of the premises, which may not always be operated by Quick Chek. The training and safety procedures are operational components of a Quick Chek-branded fuel service station. It does not follow that the proposed fuel service station will always be operated by the same brand, or guarantee that the brand would always have a safety training program in place.

The District is identified by New Jersey's Coastal Management Program (CMP) as a Geographic Area of Particular Concern. Given the site's sensitive environmental characteristics and surroundings, the manner in which the proposed fuel service station use is proposed to be accommodated on the site is an important consideration, particularly for a use that requires the substantial level of safeguards proposed by the applicant on a site where the slightest possibility of malfunction or failure of these safeguards or human error could significantly adversely impact the District's natural resources. The intensity of the proposed fuel service station use, having 16 fueling positions on a constrained site with circulation conflicts, and which also does not provide the required separation between developed areas and an open waterway, has the potential to result in significant adverse environmental impacts. This criterion is not met by the subject application.

v. The variance will not substantially impair the intent and purpose of these regulations.

The intent and purpose of the District zoning regulations include to provide for the orderly and comprehensive development of the District, consistent with the carrying capacity of the land; to provide that uses are suitably sited and placed in order to prevent the overcrowding of land, prevent traffic congestion, and, in general, relate buildings and uses to each other and to the environment so that aesthetic and use values are maximized. Further objectives include to promote development in accordance with good planning principles that relates the type, design and layout of such development to both the particular site and surrounding environs.

In the subject application, the accommodation of a fuel service station on the site, in addition to retail and hotel uses, proposes the placement of buildings, pavement, site improvements, and fill within the required 50-foot-wide waterway buffer. With respect to the fuel service station, pavement and fill is proposed within the northerly 50-foot-wide buffer along an open water channel. Despite pushing the boundaries of the permitted development footprint, circulation patterns on the site are constrained, depicting multiple overlapping conflicts, indicating that the site, as proposed, would be overdeveloped. The NJSEA staff unequivocally supports development of the subject site in a responsible manner. The proposed site plan was subject to numerous review letters containing comments intended to assist the applicant with identifying and addressing the concerns of the NJSEA staff so that these intents and purposes of the District zoning regulations would not be impaired as proposed. These concerns are intrinsic to the operations of the proposed fuel service station on the site. The application does not meet the proofs required to permit a fuel service station at the subject property.

vi. The variance at the specified location will contribute to and promote the intent of the District Master Plan.

The *Hackensack Meadowlands District Master Plan Update 2020* designates the subject premises as a part of the District's Waterfront Development Planning Area. The Waterfront Development Planning Area envisions a mix of land uses such as pedestrian walkways, restaurants, marinas/boat launches, related commercial

activities and, in certain portions, residential development. A specific goal of the Master Plan is to "require commercial development to be constructed at a scale that will allow the river to play an important visual role in how the buildings are viewed and how the mix of uses are integrated into the water's edge." In addition, objectives of the Master Plan include to safeguard and restore the Hackensack Meadowlands' irreplaceable heritage of natural and historical resources, and to promote a suitable array of land uses that encourages economic vitality with job creation and supports the public health, safety, and general welfare.

The applicant proposes several improvements with respect to the intersection, the construction of a dedicated bike lane, and the final remediation of a contaminated site. The applicant also proposes a seating area overlooking the Hackensack River. These improvements, at face value, do promote the Master Plan. However, planning does not occur in a vacuum. Master planning establishes a broad vision for the development of the District and relies on the zoning regulations to implement these objectives. As stated above, the NJSEA supports the development of the subject property in a responsible manner. Development of a site with a fuel service station use that will attract trucks, without a plan to provide accommodations for those trucks or an efficient method of removing them from the site, is not proper planning. Development of a site with improvements associated with a fuel service use within required waterway buffers, that does not provide sufficient distance from an open water channel along the Hackensack River, is not proper planning. Overdevelopment of the site is not proper planning. The proposed fuel service station use would promote

economic development, but not in a manner that supports the public health, safety, and general welfare, or in a way that promotes the intent of the District Master Plan, which seeks to promote orderly development, and to balance environmental protection with economic development.

B. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-5.49(a)3i, which requires a minimum 35-foot front yard setback in the Commercial Park zone; whereas, structures, including a utility hot box, fuel vent pipe, and compressed air/vacuum equipment, are proposed to be located in the required front yard along Meadowland Parkway at a minimum setback of 8.3 feet.*

*BASED ON THE RECOMMENDED DENIAL OF THE REQUESTED USE VARIANCE FOR THE PROPOSED FUEL SERVICE STATION IN SECTION A. ABOVE, THE BULK VARIANCE REQUESTS FOR STRUCTURES RELATED TO THE FUEL SERVICE STATION (INCLUDING THE FUEL VENT PIPE AND COMPRESSED AIR/VACUUM EQUIPMENT) ARE DETERMINED TO BE MOOT. THEREFORE, THE VARIANCE RECOMMENDATION WITHIN ITEM B. SHALL ADDRESS ONLY THE UTILITY HOT BOX.

The District Zoning Regulations at N.J.A.C. 19:4-4.14(e) state in part that, *a variance shall not be granted unless specific written findings of fact directly based upon the particular evidence presented are made that support conclusions that...*

1. *Concerning bulk variances:*
   i. *The variance requested arises from such condition that is unique to the property in question, is not ordinarily found in the same zone, and is not created by any action of the property owner or the applicant.*

The applicant proposes to install an approximately 12-foot-long by 5-foot-wide by 6-foot-high utility hotbox at an 8.3-foot setback along Meadowland Parkway. The subject property is a unique site that is subject to various development challenges. Approximately 38 percent of the site is comprised of a large tract of wetlands that had been mitigated by Hess under a prior approval for an office development in the late 1990s, which ultimately was not constructed, but for which 0.26 acres of wetlands fill had occurred to support site development. Additionally, the site fronts along the Hackensack River to the west and an open water channel to the north. The remaining uplands on the site can be characterized as a peninsula, where a 50-foot-wide buffer from the mean high water line is required along three of its sides. Furthermore, the site is located at the intersection of the heavily-trafficked Route 3 East ramp and Meadowland Parkway, and a 20-foot-wide roadway widening easement is located along the site's frontage with Meadowland Parkway, which also affects site development. Finally, the site is designated a Known Contaminated Site by the NJDEP due to the presence of contaminants related to the prior fuel storage operations by Hess. This combination of conditions is unique to the property in question and was not created by the property owner or applicant.

ii. *The granting of the variance will not adversely affect the rights of neighboring property owners or residents.*

The applicant requests a bulk variance to permit the installation of a utility hot box at a proposed 8.3-foot front yard setback along Meadowland Parkway, where a 35-foot front yard setback is required. The site is located at the intersection the Route 3 East ramp

and Meadowland Parkway, which are heavily-trafficked ROWs. The hot box is proposed to be located to the south of the proposed site driveway along Meadowland Parkway. The proposed hot box is located approximately 335 feet from the property's southerly industrial neighbor, 290 feet from an NJDOT maintenance yard to the north, and 145 feet from the Osprey Cove East multi-family residential development to the east across Meadowland Parkway. The subject structure is a benign utility structure that occupies a very small portion of the front yard, and it will be screened with landscaping. The proposed variance will not impact the ability of neighboring properties to function as intended. Therefore, the granting of the requested variance would not adversely affect the rights of neighboring property owners or residents.

iii. *The strict application of the regulations will result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the property owner.*

The requested variance to permit the installation of a utility hot box at a proposed 8.3-foot front yard setback along Meadowland Parkway, where a 35-foot front yard setback is required, results from the particular and unique characteristics of the subject property. Approximately 38 percent of the 8.66-acre site is comprised of wetlands. The remaining 5.34-acre portion of the site is subject to additional development constraints, including required 50-foot-wide buffers from the Hackensack River and tributary waterways located at the northerly, westerly, and southerly perimeters of the site's developable footprint. Furthermore, the property is subject to an approximately 20-foot-wide roadway widening easement along

Meadowland Parkway. A dedicated bike lane is proposed within the easement area, as well as other improvements to the intersection of the Route 3 East ramp and Meadowland Parkway. The proposed hot box will be set back 8.3 feet to the bike lane, and 30 feet to the vehicular cartway of Meadowland Parkway southbound. The strict application of the regulations to install the proposed hot box at a 35-foot setback would place the proposed utility structure within the site's required parking areas, on a site that is already subject to development constraints. Therefore, the strict application of the regulations will result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the property owner.

iv. The variance will not result in substantial detriment to the public good and will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

The applicant requests a bulk variance to permit the installation of a utility hot box at a proposed 8.3-foot front yard setback along Meadowland Parkway, where a 35-foot front yard setback is required. The proposed hot box is a 60-square-foot accessory unmanned utility structure that is not located within the line-of-sight of motorists, and is similarly situated to other accessory utility structures along Meadowland Parkway, such as transformers, which are exempt from front yard setback requirements in the District zoning regulations. Therefore, the requested variance to locate the proposed hot box at the specified location will not result in substantial detriment to the public good and will not adversely affect

the public health, safety, morals, order, convenience, prosperity or general welfare.

v. The variance will not have a substantial adverse environmental impact.

The granting of the requested variance to permit the installation of a utility hot box at a proposed 8.3-foot front yard setback along Meadowland Parkway will not have a substantial adverse environmental impact. No wetlands will be disturbed during the installation of the proposed utility hot box. Minimum open space requirements will be maintained, and the proposed structure will be visually screened from view of the public ROW with landscaping. Furthermore, the District's environmental performance standards for noise, glare, vibrations, airborne emissions, hazardous and radioactive materials, wastewater, and traffic, as enumerated in N.J.A.C. 19:4-7.1 *et seq.*, will not be exceeded as a result of the requested variance.

vi. The variance represents the minimum deviation from the regulations that will afford relief.

The requested variance to permit the installation of a utility hot box at a proposed 8.3-foot front yard setback along Meadowland Parkway, where a 35-foot front yard setback is required, results from the particular and unique characteristics of the subject property. These characteristics, including an easement for property dedication for the widening of the Meadowland Parkway ROW, the presence of a wetlands mitigation site, and the presence of waterways that require 50-foot-wide buffers, constrain the development footprint on

the property. The proposed hot box is an unmanned structure and will occupy only a small, 60-square-foot portion of the property's easterly front yard along Meadowland Parkway in a location that is distant from neighboring properties. Adequate light, air and open space will continue to be provided and all relevant NJSEA performance standards as enumerated in N.J.A.C. 19:4-7.1 *et seq.* will be met. Therefore, the requested variance is the minimum deviation from the regulations that will afford relief.

vii. Granting the variance will not substantially impair the intent and purpose of these regulations.

The requested variance to permit the installation of a utility hot box at a proposed 8.3-foot front yard setback along Meadowland Parkway, where a 35-foot front yard setback is required, will not substantially impair the intent and purpose of the District Zoning Regulations. Due to the particular and unique conditions on the property, the site is constrained in its ability to meet the required front yard setback. The District zoning regulations are intended to provide for infrastructure and utility improvements and to promote the efficient use of the land. Therefore, the requested variance will not substantially impair the intent and purpose of the regulations.

C. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.2(b)1, which does not permit vehicular use areas in the required front yard or required buffer areas; whereas, twelve (12) parking spaces are proposed at a minimum setback of 5.3 feet within the required front yard along Meadowland Parkway and seventeen

(17) parking spaces are proposed within the required 50-foot waterway buffer, and, whereas, two of these parking spaces are located within both the required front yard and the waterway buffer.

The District Zoning Regulations at N.J.A.C. 19:4-4.14(e) state in part that, *a variance shall not be granted unless specific written findings of fact directly based upon the particular evidence presented are made that support conclusions that...*

1. *Concerning bulk variances:*
   i. *The variance requested arises from such condition that is unique to the property in question, is not ordinarily found in the same zone, and is not created by any action of the property owner or the applicant.*

   The applicant proposes to construct vehicular use areas within the required 35-foot front yard setback along Meadowland Parkway and within required 50-foot-wide waterway buffers. The subject property is a unique site that is subject to various development challenges. Approximately 38 percent of the site is comprised of a large tract of wetlands that had been mitigated by Hess under a prior approval for an office development in the late 1990s, which ultimately was not constructed, but for which 0.26 acres of wetlands fill had occurred to support site development. Additionally, the site fronts along the Hackensack River to the west and an open water channel to the north. The remaining uplands on the site can be characterized as a peninsula, where a 50-foot-wide buffer from the mean high water line is required along three of its sides. Furthermore, the site is located at the intersection of the heavily-trafficked Route 3 East ramp and Meadowland Parkway, and a 20-foot-wide roadway widening easement is located along the site's frontage with Meadowland Parkway, which also affects site

development. Finally, the site is designated a Known Contaminated Site by the NJDEP due to the presence of contaminants related to the prior fuel storage operations by Hess. This combination of conditions is unique to the property in question and was not created by the property owner or applicant.

ii. *The granting of the variance will not adversely affect the rights of neighboring property owners or residents.*

The applicant requests a bulk variance to permit vehicular use areas at a minimum setback of 5.3 feet within the required front yard along Meadowland Parkway, whereas a 35-foot front yard setback is required, and within the required 50-foot waterway buffer. The site is located at the intersection of the Route 3 East ramp and Meadowland Parkway, which are heavily-trafficked ROWs. Neighboring properties to the north include an NJDOT maintenance yard; properties to the east across Meadowland Parkway include an office building to the north of the Route 3 East ramp and the Osprey Cove East multi-family residential development to the south of the Route 3 East ramp; and, located beyond the wetlands tract on the subject property, the southerly neighbor contains an existing building that has been approved for a light industrial use. The nearest vehicular use area to the southerly neighbor is located approximately 250 feet from the subject property's southerly lot line, and is separated from the developed portion of the subject property by a large tract of mitigated wetlands.

With respect to the proposed vehicular use and parking areas in the required front yard, the principal impacts would be to the office and

residential properties to the east along Meadowland Parkway, and with respect to vehicular use areas within required buffers, the principal impacts would be to the natural areas within the property. These impacts consist of headlight glare, site illumination, noise, less available area to accommodate landscaping, decreased aesthetics, and decreased separation from neighboring properties and natural areas that brings site activity closer than permitted.

Although landscaping is proposed to screen the vehicular use areas, there are gaps in the landscaping that would direct headlight glare toward Osprey Cove East and motorists along Meadowland Parkway. Additionally, a retaining wall is proposed within the Meadowland Parkway front yard, which further reduces the width of the planting strip and would impact root growth. Plantings within the required 50-foot-wide waterway buffer are subject to high tide cycles, where water levels can exceed the mean high water line, that would expose the roots of the vegetation within the buffer to brackish water, thereby impacting the viability of the proposed vegetation along the vehicular use areas within the required buffer areas on the site.

Therefore, the request to construct vehicular use areas within the required front yard and required buffer areas, as proposed, would not meet this criterion, as the impacts to adjoining properties, natural areas, and habitats would adversely affect the rights of neighboring property owners and residents. The placement of vehicular use areas within the required buffer would adversely affect natural areas and habitat on the site, by bringing human activity, with resultant noise, illumination, and potential trash migration impacts, closer to

habitats and waterways directly adjacent to the vehicular use areas than permitted.

However, the ability to provide viable screening and separation from adjoining uses that would protect the interests of adjoining properties does exist within the easterly front yard along Meadowland Parkway. Given the site's constraints and 20-foot-wide roadway dedication, the NJSEA staff recommends a modified approval with the condition that vehicular use areas within the required front yard of Meadowland Parkway shall maintain a minimum setback of 15 feet from the front lot line and shall be screened in accordance with the requirements of N.J.A.C. 19:4-8.9, which would allow for the accommodation of a robust landscaping screen and separation from adjoining uses and ROWs. With the recommended condition, the rights of neighboring property owners and residents would not be adversely affected.

iii. *The strict application of the regulations will result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the property owner.*

The subject property contains particular and unique characteristics that affect site development. Approximately 38 percent of the 8.66-acre site is comprised of wetlands. The remaining 5.34-acre portion of the site is subject to additional development constraints, including required 50-foot-wide buffers from the Hackensack River and tributary waterways located at the northerly, westerly, and southerly perimeters of the site's developable footprint. Furthermore, the property is subject to an approximately 20-foot-

wide roadway widening easement along Meadowland Parkway. A dedicated bike lane is proposed within the easement area, as well as other improvements to the intersection of the Route 3 East ramp and Meadowland Parkway.

The proposed setback of vehicular use areas along Meadowland Parkway ranges from 5.3 feet to approximately 13 feet in the southerly portion of the site, and two parking spaces in the northerly portion of the site are proposed at a front yard setback of 24.3 feet. Parking spaces and associated vehicular use areas also encroach approximately 25 feet into the required 50-foot waterway buffer along the open water channel in the northerly portion of the site, the wetlands tract in the southerly portion of the site, and along the Hackensack River to the west.

With respect to proposed vehicular use areas within required buffers, alternative site designs promoting a more compact footprint are an available option, such as incorporating structured parking below or adjacent to the proposed hotel. Furthermore, due to the recommended denial of the requested use variance for a fuel service station at the premises, additional land area is available to accommodate the placement of vehicular use areas in compliant locations outside of required waterway buffers.

However, structured parking alternatives are not an available alternative within a required front yard location, resulting in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the property owner. The strict application of the regulations would require that the vehicular use areas in the

required front yard be set back a minimum of 35 feet from the front lot line, resulting in an effective setback of approximately 55 feet when accounting for the 20-foot width of the roadway easement dedication, resulting in exceptional practical difficulty. As recommended in *ii.* above, a 15-foot-wide front yard setback would provide for sufficient separation from neighboring uses and ROWs with the ability to incorporate landscaped screening.

iv. The variance will not result in substantial detriment to the public good and will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

The applicant requests a bulk variance to permit vehicular use areas at a minimum setback of 5.3 feet within the required front yard along Meadowland Parkway, whereas a 35-foot front yard setback is required, and within the required 50-foot waterway buffer.

The proposed placement of vehicular use areas within required 50-foot-wide waterway buffers would result in substantial detriment to the public good and would adversely affect the public health, safety, order, convenience, prosperity or general welfare. Buffers are important implements that promote public health, safety, and the general welfare, not only for the subject property, but for the District as a whole. They serve important functions with respect to providing transitions between natural and developed areas and protection of sensitive land uses; water quality, flood protection, and stormwater management; aesthetics; and habitat protection.

The placement of vehicular use areas within the required front yard of Meadowland Parkway at a minimum 5.3-foot setback, as proposed, would result in adverse impacts to the public health, safety, order, convenience, prosperity or general welfare due to the resulting impacts from site activity, such as noise, headlight glare directed toward residents at Osprey Cove East and motorists traveling the heavily-trafficked Route 3 East ramp and Meadowland Parkway, landscaping and screening constraints, and decreased separation from neighboring properties. These concerns are addressed by the recommended modification and condition in *ii.* above, to provide for a minimum 15-foot-wide front yard setback along Meadowland Parkway that would provide for sufficient separation from neighboring uses and ROWs with the ability to incorporate robust landscaping to more fully screen site activities. With the recommended modification and condition, vehicular use areas may be accommodated within the required front yard in a manner that would not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

v. The variance will not have a substantial adverse environmental impact.

As discussed in *ii.* and *iv.* above, the subject variance request to construct vehicular use areas within required buffer areas, as proposed, would adversely affect neighboring properties, ROWs, and natural areas and habitat in the wetlands and water areas on and adjoining the site. These adverse impacts include headlight glare, site illumination, noise, less available area to accommodate landscaping, decreased aesthetics, and decreased separation from

neighboring properties and natural areas that brings site activity closer than permitted.

The requested variance to construct vehicular use areas within the required 50-foot-wide waterway buffer would adversely impact the environment by bringing human activity, with resultant noise, illumination, and potential trash migration impacts, closer to wildlife habitats and waterways than permitted. The subject property is located along the Hackensack River to the west, contains a large wetlands mitigation tract in the southerly portion of the site, and an open channel that feeds into the Hackensack River to the north. The provision of the required buffer is necessary to safeguard the region's sensitive natural resources. Therefore, the granting of the requested variance for the placement of vehicular use areas within required waterway buffers would have a substantial adverse environmental impact.

However, with respect to the placement of vehicular use areas in the required front yard, with the recommended modification and condition to permit vehicular use areas at a minimum 15-foot setback from Meadowland Parkway with landscaped screening, vehicular use areas may be accommodated in a manner that would not adversely impact the environment, due to their location on the site fronting a heavily-trafficked arterial roadway at the signalized intersection of a state highway ramp. The recommended 15-foot setback along Meadowland Parkway will provide sufficient area for an effective landscape screen that would address the adverse impacts detailed above.

vi. The variance represents the minimum deviation from the regulations that will afford relief.

The applicant requests a bulk variance to permit vehicular use areas at a minimum setback of 5.3 feet within the required front yard along Meadowland Parkway, whereas a 35-foot front yard setback is required, and to permit vehicular use areas within the required 50-foot waterway buffer.

The property contains unique characteristics that constrain site development. In reviewing the subject application, NJSEA staff prepared multiple, multi-page review letters (dated 3/16/2022, 9/15/2023, 4/17/2025, 5/08/2025, 11/24/2025, and 3/20/2026) advising the applicant of various alternatives, such as the development of a more compact development footprint including structured parking, that could help accommodate vehicular use areas on the site in a compliant manner. Due to available design alternatives, the proposed placement of vehicular use areas within required waterway buffers on the site does not represent the minimum deviation from the regulations that will afford relief. Notwithstanding, the vehicular use areas within the required front yard have the opportunity to be accommodated within the site's constraints, as detailed herein, with the recommended modification to permit vehicular use area at a minimum setback of 15 feet from the front lot line along Meadowland Parkway, subject to landscaping requirements. Furthermore, due to the recommended denial of the requested use variance for a fuel service station use on the site, additional land area will be available to address the site's design constraints. With the recommended modification and condition, the

requested variance to construct vehicular use areas within the required front yard of Meadowland Parkway at a minimum setback of 15 feet, as opposed to the 5.3-foot setback requested, represents the minimum deviation from the requirements that could afford relief.

vii. Granting the variance will not substantially impair the intent and purpose of these regulations.

The NJSEA is charged with promoting orderly development along with safeguarding the environment. This is a delicate balancing act undertaken by the NJSEA and its predecessor agencies that, since 1968, has effectively fostered economic development while supporting environmental objectives related to flood protection, cleaner water and soils, habitat protection and creation, and public enjoyment of natural areas through the utilization of land management tools such as buffers. The granting of the variance to permit vehicular use areas within the site's required waterway buffers would substantially impair the intent and purpose of the District zoning regulations.

The basic intent of front yard setback requirements is to provide sufficient light, air, and open space. In the subject application, the requested placement of vehicular use areas within the required front yard of Meadowland Parkway at a minimum 5.3-foot setback is recommended to be modified to a minimum 15-foot setback. No structures are proposed within the required front yard that could impact light and air, and landscaping is required to be provided in the 15-foot-wide front yard open area to screen the vehicular use

areas and site activity from adjoining properties and ROW. With the recommended modification and condition, the requested variance to construct vehicular use areas within the required front yard of Meadowland Parkway at a minimum setback of 15 feet, would not substantially impair the intent and purpose of the District Zoning Regulations.

D. **Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.3(b)1, which does not permit loading areas in any front yard. A fuel loading zone is proposed in the front yard along Meadowland Parkway. ****

**BASED ON THE RECOMMENDED DENIAL OF THE USE VARIANCE FOR THE PROPOSED FUEL SERVICE STATION IN SECTION A. ABOVE, THE VARIANCE REQUEST UNDER ITEM D. IS DETERMINED TO BE MOOT.

E. **Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.4(a)37, which requires a minimum 12-foot by 30-foot loading space be provided for the proposed limited-service hotel; whereas, no loading space is proposed to be provided for the hotel use.**

The District Zoning Regulations at N.J.A.C. 19:4-4.14(e) state in part that, *a variance shall not be granted unless specific written findings of fact directly based upon the particular evidence presented are made that support conclusions that...*

1. *Concerning bulk variances:*

i. *The variance requested arises from such condition that is unique to the property in question, is not ordinarily found in the same zone, and is not created by any action of the property owner or the applicant.*

The applicant requests a bulk variance to provide no loading space for the proposed hotel use, whereas one 12-foot by 30-foot loading space is required to be provided. The subject property is a unique site that is subject to various development challenges. Approximately 38 percent of the site is comprised of a large tract of wetlands that had been mitigated by Hess under a prior approval for an office development in the late 1990s, which ultimately was not constructed, but for which 0.26 acres of wetlands fill had occurred to support site development. Additionally, the site fronts along the Hackensack River to the west and an open water channel to the north. The remaining uplands on the site can be characterized as a peninsula, where a 50-foot-wide buffer from the mean high water line is required along three of its sides. Furthermore, the site is located at the intersection of the heavily-trafficked Route 3 East ramp and Meadowland Parkway, and a 20-foot-wide roadway widening easement is located along the site's frontage with Meadowland Parkway, which also affects site development. Finally, the site is designated a Known Contaminated Site by the NJDEP due to the presence of contaminants related to the prior fuel storage operations by Hess. This combination of conditions is unique to the property in question and was not created by the property owner or applicant.

ii. *The granting of the variance will not adversely affect the rights of neighboring property owners or residents.*

The applicant requests a bulk variance to provide no loading space for the proposed hotel use on the subject property. The site is located at the intersection of the Route 3 East ramp and Meadowland Parkway, which are heavily-trafficked ROWs. Neighboring properties to the north include an NJDOT maintenance yard; properties to the east across Meadowland Parkway include an office building to the north of the Route 3 East ramp and the Osprey Cove East multi-family residential development to the south of the Route 3 East ramp; and, located beyond the wetlands tract on the subject property, the southerly neighbor contains an existing building that has been approved for a light industrial use.

Testimony was provided that the proposed hotel does not offer food service, and that deliveries to the hotel consist of box trucks, Federal Express, and UPS deliveries. (T-80, 1/27/2026) In the absence of a dedicated loading space, the delivery vehicles would likely stage in parking spaces required for passenger vehicles or within drive aisles. The current site plan depicts multiple, overlapping circulation conflicts, primarily in the northerly portion of the site. However, the parking for the hotel shares access along a main central drive aisle. Any obstructions to the free flow of traffic at the hotel could potentially back up traffic on the site and on the area roadway network. Therefore, the granting of the requested variance would adversely affect the rights of neighboring property owners or residents.

iii. *The strict application of the regulations will result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the property owner.*

The subject property contains particular and unique characteristics that affect site development. Approximately 38 percent of the 8.66-acre site is comprised of wetlands. The remaining 5.34-acre portion of the site is subject to additional development constraints, including required 50-foot-wide buffers from the Hackensack River and tributary waterways located at the northerly, westerly, and southerly perimeters of the site's developable footprint. Furthermore, the property is subject to an approximately 20-foot-wide roadway widening easement along Meadowland Parkway. A dedicated bike lane is proposed within the easement area, as well as other improvements to the intersection of the Route 3 East ramp and Meadowland Parkway.

These constraints do limit the development footprint. However, the proposed intensity of accommodating three use components on the subject property, including hotel, retail, and fuel service station uses, also constrain the ability of the hotel owner to accommodate the required loading space. This represents a self-created practical difficulty. With the recommended denial of the requested use variance for a fuel service station at the subject premises, additional area will be available on the site to accommodate a more functional site plan with efficient site circulation and appropriate loading accommodations. Therefore, the strict application of the regulations will not result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the property owner.

iv. The variance will not result in substantial detriment to the public good and will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

The applicant requests a bulk variance to provide no loading space for the proposed hotel use on the subject property, whereas one 12-foot by 30-foot loading space is required to support the operations of the proposed limited-service hotel. The District zoning regulations at N.J.A.C. 19:4-8.3(a) require that every structure provide the required number of loading spaces in consideration of safe and efficient layout, consistency with the size and proposed use of the facility, the nature and location of adjacent uses, and pedestrian and vehicular circulation. Without the provision of a dedicated loading space, delivery vehicles, which include SU-30 box trucks of 30 feet in length, may attempt to either park in the site's 9-foot by 18-foot parking spaces or park within drive aisles or required fire lanes, which would obstruct parking spaces and site circulation. This could also limit visibility of motorists and pedestrians on the site. Therefore, the lack of a dedicated loading space for delivery vehicles would negatively impact the public health, safety, morals, order, convenience, prosperity and general welfare.

v. The variance will not have a substantial adverse environmental impact.

The applicant requests a bulk variance to provide no loading space for the proposed hotel use on the subject property, whereas one 12-foot by 30-foot loading space is required to support the operations of the proposed limited-service hotel. The lack of a loading space on the premises may result in idling delivery vehicles, which would have

adverse environmental impacts to air quality. Furthermore, the staging of delivery vehicles would result in sustained headlight glare. Therefore, the requested variance would result in adverse environmental impacts.

vi. The variance represents the minimum deviation from the regulations that will afford relief.

The applicant requests a bulk variance to provide no loading space for the proposed hotel use on the subject property. The required dimension for a loading space for the proposed limited-service hotel use is 12-foot by 30-foot, which is the minimum loading space size needed to accommodate the types of delivery vehicles that the hotel operator attested would be used for deliveries to the site upon hotel occupancy. (T-80, 1/27/2026) A dedicated loading space is required to promote the safe and efficient operations of site development. Therefore, the requested variance to provide zero loading spaces for the proposed limited-service hotel does not represent the minimum deviation from the regulations that would afford relief.

vii. Granting the variance will not substantially impair the intent and purpose of these regulations.

The intent and purpose of the District zoning regulations include to provide for the orderly and comprehensive development of the District, to provide that uses are suitably sited, and to promote development in accordance with good planning principles that relates the type, design and layout of development to both the particular site and surrounding environs. The lack of a dedicated

loading space would substantially impair the intent and purpose of these regulations. Dedicated loading areas that are suitably-sized for the proposed use and site operations avoid adverse impacts to public safety and traffic. A 12-foot by 30-foot loading space is the minimum loading space required to support the operations of the proposed limited-service hotel.

F. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.7(a), which requires a minimum 50-foot-wide landscaped buffer measured from the mean high water line or top of bank where any development borders the Hackensack River, tributaries, or streams located in the District, and does not permit fill, structures, or impervious pavement within the waterway buffer; whereas, the hotel structure is proposed within the required 50-foot-wide buffer.

The District Zoning Regulations at N.J.A.C. 19:4-4.14(e) state in part that, *a variance shall not be granted unless specific written findings of fact directly based upon the particular evidence presented are made that support conclusions that...*

1. *Concerning bulk variances:*
   i. *The variance requested arises from such condition that is unique to the property in question, is not ordinarily found in the same zone, and is not created by any action of the property owner or the applicant.*

   The applicant requests a bulk variance to permit the proposed hotel structure to encroach 25 feet into the required 50-foot-wide buffer along the wetlands mitigation area on the site. The subject property is a unique site that is subject to various development challenges.

Approximately 38 percent of the site is comprised of a large tract of wetlands that had been mitigated by Hess under a prior approval for an office development in the late 1990s, which ultimately was not constructed, but for which 0.26 acres of wetlands fill had occurred to support site development. Additionally, the site fronts along the Hackensack River to the west and an open water channel to the north. The remaining uplands on the site can be characterized as a peninsula, where a 50-foot-wide buffer from the mean high water line is required along three of its sides. Furthermore, the site is located at the intersection of the heavily-trafficked Route 3 East ramp and Meadowland Parkway, and a 20-foot-wide roadway widening easement is located along the site's frontage with Meadowland Parkway, which also affects site development. Finally, the site is designated a Known Contaminated Site by the NJDEP due to the presence of contaminants related to the prior fuel storage operations by Hess. This combination of conditions is unique to the property in question and was not created by the property owner or applicant.

However, it is noted that the establishment of the mean high water line (MHWL) at the subject property, from which required buffers are measured, has been disputed by the applicant. The applicant's surveyor (Stonefield) provided a MHWL elevation of 2.33 feet for the subject property, whereas the NJSEA determined the MHWL elevation at 2.634 feet (NAVD88). The following comment in the NJSEA staff review letter of November 24, 2025 offers additional context with respect to the NJSEA's determination of the mean high water line:

4. *Pursuant to N.J.A.C. 19:4-8.7(a), the required minimum 50-foot-wide landscaped buffer is dimensioned from the mean high water line (MHWL). With respect to Stonefield's response regarding NJSEA's*

MHWL determination, and assertion that NJSEA methodology in making that determination is flawed, the following shall provide additional history and context to memorialize previous discussions and correspondence:

a. *The NJSEA staff is authorized to make requests for information with respect to the MHWL calculation pursuant to N.J.A.C. 19:4-4.4(e)7, which requires that an applicant submit "other such information from a specific applicant as may be required by the NJSEA." Furthermore, N.J.A.C. 19:4-8.6(b)4.vii specifies that data on the tide elevations throughout the District is available from the NJSEA. This information is reviewed by NJSEA professional staff for accuracy and compliance with the District Zoning Regulations.*

b. *The NJSEA and its predecessor agencies (the Hackensack Meadowlands Development Commission and New Jersey Meadowlands Commission), through affiliated research arms (the Meadowlands Research and Restoration Institute and, previously, the Meadowlands Environmental Research Institute) has, on a continuous basis, collected water elevation data in the Hackensack Meadowlands District since 2004. MRRI is professionally staffed with scientists, researchers, and technicians who are widely recognized in their respective fields for their expertise on conditions in the Meadowlands.*

c. *The NJSEA staff routinely provides MHWL determinations to applicants based on the publicly-available MRRI data. NOAA's tidal benchmark data has been accepted by the NJSEA staff as valid where comparable to MRRI data; however, the NJSEA staff at no time during the review process has accepted Stonefield's adjusted MHWL elevation of 2.33 feet (an adjusted elevation based on data derived from measurements at NOAA Station ID: 8530528 in Carlstadt, having a publication date of 04/21/2003), as it is inconsistent with conditions in the vicinity of the project site and was flagged during the review process as being significantly lower than MHWL elevations established by MRRI gauges. This inconsistency is not only apparent with the 2022 Woods Hole report, which measured MHW at 2.76 feet (Station #2 - Barge) and 2.87 feet (Station #4 – Mill Creek) in the vicinity of the project site, but with historic water elevation data measurements as well. For example, the 2007 Woods Hole report indicates MHW elevations of 2.59 feet (Station #2 – Berry's Creek Canal Old) and 2.71 feet (Station #5 – Secaucus High School) were measured in the vicinity of the project site 20 to 25 years ago, and are still higher than the applicant's adjusted MHWL elevation of 2.33 feet, which is based on NOAA data that is nearly 30 years old. It is*

noted that the document entitled "Methodology for Determining Mean High Water" prepared by the Rhode Island Coastal Resources Management Council (CRMC), submitted to the NJSEA by Stonefield on May 16, 2025 states: "When in doubt of the relationship of a tidal datum to a geodetic datum, establishment of a tide station and connection to geodetic datum using differential levels or GPS is recommended for most applications." The Woods Hole report, in fact, contains "geodetic datum using differential levels or GPS" based on data collection by MRRI. Therefore, the NJSEA staff rejects any suggestion that MRRI's data is flawed, invalid, or inapplicable.

d. *NJSEA staff understands, through supplemental documentation provided by Stonefield in May 2025, as to how the adjusted 2.33-foot MHWL elevation was calculated. However, this number remains significantly below actual, measured MHW data collected by MRRI, as detailed in Item c. above. Consistent with the prior MHWL elevation determination made by the NJSEA staff, using NOAA tidal benchmark data provided by Stonefield in January 2024, the applicable MHWL elevation at the project site was established at 2.634 feet. The NJSEA staff acknowledges that the 2.634-foot elevation still remains below the MHWL elevation established by the MRRI/Woods Hole data, but is honoring the prior determination made at that time.*
e. *Alternatively, site-specific water elevation measurements may be conducted at the subject property, in conjunction with a project scope consistent with established NOAA methodology, to definitively determine the MHWL at the subject premises.*
f. *Finally, although Stonefield also asserts that a 2.33-foot MHWL elevation should be utilized by the NJSEA as it has been accepted by NJDEP, this Office notes that the NJDEP's Flood Hazard Area permit approval dated August 24, 2018 was based on a conceptual plan for hotel and retail uses (both permitted uses within the Commercial Park zone) within a fill permit application that was reviewed by the Town of Secaucus pursuant to the opt-out provisions of the Hackensack Meadowlands Agency Consolidation Act. This conceptual plan contained no variances and did not place buildings within the required waterway buffer of 50 feet from the MHWL. The current plan depicts a different site layout, with a more expansive MHWL delineation within the project site that places buildings and improvements within required buffers, and requests a use variance.*

The applicant asserts that the MHWL elevation of 2.33 feet was accepted by the NJDEP and, therefore, should be accepted by the NJSEA. In Exhibit A-8, NJDEP states that their acceptance of the 2.33-foot MHWL elevation "does not affect the requirements requested by the NJSEA". Furthermore, the applicant provided testimony from a licensed surveyor and an unlicensed surveyor to support how the mean high water line of 2.33 feet was calculated, using NOAA data based on water level measurements collected between 1983 and 2001. These witnesses and the file record establish how the applicant's mean high water line determination of 2.33 feet was calculated; these witnesses do not dispute that this methodology is the only way to calculate mean high water, but that it is the more typical methodology. However, there are other acceptable and industry-standard methods available to calculate mean high water elevations consistent with NOAA methodology based on local data, such as the data in the Woods Hole report, as further evidenced by documentation provided on behalf of the applicant by Stonefield that supports the methodology within the Woods Hole report that forms the basis of the NJSEA's mean high water line determination, as detailed above. Additionally, the NJDOT publication "Mean High Water Manual" (2008) provides that "The second class of methods for determining the mean high water is methods that are based on actual tidal observation and/or NOS (National Ocean Service) published information for control tidal stations. The method that is based on actual tide observations is obviously more accurate." Therefore, all buffer dimensions shall be measured from the mean high water line elevation of 2.634 feet, as determined by the NJSEA. Should the applicant continue to dispute this mean high water elevation determination, the applicant may conduct site-specific

water measurements in conjunction with a project scope consistent with established NOAA methodology in consultation with Meadowlands Research and Restoration Institute scientists and the NJSEA Chief Engineer.

It is further noted that the applicant received a fill permit from the Town of Secaucus and an initial NJDEP flood hazard permit based on a site plan depicting a buffer from the mean high water line of the Hackensack River, but without buffers dimensioned from tributary waters within the wetlands mitigation site in the southerly portion of the site or the open water channel in the northerly portion of the site. The conditional fill permit was issued by the Town of Secaucus on May 22, 2018 in Conditional Zoning Certificate - Fill/Stockpile Only, designated CZC-18-544 (Fill), pursuant to the opt-out provisions of the Hackensack Meadowlands Agency Consolidation Act, to place surcharge material on the site to prepare it for development, based on a preliminary site plan showing conforming hotel and retail uses. Condition #20 of CZC-18-544 states that "it is acceptable to locate surcharge material in the 50' buffer from the mean high water line or top of bank [N.J.A.C. 19:4-8.7(a)1]; however, only the slope of the surcharge material shall be permitted and not the full height surcharge." Condition #22 requires that "The applicant shall apply for zoning certificate approvals for the proposed site development." In an e-mail to Town of Secaucus Engineer Jennifer Modi on May 10, 2019, Sharon Mascaró of the NJSEA advised Ms. Modi that "when the surcharge material is removed, they will have to re-establish the 50' buffer". In this e-mail, Ms. Mascaró stated that this information was also shared with the applicant's engineer, Zach Chaplin, in a conversation that had taken

place on May 8, 2019. Therefore, there could be no expectation that the applicant is entitled to install improvements within required buffer areas. Notwithstanding, the applicant is entitled to request a variance pursuant to a zoning certificate application, where a review of proposed development is conducted with respect to the particular site conditions in accordance with the District zoning regulations.

Furthermore, pursuant to a review of the submitted easements, restrictions, riparian releases, and other instruments applicable to the property, the riparian grant issued by the NJDEP Tidelands Bureau appearing in Deed Book 6043, Pages 85-104, contains the following language on Page 99: "THE GRANTEE, for itself, its successors and assigns, by the acceptance of this grant, further agrees that the grantee shall construct to completion and maintain thereafter, at the grantee's cost and expense, the portion of the Walkway within the Walkway Easements declared, created and established hereunder." The applicant has maintained that they are not required to construct the walkways within Excepted Areas A and B, as identified in the grant and on the property survey. The applicant has provided correspondence in Exhibit A-8 from the Town of Secaucus, Hudson County, and a Tidelands staff member regarding a walkway characterized as a Hudson County Greenway. In correspondence with the Town and County, the applicant's planner stated "my client is willing to maintain the easement in the deed if the County or state decides to fund a continuous trail which would entail crossing water and wetlands between Snipe's Park and his property." This statement mischaracterizes the requirements of the Tidelands grant. Therefore, it is recommended as a condition of this report, that the applicant shall obtain an official determination

from the NJDEP Bureau of Tidelands Management Tidelands Resource Council regarding whether, in the subject application, the applicant is required to fund and construct the walkway within the crossing easements established for this purpose by the grant. Furthermore, the applicant shall obtain approval from the NJDEP Bureau of Tidelands Management Tidelands Resource Council for the proposed outfall in the southwesterly portion of the site that discharges to "Excepted Area A". It is noted that this outfall location and the proposed configuration of the site improvements may be subject to change to accommodate the walkway, if required.

ii. *The granting of the variance will not adversely affect the rights of neighboring property owners or residents.*

The site is located at the intersection of the Route 3 East ramp and Meadowland Parkway, which are heavily-trafficked ROWs. Neighboring properties to the north include an NJDOT maintenance yard; properties to the east across Meadowland Parkway include an office building to the north of the Route 3 East ramp and the Osprey Cove East multi-family residential development to the south of the Route 3 East ramp; and, located beyond the wetlands tract on the subject property, the southerly neighbor contains an existing building that has been approved for a light industrial use.

Development within required buffer areas is not permitted due to adverse impacts resulting from bringing human activity, with resultant noise, illumination, and potential trash migration impacts, closer to adjacent habitats, natural areas, and waterways than permitted. However, in this particular instance, the proposed hotel

is configured in a manner that directs activity toward the site interior to the north. The principal entry is located in the center of the hotel's northerly façade, accessed from the adjacent parking area. The southerly façade contains a single doorway opening onto a sidewalk within the required buffer, with no vehicular activity proposed in this area. Therefore, subject to all conditions of this recommendation report, the location of the proposed hotel structure within a reduced waterway buffer of 25 feet from the mean high water line elevation of 2.634 feet (NAVD88) will not adversely affect the rights of neighboring property owners or residents, pursuant to the unique site constraints discussed herein.

iii. *The strict application of the regulations will result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the property owner.*

The subject property contains particular and unique characteristics that affect site development. Approximately 38 percent of the 8.66-acre site is comprised of wetlands. The remaining 5.34-acre portion of the site is subject to additional development constraints, including required 50-foot-wide buffers from the Hackensack River and tributary waterways located along the northerly, westerly, and southerly perimeters of the site's developable footprint. Furthermore, the property is subject to an approximately 20-foot-wide roadway widening easement along Meadowland Parkway. A dedicated bike lane is proposed within the easement area, as well as other improvements to the signalized intersection of the Route 3 East ramp and Meadowland Parkway.

The proposed site configuration contains a central access drive aisle between Meadowland Parkway and the site's development footprint terminus along the Hackensack River waterfront, which effectively bisects the site into two development pads. There is, however, a public benefit to this site configuration, which maximizes queuing area on the site instead of within the adjacent intersection. Due to the practical difficulties and exceptional and undue hardship upon the property owner caused by the site's particular and unique circumstances, the NJSEA recommends approval of the requested bulk variance to place the proposed hotel structure within 25 feet of the mean high water line elevation of 2.634 feet, subject to the following conditions:

1. The approved 25-foot waterway buffer encroachment shall apply only to the hotel structure. Accessory improvements, such as fill, a retaining wall, or a sidewalk for emergency pedestrian egress, required to support development of the hotel structure, may be included within the development footprint no closer than 25 feet to the MHWL elevation of 2.643 feet, at the discretion of the NJSEA Chief Engineer. These accessory improvements shall relate directly to the hotel structure, and shall not include vehicular use areas.
2. No vehicular use areas shall be permitted within the waterway buffer.
3. The southerly façade of the hotel structure shall be designed to minimize human activity within the buffer area, with measures including, but not limited to, the following:
   a) The southerly door shall be an emergency exit only.
   b) No public rooftop activity shall be permitted.

4. No ground-mounted mechanical equipment, such as generators or HVAC units, shall be located within the required 50-foot buffer area.
5. Illumination of areas within the waterway buffer shall be minimized to the extent possible, and shall include methods such as light shields, downlighting, automatic timing and dimming, and tinted glazing.

iv. The variance will not result in substantial detriment to the public good and will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

The requested variance to permit the proposed hotel structure to encroach 25 feet into the required 50-foot-wide waterway buffer, must be evaluated within the specific site context. Buffers are important implements that promote public health, safety, and general welfare. They serve important functions with respect to providing transitions between natural and developed areas and protection of sensitive land uses; water quality, flood protection, and stormwater management; aesthetics; and habitat protection, and variances from waterway buffer requirements are warranted only in extraordinary circumstances. In the subject application, and particularly in the way that the hotel is proposed to be accommodated on the premises, with human activity directed towards the north, toward the site interior outside of buffer areas, there would be no substantial detriment to the public good that would adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

v. The variance will not have a substantial adverse environmental impact.

The applicant proposes to construct the proposed hotel within the required 50-foot waterway buffer. Waterway buffers are required to address adverse impacts to natural areas and habitat, including headlight glare, site illumination, noise, less available area to accommodate native vegetation and landscaping, decreased aesthetics, and decreased separation from neighboring properties and natural areas that brings site activity closer than permitted.

The proposed design of the hotel minimizes these adverse impacts by providing for a site design that includes minimal activity in the functional rear of the building along the wetlands mitigation area on the site. However, in order to more fully protect the environment, it is a recommended condition of this report that the wetlands mitigation area on the site be placed into a conservation easement to preserve the natural areas and habitat on the site in perpetuity. This easement would also fulfill prior commitments by Hess to permanently preserve the site after the wetlands mitigation work for on-site fill had been completed. With this condition, and with the recommended conditions in *iii.* above regarding minimizing potential impacts of the proposed placement of development with the required waterway buffer, the granting of the requested variance for the placement of the proposed hotel within the required waterway buffer would not have a substantial adverse environmental impact.

vi. The variance represents the minimum deviation from the regulations that will afford relief.

The applicant requests a bulk variance to permit the proposed hotel within the required 50-foot-wide waterway buffer along the mitigated wetlands area on the site. The property is subject to unique characteristics that constrain site development. Buffers are important implements that promote public health, safety, and the general welfare, not only for the subject property, but for the District as a whole. They serve important functions with respect to providing transitions between natural and developed areas and protection of sensitive land uses; water quality, flood protection, and stormwater management; aesthetics; and habitat protection. Given the practical difficulties associated developing a site with the multiple constraints, and the fact that these concerns are minimized by the particular configuration of the proposed hotel structure, with the recommended conditions, the requested variance represents the minimum deviation from the regulations that would afford relief.

vii. G*ranting the variance will not substantially impair the intent and purpose of these regulations.*

The NJSEA is charged with promoting orderly development along with safeguarding the environment. This is a delicate balancing act undertaken by the NJSEA and its predecessor agencies that, since 1968, has effectively fostered economic development while supporting environmental objectives related to flood protection, cleaner water and soils, habitat protection and creation, and public enjoyment of natural areas through the utilization of land management tools such as buffers. The granting of the requested variance to permit the proposed hotel within a portion of the site's

required waterway buffers, with the recommended conditions, would not substantially impair the intent and purpose of the District zoning regulations, and represents an appropriate balance between economic development on a constrained site and the promoting the well-being of the environment and adjacent habitats, by enabling the final remediation of a contaminated site and placement of a conservation easement on a large wetlands tract along the Hackensack River.

G. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.7(a), which requires a minimum 50-foot-wide landscaped buffer measured from the mean high water line or top of bank where any development borders the Hackensack River, tributaries, or streams located in the District, and does not permit fill, structures, or impervious pavement within the waterway buffer; whereas, fill, site improvements, a refuse area, and accessory structures are proposed within the required 50-foot-wide buffer.

The District Zoning Regulations at N.J.A.C. 19:4-4.14(e) state in part that, *a variance shall not be granted unless specific written findings of fact directly based upon the particular evidence presented are made that support conclusions that...*

1. *Concerning bulk variances:*
   i. *The variance requested arises from such condition that is unique to the property in question, is not ordinarily found in the same zone, and is not created by any action of the property owner or the applicant.*

The applicant requests a bulk variance to permit fill, site improvements, a refuse area, and accessory structures within the required 50-foot-wide waterway buffers on the site. The subject property is a unique site that is subject to various development

challenges. Approximately 38 percent of the site is comprised of a large tract of wetlands that had been mitigated by Hess under a prior approval for an office development in the late 1990s, which ultimately was not constructed, but for which 0.26 acres of wetlands fill had occurred to support site development. Additionally, the site fronts along the Hackensack River to the west and an open water channel to the north. The remaining uplands on the site can be characterized as a peninsula, where a 50-foot-wide buffer from the mean high water line is required along three of its sides. Furthermore, the site is located at the intersection of the heavily-trafficked Route 3 East ramp and Meadowland Parkway, and a 20-foot-wide roadway widening easement is located along the site's frontage with Meadowland Parkway, which also affects site development. Finally, the site is designated a Known Contaminated Site by the NJDEP due to the presence of contaminants related to the prior fuel storage operations by Hess. This combination of conditions is unique to the property in question and was not created by the property owner or applicant.

However, it is noted that the establishment of the mean high water line (MHWL) at the subject property, from which required buffers are measured, has been disputed by the applicant. The applicant's surveyor (Stonefield) provided a MHWL elevation of 2.33 feet for the subject property, whereas the NJSEA determined the MHWL elevation at 2.634 feet (NAVD88). The following comment in the NJSEA staff review letter of November 24, 2025 offers additional context with respect to the NJSEA's determination of the mean high water line:

4. *Pursuant to N.J.A.C. 19:4-8.7(a), the required minimum 50-foot-wide landscaped buffer is dimensioned from the mean high water line (MHWL). With respect to Stonefield's response regarding NJSEA's MHWL determination, and assertion that NJSEA methodology in making that determination is flawed, the following shall provide additional history and context to memorialize previous discussions and correspondence:*
    a. *The NJSEA staff is authorized to make requests for information with respect to the MHWL calculation pursuant to N.J.A.C. 19:4-4.4(e)7, which requires that an applicant submit "other such information from a specific applicant as may be required by the NJSEA." Furthermore, N.J.A.C. 19:4-8.6(b)4.vii specifies that data on the tide elevations throughout the District is available from the NJSEA. This information is reviewed by NJSEA professional staff for accuracy and compliance with the District Zoning Regulations.*
    b. *The NJSEA and its predecessor agencies (the Hackensack Meadowlands Development Commission and New Jersey Meadowlands Commission), through affiliated research arms (the Meadowlands Research and Restoration Institute and, previously, the Meadowlands Environmental Research Institute) has, on a continuous basis, collected water elevation data in the Hackensack Meadowlands District since 2004. MRRI is professionally staffed with scientists, researchers, and technicians who are widely recognized in their respective fields for their expertise on conditions in the Meadowlands.*
    c. *The NJSEA staff routinely provides MHWL determinations to applicants based on the publicly-available MRRI data. NOAA's tidal benchmark data has been accepted by the NJSEA staff as valid where comparable to MRRI data; however, the NJSEA staff at no time during the review process has accepted Stonefield's adjusted MHWL elevation of 2.33 feet (an adjusted elevation based on data derived from measurements at NOAA Station ID: 8530528 in Carlstadt, having a publication date of 04/21/2003), as it is inconsistent with conditions in the vicinity of the project site and was flagged during the review process as being significantly lower than MHWL elevations established by MRRI gauges. This inconsistency is not only apparent with the 2022 Woods Hole report, which measured MHW at 2.76 feet (Station #2 - Barge) and 2.87 feet (Station #4 – Mill Creek) in the vicinity of the project site, but with historic water elevation data measurements as well. For example, the 2007 Woods Hole report indicates MHW elevations of 2.59 feet (Station #2 – Berry's Creek Canal Old) and 2.71 feet (Station #5 – Secaucus High School) were measured in*

the vicinity of the project site 20 to 25 years ago, and are still higher than the applicant's adjusted MHWL elevation of 2.33 feet, which is based on NOAA data that is nearly 30 years old. It is noted that the document entitled "Methodology for Determining Mean High Water" prepared by the Rhode Island Coastal Resources Management Council (CRMC), submitted to the NJSEA by Stonefield on May 16, 2025 states: "When in doubt of the relationship of a tidal datum to a geodetic datum, establishment of a tide station and connection to geodetic datum using differential levels or GPS is recommended for most applications." The Woods Hole report, in fact, contains "geodetic datum using differential levels or GPS" based on data collection by MRRI. Therefore, the NJSEA staff rejects any suggestion that MRRI's data is flawed, invalid, or inapplicable.

d. *NJSEA staff understands, through supplemental documentation provided by Stonefield in May 2025, as to how the adjusted 2.33-foot MHWL elevation was calculated. However, this number remains significantly below actual, measured MHW data collected by MRRI, as detailed in Item c. above. Consistent with the prior MHWL elevation determination made by the NJSEA staff, using NOAA tidal benchmark data provided by Stonefield in January 2024, the applicable MHWL elevation at the project site was established at 2.634 feet. The NJSEA staff acknowledges that the 2.634-foot elevation still remains below the MHWL elevation established by the MRRI/Woods Hole data, but is honoring the prior determination made at that time.*

e. *Alternatively, site-specific water elevation measurements may be conducted at the subject property, in conjunction with a project scope consistent with established NOAA methodology, to definitively determine the MHWL at the subject premises.*

f. *Finally, although Stonefield also asserts that a 2.33-foot MHWL elevation should be utilized by the NJSEA as it has been accepted by NJDEP, this Office notes that the NJDEP's Flood Hazard Area permit approval dated August 24, 2018 was based on a conceptual plan for hotel and retail uses (both permitted uses within the Commercial Park zone) within a fill permit application that was reviewed by the Town of Secaucus pursuant to the opt-out provisions of the Hackensack Meadowlands Agency Consolidation Act. This conceptual plan contained no variances and did not place buildings within the required waterway buffer of 50 feet from the MHWL. The current plan depicts a different site layout, with a more expansive MHWL delineation within the project site that places buildings and improvements within required buffers, and requests a use variance.*

The applicant asserts that the MHWL elevation of 2.33 feet was accepted by the NJDEP and, therefore, should be accepted by the NJSEA. In Exhibit A-8, NJDEP states that their acceptance of the 2.33-foot MHWL elevation "does not affect the requirements requested by the NJSEA". Furthermore, the applicant provided testimony from a licensed surveyor and an unlicensed surveyor to support how the mean high water line of 2.33 feet was calculated using NOAA data based on water level measurements collected between 1983 and 2001. These witnesses and the file record establish how the applicant's mean high water line determination of 2.33 feet was calculated; these witnesses do not dispute that this methodology is the only way to calculate mean high water, but that it is the more typical methodology. However, there are other acceptable and industry-standard methods available to calculate mean high water elevations consistent with NOAA methodology based on local data, such as the data in the Woods Hole report, as further evidenced by documentation provided on behalf of the applicant by Stonefield that supports the methodology within the Woods Hole report that forms the basis of the NJSEA's mean high water line determination, as detailed above. Additionally, the NJDOT publication "Mean High Water Manual" (2008) provides that "The second class of methods for determining the mean high water is methods that are based on actual tidal observation and/or NOS (National Ocean Service) published information for control tidal stations. The method that is based on actual tide observations is obviously more accurate." Therefore, all buffer dimensions shall be measured from the mean high water line elevation of 2.634 feet, as determined by the NJSEA. Should the applicant continue to dispute this mean high water

elevation determination, the applicant may conduct site-specific water measurements in conjunction with a project scope consistent with established NOAA methodology in consultation with Meadowlands Research and Restoration Institute scientists and the NJSEA Chief Engineer.

It is further noted that the applicant received a fill permit from the Town of Secaucus and an initial NJDEP flood hazard permit based on a site plan depicting a buffer from the mean high water line of the Hackensack River, but without buffers dimensioned from tributary waters within the wetlands mitigation site in the southerly portion of the site or the open water channel in the northerly portion of the site. The conditional fill permit was issued by the Town of Secaucus on May 22, 2018 in Conditional Zoning Certificate - Fill/Stockpile Only, designated CZC-18-544 (Fill), pursuant to the opt-out provisions of the Hackensack Meadowlands Agency Consolidation Act, to place surcharge material on the site to prepare it for development, based on a preliminary site plan showing conforming hotel and retail uses. Condition #20 of CZC-18-544 states that "it is acceptable to locate surcharge material in the 50' buffer from the mean high water line or top of bank [N.J.A.C. 19:4-8.7(a)1]; however, only the slope of the surcharge material shall be permitted and not the full height surcharge." Condition #22 requires that "The applicant shall apply for zoning certificate approvals for the proposed site development." In an e-mail to Town of Secaucus Engineer Jennifer Modi on May 10, 2019, Sharon Mascaró of the NJSEA advised Ms. Modi that "when the surcharge material is removed, they will have to re-establish the 50' buffer". In this e-mail, Ms. Mascaró stated that this information was also shared with the

applicant's engineer, Zach Chaplin, in a conversation that had taken place on May 8, 2019. Therefore, there could be no expectation that the applicant is entitled to install improvements within required buffer areas. Notwithstanding, the applicant is entitled to request a variance pursuant to a zoning certificate application, where a review of proposed development is conducted with respect to the particular site conditions in accordance with the District zoning regulations.

ii. *The granting of the variance will not adversely affect the rights of neighboring property owners or residents.*

The site is located at the intersection of the Route 3 East ramp and Meadowland Parkway, which are heavily-trafficked ROWs. Neighboring properties to the north include an NJDOT maintenance yard; properties to the east across Meadowland Parkway include an office building to the north of the Route 3 East ramp and the Osprey Cove East multi-family residential development to the south of the Route 3 East ramp; and, located beyond the wetlands tract on the subject property, the southerly neighbor contains an existing building that has been approved for a light industrial use and Snipes Park.

The applicant requests a bulk variance to permit fill, site improvements, a refuse area, and accessory structures within the required 50-foot-wide waterway buffers on the site. Development within required buffer areas is not permitted due to adverse impacts resulting from bringing human activity, with resultant noise, illumination, and potential trash migration impacts, closer to adjacent habitats, natural areas, and waterways than permitted.

Buffers serve important functions with respect to providing transitions between natural and developed areas and protection of sensitive land uses; water quality, flood protection, and stormwater management; aesthetics; and habitat protection for the District as a whole. The applicant seeks to expand the available developable footprint on the site with buffer intrusions into each portion of the site requiring a waterway buffer: the Hackensack River waterfront, a wetlands mitigation area, and an open water channel.

Therefore, the requested variance does not meet this criterion.

iii. *The strict application of the regulations will result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the property owner.*

The subject property contains particular and unique characteristics that affect site development. Approximately 38 percent of the 8.66-acre site is comprised of wetlands. The remaining 5.34-acre portion of the site is subject to additional development constraints, including required 50-foot-wide buffers from the Hackensack River and tributary waterways located at the northerly, westerly, and southerly perimeters of the site's developable footprint. Furthermore, the property is subject to an approximately 20-foot-wide roadway widening easement along Meadowland Parkway. A dedicated bike lane is proposed within the easement area, as well as other improvements to the intersection of the Route 3 East ramp and Meadowland Parkway.

The applicant proposes to place fill, site improvements, a refuse area, and accessory structures within the required 50-foot-wide waterway buffers on the site, including fill proposed within wetlands. This would expand the available developable footprint of the site, which would impact the ability to provide an appropriate transition from active site development to sensitive natural areas and habitats. Although the site was previously disturbed, it is currently vacant. It does not follow that development may maximize the limits of fill disturbances on a site. Notwithstanding, alternative site designs promoting a more compact development footprint are an available option, such as incorporating structured parking below or adjacent to the proposed hotel. It's unclear whether the applicant has explored programs or funding sources that could assist in addressing the site constraints, such as NJ state economic development and brownfields assistance, or whether an in-need-of-redevelopment investigation could be merited at the subject property. Furthermore, due to the recommended denial of the requested use variance for a fuel service station at the premises, additional land area is available on the site to accommodate site development within locations on the site outside of required waterway buffers.

Therefore, the strict application of the buffer requirement to the property's particular characteristics does not result in exceptional practical difficulties to, or exceptional and undue hardship upon, the property owner.

iv. The variance will not result in substantial detriment to the public good and will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

The proposed placement of fill, site improvements, a refuse area, and accessory structures within the required 50-foot-wide waterway buffers on the site would result in substantial detriment to the public good and would adversely affect the public health, safety, order, convenience, prosperity or general welfare. Buffers are important implements that promote public health, safety, and the general welfare, not only for the subject property, but for the District as a whole. They serve important functions with respect to providing transitions between natural and developed areas and protection of sensitive land uses; water quality, flood protection, and stormwater management; aesthetics; and habitat protection.

As discussed above, the subject variance request to place improvements within the required buffer areas would adversely affect natural areas and habitat on the site, by bringing human activity, with resultant noise, illumination, and the potential for trash migration impacts closer to adjacent habitats and waterways than permitted.

v. The variance will not have a substantial adverse environmental impact.

The applicant requests a bulk variance to permit fill, site improvements, a refuse area, and accessory structures within the required 50-foot-wide waterway buffers on the site. These proposed improvements at the specified locations would adversely affect

natural areas and habitat on the site, by bringing human activity, with resultant noise, illumination, and potential trash migration impacts, closer to adjacent habitats and waterways than permitted. The applicant attested that the buffer would be vegetated as a "living shoreline"; however, plantings within the required 50-foot-wide waterway buffer are subject to high tide cycles, where water levels can exceed the mean high water line, which would expose the roots of the vegetation within the buffer to brackish water, thereby impacting the viability of the proposed vegetation within the required buffer areas on the site.

The evaluation of the subject variance request is intrinsically linked to the proposal's environmental impacts. The proposed improvements are located within the Hackensack River waterfront buffer, along an open waterway channel, and adjacent to a wetlands mitigation area on the site. Furthermore, additional wetlands fill is proposed that would expand the development footprint on the site. The provision of the required buffer is necessary to safeguard the region's sensitive natural resources. Therefore, the granting of the requested variance would have a substantial adverse environmental impact.

vi. *The variance represents the minimum deviation from the regulations that will afford relief.*

The applicant requests a bulk variance to permit fill, site improvements, a refuse area, and accessory structures within the required 50-foot-wide waterway buffers on the site. The property is subject to unique characteristics that constrain site development.

However, in reviewing the subject application, NJSEA staff prepared multiple, multi-page review letters (dated 3/16/2022, 9/15/2023, 4/17/2025, 5/08/2025, 11/24/2025, and 3/20/2026) advising the applicant of various alternatives, including the development of a more compact development footprint and structured parking. Based on the record in this matter, alternatives exist that would accommodate development within the available developable footprint outside of required buffer areas. The applicant seeks to expand the available developable footprint on the site with buffer intrusions into each portion of the site requiring a waterway buffer: the Hackensack River waterfront, a wetlands mitigation area, and an open water channel. Therefore, the requested variance does not represent the minimum deviation from the regulations that will afford relief.

vii. Granting the variance will not substantially impair the intent and purpose of these regulations.

The applicant requests a bulk variance to permit fill, site improvements, a refuse area, and accessory structures within the required 50-foot-wide waterway buffers on the site. The NJSEA is charged with promoting orderly development along with safeguarding the environment. This is a delicate balancing act undertaken by the NJSEA and its predecessor agencies that, since 1968, has effectively fostered economic development while supporting environmental objectives related to flood protection, cleaner water and soils, habitat protection and creation, and public enjoyment of natural areas through the utilization of land management tools such as buffers. The subject property is a unique

site subject to development constraints. However, it does not follow that development may maximize the limits of fill disturbances on a site, and in the fill permit issued by the Town of Secaucus it was affirmed that buffer requirements would continue to apply to future site development. Furthermore, in this instance, alternatives are available to accommodate development could occur with a more compact development footprint located outside required buffer areas. Therefore, the granting of the requested variance to allow for fill and improvements within the required 50-foot-wide buffer would substantially impair the intent and purpose of the District Zoning Regulations.

H. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.14(i)6, which requires that signs shall be set back a minimum of 15 feet from property lines; whereas, a pylon sign is proposed to be set back 7.2 feet from the front lot line along Meadowland Parkway.

The District Zoning Regulations at N.J.A.C. 19:4-4.14(e) state in part that, *a variance shall not be granted unless specific written findings of fact directly based upon the particular evidence presented are made that support conclusions that...*

1. *Concerning bulk variances:*
   i. *The variance requested arises from such condition that is unique to the property in question, is not ordinarily found in the same zone, and is not created by any action of the property owner or the applicant.*

The applicant proposes to install a 300-square-foot pylon sign along the subject property's Meadowland Parkway frontage, at a setback of 7.2 feet from the front lot line, whereas a minimum 15-foot setback

is required. The subject property is a unique site that is subject to various development challenges. Approximately 38 percent of the site is comprised of a large tract of wetlands that had been mitigated by Hess under a prior approval for an office development in the late 1990s, which ultimately was not constructed, but for which 0.26 acres of wetlands fill had occurred to support site development. Additionally, the site fronts along the Hackensack River to the west and an open water channel to the north. The remaining uplands on the site can be characterized as a peninsula, where a 50-foot-wide buffer from the mean high water line is required along three of its sides. Furthermore, the site is located at the intersection of the heavily-trafficked Route 3 East ramp and Meadowland Parkway, and a 20-foot-wide roadway widening easement is located along the site's frontage with Meadowland Parkway, which also affects site development. Finally, the site is designated a Known Contaminated Site by the NJDEP due to the presence of contaminants related to the prior fuel storage operations by Hess. This combination of conditions is unique to the property in question and was not created by the property owner or applicant.

It is noted that the proposed sign includes a readerboard that was intended to be utilized in association with the proposed fuel service station use, for which the requested use variance is recommended to be denied. The subject variance applies to the pylon sign location only; this recommendation report evaluates the proposed location of the sign otherwise conforming to maximum area and height regulations.

ii. *The granting of the variance will not adversely affect the rights of neighboring property owners or residents.*

Neighboring properties to the north include an NJDOT maintenance yard; properties to the east across Meadowland Parkway include an office building to the north of the Route 3 East ramp and the Osprey Cove East multi-family residential development to the south of the Route 3 East ramp; and, located beyond the wetlands tract on the subject property, the southerly neighbor contains an existing building that has been approved for a light industrial use. The site is located at the intersection of the Route 3 East ramp and Meadowland Parkway, which are heavily-trafficked ROWs.

The proposed sign is located approximately 375 feet from the property's southerly industrial neighbor, 250 feet from an NJDOT maintenance yard to the north, and 150 feet from the Osprey Cove East multi-family residential development to the east across Meadowland Parkway. The proposed pylon sign is located at the southwest corner of the signalized intersection of the site driveway with Meadowland Parkway and the Route 3 eastbound ramp. The proposed variance will not impact the ability of neighboring properties to function as intended, but will help motorists identify the property in advance of the site. Therefore, the granting of the requested variance would not adversely affect the rights of neighboring property owners or residents.

iii. *The strict application of the regulations will result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the property owner.*

The subject property contains particular and unique characteristics that affect site development. Approximately 38 percent of the 8.66-acre site is comprised of wetlands. The remaining 5.34-acre portion of the site is subject to additional development constraints, including required 50-foot-wide buffers from the Hackensack River and tributary waterways located at the northerly, westerly, and southerly perimeters of the site's developable footprint. Furthermore, the property is subject to an approximately 20-foot-wide roadway widening easement along Meadowland Parkway. A dedicated bike lane is proposed within the easement area, as well as other improvements to the intersection of the Route 3 East ramp and Meadowland Parkway.

These constraints push site development toward the easterly portion of the property, while the easterly portion of the site is also constrained by the ROW and bike lane dedication. Without this dedication, the proposed sign location would comply with the setback requirements. The pylon sign is proposed at the subject location to allow for adequate identification given these constraints. Therefore, the strict application of the regulations will result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the property owner.

iv. The variance will not result in substantial detriment to the public good and will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

The granting of the variance to permit the proposed pylon sign at a setback of 7.2 feet on the subject premises will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare. The actual setback of the proposed sign to the motor vehicle cartway of Meadowland Parkway beyond the bike lane is approximately 30 feet. Public safety, order and convenience will be advanced by the proposed sign location, which would enhance visibility of the sign to passing motorists beyond the bike lane across the site's frontage. Furthermore, the proposed pylon sign will not be located within the required line-of-sight triangle.

v. The variance will not have a substantial adverse environmental impact.

There will be no substantial adverse environmental impacts resulting from the granting of the requested variance for the proposed sign location. The placement of the proposed pylon sign will not disturb environmentally sensitive areas on the site. District performance standards with respect to noise, vibrations, glare, airborne emissions, hazardous or radioactive materials, and wastewater will not be exceeded by the proposed sign.

vi. The variance represents the minimum deviation from the regulations that will afford relief.

Potential locations for identification signage are limited due to the constraints caused by the particular and unique conditions applicable to site development. Ground signs are required to be set back a minimum of 15 feet from public ROWs. Due to proposed ROW and bike dedication, the proposed setback of the pylon sign

identifying the site is 7.2 feet proximate to the site's signalized intersection with Meadowland Parkway and the Route 3 East ramp. The actual setback of the proposed sign to the motor vehicle cartway of Meadowland Parkway beyond the bike lane is approximately 30 feet. The proposed identification pylon sign has been placed in an optimal location given the existing site conditions, and is positioned appropriately given the proposed conditional approval recommended in Section C. above permitting the placement of vehicular use areas at a minimum setback of 15 feet from Meadowland Parkway. Therefore, the requested variance represents the minimum deviation from the District zoning regulations that will afford relief.

vii. Granting the variance will not substantially impair the intent and purpose of these regulations.

The granting of the variance will not substantially impair the intent and purpose of these regulations. The requirement for a 15-foot setback is intended to prevent signage from encroaching upon the adjacent roadway. However, in this instance, this regulation does not account for the unique circumstance of a ROW and bike lane dedication that causes a wide gap between the traveled way of motorists and the property. Therefore, the proposed 7.2-foot setback of the pylon sign in this instance meets the intent and purpose of the regulation and will allow for the adequate and safe identification of the site in advance of the site driveway.

V. SUMMARY OF CONCLUSIONS

A. Standards for the Granting of a Use Variance from the Provisions of N.J.A.C. 19:4-5.52(a), to permit the construction of a fuel service station in the Commercial Park zone, whereas a fuel service station is not listed as a permitted use in the Commercial Park zone.

Based on the record in this matter, the use variance application to permit the construction of a fuel service station on the subject premises in the Commercial Park zone is hereby recommended for **DENIAL**.

DENIAL	11/10/2026	
Recommendation on Variance Request	Date	Sara J. Sundell, P.E., P.P. Senior Director of Land Use Management
DENIAL	11/10/2026	
Recommendation on Variance Request	Date	Robert Davidow, Esq. Senior Vice President Office of Legal & Regulatory Affairs

B. **Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-5.49(a)3i, which requires a minimum 35-foot front yard setback in the Commercial Park zone; whereas, structures, including a utility hot box, fuel vent pipe, and compressed air/vacuum equipment, are proposed to be located in the required front yard along Meadowland Parkway at a minimum setback of 8.3 feet.**

Based on the record in this matter, the bulk variance application to:

1.) Permit structures related to the fuel service station (including the fuel vent pipe and compressed air/vacuum equipment) in the required front yard along Meadowland Parkway is hereby is hereby **MOOT** pursuant to the recommended denial of the use variance in Section IV.A. above; and

2.) Permit a utility hot box in the required front yard along Meadowland Parkway at a minimum setback of 8.3 feet, where a minimum setback of 35 feet is required on the subject premises in the Commercial Park zone, is hereby recommended for **APPROVAL**.

1.) MOOT 2.) APPROVAL	11/10/2026	
Recommendation on Variance Request	Date	Sara J. Sundell, P.E., P.P. Senior Director of Land Use Management

1. moot 2. APPROVAL	11/10/26	
Recommendation on Variance Request	Date	Robert Davidow, Esq. Senior Vice President Office of Legal & Regulatory Affairs

C. **Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C 19:4-8.2(b)1, which does not permit vehicular use areas in the required front yard or required buffer areas; whereas, twelve (12) parking spaces are proposed at a minimum setback of 5.3 feet within the required 35-foot front yard along Meadowland Parkway and seventeen (17) parking spaces are proposed within the required 50-foot waterway buffer, and, whereas, two of these parking spaces are located within both the required front yard and the waterway buffer.**

Based on the record in this matter, the bulk variance application to:

1.) Permit seventeen (17) parking spaces within the required 50-foot waterway buffer on the subject premises, is hereby recommended for **DENIAL**, and

2.) Permit twelve (12) parking spaces at a minimum setback of 5.3 feet within the required front yard along Meadowland Parkway is hereby recommended for **MODIFIED APPROVAL WITH THE FOLLOWING CONDITION:**

1. Vehicular use areas within the required front yard of Meadowland Parkway shall maintain a minimum setback of 15 feet from the front lot line and shall be screened in accordance with the requirements of N.J.A.C. 19:4-8.9.

MODIFIED CONDITIONAL APPROVAL	11/10/2026	
Recommendation on Variance Request	Date	Sara J. Sundell, P.E., P.P. Senior Director of Land Use Management
MODIFIED CONDITIONAL APPROVAL	11/10/2026	
Recommendation on Variance Request	Date	Robert Davidow, Esq. Senior Vice President Office of Legal & Regulatory Affairs

D. **Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.3(b)1, which does not permit loading areas in any front yard, whereas a fuel loading zone is proposed in the front yard along Meadowland Parkway.**

Based on the record in this matter, the bulk variance application to permit a fuel loading zone in the required front yard of Meadowland Parkway, whereas loading areas are not permitted in any front yard, is hereby **MOOT** pursuant to the recommended denial of the use variance in Section IV.A. above.

MOOT	11/10/2026	
Recommendation on Variance Request	Date	Sara J. Sundell, P.E., P.P. Senior Director of Land Use Management
Moot	11/10/2026	
Recommendation on Variance Request	Date	Robert Davidow, Esq. Senior Vice President Office of Legal & Regulatory Affairs

E. **Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.4(a)37, which requires a minimum 12-foot by 30-foot loading space be provided for the proposed limited-service hotel; whereas, no loading space is proposed to be provided for the hotel use.**

Based on the record in this matter, the bulk variance application to permit no loading space for the proposed hotel on the premises, where a minimum 12-foot by 30-foot loading space is required for the proposed limited-service hotel on the subject premises, is hereby recommended for **DENIAL**.

DENIAL	11/10/2026	
Recommendation on Variance Request	Date	Sara J. Sundell, P.E., P.P. Senior Director of Land Use Management
Denial	11/10/2026	
Recommendation on Variance Request	Date	Robert Davidow, Esq. Senior Vice President Office of Legal & Regulatory Affairs

F. **Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.7(a), which requires a minimum 50-foot-wide landscaped buffer measured from the mean high water line or top of bank where any development borders the Hackensack River, tributaries, or streams located in the District, and does not permit fill, structures, or impervious pavement within the waterway buffer; whereas, the hotel structure is proposed within the required 50-foot-wide buffer.**

Based on the record in this matter, the bulk variance application to permit the proposed hotel structure at a minimum 25-foot setback from the mean high water elevation of 2.634 feet (NAVD88), within the required 50-foot-wide buffer, is hereby recommended for **MODIFIED APPROVAL WITH THE FOLLOWING CONDITIONS**:

1. The approved 25-foot waterway buffer encroachment shall apply only to the hotel structure. Accessory improvements, such as fill, a retaining wall, or a sidewalk for emergency pedestrian egress, required to support development of the hotel structure, may be included within the development footprint no closer than 25 feet to the MHWL elevation of 2.643 feet, at the discretion of the NJSEA Chief Engineer. These accessory improvements shall relate directly to the hotel structure, and shall not include vehicular use areas.
2. No vehicular use areas shall be permitted within the waterway buffer.
3. The southerly façade of the hotel structure shall be designed to minimize human activity within the buffer area, with measures including, but not limited to, the following:
   a) The southerly door shall be an emergency exit only.

b) No public rooftop activity shall be permitted.

4. No ground-mounted mechanical equipment, such as generators or HVAC units, shall be located within the required 50-foot buffer area.
5. Illumination of areas within the waterway buffer shall be minimized to the extent possible, and shall include methods such as light shields, downlighting, automatic timing and dimming, and tinted glazing.
6. The applicant shall obtain an official determination from the NJDEP Bureau of Tidelands Management Tidelands Resource Council regarding whether the applicant is required to fund and construct the walkway within the crossing easements (identified on the site survey as "Excepted Area A" and "Excepted Area B") established for this purpose by the grant.
7. The applicant shall obtain approval from the NJDEP Bureau of Tidelands Management Tidelands Resource Council for the proposed outfall in the southwesterly portion of the site that discharges to "Excepted Area A". It is noted that this outfall location may be subject to change to accommodate any walkway that may be required within "Excepted Area A".
8. The property owner shall provide a conservation easement to preserve in perpetuity the lands on the portion of the subject property within the wetlands mitigation area on the site. Proof of filing of the conservation easement with the Hudson County Registrar shall be provided to the NJSEA prior to the issuance of a Certificate of Completion and/or Occupancy Certification by the NJSEA.

MODIFIED CONDITIONAL APPROVAL	11/10/2026	
Recommendation on Variance Request	Date	Sara J. Sundell, P.E., P.P. Senior Director of Land Use Management
Modified Conditional Approval	11/10/2026	
Recommendation on Variance Request	Date	Robert Davidow, Esq. Senior Vice President Office of Legal & Regulatory Affairs

G. **Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.7(a), which requires a minimum 50-foot-wide landscaped buffer measured from the mean high water line or top of bank where any development borders the Hackensack River, tributaries, or streams located in the District, and does not permit fill, structures, or impervious pavement within the waterway buffer; whereas, fill, site improvements, a refuse area, and accessory structures are proposed within the required 50-foot-wide buffer.**

Based on the record in this matter, the bulk variance application to permit fill, site improvements, a refuse area, and accessory structures within the required 50-foot-wide buffer on the subject premises, is hereby recommended for **DENIAL**.

DENIAL	11/10/2026	
Recommendation on Variance Request	Date	Sara J. Sundell, P.E., P.P. Senior Director of Land Use Management
Denial	11/10/2026	
Recommendation on Variance Request	Date	Robert Davidow, Esq. Senior Vice President Office of Legal & Regulatory Affairs

H. **Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-8.14(i)6, which requires that signs shall be set back a minimum of 15 feet from property lines; whereas, a pylon sign is proposed to be set back 7.2 feet from the front lot line along Meadowland Parkway.**

Based on the record in this matter, the bulk variance application to permit a pylon sign at minimum setback of 7.2 feet from the front lot line along Meadowland Parkway, where a minimum setback of 15 feet is required on the subject premises, is hereby recommended for **APPROVAL**.

APPROVAL	11/10/2026	
Recommendation on Variance Request	Date	Sara J. Sundell, P.E., P.P. Senior Director of Land Use Management
Approval	11/10/2026	
Recommendation on Variance Request	Date	Robert Davidow, Esq. Senior Vice President Office of Legal & Regulatory Affairs