



Board Meeting

Thursday, February 15, 2018

10:00 a.m.



**AGENDA  
REGULAR SESSION**

Thursday, February 15, 2018 - 10:00 a.m.  
Two DeKorte Park Plaza, Lyndhurst, NJ

I. **APPROVAL OF MINUTES** - (Action)

- Approval of Regular Session Meeting Minutes of January 11, 2018.

II. **PUBLIC PARTICIPATION ON RESOLUTIONS**

III. **APPROVALS** – (Action)

Cash Disbursements Approval and/or Ratification of Cash Disbursements over \$100,000 for January 2018.

Resolution 2018-06 Consideration of a Resolution Authorizing the New Jersey Sports and Exposition Authority to Participate in the 2026 FIFA World Cup.

Resolution 2018-07 Consideration of a Resolution issuing a Decision on the Suitability Recommendation as required by the *NJSEA Interim Policies Governing Affordable Housing Development in the Meadowlands District* – File No. 17-466, Clay Avenue Associates LLC/New Building, Block 230, Lot 10.01 in Lyndhurst

IV. **PUBLIC PARTICIPATION**

V. **EXECUTIVE SESSION**

Resolution 2018-08 Consideration of a Resolution authorizing the New Jersey Sports and Exposition Authority to conduct a meeting, to which the general public shall not be admitted for the purposes of discussing legal matters, personnel matters and contract negotiations.

- Consideration of a Resolution Appointing a President and Chief Executive Officer.

VI. **SPECIAL PRESENTATION**

VII. **MOTION TO ADJOURN**

# MINUTES



## REGULAR SESSION BOARD MEETING

DATE: January 11, 2018  
TIME: 10:00 a.m.  
PLACE: 2 DeKorte Park Plaza - Lyndhurst, NJ  
RE: **REGULAR SESSION MEETING MINUTES**

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### **Members in Attendance:**

Michael Ferguson, Chairman (via phone)  
Joseph Buckelew, Vice Chairman  
Wayne Hasenbalg, Esq., President and Chief Executive Officer  
Armando Fontoura, Member  
Michael H. Gluck, Esq., Member  
George Kolber, Member  
Shannon McManus, NJ State Treasurer's Representative  
Andrew Scala, Member  
Anthony Scardino, Member  
Robert Yudin, Member

### **Absent:**

Michael Gonnelli, Member  
LeRoy Jones, Member  
Steven Plofker, Member  
John Ballantyne, Member

### **Also Attending:**

Ralph J. Marra, Jr., Sr. Vice President of Legal and Regulatory Affairs  
Christine Sanz, Sr. Vice President/Chief Operating Officer  
Adam Levy, Vice President of Legal & Regulatory Affairs  
John Yarenis, Director of Finance/CFO  
Sara Sundell, Director of Land Use Management and Chief Engineer  
Nicholas Kant, Assistant Counsel, Governor's Authorities Unit  
Christine Ferrante, Executive Assistant/Paralegal

Vice Chairman Buckelew called the meeting to order.

Vice Chairman Buckelew stated that the New Jersey Sports and Exposition Authority gave notice of the time, place, and date of this meeting by providing such notice to the Secretary of State for the State of New Jersey, The Star-Ledger, The Record, and other newspapers and by posting the notice at the offices of the Authority.

## **I. APPROVAL OF MINUTES**

Vice Chairman Buckelew presented the minutes of the Regular Session Board Meeting held on November 16, 2017.

Upon motion made by Commissioner Scardino and seconded by Commissioner Gluck, the minutes of the Regular Session Board Meeting held on December 14, 2017 were approved with Commissioners Yudin and Kolber abstaining.

## II. PUBLIC PARTICIPATING ON RESOLUTIONS

- Michael Sullivan of Sills Cummis and Gross – representing Towers Associates spoke on Executive Session item – IMO Towers Associates’ Motion Requesting a Stay of NJSEA File No. 17-239 Pending Its Appeal of Resolution No. 2017-29.
- Eric McCullough of Waters McPherson McNeill – representing MEPT Lincoln Crossings LLC, spoke on Executive Session item – IMO Towers Associates’ Motion Requesting a Stay of NJSEA File No. 17-239 Pending Its Appeal of Resolution No. 2017-29.

## III. APPROVALS

- Approval of Cash Disbursements Over \$100,000 and Professional Invoices

Vice Chairman Buckelew presented the report of cash disbursements over \$100,000 and Professional Invoices for the month of December 2017.

Upon motion by Commissioner Scardino and seconded by Commissioner Gluck, the cash disbursements over \$100,000 for the month of December 2017 were approved subject to the following recusals:

<u>Member</u>	<u>Recused as to</u>
Commissioner Buckelew	Borough of Oceanport

Resolution 2018-01 Resolution Certifying the Meadowlands Adjustment Payments for CY2018.

Mr. Yarenis stated that the resolution is to certify the 2018 Meadowlands Adjustment Payments calculation for the 2018 calendar year. Mr. Yarenis stated that the schedule has been prepared in accordance with the New Jersey Statute, which requires that the calculations be certified by the board before February 1. Mr. Yarenis explained that the scheduled payments also reflect the outcome of the November 9, 2017 Appellate Division decision regarding the years that are to be used to determine the three year average for the payments. Mr. Yarenis explained that staff spoke with HMMC Executive Director to discuss the appellate court ruling and then also spoke with the receiving towns regarding the decision and how it will be reflected the 2018 calculations. Mr. Yarenis indicated that the calculations were reviewed and verified by an outside accounting firm. If approved by the board, municipalities will be notified for inclusion in their budgets.

Vice Chairman Buckelew presented Resolution 2018-01. Upon motion by Commissioner Scala and seconded by Commissioner Fontoura, proposed Resolution 2018-01 was unanimously approved by 10-0 vote.

Resolution 2018-02 Resolution Regarding Tidelands Applications for Command Web Offset Co. File No. SP-754 – Block 9, Lot 9 in Secaucus.

Ms. Sundell explained that Command Web Offset Co. owns a vacant property located at 200 Castle Road, and identified as Block 9, Lot 9, in the Town of Secaucus. She also explained that the property owner plans to develop this property and intends to submit a future zoning certificate application to the NJSEA for a proposed addition to its existing facility located on the adjacent lot. Ms. Sundell indicated that since a 0.85-acre portion of the 8.07-acre property is subject to the State's riparian interest, Command Web Offset Co. has submitted a tidelands license and a riparian grant application to the NJDEP Bureau of Tidelands Management. She also indicated that pursuant to statute, the NJDEP is required to provide the NJSEA with an opportunity to submit its recommendation regarding applications for tidelands conveyances within the District to the Tidelands Bureau for their consideration. Ms. Sundell stated that staff reviewed the proposed tidelands license and grant filings, as well as a concept plan for the addition, and found that they are in conformance with the applicable District zoning regulations and recommends that the Board forward a resolution to the Tidelands Bureau in support of the subject tidelands license and riparian grant applications.

Vice Chairman Buckelew presented Resolution 2018-02. Upon motion by Commissioner Scardino and seconded by Commissioner Gluck, proposed Resolution 2018-02 was unanimously approved by 10-0 vote.

Resolution 2018-03 Resolution Issuing a Decision on the Suitability Recommendation as Required by the *NJSEA Interim Policies Governing Affordable Housing Development in the Meadowlands District* – File No. SP-750, Highland Cross Redevelopment Plan Amendment Block 219.04, Lots 1 (portion), 2 (portion), and 3, and Block 219.02, Lots 61 (portion), 65.05, 65.06 and 65.07 in Rutherford.

Ms. Sundell explained that Linque-H.C. Partners, LLC has submitted a petition requesting certain amendments to the Highland Cross Redevelopment Plan. Ms. Sundell stated that the Highland Cross Redevelopment Area is located in the Borough of Rutherford near the intersection of Highland Cross and Veterans Boulevard. She also stated that the Redevelopment plan amendments are subject to the *Interim Policies Governing Affordable Housing Development in the Meadowlands District*, and this matter was forwarded to the Site Suitability Review Team. The review team, which consisted of NJSEA staff and municipal representatives, evaluated the site based upon the criteria provided in the Interim Policies and prepared a Suitability Review, which recommends that the subject vacant property be deemed not suitable for residential use. Ms. Sundell explained that reasons for this determination include the site's remote location, which is located across a major highway from Rutherford's residential community, including schools, parks and other community facilities. She also explained that access to the community requires crossing the signalized intersection at Route 17 and Highland Cross, which is 8 lanes wide and not pedestrian-friendly. Also, the roadway system in the immediate vicinity is heavily utilized by commercial truck and tractor-trailer traffic from nearby industrial and commercial land uses. Ms. Sundell indicated that in addition, the site was the location of a former sewage treatment plant and was subject to a NJDEP-approved Remedial Action Work Plan, which currently restricts the site to non-residential uses only. Ms. Sundell stated that staff requests that the Board concur with the site suitability recommendation prepared by the Review Team, which recommends that the subject property be deemed not suitable for residential use.

Vice Chairman Buckelew presented Resolution 2018-03. Upon motion by Commissioner Gluck and seconded by Commissioner Scala, proposed Resolution 2018-03 was unanimously approved by 10-0 vote.

#### **VI. PUBLIC COMMENTS**

- Captain Bill Sheehan – Riverkeeper – thanked the board on behalf of himself and the environmental community for all the cooperation that was received from the NJSEA during the past couple of years and hopes to continue to work together in the future.
- Fred Dressel, HMMC Executive Director – spoke of the seamless transition that began in 2014 and attributed it to the president and the agency for the way it was handled. The Mayor wished everyone well in the future.

#### **VII. EXECUTIVE SESSION**

Vice Chairman Buckelew stated a need for the Board to enter into Executive Session to discuss contractual matters and litigation matters.

Resolution 2018-04 Resolution authorizing the NJSEA to enter into a meeting to which the general public shall not be admitted to discuss legal matters, personnel matters and contract negotiations.

Upon motion made by Commissioner Scala and seconded by Commissioner Yudin Resolution 2018-04 was approved by a vote of 10-0.

Motion was made and seconded to enter into open session.

Resolution 2018-05 Resolution Denying Towers Associates' Motion Requesting a Stay of NJSEA File No. 17-239 Pending Its Appeal of Resolution 2017-28.

Vice Chairman Buckelew presented Resolution 2018-05. Upon motion by Commissioner Kolber and seconded by Commissioner Scardino, proposed Resolution 2018-05 was approved by 10-0 vote.

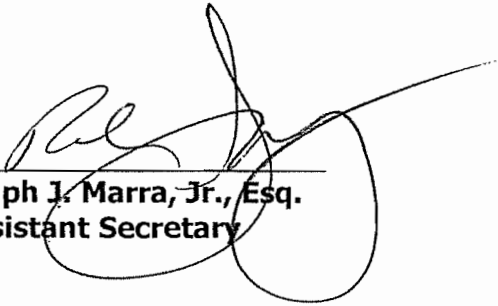
Vice Chairman Buckelew expressed that for the past 17 years it has been a pleasure working with everyone and an honor to be involved with this agency.

#### **VIII. MOTION TO ADJOURN**

With no further business, motion to adjourn the meeting was made by Commissioner Gluck and second by Commissioner Scala with all in favor.

Meeting adjourned at 10:25 a.m.

I certify that on information and belief this is a true and accurate transcript of the Minutes of the Regular Session of the New Jersey Sports and Exposition Authority Board Meeting held on January 11, 2018.



Ralph J. Marra, Jr., Esq.  
Assistant Secretary

January 11, 2018

Commissioner	Roll Call	2018-01	2018-02	2018-03	2018-04	2018-05
Ferguson	P (via phone)	Y	Y	Y	Y	Y
Buckelew	P	Y	Y	Y	Y	Y
Hasenbalg	P	Y	Y	Y	Y	Y
Ballantyne	--	--	--	--	--	--
Fontoura	P	Y	Y	Y	Y	Y
Gluck	P	Y	Y	Y	Y	Y
Gonnelli	--	--	--	--	--	--
Jones	--	--	--	--	--	--
Kolber	P	Y	Y	Y	Y	Y
Plofker	--	--	--	--	--	--
Scala	P	Y	Y	Y	Y	Y
Scardino	P	Y	Y	Y	Y	Y
Yudin	P	Y	Y	Y	Y	Y
Treasury Rep McManus	P	Y	Y	Y	Y	Y

P - Present      A - Abstain  
 -- Absent      R = Recuse  
 Y = Affirmative      N = Negative



# **APPROVALS**



CASH DISBURSEMENTS  
\$100,000 OR MORE  
JANUARY 2018

**SPORTS COMPLEX**

	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
NEW JERSEY STATE POLICE	453,956.27	A/L	OVERTIME CHARGES: OCT 2017 - NOV 2017
NRG BUSINESS SOLUTIONS	420,378.99	J/L	ELECTRICITY CHARGES: DEC 2017
SPORTS ARENA EMPLOYEES RETIREMENT FUND LOCAL 137	234,185.01	A	PENSION WITHDRAWAL LIABILITY PAYMENT: NOV 2017 - JAN 2018
STATE OF NEW JERSEY TREASURY DEPARTMENT	273,487.17	A	WORKERS' COMPENSATION COVERAGE: CLAIMS ENDING DEC 2017
<b>SPORTS COMPLEX TOTAL</b>	<b>1,382,007.44</b>		

**SPORTS COMPLEX PAYMENT IN LIEU OF TAXES**

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
BOROUGH OF EAST RUTHERFORD	2,037,529.04	I	PAYMENT IN LIEU OF TAXES: 1ST QUARTER 2018
<b>SC TAXES TOTAL</b>	<b>2,037,529.04</b>		

**MONMOUTH PARK RACETRACK REAL ESTATE TAXES**

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
BOROUGH OF OCEANPORT	473,835.79	I	REAL ESTATE TAXES: 1ST QTR 2018
<b>MP REAL ESTATE TAXES TOTAL</b>	<b>473,835.79</b>		

**OTHER**

<u>PAYEE</u>	<u>\$ AMOUNT</u>	<u>REFERENCE LETTER</u>	<u>ACCOUNT DESCRIPTION</u>
RAMAPO COLLEGE FOUNDATION	250,000.00	A	2018 FUNDING PER MOU - 1ST PAYMENT
WASTE MANAGEMENT OF NEW JERSEY	226,477.20	A	OPERATIONS CONTRACT - KEEGAN LANDFILL: DEC 2017
WILLIS OF PENNSYLVANIA, INC.	427,000.00	A	PROPERTY INSURANCE POLICY: JAN 2018 - DEC 2018
<b>OTHER TOTAL</b>	<b>903,477.20</b>		



CASH DISBURSEMENTS  
\$100,000 OR MORE

<u>REFERENCE LETTER</u>	<u>TYPE</u>
A	CONTRACT ON FILE
B	PURCHASE AWARDS - APPROVED AT MONTHLY BOARD MEETING
C	STATE REQUIREMENT FOR RACING
D	STATE VENDOR
E	SOLE SOURCE*
F	APPOINTED BY RACING COMMISSION
G	ADVERTISED BID
H	PRESIDENT/CEO APPROVAL
I	STATUTORY PAYMENT
J	UTILITIES
K	LOWEST PROPOSAL
L	REIMBURSABLE
M	OUTSTANDING PROFESSIONAL INVOICES APPROVED AT MONTHLY BOARD MEETING
N	PURCHASES ON BASIS OF EXIGENCY
*	PURCHASES DIRECT FROM SOURCE
	EXPENDITURE TO BE CHARGED TO MAINTENANCE RESERVE FUND

RESOLUTION 2018 - 06

**RESOLUTION AUTHORIZING  
THE NEW JERSEY SPORTS AND EXPOSITION AUTHORITY  
TO PARTICIPATE IN THE 2026 FIFA WORLD CUP**

**WHEREAS**, pursuant to Public Law 1971, Chapter 137, codified at N.J.S.A. 5:10-1 *et seq.*, as thereafter amended and modified, the New Jersey Sports and Exposition Authority Law (the "**Sports Authority Law**"), the Legislature of the State of New Jersey established the Sports Authority to, inter alia, promote athletic contests, spectator sporting events, trade shows and other expositions and to carry out projects as set forth in the Sports Authority Law; and

**WHEREAS**, the Sports Authority owns fee title to certain real property located in the Borough of East Rutherford, County of Bergen in the State of New Jersey and commonly known as the "**Meadowlands Sports Complex**"; and

**WHEREAS**, the 2026 FIFA World Cup ("**FIFA World Cup**") will be the first soccer world cup tournament with the expanded 48-team format and will require world-class facilities and infrastructure to ensure a successful tournament, stadiums must have a capacity of at least 40,000 for group round matches and at least 80,000 for the Opening Match and Final; and

**WHEREAS**, on July 6, 2017, a United Bid Committee was officially formed by the National Federations of Canada, Mexico and the United States, to manage the bidding process to bring the FIFA World Cup to North America; and

**WHEREAS**, on August 15, 2017, the United Bid Committee released an initial list of 49 stadiums in 44 metropolitan markets across the three nations which will be considered for the official bid. On September 7, 2017, the United Bid Committee announced that a total of 41 cities (with 44 venues) had submitted bids marking their official declaration of interest to be included in the final bid. On October 4, 2017, the United Bid Committee announced that the list of cities was further reduced to 32 with 35 venues. The United Bid Committee plans to include 20-25 venues in the official bid ("**Official Bid**"), which will be sent by the United Bid Committee to FIFA in March 2018; and

**WHEREAS**, the States of New York and New Jersey have chosen to participate in the bidding process with the United Bid Committee and FIFA for the FIFA World Cup through a joint bid with matches to be played at MetLife Stadium; and

**WHEREAS**, the Authority, as the owner of the Meadowlands Sports Complex that includes, amongst other things, MetLife Stadium, is designated as a "Host City" for purposes of the Official Bid and the FIFA World Cup; and

**WHEREAS**, the FIFA World Cup is the world's largest sporting event and the most widely viewed sporting event in the world. The FIFA World Cup has a significant impact on the global economy. The United Bid Committee estimates a conservative domestic economic impact of \$5 billion if the United States is chosen to host the FIFA World Cup.

**NOW, THEREFORE, BE IT:**

**RESOLVED**, that the Board of Commissioners of the Sports Authority hereby approves, authorizes and directs the President of the Authority or any other officer authorized by the President of the Authority (each an "**Authorized Authority Official**"), to prepare, execute and deliver such documents, instruments, declarations, opinions and certificates as are necessary, desirable and/or advisable for the Sports Authority to participate in the Official Bid, in such form and substance as shall be approved by the Authorized Authority Official executing such document, instrument, declaration, opinion or certificate, and containing such information as shall be approved by such Authorized Authority Official, such approval to be conclusively evidenced by his or her execution of such document, instrument, declaration, opinion or certificate; and be it further

**RESOLVED**, that the Authorized Authority Officials are authorized and directed on behalf of the Sports Authority to take any and all action which they deem necessary, desirable or advisable in order to effect submission of the documents, instruments, declarations, opinions or certificates authorized to be submitted pursuant to this Resolution and to respond to any questions or other requests from the United Bid Committee and/or FIFA; and be it further

**RESOLVED**, that any and all actions heretofore taken by the Authorized Authority Officials in connection with the Official Bid and FIFA World Cup are hereby confirmed and ratified; and be it further

**RESOLVED**, that the Sports Authority is hereby authorized, instructed, and directed to finalize and enter into all documents, instruments, declarations, opinions and certificates contemplated as necessary, desirable and/or advisable in order to confirm, effectuate, implement, memorialize, consummate and/or perfect the Sports Authority's participation in the FIFA World Cup (collectively, the "**World Cup Documents**"); and be it further

**RESOLVED**, that the Authorized Authority Officials be, and hereby are, authorized and directed to enter into the World Cup Documents with such reasonable or necessary changes thereto as such officer shall approve in their sole discretion, such approval to be conclusively evidenced by the execution and delivery thereof; and be it further

**RESOLVED**, that the Authorized Authority Officials be, and hereby are, authorized and directed to take all such further actions and to execute and deliver all such further instruments and documents as the Authorized Authority Officials shall determine to be reasonable or necessary, in the name and on behalf of the Sports Authority to fully carry out the intent and to accomplish the purposes of the foregoing Resolutions, and the execution by the Authorized Authority Officials of any of such instrument or document, or the doing by such officer of any act in connection with the foregoing matters, shall conclusively establish such officer's authority therefore from the Sports Authority and the approval and ratification by the Sports Authority of the instruments and documents so executed and the actions so taken.

The foregoing Resolutions shall take effect immediately, but no action authorized herein shall have force and effect until 15 days after a copy of the minutes of the Sports Authority meeting at which this Resolution was adopted has been delivered to the Governor of the State of New Jersey for his approval, unless during such 15-day period the Governor shall approve the same, in which case such action shall become effective upon such approval.

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Sports and Exposition Authority at their meeting of February 15, 2018.

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Ralph J Marra, Jr., Esq.  
Assistant Secretary

**RESOLUTION 2018-07**

**RESOLUTION ISSUING A DECISION ON THE  
SUITABILITY RECOMMENDATION AS REQUIRED BY THE  
NJSEA INTERIM POLICIES GOVERNING AFFORDABLE HOUSING  
DEVELOPMENT IN THE MEADOWLANDS DISTRICT  
FILE No. 17-466, 210 Clay Avenue Associates LLC/New Building  
BLOCK 230, LOT 10.01  
IN THE TOWNSHIP OF LYNDBURST**

**WHEREAS**, in a decision dated May 21, 2007 (A-4174-03T3; A-3107-04T1), the Appellate Division of the New Jersey Superior Court determined, among other things, that the New Jersey Meadowlands Commission (NJMC) should consider whether new development in the Meadowlands District should be avoided until the Commission implements new rules concerning affordable housing; and

**WHEREAS**, on July 25, 2007, the Commission adopted Resolution No. 07-68, which approved the "Policy Statement Regarding the NJMC's Expanded Responsibilities to Plan and Zone for Affordable Housing"; and

**WHEREAS**, on May 6, 2008, COAH adopted new rules, which became effective upon publication in the New Jersey Register on June 2, 2008 and, in addition, adopted new rules on September 22, 2008, which became effective on October 20, 2008; and

**WHEREAS**, on July 17, 2008, P.L. 2008, Chapter 46 became law, revising various parts of the statutory law concerning affordable housing; and

**WHEREAS**, on July 23, 2008, the Commission adopted Resolution No. 08-80, which approved the "*Interim Policies Governing Affordable Housing Development in the Meadowlands District*," in order to govern the review of and restraints upon applications for further development in the Meadowlands District in a manner consistent with these regulatory and statutory changes, prior to the implementation of new regulations regarding same; and

**WHEREAS**, pursuant to Public Law 2015, Chapter 19, the New Jersey Meadowlands Commission (NJMC) has become part of the New Jersey Sports and Exposition Authority (NJSEA), effective February 5, 2015; and

**WHEREAS**, the *Interim Policies*, last revised by Resolution No. 11-29 on July 27, 2011, govern all zoning certificate applications, petitions to amend the Official Zoning Map, new redevelopment plans, and proposed amendments to a redevelopment plan pertaining to new proposed uses or changes to existing uses,

received on or after July 24, 2008, and remain in effect until the NJSEA promulgates new regulations concerning affordable housing, or the *Interim Policies* are withdrawn or rescinded by Commission action or court order, whichever occurs first; and

**WHEREAS**, the *Interim Policies* set forth the criteria for a Review Team, comprised of three NJSEA staff members including one New Jersey-licensed professional engineer and one New Jersey-licensed professional planner, and also a professional planner representing the municipality in which the proposed development is located, to review each applicable application to determine the suitability of the subject site for residential use; and

**WHEREAS**, a zoning certificate application was submitted to the NJSEA on November 22, 2017, by Jason R. Tuvel, Esq., of Prime Law, on behalf of 210 Clay Avenue Associates, LLC, for the premises identified as 210 Clay Avenue, Block 230, Lot 10.01, in Lyndhurst, New Jersey, which is located in the Light Industrial A zone; and

**WHEREAS**, the subject application proposes the construction of a 90,614 square foot warehouse building and, as such, is not exempt from the *Interim Policies*; and

**WHEREAS**, the application was forwarded to the Review Team for review of the application in accordance with the *Interim Policies*; and

**WHEREAS**, the Review Team evaluated the suitability of the subject property taking into consideration the specific application submitted for construction of a building addition; and

**WHEREAS**, a suitability review, dated January 30, 2018, and attached hereto, has been prepared, indicating the recommendation of the Review Team in this matter; and

**WHEREAS**, the suitability review recommends that the subject property is unsuitable for residential use; and

**WHEREAS**, the Board of Commissioners of the NJSEA has reviewed the suitability review and recommendation prepared by the Review Team, regarding the subject property; and

**WHEREAS**, the Board of Commissioners of the NJSEA concurs with the recommendation of the Review Team; and



**WHEREAS**, the Board of Commissioners of the NJSEA hereby determines that the subject commercial property is unsuitable for residential use.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Commissioners of the New Jersey Sports and Exposition Authority that the property located at 210 Clay Avenue, Block 230, Lot 10.01, in Lyndhurst, New Jersey, is deemed to be unsuitable for residential use.

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Sports and Exposition Authority at their meeting of February 15, 2018.

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Ralph J. Marra, Jr., Esq.  
Assistant Secretary



## MEMORANDUM

*To:* NJSEA Board Members and Wayne Hasenbalg, President/CEO

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*From:* Sara J. Sundell *Date:* February 15, 2018

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*Subject:* Site Suitability Recommendation for Block 230, Lot 10.01, in Township of Lyndhurst (File No. 17-466)

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In a decision dated May 21, 2007 (A-4174-03T3; A-3107-04T1), the Appellate Division of the New Jersey Superior Court determined, among other things, that the New Jersey Meadowlands Commission (NJMC or Commission) should consider whether new development in the Meadowlands District should be avoided until the Commission implements new rules concerning affordable housing. The Commission followed up by adopting Resolution No. 07-68, on July 25, 2007, which approved the "Policy Statement Regarding the NJMC's Expanded Responsibilities to Plan and Zone for Affordable Housing." Thereafter, on July 23, 2008, the Commission adopted Resolution No. 08-80, which approved the "*Interim Policies Governing Affordable Housing Development in the Meadowlands District*," which was last revised by Resolution No. 11-29 on July 27, 2011, in order to govern the review of and restraints upon applications for further development in the Meadowlands District in a manner consistent with regulatory and statutory changes regarding affordable housing, prior to the implementation of new regulations regarding same.

Pursuant to Public Law 2015, Chapter 19, the New Jersey Meadowlands Commission (NJMC) has become part of the New Jersey Sports and Exposition Authority (NJSEA), effective February 5, 2015.

The Interim Policies apply to all zoning certificate applications, petitions to amend the Official Zoning Map, new redevelopment plans, and proposed amendments to a redevelopment plan pertaining to new proposed uses or changes to existing uses, received on or after July 24, 2008, and will remain in effect until the NJSEA promulgates new regulations concerning affordable housing, or the Interim Policies are withdrawn or rescinded by Authority action or court order, whichever occurs first. The *Interim Policies* set forth the criteria for a Review Team, comprised of three NJSEA staff members, including one New

Jersey-licensed professional engineer and one New Jersey-licensed professional planner, and also a professional planner representing the municipality in which the proposed development is located, to review each applicable application to determine the suitability of the subject site for residential use.

The NJSEA received an application for the construction of a 90,614 square foot warehouse building on the premises identified as 210 Clay Avenue, Block 230, Lot 10.01, in Lyndhurst, New Jersey. The subject property is located within the District's Light Industrial A zone and currently contains an existing office building that is proposed to be demolished.

The matter was forwarded to the Review Team for review of the proposed site in accordance with the *Interim Policies*. A suitability review, dated January 30, 2018, has been prepared, indicating that the Review Team recommends that the subject industrial property is not suitable for residential use.

At this time, the NJSEA staff is recommending that the members of the NJSEA concur with the site suitability recommendation prepared by the Review Team, which determines that the subject industrial property is not suitable for residential use.



## Suitability Review – Summary

*File No. 17-466*

*210 Clay Avenue Associates LLC/New Building  
Block 230, Lot 10.01, in the Township of Lyndhurst  
January 30, 2018*

The NJSEA received a zoning certificate application for the proposed construction of a 90,614 square foot warehouse building on the premises identified as 210 Clay Avenue, Block 230, Lot 10.01, in the Township of Lyndhurst, New Jersey. The existing office building on the subject property is proposed to be demolished. The subject property is currently located in the Light Industrial A zone and, as such, is not exempt from the site suitability review process. In keeping with the review process, the site characteristics of the property have been evaluated in accordance with the “Interim Policies Governing Affordable Housing Development in the Meadowlands District,” adopted by the NJMC on July 24, 2008, and last revised on July 27, 2011.

**In accordance with Section IV(c)1 of the Interim Policies, the criteria to deem a site suitable for housing are as follows:**

- i. **The site is adjacent to compatible land uses and has access to appropriate streets.**
  - The subject property is located within the Light Industrial A zone and the neighboring uses within the zone are predominantly industrial, warehouse and distribution facilities, with some office and institutional uses.
  - The surrounding development pattern, particularly on Clay Avenue, is not compatible with the development of residential uses, due to the heavy reliance by industrial, warehouse and distribution uses in the area on trucking services to move products. As a result, there is a significant amount of truck traffic, including the inherent noise and pollution associated with heavy vehicle usage. There is no significant presence of open space surrounding the property that could buffer potential residents from these characteristics associated with the intensity of the uses of the surrounding land use pattern.
  - The surrounding active industrial and warehouse uses in the area would present challenges with respect to circulation and safety of residents.



- ii. **The site has access to water and sewer infrastructure with sufficient capacity.**
  - This criterion is met by the subject property.
- iii. **The site can be developed consistent with the rules of the NJSEA.**
  - This criterion is met by the subject property.
- iv. **Former and existing land uses, either on the site or in the vicinity, may not expose residents to environmental hazard. Alternatively, the site shall be remediated to NJDEP residential standards as a condition of the Board's approval.**
  - This criterion is met by the subject property.
- v. **The size, shape, or layout of any existing structure that shall remain, or other physical limitation(s) not listed previously, do not preclude residential use.**
  - This criterion is met by the subject property.
- vi. **The site is suitable for residential use pursuant to sound planning principles.**
  - Elements of the warehouse and distribution businesses in the vicinity of the subject site are potentially detrimental to residents. Noise generated from open loading docks on the neighboring property, trucks maneuvering on adjacent sites and in the streets, lack of sidewalks and safety concerns for pedestrians render this site unfavorable to residential uses.
  - The site is completely surrounded by industrial and office development. There are no adjacent residential or other supportive uses that could, from a planning perspective, create a cohesive neighborhood. The site is remote from public schools, local retail stores, and other public amenities. Pedestrian access to the rest of the community requires traveling a considerable distance through an active industrial area.
  - The surrounding warehouse and industrial uses generate truck traffic, noise and associated pollution both day and night, which would be



detrimental to the quality of life and long-term safety of residents on the subject property.

In summary, only four (4) of the above criteria, as per Section IV(c)1 of the Interim Policies, apply to the subject property.

### **Conclusion**

The subject property, located at 210 Clay Avenue, Block 230, Lot 10.01, in the Township of Lyndhurst, is recommended to be deemed unsuitable for housing.

Contingent upon the approval of this recommendation by the NJSEA Board of Commissioners, the review of the submitted zoning certificate application for the proposed 90,614 square foot warehouse building may proceed for this site. As a condition of zoning certificate approval, the applicant shall be required to satisfy the project's affordable housing requirements as per Section VII(a) of the Interim Policies or as required by law.

# **EXECUTIVE SESSION**

**RESOLUTION 2018-08**

**RESOLUTION AUTHORIZING THE  
NEW JERSEY SPORTS AND EXPOSITION AUTHORITY  
TO CONDUCT A MEETING TO WHICH  
THE GENERAL PUBLIC SHALL NOT BE ADMITTED**

**BE IT RESOLVED** by the New Jersey Sports and Exposition authority ("Authority") that it shall conduct a meeting to which the general public shall not be admitted to discuss personnel matters, the status of pending and anticipated litigation and other matters within the attorney client privilege, contract negotiations, and, if necessary, to act upon pending contracts.

**BE IT FURTHER RESOLVED** that the time when such discussions may be disclosed to the public shall be when and as such disclosure may be made without adversely affecting the Authority's pending and/or anticipated legal, personnel, contractual matters and other matters within the exceptions provided for by the statute.

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Sports and Exposition Authority at their meeting of February 15, 2018.

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Ralph J. Marra, Jr., Esq.  
Assistant Secretary