

NEW JERSEY MEADOWLANDS COMMISSION
AGENDA

DATE: July 25, 2007
TIME: 10:00 a.m.
PLACE: Lyndhurst, New Jersey
RE: MONTHLY MEETING

1. Pledge of Allegiance
2. Sunshine Law Statement
3. Roll Call

4. REVIEW OF MINUTES - June 27, 2007

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5. SPECIAL PRESENTATIONS:

- Flood Control Projects
- GIS Services

6. PUBLIC PARTICIPATION ON RESOLUTIONS

7. CONSENT AGENDA

Resolution No. 07-65 Consideration of a Resolution Regarding
The Approval of One Bulk Variance for the
Creation of Two Lots With Areas of 1.038
Acres and 0.807 Acres, Whereas a Minimum
Lot Size of Three Acres is Required. These
Two Proposed Lots Are the Central Green
Area Between Opposing Traffic Lanes
Within Proposed Street System and Are
To Be Used as Active and Passive Public
Parkland Within the Fraternity Meadows
Development. The Lots Are Part of a Proposed
Eight Lot Major Subdivision Located on
County Road Extension, Block 5, Lots 3 and 5,
In the Town of Secaucus (File #07-255,
Fraternity Meadows/Major Subdivision-
Bulk Variance).

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8. VIOLATION SETTLEMENT

Resolution No. 07-66 Consideration of a Resolution Concerning Pg. 9
A Request for Commission Approval of a
Settlement Between FDP Enterprises,
National Retail Transportation (NRT) and the
NJMC.

9. PLANNING SERVICES

Resolution No. 07-67 Consideration of a Resolution Authorizing Pg. 12
The Executive Director to Offer Planning
Services to Meadowlands Municipalities
Related to New Jersey's Municipal Plan
Endorsement Process.

10. HOUSING

Resolution No. 07-68 Consideration of a Resolution Establishing Pg. 16
A Policy Implementing the Decision of the
Appellate Division in A-4174-03T3; A-3107-04T1.

11. REGULATIONS

Resolution No. 07-69 Consideration of a Resolution Authorizing Pg. 24
The Executive Director To Submit a Notice
Of Proposal to the Office of Administrative
Law and To Hold a Public Hearing on
Regulations Pertaining to the Debarment
Of Contractors.

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12. LEGAL

Resolution No. 07-70 Consideration of a Resolution pg. 26
 Adopting a Final Decision in
 Riverview v. NJMC.

13. REPORTS

- A. Commissioners
- B. Executive Director
- C. Director
- D. HMMC Executive Director

14. NEW BUSINESS

15. PUBLIC PARTICIPATION

16. CLOSED SESSION

- A. Adopt Resolution No. 07-71 to hold Closed Session. Pg. 28
- B. Adjournment to Closed Session. The Commission Reserves the
Right to Reconvene into Public Session, if necessary, to take Action
on Closed Session Items.

PLEASE CONTACT THE NJMC OFFICE (201-460-1700) PRIOR TO
MEETING IF SPECIAL REQUIREMENTS ARE NEEDED UNDER ADA

NEW JERSEY MEADOWLANDS COMMISSION

DATE: June 27, 2007
TIME: 10:00 a.m.
PLACE: Lyndhurst, NJ
RE: MONTHLY MEETING MINUTES

COMMISSIONERS PRESENT:

Eleanore S. Nissley, Acting Chairman
Paul Stridick, Assistant Commissioner
James Anzevino
Michael Gonnelli
Leonard R. Kaiser

STAFF PRESENT:

Robert R. Ceberio, Executive Director
Irfan Bora, Director of Finance & Management/
Chief Financial Officer
Thomas Marturano, Director of Natural Resources
Christine A. Sanz, Director of Legal Affairs/Chief Counsel
Francisco Artigas, Director of MERI
Christopher Gale, Director of Communications
Christine Piatek, Deputy Attorney General
James Carey, Assistant Counsel to the Governor
Lynn Johnson, Executive Assistant

1. Pledge of Allegiance
2. Executive Director Ceberio read the Notice of Meeting required under the Sunshine Law.
3. Roll Call
4. REVIEW OF MINUTES

Minutes of the May 23, 2007 meeting was moved by Commissioner Gonnelli, seconded by Commissioner Stridick and unanimously carried.

5. SPECIAL PRESENTATION

Mr. Ceberio introduced Jim Kirkos, President and CEO of the Meadowlands Regional Chamber of Commerce. Mr. Kirkos presented an update on the activities of the Meadowlands Liberty Convention and Visitors Bureau.

6. REORGANIZATION

Resolution No. 07-51 – Resolution adopting annual schedule of meetings.

Motion to adopt the resolution was made by Commissioner Kaiser, seconded by Commissioner Gonnelli and unanimously carried.

Motion was made by Commissioner Kaiser to appoint Commission Nissley as Vice-Chair, seconded by Commissioner Gonnelli and unanimously carried with Commissioner Nissley abstaining.

Motion was made by Commissioner Gonnelli to appoint Commissioner Anzevino as Treasurer, seconded by Commissioner Kaiser and unanimously carried with Commissioner Anzevino abstaining

COMMISSION COMMITTEE DESIGNATIONS

Vice-Chairperson:	Commissioner Eleanore Nissley
Treasurer:	Commissioner James Anzevino
Personnel/Budget & Operations:	Chairman Commissioner Michael Gonnelli Commissioner Leonard Kaiser
Audit Committee:	Commissioner Michael Gonnelli Commissioner Eleanore Nissley Commissioner Leonard Kaiser
Environmental Center/Environmental Education Committee:	Chairman Michael Gonnelli Commissioner Mia Macri Commissioner Arleen Walther
Mayors Committee Liaison:	Chairman Eleanore Nissley Commissioner Mia Macri Commissioner Arleen Walther
Zoning/Development/Transportation: (Regulations)	Chairman Mia Macri Commissioner Leonard Kaiser Commissioner Arleen Walther
Solid Waste/Recycling:	Chairman James Anzevino Commissioner Michael Gonnelli Commissioner Arleen Walther

Park Planning/Natural Resources/
Flood Control:

Chairman Leonard Kaiser
Commissioner Michael Gonnelli
Commissioner Mia Macri

Investment Committee:

Commissioner Michael Gonnelli
Commissioner James Anzevino

Motion was made by Commissioner Anzevino to approve committees and carried with all in favor.

7. PUBLIC PARTICIPATION ON RESOLUTIONS

- Margaret Schak, Rutherford Taxpayers Association spoke on Resolutions 07-56 and 07-60.
- Councilman Bueckner spoke on Resolution 07-55

8. SCIENCE AND OBSERVATORY

Resolution No. 07-52 - Resolution authorizing the Executive Director to purchase furniture and fixtures for the Science and Observatory facility in an amount not to exceed \$60,000.

Motion to adopt the resolution was made by Commissioner Gonnelli, seconded by Commissioner Anzevino and unanimously carried.

9. SPECIAL RAILROAD COUNSEL

Resolution No. 07-53 - Resolution authorizing the appropriation of \$75,000 for special counsel on matters related to the railroad solid waste transfer stations.

Motion to adopt the resolution was made by Commissioner Kaiser, seconded by Commissioner Gonnelli and unanimously carried.

10. MUNICIPAL ASSISTANCE PROGRAM

Resolution No. 07-54 - Resolution authorizing the Executive Director to appropriate \$150,000 to the Borough of Little Ferry for the construction of recreational soccer fields.

Motion to move the resolution was made by Commissioner Kaiser, seconded by Commissioner Stridick and carried with Commissioner Anzevino abstaining.

11. FLOOD CONTROL

Resolution No. 07-55 - Resolution authorizing funding for the mitigation of drainage problems in the Town of Secaucus.

Motion to move the resolution was made by Commissioner Anzevino, seconded by Commissioner Stridick and carried with Commissioner Gonnelli abstaining.

Resolution No. 07-56 - Resolution authorizing funding for professional design services related to a change order for the restoration of the Rutherford/East Rutherford drainage ditch system.

Motion to move the resolution was made by Commissioner Kaiser, seconded by Commissioner Gonnelli and carried with Commissioner Nissley abstaining.

12. SOLAR

Resolution No. 07-57 - Resolution authorizing the Executive Director to negotiate and execute a power purchase agreement with Epuron for the installation of a 700 kilowatt Solar Energy Array on NJMC owned property.

Motion to move the resolution was made by Commissioner Stridick, seconded by Commissioner Gonnelli and unanimously carried.

13. ECONOMIC DEVELOPMENT

Resolution No. 07-58 - Resolution authorizing the Executive Director to enter into a Memorandum of Understanding with the Rutgers University John J. Heldrich Center for Workforce Development to provide Economic Research and Analysis support for an amount not to exceed \$65,000.

Motion to move the resolution was made by Commissioner Kaiser, seconded by Commissioner Anzevino and unanimously carried.

14. SCHOLARSHIP PROGRAM

Resolution No. 07-59 - Resolution to appropriate 32,000 for a scholarship program for high school students from the Meadowlands District Municipalities.

Motion to move the resolution was made by Commissioner Gonnelli, seconded by Commissioner Stridick and unanimously carried.

15. DEDICATION OF OBSERVATORY

Resolution No. 07-59 - Resolution authorizing the Executive Director to dedicate the Meadowlands Observatory to William D. McDowell, first Executive Director of the Hackensack Meadowlands Development Commission.

Motion to move the resolution was made by Commissioner Kaiser, seconded by Commissioner Nissley and unanimously carried.

16. LEGAL

Resolution No. 07-64 - Resolution authorizing the Executive Director to appropriate \$100,000 for Special Counsel to be retained by the Office of the Attorney General for work associated with the EnCap Golf Redevelopment Agreement.

Motion to move the resolution was made by Commissioner Gonnelli, seconded by Commissioner Anzevino and unanimously carried.

17. REPORTS

Mr. Ceberio announced that the NJMC will be notifying each Mayor and Council of the 14 municipalities that the NJMC will begin a free of charge service providing planning staff for projects on the municipal level that we could help whether it be a housing certification plan, a redevelopment plan, etc. Mr. Ceberio explained that this is just another of NJMC's efforts to help municipalities save money on consulting and technical costs and at the same time advance them so that they on the state level can receive more money.

18. PUBLIC PARTICIPATION

- Margaret Schak, Rutherford Taxpayers Association

19. CLOSED SESSION

The following issues were taken into consideration: EnCap negotiations.

Motion to enter into closed session was made by Commissioner Kaiser, seconded by Commissioner Stridick and unanimously carried.

Meeting adjourned

ROBERT R. CEBERIO, SECRETARY

RESOLUTION#	07-51	07-52	07-53	07-54	07-55	07-56	07-57	07-58	07-59	07-60	07-64
Asst. Comm. Stridick For Comm. Levin	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Comm. Anzevino	Y	Y	Y	A	Y	Y	Y	Y	Y	Y	Y
Comm. Gonnelli	Y	Y	Y	Y	A	Y	Y	Y	Y	Y	Y
Comm. Kaiser	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Comm. Macri	--	--	--	--	--	--	--	--	--	--	--
Comm. Nissley	Y	Y	Y	Y	Y	A	Y	Y	Y	Y	Y
Comm. Walther	--	--	--	--	--	--	--	--	--	--	--

Y = Yes

A = Abstain

R = Recuse

N = No

**RESOLUTION ISSUING A DECISION ON THE VARIANCE APPLICATION
SUBMITTED AS PART OF FILE NO. 07-255,
FRATERNITY MEADOWS, LLC/MAJOR SUBDIVISION BULK VARIANCE
BLOCK 5, LOTS 3 AND 5, IN THE TOWN OF SECAUCUS**

WHEREAS, an application for one (1) bulk variance was filed with the New Jersey Meadowlands Commission ("NJMC") by Thomas J. O'Connor, Esq., of the firm Waters, McPherson, McNeill, on behalf of Fraternity Meadows, LLC, for the premises located on County Road Extension, Block 5, Lots 3 and 5, in the Town of Secaucus; and

WHEREAS, the variance is sought in connection with the applicant's proposed major subdivision at the Fraternity Meadows Development in the Riverfront Landing zone of the Secaucus Transit Village Redevelopment Area, which may include up to 1,805 residential units and 150,000 square feet of supporting neighborhood commercial space. The applicant's proposal for a major subdivision includes the creation of a total of eight lots, of which two (2) do not meet the minimum lot size area of three (3) acres. These two (2) proposed lots comprise a central green area between opposing traffic lanes within the proposed street system for the major subdivision and are to be utilized as a public park; and

WHEREAS, the applicant requested relief from the Secaucus Transit Village Redevelopment Plan, Section IV, Subsection C2a, which requires a minimum lot size of three (3) acres. The applicant is proposing two (2) lots with areas of 1.038 acres and 0.807 acres on the subject premises; and

WHEREAS, notice of the requested variance relief was given to the public and all interested parties as required by law and was published in the Secaucus Home News and the Jersey Journal; and

WHEREAS, a public hearing was held in the Office of the NJMC on May 22, 2007, before Sharon Mascaró, Chief Engineer, and Mark Skerbetz, Senior Planner; and

WHEREAS, a comprehensive report dated July 3, 2007, has been prepared indicating the recommendations of the Assistant Director of Land Use Management and the Executive Director in this matter; and

WHEREAS, the report recommends approval of the bulk variance request to create two (2) undersized lots with areas of 1.038 acres and 0.807 acres on the subject premises; and

WHEREAS, the members of the NJMC have reviewed the full record including the transcripts of the public hearings, recommendations on the application by the Assistant Director of Land Use Management and by the Executive Director, and the submissions of the applicant; and

WHEREAS, the members of the NJMC concur with the recommendations of the Assistant Director of Land Use Management and the Executive Director; and

WHEREAS, the NJMC hereby determines that the requested variance to create two (2) undersized lots with areas of 1.038 acres and 0.807 acres on the subject premises conforms with the standards for approving applications for variances as set forth in N.J.A.C. 19:4-4.14(e).

NOW, THEREFORE, BE IT RESOLVED, by the New Jersey Meadowlands Commission, that the Fraternity Meadows, LLC/Major Subdivision Bulk Variance application for one bulk variance request to create two (2) undersized lots with areas of 1.038 acres and 0.807 acres on the subject premises is hereby **APPROVED** for the reasons set forth in the recommendation dated July 3, 2007.

The foregoing was adopted on Commission vote.

Eleanore S. Nissley
Acting Chairman

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Meadowlands Commission at its meeting of July 25, 2007.

Robert R. Ceberio
Secretary

Memorandum

New Jersey Meadowlands Commission

To: NJMC Commissioners and Robert R. Ceberio, Executive Director

From: Ileana Kafrouni Date: July 25, 2007

Subject: Variance Recomm. Fraternity Meadows, LLC/Major Sub. Bulk Var. (File 07-255)

An application for one (1) bulk variance was filed with the New Jersey Meadowlands Commission by Thomas J. O'Connor, Esq., of the firm Waters, McPherson, McNeill, on behalf of Fraternity Meadows, LLC, for the premises located on County Road Extension and identified as Block 5, Lots 3 and 5, in the Town of Secaucus, New Jersey. Said premises are located in the Riverfront Landing zone of the Secaucus Transit Village Redevelopment Area. The bulk variance is sought in connection with the applicant's proposal for a major subdivision that includes the creation of a total of eight lots, of which two do not meet the minimum lot area of three (3) acres. These two (2) proposed lots comprise a central green area between opposing traffic lanes within the proposed street system and are to be utilized as a public park. Since these two (2) lots do not meet the required minimum lot size, a variance is required.

The applicant has requested variance relief from the Secaucus Transit Village Redevelopment Plan, Section IV, Subsection C2a, which requires a minimum lot area of three (3) acres. The applicant is proposing two (2) lots with areas of 1.038 acres and 0.807 acres. A public hearing on this matter was held in the Office of the NJMC on May 22, 2007.

In a comprehensive report dated July 3, 2007, the Assistant Director of Land Use Management and the Executive Director recommended approval of the bulk variance request in connection with the applicant's proposal to create two (2) undersized lots with areas of 1.038 acres and 0.807 acres on the subject premises.

At this time, the Commission is required to issue a decision on the variance application described above. A resolution requesting the same is attached for your consideration.

**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO A
SETTLEMENT AGREEMENT WITH FDP ENTERPRISES AND NATIONAL
RETAIL TRANSPORTATION TO RESOLVE OAL DOCKET NO. HMD-12930-2005N
(CONSOLIDATED WITH HMD 11110-2006N)**

WHEREAS, on March 28, 2003 the New Jersey Meadowlands Commission ("NJMC" or "Commission") issued a Conditional Zoning Certificate, CZC-01-552, to FDP Enterprises ("FDP") for improvements on Block 1000, Lot 1, Secaucus Road, Jersey City, New Jersey ("subject property"); and

WHEREAS, on July 22, 2005, FDP submitted an application for an Occupancy Certificate ("OC") to the NJMC on behalf of National Retail Transportation ("NRT") for occupancy on the subject property; and

WHEREAS, on July 28, 2005, the Commission issued a Findings Letter ("FL") to NRT, noting certain deficiencies in the July 22, 2005 application for the OC; and

WHEREAS, on November 2, 2005, the New Jersey Meadowlands Commission ("NJMC" or "Commission") issued a Notice of Violation ("NOV") to FDP Enterprises due to NRT's occupancy on the subject property without an occupancy certificate. The NOV ordered FDP to remove the trailers within thirty (30) days and provided that failure to comply would result in the imposition of fines of up to \$5,000 per day; and

WHEREAS, on November 10, 2005, FDP submitted a letter to the NJMC requesting a hearing pursuant to N.J.A.C. 19:4-4.19(b); and

WHEREAS, on November 18, 2005, the NJMC transmitted the matter to the Office of Administrative Law ("OAL") for said adjudicatory hearing; and

WHEREAS, FDP's request for a hearing was filed on December 19, 2005 and assigned the docket number HMD 12930-2005N; and

WHEREAS, on June 22, 2006, NRT was notified of its opportunity to request a hearing if they were aggrieved by the NOV and the matter was referred to OAL; and

WHEREAS, NRT's request for a hearing was filed on November 14, 2006 and assigned the docket number HMD 11110-2206N.

WHEREAS, the Honorable Diana C. Sukovich, A.L.J., has consolidated FDP's appeal with NRT's appeal by way of Order dated June 6, 2007.

WHEREAS, NRT is under contract to purchase the subject property from FDP, and it is anticipated that upon conveyance of the subject property from FDP to NRT, NRT will be undertaking the improvements called for in the Stipulation. FDP and NRT anticipate that the closing on the subject property will occur no later than August 31, 2007.

WHEREAS, the NJMC, FDP, and NRT have voluntarily agreed to settle this matter and the settlement fully disposes of all issues in controversy and is consistent with the law; and

WHEREAS, in furtherance of resolving this matter NJMC, FDP, and NRT have agreed upon settlement terms which include, but are not limited to, the following:

1) All of the approved site improvements included in the Conditional Zoning Certificate issued to FDP on March 28, 2003, CZC-01-552 or any other subsequent approval issued by the NJMC with regard to the southern portion of the subject property, with the exception of paving which shall only be completed to a "base course", will be completed on the "southern portion" of the subject property, which is that part of the subject property south of Block 1000, Lot 13, (which is owned by the City of Jersey City). The work on the southern portion of the subject property shall proceed in accordance with the schedule set forth in the Stipulation of Settlement. Progress reports by a professional engineer shall be provided to the NJMC on a monthly basis.

2) Upon completion of paving the southern portion of the site to a base course, NRT and/or FDP shall apply for an OC or Temporary OC for occupancy on the improved area on the southern portion of the site. No occupancy shall occur on the southern portion of the site without receiving authorization from the NJMC for same;

3) All trailers parked on the subject property, shall be relocated to the completed southern portion of the subject property once authorization to occupy same has been issued by the NJMC.

4) Except as temporarily authorized by the Stipulation of Settlement, FDP and NRT agree that an OC from the NJMC is required for NRT's occupancy of the subject property. NRT will relocate all trailers to the southern portion of the subject property within thirty (30) days of issuance of an OC or Temporary OC.

5) Subject to force majeure, FDP and NRT agree that if they fail to comply with any of the provisions set forth in the Stipulation of Settlement they may be subject to penalties of up to \$5,000 per day as was in the initial NOV.

6) FDP and NRT agree within twenty (20) days, to take remedial steps as they relate to the interim occupancy of the northern portion of the subject property as set forth in the Stipulation of Settlement, pending the transfer of these trailers to the southern portion of the property.

7) Additional trailers shall not be parked on the subject property until after the work on the southern portion of the subject property is completed and appropriate approvals are obtained.

WHEREAS, the Commission has reviewed this matter and the proposed Stipulation of Settlement and Withdrawal of Hearing Request.

NOW, THEREFORE, BE IT RESOLVED that the Executive Director is authorized to execute a Settlement Agreement with FDP and NRT to conclude the matter on appeal before the Office of Administrative Law.

The foregoing Resolution was adopted by Commission vote.

Eleanore S. Nissley
Acting Chairman

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Meadowlands Commission at their meeting of July 25, 2007.

Robert R. Ceberio
Secretary

Resolution No. 07-66

**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO OFFER
PLANNING SERVICES TO MEADOWLANDS MUNICIPALITIES RELATED TO
NEW JERSEY'S MUNICIPAL PLAN ENDORSEMENT PROCESS**

WHEREAS, there are two major processes associated with coordinating planning efforts at the State level; one is known as Cross Acceptance and the other, Plan Endorsement; and

WHEREAS, Cross Acceptance is the process of comparing statewide planning policies among government levels - municipal, county, regional and State - with the purpose of attaining consistency with the State Plan; and

WHEREAS, counties were designated as the negotiating entities for their constituent municipalities in the Cross Acceptance process in New Jersey; and

WHEREAS, both Bergen and Hudson Counties have submitted Cross Acceptance Reports to the New Jersey Department of Community Affairs Office of Smart Growth (OSG) in 2005 and OSG held public hearings in each of the counties in 2007 to explain the process and accept public comments on plan documents, policies, and maps; and

WHEREAS, subsequent to Cross Acceptance, a final State Plan will be issued which is intended to guide municipalities with large scale decisions on where development may or may not take place, as well as other statewide land use policies; and

WHEREAS, the next step in coordinating planning at all levels is a voluntary process known as the Municipal Plan Endorsement, which entails a detailed review of municipal documents and procedures to assess the quality and coordination of state and municipal planning efforts as they relate to smart growth principles, and if appropriate, to assist with an update of the local master plan and planning implementation strategy to achieve the goals and policies of the State Plan; and

WHEREAS, the benefit of going through the Municipal Plan Endorsement process is that an endorsed municipality is entitled to a package of financial and technical incentives that include enhanced scoring for grant funding, low-interest loans, tax credits, and streamlined regulatory review; and

WHEREAS, the NJMC recognizes the benefits to the Meadowlands constituent municipalities in achieving and maintaining Municipal Plan Endorsement.

NOW, THEREFORE, BE IT RESOLVED, that the NJMC authorizes the Executive Director to offer the planning services of the Commission staff to assist with tasks associated with taking the Meadowlands municipalities through Municipal Plan Endorsement. Such services may include, but are not limited to, drafting municipal

letters of intent to petition for Plan Endorsement and resolutions; compiling municipal plans; coordinating meetings with governmental agencies; facilitating community visioning; providing Geographic Information System (GIS) information and mapping, socioeconomic data, environmental data, land use inventories, transportation network information, community facilities and historic resources inventories; assisting towns with assessing redevelopment, infill, and rehabilitation potential; assessing potential for center-based development and mixed use zoning; assisting towns with preparation of Housing Elements and Fair Share Plans in accordance with requirements for substantive certification by the Council on Affordable Housing; and advising and assisting with updating Master Plans subsequent to the State Planning Commission's issuance of Action Plan.

The foregoing was adopted by Commission vote.

Eleanore S. Nissley
Acting Chairman

I certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Meadowlands Commission at its meeting of July 25, 2007.

Robert R. Ceberio
Secretary

Resolution No. 07-67

Memorandum

New Jersey Meadowlands Commission

To: NJMC Commissioners and Robert R. Ceberio, Executive Director

From: Ileana Kafrouni Date: July 25, 2007

Subject: Authorization for the Executive Director to Offer Planning Services to Meadowlands Municipalities Related to New Jersey's Municipal Plan Endorsement Process

There are two major processes associated with coordinating planning efforts at the State level. One is known as Cross Acceptance and the other, Plan Endorsement.

In its 2004 Cross Acceptance Manual for the Preparation, Revision, and Readoption of the New Jersey State Development and Redevelopment Plan ("State Plan"), the New Jersey State Planning Commission (through the Department of Community Affairs Office of Smart Growth) explains that cross acceptance is a process of comparing statewide planning policies among government levels - municipal, county, regional and State - with the purpose of attaining consistency with the State Plan. The approach is to accomplish this in a true partnership by seeking regional coordination to gain a more "local vision" of growth as part of the process.

The counties were designated as the negotiating entities for their constituent municipalities in the cross acceptance process in New Jersey. Both Bergen and Hudson Counties have reached out to the NJMC planning staff for assistance throughout the Cross Acceptance process to date and staff has provided information and participated on taskforces as requested. The Cross Acceptance process was aimed at gaining information from the counties demonstrating consistency with the State Plan or requests for amendments to the State Plan Policy Map based on data discrepancies. The draft State Plan would then be amended as deemed appropriate based on the information received from the negotiating entities during the Cross Acceptance process.

The final State Plan is intended to guide municipalities with large scale decisions on where development may or may not take place, as well as other statewide land use policies. Municipal Plan Endorsement, is a review process to assess the quality and coordination of state and municipal planning efforts as they relate to smart growth principles, and if appropriate, to assist with an update of the local master plan and planning implementation strategy to achieve the goals and policies of the State Plan. While this process is voluntary in nature, an endorsed municipality is entitled to a package of financial and technical incentives to make their plan a reality. These incentives include enhanced scoring for grant funding, low-interest loans, tax credits, and streamlined regulatory review.

This resolution would authorize the Executive Director to offer the planning services of the Commission staff to the Meadowlands municipalities to assist with tasks associated with taking the towns through Municipal Plan Endorsement. Such services may include drafting municipal letters of intent to petition for Plan Endorsement and resolutions; compiling municipal plans; coordinating State agencies; facilitating community visioning; providing Geographic Information System (GIS) information and mapping, socioeconomic data, environmental data, land use inventory, transportation network information, community facilities and historic resources inventories; assist towns with assessing redevelopment, infill, and rehabilitation potential; assess potential for center-based development and mixed use zoning; assist towns with preparation of Housing Elements and Fair Share Plans in accordance with requirements for substantive certification by the Council on Affordable Housing; and advise and assist with updating master plan subsequent to State Planning Commission's issuance of Action Plan.

**RESOLUTION ESTABLISHING A POLICY IMPLEMENTING THE DECISION OF
THE APPELLATE DIVISION IN A-4174-03T3; A-3107-04T1**

WHEREAS, the New Jersey Meadowlands (NJMC) seeks to enhance the provision of affordable housing throughout the Meadowlands District; and

WHEREAS, the NJMC adopted an affordable housing policy on November 24, 2003, which is reinforced by a strategy of the NJMC Master Plan to spur the production of affordable housing; and

WHEREAS, in a decision dated May 21, 2007 (A-4174-03T3; A-3107-04T1), the Appellate Division determined, among other things, that the NJMC's planning for affordable housing should be based on the affordable housing obligations of its constituent municipalities; and

WHEREAS, the NJMC staff recommends that the NJMC adopt new policies that expand its involvement in developing affordable housing in a manner consistent with the decision of the Appellate Division; and

WHEREAS, these policies are embodied in a statement entitled "Policy Statement Regarding the NJMC's Expanded Responsibilities to Plan for Affordable Housing," attached as Exhibit A and made part of this resolution.

NOW, THEREFORE, BE IT RESOLVED that the New Jersey Meadowlands NJMC has adopted the "Policy Statement Regarding the NJMC's Expanded Responsibilities to Plan for Affordable Housing;" and

BE IT FURTHER RESOLVED that the Executive Director and NJMC staff are directed to proceed with the expeditious implementation of these policies.

The foregoing was adopted on Commission vote.

Eleanore S. Nissley
Acting Chairman

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Meadowlands Commission at its meeting of July 25, 2007.

Robert R. Ceberio
Secretary

Policy Statement Regarding the New Jersey Meadowlands Commission's Expanded Responsibilities to Plan and Zone for Affordable Housing

Purpose

This policy statement describes the additional initiatives the New Jersey Meadowlands ("NJMC") will implement to promote the intent and purposes of the Mount Laurel decisions and the Fair Housing Act with respect to addressing the regional needs for affordable housing. These initiatives are based upon the authority of the NJMC to plan and zone for affordable housing within the Meadowlands District, as clarified by a recent decision of the Appellate Division of the Superior Court of New Jersey. In addition, the NJMC offers the District municipalities supplementary services designed to support their planning for and production of affordable housing, both within and outside of the Meadowlands portions of their towns.

Background

Although significant sections of its constituent municipalities are located outside the Meadowlands District, the NJMC has assumed a proactive role in working with the municipalities to determine the most appropriate means of addressing affordable housing demands in the region. On November 24, 2003, the NJMC adopted an affordable housing policy which articulated the NJMC's role in addressing the shortage of suitable, affordable housing, especially in proximity to the District's employment centers. Since that time, the NJMC has offered technical and financial resources to each constituent municipality of the Meadowlands District. Most of the municipalities have availed themselves of these resources to prepare housing elements and fair share plans under the New Jersey Council on Affordable Housing (COAH)'s third round methodology, adopted December 20, 2004 and to negotiate for the provision of affordable housing with developers of major projects.

In a decision dated January 25, 2007 (A-1960/2665/2674/2706-04T3), the Appellate Division of the New Jersey Superior Court invalidated portions of COAH's third round rules. The Court also directed COAH to promulgate new regulations within six months of this decision. The Appellate Division subsequently granted COAH an extension until December 31, 2007, to adopt and publish in the New Jersey Register revised third round rules.

On January 11, 2007, the NJMC adopted comprehensive rules governing affordable housing, which became effective on February 5, 2007. These rules were promulgated to promote consistency with COAH's third round rules and to further assist municipalities in satisfying their affordable housing obligations that result from development within the Meadowlands District. As a result of the above mentioned Appellate Division decision, the NJMC authorized staff on

March 12, 2007 to stay implementation of the NJMC's new regulations until COAH's rules are revised. At that time, staff is authorized to initiate the rulemaking process regarding the proposed repeal of and/or amendment to its affordable housing regulations.

At the same NJMC meeting, through Resolution No. 07-28, the NJMC adopted a policy guiding affordable housing development in the interim period. In brief, the NJMC staff continues to rely upon the more limited regulation governing affordable housing found in N.J.A.C. 19:4-3.8, effective February 17, 2004, which specifies that:

- Municipalities may petition the NJMC to rezone a non-residential property to provide for affordable housing obligations.
- The NJMC will consider applications for variances to allow density increases to generate affordable units.

In addition, the interim policy directs applicants to contact the respective municipality in which proposed development is located regarding affordable housing requirements.

In a decision dated May 21, 2007 (A-4174-03T3; A-3107-04T1), the Appellate Division of the New Jersey Superior Court made certain findings regarding the NJMC's role with respect to affordable housing in the District.

The NJMC now seeks to implement a number of policy initiatives intended to address these and other rulings of the court pending finalization of COAH third round rules and N.J.M.C.'s regulations based upon COAH's rules. The NJMC hereby directs staff to address these initiatives in an expeditious manner to avoid delays and lost opportunities for affordable housing production in the Meadowlands District.

Expanded Policy Initiatives

The NJMC acknowledges its responsibilities with respect to providing opportunities for the creation of affordable housing throughout the Meadowlands District. As recently determined by the Court, these responsibilities are consistent with the NJMC's statutory powers in N.J.S.A. 13:17-6 et seq. regarding physical development within the District. In collaboration with its constituent municipalities, the NJMC will address its responsibilities with respect to affordable housing through the following additional policy initiatives:

1. The NJMC hereby directs its staff to prepare and implement separate guidelines that will govern the review of and restraints upon applications for further development in the District in accordance with the Appellate Division decision dated May 21, 2007. Pursuant to those guidelines the

Director of Land Use Management shall review each application submitted on or after May 21, 2007, to determine the suitability of the property for development or redevelopment with affordable housing. Among the factors to be considered, by the Director are the following:

- suitability of the subject property;
- location within a suitable zone or redevelopment area;
- size of the parcel;
- environmental hazards or constraints;
- compliance with COAH's site suitability requirements.

The guidelines will be implemented as soon as practicable, but not later than August 31, 2007.

2. NJMC staff shall confer with each municipality to ascertain its current status in satisfying its affordable housing obligation and report findings to the Executive Director as soon as practicable, but no later than August 31, 2007.
3. The NJMC will strive to ensure that affordable housing production is not delayed unnecessarily until COAH and the NJMC each adopt revised rules.
 - A. The NJMC encourages all municipalities that had growth share ordinances in place at the time of the January 25, 2007 Appellate Division decision involving COAH's rules to continue to implement these ordinances. NJMC staff will cooperate with the municipalities in applying their growth share ordinances to proposed development within the District.
 - B. NJMC staff shall establish a list of municipally sponsored affordable housing projects currently planned by Meadowlands municipalities and confer with COAH and other agencies as necessary to determine whether there are any regulatory impediments which prevent the municipalities from proceeding with the projects. Otherwise, staff will encourage the affected municipalities to proceed and will offer continuing technical assistance in this regard.
 - C. Following an initial grant allocation of up to \$25,000 per District municipality for preparing housing elements and fair share plans, the NJMC reserved a second grant of \$35,000, on March 29, 2006, for municipalities that receive substantive certification from COAH or a judgment of compliance with respect to their housing plans. The requirements for the second phase of financial assistance are amended by the NJMC to permit staff to release funds to municipalities prior to COAH or court approval of the housing plans as reimbursement for

certain costs associated with “ready to go” affordable housing projects, including municipally sponsored projects described in paragraph B above. Allowable costs for this early release of funds include the following:

- Preparation of applications for funds to rehabilitate or construct affordable units intended to address the municipality’s affordable housing obligation.
- Implementation of programs and projects that would further the overall implementation of the Fair Share Plan.
- Preparation of an affordable housing operating manual pursuant to the Uniform Housing Affordability Controls in N.J.A.C. 5:80-26.1 et seq.

Reimbursement shall be made in accordance with a budget and plan pre-approved by NJMC staff.

4. Municipal growth share ordinances commonly require developers to address the affordable housing needs associated with new development through new construction, either on- or off-site within the municipality. The NJMC shall expedite affordable housing production by assisting developers seeking to meet affordable housing needs off-site as follows:
 - A. Working with municipalities to identify potential sites which are suitable for affordable housing.
 - B. Accepting statements of qualifications from affordable housing developers interested in constructing units on behalf of parties submitting applications for development to the municipality or the NJMC. The applicant shall, however, be solely responsible for selecting and entering into an agreement with an affordable housing developer.
 - C. Providing information regarding financial and technical resources to assist with creating affordable housing.

In accordance with the NJMC’s separate policy governing land as a scarce resource, the development of sites within the District which are determined to be suitable for affordable housing will be halted until new housing regulations become effective. An exception is made for residential development in which at least 20 percent of the units are income-restricted as affordable housing.

5. Upon COAH’s adoption of revised third round rules, NJMC staff shall, at the request of a municipality, participate in the preparation of revisions to its Housing Element and Fair Share Plan and implementing ordinances to be consistent with the new rules and to address any deficiencies identified by COAH.

6. The NJMC may serve as the municipality's designated Administrative Agent for all or a portion of its affordable housing units. The duties of the Administrative Agent are specified in N.J.A.C. 5:80-26.14.
7. Upon the request of a municipality and approval by COAH, the NJMC shall assume the role of Municipal Housing Liaison. The Municipal Housing Liaison is responsible for communication with the Administrative Agents, developers, affordable housing sponsors, owners, property managers, landlords, COAH, and the public. Prior to offering this service to municipalities, NJMC staff will confer with COAH and the New Jersey Housing and Mortgage Finance Agency (HMFA) to determine whether an amendment to COAH or HMFA rules is necessary in order that the NJMC may assume the position.
8. NJMC staff shall continue to provide municipalities with clarification regarding COAH rules, an assessment of the suitability of sites for affordable housing, and data regarding historic and planned development within their Meadowlands portions so that the municipalities can plan for their affordable housing needs.
9. NJMC staff shall request the Institute for Meadowlands Studies at Rutgers to prepare a collection of case studies on affordable housing. The case studies will be published as guidance to municipalities and developers seeking to build affordable units. The case studies shall illustrate various successful approaches to developing affordable units, summarize the funding mechanisms utilized, and discuss the means by which any barriers to development or redevelopment were addressed. The materials shall include a description of planning and zoning techniques to promote affordable housing development and identify common regulatory impediments, such as potentially excessive zoning requirements. The NJMC shall consider this information when preparing amendments to its housing regulations.
10. When COAH adopts its revised rules, NJMC staff shall, as soon as practicable, propose modifications to its own rules governing affordable housing. Staff shall collaborate with Meadowlands municipalities to identify the need for regulatory modifications to further the development of affordable units within the District, including property rezonings, modifications to bulk requirements, and other amendments to its zoning regulations. The NJMC has already authorized staff to initiate the rulemaking process regarding the proposed repeal of and/or amendment to its affordable housing regulations (March 12, 2007).
11. The NJMC will follow the adoption of its regulations with an affordable housing conference for Meadowlands property owners and the constituent municipalities. The conference will include information

regarding the new COAH and NJMC rules and offer guidance on addressing affordable housing needs.

12. Upon adoption of its affordable housing regulations, the NJMC shall continue to collaborate with Meadowlands municipalities regarding planning and zoning for affordable housing in the Meadowlands District.
13. The NJMC will incorporate suitable performance-based measures for affordable housing into its Comprehensive Action Plan and track progress. The NJMC shall monitor the implementation of its regulations and policies and propose amendments as warranted. Affordable housing shall constitute an essential component of the NJMC's long-term strategic planning.

Memorandum

P. 23

New Jersey Meadowlands Commission

To: NJMC Commissioners and Robert R. Ceberio, Executive Director

From: Ileana Kafrouni *Date:* July 25, 2007

Subject: Resolution Establishing a Policy Implementing the Decision of the Appellate Division
in A-4174-03T3; A-3107-04T1

NJMC staff request that the NJMC adopt several policies that expand its involvement in planning and developing affordable housing in a manner consistent with a recent decision of the Appellate Division. The policies are detailed for your consideration in the attached document, "Policy Statement Regarding the NJMC's Expanded Responsibilities to Plan for Affordable Housing." A resolution requesting approval of same is also attached for your consideration.

**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO SUBMIT
A NOTICE OF PROPOSAL TO THE OFFICE OF ADMINISTRATIVE LAW
AND TO HOLD A PUBLIC HEARING ON REGULATIONS PERTAINING
TO THE DEBARMENT OF CONTRACTORS**

WHEREAS, the NJMC seeks to implement the most stringent ethical standards legally available; and

WHEREAS, the NJMC has authorized the staff to draft regulations regarding the debarment of contractors for, among other reasons, improper attempts to influence staff members or commissioners on the outcome of a procurement; and

WHEREAS, staff has drafted such regulations.

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is hereby authorized to promulgate regulations regarding the debarment of contractors; publish a notice of proposal and hold related public hearings.

The foregoing Resolution was adopted by Commission vote.

Eleanore S. Nissley
Acting Chairman

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Meadowlands Commission at its meeting of July 25, 2007.

Robert R. Ceberio
Secretary

Memorandum

P. 25

New Jersey Meadowlands Commission

To: NJMC Commissioners

From: Robert R. Ceberio Date: July 25, 2007

Subject: Regulations - Debarment of Contractors

The NJMC seeks to implement the most stringent ethical standards legally available. The NJMC has authorized staff to draft regulations regarding the debarment of contractors for, among other reasons, improper attempts to influence staff members or commissioners on the outcome of procurement. This resolution authorizes the Executive Director to promulgate regulations regarding the debarment of contractors; publish a notice of proposal and hold related public hearings.

**RESOLUTION AUTHORIZING THE CHAIRMAN TO ISSUE A FINAL
DECISION IN RIVERVIEW ASSOCIATES V.
NEW JERSEY MEADOWLANDS COMMISSION**

WHEREAS, an Initial Decision was issued in Riverview Associates v. New Jersey Meadowlands Commission, OAL DKT. NO. HMD 118-00, on May 16, 2006; and

WHEREAS, the NJMC has carefully reviewed the entire record, including the Initial Decision, the exceptions, the briefs and exhibits of the parties, and the transcripts of the administrative hearing.

NOW, THEREFORE, BE IT RESOLVED that the NJMC hereby authorizes the Chairman to issue the attached Final Decision.

The foregoing Resolution was adopted by Commission vote.

Eleanore S. Nissley
Acting Chairman

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Meadowlands Commission at its meeting of July 25, 2007.

Robert R. Ceberio
Secretary

Resolution No. 07-70

Memorandum

P. 27

New Jersey Meadowlands Commission

To: NJMC Commissioners and Robert R. Ceberio, Executive Director

From: Christine A. Sanz Date: July 25, 2007

Subject: Riverview Decision

An Initial Decision was issued in Riverview Associates v. New Jersey Meadowlands Commission, OAL DKT. NO. HMD 118-00, on May 16, 2006.

The NJMC has carefully reviewed the entire record, including the Initial Decision, the exceptions, the briefs and exhibits of the parties, and the transcripts of the administrative hearing and recommends that the Chairman issue the attached final decision.

RESOLUTION: CLOSED SESSION

WHEREAS, the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the holding of closed session by public bodies in certain circumstances; and

WHEREAS, the New Jersey Meadowlands Commission is of the opinion that those circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That a closed session of the NJMC will be held to discuss the following:
 - Galli v. NJMC
2. It is anticipated at this time that the above subject matter(s) will be made public upon completion of said matter(s).

This Resolution shall become effective immediately. The foregoing Resolution was adopted by Commission vote.

Eleanore S. Nissley
Acting Chairman

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Meadowlands Commission at its meeting of July 25, 2007.

Robert R. Ceberio
Secretary

Resolution No. 07-71