

NEW JERSEY MEADOWLANDS COMMISSION
AGENDA

DATE: September 19, 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 - July 25, 2007

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5. SPECIAL PRESENTATION

6. PUBLIC PARTICIPATION ON RESOLUTIONS

7. CONSENT AGENDA

Resolution No. 07-72 Consideration of a Resolution Regarding
One Use Variance To Permit An 8,713
Square Foot Automobile Sales Facility
In the Regional Commercial Zone and
One Bulk Variance To Allow 40 Parking
Spaces Whereas 65 Are Required, At
The Premises Identified as 850 Paterson
Plank Road, Block 155, Lot 4 in the Town
Of Secaucus (File #07-222, Mack/Riverside
Audi - Variance).

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Resolution No. 07-73 Consideration of a Resolution Regarding
One Use Variance to Permit the Operation
Of a Construction Equipment Rental, Repair,
And Maintenance Facility in the Light
Industrial B Zone at the Premises Identified
As 825 Commercial Avenue, Block 127,
Lot 1, in the Borough of Carlstadt (File #
07-221, Carlstadt Realty/Sunbelt Rentals
Inc., Variance).

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8. HOUSING

Resolution No. 07-74 Consideration of a Resolution Concerning Pg. 12
Guidelines To Be Implemented by the NJMC
To Further the Direction of the Appellate
Division in A-4174-03T3; A-3107-04T1
Concerning Scarce Resource Restraints
Within the Hackensack Meadowlands
District.

9. GIS SYSTEMS

Resolution No. 07-75 Consideration of a Resolution Authorizing Pg. 23
The Executive Director To Upgrade the
NJMC GIS Systems and Licenses.

10. MEMORANDUM OF AGREEMENT

Resolution No. 07-76 Consideration of a Resolution Authorizing Pg. 25
The Executive Director To Enter Into a
Memorandum of Agreement with
Princeton University for a Two Year
Study of Newly Engineered Soils.

11. MEADOWFEST

Resolution No. 07-77 Consideration of a Resolution To Pg. 28
Allocate Funds For An Annual
Meadowlands Environmental
Festival.

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12. OPEN SPACE

Resolution No. 07-78 Consideration of a Resolution Authorizing the Executive Director To Purchase Property in the Town of Secaucus. Pg. 30

13. CONSERVATION OFFICERS

Resolution No. 07-79 Consideration of a Resolution Authorizing The Executive Director To Enter Into an Agreement with the NJDEP For The Deployment of Two Conservation Officers To the Meadowlands District. Pg. 33

14. TRANSPORTATION

Resolution No. 07-80 Consideration of a Resolution To Reallocate Funding for the Preparation of the Meadowlands District Transportation Plan. Pg. 35

15. FLOOD CONTROL

Resolution No. 07-81 Consideration of a Resolution Concerning Funding for the Mitigation of Drainage Problems in the Township of North Bergen. Pg. 37

16. REGULATIONS

Resolution No. 07-82 Consideration of a Resolution Authorizing Staff to Publish a Notice of Proposal and Hold A Public Hearing to Add Language to NJMC Regulations. Pg. 39

NEW JERSEY MEADOWLANDS COMMISSION
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17. BUILDING CODE

Resolution No. 07-83 Consideration of a Resolution Readopting the NJMC's Building Code at N.J.A.C. 19:6. Pg. 41

18. SPECIAL COUNSEL

Resolution No. 07-84 Consideration of a Resolution Authorizing Continued Funding of Special Counsel for Property Acquisition in the Meadowlands Golf Course Redevelopment Area Pg. 43

19. REPORTS

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

20. NEW BUSINESS

21. PUBLIC PARTICIPATION

22. CLOSED SESSION

- A. Adopt Resolution No. 07-85 to hold Closed Session. Pg. 45
- 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: July 25, 2007
TIME: 10:00 a.m.
PLACE: Lyndhurst, NJ
RE: MONTHLY MEETING MINUTES

COMMISSIONERS PRESENT:

Eleanore S. Nissley, Acting Chairman
Paul Stridick, Assistant Commissioner
Michael Gonnelli
Leonard R. Kaiser
Mia Macri (via telephone)
Arleen Walther

STAFF PRESENT:

Robert R. Ceberio, Executive Director
Irfan Bora, Director of Finance & Management/
Chief Financial Officer
Thomas Marturano, Director of Natural Resources
Ileana Kafrouni, Director of Land Use Management
Christine A. Sanz, Director of Legal Affairs/Chief Counsel
Francisco Artigas, Director of MERI
Christopher Gale, Director of Communications
Christine Piatek, Deputy Attorney General
Fred J. Dressel, HMMC
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. PUBLIC PARTICIPATION ON RESOLUTIONS 07-65 AND 07-70
 - Sam Maffei, Secaucus resident spoke on Resolution 07-65
 - Frank McCormack, Secaucus resident spoke on Resolution 07-70

5. CONSENT AGENDA

Resolution No. 07-65 - 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.

Motion to adopt the resolution was made by Commissioner Stridick, seconded by Commissioner Walther and carried with Commissioners Kaiser and Gonnelli abstaining.

6. LEGAL

Resolution No. 07-70 - Resolution authorizing the Chairman to issue a Final Decision in Riverview Associates v. New Jersey Meadowlands Commission.

Motion to adopt the resolution was made by Commissioner Gonnelli, seconded by Commissioner Stridick and carried with Commissioners Kaiser and Walther abstaining.

7. REVIEW OF MINUTES

Minutes of the June 27, 2007 meeting was moved by Commissioner Kaiser, seconded by Commissioner Gonnelli and unanimously carried.

8. SPECIAL PRESENTATION

Mr. Ceberio introduced Nick Agnoli, head of the NJMC flood control group. Mr. Agnoli gave a project status report on the Rutherford tide gates, the maintenance of the Moonachie and Carlstadt drainage system, the tide gate restoration project, phase one and the Meadowlands Parkway flood control project.

Mr. Ceberio introduced Dr. Artigas, Director of MERI. Dr. Artigas gave an update of the geographical information system (GIS).

9. PUBLIC PARTICIPATION ON RESOLUTIONS

- Phil Spanola, Amvets
- Margaret Schak, Rutherford resident spoke on resolution 07-67
- Richard Hoff, Flaster/Greenberg spoke on Resolution 07-68

10. VIOLATION SETTLEMENT

Resolution No. 07-66 - 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 HMD11110-2006N)

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

11. PLANNING SERVICES

Resolution No. 07-67 - Resolution authorizing the Executive Director to offer planning services to Meadowlands Municipalities related to New Jersey's Municipal Plan Endorsement process.

Motion to adopt the resolution was made by Commissioner Stridick, seconded by Commissioner Walther and unanimously carried.

12. HOUSING

Resolution No. 07-68 - Resolution establishing a policy implementing the Decision of the Appellate Division in A-4174-03T3; A-3107-04T1

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

13. REGULATIONS

Resolution No. 07-69 - 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.

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

14. REPORTS

Mr. Ceberio was pleased to report that the dome of the William McDowell observatory was put on last week and that the project should be complete by the end of this year.

Fred Dressel, Executive Director of HMMC expressed his gratitude and appreciation for the talent and the expertise of GIS staff, Nick Agnoli, Mr. Elefante & Dr. Artigas. Mr. Dressel also expressed his gratitude to the Builders Association for their principal desire to provide affordable housing with the state.

15. PUBLIC PARTICIPATION

- Frank McCormack, Secaucus resident
- Lonnie Bedell, South Hackensack resident

16. CLOSED SESSION

The following issues were taken into consideration: Galli v. NJMC, EnCap and property acquisition.

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

Meeting adjourned

ROBERT R. CEBERIO, SECRETARY

RESOLUTION#	07-65	07-66	07-67	07-68	07-69	07-70
Asst. Comm. Stridick	Y	Y	Y	Y	Y	Y
Comm. Anzevino	--	--	--	--	--	--
Comm. Gonnelli	A	Y	Y	Y	Y	Y
Comm. Kaiser	A	A	Y	Y	Y	A
Comm. Macri	Y	--	--	--	--	Y
Comm. Nissley	Y	Y	Y	Y	Y	Y
Comm. Walther	Y	Y	Y	Y	Y	A

Y = Yes

A = Abstain

R = Recuse

N = No

**RESOLUTION ISSUING A DECISION ON THE VARIANCE APPLICATION
SUBMITTED AS PART OF FILE NO. 07-222,
MACK/RIVERSIDE AUDI-VARIANCE
BLOCK 155, LOT 4, IN THE TOWN OF SECAUCUS**

WHEREAS, applications for one (1) use variance and one (1) bulk variance were filed with the New Jersey Meadowlands Commission ("NJMC") by Sean Rajan of Riverside Audi, for the premises identified as 850 Paterson Plank Road, Block 155, Lot 4; in the Town of Secaucus; and

WHEREAS, the variances are sought in connection with the applicant's proposal to operate a 8,713 square foot automobile sales facility within the building on the subject premises; and

WHEREAS, the applicant has requested variance relief from N.J.A.C. 19:4-5.52(a) which does not list automobile sales facilities as a permitted use in the Regional Commercial zone. The applicant is proposing to operate an 8,713 square foot automobile sales area within the building on the subject premises; and

WHEREAS, the applicant has also requested variance relief from N.J.A.C. 19:4-8.4(a) which requires a minimum of 65 parking spaces on the site based on the proposed uses on the premises. The applicant is proposing 40 parking spaces; 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, The Jersey Journal and The Star Ledger; and

WHEREAS, a public hearing was held in the Office of the NJMC on June 5, 2007, before Sharon Mascaró, Chief Engineer, and Brandon Alviano, Staff Planner; and

WHEREAS, a comprehensive report dated August 15, 2007, has been prepared indicating the recommendations of the Director of Land Use Management and Chief of Regulatory Affairs and the Executive Director in this matter; and

WHEREAS, the report recommends approval of the use variance request to operate an 8,713 square foot automobile sales area within the building on the subject premises; and

WHEREAS, the report also recommends approval of the bulk variance request to permit 40 parking spaces on the subject premises whereas 65 parking spaces are required; 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 Director of Land Use Management and Chief of Regulatory Affairs and by the Executive Director, and the submissions of the applicant; and

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

WHEREAS, the NJMC hereby determines that the requested variance to permit an 8,713 square foot automobile sales area within the building and 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); and

WHEREAS, the NJMC hereby determines that the requested variance to permit 40 parking spaces on the subject premises whereas 65 parking spaces are required conforms with the standards for approving applications for variances as set forth in N.J.A.C. 19:4-4.14(e); and

NOW, THEREFORE, BE IT RESOLVED, by the New Jersey Meadowlands Commission, that the Mack/Riverside Audi Variance application for one use variance request to permit an automobile sales facility on the subject premises, is hereby **APPROVED WITH THE FOLLOWING CONDITIONS** for the reasons set forth in the August 15, 2007 recommendation:

1. A maximum of 8,713 square feet of the interior of the building can be utilized as an automobile sales facility. Expansion of the automobile sales area on the site to more than 8,713 square feet shall not be permitted.
2. No repair, maintenance or showroom preparation of automobiles shall be permitted on this site.

BE IT FURTHER RESOLVED, by the New Jersey Meadowlands Commission, that the Mack/Riverside Audi Variance application for one bulk variance to permit 40 parking spaces on the subject premises whereas 65 parking spaces are required, is hereby **APPROVED** for the reasons set forth in the August 15, 2007 recommendation.

The foregoing was adopted on Commission vote.

Charles A. Richman
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 September 19, 2007.

Robert R. Ceberio
Secretary

Resolution No. 07-72

Memorandum

P. 8

New Jersey Meadowlands Commission

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

From: Ileana Kafrouni Date: September 19, 2007

Subject: Variance Recomm. Mack/Riverside Audi-Variance (File 07-222)

Applications for one (1) use variance and one (1) bulk variance were filed with the New Jersey Meadowlands Commission by Sean Rajan of Riverside Audi, for the premises identified as 850 Paterson Plank Road, Block 155, Lot 4, in the Town of Secaucus, New Jersey. Said premises are located in the Commission's Regional Commercial zone. The variances are sought in connection with the applicant's proposal to establish an automobile sales facility at the subject premises.

The applicant has requested variance relief from N.J.A.C. 19:4-5.52(a) which does not list automobile sales facilities as a permitted use in the Regional Commercial zone. The applicant is proposing to operate an 8,713 square foot automobile sales area within the building on the subject premises. The applicant has also requested variance relief from N.J.A.C. 19:4-8.4(a) which requires a minimum of 65 parking spaces on the site based on the proposed uses on the premises. The applicant is proposing 40 parking spaces. A public hearing on this matter was held in the Office of the NJMC on June 5, 2007.

In a comprehensive report dated August 15, 2007 the Director of Land Use Management and Chief of Regulatory Affairs and the Executive Director recommended conditional approval of the use variance and bulk variance requests in connection with the applicant's proposal to operate an automobile sales facility 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 ISSUING A DECISION ON THE VARIANCE APPLICATION
SUBMITTED AS PART OF FILE NO. 07-221,
CARLSTADT REALTY/SUNBELT RENTALS, INC. VARIANCE
BLOCK 127, LOT 1, IN THE BOROUGH OF CARLSTADT**

WHEREAS, an application for one (1) use variance was filed with the New Jersey Meadowlands Commission ("NJMC") by Thomas H. Bruinooge, Esq., on behalf of Sunbelt Rentals, Inc., for the premises identified as 825 Commercial Avenue, Block 127, Lot 1, in the Borough of Carlstadt; and

WHEREAS, the variance is sought in connection with the applicant's proposal to operate a construction equipment rental, repair, and maintenance facility on the subject premises; and

WHEREAS, the applicant requested relief from N.J.A.C. 19:4-5.80(a) which does not list a construction equipment rental, repair, and maintenance facility as a permitted use in the Light Industrial B zone. The applicant is proposing to operate a construction equipment rental, repair, and maintenance facility 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 Leader Free Press and The Record; and

WHEREAS, a public hearing was held in the Office of the NJMC on May 29, 2007, before Sharon Mascaró, Chief Engineer, and Mark Skerbetz, Senior Planner; and

WHEREAS, a comprehensive report dated July 31, 2007, has been prepared indicating the recommendations of the Director of Land Use Management and Chief of Regulatory Affairs and the Executive Director in this matter; and

WHEREAS, the report recommends approval of the use variance request to operate a construction equipment rental, repair, and maintenance facility 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 Director of Land Use Management and Chief of Regulatory Affairs and by the Executive Director, and the submissions of the applicant; and

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

WHEREAS, the NJMC hereby determines that the requested variance to operate a construction equipment rental, repair, and maintenance facility 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 Carlstadt Realty/Sunbelt Rentals, Inc., Variance application for one use variance request to operate a construction equipment rental, repair, and maintenance facility on the subject premises is hereby **APPROVED WITH THE FOLLOWING CONDITION** for the reasons set forth in the July 31, 2007 recommendation:

1. Vinyl slats of a color to be approved by the NJMC shall be installed in the existing chain-link fence erected along the perimeter of the subject premises. In addition, evergreen screening as approved by the NJMC shall supplement the fencing.

The foregoing was adopted on Commission vote.

Charles A. Richman
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 September 19, 2007.

Robert R. Ceberio
Secretary

Memorandum

New Jersey Meadowlands Commission

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

From: Ileana Kafrouni Date: September 19, 2007

Subject: Variance Recomm. Carlstadt Realty/Sunbelt Rentals, Inc. Variance (File 07-221)

An application for one (1) use variance was filed with the New Jersey Meadowlands Commission by Thomas H. Bruinooge, Esq., on behalf of Sunbelt Rentals, Inc., for the premises identified as 825 Commercial Avenue, Block 127, Lot 1, in the Borough of Carlstadt, New Jersey. Said premises are located in the Commission's Light Industrial B zone.

The use variance is sought in connection with the applicant's proposal to operate a construction equipment rental, repair, and maintenance facility on the subject premises. The applicant has requested variance relief from N.J.A.C. 19:4-5.80(a) which does not list a construction equipment rental, repair, and maintenance facility as a permitted use in the Light Industrial B zone. A public hearing on this matter was held in the Office of the NJMC on May 29, 2007.

In a comprehensive report dated July 31, 2007, the Director of Land Use Management and Chief of Regulatory Affairs and the Executive Director recommended conditional approval of the use variance request in connection with the applicant's proposal to operate a construction equipment rental, repair, and maintenance facility 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 APPROVING GUIDELINES CONCERNING SCARCE
RESOURCE RESTRAINTS WITHIN THE HACKENSACK MEADOWLANDS
DISTRICT IN ACCORDANCE WITH THE APPELLATE DIVISION
DECISION IN A-4174-03T3; A-3107-04T1**

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, the NJMC will not be able to implement new zoning regulations concerning affordable housing until the New Jersey Council on Affordable Housing publishes revised rules; 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, in the "Policy Statement Regarding the NJMC's Expanded Responsibilities to Plan and Zone for Affordable Housing," the Commission directed the staff to prepare and implement, as soon as practicable, Guidelines that will govern the review of and restraints upon applications for further development in the Meadowlands District; and

WHEREAS, on July 30, 2007, the NJMC staff released the proposed Guidelines entitled, "Emergency Restraints upon Further Development in the Meadowlands District, Instituted by the New Jersey Meadowlands Commission"; and

WHEREAS, the release of the Guidelines was followed by a public comment period that ended August 10, 2007 after providing opportunity for public comment via a public hearing held on August 9, 2007; in writing to the Commission; or via email to the Commission; and

WHEREAS, the NJMC staff, having reviewed all comments submitted at the public hearing and in writing, prepared a responsive document; and

WHEREAS, the NJMC staff recommends that the Commission adopt the final draft Guidelines, attached hereto and made part of this resolution.

NOW THEREFORE BE IT RESOLVED that the New Jersey Meadowlands Commission hereby adopts the final guidelines entitled, "Emergency Restraints upon Further Development in the Meadowlands District, Instituted by the New Jersey Meadowlands Commission"; and

BE IT FURTHER RESOLVED that the Guidelines shall govern all zoning certificate applications received on or after May 21, 2007. The Guidelines shall remain in effect until the NJMC promulgates new regulations concerning affordable housing, or the Guidelines are withdrawn or rescinded by Commission action or court order, whichever occurs first.

The foregoing Resolution was adopted by Commission vote.

Charles Richman
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 September 19, 2007.

Robert R. Ceberio
Secretary

Resolution No. 07-74

**Emergency Restraints upon Further Development in the Meadowlands District,
Instituted by the New Jersey Meadowlands Commission**

I. Intent and Purpose

In a decision issued May 21, 2007, the Appellate Division affirmed that the New Jersey Meadowlands Commission (NJMC) is authorized to affirmatively plan for affordable housing in the Meadowlands District. IMO Adoption of N.J.A.C. 19:3, 393 N.J. Super. 173 (App.Div.2007). The Commission will address these planning issues promptly following publication of amended Third Round rules by the Council on Affordable Housing (COAH) Id. at 179; see also, IMO Adoption of N.J.A.C. 5:94 and 5:95, 390 N.J. Super. 1 (App Div.) Certif. denied, N.J. (2007). The Appellate Division further directed the NJMC to consider whether, and if so, to what extent, further development in the District should be avoided pending adoption of the new zoning rules. 393 N.J. Super. at 184.

The NJMC has determined that immediate restraints on further development in the Meadowlands District, as described herein, are necessary, because continued non-inclusionary development will substantially and adversely impact existing opportunities for lower income housing within the District.

In NJMC Resolution No. 07-68 adopted at its July 25, 2007 meeting, the NJMC directed its staff to prepare guidelines that will govern the review of and restraints upon applications for development in the District. The NJMC has directed that these guidelines be implemented as soon as practicable.

The guidelines that appear herein shall apply to all zoning certificate applications received on or after May 21, 2007 (the date of the relevant decision) and shall remain in effect until the NJMC's new zoning regulations governing affordable housing become effective or these guidelines are withdrawn or rescinded by Commission action or court order, whichever shall occur first.

II. NJMC Guidelines for Period of Emergency Restraints

- (a) Compliance with these guidelines and all pertinent COAH requirements shall be a condition of any zoning certificate issued by NJMC with respect to applications filed with the NJMC pursuant to N.J.A.C. 19:4-4.2, on or after May 21, 2007.
- (b) The NJMC shall not issue a certificate of completion and/or occupancy certification unless the proposed project complies with these guidelines.
- (c) These guidelines shall constitute the controlling instrument with respect to development in the District.

(d) Zoning certificate applications for the following are exempt from these guidelines:

1. Development limited to one or two market-rate dwelling units;
2. Development by municipal, county, state, and federal government; and utilities, housing and improvement authorities;
3. Signs, fences, site improvements, tanks, antennae, communications transmission towers, recycling and/or refuse areas, compactor pads, and external mechanical equipment; and
4. Change in use within an existing structure, provided that the aforementioned change does not increase the occupancy load by 25 or more people.

(e) The Director of Land Use Management and Chief of Regulatory Affairs ("Director") shall review each application for a zoning certificate and prepare a recommendation regarding the suitability of the subject property for affordable housing. The recommendation shall be forwarded to the Commission for final action.

1. A site shall be deemed unsuitable for affordable housing if it is located within one of the following zones:
 - i. Environmental Conservation;
 - ii. Parks and Recreation;
 - iii. Aviation Facilities; or
 - iv. Public Utilities.
2. A site located within the following zones is generally deemed unsuitable for housing. However, a property owner may request that the NJMC staff evaluate the suitability of a particular site based on specific site characteristics, including size, location, surrounding land uses, environmental factors, and access to appropriate streets and adequate infrastructure:
 - i. Light Industrial B;
 - ii. Intermodal A;
 - iii. Intermodal B; or
 - iv. Heavy Industrial.
3. A site shall be deemed unsuitable for affordable housing pursuant to any of the following:
 - i. The parcel contains less than 7,500 square feet of buildable land;

- ii. Former and existing land uses, either on the site or in the vicinity, may expose residents to environmental hazard, unless the site is remediated to NJDEP residential standards;
 - iii. The size, shape, or layout of any existing structures, or other physical limitation(s) not listed previously, precludes residential use;
 - iv. The site does not meet applicable COAH site suitability requirements at N.J.A.C. 5:94-1.4 and 4.5; or
 - v. The site is unsuitable for residential use pursuant to sound planning principles.
- (f) The development of any site determined to be suitable for affordable housing shall be halted until new NJMC zoning regulations governing affordable housing become effective. Exceptions shall be made with respect to development described in Paragraphs (g) and (h) below.
- (g) The Director shall permit applications for residential development to proceed in accordance with N.J.A.C. 19:4-4 where a minimum of 20 percent of the units are designated as affordable housing.
- 1. The development may include accessory uses intended to contribute to the comfort, convenience, or necessity of residents. These accessory uses may result in an increased affordable housing obligation.
 - 2. The NJMC acknowledges the need for municipalities to provide balanced affordable housing opportunities for families with children and older householders. Therefore, to promote a balance, development with age-restricted affordable housing may be halted if the Director determines that such development will result in the creation of affordable age-restricted units in excess of 25 percent of the municipality's growth share obligation, calculated in accordance with N.J.A.C. 5:94-2.
- (h) Applications for non-residential development on sites the Director deems unsuitable for affordable housing pursuant to Paragraph (e) shall proceed in accordance with the procedures in N.J.A.C. 19:4-4 as long as the applicant provides for affordable housing elsewhere within the municipality subject to the following formula:
- 1. One affordable housing unit shall be provided for every 25 new jobs created, pursuant to the standards published by COAH as N.J.A.C. 5:94, Appendix E.

- 2. When these calculations result in a fraction of a unit, that figure shall be rounded to the nearest hundredth decimal place to facilitate that calculation of a payment in lieu of construction.
 - 3. The NJMC reserves the right to promulgate rules to achieve consistency when COAH adopts amendments to its third round rules.
- (i) The applicant shall address the affordable housing requirement calculated in Paragraph (h) through one or a combination of the following methods:
- 1. Construction of affordable housing units elsewhere within the subject municipality. A written agreement between the developer and the municipality for the construction of affordable units elsewhere within the municipality shall be provided to the Director prior to issuance of any zoning certificate.
 - 2. A payment in lieu of construction to the Commission, which shall be determined and collected as follows:
 - i. The payment shall be calculated in accordance with the per-unit rates provided in Table 1 below.

TABLE 1

Payments in Lieu of Construction	
<u>Municipality</u>	<u>Per Unit Amount</u>
Carlstadt	\$147,072
East Rutherford	\$141,433
Jersey City	\$140,690
Kearny	\$142,887
Little Ferry	\$142,186
Lyndhurst	\$144,924
Moonachie	\$146,008
North Arlington	\$144,268
North Bergen	\$142,867
Ridgefield	\$153,596
Rutherford	\$145,328
Secaucus	\$144,128
South Hackensack	\$143,178
Teterboro	\$143,255

- ii. When the calculation results in a fraction of a unit, that figure shall be rounded to the nearest hundredth decimal place and multiplied by the per-unit payment rate.
 - iii. The submission of such payment to the NJMC shall be a condition of any zoning certificate.
 - iv. The NJMC shall not issue a certificate of completion or occupancy certification for the development that generated the affordable housing requirement until such payment is received in full or until a guaranteed payment plan is effectuated.
3. In a municipality that has a COAH-approved development fee ordinance, a payment in lieu of construction fee shall be calculated and collected by the municipality, and not by the Commission. Proof of payment to the municipality shall be submitted to the NJMC prior to the issuance of any certificate of completion or occupancy certification.
- (j) The entire development shall be subject to the bulk requirements of the zone in which it is to be constructed unless altered by the NJMC pursuant to these guidelines.
 - (k) The maximum permitted residential density in any zone that does not provide a density for housing shall be 30 dwelling units per acre. An increase in this density will be considered by the NJMC subject to the submittal by the applicant of a planning report prepared by a NJ-licensed professional planner. The planning report shall be reviewed by the Director and a recommendation shall be made to the Commission.
 - (l) A rental bonus of three dwelling units per acre shall be permitted for every 25 affordable units reserved for renter households, exclusive of any density permitted in accordance with Paragraph (k).
 - (m) The minimum parking requirement for affordable units shall be one space for each affordable unit. In multiple family dwelling developments, affordable units shall not be required to provide visitor parking.
 - (n) The administration of affordable housing units provided in accordance with these guidelines shall conform to the requirements of COAH's substantive rules, N.J.A.C. 5:94 and the New Jersey Housing and Mortgage Finance Agency (HMFA)'s Uniform Housing Affordability Controls, N.J.A.C. 5:80-26, as amended and supplemented.
1. These provisions include, but are not limited to, requirements regarding phasing of units, controls on affordability, proportion of units allocated to persons of

low- or moderate-income, heating sources, maximum rent and/or sales prices, affordability average, bedroom distribution, and affirmative marketing.

2. The municipality shall be responsible for such administration, and may designate a COAH-approved entity to administer the affordable units for the duration of the required administration period.
 - i. The cost and expense of such administration may be imposed upon the developer pursuant to the terms and conditions of a duly adopted municipal ordinance.
 - ii. The entity shall assume the responsibilities of the administrative agent set forth by HMFA in N.J.A.C. 5:80-26.
 - iii. The municipality may request the NJMC to serve as the administrative agent.
 - iv. Funds from the sale of affordable units with extinguished affordability controls shall be deposited into the municipality's escrow account established in accordance with Paragraph (o).
- (o) All payments in lieu of constructing affordable housing units on site and funds from units with extinguished controls, collected by the NJMC in accordance with these guidelines, shall be deposited in an interest-bearing escrow account established by NJMC for the municipality in which the units would have been constructed.
1. The escrow accounts shall be created pursuant to the terms of a three-party escrow agreement between each constituent municipality, the financial institution, and the NJMC.
 2. The NJMC shall include in future rulemaking provisions regarding the release of these funds to a municipality for the purpose of creating affordable housing.

III. Notice Requirements

- (a) The NJMC staff shall post, on the NJMC website at www.njmeadowlands.gov, a list of all applications received on or after January 1, 2007.
- (b) All recommendations regarding site suitability shall be brought before the Commission and shall be subject to the same public notice requirements as any Commission agenda item.
- (c) The NJMC staff shall notify a municipality of any zoning certificate application that will affect that municipality under these guidelines.

IV. Appeals

Property owners who believe that the NJMC's application of these guidelines to a proposed development or specific property adversely affects them may file an appeal as provided by NJMC regulations. See N.J.A.C. 19:4-4.19.

Memorandum

P. 21

New Jersey Meadowlands Commission

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

From: Ileana Kafrouni Date: September 19, 2007

Subject: Guidelines Concerning Scarce Resource Restraints within the Hackensack Meadowlands District

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

. . . we believe the appropriate course is to direct the Commission to consider whether, and if so, to what extent, further development in the district should be avoided pending adoption of the new zoning rules.

Accordingly, on July 25, 2007, the NJMC adopted Resolution No. 07-68, which approved new policies expanding its involvement in developing affordable housing in a manner consistent with the Appellate decision. These policies, embodied in the "Policy Statement Regarding the NJMC's Expanded Responsibilities to Plan for Affordable Housing," included a directive that the NJMC Staff prepare and implement, as soon as practicable, separate guidelines to govern the review of and restraints upon applications for further development in the District.

The Staff released the proposed Guidelines, "Emergency Restraints upon Further Development in the Meadowlands District, Instituted by the New Jersey Meadowlands Commission," on July 30, 2007. A public hearing was convened on August 9, 2007 to obtain comment. The ensuing public comment period ended August 10, 2007.

The proposed Guidelines were available for public inspection at the NJMC's Offices. The document was made available on the Commission's website. Interested persons were invited to present comments orally at the hearing, in writing to the NJMC, or via email to the Commission.

In response to the public notice, the Commission received a total of eleven comments. One comment was received via regular or overnight mail. One comment was received via electronic mail (e-mail). The remaining nine comments were submitted as oral testimony at the public hearing. Staff evaluated these comments and subsequently made modifications to the proposed Guidelines.

The exhibits attached include the public comments and responses and the final proposed Guidelines. The attachments include the following:

Exhibit A - Response to Public Comments

- Public notice
- Summary of public comments and Commission responses
- Copies of written comments

Exhibit B - Final draft Guidelines entitled, "Emergency Restraints upon Further Development in the Meadowlands District, Instituted by the New Jersey Meadowlands Commission"

The Staff now recommends the adoption of the Guidelines, as revised. If adopted by the Commission, the Guidelines shall govern all zoning certificate applications received on or after May 21, 2007, the date of the Appellate decision. These Guidelines shall remain in effect until the NJMC promulgates new regulations concerning affordable housing, or the Guidelines are withdrawn or rescinded by Commission action or court order, whichever occurs first.

Attachments

RESOLUTION TO UPGRADE NJMC GEOGRAPHICAL INFORMATION SOFTWARE SYSTEMS

WHEREAS, the New Jersey Meadowlands Commission (NJMC) provides District municipalities with goods and services under the current Municipal Assistant Program; and

WHEREAS, among the important services is the Geographical Information System (GIS); and

WHEREAS, the GIS unit provides digital mapping and spatial information management services to District Municipalities and to the engineering and planning staff of the Commission; and

WHEREAS, in recent years there has been an increase in the demand for GIS services at the local and regional level, as well as within the Commission; and

WHEREAS, the GIS is currently operating older versions of software systems and therefore making it increasingly difficult to keep up with the demand of mapping requests and to deliver quality services to the end users in our District towns; and

NOW, THEREFORE, BE IT RESOLVED that the Executive Director is authorized to upgrade the NJMC GIS systems and licenses to an amount not to exceed \$80,000.

The foregoing Resolution was adopted by Commission vote.

Charles A. Richman
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 September 19, 2007.

Robert R. Ceberio
Secretary

Memorandum

P. 24

New Jersey Meadowlands Commission

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

From: Francisco Artigas Date: September 19, 2007

Subject: Geographical Information System (GIS) Software Upgrade

The NJMC GIS unit provides digital mapping and spatial information management services to District Municipalities and to the engineering and planning staff of the Commission. The GIS also archives and maintains all spatial records from the daily permitting operations of the Commission. The GIS is in need of upgrading its now seven year old software in order to keep up with the increasing demand of mapping requests and to deliver quality services to the end users in our District towns. The regional character of our GIS operation requires that industrial strength databases communicate with state-of-the-art GIS software and that information be readily available via the WWW. This resolution authorizes the Executive Director to upgrade the NJMC GIS systems and licenses to an amount not to exceed \$80,000.

**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER
INTO A MOU WITH PRINCETON UNIVERSITY FOR A STUDY
CONCERNING ENGINEERED SOILS AND CONTAMINANT
IMMOBILIZATION**

WHEREAS, the New Jersey Meadowlands Commission (NJMC) is authorized by its enabling legislation to preserve the ecological balance between natural and open areas and guide development to provide for a comprehensive treatment of the ecological factors constituting the delicate environmental balance of the Meadowlands; and

WHEREAS, the high marsh community of native grasses is one of the most valuable and scarcest habitats in the District and one that provides habitat for key birds and mammals; and

WHEREAS the NJMC is currently building new high marsh habitat where the soil has been engineered to support a high marsh community; and

WHEREAS, a characteristic of high marsh communities is that their sediment chemistry is conducive to immobilizing dangerous chemicals that would otherwise disseminate further into adjacent ecosystems and food webs; and

WHEREAS, researchers from the Department of Civil and Environmental Engineering at Princeton University have developed the methods and instruments to monitor how effective soils under high marsh communities trap and immobilize chemicals; and

NOW, THEREFORE, BE IT RESOLVED, the Executive Director is hereby authorized to enter into a Memorandum of Understanding with Princeton University to study contaminant immobilization under high marsh communities at a cost not to exceed \$100,000.

The foregoing Resolution was adopted by Commission vote.

Charles A. Richman
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 September 19, 2007.

Robert R. Ceberio
Secretary

Resolution No. 07-76

Memorandum

P. 27

New Jersey Meadowlands Commission

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

From: Francisco Artigas Date: September 19, 2007

Subject: Study by Princeton University on Engineered Soils

The high marsh community of native grasses is one of the most valuable and scarcest habitats in the District. This marsh type provides habitat for key birds and mammals. The NJMC is currently building new high marsh habitat where the soil has been engineered to support a high marsh community. A great advantage of high marsh communities is that their sediment chemistry is conducive to immobilizing dangerous chemicals that would otherwise disseminate further into adjacent ecosystems and food webs. A team of researchers from the Department of Civil and Environmental Engineering at Princeton University have developed the methods and instruments to monitor how effective soils under high marsh communities trap and immobilize chemicals. By examining our engineered soils with the Princeton technology we may determine what further modifications may be needed in the form of amendments to 1.) secure the establishment of a sustainable high marsh community through engineered soils and 2.) maximize the contaminant trapping ability of these soils. Therefore, this resolution requests that the Executive Director be allowed to enter into a Memorandum of Agreement with Princeton University for a two year study of these newly engineered soils. The exact cost of this project is unknown until we receive an official proposal but will be between \$50,000 and \$100,000.

**RESOLUTION TO ALLOCATE FUNDS FOR SPONSORSHIP AT AN
ANNUAL MEADOWLANDS ENVIRONMENTAL FESTIVAL**

WHEREAS, the New Jersey Meadowlands Commission's Master Plan, approved January 8, 2004 - further supported by the 2007 Economic Growth Plan and Comprehensive Action Plan - calls for the enhancement and capitalization on the Meadowlands' waterways as defining assets and cultivation of a unique sense of place; and

WHEREAS, with the creation of the Meadowlands-Liberty Convention and Visitors Bureau, through NJMC financial support, that organization received a grant of \$120,000 in 2006 to create an event called Meadowfest; and

WHEREAS, to continue support for the event and facilitate its continued expansion as a signature festival for the region, the Board appropriated \$140,000 for a second year of Meadowfest programming by the Convention and Visitors Bureau; and

WHEREAS, obtaining a principal sponsorship of the event for 2009, through an allocation of \$137,000 would secure visibility and a featured role in the event under the administration of the Chamber, allowing the agency to continue to support the mandates of the Master Plan, Economic Growth Plan and Comprehensive Action Plan; and

WHEREAS, a sponsorship would allow for alignment with the expected focus on the theme of sustainable living, renewable energy and balanced growth, a set of core values and objectives for the NJMC through its various programs and mandates.

NOW, THEREFORE, BE IT RESOLVED that the NJMC Board hereby authorizes the appropriation of a maximum of \$137,000 for a principal sponsorship role at Meadowfest for 2009.

The foregoing Resolution was adopted by Commission vote.

Charles A. Richman
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 September 19, 2007.

Robert R. Ceberio
Secretary

Memorandum

New Jersey Meadowlands Commission

To: NJMC Commissioners

From: Christopher Gale

Date: September 19, 2007

Subject: Sponsorship Designation at Meadowfest event

The purpose of this resolution is to appropriate \$137,000 to obtain a principal sponsorship position at the Meadowfest event to be operated by the Meadowlands Regional Chamber of Commerce.

Consistent with the New Jersey Meadowlands Commission's Master Plan Strategy 2 in the Natural Environment System and Strategy 1 in the Economic Development System - approved January 8, 2004 - the NJMC has continued to enhance and capitalize on the Meadowland's waterways as defining assets and cultivate a unique sense of place. These goals have further been reinforced by the 2007 Economic Growth Plan and the Comprehensive Action Plan. Part of that strategy was the continuance of the successful annual NJMC-administered festival called Riverfest which provided a "town fair" atmosphere with entertainment, games, and educational outreach to celebrate the recovery of the Meadowlands environment and activities designed to promote the new identity of the District. In 2006 the Meadowlands Regional Chamber of Commerce commenced a new event, modeled after the Riverfest and administered by the Meadowlands-Liberty Convention and Visitors Bureau, through a \$120,000 NJMC grant. The Chamber's new event encompassed a broad array of festival activities and offered new opportunities for the public to interact with the Meadowlands environment. The grant continued in 2007 with an allocation of an additional \$140,000 which helped fund a second year of the Chamber's event.

Currently the staff of the NJMC recommends that the agency allocate \$137,000 to secure the position of primary sponsor of the event. This funding would provide visibility and outreach opportunities for the agency at the festival and its expected focus on the theme of sustainable living, renewable energy and balanced growth, a set of core values and objectives that the NJMC advances through its various programs and mandates.

Funding for the sponsorship would proceed from the NJMC Operating Budget.

**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR
TO ENTER INTO AN AGREEMENT WITH
ALLIED OUTDOOR ADVERTISING, INC.
TO PURCHASE PROPERTY IN SECAUCUS, NJ**

WHEREAS, The New Jersey Meadowlands Commission (NJMC) is authorized by N.J.S.A. 13:17-1 et seq. to preserve an ecological balance between natural and open space areas and development to provide for a comprehensive treatment of the ecological factors constituting the delicate environmental balance of the Meadowlands; and

WHEREAS, the properties described in this resolution will be preserved upon acquisition; and

WHEREAS, Allied Outdoor Advertising, Inc., which acquired ownership through its merger with Hawk Realty Corp., is the present owner of the property consisting of 35 acres of land in Secaucus, designated as Lots 4, 4.01, and 6 in Block 5; and

WHEREAS, the NJMC shall make best efforts to seek reimbursement from its grants from the Port Authority of New York and New Jersey; and

WHEREAS, the total purchase price for the property is \$2,500,000.

NOW, THEREFORE, BE IT RESOLVED that the NJMC hereby authorizes the Executive Director to enter into an agreement with Allied Outdoor Advertising, Inc., for the purchase of Lots 4, 4.01, and 6 in Block 5, for a price not to exceed \$2,500,000; and

BE IT FURTHER RESOLVED, that the Agreement may contain such further terms and conditions as the Executive Director shall deem to be necessary, proper and in the best interest of the NJMC; and

BE IT FURTHER RESOLVED, that the Executive Director is hereby authorized to enter into any and all other agreements and to take any and all other actions deemed necessary, proper and in the best interest of the NJMC to effectuate the closing of title on the Property as well as the objectives stated herein.

The foregoing Resolution was adopted by Commission vote.

Charles A. Richman
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 September 19, 2007.

Robert R. Ceberio
Secretary

Resolution 07-78

Memorandum

P. 32

New Jersey Meadowlands Commission

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

From: Christine A. Sanz

Date: September 19, 2007

Subject: Purchase of Property for Preservation in the Town of Secaucus

The New Jersey Meadowlands Commission (NJMC) is authorized by N.J.S.A. 13:17-1 et seq. to preserve an ecological balance between natural and open space areas and development to provide for a comprehensive treatment of the ecological factors constituting the delicate environmental balance of the Meadowlands. This resolution authorizes the Executive Director to enter into agreement with Allied Outdoor Advertising, Inc., for the purchase of property in the Town of Secaucus to effectuate this purpose.

Allied Outdoor Advertising acquired ownership of this property, which consists of 35 acres of land in Secaucus, designated as Lots 4, 4.01, and 6 in Block 5, through its merger with Hawk Realty Corp.

This resolution will authorize the Executive Director to negotiate a contract and to make this purchase in accordance with NJMC statutory authority for a total purchase price not to exceed \$2,500,000. Additionally, this resolution shall state that the NJMC shall make best efforts to seek reimbursement for all or part of the purchase price from its grant from the Port Authority.

**RESOLUTION REGARDING THE DEPLOYMENT OF NJDEP
CONSERVATION OFFICERS IN THE MEADOWLANDS**

WHEREAS, under the New Jersey Meadowlands Commission (NJMC) Master Plan, the agency is charged with preparing and implementing a comprehensive wildlife management and conservation plan; and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP), Division of Fish and Wildlife made preliminary findings toward the creation of a comprehensive wildlife management and conservation plan which resulted in a recommendation for the deployment of Conservation Officers serving under the NJDEP, Division of Fish and Wildlife, Bureau of Law Enforcement; and

WHEREAS, the NJMC had previously authorized the Executive Director to enter into a Memorandum of Agreement with the NJDEP, Division of Fish and Wildlife, Bureau of Law Enforcement for the deployment of two Conservation Officers to the Meadowlands District and allocated money for the same; and

WHEREAS, funding of the program is required to ensure that the Conservation Officers are compensated and properly equipped to carry out their mission to redirect the actions of natural resource users to ensure compliance with natural resource codes and regulations.

NOW, THEREFORE, BE IT RESOLVED, by the New Jersey Meadowlands Commission, that an annual sum of \$260,000 is to be allocated to aid in the compensation and equipping of the two officers.

The foregoing was adopted on Commission vote.

Charles A. Richman
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 September 19, 2007.

Robert R. Ceberio
Secretary

Memorandum

P. 34

New Jersey Meadowlands Commission

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

From: Christine A. Sanz Date: September 19, 2007

Subject: NJDEP Conservation Officers

Under the New Jersey Meadowlands Commission Master Plan, the agency is charged with preparing and implementing a comprehensive wildlife management and conservation plan. The New Jersey Department of Environmental Protection (NJDEP), Division of Fish and Wildlife made preliminary findings toward the creation of a comprehensive wildlife management and conservation plan which resulted in a recommendation for the deployment of Conservation Officers serving under the NJDEP, Division of Fish and Wildlife, Bureau of Law Enforcement. The Conservation Officers will be deployed to protect natural resources in the Meadowlands and enforce appropriate wildlife codes and regulations.

Uniformed Conservation Officers are uniquely empowered with law enforcement authority to redirect the actions of natural resource users to ensure compliance with division policies and the specifics of the Fish and Game Codes, marine regulations and other land use regulations. This serves to prevent abuses to our natural resources and allow residents and visitors to enjoy wildlife and open space in safe and ethical ways. As NJMC employees are not legally empowered toward this end, it follows that ensuring the deployment of NJDEP Conservation Officers to the Meadowlands District would be the best way to obtain this benefit for the ecosystem for which this agency provides stewardship.

At its August 8, 2006 meeting, the NJMC, through Resolution 06-69, authorized the Executive Director to enter into a Memorandum of Agreement with the NJDEP, Division of Fish and Wildlife, Bureau of Law Enforcement for the deployment of two (2) Conservation Officers to the Meadowlands District and allocated funds towards the accomplishment of same.

In order to aid in the compensation of the Conservation Officers and to ensure that they are properly equipped, this resolution authorizes the allocation a sum, the total amount of which is not to exceed \$260,000.

**RESOLUTION FOR REALLOCATION OF
FUNDING FOR THE PREPARATION OF THE
MEADOWLANDS DISTRICT TRANSPORTATION PLAN**

WHEREAS, Resolutions No. 05-118 and 05-97 were for consulting services relevant to the development of the Meadowlands District Transportation Plan; and

WHEREAS, in developing the Hackensack Meadowlands Transportation District Plan, the New Jersey Meadowlands Commission identified necessary additions and deletions to the original scope of work; and

WHEREAS, the NJMC staff requests that \$50,000 be transferred from Resolution No. 05-97 to Resolution 05-118 for the preparation of the Meadowlands District Transportation Plan; and

NOW, THEREFORE, BE IT RESOLVED, the New Jersey Meadowlands Commission authorizes \$50,000 be transferred for the preparation of the Meadowlands District Transportation Plan.

The foregoing was adopted on Commission vote.

Charles A. Richman
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 September 19, 2007.

Robert R. Ceberio
Secretary

Memorandum

New Jersey Meadowlands Commission

To: NJMC Commissioners and Robert Ceberio, Executive Director

From: Ileana Kafrouni Date: September 19, 2007

Subject: Reallocation of Funding for the Preparation of the District Transportation Plan

Resolutions No. 05-118 and 05-97 were for consulting services relevant to the development of the Meadowlands District Transportation Plan.

Resolution No. 05-118 appropriated \$500,000 for the preparation of the Meadowlands District Transportation Plan. Due to necessary revisions to the original scope needed to accurately complete the plan, the staff is requesting that an additional \$50,000 be appropriated for this element of the project. Resolution No. 05-97 appropriated \$100,000 for consultation from the Alan M. Voorhees Transportation Center at Rutgers University for the preparation of the Meadowlands District Transportation Plan. Of the fund appropriated by Resolution No. 05-97, \$50,000 is unused and no longer needed.

The NJMC staff requests that \$50,000 be transferred from Resolution 05-97 to Resolution 05-118.

**RESOLUTION AUTHORIZING FUNDING
FOR THE MITIGATION OF DRAINAGE PROBLEMS
IN THE TOWNSHIP OF NORTH BERGEN**

WHEREAS, the New Jersey Meadowlands Commission ("NJMC") and the Township of North Bergen have identified that an existing drainage ditch that flows from the western terminus of 43rd Street to Cromakill Creek in the Township of North Bergen lacks the capacity to effectively drain the immediate vicinity and results in serious flooding on Dell Avenue; and

WHEREAS, the NJMC and the Township of North Bergen are working together to mitigate the drainage problems by dredging the ditch to its original limits for a distance of approximately 1,000 feet; and

WHEREAS, the removal of accumulated sediment and debris will eliminate the obstructions of flow and restore the ditch to its original design capacity;

NOW, THEREFORE BE IT RESOLVED, that the New Jersey Meadowlands Commission authorizes the Executive Director to appropriate \$132,000 to the Township of North Bergen towards the preparation of design documents and environmental permits, and towards the construction of the above drainage improvements.

The foregoing Resolution was adopted by Commission vote.

Charles A. Richman
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 September 19, 2007.

Robert R. Ceberio
Secretary

Memorandum

New Jersey Meadowlands Commission

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

From: Ileana Kafrouni Date: September 19, 2007

Subject: Funding for the Mitigation of Drainage Problems in the Township of North Bergen

The Township of North Bergen and the New Jersey Meadowlands Commission are working to restore the capacity of an existing drainage ditch that flows from the western terminus of 43rd Street to Cromakill Creek in North Bergen. The channel lacks the capacity to effectively drain the immediate vicinity, resulting in serious flooding on Dell Avenue.

Recommended improvements to mitigate the drainage problem include dredging the ditch to its original limits for a distance of approximately 1,000 feet. The removal of accumulated sediment and debris will eliminate the obstructions of flow and restore the ditch to its original design capacity.

At this time, the staff is requesting that the Commission authorize the Executive Director to appropriate \$132,000 to the Township of North Bergen towards the preparation of design documents and environmental permit applications, and towards the construction of the above improvements.

**RESOLUTION AUTHORIZING STAFF TO PUBLISH A
NOTICE OF PROPOSAL AND HOLD A PUBLIC HEARING TO ADD
LANGUAGE TO NJMC REGULATIONS**

WHEREAS, the New Jersey Meadowlands Commission (NJMC) has sought to implement the most stringent ethical standards upon itself, the NJMC staff and those doing business with the NJMC; and

WHEREAS, the NJMC is committed to transparent, responsible government; and

WHEREAS, the NJMC desires to explicitly prohibit improper contact by applicants and those acting on behalf of applicants of NJMC staff and the Board of Commissioners.

NOW, THEREFORE, BE IT RESOLVED that the NJMC staff is authorized to publish a notice of proposal and to hold public hearings on the following proposed language to be inserted at N.J.A.C. 19:4-4.21:

- (a) No person shall, with respect to any application made to the NJMC, whether such application requires a decision by Staff or the NJMC, attempt to contact any member of the Staff or the NJMC in an effort to improperly influence them with respect to their decision regarding the subject application. This prohibition shall also apply to rulemaking.

Any member of the NJMC staff or Commissioner who has been contacted as described in (a) above, shall immediately report such contact to the Office of the Attorney General, which shall take any necessary and appropriate action.

The foregoing Resolution was adopted by Commission vote.

Charles A. Richman
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 September 19, 2007.

Robert R. Ceberio
Secretary

Memorandum

New Jersey Meadowlands Commission

To: NJMC Commissioners

From: Robert R. Ceberio Date: September 19, 2007

Subject: Proposed Regulatory Language to be inserted at N.J.A.C. 19:4-4.21(n)

In a series of resolutions, the NJMC has sought to implement the most stringent ethical standards possible for Staff, contractors to the NJMC and the Board itself. Those resolutions memorialize the agency's commitment to transparency and responsible, ethical government. Following those principles, the Board is asked to consider authorization of the staff to publish a notice of proposal and hold public hearings on the following proposed regulatory language to be inserted at N.J.A.C. 19:4-4.21(n):

- (a) No person shall, with respect to any application made to the NJMC, whether such application requires a decision by Staff or the NJMC, attempt to contact any member of the Staff or the NJMC in an effort to improperly influence them with respect to their decision regarding the subject application. This prohibition shall also apply to rulemaking.

Any member of the NJMC staff or Commissioner who has been contacted as described in (a) above, shall immediately report such contact to the Office of the Attorney General, which shall take any necessary and appropriate action.

This provision is an explicit prohibition on improper contact of Staff or the Board with regard to applications made to the agency.

**RESOLUTION READOPTING THE NEW JERSEY MEADOWLANDS
COMMISSION'S BUILDING CODE AT N.J.A.C. 19:6**

WHEREAS, the NJMC is authorized by N.J.S.A. 13:17 *et seq.* and N.J.A.C. 19:3-1 *et seq.*, to adopt codes and standards regarding the zoning and rezoning of lands within the Meadowlands District; and

WHEREAS, a Notice of Proposal was filed with the Office of Administrative Law for publication in the May 21, 2007 issue of the New Jersey Register proposing to readopt N.J.A.C. 19:6, Building Code; and

WHEREAS, a public hearing was held on June 19, 2007 at the Offices of the Commission to receive comment on the rulemaking proposal, no comments were received; and

WHEREAS, the matter was forwarded to the Hackensack Meadowlands Municipal Committee (HMMC) on July 24, 2007; and

WHEREAS, based on the record in this matter, the staff recommends that the NJMC readopt the Building Code and authorize the NJMC staff to file a Notice of Adoption with the Office of Administrative Law. The new rules will become effective upon publication in the Register.

NOW, THEREFORE, BE IT RESOLVED, that the New Jersey Meadowlands Commission hereby readopts the Building Code as set forth in the Notice of Adoption, and authorizes the staff to submit the Notice of Adoption to the Office of Administrative Law for publication in the New Jersey Register.

The foregoing Resolution was adopted by Commission vote.

Charles A. Richman
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 September 19, 2007.

Robert R. Ceberio
Secretary

Memorandum

P. 42

New Jersey Meadowlands Commission

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

From: Ileana Kafrouni Date: September 19, 2007

Subject: SP-565 Readoption of N.J.A.C. 19:6, Building Code

On February 28, 2007, the NJMC authorized its staff to file a notice of proposal and hold a public hearing regarding the readoption of the NJMC's Building Code at N.J.A.C. 19:6. A Notice of Proposal was filed with the Office of Administrative Law for publication in the New Jersey Register (NJR). The Notice appeared in the May 21, 2007 issue of the NJR. The public comment period ended on July 20, 2007.

A public hearing was held on June 19, 2007 at the Offices of the Commission to receive comment on the proposal. No public comments were received on the proposal.

On July 24, 2007, the matter was forwarded to the HMMC for its consideration. No comments were provided by the HMMC during its 45-day comment period, which ended on September 6, 2007.

Based on the record in this matter, the staff is requesting that the Commission readopt the NJMC's Building Code and authorize the staff to file a Notice of Adoption with the Office of Administrative Law. A resolution requesting same is attached for your consideration.

**RESOLUTION AUTHORIZING CONTINUED FUNDING
OF SPECIAL COUNSEL
FOR PROPERTY ACQUISITION
IN THE MEADOWLANDS GOLF COURSE REDEVELOPMENT AREA**

WHEREAS, the New Jersey Meadowlands Commission (NJMC), in Resolution 03-93, authorized the Executive Director to allocate funds for retention of the law firm Giantomasi and Oliviera as Special Counsel (Special Counsel) for the purpose of assisting NJMC staff with the acquisition of property as part of the landfill closure and golf course redevelopment project; and

WHEREAS, in accordance with Resolution 03-93, the Attorney General's office retained Special Counsel and negotiated the firms hourly rate; and

WHEREAS, Special Counsel has completed property acquisitions in accordance with the redevelopment agreement associated with the project and is working to finalize the acquisition of remaining property.

NOW, THEREFORE, BE IT RESOLVED that the NJMC hereby approves the allocation of funds, the total amount of which is not to exceed \$10,000, for Special Counsel to assist staff with the completion of the property acquisition process.

The foregoing Resolution was adopted by Commission vote.

Charles A. Richman
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 September 19, 2007.

Robert R. Ceberio
Secretary

Memorandum

P. 44

New Jersey Meadowlands Commission

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

From: Adam J. Levy Date: September 19, 2007

Subject: Funding of Special Counsel Currently Assisting with the Completion of Property Acquisition for the Golf Course Redevelopment Area

The New Jersey Meadowlands Commission (NJMC) previously authorized the Executive Director to allocate funds for retention of the law firm Giantomasi and Oliviera as Special Counsel (Special Counsel) for the purpose of assisting NJMC staff with the acquisition of property as part of the landfill closure and golf course redevelopment project.

Special Counsel has assisted in the acquisition of property in accordance with the project redevelopment agreement and is presently working to finalize the acquisition of remaining property.

Therefore, in order to facilitate the completion of the property acquisition process, in accordance with the project redevelopment agreement, this resolution authorizes the NJMC to allocate funds in an amount not to exceed \$10,000 for payment of Special Counsel.