

NEW JERSEY MEADOWLANDS COMMISSION  
AGENDA

DATE: April 23, 2008  
TIME: 10:00 a.m.  
PLACE: Lyndhurst, New Jersey  
RE: MONTHLY MEETING

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1. Pledge of Allegiance
2. Sunshine Law Statement
3. Roll Call
4. REVIEW OF MINUTES - March 26, 2008 Pg. 1
5. PUBLIC PARTICIPATION ON RESOLUTIONS
6. NJMC ANNUAL AUDIT  
  
Resolution No. 08-28 Consideration of a Resolution Accepting Pg. 4  
The 2007 Audit Reports Covering NJMC  
Operations and Maintenance, Solid Waste  
Operations, and Grants.
7. SECURITY AND MONITORING DEVICES  
  
Resolution No. 08-29 Consideration of a Resolution Authorizing Pg. 6  
The Executive Director To Enter Into a  
Contract To Install Security Monitoring  
Devices in the Science and Observatory  
Buildings.
8. INTERMODAL PROPERTIES REZONING  
  
Resolution No. 08-30 Consideration of a Resolution Concerning Pg. 8  
A Rezoning of Property Identified as 501  
New County Road in the Town of  
Secaucus.

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9. RULEMAKING

Resolution No. 08-31    Consideration of a Resolution To Approve    Pg. 18  
A Notice of Adoption in the Matter of  
SP-590 Improper Influence Rulemaking  
And To Authorize NJMC staff to File the  
Notice with the Office of Administrative  
Law.

10. REDEVELOPMENT

Resolution No. 08-32    Consideration of a Resolution Concerning An    Pg. 25  
Amendment to the Secaucus Transit Village  
Redevelopment Plan for the Inclusion of  
Commercial Off-Street Parking Facilities As  
An Interim Use in the Station Square Zone.

Resolution No. 08-33    Consideration of a Resolution to Expand the    Pg. 29  
In Need of Redevelopment Study Area Along  
Industrial Avenue in the Borough of Teterboro.

11. NJMC BUSINESS INCUBATOR

Resolution No. 08-34    Consideration of a Resolution Authorizing    Pg. 32  
The NJMC To Accept a Grant in the Amount  
Of \$30,000 for the Preparation of a Feasibility  
Study for the NJMC's Business Incubator and  
To Submit an Application to the New Jersey  
Commission on Science and Technology for a  
\$85,000 Grant for the Operation of the  
NJMC's Business Incubator.

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12. DOWNTOWN REVITALIZATION GRANT PROGRAM

Resolution No. 08-35    Consideration of a Resolution Concerning    Pg. 34  
Establishment of Guidelines and Application  
For the Grant Program for District  
Municipalities for Revitalization of Local  
Downtowns.

13. TAX SHARING

Resolution No. 08-36    Consideration of a Resolution To    Pg. 41  
Authorize a Study and Prepare An  
Analysis of the Intermunicipal  
Tax Sharing Formula.

14. MEADOWLANDS FESTIVAL OF BIRDING

Resolution No. 08-37    Consideration of a Resolution Authorizing    Pg. 43  
The Executive Director To Support the 2008  
And 2009 Annual Meadowlands Festival of  
Birding.

15. MUNICIPAL ASSISTANT PROGRAM

Resolution No. 08-38    Consideration of a Resolution Authorizing    Pg. 46  
The Executive Director To Provide Up to  
\$20,000 Per Meadowlands District  
Municipality To Purchase a Hybrid  
Vehicle For Their Town Fleet.



**NEW JERSEY MEADOWLANDS COMMISSION**  
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22. **CLOSED SESSION**

- A. Adopt Resolution No. 08-42 to hold Closed Session.
- 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: March 26, 2008  
TIME: 10:00 a.m.  
PLACE: Lyndhurst, NJ  
RE: MONTHLY MEETING MINUTES

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## COMMISSIONERS PRESENT:

Joseph V. Doria, Jr., Chairman  
James A. Anzevino  
Michael J. Gonnelli  
Leonard R. Kaiser  
Eleanore S. Nissley  
Arleen Walther

## STAFF PRESENT:

Robert R. Ceberio, Executive Director  
Irfan Bora, Director of Finance & Management/  
Chief Financial Officer  
Thomas Marturano, Director of Natural Resources  
Sara Sundell, Director Land Use Management  
Christine A. Sanz, Director of Legal Affairs/Chief Counsel  
Francisco Artigas, Director of MERI  
Valerie Haynes, 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. REVIEW OF MINUTES

Minutes of the February 27, 2008 open meeting, January 23, 2008 open meeting and February 27, 2008 closed session were moved by Commissioner Nissley, seconded by Commissioner Gonnelli and unanimously carried.

5. PUBLIC PARTICIPATION ON RESOLUTIONS

- Margaret Schak, Rutherford Taxpayers Association on Resolutions 08-27
- Michael Guarino, Lyndhurst resident spoke on 08-23.

6. VARIANCE/SPECIAL EXCEPTIONS

Resolution No. 08-23 - Resolution issuing a decision on the special exception application submitted as part of File #07-607, Hartz/Specialty Surgical Center of Secaucus - C.O. Block 51, Lot 4 in the Town of Secaucus.

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

7. REDEVELOPMENT

Resolution No. 08-24 - Resolution to declare a portion of lot 16 within Block 20.01 in-need of Redevelopment and include the subject property into the Secaucus Transit Village Redevelopment Plan.

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

8. MEADOWLANDS ENVIRONMENTAL RESEARCH INSTITUTE

Resolution No. 08-25 - Resolution authorizing the Executive Director to enter into an MOU the Kean University regarding sources of airborne fine particulate matter.

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

9. ARBOR DAY

Resolution No. 08-26 - Resolution to authorize the Executive Director to participate in Arbor Day 2008.

10. FLOOD CONTROL

Resolution No. 08-27 - Resolution authorizing the Executive Director to enter into a contract for the restoration of the Rutherford/East Rutherford Drainage Ditch System - Phase I (SP-537)

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

11. REPORTS

Commissioner Kaiser expressed his disappointed on the way the NJMC, Commissioners and staff are publicly perceived regarding the EnCap project. Commissioner Kaiser also expressed that it is time to terminate the EnCap agreement and start over and let DeKorte Park, the preservation of open space and the closure of the landfills be accomplished in a proper manner.

Chairman Doria stated that the Commission has worked diligently to deal with the problems of the project. He also stated that the protections that were placed into the contracts with EnCap by the NJMC are the protections that will benefit the citizens of the New Jersey.

12. PUBLIC PARTICIPATION

- Sam Maffei, Secaucus resident
- Michael Guarino, Lyndhurst resident
- Frank McCormack, Secaucus resident
- Lonnie Bedell, South Hackensack resident

Motion to adjourn meeting was made by Commissioner Kaiser, seconded by Commission Nissley with all in favor.

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ROBERT R. CEBERIO, SECRETARY

RESOLUTION#	08-23	08-24	08-25	08-26	08-27
Chairman Doria	Y	Y	Y	Y	Y
Comm. Anzevino	Y	Y	Y	Y	Y
Comm. Gonnelli	A	A	Y	Y	Y
Comm. Kaiser	Y	Y	Y	Y	Y
Comm. Macri	---	---	---	---	---
Comm. Nissley	Y	Y	Y	Y	Y
Comm. Walther	Y	Y	Y	Y	Y

Y = Yes      R = Recuse  
A = Abstain    N = No

**RESOLUTION ACCEPTING THE NJMC 2007****AUDIT REPORTS**

**BE IT RESOLVED** by the New Jersey Meadowlands Commission, that the Single Audit prepared by Ferraioli, Wielkocz, Cerullo and Cuva, certified Public Accountants, for the NJMC's General Operations, Solid Waste Operations, Grants and Trust Funds for the year ended December 31, 2007, is hereby accepted.

The foregoing was adopted by Commission vote.

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Joseph V. Doria, Jr.  
Chairman

I certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Meadowlands Commission at its meeting of April 23, 2008.

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Robert R. Ceberio  
Secretary

Resolution No. 08-28

# Memorandum



## New Jersey Meadowlands Commission

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

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From: Irfan A. Bora Date: April 23, 2008

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Subject: 2007 Comprehensive Annual Financial Report and Single Audit

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The audit committee is pleased to submit to the NJMC's Board of Commissioners the Commission's 2007 Comprehensive Annual Financial Report and Single Audit. The report prepared by Ferraioli, Wielkocz, Cerullo and Cuva, gives the Commission an Unqualified Opinion (clean opinion) on all of its financial operations.

The Audit Report covers the financial results of the following activities of the Commission:

- The NJMC Operations , Maintenance, and Capital Projects Budgets.
- Activities of the New Jersey Meadowlands Environment Center.
- Financial Operations of the NJMC Solid Waste Baler Facility including the funds for closure and post closure of NJMC landfills.
- Fiduciary Funds, including grants received by the Commission.

The audit committee has had an exit conference with the audit firm and there have been no adverse financial management issues raised by the audit staff.

The staff responsible for the audit from the firm of Ferraioli, Wielkocz, Cerullo and Cuva will be present at our meeting to answer any questions.

Finally, we would like to acknowledge the work of the entire accounting staff and the audit firm on the successful audit.

attachment

**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO  
ENTER INTO A CONTRACT TO INSTALL SECURITY MONITORING  
DEVICES IN THE SCIENCE AND OBSERVATORY BUILDINGS**

**WHEREAS**, the New Jersey Meadowlands Commission (NJMC) presently utilizes the services of ADT, a Division of Tyco Fire and Security at the Administration Building and Environment Center; and

**WHEREAS**, ADT provides, as part of the security system, various intrusion monitoring systems, access control systems and CCTV monitoring and recording systems as well as monitoring of the fire alarm system; and

**WHEREAS**, presently the new science and observatory buildings are not equipped with security systems including card access technology and CCTV monitoring; and

**WHEREAS**, based upon a recommendation by its security consultant, and to ensure the safety of staff and visitors, the NJMC believes that ADT should install a burglar alarm system, card access technology, and CCTV monitoring in the new science and observatory buildings so that such a system can be integrated into the existing security devices at the Administration Building and Environment Center.

**NOW, THEREFORE, BE IT RESOLVED** by the New Jersey Meadowlands Commission that the Executive Director is hereby authorized to enter into a contract with ADT for an amount not to exceed \$77,499.

**BE IT FURTHER RESOLVED**, that the funds for the project shall be allocated from the Science Center Capital Fund.

The foregoing was adopted on Commission vote.

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Joseph V. Doria, Jr.  
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 April 23, 2008.

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Robert R. Ceberio  
Secretary

# Memorandum



## New Jersey Meadowlands Commission

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

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**From:** Irfan Bora and Edward Barkala **Date:** April 23, 2008

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**Subject:** Science and Observatory Buildings Security Monitoring Devices

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Because the new science and observatory buildings are not currently equipped with security systems, the NJMC, based upon a recommendation by its security consultant, believes that a burglar alarm system including card access technology, and CCTV monitoring should be installed, and that such a system should be integrated into the existing security devices at the Administration Building and Environment Center. ADT presently provides various intrusion monitoring systems, access control systems and CCTV monitoring and recording systems as well as monitoring of the fire alarm system for both the Administration Building and the Environment Center. This resolution will authorize the Executive Director to enter into a contract with ADT for the purchase and installation of a burglar alarm system including card access technology, and CCTV monitoring devices at the science and observatory buildings.

**RESOLUTION AUTHORIZING THE PUBLICATION OF A NOTICE OF  
ADOPTION AND THE REZONING OF BLOCK 16, LOT 5.01,  
IN SECAUCUS, NEW JERSEY**

**WHEREAS**, the New Jersey Meadowlands Commission (NJMC) is authorized by N.J.S.A. 13:17 *et seq.* to adopt codes and standards regarding the zoning and rezoning of lands within the Meadowlands District; and

**WHEREAS**, on November 23, 2007, The NJMC received a petition for rezoning from Waters, McPherson, McNeill, on behalf of Intermodal Properties, regarding the property identified as 501 New County Road, Block 16, Lot 5.01, in Secaucus, New Jersey; and

**WHEREAS**, the subject property accounts for approximately 5.81 acres of land currently zoned Intermodal B; and

**WHEREAS**, the petitioner is seeking a rezoning of the subject property to Transportation Center zone and changes to the bulk regulations of that zone for the purposes of constructing a commuter and bus parking garage; and

**WHEREAS**, the NJMC staff requested authorization on November 28, 2007, to proceed with consideration of the proposed rezoning; and

**WHEREAS**, a Notice of Proposal was filed with the Office of Administrative Law for publication in the January 7, 2008, issue of the New Jersey Register; and

**WHEREAS**, a public hearing was held at the offices of the Commission on January 22, 2008; and

**WHEREAS**, the NJMC staff has determined that the proposed rezoning would promote the utilization of the subject parcel in a manner consistent with the intent of the character of the adjacent property and the surrounding neighborhood; and

**WHEREAS**, based on the record in this matter, the NJMC staff recommends that the property in question be rezoned to Transportation Center zone; and

**WHEREAS**, the NJMC staff recommends that the proposed changes be made to the Transportation Center zone bulk regulations.

**NOW, THEREFORE, BE IT RESOLVED**, that the New Jersey Meadowlands Commission hereby adopts the rezoning of Block 16, Lot 5.01, in the Town of Secaucus, New Jersey from Intermodal B to Transportation Center zone and the changes to the bulk regulations of the Transportation Center zone and authorizes the staff to prepare and submit a Notice of Adoption to the Office of Administrative Law for publication in the New Jersey Register. The rezoning will become effective upon publication in the Register.

The foregoing was adopted by Commission vote.

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Joseph V. Doria, Jr.  
Chairman

I certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Meadowlands Commission at its meeting of April 23, 2008.

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Robert R. Ceberio  
Secretary

Resolution No. 08-30

# Memorandum



## New Jersey Meadowlands Commission

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

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From: Sara Sundell Date: April 23, 2008

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Subject: SP-603 Intermodal Properties Rezoning

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On November 23, 2007, The NJMC received a petition for rezoning from Waters, McPherson, McNeill, on behalf of Intermodal Properties, regarding the property identified as 501 New County Road, Block 16, Lot 5.01, in Secaucus, New Jersey. At its regularly scheduled meeting of November 28, 2007, the NJMC authorized staff to prepare and submit a notice of proposal to the Office of Administrative Law for publication in the New Jersey Register and hold a public hearing in order to receive input from the general public regarding the possible rezoning of the subject property. The petition requested that the subject property be rezoned from Intermodal B to Transportation Center zone. Changes to the bulk regulations for the Transportation Center zone were also proposed.

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 January 7, 2008 issue of the NJR. The public comment period ended on March 7, 2008.

On January 22, 2008, a public hearing was held at the Offices of the Commission to receive public comment on the proposal. Four written comments were received during the public comment period. The matter was forwarded to the HMMC on March 18, 2008, and it received its unanimous vote of acceptance on April 7, 2008.

Based on the entire record in this matter, the staff recommends that the site be rezoned to the Transportation Center zone. Therefore, staff is requesting that the Commission adopt the recommendation herein and authorize the staff to file a Notice of Adoption with the Office of Administrative Law for publication in the New Jersey Register. A resolution requesting same is attached for your consideration.

## OTHER AGENCIES

## NEW JERSEY MEADOWLANDS COMMISSION

District Zoning Regulations & Official Zoning Map

Block 16, Lot 5.01, in Secaucus

Adopted Amendment: N.J.A.C. 19:4-3.3, 5.118, 5.119 and 5.121

Proposed: January 7, 2008 at 40 N.J.R. 105(a)

Adopted: April 23, 2008 by the New Jersey Meadowlands Commission

Filed: April 25, 2008 with changes not requiring additional public notice and comment.

Authority: N.J.S.A. 13:17-1 et seq., specifically 13:17-6(i)

Effective Date: May 19, 2008

Expiration Date: May 19, 2013

On November 23, 2007, a petition for rulemaking was submitted by Waters, McPherson, McNeill, on behalf of Intermodal Properties, regarding the property identified as 501 New County Road, Block 16, Lot 5.01, in Secaucus, New Jersey. Intermodal Properties is the owner of the subject property. The petition requested that the New Jersey Meadowlands Commission (NJMC) rezone the subject property from its existing zoning of Intermodal B to the Transportation Center zone. The petition also requested amendments to the use and bulk regulations of the Transportation Center zone.

This proposal was previously submitted to the Office of Administrative Law (OAL), and was published in the New Jersey Register at 38 N.J.R. 4172(a) on October 2, 2006. A public hearing was held on October 24, 2006 to receive comment on the proposal. On December 18, 2006, at a Special Meeting of the Hackensack Meadowlands Municipal Committee (HMMC), the HMMC passed Resolution 06-10, which opposed the rezoning. Because the HMMC did not

support the proposed rezoning, the rulemaking process was suspended at the request of the applicant and no further action was taken. At this time the property owner, Intermodal Properties, is re-submitting the proposal for rezoning.

At its regularly scheduled meeting of November 28, 2007, the NJMC authorized staff to proceed with the proposed rulemaking and hold a public hearing on the matter. A notice of proposal was filed with the Office of Administrative Law for publication in the New Jersey Register (NJR). The notice also proposed amendments to the use and bulk regulations of the Transportation Center zone, including an increase in the permitted lot coverage in the zone to 70 percent.

The notice was published in the New Jersey Register at 40 N.J.R. 105 on January 7, 2008. A public hearing was held on January 22, 2008 at the Offices of the Commission to receive comment on the proposal. The public comment period ended on March 7, 2008.

On April 7, 2008, at its regularly scheduled meeting, the HMMC voted in support of the proposed rezoning.

**Summary** of Hearing Officer's Recommendations and Agency Responses:

A public hearing on this matter was held on January 22, 2008 at the Offices of the Commission. Sara J. Sundell, P.E., P.P. was the public hearing officer, with Sharon Mascaró, P.E., and Cheryl Rezendes, AICP also present.

No recommendations were made by Ms. Sundell or NJMC staff during the hearing. The hearing record may be reviewed by contacting Sara J. Sundell, P.E., P.P., Director of Land Use Management and Chief of Regulatory Affairs, New Jersey Meadowlands Commission, One DeKorte Park Plaza, Lyndhurst, NJ, 07071.

Thomas O'Connor, an attorney representing the applicant, appeared in support of the

proposed rezoning. Mr. Lydon from Burgis Associates and Mr. Maris from Maris Associates provided expert testimony in support of the application in the fields of planning and transportation engineering, respectively.

Norfolk Southern Railroad, who is opposed to the rezoning, was represented by Alan Fox. Mr. Fox questioned several individuals. In opposition to the applicant, Mr. Siik of Norfolk Southern and Ms. Gruel of Heyer Gruel and Associates provided expert testimony in opposition to the application regarding Norfolk Southern's operations and the field of planning, respectively.

The NJMC staff, in reviewing the petition, public comments and testimony provided at the public hearing, and evaluating the particular location of the site within the District, recognizes that rezoning the subject property to Transportation Center would result in a better planning option for future use of the site. The site is located along Seaview Drive Extension, the main access road from New Jersey Turnpike Interchange 15X serving the Secaucus Junction Transfer Station and the southern end of Secaucus. The site's proximity to Secaucus Junction, the ability to provide a direct connection to and from the New Jersey Turnpike, and the potential to provide uses of a regional nature with minimal impact on existing and planned surrounding uses, all result in a suitable location that is consistent with the intent and purpose of the Transportation Center zone.

**Summary** of Public Comments and Agency Responses:

The NJMC received four comments in response to the proposal.

Comments were received from New Jersey Transit (NJT), Fair Share Housing Center (FSHC), Burgis Associates, and Heyer Gruel and Associates. Burgis Associates submitted a planner's report to supplement the record and address several issues that were raised at the

public hearing. Heyer Gruel and Associates on behalf of Norfolk Southern submitted a planner's report to supplement their testimony.

COMMENT: NJT commented that the statement in the proposal saying, "All properties in the existing zone are under single ownership" is not correct. Under the General Plan Approval (GPA), Phases 1 and 2 were controlled by Allied Junction and Phases 3 and 4 were controlled by Conrail. The GPA was granted on February 17, 2004 by the Hackensack Meadowlands Development Commission (now the NJMC), in response to a General Plan application submitted by Allied Junction and Conrail. Allied Junction and Conrail each owned a portion of the properties covered by the General Plan application. That split of property ownership continues under the Transportation Center zone, with the property associated with Phases 1 and 2 now owned by NJT and Phases 3 and 4 owned by Conrail's successor, Norfolk Southern.

RESPONSE: The NJMC concurs with NJT's comment.

COMMENT: NJT commented that the Proposal would revise N.J.A.C. 19:4-5.121 to replace the current maximum of 4.7 million square feet of floor area for the zone with a 4.0 Floor Area Ratio (FAR). Further, the Proposal description states in part: "The application of a 4.0 FAR retains the development potential approved in the General Plan for the existing Transportation Center Zone." NJT agrees that any revisions to the Transportation Center zone should be modeled so as to retain the development potential approved under the GPA, as the Commission has stated in the Proposal description. However, under the published Proposal, the development potential approved by the GPA does not appear to be preserved, contrary to the NJMC's stated goal.

RESPONSE: The NJMC seeks to preserve the development potential approved in the GPA and, within the Notice of Adoption, will propose the following language at N.J.A.C. 19:4-

5.121(a)5: "Minimum floor area: 4.7 million gross square feet for projects proceeding in accordance with approvals issued by the NJMC prior to February 17, 2004." N.J.A.C. 19:4-

5.121(a)6 will read: "Maximum FAR: 4.0, ~~except~~ for commercial off-street parking uses, where one square foot of every two square feet of floor area shall apply to the FAR calculation."

COMMENT: NJT commented that the Proposal would revise N.J.A.C. 19:4-5.121 to require a 20-foot setback of buildings from front lot lines. NJT has concerns with the effect of the 20-foot setback of buildings from public rights-of-way proposed for N.J.A.C. 19:4-5.121(a)3, and believes that such setbacks are not appropriate for areas designed to encourage transit-oriented development next to, and above, major transportation facilities.

RESPONSE: The NJMC agrees with this comment and will propose the following revised language at N.J.A.C. 19:4-5.121(a)3: "Minimum setback of buildings from front lot line for commercial off-street parking facilities: 20 feet;"

COMMENT: NJT commented that the Proposal would revise N.J.A.C. 19:4-5.121 to increase the maximum lot coverage to 70 percent. NJT looks favorably on the proposed increase in maximum lot coverage for lots in the Transportation Center zone.

RESPONSE: No response required.

COMMENT: FSHC commented that the subject parcel should not be rezoned until Secaucus addresses its affordable housing obligation. The subject parcel should first be considered for its capacity to meet affordable housing obligations.

RESPONSE: The subject parcel will undergo a suitability review for affordable housing once a zoning application has been submitted to the NJMC.

#### Summary of Agency-Initiated Changes:

No agency-initiated changes are proposed upon adoption.

### Federal Standards Statement

The Hackensack Meadowlands District is located within a Federally-designated Coastal Zone Management Area for New Jersey (designated in accordance with 15 CFR 923.53(a)(1)). The NJMC acts as the lead coastal planning and management agency for the Meadowlands District under the guidance of the New Jersey Department of Environmental Protection (NJDEP).

The Commission's District Zoning rules serve as a regulatory tool for meeting the goals and rules established by the New Jersey Coastal Management Program. The adopted new rule and amendments do not contain any requirements or standards in excess of those imposed under Federal law.

Full text of the adoption follows (additions to proposal indicated in boldface with asterisks **\*thus\***; deletions from the proposal indicated in brackets with asterisks **\*[thus]\***):

19:4-3.3      Official Zoning Map

Change the zoning designation of Block 16, Lot 5.01 in the Town of Secaucus from Intermodal B to Transportation Center.

OFFICE OF ADMINISTRATIVE LAW NOTE: The Official Zoning Map is not reproduced herein, but may be reviewed at the following locations:

New Jersey Meadowlands Commission  
One DeKorte Park Plaza  
Lyndhurst, New Jersey 07071

Office of Administrative Law  
 Quakerbridge Plaza, Building 9  
 Quakerbridge Road  
 Trenton, New Jersey 08625

19:4-5.118 Transportation Center zone; permitted uses

(a) The permitted uses in the Transportation Center zone are:

1. - 3. (No change.)
4. Commercial off-street parking;
- 5.-19. (No change).

19:4-5.119 Transportation Center zone; special exception uses

(a) The special exception uses in the Transportation Center zone are:

- 1.-2. (No change).

19:4-5.121 Transportation Center zone; bulk regulations

(a) The bulk regulations in the Transportation Center zone are:

1. Maximum lot coverage: 70 percent;
2. (No change.)
3. Minimum setback **\*[of buildings]\*** from front lot line **\*for commercial off-street parking facilities\***: 20 feet;

4. (No change)

**\*[[4.]\* \*5.\*** Maximum floor area: 4.7 million gross square feet **\*[in the zone]\* \*for projects proceeding in accordance with approvals issued by the NJMC prior to February 17, 2004.\***

**\*6\*\*[5]\*.** Maximum FAR: 4.0\*[ , except]\* for commercial off-street parking uses, where one square foot of every two square feet of floor area shall apply to the FAR calculation.

**RESOLUTION ADOPTING NEW RULES AT N.J.A.C. 19:4-4.23 THAT GOVERN  
THE PROHIBITION AGAINST IMPROPER INFLUENCE**

**WHEREAS**, the NJMC is authorized by N.J.S.A. 13:17-6(i) 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 December 17, 2007 issue of the New Jersey Register proposing to adopt new rules at N.J.A.C. 19:4-4.23 regarding the prohibition against improper influence; and

**WHEREAS**, a public hearing was held on January 8, 2008 at the Offices of the Commission to receive comment on the rulemaking proposal, two comments were received; and

**WHEREAS**, the matter was forwarded to the Hackensack Meadowlands Municipal Committee (HMMC) on February 20, 2008 for its consideration; and

**WHEREAS**, no comments were provided by the HMMC during its 45-day comment period, which ended on April 7, 2008; and

**WHEREAS**, based on the record in this matter, the staff recommends that the NJMC adopt the new rules 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 adopts the new rules 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 was adopted by Commission vote.

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Joseph V. Doria, Jr.  
Chairman

I certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Meadowlands Commission at its meeting of April 23, 2008.

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Robert R. Ceberio  
Secretary

Resolution No. 08-31

# Memorandum



## New Jersey Meadowlands Commission

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

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From: Christine A. Sanz

Date: April 23, 2008

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Subject: SP-590 Prohibition Against Improper Influence

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On September 19, 2007, the NJMC proposed to adopt new rules regarding the prohibition against improper influence at N.J.A.C. 19:4-4.23. The rules were proposed in order to ensure that the NJMC has a mechanism in place to ensure that its procedures for regulating development are carried out in accordance with the most stringent ethical standards legally available.

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 December 17, 2007 issue of the NJR. The public comment period ended on February 15, 2008.

A public hearing was held on January 8, 2008 at the Offices of the Commission to receive comment on the proposal. Two public comments were received on the proposal.

On February 20, 2008, 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 April 7, 2008.

The NJMC staff proposes no changes in response to comments in the proposed rules.

Based on the record in this matter, the staff is requesting that the Commission adopt the proposed new rules and authorize the staff to file a Notice of Adoption with the Office of Administrative Law.

**OTHER AGENCIES****NEW JERSEY MEADOWLANDS COMMISSION****Subtitle C. New Jersey Meadowlands Commission****Adopted New Rule: N.J.A.C. 19:4-4.23**

Proposed: July 25, 2007 at 39 N.J.R. 3731 (b)

Adopted: April 23, 2008 by the New Jersey Meadowlands Commission,  
Robert R. Ceberio, Executive Director

Filed: April 24, 2008 (without changes)

Authority: N.J.S.A. 13:17-6(i)

Effective Date: May 19, 2008

Expiration Date: May 19, 2013

On September 19, 2007, the NJMC proposed to adopt new rules regarding the prohibition against improper influence.

The New Jersey Meadowlands Commission (NJMC) proposed to adopt new rules at N.J.A.C. 19:4-4.23, pursuant to N.J.S.A. 13:17-6(i).

On September 19, 2007, the NJMC staff was authorized by the NJMC Board of Commissioners to proceed with this proposed rulemaking in order to ensure that its procedures for regulating development are carried out in accordance with the most stringent ethical standards legally available.

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 December 17, 2007 issue of the NJR. The public comment period ended on February 15, 2008.

A public hearing was held on January 8, 2008 at the Offices of the Commission to receive comment on the proposal.

**Summary** of Hearing Officer's Recommendations and Agency Responses:

A public hearing on this matter was held on January 8, 2008 at the Offices of the Commission. Sharon Mascaró, P.E., Chief Engineer, was the public hearing officer, with Cheryl Rezendes, AICP, also present.

No recommendations were made by Ms. Mascaró or NJMC staff during the hearings. The hearing record may be reviewed by contacting Sara J. Sundell, P.E., P.P., Director of Land Use Management and Chief of Regulatory Affairs, New Jersey Meadowlands Commission, One DeKorte Park Plaza, Lyndhurst, NJ 07071.

**Summary** of Public Comments and Agency Responses:

The NJMC received two comments in response to the proposal.

Comments were received from the Building Contractors Association of New Jersey (BCANJ) and the Utility and Transportation Contractors Association of New Jersey (UTCA).

COMMENT: The BCANJ and UTCA each commented that the proposal language was too broad and could be interpreted incorrectly. Without a definition or examples of "improper influence," the proposed rule would establish a one-sided, subjective standard.

RESPONSE: The rule specifically provides that the Office of the Attorney General will take necessary action. Those actions would be based upon relevant law, which is neither one-sided nor subjective.

**Summary** of Agency-Initiated Changes:

The NJMC is not proposing any changes.

### Federal Standards Statement

N.J.S.A. 52:14B-4 requires State agencies that adopt, readopt or amend State regulations that exceed any Federal standards or requirements to include in the rulemaking document a comparison with Federal law. The rule proposed for adoption has not been formulated in accordance with the authority of or in order to implement, comply with or participate in any program established under Federal law.

Full text of the adoption follows (additions to proposal indicated in boldface with asterisks **\*thus\***; deletions from the proposal indicated in brackets \*[thus]\*):

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Robert R. Ceberio  
Secretary

Full text of the proposed new rules follows:

19:4-4.23 Prohibition against improper influence

No person shall, with respect to any application made to the NJMC, whether such application requires a decision by the staff or the NJMC, attempt to contact any member of the NJMC Staff or a Commissioner 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 a Commissioner who has been contacted in this regard shall immediately report such contact to the Office of the Attorney General, which shall take any necessary and appropriate action.

**RESOLUTION TO ADOPT A SECOND AMENDMENT TO THE  
SECAUCUS TRANSIT VILLAGE REDEVELOPMENT PLAN**

**WHEREAS**, N.J.S.A. 13:17-21 provides the procedure for preparing and adopting redevelopment plans for areas determined to be renewal areas within the Hackensack Meadowlands District for the purposes of redevelopment; and

**WHEREAS**, on April 16, 2004, the Commission passed Resolution No. 04-20, adopting the Secaucus Transit Village Redevelopment Plan, thereby superseding the Laurel Hill Redevelopment Plan. The Secaucus Transit Village Redevelopment Plan is currently applicable to the following properties: Block 5, Lots 3, 4 (including Lot 4.01), 5, 6, 7.01, 7.02, 8, and 9; Block 8, Lots 1 and 2; Block 9, Lots, 8.05, 8.06, 9, 10, and 11; Block 10, Lots 6.01, 8.01, 9.01, 10, 11, 12, and 13; Block 12, Lot 1, and Block 20.01, an 0.16 portion of Lot 16 in the Town of Secaucus; and

**WHEREAS**, on May 24, 2006, the Commission passed Resolution No. 06-41, amending the Secaucus Transit Village Redevelopment Plan; and

**WHEREAS**, pursuant to N.J.A.C. 19:3-5.15, New County Road Properties, LLC, filed a petition with the New Jersey Meadowlands Commission (NJMC) on November 30, 2007 to consider an amendment to the Secaucus Transit Village Redevelopment Plan to permit commercial off-street parking facilities as an Interim Use in the Station Square zone, for a period not to exceed 7 years; to allow a maximum of 1,100 commercial off-street parking spaces in the Station Square zone; and to modify the parking, open space, lighting, and signage requirements; and

**WHEREAS**, NJMC staff reviewed the petition and prepared a draft amendment of the Secaucus Transit Village Redevelopment Plan, dated February 2008, for public review and comment; and

**WHEREAS**, NJMC staff conducted a public hearing on March 11, 2008 to obtain public comments concerning the amendment to the Secaucus Transit Village Redevelopment Plan; and

**WHEREAS**, the NJMC staff considered the petition request, as well as comments that were received at the public hearing, and recommends the adoption of the amendment to the Secaucus Transit Village Redevelopment Plan; and

**NOW, THEREFORE, BE IT RESOLVED** that the Commission hereby adopts the amended Secaucus Transit Village Redevelopment Plan, dated April 2008.

The foregoing was adopted by Commission vote.

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Joseph V. Doria, Jr.  
Chairman

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Meadowlands Commission at its meeting on April 23, 2008.

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Robert R. Ceberio  
Secretary

Resolution No. 08-32

# Memorandum



## New Jersey Meadowlands Commission

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

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From: Sara Sundell Date: April 23, 2008

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Subject: Amendment to the Secaucus Transit Village Redevelopment Plan for the inclusion of Commercial Off-Street Parking Facilities as an Interim Use in the Station Square zone

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New County Road Properties, LLC, an Edison Properties, LLC affiliate, has filed a petition with the New Jersey Meadowlands Commission (NJMC) in accordance with N.J.A.C. 19:3-5.15, to consider an amendment to the Secaucus Transit Village Redevelopment Plan. The petitioner is the owner of the property at 675 New County Road, which is located within the Station Square zone of the Secaucus Transit Village Redevelopment Area. The petitioner has requested that the NJMC consider an amendment to the Secaucus Transit Village Redevelopment Plan to permit commercial off-street parking facilities as an Interim Use in the Station Square zone, for a period not to exceed 7 years; to allow a maximum of 1,100 commercial off-street parking spaces for an Interim Use in the Station Square zone; and to modify the parking, open space, lighting, and signage requirements that are applicable to Interim Uses.

The NJMC staff has prepared an amendment to the Secaucus Transit Village Redevelopment Plan reflecting the proposed changes. The properties within the approximately 231-acre Secaucus Transit Village Redevelopment Area are listed below. Note that the blocks and lots within the Station Square zone are in bold type, highlighting where commercial off-street parking facilities may be permitted as an Interim Use.

*Secaucus: Block 5, Lots 3, 4 (including Lot 4.01), 5, 6, 7.01, 7.02, 8 and 9; Block 8, Lots 1 and 2; Block 9, Lots, 8.05, 8.06, 9, 10 and 11; Block 10, Lots 6.01, 8.01, 9.01, 10, 11, 12, and 13; Block 12, Lot 1; and Block 20.01, an 0.16 acre portion of Lot 16.*

On March 11, 2008, a public hearing was held on this matter. Several parties presented comments at the public hearing. Mayor Elwell spoke in favor of the amendment. Jim Kirkos, President of the Meadowlands Regional Chamber of Commerce, supported the need for parking in proximity to Secaucus Junction and specifically at this location. Several residents expressed their concerns with the proposed amendment stating that it was in conflict with the intent of the

Secaucus Transit Village Redevelopment Plan. No written comments were received. The matter was forwarded to the Hackensack Meadowlands Municipal Committee and approved at their meeting of April 7, 2008.

Staff has reviewed all comments made at the public hearing and, at this time, requests that the Commission adopt this amendment to the Secaucus Transit Village Redevelopment Plan.

**RESOLUTION TO EXPAND THE  
IN NEED OF REDEVELOPMENT STUDY AREA  
ALONG INDUSTRIAL AVENUE IN THE BOROUGH OF TETERBORO**

**WHEREAS**, N.J.S.A. 13:17-20 provides for the procedure to declare a renewal area within the Hackensack Meadowlands District for the purpose of redevelopment; and

**WHEREAS**, N.J.S.A. 13:17-20 requires the Commission to adopt, prior to declaring any portion of the District a renewal area, a resolution providing for the preliminary investigation of the site; and

**WHEREAS**, the statute requires NJMC staff to prepare maps showing the boundaries of the area to be investigated, provide a statement of reasons for the investigation, and conduct a public hearing to obtain public comments; and

**WHEREAS**, in May 2006, the Commission authorized the NJMC staff to investigate an area in the Borough of Teterboro more specifically identified as Block 202, Lots 2 and 4; and

**WHEREAS**, during the preparation of the In Need of Redevelopment Study, Catellus, a Prologis Company, the owner of the aforementioned lots within the former Honeywell site, requested that the NJMC staff assess the potential of expanding the original in need of redevelopment study area in Teterboro to include an 0.73-acre portion of Block 202, Lot 3, currently owned by Quest Diagnostics; and

**WHEREAS**, this 0.73-acre portion of Block 202, Lot 3 connects the two Catellus properties under study, more specifically, Block 202, Lots 2 and 4; and

**WHEREAS**, the NJMC staff has been informed that Catellus and Quest Diagnostics are drafting a legal instrument for the conveyance of the 0.73-acre portion of Block 202, Lot 3 from Quest Diagnostics to Catellus; and

**WHEREAS**, the NJMC staff hereby requests authorization to investigate the redevelopment potential of the expanded study area by preparing a draft report and holding a public hearing; and

**WHEREAS**, upon completion of the procedures outlined above, the NJMC staff will draft a recommendation on whether the area meets the criteria to be deemed in need of redevelopment and provide said recommendation to the Commission for a final determination as to whether the expanded area should be designated as a renewal site for the purposes of redevelopment.

**NOW, THEREFORE BE IT RESOLVED**, that the NJMC hereby authorizes the NJMC staff to conduct an investigation of the expanded in need of redevelopment study area, hold a public hearing, and prepare a report that will be forwarded to the Commission to determine whether the area may be deemed in need of redevelopment.

The foregoing Resolution was adopted by Commission vote.

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Joseph V. Doria Jr.  
Chairman

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Meadowlands Commission at its meeting on April 23, 2008.

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Robert R. Ceberio  
Secretary

Resolution No. 08-33

# Memorandum



## New Jersey Meadowlands Commission

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

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From: Sara J. Sundell Date: April 23, 2008

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Subject: Request to Expand the "In Need of Redevelopment Area" Study of Industrial Avenue

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In May 2006, the NJMC staff received authorization from the Commission to proceed with an in need of redevelopment investigation and assessment of Block 202, Lots 2 and 4, in Teterboro. Subsequently, Catellus, a Prologis Company, the owner of the aforementioned properties within the former Honeywell site, requested that the NJMC staff expand the in need of redevelopment study area to also include an 0.73-acre portion of Block 202, Lot 3, also in Teterboro. The subject parcel, currently owned by Quest Diagnostics, is significant as it provides a connection between the two Catellus properties under study. The NJMC staff has been informed that Catellus and Quest Diagnostics are drafting a legal instrument for the conveyance of the 0.73-acre portion of Block 202, Lot 3 from Quest Diagnostics to Catellus.

The first step in any redevelopment process is to determine whether the site meets the "in need of redevelopment" criteria. Upon completion of a public hearing and a findings report by the NJMC staff, the complete record will be forwarded to the Commission. At that time, the Commission will to decide whether the criteria is met and, if so, may authorize staff to proceed with the preparation of a redevelopment plan for the expanded study area.

The resolution before the Commission requests authorization for the NJMC staff to perform the necessary analyses, hold a public hearing, and finalize a report in to the Commission regarding the expanded study area.

**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO ACCEPT  
A \$35,000 GRANT FROM THE NEW JERSEY COMMISSION ON SCIENCE  
AND TECHNOLOGY AND TO APPLY FOR AN \$85,000 GRANT FROM THE  
SAME FOR SUSTAINABLE BUSINESS INCUBATOR OPERATIONS**

**WHEREAS**, the New Jersey Meadowlands Commission (NJMC) is creating a Sustainable Business Incubator to promote and grow businesses related to sustainability and renewable energy; and

**WHEREAS**, the NJMC applied for and was granted a \$35,000 grant from the New Jersey Commission on Science and Technology for the preparation of a feasibility study, which is a prerequisite for an \$85,000 grant; and

**WHEREAS**, the NJMC seeks to leverage its funds with grant monies wherever possible to provide maximum services through its programs.

**NOW, THEREFORE, BE IT RESOLVED**, that the Executive Director is hereby authorized to accept a \$35,000 grant and apply for an \$85,000 grant from the New Jersey Commission on Science and Technology for its Sustainable Business Incubator Operations.

The foregoing was adopted by Commission vote.

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Joseph V. Doria, Jr.  
Chairman

I certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Meadowlands Commission at its meeting of April 23, 2008.

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Robert R. Ceberio  
Secretary

# Memorandum



## New Jersey Meadowlands Commission

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

From: Christine A. Sanz

Date: April 23, 2008

Subject: NJMC Business Incubator

The New Jersey Meadowlands Commission (NJMC) is creating a Sustainable Business Incubator to promote and grow businesses related to sustainability and renewable energy. Towards that end, NJMC applied for and was granted a \$35,000 grant from the New Jersey Commission on Science and Technology for the preparation of a feasibility study, which is a prerequisite for an \$85,000 grant available to entities operating Business Incubators. The NJMC is seeking these grant monies to provide the maximum services to businesses that will use the incubator. The incubator, which is anticipated to open this summer, is intended to promote the NJMC policies of sustainable growth as well as economic growth, in addition to its work in the area of bringing renewable energy to the Hackensack Meadowlands District.

**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR  
TO ESTABLISH THE  
DOWNTOWN REVITALIZATION GRANT PROGRAM**

**WHEREAS**, the *2004 Hearing Officers' Report and Recommendations in the Matter of the Hearings Held on the Proposed Meadowlands Xanadu Redevelopment Project* acknowledged that the Xanadu project could have a spill-over effect on the Meadowlands municipalities as predicted by the developer; and

**WHEREAS**, to ensure that the Meadowlands municipalities' downtowns realize the anticipated beneficial impacts associated with their proximity to Xanadu, a condition of the *2004 Hearing Officers Report* was that the developer provide a total of \$2 million for downtown revitalization in order to assist in creating an appropriate synergy between Xanadu and the local retailers; and

**WHEREAS**, this funding is intended to focus on retaining and enhancing the economic vitality of the existing downtown districts of the Meadowlands municipalities; and

**WHEREAS**, in November 2007 the Commission created the NJMC Downtown Revitalization Program to assist the 14 Meadowlands municipalities with enhancing their existing downtown retail districts to maintain a competitive edge in the marketplace; and

**WHEREAS**, the establishment of a formalized grant application and guidelines for the Downtown Revitalization Grant Program would be advantageous to the administration of this NJMC program.

**NOW, THEREFORE, BE IT RESOLVED**, that the Executive Director shall be authorized to establish the overall annual funding level and maximum individual grant allocations per municipality, and expend funds for purposes of this program in accordance with the available assigned budget for said purpose; and

**BE IT FURTHER RESOLVED** that the overall 2008 funding level for the Downtown Revitalization Grant Program shall be \$310,000; and

**BE IT FURTHER RESOLVED** that the District municipalities and NJMC staff shall adhere to the attached NJMC Downtown Revitalization Grant Program guidelines, and the municipalities will fully complete the attached NJMC Downtown Revitalization Grant Program application.

The foregoing was adopted by Commission vote.

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Joseph V. Doria, Jr.  
Chairman

I certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Meadowlands Commission at its meeting of April 23, 2008.

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Robert R. Ceberio  
Secretary

Resolution No. 08-35

# Memorandum



## New Jersey Meadowlands Commission

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

From: Christine A. Sanz

Date: April 23, 2008

Subject: Downtown Revitalization Grant Program Resolution

As a condition of the 2004 Hearing Officers Report for the Meadowlands Xanadu Redevelopment Project, the Xanadu developer was required to provide a total of \$2 million for downtown revitalization in Meadowlands municipalities. The intent of these funds is to ensure the establishment of a synergistic relationship between Xanadu and local retailers by retaining and enhancing the economic vitality of the existing downtown districts of the Meadowlands municipalities. To date the NJMC has received the initial contribution of \$500,000.

In November 2007 the Commission established the NJMC Downtown Revitalization Program to develop a grant program for our constituent municipalities and local businesses for physical improvements and business enhancements (e.g. technology upgrades, marketing strategies) and to afford the local municipalities and businesses with educational opportunities in the form of downtown revitalization and business enhancement workshops.

In order to disseminate the grant funds for the targeted purpose of economic vitality and revitalization in the Meadowlands municipalities, the NJMC has established guidelines and a grant application form for funding. Copies of both accompany the resolution. Approval of this resolution would authorize the Executive Director to initiate this program with notification of the 2008 funding pool on or before June 1.

## GUIDELINES FOR THE NEW JERSEY MEADOWLANDS COMMISSION'S DOWNTOWN REVITALIZATION GRANT PROGRAM

Effective May 1, 2008, the following shall constitute the guidelines for the New Jersey Meadowlands Commission's (NJMC's) Downtown Revitalization Grant Program:

### I. Eligible Projects, Services, Products, and Events

Downtown Revitalization grants are awarded for the purpose of providing financial assistance to the fourteen (14) municipalities of the Meadowlands District. The intent of the program is to ensure that the Meadowlands municipalities' downtowns realize the anticipated beneficial impacts -- spill-over effect -- associated with their proximity to Xanadu. The requirement for these funds originates from the *2004 Hearing Officers' Report and Recommendations in the Matter of the Hearings Held on the Proposed Meadowlands Xanadu Redevelopment Project* which conditioned that the developer provide a total of \$2 million for downtown revitalization, over a specified time schedule, in order to assist in creating an appropriate synergy between Xanadu and the local retailers.

These grants may be used by a municipality for a wide range of applications associated with retaining and enhancing the economic vitality of the existing downtown/commercial business areas of the Meadowlands municipalities. The following are potential uses for Downtown Revitalization funds that may be considered. It should be noted that municipalities may submit additional uses for consideration that will be evaluated as to their suitability for funding under this program.

Facade Improvements	Marketing/Advertising
Signage	Branding/Logo
Lighting	Business Recruitment
Street Furnishings	Website Creation/Enhancement
Sidewalks/Curbing	Design Assistance - Landscaping,
Landscaping	Window Displays, Streetscape, etc.
Historic Preservation	Street Fair
Technology Upgrades	Other

The Downtown Revitalization program can be used in whole or in part toward the funding of these projects, services, products and events. It is understood that in many cases the purchase cost will be greater than the grant provided by the Commission.

Any municipality may request a preliminary interpretation from the Commission as to whether a project, service, product, or event meets the intent of this program. Such an interpretation must be in writing, with the NJMC responding within 2 business days of receipt of the inquiry.

## II. Grant Administration

- a. On or before June 1, of each calendar year, municipalities will be notified by the NJMC of the funding level available for Downtown Revitalization grants. The NJMC in its sole discretion will set the maximum amount for which each municipality shall be eligible. Funding is contingent upon available NJMC monies.
- b. Municipalities seeking a Downtown Revitalization grant shall complete the attached Grant Application form in its entirety. The application must be accompanied by a Resolution from the municipality's governing body that authorizes the submission of the Grant Application and indicates the specific purpose of the grant as reflected in the Grant Application. Any Grant Application form that is deemed by the NJMC to be incomplete or which lacks the requisite Resolution shall be subject to automatic rejection.
- c. Complete applications must be received at least thirty (30) days prior to the date of an NJMC Commission Meeting at which meeting the NJMC shall act upon the application. The NJMC may adjust this deadline at its sole discretion.
- d. All grant awards must be spent within one (1) calendar year of the date upon which the grant is awarded. The municipality shall forfeit all funds not utilized within the one-year period. Such forfeited funds shall be returned to the Downtown Revitalization account. NJMC shall provide sixty (60) days notice prior to the expiration of the grant. In the event that a municipality forfeits its grant, it may resubmit a new application for the same project in the following year's grant cycle.
- e. Each municipality shall execute these guidelines, and such execution shall constitute an Agreement between the NJMC and the municipality. The municipality must furnish NJMC with an authorizing resolution prior to execution.
- f. All grants will be furnished on a reimbursable basis. In order to be reimbursed, the municipality must submit to the NJMC a fully

- executed NJMC Voucher along with documentation proving purchase and receipt of the service, product, or project. Such documentation should include but is not limited to copies of municipal requisitions, invoices, purchase orders, vendor invoices, proof of delivery, photos of completed work, and copies of checks issued to vendors or contractors. NJMC reserves the right to request additional proofs as it deems necessary.
- g. The municipality's Chief Financial Officer shall certify that the project, program and/or purchase have been completed and that the same are consistent with the Resolution adopted by the municipality relevant to the Grant Application.
  - h. A municipality may amend its Downtown Revitalization Grant Application within six (6) months of award by resubmitting its application along with a new Resolution of its governing body. The NJMC's Finance Committee will consider such amendments and approve the same at its sole discretion.
  - i. A municipality may seek advice or assistance from the NJMC staff in properly completing a Grant Application or an amendment to the same. All such requests must be made in writing to the NJMC Chief Financial Officer with copies to the NJMC Grants and Contracts Administrator and the Chief of Sustainability and Economic Growth.
  - j. Upon certification by the municipal Chief Financial Officer that the project is complete and after the documentation has been received by the NJMC, the NJMC Grant Auditor shall conduct an audit to determine whether the grant was utilized in accordance with the within guidelines.
  - k. The NJMC Grant Auditor shall prepare an annual report to the NJMC Board of Commissioners regarding the Downtown Revitalization grant program and shall make recommendations regarding the same. The NJMC's Grant Auditor may, at any time, make recommendations to the NJMC Chief Financial Officer that relate to the program's internal controls in order to ensure maximum accountability.
  - l. The NJMC Chief Financial Officer and its Grants and Contracts Administrator shall create a file for each grant application submitted by any municipality that shall include all records pertinent to that grant along with the final audit of the grant.

**NEW JERSEY MEADOWLANDS COMMISSION  
DOWNTOWN REVITALIZATION GRANT APPLICATION  
DUE BY: \_\_\_\_\_**

1. Date Submitted:
2. Municipality & Address:
3. Project Description:
  - Project Title:
  - Project Details (additional pages may be attached):
  - Dollar Amount of allocation requested:
4. Is this the Original Submission of this Project?
5. Is this an Amended Application? *(If this is an amended application, a new budget and municipal resolution must be attached, or the application will be deemed incomplete)*
6. Primary Contact Information:
  - Name:
  - Title:
  - Phone:
  - Fax:
  - E-Mail Address:
7. Other sources of funding for the project:
8. The following must be included in your grant application or the application will be deemed incomplete:
  - a. Detailed Budget
  - b. Authorizing Resolution

Date Received: \_\_\_\_\_  
(NJMC)

Approved by: \_\_\_\_\_  
(NJMC)  
Date: \_\_\_\_\_

**RESOLUTION AUTHORIZING A STUDY OF THE  
INTERMUNICIPAL TAX SHARING FORMULA**

**WHEREAS**, in February 2003, the Commission introduced its new Master Plan;  
and

**WHEREAS**, an integral portion of the Master Plan and the NJMC's enabling statute is the impact of the Intermunicipal Tax Sharing Plan on the District municipalities; and

**WHEREAS**, as part of the overall master plan process it is important that the Commission review the tax sharing formula from time to time; and

**WHEREAS**, the Commission, and Rutgers University Center for Urban Policy Research, have already created an Institute for Meadowlands Studies (IMS) to evaluate the Master Plan; and

**WHEREAS**, the IMS and the Commission have an existing Memorandum of Agreement to perform various studies.

**NOW, THEREFORE, BE IT RESOLVED** by the New Jersey Meadowlands Commission that the Executive Director is hereby authorized to have a study of its tax sharing formula conducted under its Memorandum of Agreement with the Institute for Meadowlands Studies.

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Joseph V. Doria, Jr  
Chairman

I hereby certify the forgoing to be a true copy of the Resolution adopted by the New Jersey Meadowlands Commission at their meeting on April 23, 2008.

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Robert R. Ceberio  
Secretary

# Memorandum



## New Jersey Meadowlands Commission

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

From: Edward H. Bulmer Date: April 23, 2008

Subject: Review of the NJMC Intermunicipal Tax Sharing Formula

In February 2003, the Commission introduced its new Master Plan. An integral portion of the Master Plan and the NJMC's enabling statute is the Intermunicipal Tax Sharing Formula.

In designing the Master Plan, a comprehensive fiscal impact analysis was prepared by the Rutgers Center for Urban Policy Research. As part of the overall master planning process it is important that the Commission from time to time review the current tax sharing formula. Staff recommends that the Institute for Meadowlands Studies carry out this review, which shall specifically study:

1. The impact of the major development in the District in the tax sharing formula;
2. The Commission's ongoing effort to preserving environmentally sensitive areas;
3. The evaluation of all the legislative changes made to the current formula.

This endeavor would fall under the auspices of the Memorandum of Agreement between the NJMC and the Institute for Meadowlands Studies.

**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR  
TO SUPPORT THE 2008 AND 2009 ANNUAL MEADOWLANDS  
FESTIVAL OF BIRDING**

**WHEREAS**, the New Jersey Meadowlands Commission's Master Plan, approved January 8, 2004, calls for the promotion of environmental education and awareness in the metropolitan area; and

**WHEREAS**, the Board of Commissioners granted funding for a Hackensack Meadowlands Birding, Wildlife Trail, and Places to Fish Program on June 23, 2004, and opened a trail nomination process for the program in April 27, 2005; and

**WHEREAS**, that program is administered by the New Jersey Audubon Society, on behalf of the NJMC; and

**WHEREAS**, eco-tourism in the Meadowlands is designed to complement existing NJMC services and raise awareness of Meadowlands wildlife and the importance of good stewardship, in addition to bringing the economic benefit of an additional tourism market to local businesses and downtowns; and

**WHEREAS**, the Meadowlands Festival of Birding, first held in October 2004 on the grounds of Richard W. DeKorte Park and organized by the New Jersey Audubon Society and Hackensack Riverkeeper groups, promotes, markets, and channels public interest into the overall eco-tourism strategy; and

**WHEREAS**, this festival would include early morning nature walks, on and off-site Meadowlands birding expeditions, a presentation by a noted birding expert and author, boat tours of the Hackensack River, workshops for children and beginners, refreshments, and other offerings; and

**WHEREAS**, to support this event, the NJMC seeks to ensure its success by defraying the costs for planning and operation by the two not-for-profit organizations.

**NOW, THEREFORE, BE IT RESOLVED** that the NJMC hereby authorizes the appropriation of \$25,000 for 2008 and \$27,000 for 2009 supporting the Meadowlands Festival of Birding.

The foregoing Resolution was adopted by Commission vote.

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Joseph V. Doria, Jr.  
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 April 23, 2008.

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Robert R. Ceberio  
Secretary

Resolution No. 08-37

# Memorandum



## New Jersey Meadowlands Commission

*To:* NJMC Commissioners

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*From:* Robert R. Ceberio *Date:* April 23, 2008

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*Subject:* Meadowlands Festival of Birding

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Since 2004 the New Jersey Audubon Society, the Hackensack Riverkeeper and the NJMC have sponsored the annual Meadowlands Festival of Birding. The festival includes boat tours, indoor workshops and guided bird walks. To ensure the success and future planning of the event, the NJMC is committing to sponsorship of a 2008 and 2009 Festival. The sponsorship will be \$25,000 in 2008 and \$27,000 in 2009.

**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR  
TO PROVIDE UP TO \$20,000 PER MEADOWLANDS MUNICIPALITY  
TO PURCHASE A HYBRID VEHICLE FOR THEIR TOWN FLEET**

**WHEREAS**, the Hackensack Meadowlands District consists of fourteen municipalities; ten in Bergen County and four in Hudson County; and

**WHEREAS**, many municipalities, because of financial constraints, cannot afford to purchase equipment, undertake repairs, expand recreational facilities and address flooding issues; and

**WHEREAS**, the New Jersey Meadowlands Commission (NJMC) created the Municipal Assistance Program (MAP) to facilitate these purchases and repairs and provide property tax relief to the fourteen Meadowlands communities; and

**WHEREAS**, one of the goals of the NJMC is a campaign for cleaner air and increased fuel efficiency; and

**WHEREAS**, as part of the Commission's Municipal Assistance Program (MAP), the NJMC will offer each District municipality up to \$20,000 for the purchase of a hybrid vehicle.

**NOW, THEREFORE, BE IT RESOLVED** that the New Jersey Meadowlands Commission authorizes the Executive Director to provide up to \$20,000 per District municipality to purchase a hybrid vehicle for their town fleet.

The foregoing was adopted by Commission vote.

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Joseph V. Doria, Jr.  
Chairman

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Meadowlands Commission at its meeting on April 23, 2008.

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Robert R. Ceberio  
Secretary

# Memorandum



## New Jersey Meadowlands Commission

To: NJMC Commissioners

From: Robert R. Ceberio

Date: April 23, 2008

Subject: Hybrid vehicle

As part of the Commission's Municipal Assistance Program (MAP), the NJMC will offer each of the District municipalities up to \$20,000 for the purchase of a hybrid vehicle. The goal of this program is a campaign for cleaner air and increased fuel efficiency. The State of New Jersey recently issued a contract for various sizes and utility of hybrid vehicles.

This resolution will authorize the Executive Director to provide up to \$20,000 to each Meadowlands District municipality to purchase a hybrid vehicle for their town fleet.

**RESOLUTION AUTHORIZING THE ESTABLISHMENT OF A PILOT  
PROGRAM TO ASSIST DISTRICT MUNICIPALITIES IN THE  
DEVELOPMENT OF SOLAR ENERGY FACILITIES**

**WHEREAS**, the New Jersey Meadowlands Commission (NJMC) is committed to establishing a renewable energy infrastructure in the Meadowlands District in part through the development of solar energy facilities; and

**WHEREAS**, as part of this effort the NJMC contacted municipalities in the District in an attempt to gauge interest in a pilot program to be established for the purpose of assisting municipalities with the development of solar renewable energy facilities; and

**WHEREAS**, the NJMC received positive responses from several municipalities who indicated their interest in participating; and

**WHEREAS**, as part of this program, the NJMC Office of Sustainability will serve in a consultancy capacity to Meadowlands municipalities throughout the phases of facility development and may provide assistance with procurement, site selection, obtaining available financial incentives, and regulatory compliance.

**NOW, THEREFORE, BE IT RESOLVED** by the New Jersey Meadowlands Commission that the Executive Director is authorized to establish such a pilot program and facilitate the development of solar energy facilities within District municipalities.

The foregoing was adopted on Commission vote.

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Joseph V. Doria, Jr.  
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 April 23, 2008.

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Robert R. Ceberio  
Secretary

# Memorandum



## New Jersey Meadowlands Commission

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

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*From:* Christine A. Sanz *Date:* April 23, 2008

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*Subject:* Establishment of a Pilot Program to Assist District Municipalities in the Development of Solar Energy Facilities

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The New Jersey Meadowlands Commission (NJMC) seeks to continue its commitment to create alternative sources of energy in the Hackensack Meadowlands District by establishing a pilot program for the purpose of encouraging the creation of solar energy facilities in District municipalities. This program advances the NJMC's long-standing goal of establishing a renewable energy infrastructure within the District. Through this program, the NJMC intends to leverage experience it has gained in contracting for solar energy facilities at its headquarters to assist municipalities in their own renewable energy endeavors. The NJMC Office of Sustainability will serve in a consultancy capacity to Meadowlands municipalities throughout the phases of facility development and may provide assistance with procurement, site selection, obtaining available financial incentives, and regulatory compliance.

**RESOLUTION APPROVING AN AMENDMENT TO THE  
NEW JERSEY MEADOWLANDS COMMISSION  
SOLID WASTE MANAGEMENT PLAN**

**WHEREAS**, the New Jersey Meadowlands Commission's Solid Waste Management Plan was approved on July 31, 1980, with subsequent Plan updates approved on March 4, 1983, October 9, 1985, and April 10, 2007; and

**WHEREAS**, Westside Transload, L.L.C. is proposing to initially accept up to 1,200 tons per day of NJDEP waste types 13 (bulky), 13C (construction and demolition), 23 (vegetative), and 27 (dry industrial) wastes; and

**WHEREAS**, after an initial start-up period, Westside would operate a maximum 1,500 ton per day Transfer Station/Materials Recovery Facility on property leased from the railroad at 5600-5800 Westside Avenue, Block 453A, Lots 5A1, 5B, 5C, and a portion of lot 7C, and portions of Block 481, Lot 1 (NYS&W railroad right of way) in the Town of North Bergen, Hudson County, New Jersey; and

**WHEREAS**, the approximately 10.1 acre property where the transfer station has been built is currently being used as a railroad facility; and

**WHEREAS**, in support of its application, Westside Transload, L.L.C. has submitted a document entitled "Application to Amend the New Jersey Meadowlands Commission Solid Waste Management Plan" as well as related plans prepared by Cornerstone Environmental Group, and a Traffic Impact Analysis and Supplemental Traffic Impact Analysis prepared by Simco Engineering, P.C. Conclusions in the Supplemental report led to the suspension of activities from 7:00 am - 9:00 am during peak periods on weekdays; and

**WHEREAS**, a Public Hearing was held on December 17, 2007 concerning this proposal. No members of the public or government officials attended, and no comments were received; and

**WHEREAS**, additional information was requested at the time of the public hearing, and the record was initially left open until January 28, 2008. Due to the potential for a conflict with an adjacent rail use, a revised lease delineating the access and scales as exclusively for Westside's use was requested; and

**WHEREAS**, the Solid Waste Division has reviewed the available information and has recommended that Westside Transload, L.L.C. Transfer Station/Materials Recovery Facility be included in the NJMC Plan subject to the NJDEP approval and be adopted as an Amendment to the NJMC Plan (see attached memorandum).

**NOW, THEREFORE, BE IT RESOLVED** that the Director of Solid Waste shall forward to the NJDEP all relevant information pursuant to the New Jersey Solid Waste Management Act and required procedures for Plan Amendments including this resolution and the attachments recommending adoption of this Plan Amendment.

The foregoing was adopted by Commission vote.

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Joseph V. Doria, Jr.  
Chairman

I certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Meadowlands Commission at its meeting of April 23, 2008.

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Robert R. Ceberio  
Secretary

Resolution No. 08-40

# Memorandum



## New Jersey Meadowlands Commission

To: NJMC Commissioners and Robert R. Ceberio

From: Thomas R. Marturano

Date: April 23, 2008

Subject: Solid Waste Management Plan Amendment

A public hearing was held on December 17, 2007 to hear parties interested in an Amendment to the NJMC Solid Waste Management Plan (NJMC Plan). This is the first NJMC Plan amendment that seeks to include a rail transfer facility in our Plan.

Westside Transload, L.L.C. is proposing to operate a maximum 1,500 ton per day Transfer Station/Materials Recovery Facility to be located at 5600-5800 Westside Avenue, Block 453A, Lots 5A1, 5B, 5C, and a portion of lot 7C, and portions of Block 481, Lot 1 (NYS&W railroad right of way) in the Town of North Bergen, Hudson County, New Jersey. This approximately 10.1 acre property where the transfer station is to be located is currently being used as a railroad facility.

The applicant is proposing to initially accept up to 1,200 tons per day of NJDEP waste types 13 (bulky), 13C (construction and demolition), 23 (vegetative), and 27 (dry industrial) wastes. At the end of a six-month period where loading exceeds 1,000 tons per day, Westside Transload can increase their loadings to the facility maximum of 1,500 tons per day assuming that there are no site issues related to traffic, litter, etc. All operations will be conducted within a newly constructed 16,000 square foot building. Recovered materials will be directed to end-markets, while waste materials will be loaded into open top gondola railcars staged within the building. Due to traffic concerns on Westside Avenue, operating hours are proposed from 9:00 am through 7:00 pm, and 9:00 pm through 7:00 am Monday through Friday. However, on the following holidays, operations can run 24 hours per day: New Years Day, Good Friday, Memorial Day, Fourth of July, Labor Day, Election Day (Presidential only), Veterans Day, Thanksgiving, and Christmas Day.

Legal notices were placed in the Bergen Record and Jersey Journal as required by DEP regulations. No written or oral comments were received relative to this proposed amendment. Representative of the applicant provided testimony relative to this application at the public hearing. There were no members of the public or government representatives attending the hearing. Additional information was requested at the time of the hearing, and the record was initially left open until January 28, 2008.

Based on the review of the information available to the NJMC, and with no public comment, the NJMC Solid Waste Division recommends that this Solid Waste Plan Amendment be adopted by the New Jersey Meadowlands Commission and forwarded to the New Jersey Department of Environmental Protection for their review and certification.

**RESOLUTION ISSUING A DECISION ON THE  
SUITABILITY RECOMMENDATION AS REQUIRED BY THE  
NJMC EMERGENCY RESTRAINTS UPON FURTHER DEVELOPMENT  
FILE NO. 08-176, Hartz HMP/New 14-Plex Theater  
BLOCK 227, LOT 5.03, IN THE TOWN OF SECAUCUS**

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

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

**WHEREAS**, on September 19, 2007, the Commission adopted Resolution No. 07-74, which approved Guidelines entitled, "Emergency Restraints upon Further Development in the Meadowlands District, Instituted by the New Jersey Meadowlands Commission," that will govern the review of and restraints upon applications for further development in the Meadowlands District; and

**WHEREAS**, the Guidelines, last revised on February 27, 2008, govern all zoning certificate applications received on or after May 21, 2007 and 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; and

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

**WHEREAS**, a zoning certificate application was submitted to the NJMC on March 25, 2008, by Perry E. Frenzel, on behalf of Hartz Mountain Industries, for the premises identified as 100, 600 & 700 Plaza Drive, Block 227, Lot 5.03, in the Town of Secaucus, New Jersey, and which is located in the Regional Commercial zone; and

**WHEREAS**, the application proposes to construct a 14-plex movie theater on the subject property, and as such, is not exempt from the Emergency Restraints; and

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

**WHEREAS**, a suitability review, dated April 18, 2008, and attached hereto, has been prepared, indicating the recommendation of the Review Team in this matter; and

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

**WHEREAS**, the members of the NJMC have reviewed the suitability review and recommendation prepared by the Review Team, regarding the subject property; and

**WHEREAS**, the members of the NJMC concur with the recommendation of the Review Team; and

**WHEREAS**, the NJMC hereby determines that the subject property is unsuitable for residential use.

**NOW, THEREFORE, BE IT RESOLVED**, by the New Jersey Meadowlands Commission, that the subject property located at Block 227, Lot 5.03, in the Town of Secaucus is unsuitable for residential use.

The foregoing was adopted on Commission vote.

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Joseph V. Doria, Jr.  
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 April 23, 2008.

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Robert R. Ceberio  
Secretary

Resolution No. 08-41

# Memorandum



## New Jersey Meadowlands Commission

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

From: Sara Sundell Date: April 23, 2008

Subject: Site Suitability Recommendation for 100, 600 & 700 Plaza Drive in the Town of Secaucus

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. The Commission followed up by adopting Resolution No. 07-68, on July 25, 2007, which approved the "Policy Statement Regarding the NJMC's Expanded Responsibilities to Plan and Zone for Affordable Housing. Thereafter, on September 19, 2007, the Commission adopted Resolution No. 07-74, which approved Guidelines entitled, "Emergency Restraints upon Further Development in the Meadowlands District, Instituted by the New Jersey Meadowlands Commission."

These Guidelines will govern the review of and restraints upon zoning certificate applications for further development in the Meadowlands District. The Guidelines apply to all zoning certificate applications already filed with the NJMC which have not received zoning certificate approval as of January 23, 2008, and to all zoning certificate applications received by the NJMC on or after January 23, 2008, and will 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 Guidelines set forth the criteria for a Review Team, comprised of three NJMC staff members, including one New Jersey-licensed professional engineer and one New Jersey-licensed professional planner, and also a professional planner representing the municipality in which the proposed development is located, to review each zoning certificate application to determine the suitability of the subject site for residential use.

A zoning certificate application was submitted to the NJMC on March 25, 2008, by Perry E. Frenzel on behalf of Hartz Mountain Industries for the premises identified as 100, 600 & 700 Plaza Drive, Block 227, Lot 5.03, in the Town of Secaucus, New Jersey, and which is located in the Regional Commercial zone. The application proposes to construct a 14-plex movie theater on the subject property, and as such, is not exempt from the Emergency Restraints.

The matter was forwarded to the Review Team for review of the application in accordance with the Emergency Restraints. A suitability review, dated April 18, 2008, has been prepared, indicating that the Review Team recommends that the subject property is unsuitable for residential use.

At this time, Staff is recommending that the members of the NJMC concur with the suitability recommendation prepared by the Review Team, regarding the subject property, which determines that the subject property is unsuitable for residential use.



## Suitability Review - Summary

File No. 08-176

Hartz HMP/New 14-Plex Theater

Block 227, Lot 5.03, in the Town of Secaucus

April 18, 2008

A zoning certificate application (File No. 08-176) was submitted to the NJMC on March 25, 2008, by Perry E. Frenzel, Sr. Vice President, on behalf of Hartz Mountain Industries, for the premises identified as Harmon Meadow Plaza, Block 227, Lot 5.03, in the Town of Secaucus, New Jersey. The application proposes the construction of a 68,790 square foot 14-Plex movie theater to replace an existing 6-Plex movie theater on the subject property.

The subject property is located in the Regional Commercial zone. As such, the site characteristics of the property have been evaluated in accordance with the "Emergency Restraints upon Further Development in the Meadowlands District, Instituted by the New Jersey Meadowlands Commission," adopted by the NJMC on September 19, 2007, and last revised on February 27, 2008.

### Proposed Use

As previously mentioned, the applicant proposes to construct a 68,790 square foot 14-Plex movie theater to replace an existing 6-Plex movie theater on Block 227, Lot 5.03. The use is permitted in the Regional Commercial zone.

**In accordance with Section II(e)3 of the Emergency Restraints, a site shall be deemed unsuitable if any of the following apply:**

#### i. Size of Property

Properties that contain less than 7,500 square feet of buildable land are deemed unsuitable to support the development of housing.

- As it currently exists, Lot 5.03 contains 65.290 acres and does not have significant areas of excess contiguous open space. The site is entirely developed with a number of commercial and retail structures and associated parking fields and structures. The site of the proposed theater is currently improved with surface parking.
- The regulations require a minimum front yard setback of 50 feet for structures and 25 feet for parking, a side yard setback of 40 feet, and a rear yard setback of 30 feet. In addition, a minimum of 20 percent of the site must be maintained as open space. The existing property exceeds the required amount of open space by approximately 13 percent; however, the excess open space is not concentrated in any one location and is spread



through out the site. For example, adjacent to the Route 3 service road, there is an 85-foot wide strip of open space that exceeds the requirements for front yard setbacks by 35 feet. This remaining area results in approximately 35,000 square feet of available buildable area, however, the area in question is only 35 feet wide and is located between the Route 3 service road and the parking lot for the commercial development.

#### **ii. Former and Existing Land Uses**

The existence of former and existing land uses, either on-site or in the vicinity of the site or in the vicinity, may expose residents to environmental hazard, unless the site is remediated to NJDEP residential standards.

- The NJMC is not aware of any conditions on or in the vicinity of the subject property, either former or existing, that may expose residents to environmental hazard.

#### **iii. Size, Shape, or Layout**

The size, shape, or layout of existing structures, or other physical limitation(s) not listed previously, precludes residential use.

- There is very little area on Lot 5.03 to build residential units. The existing layout of the existing commercial buildings, parking areas, open space areas, and setbacks would preclude residential use.
- The location for the proposed development is in the middle of an active parking lot which would present challenges with respect to circulation and safety of residents. The existing theater would be replaced with surface parking.

#### **iv. COAH's Site Suitability Requirements**

The site does not meet applicable COAH site suitability requirements at N.J.A.C. 5:94-1.4 and 4.5. A site would not meet COAH site suitability requirements if any one of the following items are applicable:

1. The application does not comply with pertinent wetland regulations.
2. The site contains flood hazard constraints as defined in N.J.A.C. 7:13.
3. The site is listed on the State or National Register of Historic Places.
4. Adequate infrastructure, including utilities and/or roadways, is not available.
  - Items 1 through 4 above are not applicable to the subject property.

#### **v. Sound Planning Principles**

The site is unsuitable for residential use pursuant to sound planning principles.

- The site is substantially built-out, with an active and viable commercial/retail development, associated parking areas, and required open space and setbacks. No appropriate areas remain on the site to

construct residential units.

- The site is located within a dynamic and heavily-trafficked commercial/retail area.
- The subject area of the site is located in the middle of a highly-active parking lot and is adjacent to the Route 3 service road. Circulation patterns in the parking lot do not lend to residential pedestrian movements, and would create a safety issue for small children and the elderly.
- The site is remote from residential neighborhoods, public schools, local retail stores, recreational facilities, and other public amenities. Pedestrian access to the rest of the community is difficult and requires crossing Route 3 by way of an overpass and traveling along Paterson Plank Road toward the center of Secaucus, with limited sidewalks and pedestrian crosswalks.

In summary, three of the above criteria, as per Section II(e)3 of the Emergency Restraints, apply to the subject property. As a result, Lot 5.03 is deemed unsuitable for housing.

Therefore, the applicant may proceed with the proposed development. However, the proposed development may generate a need for affordable housing within the municipality. As a condition of zoning certificate approval, the applicant shall be required to satisfy the project's affordable housing requirements as per Section II of the Emergency Restraints.