

NEW JERSEY MEADOWLANDS COMMISSION
AGENDA

DATE: March 26, 2008
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 - February 27, 2008 Pg. 1
February 27, 2008 - Closed Session
January 23, 2008 Pg. 5
5. PUBLIC PARTICIPATION ON RESOLUTIONS
6. VARIANCES/SPECIAL EXCEPTIONS

Resolution No. 08-23 Consideration of a Resolution Regarding Pg. 10
The Approval of One Special Exception
Requested To Permit the Operation of a
Health Care Center Where Health Care
Centers Are Listed as a Special Exception
Use in the Light Industrial A zone. A
change of use of 10,000 square feet of
existing warehouse space into a health
care center is proposed for the premises
identified as 210 Meadowlands Parkway,
Block 51, Lot 4, in the Town of Secaucus.
(File #07-607, Hartz/Specialty Surgical
Center of Secaucus - C.O.).

NEW JERSEY MEADOWLANDS COMMISSION
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MONTHLY MEETING

Pg. 2

7. REDEVELOPMENT

Resolution No. 08-24 Consideration of a Resolution Concerning Pg. 22
Redevelopment of Block 20.01, Portion of Lot
16 in the Town of Secaucus.

8. MEADOWLANDS ENVIRONMENTAL
RESEARCH INSTITUTE

Resolution No. 08-25 Consideration of a Resolution Authorizing Pg. 25
The Executive Director To Enter Into a MOU
With Kean University To Develop
Environmental Data Visualization Products
For Understanding the Source of Airborne
Particulate Matter in the District.

9. ARBOR DAY

Resolution No. 08-26 Consideration of a Resolution To Pg. 27
Authorize the Executive Director To
Purchase Trees for Meadowlands
Municipalities.

10. FLOOD CONTROL

Resolution No. 08-27 Consideration of a Resolution Authorizing Pg. 29
The Executive Director To Enter Into a
Contract for Phase I of the Restoration of
The Rutherford/East Rutherford Drainage
Ditch System.

NEW JERSEY MEADOWLANDS COMMISSION
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MONTHLY MEETING

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11. REPORTS

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

12. NEW BUSINESS

13. PUBLIC PARTICIPATION

14. CLOSED SESSION

- A. Adopt Resolution No. 08-28 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: January 23, 2008
 TIME: 10:00 a.m.
 PLACE: Lyndhurst, NJ
 RE: MONTHLY MEETING MINUTES

COMMISSIONERS PRESENT:

Joseph V. Doria, Jr., Chairman
 James A. Anzevino (via telephone)
 Michael J. Gonnelli
 Leonard R. Kaiser
 Arleen Walther

STAFF PRESENT:

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

Minutes of the December 19, 2007 meeting, were moved by Commissioner Kaiser, seconded by Commissioner Gonnelli and unanimously carried.

Resolution 08-01 - Resolution concerning issuing a decision on the variance application submitted as part of file # 07-439, Wood Avenue LLC/Tele-Dynamics-C.O./Variance - Block 118, Lot 3, in the town of Secaucus is being held.

Resolution 08-04 - Resolution concerning site suitability recommendation for 290 Veterans Boulevard in the Borough of Rutherford is being held.

5. PUBLIC PARTICIPATION ON RESOLUTIONS

- Dennis Elwell, Mayor of Secaucus spoke on Resolution 08-03
- Margaret Schak, representing the Rutherford Taxpayers Association spoke on Resolution 08-02 and 08-07.
- Frank Regan, representing the applicant spoke on Resolution 08-04
- Michael Guarino, Lyndhurst resident spoke on Resolution 08-07
- Don Evanson, Secaucus resident spoke on Resolution 08-03
- Adam Gordon representing Fair Share Housing spoke on Resolution 08-03 and 08-04.

6. TAX SHARING

Resolution No. 08-02 - Resolution certifying the Intermunicipal Tax Sharing Pool for CY2008.

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

7. EMERGENCY RESTRAINTS

Resolution No. 08-03 - Resolution approving amendments to guidelines concerning scarce resource restraints within the Hackensack Meadowlands District in accordance with the Appellate Division Decision in a-4174-03T3; a-3107-04T1.

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

8. RULEMAKING

Resolution No. 08-05 - Resolution adopting New Rules at N.J.A.C. 19:3-7 that govern the debarment and suspension from contracting.

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

9. SPECIAL EXCEPTION

Resolution No. 08-06 - Resolution authorizing the NJMC and its staff to file a Notice of Proposal and hold a public hearing for proposed changes to the NJMC Regulations regarding Special Exception Applications.

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

10. SPECIAL COUNSEL

Resolution No. 08-07 - Resolution authorizing the Executive Director to appropriate \$500,000 for Special Counsel to be retained by the Office of the Attorney General for work associated with the EnCap Redevelopment Agreement.

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

11. LEGAL

Resolution No. 08-08 - Resolution authorizing the Chairman to issue a Final Decision in Park Holdings v. NJMC.

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

12. REPORTS

Commissioner Kaiser clarified the defeasance of the Bergen County Utilities Authority and the County of Bergen's debt as it pertains to the transfer station at the Kingsland Landfill. The \$96,875,896 that was collected from various state agencies and from private developers was used to decrease the debt that the Bergen County Utility Authority and the County of Bergen was saddled with at that time.

Executive Director Ceberio announced that the new NJMC website (www.njmeadowlands.gov) is up and running. Some of the added features include the ability for the public to review any of the development applications that are presently being considered by staff, Commission meeting agendas and minutes, and permit applications will be accepted through the website.

Mayors Committee Fred Dressel commented on the proposed conditions of enforcing the COAH regulations.

13. NEW BUSINESS

Executive Director Ceberio introduced an application from Edison Properties proposing to petition the NJMC to amend the Secaucus Transit Village Redevelopment Area. As part of the petition it seeks to add block 20.01, Lot 16 into the redevelopment area. The area was left off because it's the former Bergen Line right-of-way, which was not included in the initial redevelopment area. Mr. Ceberio asked the board consider a resolution directing NJMC staff to do an in-need study to add block 20.02, Lot 16 into the Transit Village Redevelopment Area.

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

14. PUBLIC PARTICIPATION

- Mr. DelVecchio
- Richard Hoff on behalf of the New Jersey Builders Association
- Frank McCormack, Secaucus resident
- Michael Guarino, Lyndhurst resident
- Sam Maffei, Secaucus resident

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

ROBERT R. CEBERIO, SECRETARY

RESOLUTION#	08-01 HELD	08-02	08-03	08-04 HELD	08-05	08-06	08-07	08-08	08-09 New Business
Chairman Doria		Y	Y		Y	Y	Y	Y	Y
Comm. Anzevino		Y	Y		Y	Y	Y	Y	Y
Comm. Gonnelli		Y	A		Y	Y	Y	Y	A
Comm. Kaiser		Y	Y		Y	Y	Y	Y	Y
Comm. Macri	---	---	---	---	---	---	---	---	---
Comm. Nissley	---	---	---	---	---	---	---	---	---
Comm. Walther		Y	Y		Y	Y	Y	Y	Y

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

NEW JERSEY MEADOWLANDS COMMISSION

DATE: February 27, 2008
 TIME: 10:00 a.m.
 PLACE: Lyndhurst, NJ
 RE: MONTHLY MEETING MINUTES

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
 Ileana Kafrouni, Director Land Use Management
 Christine A. Sanz, Director of Legal Affairs/Chief Counsel
 Francisco Artigas, Director of MERI
 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
 - Richard Hoff , of Flaster/Greenberg spoke on Resolution 08-16.
 - Margaret Schak, Rutherford resident spoke on Resolutions 08-16 and 08-18.
 - Michael Guarino, Lyndhurst resident spoke on 08-14.

5. VARIANCE/SPECIAL EXCEPTIONS

Resolution No. 08-10 - Resolution issuing a decision on the variance application submitted as part of File No. 07-439, Wood Avenue LLC/Tele-Dynamics-C.O./Variance - Block 118, Lot 3, in the Town of Secaucus.

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

6. MEADOWLANDS ENVIRONMENTAL RESEARCH INSTITUTE

Resolution No. 08-11 - Resolution supporting the renewal of the Rutgers-Newark Science Fellowship Program.

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

7. CAPITAL IMPROVEMENTS

Resolution No. 08-13 - Resolution authorizing the Executive Director to enter into a contract to replace the existing roofs on the NJMC Administration and Environmental Center Building.

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

8. SOLID WASTE

Resolution No. 08-14 - Resolution authorizing the Executive Director to extend the term of the lease of the NJMC Solid Waste Facility.

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

Resolution No. 08-15 - Resolution authorizing an additional rebate to the County of Hudson for solid waste received at the NJMC landfill.

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

9. SITE SUITABILITY

Resolution No. 08-16 - Resolution issuing a decision on the suitability recommendation as required by the NJMC Emergency Restraints upon further development - File No 07-705, Progressive/New Building (formerly, Rutherford Tarragon Develop/New Building) - Block 219, Lot 67.07, in the Borough of Rutherford.

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

Resolution No. 08-17 - Resolution issuing a decision on the suitability recommendation as required by the NJMC Emergency Restraints upon further development - File No 04-105, 205 Washington Ave. Assoc./Ava's Catering New Building - Block 132, Lot 2 in the Borough of Carlstadt.

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

10. EMERGENCY RESTRAINTS

Resolution No. 08-18 - Resolution approving amendments to guidelines concerning Scarce Resource Restraints within the Hackensack Meadowlands District in accordance with the Appellate Division Decision in A-4174-03T; A-3107-04T1.

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

11. LEGAL

Resolution No. 08-19 - Resolution authorizing the appropriation of funds to make final payment to Giantomasi & Oliveira, PC for the performance of legal services.

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

12. REPORTS

Commissioner Nissley reported that this week on behalf of Commissioner Doria she welcomed the Northern New Jersey Council of the Boy Scouts to the NJMC. Commissioner Nissley went on to explain how the Council members were fascinated with the facilities and are eager to bring their children. She commended everyone involved with the programs.

Executive Director Ceberio pointed out to the public that on Resolution 08-18, a concept which was brought forward by Mayor Dressel, and staff at the direction of Chairman Doria, has put new language into the emergency restraints that would bring on each town planner to the site suitability projects.

Executive Director Ceberio explained about the Route 17 flood control project. Bids are expected back by the April Commission meeting. Executive Director Ceberio thanked Commissioner Doria for leading a delegation of himself, other NJMC staff with Commissioner Jackson of DEP to look at some of the projects and streamlining the permitting process, especially as it relates to the flood control.

Executive Director Ceberio announced that on March 26, 2008 immediately following the Commission meeting the William McDowell Observatory and new Science Center will be dedicated.

13. PUBLIC PARTICIPATION

- Margaret Schak, representing Rutherford Taxpayers Assoc.
- Michael Guarino, Lyndhurst resident

14. CLOSED SESSION

The following issues were taken into consideration: Galli v. NJMC, potential litigation with building contractor and NYS&W settlement.

Motion to enter into closed session was made, seconded and unanimously carried.

Motion to enter into open session was made, seconded and unanimously carried.

Mr. Ceberio read the two resolutions which were deliberated in closed session.

Resolution No. 08-21 - Resolution authorizing the Executive Director to enter into a settlement in the matter of Anne Galli v. New Jersey Meadowlands Commission, et al., Civil Action No. CV-03-1237.

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

Resolution No. 08-22 - Resolution authorizing the Executive Director to appropriate additional funds to the existing contract with Frederick A. Rosen, Architect.

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

Motion to adjourn meeting was made, seconded with all in favor.

ROBERT R. CEBERIO, SECRETARY

RESOLUTION#	08-10	08-11	08-12	08-13	08-14	08-15	08-16	08-17	08-18	08-19
Chairman Doria	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Comm. Anzevino	Y	Y	Y	Y	Y	Y	A	A	Y	Y
Comm. Gonnelli	A	Y	Y	Y	Y	Y	Y	Y	Y	Y
Comm. Kaiser	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Comm. Macri	---	---	---	---	---	---	---	---	---	--
Comm. Nissley	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Comm. Walther	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
RESOLUTION#	08-21	08-22								
Chairman Doria	Y	Y								
Comm. Anzevino	Y	Y								
Comm. Gonnelli	Y	Y								
Comm. Kaiser	Y	Y								
Comm. Macri	---	---								
Comm. Nissley	Y	Y								
Comm. Walther	Y	Y								

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

**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**

WHEREAS, an application for one (1) special exception was filed with the New Jersey Meadowlands Commission ("NJMC") by Mr. Walter Smith, Jr., on behalf of Hartz Mountain Industries, for the premises identified as 210 Meadowland Parkway, Block 51, Lot 4, in the Town of Secaucus, New Jersey; and

WHEREAS, the special exception is sought in connection with the applicant's proposal to convert 10,000 square feet of existing retail and office space into a health center on the subject premises which is located in the Commission's Light Industrial A zone; and

WHEREAS, the applicant requested a special exception in accordance with N.J.A.C. 19:4-5.74(a)8, where health centers are listed as a special exception use in the Light A Industrial zone. The applicant is proposing to convert 10,000 square feet of existing retail and office space into a health center on the subject premises; and

WHEREAS, notice of the requested special exception was provided to the public and all interested parties as required by law and was published in the Secaucus Home News and The Jersey Journal; and

WHEREAS, a public hearing was held in the Office of the NJMC on November 27, 2007, before Sharon Mascaró P.E., Chief Engineer, and Brad Miller, Engineer, of the NJMC staff; and

WHEREAS, a comprehensive report dated March 14, 2008, has been prepared indicating the recommendations of the Director of Land Use Management and the Executive Director in this matter; and

WHEREAS, the report recommends approval of the special exception to convert 10,000 square feet of existing retail and office space into a health center on the subject premises; and

WHEREAS, Resolution 08-06 authorizes staff to utilize the procedure promulgated for the decision of variance applications, at N.J.A.C. 19:4-4.14, for the decision of special exceptions; and

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

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

WHEREAS, the NJMC hereby determines that the requested special exception to convert 10,000 square feet of existing retail and office space into a health center on the subject premises conforms with the standards for approving applications for special exceptions as set forth in N.J.A.C. 19:4-4.13(e).

NOW, THEREFORE, BE IT RESOLVED, by the New Jersey Meadowlands Commission, that the Hartz/Specialty Surgical Center of Secaucus - C.O. application for one (1) special exception to convert 10,000 square feet of existing retail and office space into a health center on the subject premises is hereby **APPROVED** for the reasons set forth in the recommendation dated March 14, 2008.

The foregoing was adopted on Commission vote.

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 March 26, 2008.

Robert R. Ceberio
Secretary

Resolution No. 08-23

Memorandum



New Jersey Meadowlands Commission

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

From: Sara J. Sundell Date: March 26, 2008

Subject: Special Exception Recommendation: Hartz/Specialty Surgical Center Of Secaucus - C.O (File 07-607)

An application for one (1) special exception has been filed by Mr. Walter Smith, Jr., on behalf of Hartz Mountain Industries, for the premises identified as 210 Meadowland Parkway, Block 51, Lot 4, in the Town of Secaucus, New Jersey. Said premises are located in the Commission's Light A Industrial zone. The special exception is sought in connection with the applicant's proposal to convert 10,000 square feet of existing retail and office space into a health center on the subject premises.

The applicant has requested a special exception in accordance with N.J.A.C. 19:4-5.74(a)8, where health centers are listed as a special exception use in the Light A Industrial zone. The applicant is proposing to convert 10,000 square feet of existing retail and office space into a health center on the subject premises. A public hearing on this matter was held in the Office of the NJMC on Tuesday, November 27, 2007.

In a comprehensive report dated March 14, 2008, the Director of Land Use Management and the Executive Director recommended approval of the special exception request in connection with the applicant's proposal to convert 10,000 square feet of existing retail and office space into a health center on the subject premises.

At this time, the Commission is required to issue a decision on the special exception application described above, in accordance with Resolution 08-06, which authorizes staff to utilize the procedure promulgated for the decision of variance applications, at N.J.A.C. 19:4-4.14, for the decision of special exceptions.

A resolution requesting the same is attached for your consideration.

**RECOMMENDATION ON THE SPECIAL EXCEPTION APPLICATION OF
Hartz/Specialty Surgical Center Of Secaucus - C.O.**

FILE: 07-607

I. INTRODUCTION

An application for one (1) special exception has been filed with the New Jersey Meadowlands Commission (NJMC) by Mr. Walter Smith, Jr. on behalf of Hartz Mountain Industries, for the premises identified as 210 Meadowland Parkway, Block 51, Lot 4, in the Town of Secaucus, New Jersey. Said premises are located in the Commission's Light Industrial A zone. The special exception is sought in connection with the applicant's proposal to convert 10,000 square feet of existing retail and office space into a health center on the subject premises.

Specifically, the applicant is requesting special exception use approval pursuant to the following:

1. N.J.A.C. 19:4-5.74(a)8, where health centers are listed as a special exception use in the Light A Industrial Zone. The applicant is proposing to convert 10,000 square feet of existing retail and office space into a health center on the subject premises.

Notice was given to the public and all interested parties as required by law. The public notice was published in The Jersey Journal and the Secaucus Home News. No written objections were submitted to the Division of Land Use Management. A public hearing was held in the Office of the Commission on Tuesday, November 27, 2007. All information submitted to the Division of Land Use Management relative to this application is made part of the record of this decision.

II. GENERAL INFORMATION

A. Existing and Proposed Use

The 14.92-acre site is located on the corner of Meadowland Parkway and American Way and on the corner of Hartz Way and American Way. The lot contains an approximately 250,000 square foot mixed-use building and includes retail, office, warehouse, light industrial, and health center uses. On-site parking exists throughout the premises.

An existing tenant area containing 10,000 square feet of retail space and office space is proposed to be converted into a health center. Specialty Surgical Center of Secaucus is seeking special exception approval to operate an outpatient surgical facility. There will be no in-patient service at this facility.

B. Response to the Public Notice

No written comments were submitted to this Office regarding this application prior to the public hearing.

III. PUBLIC HEARING (November 27, 2007)

A public hearing was held on Tuesday, November 27, 2007. NJMC staff in attendance were Sharon A. Mascaró, P.E., Chief Engineer, and Brad Miller, Staff Engineer.

A. Exhibits

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

<u>Number</u>	<u>Description</u>
A-1	"Specialty Surgical Center of Secaucus Proposed Conversion of Retail/Office Space to Health Care Center," Sheet 1 of 1,

prepared by Hartz Mountain Industries, dated September 2007, revised October 12, 2007.

- A-2 "Expert Planning Report..." prepared by Phillips Preiss Shapiro and Associates, Inc., Planning and Real Estate Consultants, dated November 2007.
- A-3 "Statement for the Public Hearing Regarding a Request for a Special Exception by the Hartz/Specialty Surgical Center of Secaucus," prepared by Martin W. Baicker, FACHE, of Meadowlands Hospital Medical Center, dated November 27, 2007, and "New Jersey Acute Care Hospitals Financial Status," prepared by Accenture, dated October 3, 2006.

B. Testimony

David Hughes, Esq., of Hartz Mountain Industries, represented the applicant at the hearing. The following two witnesses testified in support of the application:

1. William Cohen, Operations, Management Specialists of America.
2. Paul A. Phillips, P.P., Phillips Preiss Shapiro Associates.

Staff findings and recommendations are based on the entire record. A transcript of the public hearing was prepared and transcribed by Mary Ann Adams, Certified Shorthand Reporter and Notary Public of the State of New Jersey.

C. Public Comment

Several members of the public attended the hearing and offered comments on the application. The following persons spoke at the hearing: Honorable Dennis Elwell, Mayor of Secaucus, and Martin W. Baicker, FACHE, Meadowlands Hospital Medical Center. Their comments are found in the transcript of the hearing.

IV. RECOMMENDATION

A. Standards for the Granting of a Special Exception to permit a health center in the Light Industrial A zone as per N.J.A.C. 19:4-5.74(a)8.

The NJMC Zoning Regulations at N.J.A.C. 19:4-4.13(e) state in part that, *a special exception use shall not be granted unless specific written findings of fact are made based upon the evidence presented that supports the following conclusions:*

1. *The proposed special exception use at the specified location will contribute to and promote the welfare or convenience of the public.*

The proposed health center will contribute to and promote the welfare and convenience of the public by providing medical outpatient facilities to residents within the region. The proposed health center to be located on Meadowland Parkway will offer orthopedic and osteopathic surgery in addition to other surgical procedures restricted to outpatient service. There are currently few other medical outpatient facilities within the vicinity of the site. An existing tenant on the subject premises is an urgent care and occupational health center facility. Additionally, the Meadowlands Hospital Medical Center is located approximately 2,000 feet to the north. The surrounding neighborhood consists of warehouse and distribution uses as well as numerous retail outlet stores within the vicinity of the site. In addition, the Harmon Cove residential development is located across Meadowland Parkway to the west. The health center will benefit residents and workers in the immediate area. In addition, it will further enhance the area in terms of overall mixed-used development.

2. *The proposed special exception use will not cause substantial injury to the value of other property in the neighborhood.*

The proposed health center will be compatible with the surrounding land uses and will not cause substantial injury to the value of other properties in the surrounding neighborhood. The proposed 10,000 square foot center will consist of a comparatively small portion of the approximately 250,000 square foot mixed-use building in which it will be located. The other tenants in the building consist of commercial spaces of similar size to the proposed health center, as well as some larger warehouse and distribution spaces. There will be minimal traffic generated by the health center and it will not require any additional parking, therefore the use will not increase the burden on the existing roadways in the neighborhood. In addition, the proposed tenant space is currently vacant, thereby not contributing to the overall vitality of the neighborhood. Once occupied, the health center will further enhance the surrounding area in terms of overall compatible mixed-used development.

3. *The special exception use will not dominate the immediate neighborhood in a manner that could prevent development and use of neighboring properties in accordance with the applicable regulations, in consideration of the following:*

- i. *The location and size of the special exception use;*

The 10,000 square foot building area proposed for the health center represents approximately four percent of the total floor area contained within the approximately 250,000 square foot building. The site and building, particularly the on-site parking, landscaping,

and other site attributes, will not substantially change as a result of the proposed health center. The health center only requires interior alterations, and consequently shall not dominate the site nor the surrounding neighborhood.

ii. The nature and intensity of the operation of the special exception use;

The operation of the proposed health center will complement the surrounding area and will function in a manner that will not be out of character or scale with the Harmon Cove development and other neighboring land uses, including warehousing and distribution facilities and retail outlets. Based on testimony given by the applicant, the health center will only conduct approximately ten procedures a day, therefore it will not generate a more intense use than presently exists at the subject location. Consequently, the development of the health center will not dominate the area or prevent the development and use of neighboring properties.

iii. The location of the site with respect to access and circulation;

The proposed location of the health center on the subject premises is immediately accessible from American Way and Hartz Way, and will not decrease the utility of these roadways. The existing site access points, on-site circulation routes, drive aisle widths, and required parking will be maintained and are adequate to serve the proposed change in use. No substantial on-site vehicular access and circulation improvements are required.

iv. The location, nature, and height of structures, walls and fences on the site; and

No substantial site improvements shall be required or are proposed for the health center. The facility shall only require interior alterations and, therefore, the height of the existing building shall not change.

v. The nature and extent of landscaping and screening on the site.

The site is presently well maintained and landscaped in an appropriate manner, requiring no additional landscaping. Landscaping and vegetative buffers will continue to be provided around the perimeter of the site. No new landscaping or screening will be required as there will be no equipment or activity generated by the facility that would require screening.

4. *Adequate utilities, drainage and other necessary facilities have been or will be provided.*

The requested special exception on the subject premises will not detrimentally impact the existing utility infrastructure. The subject property is fully developed containing all required utilities. The proposed health center will not affect the ability of the existing drainage system to perform in a safe and efficient manner and no additional impervious coverage is proposed. Additionally, the existing utility infrastructure, including water, sewer, and electric is

adequate to meet the requirements of the proposed health center, as well as the other remaining property uses.

5. *Adequate access roads and drive aisles have been or will be provided and shall be designed to prevent traffic hazards and minimize traffic congestion.*

The adjacent existing roadway network can satisfactorily support the proposed health center. Access to the health center will be from American Way and Hartz Way, as currently exists for the site. The 10,000 square feet of building space proposed for the health center is a relatively small portion of the approximately 250,000 square foot building. The change in use from office and retail to a health center will not significantly alter the intensity of the subject tenant space. Consequently, the on-site circulation will not be substantially impacted by the proposed use. As such, traffic generated by the health center will be de minimis.

6. *The special exception use will not have a substantial adverse environmental impact.*

The proposed health center will not result in any adverse environmental impacts. Any and all medical waste generated by the facility will be securely stored and properly disposed of as regulated by the State of New Jersey. NJMC environmental performance standards will not be exceeded for noise, vibration, glare, air emissions, and hazardous or radioactive materials generated from the proposed facility. In addition, no environmentally sensitive areas will be disturbed, as no substantial site improvements are proposed.


V. SUMMARY OF CONCLUSIONS

A. Standards for the Granting of a Special Exception to permit a health center in the Light Industrial A zone as per N.J.A.C. 19:4-5.74(a)8.

Based on the record in this matter, the special exception application for a 10,000 square foot health center on the subject premises is hereby recommended for approval.


APPROVAL
 Recommendation on
 Special Exception Request

3/20/08
 Date


 Sara J. Sundell, P.E., P.P.
 Director Of Land Use Management

Approval.
 Recommendation on
 Special Exception Request

3/20/08
 Date


 Robert R. Ceberio
 Executive Director

**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**

WHEREAS, N.J.S.A. 13:17-20 outlines the process for declaring a renewal area within the Meadowlands District for the purpose of redevelopment; and

WHEREAS, the Commission authorized staff to undertake an investigation to determine whether an 0.16-acre portion of Lot 16, within Block 20.01, in the Town of Secaucus, meets the criteria to be deemed in-need of redevelopment and to prepare a findings report; and

WHEREAS, a public hearing was held on March 4, 2008 to present the NJMC staff findings and evidence of in-need of redevelopment conditions in the area; and

WHEREAS, two public comments were received at the public hearing and one written comment was received regarding the study; and

WHEREAS, NJMC staff, having reviewed all comments made at the public hearing and submitted in writing, recommends that the Commission declare the 0.16-acre subject portion of Lot 16, within Block 20.01, to be in-need of redevelopment as described in the final in-need of investigation report, dated March 2008.

NOW, THEREFORE, IT BE RESOLVED by the New Jersey Meadowlands Commission that the above identified subject area in the Town of Secaucus is declared a renewal area in-need of redevelopment within the scope of N.J.S.A. 13:17-20 et seq.; and

BE IT FURTHER RESOLVED, that the NJMC staff is hereby authorized to include an 0.16-acre portion of Lot 16, within Block 20.01, in the Secaucus Transit Village Redevelopment Area and incorporate this parcel into the Station Square zone of the Secaucus Transit Village Redevelopment Plan in accordance with the above referenced statutory guidelines.

The foregoing was adopted on Commission vote.

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 March 26, 2008.

Robert R. Ceberio
Secretary

Resolution No. 08-24

Memorandum



New Jersey Meadowlands Commission

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

From: Sara J. Sundell Date: March 26, 2008

Subject: In-Need of Redevelopment Designation of Portion of Lot 16 within Block 20.01 and
Revision of Secaucus Transit Village Redevelopment Plan to include Subject Property

A public hearing was held on March 4, 2008 to receive comments on whether an 0.16-acre portion of Lot 16, within Block 20.01 in the Town of Secaucus, meets the criteria to be deemed in-need of redevelopment. At the request of 675 New County Road, LLC, an Edison Properties, LLC affiliate, the Commission authorized staff to study the subject site to determine whether it is in-need of redevelopment.

Two public comments were offered at the hearing. Herbert C. Klein, Esq., of Nowell Amoroso Klein Bierman, P.A., spoke on behalf of his client, 675 New County Road, LLC in support of deeming the subject site in-need of redevelopment. Sam Maffei, a resident of Secaucus, provided comments in anticipation of the upcoming hearing involving a proposed amendment to the Secaucus Transit Village Redevelopment Plan. Correspondence was received from the New Jersey Turnpike Authority regarding ownership of various portions of Block 20.01, Lot 16. The applicant asserted that it has clear title to the 0.16-acre portion of Lot 16 that was the subject of the hearing. The portion under review is part of a larger 0.19-acre section of Lot 16 that was conveyed by New Jersey Transit to New County Road Properties, LLC via a quitclaim deed dated January 10, 2006.

NJMC staff prepared an In-Need of Redevelopment Investigation Report, dated March 2008, and determined that the small, 0.16-acre, awkwardly-shaped parcel under study has been vacant for a period well in excess of ten years. With the relocation of the NJ Transit Bergen Line right-of-way and the construction of Seaview Drive Extension, this parcel has remained unaffected by development. Additionally, its undersized acreage within the Light Industrial A zone makes the possibility of development unlikely.

It is the NJMC staff's recommendation, that the Commission declares the 0.16-acre portion of Lot 16 within Block 20.01 in the Town of Secaucus to be "in-need of redevelopment" and authorizes staff to incorporate the 0.16-acre portion of Lot 16 within Block 20.01, into the Station Square zone of the Secaucus Transit Village Redevelopment Plan.

**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO
AN MOU WITH KEAN UNIVERSITY REGARDING
SOURCES OF AIRBORNE FINE PARTICULATE MATTER**

WHEREAS, the New Jersey Meadowlands Commission's (NJMC) master plan discusses the preparation of an annual environmental report card; and

WHEREAS, the Environmental Protection Agency recently strengthened its previous daily fine particle standard by nearly 50% and expects the States to meet the revised standards by 2015; and

WHEREAS, the NJMC through the Meadowlands Environmental Research Institute continuously monitors ultra fine particles in the air; and

WHEREAS, Kean University faculty have expertise in using modern tools of knowledge extraction on air quality results to determine the contributions of fine particulate to the environment.

NOW, THEREFORE, BE IT RESOLVED that the Executive Director is authorized to enter into a MOU with Kean University to develop environmental data visualization products for understanding the source of airborne particulate matter in the District in an amount not to exceed \$35,000.

The foregoing was adopted on Commission vote.

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 March 26, 2008.

Robert R. Ceberio
Secretary

Memorandum



New Jersey Meadowlands Commission

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

From: Francisco Artigas

Date: March 26, 2008

Subject: Kean University MOU

Large amounts of air quality data are being collected in the New Jersey Meadowlands District (District) as part of the New Jersey Meadowlands Commission (NJMC) air quality sponsored studies and the Environmental Protection Agency funded studies to assess the air quality. Emissions in the District have both anthropogenic (industry and traffic) and biogenic (wetland) origins that contribute to fine particulates in the air which have negative human health effects. This study aims at utilizing modern tools of knowledge extraction on existing air quality results to determine the contributions of fine particulate matter by these two sources.

This resolution will authorize the Executive Director to enter into an MOU with Kean University to develop environmental data visualization products for understanding the source of airborne particulate matter in the District and not to exceed \$35,000. Funding for this project is covered by EPA Grant # XA 97268501-0.

**RESOLUTION TO AUTHORIZE THE EXECUTIVE DIRECTOR
TO PARTICIPATE IN ARBOR DAY 2008**

WHEREAS, the New Jersey Meadowlands Commission (NJMC) is celebrating Arbor Day; and

WHEREAS, the Commission has invited District municipalities to participate in this event; and

WHEREAS, the individual town's Department of Public Works will plant the trees along streets and public facilities; and

WHEREAS, this year's purchase of (184) trees brings the total number of trees distributed to district municipalities to 1000, a green milestone.

NOW, THEREFORE, BE IT RESOLVED that the NJMC hereby authorizes the Executive Director to support Arbor Day by purchasing a total of (184) shade trees for \$15,272.00 to be distributed and planted in District municipalities.

The foregoing Resolution was adopted by Commission vote.

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 March 26, 2008.

Robert R. Ceberio
Secretary

Resolution No. 08-26

Memorandum



New Jersey Meadowlands Commission

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

From: Thomas R. Marturano Date: March 26, 2008

Subject: 2008 Arbor Day - Community Tree Planting Program

Once again, the New Jersey Meadowlands Commission (NJMC) is celebrating Arbor Day. The Commission is inviting District municipalities to participate in this spring event by planting trees along streets and at public parks.

The Commission has purchased (184) Tulip Trees (*Liriodendron tulipifera*) for a total cost of \$15,272.00. This year's purchase brings the total number of trees distributed to the District municipalities to 1000, a green milestone for the Commission.

**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)**

WHEREAS, in developing the Hackensack Meadowlands Floodplain Management Plan, the NJMC has identified the flooding on Route 17 in Rutherford and East Rutherford as an "extreme" priority; and

WHEREAS, the removal and replacement of the existing tide gates and the installation of additional culverts and tide gates are essential to reducing flooding along Route 17, local roadways, and flood-prone industrial areas; and

WHEREAS, plans and specifications for the "Restoration of the Rutherford/East Rutherford Drainage Ditch System - Phase I" were prepared by The Louis Berger Group and publicly bid, with ten (10) bids received on March 12, 2008; and

WHEREAS, Anselmi and DeCicco, Inc. of Maplewood, NJ, was the lowest responsible bidder, with a bid in the amount of \$4,449,449.00; and

WHEREAS, the NJMC and the Louis Berger Group have determined that the bid is reasonable and proper, as outlined in the attached memorandum; and

WHEREAS, the project will be funded through the Flood Control Reserve/MAGNET program; and

WHEREAS, the timely resolution of any issues or events that may impact the completion of the project is in the best interest of the NJMC; and

WHEREAS, having a contingency fund of \$222,472.45 to account for unforeseen circumstances during construction would prevent unnecessary delays.

NOW, THEREFORE, BE IT RESOLVED by the New Jersey Meadowlands Commission that the Executive Director is hereby authorized to enter into a contract with Anselmi and DeCicco, Inc. for the "Restoration of the Rutherford/East Rutherford Drainage Ditch System - Phase I" at a total cost of \$4,449,449.00 and that a contingency fund in the amount of \$222,472.45 is created for a total amount authorized by this resolution of \$4,671,921.45

NOW, THEREFORE, BE IT FURTHER RESOLVED by the New Jersey Meadowlands Commission that the NJMC 2008 budget be amended by \$4,671,921.45.

The foregoing was adopted on Commission vote.

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 March 26, 2008.

Robert R. Ceberio
Secretary

Resolution No. 08-27

Memorandum



New Jersey Meadowlands Commission

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

From: Sara J. Sundell Date: March 26, 2008

Subject: Restoration of the Rutherford/East Rutherford Drainage Ditch System - Phase I,
Contract SP-537

On March 12, 2008, bids were received and opened for Restoration of the Rutherford/East Rutherford Drainage Ditch System - Phase I. The NJMC is currently working with The Louis Berger Group as our design and construction management consultant. The Restoration of the Rutherford/East Rutherford Drainage Ditch System - Phase I project will include the removal of ten (10) existing culverts and five (5) existing tide gates, the removal of one (1) concrete weir/sluice gate structure, the installation of ten (10) 72-inch culverts and ten (10) associated tide gates, and the installation of two (2) 36-inch culverts.

Ten (10) bids were received and are listed as follows from lowest to highest:

Anselmi and DeCicco, Inc.	\$4,449,449.00
Ritacco Construction Inc.	\$4,717,185.00
Cruz Enterprises	\$4,997,150.75
Stacey Contracting	\$5,416,309.00
Hutton Construction LLC	\$5,454,969.50
Underground Utilities Corp.	\$5,484,863.08
Scafar Contracting, Inc.	\$5,534,551.00
Petillo Inc.	\$5,670,793.50
Creamer-Sanzari, A Joint Venture	\$5,735,570.20
Northeast Remsco Construction	\$7,572,304.00

A review of the bid packages indicates that they were complete and in order. Therefore, we are requesting Commission authorization for the Executive Director to enter into a contract with the low bidder, Anselmi and DeCicco, Inc., for the base bid price of \$4,449,449.00.

This project will be funded through the Flood Control Reserve/MAGNET program. Approval of this resolution will amend the NJMC 2008 budget by \$4,671,921.45 and this resolution provides for a 5% contingency fund in the amount of \$222,472.45.