

NEW JERSEY MEADOWLANDS COMMISSION  
AGENDA

DATE: September 21, 2009  
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 - July 22, 2009

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5. PUBLIC PARTICIPATION ON RESOLUTIONS

6. VARIANCES/SPECIAL EXCEPTIONS

Resolution No. 09-66    Consideration of a Resolution Regarding  
The Approval of One Bulk Variance and  
The Modified, Conditional Approval of  
Two Bulk Variances (File #09-235, IV Realty  
Corp./Technical Major Subdivision-Bulk  
Variances).

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7. SITE SUITABILITY

Resolution No. 09-67    Consideration of a Resolution Concerning  
A Site Suitability Recommendation for  
The Construction of One 2,800 Square Foot  
Loading Dock Enclosure at 191 Moonachie  
Avenue, Block 38, Lot 3, in the Borough of  
Moonachie (File #09-436, Zeppetelli/  
Building Addition & Variance).

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**NEW JERSEY MEADOWLANDS COMMISSION**  
**AGENDA**

MONTHLY MEETING

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13. NEW BUSINESS

14. PUBLIC PARTICIPATION

15. CLOSED SESSION

A. Adopt Resolution No. 09-72 to hold Closed Session.

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- Cherokee Phase II
- Cambrian/ Algonquin Settlement
- Marcal Bankruptcy

B. Adjournment to Closed Session. The Commission Reserves the right to Reconvene Into Public Session, if necessary, to take Action on Closed Session Items.

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

NEW JERSEY MEADOWLANDS COMMISSION

DATE: July 22, 2009  
TIME: 10:00 a.m.  
PLACE: Lyndhurst, NJ  
RE: MONTHLY MEETING MINUTES

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COMMISSIONERS PRESENT:

Joseph V. Doria, Jr., Chairman  
Mauro DeGennaro  
James V. Bocchino  
Jay C. Nadel  
Arleen Walther  
Thomas Quirico (via telephone)

STAFF PRESENT:

Robert R. Ceberio, Executive Director  
Sara Sundell, Director Land Use Management  
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  
Lilo Stainton, Director of Communications  
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 June 24, 2009 open public meeting and minutes of the June 24, 2009 closed session meeting were reviewed by Chairman Doria and Commissioner Walther and determined to be appropriate. Minutes will be filed together with a copy of the transcript.

5. VARIANCES/SPECIAL EXCEPTIONS

Resolution No. 09-60 - Resolution issuing a decision on the special exception application submitted as part of file no. 08-663 - Forsgate/Site Improvement/Variance - Block 39, lot 9.02, in the Borough of Moonachie.

Motion to adopt the resolution was made by Commissioner Bocchino, seconded by Commissioner Quirico and unanimously carried.

Resolution No. 09-61 - Resolution issuing a decision on the special exception application submitted as part of file no. 08-700 Town of Secaucus/Wireless Telecommunication Monopole, Block 225, Lot 4.02, in the Town of Secaucus.

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

6. PERMITTING PROCESS

Resolution No. 09-62 - Resolution authorizing the Executive Director to enter into a Memorandum of Understanding with the New Jersey Department of Environmental Protection's Division of Land Use Regulation.

Motion to adopt the resolution was made by Commissioner Quirico, seconded by Commissioner DeGennaro and unanimously carried.

7. EDUCATIONAL PROGRAMMING

Resolution No. 09-63 - Resolution authorizing the Executive Director to enter into an agreement with the Meadowlands Museum of Rutherford, NJ to provide additional educational programming.

Motion to adopt the resolution was made by Commissioner Bocchino, seconded by Commissioner Quirico and unanimously carried.

8. REORGANIZATION

Resolution No. 09-64

Motion to appoint Commissioner Jay Nadel Commission Vice Chairman was moved by Commissioner Walther, seconded by Commissioner DeGennaro and carried.

Motion to appoint Thomas Quirico as Treasurer was moved by Commissioner Walther, seconded by Commissioner Bocchino and carried.

Chairman Doria announced the committees that have been created:

Personnel/Budget & Operations:	Commissioner Joseph Doria Commissioner Mauro DeGennaro Commissioner Thomas Quirico
Audit & Investment	Commission Joseph Doria Commissioner Jay Nadel Commissioner Arleen Walther
Environmental Center/ Environmental Education	Commissioner James Bocchino Commissioner Mia Macri
Mayor's Committee Liaison	Commissioner James Bocchino
Zoning/Development/ Transportation	Commissioner Mauro DeGennaro Commissioner Thomas Quirico
Solid Waste	Commissioner James Bocchino Commissioner Mia Macri
Park Planning	Commissioner Mauro DeGennaro Commissioner Arleen Walther

9. LEASE AGREEMENT

Resolution No. 09-65 - Resolution authorizing the Executive Director to enter into a lease agreement with DonJon Marine Co., Inc. for dredge disposal at the NJMC landfills.

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

Commissioner Nadel joined the meeting

10. REPORTSExecutive Director's Report:

Executive Director Ceberio welcomed the new Board members.

Executive Director Ceberio thanked NJMC staff who worked on putting together the New Jersey Symphony Orchestra program that occurred on June 27 at the NJMC. Mr. Ceberio reported that the NJ Symphony Orchestra indicated that they would like to come back to perform and are working on sponsorships to do so at minimal cost to the Commission.

Mr. Ceberio acknowledged the resolution on permitting process. He stated that the Commission has agreed to do all the engineering and field work on behalf of DEP and that the document is expected to be signed shortly. Mr. Ceberio thanked staff who worked on this.

Mayor's Committee Report:

Mayor Dressel welcomed the new Board members and looks forward to working with them. Mayor Dressel also announced that at the special meeting of the Mayors Committee they rejected the concept of the amendments to the Highland Cross development.

Mayor Elwell also spoke about the permitting process and how it is a wonderful step forward for the Commission. Mayor Elwell congratulated all involved.

Chairman Doria congratulated the new board members and thanked the former members who served in the past. Chairman Doria also thanked all those involved in the NJ Symphony program.

11. PUBLIC PARTICIPATION -

- Margaret Schak Rutherford resident and Rutherford Taxpayers Association.
- Joel Bergstein, Lincoln Equity Group
- Lonnie Bedell, South Hackensack resident

12. NEW BUSINESS - No New Business13. CLOSED SESSION - No Closed Session

Motion to adjourn was moved by Commissioner Quirico, seconded by Commissioner Bocchino and unanimously carried.

Meeting adjourned.

ROBERT R. CEBERIO, SECRETARY

RESOLUTION#	09-60	09-61	09-62	09-63	09-64	09-65
Chairman Doria	Y	Y	Y	Y	Y	Y
Comm. Bocchino	Y	Y	Y	Y	Y	Y
Comm. DeGennaro	Y	Y	Y	Y	Y	Y
Comm. Macri	---	---	---	---	---	---
Comm. Nadel	---	---	---	---	---	---
Comm. Quirico	Y	Y	Y	Y	Y	Y
Comm. Walther	Y	Y	Y	Y	Y	Y

Y = Yes

R = Recuse

A = Abstain

N = No

**RESOLUTION ISSUING A DECISION ON THE VARIANCE APPLICATION  
SUBMITTED AS PART OF FILE NO. 09-235  
IV REALTY CORP./TECHNICAL MAJOR SUBDIVISION-  
BULK VARIANCES  
BLOCK 108.06, LOT 2, IN THE BOROUGH OF LITTLE FERRY**

**WHEREAS**, applications for three bulk variances were filed with the New Jersey Meadowlands Commission (NJMC) by Thomas H. Bruinooge, Esq., of Bruinooge & Bowman, LLP, on behalf of IV Realty Corp., for the premises located on Industrial Avenue and identified as Block 108.06, Lot 2, in the Borough of Little Ferry, New Jersey; and

**WHEREAS**, the variances are sought in connection with the applicant's proposed technical major subdivision, which includes the creation of a total of two lots, one of which does not meet the minimum lot area of one acre, and where each proposed lot will have a deficient side yard setback resulting from the proposed subdivision. The subject property is located in the Light Industrial B zone; and

**WHEREAS**, the applicant requested relief from N.J.A.C. 19:4-5.83(a)1, which requires a minimum lot area of one acre. The applicant is proposing a lot area of 0.379 acres for one proposed lot; and

**WHEREAS**, the applicant also requested relief from N.J.A.C. 19:4-5.84(a)3ii, which requires a minimum side yard setback of 20 feet. The applicant is proposing a side yard setback of 6.04 feet on a proposed lot of 0.379 acres; and

**WHEREAS**, the applicant also requested relief from N.J.A.C. 19:4-5.84(a)3ii, which requires a minimum side yard setback of 20 feet. The applicant is proposing a side yard setback of zero feet on a proposed lot of 3.462 acres; and

**WHEREAS**, notice of the requested variance relief was given to the public and all interested parties as required by law and was published in The Record newspaper; and

**WHEREAS**, a public hearing was held in the Office of the NJMC on March 31, 2009, before Nicholas Agnoli, P.E., P.P., Chief Engineer; Fawzia Shapiro, P.E., P.P., Senior Engineer; and Ron Seelogy, Engineer; and

**WHEREAS**, a comprehensive report dated July 7, 2009 has been prepared indicating the recommendations of the Director of Land Use Management and the Executive Director in this matter; and

WHEREAS, a copy of the recommendation and comprehensive report was provided to the applicant on July 8, 2009; and

WHEREAS, in a letter to the NJMC dated July 21, 2009, the applicant appealed the modification and conditions of the recommendation; and

WHEREAS, in a letter to Mr. William Speziale, Deputy Clerk of the New Jersey Office of Administrative Law, dated September 4, 2009, the applicant withdrew the aforementioned appeal, thereby accepting the modifications and conditions of the recommendation; and

WHEREAS, the report recommends approval of the bulk variance request to create one undersized lot of 0.379 acres on the subject premises; and

WHEREAS, the report also recommends the modified, conditional approval of the bulk variance request to create a side yard setback of 6.04 feet on a proposed 0.379 acre lot; and

WHEREAS, the report also recommends the modified, conditional approval of the bulk variance request to create a side yard setback of zero feet on a proposed 3.462 acre lot; and

WHEREAS, the members of the NJMC have reviewed the full record, including the transcripts of the public hearings, recommendations on the application by the Director of Land Use Management and 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 variance to create one undersized lot of 0.379 acres on the subject premises conforms with the standards for approving applications of variances as set forth in N.J.A.C. 19:4-4.14(e); and

WHEREAS, the NJMC hereby determines that the requested variance to create a side yard setback of 6.04 feet on a proposed 0.379 acre lot on the subject premises, as modified and conditioned, conforms with the standards for approving applications for variances as set forth in N.J.A.C. 19:4-4.14(e); and

WHEREAS, the NJMC hereby further determines that the requested variance to create a side yard setback of zero feet on a proposed 3.462 acre lot on

the subject premises, as modified and conditioned, conforms with the standards for approving applications for variances as set forth in N.J.A.C. 19:4-4.14(e).

**NOW, THEREFORE, BE IT RESOLVED**, by the New Jersey Meadowlands Commission, that the IV Realty Corp./Technical Major Subdivision variance application for one bulk variance request to create one undersized 0.379 acre lot, as part of a two lot subdivision on the subject premises, is hereby **APPROVED** for the reasons set forth in the recommendation dated July 7, 2009; and

**BE IT FURTHER RESOLVED**, by the New Jersey Meadowlands Commission, that the IV Realty Corp./Technical Major Subdivision variance application for one bulk variance request to create a side yard setback of 6.04 feet on the proposed 0.379 acre lot, as part of a proposed two lot subdivision on the subject premises, is hereby **APPROVED WITH THE FOLLOWING MODIFICATION AND CONDITIONS**, for the reasons set forth in the recommendation dated July 7, 2009:

1. Modification: The side yard setback shall be revised to be a minimum of four feet on the proposed 0.379 acre lot and the proposed minimum 0.379 acre lot area shall be maintained.
2. Condition: Certain design upgrades, conforming to the *New Jersey Uniform Construction Code*, shall be provided for the building on the proposed 0.379 acre lot. To that end, the existing structure's exterior wall along the north side yard setback line shall be fire rated as required by the *International Building Code, New Jersey Edition (2006)*. Construction plans and specifications for the wall upgrades shall be approved by the NJMC prior to the submission of the subdivision plat.
3. Condition: The boundary survey shall be updated to accurately depict current conditions for the subject premises, and particularly for the configuration of the structure connecting the two existing buildings.
4. Condition: A subdivision plat and site plans shall be submitted and shall incorporate the revised minimum side yard setback of four feet on the proposed 0.379 acre lot.
5. Condition: The applicant shall file an application for a zoning certificate to construct the improvements on the proposed 0.379 acre lot.

**BE IT FURTHER RESOLVED**, by the New Jersey Meadowlands Commission, that the IV Realty Corp./Technical Major Subdivision variance application for one bulk variance request to create a minimum side yard setback of zero feet on the proposed 3.462 acre lot, as part of a proposed two lot

subdivision on the subject premises, is hereby **APPROVED WITH THE FOLLOWING MODIFICATION AND CONDITIONS** for the reasons set forth in the recommendation dated July 7, 2009:

1. Modification: The side yard setback shall be revised to be a minimum of four feet on the proposed 3.462 acre lot.
2. Condition: Design upgrades, conforming to the *New Jersey Uniform Construction Code*, shall be provided for the building on the proposed 3.462 acre lot. To that end, the existing building's exterior wall along the south side yard setback line shall be fire rated as required by the *International Building Code, New Jersey Edition (2006)*. Construction plans and specifications for the wall upgrades shall be approved by the NJMC prior to the submission of the Subdivision Plat.
3. Condition: The boundary survey shall be updated to accurately depict current conditions for the subject premises, and particularly for the configuration of the structure connecting the two existing buildings.
4. Condition: A subdivision plat and site plans shall be submitted and shall incorporate the revised minimum side yard setback of four feet on the proposed 3.462 acre lot.

The foregoing was adopted on Commission vote.

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Charles A. Richman  
Acting Chairman

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Meadowlands Commission at its meeting of September 21, 2009.

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Robert R. Ceberio  
Secretary

Resolution No. 09-66

# Memorandum



## New Jersey Meadowlands Commission

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

From: Sara J. Sundell Date: September 21, 2009

Subject: Variance Recommendation - IV Realty Corp./Technical Major Subdivision - Bulk Variances (File No. 09-235)

Applications for three bulk variances were filed with the New Jersey Meadowlands Commission by Thomas H. Bruinooge, Esq., of Bruinooge & Bowman, LLP, on behalf of IV Realty Corp., for the premises located on Industrial Avenue and identified as Block 108.06, Lot 2, in the Borough of Little Ferry, New Jersey. Said premises are located in the Commission's Light Industrial B zone. The bulk variances are sought in connection with the applicant's proposed technical major subdivision, which includes the creation of a total of two lots, of which one lot does not meet the minimum lot area of one acre. In addition, each lot will have a deficient side yard setback resulting from the proposed subdivision.

The applicant requested variance relief from the following:

1. N.J.A.C. 19:4-5.83(a)1, which requires a minimum lot area of one acre. The applicant is proposing a lot area of 0.379 acres for one proposed lot.
2. N.J.A.C. 19:4-5.84(a)3ii, which requires a minimum side yard setback of 20 feet. The applicant is proposing a side yard setback of 6.04 feet for one proposed lot.
3. N.J.A.C. 19:4-5.84(a)3ii, which requires a minimum side yard setback of 20 feet. The applicant is proposing a side yard setback of zero feet for one proposed lot.

A public hearing on this matter was held in the Office of the NJMC on March 31, 2009.

In a comprehensive report dated July 7, 2009, the Director of Land Use Management and the Executive Director recommended the approval of the bulk variance requested in Item 1 above, and the modified, conditional approval of the bulk variances requested in Item Nos. 2 and 3 above.

A copy of the comprehensive report and variance recommendation was provided to the applicant on July 8, 2009. In a letter to the NJMC, dated July 21, 2009, the applicant appealed the modification and conditions of the variance recommendation. The appeal was subsequently withdrawn by the applicant in a letter to Mr. William Speziale, Deputy Clerk of the New Jersey Office of Administrative Law, dated September 4, 2009.

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

RECOMMENDATION ON THE VARIANCE APPLICATION OF  
IV Realty Corp./ Technical Major Subdivision-Bulk Variances

FILE # 09-235

I. INTRODUCTION

An application for three bulk variances has been filed with the New Jersey Meadowlands Commission (NJMC) by Thomas H. Bruinooge, Esq., of Bruinooge & Bowman, LLP, on behalf of IV Realty Corp., for the premises located on Industrial Avenue and identified as Block 108.06, Lot 2, in the Borough of Little Ferry, New Jersey. The bulk variances are sought in connection with the applicant's proposed technical major subdivision. The applicant's proposal for a technical major subdivision includes the creation of a total of two (2) lots, of which one (1) lot does not meet the minimum lot size area of one (1) acre. In addition, each lot will have a deficient side yard setback resulting from the proposed subdivision. The two proposed lots shall contain existing industrial buildings. Since one (1) lot does not meet the required minimum lot size and both lots do not meet a required minimum side yard setback, three (3) bulk variances have been requested.

Specifically, the applicant is requesting relief from the following:

1. N.J.A.C. 19:4-5.83(a)1, which requires a minimum lot area of one acre. The applicant is proposing a lot area of 0.379 acres for one proposed lot. Therefore, a bulk variance from this regulation is required.
2. N.J.A.C. 19:4-5.84(a)3ii, which requires a minimum side yard setback of 20 feet. The applicant is proposing a side yard setback of 6.04 feet for one proposed lot. Therefore, a bulk variance from this regulation is required.

3. N.J.A.C. 19:4-5.84(a)3ii, which requires a minimum side yard setback of 20 feet. The applicant is proposing a side yard setback of zero feet for one proposed lot. Therefore, a bulk variance from this regulation is required.

A public hearing was held in the Office of the Commission on Tuesday, March 31, 2009. Notice was given to the public and all interested parties as required by law. The public notice was published in The Record. No written objections were submitted to the Division of Land Use Management. All information submitted to the Division of Land Use Management relative to this application is made part of the record of this recommendation.

## II. GENERAL INFORMATION

### A. Existing and Proposed Use

The property in question contains approximately 3.841 acres. It is a corner lot that is bounded to the north and east by Industrial Avenue. The parcel is an irregular, L-shaped lot that is improved with two partially-attached buildings, which were constructed in the 1950's, and associated parking and loading areas. The larger of the two buildings is approximately 46,000 square feet in area and is connected to a smaller building of approximately 5,000 square feet in area by a common roof, which creates an access corridor between the two buildings. As per the site plans submitted by the applicant, the buildings are a minimum of six feet apart. Based upon site inspections by the NJMC, there appears to be in excess of eight feet between the structures. The immediate surrounding area is similarly industrial in nature, containing light industrial, warehouse and distribution facilities.

The applicant is proposing to subdivide the subject property into two proposed lots. The physical connection between the two buildings is proposed to be removed. Each building is proposed to be located on a separate lot resulting from the subdivision. Parking area improvements are proposed for the smaller of the two lots.

**B. Response to the Public Notice**

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

**III. PUBLIC HEARING (March 31, 2009)**

A public hearing was held on Tuesday, March 31, 2009. NJMC staff in attendance were Nicholas Agnoli, P.E., P.P., Chief Engineer and Deputy Director of Land Use Management, Fawzia Shapiro, P.E., P.P., Senior Engineer, and Ron Seelogy, Engineer.

**A. Exhibits**

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

<u>Number</u>	<u>Description</u>
A-1	"Subdivision Plan," drawing SD-1, prepared by McNally Engineering, LLC, dated September 15, 2008, revised through February 2, 2009.
A-2	"Open Space Plan," drawing OS-1, prepared by McNally Engineering, LLC, dated December 4, 2008, revised through February 2, 2009.
A-3	"Landscaping & Lighting Plan," drawing LL-1, prepared by McNally Engineering, LLC, dated December 4, 2008, revised through February 2, 2009.
A-4	"Construction Details," drawing CD-1, prepared by McNally Engineering, LLC, dated December 4, 2008, revised through February 2, 2009.

- A-5 Color Rendered "Subdivision Plan," drawing SD-1, prepared by McNally Engineering, LLC, dated September 15, 2008, revised through February 2, 2009.

**B. Testimony**

Thomas H. Bruinooge, Esq., of Bruinooge & Bowman, LLP, represented IV Realty Corp. at the hearing. The following witnesses testified in support of the application:

1. Frank Vecchiotti, IV Realty Corp.
2. Douglas Doolittle, P.E., P.P., P.L.S., Professional Engineer, McNally Engineering, LLC
3. Harry Gates, Real Estate Broker
4. Paul Phillips, P.P., Professional Planner

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 Court Reporter and Notary Public of the State of New Jersey.

**C. Public Comment**

Members of the public were present at the public hearing. Robert Stiles, residing at 37 Hartwick Street in Little Ferry, provided oral comments regarding potential drainage impacts to residences on Hartwick Street, resulting from the proposed improvements on the subject property. These comments may be found in the corresponding transcript of the public hearing, dated March 31, 2009.

#### IV. RECOMMENDATION

**A. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-5.83(a)1, which requires a minimum lot area of one acre.**

The NJMC Zoning Regulations at N.J.A.C. Section 19:4-4.14(e) state in part that, *a variance shall not be granted unless specific written findings of fact directly based upon the particular evidence presented are made that support conclusions that...*

1. *Concerning bulk variances:*

- i. *The variance requested arises from such condition that is unique to the property in question, is not ordinarily found in the same zone, and is not created by any action of the property owner or the applicant.*

The requested variance to create one undersized lot of 0.379 acres as part of a two lot technical major subdivision of an existing 3.841 acre parcel arises from conditions that are unique to the site. The property in question is an irregularly-shaped corner lot containing two partially-attached light industrial and warehouse buildings, each having separate loading and parking areas. Long after their original construction, the two buildings were attached with a common roof, creating an access corridor between them. Due to the small size of the lots in the Light Industrial B zone, typically multiple attached buildings are not prevalent unless one of the structures is accessory or subordinate in nature to the other. These are conditions that are unique to the site and not normally found in the zone.

- ii. *The granting of the variance will not adversely affect the rights of neighboring property owners or residents.*

The granting of the requested variance to create one undersized lot of 0.379 acres, as part of a two lot technical major subdivision of an existing 3.841 acre parcel, will not adversely affect the rights of neighboring property owners or residents. The subject property is located within the Light Industrial B zone. The past and prospective industrial and/or warehouse uses on the subject premises are consistent with the zone regulations and similar to those of the neighboring industrial facilities and warehousing operations. Proposed drainage and parking area improvements will facilitate and enhance the future operations expected on the undersized lot. No further building additions or alterations, with the exception of the removal of the common roof area, are proposed on the premises that may affect the operations of the adjacent properties. As such, the rights of neighboring property owners and residents will not be impeded by the creation of the undersized lot as proposed.

- iii. *The strict application of the regulations will result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the property owner.*

The strict application of the regulations that would require a minimum lot size of one acre for one of the two subject lots would result in practical difficulties and undue hardship to the property owner. If the variance was not granted to permit a lot area of 0.379 acres, the applicant would not be able to maximize the efficiency

and uses of the two existing buildings as separate entities. Increasing the size of the smaller lot to a conforming area of one acre would result in an inability to efficiently operate on the larger of the two lots. The larger structure, at 46,000 square feet, requires significantly more area for operations, including truck loading and maneuvering, as well as parking for employees, than the 5,000 square foot structure.

The proposed undersized lot containing the smaller of the two buildings is proposed to be sufficiently upgraded to allow a self-supporting industrial facility on the premises. Although there are no significant improvements proposed for the remaining lot, the larger industrial structure shall also be able to operate independently. If the variance is not granted, the use of the property will continue to be problematic as the site layout is not functional for two industrial facilities. The current situation does not promote efficient and maximum use of the site, resulting in practical difficulties and undue hardship to the property owner.

- iv. The variance will not result in substantial detriment to the public good and will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.*

The granting of the requested variance to create one undersized lot of 0.379 acres, to be utilized as a separate industrial parcel as part of a two lot technical major subdivision, will not result in substantial detriment to the public good and will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.

The past and prospective industrial and/or warehouse uses on the subject premises are consistent with the zone regulations and similar to those of the nearby industrial facilities and warehousing operations. The proposed undersized lot will not negatively impact the neighboring industrial properties, as planned improvements will provide safety and aesthetic enhancements such as improved on-site vehicular circulation and landscaping. In addition, it is expected that the vacant site will become fully occupied, thereby eliminating the potential for vagrancy on the premises. As such, the public health, safety, morals, order, convenience, prosperity, and general welfare will not be compromised, but rather improved.

- v. *The variance will not have a substantial adverse environmental impact.*

The granting of the requested variance to create one undersized lot of 0.379 acres, as part of a two lot technical major subdivision, will not have any adverse environmental impacts. Site improvements on the proposed undersized lot include the construction of a parking area and the installation of drainage, lighting, and landscaping upgrades. These improvements will help facilitate the orderly operation of the warehouse/industrial facility. Several existing parking spaces will be removed and replaced with open space, while a new parking area will be provided. On-site stormwater drainage will be improved, as the additional open space ensures a decrease in post development peak flow rates for the property. The NJMC environmental performance standards appear to be met for noise, vibration, glare, air emissions,

hazardous and radioactive materials. In addition, there will be no significant increase in traffic from the granting of the variance, as there has been no evidence or testimony provided to the contrary and the functional intensity of the lot will not be increased over previous operations.

- vi. *The variance represents the minimum deviation from the regulations that will afford relief.*

The regulations require a minimum lot size of one acre in the Light Industrial B zone. The applicant is proposing two lots with areas of 3.462 acres and 0.379 acres, and both will be utilized for conforming purposes. Due to building layout, on-site roadway configurations, and the placement of open space in various forms throughout the subject premises, the smaller lot cannot be significantly increased in size in order to meet the one acre minimum requirement without compromising the operational efficiency of the larger lot. However, the proposed undersized lot will adequately provide for sufficient site layout and vehicular maneuverability to meet the demands of a warehouse facility. Lot coverage will not be maximized and additional open space will be provided. Therefore, the requested variance represents the minimum deviation from the regulations that will afford relief as the proposed lot area of 0.379 acres is sufficient to support the existing warehouse facility.

*vii. Granting the variance will not substantially impair the intent and purpose of these regulations.*

The specific regulation from which the variance is requested is the requirement for a minimum lot size of one acre in the Light Industrial B zone. The intent of the Light Industrial B regulations is to accommodate a wide range of industrial, distribution, and commercial uses that generate a minimum of detrimental environmental effects. The purpose of a minimum lot size is to discourage development on small, substandard lots and to provide a lot size capable of accommodating all of the required elements for the operation of a permitted use, including parking, loading, and circulation.

The testimony provided stated that the proposed use of the undersized 0.379 acre subject lot is for a conforming warehouse facility. Although a minimum lot area of one acre is required regardless of use, the intent of the NJMC regulations is not compromised as the proposed functional intensity of the lot will not be increased over previous operations. The building footprint will not be expanded. Bulk requirements for lot width, depth, floor area ratio, coverage and open space will be met for the zone. The property is sufficient in size to accommodate the improvements necessary to support the operation of the warehouse facility while rehabilitating an under-utilized site. Therefore, granting the requested variance would not substantially impair the intent and purpose of the NJMC's zoning regulations.

**B. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-5.84(a)3ii, which requires a minimum side yard setback of 20 feet.**

The NJMC Zoning Regulations at N.J.A.C. Section 19:4-4.14(e) state in part that, *a variance shall not be granted unless specific written findings of fact directly based upon the particular evidence presented are made that support conclusions that...*

1. *Concerning bulk variances:*

- i. *The variance requested arises from such condition that is unique to the property in question, is not ordinarily found in the same zone, and is not created by any action of the property owner or the applicant.*

The requested variance to create a side yard setback of 6.04 feet, where a minimum side yard setback of 20 feet is required, on a proposed undersized 0.379 acre lot arises from conditions that are unique to the site. The property in question is an irregularly-shaped 3.841 acre corner parcel that is proposed to be subdivided into two lots through a technical major subdivision. Presently, the site contains two partially-attached light industrial and warehouse buildings, each having separate loading and parking areas. Long after their original construction, the two buildings were attached with a common roof, creating an access corridor between them. Due to the small size of the lots in the Light Industrial B zone, typically multiple attached buildings are not prevalent unless one of the structures is accessory or subordinate in nature to the other. These are conditions that are unique to the site and not normally found in the zone

- ii. *The granting of the variance will not adversely affect the rights of neighboring property owners or residents.*

The granting of the requested variance to create a side yard setback of 6.04 feet as part of a two lot technical major subdivision of an existing 3.841 acre parcel, while the zone regulations require a minimum side yard setback of 20 feet, will not adversely affect the rights of neighboring property owners or residents. The subject property is located within the Light Industrial B zone. The past and prospective industrial and/or warehouse uses on the subject premises are consistent with the zone regulations and similar to those of the neighboring industrial facilities and warehousing operations. Proposed drainage and parking area improvements will facilitate and enhance the future operations expected on the subject lot requesting the 6.04 foot side yard setback. No further building additions are proposed on the premises that may affect the operations of the adjacent properties. As such, the rights of neighboring property owners and residents will not be impeded by the proposed side yard setback of 6.04 feet. However, the resulting setback of zero feet for the larger parcel of the subdivision would have an adverse effect on the rights of the owner thereof, which will be discussed in the second setback variance.

- iii. *The strict application of the regulations will result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the property owner.*

The strict application of the regulation that requires a minimum side yard setback of 20 feet for the proposed 0.379 acre lot would

result in practical difficulties and undue hardship to the property owner. If the variance were not granted to permit a side yard setback of less than 20 feet, the applicant would not be able to maximize the efficiency and uses of the two existing buildings as separate entities. In addition, the proximity of the two buildings is a pre-existing condition that severely limits the applicant's ability to provide the required minimum side yard setback.

The proposed 0.379 acre lot containing the smaller of the two buildings is proposed to be sufficiently upgraded to allow a self-supporting industrial facility on the premises. If the variance were not granted, the use of the property will continue to be problematic as the current site layout is not operationally efficient for two separate industrial facilities. Strict compliance with the regulations would require removal of significant portions of the existing buildings, in addition to the removal of the roof connection, which would not be of any benefit to the applicant and would result in practical difficulties and undue hardship to the property owner.

*iv. The variance will not result in substantial detriment to the public good and will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.*

In general, granting a variance to allow a side yard setback of less than the required 20 feet on the proposed undersized 0.379 acre lot, as part of a two lot technical major subdivision, will not result in substantial detriment to the public good and will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare. However, the requested setback of

precisely 6.04 feet is potentially detrimental to the public good, health and safety.

Specifically, a setback of 6.04 feet on the subject lot will create a zero foot setback on the proposed adjacent 3.462 acre lot. This would eliminate any yard area for property and building maintenance purposes on the adjacent lot, thereby leading to potential health and safety hazards for both lots. In addition, based on the age of both structures, building codes have changed since their construction, requiring substantial upgrades to each if the buildings are separated. Sound planning principles dictate that a more modest side yard setback for the 0.379 acre lot be utilized, allowing for required property and building maintenance on both parcels.

*v. The variance will not have a substantial adverse environmental impact.*

The granting of the requested variance to create a side yard setback of less than the required 20 feet on the proposed undersized 0.379 acre lot, as part of a two lot technical major subdivision will not have any adverse environmental impacts. Site improvements on the proposed undersized lot include the construction of a parking area and the installation of drainage, lighting, and landscaping upgrades. These improvements will help facilitate the orderly operation of the warehouse/industrial facility. Several existing parking spaces will be removed and replaced with open space, while a new parking area will be provided. On-site stormwater drainage will be improved, as the additional open space ensures a decrease in post development peak flow rates for the property. The

NJMC environmental performance standards appear to be met for noise, vibration, glare, air emissions, hazardous and radioactive materials. In addition, there will be no significant increase in traffic from the granting of the variance, as there has been no evidence or testimony provided to the contrary and the functional intensity of the lot will not be increased over previous operations.

*vi. The variance represents the minimum deviation from the regulations that will afford relief.*

The regulations require a minimum side yard setback of 20 feet in the Light Industrial B zone. The applicant is proposing to create a side yard setback of 6.04 feet on a proposed 0.379 acre undersized lot. Due to the proximity of the existing building to the proposed subdivision line, the required 20 foot side yard setback will not be met. In addition, a 6.04 foot side yard setback will create a zero foot side yard setback on the proposed adjacent 3.462 acre lot. A 6.04 foot setback will also eliminate sufficient area for property and building maintenance on both parcels.

Upon the removal of the roof area attaching both buildings, there will however, be sufficient space to create a more modest side yard setback for the proposed undersized 0.379 acre lot. This will allow enough side yard space for property and building upgrades and maintenance on both parcels. The extent to which the side yard should be decreased should be based upon reasonable planning principles that provide for orderly building maintenance on both lots and represent the minimum deviation from the regulations that will afford relief.

*vii. Granting the variance will not substantially impair the intent and purpose of these regulations.*

The specific regulation from which the variance is requested requires a minimum side yard setback of 20 feet in the Light Industrial B zone. The intent of the Light Industrial B regulations is to accommodate a wide range of industrial, distribution, and commercial uses that generate a minimum of detrimental environmental effects. One purpose of a minimum side yard setback is to ensure that certain areas of a lot remain unoccupied and unobstructed for safety, maintenance and aesthetic reasons.

The testimony provided stated that the proposed use of the subject lot is for a conforming warehouse facility. Although a minimum side yard setback of 20 feet is required regardless of use, the intent of the NJMC regulations is not compromised as the proposed functional intensity of the lot will not be increased over previous operations. The building footprint on the 0.379 acre lot will not be expanded. Bulk requirements for lot width, depth, floor area ratio, coverage and open space will be met for the zone. Site improvements are proposed to support the operation of the warehouse facility and will provide safety and aesthetic enhancements, such as improved on-site vehicular circulation and landscaping. These proposed improvements will also provide for the rehabilitation of an underutilized site. However, a more modest setback rather than the requested 6.04 foot side yard setback would allow for building maintenance on both proposed lots. In addition, building design upgrades to meet current *New Jersey Uniform Construction Code* requirements may be necessary

and could decrease the risk of potential health and safety hazards. Therefore, a modified approval of this variance to permit a more modest setback on the proposed undersized 0.379 acre lot would not substantially impair the intent and purpose of the NJMC's zoning regulations.

**C. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-5.84(a)3ii, which requires a minimum side yard setback of 20 feet.**

The NJMC Zoning Regulations at N.J.A.C. Section 19:4-4.14(e) state in part that, *a variance shall not be granted unless specific written findings of fact directly based upon the particular evidence presented are made that support conclusions that...*

**1. Concerning bulk variances:**

- i. The variance requested arises from such condition that is unique to the property in question, is not ordinarily found in the same zone, and is not created by any action of the property owner or the applicant.*

The requested variance to create a side yard setback of zero feet, where a minimum side yard setback of 20 feet is required, on a proposed 3.462 acre lot arises from conditions that are unique to the site. The property in question is an irregularly-shaped 3.841 acre corner parcel that is proposed to be subdivided into two lots through a technical major subdivision. Presently, the site contains two partially-attached light industrial and warehouse buildings, each having separate loading and parking areas. Long after their original construction, the two buildings were attached with a common roof, creating an access corridor between them. Due to the small size of the lots in the Light Industrial B zone, typically multiple attached buildings are not prevalent unless one of the structures is accessory

or subordinate in nature to the other. These are conditions that are unique to the site and not normally found in the zone.

- ii. *The granting of the variance will not adversely affect the rights of neighboring property owners or residents.*

The granting of the requested variance to create a side yard setback of zero feet as part of a two lot technical major subdivision of an existing 3.841 acre parcel, while the zone regulations require a minimum side yard setback of 20 feet, may adversely affect the rights of neighboring property owners. Specifically, a side yard setback of zero feet would eliminate any area for property and building maintenance purposes on the subject lot, thereby encumbering the adjacent 0.379 acre lot during routine building maintenance operations. This encumbrance may adversely affect the rights of the smaller adjacent lot by impeding normal operations on that lot. Sound planning principles dictate that a greater side yard setback for the 3.462 acre lot be required to allow for property and building maintenance on both lots.

- iii. *The strict application of the regulations will result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the property owner.*

The strict application of the regulation that requires a minimum side yard setback of 20 feet for the proposed 3.462 acre lot would result in practical difficulties and undue hardship to the property owner. If the variance were not granted to permit a side yard setback of less than 20 feet, the applicant would not be able to

maximize the efficiency and uses of the two existing buildings as separate entities. In addition, the proximity of the two buildings is a pre-existing condition that severely limits the applicant's ability to provide the required minimum side yard setback.

The proposed 3.462 acre lot containing the larger of the two buildings does not require site upgrades, as it presently contains the necessary improvements to allow a self-supporting industrial facility on the premises. If the variance were not granted, the use of the property will continue to be problematic as the site layout is not functional for two industrial facilities. Strict compliance with the regulations would require removal of significant portions of the existing buildings, in addition to the removal of the roof connection, which would not be of any benefit to the applicant and would result in practical difficulties and undue hardship to the property owner.

*iv. The variance will not result in substantial detriment to the public good and will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.*

In general, granting a variance to allow a side yard setback of less than the required 20 feet on the proposed 3.462 acre lot, as part of a two lot technical major subdivision, will not result in substantial detriment to the public good and will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare. However, the requested setback of precisely zero feet is potentially detrimental to the public good, health and safety.

Specifically, a setback of zero feet on the subject lot would eliminate any yard area for property and building maintenance purposes, thereby leading to potential health and safety hazards for both proposed lots. In addition, based on the age of both structures, building codes have changed since their construction, requiring substantial upgrades to each if the roof was removed. Sound planning principals dictate that a greater side yard setback for the 3.462 acre lot be required to allow for property and building maintenance on both proposed parcels.

*v. The variance will not have a substantial adverse environmental impact.*

The granting of the requested variance to create a side yard setback of less than the required 20 feet on the proposed 3.462 acre lot, as part of a two lot technical major subdivision, will not have any adverse environmental impacts. The building footprint on the subject lot will not be expanded, and no substantial site improvements are necessary to support the operation of the facility. The NJMC environmental performance standards appear to be met for noise, vibration, glare, air emissions, hazardous and radioactive materials. In addition, there will be no significant increase in traffic from the granting of the variance, as there has been no evidence or testimony provided to the contrary and the functional intensity of the lot will not be increased over previous operations.

*vi. The variance represents the minimum deviation from the regulations that will afford relief.*

The regulations require a minimum side yard setback of 20 feet in the Light Industrial B zone. The applicant is proposing to create a side yard setback of zero feet on a proposed 3.462 acre lot. Due to the proximity of the existing building to the proposed subdivision line, the required 20 foot side yard setback will not be met. However, a zero foot setback will eliminate sufficient space for property and building maintenance on both proposed lots.

Upon the removal of the roof area attaching both buildings, there will, however, be sufficient space to create a greater side yard setback for the proposed 3.462 acre lot. This will allow side yard space for property and building upgrades and maintenance on both parcels. The extent to which the side yard should be increased should be based upon reasonable planning principles that provide for orderly building maintenance on both lots and represent the minimum deviation from the regulations that will afford relief.

*vii. Granting the variance will not substantially impair the intent and purpose of these regulations.*

The specific regulation from which the variance is requested requires a minimum side yard setback of 20 feet in the Light Industrial B zone. The intent of the Light Industrial B regulations is to accommodate a wide range of industrial, distribution, and commercial uses that generate a minimum of detrimental environmental effects. One purpose of a minimum side yard

setback is to ensure that certain areas of a lot remain unoccupied and unobstructed for safety, maintenance and aesthetic reasons.

The past and prospective uses on the subject lot are for a conforming industrial and/or warehouse facility. Although a minimum side yard setback of 20 feet is required regardless of use, the intent of the NJMC regulations is not compromised as the proposed functional intensity of the lot will not be increased over previous operations. The building footprint on the 3.462 acre lot will not be expanded, and no substantial site improvements are necessary to support the operation of the facility. Bulk requirements for lot area, width, depth, floor area ratio, coverage and open space will be met for the zone. It is expected that that the subject 3.462 acre lot will become fully occupied, thereby rehabilitating the underutilized site. Furthermore, a greater side yard setback, rather than the requested zero foot side yard setback, would allow for building maintenance on both proposed lots. In addition, building design upgrades to meet current *New Jersey Uniform Construction Code* requirements could decrease the risk of potential health and safety hazards. Therefore, a modified approval of this variance to permit a greater side yard setback on the proposed 3.462 acre lot would not substantially impair the intent and purpose of the NJMC's zoning regulations.

V. SUMMARY OF CONCLUSIONS

A. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-5.83(a)1, which requires a minimum lot area of one acre.

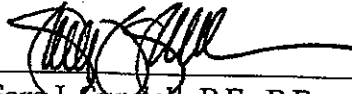
Based on the record in this matter, the bulk variance application to create one undersized lot of 0.379 acres as part of a two lot technical major subdivision on the subject premises, where a minimum lot area of one acre is required, is hereby recommended for approval.

APPROVAL

Recommendation On  
Variance Request

7-7-09

Date



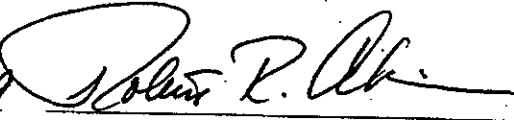
Sara J. Sundell, P.E., P.P.  
Director of Land Use Management

Approval

Recommendation On  
Variance Request

7/7/09

Date



Robert R. Ceberio  
Executive Director

B. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-5.84(a)3ii, which requires a minimum side yard setback of 20 feet.

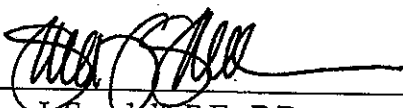
Based on the record in this matter and the following modification and conditions of approval, the bulk variance application to create a side yard setback of 6.04 feet on a proposed 0.379 acre lot, as part of a two lot technical major subdivision on the subject premises, where a minimum side yard setback of 20 feet is required, is hereby recommended for approval as modified and conditioned:

1. Modification: The side yard setback shall be revised to be a minimum of four feet on the proposed 0.379 acre lot and the proposed minimum 0.379 acre lot area shall be maintained.
2. Condition: Certain design upgrades, conforming to the *New Jersey Uniform Construction Code*, shall be provided for the building on the proposed 0.379 acre lot. To that end, the existing structure's exterior wall along the north side yard setback line shall be fire rated as required by the *International Building Code, New Jersey Edition (2006)*. Construction plans and specifications for the wall upgrades shall be approved by the NJMC prior to the submission of the Subdivision Plat.
3. Condition: The boundary survey shall be updated to accurately depict current conditions for the subject premises, and particularly for the configuration of the structure connecting the two existing buildings.
4. Condition: A subdivision plat and site plans shall be submitted and shall incorporate the revised minimum side yard setback of four feet on the proposed 0.379 acre lot.
5. Condition: The applicant shall file an application for a Zoning Certificate to construct the improvements on the proposed 0.379 acre lot.

**MODIFIED,  
CONDITIONAL APPROVAL** 7-7-09

Recommendation On  
Variance Request

Date

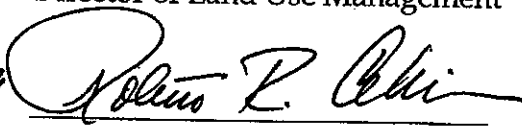


Sara J. Sundell, P.E., P.P.  
Director of Land Use Management

**Modified  
Conditional Approval** 7-7-09

Recommendation On  
Variance Request

Date



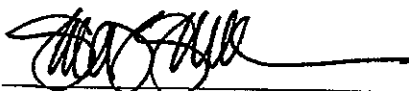
Robert R. Ceberio  
Executive Director

**C. Standards for the Granting of a Bulk Variance from the Provisions of N.J.A.C. 19:4-5.84(a)3ii, which requires a minimum side yard setback of 20 feet.**

Based on the record in this matter and the following modification and conditions of approval, the bulk variance application to create a side yard setback of zero feet on a proposed 3.462 acre lot, as part of a two lot technical major subdivision on the subject premises, where a minimum side yard setback of 20 feet is required, is hereby recommended for approval as modified and conditioned:

1. Modification: The side yard setback shall be revised to be a minimum of four feet on the proposed 3.462 acre lot.
2. Condition: Design upgrades, conforming to the *New Jersey Uniform Construction Code*, shall be provided for the building on the proposed 3.462 acre lot. To that end, the existing building's exterior wall along the south side yard setback line shall be fire rated as required by the *International Building Code, New Jersey Edition (2006)*. Construction plans and specifications for the wall upgrades shall be approved by the NJMC prior to the submission of the Subdivision Plat.
3. Condition: The boundary survey shall be updated to accurately depict current conditions for the subject premises, and particularly for the configuration of the structure connecting the two existing buildings.
4. Condition: A subdivision plat and site plans shall be submitted and shall incorporate the revised minimum side yard setback of four feet on the proposed 3.462 acre lot.

MODIFIED,  
CONDITIONAL APPROVAL 7-7-09



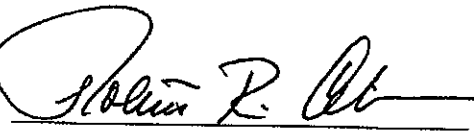
Recommendation On  
Variance Request

Date

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

Modified

Conditional Approval 4/7/09



Recommendation On  
Variance Request

Date

Robert R. Ceberio  
Executive Director

**RESOLUTION ISSUING A DECISION ON THE  
SUITABILITY RECOMMENDATION AS REQUIRED BY THE  
NJMC INTERIM POLICIES GOVERNING AFFORDABLE HOUSING  
DEVELOPMENT IN THE MEADOWLANDS DISTRICT  
FILE NO. 09-436, Zeppetelli/ Building Addition & Variance  
BLOCK 38, LOT 3, IN THE BOROUGH OF MOONACHIE**

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

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

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

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

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

WHEREAS, the Interim Policies, last revised by Resolution No. 09-51 on May 27, 2009, govern all zoning certificate applications, petitions to amend the Official Zoning Map, new redevelopment plans, and proposed amendments to a redevelopment plan pertaining to new proposed uses or changes to existing uses, received on or after July 24, 2008 and remain in effect until the 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 applicable application to determine the suitability of the subject site for residential use; and

**WHEREAS**, the NJMC has received a zoning certificate application from the property owner, S. & L. Zeppetelli, Inc., for the construction of one 1,270 square foot loading dock enclosure at 191 Moonachie Avenue, Block 38, Lot 3, in the Borough of Moonachie, New Jersey; and

**WHEREAS**, the subject property is currently located in the Light Industrial A zone; and

**WHEREAS**, a site suitability determination is required in accordance with Subsection IV(c) of the Interim Policies; and

**WHEREAS**, the proposed redevelopment area was forwarded to the Review Team for review in accordance with the Interim Policies; and

**WHEREAS**, a suitability review, dated September 11, 2009, 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 38, Lot 3 in the Borough of Moonachie is unsuitable for residential use.

The foregoing was adopted on Commission vote.

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Charles A. Richman  
Acting Chairman

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Meadowlands Commission at its meeting of September 21, 2009.

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Robert R. Ceberio  
Secretary

Resolution No. 09-67

# Memorandum



## New Jersey Meadowlands Commission

To: NJMC Commissioners and Robert Ceberio, Executive Director

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From: Sara Sundell Date: September 21, 2009

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Subject: Site Suitability Recommendation for Block 38, Lot 3 in the Borough of Moonachie (File 09-436)

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In a decision dated May 21, 2007 (A-4174-03T3; A-3107-04T1), the Appellate Division of the New Jersey Superior Court determined, among other things, that the New Jersey Meadowlands Commission (NJMC) should consider whether new development in the Meadowlands District should be avoided until the Commission implements new rules concerning affordable housing. The Commission followed up by adopting Resolution No. 07-68, on July 25, 2007, which approved the "Policy Statement Regarding the NJMC's Expanded Responsibilities to Plan and Zone for Affordable Housing. Thereafter, on July 23, 2008, the Commission adopted Resolution No. 08-80, which approved the "Interim Policies Governing Affordable Housing Development in the Meadowlands District," which was last revised by Resolution No. 09-51 on May 27, 2009, in order to govern the review of and restraints upon applications for further development in the Meadowlands District in a manner consistent with regulatory and statutory changes regarding affordable housing, prior to the implementation of new regulations regarding same.

The Interim Policies apply to all zoning certificate applications, petitions to amend the Official Zoning Map, new redevelopment plans, and proposed amendments to a redevelopment plan pertaining to new proposed uses or changes to existing uses, received on or after July 24, 2008, and will remain in effect until the NJMC promulgates new regulations concerning affordable housing, or the Interim Policies are withdrawn or rescinded by Commission action or court order, whichever occurs first. The Interim Policies 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 applicable application to determine the suitability of the subject site for residential use.

The NJMC has received a zoning certificate application for the proposed construction of one 1,270 square foot loading dock enclosure at 191 Moonachie Avenue, Block 38, Lot 3, in the Borough of Moonachie, New Jersey. The subject area is currently located in the Light Industrial A zone.

The matter was forwarded to the Review Team for review of the proposed development in accordance with the Interim Policies. A suitability review, dated September 11, 2009, has been prepared, indicating that the Review Team recommends that the subject property is unsuitable for residential use.

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



## Suitability Review – Summary

*File No. 09-436*

*Zeppetelli/Building Addition & Variance*

*Block 38, Lot 3, in the Borough of Moonachie*

*September 9, 2009*

The Commission received a zoning certificate application for the proposed construction of a 1,270 square foot building addition to enclose an existing loading area in the easterly side yard, related to an existing 2,800 square foot waste transfer facility at 191 Moonachie Road, Block 38, Lot 3, in the Borough of Moonachie, New Jersey. The subject area is currently located in the Light Industrial A zone and as such, is not exempt from the site suitability review process. In keeping with the review process, the site characteristics of the property have been evaluated in accordance with the "Interim Policies Governing Affordable Housing Development in the Meadowlands District," adopted by the NJMC on July 23, 2008, and last revised on May 27, 2009.

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

**i. The site is adjacent to compatible land uses and has access to appropriate streets.**

- The subject property is located on the northbound side of Moonachie Road in the Borough of Moonachie. Neighboring properties include commercial, light industrial, and warehouse facilities to the north, south, and east. To the west, across Moonachie Road, are single-family residential properties.
- All of the aforementioned sites located to the north, south, and east of the subject premises are within the NJMC's Light Industrial A zone. As noted, they consist of a mix of commercial, light industrial, and warehouse uses. The residential properties to the west on Moonachie Road are not located within the Hackensack Meadowlands District and, as such, are subject to the regulations of the local Moonachie zoning ordinance.
- As the subject property is located in an active commercial, light industrial, warehouse, and residential area, Moonachie Road is heavily traveled by both automobiles and commercial vehicles, including tractor trailers and delivery trucks. The NJSEA Meadowlands Sports Complex is located south of the site on Route 120, generating significant spectator traffic before and after events at both Giants Stadium and the Izod Center and resulting in circulation and safety challenges to residential development.



- The safety of pedestrian movement between the subject site and nearby retail and residential areas is hampered by the heavy traffic on Moonachie Road and Route 120.
- ii. **The site has access to water and sewer infrastructure with sufficient capacity.**
- This criteria is met by the subject property.
- iii. **The site can be developed consistent with the rules of the NJMC.**
- This criteria is met by the subject property.
- iv. **Former and existing land uses, either on the site or in the vicinity, may not expose resident to environmental hazard. Alternatively, the site shall be remediated to NJDEP residential standards as a condition of the Board's approval.**
- The existing waste transfer operation handles debris generated from cleanouts, construction sites, and industrial facilities. The storage and handling of these types of materials are not compatible with the potential co-existence of residential development on the premises. There are no known ongoing remediation efforts within the vicinity of the subject site.
- v. **The size, shape, or layout of any existing structure that shall remain, or other physical limitation(s) not listed previously, do not preclude residential use.**
- The subject site is approximately 0.65 acres in area and is developed with an existing waste transfer facility. The location of the proposed addition is currently an external loading area immediately adjacent to the left side of the existing 2,800 square foot waste transfer facility. The site is approximately 75% improved with pavement and structure. Limited open space is located between the front parking area and Moonachie Road. There is a landscaped perimeter of varying widths along the easterly side and rear yards. The size and location of the open space do not allow any significant separation between the existing structure and a potential residential structure.
- vi. **The site is suitable for residential use pursuant to sound planning principles.**
- The location of the property in question with respect to the surrounding commercial, light industrial, and warehousing properties is not conducive to residential uses. Moonachie Road is heavily traveled by both



automobiles and commercial vehicles, including tractor trailers and delivery trucks. Pedestrian movement between the subject site and nearby retail and residential areas is hampered by the heavy traffic utilizing Moonachie Road and Route 120 and results in safety concerns.

- The surrounding neighborhood is a heavily-trafficked industrial and commercial area. Operations at the adjacent light industrial and warehouse facilities occur during hours that are not conducive to residential uses.
- The site is an approximately 0.65 acre parcel containing a 2,800 square foot waste transfer facility and related site improvements. The size and location of existing open space on the site does not allow any significant separation between the existing structure and a potential residential structure.
- The existing waste transfer operation handles debris generated from cleanouts, construction sites, and industrial facilities. The storage and handling of these types of materials are not compatible with the potential co-existence of residential development on the premises.
- Elements of the neighboring commercial, light industrial, and warehouse uses in the area are potentially hazardous to residents. Open loading docks, trucks maneuvering on site and in the streets, and safety concerns render this area unfavorable to residential uses.
- The site is remote from public schools, most types of retail stores, recreational facilities, and other public amenities. Pedestrian access to these facilities is limited, requiring motor vehicle access through an active commercial, light industrial, and warehouse area over a considerable distance along a heavily-trafficked road.

In summary, only two of the above six criteria, as per Section IV(c)1 of the Interim Policies, apply to the subject property. As a result, the subject area, known as 191 Moonachie Road, Block 38, Lot 3, in the Borough of Moonachie, is deemed unsuitable for housing.

Therefore, the review of the submitted zoning certificate application for the proposed construction of a 1,270 square foot building addition may proceed for this site. 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 VII(a) of the Interim Policies.

**RESOLUTION TO APPROVE THE  
NEW JERSEY MEADOWLANDS COMMISSION  
SMART GROWTH MAP**

**WHEREAS**, the State of New Jersey's principles of smart growth are intended to guide land use decisions and provide strategies to address conservation challenges and the continuing and impending needs of the State; and

**WHEREAS**, the term "smart growth" covers a range of development and conservation strategies that help protect the natural environment by preserving open space and environmental resources, while encouraging well-planned, well-managed development growth to make communities more attractive, economically stronger, and more sustainable; and

**WHEREAS**, the NJMC Master Plan provides guiding principles that support smart growth concepts, including orderly development, comprehensive planning, quality and range of land uses, and maintenance of an aesthetic environment; and

**WHEREAS**, the New Jersey Meadowlands Commission (NJMC) has utilized these principles to prepare the NJMC Smart Growth Map in order for the Hackensack Meadowland District (HMD) to be designated as a "smart growth area"; and

**WHEREAS**, together the NJMC Master Plan and the proposed NJMC Smart Growth Map present a comprehensive strategy for coordinated, planned growth and redevelopment opportunities that will promote efficient use of land and encourage reinvestment of resources and efficient transportation systems; and

**WHEREAS**, the smart growth areas on the NJMC Smart Growth Map correspond to a land use pattern of orderly growth, sustainable development, and a comprehensive plan for meeting the current and future needs of the HMD, as described in detail in the NJMC Master Plan and in the NJMC District Zoning Regulations; and

**WHEREAS**, the NJMC Smart Growth Map encompasses all properties within the HMD boundaries with the exception of properties within the Sports and Exposition zone, and

**WHEREAS**, the Official Zoning Map of the HMD, as adopted by the NJMC to effectuate the policies and provisions of the NJMC Master Plan, remains unchanged by the addition of the NJMC Smart Growth Map as an overlay; and

**WHEREAS**, the NJMC Smart Growth Map will enable properties in the HMD to have access to programs that use smart growth as a criteria in their decision-making process, while still maintaining the underlying zoning of the NJMC Official Zoning Map; and

**WHEREAS**, the NJMC Smart Growth Map and the NJMC Master Plan jointly address orderly growth, sustainable development, and a comprehensive plan of the ongoing and future requirements in the HMD; and

**WHEREAS**, on June 30, 2009, a public hearing was held to obtain public comments on the proposed NJMC Smart Growth Map; and

**WHEREAS**, the NJMC Smart Growth Map presented at the public hearing excluded all properties in the Environmental Conservation (EC) zone and Parks and Recreation (PA) zone from the smart growth area designation; and

**WHEREAS**, several members of the public provided comments with regard to properties located in the EC zone and the benefits of the zone's inclusion as a smart growth area on the map; and

**WHEREAS**, the public comments received reflected the concern that if certain properties in the EC zone are not included as smart growth areas on the map, that potential rezoning and/or redevelopment of these properties would be hampered without this designation; and

**WHEREAS**, in accordance with the policies and principles of the New Jersey Office of Smart Growth, in addition to areas zoned for proposed development and/or redevelopment, smart growth areas take into consideration active and passive open space and conservation of environmentally sensitive areas; and

**WHEREAS**, designating the properties in the EC and PA zones as smart growth areas would be consistent with smart growth principles yet would not change or compromise the underlying zoning; and

**WHEREAS**, even with a designation as a smart growth area, all applications for development and petitions for rezoning and redevelopment submitted to the NJMC for properties in the EC and PA zones will continue to be required to meet the standards of the administrative and zoning regulations at N.J.A.C. 19:3-1, et seq.; and

**WHEREAS**, the NJMC staff considered all comments made at the public hearing and, accordingly, revised the proposed map to include the properties in the EC zone and the PA zone as smart growth areas; and

**WHEREAS**, the NJMC staff recommends that the Commission approve the NJMC Smart Growth Map as proposed and updated and authorize staff to proceed with effectuating the necessary actions for approval of the Map through the New Jersey Office of Smart Growth.

**NOW, THEREFORE, BE IT RESOLVED**, that the New Jersey Meadowlands Commission has reviewed the record in this matter and hereby approves the proposed and updated NJMC Smart Growth Map; and

**BE IT FURTHER RESOLVED**, that the NJMC staff is hereby authorized to proceed with effectuating the necessary actions for approval of the NJMC Smart Growth Map through the New Jersey Office of Smart Growth.

The foregoing was adopted by Commission vote.

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Charles A. Richman  
Acting Chairman

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Meadowlands Commission at its meeting on September 21, 2009.

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Robert R. Ceberio  
Secretary

Resolution No. 09-68

# Memorandum



## New Jersey Meadowlands Commission

To: NJMC Commissioners and Robert R. Ceberio

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From: Sara J. Sundell Date: September 21, 2009

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Subject: Resolution to Approve the New Jersey Meadowlands Commission Smart Growth Map

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The State of New Jersey's smart growth principles are intended to coordinate development and redevelopment, provide strategies to address environmental challenges and meet existing and upcoming needs of the State. Utilizing these principles, the New Jersey Meadowlands Commission (NJMC) has prepared the NJMC Smart Growth Map that designates the Hackensack Meadowlands District (HMD) as a "Smart Growth Area." The NJMC Smart Growth Map parallels the NJMC Master Plan, incorporating orderly growth, sustainable development, and a comprehensive plan for addressing the on-going and future requirements of the HMD. The NJMC Smart Growth Map encompasses all properties within the HMD boundaries with the exception of properties within the Sports and Exposition zone. The map will afford properties in the HMD access to programs that use Smart Growth Areas in their decision-making process, while maintaining the underlying zoning of the NJMC Official Zoning Map.

The NJMC held a public hearing on June 30, 2009 to accept comments from the public regarding the proposed NJMC Smart Growth Map. The map presented at the public hearing excluded all properties in the Environmental Conservation (EC) zone and Parks and Recreation (PA) zone from the smart growth area designation. At the public hearing, several members of the public expressed their concern regarding the exclusion of properties in the Environmental Conservation (EC) zone, as potential rezoning and/or redevelopment of these properties could be hampered if the properties were not designated as smart growth area.

To address these concerns, the NJMC staff reviewed the policies and principles of the New Jersey Office of Smart Growth, which reflect that smart growth areas take into consideration active and passive open space and conservation of environmentally sensitive area, as well as consideration of areas zoned for proposed development and/or redevelopment. It was determined that designating the properties in the EC and PA zones as smart growth areas would not change or compromise

the underlying zoning. In addition, applications for development, and petitions for rezoning and redevelopment submitted to the NJMC for properties in the EC and PA zones would continue to be required to meet the standards of the administrative and zoning regulations at N.J.A.C. 19:3-1, et seq. The Smart Growth Map was, therefore, updated to include the EC and PA zones as smart growth areas.








A resolution regarding the approval of the attached NJMC Smart Growth Map is presented for the Board's consideration.

# New Jersey Meadowlands Commission

## Smart Growth Map

### Hackensack Meadowlands District

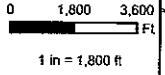
#### LEGEND

-  SMART GROWTH AREAS
-  ENVIRONMENTAL CONSERVATION & PARKS AND RECREATION ZONES
-  WATER
-  BLOCK LIMIT LINE
-  LOT LIMIT LINE
-  NJMC DISTRICT BOUNDARY
-  MUNICIPAL BOUNDARY

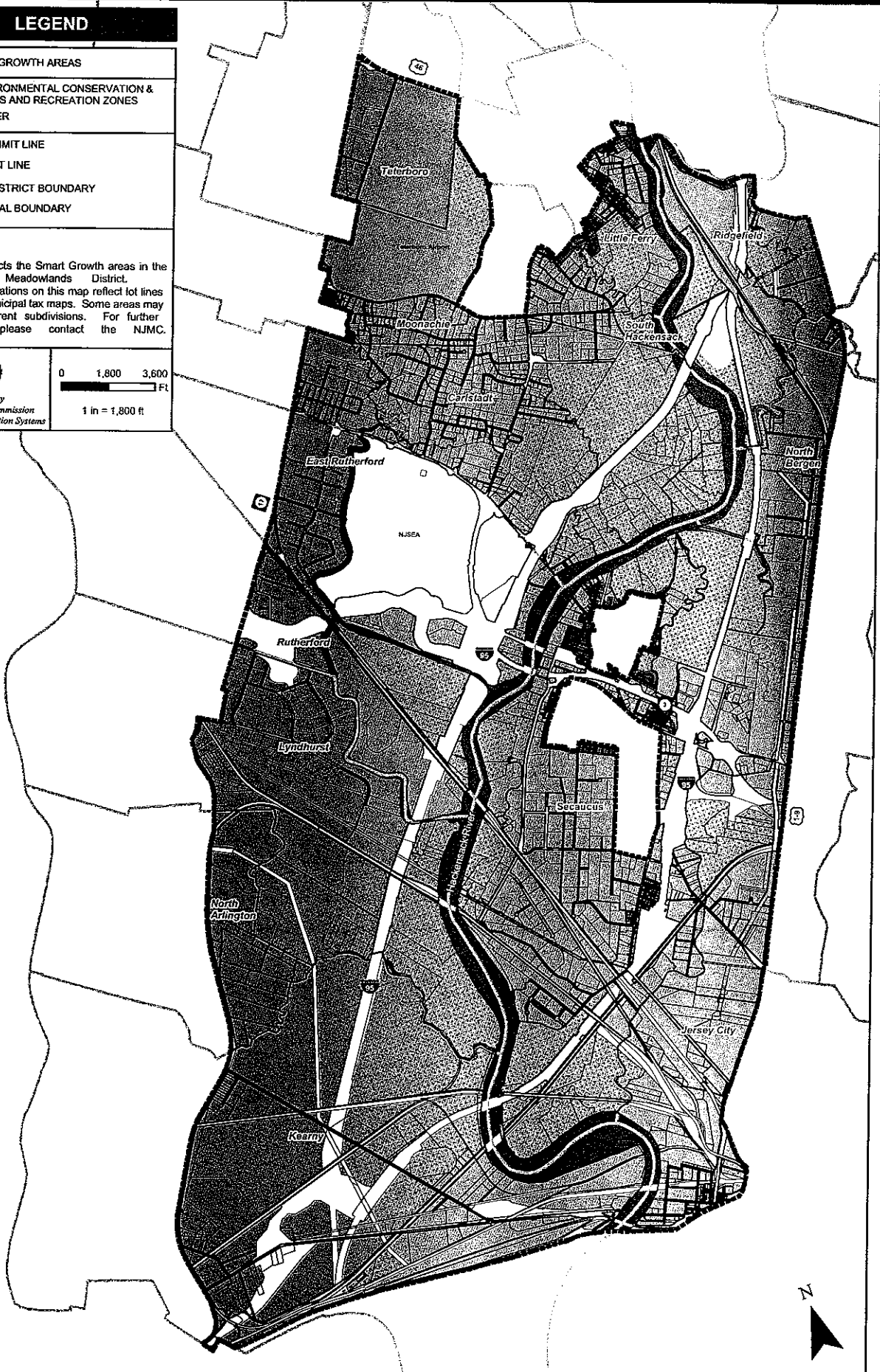
Notes:  
 This map reflects the Smart Growth areas in the Hackensack Meadowlands District. Parcel configurations on this map reflect lot lines taken from municipal tax maps. Some areas may not show current subdivisions. For further information, please contact the NJMC.



New Jersey Meadowlands Commission  
 Geographic Information Systems



September 2009



**RESOLUTION AUTHORIZING COMMUNITY GRANTS, PLANNING &  
HOUSING, LLC TO PERFORM TASK 2 IN SUPPORT OF THE  
AFFORDABLE HOUSING TASK FORCE**

**WHEREAS**, the New Jersey Meadowlands Commission ("NJMC") desires to develop appropriate policies and rulemaking to implement recent regulatory and statutory changes, including revisions to the Council on Affordable Housing's third round rules and the enactment of P.L. 2008, Chapter 46, that assign new authority and responsibilities to the NJMC to plan and zone for affordable housing needs as a regional planning entity; and

**WHEREAS**, in Resolution No. 08-82, the NJMC established an Affordable Housing Task Force ("Task Force") to advise the NJMC in this regard; and

**WHEREAS**, in Resolution No. 08-118, the NJMC authorized the Executive Director to enter into an agreement with Community Grants, Planning & Housing, LLC ("CGP&H") to provide professional planning services to support the Task Force at a rate of \$127.80 per hour; and

**WHEREAS**, CGP&H has completed Task 1 as outlined in the RFP, pursuant to which it was selected, and the Task Force has indicated that CGP&H should move forward with Task 2.

**NOW, THEREFORE, BE IT RESOLVED** that the NJMC authorizes Community Grants, Planning & Housing to complete Task 2 of the RFP at the rate of \$127.80 per hour, in a total amount not to exceed \$56,600.

The foregoing Resolution was adopted by Commission vote.

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Charles A. Richman  
Acting Chairman

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Meadowlands Commission at its meeting of September 21, 2009.

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Robert R. Ceberio  
Secretary

# Memorandum



## New Jersey Meadowlands Commission

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

From: Sara J. Sundell Date: September 21, 2009

Subject: Professional Planning Services to Support the Meadowlands Affordable Housing Task Force

Resolution No. 08-118, adopted by the NJMC on November 24, 2008, authorized the Executive Director to enter into an agreement with Community Grants, Planning & Housing, LLC ("CGP&H") to provide professional planning services to support the functions of the NJMC Affordable Housing Task Force ("Task Force"). The Task Force was established on July 23, 2008, by Resolution No. 08-82, in response to recent regulatory and statutory changes that assign new authority and responsibilities to the NJMC, as a regional planning entity, to plan and zone for affordable housing needs.

The current agreement provides for CGP&H, at a rate of \$127.80 per hour, to complete an affordable housing needs assessment, which constitutes Task 1 of the services procured. Task 1 has been completed and, as is required under the agreement, the Task Force has indicated that CGP&H should move forward with Task 2. The scope of Task 2, involving the identification of approaches and resources to create affordable housing within the Meadowlands District, will be attached to and made part of the current agreement.

At this time, staff recommends that the Commission authorize CGP&H to complete Task 2 at the current rate of \$127.80 per hour in an amount not to exceed \$56,600.

**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO AN  
AMENDMENT TO AN AGREEMENT WITH GEOTRANS, INC., TO PERFORM  
ADDITIONAL BROWNFIELD ASSESSMENTS  
UNDER AN EPA BROWNFIELDS ASSESSMENT GRANT**

WHEREAS, the New Jersey Meadowlands Commission (NJMC) has entered into a Cooperative Agreement with the United States Environmental Protection Agency (EPA) regarding a brownfields assessment grant to conduct environmental characterizations of clusters of brownfield sites in the Meadowlands District; and

WHEREAS, the Cooperative Agreement with EPA includes funds for a contractor to perform the brownfield site assessments and to assist the NJMC with community outreach regarding grant activities; and

WHEREAS, the NJMC, by Resolution No. 08-47 dated May 28, 2008, authorized the Executive Director of the NJMC to enter into an agreement with the engineering firm GeoTrans, Inc. to perform these services for a sum not to exceed \$141,441; and

WHEREAS, grant funds in the amount of \$36,962 have become available to transfer from the budget for New Jersey Institute of Technology (NJIT), as NJIT will perform its services under funding from a separate EPA grant, and from the budget for grant administration.

**NOW, THEREFORE, BE IT RESOLVED** that the NJMC authorizes the Executive Director to enter into an amendment to the agreement with Geo Trans, Inc. to conduct additional environmental assessments to fulfill the purposes of the federal EPA brownfields assessment grant for an additional sum not to exceed \$36,962.

**BE IT FURTHER RESOLVED** that the agreement with GeoTrans is extended to September 30, 2010, subject to EPA approval of a one-year extension to the Cooperative Agreement.

The foregoing Resolution was adopted by Commission vote.

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Charles A. Richman  
Acting Chairman

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Meadowlands Commission at its meeting of September 21, 2009.

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Robert R. Ceberio  
Secretary

Resolution No. 09-70

# Memorandum



## New Jersey Meadowlands Commission

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

From: Sara J. Sundell

Date: September 21, 2009

Subject: Amendment to an Agreement with GeoTrans, Inc. to Perform Additional  
Brownfield Assessments

The NJMC has entered into a Cooperative Agreement with the U.S. Environmental Protection Agency (EPA) to conduct environmental assessments of priority brownfield sites. In Resolution No. 08-47, dated May 28, 2008, the NJMC authorized the Executive Director to enter into an agreement with the engineering firm, GeoTrans, Inc., to perform the brownfield site assessments and assist the NJMC with community outreach regarding grant activities for an amount not to exceed \$141,441. Through budget transfers, additional grant funds in the amount of \$36,962 are now available for GeoTrans, Inc. to conduct additional site assessments.

Staff requests an amendment to the agreement with GeoTrans, Inc. to authorize the use of the transferred grant funds for this purpose and to extend the agreement to September 30, 2010. A resolution requesting the same is attached for your consideration.

**RESOLUTION AUTHORIZING THE ESTABLISHMENT OF AN  
AUDIT RFP EVALUATION COMMITTEE**

**WHEREAS**, Executive Order 122 (McGreevey) established certain requirements for the selection of auditors by state agencies; and

**WHEREAS**, one such requirement is the establishment by the Board of Commissioners of an Audit RFP Evaluation Committee.

**NOW, THEREFORE, BE IT RESOLVED**, that an Audit RFP Evaluation Committee is hereby established and will be composed of Commissioner Mauro DeGennaro, Commissioner James Bocchino and Commissioner Thomas Quirico.

The foregoing Resolution was adopted by Commission vote.

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Charles A. Richman  
Acting Chairman

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Meadowlands Commission at its meeting of September 21, 2009.

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Robert R. Ceberio  
Secretary

Resolution No. 09-71

**RESOLUTION: CLOSED SESSION**

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

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

**NOW, THEREFORE, BE IT RESOLVED** as follows:

1. That a closed session of the NJMC will be held to discuss the following:
  - Cherokee Phase II
  - Cambrian/Algonquin Settlement
  - Marcal Bankruptcy
2. It is anticipated at this time that the above subject matter(s) will be made public upon completion of said matter(s).

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

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Charles A. Richman  
Acting Chairman

I hereby certify the foregoing to be a true copy of the Resolution adopted by the New Jersey Meadowlands Commission at its meeting of September 21, 2009.

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Robert R. Ceberio  
Secretary