

“Tail risk hedging fund” means a fund that hedges the risk that a rare event will significantly and adversely affect the value of an asset or portfolio.

17:16-100.4 Limitations

(a) At the time of initial purchase, the following conditions shall be met:

1. The aggregate market value of absolute return strategy investments under this subchapter, for any eligible fund, shall not exceed [seven] 15 percent of the market value of the assets of any Pension and Annuity Fund investing in Common Pension Fund E;

2. No more than [five] 10 percent of the market value of the assets of any Pension and Annuity Fund investing in Common Pension Fund E may be invested in credit oriented funds, and no more than [0.5] one percent of the market value of the assets of any Pension and Annuity Fund investing in Common Pension Fund E may be invested directly in any individual credit oriented fund. This limitation shall not apply to investments in common and preferred stock, exchange-traded funds and convertible issues;

3. No more than [five] 10 percent of the market value of the assets of any Pension and Annuity Fund investing in Common Pension Fund E may be invested in equity oriented funds, and no more than [0.5] one percent of the market value of the assets of any Pension and Annuity Fund investing in Common Fund E may be invested directly in any individual equity oriented fund. This limitation shall not apply to investments in common and preferred stock, exchange-traded funds and convertible issues;

4. No more than [three] 12 percent of the market value of the assets of any Pension and Annuity Fund investing in Common Pension Fund E may be invested in opportunistic funds, and no more than [0.5] two percent of the market value of the assets of any Pension and Annuity Fund investing in Common Pension Fund E may be invested directly in any individual opportunistic fund. This limitation shall not apply to investments in common and preferred stock, exchange-traded funds, and convertible issues;

5. No more than [seven] 15 percent of the market value of the assets of any Pension and Annuity Fund investing in Common Pension Fund E may be invested in multi-strategy funds, and no more than [0.7] 2.5 percent of the market value of the assets of any Pension and Annuity Fund investing in Common Fund E may be invested directly in any individual multi-strategy fund. This limitation shall not apply to investments in common and preferred stock, exchange-traded funds, and convertible issues;

6. No more than seven percent of the market value of the assets of any eligible fund shall be invested in the common and preferred stock of any one corporation **eligible for investment pursuant to N.J.A.C. 17:16-100.2(a)2**. This seven percent limitation shall not apply to Common Pension Fund E;

7. The total amount of stock purchased or acquired of any one corporation **eligible for investment pursuant to N.J.A.C. 17:16-100.2(a)2** shall not exceed five percent of the common stock, or of another class of stock which entitles the holder thereof to vote at all elections of directors, of such corporation; and

8. (No change.)

(b)-(c) (No change.)

OTHER AGENCIES

(a)

NEW JERSEY MEADOWLANDS COMMISSION

District Zoning Regulations, Subdivision Regulations and District Transportation Rules

**Proposed Amendments: N.J.A.C. 19:4-2.2, 3.5, 3.22, 4.4, 4.8, 4.13, 4.14, 4.16, 4.19, 5.2, 5.46, 5.73, 5.74, 5.75, 5.80, 5.82, 5.87, 5.89, 6.4, 8.2, 8.4, 8.11, 8.14, 8.15, 8.16, 11.2, 11.4 and 11.5; 19:5-5.9; and 19:7-5.1, 5.2, 5.4, 5.5 and 5.6**

**Proposed New Rule: N.J.A.C. 19:4-4.12A**

Authorized By: New Jersey Meadowlands Commission, Robert R. Ceberio, Secretary.

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

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2010-303.

A **public hearing** on this matter will be held on January 4, 2011 at 10:00 A.M. at the following location:

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

Submit written comments by February 4, 2011 to:

Sara J. Sundell, P.E., P.P.  
Director of Land Use Management  
New Jersey Meadowlands Commission  
One DeKorte Park Plaza  
Lyndhurst, New Jersey 07071

It is requested (but not required) that anyone submitting written comments also include a disc containing a digital version, preferably in Microsoft Word. Interested persons may obtain a copy of this notice of proposal from the New Jersey Meadowland Commission (NJMC) website, [www.njmeadowlands.gov](http://www.njmeadowlands.gov). The notice of proposal may also be inspected during normal office hours at the NJMC, One DeKorte Park Plaza, Lyndhurst, New Jersey 07071.

The agency proposal follows:

**Summary**

On February 24, 2010, the New Jersey Meadowlands Commission (NJMC) adopted Resolution No. 10-08 in response to Executive Order No. 2 (2010), which directs certain State agencies, within the first 90 days of the administration of Governor Christie, to facilitate intermediate relief from regulatory burdens by identifying any rules and processes that impede economic development.

Pursuant to this regulatory review, the NJMC staff identified a number of existing rules that are consistent with the intent of Executive Order No. 2 (2010) to provide flexibility in the regulatory review process. The NJMC staff also identified rules to be amended in response to Executive Order No. 2 (2010) in order to further promote economic development and regulatory flexibility in the Meadowlands District.

Executive Order No. 2 (2010) further directs those State agencies, within 180 days, to redraft such rules and processes as identified to ensure that each rule and process is necessary to implement the underlying statute and amend or rescind such rules or processes that are considered unnecessary, ineffective, contradictory, redundant, inefficient, needlessly burdensome, that unnecessarily impede economic growth or that have had unintended negative consequences.

The NJMC staff proposes to amend selected rules within the NJMC District Zoning Regulations at N.J.A.C. 19:4, Subdivision Regulations at N.J.A.C. 19:5 and District Transportation Rules at N.J.A.C. 19:7, in response to Executive Order No. 2 (2010). The NJMC is authorized by N.J.S.A. 13:17-1, et seq., to adopt codes and standards regarding the zoning and rezoning of lands within the Meadowlands District.

On April 28, 2010, the NJMC adopted Resolution No. 10-33 authorizing the NJMC staff to prepare the notice of proposal for

publication in the New Jersey Register to amend the NJMC rules in response to Executive Order No. 2.

The NJMC has provided a 60-day comment period in this notice of proposal. Thus, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

A summary of the proposed new and amended rules follows:

#### Chapter 4. District Zoning Regulations

N.J.A.C. 19:4-2.2, Definitions, is proposed to be amended as follows:

The term “contractor’s office” is proposed to be added to define a facility utilized by a contractor or general tradesman, as office space only, to conduct the administrative operations associated with their business, in response to various inquiries from the public inquiring about such use. The definition prohibits the outdoor storage of materials, equipment and/or construction vehicles unless otherwise permitted in the zone. A contractor’s office is proposed to be permitted in the Light Industrial A, Light Industrial B and Intermodal A zones, as detailed below within the proposed amendments. This definition supplements the existing definition for “contractor’s yard or facilities,” which is defined as “a facility used for the provision of general contracting services associated with businesses including, but not limited to, general construction and landscaping trades, which may include office and workshop areas and areas for the storage of equipment and/or materials used in association with the contractor’s business.” Contractor’s yards and facilities are only permitted in the more intense industrial zones, and office uses are generally accessory to the operations of the contracting business. The proposed definition is intended to accommodate a small contractor who does not require areas to store equipment or materials, such as an electrician or plumber, to occupy office space within industrial zones while allowing for accessory parking of facility vehicles, such as vans. The existing definition for contractor’s yard or facilities shall continue to apply to any contractor utilizing a facility for storage, where the office space is accessory to the storage space on the property.

The term “lot coverage” is proposed to be amended to provide exclusions to lot coverage calculations, including attached awnings, canopies and weather protection enclosures comprised of lightweight materials and totaling less than 60 square feet in plan area; pavement; ground-mounted photovoltaic systems; and accessory equipment structures that cannot accommodate use or occupation by a person or persons. Awnings, canopies and weather protection enclosures that are detached from a structure or greater than 60 square feet in plan area, as derived from their existing exception to location within required yards in N.J.A.C. 19:4-3.18(c)3, would continue to be included in lot coverage calculations. Lot coverage is a measure of lot area covered by structures or building coverage. The intensity of the built environment would continue to be limited by open space requirements. These exemptions provide greater flexibility in the application of the rules.

The term “open space” is proposed to be amended to exclude landscaped or natural areas below awnings, canopies or similar structures, since covered areas may impact a site’s drainage requirements and the viability of plantings under covered areas is compromised by reduced water and light since the space is not open to the sky.

The term “site improvement, major” is proposed to be added to define any improvement resulting in more than 0.25 acres of any new impervious coverage; reconfiguration of an existing site; or reconfiguration of an existing drainage system requiring review of calculations prepared by a New Jersey-licensed professional engineer. The term “site improvement, minor” is proposed to be added to define any improvement not classified as a major site improvement. The purpose of adding these definitions is intended to apply only to the calculation of required review fees. The NJMC proposes changes to its fee schedule in N.J.A.C. 19:4-11.2 that would provide a two-tiered fee structure for the review of site improvements based on the extent of review that would be required by staff.

N.J.A.C. 19:4-3.5, Interpretation of boundaries, is proposed to be amended to update the reference to the citation referring to the interpretation section in paragraph (a)7 as N.J.A.C. 19:4-4.12A (rather than 4.12).

N.J.A.C. 19:4-3.22, Zoning lot of record, is proposed to be amended to allow the individual lots within a zoning lot of record to be owned by one or more parties, subject to a zoning lot of record agreement, whereas the current rule allows only individual lots under some form of single ownership to be included in a zoning lot of record. The amendment would also require language regarding the formation and possibility of future dissolution of the zoning lot of record within the agreement. Existing paragraphs (a)3 and 4 are proposed to be recodified as paragraphs (a)4 and 5. The proposed amendment also requires each party to a zoning lot of record to authorize applications to the NJMC within proposed new paragraph (a)3, and, within proposed new paragraph (a)6, provides that the NJMC may require certain improvements to individual lots within a zoning lot of record to promote their functionality as a single unit, such as sidewalks, signage and crosswalks. The proposed amendments are consistent with the intent of the zoning lot of record rule to allow properties to function as a single unit for zoning purposes, but provides added flexibility in its administration. The zoning lot of record agreement ensures that multiple property owners act together as if the property were under single ownership.

N.J.A.C. 19:4-4.4, Application for zoning certificate; technical requirements, is proposed to be amended to clarify an existing regulation and to provide a new waiver provision. Specifically, paragraph (e)3 is proposed to be amended to clarify that only riparian claims on the portion of the lot to be developed must be resolved. If the proposed development does not impact riparian areas on a site, the regulation does not apply. Existing subsection (f) is proposed to be amended to provide a new paragraph (f)3 stating that the Chief Engineer may grant waivers from the technical submittal requirements of this section in cases where there is unnecessary hardship in carrying out the literal provisions thereof, or where the literal enforcement of one or more of the technical submittal requirements is impractical. Existing paragraphs (f)3 and 4 are proposed to be recodified as (f)4 and 5. These changes are intended to clarify the intent of existing rules regarding riparian areas and to promote regulatory flexibility by providing for an additional waiver provision, consistent with the intent of Executive Order No. 2 (2010).

N.J.A.C. 19:4-4.8, Occupancy certification, is proposed to be amended to clarify situations when new occupancy certification is required by the NJMC. The amendment proposes to remove the requirement in existing subsection (b) that an occupant who is only changing the name of a business requires a new occupancy certification and addresses the issue of tenant tracking in the District by instead providing for a tenant name change certificate within proposed new subsection (c), where the previously approved use and tenant area remain the same. A tenant name change certificate would incur a nominal review fee of \$50.00, compared to the higher fees charged for occupancy certification, which currently range from \$250.00 to \$800.00, depending on the size of the tenant space. These changes are proposed to address some inefficiencies in the implementation of the prior rule requiring any change of tenant name to procure new occupancy certification, when, in most cases, the business operations, employees and area of occupancy remained identical to those functioning under the prior business name.

N.J.A.C. 19:4-4.12A, Interpretation, is a proposed new rule to provide a formal procedure regarding an interpretation of the Official Zoning Map or a particular rule. The proposed rule requires a written request for an interpretation and a mandatory pre-submission conference with the NJMC staff prior to the decision by the Board of Commissioners. The rule directs the applicant to N.J.A.C. 19:4-4.19 regarding the right to appeal the Board’s decision and states that the interpretation shall be binding on the enforcement and administration of the rules unless and until it is superseded by a subsequent interpretation or rule change.

N.J.A.C. 19:4-4.13, Special exception uses, is proposed to be amended to require that a copy of the recommendation report prepared by the NJMC staff shall be posted on the NJMC website, in order to provide more transparency in the review process. Additionally, the rule is proposed to be amended to allow for any appeal of the special exception recommendation report in order to provide consistency with the existing appeals provision in N.J.A.C. 19:4-4.19, which provides for appeals by third parties. The rule currently addresses only appeals by the applicant.

N.J.A.C. 19:4-4.14, Variances, is proposed to be amended to require that a copy of the recommendation report prepared by the NJMC staff

shall be posted on the NJMC website, in order to provide more transparency in the review process. Additionally, the rule is proposed to be amended to allow for any appeal of the variance recommendation report in order to provide consistency with the existing appeals provision in N.J.A.C. 19:4-4.19, which provides for appeals by third parties. The rule currently addresses appeals by an applicant only.

N.J.A.C. 19:4-4.16, Notice of public hearings, is proposed to be amended within subsection (c) to permit the Chief Engineer to extend the validity period of the certified listing of property owners to no more than 180 days prior to the date of the hearing. The certified listing of property owners is required to be submitted at the time of application and there may be instances, due to additional information required or revisions that are required during the review period, where the current validity period of 90 days is exceeded. The NJMC maintains a database of tax records linked to the State of New Jersey tax records database, which is generally updated within two weeks of receiving information from the municipality. The certified list can be cross-checked with the more recent tax records in the database. The NJMC would require the applicant to update the certified listing in cases where there are any discrepancies. The amendment is proposed to expedite the review process.

N.J.A.C. 19:4-4.19, Appeals, is proposed to be amended within subsection (e) to clarify that an appellant's right to appeal a final decision of the Board of Commissioners includes final decisions of the Board regarding the rules, as well as their decisions regarding the acceptance, rejection or modification of an initial decision of an Administrative Law Judge as described in subsection (d) [of the rule]. The rule is also amended to specify that a Notice of Appeal is filed pursuant to R. 2:1 et seq. "of the New Jersey Court Rules."

N.J.A.C. 19:4-5.2, General provisions, is proposed to be amended to provide a new subsection (b) to provide the requirements for renewable and/or sustainable energy systems, such as photovoltaic, wind energy, hydropower or geothermal system installations, and other systems determined by the Chief Engineer to be renewable and/or sustainable energy system installations. The amendment proposes to permit such systems as principal uses in all non-residential zones, as accessory uses in all zones and as special exceptions in all zones that permit residential uses, subject to the bulk requirements of the zone in which they are located, buffers from residential uses and zones and compliance with existing NJMC performance standards in N.J.A.C. 19:4-7.

N.J.A.C. 19:4-5.46, Commercial Park zone; permitted uses, is proposed to be amended to permit taxi and limousine services within the zone. NJMC staff has determined the Commercial Park zone is an appropriate location to accommodate this use, which is complementary to many of the existing uses already permitted in the zone.

N.J.A.C. 19:4-5.73, Light Industrial A zone; permitted uses, is proposed to be amended to permit contractor's offices as a permitted use in the zone, pursuant to the addition of the definition for this use proposed in N.J.A.C. 19:4-2.2. Additionally, health care centers are proposed to be permitted in the zone, where they are currently a special exception use. NJMC staff has determined the subject zone is an appropriate location to accommodate these two uses, as both have similar characteristics of office space, which is also a permitted use in the zone. The amendment proposes to recodify existing paragraphs (a)8, 9 and 10 as (a)9, 10 and 11 and existing paragraphs (a)11 through 24 as (a)13 through 26 as a result of these new paragraphs.

N.J.A.C. 19:4-5.74, Light Industrial A zone; special exception uses, is proposed to be amended to remove health care centers as a special exception use since it is proposed as a permitted use in the zone. The amendment proposes to recodify existing paragraphs (a)9 through 15 as (a)8 through 14 as a result of this deletion.

N.J.A.C. 19:4-5.75, Light Industrial A zone; use limitations, is proposed to be amended to add a use limitation for contractor's offices as proposed new paragraph (a)4 to prohibit the outdoor storage of materials, equipment and/or construction vehicles, but does provide for some limited parking for facility vehicles. The propose regulation provides that facility vehicles used only for the transport of workers and enclosed transport of accessory materials or equipment may be permitted pursuant to an approved site plan.

N.J.A.C. 19:4-5.80, Light Industrial B zone; permitted uses, is proposed to be amended to permit contractor's offices as a permitted use

in the zone, pursuant to the addition of the definition for this use proposed in N.J.A.C. 19:4-2.2. NJMC staff has determined the subject zone is an appropriate location to accommodate the use. The amendment proposes to recodify existing paragraphs (a)11 through 27 as (a)12 through 28 as a result of this new paragraph.

N.J.A.C. 19:4-5.82, Light Industrial B zone; use limitations, is proposed to be amended to add a use limitation for contractor's offices as proposed new paragraph (a)3 to prohibit the outdoor storage of materials, equipment and/or construction vehicles, but does provide for some limited parking for facility vehicles. The propose regulation provides that facility vehicles used only for the transport of workers and enclosed transport of accessory materials or equipment may be permitted pursuant to an approved site plan.

N.J.A.C. 19:4-5.87, Intermodal A zone; permitted uses, is proposed to be amended to permit contractor's offices as a permitted use in the zone, pursuant to the addition of the definition for this use proposed in N.J.A.C. 19:4-2.2. NJMC staff has determined the subject zone is an appropriate location to accommodate the use. The amendment proposes to recodify existing paragraphs (a)7 through 16 as (a)8 through 17 as a result of this new paragraph.

N.J.A.C. 19:4-5.89, Intermodal A zone; use limitations, is proposed to be amended to add a use limitation for contractor's offices as proposed new paragraph (a)5 to prohibit the outdoor storage of materials, equipment and/or construction vehicles, but does provide for some limited parking for facility vehicles. The propose regulation provides that facility vehicles used only for the transport of workers and enclosed transport of accessory materials or equipment may be permitted pursuant to an approved site plan.

N.J.A.C. 19:4-6.4, Outdoor events, is proposed to be amended to exempt outdoor events occurring seven days or less per year from NJMC application requirements, but continues to require that all outdoor events shall comply with all local health and safety codes, regardless of their duration. The amended rule also increases the number of permitted outdoor events from a maximum of eight days per property per calendar year to up to 14 days. Finally, the rule amendment states the use of a tent or other membrane structure shall be subject to the requirements of the New Jersey Uniform Fire Code, where applicable, which codifies existing procedure relative to construction plan review. The amendment proposes to recodify existing paragraphs (a)2 and 3 as new subsections (c) and (d); paragraph (a)5 as new subsection (b); and paragraphs (a)6 through 8 as new subsections (e) through (g) as a result of these amendments.

N.J.A.C. 19:4-8.2, Parking, is proposed to be amended to provide for a waiver from the existing rule in paragraph (c)1 that requires a minimum six feet of landscaped open space to be maintained as a buffer between buildings and vehicular use areas. The proposed amendment would permit the Chief Engineer to waive or modify this requirement in existing vehicular use areas that do not currently provide the required minimum buffer, or for the extension of such area determined to be a minor extension by the Chief Engineer, in order to achieve the required parking space dimensions and/or aisle widths, when one or both are deficient, and where no practical design alternatives are available to achieve compliance with this rule. This amendment is intended to provide added flexibility in the administration of the rules. This waiver provision would not apply to new buildings or building additions, as the building designer could adjust the size of the building to accommodate the required parking and vehicular use areas. The proposed amendment also provides that, in cases where the required buffer has been waived or modified, building protection shall be provided to the extent possible, including, but not limited to, striping, wheel stops, guide rails and/or bollards, in order to satisfy the intent of the buffer rule while recognizing the constraints of altering existing developed sites.

N.J.A.C. 19:4-8.4, Parking and loading requirements, is proposed to be amended to provide a parking requirement for a contractor's office, which is a new definition proposed in N.J.A.C. 19:4-2.2, to be consistent with the existing parking requirement for office uses at 2.5 spaces per 1,000 square feet of floor area, plus the requirement for one additional parking space per facility vehicle and to require one 12 foot by 30 foot loading space; to recodify existing 19. - 79. as proposed 20. - 80. due to the addition of the parking requirement for a contractor's office use; to revise the parking requirements for a disaster recovery facility and a light

industrial use to one space per 1,500 square feet of floor area to be consistent with the existing parking requirement for warehouse uses; and to provide a Note 1 to the existing parking requirement for office uses that accessory office space(s) within existing warehouse and distribution and/or industrial facilities, not exceeding a total of 300 square feet of gross floor area and not contiguous to any other office use, may be permitted to have a minimum parking requirement of one space per 1,500 square feet of floor area. The NJMC staff evaluated the existing parking requirements related to disaster recovery facilities and light industrial uses, where increased automation has resulted in fewer employees, thus reducing the parking demand on a site, and has determined that application of the parking requirement for warehousing is more appropriate than the existing parking requirements. Additionally, small warehouse offices within existing warehouse space are generally used by personnel who work within the warehouse, but parking for these types of offices is currently calculated as office space; therefore, a limited modification to the parking requirement for these types of warehouse offices is proposed to allow these small warehouse offices to be calculated as warehouse space. The amendments are proposed to provide added flexibility in the administration of the regulations.

N.J.A.C. 19:4-8.11, Retaining walls, is proposed to be amended to clarify that retaining walls having an exposed height of four feet or more shall be designed in accordance with the provisions of the New Jersey Uniform Construction Code, in addition to the existing requirement that requires the submittal of design stability calculations signed and sealed by a New Jersey-licensed professional engineer for such walls.

N.J.A.C. 19:4-8.14, Signs, is proposed to be amended to provide for digital signs subject to the proposed limitations in the new regulation, to provide for signage for properties that contain outdoor uses, and to amend the existing billboard regulations. Specifically, the definition of "flashing sign" is proposed to be amended to more comprehensively define a flashing sign as any illuminated sign that exhibits a pattern of changing light illumination or color effects by any means more frequently than permitted in new paragraph (g)4. Paragraph (g)4 is proposed to be added to permit electronic, LED or video display signs, subject to certain limitations. The NJMC proposes to permit digital signage in recognition of technological and industry changes that have made such signs more accessible to the public. Such signs will continue to be prohibited in the Low Density Residential zone, and safety standards related to the timing of message changes and illumination levels are proposed. Although the industry frequently utilizes a timing of eight seconds between message changes for digital signs, the NJMC proposes to retain its existing timing of a minimum of 15 seconds between message changes at this time in order to ensure the public safety, as there is no definitive independent or government study available regarding this matter. The NJMC staff is aware that the New Jersey Department of Transportation is evaluating digital billboards and elects to wait for their findings before reevaluating and proposing any reduction to the timing of message changes below 15 seconds.

Additionally, paragraph (h)4 is proposed to be amended to provide for signage for permitted outdoor uses on properties not containing a principal structure within proposed new subparagraph (h)4ii, with existing subparagraphs (h)4ii and iii recodified as (h)4iii and iv. In such cases, the property is not vacant, but may not contain a structure that could be used to calculate permitted sign area. The proposed rule would provide that gross sign area for permitted outdoor uses shall not exceed five percent of the main facade of an accessory building or one square foot for each linear foot of street frontage, whichever is greater, but not to exceed the maximum area of any single sign permitted in the zone. Subparagraph (h)4i is also amended to include language that proposed signage on vacant land cannot exceed the maximum area of any single sign permitted in the zone.

Sub-subparagraph (h)7iii(1) concerning billboards is proposed to be amended to clarify that billboards, which are permitted by the existing rule within a ROW having a posted speed limit of 55 mph or higher, or within 50 feet thereof, must be oriented towards such ROW. Sub-subparagraph (h)7iii(2), which currently does not permit billboards within 500 feet of a residential zone, would also prohibit billboards within 500 feet of a residence. Finally, subparagraph (h)7ix is proposed to be

replaced to permit electronic, LED and/or digital billboards subject to the limitations in paragraphs (g)3 and 4.

N.J.A.C. 19:4-8.15, Site service improvements, is proposed to be amended regarding satellite or dish antennas, rooftop mechanical equipment, refuse and recycling areas and areas for the temporary storage of equipment and materials related to snow and ice removal. Specifically, new sub-subparagraph (d)2vi(3) is proposed to provide that satellite antennas greater than 12 feet in diameter, which would currently require a variance, would be considered a special exception use and, due to their size, shall be set back from side and rear property lines a minimum of one foot for every foot of height of the antenna. New paragraph (e)3 is proposed to exempt rooftop HVAC units and similar accessory rooftop mechanical equipment less than eight feet in height from requiring a zoning certificate, except where adjoining a residential use or residential zone. Existing subparagraph (f)6i is proposed to be amended and subparagraph (f)6ii is proposed to be deleted in order to apply the same requirements to refuse and recycling areas, which currently have differing setback requirements. Both areas would require a minimum setback of five feet from side and rear property lines for zoning purposes; however, greater setbacks may be required based on the provisions of the New Jersey Uniform Fire Code (UFC) depending on the type of construction of the building or the type of material being stored in the recycling and refuse area. New paragraph (g)4 is proposed to provide for an annual renewal certificate for previously approved accessory areas for the temporary storage of equipment and materials related to snow and ice removal, which may be renewed annually for up to five years from the date of issuance of the original zoning certificate, provided there are no changes to the plan. Many property owners in the District prefer to maintain snow removal equipment on-site during the winter months, which is currently permitted upon issuance of a zoning certificate. The proposed annual renewal certificate would result in a reduction in the fees associated with permitting after the initial zoning certificate is issued. The amendments are proposed to promote regulatory flexibility consistent with the intent of Executive Order No. 2 (2010).

N.J.A.C. 19:4-8.16, Fill, excavation, regrading and surcharge standards, is proposed to be amended to clarify that the Chief Engineer, and not the NJMC, is the party responsible for granting a waiver from the clean fill requirement in existing subsection (d).

N.J.A.C. 19:4-11.2, Zoning, which codifies the NJMC zoning fee schedule, is proposed to amend the existing site improvement fee and to provide fees for interpretations and annual renewal certificates for previously approved accessory areas for the temporary storage of equipment and materials related to snow and ice removal, in response to rule amendments discussed above. Currently, the required review fee for a site improvement is \$750.00. This fee applies to any site improvement, which could range from the installation of a drainage system, to the simple re-stripping of a parking lot. The NJMC proposes changes to its fee schedule to provide a two-tiered fee structure for the review of site improvements based on the extent of review that would be required by staff. The existing \$750.00 fee for site improvements would be revised to two separate fees, \$500.00 for minor site improvements and \$1,000 for major site improvements, as proposed to be defined in N.J.A.C. 19:4-2.2, splitting the \$250.00 difference between the two types of reviews. Most site improvement applications submitted to the NJMC consist of minor site improvements; therefore, it is anticipated the proposed fee schedule amendment will benefit most applicants to the NJMC. Larger development projects that require significantly more review time by NJMC staff would appropriately be charged the larger fee of \$1000. New paragraph (a)19 is proposed to require a fee of \$1,000 for the review and preparation of each interpretation requested pursuant to the new rule proposed in N.J.A.C. 19:4-4.12A. New paragraph (a)20 is proposed to require a fee of \$25.00 for an annual renewal certificate for previously approved accessory areas for the temporary storage of equipment and materials related to snow and ice removal pursuant to the new rule proposed in N.J.A.C. 19:4-8.15(g)4. The proposed annual renewal certificate would result in a reduction in the fees associated with permitting after the initial zoning certificate is issued.

N.J.A.C. 19:4-11.4, Construction permits, regarding the current construction permit fee schedule, is proposed to be amended to provide new subparagraph (b)2iii, which would result in a fee reduction for the

installation of renewable and/or sustainable energy system(s), such as photovoltaic, wind energy, hydropower or geothermal system installation(s), and other systems determined by the Chief Engineer to be renewable and/or sustainable energy system installations. The fee shall be 50 percent of the fee calculated in accordance with existing subparagraphs (b)2i and iii, based on the cost of construction of the system.

N.J.A.C. 19:4-11.5, Occupancy, which codifies the NJMC occupancy fee schedule, is proposed to be amended. The current fee schedule requires a review fee of \$250.00 for tenant spaces up to 3,000 square feet in area. Proposed new paragraph (b)1 would provide a reduced fee of \$100.00 for smaller tenant spaces, up to 500 square feet in area. Existing paragraph (b)1 is proposed to be recodified as paragraph (b)2 and amended to clarify the fee for tenant spaces from 501 square feet up to and including 3,000 square feet shall be \$250.00. This new fee is proposed to accommodate the many small tenants that occupy space within larger buildings in the District. Existing paragraphs (b)2 – 5 are proposed to be recodified as (b)3 – 6 as a result of this new paragraph. New subsection (d) is proposed to provide for a \$50.00 fee for a tenant name change certificate pursuant to the new rule in N.J.A.C. 19:4-4.8(c).

#### Chapter 5. Subdivision Regulations

N.J.A.C. 19:5-5.9, Commission approval for subdivision filing, is proposed to be amended to clarify that deeds, in addition to plats, must bear the certification of approval of the Commission before being accepted for filing by the county recording officer.

#### Chapter 7. District Transportation Rules

N.J.A.C. 19:7-5.1, Transportation development fee formula, is proposed to be amended by changing the word “increased” to “adjusted” within paragraph (e)1 to clarify that the Vehicle Mile of Travel (VMT) Rate shall be either increased or decreased annually based upon the Northeast Urban Region Consumer Price Index (NE-CPI), as released in January of the same year, or reset by the NJMC’s adoption of an updated version of the Plan. Paragraph (e)2 is proposed to add a provision for a temporary moratorium on the VMT Rate adjustment, on an annual basis, by the NJMC Executive Director, upon recommendation by the Chief Engineer and Chief Fiscal Officer. It also provides that, at the end of the moratorium period, the VMT rate will be adjusted by the current CPI. This new paragraph will allow for the NJMC to provide an additional level of economic relief on development in periods of economic hardship.

N.J.A.C. 19:7-5.2, Transportation Development Fee Formula reductions, is proposed to be amended to add a provision as subparagraph (d)iii(1) to allow for the application of the ITE midday peak hour internal capture rates to the A.M. peak hour internal capture calculation for applicable land uses. This will result in additional trip reductions for mixed-use developments. This amendment is proposed to increase flexibility in the application of the rule.

N.J.A.C. 19:7-5.4, Time of transportation development fee assessment, is proposed to be amended within paragraph (b)1 to allow for a more flexible payment schedule. The existing regulation allows only three payment schedules: five-year, 10-year or 20-year periods. The proposed amendment would allow a payment schedule of any number of years, not exceeding 20 years. Paragraph (c)1 is also proposed to be amended to increase the exemption size of storage sheds from 400 square feet to 1,000 square feet. Upon a review of the exemption thresholds, NJMC staff has determined that storage sheds up to 1,000 square feet are normally accessory and incidental structures that do not generate extra traffic or employment, but are generally used in conjunction with permitted uses on the site. As a result of the proposed amendment, the transportation fee will be eliminated for applications requiring a revised zoning certificate for inclusion of storage sheds up to 1,000 square feet in floor area.

N.J.A.C. 19:7-5.5, Exemptions from transportation development fee, is proposed to be amended as follows: Subsection (a) is proposed to be amended to add a clarification that the exemptions from the transportation development fee shall be granted for specific conditions of this section, as opposed to de minimis, temporary and statutory conditions. Subparagraph (b)2i is proposed to be amended to increase the transportation development fee exemptions threshold from 500 square

feet to 1,000 square feet, for the alteration, expansion or replacement of an existing non-residential structure. Upon a review of the exemption thresholds, NJMC staff has determined that expansions of 1,000 square feet or less do not generate significant levels of extra traffic or employment. New subsection (e) is proposed to provide exemptions for public projects, including municipal, non-profit projects funded entirely by the State of New Jersey and non-profit transportation projects. New subsection (f) is proposed to provide waivers for county and publicly-funded projects, not described in subsection (e), that propose mitigation of adverse impacts on the District transportation network. As a result of the proposed amendment, the transportation fee will be eliminated or waived for the referenced projects.

N.J.A.C. 19:7-5.6, Transportation development fee refunds and property transfers, is proposed to be amended to add paragraph (a)2 to allow for the refund of the transportation development fee, or calculated portion thereof, as determined by the NJMC, upon written request from any applicant and/or property owner, subject to certain provisions. The rules currently do not provide for a refund of the transportation development fee, which must be paid prior to the issuance of a zoning certificate. By providing for such refund, the NJMC would have the ability to issue refunds for projects, or portions thereof, which have received approvals, but have not been constructed.

#### Social Impact

The proposed amendments and new rule will have a positive social impact in the Hackensack Meadowlands District by providing for increased flexibility in the administration and application of the NJMC regulations, consistent with the intent of Executive Order No. 2 (2010).

The proposed rules will also provide increased transparency in the review process by requiring that variance and special exception recommendation reports be posted on the NJMC website upon completion, which will allow the general public to review the items prior to a decision on the variance or special exception by the NJMC Board of Commissioners.

Proposed amendments that would reduce fees and expand the permissibility of photovoltaic, wind, water and geothermal energy systems will result in a positive social impact by promoting the installation of renewable and sustainable energy sources to provide for the energy needs of today and for future generations.

#### Economic Impact

Executive Order No. 2 (2010) directs the NJMC to amend or rescind rules or processes that are considered unnecessary, ineffective, contradictory, redundant, inefficient, needlessly burdensome, that unnecessarily impede economic growth or that have had unintended negative consequences. These rule changes are proposed in response to Executive Order No. 2 (2010), in order to further promote economic development and regulatory flexibility in the Meadowlands District.

It is anticipated the proposed amendments and new rule will have a positive economic impact in the District by providing for increased flexibility in the administration and application of the NJMC rules. For example, new procedures are proposed that would lower the administrative and cost burden of regulation in the District. First, a new certificate type would be available for a fee of \$50.00 for tenants who change only the name of their business. Such name changes presently require new occupancy certification, where required review fees currently range from \$250.00 to \$800.00, depending on the size of the tenant space. In addition, reduced fees for smaller tenant spaces up to 500 square feet that currently must pay a required occupancy certification review fee of \$250.00 would result in a lower fee of \$100.00.

Additionally, expanded waiver provisions and amended parking requirements are proposed to increase regulatory flexibility and allow existing sites and businesses to more easily expand in a manner that continues to protect the public health, safety and general welfare. In the absence of such waiver provisions, some businesses may not expand due to the expenditure of both time and money that would be required to obtain a variance from the regulation.

#### Federal Standards Statement

N.J.S.A. 52:14B-4 requires State agencies that adopt, readopt or amend State rules that exceed any Federal standards or requirements to

include in the rulemaking document a comparison with Federal law. The proposed amendments and new rule have not been formulated in accordance with the authority of, or in order to implement, comply with or participate in any program established under Federal law.

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

The rules do not contain any requirements or standards in excess of those imposed under Federal law.

**Jobs Impact**

The NJMC does not anticipate that the proposed amendments and new rule will have a significant impact on job creation or retention in the State of New Jersey, but is expected to promote economic development in the District through increased regulatory flexibility, reduced fees and increased opportunities for businesses to locate and expand in the District through new and revised definitions, additional waiver provisions and revised parking requirements. The implementation of these rules may, in turn, result in increased employment opportunities in the District for both temporary construction jobs and permanent employment.

**Agriculture Industry Impact**

The proposed new and amended rules will not have an impact on agriculture in the State of New Jersey. The Hackensack Meadowlands District is an area comprised primarily of commercial, industrial and residential areas.

**Regulatory Flexibility Analysis**

The rules of the NJMC will impose reporting, recordkeeping or other compliance requirements on small businesses. Under terms of the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., small businesses are those that employ less than 100 full-time employees. Small businesses in the District include such groups as property owners, tenants, applicants and developers.

The NJMC does not administer its rules differently based on the size of a business because the mandates of the agency outlined in its enabling statute, N.J.S.A. 13:17-1 et seq., require that they be uniformly imposed upon all property owners in the District. Accordingly, the proposed rules provide no differentiation in compliance requirements based on business size. In order to provide for uniform and consistent applicability of these rules within the District, no differential treatment is afforded to small businesses. All businesses should be able to comply with the rules utilizing procedures and services customarily typical of the construction industry.

However, it is anticipated that small businesses will benefit from the proposed rule changes, including provisions for a new lower tier fee within the existing occupancy certification fee schedule for tenant spaces up to 500 square feet in area, and a lower review fee for minor site improvements, which are more likely to be undertaken by smaller businesses. Additionally, new procedures are proposed regarding tenant name changes and annual renewal certificates for areas related to the storage of snow removal equipment and materials to ease the administrative burden on property owners and applicants. These changes will reduce the cost of doing business in the District.

**Smart Growth Impact**

Although the provisions of the New Jersey State Development and Redevelopment Plan do not apply to the NJMC, pursuant to N.J.S.A. 52:18A-206, the proposed new rules and amendments will have a positive impact on the achievement of Smart Growth in the District.

The Meadowlands District is a unique area that contains major employment and entertainment centers, significant warehousing and industrial activities and thousands of acres of environmentally-sensitive lands, including wetlands, waterways and landfills. The NJMC’s core mission is to promote economic development and growth while preserving the delicate balance of nature. Overall, the NJMC seeks to accommodate development and redevelopment within existing developed areas. These principles and policies are consistent with those of Smart Growth.

The proposed rules seek to create a supportive environment for development based on Smart Growth principles by increasing regulatory flexibility, reducing fees where possible and increasing opportunities for businesses to locate and expand in the District through new and revised definitions, additional waiver provisions, and revised parking requirements.

**Housing Affordability Impact**

The proposed new and amended rules will have an insignificant impact on affordable housing in New Jersey and there is an extreme unlikelihood that the rules would evoke a change in the average costs associated with housing. The proposed new and amended rules will continue to provide opportunities for the orderly development of residential uses in the District.

**Smart Growth Development Impact**

The proposed new and amended rules will have an insignificant impact on smart growth and there is an extreme unlikelihood that the rules would evoke a change in housing in the Hackensack Meadowlands District. The availability of affordable housing within the District is not anticipated to increase or decrease due to the proposed zoning. The District is not located within Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan. Accordingly, the proposed new and amended rules will not affect, in any manner, new construction within those areas.

**Full text** of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

CHAPTER 4  
DISTRICT ZONING REGULATIONS

SUBCHAPTER 2. INTENT, WORD USAGE AND DEFINITIONS

19:4-2.2 Definitions

The following words and terms, as used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

...  
**“Contractor’s office” means office space utilized by a contractor or general tradesman to conduct the administrative operations associated with their business, but shall not include outdoor storage of materials, equipment and/or construction vehicles unless otherwise permitted in the zone.**  
 ...

...  
**“Lot coverage” means the percentage of the lot area covered by a structure or structures, including structure overhang areas and the base or foundation of ground-mounted photovoltaic arrays, [awnings, and canopies,] but excluding the following: projecting roof eaves; attached awnings, canopies and weather protection enclosures comprised of lightweight materials and totaling less than 60 square feet in plan area; pavement; the projection of ground-mounted photovoltaic systems, exclusive of their base or foundation; and accessory equipment structures that cannot accommodate use or occupation by a person or persons.**  
 ...

...  
**“Open space” means a landscaped or natural area, not including such areas below awnings, canopies, or similar structures.**  
 ...

...  
**“Site improvement, major” means any improvement resulting in more than 0.25 acres of any new impervious coverage; reconfiguration of an existing site; reconfiguration of an existing drainage system requiring review of calculations prepared by a New Jersey-licensed professional engineer.**

**“Site improvement, minor” means any site improvement not classified as a major site improvement.**  
 ...

## SUBCHAPTER 3. APPLICATION OF REGULATIONS

## 19:4-3.5 Interpretation of boundaries

(a) In the event uncertainty exists with respect to the intended boundaries of zones as shown on the zoning map, the following rules shall apply:

1.-6. (No change.)

7. Where the boundaries do not coincide with any of the features enumerated above, or where the exact location of any boundary line is unclear or is in dispute, the boundary shall be determined by the use of the scale shown on the zoning map, or by interpretation in accordance with N.J.A.C. 19:4-[4.12]4.12A.

## 19:4-3.22 Zoning lot of record

(a) A zoning lot of record may be established in order to utilize two or more lots as a united parcel. Zoning lots of record shall meet the following requirements:

1. (No change.)

2. The individual lots within a zoning lot of record [shall be under some form of single ownership] **may be owned by one or more parties** at the time of development. **Each of the subject property owners shall be a party to the zoning lot of record agreement.** [This form of ownership, and the] **The zoning lot of record agreement, inclusive of language as to its formation and the possibility of its future dissolution,** shall be approved by the Chief Engineer. [A zoning lot of record agreement shall be recorded in the county registrar's office. All future owners or mortgage holders shall be bound by the recorded form of single ownership and the zoning lot of record agreement. No zoning lot of record shall be dissolved without the approval of the Chief Engineer, who may reject such dissolution based on any resulting nonconformity.] Any nonconformity resulting from an approved dissolution of [the] a zoning lot of record shall be classified as an existing legal nonconformity.

3. **A zoning lot of record agreement shall be recorded in the county registrar's office. All future owners or mortgage holders shall be bound by the zoning lot of record agreement. Where more than one property owner is bound by a single zoning lot of record, the owner of each individual lot within a zoning lot of record shall be required to authorize each application or petition submitted to the NJMC for any of the lots subject to the zoning lot of record agreement.**

Recodify existing 3. and 4. as 4. and 5. (No change in text.)

6. **The NJMC may require certain improvements to individual lots within a zoning lot of record to promote their functionality as a single unit.**

## SUBCHAPTER 4. ADMINISTRATION

## 19:4-4.4 Application for zoning certificate; technical requirements

(a)-(d) (No change.)

(e) The following additional information shall accompany the zoning certificate application:

1.-2. (No change.)

3. If the **portion of the lot that is proposed for development** is subject to the State's riparian interest as shown on maps issued by the NJDEP pursuant to law, a copy of one of the following, unless otherwise provided by rule of the Commission:

i.-iii. (No change.)

4.-7. (No change.)

(f) The technical requirements of (a) through (e) above may be waived by the Chief Engineer upon written request in accordance with the following:

1.-2. (No change.)

3. **The Chief Engineer may grant waivers from the technical submittal requirements of this section in cases where there is undue hardship in carrying out the literal provisions thereof, or where the literal enforcement of one or more of the technical submittal requirements is impractical.**

Recodify existing 3. and 4. as 4. and 5. (No change in text.)

## 19:4-4.8 Occupancy certification

(a) (No change.)

(b) The NJMC shall be notified of any change of property owner upon transfer of ownership. A change in property ownership shall not require new occupancy certification, unless a change in occupancy [or occupant name change] is proposed. In such cases, new occupancy certification shall be required.

(c) **Any existing tenant having a valid occupancy certification issued by the NJMC that proposes to change the tenant name only shall first obtain a tenant name change certificate from the NJMC acknowledging the tenant name change, provided that the previously approved use and tenant area remain the same.**

## 19:4-4.12A Interpretation

(a) **An interpretation of the Official Zoning Map and/or a particular rule may be granted in accordance with this section.**

(b) **Prior to the submission of a request for an interpretation, the requester shall attend a pre-submission conference with the NJMC staff to discuss the subject rule. Any statements or recommendations made by any representative of the NJMC in the context of a pre-submission conference shall be considered non-binding on the prospective applicant and the NJMC and shall confer no legal rights.**

(c) **A request for an interpretation shall be submitted in writing and filed with the NJMC staff.**

(d) **The written request for an interpretation shall include:**

1. **The full name and address of the party requesting the interpretation;**

2. **The excerpt of the existing rule or portion of the map for which an interpretation is sought;**

3. **An explanation of the request for interpretation;**

4. **The required fee in N.J.A.C. 19:4-11.2(a)19; and**

5. **Other such information as the NJMC may deem necessary from a specific requester.**

(e) **The decision of the Board of Commissioners shall be memorialized by a formal written resolution adopted at the meeting at which the interpretation is decided.**

(f) **A copy of the decision of the Board of Commissioners shall be transmitted to the applicant by the NJMC via certified mail and the NJMC shall advise the applicant of its right to appeal said decision as a final action of the Board of Commissioners in accordance with N.J.A.C. 19:4-4.19(e).**

(g) **No person shall contact or attempt to contact any member of the Board of Commissioners pertaining to a request for interpretation. No person shall contact or attempt to contact NJMC staff once the staff has deemed a request for interpretation complete and begins its review of the request.**

(h) **The interpretation shall be binding on the enforcement and administration of the rules unless and until it is superseded by a subsequent interpretation or rule change.**

## 19:4-4.13 Special exception uses

(a)-(g) (No change.)

(h) **The NJMC staff shall transmit a copy of the report to the applicant via certified mail and post a copy on the NJMC website.** [The applicant may] **Any appeal of the recommendation shall be made** in accordance with N.J.A.C. 19:4-4.19.

(i)-(p) (No change.)

## 19:4-4.14 Variances

(a)-(h) (No change.)

(i) **The NJMC staff shall transmit a copy of the report to the applicant via certified mail and post a copy on the NJMC website.** [The applicant may] **Any appeal of the recommendation shall be made** in accordance with N.J.A.C. 19:4-4.19.

(j)-(q) (No change.)

## 19:4-4.16 Notice of public hearings

(a)-(b) (No change.)

(c) **The applicant shall obtain and submit to the NJMC a certified list or lists of property owners from the tax assessor of the municipality or municipalities in which property identified in (b)2 through 4 above is located. The NJMC and the applicant shall be entitled to rely upon the information contained in such list, and failure to give notice to any property owner not on the list shall not invalidate any hearing or**

proceeding. Said lists shall be produced and certified no earlier than 90 days prior to the date of the hearing. **The Chief Engineer may extend the validity period of the certified listing of property owners to no more than 180 days prior to the date of the hearing.**

#### 19:4-4.19 Appeals

(a)-(d) (No change.)

(e) An appellant aggrieved by any final decision of the Board of Commissioners under N.J.A.C. 19:4-3, 4, 5 and 7 or pursuant to (d) above resulting from any resolution of the Board of Commissioners may seek further judicial review by the Superior Court of New Jersey Appellate Division by filing a Notice of Appeal pursuant to R.2:1 et seq. of the New Jersey Court Rules.

(f)-(g) (No change.)

### SUBCHAPTER 5. DISTRICTS, USES AND STANDARDS

#### 19:4-5.2 General provisions

(a) (No change.)

**(b) Renewable and/or sustainable energy systems, such as photovoltaic, wind energy, hydropower or geothermal system installations, and other systems determined by the Chief Engineer to be renewable and/or sustainable energy system installations, shall be subject to the following:**

**1. Such systems shall be permitted as principal uses only in non-residential zones and as accessory uses in all zones;**

**2. Such systems mounted on or in a building located in a zone allowing residential uses shall be permitted as accessory uses. All other systems in zones allowing residential uses shall require special exception approval;**

**3. Any structure associated with such system(s) shall comply with all bulk requirements of the zone, except that ground-mounted photovoltaic arrays installed over vehicular use areas may be permitted at a minimum setback of five feet from side and rear property lines in non-residential zones;**

**4. A minimum landscaped buffer of 15 feet from residential uses and residential zones shall be provided; and**

**5. All performance standards of N.J.A.C. 19:4-7 shall apply in accordance with the zone in which the system is located.**

#### 19:4-5.46 Commercial Park zone; permitted uses

(a) The permitted uses in the Commercial Park zone are:

1.-14. (No change.)

15. Retail; [and]

16. Social services[.]; and

**17. Taxi and limousine services.**

#### 19:4-5.73 Light Industrial A zone; permitted uses

(a) The permitted uses in the Light Industrial A zone are:

1.-7. (No change.)

**8. Contractor's offices;**

Recodify existing 8.-10. as **9.-11.** (No change in text.)

**12. Health care centers;**

Recodify existing 11.-24. as **13.-26.** (No change in text.)

#### 19:4-5.74 Light Industrial A zone; special exception uses

(a) The special exception uses in the Light Industrial A zone are:

1.-7. (No change.)

[8. Health care centers;]

Recodify existing 9.-15. as **8.-14.** (No change in text.)

#### 19:4-5.75 Light Industrial A zone; use limitations

(a) The use limitations in the Light Industrial A zone are:

1.-3. (No change.)

**4. Contractor's offices shall have no outdoor storage of materials, equipment and/or construction vehicles. Facility vehicles used only for the transport of workers and enclosed transport of accessory materials or equipment may be permitted pursuant to an approved site plan.**

#### 19:4-5.80 Light Industrial B zone; permitted uses

(a) The permitted uses in the Light Industrial B zone are:

1.-10. (No change.)

#### 11. Contractor's offices;

Recodify existing 11.-27. as **12.-28.** (No change in text.)

#### 19:4-5.82 Light Industrial B zone; use limitations

(a) The use limitations in the Light Industrial B zone are:

1.-2. (No change.)

**3. Contractor's offices shall have no outdoor storage of materials, equipment and/or construction vehicles. Facility vehicles used only for the transport of workers and enclosed transport of accessory materials or equipment may be permitted pursuant to an approved site plan.**

#### 19:4-5.87 Intermodal A zone; permitted uses

(a) The permitted uses in the Intermodal A zone are:

1.-6. (No change.)

#### 7. Contractor's offices;

Recodify existing 7.-16. as **8.-17.** (No change in text.)

#### 19:4-5.89 Intermodal A zone; use limitations

(a) The use limitations in the Intermodal A zone are:

1.-4. (No change.)

**5. Contractor's offices shall have no outdoor storage of materials, equipment and/or construction vehicles. Facility vehicles used only for the transport of workers and enclosed transport of accessory materials or equipment may be permitted pursuant to an approved site plan.**

### SUBCHAPTER 6. SUPPLEMENTAL REQUIREMENTS

#### 19:4-6.4 Outdoor events

(a) Not including retail sales events pursuant to N.J.A.C. 19:4-6.3, outdoor events **occurring more than seven days per year** shall be regulated by the NJMC in accordance with the following:

1. [No outdoor] **Outdoor events in excess of seven days per calendar year** shall [occur without] **require** the prior written approval of the NJMC. Application shall be made to the NJMC a minimum of 15 working days prior to the event.

2. The applicant shall request written approval from the municipal police department and municipal fire official to conduct such outdoor event and shall forward copies of such approvals to the NJMC a minimum of seven days prior to the event.

3. The outdoor event shall be associated with the owner or occupant of the subject property.]

[4.] **2. Outdoor events shall not exceed a total of [eight] 14 days per property per year.**

[5.] **(b) [Outdoor] All outdoor events shall comply with all local health and safety codes.**

**1. The use of a tent or other membrane structure shall be subject to the requirements of the New Jersey Uniform Fire Code, where applicable.**

**(c) The applicant shall request written approval from the municipal police department and municipal fire official to conduct such outdoor event and shall forward copies of such approvals to the NJMC a minimum of seven days prior to the event.**

**(d) The outdoor event shall be associated with the owner or occupant of the subject property.**

Recodify existing 6.-8. as **(e)-(g)** (No change in text.)

### SUBCHAPTER 8. SITE PLAN REQUIREMENTS

#### 19:4-8.2 Parking

(a)-(b) (No change.)

(c) Design requirements are as follows:

1. A minimum six feet of landscaped open space shall be maintained as a buffer between buildings and vehicular use areas, exclusive of loading areas.

**i. With the exception of new buildings and building additions, the Chief Engineer may waive or modify this requirement in existing vehicular use areas that do not currently provide the required minimum buffer, or for the minor extension of such an area as determined by the Chief Engineer, as follows:**

(1) Where such waiver or modification is needed to achieve required parking space dimensions and/or aisle widths; and

(2) Where no practical design alternatives are available to achieve compliance with this subsection.

ii. In cases where the required buffer has been waived or modified, building protection shall be provided to the extent possible, including, but not limited to, striping, wheel stops, guide rails and/or bollards.

2.-13. (No change.)

(d)-(g) (No change.)

19:4-8.4 Parking and loading requirements

(a) The following shall be the minimum parking and loading requirements per use:

Table 8-1

Parking and Loading Requirements

Use	Minimum Parking Requirements	Minimum Loading Requirements
1.-18. (No change.)		
19. Contractor's office	2.5 spaces per 1,000 sq. ft. of floor area; and one space per facility vehicle	One loading space; 12 feet x 30 feet
Recodify existing 19.-22. as 20.-23 (No change in text.)		
[23.] 24. Disaster recovery facility	[1.25 spaces per 1,000 sq. ft. of floor area] One space per 1,500 sq. ft. of floor area	(No change.)
Recodify existing 24.-40. as 25.-41. (No change in text.)		
[41.] 42. Light Industry	One space per [1,000] 1,500 sq. ft. of floor area	(No change.)
Recodify existing 42.-48. as 43.-49. (No change in text.)		
[49.] 50. Office	2.5 spaces per 1,000 sq. ft. of floor area <sup>1</sup>	(No change.)
Recodify existing 50.-79. as 51.-80. (No change in text.)		

Note:

<sup>1</sup> Accessory office space(s) within existing warehouse and distribution and/or industrial facilities, not exceeding a total of 300 sq. ft. of gross floor area and not contiguous to any other office use, may be permitted to have a minimum parking requirement of one space per 1,500 sq. ft. of floor area. All other office space shall be required to meet the minimum parking requirement for office use of 2.5 spaces per 1,000 sq. ft. of floor area.

(b) (No change.)

19:4-8.11 Retaining walls

(a) Retaining walls having an exposed height of four feet or more shall be designed in accordance with the provisions of the New Jersey Uniform Construction Code and shall require design stability calculations signed and sealed by a New Jersey-licensed professional engineer.

(b) (No change.)

19:4-8.14 Signs

(a) (No change.)

(b) Signage types are as follows:

1.-3. (No change.)

4. "Flashing sign" means any illuminated sign that exhibits changing natural or artificial light or color effects by any means more frequently than permitted in (g)4 below.

5.-9. (No change.)

(c)-(f) (No change.)

(g) Safety and maintenance requirements for signs are as follows:

1.-2. (No change.)

3. No flashing or animated signs; rotating or moving signs; [animated or video display signs;] signs with moving lights; [electronic, LED or digital signs;] or signs that create the illusion of movement shall be permitted, [with the following exceptions:

i. Reader board signs, where permitted, except in the Low Density Residential zone; and

ii. Signs displaying the time and/or temperature where display changes are not more frequent than every 15 seconds.]

4. Electronic, LED, or digital signs may be permitted, subject to the limitations in (g)3 above and the following:

i. Such signs shall be prohibited in the Low Density Residential zone;

ii. Each message on the sign shall be displayed for a minimum of 15 seconds. All static message changes shall be completed within one second;

iii. Each display shall be equipped with automatic dimming photocell technology that automatically adjusts the sign's brightness based on ambient light conditions; and

iv. Such signs shall not operate at brightness levels of more than 0.3 foot candles above ambient light, as measured using a foot candle meter at the following pre-set distances:

(1) 0-350 square foot sign to be measured 150 feet from the source;

(2) 351-650 square foot sign to be measured 200 feet from the source; and

(3) 651-672 square foot sign to be measured 250 feet from source.

Recodify existing 4.-6. as 5.-7. (No change in text.)

(h) The allowable signage per zone shall be as listed in Table 8-5 below, and the following:

1.-3. (No change.)

4. Maximum gross sign area permitted shall not exceed five percent of the main facade of the building, except as follows:

i. For vacant land, the maximum gross sign area shall be one square foot for each linear foot of street frontage, but not to exceed the maximum area of any single sign permitted in the zone;

ii. For permitted outdoor uses on properties not containing a principal structure, gross sign area shall not exceed five percent of the main facade of an accessory building or one square foot for each linear foot of street frontage, whichever is greater, but not to exceed the maximum area of any single sign permitted in the zone;

Recodify existing ii. and iii. as iii. and iv. (No change in text.)

5.-6. (No change.)

7. Concerning billboards:

i. (No change.)

ii. The following concern billboard locations:

(1) Notwithstanding the provisions of Table 8-5, billboards shall only be permitted within a ROW having a posted speed limit of 55 mph or higher, or within 50 feet thereof, and shall be oriented towards such ROW.

(2) Billboards shall not be permitted within 500 feet of a residential zone or residence.

(3) (No change.)

iii. -viii. (No change.)

[ix. Electronic, LED, digital, and/or video display billboards are prohibited.]

ix. Electronic, LED and/or digital billboards may be permitted subject to the limitations in (g)3 and (g)4 above.

Table 8-5  
(No change.)

(i)-(j) (No change.)

19:4-8.15 Site service improvements

(a)-(c) (No change.)

(d) Requirements for satellite or dish antennas are as follows:

1. (No change.)
  2. All satellite or dish antennas shall comply with the following:
    - i.-v. (No change.)
    - vi. The diameter or maximum dimension of the antenna shall be:
      - (1) A maximum of six feet in the Low Density Residential zone; [and]
      - (2) A maximum of 12 feet in all other zones[.];
- (3) Where a sender/receiver antenna or dish is proposed with a diameter or any dimension larger than 12 feet, it shall be considered a special exception use and shall be set back from side and rear property lines a minimum of one foot for every foot of height of the antenna.**

- vii. (No change.)
- (e) Requirements for mechanical equipment are as follows:
  - 1.-2. (No change.)

**3. Rooftop HVAC units and similar accessory rooftop mechanical equipment less than eight feet in height shall be exempt from zoning certificate requirements, except where the property abuts a residential use or residential zone.**

(f) Requirements for accessory recycling and refuse areas are as follows:

- 1.-5. (No change.)
6. The following setbacks shall apply:
  - i. Refuse and recycling areas [may] shall be located [adjacent to the building and at] in accordance with the provisions of the NJ UFC; however, such areas shall not be located within five feet of a combustible wall and shall have a minimum setback of five feet from all side and rear property lines. [in instances where the] The location [does] shall not conflict with the provisions of the NJ UFC, as determined by the [municipal fire official] New Jersey Meadowlands Commission.

[ii. Recycling areas shall maintain a minimum setback of 15 feet from all buildings and property lines or shall conform to the setbacks required in the NJ UFC as determined by the municipal fire official, whichever is more restrictive.]

- [iii.] ii. (No change in text.)
- 7.-12. (No change.)

(g) An accessory area for the temporary storage of equipment and materials related to snow and ice removal shall be permitted pursuant to an approved site plan, in accordance with the following:

- 1.-3. (No change.)
- 4. Zoning certificates for accessory areas for the temporary storage of equipment and materials related to snow and ice removal may be renewed annually in accordance with the following, provided that there are no changes to the approved site plan:**

- i. Submission of an application to the NJMC for an annual renewal certificate;
- ii. Submission of the required fee for an annual renewal certificate in accordance with N.J.A.C. 19:4-11.2(a)20; and
- iii. A renewal certificate may be issued annually for up to five years from the date of issuance of the original zoning certificate.

19:4-8.16 Fill, excavation, regrading and surcharge standards

- (a)-(c) (No change.)
- (d) Fill which does not conform with the NJDEP Solid Waste Management definition of "clean fill," per N.J.A.C. 7:26-1.4, shall not be used unless the [NJMC] Chief Engineer grants a waiver from this requirement. The applicant shall show just cause for a waiver of this requirement based on engineering constraints. This waiver shall not relieve the applicant from obtaining all other [federal, state,] Federal, State or local permits [which] that may be required to utilize such fill material.

- (e)-(f) (No change.)

SUBCHAPTER 11. FEE SCHEDULE

19:4-11.2 Zoning

- (a) Zoning fees are as follows:
  - 1.-6. (No change.)
  - 7. Site improvements:**

[7.] i. A fee of [\$750.00] **\$1,000** is charged for the review of major site improvements.

**ii. A fee of \$500.00 is charged for the review of minor site improvements.**

**iii.** The NJMC shall automatically waive the fee for site improvements associated with barrier free accessibility upgrades or repairs as defined in the New Jersey Uniform Construction Code (NJ UCC);

8.-16. (No change.)

17. A fee of \$100.00 is charged for the review of a temporary zoning certificate; [and]

18. A fee of \$50.00 is charged for the review and preparation of each zoning compliance letter[.];

**19. A fee of \$1,000 is charged for the review and preparation of each interpretation requested pursuant to N.J.A.C. 19:4-4.12A; and**

**20. A fee of \$25.00 is charged for an annual renewal certificate for zoning certificates for accessory areas for the temporary storage of equipment and materials related to snow and ice removal pursuant to N.J.A.C. 19:4-8.15(g)4.**

(b) (No change.)

19:4-11.4 Construction permits

- (a) (No change.)
- (b) NJMC plan review fees are as follows:
  1. (No change.)

2. The plan review fee for renovations, alterations, repairs, site construction associated with pre-engineered systems of commercial farm buildings, premanufactured construction and external utility connections for premanufactured construction shall be based upon the estimated cost of work.

i. For health care facilities in Use Groups B or I, the fee shall be \$14.00 per \$1,000 or part thereof for estimated cost not exceeding \$50,000, \$11.00 per \$1,000 or part thereof for estimated cost in excess of the first \$50,000 and not exceeding \$100,000[.] and \$9.00 per \$1,000 or part thereof for estimated cost in excess of the first \$100,000; and]

ii. (No change.)

**iii. For the installation of renewable and/or sustainable energy system(s), such as photovoltaic, wind energy, hydropower or geothermal system installation(s) and other systems determined by the Chief Engineer to be renewable and/or sustainable energy system installations, the fee shall be 50 percent of the fee calculated in accordance with (b)2i or ii above, based on the cost of construction of such system.**

- 3.-4. (No change.)
- (c) (No change.)

19:4-11.5 Occupancy

- (a) (No change.)
- (b) The fee for an occupancy certification is as follows:

**1. For tenant spaces of up to and including 500 square feet, the fee is \$100.00.**

[1.] **2. For tenant spaces [of] from 501 square feet, up to and including 3,000 square feet, the fee is \$250.00;**

Recodify existing 2.-5. as 3.-6. (No change in text.)

(c) (No change.)

**(d) The fee for a tenant name change certificate pursuant to N.J.A.C. 19:4-4.8(c) is \$50.00.**

CHAPTER 5  
SUBDIVISION REGULATIONS

SUBCHAPTER 5. PROCEDURE FOR APPROVAL OF  
SUBDIVISION PLATS

19:5-5.9 Commission approval for subdivision filing

No plat or deed of any subdivision subject to the provisions of this chapter shall be accepted for filing by the appropriate county recording officer unless it bears the certification of approval of the Commission.

CHAPTER 7  
DISTRICT TRANSPORTATION PLAN RULES

SUBCHAPTER 5. TRANSPORTATION DEVELOPMENT FEE  
ASSESSMENT

19:7-5.1 Transportation development fee formula

(a)-(d) (No change.)

(e) The VMT Rate is listed in the table entitled, "Calculation of Fee per Vehicle Mile," located in the Meadowlands District Transportation Plan.

1. The Vehicle Mile of Travel (VMT) Rate shall be [increased] **adjusted** annually on the first day of February based upon the Consumer Price Index for the Northeast Urban Series, as released in January of the same year, or reset by the NJMC's adoption of an updated version of the Plan.

**2. A temporary moratorium on the VMT rate adjustment may be instituted on an annual basis by the NJMC Executive Director, upon recommendation by the Chief Engineer and Chief Fiscal Officer. Upon completion of the moratorium, the VMT rate shall be adjusted by the current Consumer Price Index.**

19:7-5.2 Transportation Development Fee Formula reductions

(a)-(c) (No change.)

(d) All pass-by, diverted[,] and internal trips and associated vehicle miles traveled generated by a proposed development shall be reduced from the resulting transportation development fee as follows:

1. The percentage of all trip reductions shall be calculated in accordance with the ITE Trip Generation Handbook, as determined by the NJMC.

i. (No change.)

ii. Internal trips shall be calculated utilizing the forms within the ITE Trip Generation Handbook entitled, "Multi-use Development Trip Generation and Internal Capture Summary."

**(1) The Chief Engineer may permit the utilization of the midday peak hour internal capture rates to calculate the A.M. peak hour internal capture for applicable land uses that do not have A.M. peak hour internal capture rates, until data becomes available in an amended or supplemental version of the ITE Trip Generation Handbook.**

2.-3. (No change.)

19:7-5.4 Time of transportation development fee assessment

(a) (No change.)

(b) Payment for any fee shall be made as follows:

1. The fee shall be paid either in a lump sum payment or in a series of annual payments with a [five-, 10-, or 20-year] payment schedule **not exceeding 20 years.**

i.-iv. (No change.)

(c) A transportation development fee shall be paid prior to zoning certificate approval as follows:

1. Any application that requires a revised zoning certificate after November 28, 2007 shall be subject to a Transportation Development Fee with the exception of signs, fences/gates, site improvements, tanks, antennae, transmission towers and associated utility structures, recycling and/or refuse areas, loading doors, compactor and concrete utility pads, fill/stockpile operations, salt storage areas, construction trailers, guard shacks, storage sheds with a floor area of less than [400] **1,000** square feet, remediation activities, temporary uses, and external mechanical equipment.

2.-3. (No change.)

19:7-5.5 Exemptions from transportation development fee

(a) Exemptions from the transportation development fee shall be granted for the [de minimis, temporary, and statutory] **specific** conditions of this section.

(b) A de minimis exemption shall be granted to applications that have a beneficial, neutral, or minor adverse impact on the District transportation network. De minimis exemptions shall be granted for an application meeting the following conditions, as determined by the NJMC:

1. (No change.)

2. The alteration, expansion, or replacement of an existing non-residential structure meeting all of the following conditions:

i. The alteration, expansion, or replacement does not increase the gross floor area, of the original structure, by more than [500] **1,000** square feet;

ii.-v. (No change.)

3.-4. (No change.)

(c)-(d) (No change.)

**(e) An exemption shall be granted for the following, as determined by the NJMC:**

**1. Municipal projects;**

**2. Any non-profit development that is entirely funded by the State of New Jersey, or any agency thereof; and**

**3. Any non-profit public transportation project.**

**(f) A waiver may be granted by the Executive Director upon recommendation of the Chief Engineer for county- and publicly-funded projects, not described in (e) above, that propose mitigation of adverse impacts on the District transportation network.**

19:7-5.6 Transportation development fee refunds and property transfers

(a) Refunds from the transportation development fees collected, plus earned interest, shall be granted as follows:

1. (No change.)

**2. Upon the written request from any applicant and/or property owner, the transportation development fee, or calculated portion thereof, as determined by the NJMC, may be refunded for any of the following:**

**i. Zoning certificates that are no longer valid pursuant to N.J.A.C.**

**19:4-4.6, provided such written request is received within one year of the date of which the certificate becomes null and void;**

**ii. Zoning certificates rescinded by the Chief Engineer, upon written request of the applicant and/or property owner, provided that no work has commenced on the subject approval; or**

**iii. Zoning certificates, including portions thereof or revisions thereto, rescinded by the Chief Engineer, upon written request of the applicant and/or property owner, for uncompleted portions of the subject approval for which the transportation development fee is applicable.**

(b) (No change.)

**(a)**

**CASINO CONTROL COMMISSION**

**Gaming Equipment; Rules of the Games  
Blackjack; Hand Fees**

**Proposed Amendments: N.J.A.C. 19:45-1.20; 19:46-1.10; 19:47-2.1, 2.3 and 8.3**

Authorized By: Casino Control Commission, Linda M. Kassekert, Chair.

Authority: N.J.S.A. 5:12-5, 63, 69, 70, 99 and 100.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2010-305.

Submit written comments by February 4, 2011 to:

Seth H. Brilliant, Senior Counsel  
Casino Control Commission  
Arcade Building  
Tennessee Avenue and the Boardwalk  
Atlantic City, NJ 08401

The agency proposal follows:

**Summary**

This notice of proposed amendments is the result of a rulemaking petition filed by casino licensee Resorts International Hotel, Inc. (Resorts) pursuant to N.J.A.C. 19:40-3.6 and 19:47-8.4. Resorts had requested regulatory amendments that would permit a casino licensee to charge a \$.25 fee per hand for "housing the game" on any game of