

APPENDIX J

PEIS SCOPING DOCUMENT HEARING SUMMARY

APPENDIX J

Preliminary Environmental Impact Statement New Meadowlands Stadium Project

SUMMARY OF PUBLIC COMMENTS ON THE SCOPING DOCUMENT FOR NJSEA CONSULTATION PROCESS EIS

A Scoping Document for the NJSEA Consultation Process EIS was prepared and submitted to NJDEP and NJMC and made available to the public on May 24, 2006. A public hearing was held on July 12, 2006 to receive comments on this document. The public comment period on the Scoping Document was extended until August 11, 2006. This Appendix was prepared to list the verbal and written comments received on the Scoping Document. This Appendix includes the following:

- **Source of Public Comments**

A list was prepared to identify the people and organizations that provided verbal and written comments on the Scoping Document. This list identifies the people that provided verbal comments at the July 12, 2006 public hearing and the written comments that were submitted during the public comment period.

- **Summary of Public Comments**

A summary of the comments received was prepared to organize the comments by subject heading as listed in the EIS. The comment provides the source of the comment as identified by the initials in parentheses. The corresponding initials are found after the commentor's name in the Source of Public Comments list.

- **Hearing Transcripts and Written Correspondence**

The transcripts from the three sessions of the July 12, 2006 public hearing and letters submitted during the public comment period are provided.

The comments provided on the scoping document have been reviewed and addressed, as appropriate, within the body of the PEIS.

SOURCE OF PUBLIC COMMENTS

NEW MEADOWLANDS STADIUM PROJECT SCOPING DOCUMENT FOR NJSEA CONSULTATION PROCESS EIS

Written Correspondence

1. James Cannon (JC), Project Manager Western Permits Section
New York District, US Army Corps of Engineers
Letter Dated: June 22, 2006 (1 page, no attachments)
2. B Sachau (BS), Individual
Email Dated: July 13, 2006 (1 page, no attachments)
3. Stephanie Mandell (SM), Research and Outreach Associate, INFORM
Letter Dated: August 4, 2006 (2 pages, no attachments)
4. Jon Orcutt (JO), Executive Director, Tri-State Transportation Campaign;
Damien Newton, NJ Coordinator, Tri-State Transportation Campaign;
Jeff Tittel, Executive Director, Sierra Club of New Jersey; and
David Pringle, Program Manager, N.J. Environmental Federation
Letter Dated: August 8, 2006 (4 pages, no attachments)
5. Christine L. Guida (CG), Executive Assistant
Hackensack Meadowlands Municipal Committee (HMMC)
Letter Dated: August 9, 2006 (3 pages, no attachments)
6. Patrick J. O'Keefe (PO), Executive Vice President and Chief Executive Officer,
New Jersey Builders Association (NJBA)
Letter Dated: August 10, 2006 (5 pages, 4 attachments)
7. Clifford G. Day (CD), Supervisor, US Fish and Wildlife Services
Letter Dated: August 11, 2006 (16 pages, 4 attachments)
8. Carol J. Skiba (CS), Councilwoman, Borough of Hasbrouck Heights
Letter Dated: August 9, 2006 (2 pages, no attachments)
9. Kenneth Koschek (KK), Supervising Environmental Specialist,
Office of Permit Coordination and Environmental Review
New Jersey Department of Environmental Protection
Letter Dated: August 22, 2006 (4 pages, 2 attachments)

Testimony/ Transcripts (July 12, 2006 Public Hearing)

1. Mayor Dennis Elwell (DE), Town of Secaucus
2. Jim Kirkos (JK), Chief Executive Officer, Meadowlands Regional Chamber of Commerce and the Meadowlands Liberty Convention Visitors Bureau
3. Damien Newton (DN), New Jersey Coordinator, Tri-State Transportation Campaign
4. Robert Ceberio (RC), Executive Director, New Jersey Meadowlands Commission

SUMMARY OF PUBLIC COMMENTS
NEW MEADOWLANDS STADIUM PROJECT
SCOPING DOCUMENT FOR NJSEA CONSULTATION PROCESS EIS

Project Description

Will the entire project be evaluated according to LEED criteria? (SM-3)

A more precise breakdown of the project's components by ICC use and occupancy classifications and square footage should be provided. (PO-2)

The project study area should include the lagoons that will be used for stormwater management for the project. (CD-2)

The project should promote environmentally responsible building practices and designs, such as energy sensors, living rooftops, water-reuse systems, to achieve the highest standards of environmental quality and sustainable development. (CD-11)

The EIS should address the potential impacts from the communications towers associated with the broadcast facilities. (CD-12)

Is the number of seats in the new stadium going up? What is that number? Is it 84,000? (RC-1)

With respect to the Giants Training Facility, what is the office space impact? (RC-2)

Recommend including the ancillary development in the EIS even if not built due to market conditions so the EIS looks at a worse case scenario with ancillary built. (RC-3)

Sustainability

The New Meadowlands stadium is a great opportunity to showcase green development in New Jersey and as such the US Green Building Councils (USGBC) LEED rating system should be addressed in the EIS as a guide for all stadium components. (KK-3)

The potential use of renewable energy should be investigated. (KK-4)

Vegetation

The EIS should address the control of invasive species including the lagoon areas and its border with adjoining wetlands. (CD-8)

The project should provide a natural buffer around the periphery of the Meadowlands Sports Complex. (CD-10)

Wildlife

The EIS should present both the potential positive and negative environmental impacts of the proposed project on fish, wildlife and other resources on the Meadowlands Sports Complex and adjoining landholdings. (CD-5)

Except for those occasional, transient bald eagles, no other federally listed or proposed endangered flora or fauna under Service jurisdiction are known to occur within the vicinity of the proposed project site. (CD-6)

The project should consult with the New Jersey Endangered and Nongame Species Program and the New Jersey Natural Heritage Program for State-listed and other species of concern, and potential seasonal restrictions for construction and demolition activities that may be needed to protect such species. (CD-7)

Resource Contamination

The project may exacerbate effects of environmental contamination in the Berry's Creek subbasins, which are among the work mercury-contaminated wetlands in North America. (CD-4)

The EIS should identify the potential for bioaccumulative, contaminant effects. The project should be planned and implemented to neither mobilize existing contaminants nor contribute additional contamination to the Berry's Creek subbasin. (CD-13)

An investigation should be preformed to determine the nature of fill material in the project area. Prior to the investigation a Disruption application must be submitted to the Solid and Hazardous Waste Program in accordance with the Solid Waste regulation N.J.S.A 7:26-2a.8(j) and Section 9 of the Technical Manual fro Sanitary Landfill Permits and Approvals. The investigation must be preformed in accordance with the requirements for remedial investigation of historic fill at N.J.A.C. 7:26E-4.6(b). (KK-5)

The methane gas survey should be conducted in accordance with the requirements of N.J.A.C. 7:26-2A8(h)9 and should include the entire area of construction. The report should be sent to the DEP with locations and gas levels, to determine if a venting system is needed. (KK-6)

Solid Waste and Recycling

A general waste management plan should be included in the EIS on how waste generated at each stage of development will be handled and disposed of. (KK-7)

Demolition material which is listed under the definition of a Class B Recycling material should be recycled. (KK-2)

Utilities and Infrastructure

The effect of the project on the stormwater characteristics (discharge volume, velocity and contaminants) should be addressed. A state-of-the-art stormwater management system should be designed to address local stormwater management needs. (CD-9)

The EIS should provide information regarding the current and proposed wastewater flows to the Bergen County Utility Authority. The EIS should concentrate on minimizing flows from each component of the project.

Traffic and Transportation

The project will exacerbate the traffic and air quality problems in the area. (BS-1)

The ancillary development coupled with Xanadu will lead to substantially more traffic and an increase in emission pollutants. (CS-2)

The feasibility of bicycle access to the stadium should be evaluated. (SM-5)

The traffic study for the EIS for the project should go beyond the NJDOT regulations. Locations along Route 3, Route 120, Route 17 and the Turnpike should be studied. (JO-2)

The EIS should state the number of parking spaces. (JO-3)

A comprehensive transit plan that includes bus, bus rapid transit, bus shuttles, light rail and road improvements is needed to minimize auto trips. (JO-4)

The project should allocate a percentage of their profits for mass transit operating costs to the site and help pay for the Lincoln Tunnel express bus lane expansion. (JO-5)

The roads around the Complex are wholly inadequate for the amount of traffic that presently exists. (CS-3)

Has a traffic impact study been performed that looks at regional impacts, including potential impacts beyond Route 120 and Paterson Plank Road? A comprehensive regional transit and transportation management plan is needed. The developer must look at cumulative impacts. (DE-1)

Are there any road improvements being planned as part of this project? (DE-2)

Are the developers going to contribute to the \$71 million worth of roadway improvements proposed by Xanadu, or contribute to the \$150 million for the rail project? It is requested that developers contribute aid to regional roadway improvements. (DE-3)

How many people are going to use the train? Where did you get the numbers from? (DE-3)

How is the parking areas going to be managed during construction of the new stadium? (RC-1)

The EIS should provide a parking management plan. (RC-2)

Consider the Meadowland Mobility 2030 plan's principles when examining the transportation plan especially issues with integrated transit and multi modal transportation systems. (DN-1)

Were the stadium and ancillary components included in the Xanadu Traffic Study?
(DN-2)

The traffic study should examine a scenario of a weeknight concert at 8, a minor league ballgame at 7 and the office and retail at Xanadu open. (DN-3)

The NJDOT access code is insufficient to evaluate impacts. (DN-4)

How are you going to stop fans from parking at Xanadu for football games at the new stadium?
(DN-5)

The EIS should say how many parking spaces are needed and how many spaces are being provided. (DN-6)

A Comprehensive Traffic plan is needed paying certain attention to limiting auto trips. (D.N.-7)

The developers should consider other transportation modes such as bus. A bus terminal is a good idea. (DN-7), (DN-8)

Air Quality

The EIS should discuss what effect the proposed project will have on global warming including a determination of the amount of greenhouse gases (carbon dioxide, methane, nitrous oxide, tropospheric ozone, hydro fluorocarbons, per fluorocarbons and sulfur hexafluoride's) that will be emitted during construction and operation of the facility.
(SM-1)

A plan to reduce GHG emissions associated with these four activities should be developed.
(SM-2)

The project should use ultra low sulfur diesel and outfit construction equipment with the best available emission reduction technology and adopt an anti-idling practices for all construction equipment. (SM-4)

PM 2.5 and Ozone should be addressed in the EIS. (SM-6)

The 3 year air quality study just completed by the NJMC should be addressed in the EIS. (DN-1)

The EIS should address the implementation of a Diesel Emissions Mitigation Plan during the construction phase of the project. This plan should include a Particulate Matter (PM) exhaust emission reduction requirement of 35 % for off-road/construction vehicles during the construction phase. (KK-1)

Socioeconomic

The taxpayers have to pay for another stadium. (BS-2)

The socioeconomic impact analysis should address the housing implications, including affordable housing, of the project. (PO-1)

What is the impact of the ancillary development on the residential communities surrounding the Complex area? (CS-1)

The EIS should provide information concerning the PILOT payment to East Rutherford and how that contributes to the inter-municipal tax sharing in the Meadowlands. (RC-1)

The EIS should take into account impacts to the communities and businesses. (JK-1)

Indirect and Cumulative Impacts

The cumulative traffic and parking impacts of the new stadium and the Xanadu complex will be enormous and must be studied. (JO-1)

The EIS should look at the regional impact of the project and not just the project study area. The EIS should explain how the expansion project will affect the meadowlands region as a whole. (CG-1)

The EIS should address the potential for the proposed project to contribute to cumulative adverse impacts on fish and wildlife resources and facilitate the dispersal of exotic, invasive species through adjoining areas. (CD-3)

The overdevelopment of retail in the Meadowlands region, on top of the Xanadu project, will have a potentially adverse and far-reaching negative impact that should be addressed. (CS-4)

Permits and Approvals

Will the proposed activities associated with the project take place within the jurisdiction of the U.S. Army Corps of Engineers? (JC-1)

The EIS should provide information concerning the original development of the Meadowlands Sports Complex that required federal and state permits, including the existence of any mitigation areas referenced in the federal permit. (CD-1)

The EIS should provide a summary of the status of all the permits and approvals that are required for the project. (KK-9)



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Environmental Regulation

Office of Permit Coordination and Environmental Review

401 East State Street

P.O. Box 423

Trenton, New Jersey 08625-0423

Phone: (609) 292-3600

Fax: (609) 777-1330

RON S. CORZINE
Governor

LISA P. JACKSON
Commissioner

August 22, 2006

Mr. Robert Ceberio, Executive Director
New Jersey Meadowlands Commission
One DeKorte Park Plaza
Lyndhurst, NJ 07071

Mr. Gary Sondermeyer, Director of Operations
New Jersey Department of Environmental Protection
401 East State Street
PO Box 402
Trenton, NJ 08625-0402

**RE: New Meadowlands Stadium Project
Scoping Comments**

Dear Mr. Ceberio and Mr. Sondermeyer:

The Office of Permit Coordination and Environmental Review of the New Jersey Department of Environmental Protection (NJDEP) has completed its review of the New Meadowlands Stadium Project Scoping Document for the New Jersey Sports and Exposition Authority Consultation Process Environmental Impact Statement (EIS). We offer the following scoping comments for your consideration during the preparation of the EIS.

Diesel Emissions

The NJDEP's Diesel Risk Reduction Group is requesting that the EIS address implementation of a Diesel Emissions Mitigation Plan during the construction phase of this project. The plan should include a Particulate Matter (PM) exhaust emission reduction requirement of 35% for off-road/construction vehicles during the construction phase of the project.

A Diesel Emissions Mitigation Plan is currently being implemented by one of the general contractors at the adjacent Xanadu construction site. Attached, for your information, is a sample Diesel Emissions Mitigation Plan which could be included in bid specifications.

Please contact Bob Marcolina of the Diesel Risk Reduction Group at 609-633-7237 if you have any questions regarding the above comments.

Sustainability

The NJDEP's Bureau of Sustainable Communities and Innovative Technologies' review of the scoping document offers the following comments regarding items that should be addressed in the EIS.

On page 9 of the scoping document, it is noted that the existing stadium will be demolished. New Jersey offers a variety of opportunities to recycle construction debris, also referred to as a Class B recyclable material. The Formal definition follows:

Class B recycling material means a source separated recyclable material which is subject to Department approval prior to receipt, storage, processing or transfer at a recycling center in accordance with N.J.S.A. 13:1E-99.34b, which includes, but is not limited to, the following:

- Source separated, non-putrescible, waste concrete, asphalt, brick, block, asphalt-based roofing, scrap and wood waste;
- Source separated, non-putrescible, waste materials other than metal, glass, paper plastic containers, corrugated and other cardboard resulting from construction, remodeling, repair and demolition operations on houses, commercial buildings, pavements and other structures;
- Source separated whole trees, tree trunks, tree parts, tree stumps, brush and leaves, provided that they are not composted;
- Source separated scrap tires; and
- Source separated petroleum contaminated soil.

Demolition material which is listed under the definition of a Class B Recycling material should be recycled. The NJDEP maintains a list of Class B recycling centers on its web site. For a list of Class B recycling facilities, including construction and demolition debris see <http://www.state.nj.us/dep/dshw/lrm/classbsch.htm>.

Pages 9, 10, and 11 describe the various components to the Stadium Project, including the New Meadowlands Stadium, the Ancillary Development, Parking and Tailgating Zones and Site Circulation. Also, on the top of page 23, it is noted that "energy conservation measures will be evaluated to the extent feasible using the Leadership in Energy and Environmental Design (LEED) criteria as a guideline."

The US Green Building Council's (USGBC) LEED Green Building Rating System as a whole, not just the energy conservation measures, should be assessed in EIS as a guide for all components of the Stadium Project. Attached please find an example of how the Detroit Lions designed their headquarters and training facility to LEED 2.0. This example illustrates a project of this scope and size is possible. The new Meadowlands Stadium Project is a wonderful opportunity to showcase green development in New Jersey.

Additionally, opportunities to use renewable energy should be investigated. The State currently provides rebates for renewable energy through the New Jersey Clean Energy Program. See their web site for more information: <http://www.njcleanenergy.com>.

If you need any further assistance or have any questions, especially with respect to the USGBC LEED Green Building Rating System, please contact Athena Sarafides of the Bureau of Sustainable Communities and Innovative Technologies at 609-633-1161.

Solid and Hazardous Waste

The NJDEP's Solid and Hazardous Waste Program's review of the scoping document offers the following comments regarding items that should be addressed in the EIS.

The proposed project is to redevelop and modernize the area by introducing new construction and/or remodeling the existing construction in the Meadowlands area. The Solid and Hazardous Waste Program is aware that in the past, portions of the meadowlands have been raised to the current grade by waste disposal.

An investigation to determine the nature of fill material should be performed. Prior to beginning an investigation, a Disruption application must be submitted to the Solid and Hazardous Waste Program in accordance with the Solid Waste Regulation at N.J.S.A. 7:26-2a.8(j) and Section 9 of the Technical Manual for Sanitary Landfill Permits and Approvals. The investigation must be performed in accordance with the requirements for remedial investigation of historic fill at N.J.A.C. 7:26E-4.6(b).

The scoping document also states that a methane gas survey will be performed. The methane gas survey should be conducted in accordance with the requirements of N.J.A.C. 7:26-2A8(h)9 so the results of the survey may be used, if necessary, when applying for a major disruption of construction activities. This includes conducting the survey to include the entire area of construction activities. An investigation report should be submitted to the NJDEP including the sample locations and levels of methane gas. The report will be evaluated to determine whether any gas venting system will be required.

In addition, detailed information should be provided in the EIS on how the waste being generated at various stages of the project implementation will be handled and where it will be directed.

More information on the Solid Waste Regulations is available on-line at www.state.nj.us/dep/dshw. Please contact Sanjay Shah of the Solid and Hazardous Waste Program at 609-984-6599 if you have any questions regarding the above comments.

Wastewater Management

The EIS should provide information regarding the current and proposed wastewater flows to the Bergen County Utility Authority. The EIS should address minimizing wastewater flows from each component of the project.

Permits and Approvals

The EIS should provide a summary of the status of all the permits and approvals that are required for the project.

Thank you for the opportunity to comment on the scoping document.

Sincerely,



Kenneth C. Koschek
Supervising Environmental Specialist
Office of Permit Coordination
and Environmental Review

Attachments

C: Barbara Lampen, NJSEA
Cheryl Rezendes, NJMC
Dave Charette, Langan Engineering
Bob Marcolina, NJDEP
Athena Sarafides, NJDEP
Sanjay Shah, NJDEP

Diesel Emissions Mitigation Plan

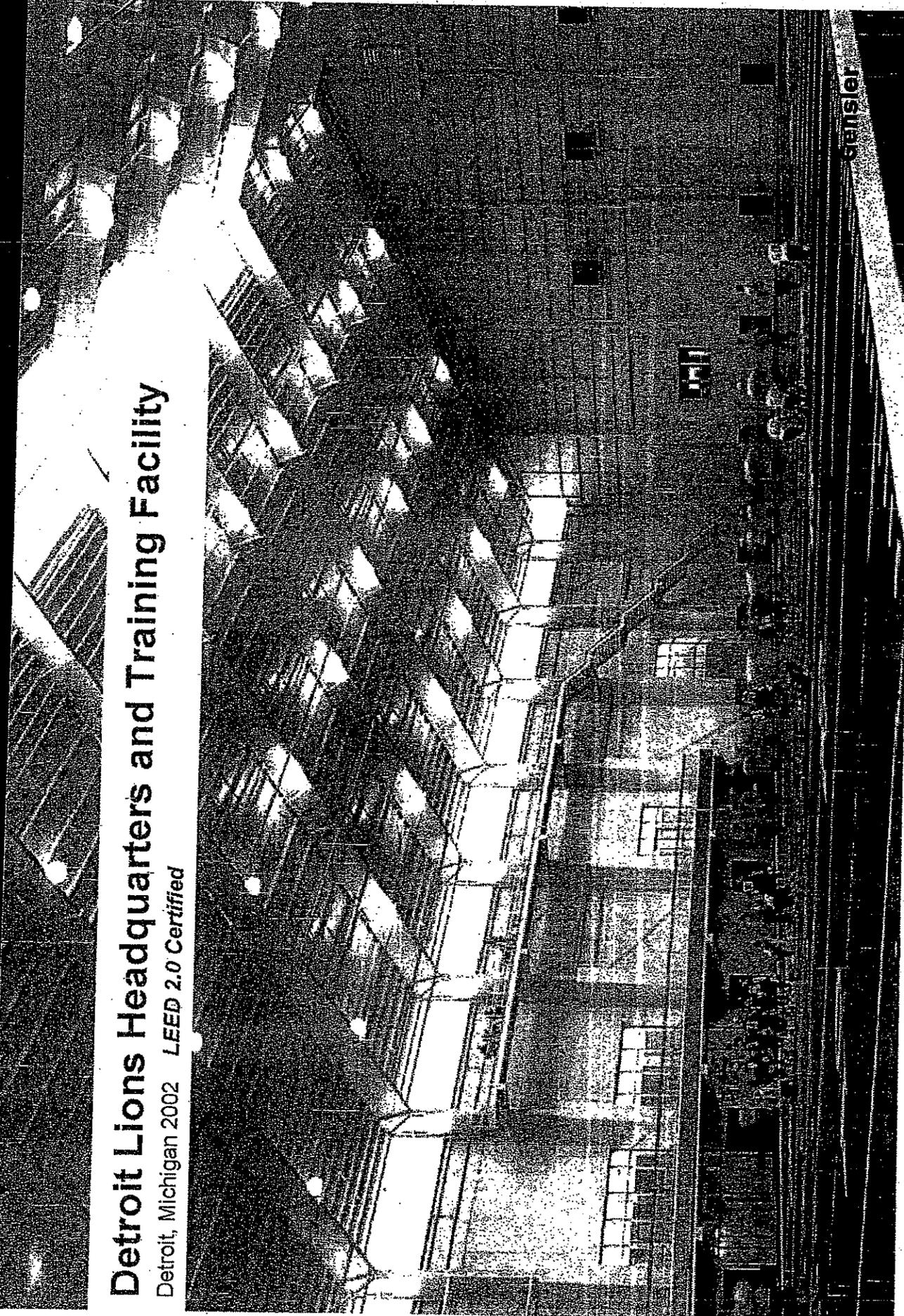
- The goal for this Mitigation Plan is a minimum 35% reduction in particulate matter (PM) emissions. This reduction shall be achieved utilizing retrofit equipment and/or low sulphur fuels specified below: The methodology in achieving this goal is up to the discretion of the contractor.
- All off road diesel powered construction vehicles/equipment with engine horsepower (HP) ratings of 60 HP and above, that are on the Xanadu project or are assigned to the project for a total of 30 days shall be retrofitted with Emission Control Devices and/or use Low Sulphur Diesel (LSD), Ultra Low Sulphur Diesel (ULSD) or Clean Fuels in order to reduce diesel emissions. A day is considered to any portion of a workday and the total number of days is the combination of consecutive and non-consecutive days. In addition, all motor vehicles and/or construction equipment shall comply with all pertinent State and Federal regulations relative to exhaust emission controls and safety.
- Construction shall not proceed until the contractor submits a certified list of the diesel powered construction equipment that will be retrofitted with emission control devices or that will use LSD, ULSD or Clean Fuels. The list shall include (1) the vehicle/equipment unit number, type, make, model number, engine make, engine EPA family number, horsepower, displacement and contractor/sub-contractor name; (2) the emission control device make, model and EPA certification number or (3) the type and source of fuel to be used.
- The contractor shall submit on a quarterly basis, a spreadsheet that includes equipment type, equipment amount horsepower, activity hours, PM output, PM control devices and PM reduction. The initial spreadsheet shall be completed using estimates and projections. All subsequent spreadsheets shall incorporate empirical data to demonstrate the reduction of particulate matter towards the targeted goal of a minimum 35% reduction. (See attached spreadsheet).
- The Emission Control Device, or retrofit equipment, shall consist of retrofit equipment control technology that is included in the USEPA or California Air Resources Board (CARB) Verified Retrofit Technology List. The use of this equipment, although not verified for off-road use, will be acceptable to the Department.
- In no case shall high sulphur off road fuel be used on the project in any equipment covered by these rules. Content of sulphur in LSD will be a maximum of less than 500ppm per federal standards. The sulfur content in the ULSD shall not exceed 30ppm. Clean Fuels shall mean a fuel verified by EPA or CARB as a Clean Fuel.
- The contractor shall submit quarterly summary reports, updating the same information stated above, and include certified, by the contractor or subcontractor, copies of the fuel delivery slips for the report time period, noting which vehicles/equipment received the fuel. The addition or deletion of diesel equipment shall be included on the quarterly report. The certified delivery slips shall state whether the fuel delivered is LSD or ULSD diesel fuel (note that highway diesel fuel (LSD) is currently legally required to be ULSD fuel after mid-2006). The certification shall include an affidavit stating the veracity of the copies attached.
- The contractor shall make retrofitted vehicles available for any emissions spot testing performed by the NJDEP or its contractor.

- Idling of delivery and /or dump trucks, or other diesel powered vehicles/equipment shall not be permitted during periods of non-active use. The contractor shall post signs advising the vehicle operators of these idling restrictions. Idling shall be limited to 20 minutes, other than initial warmup period in cold weather, as is required for efficient fuel combustion. Active use means that period of time when vehicles or equipment are actually performing their designated work function. The intervals before and after loading, unloading of deliveries, waiting in queue between loads, and waiting in queue to enter or exit the project, are subject to the idling restriction.

An Overview on Sustainable Buildings and Communities

Detroit Lions Headquarters and Training Facility

Detroit, Michigan 2002 LEED 2.0 Certified



An Overview on Sustainable Buildings and Communities

Detroit Lions

Practical commitment to LEED

All Ford projects are to consider LEED

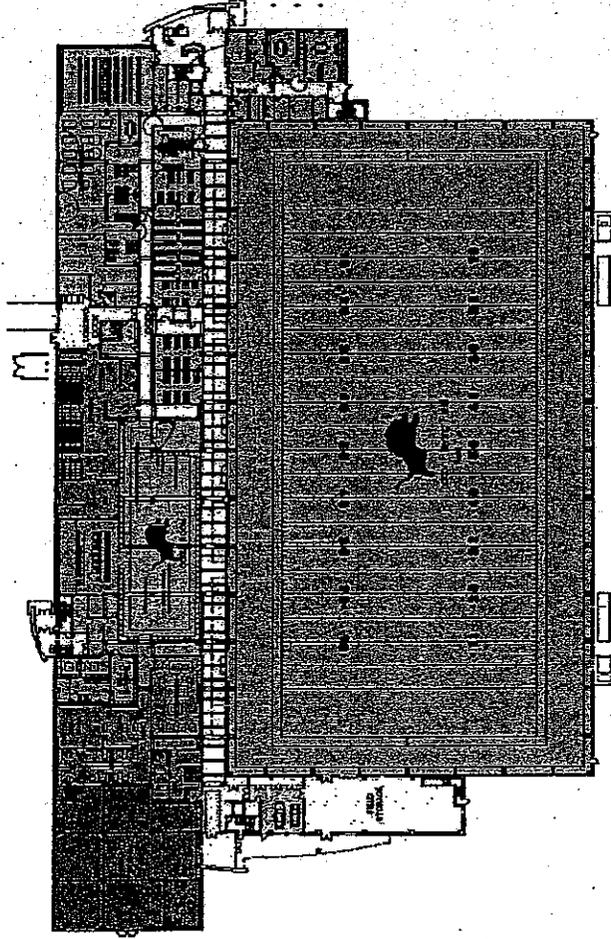
Evaluate feasibility of LEED program points and cost

New Headquarters

Integrated with Field house

Indoor Field house "Butler Building"

Used 365 days/year



PRODUCTIVITY: "Everything that touches a player matters; because everything can help a player have a better attitude, prepare better and play better"

Gensler

An Overview on Sustainable Buildings and Communities

Detroit Lions

Daylighting

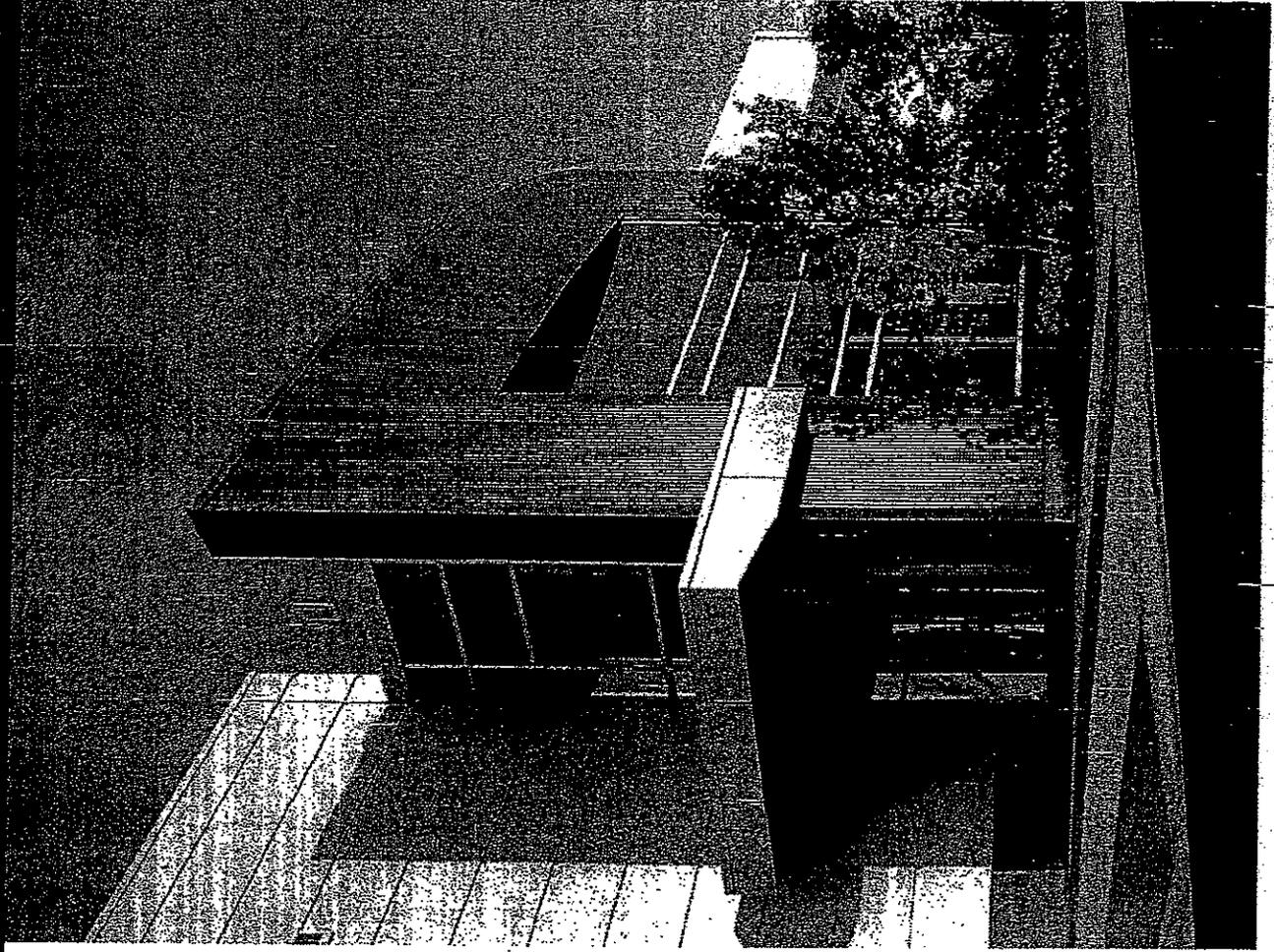
Two-Story Naturally Day-lit Corridor
Natural North Daylighting
80% of enclosed space has access to daylight

Renewable and recyclable materials

Bamboo flooring
Recycled rubber flooring
Low volatile organic compound (voc) materials
High performance to withstand wear

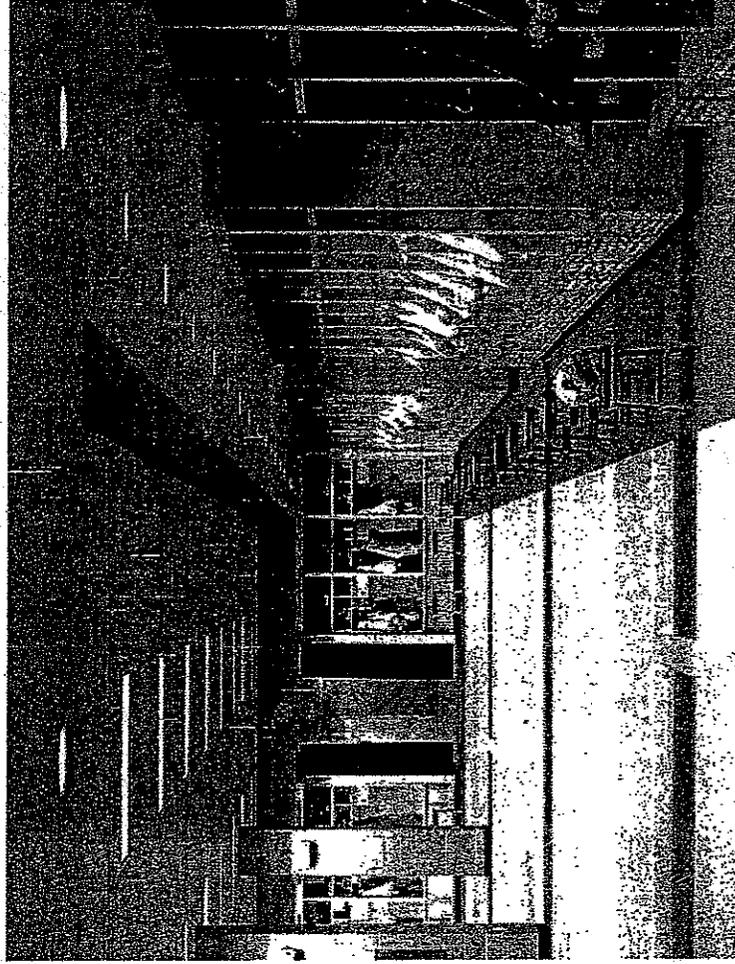
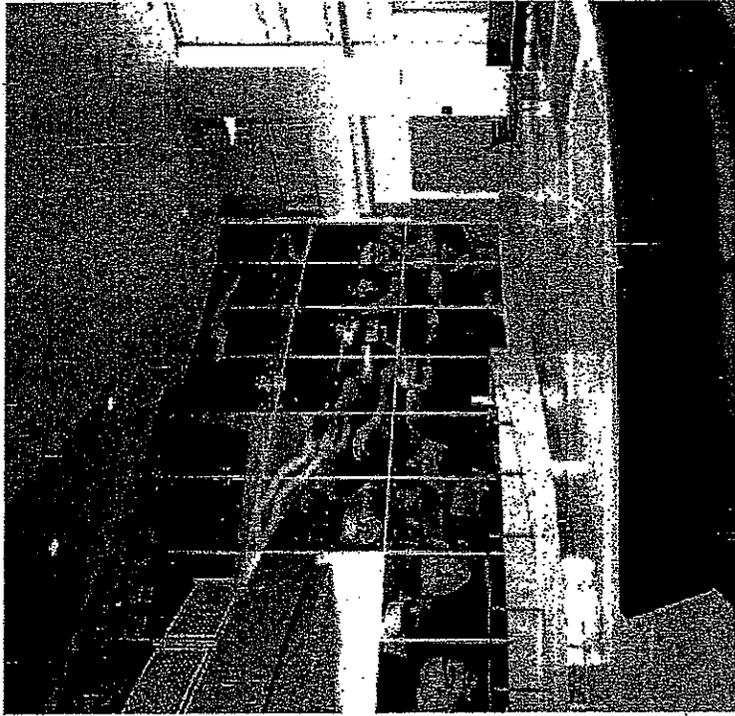
Conventional, efficient mechanical Infrastructure

Including naturally ventilated Fieldhouse



An Overview on Sustainable Buildings and Communities

Detroit Lions



Gensler



Governor
Jon S. Corzine

Chair
Susan Bass Levin

Commissioners
James A. Anzevino
Michael J. Gonnelli
Leonard R. Kaiser
Mia M. Macri
Eleanore S. Nissley
Arteen F. Walther

Executive Director
Robert R. Ceberio

New Jersey Meadowlands Commission

Administration Building: One DeKorte Park Plaza ☎ Phone: 201-460-1700 ☎ Fax: 201-460-1722
Meadowlands Environment Center: Two DeKorte Park Plaza ☎ Phone: 201-460-8300 ☎ Fax: 201-842-0630
Lyndhurst, NJ ☎ 07071 www.njmeadowlands.gov

July 13, 2006

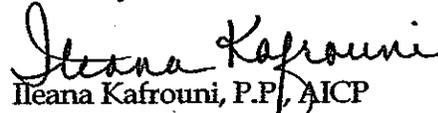
Barbara Lampen
Senior Vice President of Strategic Planning
New Jersey Sports and Exposition Authority
Meadowlands Sports Complex
50 State Route 120
East Rutherford, NJ 07073

Re: Proposed Meadowlands Stadium design plans

Dear Ms. Lampen:

Please find attached a letter from James Cannon of the U.S. Army Corps of Engineers requesting a detailed copy of the design plans for the proposed Meadowlands Stadium. We kindly ask that you respond to his request. Thank you very much.

Sincerely,


Heana Kafrouni, P.P., AICP
Director of Land Use Management
Chief of Regulatory Affairs

Enclosure

C: James Cannon, U.S. ACOE
Gary Sondermeyer, NJDEP



DEPARTMENT OF THE ARMY
NEW YORK DISTRICT, CORPS OF ENGINEERS
JACOB K. JAVITS FEDERAL BUILDING
NEW YORK, N.Y. 10278-0090

REPLY TO
ATTENTION OF:

Regulatory Branch

JUN 22 2006

Mr. Robert Ceberio
Executive Director
New Jersey Meadowlands Commission
One DeKorte Park Plaza
Lyndhurst, New Jersey 07071

Déar Mr. Ceberio:

The New York District of the U.S. Army Corps of Engineers has received a copy of your Public Notice regarding the Scoping Document for the proposed Meadowlands Stadium project to be constructed within the Sports and Exposition Authority's Meadowlands Sports Complex. To determine if any proposed activities associated with the project would take place within the jurisdiction of the U.S. Army Corps of Engineers, we ask that a detailed copy of the proposed Meadowlands Stadium design plans be submitted to our office for review.

The design plans can be sent to my attention, and should you have questions, please feel free to contact me at (917) 790-0412.

Sincerely,

A handwritten signature in black ink, appearing to read "James Cannon".

James Cannon
Project Manager
Western Permits Section

Cf: Mr. Gary Sondermeyer, NJDEP

Cheryl Rezendes

From: Info@meadowlands.state.nj.us
Sent: Thursday, July 13, 2006 3:57 PM
To: Cheryl Rezendes
Subject: FW: Form Submission: Contact Us

FYI - Donna

From: info@njmeadowlands.gov [mailto:info@njmeadowlands.gov]
Sent: Thu 7/13/2006 2:19 PM
To: Info@meadowlands.state.nj.us
Subject: Form Submission: Contact Us

Form Submission: Contact Us
Submitted at: 02:19PM ET on 07/13/2006 Full name:
B SACHAU

Address:
15 ELM ST

Address2:
FLORHAM PARK NJ 07932

Email:
JEANPUBLIC@YAHOO.COM

Comments:

RE MEETING YESTERDAY ABOUT MEADOWLANDS SPORTS COMPLEX. THERE ARE CLOGGED ROADS IN THIS AREA ALREADY. THIS BUILDING WILL FURTHER EXACERBATE TRAFFIC WOES IN THIS AREA. THE LAST THING NJ NEEDS IS ANOTHER FOOTBALL STADIUM. THE TAXPAYERS ARE ON THE HOOK FOR MILLION FOR THIS UNNECESSARY CONGESTION, AIR POLLUTION, AND NEGATIVE LIVING CONDITIONS, JUST SO SOME BILLIONARE TEAM OWNER CAN MAKE MORE MILLIONS ON THE TAXPAYERS BACKS. IT IS TIME TO STOP THIS ASSAULT ON NJ TAXPAYERS. THIS IS MY COMMENT FOR THE RECORD.

Browser Tag: Mozilla/4.0 (compatible; MSIE 6.0; Windows NT 5.1; SV1; .NET CLR 1.1.4322)
IP Address: 209.212.29.203

Mr. Gary Sondermeyer
Director of Operations
New Jersey Department of Environmental Protection
401 East State Street
P. O. Box 402
Trenton, NJ 08625

Mr. Robert Ceberio
Executive Director
New Jersey Meadowlands Commission
One DeKorte Park Plaza
Lyndhurst, NJ 07071

August 4, 2006

Dear Mr. Sondermeyer and Mr. Ceberio:

INFORM welcomes the opportunity to comment on the Scoping Document for the New Meadowlands Stadium Project, which was submitted by the New Jersey Sports and Exposition Authority (NJSEA) and the New Meadowlands Stadium Company, LLC (NMSC).

INFORM is a national, nonprofit organization whose research identifies innovative business practices, technologies, and products that prevent damage to the environment and safeguard public health.

INFORM's primary concern with the existing scoping document is that Section 4.0 concerning "Environmental Resources and Potential Project Impacts," does not discuss what effect the proposed project will have on global warming. INFORM asks that environmental studies and analyses be conducted to determine the amount of greenhouse gases (GHGs) that will be emitted 1) during the construction of the facility; 2) during the direct operation of the facility; 3) from the power plants generating electricity for the facility; and 4) from the vehicles that will travel to and from the facility. Greenhouse gases include carbon dioxide, methane, nitrous oxide, tropospheric ozone, hydrofluorocarbons, perfluorocarbons and sulfur hexafluorides. INFORM also asks that a plan to reduce GHG emissions associated with these four activities be developed. This plan could be based on Leadership in Energy and Environmental Design (LEED) criteria.

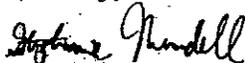
In addition to our main concern about the omission of a global warming impact assessment, INFORM has related concerns that we would like to have addressed:

- 1) On Page 23 the document mentions that various energy conservation measures will be evaluated using the LEED criteria as a guideline, which would help assuage the project's impact on global warming. However, using LEED criteria was mentioned under section 4.2.4 on "Utilities and Infrastructure." INFORM requests that the NJSEA clarify whether the draft Environmental Impact Statement will evaluate only utilities and infrastructure according to LEED criteria, or whether the entire project will be evaluated according to LEED criteria.

- 2) The LEED Guidelines for New Construction and Major Renovations Version 2.2 has over 60 criteria by which to evaluate a project. The NJSEA should specify whether all of the criteria will be used to evaluate the project or, if that is not the case, specify which criteria will be used.
- 3) The LEED Guidelines for New Construction and Major Renovations Version 2.2 do not include criteria for what construction equipment is used. Construction equipment that runs on diesel fuel contributes to global warming as well as harms public health. Construction equipment emits more fine particles than trucks and passenger cars; fine particles are linked to asthma. Diesel exhaust also contains more than 40 toxic substances, including known and probable human carcinogens and reproductive toxins. INFORM urges the NJSEA to adopt the use of ultra low sulfur diesel and outfit construction equipment with the best available emission reduction technology, actions that have been stipulated for the lower Manhattan redevelopment project and recently mandated by New York City Council for use in city funded construction projects (http://www.nycouncil.info/pdf_files/bills/law03077.pdf). INFORM also urges the NJSEA to adopt anti-idling practices for all construction equipment.
- 4) Page 13 of the scoping document mentions that the designers of the Stadium Project are working with NJ Transit to maximize train ridership. Encouraging the use of mass transit as opposed to cars is one component of reducing GHGs, and for this we commend the authors of the scoping document. However, the scoping document does not discuss whether any designated bicycle lanes that connect the Stadium to the rest of East Rutherford, NJ will be constructed. INFORM requests that the feasibility of bicycle access to the stadium be evaluated; this evaluation should include an estimate of how increased usage of bicycles would affect global warming and air quality.
- 5) The only air pollutant that will be assessed according to Section 4.2.6 on "Air Quality" is carbon monoxide. However, according to the US EPA's Green Book, Bergen County, where the New Meadowlands Stadium project is located, had a non-attainment status for PM 2.5 and 8 hr. ground level ozone in 2005. INFORM requests that these two criteria pollutants be added to the list of those that will be assessed.

INFORM would like to thank the New Jersey Department of Environmental Protection and the New Jersey Meadowlands Commission for the opportunity to submit comments. Please contact me at mandell@informinc.org or (212) 361-2400 x239 for clarification on any of these items.

Sincerely,



Stephanie Mandell
Research and Outreach Associate
INFORM

Robert Ceberio
Executive Director
New Jersey Meadowlands Commission
One DeKorte Park Plaza
Lyndhurst, NJ 07071

Gary Sondermeyer, Director of Operations
Department of Environmental Protection
401 East State Street
P.O. Box 402
Trenton, NJ 08625

August 8, 2006

Re: Comments of the Tri-State Transportation Campaign, New Jersey Environmental Federation and the New Jersey Sierra Club on the Scoping Document for the New Meadowlands Stadium Project

Dear Mr. Ceberio and Mr. Sondermeyer:

This letter constitutes the written comments of the Tri-State Transportation Campaign on the draft scoping document for the New Meadowlands Stadium Project. The Tri-State Transportation Campaign is the region's leading non-profit consortium of experts, planning organizations, activist and environmental groups concerned with transportation investments and projects. Our mission is to achieve an environmentally sound, economically efficient and socially just transportation network and system in the 32 counties in and surrounding New York City.

The Campaign has serious concerns about some of the assertions made in the draft scoping document, particularly the claim that the stadium is "an independent project" and its "permitting and construction" will be "separate and distinct from the other ongoing developments" in the Meadowlands. *New Meadowlands Stadium Project Scoping Document for NJSEA Consultation Process Environmental Impact Statement ("Scoping Document")*, May 2006, at 9. The cumulative traffic and parking impacts of the new stadium and the Xanadu complex will be enormous and must be studied.

The Campaign also fears that the Traffic Impact Study ("TIS") for the environmental impact statement ("EIS") for the stadium will repeat the same mistakes that were made in the Xanadu traffic study. An adequate traffic study for Xanadu has yet to be completed. Instead of preparing a traffic study adequate for an EIS, the Xanadu study was prepared in accordance with the state transportation's highway access permit regulations. The stadium Scoping Document says the TIS will also rely on the highway

access permit regulations, and the Campaign can only assume that the stadium study will suffer from the same deficiencies.

Fortunately, these developments come at a time when the Meadowlands Commission has committed to improving the area's air quality—a daunting task considering the area is being inundated with auto-dependent development in the form of the Xanadu complex and its more than 25,000 parking spaces, and a new stadium for the Giants and Jets. Last month, the New Jersey Meadowlands Commission announced an ambitious plan to bring the Meadowlands District in compliance with the Kyoto Protocol. This will require a reduction in greenhouse gas emissions in the district to 7 percent below the 1990 levels by 2012. The Commission also released initial results of a three-year air quality study of the Meadowlands, which show to no one's surprise that pollution from traffic has the greatest impact on the district's air quality. The Campaign asks the Commission to insist on a transportation plan that is consistent with the principles of its own *Meadowlands Mobility 2030* plan, which calls for an integrated transit and multi-modal transportation system.

I. The Cumulative Impacts of the New Stadium and Xanadu Must Be Studied

The stadium cannot be considered in isolation. Despite the Scoping Document's assertion that the stadium is "an independent project" and its "permitting and construction" will be "separate and distinct from the other ongoing developments" in the Meadowlands, the cumulative traffic impact of the two developments will be enormous. *Id.* at 9. An adequate traffic study for the Xanadu development has yet to be completed, and the Campaign fears that the stadium project could further congest local roadways.

The Xanadu development calls for the creation of retail space, an indoor ski slope, and a minor league ball park. The scoping document for the new stadium mentions that it will be a year round attraction for major musical acts. To do an accurate transportation study, we need to understand how much congestion will be caused by a weeknight Bruce Springsteen concert that begins at 8:00 p.m., a minor league baseball game that occurs at 7:30 p.m., coinciding with operating hours for Xanadu's retail attractions and office space, combined with what is now normal evening rush hour traffic on Routes 3, 17, and 120.

II. The Stadium Traffic Impact Study Cannot Repeat the Same Mistakes Made in the Xanadu Traffic Study

According to the stadium scoping document, a Traffic Impact Study will be prepared for the Stadium Project "in accordance with current NJDOT regulations and criteria," which the scoping document identifies as the New Jersey State Highway Access Management Code (N.J.A.C. 16:47). If the standard requirements for a developer's traffic impact study for a DEIS and for the state transportation department's highway

access permit were coterminous, that would suffice. However, the requirements are not coterminous. This is the fatal flaw of the Xanadu traffic study and we do not want to see it repeated here. Among the nonsensical results in the Xanadu traffic study that resulted was a study area that was too small because it was selected by the developer using the DOT highway access permit regulation (N.J.A.C. 16:47-4.36(a)(ii)(4)). The DOT regulation also allows a developer to exclude from its study intersection sites that have less than 10% of the average daily traffic (ADT). Common sense should prevail here; we request that appropriate locations along Rt. 3, Rt. 120, Rt. 17 and the Turnpike be studied in the DEIS. Using this standard again will result in a study that is woefully insufficient to render a decision by the Meadowlands Commission—or anyone else—about whether the proposed capital improvements in any way satisfactorily negate or mitigate the traffic impacts of the project.

III. The New Stadium and Xanadu Need a Comprehensive Parking and Transit Plan

The Campaign was happy to read in the initial press reports that the number of parking spaces will be reduced; however there are no measures in place to prevent fans from parking in Xanadu's parking lots. During the hearing process for Xanadu, the Campaign and other organizations repeatedly asked for a parking plan that wasn't submitted until after the Meadowlands Commission released its Hearing Officer's Report. We are again concerned that history is repeating itself in the form of a new stealth parking plan for a major development in the Meadowlands. The Scoping Document for the new stadium does not refer to the number of parking spaces, but the number of square feet that will be used for parking lots. The DEIS for the stadium must come clean about the number of parking spaces and not just address parking in terms of square feet.

Although construction of the rail line that will connect the sports complex with NJ Transit's Pascack Valley line is underway thanks to a \$150 million grant from the Port Authority, one project does not make a full transit plan. According to news reports, only about 8,000 to 10,000 fans per game (a figure presumably based on ridership numbers that haven't been made available to the public) are expected to use the line per game, but tens of thousands of fans could be brought to the game through other means that have never been studied.

A comprehensive transit plan is needed to minimize auto trips. Unhappy with the transportation plan proposed for Xanadu, the Borough of Wallington, the Township of Lyndhurst, the Borough of Carlstadt, the Town of Secaucus, The Hudson County Board of Freeholders and the Borough of East Rutherford all passed resolutions calling for a full and complete transportation plan that examines all of the regional impacts and opportunities offered by the new development in the Sports Complex. This includes bus, and bus rapid transit as well as the Pascack Valley Line extension, light rail and road improvements.

The Giants and Jets, as well as Xanadu's developer Mills/Mack Cali, should allocate a percentage of their profits for mass transit operating costs to the sites, and help the Port Authority pay for Lincoln Tunnel express bus lane expansion. Funding for these projects should not come from the New Jersey taxpayer. If casinos can foot the bill for transit improvements that will ultimately make them money so can New Jersey's premiere sports franchises and largest retail center.

Lastly, we applaud the stated commitment to changing the parking areas from a sea of formless asphalt to a more attractive, pedestrian-friendly site plan and a permanent bus facility to service the complex. Buses and smaller shuttles will be needed as part of the permanent mix of transit access modes.

Sincerely,

Jon Orcutt
Executive Director
Tri-State Transportation Campaign

Jeff Tittel
Executive Director
Sierra Club of New Jersey

Damien Newton
NJ Coordinator
Tri-State Transportation Campaign

David Pringle
Program Manager
N.J. Environmental Federation

HACKENSACK MEADOWLANDS MUNICIPAL COMMITTEE

MEMBER COMMUNITIES

- Carlsbad
- East Rutherford
- Jersey City
- Kearny
- Little Ferry
- Lyndhurst
- Moonachie
- North Arlington
- North Bergen
- Ridgely
- Rutherford
- Secaucus
- South Hackensack
- Teterboro

One DeKorte Plaza
 Lyndhurst, New Jersey 07071
 (201) 460-8857
 Fax: (201) 438-0019



Fred J. Dressel
 EXECUTIVE DIRECTOR

August 9, 2006

Robert Ceberio
 Executive Director, NJMC
 One DeKorte Park Plaza
 Lyndhurst, NJ 07071

Dear Mr. Ceberio:

Enclosed please find a copy of our Resolution #06-07, which was passed at our July 10, 2006 meeting.

Respectfully,

Christine L. Guida
 Executive Assistant

/clg
 encls.

RESOLUTION NO. 06-07

OFFERED BY: Mayor Wm. Jay Roseman (Carlstadt)
SECONDED BY: Mayor Russell Pitman (North Arlington)
ROLL CALL: All Ayes

WHEREAS, New Jersey Sports and Exposition Authority ("NJSEA") is holding a public hearing on Wednesday, July 12, 2006 at the New Jersey Meadowlands Commission, One DeKorte Park Plaza, Lyndhurst, New Jersey; and

WHEREAS, the purpose of the public hearing is to consider the NJSEA's proposed Stadium expansion project and thereby the NJSEA is preparing an Environmental Impact Statement (EIS) for said project; and

WHEREAS, comments with regard to the expansion project are due on or before August 11, 2006; and

WHEREAS, the Hackensack Meadowlands Municipal Committee ("HMMC") had met on Monday, July 10, 2006 to discuss the same; and

WHEREAS, the HMMC members expressed concerns as to the traffic and environmental impact of the project in question; and

WHEREAS, the HMMC has tremendous concern as to the traffic impact upon the surrounding communities, as a result of the NJSEA expansion project;

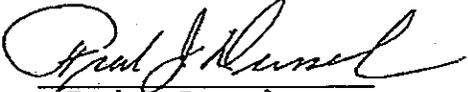
NOW, THEREFORE BE RESOLVED; that for the above-stated reasons, the HMMC respectfully demands:

1. That the NJSEA incorporate as part of its EIS analysis to look at the regional impact of the project and not just the "scope of area, i.e. fence line;"

- 2. The HMMC would further respectfully request that the Jet and Giant EIS/Traffic consulting team appear before the HMMC to explain how the expansion project will affect the meadowlands region as a whole.

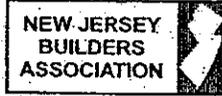
CERTIFICATION

I hereby certify that the above resolution is a true and exact copy of the original offered, seconded and passed by the Hackensack Meadowlands Municipal Committee at their regularly scheduled meeting held on Monday, July 10, 2006 at their meeting place located at Two DeKorte Park Plaza, Lyndhurst, New Jersey, a quorum being present.


 Fred J. Dressel
 Executive Director

ROLL CALL:

Carlstadt	Yes
East Rutherford	Yes
Jersey City	
Kearny	Yes
Little Ferry	
Lyndhurst	Yes
Moonachie	Yes
North Arlington	Yes
North Bergen	
Ridgefield	
Rutherford	Yes
Secaucus	Yes
South Hackensack	Yes
Teterboro	



NEW JERSEY BUILDERS ASSOCIATION

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PATRICK J. O'KEEFE
EXECUTIVE VICE-PRESIDENT &
CHIEF EXECUTIVE OFFICER

August 10, 2006

Mr. Robert Ceberio
Executive Director
New Jersey Meadowlands Commission
One DeKorte Park Plaza
Lyndhurst, New Jersey 07071

Mr. Gary Sondermeyer
Director of Operations
New Jersey Department of Environmental Protection
401 East State Street
P.O. Box 402
Trenton, New Jersey 08625

Re: Scoping Document for EIS for New Meadowlands Stadium

Dear Messrs. Ceberio and Sondermeyer:

In response to the Public Notice published in the New Jersey Register of June 19, 2006, 38 N.J.R. 2748,¹ the New Jersey Builders Association (NJBA) submits these comments on the Scoping Document for the Environmental Impact Statement ("EIS") for the New Meadowlands Stadium Project

The Project, which involves the redevelopment of portions of the Meadowlands Sports Complex, and subsequent demolition of Giants Stadium, consists of four components:

New Meadowlands Stadium Project	
Project Component	Gross Buildable Area (sf)
New Stadium	2,125,000
Ancillary Development	617,000
Giants Training Facility	400,000
Tailgate Zones	20,000

The Scoping Document, prepared by Langdon Environmental & Engineering Services for the New Jersey Sports and Exposition Authority (NJSEA) and New Meadowlands Stadium Company, LLC, dated May 2006,² ignores housing as a socio-economic and land use issue and

¹ http://www.nj.gov/dep/special/meadowlands/public_notice.pdf

² http://www.nj.gov/dep/special/meadowlands/scoping_document.pdf;
http://www.nj.gov/dep/special/meadowlands/scoping_document_figures.pdf

impact. This is a fatal flaw, which can only be remedied through the issuance and vetting of a revised scoping document.

Not only is there well established law on state agencies' obligations relating to affordable housing, see *Matter of Egg Harbor Associates*, 94 N.J. 358 (1983), you, as hearing officers have previously noted their pertinence to a review of redevelopment activity within the Meadowlands Sports Complex. In response to the 2004 Meadowlands Xanadu Redevelopment Project EIS, in which the NJSEA also ignored housing impacts, your 2004 Hearing Officers' Report and Recommendations on the Meadowlands Xanadu Redevelopment Project stated:

Another parameter that is within the scope of evaluating socioeconomic impacts is affordable housing. While the lack of residential units of any type in close proximity to the project site is a positive factor for some areas of impact analysis, it can be a negative for people who may eventually work at the site.³

The socioeconomic impact analysis in the forthcoming EIS for the New Stadium Project must be expanded to address explicitly the housing implications, including the affordable housing implications, of the Project.⁴ The EIS for the New Meadowlands Stadium must specifically address how the project's responsibility for creating a realistic opportunity for affordable housing (i.e., its growth share obligation), as required by the Mount Laurel doctrine and its progeny, see *Fair Share Housing Center, Inc v. Tp. of Cherry Hill*, 172 N.J. 393 (2002), will be met.

Further, the Growth Share obligation that will be triggered by the Project under the Third Round Rules of the New Jersey Council on Affordable Housing ("COAH")⁵ must be projected in the EIS. This requires a more precise breakdown of the Project's components by ICC use and occupancy classifications and square footage. In anticipation of such an analysis, the information presented in the Scoping Document does permit an initial Growth Share analysis of the Project, as follows:

³ 2004 Hearing Officers' Report, page 52.

http://www.hmdc.state.nj.us/land_use/Planning_and_Redevelopment/Redevelopment/xanadu_PDFs/2004_Hearing_Officer_30-60.cfm

⁴ "Affordable Housing" refers to low and moderate income housing as defined by the New Jersey Fair Housing Act (N.J.S.A. 52:27D - 301 *et seq.*) and the rules of the New Jersey Council on Affordable Housing (COAH).

⁵ N.J.A.C. 5:94. It should be noted that NJBA is a party in the matter of *In re Substantive and Procedural Rules of the New Jersey Council on Affordable Housing for the period beginning December 20, 2004* (N.J.A.C. 5:94 - 1 *et seq.* and N.J.A.C. 5:95 - 1 *et seq.*), which challenges the validity of COAH's Third Round Rules and is currently pending before the Appellate Division. The present submission urging the consideration of housing needs in the context of the EIS for the proposed Project (and illustrations of their magnitude relying on COAH's factors) should not be construed as any acknowledgement by NJBA as to the validity of COAH's Third Round Rules. The fact remains that the obligation to provide realistic housing opportunities for New Jersey's low income and moderate income households is constitutional in nature and should be considered by this agency irrespective of whether the current methodology for calculating that need is invalidated in whole or in part.

New Meadowlands Stadium Project Initial Growth Share Analysis				
Project Component	UCC Use Group	Growth Share Factor (one affordable unit required per sf)	Gross Buildable Area (sf)	Growth Share Obligation (affordable units)
New Stadium	A5	exempt	2,125,000	
Ancillary Development				
Pod A	M	25,000	375,000	15.00
Pod B	M and S	25,000	242,000	9.68
Giants Training Facility	A3 and B	8,333	400,000	48.0
Tailgate Zones	M	25,000	20,000	0.50
Total Growth Share (to be revised with more precise project components data)				73.18
Note: Project Component data from May 2006 Scoping Document for EIS for New Meadowlands Stadium. Growth Share factors from COAH Third Round Rules, N.J.A.C. 5:94 Appendix E. Worse-case (i.e., highest) Growth Share assigned in this analysis for components with mixed uses not specified in the Scoping Document, e.g., Pod B is to include some structured parking, as well as retail uses. Prepared by Kinsey & Hand, Princeton, N.J., July 11, 2006				

Moreover, in addition to addressing the magnitude of the affordable housing obligation that would result from the construction of the project, the EIS must also carefully consider the lands upon which such housing is to be located. In the matter of *New Jersey Builders Association v. The New Jersey Meadowlands Commission, et al.*, L-14374-04 (Law Division, Bergen County), A-003107-04T3 (App. Div., currently pending), NJBA filed applications for restraints against the further development of the lands that comprise both the Meadowlands District and the Meadowlands Sports Complex. The basis for seeking such restraints was that, based upon the independent research of NJBA, which is set forth in the Certification of Dr. David N. Kinsey, P.P., F.A.I.C.P. and attached hereto as Exhibit A, the vacant and developable lands of both the Meadowlands District and Meadowlands Sports Complex were insufficient to address the affordable housing obligations that have accrued, and are continuing to accrue, as a result of the plans and actions of the Meadowlands Commission and the New Jersey Sports and Exposition Authority (the "Authority"). NJBA's concern is heightened by the increased need for affordable housing that will result from the construction of the Project, which may well consume the remaining developable land resources within the jurisdiction the Authority.

During a February 18, 2005, hearing before the Law Division on NJBA's application for restraints on further development of lands, the trial court focused on the adequacy of lands subject to the land use control of both the Authority and the Meadowlands Commission. In focusing on the issue of the need to preserve the subject matter of the lawsuit, i.e., the lands of the Authority and within the jurisdiction of the Meadowlands Commission, the trial court inquired as to whether other lands, aside from the lands upon which the Meadowlands Xanadu Project is being constructed, would be available to satisfy the affordable housing obligations that are accrued as a result of the Meadowlands Xanadu Project, in the event that the obligation to provide such affordable housing fell to the Authority. In response to that line of inquiry, the trial court was assured that such available lands did exist:

THE COURT: But if the subject matter of the litigation were to be destroyed, doesn't the Court have the right to maintain the status quo for that purpose?

[Counsel for the Authority]: The -- the -- the Court cannot conclude that on the -- on --

THE COURT: Well, that's what I'm looking for at this point.

[Counsel for the Authority]: Your Honor --

THE COURT: Because -- because I agree, that on many of the aspects of the application, this is not founded upon subtle law. And what I fall back upon, the fail safe in all injunction jurisprudence is, will the RES, R-E-S, be destroyed if the Court doesn't act. And that suggests a response as to whether or not there is other land -- there may be other ways to address that, but is there other land to meet a potential future obligation, assuming one were ever to arise.

[Counsel for the Authority]: And the answer to that, Your Honor, is unequivocally yes. There's --

THE COURT: What, in the record, supports that?

[Counsel for the Authority]: Your Honor, I believe we have a certification from Ms. [Lampen] attesting to the fact that the sports complex consists of some 700 acres of land on which we currently have three facilities; the race track, the stadium, and the arena. The Xanadu project will encircle the arena and occupy some 104 acres of land. So you have -- you have something less than 600 acres that provide, I submit, ample grounds for this Court to conclude that there is no reasonable danger that the RES of this dispute will be destroyed.

See February 18, 2006 Hearing Transcript at pp. 51-52, emphasis supplied, a copy of which is attached hereto as Exhibit B.

Despite the above assurances by counsel for the Authority, the certification of Barbara Lampen, referred to in the above colloquy and attached hereto as Exhibit C, **makes no conclusion as to the ability of the Authority to satisfy the affordable housing obligations** associated with the Meadowlands Xanadu Project within the Meadowlands Sports Complex. Further, the Environmental Impact Statement for the Meadowlands Xanadu Project expressly acknowledged that the Meadowlands Xanadu Project was proposed in its present location for the very reason that the remainder of lands within the Authority's jurisdiction were either occupied or environmentally constrained:

If the Meadowlands Xanadu Project were to be constructed on an undeveloped site, adverse environmental impacts such as site clearing, loss of wildlife habitat, loss of wetland, and changes in land use would probably occur.

See p. 12 of Meadowlands Xanadu Environmental Impact Statement, Executive Summary, which is attached hereto as Exhibit D.

The above acknowledgment, coupled with the Certification of Dr. Kinsey, raises serious questions as to the ability of the Authority to adequately address, on its lands, its constitutional obligation to provide the affordable housing units required by the construction of the Meadowlands Xanadu Project. The present EIS must now determine whether the construction of the New Meadowlands Stadium and other components of that Project, as now proposed, will

Mr. Robert Ceberio, New Jersey Meadowlands Commission
Mr. Gary Sondermeyer, New Jersey Department of Environmental Protection
Re: Scoping Document for EIS for New Meadowlands Stadium
August 10, 2006
Page 5 of 5

consume any of those lands that the Law Division was assured, by counsel for the Authority, would be available to serve the housing needs of the region's low income and moderate income households.

On the record produced to date, neither the Authority nor the Meadowlands Commission have examined where the affordable housing to be constructed as a result of the Meadowlands Xanadu Project can be constructed if the obligation to do so lies with the Authority. Incredibly, given the past comments of NJDEP/NJMC hearing officers, the present scoping document does not include such an examination in connection with this proposed Project, despite the fact that the Project will generate an additional need for affordable (and workforce) housing and, simultaneously, consume scarce, developable lands within the Meadowlands Sports Complex.

Such indifference to the housing needs of New Jersey's modest income and working households cannot be permitted to continue. Accordingly, NJBA urges that a revised scoping document be prepared and circulated to the public for comments, before the NJSEA embarks on preparing a flawed and incomplete EIS.

The NJBA looks forward to the opportunity to comment on the revised scoping document.

Respectfully,



Patrick J. O'Keefe
Executive Vice President & Chief Executive Officer

EXHIBIT A

FLASTER/GREENBERG P.C.
 1810 Chapel Avenue West, Third Floor
 Cherry Hill, New Jersey 08002
 (856) 661-2269
 Carl S. Bisgaier, Esquire
 Robert M. Washburn, Esquire, Of Counsel
 Richard J. Hoff, Jr., Esquire
 Attorneys for Plaintiff

<p>NEW JERSEY BUILDERS ASSOCIATION Plaintiff</p> <p>vs.</p> <p>NEW JERSEY MEADOWLANDS COMMISSION, NEW JERSEY SPORTS AND EXPOSITION AUTHORITY, BOROUGH OF EAST RUTHERFORD and THE PLANNING BOARD OF THE BOROUGH OF EAST RUTHERFORD</p> <p>Defendants.</p>	<p>SUPERIOR COURT OF NEW JERSEY APPELLATE DIVISION</p> <p>DOCKET NO: A-003107-04T3</p> <p>CIVIL ACTION - MOUNT LAUREL II</p> <p>Certification of David N. Kinsey on Land as a Scarce Resource</p>
--	--

1. This Certification presents my expert opinion on whether: (a) land for *Mount Laurel* compliance and the development of housing affordable to low and moderate income households is a scarce resource in the Meadowlands District under the jurisdiction of the New Jersey Meadowlands Commission ("Commission") and in the Meadowlands Sports Complex under the jurisdiction of the New Jersey Sports and Exposition Authority ("Authority"), and (b) scarce resource restraints on land should be imposed by the Court under the *Mount Laurel* doctrine.
2. I am a licensed professional planner, a member of the American Institute of Certified Planners, and a partner in the planning consulting firm of Kinsey & Hand of Princeton, New Jersey. My practice focuses on affordable housing planning and has included 14 assignments as a Court-appointed Special Master in *Mount Laurel* exclusionary zoning litigation since 1985. I have prepared municipal housing elements and fair share plans and plan amendments certified by the New Jersey Council on Affordable Housing ("COAH"), and

have advised municipalities throughout the process of obtaining COAH substantive certification. I have also advised public interest and builder plaintiffs and intervenors in *Mount Laurel* litigation and objectors in proceedings before COAH. I am fully familiar with COAH rules, policy, proposals, and practice on affordable housing since 1985. I have been familiar with the Hackensack Meadowlands and the Meadowlands Commission since 1968. I also teach graduate courses in affordable housing and land use policy and planning at Princeton University. Exhibit A summarizes my background. Exhibit B lists my affordable housing planning assignments since 1985.

Assignment and Methodology

3. The Plaintiff, New Jersey Builders Association, originally retained me to examine whether:
(a) the Borough of East Rutherford, New Jersey, was in compliance with the *Mount Laurel* doctrine, the state Fair Housing Act, and COAH rules as to its COAH Second Round (1987-1999) and Third Round (1999-2014) fair share housing obligations and (b) land is a scarce resource throughout the Borough of East Rutherford. Prior to the transfer of this matter to the Appellate Division, on February 18, 2005, I prepared a Certification, dated January, 2005, and a Supplemental Certification, dated February 14, 2005 on these linked issues.
4. This Certification focuses on *Mount Laurel* compliance by two State agencies, the Authority and the Commission, which have exclusive land use authority within their respective jurisdictions, and whether sufficient vacant, developable land exists within their jurisdictions to achieve compliance with their constitutional housing obligations under the *Mount Laurel* doctrine.
5. In preparing this Certification, I have reviewed the Commission's 2004 *Master Plan*¹, rules and redevelopment plans adopted by the Commission,² the 2003 *Meadowlands Xanadu*

¹ http://www.hmdc.state.nj.us/land_use/Publications/Master_Plan.cfm

Redevelopment Project Environmental Impact Statement,³ the 2004 *Hearing Officers' Report on the Proposed Meadowlands Xanadu Redevelopment Project*,⁴ and the Commission's *Meadowlands Data Book 2002*. I have reviewed the pleadings in this matter. I attended and read the transcripts of both oral arguments in the Law Division on the plaintiff's motion for scarce resource restraints and the State agencies' motions for transfer. I have also reviewed COAH rules and fair share housing obligation calculations and methodologies. I conducted windshield surveys of the Xanadu site and the Sports Complex on January 17 and 27, 2005. I have reviewed environmental data, aerial images, and maps available on the web site of the New Jersey Department of Environmental Protection.⁵

Is Land a Scarce Resource? Should the Use of Scarce Land be Restrained?

6. Whether land for *Mount Laurel* compliance is a scarce resource depends on whether a land use jurisdiction has sufficient land to satisfy its *Mount Laurel* constitutional housing obligation. This depends primarily on two factors: (a) the amount of the land use jurisdiction's low and moderate income housing⁶ obligation and (b) the amount of vacant, developable land in the land use jurisdiction. In a scarce resource analysis, planners assume that vacant, developable lands can be readily developed for inclusionary development to provide affordable housing, if rezoned or designated appropriately for that purpose. Planners also assume that developed lands, by contrast, are not likely to be redeveloped for inclusionary development merely through rezoning, as the existing use of the land is assumed to be viable and satisfactory for the property owner. If land is a scarce

² N.J.A.C. 19:3, 19:4, 19:5, and 19:6.

³ http://www.hmdc.state.nj.us/land_use/Planning_and_Redevelopment/Redevelopment/xanadu.cfm

⁴ http://www.hmdc.state.nj.us/land_use/Planning_and_Redevelopment/Redevelopment/xanadu.cfm

⁵ <http://www.state.nj.us/dep/gis/newmapping.htm>

⁶ I use the terms "affordable housing," "lower income housing," and "low and moderate income housing" interchangeably in this Certification, in accordance with the definitions of "low income housing" and "moderate income housing" in the state Fair Housing Act, at N.J.S.A. 52:27D-304.

resource in the jurisdiction, whether its use should be restrained to insure a realistic opportunity for satisfaction of its *Mount Laurel* obligation depends in turn on whether the jurisdiction's *Mount Laurel* housing obligation has in fact been satisfied. I now turn to these related issues, first for the Authority and then for the Commission.

The *Mount Laurel* Housing Obligation of the Authority from the Xanadu Project

7. The Authority owns, developed, and operates a 718 acres Sports Complex, which consists of three sports facilities of state-wide significance in the Meadowlands District portion of East Rutherford, Bergen County, New Jersey: Giants Stadium and the Meadowlands Racetrack, which opened in 1976, and Continental Airlines Area, which opened in 1981. This Sports Complex occupies 29% of East Rutherford's land area. Under its enabling legislation, the Authority has jurisdiction over the "location, type, and character" of its projects.⁷ This makes the Authority a State agency with land use authority and responsibility.
8. Beginning with a request for proposals issued in 2002, the Authority proposed to redevelop 93 acres of its 104 acres Continental Airlines Arena site in southeastern East Rutherford, mostly using its underutilized parking lots as the redevelopment site. In 2004, the Authority designated the Meadowlands Mills/Mack-Cali Limited Partnership as the developer of this site for Meadowlands Xanadu, a \$1.3 billion, mixed use retail-hotel-office-entertainment complex with more than 4.9 million square feet of non-residential space.⁸ The Xanadu project includes filling 7.69 acres of wetlands and open waters.⁹ The Authority authorized the designated developer to proceed with construction on March 16, 2005. Construction

⁷ N.J.S.A. 5:10-5(x).

⁸ For the Meadowlands Xanadu web site, see:

<http://www.meadowlandsmills.com/static/node1304.jsp?jsessionid=azs54PTzHRx5>

⁹ U.S. Army Corps of Engineers, New York District, Press Release, March 18, 2005;

<http://www.nan.usace.army.mil/news/newsrels/xanadu.pdf>

began on March 21, 2005, according to press reports.¹⁰ The project is projected to be developed in phases over a multi-year period.

9. Under COAH's Third Round rules and fair share methodology for the period 1999-2014,¹¹ the constitutional fair share housing obligation of a land use jurisdiction is to be determined in part based the amount of residential and non-residential development built and completed between 2004-2014. In adopting these rules, COAH made clear that development that occurred in the Authority's Sports Complex would trigger a Growth Share obligation.¹²
10. For non-residential development, the "Growth Share" component of the fair share obligation is determined, according to COAH rules, based on a ratio of one affordable unit required for every 25 newly created jobs, as measured by new or expanded non-residential construction within the land use jurisdiction.¹³ According to a press release from the Office of the Governor, the Xanadu project is anticipated to be completed by 2012, well before the 2014 close of the Third Round Growth Share period, and to produce 20,000 permanent, full-time jobs.¹⁴
11. The Xanadu project has a proposed mix of retail, office, hotel, stadium, and parking land uses, totaling more than 4.96 million square feet.¹⁵ I estimate, in Exhibit C, the square feet of Xanadu's proposed parking decks, which also trigger a Growth Share obligation, at 2.5 million square feet. Consequently, at the Growth Share ratios and factors prescribed by COAH rules, the estimated 7.46 million square feet Xanadu project triggers an estimated

¹⁰ John Brennan, "Construction begins on Xanadu - almost," *The Record*, March 22, 2005; <http://www.bergen.com/page.php?qstr=eXJpcnk3ZicxN2Y3dnFIZUVFeXkyJmZnYmVsN2Y3dnFIZUVFeXk2NfY5MTE>

¹¹ N.J.A.C. 5:94; 26 N.J.R. 5748. The Third Round rules only became effective on December 20, 2004.

¹² COAH responded to a comment on whether development on land controlled by the Authority would result in a growth share obligation as follows: "Development that occurs in the NJSEA zone within the Meadowlands District will also result in an affordable housing obligation as provided by the adopted rules." 36 N.J.R. 5751, *New Jersey Register*, December 20, 2004.

¹³ N.J.A.C. 5:94-2.1(d)

¹⁴ "Governor McGreevey Signs Lease for Xanadu Development," Press Release, Office of the Governor, Trenton, N.J., October 5, 2004. http://www.state.nj.us/cgi-bin/governor/njnewslines/view_article_archives.pl?id=2175

¹⁵ The Hearing Officers' Report describes 4.96 million square feet of proposed family entertainment, ancillary retail, restaurant, office, and hotel/conference facilities and unspecified square feet of baseball stadium and parking decks.

Growth Share obligation of at least 355 affordable housing units, as detailed in Exhibit C.¹⁶

Has the *Mount Laurel* Housing Obligation from the Xanadu Project Been Satisfied?

12. The Xanadu project does not propose any housing, either market-rate or affordable, either on-site or off-site, or a specific payment to any affordable housing trust fund to be used anywhere to create housing affordable to low and moderate income households. The 2004 Meadowlands Commission and NJDEP *Hearing Officers' Report* on the Xanadu project merely required that the developer

"...work with the Boroughs of Carlstadt and East Rutherford to determine a reasonable financial contribution to each municipality that will be utilized to create a realistic opportunity for affordable housing proximate to the project site."¹⁷

I am not aware of any financial contribution, or commitment to make a specific financial contribution, made by the Xanadu developer in response to this vague requirement by the Hearing Officers.

13. I am not aware of any other initiative or program of the Authority to satisfy the *Mount Laurel* housing obligation generated by the Xanadu project.

14. This means there is no proposal or commitment in place by the Authority or the Xanadu developer to satisfy the projected Growth Share obligation of at least 355 affordable housing

¹⁶ In my Certification of January 2005, I estimated the Growth Share of the Borough of East Rutherford at 924 units, including a projected Growth Share of 800 units from the Xanadu project, based on its 20,000 projected new jobs (see Exhibit F to my January 2005 Certification), under the simple formula that 25 jobs = one affordable housing unit obligation. Exhibit C to this Certification makes a more precise estimate of the Growth Share projected from the Xanadu project, based on publicly available but still incomplete information on its proposed components. For example, the project descriptions in the Xanadu EIS and the Hearing Officers' Report do not provide the square feet of proposed parking structures. I make the assumptions specified in Exhibit C in order to fill in the information gaps and project more precisely the Growth Share likely to be triggered by the Xanadu project, which I conclude is at least 355 units. This projection is likely to increase if some of the 2.7 million square feet proposed at Xanadu as "family entertainment, retail, and restaurants" are ultimately classified as Assembly use groups under the International Building Code, which trigger a greater Growth Share per square feet than retail uses. The important point is that the Growth Share triggered by the Xanadu project is substantial.

¹⁷ Section II., C. 5., Findings of Fact and Recommendations, Summary of Requirements, Socioeconomics: [http://www.hmdc.state.nj.us/land use/Planning and Redevelopment/Redevelopment/xanadu PDFs/2004 Hearing Officer End.cfm](http://www.hmdc.state.nj.us/land%20use/Planning%20and%20Redevelopment/Redevelopment/xanadu%20PDFs/2004%20Hearing%20Officer%20End.cfm)

units that will be triggered by the construction and completion of the Xanadu project.

Is Land A Scarce Resource in the Meadowlands Sports Complex?

15. The next inquiry in analyzing whether land is a scarce resource for *Mount Laurel* compliance in the Meadowlands is to examine the lands under the Authority's land use jurisdiction in the Meadowlands and determine whether any vacant, developable lands exist.
16. The Authority's 718 acres Sports Complex consists entirely of developed lands and wetlands-open waters, as depicted in the maps and aerials in Exhibits D, E, and F. The developed lands are fully developed with: (a) the Meadowlands Racetrack and associated stables and training facilities, (b) Giants Stadium, including practice fields, (c) Continental Arena, (d) roads, (e) paved parking spaces for 25,000 vehicles, and (f) stormwater management facilities. While the parking lots of the Sports Complex are not utilized 24/7, they are nevertheless essential to the operation of this automobile-oriented destination and its three well-established facilities when these venues have events. In the future, a portion of these parking lots will undoubtedly become the site of the new Giants Stadium. The wetlands-open waters within the Sports Complex (see Exhibit F) are primarily at two locations: (a) the approximately 110 acres Walden Marsh, which is highly contaminated with mercury,¹⁸ is located along Berry's Creek in the western portion of the Sports Complex and (b) the wetlands-open waters within the Xanadu project area, which are located to the southeast of the Arena. As federal and state law protects wetlands from residential development, I do not consider the wetlands-open waters to be developable for the purpose of a *Mount Laurel* scarce resource analysis.
17. I find that the Sports Complex has no vacant, developable land that could be rezoned or

¹⁸ <http://nynictbotany.org/ninbtofc/waldenswmp.html>

designated for inclusionary development to satisfy the *Mount Laurel* affordable housing obligation generated by the Xanadu project. Consequently, I find that vacant land for the purpose of *Mount Laurel* compliance is a scarce resource in the Sports Complex lands under the jurisdiction of the Authority.

The *Mount Laurel* Housing Obligation of the Meadowlands Commission

18. The Meadowlands Commission has exclusive land use jurisdiction over its 19,485 acres (30.4 square miles) District,¹⁹ with the exception of the 718 acres of the Authority's Sports Complex. The District encompasses parts of 14 municipalities, in two counties, Bergen County and Hudson County. Secaucus has 89% of its land area within the District, while Jersey City, at the other extreme, has only 7%. Eight of the 14 municipalities have more than 50% of their land area in the District.
19. COAH, as directed by the state Fair Housing Act, has developed, proposed, and adopted its fair share housing methodology in three rounds since its creation in 1985. COAH adopted its current fair share methodology, for the Third Round that extends from 1999-2014, in 2004.²⁰ Under COAH's Third Round rules, the fair share housing obligation has three components: (a) Rehabilitation Share,²¹ (b) Prior Rounds Obligation,²² and (c) Growth Share.
20. The Growth Share component of the fair share housing obligation is based on net projected

¹⁹ *New Jersey Meadowlands Commission Master Plan*, 2004, p. 2-10.

²⁰ N.J.A.C. 5:94.

²¹ The Rehabilitation Share is the number of substandard housing estimated to be occupied by low and moderate income households in 2000, as calculated by COAH and published in its Third Round Rules, at N.J.A.C. 5:94 Appendix C. COAH makes no distinction whether Meadowlands District municipalities or the Commission are responsible for the Rehabilitation Share.

²² The Prior Rounds Obligation is the recalculated fair share obligation of municipalities for 1987-1999, i.e., COAH's first two rounds, and may be offset by qualifying affordable housing production in and by a municipality since 1980. The Prior Rounds Obligation, as calculated by COAH in its Third Round Rules, at N.J.A.C. 5:94 Appendix C, makes no distinction as to which governmental agency, i.e., the municipality, the Authority, or the Commission, controls the use of land for those municipalities partially within the Meadowlands District

residential and non-residential development that is expected to be completed during 2004-2014. Based on the Commission's 2004 *Master Plan* and COAH's Growth Share factors, I estimate the Growth Share affordable housing obligation that will be triggered by net new development in the District, at build-out, at 1,908 affordable units, as detailed in Exhibit H.

21. As the Commission has exclusive land use jurisdiction over the District, with the exception of the Authority's Sports Complex, I estimate the Growth Share component of the Commission's *Mount Laurel* housing obligation to be at least 1,553 affordable housing units.^{23 24}

Has the Commission's Satisfied Its *Mount Laurel* Housing Obligations

22. The Commission regulates and guides the use and redevelopment of land in the District through its District Zoning Regulations²⁵ and adopted redevelopment plans.²⁶

23. The Commission's current District Zoning Regulations do not create a realistic opportunity for the development of any housing affordable to low and moderate income housing. No set-asides of affordable housing are required by the Commission in any zone where housing is a permitted use. Instead, the Commission, under its District Zoning Regulations, only passively: (a) accepts petitions from municipalities to rezone land within the District to address affordable housing obligations and (b) considers variances to allow density

²³ 1,908 units District-wide Growth Share (see ¶19.) minus 355 units Growth Share from Xanadu project (see ¶9.) = 1,553 units Growth Share obligation of the Commission.

²⁴ To the extent substandard housing occupied by low and moderate income households exists in the District, the District's portion of the Rehabilitation Share as calculated by COAH should also be considered part of the *Mount Laurel* obligation of the Commission. However, most of the substandard housing in the District's municipalities is likely to be outside of the District. I do not analyze here the extent of compliance with Prior Rounds Obligations by the 14 municipalities partially within the District, nor do I analyze to what extent, if any, the Commission should be responsible for compliance with these housing obligations. Instead, I focus on the Growth Share obligation component of the fair share housing obligation.

²⁵ N.J.A.C. 19:4.

²⁶ N.J.A.C. 19:3-5.1 et seq. For a listing and summary of the adopted redevelopment plans and areas determined by the Commission to be in need of redevelopment, see the Commission's 2004 *Master Plan*, Figure 3.4, pp. 3-16 - 3-17 and http://www.hmdc.state.nj.us/land_use/Planning_and_Redevelopment/Redevelopment/Redevelopment.cfm

increases to address housing obligations.²⁷ The Commission's approach does not affirmatively create realistic opportunities for low and moderate income housing, as required by the *Mount Laurel* doctrine.

24. Only one of the Commission's eight adopted redevelopment plans provides for any affordable housing, merely five units built in the 1990s.²⁸ The adopted Meadowlands Golf Course Redevelopment Plan, affecting a 1,350 acres tract of the District in parts of Rutherford, Lyndhurst, North Arlington, and Kearny, will provide 2,530 market-rate housing units, but not a single unit affordable to low and moderate income households.²⁹ Yet, under COAH rules these 2,530 market-rate units, a proposed hotel, and proposed retail development will trigger a Growth Share obligation of at least 320 affordable units.

25. In brief, the Commission has at least a Growth Share obligation of 1,553 affordable housing units, based on its own projections of development, but in my opinion the Commission has exercised its land use powers in a manner that does not create sufficient realistic opportunities for low and moderate income housing to satisfy this component of its *Mount Laurel* housing obligation.

Is Land A Scarce Resource in the Meadowlands District?

26. The next inquiry in analyzing whether land is a scarce resource for *Mount Laurel* compliance in the Meadowlands is to examine the lands under the Commission's jurisdiction and determine whether any or sufficient vacant, developable lands exist to satisfy the

²⁷ N.J.A.C. 19:4-3.8.

²⁸ Eight housing units, including five affordable units, were built under that plan, the Vincent Place Redevelopment Plan in Teterboro.

http://www.hmdc.state.nj.us/land_use/Planning_and_Redevelopment/Redevelopment/redevelopment_projects/vincen_t_place.cfm

²⁹ The developer's web site for this \$1 billion mixed use development trumpets that the project does not contain low and moderate income housing and never has.

<http://www.meadowlandsmiracle.com/Main.asp?PageName=Myths.asp> <visited June 17, 2005>

Commission's *Mount Laurel* housing obligations, if rezoned or redesignated for inclusionary development.

27. In its 2004 *Master Plan*, the Commission defined "vacant land" as

"...undeveloped, open areas that are not associated with active commercial, industrial, service, transportation, communications, or utility facilities. Lands have no indication of past activities, no apparent site preparation, and no active development. Open areas that do not fall into any of the other thirteen land use categories appear in this category."³⁰

28. Using this definition, the Commission found only 360 acres of vacant land within the 19,485 acres of the District, or, stated differently, vacant land amounted to only 1.8% of the District's area in 2002, as presented in Exhibit J, an excerpt from the Commission's 2004 *Master Plan*. These scant vacant lands in the District even include cemeteries and are scattered throughout the District.³¹

29. Unquestionably, these vacant lands are insufficient to create a realistic opportunity, through inclusionary rezoning at reasonable densities (the maximum density under the Commission's District Zoning Regulations is 25 units per acre³²) and standard 20% set-asides of affordable housing, to satisfy the Commission's *Mount Laurel* housing obligations of at least 1,553 affordable housing units, for three reasons. First, according to the Commission some of these "vacant" lands are cemeteries and therefore inappropriate for inclusionary development. Second, most of these vacant lands are in or adjacent to existing industrial areas where residential development would be incompatible and inappropriate. Third, at most, about 90 acres in three vacant parcels in eastern Secaucus, as shown in Exhibit K, might be appropriate for inclusionary development, despite adjacent commercial development and the New Jersey Turnpike (eastern spur) and would generate at most 450 affordable units. Clearly, the vacant, developable parcels in the Meadowlands District are

³⁰ *New Jersey Meadowlands Commission Master Plan*, 2004, p. 3-3.

³¹ Map 3, Existing Land Use, of the *New Jersey Meadowlands Commission Master Plan*, 2004, depicts the location of vacant lands in the District; http://www.hmdc.state.nj.us/land_use/Publications/master_plan/map_3b.cfm

³² N.J.A.C. 19:4-5.36(a)4.

insufficient to satisfy the Commission's Growth Share obligation of at least 1,553 affordable housing units.³³ Consequently, I find that vacant land for the purpose of *Mount Laurel* compliance is a scarce resource in the Meadowlands District.

**Scarce Resource Restraints on Land Should Be Imposed
on the Authority and the Commission**

30. The purpose of a Court-imposed scarce resource restraint on land under the *Mount Laurel* doctrine is to protect and preserve the remaining land resources in a land use jurisdiction until the jurisdiction prepares and adopts, and the Court approves, a constitutionally valid housing element and fair share plan to satisfy the *Mount Laurel* affordable housing obligation. As the Supreme Court explained in 1986, the purpose of such orders is "...to protect and assure the municipality's future ability to comply with a *Mount Laurel* obligation."³⁴
31. Scarce resource restraints on land preserve the status quo and avoid squandering opportunities for building low and moderate income housing needed to comply with the constitutional mandate of the *Mount Laurel* doctrine. As the unanimous Supreme Court noted in August 2002,

Land must be viewed as an essential but exhaustible resource; any land that is developed for any purpose reduces the supply of land capable of being used to build affordable housing. The scarcity of land as a resource bears on the opportunity and means to provide affordable housing. This Court has implicitly recognized [in *Southern Burlington County NAACP v. Mount Laurel*, 92 N.J. 158, 210 n. 5 (1983),] that unrestrained nonresidential development can itself deepen the shortage of affordable housing.³⁵

³³ In addition to lands classified as "Vacant," the Commission has described 1,444 acres of the District as "Altered Land" (see Figure 3.2 in Exhibit J), but most of these lands are former landfills, some are owned by the Commission, and most are subject to the adopted Meadowlands Golf Course Redevelopment Plan and the Commission's agreement with a designated redeveloper. Consequently, these lands are not available for this scarce resource analysis.

³⁴ *Hills Development Co. v. Bernards Township*, 103 N.J. 1, 63 (1986).

³⁵ *Holmdel Builders Association v. Township of Holmdel*, 121 N.J. 550, 565-66 (1990), cited in *Fair Share Housing Center, Inc., et al. v. Township of Cherry Hill, et al.* 173 N.J. 393, 409 (2002).

32. A scarce resource restraint on land preserves the status quo while compliance planning takes place, and before a judgment of compliance and repose is entered, in a land use jurisdiction with insufficient vacant or underutilized land to satisfy fully its constitutional housing obligation merely through inclusionary zoning of vacant land. Once a land use jurisdiction has been found by a trial court to not be in compliance with *Mount Laurel*, it is a standard procedure for the court to impose such a restraint in built-up jurisdictions that lack sufficient vacant, developable land. Otherwise, while compliance planning takes place, over a period of months, or unfortunately sometimes years, the few remaining vacant, developable parcels in the jurisdiction could be developed or approved for residential or nonresidential development without providing any affordable housing or funding that would produce affordable housing. Such a course of action would dissipate scarce land. Or, without such a restraint, the jurisdiction could sell, lease, or buy land for other than affordable housing purposes that might otherwise be important for *Mount Laurel* compliance planning. Scarce resource restraints on land in *Mount Laurel* litigation typically allow development applications to be considered and decided by the planning board and board of adjustment, but with the requirement that any application approval, including default approvals, must be conditioned upon compliance with any mandatory low and moderate income housing set-aside, financial contribution, or development fee requirements that are ultimately approved by the trial court, in order to assist the jurisdiction in satisfying its *Mount Laurel* housing obligation. Once the judgment of compliance and repose is entered, the restraint on land is then dissolved.

33. Without Court-approved *Mount Laurel* compliance plans for the Authority and the Commission that create realistic opportunities for satisfying their Growth Share obligations of at least 1,908 affordable housing units, the beneficiary class of low and moderate income households in need of decent, affordable housing is likely to be left without housing

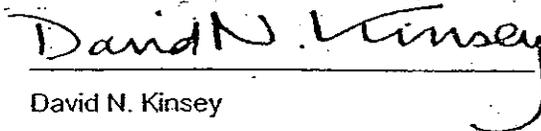
opportunities in the Meadowlands District and Sports Complex, as the Authority and Commission are otherwise likely to continue to dissipate scarce land resources.

34. As the Authority and Commission both have (a) exclusive land use jurisdiction, (b) unsatisfied and unaddressed *Mount Laurel* housing obligations, and (c) scarce vacant, developable land within their jurisdictions, the unfettered further development of land in the District and the Sports Complex should be restrained, until the Authority and the Commission have complied with their *Mount Laurel* housing obligations.

35. In my opinion, the Court should now impose scarce resource restraints on land against the Authority and the Commission in this *Mount Laurel* litigation.

36. I hereby certify that the foregoing statements are true and correct to the best of my knowledge and belief. I am aware that if any of the foregoing statements by me are willfully false, I am subject to punishment.

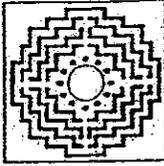
Dated: June 21, 2005


David N. Kinsey

Exhibits

- A David N. Kinsey - Background
- B David N. Kinsey - Affordable Housing Planning Assignments, 1985-2005
- C Meadowlands Xanadu Redevelopment Project Growth Share Obligation, 2005
- D Location Map of Sports Complex
- E Sports Complex - 2002 Aerial
- F Sports Complex and Wetlands
- G Sports Complex (portion) - 2003 Aerial
- H Meadowlands District Build-Out Growth Share Projection, 2005
- I Proposed Added Development under 2004 Meadowlands Master Plan
- J Existing Land Uses in the Meadowlands District, 2002
- K Vacant Parcels in Eastern Secaucus

EXHIBIT A:
David N. Kinsey - Background



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Fax (609) 924-4107

David N. Kinsey

David N. Kinsey is a planner and mediator, specializing in affordable housing, urban, regional, and environmental planning, and smart growth for public, private, and nonprofit clients. A partner in Kinsey & Hand, planning consultants based in Princeton, N.J., Kinsey is also a Visiting Lecturer of Public and International Affairs at Princeton University, where he teaches graduate courses in land use policy and planning, environmental justice, affordable housing, New Urbanism, and planning theory and practice.

As a court-appointed special master, Kinsey has assisted more than a dozen urban, suburban, and rural municipalities throughout New Jersey in resolving *Mount Laurel* exclusionary zoning litigation with builders and public interest plaintiffs and building affordable housing. Kinsey has also prepared NJ COAH-certified housing plans for municipalities and advised public interest plaintiffs, developers, builders, and citizens in *Mount Laurel* litigation and developing affordable housing throughout New Jersey.

Kinsey's planning projects have included developing an integrated system of State, regional, and local decision-making on land use, infrastructure, and environmental issues (LUIE) for the NJ Office of State Planning, analyzing diverse aspects of the *NJ State Development and Redevelopment Plan*, and assisting the New Jersey Pinelands Commission in inverse condemnation litigation. His coastal assignments have ranged from planning the marina at Liberty State Park in Jersey City to increasing ocean access for surfing, and successfully opposing a container port on a residential reach of the Delaware River. Kinsey's environmental assignments have included protecting rural-historic landscapes from a proposed county jail and analyzing county solid waste landfill siting processes in rural areas.

Kinsey served as Director of the Division of Coastal Resources in the NJ Department of Environmental Protection. He designed and implemented New Jersey's coastal management program, which *The New York Times* called one of the three best in the nation. Kinsey's responsibilities ranged from promoting urban waterfront revitalization along the Hudson River to coping with casino-driven boomtown development in Atlantic City, and from drafting dune protection legislation to supervising the State marine police. He represented New Jersey on coastal, as well as offshore oil and gas policy, on national boards and before the U.S. Congress.

In international development, Kinsey designed a coastal resources management project for developing countries, developed low cost housing programs in Tunisia and Guinea, and analyzed urban development programs in Morocco, for the U.S. Agency for International Development.

Kinsey graduated from Dartmouth College in government-architecture and has a master's in public affairs and urban planning and Ph.D. degrees from Princeton University. He has taught urban, environmental, and regional planning at Rutgers University, Princeton University, and the University of Pennsylvania. Kinsey has also lectured on coastal policy and urban policy in France. He has written on French planning, coastal zone management, growth management, and affordable housing.

A member of the American Institute of Certified Planners, Kinsey is a licensed professional planner in New Jersey. He founded the advisory group to the Delaware and Raritan Canal Commission and was Vice Chair of the Stony Brook-Millstone Watershed Association in central New Jersey and a trustee of Princeton Community Housing, a community-based nonprofit housing developer-owner-manager of rental affordable housing. A member of the Housing and Community Development Network of New Jersey and the Coalition for Affordable Housing and the Environment, Kinsey also served on the board of the Regional Planning Partnership in central New Jersey.

EXHIBIT B:
DAVID N. KINSEY - AFFORDABLE HOUSING PLANNING ASSIGNMENTS, 1985-2005

Special Master in *Mount Laurel* Litigation

Bay Head, Ocean County
Berkeley Heights, Union County
Denville, Morris County
Dover, Ocean County
Emerson, Bergen County
Hawthorne, Passaic County
Kearny, Hudson County

Montgomery, Somerset County
Princeton Borough, Mercer County
Springfield, Union County
Wall, Monmouth County
Wantage, Sussex County
Watchung, Somerset County
Wyckoff, Bergen County

Municipal Planner for Housing Element and Fair Share Plans and Amendments
before the New Jersey Council on Affordable Housing

Chatham Borough, Morris County
Monroe, Middlesex County
Moorestown, Burlington County

Morristown, Morris County
Norwood, Bergen County

Advisor and Expert for Plaintiffs and Intervenors in *Mount Laurel* Litigation and
Developers and Objectors before the New Jersey Council on Affordable Housing

Avon-by-the-Sea, Monmouth County
Barnegat, Ocean County
Bethlehem, Hunterdon County
Cherry Hill, Camden County
Chesterfield, Burlington County
Clark, Union County
Clinton Township, Hunterdon County
Colts Neck, Monmouth County
Delanco, Burlington County
Delran, Burlington County
Demarest, Bergen County
East Brunswick, Middlesex County
East Greenwich, Gloucester County
East Rutherford, Bergen County
Eatontown, Monmouth County
Fort Lee, Bergen County
Franklin Lakes, Bergen County
Hamilton, Atlantic County
Harrison, Gloucester County
Hillsborough, Somerset County
Livingston, Essex County
Logan, Gloucester County

Marlboro, Monmouth County
Meadowlands, Bergen and Hudson
Counties
Medford, Burlington County
Montvale, Bergen County
Oakland, Bergen County
Old Tappan, Bergen County
Pilesgrove, Salem County
Pitman Borough, Gloucester County
Readington, Hunterdon County
Roxbury, Morris County
Saddle River, Bergen County
Somers Point, Atlantic County
Spring Lake, Monmouth County
Summit, Union County
Union, Hunterdon County
Washington, Gloucester County
Washington, Morris County
Wayne, Passaic County
West Deptford, Gloucester County
Willingboro, Burlington County
Woodbridge, Middlesex County

EXHIBIT C

Meadowlands Xanadu Redevelopment Project Growth Share Obligation, 2005				
Proposed Development		Use Group	Growth Share Factor (square feet per required unit)	Growth Share (Affordable Units)
Project Component	Square Feet			
Family entertainment, retail, restaurants	2,700,000	M	25,000	108
Class A office space	1,760,000	B	8,333	211
Hotel (520 rooms and conference space)	500,000	R-1	31,250	16
Minor League Stadium	?	A-5	excluded	0
Parking - 12,500 spaces	2,500,000	S	125,000	20
Total	7,460,000			355

Notes:

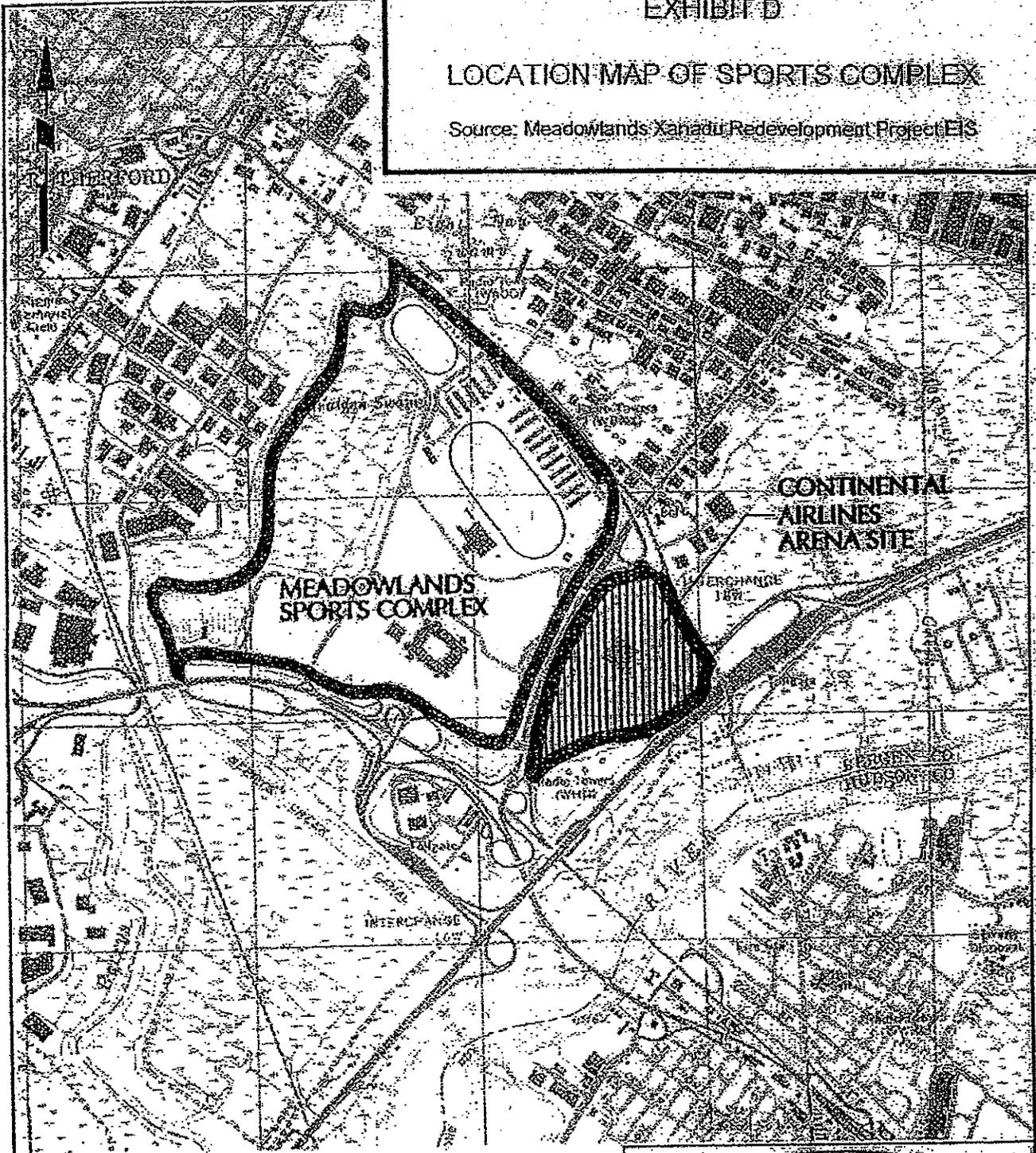
- Proposed Development from 2004 *Hearing Officers' Report and Recommendations in the Matter of the Hearings held on the Proposed Meadowlands Xanadu Redevelopment Project, April 26-30, 2004*; http://www.hmdc.state.nj.us/land_use/Planning_and_Redevelopment/Redevelopment/xanadu/PDFs/2004_Hearing_Officer_Report.cfm
- This analysis assumes that all of the proposed 2.7 million square feet of "family entertainment/ancillary retail/restaurants" space is classified as Use Group M; although, as the 2004 *Hearing Officers' Report* noted, "Based on the EIS information provided, it is difficult to ascertain the exact amount of square footage of retail being proposed in the overall project as well as each individual project component."
- The 2.5 million square feet indicated above for the 12,500 parking spaces assumes an average of 200 square feet per space, recognizing that the project includes both parking structures and surface parking, but no breakdown by type or square feet is specified in the *Hearing Officers' Report*.
- This calculation of the Growth Share obligation triggered by the Xanadu project is an estimate, to be revised once a more specific breakdown by Use Group and square feet is available for all proposed construction.
- Growth Share factors from COAH Third Round Rules, N.J.A.C. 5:94 Appendix E.

Prepared by Kinsey & Hand, Princeton, N.J., June 16, 2005

EXHIBIT D

LOCATION MAP OF SPORTS COMPLEX

Source: Meadowlands Xanadu Redevelopment Project EIS



Meadowlands Xanadu
Redevelopment Project

Meadowlands Sports Complex/
Arena Site Vicinity Map



The Louis Berger Group, Inc.

Figure ES-2

SOURCE: USGS BEEHAWKEN QUADRANGLE, NEW JERSEY-NEW YORK

EXHIBIT E

SPORTS COMPLEX - 2002 AERIAL

Source: NJDEP, i-Map NJ website

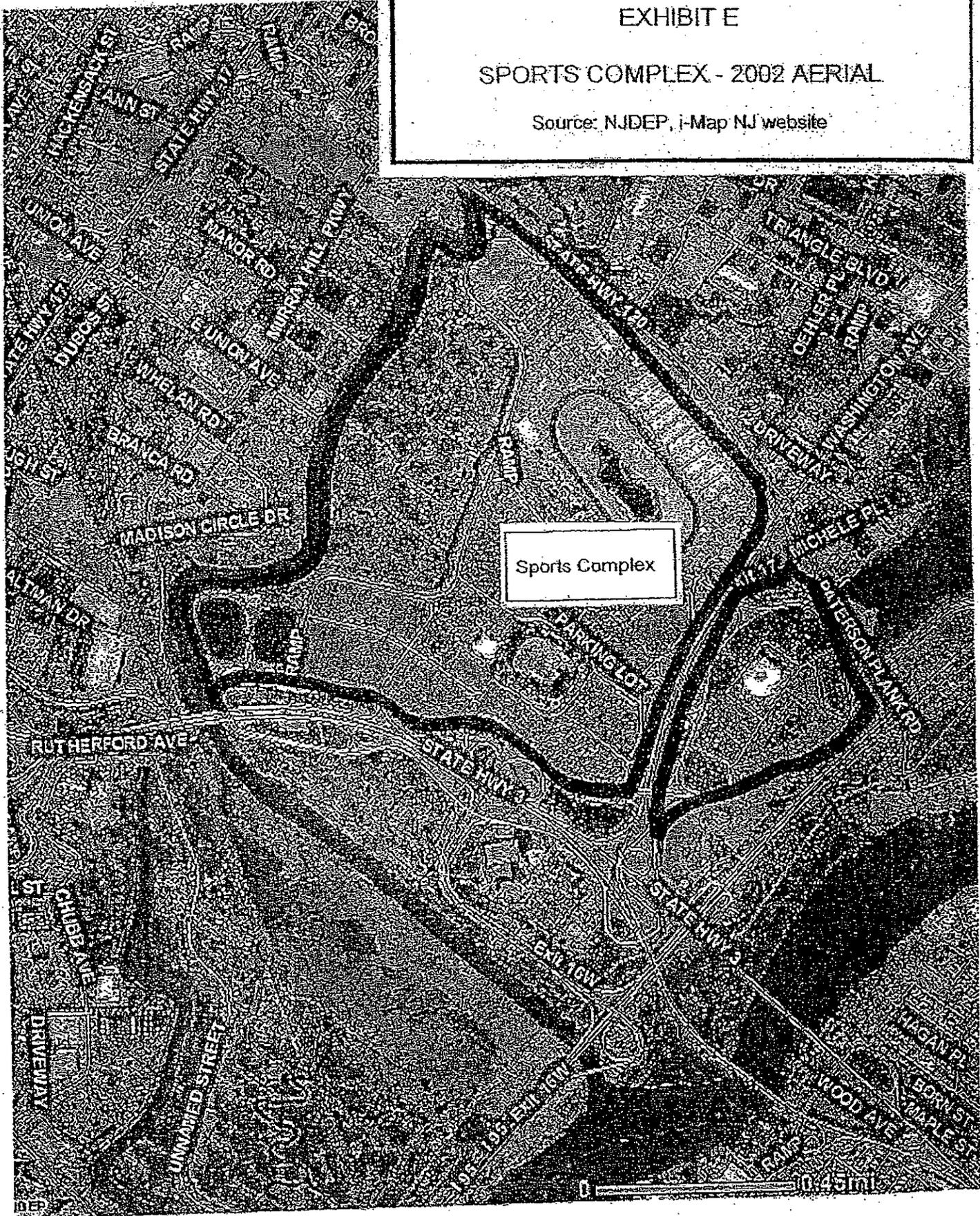


EXHIBIT F

SPORTS COMPLEX AND WETLANDS

Source: NJDEP, iMap NJ website

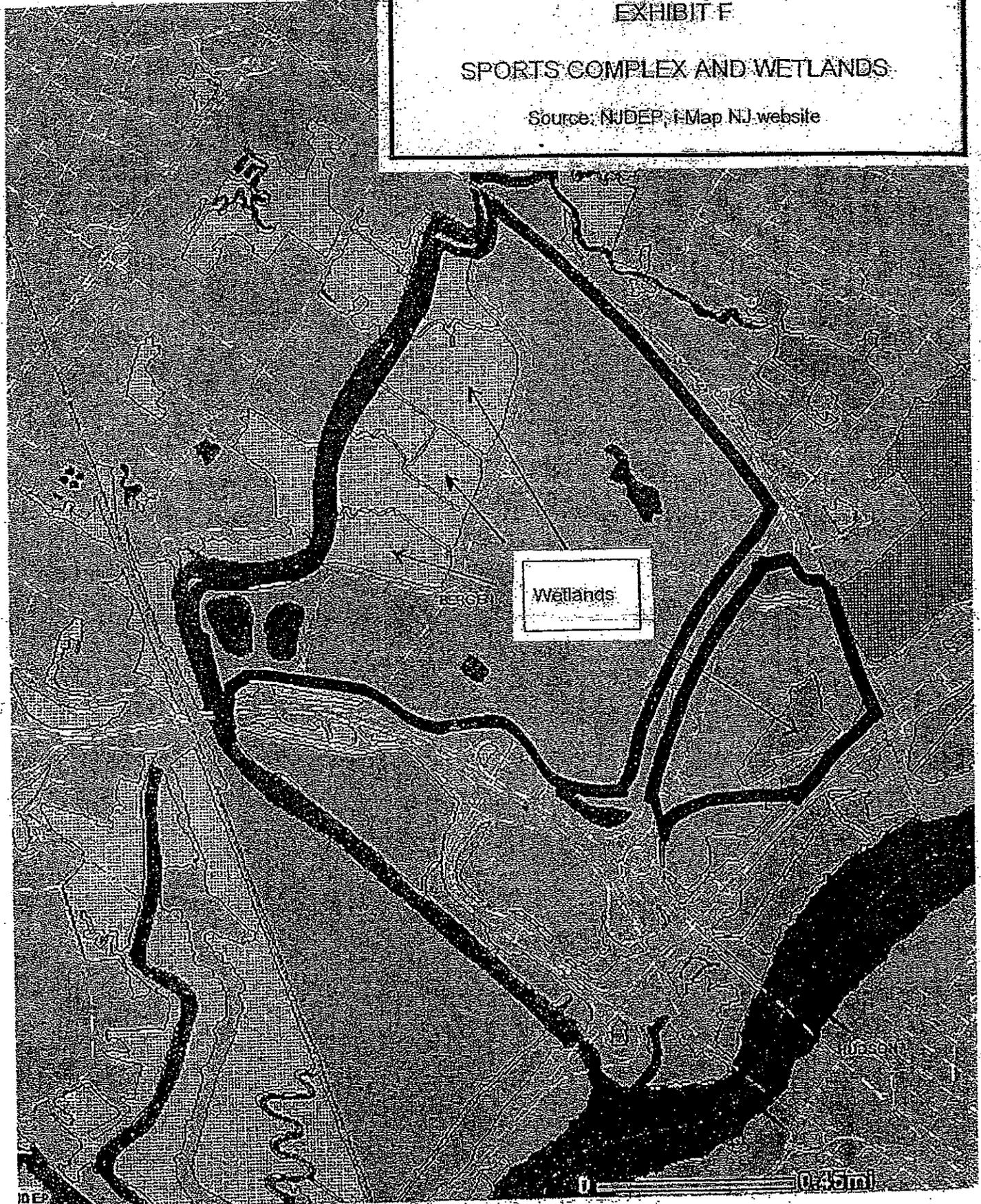
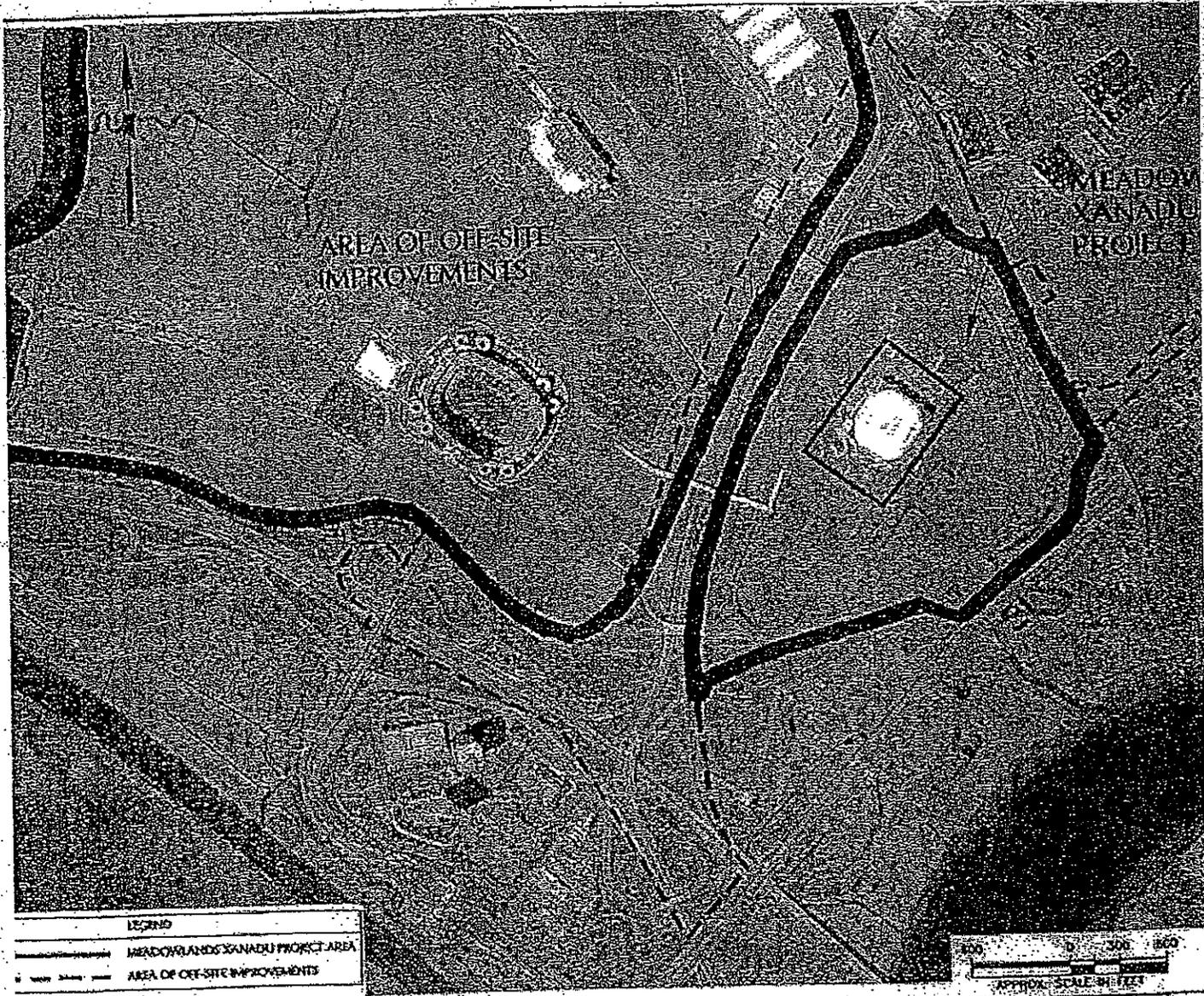


Exhibit G

SPORTS COMPLEX (PORTION) - 2003 AERIAL

Source: Meadowlands Xanadu Redevelopment Project EIS



LEGEND

	MEADOWLANDS XANADU PROJECT AREA
	AREA OF OFF-SITE IMPROVEMENTS

0 100 200 300 400
APPROX. SCALE IN FEET

PREPARED BY: KENNA, BUNYUE, INC. 2003 AERIAL PHOTO

EXHIBIT H

Meadowlands District Build-Out Growth Share Projection, 2005				
Proposed Added Development under 2004 Master Plan		Growth Share Factor		Growth Share (Affordable Units)
Added Residential (housing units)	3,741		12.5%	468
	Square Feet	Use Group	(square feet per required unit)	
Demolition of warehouses and industrial buildings	-3,562,553	S	125,000	-29
Added Commercial	6,593,326	M	25,000	264
Added Office	8,939,369	B	8,333	1,073
Added Industrial/Warehouse	12,106,359	S	125,000	97
Added Hotel (2,750 rooms @ 400 sf/room)	1,100,000	R1	31,250	35
Total	25,176,501			1,998

Notes:

1. Proposed Added Development from 2004 *New Jersey Meadowlands Commission Master Plan*, Figure 12.3 Impacts of Added Development, at p. 12-12, based on a build-out analysis conducted by the Meadowlands Commission. Note that not all of the build-out may take place during the Third Round 2004-2014 Growth Share period.
 2. Demolished buildings are all assumed to be the Storage use group. Added Industrial/Warehouse are also all assumed to be Storage use group. The 2004 Master Plan did not specify a breakdown between industrial and warehouse square feet.
 3. The assumed average of 400 square feet per hotel room includes public rooms, hallways, conference facilities, etc.
 4. The added commercial, office, and hotel development includes development proposed by the N.J. Sports and Exposition Authority, i.e., the Meadowlands Xanadu Redevelopment Project.
 5. Growth Share factors from COAH Third Round Rules, N.J.A.C. 5:94-2.4(a)1. and Appendix E.
- Prepared by Kinsey & Hand, Princeton, N.J., March 28, 2005

EXHIBIT I

**PROPOSED ADDED DEVELOPMENT UNDER
2004 MEADOWLANDS MASTER PLAN**

Source: NJ Meadowlands Commission

NJMC Master Plan

NJMC Master Plan

Governor

James E. McGreevey

Chairman

Susan Bass Levin

Commissioners

James A. Anzevino

Michael J. Gonnelli

Leonard R. Kaiser

Mia M. Macri

Eleanore S. Nissley

Arleen Walther

Executive Director

Robert R. Ceberio

New Jersey Meadowlands Commission

One DeKorfe Park Plaza

Lyndhurst, NJ 07071

Administrative Office: 201.460.1700

Environment Center: 201.460.8300

www.meadowlands.state.nj.us

Adopted January 2004

Plan Implementation

IMPACTS REVIEW

The area plans and strategies presented in Chapters 10 and 11 of this Master Plan will impact the District in a number of ways. Impact areas include the natural environment, land use, social, and economic. An impacts review allows a test of the plan's overall potential to guide the realization of the Commission's vision and goals for the District. Because this plan is District-wide and encompasses a number of planning areas and physical systems, the impacts review must, however, be generalized.

A build-out analysis, summarized in Figure 12.3, presents the course charted by development permitted under this plan and compares it to the level of development allowed by the original 1970 plan. For this plan, the table identifies the approximate square footage of buildings that

FIGURE 12.3
Impacts of Added Development

	Original 1970 Plan	This Plan
Removal of structures in redevelopment areas	(not identified)	3,562,553 sq. ft.
New development:		
Residential	70,000 units	3,741 units
Commercial	3,000,000 sq. ft.	6,593,326 sq. ft.*
Office	20,000,000 sq. ft.	8,939,369 sq. ft.*
Industrial/Warehouse	90,000,000 sq. ft.	12,100,359 sq. ft.
Hotel	10,000 rooms	2,750 rooms*

* Calculations for the new Master Plan include consideration of development by the New Jersey Sports and Exposition Authority.

would be razed in redevelopment areas as part of the site preparation for new construction. These structures are mostly old warehouses and industrial buildings. This Master Plan provides for a mix of new residential and non-residential uses throughout the District. The extent of new development is calculated by applying current development practices in the District for each use as permitted in each of the planning areas of the Land Use Plan.

The NJMC has also analyzed the plan's effects with regard to wetlands preservation. As a result of the policy considerations delineated in this chapter, wetlands fill for development shall be limited to approximately 23 acres. Wetland fill for transportation improvements is estimated to be about 60 additional acres. There will be temporary wetland impacts needed for landfill closure. The exact number of wetland impacts at the 1-D, Keegan, and Malanka landfills has not been determined.

Development will be excluded from the balance of approximately 8,400 acres of wetlands and waterways. This represents a significant increase to the 3,700 acres that the original Comprehensive Plan of 1970 would have preserved as Marshland Preservation and Open Water Areas. It is also a major change from the 1995 draft Environmental Impact Statement (EIS) of the draft SAMP. The draft EIS called for 842 acres of wetlands fill for development and transportation projects, which would have left approximately 7,558 acres.

Rutgers Center for Urban Policy Research has prepared a fiscal impact analysis for the buildout of the NJMC Master Plan. It addresses the impacts of the new plan with regard to local tax bases, municipal services, and school enrollment. Summary findings are as follows:

EXHIBIT J

**EXISTING LAND USES IN THE
MEADOWLANDS DISTRICT, 2002**

Source: NJ Meadowlands Commission

NJMC Master Plan

NJMC Master Plan

Governor

James E. McGreevey

Chairman

Susan Bass Levin

Commissioners

James A. Anzevino

Michael J. Gonnelli

Leonard R. Kaiser

Mia M. Macri

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Adopted January 2004

FIGURE 3.2
Existing Land Uses
in the Meadowlands District

CATEGORY	ACRES	PERCENT
Wetlands	5,783.6	29.5%
Transportation	4,018.4	20.5%
Industrial	2,793.3	14.3%
Water	1,869.7	9.6%
Altered Land	1,444.0	7.4%
Public/Quasi Public Services	965.0	4.9%
Recreational Land	756.6	3.9%
Industrial & Commercial Complexes	419.7	2.1%
Vacant Land	360.4	1.8%
Residential	291.4	1.5%
Communication & Utilities	261.5	1.3%
Commercial Retail	231.4	1.2%
Commercial Offices	209.8	1.1%
Hotels and Motels	80.7	0.4%
TOTAL ACRES	19,485.4	100%

Sources: NJMC Geographic Information Systems and staff field inspections, 2002

These general observations can be made from the land use data:

- Approximately 39 percent of the District consists of water and wetlands according to the table. The actual total is higher, because some properties classified as belonging to other categories include wetland areas.
- Less than 2 percent of the District is vacant land according to the definition.
- Approximately 1 in 5 acres relates to transportation. With its prime location in the New York-Northern New Jersey metropolitan area, the District includes a number of major roadways and transit lines, including portions of the New Jersey Turnpike, Route 3 and the Northeast Corridor rail line.
- Industrial uses, including those occurring with commercial complexes, constitute the primary type of site development.
- Residential uses are not prevalent in the District. Although the District's population has increased by 23.6 percent from 1980 to 2000, residential uses continue to play a minor role in land use.

The analysis of existing land uses continues with a more detailed review of the fourteen land use categories.

EXHIBIT K

VACANT PARCELS IN EASTERN SECAUCUS

Source of Base Map: NJ DEP
Prepared by Kinsey & Hand, Princeton, N.J. June 2005



EXHIBIT B

N. J. BUILDERS ASSOC. v N. J. MEADOWLANDS COMMISSION, et al
February 18, 2005

SHEET 1

SUPERIOR COURT OF NEW JERSEY
BERGEN COUNTY
LAW DIVISION, CIVIL PART
DOCKET NO. L-14374-04
APP. DIV. NO. _____

NEW JERSEY BUILDERS)
ASSOCIATION,)
)
Plaintiff,)
)
vs.)
)
NEW JERSEY MEADOWLANDS)
COMMISSION, ET AL,)
)
Defendants)

TRANSCRIPT
OF
MOTION

Place: Bergen County Courthouse
10 Main Street
Hackensack, NJ 07601

Date: February 18, 2005

BEFORE:

HONORABLE JONATHAN N. HARRIS, J.S.C.

TRANSCRIPT ORDERED BY:

RICHARD J. HOFF, JR., ESQ., (Flaster, Greenberg, PC,
1810 Chapel Avenue West, Cherry Hill, New Jersey
08002)

Transcriber Susan M. Cawley
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Butler, NJ 07405
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Operator, (Unknown)

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N. J. BUILDERS ASSOC. v N. J. MEADOWLANDS COMMISSION, et al
February 18, 2005

SHEET 2

APPEARANCES:

CARL S. BISGAIER, ESQ., (Flaster, Greenberg, PC)
Attorney for the Plaintiff

RICHARD J. HOFF, JR., ESQ., (Flaster, Greenberg, PC)
Attorney for the Plaintiff

TIMOTHY J. O'NEILL, ESQ., (Windels, Marx, Lane, and
Mittendorf, LLC)
Attorney for the Defendant, New Jersey Sports and
Exposition Authority

BEVERLY M. WURTH, ESQ.,
Attorney for the Defendant, East Rutherford Planning
Board

PETER J. MELCHIONNE, ESQ.,
Attorney for the Defendant, Borough of East
Rutherford

BARBARA L. CONKLIN, DEPUTY ATTORNEY GENERAL
Attorney for the Defendant, New Jersey Meadowlands
Commission

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BY: Ms. Conklin	5, 53
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N. J. BUILDERS ASSOC. v N. J. MEADOWLANDS COMMISSION, et al
February 18, 2005

SHEET 26

Bisgaier - Motion

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1 THE COURT: No, I understand your argument.
2 MR. BISGAIER: Okay. And -- and -- no, I --
3 I understand, we haven't even submitted briefs on that
4 issue. And -- and I don't mean to take out of context
5 anything that anybody said or -- or wrote. I'm just --
6 I heard what I heard and I'm -- I read what I read and
7 I'm -- I think I'm articulating it properly.
8 But until that happens, until Your Honor
9 decides to -- the issue of the -- of the -- the
10 fundamental issue of the obligation, there's got to be
11 a preservation of the lands or Your Honor -- as Your
12 Honor, you know, earlier iterated, what was the plan?
13 If down the road Your -- Your Honor or some other Court
14 finds that there is this obligation, and in fact, it
15 must be satisfied within -- by the entity, you know,
16 creating the obligation, and there's no land left, then
17 we're going to have a -- a motion before some court or
18 a finding as -- as what we're having with East
19 Rutherford right now, having developed the town, having
20 gone to 30 -- 30 years or so of not doing anything for
21 -- for affordable housing and allowing development to
22 go apace, saying, we don't have any land. Under COA
23 rules, we're entitled to an adjustment down to zero.
24 And Your Honor has the capability and the
25 opportunity right now to stop that, in the context of

Bisgaier - Motion

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1 the Sports and Exposition Authority and to make sure
2 that there will be something at the end of the road.
3 Thank you, Your Honor.
4 THE COURT: You're welcome, Mr. Bisgaier.
5 Mr. O'Neill, you wish to respond?
6 MR. O'NEILL: Very briefly, Your Honor. Your
7 Honor, we have an application for injunctive relief of
8 scarce resources before the Court today. I think from
9 counsel's discussion, it's plain that that application
10 must be denied, because the first prong of the test on
11 whether or not injunctive relief is appropriate, is to
12 determine whether there's subtle law, whether there's a
13 probability of success on the merits. What I heard
14 from counsel is that this is a matter of first
15 impression. So there is no subtle law.
16 THE COURT: But if the subject matter of the
17 litigation were to be destroyed, doesn't the Court have
18 the right to maintain the status quo for that purpose?
19 MR. O'NEILL: The -- the -- the Court cannot
20 conclude that on the -- on --
21 THE COURT: Well, that's what I'm looking for
22 at this point.
23 MR. O'NEILL: Your Honor --
24 THE COURT: Because -- because I agree, that
25 on many of the aspects of the application, this is not

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February 18, 2005

SHEET 27

O'Neill - Motion

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1 founded upon subtle law. And what I fall back upon,
2 the fail safe in all injunction jurisprudence is, will
3 the RES, R-E-S, be destroyed if the Court doesn't act.
4 And that suggests a response as to whether or not there
5 is other land -- there may be other ways to address
6 that, but is there other land to meet a potential
7 future obligation, assuming one were ever to arise.

8 MR. O'NEILL: And the answer to that, Your
9 Honor, is unequivocally yes. There's --

10 THE COURT: What, in the record, supports
11 that?

12 MR. O'NEILL: Your Honor, I believe we have a
13 certification from Ms. Lampin (phonetic) attesting to
14 the fact that the sports complex consists of some 700
15 acres of land on which we currently have three
16 facilities; the race track, the stadium, and the arena.
17 The Xanadu project will encircle the arena and occupy
18 some 104 acres of land. So you have -- you have
19 something less than 600 acres that provide, I submit,
20 ample grounds for this Court to conclude that there is
21 no reasonable danger that the RES of this dispute will
22 be destroyed.

23 Overlaying this, Your Honor, is the obvious
24 jurisdiction issue, which we respectfully submit to --
25 to the Court, the Court doesn't have jurisdiction over

O'Neill - Motion

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1 what counsel points out as the -- the threshold matter
2 in dispute. The boiled down theory, Your Honor, what
3 -- what plaintiffs seek is a -- a review of the
4 agency's exercise of authority under 5X. The
5 determination of the location, type, and character of
6 its developmental projects. That grievance belongs in
7 one place and that's the Appellate Division.

8 THE COURT: Anything else, sir?

9 MR. O'NEILL: Nothing, Judge.

10 THE COURT: Ms. Conklin.

11 MS. CONKLIN: Just very briefly, Your Honor.
12 I -- I think it was very unfair to suggest that I ever
13 stated that any state agency has indiscretion to obey
14 constitutions. That is a very, very, very gross
15 misstatement that I stood up here and said. I never
16 suggested that.

17 What is being debated is whether the
18 Meadowlands interpretation of their obligation by
19 constitution is adequate, appropriate, thorough. Any
20 adjective that -- that would like to be thrown towards
21 it. The adequacy of the Commission's response, by its
22 perception of its constitutional obligations, what is
23 under debate right now. And the fundamental point is
24 that agencies act through regulations and that's what
25 this agency has done. They have promulgated a series

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EXHIBIT C

WINDELS MARX LANE & MITTENDORF, LLP
104 Carnegie Center, Suite 201
Princeton, New Jersey 08540
(609) 720-0005
Attorneys for Defendant
New Jersey Sports & Exposition Authority

NEW JERSEY BUILDERS
ASSOCIATION,

Plaintiff,

v.

NEW JERSEY MEADOWLANDS
COMMISSION, THE NEW JERSEY
SPORTS & EXPOSITION AUTHORITY,
BOROUGH OF EAST RUTHERFORD and
THE PLANNING BOARD OF THE
BOROUGH OF EAST RUTHERFORD,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY

DOCKET NO. L-14374-04
Civil Action

CERTIFICATION OF BARBARA LAMPEN

BARBARA LAMPEN, of full age, hereby certifies and says:

1. I am Senior Vice President, Strategic Planning and Development, for the New Jersey Sports & Exposition Authority ("NJSEA") and I have been employed by NJSEA since 1994. I submit this certification in support of NJSEA's motion to transfer the complaint filed by plaintiff New Jersey Builders Association ("Builders") to the Appellate Division. Unless otherwise stated, I have personal knowledge of the facts set forth herein.

2. NJSEA is a state agency that, among other things, owns and operates Giants Stadium, the Continental Airlines Arena, the Meadowlands Race Track, and other facilities on

approximately 700 acres in the Hackensack meadowlands in East Rutherford, New Jersey. NJSEA's enabling legislation expressly authorizes it to develop and construct any structure or facility "related to, incidental to, necessary for, or complementary to" the Meadowlands Sports Complex in East Rutherford, New Jersey (the "Sports Complex").

N.J.S.A. 5:10-6.

3. In June 2002, NJSEA issued a Request for Proposals ("RFP") for redevelopment of the 104-acre Continental Airlines Arena site (the "Arena Site") at the Sports Complex. In the RFP, NJSEA explained that "[u]nder the proposal process, the [NJSEA] will designate a Master Developer to guide redevelopment of the Arena Site and the Sports Complex, consistent with the vision, strategic goals and public purpose of the Authority set forth in this Proposal document." NJSEA further explained that it envisioned creating a "multi-use destination" at the Arena site that would capitalize on existing uses at the Sports Complex, expand the product mix in a manner complementary to those uses, and connect and integrate new development with the remainder of the Sports Complex and existing facilities.

4. On February 12, 2003, after an extensive and meticulous evaluation of several proposals, NJSEA authorized the negotiation of a redevelopment agreement with the Mills Corporation and Mack-Cali Realty Corporation (collectively

"Mills"), which proposed a \$1.3 billion sports and entertainment complex known as "Meadowlands Xanadu" -- a mixed use development with sports, entertainment, retail, office and hotel components.

5. On December 3, 2003, NJSEA authorized the execution of a Redevelopment Agreement with Mills, and the parties executed the Redevelopment Agreement later that same day. In September 2004, NJSEA approved a Master Plan for the redevelopment of the Arena Site with Meadowlands Xanadu.

6. On March 3, 2004 and between April 26-30, 2004, a series of public hearings were conducted before representatives of the Meadowlands Commission and NJDEP pursuant to NJSEA's obligations under N.J.S.A. 5:10-23. In conjunction with those hearings, NJSEA prepared an Environmental Impact Statement addressing the proposed Xanadu project. On August 19, 2004, the hearing officers who presided over the hearings issued a report and recommendation, which was subsequently adopted by the Meadowland Commission on August 26, 2004.

7. On August 9, 2004, pursuant to its consultative obligation under N.J.S.A. 5:10-5(x), NJSEA appeared before the Meadowlands Commission to make a presentation regarding the location, type and character of the redevelopment of the Arena Site. On August 19, 2004, the Meadowlands Commission hearing officer issued a report and recommendation based upon NJSEA's

presentation, which the Commission voted to adopt on August 26, 2004.

8. Presently, there are multiple matters pending before NJSEA and the Appellate Division pertaining to the redevelopment of the Arena Site. As is the case with the instant complaint, all such pending matters challenge actions or inactions of NJSEA.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.


BARBARA LAMPEN

Dated: January 26, 2005

EXHIBIT D

(PCBs), including Aroclor-1242 and Aroclor-1254, were detected in several soils samples taken 1996, but none at concentrations that exceed the NJDEP non-residential soil cleanup criteria. More recent sampling (2003) indicated a limited number of samples exhibiting concentrations of PCBs that exceed the NJDEP non-residential soil cleanup criteria. Sampling of wetland sediments revealed concentrations of BNAs, metals, and individual PCBs above the NJDEP Marine/Estuarine Screening Guidelines. It was concluded that site conditions are influenced by the presence of historic fill and that contaminant levels observed are not attributable to current site operations.

ES 5.0 Environmental Consequences

The Meadowlands Xanadu Redevelopment Project will avoid many potential adverse environmental impacts due to the location of the Project on a previously-developed site, the proposed use of existing infrastructure and the mixed-use development nature of the Project. In compliance with the State of New Jersey Smart Growth policies, the Project avoids adverse environmental impacts by using an already developed site (i.e., Arena Site) that offers redevelopment opportunities that limit the potential large-scale adverse environmental impacts compared to locating the Project on an undeveloped site. If the Meadowlands Xanadu Project were to be constructed on an undeveloped site, adverse environmental impacts such as site clearing, loss of wildlife habitat, loss of wetland, and changes in land use would probably occur. The development of an undeveloped site might also contribute to the overall fragmentation of remaining habitats in the Hackensack Meadowlands. The redevelopment of the Arena Site provides a land use mechanism that increases development in the Hackensack Meadowlands, yet avoids adverse environmental impacts and major land use changes to totally undeveloped sites. In addition, the development adheres to the NJMC Master Plan land use designation of the Site as "Sports and Entertainment."

The placement of the Meadowlands Xanadu Redevelopment Project on the Arena Site allows for the expanded use of the existing infrastructure, including roads, sewers, water mains, power lines, and telephone lines, present on and near the Arena Site such that adverse environmental impacts are avoided for connection to these services. The mixed-use development nature of the

U.S. Fish & Wildlife Service

FAX

*Ecological Services
New Jersey Field Office*

927 North Main Street, Building D, Pleasantville, New Jersey 08232-1454
609/646 9910 Fax 609/646 0352 e-mail njfieldoffice@fws.gov
<http://njfieldoffice.fws.gov>

To: Bob Ceberio

Fax Number: 201-460-1722

From: Cliff Day

Date: 8/11/00

Pages to Follow: 36

Subject: Proposed Meadowlands Stadium Project





In Reply Refer to:
SP 06/32
06 10057

United States Department of the Interior

FISH AND WILDLIFE SERVICE

New Jersey Field Office
Ecological Services
927 North Main Street, Building D
Pleasantville, New Jersey 08232
Tel: 609/646 9310
Fax: 609/646 0352
<http://www.fws.gov/northeast/njfieldoffice/>



Mr. Robert R. Coberio, Executive Director
New Jersey Meadowlands Commission
One DeKorte Park Plaza
Lyndhurst, New Jersey 07071

AUG 11 2006

Mr. Gary Sondermeyer, Director of Operations
New Jersey Department of Environmental Protection
401 East State Street
P.O. Box 402
Trenton, New Jersey 08625

Re: *Public Notice: Request for Comments on the Scoping Document for the Proposed Meadowlands Stadium Project to be Constructed Within the NJSEA's Meadowlands Sports Complex*

Dear Messrs. Coberio and Sondermeyer:

The U.S. Fish and Wildlife Service (Service) has reviewed the New Jersey Meadowlands Commission's (NJMC) May 24, 2006 Public Notice and the May 2006 Scoping Document for the New Jersey Sports and Exposition Authority's (NJSEA) proposed New Meadowlands Stadium Project (Project) in East Rutherford, Bergen County, New Jersey. The proposed Project will replace the present 30-year-old Giants Stadium with a new state-of-the-art stadium and four related ancillary components, nearly all of which are to be located within the existing footprint of the current Meadowlands Sports Complex (MSC).

Five distinct components of the Project have been identified in the Scoping Document. In addition to the stadium itself, the stadium component of the proposed Project is likely to include retail stores, a hall of fame, sponsored areas, program areas, club lounges, and banquet/conference/dining facilities. The four other components of the proposed Project will include:

- (1) a new Giants Training Facility of 400,000 square feet located on 20 acres in the southwest corner of the current MSC;
- (2) reconfigured parking areas and tailgating zones (20,000 square feet total divided among four zones of 5,000 square feet each) that will feature unique structures to provide game and/or event retail, food, and beverage operations and restroom facilities;

- (3) on-site circulation and transportation improvements, including roadways, pedestrian and vehicular inter-connections, to be integrated with off-site improvements, such as the realignment of nearby access and toll roads and the replacement of toll plazas; and
- (4) ancillary facilities compatible with the development and operation of the stadium: broadcast facilities; sports-medicine, health, and fitness clinics and facilities; retail stores and restaurants; and sponsored areas.

The Project also will necessitate the relocation, replacement, and enhancement of existing water, stormwater, sewer, electric, gas and other infrastructure on the MSC.

AUTHORITY

Comments are provided pursuant to the Endangered Species Act of 1973 (ESA; 16 U.S.C. 1531 *et seq.*; 87 Stat. 884) and the Migratory Bird Treaty Act of 1918 (MBTA; 40 Stat 755; 16 U.S.C. 703-712). Service comments and recommendations are consistent with the intent of the Service's Mitigation Policy (*Federal Register* Vol. 46, No. 15, January 23, 1981). These comments do not preclude separate review and comment by the Service pursuant to the National Environmental Policy Act of 1969, as amended (NEPA; 83 Stat. 852; 42 U.S.C. 4321 *et seq.*), or the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 *et seq.*) regarding review of existing permit conditions for the project site or any forthcoming application(s) for Department of the Army (DA) permits for the proposed Project. Additional review comments on the Scoping Document are provided as technical assistance.

PROJECT AND SITE INFORMATION

The Project's purpose, as stated in the NJSEA's Scoping Document is to continue the redevelopment of the MSC by providing a state-of-the-art stadium, practice facilities, and ancillary development. The original development of the MSC required federal and State permits, including: (1) DA Permit 72-009, issued by the U.S. Army Corps of Engineers (Corps) on January 23, 1976, pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Federal Water Pollution Control Act of 1972 (86 Stat. 816; P.L. 92-500; now known as the Clean Water Act [CWA], 33 U.S.C. 1344); (2) a National Pollution Discharge Elimination System (NPDES) permit from the U.S. Environmental Protection Agency (USEPA) pursuant to the Section 402 of the CWA (33 U.S.C. 1342); and (3) the 1972 State Hearing Officers' Report and Recommendations (SHORR) Regarding the Proposed Sports Complex [*i.e.*, the original Giants Stadium] in the Hackensack Meadowlands. The Service has requested a copy of the NPDES permit from the USEPA. To date, the Service has not yet received a copy of the original National PDES permit.

At a minimum, the proposed Project will require the following:

- (1) a notification to the Federal Aviation Administration regarding several structures (the stadium and temporary construction cranes) that will exceed 150 feet in height;

- (2) consultations required by the NJSEA's enabling legislation, including: (a) review of the project's location, type and character with the NJMC pursuant to N.J.S.A. 5:10-5[x]; and (b) review and approvals from the NJMC and New Jersey Department of Environmental Protection (NJDEP) regarding "ecological factors constituting the environment of the Hackensack meadowlands to the end that the delicate environmental balance of the Hackensack meadowlands may be maintained and preserved" pursuant to N.J.S.A. 5:10-23;
- (3) a Stream Encroachment Permit (N.J.S.A. 58:16A-50 *et seq.*; N.J.A.C. 7:8-3.15); Section 401 (33 U.S.C. 1341) Water Quality Certificate; New Jersey PDES Permit (N.J.S.A. 58:10A-1 *et seq.*; N.J.A.C. 7:14A); Approvals of the Preliminary Assessment Report, Site Investigation Report, and Remedial Action Work Plan (N.J.A.C. 7:26E-6.2); and other approvals/permits pursuant to New Jersey's Safe Drinking Water Act (N.J.S.A. 12A-1 *et seq.*) from the NJDEP;
- (4) a Coastal Zone Consistency Determination (N.J.S.A. 13:19-1 *et seq.*; see below) from the NJMC and NJDEP;
- (5) a Certification of Soil Erosion and Sediment Control Plans (N.J.S.A. 23:5-29) from the New Jersey Department of Agriculture;
- (6) approval of building plans (N.J.A.C. 5:23) from the New Jersey Department of Community Affairs; and
- (7) a Major Access Permit (N.J.A.C. 16:47) from the New Jersey Department of Transportation.

The subject Project is being coordinated with additional projects to be located on the MSC site. Ongoing construction of the Xanadu Redevelopment Project (Xanadu) adjacent to the Continental Airlines Arena will provide several entertainment venues, and additional retail and other, mixed-use, facilities on the MSC site. Construction of Xanadu is subject to conditions of other DA and State permits. The proposed Meadowlands Roadway and Railroad Improvement Project (MR&R) is currently being planned to improve roadway and public rail transportation to the MSC, will also require DA and State permits, and is subject to conditions of the existing DA permit and conclusions and recommendations of the 1972 SHORR.

HACKENSACK MEADOWLANDS REMEDIATION, RESTORATION, AND PROTECTION

Presently, commensurate with strong public support, numerous State and federal efforts are underway to remediate, enhance, restore, and protect the Hackensack Meadowlands ecosystem. As you know, the NJMC, Service, and Corps are partners in the *Hackensack Meadowlands Ecosystem Restoration* to restore wetland sites throughout the Hackensack Meadowlands District (HMD). The NJMC and Service also are supporting the development of the NJDEP's *Wildlife Action Plan for the Hackensack Meadowlands* to manage the area's fish and wildlife resources.

The Service and NJDEP also are members of the Biological Technical Assistance Group (BTAG) that advises the USEPA regarding the cleanup of Superfund sites in the Meadowlands (and elsewhere in New Jersey), including the three Superfund Sites that are located along Berry's Creek near the MSC. Pursuant to Congressional directive (P.L. 109-80), the Service has established the Hackensack Meadowlands Initiative (Initiative), a watershed partnership including the NJMC, NJDEP, Corps, USEPA, National Park Service, National Marine Fisheries Service, and the National Fish and Wildlife Foundation, to remediate and restore the entire Meadowlands ecosystem. In support of and to help guide this Initiative, the Service has developed *The Hackensack Meadowlands Initiative: Preliminary Conservation Planning*, which is currently in draft undergoing review by the Initiative partners.

SERVICE COMMENTS

Overview

The proposed Project will occupy the MSC site, an extensive area (approximately 150 acres) of former wetlands. The Service understands that the proposed Project will not expand any further into adjoining wetlands; however, we note that the Scoping Document incorrectly identifies the boundaries of the project study area. The boundaries identified in the Scoping Document should be corrected to include the existing lagoon areas, which will be used for stormwater management by the proposed Project. The Service also noted several inconsistent statements in the Scoping Document regarding the proposed Project's impacts, public financing, and certain process (e.g., regulatory) issues, which are discussed in detail below. In addition, the Service is uncertain about the conditions of the DA permit and the 1972 SHORR that apply to the MSC and about the NJSEA's implementation of State and federal permits for the original Giants Stadium project.

Even though confined to the existing MSC site (including the lagoon areas), the proposed Project may result in adverse impacts on wetlands and fish and wildlife resources in the Hackensack Meadowlands ecosystem. Discussed below are Service concerns and recommendations regarding potential adverse environmental impacts of the proposed Project upon State-listed endangered, threatened, and "special concern" species that occur in the Hackensack Meadowlands ecosystem, especially in the vicinity of the MSC (i.e., the Berry's Creek subbasins). Other concerns include the potential for the proposed Project to contribute to cumulative adverse impacts on fish and wildlife resources and facilitate the dispersal of exotic, invasive species throughout adjoining areas. Certain adverse impacts of the proposed Project on wetlands and their biota (i.e., cumulative and indirect impacts from the built landscape; spread of invasive species) may also be exacerbated by related projects (Xanadu, MR&R).

In view of ongoing efforts to remediate, enhance, and restore contaminated sites in the Meadowlands, the Service is concerned regarding the Project's potential to contribute to establishment of attractive nuisances¹ and/or population sinks² of fish and wildlife at adjacent or

¹ Attractive nuisance- Anything that is attractive to animals but potentially a danger to their survival, health, or reproduction.

² Population sink- An environment in which a species' total mortality exceeds its reproduction; thus, immigration from other, more productive "source" populations is necessary to maintain the "sink."

downstream sites within the Meadowlands. The Service is concerned especially that the proposed Project may exacerbate effects of environmental contamination in the Berry's Creek subbasins, which are among the worst mercury-contaminated wetlands in North America. Without proper design, stormwater management systems on the MSC site could disturb mercury-laden sediments in the Berry's Creek subbasins, subsequently allowing mercury to disperse tidally throughout the Meadowlands ecosystem.

The Service recognizes the potential for certain components of the proposed Project, such as the parking and tailgating zones, training facility, ancillary facilities, and their infrastructure to adversely affect water quality, and thus fish and wildlife resources and wetlands.

Communication towers, presumably a component of broadcast facilities that are listed in the Scoping Document as a likely ancillary facility, also are recognized to have adverse impacts on biotic resources, especially migratory birds due to collisions. These concerns and specific Service recommendations are discussed below.

Inconsistencies in the Scoping Document

The Scoping Document (pg. 17) states "The Stadium Project will not result in significant incremental social, economic, or environmental impacts." Information provided in the Scoping Document and other sources indicates that the proposed project will likely have adverse environmental impacts (as discussed below). The Service recommends that the environmental impact statement (EIS) accurately represent both the potential positive and negative environmental impacts of the proposed Project, including a thorough review and assessment of impacts on fish, wildlife, and other resources on the MSC and adjoining landholdings. The Scoping Document (pg. 17) also states that the project is being privately financed, yet later statements (pg. 22) indicate that remediation costs for the proposed Project will be passed to the public via reimbursements as part of a Redevelopment Agreement with the NJDRP pursuant to the State's Brownfield Act (New Jersey P.L. 1997, Chapter 278). In the Section titled Regulatory Setting, the Scoping Document (pg. 28) states "The role of the NJMC, in this instance (land-use planning perspective), is limited to its role in the Consultation Process as discussed above." If the NJMC's role is limited by the NJSEA's enabling legislation to the two consultation processes required by N.J.S.A. 5:10-5[x] and 5:10-23, the Service requests clarification regarding:

- (1) the role of the NJMC pursuant to any Coastal Zone Consistency Determination for the proposed Project; and
- (2) the participation of the NJMC in MIMAC meetings regarding any existing (previously issued) federal DA and State permits or applications for federal DA or State permits for the MSC.

The Service recognizes that the NJMC has been a valuable contributor to, and partner in, the MIMAC; thus, the Service seeks clarification whether the NJMC's participation is potentially limited by the NJSEA's enabling legislation (identified above).

Conditions of Previous State and Federal Permits

The Service requests clarification regarding the compliance of the NJSEA with conditions and recommendations of the federal permits and the 1972 SHORR. The Service understands that the conditions of the 1972 SHORR, DA permit 72-009, and the National PDES permit still apply to the use of the site. The 1972 SHORR contained recommendations that were conditions of the NJMC's and NJDEP's approval of the project. These recommendations were provided to: (1) prevent and minimize further contamination, fragmentation, and other adverse environmental impacts to the Berry's Creek wetlands and the surrounding Hackensack Meadowlands ecosystem; (2) compensate for lost wetlands, acreage, functions, and values resulting from the original Giants Stadium project. The Service understands that the many conclusions and recommendations of the 1972 SHORR are conditions of the NJMC's and NJDEP's approval "to the end that the delicate balance of the Hackensack meadowlands may be maintained and preserved" (as stated in N.J.S.A. 5:10-23, and reaffirmed later by the New Jersey Supreme Court in *New Jersey Sports & Exposition Authority v. McCrane, et als.*, 61 N.J. 1 [1972]). Furthermore, the conclusions and recommendations of the 1972 SHORR were discussed in the Corps' 1975 Statement of Findings and used to support the Corps' issuance of DA Permit 72-009 in 1976. Subsequently, the 2004 State Hearing Officers' Report for the Xanadu Redevelopment Project makes note of changed conditions and recommendations from the 1972 SHORR for the original Giants Stadium project.

Several of the conditions/recommendations were for tasks that spanned a period of time or were continuous in nature, like environmental monitoring or funding for environmental education. Such tasks shall be revisited to determine whether to continue, modify, reactivate, or suspend the specific efforts in the future. (pg. 7)

The 2004 State Hearing Officers' Report for the Xanadu Redevelopment Project also makes note of an Environmental Liaison Committee of representatives from the NJDEP, HMDC, and NJSEA to monitor the progress of the development and ensure that the conditions of the approvals were addressed. Despite these steps, the Service is unaware of any notification from the permittee or the Environmental Liaison Committee to the Corps or the MIMAC regarding the status of or specific changes to conditions in State (*i.e.*, the SHORR) permits on the MSC site. Since the conditions of State authorizations were considered in federal approvals, changes to the State conditions potentially affect the status of the federal permits. Thus, the Service requests that: (1) the NJSEA provide the MIMAC with an update and review of its permit compliance actions for existing State and federal permits for the MSC site, and (2) the Hearing Officers provide a copy of previous correspondence identifying specific changes to any conditions of the 1972 SHORR. The Service also requests that the NJMC and NJDEP inform all member agencies of MIMAC of future, proposed changes to any State permit for any project in the HMD for which a federal permit has also been issued. By copy of this letter to the Corps, USEPA, and other agency members of the MIMAC, the Service requests a review of compliance with DA and State permit conditions that apply to the project site.

Federally Listed Species

These comments are provided in response to the Scoping Document and to the July 17, 2006 letter from Langan Engineering & Environmental Services (Elmwood Park, New Jersey) regarding the presence of federally listed (endangered and threatened) species in the vicinity of the proposed project. The presence of bald eagle (*Haliaeetus leucocephalus*) is increasing during fall migrations throughout the lower Hackensack River watershed; however, any impacts to migrating individuals are expected to be temporary and discountable. Except for those occasional, transient bald eagles, no other federally listed or proposed endangered flora or fauna under Service jurisdiction are known to occur within the vicinity of the proposed project site. Therefore, no further consultation pursuant to Section 7 of the ESA is required by the Service. If additional information on federally listed species becomes available, or if project plans change, this determination may be reconsidered.

Other Species of Concern

Approximately 33 species that are State-listed or identified as "of special concern" have been reported to occur in the HMD (Enclosures 1 and 2). Certain of these species (e.g., peregrine falcon, *Falco peregrinus*) are known to breed and forage in the vicinity of the MSC. Other such species may occupy small pockets of vegetative cover (such as emergent wetlands) that occur in the vicinity of the MSC. In addition, certain State-listed species (e.g., black-crowned night-heron, *Nycticorax nycticorax*; American bittern, *Botaurus lentiginosus*) may feed on fish and wildlife resources that use the MSC or adjoining wetlands. Thus, despite the developed nature of most of the MSC, the Service recommends that project sponsors consult the New Jersey Endangered and Nongame Species Program³ and the New Jersey Natural Heritage Program⁴ for: (1) a thorough review of the MSC and adjacent wetland areas for State-listed and other species of concern, and (2) information regarding seasonal restrictions for construction and demolition activities that may be needed to protect such species.

Impacts to Aquatic and Other Resources

The Scoping Document states that: (1) the project site contains few valuable natural resources, and (2) on-site wetlands, tidelands, vegetation, and wildlife will not be adversely affected by the proposed Project. The Corps' 1975 Statement of Findings (SOF) regarding DA Permit 72-009 indicates that on-site (MSC) mitigation for the original Giants Stadium would include: (1) transplantation of valuable vegetation, (2) additional plantings of native species, and (3) using the areas surrounding the lagoons as wildlife habitats. However, the Scoping Document does not confirm the existence of any mitigation areas referenced in DA Permit 72-009. The lack of on-site resources raises concerns that the mitigation for DA Permit 72-009 may not have been implemented. Failure to undertake required mitigation and to meet permit conditions are widely recognized as contributing to the nationwide loss of wetland functions and acreage (e.g., National Research Council, 2001). Thus, the Service recommends that the NJSEA, NJMC, and

³ Endangered and Nongame Species Program, New Jersey Division of Fish and Wildlife, P.O. Box 400, Trenton, New Jersey 08625; Phone: 609-292-9400

⁴ New Jersey Natural Heritage Program, Office of Natural Lands Management, Division of Parks and Forestry, Department of Environmental Protection, P.O. Box 404, Trenton, New Jersey 08625; Phone: 609-984-1339

NJDEP: (1) conduct a review of previous on-site mitigation activities, (2) identify and decon-struct any on-site mitigation areas that have been established to prevent future development of those areas, (3) include a thorough review and assessment of fish, wildlife, and other resources on the MSC and adjoining landholdings, and (4) develop a plan to protect those remaining resources and mitigation areas. This information should be provided in any environmental impact statement (EIS), which should include a thorough review and assessment of fish, wildlife, and other resources on the MSC and adjoining landholdings. The Service recommends that the NJSEA, NJMC, and NJDEP present their findings to the MIMAC. The Service is willing to assist in this effort by reviewing management plans to protect on-site resources.

Cumulative Adverse Impacts

The Service is concerned that the proposed Project may contribute substantially to cumulative adverse impacts on the Hackensack Meadowlands watershed. For example, the proposed Project may contribute to additional losses of habitats used by wildlife around the periphery of the MSC. The proposed Project has the potential to increase contamination in the Berry's Creek subbasins through disturbance of contaminated sediments on-site and stormwater run-off from the MSC's extensive impervious surfaces (see below). Certain adverse impacts, such as from contaminants, also may be exacerbated by related projects (e.g., MR&R). The Service expressed numerous concerns about adverse impacts from the MR&R in its October 3, 2005 letter (Enclosure 3). The MR&R Project also appears to be inconsistent with the conclusions and recommendations (pg. 23) of the 1972 SHORR.

The importance of the Berry's Creek Tidal Marsh to the Hackensack Meadowlands ecosystem was acknowledged in the 1972 SHORR (pgs. 16-20). More recently, Service (2005) mapping, analyses, and planning have recognized that the lower Berry's Creek subbasins are situated between other subbasins in the HMD that have extensive wetland acreage (i.e., along the Hackensack River between Rt. 3 and Bellman's Creek, and along the Hackensack River between Rt. 3 and the Amtrak Bridge). Remediation and restoration of the Berry's Creek Tidal Marsh and adjoining areas may help establish large, contiguous wetland tracts of native vegetation to support healthy fish and wildlife populations. Thus, any EIS for the proposed Project must identify the potential for bioaccumulative, contaminant effects, so the proposed Project may be carefully planned and implemented to neither disturb nor contribute additional contamination to the Berry's Creek subbasin.

Invasive, Exotic Species

The Scoping Document does not address the control of invasive species on the MSC site. Portions of the MSC, including lagoon areas and its borders with adjoining wetlands, are dominated by several exotic species such as tree-of-heaven (*Ailanthus altissima*) and the invasive form (Haplotype⁵ M) of common reed (*Phragmites australis*; U.S. Army Corps of Engineers, 2004). The proposed Project will disturb extensive areas of the MSC, possibly including some areas bordering wetlands. Historically, disturbance of soils and sediments by human activities has contributed to the establishment of invasive, exotic species throughout many areas in the northeastern United States, including the Meadowlands (Bertness *et al.*, 2002;

⁵ Haplotype- a set of closely linked genes that give rise to a specific form of a species.

Bart and Hartman, 2003; Burdick and Konisky, 2003). Without an invasive species control program in place, the proposed project may facilitate the dispersal of invasive exotic species on the MSC into surrounding areas.

The MSC is located near one of the busiest port complexes of the United States; thus, eradication and/or control of invasive, exotic species requires a long-term commitment. The Service recommends that the NJSEA develop a long-term plan to monitor and control and/or eradicate invasive species from the MSC. However, because of the high levels of contamination in adjoining wetlands (the Berry's Creek Tidal Marsh [Walden Marsh], Eight Day Swamp), the Service recommends that the NJSEA not control or otherwise disturb any vegetation in those areas at this time. The Service is available for additional technical assistance regarding invasive species.

Environmental Contaminants

Much of the MSC complex is covered with historic fill; thus, soils on the MSC contain contaminants at levels that often exceed the NJDEP's Non-Residential Direct Contact Soil Cleanup Criteria. The Scoping Document acknowledges that hot spots of contaminants also are likely throughout the site and will require remediation. In addition to this on-site contamination, the MSC is surrounded by the mercury-contaminated wetlands of Berry's Creek, Berry's Creek Canal, Berry's Creek Tidal Marsh (Walden Marsh), and Eight-Day Swamp (e.g., U.S. Environmental Protection Agency, 2006). Mercury is highly toxic to fish and wildlife, bioaccumulates, causes diverse sublethal effects that reduce survival and reproduction in many animals (e.g., Wicner *et al.*, 2003), and presents the most problems to the remediation and restoration of the Meadowlands ecosystem.

The Service remains concerned about the NJSEA's implementation of State and federal permit conditions. Numerous conclusions, recommendations, and other statements were included in the 1972 SHORR regarding the value of the Berry's Creek wetlands to fish and wildlife, the magnitude of the contamination in the area, the need to address environmental contamination in Berry's Creek, and the NJSEA's commitment to addressing the area's substantial contaminant problems.

The forms of life present in the Berry's Creek Marsh justify its preservation. But as also indicated at numerous points, preservation is not in itself sufficient. (pg. 20)

The present heavy metal concentrations which have accumulated in Berry's Creek and in the Berry's Creek Tidal Marsh pose a serious and continuing threat both to the Berry's Creek Marsh and to the Hackensack Meadowlands Wetlands and therefore should be removed. (pg. 20)

We make specific note in this regard of Mr. Pitney's Statement of July 25, 1972 that the Authority "is prepared and has always been prepared to take whatever steps are necessary for the management of this area." (pg. 20)

The Authority shall restore the Marsh using the scraping method recommended by Jack McCormick and Associates including the immobilization of toxic metals, the improvement of water quality, and re-establishment of pre-1900 vegetation. The scraping method will be initiated on an experimental basis until significant positive results therefrom are manifested. If such results are determined to be negative, the scraping method shall be abandoned and other acceptable restoration methods shall be applied. (pg. 23)

All expenses in the acquisition, restoration, and permanent management of the Berry's Creek Tidal Marsh shall be borne by the Authority. (pg. 24)

The remediation and restoration of the Berry's Creek Tidal Marsh and other wetlands in the Berry's Creek subbasins would contribute to a large contiguous tract of wetlands (from Mill Creek through the Richard P. Kanc Natural Area to the Sawmill Creek Wildlife Management Area) that could provide exceptional habitats for fish and wildlife resources. Thus, the Service recommends that the NJSEA work with the Service and other federal and State regulatory and resource agencies to clarify the commitments made in the 1972 SHORR regarding the remediation and restoration of wetlands and waterbodies adjoining the MSC. Remediation of the Berry's Creek Tidal Marsh was acknowledged in the Corps' SOF supporting the issuance of DA permit 72-009.

Stormwater Management

Details of the stormwater management plan for the proposed Project were not provided in the Scoping Document; nonetheless, the Service remains concerned about the management of stormwater on the entire MSC complex and the potential for stormwater to have adverse impacts on the Meadowlands ecosystem and its biota. The majority of the MSC is currently paved or covered by existing structures; nonetheless, the proposed Project will likely affect stormwater characteristics (e.g., discharge volume and velocity, contaminants). The Scoping Document indicates that stormwater will be discharged via the existing lagoon system under the existing NJPDES permit. However, stormwater management requirements have changed since the original development of the stormwater plan for the MSC site in the 1970s. As indicated in its July 1, 2004 letter to the NJMC regarding the Xanadu Redevelopment Project, the Service recognized that the then-proposed stormwater management systems needed revision. The Service recommends that the NJSEA work with the NJMC and the NJDEP to design and implement a state-of-the-art stormwater management system to address local stormwater management needs (e.g., peak discharge rates, discharge volumes, control of nonpoint source pollution).

Wetland Buffers

Buffers are increasingly recognized for protecting wetlands from disturbances and adjacent land uses and for supporting ecosystem functions of wetlands, including moderating storm and flood waters, processing nutrients and contaminants, and providing habitats for fish and wildlife (e.g., Castello *et al.*, 1994; Wenger, 1999). Buffers perform disparate ecological functions in comparison to other uplands and wetlands, harbor a disproportionately high number of wildlife species, and have become a major focus in landscape restoration and management (e.g., Naiman

and Descamps, 1997; Allan, 2004). The extent to which buffers provide ecosystem functions and support wildlife varies with buffer (e.g., width) and wetland (e.g., hydraulics, vegetation) characteristics (Fischer and Fishenich, 2000). Preliminary Service (2006) assessments indicate that buffers are in poor condition throughout the entire Hackensack River watershed, especially in the HMD. For example, most buffer areas in the HMD are developed: only 13 percent of the 100-meter-wide upland area adjoining all wetlands in the HMD is vegetated.

The Service recommends that the NJSEA consider designs of its training facility, parking and tailgating zones, ancillary facilities, and related infrastructure (e.g., roadways) to reduce the footprint of the developed acreage in order to provide for natural buffer areas on the MSC. Examples of designs that would increase the acreage for buffer areas include tunnels, and multilevel parking structures, ancillary facilities, and roadways. Because such design features reduce the extent of impervious surfaces, they reduce and moderate the precipitation-runoff volume to be managed by any stormwater system. The Service encourages the NJSEA to work with the Initiative partners to incorporate broad (50-100 meter) buffers around the periphery of the MSC.

The Built Landscape and Sustainable Development

The built landscape of urban and suburban areas is increasingly recognized for its manifold, adverse impacts to fish and wildlife. For example, some building design features (e.g., large, reflective glass areas) are recognized to contribute to substantial mortality of migratory birds (Klem, 1990). Thus, the Service encourages the NJSEA to work with the Hearing Agencies, agency partners of the Initiative, and others such as the United States Green Building Council (including the Leadership in Energy and Environmental Design Rating System) to promote environmentally responsible building practices and designs to achieve the highest standards of environmental quality and sustainable development. Such practices would employ innovative designs and technologies (e.g., energy sensors, living rooftops, water-reuse systems) to improve water and energy efficiency, material use and recycling, and aesthetics. With careful planning, "green development" can be economical and presents a positive public image.

Communications Towers

The Scoping Document notes that broadcast facilities are likely to be included in the ancillary development component of the proposed Project. Based on information available through the Federal Communications Commission's (FCC) website, the Service notes that more than 58 separate communication towers up to 700 feet in height (average tower height = 333 feet) are located in or around the HMD. Many of these towers are guyed and are located in wetlands; the placement of communications towers in wetlands represents a non-water-dependent use, which is inconsistent with current federal guidelines (e.g., U.S. Fish and Wildlife Service, 2000). In addition, the cumulative adverse impacts of towers on fish and wildlife in the Meadowlands have not been determined.

Communication towers are recognized as potentially having many adverse impacts on fish and wildlife, especially birds during their spring and fall migrations (e.g., Shire *et al.*, 2000; Crawford and Engstrom, 2001). The Meadowlands is one of the most important stopover areas

on several migration corridors in the Atlantic Flyway for raptor, shorebird, waterfowl, and passerine bird species (Dunne *et al.*, 1989). Many of the bird species that occur in and migrate through the Meadowlands are recognized as vulnerable to communication towers (Enclosure 4).

Communication towers may also result in other adverse impacts on fish and wildlife resources due to their modification (*e.g.*, filling) and contamination (*e.g.*, copper radials and ground straps) of wetland sites. The Service encourages the NJMC and NJDEP to develop a plan to reduce tower impacts throughout the HMD and the surrounding watershed. A reduction in the adverse impacts of communication towers on fish and wildlife may be achieved in part through: (1) collocation (including toploading) of new antennas on existing communication towers, (2) use of unguyl tower designs, (3) a reduction in tower heights, and (4) application of other engineering modifications and designs (*e.g.*, Breakall *et al.*, 2002; Vincent and the University of Rhode Island, 2004).

SUMMARY OF RECOMMENDATIONS

The Service recommends that:

- (1) the NJSEA work closely with the Service, its partners in the Initiative, and other Meadowlands stakeholders in its planning of all MSC projects to avoid and minimize adverse environmental impacts on fish and wildlife resources;
- (2) the environmental impact statement (EIS) accurately represent both positive and negative environmental impacts of the proposed Project and include a thorough review and assessment of fish, wildlife, and other resources on the MSC landholdings and adjoining areas;
- (3) the NJMC clarify its role in determining Coastal Zone Consistency, reviewing environmental impacts, and participating in MIMAC meetings in permit consideration for MSC projects;
- (4) the NJSEA provide the MIMAC with an update and review of its actions in response to previous State and federal permits for the MSC site;
- (5) the NJSEA, NJMC, and NJDEP provide a copy of previous correspondence and other materials regarding the consideration of specific changes to conclusions and recommendations (*i.e.*, conditions) of the 1972 SHORR;
- (6) the Corps review the implementation of State and federal permit conditions for the original Giants Stadium project with the MIMAC members;
- (7) the NJMC and NJDEP inform all member agencies of the MIMAC of any future modifications to any State permit for any project in the HMD for which a federal permit has been or is issued;

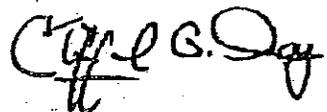
- (8) project sponsors consult the State's Endangered and Nongame Species Program and Natural Heritage Program to: (1) review the MSC and adjacent wetland areas for State-listed and other species of concern, and (2) determine the need for any seasonal construction or demolition activities on the site to protect any such species;
- (9) the Project EIS include a thorough review and assessment of: (1) fish, wildlife, and other resources on the MSC and adjoining landholdings; and (2) on-site mitigation sites and activities;
- (10) the NJSEA deed-restrict any mitigation areas identified on the MSC to prevent their future development, and develop a plan to protect those remaining resources and mitigation areas;
- (11) the NJSEA develop a long-term plan to monitor, control, and/or eradicate invasive species from the MSC;
- (12) the NJSEA not control or otherwise disturb any vegetation in wetlands adjoining the MSC at this time;
- (13) the NJSEA work with the Service and other Initiative partners to fulfill its commitment and the intent of the 1972 SHORR to remediate and restore Berry's Creek and the Berry's Creek Tidal Marsh;
- (14) the EIS for the proposed Project identify the potential for bioaccumulative, contaminant effects; moreover, the proposed Project be planned and implemented to neither mobilize existing contaminants nor contribute additional contamination to the Berry's Creek subbasin;
- (15) the NJSEA work with the NJMC and the NJDEP to design and implement a state-of-the-art stormwater management system to address local stormwater management needs (e.g., peak discharge rates, discharge volumes, nonpoint source pollution);
- (16) the NJSEA consider designs of its training facility, parking and tailgating zones, ancillary facilities, and related infrastructure (e.g., roadways) to reduce the footprint of the developed acreage and to provide broad (50 to 100-meter-wide) natural buffer areas on the MSC;
- (17) the NJSEA work with the NJMC, NJDEP, Initiative partners, and others to promote environmentally responsible building practices and designs to achieve the highest standards of environmental quality and sustainable development; and
- (18) the NJMC and NJDEP assess the cumulative impacts of communications towers, including the project area, on fish and wildlife, and subsequently develop a plan to reduce any adverse impacts on fish and wildlife from communication towers throughout the HMD and the surrounding watershed.

CONCLUSION

The Service appreciates the opportunity to provide comments early in project planning. The Service encourages the NJSEA to make the same commitment to environmentally responsible development that it has made to providing premier sports and entertainment experiences on the MSC. The Hackensack Meadowlands has endured centuries of abuse and misuse. Thoughtful planning for, and responsible operation of, the proposed and related MSC projects have the potential to undo and rectify some historical adverse environmental impacts on the Hackensack Meadowlands ecosystem while promoting a responsible environmental image. Thus, the Service encourages the NJSEA, which was given control of more than 750 acres of former wetlands that comprise the MSC site, to work with the NJMC, NJDEP, federal agencies, and other stakeholders partnered in the long-term protection of the Meadowlands to: (1) avoid and minimize adverse environmental impacts of the MSC on wetlands and biotic resources; (2) honor its past commitments, including remediating environmental contamination in, and restoring portions of, the Berry's Creek subbasins; and (3) provide long-term support of regional efforts to restore and protect the Hackensack Meadowlands ecosystem.

The Service is available to provide review and comment as more detailed project plans are developed. Please contact John Staples or Stan Hales of my staff if you have any questions regarding the above Service comments. Mr. Staples and Dr. Hales can be reached at John_Staples@fws.gov; Stan_Hales@fws.gov; or at 609-646-9310 extensions 12 and 36, respectively.

Sincerely,



Clifford G. Day
Supervisor

- Enclosures (4):
1. State-listed plants and animals in the Hackensack Meadowlands District.
 2. State-listed animals of special concern in the Hackensack Meadowlands District.
 3. The Service's October 3, 2005 letter to the NJDEP re: MR&R.
 4. The 25 bird species most frequently killed by communication towers.

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Enclosure 1

State-listed plants and animals (Common name, scientific name, and NJ status [E - endangered, T = threatened]) in the Hackensack Meadowlands District.

Common name	Scientific name	NJ Status
Plants		
Saltmarsh bulrush	<i>Scirpus maritimus</i>	E
Seaside arrowgrass	<i>Triglochin maritimum</i>	E
Cyperus-like sedge	<i>Carex pseudocyperus</i>	E
Torrey's mountain mint	<i>Pycnanthemum torrei</i>	E
Barton's St. John's wort	<i>Hypericum adpressum</i>	E
Wafer-ash	<i>Ptelea trifoliata</i>	E
Smooth rattlesnake root	<i>Prenanthes racemosa</i>	E
Canada hawkweed	<i>Hieracium kalmii</i>	E
Dog fennel thoroughwort	<i>Eupatorium capillifolium</i>	E
Animals		
Appalachian grizzled skipper	<i>Pyrgus wyandot</i>	E
Triangle floater	<i>Alasmidonta undulata</i>	T
Wood turtle	<i>Clemmys insculpta</i>	T
Bald eagle	<i>Haliaeetus leucocephalus</i>	E
Osprey	<i>Pandion haliaetus</i>	T
Peregrine falcon	<i>Falco peregrinus</i>	E
Northern goshawk	<i>Accipiter gentiles</i>	E
Northern harrier	<i>Circus cyaneus</i>	E
Red-shouldered hawk	<i>Buteo lineatus</i>	E
Cooper's hawk	<i>Accipiter cooperii</i>	T
Short-eared owl	<i>Asto flammeus</i>	E
Long-eared owl	<i>Asio otus</i>	T
Barred owl	<i>Strix varia</i>	T
American bittern	<i>Botaurus lentiginosus</i>	E
Bl.-crwd. night heron	<i>Nycticorax nycticorax</i>	T
Yl.-crwd. night heron	<i>Nyctanassa violacea</i>	T
Pied-billed grebe	<i>Podilymbus podiceps</i>	E
Upland sandpiper	<i>Bartramia longicauda</i>	E
Roseate tern	<i>Sterna dougallii</i>	E
Least tern	<i>Sterna antillarum</i>	E
Black skimmer	<i>Rynchops niger</i>	T
Red knot	<i>Culidris canutus</i>	E
Red-headed woodpecker	<i>Melanerpes erythrocephalus</i>	T
Sedge wren	<i>Cistothorus platensis</i>	E
Loggerhead shrike	<i>Lanius ludovicianus</i>	E
Bobolink	<i>Dolichonyx oryzivorus</i>	T
Vesper sparrow	<i>Pooecetes gramineus</i>	E
Savannah sparrow	<i>Passerculus sandwichensis</i>	T

Enclosure 2

State-listed animal species of special concern in the Hackensack Meadowlands District.

Common name	Scientific name
Marbled salamander	<i>Ambystoma opacum</i>
Jefferson's salamander	<i>Ambystoma jeffersonianum</i>
Northern spring salamander	<i>Gyrinophilus porphyriticus porphyriticus</i>
Fowler's toad	<i>Bufo woodhousii fowleri</i>
Spotted turtle	<i>Clemmys guttata</i>
Eastern box turtle	<i>Terrapene carolina carolina</i>
Northern diamondback terrapin	<i>Malaclemys terrapin terrapin</i>
Least bittern	<i>Exobrychus exilis</i>
Tricolor heron	<i>Egretta tricolor</i>
Little blue heron	<i>Egretta caerulea</i>
Great blue heron	<i>Ardea herodias</i>
King rail	<i>Rallus elegans</i>
Whimbrel	<i>Numenius phaeopus</i>
Spotted sandpiper	<i>Actitis macularia</i>
Sanderling	<i>Calidris alba</i>
Common tern	<i>Sterna hirundo</i>
Black tern	<i>Chlidonias niger</i>
Caspian tern	<i>Sterna caspia</i>
Sharp-shinned hawk	<i>Accipiter striatus</i>
Broad-winged hawk	<i>Buteo platypterus</i>
American kestrel	<i>Falco sparverius</i>
Common barn owl	<i>Tyto alba</i>
Common nighthawk	<i>Chordeiles minor</i>
Least flycatcher	<i>Empidonax minimus</i>
Horned lark	<i>Eremophila alpestris</i>
Cliff swallow	<i>Petrochelidon pyrrhonota</i>
Winter wren	<i>Troglodytes troglodytes</i>
Veery	<i>Catharus fuscescens</i>
Gray-cheeked thrush	<i>Catharus minimus</i>
Solitary vireo	<i>Vireo solitarius</i>
Northern parula	<i>Parula americana</i>
Black-throated green warbler	<i>Dendroica virens</i>
Eastern meadowlark	<i>Sturnella magna</i>

Enclosure 3



United States Department of the Interior

FISH AND WILDLIFE SERVICE



In Reply Refer to:

SP-05/36

New Jersey Field Office
Ecological Services
927 North Main Street, Building D
Pleasantville, New Jersey 08232
Tel: 609/646 9310
Fax: 609/646 0352
<http://njfieldoffice.fws.gov>

OCT 03 2009

Gary Sondermeyer, Chief of Staff
New Jersey Department of Environmental Protection
401 East State Street
P.O. Box 402
Trenton, New Jersey 08625

Dear Mr. Sondermeyer:

The U.S. Fish and Wildlife Service (Service) has received the New Jersey Meadowlands Commission's (NJMC) August 31, 2005 Public Notice of Availability of the State-level Final Environmental Impact Statement (FEIS)¹ regarding the proposed Meadowlands Railroad and Roadway Improvement Project to be located in East Rutherford Borough, Bergen County, New Jersey. The Service has reviewed the FEIS.

The proposed project is sponsored by the New Jersey Sports and Exposition Authority (NJSEA). New Jersey Transit (NJT) and the New Jersey Department of Transportation (NJDOT) will assist the NJSEA in the design, management and construction of the project. Upon completion of the project, the NJSEA will grant NJT an easement across NJSEA property for the purpose of operating the rail line. The NJSEA will operate and maintain a new station. The NJSEA prepared the State-level FEIS pursuant to New Jersey Executive Order 215. No federal funding will be used in project implementation.²

Construction of the proposed project (along the project proponents' preferred alternative route) would require a Department of the Army (DA) permit from the U.S. Army Corps of Engineers, New York District (Corps) pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344 *et seq.*) (CWA) and Section 10 of the Rivers and Harbors Act of 1899 (30 Stat. 1151, as amended; 33 U.S.C. 403 *et seq.*) for activities in wetlands and open waters, which consist primarily of a rail crossing of Derry's Creek and the surrounding wetlands known as Walden Marsh in the Hackensack Meadowlands. The project would also require a Bridge Permit from the U.S. Coast Guard (USCG) pursuant to Section 9 of the Rivers and Harbors Act for the proposed crossing of Berry's Creek.

¹ No documentation has been prepared to date pursuant to the federal National Environmental Policy Act of 1969 as amended (83 Stat. 852; 42 U.S.C. 4321 *et seq.*) (NEPA)

² The NJSEA, the NJT, and the NJDOT are collectively referred to as "project proponents" in this letter.

AUTHORITY

These comments are provided as technical assistance, and are consistent with the intent of the Service's Mitigation Policy (Federal Register, Vol. 46, No. 15, Jan. 23, 1981). Conservation of federal trust fish and wildlife resources such as migratory birds and fish is a Service responsibility pursuant federal statutes including the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 *et seq.*) and the Migratory Bird Treaty Act of 1918 (40 Stat. 755, as amended; 16 U.S.C. 703-712). These comments do not preclude any separate future review and comments by the Service pursuant to these statutes regarding any DA permit application, or the National Environmental Policy Act of 1969 as amended (83 Stat. 852; 42 U.S.C. 4321 *et seq.*) (NEPA) if a federal Environmental Assessment or Environmental Impact Statement is required.

PROJECT DESCRIPTION

The purpose of the proposed project is to improve public transportation to the NJSEA's Sports Complex, which consists of Giants Stadium, the Meadowlands Racetrack, the Continental Airlines Arena, and the Xanadu redevelopment project now under construction. The project proponents' preferred alternative (and the proposed project) includes a new 2.3-mile rail line connecting NJT's Pascack Valley Line to a proposed station to be located adjacent to Route 120 (Paterson Plank Road). The proposed station is designed to permit a future, independent project to connect with NJT's Bergen County Line.

Most wetland crossings would be constructed on pile supported viaduct structures. The 2.3-mile rail line would cross Berry's Creek on a bridge of sufficient height to meet USCG navigational requirements (approximately 23 feet of clearance above mean high water).

According to the State-level FEIS, the proposed project would result in 1.03 acres of wetland shading and 0.56 acre of wetland fill, for a total of 1.59 acres of permanent impacts to wetlands. The project would result in temporary construction disturbance to 1.11 acres of wetlands. An additional 0.31 acre of natural upland vegetation would be permanently impacted, and an additional 0.29 acre of natural upland vegetation would be temporarily disturbed during construction, primarily where the rail line would cross wetland/upland transition areas.

The proposed rail line would cross the Universal Oil Superfund Site (EPA ID# NJD002005106), which is officially designated on the National Priorities List pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (P.L. 96-510; 94 Stat. 2797; 26 U.S.C. 4611-4682) (CERCLA), as amended by the Superfund Amendment and Reauthorization Act of 1986 (P.L. 99-499; 42 U.S.C. 9601 *et seq.*). The entire Berry's Creek watershed (including wetlands and open waters to be crossed by the rail line) is known to suffer impairments from a variety of contaminants, and is under study by the U.S. Environmental Protection Agency's (USEPA) Superfund Program pursuant to these statutes.

SERVICE INVOLVEMENT TO DATE

- By letter dated December 28, 2004 (our log # PL-NJ-04/468), the Service provided comments to the New Jersey Department of Environmental Protection (NJDEP) Land Use Regulation Program (LURP) regarding an application to conduct geotechnical borings as part of planning for the subject rail project (File #0212-04-0004.1).
- Project proponents participated in a pre-application meeting with federal and State agencies during the March 16, 2005 meeting of the Meadowlands Interagency Mitigation Advisory Committee (MIMAC), of which the Service is a member.
- By letter dated May 5, 2005 (our log # SP-05/10), the Service provided comments to the NJDEP on a Scoping Document prepared by the NJSEA pursuant to New Jersey Executive Order 215.
- By letter dated June 22, 2005 (our log # EC-05/48), the Service provided comments to the USEPA, pursuant to the Service's participation on the Biological Technical Assistance Group (BTAG) regarding the June 10, 2005 *Meadowlands Railroad and Roadway Improvement Project Final Sediment Sampling Plan* for the Universal Oil Products and Ronapar Realty sites (sampling plan).
- By letter dated July 15, 2005 (our log # PL-NJ-05/194), the Service provided comments to the NJDEP on the Preliminary Environmental Impact Statement (PEIS) prepared by the NJSEA pursuant to New Jersey Executive Order 215.

Each of the Service's July 15, 2005 comments on the PEIS is provided below in italics, followed first by the response contained in the FEIS,¹ and then by any additional Service comments.

SECTION 2 - PURPOSE AND NEED

Service Comment on PEIS: *Page 2-2: The PEIS includes a quote from the 2003 Hearing Officers Report for the Xanadu redevelopment project that references "the proposed NJ Transit Phase 1 and 2 heavy rail lines." The Final Environmental Impact Statement (FEIS) should clarify if the subject project constitutes Phase 1, and include a description of Phase 2.*

FEIS Response:¹ "In order to provide an attractive level of service to and from the Meadowlands Site, it is advantageous to connect the new rail spur into NJ TRANSIT's existing Pascack Valley line. This allows existing commuter rail equipment the opportunity to shuttle passengers from NJ TRANSIT's Secaucus Station and maximize access to the new service for most rail patrons in New Jersey and New York City. The long-range plan is to connect the new spur directly with the Bergen County Line just west of the NJ Turnpike. Phase 1, which is the subject of this FEIS, is aligned to accommodate this Phase 2 connection at a later date. When completed, the "full build out" will allow through service from the Bergen County Line to the

¹ The responses (in quotes) are taken verbatim from the FEIS Appendix C, "Response to Comments Received During PEIS."

Pascack Valley Line and make the new Meadowlands Station a regular stop on the "new" Pascack Valley Line. The Phase 1 alignment takes advantage of the existing commuter rail infrastructure and minimizes the need to acquire additional property. The new service allows the opportunity to provide direct commuter rail service from both Hoboken and the Pascack Valley Line. The use of ten car commuter trains during high volume events allows for enough capacity to handle the projected 10,000 to 12,000 patrons that will utilize the station immediately after a major event concludes. The new Meadowlands Rail spur and station is designed to be able to remove these patrons within one hour of the end of the event."

Additional Service Comments: The Service notes that the text of the FEIS was revised to clarify Phases 1 and 2, per Service recommendation. An eventual connection to the Bergen County Line is clearly proposed as a future project. Therefore, the Service reiterates its recommendation to address cumulative impacts from Phase 2; see additional comments below regarding the cumulative effects analysis that will be required by NEPA upon review for federal authorizations (DA and USCG permits).

SECTION 3 - ALTERNATIVES

Service Comment on PEIS: Page 3-1: *The PEIS indicates that project sponsors selected commuter rail equipment (i.e., diesel locomotives hauling commuter coaches) over other available technologies such as diesel multiple unit vehicles, light rail transit, monorail/automated guideway transit, and busway. The Service recommends that the FEIS include: (1) an explanation of each of these technologies; (2) a side-by-side comparison of costs, engineering and operational considerations, and environmental impacts associated with each technology; and (3) the criteria used in selecting commuter rail equipment.*

FEIS Response: This Service comment was not addressed in the FEIS.

Additional Service Comments: The Service will reiterate its request for the above information during the federal permitting process.

Service Comment on PEIS: Page 3.3: *According to the PEIS, potential future extension of the proposed alignment to the NJT's Bergen County Line was a constraint in selecting possible station locations (such a connection would be addressed as a separate project in the future). The Service suggests revising the FEIS to address the following planning issues related to the future extension:*

- *clarify if project sponsors would seek a future connection to the Pascack Valley Line if one of the other six alternatives (all connecting to the Bergen County Line) were selected over the currently preferred alternative for the current proposal;*

- *state the purpose and need for a future connection to the Bergen County Line;*
- *address the disadvantages of alternatives 1 through 6 (including additional wetland impacts up to 3.95 acres) that are given in the PEIS as reasons for rejecting a Bergen County Line connection for the current proposal; and*
- *identify other station locations, if any, that would be feasible without the constraint of a future Bergen County Line connection, and determine if any of these station locations would allow an alternative alignment that reduces impacts to wetlands and contaminated sites relative to the currently preferred alternative.*

FEIS Response: These Service comments were partially addressed by the revision of the FEIS to explain Phases 1 and 2, as discussed above under Purpose and Need.

Additional Service Comments: The Service notes that the text of the FEIS was revised to clarify Phases 1 and 2, per Service recommendation. However, the specific planning issues identified in Service comments were not addressed in the FEIS. An eventual connection to the Bergen County Line is clearly proposed as a future project. Therefore, the Service reiterates its recommendation to address cumulative impacts from Phase 2; see additional comments below regarding the cumulative effects analysis that will be required by NEPA for federal authorization.

Service Comment on PEIS: Section 3.1.3 Description of Alternatives: *The Service recommends revising this section to replace the lists of advantages and disadvantages for each alternative with an explicit set of screening criteria against which each alternative should be compared consistently.*

The alternative station location (which would be employed for all six rejected alternatives) is described as not providing adequate access to existing and proposed Sports Complex venues. The Service recommends that, in the FEIS, project sponsors explain: (1) why the alternative station location (approximately 500 feet from the preferred location) fails to provide adequate access; (2) if any of the six rejected alternative alignments could be connected to the preferred station location (this would appear feasible, based on the discussion of a future connection to the Bergen County Line), and (3) if such a connection (e.g., alternative alignment 1, 2, or 3 connected to the preferred station location) could reduce impacts to wetlands and contaminated sites relative to the currently preferred alternative.

The Service concurs with the project proponents' rejection of alternatives 4 through 6, based on greater wetland impacts.

The Service also recommends that project sponsors consider another alternative route, slightly modified from the preferred alternative, that would extend from the Pascack Valley Line parallel to Route 120 across Murray Hill and Berry's Creek. This modification may reduce impacts to aquatic resources, and should be evaluated as an alternative in the FEIS.

FEIS Response: These Service comments were not addressed in the FEIS

Additional Service Comments: The Service will reiterate its request for the above information during the federal permitting process.

Service Comment on PEIS: *Page 3-5: The Service recommends revising Table 3-1 to include the following information for each alternative: (1) acreage of permanent wetland impacts split out by shading versus fill; (2) acreage of temporary wetland impacts; (3) estimated cost; (4) a summary of each alternative's ability to meet explicit screening criteria, as recommended above.*

FEIS Response: This Service comment was not addressed in the FEIS.

Additional Service Comments: The Service will reiterate its request for the above information during the federal permitting process.

Service Comment on PEIS: *Page 3-8: The PEIS contains a reference to a proposed EnCap Station. The Service recommends that the FEIS include a description of this facility, an explanation of how it affected the alternatives analysis, and its location on a map.*

FEIS Response: This Service comment was not addressed in the FEIS.

Additional Service Comments: The Service will reiterate its request for the above information during the federal permitting process.

Service Comment on PEIS: *Section 3.2 – Meadowlands Rail Protect Value Engineering. In the PEIS, project proponents indicate that the NJDOT proposed an alternative alignment that would cross Sports Complex parking lots, and an alternative station location parallel to and just north of Giants Stadium, in order to decrease impacts to wetlands. Project sponsors rejected these recommendations for reasons briefly summarized in the PEIS. The Service recommends that the FEIS: (1) include a map of the NJDOT-recommended alignment and station location, (2) indicate the acreage of wetlands impacts that would be avoided, and (3) provide a more detailed rationale describing why this alternative was rejected.*

FEIS Response: This Service comment was not addressed in the FEIS.

Additional Service Comments: The Service will reiterate its request for the above information during the federal permitting process.

SECTION 4.2 - WETLANDS

Service Comment on PEIS: Permit Issues: From information obtained at the March 16, 2005 MIMAC meeting, the Service understands that a previous federal permit(s) for the Sports Complex may contain conditions restricting construction in Walden Marsh. The Service recommends that project sponsors investigate and clarify this issue before proceeding with FEIS development or application to the Corps for DA permits. Copies of all correspondence between the Corps and project sponsors, and any other documentation regarding this issue should be provided to all MIMAC members for review. The Service will support continued adherence to any conditions of the original federal and/or State permits for construction of the Sports Complex that were intended to protect the surrounding wetlands from further encroachment or fragmentation.

FEIS Response: "The NJSEA understands the conditions and restrictions which were placed on construction activities within Walden Marsh and will provide a detailed explanation and analysis of the mitigation of any environmental impacts to the Marsh in the ACCOH [Army Corps of Engineers] DA permit application associated with the Project."

Additional Service Comments: The Service will review the explanation and analysis during the federal permitting process. Discussion of mitigation in the forms of minimizing, then compensating, adverse impacts to Walden Marsh is not genuine to the issue of whether previous permit conditions prohibit any further impacts. The Service reiterates its request for any relevant documents or correspondence, and its support for continued adherence to any previous permit conditions to protect Walden Marsh.

Service Comment on PEIS: Section 4.2.3.1 - Permanent Impacts: The Service supports the proposed elevated design of the rail line to minimize placement of fill material and associated hydrologic impacts to wetlands. The Service recommends designing the elevated portions of the rail line to minimize shading impacts (i.e., maximum possible height above the marsh surface; a grid or plank design rather than a solid support structure), and describing such measures in the FEIS.

FEIS Response: "The proposed alignment was designed to accommodate the vertical rail design requirements for the connection between the NJ TRANSIT Pascack Valley Railroad Line and the proposed station. Consultation has taken place with United States Coast Guard to determine the best vertical clearance above the navigation channel for the proposed bridge to be at twenty three (23) feet above the Mean High Water Line (MHWL). Therefore, the rail alignment has been designed to the maximum height possible above the marsh and wetland surface. The Service has suggested a grid or plank design to minimize the amount of shading above the marsh and wetland areas, however, NJ TRANSIT design criteria requires a closed deck (solid) viaduct that is ballasted to support the concrete ties and rail. This requires a box type structure that will allow for maintenance of the track alignment. Ballasted track is most desirable for durability of the track and comfort of ride. Open deck structures would require what is called direct fixation of track, a method that is much more costly to construct and much more difficult to maintain. In areas where special trackwork is needed (turnouts and crossovers),

additional apparatus is necessary (switch machines and track signal components). The construction to support these is very difficult to provide in an open deck type structure. Utilizing a box type viaduct eliminates these difficulties."

Additional Service Comments: The Service supports the proposed design at the maximum height possible above the marsh surface, and acknowledges the above-mentioned constraints that prevent construction of a grid or plank design.

Service Comment on PEIS: Section 4.2.3.2 - Temporary Impacts: According to the PEIS, use of temporary timber matting is proposed as a means of vehicle and worker access through wetland muck soils. Project sponsors anticipate that federal and State wetland permits may require restoration of wetland vegetation in the area of the temporary access roadway.

The Service recommends that project sponsors be required to restore the 1.11 acres of wetlands temporarily impacted during construction to at least pre-construction condition. In coordination with permitting agencies, project sponsors should pursue any opportunities to enhance temporarily impacted areas during post-construction restoration (i.e., replacement of invasive vegetation with native species, hydrologic improvements). The Service recommends monitoring the hydrology and vegetation of the restored areas for at least 3 to 5 years, depending on the nature of the existing wetland vegetation and the proposed restoration plan. The restoration plan for temporary impacts should be approved by the MIMAC prior to issuance of a DA permit.

FEIS Response: "The NJSEA will provide a restoration plan to the ACOE for all areas temporarily disturbed during the course of construction activities to ensure that all restoration activities are acceptable and effective in order to return disturbed areas to the pre-existing condition. Monitoring of the restoration will be discussed with the NJSEA and NJ TRANSIT to determine the available resources and personnel to conduct the monitoring activities for the proposed three (3) to five (5) year period."

Additional Service Comments: The Service will review the restoration plan during the federal permitting process. The Service reiterates its previous recommendations for the content of the plan.

Service Comment on PEIS: Section 4.2.4 - Compensatory Mitigation: . . . The Service opposes the proposed preservation of acreage at the Empire Tract as compensatory mitigation. . . the Service supports other compensatory mitigation options as discussed at the March 16, 2005 MIMAC meeting. Project sponsors discussed purchase of credits from the Marsh Resources, Inc. mitigation bank at a ratio of 3:1. Sponsors also discussed potential preservation of an approximately 10-acre parcel immediately adjacent to the Anderson Creek site.

¹ Excerpted comment. For the Service's full comment and recommendations, see our July 15, 2005 letter.

FEIS Response: "The NJSRA plans to propose a wetland mitigation plan as part of the DA permit application to the ACOE. The application will contain the facts which will be reviewed by the ACOE in accordance with applicable regulations and guidelines. The [New Jersey Sports and Exposition] Authority expects the ACOE will consult with the MIMAC and will consider its recommendations. As a member of the MIMAC, the Service will be able to join with other members in developing its recommendations to the ACOE. The Authority is aware of several regulations and guidelines outlined in your letter, as well as other and further applicable regulations and guidelines."

Additional Service Comments: The Service will review the compensatory mitigation plan during the federal permitting process. The Service reiterates its previous recommendations for the content of the plan.

SECTION 4.3 – WATER RESOURCES

Service Comment on FEIS: *The Service recommends that project proponents:*

- (1) *design a stormwater collection system for the 4 acres of impervious surface to be created over wetlands and open waters, with collected waters directed to an upland site for treatment prior to discharge;*
- (2) *design a stormwater collection and treatment system for roadways and ramps in the vicinity of the project that drain to the Cedar Creek peripheral ditch;*
- (3) *make available for public review the proposed stormwater management plan, including results of hydrologic modeling showing that the 3 acres of new impervious surface to be directed to the Sports Complex lagoons will not impair the function of that system; and*
- (4) *include in the FEIS any comments or recommendations of the NJDEP regarding the stormwater management plan, including a determination if the plan complies with State regulations.*

FEIS Response: "A multi-permit application consisting of a Waterfront Development Permit and a Stream Encroachment was submitted to the New Jersey Department of Environmental Protection (NJDEP) on August 1, 2005. The stream encroachment application portion of this multipermit application contains a hydrologic and hydraulic analysis and stormwater management plan for the Project. The application is currently under review by the NJDEP and the Project will adhere to any forthcoming permit conditions."

Additional Service Comments: The Service will reiterate its request for the above information during the federal permitting process.

Service Comment on PEIS: Page 4-26: *According to the PEIS, "Shallow groundwater in and around the Project Area is not used for potable water and is most likely saline due to the close proximity of the tidally influenced Berry's Creek and the Hackensack River. It has also been verified that the Project is not located above any New Jersey Sole Source Aquifers." However, the EPA's Fact Sheet for the Universal Oil Superfund Site (U.S. Environmental Protection Agency, 2004) states, "Approximately 36,500 people within 3 miles of the site depend on groundwater for their source of drinking water. Groundwater also provides process cooling water to local industries." The FEIS should explain this discrepancy.*

FEIS Response: "The NJSEA maintains that the groundwater in and around the Project Area, and more specifically in the area of the UOP Superfund Site, is not potable water source currently serving the local population. The discrepancy is related to the EPA Fact Sheet for the Universal Oil Superfund Site (USEPA, 2004), which states that the groundwater in area serves the local population. This contradiction will be further examined in the ACOE DA permit application being prepared for the Project."

Additional Service Comments: The Service will review the project sponsors' explanation of the discrepancy during the federal permitting process.

SECTION 4.8 - FISH AND WILDLIFE HABITAT

Service Comment on PEIS: Page 4-46: *The Service supports the proposed seasonal restriction to protect anadromous fish.*

FEIS Response: This Service comment was not addressed in the FEIS.

Additional Service Comments: None.

SECTION 4.10 - LISTED SPECIES

Service Comment on PEIS: Federally Listed Species: *In our May 5, 2005 letter, the Service stated that only occasional transient individuals of the federally listed (threatened) bald eagle (*Haliaeetus leucocephalus*) are known to occur in the vicinity of the project site. However, new eagle sightings in the Hackensack Meadowlands District (HMD) continue to be reported, particularly of wintering birds. Based on this new information, the Service recommends that the FEIS include a summary of available information regarding bald eagle use of habitats within the HMD, including the season and location of reported sightings. The FEIS should also include an assessment of the potential for the proposed project to impact eagles through increased exposure to environmental contaminants. Once project sponsors submit an application to the Corps for a DA permit, the Service will determine if consultation is required between the Corps and the Service pursuant to Section 7 of the ESA, based on all available information regarding eagles in the HMD.*

Except for the above-mentioned species and an occasional transient roseate tern (Sterna dougallii), no other federally listed or proposed endangered or threatened flora or fauna under Service jurisdiction are known to occur within the vicinity of the proposed project site. If additional information on federally listed species becomes available, or if project plans change, this determination may be reconsidered.

FEIS Response: "The NISMA will provide the necessary information in the Project's ACOE DA permit application concerning the minimization of exposure to contaminants to wildlife during the course of construction activities. The NJSEA will consider the May 5, 2005 letter from the Service in determining the potential impact to Federally Listed Species in the Project area. As offered by the Service, if consultation between the ACOE and the Service is required pursuant to Section 7 of Endangered Species Act (ESA), the NJSEA will address any requirements at that time."

Additional Service Comments: The Service notes that the text of the FEIS was not revised to include possible adverse effects to bald eagles. Pursuant to Section 7 of the ESA, the Service will work with the lead federal action agency (to be determined between the Corps and the USCG) during the review of federal permit applications to determine if the project is likely to adversely affect bald eagles. The previously requested information and assessment should be provided to the Corps, the USCG, and the Service as soon as possible to facilitate consultation, and to avoid delays in the federal permitting process.

Service Comment on FEIS: Page 4-52: *The second paragraph should be revised to clarify that the NJDEP lists plants as endangered under a separate State law, the New Jersey Endangered Plant Species List Act (N.J.S.A. 13:1B et seq.).*

FEIS Response: This Service comment was not addressed in the FEIS.

Additional Service Comments: None.

Service Comment on FEIS: Page 4-53: *Updated information regarding State-listed species documented in the Hackensack Meadowlands District is enclosed.*

FEIS Response: The FEIS was revised to reflect the updated information provided by the Service.

Additional Service Comments: None.

Service Comment on PEIS: *Page 4-55.* The PEIS includes a statement that: "Threatened or endangered species often have very specific niches and usually inhabit less developed areas with minimal human disturbance, unlike that of the Meadowlands Sports Complex." The Service recommends revising the FEIS to reflect that the Sports Complex includes Walden Marsh, which may provide foraging habitat to resident and/or migrating State-listed birds (despite the lack of documented occurrences to date).

FEIS Response: This Service comment was not addressed in the FEIS.

Additional Service Comments: Migratory birds are a federal trust resource. The Service will review and comment on any potential impacts to State-listed or other migratory birds during the federal permitting process.

SECTION 4.11 - HAZARDOUS WASTE

Service Comment on PEIS: The Service requests that the project proponent provide to all BTAG and MIMAC members copies of the 2005 document entitled Site Investigation Report and Appendices for the Meadowlands Railroad and Railway Improvement Project (as referenced in the PEIS); distribution of electronic files may be appropriate if the document is lengthy.

FEIS Response: This Service comment was not addressed in the FEIS.

Additional Service Comments: The Service reiterates its request for the document.

Service Comment on PEIS: The Service recommends that project proponents: (1) revise the sediment sampling plan as recommended in our . . . June 22, 2005 letter; (2) carry out any additional sediment, soil, or water sampling recommended by the EPA and/or the BTAG; (3) provide all sampling results to the BTAG; and (4) make a summary report of the sampling effort available for MIMAC and public review. In particular, testing is needed in the vicinity of each proposed pile location, including characterization of any contaminants of concern identified by EPA/BTAG at all depths potentially disturbed during (pile driving) or following (scouring) construction.

FEIS Response: "The NJSEA is working closely with the USEPA and the NJDRP Site Remediation Program to produce a soil sampling plan which will indicate the type and level of contamination with the railroad alignment right of way to ensure that all areas will be accessible for future remedial efforts."

Additional Service Comments: The Service will request an opportunity to review the sampling plan during the federal permitting process. The Service reiterates its previous recommendations for the content of the plan.

Service Comment on PEIS: *According to the PEIS (page 4-58), sediment contaminant residue data were compared to the NJDEP Soil Cleanup Criteria (SSC). This is an inappropriate use of the SSC; the residue data should be compared to the NJDEP Guidance for Sediment Quality Evaluations in accordance with State regulations (N.J.A.C. 7-26E). Note that the criteria contained within the NJDEP Guidance were established for the protection of benthic organisms, and have no direct relevance to the health of fish, wildlife, or humans.*

FEIS Response: This Service comment was not addressed in the FEIS.

Additional Service Comments: The Service reiterates its recommendation to use sediment rather than soil guidelines in aquatic settings.

Service Comment on PEIS: *The Service recommends that the FEIS include analysis of the extent to which the proposed rail facilities may interfere with or preclude remediation of environmental contaminants in the project area to levels that are protective of fish and wildlife, including a determination from the EPA Superfund Program regarding this issue. The Service recommends that project sponsors work with EPA's Superfund Program to locate, design, construct, and operate the project in ways that will not preclude future remedial options.*

FEIS Response: "The NJSEA is working closely with the USEPA and the NJDEP Site remediation Program to produce a soil sampling plan which will indicate the type and level of contamination with the railroad alignment right of way to ensure that all areas will be accessible for future remedial efforts."

Additional Service Comments: The Service will request an opportunity to review the input of EPA's Superfund Program during the federal permitting process.

Service Comment on PEIS: *As stated in our . . . June 22, 2005 letter, any selected Interim Remedial Measure must constitute the final remedy, with approval of EPA,¹ as removal of additional sediment following rail line construction will not be practical.*

FEIS Response: This Service comment was not addressed in the FEIS.

Additional Service Comments: The Service reiterates its comment.

Service Comment on PEIS: *Following construction, piles supporting the proposed rail line may induce scouring and erosion, potentially increasing exposure of fish and wildlife to contaminated sediments. The FEIS should include an evaluation of anticipated rates of erosion around the piles, and associated impacts to fish and wildlife from contaminant exposure. The*

¹ Section 122(e)(6) of the CERCLA requires EPA authorization for any remedial action proposed for designated Superfund sites for which a remedial investigation and feasibility study have been initiated.

Service recommends periodic monitoring of erosion rates around the piles and associated redistribution of contaminated sediments for at least 3 to 5 years following construction, and possibly as long as 10 years to coincide with the timeframe of EPA's Superfund Program study of the Berry's Creek watershed. Contaminants testing would not necessarily need to occur every year over the monitoring period, but should span enough years to detect any potential long term adverse impacts.

FEIS Response: "The NJSEA is currently producing a scour analysis for the specific pier locations proposed in the Berry's Creek. The design of these pier locations will ensure that there will be no increase in the suspension of contaminated sediments within Berry's Creek. The scour analysis will be forwarded to appropriate regulatory agencies for review and comment."

Additional Service Comments: The Service will review the scour analysis during the federal permitting process.

Service Comment on PEIS: *Pile driving and other work in open waters may resuspend contaminated sediments. The Service recommends that the PEIS include analysis of the duration and extent to which the proposed pile driving and other activities in wetlands and open waters will resuspend contaminated sediments, as well as the effects to fish and wildlife that would result from these activities. The Service recommends that the design and construction of the project include all available mitigative measures and best management practices (BMPs) to minimize resuspension of sediments, and that these measures and BMPs are identified and explained in the FEIS.*

FEIS Response: "The NJSEA will apply to the Bergen County Soil Conservation District (BCSCD) for a Soil Erosion and Sediment Control Certification for the entire alignment."

Additional Service Comments: The Service may request an opportunity to review the proposed BMPs and the Soil Erosion and Sediment Control Certification during the federal permitting process.

Service Comment on PEIS: *Work in wetlands including vegetation removal and placement of timber mats would disturb sediments, potentially increasing bioavailability of contaminants at and near the marsh surface. Therefore, the Service recommends an interim remedial measure for the 1.11-acre construction footprint. The interim remedial plan should include returning the entire area of disturbance to its original elevation, removing surface material as needed to place at least 1 foot of clean fill material on top. Removal of a full foot of native sediment may not be necessary due to subsidence and compaction from construction equipment. Proper disposal of the removed material should be assured. The Service recommends monitoring contaminant levels in the vicinity of the temporary impacts for at least 3 to 5 years following construction, and possibly as long as 10 years to coincide with the timeframe of EPA's Superfund Program study of the Berry's Creek watershed. Contaminants testing would not necessarily need to occur*

every year over the monitoring period, but should span a sufficient time frame to detect any potential long-term impacts. This interim remedial and monitoring effort, as well as any measures to minimize the release of contaminants during construction in wetlands, should be documented in the FEIS.

FEIS Response: "The NJSEA will work with the regulatory agencies having jurisdiction to ensure that all restoration activities are acceptable and effective in order to return disturbed areas to the pre-existing condition. Monitoring of the restoration will be reviewed with NJSEA and NJ TRANSIT to determine the available resources and personnel to conduct the monitoring activities for the proposed three (3) to five (5) year period. Specifics of the restoration to all disturbed areas will be discussed in detail in the ACOE DA Permit Application."

Additional Service Comments: The Service will review the restoration plan during the federal permitting process. The Service reiterates its previous recommendations for the content of the plan regarding environmental contaminants.

SECTION 4.18 – LAND USE, ZONING AND CONSISTENCY WITH LOCAL PLANS

Service Comment on PEIS: *The Service recommends adding a discussion of the proposed project's consistency with the Corps' Hackensack Meadowlands Environmental Restoration Study.*

FEIS Response: An assessment of the Project's consistency with the ACOE's Hackensack Meadowlands Environmental Restoration Study will be included in the ACOE DA Permit Application.

Additional Service Comments: The Service will review the consistency assessment during the federal permitting process.

SECTION 4.25 – INDIRECT AND CUMULATIVE IMPACTS

Service Comment on PEIS: *The Service recommends adding a discussion of the nature and extent of past cumulative impacts to Walden Marsh (e.g., filling, contamination, fragmentation, Phragmites invasion).*

The Service recommends adding a discussion of the proposed future connection of the subject rail facility to the NJT's Bergen County Line.

FEIS Response: "The EIS is being prepared in compliance with Executive Order No. 215 (EO 215) of the Governor of the State of New Jersey. It is not subject to the requirements of the National Environmental Policy Act (NEPA) or the regulations of the U.S. Army Corps of Engineers (ACOE) and the United States Environmental Protection Agency (EPA) thereunder. However, the NJSEA has voluntarily included extensive information beyond the scope of EO 215. A Department of the Army (DA) application will be made to the ACOE which will

consider the extent to which proceedings under NEPA should be required. . . . Subject to necessary funding, the second phase of the Project, which would entail a connection to the Bergen Line from the Sports Complex, will be considered in a manner comparable to this Project, including consultation with the New Jersey Meadowlands Commission and New Jersey Department of Environmental Protection, permitting with appropriate state and federal agencies, and presentation of an Environmental Impact Statement for consideration and comment by NJDEP and the public."

Additional Service Comments: The Service recognizes that the subject State-level FBIS was prepared pursuant to State regulations, and not pursuant to the federal NEPA. However, the proposed project requires federal authorization from the Corps and the USFWS. Therefore, NEPA will apply.

The Council on Environmental Quality's regulations (40 CFR Parts 1500-1508) govern implementation of the procedural provisions of NEPA. Part 1508.7 defines "cumulative impact" as "the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time." Part 1508.8 states that the synonymous terms "effects" and "impacts" include "ecological . . . , aesthetic, historic, cultural, economic, social, or health, whether direct, indirect, or cumulative."

The Corps and the USFWS must determine the lead federal action agency for satisfaction of NEPA requirements. Once designated, the lead federal agency will determine the required level of NEPA documentation for the proposed rail project. Whether the lead federal agency requires an Environmental Assessment or an Environmental Impact Statement, the NEPA document must address the environmental impacts of the proposed action and alternatives (40 CFR Parts 1508.9 and 1502.16, respectively), which are defined as direct, indirect, and cumulative (40 CFR 1508.25).

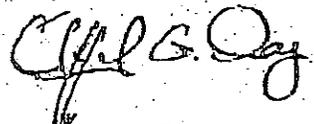
The Service will request an opportunity to review the NEPA document during the federal permitting process. The Service reiterates its previous recommendations for the content of the document, specifically an analysis of past and reasonably foreseeable future impacts to area wetlands, including the future Phase 2 rail connection.

CONCLUSION

Key Service concerns for the proposed project include: (1) consideration of additional alternatives to reduce environmental impacts; (2) impacts to Walden Marsh that may be prohibited by conditions included in a previous federal permit(s); (3) inappropriate compensatory mitigation; (4) impacts to contaminated sites in need of remediation; and (5) consideration of cumulative impacts, especially from the future Phase 2 connection to the Bergen County Line.

The Service appreciates the opportunity to provide comments early in project planning. We look forward to working cooperatively with the project sponsors and regulatory agencies to resolve the outstanding concerns discussed above during the review of the federal (DA and USCG) permit applications. Please contact John Staples or Wendy Walsh of my staff at (609) 646-9310, extensions 12 or 48, respectively, if you have any questions regarding the above Service comments.

Sincerely,



Clifford G. Day
Supervisor

REFERENCE

U.S. Environmental Protection Agency. 2004. Universal Oil Products, New Jersey, EPA ID# NJD002005106. NPL Site Fact Sheet. 2 pages.
<http://www.epa.gov/region02/superfund/npl/0200101c.pdf>. Accessed July 14, 2005.

Enclosure 4

The 25 bird species most frequently killed by communication towers (from Shire *et al.*, 2000).¹

	<u>Common Name</u>	<u>Scientific Name</u>	<u>Meadowlands Abundance</u>	<u>Status</u>
1.	Ovenbird	<i>Seiurus aurocapillus</i>	Common	+#
2.	Red-eyed vireo	<i>Vireo olivaceus</i>	Common	+#
3.	Tennessee warbler	<i>Vermivora peregrina</i>	Uncommon	-
4.	Common yellowthroat	<i>Geothlypis trichas</i>	Common	-*
5.	Bay-breasted warbler	<i>Dendroica castanea</i>	Uncommon	0
6.	American redstart	<i>Setophaga ruticilla</i>	Common	-
7.	Blackpoll warbler	<i>Dendroica striata</i>	Common	-*
8.	Black-and-white warbler	<i>Mniotilta varia</i>	Common	-
9.	Philadelphia vireo	<i>Vireo philadelphicus</i>	Does not occur	
10.	Swainson's thrush	<i>Catharus ustulatus</i>	Uncommon	0
11.	Palm warbler	<i>Dendroica palmarum</i>	Uncommon	0*
12.	Gray catbird	<i>Dumetella carolinensis</i>	Uncommon	-*
13.	Northern waterthrush	<i>Seiurus noveboracensis</i>	Uncommon	-
14.	Northern parula	<i>Parula americana</i>	Uncommon	+
15.	Magnolia warbler	<i>Dendroica magnolia</i>	Uncommon	+
16.	Connecticut warbler	<i>Oporornis agilis</i>	Rare	-*
17.	Blackburnian warbler	<i>Dendroica fusca</i>	Uncommon	0
18.	Ruby-crowned kinglet	<i>Regulus calendula</i>	Common	-
19.	Yellow-rumped warbler	<i>Dendroica coronata</i>	Common	+#
20.	White-eyed vireo	<i>Vireo griseus</i>	Uncommon	0
21.	Cape May warbler	<i>Dendroica tigrina</i>	Uncommon	0*
22.	Black-throated blue warbler	<i>Dendroica caerulescens</i>	Uncommon	0
23.	Indigo bunting	<i>Passerina cyanea</i>	Uncommon	-*
24.	Gray-checked thrush	<i>Catharus minimus</i>	Rare	No data
25.	Rose-breasted grosbeak	<i>Pheucticus ludovicianus</i>	Uncommon	-*

¹ This list was generated from a review of 47 studies identifying species and numbers of carcasses recovered at communication towers across the United States. Abundance of those birds in the Meadowlands is based on Kane *et al.* (1991), who reported birds as Common (usually seen), Uncommon (might be seen), or Rare (seldom seen). Status determinations of increasing (+), stable (0), or declining (-) populations are based on Saucr *et al.* (2004). Status is given for the northeastern U.S. (FWS Region 5) usually; however, status may be given for the eastern U.S. (indicated by *) when data and analyses for the northeastern U.S. are limited and unreliable.



BOROUGH OF HASBROUCK HEIGHTS

320 Boulevard
Hasbrouck Heights, NJ 07604
Tel: (201) 288-7448 - Fax: (201) 288-6408

Carol J. Skiba
Councilwoman

August 9, 2006

VIA EXPRESS MAIL

Mr. Gary Sondermeyer
Director of Operations
New Jersey Department of Environmental
Protection
401 East State Street
7th Floor, East Wing
P.O. Box 402
Trenton, NJ. 08625-0402

VIA EXPRESS MAIL

Mr. Robert Ceberio
Executive Director
New Jersey Meadowlands Commission
One DeKorte Park Plaza
Lyndhurst, NJ 07071

Re: Proposed New Meadowlands Stadium

Gentlemen:

Provided herewith are comments regarding the planned development presented at the public scoping session held at the New Jersey Meadowlands Commission on July 12, 2006.

While it is realized that the proposed new stadium, training facility, and parking and tailgating zones appear to be a rearrangement encompassing existing facilities and better utilization of the existing site, the ancillary development consisting of another half million square feet of retail space does raise very deep cause for concern relative to the residual impact on the residential communities surrounding the Complex area.

It is also realized that mass transit plans have been incorporated into the proposed new stadium. However, to rely on the assumption that the public will use mass transit in a car-oriented area seems to be more than foolhardy and an unrealistic remedy to the vast amount of already-existing traffic and attendant pollution which presently exists on the roadways surrounding the Complex, and which will undoubtedly only be increased by continuing plans to overdevelop of the Meadowlands region with retail shopping space.

It is believed that the increased vehicular traffic burden from the ancillary development including further retail space on top of the already-planned vast amount of retail space contained within the Xanadu project (which also includes office buildings) will more than substantially increase traffic on all of the highways leading to the Complex resulting in an immense increase in emissions pollution and increased attendant health risks. Recent experience with traffic modeling studies regarding redesign of two intersections in my community on Route 17 have created much doubt as to the true ability such studies have to simulate the accuracy of traffic situations as they exist in reality, for example, curves for peak holiday seasons, football games, etc.

Having lived in Southern Bergen County for almost 50 years, I have witnessed firsthand the detrimental traffic changes and increased pollution which occurred from continuing development in the Meadowlands region.

My employment, as many of the residents in this region, is located in New York City. I have commuted to New York City for well in excess of 25 years. The commute time has steadily increased due, in large part, to the vast increase in traffic. A mere 16 mile door-to-door commute now takes well in excess of an hour and a half, even when commuting during off-peak rush hours. A Monday night football game can add another 30 to 45 minutes to that commute; all the while sitting in a haze of emissions. The roads around the Complex are wholly

Mr. Gary Sondermeyer
Mr. Robert Ceberio
August 9, 2006
Page 2

inadequate for the amount of traffic that presently exists. It is believed that the impact from the proposed Xanadu project will only contribute to completely exacerbating the current traffic situation and attendant pollution.

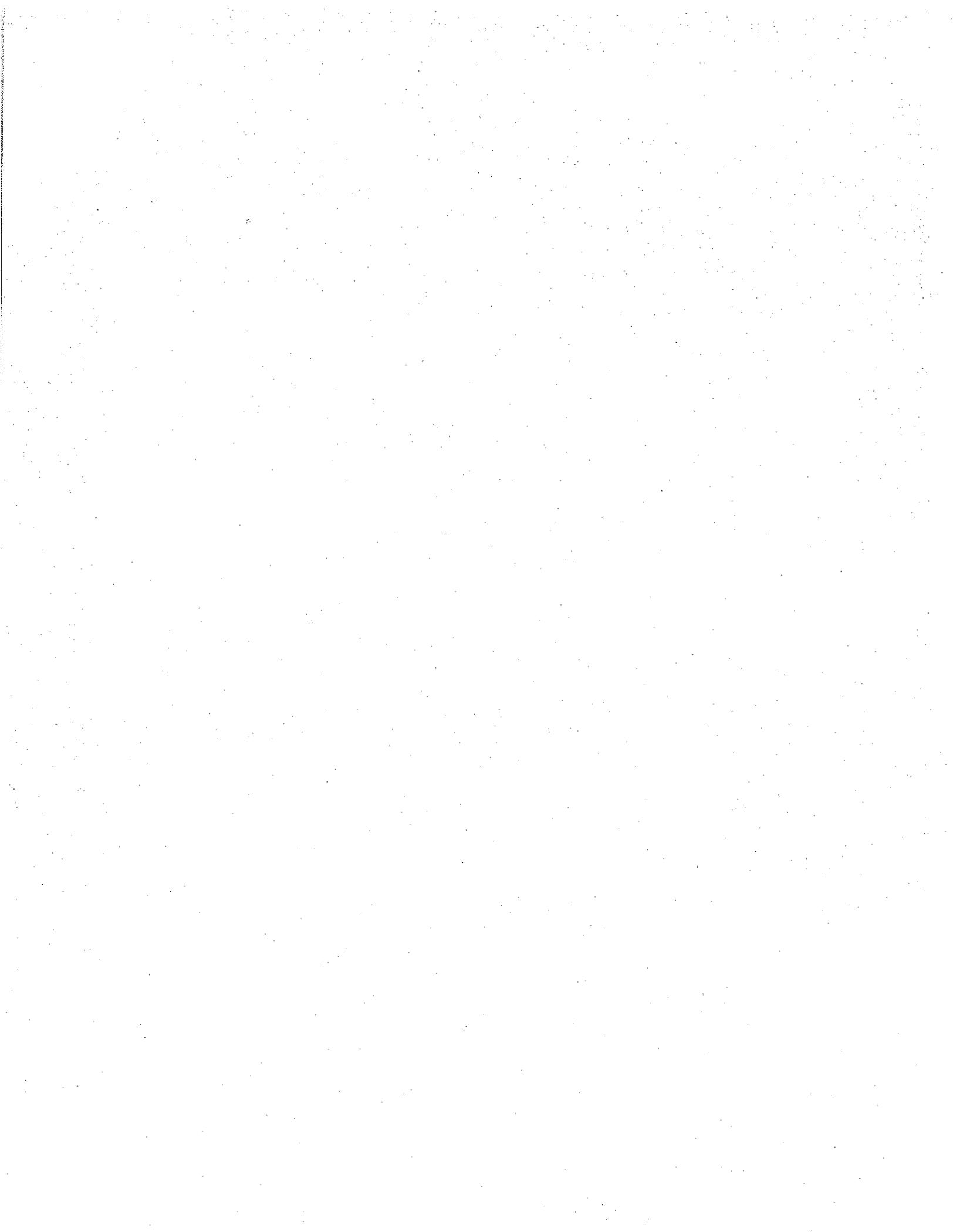
The New Jersey Department of Transportation held a public hearing in my community regarding changing Route 17 from 3 to 4 lanes at both the Franklin and Williams Avenue intersections. It was represented at that meeting that these changes were requested by the NJ Sports Exposition Authority in an attempt to facilitate traffic movement to and from the Complex. However, my deepest concerns are for the welfare of the residents of my community and the impact on its well being from the increase in emissions and pollution.

Presently, Route 17 in Hasbrouck Heights has 3 solid lanes of barely moving northbound traffic because of a 3-to-2 lane merge. This is especially apparent during rush hours, holiday seasons and especially when football games are held at the stadium. The residential areas cannot afford more lanes of traffic struggling to merge into fewer lanes. These areas will be forced to endure increased emissions pollution and the attendant health risks associated with such emissions. Couple this increase in vehicle emissions with the increase of jet fuel emissions due to the consistently rising throughput at Teterboro Airport (especially during football season), and a completely unacceptable quality of life burden is placed on the residential portions of the communities and their recreational facilities which border Route 17. It is a burden which is unfair to place on unsuspecting residents.

Add to the foregoing, the proposed development of approximately 4,000 additional residences in Southern Bergen County and it must be acknowledged that an insurmountable pollution problem for the residential communities surrounding the Complex will result. It is believed that overdevelopment, especially of retail in the Meadowlands region, on top of the Xanadu project will have a potentially adverse and far-reaching negative impact which should be adequately addressed before it proceeds.

Respectfully submitted,


Carol J. Skiba,
Councilwoman



MEADOWLANDS STADIUM PUBLIC SCOPING HEARING

JULY 12, 2006

10:00 a.m. - 12:00 p.m.

<u>NAME</u>	<u>AFFILIATION</u>	<u>ADDRESS</u>	<u>PHONE NUMBER</u>
Mark Lennon	Paulus, Sokolowski & Sandoz	67 Mt. Blvd Ex 4, Warren, NJ 07058	732-560-9700
JOHN BOLAN	PSYS	" " "	732-560-9700
STEVE GARY	WMM	300 LIGHTHOUSE SERVICUS	201-563-4400
D. MCPHERSON	WMM	" "	" "
JERRY BINNEY	DECOTIS, ET AL	500 FRANK WOODBURY TEANECK	(609) 907-5018
MICHAEL HILLER	NVS, INC	23 VREELAND RD. FLORENCE, N.J.	(973) 822-2323
GARY SONDERMEYER	DEP	161 East St.	609-633-1123
ROB EDWARDS	NJ TRAVIT	ONE ROAD RASA EAST, NJ	973-491-7297
Elizabeth McLaughlin	PSYS	67 Mt Blvd Warren NJ	732-560-9700

~~XXXXXXXXXX~~

MEADOWLANDS STADIUM PUBLIC SCOPING HEARING

JULY 12, 2006

10:00a.m. - 12:00p.m.

NAME	AFFILIATION	ADDRESS	PHONE NUMBER
Michelle McGreal	Windels Max Lore & Mhendorf	382 Twn Lane S Wantedon, NY 11793	516-316-7010
David Charotte	ATBany Largan Engineering NPTS	201 RT 17 Albany Living Drive Ethwood Park	201-665-6427
Mary Plus VA	Gia- te - JMS Joint Vet	655 Stadium #1-Flors- NY NJ 10021	212-521-2243
Bruce Ann	NMS	80 W 57th St NY NY 10019	212-485-8031
Bob Robinson	NMS	655 Madison 7th Fl NY NY 10021	212-521-2243
Nancy Melkey	Vericert	258 Weeeland Rd Florence PK	800-227-8440
Bob Lampen	RTSEA	245 New York Ave New Brunswick	201-842-5227
John Brennan	THE RECORD	150 River St Hightstown NJ 08520	201-646-4222

MEADOWLANDS STADIUM PUBLIC SCOPING HEARING

JULY 12, 2006

10:00a.m. - 12:00p.m.

NAME	AFFILIATION	ADDRESS	PHONE NUMBER
Janet Frink	AP	50 Park Plaza Newark	609-203-7351
James Casella	Mayor E. Ruff	1 Evered Pk Blvd	201 933 3444
EDWARD E. SHEA	WINDLS MARK	156 WEST NEWARK ST NEWARK NJ 07102	212-237-1140
Andrea Connell	TRC Raymond Hayes	7 Skyline Dr. Hawthorne, NJ 07032	94 592-4040
GENE LITTLE	KS ENGINEERS	24 Commerce St. Newark NJ 07102	973-623-2999
TIM White	MUW Group	One Meadowlands Plaza, E. Rutherford NJ 07073	(201) 964-2412
TERENCE BOYLE	Booz Allen Hamilton	3 Gateway Plaza Newark NJ 07102	(973) 456-5009
Jim Rirkos	MRECC	201 Rt 17 N Rutherford	201-939-0707
Kelly McCormick	Langan Engineering	River Drive Center 1 Alwood Park, NJ 07401	201-794-6980

*

MEADOWLANDS STADIUM PUBLIC SCOPING HEARING

JULY 12, 2006

10:00a.m. - 12:00p.m.

<u>NAME</u>	<u>AFFILIATION</u>	<u>ADDRESS</u>	<u>PHONE NUMBER</u>
T. Schumate	Pack Cali	1100 Valley Street Lyndhurst	
Steve Luman	Sunco's Arnold	2 Lewis Drive Harrison	201 599-600
Frank MacLooney	Self	2 Schmitt Pl. Sec.	
Sam MAFFEI	"	SEC 4000	
Robert Schenk	Lincoln Equities	295 RULANIE TERR 301 Rt 17 N Paterson NJ	201-960-3440
Lisa Yu	NYI	75 9th Ave, 6th F NY NY 10011	212-379-3412
Chris Bucha	NY A	25 21st Ave 6th NY NY 10011	431-885-2269
JAMES RYAN	NJSEA	106 BROOKHURST DR MOERIS PLAINS, NJ 07050	973 267 8943
Steve Luman Wife Margaret	Volunteers	NY NJ	646-529-0703

MEADOWLANDS STADIUM PUBLIC SCOPING HEARING

JULY 12, 2006

10:00a.m. - 12:00p.m.

<u>NAME</u>	<u>AFFILIATION</u>	<u>ADDRESS</u>	<u>PHONE NUMBER</u>
<i>Tom Scardino</i>	<i>ASA</i>	<i>716 Third Ave Lynch</i>	<i>201-535-0411</i>
<i>Damien Newton</i>	<i>Tri-State Transport</i>	<i>350 W. 34th St NY NY</i>	<i>212 268-7474</i>

MEADOWLANDS STADIUM PUBLIC SCOPING HEARING

JULY 12, 2006

10:00a.m. - 12:00p.m.

<u>NAME</u>	<u>AFFILIATION</u>	<u>ADDRESS</u>	<u>PHONE NUMBER</u>
Sarah Krow	Langan Engineering	River Drive Center 1 Elmwood Park, NJ 07407	(201) 794-6900
BERNARD SPIGNER	NTSEA	MEADOWLANDS SPORTS COMPLEX	201-842 5022
Dennis Eburn	HMMC Town of Secaucus		

*

MEADOWLANDS STADIUM PUBLIC SCOPING HEARING

JULY 12, 2006

2:00 p.m. - 4:00 p.m.

<u>NAME</u>	<u>AFFILIATION</u>	<u>ADDRESS</u>	<u>PHONE NUMBER</u>
LISA KENNEY	NO TURNPIKE	PO Box 5042 WOODBRIDGE, NJ	732-750-5300 x8273
Nancy Nissen	NJS	655 Madison NY NJ 07002	201-212-5211 2243
Stonelywood	Leader Newspapers	251 Ridge Rd Lynchburg	201-438-8700
E. Macaeffe	PS&S	Wardens NJ	973 732 560 9700
JOHN BRENNAN	THE RECORD	150 RIVER ST. MANTONVILLE NJ 07601	201 646 4722

MEADOWLANDS STADIUM PUBLIC SCOPING HEARING

JULY 12, 2006

2:00 p.m. - 4:00 p.m.

NAME	AFFILIATION	ADDRESS	PHONE NUMBER
MIKE USUAL	Newark NJ	Edison, NJ 50 W 57th St NY, NY 10019	732 346-3270 212 485-8031
David Charlotte	Longen Engineering	River Drive Edmond Park NJ	201-665-6427
ROB EDWARDS	NJ TRANSIT	ONE Penn AREA-EAST, NJC	973-491-7297
SHANNON GALARY	NJ TURNPIKE AUTHORITY OFFICE OF STRATEGIC PLANNING	PO BOX 5042 WOODBRIDGE NJ 07095	732 750 5300
Mark Lennon	P S + S	67 Mt Blvd East Warwick NJ	732 560-9700
Andrea Connell	TRC Raymond Hayes	7 Skyline Dr. Hawthorne, NY 10532	914 592-4040
JERRY BANNER	PECOTIS ETAL	Sgt FRANK DUCK TEANJERK	201 907 5818
Elsie Palsi	Self	322 Grove St EIR 07073	201-933-0010

MEADOWLANDS STADIUM PUBLIC SCOPING HEARING

JULY 12, 2006

2:00 p.m. - 4:00 p.m.

NAME	AFFILIATION	ADDRESS	PHONE NUMBER
[Signature]	ath	201 17 N Paulsfield	
Steve [Signature]	W m m	"	201 863 4400
Dane McPlesca	W m m	"	"
Tim White	MWU Group	The Meadowlands Place E.R.	(201) 964-2412
JANE FONTANA	CARLSTADT	500 MADISON ST. CARLSTADT	201 531-7199

MEADOWLANDS STADIUM PUBLIC SCOPING HEARING

JULY 12, 2006

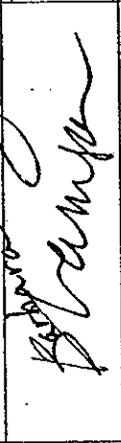
7:00p.m. - 9:00p.m.

<u>NAME</u>	<u>AFFILIATION</u>	<u>ADDRESS</u>	<u>PHONE NUMBER</u>
Helen Dohogne	Veritext	Florham Park, NJ	1-800-227-8440
Pam Genov	NMS	50 West 57th St. NY, NY 10019	212-485-8001
E. McLaughlin	PS+S	Warren NJ	732-560-9700
Max Musca	NMS	655 Madison Ave #7-1333 NY NJ 10022	212-521-2243
JOHN BOLAN	PS+S	WARREN, NJ	732-560-9700
Mark Lennon	PS+S	Warren, NJ	732-560-9700
David Charrette	Langston Engineering	Rivers Drive Elmwood Park, NJ	201-665-6427
JOHN BRIDGMAN	THE RECORD		
JOSH LOCKWOOD	HR+A	NY, NY	212-977-5597

MEADOWLANDS STADIUM PUBLIC SCOPING HEARING

JULY 12, 2006

7:00p.m. - 9:00p.m.

<u>NAME</u>	<u>AFFILIATION</u>	<u>ADDRESS</u>	<u>PHONE NUMBER</u>
	WMM	300 Lightway SEAFORD	2018634400
	107805		2018425227

*

MEADOWLANDS STADIUM PUBLIC SCOPING HEARING

JULY 12, 2006

7:00p.m. - 9:00p.m.

<u>NAME</u>	<u>AFFILIATION</u>	<u>ADDRESS</u>	<u>PHONE NUMBER</u>
CAROL J. SKIBA	Conciliation Board of Habs Hts	191 Field Ave Habs Hts NJ	201-288-7448
Rob Edwards	NJ Transit	DUE NEW PLAZA EAST NEWARK	973-491-7297

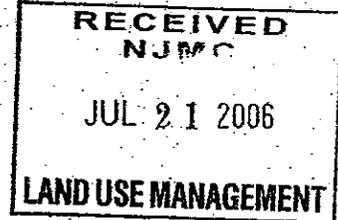
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1 NEW JERSEY MEADOWLANDS COMMISSION 1

2 IN THE MATTER OF :
3 HEARING OFFICERS PUBLIC :
4 SCOPING SESSION - :
5 ENVIRONMENTAL IMPACT :
6 STATEMENT OF NEW MEADOWLANDS :
7 STADIUM PROJECT FOR :
8 CONSULTATION PROCESS WITH :
9 NJDEP AND NJMC :
10 ----- :
11

COPY

TRANSCRIPT
OF
PROCEEDINGS



12 One DeKorte Park Plaza
13 Lyndhurst, New Jersey
14 Wednesday, July 12, 2006
15 10:00 a.m.

16 B E F O R E:

17 GARY SONDERMEYER, Director of Operations
18 of the New Jersey Department of
19 Environmental Protection

20 ROBERT R. CEBERIO, Executive Director
21 NJMC

22 CHRISTINE PIATAK, Deputy Attorney General
23 State of New Jersey, Department of
24 Law and Public Safety

25 Reported By:

MARY MC KAY, C.S.R.

REPORTING SERVICES ARRANGED THROUGH:
VERITEXT/NEW JERSEY REPORTING COMPANY
25B Vreeland Road, Suite 301
Florham Park, New Jersey 07932
Tel: (973) 410-4040 Fax: (973) 410-1313

1 ALSO PRESENT:

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BARBARA LAMPEN, Senior Vice President
of the New Jersey Sports Exposition
Authority

MARY MUSCA, Co-Project Executive for the
New Meadowlands Stadium Company

1 MR. SONDERMEYER: Good morning. You
2 want to take your seats, please? We'd like to get
3 started.

4 Good morning. We'd like to begin with
5 an opening statement that will go into the record
6 prior to actually taking public testimony.

7 I am Gary Sondermeyer, Director of
8 Operations of the New Jersey Department of
9 Environmental Protection. With me is Robert Ceberio,
10 Executive Director of the New Jersey Meadowlands
11 Commission. We'll be serving as the hearing officers
12 for the public hearing to be held today. And we
13 welcome all of you who have come to attend the
14 hearing. Also with us is Chris Piatek, who is a
15 Deputy General Attorney with the Department of Law
16 and Public Safety.

17 We're here this morning to receive
18 public comments on the scoping document dated May
19 2006 for the Preliminary Environmental Impact
20 Statement to be prepared by the New Jersey Sports and
21 Exposition Authority for the New Meadowlands Stadium
22 Project to construct a new stadium within the
23 Meadowlands Sports Complex in East Rutherford, New
24 Jersey. This hearing provides you with an
25 opportunity to comment on the scope of the PEIS.

1 Your comments will be considered during the
2 preparation of the PEIS. The scoping document has
3 been available since June 1st, 2006, on the websites
4 and at the offices of the Meadowlands Commission, the
5 New Jersey Department of Environmental Protection,
6 and the Sports Authority. It has also been available
7 at all public libraries in each of the Meadowlands
8 District municipalities.

9 We'll receive comments at three
10 sessions today. The first will be at 10 a.m., now.
11 It's about 10:10. The second will be at two p.m.
12 And the third will be this evening at seven p.m.

13 If anyone has not already done so,
14 please sign in at the registration desk. If you wish
15 to submit written or verbal comments, please indicate
16 that on the registration card.

17 Please turn off all cell phones and
18 pagers during these proceedings.

19 When you're called to present your
20 comments, please stand, give your name and the
21 spelling to the stenographer, who is recording the
22 hearing. Please also give the name of your
23 organization or any interests that you represent. If
24 you have written materials, please give copies to the
25 stenographer. And there is really -- if you're

1 submitting written comments, please summarize them.
2 There's no need to go through them verbatim. We'll
3 accept additional written comments on the scope of
4 the PEIS until the close of business on Friday,
5 August 11, 2006. They may be submitted in writing to
6 myself, Gary Sondermeyer, Director of Operations, New
7 Jersey Department of Environmental Protection, 401
8 East State Street, P. O. Box 402, Trenton, New
9 Jersey, 08625, or Robert Ceberio, Executive Director,
10 New Jersey Meadowlands Commission, One DeKorte Park
11 Plaza, Lyndhurst, New Jersey, 07071.

12 Today's hearing is part of a
13 consultation process set forth in the Sport
14 Authority's authorizing legislation. When the Sports
15 Authority proposes development projects at the
16 Meadowlands Sports Complex, the Authority consults
17 with the Meadowlands Commission on the location, type
18 and character of the project, and with the
19 Meadowlands Commission and the Department of
20 Environmental Protection on ecological factors
21 constituting the environment of the Hackensack
22 Meadowlands so that the delicate environmental
23 balance of the Hackensack Meadowlands may be
24 maintained and preserved. A description of the
25 consultation process is available at the registration

1 desk.

2 During today's proceeding, the hearing
3 officers will not respond to comments but will
4 receive them for review and further consideration. A
5 summary of the hearing, copies of the handouts and
6 copies of the materials submitted by the public will
7 be included in the PEIS, which is expected to be
8 available for public review on or about September
9 29th, 2006.

10 The consultation process will provide
11 further opportunities for the public to provide
12 comments. After the publication of the PEIS in
13 September 2006, there will be a 60-day period for
14 submission of written public comments on the PEIS
15 that will continue until the close of business on
16 December 4th, 2006. About halfway through the 60-day
17 comment period, a public hearing will be held at
18 which the public will have the opportunity to present
19 comments on the PEIS to the hearing officers
20 appointed by the Department and the Commission.

21 After the close of the comment period
22 on December 4th, 2006, the Sports Authority will
23 complete and publish the final EIS, which will
24 include written responses to the public comments on
25 the PEIS, and will submit it to the hearing officers

1 and to the Department and the Commission. The final
 2 EIS is expected to be published on or about December
 3 19th, 2006. The hearing officers will then review
 4 the final EIS and submit their report and
 5 recommendations to the Department and the Commission
 6 for review on or about February 1st, 2007. The final
 7 EIS and the hearing officers' report and
 8 recommendations will thereafter be available for
 9 public review at the offices and the websites of the
 10 Meadowlands Commission, the New Jersey Department of
 11 Environmental Protection, and the Sports Authority,
 12 and at local public libraries within the Meadowlands
 13 District.

14 In addition to the consultation
 15 process, the Authority plans to apply for several
 16 environmental permits and approvals from the NJ DEP,
 17 the United States Army Corps of Engineers -- I'm
 18 sorry. And the Army Corps of Engineers. The laws
 19 and regulations governing the review of some of those
 20 permit applications provide for public comments and
 21 for public hearing.

22 We have several handout materials
 23 available for you at the registration desk. The
 24 handouts include the scoping document itself and a
 25 copy of the public notice for today's proceedings,

1 which includes a description of the consultation
2 process, a time schedule for the consultation
3 process, a list of project information available for
4 public review, a description of the procedures by
5 which the PEIS will be made available for public
6 review, and instructions for submission of written
7 materials to the hearing officers.

8 At this time we'd like to begin the
9 proceedings with a brief overview of the project.
10 And I'd like to recognize Barbara Lampen, who's the
11 Senior Vice President for Strategic Planning and
12 Development for the Sports and Exhibition Authority.
13 And when Barbara has completed her statement, she'll
14 recognize a couple of other folks who will give some
15 additional supplemental attachment information.

16 MS. LAMPEN: Good morning. I'm Barbara
17 Lampen, Senior Vice President for Strategic Planning
18 and Development, with the New Jersey Sports and
19 Exhibition Authority, the NJSEA.

20 The NJSEA is the sponsor of a project
21 proposed for construction at the Meadowlands Sports
22 Complex in East Rutherford, New Jersey. The project
23 will provide a modern replacement for the existing
24 30-year-old Giants Stadium and will include
25 additional amenities and facilities consistent with a

1 modern stadium. The New Meadowlands Stadium Company,
2 a joint venture of the Giants Stadium LLC and Jets
3 Development LLC, will implement the proposed project
4 under the authority of the NJSEA.

5 A scoping document, as indicated, has
6 been provided to support completion of the
7 environmental impact statement. And it's available
8 on-line and in area libraries and in document
9 repositories. Some additional copies are available
10 today at this hearing.

11 Today the NJSEA will receive public
12 comments on the scope of the study for our proposed
13 environmental impact statement. Representatives of
14 the New Meadowlands Stadium Company and the NJSEA's
15 consultants will now present brief remarks in support
16 of -- regarding a description of the project and the
17 proposed scope of the study of the EIS.

18 At this time I'd like to call upon Mary
19 Musca, co-project executive for the proposed project,
20 to present an overview of the replacement stadium and
21 its associated facilities. Following Ms. Musca,
22 Elizabeth McLoughlin of the firm Paulus, Sokolowski
23 and Sartor, the NJSEA's consultants, will present an
24 overview of the project, scope and study, including a
25 draft table of contents. Thank you.

1 MS. MUSCA: Good morning. I'm Mary
2 Musca. I'm one of the two co-project executives of
3 the New Meadowlands Stadium Company. I represent the
4 Giants. Bill Senn is my colleague, Co-Project
5 Executive of the New Meadowlands Stadium Company, and
6 he comes from the Jets world.

7 We're delighted to be here today and we
8 welcome the public's participation and comment. We
9 look forward to hearing your views throughout the day
10 today.

11 I'm going to ask my colleague here to
12 work with me and work through some of these slides so
13 I can walk you through some of the key elements that
14 you find in the scoping document, which is again
15 dated May 1st.

16 First the project location. The New
17 Meadowlands Stadium project will be constructed on
18 the west side of the Meadowlands Sports Complex
19 located in East Rutherford, New Jersey. The
20 Meadowlands Sports Complex is one of the largest
21 sports and entertainment venues in the entire
22 country. It consists of Giants Stadium, the
23 Meadowlands Racetrack, the Continental Airlines
24 Arena, and ancillary buildings. The design of the
25 New Meadowlands Stadium project is being coordinated

1 with other currently operating and planned projects
2 within and near the Meadowlands Sports Complex.

3 I'm going to ask you please to turn.
4 Thank you.

5 The stadium project has five
6 components. They are, the New Meadowlands Stadium,
7 which again is a replacement of the existing stadium.
8 Ancillary development. The Giants training facility.
9 Parking and tailgating areas. And site circulation.

10 I'm going to point this out for you on
11 the map. The new Giants Stadium -- I'm sorry. The
12 New Meadowlands Stadium, which is the replacement of
13 the existing Giants Stadium. Ancillary development
14 to the south. The Giants training facility. New
15 site circulation patterns, which include roadways.
16 And walking zones.

17 May I ask to flip to the next slide?
18 Thank you.

19 As shown in this figure, the new
20 stadium and ancillary development components of the
21 stadium project will occupy approximately 55 acres of
22 the west side of the new -- of the Meadowlands Sports
23 Complex between the existing Giants Stadium and Route
24 120.

25 Again, let me show you on the map.

1 This is existing Giants Stadium. The proposed new
2 stadium location is to the north and east. Again, on
3 the west side of the Meadowlands Sports Complex.

4 The new Giants training facility will
5 be constructed on approximately 20 acres in the
6 southwest corner of the Meadowlands Sports Complex in
7 existing parking lots. These are parking lots over
8 to the west. They're known as parking lots 13 and
9 17. And that's the 20-acre parcel that will be the
10 Giants training facility.

11 Other project-related improvements
12 include revised parking areas, modified internal
13 roadway networks, and tailgating zones. These will
14 occur in the western lots to the west of the new
15 location for the stadium. Certain utility
16 improvements to service the new stadium project will
17 require connections to existing infrastructure on
18 Paterson Plank Road and Route 120.

19 If you could flip for me.

20 I'll walk you through each one of the
21 project components. The New Meadowlands Stadium.
22 Again, a replacement for the existing Giants Stadium.
23 Approximately 84,000 seats. The building footprint
24 is approximately 630,000 square feet. 2.125 million
25 square foot of gross building area. 285,000 square

1 feet of gross leasable area. And within that
2 building, within the New Meadowlands Stadium, a
3 Football Hall of Fame is contemplated. Football
4 theme dining experiences. Team offices. And outdoor
5 plazas, which are at grade and surround the new
6 stadium.

7 If we can go to the next slide, please.

8 A second project component that we're
9 talking about today is the ancillary development.
10 The ancillary development, as I indicated on the map
11 earlier, is just south of the new stadium site. Its
12 uses will be compatible with the development and
13 operation of the new stadium. And the ancillary
14 development will include uses that are compatible
15 with the development and operation of the stadium.
16 And may include, following on the slide with me,
17 broadcast facilities, sponsored areas, sports
18 medicine, health and fitness facilities, retail
19 stores, and restaurants.

20 The ancillary development is
21 contemplated at 617,000 square feet of gross building
22 area. 520,000 square feet of gross leasable area.
23 The ancillary development piece is the last stage of
24 development. It's dependent on market demand and
25 will occur after the demolition of the existing

1 Giants Stadium.

2 Slide, please. Thanks. We're starting
3 to get the hang of this.

4 Giants training facility. The next
5 component of our project. This replaces the existing
6 Giants training facility and offices that are housed
7 inside the existing Giants Stadium and off to the
8 outside parking areas. The proposed Giants
9 Stadium -- the proposed Giants training facility
10 piece is 400,000 square feet of gross building area,
11 of which 360,000 square feet is gross leasable area,
12 plus nonleasable space. It will consist of the
13 following elements: One full-sized indoor football
14 field. Up to four full-sized outdoor practice
15 fields. A training center area with corporate
16 offices. And adjacent at-grade parking.

17 The fourth component I'd like to talk
18 to you about this morning of our project, all again
19 summarized in the scoping document, has to do with
20 parking and tailgating zones. The parking and -- the
21 parking zones to the west of the stadium will be
22 reconfigured to radiate around the new stadium and
23 the ancillary development. We anticipate new
24 curbing, sidewalks, lighting, landscaping, as all
25 part of the upgrades of the existing parking areas.

1 In addition, we include in these zones new tailgating
2 areas, which could consist of up to 5,000 square feet
3 of gross building area for each zone. And those
4 zones would have restroom facilities, food and
5 beverage operations and game day events related to
6 merchandising.

7 Next, please.

8 And finally site circulation. Internal
9 road circulation improvements will be implemented,
10 including the introduction of both the new inner and
11 middle loop road system, construction of a new west
12 peripheral road to provide easy access to parking
13 areas and new toll plazas. Existing pedestrian and
14 vehicular intersections with the east site may be
15 replaced and could be upgraded. The north access
16 road will be slightly re-aligned and the plaza B toll
17 booths replaced with a smaller plaza north of the
18 racetrack canopy.

19 Can we go to the next slide so I can
20 show you where those things are?

21 The new inner loop road, the new loop
22 roads I'm pointing to now. The new west peripheral.
23 Reconfigured north access in that area by the
24 racetrack and Plaza B.

25 Lastly, I'd like to talk to you about

1 the fact that the new stadium project will provide
2 at-grade plaza pedestrian ways around the new stadium
3 that will be adjacent to the New Jersey rail station
4 and New Jersey Transit platform. Let me show you
5 where that is. Here's the new rail station. Here's
6 our stadium. And then at-grade plazas surrounding
7 the building.

8 With that, I'd like to turn to my
9 colleague and friend, Liz McLoughlin, who will
10 present the last piece of our formal presentation.
11 Again we welcome and anticipate your comments today.
12 Thanks.

13 MS. MC LOUGHLIN: Thank you, Mary. And
14 good morning. My name is Elizabeth McLoughlin. I'm
15 vice president of the firm of Paulus, Sokolowski and
16 Sartor, or PS&S. PS&S serves as the consultant to
17 the New Jersey Sports and Exhibition Authority. We
18 are working closely with Langan Engineering and NM
19 Stadco, environmental consultants on this project.

20 The purpose and need for the stadium
21 project is to continue the redevelopment of the
22 Meadowlands Sports Complex by redeveloping the west
23 site to provide a replacement stadium, practice
24 facilities and ancillary development. This stadium
25 project seeks to create the premiere football fan.

1 experience on game day and enhance the Meadowlands
2 Sports Complex as a year-round destination.

3 The NJSEA's enabling legislation
4 requires that it consults with the Meadowlands
5 Commission before making any determination as to the
6 location, type and character of a project. The
7 location, type and character consultation with the
8 Meadowlands Commission is being conducted
9 concurrently with the ecological factor consultation
10 with the Meadowlands Commission and the New Jersey
11 Department of Environmental Protection.

12 The project study area is currently
13 developed with existing Giants Stadium, expansive
14 paved parking areas, roadways and grassed medians.
15 The construction of the stadium and the other
16 proposed project components on this developed site as
17 well as the use of existing infrastructure will avoid
18 many potential environmental impacts. To identify
19 and evaluate potential impacts, a series of
20 environmental studies and analyses will be performed
21 as part of the preparation of the EIS for the
22 consultation project. Impacts from construction and
23 the various project components will be evaluated.
24 These resources will be analyzed and are listed on
25 the slide. I'll go over them briefly.

1 Land form. Geology and soils.
2 Wetlands. Tide lands. Vegetation. Wildlife.
3 Cultural, historic and archeological resources.
4 Parks and recreational facilities. Water resources.
5 Flood plains. Resource contamination. Utilities and
6 infrastructure. Traffic and transportation. Air
7 quality. Noise. Socioeconomic conditions. Land
8 use. Visual and landscape aesthetics. Indirect and
9 cumulative impacts.

10 This concludes the NJSEA's
11 presentation. Again, the NJSEA welcomes your
12 comments to the hearing officers. Thank you.

13 MR. SONDERMEYER: First, thank you to
14 Barbara, Mary and Liz for the project overview.

15 At this time I'd like to open the
16 record to public testimony. And at this time I have
17 three folks who have signed up to speak. And I'll
18 just give the names so you know when you're going to
19 be coming up. Dennis Elwell, representing the Town
20 of Secaucus, and HMMC. James Kirkos from Meadowlands
21 Regional Chamber of Commerce. And Damien Newton from
22 the Tri-State Transportation organization.

23 Dennis, if you're here, please come up
24 and say your name slowly and spell it for the
25 stenographer and give your testimony.

1 MAYOR. ELWELL: Dennis Elwell.
2 E-L-W-E-L-L. Town of Secaucus. I also represent the
3 Meadowlands Mayors Municipal Committee. I realize
4 you do not answer questions here today, but certainly
5 in going through your document, your scoping
6 document, at Monday night's mayors' committee
7 meeting, there are some questions that most mayors
8 felt -- in fact every mayor felt that needed to be
9 answered. And while we do not expect you to answer
10 these questions and we understand you do not answer
11 them now, we would certainly hope that as this
12 process continues that these questions will not only
13 be answered but addressed. And most of it deals
14 with, obviously, traffic in this area.

15 And I'd just like to step back to the
16 very first meetings that I had attended when this
17 entire process for the sports complex rejuvenation
18 started. And that may go back into the 1998, 1997
19 area when the Port Authority was actually looking at
20 this entire region. And if you live here and if you
21 have to deal with the sports complex like I do and
22 the other mayors, you know, traffic, traffic is
23 certainly an issue.

24 I understand that when you expand a
25 football stadium, you're expanding it, there will be

1 more seats, there may be some more traffic. But I
2 think what's more important here right now is the
3 fact that not only are we expanding a football
4 stadium, but there is the Xanadu project going on
5 alongside it. I know that some improvements were put
6 in. But I'm also aware of the new bill that was put
7 together by Senator Paul Sarlo that would require
8 developers and development to aid with roadway
9 improvements. We can no longer depend on the State
10 of New Jersey to come up with the money that is
11 necessary. The dollars are enormous. Currently our
12 source of funding for highway improvements is --
13 while it's there, it's not what it should be in my
14 opinion. So the questions that we have here today
15 are geared toward that aspect of this project.

16 So starting out with, the one question
17 we've all had was, has this study looked at the
18 regional impact of traffic? Does the New Jersey DOT
19 access study look at regional traffic? Because I
20 know there were two studies done. Also, have you
21 looked at any roads beyond Route 120 and Paterson
22 Plank Road? Because certainly the effects of these
23 projects affect way beyond Route 120 and Paterson
24 Plank Road. And I will point out that in other
25 hearings there was always conversation about

1 expanding the width of Route 17 from the Bendix Diner
2 to Route 4. But yet it's my understanding now
3 through all that's been done that, well, we're not
4 going to do that.

5 Through this project, are there any
6 roadway improvements planned outside of the sports
7 complex? Was the stadium and retail traffic included
8 when the study for Xanadu was done? Are any of the
9 teams involved going to contribute to the \$71 million
10 in regional roadway proposed by Xanadu?

11 The next question deals with the rail.
12 And certainly we support the rail. There's no
13 question about that. Will the teams contribute to
14 the \$150 million cost of the rail line? And, more
15 importantly, what is the maximum number of people who
16 can use the train and how many people does the study
17 say will use the train?

18 Again, I thank you for your
19 consideration and we would hope and wait eagerly for
20 an answer to these questions. Thank you very much.

21 MR. SONDERMEYER: Thank you, Mayor, for
22 your helpful comments to the process. Bob? Mayor?

23 MR. CEBERIO: My questions or just some
24 clarifications for the consulting team that I think
25 will be important in the scope of the EIS. I think

1 one of the issues that we will be looking at and that
2 you have to take a look at is the parking management
3 plan during construction as a result of loss of
4 parking spaces, as a result of a new stadium going
5 up, and a training facility going up.

6 The next issue that I have and maybe a
7 clarification is, I have read in recent articles
8 about the number of seats may be going up. And what
9 is that number? Is it beyond the 84,000 or is 84,000
10 the number? Again, I'm just referring to recent
11 articles about the potential of adding additional
12 boxes.

13 In terms of the Giants training
14 facility, do we have the impact in terms of office
15 square footage on the site? And I think the
16 ancillary uses, I'm assuming, will also be included
17 in the EIS, even though they are outdates beyond the
18 completion of the stadium and warranted based on
19 economic conditions. The issue here being looking at
20 the worse case scenario of having the retail built,
21 the stadium built, and the impacts together so that
22 we can look at that in the future.

23 The other issue that I would have an
24 interest in is the soils from the historical fill and
25 how is that going to be disposed of? And lastly the

1 issue that I'd like you to take a look at is the --
2 on the socioeconomic, that if there is a pilot
3 payment made to East Rutherford, that it be placed
4 within the content of the tax sharing formula.
5 Because we will have that question from others who
6 have an interest in the tax sharing formula, and the
7 Meadowlands Commission can in fact help you with our
8 computer model.

9 That's all I have.

10 MR. SONDERMEYER: Thank you, Bob. I'd
11 next like to call Jim Kirkos from MRCC followed by
12 Danny Newton.

13 MR. KIRKOS: Good morning. Jim Kirkos,
14 Chief Executive Officer of the Meadowlands Regional
15 Chamber of Commerce and the Meadowlands Liberty
16 Convention Visitors Bureau.

17 First I want to say I didn't think we'd
18 ever get to this day when we would see these plans
19 presented to us. Both the Jets and the Giants as
20 teams individually have been longstanding members of
21 our organization. And, for the record, we represent
22 700 businesses in the greater -- what I call the
23 greater Meadowlands region. Our organization is
24 growing about 20 percent a year because of, quite
25 frankly, the dynamics that take part in this region.

1 Obviously we're supporters of our new complex and all
2 that Barbara Lampen and the Sports Authority has
3 done, and we certainly want to continue to be
4 supporters.

5 I do have a responsibility to
6 businesses throughout the region. And my comments
7 here today are designed to make sure that the impacts
8 of this project and all projects at the sports
9 complex take into effect of the entire community and
10 the greater Meadowlands region. The pieces and
11 components we see laid out are very exciting and we
12 want to be completely supportive.

13 I don't want to reiterate Mayor
14 Elwell's comments about transportation
15 infrastructure. Our organization has spent 30 years
16 being very concerned about how this region can
17 maximize its potential and maximize the opportunity
18 in becoming a world class, full-year destination. So
19 much so that we've created a Convention and Visitors
20 Bureau to just do that and support everything that
21 goes on here.

22 The sports complex and all that is
23 being transformed is now the epicenter of what can be
24 a tremendous economic development. And balance. But
25 we need to make sure it affects and helps the

1 communities as well. And I look forward to working
2 with Mary and her team at Stadco and also the
3 Commission at achieving that balance and moving the
4 project forward. Thank you.

5 MR. SONDERMEYER: Thank you, John.

6 I'd next like to call Damien Newton
7 from the Tri-State Transportation organization.

8 MR. NEWTON: Good morning. Thanks for
9 the opportunity to testify today. I'm Damien Newton,
10 New Jersey Coordinator for the Tri-State
11 Transportation Campaign.

12 I have written comments of my testimony
13 to say who we are. I'll spare you a couple of
14 paragraphs. But I'm a resident of East Rutherford,
15 so of all the projects going on around the state,
16 this is the one closest to my heart.

17 Earlier this week the New Jersey
18 Meadowlands Commission announced an ambitious plan to
19 bring -- earlier this week, the New Jersey
20 Meadowlands Commission announced an ambitious plan to
21 bring the Meadowlands District in compliance with the
22 Kyoto protocol. This will require a reduction in
23 greenhouse gas emissions in the district to seven
24 percent below the 1990 levels by 2012. The
25 Commission also released initial results of a

1 three-year air quality study of the Meadowlands,
2 which show, to no one's surprise, that pollution from
3 traffic has the greatest impact on the district's air
4 quality.

5 The Campaign commends the Meadowlands
6 Commission for its commitment to improve the air
7 quality, especially at a time where we're being
8 inundated with auto-dependent development in the form
9 of the Xanadu complex and other ones in the south
10 Bergen area. Also it should be noted that the Xanadu
11 complex has more than 25,000 parking spaces planned.
12 We ask the Commission to insist on a transportation
13 plan that is consistent with the principles of its
14 own Meadowlands Mobility 2030 plan, which calls for
15 an integrated transit and multi-modal transportation
16 system.

17 We read all that stuff you put on the
18 website.

19 You will note during the following
20 testimony that there are repeated references to the
21 hearing process for the Xanadu development. The
22 transportation planning for Xanadu was what we would
23 consider poor and received criticism at every step
24 and is a major cause of the pending lawsuit by the
25 Sierra Club, New Jersey Environmental Federation, and

1 New Jersey Public Interest Research Group.

2 Transportation planning for the
3 proposed West Side Stadium in Manhattan, not the
4 "West Site Stadium" but "West Side Stadium," was
5 similarly flawed and led to a lawsuit from the
6 Campaign that was only dismissed after the stadium
7 plan was dismissed itself. We would prefer working
8 with the Jets, Giants, Sports Authority and
9 Meadowlands Commission to see this stadium project
10 and transportation component be completed in a way
11 that benefits all of New Jersey and especially the
12 residents of the Meadowlands area. We're not fans of
13 having to go to court and I don't think the
14 Meadowlands is. I don't think most people are.

15 First and foremost, the stadium cannot
16 be considered in isolation. Despite the scoping
17 document's assertion that the stadium is an
18 independent project and its permitting and
19 construction will be separate and distinct from other
20 ongoing developments in the area, the cumulative
21 traffic impact of the two developments will be -- of
22 all the developments will be enormous. An adequate
23 traffic study for the Xanadu development we don't
24 think has been completed, and the Campaign fears that
25 the stadium project could further congest local

1 roadways.

2 The Xanadu development calls for the
3 creation of retail space, an indoor ski slope, and a
4 modern league ballpark. The scoping document for the
5 new stadium mentions that it will be a year-round
6 attraction for major musical acts. To do an accurate
7 transportation study, we need to understand what
8 congestion would be caused by a weeknight Bruce
9 Springsteen concert that begins at eight, a minor
10 league baseball game that begins at 7:30 -- the last
11 I checked the minor league baseball stadium is still
12 being constructed. Or planned to be constructed --
13 coinciding with the normal operating hours for
14 Xanadu's retail attractions and office space,
15 combined with what is already a congested area on
16 Route 3, 17 and 120.

17 According to the stadium scoping
18 document, a traffic impact study will be prepared for
19 the stadium project in accordance with the current NJ
20 DOT regulations and criteria, which the scoping
21 document identifies as the New Jersey State Highway
22 Access Management Code. If the standard requirements
23 for a developer's traffic study for the PEIS and for
24 the state transportation department's highway access
25 permit were coterminous, that would suffice.

1 However, the requirements are not coterminous. This
2 is a flaw of the Xanadu traffic study, and we do not
3 want to see it repeated here. Using this standard,
4 that of the New Jersey Highway Access Management
5 Code, will result in a study that is insufficient to
6 render a decision by the Meadowlands Commission or
7 anyone else about whether the proposed capital
8 improvements in any way satisfactorily to negate the
9 traffic impacts of the project.

10 The Campaign was happy to read in the
11 initial press reports that the number of parking
12 spaces would be reduced. However, there are no
13 measures in place to prevent fans from parking in
14 Xanadu's parking lots. During the hearing process
15 for the Xanadu, the Campaign and other organizations
16 repeatedly asked for a detailed parking management
17 plan that we haven't seen submitted yet. If it has
18 been submitted, I'll happily look it up.

19 We are again concerned that history
20 might be repeating itself in the form of a new
21 stealth parking plan for a major development in the
22 Meadowlands. The scoping document for the new
23 stadium doesn't refer to the number of parking
24 spaces, but the number of square feet that will be
25 used for parking lots. The PEIS for the stadium must

1 be clear about the number of parking spaces and not
2 just address parking in terms of square feet. I'd be
3 willing to bet most people in the room and anywhere
4 aren't aware of how many square feet exists for a
5 parking space.

6 Although construction of a rail line
7 that will connect the Sports Complex with NJ
8 Transit's Pascack Valley line is underway, thanks to
9 a \$150 million grant from the Port Authority, one
10 project does not make a full transit plan. According
11 to news reports, only about 8,000 or 10,000 fans per
12 game, presumably based on NJ ridership numbers that
13 haven't been made available to the public, are
14 expected to use the line per game. But tens of
15 thousands more fans can be brought to the game
16 through other means that have never been studied for
17 the complex, at least not recently.

18 A comprehensive transit plan is needed
19 to minimize auto trips. Unhappy with the
20 transportation plan proposed for Xanadu, the Borough
21 of Wallington, the Township of Lyndhurst, the Borough
22 of Carlstadt, the Township of Secaucus, the Hudson
23 County Board of Freeholders and the Borough of East
24 Rutherford all passed resolutions calling for a full
25 and complete transportation plan that examines all of

1 the regional impacts and opportunities offered by new
2 developments in the sports complex. This includes
3 bus and bus rapid transit plans and studies as well
4 as the Pascack Valley line extension, light rail and
5 road improvements.

6 The Giants and Jets as well as Xanadu's
7 developers, Mills and Mack Cali, should allocate a
8 percentage of their profits for mass transit
9 operating costs to the sites and help the Port
10 Authority to pay for Lincoln Tunnel express bus lane
11 expansion. Funding for these projects should not
12 come from the New Jersey taxpayer. If casinos can
13 foot the bill for transit improvements that will
14 ultimately make them money, we believe the New Jersey
15 premiere sports franchise and largest retail centers
16 can do so as well.

17 Lastly, to end on a positive note, we
18 applaud the stated commitment to changing the parking
19 areas from a sea of formless asphalt to a more
20 attractive, pedestrian-friendly site plan and a
21 permanent bus facility to service the complex. Buses
22 and smaller shuttles will be needed as part of the
23 permanent mix of transit access modes.

24 Thank you for the opportunity to
25 testify today. I'm always available for questions

1 and comments and will be submitting more detailed
2 written comments before the deadline.

3 MR. SONDERMEYER: Thank you, Damien.

4 At this time I don't have anyone else
5 who is registered to provide testimony. Is there
6 anyone who would like to.

7 Seeing no one at this point in time,
8 I'd like to temporarily close the record. We will
9 reopen the record if anyone does show up to give
10 testimony this morning. Again, we will have
11 subsequent sessions this afternoon and this evening.
12 Thank you.

13 (A recess is taken from 10:50 to 12:05
14 p.m.)

15 MR. SONDERMEYER: It's approximately
16 12:05. I'd like to simply go back on the record to
17 indicate that no one else has come forward for the
18 balance of the morning to offer testimony. We're
19 going to close the record at this point in time until
20 two p.m., when we will resume for our afternoon
21 session. Thank you.

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23 (The proceeding is concluded at 12:05 p.m.)

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I, MARY MC KAY, License Number
XIO1302, a Certified Shorthand Reporter
and a notary Public of the State of New
Jersey, certify that the foregoing is a
true and accurate transcript of the
proceedings.

Mary McKay

A Notary Public of the State of New Jersey

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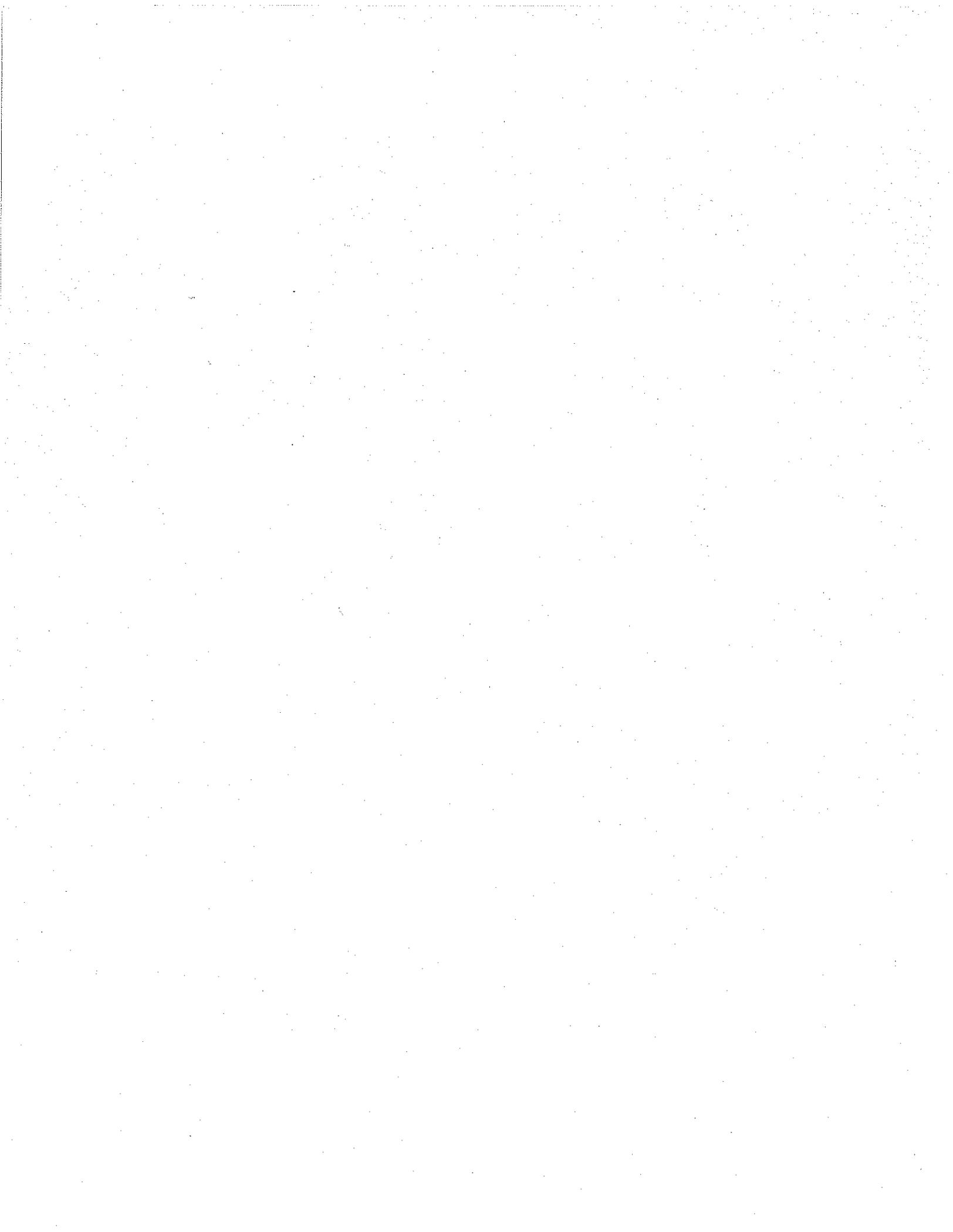
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NEW JERSEY MEADOWLANDS COMMISSION

COPY

IN THE MATTER OF :
HEARING OFFICERS PUBLIC :
SCOPING SESSION - :
ENVIRONMENTAL IMPACT :
STATEMENT OF NEW MEADOWLANDS :
STADIUM PROJECT FOR :
CONSULTATION PROCESS WITH :
NJDEP AND NJMC :

TRANSCRIPT
OF
PROCEEDINGS

RECEIVED
NJMC
JUL 27 2006
LAND USE MANAGEMENT

One DeKorte Park Plaza
Lyndhurst, New Jersey
Wednesday, July 12, 2006
2:00 p.m.

B E F O R E:

GARY SONDERMEYER, Director of Operations
of the New Jersey Department of
Environmental Protection

ROBERT R. CEBERIO, Executive Director
NJMC

CHRISTINE PIATAK, Deputy Attorney General
State of New Jersey, Department of
Law and Public Safety

Reported By:

MARY MC KAY, C.S.R.

REPORTING SERVICES ARRANGED THROUGH:
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ALSO PRESENT:

BARBARA LAMPEN, Senior Vice President
of the New Jersey Sports Exposition
Authority

MARY MUSCA, Co-Project Executive for the
New Meadowlands Stadium Company

1 MR. SONDERMEYER: Good afternoon. My
2 name is Gary Sondermeyer, Director of Operations with
3 the New Jersey Department of Environmental
4 Protection. With me is Robert Ceberio, Executive
5 Director of the New Jersey Meadowlands Commission.
6 We're the hearing officers for the public hearing to
7 be held today, and we welcome all you who are here
8 this afternoon. Also with us is Chris Piatek, Deputy
9 Attorney General, with our Department of Law and
10 Public Safety.

11 We're here this afternoon to receive
12 public comments on the scoping document dated May
13 2006 for the Preliminary Environmental Impact
14 Statement to be prepared by the New Jersey Sports and
15 Exposition Authority for the New Meadowlands Stadium
16 Project to construct a new stadium within the
17 Meadowlands Sports Complex in East Rutherford, New
18 Jersey. The hearing provides you with an opportunity
19 to comment on the scope of the PEIS. Your comments
20 will be considered during the preparation. The
21 scoping document has been available since June 1st,
22 2006, on the websites and at the offices of the
23 Meadowlands Commission, the New Jersey Department of
24 Environmental Protection, and the Sports Authority.
25 It has also been available at all the public

1 libraries in each of the Meadowlands District
2 municipalities.

3 We will receive comments at three
4 sessions today. The first took place between 10 a.m.
5 and 12 noon this morning. The second will be now,
6 2:00 p.m. And the third will be 7:00 this evening.

7 If anyone has not already done so,
8 please sign in at the registration desk. If you wish
9 to submit written or verbal comments, please indicate
10 that on the registration card or on the form at the
11 registration desk.

12 Please turn off all cell phones and
13 pagers during these proceedings.

14 When you are called to present your
15 comments, please stand and give your name and the
16 spelling to the stenographer who's recording the
17 hearing. Please also give the name of your
18 organization or any interest that you represent. If
19 you have written materials, please give copies to the
20 stenographer. If you are submitting written
21 comments, please just summarize them. Do not read
22 them at length. We'll accept additional written
23 comments on the scope of the PEIS until the close of
24 business on Friday, August 11, 2006. And they may be
25 submitted in writing to myself, Gary Sondermeyer,

1 Director of Operations, New Jersey Department of
2 Environmental Protection, 401 East State Street, P.
3 O. Box 402, Trenton, New Jersey, 08625, or Robert
4 Ceberio, Executive Director, New Jersey Meadowlands
5 Commission, One DeKorte Park Plaza, Lyndhurst, New
6 Jersey, 07071.

7 Today's hearing is part of a
8 consultation process set forth in the Sports
9 Authority's authorizing legislation. When the Sports
10 Authority proposes development projects at the
11 Meadowlands Sports Complex, the Authority consults
12 with the Meadowlands Commission on the location, type
13 and character of the project, and with the
14 Meadowlands Commission and the Department of
15 Environmental Protection on ecological factors
16 constituting the environment of the Hackensack
17 Meadowlands so the delicate environmental balance of
18 the Hackensack Meadowlands may be maintained and
19 preserved. A description of the consultation process
20 is available at the registration desk.

21 During today's proceedings, the hearing
22 officers will not respond to comments. We will
23 receive them for review and consideration. A summary
24 of the hearing, copies of the handouts and copies of
25 the materials submitted by the public will be

1 included in the PEIS, which is expected to be
2 available for public review on or about September
3 29th, 2006.

4 The consultation process will provide
5 further opportunities for the public to provide
6 comments. After the publication of the PEIS in
7 September 2006, there will be a 60-day period for
8 submission of written public comments on the PEIS
9 that will continue until the close of business on
10 December 4th, 2006. About halfway through the 60-day
11 comment period, a public hearing will be held at
12 which the public will have the opportunity to present
13 comments on the PEIS to hearing officers appointed by
14 the Department and the Commission.

15 After the close of the comment period
16 on December 4, 2006, the Sports Authority will
17 complete and publish the final EIS, which will
18 include written responses on the public comments on
19 the PEIS, and will submit it to the hearing officers,
20 to the Department and to the Commission. The final
21 EIS is expected to be published on December 19th,
22 2006. The hearing officers will then review the
23 final EIS and submit the report and recommendations
24 to the Department and the Commission for review on or
25 about February 1st, 2007.

1 A final EIS and the hearing officers'
 2 report and recommendations will thereafter be
 3 available for public review at the offices and on the
 4 websites of the Meadowlands Commission and Department
 5 of Environmental Protection as well as the Sports
 6 Authority and at local public libraries within the
 7 Meadowlands District.

8 In addition to the consultation
 9 process, the Authority plans to apply for several
 10 environmental permits and approvals from the NJ DEP
 11 and the United States Army Corps of Engineers. The
 12 laws and regulations governing the review of some of
 13 those permit applications provide for public comments
 14 and for public hearing. A list of the environmental
 15 permits and approvals is one of the handouts
 16 available at the registration desk.

17 We have several handout materials
 18 available to you at the registration desk, as noted.
 19 The handouts include the scoping document itself, a
 20 copy of the public notice for today's proceedings,
 21 which includes within it a description of the
 22 consultation process, a time schedule for the
 23 consultation process, a list of project information
 24 available for public review, a description of the
 25 procedures by which the PEIS will be made available

1 for public review, and instructions for submission of
2 written materials to the hearing officers.

3 At this time, as we did this morning in
4 the proceedings, we're going to have a brief overview
5 presentation of the project itself. And I'd like to
6 introduce at this time Barbara Lampen, who's the
7 Senior Vice President for Strategic Planning and
8 Development with the New Jersey Sports and Exposition
9 Authority. Barbara?

10 MS. LAMPEN: Good afternoon. Barbara
11 Lampen, Senior Vice President for Strategic Planning
12 and Development for the New Jersey Sports Authority,
13 NJSEA. The NJSEA is the sponsor of a project
14 proposed for construction at the Meadowlands Sports
15 Complex in East Rutherford, New Jersey. This project
16 will provide a modern replacement for the existing
17 30-year-old Giants Stadium and will also include
18 additional amenities and facilities consistent with
19 modern stadiums.

20 The New Jersey Meadowlands Stadium
21 Company, a joint venture of Giants Stadium LLC and
22 Jets Development LLC, will implement the proposed
23 project under the authority of the NJSEA.

24 A scoping document, as indicated, to
25 support completion of the required environmental

1 impact statement has been prepared and is available
2 on-line and at area libraries and document
3 repositories. Some additional hard copies of that
4 scoping document are available here today.

5 Today the NJSEA will receive comments
6 on the scope of the study for our environmental
7 impact statement.

8 Representatives of the New Meadowlands
9 Stadium Company and the NJSEA's consultants will now
10 present brief remarks regarding the description of
11 the project and the proposed scope of study for EIS.

12 At this time I would like to call upon
13 Mary Musca, the Co-Project Executive for the New
14 Meadowlands Stadium Company, to present an overview
15 of the replacement stadium and its associated
16 facilities. Following Ms. Musca, Elizabeth
17 McLoughlin of the firm Paulus, Sokolowski and Sartor,
18 the NJSEA's consultant, will present an overview of
19 the scope of the study, including a draft table of
20 contents.

21 MS. MUSCA: Thanks, Barbara. I'm Mary
22 Musca, one of the two co-project executives of the
23 New Meadowlands Stadium Company. Also with us today
24 is my colleague, Bill Senn, the other Co-Project
25 Executive of the New Meadowlands Stadium Company.

1 We are delighted to be here today. We
2 welcome the public's participation and look forward
3 to your comments. And we look forward to working
4 with you and with all the others who will participate
5 in today's hearing to hear their views and to work
6 together as we move forward on this great project.

7 I'd like to start by providing you with
8 a look at the stadium location. Thanks.

9 The New Meadowlands Stadium Project
10 will be constructed on the west site of the
11 Meadowlands Sports Complex located in East
12 Rutherford, New Jersey. The Meadowlands Sports
13 Complex is one of the largest sports and
14 entertainment venues in the entire country. It
15 consists of Giants Stadium, the Meadowlands
16 Racetrack, the Continental Airlines Arena, and
17 ancillary buildings, parking areas and pedestrian
18 walkways.

19 What you see here from this slide is a
20 project study area. The design of the stadium
21 project is being coordinated with other currently
22 operating and planned projects within and near the
23 Meadowlands Sports Complex, including the Racetrack,
24 the Arena, the railroad project, the Xanadu project,
25 and certain contemplated roadway improvements along

1 the New Jersey Turnpike, Routes 3, 17 and 120. The
2 NJSEA and the New Meadowlands Stadium Company are
3 coordinating with the New Jersey Turnpike Authority
4 and the New Jersey Department of Transportation
5 concerning certain contemplated roadway improvements.

6 Next slide, please.

7 I'd like to describe to you the five
8 major project components. And they are: The New
9 Meadowlands Stadium, which is the replacement of
10 existing Giants Stadium. Ancillary development. The
11 Giants training facility, which also is a replacement
12 of the existing Giants training facility and offices.
13 Parking and tailgating areas. And site circulation.

14 The Giants -- the stadium project will
15 replace the 30-year-old existing Giants Stadium with
16 a new, modern stadium, along with related ancillary
17 development and the new Giants training facility.
18 The existing stadium will be demolished once the new
19 stadium is constructed and operational. Various
20 components of the stadium project including service
21 parking will be built in the footprint of the old
22 stadium and practice facilities.

23 Let me show you on this map where these
24 elements are located. The New Meadowlands Stadium.
25 The ancillary development to the south of the new

1 stadium. The Giants training facility, a 20-acre
2 parcel on existing parking lots known as lots 13 and
3 17. Parking and tailgating zones, primarily to the
4 west and south of the new stadium. And a new series
5 of site circulation roadways, pedestrian ways, as
6 indicated by this project.

7 Can we get to the next slide, please?

8 As shown in this figure, the new
9 stadium and ancillary development components of the
10 stadium project will occupy approximately 55 acres on
11 the west site. Between the existing Giants Stadium
12 and Route 120. The new Giants training facility will
13 be constructed on approximately a 20-acre area in the
14 southwest corner of the Meadowlands stadium complex
15 in existing parking lots. Other project-related
16 improvements including revised parking areas,
17 modified internal roadway networks and tailgating
18 zones will occur in other existing parking lots on
19 the west site. Certain utility improvements to
20 service the stadium project will require connections
21 to existing infrastructure on Paterson Plank Road and
22 Route 120.

23 I'd like to now describe for you each
24 one of these project components. Can we start with
25 the slide on the new stadium? And I'm going to walk

1 you through with a pointer.

2 The new stadium is a replacement of the
3 existing stadium. We anticipate approximately 84,000
4 seats. The building footprint is approximately
5 630,000 square feet. The total gross building area
6 is 2,125,000 square feet. Again, gross building
7 area. In terms of gross leasable area, we're talking
8 about 285,000 square feet of gross leasable area.
9 Inside the stadium we anticipate a Football Hall of
10 Fame, themed dining, team offices. And surrounding
11 the stadium will be outdoor plazas. The plazas will
12 encircle the new stadium and will include entry
13 features at the northwest, southwest and east gate
14 locations.

15 The next slide, please.

16 The next component of the project is
17 the ancillary development. As I've indicated, an
18 area of ancillary development will be provided just
19 south of the new stadium. The ancillary development
20 will include uses that are compatible with the
21 development and operation of the stadium and may
22 include broadcast facilities, sponsored areas, sports
23 medicine, health and fitness clinics and facilities,
24 retail stores and restaurants.

25 The future New Jersey Transit Rail

1 alignment will bisect the ancillary development into
2 two separate but linked areas of pods with a total
3 approximate square footage of 617,000 square feet of
4 gross building area or 520,000 square feet of gross
5 leasable area. The ancillary development will be the
6 last stage of development and its construction will
7 depend on market demand.

8 Next, please.

9 The third component of the project I'd
10 like to describe is the Giants training facility.
11 Also a replacement of the existing Giants training
12 area. The new training facility will be built on
13 approximately 20 acres in the southwest corner of the
14 Meadowlands Sports Complex. This new facility will
15 replace existing training facilities and offices that
16 are located in and adjacent to Giants Stadium.

17 The facility, which will consist
18 approximately of 400,000 square feet of gross
19 building area and 360,000 square feet of gross
20 leasable area, will include the following components:
21 One full-sized indoor football field. Up to four
22 full-sized outdoor practice fields. Training center
23 with offices. Adjacent at-grade parking.

24 The remaining -- thank you. Good
25 timing.

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The remaining parking areas to the west of the stadium will be configured to radiate around the new stadium and ancillary development. So they'll be a reconfiguration of existing parking areas. They'll be new curbing, sidewalks, lighting and landscaping in existing parking areas. There will also be an opportunity for new tailgating areas consisting of up to 5,000 square feet of gross building area in each tailgate zone. And those zones will feature game- and event-related merchandise. Food and beverage operations. And restroom facilities.

The five components, please. Thank you.

Site circulation. An internal road circulation improvement program will be implemented, including the introduction of new inner and middle loop roads. A new western peripheral road. We'll upgrade existing pedestrian and vehicular connections with the east site. The north access road will be slightly re-aligned and the Plaza B toll booth replaced. These upgrades will take into account operations of all Meadowland stadium complex venues under the revised site plan.

Can we show people where these are?

1 So let me talk to you first about the
2 new inner and loop roads. These are new road systems
3 to improve circulation. The new western peripheral
4 road. The potential upgrades to allow for better
5 connections. The realignment of the north access
6 road and Plaza B up here.

7 The new stadium project will also
8 provide at-grade plazas and pedestrian ways around
9 the new stadium. That will be adjacent to the future
10 New Jersey Transit rail station platform. The new
11 stadium plazas and walkways will create a continuous
12 area of open space and an atmosphere to link directly
13 the new stadium to the rail.

14 Let's look at that. Here's the rail.
15 Here's the new stadium. Surrounding the new stadium
16 are at-grade plazas that will allow pedestrians to
17 walk from the stadium through plazas and enter the
18 new building.

19 And, with that, I will turn it over to
20 my colleague and friend, Liz McLoughlin.

21 MS. MC LOUGHLIN: Thank you, Mary.
22 Good afternoon. My name is Elizabeth McLoughlin.
23 I'm vice president of Paulus, Sokolowski and Sartor.
24 Our firm serves as environmental consultant to the
25 New Jersey Sports and Exposition Authority. We are

1 working closely with Langan Engineering. Langan is
2 New Meadowlands Stadium Company's environmental
3 consultant for this project.

4 The purpose of the stadium project is
5 to continue the redevelopment of the Meadowlands
6 Sports Complex, to provide a replacement stadium,
7 practice facilities and ancillary development. The
8 stadium project seeks to create the premiere football
9 fan experience on game day and enhance the
10 Meadowlands Sports Complex to become a year-round
11 destination.

12 The New Jersey Sports and Exposition
13 Authority's enabling legislation requires
14 consultation with the Meadowlands Commission before
15 making any determination as to the location, type and
16 character of the project. Consultation with the
17 Meadowlands Commission is conducted concurrently with
18 the ecological factors consultation with the New
19 Jersey Department of Environmental Protection.

20 The project study area is a currently
21 developed site with existing Giants Stadium,
22 expansive paved parking areas, roadways and grassed
23 medians. The construction of the stadium and other
24 proposed project components on the currently
25 developed site in addition to the use of existing

1 infrastructure will avoid many potential adverse
2 environmental impacts.

3 To identify and evaluate potential
4 impacts, a series of environmental studies and
5 analysis is will be performed as part of the
6 preparation of the EIS for this consultation process.
7 Impacts from both construction and operation of the
8 various project components will be evaluated. The
9 resources to be analyzed are listed above and
10 include, land form, geology and soils, wetlands, tide
11 lands, vegetation, wildlife, cultural, historic and
12 archeological resources, parks and recreational
13 facilities, water resources, flood plains, resource
14 contamination, utilities and infrastructure, traffic
15 and transportation, air quality, noise, socioeconomic
16 conditions, land use, visual and landscape
17 aesthetics, and indirect cumulative impacts.

18 On behalf of the New Jersey Sports and
19 Exposition Authority, we welcome your comments to the
20 hearing officers. Thank you.

21 MR. SONDERMEYER: Thank you too,
22 Barbara, Mary and Liz, for the project overview.

23 At this time I'd like to open the floor
24 to testimony from the public. However, at this time
25 I don't have anyone who has signed up to speak. If

1 anyone would like to though, please, you're welcome
2 to. Just come forward and state your name for the
3 stenographer and the spelling and we'll take your
4 testimony. Anyone wishing to speak at this time?

5 Seeing none at the moment, I would just
6 like to just temporarily close the record. And if
7 anyone comes wishing to testify, we will reopen the
8 record and take their testimony. Thank you very
9 much.

10 (A recess is taken from 2:15 to 4:00
11 p.m.)

12 MR. SONDERMEYER: We're going to go
13 back on the record for a minute. At this point in
14 time it's 4:00 in the afternoon. And the balance of
15 the afternoon session no one else came forward to
16 offer any public testimony. So at this time I would
17 like to adjourn the afternoon session of our
18 proceedings. We will once again resume for the
19 evening session at seven p.m. Thank you very much.

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(The proceeding is concluded.)

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I, MARY MC KAY, License Number
XIO1302, a Certified Shorthand Reporter
and a notary Public of the State of New
Jersey, certify that the foregoing is a
true and accurate transcript of the
proceedings.

A Notary Public of the State of New Jersey

Mary McKay

<p style="text-align: center;">A</p> <p>accept 4:22 access 15:20 16:5 account 15:22 accurate 20:7 acres 12:10 14:13 addition 7:8 17:25 additional 4:22 8:18 9:3 adjacent 14:16,23 16:9 adjourn 19:17 adverse 18:1 aesthetics 18:17 afternoon 3:1,8,11 8:10 16:22 19:14,15 19:17 air 18:15 Airlines 10:16 alignment 14:1 allow 16:4,16 amenities 8:18 analysis 18:5 analyzed 18:9 ancillary 10:17 11:10 11:16,25 12:9 13:17 13:18,19 14:1,5 15:3 17:7 anticipate 13:3,9 applications 7:13 apply 7:9 appointed 6:13 approvals 7:10,15 approximate 14:3 approximately 12:10 12:13 13:3,4 14:13 14:18 archeological 18:12 area 9:2 10:20 12:13 13:5,7,7,8,18 14:4,5 14:12,19,20 15:9 16:12 17:20 areas 10:17 11:13 12:16 13:22 14:2 15:1,5,6,7 17:22 Arena 10:16,24 Army 7:11 ARRANGED 1:23</p>	<p>associated 9:15 atmosphere 16:12 Attorney 1:16 3:9 at-grade 14:23 16:8 16:16 August 4:24 authority 2:3 3:15,24 5:10,11 6:16 7:6,9 8:9,12,23 11:3 16:25 18:19 Authority's 5:9 17:13 authorizing 5:9 available 3:21,25 5:20 6:2 7:3,16,18 7:24,25 9:1,4 avoid 18:1 a.m 4:4</p> <hr/> <p style="text-align: center;">B</p> <p>B 1:10 15:21 16:6 back 19:13 balance 5:17 19:14 Barbara 2:2 8:6,9,10 9:21 18:22 behalf 18:18 better 16:4 beverage 15:11 Bill 9:24 bisect 14:1 booth 15:21 Box 5:3 brief 8:4 9:10 broadcast 13:22 building 13:4,5,6 14:4,19 15:9 16:18 buildings 10:17 built 11:21 14:12 business 4:24 6:9</p> <hr/> <p style="text-align: center;">C</p> <p>call 9:12 called 4:14 card 4:10 Ceberio 1:14 3:4 5:4 cell 4:12 center 14:22 certain 10:25 11:5 12:19 Certified 20:4</p>	<p>certify 20:6 character 5:13 17:16 Chris 3:8 CHRISTINE 1:16 circulation 11:13 12:5 15:15,16 16:3 clinics 13:23 close 4:23 6:9,15 19:6 closely 17:1 colleague 9:24 16:20 come 19:2 comes 19:7 comment 3:19 6:11 6:15 comments 3:12,19 4:3,9,15,21,23 5:22 6:6,8,13,18 7:13 9:5 10:3 18:19 Commission 1:1 3:5 3:23 5:5,12,14 6:14 6:20,24 7:4 17:14 17:17 Company 1:23 2:5 8:21 9:9,14,23,25 11:2 Company's 17:2 compatible 13:20 complete 6:17 completion 8:25 complex 3:17-5:11 8:15 10:11,13,23 12:14 14:14 15:23 17:6,10 component 13:16 14:9 components 11:8,20 12:9,24 14:20 15:13 17:24 18:8 concerning 11:5 concluded 19:21 concurrently 17:17 conditions 18:16 conducted 17:17 configured 15:2 connections 12:20 15:19 16:5 consideration 5:23 considered 3:20 consist 14:17</p>	<p>consistent 8:18 consisting 15:8 consists 10:15 constituting 5:16 construct 3:16 constructed 10:10 11:19 12:13 construction 8:14 14:6 17:23 18:7 consultant 9:18 16:24 17:3 consultants 9:9 consultation 1:6 5:8 5:19 6:4 7:8,22,23 17:14,16,18 18:6 consults 5:11 contamination 18:14 contemplated 10:25 11:5 contents 9:20 Continental 10:16 continue 6:9 17:5 continuous 16:11 coordinated 10:21 coordinating 11:3 copies 4:19 5:24,24 9:3 copy 7:20 corner 12:14 14:13 Corps 7:11 country 10:14 co-project 2:5 9:13 9:22,24 create 16:11 17:8 cultural 18:11 cumulative 18:17 curbing 15:5 currently 10:21 17:20,24 C.S.R 1:21</p> <hr/> <p style="text-align: center;">D</p> <p>dated 3:12 day 17:9 December 6:10,16,21 DeKorte 1:7 5:5 delicate 5:17 delighted 10:1 demand 14:7</p>
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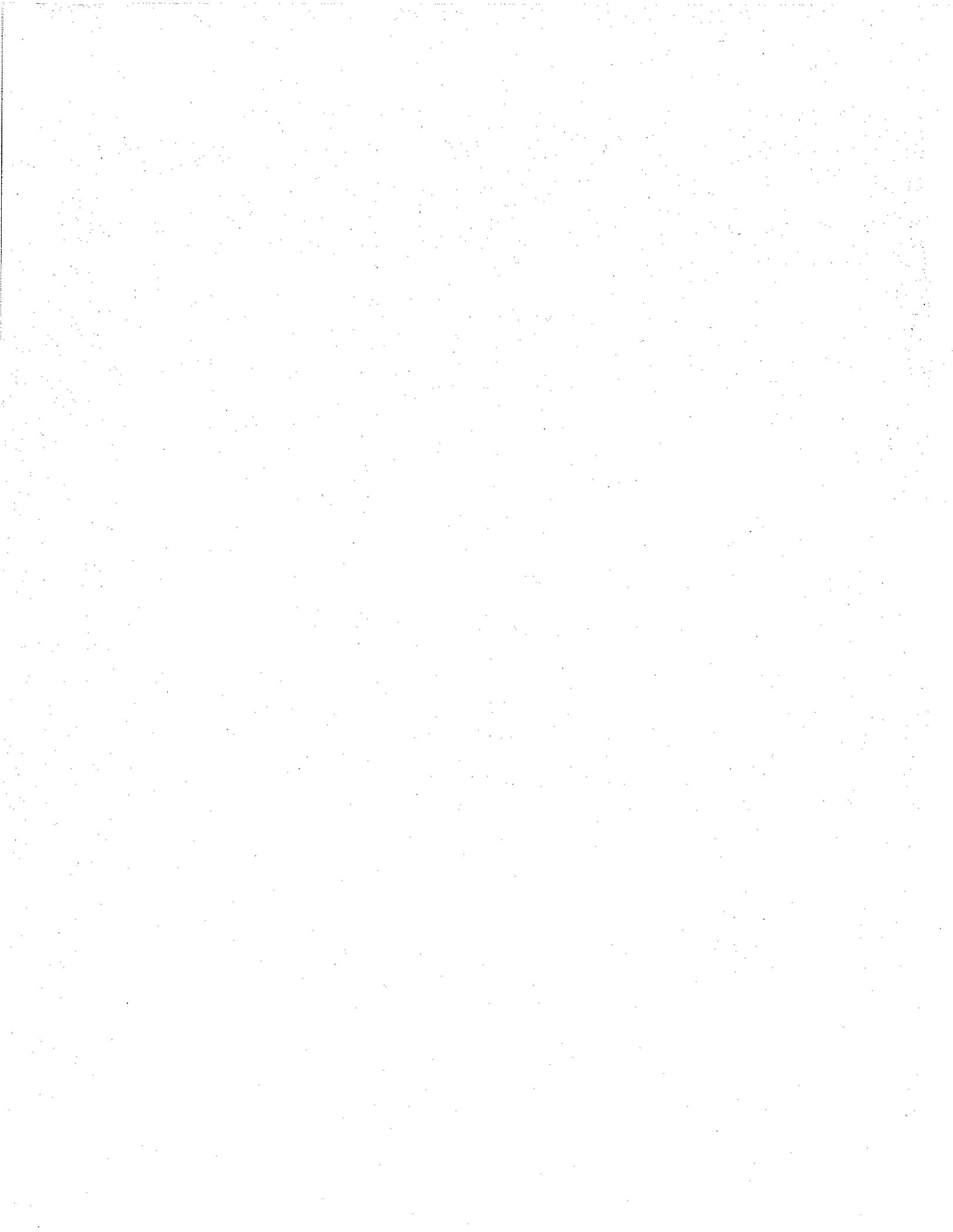
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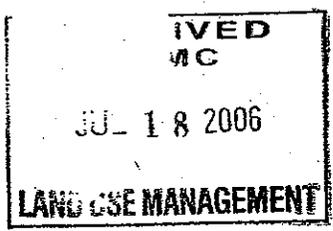


NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
NEW JERSEY MEADOWLANDS COMMISSION

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In Re: : TRANSCRIPT OF
HEARING OFFICERS : PROCEEDINGS
PUBLIC SCOPING SESSION
ENVIRONMENTAL IMPACT :
STATEMENT OF NEW
MEADOWLANDS STADIUM :

COPY



New Jersey Meadowlands Commission
2 DeKorte Plaza
Lyndhurst, New Jersey
Wednesday, July 12, 2006
7:00 p.m.

B E F O R E:

- GARY SONDERMEYER, Chairman, Hearing Officer
Director of Operations
Department of Environmental Protection
- ROBERT CEBERIO, Hearing Officer
Executive Director of New Jersey
Meadowlands Commission
- CHRISTINE PIATEK, Hearing Officer
Deputy Attorney General

Reported by:
HELEN DOHOGNE, C.S.R.

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1 HEARING OFFICER SONDERMEYER: I'd
2 like to begin tonight's proceeding. We're going
3 to replicate the same process that we had at this
4 morning's session at ten o'clock and the afternoon
5 session that began at two o'clock.

6 My name is Gary Sondermeyer. I'm
7 the Director of Operations of the New Jersey
8 Department of Environmental Protection. With me
9 is Robert Ceberio, the Executive Director of the
10 New Jersey Hackensack Meadowlands Commission. We
11 are the hearing officers for the proceeding this
12 evening and we welcome you tonight. We also have
13 with us Chris Pietka who is the Deputy Attorney
14 General with the Department of Law and Public
15 Safety. We are here this evening to receive
16 public comments on the scoping document dated May
17 2006 for the preliminary and environmental impact
18 statement to be prepared by the New Jersey Sports
19 and Exposition Authority for the New Meadowlands
20 Stadium Project to construct a new stadium within
21 the Meadowlands Sports Complex in East Rutherford,
22 New Jersey.

23 This hearing provides you with an
24 opportunity to comment on the scope of the PEIS.
25 Your comments will be considered during the

1 preparation of the PEIS. The scoping document has
2 been available since June 1, 2006 on the websites
3 and at the offices of the Meadowlands Commission,
4 the New Jersey Department of Environmental
5 Protection and the Sports Authority. It has also
6 been available at all the public libraries in each
7 of the Meadowlands District municipalities.

8 We will receive public comments
9 this evening. Again, our first session was at
10 ten. Our second was at two, and we're concluding
11 with this proceeding at this time. If anyone has
12 not already done so, please sign in at the
13 registration desk. If you wish to submit written
14 or verbal comments please indicate that on the
15 registration card. Please turn off all cell
16 phones and pagers at this time.

17 When you're called to present your
18 comments, please stand and give your name and the
19 spelling to the stenographer who is recording the
20 hearing. Please also give the name of your
21 organization or any interest that you represent,
22 and if you have written materials please give a
23 copy to the stenographer and please summarize your
24 comments. Don't read them verbatim.

25 We'll accept additional written

1 comments on the scope of the PEIS until the close
2 of business on Friday, August 11, 2006. They may
3 be submitted to myself, Gary Sondermeyer, the
4 Director of Operations, New Jersey Department of
5 Environmental Protection, 401 East State Street,
6 P.O. Box 402, Trenton, New Jersey 08625 or Robert
7 Ceberio, Executive Director of the Meadowlands
8 Commission, 1 DeKorte Plaza, Lyndhurst, New Jersey
9 07071.

10 Today's hearing is part of a
11 consultation process set forth in the Sports
12 Authority's authorizing legislation. When the
13 Sports Authority proposes development projects at
14 the Meadowlands Sports Complex the Authority
15 consults with the Meadowlands Commission on the
16 location, type and character of the project and
17 with the Meadowlands Commission and the DEP on
18 ecological factors constituting the environment of
19 the Hackensack Meadowlands so the delicate
20 environmental balance of the Hackensack
21 Meadowlands may be maintained and preserved. A
22 description of the consultation process is
23 available at the registration desk.

24 During this evening's proceeding
25 the hearing officers will not respond to comments.

1 We will receive them for review and consideration.
2 A summary of the hearing, copies of the handouts
3 and copies of the materials submitted by the
4 public will be included in the PEIS which is
5 expected to be available for public review on or
6 about September 29th, 2006.

7 The consultation process will
8 provide further opportunities for the public to
9 provide comments. After the publication of the
10 PEIS in September of 2006 there will be a 60 day
11 period for submission of written public comments
12 on the PEIS that will continue until close of
13 business on December 4th, 2006.

14 About halfway through the 60 day
15 comment period, the public hearing will be held at
16 which the public will have the opportunity to
17 present comments on the PEIS to hearing officers
18 appointed by the Department and the Commission.

19 After the close of the comment
20 period on December 4, 2006 the Sports Authority
21 will complete and publish the final EIS which will
22 include written responses to the public comments
23 on the PEIS and will submit it to the hearing
24 officers and to the Department and the Commission.

25 The final EIS is expected to be

1 published on or about December 19th, 2006. The
2 hearing officers will then review the final EIS
3 and submit the report and recommendations to the
4 Department and the Commission for review on or
5 about February 1, 2007.

6 The final EIS and the hearing
7 officers' report and recommendations will
8 thereafter be available for public review at the
9 offices and on the websites of the Meadowlands
10 Commission, the New Jersey DEP, and the Sports
11 Authority and at local public libraries within the
12 Meadowlands District.

13 In addition to the consultation
14 process, the Authority plans to apply for several
15 environmental permits and approvals from the
16 New Jersey DEP and the United States Army Corps of
17 Engineers. The laws and regulations governing the
18 review of some of those permit applications
19 provide for public comments and for a public
20 hearing.

21 A list of the environmental permits
22 and approvals is one of the handouts available at
23 the registration desk. We have several handout
24 materials that are available to you at the
25 registration desk. The handouts include the

1 scoping document itself, a copy of the public
 2 notice for today's proceedings which also includes
 3 a description of the consultation process, a time
 4 schedule for the consultation process, a list of
 5 public information available for public review, a
 6 description of the procedures by which the PEIS
 7 will be made available for public review, and
 8 instructions for submission of written materials
 9 to the hearing officers.

10 With that brief overview and
 11 opening statement, we would like to begin with a
 12 project overview, and to lead off that is Barbara
 13 Lampen, the senior vice-president of Strategic
 14 Planning and Development of the New Jersey Sports
 15 and Exposition Authority. Barbara.

16 MS. LAMPEN: Good evening. I'm
 17 Barbara Lampen, senior vice-president for
 18 Strategic Planning and Development with the New
 19 Jersey Sports and Exposition Authority, the New
 20 Jersey SEA.

21 The NJSEA is the sponsor of the
 22 project proposed for construction at the
 23 Meadowlands Sports Complex in East Rutherford, New
 24 Jersey. This project will provide a modern
 25 replacement for the existing 30 year old Giants

1 Stadium and will also include additional amenities
2 and facilities consistent with modern stadiums.

3 The New Meadowlands Stadium
4 Company, a joint venture of Giants Stadium, LLC,
5 and Jets Development, LLC, will implement the
6 proposed project under the authority of the NJSEA.

7 Today the NJSEA will receive public
8 comment on the scope of study for our
9 Environmental Impact Statement.

10 Representatives of the New
11 Meadowlands Stadium Company and the NJSEA's
12 consultants will now present brief remarks
13 regarding the description of the proposed project
14 and the proposed scope of study for the EIS.

15 The following -- at this time I'd
16 like to call upon Mary Musca, Co-Project Executive
17 for the New Meadowlands Stadium Company to present
18 an overview of the replacement stadium and its
19 associated facilities. Following Ms. Musca,
20 Elizabeth McLoughlin of the firm Paulus,
21 Sokolowski and Sartor, the NJSEA's consultants,
22 will present an overview of the scope of the study
23 including a draft table of contents. Thank you.

24 MS. MUSCA: Good evening. I'm Mary
25 Musca. I'm one of the two co-project executives

1 of the New Meadowlands Stadium. The other
2 Co-Project Executive for the New Meadowlands
3 Stadium is Bill Senn.

4 We welcome the public's
5 participation and comment. We look forward to
6 working with our hearing officers and others, and
7 hearing comments tonight.

8 I'm going to describe a little bit
9 about the project location and the description of
10 this project. I ask you to flip to the first
11 slide so I can show you the project location.

12 The New Meadowlands Stadium Project
13 will be constructed on the west site of the
14 Meadowlands Sports Complex located in East
15 Rutherford, New Jersey.

16 The Meadowlands Sports Complex is
17 one of the largest sports and entertainment venues
18 in the entire country. It consists of Giants
19 Stadium, the Meadowlands Racetrack, the
20 Continental Airlines Arena and ancillary
21 buildings, parking areas and pedestrian walkways.

22 The design of the New Stadium
23 Project is being coordinated with other currently
24 operated and planned projects within and near the
25 Meadowlands Sports Complex, including the

1 Meadowlands Racetrack, the Continental Airlines
2 Arena, the Railroad Project, the Meadowlands
3 Xanadu Project, and certain contemplated regional
4 roadway improvements along the New Jersey
5 Turnpike, Route 3, 17 and 120.

6 The NJSEA and the New Meadowlands
7 Stadium Co. are coordinating with the New Jersey
8 Turnpike Authority and the New Jersey Department
9 of Transportation concerning these contemplated
10 roadway improvement.

11 I'd ask you to please flip the
12 slide for me. I'm going to describe for you the
13 project components now, of which there are five
14 project components. There's the New Meadowlands
15 Stadium. It's a replacement of the existing
16 Giants Stadium. There's ancillary development.
17 There's the Giants Training Facility that replace
18 the existing Giants Facility in and around the
19 existing Giants Stadium, parking and tailgate
20 zones and site circulation issues.

21 The stadium project will replace
22 the 30 year old Giants Stadium with a new modern
23 stadium along with related ancillary development
24 and a new Giants Training Facility. The existing
25 stadium will be demolished once the new stadium is

1 constructed and operational.

2 Various components of the stadium
3 project including surface parking will be built in
4 the footprint of the old stadium and practice
5 fields.

6 I'm going to show you on the map
7 now where these components are (indicating). The
8 location of the New Meadowlands Stadium -- sorry,
9 the proposed location of the ancillary development
10 to the south of the new stadium, the Giants
11 Training Facility located in Lots 13 and 17,
12 existing parking on the southwest side of the
13 site; parking and tailgating areas primarily along
14 the west side of the site and to the south, and
15 new site circulation patterns through new roadway
16 systems as indicated in the light.

17 Would you flip for me. Thanks. As
18 shown in this figure, the new stadium and
19 ancillary development components of the stadium
20 project will occupy approximately 55 acres on the
21 west site between the existing Giants Stadium and
22 Route 120. The new Giants Training Facility will
23 be constructed on approximately twenty acres in
24 the southwest corner of the Meadowlands Sports
25 Complex.

1 Other project related improvements
2 include revised parking areas, modified internal
3 roadway networks and tailgating zones. Certain
4 utility improvements to service the stadium
5 project will require connections to existing
6 infrastructure on Paterson Plank Road and Route
7 120.

8 I'm going to describe now each one
9 of the project components: The New Meadowlands
10 Stadium which is a replacement of the existing
11 Giants Stadium. There will be approximately
12 84,000 seats. The building footprint is
13 approximately 630,000 square feet. It's 2,125,000
14 square feet of gross building area, and 285,000 of
15 gross leasable area. We anticipate a Football
16 Hall of Fame, football themed dining, team
17 offices, and outdoor plazas. These outdoor plazas
18 will encircle the new stadium and will include
19 entry features at the northwest, southwest and
20 east gate locations.

21 If we can look now please at the
22 second program component which is the ancillary
23 development. An area of ancillary development
24 will be provided just south of the new stadium
25 location.

1 The ancillary development will
2 include uses that are compatible with the
3 development and operation of the new stadium and
4 may include broadcast facilities, sponsored areas,
5 sports medicine, health and fitness facilities,
6 retail stores and restaurants.

7 The future New Jersey Transit Rail
8 Alignment will bisect the ancillary development
9 area into two separate but linked areas or pods
10 with a total of approximately 617,000 square feet
11 of gross building area and approximately 520,000
12 square feet of gross leasable area.

13 Construction of the ancillary
14 development will occur after the new stadium is
15 operational and the old stadium is demolished.
16 The ancillary development is planned to enhance
17 existing pedestrian access to the east side of the
18 Meadowlands Sports Complex. The ancillary
19 development is the last stage of development and
20 is dependent on market demand.

21 Next please. We're going to look
22 at the Giants Training Facility which is a
23 replacement of the existing Giants facilities and
24 offices. It will be constructed on approximately
25 twenty acres in the southwest corner of the

1 Meadowlands Sports Complex within existing parking
2 lots.

3 The new facility will replace
4 existing training facilities and offices that are
5 currently located in and adjacent to Giants
6 Stadium. The facility will be approximately
7 400,000 square feet of gross building area
8 including approximately 360,000 square feet of
9 gross leasable area. It will have the following
10 elements: One full size indoor football field, up
11 to four full sized outdoor fields, training center
12 with offices, and adjacent at-grade parking.

13 The fourth project component,
14 please, involves the reconfiguration of existing
15 parking areas which will radiate around the new
16 stadium and ancillary development, new curbing,
17 sidewalks, lighting and landscaping in existing
18 parking areas, tailgating zones which will feature
19 uniquely designed structures that can accommodate
20 game and event related merchandising, food and
21 beverage operations, and restroom facilities.
22 These will be provided in certain parking areas.

23 Each structure will have a gross
24 building area of approximately 5,000 square feet,
25 and that's summarized for you on this slide.

1 And finally we're creating a new
2 internal road circulation program and improvements
3 which will be implemented including the
4 introduction of both an inner and middle loop road
5 system, and construction of a new west peripheral
6 road to provide easy access to parking areas and
7 toll plazas, existing pedestrian, and vehicular
8 interconnections with the east side -- I'm sorry,
9 east site, let me say that again, east site may be
10 replaced and upgraded. The north access road will
11 be slightly realigned and the Plaza B toll booths
12 may be replaced with a smaller plaza north of the
13 racetrack.

14 These upgrades will take into
15 account operation of all Meadowlands Sports
16 Complex venues under the revised plan. The
17 Stadium Project will also provide at-grade plaza
18 and pedestrian ways around the new stadium that
19 will be adjacent to the future New Jersey Transit
20 Rail Station Platform. The stadium plazas and
21 walkways will create a continuous area of open
22 space and pedestrian oriented atmosphere to
23 directly link the new stadium to the rail station.

24 And now let me show you all of
25 these improvements. Let's first look at the rail.

1 Here's the new rail station. The plaza that's --
2 that surround the new stadium, the potential
3 future links to the east site that are possible,
4 here we go with these new loop roads that I've
5 described, middle, inner, western peripheral and
6 I've spoken to you about the north access and
7 Plaza B.

8 With that I've concluded my
9 presentation and I'd like to turn to
10 Ms. McLoughlin who will make the final
11 presentation tonight. Thank you.

12 MS. McLOUGHLIN: Good evening. My
13 name is Elizabeth McLoughlin and I'm
14 vice-president of Paulus, Sokolowski and Sartor.
15 Our firm serves as environmental consultant to the
16 New Jersey Sports and Exposition Authority. We
17 are working closely with Langan Engineering, the
18 New Meadowlands Stadium Company's environmental
19 consultant for this project.

20 The purpose and need for the
21 stadium project is to continue the redevelopment
22 of the Meadowlands Sports Complex to provide a
23 replacement stadium, practice facilities and
24 ancillary development. The stadium project seeks
25 to create the premier football fan experience on

1 game day and enhance the Meadowlands Sports
2 Complex as a year round destination.

3 The New Jersey Sports and
4 Exposition Authority's enabling legislation
5 requires that it consult with the Meadowlands
6 Commission before making any determination as to
7 the location, type, and character of the project.

8 Consultation with the Meadowlands
9 Commission is being conducted concurrently with
10 the ecological factor consultation with the New
11 Jersey Department of Environmental Protection.

12 The project study area is currently
13 developed with existing stadium, the expansive
14 paved parking areas, roadways and grass medians.
15 The construction of the stadium and other proposed
16 project components on this developed site and the
17 use of the existing infrastructure will avoid many
18 potential adverse environmental impacts.

19 To identify and evaluate potential
20 impacts, a series of environmental studies and
21 analysis will be performed as part of the
22 preparation of the Environmental Impact Statement
23 for the consultation process.

24 Impacts from both construction and
25 operation of the various project components will

1 be evaluated. The resources to be analyzed are
2 listed in this slide. Let me present them to you:

3 Land form, geology and soils,
4 wetlands, tidelands, vegetation, wildlife,
5 cultural, historic and archaeological resources,
6 parks and recreational facilities, water
7 resources, floodplains, resource contamination,
8 utilities and infrastructure, traffic and
9 transportation, air quality, noise, socioeconomic
10 conditions, land use, visual and landscape
11 esthetics and indirect and cumulative impacts.

12 On behalf of the New Jersey Sports
13 and Exposition Authority we welcome your comments
14 to the hearing officers. Thank you.

15 HEARING OFFICER SONDERMEYER: Thank
16 you, Barbara, Mary and Liz for the project
17 overview.

18 At this time I would like to open
19 the record for public testimony and we do have one
20 individual who has signed up to speak -- okay. At
21 this time we don't have anyone, excuse me, that
22 has signed up to speak, so let me just ask if
23 anyone here would like to come up and offer
24 testimony at this time.

25 Seeing no one at the moment, I

1 would like to temporarily close the record and
2 we'll wait I guess until eight o'clock or so and
3 see if anyone comes or wishes to testify at which
4 time we'll reopen the record. Thank you.

5 (Recess at 7:20 p.m.)

6 (Resumed at 8:00 p.m.)

7 HEARING OFFICER SONDERMEYER: I'd
8 like to go back on the record please. At this
9 time it is approximately eight o'clock p.m. No
10 one else has arrived that wishes to provide
11 testimony on the PEIS, so at this time I would
12 like to formally end today's proceeding. Thank
13 you.

14 (The proceedings are concluded a
15 the 8:00 p.m.)

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<p style="text-align: center;">A</p> <p>accept 3:25 access 13:17 15:6,10 16:6 accommodate 14:19 account 15:15 accurate 20:6 acres 11:20,23 13:25 addition 6:13 additional 3:25 8:1 adjacent 14:5,12 15:19 adverse 17:18 afternoon 2:4 air 18:9 Airlines 9:20 10:1 Alignment 13:8 amenities 8:1 analysis 17:21 analyzed 18:1 ancillary 9:20 10:16 10:23 11:9,19 12:22 12:23 13:1,8,13,16 13:18 14:16 16:24 anticipate 12:15 applications 6:18 apply 6:14 appointed 5:18 approvals 6:15,22 approximately 11:20 11:23 12:11,13 13:10,11,24 14:6,8 14:24 19:9 archaeologic 18:5 area 12:14,15,23 13:9 13:11,12 14:7,9,24 15:21 17:12 areas 9:21 11:13 12:2 13:4,9 14:15,18,22 15:6 17:14 Arena 9:20 10:2 Army 6:16 ARRANGED 1:22 arrived 19:10 associated 8:19 atmosphere 15:22 Attorney 1:18 2:13 at-grade 14:12 15:17</p>	<p>August 4:2 authority 2:19 3:5 4:13,14 5:20 6:11 6:14 7:15,19 8:6 10:8 16:16 18:13 Authority's 4:12 17:4 authorizing 4:12 available 3:2,6 4:23 5:5 6:8,22,24 7:5,7 avoid 17:17</p> <hr/> <p style="text-align: center;">B</p> <p>B 1:13 15:11 16:7 back 19:8 balance 4:20 Barbara 7:12,15,17 18:16 began 2:5 behalf 18:12 beverage 14:21 Bill 9:3 bisect 13:8 bit 9:8 booths 15:11 Box 4:6 brief 7:10 8:12 broadcast 13:4 building 12:12,14 13:11 14:7,24 buildings 9:21 built 11:3 business 4:2 5:13</p> <hr/> <p style="text-align: center;">C</p> <p>C 20:1,1 call 8:16 called 3:17 card 3:15 Ceberio 1:16 2:9 4:7 cell 3:15 center 14:11 certain 10:3 12:3 14:22 Certified 20:3 certify 20:5 Chairman 1:14 character 4:16 17:7 Chris 2:13 CHRISTINE 1:18</p>	<p>circulation 10:20 11:15 15:2 close 4:1 5:12,19 19:1 closely 16:17 come 18:23 comes 19:3 comment 2:24 5:15 5:19 8:8 9:5 comments 2:16,25 3:8,14,18,24 4:1,25 5:9,11,17,22 6:19 9:7 18:13 Commission 1:1,9,17 2:10 3:3 4:8,15,17 5:18,24 6:4,10 17:6 17:9 20:16 Company 1:22 8:4,11 8:17 Company's 16:18 compatible 13:2 complete 5:21 Complex 2:21 4:14 7:23 9:14,16,25 11:25 13:18 14:1 15:16 16:22 17:2 component 12:22 14:13 components 10:13,14 11:2,7,19 12:9 17:16,25 concerning 10:9 concluded 16:8 19:14 concluding 3:10 concurrently 17:9 conditions 18:10 conducted 17:9 connections 12:5 consideration 5:1 considered 2:25 consistent 8:2 consists 9:18 constituting 4:18 construct 2:20 constructed 9:13 11:1,23 13:24 construction 7:22 13:13 15:5 17:15,24 consult 17:5 consultant 16:15,19</p>	<p>consultants 8:12,21 consultation 4:11,22 5:7 6:13 7:3,4 17:8 17:10,23 consults 4:15 contamination 18:7 contemplated 10:3,9 contents 8:23 Continental 9:20 10:1 continue 5:12 16:21 continuous 15:21 coordinated 9:23 coordinating 10:7 copies 5:2,3 copy 3:23 7:1 corner 11:24 13:25 Corps 6:16 country 9:18 co-project 8:16,25 9:2 create 15:21 16:25 creating 15:1 cultural 18:5 cumulative 18:11 curbing 14:16 currently 9:23 14:5 17:12 C.S.R 1:20 20:15</p> <hr/> <p style="text-align: center;">D</p> <p>date 20:8 dated 2:16 day 5:10,14 17:1 December 5:13,20 6:1 DeKorte 1:10 4:8 delicate 4:19 demand 13:20 demolished 10:25 13:15 DEP 4:17 6:10,16 Department 1:1,15 2:8,14 3:4 4:4 5:18 5:24 6:4 10:8 17:11 dependent 13:20 Deputy 1:18 2:13 describe 9:8 10:12 12:8</p>
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<p>described 16:5 description 4:22 7:3 7:6 8:13 9:9 design 9:22 designed 14:19 desk 3:13 4:23 6:23 6:25 destination 17:2 determination 17:6 developed 17:13,16 development 4:13 7:14,18 8:5 10:16 10:23 11:9,19 12:23 12:23 13:1,3,8,14 13:16,19,19 14:16 16:24 dining 12:16 directly 15:23 Director 1:14,16 2:7 2:9 4:4,7 District 3:7 6:12 document 2:16 3:1 7:1 DOHOGNE 1:20 20:3 don't 3:24 18:21 draft 8:23</p> <hr/> <p style="text-align: center;">E</p> <hr/> <p>E 1:13,13 20:1 east 2:21 4:5 7:23 9:14 12:20 13:17 15:8,9,9 16:3 easy 15:6 ecological 4:18 17:10 eight 19:2,9 EIS 5:21,25 6:2,6 8:14 elements 14:10 Elizabeth 8:20 16:13 enabling 17:4 encircle 12:18 Engineering 16:17 Engineers 6:17 enhance 13:16 17:1 entertainment 9:17 entire 9:18 entry 12:19 environment 4:18</p>	<p>environmental 1:1,6 1:15 2:8,17 3:4 4:5 4:20 6:15,21 8:9 16:15,18 17:11,18 17:20,22 esthetics 18:11 evaluate 17:19 evaluated 18:1 evening 2:12,15 3:9 7:16 8:24 16:12 evening's 4:24 event 14:20 excuse 18:21 Executive 1:16 2:9 4:7 8:16 9:2 executives 8:25 existing 7:25 10:15 10:18,19,24 11:12 11:21 12:5,10 13:17 13:23 14:1,4,14,17 15:7 17:13,17 expansive 17:13 expected 5:5,25 experience 16:25 Expires 20:16 Exposition 2:19 7:15 7:19 16:16 17:4 18:13</p> <hr/> <p style="text-align: center;">F</p> <hr/> <p>F 1:13 20:1 facilities 8:2,19 13:4 13:5,23 14:4,21 16:23 18:6 facility 10:17,18,24 11:11,22 13:22 14:3 14:6 factor 17:10 factors 4:18 Fame 12:16 fan 16:25 Fax 1:24 feature 14:18 features 12:19 February 6:5 feet 12:13,14 13:10 13:12 14:7,8,24 field 14:10 fields 11:5 14:11</p>	<p>figure 11:18 final 5:21,25 6:2,6 16:10 finally 15:1 firm 8:20 16:15 first 3:9 9:10 15:25 fitness 13:5 five 10:13 flip 9:10 10:11 11:17 floodplains 18:7 Florham 1:23 following 8:15,19 14:9 food 14:20 football 12:15,16 14:10 16:25 footprint 11:4 12:12 foregoing 20:6 form 18:3 formally 19:12 forth 4:11 20:9 forward 9:5 four 14:11 fourth 14:13 Friday 4:2 full 14:10,11 further 5:8 future 13:7 15:19 16:3</p> <hr/> <p style="text-align: center;">G</p> <hr/> <p>game 14:20 17:1 Gary 1:14 2:6 4:3 gate 12:20 General 1:18 2:14 geology 18:3 Giants 7:25 8:4 9:18 10:16,17,18,19,22 10:24 11:10,21,22 12:11 13:22,23 14:5 give 3:18,20,22 go 16:4 19:8 going 2:2 9:8 10:12 11:6 12:8 13:21 Good 7:16 8:24 16:12 governing 6:17 grass 17:14 gross 12:14,15 13:11 13:12 14:7,9,23</p>	<p>guess 19:2</p> <hr/> <p style="text-align: center;">H</p> <hr/> <p>Hackensack 2:10 4:19,20 halfway 5:14 Hall 12:16 handout 6:23 handouts 5:2 6:22,25 health 13:5 hearing 1:5,14,16,18 2:1,11,23 3:20 4:10 4:25 5:2,15,17,23 6:2,6,20 7:9 9:6,7 18:14,15 19:7 held 5:15 HELEN 1:20 20:3 Here's 16:1 historic 18:5</p> <hr/> <p style="text-align: center;">I</p> <hr/> <p>identify 17:19 impact 1:6 2:17 8:9 17:22 impacts 17:18,20,24 18:11 implement 8:5 implemented 15:3 improvement 10:10 improvements 10:4 12:1,4 15:2,25 include 5:22 6:25 8:1 12:2,18 13:2,4 included 5:4 includes 7:2 including 8:23 9:25 11:3 14:8 15:3 indicate 3:14 indicated 11:16 indicating 11:7 indirect 18:11 individual 18:20 indoor 14:10 information 7:5 infrastructure 12:6 17:17 18:8 inner 15:4 16:5 instructions 7:8 interconnections</p>
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