

**HEARING OFFICERS' REPORT AND RECOMMENDATIONS
IN THE MATTER OF THE HEARINGS
HELD ON THE PROPOSED
AMERICAN DREAM AMUSEMENT PARK AND WATER PARK PROJECT
NOVEMBER 15-16, 2011**

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I. INTRODUCTION

A. Background Statement

The New Jersey Sports and Exposition Authority (NJSEA or Sports Authority) was created on May 10, 1971, by an act of the State legislature. L.1971, c. 137. Among other powers, the Sports Authority was empowered “to determine the location, type and character” of a world-class sports and exposition complex in the Meadowlands District of New Jersey and develop and maintain such facilities. N.J.S.A. 5:10-5(x). The Sports Authority is also required to “consult with the Meadowlands Commission before making any determination as to the location, type and character of any project under the jurisdiction of the Meadowlands Commission.” N.J.S.A. 5:10-5(x).

Further, in accordance with N.J.S.A. 5:10-23, a consultation process with the New Jersey Department of Environmental Protection (NJDEP) and the Hackensack Meadowlands Development Commission (HMDC), now known as the New Jersey Meadowlands Commission (NJMC), is required in conjunction with any development proposed for the Meadowlands Sports and Exposition Complex site. (The NJMC is a regional planning authority with land use and zoning power over parts of 14 municipalities in the Meadowlands District.) Specifically, N.J.S.A. 5:10-23 states that:

“It is the express intent of the Legislature that the authority in undertaking the meadowlands complex shall consult with the Meadowlands Commission and the Department of Environmental Protection with respect to ecological factors constituting the environment of the Hackensack meadowlands to the end that the delicate balance of the Hackensack meadowlands may be maintained and preserved.”

The actual procedure for the consultation process was set forth by the Supreme Court in *New Jersey Sports & Exposition Authority v. McCrane*, 61 N.J. 1 (1972), where it held that the NJSEA is required to make a presentation of its plans to the NJMC and the

NJDEP in a public forum. Furthermore, “this presentation should be made after public notice of the time and place thereof, and actual notice to the parties to the present action... [and] the [NJSEA] and all interested persons should be permitted to present their views on the subject.” The Court also stated that the presentation could be made to both agencies at the same time and that a full record of the proceeding should be made.

After the conclusion of the proceedings, findings of fact, conclusions, and recommendations are submitted for approval to the NJDEP and NJMC. The proceeding is led by Hearing Officers from each agency.

The Hearing Officers’ consultation process has been used on six previous occasions. First, in 1972, the Hearing Officers’ consultation process was convened to assess the plans to develop Giants Stadium and the Meadowlands Racetrack facilities. The second occasion was in 1978 to hear the presentation for a proposed multi-purpose indoor arena facility. In 2004, the Hearing Officers’ process was utilized to hear the proposal for a mixed-use development project at the Meadowlands Sports Complex site known as Meadowlands Xanadu¹. In 2005, the Hearing Officers’ process was used for the Meadowlands Railroad and Roadway Improvement Project. In 2006, the Hearing Officers’ process was used for the New Meadowlands Stadium Project. In 2011, the Hearing Officers’ process was used for the New Meadowlands Racetrack Project.

The principles governing this Hearing Officers’ consultation process have been well established in the history of these six prior reviews. Along with the project proposal and plans, the NJSEA is required to submit an Environmental Impact Statement (EIS) to the agencies for their review, as well as copies for public inspection. This information is required to enable the Hearing Officers to evaluate the impact that the project may have on ecological factors involved in the maintenance and preservation of the delicate

¹ The project formerly known as Meadowlands Xanadu is currently proposed as American Dream Meadowlands. The addition of an amusement park and water park to this project is currently being evaluated as part of this Hearing Officers’ consultation process.

environmental balance of the Hackensack meadowlands, established by N.J.S.A. 13:17-3j, and to make recommendations to their respective agencies and to the NJSEA.

B. Prior Conditions of 1972 and 1978 Hearing Officers' Reports

Both the 1972 and 1978 Hearing Officers' Reports contained recommended conditions of approval. After the 1972 consultation process, an Environmental Liaison Committee was established with representatives from the NJDEP, HMDC, and NJSEA to monitor the progress of the development and ensure that the conditions of the approvals were addressed.

The 1972 Hearing Officers' Report contained several recommendations regarding the acquisition, restoration, and enhancement of the Berry's Creek Tidal Marsh. While this property was acquired, a number of the other conditions had to be modified based on the findings of a mercury study of the marsh and adjacent waterways. The NJSEA was also required to establish, finance, and maintain an Environment Center on or near the Berry's Creek Tidal Marsh. Due to the findings of the mercury study, the location was changed, and in 1982, the NJMC offices and the Meadowlands Environment Center opened at DeKorte Park in Lyndhurst, New Jersey. The NJSEA contributed funds for the construction of the Environment Center facility and towards its operations. Conditions regarding capacities of water and sanitary sewer utilities, stormwater management, water and air quality analyses, soil analyses, landscape plans, methane gas mitigation, recycling, manure removal, and transportation alternatives/traffic mitigation were also imposed.

Conditions of the 1978 Hearing Officers' Report continued to encourage transportation studies, public mass transit options, an alternative location for a Meadowlands Environment Center, a potential sanitary sewer capacity restriction, recycling, preparation of a landscape plan, and environmental monitoring (particularly water and air quality monitoring). The report also included new conditions for a parking access and management plan, a water conservation plan, heating and cooling conservation

measures and alternatives, a Soil Erosion and Sediment Control Plan, and dust control measures.

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.

C. The 2004 Hearing Officers' Process

In 1994, the NJSEA prepared a master plan document detailing its vision for the future of the Meadowlands Sports Complex. This plan was updated in 1998, 2006, and 2011. The Authority aimed to maintain its status as a premier sports and entertainment facility. In order to do this, the NJSEA recognized that components of the overall development would need to be updated and enhanced over time to meet the changing needs of the population and continue to draw a large number of patrons to the site. The plan suggested a variety of potential uses that the Authority believed could achieve its goals, including conference and hotel facilities, office space, signature sports retailers, restaurants, and interactive sports and entertainment venues.

In 2002, the NJSEA published a request for proposals (RFP) to redevelop the area around the facility then known as the Continental Airlines Arena² in an effort to effectuate the vision of its Master Plan. Six development teams responded to the RFP. The Meadowlands Mills/Mack-Cali Limited Partnership team was selected by the NJSEA as developers of the site with their project proposal, Meadowlands Xanadu.

The Hearing Officers participating in the consultation process were Gary Sondermeyer, Director of Operations of the NJDEP, and Robert Ceberio, Executive Director of the NJMC. Alvin Weiss, Esq., of the law firm of Porzio, Bromberg, and Newman, served as the Presiding Officer for the public hearings portion of the consultation process.

² The former Continental Airlines Arena is currently known as the IZOD Center.

In acknowledgement that any redevelopment at the Continental Airlines Arena site may draw concerns from parties in and around the region, the Hearing Officers set out to provide substantial opportunities for the public to comment, both orally and in writing. The process began with a “Scoping Hearing” conducted during the afternoon and evening of March 3, 2004. Following the Scoping Hearing, the Final EIS documents were completed and made available for public review at the NJMC and NJDEP offices and the Meadowlands constituent municipalities’ libraries. Public hearings for the EIS, as required by the N.J.S.A. 5:10-23 consultation, took place daily during the week of April 26, 2004, through April 30, 2004.

The Hearing Officers concluded that the project may advance subject to the conditions and recommendations of the Hearing Officers’ Report. The NJMC adopted the Hearing Officer’s report on August 26, 2004, by Resolution #04-60 and the Commissioner of the New Jersey State Department of Environmental Protection Commissioner by an October 1, 2004, order revised and adopted the Hearing Officers’ Report. The Commissioner’s order set forth additional provisions to ensure compliance and enforcement of the terms and requirements of the Report.

Contrary to the state of environmental regulations during the 1972 and 1978 consultation proceedings, both the State and Federal governments currently exercise extensive regulatory authority over and implement programs dedicated to environmental protection in the subject area. Beyond the scope of the 2004 consultation process, the NJDEP, New Jersey Department of Transportation (NJDOT), New Jersey Department of Community Affairs (NJDECA), Army Corps of Engineers (ACE), and the Federal Aviation Administration (FAA) are reviewing, or have reviewed, applications for permits and approvals related to Meadowlands Xanadu.

D. The 2005 Hearing Officers’ Process

In May 2005, the NJSEA submitted a Preliminary Environmental Impact Statement for the Meadowlands Railroad and Roadway Improvement Project to the NJDEP and NJMC

for consultation review in accordance with N.J.S.A. 5:10-23. The Hearing Officers participating in the consultation process were Gary Sondermeyer, Chief of Staff of the NJDEP, and Ileana Kafrouni, Director of Land Use Management and Chief of Regulatory Affairs for the NJMC.

Three public hearing sessions were held on April 11, 2005 on the scoping document pertaining to the preparation of a Preliminary Environmental Impact Statement associated with the proposed Meadowlands Railroad and Roadway Improvement Project. Additionally, three public hearing sessions were convened on June 16, 2005, to accept public comments regarding the May 2005 Preliminary Environmental Impact Statement. A Final Environmental Impact Statement, dated August 2005, was received by the Hearing Officers and made available for public review. The NJMC adopted the Hearing Officer's report on October 26, 2005, by Resolution #05-109, and the Commissioner of the New Jersey State Department of Environmental Protection adopted the Hearing Officers' Report by a November 3, 2005, order.

E. The 2006 Hearing Officers' Process

In May 2006, the NJSEA submitted a Scoping Document for the New Meadowlands Stadium Project. Following a Scoping Hearing, the Preliminary EIS documents were submitted in November 2006. The Hearing Officers participating in the consultation process were Gary Sondermeyer, Director of Operations of the NJDEP, and Robert Ceberio, Executive Director of the NJMC.

Public hearings for the Preliminary EIS took place on December 13 and 14, 2006. A Final Environmental Impact Statement, dated January 2007, was received by the Hearing Officers and made available for public review. The Hearing Officers' report was adopted by the NJMC on April 30, 2007, by Resolution #07-45, and the Commissioner of the New Jersey Department of Environmental Protection adopted the Hearing Officers' Report via a May 3, 2007, order.

F. The 2011 New Meadowlands Racetrack Clubhouse Hearing Officers' Process

The Hearing Officers' Process for the New Meadowlands Racetrack Clubhouse Project began with the submission of a Scoping Document on September 16, 2011. The Hearing Officers for this consultation process were Scott Brubaker, NJDEP Director of Permit Coordination and Environmental Review, and Marcia A. Karrow, Executive Director of the NJMC. The Preliminary EIS was submitted on September 30, 2011, and public hearings were held on November 3, 2011, as required by the N.J.S.A. 5:10-23 consultation process.

A Final Environmental Impact Statement, dated November 28, 2011, was received by the Hearing Officers and made available for public review. The Hearing Officers' report was adopted by the NJMC on January 25, 2012, by Resolution #12-04, and the Commissioner of the New Jersey Department of Environmental Protection adopted the Hearing Officers' Report via an order dated February 1, 2012.

G. The 2011 American Dream Amusement Park and Water Park Hearing Officers' Process

The Hearing Officers' Process for the American Dream Amusement Park and Water Park began with the submission of a Draft Supplemental EIS on October 25, 2011. Because an EIS was prepared in 2004 for the Meadowlands Xanadu redevelopment project (currently proposed as American Dream Meadowlands) on the Arena Site, and the proposed Amusement Park and Water Park facility is a new component to that overall redevelopment project, a Supplemental EIS (SEIS) was deemed appropriate to address N.J.S.A. 5:10-5(x) and 5:10-23.

Public hearings to receive comments on the DSEIS were held on November 15 and 16, 2011, with two sessions held on each day. 50 public comments were received at the hearings and 16 written comments were received by the close of the public comment period on December 19, 2011. The comment period was then extended for 30 days and

closed on January 18, 2012. Three (3) comments were received during the comment period extension.

The Final Supplemental EIS (FSEIS) was submitted on April 10, 2012 and made available for public review.

H. New Jersey Executive Order 215 of 1989

The Hearing Officers find that the documentation submitted as part of this consultation complies with Executive Order 215 of 1989. The NJDEP is the administrative unit responsible for the implementation of the Executive Order and NJDEP Director of Permit Coordination and Environmental Review, Scott Brubaker, is a Hearing Officer for this consultation process. Since the Hearing Officers' proceedings meet the substantive requirements of the Executive Order, it is determined that the successful completion of the process satisfies the intent of Executive Order 215.

II. FINDINGS OF FACT AND RECOMMENDATIONS

Within this part of this Hearing Officers' Report, the Amusement Park and Water Park Project (the Project) has been briefly summarized for context and the format is generally consistent with sections of the FSEIS. In this regard, the Hearing Officers have outlined specific recommendations and requirements to be addressed and satisfied by the applicant and/or the Developer. This will be accomplished either through existing State and Federal permitting processes or through supplemental submissions to the NJDEP and NJMC. To provide a regular framework for the receipt of supplemental information, and to assess ongoing progress in compliance with the provisions outlined below, the applicant shall provide quarterly reports to the Hearing Officers' agencies. Following the environmental impact review, this report provides a summary of recommended conditions to be imposed upon the Developer.

A. Project Description

1. Introduction

The Amusement Park and Water Park Project is proposed to be developed on the 21.75-acre Radio Tower Site (the Site), Block 107.02, Lot 3, in the Borough of East Rutherford. This parcel, currently under the control of Triple Five, is intended to be transferred to the NJSEA and then leased by the NJSEA to an affiliate of Triple Five. This consultative process is being performed at the request of the NJSEA, due to its anticipated acquisition of the site. The Site is located immediately south of the Arena Site, where the redevelopment project currently known as American Dream Meadowlands (American Dream) is located. The Radio Tower Site contains three 500+ foot high radio towers, herbaceous uplands and wetlands, and a NJ Turnpike drainage easement.

The Site is bounded to the north by the East Peripheral Road (Arena Site loop road) and the Arena Site, to the east by the New Jersey Turnpike Western Spur, to the south by NJ State Route 3, and to the west by NJ State Route 120.

2. Development Team

The Developer for the site is Triple Five Development of Bloomington, Minnesota. Triple Five is the developer and owner of the Mall of America in Bloomington, MN, and the West Edmonton Mall located in Edmonton, Alberta, Canada.

3. Project Components/Uses

The Project consists of an indoor Amusement Park and Water Park facility to be constructed to the south of the existing structure housing the entertainment/retail component (ERC). The Project will consist of a one-story, 639,000 square foot, two-lobed building containing the Amusement Park and Water Park. The new structure will be connected to the ERC via an elevated pedestrian bridge.

Once necessary regulatory approvals are obtained, the Developer plans to commence construction of the Amusement Park and Water Park.

B. Environmental Impact Review

This Hearing Officers' Report does not summarize every section of the FSEIS document submitted by the Developer. Rather, it concentrates on certain parameters within the Hearing Officers' scope of review and the public comment process that have been deemed to be most significant. Topics not amplified herein are found to be appropriately addressed and are in accord with details of the proposed findings and/or actions provided by the Project Sponsor.

1. Project Components

The Hearing Officers have no comments.

2. Geology and Soils

The second paragraph on page 4-2 cites Langan 2011e (Preliminary Geotechnical Engineering Study), which is not included as an Appendix to the FSEIS. A copy of this study shall be provided to the Hearing Officers.

The second paragraph on page 4-2 states that five drilled borings and three cone probe borings were performed at select locations within the footprint of the APWP. A copy of the map showing the boring locations shall be provided.

The sentence associated with the bullet labeled “Fill” on page 4-2 states that fill was encountered in “all three borings;” however previous text (mentioned above) says a total of eight borings were performed at the site (five drilled and three cone borings). Information on the fill material encountered in the remaining five borings shall be provided.

Documentation regarding the amount of “historic fill” covering the site is required.

The text discusses the depth of the fill required to achieve the proposed finished grades. The origin of the fill to be used at the site shall be provided. All fill shall be tested prior to being placed on the site.

The first bullet at the bottom of page 4-6 includes a discussion regarding the turbid discharge from construction dewatering activities to be contained in a temporary dewatering basin prior to discharge. The location of the temporary dewatering basin shall be provided. It must not be located in any wetlands that are to remain on-site after construction is completed. Given the levels of contamination found within the “historic fill,” and the fact that groundwater at the site is contaminated by the historic fill, any water associated with construction dewatering activities must be tested for the contaminants found in the historic fill before being discharged. Information is required regarding the discharge location of the settled water from the construction dewatering in accordance with the NJDEP Surface Water Permitting Construction Dewatering General Permit or Groundwater Remediation Cleanup (BGR) General Permit.

3. Land Form

The Hearing Officers have no comments.

4. Wetlands

The Developer shall fulfill the prior obligations from the Xanadu Hearing Officers' process by completing the 2004 requirements as outlined in Section II.C.3.e of Appendix D of this report.

Mitigation compensating for impacts to wetlands will be consistent with the Federal final rule for Compensatory Mitigation for Losses of Aquatic Resources, dated April 10, 2008. The applicant has proposed to compensate for 5.41 acres of permanent impacts to tidal and non-tidal emergent wetlands with the purchase of a total of 5.41 credits from the Evergreen MRI3 Mitigation Bank. The Evergreen MRI3 Mitigation Bank is located along the Hackensack River approximately 3,000 feet north of the Project Site. A Mitigation Banking Instrument for the Evergreen MRI3 Mitigation Bank was approved by the USACE on February 7, 2012. An initial credit release was approved by the USACE on May 9, 2012. The proposed mitigation plan will undergo further interagency review and comment.

In addition to its required mitigation, the NJSEA has indicated its intent to preserve the property commonly known as Walden Swamp.

5. Water Resources

Applications for a Water Quality Certificate, a Coastal Zone Management Consistency Determination and a Water Quality Certification were submitted to the NJDEP on April 26, 2012 and are currently under review.

In the last sentence of the second paragraph of Section 4.4.1.1, a reference (or the data) shall be provided that substantiates a spring high water elevation of 3.89 feet NGVD on the project site.

The third paragraph on page 4-24 states that the existing 108-inch culvert was cleaned out and partially rebuilt in 2006. The depth of silt that has built up within the 108-inch culvert today shall be provided.

The first paragraph of Section 4.4.2.1 states that the 96-inch culvert will be cleaned out to remove sediment that has accumulated in the corrugated metal pipe (CMP). A structural inspection of the CMP is required after the removal of the silt and sediment to verify its structural integrity. CMP is prone to corrosion and pipe failure due to the brackish water environment. The projected length of time before the pipe silts up again and needs to be cleaned out again shall be provided.

As sediment has significantly reduced the current capacity of the 96-inch pipe, it is assumed the downstream receiving channel between the 96-inch CMP and the Hackensack River has been significantly silted up as well. Please provide information regarding any proposed plans to remove the sediment between the two existing culverts (96-inch CMP culvert and 108-inch RCP culvert) and the Hackensack River to provide a positive drainage slope.

A maintenance plan is required for the 96-inch CMP culvert and the 108-inch RCP culvert that flow under the New Jersey Turnpike and discharge into the Hackensack River.

The second paragraph on page 4-29 states that the APWP will result in an increase in impervious area associated with the proposed buildings and perimeter access road. The text should explicitly state that the amount of impervious area on the 21.75 acre property will increase from 1.6 acres in the existing condition to 17.25 acres, a total increase of 15.65 acres, which represents 72% of the property. The developer shall confirm the effects of the increase in impervious cover on the downstream channels and determine whether a hydraulic analysis is necessary.

The second sentence in the first paragraph in Section 4.4.2.2 states, "drainage from building rooftops will be discharged to the head of the drainage easement on the Radio Tower site that discharges to the unnamed tributary to the Hackensack River." Given the large increase in impervious coverage represented by the building

rooftops, the applicant is encouraged to investigate the beneficial reuse of this “clean” stormwater.

Please indicate whether the existing sanitary system pump station north of ERC Building A is able to handle the additional wastewater flow of 122,000 gallons per day (gpd).

A Construction Activities Stormwater General Permit (5G3) is required from the NJDEP’s Bureau of Nonpoint Pollution Control. This general permit authorizes point source discharges from certain construction activities. Regulated entities are required to develop a soil erosion and sediment control plan aimed at eliminating the flow of contaminated rainwater into streams and rivers. The soil erosion and sediment control plan must be certified by the Bergen County Soil Conservation District in order for the general permit to be issued.

As discussed at previous meetings with NJDEP, additional stormwater requirements will be addressed through the Flood Hazard Area permitting process.

If dewatering is required for construction activities, there are several alternatives based upon whether or not the groundwater is contaminated. If uncontaminated construction dewatering water is proposed to be discharged to surface water, the applicant will need a Construction Dewatering general permit. This Construction Dewatering general permit is designed for short term discharges only and authorizes the discharge of groundwater that contains negligible levels of pollutants to the surface waters of the State of New Jersey during construction dewatering. This general permit does not cover discharges from sites known or suspected to contain contaminated groundwater, such as remediation or petroleum product clean-up sites, stormwater discharges, and discharges associated with sediment laden waters. The Certification Form and accompanying sample analysis data must be submitted for review at least 14 working days prior to the proposed discharge for review.

If the construction dewatering water is contaminated, it must be treated and could then potentially be discharged to surface water through the Groundwater Remediation Cleanup (BGR) general permit. Information regarding this general permit can be viewed at http://www.nj.gov/dep/dwq/gp_BGR.htm.

6. Floodplains

Impacts to floodplains are addressed by the Individual Flood Hazard Area permit, which was issued by NJDEP on April 30, 2012.

7. Riparian Lands

Impacts to riparian lands are addressed by the Individual Flood Hazard Area permit, which was issued by NJDEP on April 30, 2012.

8. Vegetation

The Impacts section of the FSEIS states that the wetlands to be impacted have been disturbed, are dominated by common reed and are generally categorized as low value wetlands. A description of the wetland evaluation method that was used to arrive at the conclusion that these wetlands are “generally categorized as low value wetlands” shall be provided.

9. Wildlife Habitat

The Project will result in the loss of 18 acres of wildlife habitat. Compensation for this loss will be addressed by the freshwater wetlands mitigation plan that is proposed.

10. Threatened and Endangered Species

The last sentence of the Impacts section states that “threatened and endangered species...are usually found in less developed areas with minimal human use and larger expanses of habitat than are present on and around the Radio Tower site.” Within the Meadowlands, Yellow-crowned Night herons do not use the “typical”

habitat that the NJDEP cites in their threatened and endangered species program fact sheets, they use the habitat that is available, including *Phragmites* dominated wetlands (e.g., the *Phragmites* dominated portions of the Mill Creek marsh). Within the Meadowlands, Yellow-crowned Night herons have been documented nesting within a residential development (Harmon Cove) and a small park within the Town of Secaucus (Schmidt's Woods). The fact that Yellow-crowned Night herons have been documented as nesting in close proximity to human disturbance is mentioned in the NJDEP fact sheet cited in the FSEIS; however, this information was not included in Section 4.9 or in Appendix D (Habitat Suitability Report). Yellow-crowned Night herons have also been documented using the nearby Anderson Creek marsh for resting and foraging.

In addition, Species Occurrence Area mapping indicates threatened/endangered (T/E) and species of concern in the area, including Yellow-crowned Night heron, Great Blue Heron, Glossy Ibis, and Snowy Egret. Landscape Mapping includes habitat patches of emergent wetland valued for Yellow-crowned Night heron and forested wetland patches. The loss of these habitats may require mitigation.

All or parts of the water bodies contained within the Project area are considered to be within an anadromous species migration corridor. In order to protect the anadromous species spawning run in this area, a timing restriction from March 15 through June 30 is needed on any activities which would generate sediment or sediment plumes in these water bodies.

11. Aquatic and Benthos Habitats

Without actual on-site field measurements of dissolved oxygen and the unnamed "other water quality parameters," the statement "...water features and their associated habitats located in and around the Radio Tower site are stressed due to low dissolved oxygen concentrations and exceedances of other water quality parameters" in the last sentence of the first paragraph of this section cannot be substantiated.

12. Resource Contamination

As of May 7, 2012, with limited exceptions, all remediation in the State of New Jersey, without regard to when remediation was initiated, are to proceed under the supervision of a Licensed Site Remediation Professional (LSRP), without NJDEP approval following the nine requirements set forth at N.J.S.A. 58:10B-1.3b(1) through (9). The person responsible for conducting remediation must comply with the Administrative Requirements for the Remediation of Contaminated Sites, N.J.A.C. 7:26C.

13. Solid Waste and Recycling

The assumption used for the generation of waste and recyclable materials in Table 4.9 relies on data for more standard uses (commercial, etc.) using square footage. The applicant shall use information from existing facilities owned by the developer, or other sources since an amusement park and water park would generate totally different waste numbers.

A Recycling Plan for the ERC was provided to the Hearing Officers in January 2008. The FSEIS states that the Plan will be updated to include the Amusement Park and Water Park, and that a recycling program for the construction phase of the Project will be developed and implemented.

14. Utilities and Infrastructure

Modifications and improvement to the utility infrastructure are proposed to be installed for the proposed Amusement Park and Water Park. Utilities are proposed to be connected to the existing facilities constructed for the ERC.

The Developer shall provide will-serve letters from the natural gas and electricity providers, United Water (the water provider), and the BCUA (the wastewater treatment authority) regarding the provision of utility service to the Amusement Park and Water Park.

The condition of the existing sanitary sewerage pump stations is not provided.

The text in Section 4.13.2.3, Potable Water Service, indicates that the new water line will be separate from the existing water line that currently serves the ERC, however, Figure 4-24 shows two new connections to the existing water main which serves the ERC. The Developer should clarify the water service connections.

The FSEIS does not provide information as to filling procedures for the Water Park and maintenance of water levels, and frequency of water changes/discharges.

The American Dream Project is included in the 2012 United Water Master Permit.

The incorporation of energy efficient measures and products is encouraged to the greatest extent possible.

Backup generators shall be provided in the event of a power outage.

15. Traffic and Transportation

The August 2004 Hearing Officer's Report set forth a series of recommended transportation improvements to lessen the adverse traffic impacts from the Xanadu Redevelopment Project. These recommendations can be found in Section II.C.9 of Appendix D of this report.

In December 2004, the Meadowlands Regional Transportation Analysis (MRTA) was prepared for the New Jersey Sports and Exposition Authority. The impetus for this analysis, as stated in the Project Overview, was the "significant development...anticipated to occur within and proximate to the Hackensack Meadowlands over the next decade in accordance with the New Jersey Meadowlands Commission's 2004 Master Plan."³ This analysis was completed while the Meadowlands Rail Line was still in its conceptual stage. The infrastructure

³ Meadowlands Regional Transportation Analysis, 12/17/04.

improvements recommended in this report were approved by NJDOT and constructed.

In a letter dated March 1, 2012, from Richard Dube of the NJDOT Bureau of Major Access Permits, the NJDOT responded to comments regarding the NJDOT Major Access Permit posed in a letter dated February 1, 2012, prepared by Paul C. Dritsas, Esq., of McCarter & English, LLP, the attorneys representing the New Meadowlands Stadium Company, LLC, and its principal tenants, the New York Jets LLC and the New York Football Giants, Inc. The letter stated that since the American Dream project is proposing essentially the same mix of development as the previously-approved Xanadu project, with the exception of the water park and amusement park, the transportation improvements already constructed for the Xanadu Project would be sufficient to mitigate any adverse traffic impacts resulting from the proposed American Dream. Specifically, the letter states that “the Xanadu permit is still valid for the lots involved and the trip volumes associated with it are still permitted. It does not matter who constructs the development or even what is constructed as long as the resultant trip generation does not exceed the permitted peak hour volumes by more than 100 trips..... (T)he only issue of trip generation is the impact of the additional traffic from the indoor amusement park and water park.”

The NJDOT reviewed the addition of the water park and amusement park to the development. The letter states that “(i)t was the Department’s determination consistent with its long standing policy that based on the trip generation and alternative access percentage this application should be a major access application only” and would not generate enough new peak hour trips to cause the NJDOT to require a Major Permit with Planning Review application. The letter further states that “(t)he Traffic Impact Assessment submitted met the Department’s expectations and satisfied the Department’s needs as far as substantiation of the additional trip generation.”

The letter also noted that the proposed American Dream would not add to the traffic on football game days for a number of reasons, including the fact that the Bergen County “Blue Laws” prohibit retail sales on Sundays; the parking lots open early on game day for staggered arrivals; and American Dream customers could utilize the rail service on game days. The letter states that “it is a safe assumption that the traffic impact on a Sunday from the American Dream will be less than on Saturday and possibly weekdays too, even with the addition of the amusement park and water park.”

On March 14, 2012, the NJDOT’s Office of Major Access Permits sent a letter to Kenneth Mackiewicz of TRC Engineering, Inc., stating their intent to approve the Major Access Permit application submitted for a 15-acre amusement park and 4,760,000 square feet of Meadowland Xanadu by the NJSEA. A copy of the “Major” permit (NJDOT No. A-120-N-N036-2011) was required to be signed by the NJSEA and forwarded back to the NJDOT prior its execution by the NJDOT. Conditions of the permit include the requirement that Turnpike Ramp #18W is to remain open at all times.

The Hearing Officers take notice that Triple Five is working with New Jersey Transit to increase bus and rail service to the Project. Triple Five has also stated that they are working to provide a “rubber-tire tram” within the Project Site to transport patrons from the Meadowlands Rail Station to the Project.

The applicant shall meet any and all NJDOT requirements.

16. Air Quality

An air operating permit is required for any boilers and/or heaters and emergency generators over 1 MMBtu as well as non-emergency generators over 37 Kw.

Diesel exhaust contributes the highest cancer risk of all air toxics in New Jersey. Therefore, construction projects involving non-road diesel construction equipment

operating in a small geographic area over an extended period of time should implement the following measures to minimize the impact of diesel exhaust, and the developer shall ensure that its contractors comply with these requirements:

- All on-road vehicles and non-road construction equipment operating at, or visiting, the construction site shall comply with the three minute idling limit, pursuant to N.J.A.C. 7:27-14 and N.J.A.C. 7:27-15.
- All diesel non-road construction equipment operating at the construction site shall use ultra-low sulfur diesel fuel (<15 ppm sulfur) in accordance with the federal Nonroad Diesel Rule, 40 CFR Parts 9, 69, 80, 86, 89, 94, 1039, 1051, 1065, 1068.
- All non-road diesel construction equipment greater than 100 horsepower used on the project for more than ten days shall have engines that meet the USEPA Tier 4 non-road emission standards, or the best available emission control technology that is technologically feasible for that application and is verified by the USEPA or the CARB as a diesel emission control strategy for reducing particulate matter emissions, except that:
 - a. The *(agency in charge of contract or permittee)* may deem as compliant any diesel retrofit technology installed by an owner or operator of diesel powered equipment prior to the effective date of this project, contract or permit.
 - b. If there is no technologically feasible emission control technology verified by USEPA or CARB for specific diesel non-road construction equipment, the contractor may use the best available emission control technology verified by the Mine Safety and Health Administration or the Switzerland BUWAL program (VERT Filter List) to reduce particulate matter emissions.
 - c. If there is no technologically feasible and appropriate emission control technology, or installation of a control technology would create a safety

hazard, such as impaired visibility for the operator, the contractor may request a waiver from (*agency in charge of contract or permittee*). A waiver may also be granted if the emission control technology fails to operate as designed.

- The developer shall send bi-annual reports to NJDEP, Diesel Risk Reduction Program, PO Box 418, Trenton, N.J. 08625-0418. The bi-annual reports shall include summaries of the equipment retrofitted, the types of retrofit devices used, any problems encountered with installation or operation of the devices, estimate of emissions reduced, and results of field audits or testing done to ensure compliance with these diesel emission reduction requirements. The reporting shall be done using forms on www.stopthesoot.org.
- All on-road diesel vehicles used to haul materials or traveling to and from the construction site shall use designated truck routes that are designed to minimize impacts on residential areas and sensitive receptors such as hospitals, schools, daycare facilities, senior citizen housing, and convalescent facilities.

17. Noise

Although no residential uses are proposed for the property, the practical placement of HVAC units, emergency generators, and garbage dumpsters shall be considered.

A mitigation plan for construction noise shall be submitted to the Hearing Officers.

The maintenance of functional mufflers on all construction equipment is required.

18. Socioeconomics

With regard to socioeconomic impacts stemming from development and operations of the Project, the developer's information provided in the FSEIS demonstrates the expectation of beneficial impacts to the municipality, region and State of New Jersey.

Primarily, these benefits come in the form of direct and indirect income for construction and permanent employees of the Project and taxes generated. Additionally, the developer has implemented a successful and comprehensive program at its other facilities for planned activities and benefits for local communities. These activities include community partnership programs related to the following:

- Employment and job training
- Education
- Local business development
- Health and wellness
- Tourism
- Environmental partnerships
- Regional promotion

The developer is encouraged to implement a program at the Project similar to the community partnerships it fosters at its other facilities.

The Developer shall also meet its prior obligations from the Xanadu Hearing Officers' process by completing the 2004 Hearing Officer requirements as outlined in Section II.C.12 of Appendix D of this report.

19. Land Use and Zoning

The Hearing Officers have no comments on this section.

20. Parklands and Recreational Resources

The Project does increase recreational opportunities in the region. It does not appear to negatively impact existing park facilities. The FSEIS states: "Within the HMD, the Hackensack River functions as a focal point for education, leisure and recreational activities." With that in mind, the Project should connect patrons to the river and the larger meadowlands environment.

21. Historic, Archaeological and Architectural Resources

An Intensive Level Architectural Survey for the Radio Transmitter Building was prepared by Arch 2, Inc. in November 2011 and received by the NJ State Historic Preservation Office (HPO) on December 29, 2011. Based on the information provided, the HPO staff concurs with Arch 2's assessment that the Radio Transmitter Building and associated towers are not eligible for inclusion on the National Register of Historic Places. The HPO previously reviewed a Phase IA Archaeological Survey report for the project provided by Langan Engineering and Environmental Services, Inc. The project site was assessed as having a low potential to contain significant archaeological resources. The HPO concurred with this assessment in a memo dated December 12, 2011. This concluded the HPO's review of this project.

22. Visual and Landscape Aesthetics

All remaining open space on the Project Site should be maximized in terms of habitat function, wetland function, stormwater absorption, recreation and connections to the larger region.

Native landscape plants are encouraged and should be laid out in a "naturalized" manner, i.e. mass plantings, meadows, etc. The Developer shall utilize xeriscape landscaping, which uses plants that are drought tolerant and require less water. Educational opportunities should be extended to visitors through interpretive materials.

The Developer shall take steps to minimize light pollution from exterior components to the greatest extent possible.

The Developer shall consider how gray water, from building and/or parking lot run-off, could be used for irrigation of landscape plants.

23. Environmentally Responsible Building and Design

The use of environmentally responsible building and design principles can

significantly reduce environmental impacts from development by reducing energy usage, utilizing recycled materials, utilizing gray water generated by site operations, minimizing site disturbance, etc. The Hearing Officers require the Developer to include in the quarterly reports a summary of the efforts made to incorporate such measures.

The FSEIS notes that an updated Energy Conservation and Sustainable Design Status Report will be provided to the Hearing Officers as design is advanced. The Hearing Officers request that the Developer provide the status of this report and anticipated date for submittal. The NJDEP requests an opportunity to review and comment on this Report.

The Developer shall consider the following sustainable design components during the construction and/or operation phases of the Project:

- Use of low sulfur diesel fuel;
- Construction debris recycling program;
- Reduce heat island effect
 - Specify the type of roofing system that will be used;
- “Buy local” program for materials to reduce transportation costs;
 - Specify the types of products that will be purchased and used that have recycled content and are made within 500 miles of the project;
- Use of low Volatile Organic Compounds (VOC) adhesives, paints and coatings, carpets, composite wood and other interior finish materials where practical. The Developer shall consider existing industry benchmarks for these materials. For example:
 - Adhesives and sealants should be less than the current VOC content limits of South Central Air Quality Management District Rule #1168;
 - Paints and coatings should not exceed Green Seal’s GS-11 requirements; and
 - Carpet should meet or exceed the requirements of the Carpet and Rug Institute’s Green Label Indoor Air Quality Test Program.

- Use of energy efficient and Energy Star qualified products;
- Use of Direct Digital Control (DDC) and Heating Ventilating, and Air Conditioning (HVAC) controls to manage energy use;
- Use of low-flow toilets in all restrooms;
- Use of low water plantings and high efficiency irrigation systems;
- Use of lighting with shields and louvers to minimize spill light;
- Promotion of mass transit and ride sharing;
- Use of non-ozone depleting mechanical equipment; and
- Establishment of a Recycling Program.

Progress in the evaluation of opportunities for incorporation of these additional design elements shall be included within quarterly progress reports submitted by the Developer:

- Energy Efficiency: The Developer shall review every avenue of energy efficiency or the use of renewable energy resources.
- Environmentally Preferable Purchasing: The Developer shall develop a plan to evaluate incorporation of recycled content materials into the Project.
- Emergency Power Supply: The NJDEP Division of Air Quality shall be consulted to ensure the most efficient equipment and best available control technology is utilized.

C. Summary of Requirements

Fulfillment of the following conditions pertaining to the proposed Amusement Park and Water Park Project is assumed by the Hearing Officers to be the responsibility of the project Developer, Triple Five, unless specifically noted otherwise. The NJSEA shall provide to the Hearing Officers, within 30 days of the approval of this Hearing Officers' Report, a letter stating which party (NJSEA or Triple Five) is responsible for addressing each of the requirements discussed in this document. While this section summarizes most of the requirements noted in the text of the individual sections of this report, the Developer shall be responsible for addressing all data collection requirements, plans,

improvements, and other such obligations cited in this report. It should be noted that the Developer is responsible for the completion of any outstanding obligations from the prior Hearing Officers' process for the Xanadu Redevelopment Project.

1. Project Components

None.

2. Geology and Soils

- a. The second paragraph on page 4-2 cites Langan 2011e (Preliminary Geotechnical Engineering Study), which is not included as an Appendix to the FSEIS. A copy of this study shall be provided to the Hearing Officers.
- b. The second paragraph on page 4-2 states that five drilled borings and three cone probe borings were performed at select locations within the footprint of the APWP. A copy of the map showing the boring locations shall be provided.
- c. The sentence associated with the bullet labeled "Fill" on page 4-2 states that fill was encountered in "all three borings;" however previous text (mentioned above) says a total of eight borings were performed at the site (five drilled and three cone borings). Information on the fill material encountered in the remaining five borings shall be provided.
- d. Documentation regarding the amount of "historic fill" covering the site is required.
- e. The text discusses the depth of the fill required to achieve the proposed finished grades. The origin of the fill to be used at the site shall be provided. All fill should be tested prior to being placed on the site.
- f. The location of the temporary dewatering basin shall be provided. It must not be located in any wetlands that are to remain on-site after construction is completed. Given the levels of contamination found within the "historic fill," and the fact that groundwater at the site is contaminated by the historic fill, any water associated with construction dewatering activities must be tested for the contaminants found in the historic fill before being discharged.

Information is required regarding the discharge location of the settled water from the construction dewatering in accordance with the NJDEP Surface Water Permitting Construction Dewatering General Permit or Groundwater Remediation Cleanup (BGR) General Permit.

3. Land Form

None.

4. Wetlands

- a. The Developer shall fulfill the prior obligations from the Xanadu Hearing Officers' process by completing the 2004 requirements as outlined in Section II.C.3.e of Appendix D of this report.

5. Water Resources

- a. In the last sentence of the second paragraph of Section 4.4.1.1, a reference (or the data) shall be provided that substantiates a spring high water elevation of 3.89 feet NGVD on the project site.
- b. The current depth of silt that has built up within the 108-inch culvert shall be provided.
- c. A structural inspection of the 96-inch CMP is required after the removal of the silt and sediment to verify its structural integrity. The projected length of time before the pipe silts up again shall be provided.
- d. Please provide information regarding any proposed plans to remove the sediment between the two existing culverts (96-inch CMP culvert and 108-inch RCP culvert) and the Hackensack River to provide a positive drainage slope.
- e. A maintenance plan is required for the 96-inch CMP culvert and the 108-inch RCP culvert that flow under the New Jersey Turnpike and discharge into the Hackensack River.
- f. The second paragraph on page 4-29 states that the APWP will result in an increase in impervious area associated with the proposed buildings and perimeter access road. The text should explicitly state that the amount of

impervious area on the 21.75 acre property will increase from 1.6 acres in the existing condition to 17.25 acres.

- g. The developer shall confirm the effects of the increase in impervious cover on the downstream channels and determine whether a hydraulic analysis is necessary.
- h. Given the large increase in impervious coverage represented by the building rooftops, the applicant is encouraged to investigate the beneficial reuse of this “clean” stormwater.
- i. Please provide the status of any NJDEP General Permit (5G3) for Construction Activities.
- j. Please provide the status of any NJDEP Groundwater Remediation Cleanup (BGR) general permit.

6. Floodplains

None.

7. Riparian Lands

None.

8. Vegetation

- a. A description of the wetland evaluation method that was used to arrive at the conclusion that the wetlands are “generally categorized as low value wetlands” shall be provided.

9. Wildlife Habitat

None.

10. Threatened and Endangered Species

- a. In addition, Species Occurrence Area mapping indicates that there are threatened/endangered (T/E) and species of concern in the area, including Yellow-crown Night-heron, Great Blue Heron, Glossy Ibis, and Snowy Egret. Landscape Mapping includes habitat patches of emergent wetland valued for

Yellow-crown Night-heron and forested wetland patches. The loss of these habitats may require mitigation.

- b. All or parts of the water bodies contained within the Project area are considered to be within an anadromous species migration corridor. In order to protect the anadromous species spawning run in this area, a timing restriction from March 15 through June 30 is needed on any activities which would generate sediment or sediment plumes in these water bodies.

11. Aquatic and Benthos Habitats

None.

12. Resource Contamination

- a. As of May 7, 2012, with limited exceptions, all remediations in the state of New Jersey, without regard to when remediation was initiated, are to proceed under the supervision of a Licensed Site Remediation Professional (LSRP), without NJDEP approval following the nine requirements set forth at N.J.S.A. 58:10B-1.3b(1) through (9). The person responsible for conducting remediation must comply with the Administrative Requirements for the Remediation of Contaminated Sites, N.J.A.C. 7:26C.

13. Solid Waste and Recycling

- a. The applicant shall use information from existing facilities owned by the Developer, or other sources, for the generation of waste and recyclable materials, since an amusement park and water park would generate totally different waste numbers.
- b. A Recycling Plan for the ERC was provided to the Hearing Officers in January 2008. This Plan shall be updated to include the Amusement Park and Water Park.
- c. A recycling program for the construction phase of the Project will be developed and implemented.

14. Utilities and Infrastructure

a. Sanitary Sewer Service

- i. The Developer shall provide a letter from the Bergen County Utilities Authority (BCUA) indicating whether the BCUA Little Ferry wastewater treatment facility has sufficient capacity for the proposed development.
- ii. The Developer should provide information regarding the condition of the existing sanitary sewerage pump stations.
- iii. The Developer should provide information regarding conservation methods proposed to reduce the amount of sanitary sewerage produced.

b. Potable Water Service

- i. The Developer shall provide a letter from the water purveyor indicating whether there is sufficient capacity and water pressure for the proposed development, including a copy of the 2012 United Water Master Permit.
- ii. The Developer should clarify whether the water service for the Amusement Park and Water Park will be connected to the existing water main proposed for the ERC.
- iii. The Developer should provide information regarding filling procedures for the Water Park and maintenance of water levels, and frequency of water changes/discharges.
- iv. The Developer should provide information regarding conservation methods proposed to reduce the amount of potable water used.

c. Natural Gas and Electric Service

- i. The Developer shall provide a letter from the natural gas and electric suppliers indicating whether the design of the proposed natural gas lines, electric service, as well as the capacity, are sufficient for the proposed development.

d. Telephone Service

None.

e. Other Utilities and Infrastructure Considerations

- i. The incorporation of energy efficient measures and products is requested to the greatest extent possible.
- ii. Backup generators shall be provided in the event of a power outage.

15. Traffic and Transportation

- a. The applicant shall meet any and all NJDOT requirements.
- b. The Developer shall submit a revised Project Operating Plan and Event Parking and Transportation Management Plan to the Hearing Officers before the opening of the Project.
- c. The Developer shall provide updates to the Hearing Officers on the efforts to increase mass transit accessibility to the Project.

16. Air Quality

- a. An air operating permit is required for any boilers and/or heaters and emergency generators over 1 MMBtu as well as non-emergency generators over 37 Kw.
- b. All on-road vehicles and non-road construction equipment operating at, or visiting, the construction site shall comply with the three minute idling limit, pursuant to N.J.A.C. 7:27-14 and N.J.A.C. 7:27-15.
- c. All diesel non-road construction equipment operating at the construction site shall use ultra-low sulfur diesel fuel (<15 ppm sulfur) in accordance with the federal Nonroad Diesel Rule, 40 CFR Parts 9, 69, 80, 86, 89, 94, 1039, 1051, 1065, 1068.
- d. All non-road diesel construction equipment greater than 100 horsepower used on the project for more than ten days shall have engines that meet the USEPA Tier 4 non-road emission standards, or the best available emission control technology that is technologically feasible for that application and is verified by the USEPA or the CARB as a diesel emission control strategy for reducing particulate matter emissions, except that:
 - i. The *(agency in charge of contract or permittee)* may deem as compliant any diesel retrofit technology installed by an owner or operator of

diesel powered equipment prior to the effective date of this project, contract or permit.

- ii. If there is no technologically feasible emission control technology verified by USEPA or CARB for specific diesel non-road construction equipment, the contractor may use the best available emission control technology verified by the Mine Safety and Health Administration or the Switzerland BUWAL program (VERT Filter List) to reduce particulate matter emissions.
 - iii. If there is no technologically feasible and appropriate emission control technology, or installation of a control technology would create a safety hazard, such as impaired visibility for the operator, the contractor may request a waiver from (*agency in charge of contract or permittee*). A waiver may also be granted if the emission control technology fails to operate as designed.
- e. The developer shall send bi-annual reports to NJDEP, Diesel Risk Reduction Program, P.O. Box 418, Trenton, N.J. 08625-0418. The reporting shall be done using forms on www.stopthesoot.org.
 - f. All on-road diesel vehicles used to haul materials or traveling to and from the construction site shall use designated truck routes that are designed to minimize impacts on residential areas and sensitive receptors such as hospitals, schools, daycare facilities, senior citizen housing, and convalescent facilities.

17. Noise

- a. Although no residential uses are proposed for the property, the practical placement of HVAC units, emergency generators, and garbage dumpsters shall be considered.
- b. A mitigation plan for construction noise shall be submitted to the Hearing Officers.
- c. The maintenance of functional mufflers on all construction equipment is required.

18. Socioeconomics

- a. The developer is encouraged to implement a program at the Project similar to the community partnerships it fosters at its other facilities.
- b. The Developer shall fulfill the prior obligations from the Xanadu Hearing Officers' process by completing the 2004 Hearing Officer requirements as outlined in Section II.C.12 of Appendix D of this report.
- c. An emergency response plan shall be submitted to the Hearing Officers before the opening of the Project.

19. Land Use and Zoning

None.

20. Parklands and Recreational Resources

- a. The Hearing Officers encourage the Developer to explore opportunities to visually connect patrons to the Hackensack River and the larger Meadowlands environment.

21. Historic, Archaeological and Architectural Resources

None.

22. Visual and Landscape Aesthetics

- a. Native landscape plants are encouraged and should be laid out in a "naturalized" manner, i.e. mass plantings, meadows etc.
- b. The Developer shall utilize xeriscape landscaping, which uses plants that are drought tolerant and require less water.
- c. Educational opportunities should be extended to visitors through interpretive materials.
- d. The Developer shall take steps to minimize light pollution from exterior components to the greatest extent possible.
- e. The Developer shall consider how gray water, from building and/or parking lot run-off, could be used for irrigation of landscape plants.

23. Environmentally Responsible Building and Design

- a. The Hearing Officers request that the Developer consider sustainable design components during the construction and/or operation phases of the Project. These components are detailed in Section II.B.22 of this report.
- b. The Hearing Officers require the Developer to include in the quarterly reports a summary of the efforts made to incorporate such measures.
- c. The Hearing Officers request that the Developer provide the status of the updated Energy Conservation and Sustainable Design Status Report and anticipated date for submittal. The NJDEP requests an opportunity to review and comment on the Report before it is submitted.
- d. The Hearing Officers request additional focus areas including energy efficiency, environmentally preferable purchasing and emergency power supply. Progress in the evaluation of opportunities for incorporation of these additional design elements shall be included within quarterly progress reports submitted by the Developer.

24. Identification of Permits

It is the Developer's responsibility to investigate and obtain all federal, state, and local permits that may pertain to the proposed project. The NJDEP and NJMC are not liable for any damages that may result from the Developer's failure to obtain the necessary approvals from all respective agencies having jurisdiction. The FSEIS identified numerous Federal, State, and regional permits and approvals that will be required for the proposed development. The Developer is responsible for obtaining these and any other required approvals:

- i. United States Army Corps of Engineers Department of the Army Permit
- ii. NJDEP Division of Land Use Regulation-Water Quality Certification
- iii. NJDEP Division of Land Use Regulation-Waterfront Development Permit
- iv. NJDEP Division of Land Use Regulation-Flood Hazard Area Verification and Permit

- v. NJDEP Division of Land Use Regulation-Coastal Zone Management Consistency Determination
- vi. NJDEP Bureau of Financing and Construction Permits Treatment Works Approval
- vii. NJDEP Surface Water Permitting-(dependent upon contamination levels in dewatered water) Construction Dewatering General Permit or Groundwater Remediation Cleanup (BGR) general permit
- viii. NJDEP Site Remediation Program-Remedial Action Permit
- ix. NJDEP Bureau of Nonpoint Pollution Control-Stormwater General Permit for Construction Activities (5G3)
- x. NJDEP Bureau of Air Permits- Air Operating Permit(s)
- xi. New Jersey Sports and Exposition Authority Master Plan Approval and NJDEP and NJMC Hearing Officer's Review
- xii. New Jersey Department of Community Affairs New Jersey Uniform Construction Code permits, including Barrier Free Subcode approval
- xiii. NJDOT Major Access Permit (Without Planning Review)
- xiv. Bergen County Soil Conservation District Soil Erosion and Sediment Control Plan Certification

It should be noted that NJDEP is the reviewing agency for a number of the aforementioned permit and/or approval applications. These applications will be reviewed independently of this Hearing Officers' consultation process and in many cases the submittals will contain more detailed information than that provided in an EIS. NJDEP may request additional data and/or raise additional items of concern for which the Developer will be responsible to address at that stage of review.

D. Quarterly Reports

The Project Sponsor shall submit quarterly progress reports to the Hearing Officers, or their agency's designee, for review. These reports shall include the status of all conditions, which party (NJSEA or Triple Five) is responsible for each condition, and the

status of project construction. The report shall address which requirements have been completed, which are in progress, and which have yet to be accomplished. Any documents produced or permits received that fulfill a condition shall be attached to the quarterly report. In the event that the Developer wishes to seek a modification of any condition, a request shall be made to the Hearing Officers, or their agency's designee, who in turn shall make a recommendation to the heads of their respective agency – the Commissioner of the Department of Environmental Protection and the NJMC Board of Commissioners - for a decision.

The first quarterly progress report shall be due for submission by October 15, 2012 (provided final approval is given to this Hearing Officers' Report prior to July 1, 2012). Thereafter, quarterly progress reports are due 15 days following the end of each calendar quarter (i.e. by January 15, April 15, July 15 and October 15). This requirement will remain in effect until and unless specifically terminated or modified, in writing, by the Commissioner of the New Jersey Department of Environmental Protection and the NJMC Board of Commissioners.

III. CONCLUSION

We, the Hearing Officers, convened for the purpose of reviewing the American Dream Amusement Park and Water Park Project in accordance with N.J.S.A. 5:10-23 of the New Jersey Sports and Exposition Authority's enabling legislation, and conclude that the project may advance subject to the conditions and recommendations of this Hearing Officers' Report.

Diligent efforts by the Developer and NJSEA to meet the recommendations and requirements set forth by this document and the provision of quarterly progress reports to the Hearing Officers will enhance the overall American Dream Amusement Park and Water Park Project.

The foregoing Hearing Officers' Report is hereby submitted for consideration to the Commissioner of the New Jersey Department of Environmental Protection and the Board of Commissioners of the New Jersey Meadowlands Commission.

Date: _____

June 22, 2012

Scott Brubaker

Scott Brubaker
Hearing Officer

Marcia A. Karrow

Marcia A. Karrow
Hearing Officer

APPENDIX A

SECTION 5(X) CONSULTATION REPORT AND RECOMMENDATIONS IN THE MATTER OF LOCATION, TYPE, AND CHARACTER OF THE PROPOSED AMERICAN DREAM AMUSEMENT PARK AND WATER PARK

**SECTION 5(X) CONSULTATION REPORT AND
RECOMMENDATIONS IN THE MATTER OF
LOCATION, TYPE, AND CHARACTER
OF THE PROPOSED AMERICAN DREAM
AMUSEMENT PARK AND WATER PARK**

NEW JERSEY MEADOWLANDS COMMISSION
1 DE KORTE PARK PLAZA
LYNDHURST, NEW JERSEY 07071

JUNE 2012

I. INTRODUCTION

A. Background Statement

The New Jersey Sports and Exposition Authority (NJSEA, Sports Authority or the Authority) was created on May 10, 1971, by an act of the State legislature. L. 1971, c. 137. N.J.S.A. 5:10-2 of the NJSEA Law declared that the creation of a sports and exposition complex in the Meadowlands would stimulate needed development in the Meadowlands District. N.J.S.A. 5:10-22 further detailed that “the site of the meadowlands complex shall not exceed 750 acres.” After studying a number of options, the Meadowlands Sports Complex site was located in the Borough of East Rutherford in 1972.

In accordance with N.J.S.A. 5:10-5(x), the Sports Authority consulted with the Hackensack Meadowlands Development Commission (now known as the New Jersey Meadowlands Commission or NJMC) regarding “the location, type and character” for its initial facilities that consisted of Giants Stadium and the Meadowlands Racetrack. Additionally, the NJSEA consulted with the Hackensack Meadowlands Development Commission in 1978 regarding its proposal to establish a multi-purpose arena in the Hackensack Meadowlands. The NJSEA’s enabling legislation also required the authority to consult with the New Jersey Department of Environmental Protection (NJDEP) and the Meadowlands Commission, in accordance with N.J.S.A. 5:10-23, 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.” It was duly noted in the New Jersey Sports and Exposition Act, however, that while the NJSEA must consult with the Commission regarding these matters, the NJSEA’s plans do not have to specifically conform to the land use plan and zoning regulations of the NJMC.

The NJSEA has submitted a project proposal, known as American Dream Amusement Park and Water Park Project, to the NJMC for consultation purposes with regard to location, type and character of the development proposed in accordance with N.J.S.A.

5:10-5(x). The Project will be developed by Triple Five. For purposes of this review, the NJSEA is deemed to be the Developer.

Four public hearing sessions were convened on November 15 and 16, 2011, to accept public comments regarding the location, type, and character of the proposed American Dream Amusement Park and Water Park Project (transcripts are included as Appendix B of the Hearing Officers' Report). Additionally, the record was held open for written public comments until January 18, 2012 (comments are included as Appendix C of the Hearing Officers' Report).

II. FINDINGS OF FACT AND RECOMMENDATIONS

As stated above, the findings of this Section 5(x) consultation pertain strictly to the matters of project location, type and character. Assessment of the proposed American Dream Amusement Park and Water Park Project with regard to potential environmental impacts resulting from the project's specified location is the topic of a separate consultation process performed in accordance with N.J.S.A. 5:10-23.

A. Project Location

In 1972, the NJSEA designated the site of the Meadowlands Sports Complex. It was to be located in the Borough of East Rutherford (presently Block 107.01, Lot 1 and Block 107.02, Lot 1), just north of New Jersey State Highway Route 3 between New Jersey State Highway Route 17 and the western spur of the New Jersey Turnpike.

The site was approximately 750 acres in size, the maximum allowed by the Sports Authority's legislation. The current proposal is to construct a new Amusement Park and Water Park on the Radio Tower Site (Project Site), south of the Arena Site of the Meadowlands Sports Complex. This parcel, currently under the control of Triple Five, is intended to be transferred to the NJSEA and then leased by the NJSEA to an affiliate of Triple Five. This consultative process is being performed at the request of the NJSEA, due to its anticipated acquisition of the Project Site.

The Project Site is approximately 21.75 acres and is currently occupied by three radio towers and one radio transmission building, all of which will be taken down. The Site also contains herbaceous wetland and upland areas. A drainage easement is located on the Site to maintain a drainage area that flows through the NJ Turnpike right-of-way to a 96-inch culvert located under the NJ Turnpike.

The existing roadways on the Arena Site will be maintained as part of the Project. The location of the Amusement Park and Water Park Project was chosen so that patrons would have to “pass through the entertainment/retail component (ERC) on their way in and on their way out, achieving the desired interaction with the retail component of the ERC.”⁴ The FSEIS also states, “the addition of the Amusement Park and Water Park is necessary to fulfill the goals of the NJSEA in the redevelopment plan for the Arena site of ‘creating a multi-use destination that capitalizes on existing uses at the Meadowlands and expands the product mix in a manner that is complementary to those uses.’”

NJSEA’s enabling legislation restricts its development and redevelopment activities in the Hackensack Meadowlands District (HMD) to 750 acres comprising the Meadowlands Sports Complex and to certain contiguous properties.

The NJMC staff finds the alternatives analysis regarding location to be acceptable.

B. Project Type

The Project as presented is consistent with the NJSEA’s enabling legislation. The legislation allows for a variety of uses to be considered by the Sports Authority. Sporting event facilities, entertainment, restaurants, vending establishments, recreation, lodging establishments, offices, and transportation structures, are all noted in the legislation. Additionally, the statute acknowledges that other facilities may also be

⁴ American Dream-Draft Supplemental EIS, October 2011

considered that are “related to, incidental to, necessary for, or complementary to the purposes of” the specific uses listed. N.J.S.A. 5:10-6(a)1.

The Project consists of a new 639,000 square foot Amusement Park and Water Park to be constructed on the Radio Tower Site, south of the Arena Site of the Meadowlands Sports Complex. The Project will consist of a one-story, 639,000 square foot, two-lobed building containing the Amusement Park and Water Park. The new structure will be connected to the ERC via an elevated pedestrian bridge. The Amusement Park will have a footprint of approximately 318,000 square feet and a height of approximately 120 feet. The Water Park will have a footprint of approximately 236,000 square feet and a height of approximately 115 feet. The Water Park is proposed to include a wave pool, river, spas, water slides, interactive play structures, as well as areas for lounging and relaxation. Food and beverage areas are also proposed.

C. Project Character

In general, NJMC staff finds that the overall project design appears to be positive in terms of implementation of a number of smart growth principles such as including a mix of land uses and providing accessibility to a variety of transportation modes.

The Project will be designed to provide compatibility with the surrounding natural setting and the rest of the Meadowlands Sports Complex. The exterior façade of the Project will be designed to be compatible with the redesigned exterior of the ERC. The use of different patterns and materials will give the structures scale and emphasize entrances and other building features.


A landscape plan has been provided. Staff finds the elements of the landscape plan to be acceptable in relation to the proposed development. Landscaping and planting will be used to screen foundations, electrical and mechanical equipment, and loading docks. Plantings will be installed around the new structures, their foundations, and at various

points along the perimeter access road. Lighting will complement the building designs and meet all applicable standards.

III. CONCLUSION

In accordance with N.J.S.A. 5:10-5(x), the NJMC staff has reviewed the documents submitted for the proposed American Dream Amusement Park and Water Park Project at the Radio Tower Site south of the Meadowlands Sports Complex for consultation purposes with regard to its location, type, and character. It has been found that, due to the nature of the Project, the investigation of areas beyond the confines of the Radio Tower Site for locating a new Amusement Park and Water Park is not warranted. I hereby submit these findings to the Board of Commissioners of the New Jersey Meadowlands Commission for consideration and recommendation to the New Jersey Sports and Exposition Authority.

Date: June 22, 2012



Marcia A. Karrow

NJMC Executive Director

APPENDIX B

PUBLIC HEARING TRANSCRIPTS

1

STATE OF NEW JERSEY
NEW JERSEY MEADOWLANDS COMMISSION

2

3

AMERICAN DREAM AT MEADOWLANDS PROJECT

4

PUBLIC HEARING

5

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

6

November 15, 2011

50 State Route 120

7

East Rutherford, New Jersey

8

B E F O R E:

9

MARCIA KARROW, Executive Director
New Jersey Meadowlands Commission

10

11

SCOTT BRUBAKER, Director
Office of Permit Coordination and
Environmental Review

12

13

New Jersey Department of Environmental
Protection

14

RICHARD TOMER,
Chief of the Regulatory Branch

15

U.S. Army Corps of Engineers

16

17

ALSO PRESENT:

MAURICE GRIFFIN,
Deputy Attorney General
Division of Law and Public Safety

19

JAMES PALMER,
Assistant District Counsel
Reported by: Susan Bischoff, CCR, RPR
Certified Court Reporter

22

23

GLOBAL COURT REPORTING SERVICES, INC.

24

55 North Bridge Avenue, Suite 6

Red Bank, NJ 07701

25

732-383-7860

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1 MS. KARROW: Good morning. I'm Marcia
2 Karrow, Executive Director of the New Jersey
3 Meadowlands Commission, NJMC. With me is Scott
4 Brubaker, the Director of the Office of Permit
5 Coordination and Environmental Review at the New
6 Jersey Department of Environmental Protection,
7 NJDEP, and Richard Tomer, who will be here
8 momentarily, of the United States Army Corps of
9 Engineers. We're the Hearing Officers for the
10 public hearing to be held today. Also seated with
11 us is Maurice Griffin, Deputy Attorney General
12 from New Jersey Department of Law and Public
13 Safety and James Palmer, Assistant District
14 Counsel. We welcome all of you who have come to
15 attend this meeting.

16 This morning we are holding two public
17 hearings on two processes related to the American
18 Dream Meadowlands Amusement and Water Park
19 Project. First, I will read a statement with
20 respect to the Hearing Officers' consultation
21 process set forth in the Sports Authority's
22 authorizing legislation, to be followed by a
23 statement read by Rich Tomer of the Army Corps of
24 Engineers related to a permit application
25 submitted to his agency. My statement is as

1 follows.

2 We are here this morning to receive
3 public comments on the Draft Supplemental
4 Environmental Impact Statement, or DSEIS, dated
5 October 2011, prepared by the New Jersey Sports
6 and Exposition Authority for the American Dream
7 Meadowlands Amusement and Water Park Project to
8 construct an amusement park and a water park
9 within the Meadowlands Sports Complex in East
10 Rutherford, New Jersey. The DSEIS was prepared as
11 a supplement to the Preliminary Environmental
12 Impact Statement of the Meadowlands Xanadu
13 Redevelopment Project at the Continental Airlines
14 Arena Site, dated March 2004. This hearing
15 provides you with the opportunity to comment on
16 the DSEIS. Your comments will be considered
17 during the preparation of the final SEIS. The
18 DSEIS has been available since October 31st, 2011,
19 on the websites and at the offices of the
20 Meadowlands Commission, the New Jersey DEP, and
21 the Sports Authority. It has also been available
22 at all public libraries in each of the Meadowlands
23 District municipalities.

24 We will receive comments at two separate
25 sessions today and tomorrow. The first session

1 starts now at 10 a.m. and the second session
2 starts at six p.m. tonight. If anyone has not
3 already done so, please sign in at the
4 registration desk, which is out front. If you
5 wish to submit written or verbal comments,
6 indicate that on the registration sheet. Please
7 turn off all cell phones and pagers during the
8 hearing. Also, if you're going to speak -- if you
9 want to speak, you must sign in at the front desk
10 so that we know who you are and that you want to
11 speak.

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

25 During today's proceedings, the Hearing

1 Officers will not respond to comments, but will
2 receive them for review and consideration. A
3 summary of the hearing, copies of the handouts,
4 and copies of the materials submitted by the
5 public will be included in the final SEIS. I'm
6 going to restate it. No one is here today to
7 answer questions. We're playing Jeopardy. All
8 your questions must be formed as a comment.

9 After the close of the comment period on
10 the consultative process on December 19th, 2011,
11 the Sports Authority will complete and publish the
12 final SEIS, which will include written responses
13 to the public comments on the DSEIS, and will
14 submit it to the Hearing Officers and to the
15 Department and the Commission. The final SEIS is
16 expected to be available to the public in January
17 2012. The Hearing Officers will then review the
18 final SEIS and submit their report and
19 recommendations to the Department of Environmental
20 Protection and the Meadowlands Commission for
21 approval on or about March 9, 2012. The Hearing
22 Officers' report and recommendations will
23 thereafter be available at the offices and on the
24 websites of the Meadowlands Commission, the NJDEP
25 and the Sports Authority, and at local public

1 libraries within the Meadowlands District.

2 I'm going to turn over the microphone to
3 Rich Tomer from the Army Corps of Engineers for
4 his statement.

5 MR. TOMER: Thank you. Bear with me,
6 I'm still getting over a little laryngitis, good
7 thing the mike works.

8 I'm Richard Tomer, I'm Chief of the
9 Regulatory Branch for the New York District, U.S.
10 Army Corps of Engineers. I will be the presiding
11 officer for the morning session on behalf of the
12 Corps of Engineers.

13 The Corps of Engineers is here today to
14 obtain information and evidence, and receive
15 public comment, to assist in the regulatory review
16 of a permit application by Metro Central, LLC,
17 care of Triple Five Development. The permit
18 applicant proposes to discharge fill material into
19 5.74 acres of Corps of Engineers regulated tidal
20 and non-tidal waters of the United States to
21 facilitate its construction of a commercial
22 amusement and water park.

23 The permit applicant has proposed to
24 mitigate for all impacts to the aquatic
25 environment.

1 The permit applicant's stated purpose
2 for the work is to construct a commercial
3 amusement park and water park as a component of
4 the American Dream Meadowlands Complex.

5 Because the work involves a discharge of
6 fill material within waters of the United States,
7 a Department of the Army permit is required from
8 the Corps of Engineers pursuant to Section 10 of
9 the Federal Rivers and Harbors Act of 1899 and
10 Section 404 of the Clean Water Act.

11 The Corps of Engineers is not a
12 proponent for nor an opponent of the proposed
13 work. Our role is to determine whether the
14 proposed activity is in the overall public
15 interest. This hearing will play an important
16 role in that determination.

17 This hearing will be conducted according
18 to the procedures set forth in Title 33 of the
19 Code of Federal Regulations, Part 327. This means
20 that anyone may make an oral or written statement
21 concerning the subject matter of this hearing.
22 Anyone may appear on his or her own behalf, or be
23 represented by counsel or other representatives,
24 to present recommendations or information, but
25 cross examination of witnesses will not be

1 permitted.

2 A verbatim record of the public hearing
3 is being made. The hearing transcript will be
4 available on the Corps of Engineers website and a
5 copy will be available for public inspection or
6 purchase at the Corps of Engineers office in New
7 York City. The website WWW.NAN.USACE.ARMY.MIL.
8 And that website address as well as our New York
9 City office mailing address are printed on
10 information sheets. They're available at the
11 registration table.

12 As a reminder, written comments on the
13 permit application addressed to the Corps of
14 Engineers may be submitted until the close of the
15 comment period for the Corps of Engineers, which
16 is on Monday, November 28th, 2011. All written
17 comments should be directed to: New York
18 District, Corps of Engineers, Regulatory Branch,
19 Room 1937, 26 Federal Plaza, New York, New York
20 10278-0090. And, again, that address is on sheets
21 that we have available on the information table
22 today, if you need it.

23 MS. KARROW: Thank you, Rich. At this
24 time, I would like to invite Tony Armlin of Triple
25 Five to present an overview of the proposed

1 project.

2 MR. ARMLIN: Thank you very much. Good
3 morning. My name is Tony Armlin, I'm a vice
4 president of development and construction for
5 Triple Five, we're the developers of the project.
6 We wanted to give you about a ten minute overview
7 of our application so that we can provide the
8 background information necessary for the comment
9 period this afternoon or this morning, excuse me.

10 Quick background. The purpose of today
11 is to present this overview of our master plan
12 modification, which will incorporate the amusement
13 park and water park site into the overall master
14 plan for the project. This is done in
15 consultation with the Army Corps of Engineers, the
16 New Jersey Department of Environmental Protection
17 and the New Jersey Meadowlands Commission, among
18 others.

19 This is a photograph of the existing
20 site showing the ERC building in the background
21 and the proposed site area for the water park and
22 amusement park.

23 This is the site plan for the project,
24 again showing the existing building footprint and
25 the new proposed water park, amusement park area

1 on what is commonly known as the Radio Tower site
2 adjacent to the existing ERC site.

3 Again, our site location, in yellow, in
4 relationship to the new stadium and the existing
5 ERC.

6 Project description. The Radio Tower
7 site is 21.75 acres immediately adjacent to the
8 existing ERC site. It is a strategic location
9 site for the project, which I will explain shortly
10 in relationship to the integration of amusement to
11 the existing entertainment and retail components
12 currently planned.

13 The use of the site, as has been
14 described, would be approximately 7 acres, a
15 little bit larger, for an enclosed amusement park.
16 Another five plus acres for an enclosed water
17 park. And again scaled to a size that will
18 attract and make a major tourist destination and
19 strategically located in connection to the
20 existing ERC building.

21 Total size, the amusement park is
22 318,000 square feet. The water park is 236,000
23 feet and they are share a common area of about
24 85,000 square feet, for a total of 639,000 square
25 feet of area or about 13 acres of footprint on the

1 21.75 acre site.

2 This is a blowup of the new water park,
3 amusement park site in connection to the ERC.
4 There's a bridging connection point that crosses
5 the existing service road and the separation of
6 the amusement park and water park parcels along
7 with the 85,000 square foot connection point.

8 And some renderings of what we
9 anticipate the park will look like. And I'll show
10 this rendering in comparison to our existing
11 facility at Mall of America, which is the
12 background and back drop for the business plan
13 we're promoting with this new addition to the
14 existing ERC concept.

15 This is the Mall of America, an actual
16 photograph of the Mall of America enclosed park,
17 again seven acres. And you can see very similar
18 concepts, things we have done. Mall of America
19 opened 20 years ago in 1992 and has been
20 successful throughout that period. This is a
21 rendering of the water park interior that we will
22 be constructing on the proposed site.

23 And this is the actual water park that
24 we run at the West Edmonton Mall. Again, a 30
25 year experience of successful operation with a

1 major world wide tourist destination attraction.

2 Purpose and need. Basically to provide
3 components necessary to the project that aren't
4 currently involved. That's the primary focus of
5 including the water park and amusement park in the
6 existing plan.

7 When we looked at the project overall,
8 as a development team, coming in to see about the
9 viability of redeveloping the existing
10 improvement, it was clear to us that one of the
11 major components that were omitted, that really is
12 essential for the project to be developed to
13 become a world class tourist destination and
14 attraction component is to have an enclosed water
15 park and amusement park. We have each of those
16 components at our Mall of America facility and our
17 West Edmonton Mall facility, both with
18 multi-decade successes. And we see that as a
19 fundamental part of how to move the project
20 forward.

21 We also see that the inclusion of the
22 entertainment components and the amusement
23 components helps further the goals of the NJSEA,
24 which is to promote tourism and job growth. We
25 also see that we enhance the existing components

1 of the Meadowlands Complex themselves. But most
2 importantly, the inclusion of these two
3 components, not only replicates our model, but
4 creates the critical mass necessary to move the
5 project forward. It's our feeling at Triple Five
6 without the inclusion of these components, we
7 would not be able to move the American Dream at
8 Meadowlands project forward. It is essential to
9 the economic viability of the project.

10 Next step in our process was to look at
11 alternatives to this particular site. Our
12 engineering team, led by Langan Engineering,
13 reviewed both on-site and off-site alternatives.
14 And determined through that evaluation process
15 that there really were n practicable alternative
16 sites available, but the site that we are
17 proposing.

18 Also as part of the evaluation process,
19 20 categories of evaluation were conducted by
20 Langan Engineers and their support team that ran
21 from geological and soils impacts, wetlands
22 impacts, habitat, solid waste recycling,
23 utilities, through historic and archeological
24 impacts to look at and give a very hard look at
25 the impacts that would be generated by the

1 project.

2 Back drop for the investment. In the
3 construction phase, we'll be adding 1.825 billion
4 dollars of investment on top of the existing 1.9
5 billion dollars of investment that's already been
6 made in the existing facility. We'll generate
7 over 19,000 construction phase jobs, of which
8 9,100 jobs will be on-site. During the operations
9 phase, we'll generate almost 11,500 jobs,
10 permanent on-site, as well as an additional 6,000
11 jobs off-site. Over a 20 period, American Dream's
12 permanent on-site staff will earn approximately
13 7.6 billion dollars in wages, an average of 382
14 million dollars (sic) of wages per year.

15 When looking at the project, we also had
16 to evaluate the potential adverse environmental
17 impacts and to try to mitigate those impacts.
18 Looking at the Radio Tower site itself, it is a
19 currently abandoned site, without existing use.
20 There's existing infrastructure on the site that
21 we're highly leveraging, so we don't have to
22 create new infrastructure, we're appropriately
23 sizing utilities. And we're going to design a
24 parking facility that uses green design, energy
25 conservation, and best operations practices

1 learned over 30 years of successful operation at
2 our two other facilities.

3 Short-term impacts include erosion --
4 construction phase issues, including erosion of
5 sediment, air and noise emissions issues during
6 construction, increased traffic from construction.
7 But also benefits including increased jobs as well
8 as increased taxes generated for local
9 municipalities and for the State of New Jersey.

10 Long term impacts. Most significant is
11 the impact of approximately 5.74 acres of
12 wetlands. Also, increased use of energy and
13 potable water, increased use of sanitary and solid
14 waste, increased air emissions, increased traffic
15 from patrons and employees. Increased jobs,
16 increase taxes, increased regional economic growth
17 through increased tourism and related spending, a
18 major part of the foundation of our projects. Our
19 projects at Triple Five are focused on generating
20 destination type retail and entertainment
21 experiences, in which we draw regionally and
22 nationally and internationally to attract new
23 dollars into the economies locally and generate
24 new revenues for the municipalities and states in
25 which our project reside.

1 Environmental impacts. Triple Five is
2 strongly committed to complying with all the
3 federal regulations and laws related to the
4 unavoidable impacts of affecting existing
5 wetlands. It's our intention to work
6 collaboratively with the Army Corps of Engineers
7 and with the New Jersey Meadowlands Commission,
8 the New Jersey Department of Environmental
9 Protection, and the Meadowlands Conservation Trust
10 to identify appropriate mitigation sites in the
11 region.

12 The 5.5 acres of projected wetlands
13 impacts will be addressed through a mitigation
14 banking process, restoration or preservation, or a
15 combination thereof. We've identified five
16 potential locations and approaches to dealing with
17 this, which include use of three acre credits of
18 the New Jersey Meadowlands Commission at the
19 Secaucus High School site, looking at the
20 Evergreen MRI-3 mitigation bank, which is
21 currently under review but pending approval, which
22 is anticipated in January or February of 2012. We
23 will be seeking about 2.5 acre credits at that
24 site. Or looking at the Keane tract, a 40 acre
25 parcel, which we would look to satisfy all 5.5

1 acres of impacts through the development with the
2 Meadowlands Conservation Trust of an appropriate
3 construction and restoration project of that site.

4 Similarly we would also talk to the
5 wetlands preservation areas with other existing
6 sites we are currently negotiating with several
7 sites and have made an offer on one. We will not
8 disclose that location until we've reached a final
9 negotiation. And then finally, our last option
10 would be to make payment to the State of New
11 Jersey Wetlands Mitigation Council Fund.

12 Traffic impacts, another major impact
13 component. There are several mitigation factors
14 that are involved. Also in our studies, we've
15 identified several things that do reduce --
16 further reduce potential traffic impacts. We did
17 not include them in our analysis. And still in
18 our analysis we see only a marginal increase in
19 traffic overall due the inclusion of the amusement
20 park and water park components.

21 These include significant improvements
22 in features since the original EIS was done in
23 2004, which include mass transit improvements,
24 including the rail stations addition. The concept
25 of internal trips, which is our own patrons coming

1 for multiple purposes within the project, so it's
2 a shared one time destination visit going to
3 either retail and entertainment component at the
4 same time, and also attending an amusement
5 component. That extends the duration of our
6 visitor. We're not a shopping center. We are an
7 entertainment destination.

8 The concept of bypass trips. People
9 already going by the site, that will naturally
10 come in, removing traffic congestion from the
11 local roadways. Additional trip generation
12 analysis was also done to look at our intended
13 visitors, the improvements that have been done at
14 Metlife Stadium.

15 Obviously, the conditions related to the
16 existing blue laws that limit and preclude certain
17 retail shopping activities on Sundays, which will
18 also reduce traffic. Interchange improvements at
19 the New Jersey Turnpike, the improvement and
20 installation of variable message signs and
21 operations and adaptive signalization to reduce
22 traffic congestion along the local intersections.

23 Some of the concepts of traffic
24 management are a very important part of the way
25 Triple Five looks at all its properties. Looking

1 at basically leveraging existing bus lines and
2 services, improving route connections, making sure
3 that we have good accessibility and features
4 available to bring mass transit components into
5 and out of our site, including transit stations
6 and local rider drop off and pick up areas.

7 Some of the improvements also that have
8 happened over the past several years for mass
9 transit connectivity to the site are absolutely
10 fantastic. We wouldn't have been able to find a
11 site with the wealth of infrastructure related to
12 mass transit improvements. As you can see,
13 between the airports, the local rail station
14 connectivity, the routes that connect those. And
15 ultimately, new connections that can be made
16 through rubber tire connection and mass transit
17 throughout the area, all major components of
18 improvements to the area site. And all
19 improvements since the 2004 analysis that was done
20 originally.

21 Socioeconomic impacts. As I said
22 earlier, 1.9 billion dollars of existing
23 investment will be added to by 1.825 billion of
24 new investment. 19,000 construction jobs, over
25 17,000 permanent jobs. That concludes our summary

1 for this morning and turning it over to comment.

2 MS. KARROW: Thank you, Tony. The
3 hearing is now open for comments. I will call the
4 persons who have indicated on the registration
5 sheets that they wish to comment. At any time, fi
6 you decide that you do want to comment, just go
7 out back to the registration desk and let them
8 know and they'll let me know. You can comment at
9 any time during the comment period this morning.
10 You can come back tonight, tomorrow morning or
11 tomorrow night.

12 Currently, I have 19 people who would
13 like to speak. So let me again remind you that
14 all comments should be brief and directed to
15 either the DSEIS consultative process or the Corps
16 of Engineers permit application.

17 When you're called to present your
18 comments, please stand and give your name. We
19 have a podium up here, the name of your
20 organization. I'm sorry, please state and its
21 spelling for our stenographer, who is recording
22 the hearing. Please give the name of your
23 organization or any interest that you represent.
24 Please indicate if your comments are directed to
25 the Corps of Engineers or the New Jersey

1 Meadowlands Commission and the New Jersey
2 Department of Environmental protection. If you
3 have written materials, please give copies to the
4 stenographer. Please limit your comments to five
5 minutes. You may be afforded additional time for
6 your comments or rebuttal after we've gone through
7 the list of those who have signed up on the
8 registration sheets.

9 If you are submitting written comments,
10 please just summarize them and do not read them at
11 length. So I'm going to hold you to the first
12 five minutes. At the end after everybody has
13 spoken who has signed up, if you still have things
14 that you want to say, I am happy to call you back
15 up.

16 The hearing record and comment period
17 for the Corps of Engineers will remain open until
18 the close of business on Monday, November 28th,
19 2011, for the receipt of written comments on the
20 permit application. All comments should be sent
21 to the following address so as to be received
22 prior to the closing of the comment period. New
23 York District, Corps of Engineers, Regulatory
24 Branch, Room 1937, 26 Federal Plaza, New York, New
25 York 10278-0090. The NJDEP and NJMC will accept

1 additional written comments on the DSEIS
2 consultative process until the close of business
3 on Monday, December 19th, 2011. They may be
4 submitted in writing to Scott Brubaker,
5 B-R-U-B-A-K-E-R, Director of the Office of Permit
6 Coordination and Environmental Review, New Jersey
7 Department of Environmental Protection, 401 East
8 State Street, PO Box 402, Trenton, New Jersey
9 08625. Or to me, Marcia Karrow, K-A-R-R-O-W,
10 Executive Director, New Jersey Meadowlands
11 Commission, One DeKorte Park Plaza, Lyndhurst, New
12 Jersey 07071. Copies of the public notice with
13 instructions, should you wish to provide written
14 comments are available at the registration desk.

15 Our first speaker is Kathleen Donovan,
16 County Executive of Bergen County.

17 MS. DONOVAN: Thank you very much. Good
18 morning, everyone. Also, I'd like to note that
19 Freeholder John Felice is with me as well. I'm
20 going to speak very quickly, and in my comments
21 are included everything that you have asked us to
22 say as well.

23 Again, I am testifying today in both my
24 official capacity as Bergen County Executive, but
25 also as a near life-long resident of south Bergen,

1 who knows firsthand the beneficial impact
2 developments such as American Dream can have the
3 environment and the overall quality of life in
4 this region.

5 I grew up in neighboring Lyndhurst and
6 currently reside in Rutherford. I know the
7 Meadowlands from before the act creating the New
8 Jersey Meadowlands Commission was passed, before
9 the Sports Authority was created, and when garbage
10 from New York City and throughout northern New
11 Jersey was land filled here. There is no question
12 that we have come a long way.

13 It should be noted that I strongly
14 support the development of American Dream in
15 general and the entertainment and amusement
16 components in particular. It should also be noted
17 that members of my staff and I have met on several
18 occasions with representatives of Triple Five, the
19 developers of American Dream. They have been
20 totally forthcoming. They have not - and I
21 underscore not - asked Bergen County to provide
22 funding or assume financial risk for this project.
23 And if they ever should, I do not and would not
24 support that. They have provided compelling
25 evidence that American Dream cannot be developed

1 without the entertainment and amusement component
2 we are discussing here today. They have made a
3 very strong case. One only need look at the
4 previous failures to see that without a family
5 oriented component, similar to those Triple Five
6 incorporated into Mall of America in Minnesota and
7 the Edmonton Mall in Canada, we can very well face
8 another failure. The cost of another failure will
9 be astronomical, both in terms of social impacts
10 and the very real financial cost to the public.
11 But who is going to pay for the clean up of this
12 mess that was left behind.

13 Alternatively, completion of American
14 Dream will serve as a catalyst for improved
15 infrastructure and environmental improvements as
16 well as a center for economic development and my
17 goal of making Bergen County a major tourism
18 attraction in partnership with our neighbors to
19 the east. It will significantly contribute to the
20 overall quality of life throughout the region.

21 Triple Five has utilized cutting edge
22 technology since the opening of its Mall of
23 America in 1992, and I am pleased that these
24 initiatives will be replicated here in New Jersey.
25 Mall of America recycles 60% of its waste -- and I

1 go into in my letter of comment to you, of which I
2 will give you copies -- recycles 100 tons of glass
3 bottles every year, converts the fat from
4 restaurant friers into more than 5,000 pounds of
5 biodiesel fuel per month.

6 Of particular interest is the fact that
7 the mall does not use a central heating system --
8 and this is Mall of America. I'm giving you some
9 of this as an example of the environmental impact
10 in the positive sense that will happen here.

11 Triple Five's corporate commitment t
12 establishing business opportunities for groups,
13 its philanthropic outreach to Big Brothers and
14 Big Sisters, Special Olympics, and Make-a-Wish
15 Foundation, to name just a few of the 200
16 charities and organizations they support will help
17 Bergen County residents to have a willing partner.

18 Right now the most important
19 contribution this project will make is reducing
20 unemployment in the region. This is the most
21 critical quality of life issue we face. Over
22 9,000 construction jobs will be employed on this
23 site and they will give way to some 15,000
24 permanent employees. The economic ripple will
25 ultimately be felt throughout the region. Support

1 for this project to stand on job creation alone,
2 but in addition, the project will contribute
3 significantly to improved air and water quality.
4 A rail connection already exists between the
5 sports complex and Lautenberg rail station, it is
6 underutilized. American Dream will provide the
7 critical mass to maximize the effectiveness of
8 this connection and greatly improvement transit
9 opportunities for auto-dependent commuters and
10 visitors alike. The best of way to reduce traffic
11 congestion and improve air quality is to get
12 motorists out of fossil fuel cars by giving them
13 an alternative. American Dream provides that
14 alternative. But without the entertainment and
15 amusement component, there is no American Dream
16 and the dominos fall from there.

17 One more paragraph.

18 MS. KARROW: One more minute.

19 MS. DONOVAN: Thank you. Another
20 critical impact: Improved quality of the
21 wetlands. The site in question is degraded,
22 non-performing, and in a word a swamp. The region
23 will benefit from the mitigation required by this
24 project. Bergen County has borne the brunt of
25 expensive failures here and in neighboring

1 communities caused by unholy alliances between
2 inept developers and irresponsible public
3 officials. Tens of millions of dollars of public
4 funds have been spent with no discernible public
5 benefit. Communities like Lyndhurst, Rutherford,
6 East Rutherford, and North Arlington have been
7 left holding the bag. Completion of American
8 dream can reserves much of that and fulfill the
9 long-held promise of employment and opportunity.

10 I thank you very much for listening. We
11 need this project. I believe it is absolutely
12 environmentally correct for our region and our
13 area. We need the jobs. We need the money in our
14 economy. And I strongly urge that you agree with
15 this premise. Thank you very much.

16 MS. KARROW: That's five minutes, that's
17 what it sounds like. Thank you very much.

18 Our next speaker is Mayor Cassella.
19 Mayor, you have five minutes.

20 MAYOR CASSELLA: Thank you for letting
21 me get into the room.

22 First of all, thank you for allowing me
23 to speak here today. First of all, let me just
24 say that going back to the beginning of this, the
25 Xanadu project, we in East Rutherford, were not

1 overly enthused about it, you know, for the usual
2 environmental and the traffic concerns.

3 However, once the Sports and Exposition
4 Authority, the state, came out with the proposals
5 and it was a done deal, we decided that it was
6 best to work because we saw the benefits of it.
7 And it was best to work with the state, with the
8 Sports and Exposition Authority and the
9 then-developers.

10 As it turns out, we believe that we came
11 to an agreement that was beneficial to us in East
12 Rutherford and that's the good part. The down
13 side is it never opened. And therefore, we never
14 received a dime. But we were going to receive
15 after six years, close to 10 million dollars a
16 year, which obviously was beneficial to the
17 municipality. That never happened, which leaves
18 us today through two different developers. And
19 now Triple Five is here and we've had some
20 discussions with them.

21 Let me say this is that we're always
22 concerned about the environment and the traffic,
23 but I do believe that there are efforts that we
24 can be thoughtful when it comes to the environment
25 and we can come to a reasonable agreement with

1 regards to that. And traffic, well, traffic will
2 always be here. I don't care what we do or don't
3 do, there will always be traffic there. And we
4 will deal with that.

5 But let's get down to how important this
6 project is to, not only East Rutherford, but to
7 the region. From East Rutherford's standpoint, as
8 I mentioned, we do have an agreement in place.
9 And we're looking forward to working with Triple
10 Five.

11 But more importantly, for the region and
12 the State of New Jersey, we must remember that we
13 have out there a project that is not completed,
14 not drawing any revenue. If you think about the
15 original opening dates of this and if it had
16 happened and what type of revenues we would have
17 had, and what we haven't received, we can't delay
18 this any longer. We need to move forward.

19 There are so many jobs at stake here.
20 We can start with the construction jobs. That is
21 paramount to our unions, our workers. We need
22 employment and that's a good start. And then once
23 the project is finished, the permanent employment.
24 It is so important to this region and to this
25 state to have this opened.

1 And on another -- with the Super Bowl
2 coming in 2014, how horrible an image for New
3 Jersey to have something sitting out there and not
4 completed.

5 So I'm here today to tell you that one,
6 we support the project; two is that we're looking
7 forward to working with the Sports and Exposition
8 Authority and Triple Five in adjusting our
9 agreement to where it's beneficial to all
10 involved; and three, we look forward to it being
11 opened by the Super Bowl in 2014 because I think
12 it would just mean so much to our region and our
13 community.

14 So I'm here today really to say that we
15 in East Rutherford, we look at the negatives,
16 we've looked at the negatives, but the benefits of
17 this project far outweigh any negatives. And so I
18 firmly believe that this is a project that needs
19 to go forward. We need to employ people, we need
20 to get our workers out there working. And I've
21 seen estimates of thousands of workers. So
22 this -- the importance cannot, cannot be
23 emphasized too much.

24 So with that, I thank you for the time
25 and just hope that we do, at the conclusion of

1 these hearings, that we move forward in a manner
2 that has this up and operating within the next
3 couple years. Thank you very much you.

4 MS. KARROW: Thank you, Mayor.

5 Next speaker, John Hanson.

6 MR. HANSON: Good morning. My name is
7 Jon Hanson, that's J-O-N H-A-N-S-O-N. I'm here
8 in my capacity as the chairman of the New Jersey
9 Commission on Sports, Gaming and Entertainment
10 Advisory to Governor Chris Christie. My
11 background is I am a native of Bergen County, I've
12 lived here in the State of New Jersey my entire
13 life. For over 50 years, I made a living in the
14 development and operation of commercial real
15 estate here in New Jersey and various parts of the
16 country. And I had the privilege of serving for
17 12 years on the New Jersey Sports Authority, eight
18 of which I was the chairman.

19 In my capacity as chairman of the New
20 Jersey Sports, Gaming, and Entertainment, I was
21 charged along with other members of the Commission
22 by Governor Christie to find a resolution to the
23 various problems that existed here at the sports
24 complex, Izod, horse racing, gaming and Atlantic
25 City. And also on the project know as Xanadu.

1 So what we did was we engaged with the
2 bank group that actually controls the project at
3 the present time, and actually before them, one of
4 the developers. We reported back to the governor
5 that there were two failed attempts to develop
6 this property. And we worked closely with the
7 owners and the banks to find a resolution.

8 We went with members of the Commission
9 to the Mall of America to see the projects, see
10 how an entertainment project works. We have
11 worked with the bank groups and the Triple Five
12 group for the last 18 months on finding a way to
13 make this successful. Some of the prerequisites
14 were one, it's not the prettiest project we've
15 ever seen, so you must change the exterior. And
16 we don't know what a Xanadu is, so we recommended
17 they find a new name. And the American Dream is
18 that new name.

19 We're obviously an advocate of this
20 project, you've heard the numbers as far as the
21 construction workers are concerned. We have over
22 40 percent unemployment in the construction
23 industry. So obviously that industry needs some
24 help. We think this will jump start other
25 projects here in New Jersey. There are permanent

1 jobs that will come about.

2 We also look at the impact we'll have on
3 tourism, generate sales tax. And so we are here
4 to advocate the project. We urge the Corps of
5 Engineers, Army Engineers, the New Jersey
6 Meadowlands Development Commission and the
7 Department of Environmental Protection to approve
8 the project in a timely fashion.

9 I just heard the mention of the Super
10 Bowl. It would be very important to have this
11 project open prior to the Super Bowl. So we're
12 here to endorse it. And thank you very much.

13 MS. KARROW: The next speaker is Richard
14 Sabato. I apologize if I mispronounce any of your
15 names. Mr. Sabato, you have five minutes.

16 MR. SABATO: My name is Richard Sabato,
17 S-A-B-A-T-O. I am a business agent for Plumbers
18 Local 24. And I am the president of the Bergen
19 County Building Trades. I'd like to thank the
20 Hearing Officers from each agency for the
21 opportunity to speak here today. As president of
22 the Building Trades and Construction Council, I
23 take my responsibilities very seriously for the
24 thousands of men and women that I represent in my
25 duties as president.

1 Currently, the unemployment rate in the
2 trades is 30 to 50 percent, which equates to about
3 5,000 Bergen County residents. These numbers have
4 been consistent since 2009, unlike the state
5 unemployment rate at 9 percent. Much of these
6 guys in the construction fields, most of these
7 guys here have never seen unemployment this
8 drastically in their lifetime.

9 This job will provide them an
10 opportunity to get back to work. And that's all
11 they want to do is work. Most of the members in
12 the trades have been out for at least two years.
13 We have suffered like no other industry in the
14 State of New Jersey. Many of our members have
15 lost their health coverage, many of the members
16 have lost their homes. And some have even lost
17 their families.

18 The American Dream will provide 5,000
19 jobs or more, ten million man hours or more, and
20 700 to 800 million dollars worth of benefits and
21 wages. When we business agents that represent our
22 members that look at these out of work lists every
23 day, there's 400 guys from plumbers, 600 from the
24 painters. And you look at that list, they're not
25 just numbers, these are -- everybody on that list

1 has a story. And none of the stories are good.

2 So in closing, at the end of the day, I
3 know the Hearing Officers have a responsibility to
4 hear both sides of the issue. These families are
5 counting on you to save the only thing that's most
6 of them that has left is their families. So let's
7 put human life first. Thank you.

8 MS. KARROW: Mr. Sabato, I apologize for
9 not saying your name properly. We're taking the
10 name transcribed from your own handwriting, so
11 sometimes it's hard to read. And I, again,
12 apologize if I butcher anybody else's name. Next
13 is Jeff Tittel.

14 MR. TITTEL: Thank you. Jeff Tittel,
15 New Jersey Sierra Club. And I'll do my statement
16 in two parts --

17 MS. KARROW: Can you spell your last
18 name?

19 MR. TITTEL: Sure, I'm sorry. J-E-F-F,
20 T-I-T-T-E-L, New Jersey Sierra Club.

21 So I'll do in two parts, one on the Army
22 Corps and one on DSEIS. We believe that if this
23 project is going to go forward, then you have to
24 make sure you protect the environment as well as
25 building this project.

1 We are concerned that this site should
2 be treated as one site when it comes to the fill
3 of wetlands, 7.4 acres of wetlands have already
4 been filled, with an additional 5.4, we believe
5 that it should be looked at as the entire site,
6 and not piecemeal as over a 12 acre fill. And
7 that the mitigation plans should be based on that.
8 We also believe that you need to have sign-off
9 from EPA and U.S. Fish and Wildlife because of the
10 size of the project and the fill both because of
11 water quality impacts and air quality impacts and
12 habitat.

13 We also believe that you need to look at
14 avoidance of those wetlands, since a quarter of
15 the site are wetlands. And wetlands in an area
16 that have had disturbances and other development
17 around them are actually very important for water
18 quality issues, as well as large scale wetlands
19 have a big habitat thing, but isolated or smaller
20 wetland systems actually have importance.

21 The other thing when you look at the
22 mitigation because we didn't see a real mitigation
23 plan, if you're going to be enhancing wetlands,
24 you also need to look at flood storage. We've had
25 serious floodings in this basin, time and time

1 again, especially in the last few months. The
2 Meadowlands are important for soaking up that
3 water. When those rivers come down, if there's a
4 place for the water to go, it lowers the rivers.
5 If there isn't, it backs up creating more
6 localized flooding. So flood storage is an
7 important part of that. As is the water quality,
8 since the Meadowlands are home to so many
9 different species of birds and it's getting better
10 and better. But we have to make sure when we have
11 run-off coming from a site this intense and this
12 large, that you actually going to limit those
13 problems coming off because of the other
14 importance of the site besides for fisheries and
15 birds and everything else.

16 We believe that you could also build
17 this site on the east side of the project, near
18 the parking area. We think you could actually
19 move it and it may actually make more sense to put
20 people in and out of the different parts of the
21 mall they may be shopping in.

22 We happen to think that a water park and
23 an amusement park make more sense than a mall,
24 from an entertainment standpoint and the
25 standpoint of the state. We've always been

1 critical of Xanadu. We thought it was a bad
2 project in a bad area, that will only take jobs
3 away from parts of New Jersey like the malls in
4 Paramus or Jersey Gardens in Elizabeth.

5 Now, going towards the state DSEIS, I
6 think you have to look at the big picture. This
7 will be a huge trip generator no matter how you
8 look at it. We estimate at least 150,000 cars a
9 day. And the impact on air quality in an area
10 that has some of the worst air quality in the
11 nation is critical. It's not just about expanding
12 mass transit, some of the things we need to look
13 at are bus rapid transit systems, people movers
14 and other things. Because of -- quite frankly, we
15 have enough traffic in this area already. And
16 enough cars coming out of this site could make
17 every day game day and every workday grid lock.

18 We also are concerned that the building,
19 the original Xanadu building was designed badly.
20 There was supposed to be green features to it,
21 never happened. This building, this complex will
22 be the largest energy user in New Jersey. It will
23 be the largest producer of greenhouse gases. It
24 will be one of the largest users of water and
25 energy. So you have to understand that you need

1 to do it right. And you need to go back and fix
2 the problems of the past. So green design going
3 into the buildings and retro-fitting and fixing,
4 like LED lights are critical, putting green roof
5 or a blue roof to deal with storm water issues, to
6 clean up your storm water to re-use that water as
7 well as gray water would make more sense, since
8 it's going to be a water-intensive facility
9 between an indoor ski area and a water park.

10 But the biggest issue for us is really
11 dealing with transportation and traffic because
12 quite frankly, I think the people of New Jersey,
13 you know, are tired of it. And we need to make
14 sure if this project goes forward -- and I'm not
15 one of the big fans of this project, but it's
16 going to happen, do it right. By the way, by
17 doing it right, by putting a green building,
18 renewable energy into the site, more mass transit
19 into the site will create a lot more jobs. If you
20 do it the wrong way, it will create some jobs for
21 now, which are important. But if you do it right,
22 it will actually create many more jobs. Thank
23 you.

24 MS. KARROW: I just want to ask you all,
25 if you could hold your applause down a little bit.

1 I know we're in a sports complex, but we're not
2 the Giants or the Jets, thank God this week.

3 Next speaker is Jim Kirkos.

4 MR. KIRKOS: Madame Executive Director,
5 if I may indulge, I have an associate who has to
6 leave the area. And I'm wondering if it would be
7 all right if he spoke before me?

8 MS. KARROW: You want to switch spots
9 with him? I'll entertain that.

10 MR. KIRKOS: Okay. Mr. Simon Cini, I'll
11 switch spots with him.

12 MS. KARROW: Okay, you have five
13 minutes. If you could spell your name for the
14 record?

15 MR. CINI: S-I-M-O-N C-I-N-I. I'm
16 number 8, so just a couple more.

17 MS. KARROW: Actually, you're number 11.

18 MR. CINI: I'm the president of Axom
19 Communications, which is a public relations and
20 advertising agency in the Meadowlands for the last
21 13 years. My clients include Hartz Mountain
22 Industries, the Meadowlands Liberty Convention
23 Visitors Bureau, the Meadowlands Regional Chamber.
24 In the past, I represented New Jersey Sports and
25 Exposition Authority and Triple Five. I'm not

1 here on behalf of any of them now, I'm here on
2 behalf of Axom Communications, we have 12
3 employees. There 100 reasons to get this done
4 fast and you'll hear all of them today. Between
5 the Super Bowl and fixing past mistakes and the
6 ecological advantages that we can fix, social
7 advantages from bringing somebody like Triple Five
8 that has a social conscience and does a lot of
9 charity work. You're going to hear that from a
10 hundred people today, so I don't need to go into
11 detail about that.

12 I was at the hearing for the original
13 Xanadu proposal. And I read the Hearing Officers'
14 report. And I saw how the last guys responded to
15 the Hearing Officers' report, which was
16 essentially to ignore it. Triple Five has
17 demonstrated to me that they're not that kind of
18 firm. And I think among all the economic benefits
19 that we'll talk about and the practical benefits
20 they'll talk about today, the number one important
21 thing is do we trust these people to do what that
22 say they're going to do? Because we've been
23 through misrepresentation, ambiguity,
24 flim-flammy for a long time.

25 Everything Triple Five has said in my

1 presence since they got here, and it's a lot of
2 meetings and a lot of things, has come to pass.

3 Triple Five is like the most successful
4 people in our region, they use their own dough.
5 They come with their own money, they make their
6 own representations, they put their people here in
7 the region to interact with the people who are
8 already here. And I think the one thing that
9 we're here about today is could we hold these guys
10 up and make them suffer? Sure. Should we? We
11 should never do that here.

12 They have been people of their word,
13 they've represented what they intend to do. And
14 everything we've seen before, they'll do it. The
15 alternative to letting them proceed on pace is to
16 prospectively lose their partnership. That will
17 be an abject disaster. There is no second place
18 here that is going to build the type of facility
19 that we can count on, having seen it done in West
20 Edmonton and having seen it done in Minneapolis.

21 So as a person who will benefit greatly
22 from this, my partnership in the state of the
23 Meadowlands website will do great from this. So
24 just like the people who want construction jobs,
25 the people in advertising and marketing want

1 promotional jobs. There will be 220 new stores.
2 I'm going to get some of those as clients. I have
3 four competitors in the room, they will get some
4 of those as clients, too. And that will last a
5 long time.

6 People will come here who never came
7 here before to see this and be part of it. People
8 who come to New York will spend time in New
9 Jersey, who never would have before, to be part of
10 it. Again, you're going to hear that all day.
11 But I ask the Hearing Officer and the Army Corps,
12 this is a project that needs to be expedited, not
13 just approved.

14 So measure them for who they are, hold
15 them to what they say they're going to do and
16 let's get the show on the road.

17 MS. KARROW: Richard Branch?

18 MR. BRANCA: Branca?

19 MS. KARROW: I'm sorry. Again, I
20 apologize.

21 MR. BRANCA: My name is Richard Branca,
22 I'm a local contractor and developer. I can also
23 say that as Ms. Donovan said, my family started
24 developing in the Meadowlands in the early 60's
25 with a guy named Sisselman. So we were here

1 before the Meadowlands Commission, before the
2 Sports Authority and a lot of other things.

3 MS. KARROW: Mr. Branca, can you please
4 spell your last name for the record.

5 MR. BRANCA: B-R-A-N-C-A.

6 MS. KARROW: Thank you.

7 MR. BRANCA: And I can tell you back
8 then, there was a lot of swamp land here. The
9 issue real.

10 Ly was getting the mosquitos the hell
11 out of the water and getting it to flow, making
12 this an area that can be developed, that can be
13 built upon. And now, I totally understand the
14 environmental issues here, and as Ron just talked
15 to you about, we have a company that we have to
16 support, that we have to push forward. There is
17 nothing but win/win here as far as I can see.

18 As I said, I have worked in East
19 Rutherford my whole life. I am not concerned one
20 bit about the impact it's going to have on me
21 personally. People maybe get to work two opinions
22 later, that's not a concern as much as it is to be
23 able to create jobs, to be able to create this
24 business, to create this area to be able to be
25 developed again.

1 The way I see it, there is no other
2 alternative. The alternative would be what you
3 see on the LIE and what's left of the 1964 Worlds
4 Fair. That's what's the alternative, think about
5 that. That's what we have to look at.

6 So we have a company here that's willing
7 to put up their own money, willing to go out on a
8 limb and create something great for this state.
9 As I said, yes, we certainly have a lot of
10 agencies here that will overlook it and make sure
11 it's done correctly.

12 And I can only say that I and all the
13 businessmen that are in this area strongly support
14 this project. And I can only ask that this
15 approval be done expeditiously so this project can
16 go ahead. Thank you.

17 MS. KARROW: Justin Post, did I get that
18 one right?

19 MR. POST: That one is pretty simple.

20 MS. KARROW: Some of them are simple.

21 MR. POST: Justin Post, J-U-S-T-I-N
22 P-O-S-T. I'm with Skansa USA Building, Inc., we
23 were the design builder for the new Metlife
24 Stadium. And I have the pleasure of working with
25 Triple Five since probably July, we've been

1 working on the pre-con services for the amusement
2 park and water park component of the project. And
3 we've been doing scheduling, budgeting, working on
4 putting a design team together, and working very
5 closely with them. They've been a pleasure to
6 work with. And like other people have said, I
7 believe what they say will come true.

8 There are developers of their word and
9 we're looking forward to hopefully moving this
10 thing forward quickly. I represent most of the
11 construction industry that's here and I'm glad to
12 see the presence we have.

13 I'm looking at the project, the
14 personnel we're trying to get on the job right
15 away. You've heard the numbers, I'm kind of
16 selfish, I'm not just looking at what we're trying
17 to do right now, I'm trying to build up the trades
18 for the next 20 years. We're dropping down, we
19 don't have enough apprenticeships, I think by not
20 only creating jobs now, we've got to get the young
21 generation back here. We have real problems
22 looking down the line five years from now. So not
23 only getting the workers out there in the next two
24 years, we got to build up excitement about this
25 industry.

1 Not only are we talking about the work
2 that we can do right away, one of the things we
3 did at the Metlife Stadium was we brought in 25 to
4 30 percent MEESKWBs, we see that as being a
5 potential on this job, too. So we want to keep
6 moving forward with that kind of benefit.

7 And I think that the other thing that
8 will come out of this project is we're going to
9 spur on new growth, other projects, hotels,
10 excitement, convention centers, things like that.
11 More office buildings, what this was originally
12 meant to be when it started up as Xanadu years
13 ago. So I truly support this project, I look
14 forward to it moving forward quickly. And I think
15 it's a benefit to everybody at all levels. Thank
16 you very much.

17 MS. KARROW: Thank you, Mr. Post.

18 Chris Len, L-E-N?

19 MR. LEN: Hi, I'm Chris Len, L-E-N.

20 Chris like most people spell it. I'm the staff
21 attorney for Hackensack River keeper. And also
22 for New York New Jersey bay keeper. I'll be
23 submitting comments to both the state and federal
24 agencies and on behalf of both my employers.

25 I want to say first that in general our

1 organizations have always opposed filling wetlands
2 in the Meadowlands. We've had a chance to review
3 somewhat, at least, the final draft supplemental
4 environmental impact statement. And I understand
5 the Army Corps is preparing its own environmental
6 analysis, which will consider many of the same
7 impacts as the DSEIS. And I would look forward to
8 seeing that. And I would commend state agencies
9 to hold their environmental analysis to the
10 standard set by the National Environmental Policy
11 Act.

12 Having looked over the FDSEIS, which
13 I'll just call the environmental impact statement,
14 which is probably easier for everyone, I think
15 it's insufficient in some ways to analyze all the
16 impacts. It's important that we analyze them all
17 before committing resources. It's always a good
18 idea when planning to know what you're talking
19 about. And that's all we're looking for is that
20 we have a full understanding what it is that we
21 are contemplating here.

22 We've come up with a few ways that we
23 the environmental impact statement should be
24 improved. We think it should analyze the
25 mitigation for the wetlands impacts to the fill

1 wetlands for the temporarily impacted wetlands,
2 and also the permanently affected wetlands will be
3 affected by being so close to this facility as
4 there will be no buffer.

5 We would like to see additional analysis
6 of the impacts of the storm water quantity and
7 quality generated by the site. The source and
8 quality of the fill that's expected to bring the
9 site up to grade, which I guess is seven feet
10 above the grade. The amount of power consumption
11 we can expect from the site and the impacts on
12 climate change.

13 Further, we believe that the 5.5 or the
14 alternatives analysis is not sufficient. That a
15 genuine environmental review of off-site
16 alternatives should occur, what it basically can
17 say is that the off-site alternatives, which I
18 think are pretty much the other side of the mall
19 complex, are impractical because it doesn't meet
20 the business model. That may be so, but that
21 should be analyzed so we can understand why that
22 would be. And the on-site alternatives, we would
23 like to see analysis of alternatives that minimize
24 wetlands. The agency and the developer may choose
25 not to have the most environmentally friendly one,

1 but we should be able to compare the impacts of
2 the other alternative against less impactful
3 alternatives. So we've met with Triple Five, we
4 found them to be forthcoming and hospitable hosts.
5 They're aware of our concerns and to their credit,
6 have promised to supply that information as it
7 becomes available. We hope that the Army Corps
8 and the state agencies will consider that
9 information as it becomes available as well.

10 I also want to say that we support
11 Triple Five's stated commitment to sustainable
12 development, to energy efficiency, to resource
13 conservation, and to recycling. Those are
14 important goals for any developer. I'm glad to
15 see them implemented here. We support Triple
16 Five's interest, as I understand, they're calling
17 for dramatically expanded public transit to the
18 site. I think that that would serve everyone in
19 northern New Jersey well.

20 I think it would have a lot of side
21 benefits, better way to get around without cars.
22 Not just for this facility, but for others, it
23 would be terrific. So thank you very much for
24 your time.

25 MS. KARROW: Thank you. Rick Dabagian?

1 MR. DABAGIAN: Good morning, I'm Rick
2 Dabagian, D-A-B-A-G-I-A-N. And I come here
3 wearing my hat this morning with regards to the
4 Meadowlands Regional Chamber. In some ways, I can
5 be perhaps looked upon as maybe a little bit of an
6 outsider, I live in northern Bergen County. I ran
7 a family business in Passaic County for close to
8 40 years. And because I guess you might say I
9 represent a dying industry, manufacturing, I
10 decided about three years ago to join forces with
11 another printing company up in Morris County.

12 So the question maybe what am I doing
13 here this morning. Well, about eight years ago, I
14 was introduced to the Meadowlands Regional
15 Chamber. I have served on the Board, the
16 Executive Committee. And today, proud to serve as
17 the vice-chair of the Meadowlands Regional
18 Convention Visitors Bureau.

19 I think most of us know and perhaps for
20 those who don't, this region continues to be a
21 destination and is growing, whether it's the
22 birding that continues to take place, the expo
23 center, Medieval Times, the Hackensack River and
24 the tours that we take, a few of us took a tour
25 several months ago. Much of this being driven by

1 Teterboro Airport, I believe the fourth busiest
2 airport in the region. You also might, if you
3 want to extend the radius, we recently heard about
4 a week or so ago -- and again, I'm a Passaic
5 County boy by some definition, the Paterson Falls
6 being recognized as a national landmark and park.

7 Let's come to American Dream, which from
8 my own personal reasons, as well as the area, will
9 open up business opportunities I currently do not
10 have. It will also draw from the New York City
11 area and beyond as we've heard. It will drive the
12 region and eventually lift New Jersey to be even a
13 better place to live, play, and conduct business.

14 In my closing remarks, for whatever it
15 may be worth, several weeks ago, as many of us
16 experienced, we lost power because of a storm. I
17 was fortunate enough to lose power in my home with
18 my wife for one week. So after three days, my
19 wife said I can't take this anymore, which also
20 included my 85-year-old mother, who also lost
21 power in a nearby town. So I called one of my
22 colleagues and for several nights, I became, I
23 guess that Tony Pinto will tell you, a Meadowlands
24 resident for several nights. Naturally, we're
25 there -- she was there during the day, but I came

1 back at night. And we had an opportunity to
2 really experience the region. This was on a
3 Monday and Tuesday, restaurants were buzzing, you
4 could feel the excitement. I think once we see
5 American Dream, including the water and amusement
6 park open, New Jersey, as a punch line, will soon
7 become a memory. I strongly support this event.
8 Let's get moving.

9 MS. KARROW: Thank you. Jim Kirkos.

10 MR. KIRKOS: Good morning, thank you.
11 My comments this morning will be addressed to all
12 the agencies. My name is Jim Kirkos, K-I-R-K-O-S.
13 And I also am representing the Meadowlands
14 Regional Chamber of Commerce. I serve as the
15 chief executive officer for the last nine years.
16 And I am also a 45 year resident of the Township
17 of Lyndhurst, which is also a Meadowlands
18 community.

19 For more than 20 of those years, I
20 operated a small business, whose success was
21 directly attributable to the economic growth of
22 the Meadowlands during the 80's and 90's, with the
23 nucleus of that economic spark coming from the
24 Meadowlands Sports and Entertainment Complex.

25 My comments this morning are a blend of

1 being a local resident, a small business owner and
2 now the leader of a business organization that
3 represents close to 1,100 companies and 140,000
4 employees, with the majority of those members
5 being small businesses.

6 The Chamber has been a long supporter of
7 the continued expansion of the Meadowlands Sports
8 Complex including the original Xanadu project
9 because we inherently understand the economic
10 impacts of such a development. The complex where
11 we sit today was once the envy of the world with
12 three great venues all operating with worldwide
13 acclaim. Over the years, hundreds of businesses
14 grew and flourished throughout the Meadowlands
15 region from those operations as I stated earlier.
16 And I was one of those businesses, so I speak from
17 firsthand experience.

18 Over the next few days, you'll hear
19 testimony from many people regarding Triple Five's
20 application to build a water park and amusement
21 park to complement their vision for the American
22 Dream at the Meadowlands project. So let me say
23 at the onset that the Meadowland Regional Chamber
24 is in full support of the application.

25 The American Dream project provides much

1 hope for the future economic prosperity of this
2 region, much like the racetrack along with the
3 then-Giants Stadium and the Arena did 30 years
4 ago. Only this time, the stakes are much higher
5 and our economy is in a much different place.

6 The sad fact is I have watched the
7 marvel of the Meadowlands Sports Complex
8 deteriorate and along with that a regional economy
9 that is stagnated, but there is hope for a great
10 revival. That revival began with the building of
11 the new Meadowlands stadium, now called Metlife
12 Stadium and can continue with the approval of the
13 American Dream project.

14 To add some strength to my testimony, I
15 will refer to an economic analysis that the
16 Chamber commissioned in 2007 where the Heldridge
17 Center of Rutgers University prepared a study of
18 the Meadowlands economy and workforce. The
19 results revealed a few very important facts.
20 Specifically, the emergence of a destination and
21 tourism related component of our economy. That
22 fact of our -- reinforced the Chamber's efforts to
23 grow the Meadowlands Liberty Convention Visitor
24 Bureau, a division of the Chamber, into a strong
25 destination marketing organization so we can

1 capitalize on the new component of our economy.

2 After a few years of studying the
3 effects of growing a destination and tourism
4 related economy here in the Meadowlands, I can say
5 to you today that the American Dream project will
6 propel that into the next century. The American
7 Dream vision for a world class shopping and
8 entertainment facility, along with other
9 components of this complex have the promise of
10 returning this piece of geography into the world's
11 most recognized sports and entertainment venues
12 that will attract tourists, domestic and
13 international from all over the world. Along with
14 that recognition came thousands -- comes thousands
15 of new jobs, millions in tax revenue and even more
16 importantly, millions of new investment in and
17 around the entire north Jersey region. As I can
18 speak first hand of members that are sitting on
19 projects that they would like to move, but they're
20 waiting for the next big step. This all comes at
21 a time when our economy most needs a driving force
22 to energize it. The American Dream is that
23 energize and driving force.

24 The over the past nine years, as an
25 advocate, I have come to know this project in the

1 many renditions, along with the many principal
2 owners. And I can tell you with all sincerity the
3 Ghermezian family and their executive team at
4 Triple Five has been the most approachable, the
5 most respectful, and clearly the most capable thus
6 far. I say that not because they sit here today,
7 but because it's true.

8 The during the past months, as they have
9 done their due diligence, we also have done
10 ourselves. Because as a regional business
11 organization, we have an obligation to our
12 membership and the community at large to fully
13 understand a project and its impacts before we
14 throw our full support behind it. During our due
15 diligence, the American Dream team as I call them,
16 has opened their book to us. And quite frankly,
17 we like what we're reading. To enhance our
18 understanding, I have travelled to both of their
19 significant projects, being the Mall of America in
20 Bloomington and the West Edmonton Mall in Alberta,
21 Canada, to talk directly with those that have been
22 impacted by those projects. I interviewed chamber
23 and tourism executives, business owners, and
24 political leaders from both surrounding areas.
25 And I returned to New Jersey with an even greater

1 zeal to help drive this project across the end
2 zone. Each and everybody leader I spoke to sang
3 the praises of the Ghermezian family and outlined
4 how after 19 years at the Mall of America and 30
5 years at the West Edmonton Mall, those projects
6 are still powering their economies.

7 MS. KARROW: Mr. Kirkos, I need you to
8 wrap up.

9 MR. KIRKOS: I am wrapping up. You
10 should know that I also stated the hard questions
11 and looked to understand the negative impacts of
12 such a development, but in each every case I was
13 told that positive impacts far outweighed the
14 negative ones. From the Mayor of Edmonton, Mr.
15 Steve Mandel to the CEO of Bloomington Tourism
16 bureau, Ms. Bonnie Carlson, and everyone in
17 between.

18 As Hearing Officers for this
19 application, I urge your approval because the
20 water park and amusement park component of this
21 project are critical to its success. Facts will
22 reveal that at this moment in time, we have
23 aligned the most capable entity to oversee the
24 successful project. Let's collectively identify
25 any concerns and find solutions for them so we,

1 too, can reap the rewards that this project can
2 bestow on the entire north Jersey region. Let's
3 not allow those who would relish in having nothing
4 done here in this project cast a shadow over great
5 opportunities. Let's find a way to make this
6 project a win/win for the Meadowlands at a time
7 when we most need a win. Thank you.

8 MS. KARROW: Again, if you have written
9 comments, they will be thoroughly read by our
10 staff and all the agencies. And it will be
11 totally attached as a part of the record. You can
12 feel free to summarize, you don't have to read it.
13 We urge you not to. Sorry, Jim. Laurel Brennan.

14 MS. BRENNAN: Good morning, my name is
15 Laurel, L-A-U-R-E-L, Brennan, B-R-E-N-N-A-N. And
16 I am the secretary treasurer of the New Jersey
17 state AFL-CIO. And I'm here this morning to
18 address the New Jersey Meadowlands Commission, the
19 Army Corps of Engineers and the New Jersey
20 Department of Environmental Protection. And I am
21 proud to stand here today to tell you that on
22 behalf of the one million members of the New
23 Jersey State AFL-CIO, we support the American
24 Dream project.

25 This is an extremely important project

1 that will have a significant positive effect on
2 the regional economies and job creation. And
3 stating the obvious, this is about jobs and the
4 American dream. The 1.9 billion dollar project is
5 expected to create approximately 9,000
6 construction jobs, 15,000 permanent jobs and have
7 an economic impact to the region of 3.8 billion
8 dollars per year.

9 So instead of wringing our hands about
10 the economies, take action, put people to work.
11 Furthermore, the developers plan to spend a
12 significant amount of money on local road and
13 infrastructure projects. During one of the most
14 difficult economic times in our State's economy,
15 it is important to support projects such as this,
16 that will help provide employment for our members.

17 And aren't we fortunate in New Jersey
18 where we have experienced building tradesmen and
19 women ready, willing and able to take the task.
20 Local building trades in the area have painfully
21 suffered high unemployment, some locals 30 to 60
22 percent.

23 Many of these members have been out of
24 work for over two years. Some of them have lost
25 their health insurance, some of them have lost

1 their homes, some of them are losing faith. This
2 project will have a massive positive impact on
3 them and their families, which in turn will have a
4 ripple effect on putting money back into the local
5 economies and will have a significant positive
6 long term effect on Bergen County and north Jersey
7 region.

8 So I urge you today, all of you, in the
9 best interests of our citizens, our members and
10 our state, invest in this project, invest in the
11 job, invest in the lives, invest in this economy.
12 Push it forward, move it forward. After all, New
13 Jersey and it's citizens are worth it. Thank you.

14 MS. KARROW: Greg Conte?

15 MR. CONTE: Hi, Commission, thank you
16 for letting me speak and all the members here. My
17 name is Gregory Conte, C-O-N-T-E. I'm here
18 representing Sheet Metal Workers Local 25. I'd
19 like to speak on behalf of our Local to begin
20 with, which currently we have around 60 percent
21 unemployment. Some of our members have been out
22 of work nearing now two and a half, three years.
23 This project is not only a dream, but needs to be
24 a reality for the membership. These guys need to
25 go back to work. How it's impacted their lives

1 has been astronomical, as it has myself.

2 This is not something that I'm up here
3 speaking about how everyone else is hurting by
4 this, it has affected me directly. By having
5 myself having to get rid of my home and the value
6 of the home, of course, being what the economy and
7 what it is today, I took a massive loss on my
8 house, of which I worked very hard for. Also the
9 burden of the economic responsibility of trying to
10 pay these bills and not having any construction
11 work around, I was forced to rid myself of the
12 marriage because of the pressure that it had on
13 us. So it's affected me directly and emotionally.
14 And the burden it's put on my family and my
15 children has been unbelievable.

16 We need this project, our Local needs
17 it, our membership. Some of our members have run
18 out of health benefits, they've run out of
19 unemployment and they have nowhere else to turn.
20 Most of the guys that are here in this room today
21 have seen me on a lot of the projects. I was
22 granted a great privilege to work on the
23 Meadowlands project here and do the kitchens and
24 everything associated thereof, for kitchen
25 equipment. And when that project ended, there was

1 no more work for anyone.

2 So economically, we need this project.

3 We need it for ourselves and it can't be a dream,

4 it needs to be reality. Thank you very much..

5 MS. KARROW: Denis Sullivan.

6 MR. SULLIVAN: Good morning. My name is

7 Denis Sullivan, D-E-N-I-S S-U-L-L-I-V-A-N. I'd

8 like to thank you for the opportunity to address

9 you today. Thanks for all the guys for showing

10 up. We recognize today's hearing is focused on

11 the permit process to complete the American Dream

12 project. However, I am here today representing

13 the Northeast Regional Panel of Carpenters and the

14 Bergen County Building Trades.

15 For our organization, the American Dream

16 project is about putting our members to work. The

17 potential of the American Dream represents

18 literally hundreds upon hundreds of our members

19 going to work each day and being a part of finally

20 seeing nearly ten years of promise come to

21 fruition. We have been part of this process since

22 the earliest start of the planning stages of this

23 project about nine years ago. All along, we have

24 been an active participant of this process from

25 its inception, certainly due to the economic

1 impact this project will have on our region's
2 economy and jobs for our members.

3 However, throughout this process, our
4 organization has been mindful that this project
5 has to be completed in an environmentally
6 responsible manner. And we believe that it has.
7 Of course, we still believe in that premise.
8 After all, the men and women that will be working
9 on this project live and raise their families in
10 the community affected by this project and are
11 just as concerned about their quality of life as
12 anyone else.

13 However, part of enhancing their quality
14 of life begins with their having a job. We want
15 to recognize the Triple Five organization for
16 stepping in and taking over this massive project.
17 Their record of success speaks for itself. And
18 it's encouraging for all of us who wish to see the
19 doors of this project open up.

20 Critical to the overall success of
21 Triple Five's vision is the over one billion
22 dollars of additional investment of family
23 amusement and entertainment component to this
24 project. Once again, we recognize we need to be
25 cognizant of the environmental issues, but we can

1 ill afford to not find the proper balance to
2 ensure success.

3 For too many years, the half completed
4 project and the often mocked exterior has served
5 as a constant reminder of what could have been.

6 Most importantly, under the vision and
7 the direction of Triple Five and their investment,
8 we are more excited than ever that this project
9 will come to its completion. Doing nothing is not
10 a solution. The region can ill afford it. Most
11 importantly, our members can ill afford it. Thank
12 you for your time.

13 MS. KARROW: Thank you, Mr. Sullivan.
14 Cesar Gamio.

15 MR. GAMIO: Good morning, my name is
16 Cesar Gamio, C-E-S-A-R G-A-M-I-O. I'm a business
17 agent with Local 825 operating engineers. I
18 represent roughly 7,000 members who need this
19 project to go forward. It would create between
20 5,000 and 10,000 construction jobs for our
21 members, some who are losing -- they're out of
22 work and losing their houses and health coverage.

23 We are fortunate that Triple Five came
24 in and wants to invest 1.8 billion dollars to get
25 the project going. To do so, they need the water

1 park and the amusement park to make it work. I'm
2 asking you, all these agencies, to give them
3 approval as soon as possible, so our members can
4 support the families and get their lives back
5 together. Short and simple, we want this project
6 to go forward. Thank you.

7 MS. KARROW: Thank you, Mr. Gamio. I'm
8 going to mispronounce this and I apologize. Frank
9 Recine?

10 MR. RECINE: Good morning, Frank Recine,
11 F-R-A-N-K R-E-C-I-N-E. I'm a principal with
12 Newmark, Knight and Frank. We're a commercial
13 global real estate firm. Our Jersey office is
14 headquartered at the Meadowlands Office complex.
15 And this project is important to commercial real
16 estate in general in the area. Our company
17 focuses on leasing and sales for commercial real
18 estate, and we represent tenants and we represent
19 landlords. And one of the biggest selling
20 features over the past couple years is this
21 project that's been going on in the area. As we
22 show space within the Meadowlands, toward the end
23 of a tour, what we typically do is we try to
24 position people looking outside the window and
25 looking out over the real project, which today

1 does not look like this. I've been spending the
2 past five years selling a dream before it was
3 actually called a dream. And it's an uphill
4 battle in dealing with what we're dealing with
5 today.

6 And it's exciting to have the Ghermezian
7 family step into the shoes of this project. I've
8 seen the benefit in enhanced leasing activities in
9 the market, which has led to leases being signed.

10 We talked a lot today about the jobs
11 it's going to create in the project. But let me
12 take a step back and talk about the jobs that it
13 will create outside of this project. Which is
14 every time a lease is signed, we're giving jobs to
15 architects, engineers, the plumbers unions, the
16 cleaning companies within the building, the local
17 small shops that are now feeding these people
18 during lunch time, and the local activities that
19 are being brought to the area. So the trickle
20 effect of this project is undeniable and it's
21 something we really need to focus on and support
22 this group and this organization.

23 I have no affiliation with this
24 organization, but what I've seen to date and what
25 they've said to date has all come to fruition. I

1 haven't seen anything, for me as a businessman in
2 this area, to doubt what they're going to do. And
3 my company, myself, and the new organizations
4 we're bringing here, this would be a great asset
5 to this area. Thank you.

6 MS. KARROW: David Lagas?

7 MR. LAGAS: Good morning. Thank you for
8 the opportunity to say a few words. I'm a
9 life-long New Jersey resident and nearly 30 year
10 member of Local 253.

11 MS. KARROW: Could you please spell your
12 name?

13 MR. LAGAS: L-A-G-A-S, David. I grew up
14 in Livingston, which isn't far from here. And I
15 couldn't sustain myself and my family in that
16 town, I had to move farther out just to afford to
17 stay in New Jersey, which is relatively speaking a
18 really affluent state, as many of you know. I now
19 live in Vernon and it's a long commute for me to
20 work, but it's beautiful up there. And I figured
21 when I bought a house there, I would be able to
22 retire there and my grandkids would come here and
23 so many things to do in New Jersey, it's such a
24 wonderful place. I've watched that evaporate over
25 the last ten or fifteen years, I think about where

1 else am I going to be able to afford in
2 retirement.

3 I'd like to see everything happen if New
4 Jersey could be developed to its fullest, so that
5 it can be a destination attraction to many people.
6 When I invite my family, we go places all over the
7 state because you have mountains you can ski in,
8 you have beaches you can swim in, and some of the
9 most beautiful beaches in the country.

10 And I just think that to help this
11 project move forward and have another destination
12 in New Jersey where people can hang their hat on.
13 I drive around everywhere I go, I can say I worked
14 over there, I've done that, I've been a part of
15 this. And people, to say that around here, it's
16 evaporating, it's just going away. And I hope
17 that you'll consider getting this project going
18 for all of us and our families and for people that
19 have been here all their lives working the blue
20 collar way, and wanting stay here. I don't think
21 I should have to live in Tennessee to work in New
22 Jersey. Let's get this thing going. Thank you
23 very much.

24 MS. KARROW: Allen McKeegan. Allen
25 McKeegan? He's not here any longer? All right,

1 this one I'm definitely going to mess up. We have
2 Scott Breig from Whiting, Turner? Is that you.

3 MR. BREIG: Yes, good morning, Scott
4 Breig, S-C-O-T-T B-R-E-I-G. I'm a vice-president
5 with Whiting Turner Contracting and I've been
6 working on.

7 This project long before it was the
8 American Dream. And even before it was Xanadu in
9 its current location. I've been working with
10 Triple Five since sometime in early July, most of
11 our focus at Whiting Turner has been modifications
12 and the improvements to the existing project,
13 which many people have an opinion on. And that's
14 not what we're here to talk about today.

15 Triple Five is here today and we're here
16 to talk about the improvements and the necessary
17 approval for the water park and amusement park.
18 They've told us very clearly and we need to
19 recognize this, they need these components of the
20 project to be approved for this project to move
21 forward. This is what makes the project work for
22 them. And we need to hear them when they say
23 that. It's important to them in their overall
24 plan. So it should be important to us.

25 I'm going to contain my comments about

1 why, strictly to what I know most about and that's
2 the construction and the opportunities. This
3 project creates jobs, no questions, no one can
4 deny that. How many? Thousands and thousands in
5 a very short order. The construction industry
6 needs this project. There are no projects like
7 this with the ability to create this economic
8 impact in the construction industry in our times
9 right now. It makes good sense. The trades need
10 it and the region needs it.

11 The investment that Triple Five is
12 committing here is just phenomenal. In today's
13 environment, for them to be looking at this as the
14 opportunity that they want to focus their energies
15 on, we should take note of that. There will be
16 new money, new tourism and new travel to the
17 region.

18 The completion of this project, though,
19 is dependent upon the two elements, the amusement
20 park and the water park. We need to have this
21 project approved as quickly as possible and move
22 forward into construction. And to delay it will
23 only further the impacts to the region in a
24 negative way. So I wholly support the approval of
25 this and the permits necessary today. Thank you.

1 MS. KARROW: Kevin Monaco?

2 MR. MONACO: Thank you very much. My
3 name is Kevin Monaco, K-E-V-I-N M-O-N-A-C-O. I
4 serve as executive director of the New Jersey
5 Subcontractors Association, the New Jersey
6 Subcontractors Association represents nearly 150
7 subcontractors, specialty contractors and
8 construction industry, suppliers and
9 professionals. Our membership fully supports the
10 American Dream at Meadowlands project.

11 The New Jersey construction industry has
12 sustained and continues to sustain a prolonged
13 economic downturn. Even the largest, most
14 successful and most well-established firms in our
15 industry are struggling to keep their doors open.
16 The American Dream project has the potential to
17 serve as one major beacon of hope for families in
18 New Jersey who earn their living in the
19 construction industry. The project will invest
20 nearly two billion dollars in the New Jersey
21 economy and will generate 20,000 construction and
22 construction related jobs, as well as generating
23 enormous new economic active for the state and the
24 region.

25 Critical to the success of the project

1 is inclusion of the water park and amusement park.
2 New Jersey rightly has some of the strictest and
3 most comprehensive environmental regulations in
4 the nation. The American Dream project will take
5 many steps to minimize any potential adverse
6 environmental impacts, including an appropriate
7 wetlands mitigation plan. While we must protect
8 our natural resources, we must also balance the
9 protection of these resources with the needs of
10 our residents and families. This project will
11 generate jobs and economic activity while also
12 providing a prudent and responsible plan for
13 protecting our environmental resources.

14 On behalf of the New Jersey
15 Subcontractors Association, I urge the
16 representatives from the Meadowlands Commission,
17 the New Jersey DEP and the Army Corps of Engineers
18 to move this project forward expeditiously. Thank
19 you.

20 MS. KARROW: Thank you. Al McKeegan
21 return? I was told he was back, okay. That
22 concludes anybody who has signed up. We are here
23 until noon today. If you do want to say anything,
24 you can just register at the front desk. We're
25 here until twelve. Returning for our second show

1 at six, at the fabulous Hambletonian room. So
2 we're hanging for 22 minutes. Anybody who wants
3 to say anything, you have to register at the front
4 first that you want to speak.

5

6 (Whereupon a short recess was taken.)

7

8 MS. KARROW: Mr. Torres, can you come
9 up? We need you to state your name for the record
10 as well as what you're representing and you have
11 five minutes.

12 MR. TORRES: My name is Eddie Torres,
13 E-D-D-I-E T-O-R-R-E-S. And I'm sorry I made you
14 come back and sit down again. It was the seven
15 minute stretch, I guess.

16 MS. KARROW: That's okay. And who are
17 you representing, Mr. Torres?

18 MR. TORRES: I am a member of Plumbers
19 Local 24 and a member of the Hudson County
20 Building Trades. And a member of -- proud member
21 of Plumbers Local 24. And my comments is
22 obviously for this project. And obviously not so
23 much just for the construction trades, too, that
24 the jobs it's going to give. When I come out to
25 speak for these projects, I look at the

1 development that it does in the area.

2 I was born and raised in downtown Jersey
3 City, what we use to called in front of the Hudson
4 River, what they call now the waterfront. I seen
5 the changes of that swamp and factories, abandoned
6 factories in Jersey City, growing up there,
7 neighborhoods that we couldn't walk around in.
8 And where development, the changes they have made.
9 The jobs that are there, the factories that were
10 lost, and jobs that are created.

11 And that's what I came up to speak
12 about. On my way here today, I was listening on
13 the radio and they had the quarterly findings of
14 some of the companies, Staples, Wal-Mart and them,
15 who are still doing -- they met their gains,
16 they're showing growth. But there was one thing
17 that they said in New York and tri-state area, the
18 factories are not growing. There's no growth in
19 factories. And today, every time we put on our
20 TV, America all across the United States is saying
21 we need manufacturing. We need companies. We
22 need to build again.

23 And today on the radio, they said that's
24 not happening. This company, when they say Jersey
25 City has changed, when I look at a building, when

1 I look at the Newport Mall, when I look at a store
2 or a restaurant that I go to sit and eat, my wife
3 laughs at me all the time. I work at ten waiters
4 running around the restaurant, I look at the
5 bartender, I start counting how many cooks, I
6 start counting the hosts that are there. There
7 was a factory in Jersey City that had 50 permanent
8 jobs, one restaurant puts 50 people to work.
9 That's the factories that we got today.

10 Jobs that are created, jobs that are
11 created for the people that not just in the
12 trades, for the people that do the cleaning, for
13 the people that do the washing of the windows, for
14 the people that do the landscaping.

15 Here is a piece of land, five acres of
16 land that we could take and develop so much food
17 and so much jobs. When I go to work in the trade,
18 it doesn't just put me to work. It takes care of
19 my two sons, my wife, it takes care of my nephews,
20 it takes care of my nieces. It took care of my
21 parents when they were here on this earth. That's
22 the trickle down effect that one job creates in my
23 family.

24 We have a chance to take a piece of land
25 that was given to us, that is creation and bear a

1 lot of fruit from it. Or we have a chance to take
2 seven acres of land that were filled and see it
3 decay. I hope that we could take the extra five
4 acres and grow this area. And that's what I have
5 to say. Thank you.

6 MS. KARROW: We also signed up Toni
7 Pinto. Mr. Pinto, please spell your name for the
8 record and your institution that you represent and
9 you have five minutes.

10 MR. PINTO: Thank you. Toni Pinto
11 T-O-N-I P-I-N-T-O. I represent Concord
12 Hospitality. More importantly, I'm the general
13 manager of the Renaissance Meadowlands Hotel.
14 Concord Hospitality owns and operates currently in
15 the State of New Jersey eight hotels, soon to be
16 ten. And in the immediate Meadowlands area, we
17 have five hotels.

18 So needless to say, as a person who does
19 business in the immediate area, in the hospitality
20 business, this project is welcoming. It's a
21 tremendous opportunity for continued growth and
22 occupancy, not only for our properties, but also
23 for all the hotels in the immediate area.

24 Additionally, I believe that this
25 project not only will create thousands of jobs

1 immediately, but also will sustain thousands of
2 jobs thereafter. So I certainly am a proponent of
3 this project. I think it would be a tremendous
4 economic impact that will have in our industry of
5 the hotel business, not currently, but possibly
6 additional hotels or other opportunities that
7 would come in the future for building. As well as
8 all the other businesses, small businesses in the
9 area, small restaurants and so on and so forth.
10 And so some of the numbers I've heard is in the
11 upwards of the 45, 50 million visitors to the
12 American Dream project. I can only wish I will
13 get ten percent of those room nights stay in our
14 hotels. And not only my hotel because,
15 unfortunately, we're not that large. But in all
16 of the hotels. So can you just imagine an
17 additional of those room nights, how much impact
18 it would have in each of our hotels, in the local
19 restaurants, in other shops, small mom and pops,
20 or whatever the case may be. Because they will
21 not only be staying in the hotel, they would be
22 visiting the local immediate area.

23 And I've heard others mention that the
24 potential business of -- for once, I believe, we
25 would be stealing visitors from New York City to

1 New Jersey, to our local area. So how great would
2 that be to reverse the tables on New York City?
3 So I live in the state of Pennsylvania, I come to
4 work every day here at 75 miles, to and from, only
5 because I love what I do. I have great faith in
6 this community, in the region and just enjoy
7 what's going on and the possibilities of this
8 project going forward.

9 So thank you for your time and I
10 certainly urge the project going forward. So
11 thank you.

12 MS. KARROW: Thank you, Mr. Pinto.

13 We're still in recess for twelve
14 minutes. The floor is open. We're in recess
15 until someone wants to speak.

16 We're reconvening one more time.

17 Again this hearing is open until twelve
18 o'clock today, until noon. We have one more
19 speaker, David Wylie? He just signed up, he
20 better be here. Can you please spell your last
21 name for the record and tell who you represent and
22 you have five minutes.

23 MR. WYLIE: Thank you. My name is David
24 Wylie, W-Y-L-I-E. I live in Cliffside Park, New
25 Jersey, this is just kind of spur of the moment.

1 I have heard everybody's comments in support, I
2 think it's a great idea, too. But I think we have
3 to go slow with filling in wetlands that are
4 irreplaceable. I've heard -- I've been with River
5 keeper a long time, I've been an environmentalist.
6 And I know that once the wetlands get filled in,
7 you can't take it back. Wetlands provide valuable
8 resources, the habitat we're trying to restore. I
9 just question whether we have to fill in five
10 acres of wetlands when there are other areas that
11 might be utilized. We should look at using what
12 we already have and preserve these wetlands.
13 Thank you very much.

14 MS. KARROW: Thank you, Mr. Wylie.

15 We still have nine minutes. Just so you
16 know.

17

18 (Whereupon a short recess was taken.)

19

20 MS. KARROW: This is the two minute
21 warning, since we're at the racetrack.

22 Since it doesn't appear that anyone else
23 wants to present comments, the hearing is now
24 closed. It will reconvene at six p.m.

25

(Whereupon the hearing was concluded.)

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C E R T I F I C A T E

I HEREBY CERTIFY that the foregoing is a true and accurate transcript of the testimony and proceedings as taken stenographically by me at the time, place, and on the date hereinbefore set forth.

SUSAN BISCHOFF, CCR, RPR
LICENSE NO. 30XI00233700

STATE OF NEW JERSEY
NEW JERSEY MEADOWLANDS COMMISSION

IN THE MATTER OF:
AMERICAN DREAM MEADOWLANDS
AMUSEMENT AND WATER PARK
PROJECT
PUBLIC HEARING

November 15, 2011
50 Route 120
East Rutherford, New Jersey
6:00 p.m. to 8:00 p.m.

HEARING OFFICERS:

MARCIA KARROW,
Executive Director
New Jersey Meadowlands Commission

SCOTT BRUBAKER, Director
Office of Permit Coordination and
Environmental Review
New Jersey Department of
Environmental Protection

RICHARD TOMER,
Chief of the Regulatory Branch
U.S. Army Corps Of Engineers

ALSO PRESENT:

MAURICE GRIFFIN, DAG
Division of Law & Public Safety

JAMES PALMER,
Assistant District Counsel

Reported by: DARLENE KULESA
Certified Court Reporter

GLOBAL COURT REPORTING SERVICES, INC.
55 North Bridge Avenue
Suite 4
Red Bank, New Jersey 07701
(732) 383-7860

1 I N D E X

2 SPEAKER PAGE

3 ERIC BOYCE 21

4 EDGAR SANTANTA 25

5 KEVIN O'BRIEN 26

6 ANDREW SCALA 28

7 SALLY ALTMAN 29

8

E X H I B I T S

9

EXHIBIT NO. DESCRIPTION ID EVID

10 NONE

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1 MS. KARROW: Good evening, I am Marcia
2 Karrow, Executive Director of the New Jersey
3 Meadowlands Commission (NJMC). With me are Scott
4 Brubaker, Director of the Office of Permit
5 Coordination & Environmental Review at the New Jersey
6 Department of Environmental Protection (NJDEP) and
7 Richard Tomer of the United States Army Corps of
8 Engineers. We are the hearing officers of the public
9 hearing to be held today. Also seated with us is
10 Maurice Griffin, to my right, and he is the Deputy
11 Attorney General from the New Jersey Department of
12 Law and Public Safety and James Palmer, Assistant
13 District Counsel. We welcome all of you who have
14 come to attend this hearing.

15 This evening we are holding public
16 hearings on two processes related to the American
17 Dream Meadowlands Amusement and Water Park project.
18 First, I will read a statement with respect to the
19 Hearing Officers' consultation process set forth in
20 the Sports Authority's authorizing legislation. To
21 be followed by a statement read by Richard Tomer of
22 the Army Corps of Engineers related to a permit
23 application submitted to this agency. My statement
24 is as follows. We are here this evening to receive
25 public comments on the Draft Supplemental

1 Environmental Impact Statement, or DSEIS, dated
2 October, 2011, prepared by the New Jersey Sports and
3 Exposition Authority for the American Dream
4 Meadowlands Amusement and Water Park Project to
5 construct an amusement park and a water park within
6 the Meadowlands Sports Complex in East Rutherford,
7 New Jersey. The DSEIS was prepared as a supplement
8 to the Preliminary Environmental Impact Statement of
9 the Meadowlands Xanadu Redevelopment Project at the
10 Continental Airlines Arena Site dated March 2004.
11 This hearing provides you with the opportunity to
12 comment on the DSEIS. Your comments will be
13 considered during the preparation of the final SEIS.
14 The DSEIS has been available since October 31st 2011,
15 on the web sites and at the offices of the
16 Meadowlands Commission, the New Jersey DEP, and the
17 Sports Authority. It has also been available at all
18 public libraries in each of the Meadowlands District
19 municipalities.

20 We received comments this morning and we
21 will receive comments tonight and then at two
22 separate sessions tomorrow. This second session
23 starts now at 6:00 and the third session starts at
24 10:00 tomorrow and the fourth session tomorrow night
25 at 6:00. If anyone has not already done so, please

1 sign in at the registration desk, which is out front.
2 If you wish to submit written or verbal comments,
3 indicate that on the registration sheet. Please turn
4 off all cell phones and pagers during the hearing.
5 Also, if you are going to speak, you must sign in at
6 the front desk so that we know who you are and that
7 you want to speak.

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

20 During today's proceedings, the Hearing
21 Officers will not respond to comments, but will
22 receive them for review and consideration. A summary
23 of the hearing, copies of the handouts, and copies of
24 the materials submitted by the public will be
25 included in the final SEIS.

1 After the close of the comment period on the
2 consultative process on December 19th, 2011, the
3 Sports Authority will complete and publish the final
4 SEIS, which will include written responses to the
5 public comments on the DSEIS, and will submit it to
6 the Hearing Officers and to the Department and the
7 Commission. The final SEIS is expected to be
8 available to the public in January 2012. The Hearing
9 Officers will then review the final SEIS and submit
10 their report and recommendations to the Department of
11 Environmental Protection and the Meadowlands
12 Commission for approval on or about March 9, 2012.
13 The Hearing Officers' report and recommendations will
14 thereafter be available for public review at the
15 offices and on the web sites of the Meadowlands
16 Commission, the NJDEP and the Sports Authority, and
17 at local public libraries within the Meadowlands
18 District.

19 I am going to turn over the microphone to Rich
20 Tomer from the Army Corps of Engineers for his
21 statement.

22 MR. TOMER: I'm Richard Tomer, I'm Chief
23 of the Regulatory Branch for the New York District,
24 U.S. Army Corps of Engineers. I will be the
25 presiding officer for the evening session on behalf

1 of the Corps of Engineers.

2 The Corps of Engineers is here today to
3 obtain information and evidence, and receive public
4 comment, to assist in the regulatory review of a
5 permit application submitted by Metro Central, LLC,
6 care of Triple Five Development. The permit
7 applicant proposes to discharge fill material into
8 5.74 acres of Corps of Engineers regulated tidal and
9 non-tidal waters of the United States to facilitate
10 its construction of a commercial amusement and water
11 park.

12 The permit applicant has proposed to
13 mitigate for all impacts to the aquatic environment.

14 The permit applicant's stated purpose for
15 the work is to construct a commercial amusement park
16 and water park as a component of the American Dream
17 Meadowlands Complex.

18 Because the work involves a discharge of
19 fill material within waters of the United States, a
20 Department of the Army permit is required from the
21 Corps of Engineers pursuant to Section 10 of the
22 Federal Rivers and Harbors Act of 1899 and Section
23 404 of the Clean Water Act.

24 The Corps of Engineers is not a
25 Proponent for nor an opponent of the proposed work.

1 Our role is to determine whether the proposed
2 activity is in the overall public interest. This
3 hearing will play an important role in that
4 determination.

5 This hearing will be conducted according to
6 the procedures set forth in Title 33 of the Code of
7 Federal Regulations, Part 327. This means that
8 anyone may make an oral or written statement
9 concerning the subject matter of this hearing.
10 Anyone may appear on his or her own behalf, or be
11 represented by counsel or other representatives, to
12 present recommendations or information, but cross
13 examination of witnesses will not be permitted.

14 A verbatim record of the public hearing is
15 being made. The hearing transcript will be available
16 on the Corps of Engineers website and a copy will be
17 available for public inspection or purchase at the
18 Corps of Engineers office in New York City. The
19 website WWW.NAN.USACE.ARMY.MIL. And that website
20 address, as well as our New York City office mailing
21 address, are printed on information sheets. They're
22 available at the registration table.

23 As a reminder, written comments on the
24 permit application addressed to the Corps of
25 Engineers may be submitted until the close of the

1 comment period for the Corps of Engineers, which is
2 on Monday, November 28th, 2011. All written comments
3 should be directed to: New York District, Corps of
4 Engineers, Regulatory Branch, Room 1937, 26 Federal
5 Plaza, New York, New York 10278-0090. And, again,
6 that address is on sheets that we have available on
7 the information table today, if you need it.

8 MS. KARROW: Thank you, Rich. At this
9 time I would like to invite Tony Armlin of Triple
10 Five to present an overview of the proposed project.

11 MR. ARMLIN: Thank you. Good evening and
12 thank you to the hearing officers for the opportunity
13 to present an overview of our application.

14 My name is Tony Armlin. And I am Vice
15 President of Development and Construction for Triple
16 Five, the developers of the project. Tonight we are
17 going to give you an overview of the application that
18 has been submitted to both the Army Corps and the
19 hearing officers for consideration. I'd like to
20 review the purpose. Again, our purpose tonight is to
21 review the master plan amendment that is being
22 proposed to include the updates in the Supplemental
23 Environmental Impact Statement previously done in
24 2004. We will be reviewing this in light of the
25 consultation process that was just described and we

1 will be talking specifically about the proposed
2 improvements and potential impacts associated with
3 the development of an amusement park and water park
4 which would be in addition to the existing ERC of the
5 American Dream project.

6 This is an overview, aerial photo of the
7 project site, and it shows in this area, areas of the
8 proposed development which are adjacent to the
9 existing ERC facility. Again, a site plan, again
10 warranting the site, the Turnpike, Route 120, the
11 proposed site of the amusement park, water park, and
12 the existing entertainment retail complex and
13 associated park. Again, an aerial photo with the
14 yellow line showing the proposed site in relationship
15 to the ERC and the stadium complex.

16 Project description: The project is
17 located on what is referred to as the radio tower
18 site approximately 21.75 acres immediately adjacent
19 to the project as it currently exists. It is a
20 strategic location in relationship to the existing
21 facility and we will talk about why that is so
22 important to the overall development concept. The
23 land on which the improvements are intending to be
24 constructed will become incorporated into the master
25 lease with the Sports Authority.

1 The use is primarily a family
2 entertainment and amusement facility to promote
3 tourism, as a tourism destination. The Triple Five
4 model which has been in place since our original
5 project in Canada, 30 years ago, was based on a
6 destination retail entertainment complex that was
7 focused on family entertainment and amusement. This
8 concept was replicated again in Mall of America in
9 Bloomington, Minnesota in 1992, so over 19 years that
10 is still operating successfully. The same type of
11 development concept is at the heart of the American
12 Dream which is a repositioning of an existing project
13 to expand it to a level of true international level,
14 world class level, tourist destination.

15 The proposed improvements: The amusement
16 park is approximately 318,000 square feet, the water
17 park is approximately 236,000 square feet and a
18 shared common area of 85,000 square feet, for a total
19 area of 639,000 square feet or about 13 acres of
20 footprint. Again, a large scale format, fully
21 enclosed water park and amusement park complex with
22 participatory entertainment enhancing and supporting
23 the existing complex.

24 This is a quick overview of the site plan,
25 again, the location of the amusement park and the

1 water park in relationship to New York City and again
2 a more detailed plan showing the locations for
3 footages.

4 This is a rendering of the development as
5 we see it in its format here on the American Dream
6 site and as you'll notice there are quite a few
7 amusements in the amusement area of rides and
8 attractions. This replicates an existing location at
9 our Mall of America facilities, showing many of the
10 same common elements in location and orientation.
11 And again, this is from our Mall of America facility
12 in Bloomington, Minnesota.

13 Next, the rendering of the water park
14 components as we see it being realized here for
15 American Dream and a photo of our actual installation
16 of the water park at West Edmonton Mall. It should
17 be noted that the amusement park at Mall of America
18 is approximately 7 acres. The amusement park we
19 anticipate on construction here will be a little
20 larger than that. The water park in West Edmonton is
21 approximately 5 acres, again a little larger than we
22 are anticipating here.

23 Purpose and need: First and foremost we
24 want to explain to the public that the element in
25 this amusement park, water park element is an

1 essential component of Triple Five's business model
2 and is a critical component. Without this component,
3 we do not feel this project will move forward
4 successfully. We do want to note that this concept
5 of amusement park and water park elements fulfills
6 the primary objective of the NJSEA for the overall
7 project which is to promote tourism and job creation
8 and this type of development will clearly do that.
9 We also want to underscore that this type of
10 attraction of this size, combined with the existing
11 retail center, creates a critical mass which we feel
12 is essential to make this a world class facility. In
13 the absence of that, we do not think this facility
14 can achieve that level of success.

15 Alternative analysis: As a part of the
16 process, our team lead by Langan Engineering looked
17 at a number of other alternative locations for the
18 water park, amusement park. It looked at locations
19 on-site and off-site. Through that evaluation it was
20 determined that no other site could provide a
21 practical alternative to use and create the use that
22 we need, the way we need it. Also as a part of the
23 review the engineers and consultants looked at over
24 20 criteria of evaluation for impact ranging from
25 geological soils, wildlife habitat, aquatic issues,

1 solid waste, utilities, historic impacts and other
2 visual and landscape aesthetics.

3 With regards to the environment conditions
4 and impacting mitigation we wanted to put this in
5 context of what is going to occur. The existing
6 stature that has been built but not completed to date
7 was a 1.9 billion dollar investment. Triple Five,
8 through executing not only this proposed improvement
9 and the completion of the existing ERC, will invest
10 an additional 1.825 billion dollars to complete the
11 project. That will create over 19,000 construction
12 jobs of which 9,100 jobs will be on-site.

13 Additionally in the operation stage we will be
14 creating an estimated 11,490 jobs on-site, permanent
15 jobs, with an additional 6,000 jobs off-site. In
16 fact, our estimates show that over a 20 year period
17 the permanent on-site jobs alone will create 7.6
18 billion dollars in wages in new money into the local
19 economy.

20 As a part of the evaluation we also looked
21 at the avoidance of adverse environmental impacts.
22 We looked at the issue of the fact that the radio
23 tower site is currently an abandoned and unused site.
24 We looked at the leveraging and use of existing
25 infrastructure.

1 We looked at the use of parking in the
2 arena site that currently exists and we looked at the
3 design process as we are undertaking this, focusing
4 on green design, energy conservation best practices.

5 We also looked at short term impacts. We
6 looked at impacts related to construction. Soil and
7 sedimentation, eroding and run-off, increased noise
8 and air emissions, increased traffic from
9 construction workers. We will also see increased
10 jobs for construction, as well as increased taxes
11 generated during the construction phase.

12 Long term impacts: A loss, as was noted
13 earlier, a loss of 5.47 acres of wetlands. An
14 increase use of energy, in potable water, increased
15 use of sanitary and solid waste, increased air
16 emissions, increased traffic from patrons and
17 employees. But also increased jobs, increased taxes,
18 and very importantly, increased regional new economic
19 growth which will increase tourism and related
20 spending. Tourism and the generation of new
21 business, new attractions to this region and the
22 economy are an essential part of the Triple Five
23 model. At Mall of America, over 50 percent of our
24 visitors are tourists and generates an enormous
25 amount of the sales generated at that facility and

1 we expect to see the same thing hear.

2 Wetland impacts: Triple Five very
3 strongly feels that we are committed and will comply
4 to all federal laws and regulations related to the
5 appropriate relocation in mitigation of wetlands is a
6 primary focus of our design and will be as we move
7 forward. It is our intention to work collaboratively
8 with the Army Corps of Engineers and other federal
9 agencies, including the New Jersey Meadowlands
10 Commission, and New Jersey Department of
11 Environmental Protection, as well as the Meadowlands
12 Conservation Trust to identify appropriate mitigation
13 sites in the region. The 5.5 acres of potential
14 wetlands impacts will be addressed through mitigation
15 banking, restoration and preservation.

16 In our evaluation there are five potential
17 options currently available to us, which we are
18 exploring all at this time. First would be to look at
19 the New Jersey Meadowlands Secaucus High School site,
20 there is a three acre credit that is available that
21 could be purchased from the New Jersey Meadowlands
22 Commission related to a portion of our mitigation. We
23 could look at the Evergreen MRI-3 mitigation bank
24 which is a site that is currently in its final review
25 and looks like it might be ready by January,

1 February, with construction starting this Spring.
2 That could account for another 2.5 acre credits.
3 There is also the option to look at the Keane track,
4 a 40 acre parcel, which Triple Five would participate
5 in the development of the construction and
6 restoration plan to satisfy the Meadowlands
7 Conservation Trusts. We had the opportunity to look
8 at the wetlands preservation and other sites. We've
9 identified several and are negotiating and made an
10 offer on one and are negotiating with that property
11 owner at this time. We are not going to disclose that
12 property owner or its location until we reach final
13 negotiations with them. And finally, we can also look
14 to make payment to the State of New Jersey's Wetlands
15 Mitigation Council Fund.

16 Traffic: There are obviously issues
17 related to traffic mitigation and volume, and
18 although our analysis shows only a moderate increase
19 of traffic based on the new uses we are proposing. We
20 have looked at multiple impact areas that can and
21 will reduce traffic congestion and other related
22 issues. The first thing that is listed is mass
23 transit and we will spend a little time talking about
24 that. We are also looking at internal trips. The
25 Triple Five Model is based on an extended visitor

1 duration. We are not a shopping mall. We are an
2 entertainment destination where our visitors are
3 there for an extended period of time, and we are
4 looking at retail elements, entertainment elements
5 and amusement elements. We also looked at the stay
6 away factor, when traffic congestion is heavy,
7 staying away from the project.

8 Bypass trips: We've done an additional
9 trip generation analysis. We've looked at stadium
10 improvements that will also help with traffic and
11 flow and circulation. The downsizing of the racetrack
12 is planned. The fact that the Bergen County Blue Laws
13 are in effect and prohibit our ability to have retail
14 activities on Sundays, will impact and restrict
15 traffic. We will have the New Jersey Turnpike
16 improvements and enhancements related to 18W, along
17 with operational message signing and adaptive signal
18 systems for traffic reduction management patterns as
19 we've been talking about in Bergen County and others.

20 Transportation management plan: Our
21 primary focus is to look at leveraging the local bus
22 traffic system, improving access to the site, and
23 improving on-site to allow rapid transit. We are also
24 looking at better connections to produce mass
25 transit. This map shows a number of opportunities to

1 the Penn Station to the Secaucus Transfer Station and
2 other stations and the connection of those through
3 multiple rail lines and the bus and transit
4 opportunities to bring, again, greater connectivity,
5 which will be our absolute primary focus of our
6 operational plan for the center.

7 Socioeconomic impacts: Again, from the
8 construction standpoint we will be investing another
9 1.825 billion dollars of new investment into the 1.9
10 billion dollars of existing investment. We will
11 generate 19,000 construction jobs during the
12 construction phase, and over the operational stage,
13 over 17,000 permanent jobs with 11,500 on-site and
14 7.6 billion in wages and over 1.2 billion dollars of
15 sales tax generated and corporate business tax
16 generated in the first 20 years.

17 This is an overview of our project and we
18 will turn it back to the hearing officers.

19 MS. KARROW: The hearing is now open for
20 comment. I will call the persons who have indicated
21 on the registration sheet that they wish to comment.
22 I have five people who would like to speak so let me
23 again remind you the comments should be brief and
24 directed to either the DSEIS consultative process or
25 the Corps of Engineers permit application. When you

1 are called to present your comments, please stand at
2 the podium up here, give your name and spelling to
3 the stenographer for our records, who is recording
4 this hearing. Please also give the name of your
5 organization or any interest you represent. Please
6 indicate if your comments are directed to the Corps
7 of Engineers or the New Jersey Meadowlands Commission
8 and New Jersey Department of Environmental
9 Protection. If you have written materials, please
10 give them to the stenographer. Please limit your
11 comments to five minutes. You may be afforded
12 additional time for your comments or rebuttal after I
13 have gone through the list of those who have signed
14 up on the registration sheets. If you are submitting
15 written comments, please just summarize them and do
16 not read them at length.

17 The hearing record and comment period for
18 the Corps of Engineers will remain open until close
19 of business on Monday, November 28th 2011 for the
20 receipt of written comments on the permit
21 application. All comments should be sent to the
22 following address so as to be received prior to the
23 close of the comment period: New York District Corps
24 of Engineers, Regulatory Branch, Room 1937, 26 Federal
25 Plaza, New York, New York 10278-0090.

1 The NJDEP and NJMC will accept additional
2 comments on the DSEIS consultative process until the
3 close of business on Monday, December 19th, 2011.
4 They may be submitted in writing to Scott Brubaker,
5 Director of the Office of Permit Coordination and
6 Environmental Review, New Jersey Department of
7 Environmental Protection, 401 East State Street, P.O.
8 Box 402, Trenton, NJ 08625 or to myself, Marcia
9 Karrow, Executive Director, New Jersey Meadowlands
10 Commission, One DeKorte Park Plaza, Lyndhurst, NJ
11 07071. Copies of the public notice with instructions
12 should you wish to provide written comments are
13 available at the registration desk.

14 I will be calling the first speaker.
15 Again, please state your name and spell it for the
16 stenographer and who you represent and five minutes.

17 ERIC BOYCE: Thank you, ma'am. My name is
18 Eric E-R-I-C, Boyle B-O-Y-C-E. I am the business
19 manager of Plumbers Local 24 and I represent 1,700
20 families who are earning their living in the
21 construction industry. I suppose my comments are
22 directed to anybody and everybody who plays a role in
23 deciding whether this project moves forward or not.
24 We have a vested interest in the entire process to
25 have this project move forward. It seems like 100

1 years now going to meetings to get the original
2 Xanadu project approved and we never hit the finish
3 line to actually get through that process and go to
4 work. And when you think of everything we have been
5 through over there, and what has happened in our
6 industry, and by that I mean the construction
7 industry. People throw around numbers, 30 to 50
8 percent 40 to 60 percent on unemployment. My own
9 Local at this particular time has 40 percent, and I
10 have an out of work list that has 515 members that
11 cannot feed their families. Some of them are out of
12 work for over two-and-a-half years, over two years.
13 This is not uncommon in our industry right now.
14 These families are faced with can they pay their
15 healthcare or can they pay their mortgage, keep kids
16 in school. I want to thank this committee for the
17 opportunity to speak and I apologize for not saying
18 that first. I also want to thank Triple Five for
19 coming along here. This project is more than just the
20 completion of something or the removal of an eye sore
21 that politicians all too often, and many public
22 officials want to poke fun at our use as a political
23 football. This isn't just some structure that people
24 don't like to look at. This is an opportunity. This
25 is the salvation to the men and woman that I

1 represent and my colleagues from other trades in the
2 Bergen County building trades. This is an opportunity
3 to jump start our economy here. We did not have
4 people lined up trying to come to New Jersey with 1.8
5 billion dollars to finish this project and make it
6 something beautiful and make something people can
7 have some self respect and feed their families and go
8 to work and earn their way and have their health care
9 back. I never thought my job as a business manager
10 would be helping to direct my members where they
11 could get residential assistance, where local food
12 banks were, where they can get their children
13 vaccinated, but that is what I've become an expert in
14 in the last couple of year's.

15 This is a great company that wants to
16 build. I talked to my colleagues about the Mall of
17 America. I talked to my colleagues about West
18 Edmonton. They don't just build great projects, they
19 don't just spend money. They help people earn a
20 good living in building these projects and
21 maintaining these projects. They are good corporate
22 citizens in the areas where they build these projects
23 and we are fortunate to have them. I cannot put into
24 words how anxious we are to partner with them and to
25 help them move forward with this project. This

1 project is everything to the men and woman of the
2 Bergen County building trades and Local 24. This is
3 their opportunity for 2012 and 2013 to go back to
4 work. Obviously Triple Five will do whatever is
5 necessary for this community and the Army Corps and
6 whatever is necessary to make the project happen and
7 they said it here tonight, they said it is what will
8 happen, that is what has to happen. We talk about
9 green jobs, energy conservation. One of the trust
10 funds that is suffering, not just pensions and health
11 care, we do all our own training and spend millions
12 of dollars in the building trades just in New Jersey
13 to train our apprentices with continuing education
14 with our journey people who served and lead the way
15 in green training. Nobody does more green training
16 than the local unions. I can't tell you how anxious
17 they are to put those skills to use and start to feed
18 their families and help to jump start this economy
19 and make things work in Bergen County the way we know
20 they should work, and we want them to work.

21 So on behalf of everyone from Local 24, I
22 ask you to please give every consideration to helping
23 this project move forward as quickly as possible and
24 we look forward to being a partner in any way we can
25 and every way we can to see this to the finish line.

1 Thank you very much.

2 MS. KARROW: I apologize Eric, I may have
3 called you Mr. Boyle.

4 MR. BOYCE: I've been called much worse.

5 MS. KARROW: Next is Edgar Santana.

6 MR. SANTANA: Good evening. My name is
7 Edgar Santana. E-D-G-A-R S-A-N-T-A-N-A. I am with
8 the New Jersey Laborers Union. I am here tonight
9 representing 20,000 members who work, live and raise
10 their families in New Jersey.

11 Today's hearing is narrowly focused on
12 permits required for the completion of the
13 entertainment and amusement component of the American
14 Dream project. The reality is, however, that without
15 this component there is no project. And if there is
16 no project there is no opportunity to put back to
17 work the 90,000 construction workers that could work
18 on-site. You've heard already from Mr. Boyce how the
19 construction industries have been hurt. We have 40
20 percent unemployment and we are really hurting and
21 our members need to go back to work. Not only is
22 this going to put our members back to work, it is
23 also going to improve the overall aquatic use of the
24 land thereby improving the wetlands and turn it into
25 something we can move forward with.

1 The developers of the American Dream
2 project have made it clear that this project cannot
3 move forward without the entertainment and amusement
4 component they are proposing. Given the failure of
5 Xanadu, we have no reason to question that
6 assessment. The half-completed shell outside is proof
7 positive that this project cannot be financed without
8 these additional entertainment elements.

9 Mitigating a few acres of degraded
10 wetlands in return for 9,000 construction jobs and
11 enhanced quality of life throughout the region is a
12 small price to pay to put our workers back to work
13 and we are asking that this move forward so we can
14 put our workers back to work. Thank you.

15 MS. KARROW: Mr. O'Brien.

16 MR. O'BRIEN: Good evening, Madam
17 Chairwoman and thank you distinguished members of
18 this panel for the opportunity to speak tonight. My
19 name is Kevin O'Brien. K-E-V-I-N O'-B-R-I-E-N. I am
20 the President of the theatrical stage at the IZOD
21 Meadowlands Complex. I am speaking primarily because
22 we all know, everyone in this room knows, that the
23 key component to this is going to be the fact that
24 this is going to be a destination related economy and
25 the other key component is, as Tony said, is going to

1 be long term which will help, actually help mitigate
2 the traffic fears and that is one of the key things I
3 like about this project. But a tourism economy can
4 be a sustained economy tool which will create
5 thousands of jobs and needed tax revenue in this
6 state. Our local union has a long history at this
7 complex as well as some of our crew members. I work
8 with them everyday. I am a working president. I am on
9 a rigger and I do theatrical shows at the IZOD Center
10 so I know some of your members.

11 In a recent address to the Meadowlands
12 Regional Chamber of Commerce, Paul Caslalian (ph)
13 related that the IZOD Center fits nicely into their
14 mix because the added foot traffic from the IZOD
15 Center is going to be a boom to the restaurants in
16 the complex there. You can't buy that kind of foot
17 traffic. And we believe that the addition of Triple
18 Five's monorail from the transit station that exists
19 now to the IZOD Center and the entertainment complex
20 is going to also mitigate those fears and we believe
21 that the monorail is going to be a key component as
22 well.

23 But in closing, I am mainly here to
24 advocate for jobs and economic development which we
25 need to grow out the fiscal dilemma that we are in in

1 this State. Indecision is no longer an option.
2 Triple Five will be fastidious to this situation and
3 we believe they will be diplomatic. Within the
4 Meadowlands it will be an asset in the Meadowlands
5 region and northern New Jersey and the entire State
6 as well. That is going to be quite evident when we
7 bid the Superbowl. And our 9,000 construction jobs,
8 11,500 permanent jobs and 3.8 billion dollars in an
9 economic assets to this region.

10 Again, Madam Chairwoman and members of
11 this panel, thank you for the opportunity to speak
12 tonight and we hope that the wetlands mitigation will
13 pass. We believe that the key components that need to
14 be addressed in this project are the amusement park
15 and water park that needs to be included in this mix
16 for the whole project to succeed. Thank you.

17 MS. KARROW: Andrew Scala.

18 MR. SCALA: Hello everybody. My name is
19 Andrew Scala. A-N-D-R-E-W S-C-A-L-A. I am the
20 business agent for the Painters, Papers and Glaziers
21 of District Council 711. I would like to say as an
22 agent there is no better feeling in the world than to
23 call a member and telling him or her you are sending
24 them out to work, but unfortunately in these economic
25 times that is far and few between. So this hearing

1 couldn't come at a better time. We heard the people
2 this afternoon talk about the plus and the minuses of
3 this project but yet all I see is the plus side. I
4 think the strongest asset that we have as a society
5 is the ability to have an idea and it become a
6 reality. So I am sure if we are willing to work
7 together on this project all our goals and concerns
8 can be accomplished.

9 And in closing I would like to say,
10 remember, we built this country on an American dream.
11 Thank you.

12 MS. KARROW: Sally Altman.

13 MS. ALTMAN: S-A-L-L-Y A-L-T-M-A-N. Hello
14 everybody. I am Sally Altman the Director of Sales
15 and Marketing of the Holiday Inn in Hasbrouck
16 Heights, New Jersey on Route 17. I am here to
17 support the American Dream project and feel it will
18 have a very positive impact not only on my hotel, but
19 all the hotels in our neighborhood. This project is
20 something that will bring in many tourists and
21 visitors from all over the world and bring in a lot
22 of great economic impact. Many new jobs, a lot of
23 new tax revenues and something our neighborhood could
24 use. I've sold in this neighborhood for over 20
25 years and we need a project like this and it is my

1 dream to have Triple Five complete their American
2 Dream and we look forward to this opportunity.

3 MS. KARROW: Those are all the speakers
4 that we have signed up at this time. We stand in
5 recess unless somebody else comes in and signs in.
6 We are here until 8:00 p.m. As I said, we are in
7 recess right now and we will reconvene if anybody
8 signs up if you do want to say something. Otherwise
9 you can hang out with us in the beautiful
10 Hambletonian Room.

11 MS. KARROW: Okay, it is now 8:00 p.m. and
12 it does not appear that there is anyone else who
13 wishes to present comments. The hearing is now
14 closed.

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C E R T I F I C A T I O N

I, DARLENE KULESA, a certified court
Reporter and Notary Public of the State of New
Jersey, do hereby certify that the foregoing is a
true and accurate transcript of my stenographic notes
taken of the foregoing hearing, and taken at the time
and place hereinbefore stated.

Darlene Kulesa, CCR

LICENSE NO. XI-I-205700

1 STATE OF NEW JERSEY
2 NEW JERSEY MEADOWLANDS COMMISSION

3 AMERICAN DREAM AT MEADOWLANDS PROJECT
4 PUBLIC HEARING

5 November 16, 2011
6 50 State Route 120
7 East Rutherford, New Jersey
8
9 10:00 a.m. - 12:00 p.m.

10 B E F O R E:

11 MARCIA KARROW, Executive Director
12 New Jersey Meadowlands Commission

13 SCOTT BRUBAKER, Director
14 Office of Permit Coordination and
15 Environmental Review
16 New Jersey Department of Environmental
17 Protection

RICHARD TOMER,
Chief of the Regulatory Branch
U.S. Army Corps of Engineers

18 ALSO PRESENT:

19 MAURICE GRIFFIN,
20 Deputy Attorney General
21 Division of Law and Public Safety
22 JAMES PALMER,
23 Assistant District Counsel

24 Reported by: Susan Bischoff, CCR, RPR
25 Certified Court Reporter

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1 MS. KARROW: Good morning, would
2 everybody please take a seat so we can get
3 started. I am Marcia Karrow, Executive Director
4 of the New Jersey Meadowlands Commission, NJMC.
5 With me are Scott Brubaker, Director of the Office
6 of Permit Coordination and Environmental Review
7 with the New Jersey Department of Environmental
8 Protection, NJDEP, and Richard Tomer of the U.S.
9 Army Corps of Engineers. We are the Hearing
10 Officers for the public hearing to be held today.
11 Also seated with us is Maurice Griffin to my
12 right, Deputy Attorney General from the New Jersey
13 Department of Law and Public Safety, and James
14 Palmer, to Richard's left, Assistant District
15 Counsel. We welcome all of you who have come to
16 attend this hearing.

17 This morning, we are holding public
18 hearings on two processes related to the American
19 Dream Meadowlands Amusement and Water Park
20 Project. First, I will read a statement with
21 respect to the Hearing Officers' consultation
22 process set forth in the Sports Authority's
23 authorizing legislation, to be followed by a
24 statement read by Richard Tomer of the Corps of
25 Engineers related to a permit application

1 submitted to his agency. My statement is as
2 follows.

3 We are here this morning to receive
4 public comments on the Draft Supplemental
5 Environmental Impact Statement, or DSEIS, dated
6 October 2011, prepared by the New Jersey Sports
7 and Exposition Authority, for the American Dream
8 Meadowlands Amusement Park and Water Park Project
9 to construct an amusement park and a water park
10 within the Meadowlands Sports Complex in East
11 Rutherford, New Jersey. The DSEIS was prepared as
12 a supplement to the Preliminary Environmental
13 Impact Statement for the Meadowlands Xanadu
14 Redevelopment Project at the Continental Airlines
15 Arena Site, dated March 2004. This hearing
16 provides you with the opportunity to comment on
17 the DSEIS. Your comments will be considered
18 during the preparation of the final Supplemental
19 Environmental Impact Statement. The DSEIS has
20 been available since October 31st, 2011, on the
21 websites and at the offices of the Meadowlands
22 Commission, the NJDEP, and the Sports Authority.
23 It has been available at all public libraries in
24 each of the Meadowlands District municipalities.

25 We will receive comments at two separate

1 sessions today. The first session starts now at
2 10 o'clock and the second session starts tonight
3 at 6 p.m. It is our final hearing after having
4 two hearings yesterday. If anyone has not already
5 done so, please sign in at the registration desk.
6 If you wish to submit written or verbal comments,
7 please indicate that on the registration sheets.
8 Please turn off all cell phones and pagers during
9 the hearing.

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 Department
18 of Environmental Protection on ecological factors
19 constituting the environment of the Hackensack
20 Meadowlands so the delicate environmental balance
21 may be maintained and preserved.

22 During this proceeding, the Hearing
23 Officers will not respond to comments, but will
24 receive them for review and consideration. A
25 summary of the hearing, copies of the handouts,

1 and copies of the materials submitted by the
2 public will be included in the final SEIS.

3 After the close of the comment period on
4 the consultative process on December 19th, 2011,
5 the Sports Authority will complete and publish the
6 final Supplemental Environmental Impact Statement,
7 which will include written responses to the public
8 comments on the Draft SEIS and will submit it to
9 the Hearing Officers and to the Department, and to
10 the Commission. The final SEIS is expected to be
11 available to the public on January 2011 -- sorry,
12 in January 2012. The Hearing Officers will then
13 review the final SEIS and submit their reports and
14 recommendations to the Department of Environmental
15 Protection and the Meadowlands Commission for
16 approval on or about March 9th, 2012. The Hearing
17 Officers' report and recommendations will
18 thereafter be available for public review at the
19 offices and on the websites of the Meadowlands
20 Commission, the NJDEP, and the Sports Authority,
21 and at local public libraries within the
22 Meadowlands District.

23 At this time, I will be turning over the
24 microphone to Rich Tomer from the Army Corps of
25 Engineers.

1 MR. TOMER: Thank you. As Ms. Karrow
2 indicated, my name is Richard Tomer, I am Chief of
3 the Regulatory Branch for the New York District,
4 U.S. Army Corps of Engineers. I will be the
5 presiding officer for this morning's session on
6 behalf of the Corps of Engineers for today's
7 public hearing.

8 The Corps of Engineers is here today to
9 obtain information and evidence, and receive
10 public comment, to assist in the regulatory review
11 of a permit application submitted by Metro
12 Central, LLC, care of Triple Five Development.
13 The permit applicant proposes to discharge fill
14 material into 5.47 acres of Corps of Engineers
15 regulated tidal and non-tidal waters of the United
16 States to facilitate its construction of a
17 commercial movement park and water park.

18 The permit applicant has proposed to
19 mitigate for all impacts to the aquatic
20 environment.

21 The permit applicant's stated purpose
22 for the work is to construct a commercial
23 amusement park and water park as a component of
24 the American Dream Meadowlands Complex.

25 Because the proposed work involves a

1 discharge of fill material within waters of the
2 United States, a Department of the Army permit is
3 required from the Corps of Engineers pursuant to
4 Section 10 of the Federal Rivers and Harbors Act
5 of 1899 and Section 404 of the federal Clean Water
6 Act.

7 The Corps of Engineers is neither a
8 proponent for nor an opponent of the proposed
9 work. Our role is to determine whether the
10 proposed activity is in the overall public
11 interest. This hearing will play an important
12 part in that determination.

13 This hearing will be conducted according
14 to the procedures set forth in Title 33 of the
15 Code of Federal Regulations, Part 327. This means
16 that anyone may make an oral or written statement
17 concerning the subject matter of this hearing.
18 Anyone may appear on his or her own behalf, or be
19 represented by counsel or other representatives,
20 to present recommendations or information, but
21 cross examination of witnesses is not permitted.

22 A verbatim record of this public hearing
23 is being made. The hearing transcript will be
24 available on the Corps of Engineers website and a
25 copy will be available for public inspection or

1 purchase at the Corps of Engineers office in New
2 York City. Our website address is
3 WWW.NAN.USACE.ARMY.MIL. That website address, as
4 well as our New York City office mailing address,
5 is printed on information sheets that are
6 available at the registration tables today.

7 As a reminder, written comments on the
8 permit application addressed to the Corps of
9 Engineers may be submitted in the until the close
10 of the comment period on Monday, November 28th,
11 2011. All written comments should be addressed to
12 our mailing address, which is: New York District,
13 Corps of Engineers, Regulatory Branch, Room 1937,
14 26 Federal Plaza, New York, New York 10278-0090,
15 and again that mailing address is available at the
16 registration tables. Thank you.

17 MS. KARROW: Thanks, Rich. At this
18 time, I would like to invite Tony Armlin of Triple
19 Five to present an overview of the proposed
20 project.

21 MR. ARMLIN: Good morning. Thank you to
22 the Hearing Officers for the opportunity for
23 Triple Five to do an overview of our project and
24 the proposed enhancement and expansion of the
25 master plan for the project as part of the

1 application to expand our permits.

2 This morning, our purpose is to review
3 our proposed amusement park, water park expansion
4 of the already approved project to include the
5 updates to the supplemental -- in the Supplemental
6 Environmental Impact Statement, to the 2004
7 Environmental Impact Statement, previously done,
8 to talk about the issues that are presented in our
9 application process to the Army Corps, NJSEA and
10 of course to the New Jersey Meadowlands Commission
11 and the Department of Environmental Protection.

12 We will be talking about the potential
13 impacts that the project proposes and imposes on
14 the new site being incorporated into the project
15 and we'll be talking about the major impacts and
16 benefits of the project.

17 This is an overview aerial of the
18 proposed site, which is a new parcel adjacent to
19 the existing building site, which we're all
20 familiar with. And this shows our site plan.
21 Again, the proposed site location for the
22 amusement park, water park, the existing ERC,
23 Turnpike, 120. And now, the site in relationship
24 to the ERC and the stadium.

25 Project description. The location of

1 the site is a 21.75 acre site, commonly known as
2 the Radio Tower site for the three radio towers
3 that are on the property immediately adjacent to
4 the existing ERC project.

5 It is strategically located, it is
6 critically important the relationship of this
7 property and improvements that are proposed to be
8 put on it to the existing ERC. The ERC is the
9 entertainment retail complex that was originally
10 partially constructed and nearing completion.

11 The land that is part of this process
12 will become incorporated into the master lease
13 with the Sports Authority, as this property will
14 be annexed as part of the approval process.

15 The use is a family entertainment and
16 amusement destination, which will expand the
17 existing retail and entertainment components
18 originally planned for the project. A critical
19 and central functional part of Triple Five's
20 master plan and overall business model for this
21 property. This will replicate the same business
22 model and same business plan that we've used
23 successfully for 30 years at our West Edmonton
24 Mall project, as well as the Mall of America
25 project in Bloomington, Minnesota, that's been in

1 place for over 19 years.

2 The proposed improvements are
3 strategically scaled to be of a size that will
4 attract an international tourist destination
5 visitor. It's intended to expand and enhance in a
6 dramatic way and reposition in a dramatic way the
7 overall positioning of the property to become a
8 true world class destination.

9 The size of the amusement park is
10 approximately 318,000 square feet. The water park
11 is approximately 236,000 square feet and a shared
12 common area of 85,000 square feet, which adjoins
13 the two projects. For a total area of 639,000
14 square feet or about 13 acres of footprint on the
15 overall 21.75 acre site. Again, a large scale
16 format, fully enclosed water park and amusement
17 park complex. And, again, participatory
18 entertainment for our visitors.

19 This is a quick site plan of the
20 proposed improvements and the relationship of the
21 amusement park to the water park and the shared
22 common areas and the connecting bridge that
23 connects to the retail entertainment center. And
24 then an blow up showing the areas of each.

25 This is a rendering of what we see the

1 amusement park becoming, in its built-out phase.
2 Obviously, a lot of rides and attractions under
3 the enclosed skylight area. And this is a
4 photograph of our seven acre amusement park in
5 Bloomington, Minnesota, at Mall of America. So
6 you can see the very similar elements that are
7 included, and how we have done this successfully
8 in the past.

9 Again, this is a rendering of what we
10 see as the water park in its built-out phase, as
11 we move forward with the project. And this is a
12 picture of our water park at West Edmonton Mall.
13 Again, 30 years in place and very successful.

14 Purpose and need. The primary purpose
15 for us to include this is to create a destination
16 that is economically viable. Without the
17 inclusion of the water park and amusement park
18 into the overall positioning of the project, we
19 are not able to execute the model that's
20 fundamental to Triple Five. And we believe that
21 this project is not economically viable without
22 these components.

23 We also want to note that the inclusion
24 of the amusement park and water park successfully
25 fulfills one of the primary missions of the NJSEA,

1 to create a true tourist destination and to
2 promote jobs and economic growth. These
3 components provide essential components that are
4 missing from the original planning process and
5 really will bring the property to what the
6 original vision was for the NJSEA, which is a true
7 international tourist destination.

8 Without these components, again, I want
9 to stress we do not believe that we will be able
10 to move forward with the project because we do not
11 believe that the project will be economically
12 viable and will meet the successful requirements
13 necessary for an international tourist
14 destination.

15 Alternatives analysis and this relates
16 to the site selection. As I said earlier, the
17 site is strategically important, it's critically
18 important that the amusement park, water park site
19 be directly located in relationship to and
20 connected to the ERC in a way that brings visitors
21 to and through the project, as they enter and exit
22 the project.

23 But we did look at other locations,
24 including both locations on-site and locations
25 off-site to see if there were other viable sites.

1 And the end result none of the other sites were
2 practicable in terms of their ability to meet our
3 criteria for location and for access and
4 connectivity.

5 Environmental conditions, impacts, and
6 mitigations. With the leadership of Langan
7 Engineering and other consultants working on our
8 team, 20 different items were evaluated related to
9 the impacts of this particular siting and the
10 proposed improvements on this piece of property.
11 From geology and soils evaluations, wetlands
12 evaluations, vegetation, solid waste, utilities,
13 historic impacts, and other visual and landscape
14 aesthetics, among others.

15 What does the project mean? The project
16 is currently, in its current state, 1.9 billion
17 dollars of investment has already been made by
18 prior developers. Our proposal, which includes
19 the construction of the amusement park and water
20 park, as well as the expansion and enhancement of
21 the existing ERC center adds 1.825 billion dollars
22 of new investment over the next several years to
23 bring the project to fruition.

24 It will create over 19,000 construction
25 jobs, 9,100 jobs on-site over the duration of the

1 construction phase. As we move into the
2 operations phase, we'll create over 17,000
3 permanent jobs, of which 11,490 will be located
4 on-site. The on-site jobs alone, over a 20 year
5 period, will generate 7.6 billion dollars in wages
6 or an average of 382 million dollars of wages per
7 year for on-site employees.

8 Environmental conditions, impacts, and
9 mitigation. The first thing that we looked at
10 when we started to approach the project and its
11 proposed improvements on the site was to avoid any
12 adverse environmental impacts. We looked at the
13 redevelopment of the Radio Tower site, which is
14 currently abandoned and of no direct use. We
15 looked at exercising the ability to enhance and
16 use existing infrastructure on the arena site. We
17 also looked at the ability to utilize existing
18 parking, without creating additional parking
19 footprint.

20 We looked at the property's utilities.
21 And we're also looking very strongly because a big
22 part of Triple Five's focus on design and
23 operations is green design, energy conservation,
24 and best practices of operation. We have a 20 and
25 30 year history with West Edmonton Mall and Mall

1 of America of successful green operations of our
2 facilities.

3 Short-term impacts. During the
4 construction phase, obviously there will be
5 erosion of sediment loadings that will effect the
6 local area through construction run-off, which
7 we'll control through appropriate means. We'll
8 also be looking at increased air and noise
9 emissions during construction, increased traffic
10 from construction workers. But we'll also see
11 increased jobs for construction workers, increased
12 taxes generated from the jobs and the investments
13 in the improvements.

14 Long term impacts. Most significant, as
15 was pointed out in the original opening, a loss of
16 5.47 acres of wetlands. We also see increased use
17 in energy, in potable water, increased use of
18 sanitary and solid waste, increased air emissions,
19 increased traffic from patrons and employees.
20 Increased jobs, as well as increased taxes.
21 Perhaps, most importantly, because our model is
22 focused so much on tourism, in the generation of
23 bringing new visitors and new dollars to not only
24 the center, but to the region and the economy, we
25 see a great impact in terms of new tax dollars and

1 new economic growth throughout the northern New
2 Jersey and New Jersey economy.

3 Other issues. The primary issue is
4 wetlands impact and mitigation. First and
5 foremost, Triple Five is strongly committed to
6 meet all federal laws and regulations related to
7 the compensation for unavoidable impacts related
8 to wetlands. It's our intention to work
9 collaboratively with the Army Corps of Engineers
10 and other federal agencies, as well the New Jersey
11 Meadowlands Commission, and New Jersey Department
12 of Environmental Protection, as well as the
13 Meadowlands Conservation Trust to identify
14 appropriate mitigation sites in the region. We
15 already started that process. 5.5 acres of
16 potential wetlands impacts will be addressed
17 through mitigation banking, restoration or
18 preservation.

19 We've identified five potential paths to
20 achieve those mitigations, which start with the
21 utilization of three acre credits currently
22 available through the New Jersey Meadowlands
23 Commission Secaucus High School site, a site
24 that's already been restored and those credits are
25 available. Also, looking to the Evergreen MRI-3

1 mitigation bank, which is currently in tis final
2 stages of review and approval and expected to be
3 in January or February with a possibility of
4 moving forward in early spring. We would seek
5 about 2.5 acre credits related to that site.

6 We could also look at the Keane tract,
7 40 acre parcel, where Triple Five would fund a
8 restoration project to satisfy up to 5.5 acres of
9 wetlands impact. And would work directly with the
10 Meadowlands Conservation Trust for the
11 construction and maintenance of that site.

12 Fourth, wetlands preservation. Triple
13 Five has already undertaken and has currently made
14 an offer on a site for potential wetlands
15 mitigation. We are currently not closed on the
16 deal, so we won't be making an announcement on the
17 site as one of the potential opportunities as
18 well.

19 And, finally, the opportunity to make
20 payment to the State of New Jersey's Wetlands
21 Mitigation Council Fund as another alternative for
22 mitigation.

23 Next area, traffic impacts. First and
24 foremost, through our traffic evaluations, we've
25 had three firms work on this with us over the past

1 several months. Our analysis shows there's --
2 while there is impact in growth and traffic, it is
3 negligible in comparison to the overall traffic
4 patterns. What we do see and have specifically
5 looked to address, very important factors. And
6 mass transit is probably one of the largest
7 focuses that we would like to see in terms of
8 improvements and things we would like to do to
9 enhance the use and the utilization of mass
10 transit. We'll talk that a little bit more.

11 We're also looking at internal trips.
12 The nature of our center is very much different
13 than a regional shopping center. We are not a
14 regional shopping center. We are an entertainment
15 destination. Our patron comes and spends a much
16 longer duration, which means that we spread
17 traffic flow and traffic destination visits. And
18 those visits are longer, reducing traffic impact.
19 There's also the issues related to stay away
20 factors, when we have events and other things that
21 show a lot of massing on the site.

22 Bypass trips, which captures some of the
23 traffic off the local roads that might normally
24 not come in and it takes congestion off the local
25 roadways.

1 Significant improvements related to the
2 MetLife Stadium, which have had a dramatic impact
3 over recent years in comparison to the original
4 traffic evaluations done. Also the downsizing of
5 the racetrack. The fact that the Bergen County
6 blue laws are in effect and prohibit our ability
7 to have retail activities on Sundays, which will
8 restrict traffic.

9 The New Jersey Turnpike improvements
10 related to exit 18W. And also variable message
11 signing and on-site operations, a big part of
12 traffic management flow through and around our
13 site. The use of adaptive signal systems for
14 traffic reduction in the general area. Again,
15 another major program that will again assist in
16 traffic flow and regulation.

17 Transpiration management planning. A
18 huge part of the way Triple Five operates. We are
19 not new at all to working with major complexes of
20 large size and heavy traffic impacts. We're
21 looking and having working with both Bergen
22 County, New Jersey Transit, and others talking
23 about the opportunities to increase and enhance
24 bus service to the property, and improvements on
25 the property to be able to handle both rapid

1 transit and mass transit connections for existing
2 bus routes and new bus routes that might be put in
3 place.

4 We were looking at increasing bus stops,
5 making people mover connections to the rail
6 station, as well as putting other improvements in
7 place that will create major linkages with the
8 local airports and other traffic centers.

9 As a quick site, this is the American
10 Dream location in the general metropolitan area.
11 And as we layer in obviously, the airports are of
12 major significance related to the international
13 tourism. 50 percent of our visitors at Mall of
14 America are tourists. And that accounts for an
15 enormous amount of the sales that occur at our
16 properties. We expect to see the same kind of
17 economic activity at our site here at American
18 Dream.

19 Layering in our major rail connections,
20 Penn Station, Secaucus Station, and connections to
21 Newark and Hoboken. And now layering in bus rapid
22 transit and other connections, we see an enormous
23 opportunity with the existing infrastructure to
24 improve its linkages through operation and through
25 good management and planning, a major part of

1 reducing overall traffic to the site.

2 Socioeconomic impacts. As I said
3 earlier, the construction of the project will
4 invest another 1.825 billion dollars into the
5 existing 1.9 billion of investment that's already
6 been made over the next couple years. Generate
7 over 19,000 jobs in construction and over 17,000
8 jobs in the operations phase.

9 With that, I'll conclude my remarks and
10 turn back to the Hearing Officers. Thank you.

11 MS. KARROW: Thank you, Tony. The
12 hearing is now open for comments. I will call the
13 persons who have indicated on the registration
14 sheets that they wish to comment. I have nine
15 people who would like to speak. So let me, again,
16 remind you that all comments should be brief and
17 directed to either the DSEIS consultative process
18 or the Corps of Engineers permit application, if
19 you know.

20 When you are called to present your
21 comments, please stand at the podium, give the
22 name of -- I'm sorry give your name and spelling
23 to the stenographer, who's recording the hearing.
24 Please also give the name of your organization or
25 any interest that you represent. Please indicate

1 if your comments are directed to the Corps of
2 Engineers or the New Jersey Meadowlands Commission
3 and New Jersey Department of Environmental
4 Protection. If you have written materials, please
5 give copies to the stenographer. Please limit
6 your comments to five minutes. You may be
7 afforded additional time for your comments or
8 rebuttal after I've gone through the list of those
9 who have signed up on the registrations sheets.
10 If you are submitting written comments, please
11 just summarize them and do not read them at
12 length.

13 The hearing record and comment period
14 for the Corps of Engineers will remain open until
15 close of business on Monday, November 28th, 2011
16 for the receipt of written comments on the permit
17 application. All comments should be sent to the
18 following address so as to be received prior to
19 the close of the comment period: New York
20 District Corps of Engineers, Regulatory Branch,
21 Room 1937, 26 Federal Plaza, New York, New York
22 10278-0090.

23 The NJDEP and NJMC will accept
24 additional written comments on the DSEIS
25 consultative process until the close of business

1 on Monday, December 19th, 2011. They may be
2 submitted in writing to Scott Brubaker, Director
3 of the Office of Permit Coordination and
4 Environmental Review, New Jersey Department of
5 Environmental Protection, 401 East State Street,
6 PO Box 402, Trenton, New Jersey 08625, or to
7 myself, Marcia Karrow, Executive Director, New
8 Jersey Meadowlands Commission, One DeKorte Park
9 Plaza, Lyndhurst, New Jersey 07071. Copies of the
10 public notice with instructions should you wish to
11 provide written comments are available at the
12 registration desk.

13 Again, when I call your name, please
14 come up to the podium, state your name, spell your
15 last name for the stenographer, identify what
16 organization you represent. And you get five
17 minutes. Our first speaker is Michael West.

18 MR. WEST: My name is Michael West,
19 M-I-C-H-A-E-L W-E-S-T. I'm the field
20 representative of Bergen County Building Laborers,
21 Local 592. The American Dream Meadowlands project
22 public hearings has given everyone here the
23 opportunity to speak and be heard by all of the
24 parties that will decide if this landmark project
25 will move forward.

1 As a field representative of Local 592,
2 I've always been optimistic and realistic to the
3 members I represent. Our high unemployment rates,
4 currently at over 30 percent, and our lack of
5 future projects has changed the lives of our
6 members so dramatically that the words that I
7 speak here today cannot begin to describe how our
8 ongoing battle to survive has reached a critical
9 stage.

10 We've been given a chance by the
11 developer, Triple Five, to change our lives
12 forever with their confidence in the people New
13 Jersey to complete the American Dream Meadowlands
14 project. The construction jobs and the permanent
15 jobs that will be created will benefit everyone in
16 the tri-state area. There's no doubt in my mind
17 the hard-earned money generated by this project
18 would be spent in the great State of New Jersey.

19 I've been a resident of Bergen County
20 and a laborer for over 30 years. And I can
21 honestly say, as I stand here before you, that as
22 downtrodden as our economy currently is, that one
23 project and its completion can change how some of
24 us live our lives forever.

25 In closing, I would like to say thank

1 you to the developer, Triple Five, and everyone
2 here that has the ability to decide that we can
3 say that we helped put the people of New Jersey
4 back to work with the completion of the American
5 Dream Meadowlands project. Thank you.

6 MS. KARROW: Our next speaker is Steve
7 Dodd.

8 MR. DODD: My name is Steve Dodd,
9 S-T-E-P-H-E-N J. D-O-D-D, I am a business
10 representative for the sheet metal workers Local
11 137. We represent men and women that do sign work
12 in the State of New Jersey and in New York. And I
13 can tell you that whatever everybody has said so
14 far, I was here yesterday, I was here last night,
15 is 100 percent on the mark.

16 We have had -- my comments, by the way,
17 are to all the authorities that have the ability
18 to make approval on this project. We have had a
19 tremendous, tremendous devastation to this state.
20 I don't think anybody that's sitting out in this
21 audience lives under a rock. You can all see how
22 bad this state is in. We have had members in our
23 organization that have gotten so depressed they
24 have committed suicide.

25 So, everything that I do, everything

1 that I've been elected to do, everything that
2 everybody has been put on this earth to do is to
3 serve in some capacity. What we try to do as
4 officials, elected, appointed or otherwise, is do
5 what we can to make sure that the people that we
6 represent can -- we can take them from the cradle
7 to the grave, that's one of my favorite sayings.
8 We do that and we offer them the opportunity to
9 have a job, to learn, and do a skill throughout
10 their life that will carry them and their
11 families. So what this means to us is maybe
12 putting some of those people back on their feet.
13 And what I also believe in is that what you do
14 today affects you five and ten years from now.

15 I had the ability to work on a project
16 here in 1994 called the World Cup. Something like
17 that would be something that would be entertained
18 in the future if this project was to go forward,
19 be completed. And not only do we have the Super
20 Bowl that we know of, but in my opinion, what
21 would happen is we would be looked at first
22 instead of last for a destination for somebody
23 else to come in here and do something in the
24 future.

25 So with all the respect in the world to

1 anybody that has anything negative to say about
2 this, I'm sorry, but you're wrong. We need to do
3 this, we need to do this now. And if God wills,
4 this will go forward next year. Thank you to
5 Triple Five and the developers and thank to you
6 everybody that wants to do this.

7 MS. KARROW: Mike Schneider?

8 MR. SCHNEIDER: Thank you, Madame
9 Chairman. My name is Mike Schneider,
10 S-C-H-N-E-I-D-E-R. I'm a -- I've lived for 52 of
11 my 57 years in Bergen County. And I'm a business
12 representative of the Insulators Local 32 out of
13 Newark, New Jersey.

14 I've also been here for the past two
15 days. And I've heard everybody talk about the
16 jobs and all the things that would help us, that's
17 critical to all of us. I don't want to talk about
18 that, you heard that already, and you'll hear more
19 of that. I heard the panel talk that there were
20 two issues that they're here to hear about today.
21 One is the environment and one is public interest.

22 As far as the environment goes, I can
23 tell you my house is in Rochelle Park, I'm not
24 living there right now because I was flooded out
25 during the hurricane, hurricane Irene took

1 everything I had and I've been out almost three
2 months already. So we're talking about five acres
3 in the Meadowlands. I don't think that five acres
4 is going to make a big difference in the flooding
5 problems we have in the State of New Jersey. They
6 are far beyond anything that's going to happen in
7 here. That's another issue we need to take up
8 with Army Corps of Engineer at another time, with
9 the due respect to the Army Corps of Engineers.

10 As far as public interest goes, it's a
11 no brainer. We have a unique opportunity here to
12 make a positive, positive in the lives of
13 everybody, not only in northern Bergen County, New
14 Jersey, in the whole tri-state area. This project
15 is essential for jobs for us now, jobs in the
16 future, and entertainment for my two kids who
17 would love something like this that they can go to
18 on their own now because they're driving.

19 This is easy, like Steve just said.
20 It's something that has to happen for all the
21 right reasons. Environmentally, as far as
22 building trades guys go, we now have the
23 opportunity and we have the technology and the
24 knowledge to build this as environmentally
25 friendly as anything that can be done anywhere in

1 the world. We have the technology and the people
2 in this room who could do it.

3 So please consider all this. The
4 opportunity is there to make a positive for
5 everybody in this area. Please consider that.
6 Thank you.

7 MS. KARROW: Marty Wymbs?

8 MR. WYMBS: Good morning. Madame Chair,
9 thank you very much. And panel, thank you very
10 much to have this opportunity to speak to everyone
11 in this room. I was here yesterday morning,
12 yesterday evening, and the eloquent speakers
13 previous to me, tough to top.

14 But I would like to start out with the
15 fact that it is a dream. It is someone's dream
16 that thank God they're there for the simple
17 reasons of everybody's previous dreams have gone
18 to the wayside.

19 When the Triple Five group came to the
20 building trades last year, the exuberance, the
21 passion of that group instilled a positiveness in
22 the building trades that day that this will take
23 place, this will happen. The fact of remediation
24 in regards to the environment, as a resident of
25 Bergen County, I took the passion in my own town

1 to become a member of the Environmental
2 Commission. I got quite an eye opener as far as
3 how critical wetlands are.

4 But along with those constructive
5 criticisms comes remediation and ways that were
6 very, very unusual then, which are now commonplace
7 today, to make a project of this type, this size,
8 definitely work because of the simple fact that
9 the engineering capabilities, the building trades
10 involvement, everything that we do, we're very
11 green, we're very environmentally conscious. All
12 the products that we use today are extremely
13 environmentally conscious.

14 I've been a sheet metal worker for 41
15 years, I've been a resident of Bergen County for
16 every part of my life. And I think that this is
17 going to be a fabulous destination because an
18 eyesight away from here is a former destination
19 place that was an amusement park, Palisades
20 Amusement Park. It started as a trolley stop.
21 Well, you take that concept, you multiply it by
22 100 years and billions of dollars that's being put
23 into it. And you're going to come up with a
24 fabulous destination location, American Dream
25 Meadowlands. And, again, thanks very much for

1 your time.

2

3 MS. KARROW: Mr. Wymbs, before you step
4 down, are you representing yourself or are you
5 representing an organization?

6 MR. WYMBS: I'm representing all members
7 of sheet metal workers Local 25. I got a little
8 excited about speaking about the project. My name
9 is Martin M-A-R-T-I-N, last name Wymbs, W-Y-M-B-S,
10 sounds like the radio station that they're going
11 to be taking down.

12 MS. KARROW: Thank you. Adolfo DiCosmo?

13 MR. DiCOSMO: How you doing? Adolfo
14 DiCosmo, that's A-D-O-L-F-O D-I-C-O-S-M-O. I'm a
15 business agent for Local 7. I'm here on behalf
16 of -- I have about 25 members that are here today
17 that are North Bergen residents that are out of
18 work. Six of these members are drained of
19 everything, unemployment.

20 And this project, if it goes forward,
21 will put these people back to work and stimulate
22 the economy, not only for my members, but for all
23 New Jerseyans that right now are out of work. I
24 just want to thank Triple Five for coming and
25 trying to get this project going. And I just want

1 to say thank you very much.

2 MS. KARROW: Thank you, Mr. DiCosmo.

3 Phil Arena?

4 MR. ARENA: Thank you, Phil Arena,

5 A-R-E-N-A. I am a building trade labor organizer,

6 I support this project. I thank Triple Five for

7 having the vision in these difficult times to

8 finally finance and go move forward on this

9 economic project. It's definitely something that

10 is needed in this area, people are really

11 suffering and hurting, as many speakers have

12 alluded to before I did, I was here also

13 yesterday.

14 Being an organizer, you see every day

15 what's out there, you know, true grit, real roots.

16 And you see the concern and the pressure that

17 people go through and I'm just here to support

18 those members, those blue collar guys that are out

19 there every day, struggling and trying to do the

20 right thing.

21 Again, I thank Triple Five for being

22 committed and trying to finalize this project.

23 Thank you.

24 MS. KARROW: Thank you, Mr. Arena.

25 Edmund Werner?

1 MR. WERNER: Good morning, Madame Chair
2 and members of the committee. My name is Edmund
3 Werner, E-D-M-U-N-D W-E-R-N-E-R. I'm a business
4 representative of Local Union 164 of the
5 International Brotherhood of Electrical Workers,
6 representing approximately 3,000 members serving
7 Bergen, Hudson and Essex Counties. I will be
8 addressing the entire committee, especially the
9 Army Corps of Engineers, regarding the American
10 Dream Meadowlands project as it's known today.

11 Due to the unfortunate timing of the
12 project -- well, first of all, I'd like to say
13 I've been involved with this project right from
14 the beginning, when it first started as
15 Meadowlands Mills back in 2003. Due to the
16 unfortunate timing of the project and the economy,
17 the project has come to a stop until this new
18 developer, Triple Five, came forward to
19 reestablish it.

20 I see it as a win-win for everyone. Let
21 me explain. I currently have 40 percent of my
22 membership out of work, most for a period of close
23 to two years. This project will help my members
24 and the members of the other trades get back to
25 full employment and help to replenish our funds.

1 It's been estimated that it will create
2 approximately 9,000 construction jobs on-site, as
3 well as 10,000 related off-site construction jobs
4 for a total of approximately 18 to 19,000 jobs.
5 It will also create an estimated 11,500 permanent
6 jobs at the facility with an additional 6,000
7 off-site permanent jobs, creating new avenues for
8 employment.

9 The project will also bring in new to
10 the area, new tourism, economic activity to the
11 region and state, not to mention generate new tax
12 revenues. The completion of this project is a
13 must. The project is dependent on the amusement
14 park and water park, which have been proposed on
15 the additional 27 acre site, including five acres
16 of wetlands.

17 The developer is well known for its
18 sites in Alberta, Canada, and the mall in
19 Minnesota, which are both thriving today. They
20 are a reputable firm from what we were able to
21 establish through the building trades located in
22 their areas.

23 Now, I'm not looking to let everyone
24 know how old I am, but while growing up back in
25 the 50's, my parents would set up day trips during

1 the summer and in the 60's, I was able to jump on
2 a bus with friends and take a short trip from
3 Leonia to Cliffside Park to a place call Palisades
4 Park. I'm glad to see Marty remembers it, so he's
5 got to be as old as me. I have fond memories of
6 the park, riding the Cyclone rolled coaster,
7 seeing a show at the outside theatre, spending a
8 summer day at the outside saltwater wave pool.
9 Meeting new friends, fond memories.

10 Well, this your Palisade Amusement Park,
11 just bigger and better. And a place open all year
12 long, a place where you can snow ski in the summer
13 or swim in the winter, not to mention other
14 attractions. This will be the biggest thing in a
15 long time to hit Bergen County. It will give you
16 and your children a place to explore. It will, I
17 hope, remove teenagers from the streets and place
18 them in a good secure environment.

19 There was a move once called "Field of
20 Dreams" if you build it, they will come. I
21 believe that if you permit Triple Five to go
22 forward, it will be a great success and people
23 will come.

24 At present, I would suggest to the
25 committee -- no, better than that, I beg this

1 committee to approve the permits to allow this
2 project to go forward, to allows us to start the
3 economic recovery to the area of Bergen County,
4 and the people who live and need to work here.

5 We need this project. Bergen County
6 needs this project. Thank you for your time.

7 MS. KARROW: Gianna Dell'Olio.

8 MS. DELL'OLIO: Good morning. My name
9 is Gianna Dell'Olio, G-I-A-N-N-A D-E-L-L-O-L-I-O.
10 Madame Chair, members of the committee, I address
11 my comments to you and all those who have the
12 authority to approve this project.

13 I represent a relatively small company
14 called the FORT Group, we have our main office in
15 Ridgefield Park, New Jersey. And many of our
16 offices actually overlook the proposed site of the
17 project. In addition, we maintain a satellite
18 office in Bloomington, Minnesota, which is also in
19 the background of the Mall of America. So we feel
20 we have a very compelling story to share with all
21 of the public and with the members of the
22 committee in favor of this project.

23 We are a marketing company and we host
24 countless, countless events on behalf of our
25 clients, as well as on behalf of ourselves, the

1 FORT Group at the Mall of America, based out of
2 that Minnesota office.

3 These events have resulted in increased
4 billings for our office, for our Minnesota-based
5 business, since the office opened in 2005. This
6 increased amount of billing has offered our
7 company, again a small company, the opportunity to
8 continue to re-invest in our employees and in our
9 offices.

10 We firsthand feel the effects -- the
11 positive effects that the Mall of America has had
12 on our business. And we can only speculate as to
13 the positive effect that the American Dream will
14 have for us for our New Jersey-based business.

15 In addition, when many of our
16 out-of-town guests or out-of-town clients come to
17 have meetings with us in Minnesota, they always,
18 always ask us if they'll have time -- if we have
19 time to take them to the Mall, even if that's not
20 part of our agenda.

21 Finally, we are also looking forward to
22 participating in many of the community outreach
23 programs that Triple Five's legacy is known for.

24 Thank you very much. We look forward to
25 the project being approved.

1 MS. KARROW: Richard Dressel.

2 MR. DRESSEL: Thank you, Madame Chairman
3 and Committee. I am Richard Dressel,
4 D-R-E-S-S-E-L. I'm the business manager of Local
5 164. I'm Edmund Werner's boss, he lives with it
6 on a daily basis. He explained to you the
7 devastating impact of unemployment that's been
8 felt by, not only the members of my organization,
9 but every one of the building trades in Bergen,
10 Hudson, Essex and northern New Jersey.

11 That would be beating a dead horse, but
12 I have to tell you my involvement in this project,
13 believe it or not, goes probably back further than
14 anybody in this room. As a young business agent,
15 in 1986, Terminal Construction at that time wanted
16 to build what amounted to an indoor theme park in
17 the city, all the way from about where George's
18 Restaurant is up in Carlstadt, all the way to the
19 northern property boundaries of what is now the
20 arena. That got kicked around for a lot of years.
21 And as far as remediation of marshlands goes, I
22 think we would still be sitting here today going
23 over all the permit processes for that project.

24 It led to a direct involvement, the cast
25 had been set. And the idea had been put in place

1 to do something with the property. Then-Governor
2 McGreevey appointed me to the original
3 stakeholders committee of nine members, which we
4 met right here. And we interviewed six RPF
5 proposals for what then became Mills's project.
6 At that time, Triple Five did put a project
7 proposal in, but it was far beyond the scope of
8 what we see here today. And it ultimately wasn't
9 determined that was the way to go.

10 Subsequently, Governor Corzine put me on
11 the Sports Authority, as a commissioner. And we
12 sat and deliberated with Mills and the land lease
13 arrangements and everything else. Importantly,
14 where the NJSEA had given its approval to the
15 Mills project, the one reservation that we all had
16 as commissioners was that we didn't want just
17 another mall. Sure, we had a ski dome in place
18 and there was going to be a Ferris wheel and the
19 like, but it looked like a mall. And we had
20 severe reservations of how ugly it was on the
21 outside. Once the thing got built, one of the
22 commissioners compared it to the Con-Ex Box
23 Storage ten miles south on the New Jersey
24 Turnpike. I understand Triple Five is going to
25 straighten that out first thing.

1 However, now, what it's evolved into is
2 a place of destination with a theme park. It is
3 the much needed hook that brings the public in,
4 along with the retail and ski dome and everything
5 that's going to come after it.

6 This is the major economic engine of
7 northern New Jersey and everything west of the
8 Hudson River, it's sorely needed. The state needs
9 it, the income tax revenue generated by it. And
10 there is an issue brought up in presentation about
11 the land mitigation. And that was discussed way
12 back when we had the original six proposals for
13 the site. That's readily available and can be
14 used for that.

15 So I can't stress any more how much we
16 need this. I have members that have lost homes
17 and we've had a suicide. We recently had to
18 decimate our health care benefits to our members,
19 retirees are getting hurt, the unemployed members
20 are getting hurt, homes are being lost, kids are
21 not going to college. We can't take it anymore.
22 We need help and this project promises to put
23 thousands of our members to work at a time worse
24 than the Great Depression.

25 And when I say that, you're probably

1 alarmed because the older people in this room
2 probably have visions of soup lines and what have
3 you. I made a statement at a trustee's for our
4 funds meeting back in February, that being a third
5 generation of this organization, that this is the
6 worst recession that Local 164 has witnessed since
7 the Great Depression, my grandfather's time. I
8 was summarily redressed on that issue by our
9 actuary, who said actually, it's worse because
10 your grandfather didn't have to worry about a
11 pension fund, a health care fund, an annuity fund,
12 and an apprenticeship training fund. They had to
13 worry about going out and finding something to
14 build.

15 We need something to build. This is the
16 greatest project ever introduced into northern New
17 Jersey. And let's get it done. And I address my
18 issues to everyone sitting on the panel. I can't
19 thank you enough for doing this. Thank you.

20 MS. KARROW: Michael Koppenal.

21 MR. KOPPENAL: Thank you, Madame Chair.
22 My name is Michael Koppenal, K-O-P-P-E-N-A-L. I'm
23 here representing myself and my company, Wilentz
24 Carting. I'll tell you this morning, at
25 breakfast, my daughter said what are you going to

1 do at work today, Dad. I said I'm going to go to
2 a meeting and I'm going to argue in favor of an
3 amusement park. I think that may be the first
4 time that she ever looked at me and said, man,
5 he's cool.

6 We all know that we need this project
7 and many of the people who have spoken before me
8 have reiterated what the issues that we face are.
9 My company is certainly excited about this project
10 for the specific opportunity of possibly working
11 with Triple Five at this facility. But also based
12 on my research, there's an enormous economic
13 benefit to be realized by the region when a
14 project of this size and this scope comes into
15 play. And that's what really gets me motivated.
16 You know, a rising tide lifts all boats. All of
17 us have been stuck in the mud for awhile. This is
18 something that we very much need. And I thank you
19 for the opportunity to speak today.

20 MS. KARROW: Richard Rovito.

21 MR. ROVITO: Thank you, Madame Chair and
22 members of the committee. Richard Rovito,
23 R-O-V-I-T-O. I represent a company RS Snapco, we
24 have been in business 67 years. We've been a
25 member of the Meadowlands Chambers of Commerce

1 since there's been a Meadowlands Chamber of
2 Commerce.

3 We've had the opportunity to work on
4 this project with the previous developers. Since
5 this project has not gone forward, we've had two
6 layoffs and we're struggling. We've met with
7 Triple Five, Jill, who took our entire company on
8 a tour of the facility. We were very impressed
9 with how its progressed and what their plans are
10 for the future.

11 We're right here in Lyndhurst, we're at
12 1000 Wall Street West, so we're a local company.
13 I personally live in Rutherford, so I'm local to
14 this area. We need this project to go forward to
15 sustain our company.

16 The environmentalists, I understand the
17 concerns. I live here. The environment for the
18 future, well, if we don't get this project, I
19 don't know how much future there's going to be.
20 We need this project, we need it now. But I do
21 have one fear. Seeing some of the great shops
22 that are going in there, I have a wife and three
23 daughters. And that does scare me a little bit.
24 But I endorse it fully. Thank you.

25 MS. KARROW: Janna Chernetz? I hope I

1 got that right.

2 MS. CHERNETZ: Pretty good. Madame
3 Chairwoman, thank you for the opportunity to
4 testify today. My name is Janna Chernetz,
5 J-A-N-N-A, C-H-E-R-N-E-T-Z and I am an attorney
6 and the New Jersey Advocate for Tri-State
7 Transportation Campaign, and also a life-long
8 resident of New Jersey. Tri-State Transportation
9 Campaign is a non-profit organization working for
10 more equitable and environmentally sound
11 transportation networks and sustainable land use
12 policies in New Jersey, New York, and Connecticut.
13 Our primary objective regarding the American Dream
14 Meadowlands project is to ensure adequate and
15 reliable public transportation to the facility,
16 and to ensure that American Dream does not pose a
17 further drain on New Jersey's existing
18 infrastructure and economy.

19 After reviewing the Supplemental EIS;
20 paying specific attention to the transportation
21 component, Tri-State finds that there remain too
22 many unanswered questions.

23 A prominent assumption for the
24 underlying transportation component is that Triple
25 Five anticipates a -- quote, a substantial

1 increase in the use of mass transit by American
2 Dream Meadowlands patrons and employees and a
3 simultaneous decrease in automobile traffic.
4 While we applaud Triple Five for its recognition
5 of the imperative role mass transit will play in
6 the success of American Dream Meadowlands, the
7 underlying understanding of how this assumption
8 was derived is absent.

9 Key planning documents, such as the
10 transportation management plan, and important
11 conversations with New Jersey Transit have yet to
12 occur. As such, it is premature to make any
13 conclusions about the effect the expansion will
14 have on New Jersey's roads and the existing mass
15 transit system and how these effects will
16 successfully be mitigated.

17 According to the supplemental EIS,
18 developers working with NJT and other
19 transportation agencies to increase bus service to
20 the project site and develop regular rail service
21 to the Meadowlands complex. Details about how
22 Triple Five plans to partner with NJT are
23 completely missing. Throughout the supplemental
24 EIS, Triple Five calls upon NJT to increase bus
25 service and rail service to the Meadowlands.

1 Nowhere does it state how this will be funded and
2 whether NJT and other agencies are prepared to
3 meet the demands of Triple Five and any such
4 timeline for the completion of the mass transit
5 component. NJT's budget is already stretched and
6 cannot meet demands. This can be seen through
7 recent rail delays and ailing infrastructure.
8 NJT's budget has shrunk from half the DOT's
9 capital program in '04 to a third in 2012. Triple
10 Five is relying on bus service out of the Port
11 Authority to serve American Dream Meadowlands, but
12 Port Authority recently slashed its capital
13 program which included much needed garages for the
14 bus. Without express commitment from NJT, Port
15 Authority and New Jersey DOT and without a
16 timeline for implementing any plans, any such
17 plans by Triple Five remain nothing but
18 speculation.

19 A positive aspect of the EIS is that
20 Triple Five envisions a wide range of programs to
21 be explored and potentially implemented as part of
22 the overall transportation plan. However, more
23 details are needed regarding the programs
24 including how each program will affect traffic
25 congestion and how they will be implemented so

1 they will be successful.

2 The effects that American Dream on the
3 surrounding roads have not been fully explored.
4 The only roads addressed in the Supplemental EIS
5 are the immediate surrounding access roads and
6 ramps. This is only part of the picture. These
7 cars have to arrive from somewhere. How will
8 roads such as Route 120, Route 3, Route 17 and the
9 Turnpike be affected by the increase in traffic?
10 Can the roads handle this increase in traffic?
11 What about the effects the increased traffic will
12 have on residential areas adjacent to the roads?
13 What effect will the increase in traffic have on
14 the road itself. None of the these questions have
15 been explored. New Jersey's existing
16 infrastructure needs are not being met, as half
17 the roads are deficient. The added traffic as a
18 result of American Dream will further tax these
19 deficient roads.

20 In addition, the Transportation Impact
21 Assessment relies on figures obtained by the
22 Institute of Transportation Engineers determining
23 increased traffic due to the addition of the
24 amusement park. The TIA suggests the addition of
25 the amusement park will increase traffic by less

1 than one percent of the previous permitted traffic
2 volume for Xanadu. TSTC questions the reliability
3 of the ITE to make these projections for American
4 Dream Meadowlands. The numbers seem awfully low
5 for an amusement park that boasts state of the art
6 adrenaline inducing rides and the extensive water
7 park. We need to look no further than our own
8 back yard to illustrate this point. Westfield
9 Garden State Plaza Shopping Mall in Paramus, New
10 Jersey, sees approximately 20 million visitors
11 annually. The area is chronically plagued by
12 traffic issues despite being at the intersection
13 of three major highways and being served by over
14 ten bus lines. Given the estimated 55 million
15 visitors a year and without a concrete plan and
16 documented commitment from NJDOT and NJDEP,
17 American Dream Meadowlands will be doomed from the
18 start.

19 Prior to moving forward, the question
20 raised by TSTC must be answered. In addition,
21 TSTC recommends that Triple Five partner
22 financially with NJT, PANYNJ and provide -- by
23 providing a percentage of profits to transit
24 operating costs to supplement the increased
25 service on the already taxed transit agencies.

1 MS. KARROW: Ms. Chernetz, I need you to
2 wrap it up.

3 MS. CHERNETZ: Sure. Triple Five should
4 be also provide local aid contributions to local
5 roadway networks to surrounding municipalities and
6 counties and the state to pay for infrastructure
7 demands.

8 Tri-State appreciates the offer for
9 dialog with Triple Five and is encouraged by their
10 actions to engage in discussions regarding the
11 impact of American Dream will have on New Jersey
12 transportation infrastructure. And we look
13 forward to the many meetings in which these
14 concerns will be addressed and progress
15 accomplished.

16 As a prior speaker said, if you build
17 it, they will come. Well, only if they can get
18 there. Thank you.

19 MS. KARROW: Thank you. David Snyder.

20 MR. SNYDE: David Snyder, S-N-Y-D-E. VRI
21 Real Estate, I'm here on behalf of myself. I
22 started in this area back in 2003 when a new
23 development across the river called Riverside
24 Court came online. And I got my first listing
25 there, after the builder sold out. From that

1 point on, we have 212 town homes on the
2 waterfront, directly across from Triple Five. And
3 one of the key things that was exciting at the
4 time, when Xanadu was there was the fact that
5 there's a whole new beginning coming to New
6 Jersey. Prices will escalate because if you have
7 30,000 employees in a place, ten percent are going
8 to be executives. The executives are going to
9 want places to live and why not surround the area
10 and be close to where you work, but yet you could
11 be across the river, you don't have to be right
12 here.

13 Subsequently, some of the major builders
14 that I represent, one of which was going to build
15 2,200 units across, on Route 3 here, would have
16 completed the project. And it was going to be a
17 mixed residential, 55 and regular units. But
18 because of Encap, it went away. And a lot of you
19 know who that builder was. And I was going to be
20 the broker representing that facility.

21 My feeling is when you employ 36,000 new
22 jobs in a marketplace that is struggling and the
23 sellers of these homes are in trouble because the
24 price values have gone down. I only see a plus
25 plus on Triple Five coming into this area with the

1 expansion of this community and the American Dream
2 will come true. And then you're going to have the
3 grandparents. I envision something, I'm just me.
4 Just a Realtor. I envision because of the train
5 service coming in and the way we have it from New
6 York City, you're going to have skiers coming out
7 on the train with the ski boards or snow boards.
8 You're going to have parents want to take their
9 kids to Disneyland, maybe this is the Disneyland.

10 And I can envision 55 and older
11 communities which we're having the worst problem
12 selling now in my new construction. All the
13 developers say I don't want to do it. But if
14 there's a Disneyland here, what better thing to
15 have a parent maybe spend six months in Florida,
16 six months here and they're in the area. So I see
17 a win, win, win.

18 And one of the things that I dreamed of
19 and that was to have a waterway situation where
20 the ferry would come up. I didn't know anyone, I
21 spoke to Arthur Imperatore back four years ago,
22 and I said, what would you think, could you dredge
23 this and be environmentally friendly.

24 I could see the ferry coming up and
25 discharging all the potential people here.

1 Because now we have a train, it's not the Garden
2 State Mall that you can only go by bus and get
3 stuck on Route 17. You have a train here on the
4 weekends that takes all the Jets out, all the
5 Giant players. This is the best transportation
6 system we have. And I hope you will consider
7 this. This can be a godsend to this community and
8 to the values of prices in the area. And the new
9 construction that will create more jobs for the
10 laborers and more executives coming in here. And
11 I just want to say thank you very much. And I
12 wasn't planning on being here, I was going to a
13 construction site. And I said ten to twelve, I
14 have to express myself. Thank you very much.

15 MS. KARROW: Ladies and gentlemen,
16 that's the end of the speakers that have signed up
17 so far. We are here until twelve o'clock. We
18 will be in recess until someone else signs up.
19 Then we'll be returning again tonight. So you can
20 feel free to mill around. I'll call everybody
21 back in if anybody else signs up. I want to take
22 one moment to acknowledge that Congressman Rothman
23 has a had a representative here also for all three
24 hearings so far.

25

1 (Whereupon a short recess was taken.)

2

3 MS. KARROW: At this time, we have

4 another speaker, Ron Nosiay.

5 MR. GRIFFIN: Will everyone please take

6 their side conversations outside? Thank you.

7 MR. NOSIAY: Thank you, Madame Chair.

8 My name is Ron Nosiay, R-O-N, N-O-S-I-A-Y. I'm a

9 member of District Council 711, out of Local Union

10 1976. District Council 711 entails tapers,

11 painters, and glaziers.

12 I've been in the trades for 40 years.

13 I've seen the best of times, I've seen the worst

14 of times. So I thought. What we have here in the

15 trades is -- it's not bad times, it's carnage.

16 Our unemployment numbers are -- same thing, just

17 like everybody else, 40, 50 percent. This project

18 is -- it's so important right now with the

19 unemployment. I mean, it seems like an

20 intelligent project.

21 And if we don't get this thing done,

22 what's going to happen with this building out

23 here? Who's going to pay to take this thing down,

24 the cost of taking this thing down? Let's put the

25 money in it to get it finished. I mean this is

1 called the American Dream. If this thing doesn't
2 get done, it's going to be known as the New Jersey
3 nightmare. And we don't need that.

4 This project will generate income and
5 this is what we need at this point. You know we
6 need the jobs. So I'd like to ask this panel to
7 please make this work so we all can work. Thank
8 you.

9 MS. KARROW: Our next speaker is Steve
10 Orenchuk.

11 MR. ORENCHUK: Good morning. My name is
12 Steve O-R-E-N-C-H-U-K. I am the Chairman of the
13 Board of the Meadowlands Regional Chamber of
14 Commerce. I'm here to direct my comments to the
15 entire group. Dream America Meadowlands has been
16 become a real thought-out project. Paul
17 Ghermezian and his team have taken the
18 responsibility, the role to bring this new Dream
19 America to the Meadowlands.

20 This is, as you know, a 7.5 million
21 dollar square foot retail and entertainment
22 amusement complex. But the uniqueness of this is
23 that they are very much involved in community.
24 They have done this in the Edmonton Mall, they've
25 done this in the Mall of America. And they really

1 want to cultivate and bring jobs and bring this
2 project to the area.

3 Most importantly, the opportunities for
4 jobs will be tremendous. They will employ almost
5 nine -- almost 10 million jobs. When we currently
6 have an unemployment rate of 9 percent in this
7 country, as well as permanent jobs, part time,
8 full time, over about 11,000.

9 Having been involved with this project,
10 we went in with Xanadu and now that it's Mall of
11 America, the difference between this group is just
12 amazing. They are very interested in making sure
13 that all -- anything that's a problem be handled.
14 And they've been through this, they've done it
15 with the other malls. They've taken on a project
16 of this size and magnitude and have made it work
17 and in an area of much smaller per capita of
18 people, here we have a lot more people. This is
19 going to be a very successful project.

20 Most importantly, in terms of the jobs,
21 I'm going to speak from the standpoint of all the
22 gentlemen in the back. I am the son of an iron
23 worker, Paterson Local 483. And I remember the
24 days when my father was unemployed and he had to
25 he go drive a taxi just to put food on the table.

1 So I understand what you guys are feeling right
2 now. And I respect you for all being here to
3 support this job. Thank you.

4 MS. KARROW: Once again, we stand in
5 recess until we have other speakers. We will be
6 here for approximately another 50 minutes in this
7 public hearing. Thank you.

8

9 (Whereupon a short recess was taken.)

10

11 MS. KARROW: Ladies and gentlemen, I'm
12 reconvening the hearing now. We have a couple
13 more speakers who have signed up. Our first
14 speaker -- can you please take a seat or step out
15 of the room if you want to continue your
16 conversations. Jerry Keenan.

17 MR. KEENAN: Thank you.

18 MS. KARROW: Mr. Keenan, the rules are
19 please come to the podium, state your name for our
20 court stenographer, spell your last name, identify
21 your organization. And you have five minutes.

22 MR. KEENAN: Okay. Thank you. I'll
23 have to throw out the last 20 pages of my speech
24 then, I guess. My name is Jerry Keenan,
25 K-E-E-N-A-N. I'm the executive vice-president of

1 the New Jersey Alliance for Action. Is there
2 anything else I need?

3 MS. KARROW: That's good. Five minutes.

4 MR. KEENAN: I want to thank you for the
5 time and thank you for everyone sitting down and
6 listening to me. I'm actually -- I apologize for
7 my dress. I was on vacation today, but I wanted
8 to make sure I come up and speak about this.

9 This American Dream project, as everyone
10 here knows, is a vital project to the future, not
11 only of north Jersey, but I consider it a project
12 of vital economic significance for the entire
13 state. I would call on the DEP, the state, and
14 all of the interested officials to recognize the
15 importance of this project and to allow it to move
16 forward as expeditiously as possible, particularly
17 in light of the fact with the Super Bowl coming in
18 2014. This is really I believe a once in a
19 lifetime opportunity. I don't believe the Super
20 Bowl will ever come back. I think the only reason
21 it's here is because the NFL is a good friend of
22 the Marra's and they're trying to help out.

23 But besides the economic impact that
24 we're talking about here, the environmental
25 concerns are also very important. And I'm

1 confident with the DEP's leadership that the
2 proper protocols will be taken and followed to
3 ensure that the environmental safety of the area
4 is protected. A lot of people don't remember
5 either, years ago when this project was originally
6 conceived in various incarnations, how horrible
7 the environmental area -- environmental condition
8 of this area was. It was terrible. I've seen the
9 pictures oil cans and other, you know, lousy junk
10 was up here. And the developers from the
11 beginning have done a fantastic job in cleaning up
12 this area and keeping it clean.

13 So I'm looking forward to a fantastic
14 opportunity both, economically and
15 environmentally, one that could really benefit not
16 only this region, but all of the citizens of New
17 Jersey and all the people that would like to come
18 here and spend their tourist dollars. And really
19 make it a great win-win for all involved. So with
20 that, I want to say thank you for your time.

21 MS. KARROW: Thank you, Mr. Keenan.

22 I just want to put on the record that
23 the New Jersey Meadowlands Commission is a member
24 of the Alliance for Action. So I don't want
25 anybody out there thinking we have a conflict --

1 we do have a conflict. John Arlotta.

2 MR. ARLOTTA: Thank you, Madame

3 Chairwoman. My name is John Arlotta,

4 A-R-L-O-T-T-A. I am a representative of the IEPAD

5 District Council 711. I just want everyone to

6 know here that I was raised in a union household.

7 And it was very important and drilled into my head

8 that being a part of the trades, we had three

9 things that were very strong to us. That I would

10 be able to make a decent wage, have health care,

11 and retire with dignity.

12 There was a comment made this morning

13 when I walked in, there was some people talking

14 about the trades being here and being able to

15 speak because we were unemployed. We do not want

16 to be here, we want to be employed. We want to be

17 employed.

18 My members, which I deal with on a daily

19 basis, they set up picket lines and political

20 action. And I have to ask these members who have

21 been out of work for a long time to come and stand

22 on a picket line or to come and support a

23 candidate that we want to support. And they ask

24 me when am I going back to work. I spent seven

25 months of my working life in that building, that

1 blue ceiling, that wood thing, I painted and
2 stained. And the toughest day that I had was when
3 they told me to pack my tools up and leave because
4 there was no money in that project.

5 The American Dream and Triple Five is
6 what it's supposed to be, the American Dream. Put
7 us back to work. Let us spent our money in this
8 state. The governor says that we have, you know,
9 a bad times in this thing. You know, well, we're
10 the tradesmen. We live in this state. We eat in
11 this state. We play in this state. Our kids go
12 to school in this state.

13 I happen to live at the Jersey shore.
14 And people up here talking about transportation,
15 come down to my town in June, July, August. It's
16 the same thing, traffic yes, might be a problem.
17 When I was a child, my father would take us from
18 Bronx to Palisades Park.

19 If we build it -- I said this to Adolfo
20 this morning. If we build it, they will come. So
21 please, guys, put us back to work. Let us use
22 this opportunity to help our state and my members.
23 Thanks.

24 MS. KARROW: Once again, we'll be in
25 recess unless someone comes in and signs up to

1 speak for about another 33 minutes.

2

3 (Whereupon a short recess was taken.)

4

5 MS. KARROW: Ladies and gentlemen, we're

6 reconvening, you can go up to the podium, please.

7 Our next speaker is Mr. Louie Casbar, Mr. Casbar,

8 can you please state your name for the record,

9 spell your last name, identify if you are

10 representing an organization.

11 MR. CASBAR: You have to speak up, I

12 can't hear too good.

13 MS. KARROW: I'll try. Please state

14 your name for the record.

15 MR. CASBAR: My name is Louis Casbar.

16 MS. KARROW: Can you please spell your

17 last name?

18 MR. CASBAR: C-A-S-B-A-R.

19 MS. KARROW: Are you representing

20 yourself or an organization?

21 MR. CASBAR: Myself.

22 MS. KARROW: Thank you. You have five

23 minutes.

24 MR. CASBAR: Okay. I read in the paper

25 you want to expand that Xanadu. I don't know how

1 you pronounce it, but I say Xanadu. And you want
2 to build a playground.

3 To begin with, you couldn't finish the
4 first one you started. And now you want to start
5 a second one. I want to know, as a taxpayer, as a
6 Veteran of World War 2, where is the money going
7 to come from without taxing the general public?

8 MS. KARROW: Mr. Casbar, this is a
9 comment period only. We are only taking public
10 comments. So you need to phrase your question as
11 a comment.

12 MR. CASBAR: My question is --

13 MS. KARROW: Comment.

14 MR. CASBAR: If you couldn't finish the
15 first project you started, why should you start
16 the second one? And where is the money going to
17 come from?

18 MS. KARROW: Again, Mr. Casbar, no one
19 is here to answer questions.

20 MR. CASBAR: Oh.

21 MS. KARROW: You can only comment.
22 You're welcome to the speak to the Triple Five
23 group afterwards, but --

24 MR. CASBAR: Well, I feel you shouldn't
25 start the second one, unless whoever is

1 responsible for it that wants to build it, unless
2 they have the money to do it and complete it.

3 MS. KARROW: Thank you very much, Mr.
4 Casbar.

5 Ladies and gentlemen, we stand
6 adjourned. This public hearing is now closed. We
7 will be back once again tonight from six to eight
8 p.m. to conclude our public hearing in the
9 beautiful and lovely Hambletonian room.

10

11 (Whereupon the matter was concluded.)

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I HEREBY CERTIFY that the foregoing is a
true and accurate transcript of the testimony and
proceedings as taken stenographically by me at the
time, place, and on the date hereinbefore set
forth.

SUSAN BISCHOFF, CCR, RPR
LICENSE NO. 30XI00233700

1 STATE OF NEW JERSEY
2 NEW JERSEY MEADOWLANDS COMMISSION

3 AMERICAN DREAM AT MEADOWLANDS PROJECT
4 PUBLIC HEARING

5 November 16, 2011
6 50 State Route 120
7 East Rutherford, New Jersey

8 6:00 p.m. to 8:00 p.m.

9 B E F O R E:

10 MARCIA KARROW, Executive Director
11 New Jersey Meadowlands Commission

12 SCOTT BRUBAKER, Director
13 Office of Permit Coordination and
14 Environmental Review
15 New Jersey Department of Environmental
16 Protection

17 RICHARD TOMER,
18 Chief of the Regulatory Branch
19 U.S. Army Corps of Engineers

20 ALSO PRESENT:

21 MAURICE GRIFFIN,
22 Deputy Attorney General
23 Division of Law and Public Safety
24 JAMES PALMER,
25 Assistant District Counsel

Reported by: Susan Bischoff, CCR, RPR
Certified Court Reporter

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1 MS. KARROW: Good evening. I'm Marcia
2 Karrow, Executive Director of the New Jersey
3 Meadowlands Commission, NJMC. With me to my left
4 is Scott Brubaker, Director of the Office of
5 Permit Coordination and Environmental Review of
6 the New Jersey Department of Environmental
7 Protection, NJDEP, and Richard Tomer to his left
8 of the U.S. Army Corps of Engineers. We are the
9 Hearing Officers for the public hearing to be held
10 tonight. Also seated with us to my left is
11 Maurice Griffin, Deputy Attorney General, from the
12 New Jersey Department of Law and Public Safety.
13 And to Rich Tomer's left is James Palmer,
14 Assistant District Counsel. We welcome all of you
15 who have come to attend this hearing.

16 This evening, we are holding the final
17 of four public hearings on two processes related
18 to the American Dream Meadowlands Amusement and
19 Water Park Project. First, I will read a
20 statement with respect to the Hearing Officers'
21 consultation process set forth in the Sports
22 Authority's authorizing legislation to be followed
23 by a statement read by Richard Tomer of the Corps
24 of Engineers related to the permit application
25 submitted to his agency. My statement is as

1 follows.

2 We are here this evening to receive
3 public comments on the Draft Supplemental
4 Environmental Impact Statement, DSEIS, dated
5 October 2011, prepared by the New Jersey Sports
6 and Exposition Authority for the American Dream
7 Meadowlands Amusement Park and Water Park Project
8 to construct an amusement park and a water park
9 within the Meadowlands Sports Complex in East
10 Rutherford, New Jersey. The DSEIS was prepared as
11 a supplement to the preliminary environmental
12 impact statement for the Meadowlands Xanadu
13 Redevelopment Project at the Continental Airlines
14 Arena site, dated March 2004. This hearing
15 provides you with the opportunity to comment on
16 the DSEIS. Your comments will be considered
17 during the preparation of the final Supplemental
18 Environmental Impact Statement or SEIS. The DSEIS
19 has been available since October 31st, 2011, on
20 the website and at the offices of Meadowlands
21 Commission, the NJDEP, and the Sports Authority.
22 It has also been available at all public libraries
23 in each of the Meadowlands District
24 Municipalities.

25 Again, this our final session. If

1 anyone has not already done so, please sign in at
2 the registration desk. If you wish to submit
3 written or verbal comments, please indicate that
4 on the registration sheet. Please turn off cell
5 phones and pagers during the hearing.

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

19 During tonight's proceedings, the
20 Hearing Officers will not respond to comments, but
21 will receive them for review and consideration. A
22 summary of the hearing, copies of the handouts,
23 and copies the materials submitted by the public
24 will be included in the final SEIS.

25 After the close of the comment period on

1 the consultative process on December 19th, 2011,
2 the Sports Authority will complete and publish the
3 final SEIS, which will include written responses
4 to the public comments on the Draft SEIS and will
5 submit it to the Hearing Officers and to the
6 Department and the Commission. The final SEIS is
7 expected to be available to the public in January
8 2012. The Hearing Officers will then review the
9 final SEIS and submit their report and
10 recommendations to the Department of Environmental
11 Protection and the Meadowlands Commission for
12 approval on or about March 9th, 2012. The Hearing
13 Officers' report and recommendations will
14 thereafter be available for public review at the
15 offices and on the websites of the Meadowlands
16 Commission, the NJDEP, and the Sports Authority
17 and at local public libraries within the
18 Meadowlands District.

19 At this time, I would like to turn over
20 the microphone to Rich Tomer from the Army Corps
21 of Engineers for his statement.

22 MR. TOMER: Thank you. I am Richard
23 Tomer, I'm Chief of the Regulatory Branch for the
24 New York District, U.S. Army Corps of Engineers.
25 I will be the presiding officer for this evening's

1 session on behalf of the Corps of Engineers at
2 this hearing today.

3 The Corps of Engineers is here today to
4 obtain information and evidence, and receive
5 public comment, to assist in the regulatory review
6 of the permit application submitted by Metro
7 Central, LLC, care of Triple Five Development.

8 The permit applicant proposes to discharge fill
9 material into 5.47 acres of Corps of Engineers
10 regulated tidal and non-tidal waters of the United
11 States to facilitate its construction of a
12 commercial amusement park and water park.

13 The permit applicant has proposed to
14 mitigate for all impacts to the aquatic
15 environment.

16 Permit applicant's stated purpose for
17 the work is to construct a commercial amusement
18 park and water park as a component of the American
19 Dream Meadowlands complex.

20 Because the proposed work involves a
21 discharge of fill material into waters of the
22 United States, a Department of the Army permit is
23 required from the Corps of Engineers pursuant to
24 Section 10 of the Federal Rivers and Harbors Act
25 of 1899 and Section 404 of the Federal Clean Water

1 Act.

2 The Corps of Engineers is neither a
3 proponent for nor an opponent of the proposed
4 work. Our role is to determine whether the
5 proposed activity is in the overall public
6 interest. This hearing will play an important
7 part in that determination.

8 This hearing will be conducted according
9 to the procedures set forth in Title 33 of the
10 Code of Federal Regulations, Part 327. This means
11 that anyone may make an oral or written statement
12 concerning the subject matter of this hearing.
13 Anyone may appear on his her own behalf, or be
14 represented by counsel or other representatives,
15 to present recommendations or information, but
16 cross examination of witnesses will not be
17 permitted.

18 A verbatim record, written record of
19 this public hearing is being made. The hearing
20 transcript will be available on the Corps of
21 Engineer's website and a copy will also be
22 available for public inspection or purchase at the
23 Corps of Engineers office in New York City. The
24 website address where the transcript will be
25 posted is www.nan.usace.army.mil. That website

1 address, as well as our New York City office
2 mailing address, is printed on information sheets
3 that are available at the registration tables
4 outside this hearing room.

5 As a reminder, written comments on the
6 permit application addressed to the Corps of
7 Engineers may be submitted until the close of the
8 comment period which is on Monday, November 28th,
9 2011. All written comments should be directed to
10 our address, which is New York District, Corps of
11 Engineers, Regulatory Branch, Room 1937, which is
12 at 26 Federal Plaza, New York, New York
13 10278-0090. Again, that address is available at
14 the registration tables if you need it. Thank
15 you.

16 MS. KARROW: Thank you, Rich. At this
17 time, I would like to Tony Armlin of Triple Five
18 to present an overview of the proposed project.

19 MR. ARMLIN: Good evening. Thank you
20 for the opportunity to present the project on
21 behalf of Triple Five. My name is Tony Armlin,
22 I'm the vice-president of development and
23 construction working on the project. Thank you
24 for the Hearing Officers for the opportunity to
25 give you an overview of our project.

1 Our purpose tonight in this presentation
2 is to present the proposed addition of a water
3 park and amusement park, to amend the existing
4 master plan for the overall project, which Triple
5 Five is taking over and completing. This is a
6 supplement to the existing Environmental Impact
7 Statement prepared in 2004 and amends to include
8 the amusement park and water park.

9 We've prepared this for the NJSEA and
10 the consultation process with the New Jersey
11 Meadowlands Commission and the New Jersey
12 Department of Environmental Protection, along with
13 our application to the Army Corps of Engineers
14 related to wetland mitigation and permitting
15 process.

16 Our focus tonight will be on the
17 potential impacts of the addition of the proposed
18 amusement park and water park. And to overview
19 the major points of the Draft SEIS as prepared by
20 Langan Engineering.

21 This is the project site and aerial
22 showing the location of the proposed improvements,
23 which would be on the tract adjacent to the
24 existing entertainment and retail complex, ERC,
25 Izod Center in the back.

1 This is a site plan of our proposed
2 improvements, again. The amusement park and water
3 park on this parcel of property next to the
4 existing ERC.

5 And then this photograph shows an aerial
6 depiction of the property in relationship to the
7 ERC and the stadium with the Turnpike below and
8 120 cutting through the site.

9 Project description. The project is
10 located on what is called the Radio Tower site
11 immediately adjacent to the existing ERC, which is
12 a 21.75 acre site. It is strategically located
13 which will be an important part of our
14 presentation as we move forward, in connection to
15 the existing entertainment complex. The land will
16 be incorporated into the overall lease and master
17 plan of the NJSEA upon completion of the approval.

18 The use of the property is for a family
19 amusement and entertainment use. It is scaled to
20 promote a large scale tourist and international
21 tourism destination. It is strategically located,
22 as I said, in position to the ERC. Triple Five a
23 developer of mixed use and entertainment
24 destination projects, starting with our West
25 Edmonton mall, which was built in the early

1 1980's, and followed by our Mall of America
2 project in Bloomington, Minnesota, developed in
3 1992. Between the two properties, we have over 50
4 years in experience in developing projects that
5 have international tourist destination appeal.

6 This business model is applied here to
7 our vision of how American Dream will be
8 redeveloped. This includes a major focus on
9 amusement and attraction. And specifically on the
10 inclusion of the amusement park and water park,
11 which is the subject of tonight's discussion. The
12 amusement park itself will be a 318,000 square
13 foot facility, the water park a 236,000 square
14 feet, and they will both share a shared common
15 area of 85,000, for a total 639,000 square feet or
16 13 acres.

17 The character of the project will be to
18 create a participatory environment, a large
19 format, 13 acres roughly, about seven plus acres
20 for the amusement park, five to six acres on the
21 water park. And it will be a major element in
22 terms of entertainment attraction that will
23 compliment the existing entertainment retail
24 components currently contemplated in the project.

25 The location again, the site plan. The

1 ERC and the amusement park and water, with the
2 shared common area. And another blowup that's
3 showing the areas.

4 This is a rendering of the interior of
5 the amusement park. It shows a number of rides
6 and attractions under an enclosed skylight area.
7 This is an actual photograph of our facility at
8 Mall of America, which is a seven acre amusement
9 park, again, under skylight with a number of
10 amusements and attractions. And another picture
11 from a different direction, showing that format
12 and structure.

13 The next picture is a rendering of our
14 proposed improvements for the water park at
15 American Dream. And it's followed here by an
16 actual photograph of our installation at West
17 Edmonton Mall, a similar five acre water park.

18 Purpose and need. This proposed
19 improvement provides critical necessary elements
20 to make our project economically feasible.
21 Without these elements, we believe that the
22 project is not economically viable. Again, going
23 back to Triple Five's business model, our approach
24 is to create not a retail center, we're not a
25 shopping center. We're an entertainment

1 destination center that focuses on a long
2 experience of entertainment, amusement, and retail
3 mixed together in an appropriate format structure.
4 And it needs to be anchored by an amusement
5 attraction of this scale and this density.

6 Additionally, this project fulfills in
7 this format the original charge of the NJSEA,
8 which was to create an entertainment based
9 facility that had large scale tourist attraction
10 and promoted job growth in the region, which this
11 does.

12 It provides the essential components
13 that, without this element, we don't believe the
14 project would be able to succeed. It would not
15 certainly create a world class tourist destination
16 that is appropriate and necessary for the project
17 to be economically viable.

18 Last but not least, we believe that this
19 large format structure creates a destination that
20 will not only create tourism, but will promote the
21 project to the level and scale that will bring
22 back the same level of entertainment and
23 destination that the Meadowlands once had.

24 Alternatives analysis. As a part of the
25 process, Langan Engineering, our consultants,

1 looked at a number of alternative locations to
2 which the project could be located, both on the
3 site and off the site.

4 After that evaluation, it became clear
5 that there were no practicable alternatives that
6 provided the linkages necessary for adjacency, for
7 density, and for positioning of the property so
8 that we could have this element in a successful
9 format with the ERC.

10 Also as part of the process, the
11 consultants looked through over 20 criteria of
12 evaluation which ran from geological and soils
13 evaluations, wetlands evaluations, flood plain,
14 vegetation, solid waste, utilities, land use and
15 zoning, park lands, and historical, features among
16 others.

17 To put this in context from an
18 environmental conditions impact and mitigation
19 standpoint, you have to understand the investment.
20 During the construction phase, we will be
21 investing approximately 1.825 billion dollars on
22 top of the existing 1.9 billion dollars already
23 invested to create the improvements that you see
24 on the site today. And that would bring the
25 completion of the entertainment retail component,

1 as well as the new construction of the amusement
2 park and water park to fruition.

3 In the process of making that
4 investment, we see that the project will be
5 generating upwards of 19,000 jobs, of which 9,100
6 construction jobs would be on site and over 10,000
7 jobs off site. As we move from the construction
8 phase into the operations phase, we see
9 approximately 11,490 jobs being created as
10 permanent jobs on site, with an additional 6,000
11 jobs off site for over 17,000 jobs created as part
12 of this process.

13 In fact, over a 20 year period, the
14 permanent employment wages paid over that period
15 will generate about 7.6 billion dollars of wages
16 or over 382 million dollars of wages per year.

17 As a part of our evaluation, we looked
18 to a number of terms that relate to impact.
19 First, how do we avoid adverse environmental
20 impacts. And we looked at the existing condition
21 of the Radio Tower site, which is an abandoned
22 site that is ripe for redevelopment. We also
23 looked at the existing infrastructure of the arena
24 site and how to maximize that's use. And we
25 looked at the parking capacities at the existing

1 site and how to create and use that parking
2 facilities in a way that did not require
3 additional parking, as well as the proper use of
4 materials and utilities in the site.

5 And then last, but not least, something
6 That triple Five is very focused on, which is
7 green design, energy conservation, and the best
8 practices in the operation of the facility. All
9 things that are fundamental to the way that we
10 approach the design, development, and operation of
11 our properties across the country.

12 Short-term impacts. During the
13 construction period, there will be impacts related
14 to construction run-off, erosion, issues that will
15 have to be controlled. Increased air and noise
16 emissions during construction, increased traffic
17 from construction workers coming to the site, as
18 well as materials and equipment. Also, the
19 benefits related to jobs created during the
20 construction phase and the associated taxes
21 generated from payroll taxes, income taxes, and
22 sales and use taxes.

23 The long term impacts. Perhaps the most
24 profound is the issues related to the loss of 5.47
25 acres of wetlands that will be disturbed related

1 to this. Also the increased use of energy and
2 potable water. The increased use of sanitary and
3 solid waste, increased air emissions, increased
4 traffic from patrons and employees.

5 Increased jobs created, increased taxes
6 created from the jobs, and transactions and the
7 increased regional growth through increased
8 tourism and related spending, a major part of
9 Triple Five's plan and business model. Over 50
10 percent of the visitors that come to our Mall of
11 America facility are tourists. And we see the
12 same level of activity here at American Dream. It
13 brings significant dollars from outside the local
14 economy into the economy and creates an economic
15 lift, not only for the property, but for the
16 region and for the state. A very important part
17 of our overall plan.

18 Focusing on some of the more important
19 aspect of impacts, wetlands impacts and mitigation
20 are probably the primary area. First and
21 foremost, Triple Five is strongly committed to
22 meeting all federal laws and regulations related
23 to the compensation for unavoidable impacts to
24 wetlands. It is our intention to work
25 collaboratively with the Army Corps of Engineers,

1 other federal agencies, and the New Jersey
2 Meadowlands Commission, and the New Jersey
3 Department of Environmental Protection, along with
4 the Meadowlands conservation trust to identify
5 appropriate mitigation sites in the region. The
6 5.5 acres of protected wetlands impact will be
7 addressed through mitigation banking, restoration,
8 or preservation.

9 In that process, we have looked at five
10 primary areas and directions to be able to affect
11 a wetlands compensation plan that will effectively
12 meet our needs. This starts with looking to New
13 Jersey Meadowlands Commission Secaucus High School
14 site, which is a three acre credit that could be
15 available for purchase from the NJMC as a part of
16 the process of determining how to mitigate the 5.5
17 acres of disturbance.

18 The second item would be to look at the
19 Evergreen MRI 3 mitigation bank. The bank is
20 currently under review and is anticipated to reach
21 approval between January and February of 2012,
22 with construction and planting starting in the
23 spring. We would probably seek 2.5 acres of
24 credit related to use of that potential site.

25 A third alternative would be to look at

1 the Keane Tract, a 40 acre parcel that Triple Five
2 would look to purchase 5.5 acres, or some portion
3 of thereof, to have as a part of our contribution
4 to the mitigation plan. This would, of course,
5 need to be reviewed and approved by the
6 Meadowlands Conservation Trust. And we would fund
7 the construction, maintenance and restoration of
8 that project.

9 We also looked to other areas and other
10 parcels that will qualify for wetlands
11 preservation and, in fact, have tendered an offer
12 on a property, we're not prepared to disclose the
13 location or nature of that property until that
14 comes to a potential closing, but feel that would
15 also provide an opportunity to participate in the
16 mitigation plan.

17 Last, but not least, we would also look
18 to the possible payment of the State of New Jersey
19 Wetland Mitigation Council Fund as part of this
20 process.

21 Traffic impacts. Trip mitigation,
22 volume reductions were not considered as part of
23 the overall plan. What that means is when we did
24 our evaluation of traffic impacts related to the
25 addition of these components, our traffic

1 engineers found a relatively modest amount of
2 increased traffic, but we did not discount other
3 improvements that have been made in place. And,
4 in fact, are taking them into consideration.

5 As we look at what some of those things
6 are and how we would deal with the traffic that's
7 being added to the site, we look at mass transit
8 as the primary area of potential benefit, but not
9 our least area. We have a major focus at Triple
10 Five of trying to enhance the existing
11 infrastructure operationally. And we'll be
12 talking more enhancing that mass transit
13 connection and utilization further in the
14 presentation.

15 We also look at internal trips. This is
16 the concept, again, behind our basic business
17 model. We're not a shopping center, so people
18 don't just come to the center to make purchases.
19 They come to experience entertainment aspects, the
20 amusement aspects, as well as the retail. So
21 they're shared trips that occur because they're
22 not independent trips, they're all shared in the
23 longer experience. That's a major part of how our
24 visitors come and it definitely decrease the
25 level of trip generation related to the project.

1 Events day factor. It's clear we have
2 other areas around this property that have trip
3 generation. When those activities are occurring,
4 generally, our visitors tend to stay away during
5 those periods and come when those activities are
6 not occurring.

7 Bypass trips. We also have the
8 opportunity, as we see in other properties, for
9 people driving by the facility to actually say I
10 should go in there, so they come into the center
11 and that takes traffic off the regional highways
12 as they come into the center.

13 Metlife Stadium improvements. Huge
14 improvements have been made over the past three,
15 four years that significantly changed the original
16 traffic evaluation that was done several years
17 ago. We feel are major improvements that will
18 help assist in traffic flow. As well, the down
19 sizing of the Meadowlands Racetrack.
20 Additionally, a major factor related to traffic is
21 the existence of the Bergen County blue laws,
22 which restrict retail activities in the center on
23 Sundays. And that will obviously reduce traffic
24 on Sundays generally related to the center.

25 New Jersey Turnpike improvements with

1 interchange 18W and that coming fully online.

2 Variable message signs and on-site operations to
3 make sure that we manage traffic and traffic flow
4 efficiently, as we open the facility. The
5 Meadowlands adapted signal system for traffic
6 reduction, major intelligent infrastructure,
7 improvements related to traffic flow and
8 management, and other background traffic level
9 changes.

10 Transportation improvements. As I said
11 earlier, transportation management is a major part
12 of how Triple Five deals with the operations of
13 our properties. And we're not at all unfamiliar
14 with how to deal with major traffic destination
15 issues on our properties. We look primarily now
16 to improve the mass transit components, rapid bus
17 transit, and other mass transit connections to the
18 property, including improving the linkage between
19 the existing rail station that occurs on the west
20 side of 120 and its connection to our property,
21 another major opportunity to remove traffic from
22 local roadways and enhance the use of existing
23 infrastructure.

24 Just to give a highlight of some of the
25 major infrastructure here in the area, this is the

1 American Dream location. And as we layer in our
2 connections with major metropolitan airports,
3 which we see again as international tourism being
4 national tourism coming from the other parts,
5 being major part of our visitation. Layering in
6 the rail connections from Penn Station, Secaucus
7 Lautenberg Station, Newark International Airport
8 and Hoboken Station. The connections between
9 those, from rail and the layering in of bus rapid
10 transit, in connections to the Port Authority of
11 New York and New Jersey bus terminal, Union City,
12 and the Hoboken train station make major
13 connection possibilities for mass transit
14 improvement and connection.

15 Overall socio-economic impacts. We've
16 dealt with a little more briefly. Again, 1.825
17 billion dollars of investment creating 19,000 jobs
18 in construction and 17,000 jobs during the
19 operational phases; 7.6 billion in wages generated
20 over 20 years; 1.2 billion dollars worth of sales
21 taxes and corporate business taxes generated over
22 a 20 year period.

23 That wraps up our presentation. I'll
24 turn it back over to the Hearing Officers.

25 MS. KARROW: Thank you, Tony. The

1 hearing is now open for comments. I will call the
2 persons who have indicated on the registration
3 sheets that they wish to comment. So far I have
4 three people who would like to speak. So let me
5 again remind you that all comments should be brief
6 and directed to either the DSEIS consultative
7 process or the Corps of Engineers permit
8 application.

9 When you are called to present your
10 comments, please come up to the podium, give your
11 name and its spelling to the stenographer who is
12 recording the hearing. Please, also give the name
13 of your organization or any interest that you
14 represent. Please indicate if you know if your
15 comments are directed to the Corps of Engineers or
16 to the New Jersey Meadowlands Commission and New
17 Jersey Department of Environmental Protection.

18 If you have written materials, please
19 give copies to the stenographer. Please limit
20 your comments to five minutes, you may be afforded
21 additional time for your comments or rebuttal
22 after we've gone through the list of those who
23 have signed up on the registration sheet. If you
24 are submitting written comments, please just
25 summarize them and do not read them at length.

1 The hearing record and comment period for the
2 Corps of Engineers will remain open until the
3 close of business on Monday, November 28th, 2011
4 for the receipt of written comments on the permit
5 application. All comments should be sent to the
6 following address so as to be received prior to
7 close of the comment period. New York District,
8 Corps of Engineers, Regulatory Branch, Room 1937,
9 26 Federal Plaza, New York, New York 10278-0090.

10 The New Jersey Department of
11 Environmental Protection and New Jersey
12 Meadowlands Commission will accept additional
13 written comments on the DSEIS consultative process
14 until the close of business on Monday, December
15 19th, 2011. They may be submitted in writing to
16 Scott Brubaker, Director of the Office of Permit
17 Coordination and Environmental Review, New Jersey
18 Department of Environmental Protection, 401 East
19 State Street, PO Box 402, Trenton, New Jersey
20 08625 or to myself, Marcia Karrow, Executive
21 Director, New Jersey Meadowlands Commission, One
22 DeKorte Park Plaza, Lyndhurst, New Jersey 07071.
23 Copies of the public notice with instructions,
24 should you wish to provide written comments, are
25 available at the registration desk.

1 Our first speaker is -- and I apologize,
2 this is taken off of your sign in sheets, so
3 sometimes, I get it right and most often, I get it
4 wrong. John Saraceno.

5 MR. SARACENO: My name is John Saraceno,
6 my firm is Onyx Equities, which is the managing
7 member and owner of the Meadowlands Complex is
8 which is just due west on Route 3 and 17.

9 MS. KARROW: Can you spell your last
10 name.

11 MR. SARACENO: S, as in Sam,
12 A-R-A-C-E-N-O. I think as a developer, commercial
13 developer, in the region with a primary and
14 significant focus in the Meadowlands since 2005,
15 when we purchased this asset and prior to that, we
16 owned the Brighton Center, in Clifton which also
17 competes in the same market, in the early and
18 mid-1990's. We have -- as point of interest, I
19 checked today, but we signed the lease -- we have
20 a lease that originated in 1986. And the rent in
21 1986 was \$24 a square foot. Well, we signed the
22 lease last week that was \$23.50 a foot. So 25
23 years later, the rental rate for office space in
24 the northern part of the state is exactly the
25 same, a bit less, than it is 25 years later. I

1 think it's an indication of just a lack of
2 economic drivers in the northern part of the
3 state. We sort of peak and fall with the
4 financial services industry in New Jersey and New
5 York - and we know how that sort of played out the
6 last couple years.

7 So to the point previously made by the
8 army corporation head, the interest here is the
9 public interest. 17,000 permanent jobs and 19,000
10 construction jobs coming to this region cannot be
11 accomplished in any other business affiliation
12 that I could possibly think of in any of the life
13 time's of anyone sitting in this room. And when
14 the NJSEA created this area, it was called sports
15 and entertainment for a reason, which was to
16 expand the impact of sports and entertainment in
17 the area.

18 Obviously, there's an impact as to the
19 wetlands that was there. And it was designated a
20 wetlands area for a reason. But I think when you
21 look at the public interest, you look at the
22 mission of the area that you're creating the
23 development, which was clearly created for this
24 purpose, and you decide whether or not the
25 economic interest is of some important concern

1 with regard to it.

2 One of the great things about this site
3 with the water park and the entertainment
4 component of it is that it will introduce more
5 sticky jobs for related office properties in the
6 region. Because we benefit from those businesses
7 that service the American Dream that need to have
8 office space in the area. Retailers obviously
9 house their employees in the retail locations, so
10 it doesn't -- you don't see a trickle down out of
11 it.

12 The entertainment component, if you look
13 at other areas in the world, in the United States
14 that have it, the drivers of office use are
15 significant. So I think the two pronged approach
16 of it is: Is there a public interest. The public
17 interest is clearly to introduce long term
18 permanent jobs in a region that can serve as
19 drivers for the introduction of additional
20 economic drivers.

21 And I think this is a once in a
22 generation opportunity for this area to benefit
23 from something like this. This is why we created
24 the NJSEA, it's why we created the Meadowlands
25 arena and the Izod Center, now the Metlife

1 Stadium. And I think this is a continuation of
2 the plan and I'm glad they called it a dream.
3 Because I don't think any one of us could think of
4 something that's more viable for this location and
5 can generate more positive impact than this can.

6 Jobs is the sort of key word that we
7 keep hearing about every single today in every
8 election that occurs in this country. We have a
9 lot of infrastructure. Well, I don't know of
10 another one in the country that could have the
11 economic impact that this one could have.

12 So I would appreciate on behalf of our
13 firm and generally this area that I think it's in
14 the best interest of the Army Corps and the DEP to
15 look upon this for what it is, which is a great
16 economic driver with some impact as to the
17 environmental impact to the area, but it was
18 created for that purpose. We're not introducing
19 an entertainment center in the middle of an area
20 that was never sort of thought to be that. So
21 those are my comments.

22 MS. KARROW: Thank you very much, Mr.
23 Saraceno. Mike McKernan.

24 MR. MCKERNAN: My name is Mike McKernan,
25 M-C-K-E-R-N-A-N. I'm the business manager of Iron

1 Workers Local 483, here in Hackensack. My
2 membership is 400 members, our district council is
3 about 2,000 iron workers.

4 I've heard for the last three sessions
5 here, stories from all the other construction
6 trades. Well, the guys here that would work side
7 by side building this great stadium right behind
8 us, we know what we can do when we have the
9 opportunity to do it as construction people.

10 And my story is the same as theirs.
11 We're in pretty much dire straights, financially,
12 with the work outlook, with a lot of the guys
13 sitting out for a long period of time. You're
14 familiar with that story, mine's the same.

15 And I hesitate sometimes to tell our
16 membership about jobs that are proposed that are
17 coming up to give them false hope after sitting so
18 long. But I'll tell you, since this project came
19 forward, I've had pictures that you see here on
20 the wall, that I took off the website. And
21 they're hanging in my hall, okay, because I
22 believe and I hope I'm right that this is going to
23 happen, okay.

24 After the first session I went back to
25 my union office. And on my walls, I have a lot of

1 pictures of the new stadium, of the original
2 stadium that I got to work on as an apprentice
3 back in '75. And I have a very good picture of
4 the Izod Center, when it was just a skeleton,
5 taken by a dock builder that we took up in the
6 basket and suspended him over the building in the
7 morning. And it's a great picture. And there's
8 not much here. The only thing that I could see is
9 the stadium, the racetrack, the barns. And
10 there's not much else going on here. And I
11 realize that I had worked on all them projects,
12 and I've spent -- I'm a Passaic County lifetime
13 resident, but I've spent half my career down here.

14 I put in eight or nine years on all
15 these projects here, all that money went in my
16 pension. I have a pension, I hope, when I retire.
17 And it also went to my annuity. And about eight
18 years ago, when my daughters became college age, I
19 could borrow some of that money and put them
20 through college.

21 I think this project is about going
22 forward. Not just for the construction people,
23 but for everybody in the community here, okay.
24 Because I could borrow that money, I have two
25 daughters that are very vital, one's working in

1 Pittsburgh in the school system. One runs a
2 physical therapy down in Charlottesville and
3 they've done very good. But I could have never
4 attempted to put them through school as a single
5 father, if I didn't have funds available.

6 And the funds that will be earned here
7 will not just bail the people out that need
8 immediate help, it's going to project into the
9 future and help the families and help all the
10 people in the community.

11 And I don't want to get corny, but what
12 I was thinking about was one of my favorite movies
13 with Jimmy Stewart, it's a Wonderful Life. And he
14 had this very -- he could look at the future of a
15 very bleak future if he had never been born.
16 That's what I look at what's happening here.
17 We're either going to make a choice to go forward
18 and give birth to this project and hope to this
19 area. Or two years from now, even though we're
20 going to have a super bowl, even though we're
21 going to have a great stadium and great facility,
22 we're going to be thinking what would have
23 happened if we only had the courage to move
24 forward. Thank you.

25 MS. KARROW: Thank you. Joanne

1 Cimiluca.

2 MS. CIMILUCA: Hi, I'm Joanne Cimiluca,
3 C-I-M-I-L-U-C-A. I'm a southern Bergen County
4 resident who was born and raised right here in
5 East Rutherford. From 2006 to 2010, I served as
6 the economic development for Bergen County
7 director. It was my job to attract businesses,
8 large and small, to open up shop here in the
9 Garden State.

10 I wholeheartedly became an advocate of
11 what was then was called Meadowlands Xanadu, due
12 to the tremendous impact it would have on our
13 economy. It was more than just an entertainment
14 destination. It was a tool to attract companies
15 to New Jersey, and a successful one. And many
16 times, it was a tipping point for companies
17 deciding between New York, New Jersey, and
18 Pennsylvania.

19 A commercial broker pointed out
20 yesterday here that every time a commercial lease
21 is signed in New Jersey, architects, engineers, PR
22 firms, cleaning companies, and more get to work.
23 As the director of economic development, I also
24 touted the benefits of Meadowlands Xanadu to local
25 developers and here's what resulted. A mostly

1 vacant and rundown strip mall less than two miles
2 from here in Little Ferry, a strip mall that
3 ordinarily would never be looked by any developer
4 or on any developer's radar's became a subject of
5 a redevelopment plan to add a clock tower, pavers,
6 a Panera Bread, a wellness center and many more
7 because of its proximity to the project. So you
8 can only imagine this is one of many, many
9 examples. You take this and multiple it by a
10 thousand, 5,000. And we'll see this happening all
11 over the area.

12 To everyone at Triple Five, I'd like to
13 say thank you five times over. There's no doubt
14 you guys could do it, you've done it successfully
15 twice.

16 To the hearing officers sitting here
17 today, I want to pose this question: Wouldn't it
18 be nice if American Dream came up in conversation
19 about New Jersey, instead of Snooki? So, please,
20 please, grant Triple Five the permit and let's all
21 go skiing. Thank you.

22 MS. KARROW: Thank you. Charlene Burke?

23 MS. BURKE: Thank you, but you answered
24 my question about the public comment period.

25 MS. KARROW: You're welcome. At this

1 time, ladies and gentlemen, we're in recess until
2 or unless anyone else signs up. If you choose to
3 the registration desk is right out front. You can
4 mark that you want to speak, otherwise I will call
5 everybody back into order if we get any more
6 speakers. So you're free to walk about and stay
7 and a hang out with us. We're here in the lovely
8 Hambletonian Room until eight o'clock.

9

10 (Whereupon a short recess was taken.)

11

12 MS. KARROW: We have another gentleman
13 who signed up. Tom Gregorio, please come up to
14 the podium. Mr. Gregorio, please state your name
15 for the record, spell your last name, state any
16 institution or organization you represent. And
17 you have five minutes.

18 MR. GREGORIO: You got my name right, by
19 the way.

20 MS. KARROW: Thank you.

21 MR. GREGORIO: My name is Tom Gregorio,
22 G-R-E-G-O-R-I-O. I'm the president and CEO of
23 Meadowlands Hospital. Born and raised in Hudson
24 County, New Jersey. And since the old stadium
25 came up, I can't think of anything more exciting

1 happening in the region. When you think about
2 destinations, you know how often you hear of New
3 Jersey being a destination place for a vacation or
4 something to that effect? Aside from the jobs
5 that it's going to do for the community, aside
6 from the jobs it's going to do for the region, and
7 all the increased revenue associated with taxes,
8 and the increased traffic, selfishly, at the
9 hospital, it will also benefit us. See,
10 hospital's staff their employees to census. So
11 that means if you have a lot of patients in the
12 hospital, you have a lot more people working. So
13 the incremental benefits that we'll have as part
14 of this process will also benefit Hudson County,
15 will benefit Secaucus, which by the way is a town
16 of -- some of you are probably from Secaucus,
17 16,000 people, who swell up to 60,000 during the
18 day when people are working.

19 So I can envision a lot of the those
20 people staying around to be part of the American
21 Dream and what's going on with the new
22 entertainment location. So I really implore the
23 committee to accept the American Dream proposal
24 and give them the permit.

25 MS. KARROW: Thank you. Seeing no

1 others at this time, once again we stand in
2 recess, unless someone signs in, until eight p.m.
3 Thank you.

4

5 (Whereupon a short recess was taken.)

6

7 MS. KARROW: Our next speaker is Rick
8 Sabatin -- Sabato, sorry.

9 MR. SABATO: That's all right. I
10 figured I would give you a second chance.

11 MS. KARROW: You know the rules.

12 MR. SABATO: Thank you so much. Rick
13 Sabato, S-A-B-A-T-O.

14 MS. KARROW: I still got it wrong.

15 MR. SABATO: Some say Sabato. I'm not
16 going to go any further.

17 MS. KARROW: I'll give you an extra
18 minute for that.

19 MR. SABATO: I represent the Bergen
20 County Building Trades as the president. I would
21 like to thank you, Madame Chair, for the job that
22 the hearing officers have done. I think it went
23 very well, very professional. I appreciate the
24 opportunity that all representatives of the
25 council had a chance to speak. And I'd like to

1 thank Triple Five, the family of Triple Five.

2 Briefly, we've met with them a few times
3 and every time we meet with them, they're
4 wonderful people. And thank God we're going to be
5 partnering up with them as this project moves
6 forward. And I will give the commitment that the
7 Building Trades Council will do everything in its
8 power to get this job over the finish line.

9 Also, I wanted to thank all the members
10 of the building trades that have taken their time
11 out and being with their families. But let's not
12 forget why we're here. It's because of the 5,000
13 unemployed workers that are in our council.
14 Tonight, they're probably thinking about how
15 they're going to pay their mortgage or feed their
16 family or clothe their kids. So let's not lose
17 sight of what this is all about. Thank you.

18 MS. KARROW: Thank you, Mr. Sabato.

19 Once again, we're in recess unless
20 somebody else signs up. We'll be for
21 approximately another 42 minutes.

22

23 (Whereupon a short recess was taken.)

24

25 MS. KARROW: Ladies and gentlemen, it is

1 now eight p.m., and the hearings are now
2 officially closed. Unless somebody wants to talk?
3 No? Good. Good night.

4

5 (Whereupon the hearing was concluded.)

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C E R T I F I C A T E

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I HEREBY CERTIFY that the foregoing is a
true and accurate transcript of the testimony and
proceedings as taken stenographically by me at the
time, place, and on the date hereinbefore set
forth.

SUSAN BISCHOFF, CCR, RPR
LICENSE NO. 30XI00233700

APPENDIX C
WRITTEN PUBLIC COMMENTS



**COUNTY OF BERGEN
OFFICE OF THE COUNTY EXECUTIVE**

One Bergen County Plaza • Room 580 • Hackensack, NJ 07601-7076
(201) 336-7300 • Fax (201) 336-7304

Kathleen A. Donovan
County Executive

November 15, 2011

US Army Corps of Engineers
441 G. Street NW
Washington, DC 20314-1000

Good morning everyone:

I am testifying today both in my official capacity as Bergen County Executive but also as a near life-long resident of south Bergen who knows firsthand the beneficial impacts developments such as American Dream can have on the environment and overall quality of life in this region.

I grew up in neighboring Lyndhurst and currently reside in Rutherford. I know the Meadowlands from before the act creating the New Jersey Meadowlands Commission was passed, before the Sports Authority was created and when garbage from New York City and throughout northern New Jersey was land filled here. There is no question that we have come a long way.

It should be noted that I strongly support the development of American Dream in general and the entertainment/amusement components in particular. It should also be noted that members of my staff and I have met on several occasions with representatives of Triple Five the developers of American Dream. They have been totally forthcoming. They have not – I underscore not – asked Bergen County to provide funding or assume financial risk for this project (and if they ever should, I do not and would not support it). They have provided compelling evidence that American Dream cannot be developed without the entertainment/amusement component we are discussing here today. They have made a very strong case. One only need look at the previous failures to see that without a family-oriented component – similar to those Triple 5 incorporated into Mall of America in Minnesota and the Edmonton Mall in Canada – we could very well face another failure. The cost of another failure will be astronomical both in terms of social impact and the very real financial cost to the public. Let's face it. Just like in baseball, three strikes and you're out. But who is going to pay to clean up the mess that was left behind?

Alternatively, completion of American Dream will serve as a catalyst for improved infrastructure and environmental improvements as well as a center for economic development and my goal of making Bergen County a major tourism attraction in partnership with our neighbors to the east. It will significantly contribute to the overall quality of life throughout the region.

Triple Five has utilized cutting edge technology since opening its Mall of America location in 1992, and I am pleased that these initiatives will be replicated here in New Jersey.

The Mall of America recycles more than 60 percent of its waste – an average of 32,000 tons per year, recycles 100 tons of glass bottles each year, converts the fat from restaurant fryers into more than 4,000 pounds of biodiesel per month. More than 30,000 live plants and 300 live trees act as natural air purifiers and by using water efficient plants and irrigation techniques there is a 50 percent reduction in the use of potable water.

Of particular interest, is the fact that the mall does not use a central heating system; instead, the comfortable 70 degrees is maintained year-round with passive solar energy from 1.2 miles of skylights and heat generated from store fixtures and lighting and the body heat from more than 40 million visitors. These environmental benchmarks are among the reasons the Mall was chosen to host the Big Green Conference in 2010. When this exemplary environmental record is combined with Triple Five's corporate commitment to establishing business opportunities for Native American groups, its philanthropic outreach to Big Brothers and Big Sisters, Special Olympics and The Make-a-Wish Foundation, to name just a few of the 200 charities and organizations they support, Bergen County residents will have a willing partner in making our community an even more wonderful place to live.

Right now the most important contribution this project will make is in reducing unemployment in the region. This is the most critical quality of life issue we face. Over 9,000 construction workers will be employed on this site and they will give way to some 15,000 permanent employees. The economic ripple will ultimately be felt throughout the region. Support for this project could stand on job creation alone. But in addition, the project will contribute significantly to improved air and water quality. A rail connection already exists between the sports complex and Lautenberg rail station. It is underutilized. American Dream will provide the critical mass to maximize the effectiveness of this connection and greatly improve transit opportunities for auto-dependent commuters and visitors alike. The best way to reduce traffic congestion and improve air quality is to get motorists out of fossil fuel burning cars by giving them an alternative. American Dream provides that alternative. But without the entertainment/amusement component there is no American Dream and the dominos fall from there.

Another critical impact: improved quality of wetlands. The site in question is degraded, non-performing and in a word, a swamp. The region will benefit from the mitigation required by this project. Bergen County has borne the brunt of expensive failures here and in neighboring communities caused by unholy alliances between inept developers and irresponsible public officials. Tens of millions of dollars of public funds have been spent with no discernable public benefit. Communities like Lyndhurst, Rutherford, East Rutherford and North Arlington have been left holding the bag. Completion of American Dream can reverse much of that and fulfill the long held promise of employment and opportunity.

Thank you.

Kathleen A. Donovan
Bergen County Executive

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FOR IMMEDIATE RELEASE

Tuesday, November 10, 2011

CONTACT: Charles Wowkanech

President

(609) 989-8730

New Jersey State AFL-CIO Statement In Support of the American Dream Project

TRENTON – Charles Wowkanech, President of the New Jersey State AFL-CIO and Laurel Brennan, Secretary-Treasurer of the New Jersey State AFL-CIO issued the following statement in support of the American Dream Meadowlands Project.

“This is an extremely important project that will have a significant positive effect on the regional economy and job creation. During one of the most difficult economic times our state has endured, it is important to support projects such as this one that will help to provide employment opportunities as well as stimulate the local economy” said Wowkanech.

The project is expected to create 9,000 construction jobs, 11,500 permanent jobs and have a \$3.8 billion economic impact to the region annually. Furthermore, the developers plan to spend a significant amount on local road and infrastructure projects. Public hearings were conducted this week on the draft supplemental environmental impact statement for the project to be built within the NJ Sports and Exposition Authority's Meadowlands Sports Complex. Secretary-Treasurer Brennan testified at the hearing in support of the project.

“With painfully high unemployment in mind, this project will have a significant, long term positive impact on workers and their families by creating jobs and in turn will have a ripple effect of putting money back into the local economy and benefiting Bergen County and the north Jersey region. Let's come together to make this project work to put residents back to work” said Brennan.

###

OPEIU:153

November 15, 2011

Public Hearing regarding the Application by Triple Five Worldwide to build an Amusement Park and Water Park on NJSEA property.

Hearing Officers:

Marcia A. Karrow, Executive Director
NJ Meadowlands Commission
One DeKorte Park Plaza
Lyndhurst, NJ 07071

Scott Brubaker, Director
Office of Permit Coordination & Environmental Review
NJ Department of Environmental Protection
401 East State Street
PO Box 402
Trenton, NJ 08625

Richard Tomer
Chief, Regulatory Permits
US Army Corps of Engineers
Jacob K. Javits Federal Building 26
Federal Plaza Room 2109
NY, NY 10278-0090

Madame and Messrs,

My name is Jim Kirkos and I address you this morning as Chief Executive Officer of the Meadowlands Regional Chamber of Commerce. I am also a 45 year resident of the Township of Lyndhurst, which is a Meadowlands Community. For more than 20 of those years I operated a small business whose success was directly attributable to the economic growth of the Meadowlands during the 80's and 90's with the nucleus of that economic spark coming from the Meadowlands Sports and Entertainment Complex.

My comments this morning are a blend of being a local resident, a small business owner and now as leader of a business organization that represents close to 1100 companies and 140,000 employees with a majority of those members being small businesses.

The Chamber has been a long supporter of the continued expansion of the Meadowlands Sports Complex including the original Xanadu project because we inherently understand the economic impacts of such development. This complex where we sit today was once the envy of the world with three great venues all operating with worldwide acclaim. Over the years, hundreds of businesses grew and flourished throughout the Meadowlands region from those operations and as I stated earlier, I was one of those businesses, so I speak from firsthand experience.

Over the next few days you will hear testimony from many people regarding Triple Five's application to build a water park and amusement park to complement their vision for the American Dream at the

Meadowlands project. So let me say at the onset that the Meadowlands Regional Chamber is in full support of that application.

The American Dream project provides much hope for the future economic prosperity of this region much like this Racetrack along with then Giants Stadium and the Arena did 30 years ago. Only this time, the stakes are much higher and our economy is in a much different place.

The sad fact is I have watched the marvel of this Meadowlands Sports Complex deteriorate and along with that a regional economy that has stagnated, but there is hope for a great revival. And that revival began with the building of the New Meadowlands Stadium now called the MetLife Stadium and can continue with the approval of the American Dream project.

To add some strength to my testimony I will refer to an economic analysis the Chamber commissioned in 2007 where the Heldridge Center of Rutgers University prepared a study of the Meadowlands economy and workforce. The results revealed a few very important facts. Specifically the emergence of a destination related component of our economy. That fact reinforced the Chamber's efforts to grow the Meadowlands Liberty Convention and Visitors Bureau, a division of the Chamber, into a strong destination marketing organization so we could capitalize on this new component of our economy.

After a few years of studying the effects of growing a destination and tourism related economy here in the Meadowlands I can say to you today that the American Dream project will propel that into the next century. The American Dream vision for a world class shopping and entertainment facility along with the other components of this complex have the promise of returning this piece of geography into the world's most recognized sports and entertainment venues that will attract tourists domestic and international tourist in the millions. Along with that recognition come thousands of new jobs, millions in tax revenue and even more importantly, millions of new investment in and around the entire North Jersey region. This all comes at a time when our economy most needs a driving force to energize it. The America Dream project is that driving force.

Over the past 9 years as an advocate I have come to know this project in its many renditions along with its many principal owners and I can tell you with all sincerity that the Ghermezian Family and their executive team at Triple Five has been the most approachable, the most respectful and clearly the most capable thus far. I say that not because they sit here today but because it is the truth.

During the past months as they have done their due diligence, we also have done ours because we as a regional business organization have an obligation to our membership and the community at large to fully understand a project and its impacts before we throw our full support behind it. During our due diligence, the American Dream team, as I call now them, has opened their book to us and we like what we are reading. To enhance our understanding, I traveled to both of their other significant projects being the Mall of America and the West Edmonton Mall in Alberta to talk directly with those that have been impacted by those projects. I interviewed chamber and tourism executives, business owners and political leaders from both surrounding areas and I returned to NJ with an even greater zeal to help drive the project to approval. Each and every leader I spoke to sang the praises of the Ghermezian family and outlined how after 19 years at Mall of America and 30 years at WEM, those projects are still powering their economies.

You should know that I also asked the hard questions and looked to understand the negative impacts of such a development but in each and every case I was told that the positive impacts far outweighed the negative ones. From the Mayor of Edmonton, Mr Steve Mandel to the CEO of Bloomington Tourism

bureau, Ms Bonnie Carlson, and everyone in between all had stories of positive impact. Those communities worked to embrace those projects so they could reap the rewards for which they still enjoy today.

As hearing officers for this application I urge your approval because the water park and amusement park components are critical to the success of the project. Facts will reveal that at this moment in time we have aligned the most capable entity to oversee the successful opening of the American Dream at the Meadowlands. Lets collectively identify any concerns and find solutions for them so we too can reap the rewards that this project can bestow on the entire North Jersey region. Let's not allow those who would relish in having nothing done here at this project cast a shadow over great opportunities. Let's find a way to make this project a win/win for the Meadowlands at a time when we most need a win.

Thank you

James Kirkos
Chief Executive Officer
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November 15, 2011

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Richard Tomer
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US Army Corps of Engineers
Jacob K. Javits Federal Building 26
Federal Plaza Room 2109
NY, NY 10278-0090

RE: Hearings Regarding Triple Five's Application to Build Amusement Amenities in
Connection with the American Dream Meadowlands

Dear Madame and Messrs:

I am writing this letter in connection with hearings that you are conducting regarding approval of the various permits requested by Triple Five in connection with their planned development of the American Dream project; and ask that you include this letter as a matter of record as my testimony.

As a representative of the FORT Group; a company that maintains offices in both Ridgefield Park New Jersey and Bloomington, MN and as a neighbor whose office overlooks the development project; I feel strongly that the development represents an important driver to the future economic vitality of the region.

The American Dream project promises to serve as an entertainment and social hub for community residents and local businesses, in addition to its potential to help position the

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November 15, 2011

Meadowlands region as a destination of choice for both personal and business travelers.

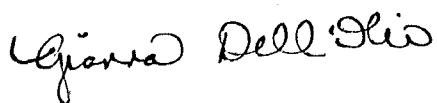
I can speak first hand of the positive impact my company experiences from a similar venue managed by Triple 5, Mall of America. As noted above, the company I represent, The FORT Group maintains a satellite office in very close proximity to the Mall of America (MoA). By virtue of its broad offering of many shops and restaurants, MoA is a venue of choice for many of our client meetings and events. In addition, we have hosted countless functions within the MoA on our behalf as well as on behalf of our clients based in the Greater Minneapolis area. In fact, many of the out-of-town clients who come to the Minneapolis area always ask if they will have time to enjoy some of the many wonders of MoA. Lastly, we have seen research that suggests that MoA remains the busiest mall in the U.S., even though Minnesota is only the 21st largest state based on population.

How does that translate into good business? We have recognized significant economic growth in our Minneapolis based billings each year since the office opened in 2005. In addition the economic vitality of our Minnesota business enables our company to continue to reinvest in our overall business. We at the FORT Group are extremely excited by the opportunities that will undoubtedly present themselves once the American Dream is open and ready for business.

Finally, from a community relations perspective, we also look forward to participating in outreach programs that are core components of the Triple Five legacy.

I appreciate the opportunity to share my testimony with you. Please do not hesitate to contact me at 201-270-4113 if you have any questions or need additional information.

Yours truly,

A handwritten signature in black ink that reads "Gianna Dell'Olio". The signature is written in a cursive, flowing style.

Gianna Dell'Olio
Vice President - Account Director

Meadowlands Liberty

convention & visitors bureau

November 17, 2011

Ms. Marcia A. Karrow, Executive Director
NJ Meadowlands Commission
One DeKorte Park Plaza
Lyndhurst, NJ 07071

Mr. Scott Brubaker, Director
Office of Permit Coordination & Environmental Review
NJ Department of Environmental Protection
401 East State Street
PO Box 402
Trenton, NJ 08625

Mr. Richard Tomer
Chief, Regulatory Permits
US Army Corps of Engineers
Jacob K. Javits Federal Building
26 Federal Plaza, Room 1937
NY, NY 10278-0090

Dear Madame and Messrs:

On behalf of the Meadowlands Liberty Convention and Visitors Bureau, a division of the Meadowlands Regional Chamber, I respectfully submit this letter as formal testimony in full support of the American Dream at the Meadowlands project.

As the primary Destination Marketing Organization for the region, it is our responsibility to promote and market this geography as a tourist destination on behalf of our stakeholders to visitors and locals alike. American Dream at the Meadowlands with the inclusion of the Water and Amusement Park will put us on the map and undoubtedly make the Meadowlands Liberty Region a primary destination of choice in the next few years and long thereafter.

Now the third largest industry for the state of NJ, tourism is essential to the growth of the Meadowlands Liberty Region. In 2010, Meadowlands tourism supported almost 8,500 jobs in the area, 2200 of which were in businesses that do not directly serve visitors. Meadowlands travelers generated federal, state and local tax revenue totaling \$ 174.5 million in 2010, up 1.6% over a recessionary 2009. Meadowlands Liberty region sent \$48m to Trenton in 2010, sales taxes and hotel occupancy fees comprising about 70%. State tourism-initiated taxes from Meadowlands grew by 2.1% in 2010. This compares to an overall NJ state tax decline of -1.1%

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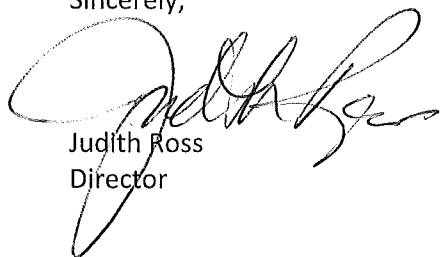
Discover the Meadowlands Liberty Region

These statistics and more were included in a recent economic impact report that we hired Vantage Strategies of Annapolis, MD to provide for us. Another positive number to come from this report is that of every tourism dollar spent in the Meadowlands in 2010, 81 cents stayed local and contributed directly to Meadowlands gross metro product. With 50% of MoA patrons coming from domestic and international travelers, imagine the growth in these figures with the addition of the American Dream Entertainment Retail Complex.

As noted by Jim Kirkos, our President and CEO in earlier testimony, our office has been one of the biggest advocates of this project since its' inception and we have been selling the dream from day one. With the Ghermezian Family and Triple Five Group now at the helm of the project, we are confident the dream will become a reality as we have seen what Mall of America has done for Bloomington, MN

We look forward to working with the Triple Five Group in promoting the American Dream Entertainment and Retail complex and partnering with them to bring the Meadowlands Complex back to its original acclaim and further excel the region to become the world's best destination.

Sincerely,

A handwritten signature in black ink, appearing to read 'Judith Ross', written over a printed name and title.

Judith Ross
Director

Gualberto (Gil) Medina
Executive Managing Director
Branch Manager



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November 14, 2011

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RE: Hearings Regarding Triple Five's Application to Build Amusement
Amenities in Connection with the American Dream Meadowlands

Dear Madame and Messrs:

I am writing this letter in connection with the hearings that you are conducting in regards to the various permits requested by Triple Five in connection with their development of the American Dream project and ask that you include this letter in the record as my testimony.

As we anxiously await the opening of this world-class retail and entertainment complex, it is important to recognize the potential it has to dramatically transform the economies of the region and the state. American Dream already has generated thousands in construction jobs, and will create an estimated 7,000 permanent jobs, approximately \$1 billion in annual sales, and an estimated \$100 million in annual tax revenue.

As the former Secretary of Commerce for New Jersey, as a senior executive in the real estate industry and as a neighbor whose office overlooks the development project, I clearly see how important the American Dream project is to the nascent recovery of the region. In addition to its immediate economic contributions, American Dream has the potential to become a global tourist destination, expanding existing business and employment regionally, while attracting new investment to New Jersey.

In 2010, domestic and international travelers spent \$758.7 billion in the US. The US generated a \$31.7 billion travel trade **surplus**. Travel expenditures directly generated \$188.4 billion in payroll income for Americans, as well as \$117.6 billion tax revenue for federal, state and local governments.¹

Because travel expenditures produce a "multiplier" impact on the U.S. economy, in addition to the goods and services that are purchased directly by travelers, additional sales are generated (induced output). Total current-dollar travel related spending was \$1.8 trillion in 2010. Total tourism-related employment was 14.1 million. One in 9 U.S. non-farm jobs are attributable, directly or indirectly, to travel and tourism.

According to reports issued by Global Insight for the New Jersey Division of Travel and Tourism, New Jersey's tourism industry generates tourist expenditures of over \$40 billion a year. The total economic impact of travel and tourism represents approximately 6% of the Gross State Product and generates over \$8 billion in federal, state and local tax revenue. If tourism did not exist, each New Jersey household would pay approximately \$1,500 more in taxes to maintain current tax receipts.

The American Dream project has the potential to become a major driver of this important industry in the region and the nation. The state and regional demographics suggest that American Dream will be immensely successful. The New York City Metropolitan economy stands at \$1.13 trillion, second only to Tokyo among all metropolitan areas in the world. There are only 14 countries with bigger economies than the New York Metropolitan area. The region is one of the world's most cosmopolitan, drawing visitors from throughout the nation and the world.

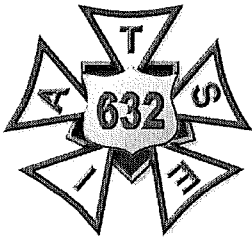
For all these reasons, I believe that American Dream at the Meadowlands will enjoy significant success as a global destination. I also believe that it will have a significant and positive impact on the region's continuing economic recovery.

¹ Sources: U.S. Travel Association, the Bureau of Economic Analysis, and the U.S. Department of Commerce-Office of Travel & Tourism Industry.

Sincerely,

A handwritten signature in dark ink, appearing to read "Gil Medina". The signature is fluid and cursive, with the first name "Gil" and last name "Medina" clearly distinguishable.

Gil Medina, Executive Managing Director



*International Alliance of Theatrical Stage Employees, Motion Picture Technicians,
Artists and Allied Crafts of the United States and Canada. AFL-CIO, CLC*

LOCAL 632 IATSE

Serving the Meadowlands and Northern New Jersey
205 Robin Road, Suite 202, Paramus, New Jersey, 07652
Office: (201) 262-4182 Fax: (201) 262-4138
Email: iatse.sixthreetwo@verizon.net

Testimony to the New Jersey Meadowlands Commission Regarding Draft Supplemental Impact Statement for the Triple Five American Dream Project

Mister Chairman and distinguished members of the New Jersey Meadowlands Commission, thank you for having me.

I'm Kevin O'Brien, President of Local 632 IATSE, representing the theatrical stagehands at the Meadowlands Complex.

We are the behind-the-scenes artists and technicians who construct and execute the theatrical shows, concerts, ice shows, and circuses, at the IZOD Center and the MetLife Stadium. In the interest of full disclosure, I am a working president, meaning, in addition to being a union official I'm a theatrical rigger employed at various times by the NJSEA at the IZOD Center, as well as the Jets-Giants at the MetLife Stadium.

A destination-related economy, driven by tourism to the Meadowlands, can be a sustaining economic tool creating thousands of jobs and needed tax revenue. Nowhere is this more evident than the awarding of Superbowl 2014 to the MetLife Stadium.

However, this is just one part of the equation. I commend Governor Christie's administration and the NJSEA for having secured the second part of the equation by partnering with Triple Five to insure that the "American Dream" comes to fruition at the Meadowland's Complex.

Our Local Union has a long history with the Meadowland's Sports Complex, and a vested interest in its future. In addition to the 3000 seat amphitheatre which Triple Five is proposing, in a recent address before the Meadowlands Regional Chamber of Commerce Triple Five Senior Vice President Paul Ghermezian related that the IZOD Center dovetails perfectly into the entertainment business model of the American Dream concept. Mr. Ghermezian commented on the "foot traffic" of 20,000 people attending a concert at the IZOD Center and what it would mean to the merchants and restaurants in the "American Dream"? You can't attract that kind of built-in foot traffic anywhere....so it will be a win-win for everyone.

In closing, I'm here mainly to advocate for jobs and economic development which will enhance revenues to our state and help us grow out of our fiscal dilemma. Indecision is no longer an option. Triple Five has brought fresh solutions which should be implemented and there is an urgency to do so today. New Jersey's Entertainment, Sports and Tourism entities can once again become a great economic engine, **not only for the Meadowlands, but for all of New Jersey.**

As my valued friend Jim Kirkos from the Meadowlands Regional Chamber of Commerce is fond of saying, "We must have the courage to dream about what the possibilities are and act on them, because that is what those before us did with their vision". We wholeheartedly concur with the prevailing wisdom that Triple Five's "American Dream" project within the Meadowlands will be an incalculable asset to the Meadowlands region. At stake are 9,000 construction jobs, 11,500 permanent jobs, and a 3.8 billion economic impact to the region annually.

Again, Mr. Chairman and members of the Commission, I thank you for the opportunity to address these issues.

Kevin M. O'Brien, President

Local 632 IATSE

International Alliance of Theatrical Stage Employees, Motion Picture

Technician Artists & Allied Crafts of the United States & Canada

AFL-CIO, CLC

November 15, 2011

Hello everyone,

My name is Andrew Scala. I am the Business Agent for the Painters, Tapers and Glaziers of District Counsel 711.

I would like to say, as an Agent, there is no better feeling in the world than calling a member and telling him or her that you are sending them out to work. Unfortunately in these economic times, that is far and few between. So this Hearing couldn't come at a better time.

We've heard the people this afternoon talk about the plus and minuses of this project, but yet all I see is the plus side. I think the strongest asset that we have as a society is the ability to have an idea become a reality. So, I am sure, if we are willing to work together on this project, all our goals and concerns can be accomplished.

In closing, I would like to say that – "Remember, we built this country on an American Dream."

Thank you for your time.

Edgar Santana

New Jersey Laborers

Testimony as Delivered on November 15th, 2011

Good evening everyone, my name is Edgar Santana and I am with the NJ Laborers Union. I am here tonight representing the over 20,000 members who work, live and raise their families in New Jersey.

Today's hearing is narrowly focused on permits required for completion of the entertainment/amusement component of the American Dream project. The reality, however, is that without this component there is no project. And if there is no project there is no opportunity to ease the burden of unemployment which has eroded the quality of life throughout northern New Jersey.

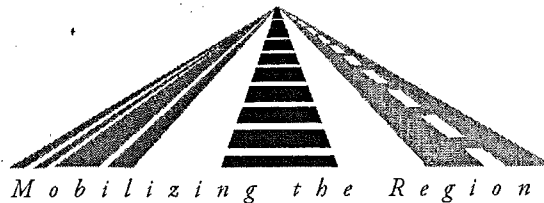
You will hear today from experts who will demonstrate that completion of American Dream will improve the region's aquatic environment by cleaning up a degraded wetland and improving air quality by contributing significantly to enhanced mass transit.

But the biggest improvement to quality of life will be that 9,000 construction workers will be employed completing this project. Many of these people have been without work for as much as 18 months. Overall, there is 40% unemployment in the construction trades. That is the highest level of unemployment in our sector in history. Only a project of the magnitude of American Dream can make a serious dent in that number.

The developers of American Dream have made it clear that this project cannot move forward without the entertainment/amusement component they are proposing. Given the failure of Xanadu we have no reason to question that assessment. The half-completed shell is proof positive that this project cannot be financed without these additional entertainment elements.

Mitigating a few acres of degraded wetlands in return for 9,000 construction jobs and enhanced quality of life throughout the region is a small price to pay. We are ready to go to work.

TRI-STATE TRANSPORTATION CAMPAIGN



Testimony of Janna Chernetz, NJ Advocate for Tri-State Transportation Campaign New Jersey Meadowlands Commission and Department of Environmental Protection Public Hearing November 26, 2011

Thank you for the opportunity to testify today. My name is Janna Chernetz and I am the New Jersey Advocate for the Tri-State Transportation Campaign, and also a life-long resident of New Jersey. Tri-State Transportation Campaign is a non-profit policy organization working for a more equitable and environmentally sound transportation network and sustainable land use policy in New Jersey, New York and Connecticut. Our primary objective regarding the American Dream Meadowlands project is to ensure adequate and reliable public transportation to the facility, and to ensure that American Dream does not pose a further drain on New Jersey's existing infrastructure and economy.

After reviewing the Supplemental EIS; paying specific attention to the transportation component, TSTC finds that there remain too many unanswered questions.

A prominent assumption for the underlying transportation component is that Triple Five anticipates a substantial increase in the use of mass transit by American Dream Meadowlands patrons and employees and a simultaneous decrease in automobile traffic. While we applaud Triple Five for its recognition of the imperative role mass transit will play in the success of American Dream Meadowlands, the underlying understanding of how this assumption was derived is absent.

Key planning documents, such as the transportation management plan, and important conversations with NJT have yet to occur. As such, it is premature to make any conclusions about the effect the expansion will have on NJ's roads and existing mass transit system and how these effects can successfully be mitigated.

According to the supplemental EIS "Developer is working with NJT and other transportation planning agencies to increase bus service to the Project Site and develop regular rail service to the Meadowlands Sports Complex." Details about how Triple Five plans to partner with NJT are completely missing. Throughout the supplement EIS Triple Five calls upon NJT to increase bus service and rail service to the Meadowlands. Nowhere in the EIS does it state where the proposed bus routes will be within the project site, how any called upon increase in rail and bus service will be funded, and whether NJT and other agencies are prepared to meet the demands of Triple Five and any such timeline for completion of the mass transit component. NJT's budget is already stretched and cannot meet demands. This can be seen through the recent rail delays caused by ailing infrastructure. NJT's budget has shrunk from half the NJDOT's Capital Program in 2004 to a third in 2012. Triple Five is relying upon bus service out of PANYNJ to service American Dream Meadowlands but PANYNJ recently slashed its capital program which included a much needed garage for PABT. Without express commitment from NJT, PANYNJ and NJDOT and without a timeline for implementing any plans, any such plan by Triple Five remains nothing but speculation.

Another positive aspect of the supplement EIS is that Triple Five "envision[s] a wide range of programs to be explored and potentially implemented as part of the overall transportation management plan." However, more details are needed regarding these programs including how each program will affect traffic congestion and how will they be implemented so they will be successful. For example:

- Expanding Meadowlink service to the American Dream Meadowlands Project Site from existing mass transit hubs –How will it be funded?
- Marketing promotions and packages encouraging the use of mass transit – What kind of packages? Which employees would take advantage of these packages (dependant on where they live, time of day traveling, etc.)
- Employee incentives to use mass transit – What kind of incentives?
- Marketing incentive for off peak visits – What kind of incentive? Who are the target patrons?
- Preferred patron carpool parking and ride/car-sharing. – How would this work?

The affects that American Dream will have on surrounding roads has not been fully explored. The only "roads" addressed in this supplement EIS are the immediate surrounding access roads and ramps. This is only part of the picture. These cars have to arrive from somewhere. How will roads such as RT 120, RT3, RT17, and the NJTPK be affected by the increase in traffic? Can the roads handle this increased traffic? What about the effects the increased traffic will have on residential areas adjacent to these roads? What effect will the increased traffic have on the road itself? None of these questions have been explored. NJ's existing infrastructure needs are not being met as half of NJ's roads are deficient, the added traffic as a result of American Dream will further tax these deficient roads.

The Traffic Impact Assessment references peak and off-peak times, but nowhere in the TIA does it specific state the hours. Therefore it is impossible to know if the projections are realistic.

In addition, the TIA relies on figures obtained from the Institute of Transportation Engineers for determining increased traffic due to the addition of the Amusement Park. The TIA suggests that the addition of the Amusement Park will increase traffic by less than 1% of the previously permitted traffic volumes for the Xanadu development. TSTC questions the reliability of ITE to make these projections for American Dream Meadowlands. The numbers seem awfully low for an Amusement Park that boasts state of the art adrenaline inducing rides, cutting edge equipment and a water park with cutting edge water rides and attractions including a wave pool, river, spas and speed slides, tube slides, interactive water plan structures and extensive deck areas for lounging. We need to look no further than our own back yard to illustrate this point. Westfield Garden State Plaza Shopping Mall in Paramus, NJ sees approximately 20 million visitors annually. The area is chronically plagued by traffic issues, despite being located at the intersection of three major highways and being served by over ten bus lines. Given an estimated 55 million visitors and year and without a concrete plan and documented commitment from NJDOT and NJT, American Dream Meadowlands will be doomed from the start.

Prior to moving forward with the American Dream Meadowlands, the questions raised by TSTC must be answered. In addition, TSTC recommends the Triple Five partner financially with NJT and PANYNJ by providing a percentage of profits for transit operation costs to supplement the increased service demand on the already taxed transit agencies. Triple Five should also provide local aid contributions to local roadway networks to surrounding municipalities and counties and the state to pay for infrastructure demands.

Tri- State appreciates the offer for dialog with Triple Five and is encouraged by their actions to engage in discussions regarding the impact American Dream Meadowlands will have on NJ's transportation infrastructure and we look forward to the many meetings in which these concerns will be addressed and progress accomplished.

We will be provided more specific written comments by the December 19th deadline.

Thank you.

New Jersey Business & Industry Association

Melanie Willoughby
Senior Vice President



November 16, 2011

Marcia A. Karrow, Executive Director
NJ Meadowlands Commission
One DeKorte Park Plaza
Lyndhurst, NJ 07071

Scott Brubaker, Director
Office of Permit Coordination & Environmental Review
NJ Department of Environmental Protection
401 East State Street
PO Box 402
Trenton, NJ 08625

A handwritten signature in black ink, appearing to be "S. Brubaker", written over a horizontal line.

Richard Tomer
Chief, Regulatory Permits
US Army Corps of Engineers
Jacob K. Javits Building 26
Federal Plaza Room 210
New York, NY 10278-0090

**RE: Hearings Regarding Triple Five's Application to Build Amusement Amenities in
Connection with the American Dream Meadowlands**

Dear Madame and Messrs,

On behalf of the New Jersey Business & Industry Association (NJBIA), I am writing this letter in connection with the hearings that you are conducting in regards to the permits requested by Triple Five in connection with their development of the American Dream project. I respectfully request that you include this letter in the record as my testimony.

NJBIA is the largest statewide employer association in New Jersey and the country. We represent over 22,000 member companies, with 1.2 million employees. NJBIA strongly supports the American Dream project. American Dream has the potential to become a global tourist destination, expanding existing business and employment regionally, while attracting new investments to New Jersey. American Dream has generated thousands in constructions jobs, and will create an estimated 7,000 permanent jobs, approximately \$1 billion in annual sales, and an estimated \$100 million in annual tax revenue.

According to reports issued by Global Insight for the New Jersey Division of Travel and Tourism, New Jersey's tourism industry generates tourist expenditures over \$40 million a year. The total

102 West State Street
Trenton, NJ 08608-1199

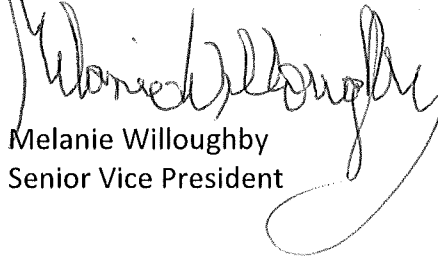
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economic impact of travel and tourism represents approximately 6 percent of the Gross State Product and generates over \$8 billion in federal, state and local tax revenue.

The American Dream project has the potential to become a major driver of this important industry in the region and the nation. The state and regional demographics suggest that American Dream will be immensely successful. The New York City Metropolitan economy stands at \$1.13 trillion, second to Tokyo among all metropolitan areas in the world. There are only 15 countries with bigger economies than the New York Metropolitan area. The region is one of the world's most cosmopolitan, drawing visitors from throughout the nation and the world.

NJBIA supports this vital economic development project which will have a positive impact on the state's continuing economic recovery.

Sincerely,

A handwritten signature in black ink, appearing to read 'Melanie Willoughby', with a large, elegant flourish extending from the bottom right of the signature.

Melanie Willoughby
Senior Vice President

TRI-STATE TRANSPORTATION CAMPAIGN



December 19, 2011

Marcia A. Karrow
Executive Director
New Jersey Meadowlands Commission
One DeKorte Park Plaza
Lyndhurst, NJ 07071

Scott Brubaker
Director, Office of Permit Coordination & Environmental Review
New Jersey Department of Environmental Protection
401 East State Street
P.O. Box 402
Trenton, NJ 08625

RE: Proposed Transportation Improvement Program Amendment

Dear Ms. Karrow and Mr. Brubaker:

Thank you for the opportunity to submit comments on the American Dream Meadowlands Draft Supplemental Environmental Impact Statement (DSEIS) for the proposed additions of an Amusement Park and Water Park to the Redevelopment Project at the Arena Site. The Tri-State Transportation Campaign (Tri-State) is a nonprofit working for a more balanced, equitable and environmentally sustainable transportation network. We have been involved in the Xanadu/American Dream Meadowlands project (American Dream or Project) for over almost a decade.

EIS Background

The DSEIS supplements the Meadowlands Xanadu Redevelopment Project (Xanadu Project) EIS prepared in 2004 and therefore necessitates that some information from that process be discussed herein as it is relevant to Tri-State's comments.

Since the issuance of the 2002 New Jersey State Exposition Authority (NJSEA) request for proposals for "Redevelopment of the Continental Airlines Arena Site," Tri-State has been very concerned with the traffic problems that will be created by the Project. Although the Xanadu Project was ultimately abandoned by the Mills Corporation and Mack-Cali realty Corporation (collectively Mills) because of lack of funding in 2009, both a draft and final EIS were presented

by NJSEA to the New Jersey Meadowlands Commission (NJMC) and New Jersey Department of Environmental Protection (NJDEP) in 2004.

Public hearings were held and NJMC and NJDEP issued a Joint Consultation Report (JC Report) on August 19, 2004 pursuant to N.J.S.A. 5:10-23. In addition, the NJMC Commissioner issued a Commission's Report on August 19, 2004 pursuant to N.J.S.A. 5:10-5(x). On August 26, 2004, NJMC approved both reports by resolution. On October 1, 2004 the NJDEP Commissioner entered an order adopting and revising the Hearing Officer's Report.

Both the JC Report and public comments, including comments submitted by Tri-State, criticized the insufficient scope and analysis of the traffic impacts in the EIS. That report specifically noted:

The study area for a complete traffic impact analysis for a project of Xanadu Meadowlands' scale must extend far beyond the requirements set forth by the State Highway Access Management Code. A new traffic impact analysis must be prepared evaluating the impact to roadways, intersections, and merges from the proposed development for applicable peak time periods. Such a report should also include recommended ways to mitigate impacted locations. In order to properly evaluate the traffic impact, the applicant is advised to assess all major nodes and links within a regional context (recommended minimum radius of four (4) mile from the proposed project boundaries).

JC Report at pg. 27. This four mile radius included the following locations: "NJ Route 3 corridor from NJ Route 21 to Interstate 495," "NJ Route 17 corridor from Interstate 80 to NJ Route 3," "NJ Route 17 and Moonachie Avenue intersection," "Paterson Plank Road from the New Jersey Turnpike to NJ Route 17," "NJ Route 120/Washington Avenue/Moonachie Road from NJ Route 3 to Route 46," and "New Jersey Turnpike Interchange[s] 16W and 18W." In re The Proposed Xanadu Redevelopment Project, 402 N.J.Super. 587 (App. Div. 2008).

Unfortunately, that study was never done, a problem that has become particularly more acute now that Triple Five Worldwide (Triple Five) is now seeking to revive and expand the development with the American Dream.

American Dream Meadowlands DSEIS

Triple Five rebranded the project American Dream Meadowlands and decided that an expansion of 14.7 acres is necessary. That expansion includes an amusement park and water park and is the basis for this DSEIS. Triple Five and NJSEA project that American Dream will attract 55 million visitors annually, or approximately 150,000 per day. This is in addition to 35,000 employees going to and from work every day.

Four public hearings sessions were held on the DSEIS over two days, November 15 and 16, and not unlike the prior Xanadu project, these hearings raised more questions than answers

concerning transportation. The traffic analysis is far from adequate and comprehensive. The focus of the analysis continues to be restricted to access roads and roads located within the project area site and furthermore, it relies solely on improvements made under the framework of the Xanadu project with no new improvements planned for the new larger American Dream project. The new Developers fail to address in any fashion the effect American Dream will have on the four mile radius the JC Report determined must be evaluated.

This study must be done before the American Dream project is allowed to proceed. Every day, half the population of Pittsburgh is expected to travel to American Dream. Because of American Dream's physical location, they will have to travel on the already congested roads in the four mile radius. Failure to analyze the effects and potential remedies of this problem would be an abdication of responsibility by NJMC and NJDEP and do a great disservice to the people of East Rutherford and the surrounding communities. Moreover, although the recommendations NJMC and NJDEP provide under N.J.S.A. 5:10-5(x) and N.J.S.A. 5:10-23, "NJSEA should give the agencies' recommendations every consideration; and if it were to ignore same, it would proceed at its peril, as it would then be faced with potential prerogative writs questioning its action as in conflict with its statutory authority." In re The Proposed Xanadu Redevelopment Project, 402 N.J.Super. 587 (App. Div. 2008).

DSEIS Specific Comments

Traffic Impact Analysis – Insufficient Scope

The Traffic Impact Analysis prepared for Triple Five and NJSEA by TRC Engineers, Inc. does not analyze the four mile radius recommended by the JC Report and is therefore insufficient. A larger study area must be analyzed in order to determine the impacts of the traffic generated by the increased development. This must include key points along Route 120, Route 3, Route 17, Route 46, I-80, I-495 highlighted in the JC Report as well as inbound and outbound lanes to New York City on Route 3 and the NJ Turnpike.

Traffic Impact Analysis – Flawed Methodology

1. Public Transportation

The Traffic Impact Analysis asserts that additional trip mitigation factors were not included in calculating the additional trips generated by the Amusement Park development. However, the Traffic Impact Analysis does rely on the Xanadu Traffic Impact Study for the assumption that 30% of traffic would access the Amusement Park from Exit 18W. The problem with this assumption is that because the Xanadu Traffic Impact Study did account for mass transit, the 30% number might be too high, resulting in an underrepresented volume increase.

Attachment C to the Traffic Impact Analysis includes the methodology used for the Xanadu Traffic Impact Study. That methodology concludes that 10% of daily trips – up to 15% of PM Peak Hour Trips – are done using mass transit. That methodology assumes regular service from 9 bus lines and heavy rail – none of which is actually anticipated since NJ Transit is already stretched thin and has no apparent plans to drastically increase service as imagined by the

analysis. (As noted below, none of this service currently exists and NJ Transit, much like the State, is in no position to expand service, so are these changes realistic and if so, who is going to pay for them?)

If these additional trips had been included as normal trips in the Xanadu Traffic Impact Study it is possible that, amongst several potential effects, the 30% Alternative Access is too high. The reason is that the 30% number assumes that Exit 18W an additional 3% - 5% of volume (30% of 10% of daily trips and 15% of PM Peak Hour trips). If not, that traffic would be forced to reroute, possibly to Route 120. If so, the Peak Saturday Hour increase in trips on page 12 of the Traffic Impact Analysis may be 200 or more, requiring a Major Permit Application. This must be analyzed before the DSEIS is approved and work proceeds.

2. Peak Hour

Studies should be conducted during accurate AM peak, off peak and PM peak hours and all hours should be defined. The distinction between the peak and off peak hours are not delineated in the current DSEIS.

3. ITE Trip Generation Rates

a. Local Character

Much of the analysis done both by Mills for Xanadu and Triple Five for American Dream is based on standard figures that do that take into account the particular character of the surrounding area. A large mall in an otherwise sparsely populated area will not produce the same roadway effects that the same mall would have in an area like the Meadowlands that is already heavily trafficked. This should be factored into any analysis that uses generic trip generation rates.

b. Facility Type

The DSEIS and Traffic Impact Analysis assert that the proper ITE Trip Generation rate for the Amusement Park is “‘Amusement Park’ (LU 480).” This proposition appears to be flawed for two reasons, with the resulting possibility that traffic volumes are underrepresented. First, it is frequently asserted that many visitors will do more than just go to the Amusement Park. Shouldn’t the amount of time and the nature of their visits affect what trip generation rate is used? That is, does a patron with a multiple purpose visit necessitate a different trip generation rate than a typical amusement park patron? This must be answered. Second, the last page of Appendix C includes a trip generation rate for Mall or America (another Triple Five Property) that is different than the Amusement Park (LU 480). Why is it is different? Should it be used instead of Amusement Park (LU 480) since the character of the two overall facilities are similar? This must also be answered.

Failure to adequately account for additional trips as a result of expansion

Developers assert that the expansion of Xanadu to include an Amusement Park and Water Park is essential to the success of American Dream, yet in the DSEIS, the Developers assert the expansion will not generate any “significant increase in traffic” based on calculations utilizing the ITE. These two assertions are logically inconsistent. It is implausible that increasing the physical size of the project by 10 percent will not increase the amount of patrons. It is even more implausible when the nature of the expansion is completely different from the currently planned facilities, i.e. it is unlikely that the same people that go to shop, see a movie or go skiing will also go for a swim or spend the day in the amusement park.

Some questions that should be answered can be seen using a simple example. For a patron (assuming this type of person exists) that intends to go to American Dream to shop and visit the amusement park:

Does this type of patron exist?

Which attraction would the patron go to first?

Where will the patron put its personal effects and purchases (although storage facilities are planned, will they truly be able to accommodate this type of patron)?

What is the most likely method of transportation the patron would use?

Is it likely this type of patron would take public transportation to visit the amusement facilities whether or not that person intends to also do other things during the visit?

All of these questions should be answered, yet it appears that none have even been asked.

Failure to prepare a traffic management plan

The DSEIS admits a traffic management plan has not been completed but will provide a plan to increase mass transit service to American Dream. This is an essential document that should be made available with the DSEIS so that the public may comment on it. In addition, the DSEIS advises that the plan is being developed in concert with NJ Transit and “others” without providing their identities. A complete picture of the traffic impacts of American Dream cannot be ascertained without a complete traffic management. There is very limited public transportation service to the Meadowlands now and nothing more than conjecture for future transportation service. Worse still, even if concrete plans were made, NJ Transit’s fiscal situation makes it unlikely that the State can afford to provide the large amount of service provided at Triple Five’s other major malls without raising fares, cutting service elsewhere or perhaps both.

Unreasonable expectation of future public transportation service

Page two of Appendix C of the Traffic Impact Analysis is indicative of the unreasonable expectations of Triple Five, much like Mills before them, that NJ Transit will be ramping up public transportation service to the site. A realistic plan for providing public transportation and paying for it must be included in the DSEIS. Public transportation allegedly has the potential to reduce traffic by 10-15% based on Mills’ analysis. That reduction in traffic (or increase if there is no public transportation) can have a significant impact on the environment and area.

However, the plan must be realistic. It is not realistic to depend on NJ Transit, in this economy and era of tight budgets, to foot the bill. Nonetheless, Triple Five anticipates regular service on the Meadowlands Rail Line – which currently only provides service for certain events – as well as other opportunities for bus service. The following is a comparison of public transportation services at Triple Five's three largest malls in North America:

<u>Facility</u>	<u>Yearly Visitors</u>	<u>Public Transportation</u>
Mall of America	40 Million	15 bus lines, 1 light rail train line
West Edmonton Mall	22 Million	27 bus lines
American Dream	55 Million	Very limited bus service and special event service

Taxpayers must not be asked to pay for significant amounts of increased service that only service one location. If Triple Five wants to move into a new area and needs public transportation, it should be required to pay for it.

Traffic impacts of other events in the Meadowlands

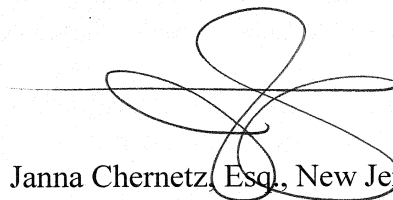
It does not appear that all possible event scenarios are analyzed in the DSEIS. The DSEIS must include an analysis of the traffic situation when football games, arena events, racetrack events individually as well as any possible combinations event occurrences at those facilities while American Dream is open. Football games must be included not only because the NFL holds games on Thursday and Saturdays but also Bergen County's Blue Laws do not require all of American Dream be closed on Sundays, when football games occur, and there is no certainty that the Blue Laws will remain in effect in perpetuity.

These issues must be addressed and resolved before the DSEIS is approved. More public hearings should be held as they could help identify other issues and resolve all traffic related issues.

Sincerely,



Kate Slevin, Executive Director



Janna Chernetz, Esq., New Jersey Advocate

TRAVEL 15

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Richard Tomer
Chief, Regulatory Permits
US Army Corps of Engineers
Jacob K. Javits Federal Building 26
Federal Plaza Room 2109
NY, NY 10278-0090

RE: Hearings Regarding Triple Five's Application to Build Amusement Amenities in
Connection with the American Dream at the Meadowlands Project

Dear Madame and Messrs,

I am writing this letter in connection with hearings that you are conducting regarding approval of the various permits requested by Triple Five in connection with their planned development of the American Dream project; and ask that you include this letter as a matter of record as my testimony.

As the Business Development Manager for Travel 15, a privately owned New Jersey based Travel Management Company rated one of the top ten women owned business in NJ as well as one of the Top 10 Travel Agencies in New Jersey; I feel strongly that the development of this project will make the Meadowlands region a primary destination choice for travelers world wide. We are experts in understanding what brings travelers to certain destinations and the American Dream Project including the Water Park and Amusement Park offers an array of components that have proven to bring travelers into various regions.


The combination of a Retail Complex, Amusement Park and a Water Park will undoubtedly make the Meadowlands Region a premiere destination choice not only for vacation travelers but also for meeting planners and trade show organizers. This in turn will bring in service providers and other support business's to the region. Additionally, The American Dream will turn the Meadowlands into a four season destination for years to come.

As a global travel agency founded in 1976 we have seen first hand how the Triple Five Group has turned Bloomington, MN and Mall of America into a world class travel destination. As a proud New Jersey business, We anticipate with excitement the positive impact all the newly created jobs The American Dream Project with the inclusion of the Water and Amusement Park will have on our own State of New Jersey.

From a community service perspective, we look forward to contributing and participating in the community outreach programs that are a key component to the Triple Five legacy

We look forward to promoting and supporting this important project, The American Dream Entertainment and Retail complex, which will undoubtedly, bring huge revenue dollars into the Meadowlands Region and the State of New Jersey and turn the region into a premier travel destination.

Sincerely,
Sharon Stein

A handwritten signature in black ink, appearing to be 'Sharon Stein', followed by a large, stylized star symbol.

**101 Eisenhower Pkwy.
Roseland, NJ 07068**

☎: 973-228-3033 cell 201-694-2453

✉: sstern@travel15.com www.travel15.com



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December 20, 2011

Marcia A. Karrow
Executive Director
New Jersey Meadowlands Commission
Richard W. DeKorte Park
One DeKorte Park Plaza
Lyndhurst, NJ 07071

Re: DSEIS American Dream Expansion

Dear Ms. Karrow,

The New Jersey Chapter of the Sierra Club continues to have serious concerns with the environmental impacts related to the expansion of the American Dream Mall. We believe that the DSEIS is flawed and does not adequately address the environmental impacts from the expansion of the American Dream site. The DSEIS does not look at the entire site and the overall impacts from both the existing building and the proposed expansion on the environment and the Meadowlands region. We believe that this draft does not look at all impacts related to traffic, air and water quality, wetlands, stormwater, sewers, drinking water, energy, and a whole range of other issues associated with this huge project.

The application submitted to the Army Corps of Engineers requests permission to fill and use 5.47 acres of wetlands to expand the mall complex in the Meadowlands region. About seven acres of priority wetlands have already been filled as a result of this project. With this expansion the combined impact will exceed twelve acres of wetlands. Almost a quarter of the land being developed is in wetlands, causing a tremendous negative environmental impact.

Alternatives

We believe that there are other sites on the property to the west, northwest, east, and northeast sides of this existing mall building that would be more appropriate for the expansion. These sites are already filled and would not require the additional loss of wetlands. The only purpose for putting this project in the wetlands on the south side of the site is for highway visibility, which is not a recognized reason to fill in wetlands, especially when there are more appropriate alternatives that avoid these impacts.

In considering this permit application, the Army Corp and DEP must analyze the "No Build" alternative to determine the full extent of impacts stemming from the project. The Army Corp must also evaluate alternatives that avoid the wetlands areas on the project site, including other locations on the property for the expansion.

Wetlands, Flooding, and Stormwater



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Wetlands that are surrounded by development are more valuable for habitat and water quality because they help mitigate disturbances from the development. The loss of more wetlands to accommodate the expansion of the mall will have serious negative impacts on the water quality of the Meadowlands. The Sierra Club is also concerned with increased flooding as a result of the wetland fill proposed under this application. Wetlands are important to prevent but fill causes flooding upstream. We need to have a more thorough assessment of the project's impact to wetlands and flooding and mitigation measures put in place to lessen those environmental impacts. A comprehensive mitigation plan that replaces the wetland values and flood storage capacity lost due to this project must be in place as part of the issuing of permits.

This site does not do an adequate job in handling stormwater currently. Given the importance of protecting water quality in the Meadowlands, stormwater management on site has to exceed Best Management Practices (BMPs). The project must not be exempted because of its redevelopment area designation. The entire site needs to be retrofitted to properly manage stormwater, control potential flooding, and maintain water quality.

Seven acres have already been filled on the property. The applicant is requesting over five additional acres, which should trigger the need for US Environmental Protection Agency (EPA) approval. The impacts to wetlands on the site need to be viewed as a whole and the environmental review should examine the impacts of the entire 12.5 acres of wetland fill to the environmentally sensitive Meadowlands. The EPA and DEP needs to have an oversight review because they are filling in an additional five acres and the projects need to be examined as one application for a 12.5 acre wetland fill instead of piecemeal. Both EPA and US Fish and Wildlife originally had concerns with wetlands impacts under the previously proposed project and this expansion should raise further concerns from those agencies.

Toxic Waste

We believe there needs to be additional surveys and analysis for toxic materials on this site. We believe most of this site is not just fill, but there was an active oil processing facility in the area prior to the construction of the sports and entertainment facilities and more waste could be found on site. After previous surveys, 39 barrels of toxic waste were found on the site that New Jersey taxpayers had to pay to remove. Project reviews needs to identify any of these potential areas and address the safe removal of that waste.

Water Usage

Water usage impacts need to be included in the DSEIS as Bergen County already has a water shortage. Given the number of visitors and employees to site and the facilities such as the ski area and water park, a water use analysis must be completed as part of the environmental review. There is no evaluation of exactly how much potable water will be used on site. Our best estimate is that the site will use at least 3.5 billion gallons of water per year, but it could be more. This would have the same impacts on our water supply as a city of 85,000 people. An analysis is critical to fully understanding the impacts to our water supply.



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More water conservation measures need to be implemented on the project site, such as green and blue roofs and grey water recycling for non-potable uses. Implementing water conservation techniques is the only way to mitigate the water usage on site, especially in Bergen County which does not have enough water to meet peak demand during low flow conditions.

Wastewater Capacity

The DSEIS must look at wastewater management as this project will require a significant amount of wastewater availability to run properly in an area that already experiences combined sewer overflows. The facility will discharge the amount of wastewater of a small city. There should be a wastewater treatment facility on site as the Bergen Utility Authority is already over capacity and discharges when it rains. During Hurricane Irene this summer, the BUA discharged about 50,000 gallons of polluted water and partially treated sewage.

Energy Use

A tremendous amount of energy will be used on site to run the amusement park, water park, ski slope, and shopping center. There has been no plan to implement a LEED design or energy efficiency initiatives in the mall. This project will be the largest greenhouse gas emitter and biggest water and air polluter in the state. In the original approval the mall did not implement any green building standards, did not recycle water, or use renewable energy. Renewable energy technologies should be used at this facility to generate electricity and for heating and cooling requirements of the facility. Those impacts and lack of mitigation measures must be examined in the environmental review.

The project needs to be retrofitted to meet a LEED gold design standard for the entire site. The project is being proposed in one of the only areas in New Jersey that has problems with energy reliability. The amount of energy this facility will use is probably as much as a city of 100,000 people but there is no energy analysis in the DSEIS.

Traffic

The Sierra Club also has significant concerns with the impacts the American Dream project will have on traffic in the region. The applicant projects the complex will generate more than 200,000-220,000 cars a day, gridlocking an area of the state already overburdened with traffic. That is the equivalent of 12 lanes of traffic moving at capacity for 10 hours. The applicant has yet to produce a plan for how our infrastructure system will handle that significantly increased stress.

We believe the projections in the traffic component are extremely flawed. For example the analysis states that the amusement park will not impact rush hour traffic since it does not open until ten am. However people will be coming to get breakfast or go shopping beforehand, adding traffic to the morning rush hour. Their analysis finds that a 25% expansion will have minimal impact on traffic. We believe this is flawed and we need an outside expert to do an independent evaluation. On an average day, traffic coming to the American Dream would be triple the amount if all three existing facilities in the Meadowlands- the racetrack, MetLife Stadium, and



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Izod Center- held an event at the same time. The roadways currently cannot handle the traffic created when those facilities have simultaneous events and this project would create those conditions every day. What happens to the traffic in the region if on a Saturday shoppers are coming to the American Dream, the circus is at the Izod Center and there is a Saturday football game for high school or college students at the Meadowlands?

This additional traffic will significantly add to air pollution in the area. This project could put New Jersey in violation of our State Implementation Plan under the Clean Air Act since we are moving forward with a large trip generating project without any trip reduction programs in place or any significant program to develop mass transit. There needs to be development of bus and light rail to service the site. The site should also be connected to the Bergen Main Line, allowing trains to run through the site and back to New York City.

Right now the developer is expecting New Jersey Transit (NJT) to increase service to the Meadowlands complex but there has been no firm commitment from NJT as their funding has been significantly reduced and fare hikes in recent years have been over 20 percent. Before permits are issued for this project, there must be a real, finalized plan in place to address the substantial increase in traffic in the region as a direct result of this project.

Economic Impacts

The economic impacts the American Dream will have on surrounding businesses should also be included in the environmental impact statement. This project will negatively impact the economies of surrounding communities by taking away business from their shopping centers. This new shopping complex will draw business away from existing shopping centers. We will be subsidizing one developer, while hurting existing centers in Paramus, Jersey City, and Elizabeth.

The Sierra Club believes that because of this expansion request, the Meadowland's Commission needs to hold a new 5X hearing and prepare a new environmental review and environmental impact statement of the **entire site**, not just the expansion. EPA should also do a review based on their pollution concerns.

This project is dependent on taxpayer subsidies. Because of this the impacts to our environment from this project but be minimized to the maximum extent **possible**, not to the most the developer is comfortable paying for or that allows environmental impacts to serve the developers needs when there are better alternatives on site. Since the project is being financed with public money, proper environmental mitigation will not add significantly to the cost to the developer, but it will alleviate the multiple negative environmental impacts caused by the project.

This will cause more traffic, more air pollution, more water pollution, and more flooding in an area that has too much of that already. The previous plans and approvals on this site were not holistic as they ignored secondary and cumulative impacts to the site and environment. The DSEIS for this project must look at the cumulative impacts of the 12.5 acre fill on the project site and look at all possible alternatives.



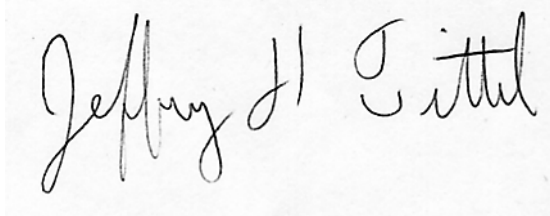
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Thank you for considering these comments.

Sincerely,



Jeff Tittel

Director, New Jersey Chapter of the Sierra Club

Mauro D. Raguseo

Mayor

Michael Capabianco

Borough Administrator

Barbara Maldonado

Borough Clerk



George Muller, *Council President*

Ronald Anzalone, *Councilman*

Roberta Henriquez, *Councilwoman*

Thomas Sarlo, *Councilman*

Sue Schuck, *Councilwoman*

Peggy Steinhilber, *Councilwoman*

Borough of Little Ferry

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December 19, 2011

New Jersey Meadowlands Commission

Attn: Ms. Marcia Karrow, Executive Director

One DeKorte Park Plaza

Lyndhurst, NJ 07071

New Jersey Meadowlands Commission

Attn: Mr. Scott Brubaker

Director, Office of Permit Coordination & Environmental Review

One DeKorte Park Plaza

Lyndhurst, NJ 07071

Re: Public Comment

Dear Ms. Karrow and Mr. Brubaker:

As a member community of the New Jersey Meadowlands Commission, the Borough of Little Ferry would like to provide the following comments in regards to the Draft Supplemental Environmental Impact Statement (DSEIS) for the proposed American Dream Meadowlands Project (the Project).

As we understand, Triple Five intends to complete the main building (referred to by Triple Five as the ERC) with minor modifications and build a new entertainment component consisting of an integrated, indoor Amusement Park and Water Park facility immediately adjacent to and connecting to the ERC. We understand that Triple Five contends the Amusement Park and Water Park facility is necessary to accomplish the State's and the new developer's objectives of creating an economically viable world class tourist destinations. The Borough also understands that the Amusement Park and Water Park facility is subject of the DSEIS.

The Borough offers the following comments:

Environmental comments:

On page ES-8 of the Executive Summary, there are statements that "approximately 5.24 acres of tidal and non-tidal emergent wetlands would be filled on the Radio Tower site,....an additional 0.23 acres of tidal emergent wetlands would be filled to complete drainage improvements within the adjacent Turnpike right-of-way." "Approximately 13 acres of lands on the Radio Tower Site currently within the 100-year tidal floodplain of the Hackensack River will be filled." "A stormwater management system will be designed, permitted, constructed and maintained on the Project site it minimize (emphasis added) any potential flooding..."

The Borough is greatly concerned with these statements. Minimizing potential flooding creates an increase in flooding elsewhere. In this situation, this will negatively impact the residents of municipalities in which storm water drains towards the meadows, in which Little Ferry is one.

The Borough strongly recommends that all water that is proposed to be displaced be "replaced" elsewhere on site. We have great concerns to simply minimize potential flooding in surrounding residential areas and communities for a world class tourist destination.

The Borough suggests that Triple Five begin the process of cleaning various "ditches" that lead to the meadows in the surrounding municipalities in an all-encompassing effort to further minimize potential flooding. Additionally, the installation of a pump station near the industrial areas of the Hackensack River, specifically Industrial Avenue, would be beneficial for storm mitigation and economic development.

Section 4.0 – Environmental Conditions, Impacts and Mitigation (page 4-29) states that the peak water surface of the existing culvert is determined by the Hackensack River and not runoff from the Radio Tower Site. This concerns the Borough as our existing stormwater system disposes water into the River. The Borough approves of the dredging of the 96-inch culvert but is equally dismayed that there appears to be no mention of dredging of the 108-inch culvert. More troubling is that the statements that overall impacts on the existing watershed will be minimal while increasing the drainage area to the smaller 96-inch culvert by 3 acres. It flies in the face of common sense to route 3 acres of water to the smaller 96-inch culvert and away from the 108-inch culvert; especially since the Hackensack River is the feeder. Lastly, the effects on tidal surges should be discussed. As Little Ferry faced a tidal surge during Hurricane Irene, the effects of similar storms should be discussed. Especially since Irene was not a 100 year storm. Lastly, there is no discussion of maintaining the culverts once they are cleaned. This should be a responsibility of Triple Five. A tidal study and not just a fluvial study should be conducted.

While we understand that there will be minimal sewage generated from this project, there is no discussion on handling sanitary sewer overflows.

Energy comments:

On page ES-9 of the Executive Summary there is discussion on limiting the adverse environmental impacts from the operations of the Project to energy resources in the region. The statements continue in limited detail concerning energy-efficient fixtures, etc.

Power is an invaluable commodity that has shown to be delivered in an unstable manner during storms in this region of New Jersey. The Borough requests that Triple Five provide estimated energy consumption data and its effect on the region. The Borough recommends that Triple Five provide funding to the Commission municipalities for similar energy efficiency projects. By saving tax dollars through energy efficiency, Little Ferry (and the other impacted municipalities) might be able to allocate resources to combat the traffic that this project will bring. Traffic will be addressed elsewhere in these comments.

Traffic comments:

To begin, C-8 of Appendix C of the Final Traffic Impact Assessment is of major concern. *"The Bergen County Blue Laws, which bans most retail sales on Sundays, will prohibit a portion of ERC component from operating on a Sunday and will further reduce the trip generation of the ERC on Sundays."*

It is important to note that "further reducing trip generation of the ERC on Sundays" is plainly double-talk. This clearly states that traffic will be increased on Sunday due to a portion of the ERC being open.

The Borough feels that the Final Traffic Impact Assessment is negligent on its discussion of local roads. As Triple Five is marketing the American Dream as a tourist attraction, the impact on Teterboro Impact needs to be discussed. It can safely be assumed that the American Dream will market the Airport as a mechanism for shoppers to arrive. There is a direct roadway that can serve as a main artery to travel from the Airport to the ERC is through Little Ferry, Moonachie and Carlstadt (Liberty Street in Little Ferry which turns into Moonachie Ave in Moonachie). The Borough requests that travel to and from the Parks coordinated by Triple Five utilize Moonachie Road which is located at the "rear" of the airport.

Section 5.1 of the Final Traffic Impact Assessment is entitled LOCAL & REGIONAL ROADWAY/TRANSIT IMPROVEMENTS. Every item in this section details State roads. There is simply no discussion on how secondary and tertiary roads will be impacted. This is an incredibly large oversight that needs to be corrected.

It is illogical to believe that State roads will be entirely utilized for ERC and Park visitors. Drivers west of Little Ferry will not "hop onto a State Highway" instead of cutting through the Borough (and Moonachie & Carlstadt). This will destroy the local infrastructure as our roadways become parking lots and could impact emergency services.

The Final Traffic Impact Assessment includes Mall of America data. This is disingenuous and the Borough feels that this is useless filler information that should be removed. Bergen County and the surrounding area's population is greater than the existing location of the Mall of America and is not comparable for any study. Even more so when counting "tourists" via NYC and the various airports that can bring more individuals. This is especially true as the Mall of American brings upwards of 40 million annual visitors and the goal of the American Dream is 55 million. Lastly, from various internet searches, it appears that the amusement park facility at the Mall of America is 8 acres; the American Dream calls for upwards of 15 acres of amusement parks.

The Borough thanks everyone involved in this project for listening to our concerns.

Sincerely,

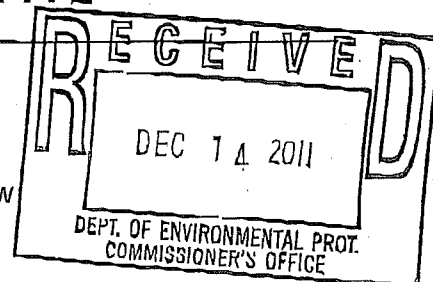
A handwritten signature in black ink, appearing to read "Michael Capabianco". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Michael Capabianco
Little Ferry Borough Administrator.



December 15, 2011

Mr. Scott Brubaker
Director, Office of Permit Coordination & Environmental Review
New Jersey Department of Environmental Protection
401 East State Street
P.O. Box 402
Trenton, New Jersey 08625



**Re: Draft Supplemental Environmental Impact Statement (DSEIS)
American Dream Meadowlands by Triple Five LLC
Amusement Park and Water Park Redevelopment Project at the Arena Site
Comments**

Dear Mr. Brubaker:

Evergreen Environmental, LLC is pleased to present comments on the above-mentioned DSEIS. Evergreen supports the American Dream Meadowlands (ADM) project and offers comments on environmental mitigation. Our comments pertain to environmental mitigation especially as it relates to wetland impacts and mitigation as is addressed in the DSEIS in Section 4.3.3, Mitigation, on pages 4-22 and 4-23. Additionally our comments pertain to mitigation as described at the Public Hearing of November 15, 2011 where further details and specifics related to wetland mitigation were presented.

Wetland mitigation alternatives at five (5) locations were outlined to compensate for 5.47 acres of wetland impact in a power point presentation at the public hearing as follows:

- 1) Three (3) acre-credits from the Secaucus High School Mitigation Site.
- 2) Mitigation credits from the Evergreen MRI3 Mitigation Bank expected to be approved in January or February 2012.
- 3) Use of the Kane 40-acre parcel (we assume this refers to the Lower Kane Tract of 43 acres).
- 4) Buy land, specific parcels not identified. We assume this refers to preservation.
- 5) Payment of an in lieu fee to the State Freshwater Wetlands Mitigation Council.

Our comments relative to each mitigation alternative are as follows:

- 1) Three (3) acre/credits from the Secaucus High School Mitigation Site.**

The Secaucus High School Enhancement Site (SHS) is described on the New Jersey Meadowlands Commission (NJMC) web site as follows:

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This 43-acre site was acquired from the Town of Secaucus under a 99-year lease agreement. The Secaucus High School Wetlands Enhancement Site is located between Mill Creek Point Park and Secaucus High School. The NJMC began enhancement activities at the site on March 12, 2007, including increasing tidal flow to allow for greater biodiversity of fish, mammal, and bird species, notably the state-endangered yellow-crowned night heron which nests in the nearby Schmidt's Woods. The NJMC is also constructing a 1,500-foot elevated wooden boardwalk that will allow visitors to walk along the marsh and students from Secaucus High School to view the growth of a restored urban wetland. The boardwalk will feature several observation benches and award-winning wildlife signage on the rails. Enhancement activities were complete at the end of 2007.

Evergreen has observed the SHS wetland enhancement site and by all accounts it is a highly successful marsh restoration project. As we understand it, 3-4 acres of the site are undedicated and available to be used as compensatory mitigation for an impact. At a typical 3:1 ratio for enhancement, this would mitigate for 1-1.3 acres of permitted fill

The ADM presenter specifically cited an outdated mitigation banking terminology used in the Meadowlands back in the 1990's when mitigation was referred to in units of "acre-credits". The acre-credit system is no longer employed and was used at only one mitigation bank in the Meadowlands, the MRI 1&2 Meadowlands Mitigation Bank which is 206-acres in size and was commensurately awarded 206 acre-credits. As per the MRI 1&2 Mitigation Banking Instrument (MBI) (1999), a permitted applicant was required to buy, on average, three (3) acre-credits for every one acre of permitted impact (essentially a 3:1 ratio as is often the mitigation ratio awarded wetland enhancement). Therefore, assuming that SHS is determined to be an approved mitigation site and has acre-credits designated for sale then the 3-4 acre-credits will compensate for 1-1.3 acre of impact.

2) Mitigation credits from the Evergreen MRI3 Mitigation Bank (the "Bank") expected to be approved in January or February 2012.

The Evergreen MRI3 Mitigation Bank has filed all permits and MBI documents in early November 2011 and expects permits and approvals to allow construction in early 2012 and planting by the spring of 2012. At the time the Bank receives permits and approvals, it will be granted a 10 percent release of the total 21.38 credits or 2.14 credits, where one credit mitigates for one acre of impact. When grading is complete, the Bank will be granted an additional 20 percent credit release, or an additional 4.28 credits, and when planting is complete, the Bank will receive an additional 10 percent release, or an additional 2.14 credits. These credits will be released and available for purchase in advance of or concurrent with the rate of impacts to regulated features and represent more than the total of mitigation required by ADM.

Because of the presence of historical manmade fill throughout the Evergreen MRI3 site, its construction will result in the net gain of more than 11 acres of wetlands in the Meadowlands. Use of credits from this bank will not only result in the replacement of lost functions and values, but also in the replacement of actual lost acres of wetlands.

Note that use of mitigation bank credits is the preferred form of mitigation under the Federal Rules. Implementation of the Clean Water Act of 1972 and the associated Rules have been assumed by the State of New Jersey.

It is important to note that Evergreen MRI3 is a mitigation bank using the credit system used nationally and statewide, currently; the system that has replaced the old "acre-

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credit" system. The 51-acre bank has been categorized into mitigation types of various mitigation values resulting in a total of 21.38 credits; therefore the 51-acre bank can mitigate for 21.38 acres of permitted impact. As a result, on average it takes 2.43 acres of mitigated wetlands at MRI3 to compensate for 1 acre of wetland impact elsewhere. Applicants purchase one credit for each acre of permitted impact.

The entire proposed impact of 5.47 acres would require the purchase of 5.47 credits from MRI3. Even if 3 acre-credits from SHS were used, the SHS mitigation accounts for mitigation to compensate for only 1 acre of impact leaving 4.47 acres of impact unmitigated; therefore 4.47 credits would be required from MRI3

Evergreen has reserved 5.50 credits from Evergreen MRI3 Mitigation Bank for ADM's exclusive use while ADM and Evergreen are discussing a more formal arrangement.

3) Use of the Kane 40-acre parcel (we assume this refers to the Lower Kane Tract of 43 acres).

This parcel is owned by the land steward Meadowlands Conservation Trust (MCT) as a result of the Mills Mall to Xanadu, Empire Tract project relocation and land transfer (2004). The land is subject to a Deed and Conservation Restriction (DCR) dated March 16, 2005. The DCR clearly limits the use of the land to mitigation of transportation projects only on page 3, section 2. b., Wetland Mitigation Restrictions, as excerpted:

2. **Reservation of Rights.** Notwithstanding the prohibitions referenced in paragraph 1 above, it is expressly understood that the conveyance made by this deed is subject to the following reservations relating to the Property.

a. The Mills shall maintain the right to utilize the Empire Tract for mitigation required in connection with the development approvals and USACE Permits issued for the Meadowlands Xanadu Project ("Project"), in accordance with the requirements of such development approvals and USACE Permits (attached hereto and made part hereof);

b. Subordinate to the rights of Mills and at the sole election of the New Jersey Sports and Exposition Authority ("NJSEA"), the right shall be reserved for the NJSEA's and other governmental bodies designated by the NJSEA, to utilize the Empire Tract for mitigation required in connection with the development approvals and USACE Permits issued for transportation projects in the Meadowlands District and Meadowlands Region. Nothing in this instrument shall preclude the MCT from undertaking wetland restoration or enhancement activities in furtherance of its mission (but not in fulfillment of third party wetland mitigation requirements) provided that such activities do not divest the NJSEA or other governmental body with jurisdiction over the transportation projects from utilizing the Empire Tract for mitigation as set forth herein.

Additionally, MCT has entered in to an agreement with the neighboring Evergreen MRI3 Mitigation Bank and the agreement precludes the use of the Lower Kane tract for mitigation except as preservation as follows:

8. **Future Use of the Lower Kane Tract.** For five (5) years from the date the first mitigation credit is released, MCT agrees that the Lower Kane Tract shall not be used as a mitigation site for a permittee or a mitigation bank. Nothing in this Agreement shall prohibit MCT from using the Lower Kane Tract for preservation to satisfy the mitigation needs of a third party.

Lastly, the MCT parcel is a *Phragmites*-dominated wetland owned by an environmental land steward and protected under a conservation restriction. The dedication of this land as preservation mitigation affords little compensatory mitigation value as it is already preserved. In general, a 27:1 ratio is employed for preservation mitigation where 27

acres preserved mitigate for 1 acre of impact. However, the 2008 federal rules generally require a rationale to support preservation such as if the land were subject to development threat and therefore preservation would preserve a valuable wetland in imminent danger of being lost. This is not the case as the land is already preserved, legally protected from development and owned by an environmental land trust.

4) Buy land, specific parcels not identified.

Both Federal and State rules establish a hierarchy of mitigation alternatives with mitigation banks as the preferred alternative, followed by on site mitigation or off site mitigation in the watershed, followed by land preservation, followed by in lieu fee payment. Use of bank credits as well as on and off site mitigation takes the form of wetland creation, restoration or enhancement. Wetland preservation, or land donation, is an inferior choice and is further limited as described above. Wetland preservation does not replace lost wetlands. Wetland creation, restoration and enhancement increase wetland acreage as well as functions, values and services thereby replacing wetlands lost as a result of a permitted impact.

Evergreen supports wetland preservation as compensatory mitigation only if no other alternatives are available. We oppose the preservation of lands as wetland mitigation in this case as other mitigation alternatives that result in a net gain of wetlands are available.

5) Payment of an in lieu fee to the Freshwater Wetlands Mitigation Council.

The federal rules clearly establish requirements for in lieu fee programs. In lieu fee programs must collect money for permitted impacts and then implement mitigation to the same standard as mitigation banks and thereby replace lost wetlands in the same watershed. The Freshwater Wetlands Mitigation Council in lieu fee program was established before the issuance of the 2008 Federal Rules, under the Freshwater Wetlands Protection Act (FWWA), and does not meet the Federal Rules in lieu fee program requirements. The Council only operates where the state has assumed jurisdictional authority over freshwater wetlands in the state. The Meadowlands is not part of this assumed area and the Meadowlands are under Corps jurisdiction. The Council is authorized under the FWWA and currently uses in lieu fee payments from freshwater wetland permitted projects. The ADM impact is mostly tidal. The Council has had limited success implementing wetland mitigation for lost wetlands. Currently the Council has amassed more than \$9M in monies that are not being used for mitigation. This means that impacted wetlands from years ago have gone unmitigated as the Council unsuccessfully attempts to find non-profit entities with land to build wetland mitigation sites. When the Council does find a qualified mitigator and grants them a portion of their in lieu fee monies, the mitigation can be done anywhere in the state. This means that in lieu fee money from lost wetlands in the Meadowlands is not guaranteed to result in mitigation in the Meadowlands, it could occur anywhere in the state. This violates NJMC policy on mitigation.

The state in lieu fee program is not an approved program for use in the Meadowlands for tidal impacts in accordance with the 2008 Federal Rules. In lieu fee payment should be the last alternative when and only if all other mitigation alternatives are unfeasible and it should result in mitigation in the Meadowlands.

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Conclusion:

The American Dream Meadowlands proposal will result in the filling of wetlands. The need for compensatory mitigation has been recognized by Triple 5 and is warranted. We do not believe that in lieu fee payments or land preservation serve mitigation requirements of this impact and believe viable mitigation options of tangible wetland creation, restoration and enhancement are available.

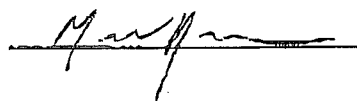
We support the use of Secaucus High School Mitigation Site acreage as part of the mitigation plan as it will supply immediate, in the ground, successful mitigation prepared in advance of impact. However, we request that this mitigation acreage be evaluated in a manner equitable to other mitigation sites and banks in the region in terms of the number of mitigation acres required to offset an acre of impact; namely mitigation ratios and resultant mitigation credits. It would appear that 3-4 acres of enhanced wetlands at SHS would compensate for 1-1.3 acre of ADM impact at the typically required ratio of 3:1.

Evergreen requests that the mitigation alternatives analysis take into consideration our comments presented above and consider the use of mitigation bank credits from the Evergreen MRI3 Mitigation Bank as part of the mitigation plan for the American Dream Meadowlands project. The MRI3 mitigation bank state and federal permits were filed November 7, 2011. We hope that the review and approval of the permits to restore wetlands could be processed as soon as or sooner than the permits to fill wetlands. In this way the Evergreen MRI3 Mitigation Bank would have 2.14 credits released in January 2012, followed by another 4.28 credits in April when bank construction is complete, and 2.14 credits in May upon completion of planting, for a total of 8.56 credits. The MRI3 mitigation bank, like its predecessors MRI 1&2, has been planned for many years to serve the needs of important permitted projects in a region where wetland impacts are difficult to avoid and wetland mitigation is extremely limited and difficult. We appreciate your consideration of these comments as our mitigation bank may be a key component to the solution of mitigation for the American Dream Meadowlands project.

Evergreen is prepared to contractually commit to deliver as many credits for the American Dream Meadowlands project as are required.

Should you have any questions, please feel free to contact me at 973/305-0643 or mrenna@evergreenenv.com.

Sincerely,
EVERGREEN ENVIRONMENTAL, LLC



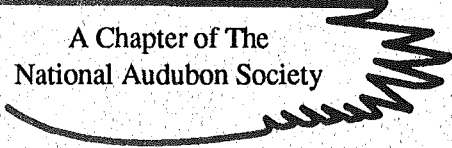
Mark Renna
Vice President

121 Carol Place • Wayne, NJ 07470

Bergen County Audubon Society

P.O. Box 235, Paramus, NJ 07653-0235

A Chapter of The
National Audubon Society



December 8, 2011

Ms. Marcia Karrow, Executive Director
NJ Meadowlands Commission
One DeKorte Park Plaza
Lyndhurst, NJ 07071

Dear Ms. Karrow:

On behalf of Bergen County Audubon Society, I would like to express our concerns surrounding the proposed "American Dream" project by Triple Five LLC, which is planned for the former Xanadu Mall site in The Meadowlands. Our Board of Directors shares deep concerns for a project of this scale. Our concerns range from:

- ☐ Increased motor vehicle traffic on local roads and highways, clogging the whole area
- ☐ Increased power and water usage
- ☐ Added water pollution due to uncontrolled run-off into the river
- ☐ Added air pollution from car and truck exhaust
- ☐ Economic damage to local businesses, downtown shops, and to existing shopping malls
- ☐ Local flooding due to loss of wetlands (the footprint of this project is already much too large)
- ☐ The potential damage to local wildlife due to an additional loss of 5+ acres of wetlands

We, at Bergen County Audubon Society, recognize the need for jobs in our state. However, we also believe that down-sized alternatives should be considered carefully by Triple Five LLC and by the New Jersey Meadowlands Commission. The environmental impact of this project is outlandish compared to its purported benefits. To the extent possible, the project needs a smaller footprint, better mass transit links, and robust methods to funnel all surface water from the project site through a water treatment facility to eliminate any street-side pollution running back into local streams and the river.

BCAS represents about 1600 families living within the region who are concerned about the conservation of nature and about building a healthy environment for people to live and work here.

If the project is ultimately approved, the NJMC must be prepared to monitor all short and long term effects of the project on the environment and to assure that Triple Five LLC properly compensates the people of New Jersey for the loss of habitat by improving other wetlands within the Meadowlands District.

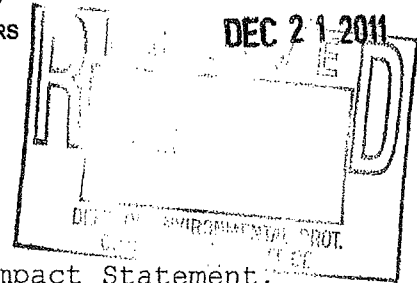
We appreciate this opportunity to express our concerns.

Sincerely,

Beth Goldberg
Beth Goldberg, President



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

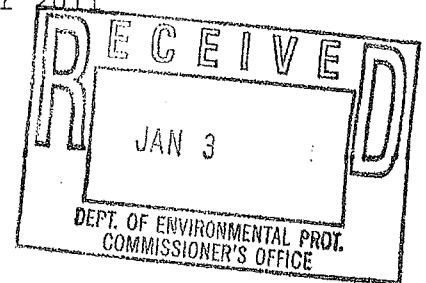


REPLY TO
ATTENTION OF:

Regulatory Branch

SUBJECT: Draft Supplemental Environmental Impact Statement,
Amusement Park and Water Park, American Dream
Meadowlands, Redevelopment Project at the Arena Site,
East Rutherford, New Jersey, dated October 2011

New Jersey Department of Environmental Protection
C/o Mr. Scott Brubaker
Director, Office of Permit Coordination
and Environmental Review
401 East State Street
P.O. Box 402
Trenton, New Jersey 08625



Dear Mr. Brubaker:

The New York District of the U.S. Army Corps of Engineers is providing the following comments on the above referenced document:

Page 1-10, lines 13-14: It is unclear how the Gross Buildable Area (GBA) will increase five-fold, from 0.96 million to 5.6 million square feet.

Page 3-1, lines 17-18: The statement, "An alternative may be deemed impracticable if it is not available to the applicant", does not correctly state the regulation. Title 40 Code of Federal Regulations, Part 230.10 (a)(2) states:

"An alternative is practicable if it is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes. If it is otherwise a practicable alternative, an area not presently owned by the applicant which could reasonably be obtained, utilized, expanded or managed in order to fulfill the basic purpose of the proposed activity may be considered."

Page 4-60, lines 6-7: As stated in the Corps public notice dated October 14, 2011, the New York District has made the preliminary determination that the site-specific adverse effects are not likely to be substantial because it is expected that fish populations would avoid the small area of disturbance. Further consultation with NOAA/FS regarding EFH impacts and conservation recommendations are being conducted and will be concluded prior to the final Department of the Army permit decision.

SUBJECT: Draft Supplemental Environmental Impact Statement,
Amusement Park and Water Park, American Dream Meadowlands,
Redevelopment Project at the Arena Site, East Rutherford, New
Jersey, dated October 2011

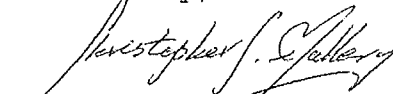
Page 4-106, line 15: "APE" has not been defined, nor does it
appear in the page 7-1 List of Acronyms.

Page 4-112, lines 7-8: Has the New Jersey State Historic
Preservation Office made a determination on the subject project
site.

Page 5-5, line 23: Discharges to surface waters are addressed in
Section 402 of the Clean Water Act (Title 33 of the United States
Code, Section 1342), and not Section 404 (Title 33 of the United
States Code, Section 1344).

If you have any questions, please contact the undersigned at
(917)790-8412.

Sincerely,



Christopher S. Mallery, Ph.D.
Chief, Western Permits Section

SULLIVAN & CROMWELL LLP

TELEPHONE: 1-212-558-4000
FACSIMILE: 1-212-558-3588
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*125 Broad Street
New York, NY 10004-2498*

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MELBOURNE • SYDNEY

January 18, 2012

VIA HAND DELIVERY AND FACSIMILE

Marcia A. Karrow,
Executive Director,
New Jersey Meadowlands Commission,
One DeKorte Park Plaza,
Lyndhurst, NJ 07071.

Scott Brubaker,
Director, Office of Permit Coordination & Environmental Review,
New Jersey Department of Environmental Protection,
401 East State Street,
P.O. Box 402,
Trenton, NJ 08625.

Re: Comments of New Meadowlands Stadium Company, LLC,
New York Jets LLC, and New York Football Giants, Inc. on
the Draft Supplemental Environmental Impact Statement for
the Proposed American Dream Meadowlands Project

Dear Ms. Karrow and Mr. Brubaker:

On behalf of the New Meadowlands Stadium Company, LLC and its principal tenants, the New York Jets LLC ("Jets") and New York Football Giants, Inc. ("Giants") (collectively "the Stadium Entities"), we write to identify certain material deficiencies in the Draft Supplemental Environmental Impact Statement ("DSEIS") for the new American Dream Meadowlands project ("American Dream," formerly the "Xanadu" development) proposed by Triple Five Development ("Triple Five").

Specifically, the DSEIS does not address the increased traffic congestion and parking demand that will occur during National Football League ("NFL") game days

(“Game Days”) if the expanded American Dream project, with its newly proposed Amusement and Water Park, is constructed and operates as currently planned. Because the DSEIS does not address the impact of the expanded American Dream project on traffic and parking on Game Days or during other major stadium events, the Stadium Entities are now in the process of retaining one or more experts to address this important issue.

In addition, the Stadium Entities believe that implementation of the current plans for the expanded American Dream project, including the Amusement and Water Park, would breach their contractual rights, including, among others, their contractual guarantee that: “Any amendments, modifications, and/or waivers with respect to the Xanadu Project that would have an adverse effect on the development, use or operation of the Stadium Project Development Rights ... shall require the prior written consent of the [Stadium Entities].” There can be little doubt that this expanded American Dream project—at least as currently constituted—will have an adverse effect on the Stadium Entities. To date, no party has sought the Stadium Entities’ consent for this expanded project.

To avoid a dispute, the Stadium Entities and Triple Five are currently meeting to attempt to diagnose the underlying issues and to determine if realistic solutions are available to resolve the Stadium Entities’ concerns about the expanded American Dream project.

Accordingly, we respectfully urge that the Panel postpone a decision on the DSEIS for at least 60 days. Such a delay will benefit all concerned, including the State of New Jersey, by allowing the completion of a needed study on the impact of the expanded American Dream project on traffic and parking, particularly on Game Days, as well as giving the parties time to continue their ongoing discussions over ways to diagnose and address the Stadium Entities’ concerns.

The Stadium Entities’ Longstanding Commitment to the Meadowlands

Beginning in 1971, the Giants, later joined by the Jets, provided the commitment and impetus to build and improve the Meadowlands Sports Complex. The Stadium Entities recently renewed their commitment to the Meadowlands by investing approximately \$1.6 billion (without any public financing or assistance, and at great personal risk to the owners) into the construction of MetLife Stadium, which opened in April 2010. This new, enlarged stadium and its related facilities are successfully attracting more NFL fans, concerts, and college teams, among others, all injecting jobs and income to the State of New Jersey. We are proud that for over four decades, and now increasingly with our new facilities, the Stadium Entities have contributed to the commercial success, economic growth, and national reputation of this region.

The continued success of the Meadowlands remains the Stadium Entities' major focus, and that interest now includes our prospective new neighbors at American Dream. For the good of the Meadowlands and the State of New Jersey, the Stadium Entities support the State's efforts to create jobs by rescuing this troubled project. At the same time, the Stadium Entities must take steps to ensure that any new development in the Meadowlands does not adversely affect the Stadium Entities' project development rights, including the use, operation, leasing and management of MetLife Stadium.

Traffic Congestion and Parking Issues on Game Days

NFL Game Days can attract crowds of more than 80,000. Except for additional non-NFL events at the stadium, such as concerts, there are no other days during the year when there is more traffic congestion and demand for parking at the Meadowlands. The Stadium Entities have long been concerned about traffic congestion and parking shortfalls on Game Days, and the resulting environmental impact and personal toll on NFL fans.

The ability of Jets and Giants fans to access and park conveniently at, and exit, MetLife Stadium is of critical importance to their overall customer experience at NFL games. The current American Dream proposal undoubtedly will adversely affect traffic patterns and parking at MetLife Stadium. If these effects are not carefully and properly considered during the planning phase for this project, the Stadium Entities will suffer serious commercial harm, potentially impacting their ability to repay the substantial debt incurred to privately finance the new stadium.

The Jets and Giants each play 10 pre-season and regular season home games each year, for a total of 20 games between the two teams. In some years, there may be a few additional playoff games. Most NFL games are played on Sundays, but some are played on Monday nights, Thursday nights, and even on Saturdays late in the NFL season. On those 20+ Game Days, the Stadium Entities enjoy 100% of their annual attendance revenues, and there are no alternative days when Jets or Giants fans can attend NFL games at the stadium. During these Game Days, the Stadium Entities must fulfill their commitments to the NFL fans whose loyalty and attendance—and continued support—are essential for the Stadium Entities to continue to play the integral role that they have long had in ensuring the sustained growth and success of the Meadowlands Sports Complex. By contrast, retail and entertainment establishments like American Dream can remain open virtually year-round, with numerous alternative days when consumers can enjoy their facilities.

The Stadium Entities' concerns about access, traffic and parking in the Meadowlands were the subject of extensive study and negotiation during the planning phase of the initial Xanadu development. The public record confirms that the prior

development approvals concerning MetLife Stadium and the former Xanadu development were premised on the assumption that local traffic impacts would be mitigated by a coordinated traffic and parking plan between the two project sites, particularly on Game Days.

The new American Dream proposal, with the Amusement and Water Park, inevitably will make matters much worse on Game Days than the smaller Xanadu project. Triple Five projects up to 55 million visitors to American Dream annually, which averages to approximately 150,000 each day.¹ But the Traffic Impact Assessment, attached as Appendix F to the DSEIS, provides no calculation for the number of additional trips expected on Sundays, which include most Game Days. This study projects that the new Amusement and Water Park will increase traffic by approximately 2,700 trips on Saturdays. If the new American Dream project results in a similar increase—or even any increase—in traffic on Game Days, that increase will represent traffic and parking demands that are not accounted for in any current plan.

The Stadium Entities are concerned that Triple Five has not provided a detailed traffic and parking plan that addresses the increased demand for on-site parking spaces, or the inconsistent and conflicting traffic movements, on Game Days generated by NFL fans and patrons of the American Dream project, including the new Amusement and Water Park. Indeed, Section 1.1.2.2 of the DSEIS acknowledges that “[t]here are no new parking surface lots or parking structures proposed as part of the Amusement Park and Water Park facility” and speculates that the additional parking demand will be “substantially decreased” by the development of new rail and bus service. Triple Five’s failure to provide such a plan is a serious deficiency in the DSEIS, because traffic and parking issues in the Meadowlands are most acute on Game Days.²

Because of the absence of a thorough study in the DSEIS on the impact of the proposed American Dream project on Game Days, the Stadium Entities have requested parking and traffic studies directly from Triple Five. But Triple Five thus far has not produced sufficient data to the Stadium Entities concerning the potential effects of its new proposed development, particularly on Game Days. As a result, the Stadium Entities are engaging traffic experts to study these issues more fully. This effort is ongoing, and we hope to obtain such a study within 60 days.

¹ See <http://www.americandream.com/retail>.

² These potential traffic issues at American Dream recently have become the focus of attention in the press. See Janna Chernetz, Op-Ed., *American Dream a Road Nightmare*, STAR-LEDGER, Jan. 12, 2012, at 17.

The Stadium Entities' Contract Rights

The Stadium Entities are parties to a Cooperation Agreement ("Cooperation Agreement"), effective August 16, 2007, with the New Jersey Sports and Exposition Authority ("NJSEA") and Triple Five (which succeeded to the obligations of the prior Xanadu developers that executed the Cooperation Agreement). The Cooperation Agreement grants certain rights and guarantees to the Stadium Entities intended to ensure that any development in the Meadowlands will not adversely affect the Stadium Entities' use and operation of MetLife Stadium, and its ancillary uses. The Cooperation Agreement addressed the traffic and parking issues generated by the smaller Xanadu development that are now wholly unaddressed in the DSEIS as to the newly proposed Amusement and Water Park.

Foremost among the Stadium Entities' contract rights is that: "Any amendments, modifications, and/or waivers with respect to the Xanadu Project that would have an adverse effect on the development, use or operation of the Stadium Project Development Rights ... shall require the prior written consent of the [Stadium Entities]." The "Stadium Project Development Rights" expressly include the "use and operation of the new stadium [*i.e.*, MetLife Stadium] and parking and sponsorship areas outside of the new stadium...." Although the proposed Amusement and Water Park clearly would create an adverse effect on the Stadium Entities' Stadium Project Development Rights as defined in the Cooperation Agreement, neither Triple Five nor the NJSEA has obtained—or even sought—the Stadium Entities' consent to this new development.

The resolution of the Stadium Entities' concerns could alter the current plans for construction and operation of the American Dream project.³ We have invited Triple Five and the NJSEA to continue a dialogue concerning these important contractual issues.

³ As a quasi-legislative, rather than quasi-judicial, proceeding, this review process obviously is not the proper forum in which to address the Stadium Entities' contract rights, *see In re Sports Complex Hackensack Meadowlands*, 62 N.J. 248, 252 (1973), and, in any event, this Panel lacks the authority to decide those issues, which would have to be the subject of a judicial proceeding.

The Stadium Entities' Request for a Delay in the Panel's Determination on the Current DSEIS

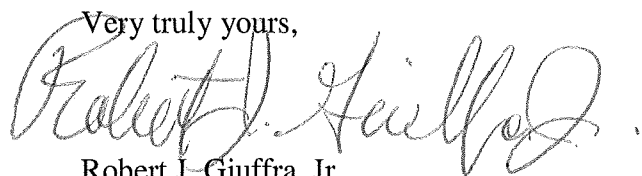
Consideration of the DSEIS should occur only on the basis of complete information in order to ensure that this large-scale project enhances, rather than detracts from, the overall Meadowlands experience—especially on NFL Game Days when attendance at the Meadowlands is at its peak. The Panel should not take action on the DSEIS or American Dream project in the absence of such information, nor should the American Dream proposal be finally approved, while important contractual issues remain outstanding among the NJSEA, Triple Five and the Stadium Entities—the resolution of which could change the current plans for the American Dream project.

* * *

For the forgoing reasons, the Stadium Entities respectfully urge that the Panel postpone any decisions on the DSEIS for at least 60 days so that: (i) Triple Five can supplement the DSEIS with a proper traffic study assessing the effects of the new development on Game Day traffic and parking; (ii) the Stadium Entities can generate a similar traffic and parking study; and (iii) the parties can try to diagnose and resolve the significant contractual issues that will arise from the newly proposed American Dream development, including the Amusement and Water Park.

If you have any questions, please contact me at (212) 558-3121. We stand ready work with you as this process moves forward.

Very truly yours,



Robert J. Giuffra, Jr.

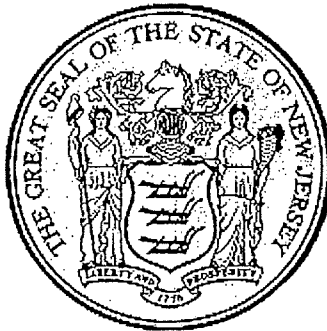
cc: Joseph C. Shenker, Esq.
Ivan D. Deutsch, Esq.
(Sullivan & Cromwell LLP)

Paul C. Dritsas, Esq.
(McCarter & English LLP)

APPENDIX D

**HEARING OFFICERS' REPORT FOR THE
XANADU REDEVELOPMENT PROJECT
AUGUST 2004**

STATE OF NEW JERSEY



HEARING OFFICERS' REPORT AND RECOMMENDATIONS
IN THE MATTER OF THE HEARINGS
HELD ON THE PROPOSED
MEADOWLANDS XANADU REDEVELOPMENT PROJECT
(APRIL 26 - 30, 2004)

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
401 EAST STATE STREET
P.O. BOX 402
TRENTON, NEW JERSEY 08625

AND

NEW JERSEY MEADOWLANDS COMMISSION
1 DE KORTE PARK PLAZA
LYNDHURST, NEW JERSEY 07071

AUGUST 2004

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I. INTRODUCTION

A. Background Statement

The New Jersey Sports and Exposition Authority (NJSEA or Sports Authority) was created on May 10, 1971, by an act of the State legislature. L. 1971, c. 37. Among other powers, the Sports Authority was empowered “to determine the location, type and character” of a world-class sports and exposition complex in the Meadowlands District of New Jersey and develop and maintain such facilities. N.J.S.A. 5:10-5(x).

In accordance with N.J.S.A. 5:10-23, a consultation process with the New Jersey Department of Environmental Protection (NJDEP) and the Hackensack Meadowlands Development Commission (HMDC), now known as the New Jersey Meadowlands Commission (NJMC), is required in conjunction with any development proposed for the Meadowlands Sports and Exposition Complex site. (The NJMC is a regional planning authority with land use and zoning power over parts of 14 municipalities in the Meadowlands District.) Specifically, N.J.S.A. 5:10-23 states that:

“It is the express intent of the Legislature that the authority in undertaking the meadowlands complex shall consult with the Meadowlands Commission and the Department of Environmental Protection with respect to ecological factors constituting the environment of the Hackensack meadowlands to the end that the delicate balance of the Hackensack meadowlands may be maintained and preserved.”

The actual procedure for the consultation process was set forth by the Supreme Court in a decision known as New Jersey Sports & Exposition

Authority v. McCrane, et als., 61 N.J. 1 (1972). In McCrane, the Supreme Court held that the NJSEA should make a presentation of its plans to the HMDC and the NJDEP in a public forum at which interested parties may present their views concerning the proposal. The Court required that notice of such hearing be made including the time, date, subject matter, and invitation for public comment. Further, the Court stated that Hearing Officers for both agencies could hear the presentation at the same time; creating a record including findings of fact, conclusions, and recommendations to be submitted for approval to their respective agencies (NJDEP Commissioner and HMDC Board of Commissioners). In addition to the two Hearing Officers, the review panel included a Presiding Officer who was empowered with the authority to rule on questions of procedure.

The Hearing Officers' consultation process has been used on two previous occasions. First, in 1972, the Hearing Officers' consultation process was convened to assess the plans to develop Giants Stadium and the Meadowlands Racetrack facilities. The second occasion was in 1978 to hear the presentation for a proposed multi-purpose indoor arena facility. The principles governing this Hearing Officers' consultation process have been well established in the history of these two prior reviews. Along with the project proposal and plans, the NJSEA is required to submit an Environmental Impact Statement (EIS) to the agencies for their review, as well as copies for public inspection. This information is required to enable the Hearing Officers to evaluate the impact that the project may have on ecological factors involved in the maintenance and preservation of the delicate environmental balance of the Hackensack Meadowlands and to make recommendations to their respective agencies and to the NJSEA.

B. Prior Conditions of 1972 and 1978 Hearing Officers' Reports

Both the 1972 and 1978 Hearing Officers' Reports contained recommended conditions of approval. After the 1972 consultation process, an Environmental Liaison Committee was established with representatives from the NJDEP, HMDC, and NJSEA to monitor the progress of the development and ensure that the conditions of the approvals were addressed.

The 1972 Hearing Officers' Report contained several recommendations regarding the acquisition, restoration, and enhancement of the Berry's Creek Tidal Marsh. While this property was acquired, a number of the other conditions had to be modified based on the findings of a mercury study of the marsh and adjacent waterways. The NJSEA was also required to establish, finance, and maintain an Environment Center on or near the Berry's Creek Tidal Marsh. Due to the findings of the mercury study, the location was changed and in 1982 the NJMC offices and the Meadowlands Environment Center opened at DeKorte Park in Lyndhurst, New Jersey. The NJSEA contributed funds to the construction of the Environment Center facility and towards its operations. However in 1997, contrary to the previous permitting conditions, the NJSEA stopped providing funding to the Meadowlands Environment Center. Conditions regarding capacities of water and sanitary sewer utilities, stormwater management, water and air quality analyses, soil analyses, landscape plans, methane gas mitigation, recycling, manure removal, and transportation alternatives/traffic mitigation were also imposed.

Conditions of the 1978 Hearing Officers' Report continued to encourage transportation studies, public mass transit options, an alternative location for a Meadowlands Environment Center, a potential sanitary sewer capacity

restriction, recycling, preparation of a landscape plan, and environmental monitoring (particularly water and air quality monitoring). The report also included new conditions for a parking access and management plan, a water conservation plan, heating and cooling conservation measures and alternatives, a Soil Erosion and Sediment Control Plan, and dust control measures.

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.

C. The 2004 Hearing Officers' Process

In 1994, the NJSEA prepared a master plan document detailing its vision for the future of the Meadowlands Sports Complex. This plan was updated in 1998. The Authority aimed to maintain its status as a premier sports and entertainment facility. In order to do this, the NJSEA recognized that components of the overall development would need to be updated and enhanced over time to meet the changing needs of the population and continue to draw a large number of patrons to the site. The overall vision contained a variety of goals including expanding and improving the entertainment mix and draw for the site, maintaining revenue stability generated by the existing facilities and businesses at the Sports Complex, diversifying and expanding businesses on the site, and increasing the amount of time that the overall site is used each day. The plan suggested a variety of potential uses that the Authority believed could achieve its goals, including

conference and hotel facilities, office space, signature sports retailers, restaurants, and interactive sports and entertainment venues.

In 2002, the NJSEA published a request for proposals (RFP) to redevelop the area around the Continental Airlines Arena in an effort to effectuate the vision of its Master Plan. In addition to the goals previously stated, the NJSEA also incorporated other strategic objectives including creating a sense of place, improving aesthetics, enhancing integration of the Sports Complex with the surrounding communities and region, improving public access via improved infrastructure and mass transit, and protecting and enhancing the unique ecosystem of the Meadowlands. Six development teams responded to the RFP. The Meadowlands Mills/Mack-Cali Limited Partnership team was selected by the NJSEA as developers of the site with their project proposal of Meadowlands Xanadu.

In accordance with N.J.S.A. 5:10-23, the NJSEA submitted its proposal to redevelop the area around the Continental Airlines Arena, the Xanadu Environmental Impact Statement (EIS), and illustrative plans to the NJDEP and NJMC for review and consultation. The applicant in this process is the property owner, the NJSEA. The developers of the proposed project, Meadowlands Mills/Mack-Cali Limited Partnership, act in the capacity of an agent for the property owner under the property owner's authorization. (Note: NJSEA formally designated Meadowlands Mills/Mack-Cali Limited Partnership as the *redeveloper* of the site. For purposes of this document, the terms *developer* and *redeveloper* are used interchangeably.)

The Hearing Officers participating in this consultation process are Gary Sondermeyer, Chief of Staff of the New Jersey Department of Environmental Protection, and Robert Ceberio, Executive Director of the New Jersey

Meadowlands Commission. Alvin Weiss, Esq., of the law firm of Porzio, Bromberg, and Newman, served as the Presiding Officer for the public hearings portion of the consultation process.

In acknowledgement that any redevelopment at the Continental Airlines Arena site may draw concerns from parties in and around the region, the Hearing Officers set out to provide substantial opportunities for the public to comment, both orally and in writing. The process began with a “Scoping Hearing” conducted during the afternoon and evening of March 3, 2004. During these proceedings, a draft table of contents for the EIS and descriptive materials explaining the consultation process were distributed and public testimony was taken over a five-hour period. Further, written comments were accepted up to the close of business on March 12, 2004. Twenty-nine (29) individuals gave oral testimony and several written comments were received.

Following the Scoping Hearing, the EIS documents were completed and made available for public review at the NJMC and NJDEP offices and the Meadowlands constituent municipalities’ libraries. Public hearings for the EIS, as required by the N.J.S.A. 5:10-23 consultation, took place daily during the week of April 26, 2004, through April 30, 2004. Public comments were received on the record at each session. Additionally, written comments were accepted up to the close of business on May 31, 2004. The applicant submitted additional information to supplement the EIS record on June 1, 2004. Notice was provided as to the availability of this supplemental data and the comment period was extended until July 9, 2004, for further written comments from the public. In total, the EIS public hearings covered over twenty-six (26) hours. One hundred seven (107) individuals presented oral comments and over six hundred (600) written comments were received by the

Hearing Officers. Public hearing transcripts (Appendix A) and written comments (Appendix B) for this consultation process are included as part of the Hearing Officers' Report.

Contrary to the state of environmental regulation during the 1972 and 1978 consultation proceedings, both the State and Federal governments currently exercise extensive regulatory authority over and implement programs dedicated to environmental protection. Beyond the scope of the 2004 consultation process, the NJDEP, NJMC, New Jersey Department of Transportation (NJDOT), New Jersey Department of Community Affairs (NJDECA), Army Corps of Engineers (ACE), and the Federal Aviation Administration (FAA) are also reviewing applications for permits and approvals related to Meadowlands Xanadu. The NJDEP alone is reviewing applications for a Waterfront Development Permit, a Water Quality Certificate, a Coastal Zone Management Consistency Determination, a Stream Encroachment Permit, a Site Investigation Report, Treatment Works Approval and a Water Main Extension Certificate submitted by the developer. These applications have, in many cases, more detailed information than that provided in the EIS and are being reviewed independently of the consultation process. Many of the permit applications under review provide for additional public comment and participation. This evolved and more advanced state of environmental regulatory oversight is relevant as many of the Hearing Officers recommendations and requirements that follow can and will be implemented through the various permitting processes, as appropriate. (Section II.C.16 of this report further identifies many of the applicable permits for the Meadowlands Xanadu project.)

D. Executive Order 215

We need not reach the legal conclusion of whether Executive Order (EO) 215 of 1989, which in part requires state agencies to consider the environmental consequences of their undertakings when capital construction costs exceed \$1,000,000, applies to the subject of this Hearing Officers' consultation process. Notwithstanding, the Hearing Officers find that the documentation submitted as part of this consultation complies with Executive Order 215. The NJDEP is the administrative unit responsible for the implementation of the Executive Order and NJDEP Chief of Staff Gary Sondermeyer is a Hearing Officer for this consultation process. Since the Hearing Officers' proceedings meet the substantive requirements of the Executive Order, it is determined that the successful completion of the process satisfies the intent of Executive Order 215.

II. FINDINGS OF FACT AND RECOMMENDATIONS

Within the following part of this Hearing Officers' Report, the Meadowlands Xanadu project has been briefly summarized for context and the format is generally consistent with sections of the EIS. In this regard, the Hearing Officers have outlined specific recommendations and requirements that must be addressed and satisfied by the applicant and/or the developer. This will be accomplished either through existing State and Federal permitting processes or through supplemental submissions to the NJDEP and NJMC. To provide a regular framework for the receipt of supplemental information, and to assess ongoing progress in compliance with the provisions outlined below, the applicant shall provide quarterly reports to the Hearing Officers' agencies. Following the section-by-section environmental impact review, this report provides a summary of conditions herein recommended to be imposed upon the applicant (see Section C). Additionally, Section C includes a summary of pending permit applications before State and Federal agencies.

A. Project Description

1. Location

The Meadowlands Xanadu development project is proposed to be located within the property boundaries of the New Jersey Sports and Exposition Authority's Meadowlands Sports Complex. More specifically, the development area is located at Block 107.02, Lot 1 in the Borough of East Rutherford and contains the existing Continental Airlines Arena and associated parking facilities. The project area is approximately 104 acres, of which approximately 70 acres contain the existing Arena structure and pavement (parking lots and internal roadways).

The site is bordered by the New Jersey Turnpike Western Spur on the east, Route 3 on the south, Route 120 on the west, and Paterson Plank Road on the north.

2. Development Team

The selected developer for the site is Meadowlands Mills/Mack-Cali Limited Partnership. This development team is a joint venture of The Mills Corporation of Arlington, Virginia and Mack-Cali Realty Corporation of Cranford, New Jersey.

3. Project Components/Uses

The Xanadu plan proposes a new 4.96 million square foot mixed-use commercial development that emphasizes sports, recreational, and entertainment facilities, built around the existing Continental Airlines Arena facility. Meadowlands Xanadu is proposed to include the following:

- Family entertainment/ancillary retail/restaurants (2.7 million square feet)
- Class A office space (1.76 million square feet in 4 buildings of 440,000 square feet each)
- Hotel/conference facilities (500,000 square feet including 520 hotel rooms)
- Minor league baseball stadium (6,000-8,000 seats)

Unique elements of the proposal include participatory sports and recreation venues such as an indoor alpine ski facility, an extreme wheel sports/skate park, indoor wave machine for surfing, indoor racetrack, indoor/outdoor golf, fishing classes, archery classes, and amusements

(ferris wheel, roller coaster). Additionally, the entertainment/retail component is proposed to include a children's education area, day spa, cooking school, and areas for fashion shows and live television broadcasts.

Also as part of the Xanadu proposal, the plans retain the approximately 20,000-seat Continental Airlines Arena building and preserve the 587-acre Empire Tract in Carlstadt, New Jersey, much of which is wetlands (details of the preservation aspect are included in Section II.B.2 of this report).

Parking will be provided primarily in deck structures or under elevated buildings. A shared parking concept is proposed to take advantage of the varying peak periods of the different uses.

Xanadu is projected to be constructed in four phases, as follows (dates include construction through start of operation):

Phase I (2004 - 2005)

- Contractor staging area
- 1,675 parking spaces (1 deck plus surface parking)
- Filling and preparation of undeveloped areas
- Relocation of utilities
- On-site road work

Phase II (2004 - 2006)

- Entertainment/Retail component
- 6,325 parking spaces (3 decks plus surface parking)
- Minor league baseball stadium (market-dependent)
- On-site road work

- Off-site infrastructure improvements

Phase III (2006 - 2007)

- First office building
- 1,125 parking spaces (parking deck for 1 office building)
- Hotel (all or part, market-driven)
- On-site road work (office and hotel circulation roads)
- Off-site infrastructure improvements

Phase IV (2007 - 2009)

- 3 office buildings
- 3,375 parking spaces (parking decks for 3 office buildings)
- Hotel (any portion not completed in Phase III)

From the outset, it should be noted that the Xanadu project components shall be consistent with the uses contemplated in the RFP to redevelop the area around the Continental Airlines Arena. In keeping with the policy of the NJSEA's enabling legislation, the amount of retail proposed in the project shall be subordinate to the other permitted uses, specifically entertainment. 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. Accordingly, the developer shall provide to the Hearing Officers for review a further breakdown of the gross building square footage, particularly defining the retail component. Any substantial deviation from the square footage numbers cited shall require a new submittal to the Hearing Officers with justification for the proposed changes.

B. Environmental Impact Review

1. Geology and Soils

Much of the development area, other than the wetlands, was previously developed with structures or covered with parking lots. Test borings identified several points of low-level contamination. Based on the findings, levels of BNs (benzo[a]anthracene, benzo[a]pyrene, benzo[k]fluoranthene, and bis[2-ethylhexyl]phthalate) and metals (barium, copper, lead, and nickel) exceeding state soil cleanup criteria were primarily from historic fill on the site. Remediation of the site is proposed to consist primarily of capping those portions of the site that are designated as historic fill with two feet of clean fill. A remedy that is protective of human health and the environment, including removal of any contaminants that exist above the non-residential cleanup criteria or excavation of any soils that may have an impact to groundwater, shall be required for any areas of the site that are not considered to be historic fill. A limited groundwater investigation of an area with elevated volatile organic compounds is being required as part of an ongoing site investigation. The full extent of future cleanup required on the subject site shall be dependent upon the findings described in the NJDEP Site Investigation Report/Remedial Action Workplan. The requirements of this report and those contained within the Site Investigation Report/Remedial Action Workplan are imposed without prejudice to the developer seeking reimbursement for remedial activities under applicable law.

2. Wetlands

Wetlands in the Meadowlands District are primarily regulated by the U.S. Army Corps of Engineers (ACE). Requests for wetlands jurisdictional determinations, wetlands fill permits, and wetlands mitigation plans approvals are processed by the ACE. Unique to the Meadowlands District, there is a team of technical experts from various State and Federal agencies that meets regularly to review proposals that may impact wetlands in the Meadowlands and provides recommendations to ACE regarding such applications. This group, known as the Meadowlands Interagency Mitigation Advisory Committee (MIMAC), is made up of representatives from ACE, U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, National Marine Fisheries, NJDEP, and NJMC. MIMAC reviews and makes recommendations to ACE and NJDEP regarding mitigation proposals for permitted activities within the Meadowlands District. For purposes of the Meadowlands Xanadu EIS Hearing Officers' review, wetlands impacts are being reviewed as part of the overall environmental assessment and recommendations of the Hearing Officers shall be forwarded directly to ACE for further consideration. It should be noted that the NJDEP also will be reviewing wetlands impacts separately in the context of several permits/approvals that the project and related infrastructure improvements will require, including a Coastal Zone Consistency Determination, Water Quality Certificate, and Waterfront Development Permit, to name a few. These permit application materials and plan approval requests are part of the NJDEP Multi-Permit Application package that has been submitted by the applicant for a concurrent review of all NJDEP permits that will be required for the proposed Meadowlands Xanadu project.

The EIS states that the Xanadu proposal would require the filling of approximately 7.69 acres of wetlands and water, of which 6.96 acres is slated for the development activities on-site and 0.73 acres is related to proposed off-site infrastructure improvements.

According to the EIS, the wetlands mitigation being proposed, if fill is permitted for the Xanadu project, consists of wetlands preservation on the Empire Tract. While the entire Empire Tract is approximately 587 acres of predominantly wetlands, the wetlands mitigation plan only addresses 225 acres of deed-restricted land for preservation in fulfillment of a 30:1 ratio for mitigation of the loss of wetlands at the proposed Meadowlands Xanadu site. Additionally, the Hearing Officers recommend that preservation of the required mitigation area of the Empire Tract shall not preclude wetlands enhancements in the future if the opportunity arises, as long as they are in no way associated with a wetlands mitigation obligation for another project. Also, the Hearing Officers strongly recommend to ACE and NJDEP that some degree of wetlands enhancement be performed in compensation for the wetlands fill that is being proposed. In terms of identifying a wetlands enhancement project that may be realized in a reasonable timeframe, the Hearing Officers suggest that ACE consider requiring the developer to provide a monetary contribution of \$769,000, based upon \$100,000 per acre for restoration, to a designated NJMC wetlands restoration project.

It should be noted that the location of the proposed Xanadu development was once recommended as an alternative site with regard to a former development proposal for a mixed-use development on the adjacent Empire Tract in the Borough of Carlstadt, New Jersey. That former proposal involved approximately 150 acres of wetlands fill and hundreds

of acres of wetlands excavation to minimize flooding and detain stormwater. Considering this, the current mixed-use development proposal significantly reduces the impacts to the immediate wetlands environment, therefore, the Hearing Officers recommend that ACE and NJDEP approve this proposal provided that the developer negotiate and obtain the Empire Tract from its present owner and that it be permanently preserved as the applicant has proffered in the EIS. Since the Hearing Officers are requiring additional mitigation measures beyond those offered in the FEIS, the Hearing Officers are also requiring the applicant to incorporate these mitigation measures into the NJDEP and ACE permit applications.

Furthermore, the Hearing Officers require that the entire acreage in the Empire Tract be deeded to the Meadowlands Conservation Trust (MCT) for management upon the commencement of the Xanadu project. The balance of the Empire Tract, which is not part of the required Xanadu wetlands mitigation obligation, may be utilized by the Meadowlands Conservation Trust for mitigation purposes as related to NJDOT and NJ Transit projects that may impact wetlands in the Meadowlands region. The NJDOT and NJ Transit shall identify those potential wetland impacts to the Meadowlands Conservation Trust within one year of the MCT's acceptance of the property. In no case shall the transportation mitigation bank be used for any project outside of the Hackensack Meadowlands District watershed. Considering the predominant role that the MCT will have with regard to wetlands preservation and enhancement in the District, it is recommended that the Executive Director of the MCT, or his/her designee, be provided an official seat on MIMAC.

3. Water Resources/Stormwater Management

Overall, the stormwater evaluation performed by the applicant was not in conformance with the newly adopted NJDEP Stormwater Management Rules at N.J.A.C. 7:8-1 *et seq.* It must be revised and submitted to NJDEP as part the project's permit application submission. Additional details are addressed below.

Based upon the information that has been submitted to date, increased pollutant loads to the nearby wetlands and waterways are of concern, particularly during construction, due to an increase in siltation from soil movement. The applicant shall address this concern as part of a Stormwater Management Plan, which shall be submitted to the NJDEP prior to and as a condition of permit issuance, and the Soil Erosion and Sediment Control Plan that shall be submitted to the Bergen County Soil Conservation District for approval prior to construction. Additionally, the Stormwater Management Plan shall address proper capture, maintenance, and treatment – if necessary – of runoff from the subject area upon completion of the project. This is particularly important for handling of runoff from building rooftops, parking areas, internal roadways and off-site infrastructure improvements. Best management practices (BMPs) shall be provided to address these water quality impacts as well as other non-structural stormwater management measures. A Development Checklist is available in NJDEP's 2004 New Jersey Stormwater Best Management Practices Manual to guide developers with compliance with the new stormwater regulations.

To assist with the preparation of the applicant's stormwater permit documents, the following shall be addressed in the new analysis:

- Supporting calculations for the determination of the time of concentration (Tc) values used in the Hydraflow Storm Sewers 2003™ analysis of the existing and proposed stormwater collection system shall be provided. Significant supporting documentation will be necessary for TR-55 sheet flow lengths greater than 100 feet.
- A digital copy of the Hydraflow input file used to analyze the stormwater sewer system shall be provided.
- The existing stormwater sewers interconnecting the swales in area EX-3 have been modeled with pipe size reductions to account for lost capacity resulting from siltation. Model data shall be submitted for a maintained (unclogged) condition as well as the condition observed in the field.
- A hydraulic profile for the stormwater system shall be provided.
- The stormwater drainage system proposed relies on manual adjustment to the lagoons' static water surface elevations prior to storm events to reduce water surfaces to as low as -12.0 feet NGVD 29. It is unacceptable to assume such storage considering that the system is manual. Analyses based on the system being either fully automated with a back-up generator in place or augmented by an alternative system shall be resubmitted. Analyses shall also assess groundwater infiltration into the lagoons under drained conditions. Expected inflows into each of the four lagoons during the 2-, 10-, 25- and 100-year storm events with details of each outfall structure shall be provided.
- Standard details for the proposed gabion scour pads at the southern and northern 60-inch outlets shown on Sheet D28.01 shall be provided. The manufacturer and construction standards for the gabions, the rock fill, and the underlying filter fabric in each location shall be specified.

- TSS and nutrient loading reductions have not been adequately addressed. The projected increased traffic in the development area will likely nullify the claimed water runoff quality improvements resulting from covering areas of the parking lot. The stormwater collection system design needs to be revised to conform to the water quality requirements in the new Stormwater Management Rules. This includes an 80-percent reduction of TSS for all new paved surfaces on-site including discharges to the existing lagoons, as well as nutrient reduction to the maximum extent feasible. Furthermore, 50-percent TSS reduction shall also be provided for all existing paved areas that will be reconstructed as part of the proposed project.
- Outfall trash racks shall be added at the existing lagoons, which are to be used as detention basins, for reasons of long-term performance and public safety.
- The maximum allowable water surface elevation presented on page 26 shall be confirmed.
- Confirmation that the 100-year flood peak discharge from the 108-inch culvert beneath the New Jersey Turnpike with tailwater at elevation 6.6 feet (Table M on page 18) has the same magnitude as the 100-year flood peak with tailwater at elevation 3.2 feet (Table N on page 19) shall be provided.

An Operation and Maintenance Plan must be prepared for the stormwater system in accordance with the New Jersey Stormwater Best Management Practices Manual, dated February 2004. The Engineer of Record and the owner/operator of the facility are required to provide detailed contact information in the plan. This contact information must be updated in the plan and in writing to the NJMC on an annual basis.

The developer shall be responsible for maintaining the stormwater system. In addition, the developer shall include in the quarterly progress reports, an account of the ongoing maintenance and condition of the stormwater system.

4. Floodplains

All structures are required to be constructed with the lowest floor elevation a minimum of one foot above the 100-year base flood elevation for the subject site.

5. Threatened and Endangered Species

The applicant concludes in the EIS that there will be no impact to wildlife habitat or threatened and endangered species due to the proposed project's location on previously developed land. Upon a reassessment of this information by the NJDEP utilizing the current NJDEP "Landscape Project" data coverage and review by the Endangered and Nongame Species Program, it was noted that there may be some degree of adverse impact to the Black Crowned Night Heron and the Yellow Crowned Night Heron. In particular, the loss of the wetlands pockets for foraging and resting activities. The Hearing Officers find that preservation of the adjacent Empire Tract should be considered as part of the mitigation for the loss of this habitat on the project site. In addition, the wetlands restoration project mentioned in B.2 can also serve to satisfy the requirements to restore or create new habitat for the above species.

6. Solid Waste and Recycling

Under the New Jersey Mandatory Source Separation and Recycling Act, (N.J.S.A. 13:1E-99.11-1 *et seq.*), all individuals, commercial businesses, industrial establishments, and government buildings are required to recycle at least three materials, plus leaves. As such, all existing operations of the NJSEA are mandated to implement recycling programs consistent with the NJDEP approved Bergen County Recycling Plan. For the pending proposal, the applicant shall also develop a recycling plan(s) meeting the requirements of the approved recycling plan of Bergen County, which was prepared in accordance with the New Jersey Mandatory Source Separation and Recycling Act.

The EIS identified that during construction approximately 9,870 tons of construction debris will be generated. The operation of the project will also generate approximately 24 tons per day of Class A recyclable materials and an estimated 18 tons per day of Class B recyclable materials. These materials are all required to be recycled to the fullest extent possible and shall be addressed by Meadowlands Xanadu's recycling plan.

7. Utilities and Infrastructure

a. Sanitary Sewer Service

The EIS notes that the proposed Xanadu project will generate in the vicinity of 820,000 gallons per day (gpd) of wastewater. Any special requirements regarding sanitary sewer service for the proposed facilities shall be in accordance with the findings of the NJDEP Treatment Works Approval review process.

It should be noted that NJDEP does not recognize the design capacity of 109 million gallons per day (mgd) for the Bergen County Utility

Authority's (BCUA) treatment plant, as reported in the EIS. The permitted flow established in BCUA's New Jersey Pollution Discharge Elimination Systems Permit (NJPDES) and Treatment Works Approval is 94 mgd. Furthermore, the pollutant loading limitations in BCUA's NJPDES permit is currently based on a flow of 75 mgd. The BCUA is currently subject to the NJDEP's Capacity Assurance Program (CAP) regulations (N.J.A.C. 7:14A-22.16) because the committed flow exceeds 80 percent of the permitted capacity of the treatment plant ($94 \text{ mgd} \times 0.80 = 75.2 \text{ mgd}$). In accordance with N.J.A.C. 7:14A-22.16, the BCUA is required to submit and implement a program to prevent overloading of its facility.

In order to achieve the highest level of treatment possible for sewage generated by the Meadowlands Xanadu project, best management practices shall be implemented. Considering the conditions of the current NJPDES permit, there shall be no increase of pollutant loading, particularly BOD and suspended solids, to the Hackensack River from the BCUA. Additionally, Meadowlands Xanadu shall work with BCUA to reduce infiltration levels so that total volume of discharge to the river remains comparable to current levels.

It is recommended that the applicant investigate as an alternative, the potential of installing and operating an on-site package wastewater treatment facility at the highest level of treatment possible, and report the findings of this evaluation to the NJDEP and NJMC.

To minimize impacts to water supplies and wastewater treatment facilities, the beneficial reuse of treated wastewater shall be included in the design of the proposed project. NJDEP encourages the use of

treated wastewater from treatment facilities as an alternative to using potable water for operations including, but not limited to, irrigation, flush water for toilets, fire control, and climate control systems. A specific plan for treated wastewater reuse shall be submitted either to NJDEP as part of the environmental permitting process or as a supplement to a “Xanadu Quarterly Progress Report” prior to the operation of any of the proposed facilities.

b. Other Utilities and Infrastructure Considerations

While the applicant anticipates that all utilities have adequate capacity to serve the proposed project, the NJDEP and NJMC require that the developer go beyond mere adequacy and take the initiative to demonstrate commitment to environmentally responsible building and design by implementing principles defined in the United States Green Building Council’s Leadership in Energy and Environmental Design (LEED™) Green Building Rating System and the U.S. Environmental Protection Agency’s and U.S. Department of Energy’s Energy Star Program. Projects that have utilized these standards in the past have been found to significantly reduce environmental impacts of development by reducing energy usage, utilizing recycled materials, utilizing gray water generated by site operations, minimizing site disturbance, etc. LEED™ is a voluntary, consensus-based national standard for developing high-performance, sustainable buildings with an emphasis on innovative strategies for sustainable site development, water savings, energy efficiency, materials selection, and indoor environmental quality. The Hearing Officers require the applicant to obtain LEED certification for the project. The applicant is further required to have at least one member of the project team who is a LEED accredited professional.

Progress in the certification process shall be reported regularly through future quarterly progress report submissions.

8. Transportation – Traffic and Parking

The traffic impact analysis accompanying the EIS was prepared as part of an application to the NJDOT for a major access permit. However, this NJDOT permitting process is intended solely for the purpose of modifying or renovating driveway access to a particular site and does not require an assessment of the effect a project may have on traffic volumes or movements on the regional roadway network beyond the immediate locale of the subject site. The study area for a complete traffic impact analysis for a project of Xanadu Meadowlands' scale must extend far beyond the requirements set forth by the State Highway Access Management Code. A new traffic impact analysis must be prepared evaluating the impact to roadways, intersections, and merges from the proposed development for applicable peak time periods. Such a report should also include recommended ways to mitigate impacted locations. In order to properly evaluate the traffic impact, the applicant is advised to assess all major nodes and links within a regional context (recommended minimum radius of four (4) mile from the proposed project boundaries). A list of key data collection points should be submitted to the Hearing Officers' agencies and NJDOT for concurrence prior to the initiation of the study. The following locations should be included as part of the list of monitoring sites, but should by no means be considered all-inclusive. The applicant must coordinate this effort with the NJDOT.

- NJ Route 3 corridor from NJ Route 21 to Interstate 495
- NJ Route 17 corridor from Interstate 80 to NJ Route 3
- NJ Route 17 and Moonachie Avenue intersection
- Paterson Plank Road from the New Jersey Turnpike to NJ Route 17

- NJ Route 120 / Washington Avenue / Moonachie Road from NJ Route 3 to Route 46
- New Jersey Turnpike Interchange 16W and 18W

In addition to assessing the regional traffic impacts of the Meadowlands Xanadu project, the developers shall financially contribute their share of the cost of infrastructure improvements that are deemed necessary, calculated in accordance with NJDOT standards and formulas. Implementation and timing of the improvements shall be determined by NJDOT. These contributions may be paid over a period of time through the establishment of a Special Assessment by the NJMC. The NJMC or any other agency may use its bonding capacities to implement the improvements in an expedited manner and use the proceeds from the Special Assessment to pay the bonds. Additionally, the NJSEA shall place a dedicated fee on tickets for all events at the Sports Complex, which shall be directed into a fund dedicated for mass transit and local roadway improvements in the region. It is also recommended that the NJSEA and the developer consider dedicating a portion of the parking fees from the Sports Complex and Meadowlands Xanadu, respectively, to this fund. The amount of the fees shall be determined by January 15, 2005, and submitted as part of the first quarterly progress report.

The applicant shall provide all land use codes, rates, and formulas from the ITE Trip Generation Manual that are used for calculations in the traffic analysis. Also, all traffic count data collection sheets should be included in an appendix, clearly labeled (including page numbers), and correlated to maps. Traffic count data must be collected for at least 3 days at each of the study locations. The counts may not be taken on Fridays or on the day immediately before or after a holiday. For consistency with the general industry standards

for the Bergen and Hudson County area and the 2000 United States Census, the traffic impact analysis should apply a growth rate of two percent (2%), to existing traffic volumes, compounded annually, for all roadway functional classifications of the study area.

In order to properly calculate trip generation for Meadowlands Xanadu, a breakdown of the amount of square footage associated with each type of use is necessary. The “family entertainment” land use must be defined by its potential subparts reflecting standard land uses recognized by the Institute of Transportation Engineers (ITE) for purposes of calculating trip generation, (i.e. retail, restaurant, movie theater, etc.). Reports submitted with the EIS attempted to equate the family entertainment use to a “value-oriented retail center” and/or “factory outlet center” use with regard to trip generation, but the documents did not demonstrate a factual basis from an impartial source for drawing that parallel.

The traffic impact analysis in the EIS incorrectly included credits for pass-by trips. This needs to be rectified. Pass-by trips are defined in the ITE Trip Generation Handbook as “intermediate stops on the way from an origin to a primary trip destination without a route diversion. These pass-by trips are attracted from traffic passing the site on an adjacent street or roadway that offers direct access to the generator. Pass-by trips are not diverted from another roadway and do not involve route diversion to enter the site driveway. Pass-by trips are drawn from the passing traffic stream, but are always included in the site driveway movements.” As the site entrances and parking structures are not readily accessible from all major highways and travel directions without trip diversions, no credits can be taken for pass-by trips. Credits may be accepted for diverted linked trips, which is defined by the ITE as “trips that are attracted from the traffic volume on roadways within

the vicinity of the generator but require a diversion from that roadway to another roadway to gain access to the site. These trips could travel on highways or freeways adjacent to a generator, but without access to the generator. In contrast to pass-by trips, diverted linked trips add traffic to streets adjacent to a site, but may not add traffic to the area's major travel routes." However, it should be noted that ITE also states that "diverted linked trips are clearly different from pass-by trips. Diverted linked trips are often difficult to identify. Therefore, diverted linked trips should be treated similarly to primary trips, unless (1) all three (primary, pass-by, and diverted linked) categories are being analyzed and processed separately, and (2) the travel routes for diverted linked trips can be clearly established." In the revised traffic impact analysis, if the applicant wishes to apply for any of the credits noted above, all calculations must be consistent with these ITE standards and all information and counts must be validated.

Additionally with regard to trip reduction credits, the applicant applied a 25% PM event credit to the analysis. A separate detailed study validating such a large reduction would need to be submitted with any revised traffic impact analysis in order to receive such a credit.

The Discussion of Event Parking and Transportation Management Plan shall be revised and/or updated as follows. The plan shall be in direct agreement with the traffic impact study's vehicle distribution and industry standard parking space requirements. Incorporated into the report shall be tabular accounts of space allocation per parking lot or deck and per use. The plan shall provide safe pedestrian access to the intended users. As stated previously, it is very important that the proposed Family Entertainment land use be separated into more defined sub-categories for purposes of this analysis.

The revisions shall also include more detailed information regarding the control of onsite traffic flow, signalization, and an operational analysis of ingress and egress for all parking lots and structures associated with the proposed project. The analysis should address the complete system of on-site traffic flow including access points, collection of parking fees, queuing, interior maneuvering, and parking of vehicles.

In addition to these revisions to the Discussion of Event Parking and Transportation Management Plan, the owner/operator of Meadowlands Xanadu shall enter into an agreement with Meadowlink - the NJDOT designated transportation management association (TMA) of record for Bergen, Union, Essex, and portions of Hudson and Passaic counties - to implement a program of transportation demand management strategies for employees of each of the project components. Strategies may include, but not be limited to, shuttle bus service, ridesharing, vanpooling, parking cash-out, transit incentives and discounts (i.e., TransitCheks), and carsharing.

While mass transit improvements are not part of this Xanadu project proposal, the Hearing Officers acknowledge the importance of the proposed NJ Transit Phase 1 and 2 heavy rail plans and feel that an assessment of the viability of light rail access to the Sports Complex and Meadowlands Xanadu site should also be determined. The Hearing Officers will hold additional public hearings in the future should mass transit facilities be proposed on the Meadowlands Sports and Exposition Complex Site. The \$150 million provided by the NY/NJ Port Authority for this rail project is critical not only for the Sports Complex/Meadowlands Xanadu project, but will have significant regional benefits. Until rail access is realized, the developer shall subsidize and/or provide shuttle bus services between the Meadowlands

Xanadu/Meadowlands Sports Complex from the Secaucus Junction Train Station and from the Port Authority Bus Terminal in New York City.

9. Air Quality

Air quality is addressed in the EIS in terms of attaining or exceeding standards for stationary or mobile source emissions. In areas defined as non-attainment zones, the Federal government has devised a series of measurement standards that may be determined to be *de minimis* in terms of impact from a specific project upon an area requiring a federal permit action. Additionally, the State of New Jersey has a set of standards by which air quality is regulated. The EIS exhibited that the project meets the *de minimis* levels for the federal action component of the site - the wetlands fill area. This assessment of impact to air quality from construction and operations of the proposed facilities must be broadened to assess the entire Xanadu project area, not just the wetlands area that falls under the federal jurisdiction criteria.

With regard to mobile sources of air pollution, a screening analysis was performed for 72 scenarios related to the project. The findings of the screening indicated that three of the test locations required a refined microscale air quality modeling analysis to determine the 1-hour and 8-hour CO concentrations for these locations. The analysis indicated that the proposed project would not exceed the national ambient air quality standards.

Since vehicular emissions can have a substantial impact on air quality, it is important that the air quality analysis be reassessed subsequent to the traffic analysis update. The Hearing Officers require that a revised air quality analysis be submitted to the NJDEP. As with the traffic analyses,

air quality testing shall include a scenario that accounts for multiple activities taking place at one time on the NJSEA/Xanadu properties, (i.e. Xanadu with a Giants game and the Racetrack operating). Also, the EIS indicates a commitment to reduce diesel emissions from construction equipment used at the project site. The applicant shall describe the manner in which particulate matter from the diesel engines of construction equipment will be minimized and an estimated quantification of such reductions. This diesel emissions reduction analysis and plan shall be submitted as a supplement to the first quarterly progress report due to the Hearing Officers in January 2005. Progress in plan implementation shall be addressed routinely in subsequent progress report submissions.

Table 4-53 in the EIS contains gaps in the air quality data recorded. NJDEP has provided additional information to the applicant for inclusion. The applicant shall update this table accordingly.

In reviewing the data, the substantial increase of on-site traffic for prolonged periods of time raises concern with regard to air quality. The NJDEP and NJMC require that air quality data, for PM 2.5 in particular, shall be continuously gathered and analyzed throughout construction and post construction on the site.

Also, the current data does not provide sufficient information regarding the parking decks. Since the decks are substantial in size and are anticipated to accommodate several thousand vehicles above grade, the applicant must provide renderings/data to the Hearing Officers' agencies about the amount of area that will be enclosed and the manner in which

the decks will be ventilated. Additionally, data shall include the number of entrances and exits for each parking deck.

Operation of the Xanadu facility will include stationary sources of emissions from equipment such as heating systems. In order to determine their actual impact on the overall air quality at the site, the applicant shall include such emissions in the analyses rather than just referencing compliance with a permit requirement.

The Hearing Officers require that an on-site monitoring station for gathering local air quality data shall be included as part of the project. The applicant shall meet with NJDEP's Office of Air Quality Management, Bureau of Air Monitoring, to get specific guidance for development of the air monitoring station to ensure compatibility with NJDEP's overall air quality monitoring network. The applicant shall submit plans for inclusion of the on-site monitoring station as a supplement to the quarterly progress report for the second quarter of 2005 and address ongoing progress toward implementation thereafter through subsequent progress reports.

Once the air quality monitoring station is established, the Meadowlands Environmental Research Institute, through its contract with Rutgers University and Robert Wood Johnson/UMDNJ, shall collect data on a regular basis and analyzed as part of a larger regional air quality analysis. Additionally, the data may be incorporated into the NJDEP statewide air quality monitoring network. In the event that the project is found to cause a significant impact from mobile or stationary sources, the developer shall submit a mitigation plan to the NJDEP for review and approval. The

mitigation plan shall be implemented within the timeframes established by NJDEP.

10. Noise

Pile driving activity during the construction phase of the project is expected to cause the greatest noise impact, with other types of construction vehicles following at lesser degrees of impact. While no residential receptors were evaluated, the EIS indicates that “pile driver noise levels could also exceed ambient levels at more distant residential locations.” The applicant’s report stated that there are no residential uses within 0.8 miles of the proposed project site. However, hotels are considered to be residential receptors when analyzing noise impacts. The Sheraton Hotel and Homestead Suites on the Route 3 East service road in East Rutherford, the Hampton Inn on Paterson Plank Road in East Rutherford, EconoLodge on Washington Avenue in Carlstadt, and Red Roof Inn on Meadowlands Parkway in Secaucus, and Meadowlands Plaza Hotel on Wood Avenue in Secaucus all appear to be located within the specified noise receptor radius. Additionally, the racetrack employee dormitory is another noise receptor location. A sampling of these sites shall be assessed for noise, and if findings indicate that construction related noise levels may exceed the allowable standards of the State Noise Code, the applicant shall develop a plan modifying construction practices accordingly to minimize impacts prior to construction of any structures taking place at the project site.

Noise generated at the facilities, once operational, is not anticipated to result in a significant increase due to the existing levels of highway/airport background noise experiences at the site. Design of the proposed project components shall consider the practical placement of

features such as HVAC units, emergency generators, and garbage dumpsters in order to minimize noise impacts.

11. Socioeconomics

With regard to socioeconomic impacts stemming from development and operations of the proposed project, the applicant's information provided in the EIS demonstrates the expectation of beneficial impacts to the municipality, region, and overall State of New Jersey. Primarily these benefits come in the form of direct and indirect income for construction and permanent employees of the project and taxes generated.

Anticipated impacts to the police and fire departments and ambulatory services are expected to be offset by the payment in lieu of taxes (PILOT) presently being finalized between the applicant and the Borough of East Rutherford. The project area is expected to be serviced by the East Rutherford police and fire departments and emergency medical services (EMS) unit. The EMS is part of a larger service unit based on a mutual aid agreement with surrounding municipalities. The NJSEA Sports Complex facilities are also served by the New Jersey State Police. The applicant proposes to have a 24/7 security force on-site at Xanadu. The Hearing Officers require that Xanadu meet with all local emergency service entities, the Bergen County Office of Emergency Management, the East Rutherford emergency management official, and NJSEA to coordinate efforts and develop emergency action plans and response protocols for each project component compatible with those prepared for the existing NJSEA facilities and those of the greater region. The security plans shall demonstrate compliance with Best Management Practices for the Sports, Entertainment, and Tourism Sector with regard to domestic preparedness planning as set forth by the Infrastructure Advisory Committee of the

Domestic Security Preparedness Task Force of the State of New Jersey. At a minimum, this shall entail conducting a site specific vulnerability assessment, incorporating mitigation measures into the design of the project, and developing detailed emergency response plans. A schedule for addressing the Best Management Practices for the Sports, Entertainment, and Tourism Sector must be submitted as a supplement to the quarterly progress report due in April 2005.

Upon determination of the PILOT, the calculated dollar amounts shall be provided to the Chief Fiscal Officer of the NJMC for inclusion in the Meadowlands Intermunicipal Tax Sharing Formula. Computation of the formula will be able to estimate the tax implications for all of the Meadowlands municipalities in the pool. This estimate will include any diminution of property taxes to the Borough of Carlstadt attributable to the dedication of the Empire Tract for preservation, thus taking into account the applicant's proposed wetlands mitigation plan. Additionally, the developer shall submit annually a grant to the NJMC's Municipal Assistance Program for the purpose of mitigating municipal services, facilities, and infrastructure impacted as a result of Sports Authority programs and activities. Municipalities outside of the jurisdiction of the NJMC may also apply for grant assistance through this fund. First and second year contributions shall be \$1.15 million, year 3 and 4 contributions shall be \$1.5 million, and in year 5 and beyond the amount allocated shall be \$1.65 million with cost of living increase escalators calculated every five years. This program would provide property tax relief to municipalities surrounding the Sports Complex.

As a result of the preservation of the Empire Tract in the Borough of Carlstadt, it is directed that Carlstadt shall receive from the funds above

an amount not less than \$750,000 in years 1 and 2, \$850,000 in years 3 and 4, and starting in year 5 an amount of \$1 million. Carlstadt shall also be afforded the benefit of future cost of living increases indicated above. This grant from the Municipal Assistance Program may be used for municipal services, public works equipment, flood control improvements, road improvements, recreational opportunities, and public safety equipment including police, fire, and ambulance vehicles.

Considering the potential regional scope of the Meadowlands Xanadu project, it is important that measures be taken to ensure that the spill-over effects that have been predicted are fully realized in local downtown districts. To assist in creating an appropriate synergy between Xanadu and local retailers, the Hearing Officers require that Meadowlands Xanadu provide \$500,000 at the commencement of construction to the New Jersey Department of Community Affairs to establish Main Street New Jersey Programs in the Meadowlands constituent municipalities to focus on retaining and enhancing their economic vitality. Additionally, the developer shall contribute another \$500,000 per year for a period of 3 years from the date of opening of the entertainment /retail component at Xanadu.

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. If employees at the Xanadu facilities are unable to afford to buy or rent housing in the area they will be forced to commute from locations that are further away from the site, thus adding to the negative traffic impacts. With nearly 20,000 new direct and indirect jobs

anticipated to be generated by the Xanadu project, the developers shall assist with providing realistic affordable housing opportunities proximate to the project location by providing the boroughs of East Rutherford and Carlstadt with cash contributions to be used specifically for this purpose.

12. Land Use and Zoning

Current NJMC zoning regulations designate the proposed project site within the Sports and Exposition zone. While the NJMC does not regulate the specific uses at the NJSEA facilities, the land uses proposed are in general conformity with the NJMC Master Plan and District Zoning Regulations.

An adjacent landowner, ABC, Inc. (ABC), the parent company of New York AM Radio, LLC, which owns and operates ESPN Radio, raised another factor that needs to be addressed in the design of the project. A portion of the transportation improvements associated with the proposed Xanadu project appears to encroach on their land. In accordance with the NJMC District Zoning Regulations, since the NJSEA does not own the radio station property, the site is subject to the NJMC's Environmental Conservation zone regulations. ABC commented that it is imperative for the NJSEA to meet with them in an effort to develop a plan that is feasible for all parties involved. ABC noted that the proposed plan falls short in that it may cause broadcast interference and may subject construction workers, employees, and patrons of the proposed facilities to bodily harm due to exposure to high electrical and magnetic fields, including electric shock and/or burns. The NJSEA, the proposed developer, and ABC shall meet to discuss options for avoiding such potential interference and safety hazards and report conclusions back to the Hearing Officers.

13. Parklands and Recreational Resources

The proposed Xanadu development project anticipates bringing a variety of new recreational opportunities to the NJSEA sports complex site for the people of New Jersey and the greater metropolitan area. While for the general public the existing NJSEA venues are primarily spectator in nature, the Xanadu facilities propose to provide hands-on, interactive opportunities. In addition to the active recreation opportunities proposed, the EIS also includes a dedicated environmental preservation restriction on the lands at the Empire Tract that will maintain the amount of passive recreation and wildlife habitat viewing areas in the Meadowlands region.

The Meadowlands Xanadu design shall address connections to Meadows Path, the Meadowlands District trail system, within the Xanadu project area as well as in and around the Empire Tract. The expense of construction of these links shall be shared by the NJMC and the Xanadu developers. The developer shall incorporate interpretive elements within the Xanadu design that are consistent with those currently located along Meadows Path and elsewhere in the District, such as the NJMC DeKorte Park site in Lyndhurst and Mill Creek Point in Secaucus.

14. Visual and Landscape Aesthetics

The Xanadu project will add a substantial amount of new building structures to the project site upon completion. The EIS and the materials submitted during the 5(x) consultation process (see Appendix C) provide conceptual details regarding the building facades and design features that exhibit compatibility with the existing NJSEA facilities while including features to break-up the appearance of the vast exterior of the buildings. The developer shall take steps to minimize light pollution from exterior components of the development to the greatest extent possible.

A more detailed landscape plan for the Xanadu project shall be prepared along with the site plans for each project component and shall be fully implemented within one year of the opening of each specific project component. The developer shall use native plant materials to the greatest extent possible.

As previously discussed in the utilities and land use sections of this Hearing Officer's Report, the applicant shall also implement the environmentally responsible building and design practices defined by the Leadership in Energy and Environmental Design (LEED™) program when considering the landscape elements to be incorporated in the project.

Lighting, street furniture (including benches and trash receptacles), sculptures, and signage all add to the visual aesthetics of the project site. It is required that the applicant develop a coordinated plan for these elements in an effort to create a distinct sense of place. These plans shall be reviewed by NJDEP in the context of the Multi-Use Permit application.

C. Summary of Requirements

Fulfillment of the following conditions pertaining to the proposed Meadowlands Xanadu project, if approved, are assumed by the Hearing Officers to be the responsibility of the project developer, Meadowlands Mills/Mack-Cali Limited Partnership, and/or their successor, notwithstanding the developer's agreement between NJSEA and the redeveloper drafted prior to this Hearing Officers' consultation process, unless specifically noted otherwise. While this section summarizes most of

the requirements noted in the text of the individual sections of this report, the developer shall be responsible for addressing all data collection requirements, plans, improvements, and other such obligations cited in this report.

As mentioned throughout the preceding sections, the Hearing Officers are also requiring the submission of quarterly reports to the NJDEP and NJMC. These reports shall be prepared jointly by the developer and the NJSEA and signed by authorized representatives of each entity. The first quarterly progress report shall be due for submission by January 15, 2005 (provided final approval is given to this Hearing Officer's Report and needed permits are obtained from State and Federal regulatory agencies). Thereafter, quarterly progress reports are due 15 days following the end of each calendar quarter (i.e. by April 15, July 15, October 15 and January 15). This requirement will remain in effect until and unless specifically terminated or modified, in writing, by the Commissioner of the Department of Environmental Protection, Commissioner of the Department of Community Affairs, and the New Jersey Meadowlands Commission.

1. Project Components/Uses

- a. The developer shall submit to the Hearing Officers a breakdown of the exact amount of square footage of retail being proposed in the overall Meadowlands Xanadu .
- b. Any substantial deviation from the square footage numbers cited in the submission defined in 1.a above shall require a new submittal to the Hearing Officers with justification for the proposed changes.

2. Geology and Soils

- a. Test borings identified several points of low-level contamination at the project site. The extent of cleanup required on the subject site shall be dependent on and in full compliance with the NJDEP Site Investigation Report/Remedial Action Workplan. The requirements of this report and those contained within the Site Investigation Report/Remedial Action Workplan are imposed without prejudice to the developer seeking reimbursement for remedial activities under applicable law.

3. Wetlands

- a. The public hearing presentations noted that the entirety of the Empire Tract (approximately 587 acres) shall be preserved as part of the Xanadu project. However, the mitigation document submitted as part of the record noted that approximately 225 acres will be preserved as mitigation for the filling of wetlands proposed on the NJSEA site. Details as to what mechanism will be used to preserve the entirety of the Empire Tract, whether it is one deed restriction or a multiple of preservation options, shall be provided to the Hearing Officers' agencies.
- b. Since neither Meadowlands Mills/Mack-Cali Limited Partnership nor the NJSEA is owner of the Empire Tract in Carlstadt, the developer shall negotiate and obtain ownership of the Empire Tract from the current property owner. It is recommended that any existing tax appeal or other litigation be concluded prior to the transfer of the Empire Tract to the MCT. At the time of the transfer, there shall be no liability or claim asserted against the NJMC.

- c. The Hearing Officers shall strongly recommend to the ACE and NJDEP that, in addition to preservation, some degree of wetlands enhancement be performed in compensation for the wetlands fill that is being proposed. In terms of identifying a potential wetlands enhancement project that may be realized in a reasonable timeframe, the Hearing Officers suggest that ACE consider requiring the developer to provide a monetary contribution of \$769,000, based upon \$100,000 per acre for restoration, to a designated NJMC wetlands restoration project.
- d. Evidence that the Meadowlands Conservation Trust (MCT) will be the assigned entity to retain and manage the environmentally sensitive Empire Tract shall be provided to the Hearing Officers' agencies. The Hearing Officers shall recommend to ACE that MCT be allowed to establish a transportation mitigation bank in the future with any portion of the Empire Tract not used as mitigation of wetlands related to the Xanadu project. The NJDOT and NJ Transit shall identify those potential wetland impacts to the Meadowlands Conservation Trust within one year of the MCT accepting the property.
- e. The developer shall provide an annual \$100,000 grant to the MCT for activities associated with the implementation and maintenance of wetlands preservation and enhancements in and around the Xanadu site.
- f. Considering the predominant role that the MCT will have with regard to wetlands preservation and enhancement in the District,

the Hearing Officers recommend to the agencies of MIMAC that the Executive Director of the MCT, or his/her designee, be provided an official seat on MIMAC.

4. Water Resources/Stormwater Management

- a. The Xanadu project shall be submitted to NJDEP for review in accordance with the newly adopted Stormwater Management Rules at N.J.A.C. 7:8 *et seq.* Specific assistance in preparing a revised Stormwater Management Plan has been offered in the text of this document.
- b. The developer shall clear and maintain on an ongoing basis all stormwater system components, including clogged culverts that convey stormwater from the project area. In addition, the developer shall include in the quarterly progress reports an account of the ongoing maintenance and condition of the stormwater system. The Meadowlands Environmental Research Institute (MERI) shall be retained to sample the stormwater system annually to ensure compliance with this recommendation.
- c. Outfall trash racks shall be added to any lagoons that are designed to be used as detention basins.
- d. An Operation and Maintenance Plan shall be prepared for the stormwater system in accordance with the New Jersey Stormwater Best Management Practices Manual, dated February 2004. Contact information for the Engineer of Record and the owner/operator of the facility shall be updated in the plan and in writing to the NJMC on an annual basis.

5. Floodplains

- a. None

6. Threatened and Endangered Species

- a. The Hearing Officers require mitigation for the loss of the wetlands pockets for foraging and resting activities for the Black Crowned and Yellow Crowned Night Herons. The preservation of the Empire tract, and the creation of new habitat in the NJMC wetlands restoration project mentioned in Item 3 above, will satisfy this requirement.

7. Solid Waste and Recycling

- a. A Recycling Plan for the proposed Xanadu facilities shall be prepared in coordination with the NJSEA and consistent with the approved Bergen County recycling plan, which was prepared in accordance with the New Jersey Mandatory Source Separation and Recycling Act.

8. Utilities and Infrastructure

a. Sanitary Sewer Service

- i. A discrepancy exists between the BCUA documented design/operating capacity of 109 million gallons per day (mgd) at the Little Ferry wastewater treatment facility and BCUA's NJPDES permit and treatment works approved permitted flow of 94 mgd. For purposes of the Xanadu EIS process, the NJPDES approved limit shall prevail and the EIS documents shall be revised to reflect the 94 mgd figure

for wastewater treatment capacity analyses, unless BCUA's NJPDES permit is changed.

- ii. Section 4.13.1.2 of the EIS, Sanitary Sewer Service, shall be revised to state that the existing 15-inch gravity line serving the Arena building ties into a 36-inch gravity line, not a 36-inch force main as the document currently indicates.
- iii. Section 5.3.9 of the EIS, Treatment Works Approval (TWA), shall be revised to clearly indicate that the TWA permit application designated as "Phase II", which is currently on file with the NJDEP, includes the conveyance of all wastewater (820,000 gallons per day) generated from the entire scope of the proposed development (Phases I-IV).
- iv. In order to achieve the highest level of treatment possible for sewage generated by the Meadowlands Xanadu project, best management practices shall be implemented. Pollutant loading to the Hackensack River from BCUA, particularly BOD and suspended solids, shall be governed by the NJPDES permit for the facility.
- v. Meadowlands Xanadu shall work with BCUA to reduce infiltration levels so that total volume of discharge to the river remains comparable to current levels.
- vi. The beneficial reuse of treated wastewater shall be included in the design of the Xanadu project. NJDEP has encouraged the use of treated wastewater from treatment facilities as an

alternative to using potable water for operations including, but not limited to, irrigation, flush water for toilets, fire control, and climate control systems.

- vii. The applicant shall investigate as an alternative, the potential of installing and operating an on-site package wastewater treatment facility at the highest level of treatment possible, and report the findings of this evaluation to the NJDEP and NJMC.

b. Other Utilities and Infrastructure Considerations

- i. Back up generators shall be provided in the event there is a power outage.
- ii. The developer shall obtain Leadership in Energy and Environmental Design Program (LEED™) certification from the U.S. Green Building Council for the project design and construction elements. At least one member of the project team is required to be a LEED accredited professional.
- iii. Incorporation of energy efficient measures and products, in accordance with the Energy Star Program standards, is encouraged to the greatest extent possible.

9. Transportation - Traffic and Parking

- a. The Meadowlands Xanadu traffic impact analysis shall be revised in accordance with the parameters set forth in the text of this Hearing Officers' report. The study area must be expanded beyond the immediate project location as noted. The analysis should take into account traffic generation anticipated from the proposed development as well as traffic from the existing facilities of the NJSEA's Meadowlands Sports Complex. It shall detail measures to be taken to mitigate for the diminution of level of service at impacted locations.
- b. The term, "Family Entertainment," must be defined, including the square footage for each land use, into ITE Trip Generation standard land uses categories for calculation purposes.
- c. All methods, land use codes, rates, and formulas used from the ITE Trip Generation Manual shall be submitted as part of the traffic impact analysis.
- d. For comparison, for any traffic element that a reduction has been assumed, a similar analysis shall be submitted based on no reduction occurring.
- e. An on-site traffic management plan shall be submitted.
- f. Traffic assumptions shall be monitored for each phase of development commencing at the time of receipt of a certificate of occupancy for that phase and continuing for a period of 18

months thereafter. If any measurements are found to exceed the projections used in the traffic analyses of the environmental impact statement, thus causing a negative impact, they must be mitigated prior to getting a certificate of occupancy for the next phase of development. If the last phase of development exceeds the traffic projections of the EIS, the applicant shall develop a plan with the local transportation management agency, Meadowlink, to implement additional mass transit options to the site for employees within a period of time not to exceed 3 months.

- g. A parking management plan, in direct agreement with the traffic impact study vehicle distribution and industry standard parking requirements, shall be submitted for the Meadowlands Xanadu project. Such plan shall detail the shared parking concept that is being requested, demonstrating that it is feasible and that parking spaces are safely and appropriately located in relation to their intended land use. The parking management plan must take into account the sharing of spaces located at NJSEA-operated facilities, particularly at time periods when NJSEA events are occurring (i.e. football games, concerts, horse races, etc). The plan shall also include tabular accounts of space allocation per parking lot or deck and per use. Additionally, transportation demand management strategies to reduce the need for employee parking at the Xanadu components shall be explored with the assistance of Meadowlink including but not limited to programs such as cash-out parking, rideshare, vanpooling, carsharing, and transit incentives.

- h. A shuttle bus service shall be provided that operates on a regularly scheduled basis, meeting demand, to and from Secaucus Transfer Station and from the Port Authority Bus Terminal in New York City. This shuttle shall run until such time that a rail connection is constructed between the train station and the project site. The shuttle service shall also serve other key locations where concentrations of employees and patrons originate.
- i. Bus service shall be provided that operates on a regularly scheduled basis to and from the Port Authority Bus Terminal to meet demand.
- j. The developers shall be responsible for paying for all on-site traffic improvements and their fair share of all off-site traffic improvements required as a result of the development of Meadowlands Xanadu.
- k. A dedicated fee shall be placed on tickets for all events at the Sports Complex. This fee shall be deposited in a fund that shall be dedicated for mass transit and local roadway improvements in the region.
- l. The Hearing Officers recommend that the NJSEA and the developer consider dedicating a portion of the parking fees from the Sports Complex and Meadowlands Xanadu, respectively, to the fund for mass transit and local roadway improvements in the region.

10. Air Quality

- a. The air quality analyses shall be updated based on updated traffic analyses and recommendations noted in this Hearing Officers' Report, particularly with regard to expanding the study area to cover the entire Continental Airlines Arena redevelopment area, not just the wetlands portion of the site.
- b. A diesel emissions reduction analysis and plan shall be submitted as a supplement to the first quarterly progress report due to the Hearing Officers in January 2005. Progress in plan implementation shall be addressed routinely in subsequent progress report submissions.
- c. The NJDEP and NJMC require that air quality data, for PM 2.5 in particular, shall be continuously gathered and analyzed throughout construction and post construction on the site and submitted as part of the quarterly progress reports.
- d. Information about the manner in which the proposed parking decks will be ventilated shall be submitted to the Hearing Officers' agencies.
- e. A permanent air quality monitoring station shall be installed at the Meadowlands Xanadu site under the guidance of the NJDEP Office of Air Quality Management, Bureau of Air Monitoring to ensure compatibility with NJDEP's overall air quality monitoring network.

- f. Air quality data shall be collected and analyzed as part of the Meadowlands Regional Air Quality Study to be performed by Rutgers/UMDNJ. Additionally, the data shall be shared with the NJDEP for the State network.
- g. In the event that the Xanadu project is found to cause a significant impact from mobile or stationary sources, the developer shall submit a mitigation plan to the NJDEP for review, approval, and implementation within a reasonable timeframe specified by the NJDEP.

11. Noise

- a. A noise mitigation plan for the proposed project shall be submitted. The plan should address both construction and operation time periods, including but not limited to diminishing impact noise and noise produced by HVAC units, emergency generators, and truck back-up signals. Consideration should be given to restricting hours of construction as part of the noise mitigation plan.

12. Socioeconomics

- a. An executed copy of the Payment in Lieu of Taxes agreement between Xanadu and the Borough of East Rutherford shall be submitted to the Chief Fiscal Officer of the NJMC in order for the project to be accurately addressed in the Meadowlands Intermunicipal Tax Sharing Formula.
- b. An emergency response plan shall be prepared in accordance with recommendations in this Hearing Officers' Report.

- c. The developer shall provide an annual contribution to the NJMC Municipal Assistance Program in accordance with the fee schedule established in this report. These funds will be distributed to the municipalities of the Meadowlands District to mitigate for municipal costs incurred due to impacts resulting from or services provided to the Meadowlands Xanadu. Additionally, municipalities outside the Meadowlands District may petition the NJMC for grant assistance based on impacts specifically incurred from the development project.
- d. The Hearing Officers require that the developer provide \$500,000 at the commencement of construction to the New Jersey Department of Community Affairs to establish Main Street New Jersey Programs in the Meadowlands constituent municipalities to focus on retaining and enhancing their economic vitality. Additionally, the developer shall contribute another \$500,000 per year for a period of 3 years from the date of opening of the entertainment /retail component at Xanadu.
- e. The developer shall 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.

13. Land Use and Zoning

- a. The developer shall work directly with ABC Inc./ESPN Radio regarding frequency interference, electrification minimization, and the impact to the towers and associated structural elements

including the underground wiring system. A plan for addressing these issues, to the greatest extent possible, shall be submitted to the Hearing Officers' agencies.

14. Parklands and Recreational Resources

- a. The developer shall be responsible for construction of Meadows Path connections within the Xanadu project area as well as in and around the Empire Tract.

15. Visual and Landscape Aesthetics

- a. A landscape plan for the Xanadu Meadowlands project shall be prepared and implemented.
- b. The developer shall coordinate design elements of all project components including features such as street furniture (i.e. benches, trash receptacles, lighting, etc.), sculptures, and signage (i.e. directional signs, building/venue signs, banners, etc.) in order to create a distinct sense of place at the Meadowlands Xanadu development site.

16. Other Recommended Conditions

- a. The NJSEA was required to provide financial assistance for environmental education facilities and ongoing maintenance in accordance with conditions of the 1972 and 1978 Hearing Officers' Reports and the U.S. Army Corps of Engineers permit for the NJSEA site. In 1997, the previous NJSEA administration unilaterally decided to cease payments to the NJMC. The NJSEA and NJMC shall enter into negotiations to settle previous obligations as prescribed by the 1972 and 1978 Hearing Officers' Reports and the Army Corps of Engineers permit requirements.

This payment will satisfy all obligations of the NJSEA with regard to this prior condition. Additionally, in conjunction with Meadowlands Xanadu's children's education venue, it is required that environmental education be further promoted by the provision of \$75,000 per year from the developer to the Meadowlands Environment Center to offset transportation costs for busing children to the educational facilities of the Meadowlands from District municipalities and Abbott Districts. The developer shall also make a contribution to the Meadowlands Environment Center for the expansion of classroom facilities.

- b. Progress in complying with the 1972 and 1978 Hearing Officers' recommendations was tracked by an Environmental Liaison Committee. Over time, many of the requirements that the committee oversaw became actual stipulations of present-day permits at the State and/or Federal level. Due to such changes, it is recommended that the developer submit quarterly progress reports to the Hearing Officers, or their agency's designee, for review. These reports shall include the status of all conditions as well as the status of project construction. The report should address which requirements have been completed, which are in progress, and which have yet to be accomplished. Any documents produced or permits received that fulfill a condition should be attached to the quarterly report. In the event that the developer wishes to seek a modification of any condition, a request shall be made to the Hearing Officers, or their agency's designee, who in turn shall make a recommendation to the heads

of their respective agency - the Commissioner of the Department of Community Affairs and the NJMC Board of Commissioners, for a decision.

17. Identification of Permits

It is the applicant's responsibility to investigate and obtain all federal, state, and local permits that may pertain to the proposed project. The NJDEP and NJMC are not liable for any damages that may result from the applicant's failure to obtain the necessary approvals from all respective agencies having jurisdiction. The EIS identified numerous Federal, State, and regional permits and approvals that will be required for the proposed development. The applicant is responsible for obtaining these and any other required approvals:

- U.S. Army Corps of Engineers Wetlands Jurisdictional Determination
- U.S. Army Corps of Engineers Section 10 - Rivers and Harbors Act for proposed wetlands fill
- U.S. Army Corps of Engineers Section 404(b)(1) - Clean Water Act for proposed wetlands fill
- Federal Aviation Administration Notification Application approval related to regulation of height for objects that might effect navigable air space for areas in proximity to Teterboro Airport
- NJ Department of Community Affairs - New Jersey Uniform Construction Code, including Barrier Free Subcode approval
- NJDEP Water Quality Certification for discharge of fill to waters of the state, including wetlands
- NJDEP Waterfront Development Permit for development activities at and below the mean high water line

- NJDEP Stream Encroachment Permit for development activities in floodplain and floodways
- NJDEP/NJMC Coastal Zone Consistency Determination
- Bergen County Utilities Authority approval for acceptance of wastewaters in accordance with NJDEP treatment works approval regulations
- NJDEP Treatment Works Approval Permit for all proposed improvements and modifications to existing sewer infrastructure on project site
- NJDEP Water Main Extension Certification for improvements and modifications to existing potable water infrastructure on project site
- NJDEP Pollution Discharge Elimination System Permit for discharges into surface waters of the state
- NJDEP approval of documents under brownfields redevelopment program including preliminary assessment report, site investigation report, and remedial action work plan/soil reuse plan
- NJ Department of Transportation Access Permit
- Bergen County Soil Conservation District Soil Erosion and Sediment Control Plan Certification

It should be noted that NJDEP is the review agency for a number of the aforementioned permit and/or approval applications. These applications will be reviewed independent of this Hearing Officers' consultation process and in many cases the submittals will contain more detailed information than that provided in an EIS. NJDEP may request additional data and/or raise additional items of concern for which the applicant will be responsible to address at that stage of review.

III. CONCLUSION

We, the Hearing Officers, convened for the purpose of reviewing the Meadowlands Xanadu redevelopment proposal in accordance with N.J.S.A. 5:10-23 of the New Jersey Sports and Exposition Authority's enabling legislation, conclude that the project may advance subject to the conditions and recommendations of this Hearing Officers' Report.

A primary point of information that must be provided by the developer upfront is a refinement of the actual amount of square footage for each land use proposed, with particular attention given to the retail use. A refinement of the numbers appearing in the EIS will be needed to ensure that retail is a subordinate use, as well as enabling an accurate assessment of traffic, parking, and air quality impacts.

As with recommendations and requirements of past Hearing Officers' consultation processes, we find it imperative that the developer address to the fullest extent possible, the critical transportation issues raised during public hearings and in this document. Mass transit opportunities, while not part of this project proposal, must be considered for implementation in order to reduce stress to the regional and local roadway systems, as well as to the environment of the greater Meadowlands area. Additionally, while inclusion of a shared parking concept is commendable, the mechanics of such a process with regard to use categories that are proposed to share spaces, timeframes of sharing, and the actual number of parking spaces that may be reduced from industry parking standards, remain unresolved.

Diligent efforts by the developer and NJSEA to meet the recommendations and requirements set forth by this document and the provision of quarterly progress

reports to the Hearing Officers will enhance the redevelopment of the Continental Airlines Arena site overall.

The foregoing Hearing Officers' Report is hereby submitted to the Commissioner of the New Jersey Department of Environmental Protection and the Board of Commissioners of the New Jersey Meadowlands Commission for consideration.

Date: August 19, 2004

Alvin Weiss

Alvin Weiss, Esq.
Presiding Officer

Gary Sondermeyer

Gary Sondermeyer
Hearing Officer

Robert R. Ceberio

Robert R. Ceberio
Hearing Officer



**SECTION 5(X) CONSULTATION REPORT AND
RECOMMENDATIONS IN THE MATTER OF
LOCATION, TYPE, AND CHARACTER
OF THE PROPOSED MEADOWLANDS XANADU
REDEVELOPMENT PROJECT**

**NEW JERSEY MEADOWLANDS COMMISSION
1 DE KORTE PARK PLAZA
LYNDHURST, NEW JERSEY 07071**

AUGUST 2004

I. INTRODUCTION

A. Background Statement

The New Jersey Sports and Exposition Authority (NJSEA, Sports Authority or the Authority) was created on May 10, 1971, by an act of the State legislature. L. 1971, c. 137. N.J.S.A. 5:10-2 of the NJSEA Law declared that the creation of a sports and exposition complex in the Meadowlands would stimulate needed development in the Meadowlands District. N.J.S.A. 5:10-22 further detailed that “the site of the meadowlands complex shall not exceed 750 acres.” After studying a number of options, the Meadowlands Sports Complex site was located in the Borough of East Rutherford in 1972.

In accordance with N.J.S.A. 5:10-5(x), the Sports Authority consulted with the Meadowlands Commission (previously known as the Hackensack Meadowlands Development Commission and now referred to as the New Jersey Meadowlands Commission or NJMC) regarding “the location, type and character” for its initial facilities that consisted of Giants Stadium and the Meadowlands Racetrack. Additionally, the NJSEA consulted with the Meadowlands Commission in 1978 regarding its proposal to establish a multi-purpose arena in the Hackensack Meadowlands. The NJSEA’s enabling legislation also required the authority to consult with the New Jersey Department of Environmental Protection (NJDEP) and the Meadowlands Commission, in accordance with N.J.S.A. 5:10-23, 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.” It was duly noted in the New Jersey Sports

and Exposition Act, however, that while the NJSEA must consult with the Commission regarding these matters, the NJSEA's plans do not have to specifically conform with the land use plan and zoning regulations of the NJMC.

The NJSEA has submitted a project proposal, known as the Meadowlands Xanadu Redevelopment Project at the Continental Arena Site, to the NJMC for consultation purposes with regard to location, type and character of the development proposed in accordance with N.J.S.A. 5:10-5(x). This application was submitted based on plans of the "Master Redeveloper" for the project area. The Sports Authority selected Meadowlands Mills/Mack-Cali Limited Partnership as "Master Redeveloper" based on the results of a request for proposals (RFP) issued in June 2002. (Note: For purposes of this review, the NJSEA is deemed to be the applicant. Also, note that the while NJSEA formally designated Meadowlands Mills/Mack-Cali Limited Partnership as the *redeveloper* of the Continental Airlines Arena site, for purposes of this document the terms *developer* and *redeveloper* are used interchangeably.)

Three public hearing sessions were convened on August 9, 2004, to accept public comments regarding the location, type, and character of the proposed Meadowlands Xanadu Redevelopment Project at the Continental Arena Site (transcripts included with this report).

II. FINDINGS OF FACT AND RECOMMENDATIONS

As stated above, the findings of this Section 5(x) consultation pertain strictly to the matters of project location, type and character. Actual assessment of the proposed Meadowlands Xanadu project with regard to potential

environmental impacts resulting from the project's specified location is the topic of a separate consultation process performed in accordance with N.J.S.A. 5:10-23.

A. Project Location

In 1972, the site of the Meadowlands Sports Complex was selected in the Borough of East Rutherford (presently Block 107.01, Lot 1 and Block 107.02, Lot 1), just north of New Jersey State Highway Route 3 between New Jersey State Highway Route 17 and the western spur of the New Jersey Turnpike. The site was approximately 750 acres in size, the maximum allowed by the Sports Authority's legislation. The current proposal to redevelop the area of the site around the Continental Airlines Arena (Block 107.02, Lot 1) lies within those 750 acres about which the NJMC was originally consulted regarding location. The NJMC staff finds no reason for the NJSEA to seek further locations for the mixed-use development concept being proposed since the intent is to redevelop a specific portion of its existing site. Based on the underutilized nature of the existing at-grade parking in the Arena area, particularly at a facility with usage occurring at limited times, staff concurs that it is reasonable to assess the potential to deck the parking and redevelop the site to further achieve the goals set forth by the NJSEA in its RFP and the fundamental objectives of its enabling legislation.

B. Project Type

Without considering the scale and proportions of elements of the development, the Meadowlands Xanadu proposal as presented - the

creation of a multi-use destination facility at the Meadowlands Sports Complex - is consistent with the NJSEA's enabling legislation.

That legislation allows for a variety of uses to be considered by the Sports Authority. For instance, sporting event facilities, entertainment, restaurants, vending establishments, recreation, lodging establishments, offices, and transportation structures, are all noted in the legislation. N.J.S.A. 5:10-6(a)1. Additionally, the language in the statute acknowledges that other facilities may also be considered that are "related to, incidental to, necessary for, or complementary to the purposes of" the specific uses listed. N.J.S.A. 5:10-6(a)1. The types of uses proposed are also consistent with the NJMC's Master Plan and District Zoning Regulations.

The plan proposes a new 4.96 million square foot mixed-use commercial development that emphasizes sports, recreational, and entertainment facilities, built around the existing Continental Airlines Arena facility including:

- Family entertainment/ancillary retail/restaurants (2.7 million square feet)
- Class A office space (1.76 million square feet in 4 buildings of 440,000 square feet each)
- Hotel/conference facilities (500,000 square feet including 520 rooms)
- Minor league baseball stadium (6,000-8,000 seats)

The ultimate scale and proportion of various elements of the development, however, will be dependent on a number of factors that

the NJMC addressed, along with the NJDEP, as recommended conditions of the Hearing Officers' Report concerning the Meadowlands Xanadu Environmental Impact Statement (EIS), in accordance with N.J.S.A. 5:10-23, including the following:

1. A subordinate amount of retail square footage - In reviewing the plans and documents associated with this submission in addition to the EIS data, it is noted that in keeping with the policy of the enabling legislation of the NJSEA, the amount of retail proposed in the project shall be subordinate to the other permitted uses. Specifically in this case, the retail square footage shall be subordinate to the entertainment square footage in the family entertainment/retail structure. It is difficult to ascertain the exact amount of gross square footage and locations of retail being proposed in the overall project from the information submitted to date. The developer has been requested to provide a breakdown of the gross building square footage of retail.
2. The ability of the proposed shared parking concept to adequately address the parking requirements of the land uses and square footage of development proposed.
3. The ability of the internal and external roadways to handle the potential traffic generated by the proposed uses.

C. Project Character

In general, NJMC staff finds that the overall project design appears to be positive in terms of implementing a number of smart growth principles including a mix of land uses, massing of buildings/reduction of grade level parking, attempting to foster a sense of place, preserving open space and critical environmental areas at the Empire Tract, and providing accessibility to a variety of transportation modes. However, the submittal provides more detail to some areas than others. The following recommendations regarding the project design are aimed at achieving a finished product that will blend with the existing features at the Meadowlands Sports Complex and provide new elements in a safe and aesthetic manner.

The 5(x) consultation information volumes describe the design of the proposed development as being complementary in size and massing to Giants Stadium and Meadowlands Racetrack. It also notes that the design of the structures for each of the proposed Xanadu components will be harmonious with each other. The visuals in Volume II illustrate a series of structures containing a variety of heights, rooflines, and architectural details that will surround the Continental Airlines Arena. The diversity exhibited in the illustrations depicts vibrant features that the developer should be required to provide, including the amusement features such as the ferris wheel, roller coaster, and snow dome. Incorporation of such unique project elements, along with a variety of sculptures, entrance enhancements, and signage, will be necessary in the actual development, particularly for the entertainment/retail component, in order to break-up the vast exterior walls of the structure and identify entrances to the building that are distinctive enough for

patrons to find the way back to their respective parking areas or mass transportation modes.

A detailed landscape plan, with a specific palette of flora types and colors, has been provided. Locations of the various trees, shrubs, flowers, and groundcovers have been provided, including entrances, parking lot features, plazas, and walkways. The landscape plan has also been detailed to address the viewer from a number of different scales, including walking next to or under the plantings and sculpture accents, viewing from a short distance in relation to the adjacent building, and viewing from afar, such as from the adjacent highways. The plan is based on settings and species indigenous to the Meadowlands environment. Staff finds the elements of the landscape plan to be appropriate in relation to the proposed development and the applicant shall adhere to what has been presented in finalizing their landscape plans. The ultimate number, size, and species to be planted should be consistent with the findings of future permit decisions.

While the applicant states that a variety of harmonious building materials and surface finishes are contemplated, most building designs provided in the submission were for illustrative purposes only and have not been finalized to the point of being able to demonstrate that the designs will be the case. The developer's design team should produce a comparable type of palette of materials and colors for the building elements as was provided for the landscape elements. Additionally, since most of the project components include deck parking, aesthetic consideration must be given to this project element in terms of appearance from close up, as well as, from a distance. This is important particularly since walkways will be adjacent to such structures

throughout much of the development. Accents such as lighting, windows, exterior display areas, and other enhancements will be important in terms of making these features blend into the overall design and not be viewed as a negative element. Particular attention should be paid to the parking decks that are described as being part of the office structures since the application states that as many as the first six floors may be parking. Pedestrian entrances to the buildings will be very important design features in this case.

The overall design of Xanadu will benefit by having plans developed for coordination of other project elements as well. NJMC staff recommends that the applicant prepare a sign plan and street furnishings plan (i.e. light poles, benches, trash receptacles, banners) for the project. By creating such ties with design elements, Meadowlands Xanadu will be positioned to project a strong sense of place that is lacking at the Meadowlands Sports Complex today.

A unique feature of the project design is the incorporation of interior and exterior LED display screens. These elements are very contemporary in nature and most agencies do not have regulations specific to such elements. They should be viewed in a similar nature as signs. Since the screens actually project moving objects, it is important from a safety standpoint that any such items attached to the outside of structures meet appropriate standards so as not to cause distraction to drivers on adjacent roadways. Further, elements of the design that are located outside of the main structures, such as the proposed ferris wheel and roller coaster, must be assessed as to the potential of rapid movement and lights causing distractions to motorists. Also related to lighting, the exteriors of the proposed structures, parking areas, and

grounds shall provide adequate lighting for safety while at the same time prevent excess lighting – or light pollution - from occurring. In order to do this, it is important to properly calculate the amount, luminous intensity, height, and angle of the lighting proposed in the final design.

III. CONCLUSION

In accordance with N.J.S.A. 5:10-5(x), the NJMC staff has reviewed the documents submitted for the proposed Meadowlands Xanadu Redevelopment Project at the Continental Arena Site for consultation purposes with regard to its location, type, and character. It has been found that, due to the redevelopment nature of the project, the investigation of areas beyond the confines of the Meadowlands Sports Complex's Continental Airlines Arena site for locating a mixed-use development meeting the intent of the NJSEA's RFP is not warranted. With regard to type and character of the proposed Meadowlands Xanadu project, this document provides recommendations and proposed requirements aimed at ensuring that the ultimate development will be consistent with the illustrative concepts set forth by the developer and will be in the best interest of the surrounding Meadowlands communities, future employees and patrons of the proposed development, and the general public overall. I hereby submit these findings to the Board of Commissioners of the New Jersey Meadowlands Commission for consideration and recommendation to the New Jersey Sports and Exposition Authority.

Date

August 19, 2004

A handwritten signature in dark ink, appearing to read "Robert R. Ceberio", is written over a horizontal line. The signature is stylized with a large, looping initial 'R'.

Robert R. Ceberio
NJMC Executive Director