

6. COMMENT: Once a proceeding is closed, the Board e-filing system can no longer accept compliance filings related to the closed matter. This requirement would make the process particularly cumbersome as some proceedings may contain multiple compliance filing requirements over a given period of time. The commenter recommends that the proposed rules be modified to explicitly provide that any matter that carries with it ongoing compliance filing obligations should remain open after the final Board Order is issued in order to allow for future electronic filings (see additional comments regarding compliance filings in Comment 7). Alternatively, NJUA recommends that the Board allow for electronic filing of compliance and associated filings after a proceeding has been closed by the Board. (NJUA)

RESPONSE: The proposed rules provide a framework for the implementation of electronic filing at the Board as the Board's electronic filing system becomes fully implemented. The comment addresses functionality of the electronic system that the Board continues to evaluate and improve.

7. COMMENT: The commenter recommends that the rules clearly provide that compliance filings and updates to initial pleadings can be made electronically. (NJUA)

RESPONSE: The proposed rules provide a framework for the implementation of electronic filing at the Board as the Board's electronic filing system becomes fully implemented. The comment addresses functionality of the electronic system that the Board continues to evaluate and improve. The Board anticipates that with the further development of this module, this will soon become a reality. For now, the Board refers commenter to the Secretary's Letter of December 12, 2016, in which certain documents could be accepted through e-filing.

8. COMMENT: The commenter recommends that any additional parameters for the program not stated in subsection (b) be consistent with the goals of paper reduction and increased efficiency. (NJUA)

RESPONSE: The Board agrees with this comment, as one of the prime mandates of e-filing is to reduce the amount of physical paper filings and to promote efficiency.

**Federal Standards Statement**

Executive Order No. 27 (1994) and N.J.S.A. 52:14B-1 et seq., require State agencies that adopt, readopt, or amend State rules exceeding any Federal standards or requirements to include in the rulemaking document a Federal standards analysis. The adopted amendments and new rule have no Federal analogue and are not promulgated under the authority of, or in order to implement, comply with, or participate in any program established under Federal law or under a State statute that incorporates or refers to Federal law, Federal standards, or Federal requirements. Accordingly, Executive Order No. 27 (1994) and N.J.S.A. 52:14B-1 et seq., do not require a Federal standards analysis for the adopted amendments and new rule.

Full text of the adoption follows:

CHAPTER 1  
RULES OF PRACTICE

SUBCHAPTER 1. GENERAL PROVISIONS

14:1-1.6 Communications

(a) (No change.)

(b) All communications, except for comments on rule proposals, or other communications specifically exempted by rule, or by waiver, pursuant to N.J.A.C. 14:1-1.2(b), shall be deemed to be officially received when delivered at the office of the Board or electronically pursuant to N.J.A.C. 14:1-4.2A, but a Commissioner or the Secretary or an Assistant Secretary of the Board may in his or her discretion receive papers and correspondence for filing. Comments on rule proposals shall be deemed to be officially received in accordance with N.J.A.C. 14:1-1.6A.

(c) In a formal proceeding, a document submitted via fax or electronically will neither be date/time stamped as formally received by the Board nor be entered into the case or rulemaking record, except as provided under N.J.A.C. 14:1-1.6A or 4.2A or otherwise permitted by

order of the Board or a presiding Commissioner. Such documents shall only be distributed to the addressee.

SUBCHAPTER 4. PLEADINGS

14:1-4.2A Electronic filing

(a) The filing requirements of this subchapter shall not apply to any electronically filed pleading or other paper and amendment thereof submitted pursuant to an electronic filing program established by the Board.

(b) The requirements of any electronic filing program established by the Board shall include, but not be limited to:

1. The electronic copy shall be considered the filed copy and any subsequent changes to the e-filed document must be filed as an amendment or supplement to the original filing;

2. Electronically submitted documents shall be deemed as officially filed upon submission;

3. Any portion of the filing submitted by hard copy shall be subject to the provisions of N.J.A.C. 14:1-4.2; and

4. The electronic filing shall not affect the requirement to serve a hard copy of all pleadings to the Division of Law and Public Safety or the Division of Rate Counsel pursuant to N.J.A.C. 14:1-5.12(b)2 or any other filing or service requirements set forth in the Board's rules in this chapter or at N.J.A.C. 14:17.

CHAPTER 17  
RULES OF PRACTICE AND PROCEDURE OF THE OFFICE OF  
CABLE TELEVISION

SUBCHAPTER 1. GENERAL PROVISIONS

14:17-1.6 Communications

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

(d) As (a) and (b) above require that all correspondence be addressed to the Board and that said submission shall be deemed to be officially received when delivered at the office of the Board, any documents received via fax or electronically pursuant to N.J.A.C. 14:1-4.2A will neither be date/time stamped as formally received by the Board nor be entered into the case or rulemaking record, except as provided under N.J.A.C. 14:1-1.6 or 4.2A. Such documents shall only be distributed to the addressee.

SUBCHAPTER 4. PLEADINGS

14:17-4.2 Number of copies

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

(c) The provisions of this section shall not apply to electronic filings made pursuant to N.J.A.C. 14:1-4.2A.

**TRANSPORTATION**

**(a)**

**MOTOR VEHICLE COMMISSION**

**Notice of Readoption**

**Motorized Bicycles**

**Readoption: N.J.A.C. 13:25**

Authority: N.J.S.A. 39:2-3, 39:3-10a, 39:4-14.3, 39:4-14.3a et seq., and 39:5-30.

Authorized By: Motor Vehicle Commission, Raymond P. Martinez, Chairman and Chief Administrator.

Effective Date: January 2, 2018.

New Expiration Date: January 2, 2025.

**Take notice** that pursuant to the provisions of N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 13:25 were scheduled to expire on April 4, 2018. The rules set out the requirements for the safe operation of motorized bicycles. The Motor Vehicle Commission has reviewed these rules and

has determined that the rules should be readopted without amendment. The rules are necessary, reasonable, and proper for the purpose for which they were originally promulgated. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), the rules are readopted and shall continue in effect for a seven-year period.

## OTHER AGENCIES

### (a)

#### NEW JERSEY SPORTS AND EXPOSITION AUTHORITY

##### District Zoning Regulations Official Zoning Map

##### Block 4014, Lot 14.01, in the Borough of Ridgefield

##### Adopted Amendment: N.J.A.C. 19:4-3.3

Proposed: August 7, 2017, at 49 N.J.R. 2507(a).

Adopted: December 14, 2017, by the New Jersey Sports and Exposition Authority, Sara J. Sundell, P.E., P.P., Director of Land Use Management.

Filed: January 8, 2018, as R.2018 d.072, **without change**.

Authority: N.J.S.A. 5:10A-1 et seq., specifically 5:10A-7(b). See also N.J.A.C. 19:3-1.3 and 1.5.

Effective Date: February 5, 2018.

Expiration Date: May 4, 2023.

The notice of adoption can also be viewed or downloaded from the NJSEA's website at <http://www.njsea.com/njmc/land/public-notices.html>.

On March 20, 2017, a petition for rezoning was received by the New Jersey Sports and Exposition Authority (NJSEA) from the property owner, 175 Railroad Avenue Realty Associates, LLC, regarding the property identified as Block 4014, Lot 14.01 (subject property), located within the Hackensack Meadowlands District (HMD), in the Borough of Ridgefield. The subject property is currently located in both the Light Industrial B (LIB) and Environmental Conservation (EC) zones on the Hackensack Meadowlands District Official Zoning Map. The petitioner requested that the NJSEA rezone a 2.02 acre portion of the subject property from LIB to EC and a 0.98 acre portion of the subject property from EC to LIB.

The subject property totals approximately 11.11 acres fronting on Railroad Avenue, which provides the only access to the site. An existing industrial building, with an approximate footprint of 101,590 square feet, is situated on the eastern two-thirds of the uplands portion of the property, along with a parking area located between the structure and the Railroad Avenue right-of-way. Existing truck parking and loading areas are located to the rear of the building, also within the uplands portion of the property.

A Jurisdictional Determination (No. NAN-2013-00212) issued by the U.S. Army Corps of Engineers (USACE) on April 12, 2013, states that the subject property includes one principal area of waters of the United States that occupies approximately 4.07 acres within the subject site. This jurisdictional area consists of a 3.65 acre portion of Bellman's Creek and 0.42 acres of tidal emergent wetlands. Bellman's Creek is a tidal tributary of the Hackensack River. Wetlands and wetlands permitting in the HMD are under the jurisdiction of the USACE.

In a subdivision filed with the Bergen County Clerk's Office as filed map 9626 on July 21, 2016, approximately 0.98 acres of the adjacent lot to the north (Block 4014, Lot 15) were merged into the subject property. This 0.98 acre area is currently located in the EC zone and is the subject of this request to rezone a portion of Block 4014, Lot 14.01, from EC to LIB. Wetlands comprise approximately 0.16 acres, or 16 percent, of the 0.98-acre EC-zoned portion of the property, as depicted on the "Enlarged Site & Dimensional Layout Plan," Sheet 2 of 2, prepared by Miannecki Consulting Engineers and dated 3/8/17, and verified by the

USACE's Jurisdictional Determination (No. NAN-2013-00212). The remaining 84 percent of the 0.98 acres is comprised of uplands.

The petitioner has expressed interest in constructing a 31,465 square foot light industrial/warehousing addition on the subject property, in accordance with the LIB zone regulations. A portion of the proposed structure, parking, and loading area would extend into the uplands portion of the 0.98 acres proposed to be rezoned from EC to LIB. Light industry and warehousing are permitted uses in the LIB zone (per N.J.A.C. 19:4-5.80), but not in the EC zone. Rezoning the 0.98 acres to LIB would result in the potential ability of the applicant to develop the uplands, which will contribute to job creation and the economic vitality of the area, while still protecting adjacent wetlands. Any proposed development in the rezoned area would be subject to the affordable housing requirements set forth by law or court order at the time of zoning certificate application, including the payment of fees associated with the Statewide Non-Residential Development Fee Act (P.L. 2008, c. 46, §§ 32-38), signed into law on July 17, 2008.

The 2.02 acre area of the LIB zoned portion of the property that is proposed to be rezoned to EC is situated along the eastern-most portion of the subject site. While currently zoned LIB, the entirety of the 2.02 acres is located within the area designated as waters of the United States and wetlands in the USACE's Jurisdictional Determination. Further to the east of the subject property is a large swath of wetlands in the EC zone, which extends along Bellman's Creek to the Hackensack River.

The EC zone is intended to provide for the preservation and enhancement of the ecological values of wetlands, open water, and adjacent uplands within the District. The petitioner's request states that in order to offset the loss of the EC zoned portion of Block 4014, Lot 14.01, the petitioner is proposing to rezone from LIB to EC a portion of the property that is double the size of the former EC area on the same property. The proposed rezoning of this portion of the subject property is intended to provide for the continued protection of existing, on-site wetlands and open waters.

On May 18, 2017, the NJSEA Board of Commissioners adopted Resolution No. 2017-16, authorizing the NJSEA staff to prepare the notice of proposal to the Office of Administrative Law for publication in the New Jersey Register and conduct a public hearing to obtain public input regarding this matter. The notice of proposal was published in the New Jersey Register on August 7, 2017, at 49 N.J.R. 2507(a). A public hearing was held on August 29, 2017, at the NJSEA Offices to receive comment on the proposal. The public comment period ended on October 6, 2017.

#### Summary of Hearing Officer's Recommendations and Agency Responses:

A public hearing on this matter was held on August 29, 2017, at the NJSEA Offices. Sara Sundell, P.E., P.P., Director of Land Use Management and Chief Engineer, was the public hearing officer, with Sharon A. Mascaró, P.E., Deputy Director of Land Use Management and Deputy Chief Engineer also present.

No recommendations were made by Ms. Sundell or NJSEA staff during the hearing. The hearing record is available for inspection in accordance with applicant law by contacting:

Sara J. Sundell, P.E., P.P.

Director of Land Use Management and Chief Engineer

New Jersey Sports and Exposition Authority

PO Box 640

One DeKorte Park Plaza

Lyndhurst, NJ, 07071

[ssundell@njsea.com](mailto:ssundell@njsea.com)

William J. Fiore, Esq., of the firm Meyner & Landis, LLP, appeared on behalf of the petitioner to support the proposal for the rezoning and the regulatory amendments. Joseph S. Miannecki, Jr., P.E., P.P., provided expert testimony in the fields of engineering and planning in support of the application.

#### Summary of Public Comments and Agency Responses:

**No comments were received.**