



STATEMENT

**Letter and Comments on
Identical bills A3969 and S2647,
The Meadowlands Bill
Sent via email to Gov. Chris Christie**

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Hon. Chris Christie
Governor State of New Jersey
P.O. Box 001
Trenton, NJ 08625

Dear Governor Christie,

As organizations committed to smart growth and a healthy environment in New Jersey, we write to urge you to veto A3969/S2647. The New Jersey Meadowlands program has been enormously successful in promoting both economic prosperity and environmental restoration of this extraordinary area. The bill would undermine all that has been achieved in economic development, regional planning, and environmental protection in the New Jersey Meadowlands. In doing so, the bill will ultimately reignite self-defeating competition among the tightly-packed municipalities of the Meadowlands which the program was instituted to replace with cooperation and shared growth.

Since 1969, the New Jersey Meadowlands Commission has led the transformation of a landscape once dominated by orphaned landfills into a thriving region with strong communities, robust economic activity and important environmental assets. The commission was created by the Legislature to provide for the region's "orderly development," protect the "delicate balance of nature" and provide facilities for solid waste. Its enabling legislation granted the commission authority over land-use planning, zoning and development review for the parts of 14 municipalities under its jurisdiction, and created a regional tax-sharing formula to support its designation of areas for growth and for environmental conservation.

The recently passed bill, A3969/S2647, fundamentally restructures and weakens the Meadowlands program in several ways, including the following:

- 1) **Eliminates the nationally renowned Meadowlands Commission:** The Meadowlands Commission is absorbed into the New Jersey Sports and Exposition Authority with no provision for continuity of governance, mission or programs.
- 2) **Weakens regional planning, zoning cooperation and accountability:** The commission's authority to review development applications is transferred to municipalities, without necessarily requiring the municipal review process to ensure consistency with the Meadowlands master plan. A second provision gives any public body the authority to plan and zone and grant exceptions from ordinances and building regulations, again with no requirement that such actions respect the Meadowlands master plan.

- 3) **Ends regional tax sharing and puts the state on the hook for municipal subsidy payments.** A hotel tax is authorized to fund the regional tax-sharing program; and if it falls short, the state must make up the difference. Although the tax-sharing formula should be reexamined and updated, this bill revises the system in ways that are difficult to understand, and the consequences of which are indeterminate at this time.
- 4) **Jeopardizes Liberty State Park.** The new Sports and Exposition Authority is authorized to plan, manage and implement projects in Liberty State Park and possibly to control project approval, raising questions about the role of the state Department of Environmental Protection over its state park.
- 5) **Abandons the Meadowlands Environmental Research Institute and other functions.** The Meadowlands Environmental Research Institute has played an essential role in the outstanding, but ongoing, restoration of the Meadowlands' marshes, waterways and wildlife. Under the bill, the commission is authorized to shift responsibilities for the research institute's activities, promotion and marketing, and management of the sports and entertainment area to new nonprofit organizations, without providing funds for these activities. This is a prescription for eliminating the Institute and the benefits it has brought the Meadowlands.

As organizations committed to the Meadowlands' continued economic and environmental health, we are concerned that special interests are driving statutory changes that would unravel a longstanding and highly successful regional planning effort. In addition, the bill language is so confusing and in some places contradictory that we fear additional unintended consequences. For these reasons, we urge you to veto A3969/S2647. We would welcome the opportunity to consider new legislation to accomplish the goals of updating the statutory authority of the Meadowlands Commission in a clear, thoughtful way. Our specific concerns are outlined on the following pages. To discuss these issues further, please feel free to contact New Jersey Future Executive Director [Peter Kasabach](#), 609-393-0008, x104, or any of the signatories below.

Thank you for your consideration,

Peter Kasabach
New Jersey Future

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Meadowlands Bill

Identical bills A3969 and S2647

A bill consolidating the New Jersey Meadowlands Commission into the New Jersey Sports and Exposition Authority, re-establishing the Hackensack Meadowlands Transportation Planning District, adjusting the funding method for the intermunicipal tax sharing program in the New Jersey Meadowlands, supplementing Title 13 of the Revised Statutes and revising various parts of the statutory law regarding the New Jersey Sports and Exposition Authority.

The bill can be divided into the following sections:

1-68: Hackensack Meadowlands Agency Consolidation Act

- 8-31: Land use process
- 32-60: Inter-municipal tax sharing
- 62: Land use provision for public bodies

69-81: Hackensack Meadowlands Transportation Planning District Act of 2014

82-85: New Jersey Meadowlands Tax Relief Act

86-92: Amendments to Sports Expo legislation removing references to the Meadowlands Commission

Clarifications and Concerns

In general, this is a very long and complicated bill that is full of contradictions and ambiguities. It was moved very quickly through the legislature with no public knowledge or involvement. The changes seemingly being contemplated by this bill change four decades of regional precedent, cooperation and success. The bill should not be adopted until it can be written more clearly and understood better by the stakeholders and public. The benefits from the re-written bill should accrue to the entire region, the state and the municipalities within the region. It should not be driven by a minority of local concerns only.

1. Eliminating the Meadowlands Commission and moving its functions into the New Jersey Sports and Exposition Authority (NJSEA)

Presumed Intent: To merge the New Jersey Meadowlands Commission into the New Jersey Sports and Exposition Authority and vest all of the property, funds and assets to the authority..

Clarifications:

- The legislation refers to a new Meadowlands Regional Commission, but our reading of amendments indicates that that body will not actually be created. See Section 3 definition of "Commission", Section 4, Section 6.a and Section 66 for contradictions.
- Where is the mission and purpose of the Meadowlands Commission re-stated and preserved?
- Does Section 87 simply remove references to the Meadowlands Commission from the Sports and Exposition Authority statute or does it do more?

- What happens when there are conflicting requirements between the combined entities, such as different benefit and employment policies at the Meadowlands Commission and the Sports and Exposition Authority? See Section 87.t.
- The scope of the Sports and Exposition Authority is much broader than the Meadowlands region, with ownership of properties as far away as the Wildwoods. While it is clear that there should be extensive coordination and collaboration between the Authority and the Meadowlands Commission, the two entities have different missions and geographies.

Concerns: The name of the new enlarged entity should reflect the combined purposes of the new entity. It is difficult to preserve the mission and integrity of the regional planning entity; however, when it is in essence being acquired by an economic development and tourism agency. It begs the question whether there are important and effective policy, procedural and practical elements of the Meadowlands Commission that will be eliminated by this consolidation?

a. Assuring appropriate governance structure and members

Presumed Intent: To develop a board of the commission that can act independently, with knowledge of the Meadowlands region and an understanding of regional planning.

Clarification: It appears that the new board is simply the board of the Sports and Exposition Authority with one new member, eliminating the political and residency requirements of the original Meadowlands Commission membership. Besides including one member of the Hackensack Meadowlands Commission Municipal Committee, how is the meadowlands being represented? What are the experience or skill requirements for the new commission board members? Will any of the existing Meadowlands Commission members be part of the new commission board to ensure continuity of mission?

Concern: The existing Meadowlands Commission has its own governance structure and a deep knowledge and culture base for regional planning and regional tax sharing that must be preserved in the new combined entity.

2. Maintaining a strong regional planning, zoning and accountability function

Presumed Intent:

- The commission is charged with preparing, adopting and ensuring the adherence to a regional master plan, zoning regulations, codes, and standards.
- Municipalities that adopt the master plan, zoning, codes and standards shall have the authority to approve or reject land use or zoning applications.
- For those municipalities that do not adopt the commission's master plan, zoning regulations, codes, and standards, the commission shall have the authority to issue the permit.

Clarifications:

- Section 11.c. This section negates the intent by allowing any municipality to not abide by the commission's standards for public recreation, public safety, and general welfare, which may be interpreted broadly.

- Section 11.d. This section negates the intent by allowing any municipality for any reason to grant bulk variance or minor subdivision approvals, regardless of whether they conform to the commission’s plans or regulations.
- Section 13.a. This section seems to create an unrealistic standard that must be followed in order for the commission to act on subdivision approvals, i.e. requirement for a detailed written resolution and a 45-day deadline for review regardless of the complexity or completeness of the application or the staffing levels of the commission.
- Section 24.b. This section allows municipalities to approve or reject all land use permits within a commission “area in need” after the municipality adopts the commission’s redevelopment plan and provides no recourse to the commission if projects are inappropriate.
- Section 62. This section grants “any public body”, an undefined term, wide latitude to completely control its own land uses without regard to the commission.
- It is not clear if the commission has any recourse or enforcement ability if towns approve or reject plans that are not consistent with the regional master plan and regulations.

Concerns: The bill contains many seemingly contradictory statements about the land use authority of the commission and the municipalities. While delegating land use approval responsibilities is admirable and in keeping with other New Jersey regional planning models, there should be a process by which the Commission approves the delegation of such authority, and has recourse should a locality not abide by the authorizing agreement.

a. Understanding the commission’s authority to designate “areas in need”

Presumed Intent: To allow the commission to designate priority areas for development or redevelopment.

Clarification: Section 23. Unlike statutory redevelopment areas, the commission will have “exclusive power to declare the district, or any portion thereof, to be an area in need”, without guidance or publicly understood standards.

Concern: This is a very powerful a tool without any checks or balances. We understand that the Meadowlands Commission already has redevelopment responsibilities in the region, this provision should cite and recognize that the commission will follow the New Jersey Local Redevelopment and Housing Law (NJSA 40A:12A-1 et al).

3. Continuing regional tax sharing

Presumed Intent: To maintain intermunicipal tax sharing, but update the actual formulas and identify addition funding sources to augment a sending municipality’s share.

Clarifications:

- Section 32-60. It is unclear how these sections alter the existing tax sharing process. Will the proposed changes result in the same amount of money being raised and re-distributed as under the current tax sharing plan? Will some municipalities shift their status from “sending” towns to “receiving” towns, and if so, why? How much money is each municipality projected to send or receive under the new formula?

- Section 83.d. The statement uses the term “replace” the intermunicipal tax sharing program, instead of revise or amend. If this is intentional then it is contradictory to the intent.
- Section 85.d. This section makes the state taxpayers responsible for making up any shortfall in the intermunicipal tax sharing payments. The state should not be involved financially in the intermunicipal tax sharing arrangement. The sending municipalities should be making these payments.

Concern: Regional tax sharing is a long-standing and important tool for regional planning and economic development and must be maintained, while acknowledging that the actual formula for tax sharing may need to be adjusted from time to time. This would be a good task for the Meadowlands Commission.

4. Ensuring that Liberty State Park remains under the jurisdiction of the DEP

Presumed Intent: To allow the commission to use its economic development and bonding capabilities to implement and manage projects for DEP in Liberty State Park.

Clarification: Section 19.m. This section creates confusion about who has authority for the planning and approvals at Liberty State Park.

Concerns: The DEP should retain authority of the park, while the commission should have the ability to assist DEP in the development of appropriate park facilities approved by the DEP after public notice and comment.

5. Shifting responsibilities to nonprofit organizations

Presumed intent: To shift commission functions to independent nonprofit entities.

Clarifications:

- Section 7.n. Authorizes creation of a nonprofit for promotion and marketing. Well established entities to promote and market the Meadowlands already exist. How would a new nonprofit organization work with the Meadowlands Regional Chamber of Commerce (MRCC) and the nationally recognized Meadowlands Convention and Visitors Bureau, which sits within the MRCC?
- Section 19.n. Creates a non-profit to “continue research opportunities of the Meadowlands Environmental Research Institute.” How will it be funded? What is the current budget? What is the potential impact on research supporting the planning and regulatory functions of the MRC?
- Section 28.d. Commission may establish a not-for-profit organization that will be responsible for the operation of the sports and entertainment area. The goal of the not-for-profit organization is to consolidate event planning and establish sources of revenue as part of an overall strategy to create positive economic development opportunities that will impact the Hackensack meadowlands. Can be a private-public partnership.

Concerns: Creating nonprofit entities to perform functions of the commission without providing or identifying reasonable funding is the equivalent of abandoning these functions.