

**HEARING OFFICERS' REPORT AND RECOMMENDATIONS
IN THE MATTER OF THE HEARINGS
HELD ON THE PROPOSED
NEW MEADOWLANDS RACETRACK CLUBHOUSE PROJECT
NOVEMBER 3, 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). McCrane required the NJSEA to make a presentation of its plans to the NJMC 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, 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 and may include a Presiding Officer who is empowered with the authority to rule on questions of procedure.

The Hearing Officers' consultation process has been used on five 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 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.

The principles governing this Hearing Officers' consultation process have been well established in the history of these five 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, established by N.J.S.A. 13:17-3j, and to make recommendations to their respective agencies and to the NJSEA.

¹ The project formerly known as Meadowlands Xanadu is currently proposed as American Dream Meadowlands. This proposed project is currently being evaluated as part of a separate Hearing Officers' consultation process.

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 and 2006. 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 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 of 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.

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

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

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 (NJDCA), 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 Hearing Officers' Process

The Hearing Officers' Process for the New Meadowlands Racetrack Clubhouse Project began with the submission of the Scoping Document on September 16, 2011. 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. There was

one public comment made at the public hearings. No written comments were received by the close of the comment period on November 18, 2011.

G. 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 New Meadowlands Racetrack Clubhouse Project has been briefly summarized for context and the format is generally consistent with sections of the PEIS. 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 environmental impact review, this report provides a summary of recommended conditions to be imposed upon the Developer.

A. Project Description

1. Introduction

The New Meadowlands Racetrack Clubhouse Project (the Project) will develop a portion of the west site of the New Jersey Sports and Exposition Authority's Meadowlands Sports Complex, Block 107.01, Lot 1. Lot 1 also contains at-grade parking facilities, MetLife Stadium, the NY Giants training facility, and the NJ Transit Meadowlands Rail Line and Train Station.

The Project area is generally bounded by the existing racetrack to the southwest and the Meadowlands Rail Line to the north and east.

2. Development Team

The Developer for the site is New Meadowlands Racetrack, LLC.

3. Project Components/Uses

The Project consists of a new clubhouse, concourse, and parking lot to be constructed to the northeast of the existing Meadowlands Racetrack. The Project area currently contains paved roads, parking, horse barns and dormitories that are no longer used as part of racing operations, the majority of which will be demolished as part of this Project. The proposed Clubhouse component will include a covered entryway, outdoor grandstand and seating areas, and dining and entertainment rooms. Also included in the Clubhouse are race judge offices, television control, and administrative space. A paved concourse will be constructed between the new Clubhouse and existing racetrack and will include seating, landscaped areas and amenities. The Project also includes a parking lot to be constructed adjacent to the newly constructed Clubhouse, between the racetrack and the NJ Transit Meadowlands Rail Line.

The NJSEA owns and operates the Meadowlands Racetrack. The NJSEA and the New Meadowlands Racetrack, LLC (NMR) have entered into an agreement allowing NMR to operate the Meadowlands Racetrack and construct the new Clubhouse.

Once necessary regulatory approvals are obtained, the Developer plans to commence construction of the new Clubhouse and associated improvements. The existing Clubhouse, located along the southwest side of the racetrack, is anticipated to be used for the 2014 Super Bowl, and will continue to serve as office space for the racetrack and NJSEA while the new Clubhouse is being constructed. Future plans for the existing Clubhouse will be determined at a later date. The requirements contained in this Hearing Officers' report are presented with the assumption that the existing Clubhouse *will not be utilized on a regular basis other than for the NJSEA offices until demolition.*

B. Environmental Impact Review

This Hearing Officers' Report does not summarize every section of the PEIS document submitted by the Developer. Rather, it concentrates on certain parameters that the Hearing Officers' review and the public comment process have 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 PEIS states that the existing Clubhouse will be used for the 2014 Super Bowl and will remain standing until then. However, Section 2.2 on page 2 of Appendix C states that the existing Clubhouse will be razed upon completion of the new Clubhouse. The intention as to the future status of the existing Clubhouse building is unclear and will need to be clarified.

2. Geology and Soils

The Hearing Officers have no comments on this section.

3. Land Form and Topography

The Hearing Officers have no comments on this section.

4. Streams and Waterbodies

As the Project area is located in a floodplain, a Flood Hazard Individual Permit is required prior to conducting activities regulated pursuant to the Flood Hazard Control Act.

5. Wetlands

The Project does not impact areas of wetlands jurisdiction; therefore, the Hearing Officers have no comments on this section.

6. Floodplains

A Flood Hazard Area Individual Permit was issued on December 28, 2011.

The vertical datum between the plans and report is inconsistent. Specifically, the drawings found in Appendix B and the engineering report found in Appendix C of the PEIS are referenced in the NGVD29 vertical datum while Section 4 of the PEIS is referenced in the NAVD88 vertical datum. Lastly, Section 4.5.1 of the PEIS states the FEMA base flood elevation is 8 feet NAVD88 which is referencing the wrong vertical datum.

Location maps for Lagoons 1 through 4 are not provided.

Supporting documentation is required to show that the Project is exempt from N.J.A.C. 7:8 Stormwater Management Rules.

Construction details and/or a description for the hardscape/event area are required.

It is unclear as to whether the hardscape/event area is classified as pervious coverage. Labels or hatching shall be provided to show the pervious area on the pre- and post-development pervious site coverage plans.

Several construction details found on Drawing No. C-13 of Appendix B specify the Campbell Foundry casting as No. 2548, which is NOT a heavy duty bike safe grate.

Per N.J.A.C. 19:4-8.6(b)4vi, all manhole, catchbasin, and other pipe connections to proposed stormwater structures shall be equipped with flexible, water-tight joints.

Plans and reports shall be reviewed and revised in accordance with the above comments.

7. Tidelands

The Project does not require a tidelands conveyance; therefore, the Hearing Officers have no comments on this section.

8. Vegetation

The Hearing Officers have no comments on this section. No vegetation will be removed or disturbed by this project.

9. Wildlife and Habitat

Best Management Practices for the prevention of overland sediment movement shall be used at all times.

Species Occurrence Area mapping indicates threatened/endangered (T/E) species, including the Yellow-crowned Night Heron, and species of concern, including the Glossy Ibis and Snowy Egret, may be found in the project area.

Landscape mapping includes habitat patches that are valued for threatened/endangered (T/E) species and species of concern. None were found within the Project boundaries provided by the Developer.

10. Contaminated Materials

If uncontaminated construction dewatering water is proposed to be discharged to surface water, the Developer will need to obtain a Construction Dewatering general permit. The Construction Dewatering general permit is designed for short term discharges only and authorizes the discharge of groundwater, during construction dewatering, containing negligible levels of pollutants, to the surface waters of the State of New Jersey. This general permit does not cover discharges from sites known or suspected to contain contaminated groundwater, such as remediation or petroleum products clean-up sites, stormwater discharges, and discharges associated with sediment laden waters. The Certification Form and accompanying sample analysis data must be submitted 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.

11. Cultural, Historic and Archaeological Resources

The Project will not impact cultural, historic, or archaeological resources; therefore, the Hearing Officers have no comments on this section.

12. Parks, Recreation and Community Facilities

The Project will be constructed in the area of the existing racetrack stables. The track itself will remain and will be enhanced by the new Clubhouse. The new facilities provided by the Project will continue to host horseracing events.

The Project will have no adverse impacts on any parks or recreational facilities within the Hackensack Meadowlands District.

13. Community Services

As the Project is a replacement facility, no significant impacts to community services are anticipated.

14. Site Utilities

The existing utility infrastructure is proposed to be utilized by the new Clubhouse. The construction of a smaller facility presumably translates to decreased utility demand and usage. As the future status of the existing Clubhouse is not clear and, therefore, could be used for an alternate purpose, calculations of the existing and future utility demands shall be provided and shall include the alternate use of the existing Clubhouse.

The Developer shall provide will-serve letters from the natural gas and electricity providers servicing the new Clubhouse.

Describe whether the existing utilities are sized to handle the new Clubhouse along with the other new development on the NJSEA property, including the New Meadowlands Stadium, Tailgate Zones, Giants Training Facility and Proposed Ancillary Development.

The Meadowlands Racetrack is included in the 2011 United Water Master Permit. As proposed, this project is consistent with the current Bergen County Utilities Authority (BCUA) Wastewater Management Plan.

15. Transportation

The applicant's Traffic Impact Study (TIS) used existing traffic counts around the existing Clubhouse to estimate the trips generated by the new Clubhouse. However, the TIS did not account for all of the intersections and median openings within the internal roadway system of the sports complex that provide access to the existing Clubhouse. Additionally, the TIS did not specify how the trips generated by the existing Clubhouse were extrapolated from the existing counts and distributed. The existing conditions in the TIS should be updated to include traffic counts at all internal roadway access points to the existing Clubhouse in order to determine the existing traffic entering/exiting the racetrack portion of the sports complex.

The TIS stated that the future use of the existing Clubhouse will be determined at a later date. As such, an updated traffic study addressing any future use of the existing Clubhouse should be provided at that time.

The capacity analyses in the TIS should be updated to incorporate actual field-collected parameters, such as peak hour factors, truck percentages, yellow and all-red clearances, in place of the default values utilized in the TIS.

16. Air Quality

All equipment operating at the Racetrack must comply with nitrogen oxide (NO_x) requirements specified at N.J.A.C. 7:27-19.

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.

The Project is not expected to result in significant impacts due to noise. The only sensitive receptors within a one-mile radius of the Project are hotels. The Project is anticipated to generate sound levels that are similar to or less than the existing racetrack operations.

18. Land Use

The Hearing Officers have no comments on this section.

19. Landscape and Visual Impact

The new Clubhouse will function in place of the existing structure. The building façade and design details shall be compatible with the existing NJSEA facilities. The Developer shall take steps to minimize light pollution from exterior components to the greatest extent possible.

The Developer proposes to utilize xeriscape landscaping, which uses plants that are drought tolerant and require less water. The Developer has also minimized or eliminated lawn areas in the racetrack parking lot.

All parking islands shall be as large as possible, as well as interconnected to the extent practicable, in order to maximize soil volume available for root growth. Special care must be taken to provide nutrient-rich, well-aerated soil if the trees are to flourish and serve their desired functions including shade, cooling, air cleaning, and visual relief. It would be optimal to test the existing soil before recommending backfill, rather than just adding 20% organic matter as detailed in the landscape plan.

The Developer shall consider how grey water, from building and/or parking lot runoff, could be used for irrigation of landscape plants.

High-efficiency drip irrigation shall be installed in high-profile locations like entrances and plazas.

20. Solid Waste and Recycling

The PEIS states that some masonry and concrete will be crushed and reused on-site as general fill. If this is the case, no permit would be required from the NJDEP Bureau of Transfer Stations and Recycling Facilities; however, this on-site recycling activity may require submission of a Notification of Exempt Recycling Activity from NJDEP as per N.J.A.C. 7:26A-1.4(a)(2).

The PEIS refers to two in-county landfills; in fact, there are no operating landfills in Bergen County. The one operating landfill in northern New Jersey, NJMC's Keegan Landfill, is located in Kearny, Hudson County, but is not permitted to accept household, commercial or institutional wastes.

In addition, it is recommend that the number of transfer stations stated in the PEIS and their capacity be updated.

The PEIS states that the preparation of a Solid Waste Management and Recycling Plan (SWMRP) for the construction and operation phases is anticipated. The Hearing Officers require that such a Plan be prepared and implemented.

21. Socioeconomics

The PEIS cites a Rutgers study documenting the total annual economic impact of the equine industry to the State of New Jersey. The Developer shall describe the anticipated impact of the New Meadowlands Racetrack Clubhouse with respect to direct and induced dollars generated and number of jobs, and shall specify how many jobs will be full-time and part-time.

The Developer shall discuss what the economic impact to the State of New Jersey would be if the current racetrack facility should close.

The Developer shall discuss what the project's increment in business income (after taxes) will be. Please also describe the anticipated state and federal tax revenues associated with this new income.

The Developer shall discuss the public revenues to the Borough of East Rutherford. Please state whether the development will affect the Intermunicipal Tax-Sharing Plan established by N.J.S.A. 13:17-60 et seq. Please discuss any change that the Borough of East Rutherford may experience in public service costs.

22. 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. Nationally recognized programs such as the United States Green Building Council's Leadership in Energy and Environmental Design (LEED™) and the U.S. Environmental Protection Agency's (USEPA) and U.S. Department of Energy's (USDOE) Energy Star Program provide guidance. The Hearing Officers require the Developer to include in the quarterly reports a summary of the efforts made to incorporate such measures.

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;
- "Buy local" program for materials to reduce transportation costs;
- 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-flow showerheads in all buildings;
 - 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.

The Hearing Officers recommend additional focus areas as further specified below. The NJDEP, NJMC and other State government agencies will work with the Developer toward evaluating implementation of the following additional building and design features for the Project. Progress in the evaluation of opportunities for incorporation of these additional design elements shall be included within quarterly progress reports submitted by the Developer as provided in Section D. below:

- 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.

23. Indirect and Cumulative Impacts

The Project is not expected to result in significant indirect or cumulative impacts.

C. Summary of Requirements

Fulfillment of the following conditions pertaining to the proposed New Meadowlands Racetrack Clubhouse Project, if approved, is assumed by the Hearing Officers to be the responsibility of the project Developer, New Meadowlands Racetrack, LLC, 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 New Meadowlands Racetrack, LLC) 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.

1. Project Components

- a. Please clarify the intention as to the future use of the existing Clubhouse building and/or site.

2. Geology and Soils

- a. None.

3. Landform and Topography

- a. None.

4. Streams and Waterbodies

- a. None.

5. Wetlands

- a. None.

6. Floodplains

- a. The vertical datum between the plans and report is inconsistent and shall be revised. Specifically, the drawings found in Appendix B and the engineering report found in Appendix C of the PEIS are referenced in the NGVD29 vertical datum while Section 4 of the PEIS is referenced in the NAVD88 vertical datum. Lastly, Section 4.5.1 of the PEIS states the FEMA base flood elevation is 8 feet NAVD88 which is referencing the wrong vertical datum.
- b. Location maps for Lagoons 1 through 4 shall be provided.
- c. Supporting documentation is required to show that the Project is exempt from N.J.A.C. 7:8 Stormwater Management Rules.
- d. Construction details and/or a description for the hardscape/event area shall be provided.
- e. It is unclear whether the hardscape/event area is classified as pervious coverage. Labels or hatching shall be provided to show the pervious area on the pre- and post-development pervious site coverage plans.
- f. Several construction details found on Drawing No. C-13 of Appendix B specify the Campbell Foundry casting as No. 2548, which is NOT a heavy duty bike safe grate. Construction details for a heavy duty bike safe grate shall be provided.
- g. Per N.J.A.C. 19:4-8.6(b)4vi, all manhole, catchbasin, and other pipe connections to proposed stormwater structures shall be equipped with flexible, water-tight joints.

7. Tidelands

- a. None.

8. Vegetation

- a. None.

9. Wildlife Habitat

- a. Best Management Practices for the prevention of overland sediment movement shall be used at all times.

10. Contaminated Materials

- a. Please provide the status of site remediation efforts for the Project.

11. Cultural, Historic and Archaeological Resources

- a. None.

12. Parks, Recreation and Community Facilities

- a. None.

13. Community Services

- a. None.

14. Site Utilities

a. Stormwater Management

- i. 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 ongoing account of the maintenance and condition of the stormwater system.

b. 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.

15. Transportation

- a. The existing conditions in the TIS shall be updated to include traffic counts at all internal roadway access points to the existing Clubhouse in order to determine the existing traffic entering/exiting the racetrack portion of the Sports Complex. The TIS shall specify how the trips generated by the existing Clubhouse were

extrapolated from the existing counts and distributed in order to determine the number of trips for the proposed Clubhouse.

- b. The capacity analyses in the TIS shall be updated to incorporate actual field-collected parameters, such as peak hour factors, truck percentages, yellow and all-red clearances, in place of the default values utilized in the TIS.
- c. An updated traffic study addressing any future use of the existing Clubhouse and/or the site shall be provided at the time that such future use is proposed.

16. Air Quality

- a. All equipment operating at the Racetrack shall comply with nitrous oxide (NO_x) requirements specified at N.J.A.C 7:27-19.

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.

18. Land Use

- a. None

19. Landscape and Visual Impact

- a. The Developer shall consider how grey water, from building and/or parking lot run-off, could be used for irrigation of landscape plants.
- b. High-efficiency drip irrigation shall be installed in high-profile locations like entrances and plazas.

20. Solid Waste and Recycling

- a. The Hearing Officers require that a Solid Waste Management and Recycling Plan (SWMRP) be prepared and implemented. This Plan shall be submitted to the Hearing Officers six months prior to the opening of the new Clubhouse.

21. Socioeconomics

- a. The PEIS cites a Rutgers study documenting the total annual economic impact of the equine industry to the State of New Jersey. The Developer shall describe the anticipated impact of the New Meadowlands Racetrack Clubhouse with respect to direct and induced dollars generated and number of jobs, and shall specify how many jobs will be full-time and part-time.
- b. The Developer shall discuss what the economic impact to the State of New Jersey would be if the current racetrack facility should close.
- c. The Developer shall discuss what the project's increment in business income (after taxes) will be. Please also describe the anticipated state and federal tax revenues associated with this new income.
- d. The Developer shall discuss the public revenues to the Borough of East Rutherford. Please state whether the development will affect the Intermunicipal Tax-Sharing Plan established by N.J.S.A. 13:17-60 et seq. Please discuss any change that the Borough of East Rutherford may experience in public service costs.

22. Environmentally Responsible Building and Design

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. The Hearing Officers require the Developer to include in the quarterly reports a summary of the efforts made to incorporate such measures.

The Hearing Officers recommend 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 as provided in Section D.

23. 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 PEIS 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. Federal Aviation Authority Part 77 Notification of Proposed Construction or Alteration
- ii. New Jersey Department of Environmental Protection (NJDEP) Division of Land Use Regulation Flood Hazard Area Control Act Individual Permit and Paving Permit-By-Rule
- iii. NJDEP Division of Water Supply Short Term Water Use Permit-By-Rule and Dewatering Permit-By-Rule
- iv. NJDEP Surface Water Permitting (dependent upon contamination levels in dewatered water) Construction Dewatering General Permit or Groundwater Remediation Cleanup (BGR) general permit
- v. NJDEP Bureau of Financing and Construction Permits Treatment Works Approval
- vi. NJDEP Bureau of Well Permitting Geotechnical and Environmental Well Permits
- vii. NJDEP Site Remediation Program Soil Remedial Action Permit
- viii. NJDEP Bureau of Air Permits: Division of Air Quality, Air Quality Permitting Program and Bureau of Air Permits
- ix. New Jersey Sports and Exposition Authority Master Plan Approval and NJDEP and NJMC Hearing Officer's Review
- x. New Jersey Department of Community Affairs New Jersey Uniform Construction Code permits, including Barrier Free Subcode approval
- xi. 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 New Meadowlands Racetrack, LLC) 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 April 15, 2012 (provided final approval is given to this Hearing Officers' Report). Thereafter, quarterly progress reports are due 15 days following the end of each calendar quarter (i.e. by July 15, October 15, January 15 and April 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 and the NJMC Board of Commissioners.

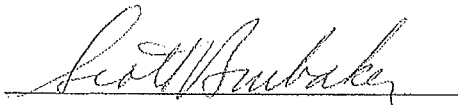
III. CONCLUSION

We, the Hearing Officers, convened for the purpose of reviewing the New Meadowlands Racetrack Clubhouse Project 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.

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 New Meadowlands Racetrack Clubhouse Project overall.

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: January 9, 2012



Scott Brubaker
Hearing Officer



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 NEW MEADOWLANDS RACETRACK CLUBHOUSE PROJECT

**SECTION 5(X) CONSULTATION REPORT AND
RECOMMENDATIONS IN THE MATTER OF
LOCATION, TYPE, AND CHARACTER
OF THE PROPOSED NEW MEADOWLANDS
RACETRACK CLUBHOUSE PROJECT**

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

JANUARY 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 the New Meadowlands Racetrack Clubhouse 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 New Meadowlands Racetrack, LLC. For purposes of this review, the NJSEA is deemed to be the Developer.

Two public hearing sessions were convened on November 3, 2011, to accept public comments regarding the location, type, and character of the proposed New Meadowlands Racetrack Clubhouse Project (transcripts are included as Appendix B of the Hearing Officers' Report). Additionally, the record was held open for written public comments until November 18, 2011 (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. Actual assessment of the proposed New Meadowlands Racetrack Clubhouse 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 to construct a new Clubhouse lies on the west site of the Meadowlands Sports Complex. The existing location of the Racetrack and the process by which it was selected in the early 1970's has predetermined the location of the proposed Project. 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. Off-site alternative locations were not studied for this project.

Based on these factors, a location to the north of the existing Clubhouse, between the backstretch of the existing racetrack and the NJ Transit Meadowlands Rail Line, was chosen as the preferred location for the new Clubhouse.

The NJMC staff finds the alternatives analysis regarding location to be acceptable. The preferred alternative appears to meet the goals established for the project in the most cost-effective manner, while minimizing negative impacts.

B. Project Type

The Project consists of a new Clubhouse, concourse, and parking lot to be constructed to the northwest of the existing Meadowlands Racetrack. The new Clubhouse will function in place of the existing 36-year-old Meadowlands Racetrack Clubhouse. The Project area currently contains paved roads, parking, horse barns and dormitories that are no longer used as part of racing operations, the majority of which will be demolished as part of this Project. The new Clubhouse component will include a covered entryway, outdoor grandstand and seating areas, and dining and entertainment rooms. Also included in the new Clubhouse are race judge offices, television control, and administrative space. A paved concourse will be constructed between the new Clubhouse and existing racetrack and will include seating, landscaped areas and amenities. The Project also includes a parking lot to be constructed adjacent to the newly constructed Clubhouse, between the existing racetrack and the NJ Transit Meadowlands Rail Line.

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 such as including a mix of land uses and providing accessibility to a variety of transportation modes.

The Racetrack Clubhouse and NJ Transit Meadowlands Rail Station will be connected through pedestrian linkages created with open plazas. The Project design standards reinforce the pedestrian scale, transit facility integration, and land use patterns.

The Project will be designed to provide compatibility with the surrounding natural setting and the rest of the Meadowlands Sports Complex.

A detailed landscape plan has been provided. Staff finds the elements of the landscape plan to be acceptable in relation to the proposed development.

III. CONCLUSION

In accordance with N.J.S.A. 5:10-5(x), the NJMC staff has reviewed the documents submitted for the proposed New Meadowlands Racetrack Clubhouse Project at the West Site 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 Meadowlands Sports Complex's West Site for locating a Racetrack Clubhouse 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: 1/9/12



Marcia A. Karrow

NJMC Executive Director

APPENDIX B
PUBLIC HEARING TRANSCRIPTS

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STATE OF NEW JERSEY
NEW JERSEY MEADOWLANDS COMMISSION

IN THE MATTER OF:
NEW MEADOWLANDS RACETRACK CLUBHOUSE PROJECT
PRELIMINARY ENVIRONMENTAL IMPACT STATEMENT
PUBLIC HEARING

November 3, 2011
50 Route 120
East Rutherford, New Jersey
10:00 a.m. to 12:00 p.m.

HEARING OFFICERS:

MARCIA KARROW,
Executive Director
New Jersey Meadowlands Commission

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

MAURICE GRIFFIN,
Deputy Attorney General
New Jersey Department of Law and
Public Safety

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

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I N D E X

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2	SPEAKER	PAGE
3	RICH ZEIGLER	
	Owner's representative	6
4	New Meadowlands Racetrack, LLC	
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1 MS. KARROW: Good morning. I'm Marcia
2 Karrow, Executive Director of the New Jersey
3 Meadowlands Commission. With me is Scott
4 Brubaker, Director of the Office of Permit
5 Coordination and Environmental Review at the New
6 Jersey Department of Environmental Protection. We
7 are the Hearing Officers for the public hearing to
8 be held today. Seated with us is Maurice Griffin,
9 Deputy Attorney General from the New Jersey
10 Department of Law and Public Safety. We welcome
11 all of you who have come to attend this hearing.

12 We are here this morning to receive
13 public comments on the Preliminary Environmental
14 Impact Statement, PEIS, dated September 30th, 2011
15 prepared by the New Jersey Sports and Exposition
16 Authority, for the New Meadowlands Racetrack
17 Clubhouse Project to construct a new racetrack
18 clubhouse within the Meadowlands Sports Complex in
19 East Rutherford, New Jersey. This hearing
20 provides you with the opportunity to comment on
21 the PEIS. Your comments will be considered during
22 the preparation of the final EIS. The PEIS has
23 been available since October 25th, 2011 on the
24 websites and at the offices of the Meadowlands
25 Commission, NJDEP, and the Sports Authority. It

1 has also been available at all public libraries in
2 each of the Meadowlands District municipalities.

3 We will receive comments at two sessions
4 today, the first session starts now, 10:05 a.m.,
5 I'm sorry, we're running five minutes later. And
6 at six o'clock p.m. tonight. If anyone has not
7 already done so, please sign in at the
8 registration desk. If you wish to submit written
9 or verbal comments, please indicate that on the
10 registration sheet. Please turn off all cell
11 phones and pagers during the hearing.

12 Today's hearing is part of the
13 consultation process set forth in the Sports
14 Authority's authorizing 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 environment of the
23 Hackensack Meadowlands may be maintained and
24 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 EIS.

6 After the close of the comment period on
7 November 18th, 2011, the Supports Authority will
8 complete and publish the final EIS, which will
9 include written responses to the public comments
10 on the PEIS, and will submit it to the Hearing
11 Officers and to the Department and the Commission.
12 The final EIS is expected to be available to the
13 public on or about December 3rd, 2011. The
14 Hearing Officers will then review the final EIS
15 and submit their report and recommendations to the
16 Department of Environmental Protection and the
17 Meadowlands Commission for approval on or about
18 January 9th, 2012. The Hearing Officers' report
19 and recommendations will thereafter be available
20 for public review at the offices and on the
21 websites of the Meadowlands Commission, the NJDEP,
22 and the Sports Authority, and at local public
23 libraries within the Meadowlands District.

24 At this time I would like to invite Rich
25 Zeigler of the New Meadowlands Racetrack, LLC, to

1 presented an overview of the proposed project.

2 MR. ZEIGLER: Thank you. My name is
3 Rich Zeigler, I'm the owner's representative for
4 the development of the new grandstand project. I
5 appreciate the opportunity to be here this morning
6 with you. We're here today to give you an
7 overview of the project. We just went through --
8 this is the consultation process for the
9 Preliminary Environmental Impact Statement.

10 John Duffy isn't available to be here
11 with us today, but John is the VP of engineering
12 and he's part of the team that officially
13 submitted that application. And the developer led
14 by Jeff Gural -- oh, there's John Duffy. We're
15 looking to build a new grandstand, I'll go through
16 what's what. We just talked about the Hearing
17 Officers' review.

18 So the site, just a little bit of an
19 overview of where we're at. We have the new
20 stadium, the existing racetrack, the existing
21 grandstand. And we're proposing to build a new
22 grandstand on the north side of the track. It is
23 the north side, but the finish line moves from
24 here to the opposite side. And the new grandstand
25 would be smaller, surrounded by a parking field

1 that exists in an area of existing barns.

2 The access remains just the way it is to
3 the complex today. Access from Route 3, Route
4 120, both north, south, east and west. And a
5 little off the page here, direct access to the
6 turnpike, none of that changes. Access to the
7 grandstand itself remains from the existing
8 internal access drive, none of that changes,
9 albeit the building location changes within the
10 property.

11 This is a little closer on the site
12 plan. Again, we have the track. So the
13 Meadowlands is a world class racing facility, we
14 don't want to change any of that. So the idea is
15 that the track changes very little, the width of
16 the back stretch will increase about five feet to
17 85 feet total in width. The grading of the track
18 and everything about it, other than moving the toe
19 court and moving the finish lines, all stays the
20 same. So we maintain the integrity of the racing
21 experience here at the Meadowlands.

22 The new grandstand. The enclosed
23 portion of the building is about 125,000 square
24 feet. About another 25,000 square feet of the
25 building is outside, grandstand seating. That's

1 about a quarter of the size of the building we're
2 in today. This building was terrific when it was
3 built 36 years ago, held massive crowds. The
4 racing crowd today is much smaller. To be
5 economically viable, we need to down-size and
6 right-size that facility.

7 The other buildings on the property that
8 are associated with racing. The existing
9 clubhouse, once we're done here, we'll move out of
10 the existing clubhouse and into the new one. The
11 paddock will remain. We're doing some
12 modifications to have it better serve us with the
13 way racing is conducted today.

14 There's five barns on the west side of
15 the track and two dorm buildings that will be
16 maintained and continue to be used for the ongoing
17 racing operations. The barns less so for racing,
18 more for special kind of events, there are horse
19 sales that happen here. There's some very big
20 races where we're still going to have horses that
21 ship in in advance of the race itself.

22 We have an administration building.
23 It's the racing office, that's maintained. There
24 will be some changes internally to that building,
25 where we would use that for some administration,

1 back-of-house space. East Rutherford's got a pump
2 station that remains unchanged. We have a small
3 maintenance building that will also remain.

4 From a site perspective, the access
5 points, this is one of the internal ring roads to
6 the property. Our access remains off this
7 internal ring road. Other than the fact that
8 there's a security gate which will be removed on
9 the back side, that ring road remains the same.
10 We're really just repositioning elements within
11 the property and maintaining access very similar
12 to the way it is now.

13 For the sake of being brief, I won't
14 bore you with all the detailed engineering plans,
15 but I will go quickly through the site plan. A
16 little bit of a blowup of the plan itself.

17 This is our building, 125,000 square
18 feet with parking that surrounds it. Access to
19 the parking lots is very conventional, off this
20 outer ring road into internal parking lots.

21 We have a porte cochere, where you can
22 come in and drop off or valet. We also include
23 direct access to the apron for special events on
24 either side of the building. And, again, a little
25 further down. And loading will be on the east

1 side of the building.

2 This is the eastern side of the
3 property. Again, the apron area will have access
4 here and again down there. There's lot of
5 activity that happens on the apron. And while
6 we're still in the process of developing how that
7 apron will look, it will be an experience very
8 similar to what happens today. Opportunities to
9 dine, and to wager, for special events, for
10 concerts. We're looking for a lot of flexibility
11 in there because one of the overriding goals here
12 is to bring new customers into the track and bring
13 people back to the track.

14 Before I talk about the elevation, a
15 couple things in terms of the other engineering
16 aspects of it. The grading, the existing parking
17 lot -- the barns will become parking lots. It's
18 relatively flat today, we're re-grading those
19 areas to drain. We're re-using a lot of the
20 infrastructure that exists out there already. So
21 the scope of work is really within this 25 acre
22 area that we're developing within.

23 All the utilities exist out there, so
24 it's very straightforward. The only thing that's
25 potentially not really straightforward is the fact

1 that those buildings and the parking lots sit
2 below the flood plain elevation. So we have
3 prepared and filed a flood hazard area permit
4 application with the DEP, which is very consistent
5 with what's happened elsewhere here on the
6 Meadowlands property.

7 This is a view of the proposed building
8 from the parking lot. Our architect's been hard
9 at work developing the building plans and
10 elevations. And you see the feel of the building
11 really respects that we're in an urban environment
12 and has a kind of modern feel to it. You look at
13 some of the colors and the feeling is probably not
14 all that different than the sense of the stadium.

15 They feel the horizontal lines create a
16 sense of movement. And you can see the way the
17 building is broken down and moves in and out. It
18 really creates a sense of interest to the building
19 as opposed to a large monolithic structure.

20 The prominent features you see here, the
21 porte cochere coming in the entrance. You can
22 pull up, drop off, valet. A set of windows that
23 bring you to the special events space, as well as
24 the administrative offices in the corner. And you
25 can see some of the pieces of the upper part of

1 the structure where the judges are.

2 This is a view from the track. Really
3 gives you a sense of the space. Here on the west
4 side, we have the grandstand that goes all the way
5 down to the apron. And as you come across the
6 front of the building, it steps back. So we have
7 glass all around on the ground level, walking out
8 on the apron, across the center.

9 In the middle, there's a betting area.
10 On the right side area is the food court. So you
11 have a lot of connectivity with what's happening
12 inside the building and what's happening on the
13 apron and on the track.

14 You go up on the second level, the
15 grandstand extends all the way across. There's a
16 promenade and you'll see this again in the
17 building floor plans. The promenade, there's lots
18 of people and excitement to have them come
19 outside. Today, we have a large indoor
20 grandstand, which not a lot of people sit in any
21 longer. By taking it outside, while, yes, you're
22 exposed to the weather, some of the cantilevers
23 protect a lot of the seats from rain and snow, but
24 it really connects you better with the track. The
25 feeling is so much better in the stands when you

1 can see and hear the race as opposed to being
2 behind glass and looking through the window.

3 Coming up on the third level, track side
4 dining and then VIP rooms. We also have a few VIP
5 rooms on the second level as well. Those rooms
6 give us a lot of flexibility to have events and
7 handle the very small groups, as little as eight
8 or ten, up to 150 or so in an environment where
9 you can look straight out and watch the races and
10 enjoy whatever type of event you're holding.

11 And on the roof level, we have the
12 judges' area, which is TV control, and the
13 announcer, and all the cameras and things that you
14 need to actually run the race. Continuing to the
15 side, we also have a large roof deck that we'll
16 see better in the building floor plans, gives us
17 the opportunity to use that view up on the roof on
18 nice spring and summer days, it has a terrific
19 view of New York City.

20 This section of the building just gives
21 you a sense of how the elements come together with
22 the grandstand seating, some of it covered by the
23 second floor and the third floor. And show you
24 that we're not just a monolithic rectangle
25 building, it's a pretty interesting structure.

1 This is the ground level floor plan. So
2 you'll be able to walk in the main entrance. To
3 your right, we have a large simulcast area, seats
4 about 400 people, has its own bar. Continuing
5 through the simulcast area, we have a VIP
6 simulcast, seats about another 120 people or so.
7 So we have the ability to have a lot of people
8 enjoying simulcast racing, which is what happens
9 most of the time in this building today. We're
10 racing 81 days live. The balance of the days,
11 we're open for simulcast racing or most of those
12 days anyway. It gives us the ability to segregate
13 the building and shut off part of it.

14 This part of the building from the
15 entrance to the right is open during simulcast,
16 unless it's shut down and apart from the rest of
17 the building. It's something we can't do here.
18 It's one of the reasons operating this building is
19 so expensive.

20 As you go to the left, there's a large
21 betting hall, with areas to place wagers and then
22 access straight out onto the apron. And we have a
23 sports bar, you'll see a rendering of the sports
24 bar as we move forward. Continuing further to the
25 left, food court dining and food court units.

1 Again, this dining area looks straight out onto
2 the apron. Then we have some back-of-house space
3 and kitchen and administrative space.

4 This is a view of the simulcast
5 facility. This the second floor floor plan. So
6 as you come up the escalator or one of the
7 elevators, you come into this betting lobby, we
8 call it a mix-and-mingle area. It's an open space
9 where you can place a wager, you can get a drink,
10 you can get something to eat, you can watch the
11 race, there's some tables that are inside, behind
12 the glass. So in the winter, there's a place for
13 people to congregate, to be able to watch the
14 race, as well as watch simulcasting.

15 This area is open down to the sports
16 bar, so you see what that looks like, kind of an
17 interesting way to raise the ceiling for the
18 sports bar, create a sense of vibrancy and
19 excitement and connect that space with what's
20 happening on the second floor.

21 Continuing further down, there's another
22 mix-and-mingle area. And then into private VIP
23 rooms. And then on the left and right area, we've
24 got deck terraces that are connected by the
25 promenade. And the promenade is at the top of all

1 the outdoor seating. 2,200 seats connected by the
2 promenade. And then does connect into the
3 building. We also have here a multi-purpose room,
4 similar to this type of a space, so you can hold
5 an event. This is a view of the sports bar from
6 the second floor.

7 This is the third floor floor plan.
8 Again, come up the escalator or up the elevator,
9 you arrive at the tier dining area. So today our
10 tier dining seats about 750 people. This is will
11 be about a third of that, so this seats about 225
12 people. Again, looking at historically how many
13 people are we serving on a nightly basis, how big
14 should this restaurant be. Think about how big a
15 750 seat restaurant is, it's enormous. So tiered
16 dining and its kitchen. It has -- this railing
17 looks down into the mix-and-mingle area. So
18 again, trying to keep the idea of connecting areas
19 of excitement through the building to have people,
20 you know, be in the mix-and-mingle area, say let's
21 go upstairs and have something to eat or the other
22 way around.

23 Continuing to the left, we have a deck
24 that separates the VIP box area from the dining
25 room. The separation is more to provide -- make

1 sure we have proper views to the track than to
2 separate those elements. There's free flow
3 through here. And the VIP rooms are set up with
4 moveable walls so that we can rent out the entire
5 space to a large group or rent out a portion of it
6 to a variety of people. And each one has
7 dedicated seating that's actually indoors. So
8 it's very similar to a super box that would be in
9 a stadium.

10 And then we have the roof level, so we
11 have the judges and the announcer and TV control
12 and press box. That's the functional part of
13 racing. And one of the things we looked at is how
14 do we really create something special, with the
15 sports bar, give them an opportunity with
16 something different. So anybody whose been to
17 some of the bars that are in Vegas that I
18 personally been to, where you come up and you have
19 these spaces on the roof of a building, it can be
20 really exciting and interesting to see.

21 So that's what we created. You take
22 this elevator straight from the sports bar to the
23 roof. We have rest rooms, food, drinks, and then
24 a large deck area that allows people to congregate
25 outside there. We think it will be an exciting

1 place to be.

2 So that's the building. I thought we'd
3 talk a little bit about the consultation process.
4 As we stated, the SEA is required to consult with
5 the Meadowlands Commission and the DEP on
6 location, type, character and ecological factors.
7 So those are the things that you see in the
8 Environmental Impact Statement. I'll just go
9 through it very briefly.

10 Project description, I'll try not to be
11 overly repetitive. But the new grandstand project
12 is constructed in a previously developed area.
13 It's about 25 acres and it consists of barns and
14 pavement and dorms today. Those facilities, as
15 racing has changed over the years, there's less
16 and less horses that are housed on the property.
17 And, in fact, the Meadowlands has now gone to
18 entirely ship-in. So horses live some place and
19 the ship-in during the day for a race. And, then
20 they go back in trailer and go back to wherever
21 they're generally stabled at the end of the day.

22 So the components of the project, you
23 have the grandstand. Then this apron is the
24 outdoor area where lots of activities happen
25 during the day. And then, of course, the parking

1 and circulation, changes that happen around the
2 building to accommodate the building.

3 The location, obviously, we're within
4 the grounds of the Meadowlands Sports Complex.
5 We're on the north side of the track. And, again,
6 those facilities that are where the building will
7 be are no longer in the project. It's truly a
8 redevelopment project.

9 So these are some of the location maps
10 that are within the EIS, both the air photo and
11 the left is the U.S. geological survey.

12 Project type. We see the project's
13 being appropriate for the sports complex. Racing
14 has been here since 1976. As I'm sure everyone is
15 aware, the track was proposed to be closed earlier
16 this year. Mr. Gural stepped in, didn't want to
17 see that happen. We looked at what do we need to
18 do to keep this facility open. And the primary
19 thing is that we need to down size, we need to
20 right size the facility and we need to maintain
21 racing operations at the same time. You can't
22 have the Meadowlands dark for two years while you
23 went through the process of building a new
24 project.

25 And in addition, we need to be able to

1 to grow attendance. So we need to improve the
2 facility's food product, we need to improve the
3 facility product. We need to attract people back
4 to the racing at the Meadowlands.

5 The character. The SEA's mission is to
6 provide world class racing, convention, sports and
7 entertainment facilities. We see this as very
8 much that, bringing the grandstand into today's
9 environment. We've centered that planning around
10 the one mile track, as I said, maintaining that
11 track at the pre-eminent harness racetrack in the
12 United States. And we think we created a really
13 modern and attractive facilities that fits into
14 the environment.

15 Ecologic factors. We see it as very
16 straightforward. We're developing a previously
17 developed area, there's no wetlands, no streams,
18 no wildlife habitat within the area that we're
19 working in. While we are within a flood plain,
20 we're filing a flood hazard area permit
21 application. And that permit is consistent with
22 the rules and regulations and also consistent with
23 what's happened previously at the Meadowlands
24 Sports Complex.

25 Again, we're served by public utilities.

1 Most of the infrastructure is right there around
2 the building that we're connecting into. Access
3 externally to the Sports Complex is unchanged.
4 Access internally, none of the access drives are
5 changed. We're getting into the project on those
6 existing internal roads.

7 At the same time, the grading -- we're
8 actually reducing impervious coverage on the site
9 a bit. So that's a step in the right direction.

10 Again, we're here for public comment.
11 So as we stated, public -- the copies of the
12 Environmental Impact Statement have been
13 available. We would like to open up now for
14 public comment and comments are available -- are
15 being received until November 18th by DEP and
16 Meadowlands Commission. Thank you.

17 MS. KARROW: The hearing is now open for
18 comments. I will call any persons who have
19 indicated on the registration sheet that they wish
20 to comment. We have one person who would like to
21 speak. So let me again remind you that all
22 comments should be brief. John, you can take as
23 long as you want.

24 MR. DUFFY: I just was signing in so you
25 know I was here.

1 MS. KARROW: You're the only person who
2 signed in? The rest of you could sign in if you
3 need to.

4 So there's nobody here who wants to
5 speak? All right. Well, we are here until twelve
6 o'clock. So we will hang around and you're
7 welcome to hang around as well. We're just going
8 to sit here and look handsome and cute, right?
9 We're not adjourned until noon, so we're going to
10 stay here. If anybody does wander in, we are
11 obligated to continue this hearing until noon.

12

13 (Whereupon a short recess was taken.)

14

15 MS. KARROW: All right, folks, it's now
16 twelve p.m. and it doesn't appear that there's
17 anybody else here who wishes to present comments,
18 right? Any comments? Last takers? All right.
19 The hearing is now closed. We'll be back here
20 tonight.

21

22 (Whereupon the matter was concluded.)

23

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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

STATE OF NEW JERSEY
NEW JERSEY MEADOWLANDS COMMISSION

IN THE MATTER OF:
NEW MEADOWLANDS RACETRACK CLUBHOUSE PROJECT
PRELIMINARY ENVIRONMENTAL IMPACT STATEMENT
PUBLIC HEARING

November 3, 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 of the Office of Permit
Coordination & Environmental Review
New Jersey Department of Environmental
Protection

MAURICE GRIFFIN,
Deputy Attorney General
New Jersey Department of Law and
Public Safety

Reported by: Susan Bischoff, CCR, RPR
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I N D E X

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Owner's representative	
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NJSEA	26
FRANK BARBER	
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1 MS. KARROW: Good evening, I'm Marcia
2 Karrow of the New Jersey Meadowlands Commission.
3 With me is Scott Brubaker, Director of the Office
4 of Permit Coordination and Environmental Review at
5 the New Jersey Department of Environmental
6 Protection. We're the Hearing Officers for the
7 public hearing to be held tonight. Seated with us
8 is Maurice Griffin, Deputy Attorney General from
9 the New Jersey Department of Law and Public
10 Safety. We welcome all of you who have come to
11 attend this hearing.

12 We are here this evening to receive
13 public comments on the Preliminary Environmental
14 Impact Statement, or PEIS, dated September 30th,
15 2011, prepared by the New Jersey Sports and
16 Exposition Authority, for the New Meadowlands
17 Racetrack Clubhouse Project to construct a new
18 racetrack clubhouse within the Meadowlands Sports
19 Complex in East Rutherford, New Jersey. This
20 hearing provides you with the opportunity to
21 comment on the PEIS. Your comments will be
22 considered during the preparation of the final
23 EIS. The PEIS has been available since October
24 10th, 2011, on the websites and at the offices of
25 the Meadowlands Commission, the NJDEP and the

1 Sports Authority. It has also been available at
2 all public libraries in each of the Meadowlands
3 District municipalities.

4 We will receive comments at two sessions
5 today. First session was this morning. The
6 second one started at six o'clock tonight. If
7 anyone has not already done so, please sign in at
8 the registration desk, which is up front. If you
9 wish to submit written or verbal comments, please
10 indicate that on the registration sheet. Please
11 turn off your cell phones and pagers during the
12 hearing.

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

1 During today's proceedings however, the
2 Hearing Officers will not respond to comments, but
3 will receive them for review and consideration. A
4 summary of the hearing, copies of the handouts,
5 and copies of the materials submitted by the
6 public will be included in the final EIS.

7 After the close of the comment period on
8 November 18th, 2011, the Sports Authority will
9 complete and publish the final EIS, which will
10 include written responses to the public comments
11 on the PEIS, and will submit it to the Hearing
12 Officers and to the Department and the Commission.
13 The final EIS is expected to be available to the
14 public on or about December 3rd, 2011. The
15 Hearing Officers will then review the final EIS
16 and submit the their report and recommendations to
17 the Department of Environmental Protection and the
18 Meadowlands Commission for approval on or about
19 January 9th, 2012. The Hearing Officers' report
20 and recommendations will thereafter be available
21 for public review at the offices and on the
22 websites of the Meadowlands Commission, the New
23 Jersey DEP, and the Sports Authority, and at local
24 public libraries within the Meadowlands District.

25 At this time, I wold like to invite Rich

1 Zeigler of New Meadowlands Racetrack, LLC, to
2 present an overview of the proposed project.

3 MR. ZEIGLER: My name is Rich Zeigler,
4 I'm the owner's representative for New Meadowlands
5 Racetrack for development of the new grandstand.
6 Thank you for coming.

7 As we said, we're here to discuss the
8 consultation process and the Preliminary
9 Environmental Impact Statement that was submitted.
10 This is the second of two sessions. The
11 consultation process was submitted by the sponsor,
12 the Sports and Exposition Authority by developer
13 New Meadowlands Racetrack, Jeff Gural, who's
14 leading the effort to create a new grandstand.

15 You heard Marcia about the Hearing
16 Officers' review and we'll start here. This is an
17 overview of the property and the project. To give
18 you a little orientation, obviously, we have the
19 racetrack, the new stadium and existing stadium
20 where we are today. In orange is where the new
21 grandstand will be positioned and the parking that
22 wraps around it.

23 Also important to see here is access to
24 the site. Access to the site from Route 3, Route
25 120, both north, south, east, and west as well as

1 access from the New Jersey Turnpike to the sports
2 complex stays exactly the way it is today. Access
3 to the racetrack stays the same, in that the
4 internal access roads stay exactly the way they
5 are. We will be accessing the grandstand from
6 this point on the access road instead of over
7 here. So a little shift in where people come from
8 and how they travel within the property, but no
9 change outside of the property.

10 Other buildings that exist. We have the
11 paddock, the paddock remains just as it is and
12 will continue to be used. We have five barns and
13 two dorms on the west side of the track that will
14 continue to be used for ongoing operations, albeit
15 less because we don't house horses on the property
16 here any longer. The Meadowlands has been
17 operating as a ship-in facility, which means each
18 day the horses that race here are brought in on
19 trailers. They're brought into the paddock and
20 then they race from there. On big race days, when
21 we use the barns, there's also horse sales several
22 times a year. And the barns are used as well as
23 the dorms.

24 We have an administration building,
25 which is where the racing offices are located.

1 We'll be doing some work in that building to add
2 more space for the back-of-house operations for
3 the building. East Rutherford also has a pump
4 station here that stays the way it is and a small
5 maintenance building that will remain.

6 A little closer in on the site plan.
7 The track is obviously the key feature. The
8 Meadowlands racetrack is a pre-eminent harness
9 racing facility in the U.S. and we're going to
10 keep it that way. So changes to the track are
11 kept at a minimum. The main change is that the
12 width of the back stretch is increased from about
13 80 feet wide to about 85 feet wide. The grading
14 remains pretty much just the way it is today.

15 The other main change is that the finish
16 line, instead of being here, is flipped to the
17 opposite side and lines up with where the new
18 building is going to go. What that does is give
19 us the ability to construct a new building while
20 this building remains open and while we continue
21 to race here at the Meadowlands. It's very
22 important to have continuity of racing and not
23 miss the planned racing days.

24 The new grandstand itself, again, in
25 orange is about 125,000 square feet indoors, about

1 25,000 square feet outdoor grandstand seating in
2 addition to that. So in total, about 150,000
3 square feet. That's in contrast to the building
4 we're in today, which is about 500,000 square
5 feet. This is an enormous building, it was built
6 for the heyday of racing back in '76, when we
7 opened.

8 So what we find here today is that this
9 building is extremely expensive to operate.
10 Right-sizing the building as we're proposing it,
11 brings the scale of the building and operational
12 efficiency that allows racing to continue to be
13 economically viable here in the Meadowlands.

14 Again, the ring roads in the property
15 will remain unchanged. In fact, even this ring
16 road, which comes around the perimeter is also an
17 existing road. The only real change is today
18 there's a gate there that prevents access from the
19 public to what's called the backside, where the
20 horses are located. That gate will be removed and
21 the road opened up. We're maintaining all the
22 access points and basically maintaining
23 circulation.

24 Without getting into too many more
25 details, we'll go into the detailed site plans.

1 I'll give you an overview. The building here is
2 shown in gray. And so we have parking lots.
3 Surrounding those parking lots are accesses from
4 the ring road that I described. Those two
5 locations and two more on the next sheet.

6 The building itself, 125,000 square
7 feet. There's access to the apron area. The
8 apron is the paved area where you walk out today
9 from the grandstand and can walk down to the
10 track, where you watch all the races. That area
11 is sloped at about four percent so when someone is
12 standing a few feet in front of you, you can see
13 over their head and everybody has a good view.

14 There will be access to the apron on
15 both sides of the building, as well as a little
16 farther down. The apron itself continues to be
17 developed and designed because when you go on the
18 apron today, there's an awful lot of activity that
19 happens outside there. And it's an important part
20 of the experience of racing. There's food
21 service, there's places to wager, there's
22 opportunities to sit on picnic tables, there's a
23 lot of public space there that will be maintaining
24 those types of uses on the new apron. We also
25 have loading over on the east side of the

1 building.

2 Again, parking lot on the east side,
3 accessing into the ring roads at two locations.
4 And access into the apron area for trucks to be
5 able to bring all kinds of things festivals, or
6 whatever trucks it might be to service those
7 areas.

8 I won't get too into the detail of the
9 grading, but, you know, in general, what's back
10 there today is there's a series of eight barns and
11 four dormitories that will be demolished. The
12 area is relatively the flat. We'll be
13 re-flattening that area, re-grading it to drain.
14 Plus because this area is already developed, the
15 utilities exist out there. Storm drainage lines
16 exist, sanitary lines exist, gas, electric,
17 telephone lines. It's all there for us to connect
18 into in close proximity of the building. It can
19 be done pretty efficiently and quickly. So the
20 limit of work is actually very close within the
21 confines here.

22 When we re-grade the parking lots, the
23 one thing you will note is that the sports complex
24 property is actually below the flood level. So
25 we've prepared and filed a flood hazard area

1 permit application that will allow us to construct
2 parking that's below the flood hazard plain.

3 That's consistent with all the parking that exists
4 here at the Meadowlands today. And that's -- and
5 the design and permitting is consistent with the
6 rules of the DEP to accomplish that.

7 This is a view of the front of the
8 building from the parking lot. The important
9 aspect here is we've looked at the building in the
10 current setting. The building is designed in a
11 way that accommodates and is respectful of the
12 urban setting, while creating a very modern feel
13 and an interesting form to the building, as well
14 as being functional. The horizontal lines give
15 you the feeling of movement, there's a lot of
16 break and separation in the building. You can see
17 bump outs in the windows, the porte cochere here
18 is the prominent feature. You pull in, you drop
19 the car for valet or drop people and go park your
20 car. The windows here are into a multi-purpose
21 room, similar to the Hambletonian room here that
22 can be used for all kinds of events and purposes.
23 You see, as the structure of the building moves
24 up, and we'll go through that in the floor plans,
25 they step forward to take advantage of the tiers

1 that you see there. It's a very interesting
2 building.

3 This is the view from the track side.
4 And here again, you can see some of the breaks in
5 the building and how the spaces are covered and
6 it's not just a monolithic cube, that's one of the
7 things we're trying to accomplish is to create an
8 interesting, attractive looking building.

9 So on the west side of the building, we
10 have grandstands that come all the way down to the
11 apron. And we break that about a third of the way
12 down the building, so the next block from here is
13 the betting hall. When you walk in the front
14 door, walk through and there's a large open
15 betting hall with the glass front and doors to be
16 able to see through and walk straight out on to
17 the apron.

18 Continuing further to the east, this
19 block is the food court. Again, you sit, you can
20 get dinner, lunch in the food court, sit at a
21 table and see the races happen from inside the
22 food court. We think it's a great way to connect
23 that use with what's happening on the track.

24 Moving up on the second floor, the
25 grandstand continues all the way across. And then

1 on the west side, we have an owners club and a
2 deck on the side. And then VIP rooms continuing
3 on.

4 On the third floor, we have track side
5 dining, you'll see on the floor plans, again, the
6 track side dining is scaled back. Today, we have
7 a dining room that seats 750 people. You can
8 imagine how many people that is. Our new dining
9 room would seat 225 people. So, again, it's a
10 generous size, but not scaled to the enormity of
11 this building we're in today.

12 Continuing to the east, we have the VIP
13 spaces that have the ability to be broken out and
14 used for a variety of purposes and for a variety
15 of sizes. There's a lot of flexibility.
16 Flexibility is one of the key things that we tried
17 to build into this structure. So that as times
18 change and the business model changes, we have the
19 ability to stay competitive and give customers
20 what they're looking for.

21 On the fourth floor, we have a judges'
22 area and then a roof deck. Very similar, if
23 you've been to some of the clubs, the ones I've
24 been to in Las Vegas, I think there are some in
25 New York, and Chicago. But you come up on the

1 roof, an exterior deck. There's food service,
2 there's rest rooms, there's a bar. But it's an
3 outdoor experience, with a really terrific view of
4 New York City. So we think that has a potential
5 to be a super exciting place, that's an area we're
6 pleased to move forward with.

7 This is a section -- two sections of the
8 building. Just to give you a little more sense of
9 how the building is broken out and give you some
10 interest. Again, not a monolithic block.
11 Grandstand seating, the second floor step over.
12 And the third floor extends out over the seats so
13 that the seats, while they're outside, are covered
14 or many of them are covered. And then the fourth
15 floor extends out a little further. While not all
16 the seats are covered, a lot of them, so it
17 protects you from sun. And more importantly, the
18 outside seating gives you a connection with what's
19 happening on the track, that you don't get today
20 where the seats are inside, behind the glass.

21 This is a look at the floor plans.
22 Here, we're walking in the main entry hall. And
23 you come in and you move to the right, this block
24 is our simulcast area, that seats about 400
25 people. It's assigned into quadrants with a bar

1 in the middle of it. Continue through there into
2 a VIP simulcast area that seats about 120. So
3 it's over 500 seats in simulcast, which obviously
4 is the bread and butter of what happens in the
5 Meadowlands on a day-to-day basis. We'll be
6 racing about 81 days going forward.

7 When you walk in the building and turn
8 left, there's the sports bar, which we're looking
9 at being a very exciting environment. And you'll
10 see a rendering of that as we move forward a
11 little bit. And then this center piece is the
12 betting hall area. So you can stand and
13 congregate in the middle, place wagers at the
14 service -- at the manned terminals and self-serve
15 terminals and then walk out these doors onto the
16 apron.

17 Continuing a little further to the east,
18 we have the food court units and food court
19 dining. And, again, this front wall is glass so
20 you can see what's happening out on the apron.
21 And we have some back-of-house space, the kitchen,
22 and some receiving space to the top right.

23 This is a rendering of the simulcast
24 area. You can see it's very rich in materials and
25 appeal. We're very excited to take the level of

1 finish of the simulcast up to this kind of
2 environment.

3 Here, we're on the second floor, where
4 you can take the escalator or elevator up to the
5 second floor. And to the plan left, you have an
6 owner's lounge, owner's club there, coming out
7 these doors onto a promenade at the top of the
8 grandstand seats. That's about 2,200 outdoor
9 grandstand seating. And this promenade is
10 actually set down four feet from the height of the
11 inside level. What that does is it lets you be
12 inside the building in this area what we're
13 calling a mix-and-mingle area, sitting at a table
14 or standing inside looking out the window. And
15 the people that are walking by on the promenade at
16 the top of the seats are four feet lower than you
17 so you can see over the top of them. We spent a
18 lot of time making sure that everybody has a view
19 of the track and nobody's going to obstruct the
20 view.

21 On either end, we have a deck. Again,
22 the promenade area. And the 2,200 seats, the
23 mix-and-mingle area, indoor seating for winter
24 time racing.

25 And continuing on, another

1 mix-and-mingle area, more mutuals. And then
2 continuing on a little further, we have some VIP
3 space. In the back, this area actually looks down
4 upon the bar, it's not enclosed, it's got a glass
5 rail. So from the mix-and-mingle area looking
6 down into the bar, you connect the activity and
7 you connect the excitement that's happening in the
8 sports bar.

9 And then to the right is the
10 multi-purpose room, similar to here in the
11 Hambletonian room, maintaining flexibility for all
12 kinds of people and events.

13 This is a view of the sports bar. You
14 can see we're looking for -- trying to get a Las
15 Vegas sports bar kind of feel, really exciting
16 place to be. We had a question about is the
17 building exciting, we're trying to create an
18 exciting environment. The building is the way to
19 accomplish the environment, not the environment
20 itself. So we think this has the potential to
21 really be a terrific place to watch a game, to
22 have dinner, or to watch a race.

23 This is the third floor. As you come up
24 the escalator again into a lobby area, this is the
25 tiered dining area. So the experience that we

1 have today with tiered dining would be very
2 similar, albeit on a smaller scale. This seats
3 about 225 people.

4 As you continue to the right, we have a
5 series of VIP rooms and they're very similar to a
6 box seat in a sporting stadium. In the front we
7 have two rows of seats in a tiered situation with
8 glass partitions, breaking out each piece and
9 extending back, you see the lines are set up to
10 have movable walls. So we can lease this space to
11 as small as eight or ten people or to as many as
12 150 people by moving the walls in and out.

13 So it gives us a lot of flexibility. We
14 have this idea of how do you accommodate a lot of
15 different folks to end up with a product that can
16 be very successful and meets a lot of people's
17 needs.

18 Here, we're up on the roof. So on the
19 roof, on the west side is the functional space for
20 racing. It's the judges and it's the TV room, and
21 it's the announcer space and the press box, all
22 enclosed. And then on the right side of the plan,
23 this box is the elevator that bring you up to the
24 roof. In fact, this elevator goes down just to
25 the edge of the sports bar. So in the sports bar,

1 you want to go up on the roof on a great night,
2 take the elevator straight up to the roof. We
3 have rest rooms, we have food service. There will
4 be bar service and a large open deck with a
5 terrific view of the New York skyline. It's going
6 to be a really unique place in northern New
7 Jersey, I can't think of another place like it.
8 And we think it's some place people are going to
9 be excited to be.

10 Let's talk a little bit about the
11 consultation process. Again, it's the -- the
12 process is a function of the New Jersey
13 Meadowlands Commission and the DEP looking at the
14 location, type, and character of the project, as
15 well as the ecological factors. So we'll start
16 with the project description and try not to be
17 overly repetitive, but give you a feel of what's
18 in the EIS, on a very broad sense, it's a three
19 inch document, as you probably saw.

20 Again, we have the track. This is a
21 photograph of what exists in our work area today.
22 This is about 25 acres, so we have eight barns,
23 four dorms. The roofs are gray, so they don't
24 really pop out. There used to be some additional
25 barns out here that have been demolished. But

1 essentially what's out there is impervious surface
2 today. It's rooftops of the barns, rooftops of
3 the dorms, or it's paved areas around the barns.

4 So from the project standpoint, again,
5 demolishing the barns and dorms, constructing the
6 grandstand, constructing the apron, this
7 functional space along the track itself, where
8 people can enjoy being outside, and watching the
9 races. And, again, the parking and circulation
10 surrounding this building that's required for you
11 to have a convenient place to park.

12 In terms of location, you know,
13 obviously we're within the Meadowlands Sports
14 Complex and, you know, you look at this and you
15 look at redevelopment projects. This is a true
16 redevelopment project. We're taking down barns
17 and dorms that are not used currently in the way
18 racing operates and constructing new buildings in
19 their place that are more functional for today's
20 environment and how we work.

21 These are the location maps that are
22 included in the EIS. On the right, we have the
23 air photograph with the work area shown in red.
24 And the left side is the USGS survey, which is
25 countrywide mapping that's available.

1 In terms of type, we look at whether the
2 project type is appropriate in the location.
3 Obviously, racing in the Meadowlands has been
4 happening since 1976. But what's important is to
5 be able to accommodate today's crowd. When this
6 facility opened in 1976, the crowds that came on a
7 nightly basis were much, much larger than they are
8 today.

9 So we need to do two things. We need to
10 accommodate the right-sized group of people and
11 create a facility that's the right size. We also
12 need to improve the level of customer experience
13 so the customers want to come here on a nightly
14 basis. We'll do that through great racing, good
15 dining, entertainment amenities. We want to bring
16 people back.

17 And then of course character. The
18 Sports and Exposition Authority's mission is to
19 provide world class racing, convention, sports,
20 and entertainment facilities. This building we're
21 in is 36 years old. So we've obviously designed a
22 new modern building that meets today's
23 requirements. We designed that centered around
24 the concept of the one mile track. Again, the
25 Meadowlands is a pre-eminent race track. We want

1 to keep it that way. We're respecting that. So
2 everything we're doing is surrounding about
3 creating the best racing experience we can. And
4 thereby having a sustainable solution going
5 forward, something that can be operated in an
6 efficient manner.

7 In terms of ecological factors, we're in
8 a great position. The development area is fully
9 occupied by existing structures and pavement.
10 We're not impacting any wetlands, streams,
11 wildlife habitat, any sensitive resources. And
12 while we are within the flood plain, as I
13 described before, you know, the design that's been
14 created is consistent with the DEP's regulations
15 in how you work in a flood plain, no different
16 than what was done for the stadium.

17 And lastly, we're served by public
18 utilities. Those utilities exist right around the
19 existing building. Our access is unchanged,
20 access within the Meadowlands Sports Complex is
21 unchanged, access within the facility itself is --
22 none of the roadways change. Our access point is
23 very close to where it was. And we also have a
24 net reduction in pavement surface on the project.

25 So with that, obviously we're here for

1 public comment on the Environmental Impact
2 Statement. So as we stated, those reports have
3 been available for a couple of weeks now. And we
4 will open up for your comment here tonight and
5 written comments will be accepted until November
6 18th by the Meadowlands Commission and by the DEP.

7 MS. KARROW: Thank you, Rich. The
8 hearing is now open for comments. Again, if you
9 are not an employee of the Sports and Exposition
10 Authority or a member of the public, who is not an
11 employee based here, or the NJDEP, NJMC, somebody
12 presenting tonight or taking comments on behalf of
13 the owners, the Sports and Exposition Authority or
14 the two Hearing Officers, please register that
15 you're here.

16 I'll call persons who have indicated on
17 the registration that they wish to comment. I
18 have, let's see this doesn't say whether they want
19 to make a comment or not. Nobody who signed up
20 wants to comment?

21 AUDIENCE MEMBER: I have a question.

22 MS. KARROW: Did you sign up?

23 AUDIENCE MEMBER: I signed up.

24 MS. KARROW: I'm just going to call them
25 in order and see if any of you want to comment.

1 Let me just finish the rules of the public
2 hearing.

3 The comments should be brief. They
4 should be directed to the Preliminary
5 Environmental Impact Statement. When you're
6 called to present your comments, please stand,
7 give your name and its spelling so our
8 stenographer who's recording the hearing can get
9 it right. Please, also give the name of the
10 organization or any interest that you represent.
11 If you have written materials, please give copies
12 to the stenographer. Please limit your comments
13 on the public -- the Preliminary Environmental
14 Impact Statement to five minutes. You may be
15 afforded additional time for your comments after
16 we've gone through the list of those who have
17 signed up on the registration sheets. If you are
18 also submitting written comments, please just
19 summarize them and don't read them in length.

20 We'll accept additional written comments
21 on the Preliminary Environmental Impact Statement
22 until the close of business on Friday, November
23 18th, 2011. And they may be submitted in writing
24 to Scott Brubaker, Director of the Office of
25 Permit Coordination and Environmental Review, New

1 Jersey Department of Environmental Protection, 401
2 East State Street, P.O. Box 402, Trenton, New
3 Jersey 08625 or to myself, Marcia Karrow,
4 Executive Director, New Jersey Meadowlands
5 Commission, One DeKorte Park Plaza, Lyndhurst, New
6 Jersey 07071. Copies of the public notice with
7 instructions should you wish to provide written
8 comments are available at the registration desk.

9 Okay. So I am going to call in order.
10 You can decline if you did not want to speak,
11 since none of you checked. John Brennan?

12 MR. BRENNAN: No, thank you.

13 MS. KARROW: If I can't pronounce your
14 name, I'm sorry. Rich Galdi?

15 MR. GALDI: Decline.

16 MS. KARROW: Carol Smith?

17 MS. SMITH: I just had a question.

18 MS. KARROW: You can ask questions,
19 ma'am, but they don't have any obligation to
20 answer. These are for comments only. Before you
21 do that, can you spell your last name for the
22 record?

23 MS. SMITH: S-M-I-T-H.

24 MS. KARROW: And your affiliation.

25 MS. SMITH: New Jersey Sports and

1 Exposition Authority.

2 MS. KARROW: Thank you. The floor is
3 yours.

4 MS. SMITH: My comment is that the
5 building looks very nice. It's just that I don't
6 see many sections in there where there will be
7 tellers working. I see all kinds of rooms and
8 restaurants and everything. But I don't really
9 see much room for people to bet. And I don't see
10 any room at all for offices or for any kind of
11 people that have to work behind the scenes.
12 That's my comment.

13 MS. KARROW: Thank you very much. And
14 again, those comments will be addressed in writing
15 after the hearing is completed and over on
16 December 18th. And the comments will be answered
17 in writing.

18 MS. SMITH: Thank you.

19 MS. KARROW: Next is Greg Tarrantino?

20 MR. TARRANTINO: No comment.

21 MS. KARROW: Marty, I'm going butcher
22 the last name --

23 MR. BELLENGIERE: Bellengiere, no
24 comment.

25 MS. KARROW: Frank Barber.

1 MR. BARBER: B-A-R-B-E-R.

2 MS. KARROW: You had a question or
3 comment? Can you spell your last name again?

4 MR. BARBER: B-A-R-B-E-R.

5 MS. KARROW: And your affiliation?

6 MR. BARBER: Aramark, I work for the
7 food end of this. I want to know, if I may, when
8 is construction going to start on it? If there is
9 anything scheduled?

10 MS. KARROW: Again, this is comments
11 only on the -- right. You're welcome to talk off
12 line to Rich if you want afterwards. Anything
13 else? Okay. Well, we are open for the record
14 until eight p.m. tonight. If you do want to ask,
15 not ask -- if you have any other comments, we're
16 going to all be here for about another hour and a
17 half. You're welcome to look at the exhibits,
18 just talk, hang out. And if anybody else comes
19 in, we'll reconvene. So we're in recess until
20 somebody else signs up to speak.

21

22 (Whereupon a short recess was taken.)

23

24 MS. KARROW: Back on the record. All
25 right. It is now eight p.m. and it does not

1 appear there's anybody else who wishes to present
2 comments. The hearing is now closed.

3

4 (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

APPENDIX C
WRITTEN PUBLIC COMMENTS

(Please note that no written public comments
were received during the public comment period)