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COUNTY OF HUDSON
PLANNING BOARD

MEETING OF THE HUDSON :
COUNTY PLANNING BOARD : TRANSCRIPT
- - - - - OF
PROCEEDINGS

December 21, 2011
County Annex Building
567 Pavonia Avenue
3rd Floor
Jersey City, New Jersey
commencing at 6:50 p.m.

B E F O R E:

- DANIEL CHOFFO, CHAIRMAN
- DEMETRIO ARENCIBIA, COMMISSIONER
- MARY AVAGLIANO, COMMISSIONER
- RUSHABH MEHTA, COMMISSIONER
- HON. ANTHONY ROMANO, FREEHOLDER

A L S O P R E S E N T:

- JOHN J. CURLEY, ESQ., BOARD ATTORNEY
- STEPHEN MARKS, PP, AICP, PLANNING DIRECTOR
- MEGAN MASSEY, PRINCIPAL PLANNER
- DANIELA CIAMMARUCONI, PLANNING AIDE
- MARIO TRIDENTE, BUILDING INSPECTOR/ZONING OFFICER
- LEONARD J. MILLER, T & M ASSOCIATES
- EDWIN REIMON, T.Y. LIN

Job No. NJ308691

1 CHAIRMAN CHOFFO: Good evening,
2 everyone. I'd like to bring to order, the meeting of
3 the Hudson County Planning Board for this evening,
4 Wednesday, December 21st, 2011.

5 Sorry we're starting a little late, it's
6 about ten minutes to seven.

7 We're going to take a moment of
8 silence -- you want to open the meeting first, Steve?

9 Could we please have a roll call?

10 DIRECTOR MARKS: Commissioner Arencibia?

11 COMMISSIONER ARENCIBIA: Here.

12 DIRECTOR MARKS: Commissioner Avagliano?

13 COMMISSIONER AVAGLIANO: Here.

14 DIRECTOR MARKS: Commissioner Bettinger
15 is not present.

16 Commissioner DiDomenico, not present.

17 Commissioner Fitzgibbons, not present.

18 Commissioner Holloway, not present.

19 Commissioner Mehta?

20 COMMISSIONER MEHTA: Here.

21 DIRECTOR MARKS: Commissioner Ng, not
22 present.

23 Commissioner O'Dea, not present.

24 Commissioner Romano?

25 COMMISSIONER ROMANO: Here.

1 DIRECTOR MARKS: And Chairman Choffo?

2 CHAIRMAN CHOFFO: Here.

3 DIRECTOR MARKS: Mr. Chairman, we do
4 have a quorum.

5 CHAIRMAN CHOFFO: Mr. Curley, has this
6 meeting been properly advertised?

7 MR. CURLEY: Yes, the meeting has been
8 properly advertised and posted in accordance with the
9 Open Public Meetings Act. This has been advertised
10 in The Jersey Journal and The Star Ledger and notice
11 has been posted with the County Clerk and the Clerk
12 of the Board of Freeholders.

13 CHAIRMAN CHOFFO: Thank you. Please
14 stand to salute the flag.

15 (All rise to salute the Flag.)

16 COMMISSIONER ROMANO: If we could ask
17 everyone to stand for a moment of silence, please, of
18 the late Freeholder, Maurice Fitzgibbons passed away
19 and tonight is his wake, tomorrow is his funeral
20 mass.

21 We ask that everyone keep him in his
22 prayers. He was a tremendous asset to Hudson County
23 and we'll ask for a moment of silence.

24 (A Moment of Silence.)

25 Thank you.

1 DIRECTOR MARKS: Mr. Chairman, under
2 Section 4 on the agenda, the review and adoption of
3 the meeting minutes, we actually have four sets of
4 minutes that were not approved by the Board
5 previously: One, from October 5th, 2011; second,
6 from October 19th, 2011; the third, from October
7 26th, 2011; and the fourth, from November 14th, 2011.

8 Mr. Chairman, can the Board approve all
9 four at the same time or --

10 MR. CURLEY: Yes.

11 CHAIRMAN CHOFFO: Do I have a motion?

12 COMMISSIONER ARENCIBIA: Motion.

13 COMMISSIONER MEHTA: Just one question.
14 October 5th and November 14, I was not present. I
15 can disapprove or I can stay absent?

16 CHAIRMAN CHOFFO: Abstain.

17 MR. CURLEY: Perhaps, given the presence
18 and absence, we should do it in separate resolutions.

19 COMMISSIONER ROMANO: Make a motion for
20 October 5th minutes.

21 COMMISSIONER AVAGLIANO: Second.

22 DIRECTOR MARKS: Mr. Chairman, on a
23 motion, to approve the meeting minutes of October
24 5th, 2011, made by Commissioner Romano, seconded by
25 Commissioner Avagliano, Commissioner Arencibia?

1 COMMISSIONER ARENCIBIA: Aye.

2 DIRECTOR MARKS: Commissioner Avagliano?

3 COMMISSIONER AVAGLIANO: Aye.

4 DIRECTOR MARKS: Commissioner Mehta?

5 COMMISSIONER MEHTA: Abstain.

6 DIRECTOR MARKS: Commissioner Romano?

7 COMMISSIONER ROMANO: Aye.

8 DIRECTOR MARKS: And Chairman Choffo?

9 CHAIRMAN CHOFFO: I vote aye.

10 DIRECTOR MARKS: Chairman, the motion
11 passed.

12 CHAIRMAN CHOFFO: Can I have a motion to
13 accept the meeting minutes from October 19th, 2011?

14 COMMISSIONER MEHTA: I second.

15 CHAIRMAN CHOFFO: Do I have a motion?

16 COMMISSIONER MEHTA: I second.

17 COMMISSIONER ROMANO: We have to make a
18 motion.

19 COMMISSIONER MEHTA: Motion.

20 COMMISSIONER AVAGLIANO: I'll second.

21 DIRECTOR MARKS: Mr. Chairman, on a
22 motion, made by Commissioner Mehta, seconded by
23 Commissioner Avagliano, Commissioner Arencibia?

24 COMMISSIONER ARENCIBIA: Aye.

25 DIRECTOR MARKS: Commissioner Avagliano?

1 COMMISSIONER AVAGLIANO: Aye.

2 DIRECTOR MARKS: Commissioner Mehta?

3 COMMISSIONER MEHTA: Aye.

4 DIRECTOR MARKS: Commissioner Romano?

5 COMMISSIONER ROMANO: Aye.

6 DIRECTOR MARKS: Chairman Choffo?

7 CHAIRMAN CHOFFO: Aye.

8 DIRECTOR MARKS: Mr. Chairman, the
9 motion passes.

10 CHAIRMAN CHOFFO: And do I have a motion
11 from someone for the meeting minutes from October
12 26th, 2011?

13 COMMISSIONER MEHTA: I make the motion.

14 COMMISSIONER AVAGLIANO: Second.

15 DIRECTOR MARKS: Mr. Chairman, on a
16 motion, made by Commissioner Mehta, seconded by
17 Commissioner Avagliano, Commissioner Arencibia?

18 COMMISSIONER ARENCIBIA: Aye.

19 DIRECTOR MARKS: Commissioner Avagliano?

20 COMMISSIONER AVAGLIANO: Aye.

21 DIRECTOR MARKS: Commissioner Mehta?

22 COMMISSIONER MEHTA: Aye.

23 DIRECTOR MARKS: Commissioner Romano?

24 COMMISSIONER ROMANO: Aye.

25 DIRECTOR MARKS: And Chairman Choffo?

1 CHAIRMAN CHOFFO: Aye.

2 DIRECTOR MARKS: Mr. Chairman, the
3 motion passed.

4 CHAIRMAN CHOFFO: Lastly, do I have a
5 motion for the meeting minutes from November 14th,
6 2011?

7 FREEHOLDER ROMANO: Motion.

8 COMMISSIONER AVAGLIANO: Second.

9 DIRECTOR MARKS: Mr. Chairman, on a
10 motion, made by Commissioner Romano, seconded by
11 Commissioner Avagliano, Commissioner Arencibia?

12 COMMISSIONER ARENCIBIA: Aye.

13 DIRECTOR MARKS: Commissioner Avagliano?

14 COMMISSIONER AVAGLIANO: Aye.

15 DIRECTOR MARKS: Commissioner Mehta?

16 COMMISSIONER MEHTA: Abstain.

17 DIRECTOR MARKS: Commissioner Romano?

18 COMMISSIONER ROMANO: Abstain. I wasn't
19 there.

20 DIRECTOR MARKS: Abstain. And Chairman
21 Choffo?

22 CHAIRMAN CHOFFO: I did read the meeting
23 minutes from that meeting and I will vote aye.

24 DIRECTOR MARKS: Mr. Chairman, we have
25 three votes in the positive and two abstentions. The

1 motion passes.

2 Mr. Chairman, the next matter on the
3 agenda is the matters scheduled for public hearing,
4 beginning with 5-A on the agenda, the public hearing
5 for the Hoboken/Jersey City Connectivity Study.

6 Mr. Chairman, in your packets this
7 evening or in your packets in the mailing, you should
8 have received a copy, it was mailed on a CD. There
9 was also an executive summary that accompanied the
10 CD.

11 As you may recall from previous
12 discussion, the County had received a grant for
13 approximately a quarter million dollars to look at
14 the travel snarl that challenges the Jersey City/
15 Hoboken border. It was a two-year study; the County,
16 in conjunction with the City of Jersey City and the
17 City of Hoboken, hired a nationally-recognized
18 planning and engineering firm, traffic engineering
19 specifically, Eng-Wong, Taub & Associates. They
20 spent over a year looking at the problems and coming
21 up with a set of recommendations. The plan itself
22 was sent by certified mail to the mayors, the
23 municipal clerks, and the planning board secretaries
24 of each of the municipalities in the county. There
25 was also what I would call "robust" public input.

1 There were numerous meetings held in both Jersey City
2 and Hoboken. There were also public open houses and
3 forums for residents and citizens and businesses to
4 come in and give their comments and suggestions.

5 So we do have the study; it was sent
6 out. The Board, at last month's meeting, scheduled
7 the public hearing and I would ask if there's any
8 members of the general public who are here to speak
9 on the Jersey City/Hoboken Connectivity Study.

10 Mr. Chairman, there appears to be none.

11 COMMISSIONER ROMANO: Motion.

12 DIRECTOR MARKS: So, that's a motion to
13 close the public hearing?

14 FREEHOLDER ROMANO: Yes.

15 DIRECTOR MARKS: Is there a second?

16 COMMISSIONER MEHTA: I second.

17 DIRECTOR MARKS: Mr. Chairman, on a
18 motion, to close the public hearing for the Jersey
19 City/Hoboken Connectivity Study, made by Commissioner
20 Romano, seconded by Commissioner Mehta, Commissioner
21 Arencibia?

22 COMMISSIONER ARENCIBIA: Aye.

23 DIRECTOR MARKS: Commissioner Avagliano?

24 COMMISSIONER AVAGLIANO: Aye.

25 DIRECTOR MARKS: Commissioner Mehta?

1 COMMISSIONER MEHTA: Aye.

2 DIRECTOR MARKS: Commissioner Romano?

3 COMMISSIONER ROMANO: Aye.

4 DIRECTOR MARKS: And Chairman Choffo?

5 CHAIRMAN CHOFFO: Aye.

6 DIRECTOR MARKS: Mr. Chairman, I don't
7 know if it's necessary or recommended to have a
8 separate vote to actually accept the study. The
9 Board normally adopts elements to the County Master
10 Plan or the County Master Plan or elements thereof,
11 this is not an element, this is a study. If the
12 Board accepts this study, it could be the basis of
13 future consideration by both the County and by
14 developers and applicants who come before the Board.

15 CHAIRMAN CHOFFO: Is it something that
16 has to go in front of the Freeholders first?

17 DIRECTOR MARKS: It would basically get
18 the stamp of approval by the Planning Board before it
19 goes to the Freeholder Board.

20 CHAIRMAN CHOFFO: Do I have a motion to
21 accept?

22 COMMISSIONER MEHTA: Make a motion.

23 COMMISSIONER AVAGLIANO: Second.

24 DIRECTOR MARKS: Mr. Chairman, on a
25 motion, to accept the Jersey City/Hoboken

1 Connectivity Study, made by Commissioner Mehta,
2 seconded by Commissioner Avagliano, Commissioner
3 Arencibia?

4 COMMISSIONER ARENCIBIA: Aye.

5 DIRECTOR MARKS: Commissioner Avagliano?

6 COMMISSIONER AVAGLIANO: Aye.

7 DIRECTOR MARKS: Commissioner Mehta?

8 COMMISSIONER MEHTA: Aye.

9 DIRECTOR MARKS: Commissioner Romano?

10 COMMISSIONER ROMANO: Aye.

11 DIRECTOR MARKS: And Chairman Choffo?

12 CHAIRMAN CHOFFO: I vote aye.

13 DIRECTOR MARKS: Mr. Chairman, the
14 motion passed.

15 CHAIRMAN CHOFFO: Thank you.

16 DIRECTOR MARKS: Mr. Chairman, the next
17 item is 5-B on the agenda, resolution memorializing
18 the adoption of the Hudson County Comprehensive
19 Economic Development Strategy 2011 Annual Update as
20 an Amendment to the Hudson County Master Plan.

21 Mr. Chairman, this goes back several
22 months. The Board had voted on it, held a public
23 hearing, I believe at the last month's meeting.
24 Again, it was sent by certified mail to the mayors,
25 to the municipal clerks, and the planning board

1 secretaries of each of the municipalities. It was
2 prepared with broad public input and support and this
3 just memorializes the adoption of the plan.

4 CHAIRMAN CHOFFO: Do I have a motion?

5 COMMISSIONER MEHTA: I make a motion.

6 COMMISSIONER AVAGLIANO: Second.

7 DIRECTOR MARKS: Mr. Curley,
8 Mr. Chairman, Mr. Curley advised me, as a master plan
9 amendment, it requires two-thirds vote of the entire
10 Board. So I respectfully request that the matter be
11 tabled and it could be reconsidered at next month's
12 meeting.

13 CHAIRMAN CHOFFO: Do I have a motion to
14 table it?

15 FREEHOLDER ROMANO: Motion.

16 COMMISSIONER MEHTA: Second.

17 DIRECTOR MARKS: Mr. Chairman, on a
18 motion, to table the resolution, made by Commissioner
19 Romano, seconded by Commissioner Mehta, Commissioner
20 Arencibia?

21 COMMISSIONER ARENCIBIA: Aye.

22 DIRECTOR MARKS: Commissioner Avagliano?

23 COMMISSIONER AVAGLIANO: Aye.

24 DIRECTOR MARKS: Commissioner Mehta?

25 COMMISSIONER MEHTA: Aye.

1 DIRECTOR MARKS: Commissioner Romano?

2 COMMISSIONER ROMANO: Aye.

3 DIRECTOR MARKS: And Chairman Choffo?

4 CHAIRMAN CHOFFO: Aye.

5 DIRECTOR MARKS: Mr. Chairman, the
6 motion passed.

7 Mr. Chairman, the next item on the
8 agenda is 5-C, the memorialization of resolutions
9 considered at the last meeting.

10 Just for everybody's information and
11 edification, the fourth item is the Shipyard
12 Associates. This resolution is not memorializing an
13 approval of that application, it's memorializing the
14 dismissal of the application.

15 So, even if the motion -- even if the
16 resolution passes, it doesn't approve the project, it
17 approves the dismissal.

18 COMMISSIONER ROMANO: So we're
19 dismissing 1500 Hoboken; correct?

20 DIRECTOR MARKS: 1501 Shipyard Lane
21 would be dismissed without prejudice and they'd be
22 free to reapply and come back to the Board.

23 COMMISSIONER ROMANO: Right. So, for
24 the benefit of those people that are here, I'll
25 explain that again, that it can't come back to the

1 Board.

2 DIRECTOR MARKS: This particular
3 Shipyard Associates, also known as the "Monarch"
4 application in Hoboken.

5 FREEHOLDER ROMANO: I sponsor.

6 DIRECTOR MARKS: Mr. Chairman, let me
7 just go through the applications to be memorialized.

8 2011-024-SP/SD, Riverpark at Harrison
9 II, LLC, located at the intersection of First and
10 Bergen Street, which is Block 71, 72, Lots 1.01, 32
11 and 33 respectively in the Town of Harrison.

12 Application 2011-053-SP, Raj Patel,
13 Applicant, located at 734 County Avenue, which is
14 Block 99, Lot 4 in the Town of Secaucus.

15 Next is Application 2011-082-SP, is
16 Osborne Capital, LLC located at 232-276 Passaic
17 Avenue, which is Block 15, Lot 8.02 in the Town of
18 Kearny.

19 And finally, the last is Application
20 2011-069-SP, Shipyard Associates, LP, located at 1501
21 Shipyard Lane, which is Block 264.2, Lot 1 in the
22 City of Hoboken.

23 CHAIRMAN CHOFFO: Do I have a motion?

24 COMMISSIONER AVAGLIANO: Motion.

25 COMMISSIONER ROMANO: Second. Give it

1 to her, sure.

2 DIRECTOR MARKS: Commissioner Avagliano
3 made the motion and Commissioner Romano made the
4 second.

5 Mr. Chairman, on a motion, made by
6 Commissioner Avagliano, seconded by Commissioner
7 Romano, Commissioner Arencibia?

8 COMMISSIONER ARENCIBIA: Aye.

9 DIRECTOR MARKS: Commissioner Avagliano?

10 COMMISSIONER AVAGLIANO: Aye.

11 DIRECTOR MARKS: Commissioner Mehta?

12 COMMISSIONER MEHTA: I abstain.

13 DIRECTOR MARKS: Commissioner Romano?

14 COMMISSIONER ROMANO: Aye.

15 DIRECTOR MARKS: And Chairman Choffo?

16 CHAIRMAN CHOFFO: Aye.

17 DIRECTOR MARKS: Mr. Chairman, the
18 motion passed.

19 Mr. Chairman, we're just going to go off
20 the agenda for one item, Application 2011-083-SP,
21 made by the Township of Guttenberg and the Township
22 of North Bergen for a municipal park located at 7608
23 River Road, which is Block 44; and 438, Lots 2, 3; 1
24 and 1.02 in the Town of Guttenberg and the Township
25 of North Bergen.

1 MR. MIHALIK: Good evening. Thank you
2 for moving us up on the agenda.

3 My name is Ken Mihalik. I'm a
4 Registered Architect, with RSC Architects, and I'm
5 here to present the new waterfront park proposed
6 along the Hudson River, along River Road at 7608
7 River Road. It's a joint project between North
8 Bergen and Guttenberg.

9 I need to be sworn in?

10 MR. CURLEY: Yes.

11 K E N N E T H M I H A L I K, having been duly sworn,
12 testifies as follows:

13 MR. CURLEY: Would you please state your
14 name again and spell your last name for the record.

15 THE WITNESS: It's Ken Mihalik,
16 M-I-H-A-L-I-K.

17 MR. CURLEY: Thank you.

18 THE WITNESS: The site is a roughly one
19 and a half acre site along the river, it's located
20 directly north of the Bull's Ferry residential
21 development and currently it's an undeveloped site,
22 it's a blank site and we're proposing to develop it
23 into a passive park.

24 The features of the project will include
25 a built-in amphitheater structure which can be used

1 for outdoor performances and will be circular shape.
2 As you see at the center of the plan, will be used as
3 a place for people to congregate when there aren't
4 performances, people can sit there and look out over
5 the water and over towards the skyline of Manhattan.

6 The walkway, the riverwalk will be
7 completed as part of the overall master plan for the
8 river walkway that goes along the Hudson River.
9 That's proposed, as you can see, along the
10 riverfront, the waterfront. There will be new
11 parking up along River Road providing, I think there
12 are 16 or 18 parking spots there to allow people to
13 pull in, park and get out and use the park.

14 The intention right from the beginning
15 for this project was to create as much green space as
16 possible for the towns.

17 So, as you can see, there is quite a bit
18 of green area which will be simply planted as lawn
19 area. There will be meandering walkways that take
20 you through the park. There will be a new small
21 toilet room/comfort station building that will house
22 bathrooms and mechanical space. That's depicted on
23 the right side.

24 Also, along that walkway path is an
25 outdoor trellis, picnic area. The blue area, as you

1 move towards the left, is a playground, children's
2 play area. And then the structure directly to the
3 left of that is a canopy structure, again designed
4 for seating, outdoor picnic-type area. And also is a
5 place for people to escape, you know, if it starts to
6 rain, they have someplace to run to.

7 There's going to be an entire new
8 landscaping plan developed; there will be plenty of
9 new trees going in here, shrubbery, planting beds;
10 there will be seating areas along the walkways; there
11 will be brand-new lighting.

12 Some of the lighting will be matching
13 the existing vernacular that you see throughout the
14 Hudson waterfront areas and park areas. There will
15 be some accent lighting that lights up that
16 amphitheater structure -- I'm sorry, amphitheater
17 area.

18 I'm trying to think if I missed
19 anything. I think that pretty much sums up the
20 project.

21 DIRECTOR MARKS: Mr. Chairman, I have a
22 couple comments and a couple questions.

23 First, the parcel on the left, which is
24 on the Guttenberg side, was the County's very first
25 open space purchase through the Hudson County Open

1 Space Trust Fund. That was funded approximately five
2 years ago.

3 I commend -- Mayor Drasheff is here from
4 the Town of Guttenberg and I commend him and the
5 Guttenberg Administration for bringing it to our
6 attention and for working.

7 It's been -- as he could attest, it's
8 taken far too long but we're finally at the point.
9 I'm very pleased and I commend Mayor Drasheff for his
10 work and I'm very pleased to see it finally come to
11 fruition.

12 Parcel on the left, which is in North
13 Bergen, was also purchased through the Hudson County
14 Open Space Trust Fund. You can see the line kind of
15 running through the center of it or maybe one-third
16 to two-thirds. That was purchased through the Open
17 Space Trust Fund last year and a good portion, I'm
18 not sure exactly what the percentage is, a good
19 portion of the development funds for the park have
20 been funded through the Open Space Trust Fund and I
21 believe the Town of Guttenberg and the Township of
22 North Bergen will be seeking another open space
23 application for completion of the park, so I'm very
24 pleased.

25 That's basically my comments and I

1 commend both townships for bringing a great project
2 before the Board.

3 My question -- well, two questions.
4 First one, Mr. Mihalik, did both towns receive their
5 Waterfront Development Permits from the New Jersey
6 Department of Environmental Protection?

7 THE WITNESS: Yes, they did. There's
8 actually a representative here from Remington,
9 Vernick engineers who could answer those questions
10 more in detail, if need be.

11 DIRECTOR MARKS: Okay. Mr. Mihalik,
12 does the Hudson River Waterfront Walkway adhere to
13 the DEP's design guidelines and specifications?

14 THE WITNESS: Yes, it does.

15 DIRECTOR MARKS: Mr. Chairman, my last
16 question: If you notice, there's actually a property
17 line between River Road, which is on the front of the
18 site plan, and the two parcels owned by the Town of
19 Guttenberg and the Township of Weehawken. That
20 parcel is actually a lot that is owned by the County
21 of Hudson. So it was anticipated or requested that
22 an easement or an access agreement or a franchise
23 agreement be let.

24 And, Mr. Mihalik, either yourself or
25 your experts from Remington, Vernick, I think it's

1 important to put on the record and put as part of the
2 approval of recommendation of the Board, if the Board
3 so approves it and their recommendation to the
4 Freeholder Board, that basically to put everything on
5 the record, what is being proposed for that area
6 that's owned by the County and whatever remedial work
7 or remedial investigation or remediation, just to
8 have it on the record and part of the resolution that
9 comes from this record.

10 I would just ask that you state
11 information about that.

12 THE WITNESS: Sure. Well, those lots
13 are pretty much where the parking lot is, up in here
14 (indicating.) That's pretty much the area we're
15 speaking about.

16 As far as I know, there are agreements
17 being formulated or already formulated with the towns
18 in terms of that.

19 In terms of any of the soil work, that's
20 something that I think the representative from
21 Remington will speak about, but basically we're
22 dealing with a historic fill issue here, an
23 environmental issue, we're going to be capping the
24 existing soil that's there and putting brand-new fill
25 on top. So it will be a clean site when we're all

1 finished with the project.

2 If you would like, I could bring --

3 DIRECTOR MARKS: Please.

4 MR. CURLEY: Mr. Mihalik, could you just
5 read the legend on the diagram or site plan? Or
6 perhaps mark it A-1.

7 THE WITNESS: This is entitled Schematic
8 Site Plan for the Town of North Bergen and Guttenberg
9 Proposed Waterfront Park.

10 I'm not sure I see a date on there. But
11 I believe this is the same plan that was given to Mr.
12 Marks.

13 DIRECTOR MARKS: We have an un-rendered
14 plan.

15 THE WITNESS: This is a rendered version
16 of what you already have.

17 CHAIRMAN CHOFFO: Could you just mark it
18 A-1?

19 THE WITNESS: Sure.

20 (Whereupon, Exhibit received and marked
21 into evidence.)

22 MR. MIHALIK: Tom Lemanowicz, from
23 Remington, Vernick & Arango, will continue.

24 MR. LEMANOWICZ: Good evening.

25 CHAIRMAN CHOFFO: Before you start,

1 could you just be sworn in?

2 T H O M A S L E M A N O W I C Z, having been duly
3 sworn, testifies as follows:

4 MR. CURLEY: Could you state your name,
5 for the record, and spell your last name?

6 THE WITNESS: Thomas,
7 L-E-M-A-N-O-W-I-C-Z.

8 MR. CURLEY: Could you briefly review
9 your qualifications as a civil engineer?

10 THE WITNESS: I have a Bachelor of
11 Science, in civil engineering, from the New Jersey
12 Institute of Technology. I am licensed as a
13 Professional Engineer in New Jersey and New York.
14 I'm licensed as a Professional Planner in New Jersey
15 and I'm also certified as a Municipal Engineer by the
16 New Jersey Society of Municipal Engineers. I've been
17 accepted as an expert in civil engineering by a
18 little over 60 boards throughout the State of New
19 Jersey. About a third of those boards, I represented
20 the boards as their consulting engineer.

21 CHAIRMAN CHOFFO: We'll accept.

22 THE WITNESS: Thank you.

23 As Mr. Mihalik described the project,
24 it's essentially on an existing property that is
25 known to have historic fill. Remington, Vernick &

1 Arango has been retained to remediate that fill.

2 And again as Mr. Mihalik indicated, the
3 property, when it is completed, will have a 2 foot
4 cap of clean soil over the entire site. We have
5 graded the site to ensure that no soil needs to
6 leave, so we're not going to have an issue with
7 trucking material out of this property, having to get
8 rid of it someplace else, we're just going to cap
9 what's there.

10 With respect to the property that Mr.
11 Marks spoke of, that's correct; across the front of
12 the North Bergen piece, there's a property owned by
13 the County that we'll need -- or that the towns will
14 need permission to use to not only install the cap
15 but to maintain the cap. That will have to come as a
16 resolution from the County. And that will -- that
17 would go on in perpetuity until the site is closed.

18 With respect to the waterfront permits,
19 each property has a previous waterfront permit that
20 is still current, under a different development
21 project. We have been in contact, we're in contact,
22 with the New Jersey Department of Environmental
23 Protection to amend those existing permits to accept
24 this project.

25 So that is in the works.

1 DIRECTOR MARKS: Mr. Chairman, I have a
2 question.

3 Mr. Lemanowicz, in your understanding,
4 the installation and the maintenance of the cap, that
5 will be borne by the municipalities, what obligations
6 do you foresee for the County, as the property owner
7 of that parcel, between the park and the roadway?

8 THE WITNESS: Obviously, that agreement
9 for us to do this has yet to be adopted. So I would
10 assume that in that agreement, the County would put
11 the municipalities -- make them responsible for the
12 actual work and basically just keep the County
13 advised of anything that happens on that property
14 with relationship to maintenance, the cap, or other
15 issues that may come up.

16 DIRECTOR MARKS: So, Mr. Lemanowicz, the
17 communities aren't expecting the County to maintain
18 the cap or that site?

19 MR. LEMANOWICZ: That is correct.

20 DIRECTOR MARKS: I just wanted to get
21 that on the record, Mr. Chairman.

22 CHAIRMAN CHOFFO: Any other questions?

23 Do I have a motion?

24 FREEHOLDER ROMANO: Motion.

25 COMMISSIONER MEHTA: Second.

1 DIRECTOR MARKS: Mr. Chairman, on a
2 motion, to approve Application 2011-083-SP, made by
3 Commissioner Romano and seconded by Commissioner
4 Mehta, Commissioner Arencibia?

5 COMMISSIONER ARENCIBIA: Aye.

6 DIRECTOR MARKS: Commissioner Avagliano?

7 COMMISSIONER AVAGLIANO: Aye.

8 DIRECTOR MARKS: Commissioner Mehta?

9 COMMISSIONER MEHTA: Aye.

10 DIRECTOR MARKS: Commissioner Romano?

11 COMMISSIONER ROMANO: Aye.

12 DIRECTOR MARKS: And Chairman Choffo?

13 CHAIRMAN CHOFFO: It's very nice to see
14 more parks in our county. I vote aye.

15 DIRECTOR MARKS: Mr. Chairman, the
16 motion passes.

17 THE WITNESS: Thank you.

18 DIRECTOR MARKS: Mr. Chairman, the next
19 application on the agenda is 2011-080-SP, Fraternity
20 Meadows, LLC, located at 4000-10000 Riverside Station
21 Boulevard which is Block 5.03, Lot 3.05 in the Town
22 of Secaucus.

23 MS. WONG: Sorry, the waterfront
24 Conservancy has some comment and questions about the
25 Guttenberg park. We'd appreciate a chance to ask

1 those questions.

2 CHAIRMAN CHOFFO: Sure.

3 MS. WONG: Even though you've approved
4 it.

5 CHAIRMAN CHOFFO: Surely.

6 MS. WONG: I don't think the questions
7 are going to change your mind.

8 CHAIRMAN CHOFFO: Are they questions for
9 the applicant?

10 MS. WONG: Yes. Either for his engineer
11 or for his architect. They're general questions.
12 It's more clarification than anything else.

13 DIRECTOR MARKS: Mr. Mihalik; Mr.
14 Lemanowicz.

15 CHAIRMAN CHOFFO: Would you mind
16 answering a few questions, please?

17 Would you state your name?

18 MS. WONG: Peggy Wong, representing the
19 Hudson River Waterfront Conservancy.

20 As you all know, we work with the DEP on
21 the walkway and so we have concerns about any design
22 that comes before the County to make sure that it
23 conforms, even though that right now they have
24 testified that it does conform to the design
25 standards. We did have some questions.

1 One of the questions is, the plan I
2 have, I didn't see the plan that you had up here, but
3 the plan I have shows 14 parking spots, none of which
4 are handicapped, and I want to see if you are
5 planning on including them?

6 MR. MIHALIK: We do have handicapped
7 space. I think we have one that is showing up right
8 here.

9 MS. WONG: Oh, it's this one?

10 MR. MIHALIK: That one.

11 MS. WONG: That one is north of the
12 entry, immediately north of the entry, that's what he
13 is showing me.

14 The other question I had is bike racks.

15 MR. MIHALIK: We'll be adding a bike
16 rack, yes.

17 MS. WONG: Any location on the --

18 MR. MIHALIK: It's going to be adjacent
19 to the toilet room building, which is right where
20 you're pointing right there.

21 MS. WONG: Somewhere around here is a
22 bike rack?

23 MR. MIHALIK: Yeah. Should I bring up
24 the exhibit?

25 CHAIRMAN CHOFFO: I was just going to

1 ask you, could you bring up your Exhibit A-1 and this
2 way the Board can also see?

3 (Pause.)

4 MR. MIHALIK: So the handicapped parking
5 spots, that we just discussed, is right here
6 (indicating.)

7 CHAIRMAN CHOFFO: And the bike racks?

8 MR. MIHALIK: The bike rack will be
9 located in this area here (indicating.)

10 MS. WONG: Now, this is a nice -- by the
11 way, we like the plan a lot.

12 MR. MIHALIK: Thank you.

13 MS. WONG: But we need some more
14 information. Like, in terms of lighting and trash
15 cans, do you have --

16 MR. MIHALIK: Trash cans are part of the
17 design going into the plans as we speak. Same with
18 lighting, there is lighting throughout this part --
19 through these walkways, there's lighting down through
20 here, both indirect and direct lighting. There will
21 be some uplighting that is shining up onto the trees.
22 The amphitheater area itself has lighting that's
23 going to be more focused down to light up this area
24 in here (indicating.)

25 The parking lot will have lighting as

1 well. Most of this lighting is all shining, focused
2 down.

3 MS. WONG: Are those 14-foot or 12-foot
4 fixtures or different type?

5 MR. MIHALIK: There's varied type as
6 part of the design. The ones that go through the
7 park area, more or less the traditional acorn shaped,
8 on black poles. The ones that are in the
9 amphitheater area are a little more decorative, a
10 little more contemporary looking. The ones that
11 light up the parking lot are a little more
12 utilitarian, typical parking lot lighting shining
13 down.

14 MS. WONG: The one over the
15 amphitheater, how is that -- it was my understanding
16 that the overhead covering that you're showing on the
17 plan is not going to be --

18 THE WITNESS: Correct, there will not be
19 the trellis structure being installed as part of this
20 project, due to budget reasons.

21 MS. WONG: Okay. In terms of the trash
22 cans, my only comment on that is you may want a few
23 more around the amphitheater because of the activity
24 there. So more than you might normally.

25 THE WITNESS: Okay, that's a point well

1 taken.

2 CHAIRMAN CHOFFO: Ms. Wong, I don't mean
3 to cut you off, but we have, like, five other items
4 on the agenda that we have to get to tonight.

5 MS. WONG: I have two more questions, if
6 you would bear with me.

7 CHAIRMAN CHOFFO: If you would be quick.

8 MS. WONG: There has been media stories
9 about the funding of this project and how the funding
10 is not complete and at one point there was a story
11 that the amphitheater might not be built immediately.
12 Has anything changed? Is the funding -- right now
13 the --

14 CHAIRMAN CHOFFO: Ms. Wong, I think this
15 is a question that is not appropriate right here at
16 the Board, it's speculation that you're asking him
17 and I don't know if this gentleman can answer the
18 question itself.

19 MS. WONG: I think our concern is we
20 wanted to make sure that the funding is complete now
21 for the walkway, that's what we're concerned about.

22 THE WITNESS: We're not prepared to
23 speak about the funding.

24 CHAIRMAN CHOFFO: I think you should go
25 and ask each mayor of North Bergen and Guttenberg, I

1 think that they would be able to answer it.

2 MS. WONG: How could you approve the
3 project if the funding is not approved for the
4 walkway?

5 CHAIRMAN CHOFFO: There's a lot of
6 projects that come in front of us that run out of
7 money. We have seen that happen many times. Let's
8 not split hairs.

9 MS. WONG: Okay.

10 CHAIRMAN CHOFFO: One more question and
11 then you need to proceed?

12 MS. WONG: The last question, for
13 clarity, we have run into a few developments and I
14 think I saw it here too, where the developer is using
15 the term "riverwalk" for the walkway and we have
16 tried to tell these developers that the official name
17 is the Hudson River Waterfront Walkway and not to use
18 riverwalk because it's going to confuse people.

19 And the County, right now is getting
20 ready to embark upon, probably in 2012, a signage
21 program, a way-finding signage program, and that's
22 going to have this name. So we don't want to see a
23 developer come along with a different name that's
24 going to confuse the public.

25 So I would ask that they consider

1 carefully, what is the official signage and the logo
2 for it.

3 MR. MIHALIK: I don't believe we have
4 proposed any signage specifically for the walkway at
5 this point.

6 MS. WONG: All right. Thank you.

7 DIRECTOR MARKS: Mr. Chairman, my office
8 doesn't have a copy of the rendered site plan. I
9 would just ask that Mr. Mihalik leave it for our
10 file.

11 Thank you.

12 Next application is 2011-080-SP,
13 Fraternity Meadows, LLC.

14 MR. O'CONNOR: Mr. Chairman, my name is
15 Tom O'Connor. I'm an attorney, with the law firm of
16 Waters McPherson O'Neill, representing the Applicant,
17 Fraternity Meadows.

18 This is an application for a building
19 which is actually the fourth in a series of a
20 multiphase residential projects in Secaucus. It's
21 been called the Exchange at Secaucus Junction,
22 commonly referred to as Secaucus Transit Village.
23 It's truly a transit village, it's in the shadow of
24 the train station there.

25 I would have two witnesses tonight, the

1 project engineer and the project architect. It is
2 the fourth phase of a multiphase project. I think
3 what you'll see is that it's very similar to the
4 earlier phases of the project. There were actually
5 four applications previously approved. There were
6 the three buildings and there was a major
7 subdivision.

8 So that all of the infrastructure, all
9 of the roads, all of the sidewalks, all of the
10 utilities for this entire project are already in
11 place.

12 So what we have really been doing here
13 is coming back to you with a series of applications
14 for specific buildings on specific pads. With that,
15 I think we can fairly succinctly present the
16 application and then you can ask your questions.

17 So, the only other thing I'd mention is
18 we did receive the comments from your consulting
19 engineer and our engineer and traffic engineer have
20 had an opportunity to speak with your consulting
21 engineer and what we'll do is in the presentation,
22 we'll try to address those couple of comments that
23 were there and if there are any additional questions
24 at the end, we'll address those.

25 With that, I'd call George Cascino, the

1 project engineer.

2 G E O R G E C A S C I N O, having been duly sworn,
3 testifies as follows:

4 MR. CURLEY: Please state your name, for
5 the record, and spell your last name.

6 THE WITNESS: George D. Cascino,
7 C-A-S-C-I-N-O.

8 DIRECT EXAMINATION BY MR. O'CONNOR:

9 Q. George, you are a licensed engineer and
10 planner in the State of New Jersey?

11 A. Yes, I am.

12 Q. You've been doing that for a while?

13 A. Forty years.

14 Q. And you have testified, actually as the
15 project engineer on several occasions before this
16 Board and been qualified as a Professional Engineer
17 for the purpose of your testimony?

18 A. I have, yes.

19 CHAIRMAN CHOFFO: Mr. Cascino has been
20 in front of us numerous times. You can proceed.

21 BY MR. O'CONNOR:

22 Q. Could you just perhaps, referring to the
23 board -- and I think, for the record, what you've
24 done is you've mounted on that board, copies of two
25 sheets of the site plan which are the same plan that

1 are in the application?

2 A. That's correct.

3 Q. Could you just identify them for us?

4 A. Yes. There were 17 sheets of
5 engineering plans submitted and what I've done is
6 I've brought for exhibits tonight, two of those
7 sheets. The first exhibit is called Site Plan For
8 Building I; 318 units; Sheet 2 of 17. It's dated
9 9/23/11.

10 By the way, I have a tendency to refer
11 to it as Building I and Building J. Actually it's
12 one building which didn't fit on one plan so we
13 called it -- it's really Building I/J.

14 That would be exhibit, I guess, A-1.

15 (Exhibit received and marked into
16 evidence.)

17 And Exhibit A-2 would be Site Plan
18 Building J; 270 units. It's dated 9/23/11; and it's
19 Sheet 3 of 17. I prepared these plans.

20 (Whereupon, Exhibit received and marked
21 into evidence.)

22 Building I and J are joined by a common
23 area of lobby and amenities, as one, large building.

24 BY MR. O'CONNOR:

25 Q. The plan would be to build these two

1 buildings together, they'd likely be built in phases
2 but as a single project?

3 A. Probably be alphabetically, I, then J,
4 but they would be built as one part of a project,
5 first I and then finish off with J.

6 Q. Could you just briefly orient us to
7 where this building fits into the larger project?

8 A. Yeah. For you who are familiar with the
9 site, as you approach it on New County Road, you have
10 Riverside Station Boulevard -- well, the northerly
11 boundary is County Road Extension, the westerly
12 boundary is the Hackensack River, and the easterly
13 and southerly boundary is New County Road.

14 Through the center of the property,
15 running north and south, is Riverside Station
16 Boulevard, which is a one way in and one way out
17 route in the center of which is a neighborhood park
18 previously approved by the County.

19 To the south or west, depending upon
20 your orientation, of Riverside Station Boulevard,
21 directly across the street from Building C and D,
22 which were previously approved by the Board, is
23 Building I/J. It's a four-story building of 588
24 units of which all parking is contained within the
25 center rectangular corridor of those buildings except

1 for 10 surface spaces for parking.

2 The site is approximately 14.8 acres.
3 There's a portion on the extreme southerly end which
4 is being reserved for future development for someday
5 to be back for Building K. But for now, we're here
6 for Building I/J.

7 Previously, the Board approved, I hate
8 to keep using letters, but what's called Building C,
9 D, and A. Those three buildings were residential
10 buildings exclusively, except for Building A, which
11 had a neighborhood component to it.

12 This particular building is all
13 residential, no retail, 588 apartment units that will
14 front on Riverside Station Boulevard on the west and
15 also it's a cul-de-sac with debris and that lane on
16 the southwest.

17 Access will be off of either Riverside
18 Station Boulevard from New County Road or from the
19 north from Brianna Lane down to County Road
20 Extension, into the site. There will be driveways
21 off of Brianna Lane, which go into a parking garage.
22 It enters into the parking garage where all residents
23 and visitors will park. With the exception of,
24 again, five at-grade spaces for each building.

25 Building J is not exactly, located a

1 little bit to the south of it. Again, here is New
2 County Road, Riverside Station Boulevard, Building J
3 connected to Building I by a lobby and amenity space.

4 Access to this building will be off a
5 center road perpendicular to Riverside Station
6 Boulevard. You enter through the center, make a
7 left-hand turn and go into the same interior parking
8 garage of four stories.

9 So as you would drive down the street,
10 to look at the building, it will be very similar to
11 what you see today. You'd see the architectural
12 facade for all of the apartments and all of the
13 parking garages and all the parking are hidden inside
14 the center corridor of the building. Again except
15 for five visitor spaces outside.

16 Total number of units, if I get the
17 number right, it got modified a little it as we go
18 along.

19 Yes, 1,237 total units in all of the
20 development, market-rate; 150 COAH units. So the
21 total is 1,387 of which this represents a total of
22 588 units within that total.

23 Q. Now, Mr. Cascino, I had indicated that
24 all of the roads, sidewalks, etcetera, surrounding
25 this development site are in place?

1 A. That's correct. All the roads and
2 utilities are in place, ready to be tied into the
3 apartments.

4 Q. And I mentioned that you had an
5 opportunity to review some of the comments of the
6 Board's consulting engineer. I think one of the
7 comments or a couple comments, he dealt with the
8 stormwater. As you developed each of these sites,
9 you've updated the stormwater report and provided an
10 updated stormwater report for the project?

11 A. That's correct. We revised on a half a
12 dozen of occasions. The most recently was in
13 September, to incorporate the impact of Buildings I
14 and J and reservation in the future for the
15 construction of Building K on the southern end of the
16 property. The stormwater report accounts for all of
17 the existing buildings and all of the proposed
18 buildings that we're asking for.

19 Q. I think there were two specific comments
20 in the letter. One was regarding an existing
21 stormwater drain in New County Road; how is that
22 going to be addressed?

23 A. Question was raised by T.Y. Lin, about
24 an existing catch basin that's located just barely on
25 this site plan. Directly across the street from the

1 main entrance to our site at Riverside Station
2 Boulevard, there's a catch basin there within the
3 County right of way. We were asked if we could
4 investigate connecting in that catch basin to our
5 drainage system.

6 And the answer is, yes, we can, and,
7 yes, we will. There is a pipe that exits coming
8 southerly, a 15-inch pipe which comes southerly from
9 that catch basin, ties into another County inlet to
10 the south, transfers more to the west and then it
11 goes across the street, across New County Road and
12 then there's a tie-in from there into our drainage
13 system.

14 So the answer, that inlet will be tied
15 into our drainage system per the County's request.

16 Q. There was also a question regarding the
17 existing sidewalk along New County Road and a section
18 of that sidewalk appeared to be removed during prior
19 construction?

20 A. That's correct. There's actually two
21 sections. You put the sidewalk in years ago for the
22 County park. It runs from Riverside Station
23 Boulevard southwesterly towards Laurel Hill Park.
24 And that sidewalk is basically the asphalt right up
25 against the curb and it's in good condition except

1 for where we crossed it twice. We crossed it once
2 for our construction yard and we pretty much
3 destroyed it and we're going to replace it with an
4 apron and new curbing, for now. In the future, there
5 will be a building there, but at least for now it
6 will look decent. There's another portion of the
7 sidewalk that we broke -- plan to make the connection
8 from the inlet for your drainage into our system.
9 We'll replace that back to what it was.

10 Q. That initial part of the sidewalk that
11 was concrete. When you get into the park, it's
12 macadam?

13 A. Yes, you're right.

14 MR. O'CONNOR: That's all the questions
15 I have of Mr. Cascino.

16 THE WITNESS: There was one other point
17 in Mr. Reimon's letter and it had to do with revising
18 two particular charts -- actually, revising two
19 things in the stormwater report.

20 One was revising a stormwater chart
21 which we revised to their satisfaction -- I don't
22 know if it's to their satisfaction, but we'll be
23 sending it to them and I'm hopeful that it will be
24 satisfactory to them. It was a technical error that
25 I made.

1 The second thing, they had asked for
2 some additional hydrographs to be done for 100-year
3 storm, because that was done in the original report.
4 We don't need that now because the original report,
5 without getting technical, was a 100-year hydrograph
6 because we had a temporary sediment basin that long
7 has been replaced by an outlet structure that
8 addresses the water. We don't believe we need to
9 provide a 100-year hydrograph any longer.

10 MR. O'CONNOR: That's all the questions
11 I have.

12 CHAIRMAN CHOFFO: I have a couple
13 questions before we turn it over to the engineer.

14 There's now two buildings standing
15 there?

16 THE WITNESS: At the center?

17 CHAIRMAN CHOFFO: Yes, how many total
18 are standing there?

19 THE WITNESS: Three -- there is Building
20 A, complete and occupied; Building C, complete and
21 occupied; Building D, under construction; and this
22 building.

23 CHAIRMAN CHOFFO: How many total parking
24 spots again?

25 THE WITNESS: For this building --

1 CHAIRMAN CHOFFO: For everything, for
2 the existing -- for the whole project.

3 THE WITNESS: I can show you, in answer
4 to the question for this one --

5 MR. O'CONNOR: It's in the Meadowlands
6 District. The regulations allow a maximum of 1.75 --

7 THE WITNESS: 1.75 per unit.

8 MR. O'CONNOR: -- parking spaces per
9 unit. They have been built exactly to that ratio.
10 If there are 800 units there, there are 1.75 times
11 800 units, so whatever that is.

12 THE WITNESS: I and J specifically,
13 there's 1,029 spaces in the garage and 10 spaces on
14 the surface.

15 CHAIRMAN CHOFFO: All right.

16 MR. O'CONNOR: By way of comment, with
17 the train station in such close proximity, the
18 parking has actually worked out very well. The usage
19 of the train station and the shuttle to the train
20 station has been tremendous and there's actually more
21 than adequate parking there.

22 MR. REIMON: George, I have one
23 question. Has the developer taken into
24 consideration, the proximity to the train station to
25 lease parking spaces for commuters?

1 THE WITNESS: To the best of my
2 knowledge, no, absolutely not.

3 MR. REIMON: But the traffic report
4 actually take into consideration a credit?

5 THE WITNESS: Yes, they do. Credit for
6 the people that will be going to the train station,
7 yes.

8 MR. REIMON: I believe that they have
9 provided us with all the information that we
10 requested in regards to traffic and drainage. We
11 don't have any further comments. But at the same
12 time, we want to wait for the responses to two of the
13 comments that are still outstanding to us. It should
14 be stated in the resolution if the Board decide to
15 approve the application.

16 COMMISSIONER MEHTA: In reference to the
17 parking spaces, you mentioned that 1.75 per every
18 unit, but you had mentioned that there's going to be
19 some commercial aspect also, commercial built area?

20 THE WITNESS: No, this particular
21 building has no commercial area. The 10 spaces that
22 we have provided at the surface are for the lease,
23 for people who want to come in to lease. There will
24 be visitor spaces to the leasing office. The
25 amenities that are being provided are only amenities

1 to the residents: A media room, a computer room, an
2 exercise room.

3 So the amenity building is strictly for
4 the residents of the building, nothing opened to the
5 public.

6 COMMISSIONER MEHTA: No return space in
7 the current plan right now?

8 MR. O'CONNOR: In the project, in the
9 first building on the corner closest to the train
10 station, there's about 27,000 square feet of retail
11 space and there's a designated parking lot for that
12 space. And those parking spaces are in addition to
13 the 1.75.

14 COMMISSIONER MEHTA: But in the current
15 application, which is in front of the Board right
16 now, that doesn't have any retail space?

17 THE WITNESS: No.

18 MR. O'CONNOR: There's no retail in this
19 application.

20 COMMISSIONER MEHTA: Okay.

21 MR. REIMON: Mr. Chairman, let me just
22 say that this application is very consistent with the
23 subdivision application which includes also drainage
24 and traffic report.

25 Actually, they reported about seven

1 units more in the previously-approved application, so
2 they have less units now than what they actually were
3 approved initially.

4 DIRECTOR MARKS: Mr. Chairman, I have a
5 few questions.

6 First, Mr. Cascino, in terms of the
7 drainage, what body of water does the stormwater
8 drain to eventually?

9 THE WITNESS: Discharges to Division
10 Creek, a tributary of the Hackensack River, about 200
11 feet from the Hackensack River.

12 DIRECTOR MARKS: None of the stormwater
13 goes to Penhorn Creek?

14 THE WITNESS: No.

15 DIRECTOR MARKS: Second, Mr. Chairman,
16 in a previous application, Fraternity Meadows had
17 agreed to restripe New County Road and I don't
18 believe anything has been done to date.

19 Mr. O'Connor, can you bring the Board up
20 to date on what's going on with that.

21 THE WITNESS: Yes.

22 MR. O'CONNOR: There were actually two
23 aspects to that. It really had to do with the
24 pedestrian connection between the project and the
25 train station.

1 The first aspect, there was a concrete
2 triangular island to be put in at the intersection of
3 New County and County Road Extension. That's
4 actually been designed, approved; there was some work
5 at the intersection; PSE&G spent a lot of time
6 removing the vault and doing some things, but that's
7 going to be going on, I just asked the project
8 manager about that, within a couple weeks.

9 THE WITNESS: The other was really, on
10 the bridge itself, because the sidewalk is relatively
11 narrow, was to add a shoulder, 6-foot shoulder,
12 adjacent to the sidewalk and to move the lanes over,
13 restripe and restripe the shoulder and that work will
14 be done as well.

15 DIRECTOR MARKS: Mr. Chairman, just to
16 follow up on that, it was my recollection, there were
17 two lanes, I think one lane in either direction, with
18 a painted median between the two lanes. There was no
19 shoulder next to the sidewalk, either a 4-foot
20 sidewalk next to a pretty busy industrial area with
21 tractor trailers and such. Is it your contention or
22 Mr. Cascino's contention that the painted median
23 between the two cartways was only 6 feet?

24 MR. O'CONNOR: No, the painted median is
25 whatever width -- the idea was to leave some median

1 in the middle, reduce it substantially. Because it
2 almost functions as a third lane. Matter of fact,
3 historically, when the bridge was built, it was
4 anticipated that there was going to be commercial,
5 actually convention center or something there and
6 they built the bridge as a three-lane bridge.

7 So it could be designed for two lanes
8 in, when they were having activity, two lanes out
9 when the activity was ending. When that project went
10 away and the residential project came in, New Jersey
11 Transit basically striped it as a two-lane bridge a
12 with a very wide median in the middle. Idea was to
13 narrow that median in the middle to provide a
14 shoulder along the sidewalk to provide some level of
15 safety and comfort to the pedestrians walking on the
16 bridge. Those plans were submitted, Demetrio has
17 seen those, those have been approved and that work
18 will be done shortly.

19 DIRECTOR MARKS: Mr. Arencibia, 6-foot
20 shoulders are acceptable?

21 COMMISSIONER ARENCIBIA: Yes. We went
22 through that, we reviewed the plans. It's just a
23 matter of when it was going to get done, we didn't
24 hear. I think as a condition of this approval, we
25 could make it a requirement to have that in place.

1 I mean, when do you expect to start
2 construction on this phase of the project?

3 MR. O'CONNOR: I think we are probably
4 looking at spring or early spring construction on
5 this. The third building is almost complete, will be
6 complete in the spring and ready for occupancy. So
7 they'll be looking to start that.

8 MR. ARENCIBIA: If we could make these
9 improvements, which is for the pedestrians, completed
10 prior to that construction?

11 MR. O'CONNOR: I don't see a problem
12 having those done before the building starts.

13 DIRECTOR MARKS: Mr. Chairman, third,
14 the application says that there are 48 shade trees
15 proposed for the site. In Ms. Massey's letter, she
16 mentions 112 deciduous shade trees. Is it 48 or 112?

17 THE WITNESS: I've never seen that in
18 the letter. It is what it shows on the plan. I can
19 dig out the landscape plan.

20 FREEHOLDER ROMANO: It says on Mario's
21 sheet, it's one for every 30 feet of frontage.

22 DIRECTOR MARKS: That goes to my next
23 question. I didn't understand, when you were talking
24 about the macadam sidewalk before, you said you were
25 replacing the macadam with concrete? Can you restate

1 that? I didn't understand, I'm sorry.

2 MR. O'CONNOR: Go ahead.

3 THE WITNESS: Number one, nothing in the
4 plan right now, landscape plan, shows any trees along
5 New County Road, okay? They're all either existing
6 along County Road to the north of Riverside Station
7 Boulevard, within the development, or on the south
8 side of County Road Extension.

9 We haven't proposed any landscaping
10 along here, because that's a future building, we're
11 not exactly sure how that's going to look. So we
12 have shown no new street trees or landscaping
13 opposite future Building K.

14 MR. O'CONNOR: I think the question was,
15 where -- I just went out there today to take a look
16 at it to be sure. There's a section of the sidewalk,
17 which is concrete, up to about where the road starts.
18 Then the walkway goes a little bit off the road and
19 it's a macadam, more of a park walkway.

20 So the concrete walkway, the sidewalk is
21 what we're talking about, preparing a place in that
22 concrete section.

23 DIRECTOR MARKS: So you're proposing to
24 replace the macadam sidewalk -- I'm sorry.

25 THE WITNESS: Whatever is there, if

1 there's a macadam there, we'll replace macadam.

2 There are sections of the sidewalk which have been
3 damaged and those will be taken out and replaced with
4 new sidewalk.

5 DIRECTOR MARKS: Sidewalk that you are
6 replacing is adjacent to not Building C -- not
7 Building K, but Building I/J?

8 THE WITNESS: The sidewalk is adjacent
9 to future Building K along New County Road.

10 DIRECTOR MARKS: How about the buildings
11 that you are proposing now?

12 THE WITNESS: What about 'em?

13 DIRECTOR MARKS: Is there existing
14 sidewalk there now?

15 THE WITNESS: I don't know what is down
16 there, but no one has asked anything about it. I
17 think there's an existing, what do you call, sidewalk
18 to the park.

19 DIRECTOR MARKS: Is there curbing there?

20 THE WITNESS: I believe so, but I'm not
21 positive.

22 MR. O'CONNOR: I don't know that there
23 is.

24 COMMISSIONER ARENCIBIA: It's more like
25 a park road.

1 MR. O'CONNOR: You kind of transition
2 in. Once you go past that bend, it goes from being
3 like a street into more like the park area.

4 DIRECTOR MARKS: Right. But,
5 Mr. Chairman, the total number of units, it's no
6 longer -- with the addition of 588 units in this
7 application, 2,000 units overall, ballpark, that kind
8 of rustic, you know, park is kind of lacking the
9 character with so many people. I'm wondering if it
10 would be necessary or appropriate to have curbing and
11 sidewalk adjacent to Building I and J.

12 THE WITNESS: You mean in the rear yard?

13 DIRECTOR MARKS: Along New County Road.

14 THE WITNESS: The only portion that --
15 the rear yard is opposite the rear yard of Building
16 J. I call it Building J, that portion of the
17 Building J. There's no access to New County Road
18 proposed.

19 DIRECTOR MARKS: No vehicular access?

20 THE WITNESS: No vehicular access.

21 DIRECTOR MARKS: Pedestrian access?

22 THE WITNESS: Yes, that's why we provide
23 the connections by riverfront, we built the
24 connection of the riverfront walkway to your park,
25 that is the pedestrian access.

1 DIRECTOR MARKS: So, a resident of this
2 building is going to walk all the way to the
3 Hackensack River to access the park or would they
4 walk right out the building and cross the street?

5 THE WITNESS: Obviously, they would have
6 a choice. We'd rather see them walk to the walkway
7 provided; it's not that far. The walkway, it's off
8 the plan here, but the riverfront walkway is located
9 about here, for access to the park. Whether to
10 encourage them to walk out to Riverside Station
11 Boulevard and along County Road, I don't know,
12 they're going to do what they are going to do, but I
13 don't know if it would be a good idea to entice them
14 to go that way.

15 We hadn't thought, quite frankly, about
16 punching through a hole somewhere to get access that
17 way. We could look at that.

18 MR. O'CONNOR: Yeah.

19 THE WITNESS: Yeah.

20 MR. O'CONNOR: It wasn't part of the
21 plan.

22 THE WITNESS: It's not part of the plan,
23 no.

24 MR. O'CONNOR: In one of the prior
25 applications, if you recall, with the Hackensack

1 Riverfront Walkway there, there was a gap on the
2 County property between the property line here --

3 DIRECTOR MARKS: About 20 feet?

4 THE WITNESS: I think more than that.
5 But also at the river, you guys put in how many --

6 A MEMBER OF THE AUDIENCE: We connected
7 all the way down to the --

8 CHAIRMAN CHOFFO: The members of the
9 Board can't hear what you're talking about.

10 COMMISSIONER ROMANO: If there's
11 somebody that represents you, have them stand up and
12 come to the mic, please.

13 CHAIRMAN CHOFFO: Let's try to be all on
14 the same page.

15 COMMISSIONER ROMANO: It's not that
16 important.

17 THE WITNESS: The point is we want
18 access between our development and the park, that's
19 why we agreed to make the connection of the
20 Riverfront Park Walkway.

21 Mr. Marks is asking, gee, maybe I should
22 think about another access, possibly for, say, the
23 people in Building J, where they could get access to
24 the sidewalk to get to the park that way, kind of a
25 shortcut. I'll talk with him and I think we'll be

1 able to work that out.

2 DIRECTOR MARKS: Mr. Chairman, the
3 applicant is proposing 588 dwelling units with 944
4 bedrooms. You're potentially going to have a
5 thousand-plus people introduced to this area. I
6 don't think it's likely, and we appreciate all the
7 past efforts of the applicant in building the
8 Hackensack Riverwalk there, but I don't think it's
9 likely that residents of this particular building are
10 going to go out of their way to access the park from
11 the riverwalk.

12 So I think it would be appropriate, I
13 think it's necessary actually, to have the applicant
14 put in the sidewalks. And maybe consider Demetrio
15 putting in curbing, if it's not already installed. A
16 thousand people is a thousand people, it's not a
17 small number.

18 COMMISSIONER ARENCIBIA: If I can speak,
19 Mr. Chairman? I don't think this was evaluated
20 because I think we would have gotten our Division of
21 Parks involved to evaluate this, you know. Because
22 it's the park roadway, I don't recall it being
23 curbed. If it is going to be curbed, then you have
24 to build a drainage system as well and, you know,
25 that's something that, in terms of parking approvals,

1 that we have some plans programmed. It's something
2 that would have to get coordinated with the
3 developer. But I know there's an existing sidewalk,
4 bituminous sidewalk, and you're going to fix that up
5 towards having access from this site to the park.

6 THE WITNESS: Yes.

7 COMMISSIONER ARENCIBIA: But along the
8 property line, will there be any barrier between the
9 roadway and the development?

10 MR. O'CONNOR: No.

11 THE WITNESS: No.

12 COMMISSIONER ARENCIBIA: You could walk
13 out right into the park?

14 THE WITNESS: Yes.

15 DIRECTOR MARKS: Mr. Chairman, my
16 concern is with the absence of sidewalks, because
17 they'll be walking in the street. It's a safety
18 concern.

19 COMMISSIONER ARENCIBIA: There are
20 sidewalks there; right?

21 THE WITNESS: I believe there are
22 sidewalks, but --

23 MR. MIHALIK: We don't have a problem
24 sitting down with Mr. Arencibia and the
25 representatives in the parks and come up with what

1 makes sense.

2 COMMISSIONER ROMANO: Just memorialize
3 that in the resolution.

4 COMMISSIONER ARENCIBIA: Yeah, I think
5 we should coordinate that with the Parks Division,
6 see what improvements need to be done to make sure
7 that there's a safe access to the park and there's no
8 disruptions.

9 I'm not sure how it's going to work, if
10 the parks people have any issues with all of these,
11 what is it, 500 units, if there should be like a
12 fence or some control of people from your property so
13 that they don't run all over. So that's something
14 that the Parks Division might want to look at.

15 DIRECTOR MARKS: Mr. Chairman, we'll
16 consult the Parks Department.

17 CHAIRMAN CHOFFO: No one wants to see a
18 child walk out thinking it's not a street and --

19 COMMISSIONER ARENCIBIA: Some access
20 points, but right now it doesn't seem to be
21 controlled.

22 MR. O'CONNOR: That maybe could be
23 controlled with landscaping and walks.

24 COMMISSIONER ARENCIBIA: Yes.

25 CHAIRMAN CHOFFO: You're still going to

1 be putting up another building after this?

2 MR. O'CONNOR: A couple more.

3 CHAIRMAN CHOFFO: So it would make
4 sense.

5 COMMISSIONER ARENCIBIA: Are there any
6 utility cuts that you're proposing on the roadway?

7 THE WITNESS: Actually no, none. Makes
8 us happy.

9 COMMISSIONER ARENCIBIA: Good.

10 CHAIRMAN CHOFFO: Any other questions?
11 Ms. Massey, do you have any other green techniques?

12 MS. MASSEY: Actually I'd like to read
13 into the record, we usually ask the applicants to
14 include two green techniques. And they're all
15 actually including 11, which we are very impressed
16 with. Some of them include, porous pavers, bicycle
17 parking, green parking, solar panels, that will
18 satisfy some of the energy requirements for Building
19 D. So they're doing a good job.

20 CHAIRMAN CHOFFO: Good to hear.
21 Any other questions? Do I have a
22 motion?

23 FREEHOLDER ROMANO: Motion.

24 COMMISSIONER MEHTA: Second.

25 DIRECTOR MARKS: Mr. Chairman, on a

1 motion, to approve Application 2011-080-SP, made by
2 Commissioner Romano, seconded by Commissioner Mehta,
3 Commissioner Arencibia?

4 COMMISSIONER ARENCIBIA: Aye.

5 DIRECTOR MARKS: Commissioner Avagliano?

6 COMMISSIONER AVAGLIANO: Aye.

7 DIRECTOR MARKS: Commissioner Mehta?

8 COMMISSIONER MEHTA: Aye.

9 DIRECTOR MARKS: Commissioner Romano?

10 COMMISSIONER ROMANO: Aye.

11 DIRECTOR MARKS: Chairman Choffo?

12 CHAIRMAN CHOFFO: I vote aye.

13 DIRECTOR MARKS: Mr. Chairman, the
14 motion passes.

15 MR. O'CONNOR: Thank you very much.

16 DIRECTOR MARKS: Mr. Chairman, the next
17 application is 2011-081-SP, 7-Eleven, Inc. located at
18 897-903 Schuyler Avenue which is Block 132, Lot 15
19 and 16 in the Town of Kearny.

20 CHAIRMAN CHOFFO: Would you hold on for
21 one second?

22 (Pause.)

23 MR. TUVEL: Good evening, Mr. Chairman,
24 members of the Board. Jason Tuvell, from the law firm
25 of Gibbons, PC, attorneys for the Applicant,

1 7-Eleven, Inc., for the site plan application for the
2 property located at 897-903 Schuyler Avenue, Block
3 132, Lots 15 and 16 in the Town of Kearny.

4 The subject property is at the
5 intersection of Belleville Turnpike and Schuyler
6 Avenue, which is County Route 507. It's currently
7 .35 acres. It was formerly utilized as an Enterprise
8 Rent-A-Car facility for the storage and renting of
9 vehicles.

10 The site is currently vacant as
11 Enterprise Rent-A-Car has left and 7-Eleven hopes to
12 be the new tenant on the property.

13 There's an access point on Belleville
14 Turnpike, which is a state highway, Route 7, and then
15 there's also an access point right now that is full
16 movement along Schuyler Avenue that is fairly close
17 to the intersection.

18 There is practically no landscaping on
19 site right now. The property is almost 100 percent
20 impervious coverage with some de minimis landscaping.

21 As the Board will see, the site is in
22 dire need of redevelopment. It's also the gateway to
23 Hudson County and Kearny if you're traveling south
24 along Schuyler Avenue from North Arlington.

25 The proposal is fairly simple, it's to

1 demolish the existing building and essentially
2 redevelop the entire property into a 7-Eleven that
3 will be approximately 2,500 square feet; and a second
4 store, of dry goods and variety nature, that will be
5 approximately 400 square feet. Both of those --
6 those are uses that are permitted in the Town of
7 Kearny C-4 zone.

8 There will also be new landscaping and
9 lighting and curbing and sidewalks proposed on the
10 site. As I said before, there's a de minimis amount
11 of landscaping now, there will be over 125 plantings
12 proposed.

13 In addition, there will be a nice
14 beautification of the intersection as there will be a
15 nice planting ornamentation at the intersection of
16 Belleville Turnpike and Schuyler Avenue.

17 There are 12 parking spaces proposed for
18 the site. As I said before, it's going to go from
19 nearly 100 percent to approximately 77 percent
20 impervious cover. We have also integrated several of
21 the green elements of the County checklist into the
22 project.

23 We have met with the County Site Plan
24 Review Committee on several occasions, the first
25 being in July of 2011, and the second being back in

1 December, December 7th of 2011, so a couple weeks
2 ago.

3 Just so that the Board is aware, we
4 agree with the comments set forth in the County's
5 letter as well as the County Engineer's letter -- I
6 should say, the County Planner's letter and the
7 County Engineer's letter, with the exception of one,
8 which is the proposed left turn out of the property
9 onto Schuyler Avenue. Our traffic engineer will get
10 into that in more detail.

11 Just a little bit of history, when we
12 met with the Board, in July of 2011, we proposed full
13 movement out of the property onto Schuyler Avenue.
14 As a result of meeting and hearing the concerns of
15 the County planning staff, we restricted that
16 movement during the peak hours, 7:00 a.m. to 9:00
17 a.m. and 4:00 p.m. to 6:00 p.m., Monday through
18 Friday. So no one can make a left turn onto Schuyler
19 Avenue out of the site during those times.

20 When we went to the meeting two weeks
21 ago in December, or a couple weeks ago on the 7th, we
22 talked about it some more and we provided additional
23 traffic counts, which would substantiate why off-peak
24 times should not be restricted and why it should only
25 be a very limited restriction during those peak

1 hours. The data was collected and sent to the
2 Planning Board on December 8th.

3 Therefore, that's the main issue that we
4 have, unless of course, the Board or the
5 professionals have any other questions.

6 In addition, where we are in the
7 approval process, so the Board's aware, we were
8 approved by the Town of Kearny Planning Board on
9 November 2nd and the resolution was adopted on
10 December 7th.

11 In addition, we have received
12 certification, from the Hudson/Passaic Soil
13 Conservation District, on November 7th. We recently,
14 on December 12th, received a letter of no interest
15 from the DOT.

16 This evening, I plan on calling two
17 witnesses. Our first being Robert Freud from Insite
18 Engineering, our Professional Engineer and
19 Professional Planner. Second being Elizabeth Dolan,
20 from Dolan & Dean, who is our traffic engineer. I'd
21 like to call my first witness unless the Board has
22 any questions.

23 CHAIRMAN CHOFFO: You may proceed.

24 MR. TUVEL: My first witness will be
25 Robert Freud, from Insite Engineering.

1 R O B E R T F R E U D, having been duly sworn,
2 testifies as follows:

3 MR. CURLEY: Would you please state your
4 name and spell your last name for the record?

5 THE WITNESS: Sure. It's Robert Freud,
6 F-R-E-U-D.

7 MR. CURLEY: Thank you.

8 DIRECT EXAMINATION BY MR. TUVEL:

9 Q. Mr. Freud, can you give the Board a very
10 brief overview of your qualifications, your
11 occupation and experience, professional licenses held
12 and your experience testifying before land use boards
13 across the State of New Jersey?

14 A. Sure. I have a Bachelor of Science, in
15 civil engineering, from Lehigh University. I'm a
16 licensed engineer in New Jersey and five other states
17 in the Northeast. I'm also a licensed Professional
18 Planner in New Jersey. I've testified before other
19 100 municipalities. I haven't had the experience of
20 testifying here today.

21 CHAIRMAN CHOFFO: You can proceed.

22 BY MR. TUVEL:

23 Q. Mr. Freud, if we could just go to the
24 first exhibit, let's get the Board oriented to the
25 site, the existing conditions and specifically going

1 into more detail on drainage and the County right of
2 way?

3 CHAIRMAN CHOFFO: Do you mind describing
4 the exhibit and marking it also?

5 THE WITNESS: How would you like it
6 marked?

7 CHAIRMAN CHOFFO: A-1 is fine.

8 (Whereupon, Exhibit received and marked
9 into evidence.)

10 BY MR. TUVEL:

11 Q. That's a rendering of the site plan that
12 was submitted to the Board, correct?

13 A. Yes, it is.

14 Q. Do we have a date on that?

15 A. Yes, it's actually dated November 2nd,
16 2011. It's the first revision of the site plan.
17 It's color rendered with the site landscaping.

18 For orientation, Belleville Turnpike is
19 on the right side running up and down on the page,
20 essentially the east/west direction would be up and
21 down and Schuyler Avenue the bottom of the sheet with
22 north being towards the right.

23 So you have the municipal and county
24 line along Belleville Turnpike with North Arlington,
25 Bergen County, to the right, and then the property

1 here is that colored. The cemetery is on the other
2 side of Schuyler Avenue.

3 As Mr. Tuvel indicated, we have an
4 existing access point which will remain, and that's
5 on Belleville Turnpike, about really as far as we can
6 get from the intersection, so we're proposing to keep
7 that driveway as is and we have received our letter
8 of no interest from the DOT.

9 Along Schuyler Avenue, right now there's
10 a full movement point of access that's about 10, 15
11 feet from the intersection, it's actually well before
12 the left turn stop bar, for northbound Schuyler
13 Avenue. That driveway.

14 What we're proposing to do is to close
15 that driveway and move it back in a southerly
16 direction against the southerly property line to get
17 again as far as we can from the intersection. Which
18 results in about 40 feet to the nearest side of that
19 driveway from the intersection. And again, that was
20 originally proposed to be a full movement driveway
21 and because of some feedback and discussions, we're
22 right now proposing and we're approved from Kearny,
23 for a left turn exit peak hour restriction from that
24 driveway.

25 On the site again, it's the proposed

1 7-Eleven. The entire building is about 2,899 square
2 feet. The building that's about 1,500 square feet at
3 the center of the property is being moved back, but
4 we're adding permanent landscaping, bringing the
5 impervious level down and adding green space around
6 the perimeter. You can also see, we're adding a
7 significant amount of green space along the frontage
8 at the intersection to really upgrade the experience
9 at the intersection.

10 There are a total of 12 parking spaces
11 on the property. There's a bike rack proposed as
12 part of this application.

13 So, from a drainage standpoint, existing
14 conditions, everything sheet flows, it's split about
15 50/50 but it's split between Schuyler Avenue and
16 Belleville Turnpike where it goes a little bit --
17 leaks off to the back. It's all impervious, so it's
18 all runoff. We're bringing the impervious down to
19 seven percent.

20 Also, based upon our feedback at our
21 Site Review Committee meeting, we're doing some work
22 in the landscape area in the front, we're going to
23 provide some depressed curb areas in that landscape
24 area, allow some of the sheet flow to go through
25 there, allow for some recharge. You'll have a little

1 bit of depression in it, sort of like a recharge with
2 a stone bottom to get recharge in that area to reduce
3 the sheet flow directly through the driveway.

4 The rooftop, the roof leaders from the
5 building, on the plan that's submitted, shows roof
6 leaders coming through the curb. Based again on
7 feedback, we're going to modify and split the roof,
8 the back half of the roof, we'll discharge at
9 downspouts into the grade into this newly-created
10 lawn area and the front half of the building will
11 discharge through the curb into the depression in the
12 sort of rain guard area in the front in that area.
13 Again reducing the amount of sheet flow going into
14 the right of way.

15 Q. Mr. Freud, could you go over some of the
16 green elements that we incorporated into the plan? I
17 know you mentioned the bike rack, but just for the
18 County's edification.

19 A. Sure. The two most important would be
20 the reduction in impervious coverage, from close to
21 100 percent down to 77 percent. We're adding the
22 bike rack. We did receive several waivers and
23 variances from the Town of Kearny to reduce, number
24 one, for less parking spaces than the ordinance
25 requires to keep it the operational needs of

1 7-Eleven, 12 parking spaces, and to reduce the site
2 of those parking spaces to something that is more of
3 a design standard now, which is 9 by 18 as opposed to
4 the 10 by 20 that their ordinance contemplates.
5 Those two variances and waivers, we obtained from the
6 Town of Kearny, again to reduce the overall
7 impervious levels on-site.

8 MR. TUVEL: I think that's pretty much
9 the bulk of the testimony. Unless the Board has any
10 questions, I'd like to go to our next witness.

11 CHAIRMAN CHOFFO: How many parking
12 spaces?

13 THE WITNESS: Twelve, twelve spaces.

14 MR. TRIDENTE: Mr. Chairman, I'd like to
15 ask Mr. Freud, could you describe the dimensions of
16 the sidewalks? Are you providing any changes to
17 those sidewalks?

18 THE WITNESS: To the sidewalk itself,
19 no. As you may know, there were some intersection
20 improvements, in the last several years, constructed
21 new curb. We're going to reconstruct the sidewalk.
22 It's a little bit worn out, but by virtue of moving
23 the driveway location, pretty much we're going to be
24 taking all the sidewalk out and replacing it.
25 Location of that will not change.

1 MR. TRIDENTE: Do you realize that the
2 location where the telephone pole is, is less than 3
3 feet and you couldn't get a wheelchair past there?

4 THE WITNESS: The telephone pole is
5 actually being relocated. It might be possible to --
6 if not, we'll widen the sidewalk to make sure we're
7 ADA widths.

8 MR. TRIDENTE: Do you propose to do the
9 same modifications on that?

10 THE WITNESS: No. In fact, I think that
11 sidewalk is in better shape.

12 MR. TRIDENTE: It's 23 inches between
13 the telephone pole and the curb. You can't even get
14 a baby carriage through there.

15 THE WITNESS: Which pole?

16 MR. TRIDENTE: The first and second pole
17 off the corner.

18 THE WITNESS: Okay, one is back and the
19 sidewalk goes in front it towards the corner.

20 MR. TRIDENTE: It's very narrow,
21 extremely narrow.

22 THE WITNESS: That's the result of the
23 intersection improvements that were done a few years
24 ago.

25 MR. TRIDENTE: What are you proposing a

1 woman to do, with a baby carriage when she's going
2 around the corner, cut through the parking lot?

3 THE WITNESS: I don't know what they
4 do -- I understand your concern. There is limited
5 right of way there now, there were improvements that
6 were done a few years ago at this intersection that
7 presented in these situations. It's unfortunate.

8 MR. TUVEL: I'd like to ask the Board to
9 go to my photographs and take a look at how close
10 truck traffic comes to that location.

11 I don't have a copy and I don't think
12 Mr. Freud has a copy. Would we be able to see what
13 the Board is looking at?

14 MR. TRIDENTE: I'm asking the Board to
15 look at it. I'll show it to you.

16 MR. TUVEL: Just so we're looking at the
17 same thing, that's all.

18 MR. TRIDENTE: Sure.

19 (Pause.)

20 THE WITNESS: I guess everybody is
21 listening --

22 MR. TRIDENTE: They all have the same
23 photographs. There's a record of this. You're
24 pointing to the Schuyler Avenue utility pole that I
25 noted as being relocated.

1 THE WITNESS: Again, we're talking about
2 in the DOT right of way and that's the result of a
3 project that was done a few years ago. We don't have
4 the ability to relocate, just go out and relocate,
5 utility poles. I understand your concern.

6 MR. TRIDENTE: You might be able to
7 widen the sidewalk on that side and maybe move a
8 little bit of that green area so that way people
9 could get around that pole.

10 THE WITNESS: So we'd put 48 inches of
11 public sidewalk into the property?

12 COMMISSIONER ROMANO: Just for our
13 clarification, is that State highway or is that
14 County?

15 THE WITNESS: The most recent photograph
16 he's referring to --

17 MR. TRIDENTE: Is a State, is a State.

18 THE WITNESS: I'll show you on the
19 exhibit. It's a utility pole that is on the State
20 highway side of the intersection. Other than that he
21 referred to, the first photograph he referred to, is
22 on Schuyler Avenue which would be the County's
23 jurisdiction. That's the utility pole that we're
24 relocating when we move the driveway.

25 MR. TUVEL: That's correct, it's under

1 the DOT jurisdiction. I understand the concern, but
2 again we're talking mainly about the Schuyler Avenue
3 right of way, as opposed to the DOT, and we do have
4 our letter of no interest from the DOT.

5 CHAIRMAN CHOFFO: Did you give a copy of
6 that letter to Mr. Marks?

7 MR. TUVEL: I actually e-mailed all of
8 our approvals, that I had mentioned, to Ms. Massey
9 the other day, so they have copies of them all.

10 MR. TRIDENTE: Do you also propose to
11 make any modifications to the handicapped walk ramps
12 and bring them up to DOT specifications?

13 THE WITNESS: Yes, that was a comment
14 and we'll be improving those.

15 MR. TRIDENTE: No further questions.

16 CHAIRMAN CHOFFO: Any others?

17 MR. REIMON: Mr. Chairman? Just be
18 aware, before you do any improvement to the
19 handicaps, that the State is actually enforcing
20 handicaps on surfaces location at every location.
21 You have to make sure that you install that properly,
22 otherwise you're going to have to rip it up and do it
23 again.

24 THE WITNESS: Yeah. Now, that's a good
25 point, thank you.

1 COMMISSIONER ARENCIBIA: Mr. Chairman?
2 Are we going to talk about the left turn prohibition?

3 MR. TUVEL: I was going to actually wait
4 until Ms. Dolan came up to talk about that, if that's
5 okay.

6 COMMISSIONER ARENCIBIA: As far as
7 scheduling the construction, when do you propose, if
8 you get approval, all the municipal approvals, what's
9 your schedule for starting construction?

10 MR. TUVEL: Let me just check with the
11 client.

12 (Pause.)

13 THE WITNESS: We do understand that
14 there are proposed improvements along Schuyler
15 Avenue, resurfacing, so we're going to work
16 internally to see if we can get some of the utility
17 work, the high relocation and some of the utility
18 connections, done in advance of that.

19 MR. TUVEL: After speaking with my
20 client, my understanding is that the goal, assuming
21 the transaction finalizes and we obtain all of our
22 approvals, would be to commence construction late
23 spring and that it would take approximately four
24 months to finish.

25 COMMISSIONER ARENCIBIA: As the engineer

1 suggested, you should get all utility work and work
2 along Schuyler Avenue completed because we do have a
3 pavement improvement scheduled later next year.

4 MR. TUVEL: Completely understood.

5 THE WITNESS: When does that happen, in
6 the summer?

7 COMMISSIONER ARENCIBIA: It's not even
8 designed yet, but it will be designed in-house.
9 Sometime late, late summer, early fall, next year.

10 MR. TUVEL: Thank you for pointing that
11 out.

12 CHAIRMAN CHOFFO: Go ahead, Megan.

13 MS. MASSEY: Mr. Chairman, can the
14 applicant just address the shade trees that they'll
15 be planting on-site.

16 THE WITNESS: I forgot to mention that,
17 I'm sorry. You'll see on the plan here, we have a
18 shade tree proposed on Schuyler Avenue. Because the
19 frontage, the requirement would be for three shade
20 trees, but because of the driveway and the radius and
21 the sight triangles at the corners, we're able really
22 to put one in. What we'll do is provide contribution
23 for the other two, if that's acceptable to the Board.

24 MS. MASSEY: You just have to provide a
25 signed and sealed cost estimate from a landscaper

1 architect as to how much it would cost for the shade
2 tree, the materials, the tree grade, the labor.

3 THE WITNESS: Signed and sealed from a
4 landscaped architect for two trees?

5 MS. MASSEY: Yes, for two trees, yes.

6 MR. TUVEL: That's fine.

7 CHAIRMAN CHOFFO: I have a question
8 about the runoff, the leaders for the roof. You said
9 it's going to exit to the south side of the property?

10 THE WITNESS: A portion of the building
11 will. We looked at the existing drainage patterns,
12 there's a portion of the site that goes to the south
13 and then there's portions that go into each road
14 frontage.

15 What we're doing, again by virtue of
16 reducing the impervious, we're reducing what is going
17 in either of those directions, but because the
18 building goes to the back here, a portion of the back
19 of the roof will discharge at grade to the south.

20 CHAIRMAN CHOFFO: It won't have an
21 impact on the neighbors?

22 THE WITNESS: No, because the overall
23 runoff is being reduced in that direction. We're
24 pulling the impervious back about 10 feet. So we're
25 going into green space as opposed to pavement sheet

1 flow right up to the property line.

2 CHAIRMAN CHOFFO: You can proceed with
3 your traffic engineer.

4 E L I Z A B E T H D O L A N, having been duly sworn,
5 testifies as follows:

6 MR. CURLEY: Would you state your name
7 and spell your last name for the record?

8 THE WITNESS: Elizabeth Dolan,
9 D-O-L-A-N, with Dolan & Dean Consulting, in
10 Martinsville, New Jersey.

11 DIRECT EXAMINATION BY MR. TUVEL:

12 Q. Could you just provide your
13 qualifications to the Board, your experience,
14 professional licenses and experience testifying
15 before prior land use boards in New Jersey?

16 A. Yes, sir. I have a Bachelor of Science
17 degree, in civil engineering, from Rutgers
18 University; and I've been licensed, as a Professional
19 Engineer, in New Jersey, since 1992; and I'm licensed
20 in New York, Pennsylvania, and Delaware as well.

21 During my 25 years of experience, I've
22 had the opportunity to prepare thousands of traffic
23 impact studies and many NJDOT applications. I know
24 at some point in time, I did appear in Hudson County.
25 Otherwise, I've been qualified in over 200

1 municipalities throughout the state in traffic
2 engineering.

3 CHAIRMAN CHOFFO: You may proceed.

4 BY MR. TUVEL:

5 Q. You prepared a traffic analysis, that
6 was submitted to the Board in connection with this
7 project, and also took supplemental counts at the
8 request of the Board and submitted them I believe
9 earlier this month.

10 Can you just go through your initial
11 analysis and then go through your supplemental
12 analysis to talk about the Board's issues?

13 A. Certainly. We had prepared a traffic
14 impact analysis focusing on the morning and evening
15 weekday peak hours. 7-Elevens are typically busiest
16 during those periods because they're catering to the
17 traffic passing by. Idea is that convenience
18 facilities like to locate where there's heavy traffic
19 flow because people divert in on their way in or home
20 from work or dropping the kids off somewhere. Based
21 on data on New Jersey 7-Eleven sites, we would expect
22 the 7-Eleven portion of this development to generate
23 65 to 70 vehicles in a morning peak hour and about 40
24 to 45 during the evening peak hour.

25 Our analysis, however, used the NJDOT's

1 database for the purpose of forecasting the
2 evaluation of significant increase in traffic for
3 permitting purposes, so we actually modeled 100
4 vehicles in the morning, 75 in the evening, and that
5 would certainly account for the second user with a
6 high level of comfort.

7 I believe that those estimates are
8 conservative. But with those estimates, we did
9 conclude that no new access permit was required from
10 NJDOT; they concurred and issued a letter of no
11 interest. And our analysis showed that there would
12 be no changes to the operational characteristics of
13 the adjacent roadway system. That's primarily due to
14 the passby nature of the 7-Eleven, which would be the
15 higher generating use at this site.

16 The typical driveway activity at
17 7-Elevens and other convenience-type facilities is
18 predominantly right in/right out, and at this
19 particular intersection, there's a Dunkin' Donuts and
20 a full shopping center right across the street.
21 There's also the CVS, and as you travel up and down
22 the corridors, there's other food and beverage
23 opportunities.

24 So what you see is people tending to use
25 these sites when they make the more convenient right

1 in/right out maneuvers, which is why we had gone with
2 the peak hour turning prohibition coming out onto
3 Schuyler. The thought was that people aren't going
4 to do it during the peak hour, and in fact, even
5 though we're moving the Schuyler driveway further
6 from the intersection, once there's one or two
7 vehicles queued up at the intersection approach, that
8 driveway would be blocked.

9 So the tendency for those left turn
10 movements, particularly during peak hours, would not
11 be likely and that's what we see when we go out and
12 count these facilities after they're constructed.

13 We did -- in speaking with County staff
14 a few weeks ago, we returned to the intersection and
15 we performed midday traffic counts to determine the
16 difference in traffic flows passing the Schuyler
17 Avenue driveway location, generally between ten and
18 one or two o'clock in the afternoon.

19 During the morning and evening peak
20 hours, the two-way traffic flow on Schuyler Avenue is
21 approximately 900 to over 1,000, about 1,060 cars,
22 and that's a two-way flow. But during the off-peak
23 or midday hours, those numbers drop down to about 620
24 up to about 720 or so. So the volume is reduced.

25 We noted that there were gapping

1 opportunities to accommodate less out, occasionally
2 during the peak hours, again seven to nine and four
3 to six, and those opportunities increase during the
4 off-peak hours simply because the traffic volumes are
5 reduced. During the overnight hours, and this would
6 be a 24-hour operation, the traffic levels are
7 substantially lower, so the thought was that we might
8 be able to permit those left turn egress movements
9 should someone want to make them during the off-peak
10 hours.

11 Q. So, to get to the heart of it, in terms
12 of left turn ability out of the site onto Schuyler
13 Avenue during the off-peak hours, moving the access
14 driveway further away from the intersection, in
15 connection with the data that you accumulated from
16 studying the site, you believe that left turns out of
17 the site during off-peak hours is appropriate,
18 correct?

19 A. Yes, it can be accommodated during the
20 off-peak periods.

21 MR. TUVEL: If the Board would like to
22 discuss that, I know it came up in T & M's review
23 letter as well as Ms. Massey's review letter, that it
24 should be a restriction, 24 hours, seven days a week.
25 We'd be happy to address it. I think Ms. Dolan

1 substantiated her finding as to why it should be a
2 limited restriction only during peak hours, Monday
3 through Friday, but if the Board would like to
4 discuss it later, we'd be happy to entertain that.

5 CHAIRMAN CHOFFO: Kearny approved that?

6 THE WITNESS: That's correct.

7 CHAIRMAN CHOFFO: I'm surprised, since
8 it's a State highway right at that intersection on a
9 County road. It's a very, very, busy intersection,
10 there's not much room for cars to queue up there, you
11 technically can't make a left.

12 THE WITNESS: We agree with that, that's
13 correct. Not only is it self-policing based on the
14 nature of the use, but it will be at times physically
15 impossible because once you have a car or two in that
16 left turn lane on the Schuyler approach to the
17 intersection, that driveway will be blocked.

18 CHAIRMAN CHOFFO: What happens if a car
19 pulls out wanting to inch their way in to stay at
20 that light and I have a truck turning that's heading,
21 say, westbound on Route 7 and wants to make a left
22 onto Schuyler Avenue?

23 THE WITNESS: Well, that's part of the
24 reason we pushed the driveway further away, was to
25 discourage that, but more so to ensure that somebody

1 wouldn't pull out in advance of the stop bar and then
2 block that maneuvering room required for the trucks.

3 CHAIRMAN CHOFFO: Mr. Reimon, you have
4 any comment?

5 I'm sorry.

6 MR. MILLER: Len Miller, from T & M.

7 Obviously, we have concern with the
8 left-hand turns. First of all, the way the driveway
9 is lined up, even though you shifted it to the rear,
10 even if there's not a vehicle stopped at the stop
11 bar, you really don't have enough room for one
12 vehicle to come in and stop at the stop bar. 'Cause
13 it's much less than 20 feet from where your entrance
14 would come out to even the stop bar.

15 So even if there's no vehicles in line,
16 it would be very difficult for a car to come out and
17 make a left and be able to stop at the stop bar.

18 Now, if there's any vehicles in line, at
19 all stacked, they certainly won't be able to get out
20 there. And if someone comes out that driveway
21 thinking that they can make a left turn, and they're
22 not able to, then essentially you've blocked off your
23 whole driveway because your driveway is not really
24 wide enough for then a vehicle behind it to come out
25 and make the right-hand turn.

1 THE WITNESS: That's correct. We have
2 not designed separate left and right turn lanes. We
3 just don't have the frontage. The goal here was to
4 get the driveway as far from the intersection as
5 possible.

6 MR. MILLER: Right. With the sight
7 limitations, that's as far as you can have it back
8 but it still doesn't function.

9 THE WITNESS: I'm sorry, excuse me?

10 MR. MILLER: With the sight limitations,
11 that's as far as you can move the driveway but you
12 still don't have enough room to come out of that
13 driveway and stop at the stop line that's out there.

14 THE WITNESS: In the left turn lane. I
15 don't know that -- if someone is turning left out of
16 that driveway, that they would want to turn left
17 again. They have the opportunity to turn out the
18 Belleville Turnpike driveway.

19 MR. MILLER: Which even makes it worse,
20 because if there's a vehicle there, they can't get
21 around it even to get into the right-hand line.

22 THE WITNESS: If there's a vehicle
23 there, they can't turn left out of the driveway. I
24 think we have conceded that since the beginning of
25 this project.

1 MR. MILLER: Well then, actually I think
2 the evidence only shows that it's very infrequently
3 that they would be able to come out and make a
4 left-hand turn. Infrequently during peak hours, but
5 when the volumes drop off during the off-peak hours,
6 they do have more opportunities for that movement.

7 THE WITNESS: Nine hundred vehicles an
8 hour to six hundred vehicles an hour, that's still an
9 awful lot of traffic. It's a busy intersection, yes.

10 MR. MILLER: That's why we recommend
11 that these left turns be restricted all the time.

12 THE WITNESS: We understand the
13 restriction and that's why we have presented the
14 information.

15 MR. MILLER: Well, the information, we'd
16 like to see a turning template that a vehicle could
17 even come out of that driveway and make the left
18 where it could be able to stop at the stop bar even
19 if there's no vehicles there yet alone if there's one
20 vehicle stacked. It doesn't look there's enough
21 room, even if there's no vehicles, to stop at the
22 stop bar.

23 And this intersection also has a lot of
24 trucks, so what's going to happen is, if they can't
25 make that turn, they are going to stop a little bit

1 passed the stop bar and then you have all the truck
2 traffic there that is trying to maneuver around this
3 also. Essentially, you're going to be having
4 vehicles stopping passed the stop bar, which is going
5 to create more of a problem with truck traffic.

6 THE WITNESS: I don't disagree with you
7 that there's a substantial amount of truck activity.
8 That's the reason for the staggered stop bar at that
9 location. Again, I would say for this type of use,
10 the tendency for the left turn exit movement is less
11 simply because it's a convenience facility. If
12 people need to turn left in/left out, they are going
13 to choose another location to get there, to stack in.

14 CHAIRMAN CHOFFO: You haven't shown us
15 that they can stop at the stop bar without a vehicle
16 being there?

17 THE WITNESS: We have not run that
18 template. We have run a template for trucks, but we
19 have not provided that, correct.

20 CHAIRMAN CHOFFO: I have one more
21 question with regard to that. It may be a stupid
22 question.

23 The traffic study that you conducted,
24 that was taking into all the traffic in non-peak
25 hours that was on Route 7, the Belleville Turnpike,

1 and Schuyler Avenue or just Schuyler Avenue?

2 THE WITNESS: We did count the whole
3 intersection during the off-peak hours. I don't have
4 all of that summarized, but we did count the entire
5 intersection, yes.

6 CHAIRMAN CHOFFO: That's my major
7 concern. I live in the area, I know it very well,
8 and that intersection is just very, very busy.

9 THE WITNESS: It is busy, yes.

10 CHAIRMAN CHOFFO: Even non-peak hours.

11 THE WITNESS: What I can tell you is
12 that the volumes are less than they are during the
13 peak hours from 10:00 to 1:30.

14 COMMISSIONER ARENCIBIA: Mr. Chairman,
15 with the two different opinions, you know, the
16 applicant's engineer saying it's not going to be a
17 problem and the Board's engineer saying it's going to
18 be a problem, I think you've indicated, just by
19 looking at it, that there would be a problem just by
20 observation.

21 I tend to agree, that this is a problem,
22 I don't think there's any denying it. At nighttime,
23 can you make the left turn? Probably could if
24 there's hardly any traffic on the road. But still,
25 it seems like every other time of the day, you

1 wouldn't want to make that left turn with the truck
2 traffic at that intersection. So I would be more
3 inclined to prohibit left turns all the time.

4 CHAIRMAN CHOFFO: You do have the second
5 driveway on Route 7 that you can make a left or a
6 right.

7 THE WITNESS: That's right. If somebody
8 needed to get to the direction that they would be
9 turning left out of Schuyler, they can just as easy
10 turn right onto Belleville and get to the
11 intersection to make that movement, yes.

12 CHAIRMAN CHOFFO: Yeah. So it's not
13 like this is the only driveway.

14 THE WITNESS: That's correct.

15 CHAIRMAN CHOFFO: You have two. And in
16 past practices, the Board, along most County roads, I
17 would say 90 percent of the time, votes where it is
18 right turn out, especially busy, busy intersections.

19 THE WITNESS: There's other examples of
20 convenience stores as well, one is 7-Eleven, with
21 turning -- it's not the first one.

22 MR. TUVEL: I've consulted with my
23 client and they want to work with the County on this
24 and they're willing to agree with the restriction of
25 the signage and the pavement markings full-time. We

1 acknowledge your concern and we want to be a good
2 neighbor and we want to work with the County.

3 CHAIRMAN CHOFFO: Right turn out only.

4 COMMISSIONER ARENCIBIA: Right turn in,
5 right turn out --

6 MR. TUVEL: Left turn out was the
7 prohibition. Left turn in is still permitted.

8 COMMISSIONER ROMANO: It's left turn
9 out.

10 MR. TUVEL: Left turn out, that's
11 correct. There will be signage that restricts left
12 turns out, full-time.

13 CHAIRMAN CHOFFO: Perfect. Any other
14 questions?

15 COMMISSIONER AVAGLIANO: No. Mr. Marks,
16 any questions?

17 DIRECTOR MARKS: None.

18 CHAIRMAN CHOFFO: Do I have a motion?

19 COMMISSIONER ARENCIBIA: I make a
20 motion.

21 COMMISSIONER ROMANO: I'll second.

22 DIRECTOR MARKS: Who made the motion?

23 I'm sorry. Mr. Chairman, that was a motion to --

24 would it be conditionally approve Application

25 2011-081-SP, with the provision of the no left turn

1 out, as a condition of approval?

2 CHAIRMAN CHOFFO: Yes.

3 DIRECTOR MARKS: Made by Commissioner
4 Arencibia, seconded by Commissioner Mehta.

5 Commissioner Arencibia?

6 COMMISSIONER ARENCIBIA: Aye.

7 DIRECTOR MARKS: Commissioner Avagliano?

8 COMMISSIONER AVAGLIANO: Aye.

9 DIRECTOR MARKS: Commissioner Mehta?

10 COMMISSIONER MEHTA: Aye.

11 DIRECTOR MARKS: Commissioner Romano?

12 COMMISSIONER ROMANO: Aye.

13 DIRECTOR MARKS: Chairman Choffo?

14 CHAIRMAN CHOFFO: I vote aye.

15 DIRECTOR MARKS: Mr. Chairman, the
16 motion passes.

17 MR. TUVEL: Thank you very much.

18 DIRECTOR MARKS: Mr. Chairman, the next
19 application scheduled for public hearing is -- it
20 appears that it's Mark Gialluca, Applicant, located
21 at 7704 River Road, which is Block 438, Lots 3, 5 and
22 11.01 in the Township of North Bergen.

23 MR. ALONSO: Good evening, Mr. Chairman,
24 members of the Board. For the record, Al Alonso,
25 from the firm, Alonso & Navarrete, for the applicant.

1 This is an application where the
2 applicant proposes to demolish an existing medical
3 office building and we're going to be constructing a
4 new office building in its place.

5 I have one witness this evening, Calisto
6 Bertin, from Bertin Engineering, and I need him to be
7 sworn in and qualified.

8 C A L I S T O B E R T I N, having been duly sworn,
9 testifies as follows:

10 MR. CURLEY: Please state your name and
11 spell your last name for the record.

12 THE WITNESS: Calisto Bertin.
13 C-A-L-I-S-T-O, B-E-R-T-I-N.

14 MR. STEINHAGEN: Mr. Chairman, good
15 evening. Daniel Steinhagen, from the firm of Beattie
16 Padovano, on behalf of 77 Rr, LLC, owner of Block
17 438, Lot 2, which is just across Marine Road.

18 MR. DOERR: Good evening, Chairman.
19 Thomas Doerr, from the law firm of Berman, Sauter,
20 Record & Jardim, on behalf of Kingston Pointe
21 Condominium Association, property directly north of
22 this proposed.

23 MR. ALONSO: Mr. Bertin has appeared
24 before this Board in the past. If you like, we can
25 go over his qualifications.

1 CHAIRMAN CHOFFO: Please.

2 THE WITNESS: I have a degree, in civil
3 engineering, from Villanova University; a Master's
4 Degree, in engineering, from Rensselaer Polytechnic
5 Institute. I'm a licensed Professional Engineer in
6 the State of New Jersey and several other states.
7 I've been so licensed since 1983, I believe.

8 I'm a principal of Bertin Engineering,
9 in Glen Rock, and we also have an office in
10 Massachusetts, specializing in land development,
11 civil and traffic engineering.

12 CHAIRMAN CHOFFO: You may proceed.

13 MR. ALONSO: Thank you.

14 DIRECT EXAMINATION BY MR. BERTIN:

15 Q. Mr. Bertin, did your firm prepare the
16 site plan and all of the plans that are before the
17 Board this evening?

18 A. The civil plans, yes. There may have
19 been some architectural plans that were submitted,
20 but they were by another firm.

21 Q. In addition, you prepared a Traffic
22 Impact Study report and drainage report?

23 A. Which were provided to this Board prior
24 to this evening, correct.

25 Q. Would you please provide the Board with

1 an overview of the project?

2 A. Yes. This is an application happening
3 at Palisades Medical Center at 7704 River Road. So
4 we're on River Road.

5 One of the plans that were in the set is
6 called the Overall Site Plan.

7 CHAIRMAN CHOFFO: Can we mark that
8 exhibit, please?

9 MR. CURLEY: A-1.

10 (Whereupon, Exhibit received and marked
11 into evidence.)

12 THE WITNESS: Drawing A-1 is part the
13 set, it's called the Overall Site Plan, and it shows
14 the hospital campus. River Road is on the left,
15 north is up, the Hudson River is on the right.
16 What's shaded in brown or in gray, close to River
17 Road, is the current hospital facility. There's a
18 large parking lot behind it. And then what we're
19 showing in gray in the parking lot is the proposed
20 building.

21 If I flip it over, now we'll zoom in and
22 this is a colored rendering, which I guess we'll make
23 A-2.

24 (Whereupon, Exhibit received and marked
25 into evidence.)

1 MR. CURLEY: Does it have a date on it?

2 THE WITNESS: It's called the Landscape
3 Rendering and it has a date of today.

4 So this is compilation of the site plan
5 and the landscape plan without all the clutter on it.
6 And it shows the proposed building and the parking
7 lot.

8 To reorient ourselves, in the lower left
9 corner is the existing hospital building, the parking
10 lot behind, and then the proposed building.

11 This is a four-story building with a
12 footprint of about 28,000 square feet. What we
13 propose is to have grade-level parking and then a
14 parking garage with another level of parking above
15 that, and then the next two floors would be office
16 space or medical office space, for a total of 56,388
17 square feet.

18 I'm going to go back to A-1. There's an
19 existing traffic light on River Road at the main
20 hospital entrance. That's where most of the
21 traffic -- well, all the hospital traffic comes in.

22 There's another driveway -- well,
23 there's two other driveways north on River Road. The
24 most northerly driveway is the driveway that's used
25 to get to the emergency entrance. Emergency entrance

1 is on the north side of the road and there's a
2 parking lot there.

3 Currently, in the place of this proposed
4 building is a small MRI building and it's 3,000
5 square feet, 3,400 square feet. The access for that
6 building comes from 77th Street and then onto this
7 road that goes behind, it's called Marine Road and
8 there's a driveway into that building. That building
9 and the parking is now segregated by guide rails from
10 the hospital parking. The hospital parking is
11 controlled with a guard house that as you drive
12 around the back of the hospital on the river side of
13 the hospital, there's a driveway that gets you into
14 the parking lot and that's where the guard house is.

15 Going through the changes on how to make
16 the site work, we had to put this new building in,
17 maintain control of the parking. We elected, and
18 there was a lot of time spent on this, elected to
19 move the guard house right behind the hospital so now
20 as you come in the main driveway, you have the
21 drop-off area for the -- the main drop-off -- well,
22 in this case, it's the front of the hospital which
23 faces the river, all right? So that's unguarded.
24 And then just beyond that is the guard house. So
25 then this whole parking lot now is under gate

1 control.

2 Marine Road is a dead-end road; there's
3 some bollards and some poles to stop traffic from
4 going through. It's currently used for parking and
5 it's an access -- well, it's a private road, the
6 hospital has rights of access across it at 77th
7 Street.

8 Currently, parking goes on, on Marine
9 Road, parking for the hospital. So there's parking
10 on this. It's a narrow, one-way road, angled
11 parking. I haven't seen anybody leave, but you have
12 to back up and find a way to turn around because it
13 doesn't go through that. Parking will all be
14 eliminated. Now all the parking will take place on
15 the site.

16 Because we have a hospital facility, we
17 figured we needed more than one access point 'cause
18 the emergency room driveway is really not a means of
19 egress for the site. We elected to put a
20 gate-controlled entrance at the northern corner of
21 the property, right at 77th Street. General public
22 can't get through there, but employees can get
23 through there. So we have this gate-controlled
24 access here.

25 So now what we have done is, we have --

1 well, all the activity for the existing MRI building,
2 which is minor, came through 77th Street. Now we'll
3 have some of the medical office building traffic or
4 the hospital traffic in general, using 77th Street.
5 Most likely, people from the north coming down,
6 rather than making a left at the traffic light, which
7 you have to do during peak hours but some of the
8 traffic, because it's shift work at the hospital,
9 comes before peak hour when they do the 7:00 a.m.
10 shift change, it's much easier to make a left turn
11 into 77th Street and then they can come into that
12 gate.

13 So we anticipate that there will be more
14 use of that entrance.

15 We submitted a Traffic Impact Study
16 which shows the impact of the traffic based on the
17 arrangement I just discussed with you; and the levels
18 of service at the traffic light and at 77th Street
19 are acceptable. We also factored in the new retail
20 center that's being built across the street.

21 We supplemented that study with another
22 one just to look as if all the traffic used the
23 signal light. So if we didn't have access to 77th
24 Street, just in case. And we show that that also was
25 at acceptable levels of service.

1 Moving on, looking at the County's --
2 things that are in the County's jurisdiction, one
3 would be traffic and the next would be drainage.
4 Fortunately for the County, all the drainage from
5 this site runs out to the Hudson River so it falls
6 within the DEP's jurisdiction. So we're connecting
7 to existing drainpipes that go from right behind this
8 building right out into the Hudson River.

9 We have some green infrastructure
10 measures that we have implemented here. One is that
11 by creating a two-story parking garage, we have taken
12 parking off -- you know, it's no longer exposed to
13 elements, it's now under the building. We created a
14 rain guard on the north end of the property. We did
15 this for a couple of reasons. When we were looking
16 on where to place the building, we were cognizant of
17 the neighbors around us, those to the north of us
18 being residential, and we positioned the building so
19 we could come as far away from the residential as
20 possible and we moved it as west as possible but then
21 we created this triangular space just north of the
22 hospital where we could put significant amount of
23 landscaping. Instead of small landscaping islands,
24 we created a large landscaped area here. Stormwater
25 runoff from the parking lot in front of the building

1 or on the west side of the building can run through
2 there. We're also using native plant species.

3 FREEHOLDER ROMANO: Was this project
4 approved by the Township of North Bergen?

5 THE WITNESS: The application is pending
6 in North Bergen. The 19th, January 19th.

7 CHAIRMAN CHOFFO: You haven't gone in
8 front of North Bergen yet?

9 THE WITNESS: We made the application,
10 we haven't had a public hearing yet.

11 COMMISSIONER ROMANO: We do have to get
12 North Bergen before it comes here, right, Chairman?

13 THE WITNESS: No.

14 CHAIRMAN CHOFFO: No.

15 THE WITNESS: In December, all the cases
16 in North Bergen had to get bumped. So we would have
17 been -- we had a shot of being on the agenda but
18 everything got moved. So we wound up being in
19 January.

20 BY MR. ALONSO:

21 Q. Mr. Bertin, did you have an opportunity
22 to review a report, dated December 9th, 2011, that
23 was prepared by Megan Massey?

24 A. Yes.

25 Q. And specifically I'm going to address

1 your comments to Paragraph No. 6 with respect to
2 bicycle racks.

3 A. Yes. The building, as proposed, has a
4 bicycle rack, because we know we have to do that,
5 we're providing a bicycle rack for the existing
6 bikers, but it was also comments, how about for the
7 hospital and how about for the riverwalk?

8 There's a walkway along the Hudson
9 River. So we have agreed that we'll put a bike rack
10 along the riverwalk and bike rack by the hospital.
11 We'll pick a location for it, so those who choose to
12 use bikes to get to and from the hospital do it.

13 Q. The report also asked questions about
14 the upgrade to the walkway; what testimony can you
15 provide with respect to the walkway?

16 A. I'll give you the sales pitch first, is
17 the hospital is a not-for-profit hospital and they're
18 struggling like most hospitals, so it was a difficult
19 decision on whether or not to upgrade the walkway
20 because it comes out of their capital funds. So do
21 they buy new equipment or do they fix the walkway?

22 So we were refraining from upgrading the
23 walkway. But we have since talked and we'll be
24 making upgrades to the walkway. It has to be
25 reviewed -- the application, I'm sorry, is already

1 down at the DEP, so they'll be reviewing it as well.
2 We'll upgrade the walkway.

3 Having gotten this letter from Megan and
4 having time to sit down and talk with the hospital,
5 my office -- or I submitted a letter, actually
6 earlier today, to Steve and Megan and Demetrio, but I
7 have additional copies, that the hospital will
8 perform upgrades that are not shown on the plan.

9 And to do that, I mentioned the bike
10 racks. They'll also be adding 20 shade trees along
11 the riverwalk and then additional benches. To comply
12 with the DEP's checklist, they have for so many
13 lineal feet of waterfront you have to have so many
14 trees and so many lineal feet of benches. So I have
15 this letter to tell you that we're going to do that.

16 MR. ALONSO: We can mark that as A-3.

17 (Whereupon, Exhibit received and marked
18 into evidence.)

19 THE WITNESS: I have several copies.

20 MR. CURLEY: This is Mr. Bertin's letter
21 of December 21?

22 THE WITNESS: Right. It has one more
23 aspect in it. There's a drawing attached to it.

24 CHAIRMAN CHOFFO: You may proceed.

25 THE WITNESS: Yes, there was discussion

1 at the work session with the Planning Board about
2 providing the perpendicular access to the walkway.
3 And we did research that and found that the
4 perpendicular access required every quarter-mile. It
5 turns out -- well, the parking just discussed has
6 perpendicular accesses, as does the property just
7 north of that. The hospital has elected to provide
8 perpendicular access, that's access from River Road
9 to the river walkway at the main driveway.

10 So we also wanted to put some parking
11 there and we tried to figure out where we could put
12 parking that would be -- that would not have to
13 require someone to drive through the guard house and
14 that creates all kinds of problems.

15 So we created three parking spaces on
16 the entrance driveway. That would be marked
17 "riverwalk." We'd have to actually put a time limit
18 on there so we make sure people use it for the
19 riverwalk and not to avoid going into the parking
20 lot.

21 MS. MASSEY: Just a real quick question
22 just to reiterate what Ms. Wong had said. It's
23 Hudson River Waterfront Walkway.

24 THE WITNESS: I wasn't here then. The
25 Hudson River Waterfront Walkway. Can I abbreviate

1 that and say the riverfront walkway?

2 So we'll be providing three parking
3 spaces for that and an easement to go from the street
4 to the parking. And, of course, the entire walkway
5 requires an easement. For whatever reason, when the
6 walkway was built, an easement was never dedicated,
7 so we'll do that as part of this application.

8 BY MR. ALONSO:

9 Q. Actually the easement is only along the
10 riverfront?

11 A. Yes.

12 Q. There's no easement from the street,
13 from River Road total walkway itself, because it's a
14 public access anyway being that it's a hospital and a
15 public building. So there will be no easement coming
16 off River Road but only along the riverfront?

17 A. Right, and we'll provide the proper
18 signs for both the parking and the access, pedestrian
19 access.

20 MR. TRIDENTE: Mr. Chairman, I have a
21 question. Can you be a little more specific on the
22 design specifications that you're going to make the
23 corrections to? Are you going to be widening the
24 walkway to the design specs according to DEP or are
25 you going to maintain it at 10, 11 feet?

1 THE WITNESS: That's what it is now.
2 Again, because of the nature of the hospital, we were
3 going to request from the State that we keep it at
4 the 10 or 11 feet. If they make us widen it, we'll
5 have to widen it.

6 MR. TRIDENTE: You're going to request a
7 design waiver?

8 THE WITNESS: Yes.

9 MR. TRIDENTE: Is that also being that
10 you're not going to install any pavers or anything on
11 it?

12 THE WITNESS: True. Yes, that too.

13 I know that the regulations say to put
14 in pavers, but you can see that, at least in this
15 area, people are getting away from using pavers. The
16 park that you just saw before you today was concrete
17 with paver trim, as was at the Hovnanian project,
18 because the pavers have -- they settle. It's a nice
19 touch, but it's not the main walkway.

20 Further up where they put in -- further
21 up, like into Edgewater, where they have actually put
22 in sheet piling and controlled fill, the pavers work,
23 but it -- a hard surface other than pavers is more
24 suitable here.

25 We do have a situation where we are on a

1 site that's continuously settling and that's one of
2 the issues.

3 MR. TRIDENTE: So, will your
4 modifications include also eliminating the trip
5 hazard at the southern end of the walkway where it
6 meets the adjacent property?

7 THE WITNESS: Yes.

8 MR. TRIDENTE: Are you aware it's a
9 significant trip hazard there?

10 THE WITNESS: Yes, I'm aware that
11 certain areas have to be fixed. I did not put that
12 in here, but we'll go out -- we could go out with
13 somebody, if you want to be part of this, and we can
14 say okay, we have to patch certain areas.

15 MR. ALONSO: In addition, there was also
16 another report, dated December 19th, 2011, that was
17 prepared by T & M Associates. My review of this
18 report, I believe that you've addressed all the
19 comments in here. If there's anything else that you
20 need to address at this time, I would ask you to do
21 so.

22 THE WITNESS: I'm just making myself a
23 note.

24 (Pause.)

25 I want to make sure I get all this.

1 Yes, I think there is Item 1.5, 1.6, and
2 1.7, deal with -- well, at least 1.5 and 1.6, on this
3 letter, deal with 77th Street or Marine Road that I
4 mentioned, that runs parallel to River Road between
5 the proposed building and River Road. It's striped
6 for angled parking and right now, people back out of
7 it and again as I mentioned, the hospital uses that
8 parking, so we'll be eliminating the need for that
9 parking. At a minimum, we'll be re-sealcoating the
10 entire road to eliminate all stripes so that people
11 don't park there. Unless some other arrangement is
12 made. But that's the minimum we're going to do to
13 make it -- well, enhance the appearance of that road.

14 1.7 is a question about the peak parking
15 demand during shift changes. We did not do a formal
16 parking study, but we have asked the hospital staff
17 or management on the shift changes and it turns out
18 there are shift changes at all different times. You
19 got the seven to three, you got 7:30 to 3:30. So I'm
20 told that shift changes -- that there is sufficient
21 parking to accommodate shift changes and we're
22 increasing the parking on-site.

23 Q. Finally, with respect to 3.1. We had
24 certain discussions with respect to the Hudson River
25 Walkway; is there anything you need to address with

1 respect to the comments in this letter?

2 A. I think we have addressed them by what
3 I've said rather than repeating myself. But we'll
4 put the signs in and we'll patch the tripping hazard
5 areas.

6 MR. ALONSO: At this time, Mr. Chairman,
7 I believe that's our presentation.

8 DIRECTOR MARKS: Mr. Chairman, at the
9 Site Plan Committee meeting, we had asked Mr. Bertin
10 to look into the DEP's design guidelines with respect
11 to the lighting, signage, parking, the DEP parking
12 requirements, as well as garbage receptacles. I was
13 wondering if Mr. Bertin had a chance to review that.
14 Mr. Bertin had offered up three parking spaces. In
15 relation to this project, what does the DEP require?

16 THE WITNESS: I read through the
17 regulations, other people read through the
18 regulations, and there didn't seem to be a
19 calculation for a parking requirement.

20 So we'll provide this.

21 DIRECTOR MARKS: And the signage
22 requirement?

23 THE WITNESS: Yes, I said we'll take
24 care of the signage.

25 DIRECTOR MARKS: To meet DEP -- there's

1 an actual, like --

2 THE WITNESS: They have a sign.

3 DIRECTOR MARKS: Right, in terms of the
4 per linear feet, are there X number of signs that are
5 required for every 1,000 feet of walkway or what have
6 you?

7 THE WITNESS: No, I think the signs are
8 required to get you to the walkway. So, if we have
9 something on River Road --

10 DIRECTOR MARKS: For the perpendicular
11 access.

12 THE WITNESS: For the perpendicular
13 access. And then we'll have someone sending up the
14 sidewalk and then we have to cross the driveway so
15 we'll have a sign there. I think two signs would be
16 sufficient. We have to have both parking and
17 pedestrian access.

18 Now, you did mention lighting and I did
19 not bring that up. There are some bollards out there
20 where the existing heliport is located. I didn't
21 mention that, there's a heliport, hasn't been used in
22 many years, that's coming out to increase the
23 parking. Bollards are located along the heliport.
24 For obvious reasons, we'll take those out and we'll
25 replace them with the lanterns that are there.

1 Now, this was built in the '80s, the
2 walkway guidelines do have several lamps, this is
3 close to that and we're hoping the DEP doesn't make
4 us replace these lamps to match one of the four,
5 five, that they have in the catalogue.

6 DIRECTOR MARKS: Mr. Bertin, how tall
7 are the bollards?

8 THE WITNESS: Twelve feet.

9 No, no, the bollards are low, the
10 bollards are only 4 feet. Lamps are 12 or 14 feet
11 high. We have catalogued them and that will be part
12 of our submission to the DEP. I'll copy you on that.
13 But we have gone through the entire regulations and
14 checked off what we have to what they require and
15 then we generated a list of what we need. That's how
16 I came up with the number of trees and the benches,
17 is our formulas for that.

18 DIRECTOR MARKS: And garbage
19 receptacles?

20 THE WITNESS: We'll do that as well.
21 I'm sorry, I didn't mention that. That wasn't a big
22 item. Also mentioned that the lighting levels, I
23 think have to be a half a footcandle along the entire
24 walkway. We have to check the lamp and then run the
25 photometrics to see that we meet that.

1 CHAIRMAN CHOFFO: T & M.

2 MR. MILLER: Dave addressed all the
3 issues in our letter, Mr. Chairman.

4 CHAIRMAN CHOFFO: Mr. Arencibia.

5 COMMISSIONER ARENCIBIA: Yeah,
6 Mr. Chairman. Similar to the first application we
7 had this evening, the park project, there's the
8 County's right of way that is wider on the east side
9 that extends into the hospital. There are some items
10 in there, such as a sign, and I can't read the
11 drawing here but it looks like there's some sheds or
12 something within the County's right of way.

13 THE WITNESS: Oh, yeah.

14 COMMISSIONER ARENCIBIA: There's some
15 paved areas. I'm just trying to see where we are
16 with an easement agreement with the County. So if
17 there's one, and I can't recollect if there's one,
18 but if there isn't any, I don't think there is, it
19 would need to be, as a condition of this approval,
20 that the easement agreement, arranged between the
21 County and the hospital, would require Freeholder
22 Board approval as well.

23 THE WITNESS: Thank you.

24 COMMISSIONER ARENCIBIA: Are you doing
25 any drainage work, all the drainage work for this

1 project will be right into -- go right to the river
2 or will there be any connections to the County,
3 still?

4 THE WITNESS: No, it all goes to the
5 river. There are some drainage pipes, in the area
6 under the proposed building, that will get modified,
7 but they run right out to the river so there will be
8 no changes.

9 COMMISSIONER ARENCIBIA: This won't
10 impact River Road drainage at all?

11 THE WITNESS: No.

12 COMMISSIONER ROMANO: You said medical
13 office building; is it doctor's office or is it going
14 to be a clinic?

15 THE WITNESS: It's a combination of
16 doctors' offices. Some of the doctors who have a
17 practice at the hospital will have their offices here
18 as well. Surgical center, there will be a surgical
19 center.

20 COMMISSIONER ROMANO: So it's
21 supplementing Palisades General?

22 THE WITNESS: Yes, Palisades General
23 will be using some of the building and doctors,
24 independent doctors, will be using part of the
25 building.

1 COMMISSIONER ROMANO: Something like,
2 for example, Dr. Jablonski's building inside
3 Palisades General, would that be comparable, sir?

4 A MEMBER OF THE AUDIENCE: Yes, more or
5 less.

6 THE WITNESS: The answer is yes.

7 COMMISSIONER ROMANO: I'm trying to find
8 out the usage and how it's affecting the hospital and
9 its financial survival.

10 THE WITNESS: That's part of it, yes.
11 That's why it's here.

12 FREEHOLDER ROMANO: That's what we need
13 to know.

14 COMMISSIONER ARENCIBIA: I have one
15 other question, Mr. Chairman. I think there are some
16 sidewalk repair work that needs to get done along
17 River Road in front of the hospital, there's some
18 missing pieces that looks like it should be as a
19 condition to be repaired.

20 THE WITNESS: That's acceptable.

21 CHAIRMAN CHOFFO: I have one question,
22 Mr. Bertin, with regard to your traffic study. Does
23 anything in your traffic study mention on 22nd
24 Street, the intersection of 22nd Street and River
25 Road?

1 THE WITNESS: No, 77th. It does include
2 77th Street, yes.

3 CHAIRMAN CHOFFO: How does it rate that
4 intersection?

5 THE WITNESS: When it's all done,
6 including traffic increases, the morning peak hour,
7 the southbound left turn is a Level of Service B,
8 which is very good, and the westbound left and right
9 turn, that's the exiting traffic, is Level of Service
10 C. And in the evening, the River Road portion making
11 a left-hand is Level of Service C and the exiting of
12 77th Street onto River Road is Level of Service D.

13 So they're within acceptable levels
14 and -- I'll leave it at that. We have assigned a
15 certain amount of traffic. We assigned -- a lot of
16 traffic, that may have been turning right out of the
17 traffic light, would possibly use that as a way of
18 getting out. If it's more convenient to use the
19 traffic light, they'll go back there. We tried to do
20 a conservative analysis.

21 CHAIRMAN CHOFFO: Any other questions?

22 COMMISSIONER ARENCIBIA: Mr. Chairman,
23 one more comment, too. Mario just brought it to my
24 attention. There's a very small, missing piece of
25 sidewalk right by the southern driveway that looks

1 like it's right on the corner of River Road and there
2 is a sidewalk about 30 feet or so that's missing.

3 So it should be continued, the missing
4 link --

5 THE WITNESS: You mean going to the next
6 property to the south?

7 COMMISSIONER ARENCIBIA: No, it's
8 actually going from River Road into the sidewalk
9 along your driveway.

10 MR. TRIDENTE: Just north of the bus
11 stop.

12 THE WITNESS: North of the bus stop?
13 Okay. I'll look at that.

14 Yeah, in looking at this photograph,
15 absolutely, it has to be there on the way in. On the
16 north side of the entrance driveway.

17 COMMISSIONER ARENCIBIA: Is that south
18 side or north side?

19 MR. TRIDENTE: That's on the north side
20 of their property but the south driveway.

21 CHAIRMAN CHOFFO: Mr. Curley, I'm
22 assuming, since there's other attorneys here, they
23 want to speak.

24 MR. CURLEY: Yes, I think they should
25 have an opportunity to ask questions, at least to

1 cross-examine the witness.

2 MR. TRIDENTE: Mr. Chairman, I still
3 have another comment to make. Being aware of the
4 Hudson County Land Development Regulations regarding
5 shade trees, how many shade trees do you propose
6 along the frontage?

7 THE WITNESS: I was under the impression
8 that we had the requisite number of shade trees along
9 the frontage, so there was no proposal to add more.

10 MR. TRIDENTE: But I don't think those
11 trees fall under our list of shade trees.

12 THE WITNESS: If it's required to add
13 more trees, we'll add more trees.

14 MR. TRIDENTE: One tree for every 30
15 feet?

16 THE WITNESS: Something like that, yes,
17 that's -- there are a cluster of trees on the
18 southern half on the frontage.

19 MR. TRIDENTE: They're arborvitae.
20 Unfortunately, I don't think they're on our list.

21 THE WITNESS: Then we'll add more trees.
22 Tried not to spend too much of their money in this
23 case.

24 CHAIRMAN CHOFFO: Is there an order that
25 we want to go in, gentleman?

1 MR. DOERR: I'll be happy to go first.

2 Again, Thomas Doerr, from the law firm
3 of Berman, Sauter, Record & Jardim, on behalf of the
4 Kingston Pointe Condominium Association.

5 CROSS-EXAMINATION BY MR. DOERR:

6 Q. Mr. Bertin, let me just address a couple
7 of issues that come out of your testimony here so
8 far.

9 You mentioned that there's a soil
10 sediment issue here; correct?

11 A. Yes.

12 Q. Now, are you a geotechnical engineer by
13 training or experience?

14 A. I have knowledge of geotechnical. I
15 happen to own a geotechnical company but I have
16 people who run it.

17 Q. You're not here to give testimony about
18 geotechnical issues and that sort of thing?

19 A. No, we wouldn't do that in this venue.

20 Q. But you have testified with regard to
21 drainage issues and obviously geotechnical issues can
22 have impact on drainage issues, correct?

23 A. Yes.

24 Q. Now, you have indicated that the way in
25 which this project is designed, is that all drainage

1 is to flow to the river and that it's not going to
2 impact the River Road, correct?

3 A. Correct.

4 Q. Now, you also, however, as part of your
5 application, not the application here but the
6 applications, one of the Board members had asked
7 about whether you had received your approvals yet
8 from North Bergen and you haven't received those yet,
9 of course, right?

10 A. No.

11 Q. And, in fact, you also have not received
12 your approvals from the DEP either, correct?

13 A. Correct.

14 Q. And is it not a fact that you are
15 looking both to increase the height of the building
16 beyond what the limitations are for North Bergen and
17 also decrease the elevations of the building --
18 excuse me, of the parking although what's allowed by
19 the DEP?

20 MR. ALONSO: I'm going to object to
21 that. This Board doesn't have jurisdiction over
22 height issues. I'm going to ask counsel if he can
23 please focus on the issues that are before this
24 Board.

25 COMMISSIONER ROMANO: I'd like to make a

1 statement also, it's with a similar incident.
2 Please, whoever speaks, keep the issues that concern
3 the County. We had something similar in North
4 Bergen, the counselor seemed to drift and it wound up
5 taking four months to get set.

6 So if we could, just -- also, just so
7 the audience is aware of this, we have a certain time
8 frame. I think Chairman wants to let them know.

9 CHAIRMAN CHOFFO: This evening, 10:00,
10 we'll be ending this hopefully sooner, but as
11 Freeholder Romano mentioned, if we can keep the
12 questions to Mr. Bertin contingent on what we're
13 eligible to vote on, which would be traffic and
14 drainage.

15 MR. DOERR: Absolutely. I think I was
16 heading toward the issue of drainage. Thank you for
17 those comments.

18 BY MR. DOERR:

19 Q. As I said, you are also making an
20 application to the DEP?

21 A. We made that application.

22 Q. You made that application for the
23 purpose of being able to reduce the height of the
24 parking areas to below what's required by the DEP;
25 correct?

1 A. Yes, we asked --

2 MR. ALONSO: Again, these are DEP
3 issues, not County Planning Board issues.

4 CHAIRMAN CHOFFO: Mr. Curley.

5 MR. CURLEY: I think we should let the
6 attorney go with one or two more questions and see if
7 he gets to a relevant area, which I think he's
8 promised us.

9 MR. DOERR: I'm trying very hard to get
10 there.

11 THE WITNESS: To comply with the DEP
12 regulations, we have to fill the parking lot 6 feet,
13 the existing parking lot has to be filled 6 feet.
14 What we have asked the DEP to do is that at the front
15 entrance of this building, we'd bring that up to the
16 required height, because that has to be at a certain
17 height, and then the grade level parking sloped
18 downslope down to almost the existing grade of the
19 parking lot that's there.

20 So that's the waiver we're asking for,
21 not to lower the parking but just to allow it lower
22 than the Flood Hazard Elevation.

23 BY MR. DOERR:

24 Q. So, the existing grading that we're
25 speaking about, which obviously has an impact on

1 drainage, is on the river side of the property,
2 approximately what, two, two and a half feet, give or
3 take?

4 A. What, the change in grade?

5 Q. No, you said you're going to try to keep
6 the grade at the river side of the property?

7 A. Correct.

8 Q. Close to what the existing grade is
9 right now?

10 A. Right.

11 Q. What is the current existing grade in
12 the vicinity, on the river side property?

13 A. In the river side, in the vicinity
14 behind the building, it's four, five, to six.

15 Q. Doesn't it, in fact, dip to much lower
16 than that as you get closer to the river?

17 A. Yes, at the river. Yes, just generally,
18 if you want to take out the grading plan, I can go
19 through it all, but that's generally what it is.

20 Q. Now, what provision have you made in
21 your calculations, if any, with regard to the
22 settlement issues that are endemic to that area?

23 A. Well, again, okay, it's not for this
24 Board, but the building will be on piles, steel piles
25 supported -- end-bearing piles, they're not going to

1 be friction piles like other buildings in the area.

2 Q. Okay.

3 A. So the building will not settle.

4 Arrangements will be made, in the ramp that goes up
5 there, to accommodate settlement and we anticipate
6 some settlement. We have actually done some studies
7 to do different types of fill in the area, I'm going
8 to say, on the west side of the building. Because
9 that parking area on the west side of the building
10 has to be raised. We have calculated or the
11 geotechnical engineers have calculated the amount of
12 settlement and when we get to final construction
13 documents, we'll take that into consideration.

14 Q. Isn't it a fact that if the settlement
15 occurs in a greater amount than what you have
16 projected, that in fact you could have a back
17 drainage situation which you would have to take the
18 drainage from the site and pump it out to River Road?

19 A. No, we'd always go to the Hudson River.

20 Q. There's no possibility of that
21 happening?

22 A. No, I don't see that.

23 Q. Now --

24 A. We may have to redo the parking lot, to
25 raise the drainage, but I don't see it going out to

1 River Road.

2 Q. Now, are you aware of contamination
3 issues in that area as well?

4 A. I have a vague understanding of 'em,
5 only from our conference calls that we have had.

6 Q. Have you spoken to the DEP about the
7 contamination issues that have been found on the
8 adjoining property?

9 MR. ALONSO: Again, Mr. Chairman.

10 CHAIRMAN CHOFFO: I was going to ask you
11 if you can bring that up at the North Bergen meeting.

12 MR. DOERR: I believe it goes to certain
13 issues that involve the County which could be
14 contamination that could go through the river
15 drainage, out to the river, which could impact the
16 permitting that the County has with regard to its own
17 drainage.

18 CHAIRMAN CHOFFO: That's something that
19 the DEP would be involved in.

20 MR. DOERR: It wouldn't be something
21 that the County would be interested in at this point?

22 CHAIRMAN CHOFFO: I'm not saying we
23 wouldn't be interested in it, but I don't think it's
24 the appropriate venue to talk about contaminated soil
25 when our jurisdiction is over drainage and traffic.

1 I think that's a question for the DEP or the Township
2 of North Bergen.

3 MR. DOERR: I'll certainly pass onto the
4 next issue.

5 At this point, I'm going to turn the
6 floor over to counsel for another objecting neighbor
7 at this point.

8 I will note, for the record, that there
9 are a number of people who are in the audience here
10 who would like to speak as well in an individual
11 capacity. We represent the association and they are
12 going to want to make their comments as well.

13 COMMISSIONER ROMANO: Be advised,
14 Counsel, all comments by anyone in the audience has
15 to be specifically pertaining to the County issues.

16 MR. DOERR: I understand that and I
17 don't represent them in an individual capacity. You
18 can take that up with them as they make their comment
19 as well. If we're going to be limited to traffic and
20 drainage, insofar as my counsel has more information
21 on traffic issues, I'll turn over the floor to him on
22 that.

23 COMMISSIONER MEHTA: I just wanted to
24 know who they represent.

25 CHAIRMAN CHOFFO: The condominium

1 association.

2 MR. DOERR: We represent Kingston Pointe
3 Condominium Association. If you were to look at the
4 site plan there, you'll see at the north end of the
5 property, there are five buildings that are located
6 there and we represent the association that's
7 responsible for the common elements for those five
8 buildings.

9 MR. ALONSO: Mr. Chairman, I would
10 object to the residents of the condominium
11 testifying. Only because, as owners of the
12 condominiums, they're automatically members of the
13 association who is represented by counsel.

14 So, I don't believe that they're
15 permitted to testify if they're represented by
16 counsel.

17 MR. DOERR: I don't want to draw it out
18 unnecessarily, but there's a very distinct difference
19 between the common areas which the association is
20 responsible for administering, which is our
21 responsibility as counsel for the association, and
22 the individual concerns which could affect the
23 individual units that we don't represent them on at
24 all.

25 FREEHOLDER ROMANO: Mr. Curley.

1 MR. CURLEY: It has been our practice to
2 limit it to counsel for a condominium association.
3 If he is going to represent the association, members
4 of the association should not be separately speaking.

5 MR. DOERR: Obviously, I object, but
6 nonetheless, that's the decision that you'll make.

7 COMMISSIONER ARENCIBIA: Is this the
8 rock harbor?

9 THE WITNESS: I'll show you on the way,
10 if you took 77th Street and you continued past the
11 hospital, there's five buildings, I think there's a
12 total of 30 condominium units, and you stay on that
13 driveway and you come to the Waterside restaurant.
14 So these are the units between the bank and where the
15 Waterside restaurant is.

16 COMMISSIONER ROMANO: For the record, I
17 have two questions. Existing building is how many
18 stories?

19 THE WITNESS: Exist --

20 MR. ALONSO: The one that is being
21 demolished.

22 THE WITNESS: It's a one-story building.

23 COMMISSIONER ROMANO: The new building
24 that's being applied for, variance have to be applied
25 for through North Bergen, correct?

1 MR. ALONSO: Correct.

2 THE WITNESS: Yes.

3 COMMISSIONER ROMANO: Just also to
4 enlighten us, is the view of certain condominium
5 association blocked, is that --

6 THE WITNESS: I think if you build
7 anything in the parking lot, it will impede the
8 views.

9 A MEMBER OF THE AUDIENCE: Completely
10 blocked. Not only that, it will damage the
11 foundation and this is a County problem for all of
12 us.

13 CHAIRMAN CHOFFO: We're going to end
14 this meeting early if this continues. We can't have
15 outbursts from the audience, please.

16 MR. ALONSO: Mr. Chairman, in terms of
17 the view corridors, there has been rules by judges in
18 this county who have found that you are not entitled
19 to a view. In any event, that's not an issue for
20 this Board, that would be an issue addressed in North
21 Bergen.

22 MR. DOERR: For the record, we're
23 prepared to go forward with evidence with regard to
24 view issues, but you have indicated to us that you
25 believe that that's not your decision. Obviously,

1 we're prepared to proceed on that particular issue if
2 the Board was willing to hear testimony on that
3 issue.

4 MR. STEINHAGEN: Good evening. Again,
5 for the record, Dan Steinhagen, from Beattie
6 Padovano, 50 Chestnut Ridge Road, Montvale, New
7 Jersey, on behalf of 77 Rr, LLC.

8 Good evening, Mr. Bertin, how are you
9 tonight?

10 THE WITNESS: Fine.

11 MR. STEINHAGEN: Nice to see you.

12 COMMISSIONER ROMANO: For the record,
13 who is 77 Rr, L.L.C., is that another condominium
14 association?

15 MR. STEINHAGEN: No, it's not a
16 condominium, it's the owner of Block 438.01, Lot 2,
17 which I believe is directly to the west of where the
18 proposed building is located across Marine Road.

19 COMMISSIONER ROMANO: What is on there
20 now?

21 MR. STEINHAGEN: It's an office
22 building.

23 COMMISSIONER ROMANO: You're
24 representing an office building?

25 MR. STEINHAGEN: Correct. I don't

1 represent any of the residents, I represent a limited
2 liability company and no one lives there.

3 CROSS-EXAMINATION BY MR. STEINHAGEN:

4 Q. Mr. Bertin, could you clarify, for the
5 record, who the applicant is?

6 A. It's Duke Realty.

7 Q. And who is Duke Realty?

8 A. They're a land developer and they have
9 entered into an arrangement with the hospital to
10 lease the hospital ground, construct the building,
11 and I'm not sure of all the financial things but the
12 hospital will gain -- well, rental from the building,
13 from the building being there.

14 Q. So the developer is not the hospital?

15 A. Correct.

16 Q. And the developer is a private entity
17 located out of state?

18 A. Correct.

19 Q. And you mentioned earlier, that --

20 A. They have an office here in New Jersey
21 but their corporate office is not in the state.

22 Q. In Baltimore, Maryland; is that correct?

23 A. Yes.

24 Q. You mentioned earlier that the hospital
25 was in a little bit of financial difficulty with

1 respect to the walkway, but the hospital is not the
2 applicant here; is that correct?

3 A. Well, the walkway is the hospital's
4 responsibility.

5 Q. But the applicant before this Board,
6 also before the DEP and presumably before the
7 Planning Board in North Bergen, is not the hospital?

8 A. Correct.

9 Q. It's a private developer, which I don't
10 know its finances, but it's a for-profit entity; is
11 that correct?

12 A. Yes.

13 Q. Okay. Do you know if Duke Realty -- is
14 Duke Realty going to be operating the building that
15 you're building?

16 A. I'm not -- I do not know those --

17 MR. ALONSO: Mr. Chairman, operation of
18 the building is irrelevant.

19 CHAIRMAN CHOFFO: Once again,
20 jurisdiction.

21 MR. STEINHAGEN: I understand.

22 BY MR. STEINHAGEN:

23 Q. Point I wanted to make is Marine Road
24 is, it's a private road. Do you know; in your
25 investigations on title and preparing the site plan,

1 which I note has a survey in it that was prepared by
2 a member of Bertin Engineering, do you know if Duke
3 Realty has any access rights to Marine Road?

4 MR. ALONSO: He can't answer that. It's
5 a legal question. We actually have, and we'll
6 present it as a document into evidence --

7 COMMISSIONER ROMANO: For the record,
8 sir, what road are you talking about? Is this a
9 County road?

10 MR. STEINHAGEN: One of the access
11 points that Mr. Bertin testified would be used for
12 employees of the hospital.

13 COMMISSIONER ROMANO: Let's try it
14 again, Counsel, please answer my question.

15 MR. STEINHAGEN: It isn't a County road.

16 COMMISSIONER ROMANO: Why is the
17 question being directed if it's not a County road?

18 MR. STEINHAGEN: The testimony earlier
19 was about access to a County road from Marine Road.

20 COMMISSIONER ROMANO: But it's not a
21 County road that you're questioning ownership of,
22 correct?

23 MR. STEINHAGEN: No, that's correct.
24 But there was mention of an alternate traffic study
25 where all of the traffic was going to be exiting out

1 of the signalized intersection at the south end of
2 the site, and I was going to, depending on what Mr.
3 Alonso provides, I'm going to suggest maybe that
4 might be investigated a little bit more. I didn't
5 see it in the traffic report that was in the Board's
6 files.

7 COMMISSIONER ROMANO: Mr. Curley, you
8 want to enlighten us?

9 MR. CURLEY: There was testimony about
10 that being a route of access from a County road.

11 MR. ALONSO: At this point, we'll move
12 to A-4. I'll mark it. It's a package containing
13 three letters.

14 (Whereupon, Exhibit received and marked
15 into evidence.)

16 The first letter was dated December 7th,
17 2011 -- I'm sorry, it's two letters. First one is
18 December 7th, 2011, which was authored by John
19 Gallucio, an attorney at McCarter & English, and he
20 represents the hospital and it was addressed to Brian
21 Chewcaskie, who is the attorney for North Bergen.
22 Because an issue has been raised as to the ownership
23 of Marine Road and access, who has access over it.
24 It's a lengthy letter, I believe it's about 38 pages.
25 It's a private road with access easements that have

1 been recorded.

2 The second letter is a letter from Mr.
3 Chewcaskie, which is addressed to Thomas Wall, who is
4 an attorney. He represents Rowenvar, Inc.
5 (phonetic,) who is the owner of the road. And
6 basically, Mr. Chewcaskie, as the attorney for North
7 Bergen, after reviewing all the submissions, has
8 formed an opinion that the hospital does in fact have
9 full access over the road.

10 COMMISSIONER ROMANO: Could Mr. Marks
11 and Mr. Tridente get copies of this?

12 MR. ALONSO: I have a copy here. Again
13 this was not addressed to Beattie Padovano, it was
14 addressed to Thomas Wall, who is the attorney for
15 Rowenvar, Inc. (phonetic,) the owner of the property.

16 COMMISSIONER ROMANO: In a synopsis or
17 summary it states?

18 THE WITNESS: Basically states that
19 although Rowenvar (phonetic) is the owner of Marine
20 Road, that there are access easements that's not only
21 to the benefit of Palisades but to other property
22 owners in the area. It's not an exclusive easement,
23 to Palisade.

24 COMMISSIONER ROMANO: Mr. Curley, this
25 affects us in the County, correct?

1 MR. CURLEY: Well, let's go back to the
2 testimony that was given concerning the access. I
3 believe that this was one alternate means of access,
4 it wasn't the only means of access. There's a chief
5 means of access with a traffic signal, so it's really
6 of, let's say, de minimis importance in terms of the
7 Board's consideration.

8 CHAIRMAN CHOFFO: If that's the case,
9 can we move on?

10 MR. STEINHAGEN: Absolutely. I just
11 wanted to clear up whether it was an access right.
12 If there is, I'll accept the representation now and
13 move on, no problem.

14 BY MR. STEINHAGEN:

15 Q. Mr. Bertin, in your traffic report, of
16 July 6, revised July 7, 2011, you reference
17 developments that are not yet built but are approved.
18 Do you recall making statements about that for the
19 no-build condition?

20 A. Yes, that would be -- yeah, you always
21 consider that the traffic will grow even though it
22 hasn't grown in five years, but we consider the
23 traffic will grow.

24 Q. What projects were included in the
25 no-build that --

1 A. Off the top of my head, I know that the
2 retail center across the street was considered
3 because it has access to the traffic light, so that
4 had to be considered.

5 Q. Is that the Avak property?

6 A. Yes, Avak U&G.

7 Q. Were there any others that you're aware
8 of?

9 A. What we did is we increased the street
10 traffic by two percent to account for other
11 developments in the area.

12 Q. You didn't account for the Pulte Homes
13 project across the street that was approved for 300
14 units residential?

15 A. No, we did not. As far as I know,
16 that's not going to be built, someone else bought the
17 property and it's just sitting there.

18 Q. What about the Appleview project; I know
19 you were the engineer or that one; did you consider
20 that one?

21 A. No. Two percent of the traffic on the
22 highway kind of accounts for these projects. We
23 thought that definitely the Avak project was
24 significant because it shares the same traffic light.

25 Q. So, no consideration for the Churchill

1 development on the corner of Churchill Road and River
2 Road?

3 A. No, again we just figured that was in
4 the two percent.

5 Q. You mentioned in your traffic report
6 that possible reason why traffic hasn't increased,
7 according to your calculations, is use of mass
8 transit. Did you do anything to make that
9 conclusion? What did you look at to make that
10 conclusion?

11 A. Those guys right over there
12 (indicating.) No, on a prior application, we were
13 asked to do additional traffic studies and we did the
14 additional traffic studies and the comment came back
15 at one of the Site Plan Committees: Oh, good, it
16 shows that mass transit is making an impact.

17 So I got that from County staff, but in
18 addition, the economy has played some kind of role.
19 We have done some studies elsewhere in this region
20 where traffic counts are lower now than they may have
21 been in 2006 or earlier.

22 Q. Were there any traffic studies, that you
23 did for the intersection at the hospital and River
24 Road, that showed different numbers than what was in
25 2006 and different than what was in the 2011 counts

1 that you did for this report?

2 A. We did several traffic counts here, I
3 don't think -- yeah, we did several, they're not all
4 the same. I don't think we used a lower number.

5 Q. So that's the 2006 one that you did?

6 A. No, no, I'm just saying 2006. No, we
7 did traffic counts for this report.

8 Q. Right, I understand that. You
9 reference --

10 A. I did them -- last year we did traffic
11 counts.

12 Q. Those are the appendices to the report?

13 A. There's May of 2011 --

14 Q. Right. You have September 23rd, I
15 believe, 2006?

16 A. Yes, we have all traffic counts as well.

17 Q. I'm asking you, were there any older
18 traffic counts that you did, your firm, on this
19 intersection, that aren't included in this report?

20 A. There may be some, there may be, yes.
21 Older traffic counts, there may be.

22 Q. What about newer than 2006?

23 A. The 2011 counts are in here.

24 Q. What about 2006 and 2011?

25 MR. ALONSO: Mr. Chairman, I believe

1 Mr. Bertin has testified as to what report --

2 Q. Was there a 2008 traffic count, that was
3 done, that was submitted as part of the Applevue?

4 MR. ALONSO: Again, Mr. Chairman,
5 objection that the traffic counts that were done in
6 connection with another application. He did specific
7 traffic counts for this application, which he
8 testified to.

9 Q. Did you do the 2006 traffic counts for
10 this application?

11 A. Traffic counts that are here, 2011.

12 Q. The report also references the 2006
13 traffic counts that were also done for the Applevue
14 application?

15 A. Yes, we had some 2006 traffic counts
16 here. I see a number in 2011.

17 Now, we may have, for that Applevue
18 project, done a count in 2008 --

19 Q. Why wasn't it submitted?

20 A. Because we had newer counts.

21 Q. The 2006 supports the conclusion that
22 traffic decreases in 2011, but there's other things
23 that you didn't use, okay, that's fine.

24 On your level of service chart that's on
25 page 11 of your traffic report, you have levels of

1 service for the various turning movements in
2 existing, no-build, build. Why is it that there's no
3 average delay in seconds on any of the individual
4 turning movements like there is on the intersection
5 at 77th Street?

6 A. It's a different type of analysis. We
7 could have put all those delays --

8 COMMISSIONER ARENCIBIA: Mr. Chairman,
9 I'm not sure where we are going with this
10 questioning. It should be coming from another
11 engineer that's reviewed the report and it's really
12 off-line, some of the questions the attorney is
13 asking.

14 I mean they don't really -- I don't see
15 the direction where he's going at with the
16 questioning. It's not -- obviously he's making
17 questions that shows a lack of understanding of the
18 traffic engineering report.

19 CHAIRMAN CHOFFO: And The County
20 Engineer, T & M Associates, reviewed the same traffic
21 study, I believe; right?

22 MR. MILLER: Oh, yes, we found the
23 report satisfactory.

24 MR. STEINHAGEN: That's fine. When I
25 was down at the Planning Board office, that wasn't in

1 the file. If I had the report, I could have read it.
2 I'm not questioning whether or not it's satisfactory
3 or not, I just notice that Mr. Bertin's report gives
4 turning movement in seconds for one and it is
5 different for another and he's also testified that
6 there are certain projects that he's aware of that
7 were not included in the traffic study.

8 COMMISSIONER ARENCIBIA: Those types of
9 analysis, there's a reason why that's done and I
10 think you should have had your engineer evaluate that
11 report if you wanted to provide questioning of the
12 engineering report.

13 MR. STEINHAGEN: If the Board is going
14 to rule that way, that's fine, I'll move on.

15 BY MR. STEINHAGEN:

16 Q. Now, you mentioned earlier that you
17 don't have approval from North Bergen?

18 A. Correct.

19 Q. If you get approval tonight from this
20 Board, and North Bergen requires you to make changes,
21 what's going to happen to the approval from here
22 tonight?

23 MR. ALONSO: That depends, we may have
24 to come back here.

25 A. Changes on the site really don't impact

1 this Board, that's why we have -- as long as the
2 access doesn't change and we have given two versions
3 of access, two extremes, as long as we fall within
4 those and we don't increase the size of the project,
5 we don't have to come back.

6 Q. Why are there no parking landscape
7 islands on the north end of the site?

8 A. Well, it's just the way the site is
9 developed. We could put landscaping in here, we
10 elected to put a larger area. Basically, it was done
11 for snowplowing and that type of control. There's
12 two little areas that we chose not to --

13 Q. You are asking for a waiver from the
14 land development regulations?

15 A. I don't know that it's a requirement in
16 North Bergen.

17 CHAIRMAN CHOFFO: If you are referring
18 to North Bergen, once again we'll have to --

19 MR. STEINHAGEN: It's in Article 7, page
20 80 of the regulations that are on the Board's Web
21 site in the Hudson County Land Development
22 Regulations.

23 CHAIRMAN CHOFFO: I'm not sure, because
24 the questions, sometimes -- I don't need to see it, I
25 believe you, what I'm saying is that --

1 COMMISSIONER AVAGLIANO: It's
2 irrelevant.

3 CHAIRMAN CHOFFO: I want to know if it's
4 a North Bergen issue or Hudson County.

5 MR. STEINHAGEN: It's a Hudson County
6 Land Development Regulation.

7 COMMISSIONER ROMANO: Mr. Curley.

8 THE WITNESS: On page 80.

9 MR. CURLEY: Is it your contention, that
10 plan does not meet the regulation?

11 COMMISSIONER ARENCIBIA: Much like we
12 did earlier tonight. We just accepted a traffic
13 study, a connectivity study. Because we accept it
14 doesn't mean we adopt it. These are documents that
15 the County has approved. There are certain things in
16 those documents don't necessarily are the
17 requirements of this Planning Board.

18 MR. CURLEY: This is the Land
19 Development Regs.

20 COMMISSIONER ARENCIBIA: Land
21 Development Regs. But this Board, correct me if I'm
22 wrong, our concerns are as respects to traffic and
23 drainage impact on the County roadways.

24 MR. CURLEY: Are you referring to the
25 requirement for 20 vehicles? So that the question

1 is, did he provide for that?

2 MR. STEINHAGEN: Yeah.

3 THE WITNESS: I'll have to calculate the
4 landscaped area inside, but it didn't say that the
5 end caps have to be landscaped, we have to have 10
6 percent landscaping. If that's a condition, we can
7 make it a condition, but we'll calculate that.

8 MR. STEINHAGEN: The second part of the
9 requirement is that landscaped islands shall be
10 developed and reasonably provide a visual and
11 climactic release from broad expanses of pavement in
12 accordance with the following distance and regulation
13 going on.

14 It's not just an area, there's a spacial
15 distribution requirement also. I'm just asking, if
16 you want a waiver, that's fine, I want to make sure
17 that the Board is aware of that.

18 COMMISSIONER ROMANO: Again, our
19 counsel, please give us advice here. I don't
20 understand how that is impacting a County road.

21 MR. CURLEY: Well, this is a Land
22 Development Regulation adopted by the County.

23 COMMISSIONER ROMANO: He's just stated
24 that --

25 COMMISSIONER ARENCIBIA: My position or

1 understanding has always been that we look at
2 projects and how it affects County roadways
3 facilities.

4 DIRECTOR MARKS: Mr. Chairman, generally
5 speaking, the requirements, like the one that Mr.
6 Steinhagen is citing, is for the benefit of reducing
7 stormwater runoff that's actually going into County
8 facilities, because of the --

9 COMMISSIONER ROMANO: It's going in
10 the --

11 MR. STEINHAGEN: Can I finish? Because
12 of the configuration of the site, the stormwater is
13 not going towards the County facilities, the
14 stormwater is going towards the Hudson River and the
15 drainage that -- the drainage facilities that I guess
16 are owned and controlled by the hospital, correct?

17 MR. ALONSO: Correct, yes.

18 DIRECTOR MARKS: Even though the 80
19 percent landscaping is a requirement, it's a
20 requirement if that -- it's a requirement where the
21 County has jurisdiction because of the configuration
22 of the property. And where the drainage is actually
23 going, if the applicant sought a waiver from that
24 particular, you know, standard or requirement, I
25 think it would be reasonable for the Board to grant

1 that waiver.

2 COMMISSIONER ARENCIBIA: But he's not
3 connecting into a County drainage facility.

4 DIRECTOR MARKS: Correct. If the
5 drainage was going towards a County drainage
6 facility, if the stormwater was going towards the
7 County facility, I think that requirement would be
8 necessary and appropriate. But because of the
9 configuration of this property, it limits the
10 County's jurisdiction.

11 CHAIRMAN CHOFFO: All right.

12 BY MR. STEINHAGEN:

13 Q. Mr. Bertin, are you familiar with the
14 River Road Hudson Waterfront Circulation Study that
15 was I believe prepared by this Board and the Bergen
16 County Planning Board for the River Road Corridor?

17 A. The circulation study?

18 Q. Yes, sir.

19 A. I don't recall it.

20 MR. STEINHAGEN: That report -- I'll
21 give you a copy. We should probably mark it.

22 O-1?

23 MR. ALONSO: Mr. Bertin just indicated
24 he's not familiar with it. I don't know if Mr.
25 Steinhagen is going to start asking him questions

1 about it.

2 CHAIRMAN CHOFFO: We are ending this
3 meeting tonight. We don't have the time. We have
4 another items on the agenda. This Board has been,
5 throughout the month of November, been here until
6 10:00 and 11:00 at night. There are certain
7 recommendations for this specific intersection. If
8 you don't want to deal with that, fine.

9 T & M, the engineers for the County,
10 reviewed the traffic study.

11 MR. CURLEY: The short answer is,
12 witness is not familiar with the study, he can't be
13 questioned about a document that he's not familiar
14 with. The fact that he's not familiar with it is the
15 evidence.

16 BY MR. STEINHAGEN:

17 Q. Are you putting in any pedestrian
18 improvements on River Road on the frontage where this
19 property is being developed?

20 A. No, it was not planned at this time to
21 make any improvements at the intersection there. I
22 guess when the bank went in, they made some
23 improvements.

24 MR. STEINHAGEN: Thank you.

25 COMMISSIONER ROMANO: If I may, in all

1 fairness to the people that are here, if there's a
2 president, if it's all right with the chair, if
3 there's a president of the association that would
4 like to ask a question, that represents, at least
5 that person gets to speak because we did have --

6 CHAIRMAN CHOFFO: Let's hear what
7 Mr. Curley has to say. If they do have
8 representation already, I don't want to go there. If
9 you're legally represented as a condo association, I
10 would like the advice of our attorney before we take
11 that route.

12 A MEMBER OF THE AUDIENCE: How about
13 somebody who uses that intersection? That's our only
14 access to River Road, 77th Street.

15 MR. CURLEY: If they're represented by
16 the association, then they should not have the
17 opportunity to separately speak because they should
18 speak through their attorney or through a formal
19 preparation of testimony. I don't know that any
20 expert is being presented on behalf of the
21 condominium association, so I don't know that the
22 attorneys are prepared to present any expert
23 testimony at all.

24 A MEMBER OF THE AUDIENCE: I'll make
25 this very brief. We're all tired. We're all very

1 tired.

2 CHAIRMAN CHOFFO: I'm asking you, after
3 you, how many people will want to get up?

4 A MEMBER OF THE AUDIENCE: I'll
5 represent my association.

6 CHAIRMAN CHOFFO: You're already
7 represented by an attorney.

8 A MEMBER OF THE AUDIENCE: I will
9 represent the people who drive out 77th Street and
10 have to use that intersection with the increased
11 traffic.

12 CHAIRMAN CHOFFO: Do you live in the
13 condo association?

14 A MEMBER OF THE AUDIENCE: Yes, I do.

15 CHAIRMAN CHOFFO: Basically, you're
16 technically represented by an attorney.

17 A MEMBER OF THE AUDIENCE: Can he be
18 called as a witness?

19 A MEMBER OF THE AUDIENCE: The attorney
20 represents the common area but we each own area from
21 the door inward. We don't have representation.
22 Somebody slips and falls in my house, he can't
23 represent me.

24 A MEMBER OF THE AUDIENCE: I have 600
25 square feet and I pay \$13,000 a year in taxes, for

1 God's sake. Hudson County is giving us --

2 CHAIRMAN CHOFFO: Does someone want to
3 make a motion?

4 A MEMBER OF THE AUDIENCE: It's not just
5 a view.

6 A MEMBER OF THE AUDIENCE: It's about
7 our quality of life.

8 A MEMBER OF THE AUDIENCE: My apartment
9 flood three times because of the construction a block
10 away, three times, twice over the summer.

11 CHAIRMAN CHOFFO: This is what I'm
12 trying to avoid. I'm trying to be nice about it.

13 A MEMBER OF THE AUDIENCE: You don't
14 live here.

15 CHAIRMAN CHOFFO: You have an attorney
16 that represented your association. He had the chance
17 to speak.

18 A MEMBER OF THE AUDIENCE: You shut him
19 down.

20 CHAIRMAN CHOFFO: We have other things
21 on our agenda to deal with.

22 A MEMBER OF THE AUDIENCE: Twenty feet
23 from my living room is where trucks go. Less than 20
24 feet from my living room there's trucks everyday,
25 everyday. Where were you then? Where were you then?

1 Come down there and look.

2 CHAIRMAN CHOFFO: Mr. Alonso.

3 MR. ALONSO: Mr. Chairman, a lot of the
4 issues they're addressing are construction issues on
5 other properties that have nothing to do with our
6 property. We're here for traffic and drainage issues
7 on our property. They're addressing other issues,
8 concerns that they have that have nothing to do with
9 us.

10 A MEMBER OF THE AUDIENCE: That's our
11 only access. I can't take an alternate route like
12 the hospital workers can.

13 MR. ALONSO: Mr. Chairman, the attorney
14 already questioned the witness with respect to
15 traffic and drainage. If they're not satisfied with
16 the question, that's not my problem.

17 A MEMBER OF THE AUDIENCE: You didn't
18 even mention us, you didn't.

19 (Whereupon, there is a discussion off
20 the record.)

21 CHAIRMAN CHOFFO: We're either going to
22 make a motion to do something with this application
23 at this point if the testimony is concluded. I can't
24 make the motion.

25 COMMISSIONER MEHTA: Are you concluding

1 the application?

2 MR. ALONSO: We concluded our
3 application, that's correct.

4 MR. CURLEY: Mr. Chairman, I believe Ms.
5 Wong is not represented by counsel.

6 CHAIRMAN CHOFFO: All right, Ms. Wong.

7 MS. WONG: I think I probably need to
8 speak to Mr. Bertin. Good evening, Mr. Bertin. I do
9 have one or two questions on the walkway, just a
10 clarification.

11 THE WITNESS: Yes.

12 MS. WONG: In your discussions with the
13 DEP currently, what exactly are you proposing to do
14 with the pavers, the walkway surface right now, which
15 is I think either asphalt -- I think it's asphalt?

16 THE WITNESS: It's asphalt.

17 MS. WONG: So what are your plans?

18 THE WITNESS: The plans are to
19 recondition the asphalt where it is needed, that's
20 what the application is. We're going to plant the
21 trees, upgrade the benches, put in bicycle racks, new
22 lighting. To replace that with pavers, and I know
23 that economics are not an issue for the Board to
24 discuss, but that would be very, very expensive. So
25 that's why we're asking that.

1 MS. WONG: And what, if anything, are
2 you having any discussions with them on the condition
3 of the riprap that's there?

4 THE WITNESS: They have not raised that
5 as an issue. It might come up later on, but that
6 hasn't been discussed, the riprap along the waterway.

7 MS. WONG: We have made inspections of
8 that and it's deteriorating.

9 MR. ALONSO: Mr. Chairman, Mr. Bertin
10 has answered the question. Again it's beyond the
11 scope of this Board.

12 CHAIRMAN CHOFFO: All right. We need
13 to --

14 MS. WONG: Chairman, this is a little
15 bit unfair.

16 A MEMBER OF THE AUDIENCE: Very unfair.

17 MS. WONG: She's got some comments, we
18 should be hearing it.

19 CHAIRMAN CHOFFO: She's seeking the
20 advice of our attorney.

21 MS. WONG: She's been sitting here
22 making faces out into the audience.

23 A MEMBER OF THE AUDIENCE: It's very
24 rude, extremely rude.

25 CHAIRMAN CHOFFO: Do me a favor, we

1 can't speak from the audience, then we're -- I
2 understand this, but this is the way meetings are
3 run.

4 A MEMBER OF THE AUDIENCE: We've been to
5 many.

6 MS. WONG: My concern is I'm
7 representing the Hudson River Waterfront Conservancy.
8 We're very concerned. This is considered a major
9 upgrade, this project. This is not a little, minor
10 little patching of the parking lot, this is a major
11 upgrade. This particular walkway is one of the --
12 not the worst, but it's not in great shape and this
13 is the chance for Hudson County to have a walkway
14 done the way it should be done. This was never done
15 the way it should be done, it was a patch job right
16 from the get-go. This is the opportunity.

17 Now, I will tell you also, that we have
18 seen articles in the media recently, heavily
19 criticizing the condition of the walkway and it hurts
20 to read these articles. I would not like to see us
21 get criticism assessed that we have passed up an
22 opportunity here to make an improvement. There's an
23 opportunity here and it should be done.

24 What is being described here is like
25 decorating the walkway with benches and lighting.

1 That's not the right way of doing this. That riprap
2 and that asphalt now is falling apart and we're just
3 waiting for it to be totally collapsing and we see
4 some of this now up at Bergen County.

5 CHAIRMAN CHOFFO: Mr. Marks' department,
6 his office, through Mr. Tridente, some of the other
7 inspectors, they're always on top of taking pictures
8 of all the projects. This is something, I'm sure
9 they'll not let go by without it being done properly.

10 MS. WONG: We're aware through our
11 communication with the DEP, because we do have a
12 working relationship with them, is that right now, to
13 your knowledge, they have issued three deficiency
14 letters to Duke Realty, more or less saying, in so
15 many words, you have to upgrade the walkway.

16 Now, we're aware of, is these letters
17 exist, the latest one was early December, and they're
18 saying it must be upgraded.

19 MR. ALONSO: Mr. Chairman, those will be
20 addressed between Duke Realty and DEP.

21 CHAIRMAN CHOFFO: Exactly.

22 MS. WONG: We'll have our own
23 communication with DEP.

24 THE WITNESS: Yes, there is another
25 Board --

1 CHAIRMAN CHOFFO: We're aware of that.
2 We know you have to go to North Bergen and DEP.
3 We're not going to keep going on about it. Any other
4 questions?

5 COMMISSIONER AVAGLIANO: I don't have
6 any questions.

7 CHAIRMAN CHOFFO: Are you finished with
8 your testimony?

9 MR. ALONSO: That's correct, we have
10 concluded our testimony.

11 COMMISSIONER ARENCIBIA: Engineer that
12 has reviewed the project. Do we have any comments on
13 the traffic or the drainage?

14 MR. MILLER: They have addressed all our
15 issues.

16 COMMISSIONER ARENCIBIA: My
17 understanding is there was some requests obtained in
18 an easement agreement as a condition and some
19 improvements to the sidewalk and I'm not sure what
20 else was stated.

21 CHAIRMAN CHOFFO: Do you know what they
22 were, Mr. Marks, or Mr. Curley?

23 MR. CURLEY: The easement agreement
24 you're referring to is to grant perpetual access to
25 the walkway.

1 COMMISSIONER ARENCIBIA: No, no, they're
2 using -- they have facilities on the County's right
3 of way on River Road. So it's the same as the park,
4 the first application. The County acquired -- was
5 dedicated property from the railroad about 20 years
6 ago and that property is on the east side and when
7 the County widened River Road, there's probably about
8 20 feet from the curblineline to where this right-of-way
9 line is. That's the easement. There's some parking
10 surface areas, there's some sheds, signs that never
11 got legally formalized through an agreement between
12 the County and the hospital.

13 MR. ALONSO: I want to state that we
14 wrote down the conditions. If you like, Mr. Bertin
15 can recite them.

16 CHAIRMAN CHOFFO: Please do.

17 THE WITNESS: The first one was the
18 easement for the encroachment, just to leave it at
19 that.

20 The second one was to repair sidewalk
21 along River Road.

22 Then there was also a section of
23 sidewalk missing by the main hospital driveway.

24 And then, add street trees along River
25 Road.

1 CHAIRMAN CHOFFO: Do you know the number
2 of trees?

3 THE WITNESS: There was one other and
4 that was to fix tripping hazards on -- there was one
5 that Mr. Tridente mentioned, but I mentioned, in
6 broad strokes, we'll be fixing tripping hazards along
7 the entire road.

8 MR. TRIDENTE: Also one that he missed,
9 the repairing the handicapped crosswalks, the
10 handicapped ramps with a truncated vault.

11 THE WITNESS: Guess I missed it. Where
12 are the handicapped ramps?

13 MR. TRIDENTE: The handicapped ramps at
14 the northern and southern -- the northern driveway.

15 MR. MILLER: Okay.

16 MR. TRIDENTE: It's in very bad repair.

17 MR. MILLER: I would put that with the
18 sidewalk repair, but we can list that as another one,
19 repair the handicapped ramps on the County side.

20 Three parking stalls also for access to
21 the walkway.

22 THE WITNESS: The letter I submitted
23 covered that.

24 COMMISSIONER ARENCIBIA: Is there any
25 utility cuts on River Road for water service or

1 anything like that, Mr. Bertin?

2 THE WITNESS: We don't anticipate, but
3 there may be. If there are, we'll have to come here
4 for permits.

5 COMMISSIONER ARENCIBIA: Right. So for
6 gas and water.

7 THE WITNESS: And sewer.

8 COMMISSIONER ARENCIBIA: You don't?

9 THE WITNESS: There are uses in 77th
10 Street that we can tie into, but some other utilities
11 would come out to River Road and if we come that
12 way -- we have looked at them both ways and it hasn't
13 been decided.

14 COMMISSIONER ARENCIBIA: Obviously, a
15 permit would be necessary.

16 MR. CURLEY: Mr. Chairman, also I would
17 include in that, a waiver of the landscape
18 requirements for the parking area contained in the
19 land development rights, for the reasons expressed by
20 Mr. Marks.

21 DIRECTOR MARKS: Mr. Chairman, there was
22 also the -- I believe it was 30 shade trees along the
23 walkway?

24 THE WITNESS: Yes, in the letter I said
25 we were adding 20 shade trees and 10 benches. And

1 then we would also upgrade the lighting.

2 DIRECTOR MARKS: Okay.

3 CHAIRMAN CHOFFO: Is that all?

4 COMMISSIONER ARENCIBIA: Yes.

5 CHAIRMAN CHOFFO: Do I have a motion?

6 COMMISSIONER ARENCIBIA: I make a motion
7 to approve with the conditions stated.

8 COMMISSIONER MEHTA: I second it.

9 Just for the people, whenever we approve
10 any application, if not by then or DEP or any other
11 agency is required to approve. If they don't approve
12 or they do any major modification, the applicant has
13 to come back to County Planning Board anyway.
14 Otherwise it's null and void.

15 I second it.

16 DIRECTOR MARKS: Mr. Chairman, I have a
17 motion, to conditionally approve Application
18 2011-087-SP, made by Commissioner Arencibia, seconded
19 by Commissioner Mehta.

20 Commissioner Arencibia?

21 COMMISSIONER ARENCIBIA: Aye.

22 DIRECTOR MARKS: Commissioner Avagliano?

23 COMMISSIONER AVAGLIANO: Aye.

24 DIRECTOR MARKS: Commissioner Mehta?

25 COMMISSIONER MEHTA: Aye.

1 DIRECTOR MARKS: Commissioner Romano?

2 COMMISSIONER ROMANO: This goes to North
3 Bergen Planning Board has to approve, correct?

4 DIRECTOR MARKS: Correct.

5 COMMISSIONER ROMANO: And the DEP?

6 DIRECTOR MARKS: Correct.

7 COMMISSIONER ROMANO: Aye.

8 DIRECTOR MARKS: And Chairman Choffo?

9 CHAIRMAN CHOFFO: Aye.

10 DIRECTOR MARKS: Mr. Chairman, the
11 motion passed.

12 A MEMBER OF THE AUDIENCE: You can at
13 least go see it before you make decisions that aren't
14 going to affect you guys. You don't even know where
15 we live.

16 DIRECTOR MARKS: The next application
17 scheduled is Application 2011-090-SP, NGP Properties,
18 LLC and JPP Properties, LLC, located at 2229-2237
19 Kennedy Boulevard, which is Block 46, Lots 1, 109,
20 116 and 120 in the Township of North Bergen.

21 Mr. Chairman, in your packets this
22 evening, there are two letters with regard to this
23 application.

24 The first, actually the second stapled
25 page, is a letter from George Campen, LLC, the

1 attorney for the applicant, dated December 15th,
2 requesting an adjournment of this application until
3 next month, January 18, 2012.

4 And also in your packet, on the cover,
5 is a letter from Brian Chewcaskie, from Gittleman,
6 Muhlstock & Chewcaskie, representing the North Bergen
7 Planning Board, consenting to the request for an
8 adjournment.

9 CHAIRMAN CHOFFO: Do I have a motion?

10 COMMISSIONER MEHTA: I make a motion.

11 COMMISSIONER AVAGLIANO: Second.

12 DIRECTOR MARKS: Mr. Chairman, on a
13 motion, to adjourn Application 2011-090-SP, made by
14 Commissioner Mehta, seconded second by Commissioner
15 Avagliano, Commissioner Arencibia?

16 COMMISSIONER ARENCIBIA: Aye.

17 DIRECTOR MARKS: Commissioner Avagliano?

18 COMMISSIONER AVAGLIANO: Aye.

19 DIRECTOR MARKS: Commissioner Mehta?

20 COMMISSIONER MEHTA: Aye.

21 DIRECTOR MARKS: Commissioner Romano?

22 COMMISSIONER ROMANO: Aye.

23 DIRECTOR MARKS: And Chairman Choffo?

24 CHAIRMAN CHOFFO: Aye.

25 DIRECTOR MARKS: Mr. Chairman, the

1 motion passes.

2 Mr. Chairman, the next part of the
3 agenda is 5-E, applications to be declared exempt.

4 Beginning with Application 2011-085-SD,
5 Jersey City Housing Authority, located at 563
6 Montgomery Street, which is Block 2116, Lot P in the
7 City of Jersey City.

8 Next is Application 2011-086-SP, Saint
9 Bridget's Senior Residence Urban Renewal, LLC,
10 located at 370-372 Montgomery Street, which is Block
11 40.1, Lot 14 in the City of Jersey City.

12 Next is Application 2011-088-SP, New
13 Cingular Wireless PCS, LLC located at 596-600
14 Palisades Avenue which is Block 788, Lot 8 in the
15 City of Jersey City.

16 And the last application is 2011-092-SP,
17 Grand LHN 1 Urban Renewal, LLC, located at 175 Marin
18 Boulevard, which is Block 60.15 Lot 1 in the City of
19 Jersey City.

20 CHAIRMAN CHOFFO: Do I have a motion?

21 COMMISSIONER MEHTA: Make a motion.

22 COMMISSIONER AVAGLIANO: Second.

23 DIRECTOR MARKS: Mr. Chairman, on a
24 motion, made by Commissioner Mehta, second by
25 Commissioner Avagliano, Commissioner Arencibia?

1 COMMISSIONER ARENCIBIA: Aye.
2 DIRECTOR MARKS: Commissioner Avagliano?
3 COMMISSIONER AVAGLIANO: Aye.
4 DIRECTOR MARKS: Commissioner Mehta?
5 COMMISSIONER MEHTA: Aye.
6 DIRECTOR MARKS: Commissioner Romano?
7 COMMISSIONER ROMANO: Aye.
8 DIRECTOR MARKS: Commissioner Choffo?
9 CHAIRMAN CHOFFO: Aye.
10 DIRECTOR MARKS: Mr. Chairman, the
11 motion passed.
12 Mr. Chairman, old business?
13 COMMISSIONER AVAGLIANO: Motion to
14 close.
15 DIRECTOR MARKS: Mr. Chairman, any new
16 business?
17 CHAIRMAN CHOFFO: Not that I know of.
18 DIRECTOR MARKS: Merry Christmas, Happy
19 Hanukkah, Happy New Year, Happy Holidays.
20 COMMISSIONER MEHTA: Happy Kwanza.
21 DIRECTOR MARKS: Finally, Mr. Chairman,
22 the next meeting is scheduled for January 18th, it's
23 the reorganization meeting of the Board. So please
24 come prepared.
25 (Time noted: 10:00 p.m.)

C E R T I F I C A T E

I, JOANNE M. OPPERMANN, a Certified
Court Reporter and Notary Public of the State of New
Jersey, do hereby state that the foregoing is a true
and accurate transcript of my stenographic notes of
the within proceedings, to the best of my ability.

JOANNE M. OPPERMANN, C.C.R.

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