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COUNTY OF HUDSON
PLANNING BOARD

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

November 14, 2011
County Annex Building
567 Pavonia Avenue
3rd Floor
Jersey City, New Jersey
commencing at 6:30 p.m.

B E F O R E:

- RENEE BETTINGER, VICE CHAIRWOMAN/ACTING CHAIR
- JUDE FITZGIBBONS, CHAIR PRO TEMPORE
- MARY AVAGLIANO, COMMISSIONER
- HON. DOREEN DiDOMENICO, FREEHOLDER
- HON. ANTHONY ROMANO, FREEHOLDER
- JOSEPH GLEMBOCKI, ASSISTANT COUNTY ENGINEER

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
- BRIAN A. CONROY, PE

Job No. NJ308689

1 CHAIRWOMAN BETTINGER: I'd like to call
2 to order, the meeting of the Hudson County Planning
3 Board for Monday, November 14, 2011.

4 Counselor, has this meeting been
5 properly advertised?

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

11 CHAIRWOMAN BETTINGER: Thank you.
12 Mr. Marks, may I have a roll call,
13 please?

14 DIRECTOR MARKS: Commissioner Avagliano?

15 COMMISSIONER AVAGLIANO: Here.

16 DIRECTOR MARKS: Commissioner Bettinger?

17 COMMISSIONER BETTINGER: Here.

18 DIRECTOR MARKS: Commissioner

19 DiDomenico?

20 COMMISSIONER DiDOMENICO: Here.

21 DIRECTOR MARKS: Commissioner

22 Fitzgibbons?

23 COMMISSIONER FITZGIBBONS: Here.

24 DIRECTOR MARKS: Commissioner Glembocki?

25 COMMISSIONER GLEMBOCKI: Here.

1 DIRECTOR MARKS: Commissioner Holloway
2 is absent.

3 Commissioner Mehta is absent.

4 Commissioner Ng is absent.

5 Commissioner O'Dea is absent.

6 Commissioner Romano is absent.

7 And Commissioner Choffo is absent.

8 Madam Chair, we do have a quorum.

9 CHAIRWOMAN BETTINGER: Will everyone
10 please rise to salute the flag.

11 (All rise to Salute the Flag.)

12 DIRECTOR MARKS: Madam Chair, I'd just
13 like to bring to the Board's attention that the
14 meeting packages for the Commissioners did indeed go
15 out -- or they left my office on Wednesday.

16 It's apparent that they weren't received
17 by the Commissioners, so I don't think any of the
18 Commissioners have had an opportunity to review the
19 minutes, so I would recommend that the Board table
20 the adoption of the meeting minutes, from October
21 5th, October 19th, and October 26th, to the next
22 meeting.

23 CHAIRWOMAN BETTINGER: Do I have a
24 motion?

25 COMMISSIONER FITZGIBBONS: I make a

1 motion to table.

2 CHAIRWOMAN BETTINGER: Do I have a
3 second?

4 COMMISSIONER AVAGLIANO: Second.

5 DIRECTOR MARKS: Madam Chair, on a
6 motion to table the minutes, made by Commissioner
7 Fitzgibbons, seconded by Commissioner Avagliano,
8 Commissioner Avagliano?

9 COMMISSIONER AVAGLIANO: Aye.

10 DIRECTOR MARKS: Commissioner
11 DiDomenico?

12 COMMISSIONER DiDOMENICO: Aye.

13 DIRECTOR MARKS: Commissioner
14 Fitzgibbons?

15 COMMISSIONER FITZGIBBONS: Aye.

16 DIRECTOR MARKS: Commissioner Glembocki?

17 COMMISSIONER GLEMBOCKI: Yes.

18 DIRECTOR MARKS: And Chairwoman
19 Bettinger?

20 COMMISSIONER BETTINGER: Aye.

21 DIRECTOR MARKS: Madam Chair, the motion
22 passes.

23 CHAIRWOMAN BETTINGER: Thank you.

24 DIRECTOR MARKS: Madam Chair, with
25 regard to the next order of business, the

1 memorialization of resolutions approved at the last
2 meeting.

3 Because the Appleview application was
4 only approved on the last Wednesday of October and it
5 hasn't -- the Board and the attorney and the planning
6 office hasn't had a chance to review the minutes and
7 prepare the resolution to be memorialized, I'd
8 recommend that the Appleview resolution be removed
9 from this agenda and posted to the next agenda.

10 CHAIRWOMAN BETTINGER: Do we need to
11 vote on that, Counselor?

12 MR. CURLEY: Yes.

13 CHAIRWOMAN BETTINGER: Do I have a
14 motion?

15 COMMISSIONER FITZGIBBONS: Make a
16 motion. Is it table or removed?

17 DIRECTOR MARKS: Table or continue or
18 carry forward to the December 21st meeting.

19 COMMISSIONER FITZGIBBONS: Okay. I move
20 to table, carry it over.

21 CHAIRWOMAN BETTINGER: Do I have a
22 second?

23 COMMISSIONER AVAGLIANO: I'll second.

24 DIRECTOR MARKS: Madam Chair, on a
25 motion to table Application 2010-082-SP, Appleview,

1 LLC, located at 7009 and 7101 River Road, which is
2 Block 316, Lots 1 through 3 and 5.01 in the Township
3 of North Bergen, the motion was made by Commissioner
4 Fitzgibbons and seconded by Commissioner DiDomenico.

5 Commissioner Avagliano?

6 COMMISSIONER AVAGLIANO: Aye.

7 DIRECTOR MARKS: Commissioner

8 DiDomenico?

9 COMMISSIONER DiDOMENICO: Aye.

10 DIRECTOR MARKS: Commissioner

11 Fitzgibbons?

12 COMMISSIONER FITZGIBBONS: Aye.

13 DIRECTOR MARKS: Commissioner Glembocki?

14 COMMISSIONER GLEMBOCKI: Yes.

15 DIRECTOR MARKS: And Chairwoman

16 Bettinger?

17 COMMISSIONER BETTINGER: Aye.

18 DIRECTOR MARKS: Madam Chair, the motion
19 passes.

20 Madam Chair, the next order of business
21 is the memorialization of the resolutions approved at
22 the October 5th meeting, and the October 19th
23 meeting.

24 Beginning with Application 2011-060-SP,
25 Local 78 Realty Corporation, located at 2712-2714

1 Kennedy Boulevard, which is Block 156, Lots 26 and 27
2 in the City of Union City.

3 The next is Application 2011-062-SP,
4 Goya Foods, Inc., located on New County Road, which
5 is Block 1002, Lot 99b, Block 1100, Lot 52.c, Block
6 1001, Lot 7a, and Block 1101, Lot 51.a in the City of
7 Jersey City.

8 The next is Application 2011-067-SP,
9 Margaret Morrison, LLC, located at 124-130 Park
10 Avenue, which is Block 34, Lots 21, 22, 23.1 and 23.2
11 in the City of Hoboken.

12 Next is Application 2011-068-SP, Eric
13 Nelson, Applicant, located at 349 Kennedy Boulevard,
14 which is Block 265, Lot 8 in the City of Bayonne.

15 Next is Application 2011-073-SP, Peter
16 Slifirski and John Heidenry, Inc., Applicant, located
17 at 89 Garden Street, which is Block 187, Lot 2 in the
18 City of Hoboken.

19 And next is Application 2011-074-SP,
20 Terra Brasilis, Applicant, located at 504 Frank E.
21 Rodgers Boulevard, North, Block 23, Lot 6 in the Town
22 of Harrison.

23 Finally is Application 2011-077-SP/SD,
24 Advance at Harrison, LLC, located at 1000 Frank E.
25 Rodgers Boulevard, which is Block 150, Lot 16.01 and

1 Block 174, Lot 1.03, and Block 138, Lots 1 and 22.01
2 in the Town of Harrison.

3 CHAIRWOMAN BETTINGER: Do I have a
4 motion?

5 COMMISSIONER AVAGLIANO: Motion to
6 accept.

7 DIRECTOR MARKS: I missed that, Madam
8 Chair.

9 CHAIRWOMAN BETTINGER: Commissioner
10 Avagliano made a motion.

11 COMMISSIONER FITZGIBBONS: I'll second.

12 DIRECTOR MARKS: Madam Chair, on a
13 motion, made by Commissioner Avagliano and seconded
14 by Commissioner Fitzgibbons, Commissioner Avagliano?

15 COMMISSIONER AVAGLIANO: Aye.

16 DIRECTOR MARKS: Commissioner
17 DiDomenico?

18 COMMISSIONER DiDOMENICO: Aye.

19 DIRECTOR MARKS: Commissioner
20 Fitzgibbons?

21 COMMISSIONER FITZGIBBONS: Aye.

22 DIRECTOR MARKS: Commissioner Glembocki?

23 COMMISSIONER GLEMBOCKI: Yes.

24 DIRECTOR MARKS: And Chairwoman
25 Bettinger?

1 COMMISSIONER BETTINGER: Aye.

2 DIRECTOR MARKS: Madam Chair, the motion
3 passed.

4 CHAIRWOMAN BETTINGER: Thank you.

5 DIRECTOR MARKS: Madam Chair, the next
6 order of business is 5-B on the agenda, site plan
7 subdivisions and other matters scheduled for public
8 hearing.

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

14 CHAIRWOMAN BETTINGER: Good evening.

15 MR. KIENZ: Hi. I'm back. For the
16 record, I'm Glenn Kienz. I'm here on behalf of the
17 applicant.

18 I have with me, Mr. Gurkovich, who is
19 always memorable so you remember him from last week.
20 I have Mr. Beasley, our site engineer, in case the
21 Board has any questions and I think your engineer had
22 one on invert height. So they can certainly answer
23 that.

24 And then last, but not least, I have
25 John Pavlovich, my traffic engineer and we have made

1 sure, and I checked, within two or three days of the
2 last hearing, to make sure that your traffic experts
3 had everything that they needed. He's certainly here
4 to answer any and all questions you have and I think
5 we can go from there. If that's all right, Madam
6 Chair?

7 CHAIRWOMAN BETTINGER: That sounds fine.
8 Please go forward.

9 MR. KIENZ: You want to hear from
10 Gurkovich again? Joe, the guy that talked last time.
11 Probably not. You want to hear from him?

12 CHAIRWOMAN BETTINGER: Oh, yes.

13 MR. KIENZ: Is it all right; we'll bring
14 all three of them up and we can swear?

15 CHAIRWOMAN BETTINGER: Yes.

16 MR. KIENZ: I don't think we have that
17 much of a presentation.

18 (Witnesses duly sworn.)

19 MR. CURLEY: Please state your name, for
20 the record, and spell your last name, starting with
21 Beasley on the left.

22 MR. BEASLEY: B-E-A-S-L-E-Y, David, with
23 Bertin Engineering, 66 Glen Avenue, Glen Rock, New
24 Jersey.

25 MR. PAVLOVICH: John Pavlovich,

1 P-A-V-L-O-V-I-C-H, with Jacobs Engineering, 299
2 Madison Avenue, Morristown, New Jersey.

3 MR. GURKOVICH: Joseph Gurkovich,
4 G-U-R-K-O-V-I-C-H, Roseland Property Company, 233
5 Canoe Brick Road, Short Hills, New Jersey 07078.

6 MR. KIENZ: Dave, you have a license and
7 you're a licensed engineer in the State of New
8 Jersey; right?

9 MR. BEASELY: Yes.

10 MR. KIENZ: You've testified here as an
11 expert before, have you not?

12 MR. BEASELY: Yes, I have.

13 MR. KIENZ: They thought you were an
14 expert the last time you were here; right?

15 MR. BEASELY: Yes, they did.

16 MR. KIENZ: Your license is valid as of
17 tonight; right?

18 MR. BEASELY: It is still valid tonight,
19 yes.

20 MR. KIENZ: I'd ask that you please
21 accept Dave.

22 CHAIRWOMAN BETTINGER: We accept.

23 MR. KIENZ: John, have you testified
24 here before?

25 MR. PAVLOVICH: Yes, I have.

1 MR. KIENZ: You're also a licensed
2 Professional Engineer?

3 MR. PAVLOVICH: Yes, I am.

4 MR. KIENZ: You have a particular
5 expertise in traffic; is that correct?

6 MR. PAVLOVICH: That's correct.

7 MR. KIENZ: You've been doing that for
8 at least more than a year?

9 MR. PAVLOVICH: That's correct.

10 MR. KIENZ: A lot of years, right?

11 MR. PAVLOVICH: More than I'd like to
12 admit.

13 MR. KIENZ: Your license is valid as of
14 today; correct?

15 MR. PAVLOVICH: That's right.

16 MR. KIENZ: Would you also accept him?

17 CHAIRWOMAN BETTINGER: Yes.

18 MR. KIENZ: Dave, we brought you here to
19 answer any and all questions that the Commissioners
20 might have, but there was one question that came up
21 from staff as to why the inverts had a different
22 height in the discharge of stormwater. Did you have
23 a chance to look at that?

24 MR. BEASELY: I did. We made a
25 modification based on comments that we received in, I

1 think it goes back to August or September, the
2 comments, where we revised the report.

3 We added some additional, it's called a
4 hydraulic grade line, it's some additional technical
5 information. We wanted to verify that the stormwater
6 against a high tide was not backing up and coming out
7 any of the inlets. We did make some minor
8 adjustments and the system works just a little bit
9 better because of that.

10 So it does work. And I don't think
11 there was any other issues on it.

12 MR. CONROY: No, engineering review
13 didn't have any additional comments. Your changes
14 were sufficient.

15 MR. BEASLEY: Good.

16 MR. KIENZ: So, do you have anything
17 else for Beasley?

18 CHAIRWOMAN BETTINGER: Do any of the
19 other Commissioners have any questions?

20 COMMISSIONER FITZGIBBONS: No.

21 COMMISSIONER GLEMBOCKI: That's the only
22 question, is traffic.

23 MR. KIENZ: That's this guy.

24 CHAIRWOMAN BETTINGER: Thank you, Mr.
25 Beasley.

1 MR. KIENZ: Thanks, Dave.

2 Did you prepare some traffic studies on
3 this site?

4 MR. PAVLOVICH: Yes, I did.

5 MR. KIENZ: You prepared an original
6 one, that was used in Harrison, and that was
7 submitted to the County, staff looked at it and asked
8 you for some additional information; is that correct?

9 MR. PAVLOVICH: They did, yes.

10 MR. KIENZ: Did you update that
11 information?

12 MR. PAVLOVICH: Yes, I prepared a
13 response to their comments and I forwarded that back,
14 I believe the beginning or the middle of September,
15 and I received a response back that that was
16 satisfactory to the comments presented to the County
17 experts.

18 MR. KIENZ: We'll put any testimony on,
19 that you want, but rather than me asking questions, I
20 thought it would be more time efficient to let Mr.
21 Pavlovich answer any and all questions that you have.
22 If you want. If you want me to go through the
23 traffic report, I can, but there's really not that
24 much, since it's not on a county road.

25 County roads are pretty far off-site;

1 right, John?

2 MR. PAVLOVICH: From Phase II, Riverpark
3 II, it's about three blocks to the north.

4 MR. KIENZ: So really the reason we're
5 here was more for the subdivision than the site plan,
6 but you certainly all raise some questions, so we
7 have him live, up close and personal. So whatever
8 you'd like to ask would be fine.

9 MR. GLEMBOCKI: I wanted to go over if
10 there's any impacts to any of the county roads, like
11 Frank E. Rodgers Boulevard.

12 MR. KIENZ: You want to talk about what
13 impact, if any, result from this application on
14 county roads.

15 MR. PAVLOVICH: Sure. Most of the
16 traffic that's going to be generated by the Riverpark
17 II, and also from the unsold units from Riverpark I,
18 majority portion of that will be using I-280 and it's
19 going to be distributed from the various streets,
20 some of it going out Bergen Street with a portion of
21 the traffic impact going out First Street. The
22 traffic on Bergen Street would head east, north and
23 south, but also use the ramp to get out to I-280
24 westbound.

25 In terms of the impact, the traffic that

1 would be using the First Street/Harrison Avenue
2 intersection, Harrison Avenue is a county road.
3 There would be some deterioration in the level of
4 service, in terms of some additional delay, but we'd
5 put forward our recommendations on some signal timing
6 changes and also just go the eastbound left turn.

7 Right now, it's signed to be an
8 exclusive right turn lane. We're looking to change
9 that to a through right turn lane because looking at
10 observations out in the field, that's actually how
11 the people are using the lane even though it's signed
12 for just right turns.

13 MR. KIENZ: What's the impact of having
14 a through lane?

15 MR. PAVLOVICH: The PM peak hour would
16 operate at Level of Service E, almost bordering on F,
17 but with the modifications at signal timing with the
18 lane modification, it would operate at Level of
19 Service D in both the AM and the PM peak hours.

20 MR. GLEMBOCKI: Did our consultant get a
21 chance to review the report?

22 MR. CONROY: Yes, it's consistent with
23 what he's saying. He's mitigating the times --

24 CHAIRWOMAN BETTINGER: Please speak into
25 the microphone. I'm sorry, it's difficult to hear

1 you.

2 MR. CONROY: It's consistent -- what
3 he's saying is consistent with the report. He's
4 mitigating the traffic signals and decreasing the
5 delays on several of the intersections.

6 CHAIRWOMAN BETTINGER: Any other
7 questions?

8 Mr. Marks.

9 DIRECTOR MARKS: Madam Chair, not
10 necessarily for Mr. Pavlovich, but for the -- maybe
11 Mr. Beasley or Mr. Gurkovich, can they describe the
12 waterfront walkway connection?

13 MR. BEASLEY: We're subject to a NJDEP
14 Waterfront Development Permit. We're under their
15 jurisdiction. We have started the permit application
16 process. We have not submitted that application. So
17 we're completely under their rules. We'll meet those
18 rules the same as we did on the first phase.

19 You've seen the first section of the
20 walkway, it is a 16 -- minimum 16-foot, clear
21 walkway; it's brick pavers; it has a fence on the
22 edge. We were also required to give an easement.
23 We'll comply with those same requirements for this
24 phase as well.

25 DIRECTOR MARKS: Madam Chair; does the

1 walkway comply with the DEP guidelines?

2 MR. BEASLEY: Yes.

3 DIRECTOR MARKS: The DEP guidelines. So
4 you use the Hudson River Waterfront guidelines on the
5 Passaic River?

6 MR. BEASLEY: Actually there's a slight
7 modification because we had a -- already had a design
8 in place for the hotel, forgetting which hotel it
9 was, but there was some finishes, including lighting,
10 that we were asked to incorporate that design into
11 this one. So we have done that as well.

12 MR. KIENZ: That also had to be
13 consistent with the Harrison plan too; right, Dave?

14 MR. BEASLEY: Yes, we had to be
15 consistent with the Harrison Redevelopment Plan. We
16 did get approved for the first one. The second
17 couple-hundred-foot section is approved, just not
18 constructed yet and this would be -- it's going to be
19 the same material, same design.

20 CHAIRWOMAN BETTINGER: Okay. Any other
21 questions?

22 No more questions? Do I have a motion?

23 COMMISSIONER FITZGIBBONS: I make a
24 motion --

25 COMMISSIONER AVAGLIANO: Second.

1 COMMISSIONER FITZGIBBONS: -- to approve
2 pending the DEP application.

3 DIRECTOR MARKS: Madam Chair, on a
4 motion to approve Application 2011-024-SP/SD, made by
5 Commissioner Fitzgibbons, seconded by Commissioner
6 Avagliano, Commissioner Avagliano?

7 COMMISSIONER AVAGLIANO: Aye. Happy
8 holidays.

9 DIRECTOR MARKS: Commissioner
10 DiDomenico?

11 COMMISSIONER DiDOMENICO: Aye.

12 DIRECTOR MARKS: Commissioner
13 Fitzgibbons?

14 COMMISSIONER FITZGIBBONS: Aye.

15 DIRECTOR MARKS: Commissioner Glembocki?

16 COMMISSIONER GLEMBOCKI: Yes.

17 DIRECTOR MARKS: And Chairwoman
18 Bettinger?

19 COMMISSIONER BETTINGER: I vote aye.

20 DIRECTOR MARKS: Madam Chair, the motion
21 passes.

22 Madam Chair, the next application
23 scheduled for public hearing is 2011-053-SP, Raj
24 Patel, Applicant, located at 734 County Avenue, which
25 is Block 99, Lot 4 in the Town of Secaucus.

1 MR. FRENZEL: I'm Perry Frenzel; on
2 behalf of the applicant.

3 Mr. Raj Patel is here with us tonight
4 should you have any questions. Mr. Patel is the
5 owner, developer, and applicant in this matter.

6 I am a licensed Professional
7 Engineer/Professional Planner in the State of New
8 Jersey. I've held those licenses since 1983, both of
9 which are current. I've appeared before this Board a
10 good number of times in the past, especially during
11 my 19-year history with Hartz Mountain Industries. I
12 have in the past --

13 MR. CURLEY: Mr. Franzel, before you
14 start, what I would describe as testimony, I think we
15 should have you sworn and then we should have the
16 owner sworn as well.

17 (Witnesses duly sworn.)

18 MR. CURLEY: Could you please state your
19 name and spell your last name for the record?

20 MR. FRENZEL: First name is Perry. Last
21 name, F-R-E-N-Z-E-L.

22 MR. CURLEY: Would you do the same, Mr.
23 Patel, please?

24 MR. PATEL: First name is Rajesh,
25 R-A-J-E-S-H. Patel, P-A-T-E-L.

1 (Whereupon, a discussion is held off the
2 record.)

3 P E R R Y F R E N Z E L, having been duly sworn,
4 testifies as follows:

5 THE WITNESS: The application before us
6 tonight is for a piece of property at 734 County
7 Avenue in the Town of Secaucus. That would be Block
8 99, Lot 4.

9 If you're familiar with Secaucus, the
10 general vicinity of County Avenue and Paterson Plank
11 Road, this property sits diagonally across Paterson
12 Plank Road from the city hall parking Lot.

13 The existing or prior use of the
14 property, as shown on the first exhibit, was for a
15 single-family residence and a garage dating back
16 many, many years, probably back in the early part of
17 the 1900s. The property is about 22,150 square feet
18 in size, measures approximately 115 feet across and
19 185 feet deep.

20 The topography of the site slopes away
21 from County Avenue. Looking at the exhibit, you'll
22 see that it's a gradual slope until you get to the
23 back of the property where it drops off
24 significantly. As a result of that topography, none
25 of the drainage today nor any of the drainage

1 proposed would flow onto County Avenue, which is the
2 County's road.

3 MR. CURLEY: Mr. Frenzel, if these items
4 that you're about to refer to, are other than what
5 has been submitted to the Board in the application,
6 then they should be marked as exhibits. If they're
7 just copies of what has been submitted to the Board
8 with the application, there will be no need to mark
9 them.

10 THE WITNESS: These are copies of what
11 has been submitted.

12 MR. CURLEY: Thank you. If you refer to
13 any of them, I'd like you to just refer to the title
14 page.

15 THE WITNESS: Okay, thank you.

16 The exhibit that I just put up is Sheet
17 C-3 of the set that was submitted to the Board. This
18 shows what the project is intended to be.

19 What we're proposing are 14 townhouses
20 on this property with access onto County Avenue at
21 the center of the site. Two of those units would be
22 affordable housing units, two units would be handicap
23 accessible, three-story units with parking tucked
24 into the first level.

25 As I said before, the drainage pattern

1 continues as it does today. All drainage will flow
2 to the east away from County Avenue. It will have
3 approximately 20 percent green space, planted
4 primarily with native species, which addresses your
5 low impact design standards.

6 We'll use porous pavers wherever
7 possible, which addresses another one of your
8 low-impact design standards. The properties on the
9 north and the south side, which are both residential
10 properties, will be shielded from headlight glare by
11 a 6-foot, solid fence. Anyplace where the fence may
12 be a little low for that purpose, because of the
13 topography, there will be additional tall landscaping
14 planted to mitigate the effect of any headlight
15 glare.

16 The sheet that I've just put up is Sheet
17 A-201 from the architectural plans. This is the one
18 that -- this is a better-looking plan than the last
19 one, that's for sure.

20 This shows the general layout of the
21 units from an architectural perspective. Three-story
22 units with a standard pitched roof with turned gables
23 for architectural enhancement.

24 There will be a multi-textured
25 appearance on these buildings. The base will have

1 brick or stone to provide some massing at the base.
2 There will be standard siting for most of the
3 vertical height of the face of the building. There
4 will be a raised panel in between the upper and the
5 lower windows to add some additional architecture
6 interest.

7 If you look at the lower two views on
8 that particular exhibit, that's the view from County
9 Avenue.

10 On the right-hand module, there's a sign
11 that will give the street number and the name of the
12 development.

13 The project lies within the Meadowlands
14 Commission's zoning authority. We have filed with
15 the NJMC. There are no variances associated with
16 this project. It meets their criteria for use for
17 parking and their standards in general.

18 There have been two findings letters
19 that were initially generated as a result of the
20 filing with the Board. One came from Ms. Massey and
21 the other from T.Y. Lin. Ms. Massey's letter
22 basically asked that we comply with the low-impact
23 design standards and that we include a bicycle rack
24 within the development and that we comply with the
25 terms of the T.Y. Lin letter.

1 We've gotten subsequent finding letters
2 after we resubmitted our plans. I believe Ms.
3 Massey's comments have been completely addressed. We
4 have provided the bicycle rack, we have addressed the
5 low-impact design standards, and we have also gotten
6 a letter from T.Y. Lin.

7 We changed the method of drainage on
8 this site, completely from the original. Originally
9 we were going to use an infiltration system. T.Y.
10 Lin had some concerns, the Meadowlands Commission had
11 some concerns and so now we're going to use a
12 completely closed system that meets your standards,
13 the NJMC standards, HMDC, I'm showing my age, and the
14 standards of the DEP.

15 A letter, that we got back from T.Y. Lin
16 yesterday, indicates that all issues have been
17 addressed.

18 Ms. Massey's letter, I believe has one
19 open item. She has asked for four additional shade
20 trees to be planted, 30 feet apart, on County Avenue,
21 and the applicant agrees to do that.

22 CHAIRWOMAN BETTINGER: Ms. Massey, do
23 you have any other comments?

24 MS. MASSEY: Madam Chair, the applicant
25 should just make sure that they're 3 and 1/2 inch

1 caliper, native deciduous, and then submit revised
2 site plans just so that we can determine the location
3 of the shade trees.

4 THE WITNESS: We'll do that.

5 Regarding other permits, which we are
6 obligated to get to pursue this matter, like I said,
7 we have filed, with the Meadowlands Commission. I
8 spoke with them today. We had redesigned the
9 drainage, addressed their other comments and we're
10 hoping to get a final findings letter tomorrow from
11 them. It would be nice if we got a permit.

12 We have filed with the Secaucus
13 Municipal Utilities Authority, who will take action
14 on the application once the zoning certificate has
15 been approved by the Commission. We have filed with
16 the Hudson/Passaic Soil Conservation District. That
17 approval has been granted. There are no wetlands, no
18 flood hazard areas or anything that would cause us to
19 apply to the DEP for those permits. We have less
20 than 8,000 gallons a day that we'll generate, as far
21 as sanitary waste, so we do not need to file a TWA
22 with the DEP.

23 And that's basically it, that's our
24 presentation. If you have any questions of either
25 myself or Mr. Patel, we'd be glad to answer them.

1 CHAIRWOMAN BETTINGER: Commissioners?

2 COMMISSIONER GLEMBOCKI: Yeah, regarding
3 the utility connections you have, you're going to
4 propose, I know you have gas and water in the road.
5 County Avenue is scheduled to be repaved this spring.
6 I would suggest that you're going to have to come for
7 a Road Opening Permit from the County. I would say,
8 get the utilities in before the spring because you're
9 not going to get the permit to put them in once we
10 pave the road.

11 THE WITNESS: We understand. Thank you.

12 COMMISSIONER FITZGIBBONS: Madam Chair,
13 through you, how many units are going to be there?

14 THE WITNESS: Fourteen.

15 COMMISSIONER FITZGIBBONS: And they're
16 going to be single-family units?

17 THE WITNESS: Yes, stacked, three-story
18 units.

19 COMMISSIONER FITZGIBBONS: How many
20 parking spots?

21 THE WITNESS: Twenty-eight.

22 COMMISSIONER FITZGIBBONS: Okay.

23 CHAIRWOMAN BETTINGER: Yes, other
24 engineer. I apologize, I don't know your name.

25 MR. CONROY: The only additional comment

1 I have, regarding the discharge off the back, you're
2 going off your property. I would request that you
3 get an easement from your adjoining neighbor, that
4 should be shown prior to any development.

5 THE WITNESS: We've gotten a letter of
6 authorization from the adjoining property owner. We
7 can provide a copy to you.

8 MR. PATEL: Yeah.

9 CHAIRWOMAN BETTINGER: I have one
10 question. When you enter the development, is that on
11 County Road?

12 THE WITNESS: It is.

13 CHAIRWOMAN BETTINGER: And exiting as
14 well?

15 THE WITNESS: It is.

16 CHAIRWOMAN BETTINGER: Do we need to
17 install any type of stop sign on the corner of the
18 development so that -- Commissioners?

19 THE WITNESS: I believe our plan shows
20 that coming out, there will be a stop sign and a stop
21 bar at that point.

22 CHAIRWOMAN BETTINGER: Thank you.

23 Any other comments?

24 Mr. Marks.

25 COMMISSIONER FITZGIBBONS: Through you,

1 Madam Chairman?

2 CHAIRWOMAN BETTINGER: Yes.

3 COMMISSIONER FITZGIBBONS: This hasn't
4 been approved by the zoning commission yet in
5 Secaucus?

6 THE WITNESS: This is within the
7 Meadowlands Commission zoning. It's been filed, it
8 has not been approved yet. We have gotten one
9 findings letter. We have addressed those concerns
10 and, as of today, I was told that there's a letter
11 forthcoming, today or tomorrow.

12 CHAIRWOMAN BETTINGER: Mr. Marks, do you
13 have any comment?

14 Counselor?

15 MR. CURLEY: Yes, just one question to
16 our outside engineer as to whether an easement is
17 required for drainage or just a letter of permission?

18 MR. CONROY: I believe, if the owner of
19 the property allows them to have the riprap apron on
20 their property, the letter from that owner would be
21 sufficient.

22 MR. CURLEY: Thank you.

23 DIRECTOR MARKS: Madam Chair, I would
24 just request that the applicant submit a copy of that
25 letter for the file and for our records.

1 MR. PATEL: Sure.

2 THE WITNESS: We will do that.

3 CHAIRWOMAN BETTINGER: Any other
4 comments?

5 COMMISSIONER FITZGIBBONS: I make a
6 motion to approve on the letter from you from the
7 adjoining property granting permission to have
8 drainage.

9 COMMISSIONER AVAGLIANO: I'll second it.

10 CHAIRWOMAN BETTINGER: Does it have to
11 be approved by the Meadowlands as well?

12 DIRECTOR MARKS: It has to be. It's in
13 the Meadowlands district. They have zoning and
14 planning authority, land use control.

15 Madam Chair, there's a motion, to
16 conditionally approve Application 2011-053-SP, made
17 by Commissioner Fitzgibbons and seconded by
18 Commissioner Avagliano.

19 Commissioner Avagliano?

20 COMMISSIONER AVAGLIANO: Aye.

21 DIRECTOR MARKS: Commissioner
22 DiDomenico?

23 COMMISSIONER DiDOMENICO: Aye.

24 DIRECTOR MARKS: Commissioner
25 Fitzgibbons?

1 COMMISSIONER FITZGIBBONS: Aye.

2 DIRECTOR MARKS: Commissioner Glembocki?

3 COMMISSIONER GLEMBOCKI: Yes.

4 DIRECTOR MARKS: And Chairwoman

5 Bettinger?

6 CHAIRWOMAN BETTINGER: I vote aye.

7 DIRECTOR MARKS: Madam Chair, the motion
8 passed.

9 CHAIRWOMAN BETTINGER: Thank you very
10 much.

11 MR. PATEL: Thank you to the Planning
12 Board members.

13 CHAIRWOMAN BETTINGER: Thank you. Good
14 luck.

15 DIRECTOR MARKS: Madam Chair, the next
16 application scheduled for public hearing is
17 Application 2011-082-SP, Osborne Capital, LLC,
18 232-276 Passaic Avenue, which is Block 15, Lot 8.02
19 in the Town of Kearny.

20 MR. MEISER: My name is Kenneth Meiser;
21 and I'm the attorney for the applicant. I have with
22 me, Mike Hanrahan, our architect, and Mike Sullivan,
23 our planner, in case any questions come up.

24 Basically, this is a very small
25 expansion of one part of a redevelopment plan. It

1 will increase the footage for this retail use by only
2 1,800 square feet.

3 I'm going to let the architect give an
4 overall presentation, but we did speak to your
5 planner, Ms. Massey, yesterday and discussed with her
6 a couple of the compliance issues and I think we are
7 all satisfied with that including, I believe, your
8 consultants.

9 With that, I'd like to have Mr. Hanrahan
10 sworn in if I can.

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

13 MR. CURLEY: Would you please state your
14 name and spell your last name, please?

15 THE WITNESS: Michael Hanrahan,
16 H-A-N-R-A-H-A-N.

17 I'm going to testify to two things,
18 first being the building expansion and the second
19 being the site development.

20 Building expansion, the proposal entails
21 a small expansion of the existing floor area of an
22 existing shopping center building on Block 15, Lot
23 8.02, also known as 232-274 Passaic Avenue. The
24 expansion is proposed for the rear of the building,
25 facing east adjacent to the service drive.

1 On the exhibit, we have here on the
2 easel, the area toned in tan, if you will, is the
3 existing building. Red represents the proposed
4 addition.

5 MR. MEISER: Could you point to it so
6 everybody can see?

7 THE WITNESS: So everybody can hear me,
8 the proposed addition is this area in red here,
9 Passaic Avenue being more to the bottom of the page.

10 MR. CURLEY: Mr. Meiser, unless that's
11 something that was previously submitted to the Board,
12 I would like you to mark that as Exhibit 1, A-1.

13 MR. MEISER: This will be A-1, in
14 evidence, the Site Plan for Osborne Capital, LLC.

15 (Exhibit received and marked into
16 evidence.)

17 THE WITNESS: You can see, we're simply
18 squaring off an irregularly configured building area.
19 The overall shopping center is actually comprised of
20 a series of buildings. The building expansion is
21 actually of two smaller buildings or spaces within
22 the overall complex.

23 Building A, which is the smaller area to
24 the left, that would be this area here. Building B
25 would be the larger box, if you will (indicating.)

1 MR. MEISER: Which side, for anybody
2 who's listening, for the record?

3 THE WITNESS: A is on the left, B is on
4 the right.

5 Building A is going to be expanded by
6 740 square feet, approximately totalling 3,400 square
7 feet when complete. Building B would be expanded by
8 1,200 square feet to a total of 3,092 square feet
9 when complete.

10 Site development, there are no proposed
11 site improvements, no change to the existing grading
12 or drainage patterns, no change to the on-site or
13 off-site circulation patterns, no change to the site
14 lighting, and no removal or installation of plant
15 material.

16 MR. MEISER: If I can just add a couple
17 things, number one, yesterday, we discussed the
18 question of bicycle and bicycle racks. It was
19 suggested that because this is so small, that we're
20 part of the overall redevelopment of which Mr.
21 Osborne is part owner.

22 So, we would accept a condition that,
23 whether it's two or three, whatever the number is
24 that was satisfactory to you, will be provided when
25 that comes before the Board. We have only -- the

1 Osborne is the first one to get site plan approval
2 from the town; it got it in October and the
3 resolution was memorialized last week.

4 So I believe that that condition would
5 satisfy the Board.

6 CHAIRWOMAN BETTINGER: Ms. Massey, how
7 many bicycle racks were you proposing?

8 MS. MASSEY: I was proposing two, but it
9 depends on what the end result of the redevelopment
10 plan will be. Do you have any idea as to what will
11 be happening onsite?

12 MR. MEISER: Well, some of these will be
13 existing buildings, some of them will be buildings
14 that are demolished and replacement. And that
15 depends on the economy, whether we have a tenant who
16 wants an existing building or a tenant who says I'll
17 be happy to be here if, you know, we can get a new
18 building there.

19 We're trying to do the best we can,
20 given the economy, like many other developers, so I
21 really can't answer that question because I don't
22 have a crystal ball and that's about the only way any
23 of us would know.

24 MS. MASSEY: Okay.

25 CHAIRWOMAN BETTINGER: The existing

1 shopping center that is there at the present time,
2 what stores are around it?

3 MR. MEISER: Do you want to answer?

4 MR. SULLIVAN: Michael Sullivan, I'm the
5 planner and landscape architect for the applicant.

6 MR. CURLEY: Mr. Sullivan, if you could
7 be sworn, please.

8 M I C H A E L S U L L I V A N, having been duly
9 sworn, testifies as follows:

10 MR. CURLEY: Could you please state your
11 name, for the record, and spell your last name?

12 THE WITNESS: Sullivan, Michael F.
13 Sullivan, S-U-L-L-I-V-A-N.

14 MR. CURLEY: If you could, just
15 basically review your qualification and licensing.

16 THE WITNESS: I'm a principal with Clark
17 Caton Hintz, in Trenton, New Jersey, I've been a
18 licensed landscape architect, in the State of New
19 Jersey, since '90. I've been a licensed planner in
20 New Jersey since 1992. I'm a member of the American
21 Institute of Certified Planners and have been for --
22 since mid-'90s. I've testified hundreds of times in
23 front of dozens of boards, municipal bodies and
24 county bodies in the State of New Jersey over the
25 last 20-plus years of practice.

1 MR. CURLEY: Mr. Meiser, I take it that
2 Mr. Sullivan is being offered as an expert in
3 landscape architecture?

4 MR. MEISER: And planning.

5 MR. CURLEY: And planning?

6 MR. MEISER: Yes.

7 CHAIRWOMAN BETTINGER: Thank you.

8 THE WITNESS: The question was about the
9 stores. There's a Modell's, there's a Kmart adjacent
10 to this, which is a large building next to it, and
11 there's a series of very small stores that are in
12 this row. There's a salon.

13 And actually the purpose of this
14 addition is to create a more flexible alternative
15 leasing structure for this property owner. Right now
16 the spaces are very cut up, so by the addition, it
17 makes it much more viable so that he could lease one
18 or both of the spaces with a slightly expanded
19 storage, or combine the space so that he could
20 attract a more regional type tenant.

21 MR. MEISER: Kmart is the only tenant
22 with a very long, long-term tenancy, I think it's
23 like 40 years or something. So we know Kmart is
24 going to be there.

25 Much of the others, they're asking the

1 same question we are: Is this marketing to increase,
2 can we do it? We have spoken to several restaurants
3 and basically, they were very interested a year ago
4 and now they're saying all our plans in the East
5 Coast are on hold and we'll get back to you.

6 So I wish I really could say, my clients
7 would wish so even more. We have six rented out and
8 here they are. But as soon as the economy does turn
9 around, I think we have an ideal location in Kearny
10 and I think there's going to be people who will want
11 an opportunity to live there and work there, rather,
12 once we get the economy straightened out.

13 THE WITNESS: On the subject bike rack,
14 there's another wrinkle and we discussed this with
15 Megan on Friday, and that is, we talked with our
16 client, the owner and manager of the property, about
17 installation of bicycle racks, at this time, and we
18 don't have the full plan that might happen here.

19 And the only space, without losing
20 parking spaces, that we could possibly do it, would
21 be on the sidewalk in front of the tenants and he
22 would have to renegotiate in his mind -- he would
23 have to renegotiate his leases for blocking those
24 sidewalks with bicycle racks and there's not adequate
25 space.

1 MR. MEISER: I think that was the reason
2 that Ms. Massey agreed with us, that once you get the
3 bulk of the plan in front of you, we can work
4 together to find out where the bicycle rack best goes
5 and is the right number, two or three.

6 We're simply saying, make it a condition
7 so we're bound by it in the future. But tonight,
8 this is not the place to put it. I think everybody
9 agrees to that.

10 CHAIRWOMAN BETTINGER: Ms. Massey, is
11 that acceptable?

12 MS. MASSEY: That's acceptable.

13 CHAIRWOMAN BETTINGER: Yes.

14 MR. MEISER: So, that basically is our
15 presentation unless you have other questions for us.

16 CHAIRWOMAN BETTINGER: Do you have any
17 other questions?

18 Yes.

19 MR. CONROY: Regarding the sidewalks
20 around the site, could you upgrade; if there's any
21 sidewalks that need to be, you know, lifted sidewalks
22 that need to be replaced, could you replace them
23 under a condition of this?

24 MR. MEISER: I think the answer to that
25 is the same as it is for the bicycles. We're going

1 to be coming before you with perhaps a quarter of the
2 whole development, perhaps a half, and at that point,
3 we would expect you to be questioning if there's any
4 sidewalks. If you don't, the planning board of
5 Kearny will, before you, get to it because they have
6 made it clear that, you know, those are the type of
7 things that need to be taken care of. So this is an
8 asset to the community not a liability.

9 THE WITNESS: And just to -- I
10 understand exactly where you're coming from, from a
11 pedestrian standpoint, what can be improved, but you
12 have to look at the scale of this, this is less than
13 2,000 feet of an addition. From a scale-specific,
14 frankly, our client doesn't understand half of the
15 process from this because he's a New York guy, he
16 doesn't understand why we're going through planning
17 board at the municipal level and county level.

18 It's very expensive to do this, as an
19 order of magnitude, to get a site plan ramped up for
20 2,000 square feet. From a scale perspective, it
21 doesn't really make sense at this point, and it would
22 be a very piecemeal rather than wholistic solution
23 which we are shooting for later.

24 CHAIRWOMAN BETTINGER: Commissioner
25 Glembocki.

1 COMMISSIONER GLEMBOCKI: I would suggest
2 that the County re-walk the sidewalk just to check if
3 there's any bad areas to take care of.

4 CHAIRWOMAN BETTINGER: Mr. Tridente, you
5 were onsite already?

6 MR. TRIDENTE: We were onsite, but
7 unfortunately we didn't go into the front of the
8 building, we were at the back of the building looking
9 at the exact location.

10 So I don't want to misstate anything,
11 that the sidewalks are in disrepair, but I feel that
12 because of the high-trafficked area, that if there's
13 a severe trip hazard that is eminent, that they
14 should be addressed now, even if it's just a section,
15 and address them now so that way we don't incur any
16 liability down the road.

17 MR. MEISER: Are you talking about on
18 the Osborne site now?

19 MR. TRIDENTE: On the sidewalks.

20 MR. MEISER: On the sidewalks --

21 MR. TRIDENTE: On Passaic Avenue.

22 MR. MEISER: On the Osborne property?

23 MR. TRIDENTE: On Passaic Avenue.

24 MR. MEISER: Just so we're clear, the
25 sidewalk along Passaic Avenue?

1 MR. TRIDENTE: Yes.

2 MR. MEISER: We have no problem with
3 that.

4 CHAIRWOMAN BETTINGER: So that will be
5 one of the conditions?

6 MR. MEISER: Yes.

7 CHAIRWOMAN BETTINGER: Correct?
8 Any other comments or questions?

9 Do I have a motion?

10 COMMISSIONER FITZGIBBONS: I make a
11 motion that we approve this on the condition that the
12 sidewalks are looked at on the Passaic side of the
13 project.

14 CHAIRWOMAN BETTINGER: Mr. Marks, do you
15 want to add to that condition?

16 DIRECTOR MARKS: No, I was going to ask
17 Mr. Curley to kind of put it more eloquently, the
18 condition. I think it's been --

19 CHAIRWOMAN BETTINGER: The wording,
20 yeah.

21 DIRECTOR MARKS: For the sake of
22 clarity.

23 MR. CURLEY: Well, it would appear that
24 the condition of approval would be that the sidewalk
25 be in good condition on the site that is subject to

1 the application, but not necessarily for the entire
2 shopping center which is not within the control of
3 this tenant.

4 MR. MEISER: And that is fully
5 acceptable to us.

6 CHAIRWOMAN BETTINGER: Just want to be
7 clear, myself, before I vote. Exactly, what sidewalk
8 are we discussing here, the one that's part of the
9 shopping center, like on the strip mall, or on the
10 street level?

11 MR. MEISER: As I understand it, we're
12 talking about going to the Osborne property and
13 checking, to the street of Passaic Avenue, on the
14 four corners of the Osborne site, are there any
15 sidewalk problems that need to be rectified now.
16 That was my understanding.

17 CHAIRWOMAN BETTINGER: Is that correct?

18 DIRECTOR MARKS: Madam Chair, for Mr.
19 Hanrahan, how many linear feet of Passaic Avenue
20 frontage are -- is it the entire length of the --
21 just so everybody is on the same page.

22 CHAIRWOMAN BETTINGER: That's why I'm
23 questioning, correct.

24 DIRECTOR MARKS: So we're not thinking
25 it's a hundred feet and it's really a thousand feet

1 or vice versa.

2 CHAIRWOMAN BETTINGER: I felt it was not
3 clear, so that's why I'm questioning.

4 THE WITNESS: About 700 feet.

5 DIRECTOR MARKS: So the condition of
6 approval would be that the sidewalks along the 700
7 feet of frontage on Passaic Avenue are in good
8 condition and there are no tripping hazards.

9 CHAIRWOMAN BETTINGER: Is that correct,
10 Mr. Tridente? Mr. Tridente; is that correct?

11 MR. TRIDENTE: Yes, yes.

12 CHAIRWOMAN BETTINGER: Okay.

13 MR. MEISER: That will be, just so we're
14 clarifying as you are, will be the 700 feet which
15 Osborne owns.

16 DIRECTOR MARKS: Correct.

17 MR. MEISER: I think we've got it.

18 CHAIRWOMAN BETTINGER: Now we're all on
19 the same page.

20 Commissioner Fitzgibbons -- there's a
21 motion on the floor; correct?

22 DIRECTOR MARKS: Yes.

23 CHAIRWOMAN BETTINGER: Do we have a
24 second?

25 DIRECTOR MARKS: Not yet.

1 CHAIRWOMAN BETTINGER: Need a second.

2 COMMISSIONER AVAGLIANO: I'll second it.

3 DIRECTOR MARKS: Madam Chair, on the
4 motion to conditionally approve application
5 2011-082-SP, made by Commissioner Fitzgibbons and
6 seconded by Commissioner Avagliano, Commissioner
7 Avagliano?

8 COMMISSIONER AVAGLIANO: Aye.

9 DIRECTOR MARKS: Commissioner
10 DiDomenico?

11 COMMISSIONER DiDOMENICO: Aye.

12 DIRECTOR MARKS: Commissioner
13 Fitzgibbons?

14 COMMISSIONER FITZGIBBONS: Aye.

15 DIRECTOR MARKS: Commissioner Glembocki?

16 COMMISSIONER GLEMBOCKI: Yes.

17 DIRECTOR MARKS: And Chairwoman
18 Bettinger?

19 COMMISSIONER BETTINGER: I vote aye.

20 DIRECTOR MARKS: Madam Chair, the motion
21 passed.

22 CHAIRWOMAN BETTINGER: Thank you.

23 MR. MEISER: We thank everyone here for
24 their assistance tonight.

25 CHAIRWOMAN BETTINGER: Thank you and

1 good luck.

2 DIRECTOR MARKS: Madam Chair, the next
3 application scheduled for public hearing is
4 2011-069-SP, Shipyard Associates, LP, located at 1501
5 Shipyard Lane, which is Block 264.2, Lot 1 in the
6 City of Hoboken.

7 Madam Chair, in your packets this
8 evening is a letter from Kevin Coakley, of Connell
9 Foley, requesting an adjournment on the matter.

10 Pursuant to the County Planning Act, in
11 order for the Board to grant a onetime, 30-day
12 extension of the application, since it was already
13 scheduled -- it was deemed complete and scheduled for
14 public hearing this evening, we needed consent of the
15 municipal authority, and as of 7:20 this evening, we
16 have not received consent of the municipal -- we
17 haven't -- I spoke with several people, who work for
18 either the planning board or the mayor's office,
19 about the matter, apprised them of what exactly was
20 requested, sent them a copy of the letter and told
21 them that they had to consent in order for the matter
22 to be carried forward, consent in writing. I have to
23 report that I have received nothing.

24 Therefore, I would respectfully
25 recommend that the Board dismiss the application,

1 without prejudice, thereby allowing the applicant to
2 refile when whatever issues there are with, I believe
3 it's the emergency ingress and egress for the site,
4 have been resolved.

5 It's probably at a point in time that
6 it's already been approved by the Hoboken Planning
7 Board. But dismissing without prejudice would allow
8 the applicant to refile and so long as it's within a
9 year of the dismissal, they won't have to pay their
10 application fee or redeposit any escrow funds.

11 COMMISSIONER FITZGIBBONS: Madam
12 Chairman, did anyone contact the lawyer for the
13 applicant telling them that Hoboken never --

14 DIRECTOR MARKS: I spoke with Mr.
15 Coakley last week, and told him of both the statute
16 and the requirements of the statute and the case law
17 on the matter.

18 I'm not an attorney, but there's a
19 prominent case, out of Burlington County, which had a
20 similar set of circumstances with the Hess
21 Corporation, and in that case, the courts actually
22 gave the Hess company a default approval because the
23 county had granted an extension without the consent
24 of the municipal authority.

25 MR. CURLEY: And I did speak to Mr.

1 Coakley today, he understands the ramifications of
2 the dismissal and refiling without the payment of
3 filing fees.

4 CHAIRWOMAN BETTINGER: Thank you.

5 COMMISSIONER FITZGIBBONS: I make a
6 motion to dismiss without prejudice.

7 COMMISSIONER AVAGLIANO: I'll second it.

8 DIRECTOR MARKS: Madam Chair, on a
9 motion to dismiss application 2011-069-SP, made by
10 Commissioner Fitzgibbons, seconded by Commissioner
11 Avagliano, Commissioner Avagliano?

12 COMMISSIONER AVAGLIANO: Aye.

13 DIRECTOR MARKS: Commissioner
14 DiDomenico?

15 COMMISSIONER DiDOMENICO: Aye.

16 DIRECTOR MARKS: Commissioner
17 Fitzgibbons?

18 COMMISSIONER FITZGIBBONS: Aye.

19 DIRECTOR MARKS: Commissioner Glembocki?

20 COMMISSIONER GLEMBOCKI: Yes.

21 DIRECTOR MARKS: And Chairwoman
22 Bettinger?

23 COMMISSIONER BETTINGER: Aye.

24 DIRECTOR MARKS: Madam Chair, the motion
25 passed.

1 CHAIRWOMAN BETTINGER: Did anyone want
2 to speak from the public this evening?

3 DIRECTOR MARKS: Madam Chair, the next
4 matter is 5-C on the agenda, applications to be
5 declared exempt.

6 Beginning with Application 2011-76-SP,
7 Crazy Greek, LLC, located at 123 Martin Luther King
8 Drive, which is Block 1337, Lots 1.A99, 4B, 5A, 38
9 and 39 in the City of Jersey City.

10 Next is Application 2011-078-SP, New
11 Cingular Wireless PCS, LLC located at 810 West
12 Street, which is Block 40.1, Block 14 in the City of
13 Union City.

14 CHAIRWOMAN BETTINGER: Do I have a
15 motion?

16 COMMISSIONER AVAGLIANO: Motion.

17 COMMISSIONER FITZGIBBONS: I second.

18 DIRECTOR MARKS: Madam Chair, on a
19 motion, made by Commissioner Avagliano and seconded
20 by Commissioner Fitzgibbons, Commissioner Avagliano?

21 COMMISSIONER AVAGLIANO: Aye.

22 DIRECTOR MARKS: Commissioner
23 DiDomenico?

24 COMMISSIONER DiDOMENICO: Aye.

25 DIRECTOR MARKS: Commissioner

1 Fitzgibbons?

2 COMMISSIONER FITZGIBBONS: Aye.

3 DIRECTOR MARKS: Commissioner Glembocki?

4 COMMISSIONER GLEMBOCKI: Yes.

5 DIRECTOR MARKS: And Commissioner

6 Bettinger?

7 COMMISSIONER BETTINGER: Aye.

8 DIRECTOR MARKS: Madam Chair, the motion
9 passed.

10 Old business?

11 COMMISSIONER AVAGLIANO: Madam Chair?

12 CHAIRWOMAN BETTINGER: Yes.

13 COMMISSIONER AVAGLIANO: I'm very
14 impressed with Mario Tridente, he does such a great
15 job with breaking down these diagrams. It makes it
16 so easy to understand. I didn't get the agenda, I
17 went along with it beautifully.

18 Mario, you did a great job.
19 Congratulations. You are an asset to this Planning
20 Board.

21 CHAIRWOMAN BETTINGER: Very nice. I
22 second that.

23 COMMISSIONER AVAGLIANO: Everybody
24 agree?

25 COMMISSIONER FITZGIBBONS: I agree with

1 it.

2 CHAIRWOMAN BETTINGER: Absolutely agree,
3 Mario is an asset.

4 DIRECTOR MARKS: Madam Chair, just for
5 one point, at the September Board meeting, we spoke
6 about -- we had distributed copies of the Jersey
7 City/Hoboken Connectivity Study. At the October
8 meeting, we had Susan O'Donnell come out and she
9 actually presented the findings and recommendations
10 of the Subregional Transportation Study for Jersey
11 City and Hoboken.

12 Because there has to be, by statute
13 there has to be at least 20-day public notice
14 requirement, we weren't able -- we've been having
15 some glitches with our copier and we have requested
16 copies of the study on CD from the professional
17 consulting firm. We have not been able to get a copy
18 of the study out to the municipalities for proper
19 public notice.

20 We are hoping to get the cover letter
21 and the studies out to everybody in time for a public
22 hearing on December 21st. I think everybody was, I
23 think in agreement with the findings and
24 recommendations of the study, and it would be my
25 recommendation, after the public hearing, that the

1 Board accept, not adopt but accept, the findings and
2 recommendations of the study, basically to take it
3 under advisement, use it for the basis of future
4 decision making.

5 It would not bind the County to any
6 course of action nor would it necessarily bind any
7 applicants to any course of action, but it would, I
8 think, enlighten and inform the County and the
9 development community of the desired transportation
10 outcomes within that study area.

11 So I don't expect there to be any
12 opposition to it. I don't expect there to be many
13 public comments. Perhaps we'll get an e-mail,
14 perhaps we'll get a letter from somebody. We'll
15 schedule -- it was discussed having the public
16 hearing on this evening's agenda, but that wouldn't
17 meet the public notice requirements, so I'm proposing
18 that that would be rescheduled for December 21st.

19 CHAIRWOMAN BETTINGER: I'm very happy to
20 hear that.

21 COMMISSIONER FITZGIBBONS: So this
22 wouldn't bind the County to anything; right?

23 DIRECTOR MARKS: No. Actually, I mean
24 we spent \$228,000 on the study. It's federal money,
25 it's not County tax dollars money. We basically used

1 in-house staff to manage the process, to make sure it
2 went smoothly. As well, we had the in-kind
3 participation of Jersey City planning staff, the
4 in-kind participation of Hoboken staff. It was fully
5 vetted before the final report came out.

6 And, you know, it's spending almost a
7 quarter million dollars on a traffic study, it has
8 some compelling findings and recommendations. So
9 without circulating it before the public hearing or
10 the planning process, this coming month would be an
11 appropriate time to move forward with that.

12 COMMISSIONER FITZGIBBONS: Anything to
13 make Observer Highway in Hoboken easier to pass.
14 Tried to get out of town today. Forget about it. I
15 sat here a half an hour, I can't get out of Hoboken.

16 DIRECTOR MARKS: Madam Chair, with all
17 the development that has been approved in that study
18 area, things that need County approval and things
19 that don't need County approval, the traffic
20 circulation, the level of service is expected to
21 decrease and get worse and the amount of traffic is
22 supposed to increase over the next 20 or 30 years.

23 So the real question is, you know, what
24 do you do, low-hanging fruit, one of those easy and
25 accessible things that we could do to make the

1 traffic circulation a little bit better in that
2 service area.

3 CHAIRWOMAN BETTINGER: Thank you. Mr.
4 Marks, do we have any new business?

5 COMMISSIONER AVAGLIANO: Motion to
6 close.

7 CHAIRWOMAN BETTINGER: I'd like to wish
8 everyone a happy and healthy Thanksgiving. We're
9 family on the Planning Board and we're very thankful
10 to have all of you here together.

11 COMMISSIONER AVAGLIANO: See you in
12 December.

13 CHAIRWOMAN BETTINGER: See you in
14 December. Do I have a motion to adjourn?

15 COMMISSIONER FITZGIBBONS: Motion to
16 adjourn.

17 COMMISSIONER DiDOMENICO: I'll second.

18 CHAIRWOMAN BETTINGER: All in favor?

19 (A round of ayes.)

20 (Time noted: 7:37 p.m.)

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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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