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HUDSON COUNTY
PLANNING BOARD

RE:

REGULAR MEETING : TRANSCRIPT OF
: PROCEEDINGS
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Hudson County Freeholders Chambers
Third Floor
567 Pavonia Avenue
Jersey City, New Jersey
Wednesday, November 28, 2012
6:30 p.m.

BEFORE:

RENEE BETTINGER, Chairman
MICHAEL HOLLOWAY, Vice Chair
DEMETRIO ARENCIBIA, PE, PP, County Engineer
DANIEL CHOFFO, Commissioner
JAMES CRYAN, Commissioner
ALAIN GOMEZ, Commissioner

ALSO PRESENT:

MEGAN MASSEY, P.E., AICP, PRINCIPAL PLANNER
MASSIEL FERRARA, PP, AICP, PLANNING DIRECTOR
PAUL CRAY, R.E., P.P., CME
JOHN J. CURLEY, ESQ., Board Attorney
FRANCESCA GIARRANTANA, Assistant Planner

Job No. NJ1306976

1 CHAIRWOMAN BETTINGER: Good evening.
2 I would like to call to order the meeting of the
3 Hudson County Planning for Wednesday, November 28th,
4 2012. Counsel, has this meeting been properly
5 advertised?

6 MR. CURLEY: Yes, the meeting has
7 been properly advertised with the Open Public
8 Meetings Act, posted with the Jersey Journal and the
9 Star Ledger, and also with the Board of Freeholders
10 and the County Clerk's office.

11 CHAIRWOMAN BETTINGER: Madam
12 Secretary, may I have a roll call, please.

13 MR. CURLEY: Yes, Madam Chair.
14 Commissioner Arencibia,

15 COMMISSIONER ARENCIBIA: Here.

16 MS. FERRARA: Commissioner Choffo.

17 COMMISSIONER CHOFFO: Here.

18 MS. FERRARA: Commissioner Cryan.

19 COMMISSIONER CRYAN: Here.

20 MS. FERRARA: Commissioner
21 DiDomenico, not present. Commissioner Gomez.

22 COMMISSIONER GOMEZ: Here.

23 MS. FERRARA: Commissioner Ng, not
24 present. Commissioner Romano, not present.

25 Chairwoman Bettinger.

1 CHAIRWOMAN BETTINGER: Here.

2 MS. FERRARA: I'm sorry.

3 Commissioner Holloway.

4 COMMISSIONER HOLLOWAY: Here.

5 MS. FERRARA: I apologize. Madam
6 Chair, we have a quorum.

7 CHAIRWOMAN BETTINGER: Will everyone
8 please rise to salute the flag.

9 (Flag Salute.)

10 CHAIRWOMAN BETTINGER: The next item
11 on the agenda is the adoption of the Meeting Minutes
12 for September 19th, 2012. Have all the
13 Commissioners received them? Do I have a motion?

14 MS. FERRARA: On a motion put forth
15 by Commissioner Gomez. Second by Commissioner
16 Holloway.

17 Commissioner Arencibia.

18 COMMISSIONER ARENCIBIA: Aye.

19 MS. FERRARA: Commissioner Choffo.

20 COMMISSIONER CHOFFO: Aye.

21 MS. FERRARA: Commissioner Cryan.

22 COMMISSIONER CRYAN: Aye.

23 MS. FERRARA: Commissioner Gomez.

24 COMMISSIONER GOMEZ: Aye.

25 MS. FERRARA: Commissioner Holloway.

1 COMMISSIONER HOLLOWAY: Aye.

2 MS. FERRARA: Chairwoman Bettinger.

3 CHAIRWOMAN BETTINGER: Aye.

4 MS. FERRARA: The Minutes have
5 passed.

6 CHAIRWOMAN BETTINGER: Thank you.
7 The next set of Minutes is for October 17th, 2012.
8 Do I have a motion to approve?

9 MS. FERRARA: On a motion put forth
10 by Commissioner Holloway. Second by Commissioner
11 Choffo.

12 Commissioner Arencibia.

13 COMMISSIONER ARENCIBIA: Aye.

14 MS. FERRARA: Commissioner Choffo.

15 COMMISSIONER CHOFFO: Aye.

16 MS. FERRARA: Commissioner Cryan.

17 COMMISSIONER CRYAN: Aye.

18 MS. FERRARA: Commissioner Gomez.

19 COMMISSIONER GOMEZ: Aye.

20 MS. FERRARA: Commissioner Holloway.

21 COMMISSIONER HOLLOWAY: Aye.

22 MS. FERRARA: Chairwoman Bettinger.

23 CHAIRWOMAN BETTINGER: I vote aye.

24 MS. FERRARA: The Minutes have
25 passed.

1 Chairwoman, the next item on the agenda is
2 a Public Hearing for the proposed updates to the
3 Hudson County Recreation Open Space Inventory as an
4 amendment to the Hudson County Master Plan. I move
5 that for this meeting's agenda, that we move this to
6 new business.

7 CHAIRWOMAN BETTINGER: Yes, fine.

8 MS. FERRARA: So we're going to move
9 forward with the memorializations of resolutions
10 considered at the last meeting, starting with
11 Application 2012-20-029-SP. Chosen Condominiums,
12 LLC, located at 3075 Kennedy Boulevard; Block 6304,
13 Lot 5, in Jersey City.

14 Application 2012-034-SP, John Apello,
15 1445-1453 Union Turnpike; Block 79, Lots 1.01, 1.02
16 and 3, located in North Bergen.

17 Application 2012-045-SP, Town of Kearny,
18 located at 589-629 Kearny Avenue, Block 1, Lot 33.01
19 and 34.01, in Kearny.

20 Application 2012-048-SD, Gabriel Torres,
21 located at 2019 Kennedy Boulevard, Block 40 Lot 20,
22 in North Bergen.

23 Application 2012-050-SD, David J. Hughes,
24 Esq., located at 485 Harmon Meadow Boulevard, Block
25 227, Lot 7.09, in Secaucus.

1 Application 2012-051-SD, David J. Hughes,
2 Esq., located at 700 Plaza Drive, Block 227, Lot
3 5.03, in Secaucus.

4 CHAIRWOMAN BETTINGER: Do I have a
5 motion?

6 MS. FERRARA: On a motion put forth
7 by Commissioner Cryan. Seconded by Commissioner
8 Holloway.

9 Commissioner Arencibia.

10 COMMISSIONER ARENCIBIA: Aye.

11 MS. FERRARA: Commissioner Choffo.

12 COMMISSIONER CHOFFO: I vote aye,
13 except for Application 2012-029-SP, Chosen
14 Condominiums; also Application No. 2012-034-SP, John
15 Apello.

16 MS. FERRARA: Duly noted.
17 Commissioner Cryan.

18 COMMISSIONER CRYAN: Aye.

19 MS. FERRARA: Commissioner Gomez.

20 COMMISSIONER GOMEZ: Aye.

21 MS. FERRARA: Commissioner Holloway.

22 COMMISSIONER HOLLOWAY: Aye.

23 MS. FERRARA: Chairwoman Bettinger.

24 CHAIRWOMAN BETTINGER: I vote aye.

25 MS. FERRARA: The resolutions have

1 passed. The next item on the agenda is Plans,
2 Subdivisions and other matters scheduled for Public
3 Hearing. The first Application is 2012-049-SP,
4 Applicant, Our Lady of Fatima, located at 8121-8125
5 Kennedy Boulevard, Block 351, Lots 3 and 4, North
6 Bergen.

7 MR. SHORTINO: Is this on? Good
8 evening. My name is Brian Shortino. I'm with
9 Burton Engineering. We prepared the site plan
10 drawings and are present tonight. I have the
11 drawing map, so I will put it on the tripod, and
12 then I will explain what is proposed. I also have
13 Father Peter with me. He is representing the
14 church.

15 I could speak from here. Is that okay?

16 CHAIRWOMAN BETTINGER: Yes.

17 MR. CURLEY: We'd like to swear you
18 in.

19 (The witness is sworn.)

20 MR. CURLEY: Can you please state
21 your name for the record and spell your last name?

22 MR. SHORTINO: First name is Brian;
23 last name is Shortino, S-h-o-r-t-i-n-o.

24 MR. CURLEY: Mr. Shortino, before you
25 start as to your opinion, please just briefly review

1 your qualifications.

2 MR. SHORTINO: Yeah, undergraduate
3 degree in landscape architecture from Rutgers
4 University. I have a masters of science degree from
5 the New Jersey Institute of Technology. I'm a
6 licensed professional engineer, licensed
7 professional planner, certified landscaped architect
8 and registered architect in the State of New Jersey.
9 I've been involved in the practice of landscape
10 architecture for 35 years and civil engineering for
11 31 years.

12 CHAIRWOMAN BETTINGER: On behalf of
13 the Board, we accept your credentials.

14 MR. SHORTINO: Thank you.
15 Essentially, the application is for a parking lot.
16 It's Block 351, Lot 3, and the address is 8121-25
17 Kennedy Boulevard. What is proposed is an
18 application just to pave the parking area.
19 Presently, it's used as a parking lot. It's gravel.
20 This application was actually approved by North
21 Bergen in 2004. It was just never built by the
22 church. I'm not sure of their reasons.

23 FATHER PETER: Money.

24 MR. SHORTINO: Money reasons, so
25 apparently the church has enough money to pay for

1 this now. So they would go ahead and like to
2 construct it this year. All we really had to do was
3 to submit applications to Hudson County Planning
4 Board and the Hudson County -- Hudson and Passaic
5 Soil Conservation District for the two remaining
6 approvals. We received the soil erosion approval,
7 and now we're just here for the Hudson County
8 approval for the parking lot.

9 Basically, what we're doing is we're
10 making significant improvements. The lot is going
11 to be paved. These are all requirements as per the
12 original resolution from North Bergen. We are
13 paving the lot. We're putting in 22 spaces. We are
14 screening the property in the rear on the right side
15 to the adjacent neighbors. With respect stormwater,
16 we have two inlets on the side. We are collecting
17 the stormwater in some seepage pits in the center of
18 the parking lot, which will percolate into the
19 ground.

20 We have some comments from Hudson County.
21 We have an existing driveway on Kennedy Boulevard.
22 We needed to widen it slightly to make it two-way.
23 As we have indicated, Hudson County has requested
24 some additional information, which we have provided,
25 and three out of the four drainage calculations were

1 resubmitted, and we were asked to do some green
2 improvements, which we included some native
3 landscaping along Kennedy Boulevard, and we also
4 included a bike rack for the facility -- for the
5 facility.

6 So essentially, that's what we're
7 proposing for this location. Again, it's a simple
8 application. It's an improvement to an existing
9 area which is presently being used as a parking lot.
10 One other thing, we are adding site lighting, and
11 all the site lighting and stuff will be contained
12 within the property limits, and with respect to 22
13 spaces, we do have one handicapped space as
14 required. So again, that's a quick summary of what
15 we're proposing for this location, and we would like
16 to hopefully receive approval for Hudson County.

17 CHAIRWOMAN BETTINGER: Do I have any
18 questions or any comment from the engineer?

19 COMMISSIONER ARENCIBIA: Madam Chair,
20 we did some seepage and drainage calculations and
21 made revisions to the plan. This is simply a
22 resurfacing project of an existing parking lot.
23 There is drainage improvement. Basically, the
24 on-site drainage right now presently existing is
25 the ground. Once it's paved and impervious, that

1 drainage will still be put into the existing ground
2 in seepage pits. They are widening the driveway,
3 and the engineer mentioned they constructed a brand
4 new driveway to the entrance. It seems like a good
5 project, and they are improving it.

6 CHAIRWOMAN BETTINGER: Do I have a
7 any other questions or comments? Do I have a
8 motion?

9 MS. FERRARA: On a motion put forth
10 by Commissioner Arencibia. Second by Commissioner
11 Holloway.

12 Commissioner Arencibia.

13 COMMISSIONER ARENCIBIA: Aye.

14 MS. FERRARA: Commissioner Choffo.

15 COMMISSIONER CHOFFO: Aye.

16 MS. FERRARA: Commissioner Cryan.

17 COMMISSIONER CRYAN: Aye.

18 MS. FERRARA: Commissioner Gomez.

19 COMMISSIONER GOMEZ: Aye.

20 MS. FERRARA: Commissioner Holloway.

21 COMMISSIONER HOLLOWAY: Aye.

22 MS. FERRARA: Chairwoman Bettinger.

23 CHAIRWOMAN BETTINGER: I vote aye.

24 MS. FERRARA: The motion has passed.

25 MR. SHORTINO: Thank you very much.

1 CHAIRWOMAN BETTINGER: Good luck.

2 MS. FERRARA: Madam Chair, the next
3 application on the agenda is 2012-055-SP, Flavor
4 O.F.D., Inc., located at 8801-8809 River Road, Block
5 440, Lot 10 through 16, located in North Bergen.

6 MR. JIMENEZ: Madam Chair, Michael A.
7 Jimenez, the Law Office of Joseph J. Ryglicki for
8 the applicant, Flavor O.F.D., Inc.

9 Madam Chairwoman, Members of the Board, I
10 have had the opportunity to speak with the Board
11 counsel on this particular matter. The essence of
12 this application concerns our traffic expert.
13 Unfortunately, there was a family emergency. He was
14 called out of state today. To proceed without his
15 testimony, we have come to understanding, that it
16 would not be prudent at this time in order for this
17 Board to fully understand the arrangements and the
18 intricacies of this application.

19 As such, we're going to respectfully
20 withdraw the application to resubmit it for the
21 December 17th meeting.

22 MR. CURLEY: It would be understood
23 that Board would waive application fees for the
24 refiling of the application.

25 MR. JIMENEZ: Yes, that was our

1 understanding as well. That will assist my client.
2 Although he's upset about this today, we plan to
3 proceed with this. We've already received approvals
4 from North Bergen. We would like to move forward
5 with this at the next regularly scheduled meeting if
6 at all possible.

7 CHAIRWOMAN BETTINGER: Counsel, do we
8 have to vote on this matter?

9 MR. CURLEY: Not if the applicant
10 withdraws. A vote might be taken on ability to
11 waive the fees and refile. Of course, this gets us
12 out of the automatic approval time clock that we
13 have with respect to dealing with applications.

14 COMMISSIONER CHOFFO: I make a motion
15 to waive the application fees for the December 17th
16 meeting.

17 COMMISSIONER GOMEZ: I'll second it.

18 MS. FERRARA: On a motion to put
19 forth by Commissioner Choffo. Second by
20 Commissioner Gomez.

21 Commissioner Arencibia.

22 COMMISSIONER ARENCIBIA: Aye.

23 MS. FERRARA: Commissioner Choffo.

24 COMMISSIONER CHOFFO: Aye.

25 MS. FERRARA: Commissioner Cryan.

1 COMMISSIONER CRYAN: Aye.

2 MS. FERRARA: Commissioner Gomez.

3 COMMISSIONER GOMEZ: Aye.

4 MS. FERRARA: Commissioner Holloway.

5 COMMISSIONER HOLLOWAY: Aye.

6 MS. FERRARA: Chairwoman Bettinger.

7 CHAIRWOMAN BETTINGER: I vote aye.

8 MS. FERRARA: The motion has passed.

9 CHAIRWOMAN BETTINGER: Thank you.

10 MR. JIMENEZ: Chairwoman, Members of
11 the Board. Thank you very much.

12 CHAIRWOMAN BETTINGER: We will see
13 you on the 17th.

14 MS. FERRARA: Madam Chair, the next
15 item that I have on the agenda under New Business is
16 the introduction of temporary amendments to the
17 Hudson County Land Development Regulations to assist
18 with Hurricane Sandy recovery and rebuilding
19 efforts.

20 MR. CURLEY: Essentially, the
21 proposed resolution constitute a waiver.

22 CHAIRWOMAN BETTINGER: Could you
23 speak a little louder into the microphone?

24 MR. CURLEY: Yes. The proposed
25 resolution would result in the waiver of the filing

1 fees for applications that are related to rebuilding
2 structures damaged by the recent storm, Sandy. It
3 would be limited to that type of application. If an
4 application was for a different type of improvement
5 or improvement above and beyond replacement of what
6 was damaged by the storm, then it would not be
7 qualified for the waiver of the application fee.
8 The waiver of fee is done under the authority
9 delegated to the Board by the Freeholders in the
10 Land Development Regulations.

11 CHAIRWOMAN BETTINGER: Do we need to
12 make a motion and take a vote?

13 MR. CURLEY: Yes, it's a formal
14 resolution that was prepared which would carry out
15 that effect.

16 CHAIRWOMAN BETTINGER: Do I have a
17 motion?

18 COMMISSIONER CRYAN: I make a motion.

19 COMMISSIONER HOLLOWAY: I second.

20 COMMISSIONER ARENCIBIA: This is for
21 the application fees?

22 MR. CURLEY: Correct.

23 COMMISSIONER ARENCIBIA: Does it
24 include escrow fees?

25 MR. CURLEY: It doesn't include

1 escrow fees at the present time, does not.

2 CHAIRWOMAN BETTINGER: Is everyone
3 clear what we are voting on?

4 MS. FERRARA: On a motion put forth
5 by Commissioner Cryan. Second by Commissioner
6 Holloway.

7 Commissioner Arencibia.

8 COMMISSIONER ARENCIBIA: Aye.

9 MS. FERRARA: Commissioner Choffo.

10 COMMISSIONER CHOFFO: Aye.

11 MS. FERRARA: Commissioner Cryan.

12 COMMISSIONER CRYAN: Aye.

13 MS. FERRARA: Commissioner Gomez.

14 COMMISSIONER GOMEZ: Aye.

15 MS. FERRARA: Commissioner Holloway.

16 COMMISSIONER HOLLOWAY: Aye.

17 MS. FERRARA: Chairwoman Bettinger.

18 CHAIRWOMAN BETTINGER: I vote aye.

19 MS. FERRARA: The motion has passed.

20 CHAIRWOMAN BETTINGER: Thank you.

21 MS. FERRARA: Madam Chair, the next
22 item I have is the introduction to the Hudson County
23 Comprehensive Economic Development Strategy, the
24 2012 annual update as an amendment to the Hudson
25 County Master Plan. In your packet you received a

1 copy of this year's annual update. The
2 Comprehensive -- I just want to give you a quick
3 background. Many of you are not familiar with this
4 plan. The Comprehensive Economic Development
5 Strategy Plan is a requirement of the U.S. Commerce
6 Department, USEDA, the Department of Economic
7 Development Administration, for counties to be
8 eligible for grants and public improvement and
9 development, economic development.

10 This is a plan that we adopted in 2010.
11 It's a five-year plan, but we propose annual
12 updates, and the annual updates come before the
13 Planning Board. This plan, this annual update
14 addresses whether or -- it follows the progress of
15 the goals and objectives that were being implemented
16 in the 2010 update -- I'm sorry, the 2010 five-year
17 plan. Tonight we would like to introduce the plan.
18 We're going to introduce it tonight and adopt it at
19 the next meeting. So is anyone here from the public
20 who would like to comment on that?

21 CHAIRWOMAN BETTINGER: Do I have
22 anyone from the public who would like to speak?

23 MR. CURLEY: This is just an
24 introduction.

25 MS. FERRARA: The next item on the

1 agenda, which was put back was the Public Hearing
2 for the proposed updates to Hudson County Recreation
3 and Open Inventory as an amendment to the Hudson
4 County Master Plan. The County has property that
5 they list with the State as conserved parkland, and
6 what they've done is that they've taken that
7 proposed block and lot and just updated that. There
8 is no new lots proposed as part of the update, but
9 part of the adoption process is that it has come to
10 the Planning Board for a Public Hearing, if there is
11 anyone from the public that would like to speak
12 update.

13 CHAIRWOMAN BETTINGER: Do we have any
14 comments from the public? The Public Hearing is
15 closed.

16 MS. FERRARA: Madam Chair, the last
17 item I have is we have included in your packet a
18 draft of the schedule for the 2013 meetings. We
19 wanted to provide it to the Board for the Board to
20 look at it. It follows the same schedule that we
21 hold now with the third Wednesday of every month for
22 the Planning Board and the first Wednesday of every
23 month for the Site Plan Review Committee. It's the
24 proposed schedule for your review, which will
25 probably be adopted at the first January meeting.

1 CHAIRWOMAN BETTINGER: Usually in
2 November we have it Monday because of the League of
3 Municipalities. I'm not looking at the schedule.

4 MS. FERRARA: Yes, we have it
5 scheduled for 2013, on a Monday. So if you have any
6 questions about these dates, feel free to call me.
7 Thank you.

8 COMMISSIONER CHOFFO: I have a
9 question. Do we know when Thanksgiving is next
10 year?

11 MS. GIARRANTANA: I believe it was
12 the third Thursday or maybe the last. I'm sorry. I
13 took it into consideration when I was figuring out
14 when I was picking the date. It's the Monday. It's
15 not during the League of Municipalities, and it's
16 not in conflict with Thanksgiving so.

17 MS. FERRARA: This is a draft, and
18 the Freeholders have not adopted their formal 2013
19 schedule so these dates may change in case the
20 chambers is being used by the Freeholders.

21 CHAIRWOMAN BETTINGER: Any other
22 questions or comments?

23 MS. MASSEY: One last thing moving
24 forward, I know we discussed this in the past year,
25 you know, have the mailing and packets at the

1 meeting. I just wanted a vote as to who wants to
2 receive what when. So we were thinking about moving
3 forward with sending mailings out, the transcripts
4 and agendas and then keeping the entire packet and
5 emailing it to you as well as sending it to you,
6 putting in your folder. Or do you want the
7 transcripts, agenda, and all of application and
8 letters in the mail as well as in your packet for
9 the meeting?

10 COMMISSIONER CHOFFO: No email?

11 MS. MASSEY: And email. So either
12 three times or two times.

13 CHAIRWOMAN BETTINGER: Everyone can
14 think about it for the next meeting. It would be an
15 individual basis to try to eliminate paper. I know
16 at one point there was a discussion with Mr. Marks.
17 The Board was looking into getting iPads.

18 MS. FERRARA: Yes, that was -- we
19 have do a new database that is coming to serve the
20 Planning Board's functions to Planning, and we have
21 some user IDs. The iPad option for that new
22 software was not approved. So we'll move forward
23 with the getting database but not with the iPads.
24 We do need to continue with some emails and emailing
25 of the Planning Board information.

1 CHAIRWOMAN BETTINGER: Thank you.

2 COMMISSIONER CHOFFO: I do have one
3 other question about the Subdivision and Site Plan
4 Review Committee meetings. We usually meet the
5 first Wednesday. Is July 3rd the tentative date? I
6 don't know. It depends on people on the Site Plan
7 Subcommittee.

8 CHAIRWOMAN BETTINGER: That's
9 definitely a reasonable request.

10 MS. FERRARA: We will look into it.
11 That's all I have, Madam Chair.

12 CHAIRWOMAN BETTINGER: Do I have a
13 motion to adjourn?

14 COMMISSIONER CRYAN: Motion.

15 COMMISSIONER GOMEZ: Second.

16 CHAIRWOMAN BETTINGER: All in favor?
17 Thank you very much.

18 (Whereupon the proceeding is then
19 concluded at 7:15 p.m.)

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C E R T I F I C A T I O N

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I, SHARI CATHEY, CCR, RPR, License No.
30XI00234700, and Notary Public of the State of New
Jersey, hereby certify that the proceedings herein
are from the notes taken by me of a Regular Meeting
of the Hudson County Planning Board, held on
Wednesday, November 18, 2012; and that this is a
correct transcript of the same.

SHARI CATHEY, CCR, RPR
A NOTARY PUBLIC of the
State of New Jersey
I.D. No. 2283786
Commission Expires 2/4/17

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