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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, October 19, 2011  
6:30 p.m.

BEFORE:

- DANIEL CHOFFO, Chairman
- RENEE BETTINGER, Vice Chairwoman
- DEMETRIO ARENCIBIA, PE, PP, County Engineer
- MARY AVAGLIANO, Commissioner
- HON. DOREEN DiDOMENICO, Freeholder
- RUSHABH MEHTA, Commissioner
- KENNEDY NG, Commissioner
- WILLIAM O'DEA, Freeholder Chair

ALSO PRESENT:

- JOHN CURLEY, ESQ., Board Attorney
- STEPHEN D. MARKS, PP, AICP Planning Director
- MARIO TRIDENTE, Building Inspector
- MEGAN MASSEY, PP, ACIP, Principal Planner
- EDWIN REIMON, P.E., C.M.E.

Job No. NJ308688

1                   CHAIRMAN CHOFFO: Good evening. I  
2 would like to call to order the meeting of the  
3 Hudson County Planning Board this evening,  
4 Wednesday, October 19th, 2011. Mr. Curley has this  
5 meeting being publicly advertised?

6                   MR. CURLEY: Yes, Mr. Chairman. It  
7 has been advertised in the Jersey Journal and the  
8 Star Ledger. It has been posted on the Board of  
9 Freeholders' bulletin board and County Clerk's.

10                  CHAIRMAN CHOFFO: Mr. Marks, Can you  
11 take the roll call?

12                  MR. MARKS: Commissioner Arencibia.

13                  COMMISSIONER ARENCIBIA: Here.

14                  MR. MARKS: Commissioner Avagliano.

15                  COMMISSIONER AVAGLIANO: Here.

16                  MR. MARKS: Commissioner Bettinger.

17                  COMMISSIONER BETTINGER: Here.

18                  MR. MARKS: Commissioner DiDomenico,  
19 not present. Commissioner Fitzgibbons, not present.  
20 Commissioner Holloway, not present. Commissioner  
21 Mehta, not present. Commissioner Ng.

22                  COMMISSIONER NG: Here.

23                  MR. MARKS: Commissioner O'Dea, not  
24 present. Commissioner Romano, not present.

25 Chairman Choffo.

1 CHAIRMAN CHOFFO: Here.

2 MR. MARKS: Mr. Chairman, we do have  
3 a quorum.

4 CHAIRMAN CHOFFO: Thank you, please  
5 stand and salute the flag.

6 (Flag Salute.)

7 CHAIRMAN CHOFFO: Did Commissioners  
8 get a chance to review the Minutes of the meeting  
9 from September 23rd, 2011?

10 MR. MARKS: Mr. Chairman, on a motion  
11 made by Commissioner Avagliano, second by  
12 Commissioner Bettinger.

13 Commissioner Arencibia.

14 COMMISSIONER ARENCIBIA: Aye.

15 MR. MARKS: Commissioner Avagliano.

16 COMMISSIONER AVAGLIANO: Aye.

17 MR. MARKS: Commissioner Bettinger.

18 COMMISSIONER BETTINGER: Aye.

19 MR. MARKS: Commissioner Ng.

20 COMMISSIONER NG: Aye.

21 MR. MARKS: Chairman Choffo.

22 CHAIRMAN CHOFFO: I vote aye.

23 MR. MARKS: The motion passes.

24 Mr. Chairman, the first item on the agenda is  
25 actually 5 on the agenda is a Public Hearing for

1 Hudson County Comprehensive Economic Development  
2 Strategy, 2011. Mr. Chairman, per the County  
3 Planning Act, copies of the Economic Development  
4 Strategy were mailed out to each mayor, each  
5 municipal clerk and each municipal planning board  
6 chair by certified mail. Notice of this meeting  
7 meets the 20-day requirement, was advertised in the  
8 Jersey Journal and the Star Ledger, and today is the  
9 time for any public comments on the Economic  
10 Development Strategy.

11 CHAIRMAN CHOFFO: Do we have anyone  
12 in the audience that would like to comment on the  
13 Hudson County Comprehensive Economic Development  
14 Strategy, 2011? I guess not.

15 MR. MARKS: Mr. Chairman, I would  
16 recommend that the Public Hearing for the  
17 Comprehensive Economic Development Strategy be  
18 closed, and the Board adopt the Comprehensive  
19 Economic Development Strategy and the elements of  
20 the Hudson County Master Plan.

21 CHAIRMAN CHOFFO: Can we do that in  
22 one motion?

23 MR. MARKS: There should be two  
24 motions.

25 CHAIRMAN CHOFFO: Can I have a motion

1 to close?

2 MR. MARKS: Mr. Chairman on the  
3 motion to close the Public Hearing on the  
4 Comprehensive Economic Development Strategy, made by  
5 Commissioner Avagliano, seconded by Commissioner  
6 Bettinger.

7 Commissioner Arencibia.

8 COMMISSIONER ARENCIBIA: Aye.

9 MR. MARKS: Commissioner Avagliano.

10 COMMISSIONER AVAGLIANO: Aye.

11 MR. MARKS: Commissioner Bettinger.

12 COMMISSIONER BETTINGER: Aye.

13 MR. MARKS: Commissioner Ng.

14 COMMISSIONER NG: Aye.

15 MR. MARKS: Chairman Choffo.

16 CHAIRMAN CHOFFO: I vote aye.

17 MR. MARKS: Mr. Chairman, the motion  
18 passes.

19 CHAIRMAN CHOFFO: I would just let  
20 the record reflect that Commission Mehta just  
21 arrived. Do I have a motion to adopt the Hudson  
22 County Economic Development Strategy for 2011?

23 MR. MARKS: Mr. Chairman, on the  
24 motion made by Commissioner Bettinger, second by  
25 Commissioner Ng.

1 Commissioner Arencibia.

2 COMMISSIONER ARENCIBIA: Aye.

3 MR. MARKS: Commissioner Avagliano.

4 COMMISSIONER AVAGLIANO: Aye.

5 MR. MARKS: Commissioner Bettinger.

6 COMMISSIONER BETTINGER: Aye.

7 MR. MARKS: Commissioner Mehta.

8 COMMISSIONER MEHTA: Aye.

9 MR. MARKS: Commissioner Ng.

10 COMMISSIONER NG: Aye.

11 MR. MARKS: Chairman Choffo.

12 CHAIRMAN CHOFFO: I vote aye.

13 MR. MARKS: Mr. Chairman, the motion  
14 passes. Mr. Chairman the next item on the agenda is  
15 a presentation by Susan O'Donnell on the Jersey City  
16 Hoboken Connectivity study. Mr. Chairman, this  
17 study was talked about at length at the September,  
18 in detail in the September meeting. The  
19 Commissioners were given copies of the Jersey City  
20 Hoboken Connectivity Study to review and study. We  
21 have Ms. O'Donnell here and Roberto Ramos, the  
22 planning engineers of the study, here to go over  
23 their findings and recommendations.

24 CHAIRMAN CHOFFO: Just before we  
25 start, I'd like the record to reflect that

1 Freeholder O'Dea has now joined the meeting.

2 MS. O'DONNELL: I want to thank  
3 everyone for inviting us. You have a full agenda,  
4 so I will go through quickly and hopefully loud  
5 enough. If you can't hear me, let me know. Just  
6 some background on the project, and then I'll get to  
7 the recommendations.

8 The goal of the project is the Jersey City  
9 Hoboken Connectivity Study, the goals of the project  
10 were to connect the street network in the study area  
11 or to do a better job with connectivity to improve  
12 vehicular mobility, both for the local traffic and  
13 the regional traffic, to improve connectivity for  
14 all modes, not just vehicles, for bikes and  
15 pedestrians and transit, and to have an open public  
16 process as part of the project through input and  
17 outreach.

18 The study area, I don't know if you can  
19 see, the area is the Heights of Jersey City, the  
20 southwestern area of Hoboken and then the area of  
21 Jersey City down here just below the transit track  
22 site by 18th Street. So the borders really were 2nd  
23 Street in Hoboken to 18th Street in Jersey City,  
24 Willow Avenue in Hoboken to Palisade Avenue in the  
25 Heights. It's kind of a disconnected grid.

1           I think that the study was brought about  
2 because there's a lot of development activity in  
3 both areas, and each of the communities are working  
4 in their own jurisdiction, not thinking about what  
5 happens on the other side of the street. It's a  
6 challenging study because I'm sure you're already  
7 familiar, it's a very congested street network, a  
8 lot of pedestrian and bicycle activity already,  
9 which is a good thing, but it makes for a lot of  
10 conflicts, and then the whole a geometry where  
11 there's a lot of angled streets, which makes it very  
12 challenging. They have many multi-light  
13 intersections that are very close together, and it's  
14 challenging for pedestrians to navigate and for  
15 vehicles to navigate, and the bicycle network is  
16 there are bicycle lanes in Hoboken and some in  
17 Jersey City, but there's really not a connection  
18 between the two.

19           The process was fairly straightforward for  
20 a planning study like this. There was outreach. We  
21 had a stakeholder's committee. Freeholder Romano  
22 was part of that. The engineer, I don't know what  
23 your title is today, Arencibia, representatives from  
24 Jersey City and Hoboken, it's a pretty big group.  
25 We held four open houses, two in Jersey City and two

1 in Hoboken. Two were at the beginning of the study  
2 to get feedback from the community, and two were  
3 held at the end of the study in both communities to  
4 get feedback so we could draft a recommendation.  
5 Based on that feedback, we even made some changes  
6 from when we had the open house to when we published  
7 the final report.

8 We did a literature review of existing  
9 studies that were done in the area. We collected  
10 existing data. We did a small origin destination  
11 survey to find out how much traffic is cutting  
12 through this area that maybe doesn't need to be  
13 cutting through and if there was another  
14 alternative. We did a detailed traffic analysis.  
15 We looked at the future development and future  
16 conditions analysis. We looked at various  
17 alternatives, and we came up with a recommendation.

18 They were grouped into three categories.  
19 There were short-term improvements. There were 24  
20 of them. They tend to be lower cost and things that  
21 pretty much you can do right now at a low cost.  
22 Most of them are things related to safety and  
23 encourage other modes, like high visibility  
24 crosswalks, bike rack on buses, pedestrian countdown  
25 signals, improving the sidewalk where it needs

1 repair, cutting back the shrubbery to make the  
2 sidewalks easier, things like that. That's in the  
3 first three or four phases. The grid lists those in  
4 detail. Each action is identified by what mode it  
5 helps, what the directive that action is for, what  
6 the benefits are, the implementing agencies, and  
7 what kind of improvement it is, is it an operational  
8 improvement, is it a policy change that might be  
9 necessary, what action is needed. So that's how  
10 those work in that category.

11 The second set of recommendations are  
12 medium-term, and there was 18 of them. The  
13 medium-term are a little more expensive, a little  
14 more complicated. Some of the time, they will  
15 require a little bit more study. This is a planning  
16 study, so all of our recommendations are at the  
17 conceptual level. They need to be taken to a design  
18 level to fully be implemented. Those  
19 recommendations generally are looking to improve the  
20 circulation and the safety.

21 So we started with sort of the easy, what  
22 I would call the low-hanging fruit, and they're  
23 going to help a little bit not really a big bang.  
24 The medium-term, we kind of say, well, how could we  
25 improve the street network, how can we make traffic

1 and pedestrians and bicycles flow better. Roberto  
2 is going to talk about what we recommended there.

3 MR. RAMOS: Basically, we identified  
4 the main problems that we have today, and the  
5 traffic traveling eastbound towards Hoboken on Park  
6 Avenue, if they want to make a left turn, they sat  
7 there for a long time waiting traffic, which that  
8 became a safety issue. The same thing for traffic  
9 traveling southbound, cars and the cars going  
10 straight right here to get to the roadway network,  
11 same situation, sat there for a while waiting for  
12 the gap. Gap almost was nowhere. So there was a  
13 lot of conflicting traffic on the street.

14 So we have to find ways to make the  
15 traffic flow better. We came up with a one-way  
16 system that help with that. So some of the streets  
17 would be one-way in a southbound direction, and some  
18 would be one-way in a northbound direction. That  
19 simplifies the intersection because that takes away  
20 one phase and makes the operation flow.

21 The traffic signals at key locations that  
22 were difficult for vehicles to find the gap, over  
23 here on the streets. One problematic location is  
24 flow in the intersection on Newark Avenue, it is  
25 really a mess there. So we plan to simplify it

1 tremendously. Those intersections having one-way  
2 operation is easier to coordinate traffic and less  
3 conflict.

4 MS. O'DONNELL: This applied to all  
5 vehicles, mass transit vehicles, and the testing is  
6 this improves even with the future development.  
7 There will be an improvement in the traffic flow.  
8 I'm not going to say it's going to flow faster  
9 because you don't want that with all the pedestrian  
10 activities, but it is an improvement. It is an  
11 interesting concept.

12 In addition to the vehicular, as part the  
13 medium-term recommendations, we also recommended  
14 bike lanes. We suggested opening up Monroe and  
15 putting a dedicated size one bike lane, which would  
16 connect another on Madison, which would connect up  
17 with the existing bike lane in Hoboken. We have  
18 places where there was enough place to put a bike  
19 lane and other places where there wasn't enough  
20 roadway to put a bike lane. Then we put a shared  
21 lane. We're trying to put in the bicycle network.

22 I didn't want to take up to too much time  
23 because you do have a full agenda, but it's in the  
24 report. You can see where these figures are. These  
25 have details on the different intersections. You

1 can see the detail, get some striping improvement.  
2 There's recommendations for bike boxes and things  
3 like. That detail is in that appendix of the report  
4 in the remaining figure.

5 Then we move on from the medium-term, now  
6 we've done the easy, less expensive to a little more  
7 complicated things to improve the flow, but the next  
8 step would be to try to take off some of the demand  
9 to make the cars go away, to get some of the cars  
10 out of that area. We had a two-prong approach to  
11 that. First was looking at a new connector roadway  
12 that would allow people that want to come from this  
13 area that already are headed up here that now have  
14 no choice to come into our study area to take a road  
15 that travels from the Turnpike either on the Hoboken  
16 Area section and come up Coles Street and connects  
17 up to bring them all the way up to Paterson Plank  
18 Road.

19 And this roadway would be designed so that  
20 it would have a wide sidewalk so it could also be a  
21 walkway to connect people when this gets further  
22 developed for people living down here that might  
23 want to come up here, and a bicycle lane on either  
24 side. Again, this was done in a conceptual way to  
25 see where the ramp could connect. It really needs

1 much further study and design to take it further,  
2 but it's a concept to get a cut-through road or  
3 bypass road to take some of the traffic off of the  
4 study area.

5 In addition to that, although New Jersey  
6 Transit has no funding right now, another way to  
7 encourage people to use other modes like transit  
8 would be a transfer station at 18th Street to  
9 connect up. I'm looking at the map, to connect up a  
10 transit station. That's one of the other  
11 recommendations.

12 MR. RAMOS: That's the report. We  
13 don't want to bore you with too much information.

14 MS. O'DONNELL: You guys want to go  
15 home tonight at one point.

16 CHAIRMAN CHOFFO: How did the open  
17 house go with the residents in Jersey City?

18 MS. O'DONNELL: Well, at both we got  
19 a pretty good turn out. The first Jersey City one,  
20 we had it in the park area. We didn't quite as much  
21 turnout, but we did get feedback, and the second one  
22 we had that in a building that has space, so we had  
23 a better turnout for the second Jersey City one.

24 Initially, there was concern that we didn't address  
25 enough. We took that and went back to the study and

1 looked a little bit harder to see what feedback from  
2 the public and even from the different stakeholders,  
3 have a couple conversations, getting feedback from  
4 them.

5 COMMISSIONER BETTINGER: Something  
6 caught my attention. How does the bike rack work on  
7 buses?

8 MS. O'DONNELL: They actually have  
9 them now. It's on the front of the bus. I think  
10 some of the -- I was told there weren't any here  
11 when we started this study, but I think since then,  
12 one of the routes might have them, and that was  
13 actually at the open house. We had a lot of  
14 feedback from people from the Heights that want to  
15 take their bike into the city. It's just a rack.  
16 I'll bring it closer, a rack that goes into the  
17 front, and it can hold like two or three bikes.

18 COMMISSIONER BETTINGER: I wouldn't  
19 want to be a passenger on the bus rushing to work,  
20 and someone is putting their bike on. I think it's  
21 kind of interesting.

22 MS. O'DONNELL: It just kind of  
23 sticks on, but they have them.

24 MR. MARKS: I just want to fill the  
25 Board in on a little bit of background details.

1 This study was commissioned at the request of the  
2 City of Jersey City and City of Hoboken. Each  
3 respective city location in the study area, they  
4 each have redevelopment plans, which did not -- did  
5 not connect with each other basically. Hoboken was  
6 seeking to do things in their southwestern  
7 development plan which were inconsistent and  
8 incompatible with Jersey City's redevelopment  
9 efforts, and Jersey City and their New York Avenue  
10 redevelopment plan was also seeking to do things  
11 that were inconsistent with Hoboken's goals and  
12 objectives and desires and wishes.

13 One of the things that the Hoboken  
14 redevelopment plan envisioned and called for was a  
15 rerouting of Paterson Plank Road. From the County  
16 engineer's perspective, I think that was a  
17 no-starter, especially when Hoboken really had no  
18 plans of where Paterson Plank Road would begin and  
19 end. So each city came to the County. The County  
20 applied for and was given a grant of about \$230,000  
21 to contract with Eng & Wang. The consulting  
22 engineers and planners were hired through a  
23 competitive contracting process probably -- I don't  
24 recall the exactly number. I think we had about ten  
25 proposals all together. There were by far the best

1 qualified firm.

2           They spent the last two years to doing  
3 traffic counts and origin and destination surveys,  
4 looking at the street network and how the grid  
5 operates in this area. Actually, it was a  
6 well-informed effort that took a long time. Their  
7 findings and recommendations, I think they are, not  
8 speaking for Jersey City and Hoboken, I think Jersey  
9 City and Hoboken's administrations certainly found  
10 those favorable. I think it was a beneficial  
11 effort.

12           Again, there's short-term, medium-term and  
13 long-term solutions for varied traffic-packed  
14 neighborhood areas. So one of the things that  
15 Ms. O'Donnell, who came out, as a follow-up to a  
16 question that Freeholder Romano had as the  
17 Freeholder from Hoboken, one of his main concerns  
18 was taking. I don't believe, I'll let Ms. O'Donnell  
19 answer the question, does this plan envision any  
20 taking within the study area?

21           MS. O'DONNELL: Well, the new roadway  
22 obviously is in an area where there's not a lot  
23 going on. That worked out for that. I think the  
24 only other area is this corner, just to make this  
25 turn from Marin onto River, where there is a little

1 bit of New Jersey Transit traffic may need a little  
2 bit because this intersection needed to be widened a  
3 little bit to accommodate, again, all the vehicles,  
4 so just a small amount. Other than that it's all in  
5 existing right-of-way, with the exception of the new  
6 right-of-way.

7 MR. MARKS: Mr. Chairman, just to  
8 follow up, so the only taking to the east of the  
9 study area is not a private taking. It would be a  
10 taking basically of a parking lot area of the New  
11 Jersey Transit facilities. In the western part, the  
12 envisioned roadway, the new right-of-way, would be,  
13 I believe in the Jersey City New York Avenue  
14 Redevelopment Area. That could be accomplished  
15 through their redevelopment plan, working with the  
16 developer or developers who actually own the  
17 property. So there was actually no impact, I think,  
18 to any existing residential. There is no taking  
19 envisioned, no condemnation, nothing that would  
20 trigger alarm bells.

21 MS. O'DONNELL: The only other thing  
22 was in order to connect this roadway in the bicycle  
23 lanes, Hoboken Avenue, which has that big curve, we  
24 proposed straightening that out. So now you have a  
25 roadway with a T intersection as opposed to this

1 curve right here. That was one other area. That  
2 was because of the geometry of bringing the roadway  
3 topography and bringing it in and connecting it. It  
4 couldn't connect up where this curve is. It is  
5 aligned and makes a better, safer intersection.

6 MR. MARKS: Mr. Chairman, if the  
7 Board doesn't have any other questions, what I would  
8 recommendation, and we spoke about this at the Site  
9 Plan Committee Meeting a couple weeks ago, would be  
10 to introduce, for the Board to introduce this study  
11 for acceptance at a future meeting. Once it's  
12 introduced, we would establish a 30-day public  
13 comment period, actually similar to the CEDS plan  
14 that was adopted by the Board this evening. I could  
15 send it out to the municipalities and to  
16 specifically Jersey City and Hoboken, establish a  
17 30-day public comment period, have a Public Hearing  
18 in 30 days.

19 And if the Board so chooses at that point  
20 to accept the plan, rather than then adopt the plan,  
21 accept this basically to take it under consideration  
22 for future development decisions within the study  
23 area, since it is bisected and traversed by several  
24 County roadways. We could see future development  
25 applications coming in which are envisioned in the

1 study area.

2 CHAIRMAN CHOFFO: Has this been  
3 adopted by Jersey City and Hoboken?

4 MR. MARKS: I don't think, no. It's  
5 been circulated officially. I don't know if there  
6 was an presentations to the governing body. I think  
7 it would be appropriate if it's introduced this  
8 evening, we can disseminate it. It could be  
9 introduced -- officially introduced to the Mayor and  
10 Council of each of those municipalities.

11 CHAIRMAN CHOFFO: Will they adopt it?

12 MR. CURLEY: Mr. Chairman, I don't  
13 believe that under the Municipal Land Use Law, the  
14 study would be adopted. It might be taken into  
15 consideration in the future planning under the  
16 master plan. It is not a municipal master plan  
17 amendment or review that would be done under the  
18 MLUL, but it's a document that could be given  
19 consideration.

20 COMMISSIONER ARENCIBIA: Mr.  
21 Chairman, I just want to say this is a study. It's  
22 not really something to be adopted. Things could  
23 change, a phase. I mean that proposed roadway would  
24 involve a lot of work, investigation and study, and  
25 there's environmental issues. It's just a tool for

1 us to use for developers to follow the same page.  
2 Things may come up as we go along. In the future  
3 things change, and it's a good step in the right  
4 direction in finding solutions for traffic problems.

5 MR. CURLEY: Mr. Chairman, again,  
6 it's consistent with a County Planning Board to  
7 assist municipalities in coordinating their planning  
8 effort. From that point of view, it's a very  
9 positive step.

10 CHAIRMAN CHOFFO: Thank you. Any  
11 questions for Commissioners? I'll take a motion to  
12 introduce this.

13 MR. MARKS: Mr. Chairman, on a motion  
14 made by Commissioner Mehta, seconded by Commissioner  
15 Ng.

16 Commissioner Arencibia.

17 COMMISSIONER ARENCIBIA: Aye.

18 MR. MARKS: Commissioner Avagliano.

19 COMMISSIONER AVAGLIANO: Aye.

20 MR. MARKS: Commissioner Bettinger.

21 COMMISSIONER BETTINGER: Aye.

22 MR. MARKS: Commissioner DiDomenico.

23 FREEHOLDER DiDOMENICO: Aye.

24 MR. MARKS: Commissioner Mehta.

25 COMMISSIONER MEHTA: Aye.

1 MR. MARKS: Commissioner Ng.

2 COMMISSIONER NG: Aye.

3 MR. MARKS: Commissioner O'Dea.

4 FREEHOLDER O'DEA: Aye.

5 MR. MARKS: Chairman Choffo.

6 CHAIRMAN CHOFFO: I vote aye.

7 MR. MARKS: Mr. Chairman, the motion  
8 passes.

9 MS. O'DONNELL: Thank you.

10 MR. MARKS: Mr. Chairman, the next  
11 item on the agenda is Section 7A Memorialization of  
12 Resolutions Approved at the Last Meeting, beginning  
13 with Application 2011-051-SP, New Jersey Casket  
14 Company, Inc., located at 1400-1404 Clinton Street,  
15 which is Block 122, Lots 6 through 8, 1, 23.1, 24  
16 through 28, in the City of Hoboken.

17 Next is Application 2011-055-SP, Vrasida  
18 Golemis, located at Passaic Avenue and Mulock Place,  
19 which is Block 14, Lots 1 through 3, 45.03, 46,  
20 46.01, 47 and 48 in the Borough of East Newark.

21 Next is Application 2011-071-SP, Cinelli  
22 Iron & Metal Company, located at 286 302-310  
23 Secaucus Road, which is Block 62, Lots 11, 12 and 13  
24 in the town of Secaucus.

25 Last is Application 2011-072-SP, John D.

1 Hatch, located at 190-194 County Avenue, which is  
2 Block 34, Lot 9 in the town of Secaucus.

3 CHAIRMAN CHOFFO: Could I have a  
4 motion?

5 MR. MARKS: Mr. Chairman, on a motion  
6 made by Commissioner Avagliano. Second by  
7 Commissioner Bettinger.

8 Commissioner Arencibia.

9 COMMISSIONER ARENCIBIA: Aye.

10 MR. MARKS: Commissioner Avagliano.

11 COMMISSIONER AVAGLIANO: Aye.

12 MR. MARKS: Commissioner Bettinger.

13 COMMISSIONER BETTINGER: Aye.

14 MR. MARKS: Commissioner DiDomenico.

15 FREEHOLDER DiDOMENICO: Aye.

16 MR. MARKS: Commissioner Mehta.

17 COMMISSIONER MEHTA: Aye.

18 MR. MARKS: Commissioner Ng.

19 COMMISSIONER NG: Aye.

20 MR. MARKS: Commissioner O'Dea.

21 FREEHOLDER O'DEA: Aye.

22 MR. MARKS: Chairman Choffo.

23 CHAIRMAN CHOFFO: I vote aye, except  
24 for Application 2011-055-SP, since I recused myself.

25 MR. MARKS: Mr. Chairman, the motion

1 passes. Mr. Chairman, the next item on the agenda  
2 is 7B, Site Plan, Subdivisions and other matters  
3 scheduled for Public Hearing, beginning with  
4 Application 2011-024-SP/SD, Riverpark At Harrison  
5 II, LLC, located at the intersection of First and  
6 Bergen Street, Blocks 71, 72, Lots 1.01, 32 and 33  
7 in the Town of Harrison.

8 MR. KING: Hi, everybody. My name is  
9 Glenn King. I'm here for the applicant. I have  
10 with me Joe Gurkovich, who is probably no stranger  
11 to you at all. He's the vice president of  
12 development. He's also a licensed professional  
13 planner. I don't know if you have a problem with  
14 swearing him in. We have like a five-minute  
15 presentation. However, you want to do it.

16 FREEHOLDER O'DEA: I thought you  
17 would know me.

18 MR. KING: I was looking for you,  
19 Bill.

20 (The witness is sworn.)

21 MR. CURLEY: State your name for the  
22 record and spell your last name.

23 MR. GURKOVICH: Joseph Gurkovich,  
24 G-u-r-k-o-v-i-c-h.

25 MR. KING: Joe, you're a licensed

1 professional planner in the State of New Jersey?

2 MR. GURKOVICH: Yes, I am.

3 MR. KING: And you regularly testify  
4 before boards as you're doing today?

5 MR. GURKOVICH: Yes, I do.

6 MR. KING: Is he okay?

7 CHAIRMAN CHOFFO: Yes, Mr. Gurkovich  
8 has been in front of us before.

9 MR. KING: Joe, briefly comment.

10 MR. GURKOVICH: This is a Harrison  
11 Redevelopment Agency for the development area, and  
12 we have lots going to be under development. This is  
13 the second phase. The first phase was north of this  
14 project, and we're doing the second phase tonight.

15 CHAIRMAN CHOFFO: Joe, could you try  
16 to speak into the microphone because we have  
17 background noise. For the record, also I would like  
18 to mention Freeholder DiDomenico is here.

19 MR. GURKOVICH: Essentially, this is  
20 a six-and-a-half-acre parcel, currently used as a  
21 geochemical manufacturing company and a smaller  
22 trucking outfit in the lower half of the site. What  
23 we plan to do is divide this piece of property into  
24 four lots, as well as dedicating the street that you  
25 see here to the town. There are four buildings, 329

1 units, and we're parking beneath the buildings, four  
2 stories high, three stories of residential over the  
3 parking.

4 MR. KING: You've received your  
5 approvals from Harrison.

6 MR. GURKOVICH: Yes, we have.

7 MR. KING: Did you have a chance to  
8 review the planner's report and the report from  
9 Highland?

10 MR. GURKOVICH: Yes, I have.

11 MR. KING: Do you have any problems  
12 with any of the items?

13 MR. GURKOVICH: No, we don't.

14 MR. KING: As a matter of fact, I  
15 think we responded to them and provided additional  
16 improvements for that. So we're happy to answer any  
17 more questions. It's subdivision and site plan.

18 MR. CURLEY: Sir, could we have  
19 whatever exhibits are presented marked for  
20 identification.

21 MR. KING: I think this is the only  
22 one.

23 MR. GURKOVICH: I think the rest of  
24 the drawings are in the submission package. This is  
25 the site plan.

1 CHAIRMAN CHOFFO: Any questions from  
2 any Commissioner?

3 FREEHOLDER O'DEA: The project is  
4 rental?

5 MR. GURKOVICH: This is a rental  
6 project, yes.

7 FREEHOLDER O'DEA: Is it market  
8 rental?

9 MR. GURKOVICH: Market rental, yes.

10 FREEHOLDER O'DEA: What are the unit  
11 sizes?

12 MR. GURKOVICH: Essentially, the  
13 one-bedrooms are 750, up to about 900 for two  
14 bedrooms. One bedroom is 750 square feet, two  
15 bedroom is 900 square feet approximately, average.

16 FREEHOLDER O'DEA: What do you  
17 estimate, what does your market study show as your  
18 estimated rental?

19 MR. GURKOVICH: We're a few years  
20 away from actually building, so it's hard to  
21 determine that right now. We have some  
22 environmental cleanup we have to do on the site, so  
23 we're probably two years away. We're estimating at  
24 about \$2.15 cents a square foot rent at this time,  
25 but that could change.

1                   FREEHOLDER O'DEA: The layout of the  
2 properties, the layout of your buildings, have you  
3 taken into effect what you anticipate your  
4 remediation will be, the fact that you're building  
5 your building for lack of a better term, on stilts,  
6 do we alleviate the issue of --

7                   MR. GURKOVICH: It's essentially a  
8 market issue, three stories over one.

9                   FREEHOLDER O'DEA: I'm talking about  
10 how you layout your building. In other words you  
11 have a configuration of your buildings, are they any  
12 way impacted by what your AOCs are, based on  
13 whatever environmental investigation?

14                  MR. GURKOVICH: The layout was  
15 determined through the redevelopment plan. The  
16 layout has nothing to do, does not affect the  
17 remediation.

18                  FREEHOLDER O'DEA: How far do you  
19 have it, was there approved plans, phase one, phase  
20 two?

21                  MR. GURKOVICH: We have a phase one.  
22 The geochemical company is still in operation. We  
23 can't do any investigation until they decommission  
24 the plant. We can't get under the slabs to fully  
25 investigate.

1 MR. KING: When is this geochemical  
2 plant going to be out?

3 MR. GURKOVICH: We're told about it's  
4 about nine months from when we would finally sign a  
5 contract. We're still negotiating the final  
6 contract.

7 MR. KING: Where would the  
8 geochemical plant be on the property?

9 MR. GURKOVICH: It's essentially  
10 three-quarters of the property from the south.

11 MR. KING: Could you see it?

12 FREEHOLDER O'DEA: Yes, I see. How  
13 far is the site from mass transit, the Path station?

14 MR. GURKOVICH: It's a little bit  
15 more than a 15-minute walk. It's probably about a  
16 mile and a half from that station.

17 FREEHOLDER O'DEA: Any other mass  
18 transit?

19 MR. GURKOVICH: Probably out on  
20 Harrison Avenue, there's buses, but there's no buses  
21 or any other mass transit.

22 FREEHOLDER O'DEA: How close is it to  
23 Harrison Avenue?

24 MR. GURKOVICH: It's about four  
25 blocks away.

1                   CHAIRMAN CHOFFO: I have to disagree.  
2 I think the Path is closer.

3                   MR. GURKOVICH: I could be wrong.

4                   FREEHOLDER O'DEA: The remediation,  
5 your responsibility or is that the responsibility of  
6 the current occupant, or is there another  
7 responsible party?

8                   MR. GURKOVICH: Geochemical is  
9 responsible for bringing up to industrial standards.  
10 We'll take it from the industrial standard to the  
11 residential standard.

12                  FREEHOLDER O'DEA: Do you already  
13 have an agreement with regard to the DEP?

14                  MR. GURKOVICH: Geochemical has an  
15 agreement with the DEP. We haven't established a  
16 MOA with them yet.

17                  FREEHOLDER O'DEA: So you don't  
18 really expect to start construction on this until  
19 '13.

20                  MR. GURKOVICH: I would say it's two  
21 years away, yes.

22                  FREEHOLDER O'DEA: Any traffic  
23 issues?

24                  MR. GURKOVICH: I think there was  
25 some issues brought up by the traffic engineer for

1 the County, but I think we've hammered them all out  
2 and they're satisfied.

3 MR. MARKS: Mr. Chairman, we do have  
4 Mr. Edwin Reimon here who reviewed the traffic  
5 study.

6 MR. REIMON: I'll reserve any other  
7 questions. We don't have any questions with regard  
8 to traffic, but I have one questions in regards --

9 CHAIRMAN CHOFFO: Could you speak  
10 into the microphone, please.

11 MR. REIMON: I have one question with  
12 regards NJ DEP. You are supposed to get two permits  
13 for the DEP with regards to flooding and land use,  
14 which are the waterfront development. Within the  
15 waterfront development, you're also going to get the  
16 flood permit --

17 MR. GURKOVICH: That's correct.

18 MR. REIMON: For the site, did you  
19 secure the permits, or are you in the process?

20 MR. GURKOVICH: We are in the process  
21 of preparing the application.

22 MR. REIMON: In that process have you  
23 taken any borings on the sites?

24 MR. GURKOVICH: No, we haven't.

25 MR. REIMON: Do you have any data on

1 the main high water elevations along the Passaic  
2 River because it's a vital influence?

3 MR. GURKOVICH: I'm sure my engineer  
4 has all that.

5 MR. REIMON: Can you ask him those  
6 questions now or?

7 MR. GURKOVICH: We can get it for  
8 you.

9 MR. REIMON: Okay. So you know, we  
10 are satisfied with the responses that you gave to us  
11 on the last comment letter that we issued. There is  
12 only one item that I just want to make sure that the  
13 outflow that you have has to be checked, and that  
14 difference is going to come back to you once you are  
15 reviewed by the DEP. I'm sure they're going to say  
16 something about it too. All these permit  
17 applications are impacted by this, you know, main  
18 high water elevation. Your outflow probably has to  
19 be higher than the high water elevation.

20 I noticed that the numbers that you have  
21 in that site is 2.94 versus the areas that are may  
22 be less, about 3.5. Where you are, you're a little  
23 bit below main high water elevation. It's not  
24 really my jurisdiction. As I said I am pleased with  
25 the results of the answers to my comments, but that

1 is something that would definitely have to be -- I  
2 would like to get a response from that once you get  
3 approval from the DEP.

4 MR. GURKOVICH: We would be giving  
5 you a copy of the DEP approval anyway, so that would  
6 probably be taken care of with that.

7 MR. REIMON: There is no more  
8 comments with regards to traffic issues.

9 CHAIRMAN CHOFFO: How are we voting,  
10 just on the subdivision?

11 MR. KING: I thought we also were  
12 here for site plan approval?

13 CHAIRMAN CHOFFO: It does say it on  
14 here.

15 COMMISSIONER ARENCIBIA: Mr.  
16 Chairman, can I just ask the applicant for the  
17 traffic impact on the County roads that may be  
18 affected?

19 MR. GURKOVICH: I'm sorry, did you  
20 have a question?

21 COMMISSIONER ARENCIBIA: Could you  
22 give us an overview of the traffic impact, traffic  
23 study, how it -- what effects that this project  
24 would have on Frank E. Rodgers Boulevard and Passaic  
25 Avenue. Those are the County roads nearest to the

1 site.

2 MR. GURKOVICH: The traffic engineer  
3 isn't here this evening. All the information is in  
4 the traffic report, which I don't have with me.

5 MR. REIMON: Let me just say that on  
6 the traffic model that they use, there is minimum  
7 impact to traffic. The only road that we actually  
8 were very concerned was First Street, and still, the  
9 number of vehicles that are generated don't impact  
10 the traffic signal area. We also went to the site,  
11 and some of the traffic signals need to be  
12 refurbished.

13 COMMISSIONER ARENCIBIA: I see that  
14 you have 513 parking spaces, and 329 apartment  
15 units. That's going to generate some traffic.  
16 There should be some discussion how that traffic  
17 study, what percentage is public transportation.

18 FREEHOLDER O'DEA: Mr. Chairman, one  
19 of the areas that that Board has jurisdiction over  
20 is traffic. I mean, it's not, you know, it's not  
21 advisable that you don't come to this meeting  
22 without your traffic consultant to be perfectly  
23 honest with you. How do you expect that those  
24 questions aren't going to come up when that is one  
25 of the areas that this Board actually has

1 jurisdiction over in rendering an approval?

2 MR. KING: It was our understanding  
3 that everything had been taken care of, and there  
4 wasn't any issues.

5 FREEHOLDER O'DEA: Mr. Marks, did you  
6 advise them or did our consultant advise them that  
7 they didn't need to bring the traffic engineer?

8 MR. REIMON: No, we don't get  
9 involved in those matters. We issue letters of  
10 review. We, you know, distribute a letter of  
11 review. If they bring the traffic engineer or not,  
12 we have no control of that. I want to say in  
13 regards to the area of the project, it's an area  
14 that has even in peak hour very low volumes of  
15 traffic. It's an area you can see is an area that  
16 the roads are wide. There is enough visibility.  
17 There's no obstructions to site distance. This is  
18 very clean site. They picked the right location for  
19 a development of this kind. They have different  
20 points of access. That's what makes the project  
21 have more value because they have so many points of  
22 access.

23 FREEHOLDER O'DEA: Do you think that  
24 all the sites are going to be industrial?

25 MR. REIMON: No, I'm not saying that.

1 I'm saying -- what I'm saying originally is that the  
2 site itself is being occupied by industry currently,  
3 currently.

4 FREEHOLDER O'DEA: But there's also a  
5 redevelopment plan in place, correct?

6 MR. REIMON: Yes.

7 FREEHOLDER O'DEA: Did you review the  
8 redevelopment plan?

9 MR. REIMON: Of course, I have.

10 FREEHOLDER O'DEA: How many units of  
11 residential are anticipated to be developed in that  
12 general redevelopment area?

13 MR. REIMON: Just this in that site.  
14 Redevelopment on the other side, it's already  
15 developed.

16 FREEHOLDER O'DEA: Then how about --

17 MR. REIMON: No, that is --

18 FREEHOLDER O'DEA: How about in the  
19 other three directions, what exists?

20 MR. KING: On the middle of the  
21 redevelopment area is on the east side of First  
22 Street, so there's existing residential.

23 FREEHOLDER O'DEA: There is existing  
24 residential on one side and some industrial, how  
25 much industrial?

1 MR. KING: Mostly warehouse.

2 FREEHOLDER O'DEA: So isn't it  
3 reasonable to anticipate that that warehouse could  
4 convert to residential?

5 MR. KING: The only thing I can say  
6 is that the redevelopment plan has a higher occupant  
7 street design, so that development foresees in the  
8 redevelopment, the streets get larger and the  
9 intersections get improved as the development comes  
10 on line.

11 FREEHOLDER O'DEA: So where do  
12 vehicles exit and where would vehicles tend to go  
13 to? Tell me about rush hour.

14 MR. GURKOVICH: I'm not a traffic  
15 engineer. I'm just going to tell you Harrison  
16 Avenue is at the top of the sheet to the north. A  
17 majority of the people will go onto Harrison Avenue.  
18 There's a certain percentage that will weed their  
19 way down through Essex and Bergen and Railroad  
20 Avenue to planning on going to Frank E. Rodgers. A  
21 majority plan to go out to Harrison to get to Route  
22 280.

23 CHAIRMAN CHOFFO: Excuse me. What I  
24 think Commissioner Arencibia was focusing on was the  
25 proximity to Passaic Avenue, which is a County road.

1 Although Harrison Avenue is not a County road, that  
2 section of it, you brought up a good point with 280  
3 being there. I do live in Harrison so I know  
4 exactly what it's like in terms of rush hour  
5 traffic. Either if you're coming southbound on  
6 Passaic Avenue, trying to make a left on Harrison  
7 Avenue with all that traffic coming over the bridge  
8 from Newark, which would be the Bridge Street Bridge  
9 getting onto 280, you don't see cars going up  
10 Railroad Avenue trying to make a left onto Frank  
11 Rodgers Boulevard.

12 MR. GURKOVICH: Correct.

13 CHAIRMAN CHOFFO: I think what  
14 Commissioner Arencibia was focusing on was the  
15 traffic impact on Passaic Avenue. Even though  
16 Harrison Avenue is not a County road, you have high  
17 volume in terms of traffic.

18 COMMISSIONER ARENCIBIA: Mr.  
19 Chairman, the County does have joint ownership of  
20 the Bridge Street Bridge. We do control the traffic  
21 light at the intersection of Harrison Avenue. It is  
22 a vital intersection, and I think we should have  
23 some summary on from the traffic engineer as to how  
24 he did his traffic study.

25 MR. KING: We can certainly come

1 back. We submitted traffic information that we  
2 submitted to Harrison. There is also a packet of  
3 information from our traffic engineer submitted for  
4 your review. That's only because we thought it was  
5 all taken care of in terms of reports that were  
6 submitted as part of the package. We didn't mean  
7 any disrespect. If there is any need, because we  
8 had gotten report saying everything is okay, we can  
9 certainly bring him back. That's not a problem.

10 FREEHOLDER O'DEA: Mr. Chairman,  
11 look, with all due respect, this Board renders its  
12 own decision. This Board is not basically a  
13 perfunctory rubber stamp or something else. We have  
14 the ability to ask our own questions, to come to our  
15 own conclusions, to require our information. I  
16 think as a rule of -- as a rule of thumb, Mr. Marks,  
17 every, every applicant who has any issue that their  
18 project is going to generate any type of traffic  
19 needs to have that traffic expert come to the  
20 meeting because I can't ask a person who is not  
21 here. There's no way I can ask a question of a  
22 report.

23 That's quite frankly, with all due  
24 respect, that's not respectful to the Board. You  
25 don't -- you know me long enough that you can't say

1 because some consultant said it's okay, that means  
2 that consultant can't have his findings questioned  
3 by Members of this Board also.

4 MR. KING: We apologize. We will be  
5 happy to come back before the Board. It's not a  
6 problem, if that's what you all would like.

7 CHAIRMAN CHOFFO: Before you get to  
8 that point, let's see if Commissioners have any  
9 other questions.

10 COMMISSIONER MEHTA: With the  
11 proximity of water, is that a flood plain or flood  
12 zone?

13 MR. GURKOVICH: It's a flood zone,  
14 yes. We're going to fill up elevation ten to  
15 remediate the flood hazard elevation.

16 COMMISSIONER MEHTA: Do you  
17 anticipate, with this being a rental, do you have an  
18 affordable housing requirement?

19 MR. GURKOVICH: We are not required  
20 by the Town of Harrison to provide affordable  
21 housing in the redevelopment zone.

22 FREEHOLDER O'DEA: It doesn't seem  
23 like an urgency. I would prefer rather than table  
24 it, can we just carry it to the next meeting and  
25 then have the traffic -- have the traffic consultant

1 come?

2 MR. CURLEY: Mr. Chairman, if you're  
3 going to carry it, you need a consent from the  
4 applicant to extend time to --

5 MR. KING: Absolutely, yes, of  
6 course. We apologize. I would like to come and get  
7 it done once, but I will take responsibility.

8 FREEHOLDER O'DEA: Well, someone from  
9 our agency should let every applicant know that if  
10 there's any traffic generation from a project, it  
11 should be advisable for them to bring a traffic  
12 expert.

13 MR. KING: It's my call. We'll bring  
14 the civil engineer back too in case there's any  
15 other question.

16 FREEHOLDER O'DEA: I'll make a  
17 motion. When is our next regular meeting? Put it  
18 as the first item.

19 CHAIRMAN CHOFFO: November 16 --  
20 November 14th, it's a Monday.

21 FREEHOLDER O'DEA: I'll make a motion  
22 that we carry this to November 14th, and we make it  
23 the first application on the agenda. You better  
24 hope we have a short caucus that day because we have  
25 caucuses that day.

1 MR. KING: We've been forewarned.

2 FREEHOLDER O'DEA: You'll be all  
3 right. We will get out by six.

4 MR. MARKS: Mr. Chairman, on a motion  
5 to carry Application 2011-024-SP/SD to November 14th  
6 made by Commissioner O'Dea. Second by Commissioner  
7 Bettinger.

8 Commissioner Arencibia.

9 COMMISSIONER ARENCIBIA: Aye.

10 MR. MARKS: Commissioner Avagliano.

11 COMMISSIONER AVAGLIANO: Aye.

12 MR. MARKS: Commissioner Bettinger.

13 COMMISSIONER BETTINGER: Aye.

14 MR. MARKS: Commissioner DiDomenico.

15 FREEHOLDER DiDOMENICO: Aye.

16 MR. MARKS: Commissioner Mehta.

17 COMMISSIONER MEHTA: Aye.

18 MR. MARKS: Commissioner Ng.

19 COMMISSIONER NG: Aye.

20 MR. MARKS: Commissioner O'Dea.

21 FREEHOLDER O'DEA: Aye.

22 MR. MARKS: Chairman Choffo.

23 CHAIRMAN CHOFFO: I vote aye.

24 MR. CURLEY: Let the record reflect  
25 that we've given an extension of time to

1 November 14th.

2 MR. KING: Thank you. We apologize.  
3 See you in a month.

4 MR. MARKS: Mr. Chairman, the next  
5 application scheduled today for Public Hearing is  
6 2011-060-SP, Local 78 Realty Corporation, located at  
7 2712-2714 Kennedy Boulevard, Block 156, Lots 26 and  
8 27, in the City of Union City.

9 MR. ALONSO: Good evening, Mr.  
10 Chairman, Members of the Board. Alvaro Alonso from  
11 the firm Alonso & Navarette on behalf of the  
12 applicant. It's an application to construction a  
13 three-story commercial building.

14 CHAIRMAN CHOFFO: Mr. Alonso, could  
15 you try to speak into the microphone. We have some  
16 background noise here.

17 MR. ALONSO: This application is to  
18 construct a three-story commercial building in Union  
19 City, which is a union, and we have obtained the  
20 approvals from the Union City Zoning Board of  
21 Adjustment. I believe attached is the copy of the  
22 resolution with the application. I have two  
23 witnesses this evening, Alberto Arencibia, who is  
24 our architect and Carl Jenne, who is our engineer.  
25 So I will call Mr. Arencibia first and have him

1 sworn in and qualify him as an architect.

2 (The witness is sworn.)

3 MR. CURLEY: State your name for the  
4 record and spell your last, Albert Arencibia,  
5 A-r-e-n-c-i-b-i-a.

6 MR. ALONSO: Mr. Arencibia, could you  
7 state your professional qualifications as an  
8 architect?

9 MR. ARENCIBIA: Yes, I'm a registered  
10 architect in the states of New York, New Jersey and  
11 Connecticut. I've been registered for over 20  
12 years. I went to Rutgers for undergraduate, and  
13 UCLA for a masters in architecture. I have been  
14 practicing for many years.

15 MR. ALONSO: Your licensed is valid  
16 as of today?

17 MR. ARENCIBIA: Yes, it is.

18 CHAIRMAN CHOFFO: You're not related  
19 to any of our Commissioners sitting up here?

20 MR. ARENCIBIA: I'm sure in some  
21 distant way, but not recently, no.

22 CHAIRMAN CHOFFO: Then you can  
23 proceed.

24 MR. ALONSO: Mr. Arencibia, did you  
25 prepare the plan before the Board?

1 MR. ARENCIBIA: Yes, we did.

2 MR. ALONSO: Can you please give an  
3 overview of the proposal?

4 MR. ARENCIBIA: Basically, the  
5 building is a three-story building with the ground  
6 floor predominantly used for parking. The upper two  
7 would be used for office spaces for a local union  
8 hall, which is relocating here from the city into  
9 Union City. Basically, the ground floor, other than  
10 parking, we just have egress stairs. One side of  
11 the building has egress stairs, an entrance and an  
12 elevator. The upper floor is basically just going  
13 be sort of offices to accommodate all of their union  
14 members. They come in to check to see what jobs are  
15 available. There is a big lobby where they go in,  
16 pay their dues, make sure they go out on assignments  
17 and so forth. The third floor above that is offices  
18 for the treasurer, their president of the union. So  
19 that's pretty much the actual structure.

20 The building itself occupies most of the  
21 property, most of the site. The site before was a  
22 garage and an old residential structure that had  
23 been used primarily for commercial use. So the  
24 structure is basically three floors. However, the  
25 third floor is 50 percent of the actual footprint,

1 so it's much smaller on the upper floor. The  
2 elevation of the building.

3 CHAIRMAN CHOFFO: Would you mind  
4 marking that?

5 MR. ARENCIBIA: This is Sheet A-100,  
6 which actually shows the ground floor parking and  
7 entrance. So it's Exhibit A-1.

8 CHAIRMAN CHOFFO: Thank you.

9 MR. ALONSO: We'll mark this A-2.

10 MR. ARENCIBIA: This is the second  
11 floor above the garage, and you can see it's pretty  
12 much an elevator, stairs, lobby area. Here is where  
13 the union members come in. They comes in to get  
14 their union dues, and they send them out on  
15 assignments as well. These are general offices for  
16 their staff, conference room, smaller conference  
17 room, pantry, storage and file areas and toilet  
18 facilities.

19 On the third floor, as I indicated, the  
20 actual building is only built up half of their  
21 entire site. This is basically a couple of offices,  
22 conference room and the couple of administrative  
23 staff on the third floor. The rest of the third  
24 floor is an open roof deck. The building is three  
25 stories, but it's really two and a half as built.

1           Basically, elevation-wise, this is the  
2 front of the building which fronts onto Kennedy  
3 Boulevard, and this is the right side on 28th  
4 Street. What we have is basically a combination of  
5 materials. We're going to have brick, some metal  
6 and aluminum panels and a clean storefront that's  
7 going to be punching a two-story volume in the front  
8 of the building and two-story volume on 28th Street  
9 side of the building as well.

10           As you can see here, we have two garage  
11 door entrances for ingress and egress and parking,  
12 and the entire new sidewalk will be done around the  
13 entire front of the building. We will also be  
14 putting in the handicapped ramp at the corner, so I  
15 know that that was one of the requests, but that's  
16 pretty much it. It's a very simple, clean,  
17 modern-looking building.

18           MR. ALONSO: Is it true there's no  
19 access from Kennedy Boulevard?

20           MR. ARENCIBIA: That's correct.  
21 There is no direct access other than the entrance to  
22 the lobby from Kennedy Boulevard. The garage  
23 ingress and egress is from the side street.  
24 Generally, all the services are coming up 28th as  
25 well. So there's really no impact on the County

1 road. That's it, unless you have something else.

2 MR. ALONSO: Any questions so far?

3 COMMISSIONER ARENCIBIA: Mr.

4 Chairman, is there any parking provided?

5 MR. ARENCIBIA: Yes, the ground floor  
6 is only used for parking.

7 COMMISSIONER ARENCIBIA: How many  
8 total parking spaces?

9 MR. ARENCIBIA: I believe there's 15,  
10 yes, 15.

11 COMMISSIONER BETTINGER: How many?

12 MR. ARENCIBIA: Fifteen, one floor.

13 COMMISSIONER ARENCIBIA: What's the  
14 square footage of the building?

15 MR. ARENCIBIA: Everything total, the  
16 garage is 13,000 square feet. It is roughly about  
17 7,000 square feet of office.

18 COMMISSIONER ARENCIBIA: How many  
19 trips do you expect to the building? How would you  
20 operate in terms of the traffic as it affects  
21 Kennedy Boulevard? Are meetings held at night,  
22 during the day?

23 MR. ARENCIBIA: The union members go  
24 in there basically sporadically to pay their dues,  
25 when they have to go on assignments. Typically, one

1 of the reasons they're relocating in Union City is  
2 because most of the members, it's a local laborers  
3 union, a lot of their constituents are actually in  
4 the Hudson County area. So that's one of the  
5 reasons why they are relocating in Union City  
6 because the members thought it was difficult for  
7 them to get down to the South Seaport section. They  
8 had to travel. They moved over here for access.

9 COMMISSIONER ARENCIBIA: Do they have  
10 meetings, or do they have big meetings? How many  
11 people do you expect?

12 MR. ARENCIBIA: They wouldn't have  
13 meetings. They're typically talking about going to  
14 be renting space for functions.

15 COMMISSIONER ARENCIBIA: So this is  
16 more like an office?

17 MR. ARENCIBIA: That's all it is,  
18 correct. Basically, employees would be there during  
19 the day, so that's it.

20 COMMISSIONER ARENCIBIA: Do you have  
21 planters or trees?

22 MR. ARENCIBIA: Yeah, we have some  
23 tree grading on the 28th Street side. So we had  
24 added four on that side. We didn't do anything in  
25 the front. We made sure we had visibility for

1 traffic on Kennedy Boulevard.

2 COMMISSIONER ARENCIBIA: Are you  
3 going to do the sidewalks?

4 MR. ARENCIBIA: Yes.

5 COMMISSIONER ARENCIBIA: You're going  
6 to do the entire corner, right?

7 MR. ARENCIBIA: That's correct,  
8 putting in the handicapped ramp in the corner.

9 COMMISSIONER ARENCIBIA: You need a  
10 permit from the office to do that.

11 MR. ARENCIBIA: Yes.

12 COMMISSIONER ARENCIBIA: Just be  
13 mindful that the ramps have to conform to ADA  
14 standards because that's a big item for them. The  
15 work will be done without encroaching into the  
16 County right-of-way?

17 MR. ARENCIBIA: That's correct. We  
18 already have the soil erosion permit for this.  
19 We're ready to go if the Board sees fit to approve  
20 it.

21 MR. TRIDENTE: Mr. Chairman, I just  
22 have a couple questions. How many members are in  
23 this union, and what type of trade is it?

24 MR. ARENCIBIA: It's a laborers  
25 union.

1 MR. TRIDENTE: As in construction?

2 MR. ARENCIBIA: That's correct, sir.

3 MR. TRIDENTE: Isn't it typical that  
4 the laborers would come in the morning to do a  
5 shape, to receive their assignments?

6 MR. ARENCIBIA: That don't do that.  
7 They used to do that before, but everybody with  
8 cellphones, that changed a lot of ways they handle  
9 these things. A lot of laborers, some do go in the  
10 mornings, they also go different times of the day as  
11 well.

12 MR. TRIDENTE: If I could remember  
13 correctly, when you go to shape in the morning, it's  
14 the people that are present that receive their  
15 ticket or work assignment, and then they go to work.  
16 If you're not there, you just can't call in and say  
17 I'm here, put me to work. I don't understand how  
18 the laborers coming in for their assignment, where  
19 they would park if there wasn't ample parking for  
20 them.

21 MR. ARENCIBIA: We have fifteen  
22 parking spaces.

23 MR. TRIDENTE: Fifteen, but if the  
24 membership is a couple of hundred and not all of  
25 them are employed, I know you could pick up a day's

1 work if a guys doesn't show up and the next guy  
2 comes and he comes to work. Where would all these  
3 people park their cars?

4 MR. ARENCIBIA: That's one of the  
5 reasons why they chose that location because most of  
6 the members are from this area. Most of them will  
7 probably be walking to there, and also Kennedy  
8 Boulevard has buses and transportation.

9 MR. TRIDENTE: In this particular  
10 area of Kennedy Boulevard, it's a very narrow strip,  
11 and there's no parking in that area. So you have to  
12 make sure that they don't park on Kennedy Boulevard  
13 because you would limit one lane going northbound.

14 MR. ARENCIBIA: They couldn't park on  
15 Kennedy Boulevard.

16 MR. TRIDENTE: Also, there is a trip  
17 hazard by the bus stop, are you going to repair  
18 that?

19 MR. ARENCIBIA: I'm not aware of it.

20 MR. TRIDENTE: There is a trip hazard  
21 underneath the pedestrian bus stop. There's a bus  
22 stop in front of the location. The concrete is all  
23 busted up.

24 MR. ARENCIBIA: We're going to be  
25 doing the whole sidewalk. If that's what you're

1 talking about, we'll be doing it then.

2 COMMISSIONER BETTINGER: Are there  
3 any parking spots designated for handicapped?

4 MR. ARENCIBIA: Yes, we have a  
5 handicapped van parking spot.

6 COMMISSIONER BETTINGER: Just one?

7 MR. ARENCIBIA: That's all that is  
8 required. We also have a bicycle rack too for the  
9 green.

10 COMMISSIONER BETTINGER: And it's  
11 been approved by Union City?

12 MR. ARENCIBIA: Yes, ma'am.

13 MS. MASSEY: Mr. Chairman, can the  
14 applicant address the two green techniques on site?  
15 I know you're putting in bicycle parking. What's  
16 the other green technique?

17 MR. ARENCIBIA: We're going to have  
18 landscaping in the front and basically a  
19 recirculation of the water system, and the bicycle  
20 racks too.

21 COMMISSIONER MEHTA: You said that  
22 you have people in the office. How many people are  
23 in the office? How many permanent employees will be  
24 using the 15 parking spaces?

25 MR. ARENCIBIA: They'll be using the

1 parking spaces. A lot of the employees go to the  
2 job sites where the members are. It's, you know,  
3 that they're not there all the time. They do have  
4 the girls, the tellers at the front that are going  
5 to be there most of the time. I believe our  
6 required parking count was 22. So I think we're  
7 under that count. A lot of them really don't stay  
8 there during the course of the day.

9 COMMISSIONER MEHTA: The permanent  
10 employees of the union are going to be staying  
11 there, and the union member would be there?

12 MR. ARENCIBIA: That's correct.

13 COMMISSIONER MEHTA: How many  
14 employees are there?

15 MR. ARENCIBIA: I believe it's 22  
16 permanent employees. That's what they have. You  
17 should see their place in the city. It's about  
18 one-third the size of this.

19 COMMISSIONER MEHTA: What is the  
20 union?

21 MR. ARENCIBIA: Local 78.

22 COMMISSIONER MEHTA: I thought there  
23 was another union office on 21st Street?

24 MR. ARENCIBIA: There's another one  
25 close by, that's correct.

1 COMMISSIONER MEHTA: It's not the  
2 same thing?

3 MR. ARENCIBIA: That's correct.

4 CHAIRMAN CHOFFO: Any other  
5 questions?

6 FREEHOLDER O'DEA: Where are they  
7 currently located?

8 MR. ARENCIBIA: Down on Cliff Street  
9 by the South Street Seaport.

10 FREEHOLDER O'DEA: Moving from New  
11 York City?

12 MR. ARENCIBIA: Yes. Their office  
13 right now is this big.

14 CHAIRMAN CHOFFO: Did you have any  
15 other person?

16 MR. ALONSO: I have Carl Jenne, our  
17 engineer.

18 (The witness is sworn.)

19 MR. JENNE: Carl, Jenne, J-e-n-n-e.

20 MR. ALONSO: Mr. Jenne, can you  
21 repeat your professional qualifications as an  
22 engineer.

23 MR. JENNE: Licensed in New York and  
24 New Jersey, New Jersey since 1980, I'm a graduate  
25 Steven Institute of Technology. I have a master of

1 business administration from Rutgers. I've been a  
2 municipal engineer in the Borough of Ridgefield for  
3 six years. I'm currently the planning-zoning board  
4 engineer in Guttenberg. I've been before this Board  
5 before and numerous boards.

6 MR. ALONSO: Thank you, Mr. Chairman.  
7 Mr. Jenne, did you review the site plan?

8 MR. JENNE: Yes, I did.

9 MR. ALONSO: Did you also review the  
10 reports by the County Planner before tonight?

11 MR. JENNE: Yes.

12 MR. ALONSO: Can you please review  
13 the site plan with the Board?

14 MR. JENNE: As Mr. Arencibia stated,  
15 that the previous building on the site occupied most  
16 of the site. It had a residential facility in the  
17 front, a garage in the back. It was approximately  
18 79, 80 percent of the site was impervious. When the  
19 union acquired the property, they demolished that.  
20 The site is currently vacant. The proposed  
21 construction for the new building is approximately  
22 97 percent impervious.

23 All of the roof drainage will be collected  
24 and put through to drywells that will be constructed  
25 underneath the parking level, first floor. The

1 design of that system, which will outlet into the  
2 existing 15-inch sewer system running under 28th  
3 Street meets the North Hudson Sewer Authority  
4 requirements for reducing flows. In fact, the  
5 existing two-year flow will be reduced to three  
6 percent of what it is now; the five-year storm, 30  
7 percent; the ten-year storm to 73 percent, which  
8 will exceed that requirement.

9           The services all exist underneath the  
10 sidewalk, and I'll mark that on Kennedy Boulevard  
11 because this all exists already, and we're redoing  
12 the sidewalk. Our preference is to reconnect up to  
13 those utilities, although outside the curb line. If  
14 that's not the case, there is no intention of  
15 reconnecting those utilities into and excavating  
16 Kennedy Boulevard. The intent is if that's the case  
17 would be to go out to 28th Street so there would be  
18 no construction within the curb line of Kennedy  
19 Boulevard.

20           Traffic is one-way down 28th Street.  
21 There were two -- the garage layout on  
22 Mr. Arencibia's plan shows a garage door in this  
23 location with parking stalls on either side, a  
24 second garage door here with parking stalls on  
25 either side, so the traffic will be in and out at

1 two different curb cuts along 28th Street. As  
2 stated earlier, there were no curb cuts now or  
3 proposed along Kennedy Boulevard. Traffic entering  
4 the site will be coming north on Kennedy Boulevard,  
5 turning right, and traffic going out will all be  
6 going east on 28th.

7 MR. ALONSO: Can you address the  
8 reports by the County?

9 MR. JENNE: Yes. The initial plan  
10 that was submitted did not include the design for  
11 the retention system because we were working with  
12 the Sewer Authority at that time. Revised plans  
13 included that. The latest review letter from Mr.  
14 Reimon last week concurred that that comment that  
15 they had in their initial review letter was  
16 addressed.

17 The other comments are related to details  
18 in Mr. Arencibia's plans, which he will address.  
19 There were two additional comments. One was to  
20 provide a detail for the handicapped ramp at the  
21 intersection, which has already been discussed.  
22 There currently exists one now, and as the County  
23 Engineer knows that while there is a lot of  
24 handicapped ramps put in for years, very few of them  
25 are proper, and within the last year or so FHA and

1 DOT have been -- I'm trying to think of right word.  
2 They hear the religion on how those ramps need to be  
3 done and inspected to make sure they're done right.

4 So even though one exists, we are  
5 proposing to redo the sidewalk. We will have a  
6 proper detail on our plan to make sure that  
7 handicapped ramp is constructed properly. The only  
8 other new comment in Mr. Reimon's last letter was  
9 for the curb, the tree grates to be bicycle safe?

10 MR. REIMON: ADA.

11 MR. JENNE: ADA, and the detail will  
12 be revised to reflect that. Those are the details  
13 for those grates which are on 28th Street. They are  
14 not in the County right-of-way, but they will also  
15 be correct.

16 MR. REIMON: Just one comment with  
17 the situation with the parking area, Mr. Jenne, is  
18 it possible to have internal circulation in the  
19 parking area one-way coming into the closest  
20 driveway from Kennedy and going out of the --

21 MR. JENNE: The parking configuration  
22 I'm referring to A-100, there are five parking  
23 spaces here, which go all the way to the back wall  
24 of the building, five here and five here and three  
25 over here. In order to make that one-way

1 circulation, we have to eliminated four of the  
2 spaces.

3 MR. REIMON: Good enough.

4 CHAIRMAN CHOFFO: Motion?

5 MR. MARKS: Mr. Chairman, on the  
6 motion to approve Application 2011-060-SP, made by  
7 Commissioner Bettinger. Second by Commissioner  
8 O'Dea.

9 Commissioner Arencibia.

10 COMMISSIONER ARENCIBIA: Aye.

11 MR. MARKS: Commissioner Avagliano,  
12 not present. Commissioner Bettinger.

13 COMMISSIONER BETTINGER: Aye.

14 MR. MARKS: Commissioner DiDomenico.

15 FREEHOLDER DiDOMENICO: Aye.

16 MR. MARKS: Commissioner Mehta.

17 COMMISSIONER MEHTA: Aye.

18 MR. MARKS: Commissioner Ng.

19 COMMISSIONER NG: Abstained.

20 MR. MARKS: Commissioner O'Dea.

21 FREEHOLDER O'DEA: Aye.

22 MR. MARKS: Chairman Choffo.

23 CHAIRMAN CHOFFO: I vote aye.

24 MR. MARKS: Mr. Chairman, the motion  
25 passes.

1 CHAIRMAN CHOFFO: Good evening.

2 MR. MARKS: Mr. Chairman, the next  
3 application scheduled for Public Hearing is  
4 2011-065-SP, Osbourne Capital, LLC, located at  
5 232-276 Passaic Avenue, which is Block 15, Lot 8.02,  
6 in the town of Kearny. Is there anybody here for  
7 Osbourne Capital? That is the property between  
8 K-Mart and Shop Rite. I think it's the old Odyssey  
9 Sports site.

10 CHAIRMAN CHOFFO: The applicant isn't  
11 here. Is anyone here from Osbourne Capital? I  
12 guess not. Put it to the bottom and call it one  
13 more time. I think they're not here. So I mean to  
14 be honest, we have five other application. If they  
15 show up at 9:30, I'm not going to subject the  
16 Commissioners. If they're not here on time, they're  
17 not here. If we had a lighter schedule, I would  
18 asked the Commissioner. I'm not going to pose the  
19 question. Is there a motion to carry?

20 Excuse me, Miss, are you from Osbourne  
21 Capital?

22 AUDIENCE MEMBER: No.

23 CHAIRMAN CHOFFO: Whatever the  
24 Commissioners want to do.

25 FREEHOLDER O'DEA: I make a motion to

1 carry it to the next meeting. The applicants know.  
2 They're attorneys. They know what time the meeting  
3 starts. It's 90 minutes after the meeting started.  
4 They shouldn't decide if they are No. 7 on the  
5 calendar, to roll the dice.

6 MR. CURLEY: Mr. Chairman, due to the  
7 fact that we do have a 30-day limitation, I don't  
8 recommend that it be carried. It should be either  
9 held to the end of this meeting, or it should be  
10 denied.

11 FREEHOLDER O'DEA: I make a motion to  
12 deny the application.

13 MR. MARKS: Mr. Chairman, I would  
14 recommend that the Board dismiss it without  
15 prejudice, thereby allowing the applicant to come at  
16 some future point. I think the word Freeholder  
17 O'Dea used was "deny."

18 FREEHOLDER O'DEA: I make a motion we  
19 dismiss without prejudice. I amend my original  
20 position. I will make a motion to dismiss without  
21 prejudice.

22 MR. MARKS: Mr. Chairman, on a motion  
23 made by Commissioner O'Dea, second by Commissioner  
24 Mehta.

25 Commissioner Arencibia.

1 COMMISSIONER ARENCIBIA: Aye.

2 MR. MARKS: Commissioner Avagliano is  
3 not present. Commissioner Bettinger.

4 COMMISSIONER BETTINGER: Aye.

5 MR. MARKS: Commissioner DiDomenico.

6 FREEHOLDER DiDOMENICO: Aye.

7 MR. MARKS: Commissioner Mehta.

8 COMMISSIONER MEHTA: Aye.

9 MR. MARKS: Commissioner Ng.

10 COMMISSIONER NG: Aye.

11 MR. MARKS: Commissioner O'Dea.

12 FREEHOLDER O'DEA: Aye.

13 MR. MARKS: Chairman Choffo.

14 CHAIRMAN CHOFFO: Mr. Chairman, the  
15 motion passes. Mr. Chairman, the next application  
16 scheduled for Public Hearing 2011-067-SP, Margaret  
17 Morrison, LLC, located at 124-130 Park Avenue, which  
18 is Block 34, Lots 21, 22, 23.1, and 23.2 in the City  
19 of Hoboken.

20 MR. O'TOOLE: Good evening,  
21 Mr. Chairman, Robert O'Toole, appearing on behalf of  
22 the applicant. This is an application for eleven  
23 residential units on the corner of 2nd and Park,  
24 Hoboken. I have one witness to submit, the  
25 architect of project, Mr. Minervini. He has

1 qualified and testified before this Board. I'll be  
2 happy requalify.

3 (The witness is sworn.)

4 MR. MINERVINI: Frank Minervini,  
5 M-i-n-e-r-v-i-n-i.

6 MR. CURLEY: Thank you very much.

7 MR. O'TOOLE: Should I requalify him?

8 CHAIRMAN CHOFFO: Please, just to  
9 refresh the Board.

10 MR. O'TOOLE: Mr. Minervini, are you  
11 a licensed architect?

12 MR. MINERVINI: Yes, I am a licensed  
13 architect in the states of New York and New Jersey,  
14 license in New Jersey since October 1993. I have a  
15 bachelor of architecture from the New Jersey  
16 Institute of Technology, and I'm a member of the  
17 American Institute of Architecture.

18 MR. O'TOOLE: Your practice is in  
19 Hoboken?

20 MR. MINERVINI: Yes.

21 MR. O'TOOLE: How long have you been  
22 practicing there?

23 MR. MINERVINI: For eleven years.

24 MR. O'TOOLE: Do you regularly appear  
25 before zoning and planning boards in Hoboken, Jersey

1 City, West New York?

2 MR. MINERVINI: Yes, I've been  
3 accepted as an expert in every municipality in this  
4 County.

5 MR. O'TOOLE: Before we start, I  
6 would like to personally extend my thanks to the  
7 Board. This matter was scheduled for last month. I  
8 had a scheduling conflict and requested it to be  
9 adjourned, and the Board accommodated me. I thank  
10 you for that.

11 Mr. Minervini, could you just describe for  
12 the Board Members exactly what is going here, what  
13 was here and go through the plan. Give a brief  
14 description of the drawings.

15 MR. MINERVINI: We've got an existing  
16 95-foot wide by one-hundred-foot deep lot in the R-1  
17 Zone in Hoboken, residential zone. It's on Park  
18 Avenue between and First and 2nd Street. Prior to  
19 my client purchasing the property, there were three  
20 residential homes that suffered fire damage. Two of  
21 the buildings were severely damaged. The third was  
22 damaged by water. So all three of those buildings  
23 have been demolished. The site is empty as we  
24 speak.

25 We've received approval from the Hoboken

1 Board of Adjustment to construct a five-story tall  
2 eleven-residential-unit building, ground floor being  
3 twelve parking spaces. Floors two, three, four and  
4 five will contain eleven residential units. As I  
5 get into the plans, I'll describe what each of those  
6 apartments are like. It may be a good time to  
7 describe some of the green technology.

8 This building will be certified gold  
9 league standard. It will meet the league standard  
10 gold in the County checklist as far as we are  
11 providing geothermal heating, solar electric panels  
12 which would supply electricity to the common areas,  
13 as well as the bike racks that are reflected on the  
14 plans. We have a light-reflective roof. The  
15 toilets will be the two-flush type. All the  
16 finishes and paints will be low BOC, and there will  
17 been a single electric car powering station within  
18 the garage, and there will been on a stormwater  
19 retention system. That's all part of this  
20 certification. There's a lot more layers to it. I  
21 think that in terms of the application, those are  
22 the big ones.

23 MR. CURLEY: Please reference the  
24 page as part of your testimony.

25 MR. MINERVINI: ZB-1 is the street

1 elevation, Z-2 is site plan. It was actually three  
2 years ago on Super Bowl Sunday when this fire  
3 happened. I remember that. Our proposed building  
4 will be five feet from the property line, and cover  
5 just about fifty percent of the proposed lot. The  
6 building goes from side to side on the east-west  
7 side of the property line, and it's set toward the  
8 front. What's interesting about this lot on Park  
9 Avenue is that a majority of buildings are set back  
10 to the rear of the property. There are three-story  
11 and in some cases, four-stories, and they're all set  
12 back to the rear. This fire and the reconstruction,  
13 new construction, will be the first building, we  
14 think, to push toward the front more in common with  
15 what the zoning ordinance requires as well as the  
16 local fabric of the rest of the city.

17 Z-3 describes our garage. So we have a  
18 single-egress-ingress garage on the south portion of  
19 the site. As I mentioned, twelve parking spaces for  
20 eleven residential units. In this particular unit,  
21 there is an electrical charging station. All the  
22 geothermals have been dug already. A lot of  
23 equipment is here in the rear of the building. The  
24 water retention system is being installed beneath  
25 the concrete slab.

1           That's some plantings in the front of the  
2 property. We are proposing three street trees in  
3 front of our building, but also, there will be six  
4 additional street trees throughout the neighborhood,  
5 just on First and 2nd Street. They went door to  
6 door and asked any owner of the property who would  
7 like a tree, they offered to plant a tree. Those  
8 residents came to the Zoning Board of Adjustment,  
9 and of course, were happy about that. The total  
10 will be six additional trees not including theirs.  
11 The total will be nine trees.

12           The next Sheet Z-4 is more drawings and  
13 garage plans. Five is our floor plan. The finals  
14 are still being worked on. The designs range from  
15 1,800 to the largest is 4,200 square feet. So  
16 there's a nice range in apartment sizes. The roof  
17 plan, we showing there will be part as of our  
18 agreement with Hoboken, there will be a solar  
19 electric panel system. It's large enough to serve  
20 all of the common areas, common hallways, elevators,  
21 as well as the loft area.

22           Z-7 shows the building facade rendering.  
23 It's a building that we think meets modern  
24 standards. We'll mark this A-1. It's meets modern  
25 standards with regard to the green aspect, but the

1 facade should reflect that. We used brick, but a  
2 majority is of it glass composite panel, wood  
3 paneling. So it's a modern-looking building.  
4 That's about it. The electric service will be  
5 underground. There will be new sidewalks, new  
6 curbing. I mentioned the street trees, and I  
7 mentioned the green technology. I think that covers  
8 the building.

9 COMMISSIONER ARENCIBIA: Have you  
10 received Ms. Massey's letter of October 12th?

11 MR. MINERVINI: I have.

12 COMMISSIONER ARENCIBIA: There is no  
13 issues there?

14 MR. MINERVINI: No, no, there are  
15 none.

16 MR. MARKS: Mr. Chairman, is this the  
17 building with the sidewalks, heated sidewalks?

18 MR. MINERVINI: It's not that  
19 building.

20 MR. MARKS: Why would you put the  
21 electric service underground?

22 MR. MINERVINI: Because it's just  
23 underground because it's unsightly otherwise.

24 MR. MARKS: And that's okay?

25 MR. MINERVINI: Absolutely. It's

1 done in Hoboken in many locations.

2 CHAIRMAN CHOFFO: Where are the  
3 twelve parking spaces located?

4 MR. MINERVINI: Ground floor. On the  
5 south portion of the building there is one single  
6 ingress and egress driveway, and six parking spaces  
7 here. You drive around the elevator and stair core,  
8 and there's an additional six down. In this corner  
9 is the parking space with the electric charging  
10 station.

11 MR. O'TOOLE: The building as  
12 originally designed had two garage doors, but  
13 Hoboken requested that we narrow it down. I think  
14 another factor for the Board to recognize is, again,  
15 because of the uniqueness of the block and the way  
16 the houses were built, there's basically a continual  
17 curb cut all the way down the block. I think the  
18 90 feet of frontage, how much parking area is that?

19 MR. MINERVINI: Yeah, that's  
20 something I should have mentioned. The existing  
21 properties I had mentioned that they were all  
22 setback, each one has front yard parking. With that  
23 front yard parking is continuous curb cuts with two  
24 buildings on the north side and two buildings on the  
25 south side of the street. What we've done by

1 redoing the existing curb cut, we've given back  
2 three parking spaces on the street. We have twelve,  
3 but the reality is we have three more parking spaces  
4 on the street.

5 CHAIRMAN CHOFFO: Did you receive  
6 Hoboken's approval.

7 MR. O'TOOLE: Yes.

8 CHAIRMAN CHOFFO: Just supply us or  
9 supply Mr. Marks with a copy of it. Thank you. Any  
10 other questions?

11 COMMISSIONER BETTINGER: I'm assuming  
12 that there's no handicapped parking?

13 MR. MINERVINI: There is a  
14 handicapped parking space, as required with the  
15 eight-foot-side aisle. We can accommodate a  
16 handicapped van as well as the ceiling heights in  
17 the location.

18 COMMISSIONER BETTINGER: Will the  
19 parking be assigned to each unit?

20 MR. MINERVINI: Typically it is. I  
21 don't know in this particular case. I think we  
22 probably have one parking will not be assigned,  
23 although it can be assigned.

24 COMMISSIONER BETTINGER: You could  
25 also have a parking space in front of the building

1 that's handicapped?

2 MR. O'TOOLE: That would have to go  
3 through the process of municipal ordinance to put  
4 handicapped parking spaces specifically assigned to  
5 individuals, special request, yes. If there were  
6 someone who wanted to get a space in front of the  
7 building, they would petition the town council.

8 MR. MINERVINI: The building is  
9 completely ADA compliant and meets all those  
10 requirements.

11 COMMISSIONER BETTINGER: Is going to  
12 be listed as condos?

13 MR. MINERVINI: Each apartment will  
14 be sold as a condominium.

15 CHAIRMAN CHOFFO: Ms. Massey, do you  
16 have other questions?

17 MS. MASSEY: No, Mr. Chairman, the  
18 applicant addressed all my comments.

19 CHAIRMAN CHOFFO: Commissioners, any  
20 other questions?

21 COMMISSIONER ARENCIBIA: Just all the  
22 work you do on Park Avenue, replacing the curb and  
23 sidewalk, the sidewalk is concrete sidewalk?

24 MR. MINERVINI: Yes.

25 COMMISSIONER ARENCIBIA: And trees,

1 is there anything else going to go on?

2 MR. MINERVINI: There's certainly a  
3 new utility connection that will be done prior to  
4 the concrete sidewalk being installed.

5 COMMISSIONER ARENCIBIA: There is no  
6 encroachment in the County's right-of-way?

7 MR. MINERVINI: Correct, other than  
8 the utilities connections.

9 MR. MARKS: Mr. Chairman, we don't  
10 have a copy of the rendering on file. Please  
11 provide a copy.

12 MR. MINERVINI: Certainly.

13 COMMISSIONER BETTINGER: I make a  
14 motion on this lovely project.

15 MR. MARKS: Mr. Chairman, on a motion  
16 to approve Application 2011-067-SP made by  
17 Commissioner Bettinger. Second by Commissioner  
18 O'Dea.

19 Commissioner Arencibia.

20 COMMISSIONER ARENCIBIA: Aye.

21 MR. MARKS: Commissioner Avagliano.

22 COMMISSIONER AVAGLIANO: Aye.

23 MR. MARKS: Commissioner Bettinger.

24 COMMISSIONER BETTINGER: Aye.

25 MR. MARKS: Commissioner DiDomenico.

1 FREEHOLDER DiDOMENICO: Aye.

2 MR. MARKS: Commissioner Mehta.

3 COMMISSIONER MEHTA: Aye.

4 MR. MARKS: Commissioner Ng.

5 COMMISSIONER NG: Aye.

6 MR. MARKS: Commissioner O'Dea.

7 FREEHOLDER O'DEA: Aye.

8 MR. MARKS: Chairman Choffo.

9 CHAIRMAN CHOFFO: I vote aye.

10 MR. MARKS: Mr. Chairman, the motion  
11 passes.

12 FREEHOLDER O'DEA: When do you  
13 anticipate beginning the construction on the  
14 project?

15 MR. MINERVINI: The owners have  
16 received permits for just the foundation. With the  
17 acknowledgment that they got the approvals here  
18 tonight, they can start right away.

19 MR. O'TOOLE: We actually go back to  
20 Hoboken when the conditions are final. I know  
21 they'll be closing on a construction loan in the  
22 next week or so. They were allowed to start the  
23 footings and foundations pending getting approval.

24 FREEHOLDER O'DEA: Is there  
25 anticipated sales?

1 MR. MINERVINI: I don't know. I  
2 don't know. I imagine it's going to be high.

3 FREEHOLDER O'DEA: Especially in this  
4 market for condos.

5 MR. MARKS: Mr. Chairman, the next  
6 application scheduled for Public Hearing is  
7 2011-068-SP, Eric Nelson, applicant, located at 349  
8 Kennedy Boulevard, which is Block 265, Lot 8, in the  
9 City of Bayonne.

10 MR. NELSON: Good evening. Thank you  
11 for hearing my application this evening.

12 CHAIRMAN CHOFFO: Could you please  
13 state your name?

14 MR. NELSON: Eric Nelson,  
15 N-e-l-s-o-n, 349 Kennedy Boulevard.

16 CHAIRMAN CHOFFO: Are you the  
17 property owner?

18 MR. NELSON: Yes, I am.

19 CHAIRMAN CHOFFO: Are you here to  
20 provide testimony or just comment on the  
21 application?

22 MR. NELSON: I'm going to comment on  
23 the application and why I'm seeking it.

24 MR. CURLEY: I'm going to swear you.  
25 I think that we will consider that testimony.

1 (The witness is sworn.)

2 MR. NELSON: I'm seeking approval for  
3 a carport at my residence and also for a curb cut at  
4 349 Kennedy Boulevard. I've already received  
5 approval from the City of Bayonne for the project.  
6 They said I need County approval because I was on a  
7 County road. I was informed by the planning office  
8 that to get the approval, I need two green features  
9 for the project.

10 I've been touch in with Mr. Marks, and  
11 he's been very helpful with helping me understand  
12 what the process is, and due to the limited space in  
13 my property, one of the green aspects was asking  
14 that I plant a tree. Due to the limited space my  
15 limited frontage, it's not really feasible. I only  
16 have three feet between my property line and where  
17 the proposed driveway is going to be. In lieu of  
18 that, I have an estimate here for the cost of  
19 planting a tree, which I would like to submit, and I  
20 will make a donation to the Hudson County Open Space  
21 Fund in lieu of planting a tree.

22 The other green feature that I talked to  
23 Mr. Marks, he said I could do this, was a rain  
24 barrel to catch my rainwater run-off from the  
25 downspouts from my gutters, and I understand that

1 the approval would be to make sure that the donation  
2 was made, they would have to come see the rain  
3 barrel was in before it was issued. That's  
4 basically it.

5 One of the reasons why want I make this  
6 carport is that I have a young daughter. She comes  
7 home late at night sometimes, and parking is a  
8 problem in Bayonne. I'm just concern for her  
9 safety. That's it. Thank you for your  
10 consideration.

11 CHAIRMAN CHOFFO: Are there neighbors  
12 in your area that have carports?

13 MR. NELSON: Yes, there's several.  
14 My neighbor a few houses over recently put in a  
15 carport. Another neighbor two blocks down on the  
16 Boulevard recently put in a carport last year.

17 CHAIRMAN CHOFFO: I assume there will  
18 be no encroachment onto the County roadway?

19 MR. NELSON: No.

20 FREEHOLDER DiDOMENICO: Mr. Chairman,  
21 could I get a clarification on whether property  
22 owners are exempt from some of the requirements that  
23 businesses and large dwellings have?

24 MR. MARKS: Mr. Chairman, the site  
25 plan subdivision review regulations that were

1 adopted by the Planning Board -- I'm sorry, by the  
2 Freeholder Board approximately three years ago in  
3 October 2008, were for all properties along County  
4 roadways, but for those single-family houses that  
5 did not have curb cuts, if you're proposing to build  
6 a single-family house or doing a renovation to a  
7 single-family house that didn't have a curb cut, it  
8 wouldn't have to come before this Board. In the  
9 regulations, and it was subsequently -- Mr. Curley  
10 addressed the language that was approved by the  
11 Freeholder Board last December, December 2010. It  
12 specifically, it basically reaffirmed that. If you  
13 were a business or single-family home that was  
14 proposing a curb cut, you still needed to come  
15 before this Board. If you didn't have a curb cut,  
16 if your application for site plan approval did not  
17 otherwise impact County roads or drainage  
18 facilities, you did not have to come before the  
19 Board.

20           Since this is a brand new curb cut, a  
21 single curb cut is not going to adversely affect the  
22 County roadway system, but in aggregate, if every  
23 single household requested curb cuts along the  
24 County roadway, such as Park Avenue in Hoboken where  
25 there is depressed curbs for the entire length, it

1 could, in my estimation would, have an adverse  
2 impact on parking in the area, even in terms of  
3 ingress and egress for cars getting in and out of a  
4 driveway, especially on a major arterial roadway.

5 COMMISSIONER ARENCIBIA: Mr.  
6 Chairman, I have some questions to the owner. There  
7 is a sign in front of your house? Do you know what  
8 sign says?

9 MR. NELSON: It's for street  
10 sweeping. We were going to adjusted a few feet,  
11 where that three-foot space is between my property  
12 line.

13 COMMISSIONER ARENCIBIA: So you're  
14 going to cut a driveway and relocate that sign just  
15 a few feet away from your driveway?

16 MR. NELSON: Just a few feet from  
17 where it is right now.

18 COMMISSIONER ARENCIBIA: Before you  
19 start working, you'll need a permit from the County  
20 Engineer's office.

21 MR. NELSON: Yes, I'm aware.

22 FREEHOLDER DiDOMENICO: I was going  
23 to go ask if there are any exemptions, cost of a new  
24 tree. I'm wondering about the financial burden for  
25 single-family homeowners that just want to get their

1 car off the street.

2 FREEHOLDER O'DEA: Do we have the  
3 right to move to waive it in any particular case,  
4 Mr. Curley?

5 MR. CURLEY: I think it's been done  
6 in the past by the Board, if I'm not mistaken.

7 MR. MARKS: Mr. Chairman, the site  
8 plane subdivision review regulations do have  
9 waivers. If an applicant were to request a waiver,  
10 it's up to the Board to consider that request and  
11 either grant or deny that waiver request.

12 FREEHOLDER O'DEA: Mr. Nelson, would  
13 request that we consider a waiver of the fee you  
14 have to pay in lieu of a tree?

15 MR. NELSON: Being as I'm on a  
16 limited budget, I would appreciate if I could get a  
17 waiver.

18 FREEHOLDER DiDOMENICO: I would like  
19 to make that motion. I understand certainly what  
20 Mr. Marks said about the aggregate should everybody  
21 on the Boulevard do this, but looking at the  
22 neighborhood and being from Bayonne, carports are  
23 very common in that neighborhood. There are already  
24 very many on the street without the trees. So I  
25 would really like to move to waive that obligation

1 from this homeowner.

2 FREEHOLDER O'DEA: I'll second.

3 COMMISSIONER MEHTA: I'm looking at a  
4 picture of the property and the carport. How can  
5 the car be parked without obstructing the sidewalk?

6 MR. NELSON: I'm sorry?

7 FREEHOLDER O'DEA: Do you have enough  
8 square feet to not obstruct the sidewalk?

9 MR. NELSON: I'm going to be under my  
10 house. It's going in the area under my house if you  
11 look at the plans.

12 CHAIRMAN CHOFFO: You're actually  
13 going to cut into your house. Your vehicle will not  
14 be hanging over.

15 MR. NELSON: The vehicle will be  
16 totally off the County roadway. It would be totally  
17 on my property.

18 CHAIRMAN CHOFFO: I understand.

19 FREEHOLDER DiDOMENICO: Mr. Chairman,  
20 being that Mr. Tridente provided us pictures of  
21 similar carports in the area, you can see that  
22 they're off of the sidewalk.

23 CHAIRMAN CHOFFO: That's how I  
24 noticed there was other carports in the neighborhood  
25 from the pictures. You've received Bayonne

1 approval?

2 MR. NELSON: Yes.

3 MR. MARKS: Mr. Chairman, I do have a  
4 question for Mr. Nelson. Is there currently  
5 on-street parking in front of your house? Is there  
6 on-street parking? Are people allowed to -- is  
7 street parking available on your side of the street?

8 MR. NELSON: There is a parking spot  
9 in front of my house.

10 MR. MARKS: Mr. Chairman, by granting  
11 the curb-cut request and the carport, Mr. Nelson is  
12 actually eliminating a public spot from the  
13 neighborhood to create a parking spot on this  
14 property. In terms of that, it does not have a huge  
15 adverse impact, but it's an impact beyond his  
16 property. It's a neighborhood impact. The Division  
17 of Planning recommendations usually mitigate or  
18 ameliorate any adverse impact to the application.  
19 That's where the shadetrees and the other low impact  
20 strategies come in.

21 CHAIRMAN CHOFFO: It looks like a  
22 majority of houses on his block, not just the block,  
23 the surrounding neighborhood, have carports.

24 FREEHOLDER O'DEA: What's  
25 interesting, Mr. Chairman, if we checked, I'll bet

1 you there's people that just put carports in over  
2 the years. Here's is a gentleman that followed the  
3 rules and did it the right way. In these difficult  
4 economic times, if we can save him a few hundred  
5 dollars, he's here. He stayed here two hours. He's  
6 representing himself. I think, you know, I've  
7 spoken to some of my colleagues about whether we  
8 should go back and amend this ordinance because we  
9 didn't come up with the idea. It was presented to  
10 us by Mr. Marks. We thought if this is going become  
11 the rule and not the question as it relates to it,  
12 we may want to go back and amend it. If we have the  
13 ability to look at this by the Board and waive some  
14 of these costs, especially in these tough times, we  
15 can leave the ordinance in place as it is.

16 CHAIRMAN CHOFFO: That's a very good  
17 point. Speaking of that sign that Commissioner  
18 Arencibia mentioned, the street cleaning sign, when  
19 that's moved, it will remain on your property  
20 though?

21 MR. NELSON: Yes, it will stay on my  
22 property, on my property. There's enough room for  
23 that.

24 FREEHOLDER O'DEA: As far as your  
25 neighbors and the City, have they expressed any

1 opposition to your carport?

2 MR. NELSON: No, they're all  
3 wondering what's going on. I just explained. I  
4 missed the opportunity from last month's meeting due  
5 to I wasn't informed about some of the things I had  
6 to do, I so missed last month's meeting. That's why  
7 I'm here. So everybody is wondering what's going  
8 on. I don't have any negative comments or reaction.

9 CHAIRMAN CHOFFO: We already have the  
10 motion to waive the fee associated with the  
11 donation, with that, can I have a motion to accept  
12 this application, including the exemption?

13 FREEHOLDER DiDOMENICO: I move to  
14 approve this application.

15 FREEHOLDER O'DEA: Should we make a  
16 motion to approve with the condition of our waiving  
17 the payment for the tree? Is that how that's done?  
18 Because we never voted on the waiver, I don't know  
19 whether it's separate.

20 MR. CURLEY: Same vote, same  
21 resolution.

22 FREEHOLDER DiDOMENICO: I make the  
23 motion.

24 FREEHOLDER O'DEA: I second it.

25 MR. MARKS: Mr. Chairman, on the

1 motion to conditionally approve Application  
2 2011-068-SP. with the waiver as so mentioned, motion  
3 by Commissioner DiDomenico, and seconded by  
4 Commissioner O'Dea.

5 Commissioner Arencibia.

6 COMMISSIONER ARENCIBIA: Aye.

7 MR. MARKS: Commissioner Bettinger.

8 COMMISSIONER BETTINGER: Aye.

9 MR. MARKS: Commissioner DiDomenico.

10 FREEHOLDER DiDOMENICO: Aye.

11 MR. MARKS: Commissioner Mehta.

12 COMMISSIONER MEHTA: Aye.

13 MR. MARKS: Commissioner Ng.

14 COMMISSIONER NG: Aye.

15 MR. MARKS: Commissioner O'Dea.

16 FREEHOLDER O'DEA: Aye.

17 MR. MARKS: Chairman Choffo.

18 CHAIRMAN CHOFFO: I vote aye. Good

19 luck, Mr. Nelson.

20 MR. NELSON: Thank you very much.

21 Have a good evening.

22 MR. MARKS: Mr. Chairman, the next

23 application scheduled for Public Hearing is

24 2011-073-SP, Peter Slifirski and John Heidenry,

25 applicant located at 89 Garden Street, which is

1 Block 187, Lot 2 in the City of Hoboken.

2 MR. O'TOOLE: Robert O'Toole,  
3 appearing on behalf of the applicant. Mr. Minervini  
4 was previously qualified for the record.

5 CHAIRMAN CHOFFO: We just need to  
6 remind him that he is still sworn in.

7 MR. O'TOOLE: This is an application  
8 for a two-story addition on an existing two-story  
9 house on Park Avenue in Hoboken, I believe, between  
10 Newark and First Street on the east side of the  
11 street, and I'll let Mr. Minervini explain it in  
12 further detail.

13 Maybe before we start, this is the project  
14 you have requested a supplemental, I guess,  
15 engineering data on the system to be put under the  
16 sidewalk to melt the snow. Mr. Minervini has  
17 brought a bunch of sets for each Board Member before  
18 he starts to testify. This is Sheet Z-6, I guess,  
19 last revision date of October 14th, and it shows the  
20 detail on the system.

21 CHAIRMAN CHOFFO: Thank you.

22 MR. O'TOOLE: Frank, could you  
23 describe this project for the Board Members and at  
24 some point, talk about this system?

25 MR. MINERVINI: Yes. We have

1 received approval for the Hoboken Zoning Board of  
2 Adjustment to add two stories to an existing  
3 two-story structure. The existing structure is two  
4 stories, 16 feet wide, and at its longest point,  
5 75 feet deep. The building covers about 45 percent  
6 lot coverage. We received approval to add two  
7 stories. It would be at the end four stories in  
8 total. We received approval to add four feet to the  
9 back of the building, bringing the back in line with  
10 two adjacent buildings. We will be keeping the two  
11 residential units. What we would be doing is making  
12 them much larger. It will be two duplex residential  
13 units within those four stories.

14 In terms of the County information, there  
15 will be new sidewalks, new curbing. The paperwork  
16 you see in front of you, one of the proposals is to  
17 put an under-sidewalk snow melt radiant system.  
18 What this system does, it's controlled electrically  
19 by electrical wiring under the sidewalk. It will be  
20 run by sensors that when the temperature is 36  
21 degrees and below and when there is moisture on the  
22 ground, when those two things occur, the sidewalk is  
23 warmed just enough to stop water from freezing. So  
24 in essence, it stops snow from accumulating.

25 I'm assured when we talked about this at

1 the workshop committee meeting, how the County would  
2 have to handle any kind of legalities with regard to  
3 repairing the sidewalk, but the owners of this  
4 property will happily take whatever responsibility  
5 this County would like to handle the replacement of  
6 the sidewalk, meaning they certainly understand if  
7 the sidewalk has to be replaced, they're responsible  
8 for any additional work or cost required by this  
9 work that's there.

10 FREEHOLDER O'DEA: This wasn't  
11 something that was requested by Hoboken, this was  
12 that the owner of the property would like?

13 MR. MINERVINI: Yeah.

14 CHAIRMAN CHOFFO: So you made it  
15 sound like it was recommended.

16 MR. MINERVINI: It is not. It may be  
17 a first in Hoboken. I'm not quite sure. It's  
18 certainly a first in my career. The system works  
19 very well, and if it fails, there really are no  
20 problems. If it doesn't work, you shovel.

21 So the building will be, some of the  
22 foundations will be canopied, some of the floor  
23 systems are new, but for the most part, they're  
24 going to rebuild the structure where needed. At the  
25 end it will be four stories tall, two residential

1 units, two duplexes. The elevations would be the  
2 height of the building exactly matches two adjacent  
3 properties and a majority of the properties on the  
4 street. It currently is the only void in that  
5 block. Adding the two stories would make the  
6 streetscape more continuous.

7 MR. O'TOOLE: Talk about the green  
8 initiatives, if any, that you're going to accomplish  
9 on this site?

10 MR. MINERVINI: With regards to green  
11 technology that's on the County's checklist, it  
12 doesn't set us up for this type of small home.  
13 However, there is an existing street tree that's  
14 directly in front of this building, which will  
15 remain. We're proposing some green technologies,  
16 not quite like the last project I presented. There  
17 will be a light roof, which is a reflective coating  
18 on the roof. There will be double-flush toilets.

19 In terms of what we can do at a reasonable  
20 cost, this building being very efficient. There is  
21 no place available for bike racks. We're a zero lot  
22 line. We're not permitted to have bicycles.

23 CHAIRMAN CHOFFO: I have another  
24 question before I open it up to the Commissioners.  
25 The existing structure is going to stay, you're just

1 going to add to it?

2 MR. MINERVINI: We're going to  
3 reinforce the existing structure and all two stories  
4 above. That's all it is, four stories directly to  
5 the rear. There's a four-foot addition going on in  
6 the back so we're in line with the two adjacent  
7 properties at the back. So there's a new structure  
8 of four stories in the back of the building, and two  
9 new stories above. There is no basement. We are  
10 not within the federal flood plain.

11 CHAIRMAN CHOFFO: The additional four  
12 stories will not have a basement either?

13 MR. MINERVINI: Correct, there's no  
14 basement.

15 CHAIRMAN CHOFFO: That was my only  
16 question.

17 COMMISSIONER MEHTA: What is the cost  
18 on the heater put it the sidewalk?

19 MR. MINERVINI: I am not very sure,  
20 but I will say it's not very expensive. I know  
21 these owners. For what that's worth, it's not very  
22 expensive. They're not here. That's why I said  
23 that.

24 COMMISSIONER BETTINGER: How do you  
25 install something like that, like you would do like

1 something in the bathroom?

2 MR. MINERVINI: In the bathrooms it's  
3 similar to the mat, and it's set within the concrete  
4 sidewalk.

5 COMMISSIONER BETTINGER: Interesting.

6 MR. MINERVINI: There's a radiant  
7 panel underneath the concrete so that the heat is  
8 not wasted to the ground. It rides up.

9 MR. CURLEY: Mr. Chairman, I would  
10 recommend there be a franchise agreement with the  
11 County with respect to radiant heating sidewalk in  
12 the event that aspect of the application is  
13 approved.

14 MR. MINERVINI: My clients certainly  
15 understand and will be happy and willing to do that.

16 MR. O'TOOLE: No, we have no  
17 objection to such a condition being in any  
18 resolution. I think that's what Mr. Minervini  
19 alluded when he said the owners would be happy to  
20 take responsibility.

21 CHAIRMAN CHOFFO: Mr. Marks?

22 MR. MARKS: No, Mr. Curley addressed  
23 it.

24 MR. CURLEY: It might be a first for  
25 the Law Department. That might be interested.

1                   COMMISSIONER ARENCIBIA: You have a  
2 fence already encroaching into the County's  
3 right-of-way?

4                   MR. MINERVINI: There is an existing  
5 low, about 30-inch gate line, yes.

6                   COMMISSIONER ARENCIBIA: You need a  
7 franchise agreement for that anyway. Is that a  
8 planting area?

9                   MR. MINERVINI: It's not a planting  
10 area. It will be sidewalk as well, unless, of  
11 course, the Board would like us to do that, but it's  
12 not consistent with what else is on the street.

13                   COMMISSIONER ARENCIBIA: What is the  
14 purpose of having that?

15                   MR. O'TOOLE: I realize this is a  
16 County road, but in the Hoboken Streets and  
17 Sidewalks section of the Hoboken Municipal  
18 Ordinance, there's an exception because of all of  
19 the buildings at a zero front lot lines, there's an  
20 exception from the curbs and streets. On streets  
21 where there's an existing fence line, there is an  
22 exception from having to get an easement ordinance  
23 from the City. This is a typical situation,  
24 although it is on the County road.

25                   COMMISSIONER ARENCIBIA: I was just

1 wondering why the fence is there to begin with.

2 MR. O'TOOLE: Typically, people  
3 whatever, put chairs, also to keep the trash cans  
4 there.

5 CHAIRMAN CHOFFO: Great place for a  
6 bike rack.

7 MR. O'TOOLE: On the streets where  
8 the street doesn't have an existing fence line, I  
9 believe it's limited to three or four feet.  
10 Typically that's what people do. They do put  
11 bicycles there. I've seen motorcycles there. It is  
12 just like a little garden area.

13 COMMISSIONER ARENCIBIA: Is that  
14 similar to what the neighbors have?

15 MR. MINERVINI: Like the folks have  
16 on the adjacent properties. The building directly  
17 to our north does not. However, the one further  
18 down does, and the building to our south, it is a  
19 retail business where they don't haven't it. That  
20 is existing and has been there for quite a long  
21 time, I imagine.

22 COMMISSIONER BETTINGER: Is there a  
23 fence?

24 MR. MINERVINI: It's a wrought iron  
25 gate.

1                   COMMISSIONER BETTINGER: Are you  
2 including that in the new plans?

3                   MR. MINERVINI: We are proposing to  
4 reinstall it, yes.

5                   COMMISSIONER ARENCIBIA: It wasn't on  
6 your elevation?

7                   MR. MINERVINI: It may not have been.  
8 I'm sorry. It may not have been, but it is on the  
9 site plan.

10                  COMMISSIONER ARENCIBIA: The sidewalk  
11 HVAC, you just have a four-foot-wide path on the  
12 sidewalk. The rest of the sidewalk will not be  
13 heated?

14                  MR. MINERVINI: Correct, as I  
15 understand, were dealing with the manufacturer's  
16 instructions. There will be three-foot slab of  
17 conduit within the slab, but about a foot on either  
18 side of that will also be heated. During snow, you  
19 would have a four-foot area to enter the building as  
20 well as north and south.

21                  COMMISSIONER ARENCIBIA: I know if  
22 there's a statute to clear the sidewalks. It's your  
23 responsibility to clear the sidewalks. We want to  
24 be clear whether that applies to the areas that are  
25 not heated. The owner still might have to clear it

1 out.

2 MR. MINERVINI: As I understand the  
3 ordinance says a walking path has to be cleared, not  
4 the entire length of the sidewalk. In some cases  
5 the sidewalk is twelve feet, it's not reasonable to  
6 expect an owner to clear at that twelve feet. We  
7 think that four feet is reasonable. Probably more  
8 of the neighbors will shovel.

9 COMMISSIONER ARENCIBIA: You may be  
10 right on this.

11 FREEHOLDER O'DEA: I agree. It's a  
12 four-foot path.

13 CHAIRMAN CHOFFO: That brings up a  
14 point. I think there's a slight pitch in the  
15 sidewalk, and the closer to the building, if there's  
16 still snow there where the gated area is, and it's  
17 melting, rolling down, I guess at night, would that  
18 freeze?

19 MR. MINERVINI: That will trigger the  
20 sensor as well. It senses temperature and moisture.  
21 So as the water runs by, it will be triggered.  
22 There's also manual, of course. You can put it on.  
23 It's apparently very effective.

24 Motion? Motion by Commissioner Bettinger.

25 MR. MARKS: Mr. Chairman, on a motion

1 to approve Application 2011-073-SP made by  
2 Commissioner Bettinger. Second by Commissioner Ng.

3 Commissioner Arencibia.

4 COMMISSIONER ARENCIBIA: Yes, with  
5 the condition of a franchise agreement.

6 MR. MARKS: Commissioner Bettinger.

7 COMMISSIONER BETTINGER: Aye.

8 MR. MARKS: Commissioner DiDomenico.

9 FREEHOLDER DiDOMENICO: Aye.

10 MR. MARKS: Commissioner Mehta.

11 COMMISSIONER MEHTA: Aye.

12 MR. MARKS: Commissioner Ng.

13 COMMISSIONER NG: Aye.

14 MR. MARKS: Commissioner O'Dea.

15 FREEHOLDER O'DEA: Aye.

16 MR. MARKS: Chairman Choffo.

17 CHAIRMAN CHOFFO: I vote aye.

18 MR. MARKS: Mr. Chairman. The motion  
19 passes.

20 MR. O'TOOLE: Thank you very much.

21 MR. MARKS: Mr. Chairman, the next  
22 application scheduled for Public Hearing is  
23 2011-074-SP, Terra Brasilis, applicant, located at  
24 504 Frank E. Rodgers Boulevard North, which is Block  
25 23, Lot 6, in the Town of Harrison.

1 MR. JUCHNIK: Good evening. I'm  
2 actually the architect for the particular project.  
3 Allison Melli was the attorney for the applicant  
4 when it went before Harrison. They did approve.  
5 That's why we're here in front of you now. The  
6 owner has asked me to come and help. I guess in  
7 this case, I can be sworn in, and I'm not sure.  
8 I've never done this on my own, but here I go.

9 (The witness is sworn.)

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

12 MR. JUCHNIK: It's Christopher  
13 Juchnik, J-u-c-h-n-i-k, architect, 751 Kearny  
14 Avenue, Kearny, New Jersey.

15 Basically, I am the architect as I  
16 mentioned. I have Lillian here. She's also one of  
17 the owners. The project is going to create a cafe  
18 into a space that is currently vacant. Previously,  
19 it was a small convenience store. It did go for the  
20 use variance. It did get approved by Harrison. The  
21 spaces is around 900 square feet.

22 Just to give you a quick walk-through on  
23 the plan, we have the existing front facade. You  
24 come through a door. There are no changes to the  
25 building other than the addition of the kitchen.

1 The kitchen is very small. Once again, I'll start  
2 from the front. Walking in, we have a counter, some  
3 seats. About 16 seats are being proposed. That's  
4 what was given to the Board of Harrison. The  
5 counter is only counter-height. You come back to a  
6 kitchen wall. The kitchen proposes a four-burner  
7 stove, a double deep fryer, sink and the hand sink,  
8 and handicapped ADA accessible bathroom, and  
9 basically, that makes up the cafe layout itself.

10 They have gone through the County  
11 comments, and they will agree with everything,  
12 including a shade tree to be planted up front.

13 CHAIRMAN CHOFFO: They're going to  
14 install a shade tree out front?

15 MR. JUCHNIK: Yes, they will.

16 CHAIRMAN CHOFFO: Will there be a  
17 sign on the building?

18 MR. JUCHNIK: This is one of owners.

19 CHAIRMAN CHOFFO: You may need a  
20 franchise agreement for that, I'm afraid. There is  
21 a sign. It's going to be mounted on the building?

22 MR. CURLEY: If the applicant is  
23 going to give testimony she should be sworn.

24 (The witness is sworn.)

25 MR. CURLEY: State your name and

1 spell your last name.

2 MS. CHIARAVIA: Lilly Chiaravia,  
3 C-h-i-a-r-a-v-i-a. Yes, there's going to be a sign.  
4 It's two by four. I'm approved by Harrison already.  
5 It's a small sign.

6 CHAIRMAN CHOFFO: You might have to  
7 check with the Engineering Department from the  
8 County. There might be.

9 COMMISSIONER ARENCIBIA: Is there a  
10 like a fence on the property?

11 MS. CHIARAVIA: No.

12 CHAIRMAN CHOFFO: You said you  
13 received Harrison approval, when was that?

14 MR. JUCHNIK: Back in the spring.

15 CHAIRMAN CHOFFO: No changes to the  
16 apartment above?

17 MS. CHIARAVIA: No changes.

18 CHAIRMAN CHOFFO: What's the total  
19 occupancy?

20 MS. CHIARAVIA: Sixteen.

21 CHAIRMAN CHOFFO: Sixteen people, is  
22 there going to be storage in the basement?

23 MS. CHIARAVIA: Yes.

24 CHAIRMAN CHOFFO: A freezer?

25 MS. CHIARAVIA: No, the freezer will

1 be in the kitchen. The basement would be only like  
2 the plates, cups only.

3 CHAIRMAN CHOFFO: Is going to be a  
4 cafe or a restaurant?

5 MS. CHIARAVIA: Cafe. I know the  
6 application says "restaurant."

7 COMMISSIONER ARENCIBIA: It looks  
8 like you have a cellar door on the sidewalk; is that  
9 correct?

10 MS. CHIARAVIA: Yes.

11 COMMISSIONER ARENCIBIA: And you want  
12 to put a sign inside there?

13 CHAIRMAN CHOFFO: Based on this  
14 picture, there's no signage. They may a franchise  
15 agreement.

16 MR. JUCHNIK: It's a facade sign,  
17 yes.

18 MS. CHIARAVIA: I know we need a  
19 permit for it.

20 FREEHOLDER O'DEA: Do you have any  
21 questions? Do I have a motion?

22 MR. MARKS: Mr. Chairman, on a motion  
23 to approve Application 2011-074-SP, made by  
24 Commissioner Mehta, seconded by Commissioner Ng.

25 Commissioner Arencibia.

1 COMMISSIONER ARENCIBIA: Aye.

2 MR. MARKS: Commissioner Bettinger.

3 COMMISSIONER BETTINGER: Aye.

4 MR. MARKS: Commissioner DiDomenico.

5 FREEHOLDER DiDOMENICO: Aye.

6 MR. MARKS: Commissioner Mehta.

7 COMMISSIONER MEHTA: Aye.

8 MR. MARKS: Commissioner Ng.

9 COMMISSIONER NG: Aye.

10 MR. MARKS: Commissioner O'Dea.

11 FREEHOLDER O'DEA: Aye.

12 MR. MARKS: Chairman Choffo.

13 CHAIRMAN CHOFFO: I vote aye.

14 MR. MARKS: Mr. Chairman, the motion  
15 passes.

16 MS. CHIARAVIA: Thank you very much.  
17 Good night.

18 MR. MARKS: Mr. Chairman, the last  
19 application scheduled for Public Hearing is  
20 2011-077-SD, Advance at Harrison, LLC, located at  
21 1000 Frank E. Rodgers Boulevard, which is Block 150,  
22 Lot 16.01, Block 174, Lot 1.03, and Block 138, Lots  
23 1 and 22.01 in the Town of Harrison.

24 MR. BERGER: Good evening. My name  
25 is Richard Berger. I'm appearing tonight on behalf

1 the Advance at Harrison. I am the general counsel  
2 for a company known as Russo Development. We are  
3 the contract purchaser of one of the -- two of the  
4 lots in the subdivision that was approved by the  
5 Town of Harrison back on September 20. The  
6 subdivision application is really an amendment to a  
7 prior approval from this Board.

8           What's being done is simply to modify some  
9 rights-of-way to increase the width of certain  
10 sidewalks to create a better, more appealing street  
11 front for this very important area, the  
12 redevelopment area of Harrison; changing some of the  
13 street configurations, putting in a new park area in  
14 accordance of an ordinance that was passed by  
15 Harrison. We have received comments from Mr. Marks  
16 and the professionals of the Board. We have no  
17 objection to any of those comments. We accept them.

18           I would have to testify, Mr. Fredrick  
19 Worstell, who is a professional engineer.

20                       (The witness is sworn.)

21           MR. WORSTELL: Fredrick Worstell,  
22 W-o-r-s-t-e-l-l.

23           MR. BERGER: Mr. Worstell, can you  
24 explain your qualifications as a professional?

25           MR. WORSTELL: Yes, I'm a registered

1 professional engineer in the state of New Jersey. I  
2 have been before this Board on numerous occasions.  
3 I have also appeared before the boards in Harrison,  
4 Jersey City, Bayonne.

5 MR. BERGER: I'll offer him as a  
6 qualified expert, professional engineer.

7 CHAIRMAN CHOFFO: You may proceed.

8 MR. BERGER: Can you explain, Fred,  
9 what's changed and how we're amending the proposed  
10 site plan?

11 CHAIRMAN CHOFFO: Before you start  
12 when was the first one, first application?

13 MR. BERGER: November 16, 2009.

14 MR. WORSTELL: As indicated by  
15 counsel, primarily the changes involve Gaia Drive?

16 CHAIRMAN CHOFFO: Were these plans  
17 submitted to Mr. Marks?

18 MR. CURLEY: When you're identifying  
19 them when you speaking --

20 MR. WORSTELL: I'll be happy to.  
21 This is MS-1.0. It's the subdivision plan for the  
22 project. Gaia Drive was originally approved with a  
23 60-foot right-of-way. We are proposing it as a  
24 74-foot right-of-way. The carriageway within the  
25 street remains the same. The sidewalks go from

1 eleven to eight feet, equal on proposed sides. The  
2 second, Riverbend Drive, which was originally a  
3 90-foot right-of-way. We are proposing an 80-foot  
4 right-of-way, that difference being that Riverbend  
5 as originally proposed had a center median on it.  
6 That center median is being taken out, and  
7 carriageways remain the same as far as traveling  
8 widths and the additional portions of the median are  
9 then being put into the sidewalks, taking them to  
10 eight feet also.

11 Fifth Street, down through the center, was  
12 originally the 66 feet, and it's being proposed at  
13 74 feet, again to provide sidewalks. The  
14 carriageway remains the same. Then south at  
15 Crucible, originally 5th Street came all the way  
16 through just as a road without a median --

17 CHAIRMAN CHOFFO: Excuse me, is that  
18 Cape May at the bottom?

19 MR. WORSTELL: Yeah, and this is  
20 Frank E. Rodgers. This is now instead of 74 feet,  
21 72 feet, and the road has been divided into two  
22 sections. There are no other changes to Cape May,  
23 no other changes to the Boulevard proposed. The  
24 only other change is because of the adjustments, the  
25 parcel we mentioned, of course, are adjusted

1 slightly based on the change in the rights-of-way.  
2 That's generally the basis for the change. There is  
3 no change in the amount of signalization, or I might  
4 add, actually all of the road constructed out there  
5 was or near completion are all based on these  
6 drawings, a few minor adjustments.

7 CHAIRMAN CHOFFO: Even though those  
8 are quadrants, is there two lots or four separate  
9 lots?

10 MR. WORSTELL: In the subdivision?

11 CHAIRMAN CHOFFO: Yes.

12 MR. WORSTELL: It is four separate  
13 lots right now.

14 CHAIRMAN CHOFFO: And Russo is in the  
15 process of purchasing this from Advance?

16 MR. WORSTELL: Right, so what happens  
17 is with this we subdivided into the new  
18 configuration.

19 MR. BERGER: What would be Lot 138.03  
20 and .04, Lot 1, which are these two lots here, if  
21 the Board was interested, at the same time that  
22 Advance received subdivision approval from Harrison  
23 on September 20, we also presented a site plan  
24 application, which was approved by Harrison, for the  
25 development for Block 138.03, Lot 1. Although we're

1 not before the Board on that, we received approval  
2 and we intend to present it to the Board. If the  
3 Board had an interest in what was being proposed  
4 here, I do have the booklets about the development  
5 that has now received site plan approval that we are  
6 contemplating for that.

7 CHAIRMAN CHOFFO: You may want to do  
8 that so the Commissioners can see what's going on  
9 down there. One other thing, Mr. Berger, you're  
10 with Russo?

11 MR. BERGER: Yes, I'm general counsel  
12 for Russo Development.

13 CHAIRMAN CHOFFO: This Board has had  
14 the Advance firm numerous times for this site down  
15 there, and one of the times they were in front of  
16 us, some of the testimony wasn't up to par on behalf  
17 of what Harrison was going to do and not do. I live  
18 in Harrison. I know firsthand. Let's start off on  
19 a good foot, and hopefully, everything that you guys  
20 testify in front of us is accurate and complete,  
21 based on some of the pictures that Mr. Tridente took  
22 in terms of sidewalks and curbs, some of the hazards  
23 that are happening down there while soccer is going  
24 on, thousands of people walking on that sidewalk,  
25 not just commuters. You can proceed.

1           MR. BERGER: Thank you. I would like  
2 to -- I would give you some of these handouts that  
3 demonstrate the type of development that we are  
4 proposing for this. I will give you a brief  
5 rundown. The development can best be described as a  
6 five-story, U-shaped residential building, enclosing  
7 a five-story, independent, precast, rectangular  
8 parking structure. It will have 346,247 feet of  
9 mixed-use development, 32,316 square feet of retail  
10 development, first floor on the main corridors, 266  
11 residential units, a 65,590-square-foot common area  
12 including a health club for use of the residents,  
13 not for the general public, and 193,769 square feet  
14 of parking that will include 437 parking spaces,  
15 which would be five over the number required by the  
16 Harrison ordinance.

17           If you look through the booklet, you'll  
18 see that the page A-1 is our ground floor plan  
19 showing the locations of the retail units and how  
20 they fit in with the townhouse units that we're  
21 proposing that would be two-story, beginning on the  
22 first floor for this.

23           MR. CURLEY: If I may interrupt,  
24 Mr. Chairman, the Board did not receive -- this is a  
25 complete site plan application, and we don't have

1 that site plan on file in the Division of Planning  
2 prior to the hearing. I think it's unusual to  
3 embark on a --

4 CHAIRMAN CHOFFO: I think Mr. Berger  
5 I wanted the Commissioners to see the extent of the  
6 proposal. I was going to ask if we could mark this  
7 as some type of exhibit. We're not voting on what  
8 was just handed out. It's a kind of an overall  
9 view. This project with Advance has been going on  
10 for ten years. So just like some of our large  
11 applicants like Hartz Mountain in Secaucus where  
12 there's so many ongoing things, I think it's easier  
13 for the Board as a whole to start seeing the visual  
14 things rather than site plans with changing here,  
15 Lot 174.8. It's not addressed. This is more  
16 visual. If the Board decides they don't want to  
17 look at it, that's another thing. I think it's  
18 easier for the Board.

19 FREEHOLDER O'DEA: Mr. Chairman, I  
20 would suggest this is just informational, and I  
21 don't necessarily want to be here all night to ask  
22 questions about the previous need for an off-ramp  
23 for 280 because the traffic issues, I'd really  
24 rather save that for another day. If all you're  
25 here today to do is to deal with a subdivision on

1 the piece the property, then maybe we can deal with  
2 that and prepare for a greater discussion sometime  
3 in the future.

4 MR. BERGER: I think Mr. O'Dea  
5 expresses our position exactly. We're not here to  
6 ask you for site plan approval. It's just for  
7 information and so the Board knows we have a site  
8 plan approval from Harrison. There is a fully  
9 designed site plan. Russo is looking forward to  
10 moving forward with development in this important  
11 area in Harrison. That's all that is intended.

12 MR. CURLEY: It may be a requirement  
13 that any subdivision approval be conditioned on the  
14 fact that the applicant will come back for site plan  
15 approval.

16 MR. BERGER: That would certainly not  
17 be a problem for us since we've already gotten site  
18 plan approval by the planning board in Harrison  
19 that's conditioned on our coming here.

20 MR. CURLEY: We'll mark the Exhibit  
21 A-1.

22 MR. BERGER: Thank you.

23 FREEHOLDER O'DEA: If it was seven  
24 o'clock, maybe we could hang around until 8:30 or  
25 nine and do a fact-finding. It's quarter after

1 nine. I've got to be in Philly at 8:30 tomorrow  
2 morning, and I've got to prep for a presentation  
3 tonight.

4 MR. BERGER: With that, and with  
5 Mr. Worstell's explanation of what has changed and  
6 with the acceptance of the conditions suggested by  
7 your professional, we would rest unless the Board  
8 has questions.

9 MR. MARKS: Mr. Chairman, there's  
10 actually a report by Mr. Tridente dated  
11 October 18th, and it actually goes through a litany  
12 of what I would call punch list items, things that  
13 you'll correct before this, trip hazards, a lot of  
14 issues with the site that's subject to the  
15 subdivision. I don't know if you want to hear from  
16 Mr. Tridente.

17 MR. TRIDENTE: Yes, Mr. Chairman, I  
18 would like to get a clarification from maybe Mr.  
19 Worstell, are the trees across the street from the  
20 Frank E. Rodgers Boulevard on the Public Service  
21 side of the street, were they part of your condition  
22 of approval to be planted?

23 MR. WORSTELL: They were part of our  
24 conditional approval to be planted, subsequent  
25 conditional approval granted by this Board on a

1 separate application by this Board that PSE&G had  
2 made an application for at that substation. They  
3 were planting those trees, and as a result of the  
4 meeting we had with PSE&G at the site, it was our  
5 understanding, we put in -- our agreement was put in  
6 the paver street and the curbing. They were going  
7 to replace the trees.

8 MR. TRIDENTE: So ultimately, the  
9 trees and the curb cuts and sidewalk and pavers that  
10 are installed as of now are your responsibility, you  
11 installed them?

12 MR. WORSTELL: We installed the curb  
13 and the pavers, that's correct. We had an agreement  
14 back and forth with PSE&G as to who was going to put  
15 in the trees. You have two approvals, both  
16 specifying trees in that location, and we had worked  
17 out an assignment because of the staging questions.  
18 They were going to put in those trees. We put in  
19 the balance of the sidewalk and curbing.

20 MR. TRIDENTE: So then the trees you  
21 did not put in?

22 MR. WORSTELL: We put in some of the  
23 trees. Let me clarify. There was a setup near the  
24 Path station. There is a section of trees that have  
25 not been installed.

1 MR. TRIDENTE: Are you also aware  
2 that the trees are three-and-a-half-inch caliper?

3 MR. WORSTELL: I have to go back  
4 there and check. I wasn't aware of it.

5 MR. TRIDENTE: I had a joint  
6 inspection with Jack Dempsey from the Engineering  
7 Department, and we measured all of the trees from  
8 the Path station forward to the driveway of the  
9 PSE&G site. None of the trees were  
10 three-and-a-half-inch caliper. They were all  
11 two-inch caliper. So there is an inch and a half  
12 deficiency per tree that was planted. If you go  
13 back in the records to find which of the trees that  
14 you planted, there is an allowance you owe the  
15 County per tree, whatever that is.

16 MR. WORSTELL: There are trees  
17 further down the street.

18 MR. TRIDENTE: They are also two inch  
19 in caliper.

20 MR. WORSTELL: I'll check on that.

21 MR. TRIDENTE: There also is a series  
22 of monitoring pits for monitoring wells that are in  
23 your pavers that are trip hazards.

24 MR. WORSTELL: Those were installed  
25 by Public Service, and we have gone back to them

1 asking for adjustment. Those were actually  
2 installed subsequent to us completing the project.

3 MR. TRIDENTE: Also, the transformer  
4 vault access panels need to be filled in with  
5 concrete.

6 MR. WORSTELL: We're aware of that.

7 MR. TRIDENTE: More importantly,  
8 there is a telephone pole that's still in the  
9 roadway at the intersection of Cape May and Frank E.  
10 Rodgers Boulevard. Do you have any idea when that's  
11 going to be relocated?

12 MR. WORSTELL: I know that Advance  
13 paid Public Service to relocate the pole.

14 MR. TRIDENTE: Can you tell us when  
15 that was done?

16 MR. WORSTELL: I don't know the exact  
17 day. I can tell you that Public Service removed  
18 their wires from the pole and relocated them to the  
19 other location. The telephone company has  
20 determined that the pole installed by PSE&G is too  
21 short. They're the ones that have not moved their  
22 wires. That was just brought to our attention, and  
23 we're trying to resolve that. Advance did make the  
24 payments to PSE&G and pole was --

25 MR. TRIDENTE: Depending on the

1 backlog, that should take between six to twelve  
2 months depending.

3 MR. WORSTELL: For us, as I'm sure  
4 the County has found working with utility companies  
5 is very, very difficult. I know that they made the  
6 payments and at least part of the work was  
7 completed, and I guess we have to work out with  
8 PSE&G who is responsible to replace the pole now.

9 MR. TRIDENTE: Do you have an  
10 approximate timeline on when the permanent sidewalks  
11 will be installed and the asphalt, and that  
12 temporary asphalt will be removed?

13 MR. WORSTELL: The temporary asphalt  
14 sidewalks will be replaced as development of those  
15 parcels proceeds. So for instance with the  
16 application that you'll be seeing shortly for  
17 138.03, that will go to permanent sidewalk on that  
18 side at that time. We anticipate or Advance had  
19 anticipated that sidewalks will be in place in such  
20 time as permitted by development.

21 MR. BERGER: If I may address that,  
22 we've had discussions with the planning board  
23 professionals in Harrison. You can't put in your  
24 permanent sidewalks as with this development we're  
25 proposing, when you're putting your building right

1 up next to the sidewalk. If you do that, you're  
2 going to wreck the sidewalk when you put in the  
3 permanent one. What we proposed and what Harrison's  
4 resolution of approval that we amended already  
5 grants is that as you develop each block, you will  
6 develop from the curb line in all of the sidewalk  
7 improvements. Right now all of the final  
8 improvements are bonded by Advance.

9           When Russo submitted its site plan  
10 approval, one of the things we did was to offer a  
11 bond, and we had an engineering estimate for all of  
12 the -- the completion of all of the curbside and  
13 sidewalk improvements. We don't want to finish  
14 paving the roads. The roads are all base paved and  
15 striped. You don't want to finish paving while  
16 construction is going on, and you're going to rip  
17 that up when you're putting in utility lines or  
18 whatever. We're looking to wait until both sides of  
19 the block are developed before we final pave the  
20 roadway there. That's the way we've worked it out  
21 with Harrison, and they've seemed to be agreeable  
22 that that's the logical thing.

23           The other than that, this is a condition  
24 of the Harrison approvals. When the Harrison  
25 Construction Code official believes it is necessary

1 at some point to final pave the roads, Advance is  
2 obligated to do that to at that point.

3 MR. WORSTELL: On November 3rd and  
4 4th, we're scheduled. We met with the city engineer  
5 at the site. We're going back to re-stripe. We are  
6 final paving that.

7 CHAIRMAN CHOFFO: Which roadway?

8 MR. WORSTELL: Frank E. Rodgers, from  
9 basically just to the south of the bridge all the  
10 way down.

11 CHAIRMAN CHOFFO: South of the Path  
12 bridge? There's another bridge.

13 MR. WORSTELL: Yeah, but anyway,  
14 that's been -- everything has been relocated except  
15 for that pole.

16 MR. TRIDENTE: There are two poles.  
17 There's another pole in the crosswalk directly  
18 across the street.

19 MR. WORSTELL: I'm not aware of that.  
20 Some of these things right now we can't...

21 MR. TRIDENTE: They seem to be  
22 eyesores and punch list that I'd like to bring up so  
23 that way they're on record. It's something that  
24 needs to be addressed in the future.

25 MR. WORSTELL: Gradually, they're

1 being relocated. It's just trying to get things  
2 going.

3 CHAIRMAN CHOFFO: I think Russo is  
4 now involved for a very short time that they've been  
5 associate with this project?

6 MR. TRIDENTE: I like the way they  
7 conducted themselves with the Schyuler Crossing.  
8 They were out there shoveling sidewalk during the  
9 snow. They maintain the site pretty nice when I  
10 drove down there a few times.

11 MR. BERGER: We've done our research.

12 MR. TRIDENTE: Just to continue on,  
13 the punch list goes on. I'm sorry. The delineated  
14 crosswalk going across Frank E. Rodgers at the  
15 intersection of Cape May, has that been finalized  
16 yet? It is still faded.

17 MR. WORSTELL: That's going to get  
18 plastic. What happens when we paved about a year  
19 ago last winter, it was too cold. All of the  
20 markings are going down on Frank E. Rodgers.

21 MR. TRIDENTE: Are you aware that the  
22 delineated crosswalk at the intersection of Cape May  
23 Street needs to be realigned about four feet closer  
24 to Frank E. Rodgers Boulevard? It's giving a false  
25 sense of direction. It's not in alignment with the

1 depressed curbs.

2 MR. WORSTELL: We were out there.  
3 Did you have a picture? You're talking about this  
4 one?

5 MR. TRIDENTE: Yes.

6 MR. WORSTELL: We went out and looked  
7 at that with Jack, Jack Dempsey, and one of the  
8 problems, and we've asked him to come back because  
9 we're running into a problem with the 30-foot-radius  
10 curbs that are being specified. If we try to --  
11 this is really set up where we have two crosswalks  
12 coming to a point at that tip. There's a crosswalk  
13 going this way also. So per the normal DOT  
14 standard, that delineation appears at the center  
15 point. I know the new standard that DOT brought out  
16 is about turning these delineation stripes and  
17 aligning them with the crosswalk.

18 We are fine to do that. Our concern has  
19 been that on the 30-foot radius crosswalk, what's  
20 going to happen, you're going to have that strip at  
21 some point, one part of that strip is going to be on  
22 the curb, and another part of that strip is going to  
23 be about 18 to 24 inches off the curb because of the  
24 long sweep on the radius. Everybody's details is  
25 based on a residential standard, which is like

1 20-foot radius curb. We'll change it. We've  
2 already changed it once. We'll change them again,  
3 but we've asked for the County to come back and say  
4 that's what you want to done. It's a real problem  
5 when you started the radius curbs. The details  
6 really don't work.

7 COMMISSIONER ARENCIBIA: May I  
8 suggest you have a meeting with you, Jack, go  
9 through this punch list and for you to address each  
10 one, give us what the action would be.

11 MR. WORSTELL: I'll be happy to do  
12 that.

13 COMMISSIONER ARENCIBIA: And the  
14 timeframe.

15 MR. WORSTELL: We also need guidance  
16 because in fairness to Advance, we've changed a  
17 number of these already once. We'll be happy to  
18 change them again. They approved the plans. We  
19 redid it. We'll do it again, and we'll do it right.  
20 That's a problem with these 30-foot-radius curbs.  
21 Those details really don't working with us.

22 CHAIRMAN CHOFFO: When you set up  
23 that meeting, someone from Harrison should be there.

24 MR. WORSTELL: They're all giving us  
25 details. The problem is what's being given to us to

1 apply really don't work with these radiuses. To do  
2 it the other way, we're moving these curbs well,  
3 well back where the current intersection is. We're  
4 moving the crosswalks back, and we're getting into  
5 signalization.

6 CHAIRMAN CHOFFO: This will come up  
7 again when you come for your site plan.

8 COMMISSIONER ARENCIBIA: By the time  
9 of our next meeting, we should have the punch list  
10 and your course of action submitted to us prior to  
11 that. There was an email that went to Jack from  
12 Advance. Set up something together and attack each  
13 one.

14 MR. TRIDENTE: I'll make him aware of  
15 it. I think there's a tree stump still left in the  
16 sidewalk.

17 MR. WORSTELL: I can tell you that  
18 tree was there when we there. That tree was on our  
19 drawings, and that tree was there at the time we did  
20 the construction. I think we were all out there  
21 scratching our heads. We were out there. It's in  
22 front of PSE&G's property, but it's in the County  
23 right-of-way. I was out there with Jack last week.  
24 We don't know how it happened.

25 MR. TRIDENTE: There's also another

1 tree at the intersection of Cape May.

2 CHAIRMAN CHOFFO: Wouldn't that be  
3 PSE&G's responsibility?

4 MR. TRIDENTE: The responsibility is  
5 who split which trees.

6 MR. WORSTELL: What happened was the  
7 tree was there. It was on our drawings. It was not  
8 cut down by Advance. We're not sure who cut it  
9 down. It was there when the work was originally  
10 completed.

11 CHAIRMAN CHOFFO: It should be  
12 removed.

13 MR. TRIDENTE: It's a hazard. It's  
14 not going to grow back.

15 MR. WORSTELL: I agree.

16 COMMISSIONER ARENCIBIA: It's  
17 something for Advance. I mean it's in the work zone  
18 of a project. You did do the curb and sidewalk.

19 MR. WORSTELL: In all fairness to  
20 Advance, there's a point where we completed work,  
21 and our construction crews moved off site, and the  
22 trees were there, and somebody cut them down. I'm  
23 not sure why that is. I would ask why that's now  
24 Advance's. We will work with you and figure that  
25 out.

1                   COMMISSIONER ARENCIBIA:  If somebody  
2 cut that tree down, they must have had a permit from  
3 the County or the City.

4                   MR. TRIDENTE:  I can go back and see  
5 back through a couple years and see and give you an  
6 approximate timeframe.

7                   MR. WORSTELL:  I'll check my photos  
8 too.

9                   CHAIRMAN CHOFFO:  When you go through  
10 the punch list you can correlate on that.

11                   FREEHOLDER O'DEA:  Can we get back to  
12 the subdivision because I have a technical question  
13 of Mr. Curley?  The applicant today is who, who is  
14 it?

15                   MR. CURLEY:  Advance Realty.

16                   FREEHOLDER O'DEA:  So Advance Reality  
17 is the applicant.

18                   MR. CURLEY:  Advance Realty and the  
19 town, Harrison Redevelopment.

20                   FREEHOLDER O'DEA:  Because we keep  
21 hearing reference to Russo.

22                   MR. BERGER:  Russo is contract  
23 purchaser of the couple of the lots, and we are  
24 providing legal representation for Advance, but the  
25 application is in the name of Advance.  Until we

1 close our contract of sale, it stays in the name of  
2 Advance. When we close, which we're trying to do by  
3 the end of this month for many reasons and time is  
4 critical, and Russo has been putting an enormous  
5 amount of effort into getting all of this done, and  
6 we need a subdivision to close because if we are  
7 buying a lot, it has to be a legal lot that we buy.  
8 We have to have a plat filed.

9 FREEHOLDER O'DEA: Russo is the  
10 contract purchaser of the property?

11 MR. BERGER: Not the entire property,  
12 just two parcels.

13 FREEHOLDER O'DEA: Who is the  
14 designated of developer of those two parcels?

15 MR. BERGER: The Town of Harrison is  
16 in the process of negotiating a redeveloper  
17 agreement with Russo now. That is another item as  
18 well as a financial agreement that's being  
19 negotiated that must be completed before closing.

20 FREEHOLDER O'DEA: I guess the answer  
21 to the question is, the designated developer of the  
22 property today is Advance?

23 MR. BERGER: Yes, sir.

24 FREEHOLDER O'DEA: Mr. Curley, can  
25 you prior to us memorializing this item get a copy

1 of the current redevelopment agreement with the City  
2 of Harrison or the Harrison Redevelopment Agency and  
3 just review the following issue for me. You know,  
4 you've been involved in this as long as I knew you.  
5 Generally a developer can't transfer a parcel of  
6 property that they were designated irregardless of  
7 their ownership unless they complete the project.  
8 It appears here for whatever reason, that's not  
9 going to occur. I'm curious to know whether the  
10 current agreement with Advance requires that they  
11 have to complete the project before they're able to  
12 transfer title to the property.

13 MR. CURLEY: The typical  
14 redevelopment agreement has a covenant against  
15 transfer of title until a certificate of completion  
16 on the project is issued. However, title can be  
17 transferred with the consent of the redevelopment  
18 entity. In this case, the redevelopment entity  
19 would be Harrison Redevelopment Agency. Harrison  
20 Redevelopment Agency can waive the protection of  
21 that covenant against transfer.

22 FREEHOLDER O'DEA: Can you just  
23 review and see what that agreement says?

24 MR. CURLEY: I would think that the  
25 applicant must have a copy of that agreement.

1 MR. BERGER: I concur. What Mr.  
2 Curley said is absolutely correct. Secondly, I can  
3 email to you tomorrow a PDF copy of the  
4 redevelopment agreement so you can have those to  
5 review as Mr. O'Dea has asked.

6 MR. CURLEY: The contract of sale is  
7 confidential.

8 MR. BERGER: There are terms in the  
9 contract of sale that are confidential. It would be  
10 up to Advance to tell me whether I could release or  
11 what parts. Here's what I could do.

12 MR. CURLEY: It would be helpful for  
13 Advance to give you written authorization.

14 MR. BERGER: And to acknowledge, and  
15 I'm referring you to the application on page 2,  
16 Richard Berger, as counsel. It's signed by their  
17 representative.

18 MR. CURLEY: It doesn't designate  
19 Russo as the agent.

20 MR. BERGER: Yes, absolutely. What  
21 we have is this Advance, the site plan applicant is  
22 Advance. Everything is Advance now until we  
23 actually close.

24 FREEHOLDER O'DEA: So the applicant  
25 is Advance. I kept hearing Russo. I've got

1 beautiful things I hear about Russo and Advance. As  
2 you know I know a little bit about redevelopment  
3 agreements, and generally, I don't see towns letting  
4 developers who fail to perform for so many years  
5 suddenly sell off parcels of property. I don't have  
6 an idea what the sale price is, et cetera. I guess  
7 that's a different venue. I just want to confirm  
8 what happened.

9 MR. MARKS: Mr. Chairman, let the  
10 record reflect that Freeholder Romano is here.

11 FREEHOLDER ROMANO: I'm just here as  
12 an observer.

13 FREEHOLDER O'DEA: He's not here as a  
14 Member of the Board, and he should be sitting in the  
15 audience.

16 CHAIRMAN CHOFFO: Do you have  
17 anything to else to submit?

18 MR. BERGER: We are requesting,  
19 Mr. Chairman, the amendment be approved, and we are  
20 requesting on behalf of the contractor purchaser,  
21 I'm telling you just that, that we are trying very  
22 hard, and the Town of Harrison is working very hard  
23 to get those closing done, really before  
24 November 10th. November 10th is when the resolution  
25 of approval for both the site plan and subdivision

1 plan is going to be formally approved. If there's  
2 any way that if the Board approves, that we can have  
3 a resolution of approval by within that time  
4 timeframe, it would permit us to accomplish what  
5 Mr. O'Dea would like to see, I guess; that we become  
6 the owner, and we are the assignee of these  
7 approvals.

8 COMMISSIONER ARENCIBIA: Mr.  
9 Chairman, I still have a question on the  
10 subdivision. I want to get back to your  
11 right-of-way. You're changing the right-of-way on  
12 the streets that are not County roads. Frank E.  
13 Rodgers Boulevard, there was work done on the  
14 roadway. They widened it. There was a median at  
15 some point.

16 MR. BERGER: There is a plan in the  
17 redevelopment plan, a discussion about concrete  
18 median.

19 COMMISSIONER ARENCIBIA: The Harrison  
20 redevelopment plan?

21 MR. BERGER: Correct. Well, I think  
22 there's a question whether this should occur. At  
23 this point I don't think it's an appropriate time to  
24 discuss it.

25 COMMISSIONER ARENCIBIA: The

1 subdivision right-of-way for Frank E. Rodgers  
2 Boulevard, my understanding was that the widening of  
3 Boulevard, there would be a right-of-way dedication  
4 to the County from that widening.

5 MR. WORSTELL: No, there wasn't. The  
6 Boulevard today as is constructed is within the  
7 County, within the current County right-of-way. The  
8 only caveat is with the widened there is five feet,  
9 there is a five-foot easement was that was proposed  
10 for sidewalk along this side, right, and as far as I  
11 know, the easements were furnished to the County  
12 attorney, and I don't know that anything has  
13 resulted from that. We're prepared to execute those  
14 easements as soon as we get them approved by the  
15 County attorney.

16 COMMISSIONER ARENCIBIA: I think  
17 that's what you need. There should be a  
18 right-of-way dedication to the County. Is that  
19 represented in your subdivision?

20 MR. WORSTELL: Yes, it is not  
21 represented at this point as a dedication. They're  
22 on the subdivision as the property. I guess if the  
23 County, I think there was some discussion back and  
24 forth whether that should go as a right-of-way, or  
25 it should go as an easement as I recall. I don't

1 know that it's...

2 MR. BERGER: We also discussed it  
3 with the town attorney Harrison and their  
4 professionals, and it was felt that was sort of six  
5 of one and half dozen of the other. If you give a  
6 dedication of the sidewalk easement, do you give a  
7 dedication of the land for a sidewalk? It was sort  
8 of a distinction but not much of a difference. We  
9 had indicated we would do whichever the town wanted.  
10 At this point the town had indicated to us that all  
11 they wanted was a dedication of an easement.

12 COMMISSIONER ARENCIBIA: It's on a  
13 County road.

14 MR. BERGER: I think that was to  
15 provide coverage.

16 MR. WORSTELL: I think everything has  
17 been described. We've been waiting for the County.

18 CHAIRMAN CHOFFO: It is a County  
19 road. We would like to keep it uniform with all of  
20 our municipalities in terms of right-of-way.

21 COMMISSIONER ARENCIBIA: We still  
22 need a 10-foot-wide right-of-way. There are future  
23 possibilities to build their utilities that come  
24 into the right-of-way.

25 MR. WORSTELL: Well, my understanding

1 of information of what was furnished to the County,  
2 and that's what the legal department has done with  
3 it. I haven't seen it. I'll tell you what. I'll  
4 make sure you have a copy of it, but what is  
5 proposed to be done is shown on this plan. We can  
6 make it a dedication, or we can make it an easement.

7 COMMISSIONER ARENCIBIA: I think it  
8 should be a dedication and shown on this  
9 subdivision.

10 MR. BERGER: Then the applicant will  
11 accept that if that's the Board's decision.

12 MR. MARKS: Mr. Chair, I would  
13 recommend as a condition of approval if the Board so  
14 chooses, that the applicant work with representative  
15 from the County Engineer's office and our consulting  
16 engineer, as well as Mr. Tridente, to create a  
17 comprehensive checklist that include the hazards  
18 that exist in the area, and actually come up with a  
19 schedule of when those deficiencies will be  
20 addressed as a condition of approval. If the Board  
21 so chooses, there is a Special Meeting next week.

22 CHAIRMAN CHOFFO: That's what I was  
23 going to ask.

24 MR. MARKS: The next regularly  
25 scheduled meeting is on Monday, November 14th, as we

1 discussed before, which is after the critical date  
2 for the applicant, but there is a special meeting,  
3 I'll talk to the Board attorney, where it could be  
4 memorialized.

5 CHAIRMAN CHOFFO: Mr. Curley, is that  
6 feasible?

7 MR. CURLEY: Absolutely.

8 MR. REIMON: My turn. Do you have  
9 typical sections of all the roadways that are  
10 referenced in a letter that was sent to Megan on  
11 September 20th?

12 MR. WORSTELL: In the application  
13 there were plans for -- this is what has been  
14 constructed. This shows the constructed. This is  
15 an as-built of all of the construction, curb, as  
16 well as the utilities.

17 MR. REIMON: That is what is there  
18 right now?

19 MR. WORSTELL: Right now, and this is  
20 consistent -- this is not consistent with some of  
21 the widened sidewalks.

22 MR. REIMON: That is consistent with  
23 the letter that was send to Megan, all right. So I  
24 have only two lanes one in each direction on  
25 Riverbend Drive, one parking lane in each direction.

1 We've lost the median already?

2 MR. WORSTELL: Yes.

3 MR. REIMON: What is the philosophy  
4 behind losing the median?

5 MR. WORSTELL: First of all you're  
6 getting wider sidewalks, which allow you to do  
7 further landscaping on the sidewalks. The actual  
8 amount of green space hasn't been changed. You have  
9 a park down in this area, which is much larger. It  
10 is a continuous area. You've added sidewalk which  
11 allows us to place additional landscaping along  
12 those areas. You're not as constrained.

13 From an operational standpoint, what the  
14 community gained by it is the median was constrained  
15 to program around what it would become. They've  
16 actually started to utilize this for game days most  
17 these rights-of-way as a positive, and the median  
18 starts to break that up. That was from the concept  
19 of the master plan. Harrison thought this wasn't an  
20 improvement.

21 MR. REIMON: What is it that the  
22 median breaks?

23 MR. WORSTELL: Basically, where you  
24 have a large plaza that you can program any way you  
25 wanted to, you're now breaking it up into the two

1 20-foot-wide sections.

2 MR. REIMON: You have traffic on that  
3 road.

4 MR. WORSTELL: Not on game days.  
5 That gets closed off, staging for emergency vehicles  
6 in Riverbend for the stadium. The median would have  
7 been a problem from our perspective. When we looked  
8 at this, I guess it was a very big game, they closed  
9 down Riverbend and set up tents like a street fair.  
10 A median would have been an impediment to that.  
11 From the perspective of the developer to create  
12 retail, we really didn't want to separate off the  
13 retail view from both sides of the street and have a  
14 big, trafficy place. We wanted to have a  
15 streetscape.

16 MR. REIMON: You wanted a boulevard?

17 MR. WORSTELL: More of a boulevard  
18 and the street appeal. That was the concept.

19 MR. REIMON: What is going to be on  
20 the east side of the street of that Riverbend, is  
21 that going to be storefront?

22 MR. WORSTELL: It's housing with  
23 lower level. Part of this is residential. Part of  
24 it is commercial. Our plan is retail along this  
25 line, along Riverbend and retail along Frank E.

1 Rodgers Boulevard. On this side we have townhomes.  
2 We have a restaurant with sidewalk dining over on  
3 this corner. We get into a residential along  
4 Crucible, in the back of Crucible, and over in this  
5 are we are giving it retail.

6 MR. REIMON: This is going to be in  
7 compliance with a concept that is being used lately  
8 because you're losing the median. That's a big area  
9 here. In this area you have a nice neighborhood,  
10 and the median would a complete the street. You can  
11 see it.

12 MR. WORSTELL: We went back and forth  
13 with the Harrison's planners, and basically this has  
14 been approved. When this was a grand approach to  
15 the stadium, what happened is the stadium entry  
16 actually shifted. This all has become very active  
17 so we've adjusted it to make this more active as an  
18 approach and then de-emphasized this, and that was  
19 worked out with the master plan in the project.  
20 They recommended it. That's their opinion.

21 CHAIRMAN CHOFFO: Steve.

22 MR. MARKS: Mr. Chairman, I've been  
23 discussing with Mr. Curley. The public notice for  
24 next week's meeting was already advertised, and it  
25 doesn't meet the ten-day public notice requirement.

1 There's no way we can put the memorialization if the  
2 Board approves it on the agenda next week. It  
3 wouldn't comply with the meeting requirement, public  
4 notice requirements.

5 MR. BERGER: We can work with the  
6 14th if we have to. We'll have to. We appreciate  
7 the consideration of the Board. We are very  
8 grateful. Thank you.

9 CHAIRMAN CHOFFO: Do I have a motion?

10 COMMISSIONER ARENCIBIA: Were the  
11 conditions stated? I know there were conditions  
12 separate from Mario, the punch list to be addressed,  
13 and the dedication of the right-of-way, the  
14 five-foot strip on Frank E. Rodgers Boulevard to the  
15 County, the representative.

16 CHAIRMAN CHOFFO: I was under the  
17 impression that Mario's punch list that there was  
18 going to be a meeting, and this would be have to be  
19 before the memorialization.

20 MR. TRIDENTE: I'll try to set it up.

21 CHAIRMAN CHOFFO: Keep the Town of  
22 Harrison construction office in the meeting. Rather  
23 than list all the conditions again, that would be  
24 part of our approval.

25 MR. MARKS: That is correct. That

1 would be before the resolution is memorialized, the  
2 applicant and the Board's professionals, the County  
3 Engineer and consulting engineer, building inspector  
4 and the town engineer.

5 COMMISSIONER ARENCIBIA: And the  
6 dedication of the sidewalk.

7 MR. WORSTELL: No problem, we're in  
8 agreement. How do you want it shown on the plans?

9 COMMISSIONER ARENCIBIA: That should  
10 be shown as you're representing a right-of-way on  
11 the side streets.

12 MR. WORSTELL: You want me to move  
13 the right-of-way over?

14 COMMISSIONER ARENCIBIA: Yes, also  
15 saying there's a five-foot strip to be dedicated to  
16 County.

17 MR. WORSTELL: That's shown on there.  
18 It's a matter of denoting that it's going to be  
19 dedicated to the County. I need to change the  
20 noting; is that correct?

21 COMMISSIONER ARENCIBIA: Okay.

22 CHAIRMAN CHOFFO: And Commissioner  
23 O'Dea's request you have Mr. Curley review the  
24 agreement.

25 MR. BERGER: That will happen

1 tomorrow morning.

2 CHAIRMAN CHOFFO: I think that covers  
3 the conditions. So do I have a motion?

4 FREEHOLDER DiDOMENICO: Based on the  
5 conditions already stated, I make a motion for  
6 approval.

7 MR. MARKS: Mr. Chairman, on the  
8 motion to conditionally approve Application  
9 2011-077-SP, made by Commissioner DiDomenico, second  
10 by Commissioner Bettinger.

11 Commissioner Arencibia.

12 COMMISSIONER ARENCIBIA: Aye.

13 MR. MARKS: Commissioner Bettinger.

14 COMMISSIONER BETTINGER: Aye.

15 MR. MARKS: Commissioner DiDomenico.

16 FREEHOLDER DiDOMENICO: Aye.

17 MR. MARKS: Commissioner Mehta.

18 COMMISSIONER MEHTA: Aye, with the  
19 conditions.

20 MR. MARKS: Commissioner Ng.

21 COMMISSIONER NG: Aye.

22 MR. MARKS: Commissioner O'Dea.

23 FREEHOLDER O'DEA: I'm going to vote  
24 no. I'm concerned that this subdivision undermines  
25 the integrity of the entire development area. It

1 undermines the requirement of not only whatever the  
2 redevelopment agreement required for the larger  
3 development area, but also the issues that winds up  
4 coming before us as it relates to traffic that was  
5 probably relying upon the overall development that  
6 was conceived ten years ago and had never occurred  
7 on the site.

8           And lastly, I just have a concern that the  
9 sole purpose of this subdivision is to -- is to  
10 enrich a failed developer, who's had this property  
11 for ten years and done absolutely nothing with it  
12 except some infrastructure, hasn't built any  
13 residential or any retail. I think that the course  
14 of action should not be to create a subdivision so  
15 that a failed developer could turn around and sell  
16 the properties and make money on it. There is  
17 another course of action that redevelopment  
18 agreements rely on. I just don't understand why the  
19 town doesn't rely on it.

20           MR. MARKS: Chairman Choffo.

21           CHAIRMAN CHOFFO: I vote aye. Thank  
22 you.

23           MR. MARKS: Mr. Chairman, for the  
24 record, my office would never advise an applicant  
25 not to bring a professional. We always encourage

1 and always recommend applicants come represented by  
2 attorneys, bring a traffic engineer or civil  
3 engineer for stormwater. We always recommend it.  
4 We did not discuss it nor recommend that the  
5 previous application for subdivision not bring a  
6 traffic engineer. I wanted to state that for the  
7 record.

8 In fact, in Ms. Massey's letters for every  
9 application, the last provision before a signature  
10 is recommending that the applicant bring their  
11 attorney and licensed professional. It's not only  
12 encouraged certainly, it's also in writing.

13 FREEHOLDER O'DEA: I didn't just want  
14 to look like I was picking on one side.

15 MR. MARKS: Mr. Chairman,  
16 Commissioner Avagliano requested that we have  
17 Sheriff's officers at the special meeting next week.  
18 So we do have a request in to the Sheriff to provide  
19 extra protection.

20 CHAIRMAN CHOFFO: Next meeting is?

21 MR. MARKS: Mr. Chairman, please  
22 strike the meeting date in your notice. It's  
23 actually Monday, November 14th. I apologize for the  
24 error. There's a special meeting next Wednesday.  
25 The next regular meeting is Monday, November 14th.

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CHAIRMAN CHOFFO: Motion to adjourn.  
(There being no further matters  
before the Board; the Chairperson adjourns the  
meeting. Whereupon the proceeding is then concluded  
at 9:56 p.m.)

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

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I, SHARI CATHEY, a Notary Public and  
Shorthand Reporter 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,  
October 19, 2011; and that this is a correct  
transcript of the same.

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SHARI CATHEY, S.R.  
A NOTARY PUBLIC of the  
State of New Jersey  
I.D. No. 2283786  
Commission Expires 2/4/12

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