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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 17, 2012  
6:30 p.m.

BEFORE:

RENEE BETTINGER, Chairman  
JOSEPH GLEBOCKI, PE, Assistant Cty. Engineer  
DANIEL CHOFFO, Commissioner (via phone)  
MICHAEL HOLLOWAY, Vice Chair  
HON. ANTHONY ROMANO, Freeholder  
JAMES CRYAN, Commissioner

ALSO PRESENT:

MEGAN MASSEY, P.E., AICP, PRINCIPAL PLANNER  
MASSIEL FERRARA, PP, AICP, PLANNING DIRECTOR  
JACLYN J. FLOR, R.E., P.P., CME  
JOHN J. CURLEY, ESQ., Board Attorney  
MARIO TRIDENTE, INSPECTOR

Job No. NJ1306975

1 CHAIRWOMAN BETTINGER: Good evening,  
2 I would like to call to order the meeting of the  
3 Hudson County Planning Board for Wednesday, October  
4 17th, 2012. Counsel, has this meeting been properly  
5 advertised?

6 MR. CURLEY: Yes, the meeting has  
7 been advertised in accordance with the Open Public  
8 Meetings Act. Advertisements were given to the Star  
9 Ledger and the Jersey Journal. The meeting was  
10 posted in the County Clerk's office and with the  
11 Freeholder Board.

12 CHAIRWOMAN BETTINGER: Thank you,  
13 Counsel. Madam Secretary, may I have a roll call?

14 MS. FERRARA: Commissioner Arencibia,  
15 absent. Commissioner Avagliano, absent.  
16 Commissioner Choffo, absent. Commissioner Cryan.

17 COMMISSIONER CRYAN: Here.

18 MS. FERRARA: Commissioner  
19 DiDomenico, absent. Commissioner Glembocki.

20 COMMISSIONER GLEMBOCKI: Here.

21 MS. FERRARA: Commissioner Gomez,  
22 absent. Commissioner Holloway.

23 COMMISSIONER HOLLOWAY: Here.

24 MS. FERRARA: Commissioner Mehta,  
25 absent. Commissioner Ng, absent. Commissioner

1 Romano.

2 FREEHOLDER ROMANO: Here.

3 MS. FERRARA: Chairwoman Bettinger.

4 CHAIRWOMAN BETTINGER: Here.

5 MS. FERRARA: Chairwoman, we have a  
6 quorum.

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

9 (Flag Salute.)

10 CHAIRWOMAN BETTINGER: Have all the  
11 Commissioners received the Minutes? Do I have a  
12 motion to approve?

13 MS. FERRARA: On a motion put forward  
14 to accept the Minutes from September 19th, 2012, put  
15 forth by Commissioner Romano. Second by  
16 Commissioner Holloway.

17 Commissioner Glembocki.

18 COMMISSIONER GLEMBOCKI: Yes.

19 MS. FERRARA: I'm sorry, and  
20 Commissioner Cryan.

21 COMMISSIONER CRYAN: Abstain.

22 MS. FERRARA: Commissioner Holloway.

23 COMMISSIONER HOLLOWAY: Aye.

24 MS. FERRARA: Commissioner Romano.

25 FREEHOLDER ROMANO: Abstain.

1 MS. FERRARA: Chairwoman Bettinger.

2 CHAIRWOMAN BETTINGER: I vote aye.

3 MS. FERRARA: Chairwoman, we do not  
4 have a quorum on the approval. We're going to carry  
5 the Minutes to the next meeting. We couldn't vote  
6 on it.

7 The next item on the agenda is resolution  
8 memorializing amendments to the Hudson County  
9 Planning Board voting procedures. The resolution  
10 should be in your folder.

11 CHAIRWOMAN BETTINGER: Do I have a  
12 motion? We already approved it, correct?

13 MR. CURLEY: This will be the  
14 approval of the resolution.

15 MS. FERRARA: On a motion put forth  
16 to accept the changing in voting procedures by  
17 Commissioner Cryan. Second by Commissioner  
18 Holloway.

19 Commissioner Cryan.

20 COMMISSIONER CRYAN: Aye.

21 MS. FERRARA: Commissioner Glembocki.

22 COMMISSIONER GLEMOCKI: Yes.

23 MS. FERRARA: Commissioner Holloway.

24 COMMISSIONER HOLLOWAY: Aye.

25 MS. FERRARA: Commissioner Romano.

1 FREEHOLDER ROMANO: Yes.

2 MS. FERRARA: Chairwoman Bettinger.

3 CHAIRWOMAN BETTINGER: Aye.

4 MS. FERRARA: The motion has passed.

5 The next item on the agenda is  
6 memorializations considered at the last meeting,  
7 starting with Application 2012-036-SP, 1404 Grand,  
8 LLC, located at 1404-1406 Grand Street, Block 121,  
9 Lots 25 and 26 in Hoboken.

10 Next application, 2012-041-SP, St. Abanoub  
11 & St. Anthony Church, located at 1325-1335 Kennedy  
12 Boulevard, Block 7, Lot 4, in Bayonne.

13 The next application, 2012-042-SP, Red  
14 Bridge Homes Corporation, 154 North Street, Block  
15 187, Lot 14, in Hoboken.

16 CHAIRWOMAN BETTINGER: Counselor, I  
17 have a question. Are we going to run into the same  
18 situation with Commissioners that were not present  
19 at the meeting of September 19th?

20 MR. CURLEY: Well, in this instance  
21 in accordance with the new voting procedures, if  
22 less than a quorum is present, the motion can still  
23 be carried for the resolution.

24 MS. FERRARA: Counsel, will I call on  
25 only the Commissioners that attended.

1 MR. CURLEY: Attended and voted on  
2 it.

3 MS. FERRARA: Madam Chair, we still  
4 need to provide a motion and a second.

5 On a motion put forward by Commissioner  
6 Holloway. Second by Commissioner Romano.

7 Commissioner Arencibia, not present.  
8 Commissioner Choffo, not present. Commissioner  
9 DiDomenico, not present. Commissioner Gomez, not  
10 present. Commissioner Holloway.

11 COMMISSIONER HOLLOWAY: Aye.

12 MS. FERRARA: Commissioner Mehta, not  
13 present. Chairwoman Bettinger.

14 CHAIRWOMAN BETTINGER: Aye.

15 MS. FERRARA: Chairwoman, the motion  
16 has passed. Next item on the agenda is Site Plans  
17 Subdivisions and other matters scheduled for Public  
18 Hearing. The first application is 2012-029-SP,  
19 Chosen Condominiums, LLC, located at 3075 Kennedy  
20 Boulevard, Block 6304, Lot 5, in Jersey City.

21 MR. HARRINGTON: Thank you, Madam  
22 Chair, Commissioner. For the record, Charles  
23 Harrington of Connell Foley on behalf of the  
24 applicant. I'll give a brief overview of the  
25 project, and then I have Mr. Russell here, who is

1 the project architect to take you through the  
2 specifics of the project, and I also have my  
3 engineer here.

4 This property is located on Kennedy  
5 Boulevard. It's part of what was formerly the  
6 Volkswagen automobile dealership, which many people  
7 now are familiar with. We were here a number of  
8 years ago on a different project. This is scaled  
9 down somewhat. It's pretty much half that site that  
10 was before this Board at that time. We are  
11 proposing two buildings on the site, one that will  
12 front along Kennedy Boulevard, and one at the back  
13 of the lot that essentially will front on Skillman  
14 Avenue.

15 There will be a total of 83 residential  
16 units, and we are providing for some retail space  
17 that will front along Kennedy Boulevard, but we are  
18 not proposing any curb cuts. We're not proposing  
19 any kind of intrusion into Kennedy Boulevard. There  
20 is some parking proposed off of Skillman Avenue.  
21 That is around the back of the building.

22 We did make a presentation before the  
23 Jersey City Planning Board in June of this year,  
24 June 19th, to be specific, and we were approved, and  
25 the resolution was approved in July. This property

1 is located in the Journal Square 26 Redevelopment  
2 Plan Area. That's a relatively new redevelopment  
3 plan that Jersey City adopted within the last couple  
4 years. This is a project that is substantially in  
5 conformance with that redevelopment plan and its  
6 intent to get more density near the Journal Square  
7 Area.

8 So I guess that's really the sum of it.  
9 I'll let Ron take you through the pictures here. I  
10 should say as well we did receive review comments  
11 from the County Engineer consultants. I believe we  
12 have addressed those. We did attend a site plan  
13 review meeting sometime about two weeks ago. We  
14 provided an additional report in response to some  
15 questions there. I believe we've addressed their  
16 concerns, but our engineer is here tonight if there  
17 are any further questions.

18 CHAIRWOMAN BETTINGER: Counsel, I do  
19 have one question. From my memory, this is like the  
20 third time that you are appearing before this Board  
21 on the same property?

22 MR. HARRINGTON: It's --

23 CHAIRWOMAN BETTINGER: It was also,  
24 first there was a Cornucopia Supermarket, and then  
25 it was supposed to be a large development so.

1 MR. HARRINGTON: In total, it  
2 probably is the third time that this property or  
3 adjacent properties have been before the Board. I  
4 believe in 2004, or maybe 2005, there was a large  
5 project that encompassed all the property that  
6 fronted along Kennedy Boulevard, and then some of  
7 the property that was along Skillman Avenue on the  
8 other side of the vacated street. Subsequent to  
9 that, they actually carved out the properties. They  
10 sold one of the pieces, and that was one of the  
11 projects that was before you with the Cornucopia  
12 Supermarket. That's not part of this project.

13 CHAIRWOMAN BETTINGER: That's a  
14 separate project?

15 MR. HARRINGTON: That's a separate  
16 project.

17 CHAIRWOMAN BETTINGER: Is that going  
18 forward?

19 MR. HARRINGTON: Yes, we understand  
20 that it is. That's why I said this is part of the  
21 former Volkswagen site because this is the part that  
22 is closer to the school and it's vacant land.

23 CHAIRWOMAN BETTINGER: Now that  
24 that's clear, you may proceed. Thank you.

25 (The witness is sworn.)

1 MR. CURLEY: Would you please state  
2 your name for the record and spell your last name.

3 MR. RUSSELL: My name is Ronald J.  
4 Russell, R-u-s-s-e-l-l. The name of the company is  
5 LWDMR Architects in Jersey City.

6 MR. HARRINGTON: Mr. Russell has  
7 appeared and testified before this Board many times  
8 as an architect, and I offer him again in that  
9 regard, if that's okay.

10 CHAIRWOMAN BETTINGER: On behalf of  
11 the Board, yes.

12 MR. HARRINGTON: Thank you.

13 MR. RUSSELL: Thank you. As Chuck  
14 mentioned the property is Journal Square. It fronts  
15 on both Kennedy Boulevard and Skillman Avenue.  
16 Kennedy Boulevard, the site slopes to Skillman.  
17 There's an approximate grade variation of 20 feet.  
18 Kennedy Boulevard is higher. Skillman Avenue is  
19 lower. The vacant land next to the school and  
20 sandwiched between the school and the former  
21 Volkswagen Chevy dealership, which is still there,  
22 which will be the Cornucopia. The lot size is 125  
23 feet wide by 180 deep going down to Skillman.

24 We are proposing two buildings. Drawing  
25 C-101, is the site plan. That drawing shows two

1 buildings on Kennedy Boulevard. There will be one  
2 building fronting on Kennedy Boulevard. There will  
3 be six stories, ground floor retail, a lobby,  
4 superintendent's apartment and an office. Above  
5 that, there will be 40 apartments over five stories.  
6 No parking on the ground floor. No access for any  
7 cars from Kennedy Boulevard.

8 All cars will drive down St. Paul's, make  
9 a right onto Skillman; from there, second building,  
10 six stories, ground floor, lobby, 19 parking spaces  
11 on grade. Above that, there will be five stories of  
12 residential, 40 units. The ground floor of that  
13 building also will be two residential units. The  
14 total is 83 residential units in the entire complex.  
15 The buildings are not connected because of the grade  
16 variation. There will also be plantings between the  
17 two buildings. There will be an outdoor sitting  
18 area, gazebo and other stuff.

19 Are there any questions on the plans so  
20 far? I'll go right to the elevation. We're  
21 proposing two buildings. They are somewhat  
22 contemporary. They are actually mirrored buildings  
23 on the facades and plans. The one on Kennedy  
24 Boulevard will be a red brick building.

25 MR. CURLEY: Mr. Russell, the

1 elevations are not part of this submission to the  
2 Board. Would you please just mark it as exhibits.

3 MR. RUSSELL: Drawing A-200 is the  
4 elevation for Kennedy Boulevard. Again, Skillman  
5 Avenue is identical to it, except it's a mirror  
6 image. The ground floor will have a lobby entrance  
7 as well as retail entrance. It will be cast stone  
8 on the ground floor and brick, red brick, metal  
9 panels at the upper floor to give a lower appearance  
10 of the height.

11 So it will be five stories masonry, one  
12 story of metal panels. The metal panels then turn  
13 down, so it breaks down the side of the building.  
14 The windows will be a very large amount of window,  
15 full balconies or railings to give the appearance of  
16 balconies to break the facade down. Any questions?

17 CHAIRWOMAN BETTINGER: What type of  
18 retail is going to be --

19 MR. RUSSELL: That's unknown right  
20 now. There's approximately 3,700 square feet, plus  
21 or minus. We do allow for multiple door entrances.  
22 So it could be one or three or four different  
23 tenants, depending on use, and of course, the  
24 tenants. Any other questions?

25 MR. HARRINGTON: Okay. We have our

1 project engineer here. I'm not sure if you want a  
2 presentation from him or if you would like to  
3 address any issues that the consulting engineer may  
4 have.

5 CHAIRWOMAN BETTINGER: Jackie.

6 MS. FLOR: Madam Chair, the only item  
7 I was waiting for was drainage calculations. Per  
8 the site plan review committee meeting, they were  
9 going provide revised calculations. The pipe size  
10 was inadequate. They were going to modify the pipe  
11 calcs. I do not believe I received those.

12 MR. HARRINGTON: We did deliver those  
13 to the planning office. I'm not sure if they were  
14 provided to the consulting engineer. I do have them  
15 here for a copy. I know they picked an eight-inch  
16 pipe.

17 MS. FLOR: Madam Chair, we can just  
18 do subject to revision of the drainage. Should I  
19 find that the calculations are inadequate,  
20 typically, outdoors you would have a bigger pipe, we  
21 can review this and have it as a condition of  
22 approval.

23 COMMISSIONER HOLLOWAY: Madam Chair,  
24 Skillman Road is in the back of the building; is  
25 that correct?

1 MR. RUSSELL: Yes.

2 COMMISSIONER HOLLOWAY: Retail  
3 stores?

4 MR. RUSSELL: No retail on the ground  
5 floor of the Skillman building. That will be the  
6 parking entrance and entrance to the lobby and  
7 residential.

8 COMMISSIONER HOLLOWAY: Will there be  
9 any queuing on Skillman Road for the retail, storage  
10 for trucks coming for delivery?

11 MR. RUSSELL: The retail will be on  
12 Kennedy Boulevard. Due to the grade variation,  
13 they're very small retail spaces, and there will be  
14 no access to the Kennedy Boulevard building from  
15 Skillman Avenue for deliveries.

16 CHAIRWOMAN BETTINGER: That concerns  
17 me because of the school.

18 COMMISSIONER HOLLOWAY: That's one of  
19 the reasons why I was asking that.

20 CHAIRWOMAN BETTINGER: That's why I  
21 had asked the question what type of retail is going  
22 to be in there because with schools, the queuing  
23 goes down to the end of the block, and there's also  
24 going to be a supermarket there as well so.

25 MR. RUSSELL: There is no parking

1 permitted on Kennedy Boulevard. There is no loading  
2 parking permitted on Kennedy Boulevard. There are  
3 other retail stores on Kennedy Boulevard for retail.  
4 It could be a realtor's office. It could be  
5 anything. We don't know at this time. We don't  
6 know if it will require deliveries or not.

7 CHAIRWOMAN BETTINGER: Counsel, are  
8 you familiar with the project, Cornucopia?

9 MR. HARRINGTON: Somewhat, but I  
10 wasn't the attorney on this project.

11 MR. RUSSELL: I was the architect of  
12 that project. The deliveries for the Cornucopia --

13 CHAIRWOMAN BETTINGER: I'm just  
14 trying to remember.

15 MR. RUSSELL: For the Cornucopia  
16 building, there was no permitted deliveries from  
17 Kennedy Boulevard. All deliveries are required to  
18 be from Skillman Avenue through a rear garage, which  
19 is existing. The building, Cornucopia is reusing  
20 the existing building. There is an existing  
21 entrance on Skillman Avenue where cars, when they  
22 were getting repaired at Chevy and Volkswagen, they  
23 would drive into. That garage was going to be  
24 retained and all deliveries will be from that rear  
25 door.

1 COMMISSIONER HOLLOWAY: So the  
2 deliveries won't be on Skillman?

3 MR. RUSSELL: For the Cornucopia, it  
4 was through Skillman and into the building.

5 COMMISSIONER HOLLOWAY: So off  
6 Skillman?

7 MR. RUSSELL: That's what I'm talking  
8 about.

9 CHAIRWOMAN BETTINGER: Was there any  
10 type of parking for Cornucopia?

11 MR. RUSSELL: Yes, there was two  
12 access for parking on Cornucopia. There was parking  
13 from Skillman Avenue to an on-grade parking lot at  
14 the rear of it, fronting on Skillman, and then from  
15 Kennedy Boulevard, right now there is a dealership  
16 and an existing ramp that takes up to a midlevel,  
17 where they actually used to store cars or where  
18 people used to take a look at them, that outdoor  
19 rooftop parking is going to be retained. You drive  
20 up a half level ramp. That which was used for  
21 storage of cars will be now parking for Cornucopia  
22 for visitors or shopping. That's how it was  
23 approved.

24 CHAIRWOMAN BETTINGER: Is there any  
25 kind of concierge or doorman-type facility for this

1 project?

2 MR. RUSSELL: No, we only have 19  
3 parking spaces. You drive in. You park your car.  
4 There is designated parking spaces. There is no  
5 concierge. There is no doorman. There is no valet  
6 parking. It's basically drive down Skillman and  
7 into the parking lot.

8 CHAIRWOMAN BETTINGER: My question  
9 then on Kennedy Boulevard as far as entrance to get  
10 into the building for the residential, will they be  
11 entering on Kennedy Boulevard?

12 MR. RUSSELL: Residential entrance  
13 for each building, on Kennedy Boulevard is Kennedy  
14 Boulevard; on Skillman is Skillman. They are  
15 private entrances.

16 CHAIRWOMAN BETTINGER: So when you  
17 have a unit without a doorman or concierge, what  
18 happens when there's takeout delivery? That's going  
19 to be an issue.

20 MR. RUSSELL: I can't answer that  
21 question. There will be stairs on Skillman Avenue.  
22 There will be steps that you can come up to get to  
23 Kennedy Boulevard, but there is no drop-off area.  
24 There is no loading zone area. It's not required.  
25 It's not provided. The parking from the Journal

1 Square Redevelopment Plan is required to have zero  
2 parking at the minimum and a maximum of 0.5 parking  
3 spaces. We've provided 19, which is right in  
4 between zero and the max. We provided the parking  
5 spaces that's permitted, and loading is not  
6 required. We did not want any loading from Kennedy  
7 Boulevard. We did not want a curb cut. We did not  
8 want access for cars or anything else from Kennedy  
9 Boulevard.

10 CHAIRWOMAN BETTINGER: How large is  
11 the building on Kennedy Boulevard?

12 MR. RUSSELL: I believe it's  
13 approximately 41 units.

14 CHAIRWOMAN BETTINGER: When they all  
15 order takeout, the only way that someone can deliver  
16 Chinese food is through Kennedy Boulevard.

17 MR. RUSSELL: You can go down  
18 Skillman and take the stairs up to Kennedy  
19 Boulevard. Again, there is no parking permitted.  
20 They would be ticketed if they do park on Kennedy  
21 Boulevard.

22 MR. HARRINGTON: I think as a  
23 practical matter, when they keep coming, they will  
24 end up going around to Skillman. As you know that  
25 part of Kennedy Boulevard, you can't really stop at

1 all.

2 CHAIRWOMAN BETTINGER: That's what my  
3 concern is.

4 MR. HARRINGTON: I can't image a  
5 delivery person thinking they could stop in front of  
6 that building and go right into that. I would think  
7 as a matter of course, they would say, Go around to  
8 Skillman, we'll meet you there.

9 CHAIRWOMAN BETTINGER: Are these  
10 rentals or condominium?

11 MR. RUSSELL: At this time they're  
12 rentals.

13 CHAIRWOMAN BETTINGER: Any other  
14 comments? I'm trying to figure out a way. Knowing  
15 deliveries, I live in a condo myself, there is  
16 always Chinese food being delivered.

17 COMMISSIONER HOLLOWAY: One of the  
18 issues around that area around 3:30, when school is  
19 out, to 5:30, it's chaos. If it stops for a moment,  
20 it causes a backup of traffic in that area because  
21 you've got a state highway. You've got Kennedy  
22 Boulevard going north and south. It's a headache  
23 for almost two or three hours. You've got kids  
24 coming out of that school on the corner.

25 MR. RUSSELL: I know the area well.

1 I was born and raised, and I still live in that  
2 area. I know it very well. I think the most  
3 deliveries are made during the evening hours when  
4 school is not in session. I don't think there will  
5 be a conflict between delivery --

6 COMMISSIONER HOLLOWAY: Will there be  
7 a sign saying No Parking or Standing?

8 MR. RUSSELL: We're not proposing it.  
9 We can't provide unless there was an ordinance  
10 allowing us to do that.

11 COMMISSIONER HOLLOWAY: I understand.

12 CHAIRWOMAN BETTINGER: Any other  
13 questions, Ms. Flor?

14 MS. FLOR: That was the only thing I  
15 was going to ask, perhaps the signs for no parking,  
16 but they would have to seek approval for that from  
17 Jersey City.

18 CHAIRWOMAN BETTINGER: Are there any  
19 trees being planted?

20 MR. RUSSELL: Yes, there are. That's  
21 on the drawings. You can look at Drawing C-101, at  
22 Skillman, there are three trees plus planters in  
23 front of the building. The front of the building  
24 steps back a little bit. There will be a low  
25 planter and three trees. On Kennedy Boulevard we're

1 proposing four trees and allow for a planting area  
2 where the building is set back a little bit.

3 MS. MASSEY: Yes, Madam Chair. The  
4 applicant is addressing the two green techniques by  
5 providing native landscaping and bike racks for that  
6 development.

7 CHAIRWOMAN BETTINGER: Where are the  
8 bike racks going to be, on Skillman?

9 MR. RUSSELL: We don't have bike  
10 racks, it's bike rooms. It's for the people who  
11 live there. They have a place to store the bikes.

12 CHAIRWOMAN BETTINGER: Any other  
13 comments or questions? Do I have a motion?

14 FREEHOLDER ROMANO: Motion.

15 COMMISSIONER HOLLOWAY: Second.

16 MR. CURLEY: This will be conditioned  
17 upon the drainage calculation being reviewed and  
18 approved by the consulting engineer.

19 MR. TRIDENTE: Madam Chair, just one  
20 second. Is the applicant aware that he needs to  
21 apply for a soil conservation permit before he  
22 starts construction?

23 MR. RUSSELL: Yes.

24 MR. TRIDENTE: And all the other  
25 required approvals need to be sought before. This

1 would be conditioned upon those approvals.

2 MR. RUSSELL: Yes.

3 MS. FERRARA: Madam Chair, on a  
4 motion put forth by Commissioner Romano. Second by  
5 Commissioner Holloway.

6 Commissioner Cryan.

7 COMMISSIONER CRYAN: Yes.

8 MS. FERRARA: Commissioner Glembocki.

9 COMMISSIONER GLEMBOCKI: Yes.

10 MS. FERRARA: Commissioner Holloway.

11 COMMISSIONER HOLLOWAY: Aye.

12 MS. FERRARA: Commissioner Romano.

13 FREEHOLDER ROMANO: Aye.

14 MS. FERRARA: Chairwoman Bettinger.

15 CHAIRWOMAN BETTINGER: I vote aye  
16 with the conditions set forth.

17 MR. HARRINGTON: Thank you.

18 MS. FERRARA: Madam Chairwoman, the  
19 motion has passed.

20 The next application scheduled to be heard  
21 is Application 2012-034-SP; applicant, John Appello,  
22 location, 1445-1453 Union Turnpike; Block 79, Lots  
23 1.01, 1.02 and 2, located in North Bergen.

24 MR. ALONSO: Good evening, Madam  
25 Chair, Members of the Board. For the record, Alvaro

1     Alonso from the firm Alonso & Navarrete on behalf of  
2     John Appello, the applicant. By way of overview,  
3     this application was already considered by the North  
4     Bergen Planning Board. It's been approved. A copy  
5     of the resolution was submitted as part of the  
6     application.

7             Also, by way of law review, I just want to  
8     give you a little history of the property. My  
9     client has owned Lot 2, and operated his towing  
10    business for approximately 30-plus years in the  
11    1980s. Approximately nine years or ten years ago,  
12    he purchased Lot 1.01, and it was rented out. In  
13    2009, he purchased Lot 1.02, which would be the lot  
14    in between the two lots in order to complete the  
15    entire site.

16            Prior to purchasing that lot, he went to  
17    the Township to determine whether or not he needed  
18    zoning approval to demolition the two residential  
19    structures in order to use those two lots in  
20    connection with his business. He was told that he  
21    did not. He was issued demolition permits. He did  
22    all the work required, and he started to use the two  
23    lots.

24            Approximately, one year later he received  
25    a notice of violation from the Township that he

1 needed approval. Ultimately, the Township filed an  
2 order to show cause. The matter was heard in the  
3 Chancellery Division in 2010. We challenged the  
4 Township's actions based on a number of legal  
5 issues. Ultimately, it was decided that we would go  
6 back before the zoning board and obtain the  
7 necessary approvals and to come before this Board.

8 I give that by way of history because I  
9 know Mr. Tridente had indicated in one of his  
10 letters as whether or not the Board should consider  
11 any punitive damages which should be imposed against  
12 the applicant. I think by way of overview, it's  
13 important to know a little bit of history.

14 I have two witnesses this evening, Mr.  
15 Koestner as our site engineer and Mr. Stieger as our  
16 traffic engineer. My client is also present in the  
17 event that the Board has any questions, but it's not  
18 my intention to call him to testify. We'll have Mr.  
19 Koestner sworn in.

20 (The witness is sworn.)

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

23 MR. KOESTNER: Steven L. Koestner, 61  
24 Hudson Street, Hackensack.

25 MR. ALONSO: Mr. Koestner, can you

1 please review your qualifications as a licensed  
2 engineer?

3 MR. KOESTNER: Sure. I graduated  
4 from Clarkson College of Technology in 1974,  
5 obtained my surveyor's license in 1983, and my  
6 engineer's license in 1988, practicing since '74, on  
7 a full-time basis, part time prior to that. I've  
8 testified before several boards in the surrounding  
9 communities.

10 MR. ALONSO: Madam Chairwoman, Mr.  
11 Koestner is an expert in engineering.

12 CHAIRWOMAN BETTINGER: On behalf of  
13 the Board, you're accepted.

14 MR. ALONSO: Thank you.  
15 Mr. Koestner, did you prepare the site plan in  
16 connection with this application?

17 MR. KOESTNER: I did.

18 MR. ALONSO: And this is the site  
19 plan that was presented to the North Bergen Zoning  
20 Board?

21 MR. KOESTNER: Yes.

22 MR. ALONSO: And the reason why the  
23 site plan was prepared was because the client was  
24 not looking to expand the business, but rather to  
25 spread out the existing business and the trucks in

1 order to operate in a more efficient and safe  
2 manner?

3 MR. KOESTNER: Yes, he had  
4 approximately half the site in use at the time he  
5 had purchased adjoining properties. It was a very  
6 tight operation prior to the purchase of the  
7 adjoining properties for his trucks.

8 CHAIRWOMAN BETTINGER: Could you  
9 please speak up?

10 MR. KOESTNER: He had a very tight  
11 operation, tight to remove his trucks from the site  
12 prior to the purchase of the adjoining two  
13 properties. After purchasing the two lots and  
14 demolishing the homes, he expanded the use of the  
15 site, but not the actual expansion of the business  
16 itself.

17 MR. ALONSO: As a result of approvals  
18 by the Township, do we have to make certain  
19 improvements, including trees in the back?

20 MR. KOESTNER: Yes, trees in the  
21 back, also put trees along the street side of the  
22 property and one on the side.

23 MR. ALONSO: Can you testify as to  
24 the site circulation.

25 MR. KOESTNER: Basically, there's

1 three gates to the site, along Union Turnpike, three  
2 access points, plus the building itself has garage  
3 access, circulation through a gate, around and back  
4 out of the other gate, very much simplified in this  
5 layout than the prior layout.

6 MR. ALONSO: Are we providing any  
7 environmental options as required by the County?

8 MR. KOESTNER: Yeah, we have come up  
9 with a -- presently, there's the spill-off from the  
10 roof, water just going onto the ground. We've come  
11 up with collection cistern proposed in the  
12 southeasterly corner of the building. It's 3,000  
13 gallons in size to collect that roof water. I have  
14 it on the site plan to identify that. The last date  
15 is revised September 18th of this year. That would  
16 be piped to the landscaped area in the rear through  
17 a three-inch PVC, and then there would be perforated  
18 pipe buried in the ground to outlet the flow of that  
19 sister. There was also an overflow pipe proposed  
20 along the southern portion of the building. Any  
21 additional flow that wasn't released in the rear  
22 would be onto the gravel part of the lot on the  
23 site.

24 MR. ALONSO: On the site itself, were  
25 there any proposed trees?

1 MR. KOESTNER: There are. Three are  
2 proposed along Union Turnpike, one along the  
3 westerly boundary about halfway into the rear, and  
4 there are several shrubs also that have been  
5 installed along the southerly boundary, eight, in  
6 fact. The ones on Union Boulevard, they're not on  
7 the right-of-way. They are on the property itself.  
8 They're not. They're on the property itself along  
9 the right-of-way, but on the property itself.  
10 Presently, there's a concrete sidewalk in the  
11 right-of-way between the curb and the property line.

12 MR. ALONSO: Did you discuss the  
13 possibility of installing trees, shade trees, along  
14 the right-of-way with the applicant?

15 MR. KOESTNER: I have. He feels that  
16 because he had so many points of access along that  
17 driveway, the three gates plus the garage door,  
18 those trees would impede access to the site. He  
19 would like to give a contribution in lieu of the  
20 trees to the County for planting of trees in more  
21 desirable areas.

22 MR. ALONSO: With respect to those  
23 points of entry, there's been some comments in some  
24 of the correspondence that the curb should be raised  
25 at certain points for pedestrian safety. What

1 testimony can you provide to this Board with respect  
2 to that issue?

3 MR. KOESTNER: I think it would be a  
4 good idea if there was more space between the access  
5 points. You would have a undulating sidewalk up and  
6 down between the aprons than the more natural grade  
7 of the sidewalk. In practice, it probably wouldn't  
8 work as well it does now with the flat sidewalk.

9 MR. ALONSO: To the extent that it  
10 becomes a condition of this Board, the applicant has  
11 indicated he would agree to it?

12 MR. KOESTNER: He is willing to do  
13 it.

14 MR. ALONSO: But in your opinion,  
15 it's not the best alternative?

16 MR. KOESTNER: No.

17 MR. ALONSO: Now, there was also an  
18 issue raised with a possible eight-foot encroachment  
19 on the right-of-way with the installation of the  
20 fence. Can you provide any testimony with that?

21 MR. KOESTNER: The fence has a jog,  
22 so to speak, and it runs out from the building and  
23 then jogs out about eight feet, and then runs  
24 westerly to the property. At the building it's  
25 clear, when it jogs north eight feet, and it runs

1 along the property line. In fact, the fence is not  
2 encroached on the property. The first fence I  
3 referred to is clear. The second fence is running  
4 along the line, and it will not be an encroachment.

5 MR. ALONSO: The reason why the  
6 original fence was set back so many feet, it's  
7 really a staging area so that a vehicle coming in --

8 MR. KOESTNER: Trucks pull in, have a  
9 place to park, open the fence, pull into the site.

10 MR. ALONSO: Madam Chair, I have no  
11 further questions of the engineer.

12 MR. TRIDENTE: Madam Chair, when the  
13 applicant proposes or when the drivers propose to  
14 access the site and stop, will they be blocking the  
15 pedestrian walkway? When you say they need to open  
16 up the gate, will they be blocking the pedestrian  
17 walkway?

18 MR. KOESTNER: Right now, there is  
19 approximately 20 feet between the fence and the  
20 curb.

21 MR. TRIDENTE: How big is the truck?

22 MR. KOESTNER: The truck is going to  
23 be at least that size. In all likelihood for the  
24 time that the truck driver is parked to open the  
25 gate, there would be a blocking, right.

1 MR. TRIDENTE: So do you feel that  
2 that is the best to protect pedestrians from  
3 impacting the vehicle, being that there is a City  
4 park right next to the place?

5 CHAIRWOMAN BETTINGER: There is a  
6 park right next to it?

7 MR. ALONSO: There is procedure in  
8 place, which takes that into account. My client can  
9 testify. That procedure was put in place as a  
10 result of this application. So if you would like  
11 when we're done with Mr. Koestner, I'll call him up  
12 briefly to address that point.

13 MR. TRIDENTE: Okay.

14 MS. FLOR: I have several. Looking  
15 at the proposal --

16 CHAIRWOMAN BETTINGER: I guess you'll  
17 have to speak up.

18 MS. FLOR: All right. So can you  
19 hear me? Okay. Madam Chair, looking at the  
20 proposal for the cistern, to be honest, I don't find  
21 it practical. I would have to have this applicant  
22 come in, rip up their site, put in the three-inch  
23 pipe from a cistern that's probably going to  
24 overflow. It's not really something that I would  
25 suggest for this site. To me the drainage on the

1 site wasn't the issue. It never was.

2 It's an existing site. He's not  
3 increasing the impervious of the site. If he wants  
4 to meet the green techniques, there are several  
5 others he could have chosen. To me, the cistern  
6 doesn't make sense. I personally would rather have  
7 him remove the cistern. I just don't think it's  
8 going to make sense for the site. The water is  
9 going to sit stagnant. It could get clogged with  
10 leaves, a three-inch pipe. To me it doesn't make  
11 sense for the site.

12 So it will save the applicant money to not  
13 put in the cistern. We won't have to rip up the  
14 back of this site to put in the three-inch pipe. I  
15 think there are better solutions if they want to do  
16 something green techniques. There are plenty of  
17 choices. They could put bike racks. There's all  
18 kind of options for this site. I don't think the  
19 cistern makes sense, to be honest.

20 I would rather address more traffic  
21 issues, which are the real issues to the site, with  
22 the way the site operates, with the idling on the  
23 sidewalk, the parking on the sidewalk. I would  
24 rather see the cistern removed from the site plan in  
25 my opinion. If the applicant -- I can have Mario,

1 who went the site speak more about the operation.

2 Do you want to speak to what you observed?

3 MR. TRIDENTE: Well, I pass by there  
4 often before the applicant came before us. It's  
5 been a preexisting condition of tow trucks, cars  
6 being dismantled, work done on mangled vehicles that  
7 are sitting there parked on the sidewalk.

8 FREEHOLDER ROMANO: Why isn't the  
9 Sheriff's Department involved?

10 MR. TRIDENTE: I don't drive by there  
11 every day. It's a maintenance issue. It's an  
12 enforcement issue that the town residents need to  
13 take care of.

14 FREEHOLDER ROMANO: By having the  
15 three lots, Mario, would that alleviate that  
16 problem?

17 MR. TRIDENTE: Well, yes and no. I  
18 mean, I don't think that's the issue. I think it is  
19 that if you had some means of controlling vehicles  
20 from being parked on the sidewalk, that would  
21 improve the pedestrian safety immensely. There is  
22 just a constant -- it's been if you go on Google  
23 Earth, it goes back to 2007. You have all the 1980  
24 trucks you can see photographs that are parked right  
25 on the site.

1 FREEHOLDER ROMANO: Right now?

2 MR. TRIDENTE: I wouldn't say right  
3 now, but dating back, if you go back. I have  
4 photographs in my report. This condition has been  
5 ongoing, I mean, for a very, very long time.

6 MR. ALONSO: If I could address that,  
7 that's exactly why we're here. The lot as indicated  
8 by Mr. Koestner was a very narrow lot. The older  
9 trucks had to go in head-in to pull into the site.  
10 Whenever they needed a truck and they use different  
11 trucks depending on the situation, they will have  
12 take one of the other trucks, back out onto Union  
13 Turnpike. You couldn't leave them on the street, so  
14 you would have to throw them on the sidewalk, get  
15 the truck out, move the other trucks back in. It  
16 was a big mess.

17 As I indicated at my opening, it's not our  
18 intention and that's a condition of the approval,  
19 that we don't expand the size of the business in  
20 terms of we're not introducing new trucks. Whatever  
21 the numbers of truck that we have, we have a larger  
22 lot area, and we can now drive in head first, make  
23 whatever maneuvers to the site and then pull out.

24 What happens is once we received approval  
25 from the Township, we started to locate those trucks

1 on that site in order to alleviate the concern all  
2 the residents had, rather than continue to operate  
3 in the way that we did, we figured, let's take them  
4 off the street. We were then notified, you can't do  
5 that, you haven't received your County approvals  
6 yet, so we had to take them back off the site, put  
7 them back operating the way that we have been  
8 operating. That's why my client is trying to do  
9 everything possible try to alleviate that concern.

10 I know Mr. Tridente has spoken to my  
11 client. He has been making every effort to try to  
12 accommodate that while this application is pending.  
13 Once we're allowed to use the rest of the site,  
14 everything goes back into inside the property.

15 FREEHOLDER ROMANO: I have a  
16 question. You said that the main reason the  
17 vehicles were on the sidewalk was jockeying vehicles  
18 in and out. How do you explain a vehicle that's on  
19 a jack jockeying back in?

20 MR. ALONSO: Well, that's all part of  
21 the tight site that we had.

22 FREEHOLDER ROMANO: As a police  
23 officer, I see a vehicle up on jacks --

24 MR. ALONSO: Absolutely. The whole  
25 purpose of this application is to try to improve

1 that entire condition of the site. This operation  
2 has been there 30 years the way it is.

3 FREEHOLDER ROMANO: I understand the  
4 jockeying of cars. There's a Suburban, an SUV, on  
5 jacks near a children's park. Jockeying, I  
6 understand. The pictures here are very explicit.  
7 That why I'm asking Mr. Tridente, is there a  
8 commitment if this is approved that that is not  
9 going to happen again? Whose enforcement, would  
10 that be the Sheriff's Department?

11 MR. ALONSO: Both, I guess. It's a  
12 County road. The County Sheriff's Department would  
13 have jurisdiction, also the municipality would have  
14 jurisdiction over that type of enforcement.

15 COMMISSIONER CRYAN: Madam Chair, is  
16 there way to ensure it's not impeded?

17 MR. TRIDENTE: I would suggest  
18 planting trees every 30 feet in designated areas.  
19 That would more or less stop trucks from parking on  
20 the sidewalks or pulling up. It's a continuous drop  
21 curb. They can knock the curb at any point, park,  
22 double-park, sit, wait, whatever. But as some of  
23 the photographs will show, it's not only just tow  
24 trucks there. It's tow trucks with vehicles that  
25 are being towed. So now it's no longer a 20-foot

1 tow truck. Now it's a 40-foot tow truck.

2 FREEHOLDER ROMANO: Counsel, what is  
3 the main objection about the trees?

4 MR. ALONSO: I believe in speaking  
5 with the engineer and traffic engineer, it may  
6 impact the circulation of the vehicles on the site,  
7 if Mr. Koestner wants to elaborate on that?

8 MR. KOESTNER: There are several  
9 access points along that curb, along that sidewalk.  
10 To have so many trees, I think, would impede access  
11 to the parking area in the rear. We really don't  
12 want to do that.

13 FREEHOLDER ROMANO: You emphasized by  
14 the expansion of property to three lots, therefore,  
15 it should remove any, you know, reason to park on  
16 the sidewalk. You have an entrance. A tree is not  
17 in front of the entrance. I just want to clarify  
18 and understand.

19 MR. KOESTNER: I am trying to. Five  
20 trees, I think, would probably cause a problem with  
21 access. It's too many for frontage.

22 FREEHOLDER ROMANO: Do you have a  
23 number to help alleviate the problem and make  
24 Mr. Tridente feel comfortable?

25 MR. KOESTNER: I think you can on the

1 westerly boundary. It would work. If possible one  
2 in between the midpoint, in between the access  
3 points. I can see two by the egress and ingress to  
4 the site.

5 CHAIRWOMAN BETTINGER: Mr. Tridente,  
6 what would be a compromise solution?

7 MR. TRIDENTE: It's really not up to  
8 me.

9 CHAIRWOMAN BETTINGER: What about our  
10 engineer, Ms. Flor, can you add to that?

11 MR. TRIDENTE: I would like to ask  
12 the traffic consultant, if you could explain to the  
13 Board when the gates are open how big is the  
14 opening, and how big are those gates when they're  
15 completely open? The whole side south of that  
16 eight-foot jog is completely open.

17 MR. KOESTNER: The gates do not slide  
18 into each other. They slide completely open.

19 MS. FLOR: Madam Chair, this seems  
20 like it could be resolved with a sliding gate. Just  
21 replace the gate with a sliding and plant the trees.

22 CHAIRWOMAN BETTINGER: Mr. Glembocki,  
23 do you have?

24 COMMISSIONER GLEMBOCKI: Madam Chair,  
25 too many trucks could be a sight distance issue.

1 The trucks have a nice clear line of sight. That  
2 has to be considered.

3 MR. ALONSO: There is a sliding gate  
4 there now on the property. The sight is an issue,  
5 is a concern. I don't know if you saw in the  
6 newspaper a couple months ago, a truck came down,  
7 went out of control and crashed into the cemetery  
8 right across from the property. It's a turn as  
9 you're coming up or down Union Turnpike. I think  
10 that's really one of the concerns that we have.

11 COMMISSIONER HOLLOWAY: Madam Chair,  
12 I understand. It looks like the business got too  
13 big for that piece of property. I don't know how  
14 many trucks. You said it was there for 30 years,  
15 correct? He has more than one or two trucks. It  
16 looks like he has ten trucks, and it got too big for  
17 the property. You can't leave trucks on the  
18 sidewalk with people walking.

19 MR. ALONSO: We understand that. We  
20 understand that.

21 COMMISSIONER HOLLOWAY: That's part  
22 of your issue.

23 MR. ALONSO: He does own other sites  
24 in town, which was addressed before the zoning board  
25 to accommodate -- one of the concerns the neighbors

1 had was the noise of the trucks and dropping off  
2 cars in the middle of the night. So he made  
3 arrangements to not drop off cars during the middle  
4 of the night to accommodate the residents. He has a  
5 site on Dell Avenue, which is industrial. So we are  
6 making whatever accommodations we can to improve the  
7 site, the circulation and to be good neighbors. We  
8 actually made some off-site improvements to some  
9 neighbor's property. We are looking to work with  
10 the County and town and in order to improve this  
11 condition.

12 MR. TRIDENTE: Madam Chair, when you  
13 say the owner has other sites within town, doesn't  
14 he have two more lots on the same block within a  
15 couple of hundred feet of the going east on Union  
16 Turnpike?

17 MR. ALONSO: Yes.

18 MR. TRIDENTE: Are they also part of  
19 the business where trucks go in and out of those  
20 lots?

21 MR. ALONSO: He's indicating one.  
22 I'm going to have him testify.

23 MR. TRIDENTE: Where it's a narrow  
24 driveway, there is an address there, but there is  
25 also another big lot in between the two lots. Some

1 of the older main towing trucks and some other  
2 vehicles that belong to the business being used.

3 MR. ALONSO: He's indicating it's  
4 one. Any operational questions I'll defer to my  
5 client.

6 MS. FLOR: What I'll do is I'll go  
7 through the report, and then we'll see how the  
8 applicant wants to address it. I'll stick to  
9 engineering issues. The parking of the trucks on  
10 the sidewalk, Madam Chair, is the applicant willing  
11 to replace the cracked sidewalk that exists? And  
12 any areas that are going to be replaced, if it is  
13 full-faced curb, the sidewalks should come up to  
14 meet that curb.

15 MR. ALONSO: That's fine.

16 MS. FLOR: Next item was the  
17 full-face curb. I think we can go back to that  
18 because I thinks that's going to be really based on  
19 the operation of the site. Listening to both the  
20 applicant and the Members of the Board, it appears  
21 there may be a solution we could come up with  
22 perhaps. I don't know. I would like to hear more  
23 about the operation of the site.

24 Perhaps we remove maybe one of the gates  
25 and made it -- you have one, two, three, four point

1 of access. You may explain that you need all four.  
2 Perhaps if you don't need all four, that could be a  
3 good compromise, maybe eliminate one of the gates.  
4 Maybe make them sliding doors instead of opening  
5 doors so they don't obstruct as much sidewalk, and  
6 perhaps that way you can do full-face curb in some  
7 areas. That would address a lot of this parking  
8 then instead of putting in trees. So perhaps as a  
9 compromise, I would want to hear more about the  
10 circulation of the site and how it operates too, if  
11 that makes sense to the applicant. So we'll skip  
12 that one.

13 And then the traffic impact from their  
14 traffic engineer, other than that I think we  
15 addressed the drainage because I don't think the  
16 cistern makes sense for this site. I'll defer to  
17 the planner because if they're not going put the  
18 cistern, we need to propose another green technique  
19 that makes sense.

20 MR. ALONSO: If the Board has no  
21 further questions of Mr. Koestner, I'll call my  
22 applicant.

23 MR. APPELLO: Hello, everyone.

24 CHAIRWOMAN BETTINGER: Counsel, we  
25 need to swear him in, please.

1 (The witness is sworn.)

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

4 MR. APPELLO: John Appello,  
5 A-p-p-e-l-l-o.

6 MR. ALONSO: Thank you. Mr. Appello,  
7 are you the owner of the three lots before the  
8 Board?

9 MR. APPELLO: Yes.

10 MR. ALONSO: Are you also the  
11 operator of the towing business that's currently  
12 located on the site?

13 MR. APPELLO: Yes.

14 MR. ALONSO: There were some  
15 questions with respect to the operation of the  
16 business, and one of the questions was trucks that  
17 were approaching the site having to wait for the  
18 gates to open, can you tell us what system you put  
19 in place in order to try to accommodate the trucks  
20 so they don't have to wait on the sidewalks?

21 MR. APPELLO: During the day we try  
22 to leave the gate open so we can just pull directly  
23 in, and if the gates are closed, and the drivers are  
24 aware that they're closed, they radio in, and  
25 someone at the facility opens the gates so they can

1 just pull right in.

2 MR. ALONSO: If they are several  
3 blocks away they call ahead?

4 MR. APPELLO: They just radio in, and  
5 someone opens the gates.

6 MR. KOESTNER: So there is never a  
7 need for them to stop on the sidewalk, get out  
8 physically themselves and open the gate?

9 MR. APPELLO: No.

10 MR. KOESTNER: Now, there was also a  
11 question to the four points of entry and four gates,  
12 are they necessary for circulation of the trucks?

13 MR. APPELLO: Yes, they are.

14 MR. ALONSO: Can you explain why?

15 MR. APPELLO: It's just so that we  
16 don't have tie up the street, and you are able to  
17 pull into one and pull out of the other gate that's  
18 there. One is for a garage. We obviously need to  
19 be able to get in and out of the garage, and the  
20 other ones are for the circulation so we don't have  
21 to tie up anything on the street or park anything  
22 outside.

23 There was an indication. I would like  
24 apologize to everyone about that car that everyone  
25 saw on the jack stands. I was away, and one of the

1 employees took it upon themselves rather than work  
2 in the garage, they decided they were going to work  
3 outside. That will never happen again. He's been  
4 reprimanded about that. That doesn't ordinarily  
5 happen. It should never happen. We always try to  
6 keep the sidewalk open at all times.

7 MR. ALONSO: Thank you. I have no  
8 further questions.

9 COMMISSIONER HOLLOWAY: I have a  
10 question. If you're able to use those lots, this  
11 major pickup truck flatbed won't have to back in?

12 MR. APPELLO: He'll be able to go  
13 directly into the yard and come right back out the  
14 other gates.

15 MR. TRIDENTE: Madam Chair, I would  
16 just like to reflect that when those photographs  
17 were taken, that all of the gates were open at the  
18 time of those photographs. The gates were open.  
19 The flatbed trucks were parked on the sidewalk. The  
20 vehicles were parked on the sidewalk. I don't feel  
21 that the open gates had anything to do with the cars  
22 and trucks being parked on the sidewalk. I'm sorry.  
23 I have to disagree.

24 MR. APPELLO: Ever since the day that  
25 you were there, if you passed there as you said you

1 have, you would notice there has never been anything  
2 else like that, and there never will be anything  
3 like that blocking anything again.

4 MR. TRIDENTE: I have other  
5 municipalities.

6 MR. APPELLO: It was just a funny  
7 thing that you're mentioned about monitoring. One  
8 of the experts came down to just, which I didn't  
9 know he was coming before he came here, I'm sure he  
10 can testify, he parked out on the sidewalk a little  
11 bit, and my people have 24-hour surveillance out in  
12 front, and he immediately went out and asked him to  
13 move his vehicle from the sidewalk. That's the  
14 ongoing order.

15 When they see someone blocking the  
16 sidewalk, if they're coming in to pick up a car or  
17 inquire, they are not allowed to take care of that  
18 customer until they ask them to please move their  
19 car into a legal parking space and come back in. We  
20 also have a sign outside the door to address that.  
21 We are trying to cooperate with that because I  
22 happen to live -- you mentioned that lot up the  
23 street. Next to that lot is my home. I live on  
24 that street also. I get along very well with my  
25 neighbors. They have children. I have

1 grandchildren. We do try to keep it very, very  
2 safe. Safety is the number one concern for us.

3 MR. TRIDENTE: I agree. I'm glad you  
4 feel that way, but unfortunately, that's not been  
5 the position up until now before the complaint has  
6 been made. I feel that and I think that you would  
7 agree that if you put something there like trees or  
8 full-face curb, it will promote pedestrian safety  
9 along the walkway, and it would impede vehicles from  
10 mounting your curb, regardless whether they were a  
11 driver, a customer or somebody passing by. I'm sure  
12 that you would agree that if you put the full-face  
13 in and you put the trees in that it would also help  
14 and monitoring.

15 MR. APPELLO: I'd love to agree with  
16 you, but on the trees, I can't. Honestly, the men  
17 pulling in can at least see everything that's going  
18 on. If you have a tree there, and there's some kid  
19 that happens to be standing there, and if he decides  
20 to dart forward from behind that tree, he may not be  
21 able to see him. That way we've never had an issue  
22 there. We've been there for 30 years. We've never  
23 had a problem like that. I really do believe a tree  
24 could possibly -- I foresee a possible problem  
25 because not being able to see.

1 I mean the curbs, I don't have a problem.  
2 If you think the curbs will help, I can totally  
3 understand that. The tree, I would love to say  
4 sure, sure, sure, but really, I'm there. I live  
5 there. I work there. I think they're going to be  
6 more of a problem than anything.

7 MR. TRIDENTE: We've had trees along  
8 County streets and County avenues, along Kennedy  
9 Boulevard, right along driveways and things of that  
10 nature. We don't seem to have it being a big  
11 problem with access or gaining egress or utilizing  
12 their driveways at all. I don't see how that is  
13 going to be a problem. I really don't.

14 CHAIRWOMAN BETTINGER: How many trees  
15 are you proposing, Megan?

16 MS. MASSEY: We are proposing five  
17 because every 30 feet, there should be a tree on a  
18 County road, but in this instance, in our land  
19 development regulations, it's up to the County  
20 Engineer's discretion if they should be planted. If  
21 there are near utility lines or have a water main,  
22 obviously, they shouldn't be planted. It is up to  
23 the County Engineer.

24 CHAIRWOMAN BETTINGER: Mr. Glembocki,  
25 is there any way that we can do a compromise?

1                   COMMISSIONER GLEMBOCKI: The traffic  
2 engineer recommended at certain locations, maybe at  
3 the border end of the property, maybe one in the  
4 middle. Those canopies, this is a truck operation.  
5 You have Kennedy Boulevard. This is a truck  
6 operation. There could be a compromise with two or  
7 three trees.

8                   MR. ALONSO: We're willing to  
9 cooperate with whatever the recommendation is. We  
10 are just stating whatever concern we feel may impact  
11 on the site.

12                   COMMISSIONER HOLLOWAY: Madam Chair,  
13 are we putting in trees so they won't park the  
14 trucks? Is that the reason?

15                   MR. TRIDENTE: It would be a  
16 mechanism to help promote pedestrian safety. If  
17 there is a tree there, you can't park there.

18                   COMMISSIONER HOLLOWAY: I understand  
19 what he's saying too. These are big trucks. There  
20 are kids around there, and if we're going to make  
21 them put trees so they don't park there, they'll  
22 continue to park there. I think he needs to  
23 understand having a business there that he doesn't  
24 park on the street -- I'm sorry, on the sidewalk.  
25 He doesn't do it.

1 MS. FERRARA: Madam Chair, I think  
2 this is a very constructive discussion. I think a  
3 compromise can be reached if we can maybe discuss  
4 having three trees with the raised sidewalks. I  
5 think having that flat apron all around the property  
6 is just not safe. You can see from your report.  
7 It's a residential area. I know they have been  
8 operating there for 30 years. It is primarily a  
9 residential area with a big park at the corner.

10 FREEHOLDER ROMANO: We could  
11 stipulate that if the engineer is stating that the  
12 two corners, we can plant two or three trees and  
13 find a spot where everybody is comfortable with the  
14 one in the middle. Obstruction of vision is  
15 important. The County Engineer's recommendation is  
16 what they should follow.

17 MS. FLOR: There is a curb at the one  
18 end though, so they would have to eliminate. They  
19 have one, two, three, four curb cuts. If he does  
20 put one on the end, it would obstruct at least one  
21 gate. He would have to remove that gate because  
22 that's right next to the park. I don't know if the  
23 applicant understands that in order to put one at  
24 the extent of the property, he would have to  
25 eliminate the one gate. It's a small gate. That is

1 at end of the property. That's what you're asking.

2 CHAIRWOMAN BETTINGER: Mr. Appello,  
3 how do you feel about that?

4 MR. APPELLO: I would rather not lose  
5 the driveway, honestly, because it makes it so much  
6 easier to go in and out. This way you never have to  
7 block the street because you have an extra way out.  
8 I'm sure if we need to put the tree, we can find  
9 somewhere if we need to put two trees out there or  
10 three, I'm sure we can find a spot for the three and  
11 try to figure out the best place to put it where  
12 it's not going to obstruct us or the pedestrians or  
13 anybody going by.

14 CHAIRWOMAN BETTINGER: Mr. Glembocki,  
15 two or three?

16 COMMISSIONER GLEMBOCKI: Three, if  
17 they can fit them in. He said he needs these gates  
18 for his operation.

19 FREEHOLDER ROMANO: Why don't you do  
20 a site survey? That's probably the best way.

21 CHAIRWOMAN BETTINGER: Yeah, I would  
22 rather not leave this up in the air. I would like  
23 for you to be involved.

24 COMMISSIONER GLEMBOCKI: Sure. I  
25 would want to meet.

1 CHAIRWOMAN BETTINGER: So we can come  
2 to an agreement. That could be one of the  
3 conditions, Counselor?

4 MR. CURLEY: Yes, I think you address  
5 the curb issue as well.

6 MS. MASSEY: I'm sorry. If they do  
7 two or three trees, will we still be asking them to  
8 contribute the remainder to the tree fund?

9 CHAIRWOMAN BETTINGER: Yes. You  
10 agreed to that in the beginning, correct?

11 MR. APPELLO: Yes.

12 CHAIRWOMAN BETTINGER: And the curb,  
13 do you have any objection to installing the curb?

14 MR. APPELLO: No.

15 COMMISSIONER GLEMBOCKI: As long as  
16 the sidewalks are ADA compliant.

17 MS. FERRARA: So Madam Chair, just to  
18 summarize, we are going to expect three planted  
19 trees. The applicant will work with the County  
20 Engineer to make sure the trees don't necessarily  
21 have to be 30 feet apart, but are site specific, and  
22 there will be some determination working with the  
23 applicant for the exact locations for three trees.  
24 If you feel that two are sufficient, it will be up  
25 to your discretion.

1 COMMISSIONER GLEBOCKI: The goal is  
2 to keep the three in?

3 MS. FERRARA: The goal is three. So  
4 if two, three will be the contribution. If it's  
5 three, a contribution for two trees, and the  
6 applicant will provide sidewalks as per the County  
7 specifications.

8 FREEHOLDER ROMANO: And ADA  
9 compliant.

10 MS. FERRARA: And ADA compliant, is  
11 that agreed?

12 MR. APPELLO: Yes.

13 CHAIRWOMAN BETTINGER: All right.  
14 Then do I have a motion?

15 MS. FERRARA: On a motion put forth  
16 by Commissioner Romano. Second by Commissioner  
17 Cryan.

18 Commissioner Cryan.

19 COMMISSIONER CRYAN: Aye.

20 MS. FERRARA: Commissioner Glembocki.

21 COMMISSIONER GLEBOCKI: Yes.

22 MS. FERRARA: Commissioner Holloway.

23 COMMISSIONER HOLLOWAY: Aye.

24 MS. FERRARA: Commissioner Romano.

25 FREEHOLDER ROMANO: Yes. No parking

1 on the sidewalk.

2 MS. FERRARA: Chairwoman Bettinger.

3 CHAIRWOMAN BETTINGER: I vote aye  
4 with the conditions stipulated.

5 MS. FERRARA: The motion has passed.

6 MR. APPELLO: Thank you.

7 CHAIRWOMAN BETTINGER: Freeholder  
8 Romano was called away. Let me just break.

9 (At this point in the proceeding, a  
10 brief recess is taken.)

11 CHAIRWOMAN BETTINGER: Counselor, for  
12 the record I guess we need to go forward?

13 MR. CURLEY: Yes, the Commissioner  
14 will be participating by telephone, Dan Choffo.  
15 Dan, can you hear us?

16 COMMISSIONER CHOFFO: Yes.

17 MR. CURLEY: And we can hear you so  
18 you're connected to the meeting. At this point you  
19 can fully participate and vote. Let's go forward  
20 with the next application.

21 COMMISSIONER CHOFFO: Go ahead.

22 MS. FERRARA: The next application  
23 scheduled to be heard is 2012-45-SP, Town of Kearny,  
24 located at 589-629 Kearny Avenue, Block 1. Lots  
25 33.01 and 34.01, located in Kearny.

1 CHAIRWOMAN BETTINGER: For the record  
2 Commissioner Romano is no longer here. Thank you.

3 MR. KURUS: Can you hear me? I'm  
4 Anthony with Neglia Engineering. We're the town  
5 engineer for the Town of Kearny. We're here to  
6 present the plan for the Mongolian Park  
7 improvements. The Town of Kearny is proposing to  
8 construct a passive park.

9 MR. CURLEY: You should be sworn  
10 first.

11 (The witness is sworn.)

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

15 MR. KURUS: Anthony Kurus, spelled  
16 K-u-r-u-s. I'm employed by Neglia Engineering  
17 Associates, licensed professional engineer in the  
18 state of New Jersey, and Neglia is the town engineer  
19 for the Town of Kearny.

20 MR. CURLEY: And you will be  
21 testifying as a civil engineer?

22 MR. KURUS: That's correct.

23 CHAIRWOMAN BETTINGER: Can you state  
24 your credentials for us?

25 MR. KURUS: Graduate of Villanova

1 University, 2000; degree in engineering, masters  
2 degree from Stevens Institute. I've been practicing  
3 civil engineering since 2000. I've been practicing  
4 engineering for about 12 years; licensed in the  
5 state of New Jersey. I'm also a licensed planner.  
6 I've been with Neglia since 2004, practicing site  
7 engineering, municipal engineering, private  
8 development, municipal development and the like.

9 CHAIRWOMAN BETTINGER: Have you ever  
10 appeared before this Board before?

11 MR. KURUS: I have, but I feel like  
12 it was in another building.

13 CHAIRWOMAN BETTINGER: It's possible.  
14 You're accepted. Thank you.

15 MR. KURUS: Okay. The Town of Kearny  
16 is proposing to construct a passive park containing  
17 pedestrian access pathways and landscape  
18 improvements along the Passaic River. The property  
19 is depicted as Block 1, Lots 33.01 and 34.01 in the  
20 Town of Kearny. Prior to being planned as a passive  
21 park, the project site was utilized as a light  
22 industrial commercial site. Since then, all the  
23 buildings on site have been demoed. It's a vacant  
24 site now. It's overgrown with evasive vegetation  
25 and evasive plant species.

1           The plan is to clean it up, install a  
2 passive park with landscaping and pedestrian  
3 pathways. There is a significant amount of trees  
4 proposed and landscape improvements, park benches.  
5 It's basically designed to fit in with the adjacent  
6 parks that are also along the Passaic River in that  
7 section of Kearny.

8           I've put up the site plan which is a site  
9 construction plan which we submitted. The property  
10 has approximately 500 feet of frontage. It's a lot  
11 wider than it is deep. It's only about the 95 feet  
12 deep on one end and about a hundred feet deep  
13 towards the northerly end. Basically, as I said  
14 it's a pedestrian serpentine pathway that traverses  
15 the park. The park is going to be somewhat built in  
16 so that the elevation will be gradually rolling, and  
17 the trees will be disbursed throughout the lot.  
18 That's basically it.

19           CHAIRWOMAN BETTINGER: Commissioner  
20 Glembocki, do you have any comments?

21           COMMISSIONER GLEMBOCKI: Yes, we did.  
22 I sent a letter on September 10th, and asked for a  
23 Do Not Enter sign at the egress drive.

24           CHAIRWOMAN BETTINGER: Can you speak  
25 into the mic?

1                   COMMISSIONER GLEMBOCKI: And some  
2 advanced warning signs for the pedestrian crossing  
3 and a proposed crosswalk and also some additional  
4 signage, also to full length curb cuts on the  
5 existing curb cuts. They sent revised plans so we  
6 don't have any problems.

7                   CHAIRWOMAN BETTINGER: Ms. Ferrara,  
8 do you have any comments?

9                   MS. FERRARA: No, I was going to  
10 defer to Commissioner Glembocki, if all the items in  
11 the letter was addressed by the applicant.

12                  CHAIRWOMAN BETTINGER: Megan.

13                  MS. MASSEY: Madam Chair, the  
14 applicant addressed the two green techniques, but  
15 I'm wondering upon reflection, they were indicating  
16 Strategy No. 2 and Strategy No. 4, redevelopment,  
17 which they are both doing, but considering it's a  
18 park, I was hoping that they would maybe include  
19 bike racks since they have roadways, and it would be  
20 a nice area for biking.

21                  MR. KURUS: Bike racks were not part  
22 of the proposal. We can review it with the Township  
23 and see if it's something that they want to  
24 incorporate. We do have park benches and trash  
25 receptacles as the amenities. We can see if they

1 would be agreeable to adding additional amenities.

2 Are you saying we don't meet the two criteria?

3 MS. MASSEY: It was a suggestion or a  
4 recommendation. It is a park. It would be nice to  
5 have a place to park your bike if you do decide to  
6 park. It's just an additional technique.

7 MS. FERRARA: Madam Chair, it will  
8 not be a condition of approval. It will be  
9 recommendation.

10 COMMISSIONER GLEMBOCKI: I make a  
11 recommendation.

12 CHAIRWOMAN BETTINGER: Is that  
13 agreeable?

14 MR. KURUS: Yes.

15 COMMISSIONER CHOFFO: Madam Chair,  
16 can you hear me?

17 CHAIRWOMAN BETTINGER: We can hear  
18 you.

19 COMMISSIONER CHOFFO: I do agree with  
20 the recommendation. People who probably will visit  
21 that park, they would probably ride bicycles.  
22 That's a good recommendation.

23 CHAIRWOMAN BETTINGER: Thank you,  
24 Commissioner Choffo.

25 MR. TRIDENTE: Madam Chair, I just

1 have one question. I notice that there's several  
2 monitoring wells on the site? Did you see the NFA  
3 letter from the DEP?

4 MR. KURUS: There was a No Further  
5 Action Letter, yes.

6 CHAIRWOMAN BETTINGER: Do I have a  
7 motion.

8 COMMISSIONER HOLLOWAY: If there is  
9 nothing else, I make a motion to approve.

10 CHAIRWOMAN BETTINGER: Do I have a  
11 second?

12 COMMISSIONER CRYAN: Second.

13 MS. FERRARA: On a motion put forth  
14 by Commissioner Holloway. Second by Commissioner  
15 Cryan.

16 Commissioner Choffo.

17 COMMISSIONER CHOFFO: Aye.

18 MS. FERRARA: Commissioner Cryan.

19 COMMISSIONER CRYAN: Aye.

20 MS. FERRARA: Commissioner Glembocki.

21 COMMISSIONER GLEMBOCKI: Yes.

22 MS. FERRARA: Commissioner Holloway.

23 COMMISSIONER HOLLOWAY: Aye.

24 MS. FERRARA: Chairwoman Bettinger.

25 CHAIRWOMAN BETTINGER: Aye.

1 MS. FERRARA: The motion has passed.

2 MR. KURUS: Thank you.

3 MS. FERRARA: The next item on the  
4 agenda is 2012-048-SP; applicant, Gabriel Torres,  
5 located at 2019 Kennedy Boulevard; Block 40, Lot 20,  
6 in North Bergen.

7 MR. ALONSO: Good evening. For the  
8 record, Alvaro Alonso from Alonso & Navarrete on  
9 behalf of the applicant. This is an application for  
10 a subdivision of the lot on Kennedy Boulevard in  
11 North Bergen. We have already obtained Planning  
12 Board approval. The resolution was forwarded as  
13 part of the application. The site actually runs  
14 from Kennedy Boulevard to Grand Avenue. It's a long  
15 lot, two hundred feet in depth. There is existing a  
16 two-family house facing Kennedy Boulevard. The  
17 whole rear of the property is a vacant yard.

18 I have with me our engineer, who can  
19 testify as to the subdivision plan that was filed  
20 with this application.

21 MR. BURNS: Good evening, Madam  
22 Chair. Richard Burn, B-u-r-n-s, with the firm,  
23 Azzolina & Feury.

24 CHAIRWOMAN BETTINGER: Mr. Choffo,  
25 can you hear?

1 COMMISSIONER CHOFFO: Yes.

2 MR. CURLEY: Mr. Burns, I would like  
3 to swear you in.

4 MR. BURNS: Professional engineer,  
5 state of New Jersey, for 36 years.

6 (The witness is sworn.)

7 MR. CURLEY: Please state your name  
8 for the record and spell your last name.

9 MR. BURNS: Richard A. Burns,  
10 B-u-r-n-s.

11 MR. CURLEY: Thank you.

12 MR. ALONSO: Mr. Burns, can you  
13 review your qualification in engineering?

14 MR. BURNS: I have been a  
15 professional engineer in the state of New Jersey for  
16 36 years. I have appeared before many of the boards  
17 in North Bergen and have been accepted as an expert  
18 witness. This is the first time before this Board.

19 CHAIRWOMAN BETTINGER: We accept him.

20 MR. ALONSO: Thank you. Mr. Burns,  
21 you have the subdivision plan that was submitted  
22 with this application?

23 MR. BURNS: Yes.

24 MR. ALONSO: It reflects that there's  
25 a two-family house in the front?

1 MR. BURNS: Yes, there is.

2 MR. ALONSO: Along Kennedy Boulevard?

3 MR. BURNS: Yes.

4 MR. ALONSO: And there's no proposed  
5 construction with that site?

6 MR. BURNS: No construction is  
7 proposed.

8 MR. ALONSO: And there is no proposed  
9 construction on the lot facing Grand Avenue?

10 MR. BURNS: Yes, there's not. We're  
11 going to demolish the improvements on that portion  
12 of the lot.

13 MR. ALONSO: There are some sheds?

14 MR. BURNS: Yes.

15 MR. ALONSO: They will be demolished,  
16 and it will just be a 50 by 106 foot lot?

17 MR. BURNS: Yes.

18 MR. ALONSO: Would you just review  
19 the subdivision plan?

20 MR. BURNS: As the attorney has  
21 stated, this is a new lot from Kennedy Boulevard to  
22 Grand Avenue between 20th and 21st Street on the  
23 west side. The propose lot area fronting on Kennedy  
24 Boulevard is approximately 5,200 square feet, and  
25 the rear lot will be 5,500 square feet. We received

1 North Bergen Planning Board approval for the  
2 subdivision several months ago.

3 CHAIRWOMAN BETTINGER: Do we have any  
4 comments or questions?

5 MS. MASSEY: Madam Chair, just for  
6 the Board's edification in my comments letter, Item  
7 No. 5 and No. 6, if you look to the Board again for  
8 site plan approval, you'll have to meet the  
9 requirements of the shade tree requirement and the  
10 green techniques.

11 MR. ALONSO: Understood, absolutely.

12 CHAIRWOMAN BETTINGER: Do I have a  
13 motion?

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

17 Commissioner Choffo.

18 COMMISSIONER CHOFFO: I vote aye.

19 MS. FERRARA: Commissioner Cryan.

20 COMMISSIONER CRYAN: Aye.

21 MS. FERRARA: Commissioner Glembocki.

22 COMMISSIONER GLEMBOCKI: Yes.

23 MS. FERRARA: Commissioner Holloway.

24 COMMISSIONER HOLLOWAY: Aye.

25 MS. FERRARA: Chairwoman Bettinger.

1 CHAIRWOMAN BETTINGER: Aye.

2 MS. FERRARA: The motion has passed.

3 MR. ALONSO: Thank you. Have a good  
4 evening.

5 MS. FERRARA: The next item on the  
6 agenda is 2012-050-SP, David J. Hughes, Esq.,  
7 located at 485 Harmon Meadow Boulevard; Block 227,  
8 Lot 7.09 in Secaucus.

9 MR. HUGHES: Good evening, Madam  
10 Chairwoman and Members of the Board. My name is  
11 David Hughes. I'm an attorney with Hartz Mountain  
12 Industries in Secaucus. This is a minor subdivision  
13 in Harmon Meadow. It's an existing Lot 7.09. We're  
14 simply adding approximately a half an acre to that  
15 lot, which presently contains parking. We're adding  
16 that for a potential sale in the future. There is  
17 no development proposed. It's an existing structure  
18 that's known as the LA Fitness facility.

19 I have Ms. Kalfas here today if the Board  
20 has any specific questions regarding the actual  
21 subdivision itself.

22 (The witness is sworn.)

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

25 MS. KALFAS: Kristine with a K, last

1 name, K-a-l-f-a-s.

2 MR. HUGHES: Ms. Kalfas, you are  
3 presently employed by Hartz Mountain Industries as a  
4 professional engineer?

5 MS. KALFAS: I am.

6 MR. HUGHES: How long have you been  
7 so employed?

8 MS. KALFAS: I've been with Hartz for  
9 13 years.

10 MR. HUGHES: Are you familiar with  
11 the subdivision before the Board this evening?

12 MS. KALFAS: Yes, I am.

13 MR. HUGHES: Have you appeared before  
14 this Board in the past and qualified as a  
15 professional engineer?

16 MS. KALFAS: I have.

17 CHAIRWOMAN BETTINGER: I think you  
18 have to share the microphone.

19 MR. HUGHES: Can you tell the Board  
20 exactly what's proposed in the subdivision and where  
21 it's contained?

22 MS. KALFAS: If I could step around,  
23 I will try to talk loud enough. We have a property  
24 in Harmon Meadow, and it's currently fully developed  
25 for an LA Fitness. In anticipation of the sale of

1 that building to LA Fitness, we proposed a  
2 subdivision to take a small portion of a larger lot  
3 and attached it to the LA Fitness lot in order to  
4 give them their parking that they constructed as  
5 part of their development. So it's transferring  
6 approximately 0.51 acres of one lot to another.  
7 There is no additional development associated with  
8 this in any way. So it's just to accommodate, make  
9 the lot accommodate the sale.

10 CHAIRWOMAN BETTINGER: Where is the  
11 piece of property actually located?

12 MS. KALFAS: This is the back of  
13 Harmon Meadow, and it is located at the corner of  
14 Harmon Meadow Boulevard and Park Place.

15 CHAIRWOMAN BETTINGER: It's where the  
16 Walmart is? I'm thinking where it is.

17 MR. HUGHES: It's directly across the  
18 street.

19 CHAIRWOMAN BETTINGER: There used to  
20 be a movie theater in there, that's the parcel of  
21 land?

22 MS. KALFAS: That was the eight-plex  
23 theater.

24 CHAIRWOMAN BETTINGER: That's the  
25 area.

1 MR. HUGHES: Now, it's an LA Fitness.

2 COMMISSIONER CHOFFO: Madam Chair, is  
3 the current and proposed subdivision already paved  
4 or any impervious coverage?

5 MS. KALFAS: No, the parking lot is  
6 paved and was constructed several years ago. The LA  
7 Fitness has been there for, I guess, several years,  
8 and so there is no construction or any work  
9 associated with the subdivision.

10 COMMISSIONER CHOFFO: Thank you.

11 MS. KALFAS: You're welcome.

12 CHAIRWOMAN BETTINGER: At one point  
13 there was supposed to be some kind of a signal  
14 installed?

15 MR. HUGHES: I think you're talking  
16 about the deceleration lane on Paterson Plank Road,  
17 is that what you're referring to?

18 CHAIRWOMAN BETTINGER: Yes.

19 MR. HUGHES: The present state of  
20 that, we've signed a developer's agreement with the  
21 County, we've paid all of the funds that they  
22 required, and my understanding is that the County is  
23 now pursuing direct negotiations with that property  
24 owner.

25 CHAIRWOMAN BETTINGER: Thank you.

1 Commissioner Glebocki, do you have any comments  
2 regarding this application?

3 COMMISSIONER GLEBOCKI: No, it's  
4 essentially just some housekeeping on the property.  
5 That's all. There is no recommendations.

6 COMMISSIONER HOLLOWAY: I make a  
7 motion to approve.

8 CHAIRWOMAN BETTINGER: Do I have a  
9 second?

10 COMMISSIONER CRYAN: I'll second.

11 MS. FERRARA: On a motion put forth  
12 by Commissioner Holloway. Second by Commissioner  
13 Cryan.

14 Commissioner Choffo.

15 COMMISSIONER CHOFFO: I vote aye.

16 MS. FERRARA: Commissioner Cryan.

17 COMMISSIONER CRYAN: Aye.

18 MS. FERRARA: Commissioner Glebocki.

19 COMMISSIONER GLEBOCKI: Yes.

20 MS. FERRARA: Commissioner Holloway.

21 COMMISSIONER HOLLOWAY: Aye.

22 MS. FERRARA: Chairwoman Bettinger.

23 CHAIRWOMAN BETTINGER: I vote aye.

24 MS. FERRARA: The motion has passed.

25 Next item on the agenda is 2012-051-SP; applicant,

1 David J. Hughes, Esq., located at 700 Plaza Drive;  
2 Block 227, Lot 5.03, Secaucus.

3 MR. HUGHES: Again, Madam Chair,  
4 David Hughes, Hartz Mountain Industries. This again  
5 is essentially nothing more than housekeeping, as  
6 this gentleman has already stated. There is an  
7 existing lot presently on the property known as  
8 5.03. We are segregating that lot into two more  
9 lots, 5.0303 and 5.0304.

10 One of the lots has an existing office  
11 building on 100 Plaza Drive. The other lot contains  
12 all of the retail establishments that preexist  
13 currently on the property. All we are doing there  
14 is isolating those from the rest of the tract of  
15 land, making the retail at 100 Plaza Drive on its  
16 own separate and the remaining parcel consists of  
17 roads and parking.

18 CHAIRWOMAN BETTINGER: Can you just  
19 identify where the property is for my own knowledge?

20 MR. HUGHES: Do you want to swear Ms.  
21 Kalfas sworn?

22 MR. CURLEY: She's already under  
23 oath.

24 MR. HUGHES: Kris, can you specify to  
25 the Board exactly where that is?

1 MS. KALFAS: Yes. This is toward the  
2 front of Harmon Meadow Plaza. There is a lot for  
3 the theater, the extended-stay hotel is down here  
4 along Paterson Plank Road.

5 CHAIRWOMAN BETTINGER: That's the  
6 area where Houlihan's and the other theater was  
7 located?

8 MS. KALFAS: Right. If you take a  
9 look at the plans, the purple line is what's  
10 supposed to remain as 5.03. The two lots that we're  
11 taking out of 5.03 is 100 Plaza Drive over here, and  
12 this all the retail at 600, including Houlihan's and  
13 all the other restaurants and the retail.

14 CHAIRWOMAN BETTINGER: What are you  
15 proposing to do with it?

16 MS. KALFAS: We're proposing to  
17 separate the developed parts of 5.03 from the  
18 remainder of the lot. One of the purposes -- the  
19 main purpose is really just to clean house as far as  
20 how we allocate the property taxes to different  
21 tenants. It kind of puts all of the common areas,  
22 the common parking and the common driveway, into one  
23 lot, and it's going to be a lot easier to manage  
24 than have all sorts of development on a lot that has  
25 common elements as well.

1 CHAIRWOMAN BETTINGER: What is in the  
2 area where the theater was? It no longer exists,  
3 right?

4 MR. HUGHES: It doesn't exist, no.

5 MS. KALFAS: That is a hotel under  
6 construction.

7 CHAIRWOMAN BETTINGER: Do we have any  
8 other comments or questions? No? Do I have a  
9 motion?

10 COMMISSIONER HOLLOWAY: I make a  
11 motion to approve.

12 CHAIRWOMAN BETTINGER: Do I have a  
13 second?

14 COMMISSIONER CRYAN: I'll second.

15 COMMISSIONER CHOFFO: I'll second.

16 MS. FERRARA: Okay. Commissioner  
17 Choffo, Commissioner Cryan already provided a  
18 second.

19 COMMISSIONER CHOFFO: All right.  
20 Sorry.

21 MS. FERRARA: On a motion put forth  
22 by Commissioner Holloway. Second by Commissioner  
23 Cryan.

24 Commissioner Choffo.

25 COMMISSIONER CHOFFO: Aye.

1 MS. FERRARA: Commissioner Cryan.

2 COMMISSIONER CRYAN: Aye.

3 MS. FERRARA: Commissioner Glembocki.

4 COMMISSIONER GLEMBOCKI: Yes.

5 MS. FERRARA: Commissioner Holloway.

6 COMMISSIONER HOLLOWAY: Aye.

7 MS. FERRARA: Chairwoman Bettinger.

8 CHAIRWOMAN BETTINGER: Aye.

9 MS. FERRARA: The motion has passed.

10 CHAIRWOMAN BETTINGER: Thank you.

11 MR. HUGHES: Thank you very much.

12 Only missed 20 minutes of the game.

13 MS. FERRARA: Chairwoman, the next  
14 agenda item is old business. The Division of  
15 Planning does not have any old business.

16 The next agenda item is new business. We  
17 do not have any new business.

18 CHAIRWOMAN BETTINGER: Megan has new  
19 business.

20 MS. MASSEY: I have new business. I  
21 have mailed this out. The meeting for  
22 November 19th, is the same date as the Freeholder  
23 Caucus. I provided three dates, November 26th, 27th  
24 and 28th. I'm not sure as yet if you checked your  
25 schedules. I heard back from some of you. We need

1 a quorum for the November meeting.

2 COMMISSIONER HOLLOWAY: When is  
3 Thanksgiving?

4 MS. MASSEY: It's the 22nd. It's  
5 early this year. I know the League of  
6 Municipalities takes place from the 15th to the 18th  
7 in November.

8 MS. FERRARA: We're proposing a date  
9 after Thanksgiving. So those dates provided by  
10 Megan is after.

11 CHAIRWOMAN BETTINGER: Should we do  
12 it on the Wednesday to keep the day consistent?

13 COMMISSIONER CRYAN: That works for  
14 me.

15 CHAIRWOMAN BETTINGER: We'll propose  
16 that Wednesday. I think that works for one of the  
17 Commissioners.

18 COMMISSIONER CHOFFO: Megan, you got  
19 my email?

20 CHAIRWOMAN BETTINGER: Does that work  
21 for you, Commissioner Choffo? If not, we'll get you  
22 by phone.

23 COMMISSIONER CHOFFO: I'll be at the  
24 next meeting.

25 CHAIRWOMAN BETTINGER: Any other

1 business?

2 MS. FERRARA: Now we don't have any  
3 new business.

4 CHAIRWOMAN BETTINGER: I just want  
5 thank Commissioner Choffo for getting us out of a  
6 bind. Thank you so much.

7 COMMISSIONER CHOFFO: You're welcome.  
8 Any time, I would have come over.

9 CHAIRWOMAN BETTINGER: I know you  
10 wanted to come over.

11 COMMISSIONER CHOFFO: I didn't want  
12 to get everybody sick. My wife and daughter are  
13 sick, and I'm getting sick now too, anyway.

14 CHAIRWOMAN BETTINGER: Do I have a  
15 motion to adjourn?

16 COMMISSIONER HOLLOWAY: I make a  
17 motion.

18 CHAIRWOMAN BETTINGER: All in favor.  
19 Thank you.

20 (Whereupon the proceeding is then  
21 concluded at 8:29 p.m.)  
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C E R T I F I C A T I O N

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I, SHARI CATHEY, CCR, RPR, License No.  
30XI00234700, and Notary Public of the State of New  
Jersey, hereby certify that the proceedings herein  
are from the notes taken by me of a Regular Meeting  
of the Hudson County Planning Board, held on  
Wednesday, October 17, 2012; and that this is a  
correct transcript of the same.

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

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