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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 21, 2015
6:30 p.m.

BEFORE:

- JAMES CRYAN, Chairperson
- RANDY VOINIER, P.E., Asst. County Engineer
- RENEE BETTINGER, Commissioner
- MICHAEL HOLLOWAY, Commissioner
- RUSHABH MEHTA, Commissioner
- BETINA PERALTA, Commissioner

ALSO PRESENT:

- JOHN J. CURLEY, ESQ., Board Attorney
- MASSIEL M. FERRARA, PE, ACIP, Board Secretary
- BYRON A. NICHOLAS, Assistant Planner
- MARIO TRIDENTE, Inspector
- PAUL CRAY, PP, PE
- ANTONIO PANAGOPOULOS, PE, CME

Job No. NJ2002374

1 CHAIRMAN CRYAN: I would like to call
2 the meeting of the Hudson County Planning Board to
3 order. This is the regular October meeting at
4 6:44 p.m. Counsel, has this meeting been properly
5 noticed?

6 MR. CURLEY: Yes. In accordance with
7 the Open Public Meetings Act, this meeting has been
8 advertised in Jersey Journal and the Star Ledger.
9 Notice of the meeting was posted on the County Clerk
10 bulletin board and the Clerk of the Freeholders.

11 CHAIRMAN CRYAN: Okay, Madam
12 Secretary, may we have a roll call, please.

13 MS. FERRARA: Commissioner Bettinger.

14 COMMISSIONER BETTINGER: Here.

15 MS. FERRARA: Commissioner Choffo,
16 not present. Commissioner Glembocki, not, present.
17 Commissioner Hernandez, not present. Commissioner
18 Holloway.

19 COMMISSIONER HOLLOWAY: Here.

20 MS. FERRARA: Commissioner Kopacz,
21 not present. Commissioner Mehta.

22 COMMISSIONER MEHTA: Here.

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

25 COMMISSIONER PERALTA: Here.

1 MS. FERRARA: Commissioner Romano,
2 not present. Commissioner Voinier.

3 COMMISSIONER VOINIER: Here.

4 MS. FERRARA: And Chairman Cryan.

5 CHAIRMAN CRYAN: Here.

6 MS. FERRARA: Mr. Chairman, we have a
7 quorum.

8 CHAIRMAN CRYAN: Please rise and
9 salute the flag.

10 (Flag Salute.)

11 CHAIRMAN CRYAN: Now we have review
12 and adoption of the meeting minutes of the September
13 16th meeting. Have all the Commissioners had an
14 opportunity to take a look at the meeting minutes
15 that were sent out? Do you have any questions or
16 comments about them? If not, may I have a motion?

17 MS. FERRARA: On a motion made by
18 Commissioner Holloway. Second by Commissioner
19 Bettinger.

20 Commissioner Bettinger.

21 COMMISSIONER BETTINGER: Aye.

22 MS. FERRARA: Commissioner Holloway.

23 COMMISSIONER HOLLOWAY: Aye.

24 MS. FERRARA: Commissioner Mehta.

25 COMMISSIONER MEHTA: Abstain.

1 MS. FERRARA: Commissioner Peralta.

2 COMMISSIONER PERALTA: Aye.

3 MS. FERRARA: Commissioner Voinier.

4 COMMISSIONER VOINIER: Aye.

5 MS. FERRARA: And Chairman Cryan.

6 CHAIRMAN CRYAN: Abstain.

7 MS. FERRARA: Chairman, I don't have
8 enough votes. We have to carry the minutes to the
9 next meeting.

10 Mr. Chairman, the next item on the agenda
11 is Memorialization of Resolutions considered at the
12 last meeting, starting with Application 2015-41-SP;
13 Applicant, David E. Rue School; located at 301
14 Garden Street; Block 190, Lot 1, in Hoboken.

15 On a motion made by Commissioner
16 Bettinger. Second by Commissioner Holloway.

17 Commissioner Bettinger.

18 COMMISSIONER BETTINGER: Aye.

19 MS. FERRARA: Commissioner Choffo,
20 not present. Commissioner Hernandez, not present.
21 Commissioner Holloway.

22 COMMISSIONER HOLLOWAY: Aye.

23 MS. FERRARA: Commissioner Peralta.

24 COMMISSIONER PERALTA: Aye.

25 MS. FERRARA: Commissioner Voinier.

1 COMMISSIONER VOINIER: Yes.

2 MS. FERRARA: The motion has passed.

3 The second application to be memorialized
4 is Application 2015-48-SP; 6818 Guttenberg, LLC;
5 located at 6807-6819 JFK Boulevard East; Block 38,
6 Lot 4; in Guttenberg.

7 On a motion made by Commissioner
8 Bettinger. Second by Commissioner Peralta.

9 Commissioner Bettinger.

10 COMMISSIONER BETTINGER: Aye.

11 MS. FERRARA: Commissioner Choffo,
12 not present. Commissioner Hernandez, not present.
13 Commissioner Holloway.

14 COMMISSIONER HOLLOWAY: Aye.

15 MS. FERRARA: Commissioner Peralta.

16 COMMISSIONER PERALTA: Aye.

17 MS. FERRARA: Commissioner Voinier.

18 COMMISSIONER VOINIER: Yes.

19 MS. FERRARA: Next application to be
20 memorialized is Application 2015-50-SP; Realty
21 Express LaBarbera; located at 737 Garden Street;
22 Block 194, Lot 22; in Hoboken.

23 On a motion made by Commissioner
24 Bettinger. Second by Commissioner Peralta.

25 Commissioner Bettinger.

1 COMMISSIONER BETTINGER: Aye.

2 MS. FERRARA: Commissioner Choffo,
3 not present. Commissioner Hernandez, not present.
4 Commissioner Holloway.

5 COMMISSIONER HOLLOWAY: Aye.

6 MS. FERRARA: Commissioner Kopacz,
7 not present. Commissioner Peralta.

8 COMMISSIONER PERALTA: Aye.

9 MS. FERRARA: Commissioner Romano,
10 not present. Commissioner Voinier.

11 COMMISSIONER VOINIER: Yes.

12 MS. FERRARA: The motion has passed.
13 The last application to be memorialized, Application
14 2015-56-SP; ABS Laboratory; located at 711 Hudson
15 Street; Block 235, Lot 1, Hoboken.

16 On a motion made by Commissioner Holloway.
17 Second by Commissioner Peralta.

18 Commissioner Bettinger.

19 COMMISSIONER BETTINGER: Aye.

20 MS. FERRARA: Commissioner Choffo,
21 not present. Commissioner Hernandez, not present.
22 Commissioner Holloway.

23 COMMISSIONER HOLLOWAY: Aye.

24 MS. FERRARA: Commissioner Kopacz,
25 not present. Commissioner Peralta.

1 COMMISSIONER PERALTA: Aye.

2 MS. FERRARA: Commissioner Romano,
3 not present. Commissioner Voinier.

4 COMMISSIONER VOINIER: Aye.

5 MS. FERRARA: The motion has passed.
6 Chairman, the next items are Site Plans,
7 Subdivisions and Other Matters Scheduled for Public
8 Hearing. The first application, 2015-29-SP;
9 Applicant, Promenade at Bayonne; Location, Avenue A
10 and West First Street; Block 332, Lot 3; Block 360,
11 Lot 2; Block 373, Lots 1, 2, 13, 14 and 15; Block
12 390, Lots 1 and RG 67; Block 391, Lots 1 and 2;
13 Block 511, Lot 6, in Bayonne.

14 MR. KAPLAN: Good evening,
15 Mr. Chairman, Commissioners, glad to be here
16 tonight. Last meeting we got stuck in traffic.
17 Glad everybody is here obviously. We're here
18 tonight seeking subdivision approval for the first
19 phase of my applicant. Greg Kaplan, K-a-p-l-a-n,
20 representing the applicant, Promenade in Bayonne.
21 We're here tonight seeking subdivision approval for
22 the first phase redevelopment project located at the
23 intersection of Avenue A and West First Street in
24 Bayonne, the former Texaco facility, located at the
25 base of the Bayonne Bridge. The application is for

1 the first phase, which is located in two buildings,
2 300 units, park and a waterfront walkway feature. I
3 have here with me tonight, Lisa DiGerolamo, the
4 engineer of record, and also Jason Kaplan, the
5 principal of the applicant for any questions if you
6 have any. Without any further delay, I'll have the
7 engineer walk the Board through the plan.

8 (The witness is sworn.)

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

11 MS. DiGEROLAMO: Lisa DiGerolamo,
12 D-i-G-e-r-o-l-a-m-o.

13 MR. KAPLAN: Lisa, would you briefly
14 give the Board the benefit of your education and
15 professional qualifications.

16 MS. DiGEROLAMO: I have a bachelor's
17 degree in engineering from Stevens Institute of
18 Technology, masters degree from Montclair State
19 University, MBA. I've been practicing as an
20 engineer for 25 years now on site plans and
21 structure improvements. I've appeared before a
22 number of boards within the state of New Jersey.

23 MR. KAPLAN: Your license is current?

24 MS. DiGEROLAMO: My license is
25 current.

1 MR. KAPLAN: You've prepared or
2 oversaw the preparation of the plans that are before
3 the Board this evening?

4 MS. DiGEROLAMO: Yes, I did.

5 MR. KAPLAN: Mr. Chairman, I submit
6 Lisa DiGerolamo as a professional engineer in the
7 state of New Jersey.

8 CHAIRMAN CRYAN: Thank you.

9 MR. KAPLAN: Would you review the
10 project and identify the project location?

11 MS. DiGEROLAMO: Yes.

12 CHAIRMAN CRYAN: I'm sorry. You're
13 going to have to speak very loudly. It's hard for
14 us to hear up here, either into the mic or yell.

15 MS. DiGEROLAMO: So this is the
16 property right at the base of the Bayonne Bridge.
17 I'm sure you're very familiar with it. We're
18 bordered by the Bayonne Bridge itself and by the
19 Kill Van Kull and Newark Bay and businesses to the
20 north. The property was the Chevron Texaco facility
21 for years. It's now being removed, and this is
22 going to be open for development.

23 What we're here for tonight is the first
24 phase of that development. It's a subdivision for
25 the first two blocks. The first two blocks will be

1 Block 5 and Block 9. They have four stories with
2 residential over a level of parking. There is a
3 retail component of about 3,000 square feet located
4 at the gateway to the site. One piece of the
5 puzzle, one of the major pieces of the puzzle for
6 the future development is that circle that is
7 developed are part of this project. This will be at
8 the head of the intersection of Avenue A and First
9 Street. It's hard for me not to point and talk at
10 the same time. I'll try to speak loud.

11 CHAIRMAN CRYAN: Do you want to bring
12 that closer to that microphone?

13 MS. DiGEROLAMO: Avenue A coming in
14 from your right and First Avenue coming straight up
15 the drawing, and what the project is, the first
16 phase of the project is going to create that gateway
17 or that circle that makes the connection at First
18 Avenue and Avenue A. The first two blocks will be
19 built off of that gateway. The two initial
20 residential buildings will be four stories over one
21 level of parking.

22 MS. FERRARA: Do you mind marking it
23 as Exhibit 1, please. We don't have this.

24 MS. DiGEROLAMO: Another major
25 feature of what is being incorporated in this first

1 phase is a significant area of public space along
2 this southwestern border here. There is going to be
3 a baseball field, a soccer field and open space.
4 That will be completely along the adjacent
5 right-of-way for the Bayonne Bridge. The other item
6 of recreation being incorporated here is the first
7 piece of the waterfront walkway to the extent that
8 they want to go around. So they're picking up the
9 waterfront walkway at the Bayonne Bridge
10 right-of-way and carry it along. That first phase
11 of the piece of the waterfront walkway will end
12 where the phase improvements end.

13 From a stormwater perspective obviously,
14 our discharge point is in the Kill Van Cull. All
15 stormwater will be taken from the first piece of the
16 development and brought out to Newark Bay. We're
17 obviously providing water quality at that point
18 before discharge to the river.

19 MR. KAPLAN: Lisa, did you have a
20 chance to review the August 9th, 2015 letter from
21 the Remington Vernick?

22 MS. DiGEROLAMO: I did.

23 MR. KAPLAN: Can we comply with all
24 conditions that they have identified?

25 MS. DiGEROLAMO: Yes, we can.

1 MR. KAPLAN: We also received a
2 September 3, 2015 report from Mr. Roberts. Did you
3 have occasion to review that as well?

4 MS. DiGEROLAMO: Yes.

5 MR. KAPLAN: Can we comply with all
6 of the statements and conditions in that report?

7 MS. DiGEROLAMO: Yes.

8 MR. KAPLAN: In Mr. Roberts' report,
9 he did identify or raised a question about the
10 easement that's located on the I guess north side of
11 this property outside of the space. Can you
12 describe what he's talking about to the Board?

13 MS. DiGEROLAMO: If I could just flip
14 to the subdivision plan. This is the first part of
15 the document. So the previous picture was only
16 highlighting the area of the first phase. There is
17 a small piece of waterfront walkway area that has
18 been dedicated to the State as part of what Chevron
19 Texaco had done number of years ago. There is a
20 piece of area dedicated in a future phase for that
21 walkway to be incorporated. This particular phase
22 will be again incorporated under for the piece of
23 walkway to be coordinated with the phase one
24 activity.

25 MR. KAPLAN: So we're clear as the

1 developer and the applicant builds the rest of that
2 waterfront walkway along that waterfront, each part
3 will be dedicated to the State DEP or whatever the
4 requirement is in the Waterfront Development
5 Program?

6 MS. DiGEROLAMO: Right. Right. As
7 the project gets done in phases, each piece of the
8 waterfront way that is within each piece of the
9 phase will get constructed and dedicated.

10 MR. KAPLAN: If the Board or the
11 Commissioners have any other questions, that's
12 really all we have for a brief presentation. One
13 other question, Mr. Roberts' report, he asked that
14 somebody confirm whether the title the report
15 identified as part of the subdivision plan as part
16 of the application package, whether it identified
17 any easements or the like that were dedicated to
18 Hudson County already, and review that title, and
19 there is another.

20 CHAIRMAN CRYAN: Mr. Cray.

21 MR. CRAY: Thank you, Mr. Chairman.
22 Being this phase of the project is not on Kennedy
23 Boulevard, a lot of items are exempt from review, so
24 there is not much content that we are concerned of,
25 and it was pretty much covered in testimony. What I

1 would ask is that a response letter to the Remington
2 Vernick Arango letter of August 31st be provided,
3 and really all the action before you just is 3 A, B,
4 C, you touched upon it but for the record.

5 MR. KAPLAN: We can provide that, no
6 problem.

7 MR. CRAY: Now, when you say
8 "dedicated" walkway easement, correct me if I'm
9 wrong, I'm assuming that there's going to be a
10 dedication so it's open for public use. Then it
11 would be the maintenance responsibility of the
12 developer versus some other entity. How does that
13 work?

14 MR. KAPLAN: It will actually be
15 dedicated, and City of Bayonne will take
16 responsibility for the maintenance and insurance and
17 the like.

18 MR. CRAY: Okay. So that it's
19 dedicated to Bayonne.

20 MR. KAPLAN: Right.

21 MR. CRAY: With the DEP aware of it
22 because this is consistent with it?

23 MR. KAPLAN: Correct.

24 MR. CRAY: And my only other comment,
25 they know this, if other outside agencies' approval

1 changes something that does sneak over to JFK
2 Boulevard, we want to see what that is. If none of
3 those permits affect it, then I have no further
4 concerns. So being that they're going to follow the
5 conditions of approval to respond, put that
6 point-by-point response in the record to my letter.
7 I have no further questions, comments or concerns.

8 COMMISSIONER MEHTA: I have a couple
9 of questions. You said that this is going to be
10 phase one, right?

11 MR. KAPLAN: Correct.

12 COMMISSIONER MEHTA: And in the phase
13 one, you having 512 spaces to park?

14 MR. KAPLAN: I don't have the exact
15 parking count. I think that sounds correct.

16 MS. DiGEROLAMO: Correct.

17 COMMISSIONER MEHTA: How many are you
18 going to have in future, just for parking around the
19 area, do you have any idea?

20 MR. KAPLAN: I'll bring Jason Kaplan
21 up so he can be sworn in and address your questions.

22 (The witness is sworn.)

23 MR. CURLEY: Please state your name
24 for the record and spell your last name.

25 MR. JASON KAPLAN: Jason Kaplan,

1 K-a-p-l-a-n.

2 MR. KAPLAN: And before you answer,
3 just tell the Chairman and the Commissioners who you
4 are and how you're affiliated with the project.

5 MR. J. KAPLAN: Sure. I'm the
6 principal of Kaplan Company. To answer your
7 question, did you bring the sheet of the overall
8 development? I can share the conceptual plan that
9 complies with the redevelopment plan for the entire
10 project.

11 MR. KAPLAN: So I would mark that as
12 Exhibit 2. It's not in the package.

13 MR. J. KAPLAN: We've been working
14 with the City of Bayonne Redevelopment Authority to
15 come up with a plan that would be consistent with
16 recommendations of the state and of the town. What
17 you see before you is basically the overall
18 build-out of the site. We have basically seven
19 phases. What you see, this is primarily
20 residential. The extension for First Street and in
21 here will be a commercial-type corridor, and that
22 will be all ground floor commercial. The current
23 amended development -- redevelopment plan allows for
24 thirty units per acre, which can potentially be a
25 build-out of over 3,000. It's a really big project.

1 It's market-driven, which allows us to go higher and
2 gives us flexibility, especially with a large scale
3 development. We have to do what the market
4 dictates. It could be plus or minus, within that
5 range.

6 COMMISSIONER MEHTA: I knows this is
7 close to the Bayonne Bridge, and the Bayonne Bridge
8 is increasing height, and is that going to affect
9 any individuals of that property if you close that
10 road off?

11 MR. KAPLAN: The Bayonne Bridge is
12 right here. Under this is the 440 corridor. The
13 Bayonne Bridge, this is the superstructure from the
14 bridge right here. It's within our own
15 right-of-way. They have expanded the right-of-away
16 that runs up to property line. We notified them of
17 it. We have met with the Port Authority. The
18 Bayonne Bridge is being lifted. I don't know if
19 it's extended its construction for 2019. If you go
20 there right now, they've actually raised the on-ramp
21 I guess onto the bridge. We don't have any
22 residential against it. We have the park on the
23 eastern side of the bridge, and the way we designed
24 it, it basically extends. The Port Authority
25 doesn't allow any constructions underneath it since

1 9/11. Any accident or block-off would be
2 controlled, and it's going to be public recreation
3 on the side of the bridge.

4 COMMISSIONER MEHTA: Another
5 question, is it close to the river and water? Will
6 it be over the flood level?

7 MR. KAPLAN: Oh, yes. We have to
8 bring up the entire site anywhere from it was right
9 now, five to seven feet. So we will be above the
10 new flood plain. Everything, all of the living
11 space and streets will be one foot above what is the
12 elevation.

13 MS. DiGEROLAMO: It varies from 12 to
14 13 across. All of the finished floors are going to
15 be two feet above the flood elevation and roads,
16 we're at generally a foot above.

17 CHAIRMAN CRYAN: You've received your
18 local approval, right?

19 MR. KAPLAN: We have received local
20 approval. We are into the State waterfront
21 development. We have received feedback working with
22 the State. We're in for water and sewers. We are
23 in for approvals for the first phase.

24 COMMISSIONER MEHTA: So all your
25 living space will be about two feet or three feet

1 above flood elevation. What about the parking
2 level? Do you know what the parking level is going
3 to be?

4 MS. DiGEROLAMO: The lowest parking
5 level is the same as the living level. We have that
6 set as well as to be above flood elevation.

7 COMMISSIONER MEHTA: Okay.

8 MR. KAPLAN: The site and the area
9 completed flooded during Sandy. They raised the
10 whole flood elevation across the site by about four
11 or five feet across the area.

12 MS. FERRARA: I don't have anything.
13 The applicant agrees to submit copies of the
14 easement that you already have and any futures ones?

15 MR. KAPLAN: Sure.

16 MS. FERRARA: The green techniques,
17 we're not reviewing the site plan, but we do know
18 that the applicant has met the green techniques,
19 native landscaping, redevelopment and green parking.

20 COMMISSIONER BETTINGER: I'll make a
21 motion to approve.

22 COMMISSIONER HOLLOWAY: I second.

23 MS. FERRARA: On a motion made by
24 Commissioner Bettinger. Second by Commissioner
25 Holloway.

1 Commissioner Bettinger.

2 COMMISSIONER BETTINGER: Aye.

3 MS. FERRARA: Commissioner Holloway.

4 COMMISSIONER HOLLOWAY: Aye.

5 MS. FERRARA: Commissioner Mehta.

6 COMMISSIONER MEHTA: Aye.

7 MS. FERRARA: Commissioner Peralta.

8 COMMISSIONER PERALTA: Aye.

9 MS. FERRARA: Commissioner Voinier.

10 COMMISSIONER VOINIER: Aye.

11 MS. FERRARA: And Chairman Cryan.

12 CHAIRMAN CRYAN: Aye.

13 MS. FERRARA: The motion has passed.

14 MR. KAPLAN: Thank you. Have a good
15 night.

16 MS. FERRARA: Mr. Chairman, the next
17 application, I'm sorry, with the permission of the
18 Board, Applicant 2015-39-SP will go toward the end
19 of the public hearing. So the next application is
20 2015-46-SP; Applicant Jason Appello, located at 1427
21 Union Turnpike; Block 79, Lot 6.012, in North
22 Bergen.

23 MR. APPELLO: My name is Jason
24 Appello. I plan to build a single-family residence
25 in North Bergen at Block 79, Lot 6.012, and we're

1 here because we were told if we're constructing a
2 single-family residence, we also need to change the
3 curb cut of the driveway. We're seeking approval
4 for that.

5 MR. CURLEY: Are you going to
6 testify; is that correct?

7 MR. APPELLO: That's correct. My
8 architect wasn't able to make it this evening, and
9 if there's any questions, I could answer.

10 (The witness is sworn.)

11 MR. CURLEY: Tell us about the
12 project, and what approvals you are seeking.

13 MR. APPELLO: Again it's a
14 single-family residence. It's going to be 2,800
15 square feet located in North Bergen, and the
16 approval I'm seeking, it's a new single-family
17 house, also we need to adjust the driveway location,
18 the curbing. The original lot was obtained as an
19 empty lot. The new house needs the driveway shifted
20 slightly to accommodate the garage.

21 I was told that I had to submit an
22 application, and we're here seeking approval for our
23 project. I brought the actual residence. I have
24 the plans for the house. Do you guys review these,
25 or do you have them? This is the exterior of the

1 house. This is the sidewalk plan. As you can see
2 the new driveway is 27 feet wide. The current
3 driveway is located on the westmost point,
4 approximately 15 feet wide, so it is required to be
5 shifted 13 feet to the east. I'm not sure what else
6 you would like me to say.

7 MS. FERRARA: Mr. Chairman, if
8 Commissioner Voinier wants, he reviewed this
9 application.

10 COMMISSIONER VOINIER: The only thing
11 I made comments on was how you grade the home. I
12 just want to make sure that you're putting in new
13 sidewalks and the driveway, and to follow the NJDOT
14 County Design Standards.

15 MR. APPELLO: Yes. The builder will
16 adhere to it, and everything will follow the typical
17 NJDOT guidelines for the curb cut.

18 COMMISSIONER VOINIER: There was some
19 concern about trees, I think they were along the
20 property, and are you going to do something in terms
21 of landscaping of the property?

22 MR. APPELLO: Well, the property will
23 be seeded for grass. At this point we don't have
24 landscaping for the property itself. I know that we
25 have got two shade trees that are required for the

1 County. The issue that I had is I am actually a
2 police officer in town, so we see after a storm,
3 trees sometimes fall into the power lines. That was
4 my only concern.

5 The other concern is I noticed the
6 measurements on the side were not meeting your
7 minimum guidelines. For example, there is pole on
8 the County roadway under 60116, the distance between
9 the pole and there's actually the gas valve which we
10 will be connecting to is approximately 15 1/2 feet.
11 I know the guideline says the minimum distance has
12 to be ten feet from the utility pole, three feet
13 from the underground utility, and also I believe the
14 tree pit has to be five feet.

15 My concern was that basically those
16 numbers would not be able to get me ten feet from
17 the pole and three feet from the valve. It would
18 leave approximately three feet for the tree pit.
19 That would be the tree on the east side of the
20 property. On west side of the driveway, there is
21 approximately 12 feet from the valve to the
22 neighboring driveway, which again, I believe it's
23 three feet from the ground utilities and three feet
24 from the tree pit. Again, I don't know. I was told
25 that we would be able to submit a landscape plan

1 cost estimate for the donations to the County Shade
2 Tree Fund in lieu of the trees being planted.

3 COMMISSIONER VOINIER: So you will
4 submit that.

5 MR. APPELLO: I actually have a
6 signed and sealed landscape plan from Davie's
7 Landscaping.

8 MS. FERRARA: Mr. Chairman, Mr.
9 Tridente can speak to the shade street requirement.

10 MR. TRIDENTE: Mr. Appello is correct
11 as far as the guidelines. We have made exceptions
12 in the past. Some of the trees selected are on the
13 PSE&G's shade tree list which do not have a big root
14 system and do not grow beyond a certain height so
15 they don't interfere with power lines. Possibly, if
16 you could look at that list and provide a shade
17 tree. If that's impossible, we will accept a cost
18 estimate. We haven't seen it.

19 MR. APPELLO: I'm sorry. Just to
20 clarify, we're looking at the measurements on the
21 east side of the property regarding the distances
22 that fit within your shade tree?

23 MR. TRIDENTE: It's only within the
24 County right-of-way; within the property, it's
25 different.

1 MR. APPELLO: I'm referring to the
2 utility pole and the undergrowth, they comply with
3 those minimum requirements?

4 MR. TRIDENTE: The trees, yeah.

5 MR. APPELLO: It's fine. I'll take a
6 look at the list.

7 MR. TRIDENTE: You're going to
8 provide us with a cost estimate. We haven't seen it
9 yet. I haven't seen it to see if it's acceptable.

10 MS. FERRARA: Mr. Chairman, if I may,
11 Mr. Appello, so if you're correct on what your
12 measurements of the utilities are, there may be a
13 possibility that one tree will fit and be
14 accommodated, and possibly contribute for the second
15 tree.

16 MR. APPELLO: That's correct. The
17 one tree on the east side, the measurements are
18 found on the web site, the tree pit wasn't the
19 distance from the utilities. That was my concern.
20 I didn't want to have a problem with the roots when
21 they grow.

22 MS. FERRARA: Mr. Chairman, I would
23 like to suggest to the applicant as a condition of
24 approval, we expect that they coordinate with our
25 Engineering Department as well as Mr. Tridente to

1 see what trees would be appropriate on the site, and
2 if anything, that second tree, the County will
3 accept a contribution be made there.

4 MR. TRIDENTE: Mr. Chairman, I would
5 like to speak to the applicant on the applicant's
6 report. It's missing an ADA compliant tree grade,
7 and also the cost estimate for labor needs to be
8 prevailing wage, so it's somewhat deficient.

9 MR. APPELLO: Right. I actually
10 provided the estimate. It has to be signed and
11 sealed. There was the issue with the landscaper and
12 not a landscape architect. I didn't figure it out.
13 I'll be happy to get whatever you need.

14 MR. TRIDENTE: That's fine.

15 MS. FERRARA: Mr. Chairman, the
16 applicant has green techniques, green parking along
17 with a bicycle rack and on-lot treatments. I have
18 also asked the applicant to coordinate with our
19 Engineering Department to finalize the curb cuts.

20 MR. APPELLO: Absolutely.

21 MS. FERRARA: I have nothing further,
22 Mr. Chairman.

23 MR. TRIDENTE: One last thing,
24 Mr. Chairman, just to be aware and the applicant be
25 advised that when it's time for you to receive your

1 certificate of occupancy, you must call the office
2 for a final inspection of the green techniques, the
3 curbs and sidewalks, and make sure that any
4 encroachment or franchise agreements or any
5 additional conditions are proposed. That's before
6 you receive that certificate of compliance?

7 MR. APPELLO: Absolutely.

8 COMMISSIONER HOLLOWAY: I make a
9 motion to approve.

10 COMMISSIONER BETTINGER: I'll second
11 the motion.

12 MS. FERRARA: On a motion made by
13 Commissioner Holloway. Second by Commissioner
14 Bettinger.

15 Commissioner Bettinger.

16 COMMISSIONER BETTINGER: Aye.

17 MS. FERRARA: Commissioner Holloway.

18 COMMISSIONER HOLLOWAY: Aye.

19 MS. FERRARA: Commissioner Peralta.

20 COMMISSIONER PERALTA: Aye.

21 MS. FERRARA: Commissioner Voinier.

22 COMMISSIONER VOINIER: Aye.

23 MS. FERRARA: And Chairman Cryan.

24 CHAIRMAN CRYAN: Aye.

25 MS. FERRARA: The motion has passed.

1 MR. APPELLO: Thank you, folks. Have
2 a good night.

3 MS. FERRARA: Mr. Chairman, the next
4 application is Application 2015-57-SP; Applicant,
5 7-Eleven, Incorporated; located at 2380 John F.
6 Kennedy Boulevard; Block 184.04, Lots 1 and 34, in
7 Jersey City.

8 MR. TUVEL: Good evening,
9 Mr. Chairman, Members of the Board. Jason Tuvell
10 from the law firm of Gibbons PC, attorney for the
11 applicant, the property located at 2380 Kennedy
12 Boulevard; Block 184.04, Lots 1 and 34. The
13 property is just a little interesting, not just from
14 the County's perspective but from a municipal
15 perspective. It's actually located in three
16 separate zoning districts even though it's a very
17 small property. It's an interesting fact.

18 Existing conditions, the site currently is
19 a Brake-O-Rama Goodyear Tire auto service and repair
20 shop with multiple garages. It's an L-shaped
21 building, if you're familiar with the property. The
22 garage is facing Kennedy Boulevard parallel with
23 sort of the office area along the L shape. The
24 property is not really in good shape. The building
25 is in disrepair. The pavement is cracked. The

1 driveways are wide open curb cuts. They're laid
2 right out onto the street.

3 What the applicant is proposing is to
4 demolish a portion of the building, the L-shape, the
5 L portion of the building perpendicular to Kennedy
6 Boulevard. The salvage portion that's parallel to
7 Kennedy Boulevard will be upgraded into a 7-Eleven
8 convenience store, 2,700 square feet. After
9 submitting the application, we worked hard with your
10 staff to come up with a design that we will be
11 presenting in just a minute.

12 Some things that we're doing as a result
13 of working with your staff, we're reducing the width
14 of the curb cut on Kennedy Boulevard, providing a
15 raised island for better direction continuing out of
16 the site. We're continuing the bollards on the
17 center line along Kennedy Boulevard in this area.
18 The recommendation of the County was to continue the
19 bollards to the intersection so that cars can't go
20 across JFK Boulevard. The plan reflects that
21 change.

22 In addition to that, we were reducing
23 impervious coverage, providing street trees along
24 JFK. We are one short in terms of street trees.
25 We'll provide three. I think that we were required

1 four, so we will contribute for the remaining fourth
2 tree. In terms of the green technologies that are
3 required, I think we meet three of the items from
4 the checklist, redevelopment, provide bike racks,
5 and we're using native species plantings as part of
6 this application.

7 One of the items that came up in the
8 review letter that I can address now was deliveries.
9 In terms of deliveries to the store, we basically
10 get one WB-40 delivery that's on-site for about 40
11 minutes. That occurs during off-peak hours. We
12 provided a truck-turning template for the
13 professionals to review. In addition to that, they
14 get two box trucks daily, also during off-peak
15 hours. Those are your Pepsi, Coke and potato chips,
16 bread. Those will park in a regular parking stall
17 during the off-peak hours.

18 Looking at your review letter from your
19 internal planning staff, which is Remington and
20 Vernick, we can comply with all of the suggested
21 comments in those letters. In addition to that in
22 terms of the zoning board in Jersey City, we did
23 complete our case, but for a use variance, there was
24 only five members of the Board, so it will be
25 postponed to the next meeting when we have seven.

1 The residents who did come out were actually in
2 favor of the project because there are some security
3 issues on the site overnight, and they were happy to
4 see that the 7-Eleven was coming in to provide some
5 stability up to the property that doesn't exist
6 today.

7 I have one witness that I have based on
8 our review letters that we received from your staff.
9 I was just going to have our civil engineer, James
10 Henry from Dynamic Engineering testify. I do have
11 our traffic engineer from Dynamic Traffic here. We
12 did submit a report. Mr. Cray stated in his letter
13 that he agreed with the conclusions of that. Should
14 the Board have any questions related to the traffic
15 aspect of this, Mr. Vederese is here to answer those
16 questions. Last, I have Stewart Kimmel from
17 7-Eleven who can answer any questions that I can't
18 or any of the engineers can't, but we're really only
19 here to answer and not give affirmative testimony.
20 If there other questions, I can proceed with my
21 first witness.

22 COMMISSIONER HOLLOWAY: Mr. Chairman,
23 is this piece of property south of Communipaw?

24 MR. TUVEL: Directly south.

25 COMMISSIONER HOLLOWAY: Thank you.

1 MR. TUVEL: Can I call my first
2 witness?

3 CHAIRMAN CRYAN: Yeah.

4 MR. TUVEL: The first witness is
5 James Henry from Dynamic Engineering.

6 (The witness is sworn.)

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

9 MR. HENRY: James Henry, H-e-n-r-y.

10 MR. TUVEL: Mr. Henry, give your
11 qualification to the Board, licenses, degrees
12 professional experience testifying before land use
13 boards in the state of New Jersey.

14 MR. HENRY: I have a Bachelor's of
15 Science from Rutgers University civil engineering
16 and a minor in public planning, a masters from
17 Rutgers University in civil engineering. I am a
18 licensed civil engineer in New Jersey. I am the
19 principal of Dynamic Engineering. I have about ten
20 years of experience testifying about very similar
21 projects. We deal with small retail development.
22 That's about it.

23 MR. TUVEL: I ask that the Board
24 accept Mr. Henry as an expert in civil engineering.

25 CHAIRMAN CRYAN: No objection.

1 MR. TUVEL: Thank you very much.
2 Let's start with existing conditions. Although I
3 did a brief overview, can you just go over what's
4 currently at the site, some of the deficiencies that
5 currently exist today?

6 MR. HENRY: Let's turn to the survey
7 dated June 18, 2015. This was submitted along with
8 the application. The existing building, the
9 existing property is Block 184.04, Lots 1 and 34
10 located on Kennedy Boulevard is located here, north,
11 east, south, west and Clinton Avenue located to the
12 South and Tyson Avenue is located northeast. The
13 property has a building existing right now that
14 takes up most of the property. As part of the
15 redevelopment, we're actually demolishing a portion
16 of the existing building.

17 There is a large depressed curb along
18 Kennedy Boulevard which we're going to be modifying.
19 Right now, it's kind of difficult to decipher where
20 the driveway starts and where it ends. It's a large
21 depressed curb. There's a driveway on Kennedy
22 Boulevard and also on Clinton Avenue. Right now as
23 Mr. Tuvel had mentioned, the existing is a
24 Brake-O-Rama automobile repair garage. The existing
25 building is approximately 4,700 square feet. We're

1 going to be reducing that to 2,700 square feet as
2 part of the proposed project. Right now, there's
3 floodlights. The site is paved. It's a hundred
4 percent impervious. We propose landscaping as part
5 of the redevelopment. The site plan rendering is
6 dated September 15, 2015. The proposed development
7 as I mentioned is a 2,700-square-foot 7-Eleven.

8 MS. FERRARA: Can you marking that as
9 Exhibit 1?

10 MR. HENRY: Yes. The proposed
11 development includes 11 parking stalls with one ADA
12 parking space. We're going to be reducing the
13 depressed curb along Kennedy Boulevard and
14 channelizing it to 15-foot-wide depressed curb. We
15 will have an island in the center of the drive
16 aisle. We're going to be extending the proposed
17 bollards that exist right now on Kennedy Boulevard
18 that block anybody from making a left-hand turn, and
19 we're going to extend that all the way down to the
20 intersection.

21 Other things we're doing, we're going to
22 be increasing the amount of landscaping, impervious
23 area on site. The existing conditions, there is
24 approximately a hundred percent impervious. The
25 proposed will be approximately 82-percent

1 impervious. As part of the proposed redevelopment,
2 we will be reducing impervious on-site. We're
3 proposing 90-degree parking stalls along the
4 building, a trash enclosure just to the northeast of
5 the building. Part of the County's recommendations,
6 we'll be proposing a parking space in front of the
7 trash enclosure.

8 The proposed development has been designed
9 to accommodate the loading for 7-Eleven. As part of
10 this development, they're going to have one to two
11 deliveries per week. That's going to be by WB-40,
12 which would potentially pull in off Kennedy
13 Boulevard, back up and pull up back onto Kennedy
14 Boulevard. We previously submitted that to the
15 County, and we discussed that at length.

16 COMMISSIONER HOLLOWAY: Mr. Chairman,
17 I know that site. You're going to have the trucks
18 do deliveries on Kennedy Boulevard?

19 MR. TUVEL: No, no. It's all done on
20 the site.

21 MR. HENRY: The deliveries are done
22 on off-peak hours as Mr. Tuvel mentioned.

23 COMMISSIONER HOLLOWAY: When you say
24 "off-peak," what hours are you talking about?

25 MR. HENRY: It's either going to be

1 during the day or overnight.

2 MR. TUVEL: Basically not seven to
3 nine in the morning when everybody is getting their
4 coffee and paper, or four to six when people are
5 coming and grabbing what they need maybe on their
6 way home. It won't be during that block.

7 MR. HENRY: In addition, to the large
8 trucks, there's also two box trucks from different
9 vendors throughout the day coming. As far as
10 utilities, we are utilizing mostly the existing
11 utilities. We are proposing new behind the building
12 to the township facility. The County facility is in
13 the front on Kennedy Boulevard.

14 MR. TUVEL: Jim, can you talk about
15 the sidewalks and curbing being ADA?

16 MR. HENRY: We're going to be
17 replacing all the sidewalks and curbs along the
18 front, and also along Clinton Avenue. We're going
19 to be ADA compliant. So we are working on that.
20 The paving and concrete is quite broken, so we're
21 going to be replacing all of that on Kennedy
22 Boulevard. We're proposing three street trees. As
23 Mr. Tuvel mentioned, we will be contributing for one
24 of the trees.

25 MR. TUVEL: Can you just describe

1 that raised island that I mentioned?

2 MR. HENRY: You're going to see a
3 compatible island to facilitate for a right-in,
4 right-out movement. The original driveway is just a
5 wide open depressed curb where people can make
6 left-hand turns out. There are no flexible
7 bollards. We are proposing an island in order to
8 facilitate the right-out movement. Also, we're
9 proposing flexible bollards.

10 MR. TUVEL: And all of the lighting
11 on that site will be LED covered fixtures that won't
12 spill onto adjacent properties, correct?

13 MR. HENRY: Yes.

14 MR. TUVEL: Have you reviewed the
15 letter from the County staff as well as from the
16 County engineer?

17 MR. HENRY: Yes.

18 MR. TUVEL: Do you find the comments
19 and recommendations to be acceptable as a condition
20 of approval, and you have provided plans in
21 accordance with those reports?

22 MR. HENRY: Yes. Some other things
23 to mention, we proposed a bike rack in front of the
24 building. We're proposing wheel stops to prevent
25 cars from going over the sidewalk in front. The

1 existing sign in front of the facility is located on
2 the County right-of-way. With that sign, we'll
3 enter into an agreement with the County in order to
4 maintain that sign. There was a portion of the
5 drive aisle where the proposed facility extends into
6 the County right-of-way. There will also be a
7 maintenance agreement.

8 MR. TUVEL: As a result of this
9 application, we are working to put to paper those
10 conditions and enter into a franchise agreement with
11 the County with respect to both the sign and the
12 driveway as they exist today.

13 MR. HENRY: We had a number of
14 different iterations as far as their
15 recommendations. We shifted the parking space so
16 we're not located right where the driveway is
17 proposed on Kennedy Boulevard, and the Employee Only
18 signage will be added the trash enclosure. We'll be
19 adding trees along the Kennedy Boulevard, three
20 street trees. The green techniques, we're using
21 native landscaping, we're reducing impervious, we're
22 adding a bike rack, and we're also as a condition
23 from the County, we're extending the bollards at the
24 intersection, and then as far as impacts, there
25 really isn't much of a traffic. We are slightly

1 increasing traffic, but we're not impacting any
2 driveways or the like with all the driveways and
3 lighting functions. Any direct questions about the
4 traffic, we do have a traffic engineer to testify to
5 details about that.

6 COMMISSIONER HOLLOWAY: Will you be
7 putting a sign that says No Left Turn coming out?

8 MR. HENRY: Yes. We have a No
9 Left-Hand Turn sign.

10 COMMISSIONER BETTINGER: What are the
11 hours of operation?

12 MR. HENRY: Twenty-four hours.

13 MR. TUVEL: That's actually something
14 that the residents are happy with because of what I
15 guess transpires in the overnight hours now. They
16 are happy with the lighting to provide some security
17 for the area.

18 COMMISSIONER HOLLOWAY: That will
19 definitely be an improvement.

20 CHAIRMAN CRYAN: Mr. Cray.

21 MR. CRAY: Thank you, Mr. Chairman.
22 This applicant came to the review committee as a
23 pre-application, and then they came back with the
24 plans, so we are already very familiar with it. The
25 big items have already been fleshed out at this

1 time. So what remains to my letter, I asked for
2 some testimony. They have since covered it. The
3 remaining items are really down to construction
4 details, and some things that the City is just
5 dealing with as well. So some of my proposed, they
6 addressed those concerns. They will come back to
7 plans. There is nothing major. It's more down to
8 the construction detail level. I don't have any
9 additional comments or concerns.

10 CHAIRMAN CRYAN: Mr. Tridente?

11 MR. TRIDENTE: I don't have anything.

12 MS. FERRARA: Mr. Chairman, the
13 applicant has addressed the testimony, and they will
14 apply for a franchise agreement. They have met
15 their green technique, and they will provide a copy
16 of the outstanding permits that you have.

17 MR. TUVEL: MUA and the zoning board,
18 we will provide you with a copy of all of those
19 items, correct?

20 MR. TRIDENTE: I am sorry, Mr.
21 Chairman. I do have one additional. We have not
22 seen the cost estimate for one tree. That's a
23 condition.

24 MR. TUVEL: We will be happy to
25 provide that to you.

1 MS. FERRARA: On a motion made by
2 Commissioner Holloway. Second by Commissioner
3 Peralta.

4 Commissioner Bettinger.

5 COMMISSIONER BETTINGER: I vote aye.

6 MS. FERRARA: Commissioner Holloway.

7 COMMISSIONER HOLLOWAY: Aye.

8 MS. FERRARA: Commissioner Peralta.

9 COMMISSIONER PERALTA: Aye.

10 MS. FERRARA: Commissioner Voinier.

11 COMMISSIONER VOINIER: Aye.

12 MS. FERRARA: And Chairman Cryan.

13 CHAIRMAN CRYAN: Aye.

14 MR. TUVEL: Thank you very much. I
15 vote aye.

16 MS. FERRARA: Mr. Chairman, the last
17 application to be heard is Application 2015-39-SP;
18 Applicant Riverview Development, LLP, located at
19 8200 River Road, Block 438, Lots 4A, 4B and Lot 1;
20 in North Bergen.

21 CHAIRMAN CRYAN: Thank you for
22 waiting.

23 MR. ZENN: Thank you for having us
24 tonight. My name is Jeffrey Zen, Z-e-n-n, from the
25 firm of Sokol Behot on behalf of the applicant,

1 Riverview Development, LLC. We are here tonight
2 seeking Site Plan approval from the County. So we
3 went to the local planning board level. Tonight we
4 have our engineer, the site engineer as well as our
5 traffic expert.

6 MR. LAMB: Mr. Chair, can I enter my
7 appearance?

8 CHAIRMAN CRYAN: Yes.

9 MR. LAMB: Good evening. John J.
10 Lamb from the law firm Beattie Padovano. We
11 represent the Bergen Ridge Homeowner's Association,
12 Inc. I just wanted to let the Board know that my
13 engineer left my office at five o'clock today when I
14 left after we had gone over this to prepare for this
15 evening. He got into a serious car accident so he
16 will not be here tonight, and I don't know what is
17 going on. In any case I have explained that to Mr.
18 Curley and Mr. Zenn. Obviously, I would want him to
19 be here to hear some of the testimony, but I also
20 don't want to delay so he'll have to come back at
21 another time, and I told Mr. Zenn to put on whatever
22 witnesses he has. Thank you.

23 MR. ZENN: Then we will proceed with
24 our witnesses, and we'll finish our case, and at the
25 next meeting if the objector wants to be present.

1 MR. CURLEY: We will have the benefit
2 of the transcript. The Board routinely obtains the
3 transcript. It could be expedited. Someone other
4 than the Board would pay for the cost.

5 CHAIRMAN CRYAN: If you could speak
6 up.

7 MR. ZENN: Is that better? First I
8 would like to call Rob Foley, our site engineer.

9 (The witness is sworn.)

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

12 MR. FOLEY: My name is Robert Foley.
13 The last name is spelled F-o-l-e-y. I'm with the
14 firm Dewberry Engineers, Inc., 600 Parsippany Road,
15 Parsippany, New Jersey.

16 MR. CURLEY: Thank you.

17 MR. ZENN: Mr. Foley, could you give
18 us the benefit your educational and professional
19 background?

20 MR. FOLEY: Yes. I have a Bachelor's
21 of Science in civil engineering from the New Jersey
22 Institute of Technology. I have been a licensed
23 professional engineer in the state of New Jersey
24 since 1993. While I have not testified before the
25 Hudson County Planning Board previously, I have been

1 before numerous land use boards throughout the state
2 of New Jersey on matters of site civil development.

3 MR. ZENN: Your New Jersey license is
4 current; is that correct?

5 MR. FOLEY: Yes, it is.

6 CHAIRMAN CRYAN: Proceed. Thank you.

7 MR. ZENN: Thank you very much.

8 MR. LAMB: We have no objection to
9 his qualifications.

10 MR. ZENN: Thank you, Mr. Lamb.

11 MR. LAMB: Can you move this to the
12 microphone?

13 MR. ZENN: Can the Board see that
14 okay?

15 CHAIRMAN CRYAN: Pretty good.

16 MR. ZENN: Mr. Foley, could you
17 describe for the Board the location of the
18 development as proposed on the site?

19 MR. FOLEY: Yes. I'm referring to
20 Drawing 414 titled Site Layout Plan for Riverview
21 Development, LLC, last revised October 13, 2015.
22 This was submitted for staff review in response to
23 comments at the site review committee meeting before
24 the Planning Board. Just to describe the project,
25 we have three residential towers of nine stories

1 each over to two levels of parking. This site is
2 located on the northbound river side of River Road
3 in the Township of North Bergen, immediately
4 adjacent to the Edgewater and Bergen County
5 boundary. We have some traffic improvements that
6 our traffic engineer I believe will describe. In
7 summary there, our main site driveway is opposite
8 the Bulls Ferry-River Road intersection. There are
9 intersection improvements that accommodate the
10 project. That's basically the summary of what we
11 have here.

12 MR. ZENN: Is there three entrances?

13 MR. FOLEY: The entrances has three
14 driveways. There is a full access driveway that is
15 perpendicular to Bulls Ferry, and it will have two
16 right-in, right-out driveways, and one at the north
17 area of the project and the other on the south end
18 by the south end of the building.

19 MR. ZENN: And I want to direct your
20 attention to the review letter that we received
21 dated October 21st from T & M. Do you have a copy?

22 MR. FOLEY: Yes, I do.

23 MR. ZENN: Skip over the traffic
24 impacts for the moment since we have Mr. Vederese to
25 address those. Specifically, I'm looking at page 3

1 of the grading and drainage comments.

2 MR. FOLEY: Yes.

3 MR. ZENN: Take a look at Item 3
4 which discusses an overlay map concerning the flood
5 zones on the property. The comment there is that
6 testimony will be provided to confirm the building
7 can be constructed without any elevation changes to
8 the site of the building. Could you address that?

9 MR. FOLEY: Yes. I'm going refer to
10 the exhibit that was submitted for review of the
11 Board staff. That's the genesis of this comment.
12 There is an area --

13 MR. ZENN: Excuse me. Give us the
14 title of that?

15 MR. FOLEY: Yes. This is titled
16 December 20, 2013 Preliminary FEMA Map Overlay for
17 Riverview Development, and it was last revised
18 October 13, 2015 per Hudson County Planning Board
19 comments. What it depicts is the general site
20 layout with grading with the various elements of the
21 preliminary FEMA map just to the flood elevations.
22 One item on the plan for clarity with that FEMA map,
23 the site data was originally done from the 1929
24 data. The current FEMA map is the more recent 1988
25 data. This exhibit depicts the 1988, 1988

1 elevations which directly correlate to that FEMA
2 mapping. What is noted, what it shows is FEMA Zone
3 AE, which is a one percent annual chance and a one
4 hundred year flood line, which is shown almost at
5 the water line running diagonally up through the
6 building at Elevation 10.

7 In the new data, our lower level garage
8 floor is at Level 25. There is a small portion of
9 Zone BE at Elevation 15 that was not done based on
10 the current site conditions, with no seawall
11 bulkhead as would be part of the waterfront for
12 development. That's the reason we've got a very
13 large jump from Zone A12 and to the end of the 2nd
14 Street right-of-way, which is essentially part of
15 the development to the south, and our property,
16 which will be at Elevation 15, to give you some
17 background to how it's working.

18 But speaking to Mr. Zenn's question on
19 building construction to accommodate this, NJDEP has
20 some general guidelines on how to accommodate the
21 space. Water would have to be able to free flow
22 through the structure to be accommodated either by
23 some type of an open type construction. If it's
24 strictly a parking garage level at the lower ground
25 floor bottom elevation or via knock-out panels,

1 either or. There are a number of different
2 architectural methods to accommodate a garage level
3 that could be encumbered by the flood zone.

4 MR. ZENN: Just to be clear, it's a
5 two-level garage. The second level would not have
6 any part in there?

7 MR. FOLEY: That is correct, as well
8 as our direct access to River Road and Bulls Ferry
9 up Palisade is even outside of ABFE.

10 MR. ZENN: Just for comparison, the
11 property to the south of River Road, they're in the
12 flood zone?

13 MR. FOLEY: That is correct. That is
14 the same preliminary FEMA ABFE plate that these
15 respective elevations were taken from show similar
16 impacts on all of the existing properties occupied
17 and developed property like to the south including
18 Wave Action.

19 MR. ZENN: So particularly this
20 property, this is a condition that is related to all
21 the properties along River Road?

22 MR. FOLEY: Yes.

23 MR. ZENN: With respect to Item 4 of
24 the drainage note, could you testify to that?

25 MR. FOLEY: Yes. It's noted as a

1 condition of approval, detail proposed ADA ramp
2 elevation for detectable warning surface layouts
3 that should be provided for the ramp in the County
4 right-of-way. This is simply a request for detail
5 about elevations on the ped ramps at the curb and
6 the roadway to the top of the ramp as displayed on
7 either. We can add the specific details on the
8 plans.

9 MR. ZENN: Next under Miscellaneous
10 Item 2, there's a comment concerning Hudson River
11 waterfront walkway on the coordination with the
12 property to the north in Edgewater. Could you
13 address that?

14 MR. FOLEY: Certainly. In the County
15 submitted plans that I'm going refer to Sheet 5,
16 grading plan, last revised the same date that we
17 have here, October 13, 2015, on our site grading, we
18 have noted there is given -- when we are dealing a
19 type of project to the north and how we can't tie in
20 and not knowing exactly when that project is going
21 to be constructed, and we're going with our own
22 schedule of development, we have a fairly large
23 paver area at our riverside, the north corner here
24 with a note, construct retaining wall on Hudson
25 Waterfront Water Walkway at I Park development with

1 a plus or minus elevation.

2 One thing I can share with the Board to
3 try to nail this down a little bit further, we did
4 go to the Borough of Edgewater and by OPRA request
5 obtained the latest I Park plans, which I'm showing
6 here that's entitled Draining Plan, Drawing No. C04
7 last, revised April 29th, 2014 -- and this is new.

8 MR. ZENN: We probably should mark it
9 then, make it A-1?

10 MR. CURLEY: Yes, please.

11 MR. ZENN: Mark it A-1.

12 MR. FOLEY: That was submitted to the
13 Board. The revision date is April 29th, 2015, noted
14 as planning board submission. For informational
15 purposes the lower left-hand portion of the sheet is
16 Hudson River Waterfront Walkway on the I Park
17 property in Edgewater. There are no spot elevations
18 or any type of grading shown here at all. So I
19 believe that to the greatest extents possible, I
20 maintain from the township planning board level as
21 well as in various responses, we have to the best of
22 our ability and coordination noting the elevations
23 and how to tie into that walkway.

24 MR. ZENN: Okay. I Park will go
25 first or develop first, and we tie into their

1 elevation.

2 MR. FOLEY: Yeah. The walkway
3 guidelines allow for up to 4.99 or follows ADA
4 slopes. That's the 1999 addendum following ADA. So
5 we believe with our coordination noting as well as
6 the longitudinal length that we have as a tie-in,
7 that we can meet however this hopefully ends up.
8 There's no grading on this plan in that immediate
9 area.

10 MR. ZENN: I would like to move on
11 continuing with the review we received today to Item
12 No. 6, under miscellaneous.

13 MR. FOLEY: Yes. This is an older
14 comment that was outstanding from Remington &
15 Vernick. It's simply the proposed site improvements
16 will affect existing Count right-of-way drainage,
17 and improvements as well as other easements. A lot
18 consolidation should be proposed when accompanying a
19 lot consolidation plan that requires County
20 right-of-way dedication and the County proposed
21 status in terms of all easements, and a continuing
22 comment further goes on, the related documents also
23 to need to clarify property ownership responsibility
24 for the proposed walkway and bulkhead including
25 storm sewer and discharge. We simply agree to

1 prepare this plan. We welcome discussion and
2 coordination on our language with the County, and we
3 certainly accept all maintenance responsibility.

4 MR. ZENN: To be clear we did submit
5 a lot consolidation plan?

6 MR. FOLEY: Yes. A draft plan was
7 submitted to initiate that discussion process. We
8 will agree to accept that and to clarify that
9 responsibility for the maintenance of the walkway
10 development as indicated.

11 MR. ZENN: Item No. 8, we will comply
12 with the obligation to deliver permits approvals,
13 and Item No. 9 is the requirement to provide drain
14 infrastructure. I think that has been addressed by
15 the Planning Department. Mr. Foley, could you
16 address that?

17 MR. FOLEY: The project, all three of
18 the residential buildings within the overall
19 structure, the towers and the building structure
20 have green roofs. There is a courtyard on the
21 garage roof. We also provide bicycle storage within
22 the building. There are various bio-retention
23 stormwater facilities to test water quality
24 throughout the property, among other green
25 technologies in the proposed development.

1 MR. ZENN: In addition, I would like
2 to address the planning letter of October 15, 2015.
3 In the general comments set forth on page 2, going
4 through the general comments items, 1 through 5 are
5 comments we will comply with all of those as
6 indicated. Item 6 deals with the Shade Tree Fund.
7 We submitted a revised cost estimate that actually
8 doubles that amount, 10,563. We received indication
9 that that's acceptable. The remainder of these
10 items don't require any comment or discussion other
11 than to say that we agree and will comply with all
12 of the remaining items at the time for the Division
13 of Planning letter of October 15. With that, unless
14 the Board has any further questions for Mr. Foley?

15 CHAIRMAN CRYAN: Do you have any
16 comments?

17 MR. PANAGOPOULOS: Just to clarify my
18 letter, its numbers aren't in order. There have
19 been several versions of this letter, and a lot of
20 the items are technical items, if the applicant can
21 clear it up and make a streamlined letter. As all
22 of the items were taken out, I kept the numbering
23 the same; just to clarify why the numbering is off.

24 The items that are spoken to by Mr. Foley
25 I think has been addressed through my letter, yes.

1 CHAIRMAN CRYAN: Anyone else?

2 Members of the public have any questions?

3 MR. LAMB: Yes, and I am pleased to
4 advise you, my engineer did hobble in without his
5 car, but he's still here. Mr. Foley, you talked
6 about a lot consolidation plan. What properties
7 were comprised of the lot consolidation plan?

8 MR. FOLEY: Referring to Sheet 3 and
9 14, Existing Conditions Plan, there are three lots
10 that make up the parcel, Lot 38, a portion of Lot 1,
11 Lots 4A and there is a 4B that is presently out to
12 the bulkhead line.

13 MR. LAMB: You're pointing an
14 existing conditions plan that's dated April 19,
15 2006, last revised October 13, 2015?

16 MR. FOLEY: Yes.

17 MR. LAMB: And you indicate in the
18 plan, it says portion of Lot 1; is that correct?

19 MR. FOLEY: That is correct.

20 MR. LAMB: Could you circle that for
21 the Board?

22 CHAIRMAN CRYAN: If you don't mind,
23 I'm speaking for the benefit of the Commissioners,
24 speak up, everybody.

25 MR. FOLEY: Okay. Yes.

1 MR. LAMB: That is, can you show them
2 where the portion of Lot 1 that we're referring to
3 as part of the development?

4 MR. FOLEY: It's labeled basically --

5 MR. ZENN: Mr. Chairman, may I ask
6 Mr. Lamb where we're going with this lot because we
7 discussed Lot 1 ad nauseam, in front of the
8 municipal planning board and in front of Judge
9 Oliveri. I would like to understand if we're trying
10 reargue an issue about Lot 1 in front of the Hudson
11 County Planning Board?

12 MR. LAMB: Well, I'm going to make it
13 very simple. Mr. Foley, are you aware whether Lot 1
14 was ever subdivided from the rest of Lot 1?

15 MR. ZENN: These issues were raised
16 over a number of evenings in front of the municipal
17 planning board.

18 MS. FERRARA: That is not a municipal
19 planning board.

20 MR. ZENN: Judge Oliveri ruled on
21 this already. He ruled Riverview owns that
22 property.

23 MR. LAMB: I'm not saying they don't
24 own it.

25 MR. ZENN: You have made this record

1 a million times. The Judge has upheld the decision
2 of the municipal planning board. We have gone
3 through this already. I submitted Judge Oliveri's
4 decision on it. It's clear. Riverview owns Lot 1
5 between River Road and the properties to the east.
6 We've even shown Mr. Lamb that North Bergen has a
7 different destination for the lot that is a
8 continuation of Lot 1 to the south, which extends,
9 by the way, into Hudson County. So we've gone
10 through this.

11 CHAIRMAN CRYAN: Mr. Curley.

12 MR. LAMB: I would like to if I could
13 respond, Mr. Chairman, make it fairly simple.

14 MR. CURLEY: Why don't I simplify
15 this? You have Mr. Lamb ask his questions. I
16 certainly I don't know anything about that Lot 1,
17 and I doubt that the Board knows anything about Lot
18 1. The Board has not read Judge Oliveri's decision.
19 The Board has not been reading all of the materials
20 that counsel have been submitting. We're here to
21 have an evidentiary hearing. Let's hear some
22 evidence. If Lot 1 seems to be straying in the
23 wrong direction, we'll cut it off; is that fair?

24 MR. LAMB: Yes. Mr. Foley, you have
25 circled what you have labeled on the lot

1 consolidation plan the portion of Lot 1; is that
2 correct?

3 MR. FOLEY: Yes, that is correct.

4 MR. LAMB: Has lot ever gone through
5 County subdivision approval to the best of your
6 knowledge?

7 MR. FOLEY: I'm not a land surveyor.
8 To the best of my knowledge, no, it has not.
9 However, as Mr. Zenn just noted, the Township of
10 North Bergen separately categorizes the portion of
11 Lot 1 on the frontage of Lot 4A and 4B as a separate
12 taxable areas, same as further to the south, that
13 same Lot 1 as noted is separately categorized as
14 County land.

15 MR. LAMB: Mr. Chairman, I'm going to
16 because we're going to have some questions to the
17 various witnesses, when I ask a question, I would
18 respectfully request a yes-or-no answer. Mr. Zenn
19 is free to ask other questions. My question was
20 simply, to the best of your knowledge, has the
21 County ever approved a subdivision of Lot 1.

22 MR. CURLEY: An expert witness
23 shouldn't be confined to a yes-or-no answer. He can
24 answer in a responsive manner. His answer was
25 responsive to your question.

1 MR. LAMB: Have you applied as part
2 of this application to the Hudson County Planning
3 Board a reverse subdivision approval?

4 MR. FOLEY: That was the purpose of
5 the lot consolidation plan, the draft lot
6 consolidation plan provided to the County as part of
7 this process.

8 MR. LAMB: I'm going to show you the
9 Hudson County Planning Board application form for
10 Application 2015-39-SP. I'll mark that as BR-1,
11 Mr. Chairman. It's my only copy, so it does have
12 tabs in it. Have you reviewed that application
13 before?

14 MR. FOLEY: Yes, I have.

15 MR. LAMB: Okay. On page 1, what is
16 the lot listed as?

17 MR. FOLEY: 4A, 4B and one portion.

18 MR. LAMB: Does it say one
19 parenthesis portion, close parenthesis?

20 MR. FOLEY: Yes.

21 MR. LAMB: The top line it says check
22 one. It has three boxes, subdivision and site plan,
23 subdivision only, no development; and site plans
24 only. Which box is checked?

25 MR. FOLEY: Site plans only.

1 MR. LAMB: So there is no subdivision
2 checked on that particular application; is that
3 correct?

4 MR. FOLEY: That's correct.

5 MR. LAMB: You do agree that a
6 consolidation of lots is normally called a reverse
7 subdivision?

8 MR. ZENN: I object to the question.
9 He asked him a question, but there is no foundation
10 for it.

11 MR. LAMB: I asked him a question.
12 It is also call a reverse subdivision under land use
13 and zoning?

14 MR. FOLEY: In my experience when you
15 do a reverse subdivision, it's typically only done
16 when you have two lots. As noted this application
17 included as part of the material submitted, a draft
18 lot consolidation plan.

19 MR. LAMB: But you did not apply for
20 a reverse subdivision by this application based upon
21 what is checked on the application form; is that
22 correct?

23 MR. FOLEY: Based on the application
24 form, that is correct.

25 MR. LAMB: Now, you submitted a site

1 plan application -- excuse me, a site plan that the
2 Board has submitted to the Board professionals, is
3 that part of your submission?

4 MR. FOLEY: We're back to Sheet 4
5 site layout plan.

6 MR. LAMB: Yes. What is the last
7 revised date on that plan?

8 MR. FOLEY: The last revision date is
9 October 13, 2015, based on Hudson County Planning
10 Board comments.

11 MR. LAMB: And how many revisions
12 have you made to the plans since 2011?

13 MR. FOLEY: 2011, we were still
14 before the Township planning board, and as I
15 testified, again on June 2012.

16 MR. LAMB: So take after June 2012.

17 MR. FOLEY: We made four revisions.

18 MR. LAMB: Okay. And what is the
19 survey of the property, how long is the survey of
20 the subject property that's part of your site plan
21 application package?

22 MR. FOLEY: I'm going to have to
23 refer to the notes on the survey. There have been
24 several updates over the years. The original survey
25 was prepared by Kramer Engineering in August of

1 2004. There was a revision in September of 2005,
2 and there was supplemental information that was also
3 done in late 2004, as well as 2005.

4 MR. LAMB: So is it fair to say that
5 your site plan that's submitted to the Hudson County
6 Planning Board is based upon data and a survey that
7 is more than ten years old?

8 MR. FOLEY: There has been other
9 follow-up information that we have obtained for
10 confirmation and features on this site that is not
11 reflected in this document.

12 MR. LAMB: I can only go by the
13 document. The document that's submitted to the
14 Board, has that outline of the property survey, it
15 is ten years old; is that correct?

16 MR. FOLEY: The base information as
17 shown on the existing conditions plan is ten years
18 old, correct.

19 MR. LAMB: Are you aware that myself
20 on behalf of my client has submitted information to
21 the Hudson County Planning Board that indicates
22 after Hurricane Sandy, it appears that a portion of
23 the property was eroded or washed away as a result
24 of that storm? Are you familiar with that?

25 MR. FOLEY: Yes, I am, and hence

1 comments that I made. There has been a follow-up
2 field survey performed at the water line subsequent
3 to the Sandy event.

4 MR. LAMB: When was that field survey
5 prepared?

6 MR. FOLEY: Most recently, the field
7 survey was performed at the water's edge in
8 August 2015, two months ago.

9 MR. LAMB: Did you provide that
10 survey, the updated survey to the County Hudson
11 Planning Board or any of its engineers?

12 MR. FOLEY: No, we did not because
13 it -- while there was some minor erosion noted, it
14 was not deemed in my professional opinion to be
15 substantive enough to make any material difference
16 to the proposed project.

17 MR. LAMB: Mr. Chairman, I'm going
18 request that the Board require Mr. Foley prior to
19 the next hearing to produce that. In the absence of
20 a voluntary production, I would request that the
21 Board exercise its powers to subpoena that updated
22 survey. That's one of the issues about size of the
23 property, and respectfully, we have written numerous
24 letters asking for an updated survey to show that
25 because our position is that we believe that a

1 portion of that shoreline changed. If there is a
2 good answer to it, I don't have to spend anymore
3 time on it.

4 MR. ZENN: I would like to understand
5 the relevance in terms of the County's limited
6 jurisdiction on drainage and traffic, whether that
7 shoreline is exactly the same as it appears there or
8 whether there is a slight change as a result of
9 Sandy, I'm not sure how that impacts the issues of
10 the drainage and traffic that really are the purview
11 of this Board.

12 MR. CURLEY: This Board only deals in
13 traffic and drainage as it relates to the County
14 facilities.

15 MR. LAMB: I understand,
16 Mr. Chairman, but respectfully, this Board is given
17 a site plan, and it's presumed that the information
18 given on that site plan is accurate. I find it
19 highly questionable that after me requesting for the
20 last two years an update survey to show if, in fact,
21 they're correct, that there is erosion and the
22 property is the same, that they provide it. We've
23 found out, yes, they have done it, but they haven't
24 provided it to me.

25 Respectfully, you are entitled to a site

1 plan and the requirements of a site plan requires
2 that you show the property. That's the basic piece
3 of information. You draw the boundary of the
4 property. We're going to provide information and
5 evidence that we believe that the property is not as
6 shown. What you have there is and in particular,
7 I'll give you a proffer. We believe this is called
8 for no better term, the hump, this little piece
9 here. We believe that the hump has substantially
10 changed, and you're going to hear testimony from
11 other witnesses to that affect.

12 What is in the hump in relation to the
13 County's concern? The walkway is through the hump.
14 there's bio-retention basins through hump. The hump
15 is also in a flood plain in these new flood
16 elevations, so you're going to hear a lot of
17 information about that, but you have to start
18 reviewing the site plan with accurate information.
19 That's your step one.

20 This application was filed in June of
21 2015. Hurricane Sandy happened years earlier, so
22 there is no reason why the applicant can't provide
23 accurate property information on a site plan. If
24 the applicant has now said he has the accurate
25 information, I don't see what problem is to provide

1 it.

2 MR. CURLEY: Mr. Lamb, is it your
3 intention to provide a survey from a professional
4 surveyor?

5 MR. LAMB: No, it's not. I have an
6 engineer who is going to comment on it based upon
7 observation. I have another fact witness that I
8 understand will also testified and address that.

9 MR. CURLEY: Mr. Zenn, what is the
10 nature of the work that was done in August 2015?

11 MR. ZENN: First of all to address
12 Mr. Lamb's comment, what you are referring to as the
13 hump, it was in the hump. Mr. Foley just did
14 testify that nothing was affected by the field work
15 that he did in August of 2015. Any of those
16 improvements he just testified about it. In terms
17 of the nature of the work, Mr. Curley, I would have
18 Mr. Foley address that's what was done.

19 MR. LAMB: Let me just state that
20 Mr. Foley did not discuss the nature of
21 improvements. What he said, in August of 2015, he
22 did an updated survey.

23 MR. CURLEY: Mr. Lamb, let's not
24 mischaracterize it. Lets find out what was done in
25 August 2015.

1 MR. FOLEY: There were survey shots
2 at the water line, also on the bank at approximately
3 50-foot intervals along the waterfront. There were
4 some elevation changes which I believe some land
5 area was shaved off of the hump area. I'm going to
6 refer to our site grading plan which is Sheet 5 of
7 17, and it notes some of the relative elevations.
8 Irrespective of Sandy happening or not, the record,
9 we have our elevation that is depicted on the
10 drawing at Elevation 2.7, and the spring high tide
11 at 4.1 are still the published elevations utilized
12 for the waterfront.

13 All of our Hudson River waterfront
14 walkways seeing bulkhead construction is above or
15 outside or inland of that spring high tide elevation
16 of 4.1. Also, of note, irrespective of Sandy or any
17 future flood event for maybe at these what we call
18 FEMA elevations, the bio-retention feature tests for
19 water quality, it's always going to be inundated by
20 a hundred year event. There is no regulatory
21 requirement that it necessitates that it be above
22 that elevation. It's strictly there to accommodate
23 that water quality of 1.25 inches per hour, two
24 hours total for the retention of the rainfall.
25 That's it.

1 We're in a tidally influenced area. There
2 is no stormwater detention required as we are
3 tidally influenced, and as well as proposed
4 elevation this area is considerably above the
5 existing grade. The waterfront walkway grade is not
6 really anywhere from Elevation 9 up to 11, existing
7 grade in this area. Refer back --

8 MR. LAMB: Mr. Chairman, just for the
9 record I asked about this. Are we just going to get
10 a ten-minute dissertation? I'm trying to --

11 MR. CURLEY: Mr. Lamb, I asked that
12 question, the last question and he's answering it.

13 MR. FOLEY: Okay. We have an
14 existing conditions grade shown and proposed
15 elevation from nine to eleven, and we have grades of
16 eight, four, five, six. It was always a necessity
17 to fill that portion of the site. That is a
18 function of the seawall bulkhead that we are using
19 to support the water side of the waterfront walkway.
20 That's always been a feature of the project.

21 MR. CURLEY: Just for follow-up, what
22 was the purpose of the survey work, and was there a
23 map produced?

24 MR. FOLEY: Survey work was to review
25 relative elevations current as compared to the

1 original 2004 shots. Frankly, there was no formal
2 map produced. There was obviously work product that
3 was reviewed internally by myself, but to date, we
4 have not utilized to produce any drawings. The
5 amount of spot shots taken were not enough to
6 complete a new topo, but it was enough to confirm
7 where things were at, and that there was no
8 extensive change in the shoreline.

9 MR. CURLEY: Mr. Zenn, is there any
10 problem in turning over the work product?

11 MR. ZENN: I don't think there is any
12 problem. Mr. Curley, let me just explain that this
13 issue was raised at the local planning board level.
14 The condition of approval was that we resurvey so we
15 can get our local construction permits to confirm
16 that the land area, what was shown was what we
17 stated, because what we showed to the local planning
18 board is that even if land has been washed away as a
19 result of Sandy, we showed the DEP grades, that we
20 have that right to refill and restore what may have
21 been washed away as a result of Sandy. So what the
22 local planning board did say was, Okay, fine, when
23 you come back in, give us a your survey to certify
24 to us the land area that's certainly there, and we
25 agreed to do that.

1 MR. CURLEY: So Mr. Lamb, you're
2 going to get the work product of the survey work
3 that was done in August of 2015.

4 MR. LAMB: Thank you. Mr. Foley, I
5 want to make sure I heard you correctly. I think
6 that you said and I quote, there were some
7 elevations changes in that area, is that what you
8 said?

9 MR. FOLEY: Yes.

10 MR. LAMB: And you also said that
11 particular part of the hump, is that what you also
12 said?

13 MR. FOLEY: Yes.

14 MR. LAMB: So is it therefore fair to
15 say that at least a piece of that plan that you're
16 referring to, page 3 of 14, is not accurately shown
17 in the existing conditions plan?

18 MR. FOLEY: Yes. I have further
19 clarification though.

20 MR. LAMB: Now, you just made a
21 statement. You said you can restore that property?

22 MR. FOLEY: Mr. Zenn made that
23 statement.

24 MR. LAMB: Are you aware that part of
25 this property was previously filled illegally and

1 was subject to a violation by the DEP?

2 MR. ZENN: Objection. That was again
3 because you're raising things that have nothing to
4 do with this landowner, nothing to do with this
5 landowner and you know it. So I object to that.

6 MR. LAMB: If you're going to object
7 to every question, we might as well schedule five
8 meetings because Mr. Zenn doesn't like the question
9 I'm asking because he knows the answer is
10 problematic.

11 MR. ZENN: It's you know that it was
12 a violation issue years ago to some other entity,
13 not Riverview Development.

14 MR. LAMB: Let me explain it. I
15 improperly asked him a question. You're right.
16 Mr. Zenn said we can restore the property. Mr.
17 Zenn's position, which is in documents that are in
18 your records, Mr. Zenn's position is that you can
19 restore the property because somebody asked that
20 question in a DEP bulletin about restoration, and we
21 have also taken the position that when you have a
22 notice of violation and that property was improperly
23 filled from the in beginning, that it's our position
24 that they're not going to be able to restore or fill
25 in that property. So that's an issue.

1 I agree that and my engineer will testify
2 that it does not appear that it was Mr. Zenn's
3 client that did it. Mr. Zenn client had a purchase
4 contract at the time, and the seller of the property
5 apparently did it, but it doesn't change that fact
6 that that area that was washed away was legally
7 filled. That's going to be relevant because
8 Mr. Zenn just said, it doesn't matter, we can just
9 restore it, and respectfully it's portion that you
10 can't just restore it.

11 From your standpoint, you should be
12 looking at the existing conditions because it says
13 existing conditions even though Mr. Foley just said
14 they're not existing. The shoreline with the
15 portion of the hump that remains, that's what you
16 should be looking at what's out there now. That's
17 what you have to focus on, and how that affect --

18 MR. CURLEY: Mr. Lamb, let me just
19 make a comment for the Board. The comments of
20 counsel are not evidence. You might as well just
21 ignore that in terms of deliberating and making a
22 decision if they're being offered as evidence. If
23 you want to offer evidence, you're going to have to
24 ask a question and get an answer under oath from the
25 witness. The commentary that's going on between

1 counsel is not moving this application along.

2 So Mr. Zenn, I think you should let these
3 questions be asked and answered so we can move
4 along. We know that this case has a long history.
5 We don't to have to be part of it.

6 MR. LAMB: Let me, very respectfully,
7 Mr. Curley, I believe when Mr. Zenn starts providing
8 his proffering, telling you what happened in North
9 Bergen Planning Board --

10 MR. CURLEY: We do need to hear. We
11 will wait for a question.

12 MR. LAMB: Mr. Foley, on the proposed
13 site plan that was submitted -- that was initially
14 submitted to the Board, is there flood elevations
15 shown on that site plan?

16 MR. FOLEY: Sheet 3 shows the
17 previous FEMA flood elevations.

18 MR. CURLEY: Sheet 3 was revised
19 when?

20 MR. FOLEY: Sheet 4, October 13,
21 2015.

22 MR. LAMB: Okay. Is it fair to say
23 that all of those, not all of those, but many of the
24 flood elevations shown on that have changed?

25 MR. FOLEY: I assume your question is

1 with regards to the preliminary FEMA map released in
2 2013?

3 MR. LAMB: Yes.

4 MR. FOLEY: Yes. That is the reason
5 for the supplemental sheet that was provided to the
6 Board.

7 MR. LAMB: Is it fair to say that
8 Sheet 4 with all of those flood elevations has been
9 substantially changed by that preliminary FEMA map?

10 MR. FOLEY: If we're talking about
11 the most recent release from FEMA, yes.

12 MR. LAMB: And that FEMA map is dated
13 when, sir?

14 MR. FOLEY: I don't think we made
15 that as a separate exhibit.

16 MR. ZENN: I think we don't need to,
17 it was submitted to the Board as part of the SPRC
18 review process.

19 MR. FOLEY: The date or the release
20 date is December 20th, 2013, information when FEMA
21 ABFEs were formally released on the map of that
22 date.

23 MR. LAMB: And again, when was the
24 date of that plan with the revised flood elevations,
25 what is it dated?

1 MR. FOLEY: This was submitted to the
2 Board on that same October 13, 2015.

3 MR. LAMB: This plan was submitted
4 with the preliminary FEMA map has only been around
5 for a week?

6 MR. FOLEY: It was submitted to the
7 Board at their request on that date in response to a
8 review letter.

9 MR. LAMB: And this review letter
10 specifically asked you should show the updated flood
11 elevations; is that correct?

12 MR. FOLEY: That's correct.

13 MR. LAMB: Did you see either from
14 Mr. Zenn or his client, the letter I sent to the
15 Board continuously asking for updated and current
16 flood elevation information for the subject
17 property?

18 MR. FOLEY: I was provided that
19 correspondence as well as your engineer's documents.

20 MR. LAMB: Now, is it fair to say
21 that those flood elevations were really done as
22 estimates? They're not they actually flood
23 elevations. They're estimated by you.

24 MR. FOLEY: No, these are not
25 estimated by me. As I have testified, these are

1 directly off the FEMA ABFE firm plates that was
2 released on December 20, 2013.

3 CHAIRMAN CRYAN: Do you have more
4 questions?

5 MR. LAMB: Yes, Mr. Chairman, I do.
6 Give me one second, please. Is it fair to say that
7 those -- I'm going to show you the notation in the
8 middle of that preliminary FEMA overlay, can you
9 read the note, please?

10 MR. FOLEY: Note, flood limit
11 information obtained from FEMA Preliminary Map
12 34017C0061E dated December 20, 2013, the flood
13 mapping overlay shown is graphical and approximate.

14 MR. LAMB: So now I'm going to ask
15 you again. Is that approximate or those are the
16 exact flood elevation shown on that plan?

17 MR. FOLEY: They are approximate
18 because when you utilize the scale of a FEMA map,
19 some of the individual boundary lines end up being
20 essentially many, many feet wide based on the map
21 scale. I would estimate the line work on the FEMA
22 map as those individuals delineating respective
23 areas of 20 to 30 feet wide based on that large
24 scale area overlay as issued by FEMA. That's reason
25 for the graphical approximate note.

1 MR. LAMB: Now, can you show on that
2 approximate FEMA map overlay, can you show the Board
3 what portion of same would be inundated with high
4 water waves and high water level that are
5 significant lines in that area that takes place?

6 MR. FOLEY: We have labeled moderate
7 wave action, 1.5 feet, and the dark lines are the
8 two points that I am roughly tracing with my index
9 finger.

10 MR. LAMB: What is the elevations of
11 land existing at that location approximately, the
12 elevations above sea level?

13 MR. FOLEY: It varies quite a bit.
14 Again, this document elevation was for adjustment to
15 match the FEMA mapping, which as I noted in earlier
16 testimony was done in 1988 data as opposed to the
17 site document which were 1929, and 1929, is roughly
18 a foot higher, so the elevations I'm are going to
19 read off in comparison to the elevations shown on
20 this plan are essentially a foot lower than that,
21 but relatively, they are the same. They are just in
22 different base zero-zeros.

23 On this line, the elevations range on-site
24 from approximately ten through a high spot of 13
25 down to the nine range. Another relative high spot

1 around ten, and then back down again in that five
2 range for when the site rises up to Elevation 12.

3 MR. LAMB: And that's the existing
4 elevations of the proposed project?

5 MR. FOLEY: That's the existing
6 grade, yes.

7 MR. LAMB: And what is the elevation
8 of the flooding in that area due to high velocity
9 flooding, how high does the flooding get?

10 MR. FOLEY: FEMA has that mapped at
11 Elevation 15.

12 MR. LAMB: So you just testified that
13 there are various existing elevations proposed for
14 that site ranging from nine to eleven or twelve?

15 MR. FOLEY: Yes, that is correct.

16 MR. LAMB: And FEMA shows that that
17 area is inundated at approximately 15 feet of
18 flooding?

19 MR. FOLEY: No, not inundated by 15
20 feet, up to Elevation 15.

21 MR. LAMB: So is it fair to say that
22 let's take a point that --

23 COMMISSIONER BETTINGER: Excuse me,
24 Mr. Lamb. I was not at the Site Plan Committee
25 meeting. I am not an engineer. I'm advised by our

1 engineering department. I'm confused sitting up
2 here. You are describing a scenario. What is it?
3 Just help me try to understand so I can make a
4 decision. What are you doing? What is the point of
5 what you're asking?

6 MR. LAMB: That's a great question.
7 It's tough to say that when you're cross examining a
8 witness.

9 COMMISSIONER BETTINGER: I don't know
10 what I'm supposed to be listening to. I would like
11 to know.

12 CHAIRMAN CRYAN: Traffic and drainage
13 as it pertains to County roads.

14 COMMISSIONER BETTINGER: Why are we
15 asking all these questions? This doesn't...

16 MR. LAMB: I'll answer very simply.
17 Because when the property proposed at Elevation 11,
18 eleven feet above sea level, but the waves are going
19 to go up to 15 feet, that means that there's going
20 to be four feet of waves at that particular location
21 on the site above where it's proposed to be built.
22 Which, round numbers, mean at that location, it
23 changes as Mr. Foley said, but that there are two,
24 three, four, five feet of water above the floors of
25 the proposed project. So they proposed a project

1 that is below the flood elevation that's based on
2 the 2014 FEMA maps.

3 MS. FERRARA: Mr. Chairman, I just,
4 not to disagree with Mr. Lamb, I think the
5 description of a building taking on water and wave
6 action is not defined by FEMA as Mr. Lamb described
7 it. I think it's very hard, I understand what your
8 confusion is with understanding that FEMA lingo and
9 the science that's adding into that in the
10 calculation. I think it would just be helpful if
11 Mr. Lamb could just say or ask questions, is the
12 building safe, is the building going -- is the
13 design of the footprint going to cause drainage
14 problems to River Road. I think that those are the
15 questions that the Board wants to understand.
16 That's our jurisdiction.

17 MR. LAMB: Mr. Foley, those are great
18 questions. Sometimes I can't do plain language.
19 That's a great plain language question. Is there
20 going to be flooding on River Road based upon your
21 project?

22 MR. FOLEY: Not based upon this
23 project.

24 MR. LAMB: Okay. Is there going
25 flooding on this road in those various storm events

1 that cause the flooding to go above the floor level,
2 is that going to put extra water on River Road?

3 MR. FOLEY: I'm going point to the
4 limit of the December 2013 FEMA ABFE on River Road.
5 The one percent, hundred year line what I'm tracing
6 my index finger. It is basically the frontage on
7 the south portion of the site. That line crosses
8 over River Road, this map scale is one inch equals
9 30, about 75 feet to the west to the properties that
10 are at the base of Palisade.

11 MR. LAMB: I'm going to ask you a
12 simple question, yes or no. Does the -- let me ask
13 this. At the current time, the current project
14 without any improvements, does that have any water
15 discharge onto River Road from the subject property?

16 MR. FOLEY: Generally, a small
17 amount, nothing major. The grade at the sidewalk,
18 this is a pretty good distance to the sidewalk
19 grades. Some water may make it into the River Road
20 roadway.

21 MR. LAMB: As a result of this
22 project, are you saying that there is not going to
23 be any increase of that water onto River Road?

24 MR. ZENN: Just for clarification,
25 are we talking about from rainwater or storm surge

1 or tidal surge?

2 MR. LAMB: We're talking about any
3 storm events?

4 MR. FOLEY: We're in a tidal area.
5 That would be pure conjecture where the water is
6 going to come from and go. I can't answer that in a
7 yes or a no.

8 MR. LAMB: You agree that the Board
9 is concerned about flooding River Road. As
10 Ms. Ferrara indicated, that's an issue. They want
11 to make sure that flooding on River Road is avoided
12 as possible?

13 MR. FOLEY: Yes, and we're talking
14 about a tidal event. In that circumstances, this
15 project will we have no affect on River Road
16 flooding.

17 MR. LAMB: Now, you indicated the
18 1929 data is a foot higher. I've seen that there's
19 two different types of scales for flood elevations;
20 is that correct?

21 MR. FOLEY: By "scales," I'm not
22 clear.

23 MR. LAMB: The data, two different
24 data.

25 MR. FOLEY: There was an updated done

1 in 1988.

2 MR. LAMB: And what is the difference
3 between the two?

4 MR. FOLEY: At this particular
5 latitude and longitude, it's very close to one foot.

6 MR. LAMB: Is it one foot even, or is
7 it higher than one foot?

8 MR. FOLEY: I have personally checked
9 this myself through a conversion, and it is 1.0
10 fraction that frankly makes sense to round down to
11 one foot.

12 MR. LAMB: Have you ever given any
13 lectures on stormwater management or drainage or
14 flooding or flood studies or anything of that
15 nature?

16 MR. FOLEY: No, I have not.

17 MR. LAMB: Now, there were various
18 approvals that the Planning Board has asked the
19 status of. Do you agree at the current time, that
20 the developer does not have a waterfront permit
21 issued by the DEP?

22 MR. FOLEY: I'm aware of some of the
23 circumstances surrounding that, yes.

24 MR. LAMB: That permit was denied?

25 MR. FOLEY: No, it was not. It was

1 not denied as I understand it, no.

2 MR. LAMB: Does the developer have
3 approval from the Bureau of Tideland Resources for
4 riparian rights on the property?

5 MR. FOLEY: I do not have an answer
6 to that question.

7 MR. LAMB: I saw a notation. Does
8 the developer have a Hudson County Soil Conservation
9 District approval?

10 MR. FOLEY: It is has not been
11 applied for.

12 MR. LAMB: Is that a requirement that
13 it will be applied for?

14 MR. FOLEY: Yes. We will be making
15 application after this proceeding to the Soil
16 Conservation District for the certification for the
17 project.

18 MR. LAMB: You indicated that -- let
19 me ask you this. The problem with the flooding on
20 the proposed first floor of the building, that's an
21 issue, do you agree that's an issue that there's
22 flooding on the first floor of the proposed
23 building?

24 MR. FOLEY: I do not agree it's an
25 issue. To clarify, it's not the first floor. It's

1 the lower garage level.

2 MR. LAMB: But you agree that there
3 will be flooding on the lower garage level for this
4 building?

5 MR. FOLEY: Based upon the
6 preliminary terms, yes.

7 MR. LAMB: Now, you indicated there
8 were some, excuse me if I'm repeating, Mr. Zenn,
9 someone said one about break-through grates, they're
10 going to redesign and make changing to the building?

11 MR. FOLEY: I made mention that there
12 are various design techniques that does not affect
13 the appearance of a building at all. It's frankly a
14 construction technique, where the wall is simply
15 designed under any sort of pressure to break away in
16 an extreme event.

17 MR. LAMB: Does the building that is
18 currently proposed on the site show the area where
19 the breakaway would be put in, or is that something
20 you might apply for in the future?

21 MR. FOLEY: Frankly, it's a specific
22 architectural construction detail. It will be
23 reviewed when the building was submitted for
24 construction code review.

25 MR. LAMB: No, further questions

1 Mr. Chairman.

2 MR. CURLEY: Members of the public
3 may have questions.

4 CHAIRMAN CRYAN: Do any members of
5 the public have specific questions, questions about
6 the testimony of the witness?

7 MR. LAMB: I would ask that, and I
8 told Mr. Curley I would announce this. I represent
9 of Bergen Ridge Homeowners Association. I don't
10 represent any individuals that own property within
11 it, but I ask if members the Bergen Ridge Homeowners
12 Associations, I ask that they not speak. I'm
13 representing the association and they should be
14 respectfully satisfied with the questions that I
15 ask.

16 CHAIRMAN CRYAN: And if any members
17 do wish to ask a question, this isn't the comment
18 period, but a question, period, directed towards the
19 witness' testimony.

20 AUDIENCE MEMBER: What if you want to
21 make comments?

22 CHAIRMAN CRYAN: At the end you can
23 make comments. Question, ma'am? State your name,
24 please?

25 MS. WONG: Peggy Wong, I live on 85

1 Boulevard East that address towards -- directly over
2 what now is being called the hump, the bulge in
3 other documents or names. My view is directly
4 outside of my apartment is at that hump, the fifth
5 floor up on Boulevard East. I had a couple of
6 questions. Let start of by saying some of the
7 questions tonight is in my role as a board member of
8 the Hudson River Waterfront Conservancy. So I have
9 some concerns about the walkway and the flooding of
10 the walkway, whatever precautions are being done
11 protect it, and I'm not sure if there are a special
12 precautions being taken.

13 MR. ZENN: Mr. Foley, is that a
14 question?

15 MS. WONG: Are there any, other than
16 that breakaway that you mentioned?

17 MR. FOLEY: That's in the building
18 structure itself. For the walkway we're a bit
19 limited as to the walkway guidelines themselves for
20 the paver surface. I think I answered similar
21 questions at the Township Planning Board level.

22 MS. WONG: We're at a County meeting.

23 MR. FOLEY: I understand that. I'm
24 getting to that. There are potentially a number of
25 specific construction details that could be done.

1 We are limited to what is, you know we are required
2 to utilize a porous paver material, which is
3 something with openings between those individual
4 blocks, that in and of itself allows the water to
5 get in and out in a major storm event to potentially
6 move some of those paver elements around. There are
7 other ways potentially to anchor these down a little
8 bit better, to make them a bit more hearty, but
9 again, we're kind of bound in terms of durability by
10 the construction materials and the process.

11 MS. WONG: The guidelines you'll be
12 using for this, are there regionally any guidelines
13 to come out of the Hurricane Sandy floods and FEMA
14 guidelines?

15 MR. FOLEY: No. In the materials
16 that I'm aware of that any of the professionals or
17 the public review, use the 1984 guidelines as well
18 the 1989 addendum, which incorporated various ADA
19 rules.

20 MS. WONG: Do you know of they had
21 incorporated anything from Hurricane Sandy?

22 MR. FOLEY: I'm not aware of it.

23 MS. WONG: Are there any being
24 developed?

25 MR. FOLEY: Again, I'm not aware of

1 it. That is something that comes out of NJDEP, and
2 as I understand, they're the ultimate authority over
3 the walkway.

4 MS. WONG: Now, the bulk head, you
5 refreshed my memory, is that a steel metal sheathing
6 bulkhead.

7 MR. ZENN: I didn't object. I'm
8 trying to let you ask questions. I am just
9 wondering what the relevance to the County's
10 jurisdiction as to any of these questions about the
11 walkway.

12 MS. WONG: The County is reviewing
13 the drawings, the being reviewing these drawings.
14 My concern is going to probably be more to the
15 County. I'm concerned any about any damage to the
16 property after the fact. As we saw after Hurricane
17 Sandy, one of our properties, the Port Liberte in
18 Jersey City, their walkway was just torn up, and
19 they suffered in the millions of dollars in damage.
20 I don't know if it's 10 million or whatever.

21 Therefore, after that, our Board spoke
22 amongst ourselves. We have to do whatever we can to
23 make sure what is passed is at the highest level of
24 safety. Our concern would be the safety of this.
25 We have a public walkway. It's a public State

1 amenity, and we want to maintain the safety of it.
2 We want make sure that we could see to it that the
3 public, this is a safe walkway.

4 COMMISSIONER BETTINGER: What is the
5 jurisdiction of the walkway, it is the County or
6 each municipality?

7 MR. CURLEY: The Department of
8 Environmental Protections.

9 COMMISSIONER BETTINGER: We do not
10 have any jurisdiction?

11 MR. CURLEY: We do not.

12 MS. WONG: We indicated that the
13 property owner is going to maintain as you're
14 required to by regulation is going to maintain that
15 walkway.

16 MR. ZENN: We have to. We agreed to.
17 It's an obligation. It's part of the law. It's a
18 part of the building and safety that's reviewed to
19 get a certificate of occupancy. But these, I didn't
20 object to line of the questioning, but I think it's
21 outside of the Board's jurisdiction.

22 MS. WONG: I just asked that
23 question. I think -- I'll just defend the reason
24 I'm asking. I think part of your jurisdiction is to
25 make sure that it's a safe installation for the

1 public, regardless whether there's traffic or water,
2 in general, is it a safe installation, and we do
3 have that, and it's to protect to the highest degree
4 possible in terms of Hurricane Sandy. I'm going to
5 make my concerns made known, but I do want to enter
6 some photographs from my apartment.

7 MR. CURLEY: This is supposed to be a
8 question.

9 MS. WONG: Then I can hold this for
10 the comment period. I do have a question. I have
11 access to the plans, and I'm looking at the
12 drawings, I have a question about coordination
13 question. On the Riverview drawings at the northern
14 boundary, there is an east-west access, which is
15 really called a sidewalk on the drawings, yeah, that
16 one, exactly. That is noted as a sidewalk on that
17 plan. It's a little bit hard for me to tell because
18 it seems like the same location is shown on the I
19 Park plans and noting it on their property as a
20 sidewalk. Could you clarify that?

21 MR. FOLEY: What's in the required in
22 the guidelines is a 30-foot easement for access for
23 a particular property. They're choosing to put
24 theirs at their southbound. We do have an
25 eight-foot sidewalk immediately adjacent to our

1 side. Not knowing what's coming first, we're
2 showing a railing on ours. If we come first, we can
3 protect the pedestrian action from whatever I Park
4 activity that's dedicated to the pocket park.

5 MS. WONG: They are ahead pounding
6 the pilings now, and they're going to be well
7 finished probably in the next year and a half. What
8 I'm asking is there a pathway which labels it
9 walkway on the drawing, and that is noted as a
10 sidewalk, are they the noted on that location?

11 MR. FOLEY: No, they're not. Theirs
12 is on their property. This easement is a hundred
13 percent on our property, not I Park.

14 MS. WONG: So by the time you get
15 there, this walkway is what they call that walkway
16 now, that's the easement access. What happens to
17 the sidewalk?

18 MR. FOLEY: It would still be
19 constructed as part of this Riverview project.

20 MS. WONG: All right. Thank you.

21 MS. FERRARA: Mr. Chairman, may all
22 of the members speaking tonight or would like to
23 receive information about this application
24 transcripts, et cetera, sign in. There's going to
25 be a sign-in sheet going around. Thank you.

1 MR. CURLEY: Please understand that
2 by law there's a certain time we have to cut off the
3 meeting. We have a limited number of Commissioners,
4 so there's a potential to be no quorum, to have to
5 do this again at another meeting. To be respectful
6 to the public, please try not to ask the same
7 questions multiple times, and please try to allow
8 other members of the public an opportunity or chance
9 to speak, especially during the period at the end
10 where most people would want to speak. Do you have
11 questions to relate to this witness and his
12 testimony, questions? Please come up and states
13 your name and address, please?

14 MR. KRONING: My name is David
15 Kroning, Boulevard East, North Bergen. My question
16 is about that I think we're all concerned about the
17 water and Sandy, and they raised the I Park
18 development taking place in Edgewater, and which
19 means a lot of ground cover no longer has soil. Is
20 that direct information reflected in what you had to
21 say earlier?

22 MR. FOLEY: That project would need
23 to stand on its own. They have basically the same
24 regulations that this has to meet. One item in
25 particular is you know this area whether it be North

1 Bergen, Edgewater or Weehawken or anywhere along the
2 waterfront is what is called tidally influenced.
3 Therefore, a lot of what we deem the more inland,
4 upland stormwater regulations, the projects are only
5 required to treat the water for water quality, to
6 move grit fine and particles that end up from the
7 pavement and sidewalk area. That's treatment that
8 we are proposing down here through this area. So in
9 regards to the I Park redevelopment again, because
10 it's tidally influenced, the ocean and tide goes
11 where it wants to go. That doesn't necessarily have
12 any affect on this project.

13 MR. KRONING: And the ground cover
14 won't be either concrete or cement?

15 MR. FOLEY: No.

16 MR. KRONING: Thank you very much.

17 CHAIRMAN CRYAN: Yes, ma'am.

18 MS. HIDELMAN: Jackie Hidelman, 8814
19 Churchill Road, North Bergen. I heard testimony
20 that there will be as much as up to the first level
21 of water. My question is, how are these residents
22 of these buildings leaving the property if there's
23 five or ten feet of water? If I lived there, how
24 would I leave?

25 MR. FOLEY: Point of clarification,

1 any floodwater would only affect the lower level of
2 the garage. The residences are unaffected. The
3 exit level of the garage is not affected. Also
4 referring to the FEMA overlay map, the limit of that
5 hundred year flood line that actually goes into the
6 property will have free access directly to Bulls
7 Ferry Road up to the Boulevard East. So there is no
8 issue with any type of ingress-egress from the
9 property during any extreme events as indicated on
10 FEMA map.

11 MS. HIDEELMAN: I'm a little bit
12 confused. I saw cars unable to travel in River Road
13 from the Edgewater police station, which was cut off
14 completely for ten hours because there was five feet
15 of water. Even the police could not leave the
16 property, and I don't understand how these people
17 will get on River Road which has two or three feet
18 of water, how will they drive up the hill? If you
19 first have to go through four to five feet of water,
20 how will you get to you car in four feet of water?
21 I don't understand that. It was all flooded during
22 Sandy. I was on River Road in the flood.

23 MR. ZENN: I'm not sure of the
24 question.

25 MS. HIDEELMAN: I took pictures of the

1 Edgewater Police Station cut off. No emergency
2 vehicles were able to leave the police station to
3 help other people until they pumped out the water
4 somehow. Until seven six o'clock in the morning,
5 everyone was cut off. No police cars could leave.

6 CHAIRMAN CRYAN: Right now, this is
7 questions.

8 MS. HIDEELMAN: I lived through it.
9 This is ridiculous not to address the safety issues
10 of the residents and neighborhood, but I will save
11 my comments for the comments section. I asked my
12 questions.

13 CHAIRMAN CRYAN: Anyone else on the
14 material that's been covered by the engineer?

15 AUDIENCE MEMBER: I have one
16 follow-up question from Mr. Foley that I'm trying to
17 get the answers. If there is a flood on the lower
18 level basement of the parking garage, if there is a
19 flood, how much of the parking garage would be
20 inundated with water? What percentage of the
21 parking garage?

22 MR. FOLEY: Covering both levels of
23 the parking garage percentage-wise --

24 AUDIENCE MEMBER: No, no, just the
25 bottom level, just the bottom level.

1 MR. FOLEY: Approximately 20 percent.

2 AUDIENCE MEMBER: So 20 percent of
3 the garage. So could you point for the Board so
4 they know where the garage is on that plan?

5 MR. FOLEY: The garage is essentially
6 the entire base of the building of this roughly sort
7 of oblong rectangular shape, and you keep in mind
8 too, our garage is finished one and a half feet
9 above the hundred year elevation. We're strictly
10 talking about the BE zone area, which based on the
11 overlay covers about 20 percent of the lower level
12 of the garage.

13 AUDIENCE MEMBER: Thank you.

14 CHAIRMAN CRYAN: Thank you sir.

15 MR. ZENN: If there are no other
16 further questions of this witness, we'll call our
17 next witness.

18 CHAIRMAN CRYAN: Thank you,
19 Mr. Foley. We're going to have a five-minute break.

20 (At this point in the proceeding, a
21 brief recess is taken.)

22 CHAIRMAN CRYAN: We're going to call
23 the meeting back to order. We're going to call the
24 meeting back to order.

25 Counsel.

1 MR. CURLEY: Mr. Chairman, we are
2 going to carry the rest in this proceeding to the
3 next regular Board meeting, which I believe is
4 November 16, 2015, to starting at 6:30 p.m. I would
5 like to point out if any members of the public want
6 to get a copy of the resolution when the Board makes
7 its final determination, it's important that you
8 sign in and give a good address where that could be
9 sent.

10 MR. LAMB: Mr. Curley, for the
11 record, does the applicant waive any statutory or
12 legal requirements with respect to the time the
13 Board must make a decision?

14 MR. CURLEY: There is no such waiver.
15 The Board has it's own one-month extension which is
16 I assume being requested?

17 MR. ZENN: That's correct, and for
18 the record, we've supplied the Board with the
19 Municipal consent to that as well.

20 MR. CURLEY: That's correct. We have
21 received that.

22 MR. LAMB: That's an interesting
23 point. I would like to say one more thing. One of
24 the problems, we started right into this
25 application. One of the problems which I was going

1 to address to the Board, I have entered my
2 appearance as counsel for an interested party. I
3 have sent a notice and I have participated. I
4 requested that the applicant's counsel and all its
5 professionals, when they make a submission to the
6 Board, they also copy me.

7 I have not gotten I don't think one of the
8 submissions. I've been forced to continually make
9 OPRA requests. So for example, that North Bergen
10 Municipal consent, I don't have it. I'm requesting
11 just on the record so I don't have inundate the
12 Planning staff with OPRA requests. If the applicant
13 will just confirm that when the submits anything to
14 the Board, whether it be by counsel, their
15 engineers, traffic experts, planners, whatever, that
16 they supply a copy to us at the time that they get
17 it.

18 One of the problems we had is they made a
19 submission last Friday, I believe, I think
20 October 13th or 14th, and then we called up, and
21 this staff has been great in getting us the
22 documents, but then we get it on Friday. We Federal
23 Express it to our clients, and we get the
24 information on Monday for a Wednesday hearing. It's
25 very difficult to properly prepare, so if we can get

1 the submission at the same time, the problem can be
2 resolved.

3 Mr. Zenn has written letters to the Board
4 saying that he's not obligated to give counsel, who
5 is interested in the application, a copy of
6 anything. That's his legal position. Again, I'm
7 repeating my request to get copies of everything
8 submitted, and we'll do the same. We have to supply
9 them with copies of what we submit. Thank you.

10 COMMISSIONER BETTINGER: Mr.
11 Chairman. Counsel, what is our legal position?

12 MR. CURLEY: I think that the Board
13 is free to exchange information. I think they
14 should agree to an exchange of information.

15 MR. ZENN: We will abide by
16 Mr. Curley's suggestion.

17 CHAIRMAN CRYAN: To the members of
18 the public and applicant, we are very sorry we have
19 to carry the meeting. We just don't have enough
20 Commissioners to continue. We have Commissioners
21 who just aren't able to stay. Next meeting is
22 November 16th, okay, November 16th.

23 MS. FERRARA: Mr. Chairman, the next
24 item on the agenda is Applications to be Exempt.
25 Application 2015-68-SP, Applicant 1407 27th Street,

1 North Bergen, LLC; located at 1407 27th Street;
2 Block 52; Lots 100 and 16.01; in North Bergen.

3 On a motion made by Commissioner
4 Bettinger, and second by Commissioner Holloway.
5 Commissioner Bettinger.

6 COMMISSIONER BETTINGER: Aye.

7 MS. FERRARA: Commissioner Holloway.

8 COMMISSIONER HOLLOWAY: Aye.

9 MS. FERRARA: Commissioner Peralta.

10 COMMISSIONER PERALTA: Aye.

11 MS. FERRARA: Commissioner Voinier.

12 COMMISSIONER VOINIER: Aye.

13 MS. FERRARA: And Chairman Cryan.

14 CHAIRMAN CRYAN: Aye.

15 MS. FERRARA: Chairman, the next item
16 is notice of Action, Applications Declared Exempt at
17 the Subdivision and Site Plan Review Committee
18 Meeting. We are not voting. This is just to be
19 read on the record. Application 2015-66-SD;
20 Applicant, 180 Baldwin Avenue; Block 10901, Lots 64,
21 65, 66, and 67; in Jersey City.

22 Mr. Chairman, the next item I have is old
23 business. There is a memo in your binder. I just
24 want to inform the Board that we are moving forward
25 with the map adoption. The Planning Board adopted

1 the map in November of 2014. Right now, there is a
2 three-week public notice as per the statute, and
3 there will be a public hearing on the map on the
4 24th, and then as well on the 24th, we will consider
5 the adoption. I will keep the Board posted when we
6 go out to print.

7 And then the next item I have is new
8 business. Board Members may recall, the Division of
9 Planning received funding from the North Jersey
10 Transportation Planning Authority to update our land
11 development regulations. We are moving forward with
12 that funding update. We will be hosting the first
13 public hearing on November 5th starting at four
14 o'clock here in the chambers. We would extremely
15 like the Board Members to attend the public hearing,
16 and it's four to six for engineers and developers
17 and at six o'clock -- well, anyone can come starting
18 at four, but the hearing will be geared to engineers
19 or developers to get their feedback on the LDR
20 update, and then at six o'clock, the presentation
21 begins for the public to get their feedback on the
22 LDR update.

23 Mr. Chairman, that's all I have.

24 CHAIRMAN CRYAN: Anything other?

25 Next meeting is November 16th.

1 COMMISSIONER BETTINGER: I'll make a
2 motion to adjourn.

3 COMMISSIONER HOLLOWAY: I second.

4 CHAIRMAN CRYAN: The meeting is
5 closed.

6 (Whereupon the proceeding is then
7 concluded at 9:21 p.m.)

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

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 21, 2015; and that this is a correct transcript of the same.



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

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|--|--|--|---|
| & | 190 4:14 | 2015-57 28:4 | 414 44:20 |
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