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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, September 21, 2016  
6:30 p.m.

BEFORE:

- RUSHABH MEHTA, Chairperson
- THOMAS MALAVASI, PE, PP, CME, County Engineer
- RENEE BETTINGER, Commissioner
- MICHAEL HOLLOWAY, Commissioner
- JAMES CRYAN, Commissioner
- SAMANTHA LUGO, Commissioner

ALSO PRESENT:

- JOHN J. CURLEY, ESQ., Board Attorney
- FRANCESCA GIARRATANA, PP, ACIP, Board  
Secretary
- BYRON A. NICHOLAS, Assistant Planner
- MARIO TRIDENTE, Inspector
- PAUL CRAY, PE CME

Job No. NJ2210764

1 CHAIRMAN MEHTA: Call to order the  
2 Hudson County Planning Board meeting. Counsel, has  
3 this meeting been properly advertised?

4 MR. CURLEY: Yes, the meeting has  
5 been properly noticed in accordance with the Open  
6 Public Meetings Act. Notice of the meeting was  
7 published in the Jersey Journal and the Star Ledger.  
8 Notice of the meeting was also posted with the  
9 Hudson County Clerk and the Clerk of the Board of  
10 Freeholders.

11 CHAIRMAN MEHTA: Roll call, please.

12 MS. GIARRATANA: Commissioner  
13 Bettinger.

14 COMMISSIONER BETTINGER: Here.

15 MS. GIARRATANA: Commissioner Choffo,  
16 absent. Commissioner Cryan, absent. Commissioner  
17 Glembocki, absent. Commissioner Hernandez, absent.  
18 Commissioner Holloway.

19 COMMISSIONER HOLLOWAY: Here.

20 MS. GIARRATANA: Commissioner Kopacz,  
21 absent. Commissioner Lugo.

22 COMMISSIONER LUGO: Here.

23 MS. GIARRATANA: Commissioner  
24 Malavasi.

25 COMMISSIONER MALAVASI: Here.

1 MS. GIARRATANA: Commissioner Ng,  
2 absent. Commissioner Romano, absent. Chairman  
3 Mehta.

4 CHAIRMAN MEHTA: Here.

5 MS. GIARRATANA: Chairman, we have a  
6 quorum.

7 CHAIRMAN MEHTA: Everybody please  
8 rise.

9 (Flag Salute.)

10 MS. GIARRATANA: Chairman, before we  
11 begin I would just like to welcome Commissioner Lugo  
12 to the Planning Board. She was recently sworn in at  
13 the County Clerk's office, and Commissioner Lugo is  
14 from North Bergen. So welcome to the Board.

15 The first order of business is the Review  
16 and Adoption of the Meeting Minutes from August 17,  
17 2016. Please note that there was a typo on the date  
18 of the minutes, but we corrected it and the copies  
19 we have is a corrected copy. Do I have a motion?

20 On a motion made by Commissioner  
21 Bettinger, and seconded by Commissioner Malavasi.

22 Commissioner Bettinger.

23 COMMISSIONER BETTINGER: Aye.

24 MS. GIARRATANA: Commissioner  
25 Holloway.

1 COMMISSIONER HOLLOWAY: Abstain.

2 MS. GIARRATANA: Commissioner Lugo.

3 COMMISSIONER LUGO: Aye.

4 MS. GIARRATANA: Commissioner  
5 Malavasi.

6 COMMISSIONER MALAVASI: Aye.

7 MS. GIARRATANA: Chairman Mehta.

8 CHAIRMAN MEHTA: Aye.

9 MS. GIARRATANA: The motion has  
10 passed. The next items on the agenda are Site  
11 Plans, Subdivisions and other matters scheduled for  
12 public hearing. This will be application  
13 2016-27-SP; Signature Pre-Owned, 369-371 Schuyler  
14 Avenue; Block 224, Lots 30 & 31; in Kearny.

15 MR. LINDENFELSER: Good evening,  
16 ladies and gentlemen. My name is Kenneth  
17 Lindenfelser. I'm the attorney for the applicant.  
18 I have with me the applicant himself, and the  
19 engineer for the project. We also had a meeting in  
20 accordance with the County representatives and  
21 modified most of their proposals in accordance with  
22 their comments. That's the most recently from  
23 letter from the County Official, who asked us for  
24 some testimony regarding the used car dealership,  
25 which I'll have my client talk at little bit about.

1 There was some testimony needed regarding the  
2 delivery of the vehicles and handling of the  
3 customers' parking on and off the premise.

4 If there is no other preliminary matters,  
5 I would like have my client sworn.

6 (The witness is sworn.)

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

9 COMMISSIONER HERNANDEZ: Victor  
10 Castro, C-a-s-t-r-o.

11 MR. LINDENFELSER: Mr. Castro, are  
12 you the owner of Signature Pre-owned?

13 MR. CASTRO: Yes, I am.

14 MR. LINDENFELSER: Describe that  
15 business for the Board, please.

16 MR. CASTRO: We're a used car  
17 dealership.

18 MR. LINDENFELSER: And where are you  
19 located now?

20 MR. CASTRO: 375 Schuyler Avenue,  
21 right next to it.

22 MR. LINDENFELSER: And the plan that  
23 we're submitting today is for the property that's  
24 right next door to your current location?

25 MR. CASTRO: Correct.

1 MR. LINDENFELSER: How long have you  
2 operating at your current location?

3 MR. CASTRO: About five years now.

4 MR. LINDENFELSER: And if the  
5 application is approved, you will move your  
6 operation next door to the proposed site?

7 MR. CASTRO: Yes.

8 MR. LINDENFELSER: Will anything else  
9 of the operation change?

10 MR. CASTRO: No, it will be the same.

11 MR. LINDENFELSER: The modifications  
12 that were recommended by the County officials, they  
13 have all been implemented by the engineer,  
14 Mr. Quinn, who we'll hear from in a minute. You are  
15 understanding those modifications, if it is approved  
16 tonight, will be a requirement for you to complete  
17 the process?

18 MR. CASTRO: Yes.

19 MR. LINDENFELSER: It was requested  
20 that you testify a little bit about how you receive  
21 the delivery of your inventory. Would you tell the  
22 Board how that is done?

23 MR. CASTRO: I buy very specific, so  
24 I buy one vehicle at a time. I deal with very  
25 special stuff, special models, limited editions.

1 They're brought in one at a time. It's usually  
2 dropped on one transport flatbed-type truck after  
3 hours. I've been doing it that way for years. It's  
4 never a big transport truck with six, ten cars at a  
5 time. It's one at a time every other day. It's not  
6 a whole lot of cars I have on the property.

7 MR. LINDENFELSER: And it's the same  
8 way that you've been getting them at this  
9 neighboring location for five years?

10 MR. CASTRO: Yes.

11 MR. LINDENFELSER: Has this proven to  
12 be a problem for the traffic on Schuyler Avenue?

13 MR. CASTRO: Never.

14 MR. LINDENFELSER: The other issues  
15 that the engineers that the County wanted to hear  
16 about, your parking lot in the proposed site  
17 provides for five client parking spaces. Would you  
18 explain to the Board how people come to view your  
19 vehicles?

20 MR. CASTRO: Well, most of the stuff  
21 is again, internet. A lot of my sales is mostly  
22 eBay internet sales. I ship a lot the cars out of  
23 the state, Texas, Florida, for example. There is  
24 not a lot of walk in customers. We don't sell a lot  
25 of stuff locally. It's mostly internet-based. So I

1 do get someone one at a time. It's never a group of  
2 different customers shopping at the same time.  
3 There is on-street parking and other options.

4 MR. LINDENFELSER: So currently your  
5 operation has the same number of customer spots as  
6 the proposed site?

7 MR. CASTRO: Yes, exactly the same.

8 MR. LINDENFELSER: That's proved to  
9 be adequate for the way your business functioned in  
10 the past?

11 MR. CASTRO: More than adequate.

12 MR. LINDENFELSER: I have been very  
13 direct. I don't know how much more detail the Board  
14 would want; if there is any questions for Mr. Castro  
15 or any areas that you would like me to go. I can  
16 have Mr. Quinn be available also to discuss the  
17 project.

18 COMMISSIONER HOLLOWAY: Mr. Chairman  
19 excuse me. I just have a couple of questions. We  
20 have folders in front of us. It looks like a brand  
21 new building.

22 MR. CASTRO: That's the new building.

23 COMMISSIONER HOLLOWAY: And adjacent  
24 to it, right, it's your building, A and B?

25 MR. CASTRO: Yeah, that's just going

1 to be service, specifically service.

2 COMMISSIONER HOLLOWAY: Thank you. I  
3 notice that you have cars very close to the curb, is  
4 that a walkway for people to walk?

5 MR. CASTRO: There is a walkway, but  
6 the cars aren't up into the walkway, maybe at that  
7 moment that the picture was taken. It's never in  
8 the walkway. I have to see the pictures it to  
9 understand.

10 MR. LINDENFELSER: May I look at  
11 them?

12 COMMISSIONER HOLLOWAY: I'm referring  
13 to the one with the black truck, if you look, you've  
14 got a blue car there, and behind there is like a  
15 pickup truck.

16 MR. CASTRO: The picture is  
17 deceiving. There is a lot of space. It's a lot  
18 wider than it looks. So I have it parallel to the  
19 building which you can't really see now. So  
20 everything is in line with the curb. That light  
21 post you see is actually in the middle of the  
22 sidewalk.

23 MR. LINDENFELSER: The new proposal  
24 will have fencing that prevents people from parking  
25 like this at the main entrance for the specific

1 driveway, so it won't be possible once the new  
2 project is constructed.

3 COMMISSIONER HOLLOWAY: Just one more  
4 question. How many cars do you normally have?

5 MR. CASTRO: Twenty, twenty, to give  
6 you a number. It's mostly trade-ins I get and  
7 things.

8 COMMISSIONER HOLLOWAY: Are there any  
9 in the building?

10 MR. CASTRO: In the building there is  
11 a lot of room.

12 COMMISSIONER HOLLOWAY: Thank you.

13 CHAIRMAN MEHTA: Any other questions?

14 COMMISSIONER BETTINGER: Are they  
15 going to do a presentation what it's going to look  
16 like?

17 MR. LINDENFELSER: I have the  
18 engineer with him. We can go into the detail what  
19 is proposed.

20 COMMISSIONER BETTINGER: That would  
21 answer my questions.

22 MR. LINDENFELSER: Mr. Castro will be  
23 here for any other questions.

24 CHAIRMAN MEHTA: What are the  
25 business's hours?

1 MR. CASTRO: Nine to eight and ten to  
2 six on Saturday; nine to eight weekdays.

3 MR. LINDENFELSER: We've already been  
4 to the County board and gotten their approvals.

5 CHAIRMAN MEHTA: What you're looking  
6 at is a smaller size?

7 MR. CASTRO: It's the same exact size  
8 lot, and the building is the same size. We're just  
9 going to focus on the servicing there.

10 CHAIRMAN MEHTA: You rent or you're  
11 buying?

12 MR. CASTRO: It's a lease now. We're  
13 in the process of purchasing that as well, two  
14 separate purchases.

15 CHAIRMAN MEHTA: To this area you are  
16 adding, and this one will stay the same or?

17 MR. CASTRO: Nothing is going to  
18 change.

19 CHAIRMAN MEHTA: Okay. Thank you.

20 COMMISSIONER HOLLOWAY: Just for the  
21 record, you mentioned that you got approved from the  
22 County board, you mention the County?

23 MR. LINDENFELSER: No, Kearny.

24 COMMISSIONER HOLLOWAY: You mentioned  
25 the County.

1 MR. LINDENFELSER: If I stated  
2 County, I meant the local planning board.

3 CHAIRMAN MEHTA: How many employees  
4 are there?

5 MR. CASTRO: Four of us. My wife  
6 comes in and helps as well. She's in the back  
7 there, but four full-time employees.

8 CHAIRMAN MEHTA: And that's fine for  
9 the parking?

10 MR. CASTRO: Yes, we still have a lot  
11 of parking. I'm not even using the parking that we  
12 have in the building we're in now. I'm still going  
13 to have that property. There is tons of space there  
14 just for our cars, and we all live in town. All of  
15 my employees live in town. We're all a few minutes  
16 away.

17 MR. LINDENFELSER: The engineer for  
18 the project, Mr. Quinn, is here. We can have him  
19 sworn.

20 (The witness is sworn.)

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

23 MR. QUINN: Sure. It's Tom Quinn,  
24 Q-u-i-n-n.

25 MR. LINDENFELSER: And Mr. Quinn,

1 would you tell the Board your professional  
2 qualifications?

3 MR. QUINN: Sure. I'm a 1993  
4 graduate of NJIT. I've been licensed as a  
5 professional engineers in the state since 1997. In  
6 the last 20 years, I have prepared and amended  
7 numerous site plans throughout all of the northern  
8 half of New Jersey mostly. I've actually been  
9 before about this Board, but back when you were near  
10 the courthouse probably about a year and a half ago.

11 MR. LINDENFELSER: I would ask the  
12 Board to accept Mr. Quinn as an expert based on his  
13 qualifications.

14 CHAIRMAN MEHTA: That's fine.

15 MR. QUINN: I don't know if I'll  
16 carry if I walk over here. I'm afraid there is not  
17 going to be enough room to set up over there. What  
18 I want to do is just give the Board a quick view of  
19 what is there now. Essentially the site as it  
20 exists now, this is the site of the old Atlantic  
21 Concrete Cutting facility. There's a  
22 2,000-square-foot building, single-story building  
23 occupying the northeast corner of the property.

24 The property overall is about 9,000 square  
25 feet. Apart from the building, the balance of the

1 site is gravel, millings, just a hodgepodge of old  
2 pavement surfaces. The other thing to note about  
3 this project, it's got a depressed curb that runs  
4 entirely along the frontage of the property, so it  
5 acts like one large driveway in front of the entire  
6 site.

7 MR. LINDENFELSER: Mr. Quinn, could  
8 you identify the drawing that you're referring to?

9 MR. QUINN: Yes, I'm sorry. By the  
10 way, this is the set of drawings that was delivered  
11 to the Board, so I wasn't going to mark these. But  
12 this Drawing 1 of 1, titled Existing Conditions  
13 Plan. Again, it's a snapshot of what the site was  
14 like prior to the application.

15 Now I'm going to shift to page 2, which is  
16 the site plan that gives you a snapshot of what is  
17 proposed. The building remains exactly the same in  
18 terms of footprint. He's fixed the interior of the  
19 -- he's actually done some facade renovations, and  
20 the building looks nicer now. We've got the gravel  
21 lot is to be paved. We're got on the eastern half  
22 of the site in front of the building, we've got a  
23 driveway and five customer parking stalls that you  
24 heard the applicant talk about.

25 On the left side of the property or the

1 westerly side of the property, we've got a long  
2 fence that creates an impound for the cars. We  
3 currently show you 18 vehicle spots. These are not  
4 striped, but this is just how the applicant is going  
5 to be arranging the parking. We've got 18 cars  
6 shown in there. I think you heard the applicant say  
7 20. There are 18 outside and room for several  
8 inside.

9           The most notable change about this plan is  
10 the applicant has agreed to bring the front of the  
11 site into conformance with the County, which mean  
12 we're going to be eliminating the depressed curb  
13 that encompasses the entire road frontage. We are  
14 going to be providing full height curb except for a  
15 24-foot drive aisle. So we have narrowed it down  
16 and rationalized the site so it's a clear single  
17 driveway coming in.

18           We've also provided this is what Kearny,  
19 the town asked of us, we provided small landscaped  
20 areas evergreen boxwoods, typically low-growing  
21 evergreens, on either side of the driveway in an  
22 attempt to add some green area because the site as  
23 it exist now is a hundred percent impervious. In  
24 order to bring some aesthetic value to the site and  
25 reduce some of the impervious coverage, we have

1 created these two landscaped areas. We also have  
2 provided two shade trees again per the County  
3 recommendation.

4 We had a TRC meeting with your staff.  
5 They were very helpful, gave us some good guidance,  
6 and I think we have complied with all of the issues  
7 that were raised, and the only issue was there was  
8 testimony required about operationally, how the site  
9 was going to be handled in terms of parking and in  
10 terms of car delivery. You heard that from the  
11 applicant.

12 The only other feature I would note now  
13 looking at Sheet 3, which is the grading plan, since  
14 we're raising the curb and the sidewalk, we've kind  
15 of a created a -- by the way the site slopes very  
16 gradually out to the County highway. Since we're  
17 raising the curb, we have actually created a bit of  
18 an impound. So in order to address that, storm  
19 water still continues to run, but will now be  
20 collected in these greens areas, these landscaped  
21 areas. It's going to be little green planted  
22 swales. In order to evacuate the water that's  
23 collected, we are provide a perforated pipe through  
24 that areas, so water will fill the landscaped, bleed  
25 through, hit the perforated pipe, and then be

1 directed in an inlet that's fortuitously located  
2 near the corner of this particular property.

3 In a nutshell those are the improvements.  
4 It's not a big site, not a lot going on, but I'm  
5 happy to answer any questions that you have  
6 question.

7 COMMISSIONER HOLLOWAY: Mr. Chairman,  
8 question. You mentioned about a fence along the  
9 front.

10 MR. QUINN: Yes. I'll go back to  
11 Sheet 2. We're showing a new fence along the side  
12 of the property. I need my glasses for this. We've  
13 also got a fence that comes along. We've got  
14 fencing around all sides of the property that ties  
15 into the building here, and then ties into the  
16 building back here. There is a rolling gate that  
17 will be operating here so that during the evening  
18 during off hours, the entire site is a secured, and  
19 when business hours come about, this rolling gate  
20 slides back and opens the driveway up essentially.  
21 This area will still be compounded. There is  
22 another gate located along here so that the  
23 applicant can maneuver the cars around.

24 COMMISSIONER HOLLOWAY: Is this a  
25 chain-link-type of fence?

1 MR. QUINN: Yes, it is. I believe it  
2 is, yes, they are, the chain-link fence.

3 COMMISSIONER HOLLOWAY: Six-feet.

4 MR. QUINN: Six-foot high with  
5 privacy slabs alone the side. I'm not sure if we  
6 have some privacy slabs in the front.

7 COMMISSIONER HOLLOWAY: What I'm  
8 getting at is will anybody be able to see through  
9 your property?

10 MR. QUINN: In the front, yes.

11 COMMISSIONER HOLLOWAY: It's more of  
12 a safety thing.

13 MR. QUINN: Yes, in the front for  
14 security. On the sides, those will be slatted so  
15 that they're screened.

16 COMMISSIONER BETTINGER: Mr.  
17 Chairman, I have a question. Mr. Quinn, we have a  
18 photo of the house that Byron has.

19 MR. TRIDENTE: Commissioner, I just  
20 want to advise the Board that there are several  
21 photographs of two houses that are included your  
22 packet that are not applicable to this application.  
23 It's a misprint.

24 COMMISSIONER BETTINGER: There is no  
25 mention --

1 MR. TRIDENTE: It's a misprint.

2 MR. LINDENFELSER: I don't remember  
3 where that is.

4 MR. TRIDENTE: That will be coming up  
5 shortly.

6 COMMISSIONER BETTINGER: Mr. Quinn,  
7 are you going to be changing the facade on the old  
8 building to match the new one?

9 MR. QUINN: He's already undertaken.  
10 I'll let the applicant speak to this more. He's  
11 already undertaken the facade renovations. He's  
12 added some glass and changed the door around. I  
13 think that work has already been done, but I mean  
14 the building is dramatically more appealing now.

15 COMMISSIONER BETTINGER: I can see  
16 that. My question is, are you changing the front of  
17 the old building to match the --

18 MR. QUINN: On the adjacent property?

19 MR. CASTRO: Hopefully when I get  
20 some money back, yeah, I want to do something.

21 COMMISSIONER HOLLOWAY: How far is  
22 the site from the curb?

23 MR. QUINN: We've got this is a ten  
24 scale, about 12 feet back from the curb line. We've  
25 got a four-foot-wide planting area in front. We've

1 got a four-foot-wide sidewalk and four- or  
2 five-foot-wide area behind that fence.

3 CHAIRMAN MEHTA: Any other questions?

4 COMMISSIONER MALAVASI: I have a  
5 question for the applicant. Your current site you  
6 sell and service vehicles, correct?

7 MR. QUINN: Yes.

8 COMMISSIONER MALAVASI: And you're  
9 moving the sales to one site. You service just your  
10 cars?

11 MR. CASTRO: Just my cars.

12 COMMISSIONER MALAVASI: The only  
13 question I have concerning that again, to service a  
14 car when the car is delivered, you go to the lot for  
15 service and out onto Schuyler and back in?

16 MR. CASTRO: I circle around. I make  
17 a right and go around the block.

18 COMMISSIONER MALAVASI: Have you  
19 thought about putting an internal link or a gate.

20 MR. CASTRO: Yeah. Eventually it  
21 would be easier to drive from one lot to the other.

22 COMMISSIONER MALAVASI: That's no  
23 increase to service. You're not increasing service  
24 on that other side, you're serving --

25 MR. CASTRO: Myself.

1                   COMMISSIONER MALAVASI: You're still  
2 servicing yourself.

3                   CHAIRMAN MEHTA: You didn't mention  
4 anything about the signage. I don't see if there is  
5 going to be signing on the building facade or any  
6 freestanding signs or anything.

7                   MR. QUINN: I don't know if you can  
8 see the sign, but there is an existing steel frame  
9 for an old sign. He is planning on or at least  
10 how's it's been described, there will be a sign  
11 that's located five feet behind the right-of-way so  
12 it's not in the county right-of-way. Yes, there is  
13 a sign depicted on this. It will be a freestanding  
14 sign. I am not sure about the building signage.

15                  MR. CASTRO: The way it we have now,  
16 we're using that sign just for clothing. Eventually  
17 I want to do something on the building itself. For  
18 now, we're reusing it, and we'll add some paint.

19                  CHAIRMAN MEHTA: Will it be a lighted  
20 sign?

21                  MR. CASTRO: It's a lighted sign.

22                  MR. CRAY: Thank you, Mr. Chairman.  
23 The review letter you have in front of you dated  
24 September 20th, is the second review letter. The  
25 applicant has addressed all of the prior review

1 comments accompanying the testimony that they  
2 provided, and the only remaining, the plans are  
3 actually completely compliant with my review. One  
4 just minor one thing --

5 MR. QUINN: I have no problem with  
6 that.

7 MR. CRAY: It's very minor. So I  
8 don't have any other outstanding comments. If the  
9 Board doesn't have any questions, I don't have  
10 anything else to offer. I mean, this is more in  
11 keeping with the other areas along the road. It's  
12 consistent with our standards so we appreciate the  
13 applicant doing what's needed to make it compliant  
14 with the regulations. It was very challenging with  
15 the grading with the piping and dealing with that.  
16 All of our prior review comments were addressed. I  
17 don't have any further concerns.

18 MR. QUINN: What Paul had asked me  
19 was upsize this pipe from a six to an eight-inch.  
20 That's fine.

21 COMMISSIONER HOLLOWAY: One last  
22 question. In the future you're planning to put a  
23 sign in the County right-of-way?

24 MR. CASTRO: No. If do I something  
25 on the building, nothing on the right-of-way, no,

1 nothing.

2 COMMISSIONER HOLLOWAY: Thank you.

3 CHAIRMAN MEHTA: Mario, do you have  
4 any questions?

5 MR. TRIDENTE: Just a couple of  
6 housekeeping items. To be clear are you going to be  
7 installing the sidewalk along the frontage of the  
8 County right-of-way?

9 MR. CASTRO: Yes, sir.

10 MR. TRIDENTE: And then one other  
11 item, just to remind the applicant that before they  
12 apply for their final CO from the municipality, they  
13 are required to contact our office for an inspection  
14 for them to receive a letter of compliance. No  
15 other items.

16 MS. GIARRATANA: Mr. Chairman, I'll  
17 just mention that the applicant has fulfilled the  
18 two green techniques, native landscaping and  
19 redevelopment, and they fulfilled the shade tree  
20 requirement as well.

21 CHAIRMAN MEHTA: Any other comments  
22 or questions or a motion?

23 MS. GIARRATANA: On a motion made by  
24 Commissioner Bettinger, and seconded by Commissioner  
25 Holloway.

1 Commissioner Bettinger.

2 COMMISSIONER BETTINGER: Aye.

3 MS. GIARRATANA: Commissioner  
4 Holloway.

5 COMMISSIONER HOLLOWAY: Aye.

6 MS. GIARRATANA: Commissioner Lugo.

7 COMMISSIONER LUGO: Aye.

8 MS. GIARRATANA: Commissioner  
9 Malavasi.

10 COMMISSIONER MALAVASI: Aye.

11 MS. GIARRATANA: Chairman Mehta.

12 CHAIRMAN MEHTA: Aye.

13 MS. GIARRATANA: The motion has  
14 passed.

15 MR. LINDENFELSER: Thank you, ladies  
16 and gentlemen, for your time. The staff here has  
17 been professional and very helpful, and you should  
18 know that.

19 CHAIRMAN MEHTA: Thank you.

20 MS. GIARRATANA: Mr. Chairman, the  
21 next item on the agenda for the matters to be heard  
22 will be Application 2016-63-SD/SP. The applicant's  
23 name is 124 West 5th Street, LLC; location, 101-111  
24 Trask Avenue; Block 335, Lots 11, in Bayonne.

25 CHAIRMAN MEHTA: I just want to note

1 for the record, Commissioner Cryan is here.

2 MR, SELMA: Good evening,  
3 Mr. Chairman, Commissioners. My name is John Selma  
4 from the law firm of Rose & Gardner for the  
5 applicant 124 West 5th Street, LLC, is which is  
6 represented tonight by the managing member, Mitch  
7 Berkhouse. He's here to provide any testimony if  
8 needed, and also serves as my easel. Also, our  
9 planner had a family medical emergency tonight, but  
10 there were no variances applied for in this  
11 application.

12 There are no compliance issues. We're  
13 willing to comply with everything. There was some  
14 particular testimony requested for the Board. I  
15 would like to go over quickly our compliance  
16 agreements, and for a couple of items that the Board  
17 should hear from. So for a quick description of the  
18 project. This is a subdivision of a 0.35-acre  
19 vacant property, which is bounded to the east by  
20 Trask Avenue, and north by West 5th Street in  
21 Bayonne. In the rear of the property on the western  
22 boundary would be Kennedy Boulevard, and that's what  
23 brings us here tonight.

24 We are dividing or subdividing into four  
25 lots to construct two-family homes. The application

1 was approved by the Bayonne Planning Board on June  
2 14th, and the resolution memorialized on July 12th  
3 of this year. That application was before the  
4 Bayonne Planning Board, and it required no variances  
5 as I mentioned, and it advanced the goals and  
6 objectives of the Bayonne master plan. The  
7 application was consistent with goals and objectives  
8 Hudson County Master Plan, in that it preserves the  
9 character of the well-established neighborhood, and  
10 increases the tax bases and protects the area from  
11 incompatible development. This is consistent -- and  
12 that it promotes homeownership.

13 We received compliance letters from the  
14 Planning Board here Hudson County, and also from  
15 Remington Vernick, the engineer, and received the  
16 Remington letter on September 6th, and the planner's  
17 letter on August 25th. I provided a written  
18 response that we are going to comply with all of the  
19 conditions there. However, a couple required that  
20 we resubmit supporting revised plans to show how  
21 we're complying. Those plans were submitted  
22 September 12th, and I just want to point out a  
23 couple how were are compliant with the letters.

24 The engineer's letters specifically asked  
25 us to address a second green technique in addition

1 to native landscaping, and we addressed that.  
2 You'll see in the plans the rain barrels catching  
3 runoff at each house. The letter also asks that we  
4 provide three additional shade trees, and our client  
5 explained there happens to be a sewer line that runs  
6 along the sidewalk along the Boulevard, which would  
7 prevent compliance with planting more trees, so we  
8 are going to make an equivalent contribution to the  
9 Hudson County Shade Tree Fund.

10           And the last issue was that there is a  
11 retaining wall. There was a stone wall on the  
12 property that could require a franchise agreement or  
13 that was subjected to that franchise agreement.  
14 However, as the plans demonstrate, we will dismantle  
15 and removed that. Other than that, let me see if I  
16 can address any other issues. I think I've  
17 addressed the issue with the compliance, our  
18 willingness to comply with the planner's letter. I  
19 asked for approval.

20           If you would like to see the plan again,  
21 I'm sorry, Mr. Berkhouse, you can see the  
22 subdivision providing four houses, two-family  
23 houses, and the Boulevard runs behind them.  
24 Currently, the property is vacant. I think it's a  
25 pretty simple, straightforward plan. We're here to

1 answer any questions.

2 CHAIRMAN MEHTA: So we don't have any  
3 curb cuts on the Boulevard?

4 (The witness is sworn.)

5 MR. BERKHOUSE: Currently, there is a  
6 retaining wall on the property. I think it's in the  
7 County's right-of-way. That retaining wall has been  
8 demolished during construction and reset on our  
9 property line at different grades because will be  
10 houses different grades, and then on top of that,  
11 there will be a six-foot high PVC privacy fence.

12 COMMISSIONER HOLLOWAY: Just for  
13 clarification, that's back of the house?

14 MR. BERKHOUSE: That's the back of  
15 the house.

16 COMMISSIONER HOLLOWAY: On Kennedy  
17 Boulevard.

18 MR. BERKHOUSE: Yeah. There's three  
19 frontages. There's 5th Street, Trask Avenue and  
20 Kennedy Boulevard. 124 West 5th Street, LLC, that's  
21 the original house that was knocked down. That was  
22 the one address.

23 COMMISSIONER HOLLOWAY: You're  
24 knocking it down and putting another one up on your  
25 own property. Is it going to be the same height?

1 MR. BERKHOUSE: It will depend on the  
2 grade between the houses. At some points there  
3 won't be a retaining wall, but at some points there  
4 will be a retaining wall because of the new grade.  
5 We're building the houses too.

6 COMMISSIONER BETTINGER: Did I hear  
7 that there was only one house on the property?

8 MR. BERKHOUSE: Yes. There was one  
9 house on the property that was delapidated. We're  
10 putting four.

11 CHAIRMAN MEHTA: Any other questions,  
12 any comments?

13 MR. CRAY: Thank you, Mr. Chairman.  
14 I haven't seen the September 12th letter from the  
15 applicant's architect until just now, so I hadn't  
16 noticed that they removed the wall. I didn't know  
17 that. The wall is pretty decent looking. It looked  
18 like it was finished recently. It was either built  
19 not long ago or refinished.

20 MR. BERKHOUSE: About fifteen years  
21 ago.

22 MR. CRAY: That long ago?

23 MR. BERKHOUSE: Yes.

24 MR. CRAY: Is it too complicated to  
25 keep, I mean?

1 MR. BERKHOUSE: Because we actually  
2 had that discussion about keeping the wall and  
3 cutting off just the tops because there is pillars  
4 every 15 feet or so, tighten pillars, but the grade  
5 didn't work out with the front house. It became too  
6 steep on the other side of Trask.

7 MR. CRAY: You're talking the rear  
8 along Kennedy Boulevard?

9 MR. BERKHOUSE: We're removing it all  
10 and rebuilding it.

11 MR. CRAY: Because I know Mario  
12 Tridente might speak. I knew he saw one of the  
13 houses once more just to see the condition. There  
14 exists a curb and sidewalk on Kennedy, and there's a  
15 wall. So the wall coming out, it's just important  
16 that if there's any restoration needed because  
17 they'll have to excavate it, pull it out.

18 MR. BERKHOUSE: Excavation as far as  
19 what?

20 MR. CRAY: The ground condition on  
21 the right-of-way.

22 MR. BERKHOUSE: I think our plans  
23 talk about new sidewalks all around. That was part  
24 of the approval of Bayonne.

25 MR. CRAY: You gave a point-by-point

1 response to the Planning letter, but not to mine, so  
2 I kind of just got your plans.

3 MR. BERKHOUSE: Typically, with our  
4 new construction projects in Bayonne, all concrete  
5 is redone, so I am assuming JFK Boulevard would be  
6 part of that. So when we demo, we're removing  
7 sidewalks and replacing them with new sidewalks.

8 MR. CRAY: Initially, they were  
9 remaining. So you're saying in the last submission  
10 you're now proposed.

11 MR. BERKHOUSE: I have to look at the  
12 plans.

13 MR, SELMA: I'm going to check the  
14 resolution from Bayonne.

15 COMMISSIONER BETTINGER: Mr. Cray, in  
16 the photographs that we were given from  
17 Mr. Tridente, there is an area that has I think is a  
18 grass area, and then a sidewalk area and the wall.  
19 Are they taking away that grass area?

20 MR. CRAY: I'm looking at the plan,  
21 it does show from the first submission to now, the  
22 sidewalk was to stay, and now you're replacing them  
23 on the most recent plan submission. The grass  
24 strip, Commissioner's question that could be  
25 answered by existing landscaped to remain. So it's

1 my understanding the footprint of the sidewalk will  
2 not change because the process of removing the wall,  
3 the sidewalk is not completely beat up, some cracks.  
4 but it is old. You're, because of the construction,  
5 you're taking the initiative to replace it  
6 completely?

7 MR. BERKHOUSE: Correct.

8 MR. CRAY: And putting it right back  
9 in its place. So that would seem to cover my  
10 concerns about the wall coming out and disturbance.  
11 You're replacing the sidewalk anyway. So the grass  
12 that we see now, and you'll make sure to restore  
13 after construction disturbance, it's going to stay.

14 COMMISSIONER HOLLOWAY: I have a  
15 question for you. I notice that street, do we know  
16 where the driveway is going to be on JFK?

17 MR. CRAY: Well, the two on JFK, as I  
18 understand will remain, because there is no driveway  
19 proposed on JFK. All the driveways are going out to  
20 Trask.

21 MR. BERKHOUSE: All the houses are  
22 facing Trask, so we don't have curb cuts on JFK. So  
23 the only concern, it would be the retaining wall  
24 that's right now in your right-of-way, and the  
25 replacement of the sidewalks, and we're going to pay

1 for the three street trees, I believe it was.

2 MR. CRAY: What did you say?

3 MR. BERKHOUSE: That there was a  
4 utility line, some sort of sewer line on the curb.

5 MR. CRAY: On the curb?

6 MR. BERKHOUSE: Under the sidewalk.

7 MR. CRAY: If it's in the grass --

8 MR. BERKHOUSE: My engineer wrote  
9 it's in the right-of-way of the street trees.

10 COMMISSIONER MALAVASI: My question  
11 is in looking back at this, it is not knowing about  
12 removing the wall. I agree there is not room for  
13 the trees. If they move the wall back from the  
14 right-of-way line, it actually increases the width  
15 of the sidewalk, maybe a couple of trees can be put  
16 back, still within the right-of-way, but closer to  
17 the wall to keep it away from the sewer line. I  
18 understand you can't put it in the grass, but by  
19 putting it a little further back, it will at least  
20 give a street tree which are far enough apart that  
21 it doesn't interfere with the utilities.

22 MR. BERKHOUSE: I'm not sure, stagger  
23 the trees, is that what you're saying? Stagger one  
24 against the property line and the sycamore.

25 COMMISSIONER MALAVASI: I am just

1 saying you can get the three street trees and put  
2 them back closer to the wall, and the tree grates  
3 are off the right-of-way, but they're still in the  
4 right-of-way. They are a little bit further back.  
5 I think that -- I know it's a different look than  
6 what we're used to, but I think it will achieve more  
7 of the intent of the ordinance by having street  
8 trees.

9 MR. BERKHOUSE: As long as it's  
10 possible. If it's okay that we leave that item open  
11 to when we dig and see, that might be the best way  
12 to do it. I don't want to promise you something and  
13 I start it digging.

14 COMMISSIONER MALAVASI: You show the  
15 sewer line under the grass strip. It's going to be  
16 different than that. If you agree to do it subject  
17 to excavation on the property, that's okay.

18 MR. BERKHOUSE: Fine. We can add the  
19 three street trees, so what you're requesting is to  
20 put the three street trees against the property line  
21 in the right-of-way?

22 MR. TRIDENTE: Yeah, yeah.

23 COMMISSIONER HOLLOWAY: Are these  
24 tress going to tear up to the sidewalk?

25 MR. BERKHOUSE: I believe the County

1 and municipalities have certain trees that they  
2 recommend, and we have plans that don't do that.

3 MR. TRIDENTE: We recommend trees  
4 from the PSE&G on shade tree list that doesn't have  
5 those characteristics. Thank you.

6 CHAIRMAN MEHTA: Is it a possibility  
7 that they can put a planter or something on 5th  
8 Street?

9 MR. BERKHOUSE: We already -- sorry.  
10 We planned on adding trees in between the two  
11 driveways on the other side. I think we were  
12 between curb cuts on other side. That was to comply  
13 with Bayonne. These trees are above Bayonne that  
14 we're complying with the County, so if I could add  
15 those the tress, I will add three trees. If not,  
16 we'll just pay for them.

17 CHAIRMAN MEHTA: So you will speak to  
18 Commissioner Malavasi, and you will keep in touch,  
19 and if you can't plant the trees, you will then  
20 contribute to the Shade Tree Fund?

21 MR. BERKHOUSE: You got it.

22 CHAIRMAN MEHTA: Okay.

23 MS. GIARRATANA: Chairman, I just  
24 want to reiterate that the applicant has agreed to  
25 two green techniques and will be fulfilling the

1 shade tree requirement.

2 CHAIRMAN MEHTA: Thank you.

3 MR. CRAY: Mr. Chairman, the  
4 application, if you break it down from my review  
5 perspective, there is no existing or proposed  
6 driveways on Kennedy Boulevard. So now the  
7 construction as proposed there, that's removing  
8 sidewalk falls within the domain of the requirement,  
9 and they know they have to follow that, so I don't  
10 have any remaining concerns.

11 CHAIRMAN MEHTA: Any other questions?  
12 Do you have a motion?

13 MS. GIARRATANA: On a motion made by  
14 Commissioner Holloway. Seconded by Commissioner  
15 Bettinger.

16 Commissioner Bettinger.

17 COMMISSIONER BETTINGER: Aye.

18 MS. GIARRATANA: Commissioner Cryan.

19 COMMISSIONER CRYAN: Aye.

20 MS. GIARRATANA: Please let the  
21 record show is Commissioner Cryan said aye.

22 Commissioner Holloway.

23 COMMISSIONER HOLLOWAY: Aye.

24 MS. GIARRATANA: Commissioner Lugo.

25 COMMISSIONER LUGO: Aye.

1 MS. GIARRATANA: Commissioner  
2 Malavasi.

3 COMMISSIONER MALAVASI: Aye.

4 MS. GIARRATANA: Chairman Mehta.

5 CHAIRMAN MEHTA: Aye.

6 MS. GIARRATANA: The motion has paid.

7 MR, SELMA: Thank you very much.

8 MS. GIARRATANA: Mr. Chairman, the  
9 next item on the agenda are Applications to be  
10 Dismissed. There is just one. 2016-38-SP;  
11 Sarjudas, LLC; 3671 John F. Kennedy Boulevard; Block  
12 404, Lot 33; in Jersey City.

13 CHAIRMAN MEHTA: Do I have a motion?  
14 What is the reason?

15 MS. GIARRATANA: This application  
16 will be dismissed without prejudice for  
17 administrative purposes of passing the 90-day review  
18 requirement.

19 On a motion made by Commissioner Holloway.  
20 Seconded by Commissioner Bettinger.

21 Commissioner Bettinger.

22 COMMISSIONER BETTINGER: Aye.

23 MS. GIARRATANA: Commissioner Cryan.

24 COMMISSIONER CRYAN: Aye.

25 MS. GIARRATANA: Commissioner

1 Holloway.

2 COMMISSIONER HOLLOWAY: Aye.

3 MS. GIARRATANA: Commissioner Lugo.

4 COMMISSIONER LUGO: Aye.

5 MS. GIARRATANA: Commissioner

6 Malavasi.

7 COMMISSIONER MALAVASI: Aye.

8 MS. GIARRATANA: Chairman Mehta.

9 CHAIRMAN MEHTA: Aye.

10 MS. GIARRATANA: The motion passed.

11 The next item on the agenda are applications to be

12 exempt. There are two. The first one is

13 2016-69-SP, T-Mobile Northeast, LLC; location is 71

14 Claremont Avenue; Block 23301, Lot 2; in Jersey

15 City.

16 The second application is 2016-70-SP;

17 T-Mobile Northeast, LLC; at 8 Columbus Drive; Block

18 11603, Lot 18; in Jersey City. Just so you know,

19 these are two telecommunications applications that

20 are not along County roads. Do you have a motion?

21 On a motion made by Commissioner Holloway,

22 and seconded by Commissioner Cryan.

23 Commissioner Bettinger.

24 COMMISSIONER BETTINGER: Aye.

25 MS. GIARRATANA: Commissioner Cryan.

1 COMMISSIONER CRYAN: Aye.

2 MS. GIARRATANA: Commissioner

3 Holloway.

4 COMMISSIONER HOLLOWAY: Aye.

5 MS. GIARRATANA: Commissioner Lugo.

6 COMMISSIONER LUGO: Aye.

7 MS. GIARRATANA: Commissioner

8 Malavasi.

9 COMMISSIONER MALAVASI: Aye.

10 MS. GIARRATANA: Chairman Mehta.

11 CHAIRMAN MEHTA: Aye.

12 MS. GIARRATANA: The motion has  
13 passed. The next item on the agenda is just a  
14 notice of action that was taken at the Subdivision  
15 and Site Plan Review Committee meeting. All of  
16 these application were declared exempt, and I'll  
17 read through them now.

18 2016-71-SP; Tonnelle Chicken, LLC; at 8701  
19 Tonnelle Avenue, Block 458.01, Lot 20 in North  
20 Bergen.

21 Application 2016-72-SP, Duraport Realty  
22 Four, LLC; at 240 East 5th Street; Block 476.01, Lot  
23 10.01; in Bayonne.

24 Application 2016-74-SP; Applicant 255  
25 Newark JC Group, LLC' at 255 Newark Avenue; Block

1 11110, Lot 3; in Jersey City.

2 Application 2016-75-SP; Applicant 206 York  
3 JC Group, LLC; at 206 York Street; Block 14102, Lot  
4 14; in Jersey City.

5 Application 2016-76-SP; Applicant 208 York  
6 JC Group, LLC; at 208 York Street; Block 14102, Lot  
7 15; in Jersey City.

8 Application 2016-77-SP; Applicant BCB  
9 Community Bank; 429-437 Bergen Avenue; Block 19401,  
10 Lot 18, 19.01-19.04 --

11 I'm sorry, the last one, the 2016-75-SP  
12 was for the Lot 14 for this block, and Application  
13 2016-77-SP, it was the same block, but Lot 15.  
14 Going back, BCB Community Bank; 429-437 Bergen  
15 Avenue; Block 19401, Lot 18, 19.01-19.04; in Jersey  
16 City.

17 Application 2016-78-SD; Morris Canal  
18 Incentives, Urban Renewal, LLC; 100 Monitor Street;  
19 Block 15802, Lots 1, 2 38, 39, 40 and 41; in Jersey  
20 City.

21 Those were all the applications that were  
22 declared exempt at the Site Plan and Subdivision  
23 Review Committee Meeting, and we have no action  
24 needed to be taken on those.

25 We have no old business and no new

1 business. We have in our Planning Board budget  
2 money for two Commissioners to attend the League of  
3 Municipalities. I believe we sent the information  
4 out to Commissioners, so let us know so we can get  
5 approved through the County Travel committee.

6 CHAIRMAN MEHTA: Make a motion to  
7 adjourn. Everybody say aye.

8 (Whereupon the proceeding is then  
9 concluded at 7:32 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, held on Wednesday, September 21, 2016; and that this is a correct transcript of the same.



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

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