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COUNTY OF HUDSON
PLANNING BOARD

: TRANSCRIPT
MEETING OF THE COUNTY OF : OF
HUDSON PLANNING BOARD : PROCEEDINGS

6:30 p.m.
Wednesday, February 16, 2011
567 Pavonia Avenue
Jersey City, New Jersey

B E F O R E:

- DANIEL CHOFFO, CHAIRMAN
- MARY AVAGLIANO, COMMISSIONER
- RENEE BETTINGER, COMMISSIONER
- DOREEN DiDOMENICO, COMMISSIONER
- JUDE FITZGIBBONS, COMMISSIONER
- MICHAEL HOLLOWAY, COMMISSIONER
- KENNEDY NG, COMMISSIONER
- ANTHONY ROMANO, COMMISSIONER

A L S O P R E S E N T:

THOMAS P. CALVANICO, ESQ.
Board Attorney

STEPHEN MARKS, PP, AICP
Planning Director
MARIO TRIDENTE,
Building Inspector
Zoning Officer
DANIELA CIAMMARUCONI,
Planning Aide

MEGAN MASSEY, AICP
Principal Planner

1 CHAIRMAN CHOFFO: I would like to
2 call the meeting to order for the Hudson County
3 Planning Board for Wednesday February 16, 2011.

4 Mr. Calvanico, has this meeting
5 been properly advertised?

6 MR. CALVANICO: Yes, Mr. Chairman,
7 the meeting is properly advertised in accordance
8 with the New Jersey Open Public Meetings Act and
9 posted on the bulletin boards at both the offices
10 of the County Clerk and the office of the Board
11 of Chosen Freeholders.

12 CHAIRMAN CHOFFO: Thank you.

13 Mr. Marks, could we please have the
14 roll call.

15 DIRECTOR MARKS: Commissioner
16 Arencibia?

17 No.

18 Commissioner Avagliano?

19 COMMISSIONER AVAGLIANO: Here.

20 DIRECTOR MARKS: Commissioner
21 Bettinger?

22 COMMISSIONER BETTINGER: Here.

23 DIRECTOR MARKS: Commissioner
24 DiDomenico?

25 COMMISSIONER DiDOMENICO: Here.

1 DIRECTOR MARKS: Commissioner
2 Fitzgibbons?
3 COMMISSIONER FITZGIBBONS: Present.
4 DIRECTOR MARKS: Commissioner
5 Holloway?
6 COMMISSIONER HOLLOWAY: Here.
7 DIRECTOR MARKS: Commissioner
8 Jasek?
9 COMMISSIONER JASEK: Here.
10 DIRECTOR MARKS: Commissioner
11 Mehta?
12 No.
13 Commissioner Ng?
14 COMMISSIONER NG: Here.
15 DIRECTOR MARKS: Commissioner
16 O'Dea?
17 No.
18 Commissioner Romano?
19 No.
20 And Chairman Choffo.
21 CHAIRMAN CHOFFO: Here.
22 DIRECTOR MARKS: Mr. Chairman, we
23 have a quorum.
24 Please stand to salute the Flag.
25 (All rise to Salute the Flag.)

1 CHAIRMAN CHOFFO: Go ahead.

2 DIRECTOR MARKS: Mr. Chairman, the
3 first thing on the agenda is Section 4 of the
4 agenda, the review and adoption of the meeting
5 minutes January 19, 2011.

6 CHAIRMAN CHOFFO: Can I have a
7 motion?

8 COMMISSIONER BETTINGER: I will
9 make a motion.

10 COMMISSIONER HOLLOWAY: I will
11 second it.

12 DIRECTOR MARKS: Mr. Chairman, on a
13 motion to approve the minutes from January 19,
14 2011 made by Commissioner Bettinger seconded by
15 Commissioner Holloway, Commissioner Avagliano?

16 COMMISSIONER AVAGLIANO: Aye.

17 DIRECTOR MARKS: Commissioner
18 Bettinger?

19 COMMISSIONER BETTINGER: Aye.

20 DIRECTOR MARKS: Commissioner
21 DiDomenico?

22 COMMISSIONER DiDOMENICO: Abstain.

23 DIRECTOR MARKS: Commissioner
24 Fitzgibbons.

25 COMMISSIONER FITZGIBBONS: Aye.

1 DIRECTOR MARKS: Commissioner
2 Holloway?

3 COMMISSIONER HOLLOWAY: Aye.

4 DIRECTOR MARKS: Commissioner
5 Jasek?

6 COMMISSIONER JASEK: Aye. I was
7 not here but I reviewed the minutes and I agree
8 with them.

9 DIRECTOR MARKS: Commissioner Ng?

10 COMMISSIONER NG: Abstain.

11 DIRECTOR MARKS: And Chairman
12 Choffo.

13 CHAIRMAN CHOFFO: I vote aye.

14 DIRECTOR MARKS: Mr. Chairman, the
15 motion passed.

16 Mr. Chairman, the next matter on
17 the agenda is presentation of the Hudson County
18 2011 Smart Growth awards.

19 For all of the people who are here
20 receiving an award tonight we are going to -- Mr.
21 Chairman I am sorry, through you, what I would
22 ask each awardee or recipient to do is to come
23 up, receive the award. If you would like to say
24 a few words that would be fine.

25 That will be followed, Mr.

1 Chairman, we have the Chief of Staff and Deputy
2 Chief of Staff Bill Gaughan and Craig Guy here
3 representing the County Executive. They would
4 like to say a few words.

5 Instead of asking the Planning
6 Board Commissioners to come down for a photograph
7 of each awardee, we would ask all the award
8 recipients to wait until the end and we will have
9 a photograph with the entire Board.

10 If that is acceptable, Mr.
11 Chairman, if we could do it that way.

12 CHAIRMAN CHOFFO: Yes.

13 DIRECTOR MARKS: Mr. Chairman, the
14 first awardee for the 2011 Hudson County Smart
15 Growth award goes to the Union City Board of
16 Education for its high school student sanctuary
17 located on Kennedy Boulevard in Union City.

18 MS. PENA: Jeanette Pena, president
19 of the Board of Education in Union City.

20 On behalf of the Board I would just
21 like to say thank you for extending this honor to
22 us and we are very honored to be part of the team
23 whose vision is being celebrated tonight and
24 ultimately we would like to thank the students of
25 Union City who are our inspiration. Thank you.

1 (Applause.)

2 DIRECTOR MARKS: Mr. Chairman, the
3 next award goes for the, it is the silver award
4 for development goes to Schuyler Crossing, LLC
5 for Schuyler Crossing located in Kearny, New
6 Jersey.

7 Adam Pasternack.

8 MR. PASTERNAK: Adam Pasternack,
9 Russo Development. I just wanted to thank the
10 Hudson County Planning Board and the Township of
11 Kearny on behalf of Russo Development.

12 We are very excited about this
13 project and we look forward to many more.

14 (Applause.)

15 DIRECTOR MARKS: Mr. Chairman, the
16 next award which is the bronze award goes to
17 Advance at Hoboken, LLC, for the project located
18 on Willow Avenue and 14th Street in the City of
19 Hoboken.

20 MR. TAGLIONE: Kevin Taglione with
21 Advance Realty Group.

22 I would like to thank the Hudson
23 County Planning Board. We are very excited
24 about this project. Looking forward to start it
25 in 2011 and hopefully it will be completed in

1 2013. Thank you very much.

2 (Applause.)

3 DIRECTOR MARKS: Mr. Chairman, the
4 next award, it is the Peter B. Higgins Award,
5 Smart Growth Leadership Award gets presented to
6 Debbie Alaimo from the New Jersey Meadowlands
7 Commission.

8 MS. ALAIMO: I would like to thank
9 Hudson County Planning Board. I have been with
10 the Meadowlands Commission over 25 years and I
11 have worked with many of you in the audience.
12 There are attorneys here, planners, and
13 engineers.

14 We have done lots of great work in
15 the Meadowlands and I look forward to working
16 with you all on your projects to do a lot of good
17 work in the future. Thank you very much.

18 (Applause.)

19 (Freeholder Romano enters the
20 Chamber.)

21 CHAIRMAN CHOFFO: Let the record
22 reflect Commissioner and Freeholder Romano is
23 present at the meeting.

24 DIRECTOR MARKS: Last but not least
25 the last award goes to the Smart Growth award for

1 local planner policy, goes to the City of Jersey
2 City for its Journal Square 2016 redevelopment
3 plan.

4 MR. COTTER: Robert Cotter, Jersey
5 City Planning Director.

6 I would like to thank the Planning
7 Board of Hudson County for this award and I would
8 like to thank Sandra Song of my staff and Jeff
9 Wenger of my staff for there diligence in working
10 on this plan.

11 We caught them at Friday 10:00
12 o'clock working with no overtime. Still
13 obviously the heart of our city and county and we
14 are very pleased and proud of our plan.

15 DIRECTOR MARKS: Mr. Chairman, next
16 we have Chief of Staff Bill Gaughan and Deputy
17 Chief of Staff Craig Guy who would like to say a
18 few words.

19 MR. GAUGHAN: The County Executive
20 couldn't be here this evening so myself and my
21 Deputy Craig Guy are here representing the County
22 Executive.

23 I would just like to thank you for
24 the opportunity and commend the Planning Board
25 for the great job you do not only this evening

1 but other nights every year all through the year
2 and to the honorees from Union City, North
3 Bergen, Kearny, Jersey City and especially to my
4 dear friend who is no longer with us, the name of
5 whom the award is after, Peter Higgins, is quite
6 special. He was quite a guy out of Harrison.
7 And we surely miss someone of his stature.

8 Thank you very much.

9 MR. GUY: Just to add something,
10 the County Executive couldn't be here today, he
11 is on vacation, but everyone knows I think that
12 all the Commissioners, Freeholders know that the
13 Smart Growth is close to the County Executive's
14 heart.

15 He did ask that Bill and I come to
16 show our appreciation and I just saw a couple of
17 awards from T&M. We are tremendously proud of
18 our 2011 honorees. Their work has proved that
19 Smart Growth isn't just good for our environment,
20 it is good for our economy. Smart growth equals
21 more jobs and a healthier, more liveable
22 community.

23 Thank you to the Planning Board and
24 their dedicated staff for all their efforts that
25 go into the annual salute to the best development

1 of Hudson County and the people and plans that
2 encourage it. Thanks.

3 That is from the County Executive.
4 (Applause.)

5 DIRECTOR MARKS: Mr. Chairman, I
6 would just ask that the Planning Board
7 Commissioners who would like to take a photograph
8 with each of the awardees come down and we could
9 take a photograph of the Board with each of the
10 respective awardees.

11 (Photographs taken.)

12 DIRECTOR MARKS: And we do have a
13 plaque for Bob Jasek.

14 (Photograph taken.)

15 DIRECTOR MARKS: Mr. Chairman, just
16 for anybody in the audience who is interested in
17 what happened right now, we have a description of
18 all the 2011 Smart Growth award recipients on the
19 podium at the front.

20 We have multiple copies in case
21 anybody is interested in reading about the
22 awardees this year. So everybody is welcome to
23 have a copy of that.

24 And Mr. Chairman, just on behalf of
25 the county and the County Planning Board and the

1 Division of Planning, I just want to give my best
2 to Bob Jasek the County Engineer.

3 For those of you in the audience
4 who missed it, the County Engineer is retiring
5 after 32 years. He was presented with a plaque.
6 It is a pleasure.

7 I have been with the county for 18
8 years and Bob Jasek has been a consummate
9 professional and gentlemen for every one of those
10 years that I have known him, so I think the
11 county will be at a loss without him.

12 Even though he leaves the
13 engineering department in good hands with Demetri
14 Arencibia, he will be sorely missed by the
15 county.

16 COMMISSIONER FITZGIBBONS: Can I
17 say something? In 1997 my brother was a
18 Freeholder and they said they need people to full
19 some of the the vacancies on the county Planning
20 Board.

21 Back then the county Planning Board
22 had problems filling, having quorums and Bob
23 Jasek took the ball and ran with it and from the
24 small county Planning Board that we had -- as a
25 matter of fact, we had people, we had a little

1 tape recorder and we taped all the meetings and
2 we had four or five people on the Planning Board
3 but it has grown because of this gentleman right
4 over here.

5 I want to thank you, Bob.

6 COMMISSIONER ROMANO: If I may, in
7 my few years that I have been here I have had the
8 honor and pleasure working with so many good
9 people. When people attack government, Hudson
10 County had so many good workers from the County
11 Executive's workers and staff and down to the
12 Freeholders and their wonderful staff and all the
13 directors, and all my interactions with Bob Jasek
14 have not been not only professional more like a
15 Dutch uncle teaching people new things that go on
16 in the right way.

17 He is an ethical and man of great
18 integrity and knowledge and wisdom and he is
19 always there at any time to help ameliorate a
20 situation.

21 I have to say, I know from the
22 people, my constituents, that you have always
23 been there and for the rest of the Freeholder
24 Board I am sure we share those feelings.

25 Thank you, Bob, for everything. We

1 wish you well in the endeavors and there is a
2 rumor you are going to take Craig Guy biking with
3 you on your bike? So thank you very much.

4 COMMISSIONER JASEK: Thank you.

5 CHAIRMAN CHOFFO: Bob, you have
6 been an asset to the county for numerous years as
7 you know and you are irreplaceable and I think I
8 speak for most of the Board and you are truly
9 going to be missed.

10 COMMISSIONER JASEK: I am probably
11 the oldest serving member on this Board and
12 probably the history of the Hudson County.

13 I remember the first meeting, 1986,
14 it was in the fall. I was on the Board because
15 of the statute, that the engineer has to be a
16 member of the Planning Board.

17 There was a German named Tomassy.
18 I knew him before, and then about two or three
19 other people which I never saw in my life. It
20 was the first meeting of the Board which was
21 probably only then done by the judge to finally
22 get together and resolve some cases.

23 After that the Board function on
24 and off for years until the County Executive at
25 that time brought the planner from Port Authority

1 and I forgot her name, but she organize the
2 Planning Department and she organized the
3 planning board and when she left I was given the
4 task to be on the Planning Board because the
5 Planning Department was eliminated from the
6 county administration.

7 So for a number of years I served
8 with people from my office. We on ran the
9 Planning Board and after short while until Steve
10 came along and he gave it some proficient
11 attention.

12 So thank you all. I enjoy working
13 with you and give me a call and we can go for a
14 beer. Thank you very much.

15 (Applause.)

16 DIRECTOR MARKS: Mr. Chairman, the
17 next order of regular business is the
18 memorialization of resolutions approved at the
19 last meeting.

20 Beginning with application
21 2010-056-SP, Nicholis J. Aynilian, applicant,
22 located at 79-87 Kennedy Boulevard which is Block
23 346, Lots 22 through 25 in the City of Bayonne.

24 The next is application
25 2010-073-SP, Waterford at Bayonne, LLC, located

1 at 38-44 Kennedy Boulevard which is Block 363,
2 Lot 1.01 in the City of Bayonne.

3 And finally application
4 2010-088-SP, Arun Datwani, located at 6402
5 Kennedy Boulevard which is Blocks 158 and 159,
6 Lots 9 through 12 and 15 in West New York.

7 MR. CALVANICO: Just before we
8 vote, just so the record is clear at the last
9 meeting when the application for 056 was
10 presented, the attorney asked that we reference
11 the applicant as Vanick-Kennedy, LLC. It was
12 listed on the application as the Aynilian, the
13 name that Mr. Marks mentioned, but I just wanted
14 the record to be clear because the resolution
15 reads that way also.

16 So it is Vanick-Kennedy, LLC as the
17 applicant, property owner is Vanick-Hudson, LLC.

18 CHAIRMAN CHOFFO: Thank you, Tom.

19 COMMISSIONER FITZGIBBONS: I have a
20 motion to --

21 COMMISSIONER AVAGLIANO: Second.

22 CHAIRMAN CHOFFO: Okay.

23 DIRECTOR MARKS: Mr. Chairman, on a
24 motion made by Commissioner Fitzgibbons, seconded
25 by Commissioner Avagliano, Commissioner

1 Avagliano?

2 COMMISSIONER AVAGLIANO: Aye.

3 DIRECTOR MARKS: Commissioner

4 Bettinger?

5 COMMISSIONER BETTINGER: Aye.

6 DIRECTOR MARKS: Commissioner

7 DiDomenico?

8 COMMISSIONER DiDOMENICO: Abstain.

9 DIRECTOR MARKS: Commissioner

10 Fitzgibbons?

11 COMMISSIONER FITZGIBBONS: Aye.

12 DIRECTOR MARKS: Commissioner

13 Holloway?

14 COMMISSIONER HOLLOWAY: Aye.

15 DIRECTOR MARKS: Commissioner

16 Jasek?

17 COMMISSIONER JASEK: Aye.

18 DIRECTOR MARKS: Commissioner Ng?

19 COMMISSIONER NG: Aye.

20 DIRECTOR MARKS: Commissioner

21 Romano?

22 COMMISSIONER ROMANO: Aye.

23 DIRECTOR MARKS: And Chairman

24 Choffo.

25 CHAIRMAN CHOFFO: I vote aye.

1 DIRECTOR MARKS: Mr. Chairman, the
2 motion passed.

3 CHAIRMAN CHOFFO: Thank you.

4 DIRECTOR MARKS: Mr. Chairman, we
5 are now at Section 5-D on the agenda, site plans,
6 subdivisions and other matters scheduled for
7 public hearing.

8 The first application is
9 2010-081-SP, Palisades Medical Center, located at
10 7600 River Road which is Block 438-A, Lot 23-C in
11 the Township of North Bergen.

12 MR. BARBIERI: My name is Anthony
13 Barbieri and I am with Designer Signs Systems
14 representing Palisades. This is Mr. Joseph
15 Rusiecki, Director of Facilities for Palisades
16 Hospital.

17 We are here on the application and
18 I reviewed what was sent to us --

19 CHAIRMAN CHOFFO: Excuse me. Do
20 you have an attorney present?

21 MR. VENINO: Paul Venino from the
22 firm of Venino and Venino in North Bergen. Our
23 firm did not file the application, Mr. Barbieri
24 did, on behalf of the hospital.

25 The hospital asked me late this

1 afternoon to stand in, attend the hearing in case
2 something came up, if something at the Board came
3 up, in case something legal came up.

4 CHAIRMAN CHOFFO: I need you sworn
5 in by your counsel.

6 (A N T H O N Y B A R B I E R I,
7 was duly sworn.)

8 CHAIRMAN CHOFFO: You may proceed.

9 MR. BARBIERI: Well, we received a
10 notification. The applicant doesn't really have
11 any issues with any of the items on here.

12 I would specifically just want to
13 ask about Item 7 and 8. It says there is a
14 franchise agreement required.

15 Is that something that there is a
16 template for or do we have to prepare the wording
17 for that?

18 CHAIRMAN CHOFFO: Go ahead, Ms.
19 Massey.

20 MS. MASSEY: The applicant is
21 before you for relocating existing signage on
22 River Road which is a county road. They are
23 replacing the sign.

24 It is sill within the county
25 right-of-way so they are wondering if there is a

1 template for a franchise agreement.

2 They still need to prepare a metes
3 and bounds description as well as they have
4 submitted a survey of the site that the Site Plan
5 Review Committee has already reviewed but they
6 require a franchise agreement for the signage
7 within the county right-of-way.

8 I think you have the site plans in
9 your packet.

10 CHAIRMAN CHOFFO: For 2010-81-SP
11 usually there would be some type of presentation
12 to the Board because at the site plan meeting
13 there is only a handful of Board members that are
14 there so a lot of the Board members, we have a
15 packet which explains some of the stuff but
16 usually we go through it and explain everything
17 on the letter you received from our Planning
18 Department and then we will go back to that item
19 about the franchise agreement.

20 If you want to just explain a
21 little bit more about your project to the rest of
22 the Planning Board.

23 MR. BARBIERI: Surely. I didn't
24 realize that, but I do have two sets of drawings
25 that I can pass around to the Board which shows

1 the signage.

2 Basically what the project is, is
3 to replace two existing signs located on River
4 Road. They are the main signs for the hospital.
5 They are being redone to give better visibility
6 to people who are traveling on that road so that
7 they can safely access the site.

8 It also identifies on the second
9 sign, the emergency entrance which the hospital
10 wants to have clear definition of.

11 I have drawings for those, I can
12 give them to the Board or pass them up to the
13 Board.

14 CHAIRMAN CHOFFO: We have them in
15 our packet, but if you could just explain so we
16 know what we are looking at.

17 MR. CALVANICO: Mr. Chairman, if I
18 might, as you refer, Mr. Barbieri, as you refer
19 to the document just identify which of the plans
20 you are referring to if you would by number or
21 date or something so that the Board knows and it
22 is clear on the record.

23 MR. BARBIERI: Surely. The first
24 drawing in the packet is the main identification
25 sign. It is page A-1.0. This is a monument

1 sign that is going to be located at the main
2 entrance that is located on the site plan that I
3 provided.

4 It shows the hospital's logo. It
5 gives direction to the emergency which would be
6 the next driveway. It also tells people that
7 this is the main entrance.

8 I am sure the Board is familiar
9 with this road. It is very busy, so it is
10 important that visitors to the hospital have a
11 clear understanding of where to make that turn.

12 CHAIRMAN CHOFFO: So these are two
13 new signs going in?

14 MR BARBIERI: Yes. This is one of
15 them. The smaller drawing up at the top is the
16 other side of the sign shown on this page.
17 There is a copy on both sides.

18 CHAIRMAN CHOFFO: With regard to
19 the franchise agreement, I will let Mr. Calvanico
20 speak to you about that and I think Ms. Massey
21 might have to finish her comments.

22 Do you want to go first, Tom?

23 MR. CALVANICO: The franchise
24 agreement involves an application to the Board of
25 Freeholders. You can do that through the

1 Engineer's Office, right, Bob? Does he do that
2 through you, the franchise agreement?

3 COMMISSIONER JASEK: Yes.

4 MR. CALVANICO: Contact the
5 Engineering Department, they will provide the
6 initial paperwork and the Freeholders will
7 approve it to review and presumably approve the
8 agreement.

9 MR. BARBIERI: Okay, thank you.
10 The second page shows the sign that is located at
11 the entrance to the emergency room and that is
12 A-1.3.

13 This again replaces an existing
14 sign that they have, but this sign is just
15 clearer with the copy and the information that is
16 on it and, again, it is going to be easier for
17 people approaching from the north or who have
18 come from the south and want to find the
19 emergency entrance to clearly identify it.
20 Again, it replaces an existing sign that is
21 there.

22 And that basically is the project,
23 those two signs.

24 CHAIRMAN CHOFFO: Mr. Marks.

25 DIRECTOR MARKS: Mr. Chairman, just

1 for the Board's information, typically a sign
2 application wouldn't come to the Planning Board
3 because it doesn't generate traffic or drainage
4 necessarily, however because the signs were
5 within the county right-of-way it wasn't
6 something that administratively could be
7 approved, so this would be an appropriate venue
8 to examine the hospital's proposal to put the
9 signs within the right-of-way and if the Planning
10 Board approves the application, then it could
11 recommend it to the Board of Chosen Freeholders
12 for a franchise agreement.

13 COMMISSIONER BETTINGER: Mr.
14 Chairman, I have a question.

15 CHAIRMAN CHOFFO: Yes.

16 COMMISSIONER BETTINGER: Do you
17 have a rendering of the sign you are proposing
18 before the Board?

19 MR BARBIERI: I don't know if you
20 have color copies, but I have a rendering here.

21 COMMISSIONER BETTINGER: You have a
22 rendering of the new sign?

23 MR BARBIERI: I don't have a
24 rendering, I just have the color drawings if you
25 would like to see these.

1 COMMISSIONER BETTINGER: Could I
2 see?

3 MR. BARBIERI: Sure.

4 COMMISSIONER BETTINGER: This way
5 we know what we are voting on.

6 COMMISSIONER ROMANO: It is
7 replacing the old signs?

8 MR BARBIERI: Replacing two
9 existing signs.

10 COMMISSIONER FITZGIBBONS: Mr.
11 Chairman, I believe that the new signs as you
12 pass, if you pass that hospital now, if you
13 didn't know it was there, you would go right past
14 the signs so I think the bigger sign is good for
15 emergency vehicles to get into that hospital
16 since they are coming from out of town.

17 So I reviewed it but you still have
18 to go before the County Board of Freeholders and
19 get that franchise agreement. So.

20 MR BARBIERI: We would agree to
21 that, to filing that and providing the metes and
22 bounds.

23 CHAIRMAN CHOFFO: Megan, did you
24 have any other comments?

25 MS. MASSEY: No.

1 CHAIRMAN CHOFFO: Any other
2 Commissioners?

3 DIRECTOR MARKS: Just for the
4 record, Mr. Chairman, my office will facilitate
5 the paperwork for Freeholder approval.

6 CHAIRMAN CHOFFO: Fine.

7 Do I have a motion?

8 MR. CALVANICO: Mr. Chairman, can
9 we just put on the record the size of the signs,
10 the current signs and the new, the size of the
11 replacements so it is clear.

12 MR. BARBIERI: Again referring to
13 drawing A-1.0, this is the main identification
14 sign that is going to be replaced and relocated
15 closer to the entrance that you see here because
16 the existing main identification sign is in the
17 middle of the property but by the time you see it
18 you have passed the driveway. That tends to
19 have people trying to make turns and U-turns and
20 get back to it, so this sign is 72 inches wide by
21 144 inches high.

22 MR. CALVANICO: That is the
23 existing sign?

24 MR BARBIERI: That is the existing
25 sign, yes.

1 MR. CALVANICO: But you are moving
2 it to a different location?

3 MR BARBIERI: Yes.

4 MR. CALVANICO: Can you identify
5 the locations from distance to the entrance or
6 something.

7 MR BARBIERI: Yes, we submitted a
8 site plan drawing showing it. It is located at,
9 if you just give me a second I will find it.

10 The new main identification sign
11 again, as I said, is moving from the center of
12 the property, at a location if you were traveling
13 north when you see it you would have passed the
14 main entrance up.

15 We are moving it down closer to the
16 main entrance and closer to the corner and that
17 is shown on the section site plan map that we
18 submit to the Planning Board.

19 The second sign is a replacement in
20 exactly the same location and that is located on
21 the most northerly entrance to the property where
22 the existing emergency sign is.

23 Again, it is the same size as the
24 existing sign.

25 CHAIRMAN CHOFFO: And both signs

1 are in the county right-of-way?

2 MR BARBIERI: Yes.

3 MR. CALVANICO: Okay.

4 CHAIRMAN CHOFFO: Do I have a
5 motion?

6 COMMISSIONER BETTINGER: I will
7 make a motion.

8 COMMISSIONER ROMANO: Second.

9 DIRECTOR MARKS: Sorry, Mr.
10 Chairman, I didn't catch the second.

11 COMMISSIONER ROMANO: I will
12 second.

13 DIRECTOR MARKS: Mr. Chairman, on a
14 motion to approve application 2010-081-SP made by
15 Commissioner Bettinger, second by Commissioner
16 Romano, Commissioner Avagliano?

17 COMMISSIONER AVAGLIANO: Aye.

18 DIRECTOR MARKS: Commissioner
19 Bettinger?

20 COMMISSIONER BETTINGER: Aye.

21 DIRECTOR MARKS: Commissioner
22 DiDomenico?

23 COMMISSIONER DiDOMENICO: Aye.

24 DIRECTOR MARKS: Commissioner
25 Fitzgibbons?

1 COMMISSIONER FITZGIBBONS: Aye.

2 DIRECTOR MARKS: Commissioner

3 Holloway?

4 COMMISSIONER HOLLOWAY: Aye.

5 DIRECTOR MARKS: Commissioner

6 Jasek?

7 COMMISSIONER JASEK: Aye.

8 DIRECTOR MARKS: Commissioner Ng?

9 COMMISSIONER NG: Aye.

10 DIRECTOR MARKS: Commissioner

11 Romano?

12 COMMISSIONER ROMANO: Aye.

13 DIRECTOR MARKS: And Chairman

14 Choffo.

15 CHAIRMAN CHOFFO: Aye.

16 DIRECTOR MARKS: Mr. Chairman, the
17 motion passed.

18 CHAIRMAN CHOFFO: Thank you,
19 gentlemen.

20 DIRECTOR MARKS: Mr. Chairman, the
21 next application scheduled for public hearing is
22 2010-087-SP Stefan and Llata Janega, applicant,
23 located at 1154 Kennedy Boulevard which is Block
24 51, Lot 3 located in the City of Bayonne.

25 MRS. JANECA: Good evening,

1 everyone. My name is Llata Janega and this is my
2 husband Stefan Janega.

3 MR. JANECA: Stefan.

4 MRS. JANECA: I am going to speak
5 for ourselves. My husband has a little bit of a
6 hearing problem.

7 We have here an application --

8 CHAIRMAN CHOFFO: Excuse me one
9 second. Can you just be sworn in before you
10 testify.

11 (S T E F A N J A N E G A, was
12 duly sworn.)

13 (L L A T A J A N E G A, was duly
14 sworn.)

15 CHAIRMAN CHOFFO: You may proceed.

16 MRS. JANECA: In our application we
17 are asking for widening the existing curb cut by
18 nine feet. We are planning to build a carport,
19 so this would be necessary for our project.

20 All was explained. In case you
21 have any questions I can answer all the details.

22 CHAIRMAN CHOFFO: I have one
23 question. Did the Township of Bayonne approve
24 this?

25 MRS. JANECA: They sent us here.

1 The carport will be approved, but because of the
2 existing curb cut which is only 6 and a half foot
3 wide, and it is between our and our neighbor's
4 property, so only three and a quarter of that is
5 ours, Bayonne City suggested that we would ask
6 our neighbor to agree to close the existing curb
7 cut.

8 However, they did not agree to
9 that, they said that in the future they would
10 like to use it for their future carport, so the
11 only logical thing to do would be if we could
12 widen the existing curb cut by nine feet and that
13 would allow us to do our project.

14 Now, I do want to mention that we
15 are planning this project out of necessity.

16 Last August we had our sewer
17 maintenance done and there was an accident, I
18 would say, their tool broke and got stuck in the
19 sewer, so we have to redo the whole sewer.

20 There was a little bit of a garden
21 in front of the house and all that has to be dug
22 up and for that reason it would be good if we
23 could do the carport since we have to dig so deep
24 for the sewer.

25 COMMISSIONER FITZGIBBONS: Mr.

1 Chairman, can I ask a question?

2 CHAIRMAN CHOFFO: Yes.

3 COMMISSIONER FITZGIBBONS: How many
4 carports are there on your block?

5 MRS. JANECA: On our block --

6 MR. JANECA: None.

7 MRS. JANECA: None on our block.

8 COMMISSIONER ROMANO: Has the City
9 of Bayonne given any input?

10 MRS. JANECA: Yes. They did not
11 feel that they should make the decision because
12 it is on Kennedy Boulevard and it is sort of
13 Hudson County jurisdiction, so they did not want
14 -- they didn't feel that they have the power to
15 make the decision to close the curb cut or give
16 us the widening of the curb cut.

17 COMMISSIONER ROMANO: So if we
18 approved it I would go to Bayonne for approval.

19 MR.S JANECA: They sent us here.
20 If we could get the permit to widen the curb cut
21 then they would give us permit to build the
22 carport.

23 COMMISSIONER ROMANO: I saw that in
24 the letter stating that if permission is given
25 here you can submit an application to Bayonne for

1 the permit.

2 COMMISSIONER JASEK: Mr. Chairman.

3 CHAIRMAN CHOFFO: Yes, Mr. Jasek.

4 COMMISSIONER JASEK: I have a
5 question. Right now your neighbor has a
6 driveway which cannot accommodate a car -- right?
7 -- because it is too narrow?

8 MRS. JANEGA: Yes, yes.

9 COMMISSIONER JASEK: But here the
10 curb cut for the driveway.

11 MRS. JANEGA: The curb cut is only
12 six and a half foot wide. It is not enough for
13 parking a car and only half of it, only three
14 feet of it is ours.

15 COMMISSIONER JASEK: So if you
16 build this carport and you park the car, your
17 neighbors will be completely cut off, they have a
18 three foot area.

19 MRS. JANEGA: No, they would not be
20 cut off. No, they wouldn't be cut off. I do
21 have a picture. I am not trying to shorten my
22 neighbor of anything.

23 We would trying to make some kind
24 of -- if it would be helpful I can show you
25 pictures.

1 COMMISSIONER JASEK: Ma'am, I have
2 those pictures and I am looking at the sketch.
3 The retaining wall is somewhere in the middle of
4 that existing alleyway.

5 MRS. JANECA: Yes. Because it is
6 a little bit on the hill, so we have no choice
7 but to put there something.

8 COMMISSIONER JASEK: That is
9 correct. But how much room is left for your
10 neighbor on his part of the property, about three
11 feet?

12 MRS. JANECA: Yes. At this point
13 whatever is there, the driveway so-called which
14 is only six and a half feet wide is useless for
15 us or for our neighbor. So the only thing that
16 our neighbor or us could be used it as a carport.

17 If we would eliminate as I am
18 looking at the building, the left part of the
19 garden would be transform to the carport and for
20 their future they would have to do the same on
21 their part.

22 They would eliminate their right
23 part. I am not worried -- I am not planning for
24 them, but they could do the same as what we plan
25 to do.

1 COMMISSIONER JASEK: My question is
2 since you are working on your property, if they
3 want to do the same thing on their property they
4 will be able to do it later and the driveway
5 which is there and it is not serving anything
6 would be eliminated.

7 So, Mr. Chairman, I don't have a
8 problem with this solution.

9 CHAIRMAN CHOFFO: I have one
10 question based on the pictures that I am looking
11 at.

12 Thank you, Mr. Jasek.

13 The driveway that is created, would
14 it be on an incline like your existing property
15 seems to be now?

16 MRS. JANEKA: The driveway that we
17 are planning to do would be sort of even with the
18 street level.

19 MR. JANEKA: The sidewalk.

20 MRS. JANEKA: The sidewalk, yes.

21 MR. JANEKA: Would be flat.

22 COMMISSIONER FITZGIBBONS: Mr.
23 Chairman, I have a little problem with this
24 because Bayonne seems to drop this in our lap and
25 my problem is I am afraid once we open the door

1 there will be people asking for carports all over
2 Bayonne on Kennedy Boulevard.

3 MRS. JANEAGA: Sir, may I?

4 COMMISSIONER FITZGIBBONS: Yes.

5 MRS. JANEAGA: I was thinking about
6 the same thing. If we would do this, we would
7 take one parking spot that is in front of our
8 house and there would be one less car on the
9 street, our car won't be there.

10 We lived there over 30 -- I don't
11 know how long. Over 30 years, something like
12 that, so I am not trying to shorten anybody, I am
13 not trying to -- if I want to do something I just
14 want to make it better for the neighborhood and
15 for us.

16 COMMISSIONER FITZGIBBONS: What if
17 we approve this and Bayonne says no good --

18 MRS. JANEAGA: I don't think you
19 will have that problem. I honestly don't think
20 that you would have that problem.

21 COMMISSIONER DiDOMENICO: Mr.
22 Chairman.

23 CHAIRMAN CHOFFO: Yes.

24 COMMISSIONER DiDOMENICO: According
25 to the letter from the City Planner, it seems the

1 only ordinance that needs to be fulfilled is that
2 there is no more than one curb cut per property
3 and the curb cut doesn't exceed ten feet in
4 width, and according to what they told us it
5 meets that requirement so far.

6 So I would imagine according to
7 them if we granted approval since they meet with
8 those requirements there probably would be no
9 restriction from Bayonne.

10 COMMISSIONER BETTINGER: Mr.
11 Chairman.

12 CHAIRMAN CHOFFO: Yes.

13 COMMISSIONER BETTINGER: Can you
14 please identify which is yours.

15 The one with reindeers?

16 MRS. JANEGA: The one with the
17 Japanese Maple.

18 MR. CALVANICO: Mr. Chairman, can
19 we just identify the photo.

20 COMMISSIONER BETTINGER: This is
21 the photo taken by Mr. Tridente.

22 MR. CALVANICO: Let's just have
23 that one marked. There is no identifying
24 marking.

25 CHAIRMAN CHOFFO: We will mark it

1 as A-1.

2 MR. CALVANICO: Just so that the
3 record is clear.

4 CHAIRMAN CHOFFO: Thank you, Tom.
5 Commissioner Bettinger now knows
6 what property is yours.

7 Did you have a question?

8 COMMISSIONER BETTINGER: No.

9 CHAIRMAN CHOFFO: Steve, did you
10 have a question?

11 DIRECTOR MARKS: I was going to
12 make the same recommendation as Mr. Calvanico.

13 MR. CALVANICO: Mr. Chairman, I
14 just have one issue and I don't know if it is
15 really our issue, but oftentimes in situations
16 like this especially in the city these properties
17 have shared easements for using that driveway.

18 MRS. JANEAGA: There is no easement.

19 MR. CALVANICO: No shared easement,
20 no agreement, nothing?

21 MRS. JANEAGA: No.

22 MR. CALVANICO: Okay, well it was
23 just a concern. Is there going to be a
24 retaining wall of some kind?

25 MR. JANEAGA: There will be a

1 retaining wall.

2 MR. CALVANICO: In the middle of
3 what is in the driveway?

4 MRS. JANECA: It is a little bit on
5 the hill. We have to use that part because the
6 sewer is in that part so we have to dig in that
7 place.

8 CHAIRMAN CHOFFO: Also what I am --
9 just to reiterate what Mr. Jasek said, the
10 neighbor that has the technically quote, unquote,
11 shared driveway wants to do the same thing, there
12 would be no restrictions on their end due to a
13 retaining wall, correct, Bob?

14 COMMISSIONER JASEK: Correct.

15 CHAIRMAN CHOFFO: They would be
16 limiting their neighbor to be what they are
17 doing?

18 So any other questions?

19 COMMISSIONER BETTINGER: Who will
20 be doing this work?

21 MRS. JANECA: The contractor
22 DiBella. He is a regular contractor in Bayonne,
23 pretty well known, so we sort of trust him that
24 he will do a good job. That was his suggestion.
25 We called him when we had this emergency.

1 CHAIRMAN CHOFFO: Go ahead, Steve.

2 DIRECTOR MARKS: Mr. Chairman, just
3 for the record, Mrs. Janega, when you say
4 carport, you are referring to a driveway?

5 MRS. JANECA: Yes.

6 DIRECTOR MARKS: There are no
7 structures involved, there is no garage or no
8 structure that is proposed?

9 MRS. JANECA: No, no, no.

10 COMMISSIONER BETTINGER: That is
11 what I was wondering.

12 MRS. JANECA: It is just like --

13 DIRECTOR MARKS: I want the record
14 to be clear, there is no structure. It is a
15 driveway in front of their property only.

16 COMMISSIONER HOLLOWAY: Mr.
17 Chairman, I make a motion to approve this
18 application.

19 COMMISSIONER DiDOMENICO: I will
20 second that, Mr. Chairman.

21 DIRECTOR MARKS: Mr. Chairman, on a
22 motion to approve application 2010-086-SP made by
23 Commissioner Holloway, seconded by Commissioner
24 DiDomenico, Commissioner Avagliano?

25 COMMISSIONER AVAGLIANO: I vote

1 aye.

2 DIRECTOR MARKS: Commissioner

3 Bettinger?

4 COMMISSIONER BETTINGER: Aye.

5 DIRECTOR MARKS: Commissioner

6 DiDomenico?

7 COMMISSIONER DiDOMENICO: Aye.

8 DIRECTOR MARKS: Commissioner

9 Fitzgibbons?

10 COMMISSIONER FITZGIBBONS: Aye.

11 DIRECTOR MARKS: Commissioner

12 Holloway?

13 COMMISSIONER FITZGIBBONS: Aye.

14 DIRECTOR MARKS: Commissioner

15 Jasek?

16 COMMISSIONER JASEK: Aye.

17 DIRECTOR MARKS: Commissioner Ng?

18 COMMISSIONER NG: Aye.

19 DIRECTOR MARKS: Commissioner

20 Romano?

21 COMMISSIONER ROMANO: Aye.

22 DIRECTOR MARKS: Chairman Choffo?

23 CHAIRMAN CHOFFO: Aye.

24 DIRECTOR MARKS: Mr. Chairman, the

25 motion passed.

1 MRS. JANECA: Thank you very much.

2 DIRECTOR MARKS: Mr. Chairman, the
3 next application is 2010-087-SD, Richard Miller,
4 applicant, located at the intersection of Frank
5 E. Rodgers Boulevard and Middlesex Street which
6 is Block 117.1, Lots 1.01 and 1.02 in the Town of
7 Harrison.

8 CHAIRMAN CHOFFO: Before we start,
9 Mr. Marks, I personally know Mr. Miller so I am
10 actually going to recuse myself and hand the
11 meeting over to Vice Chair Bettinger to handle
12 this part.

13 COMMISSIONER FITZGIBBONS: I know
14 Mr. Miller too, but I know him as a code official
15 and I am retired now. Is that okay for me?

16 MR. CALVANICO: That is fine.

17 COMMISSIONER ROMANO: I also know
18 Mr. Miller.

19 COMMISSIONER BETTINGER: We still
20 have a quorum.

21 MR. McNAMARA: Pat McNamara from
22 the law firm of Scarinci and Hollenbeck here this
23 evening on behalf of the applicant.

24 As I am sure you can already tell
25 from what you have in front of you this is a very

1 simple application for a subdivision.

2 We have been asked by the Port
3 Authority of New York in conjunction with the
4 Hudson County Improvement Authority to give two
5 small portions of property that the Port
6 Authority will be using as part of their
7 long-term portion of the gas station which is
8 adjacent to the redevelopment program.

9 The Town of Harrison again approved
10 this subdivision and a resolution has been
11 provided to memorialize.

12 With that I would like to request
13 Mr. Ballou our civil engineer be sworn and
14 qualified.

15 (E R I C B A L L O U, was duly
16 sworn.)

17 MR. BALLOU: My name is Eric
18 Ballou, B-A-L-L-O-U.

19 MR. McNAMARA: Mr. Ballou, could
20 you provide the Board with the benefits of your
21 credentials and qualifications?

22 MR. BALLOU: I am a Professional
23 Engineer in the State of New Jersey. I have done
24 numerous jobs in Hudson County. As of today, the
25 Liberty National Golf Course, W Hotel in Hoboken,

1 and I have done numerous projects in Hudson
2 County.

3 MR. McNAMARA: And you have been
4 named as an expert in front of numerous Planning
5 Boards in New Jersey?

6 MR. BALLOU: Yes.

7 MR. McNAMARA: Madam Chairwoman, I
8 would request Mr. Ballou be accepted as an
9 expert.

10 ACTING-CHAIRPERSON BETTINGER:
11 Accepted.

12 MR. McNAMARA: If you could
13 describe to the Board the proposed divisions.

14 MR. BALLOU: It is located along
15 Frank E. Rodgers Boulevard. At the bottom of the
16 plan you see here right adjacent to the PATH
17 Station along that roadway there is two lots that
18 are being involved in this minor subdivision.

19 The first is Block 117, Lots 1.01
20 and 102. That is a piece of property that is
21 owned by the Hudson County Improvement Authority.
22 That has a structured garage on that piece of
23 property at this time.

24 The second lot that is involved in
25 the vacant lot that sort of wraps around the

1 parking garage which is lot 1.02.

2 The Port Authority is proposing the
3 corner where their existing PATH Station is at
4 this time. They need about 5600 square feet to
5 do their improvements.

6 What the subdivision does, it gives
7 about 1,600 square feet away from that vacant lot
8 around the garage then it takes about 4,000
9 square feet from the lot that the existing
10 parking garage is on, combines those two little
11 portions and gives them their 5,600 square feet
12 of area needed for their improvements.

13 MR. McNAMARA: As you mentioned
14 before, the Town of Harrison Planning Board has
15 already reviewed this, approved and adopted the
16 memorialized version?

17 MR. BALLOU: Correct.

18 MR. McNAMARA: Have you had the
19 opportunity to review the comment letter of
20 February 15, 2011 from the Board?

21 MR. BALLOU: I have.

22 MR. McNAMARA: And we have no
23 objections to the conditions set forth in that
24 letter?

25 MR. BALLOU: That is correct.

1 MR. McNAMARA: I have no further
2 questions of the witness, Madam Chairwoman.

3 CHAIRMAN CHOFFO: Mr. Jasek, do you
4 have any comments?

5 COMMISSIONER JASEK: Could you tell
6 us why they need the strip of the land along the
7 garage?

8 MR. McNAMARA: Which portion, Mr.
9 Jasek, I am sorry?

10 COMMISSIONER JASEK: The one which
11 wraps and the garage.

12 MR. McNAMARA: That is the site of
13 the residential development that is part of the
14 future redevelopment that has already been
15 approved.

16 MR. BALLOU: What is happening,
17 that one lot when they came up with their design
18 vision they needed an extra twenty feet of
19 property to complete what they wanted to do, so
20 they asked us for the property because -- so it
21 is being dictated by the Port Authority is why
22 we are giving up that piece of property.

23 COMMISSIONER JASEK: I see.

24 MR. McNAMARA: We were hoping this
25 would be an easier route than going through the

1 condemnation process.

2 COMMISSIONER JASEK: And Frank
3 Rodgers Boulevard and the building, that is
4 perpendicular to the front garages?

5 MR. McNAMARA: Yes.

6 COMMISSIONER JASEK: What is that
7 for?

8 MR. BALLOU: Again they needed, the
9 whole corner piece in trying -- when they laid
10 out what they wanted to do to create the
11 improvements, it required a certain area 5,600
12 acres so they basically needed two different
13 pieces of property from two different owners.

14 COMMISSIONER JASEK: And you want
15 to give it to them?

16 MR. BALLOU: I am not sure if
17 giving is the proper term, but they agreed to do
18 a conveyance, there is a conveyance agreement in
19 place, is my understanding.

20 COMMISSIONER JASEK: Thank you.

21 MR. CALVANICO: Madam Chair, if I
22 might -- just one thing. You said 5,600 acres?

23 MR. BALLOU: 5,600 square feet.

24 MR. CALVANICO: Thank you. Those
25 properties are going to be conveyed to the Port

1 Authority?

2 MR. McNAMARA: Yes, they are.

3 MR. CALVANICO: Is part of one of
4 the, these lots that is being conveyed currently
5 owned by the Improvement Authority now?

6 MR. McNAMARA: Yes.

7 MR. BALLOU: Correct.

8 MR. McNAMARA: And they consent to
9 this application, there should be a letter to
10 that respect which was part of the application
11 process. If not, we will make sure to provide
12 another copy, but there was one from the Town of
13 Harrison.

14 COMMISSIONER BETTINGER: We need to
15 make that a stipulation.

16 MR. McNAMARA: Sure.

17 MR. CALVANICO: And the other
18 property is owned by the --

19 MR. McNAMARA: By the applicant.

20 MR. CALVANICO: Okay.

21 Recuse yourself, Mr. Holloway.

22 COMMISSIONER HOLLOWAY: Pardon me?

23 MR. CALVANICO: I would recommend
24 you recuse yourself also on this matter since you
25 are an official at the Improvement Authority.

1 MR. McNAMARA: Okay, no objection.

2 COMMISSIONER ROMANO: Dropping like
3 flies.

4 COMMISSIONER BETTINGER: Do any of
5 the other Commissioners have any questions?

6 COMMISSIONER FITZGIBBONS: All
7 these agreements with the Port Authority and the
8 Improvement Authority, they have to -- we have to
9 give all those letters in order that it would be
10 a stipulation that we see all that.

11 MR. McNAMARA: We will make sure we
12 provide it as part of the conditions of the
13 approval, sir.

14 COMMISSIONER BETTINGER: Do I have
15 a motion?

16 COMMISSIONER ROMANO: Motion.

17 COMMISSIONER NG: Second on the
18 motion.

19 DIRECTOR MARKS: Mr. Chairman, on a
20 motion to approve application 2010-087-SD made by
21 Commissioner Romano, seconded by Commissioner Ng,
22 Commissioner Avagliano?

23 COMMISSIONER AVAGLIANO: I vote
24 aye.

25 DIRECTOR MARKS: Commissioner

1 DiDomenico?

2 COMMISSIONER DiDOMENICO: Aye.

3 DIRECTOR MARKS: Commissioner

4 Fitzgibbons?

5 COMMISSIONER FITZGIBBONS: Aye.

6 DIRECTOR MARKS: Commissioner

7 Jasek?

8 COMMISSIONER JASEK: Aye.

9 DIRECTOR MARKS: Commissioner Ng?

10 COMMISSIONER NG: Aye.

11 DIRECTOR MARKS: Commissioner

12 Romano?

13 COMMISSIONER ROMANO: Aye.

14 DIRECTOR MARKS: And Chairwoman

15 Bettinger?

16 COMMISSIONER BETTINGER: I vote

17 aye.

18 DIRECTOR MARKS: Ms. Chairman, the

19 motion passed.

20 MR. McNAMARA: Thank you.

21 COMMISSIONER ROMANO: Let's get

22 something going in Hoboken.

23 MR. CALVANICO: Mr. Chairman, one

24 other issue. Ordinarily the Board memorializes

25 the resolutions at the meeting following the

1 meeting which they were heard.

2 Mr. McNamara contacted me earlier
3 today asking if we could memorialize the
4 application tonight because they are in a hurry
5 to make the transfer to the Port Authority so
6 they can begin the construction on this project.
7 I said it wasn't up to me to consent, but I would
8 present that matter to the Board.

9 The resolution has been prepared.
10 I reviewed it, it meets the appropriate legal
11 requirements.

12 COMMISSIONER BETTINGER: I don't
13 have a problem, do any of the other Commissioners
14 have an issue?

15 MR. CALVANICO: I think it would be
16 appropriate to take another vote to memorialize
17 the particular application.

18 COMMISSIONER FITZGIBBONS: I make a
19 motion to memorialize.

20 COMMISSIONER AVAGLIANO: I will
21 second it.

22 DIRECTOR MARKS: On a motion to
23 memorialize the approval of 2010-087-SD made by
24 Commissioner Fitzgibbons and seconded by
25 Commissioner Avagliano, Commissioner Avagliano?

1 COMMISSIONER AVAGLIANO: Aye.

2 DIRECTOR MARKS: Commissioner

3 DiDomenico?

4 COMMISSIONER DiDOMENICO: Aye.

5 DIRECTOR MARKS: Commissioner

6 Fitzgibbons?

7 COMMISSIONER FITZGIBBONS: Aye.

8 DIRECTOR MARKS: Commissioner

9 Jasek?

10 COMMISSIONER JASEK: Aye.

11 DIRECTOR MARKS: Commissioner Ng?

12 COMMISSIONER NG: Aye.

13 DIRECTOR MARKS: Commissioner

14 Romano?

15 COMMISSIONER ROMANO: Aye.

16 DIRECTOR MARKS: And Chairwoman

17 Bettinger.

18 COMMISSIONER BETTINGER: Aye.

19 DIRECTOR MARKS: I got everybody

20 who could vote? Okay.

21 Madam Chair, the motion passed.

22 COMMISSIONER BETTINGER: Thank you.

23 DIRECTOR MARKS: Mr. Chairman, the

24 next application scheduled for public hearing is

25 2010-001-SD, Schuyler Crossing, LLC, located at

1 212-234 Schuyler Avenue which is Block 252, Lot
2 2.02 a/k/a 2-B in the Town of Kearny.

3 MR. ANDRADE: Carmen Andrade on
4 behalf of Russo Development on behalf of Schuyler
5 Crossing.

6 We are here before you for a minor
7 subdivision. Essentially the project concerns
8 the recipient of the silver Smart Growth award
9 earlier this evening.

10 This project was approved -- the
11 site plan for the project was approved in July of
12 2010 and resolution was passed by the Board
13 August 18, 2010.

14 I have here with me tonight Michael
15 Rodriguez, an engineer with Russo Development and
16 he is here to give us an overview of essentially
17 what the subdivision entails.

18 (M I C H A E L R O D R I G U E S,
19 was duly sworn.)

20 MR. CALVANICO: Please state your
21 name for the record.

22 MR. RODRIGUES: Michael Rodriguez,
23 R-O-D-R-I-G-U-E-S.

24 MR. ANDRADE: Mr. Rodrigues, can
25 you tell me a little bit about your field?

1 MR. RODRIGUES: I am a graduate of
2 NJIT with a Bachelors in Civil Engineering. I
3 have been practicing professionally for over
4 seven years. I am currently licensed in the
5 State of New Jersey as a professional engineer
6 and have been so for the past two years.

7 MR. ANDRADE: Can you tell us a
8 little bit about your work experience.

9 MR. RODRIGUES: Sure. I actually
10 worked with Bartell's who signed the site plan
11 application for this project on Schuyler Crossing
12 and I have done many projects through the State.

13 MR. ANDRADE: Thank you. Can you
14 show us the property in question that you are
15 seeking to subdivide and identify it by lot and
16 block, if you will.

17 MR. RODRIGUES: Sure. The project
18 is located in Kearny on Block 252, Lot 2.0.

19 The project is located on the
20 corner of Schuyler Avenue, this one running north
21 and south on the page, and Bergen Avenue runs
22 east and west. Currently we are proposing --

23 CHAIRMAN CHOFFO: Excuse me.

24 MR. CALVANICO: Mr. Rodrigues, has
25 this document you are referring to been submitted

1 to the Board?

2 MR. RODRIGUES: Yes. This is a
3 copy of the minor subdivision.

4 MR. CALVANICO: Okay. Can you
5 just identify it by its number or date or
6 whatever, so we can --

7 MR. RODRIGUES: Sure. Prepared by
8 Birdsall Services and dated 1-3-2011.

9 MR. CALVANICO: This is the cover
10 sheet to the subdivision application.

11 MR. RODRIGUES: It is the one
12 sheet.

13 MR. ANDRADE: Can you indicate for
14 the Board where the subdivision line is going to
15 be located.

16 MR. RODRIGUES: The subdivision
17 line is dividing two portions of the proposed
18 project. The westerly portion which is the
19 left-hand side of the sheet is going to consist
20 of a three-pad retail development. The easterly
21 portion is going to be a four-building --

22 CHAIRMAN CHOFFO: Mr. Rodrigues,
23 could you speak up.

24 MR. RODRIGUES: The westerly
25 portion of the site of the subdivision is a

1 three-pad retail development. The easterly
2 portion is a four building residential portion of
3 the project. This site plan has been approved
4 at the county level and I have a copy of that
5 site plan.

6 As you can see, the subdivision
7 line is actually going to run down the center
8 approximately down the middle of the drive aisle
9 that separates the two portions of the project.

10 Basically the line was chosen to be
11 in that location to avoid any variances at the
12 Town of Kearny.

13 MR. ANDRADE: Mr. Rodrigues, can
14 you briefly state the necessity for the
15 subdivision from the applicant's perspective.

16 MR. RODRIGUEZ: The subdivision is
17 necessary in order to manage the property. The
18 retail side has its own, you know, tax bracket,
19 and the applicant needs to separate the property
20 for other reasons as well.

21 MR. ANDRADE: Thank you very much.

22 CHAIRMAN CHOFFO: So the easterly
23 side is the residential side?

24 MR. RODRIGUEZ: Yes.

25 CHAIRMAN CHOFFO: The westerly side

1 is all commercial?

2 MR. RODRIGUEZ: Yes.

3 MR. ANDRADE: Does the Board have
4 any questions?

5 COMMISSIONER FITZGIBBONS: It is
6 just a subdivision, right?

7 CHAIRMAN CHOFFO: Right.

8 MR. ANDRADE: For a previously
9 approved site plan.

10 CHAIRMAN CHOFFO: Mr. Jasek.

11 COMMISSIONER JASEK: You say in
12 your application that the residential component
13 with 14 foot dedication to the county will be
14 provided for the widening of that corner of
15 Bergen and Schuyler Avenue.

16 MR. ANDRADE: Yes. As a matter of
17 fact we are in the process of doing that. We
18 prepared the deed of dedication and it is
19 actually enroute to the county counsel's office
20 for approval. So yes.

21 COMMISSIONER JASEK: That answers
22 my question.

23 MR. RODRIGUEZ: Where is the
24 dedication located?

25 COMMISSIONER JASEK: No. Where is

1 the specific survey for the piece of property and
2 the deed.

3 MR. CALVANICO: Separate survey.

4 COMMISSIONER JASEK: You said you
5 sent to it the county.

6 MR. RODRIGUEZ: It was a metes and
7 bounds description, as well as a map. We were
8 actually working on it today, so it is enroute.

9 COMMISSIONER JASEK: I think the
10 resolution should include the survey and the deed
11 for the dedication of that portion for the
12 widening of that corner to the county.

13 MR. ANDRADE: That was actually a
14 condition to our resolution in August of 2010.

15 CHAIRMAN CHOFFO: For the site
16 plan?

17 MR. ANDRADE: Correct. Right.

18 CHAIRMAN CHOFFO: Any questions?

19 COMMISSIONER FITZGIBBONS: I
20 remember that plan. We need that information,
21 all right?

22 MR. ANDRADE: Yes. We were
23 working with the I guess it was Mr. Jasek, the
24 County Engineer. I am not sure if it was you or
25 someone else in your department, but another

1 engineer at our company was working on the legal
2 description and we have just put together the
3 actual deed language and the ancillary documents
4 we need for recordation.

5 We are sending it to the county
6 council's office and if she approves it -- I
7 believe Miss McMurray -- if she approves it we
8 will send it in for recordation and obviously the
9 recorded copy of the deed will be disseminated to
10 all the parties.

11 COMMISSIONER JASEK: As long as it
12 is relocated in this resolution that it is a part
13 of it.

14 MR. ANDRADE: No problem at all.

15 MR. CALVANICO: Mr. Chairman, just
16 since this was a fairly recent application before
17 the Board I would just to, if they can explain
18 what the difference is between what was approved
19 back in July and what this one is now.

20 MR. ANDRADE: If I may, there is no
21 difference in the site plan application that was
22 approved by this Board.

23 The only reason we are here tonight
24 is to run the line separating our large parcel
25 and really it is more for facilitating the

1 management of the property. It is just easier
2 to deal with retail tenants versus residential
3 tenants.

4 But nothing has changed in terms of
5 the layout. It is just running this imaginary
6 line to create the two lots.

7 MR. CALVANICO: Previous approval
8 had the entire site as one lot?

9 MR. ANDRADE: Correct.

10 MR. CALVANICO: And now you are
11 splitting it into two?

12 MR. ANDRADE: Absolutely.

13 CHAIRMAN CHOFFO: Any other
14 questions?

15 COMMISSIONER JASEK: Mr. Chairman
16 just one. When are you going to start the
17 construction, do you know.

18 MR. ANDRADE: Soon.

19 MR. RODRIGUEZ: The economy is
20 driving the tenants right now, and as soon as we
21 get more tenants.

22 CHAIRMAN CHOFFO: It is a wonderful
23 project for West Hudson County.

24 MR. RODRIGUEZ: Thank you.

25 MR. ANDRADE: Thank you, and we do

1 have a number of tenants already that are in
2 process.

3 CHAIRMAN CHOFFO: Good. Very
4 good. Good luck.

5 MR. ANDRADE: Thank you.

6 CHAIRMAN CHOFFO: Can a have a
7 motion.

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

10 COMMISSIONER ROMANO: Second.

11 DIRECTOR MARKS: Mr. Chairman, on a
12 motion to approve application 2010-001-SD made by
13 Commissioner Fitzgibbons, seconded by
14 Commissioner Romano, Commissioner Avagliano?

15 COMMISSIONER AVAGLIANO: I vote
16 aye.

17 DIRECTOR MARKS: Commissioner
18 Bettinger?

19 COMMISSIONER BETTINGER: Aye.

20 DIRECTOR MARKS: Commissioner
21 DiDomenico?

22 COMMISSIONER DiDOMENICO: Aye.

23 DIRECTOR MARKS: Commissioner
24 Fitzgibbons?

25 COMMISSIONER FITZGIBBONS: Aye.

1 DIRECTOR MARKS: Commissioner
2 Holloway?

3 COMMISSIONER HOLLOWAY: Aye.

4 DIRECTOR MARKS: Commissioner
5 Jasek?

6 COMMISSIONER JASEK: Aye.

7 DIRECTOR MARKS: Commissioner Ng?

8 COMMISSIONER NG: Aye.

9 DIRECTOR MARKS: Commissioner
10 Romano?

11 COMMISSIONER ROMANO: Aye.

12 DIRECTOR MARKS: And Chairman
13 Choffo.

14 CHAIRMAN CHOFFO: I vote aye.

15 DIRECTOR MARKS: Mr. Chairman, the
16 motion passed.

17 If we can remind you one last time
18 to have the language in the subdivision
19 resolution also.

20 MR. ANDRADE: Yes, of course.

21 Thank you.

22 DIRECTOR MARKS: Mr. Chairman, the
23 next application scheduled for public hearing is
24 2011-003-SP, PSEG Power, LLC, applicant located
25 at Pennsylvania Avenue a/k/a North Hackensack

1 Avenue which is Block 298, Lot 19.01 in the Town
2 of Kearny.

3 MR. RICHTER: Good evening. My
4 name is David Richter. I am an attorney with
5 PSEG, attorneys for the applicant, and I am
6 representing the applicant PSEG Power, LLC.

7 As you heard, PSEG Power is
8 proposing to install six new gas turbines which
9 generate electric at what is called its existing
10 PSEG Kearny Generating Station. Along with those
11 six new, we will be retiring sixteen existing
12 turbines.

13 One thing I want to clarify for the
14 site plan is that in some of the comments we
15 received there was a mention that we have
16 frontage along Central and Pennsylvania Avenue.
17 This is Central, this is Pennsylvania Avenue, and
18 this is our site plan that was submitted as part
19 of the this application.

20 The fact is, we don't have frontage
21 along Central Avenue. This area along Central
22 Avenue here is actually Conrail's right-of-way.
23 Conrail owns the right-of-way between our
24 property and Central Avenue.

25 CHAIRMAN CHOFFO: You discovered

1 this recently.

2 MR. RICHTER: It was on the plan
3 but we noticed in the comment when it was noted
4 in the comments. We have frontage on
5 Pennsylvania and Central. It is still county
6 roads and we have jurisdiction in the county
7 Planning Board. I wanted to make that
8 application.

9 As part of our landscape plan we
10 did -- and we will hear that as we go further --
11 we did propose to install 39 trees along Central
12 Avenue. Even though we don't have the frontage
13 we are still offering to install those as part of
14 that application.

15 So my first witness I am going to
16 recall is Randy Koncelik. He is the project
17 manager for the project.

18 MR. CALVANICO: State your name and
19 spell your last name.

20 MR. KONCELIK: Randy Koncelik,
21 K-O-N-C-E-L-I-K.

22 (R A N D Y K O N C E L I K, was
23 duly sworn.)

24 MR. RICHTER: Thank you. Briefly
25 describe your role with the company and the

1 project.

2 MR. KONCELIK: Sure.

3 I am a project manager with PSEG
4 and I am responsible for the preliminary
5 application.

6 MR. RICHTER: Can you briefly
7 describe on a big picture view of the project
8 that PSEG is?

9 MR. KONCELIK: The Kearny
10 Generating Station is one of our older
11 generating stations.

12 It contains similar gas turbines
13 similar to the one we are going to propose
14 installing tonight.

15 CHAIRMAN CHOFFO: Could you speak
16 into the microphone. Thank you, I appreciate
17 it.

18 MR. KONCELIK: Sure. The station
19 is located in South Kearny on Hackensack River.
20 It is in an industrial area of South Kearny
21 between Fish House Road and the Pulaski Skyway.
22 Kearny 13 and 14, those are the two projects we
23 are proposing tonight will add six gas turbines
24 will, as mentioned, we will retire sixteen older
25 less efficient gas turbines. Those are known as

1 Kearny 10 and 11.

2 These new gas turbines are more
3 reliable, they are cleaner and they are more
4 efficient than the ones we are retiring. There
5 will be reductions in air pollution and that will
6 be discussed later on in the presentation.

7 MR. RICHTER: I would like to mark
8 this as a rendering of the project, mark it as
9 A-1.

10 (So marked.)

11 MR. RICHTER: It just says PSE&G
12 Boswell. LLC Kearny 13 and 14 Peaking project
13 on it.

14 CHAIRMAN CHOFFO: Thank you.

15 MR. KONCELIK: So the project, it
16 is currently 13 and 14. Kearny 13 is this set of
17 four gas turbines located here on this exhibit
18 and Kearny 14 is the two gas turbines located
19 here.

20 These are considered peak
21 facilities. They operate at peaking demand when
22 there is a need for electric power. So they are
23 quick start units, they are able to be come on
24 when the load demand is there and it will serve
25 the local area for electric needs.

1 The total project is approximately
2 270 megawatts. We are retiring approximately
3 250 megawatts, so it is essentially a
4 replacement.

5 The entire site is approximately
6 ninety acres and we will be developing about
7 eighty acres of that site in order to facilitate
8 this.

9 There is a slightly larger
10 disturbance with the lay down area that goes
11 along with it. But permanent disturbance is
12 about eight acres.

13 This is the rendering -- this is
14 already in there. This is the site plan that is
15 part of the application.

16 The entrance to the facility is
17 along Hackensack Avenue. That is where the
18 construction entrance will be for the facility
19 and we will be as part of this project, improving
20 that road to facilitate construction access into
21 the facility. That is a town road, not a county
22 road.

23 That is primarily the project.

24 MR. RICHTER: Just a couple of
25 questions. What area will the electric

1 generation generate at this site supply?

2 MR. KONCELIK: The facility will
3 service the North Jersey area. It includes the
4 residents of Kearny in the Hudson County area.

5 After the power is generated we
6 basically put the power into the grid and the
7 fail will determine where the power goes.

8 MR. RICHTER: The regional grid is
9 PJM. Just for the record, PJM is a federally
10 approved regional transmission organization.
11 They basically run the generating and -- they run
12 the transmission system in 13 states one of which
13 is New Jersey, and then they control the amount
14 of types of generation that gets into that
15 system.

16 So if PSEG decided they weren't
17 going to install these facilities would someone
18 else likely do the same somewhere else?

19 MR. KONCELIK: Yes. They were
20 actually bid into an auction. There is an
21 auction bid for new power generation and these
22 were determined to be the lowest power demand for
23 the region. If we did not build these, somebody
24 else would.

25 MR. RICHTER: Just a simple

1 question on the approximations of the site.
2 After these facilities are constructed, will
3 there be a significant increase in employees to
4 the site?

5 MR. KONCELIK: No. There is --
6 currently there is approximately four to six
7 operators on the site that operate the facility
8 and the new units will add four operators and
9 maintenance on site in total and that is on a
10 shift basis, so it is one per shift.

11 MR. RICHTER: I have no further
12 questions.

13 CHAIRMAN CHOFFO: Any members have
14 any questions?

15 COMMISSIONER JASEK: Mr. Chairman.

16 CHAIRMAN CHOFFO: Mr. Jasek.

17 COMMISSIONER JASEK: You mentioned
18 270 megawatts. How much it cost to construct
19 that?

20 MR. KONCELIK: The construction or
21 the --

22 COMMISSIONER JASEK: Yes.

23 MR. KONCELIK: The total investment
24 for this facilities represents approximately 250
25 million to PSEG. That is more than the

1 construction. I don't have the construction
2 breakout.

3 COMMISSIONER JASEK: I just want to
4 get a handle on the size of the project.

5 The four turbines you will place in
6 the existing building and the two in the new
7 building?

8 MR. KONCELIK: No.

9 MR. RICHTER: This has been the
10 general arrangement plan that was submitted as
11 part of our application.

12 MR. KONCELIK: So the new
13 construction does not go inside of an existing
14 building, it is all new construction. The
15 existing Kearny 10 and 11 will be retired in
16 place.

17 COMMISSIONER JASEK: So that
18 existing structure will stay, you will just add
19 to the new one to the site?

20 MR. KONCELIK: That is correct.

21 COMMISSIONER JASEK: You mentioned
22 you will plant 39 trees. Do you have any
23 property along the Central Avenue next to the
24 railroad property or do you plan to plant the
25 trees on your side of the fence?

1 MR. KONCELIK: We plan to plant the
2 trees on our side of the fence.

3 COMMISSIONER JASEK: On your site.
4 What about around Fish House Road?

5 MR. KONCELIK: Along Pennsylvania
6 Avenue.

7 MR. RICHTER: What we proposed in
8 our landscaping plan, there actually -- there are
9 41. We did a service. There are 41 existing
10 street trees there.

11 We will have our architect talk
12 about it, but we wish to make a donation to the
13 open space fund in exchange for trees. And the
14 main reason for that, we have significant number
15 of transmission lines that come out of the side
16 along Pennsylvania Avenue and there are state
17 regulations which limit the amount of vegetation
18 that you can put under transmission lines.
19 Directly under the lines you are not to have
20 anything over three feet which is basically
21 grasses and minor bushes.

22 Along the edges of the right-of-way
23 you could get trees up to fifteen feet, but we
24 thought it would be better to make a donation to
25 the open space fund we can have our landscape

1 person speak to that.

2 COMMISSIONER JASEK: I remember the
3 existing trees were planted by Public Service.

4 MR. RICHTER: For part of our
5 application called Kearny 12 which was probably
6 in the 2000, 2001 time frame.

7 COMMISSIONER JASEK: So those trees
8 have no problem for your transmission lines?

9 MR. RICHTER: There are some areas
10 that are not under the lines, so we believe that
11 most of the area under the lines that are not
12 under the lines are already occupied by
13 commissioned street trees. It is the other
14 areas that are there.

15 CHAIRMAN CHOFFO: The turbines that
16 you are retiring, what is the age of those?

17 MR. KONCELIK: I think my
18 recollection is those units went in service in
19 1968.

20 CHAIRMAN CHOFFO: And they would be
21 decommissioned after this project is fully up and
22 running?

23 MR. KONCELIK: Correct. As a
24 matter of fact, it is a condition of our permit
25 that when these units go into service, Kearny 10

1 and 11 will be out of service and officially
2 retired.

3 COMMISSIONER FITZGIBBONS: Mr.
4 Chairman.

5 CHAIRMAN CHOFFO: Yes.

6 COMMISSIONER FITZGIBBONS: The new
7 units will give you better air quality for the
8 area?

9 MR. KONCELIK: Yes.

10 COMMISSIONER FITZGIBBONS: And I
11 guess would give us more of a service too, right?

12 MR. KONCELIK: Yes. They are more
13 reliable, they have a quicker start capability,
14 so.

15 COMMISSIONER FITZGIBBONS: You
16 mentioned there is a private corporation that
17 will serve as transfer in the energy to other
18 parts of the --

19 MR. RICHTER: The energy itself
20 will be connected to Public Service Electric and
21 Gas transmission service which is already
22 existing at the site, the entity that controls
23 the transmission system and basically tells the
24 utility how to operate is Pennsylvania -- it used
25 to be Pennsylvania Jersey Meadowlands, now just

1 PJ Interconnection. They operate the
2 transmission system in thirteen states, one of
3 which is New Jersey.

4 COMMISSIONER FITZGIBBONS: Can you
5 make sure that Hudson County don't get
6 shortchanged.

7 MR. RICHTER: That is part of the
8 positive for the project. We are putting the
9 generation in Hudson County.

10 COMMISSIONER JASEK: Mr. Chairman,
11 I have one more question for the engineer.

12 CHAIRMAN CHOFFO: Yes.

13 COMMISSIONER JASEK: I notice you
14 did the dyke around your new facility.

15 MR. RICHTER: Do you want me to
16 clarify?

17 I would say Mr. Koncelik is not the
18 engineer, he is just the project manager.

19 COMMISSIONER JASEK: Okay. Then I
20 will wait with my question.

21 CHAIRMAN CHOFFO: They have more of
22 a presentation, right?

23 MR. KONCELIK: Yes.

24 CHAIRMAN CHOFFO: Thank you.

25 MR. RICHTER: Next witness will be

1 the professional engineer.

2 State your name for the record.

3 MR. NADEAU: Greg Nadeau. I am a
4 Professional Engineer in New Jersey and nine
5 other states too.

6 (G R E G N A D E A U, was duly
7 sworn.)

8 MR. RICHTER: Just to clarify, you
9 are a professional engineer in the State of New
10 Jersey and testified before land use boards
11 previously?

12 MR. NADEAU: Yes.

13 MR. RICHTER: I am offering Mr.
14 Nadeau as a professional engineer.

15 CHAIRMAN CHOFFO: Proceed.

16 MR. RICHTER: I guess we can start
17 with the question that came from the engineer.

18 COMMISSIONER JASEK: I remember in
19 1991 when we had the big nor'easter your property
20 was flooded completely. So was the center
21 elevated.

22 I notice that you put a dyke around
23 the new facility.

24 MR. NADEAU: Not actually a dyke
25 around the facility. The grade is raised to a

1 foot above the flood plain elevation.

2 COMMISSIONER JASEK: It would be
3 elevation eleven.

4 MR. NADEAU: The flood plain
5 elevation is 9.1 and the top of the foundation is
6 10. 1.

7 COMMISSIONER JASEK: 10.1, okay.

8 MR. RICHTER: I just wanted to --
9 you have read the county engineer's report dated
10 February 9, 2011.

11 MR. NADEAU: Yes.

12 MR. RITTER: I just want to go
13 through some of the issues that were raised in
14 this report. And I guess we will start with 1.0
15 which says "general."

16 Can you -- I guess it says the
17 applicant review information -- applicant to
18 review information contained on scheduled -- I
19 will paraphrase -- pipe length elevations do not
20 match information contained in the drainage
21 report.

22 Can you explain that issue.

23 MR. NADEAU: Basically what the
24 calculation that was submitted was an early
25 calculation. Since that time there has been

1 some minor design evolution on the project.

2 Typically with these types of
3 projects there are small items that get changed
4 as we move it along, but the changes that have
5 happened so far are very minor.

6 What we would normally do is update
7 the applications when we are minor changes and we
8 looked at each of the changes and we don't feel
9 they have any impact on the design of the
10 facility that was submitted to you.

11 MR. RICHTER: So going through
12 these comments then can you -- are there any here
13 that PSEG has a concern with, an issue with?

14 MR. NADEAU: We have no issues with
15 any of the comments. Basically we are
16 incorporating all the changes or like I stated in
17 the first one, it had to do with some minor
18 design evolutions related to the site so we feel
19 all the comments are fine. We will incorporate
20 those and follow forward with those and update
21 calculations or drawings or provide additional
22 information if there is a request for that.

23 MR. RICHTER: 2.8 states the
24 applicant should testify that the existing waste
25 water treatment plant can handle additional flows

1 from the storm system facade.

2 Our company did an analysis of the
3 existing waste water treatment plant and we
4 determined that the additional flow is going to
5 the plant.

6 Let me back up. The plant is
7 suitable for the additional flows that we will
8 get from the union itself.

9 The plant was basically oversized
10 and we did some analyses to verify the plant has
11 suitable capabilities to meet all of the DEP
12 capabilities to meet the discharge.

13 CHAIRMAN CHOFFO: Mr. Richter, you
14 speak very fast, I am impressed.

15 MR. RICHTER: I am trying to keep
16 things going.

17 CHAIRMAN CHOFFO: Just to let the
18 record reflect, this is the letter dated February
19 9, 2011 from TY Lin International Medina.

20 You are saying on the record all
21 the items in there will be addressed by PSEG,
22 there is no conflict with any of the issues?

23 MR. RICHTER: Correct. Except
24 what Mr. Nadeau testified to just now some of
25 these things were just minor changes that we

1 didn't update the calculations.

2 We can do that if necessary. It
3 wouldn't affect the calculations. We don't have
4 any problem submitting the appropriate
5 information or making the appropriate changes.

6 CHAIRMAN CHOFFO: Commissioner
7 Jasek, do you have anything?

8 COMMISSIONER JASEK: Mr. Chairman,
9 I am okay with it.

10 MR. RICHTER: Okay. Any other
11 questions from the engineer?

12 CHAIRMAN CHOFFO: Before he sits
13 down, is there someone here from TY Lin?

14 MR. CONROY: Will you be providing
15 -- you are going to be providing revised plans
16 and calculations, correct?

17 MR. RICHTER: If you want revised
18 calculations, they will do the revised
19 calculations.

20 MR. CONROY: To make the revisions
21 and clean the report. In that you are going to
22 provide the study also?

23 MR. NADEAU: Yeah.

24 MR. CONROY: Okay.

25 MR. RICHTER: Okay.

1 My next witness will be Bill Mikula
2 who is our environmental expert.

3 (B I L L M I K U L A, was duly
4 sworn.)

5 MR. CALVANICO: Please state your
6 name.

7 MR. MIKULA: Bill Mikula,
8 M-I-K-U-L-A.

9 MR. RICHTER: Mr. Mikula, can you
10 describe your educational and professional
11 background briefly.

12 MR. MIKULA: Civil Engineering,
13 Master's degree in environmental engineering.
14 New Jersey PE, EE in two other states.

15 MR. RICHTER: I offer him as an
16 expert in environmental engineering.

17 CHAIRMAN CHOFFO: Proceed.

18 MR. RICHTER: Have you been able to
19 look at the benefits from the environmental
20 protection aspect as it pertains to this project?

21 MR. MIKULA: I have.

22 MR. RICHTER: Can you briefly
23 describe them for the Board.

24 MR. MIKULA: Sure. As Mr.
25 Koncelir mentioned, the new peaking units are

1 state-of-the-art technology, much more efficient
2 than the units that are existing, more efficient
3 than the units that will be retired.

4 Because they are more efficient and
5 currently under the state-of-the-art technology
6 they -- we will get a credit; that is, the
7 retirement of Units 10 and 11 will result in
8 reduction of pollutants being released to the
9 atmosphere.

10 We have received a Title 5 permit
11 for the proposed peaking units and they will be
12 natural gas fired, they will not use fuel, solely
13 fire and natural gas, so the use of natural gas
14 which is viewed as the state of the art for
15 peaking combustion units in the nation is our
16 choice for these units.

17 The emissions will be continuously
18 monitored at the stack in accordance with the DEP
19 permits and the benefits to Hudson County and the
20 region are -- we are providing to you the most
21 efficient kinds of units that are on the market
22 today to provide efficient electrical power.

23 MR. RICHTER: I have no further
24 questions for Mr. Mikula.

25 CHAIRMAN CHOFFO: Any questions?

1 MR. TRIDENTE: Mr. Chairman.

2 CHAIRMAN CHOFFO: Go ahead, Mario.

3 MR. TRIDENTE: I would like to ask
4 the engineer, we appreciate all of the
5 environment air quality control, but have you
6 taken into consideration doing any upgrades in
7 the sidewalks along the perimeter on the county
8 road?

9 MR. RICHTER: Our next witness who
10 is our professional planner will talk about that.

11 MR. TRIDENTE: Okay.

12 MR. CALVANICO: Mr. Chairman, I
13 just want to get on the record, you mentioned a
14 Permit 15.

15 MR. RICHTER: It is called a Title
16 5 permit issued by NJDEP that prescribes emission
17 limits, operational requirements for these new
18 units.

19 And that permit is issued after
20 public review, so we did have a public hearing on
21 that solely on that permit application and New
22 Jersey DEP approved the permit in December of
23 2010.

24 MR. CALVANICO: I just want to get
25 on the record, you have all necessary permits

1 from the New Jersey DEP in place at this point?

2 MR. MIKULA: We do not at the
3 moment. We have all the air permits from NJDEP.
4 They have all been issued. We are awaiting
5 approval from NJDEP on our land use permits. We
6 don't have approval yet.

7 We have reviewed comments from
8 NJDEP on applications that were submitted in
9 December of last year.

10 MR. RICHTER: Those land use
11 permits, what permits are they?

12 MR. MIKULA: The three land use
13 permits that we applied for are waterfront
14 development, fresh water wetlands, and flood
15 hazard area permits.

16 MR. CALVANICO: Those are the
17 applications that have been filed, you are
18 pending approval, comments and --

19 MR. RICHTER: Mr. Mikula, did you
20 receive approval from the Town of Kearny Land Use
21 Board, Zoning Board?

22 MR. MIKULA: We appeared before the
23 Town of Kearny Zoning Board. We are required to
24 appear before the Zoning Board because we needed
25 a use variance as well as site plan approval.

1 We received conditional approval at
2 their December 14 special hearing and last week
3 we submitted final comments back to the town
4 engineer to address all the conditions in the
5 December 14 conditional approval.

6 MR. CALVANICO: Are there any
7 Federal environmental permits required, area or
8 anything like that?

9 MR. MIKULA: No, there are not.
10 New Jersey is a delegated state. They issue all
11 the area permits. EPA comments on the draft
12 permits, but New Jersey issues all the area
13 permits.

14 In terms of land use, we did
15 request that the Corps of Engineers take a look
16 at the existing isolated wetlands that exists on
17 the property to confirm that they have no
18 jurisdiction because it truly is an isolated
19 wetlands. We haven't gotten a final signoff
20 from the Corp of Engineers on that, but that is
21 really the only active Federal permit or
22 approval that is pending.

23 MR. CALVANICO: Thank you.

24 CHAIRMAN CHOFFO: Mr. Marks.

25 DIRECTOR MARKS: Mr. Chairman, I

1 just have one question. I am not sure if it is
2 related to Mr. Mikula or Mr. Nadeau.

3 The applicant is proposing 235,000
4 square feet of additional impervious coverage.

5 What does that constitute, is that
6 structures?

7 MR. RICHTER: We will bring Mr.
8 Nadeau back up.

9 MR. NADEAU: Most of it is roads,
10 but there are structures there too and that area
11 has been analyzed from a storm water standpoint
12 to make sure there is no more storm water runoff
13 post versus pre and there are certain conditions
14 in the New Jersey regulations to make sure we
15 were complying with them.

16 DIRECTOR MARKS: Thank you.

17 MR. RICHTER: My last witness I am
18 going to call is George Ritter, professional
19 planner.

20 (G E O R G E R I T T E R, was
21 duly sworn.)

22 MR. CALVANICO: State your name for
23 the record.

24 MR. RITTER: George Ritter,
25 R-I-T-T-E-R.

1 MR. RICHTER: You are a
2 professional planner in the State of New Jersey?

3 MR. RITTER: Yes, I am. I am also
4 licensed as a landscape architect in New Jersey
5 and Pennsylvania.

6 MR. RICHTER: I am offering Mr.
7 Ritter as both the planner and the landscape
8 architect.

9 CHAIRMAN CHOFFO: All right.

10 MR. RICHTER: You submitted
11 landscape drawings for this project?

12 MR. RITTER : That is correct.

13 MR. RICHTER: Can you briefly
14 describe what is in that plan.

15 MR. RITTER: Yes. The plan
16 consists of three areas of the site. The first
17 was on Hackensack Road itself, the old entrance
18 to the facility. The proposal there --

19 CHAIRMAN CHOFFO: Can you just
20 reflect --

21 MR. RICHTER: Has this been
22 submitted?

23 MR. RITTER: Yes.

24 MR. RICHTER: This was the
25 landscaped plan that was submitted Kearny

1 Generating Station?

2 MR. RITTER: Yes. Sheet one.

3 MR. RICHTER: Sheet one of the
4 landscape plan.

5 MR. RITTER : As part of the
6 redevelopment of the site, the initial project
7 for landscaping was to redefine the entrance on
8 Hackensack Avenue.

9 Essentially what we are proposing
10 to do there is the old pillars which are part of
11 the historic structure which was part of the
12 original generating station still exists and they
13 are going to be repointed, cleaned up.

14 The original lights that are on
15 them are still there. They will be
16 re-electrified and essentially put back in
17 operation.

18 In addition, we are going to build
19 two wing walls to match those pillars and match
20 it out and better define it and provide
21 supplemental landscaping behind the wall itself.

22 There is no plantings in front on
23 that on the public side of Hackensack Avenue
24 because we believe that the pillars are actually
25 constructed right on the property line and to

1 actually do landscaping in the front would be on
2 an abutting property.

3 So the landscaping is behind.
4 That part of the proposal is to actually
5 re-identify the entrance, substantially clean it
6 up and then reconstruct an entrance pillar at the
7 entrance to the project and some additional
8 landscaping.

9 As to the county road, there were
10 two parts to the plans. The first dealt with
11 Central Avenue.

12 MR. RICHTER: This is sheet two.

13 MR. RITTER: This is actually sheet
14 two of the set. There was a question as to
15 providing landscaping on Central Avenue, and as I
16 am sure you are all aware, the street tree
17 plantings are one for every thirty feet.

18 What we did was in looking at the
19 plan there is actually a railroad right-of-way
20 that actually separates all the Central Avenue
21 frontage from PSEG's property, so our proposal is
22 actually to move the landscaping into the site
23 behind their phones and actually plant the
24 required trees. Actually running along that
25 whole edge it comes out to thirty-nine trees

1 would be planted in that area behind the site
2 fence.

3 The only areas that would be gapped
4 out is where overhead lines actually cross into
5 the site so there would be no formal planting
6 directly under these right-of-ways, but we did
7 provide trees on either side.

8 So that would basically be the
9 street trees. They would be planted obviously,
10 and a naturalized grass area of the site and
11 wrapped around Central Avenue.

12 The third part of the plan which is
13 sheet three was originally intended to be a
14 payment in lieu of.

15 There were discussions about making
16 a contribution to the county's open space green
17 system, so this plan was really prepared simply
18 to show the number of trees that could be
19 installed running essentially from Central Avenue
20 along Pennsylvania Avenue and along Fish House,
21 portions of the property.

22 Now, this is the length of over
23 4,000 feet. It is about nine-tenths of a mile
24 along the street and really the only intent here
25 was to identify the number of trees that had to

1 be planted and then basically to come up with a
2 contribution number and in this particular case
3 the actual run of trees came out to a little over
4 one hundred forty that normally would have been
5 planted in that area and the calculation in the
6 submission, we deducted forty-one for existing
7 street trees that are already planted and are a
8 fairly large size, the majority of which are in
9 front of the main facility.

10 There really are no street tree
11 plantings on the Fish House portion of the plan
12 currently, and so we came up with a figure there
13 that we worked out. It worked out to roughly
14 what we believe was \$36,000, a little over
15 \$36,000 of contribution that would be involved.

16 Since preparing the plan there has
17 been discussions with the county planning staff
18 and they have expressed a real interest in
19 providing sidewalks on the Fish
20 House/Pennsylvania Avenue side, and in
21 discussions with PSEG they are willing to install
22 those sidewalks. What we would like to do is
23 work with the county to develop a plan.

24 Anyone that has driven down that
25 road knows it is not simple to put the sidewalk

1 on the shoulder of the road and just construct it
2 the entire way. There are issues with guard
3 rails along the road.

4 Also the sorts of utilities
5 installed, so what we would like to do if the
6 Board would agree would be to work this plan out
7 with the county planning staff to come up with
8 the alignment of the sidewalk and how it would be
9 constructed to make that connection.

10 As an example, from my experience
11 being out in this area of the site it would be a
12 less formal arrangement of a sidewalk, one that
13 would probably -- particularly from the tanks
14 down along Fish House Road, would take on more of
15 a -- more I call it a more naturalized area, but
16 essentially being a formal road set so many feet
17 off the road it might actually meander behind the
18 guard rails and work its way along the edge which
19 is probably the most natural portion of this
20 site, and we would also like to make it out of
21 materials that are compatible with the more
22 rural, for lack of a better term although we know
23 it is in the middle of a heavily industrialized
24 area.

25 But this portion when you actually

1 walk it, feels like you are not in the same
2 neighborhood as much as this area in a sense it
3 is closer to the water and wet and we would like
4 to naturalize the sidewalk through that area and
5 hopefully use materials on concrete to do that.

6 It would be something we would work
7 out with the county with their review.

8 So that is where we are in the
9 plan. We have a contribution plan of about
10 36,000 dollars if the county would agree and then
11 we would work out with the county the details of
12 the past system running along the entire
13 Pennsylvania Avenue/Fish House area and that is a
14 length of a little over 4,000 feet that would
15 actually be designed and that is really where we
16 are on this.

17 And I would say I would hope that
18 the Commissioners are considering approving this
19 tonight, you consider it and we work this design
20 out with the county and obviously if we fail you
21 will send us back to the board.

22 MR. RICHTER: Obviously one of the
23 concerns we have is this project is necessary to
24 start quickly to get this done by June 1st, 2014
25 which is the in-service date -- I said 14 -- 2012

1 to get this installed by then, so as part of --
2 if it is a condition of approval we want to make
3 sure it is not on the condition of actually
4 starting construction because that would take
5 some time.

6 CHAIRMAN CHOFFO: We understand
7 that. Go ahead, Steve.

8 DIRECTOR MARKS: I have a couple of
9 comments, but first I would like to hear from our
10 consulting engineer if there are any further
11 issues, and our principal planner. Any issues
12 not just on landscape and planning, but
13 engineering issues?

14 Anything from Medina?

15 MR. CONROY: Yes. They are in the
16 process of doing their land use permits which DEP
17 is going to review basically everything we
18 reviewed, so they have already complied with
19 revising the plans for us and providing the
20 report for the entire sewer system.

21 I have no further comment.

22 MS. MASSEY: Mr. Chairman, just a
23 quick question on the planning comment letter for
24 Comment No. 11.

25 Just to know what is involved, what

1 is included with the 36,000 dollar contribution?

2 MR. RICHTER: The way we came up
3 with that price is we got a price for three-inch
4 caliper trees delivered to the site and then we
5 used two and a half times the price as an
6 installation.

7 It was our feeling that in this
8 particular case the installation first of all is
9 a relatively simple installation. It is down the
10 road. It would be involved in a more natural
11 setting, i.e., there wouldn't be necessarily tree
12 grades, not necessarily tree pits.

13 You would have to dig the hole,
14 plant the trees, stake them and move on. So it
15 was a very simple approach to what would be
16 planted.

17 It is basically the delivered price
18 of the trees, two and a half times for that, for
19 the installation, which is a cost we are used to
20 seeing for those types of installations.

21 MR. RICHTER: And that is similar
22 to or in addition to the 41 trees installed there
23 now?

24 MR. RITTER: That is correct. The
25 trees are planted in the natural soil that are

1 there. They are not in tree grades or pits or
2 anything like that, and that is how we thought
3 the estimate was done for the trees in this case.

4 MS. MASSEY: Mr. Chairman, I would
5 suggest that they would include an estimate as to
6 how they came up with that cost with a signed and
7 sealed.

8 CHAIRMAN CHOFFO: Speak a little
9 louder, we can't hear you.

10 MS. MASSEY: Just to prepare a
11 signed and sealed document specifying the
12 estimate and how they came to the dollar amount
13 per tree.

14 MR. RICHTER: We can do that.

15 MR. RITTER: That is not a problem.

16 MR. RICHTER: I have no further
17 witnesses. Any other questions?

18 CHAIRMAN CHOFFO: Go ahead, Steve.

19 DIRECTOR MARKS: Mr. Chairman, I
20 just have a couple of questions.

21 Mr. Richter, the shade trees along
22 Central Avenue which would be along the interior
23 of the fence, are you proposing or is PSEG
24 proposing, shrubs or actual deciduous shade
25 trees?

1 MR. RITTER: They are deciduous
2 shade trees. They are three-inch caliper shade
3 trees, and they are listed on the drawing. They
4 are Red Maple, Swamp Oak and Sweet Gum.

5 DIRECTOR MARKS: Are those -- would
6 you consider those an urban tolerant species?

7 MR. RITTER: I think these would
8 work very well in this location. Tight soil
9 tends to be wet I think they would do very well.
10 In fact, the volunteers if you walk around the
11 interior wetlands, they have great deal of Red
12 Maple and Sweet Gum and Swamp Oak that are used
13 to these type of conditions, and they would do
14 fine at this location.

15 DIRECTOR MARKS: And Mr. Chairman,
16 just my second point is with regard to the
17 sidewalk or the guard rail, I don't have any
18 objections deviating from a concrete and going
19 with bituminous or some other black type of
20 material.

21 I would ask as a condition of
22 approval, and I spoke with the applicant or the
23 applicant's professionals beforehand, that PSEG
24 at least look at, consider or price out some
25 alternate materials. It is called popcorn-type

1 of bituminous or concrete-type material.

2 Popcorn is good in that there is
3 spacing between the aggregate. It allows for a
4 better filtration of storm water and storm water
5 runoff and probably, I don't know what an
6 acceptable definition of price would be. 10
7 percent? If it is within 10 percent, the
8 traditional material that you consider going with
9 a porous concrete.

10 MR. RICHTER: We will certainly
11 take a look at that.

12 MR. RITTER : We can also look at
13 porous asphalt.

14 DIRECTOR MARKS: Either one.

15 CHAIRMAN CHOFFO: It would be your
16 department and the County Engineer's office
17 working hand in hand.

18 DIRECTOR MARKS: But I would like
19 to work that into the condition of approval.

20 CHAIRMAN CHOFFO: It looks like
21 they are agreeable.

22 MR. RITTER: No problem.

23 DIRECTOR MARKS: The other thing we
24 discussed, Mr. Chairman, Hudson County in its
25 planning documents, the master plan, the master

1 plan examination report, the open space
2 resolution and Historic Preservation Land Use and
3 the Hackensack River Greenwood Plant calls for
4 facilitating public access to our waterfronts.

5 We were looking to have a
6 continuous walkway along our waterfronts. The
7 State of New Jersey through its coastal zone
8 management program, and the applicant before
9 mentioned waterfront development permit plan
10 which is necessary by the DEP, has regulations
11 specifically calling on their permittees to
12 facilitate public access.

13 I am not asking for and I wouldn't
14 recommend public access along the entire
15 waterfront because it is a sensitive Homeland
16 Security-type site. However I did discuss with
17 the applicant putting in a scenic overlook.

18 There is actually -- for those of
19 you who may be familiar with Fish House Road
20 there is a point where Fish House Road, almost
21 touches the Hackensack River. It is actually
22 pretty scenic. It is a rather industrial area,
23 but it at a point where it is actually scenic
24 overlooking the Hackensack River. You could
25 actually see Lincoln Park from that point and I

1 would ask as a condition of approval in
2 accordance with the county's master planning
3 documents, the county's land development
4 resolution and in conformity with New Jersey
5 coastal zone management regulations that the
6 applicant put in a scenic overlook.

7 We could abide by or the applicant
8 could abide by the guidelines and regulations set
9 forth in the DEP's documents and that would be my
10 recommendation.

11 MR. RICHTER: We did speak to Mr.
12 Marks about that and certainly we are willing to
13 work with the county on that.

14 We would also have to work with the
15 DOT on this because the DOT has approached us
16 about some property in this area for the Wittpenn
17 Bridge project so we have to work together to
18 make sure that could be something that could be
19 done, but we are certainly not against that.

20 DIRECTOR MARKS: Sorry, my final
21 point Mr. Chairman, the DOT -- act we actually
22 searched for the last week for the actual set of
23 construction plans from the DOT, the DOT is
24 replacing the Wittpenn Bridge and there is
25 actually -- Mr. Jasek is familiar with it, there

1 is actually an entrance ramp and structures that
2 the DOT is building off of Fish House Road.

3 I would just as a further condition
4 of approval recommend that the applicant, PSEG
5 contact the DOT to make sure their sidewalks and
6 trail and/or scenic overlook coordinates with the
7 DOT project and the DOT is actually putting
8 sidewalks and crosswalks on the new Wittpenn
9 Bridge and on the new Wittpenn Bridge approaches,
10 so if the two intersect -- I couldn't confirm
11 whether they do or not -- but if the two
12 intersect, that PSEG coordinates with the DOT.

13 MR. RICHTER: I think that is
14 absolutely necessary because the DOT is looking
15 to acquire some property from us. I don't know
16 the extent of that property, but whatever, we
17 want to make sure whatever we are doing doesn't
18 interfere with that project.

19 COMMISSIONER FITZGIBBONS: I got a
20 question.

21 CHAIRMAN CHOFFO: Commissioner
22 Fitzgibbons.

23 COMMISSIONER FITZGIBBONS: You
24 mentioned Homeland Security. How far is that
25 from the actual power grids that you are

1 building?

2 MR. RICHTER: If you take a look at
3 the site plan, the area along Fish House Road
4 which Mr. Marks was discussing from this tower up
5 in to this area here, the station is right here,
6 most of the station is in this area here. The
7 fence line of the station is somewhere in this
8 area, so it comes in this area here.

9 COMMISSIONER FITZGIBBONS: I was
10 afraid if it was too close.

11 MR. RICHTER: We certainly don't
12 want people on the site. You definitely don't
13 want people -- that is part of the issue of the
14 sidewalk. You don't want people wandering
15 around a site like this, but if it is somewhere
16 in this area we can work with the DOT and the
17 county.

18 DIRECTOR MARKS: Mr. Chairman, the
19 PSEG power plant has a strong and I think robust
20 security system. It is not inviting and I
21 wouldn't recommend doing anything to invite in
22 anybody wandering in or looking to breach their
23 security.

24 This is a site to the extreme --
25 the scenic overlook I am talking about along the

1 Hackensack River to the extreme northeast of the
2 site, so it is far removed from the power plant
3 or any security-type structures.

4 CHAIRMAN CHOFFO: Commissioner
5 Jasek.

6 COMMISSIONER JASEK: Mr. Chairman,
7 I very much deal with the DOT project and working
8 with them on the project for ten years. Before
9 that we put a sidewalk on the new Wittpenn Bridge
10 because it is a part -- it was a walkway and all
11 the sidewalks all the way down to Fish House
12 Road. So it would make very much sense to
13 continue with the sidewalk, but it is not so easy
14 as it look. If you go on the east side of the
15 road, the guardrail, it is the wetlands.

16 MR. RICHTER: This is a tough area.

17 COMMISSIONER JASEK: Very tough.
18 We tried it before and we didn't get too far with
19 that, so it needs some work on that but we don't
20 want to really hold up their project so we need
21 to formulate our concerns such as they don't
22 suffer with it.

23 CHAIRMAN CHOFFO: All right.

24 COMMISSIONER JASEK: Because their
25 project is more important than the sidewalk, in

1 my view.

2 COMMISSIONER BETTINGER: Mr.
3 Chairman, one quick question. Where is the
4 Wittpenn Bridge?

5 MR. RICHTER: I believe it is down
6 this way past this area here (indicating).

7 CHAIRMAN CHOFFO: North from the
8 site.

9 MR. RITTER: Right there is the
10 bridge.

11 MR. RICHTER: The northeast area of
12 the project.

13 CHAIRMAN CHOFFO: Any questions?

14 MR. CALVANICO: General question.
15 This facility doesn't operate 24 hours a day,
16 right?

17 MR. RICHTER: They are peak units
18 and I can have our project manager explain a
19 little better.

20 MR. CALVANICO: How often does it
21 operate?

22 MR. KONCELIK: The expected
23 operation is approximately 10 to 35 percent of
24 the time, so it would operate in the evening
25 typically after the evening peak and operate into

1 the early morning. The site is manned
2 twenty-four hours a day.

3 MR. RICHTER: Typically in the
4 summer months when the electric demand is higher.

5 MR. KONCELIK: Correct.

6 COMMISSIONER HOLLOWAY: I have one
7 question. Would you call that a grid?

8 MR. RICHTER: This is part of the
9 grid. The grid is -- you talk about a grid you
10 are talking about all these transmissions lines
11 that you see running all over the place. They
12 are all connected. They are connected to
13 different stations, connected to different
14 states. So if you remember in 2003 when a tree
15 hit a line in Ohio there was a blackout in New
16 Jersey and Michigan and Canada because they are
17 all connected. That is what we are talking
18 about and this station is part of that grid.

19 COMMISSIONER JASEK: Mr. Chairman,
20 I make a motion to approve this application with
21 some stipulation about the discussion we had on
22 the sidewalk and the natural area. I don't know
23 exactly how to formulate it.

24 COMMISSIONER ROMANO: Motion to
25 support the project until the stipulations are

1 done by Mario and by Steve.

2 CHAIRMAN CHOFFO: Go ahead, Steve.

3 DIRECTOR MARKS: So, Mr. Chairman,
4 that was a motion to conditionally approve
5 application 2011-003-SP made by Commissioner
6 Jasek, seconded by Commissioner Romano.

7 CHAIRMAN CHOFFO: Correct.

8 MR. CALVANICO: Mr. Chairman, just
9 so we are clear, I believe I have most of the
10 conditions down.

11 CHAIRMAN CHOFFO: Want to read them
12 for the record?

13 MR. CALVANICO: General terms,
14 coordinating all work with the Department of
15 Transportation, donation to the shade tree fund,
16 we will work out those numbers, they will provide
17 the certification that Ms. Massey requested,
18 consider the porous asphalt for the sidewalk, the
19 scenic overlook portion, coordinating the
20 Wittpenn Bridge construction portion of this,
21 thirty-nine trees along Central.

22 What I will do is review this and
23 prepare the resolution for next month's meeting.
24 I will review the transcript and I will
25 coordinate with the attorney so that everyone is

1 on the same page with the conditions. I don't
2 want to put them in the resolution and have the
3 attorney say well, that is not what we thought we
4 agreed to.

5 So we will make sure it is worked
6 out before the next meeting. We have everything
7 laid out in detail.

8 MR. RICHTER: The only
9 clarification I want to make on the record is the
10 conditions for the sidewalks will not be part of
11 the condition to construct, it will be a later
12 condition?

13 MR. CALVANICO: Right, right.

14 CHAIRMAN CHOFFO: Go ahead, Steve.

15 DIRECTOR MARKS: Mr. Chairman, on a
16 motion made by Commissioner Jasek and seconded by
17 Commissioner Romano, Commissioner Avagliano?

18 COMMISSIONER AVAGLIANO: I vote
19 aye.

20 DIRECTOR MARKS: Commissioner
21 Bettinger?

22 COMMISSIONER BETTINGER: Aye.

23 DIRECTOR MARKS: Commissioner
24 DiDomenico?

25 COMMISSIONER DiDOMENICO: Aye.

1 DIRECTOR MARKS: Commissioner

2 Fitzgibbons?

3 COMMISSIONER FITZGIBBONS: Aye.

4 DIRECTOR MARKS: Commissioner

5 Holloway?

6 COMMISSIONER HOLLOWAY: Aye.

7 DIRECTOR MARKS: Commissioner

8 Jasek?

9 COMMISSIONER JASEK: Aye.

10 DIRECTOR MARKS: Commissioner Ng?

11 COMMISSIONER NG: Aye.

12 DIRECTOR MARKS: Commissioner

13 Romano?

14 COMMISSIONER ROMANO: Aye.

15 DIRECTOR MARKS: And Chairman

16 Choffo.

17 CHAIRMAN CHOFFO: I vote aye.

18 DIRECTOR MARKS: Mr. Chairman, the
19 motion passed.

20 MR. RICHTER: Thank you very much.

21 DIRECTOR MARKS: Mr. Chairman, the
22 next matter on the agenda is applications to be
23 declared exempt.

24 The applicant seeking approval is
25 New Singular Wireless PCS, LLC, located at

1 800-810 31st Street which is Block 172, lots 4-13
2 in the City of Union City.

3 Mr. Chairman, this application was
4 reviewed by the Site Plan and Subdivision Review
5 Committee in a telecommunications application
6 which by its nature doesn't influence traffic and
7 drainage impacts and it is not along the county
8 roadway, so that is why the Site Plan and
9 Subdivision Review Committee recommend it be
10 declared exempt.

11 CHAIRMAN CHOFFO: Do I have a
12 motion.

13 COMMISSIONER ROMANO: Motion.

14 COMMISSIONER FITZGIBBONS: Second.

15 DIRECTOR MARKS: So, Mr. Chairman,
16 on a motion made by Commissioner Romano, seconded
17 by Commissioner Fitzgibbons, Commissioner
18 Avagliano?

19 COMMISSIONER AVAGLIANO: I vote
20 aye.

21 DIRECTOR MARKS: Commissioner
22 Bettinger?

23 COMMISSIONER BETTINGER: Aye.

24 DIRECTOR MARKS: Commissioner
25 DiDomenico?

1 COMMISSIONER DiDOMENICO: Aye.

2 DIRECTOR MARKS: Commissioner

3 Fitzgibbons?

4 COMMISSIONER FITZGIBBONS: Aye.

5 DIRECTOR MARKS: Commissioner

6 Holloway?

7 COMMISSIONER HOLLOWAY: Aye.

8 DIRECTOR MARKS: Commissioner

9 Jasek?

10 COMMISSIONER JASEK: Aye.

11 DIRECTOR MARKS: Commissioner Ng?

12 COMMISSIONER NG: Aye.

13 DIRECTOR MARKS: Commissioner

14 Romano?

15 COMMISSIONER ROMANO: Aye.

16 DIRECTOR MARKS: And Chairman

17 Choffo.

18 CHAIRMAN CHOFFO: I vote aye.

19 DIRECTOR MARKS: Mr. Chairman, the
20 motion passed.

21 Mr. Chairman, the next order of
22 business, under old business, Item No. 6 on the
23 agenda, is the appointment of the professional
24 services contract for outside counsel.

25 In your packets this evening is a

1 letter from Mr. Calvanico and I will draw your
2 attention to that.

3 CHAIRMAN CHOFFO: Tom, I read the
4 letter. I just want to say over the years I have
5 known you, you have done an excellent job for the
6 Planning Board and I wish you continued success
7 and look forward to running into you every now
8 and then, but thank you for all the hard work you
9 have done.

10 COMMISSIONER HOLLOWAY: Mr.
11 Chairman, I will concur with you on that.

12 COMMISSIONER FITZGIBBONS: Mr.
13 Chairman, I just want to thank Tom for guiding us
14 for the past couple of years. You have been an
15 asset to this Planning Board and I wish you well
16 in your further endeavors.

17 MR. CALVANICO: Thank you very
18 much.

19 DIRECTOR MARKS: Mr. Chairman, just
20 on the record, I have known Tom for 18 years now,
21 as long as I have known Bob Jasek. He was the
22 risk manager when I first started with the county
23 and became Chief of Staff and went through the
24 Improvement Authority, so I count him not just as
25 a colleague and a co-worker, but a friend, so I

1 am truly sorry to see him go.

2 COMMISSIONER ROMANO: I hate to
3 admit I went to high school with him. He's got
4 gray hair. But he is a man of good character and
5 integrity and what everyone says is, and I know
6 you probably did a great job, so good luck in
7 your future endeavors as a professor.

8 COMMISSIONER JASEK: Mr. Chairman,
9 I want to echo what everybody says. I know Tom
10 for many years and I used to bother him when he
11 was Chief of Staff. But at the Board he was
12 really excellent, yes.

13 CHAIRMAN CHOFFO: You are the
14 oldest now, Jude.

15 DIRECTOR MARKS: Mr. Chairman,
16 having said that, the Board is left with the --

17 COMMISSIONER BETTINGER: I just
18 wanted to say, Tom, thank you so much for all
19 your guidance on the Planning Board, and this is
20 not a good-bye because you are a very dear friend
21 to me.

22 MR. CALVANICO: Thank you.

23 Mr. Chairman, just if I might, I
24 just want to thank everyone. It has been a
25 pleasure working here. I have been here for

1 quite a long time. This is the tail end of my
2 county career here, I guess, as an attorney or an
3 official, anyway, but I truly enjoyed working
4 here with the Board. It is a great group of
5 people here and we have had for a long time and
6 it was fun, it was challenging, and it was crazy
7 sometimes and a lot of things went on, but I
8 appreciate the assistance from everyone and good
9 luck as you move on with your Boarding.

10 CHAIRMAN CHOFFO: Thanks, Tom.
11 What is next, Steve?

12 DIRECTOR MARKS: Mr. Chairman, the
13 Board at the last meeting had tabled the
14 resolution on the award of the professional
15 services contract.

16 The Board at the last meeting
17 continued Mr. Calvanico's contract for thirty
18 days which expires probably within the next
19 couple of days.

20 Given the fact that Mr. Calvanico
21 withdrew his qualification statement and
22 requested his qualification statement be
23 withdrawn, the Board is left with two other
24 qualification statements or proposals.

25 CHAIRMAN CHOFFO: Which were?

1 DIRECTOR MARKS: Which were Jack
2 Curley, and I actually don't have the name of the
3 second firm. The Board had it. You should have
4 had it in your packets.

5 CHAIRMAN CHOFFO: I think it was
6 fine, Steve.

7 COMMISSIONER JASEK: Mr. Chairman,
8 as I remember Tom scored 137, Curley scored 134,
9 it is very close, and the third one was 120 or
10 something.

11 CHAIRMAN CHOFFO: So second place
12 was John Curley.

13 DIRECTOR MARKS: Yes.

14 COMMISSIONER FITZGIBBONS: I make a
15 motion to accept John Curley.

16 COMMISSIONER HOLLOWAY: I second
17 it.

18 DIRECTOR MARKS: I have one point
19 of clarification either for Mr. Calvanico or for
20 the Board, I don't know if Mr. Calvanico would
21 have a conflict of this.

22 If the Board extended Mr.
23 Calvanico's contract for 30 days, one month, and
24 the term -- the financial, the amount that went
25 with that, would it get reflected at the back

1 end? Does the Board favor --

2 COMMISSIONER ROMANO: Let him
3 finish the month.

4 DIRECTOR MARKS: But are you
5 awarding a professional services contract for
6 outside contract to Mr. Curley for eleven months,
7 basically removing the one month that Mr.
8 Calvanico --

9 COMMISSIONER HOLLOWAY: Yes.

10 CHAIRMAN CHOFFO: Yes. We are
11 going to keep this as status quo with our
12 reorganization and RFQs for professional
13 planners.

14 COMMISSIONER HOLLOWAY: It would be
15 eleven instead of twelve.

16 DIRECTOR MARKS: For the record I
17 wanted to make that clear.

18 Is there a motion?

19 COMMISSIONER FITZGIBBONS: I made a
20 motion.

21 COMMISSIONER HOLLOWAY: I seconded.

22 DIRECTOR MARKS: So, Mr. Chairman,
23 on a motion to approve a professional services
24 contract with John Curley or Jack Curley for
25 eleven months, the motion was made by

1 Commissioner Fitzgibbons and seconded by
2 Commissioner Holloway.

3 Commissioner Avagliano?

4 COMMISSIONER AVAGLIANO: I vote
5 aye.

6 DIRECTOR MARKS: Commissioner
7 Bettinger?

8 COMMISSIONER BETTINGER: Aye.

9 DIRECTOR MARKS: Commissioner
10 DiDomenico?

11 COMMISSIONER DiDOMENICO: Aye.

12 DIRECTOR MARKS: Commissioner
13 Fitzgibbons?

14 COMMISSIONER FITZGIBBONS: Aye.

15 DIRECTOR MARKS: Commissioner
16 Holloway?

17 COMMISSIONER HOLLOWAY: Aye.

18 DIRECTOR MARKS: Commissioner
19 Jasek?

20 COMMISSIONER JASEK: Aye.

21 DIRECTOR MARKS: Commissioner Ng?

22 COMMISSIONER NG: Aye.

23 DIRECTOR MARKS: Commissioner
24 Romano?

25 COMMISSIONER ROMANO: Aye.

1 DIRECTOR MARKS: And Chairman
2 Choffo.

3 CHAIRMAN CHOFFO: I vote aye.

4 DIRECTOR MARKS: Mr. Chairman, the
5 motion passed.

6 And, Mr. Chairman, the last order
7 of business is the acceptance of the Hudson
8 County Community Indicator Report that was
9 introduced.

10 It was e-mailed to the Freeholders
11 separately and introduced by the Planning Board
12 last month. That, for everybody's information,
13 was appendix F of the comprehensive economic
14 development strategy.

15 Did anybody have any questions on
16 that?

17 COMMISSIONER FITZGIBBONS: No.

18 DIRECTOR MARKS: Okay. So on a
19 vote of final acceptance -- it is basically for
20 information purposes only.

21 CHAIRMAN CHOFFO: Very informative
22 Steve. We all read it. So can we get a motion
23 to accept it?

24 DIRECTOR MARKS: That just for
25 everybody's information. That gets forwarded to

1 the U.S. Department of Commerce, Economic
2 Development Administration as part of our
3 economic development plan.

4 That basically lets the Federal
5 government, lets the Federal government know how
6 we are doing locally in terms of economy, social
7 indicators, and environment.

8 CHAIRMAN CHOFFO: Thank you.

9 COMMISSIONER FITZGIBBONS: I make a
10 motion to approve it.

11 COMMISSIONER BETTINGER: I will
12 second that.

13 DIRECTOR MARKS: Okay, Mr.
14 Chairman, on a motion made by Commissioner
15 Fitzgibbons, seconded by Commissioner Bettinger,
16 Commissioner Avagliano?

17 COMMISSIONER AVAGLIANO: I vote
18 aye.

19 DIRECTOR MARKS: Commissioner
20 Bettinger?

21 COMMISSIONER BETTINGER: Aye.

22 DIRECTOR MARKS: Commissioner
23 DiDomenico?

24 COMMISSIONER DiDOMENICO: Aye.

25 DIRECTOR MARKS: Commissioner

1 Fitzgibbons?

2 COMMISSIONER FITZGIBBONS: Aye.

3 DIRECTOR MARKS: Commissioner

4 Holloway?

5 COMMISSIONER HOLLOWAY: Aye.

6 DIRECTOR MARKS: Commissioner

7 Jasek?

8 COMMISSIONER JASEK: Aye.

9 DIRECTOR MARKS: Commissioner Ng?

10 COMMISSIONER NG: Aye.

11 DIRECTOR MARKS: Commissioner

12 Romano?

13 COMMISSIONER ROMANO: Aye.

14 DIRECTOR MARKS: And Chairman

15 Choffo.

16 CHAIRMAN CHOFFO: Aye.

17 DIRECTOR MARKS: Mr. Chairman, the
18 motion passed.

19 COMMISSIONER FITZGIBBONS: Anything
20 else, Steve?

21 DIRECTOR MARKS: Mr. Chairman, the
22 next meeting is March 16, the day before St.
23 Patrick's Day.

24 CHAIRMAN CHOFFO: I just want to
25 thank -- actually he is not here, but Freeholder

1 Commissioner O'Dea, Freeholder Commissioner
2 Romano and Freeholder Commissioner DiDomenico for
3 getting us to meet back here, so we truly
4 appreciate it.

5 I assume everything is set. Our
6 meetings are going to be here.

7 COMMISSIONER ROMANO: Yes.

8 CHAIRMAN CHOFFO: Perfect, thank
9 you.

10 COMMISSIONER BETTINGER: Mr.
11 Chairman, I will make a motion to adjourn.

12 COMMISSIONER FITZGIBBONS: I second
13 it.

14 (Round of Ayes.)

15 CLERK SANTOS: Opposed?

16 (No response.)

17 (Time noted: 8:50.)

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

I, CAREYANN SHAFTAN, License Number 30X100192900,
an official Court Reporter in and for the State of
New Jersey, do hereby certify the foregoing to be
a true and accurate transcript to the best of
my knowledge and ability.

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