

HUDSON COUNTY
PLANNING BOARD

RE:

REGULAR MEETING

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TRANSCRIPT OF
PROCEEDINGS

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Hudson County Freeholders Chambers
Third Floor
567 Pavonia Avenue
Jersey City, New Jersey
Wednesday, February 20, 2013
6:30 p.m.

BEFORE:

- DANIEL CHOFFO, Chairman
- JAMES CRYAN, Vice Chairman
- JOSEPH GLEBOCKI, PE, Asst. County Engineer
- RENEE BETTINGER, Commissioner
- MICHAEL HOLLOWAY, Commissioner
- HON. DOREEN DiDOMENICO, Freeholder
- ALAIN GOMEZ, Alternate Commissioner
- RUSHABH MEHTA, Commissioner
- HON. ANTHONY ROMANO, Freeholder
- BETANIA PERALTA, Commissioner

ALSO PRESENT:

- MASSIEL M. FERRARA, P.E., AICP; SECRETARY
- PAUL D. CRAY, P.E., P.P., CME
- JOHN J. CURLEY, ESQ., Board Attorney
- FRANCESCA GIARRATANA, Assistant Planner
- MARIO TRIDENTE, Inspector

Job No. NJ1615947

1 CHAIRMAN CHOFFO: Good evening. I
2 would like to call to order the meeting of the
3 Hudson County Planning Board, February 20th, 2013.
4 Let the record reflect the meeting is beginning at
5 6:38 p.m. Mr. Curley, has this meeting been
6 properly advertised?

7 MR. CURLEY: Yes, Chairman. The
8 meeting has been properly advertised in the Jersey
9 Journal and the Star Ledger. The notice of the
10 meeting has been posted with the County Clerk and
11 the Clerk of the Board of Freeholders.

12 CHAIRMAN CHOFFO: Thank you.
13 Massiel, call the roll.

14 MS. FERRARA: Yes. Commissioner
15 Bettinger.

16 COMMISSIONER BETTINGER: Yes.

17 MS. FERRARA: Commissioner Cryan.

18 COMMISSIONER CRYAN: Here.

19 MS. FERRARA: Commissioner
20 DiDomenico.

21 FREEHOLDER DiDOMENICO: Here.

22 MS. FERRARA: Commissioner Glembocki.

23 COMMISSIONER GLEMBOCKI: Here.

24 MS. FERRARA: Commissioner Gomez,
25 absent. Commissioner Holloway.

1 COMMISSIONER HOLLOWAY: Here.

2 MS. FERRARA: Commissioner Mehta.

3 COMMISSIONER MEHTA: Here.

4 MS. FERRARA: Commissioner Ng,
5 absent. Commissioner Peralta.

6 COMMISSIONER PERALTA: Here.

7 MS. FERRARA: Commissioner Romano,
8 absent. Chairman Choffo.

9 CHAIRMAN CHOFFO: Here.

10 MS. FERRARA: Chairman, we have a
11 quorum.

12 CHAIRMAN CHOFFO: Please stand to
13 salute the flag.

14 (Flag Salute.)

15 MS. FERRARA: Chairman Choffo, please
16 let the record reflect that Commissioner Gomez has
17 joined the meeting.

18 Commissioner Gomez.

19 COMMISSIONER GOMEZ: Here.

20 CHAIRMAN CHOFFO: Did all the
21 Commissioners have a chance to review the Minutes
22 from the January 16th meeting? Can I have a motion
23 to accept?

24 MS. FERRARA: On a motion made by
25 Commissioner Gomez, second by Commissioner

1 DiDomenico.

2 Commissioner Bettinger.

3 COMMISSIONER BETTINGER: Aye.

4 MS. FERRARA: Commissioner Cryan.

5 COMMISSIONER CRYAN: Aye.

6 MS. FERRARA: Commissioner

7 DiDomenico.

8 FREEHOLDER DiDOMENICO: Aye.

9 MS. FERRARA: Commissioner Glembocki.

10 COMMISSIONER GLEMBOCKI: Yes.

11 MS. FERRARA: Commissioner Gomez.

12 COMMISSIONER GOMEZ: Aye.

13 MS. FERRARA: Commissioner Holloway.

14 COMMISSIONER HOLLOWAY: Aye.

15 MS. FERRARA: Commissioner Mehta.

16 COMMISSIONER MEHTA: Aye.

17 MS. FERRARA: Commissioner Peralta.

18 COMMISSIONER PERALTA: Aye.

19 MS. FERRARA: Chairman Choffo.

20 CHAIRMAN CHOFFO: I vote aye.

21 MS. FERRARA: The motion has passed.

22 Chairman, the next item on the agenda is 5A, award

23 of professional service contract for outside

24 counsel. In your packet there is a brief table

25 showing the scores for all the RFPs that were

1 submitted for legal services. We did receive on
2 February 12th, the RFPs. As per the last meeting,
3 there was a selection committee set up, and those
4 members included Chairman Choffo, Commissioner
5 Cryan, Commissioner Gomez and Commissioner
6 Arencibia. The selection committee has chosen after
7 reviewing all the RFPs and their qualifications,
8 they have chosen John J, Curley, LLC, to represent
9 the Planning Board.

10 Can I get a motion to award the contract?

11 On a motion made by Commissioner Mehta,
12 second by Commissioner Bettinger.

13 Commissioner Bettinger.

14 COMMISSIONER BETTINGER: Aye.

15 MS. FERRARA: Commissioner Cryan.

16 COMMISSIONER CRYAN: Aye.

17 MS. FERRARA: Commissioner

18 DiDomenico.

19 FREEHOLDER DiDOMENICO: Aye.

20 MS. FERRARA: Commissioner Glembocki.

21 COMMISSIONER GLEMBOCKI: Yes.

22 MS. FERRARA: Commissioner Gomez.

23 COMMISSIONER GOMEZ: Aye.

24 MS. FERRARA: Commissioner Holloway.

25 COMMISSIONER HOLLOWAY: Aye.

1 MS. FERRARA: Commissioner Mehta.

2 COMMISSIONER MEHTA: Aye.

3 MS. FERRARA: Commissioner Peralta.

4 COMMISSIONER PERALTA: Aye.

5 MS. FERRARA: Chairman Choffo.

6 CHAIRMAN CHOFFO: I vote aye.

7 MR. CURLEY: I would like to thank
8 the Board for their vote.

9 CHAIRMAN CHOFFO: Welcome back, John.

10 MS. FERRARA: The second item on the
11 agenda is the award of professional services
12 contract for professional engineering services. The
13 County did receive through a fair and open process
14 six RFQs for professional engineering services from
15 H2M Architect & Engineers, TYM International,
16 Remington, Vernick & Arango, R S Engineering &
17 Associates Corporation, Boswell Engineering and T &
18 M and Associates.

19 Once again, the selection committee
20 reviewed the RFQs and has designated T & M and
21 Associates from Middletown, New Jersey, as the most
22 qualified submission. Do I have a motion?

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

25 Commissioner Bettinger.

1 COMMISSIONER BETTINGER: Aye.

2 MS. FERRARA: Commissioner Cryan.

3 COMMISSIONER CRYAN: Aye.

4 MS. FERRARA: Commissioner

5 DiDomenico.

6 FREEHOLDER DiDOMENICO: Aye.

7 MS. FERRARA: Commissioner Glembocki.

8 COMMISSIONER GLEMBOCKI: Yes.

9 MS. FERRARA: Commissioner Gomez.

10 COMMISSIONER GOMEZ: Aye.

11 MS. FERRARA: Commissioner Holloway.

12 COMMISSIONER HOLLOWAY: Aye.

13 MS. FERRARA: Commissioner Mehta.

14 COMMISSIONER MEHTA: Aye.

15 MS. FERRARA: Commissioner Peralta.

16 COMMISSIONER PERALTA: Aye.

17 MS. FERRARA: Chairman Choffo.

18 CHAIRMAN CHOFFO: I vote aye.

19 MS. FERRARA: The motion has passed.

20 Thank you. The next item on the agenda is the award
21 of professional service contracts for alternative
22 professional engineering services. The consultant
23 selection committee has designated Remington &
24 Vernick as the most qualified for the alternate
25 professional services.

1 CHAIRMAN CHOFFO: May I have a motion
2 to accept Remington, Vernick & Arango as the
3 alternate?

4 MS. FERRARA: On a motion made by
5 Commissioner DiDomenico. Second by Commissioner
6 Cryan.

7 Commissioner Bettinger.

8 COMMISSIONER BETTINGER: Aye.

9 MS. FERRARA: Commissioner Cryan.

10 COMMISSIONER CRYAN: Aye.

11 MS. FERRARA: Commissioner
12 DiDomenico.

13 FREEHOLDER DiDOMENICO: Aye.

14 MS. FERRARA: Commissioner Glembocki.

15 COMMISSIONER GLEMBOCKI: Yes.

16 MS. FERRARA: Commissioner Gomez.

17 COMMISSIONER GOMEZ: Aye.

18 MS. FERRARA: Commissioner Holloway.

19 COMMISSIONER HOLLOWAY: Aye.

20 MS. FERRARA: Commissioner Mehta.

21 COMMISSIONER MEHTA: Aye.

22 MS. FERRARA: Commissioner Peralta.

23 COMMISSIONER PERALTA: Aye.

24 MS. FERRARA: Chairman Choffo.

25 CHAIRMAN CHOFFO: I vote aye.

1 MS. FERRARA: The motion has passed.

2 MR. CRAY: Thank you for this
3 opportunity.

4 MS. FERRARA: The next item on the
5 agenda is memorialization of resolutions considered
6 at the December and January meetings. The first
7 application is 2012-046-SP, Lee Lim, Brother L III,
8 LLC, located at 1515 JFK Boulevard; Block 29101, Lot
9 37, in Jersey City.

10 The second application, the second
11 resolution, 2012-053-SP, Church Hill Partners, LLC,
12 located at River Road and Church Hill Road; Block
13 435, Lots 18, 28, 30, 32-38, in North Bergen.

14 The next one is 2012-071-SP, Town of
15 Weehawken, Boulevard East, located at Boulevard East
16 and 49th Street; Block 63 and Lot 18, in Weehawken.

17 The next resolution, 2012-070-SP, Flavor
18 OFD, Incorporated, located at 8801-8809 River Road;
19 Block 440, Lots 10-16, in North Bergen.

20 CHAIRMAN CHOFFO: Massiel, the
21 Commissioner is asking can we single him out for the
22 memorialization on the resolution for December and
23 the ones for January, is that okay, Commissioner? I
24 have a question. Why didn't we memorialize
25 December's resolutions?

1 MR. CURLEY: I hadn't had those
2 prepared in time for that meeting.

3 CHAIRMAN CHOFFO: Oh, it's on you,
4 John.

5 MR. CURLEY: It's post-dated.

6 CHAIRMAN CHOFFO: Massiel, can you
7 separate the last ones as per Commissioner Mehta's
8 request. It would be easier for those Commissioners
9 and the alternates. Sometimes Demetrio is in
10 attendance at the meeting.

11 MS. FERRARA: So I'm going to read --
12 I'm going to read the application for the first
13 three, and those were the resolutions from the
14 December meeting and call out the individual
15 Commissioners that were in attendance for the
16 December meeting.

17 So the first motion, the vote will be on
18 Application 2012-046-SP, 2012-053-SP and
19 2012-071-SP. Those are the December resolutions.
20 The Commissioners present at the December meeting
21 were at the time, Commissioner Choffo, Commissioner
22 Glembocki, Commissioner Peralta, Commissioner Romano
23 and Chairwoman Bettinger.

24 CHAIRMAN CHOFFO: Do I have a motion?

25 COMMISSIONER BETTINGER: I make a

1 motion.

2 COMMISSIONER PERALTA: I second.

3 MS. FERRARA: I apologize. Can I
4 have the motion again?

5 CHAIRMAN CHOFFO: Motion by
6 Commissioner Bettinger, and second by Commissioner
7 Peralta.

8 MS. FERRARA: On a motion made by
9 Commissioner Bettinger. Second by Commissioner
10 Peralta.

11 Chairman Choffo.

12 CHAIRMAN CHOFFO: I vote aye.

13 MS. FERRARA: Chairman Glembocki --
14 I'm sorry. Commissioner Glembocki.

15 COMMISSIONER GLEMBOCKI: Yes.

16 MS. FERRARA: Commissioner Peralta.

17 COMMISSIONER PERALTA: Aye.

18 MS. FERRARA: Commissioner Bettinger.

19 COMMISSIONER BETTINGER: Aye.

20 MS. FERRARA: The motion has passed.

21 On the next vote, memorialization of resolutions
22 from the January meeting, it is Application
23 201-070-SP. The Commissioners present at the
24 January meeting were Commissioner Arencibia,
25 Commissioner Bettinger, Commissioner Cryan,

1 Commissioner DiDomenico, Commissioner Holloway,
2 Commissioner Peralta, Commissioner Mehta and
3 Chairman Choffo. Do I have a motion?

4 On a motion made by Commissioner Mehta.
5 Second by Commissioner DiDomenico.

6 Commissioner Bettinger.

7 COMMISSIONER BETTINGER: Aye.

8 MS. FERRARA: Commissioner Cryan.

9 COMMISSIONER CRYAN: Aye.

10 MS. FERRARA: Commissioner
11 DiDomenico.

12 FREEHOLDER DiDOMENICO: Aye.

13 MS. FERRARA: Commissioner Glembocki.

14 COMMISSIONER GLEMBOCKI: Yes.

15 MS. FERRARA: Commissioner Gomez.

16 COMMISSIONER GOMEZ: Aye.

17 MS. FERRARA: Commissioner Holloway.

18 COMMISSIONER HOLLOWAY: Aye.

19 MS. FERRARA: Commissioner Mehta.

20 COMMISSIONER MEHTA: Aye.

21 MS. FERRARA: Commissioner Peralta.

22 COMMISSIONER PERALTA: Aye.

23 MS. FERRARA: Chairman Choffo.

24 CHAIRMAN CHOFFO: I vote aye.

25 MS. FERRARA: The motion has passed.

1 The next item on the agenda is Site Plans,
2 Subdivisions and other matters scheduled for Public
3 Hearing. The first application is 2012-073-SP, Red
4 Bridge Homes, located at 310-312 Park Avenue, Block
5 166, Lots 33.1 & 33.2; in Hoboken.

6 MR. MATULE: Good evening, Chairman
7 Choffo, Board Members, Robert Matule, appearing on
8 behalf of the applicant, Red Bridge Homes. I'm
9 going to have the testimony of Ciaron Kelly,
10 Minervini Vandermark, the architect of record.
11 Mr. Kelly has appeared before this Board before and
12 has been qualified in the past. I would ask that
13 you accept his credentials, but I'll be happy to
14 requalify him if necessary.

15 CHAIRMAN CHOFFO: That would be nice.
16 Some of Commissioner may not have.

17 MR. MATULE: Fine. Mr. Kelly, we'll
18 share this microphone so the Board can hear us.
19 First we'll get you sworn in and then take us
20 through your education.

21 MR. KELLY: Good evening. My name is
22 Ciaron Kelly.

23 (The witness is sworn.)

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

1 name.

2 MR. KELLY: Ciaron Kelly, last name
3 is spelled, K-e-l-l-y.

4 MR. MATULE: Mr. Kelly, could you
5 briefly give the Board the benefit of your
6 educational background, what degrees you hold, your
7 licensing or work experience?

8 MR. KELLY: Certainly, I hold a
9 degree of architecture from Trinity College, Dublin,
10 a diploma of architecture design from Dublin
11 Institute of Technology. I am licensed and
12 registered as an architect in the state of New
13 Jersey, License No. 18866. I have worked for
14 Minervini Vandermark Architect & Associates since
15 October of 2006.

16 MR. MATULE: Have you appeared before
17 the County Planning Board in the past?

18 MR. KELLY: I have.

19 MR. MATULE: Have you appeared before
20 the Hoboken Zoning Board?

21 MR. KELLY: No, I have not. I have
22 appeared before the Hoboken Historical Board.

23 MR. MATULE: Unless the Board has any
24 other questions, I would ask that you accept his
25 qualifications as an architect.

1 MR. KELLY: Thank you.

2 MR. MATULE: Mr. Kelly, if you could
3 and trying to speak up into the microphone, can you
4 explain to the Board what this project is and take
5 them through your drawings you have on the easel
6 there?

7 MR. KELLY: Certainly. The proposed
8 building at 310 Park is a four-story, three-unit
9 residential building. It is on a 32 x 100 foot deep
10 lot on the west side of Park Avenue in Hoboken
11 between 3rd and 4th. As you see, I have a photo
12 board, the main purpose of which is to give you an
13 idea of the existing conditions on the street.
14 Essentially, the most important is the size of the
15 prevailing buildings, which generally vary from two
16 to four, four being the predominate building height
17 on the street.

18 MR. CURLEY: Could you mark that as
19 A-1 actually?

20 MR. MATULE: Continue.

21 MR. KELLY: There are some larger
22 buildings of five stories at either end of the
23 block, but the site, which we are proposing to build
24 our four-story building on is currently occupied by
25 a two-story over basement. It's a run-down,

1 two-family building. So our building would occupy
2 60 percent of the lot. At the rear there will be an
3 additional egress that occupies 8.7 percent of the
4 lot. There will be as required a 30-foot deep
5 landscaped rear yard for use by the lowest unit in
6 the building.

7 As I said, there's three units proposed,
8 the lowest unit being a five-bedroom duplex at 3,032
9 square feet. Above that occupying the third and
10 fourth floor of the building will be two
11 three-bedroom units on each floor. Those units are
12 1,692 square feet. The roof will not be occupied.
13 There is an elevator proposed. There will be
14 private access to each unit from the elevator.

15 The building was originally proposed,
16 first floor residential floor at ten feet, however,
17 following Sandy, FEMA produced a new revised base
18 flood elevation map, which shows our site at twelve
19 feet. So we're proposing the first floor elevation
20 at 13 feet, and we are achieving that change by a
21 small interior staircase from grade as your entry
22 point to the first floor, but also a two-sided
23 elevator, which will serve all floors and brings you
24 from the grade to the first floor level inside the
25 building.

1 The building will be LEED certified. The
2 building will be LEED certified. Our clients want
3 to achieve gold status by a number of great
4 technologies. I'll list them quickly: Stormwater
5 retention tanks would be under the rear yard, but
6 that in conjunction with permeable pavers and
7 landscaped rear yard will reduce runoff overall.
8 There will be a solar panel array proposed on the
9 roof; spray insulation throughout the entire
10 building to achieve a very high R value; Energy Star
11 appliances; low energy use elevator which will use
12 approximately 50 percent of a typical elevator for
13 this size of the building; a landscaped yard and
14 also white roof to reduce the overall energy cost
15 for cooling down; high insulation windows and also
16 recycling of all demolition and construction waste.

17 I would just briefly talk to you about the
18 site design of the other buildings. The owners, or
19 our clients, came to us, they wanted a very
20 contemporary building which would add interest to
21 the streetscape and also stand side by side to its
22 neighbor, which is a very modern building, but also
23 that would pay respect to the traditional features
24 you see in Hoboken, the cornice brick material.
25 Knowing that it was going to be a concrete building,

1 our approach was to use a profile front in the slab
2 to create that undulation in the front of the
3 building, so it appears as if the adjacent floor
4 waves to and fro, and so this is how we're
5 proposing. We're proposing slate-colored brick and
6 painted paving to create what we know our clients
7 and Hoboken really like. I hope that you like it
8 too. Unless there is anything...

9 MR. MATULE: Just for the record
10 you're referring to this rendering?

11 MR. KELLY: Yes.

12 MR. MATULE: We'll mark this A-2.
13 That's I guess a photo?

14 MR. KELLY: Yes, it's a computer-
15 generated 3D rendering of the proposed building
16 within the streetscape.

17 MR. MATULE: I believe we discussed
18 this at the Planning Board work session. The way
19 these bays undulate, they are going to encroach into
20 the County right-of-way, correct?

21 MR. KELLY: Correct, and we would
22 apply to the County for an easement.

23 MR. MATULE: And you have a planter
24 in front of the building that also technically
25 encroached into the County right-of-way. That also

1 would be requested as part of the easement?

2 MR. KELLY: Absolutely, and that
3 planter is in line with the predominant fence line
4 of the street.

5 MR. MATULE: One other issue I
6 believe in the report, you asked for trees in front
7 of the building. That's approximately 32 feet wide.
8 We are certainly willing to try to do that, but the
9 architect tells me that's a little tight.

10 MS. GIARRATANA: I'm sorry. I'm
11 looking at the letter right now. We just requested
12 one tree. It would be just be one street tree.

13 MR. MATULE: That's really all I
14 have.

15 COMMISSIONER HOLLOWAY: I didn't hear
16 what you said, your response.

17 MS. GIARRATANA: I'm sorry. I was
18 reading from the review letter that he was referring
19 to, and it just mentions about planting one tree,
20 not two.

21 COMMISSIONER HOLLOWAY: Thank you,
22 Honey.

23 MR. MATULE: I have nothing further
24 unless the Board Members have any questions of
25 Mr. Kelly. We received all of our approvals from

1 Hoboken. Obviously, this is one of the conditions
2 of Hoboken's approval.

3 CHAIRMAN CHOFFO: What's the
4 condition with Hoboken?

5 MR. MATULE: Only that we obtain
6 County Planning Board approval and the typical North
7 Hudson approval. They're going to require us to
8 have on-site retention.

9 CHAIRMAN CHOFFO: No other conditions
10 through Hoboken?

11 MR. MATULE: No. We had supplied a
12 copy of the resolution. I'll just check to make
13 sure. Well, typical of what Mr. Kelly testified to,
14 that it's going to be a LEED certified building, and
15 we will get our approvals from North Hudson. There
16 will be solar panels on the roof. We have to file a
17 deed restrictions that the rear decks will not be
18 used for storage, which is pretty typical of the
19 Hoboken Zoning Board.

20 CHAIRMAN CHOFFO: Joe, do you have
21 any questions?

22 COMMISSIONER GLEBOCKI: No.

23 MR. CRAY: Mr. Chairman, if I could,
24 limited comments from my review of the project.

25 CHAIRMAN CHOFFO: Hold one second.

1 MR. CURLEY: Mr. Cray, you have to be
2 sworn if you're going to make comments that the
3 Board is going to consider as evidence. Raise your
4 right hand.

5 (The witness is sworn.)

6 MR. CRAY: Thank you. Referencing
7 the Remington & Vernick review letter of
8 February 6th, the only comment that requires action,
9 I'll come back to the first one, that being limited
10 testimony regarding your approach to minimize impact
11 to traffic on Park Avenue during construction.
12 There was some testimony about the anticipated
13 encroachment. The specifics can be worked out at
14 the time you apply for the permit as well.

15 You already mentioned that as a condition
16 you have to obtain a franchise agreement through the
17 Freeholders. There is a comment regarding details,
18 and essentially, it's just a matter of revising the
19 paving details for the restoration when you put
20 utilities in just to be consistent with the County
21 road opening permit process. When you do that, it
22 will make it even smoother for the road opening
23 permit.

24 All I have left beyond what has already
25 been covered in planning review, I would ask for

1 some testimony about how you seek to minimize
2 traffic on Park Avenue during the construction
3 phase.

4 MR. KELLY: Well, I think first of
5 all, the clients in this case are prolific builders
6 in Hoboken. They built many buildings of this size.
7 We don't foresee any major impact of traffic on the
8 street. Of course, inevitably once in a while,
9 there will be some obstruction to traffic, at which
10 point the City will have to -- prior notice would
11 have to be given, and the traffic cops will be
12 standing there at the time to take care of any
13 traffic delays or diversions. We don't foresee
14 anything out of the ordinary.

15 MR. CRAY: You will try to follow a
16 successful pattern of similar construction in
17 Hoboken?

18 MR. KELLY: Absolutely, yes.

19 MR. CRAY: I have no further
20 comments.

21 CHAIRMAN CHOFFO: Any other
22 Commissioners?

23 COMMISSIONER MEHTA: I am looking at
24 the architect's drawing on Z-4 and Z-5, I think I
25 saw a balcony and a staircase?

1 MR. KELLY: Correct.

2 COMMISSIONER MEHTA: So you said that
3 the footprint will be 60, but not when you add that
4 extra from the balcony?

5 MR. KELLY: Yes. The building itself
6 is 60 percent lot coverage. There is a rear
7 structure in the back, which is a combined egress
8 stair. That occupies the 7.8 percent, so the total
9 lot coverage is 67.8.

10 COMMISSIONER MEHTA: So do you want
11 to state that correctly for the record?

12 MR. KELLY: Yes, total lot coverage
13 will be 67.8 percent.

14 CHAIRMAN CHOFFO: Does that answer
15 your question, Commissioner?

16 COMMISSIONER MEHTA: Yes, for the
17 record to acknowledge the correct lot coverage.
18 Hoboken, do they have any parking?

19 MR. MATULE: In this zone, the R-1
20 zone, parking is prohibited. On-site parking is
21 prohibited. In the other two residential zones, R-2
22 and R-3, it's prohibited on lots less than 50 feet
23 wide. In any event we would not be allowed to have
24 parking on-site, but there is no requirement to
25 participate in any type of off-site parking

1 requirement. If it were a commercial operation and
2 we were within 800 feet of a municipal garage, we
3 would have to participate in the Park and Shop
4 Program, but for residential, there is no such
5 requirement.

6 COMMISSIONER HOLLOWAY: Mr. Chairman,
7 just for the record, are you replacing the surface
8 of the sidewalk, or are you replacing the sidewalk?

9 MR. KELLY: We are replacing the
10 sidewalk. It says new concrete sidewalks.

11 COMMISSIONER HOLLOWAY: Thank you.

12 COMMISSIONER CRYAN: I have a
13 question. How far do the bay windows encroach into
14 the County property?

15 MR. KELLY: At its maximum distance,
16 I believe 24 inches.

17 COMMISSIONER CRYAN: Thank you.

18 MS. FERRARA: On a motion made by
19 Commissioner Cryan. Second by Commissioner
20 Bettinger.

21 Commissioner Bettinger.

22 COMMISSIONER BETTINGER: Aye.

23 MS. FERRARA: Commissioner Cryan.

24 COMMISSIONER CRYAN: Aye.

25 MS. FERRARA: Commissioner

1 DiDomenico.

2 FREEHOLDER DiDOMENICO: Aye.

3 MS. FERRARA: Commissioner Glembocki.

4 COMMISSIONER GLEMBOCKI: Yes.

5 MS. FERRARA: Commissioner Gomez.

6 COMMISSIONER GOMEZ: Aye.

7 MS. FERRARA: Commissioner Holloway.

8 COMMISSIONER HOLLOWAY: Aye.

9 MS. FERRARA: Commissioner Mehta.

10 COMMISSIONER MEHTA: Aye.

11 MS. FERRARA: Commissioner Peralta.

12 COMMISSIONER PERALTA: Aye.

13 MS. FERRARA: Chairman Choffo.

14 CHAIRMAN CHOFFO: I vote aye.

15 MS. FERRARA: The motion has passed.

16 MR. MATULE: Thank you. We will
17 submit revised plans for the resolution sets, and we
18 will send them to the Board professionals with the
19 paving detail.

20 CHAIRMAN CHOFFO: Thank you.

21 MS. FERRARA: The next application on
22 the agenda is 2013-001-SD, for Fraternity Meadows,
23 4,000-10,000 Riverside Station Boulevard, Block
24 5.03, Lots 3.05, in Secaucus.

25 MR. O'CONNOR: Good evening. My name

1 is Tom O'Connor. I'm an attorney with the law firm
2 of Waters, McPherson, McNeill, representing
3 Fraternity Meadows. With me this evening is George
4 Cascino, the project engineer. He's been the
5 project engineer on various phases of this project.
6 The application this evening is really a technical
7 application. It's just a minor site plan. It's
8 associated with the site -- it's a minor
9 subdivision, I'm sorry.

10 It's associated with the site plan that
11 was approved by this Board back in January of 2012.
12 It's a part of the multiphase project which is being
13 developed by the Secaucus Train Station known as
14 Xchange. This Board has heard and approved the
15 first four phases of the application. The fourth
16 phase, which the Board approved in January, is just
17 under construction, and really the purpose of this
18 application is a minor subdivision just to subdivide
19 a small vacant piece of the lot, the tax lot, which
20 was not really part of the site plan proposed.

21 I should point out that the subdivision
22 application is within the Meadowlands jurisdiction.
23 It's been submitted to the Hackensack New Jersey
24 Meadowlands Commission. They have approved the
25 application and actually have signed the minor

1 subdivision plat, and the plat plan has been
2 circulated for the County's approval. We have also
3 submitted it to the Town of Secaucus and the tax
4 assessor, and they have signed off on the tax map.

5 Mr. Cascino has been here also before the
6 Board, but for the purposes of maybe the Board
7 Members, I'll ask the same thing, George, after
8 you're sworn in.

9 (The witness is sworn.)

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

12 MR. CASCINO: George E. Cascino,
13 C-a-s-c-i-n-o.

14 MR. O'CONNOR: Mr. Cascino, you're a
15 licensed engineer and planner in the state of New
16 Jersey?

17 MR. CASCINO: Yes, I am.

18 MR. O'CONNOR: Could you just give us
19 very briefly the some of your qualifications?

20 MR. CASCINO: I have a bachelor of
21 science degree from Penn State University. I'm a
22 licensed professional engineer and professional
23 planner in New Jersey. I have held those licenses
24 for 40 years. I'm owner of a sole proprietorship
25 called Cascino Engineering, and I have appeared

1 before this Board on a number of occasions in the
2 past on this project and some other projects.

3 MR. O'CONNOR: And you have been the
4 project engineer on all phases of this particular
5 development?

6 MR. CASCINO: Yes, I have. It's
7 almost eight years now.

8 MR. O'CONNOR: We'll offer
9 Mr. Cascino as a professional engineer. First, can
10 you show us the plans for us; one is the subdivision
11 which was submitted in the application, and the
12 other is a plan that you prepared for this hearing?

13 MR. CASCINO: Yes.

14 MS. FERRARA: If you can just mark
15 those.

16 COMMISSIONER HOLLOWAY: Can I ask a
17 question for the record, have all fees been
18 collected?

19 CHAIRMAN CHOFFO: That is a good
20 question. I was looking at the same thing. Excuse
21 me, Mr. O'Connor. It could be an error on the
22 application that the Board is viewing. Have the
23 escrows been paid?

24 MS. GIARRATANA: Yes, they are.

25 COMMISSIONER HOLLOWAY: I'll ask the

1 Board itself to make sure that we note that it's
2 paid so we don't have to ask that question.

3 CHAIRMAN CHOFFO: One of the reasons
4 is, we had issues in the past of people not paying
5 their fees, and we had a backlog. I apologize.

6 MR. O'CONNOR: We've paid a lot of
7 fees in this project.

8 CHAIRMAN CHOFFO: Thank you.

9 MR. O'CONNOR: Maybe you could just
10 describe for the Board what's shown on the
11 subdivision plan.

12 MR. CASCINO: Yes. Fraternity
13 Meadows site, Xchange Place, both ways, it was an
14 original 60-acre parcel at the intersection of
15 County Road Extension and New County Road, right
16 next to the park. The project was subdivided in the
17 early-on days into a dozen plots. Since that time
18 we've been back to you --

19 CHAIRMAN CHOFFO: Sorry, can you
20 speak into the microphone?

21 MR. CASCINO: We've been back to the
22 Board at least on five occasions. One was
23 originally to subdivide the property, and then
24 subsequently to approve -- to gain approval for the
25 construction of four buildings. Perhaps the Board

1 will know them as Building A, which was a retail and
2 commercial building at the corner of New County and
3 County Road Extension; Building C, which was Lot
4 3.01, Block 5.01, that was approved, built,
5 constructed and occupied; Building D, again, these
6 are all three-story residential buildings, on Lot
7 3.02 and Block 5.01. There's Building B, that was
8 built and occupied.

9 And the one that we're most recently here,
10 as Mr. O'Connor said. A year ago was building I
11 slash J, which was on about a 14 1/2 acre lot, a new
12 roadway constructed. We constructed three new roads
13 off the County roads, Brianna Lane, Emily Drive and
14 Riverside Station Boulevard, right through the
15 middle of the property. This block that we're
16 speaking of lies just to the south of Riverside
17 Station Boulevard.

18 We had site plan approval by the Board
19 last year for new construction of about 800 housing
20 units and Building I and J, and during the course of
21 construction, the building is under construction
22 now, the lenders have requested that we subdivide
23 off the actual footprint from Building I and J from
24 the overall lot, which would remain one to be the
25 large lot, which has Building I and J on it. It

1 would be approximately 12.381 acres, and the balance
2 of that lot, which would be fronting on New County
3 Road and Riverside Station Boulevard, would be
4 probably 2.495 acres or two and a half acres. That
5 lot, there has been no determination as to what will
6 be proposed on that lot. Excuse me. Whatever it
7 would, it would have to comply with the use
8 requirements of the Meadowlands Commission for the
9 overall redevelopment area.

10 So we propose to subdivide off two and a
11 half acres of that parcel, and if you want to see
12 what it would look like, I have another exhibit.

13 MR. CURLEY: The subdivision plan is
14 part of the application. It does not have to be
15 marked.

16 MR. O'CONNOR: This will be A-1.

17 MR. CASCINO: I'll mark it as A-2.
18 One of the plans that was approved last January by
19 the Board, that was the actual site plan for
20 Building J, which is immediately adjacent to the
21 west, the northwest. What I've done on the map, the
22 only thing different on this map from when you
23 approved it, I struck it blue. I struck in a blue
24 line to show where the proposed subdivision line
25 would be that would leave the balance of the lot for

1 future development. So again the only difference
2 between this Exhibit A-2 and the site plan you
3 approved in the past is the blue line, which shows
4 you pending approval of the Board on the
5 subdivision. We would do a site plan in the future
6 for that remaining lot.

7 MR. O'CONNOR: That's really the only
8 testimony. It's not a very complicated application.

9 CHAIRMAN CHOFFO: Do we have any
10 questions from the Commissioners?

11 MR. TRIDENTE: Mr. Chairman, I would
12 like ask --

13 CHAIRMAN CHOFFO: Mr. Tridente, you
14 have to be sworn in.

15 MR. CURLEY: Just to ask a question
16 or comments?

17 MR. TRIDENTE: Just a question.
18 Mr. Cascino, being that you've been involved with
19 this application since its inception, I'm sure you
20 were aware that there were certain conditions on the
21 previous applications for some road improvements to
22 the bridge that merges between Fraternity Meadows
23 and the parking lot that's down there. Could you
24 for the edification of the Board, just give them a
25 little summary of where you are with those

1 improvements and the timeline in which you're going
2 to complete them?

3 MR. O'CONNOR: Well, let me answer
4 that question. George could describe the
5 improvements. We discussed this. The bridge is
6 here. We discussed this a little bit at the site
7 plan review committee meeting. As a condition of
8 the site plan approval, there was a requirement to
9 make certain improvements to the -- related to
10 pedestrian route to the train station, and there was
11 a traffic island inserted, some new crosswalks,
12 various improvements to the street.

13 All of that was approved by the County
14 engineer and has been done. We have had discussions
15 about the bridges -- actually, re-striping the
16 bridge, which was also done. We have had
17 discussions at the site plan review meeting about
18 trying to make an effort with New Jersey Transit and
19 the County to see if something can be done about the
20 narrow sidewalk itself on the bridge, which really
21 needs an inter-agency cooperative effort to do. I'm
22 not even sure -- when we met with Demetrio, there
23 was still some dispute with Transit as to who had
24 the jurisdiction on the bridge or who would have the
25 right to approve that or do those improvements.

1 CHAIRMAN CHOFFO: The Transit
2 Authority, I guess, owns the bridge.

3 MR. O'CONNOR: Although it's a County
4 road. I think the way it was left, we were going to
5 set up -- actually T & M was going to set up a
6 meeting with the Transit and the County to see what
7 we can do about widening the sidewalk. The sidewalk
8 itself is very narrow.

9 COMMISSIONER GLEMBOCKI: Have any of
10 improvements been done?

11 MR. O'CONNOR: Yeah, all the
12 improvements were done. There was an island which
13 separated the right-turn lane. Actually, because it
14 was a very wide intersection there, the island
15 allows the crosswalks. Pedestrians can get to the
16 island, and there is a shorter walk across New
17 County Road. The re-striping was all done. The
18 crosswalks are relocated.

19 MR. CASCINO: There was re-striping
20 that had to be done on the bridge itself. It
21 created a median and also a re-striping along the
22 shoulder, not only widening the sidewalk, it
23 provided for a shoulder to get the cars further away
24 from pedestrians. That's what we were required to
25 do so far.

1 COMMISSIONER GLEBOCKI: I took a
2 ride up there to take a look. I want to reference T
3 & M's review letter, which says as a condition of
4 this approval, it should be that they satisfy the
5 conditions of the remaining plan. I took a quick
6 ride out there to see if it was done. I saw there
7 was so much signage that's shown on the plan. I
8 took a ride to make sure they conform it to this
9 plan.

10 MR. O'CONNOR: I think I took a ride
11 to take a look and make sure. I wasn't too keen on
12 the signage. I was looking to make sure the
13 striping was done and the island was done.

14 COMMISSIONER GLEBOCKI: There was
15 crosswalks signs. If you want you can come take a
16 look.

17 MR. O'CONNOR: We'll do that. We'll
18 take a look. I think the important thing is that
19 we're trying to have some kind of follow up with
20 Transit to figure out a way to actually physically
21 widened the sidewalk.

22 COMMISSIONER GLEBOCKI: That should
23 probably be a condition of approval in the future
24 development that you work with Transit.

25 MR. O'CONNOR: This is the fourth

1 phase of the seven- or eight-phase project. So
2 we'll be back.

3 CHAIRMAN CHOFFO: We make it a
4 condition of this subdivision.

5 MR. O'CONNOR: Part of the problem
6 is -- certainly, we would be happy to do whatever we
7 can. It's a New Jersey Transit bridge, so it's all
8 subject to their approval. We certainly want to
9 make the effort. We are all in agreement that the
10 sidewalk should be widened.

11 COMMISSIONER GLEMBOCKI: It's for the
12 benefit of your development.

13 MR. O'CONNOR: We certainly agree to
14 pursue that with all the government agencies
15 involved.

16 CHAIRMAN CHOFFO: Any questions?
17 Motion?

18 MS. FERRARA: On a motion made by
19 Commissioner Bettinger. Second by Commissioner
20 Mehta.

21 Commissioner Bettinger.

22 COMMISSIONER BETTINGER: Aye.

23 MS. FERRARA: Commissioner Cryan.

24 COMMISSIONER CRYAN: Aye.

25 MS. FERRARA: Commissioner

1 DiDomenico.

2 FREEHOLDER DiDOMENICO: Aye.

3 MS. FERRARA: Commissioner Glembocki.

4 COMMISSIONER GLEMBOCKI: Yes.

5 MS. FERRARA: Commissioner Gomez.

6 COMMISSIONER GOMEZ: Aye.

7 MS. FERRARA: Commissioner Holloway.

8 COMMISSIONER HOLLOWAY: Aye.

9 MS. FERRARA: Commissioner Mehta.

10 COMMISSIONER MEHTA: Aye.

11 MS. FERRARA: Commissioner Peralta.

12 COMMISSIONER PERALTA: Aye.

13 MS. FERRARA: Chairman Choffo.

14 CHAIRMAN CHOFFO: Aye.

15 MS. FERRARA: The motion has passed.

16 MR. O'CONNOR: Thank you very much.

17 MS. FERRARA: The next application is

18 2013-003-SD, slash SP, 6233 JFK, Applicant, 6233

19 Kennedy Boulevard, LLC, located at 6231-6235 Kennedy

20 Boulevard; Block 204, Lot 11, in North Bergen.

21 MR. ALONSO: Good evening. For the

22 record, Alvaro Alonso, Alonso & Navarrete, on behalf

23 of the applicant. I must apologize. Unfortunately,

24 I just called my architect. There was some

25 confusion. He failed to put it down on his

1 calendar. He's not available this evening. So
2 otherwise we're ready to proceed. I have to ask
3 this matter be carried for the next meeting.

4 CHAIRMAN CHOFFO: Do I have a motion
5 to carry to the next meeting?

6 MR. CURLEY: Mr. Chairman, the motion
7 has to be conditioned upon the consent of the
8 municipality. If the consent is not obtained within
9 five business days, the application would be deemed
10 withdrawn.

11 MR. ALONSO: I can check with the
12 municipality tomorrow morning.

13 CHAIRMAN CHOFFO: Either way, you'll
14 contact Mr. Curley's office to let him know?

15 MR. ALONSO: That's correct.

16 MS. FERRARA: On a motion by made by
17 Commissioner Holloway. Second by Commissioner
18 Cryan.

19 Commissioner Bettinger.

20 COMMISSIONER BETTINGER: Aye.

21 MS. FERRARA: Commissioner Cryan.

22 COMMISSIONER CRYAN: Aye.

23 MS. FERRARA: Commissioner
24 DiDomenico.

25 CHAIRMAN CHOFFO: She stepped out.

1 MS. FERRARA: Commissioner Glembocki.
2 COMMISSIONER GLEMBOCKI: Yes.
3 MS. FERRARA: Commissioner Gomez.
4 COMMISSIONER GOMEZ: Aye.
5 MS. FERRARA: Commissioner Holloway.
6 COMMISSIONER HOLLOWAY: Aye.
7 MS. FERRARA: Commissioner Mehta.
8 COMMISSIONER MEHTA: Aye.
9 MS. FERRARA: Commissioner Peralta.
10 COMMISSIONER PERALTA: Aye.
11 MS. FERRARA: Chairman Choffo.
12 CHAIRMAN CHOFFO: I vote aye.
13 MR. ALONSO: Thank you very much.
14 MS. FERRARA: Commissioner
15 DiDomenico.
16 FREEHOLDER DiDOMENICO: Aye.
17 MS. FERRARA: The motion has passed.
18 MR. ALONSO: What would be the next
19 meeting date?
20 CHAIRMAN CHOFFO: March 20th.
21 MR. ALONSO: Thank you. Have a good
22 evening.
23 MS. FERRARA: The next item on the
24 agenda is 2013-005-SP, Applicant HTMB Properties,
25 LLC, located at 319 Willow Avenue; Block 166, Lot

1 9.02, in Hoboken.

2 MR. MATULE: Good evening again.
3 Robert Matule, appearing on behalf of the applicant,
4 HTMB Properties, 319 Willow Avenue. I will be
5 having testimony from James McNeight, the architect
6 for the project. Again, Mr. Chairman, Mr. McNeight
7 has appeared here numerous times. I will be happy
8 to requalify him for the new Board Members and have
9 his sworn in.

10 (The witness is sworn.)

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

13 MR. McNEIGHT: James McNeight,
14 M-c-n-e-i-g-h-t.

15 MR. MATULE: Mr. McNeight, can you
16 give the Board Members the benefit of your
17 educational background, your professional degrees
18 and your work experience?

19 MR. McNEIGHT: Yes, sir. I graduated
20 from Cooper Union in New York City, with a bachelor
21 of architecture degree in 1977, was licensed as an
22 architect in New York in 1981, in New Jersey as an
23 architect in 1983, and in New Jersey as a planner in
24 1987. I've run my own business for the last 29
25 years.

1 MR. MATULE: You've appeared before
2 zoning boards and planning boards throughout the
3 County?

4 MR. McNEIGHT: Yes, I have.

5 MR. MATULE: You have appeared before
6 the County Planning Board in the past?

7 MR. McNEIGHT: I have.

8 MR. MATULE: Just a couple of
9 preliminary comments. First of all, I would like to
10 on behalf of my client say thank you to the Planning
11 Department. This was a somewhat unusual and
12 unfortunate situation, where an existing structure
13 was under renovation, and in the course of
14 renovation because of -- Mr. McNeight will testify
15 further to this.

16 Anyway, because of the present condition
17 of the building, they tore the building down and
18 started rebuilding it, not understanding because
19 they tore the building down and because it was on a
20 County road, they had to come before this Board for
21 approval. A stop work order was issued on the
22 project, and the applicant with all due haste, got
23 an application filed and the Board's professionals
24 reviewed it as fast as they possibly could and got
25 us on here so as not to hold up the project. The

1 stop work order was also lifted at the applicant's
2 risk once the application was filed. I would like
3 to express my client's appreciation for that
4 consideration.

5 One other thing, when we were at the work
6 session, we were asked to produce a survey of the
7 property. I have just received those. If I could
8 I'll give them to the Board Engineer. So on that
9 note --

10 COMMISSIONER HOLLOWAY: Mr. Chairman,
11 for the record, how far are you with this project?

12 MR. MATULE: Mr. McNeight, could you
13 explain? I guess the foundation and footings.

14 MR. McNEIGHT: Yeah. Given its
15 location we had to add new steel piles and new
16 grading. Basically all of the underground work has
17 been completed, and there's now a clean, concrete
18 slab.

19 COMMISSIONER HOLLOWAY: Mr. Chair,
20 has this been approved by the Town of Hoboken?

21 MR. McNEIGHT: It was approved as a
22 renovation and addition, and now we have received a
23 second letter. The zoning officer rescinded it when
24 the County inspector informed her that there was a
25 problem with it. But now that the application has

1 been filed, she's issued a second certificate of
2 approval.

3 COMMISSIONER HOLLOWAY: And for the
4 record, the reason I'm asking this is, you stated
5 you had to tear it down for whatever reason, you
6 started prior to coming in front us. I know you're
7 coming in front of us now, and we appreciate it.
8 The reason I'm asking how far are you with this is
9 to make sure that the inspectors had seen and
10 corrected, and it's been corrected with the
11 performance. If you're doing the foundation now, is
12 it up to code and everything?

13 MR. McNEIGHT: You're speaking of the
14 local building inspector?

15 COMMISSIONER HOLLOWAY: Yes.

16 MR. McNEIGHT: Yes, they've inspected
17 it.

18 COMMISSIONER HOLLOWAY: Thank you.

19 MR. MATULE: So Mr. McNeight, why
20 don't you take the Board through the project, what
21 it consists of, what's on there?

22 MR. McNEIGHT: All right. This is a
23 16-foot-wide lot. It's a hundred feet deep,
24 directly across from the hospital in Hoboken.
25 Originally, when we were going to renovate it, this

1 front rectangle was a three-story-high building that
2 had two apartments in it and a store at the bottom.
3 The addition was going to be this small rectangle in
4 the back.

5 As things developed, there's a twin of the
6 original building to the south of it. When this
7 building was stripped of its interior, we found out
8 that everything was rotted inside from a bad roof
9 and being 120 years old. The parting wall that was
10 between these two framed buildings was simply a
11 wooden framed wall. so when they stripped the
12 plaster off this side, they were literally looking
13 at the back side of the Sheetrock of the people on
14 the other side. Being in the winter and for fire
15 code reasons, the Building Department wanted me to
16 firm up that wall, seal it and insulate it so that
17 the people living next door wouldn't be affected by
18 what is going on.

19 At the same time, Hurricane Sandy
20 happened. This site flooded to about three feet or
21 so. The contractor, you know, decided that he was
22 going to remove everything to make the operation
23 easier to do. That's the history how this original
24 building disappeared. As far as the plan is
25 concerned, as I said before, there is a store on the

1 first floor that has a direct entrance into the
2 store. The residential entrance is to the north or
3 to the left as you're looking to the face of the
4 building. You go up the flight of stairs, there's a
5 two-bedroom apartment on that floor. You go up the
6 stairs once again, there's a two-bedroom apartment
7 on the top floor. There's a bay that sticks out 30
8 inches off the face of the building on the upper two
9 floors.

10 Basically at this point, we now have a
11 brand new building that will be totally up to code
12 as far as the International Construction Code is
13 concerned. The sidewalk is going to get replaced.
14 There is an existing street tree that's going to be
15 maintained directly in front of this building.
16 There isn't any driveway or any vehicular access to
17 the site, and basically, you're going to get a new
18 building on the block that's going to be attractive
19 and totally up to date as far as code.

20 MR. MATULE: Does that window require
21 a franchise easement from the County?

22 MR. McNEIGHT: Yes, it would.

23 MR. MATULE: I noticed in the report
24 from the County, it talks about green techniques.
25 You're not incorporating any green techniques into

1 this existing site?

2 MR. McNEIGHT: Correct. I mean, the
3 only green aspect of it is that the backyard will be
4 unpaved, so it will absorb the water.

5 MR. MATULE: So we are requesting a
6 waiver of that requirement?

7 MR. McNEIGHT: Yes, we are.

8 MR. MATULE: And as far as North
9 Hudson goes, you're using your existing stormwater?

10 MR. McNEIGHT: Yes.

11 MR. MATULE: So they're not requiring
12 any on-site detention?

13 MR. McNEIGHT: That's correct.

14 MR. MATULE: I have nothing further.

15 CHAIRMAN CHOFFO: Joe, this site plan
16 was reviewed in-house?

17 MR. TRIDENTE: Yes.

18 MS. FERRARA: Chairman Choffo, let
19 the record show that Commissioner Romano has joined
20 the meeting.

21 COMMISSIONER GLEMBOCKI: They are
22 replacing curb cuts, sidewalk and the drainage is a
23 direct connection for the drainage.

24 CHAIRMAN CHOFFO: We have a copy of a
25 letter dated February 11th, 2013?

1 MR. MATULE: Yes, the letter from the
2 Division of Planning.

3 CHAIRMAN CHOFFO: Signed by
4 Ms. Massey?

5 MR. MATULE: Yes.

6 CHAIRMAN CHOFFO: All 14 of those
7 conditions are acceptable?

8 MR. MATULE: Yes, other than we're
9 requesting a waiver of the two green techniques on
10 paragraph 9, that the architect testified to, and we
11 testified we're going to get an encroachment
12 agreement with the County for the bay window. It's
13 above the first floor, but it's still the County
14 right-of-way.

15 FREEHOLDER ROMANO: What about the
16 bike racks, Mr. McNeight?

17 MR. McNEIGHT: They're only three
18 stories so they can bring their bike upstairs.

19 CHAIRMAN CHOFFO: Any questions? Do
20 I have a motion?

21 MS. FERRARA: On a motion by
22 Commissioner Romano. Second by Commissioner Cryan.
23 Commissioner Bettinger.

24 COMMISSIONER BETTINGER: Aye.

25 MS. FERRARA: Commissioner Cryan.

1 COMMISSIONER CRYAN: Aye.

2 MS. FERRARA: Commissioner

3 DiDomenico.

4 FREEHOLDER DiDOMENICO: Aye.

5 MS. FERRARA: Commissioner Glembocki.

6 COMMISSIONER GLEMBOCKI: Yes.

7 MS. FERRARA: Commissioner Gomez.

8 COMMISSIONER GOMEZ: Aye.

9 MS. FERRARA: Commissioner Holloway.

10 COMMISSIONER HOLLOWAY: Aye.

11 MS. FERRARA: Commissioner Mehta.

12 COMMISSIONER MEHTA: Aye.

13 MS. FERRARA: Commissioner Peralta.

14 COMMISSIONER PERALTA: Aye.

15 MS. FERRARA: Commissioner Romano.

16 FREEHOLDER ROMANO: Aye.

17 MS. FERRARA: Chairman Choffo.

18 CHAIRMAN CHOFFO: Aye.

19 MS. FERRARA: The motion has passed.

20 MR. MATULE: Thank you very much.

21 Have a good evening.

22 MS. FERRARA: The last application to

23 be heard is 2013-006-SP, Alexis Romano, located at

24 660 First Street, Block 26, Lot 4, in Hoboken.

25 MR. BURKE: Good evening, Board and

1 Chairman. James Burke, B-u-r-k-e, representing the
2 applicant, Alexis Romano. I have one witness
3 tonight, who is the architect, Steven Kawalek. The
4 project is an existing three-unit building in
5 Hoboken. The applicant received approvals from the
6 Hoboken Zoning Board to add two additional floors on
7 the top and also expand the building out, which
8 Mr. Kawalek will explain. Basically, this is the
9 only building of the small scale on the entire
10 block. It's like a minnow sandwiched between two
11 whales. This is the only building that's left on
12 that block.

13 Let me introduce Mr. Kawalek. I know he's
14 appeared here, but I would ask you to state the
15 summary of your academic credential.

16 (The witness is sworn.)

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

19 MR. KAWALEK: Steven Kawalek,
20 K-a-w-a-l-e-k.

21 MR. BURKE: Just give the Board a
22 summary of your educational background and
23 professional credentials.

24 MR. KAWALEK: I have a bachelor's and
25 masters degrees from New York University. I have a

1 masters of architecture from New Jersey Institute of
2 Technology I received in the year 2000; licensed to
3 practice architecture in New Jersey since 2005, and
4 also in New York, Pennsylvania and Connecticut in
5 subsequent years. I'm also a licensed professional
6 planner in New Jersey since 2006. I'm half of a
7 family practice located in Bayonne, New Jersey,
8 where I've worked since 2001, with my father, and
9 I've also appeared before this Board many times in
10 the past.

11 MR. BURKE: Mr. Chairman, do you
12 accept him as an expert in architecture?

13 CHAIRMAN CHOFFO: Thank you.

14 COMMISSIONER HOLLOWAY: Mr. Chairman,
15 before we begin, have they paid up their fee?

16 MS. GIARRATANA: Mr. Chair, I do
17 verify that they have paid all their fees.

18 FREEHOLDER ROMANO: Just for the
19 record, no relation between myself and the
20 applicant.

21 MR. BURKE: Very good. Give the
22 Board a brief description of the improvements. Can
23 give you more detail referring to the plans that you
24 provided to the Board?

25 CHAIRMAN CHOFFO: Do me a favor. We

1 have some background noise. Just speak close to
2 mic.

3 MR. KAWALEK: As Mr. Burke said, this
4 project was approved by Hoboken in August of 2012.
5 It's a -- it's an undersized lot, 20 feet by
6 75 feet, and it's an undersized structure, as
7 Mr. Burke said, surrounded by very large multi-unit
8 buildings. This is a three-unit building, and the
9 applicant has gotten approval to expand vertically
10 and horizontally to the rear without changing the
11 number of units. It's going to be a single unit on
12 the ground floor, a single unit on the second floor,
13 and the tri-plex unit for the owner herself above
14 that.

15 We've gone to some length to preserve the
16 existing facade, which is historical in nature, and
17 to expand above that with contrasting material,
18 which the Board saw favorably in Hoboken. In terms
19 of the net expansion, the existing building is about
20 40 feet long, 20 feet wide. We're going back
21 another 17 feet, and we're going up two stories on
22 the existing building with a rear addition being a
23 full five-story addition.

24 Hoboken gave us permission to match the
25 height of the lower of our neighbors; that per their

1 ruling, we're extending to the height of 51 feet,
2 five inches, which matches the height of our shorter
3 neighbor. The other neighbor is somewhat higher
4 than that. That's essentially the summary of the
5 architectural aspect of the project. In terms of
6 site improvements, we are replacing the sidewalk and
7 curb. We are proposing a street tree in front and
8 landscaping in the rear yard, which is basically
9 just kind of a jungle back there.

10 MR. BURKE: Is there an encroachment?

11 MR. KAWALEK: The existing building
12 encroaches in the front by about 18 inches. That
13 facade is remaining where it is. We wanted to
14 preserve that. The remainder of the building
15 vertically is set back at the property line. That
16 encroachment exists at the existing portion of the
17 building that is to remain.

18 MR. BURKE: Referring to the
19 February 11th review letter that we received from
20 Megan Massey, I'll ask you if we will comply with
21 the ADA requirements?

22 MR. KAWALEK: To the extent that is
23 required, yes.

24 MR. BURKE: Let's talk a little about
25 the flood zone issue that's been noted. I will

1 mentioned --

2 COMMISSIONER HOLLOWAY: Mr. Chairman,
3 has this project already begun?

4 MR. KAWALEK: In what sense?

5 COMMISSIONER HOLLOWAY: Are you
6 already building it?

7 MR. KAWALEK: I believe the owner has
8 received permits to do a certain amount of work on
9 that site. They were given permits to pour a new
10 slab at the ground floor and to perform some other
11 remedial work. I was involved in providing letters
12 to the Building Department in support of those
13 permit applications.

14 COMMISSIONER HOLLOWAY: Mr. Chairman,
15 the reason I'm asking is that it says that you had a
16 stop work order in Hoboken; am I correct?

17 MR. KAWALEK: I believe that's the
18 case. I'm actually not involved in the construction
19 of it, so I don't know the details surrounding that
20 situation.

21 MR. BURKE: Commissioner, I found out
22 that today when I saw the report and read it. I did
23 not know that it happened, if it did. I still don't
24 know.

25 COMMISSIONER HOLLOWAY: What was the

1 reason?

2 MR. BURKE: I think the contractor
3 went beyond the scope of the permits that were
4 issued. In fairness, I don't know if he did that,
5 but I will tell you that Alexis Romano, her existing
6 home burned down in Jersey City. There was great
7 urgency for her to move forward. I think the
8 contractor may have gotten a little ambitious. She
9 also has a construction loan, which is pending, and
10 the construction lender became very impatient with
11 the lack of progress. I do not know how far the
12 contractor went. I do know there were some
13 conditions and circumstances which may have pushed
14 it through faster and beyond what it should have.

15 COMMISSIONER HOLLOWAY: Mr. Chairman,
16 it says notice of violation. I don't know if the
17 Board can vote on something without knowing the
18 outcome of that violation. From the photos, it
19 looks like you already started building this?

20 MR. TRIDENTE: Mr. Chairman, I can
21 probably bring the Board up to speed.

22 CHAIRMAN CHOFFO: Jack.

23 (The witness is sworn.)

24 MR. CURLEY: Would you please just
25 state your last name for the record.

1 MR. TRIDENTE: Mario Tridente,
2 T-r-i-d-e-n-t-e. On or about January 29th, I
3 received a phone call from Ms. Holtzman inquiring
4 about the status of the approval for the particular
5 property with the County Planning Board. Upon
6 research, we viewed our database. We found there
7 were no approvals for this project. Ms.
8 Holtzman suspected that, and she rescinding the
9 first zoning compliance based on not receiving any
10 approvals from the County Planning Board.

11 Through further inquiry to the Building
12 Department, the rear structure, the two-story
13 addition to the building was also put up without any
14 permits from the Building Department. I guess
15 through a series of phone calls from the contractor,
16 there was an admission of fault. They wanted to
17 rectify it immediately. They came in. They
18 submitted the application as soon as possible, and
19 that's where we stand right now. So they are within
20 the approval process of the County, but there is an
21 active stop work order as of this morning at
22 ten a.m. I verified that with the construction
23 official of Hoboken.

24 Any approval that would be issued tonight
25 could be conditioned upon Hoboken's approval. So I

1 defer to Mr. Curley if that's the proper procedure,
2 but right now there is a stop work order for the
3 entire project.

4 CHAIRMAN CHOFFO: Mr. Curley, can you
5 address Commissioner Holloway's concern?

6 MR. CURLEY: There is an agreement
7 that the project cannot go forward without Hoboken
8 approval being in place. Our approval is obviously
9 in addition to Hoboken approval. If the ground
10 floor approval by this Board exists, my
11 recommendation would be to vote in favor of the
12 application, subject, of course, to the fulfillment
13 of local conditions.

14 FREEHOLDER ROMANO: Inspector
15 Tridente, what was the reason the construction
16 company didn't get approval?

17 MR. TRIDENTE: A miscommunication
18 between two different properties that they were
19 doing work on. That's the explanation they gave me.
20 They had submitted two applications for two
21 different projects.

22 FREEHOLDER ROMANO: That doesn't make
23 any sense.

24 MR. TRIDENTE: No, it doesn't, but I
25 can't attest to the validity of the statement.

1 MR. BURKE: Let me add that there was
2 a three-unit project that Mr. Calloway was working
3 on in Hoboken on Madison Street.

4 CHAIRMAN CHOFFO: Speak into the
5 microphone.

6 MR. BURKE: I do know there was a
7 three-unit project on Madison Street that Mr.
8 Calloway was working on very similar to this. We
9 got approval for two floors on top and an expansion
10 in the back. Even though we weren't adjacent, I
11 could understand if there was some confusion. We
12 weren't involved in that aspect. There were two
13 almost identical approvals granted. He was the
14 contractor on both projects.

15 COMMISSIONER HOLLOWAY: Did he get
16 all the appropriate permits on that project?

17 MR. BURKE: Mr. Chairman, I do not
18 know. I was not involved in that. I did represent
19 the applicant, whose name is Spiro, S-p-i-r-o,
20 before the Hoboken Zoning Board, and he did get
21 Zoning Board approval for that project, but that was
22 the extent of my involvement.

23 MR. KAWALEK: If I may, I can say
24 that I prepared plans for that project. I went
25 through face-to-face planning on that project, and

1 they did issue permits there.

2 CHAIRMAN CHOFFO: Do you have any
3 questions?

4 MR. TRIDENTE: What was the scope of
5 work that went beyond what they were supposed to do,
6 are we talking something very minimal, or are we
7 talking that there's a structure built?

8 MR. KAWALEK: On this project?

9 MR. TRIDENTE: Yes.

10 MR. KAWALEK: I'm not -- I haven't
11 been to the site. I'm not sure what's currently
12 been done. I can tell you what I saw permits issued
13 on this site, which were underground utilities, new
14 slab, and they actually gave a permit to build the
15 footings and foundation for the extension.

16 CHAIRMAN CHOFFO: Inspector Tridente.

17 MR. TRIDENTE: I was out to the site
18 the day that Ms. Holtzman called me, and the
19 two-story addition was already erected. The permits
20 for the slab and underground, that was installed
21 also. So Mr. Patruno's office basically stated that
22 there isn't any permit issued at this time for the
23 rear extension of the building.

24 COMMISSIONER HOLLOWAY: Mr. Chairman,
25 was this application put in front of the site plan

1 committee?

2 MR. TRIDENTE: Actually, it came in
3 at three o'clock in the afternoon the day of the
4 site committee meeting. So we, Mr. Glembocki and I,
5 reviewed it to kind help the applicant, who was
6 losing her financing from the bank. So we brought
7 it to the Board. We looked at it. Mr. Glembocki
8 and I took a look to see if there were any issues
9 with it as far as impact on County facilities.

10 COMMISSIONER HOLLOWAY: Mr. Chairman,
11 I'm not here to try to stop anything. My problem
12 here is the Commissioners have documentation saying
13 that the project has been ordered to stop. We have
14 nothing in writing or anybody testifying about it.

15 CHAIRMAN CHOFFO: I hear what
16 Commissioner Holloway is saying. We've heard this
17 before from other applicants when it comes to
18 financing. I haven't seen any of that in writing,
19 which is really none of our business. I'm getting
20 to the point where the information flow, it's not
21 all adding up, it seems.

22 MR. BURKE: Let me mention that the
23 applicant, Alexis Romano, is not the contractor. If
24 the contractor was ambitious, I would ask the Board
25 not to penalize the applicant. Her house burned

1 down in Jersey City. The bank that provided this
2 loan is way past the construction timetable.

3 CHAIRMAN CHOFFO: It's going to be
4 trumped by Hoboken. I understand what Joe and Mario
5 are trying to do. I wasn't at that site plan review
6 meeting. I don't know how that is going to help
7 giving approval tonight if that happened. With a
8 stop work order, Hoboken is really in the driver's
9 seat. That's what Commissioner Holloway is trying
10 to say. I think that's what the Board is saying.

11 MR. BURKE: I agree, but it's a
12 chicken and egg because the zoning inspector, Ann
13 Holtzman, is requiring approval from this Board or
14 she will not move forward with any additional
15 recommendation for permits. There is a second or
16 third problem that will have to be addressed by the
17 City of Hoboken and the contractor, but this problem
18 still needs to be addressed or else we can't address
19 the other problems.

20 COMMISSIONER HOLLOWAY: Mr. Chairman,
21 it's not the issue. We have many complications that
22 came in front of us where work already started, and
23 they have received permits from the town and we
24 voted for them. That is not the issue. The issue
25 is they have violations. We don't know if the

1 violations were lifted. That is my concern. You've
2 got violations for whatever reason. I would like to
3 know if the violations, were they lifted? Did you
4 correct the violations? I'm understand you don't
5 know. That's the problem I have, that you don't
6 know.

7 MR. BURKE: But to take this back to
8 the County, there is no curb cut. It's a three-unit
9 existing building. There is no impact on any County
10 facility whatsoever. There is no parking on-site.
11 The width of the building isn't wide enough to
12 warrant one street tree, and the applicant has
13 agreed to provide that. I understand your concern,
14 but from the point of the County's jurisdiction,
15 whether there is a violation or not, it doesn't
16 really have any impact on the jurisdiction, in my
17 opinion, of this Board.

18 MR. TRIDENTE: There is a stop work
19 order issued by a construction official for not
20 applying for the permit for the rear of the
21 building.

22 FREEHOLDER ROMANO: For not applying,
23 they get a violation?

24 MR. TRIDENTE: Yeah, I mean whether
25 it fell through the cracks, or counsel said the

1 contractor was a little too ambitious, that's
2 basically...

3 FREEHOLDER ROMANO: So counsel said
4 we could do it with the understanding that Hoboken
5 has to approve it, right?

6 MR. CURLEY: Yes, it should be voted
7 upon based upon the merits of the application. If
8 there is a condition of Hoboken approval or lifting
9 of a stop work order on Hoboken, that should be made
10 part of the resolution.

11 FREEHOLDER ROMANO: You can follow up
12 with Commissioner Holloway as to what is the
13 problem. Would that alleviate people's concerns?

14 MR. CURLEY: I'm sure we can request
15 Mr. Burke to take care of that tomorrow.

16 MR. BURKE: Absolutely. I will be in
17 communication with whoever you ask me to.

18 MR. TRIDENTE: I would like to add
19 that I've asked Mr. Burke, if the application
20 changes, if the site plan changes at all, that you
21 have to supply us with or amend your application. I
22 don't know what the proper procedure is. They may
23 amend the first floor --

24 COMMISSIONER HOLLOWAY: I'm sorry?

25 MR. TRIDENTE: According to the new

1 base flood elevations, they're going five feet.
2 They may required another five feet. They're before
3 the DEP for a waiver. If they receive that waiver,
4 I guess this plan will be valid. Otherwise if you
5 don't receive the waiver, then you would have to
6 resubmit site plans for us to do a final inspection.

7 MR. BURKE: Or the applicant could
8 also build less if the applicant chooses, in other
9 words, eliminate the first floor extension, which is
10 DEP, absolutely. I don't think that would require
11 another appearance before this Board. It would just
12 be the elimination of the first floor extension,
13 which is about 660 feet -- I'm sorry, 340 feet, and
14 the rest of the building that would be built, that
15 would meet the flood plain requirements. The
16 building has been abandoned for many years. I don't
17 know what was there years ago.

18 CHAIRMAN CHOFFO: Any other
19 questions?

20 MR. CURLEY: Just a comment as far as
21 if there is an impossibility of building what is
22 approved either by this Board or by Hoboken because
23 of a DEP permit, then the applicant would have to
24 make a new application to this Board as long as the
25 new plan is within our jurisdiction.

1 CHAIRMAN CHOFFO: Jack, just take two
2 minutes to summarized the conditions for approval of
3 this resolution.

4 MR. CURLEY: Well, the conditions
5 would be those set forth in the letter dated
6 February 12, 2013, and also in the letter dated
7 February 11, 2013; conditions that we mentioned at
8 the meeting, the lifting of the stop work order and,
9 of course, approvals by Hoboken municipality. In
10 addition, there is a franchise ordinance for the
11 facade.

12 CHAIRMAN CHOFFO: Do I have a motion?

13 MR. TRIDENTE: Mr. Chairman, just
14 before you pass the motion, also the applicant needs
15 to apply to the County Engineer's office for a road
16 opening permit for the improvements to the County
17 right-of-way, and notify this office for final
18 inspection to receive a letter of compliance before
19 they receive their certificate of occupancy from the
20 City of Hoboken.

21 CHAIRMAN CHOFFO: Thank you. Do I
22 have a motion to accept or reject this application?

23 FREEHOLDER ROMANO: I make a motion
24 to accept.

25 MS. FERRARA: On a motion made by

1 Commissioner Romano. Second by Commissioner
2 DiDomenico.

3 Commissioner Bettinger.

4 COMMISSIONER BETTINGER: I vote aye
5 according to conditions stated by our attorney.

6 MS. FERRARA: Commissioner Cryan.

7 COMMISSIONER CRYAN: Aye.

8 MS. FERRARA: Commissioner
9 DiDomenico.

10 FREEHOLDER DiDOMENICO: Aye.

11 MS. FERRARA: Commissioner Glembocki.

12 COMMISSIONER GLEMBOCKI: Yes.

13 MS. FERRARA: Commissioner Gomez.

14 COMMISSIONER GOMEZ: Aye.

15 MS. FERRARA: Commissioner Holloway.

16 COMMISSIONER HOLLOWAY: Abstained.

17 MS. FERRARA: Commissioner Mehta.

18 COMMISSIONER MEHTA: Aye.

19 MS. FERRARA: Commissioner Peralta.

20 COMMISSIONER PERALTA: Aye.

21 MS. FERRARA: Commissioner Romano.

22 FREEHOLDER ROMANO: I vote aye with
23 the stipulation that they get Hoboken approval.

24 MS. FERRARA: Chairman Choffo.

25 CHAIRMAN CHOFFO: I vote aye.

1 MS. FERRARA: The motion has passed.

2 MR. BURKE: Thank you, Board. I
3 really mean that because I understand this is a bit
4 irregular. We'll make sure with the contractor that
5 this is done right and respond to Mr. Tridente.

6 FREEHOLDER ROMANO: Provide copy of
7 whatever you get so Mario has it for the file.

8 MR. BURKE: We will do that, thank
9 you.

10 COMMISSIONER CRYAN: It's across the
11 street from us.

12 MR. BURKE: So you have your eye on
13 it.

14 COMMISSIONER CRYAN: I will.

15 MS. FERRARA: The next item on the
16 agenda is applications to be dismissed, Application
17 2012-069-SP, Applicant, George and Eric Gutierrez,
18 located at 3211-3215 Kennedy Boulevard; Block
19 260.02, Lots 23, 27 and 28, located in Union City.

20 CHAIRMAN CHOFFO: Do I have a motion?

21 MS. FERRARA: On a motion made by
22 Commissioner Bettinger -- this application is a
23 McDonald's on 32nd and JFK. The reason that they
24 are being dismissed is that they're still working
25 with the engineer on the improvements or

1 modifications to a two-way driveway.

2 On a motion made by Commissioner
3 Bettinger. Second by Commissioner Peralta.

4 Commissioner Bettinger.

5 COMMISSIONER BETTINGER: Aye.

6 MS. FERRARA: Commissioner Cryan.

7 COMMISSIONER CRYAN: Aye.

8 MS. FERRARA: Commissioner

9 DiDomenico.

10 FREEHOLDER DiDOMENICO: Aye.

11 MS. FERRARA: Commissioner Glembocki.

12 COMMISSIONER GLEMBOCKI: Yes.

13 MS. FERRARA: Commissioner Gomez.

14 COMMISSIONER GOMEZ: Aye.

15 MS. FERRARA: Commissioner Holloway.

16 COMMISSIONER HOLLOWAY: Aye.

17 MS. FERRARA: Commissioner Mehta.

18 COMMISSIONER MEHTA: Aye.

19 MS. FERRARA: Commissioner Peralta.

20 COMMISSIONER PERALTA: Aye.

21 MS. FERRARA: Commissioner Romano.

22 FREEHOLDER ROMANO: Aye.

23 MS. FERRARA: Chairman Choffo.

24 CHAIRMAN CHOFFO: I vote aye.

25 MS. FERRARA: Chairman, the next item

1 on the agenda is new business. I have three items
2 for new business. I will try my best to be very
3 brief. In your packets the first item I would like
4 to discuss or introduce is a draft resolution
5 prepared by our Board Counsel for a defining and
6 giving recommendations and parameters for electronic
7 participation by Board Members. It's a very lengthy
8 resolution, and it has many items to be considered
9 and reviewed. I don't know if the Board would like
10 to discuss those items today and continue the
11 discussion at the site plan review committee to
12 finalize these amendments.

13 CHAIRMAN CHOFFO: We didn't get a
14 chance to review the resolution.

15 MS. FERRARA: Unfortunately, the
16 resolution, we didn't get a chance to send it to you
17 ahead of time, so this is the first time you're
18 seeing it. It's in your packet.

19 CHAIRMAN CHOFFO: I think this is
20 something we need to take some time to read it
21 ourselves. We're obviously not voting.

22 MS. FERRARA: No, I want to introduce
23 it and provide it for you to review and comment. We
24 can continue to discuss this if you have any
25 comments, definitely, if you wanted to call us and

1 provide your comments. We can continue to discuss
2 it at the site plan review committee. I think it's
3 imperative that we do decide and discuss these items
4 and have a resolution for adoption at the next
5 meeting. Mr. Curley can walk us through the draft
6 resolution.

7 MR. CURLEY: Yes, the resolution
8 contemplates having the potential for electronic
9 participation by Commissioners on limited items, not
10 to create a quorum, but to vote on matters that
11 require an enhanced majority vote, such as a
12 two-thirds vote, for example, an amendment to the
13 master plan.

14 It also contemplates a situation which the
15 Commissioner or Commissioners who are participating
16 remotely can participate fully because there is no
17 visual aid being used to make a presentation to have
18 the physical meeting in this room. In the event
19 there is such a physical or visual aid being used,
20 then it's inappropriate because the Commissioner
21 participating electronically just can't see it. We
22 don't have that technology here.

23 It also creates practical problems for the
24 staff as well as the Board. The staff would have to
25 have items identified in advance of occasions upon

1 which electronic participation might be made
2 available. I wouldn't suggest that it be routinely
3 available for every meeting because at most our
4 meetings, we don't deal with matters that require an
5 enhanced majority. We basically have hearings that
6 generally cover matters that are voted upon after a
7 visual presentation by the applicant.

8 There are a number of details that we
9 attempted to anticipate in drafting the general
10 electronic meeting resolution, and they're out there
11 for discussion, and the thought before we jump into
12 this, I would suggest that we also sleep on it a
13 little bit before we make a decision and maybe have
14 a little more discussion how it would work in the
15 real world in terms of scheduling these things.

16 One of the suggestions is if there is
17 going to be one item on the agenda that has an
18 enhanced majority vote, that we ought to before the
19 meeting identify what time that would be considered.
20 That way Board Members who are deciding to
21 participate remotely can call in at that time
22 without having to be on the phone for the entire
23 meeting in order to vote on that one aspect of the
24 meeting. There are issues about when there is
25 electronic contact with a Board Member and things of

1 that nature.

2 The basic premise is that it not be used
3 for anything in which there is not a fair, full
4 opportunity for the remote Board Members to vote and
5 participate, that it be available on an equal basis
6 to all Board Members in advance of the meeting. It
7 may not be used to create a quorum, but only to deal
8 with such issues that come up on relatively rare
9 occasions such as a two-thirds vote needed when we
10 know we are just not going to get two-thirds
11 attendance at the meeting.

12 CHAIRMAN CHOFFO: Say in the future
13 if we have only five Members here, and the meeting
14 runs say past nine o'clock and one Commissioner has
15 to leave, we have to stop the meeting?

16 MR. CURLEY: The quorum is broken at
17 that time.

18 CHAIRMAN CHOFFO: Is everybody aware
19 of that? Pretty much all the applications we deal
20 with, there is some visual content obviously.

21 MR. CURLEY: It's very clear that
22 electronic participation is less than ideal. Also,
23 it's impossible for certain types of applications.

24 CHAIRMAN CHOFFO: Also, does that
25 open us up to lawsuits in terms of approvals where

1 someone that's contesting an application in the
2 audience says technically the Commissioner is voting
3 based on a conference call and didn't see anything
4 or hear everything appropriately?

5 MR. CURLEY: That's why this
6 resolution and bylaw amendment would not allow that
7 type of voting on an application for an approval.
8 This is a very limited use of electronic meetings.
9 It's limited to situations where there are no visual
10 presentations.

11 CHAIRMAN CHOFFO: All the
12 Commissioners can read it for next month. If anyone
13 has any concerns, we can e-mail Massiel questions or
14 concerns prior to next meeting.

15 COMMISSIONER BETTINGER: Mr.
16 Chairman, with one of the previous applications
17 where we used electronic voting, is that an issue?

18 MR. CURLEY: No. The electronic
19 voting on the master plan was done, in my opinion,
20 properly. The master -- any voting on an
21 application, the appeal period has long run on any
22 application which that occurred.

23 COMMISSIONER BETTINGER: Thank you.

24 MS. FERRARA: The second item is, I
25 did forward you an e-mail from Jennifer, who works

1 at Mr. Curley's office. She did give us a brief
2 explanation on this civil action complaint filed
3 with the County Planning Board and Church Hill
4 Partners and the Township of North Bergen. If
5 anyone has any questions, Mr. Curley can walk us
6 through and explain the changes that we made to the
7 resolution.

8 MR. CURLEY: What the complaint boils
9 down to is whether or not the findings made by the
10 Board is supported by adequate evidence in the
11 record. We combed through the record in preparing
12 the resolution so that the findings of fact set
13 forth in the resolution are fully supported by the
14 evidence that was contained in the record. That is
15 the typical test that is applied by the courts in
16 review of a use application.

17 In this instance we have been sued
18 prematurely because we had not yet adopted the
19 memorialized resolution at the time the lawsuit was
20 filed. We did adopt the memorializing resolution
21 this evening. Secondly, I would comment that the
22 main thrust of the lawsuit is to attack the local
23 approval, not the County approval, although this was
24 an application in which there was a steep slope
25 waiver, which is always open to attack.

1 CHAIRMAN CHOFFO: Does anybody have
2 any questions?

3 MS. FERRARA: Chairman, the last item
4 I have, Mr. Curley's office also prepared a memo
5 explaining the role of the alternates on the Board
6 and how they relate to a quorum. If you have any
7 questions, I also defer to Mr. Curley.

8 MR. CURLEY: The short summary is on
9 page 3 on the memo. The conclusion is that the two
10 Commissioner alternates may participate in all
11 meetings and always count towards a quorum, but they
12 may only vote in rotation in the absence or
13 disqualification of the citizen member Commissioner.
14 That means alternates can fully participate at all
15 meetings and may even affect the outcome of matters
16 that come before the Board with their questions or
17 comments. They do not vote unless they are actually
18 acting as an alternate for a Member who was not
19 present or disqualified.

20 CHAIRMAN CHOFFO: I have a question,
21 Jack. Tonight we had nine Members when Freeholder
22 Romano showed up. What happens to our alternate's
23 vote at that time?

24 FREEHOLDER ROMANO: The Freeholder
25 Commissioners are separate from the citizen

1 Commissioners with respect to substitution of
2 alternates.

3 CHAIRMAN CHOFFO: If a Freeholder
4 comes to the next meeting, we don't have an issue
5 with Freeholder Romano's vote?

6 MR. CURLEY: Yes. There is always
7 the possibility that three Freeholders will
8 participate at the meeting.

9 CHAIRMAN CHOFFO: That would be
10 lovely.

11 MR. CURLEY: And two would only vote.

12 CHAIRMAN CHOFFO: So two would only
13 vote if there are three here?

14 MS. FERRARA: Correct.

15 FREEHOLDER ROMANO: Massiel, you told
16 me one Freeholder was supposed to vote.

17 MS. FERRARA: You mean two
18 Freeholders are assigned to the Board.

19 FREEHOLDER ROMANO: You told me that.
20 I'm reading it. That backs up what Donny Battista
21 said about two Freeholders.

22 MR. CURLEY: Two Freeholders may
23 vote. Three Freeholders may sit. However, there is
24 no requirement that any Freeholders be present.

25 MS. FERRARA: Commissioner Romano,

1 well, you know, when you did pose that question, I
2 felt I needed to defer to Mr. Curley just to make it
3 clear, as well as I wanted the other alternates'
4 roles to be explained. That's why I thought it was
5 important for us to have a memo.

6 CHAIRMAN CHOFFO: Anything else?

7 MS. FERRARA: I have no other new
8 business.

9 CHAIRMAN CHOFFO: The Commissioner
10 has old business.

11 COMMISSIONER BETTINGER: Yes, I do.
12 We discussed that we were go do something for
13 Commissioner Avagliano. Is there any progress made
14 on honoring her time served on the Board?

15 MS. FERRARA: We have reached out to
16 Commissioner Avagliano, and unfortunately, I think
17 that due to her husband's illness, and she herself
18 was very ill in January, I did reach out to her to
19 confirm. We didn't hear back. I will continue. We
20 do want to honor her. Hopefully, we can do it at
21 the March meeting.

22 COMMISSIONER BETTINGER: Thank you.

23 FREEHOLDER DiDOMENICO: The
24 Freeholders had a resolution honoring Commissioner
25 Avagliano as well. I think -- I'm not sure whether

1 we voted on it. She wasn't able to make the
2 meeting.

3 CHAIRMAN CHOFFO: Anything else? Do
4 I have a motion to adjourn?

5 COMMISSIONER MEHTA: Motion.

6 COMMISSIONER BETTINGER: Second.

7 CHAIRMAN CHOFFO: All in favor.

8 (Whereupon the proceeding is then
9 concluded at 8:25 p.m.)

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

I, SHARI CATHEY, CCR, RPR, License No.
30XI00234700, and Notary Public of the State of New
Jersey, hereby certify that the proceedings herein
are from the notes taken by me of a Regular Meeting
of the Hudson County Planning Board, held on
Wednesday, February 20, 2013; and that this is a
correct transcript of the same.

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

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