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HUDSON COUNTY  
PLANNING BOARD

RE:

REGULAR MEETING : TRANSCRIPT OF  
: PROCEEDINGS  
:  
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Hudson County Freeholders Chambers  
Third Floor  
567 Pavonia Avenue  
Jersey City, New Jersey  
Wednesday, January 16, 2013  
6:30 p.m.

BEFORE:

- DANIEL CHOFFO, Chairman
- JAMES CRYAN, Vice Chairman
- DEMETRIO ARENCIBIA, PE, PP, County Engineer
- RENEE BETTINGER, Past Chairwoman
- MICHAEL HOLLOWAY, Commissioner
- HON. DOREEN DiDOMENICO, Freeholder
- ALAIN GOMEZ, Alternate Commissioner
- RUSHABH MEHTA, Commissioner
- KENNEDY NG, Alternate Commissioner
- HON. WILLIAM O'DEA, Freeholder
- BETANIA PERALTA, Commissioner

ALSO PRESENT:

- MEGAN MASSEY, P.E., AICP, PRINCIPAL PLANNER
- PAUL D. CRAY, P.E., P.P., CME
- JOHN J. CURLEY, ESQ., Board Attorney
- FRANCESCA GIARRATANA, Assistant Planner
- MARIO TRIDENTE, Inspector

1 CHAIRWOMAN BETTINGER: Good evening.  
2 I would like to call to order the meeting of the  
3 Hudson County Planning Board for Wednesday,  
4 January 16th, 2013. Counselor, has this meeting  
5 been properly advertised?

6 MR. CURLEY: Yes, this meeting has  
7 been properly advertised with notice in accordance  
8 with the Open Public Meetings Act. It has been  
9 advertised in the Jersey Journal and Star Ledger.  
10 Notice of the meeting has been posted with the  
11 County Clerk and the Clerk of the Board of  
12 Freeholders.

13 CHAIRWOMAN BETTINGER: May I have a  
14 roll call, please.

15 MS. MASSEY: Yes. Commissioner  
16 Arencibia.

17 COMMISSIONER ARENCIBIA: Here.

18 MS. MASSEY: Commissioner Choffo.

19 COMMISSIONER CHOFFO: Here.

20 MS. MASSEY: Commissioner Cryan.

21 COMMISSIONER CRYAN: Here.

22 MS. MASSEY: Commissioner DiDomenico.

23 FREEHOLDER DiDOMENICO: Here.

24 MS. MASSEY: Commissioner Glembocki  
25 is absent. Commissioner Gomez.

1 COMMISSIONER GOMEZ: Here.

2 MS. MASSEY: Commissioner Holloway.

3 COMMISSIONER HOLLOWAY: Here.

4 MS. MASSEY: Commissioner Ng.

5 COMMISSIONER NG: Here.

6 MS. MASSEY: Commissioner Peralta.

7 COMMISSIONER PERALTA: Here.

8 MS. MASSEY: Commissioner Romano,  
9 absent. Chairwoman Bettinger.

10 CHAIRWOMAN BETTINGER: Here.

11 MS. MASSEY: We have a quorum --  
12 Commissioner Mehta.

13 COMMISSIONER MEHTA: Here.

14 MS. MASSEY: We have a quorum.  
15 Sorry.

16 CHAIRWOMAN BETTINGER: Will everyone  
17 to please rise to salute the flag.

18 (Flag Salute.)

19 CHAIRWOMAN BETTINGER: The next item  
20 on the agenda, I believe, is the adoption of the  
21 Meeting Minutes of the November 28th, 2012. Do I  
22 have a motion?

23 COMMISSIONER CHOFFO: I make a  
24 motion.

25 CHAIRWOMAN BETTINGER: Is there a

1 second?

2 COMMISSIONER ARENCIBIA: I'll second  
3 it.

4 MS. MASSEY: On a motion made by  
5 Commissioner Choffo, seconded by Commissioner Gomez.  
6 Commissioner Arencibia.

7 COMMISSIONER ARENCIBIA: Aye.

8 MS. MASSEY: Commissioner Choffo.

9 COMMISSIONER CHOFFO: Aye.

10 MS. MASSEY: Commissioner Cryan.

11 COMMISSIONER CRYAN: Aye.

12 MS. MASSEY: Commissioner DiDomenico.

13 FREEHOLDER DiDOMENICO: Aye.

14 MS. MASSEY: Commissioner  
15 Glembocki -- I'm sorry. Commissioner Gomez.

16 COMMISSIONER GOMEZ: Aye.

17 MS. MASSEY: Commissioner Holloway.

18 COMMISSIONER HOLLOWAY: Abstained.

19 MS. MASSEY: Commissioner Ng.

20 COMMISSIONER NG: Abstained.

21 MS. MASSEY: Commissioner Peralta.

22 COMMISSIONER PERALTA: Aye.

23 MS. MASSEY: Chairwoman Bettinger.

24 CHAIRWOMAN BETTINGER: I vote aye.

25 MS. MASSEY: And Commissioner Mehta.

1 COMMISSIONER MEHTA: Abstained.

2 MS. MASSEY: The motion has passed.

3 The next item on the agenda is the adoption of the  
4 Meeting Minutes for December 17, 2012.

5 On a motion made by Commissioner Choffo,  
6 second by Commissioner Peralta.

7 Commissioner Arencibia.

8 COMMISSIONER ARENCIBIA: Aye.

9 MS. MASSEY: Commissioner Choffo.

10 COMMISSIONER CHOFFO: Aye.

11 MS. MASSEY: Commissioner Cryan.

12 COMMISSIONER CRYAN: Abstained.

13 MS. MASSEY: Commissioner DiDomenico.

14 FREEHOLDER DiDOMENICO: Aye.

15 MS. MASSEY: Commissioner

16 Glembocki -- Commissioner Gomez.

17 COMMISSIONER GOMEZ: Aye.

18 MS. MASSEY: Commissioner Holloway.

19 COMMISSIONER HOLLOWAY: Abstained.

20 MS. MASSEY: Commissioner Ng.

21 COMMISSIONER NG: Abstained.

22 MS. MASSEY: Commissioner Peralta.

23 COMMISSIONER PERALTA: Aye.

24 MS. MASSEY: Chairwoman Bettinger.

25 CHAIRWOMAN BETTINGER: I vote aye.

1 MS. MASSEY: The motion passes. The  
2 next item on the agenda is Item No. 5, Matters  
3 Scheduled for Public Hearing, A is the nomination  
4 and selection of officers. Chairwoman Bettinger,  
5 have you nominated anyone?

6 CHAIRWOMAN BETTINGER: I think the  
7 meeting should be turned over to the counselor; is  
8 that right?

9 MR. CURLEY: Yes. I guess the first  
10 order of business is to find out if there are any  
11 nominations for Chair.

12 COMMISSIONER HOLLOWAY: I'll make a  
13 motion for Dan Choffo to be chair.

14 MR. CURLEY: Are there any other  
15 nominations for the position of chair?

16 FREEHOLDER O'DEA: Motion to close  
17 nominations.

18 MR. CURLEY: Hearing none, a motion  
19 to close nominations has been made. Is there a  
20 second?

21 COMMISSIONER HOLLOWAY: I'll second.

22 MR. CURLEY: We'll have a voice vote  
23 on that. All eyes say aye. Anything nos?

24 (The Board votes unanimously to close  
25 the Hearing.)

1 MR. CURLEY: The motion is carried,  
2 and the next order of business is to vote on the  
3 position of Chairperson. That should be an  
4 individual vote.

5 MS. MASSEY: For Commissioner Choffo  
6 to be chair, Commissioner Arencibia.

7 COMMISSIONER ARENCIBIA: Aye.

8 MS. MASSEY: Commissioner Choffo.

9 COMMISSIONER CHOFFO: Abstained.

10 MS. MASSEY: Commissioner Cryan.

11 COMMISSIONER CRYAN: Aye.

12 MS. MASSEY: Commissioner DiDomenico.

13 FREEHOLDER DiDOMENICO: Aye.

14 MS. MASSEY: Commissioner Gomez.

15 COMMISSIONER GOMEZ: Aye.

16 MS. MASSEY: Commissioner Holloway.

17 COMMISSIONER HOLLOWAY: Aye.

18 MS. MASSEY: Commissioner Ng.

19 COMMISSIONER NG: Aye.

20 MS. MASSEY: Commissioner Peralta.

21 COMMISSIONER PERALTA: Aye.

22 MS. MASSEY: Commissioner Mehta.

23 COMMISSIONER MEHTA: Aye.

24 MS. MASSEY: Chairwoman Bettinger.

25 CHAIRWOMAN BETTINGER: Aye.

1 MS. MASSEY: The motion has passed.  
2 Oh, I'm sorry. Commissioner O'Dea.

3 FREEHOLDER O'DEA: Yes.

4 MS. MASSEY: The motion has passed.

5 COMMISSIONER CHOFFO: Thank you.

6 MR. CURLEY: Mr. Chairman, next are  
7 nominations for the Vice Chair and for Vice Chair  
8 Pro Tempore. First nominations for Vice Chairman.

9 COMMISSIONER BETTINGER: I'll  
10 nominate Jamie Cryan.

11 MR. CURLEY: Is there a second? Are  
12 there any other nominations for Vice Chair?

13 FREEHOLDER O'DEA: Motion to close  
14 nominations.

15 MR. CURLEY: We will have a voice  
16 vote on that. All in favor say aye. Any nos?

17 (The Board votes unanimously to close  
18 the Hearing.)

19 MR. CURLEY: And we'll proceed with  
20 the vote or selection on Vice Chair Person.

21 MS. MASSEY: On a motion made by  
22 Commissioner Bettinger. Seconded by Commissioner  
23 O'Dea.

24 Commissioner Arencibia.

25 COMMISSIONER ARENCIBIA: Aye.

1 MS. MASSEY: Commissioner Choffo.  
2 CHAIRMAN CHOFFO: Aye.  
3 MS. MASSEY: Commissioner Cryan.  
4 COMMISSIONER CRYAN: Aye.  
5 MS. MASSEY: Commissioner DiDomenico.  
6 FREEHOLDER DiDOMENICO: Aye.  
7 MS. MASSEY: Commissioner Gomez.  
8 COMMISSIONER GOMEZ: Aye.  
9 MS. MASSEY: Commissioner Holloway.  
10 COMMISSIONER HOLLOWAY: Aye.  
11 MS. MASSEY: Commissioner Ng.  
12 COMMISSIONER NG: Aye.  
13 MS. MASSEY: Commissioner Peralta.  
14 COMMISSIONER PERALTA: Aye.  
15 MS. MASSEY: Commissioner Bettinger.  
16 COMMISSIONER BETTINGER: Aye.  
17 MS. MASSEY: Commissioner O'Dea.  
18 FREEHOLDER O'DEA: Yes.  
19 MS. MASSEY: Commissioner Mehta.  
20 COMMISSIONER MEHTA: Aye.  
21 MS. MASSEY: And Chairman Choffo,  
22 sorry.  
23 CHAIRMAN CHOFFO: Aye.  
24 MS. MASSEY: The motion has passed.  
25 MR. CURLEY: The third nomination is

1 for the selection of a Board Chair Pro Tempore.

2 CHAIRMAN CHOFFO: I would like to  
3 nominate Michael Holloway.

4 MR. CURLEY: A voice vote on that,  
5 all ayes? Any nos?

6 (The Board votes unanimously to close  
7 the Hearing.)

8 MS. MASSEY: On a motion made by  
9 Chairman Choffo, second by Commissioner O'Dea.

10 Commissioner Arencibia.

11 COMMISSIONER ARENCIBIA: Aye.

12 MS. MASSEY: Chairman Choffo.

13 CHAIRMAN CHOFFO: Aye.

14 MS. MASSEY: Commissioner Cryan.

15 COMMISSIONER CRYAN: Aye.

16 MS. MASSEY: Commissioner DiDomenico.

17 FREEHOLDER DiDOMENICO: Aye.

18 MS. MASSEY: Commissioner Gomez.

19 COMMISSIONER GOMEZ: Aye.

20 MS. MASSEY: Commissioner Holloway.

21 COMMISSIONER HOLLOWAY: Abstained.

22 MS. MASSEY: Commissioner Ng.

23 COMMISSIONER NG: Aye.

24 MS. MASSEY: Commissioner Peralta.

25 COMMISSIONER PERALTA: Aye.

1 MS. MASSEY: Commissioner Bettinger.

2 COMMISSIONER BETTINGER: Aye.

3 MS. MASSEY: Commissioner O'Dea.

4 FREEHOLDER O'DEA: Yes.

5 MS. MASSEY: Commissioner Mehta.

6 COMMISSIONER MEHTA: Aye.

7 MS. MASSEY: Chairman Choffo.

8 CHAIRMAN CHOFFO: Aye.

9 MS. MASSEY: The motion has passed.

10 CHAIRMAN CHOFFO: Before we go any

11 further, I would like to thank Commissioner

12 Bettinger for doing an outstanding job as

13 Chairperson for the 2012 year. It's always

14 interesting when Renee is Chairwoman. You did an

15 excellent job.

16 MS. MASSEY: Next item on the agenda

17 is Item B, Assignments of Committee Members. We

18 have a Site Plan Review Committee. It's part of the

19 Planning Board. It meets the first Wednesday of

20 every month at ten a.m. on the Secaucus campus. So

21 do we have any volunteers for the committee?

22 CHAIRMAN CHOFFO: I guess I'll

23 volunteer again.

24 COMMISSIONER GOMEZ: I'll volunteer.

25 How about you?

1 COMMISSIONER ARENCIBIA: Sure. I  
2 think Commissioner Glembocki will be appointed.

3 MS. MASSEY: Anything else? Do I  
4 have a motion to appoint Commissioner Choffo,  
5 Commissioner Gomez and the County Engineer for the  
6 Site Plan Review Committee?

7 On a motion made by Commissioner  
8 Bettinger, and seconded by Commissioner O'Dea.

9 Commissioner Arencibia.

10 COMMISSIONER ARENCIBIA: Aye.

11 MS. MASSEY: Commissioner Cryan.

12 COMMISSIONER CRYAN: Aye.

13 MS. MASSEY: Commissioner DiDomenico.

14 FREEHOLDER DiDOMENICO: Aye.

15 MS. MASSEY: Commissioner Gomez.

16 COMMISSIONER GOMEZ: Aye.

17 MS. MASSEY: Commissioner Holloway.

18 COMMISSIONER HOLLOWAY: Aye.

19 MS. MASSEY: Commissioner Ng.

20 COMMISSIONER NG: Aye.

21 MS. MASSEY: Commissioner Peralta.

22 COMMISSIONER PERALTA: Aye.

23 MS. MASSEY: Commissioner Bettinger.

24 COMMISSIONER BETTINGER: Aye.

25 MS. MASSEY: Commissioner O'Dea.

1 FREEHOLDER O'DEA: Aye.

2 MS. MASSEY: Commissioner Mehta.

3 COMMISSIONER MEHTA: Aye.

4 MS. MASSEY: Chairman Choffo.

5 CHAIRMAN CHOFFO: Aye.

6 MS. MASSEY: The motion has passed.

7 The next item on the agenda is Item C, Re-Adoption  
8 of the County Planning Board Bylaws. You should  
9 have already received them in your packet for  
10 tonight's meeting. It's your first item. There are  
11 revisions for the 2013 Bylaws. There are new voting  
12 procedures adopted in the past. Mr. Curley, would  
13 you remind the Board?

14 MR. CURLEY: During the course of the  
15 past year, the Board adopted voting procedures that  
16 were similar to and set forth in the Municipal Land  
17 Use Law with respect to resolutions. Basically, the  
18 change of procedures is that resolutions can only be  
19 voted upon only by persons who voted in favor of the  
20 action taken in the resolution at the time the  
21 action was taken, and a quorum of the number of  
22 persons voting in favor of the resolution is not  
23 necessary to sustain a vote. It is only necessary  
24 that one Commissioner who was in favor of the action  
25 is present at the meeting adopting the resolution.

1 That is a summary of the change.

2 CHAIRMAN CHOFFO: Does anybody have  
3 any questions on that? Commissioners, does  
4 everybody understand it? Do I have a motion?

5 MS. MASSEY: Motion made by  
6 Commissioner Cryan, seconded by Commissioner  
7 Holloway.

8 Commissioner Arencibia.

9 COMMISSIONER ARENCIBIA: Aye.

10 MS. MASSEY: Commissioner Cryan.

11 COMMISSIONER CRYAN: Aye.

12 MS. MASSEY: Commissioner DiDomenico.

13 FREEHOLDER DiDOMENICO: Aye.

14 MS. MASSEY: Commissioner Gomez.

15 COMMISSIONER GOMEZ: Aye.

16 MS. MASSEY: Commissioner Holloway.

17 COMMISSIONER HOLLOWAY: Aye.

18 MS. MASSEY: Commissioner Ng.

19 COMMISSIONER NG: Aye.

20 MS. MASSEY: Commissioner Peralta.

21 COMMISSIONER PERALTA: Aye.

22 MS. MASSEY: Commissioner Bettinger.

23 COMMISSIONER BETTINGER: Aye.

24 MS. MASSEY: Commissioner O'Dea.

25 FREEHOLDER O'DEA: Yes.

1 MS. MASSEY: Commissioner Mehta.

2 COMMISSIONER MEHTA: Aye.

3 MS. MASSEY: Chairman Choffo.

4 CHAIRMAN CHOFFO: I vote aye.

5 MS. MASSEY: The motion has passed.

6 CHAIRMAN CHOFFO: Did everyone get a  
7 chance to look at the schedule of meetings? It's  
8 the Site Plan Review Committee and also our regular  
9 Planning Board Meetings. Do me a favor, can you  
10 talk into the mic?

11 MS. MASSEY: We're on Item D. I'm  
12 scared of the reverb. Item D, the Hudson County  
13 Planning Board 2013 meeting schedule. The meeting  
14 schedule should be in your packet. Are there any  
15 questions? Do I have we have a motion?

16 On a motion made by Commissioner Holloway  
17 and seconded by Commissioner Mehta.

18 Commissioner Arencibia.

19 COMMISSIONER ARENCIBIA: Aye.

20 MS. MASSEY: Commissioner Cryan.

21 COMMISSIONER CRYAN: Aye.

22 MS. MASSEY: Commissioner DiDomenico.

23 FREEHOLDER DiDOMENICO: Aye.

24 MS. MASSEY: Commissioner Gomez.

25 COMMISSIONER GOMEZ: Aye.

1 MS. MASSEY: Commissioner Holloway.

2 COMMISSIONER HOLLOWAY: Aye.

3 MS. MASSEY: Commissioner Ng.

4 COMMISSIONER NG: Aye.

5 MS. MASSEY: Commissioner Peralta.

6 COMMISSIONER PERALTA: Aye.

7 MS. MASSEY: Commissioner Bettinger.

8 COMMISSIONER BETTINGER: Aye.

9 MS. MASSEY: Commissioner O'Dea.

10 FREEHOLDER O'DEA: Yes.

11 MS. MASSEY: Commissioner Mehta.

12 COMMISSIONER MEHTA: Aye.

13 MS. MASSEY: Chairman Choffo.

14 CHAIRMAN CHOFFO: I vote aye.

15 MS. MASSEY: The motion passes. The  
16 next item on the agenda is Item D, Memorialization  
17 of Resolutions Considered at the Last Meeting.

18 MR. CURLEY: I'm going to ask that we  
19 carry the resolutions. They were not prepared since  
20 last meeting as a result of my office's workload, so  
21 I would ask that we not have it done for tonight,  
22 for the Board to review after they have all been  
23 done properly after tonight's meeting. So to adopt  
24 a resolution on the resolutions that do not exist at  
25 this point would not be prudent.

1 CHAIRMAN CHOFFO: So Jack, should we  
2 make a motion to?

3 MR. CURLEY: We should just carry  
4 this portion of the resolutions to the next meeting.

5 CHAIRMAN CHOFFO: Do you need a  
6 motion, a verbal motion? Can I have a motion to  
7 carry the memorialization of the resolutions  
8 considered at the last meeting to the next meeting.

9 MS. MASSEY: On the motion made by  
10 Commissioner Holloway, and seconded Commissioner  
11 Gomez.

12 Commissioner Arencibia.

13 COMMISSIONER ARENCIBIA: Aye.

14 MS. MASSEY: Chairman Choffo.

15 CHAIRMAN CHOFFO: Aye.

16 MS. MASSEY: Commissioner Cryan.

17 COMMISSIONER CRYAN: Aye.

18 MS. MASSEY: Commissioner DiDomenico.

19 FREEHOLDER DiDOMENICO: Aye.

20 MS. MASSEY: Commissioner Gomez.

21 COMMISSIONER GOMEZ: Aye.

22 MS. MASSEY: Commissioner Holloway.

23 COMMISSIONER HOLLOWAY: Aye.

24 MS. MASSEY: Commissioner Ng.

25 COMMISSIONER NG: Aye.

1 MS. MASSEY: Commissioner Peralta.

2 COMMISSIONER PERALTA: Aye.

3 MS. MASSEY: Commissioner Bettinger.

4 COMMISSIONER BETTINGER: Aye.

5 MS. MASSEY: Commissioner O'Dea.

6 FREEHOLDER O'DEA: Yes.

7 MS. MASSEY: Commissioner Mehta.

8 COMMISSIONER MEHTA: Aye.

9 MS. MASSEY: And Chairman Choffo.

10 CHAIRMAN CHOFFO: I vote aye. Do me  
11 a favor, Megan. Can you for the record, read out  
12 each application so it's on the record?

13 MS. MASSEY: The resolutions that  
14 will be carried over to the next Planning Board  
15 meeting are 2012-046-SP, Lee Lim Brothers L., III,  
16 LLC, located at 1515 John F. Kennedy Boulevard;  
17 Block 29101, Lot 37, Jersey City.

18 Application 2012-053-SP, Church Hill  
19 Partners, LLC, located at River Road and Church Hill  
20 Road; Block 435, Lots 18, 28, 30, 32, and 38, in  
21 North Bergen.

22 Application 2012-071-SP, located in the  
23 Town in Weehawken, 400 Park Avenue; Block 63, Lot  
24 18.

25 Okay. The next item on the agenda is Item

1 F, Site Plans, Subdivisions and other matters  
2 scheduled for Public Hearing. Application  
3 2012-070-SP, Applicant, Flavor O.F.D., Inc., located  
4 at 8801-8809 River Road; Block 440, Lots 10-16.

5 MR. JIMENEZ: Chairman, for the  
6 record, Michael A. Jimenez of the Law Office of  
7 Joseph J. Ryglicki, 9019 Old River Road, Suite 3,  
8 North Bergen, New Jersey.

9 Chairman, I come before the Board on  
10 behalf of Flavor O.F.D., currently doing business as  
11 Sabor Latin Grill -- Latin Bistro, correct that.  
12 Chairman, the applicant proposes to expand his  
13 existing restaurant that sits on the site. Along  
14 with this, he has purchased the property adjacent to  
15 that, and he seeks to create a catering facility to  
16 complement his restaurant, his existing restaurant.

17 This establishment has been in this use  
18 since 2001. Aside from coming before this Board,  
19 you probably know it sits on the outskirts of North  
20 Bergen entering into Bergen County, Edgewater  
21 specifically. Aside from being rated in Zagat's and  
22 hosting various fundraisers in the area, you won't  
23 hear anything negative about this restaurant and its  
24 existing operation. So the applicant has now come  
25 before this Board to memorialize the application

1 approved before the Township of North Bergen, and  
2 hopefully, this Board as well.

3 We've been before this Board on various  
4 occasions. Chairman, Members of the Board,  
5 specifically because of concerns on the traffic.  
6 The traffic has been the utmost concern, not that  
7 the building itself and the expansion should be  
8 overlooked. We have taken duly-noted advice and  
9 recommendations from Mr. Cray on how to best deal  
10 with the safety of patrons coming in and out as well  
11 as the safety of anyone driving in this vicinity.

12 As such, Chairman, I have two particular  
13 experts today. I have the architect here and the  
14 traffic expert. The architect is going to give you  
15 a brief overview of the project itself, and the  
16 traffic expert can speak as to the particular  
17 recommendations being made and implemented. The  
18 owner is also here if the Board or any Members have  
19 any other questions. So I would like begin with the  
20 architect, Mr. Arencibia.

21 COMMISSIONER CHOFFO: The escrow has  
22 that been paid, the deposit?

23 MR. JIMENEZ: Yes, all of the money  
24 has paid. That was set at the last meeting. There  
25 were no additional escrow or application fees

1 require pursuant to the last meeting. I think  
2 counsel can speak to that if there are any  
3 questions.

4 CHAIRMAN CHOFFO: Let me ask you, the  
5 third page the application we have in front of us  
6 doesn't reflect.

7 MR. CURLEY: I will defer to Ms.  
8 Massey.

9 MS. MASSEY: The escrows are up to  
10 date.

11 MR. JIMENEZ: For the record this has  
12 been before the Board three times already. We have  
13 been trying to take every consideration and  
14 recommendation made by the Board's experts into our  
15 plans. As such, we respectfully requested  
16 adjournments so we could make those modifications.

17 COMMISSIONER HOLLOWAY: Thank you.

18 (The witness is sworn.)

19 MR. CURLEY: Please state your name  
20 for the record spell your last name.

21 MR. ARENCIBIA: Albert Arencibia,  
22 A-r-e-n-c-i-b-i-a. My office is at 5600 Kennedy  
23 Boulevard in West New York, New Jersey.

24 CHAIRMAN CHOFFO: For the record are  
25 you related to the County Engineer?

1 MR. ARENCIBIA: No, I am not,  
2 although he's a very nice man.

3 CHAIRMAN CHOFFO: Have you been in  
4 front of the Board before?

5 MR. ARENCIBIA: Yes. Basically, the  
6 application before you is, we're doing a small  
7 addition to the restaurant that is currently roughly  
8 600 square foot on the ground floor and 700 square  
9 foot on the second floor. One of the things that we  
10 wanted to do with respect to the existing  
11 restaurant, and it has a nice, small restaurant  
12 flavor to it. My client wanted to kind of keep  
13 that. He added a little additional room to the  
14 restaurant, so the additions that we did is rather  
15 modest for the existing restaurant.

16 That being said, we're able also to  
17 accommodate parking between the existing building  
18 and the adjacent structure by making that addition.  
19 So therefore, it would not minimize the existing  
20 parking between the two buildings. As it is, the  
21 existing one-story commercial building adjacent  
22 that's being purchased is going to be converted to a  
23 catering hall, and it will have its own separate  
24 entrance, its own separate kitchen facilities so in  
25 essence, the restaurant could be running while you

1 have a catering hall adjacent to it.

2 The main impact with respect to the County  
3 would be with respect to access to the site. There  
4 are currently three or four curb cuts on the  
5 existing County road, for which none of them we're  
6 proposing on changing whatsoever. What we're  
7 proposing on using, sort of the old area of River  
8 Road which was Old River Road, which is basically  
9 no-man's land right now in order to create sort of  
10 like a stacking effect for the cars going into the  
11 new parking area that is going to be split between  
12 the two existing structures.

13 So therefore, the circulation of the  
14 existing ingress and egress for the existing  
15 restaurant will not change. The change will be  
16 basically an additional ingress into an additional  
17 parking area for access no queuing for the other  
18 space as well.

19 There is presently right now a lease  
20 arrangement for the existing restaurant that has an  
21 existing patio on the outside on the front yard of  
22 existing building, and we recently received another  
23 lease agreement to extend the existing patio. There  
24 is an existing patio on the outside of the property,  
25 of which we have a means and bounds description and

1 square footage for that as well too.

2 In essence, what we're doing, we're  
3 creating a new building that will house a catering  
4 hall which presently is vacant, and there is no use  
5 for the building at present. It will be a much  
6 better appearance. It will clean up the entire area  
7 and allow for different functions at different times  
8 of the day that they'll be able to make the place  
9 more viable as far as people in the area and  
10 creating a more vibrant atmosphere for this place.

11 MR. JIMENEZ: Can you describe the  
12 area behind the buildings?

13 MR. ARENCIBIA: Yes, it's actually  
14 sort of the back of the actual property is sort of  
15 in a steep slope incline. The access to that space  
16 behind is Church Hill Road, which also leads out  
17 into the Boulevard East -- excuse me, River Road.  
18 So the access for the back properties, they have no  
19 access at all, and they're roughly about anywhere  
20 between 20 to 40 feet above the restaurant. In  
21 essence, what we're doing here in this restaurant,  
22 it will not impact at all on the residents above the  
23 hill itself.

24 Again, as Mr. Jimenez said, basically  
25 we're right on the border of Bergen County and

1 Hudson, and actually, I think part of the -- part of  
2 the area for the egress or the roadway is split  
3 between Bergen County and Hudson. One of the  
4 conditions is that we also get approval from Bergen  
5 County as well for what we're proposing.

6 MR. JIMENEZ: With regard to the  
7 existing restaurant, could you explain to the Board  
8 how much space square-footage-wise, we will be  
9 adding to each level?

10 MR. ARENCIBIA: On the first floor,  
11 the addition is going to be 710 square feet, and the  
12 second floor will be 663 square feet.

13 MR. JIMENEZ: With regard to the  
14 adjacent building that we will be converting, are  
15 any additions or modifications being made to that  
16 building?

17 MR. ARENCIBIA: Yes, the whole  
18 external side of the building will be completely  
19 done new. We're proposing to have the ingress of  
20 the restaurant via a walkway with a landscaped curb  
21 in order to create a nice, interesting effect and be  
22 able to have some nice doors facing the front of  
23 River Road, so you'll be able to have light and  
24 visibility into the space from the street. We  
25 didn't want to close that off.

1 MR. JIMENEZ: Absent those aesthetic  
2 changes though, will the building's height or  
3 dimensions, will they be changed at all?

4 MR. ARENCIBIA: Yes, there is no  
5 change.

6 MR. JIMENEZ: So the footprint will  
7 stay the same as it is now?

8 MR. ARENCIBIA: Yeah.

9 MR. JIMENEZ: Mr. Chairman, if the  
10 Board has any questions.

11 CHAIRMAN CHOFFO: Does anyone have  
12 any questions?

13 MR. JIMENEZ: At this time, Chair,  
14 I'll bring the traffic expert up.

15 CHAIRMAN CHOFFO: If we have  
16 questions, we can call him back up.

17 MR. LUGLIO: Good evening.

18 (The witness is sworn.)

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

21 MR. LUGLIO: Sure, Louis Luglio,  
22 L-u-g-l-i-o; address is 16 Hillcrest Avenue, Leonia,  
23 New Jersey.

24 MR. JIMENEZ: Mr. Luglio, can you  
25 tell the Board about your education and professional

1 background?

2 MR. LUGLIO: Sure. I'm a licensed  
3 engineer in the state of New Jersey and other  
4 states. I have been practicing traffic and  
5 transportation planning for the past 24 years. I  
6 have a bachelor of science in -- bachelor of science  
7 engineering from New Jersey Institute of Technology,  
8 and a master's degree in planning also from NJIT. I  
9 have worked for applicants in Hudson and Bergen  
10 County and throughout the state. I have also worked  
11 for municipalities such as Paramus, Woodcliff Lake  
12 and several others in Bergen, Hudson County and  
13 North Bergen as well. I have appeared before the  
14 State as a witness for NJDOT on many occasions.

15 CHAIRMAN CHOFFO: Based on that, we  
16 accept him as a traffic expert.

17 MR. JIMENEZ: Mr. Luglio, you heard  
18 the description of the property as mentioned by  
19 Mr. Arencibia. Can you please describe the traffic  
20 layout or the diagram that you have?

21 MR. LUGLIO: Well, again, basically  
22 there is change to the existing restaurant. As  
23 vehicles come in, they are valeted. It's a hundred  
24 percent valet parking. That would be the same for  
25 the addition. You heard about Old River Road, the

1 sliver of property. We plan to use that to stack up  
2 vehicles for the new facility, and we hold up to 12  
3 to 14 vehicles on-site.

4           Currently, there are no traffic issues  
5 with respect to River Road with the vehicle entering  
6 the existing site. This would be much more in terms  
7 of vehicles queuing on the site. We don't  
8 anticipate having 10 to 12 vehicles queuing up at  
9 any one point in time, but we do have the space to  
10 accommodate them. As pointed out there are four  
11 different access points, some of which are egress,  
12 some are ingress.

13           The traffic flow itself would be separate  
14 from the existing restaurant, and part of what we've  
15 been dealing with with Mr. Cray and Bergen County is  
16 that it sits right at the intersection. The  
17 intersection itself is a combination of Bergen  
18 County and Hudson County. The intersection itself  
19 in the process right now of being reconstructed, the  
20 combination of the I Park development that's on the  
21 waterfront in Edgewater and the new Municipal  
22 building for Edgewater that is right across the  
23 street. They house not only the municipal building,  
24 but also the police are right across the street from  
25 there.

1           We looked back at the many years of  
2 accident data in the area, and there has been no  
3 accidents on River Road at this location as a result  
4 of vehicles pulling in or leaving the site within  
5 the last seven years. I have no information that we  
6 could gather. As far as the access is concerned, we  
7 have worked tirelessly with Mr. Cray and Bergen  
8 County with respect to the intersection improvements  
9 that are going on as I mentioned, and things or  
10 appropriate measures that we can take to ensure the  
11 safety of the motoring public on River Road, and  
12 also people that are customers that are coming in  
13 and out, and that is the utmost important thing that  
14 we wanted to do here.

15           As a result in conversation, again, with  
16 the engineer and Bergen County, we have some  
17 measures that we would like to put in place that  
18 will allowed for an even safer, if you can imagine,  
19 even safer operation for the new traffic that would  
20 be coming to and from the site. We've worked also  
21 long and hard collecting traffic data along River  
22 Road.

23           As you can imagine, the traffic itself a  
24 heavy traffic on River Road, but peak hour or the  
25 peak times of traffic do not coincide with the peak

1 hour of the restaurant itself. The restaurant peaks  
2 in little bit later in the evening as opposed to the  
3 peak hour which is 5:30 to 6:30 peak on River Road.  
4 So there is a benefit, if you will, with respect to  
5 timing as vehicles are coming in and coming out. We  
6 have looked at many aspects of safety and site  
7 distance in both directions looking northbound and  
8 southbound on River Road.

9 We looked at maneuvers that you can make  
10 in and on the site, and we've come up with a plan  
11 that we worked hard collectively on which I think  
12 we're at a point now that everyone will accept that  
13 as far as engineering is concerned, and the last bit  
14 of this is to get a meeting with Bergen County to  
15 wrap up what we would have on our plan. So  
16 basically, coming out of the site, there is a  
17 median. It's a painted median on River Road.

18 We would at our exit point erect a No Left  
19 Turn sign. If we are able to provide left turns in  
20 and out of the site that would be granted by Bergen  
21 County, then we would limit the amount of activity.  
22 So we would say no left turn from seven a.m. to nine  
23 a.m., that's the peak period, and again, no left  
24 turn four p.m. to six p.m. I think that's a safe  
25 and agreeable restriction that we could place on the

1 site.

2 The architect went over parking. Again,  
3 it's one hundred percent valet. We have an off-site  
4 agreement to valet park that's probably about 500  
5 feet away so it's -- it is a safe maneuver to get in  
6 and out the site, and we can hold all the  
7 anticipated cars that would be coming to both  
8 establishments, a combination of the parking, and  
9 limit parking spaces that we have on site, and the  
10 overflow or easement agreement that we have with the  
11 neighboring facility.

12 CHAIRMAN CHOFFO: How many parking  
13 spaces?

14 MR. LUGLIO: We could valet up to 125  
15 parking spaces.

16 CHAIRMAN CHOFFO: How many on your  
17 property?

18 MR. LUGLIO: On the property we have  
19 a total of 25. We have fifteen and ten on the  
20 property, combination of the existing parking and  
21 the space that's between the two buildings that  
22 holds another ten spaces.

23 CHAIRMAN CHOFFO: What is the  
24 capacity for the catering?

25 MR. LUGLIO: The capacity in terms of

1 number of parking spaces?

2 CHAIRMAN CHOFFO: No, number of  
3 people?

4 MR. LUGLIO: That I don't have; 130  
5 people I'm told.

6 CHAIRMAN CHOFFO: And the restaurant?

7 MR. LUGLIO: The restaurant is about  
8 125 people in the expanded restaurant.

9 CHAIRMAN CHOFFO: With the catering?

10 MR. LUGLIO: You will have almost 250  
11 people, and usually people when they're coming to a  
12 catering facility or a restaurant come between two  
13 or three, usually about three in a car. So we've  
14 actually spent many times over the last month or two  
15 months taking video of the operations coming in and  
16 out, looking at and counting the number of people in  
17 each car. Roughly on average we have about three in  
18 each car.

19 COMMISSIONER HOLLOWAY: Mr. Chair, on  
20 the queuing, if you back up, is that queuing on the  
21 main road?

22 MR. LUGLIO: No, the queuing is  
23 completely controlled on the site. We can hold up  
24 to 12 to 14 cars. We probably don't need to have  
25 that much queuing space, but we have it because it's

1 Old River Road. At most in the current operation,  
2 we only have between four and six cars that queue up  
3 at any one point in time. If you look at the valet  
4 operation, you pull in, someone takes your car, and  
5 the car is gone within 30 seconds or minute. They  
6 have multiple people that are jockeying cars back  
7 and forth, basically getting ready for people that  
8 are coming in during, I would say between 7:30 at  
9 8:30, that's the peak time of coming in, and  
10 leaving.

11 Most people come in in somewhat of a block  
12 of time, but they leave kind of staggered throughout  
13 the night far as getting their car and leaving  
14 again. The queuing itself has never backed out onto  
15 River Road on the existing property, and based on  
16 the amount of space that we have now, it will not  
17 back onto River Road for the proposed building.

18 COMMISSIONER HOLLOWAY: You're saying  
19 that the queuing has two lanes, but you only need  
20 one?

21 MR. LUGLIO: Right, and again, I  
22 preface or correct myself in saying that queuing  
23 will operate or occur on-site, not on River Road.

24 COMMISSIONER HOLLOWAY: Thank you.

25 FREEHOLDER O'DEA: What is the square

1     footage for the catering facility?

2                   MR. LUGLIO:   A hundred -- roughly a  
3     hundred thousand -- it's under 3,000, under 3,000  
4     square feet.

5                   FREEHOLDER O'DEA:   Three thousand  
6     square foot catering, so 125 yeah.

7                   MR. ARENCIBIA:   There is a  
8     pre-function area, kitchen and the two toilet  
9     facilities.

10                   FREEHOLDER O'DEA:   Within the --  
11     within the catering facility, what square footage is  
12     not dedicated to prep or anything else, what amount  
13     of square footage is dedicated solely to seating?

14                   MR. ARENCIBIA:   We have basically  
15     both dining area square footage is 1,037.29 square  
16     feet.

17                   FREEHOLDER O'DEA:   Oh, a thousand  
18     square feet.   I would just say for the record, I  
19     think you're assertion that three as the average is  
20     a bit of a stretch.   I would buy two.   It's pretty  
21     difficult to tell what the average is.   I think you  
22     have events, some come one, you get some three, you  
23     get two.   If I really had an expert in this field, I  
24     do work for -- I do full disclosure developing  
25     financing for individuals that have larger catering

1 facilities. I know how many people based on -- I  
2 think two is a much more practical number of people  
3 per vehicle.

4 CHAIRMAN CHOFFO: Any other  
5 questions?

6 COMMISSIONER BETTINGER: How many  
7 parking space do you have at the catering facility?

8 MR. LUGLIO: Again, on-site we have  
9 fifteen parking spaces and ten, a total of 25  
10 parking spaces that are on-site, and we could park  
11 another 80 to a hundred that are off-site valeted.  
12 That is approximately 700 feet on the northwest  
13 corner of the intersection of Old River Road and  
14 River Road. It's an existing medical building.

15 After 6:00 p.m., the parking is completely  
16 empty. So my client has an agreement to valet park  
17 cars there. So it's not just a number of parking  
18 spaces, but it's valeted. All of those spaces, we  
19 can park between 80 and a hundred, even 110 parking  
20 spaces on that site.

21 CHAIRWOMAN BETTINGER: And how do you  
22 plan on getting cars back to the catering hall?

23 MR. LUGLIO: The cars are basically  
24 taken off-site. They are either going down River  
25 Road, turning the car around and coming back up

1 River Road to park them. Then once the patron comes  
2 back out, the car is moved from just north on River  
3 Road, and it's just coming down south on River Road  
4 into the site. Getting the car from are parked  
5 spot, our valeted spot, to the facility is the  
6 easiest move because it's a straight 700 feet down  
7 River Road. It's getting the car from the building  
8 to the valet park area that takes a little bit  
9 longer.

10 CHAIRWOMAN BETTINGER: When you  
11 getting the car back to the facility, where -- is it  
12 basically a U-turn?

13 MR. LUGLIO: Well, right now, valeted  
14 vehicles come out and some do make a left turn to  
15 come out northbound on River Road to park the  
16 vehicle. Otherwise, there is a couple of places  
17 down River Road where the car could be U-turned,  
18 before you get to Bulls Ferry Road or just south of  
19 Bulls Ferry Road.

20 COMMISSIONER HOLLOWAY: So basically,  
21 you go Church Hill, and you come back up?

22 MR. LUGLIO: You could go up Church  
23 Hill. There are many different ways that you can  
24 get the car back up and going northbound on River  
25 Road. And again, during some events, we have police

1 out on the median, a vehicle parked on the median.  
2 We also none the police station that is across the  
3 street, and again from an operational stand point  
4 and all the time that this has been in operation,  
5 there hasn't been any accidents or any incidents of  
6 traffic accidents in this vicinity with respect to  
7 the operation of the site.

8 We've worked with your engineer, Mr. Cray  
9 and myself along with Bergen County, have worked  
10 long and hard to try to figure what is the best and  
11 safest plan of getting valet-parked cars to and from  
12 the site. It's not an easy site. It doesn't make  
13 it any easier because of the sliver of Old River  
14 Road that exists. The benefit that we have is that  
15 Old River Road, which really is only a section of  
16 roadway from this intersection up to Gorge Road, is  
17 a very underutilized roadway. There is really no  
18 traffic volume coming up Old River Road. So that is  
19 the benefit in that we really only have to worry  
20 about River Road traffic.

21 CHAIRMAN CHOFFO: You have worked  
22 with Bergen County?

23 MR. LUGLIO: We have met with Bergen  
24 County on numerous occasions, and I'm working with  
25 the developer, I Park Developments, with the

1 improvement at the intersection, and that has been  
2 directly with Bergen County.

3 CHAIRMAN CHOFFO: Has that  
4 application been approved yet?

5 MR. LUGLIO: No, we have not. We  
6 have not received approval yet from them. We have  
7 made inroads and talked to them about this  
8 application. We shared all of our information with  
9 them. We tried to have -- tried to set up a meeting  
10 with Bergen County last week. That had to be  
11 canceled. Bergen County couldn't make it. We're  
12 going to try to schedule another meeting this coming  
13 week with them so we can finalize our signage and  
14 finalize the plan.

15 Yes, we have go to them, also, as a  
16 courtesy and understanding the traffic flow and the  
17 intersection improvements, just so that everything  
18 works together from the safety stand point. We're  
19 not only dealing with the safety of the motoring  
20 public on River Road, the valet drivers and  
21 customers that are coming in and out, we also had to  
22 take into account emergency vehicles that may have  
23 to come on and off the site, and so not to impair  
24 their ability to gain access to the site on either  
25 direction on River Road.

1                   COMMISSIONER HOLLOWAY: Mr. Chair,  
2 one of my concerns is it's so close to Bergen  
3 County, what if we approve it, and they don't  
4 approve it? Are we going to need to communicate  
5 with Bergen County, Mr. Curley?

6                   MR. CURLEY: For the plan to be  
7 executed, approval would have to be obtained by the  
8 applicant. It's not unusual for us to grant  
9 approval subject to the conditions that all other  
10 approvals necessary from other public bodies have  
11 been exchanged.

12                   COMMISSIONER HOLLOWAY: Thank you.

13                   FREEHOLDER O'DEA: Where do your  
14 employees park?

15                   MR. LUGLIO: Most of the employees  
16 come by public transportation or they get dropped  
17 off. There are a very minimal number of employees  
18 that actually park on the site.

19                   FREEHOLDER O'DEA: What public  
20 transportation goes there?

21                   MR. LUGLIO: Right on the northwest  
22 corner of that intersection, there is New Jersey  
23 Transit that has a pretty significant bus stop, and  
24 there's a bus stop on the northbound direction right  
25 in front of CVS that's just north of the municipal

1 building for Edgewater.

2 FREEHOLDER O'DEA: How frequent and  
3 how late are the buses on this street?

4 MR. LUGLIO: Usually during the peak  
5 time, the buses and there are a number of buses that  
6 are there, it's every ten to fifteen minutes, and  
7 they run up to I think it's 12:30 at night. There  
8 are also in addition to the New Jersey Transit, a  
9 number of New Jersey Transit buses, there are also  
10 Edgewater ferry buses that running up and down, and  
11 Fort Lee also runs a bus up and down to provide  
12 ferry service. There are a number of buses that are  
13 running on River Road.

14 FREEHOLDER O'DEA: Mr. Chair, my  
15 concern is that catered events have a large number  
16 of employees. They have to cater to serve, you  
17 know, et cetera, et cetera. So again, not knowing  
18 the line and the schedules but knowing that catered  
19 events tend to be on Saturdays and Sundays, I'm  
20 very, very curious to confirm what those bus or mass  
21 transit services are because if you're going to have  
22 a Sunday evening wedding, you want to make sure that  
23 those individuals are going to drop them off and  
24 pick them up -- I don't know. I think that  
25 generally facilities have X amount of spaces for

1 employees. They have X amount of spaces for  
2 visitors and guests. How many space do you have for  
3 employees?

4 MR. LUGLIO: Well, the employees that  
5 do drive are valeted as well so they'll be tucked  
6 into the furthest or the most remote valet parking  
7 spaces that are off-site. The sequence of the  
8 approvals or events is that when we went to North  
9 Bergen, we have approvals from North Bergen. The  
10 next step was to come to Hudson County, at the same  
11 time having a conversation with Bergen County, which  
12 has over the last three or four months, and then  
13 after, hopefully with this approval, we will  
14 finalize the plan and signage with Bergen County.

15 FREEHOLDER O'DEA: I guess this is  
16 less an engineering question, more for the applicant  
17 or operator. Under the fire code of the City, what  
18 is the maximum capacity of the restaurant, and what  
19 is the maximum capacity of the catering hall?

20 MR. JIMENEZ: The architect has that  
21 on his plans.

22 COMMISSIONER GOMEZ: What it is, it  
23 all depends on what type of events.

24 FREEHOLDER O'DEA: I'm asking if  
25 there is a legal allowable maximum capacity that's

1 under statute.

2 COMMISSIONER GOMEZ: What I can is if  
3 you have a baby shower, it all depends on whether  
4 you're going to have tables and chairs. So if you  
5 have something like a baby shower for 60 or 70  
6 people, the capacity is a lot less than having a  
7 wedding. It all depends, again, on how many tables  
8 and chairs you have that affects capacity.

9 FREEHOLDER O'DEA: What if I have no  
10 tables and chairs? What if I'm having a cocktail  
11 party with little or minimal seating. You've seen  
12 events. There was a cocktail party. I'll have  
13 tables for 30 people walk, stand, carving stations,  
14 ultimately --

15 COMMISSIONER GOMEZ: Your fire  
16 official will submit a sign telling how many you can  
17 have in your capacity from North Bergen, am I  
18 correct?

19 MR. LUGLIO: Just from the existing  
20 building, the seating of 125, it looks like we have  
21 220 that would be the actual limit, the personal  
22 limit. That's if everyone didn't have a table,  
23 everyone was standing. That's the actual fire code  
24 limit that's in the existing building, and that's  
25 the proposed expansion of the existing building.

1 The new building -- that's all existing, and 150 for  
2 the catering hall.

3 FREEHOLDER O'DEA: So you can have  
4 370 people. Now divide that by two, you have 185  
5 parking spaces, probably 200.

6 MR. LUGLIO: It's definitely not  
7 anticipated on having an event with that number of  
8 people here. That's posted as far as fire code, and  
9 what really realistically at an event at this  
10 location and the expanded facility, they are two  
11 separate things.

12 FREEHOLDER O'DEA: But, certain types  
13 of events, I'll be very honest, political events,  
14 tend to be often cocktail parties, where you clear  
15 out most of your tables, you have a minimal amount  
16 of tables set up, a carving station. You have a  
17 carving stations where people stand around a table,  
18 with very, very, very limited seating. In those  
19 cases in a place like this, you're going get a  
20 hundred or more people.

21 That's really what they're going to want  
22 to do because money is made on catering. Money is  
23 not made on restaurants. The margin of a restaurant  
24 is this. The margin of a catered event is this.  
25 The gentleman that's the operator, he'll confirm the

1 markup on a meal is you know, 20 percent. The  
2 markup on a catered event is two hundred percent.  
3 So cocktail parties, hor-doeuvres or some carving  
4 stations and stuff is to the success of the  
5 operator, is go to lend to that.

6 I think that question we have to ask  
7 ourselves is in the case of those events, where is  
8 the overflow parking it going to be, how is the  
9 overflow parking? Is there other options for events  
10 that occur like that? Those events are going to  
11 occur, and if the gentleman wants to be successful,  
12 he's going to want those kind of events to occur  
13 from time to time.

14 MR. LUGLIO: I would just add to that  
15 that this is not a very large catering facility.  
16 Even on -- even on a very busy night, we park  
17 probably 80 vehicles for the restaurant itself on a  
18 very busy night. We have, again, a total of 110,  
19 plus 25 that we have on site. We have more than  
20 enough parking that we can handle through valet with  
21 a combination of the existing restaurant and the  
22 proposed building. We have gone over this in detail  
23 with North Bergen and to some extent with Bergen  
24 County with their planners and the engineer on the  
25 specifics of this restaurant and how it operates and

1 where it's situated and the proposed small catering  
2 facility.

3 So I would just say to the Board that this  
4 is not Seasons. It's not something that it's a very  
5 large catering facility. This is more of a  
6 boutique-type restaurant, if you've ever been there,  
7 and the catering facility would just add a little  
8 bit more space to an event than having it in the  
9 actual restaurant.

10 CHAIRWOMAN BETTINGER: Mr. Chairman,  
11 I have a question. I have had the pleasure of  
12 dining at this restaurant, and I did notice when I  
13 was having a late dinner, and it turned into some  
14 type of a club, is that true? Is that a club? I  
15 noticed it starts to get really crowded. Is that  
16 still part your venue?

17 MR. LUGLIO: It will still be part of  
18 restaurant venue. That is for certain. The  
19 catering facility is again a separate building. So  
20 I would imagine that it would continue to operate in  
21 the same way it does now. We're able to valet park  
22 everyone that comes in at any time and without the  
23 issue of having to worry about having additional  
24 parking somewhere else.

25 FREEHOLDER O'DEA: Mr. Chairman,

1 based on Commissioner Bettinger's question this  
2 facility has I guess the -- I can't think of the  
3 highest level of an entertainment. Does it become a  
4 nightclub on X days a week after a certain period of  
5 time?

6 MR. LUGLIO: No, it's not a  
7 nightclub. So basically what happens at eleven  
8 o'clock at night is that food, a sit-down dinner is  
9 not provided. So you'll have music, and you'll  
10 still have appetizers and drinks that you can get,  
11 but it's not a nightclub even though it may be  
12 described as such.

13 FREEHOLDER O'DEA: Could it be a,  
14 I'll give you a perfect example in West New York,  
15 the one on the water on Hudson, that is a  
16 restaurant, and it turns into a nightclub, no ifs,  
17 ands or buts about it. I don't know if it's this  
18 facility, but that facility is not even a question  
19 that's what happens. You know, I'll be curious to  
20 find out if part of this is that now you're going  
21 bring another 150 people on Friday and Saturdays  
22 night, you really don't have a capacity to from the  
23 parking perspective to do it. If you want to park  
24 for blocks and walk, it's not safest place, not  
25 safety from a crime area, with the way the traffic

1 and things you are walking on, you know, sidewalks  
2 and medians and stuff like that.

3 MR. JIMENEZ: Just to speed the  
4 point, Mr. O'Dea, I would submit to this Board,  
5 North Bergen, having represented various  
6 establishments in North Bergen, North Bergen is not  
7 lenient with their liquor license laws and do not  
8 allow any restaurant to carry on without what their  
9 licensed permits. I don't know that you can speak  
10 about it, but it does get packed in there, and  
11 that's obviously part of this reason and people are  
12 standing, it does give that type of club feel, but  
13 North Bergen defines a club as a deejay, music  
14 playing, people dancing, no tables. That's not our  
15 intent here.

16 I'm going to say to this Board that every  
17 so often people will just move around, but it's not  
18 a club at all. I know North Bergen having gone  
19 before the ABC Board on various occasions, North  
20 Bergen wouldn't tolerate it at all.

21 FREEHOLDER O'DEA: What level of  
22 license?

23 MR. JIMENEZ: A retail license.

24 FREEHOLDER O'DEA: They obviously can  
25 have live entertainment there?

1 MR. JIMENEZ: No, they've never had  
2 live entertainment.

3 FREEHOLDER O'DEA: So you have a  
4 catering room, and if I had a wedding there, I  
5 couldn't have a band?

6 MR. JIMENEZ: I'm talking about the  
7 restaurant. If you can point out which one you're  
8 speaking of, a private party if you're in the  
9 catering hall, that's a different beast in itself.

10 FREEHOLDER O'DEA: If you have a  
11 catering hall, will that catering hall be allowed to  
12 have a band, to be able to have a band?

13 MR. JIMENEZ: I think we have to  
14 apply for a special permit from the Township, but on  
15 its own, no.

16 FREEHOLDER O'DEA: For the record the  
17 only way you can have a live band for a wedding is  
18 if you got a special permit, and that's what you're  
19 saying for the record?

20 MR. JIMENEZ: I would submit to the  
21 Township of North Bergen, I'm going to say to this  
22 Board, what permit? I don't know what your  
23 definition of a band is. It may change.

24 FREEHOLDER O'DEA: Here's what I'm  
25 trying to determine. It's simple, and it comes from

1 Commissioner Bettinger's observation. You're now  
2 going to have an area that's a little more than  
3 3,000 square feet, a little more a thousand square  
4 feet based on what the architect stated, and there  
5 was going to be an open area for people. What I  
6 don't know, and obviously you do a catering facility  
7 for events that more often than not have music,  
8 could be a deejay, could be a band. The question I  
9 have is for the sense of a deejay, do you need a  
10 special permit every time you have a deejay there?

11 COMMISSIONER NG: I can help you  
12 there. When you have a band, a live band, you need  
13 insurance. Insurance is covered by the band, not by  
14 the facility.

15 FREEHOLDER O'DEA: So the band needs  
16 insurance?

17 COMMISSIONER NG: I can tell you, but  
18 I have never seen it.

19 FREEHOLDER O'DEA: So the band needs  
20 insurance, so if all you need is the band to have  
21 insurance, and then the license allowed live  
22 entertainment. I know Jersey City. I'm a Jersey  
23 City guy. In Jersey City you have levels of  
24 licenses. Certain licenses come with the ability to  
25 have live entertainment. Others allow you to have a

1     deejay but not live entertainment.  Others allow --  
2     I don't know if you're allowed to have a jukebox.  
3     I'm trying ascertain for the record which level do  
4     they have here.

5                   MR. JIMENEZ:  North Bergen doesn't  
6     make that distinction.  They say there is no dancing  
7     allowed.

8                   FREEHOLDER O'DEA:  So they don't  
9     permit dancing?

10                  MR. JIMENEZ:  That's how they term  
11     it.

12                  COMMISSIONER CRYAN:  But there is  
13     different types of licenses?

14                  MR. JIMENEZ:  In terms of  
15     distribution planetary --

16                  COMMISSIONER NG:  The Broad C Cabaret  
17     allows for certain things.  Some allow for packaged  
18     goods to be sold, different types.

19                  MR. JIMENEZ:  Mr. O'Dea was talking  
20     about different levels permits you to do different  
21     stuff.  In North Bergen you can sell packaged goods  
22     or not sell packaged goods.  This is a restaurant  
23     setting.  This a retail license to sell liquor to  
24     patrons who are there.  Mr. O'Dea is speaking about  
25     the music and levels of that.  This is not a cabaret

1 license at all. This permits to do a live function.  
2 If they have a fundraiser, will there be live  
3 entertainment. I'm not going to say it's not done.  
4 You're attempting to say that this thousand square  
5 foot area, which is fairly small, we're going to  
6 have a deejay and club. That's not what he's doing.  
7 This is purely to have additional space so people  
8 can sit comfortably. I think that I can attest to,  
9 the people that have been there, the small nature of  
10 the restaurant as it exists.

11 FREEHOLDER O'DEA: How do we prevent  
12 that? How can this Board prevent that from  
13 happening? How do we prevent that six months from  
14 now, you don't decide -- Commissioner Bettinger says  
15 that changed at a certain time of night. I've seen  
16 the one in West New York. It's a beautiful  
17 restaurant, but if I go there at one o'clock in the  
18 morning, that ain't no restaurant no more, and I  
19 don't know what license they have, but it looks like  
20 a restaurant. It looked like a restaurant, it  
21 smelled like a restaurant, but at one o'clock in the  
22 morning. it ain't a restaurant.

23 I don't know what this is. I'm being  
24 frank and honest with you, but I don't know how you  
25 prevent six months from now suddenly Friday nights,

1 you know, Friday night is whatever night, you know,  
2 Latin Night. At eleven o'clock that room, it may  
3 only be 150 people or 170 people, if you've got a  
4 deejay in there, but I also know enough about this  
5 business to know the markup on liquor is a lot more  
6 than your markup on food. Alcohol is a much higher  
7 markup than a food markup is.

8           The temptation to have things that are  
9 liquor as opposed to food if it's got a certain  
10 upkeep is legitimate. I don't know the rules and  
11 regs of North Bergen. I know Jersey City's like the  
12 back of my hand, but just someone who is concerned  
13 and our other Commissioners are concerned about  
14 where parking is, are people parking on sidewalks a  
15 block away. I just think that's something I would  
16 like to get my hand around.

17           CHAIRMAN CHOFFO: Freeholder O'Dea, I  
18 understand your concern. I think on all our  
19 applications like restaurants, there are certain  
20 things that are definitely out of our control.

21           FREEHOLDER O'DEA: But the problem  
22 with it is if those things are allowed to occur, we  
23 know that they're allowed to occur, and we vote on  
24 this with the parking representations that have been  
25 made to us as to how much parking they need and how

1 much they can do at a valet, then we -- I don't want  
2 to be sitting here a year later finding out that's  
3 what occurred, and we knew we should have taken the  
4 time to ascertain what they're allowed to do or not  
5 do based on the license they have in order to make a  
6 fair judgment as to whether or not the granting of  
7 this addresses traffic parking.

8 COMMISSIONER MEHTA: I just want to  
9 say the same thing to Freeholder O'Dea. I've been  
10 to the restaurant. They have very good service. I  
11 never had any problem with parking or an issue. In  
12 the nighttime it is definitely not a nightclub. It  
13 is like a lounge, like a bar and lounge after the  
14 dinner. When the restaurant is over, there is a bar  
15 and the people hang out and people lounge, and the  
16 environment like definitely a lounge. There is no  
17 music.

18 COMMISSIONER BETTINGER: I thought  
19 there was music.

20 MR. JIMENEZ: There is music playing.

21 COMMISSIONER BETTINGER: I want to  
22 clarify.

23 COMMISSIONER HOLLOWAY: The only  
24 issues that this Board should have is the flow of  
25 the traffic continuously, to continue to park cars

1 not on the sidewalk, but over the road. You  
2 mentioned that over the road there's traffic?

3 MR. JIMENEZ: The traffic expert,  
4 yes.

5 COMMISSIONER HOLLOWAY: I don't know  
6 what time you were thinking, but it looks like to me  
7 that you can park cars, I counted 15 before it gets  
8 to your property on Old River Road, if you  
9 understand that. I'm wondering if they're parked  
10 cars going to your restaurant?

11 MR. JIMENEZ: Those are most likely  
12 parked cars if it's on an area.

13 COMMISSIONER HOLLOWAY: The traffic  
14 is going to be hard to get around those cars to go  
15 onto New River Road.

16 MR. LUGLIO: The photo that you have,  
17 the aerial, I would imagine it's taken during the  
18 day. Down in this area, we do see many people park  
19 their cars on Old River Road and then get on the  
20 bus, and you can't police because it's on-street  
21 parking.

22 COMMISSIONER HOLLOWAY: Is that legal  
23 parking or illegal parking?

24 MR. LUGLIO: No, that's legal  
25 parking. And the last point that I just wanted to

1 make to the Board is at eleven o'clock, the food  
2 service basically is over. You can't sit down and  
3 have a dinner. Many of the people still there until  
4 twelve or one o'clock are people that were there.  
5 It's not like people are coming in and out during  
6 that period of time. You may have people coming in,  
7 certainly. Most people are people that have been  
8 there. Certainly, we have people that are coming  
9 in, but again, we've never had an issue of not being  
10 able to valet everyone. We've never had an issue of  
11 someone parking far away and walking and complaining  
12 they had to park so far away.

13 I think the benefit of having it a hundred  
14 percent valet is that you pull up, you get out of  
15 your car, and you're inside the establishment, and  
16 you get your car back when you're done at the end of  
17 the night. My main focus is to make sure that the  
18 operation from a safety standpoint works, not only  
19 for the facility but also for River Road.

20 COMMISSIONER GOMEZ: Mr. Chairman, if  
21 there was a problem in North Bergen, wouldn't North  
22 Bergen take care of the problem? If they were  
23 operating improperly, would it be the County's  
24 responsibility or the North Bergen Police  
25 Department?

1                   MR. JIMENEZ: I would submit to this  
2 Board that when we were before North Bergen, if  
3 there had been any issues, they would have been  
4 raised at that meeting in collaboration with the  
5 ABC. North Bergen's planners and engineers  
6 meticulously went over these. It didn't get  
7 approved in one meeting and we're in and out. Over  
8 several months we went before the board. We showed  
9 them the plans. We addressed the parking issues and  
10 occupancy issues and to a certain extent, traffic  
11 issues as it related to North Bergen.

12                   They reviewed this, and when they granted  
13 this approval, they weren't only saying we grant  
14 approval to this expansion. What that they actually  
15 were saying is you have been running a good business  
16 here for sometime now, and we're satisfied with what  
17 you have and how you operate and your potential to  
18 increase that. I think that thus speaks volumes to  
19 the Township of North Bergen to give some credence.  
20 They are there. They do know the area. They are  
21 familiar with the area that we're speaking of in  
22 depth.

23                   I would please ask the Board to take that  
24 into consideration that it wasn't just given a  
25 rubber stamp with North Bergen. They did review all

1 our issues with occupancy, with parking, with travel  
2 time. We obviously want this Board to see the  
3 benefits as well, particularly the traffic flow.  
4 That's what we were trying to impress to this Board.

5 COMMISSIONER HOLLOWAY: Mr. Chairman,  
6 I would like to hear from our engineer and the  
7 Inspector, Mr. Tridente.

8 MR. TRIDENTE: I was wondering if it  
9 was possible that the engineer could show us the  
10 internal traffic pattern and circulation and how  
11 traffic comes into the play and show us some kind of  
12 a sketch for the Board to better understand how the  
13 circulation of traffic comes into the site, comes  
14 out of the site, the time patterns from the time the  
15 car gets dropped off, and the car attendant  
16 addresses the next vehicle and how many attendants  
17 are there during peak hours to address the volume of  
18 vehicles. If you have those kind of figures, that  
19 would give the Board a better understanding how the  
20 traffic flow circulation pattern works.

21 MR. JIMENEZ: You could have your  
22 expert speak to that. That's why we took three  
23 months to get this approved. We were showing him  
24 the plans. We would not have been able to come  
25 before the Board without having done so. I think it

1 would be valuable for Mr. Cray to give his review of  
2 that.

3 MR. CRAY: With the aspect of Mr.  
4 Tridente's question about the logistics after the  
5 car is dropped off with the valet, if you speak  
6 towards that, that's an operational thing. After  
7 that, I can speak to the items in my review letter.

8 MR. LUGLIO: There's five attendants  
9 that are there that are ready to take cars. Once  
10 they take the car, they drive it off-site, and  
11 they're back within two or three minutes of taking  
12 the car out, maybe even as much as five minutes.  
13 They kind of stagger. They leave the car on the  
14 site. They take the cars off the site.

15 We have hours of video that show how this  
16 operation actually works on the site. What we do is  
17 to queue up about six cars existing on the site, and  
18 those five valets are moving the cars coming back.  
19 We have never had an issue with cars that are  
20 blocking anyone. We have never had an issue of cars  
21 that are left on River Road for a valet to take.  
22 It's a very smooth operation, and it's been in  
23 operation for a long period of time.

24 With the catering facility, we have up to  
25 14 cars that we can queue on the site. With that,

1 we would have staff, the valet staff, to handle the  
2 additional cars that we would have. The main focus  
3 is to provide a safe and reliable valet for the  
4 people that are coming. If that was an issue, we  
5 would hear it from our patrons. We would hear it  
6 from the valet that this doesn't work. We have not  
7 had that issue yet, and we don't anticipate to have  
8 that issue. There is no benefit of us having a  
9 failed valet system because people wouldn't come  
10 back, and I'll leave it at that as far as the valet  
11 goes.

12 As far as traffic flow and circulation, I  
13 don't know if Mr. Cray wants to talk. I do not have  
14 a board, but I do have a graphic that shows traffic  
15 flow on and off the site and roughly how many  
16 vehicle that you could queue up on Old River Road.  
17 As far as timing goes, again, the peak hour of River  
18 Road is very different than the peak hour of  
19 activity when vehicles are coming on and off the  
20 site for the restaurant itself. Again, I keep on  
21 going back to witnessing it, videotaping it. There  
22 is no issue of valets having an issue bringing the  
23 cars off the site or back on the site for people  
24 that are waiting to get their cars.

25 At most, you may have to wait three or

1 four or five minute to get your car back at the end  
2 of a very busy night. Certainly, that is a small  
3 percentage of the overall evening hours that they're  
4 open. For the most part, we don't have more than  
5 three or four cars that are being moved for any one  
6 period of time. Not everyone comes in at one time.  
7 Not everyone leaves at one time except for closing,  
8 but most of the people are gone. As far as the  
9 catering is concerned, we may have people coming in  
10 at one specific time, and in this case, we would  
11 have additional valets to take those cars away, but  
12 again, holding 14 on site, we have a pretty large  
13 area in Old River Road that we can utilized. I'll  
14 differ to Mr. Cray on his opinion of traffic flow  
15 and overall effectiveness.

16 COMMISSIONER BETTINGER: Could you  
17 please identify for us, I'm a very visual person,  
18 where the parking spaces are?

19 (There is a discussion held off the  
20 Record.)

21 FREEHOLDER O'DEA: Mr. Chair, we  
22 can't have a sidebar like this.

23 MR. LUGLIO: I've basically been  
24 talking to this image that's coming around. Again,  
25 today people come onto the site. We hold up to six

1 cars that are going to be valeted, valet comes out.  
2 Most of the time when we have a busy night, we'll  
3 have a police officer that is parked on that median  
4 in River Road so that valets could come out and make  
5 a left turn out of the site to go and park the  
6 vehicle, and we also spent a lot of time looking at  
7 this signal that's right there at Old River Road and  
8 also the signal down by Bulls Ferry Road.

9           There is certainly gaps in traffic that  
10 vehicles can make the turn coming out, and if they  
11 can't, then they travel southbound on River Road,  
12 and they make the turn at some point south of Sabora  
13 Restaurant to get the car back to where the off-site  
14 parking is. If I had a blank slate, this is not  
15 something that I would propose, but it works and  
16 works because of the diligence of the owner in  
17 getting the vehicles on and off the site. If we had  
18 a blank slate, then we would try to park everyone on  
19 site, but that's not what we have. We're trying to  
20 keep it safe where it has been safe for ten years,  
21 and also provide the service that it seems people  
22 want because it's a business that is successful.

23           COMMISSIONER HOLLOWAY: Mr. Chairman,  
24 they were talking about history, there was never at  
25 any time, afternoon, morning, evening traffic flow

1 to stay still or slow down because of your  
2 restaurant?

3 MR. LUGLIO: Never.

4 FREEHOLDER O'DEA: Mr. Chairman, what  
5 is this facility in front of it?

6 MR. LUGLIO: That is the Edgewater  
7 municipal building. That parking right there is  
8 municipal and police parking. It is open to the  
9 public. A certain portion of that lot is open to  
10 the public.

11 FREEHOLDER O'DEA: I just want to  
12 ask. It would be nice on weekends to utilize it.  
13 There's plenty of parking in that lot.

14 MR. LUGLIO: There is plenty of  
15 parking. It is an option, but quite frankly, we  
16 don't need it. We don't need it because the  
17 operation runs smoothly, and we have enough parking,  
18 valet, we don't even need to do that. If we did  
19 then we would try to get that parking, but we don't  
20 have that need based on the operation that we've  
21 observed and videotaped, based on the square footage  
22 of this banquet facility. We don't need that  
23 parking.

24 FREEHOLDER O'DEA: Would it be a  
25 available if some of our concerns came to fruition?

1 MR. LUGLIO: I would say that if six  
2 months or a year from now, everything is in full  
3 operation, and there is, hypothetically, there is  
4 problem with parking, certainly. That is certain  
5 that the building is closed at the time that the  
6 restaurant is open. That is something that we would  
7 look into because at that point in time, it would be  
8 a concern of ours. Again, looking at the operation,  
9 looking at how well it has run and the size of this  
10 addition, we just don't need that parking.

11 COMMISSIONER HOLLOWAY: Mr. Chair, I  
12 have one question. This will be my last question.  
13 Are you aware of any concerns that Bergen County has  
14 dealing with traffic?

15 MR. LUGLIO: Bergen County, I've  
16 spent three years now working with the I Park  
17 development, working with Edgewater and Bergen  
18 County on their new municipal buildings and the rest  
19 of the retail that opened up and a lot to open up.  
20 We designed the intersection to handle that new  
21 traffic that's coming off that I Park development,  
22 and not once did this restaurant come up as a  
23 problem for North Bergen -- I'm sorry, as a problem  
24 for Bergen County as an issue backing out onto River  
25 Road.

1           They've never talked to about it until we  
2 came to then with this application, and they wanted  
3 to work with us. They wanted to work with us with  
4 respect to the intersection improvements that are  
5 being constructed right now, and it definitely fits  
6 in with the overall intersection. The amount of  
7 traffic that would be generated even in a total  
8 build condition here is still minor compared to the  
9 volume of traffic that's on River Road and the  
10 volume of traffic that's coming on and off of the I  
11 Park site.

12                   COMMISSIONER HOLLOWAY: That's really  
13 this Board's concern. I think you know that.

14                   MR. LUGLIO: Yes.

15                   COMMISSIONER CRYAN: Have there been  
16 any accidents that you're aware from the restaurant  
17 in the last year?

18                   MR. LUGLIO: No, not in the last  
19 year. There hasn't been any accident that's  
20 attributed to the restaurant. I would say that  
21 includes rear-end accidents because someone is  
22 pulling in, sideswipe accidents because someone is  
23 coming out. There have been no accidents in the  
24 vicinity or the frontage of the restaurant. There  
25 have been accidents north of our intersection, south

1 of Bulls Ferry Road, but not there, and we've  
2 looked.

3 We've looked long and hard to find any  
4 information that would suggest that there's a  
5 problem, not to identify a problem, but to  
6 understand if there is a problem, maybe we could  
7 solve that problem or fix that problem with respect  
8 to improvements to the intersection on River Road  
9 itself. We haven't found anything. I guess, again,  
10 that goes back to the integrity of getting vehicles  
11 on and off the site.

12 FREEHOLDER O'DEA: On the application  
13 I have a couple questions, it says site  
14 characteristics, residential zone. You went to the  
15 North Bergen for a variance, didn't you?

16 MR. JIMENEZ: Unfortunately, this  
17 area of North Bergen, the zoning hasn't caught up to  
18 the development. This is an R-1 zone, which allows  
19 for one-family homes. There are rarely any  
20 one-family homes on River Road. Prior, the building  
21 adjacent to the existing building was previously  
22 used as a flower shop, was previously a print shop.  
23 Next to that there is an existing flower shop. Next  
24 to that is my law office. It's been commercially  
25 used for time sometime now, but because of that, we

1 had to go for a use variance, which is one of the  
2 more a difficult variances to get.

3 FREEHOLDER O'DEA: Did you need any  
4 other variances, a parking variance?

5 MR. JIMENEZ: Yes.

6 FREEHOLDER O'DEA: So you needed a  
7 use variance, parking variance, and any other  
8 variance?

9 MR. JIMENEZ: Site plan, use,  
10 subdivision and bulk variance. The copy of that  
11 resolution is attached to the application.

12 FREEHOLDER O'DEA: The application  
13 says number of parcels, vacant lots. There is  
14 certain things that looks like were never input.  
15 This is for the staff. Why wouldn't we have an  
16 answer to the question of number of employees? Why  
17 would that question not be answered? I mean why  
18 wouldn't we ask that when the application comes in?  
19 Isn't it an evaluation of parking and that parking's  
20 effect on traffic how many people work out of this  
21 facility? Why wouldn't that question automatically  
22 be answered or why wouldn't you, with all due  
23 respect of the applicant, why wouldn't you go to the  
24 applicant, I'm sorry, I got this, it doesn't have  
25 how many employees do you have with the expansion,

1 how many employees?

2 MR. JIMENEZ: I think there is a  
3 misprint on that, below it.

4 FREEHOLDER O'DEA: There is misprint  
5 eleven to two, I didn't get to that. Let me get to  
6 it. Don't worry. I'm pretty good at that. That's  
7 a later one. The hours of operations, there is a  
8 couple of mistakes on that. Their hours of  
9 operation says 15 hours, eleven p.m. to two a.m.  
10 doesn't make sense. Eleven a.m. to two p.m. would  
11 get us the 15 hours. Then if you go to the total,  
12 it's got hours. You couldn't be open 25 in a  
13 24-hour day.

14 CHAIRMAN CHOFFO: I think  
15 Mr. Tridente was saying hours of operation 15, 15 to  
16 25, that should be moved up to number of employees?

17 MR. JIMENEZ: Yes, I apologize for  
18 that.

19 CHAIRMAN CHOFFO: It's still a typo.  
20 We can clean up the mathematical errors.

21 COMMISSIONER HOLLOWAY: I would like  
22 to hear our engineer.

23 MR. CRAY: If I could before I  
24 reference my January 14th letter, trip generation  
25 was something, I know it's not directly related to

1 parking, it's more directed to the impact on  
2 traffic. That was part of the application because  
3 of their need for a use variance in North Bergen.  
4 For their site plan approval, they had a traffic  
5 impact report that predated the application to the  
6 Hudson County Planning Board. That's part of the  
7 record from there that is supplemental information.  
8 There has been trip-generated data associated with  
9 the use, and that gets different standards. It's  
10 more of the use itself and the square footage. So  
11 that data was included.

12 This application because of the  
13 circumstances of them asking for this to be  
14 dismissed a couple times, this is actually the third  
15 application because of timing constraints that the  
16 County Planning Board has. There has been a lot of  
17 information provided. I can't speak to the third  
18 variation on there, but I do know there is a lot of  
19 a backup, and that is all or most of that is listed  
20 in my review of January 14, 2013.

21 The third engineer review, since they  
22 submitted, there was a variety of questions and  
23 suggestions that they have already addressed, I  
24 wasn't going to cover those unless the Commissioners  
25 have any questions. There is a lot of items that

1 have already been satisfied. Our biggest focus from  
2 the beginning was we knew that the I Park  
3 development was under construction in an  
4 intersection, and two, it was under construction,  
5 and in working through, it became of evident that it  
6 was not a Bergen County capital project per se, it  
7 was a developer-driven intersection, so Bergen  
8 County was in review capacity, not driving from a  
9 capital improvement capacity.

10 So although there were minor changes on  
11 the western side which is on the Sabora Restaurant  
12 side, for the most part it was all about the I Park  
13 side. We brought up questions. Although we knew we  
14 were covering some old territory because of the  
15 resolution with North Bergen, we still wanted to  
16 scrutinize to see if the queuing was the best  
17 scenario on Old River Road, why can't we revise the  
18 circulation, why can't we use that intersection?

19 There was history with, as they mentioned  
20 with existing florist that's to remain, not the old  
21 florist to printing which will be used for the  
22 catering, but to the north of that there is an  
23 existing florist to remain. They had to address  
24 some concerns that were on the record in the North  
25 Bergen Zoning Board approval.

1           So we saw that certain things were  
2 scrutinized from a queuing perspective. Although  
3 none of us want any queuing on Old River Road, I  
4 want the opposite to occur, to my understanding is  
5 that if there was a scenario of queuing into a road,  
6 it would be Old River Road because the valets can  
7 control that because they can meter when they bring  
8 the cars back for return.

9           MR. JIMENEZ: That's true.

10          MR. CRAY: That will be a matter to  
11 back up Old River Road, the lesser traveled road  
12 obviously. The impact from customers as they enter  
13 the site, they're not valeted. They're going in at  
14 will. Based on the trip generation information we  
15 were provided, that we're relying upon, that would  
16 show there would be issues with that, depending on  
17 how many cars are coming during that peak time and  
18 how that in relation to River Road would be.

19          The biggest issue that we discussed at the  
20 committee meetings was about the left turns into and  
21 out of the site. The existing striping is not  
22 configured to allow left turns in out or of the  
23 intersection, and so we recognized that there had  
24 been a lot of dialogue with Bergen County, and I've  
25 consulted with them recently as -- well, their

1 engineer say we almost had a meeting, and there may  
2 be a meeting. Whether it happens, we've simply  
3 asked to be included in the correspondence.

4 As of right now, there is the existing  
5 conditions, and we've been provided the final plans  
6 of the intersection, which is almost completed.

7 There is no Bergen approval to modify River Road  
8 striping for this restaurant. That project, the I  
9 Park project, this wasn't on the table as far as  
10 configuring that for this restaurant. That's for  
11 the applicant to request, which they have. It's  
12 more of an informal thus far and our position  
13 because this Board has to act because of the time  
14 constraints, we've already had a couple dismissals.

15 So my recommendation as outlined in my  
16 letter is, the existing conditions are what they  
17 are. We do not have an approval from Bergen County  
18 modifying to accommodate left turns. Therefore, the  
19 current conditions before this Board, my  
20 recommendation if they were to approve this  
21 application, left turn egresses would not be  
22 permitted, and we ask for those signs to be posted  
23 on-site. Anybody that does differently would be a  
24 violation. That would be an enforcement for North  
25 Bergen.

1           If approval is obtained in Bergen County  
2 to allow left egress, then we say, we simply would  
3 ask that they be prohibited from the peak a.m. and  
4 p.m. hours with the same signage, but it wouldn't be  
5 a 24-hour condition. It would be peak hours.

6           CHAIRMAN CHOFFO: Speak into the mic.

7           MR. CRAY: In my review letter  
8 because of the knowledge that they have been working  
9 on a few scenarios with Bergen County, Bergen County  
10 mentioned something about being open to allow left  
11 egress to the site and having the striping modified,  
12 which would affect the left turn lane and basically  
13 extend it to the south. In that correspondence it  
14 was mentioned that they may want the driveway  
15 changed, basically from ingress to egress. That  
16 would change the internal circulation to the site.

17           We have asked in that scenario that for  
18 that to be approved, we require an amended Hudson  
19 County Planning Board approval if, in fact, the  
20 current plan is approved tonight. So we recognize  
21 that they've been working with Bergen County. The  
22 bottom line, there is no approval to modify the  
23 center turning lane situation on River Road, so  
24 acting tonight, recommendations were made.

25           With that scenario, they would have to

1 change out the signage. Either scenario that affect  
2 the site, they would have to come back for an  
3 amended site plan approval.

4 CHAIRMAN CHOFFO: Are you comfortable  
5 with that?

6 MR. JIMENEZ: Yes, we have reviewed  
7 this in depth. Yes, he is comfortable with that.

8 COMMISSIONER CRYAN: Mr. Chairman, so  
9 you're recommending no left turns, correct, unless  
10 the striping is changed, and then left turns during  
11 off-peak hours, correct?

12 MR. CRAY: If Bergen doesn't allow a  
13 left egress, so there is a couple scenarios there.  
14 Bergen County has to address left ingress to the  
15 site and egress to the site, and I don't know if  
16 they would approval one, both or neither.

17 COMMISSIONER HOLLOWAY: Mr. Chairman,  
18 if we approve this application, who is going to  
19 monitor for the Planning Board, is that when North  
20 Bergen makes that decision to notify us, does the  
21 applicant?

22 MR. CRAY: Currently, there are no  
23 signs that say No Left Turn. So to protect this  
24 Board, I'm saying that they need to be installed.  
25 We can't police people who violate it. At least

1 we're doing something more substantive than there is  
2 today from a North Bergen policing perspective. Let  
3 me back up for a second.

4 COMMISSIONER ARENCIBIA: Mr.  
5 Chairman, is there a franchise agreement for the  
6 County right-of-way?

7 MR. JIMENEZ: In terms of?

8 COMMISSIONER ARENCIBIA: Right now,  
9 do you have franchise agreement?

10 MR. JIMENEZ: We have two.

11 COMMISSIONER ARENCIBIA: You would  
12 have come to the Board for modification of that?

13 MR. JIMENEZ: That's not being  
14 affected. The two franchise agreements are not  
15 being effected, no. Ingress and egress, those are  
16 the current curb cuts that exist now.

17 MR. CRAY: That may be understood  
18 from graphic sense of providing for testimony. The  
19 entire adjacent intersection, the most important  
20 components are in Bergen County. As you head south,  
21 it goes from the majority of the parkway, you're  
22 under the jurisdiction of Bergen County, and at some  
23 point they become kind of even because the County  
24 line appeared to have been in the Old River Road  
25 right-of-way. Because of geometry and

1 configuration, it's not until you go further south  
2 that the jurisdiction is kind of half and half.

3 Being that the intersection itself is  
4 under the jurisdiction of Bergen County, and  
5 certainly the left turn lane too, that's all under  
6 their jurisdiction. I'm trying to basically know my  
7 place and speak for the recommendations I'm making  
8 on behalf the Hudson County, and which I can't make  
9 because it's under the jurisdiction of Bergen  
10 County. That's why I try word it accordingly,  
11 because there are certain things you can't control  
12 only because it's under the jurisdiction with Bergen  
13 County.

14 MS. MASSEY: Commissioner Arencibia  
15 had asked about the franchise agreement. I just  
16 wanted to clarify for the Board, there was a  
17 franchise agreement three years ago, and they are  
18 paying for the encroachment. So there is a second  
19 franchise agreement that still needs to be drafted  
20 for the encroachment of the outdoor seating area and  
21 the driveway. Just to clarify, there are two  
22 franchise agreements, one has been already processed  
23 and before the Freeholder Board. There's a second  
24 one that is still being drafted that is pending  
25 Freeholder Board approval.

1 MR. JIMENEZ: I'll check. I believe  
2 I got that approval already.

3 MS. MASSEY: But I'm pretty sure  
4 there's an approval of \$9,000 total, and there is a  
5 second encroachment because we were increasing --

6 MR. JIMENEZ: There is two spaces,  
7 one is the existing restaurant, and there's one  
8 we're going to have. We have to do that, yes.

9 MS. MASSEY: And it went through our  
10 office as well?

11 MR. JIMENEZ: It went through --

12 MS. MASSEY: If it went through the  
13 proper channel, it's fine. I don't think it went  
14 through our office because we didn't realize there  
15 is a second encroachment.

16 MR. JIMENEZ: I will forward the  
17 resolutions.

18 MR. CRAY: One of the conditions if  
19 it's agreed to, if the Board agrees with the  
20 recommendations, it's just matter of working out the  
21 semantics of two those different agreements that  
22 have kind of emerged as one, feet-wise, but they're  
23 different footprints. Although they're partially  
24 shown, we asked that they completely be accurately  
25 shown on site plans so there is no ambiguity at a

1 future date.

2 I'll conclude my comments. I'll be happy  
3 to answer any questions. The point I have left to  
4 make is that my recommendation would be that the  
5 applicant agree to all of the remaining outstanding  
6 comments in my review letter of January 14th. If  
7 they do agree to address all of those conditions of  
8 approval, I have no further comments. If there is  
9 anything that needs to be discussed, I would want it  
10 to go on the record this evening before a vote is  
11 taken. Thank you.

12 CHAIRMAN CHOFFO: Does anybody have  
13 any questions for Paul? Anybody else, any  
14 questions?

15 MS. MASSEY: Chairman Choffo, can the  
16 applicate address the letter provided by the  
17 Division of Planning dated November 16th, 2012, and  
18 revised January 14th, 2013? Just Item No. 9, there  
19 is 234 feet of frontage along the County road, and  
20 that according to regulations, the applicant shall  
21 plant a tree every thirty feet, so that would be  
22 eight trees that need to be planted along River  
23 Road.

24 MR. JIMENEZ: I think we can agree to  
25 that given the actual site conditions. There might

1 be a utility pole on the ground. I would like to  
2 meet that Item No. 9 with respect to landscaping.  
3 The only issue might be site conditions.

4 MR. ARENCIBIA: In front of the  
5 outdoor seating, we have a large planter -- in the  
6 seating area, open seating area facing River Road,  
7 we also have a continuous planter that runs and  
8 carries across the front. There is quite a bit of  
9 landscaping, albeit sort of a screening landscaping  
10 in front of the restaurant for the people sitting  
11 outdoors. There is a massive area where you can  
12 plant some of the additional tree along the concrete  
13 sidewalk and the concrete sidewalk that was built  
14 for the New River and the old County sidewalk on Old  
15 River Road. So I mean, I think we may be need to  
16 have a meeting, I think we could accommodate that.

17 MS. MASSEY: Just so the applicant is  
18 aware, if there are prohibitions that prohibit the  
19 planting of trees, that you can contribute to the  
20 Shade Tree Trust Fund. You would have provide us  
21 plans from a landscape architect for the amount of  
22 money the street tree would cost at a  
23 three-and-a-half-inch caliper, and it's for the cost  
24 of grade and the material.

25 MR. ARENCIBIA: Sure, okay.

1 MR. CRAY: I don't have anything  
2 else, Mr. Chairman.

3 CHAIRMAN CHOFFO: Those are the  
4 conditions on the application. Do I have a motion?

5 COMMISSIONER ARENCIBIA: I'll make  
6 sure we state the conditions, that we prohibit left  
7 turns from the driveways as far as our approval. If  
8 they get Bergen County engineer approval, if there  
9 is any variation in their approval, they have to  
10 come back to the Board.

11 MR. CRAY: Yes, if Bergen County  
12 approves the egress and the River Road striping,  
13 they decide for that, they simply add the signing  
14 just to limit for restriction on a.m. and p.m., peak  
15 hour. If there is a different variation of that,  
16 Bergen County still does not allow modification to  
17 allow egress, but they have it revised to allow  
18 ingress, there is a scenario that could change the  
19 site. Basically, it's understood if anything  
20 triggered by an outside agency, in this case Bergen  
21 County, modifies the internal site, they have to  
22 come for amended site plan approval.

23 COMMISSIONER CRYAN: As it is now,  
24 there is no left turning?

25 MR. CRAY: That's correct.

1                   CHAIRMAN CHOFFO: With the conditions  
2 set forth, Mr. Curley, I guess you can incorporate  
3 Paul's recommendations in there?

4                   MR. CURLEY: Yes, the January 14th  
5 letter. Also, I would recommend that the applicant  
6 be required to send us a copy of the Bergen County  
7 approval.

8                   CHAIRMAN CHOFFO: Do you agree?

9                   MR. JIMENEZ: Yes.

10                  MS. MASSEY: On a motion made by  
11 Commissioner Gomez. Seconded by Commissioner Mehta.  
12 Commissioner Arencibia.

13                  FREEHOLDER O'DEA: Before you call  
14 the role, Mr. Curley, there are eleven people here.  
15 Eleven members can't vote, and one of those  
16 gentlemen who made the motion probably shouldn't be  
17 voting, and if he can't vote on the item, he  
18 shouldn't be making a motion on the item, correct?

19                  MR. CURLEY: That would be correct.

20                  FREEHOLDER O'DEA: I might make your  
21 life miserable, but I make sure somebody can't go to  
22 court. I would recommend someone else make a  
23 motion.

24                  COMMISSIONER MEHTA: I make the  
25 motion based on the North Bergen record and the

1 record and the letter from the engineer with the  
2 conditions of the Board Engineer, I ask for the  
3 motion.

4 COMMISSIONER CRYAN: I second.

5 MS. MASSEY: On a motion made by  
6 Commissioner Mehta. Seconded by Commissioner Cryan.  
7 Commissioner Arencibia.

8 COMMISSIONER ARENCIBIA: Aye.

9 MS. MASSEY: Commissioner Cryan.

10 COMMISSIONER CRYAN: Aye.

11 MS. MASSEY: Commissioner DiDomenico.

12 FREEHOLDER DiDOMENICO: Aye.

13 MS. MASSEY: Commissioner Holloway.

14 COMMISSIONER HOLLOWAY: Aye.

15 MS. MASSEY: Commissioner Ng.

16 CHAIRMAN CHOFFO: For the record  
17 Commissioner Ng just left about four minutes ago.

18 MS. MASSEY: Commissioner Peralta.

19 COMMISSIONER PERALTA: Aye.

20 MS. MASSEY: Commissioner Bettinger.

21 COMMISSIONER BETTINGER: Aye.

22 MS. MASSEY: Commissioner O'Dea.

23 FREEHOLDER O'DEA: Abstain.

24 MS. MASSEY: Commissioner Mehta.

25 COMMISSIONER MEHTA: Aye.

1 MS. MASSEY: Chairman Choffo.

2 CHAIRMAN CHOFFO: I vote aye. Good  
3 luck. Congratulations. Make sure we get a copy of  
4 Bergen County.

5 MR. JIMENEZ: Thank you so much.

6 COMMISSIONER GOMEZ: Can we make sure  
7 I don't get come? I don't want to waste my time.  
8 Please let me know so I don't have to.

9 FREEHOLDER O'DEA: You didn't waste  
10 your time here. You gave input. Obviously, I think  
11 in your meeting there are people that leave.

12 COMMISSIONER GOMEZ: I want to make  
13 sure I don't step over anybody.

14 MS. MASSEY: Next item on the agenda  
15 is 5G, Applications to be Declared Exempt.  
16 Application 2013-002-SP, Cheryl Carndinali, located  
17 at 203 Brunswick Avenue, Block 417, Lot L2, in  
18 Jersey City. Do I have a motion?

19 On a motion by Commissioner Bettinger, and  
20 seconded by Chairman Choffo.

21 Commissioner Arencibia.

22 COMMISSIONER ARENCIBIA: Aye.

23 MS. MASSEY: Commissioner Cryan.

24 COMMISSIONER CRYAN: Aye.

25 MS. MASSEY: Commissioner DiDomenico.

1 FREEHOLDER DiDOMENICO: Aye.  
2 MS. MASSEY: Commissioner Gomez.  
3 COMMISSIONER GOMEZ: Aye.  
4 MS. MASSEY: Commissioner Holloway.  
5 COMMISSIONER HOLLOWAY: Aye.  
6 MS. MASSEY: Commissioner Peralta.  
7 COMMISSIONER PERALTA: Aye.  
8 MS. MASSEY: Commissioner Bettinger.  
9 COMMISSIONER BETTINGER: Aye.  
10 MS. MASSEY: Commissioner O'Dea.  
11 FREEHOLDER O'DEA: Aye.  
12 MS. MASSEY: Commissioner Mehta.  
13 COMMISSIONER MEHTA: Aye.  
14 MS. MASSEY: Chairman Choffo.  
15 CHAIRMAN CHOFFO: Aye.  
16 MS. MASSEY: The motion has passed.  
17 The next item on the agenda, 5H, Applications to be  
18 Administratively Approved, Application 2013-061-SP,  
19 Metro PCS, located at 3388 JFK Boulevard, Block 2255  
20 Lot 7 in Jersey City; and Application 2012-068-SP,  
21 Metro PCS, located at 1855 JFK Boulevard in Jersey  
22 City. Do I have a motion?  
23 On a motion made by Commissioner Mehta and  
24 seconded by Commissioner Bettinger.  
25 Commissioner Arencibia.

1 COMMISSIONER ARENCIBIA: Aye.  
2 MS. MASSEY: Commissioner Cryan.  
3 COMMISSIONER CRYAN: Aye.  
4 MS. MASSEY: Commissioner DiDomenico.  
5 FREEHOLDER DiDOMENICO: Aye.  
6 MS. MASSEY: Commissioner Gomez.  
7 COMMISSIONER GOMEZ: Can I vote?  
8 MS. MASSEY: Yes.  
9 COMMISSIONER GOMEZ: Aye.  
10 MS. MASSEY: Commissioner Holloway.  
11 COMMISSIONER HOLLOWAY: Aye.  
12 MS. MASSEY: Commissioner Peralta.  
13 COMMISSIONER PERALTA: Aye.  
14 MS. MASSEY: Commissioner Bettinger.  
15 COMMISSIONER BETTINGER: Aye.  
16 MS. MASSEY: Commissioner Mehta.  
17 COMMISSIONER MEHTA: Aye.  
18 MS. MASSEY: Commissioner O'Dea.  
19 FREEHOLDER O'DEA: Abstain, this way  
20 he can vote.  
21 MS. MASSEY: And Chairman Choffo.  
22 CHAIRMAN CHOFFO: I vote aye.  
23 MS. MASSEY: The motion has passed.  
24 Is there anything old business? I have new  
25 business.

1                   COMMISSIONER BETTINGER: Just a  
2 moment. Can I have an updated list of telephone  
3 numbers of the Board Members?

4                   MS. MASSEY: Okay. Do you want that  
5 mailed out?

6                   COMMISSIONER BETTINGER: Either or is  
7 fine.

8                   CHAIRMAN CHOFFO: I do have one thing  
9 of old business with regard to Commissioner  
10 Avagliano's term.

11                   COMMISSIONER BETTINGER: Twenty years  
12 on the Planning Board.

13                   CHAIRMAN CHOFFO: I understand -- I  
14 believe we will try to invite her to the next  
15 meeting.

16                   COMMISSIONER BETTINGER: We did have  
17 having a dinner tonight, unfortunately she wasn't  
18 going to make it tonight.

19                   MS. MASSEY: She will be getting a  
20 plaque and a proclamation as well.

21                   COMMISSIONER BETTINGER: I believe  
22 the Freeholder Board is going to present her with a  
23 proclamation on January 24th.

24                   MS. MASSEY: Yes, yes. And then Item  
25 7, new business, a request for qualifications for

1 legal counsel, the engineer and the special counsel  
2 are up. The new term starts February 15th or  
3 February 16th, 2013. Are there any volunteers who  
4 would serve as the consultant committee or the  
5 selection committee?

6 CHAIRMAN CHOFFO: I'll volunteer.

7 MS. MASSEY: And then Demetrio, I'm  
8 not sure if someone from Planning will be on it.

9 CHAIRMAN CHOFFO: How many do we  
10 need?

11 COMMISSIONER GOMEZ: I'll volunteer  
12 if you need me.

13 MS. MASSEY: Okay, perfect. We're  
14 going putting the RFQs, the advertisements in two  
15 newspapers, and then we're sending out e-mails for  
16 prequalified consultants, and then we would review  
17 the matrix and decide for the next Planning Board  
18 meeting, which I think is February 20th.

19 FREEHOLDER O'DEA: You post it on the  
20 web?

21 MS. MASSEY: Yes, the RFQ page and  
22 the Planning Board. And then the next item of  
23 business is the telephonic participation. You could  
24 read the memo in your packet regarding the voting  
25 procedure.

1           MR. CURLEY: The question came up in  
2 the context of one of our meetings where we had a  
3 quorum, but we did not have the two-thirds voting  
4 power to adopt the amendment to the master plan. At  
5 that time the Board agreed based on the Members  
6 present to allow for a telephonic contact with other  
7 Board Members, and we did find one Board Member who  
8 was available to vote.

9           It was in context of not an application  
10 for an approval, but for the vote on something that  
11 is the Board's administrative role for the Board,  
12 requiring the Board to adopt a master plan, and any  
13 amendment require two-thirds of the vote. I wrote  
14 the opinion letter in order to explore the idea of  
15 whether or not an electronic meeting is appropriate  
16 under the circumstances.

17           My opinion is it was appropriate because,  
18 number one, under our bylaws, we have adopted rules  
19 and procedures, but we also reserve the right to  
20 make a special procedure. In other words the Board  
21 has not adopted or assumed the rules executive of  
22 these procedures, unless it says that telephonic or  
23 electronic meetings aren't permitted, and it  
24 suggests that it would be most appropriate to define  
25 an amendment in order to allow that type of

1 participation in a meeting.

2 One of the interesting things in looking  
3 at this on a national scale, is that there are some  
4 states actually that have adopted statutes regarding  
5 electronic meetings and some states have not. New  
6 Jersey has adopted a number of statutes in this  
7 particular instance, such as meetings of a board of  
8 directors or business corporation, but some states,  
9 I believe it was Illinois that not allowed it to be  
10 used to achieve a quorum, but it would allow them  
11 achieve more than a quorum.

12 In other word, things to think about in  
13 terms how this Board wishes to address electronic  
14 meetings, if you take any action at all, or if you  
15 just want to use it as a special procedures, a  
16 special procedures that comes in a given need. You  
17 may want to explore that. Your problem, number one,  
18 if you're going to, you want to make sure that every  
19 Board Member, that they are able to participate  
20 electronically. There may be a feeling that that's  
21 not a good idea. It tends to diminish the design of  
22 the meeting.

23 Electronic meetings work when you're  
24 dealing with documents, but if you're dealing with  
25 visual presentations, then you have a problem. The

1 purpose of the Board in gathering together at the  
2 meeting is to have a deliberative process. That  
3 means that Members are in the same place in the same  
4 room and have contact with each other. That can be  
5 achieved in an electronic meeting. It can be  
6 achieved as was done in the instance in question.

7 We had a telephone hooked up and a loud  
8 speaker system. Every word said in the room was  
9 heard by the Commissioner who was participating  
10 remotely. Everything that the Commissioner also  
11 said was heard by everybody in the room. There was  
12 no lack of deliberative opportunity. You could  
13 speak to each other and hear each other and allow a  
14 decision to be made.

15 An example, I had a deposition yesterday  
16 with a gentleman who was seated in his office in  
17 Nevada. We had a video hookup where I spoke to him  
18 through the computer, and he spoke back, and we had  
19 a court reporter taking down the proceedings. So as  
20 long as you have the exchange that is required on  
21 the conditions, there is nothing wrong, in error,  
22 with doing the electronic meetings. But I think  
23 that we can all agree that physical presence is  
24 probably preferred.

25 The question is do we wish to have a

1 regular bylaw amendment that deals with electronic  
2 meetings. If we desire an amendment, what  
3 circumstances would we use the electronic meetings?  
4 For example, if an application has graphs and  
5 pictures, they are not able to observe the  
6 testimony, or do we want to reserve this procedure  
7 for what we had, which is to give it a two-thirds  
8 vote, and we have a quorum, whether we want to be  
9 able to use it to achieve the quorum.

10 I think these are things that the Board  
11 should think about and discuss and be under  
12 consideration and decide. If you want to draft  
13 something such as a bylaw amendment, we ought to  
14 address the other ancillary issues.

15 FREEHOLDER O'DEA: Mr. Chairman, I  
16 raised the issue at a Freeholder meeting because  
17 Freeholder Romano brought it up. If there is going  
18 to be telephonic, I think it has to adopted. I  
19 serve on not-for-profits. There is a uniform policy  
20 that allows any member who wants to participate  
21 telephonically to do so. There is a process and  
22 procedure. You call a number. Every member of the  
23 board is invited to participate. The members that  
24 going to do that will notify them, et cetera, et  
25 cetera.

1           With all due respect to Mr. Curley, I  
2 wasn't here at that time. I'm not going to go to  
3 old transcripts or do other things. I don't think  
4 that just to get six people, to start calling up and  
5 see who is available to make a sixth person, I don't  
6 believe that the rules allow that. I don't think  
7 that is a proper process and procedure.

8           I would argue that other Members who  
9 weren't called or weren't available when you called  
10 because they didn't know you were going to be  
11 calling them, were deprived of the equal right to  
12 participate in that portion of the meeting. I think  
13 it's rather than going back and trying to create a  
14 problem, as Freeholder DiDomenico showed me, I have  
15 to make sure I don't do that.

16           I think it's important that the Chair and  
17 the committee develop a bylaw or bylaws to be  
18 adopted so the public understand what it is, that it  
19 ensures that whatever is going to be done, it's  
20 done -- it's done in a manner that affords any and  
21 all Members the ability to participate. I think we  
22 had a very poignant -- it should be used very  
23 restrictively. One of the other points that Jack  
24 pointed out, which is most of these application have  
25 visuals. It's the reality. Most people bring

1 boards and show things.

2 We saw it tonight with the document that  
3 no one had in their possession were handed out and  
4 questions were asked about it. I think it should be  
5 drafted in a way that is very narrow. There's a  
6 reason why the Planning Board has two alternates, so  
7 that even in the absence of Members, there is an  
8 ability to get the alternates to come to make a  
9 quorum or five by a quorum, if there is a two-thirds  
10 of the membership, a full Board, whichever way it is  
11 done, I think it needs to be done in a way that the  
12 bylaws say it is done that way because.

13 The other way is wrought with potential.  
14 If you're in a meeting several months from now, and  
15 there was suddenly an application that said you  
16 needed a two-thirds, if you go down the slope, the  
17 slope gets worse. It lends itself to abuse. It  
18 lends itself to, I'm in a meeting, and there is six  
19 people here, and I realize that in this application  
20 that a few people are against it. So now suddenly,  
21 I've got to make sure this application goes, who can  
22 I get a hold of to break the tie? I don't want us  
23 to ever be put in a situation where some applicant  
24 or member of the public find an items gets approved  
25 or disapproved with something like that.

1           The way to ensure is to have an  
2 on-the-record amendment to the bylaws that lays out  
3 when and how, how we make sure everyone is afforded  
4 that opportunity ahead of time, you know. You know,  
5 with nonprofits, we do it a lot. You have to call  
6 into meetings in the middle of the day. You can't  
7 travel a half hour to get there. We abide by all of  
8 the rules and regulations. A call-in number is sent  
9 out to all the member with a conference call,  
10 speakers are to set up, and it works well.

11           On boards like this that makes the  
12 decisions that this Board makes, physical attendance  
13 should always been the norm. Non-physical  
14 attendance when you can't get six out of eleven, it  
15 should be drafted in the most narrow way possible.

16           CHAIRMAN CHOFFO: What happens to  
17 someone leaves the meeting?

18           FREEHOLDER O'DEA: It's a problem. I  
19 mean I think that level, that reflects the  
20 responsibility of the Commissioners, and  
21 Commissioners -- a Commissioner on a board need to  
22 be able to -- and it goes back to Commissioner Gomez  
23 where he said, next time let me know if you got  
24 enough people, I don't need to be here. Well, your  
25 point brings out, quite frankly, maybe you always

1 need to be here. It could always occur.

2 That happenstance of the fact of six, I  
3 mean, to play devil's advocate, somebody could leave  
4 in the middle of an application. You couldn't call  
5 somebody up in the middle of an application because  
6 he didn't hear the whole application. The process  
7 and procedure has to be done in a way where the  
8 staff is doing their job. If there appears to be a  
9 regular issue with the inability to get a physical  
10 quorum that stays here throughout a meeting, maybe  
11 if certain people continue to leave, maybe they  
12 shouldn't be Commissioners anymore.

13 Beyond that, if there are situations that  
14 are going to come, it's got to be done ahead of  
15 time. You've got to let everybody know. Everybody  
16 has the right to call in and participate in that.  
17 You've got to only allow the telephonic  
18 participation in those matters where there is not  
19 going to be the ability of a citizen or objector to  
20 say, wait a second, we came to a meeting, we had  
21 boards to show how this is going to create this  
22 traffic problem or that traffic problem, there were  
23 two people on the telephone, and they vote for it,  
24 and they're not physically looking at it. They  
25 didn't have all the information that everyone else

1 had to do a deliberative process.

2 To call up a Commissioner during a  
3 meeting, one Commissioner, whoever we get, hey,  
4 let's start calling. No way. I think that is  
5 not -- I'm not going to totally speculate in the  
6 case of a master plan. One would argue the master  
7 plan is a pretty important document. For an  
8 application, I'm sure that anybody who shows up in a  
9 meeting as an objector would be able to go to court  
10 and challenge and arbitrate a decision. To pick a  
11 Commissioner, whichever Commissioner answers their  
12 phone first, it's not way these things are supposed  
13 to occur. I don't believe the legislature in this  
14 state or any state has ever contemplated that's the  
15 way an open public meeting is supposed to run.

16 COMMISSIONER BETTINGER: Mr.  
17 Chairman, I just wanted to comment on one situation  
18 that happened was that we had five Commissioners  
19 present, and Commissioner Romano had a family  
20 emergency and he had to leave. That was one  
21 situation that occurred. We could not continue the  
22 meeting. That's when we called Commissioner Choffo.

23 FREEHOLDER O'DEA: I mean I have to  
24 tell you, I just don't -- in that instance, you have  
25 deprived all the other Commissioners that weren't in

1 attendance the ability to have an equal right to  
2 participate.

3 COMMISSIONER BETTINGER: I'm not  
4 arguing. You're making a very valid point. It was  
5 an emergency. It was that a Commissioner just left,  
6 and we only had five.

7 FREEHOLDER O'DEA: With all due  
8 respect to Freeholder Romano, shame on him. I mean,  
9 if there is an emergency that no one has control  
10 over, it's just occurred, it could any time. Quite  
11 frankly at that point in the application, you stop  
12 the application and reschedule the meeting at the  
13 earliest possible date. If we have a Freeholder  
14 meeting, if we had a Freeholder meeting and there is  
15 five Freeholders, and then a Member of the  
16 Freeholder Board has an emergency, they have to  
17 leave, we can't call up one Freeholder and say, Who  
18 could we get on the phone, we have five items left.  
19 Absolutely not, absolutely never do anything like  
20 that. Our counsel would advise us that we could  
21 not.

22 COMMISSIONER HOLLOWAY: Mr. Chairman,  
23 what you were talking, I cannot remember ever happen  
24 before. With all due respect, that's not something  
25 that happens all the time. Sometimes you can't help

1 an emergency. I believe it was something with his  
2 son. I'm going to tell you as a sitting  
3 Commissioner, if somebody calls about my kids, I'm  
4 leaving. That doesn't mean I'm disrespecting this  
5 Board. It doesn't happen. Just like if you got to  
6 take care of your family, you're leaving.

7 FREEHOLDER O'DEA: At that point in  
8 time, at that point in time, the meeting is over.  
9 There is no quorum. In fact, I'll tell you this,  
10 I'll go even further. The minute there are not five  
11 people in this room, there is not a quorum, and you  
12 can't even make a phone call to get the fifth person  
13 at the meeting. The minute there are not five  
14 physical people in a room at any point in time,  
15 there is no meeting. You can't suddenly, Oh, call  
16 somebody quick. There is no meeting. You can't  
17 even do it.

18 CHAIRMAN CHOFFO: The meeting is  
19 over.

20 FREEHOLDER O'DEA: Absolutely, that's  
21 how the rules are. Look, if Anthony had a family  
22 emergency, I respect that. Like I said he's a dear,  
23 good friend. If it's the only time it's ever  
24 happened, I was a leary because I know Freeholder  
25 Romano raised the point at our meeting about

1 Freeholder DiDomenico being called. I didn't know  
2 what the whole impetus of that was.

3 But I'll tell you this: If there are five  
4 people here, and one person leaves, there is no  
5 quorum. There is no ability cure that quorum even  
6 if someone decides to dial somebody up on the phone  
7 so we can have a quorum again. There is no quorum.  
8 There is no rule. I want to see that statute.

9 COMMISSIONER HOLLOWAY: How did you  
10 let that happen? If someone had to leave the room,  
11 now you don't have a quorum, then the meeting is  
12 over.

13 CHAIRMAN CHOFFO: So basically your  
14 recommendation is don't consider electronic or  
15 telephonic?

16 FREEHOLDER O'DEA: What I would say  
17 is this: What I would say is you adopt a bylaw.  
18 The bylaw should limit when you do it. The bylaw I  
19 think Mr. Curley has made points better that I can.  
20 There appears a lot of instances where electronic is  
21 not possible because any applicant has documents,  
22 visuals, that that person doesn't have access and  
23 cannot participate.

24 So if there are items that don't fall into  
25 that category, the way you would do it, you have to

1 before a meeting occurs, let's say there are items  
2 and none of them are applications, whatever, the  
3 master plan, let's make it simply the master plan.  
4 What you would do is, you notice every Board Member  
5 if you're not able to physically attend, this is the  
6 call up. The meeting starts at this time. You call  
7 in to one person, two people, three people, no  
8 person. If no people called in you still only have  
9 five, and you wouldn't have been able to have a  
10 quorum.

11 I mean that I think it should be limited  
12 so the one thing that's fundamental is that every  
13 Board Member who is not physically able to be here  
14 should be able to participate. The instance you  
15 gave, not knowing exactly what Anthony's emergency  
16 was, I would rather not continue to participate.  
17 Finally, you call up someone, but that situation  
18 could have been such that that wasn't a practical  
19 issue. I didn't know how much longer.

20 COMMISSIONER HOLLOWAY: I want to  
21 give you an opportunity to understand that I've been  
22 on the Board for ten years. That's the first time  
23 that's really ever happened. It's not something  
24 that always happens.

25 CHAIRMAN CHOFFO: The two items that

1 I voted was a subdivision. The other one was for a  
2 park.

3 FREEHOLDER O'DEA: Here what it is.  
4 Once you start to do something that you shouldn't  
5 do, it gets more convenient. It starts to get more  
6 convenient.

7 CHAIRMAN CHOFFO: I've been on over  
8 ten years. Now I think based on tonight's  
9 attendance, you won't have this problem ever again.

10 FREEHOLDER O'DEA: So you know I mean  
11 things happen. I mean other boards have situations.  
12 Meetings get canceled. That's just the reality of  
13 life. There could be a storm. There could be any  
14 number of things. I think unless it's a severe  
15 emergency, the thought should always be that we at  
16 least have the number of people physically here to  
17 do it. If an emergency comes and someone leaves,  
18 hey, we heard X amount of testimony, I'm sorry,  
19 Mr. Applicant, Commissioner Romano has to go,  
20 there's a family emergency, as such we're going to  
21 adjourn your application here, and we'll continue it  
22 at the next meeting. There meeting as you know, Mr.  
23 Chairman, they go multiple meetings, right, where  
24 you don't hear all the testimony in one night, and  
25 they get continued or carried. There's an ability

1 to do that is.

2 CHAIRMAN CHOFFO: I have a question.  
3 Francesca, you poll all the Board Members. You  
4 e-mail them when we get our packets?

5 MS. GIARRATANA: Yeah, every time.

6 CHAIRMAN CHOFFO: Maybe we should  
7 also put in there for instance next meeting if your  
8 time is limited, let us know ahead of time so we can  
9 be prepared, do you understand? If our meeting is  
10 going to continue to 9:30 and people have to leave,  
11 so if especially if it's a night with one  
12 application, I'm sure a lot of people thought they  
13 would get out of here earlier.

14 FREEHOLDER O'DEA: They didn't  
15 realize I was coming.

16 CHAIRMAN CHOFFO: If there's five  
17 applications, and we only have six Board Members, at  
18 least poll them to say, are you prepared to hear.

19 MR. CURLEY: One of the problems we  
20 have with this Board, we have to make a decision  
21 very quickly. We have a very limited period of time  
22 to turn around an application. That puts additional  
23 pressure on us to have a quorum at every single  
24 meeting.

25 CHAIRMAN CHOFFO: With all the Board

1 Members tonight I don't think it will happen again.  
2 So this is something to talk about again at the next  
3 meeting. Have we heard anything about the ID  
4 badges? Last meeting I couldn't get in the  
5 building. I was told -- I know Francesca is working  
6 on it. If anybody does need an ID, see Francesca to  
7 get that proper paper work to get into the building.

8 FREEHOLDER O'DEA: Mr. Chairman, we  
9 don't have the visual capacity, we need have -- we  
10 have made arrangements for Freeholders to  
11 participate. It will be possible if the hookups  
12 were set up. I mean it's not impossible to do.  
13 It's just a process and procedure that you have to  
14 follow. You're right. The fact that they're visual  
15 makes it more challenging than our meeting would be.

16 CHAIRMAN CHOFFO: Do I have a motion  
17 to adjourn?

18 COMMISSIONER BETTINGER: I make a  
19 motion.

20 FREEHOLDER DiDOMENICO: Second.  
21 (Whereupon the proceeding is then  
22 concluded at 9:05 p.m.)  
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C E R T I F I C A T I O N

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I, SHARI CATHEY, CCR, RPR, License No.  
30XI00234700, and Notary Public of the State of New  
Jersey, hereby certify that the proceedings herein  
are from the notes taken by me of a Regular Meeting  
of the Hudson County Planning Board, held on January  
16, 2013; and that this is a correct transcript of  
the same.

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

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