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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, May 15, 2013  
6:30 p.m.

BEFORE:

- DANIEL CHOFFO, Chairman
- JAMES CRYAN, Vice Chairman
- DEMETRIO ARENCIBIA, P.E., P.P. County Engineer
- MICHAEL HOLLOWAY, Commissioner
- HON. DOREEN DiDOMENICO, Freeholder
- ALAIN GOMEZ, Alternate Commissioner
- RUSHABH MEHTA, Commissioner
- HON. ANTHONY ROMANO, Freeholder

ALSO PRESENT:

- PAUL CRAY J. FLOR, P.E., P.P.
- JACQUELINE MIDDLETON, ESQ., Board Attorney
- FRANCESCA GIARRATANA, Assistant Planner
- MARIO TRIDENTE, Inspector
- MEGAN MASSEY, PP, AICP, Principal Planner
- BRUCE KLEIN, P.E., P.T.O.E

Job No. NJ1616067

1                   CHAIRMAN CHOFFO: Good evening,  
2 everyone. I would like to call to order the meeting  
3 of the Hudson County Planning Board for this  
4 evening, Wednesday, May 15th, 2013. Let the record  
5 reflect the meeting was called at 6:40 p.m. Could I  
6 have a roll call, please?

7                   MS. MASSEY: Commissioner Arencibia.

8                   COMMISSIONER ARENCIBIA: Here.

9                   MS. MASSEY: Commissioner Bettinger.

10                  COMMISSIONER BETTINGER: Here.

11                  MS. MASSEY: Commissioner Cryan,  
12 absent. Commissioner DiDomenico.

13                  FREEHOLDER DiDOMENICO: Here.

14                  MS. MASSEY: Commissioner Glembocki.  
15 Commissioner Gomez.

16                  COMMISSIONER GOMEZ: Here.

17                  MS. MASSEY: Commissioner Holloway.

18                  COMMISSIONER HOLLOWAY: Here.

19                  MS. MASSEY: Commissioner Mehta,  
20 absent. Commissioner Ng, absent. Commissioner  
21 Peralta, absent. Commissioner Romano, absent.  
22 Chairman Choffo.

23                  CHAIRMAN CHOFFO: Here.

24                  MS. MASSEY: We have a quorum.

25                  CHAIRMAN CHOFFO: Counselor, has this

1 meeting been properly advertised?

2 MS. MIDDLETON: Yes, the meeting has  
3 been properly advertised in accordance with the Open  
4 Public Meetings Act. Notice of meeting was  
5 published in the Jersey Journal and the Star Ledger.  
6 Notice of the meeting was posted with the County  
7 Clerk's office and the Clerk of the Freeholders.

8 CHAIRMAN CHOFFO: Stand to salute the  
9 flag, please.

10 (Flag Salute.)

11 CHAIRMAN CHOFFO: Did all the  
12 Commissioners get a chance to review the Minutes  
13 from the April 17th meeting?

14 Let the record reflect Commissioner Mehta  
15 has joined us. Do I have a motion to accept?

16 MS. MASSEY: On the motion made by  
17 Commissioner Gomez, and seconded by Commissioner  
18 DiDomenico.

19 Commissioner Arencibia.

20 COMMISSIONER ARENCIBIA: Aye.

21 MS. MASSEY: Commissioner Bettinger.

22 COMMISSIONER BETTINGER: I'll  
23 abstain. I was not present at the last meeting.

24 MS. MASSEY: Commissioner DiDomenico.

25 FREEHOLDER DiDOMENICO: Aye.

1 MS. MASSEY: Commissioner Gomez.

2 COMMISSIONER GOMEZ: Aye.

3 MS. MASSEY: Commissioner Holloway.

4 COMMISSIONER HOLLOWAY: Aye.

5 MS. MASSEY: Commissioner Mehta.

6 COMMISSIONER MEHTA: Aye.

7 MS. MASSEY: And Chairman Choffo.

8 CHAIRMAN CHOFFO: I vote aye.

9 MS. MASSEY: The next up is Section  
10 A, Memorialization of Resolutions considered at the  
11 previous meeting. Application 2013-007-SP,  
12 Applicant Dave Pensuwan, located at 301 Newark  
13 Street, Block 2.1, Lots 5 and 6, in Hoboken.

14 CHAIRMAN CHOFFO: Could I have a  
15 motion?

16 MS. MASSEY: On a motion made by  
17 Commissioner Mehta. Seconded by Commissioner Gomez.  
18 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 Mehta.

25 COMMISSIONER MEHTA: Aye.

1 MS. MASSEY: And Chairman Choffo.

2 CHAIRMAN CHOFFO: Aye.

3 MS. MASSEY: The motion has passed.

4 Application 2013-011-SP, the Learning Center,  
5 located at 7108 Kennedy Boulevard, Block 264, Lot  
6 2.01, in North Bergen.

7 On a motion made by Commissioner  
8 DiDomenico, and seconded by Commissioner Gomez.

9 Commissioner DiDomenico.

10 FREEHOLDER DiDOMENICO: Aye.

11 MS. MASSEY: Commissioner Gomez.

12 COMMISSIONER GOMEZ: Aye.

13 MS. MASSEY: Commissioner Holloway.

14 COMMISSIONER HOLLOWAY: Aye.

15 MS. MASSEY: Commissioner Mehta.

16 COMMISSIONER MEHTA: Aye.

17 MS. MASSEY: And Chairman Choffo.

18 CHAIRMAN CHOFFO: Aye.

19 MS. MASSEY: The motion has passed.

20 Next application is 2013-13-SP, George and Eric  
21 Gutierrez, located at 3211-3215 Kennedy Boulevard,  
22 Block 260.02, Lots 23, 27, 28 and 30, in Union City.

23 On a motion made by Commissioner Mehta,  
24 and seconded by Commissioner Holloway.

25 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 Mehta.

7 COMMISSIONER MEHTA: Aye.

8 MS. MASSEY: And Chairman Choffo.

9 CHAIRMAN CHOFFO: I vote aye.

10 MS. MASSEY: The motion has passed.

11 Next item on the agenda is Section B, Site Plans,  
12 Subdivisions and other matters scheduled for public  
13 hearing and adoption.

14 First application is 2013-19-SD/SP,  
15 applicant, 6233 Kennedy Boulevard, LLC, located at  
16 6231-6235 Kennedy Boulevard, Block 204, Lot 11,  
17 North Bergen.

18 MR. ALONSO: Good evening,  
19 Mr. Chairman, Members of the Board. For the record,  
20 Alvaro Alonso, on behalf of the applicant. This is  
21 an application that was already approved by the  
22 North Bergen Planning Board. I believe a copy of  
23 the resolution was provided to the Board as part of  
24 the application. We were approved for the  
25 subdivision of a vacant lot for the construction of

1 two three-story buildings. Each structure is going  
2 to be a ground floor commercial unit with two  
3 residential floors above. I have one witness this  
4 evening who is Demetrios Kaltsis, architect.

5 CHAIRMAN CHOFFO: Can you speak into  
6 the microphone? We have background noise here.

7 MR. ALONSO: Sure.

8 MS. MIDDLETON: Thank you. State  
9 your name for the record, please.

10 MR. KALTSIS: Demetrios Kaltsis,  
11 Kaltsis Architects.

12 (The witness is sworn.)

13 MR. ALONSO: Mr. Kaltsis, would you  
14 review your qualifications for the Board.

15 MR. KALTSIS: I'm a registered  
16 architect in the state of New Jersey. I have had my  
17 license for about eight years. I have a bachelor's  
18 degree of architecture from NJIT from 2001. I've  
19 appeared before a number of townships in both Bergen  
20 and Hudson County, and I've appear before this Board  
21 before as well.

22 CHAIRMAN CHOFFO: We've accepted.

23 MR. ALONSO: Thank you, Mr. Chairman.  
24 Mr. Kaltsis, did you prepare the plan that is before  
25 the Board?

1 MR. KALTSIS: Yes, I have.

2 MR. ALONSO: You also testified in  
3 North Bergen when this was before the municipality?

4 MR. KALTSIS: Yes, I have.

5 MR. ALONSO: Can you please review  
6 the proposal for the Board?

7 MR. KALTSIS: Essentially, this as  
8 was noted before, this is a three-story structure,  
9 with two levels of residential apartments over one  
10 story of commercial. We're proposing to subdivide  
11 the property. Each one of the units is going to  
12 have three bedrooms, and there is going to be ground  
13 floor commercial space.

14 As far as the property, there was a  
15 structure here prior. We're basically going to be  
16 replacing the existing structure that was there  
17 before. We're almost at a hundred percent  
18 impervious, and the building itself is about 90  
19 percent as far as building coverage. Essentially,  
20 what we're doing is we're replacing what was there.

21 MR. ALONSO: Are there any proposed  
22 curb cuts?

23 MR. KALTSIS: No, we're not proposing  
24 any curb cuts on the property.

25 MR. ALONSO: Is there any off-street

1 parking on the site?

2 MR. KALTSIS: No, there is no  
3 parking.

4 MR. ALONSO: Did you have an  
5 opportunity to review the letter dated May 1st,  
6 2013, from Megan Massey; and another one dated  
7 February 13, 2013, by Mario Tridente, the Building  
8 Inspector?

9 MR. KALTSIS: Yes, I have.

10 MR. ALONSO: With respect to those  
11 letters, is the applicant prepared to replace the  
12 curb cuts and sidewalks?

13 MR. KALTSIS: Yes, we will be  
14 replacing the sidewalk located in front as well as  
15 depressed curb.

16 MR. ALONSO: Now, there seems to be a  
17 conflict between the two letters. The May 1st  
18 letter indicates that one tree is required.  
19 Mr. Tridente is indicating that two trees are  
20 required, and the applicant has indicated that he  
21 would do one or two, depending on what the Board  
22 would recognize; is that correct?

23 MR. KALTSIS: Yes, that is correct.  
24 We will be providing a tree in the front.

25 MR. ALONSO: Go with Item No. 7. In

1 that letter which talks about low impact development  
2 requirements. We are proposing these buildings for  
3 development, and we are having trouble determining a  
4 second element; is that correct?

5 MR. KALTSIS: Yes. Because of the  
6 nature of the site, it's not conducive to any of  
7 those options that were provided, but we will be  
8 proposing to plant a tree as recommended in Item No.  
9 6.

10 MR. ALONSO: So in order to comply  
11 with that requirement, that second element we would  
12 be proposing to do two tree boxes with tress?

13 MR. KALTSIS: Yes, we can.

14 MR. ALONSO: And with respect to the  
15 other requirements in both letters, we will be  
16 complying with both?

17 MR. KALTSIS: Yes, we will be  
18 complying with the rest of the requirements.

19 MR. ALONSO: I have nothing further.

20 CHAIRMAN CHOFFO: Any questions? Do  
21 me a favor. Speak into the microphone.

22 MS. MASSEY: Chairman Choffo, just a  
23 question with the planting two street trees, will  
24 any visibility be blocked? Do you have the room for  
25 two street trees?

1 MR. KALTSIS: As far as the  
2 visibility for?

3 MS. MASSEY: I mean because it's  
4 47.7.

5 MR. KALTSIS: We really don't have  
6 any depressed curbs on the property. There is  
7 really no access to the property. No cars will be  
8 entering the property. As far as the visibility,  
9 there is --

10 MS. MASSEY: Is there enough space  
11 for a four-by-four planter box?

12 MR. ALONSO: What you have though is  
13 immediately to the north is a firehouse, with the  
14 door at the sidewalk. That may have an impact on  
15 the visibility if the fire trucks are exiting the  
16 firehouse?

17 MR. KALTSIS: It may be affected on  
18 the north side. It's probably a good idea to put a  
19 single tree on the southern end of the property so  
20 we don't come close to the door of the fire station.

21 MS. MASSEY: In the rear of the  
22 property, is there room for a bike rack for  
23 residents, who may have access or require a bike  
24 rack?

25 MR. KALTSIS: To the rear of the

1 property?

2 MS. MASSEY: Yes, I know you're flush  
3 with the street in the front.

4 MR. KALTSIS: We only have a  
5 five-foot rear yard setback, and both of the  
6 commercial spaces have access to that space, to that  
7 space behind the building. There is a set of stairs  
8 that leads from the right-of-way on the southern  
9 side of the property. There is essentially a  
10 walkway. There really is not space for that bike  
11 rack.

12 CHAIRMAN CHOFFO: Anything else? I  
13 have a question for you, Mr. Alonso. For Board and  
14 for the record, could you just give us a little  
15 history, because I noticed that you received your  
16 municipal approval on October 3rd. I believe you  
17 were in front of us before with this application.  
18 If you could just refresh the Board's memory with  
19 regard to why we're hearing it now?

20 MR. ALONSO: Absolutely. We were on  
21 agenda previously, under I believe a different  
22 application number. Unfortunately, there was  
23 confusion, and were we were not ready to proceed  
24 that evening. We requested that the matter be  
25 carried. The Board requested that I provide a

1 letter from the municipal attorney consenting to the  
2 matter being carried within five days. The letter  
3 was not submitted within five days. The application  
4 was administratively dismissed and refiled and  
5 before this Board now.

6 CHAIRMAN CHOFFO: Thank you. Any  
7 questions? Mr. Tridente.

8 MS. MASSEY: Chairman Choffo, if they  
9 are not complying with the two green techniques,  
10 they just have to state on record they are  
11 requesting the waiver from one of the green  
12 techniques.

13 MR. ALONSO: Correct, we are  
14 requesting a waiver from the second technique, and  
15 we will comply with the one tree located to the  
16 south.

17 CHAIRMAN CHOFFO: Is there a second  
18 requirement?

19 MS. MASSEY: No, they just request a  
20 waiver from the one green technique if they were  
21 unable to plan a second tree.

22 MR. ALONSO: And we do so.

23 CHAIRMAN CHOFFO: Okay. Let the  
24 record reflect that Commissioner Cryan is present.  
25 Any questions?

1 MS. MASSEY: On a motion made by  
2 Commissioner Mehta, and seconded by Commissioner  
3 Gomez.

4 Commissioner Arencibia.

5 COMMISSIONER ARENCIBIA: Aye.

6 MS. MASSEY: Commissioner Bettinger.

7 COMMISSIONER BETTINGER: Aye.

8 MS. MASSEY: Commissioner Cryan.

9 COMMISSIONER CRYAN: Abstained.

10 MS. MASSEY: Commissioner DiDomenico.

11 FREEHOLDER DiDOMENICO: Aye.

12 MS. MASSEY: Commissioner Gomez.

13 COMMISSIONER GOMEZ: Aye.

14 MS. MASSEY: Commissioner Holloway.

15 COMMISSIONER HOLLOWAY: Aye.

16 MS. MASSEY: Commissioner Mehta.

17 COMMISSIONER MEHTA: Aye.

18 MS. MASSEY: And Chairman Choffo.

19 CHAIRMAN CHOFFO: Aye.

20 MS. MASSEY: The motion has passed.

21 MR. ALONSO: Thank you. Have a good  
22 evening. Thank you.

23 MS. MIDDLETON: Mr. Chairman, I  
24 believe that they were requesting we do something  
25 unusual and pass the resolution also tonight. I had

1 drafted a resolution. Now we have some changes to  
2 that resolution, the waiver of the green technique,  
3 and the exhibit, the May 10th letter, has been  
4 added. What I guess I'm asking the applicant is if  
5 we can do the resolution next month?

6 MR. ALONSO: The May 1st letter?

7 MS. MIDDLETON: Usually, we add the  
8 planner letters as exhibits to the resolution, and I  
9 don't have that May 1st letter listed on the  
10 resolution, and also the waiver for the green  
11 techniques.

12 MR. ALONSO: If at all possible, it  
13 would be great to have that resolution adopted this  
14 evening, only because of timing that we have, I  
15 would.

16 MS. MIDDLETON: Chairman, I can  
17 handwrite it in?

18 CHAIRMAN CHOFFO: Any Commissioner  
19 that has a question can voice their concern, but  
20 definitely it should be written in tonight. Also,  
21 on this resolution, there looks like there is a May  
22 13th comment letter, and it should be May 15th. Do  
23 you want to make those changes, and if the Board is  
24 okay, we can memorialize it if they have any issues.  
25 Is the Board okay with handwriting? It's

1 legitimate?

2 MS. MIDDLETON: I'm fine with it.

3 CHAIRMAN CHOFFO: You're our legal  
4 expert, so we'll leave it up to you.

5 MS. MASSEY: We need a motion.

6 CHAIRMAN CHOFFO: I need a motion to  
7 memorialize this application.

8 MS. MASSEY: On a motion made by  
9 Commissioner Gomez, and seconded Commissioner  
10 Bettinger.

11 Commissioner Arencibia.

12 COMMISSIONER ARENCIBIA: Aye.

13 MS. MASSEY: Commissioner Bettinger.

14 COMMISSIONER BETTINGER: Aye.

15 MS. MASSEY: Commissioner Cryan.

16 COMMISSIONER CRYAN: I'll abstain due  
17 to my lateness.

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 Mehta.

25 COMMISSIONER MEHTA: Aye.

1 MS. MASSEY: And Chairman Choffo.

2 CHAIRMAN CHOFFO: I vote aye.

3 Mr. Alonso, we're going to make you happy.

4 MR. ALONSO: I appreciate the  
5 courtesy. Thank you. You're going to send it to  
6 me? Have a good evening.

7 MS. MASSEY: Next item on the agenda  
8 is Site Plan, Subdivisions and other matters  
9 scheduled for public hearing. Application  
10 2013-14-SP, Mirasol Enterprises, LLC, located at 100  
11 Passaic Avenue, Block 12, Lot 1 in Kearny.

12 MR. BENNETT: Good evening, Mr.  
13 Chairman, Members of the Board, Gary Bennett  
14 B-e-n-n-e-t-t, appearing on behalf of the applicant,  
15 Mirasol Enterprises. I have this evening Thomas  
16 Quinn, who is the engineer who prepared the plans  
17 before you. Prior to proceeding, I would like to  
18 note for the Board not by way of an excuse, but by  
19 way the explanation the delay coming before the  
20 Board.

21 I had represented the applicant. I think  
22 some of your professionals communicated with me,  
23 believing that I was the attorney. I represented  
24 the applicant before the Kearny Planning Board  
25 obtaining the approvals necessary. The project

1 happens to sit in Kearny's Passaic Avenue  
2 Redevelopment Zone, so there was a couple step  
3 process to have it approved. But the reason that I  
4 appeared to represent the applicant during that  
5 period of time is his general counsel had a conflict  
6 appearing before those boards. So when my  
7 representation was concluded at the end of that, I  
8 believed that was all there was that I was involved  
9 in. Apparently, there was some miscommunication  
10 between the engineer's office and counsel from  
11 Mirasol and myself, but I hadn't heard anything  
12 further.

13           So number one, I apologize for the delay  
14 in coming before you. I assure that Mr. Tully, who  
15 is the owner of the Shop Rite and the owner of  
16 Mirasol Enterprises, was not in any way trying to  
17 slide something by you. It was an oversight. I  
18 apologize. Mr. Quinn has attended the subcommittee  
19 meetings and is here this evening, and we will be  
20 addressing some comments that were made in the  
21 correspondence from your professionals, and with  
22 that in mind, I would like Mr. Quinn to be sworn in  
23 so he can provide some testimony with regard to the  
24 plans that were submitted.

25           MS. MIDDLETON: State your name for

1 the record, please.

2 MR. QUINN: Sure. Thomas J. Quinn,  
3 Q-u-i-n-n.

4 (The witness is sworn.)

5 MR. BENNETT: Mr. Quinn, you're a  
6 licensed professional engineer?

7 MR. QUINN: Yes, sir.

8 MR. BENNETT: And by who are you  
9 employed?

10 MR. QUINN: EKA Associates, Scotch  
11 Plains, New Jersey.

12 MR. BENNETT: How long have you held  
13 your professional engineer's license?

14 MR. QUINN: Since 1997.

15 MR. BENNETT: During the period of  
16 time that you have been a professional engineer,  
17 have you appeared before planning boards and zoning  
18 boards, including this Board?

19 MR. QUINN: No, I have actually not  
20 been before Hudson County before, but I've been to  
21 dozens, and I pursued this through the Kearny  
22 Planning Board.

23 MR. BENNETT: You were retained, Mr.  
24 Chairman, just to focus on his expertise in the area  
25 of engineering, you were retained by Richard Tully

1 in conjunction with his desire to place a small  
2 addition on the rear of the Shop Rite?

3 MR. QUINN: Yes, I was.

4 MR. BENNETT: That addition involved  
5 the construction of a freezer box that would not  
6 have any access from the outside, rather access  
7 internally?

8 MR. QUINN: That's correct.

9 MR. BENNETT: In order to construct  
10 that box, there had to be a reconfiguration, did  
11 there not, of the loading docks and parking area  
12 adjacent?

13 MR. QUINN: That's correct.

14 MR. BENNETT: That area which is as  
15 far back off the County roadway as possible, is the  
16 only area that was affected by this application,  
17 other than Kearny's desire and requirement that the  
18 applicant construct a decorative wall along the  
19 County roadway?

20 MR. QUINN: There were several  
21 requirements that came under the Passaic Avenue  
22 Redevelopment Plan that translated onto that plan.

23 MR. BENNETT: If you would just  
24 briefly walk the Board through the changes that took  
25 place or will take place as a result of this

1 application, and also address if you would the  
2 streetscape and the trees and decorative wall on  
3 Passaic Avenue.

4 MR. QUINN: If I walk away from the  
5 microphone, will I be picked up?

6 CHAIRMAN CHOFFO: If you talk loud  
7 enough.

8 MR. QUINN: I have four children. I  
9 am accustomed to shouting. As Mr. Bennett  
10 initiated, when the applicant came before the Kearny  
11 Planning Board, there were two things he wanted.  
12 One was a reconfiguration of his loading dock to  
13 angle it because the old loading dock was  
14 perpendicular to Marshall Street. Trucks now are  
15 much larger than they were originally on the road  
16 when this site was designed, so we angled the  
17 loading dock to allow ease of maneuver of the WB62  
18 trucks that now frequent the store, as opposed to  
19 the WB50s that we're accustomed to seeing.

20 The other change that he desired was this  
21 proposed freezer. That is all we went to Kearny  
22 with. As a matter of facts, there is no impervious  
23 surface created because that's all in an area  
24 consisting of impervious surface. Kearny denied the  
25 application and gave him copy of the Passaic Avenue

1 Redevelopment Plan, and as a result of the  
2 redevelopment plan, many facets of the site design  
3 changed.

4           So a couple of the features that the  
5 redevelopment plan required were rationalization of  
6 pedestrian circulation on-site. As part of that, we  
7 were required to eliminate some pavement and  
8 construct landscaped islands that have some benches  
9 and some walkways to provide a clear pedestrian  
10 route to Passaic Avenue. Number two was a  
11 reconfiguration of the bike rack, an additional bike  
12 rack, and a few other benches along the way that  
13 were also part of redevelopment plan.

14           We were also required at the time, even  
15 though weren't adding impervious surface, the  
16 applicant was required to add a large 24-inch drain  
17 pipe at the downhill end of the parking lot, which  
18 had a series of small inlets that were connected via  
19 the four-inch pipe to the County system. What used  
20 to happen apparently on this site was this being the  
21 low area, water would puddle up here, be held by the  
22 curb and eventually bleed into the County system.  
23 So we created a lot of additional stormwater volume  
24 with the large 24-inch pipe that runs along that  
25 entire island, and 235 feet of it underground for

1 the park lot.

2 Now not only the parking lot holds water,  
3 we have got this large chamber underneath to help  
4 stormwater. That system was connected to the  
5 existing four-inch pipe that remains out into the  
6 street. So that four-inch pipe serves as a  
7 discharge controller. So that the situation now is,  
8 the only difference is that we added a lot more  
9 stormwater volume capacity on the site.

10 The last thing which is the reason why  
11 we're here, the redevelopment plan calls for the  
12 construction of a landscaped wall across the entire  
13 site frontage. I was not -- I did not get involved  
14 with the original negotiations at Kearny which  
15 resulted in this. I took this to the planning  
16 board, the engineer who was working on this left.  
17 So I called him to find out how this came about.  
18 This retaining wall is on the right-of-way line.  
19 This retaining wall is on the right-of-way line.  
20 This wall here encroaches about three feet into the  
21 right-of-way.

22 The explanation was that there was an  
23 existing green area out front that nobody wanted to  
24 make smaller. They wanted to maintain that large  
25 planting area. Instead of the sliding the wall back

1 behind the right-of-way and either widening the  
2 sidewalk to eleven or twelve feet and creating more  
3 impervious surface or maintaining the eight-foot  
4 sidewalk, which is what the redevelopment plan  
5 requires and adding another landscape strip in front  
6 of this, the decision was made to wherever the  
7 sidewalks was, bring the wall to that point and  
8 maintain the rest of that buffer, the twelve-foot  
9 wide buffer.

10 CHAIRMAN CHOFFO: That was the  
11 decision of Kearny?

12 MR. QUINN: My understanding is that  
13 Mortel, our engineer, said that's how this came  
14 about. That's how this whole configuration came  
15 about. It's secondhand knowledge for me, but I did  
16 call the engineer to find out how that came about.  
17 That was the explanation I was given.

18 COMMISSIONER HOLLOWAY: Mr. Chairman,  
19 just for the record, the engineer you're talking  
20 about was the County engineer?

21 MR. QUINN: No, no, the engineer in  
22 our office, EKA, who was the original engineer, who  
23 worked through the redevelopment aspects with Kearny  
24 that was done, and that engineer left, and I took it  
25 to the planning board and here I am.

1           MR. BENNETT: The fact of the matter  
2 is, unfortunately, the wall encroaches into the  
3 County right-of-way. Fortunately, it does not  
4 impede any traffic that's there. It doesn't  
5 interfere with the current use of the property,  
6 correct?

7           MR. QUINN: No, as a matter of fact,  
8 it was not the owner's intent to do anything out  
9 front of his store at all. I think it snowballed  
10 and got away from him. The driveways are exactly  
11 the same. The only thing is they put that wall  
12 right up against the old sidewalk line, which it is  
13 in the right-of-way. That was is a 30-inch-high  
14 wall. That's what the Kearny Redevelopment Plan  
15 required. That also keeps below the height where it  
16 could potentially cause visual obstruction.

17           MR. BENNETT: Also, as part of the  
18 site plan approval, they required there be street  
19 trees planted?

20           MR. QUINN: Yes, sir.

21           MR. BENNETT: Could you describe  
22 where those are and how they interface with the  
23 existing site?

24           MR. QUINN: Yes, that large green  
25 that we're talking about in the center of the site

1 between the two driveways, we planted six shade  
2 trees in there. Kearny, I believe Kearny's  
3 requirement was two and a half inches. I went to  
4 measure those trees. They're between two and a half  
5 and three inches, but there are six shade tree that  
6 have been planted along that site frontage.

7 MR. BENNETT: The reason for the six,  
8 obviously you do have an ingress and egress along  
9 Passaic Avenue. You have driveways with heavy  
10 traffic of people coming in and out. By putting  
11 them where they're located, they don't obstruct the  
12 vision for anyone entering or exiting the site?

13 MR. QUINN: That's correct. This  
14 area to the south has a building right up to the  
15 right-of-way behind. There is no way you could walk  
16 through there. This area was too close to the  
17 driveway to plant anything other than low shrubs,  
18 and so the trees went in the large island so they  
19 will be less visually impacting the drivers.

20 MR. BENNETT: Given the site now has  
21 new landscaping across the front there that never  
22 existed before, that has improved the visual  
23 aesthetics and appearance in the front of the  
24 property?

25 MR. QUINN: I would say so, yes.

1 MR. BENNETT: And despite that, it's  
2 clear that should the Board deem this appropriate to  
3 approve, that one of the conditions would have to be  
4 approval from the Freeholders for that encroachment?

5 MR. QUINN: The meeting made clear  
6 that a franchise agreement was needed for this wall.

7 MR. BENNETT: Other than those site  
8 improvements and this little freezer that went in  
9 the back and the modification to the front, was  
10 there any other construction on the Shop Rite  
11 itself?

12 MR. QUINN: On the store itself, no.

13 MR. BENNETT: Other than the  
14 installation of the bike rack?

15 MR. QUINN: That's correct.

16 MR. BENNETT: That Shop Rite has been  
17 existing more than 50 years?

18 MR. QUINN: Yes, it's a tired old  
19 store.

20 MR. BENNETT: Part of this was to  
21 improve the store, and as a result of attempting to  
22 improve the store, the owner of the property was  
23 required to spend a fairly substantial amount of  
24 money to improve the site?

25 MR. QUINN: Much to his chagrin, yes.

1 MR. BENNETT: I don't have any  
2 further questions, unless the Board Members have  
3 questions.

4 CHAIRMAN CHOFFO: Mr. Massey.

5 MS. MASSEY: Chairman Choffo, in  
6 accordance with our land development regulations, I  
7 know we discussed this at the site plan review  
8 meeting, being that you have 500 feet of frontage  
9 along the County road, every thirty feet there needs  
10 to be a shade tree. If there is a driveway or  
11 impediment to the site, there's a contribution that  
12 the applicant can make. Are you going to contribute  
13 for the trees?

14 MR. QUINN: I spoke with the  
15 applicant about that. He would prefer to do that  
16 because otherwise he's creating trees where they may  
17 not do well. He is prepared to make a contribution  
18 for the remaining trees.

19 MS. MASSEY: Have you submitted the  
20 cost estimate?

21 MR. QUINN: No, ma'am. Actually,  
22 there was a request that a landscape architect  
23 provide that. I'm not one. I don't have one on  
24 staff, so I would have to get one.

25 MS. MASSEY: So as a condition of

1 approval I would recommend that they provide a cost  
2 estimate by the landscape architect for the eleven  
3 shade trees with the County standards.

4 MR. QUINN: With the tree grade,  
5 yeah.

6 MR. BENNETT: To the extent that the  
7 existing six trees may only be three inches, we  
8 would ask that part of that would be waived so we  
9 don't have to pull those up and replant larger ones.  
10 We will make a contribution for an estimate based on  
11 the three and a half in diameter trees.

12 CHAIRMAN CHOFFO: Do you have any  
13 questions?

14 COMMISSIONER ARENCIBIA: Yes, I do  
15 have a question for the engineer. The wall that was  
16 constructed was to replace an existing wall?

17 MR. QUINN: No, sir. There was no  
18 wall there at all. It was just a landscaped area.  
19 It had actually --

20 COMMISSIONER ARENCIBIA: Grass area?

21 MR. QUINN: Actually, it had  
22 evergreen plantings like junipers and a lot of river  
23 rock, like the rounded-type of rock. Mr. Cray has a  
24 photo.

25 COMMISSIONER ARENCIBIA: So you took

1 it out and constructed a wall?

2 MR. QUINN: It's a freestanding wall,  
3 which means the soil wasn't built up behind it.  
4 It's just a freestanding landscaped wall required by  
5 the redevelopment zone. It's not a structural wall.  
6 It's just totally aesthetic.

7 CHAIRMAN CHOFFO: It's not a  
8 retaining wall?

9 MR. QUINN: It's more like a  
10 landscaped wall. It's not holding anything.

11 COMMISSIONER ARENCIBIA: There is no  
12 purpose for this wall other than aesthetics?

13 MR. QUINN: Other than it appears in  
14 the redevelopment zone, yes.

15 MR. BENNETT: It's a landscaped wall,  
16 a decorative wall.

17 COMMISSIONER ARENCIBIA: What's it  
18 made out of?

19 MR. QUINN: You may be familiar with  
20 a Versa-Loc product. It's modular concrete block  
21 with a cut split face like a natural stone-type of  
22 face with limestone cap on it. Again, whatever soil  
23 is there is just to cover the back of the wall.  
24 It's a freestanding wall. It's not meant to be a  
25 retaining wall.

1                   COMMISSIONER ARENCIBIA:  It's  
2 eight feet from the curb?

3                   MR. QUINN:  Correct.

4                   COMMISSIONER ARENCIBIA:  Are there  
5 any utility poles in the sidewalks?

6                   MR. QUINN:  No.  It's pretty clean.  
7 The sidewalk is pretty clean.

8                   COMMISSIONER ARENCIBIA:  The sidewalk  
9 looks like it's in fair shape.

10                  MR. BENNETT:  We did receive an  
11 inspection report by the County inspector, who  
12 indicated that the sidewalk was serviceable, I think  
13 he called it.  There was some cracks, and he seemed  
14 to highlight some area I believe he felt should be  
15 replaced.  I talked to the applicant about that, and  
16 he said he had no problem with that either.

17                  COMMISSIONER ARENCIBIA:  And there is  
18 no reason why this wall could not be constructed on  
19 the Shop Rite property?

20                  MR. QUINN:  No, there is no physical  
21 reason why it could not be.

22                  COMMISSIONER ARENCIBIA:  Why was an  
23 encroachment necessary?

24                  MR. QUINN:  I wish I was involved  
25 firsthand to tell you why.  I called Mr. Mortel, our

1 previous engineer to find that out, and he said he  
2 came out of discussions with Kearny. They were -- I  
3 really don't think it was thought through all the  
4 way. I think that so many things popped up at the  
5 local level, that in an effort to keep it moving,  
6 our office probably just did whatever the town  
7 wanted. So they didn't think it through. My  
8 understanding was they were interested in keeping  
9 whatever green they had there.

10 COMMISSIONER ARENCIBIA: This was  
11 recommended by the town to put it where it is right  
12 now in terms of location?

13 MR. QUINN: All I can say is the town  
14 approved this. I don't know how closely anybody  
15 looked at it at the planning board level. I think  
16 the town was happy to see the compliance on the  
17 applicant's part because there were so many things  
18 they were asking for.

19 COMMISSIONER ARENCIBIA: And I heard  
20 you say that there's a franchise agreement that Shop  
21 Rite is going to needs for the Board of Freeholders,  
22 which is difficult, and we have to have an  
23 explanation as to why this even was necessary. This  
24 is really at the mercy of the Freeholders to provide  
25 an agreement.

1 MR. BENNETT: That's correct, Mr.  
2 Arencibia. We will make that attempt to provide an  
3 explanation and hopefully prove that the location of  
4 the wall doesn't in any way affect the public  
5 right-of-way and will not impede it. Knowing that  
6 it's a wall that can be removed if necessary in the  
7 event of a road widening, obviously, it would have  
8 to be taken down. For now, as Mr. Quinn has  
9 indicated, it does prove a fairly nice aesthetic  
10 view. It doesn't seem to impede or interfere with  
11 the walkway.

12 COMMISSIONER ARENCIBIA: Who was the  
13 contractor? Who was the contractor that did the  
14 wall?

15 MR. QUINN: DGC. It wasn't a group  
16 I've worked with before. I think they're out of New  
17 York. I could provide that information to Mr. Cray,  
18 but DGC is what I remember.

19 COMMISSIONER ARENCIBIA: Can you get  
20 the name of the contractor and the date the work was  
21 performed, and you obtained permits from the town?

22 MR. QUINN: We've got everything. As  
23 a matter of fact, I was surprise when I heard they  
24 were going great guns out here without the County  
25 permit because normally the town will say check off

1 this and that, and apparently that was missed.

2 COMMISSIONER ARENCIBIA: Other than  
3 this retaining wall, was there any other work,  
4 excavation, drainage work within the County  
5 right-of-way?

6 MR. QUINN: Not within the County  
7 right-of-way, sir. As I indicated, there's a  
8 four-inch pipe that leads from the County road back  
9 towards our site. That pipe was tapped into behind  
10 of right-of-way in order to connect to the volume  
11 pipe that the town required us to put in in order to  
12 connect that system. All of that was done by behind  
13 the right-of-way.

14 MR. CRAY: There was one other item  
15 you were going to follow up with your response. The  
16 one sidewalk, Demetrio, that was a four-inch pipe,  
17 for your reference, the four-inch pipe he's  
18 referring to was existing. That's where the water  
19 bled. They're setting it there now, although they  
20 did construct a 24-inch diameter pipe to store  
21 water. One of the requirements that I was  
22 suggesting in my letter is that the engineer is  
23 going to provide documentation showing that there's  
24 less flow to the County pipe.

25 Now, we'll still get that via the

1 four-inch pipe. It just so happens that the  
2 sidewalk that was repaired or replaced, don't know  
3 exactly when, but obviously, it's much newer than  
4 anything else, it's the rectangle of concrete that  
5 is right behind the inlet in which the four-inch  
6 pipe connects to it. What I've asked, which because  
7 this engineer wasn't involved in the construction  
8 phase to say why is that. Was it a cracked slab?  
9 Was the pipe left intact? Was that pipe replaced?  
10 I've asked for some clarity on that because other  
11 than the wall, there is that piece of sidewalk that  
12 happens to be above the four-inch pipe that was also  
13 replaced. I assume by that.

14 COMMISSIONER ARENCIBIA: Was there  
15 work done on the pipe?

16 MR. QUINN: No. Actually, I looked  
17 at this today when I came out here because I was not  
18 aware of the constructed panel that Mr. Cray had  
19 indicated is directly behind the inlet. There is no  
20 -- the tie into that inlet for the four-ich pipe  
21 does not occur in the back of the inlet. It occurs  
22 in a pipe just south of the inlet. I don't know why  
23 that sidewalk was constructed. There is no pipe  
24 coming into the back of that inlet that would have  
25 been replaced. I have no idea why that sidewalk was

1 replaced. It had nothing to do with drainage work  
2 that was done on-site.

3 MR. CRAY: Mr. Chairman, sorry to  
4 speak out of order, I'm dovetailing. I spoke to the  
5 engineer earlier, and he had spoken to his client.  
6 It's my understanding the other items in my letter  
7 were a different situation because they're seeking a  
8 retroactive permit, which was recently submitted.  
9 We're also looking for a retroactive franchise  
10 agreement.

11 So Mario and myself are kind of  
12 coordinating for them to submit an as-built plan of  
13 what was built, because it's not a proposed plan.  
14 It's obviously an as-built condition. What I would  
15 ask, and I think they have already agreed, is that  
16 they'll address my review letter about the four-inch  
17 pipe, Megan's review and Mario's review. It kind of  
18 all ties into the as-built condition, plus they can  
19 answer that question about the sidewalks and  
20 drainage in this letter maybe as one package and  
21 address Megan's letter. Mario is getting pulled in  
22 in a different way. That would also by default  
23 address my comments as well.

24 As far as what Demetrio has raised as part  
25 of that process, they have to submit what they need

1 for the franchise agreement including the metes and  
2 bounds.

3 MR. QUINN: I would say for the  
4 record, I shared all of the review letters with the  
5 applicant. He said he had no problem with any of  
6 the items on the list.

7 COMMISSIONER ARENCIBIA: Last  
8 question, the four-inch pipe, unusual size for a  
9 drainage pipe, any reason why?

10 MR. QUINN: Not that I know.  
11 Oftentimes, sir, I don't know how this came about,  
12 they'll downsize a pipe as a way of restricting the  
13 flow into the system. We thought that was the case.  
14 We didn't want to fool with it. What we did was  
15 create more volume on the site so there is no  
16 possible way we could be impacting the County  
17 drainage system in a negative fashion.

18 COMMISSIONER ARENCIBIA: I understand  
19 that. Sometimes they use a small size so that it  
20 bleeds a little slower into the drainage system,  
21 into the County system. If that's the case, that's  
22 fine. As far as your maintenance of it, you have to  
23 ensure that the pipe does not clog up.

24 MR. QUINN: Right.

25 MR. TRIDENTE: Yes, Mr. Chairman. I

1 would like to possibly schedule a site visit with  
2 the engineer to mark out the area of sidewalk that  
3 have cracks and need to be addressed. There is some  
4 interior walkways that -- that are a little -- that  
5 need to be addressed. Maybe the level was on a bad  
6 day that day.

7 MR. QUINN: There is no obvious  
8 reason why it was done that way.

9 MR. TRIDENTE: There were some  
10 cracks.

11 MR. QUINN: No, no, I saw exactly  
12 what you're talking about. We have no problem.

13 CHAIRMAN CHOFFO: Ms. Massey?

14 MS. MASSEY: No, all my comments were  
15 addressed.

16 COMMISSIONER HOLLOWAY: I have one  
17 comment. That area we're talking about, the  
18 four-inch, was there a flooding problem in that  
19 area?

20 MR. QUINN: I don't know about the  
21 County road. The owner has told me water used to  
22 pond up at the end of his parking lot. It's a low  
23 end. So what we've done now is provided some  
24 subterrain general storage in hopes of keeping some  
25 of the water off the parking lot and into the pipe

1 so. I don't know about the County road. I thought  
2 the owner indicated he had water puddling in his  
3 parking lot.

4 MS. MASSEY: On a motion made by  
5 Commissioner Cryan and second by Commissioner  
6 Bettinger.

7 Commissioner Arencibia.

8 COMMISSIONER ARENCIBIA: Aye.

9 MS. MASSEY: Commissioner Bettinger.

10 COMMISSIONER BETTINGER: 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 Mehta.

20 COMMISSIONER MEHTA: Aye.

21 MS. MASSEY: And Chairman Choffo.

22 CHAIRMAN CHOFFO: Aye.

23 MS. MASSEY: The motion has passed.

24 MR. BENNETT: Thank you very much for  
25 your courtesy. On behalf of the applicant, I

1 apologize for not getting here sooner and in a  
2 timely fashion.

3 MS. MASSEY: The next item on the  
4 agenda is Application 2013-020-SD/SP, John Cali;  
5 located at 1040 Kennedy Boulevard, Block 87, Lots  
6 1-4. 19 and 5.02, in Bayonne.

7 MR. MICELI: Good evening, Mr.  
8 Chairman, Board Members, professionals. My name is  
9 Michael Miceli. I'm a partner in the law firm of  
10 Connell Foley here in Jersey City. We represent the  
11 applicant, 1040 Kennedy, LLC. The property is  
12 designated Block 87, Lots 1 through 4, 5.02. I  
13 think some of the reports said 5.01, this is 5.02,  
14 and Lot 19 as well. It's located between 43rd  
15 Street and 44th Street and fronts on Kennedy  
16 Boulevard in Bayonne.

17 There was a site-specific redevelopment  
18 plan that was amended recently by the City of  
19 Bayonne to foster development at this site, which  
20 was a former gas station and service station. It's  
21 been vacant for years. It had environmental  
22 problems. The approvals that we need from you are  
23 site plan approval and subdivision approval. We  
24 have municipal approval for both of those by virtue  
25 of a memorialization of a resolution on April 9th.

1           The proposal is this: We're going to  
2       consolidate all of those lots that I mentioned into  
3       two building lots, 1.01 and 1.02. Lot 1.02 will  
4       remain unimproved. It will be landscaped in  
5       accordance with the redevelopment plan requirements;  
6       1.01 we will be building a 60-unit, eight-story  
7       multi-family residential building with some rooftop  
8       amenities and ground floor and subsurface parking  
9       for 71 parking spaces.

10           To go over the details of the proposal, I  
11       call as my first witness, Adrian Melia from  
12       Minervini and Vandermark.

13                   MR. MELIA: Good evening. Adrian,  
14       A-d-r-i-a-n; Melia, M-e-l-i-a.

15                   (The witness is sworn.)

16                   MR. MICELI: Adrian, please present  
17       the Board with your qualifications.

18                   MR. MELIA: I have a degree in  
19       architecture from the Dublin Institute of Technology  
20       from Dublin. I've been working in Hudson County as  
21       an architect the last ten years, and the last two  
22       licensed in the state of New Jersey.

23                   MR. MICELI: And you've appeared  
24       before planning and zoning boards and testified in  
25       the field of architecture?

1 MR. MELIA: I have. I have been  
2 before this Board.

3 MR. MICELI: Mr. Chairman, I ask that  
4 you accept this witness as an expert.

5 CHAIRMAN CHOFFO: Thank you.

6 MR. MICELI: Mr. Melia, can you  
7 orient the Board to this site?

8 MR. MELIA: If you could turn to  
9 Drawing Z-2, it shows the property on the southeast  
10 corner of John F. Kennedy Boulevard, which is the  
11 County road, and West 44th Street. Opposite the  
12 site is Hudson County park, and also the Jewish  
13 Community Center to the north.

14 Very briefly, it's an eight-story  
15 building, with two levels of parking, half up and  
16 half down, and six residential floors and an eighth  
17 floor, which is common amenities and a rooftop  
18 landscaped deck. Just to discuss the access to the  
19 parking, the top of the half-down access is located  
20 as far as possible from the intersection with John  
21 F. Kennedy Boulevard. It's approximately 75 feet.

22 MR. MICELI: So that access is on the  
23 municipal street, right?

24 MR. MELIA: It is on the municipal  
25 street, correct.

1 MR. MICELI: 44th Street, there would  
2 be no access from the County road?

3 MR. MELIA: Correct. This is to  
4 minimize the impact of the queuing at the traffic  
5 light at the intersection.

6 Just again, on Z-2, as per the County  
7 engineer's comments, we're providing ADA compliant  
8 ramps at the corner of JFK and 44th Street. We will  
9 have a lot of our painted crossings at that  
10 intersection. We are also providing new sidewalks  
11 along the entire frontage along 44th Street,  
12 allowing the entire frontage of John F. Kennedy from  
13 44th Street all the way down to 43rd Street, which  
14 would include shade trees and new sidewalks that are  
15 in full conformance with the County standards.

16 MR. MICELI: Are there other  
17 proposals for the County right-of-way on the  
18 Boulevard?

19 MR. MELIA: Yes, there were. I was  
20 going to get to that later. Just briefly, if I  
21 could come back to that, if I could return to  
22 drainage, if you refer to Drawing Z-4, I know you  
23 can't see, I don't need to see it, but we're  
24 proposing a stormwater detention plan, which is  
25 below the lower parking level that connects that to

1 the relief sewer on JFK. The County engineer  
2 requested that we provided a manhole at this  
3 connection, which we see no problem with, subject to  
4 the MUA review and approval.

5 That's basically the overall view. I  
6 could note for the Board, which is from discussions  
7 today that we had with the town planner, with the  
8 city planning of Bayonne, and they made some  
9 revisions with the streetscape, and I just want to  
10 go into that so we can discuss what encroachments we  
11 have into the County roadway.

12 I don't know if you can see this, so  
13 hopefully the description will suffice. We're  
14 proposing seven new shade trees on the frontage,  
15 four on 44th Street and three on John F. Kennedy at  
16 our site, and an additional three shade trees on the  
17 adjoining site extending down to 43rd Street, so  
18 that's a total of ten shade trees spaced about  
19 30 feet as per the County standard, and they're also  
20 County standard shade trees.

21 We are also proposing a planter along John  
22 F. Kennedy Boulevard that's six feet in depth and  
23 almost completely covers the frontage with the  
24 exception of a break at the entrance. Along the  
25 entire front, it's six feet, and also the canopy,

1 which is exactly 14 feet wide by six feet deep, will  
2 extend over the entryway. That's an encroachment  
3 into the County roadway.

4 MR. MICELI: There is a question  
5 raised about the New Jersey Transit bus stop located  
6 right in front of this site. Can you tell the Board  
7 what we will be doing during construction?

8 MR. MELIA: Hopefully, we will have  
9 sufficient room that there will be no disruption at  
10 all. Any foreseeable disruption, the construction  
11 manager is going to coordinate with NJ Transit and  
12 the County to either protect the existing bus stop  
13 or determine a location where it could be relocated.

14 MR. MICELI: I think that would be it  
15 for all of our questions for our architect. I would  
16 like to address one issue that was raised about the  
17 environmental conditions on this site just quickly  
18 before we move onto questions.

19 This site was a gas station. It has been  
20 the subject of a soil remediation. There has been  
21 RAO issued and a new NFA has been issued for soils  
22 with regard to this property. The groundwater is a  
23 different story. There were groundwater monitoring  
24 wells on the site. The groundwater contaminants  
25 have migrated off the site. So we closed the

1 on-site wells. There have been new wells, a couple,  
2 that have been installed on the County right-of-way  
3 on Kennedy and the park. I believe there are  
4 probably a few more that are required. We're  
5 probably not going to get an NFA.

6 This is being done by a prior owner  
7 anyway. With regard to our site, no further action  
8 is required for groundwater monitoring. We have  
9 submitted a letter from our environmental consultant  
10 indicating that, but I think in the reports, it's  
11 asked for the NFA for groundwater, and that might  
12 never come because it's moving away from the site.  
13 It's not ever going to ever come back on the site.  
14 So in the safe development of the site, you don't  
15 really need that, and we would ask that that not be  
16 the condition, this way we're not sitting here three  
17 years from now saying, we don't have that NFA for  
18 groundwater.

19 I can tell you that we can have our  
20 professional's report that says there is no further  
21 action required for groundwater monitoring at this  
22 site. So it's safe to build on.

23 CHAIRMAN CHOFFO: You have an NFA  
24 letter?

25 MR. MELIA: We have what's equivalent

1 of the NFA from an LSRP that was issued for soils  
2 only, but also a supplemental letter that was  
3 requested by the City as part of our site plan  
4 application there, which says there were groundwater  
5 issues, there were monitoring wells there,  
6 groundwater issues have migrated off-site towards  
7 the park. So they're relocating the monitoring  
8 wells to track where the pollutant is going from  
9 where it is now. It's moving away from the site.  
10 It won't be back on the site. Considering it's a  
11 different owner all together, it's a different --  
12 the same environmental consultant is handling it,  
13 but it's not this applicant, not this site. It's  
14 going to be somewhere else. There may one day be  
15 issued a NFA for groundwater, but that might not be  
16 for years, and it's going to be for some other site  
17 somewhere else, but it's not for this site.

18 So we would ask that that condition be  
19 removed, and you accept the letter from Brinkerhoff,  
20 that was signed and sealed in the original that says  
21 no further groundwater action is required on this  
22 site. It's basically safe to build.

23 CHAIRMAN CHOFFO: Bayonne accepted  
24 it?

25 MR. MELIA: Yes.

1                   COMMISSIONER ARENCIBIA: Mr.  
2 Chairman, the groundwater, just you testified that  
3 it's moving away from the site towards the County  
4 park, you said there was monitoring wells installed  
5 in the park?

6                   MR. MICELI: Yes, and as I said, that  
7 was a different owner. The prior owner is handling  
8 that. I do have a plan. If you wish to see it, I  
9 have a copy here. I can send it to you  
10 electronically that show the location of those two,  
11 which I assume was addressed by the County, again,  
12 different owner, different applicant, but as far as  
13 I know, there are a couple there now. I've got the  
14 plan showing the location. It's probably a few more  
15 required to define the plume, but we're not going to  
16 have anything to do with that, and I certainly don't  
17 want to wait around for an RAO on that.

18                   COMMISSIONER ARENCIBIA: I personally  
19 don't know or I'm not aware of those monitoring  
20 wells before you came before the Board. There's a  
21 permit that's necessary from the County Engineer's  
22 office to install those monitoring wells, and there  
23 may be others in the park. If you installed those  
24 in the park, you needed to get permission for that.  
25 Regardless, those monitoring wells require

1 monitoring by the LSRP, which should be providing  
2 reports to the County as well.

3 MR. MICELI: Yes, I do have a plan,  
4 if you would like to see the locations. I can pass  
5 this up to you.

6 COMMISSIONER HOLLOWAY: Mr. Chairman,  
7 I have a question. Can the water not be redirected  
8 toward the park?

9 COMMISSIONER ARENCIBIA: The water  
10 table is underground. The water moves.

11 COMMISSIONER HOLLOWAY: How do we  
12 know it won't go back there?

13 COMMISSIONER ARENCIBIA: It could.  
14 It's probably affected by the river. It's near the  
15 river. It's probably flowing down towards the  
16 river, and there's no way to come back. I'm not  
17 sure what the geology is there that's helping the  
18 water migrate towards the river. Other than that, I  
19 don't have a report to answer. It's not uncommon  
20 for it to move.

21 CHAIRMAN CHOFFO: Who was the prior  
22 owner? Do we know the prior owner?

23 MR. MICELI: You mean what entity is  
24 responsible for the remediation? I don't know the  
25 name of the entity that's doing the remediation. I

1 used to know it. We can get that information to  
2 you, but it's not us.

3 COMMISSIONER ARENCIBIA: Is part of  
4 your project providing capping the site? Obviously,  
5 they're building at ground level for the parking  
6 garage. The reason for that is because of the  
7 contamination?

8 MR. MICELI: We're going to be taking  
9 out soil, and with the water table there, you really  
10 don't want to go down very far. I have John Cali,  
11 who is one of the members of the LLC, that would  
12 like to speak.

13 MR. CALI: My name is John Cali,  
14 J-o-h-n; C-a-l-i.

15 (The witness is sworn.)

16 MR. CALI: Just to try to shed a  
17 little light on the environmental issue, there is no  
18 contamination left in the soils on the site. We  
19 don't need to have any special treatment, and there  
20 is no need for a cap. That's why I jumped in. I  
21 wanted to clarify that all of the contaminated soils  
22 have been removed, et cetera. My conversations with  
23 the LSRP right before and after we purchased this  
24 indicated that it is not oil that's moving, it's an  
25 additive, ether, that is migrating that they're

1 monitoring.

2           The LSRP indicated it's not a particularly  
3 serious contaminant, but it is required to be  
4 monitored, and eventually, it will dissipate,  
5 evaporate, et cetera, and so the sequence of  
6 monitoring wells is to track that and determine at  
7 what point it is dissipated.

8           COMMISSIONER ARENCIBIA: Did the  
9 previous owner pay for the remediation?

10           MR. CALI: The previous owner  
11 initiated this, and the NFA, which is No Further  
12 Action letter, when the DEP was handling this is not  
13 in place. The DEP backed out, initiated or gave  
14 responsibility to licensed professionals, LSRPs, and  
15 when they are completed, they issue an RAO, Remedial  
16 Action Outcome, which is the equivalent of the old  
17 NFA.

18           So there is an RAO for the site and the  
19 soils and the water on the site, and they are  
20 continuing to monitor the movement of this ether  
21 plume as it begins to dissipate. That's all for the  
22 previous owner who initiated this.

23           MR. MICELI: I responded to an e-mail  
24 a few days ago and attached the letter from  
25 Brinkerhoff dated April 15, 2013, which attaches the

1 RAO for soils, which is dated April 4th, 2012. The  
2 report I obviously can get, but I do have these if  
3 you would like to take a look.

4 COMMISSIONER ARENCIBIA: Basically,  
5 they are saying that you have remediated the site.  
6 There is no soil that needs to be removed. Whatever  
7 was contaminated was already removed, it's gone.  
8 It's just a monitoring the process that's required  
9 by the LSRP, Brinkerhoff Environmental Services?

10 MR. MICELI: Right, and even in the  
11 more recent letter from April of this year, it  
12 specifically says that there is no further action  
13 required for groundwater monitoring on this site.

14 COMMISSIONER ARENCIBIA: There is  
15 further action in the County Park?

16 MR. MICELI: Correct.

17 COMMISSIONER ARENCIBIA: And  
18 Brinkerhoff Associates is going to continue that  
19 monitoring?

20 MR. MICELI: They are.

21 COMMISSIONER ARENCIBIA: Who is  
22 paying Brinkerhoff for that?

23 MR. MICELI: I think the prior name  
24 of the LLC coming off memory is 1040 to 1046 Kennedy  
25 Boulevard. I just don't know who the members are, I

1 think that sounds right, who we purchased the  
2 property from.

3 COMMISSIONER ARENCIBIA: Was there  
4 any kind of documentation from them that they are  
5 continuing to pay Brinkerhoff for environmental  
6 services?

7 MR. MICELI: Well, I always hate to  
8 leave something to third parties for conditions of  
9 approval, particularly where we have no control over  
10 that third party. I will do our best. I can  
11 promise that. If they tell us no, I don't want to  
12 be stuck. We do want to get in the ground.

13 CHAIRMAN CHOFFO: I have a question.  
14 Is there any reason why this didn't come up in our  
15 site plan meeting? I don't recall this coming up  
16 there.

17 MS. MASSEY: No, this wasn't an issue  
18 at our site plan meeting.

19 COMMISSIONER HOLLOWAY: I have a  
20 question that's bothering me. If you're required to  
21 still monitor something, then someone has a concern,  
22 otherwise you wouldn't have to monitor it.

23 MR. MICELI: We, as the applicant,  
24 are no longer required to monitor on the property  
25 that we own. The prior property owners who were

1 responsible for the contamination will be  
2 responsible to monitor that until it is below  
3 acceptable levels, and they can get a response to  
4 Remedial Action Outcome. With regard to our site  
5 and responsibility, there is nothing that we have to  
6 do to close out or to build on our site. It's safe.  
7 We have our LSRP that says all the remediation that  
8 we have to do on our site, which is what is required  
9 to build has been done.

10 COMMISSIONER HOLLOWAY: So there is  
11 no monitoring on the site that you want to do?

12 MR. MICELI: No, there will be none.  
13 We had them. They're closed.

14 COMMISSIONER HOLLOWAY: Just for the  
15 record.

16 MR. MICELI: Absolutely.

17 COMMISSIONER CRYAN: Mr. Chairman.  
18 So when it was sold, the prior owner had to do this  
19 monitoring and had to continue to monitor it?

20 MR. MICELI: The prior owner has  
21 agreed to. We're certainly not responsible for it.  
22 So the prior owner has the responsibility to  
23 continue the monitoring. We have not paid for that.  
24 There has been activity. There have been monitoring  
25 wells. I can get a letter from Brinkerhoff telling

1 you they still are the LSRP, and they are monitoring  
2 the site. I do that because we do have some control  
3 over that. I can promise you. That's the best I  
4 can probably do. I'll try to get one from the  
5 owner, but I can tell you that we do have some  
6 control over Brinkerhoff so I can ask them to get a  
7 letter to you.

8 COMMISSIONER ARENCIBIA: Mr.  
9 Chairman, the site, the contamination generated by  
10 the site, is now as testified by the applicant  
11 migrating to County property, Kennedy Boulevard and  
12 the County park, and that monitoring needs to be  
13 continued, needs to be reported to the County, and  
14 the owner of the site, it should be a condition on  
15 this application that they will continue to monitor  
16 it and pay for the service.

17 MS. MIDDLETON: I think we're  
18 confused about the responsible party. I don't know  
19 that this applicant is responsible pay for  
20 remediation. Assuming that the responsible party is  
21 working with the DEP, I don't know if the applicant  
22 has control. The responsible party sold the  
23 property.

24 COMMISSIONER CRYAN: There must be  
25 subject to or language in the sales contracts about

1 that?

2 MR. MICELI: We are not responsible.  
3 We did not inherit any of the environmental  
4 responsibility when we purchased the property. It  
5 was left with the prior owner. It is not our  
6 responsibility. I'm not sure if it's contractual.  
7 I didn't see the document, but we are not  
8 responsible for any contamination. We are not the  
9 generator of the contamination. We were not the  
10 owner when that was generated. Our hands are clean  
11 on this, and we have no further responsibility.  
12 We're done as far as environmental monitoring is  
13 concerned.

14 MS. MIDDLETON: I don't know if the  
15 monitoring affects drainage or traffic or?

16 MR. MICELI: Not to my knowledge. We  
17 haven't been involved in the monitoring. I know the  
18 locations now, but because it's not our  
19 responsibility, I really don't know. I can't really  
20 answer that.

21 CHAIRMAN CHOFFO: Did Bayonne have a  
22 problem with this?

23 MR. MICELI: They asked for the  
24 letter I gave to you now. They accepted that as  
25 they're okay. That's the condition. That's what

1 they asked for. That's what they gave, and they're  
2 okay with the LSRP issuing the letter that we did.

3 COMMISSIONER BETTINGER: My concern  
4 is that this is going to be a residential building,  
5 and who is going to monitor, who is monitoring the  
6 building for contaminates?

7 MR. MICELI: It's not on-site. It  
8 won't be on-site. It's moving downgrade. It's  
9 moving away from the site. The monitoring will tell  
10 us where it's going, and so the soils have been  
11 cleaned to residential standards, and quite frankly,  
12 every other property in the City is potentially  
13 exposed to migrating underground contaminants. So  
14 can I guarantee you that there will never be? I  
15 don't think any property in Bayonne is guaranteed  
16 that you're not going to potentially be exposed to  
17 something at some point.

18 With regard to our site, it is clean.  
19 It's clean to residential standards. DEP has given  
20 authority for the LSRP to issue that letter saying  
21 no further action is required for groundwater. This  
22 is going to be a safe site. It's not going to cause  
23 any health issues.

24 CHAIRMAN CHOFFO: Can you provide any  
25 and all documentation regarding that to our County

1 Engineer's office?

2 MR. MICELI: I certainly can.

3 COMMISSIONER ARENCIBIA: Mr.  
4 Chairman, there are certain laws that the generator  
5 of contamination is required to clean up. That may  
6 be necessary in this case. Contamination of the  
7 water and ground specific to the site was  
8 contaminated, and the contamination migrating onto  
9 County property. My concern as the representative  
10 of the County Engineer is there's contamination  
11 that's migrated onto the County road and to the  
12 County park, and monitoring gets continued by the  
13 generator.

14 Obviously, this applicant is not the  
15 representative of the generator, but the applicant  
16 does have a relationship with them, and he has to  
17 make every attempt to relay our concerns to that  
18 person and provide us the documents that we're  
19 asking for, and they're continuing to monitor which  
20 I would presume until the groundwater is clean to  
21 the standards that monitoring was no longer  
22 necessary and it could be closed out, and they  
23 report that to the County.

24 MR. MICELI: There would be an RAO  
25 issued at that time. I don't know when that will

1 be, and I certainly don't want to hold the project  
2 up, particularly when there is no health issue. So  
3 I will get you documents from Brinkerhoff. I will  
4 try to get you documents from the property owner.

5 COMMISSIONER ARENCIBIA: I really  
6 stress the importance of this. You will need a  
7 franchise agreement from the County Board of  
8 Freeholders for the encroachments that have in your  
9 landscaping, and I am certain that part one of that  
10 approval the Freeholders will want to get the status  
11 of the environmental.

12 MR. MICELI: I'll get right on it.

13 CHAIRMAN CHOFFO: Are you in  
14 compliance with all the letters that you received  
15 with Ms. Massey and Mr. Tridente?

16 MR. MICELI: Yes, I think we  
17 addressed most of those through testimony. I don't  
18 know if there was any we left off. If there was, it  
19 was unintentional.

20 MS. MASSEY: Chairman Choffo, their  
21 two green techniques, No. 4, which is redevelopment  
22 of land, and No. 14, pavers. If you make changes to  
23 landscape plan, could you come in?

24 MR. MICELI: Yes.

25 MS. MASSEY: That's it for my letter.

1 CHAIRMAN CHOFFO: Paul.

2 MR. CRAY: Chairman Choffo. Just a  
3 couple of quick questions, I know you went over a  
4 couple things in testimony with regard to work  
5 within the County right-of-way. I want to clarify  
6 the crosswalks striping that's proposed at the  
7 intersection is not shown on this plan. It's a  
8 total of three crosswalks at the intersection, two  
9 across JFK Boulevard, one at 44th. Is the plan to  
10 stripe all three different crosswalks?

11 MR. MELIA: Correct, it is.

12 MR. CRAY: The other thing has to do  
13 with ADA facilities at the entire intersection. I  
14 know your property is that one corner. Has the  
15 applicant identified any of the other locations for  
16 handicapped ramps to meet accessibility standards?

17 MR. MELIA: We will be extending the  
18 new sidewalk down 43rd Street. We will have to  
19 provide ramps at the locations, and they'll have to  
20 conform with ADA standards.

21 MR. CRAY: But no other ramps, only  
22 the ramps along the frontage between 44th and 43rd,  
23 are going to be under your construction contract?

24 MR. MELIA: Yes.

25 MR. CRAY: The other thing had to do

1 with the traffic signal controller. I just wanted  
2 to be assured that access to that controller is  
3 still available. I believe it is very close to that  
4 controller. Do you know where that is, and have you  
5 actually mapped where that location is and where the  
6 door opens to make sure that access to the traffic  
7 signal is being maintained?

8 MR. MELIA: Based on the survey, it  
9 is right on the planter. I think I have to set back  
10 the planter so there is adequate clearance. So I'm  
11 probably going to pull the planter in off the corner  
12 eight or ten feet, whatever is required to get  
13 access.

14 MR. CRAY: I believe the door  
15 actually opens towards JFK, which would help, not  
16 toward the building, so that access to the  
17 controller is facing -- it would face the building,  
18 which would help, you know, with your design. So  
19 that's something that during construction, we'll  
20 make sure we get that planter moved clearly.

21 MR. MELIA: When we submit the  
22 revised streetscape plan, I'll have the planter  
23 modified.

24 MR. CRAY: And identify the  
25 controller on survey so we can see where that is in

1 relationship.

2 COMMISSIONER ARENCIBIA: Speaking of  
3 the planter, is that where the edge of the sidewalk  
4 is currently located?

5 MR. MELIA: It's a 20-foot deep  
6 sidewalk, which consists approximately four feet of  
7 a strip of seated area and six feet of sidewalk.  
8 The remaining area is chain-link fence. It's in the  
9 public right-of-way, but it's behind the fence. So  
10 we would be removing that fence and replacing the  
11 seating area, which is in the public roadway with  
12 the planter.

13 COMMISSIONER ARENCIBIA: It looks  
14 like there is a curb line in front of a grass strip  
15 area, and then the sidewalks starts, which looks  
16 like about eight feet wide, and then grass into the  
17 site?

18 MR. MELIA: Yes.

19 COMMISSIONER ARENCIBIA: So you're  
20 going to remove that sidewalk and curb, rebuild it,  
21 and you're going to move from the curb line onto the  
22 concrete sidewalk?

23 MR. MELIA: It's going to have to be  
24 completely replaced to County standards.

25 COMMISSIONER ARENCIBIA: Then the

1 current edge of the sidewalk, is that where the new  
2 planter will begin?

3 MR. MELIA: I'm not sure which  
4 photograph you're looking at, but there is a fence,  
5 an existing fence right now. I'm sorry. If I can  
6 refer to the existing sidewalk, which is  
7 approximately six or eight feet in width, where that  
8 sidewalk ends is roughly where the planter is going  
9 to be. Where you're looking at, the overgrown  
10 seated area is going to be a planter. Actually, the  
11 sidewalk is going to be slightly wider than it is  
12 now.

13 COMMISSIONER ARENCIBIA: The trees  
14 look pretty big for those boxes. Are you going to  
15 update the boxes?

16 MR. MELIA: They're four feet by  
17 four feet.

18 COMMISSIONER ARENCIBIA: We have four  
19 feet left over between the tree box and the planter?

20 MR. MELIA: The planter is going to  
21 be six feet wide.

22 COMMISSIONER ARENCIBIA: I'm asking  
23 about the remaining width of the sidewalk between  
24 the tree box and the planter.

25 MR. MELIA: It's six feet of planter,

1 four feet of tree pit, subtract that from twenty and  
2 you're left with ten feet.

3 COMMISSIONER ARENCIBIA: Are there  
4 signs currently out there on the drawings so the  
5 contractor knows he needs to put back the bus stop  
6 sign or any other sign that may be requested right  
7 in front of that site? That would have to be  
8 maintained during construction, and maybe to  
9 reconsider the tree boxes just for the passengers to  
10 have a place to wait for the bus. You may want to  
11 eliminate one or two be depending on NJ Transit.

12 MR. MELIA: On that subject you may  
13 be looking at a plan that was submitted, and the  
14 plan as I stated, we met with the City Planner.  
15 Also, in one of the engineer's comments, we had the  
16 trees closer than 30 feet, so we've addressed, and  
17 you might be looking at a plan that shows five  
18 trees, and it should be three. That should somewhat  
19 address.

20 COMMISSIONER ARENCIBIA: You're down  
21 to three trees. That's okay. There's a permit  
22 required when you're doing all this work in the  
23 County right-of-way. Just make sure the handicapped  
24 ramping is not constructed without an inspector to  
25 ensure proper construction of the ramps.

1                   CHAIRMAN CHOFFO: Mario, do you have  
2 anything?

3                   MR. TRIDENTE: Mr. Chairman, I just  
4 wanted to remind the applicant that before they  
5 receive their certificate of occupancy, that they  
6 must come back to this office for a site review to  
7 make sure that the conditions have been met in  
8 conformance to the resolution.

9                   COMMISSIONER BETTINGER: Will these  
10 be rental or condominiums?

11                  MR. MICELI: These will be rentals.

12                  FREEHOLDER DiDOMENICO: Mr. Chairman,  
13 first of all I'm very glad something is going to be  
14 built on this site, which had been an eyesore for  
15 years, and it's going to be a lovely project. I'm  
16 glad to hear about the size of the sidewalk being  
17 the same or larger. That is a heavily used bus stop  
18 on that corner.

19                  My only concern, and I guess this is more  
20 of a municipal concern, not a County, involves the  
21 useable street. Because of the community center  
22 across the street, that corner tends to get  
23 congested when the buses are letting off children,  
24 parents are dropping off and picking up their  
25 children. The driveway will be in and out coming

1 out into that same area where there's a lot of  
2 double-parking. Like I say, that's a city issue or  
3 probably maybe the community center will have to  
4 figure out to how to --

5 MR. MICELI: As you know my wife is  
6 the director at the Jewish Community Center. They  
7 have a plan for a pull-in area to make that function  
8 better, but we will absolutely, if there is an  
9 issue, I know someone over there who I can give a  
10 call to and work on the issue.

11 FREEHOLDER DiDOMENICO: Good luck.

12 COMMISSIONER HOLLOWAY: Mr. Chairman,  
13 I want to go back to contaminants. I know the  
14 County is looking for a letter from the previous  
15 owner for continuous monitoring. My concern is what  
16 you just said, you're going to try. If we're going  
17 to approve this application, we need you to do more  
18 than try.

19 MR. MICELI: I can't guarantee what  
20 they're going to. If I could guarantee it, if I  
21 knew that I could get that owner to submit a letter,  
22 I would say absolutely, but I've had those kinds of  
23 conditions that I've inherited from other approvals,  
24 and when it says there is third-party action  
25 required of someone we don't have control over or

1 not a government agency, traditionally it lags, and  
2 it's tough to work with.

3           What I can tell you is that we employ the  
4 same environmental consultant, and that LSRP puts  
5 their license on the line every time they sign and  
6 seal a document. We can get those documents to you  
7 to allay any concerns that the County may have. I  
8 think it's better coming from them, honestly, to  
9 address your concerns than from previous owner, who  
10 probably doesn't have the understanding or knowledge  
11 to let you know that it's okay to build here.

12           CHAIRMAN CHOFFO: Your client is the  
13 same company?

14           MR. MICELI: The LSRP who is handling  
15 the groundwater monitoring on that site is our  
16 environmental consultant on the site. We have  
17 control over that aspect. From your perspective,  
18 it's probably better to get something from a  
19 professional than it is a property owner saying,  
20 yeah, I'm still taking care of it. The LSRP is  
21 making sure that they still take care of it.

22           COMMISSIONER HOLLOWAY: One of my  
23 concerns is it's flowing into County property, and  
24 the taxpayers are going to pay for that if the  
25 previous owner doesn't.

1 MR. MICELI: The previous owner is  
2 going to have a problem.

3 COMMISSIONER HOLLOWAY: Right, that's  
4 my concern.

5 FREEHOLDER DiDOMENICO: I apologize  
6 for other expenses, but are there going to be bike  
7 racks available for the tenants?

8 MR. MICELI: Yes, there will be one  
9 bike rack per unit.

10 MR. MELIA: Within the parking garage  
11 on the drawings that were shown, the bicycle racks  
12 in the front are mounted to the walls. We hear this  
13 quite often where we don't have a room for bike  
14 racks. There is ample room for the wall-mounted  
15 bike rack that you can lock the bike to in front for  
16 up to 60 spaces. That is at least one bike for  
17 every unit.

18 FREEHOLDER DiDOMENICO: Thank you.  
19 And the parking spaces will be designated for  
20 specific apartments or tenants?

21 MR. MELIA: I'll leave that up to the  
22 owner, but it's rental, yes, they will. Everyone  
23 will have a set space.

24 CHAIRMAN CHOFFO: Any other  
25 questions?

1                   COMMISSIONER MEHTA: Are you going to  
2 have a ramp? The street is pretty close to the  
3 building? Is there any kind of a ramp, or are you  
4 go up and down at the same time?

5                   CHAIRMAN CHOFFO: Before you answer,  
6 I would like the record to reflect that Freeholder  
7 Romano had now joined us.

8                   MR. MELIA: To answer your question,  
9 there is a 12-foot ramp going up to the upper  
10 parking lot, which will be two-way. At the County  
11 engineer's request we've provided signage inside the  
12 parking garage, and also, the garage door will be  
13 closed. When the garage door opens for a car to go  
14 in or out, the ramp is at such a length that you're  
15 going to see oncoming traffic, so we don't think  
16 it's a concern with the ramp and considering the  
17 amount of traffic each ramp is going to have.

18                   MR. MICELI: We specifically  
19 addressed that with the City engineer and the  
20 planner as recently as today. We discussed the  
21 access. There was -- they are okay with the access  
22 in and out and the way it functions.

23                   COMMISSIONER ARENCIBIA: Mr.  
24 Chairman, any utility cuts on the County roadway,  
25 water, sanitary?

1 MR. MELIA: Referring to Z-4, the  
2 storm drainage system is going to connect to the  
3 lines along JFK.

4 COMMISSIONER ARENCIBIA: Okay.  
5 You're going to install eight-inch PVC?

6 MR. MELIA: Yes. The sanitary line  
7 runs along the sidewalk on JFK. Based on PSE&G's  
8 request, we are waiting for them to direct us where  
9 they want us to connect to.

10 COMMISSIONER ARENCIBIA: Also, the  
11 contractor is going to dispose of any environmental  
12 contaminants?

13 MR. MICELI: If they find it, they  
14 have to dispose of it according to regulation.

15 FREEHOLDER DiDOMENICO: I make a  
16 motion.

17 MS. MASSEY: On a motion made by  
18 Commissioner DiDomenico. Second by Commissioner  
19 Cryan.

20 Commissioner Arencibia.

21 COMMISSIONER ARENCIBIA: Aye.

22 MS. MASSEY: Commissioner Bettinger.

23 COMMISSIONER BETTINGER: Aye.

24 MS. MASSEY: Commissioner Cryan.

25 COMMISSIONER CRYAN: Aye.

1 MS. MASSEY: Commissioner DiDomenico.

2 FREEHOLDER DiDOMENICO: Aye.

3 MS. MASSEY: Commissioner Gomez.

4 COMMISSIONER GOMEZ: Aye.

5 MS. MASSEY: Commissioner Holloway.

6 COMMISSIONER HOLLOWAY: Abstain.

7 MS. MASSEY: Commissioner Mehta.

8 COMMISSIONER MEHTA: Aye.

9 MS. MASSEY: Commissioner Romano.

10 FREEHOLDER ROMANO: Aye.

11 MS. MASSEY: And Chairman Choffo.

12 CHAIRMAN CHOFFO: I vote aye.

13 MS. MASSEY: The motion has passed.

14 The next application is Application 2012-028-SP,  
15 Community Healthcare Associates, LLC, located at  
16 1825 Kennedy Boulevard, Block 255.01, Lot 6, in  
17 Jersey City.

18 MR. HARRINGTON: Good evening,  
19 Mr. Chairman, Commissioners. For the record,  
20 Charles Harrington of Connell Foley on behalf of the  
21 applicant. We're here tonight seeking site plan  
22 approval for property that I'm sure the  
23 Commissioners are familiar with. It's the old  
24 Greenville Hospital. It has been shuttered for  
25 years, and now what we have is a proposal to bring

1 it back to life.

2 My client is proposing to -- he's the  
3 contract purchaser of the property, and as part of  
4 plan, they intend upon rehabilitating the property  
5 and restoring it for medical uses and leasing back a  
6 lot of space to the Jersey City Medical Center, as  
7 well as additional space for other medical uses in  
8 conjunction in the Medical Center and the service it  
9 provides.

10 As part of the application or as part of  
11 the project, they are proposing to demolish the rear  
12 building. That is the portion of the site that  
13 essentially fronts on Fowler which runs parallel to  
14 Kennedy Boulevard. That will be the extent of any  
15 construction, if you will, at the site. They're  
16 taking the front, and they're going to leave it  
17 alone. They're going to restore on the inside.  
18 You're not going to have any other development on  
19 the site.

20 What will happen at the rear of the  
21 building is that the area which the building has  
22 been demolished will now be converted into  
23 additional parking space. So can you hear me? So  
24 the rear of the building, currently it has 15  
25 parking spaces, and what we will result as a result

1 of the demolishing the rear building, we're now  
2 proposing 44 parking spaces. So we will increase  
3 the capacity for parking at the site. The ingress  
4 and egress to Kennedy Boulevard will remain the  
5 same.

6 And the property, we did receive approval  
7 from the Jersey City Planning Board in March of this  
8 year, March 19th. The property is located within  
9 the medical district so we are proposing a use that  
10 is permitted under the zoning. I should also note  
11 that under the zoning regulations of Jersey City,  
12 the required parking for this use in the medical  
13 district is seven parking spaces. We're providing  
14 44. So we have almost six times what's required.

15 I do have a couple of experts that I want  
16 to present the project with me tonight, my engineer  
17 and I have Joe Staigar, my traffic engineer because  
18 the comment from T & M, they do have some questions  
19 regarding the impact on Kennedy Boulevard. We will  
20 address that as part of the presentation. I would  
21 like to first bring up Perry Frenzel to take you  
22 through the site and address the drainage. There is  
23 no impact, as Mr. Frenzel will tell you.

24 MS. MIDDLETON: State your name for  
25 the record, please.

1 MR. FRENZEL: Yes, Perry Frenzel,  
2 F-r-e-n-z-e-l.

3 (The witness is sworn.)

4 MR. HARRINGTON: Mr. Frenzel, give  
5 the Board the benefit of your professional  
6 qualifications.

7 MR. FRENZEL: I'm a licensed  
8 professional engineer and professional planner in  
9 the state of New Jersey. I hold the licenses since  
10 1983. I was educated at the New Jersey Institute of  
11 Technology, where I was granted a bachelor of  
12 science degree in civil engineering. I am currently  
13 associated with Michels & Waldron Associates, the  
14 engineers and planners for this project from  
15 Rivervale, New Jersey. Prior to my association with  
16 Michels & Waldron, I spent 20 years at vice  
17 president of developmental engineering for Hartz  
18 Mountain Engineers.

19 MR. HARRINGTON: I offer Mr. Frenzel.

20 CHAIRMAN CHOFFO: You may proceed.

21 MR. HARRINGTON: Thank you.

22 Mr. Frenzel, can you please take us through the site  
23 and address the engineering specially with regard to  
24 the drainage impact?

25 MR. FRENZEL: Certainly. The first

1 exhibit that I have is Sheet C-2, of the plan. This  
2 is the existing conditions plan. For your  
3 orientation, Kennedy Boulevard is toward the bottom,  
4 Fowler Avenue at the top. The property does run  
5 through from Kennedy to Fowler. At the center of  
6 the site, you will see the L-shape building.

7 The proposal is to basically draw a line  
8 along the back of the building demolish everything  
9 from there back. The three-story portion in the  
10 front will remain. The four-story portion in the  
11 rear will be demolished.

12 What I would like to show you next is  
13 Sheet C-3, site plan, shows you, currently there is  
14 a driveway in one way at this side of the site,  
15 which is really what's called the southerly side of  
16 the site. There is an existing driveway. Those  
17 driveways will remain as it, no changes proposed.  
18 There is a driveway today at the rear of the site.  
19 That entrance provides exit and entrance from  
20 Fowler.

21 If you look at the prior aerial  
22 photographs of the site and prior layout of the  
23 building, that site was used primary for emergency  
24 vehicles that were accessing the emergency room back  
25 on this end, which is the building being demolished.

1 What we're proposing to do is simply fill in the  
2 footprint of the building being demolished, create  
3 44 parking spaces in this area, close off the Fowler  
4 Avenue entrance and provide an additional  
5 landscaping area along Fowler and to enhance the  
6 landscaping along Kennedy Boulevard with no  
7 plantings at the driveway so you don't create any  
8 sight triangle issues.

9 The topography of the site slopes from  
10 Kennedy to Fowler, which is the direction of the  
11 drainage. Improvements will be drained into a  
12 series of catch basins in the parking lot, and those  
13 will be discharged into the existing system at  
14 Fowler Avenue. No additional drainage flow would go  
15 toward Kennedy Boulevard.

16 We are proposing certain low impact  
17 development techniques being employed with this site  
18 plan. Basically, the planting species will be  
19 native species, which I believe is No. 4 of the low  
20 impact development techniques. That's about all.

21 MR. HARRINGTON: Any questions?

22 CHAIRMAN CHOFFO: Any questions so  
23 far?

24 MR. TRIDENTE: Yes, Mr. Chairman.  
25 Could the engineer describe in a little more detail

1 what type of work is going doing on the site  
2 regarding the two driveways? There seems to be a  
3 lot of broken concrete. Are they going to be  
4 repaired or replaced in any way?

5 MR. FRENZEL: Whatever is broken and  
6 whatever County feels should be replaced, I'm sure  
7 the applicant will do that.

8 MS. MASSEY: Chairman Choffo, how  
9 many street trees will you be planting along the  
10 frontage?

11 MR. FRENZEL: Right now, there's are  
12 existing trees along the frontage. I believe there  
13 are nine of them, but spacing relatively close. I  
14 would suggest that damaged or dead trees on the  
15 spaces, right now some of those trees are as close  
16 as 15 feet apart.

17 MS. MASSEY: Oh, wow. I would agree  
18 with that.

19 CHAIRMAN CHOFFO: You made proceed.

20 MR. HARRINGTON: I would proceed now  
21 with Mr. Joe Staigar. He's our traffic engineer.  
22 The consultants did bring up some questions with  
23 regard to the impact on Kennedy Boulevard on the  
24 traffic. So I will swear Mr. Staigar in.

25 MS. MIDDLETON: State your name for

1 the record, please.

2 MR. STAIGAR: My name is Joseph  
3 Staigar, S-t-a-i-g-a-r.

4 MS. MIDDLETON: What firm are you  
5 associated with?

6 MR. STAIGAR: It's Staigar & Peregoy,  
7 P-e-r-e-g-o-y.

8 (The witness is sworn.)

9 MR. HARRINGTON: Mr. Staigar, can you  
10 give the Board the benefit of your professional and  
11 educational experience?

12 MR. STAIGAR: Yes, I have bachelor of  
13 science and master of science degrees from New  
14 Jersey of Institute of Technology. I'm also a  
15 professional engineer, licensed in the state of New  
16 Jersey as well as other states in the northeast,  
17 professional planner, licensed in the state of New  
18 Jersey as well. I've been an adjunct professor of  
19 traffic engineering at NJIT. I've appeared before  
20 this Board on numerous occasions throughout Hudson  
21 County.

22 CHAIRMAN CHOFFO: We accept your  
23 qualifications, Mr. Staigar.

24 MR. HARRINGTON: Mr. Staigar, have  
25 you had an opportunity to review the letter from T &

1 M Associates, dated May 13th, 2013?

2 MR. STAIGAR: Yes.

3 MR. HARRINGTON: Specifically with  
4 regard to the traffic comment, did you get a chance  
5 to review that?

6 MR. STAIGAR: Yes, I have.

7 MR. HARRINGTON: Can you please  
8 address those for the Board?

9 MR. STAIGAR: Yes, and there were  
10 three comments from T & M. The first comment is I  
11 think there is commentary to previous submittals  
12 that was prepared, and the second comment -- that  
13 relates basically that there may be a discrepancy  
14 and a direct relationship between the amount of  
15 parking that you need to trip generation. There are  
16 two aspects to the characteristics of the site.  
17 Parking, you typically think that the more parking  
18 you have, the more parking activity, not necessarily  
19 a direct relationship, and that was from your Board  
20 engineer. I agree with that.

21 And the second part deals with the  
22 magnitude, the amount of traffic that the former use  
23 generated, the hospital versus the medical office  
24 building, and these were taken from the ITE,  
25 Institute of Transportation Engineers document

1 titled Trip Generation. These are from sites  
2 typically in suburban areas, and I believe in terms  
3 of an urban area such as this, they might be  
4 overstated, but they give a relative difference  
5 between what you have versus what you will have in  
6 terms of trip generation.

7 I checked the calculations, and there was  
8 one discrepancy. I went back and forth, and on the  
9 fourth line of the comment where there is a  
10 comparison of the peak hours, the 116, I believe it  
11 should be 106, Bruce. I check it, double checked it  
12 and triple checked it. I get 106. The bottom line  
13 is in doing that comparison, this site will generate  
14 more traffic than the last one, even though it's  
15 half the size. You go from a 65,000-square-foot  
16 building that operated as a hospital to a  
17 32,000-square-foot medical office building,  
18 basically cutting the floor area in half.

19 The characteristics of a hospital are trip  
20 generations primarily generated by staff. People  
21 come in for overnight stays, or in a hospital, you  
22 may have visitors throughout the day. It's  
23 basically the doctors, the staff and the support  
24 system that generates the activity. In a medical  
25 office building, you have patients. They're not

1 there overnight so they're coming and going  
2 throughout the day. There is more intensification.

3           These comparisons mathematically  
4 calculated to an increase of sixteen trips in the  
5 morning peak hour, and 45 trips, these are enter and  
6 exit trips. So the increase of 16 trips may relate  
7 to eight in and eight out, and the p.m. peak hour,  
8 45 trips total in and out, and then the peak hour,  
9 the generator was 63 trips. The first two I gave  
10 you, a.m. and the p.m., deal with the time that the  
11 roadway is at its peak activity, typically between  
12 seven and nine a.m., four to six p.m. The rush  
13 hours that we see, and those as traffic engineers,  
14 those are the ones that we key in on.

15           Whereas, during the midday when traffic  
16 volumes on Kennedy Boulevard and surrounding  
17 roadways may be less, what we do in the medical  
18 office building, it does generate a little bit more  
19 traffic, but typically the roadway is more than  
20 likely to have hundreds of vehicles less than it is  
21 during the rush hours. Although we look at those  
22 tertiary peak hours, they really are not typically a  
23 subject of concern because the roadway volumes are  
24 very much lower. But the a.m. and p.m. certainly  
25 are valid in determining what the impacts may be.

1           These are, I believe, these are relative  
2 differences. These are -- I don't believe that the  
3 site in the past generated say for instance 62 trips  
4 in the p.m. peak hour and will generate 106 in the  
5 future with the medical office building, but I think  
6 the relative differences are valid. This is an  
7 urban site. I think that many of the employees will  
8 rely upon mass transit. I think some of the  
9 ambulatory patients will come by mass transit as  
10 well.

11           Many of these types of facilities, I just  
12 had eye surgery a few months ago, they offer, you  
13 know, van or taxi service to drive you to and from,  
14 knowing that you can't drive. We can expect that  
15 type of activity from this medical office building,  
16 particularly in an urban environment where that  
17 transport may only be halfway across the city and  
18 typically lesser milages away. I don't believe this  
19 site will generate 106 trips, but it will generate  
20 two-thirds of that number because we are in Jersey  
21 City at this site.

22           I did do a gap studies tonight because  
23 typical peak hour is the p.m. peak hour. I did go  
24 to the site during the rush hour this evening to  
25 determine are there gaps in traffic to allow

1 vehicles to turn left turn, to turn right in and out  
2 of this site driveway on Kennedy Boulevard, and  
3 during from our gap studies what we saw, traffic  
4 volume is pressure operating but then shut down  
5 because there are a series of traffic lights very  
6 tightly spaced together at Stevens Avenue, Wade  
7 Avenue, Bergen Avenue, but within a two or  
8 three-block area, there is probably five traffic  
9 light right after the other.

10           When the traffic lights turn red on  
11 Kennedy Boulevard, you could walk across very  
12 nonchalantly across the roadway. When it's green  
13 you can do so. But what I'm saying is that there  
14 are sufficient gaps in traffic to allow the  
15 magnitude of traffic to move in and out of Kennedy  
16 Boulevard during that peak hour. We had well over  
17 150 gaps in order to make left turns only. It's  
18 more critical to make a left turn because you need  
19 to gap across two directions of traffic, and making  
20 a right turn where you only need a gap in traffic in  
21 one direction.

22           Whereas you may see in the order of 30 or  
23 40 vehicles per hour trying to leave this site,  
24 presumably half of them will be lefts out and the  
25 other half will be rights out. We have in the order

1 of many times, about three or four times capability  
2 of handing that volume of traffic in and out of the  
3 site. So in terms of Kennedy Boulevard  
4 accommodating movements, safe efficient movements in  
5 and out of the site, I believe there was more than  
6 adequate gaps in traffic to accommodate the  
7 magnitude of traffic that will utilize the 44  
8 parking spaces that are being provided. Third  
9 comment dealt --

10 COMMISSIONER HOLLOWAY: If I may are  
11 you aware there's a school in front of that  
12 building?

13 MR. STAIGAR: Yes.

14 COMMISSIONER HOLLOWAY: Around three  
15 o'clock, four o'clock, there's buses and kids coming  
16 out. I understand that you want to make a left onto  
17 Kennedy Boulevard. Wouldn't that be a hazard at  
18 that time with kids walking towards Kennedy  
19 Boulevard, which is going north?

20 MR. STAIGAR: They're going north and  
21 across where the school is.

22 COMMISSIONER HOLLOWAY: Right.  
23 There's buses parked in front of it.

24 MR. STAIGAR: The buses are loading.  
25 You're not allowed to when the stop sign is out and

1 the kids crossing the streets, there are crossing  
2 guards there at that location that are controlling  
3 traffic. They're there for that very reason, if  
4 there are movements on the roadway or through the  
5 intersection, they're there to control that traffic.  
6 So no, I don't believe. I think you have clear  
7 visibility. That roadway is very straight and very  
8 flat.

9 COMMISSIONER HOLLOWAY: I'm familiar  
10 with the area.

11 MR. STAIGAR: I know. Does it cause  
12 congestion because of the guards stopping traffic?  
13 Yes, it gets busier during that time or more  
14 congested mainly because school is getting out. It  
15 lasts for about 15, 20 minutes. But that time it  
16 dissipates for the most part. It happens with any  
17 type of school. It's about a 15 to 20-minute  
18 flurry, and then it all subsidized thereafter.

19 Again, during the time period other than  
20 school activity, people aren't really commuting from  
21 work. It's before that rush hour. The volumes on  
22 Kennedy Boulevard are quite a bit lower than they  
23 will be later on at 4:30, 5:30, six o'clock.

24 COMMISSIONER HOLLOWAY: Thank you.

25 MR. STAIGAR: I do believe it is a

1 valid point, a valid concern, but I believe the  
2 activity of the school is handled by the crossing  
3 guards, and it's short-lived in the morning peak  
4 hour.

5 The medical office building that's being  
6 proposed, it doesn't have what this hospital had in  
7 terms of a large shift change. The hospital usually  
8 has a seven o'clock, three o'clock and eleven  
9 o'clock at night shift where one shift is coming in  
10 and another shift is leaving within a half hour  
11 period, and that's your flurry of activity. This  
12 medical office building has more dissipated time of  
13 arrivals.

14 COMMISSIONER HOLLOWAY: Is it  
15 possible to have a sign no left turn between two and  
16 five? You can make a right turn between then.

17 MR. STAIGAR: Absolutely.

18 COMMISSIONER HOLLOWAY: I'm concerned  
19 about those kids. I'm familiar with that area. You  
20 can go right turn. People are flying down that  
21 road. For someone to sit there and try to make a  
22 left turn, those lights are very close together.  
23 I'm familiar with it. It's too hazardous,  
24 especially for the kids which is who I'm concerned  
25 about.

1                   COMMISSIONER ARENCIBIA: Mr.  
2 Chairman. I agree with that, Mr. Chairman. One  
3 thing is that northerly driveway is an exit driveway  
4 from the site, and you're very close. You're almost  
5 right at the intersection of Wade Avenue?

6                   MR. STAIGAR: No, Stevens.

7                   COMMISSIONER ARENCIBIA: Stevens is  
8 the signalized with a crossing guard. The crossing  
9 guard's job is not to direct traffic. It's really  
10 to safeguard the children, make sure traffic stops  
11 for them when they're crossing. The signal will be  
12 operating. I think the traffic is so close to the  
13 Stevens intersection that someone trying to make a  
14 left turn is going to get caught up because if  
15 there's a car waiting at the stop bar, he won't be  
16 able to get out. He's going to have to sit there  
17 and pry into the intersection a block the southbound  
18 lanes.

19                   One question I have is, is it possible for  
20 you to switch the traffic direction of the  
21 driveways, that is make the northerly driveway an  
22 entrance and the southerly driveway which is further  
23 away from the intersection the exit, which gives you  
24 less interference with that intersection?

25                   MR. STAIGAR: One of the -- right, I

1 think that's a good point. We flip the inbound and  
2 the outbound. We get exit movements the whole the  
3 width of the site away from that intersection, and  
4 at that point, you're well over a hundred feet, two  
5 hundred feet away from Stevens Avenue and the school  
6 as well. I think that's a better solution. I think  
7 that solves a lot of the issues that we may be --  
8 rather than to try to put up a sign, because not  
9 everybody that wants to go north won't go north. If  
10 we move that driveway, I think that allows them to  
11 go north, but a lot safer. I think that's an  
12 excellent idea.

13 COMMISSIONER ARENCIBIA: No charge.

14 CHAIRMAN CHOFFO: Would the applicant  
15 agree with that?

16 MR. HARRINGTON: Yes, that's  
17 acceptable.

18 COMMISSIONER ARENCIBIA: How far is  
19 next signal to the south?

20 MR. STAIGAR: That's Wade. That's  
21 quite a ways south from Stevens. It's another  
22 200 feet away. I know you're saying are we pushing  
23 it too close to Wade, yeah, in the middle of the  
24 block. I think that solves that issue.

25 The last comment deals with the parking

1 requirements, and the peak demand is 104 spaces, but  
2 that is based on the ITE trip generation. We're  
3 actually required only to have as Mr. Harrington  
4 pointed out, seven spaces for the City code. We're  
5 going to need more than seven spaces. That's the  
6 requirement, but we're providing 44 spaces and in  
7 terms of the best way to put this I suppose or one  
8 of the ways to put it, we took a look at the  
9 existing site, which has 15 spaces. The City  
10 requirement had 13 spaces, so there was a two space  
11 overage.

12           And I'm sure with the hospital, people  
13 parked on the street. There was a means and they  
14 found a place to park somewhere. We're required in  
15 the new project proposal, we're required to have  
16 seven spaces but we're providing 44 spaces, so more  
17 than six times the amount of spaces that were  
18 required by ordinance. Kennedy Boulevard has mass  
19 transit bus service, good bus service at this  
20 location. Certainly not all patients are going to  
21 use bus service, but certainly employees and staff  
22 and some visitors to the site very well may be  
23 arriving by mass transit as well.

24           We believe 44 spaces may or may not  
25 accommodate a hundred percent of the parking all the

1 time, but it is certainly a vast improvement for  
2 what and how it was used before and reopened after  
3 several years. So the 44 spaces is an improvement  
4 in terms of getting the parking requirements. Now,  
5 I also took a look during the day of the parking  
6 demand on the street on Kennedy Boulevard. I didn't  
7 actually survey, but there was availability of  
8 parking on Kennedy Boulevard during the daytime  
9 period. At night after this hearing, not more so  
10 because there is a lot of residential uses in the  
11 area, maybe at night it may fill up. Certainly  
12 during the day, I saw quite a bit of available  
13 on-street parking in the area.

14 COMMISSIONER BETTINGER: How many  
15 parking spaces are to going to be designated for  
16 handicapped?

17 MR. STAIGAR: I think four. That is  
18 more than the ADA requirement. I think we only need  
19 two for less than 50 spaces.

20 COMMISSIONER MEHTA: Mr. Chairman,  
21 how many staff that, and are they going to use the  
22 same parking space? Are you going to designate  
23 them?

24 MR. STAIGAR: You said designated  
25 spaces for staff?

1                   COMMISSIONER MEHTA: Staff parking  
2 spaces.

3                   MR. STAIGAR: I wouldn't recommend  
4 that because I think we want to provide parking for  
5 our patients, our customers rather than the staff  
6 and cater to our customers and cater to the visitor.  
7 I don't believe, no, I don't believe we're going to  
8 designate parking for staff.

9                   COMMISSIONER MEHTA: Because I was  
10 looking at the floor plan. How long is the business  
11 hour, and how many employees would be in the lot?  
12 Where are they going to park?

13                  MR. STAIGAR: They'll be parking on  
14 the site. I'm sure we're not going to need 44  
15 parking spaces for all of the visitors, and some of  
16 the staff will drive to the site and park on the  
17 site, and many will use mass transit. Particularly  
18 the staff will use mass transit.

19                  COMMISSIONER MEHTA: How many people  
20 or staff during the hours of the business?

21                  MR. STAIGAR: You know, I think the  
22 normal business hour will be the typical office  
23 hours, let's say 8:30 to 5:30. There may be times,  
24 I know blood work, if you're doing blood work, they  
25 open early so people fasting can have their blood

1 taken. Typically, it's low activity before 8:30.  
2 The same thing during the night hours. Many doctors  
3 or medical services cater to people after work.  
4 Again, it's a much subdued activity at the site. It  
5 will be typical office hours 8:30 to five o'clock.

6 COMMISSIONER MEHTA: Can you answer  
7 my question how many employees will be parking  
8 there?

9 MR. STAIGAR: We don't know how many  
10 employees are going to be there now. There's a  
11 number of proposed uses within the building. We  
12 don't have tenants yet that are specifically using  
13 those spaces. So we can't provide it for a typical,  
14 you know, 30,000-square-foot office building,  
15 whether it's one doctor or one nurse and one space  
16 or two doctors sharing a space, we don't know yet.

17 I think going back to the local zoning  
18 ordinance, when they provide the regulations as to  
19 how much parking they did require, I believe it  
20 takes into account projected employees and people  
21 visiting the spaces. Especially in an urban area, I  
22 think there's a projection that some will be taking  
23 mass transit. If there is not space on-site to  
24 park, you're going to be parking off-site somewhere  
25 leaving that for potential for patients visiting the

1 site to park. Does that answer your question?

2 COMMISSIONER MEHTA: Because I'm  
3 looking at the floor plan, and you're going to have  
4 administrative and office staff with that, and  
5 that's why it becomes like difficult having a 30,000  
6 square foot office building, because the offices can  
7 have more than a hundred people. I understand it  
8 may not be a hundred people, but you cannot predict  
9 it. I understand that the regular people will be  
10 coming to use the public transportation, but I don't  
11 see everyone use public transportation so.

12 MR. FRENZEL: If I could address  
13 this, I would in this fashion. We have worked with  
14 the applicant before, and the applicant's company is  
15 called Community Healthcare Associates. Community  
16 Healthcare Associates has been in the business of  
17 buying defunct hospitals and rehabilitating them for  
18 this purpose. They bought the Barnert Hospital in  
19 Paterson. They bought the medical center in  
20 Atlantic City. This will be the third in this chain  
21 of such facilities.

22 The principals of Community Healthcare  
23 Associates are former chief operating officers of  
24 major hospitals in urban areas. They are certainly  
25 familiar with the demands on parking, especially in

1 the limited parking areas. There are also tenant  
2 spaces in the building. If you look at site plan  
3 and the spaces that will be up for lease, they will  
4 have questions about parking as well.

5 My response to you is that it's my opinion  
6 from what I have seen in other Community Healthcare  
7 Associates facilities, this is an issue that will be  
8 managed and managed appropriately by management,  
9 based on their experience and based on the demands  
10 of the uses within the building to provide adequate  
11 spaces for the people coming for treatment. We have  
12 seen that manifest at least in the facility in  
13 Paterson.

14 CHAIRMAN CHOFFO: I'm going to turn  
15 the meeting over to Vice Chairman Cryan. I have to  
16 step out.

17 COMMISSIONER MEHTA: My concern is  
18 they don't have ample parking space, and I am a  
19 little concerned.

20 MS. MASSEY: Chairman Cryan, maybe it  
21 would allay the Commissioner's fears if the County  
22 engineer spoke to whether he agreed with the parking  
23 that was proposed for the site.

24 COMMISSIONER ARENCIBIA: The traffic  
25 engineer testified that he used the ITE trip

1 generation manual, and they also have a parking  
2 generation manual, and I don't know if you spoke  
3 about that. Maybe you want to make a reference to  
4 that.

5 MR. STAIGAR: The parking generation  
6 for a medical office building is 3.2 per thousand  
7 square feet, and we're 30,000 square feet, you need  
8 a hundred parking spaces. That's a suburban area.  
9 That's where you don't have mass transit. You don't  
10 have urban people that can walk or be dropped off  
11 easily. You get into a car and go miles away, and  
12 they're driving to work or to go to the medical  
13 office building.

14 So Jersey City has been particularly very  
15 progressive over the past decades in terms of what  
16 are the actual needs for parking in a city  
17 environment. Their parking requirements are very  
18 much reduced that I've seen through the state, and  
19 it works. So whereas the ITE may require a hundred  
20 parking spaces, Jersey City is telling us, guys, you  
21 only need seven. We're providing 44. Do I believe  
22 that seven is enough? Absolutely not, but I believe  
23 44 is enough probably 90 percent of the time.

24 When you're dealing with an adaptive use  
25 of an existing building and existing site where the

1 existing building had 15; Jersey City, they required  
2 13. They were really only theoretically two spaces  
3 over the requirement. This building which requires  
4 seven parking spaces per the ordinance, we're  
5 providing 44 spaces, six times the amount that the  
6 ordinance requires.

7 So I think that the fact that we certainly  
8 comply and provide more than adequate or more than  
9 what's required for ordinance is a guideline that we  
10 should have adequate parking at least most of the  
11 time, and not cause congestion on the streets and  
12 double-parking. There is also for the small amount  
13 of overflow that may be expected, can be  
14 accommodated on the street. From my observations of  
15 the County boulevard and surrounding streets, there  
16 is during the day adequate parking to accommodate  
17 that overflow of ten or twelve additional cars.

18 COMMISSIONER HOLLOWAY: You have  
19 seven vehicles for staff there?

20 MR. STAIGAR: That's total. That's  
21 total. It's a funny number. I agree.

22 COMMISSIONER HOLLOWAY: The ordinance  
23 says seven. You're doing 44. Thank you for that.  
24 What I think the concern is, can you break it up  
25 that you may have 20 employees, and then you'll have

1 24 drivers?

2 MR. STAIGAR: That would be a  
3 reasonable number. I think Mr. Harrington pointed  
4 out, that's going driven by what type of doctors,  
5 how many staff, are they all there, are all the  
6 offices occupied at the same. Typically, doctors  
7 are not.

8 COMMISSIONER HOLLOWAY: I understand  
9 that. The reason I think he's concerned is if you  
10 don't mark it off where the patients have an area  
11 where they can actually go, they're going to be  
12 double-parking and looking on the side streets.

13 MR. STAIGAR: Good point.

14 COMMISSIONER MEHTA: I think that we  
15 can approve if you don't have parking for the staff  
16 occupying the offices, and you have parking on the  
17 street and parking in the neighborhood during that  
18 time when school is out. After the 3:30 or four  
19 o'clock, yes, I understand that before that evening  
20 time.

21 MR. STAIGAR: In terms of designating  
22 and reserving a specific parking spaces, coming up  
23 with a number tonight I don't think is a good idea  
24 because the last thing you want to do is, say you  
25 broke it down to 20 staff and 24 patients. It

1 didn't seem to work out that way. You only had a  
2 need for ten staff and 34 visitors, you'll have ten  
3 spaces that are empty that the visitors can't park  
4 in.

5 That balance how to designate that really  
6 needs to be done when the building is occupied and  
7 through experience, otherwise you're going to  
8 designate and reserve the spaces that may not be  
9 used, and you've got lost parking in the lot where  
10 you may have more of a demand for one user.

11 COMMISSIONER HOLLOWAY: Basically,  
12 it's first come, first served.

13 MR. STAIGAR: I think that is the  
14 best way to do it, and obviously, we all know that  
15 doctors have their own spaces. They're going to  
16 demand their own spaces be reserved. We don't want  
17 to reserve them for ten doctors, and there is only  
18 eight in the building, so you've got two spaces  
19 unoccupied all the time. That's going to be I  
20 believe, it should be for the most part first come,  
21 first served, with some sort of parking management  
22 that makes sense by the owner of the building. So  
23 you don't overburden or under-burden any type of  
24 user.

25 COMMISSIONER HOLLOWAY: If I was a

1 patient and I couldn't park, I may go that day, but  
2 I'm not coming back.

3 MR. HARRINGTON: Exactly, you don't  
4 want to create a parking problem. You want to  
5 create a successful practice, and the doctors will  
6 work that out with management. If they start  
7 getting complaints that their patients can't park,  
8 and they're driving around, they're going to talk to  
9 the manager and say, What are we doing here to fix  
10 this.

11 COMMISSIONER ARENCIBIA: Mr.  
12 Chairman, I think we should try to get a resolution  
13 of this matter because you're going to have 44 spots  
14 that's more than adequate for Jersey City, but  
15 according to the parking generation, that's for a  
16 suburban setting. People are taking a bus to see a  
17 doctor. You're going to get people driving to see  
18 the doctor, and the types of cars you have with  
19 doctors or nurse practitioners that work there, that  
20 are long-term. They are going to park all day  
21 versus the patients that are short-term during the  
22 day and turn over maybe six times in the course of a  
23 day, whatever it is.

24 So there has to be number dedicated to the  
25 patients in this parking lot. It should be signed

1 with patient only, and the staff of the building  
2 will try to not take up all those spaces. You're  
3 going to have patients coming that's going to need a  
4 parking spot, perhaps not only to ensure there's  
5 adequate parking, but there is not double-parking.  
6 I'm not sure if that is going to happen. Just for  
7 the sake of business, you definitely want to have  
8 parking for your patients, and if they're not going  
9 to park there, they're not going to come.

10           There has got to be something that we say  
11 you have to provide some kind of number to us so  
12 that we can be confident that that need is met. I  
13 don't think we can answer right here. You may  
14 depending on how the building operates, you may not  
15 have a certain need, but it needs to be addressed by  
16 the owner. Maybe as he leases the spaced out to the  
17 doctors, he sees more a need for parking to be  
18 dedicated to patients.

19           Because if we find double-parking with  
20 patients or doctors, they are going to get tickets.  
21 You can't double-park. You're right in front of a  
22 school. That's not tolerable. You're going to get  
23 a ticket. I'm just saying that's going to be part  
24 of the owner's responsibility to manage that parking  
25 lot.

1 MR. STAIGAR: I think it would be  
2 good business for him to manage it efficiently.  
3 It's an inherent operating condition that's going to  
4 be there anyway. I agree. It's most difficult to  
5 pick a number now of how many patients or how many  
6 staff that number should be really.

7 COMMISSIONER ARENCIBIA: You're not  
8 going to have 44 doctors and nurses that all want to  
9 drive and park there.

10 MR. STAIGAR: It's highly improbably,  
11 but it could happen.

12 COMMISSIONER ARENCIBIA: That should  
13 not happen. There should be some spaces for  
14 patients. You know they're going to be used. They  
15 want to be visiting their doctors in a timely  
16 fashion. They make us wait for them, and you've got  
17 to make sure that there is going to be parking for  
18 patients. It's got to be managed. I'm sure any  
19 medical office or medical facility has to balance  
20 that.

21 MR. STAIGAR: I don't think you're  
22 going to see a staff person or doctor double-parking  
23 on Kennedy Boulevard. It may be a patient that's  
24 got to pick up records. So having on-site parking  
25 for the patients or visitors is probably more than

1 it is for the staff. If I was going to pick out a  
2 number today, probably 15 for staff and the  
3 remainder 29.

4 FREEHOLDER ROMANO: Then you adjust  
5 accordingly and see what happens. Obviously if you  
6 don't want more than 24 for patients, you find that  
7 you're only using ten, then you adjust.

8 MR. STAIGAR: I mean with that  
9 understanding of the resolution that that number  
10 will be flexible.

11 COMMISSIONER HOLLOWAY: Mr. Chairman,  
12 on the first floor, your diagram you have 60  
13 patients waiting areas, 60 that is on the first  
14 floor. I'm familiar with that hospital. I'm glad  
15 someone is taking that building. It's been empty  
16 for a while. My concern is the patients not being  
17 able to park. There will be people double-parking  
18 going to the doctors. They do that on Palisades  
19 Avenue, right? If there is double-parking on  
20 Kennedy Boulevard, you're going to cause a big  
21 problem with that. So that's an issue. If you have  
22 designated parking for the patients, I don't know  
23 the number, I couldn't tell you the number,  
24 something so that they will be able to park.

25 MR. HARRINGTON: I think what we

1 could do is look at it and see what's the  
2 appropriate number to designate initially and  
3 provide a parking management plan. We will provide  
4 that to the County with the understanding that with  
5 our experience if that needs to change, we could  
6 change it and amend it accordingly, and provide that  
7 to the County that addresses that.

8 COMMISSIONER HOLLOWAY: Okay. I  
9 agree.

10 COMMISSIONER BETTINGER: Just out of  
11 curiosity, the former Greenville Hospital, how many  
12 spaces did they have?

13 MR. HARRINGTON: They only had 15  
14 spaces.

15 MR. FRENZEL: They had 15 spaces, and  
16 if you look at the aerial photos for the last years  
17 since the hospital was active, almost every one of  
18 those spaces was used by an ambulance or emergency  
19 vehicle. There weren't patients', doctors' or  
20 nurses' vehicles parked in those spaces. It was  
21 almost all ambulance parking.

22 COMMISSIONER BETTINGER: We had a  
23 hospital with 15 spaces.

24 MR. FRENZEL: And effectively all  
25 patients and visitors, all of parking was on the

1 street.

2 MR. STAIGAR: And to compare apples  
3 to apples, whereas the ITE says this medical office  
4 building would require a hundred parking spaces, a  
5 the hospital, if I used the same ITE numbers would  
6 require 200 parking spaces. So you double. You  
7 really have zero on site, and you need that many  
8 vehicles. So I don't think this proposal is going  
9 to work perfect each and every day, but certainly a  
10 much better improved situations than what you had at  
11 a hospital.

12 CHAIRMAN CHOFFO: Any comments?

13 MR. KLEIN: I just had one question  
14 for Mr. Staigar, and maybe to help out with this,  
15 could you tell them about when the peaking parking  
16 demand would be for this, such as seven o'clock in  
17 the morning, business is not going to be at full  
18 capacity?

19 MR. STAIGAR: Correct. During those  
20 shoulder time periods, say seven to nine in the  
21 morning and after five o'clock, the building would  
22 probably still be open, but you'll be operating  
23 minimal. It's usually during that midday,  
24 midmorning, midafternoon periods, maybe at the ten  
25 o'clock and two o'clock time period.

1 MR. KLEIN: You saw and observed the  
2 parking demand off-site around the city streets you  
3 mentioned?

4 MR. STAIGAR: Later in the evening  
5 when school was not in session, it was four to five,  
6 correct, thereafter, five to 5:30.

7 MR. KLEIN: So we have 104 spaces  
8 from ITE you're providing. You're providing 44.  
9 Again, because of the nature of this area, a lot of  
10 mass transit use, people walking, what would you say  
11 as a percentage maybe reduction for that?

12 MR. STAIGAR: I would say at least  
13 one-third.

14 MR. KLEIN: Or say 60 to 70.

15 MR. STAIGAR: Probably a peak demand  
16 at times.

17 MR. KLEIN: The maximum differential  
18 between what you're providing potentially.

19 MR. STAIGAR: That one-third is  
20 probably very a conservative assumption. If I was  
21 going to give the Board a conservative number, it  
22 would be more in order of half, whereas a hundred is  
23 required, may be you will see a demand of 50.  
24 That's been the general consensus of what Jersey  
25 City is. You'll get the Jersey City ordinance

1 requirements compared to the rest of New Jersey,  
2 there are no RSIS or other typical standards. It's  
3 half or less than half that they require for  
4 parking.

5 MR. KLEIN: For like residential use?

6 MR. STAIGAR: For all uses, so  
7 therefore when I say one-third reduction, it's  
8 probably a very conservative number. Probably more  
9 realistic would be half of that. So we're talking  
10 about an initial six space required beyond the 44  
11 that's provided. I don't know if that helps with  
12 understanding of what is necessary on the site.

13 COMMISSIONER MEHTA: My only concern,  
14 having the building is the better for the community,  
15 but at the same time, you have to have parking for  
16 the tenants of the property and the visitors of the  
17 property.

18 COMMISSIONER HOLLOWAY: Is there an  
19 entrance in the back?

20 MR. STAIGAR: On Fowler Street there  
21 is no entrance. But Jersey City, if you talk to the  
22 planners and the engineer of Jersey City, if you  
23 build it, they're going to use it. What they found  
24 was if you don't build it, they're going to find  
25 alternate means. So if you make it so easy for the

1 staff to come in and get their own parking space  
2 each and every day, they're going to use their car  
3 each and every day. If you make a little bit more  
4 difficult, that's what Jersey City's experience has  
5 been, I'm going to start using that bus rather than  
6 driving in because I have difficulty finding my the  
7 parking space.

8 So if we tilt the reservation or reserved  
9 more towards the visitors and less on the staff, I  
10 think we kill two birds with one stone by doing  
11 that.

12 COMMISSIONER ARENCIBIA: Mr.  
13 Chairman, I just want to recommend the project based  
14 on what was presented to us in testimony, and there  
15 is going to be a parking management plan provided to  
16 us, and as they start leasing these medical office  
17 spaces, I recommend that there be a requirement that  
18 the administrator or the owner of property manage  
19 the parking lot to ensure the proper operation.

20 In addition, we talked about the reversing  
21 the driveways, the direction, and I recommend that  
22 you install signs at the driveways on Kennedy  
23 Boulevard to one-way signs, that sort of thing, to  
24 properly direct the user of the facility, and I  
25 believe you were going to construct new curbs and

1 sidewalks?

2 MR. HARRINGTON: Where necessary.

3 COMMISSIONER ARENCIBIA: You'll need  
4 to come to the County Engineer's office for the  
5 permits. Do you anticipate any handicapped ramping?  
6 I wasn't sure if you need any.

7 MR. FRENZEL: I don't think so.

8 COMMISSIONER ARENCIBIA: That really  
9 as far as drainage, everything is draining away from  
10 the Boulevard. That's really all my comments.

11 VICE CHAIRMAN CRYAN: Motion.

12 MS. MASSEY: On a motion made by  
13 Commissioner Holloway, and second by Commissioner  
14 Gomez.

15 Commissioner Arencibia.

16 COMMISSIONER ARENCIBIA: Aye.

17 MS. MASSEY: Commissioner Bettinger.

18 COMMISSIONER BETTINGER: Aye.

19 MS. MASSEY: Commissioner Cryan.

20 VICE CHAIRMAN CRYAN: Aye.

21 MS. MASSEY: Commissioner DiDomenico,  
22 absent. Commissioner Gomez.

23 COMMISSIONER GOMEZ: Aye.

24 MS. MASSEY: Commissioner Holloway.

25 COMMISSIONER HOLLOWAY: Aye.

1 MS. MASSEY: Commissioner Mehta.

2 COMMISSIONER MEHTA: Aye, with the  
3 changes that our engineer suggested.

4 MS. MASSEY: Commissioner Romano.

5 FREEHOLDER ROMANO: Aye.

6 MS. MASSEY: The motion has passed.

7 MR. HARRINGTON: Thank you.

8 MS. MASSEY: Next item on the agenda  
9 is 5C, Applications to be Exempt. Application  
10 2013-021-SP, Applicant Hobart Realty, LLC, located  
11 at 69 East 3rd Street, Block 359, Lot 1, in Bayonne.

12 Application 2013-022-SP, El Toro Realty,  
13 LLC, located at 200-206 71st Street, Block 27, Lot  
14 15, in Guttenberg.

15 Application 2013-023-SD/SP, Joseph  
16 Lombardi, located at 889, Communipaw Avenue, Block  
17 1744, Lots 29, 30, 31.99, in Jersey City.

18 And 2013-024-SP, Marc Sleyton, located at  
19 4301-4315 Tonnelle Avenue, Block 103.01, Lots 83  
20 through 104, and 135 through 148, in Jersey City.

21 On a motion by Commissioner Mehta, and  
22 seconded by Commission Bettinger.

23 Commissioner Arencibia.

24 COMMISSIONER ARENCIBIA: Aye.

25 MS. MASSEY: Commissioner Bettinger.

1 COMMISSIONER BETTINGER: Aye.

2 MS. MASSEY: Commissioner Gomez.

3 COMMISSIONER GOMEZ: Aye.

4 MS. MASSEY: Commissioner Holloway.

5 COMMISSIONER HOLLOWAY: Aye.

6 MS. MASSEY: Commissioner Mehta.

7 COMMISSIONER MEHTA: Aye.

8 MS. MASSEY: Commissioner Romano.

9 FREEHOLDER ROMANO: Aye.

10 MS. MASSEY: And Chairman Cryan.

11 VICE CHAIRMAN CRYAN: Aye.

12 MS. MASSEY: The motion has passed.

13 The next item on the agenda is old business. We are  
14 just contacting award recipients, making sure  
15 they're available for the June meeting. We'll be  
16 having them in June or July.

17 VICE CHAIRMAN CRYAN: Very good.

18 MS. MASSEY: Very glad to have them.

19 Is there any other old business? No new business?

20 COMMISSIONER BETTINGER: We should  
21 have them for June because July is vacation time.

22 MS. MASSEY: We're pushing for June.

23 COMMISSIONER GOMEZ: Motion to  
24 adjourn.

25 VICE CHAIRMAN CRYAN: Second.

1 MS. MASSEY: The next meeting is  
2 June 19th.

3 (Whereupon the proceeding is then  
4 concluded at 9:08 p.m.)

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

I, SHARI CATHEY, CCR, RPR, License No.  
30XI00234700, and Notary Public of the State of New  
Jersey, hereby certify that the proceedings herein  
are from the notes taken by me of a Regular Meeting  
of the Hudson County Planning Board, held on  
Wednesday, May 15, 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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