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HUDSON COUNTY
PLANNING BOARD

RE:

REGULAR MEETING : TRANSCRIPT OF
: PROCEEDINGS
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Hudson County Freeholders Chambers
Third Floor
567 Pavonia Avenue
Jersey City, New Jersey
Wednesday, January 18, 2012
6:30 p.m.

BEFORE:

- RENEE BETTINGER, Chairman
- MICHAEL HOLLOWAY, Vice Chairwoman
- DEMETRIO ARENCIBIA, PE, PP, County Engineer
- DANIEL CHOFFO, Commissioner
- HON. DOREEN DiDOMENICO, Freeholder
- RUSHABH MEHTA, Commissioner
- KENNEDY NG, Commissioner
- JUDE FITZGIBBONS, Chair Pro Tempore
- HON. ANTHONY ROMANO, Freeholder

ALSO PRESENT:

- JOHN CURLEY, ESQ., Board Attorney
- STEPHEN D. MARKS, PP, AICP Planning Director
- MARIO TRIDENTE, Building Inspector
- DANIELA CIAMMARUCONI, Planning Aide
- BRIAN A. CONROY, P.E.
- JACLYN J. FLOR, R.E., P.P., CME
- JOHN CAMPBELL, Board Attorney

1 CHAIRMAN CHOFFO: Good evening,
2 everyone. I would like to wish everyone a Happy New
3 Year. I would like to call to order the meeting of
4 the Hudson County Planning Board, Wednesday, January
5 18th, 2012.

6 Mr. Calvanico, is this meeting properly
7 advertised -- I'm sorry, Mr. Curley?

8 MR. CURLEY: Yes, Mr. Chairman. It
9 has been advertised in the Jersey Journal and the
10 Star Ledger. It has been posted on the Board of
11 Freeholders' bulletin board and County Clerk's.

12 CHAIRMAN CHOFFO: Roll call, please.

13 MR. MARKS: Commissioner Arencibia.

14 COMMISSIONER ARENCIBIA: Here.

15 MR. MARKS: Commissioner Avagliano,
16 absent. Commissioner Bettinger.

17 COMMISSIONER BETTINGER: Here.

18 MR. MARKS: Commissioner DiDomenico.

19 FREEHOLDER DiDOMENICO: Here.

20 MR. MARKS: Commissioner Fitzgibbons.

21 COMMISSIONER FITZGIBBONS: Here.

22 MR. CURLEY: Commissioner Holloway.

23 COMMISSIONER HOLLOWAY: Here.

24 MR. MARKS: Commissioner Mehta,
25 absent. Commissioner Ng.

1 COMMISSIONER NG: Here.

2 MR. MARKS: Commissioner Romano,
3 absent; and Chairman Choffo.

4 CHAIRMAN CHOFFO: Here.

5 MR. MARKS: Mr. Chairman, we have a
6 quorum.

7 CHAIRMAN CHOFFO: Thank you. Please
8 rise to salute the flag.

9 (Flag Salute.)

10 CHAIRMAN CHOFFO: Did all the
11 Commissioners get a chance to review the Meeting
12 Minutes of December 21st, 2011, if so I would accept
13 a motion.

14 COMMISSIONER FITZGIBBONS: I make a
15 motion to accept the Minutes.

16 COMMISSIONER ARENCIBIA: Second.

17 MR. MARKS: Mr. Chairman, on a motion
18 to accept the Minutes from December 21st, 2011, made
19 by Commissioner Fitzgibbons. Second by Commissioner
20 Arencibia.

21 Commissioner Arencibia.

22 COMMISSIONER ARENCIBIA: Aye.

23 MR. MARKS: Commissioner Bettinger.

24 COMMISSIONER BETTINGER: I'll
25 abstain.

1 MR. MARKS: Commissioner DiDomenico.

2 FREEHOLDER DiDOMENICO: Abstained.

3 MR. MARKS: Commissioner Fitzgibbons.

4 COMMISSIONER FITZGIBBONS: Aye.

5 MR. CURLEY: Commissioner Holloway.

6 COMMISSIONER HOLLOWAY: Abstained.

7 MR. MARKS: Commissioner Ng.

8 COMMISSIONER NG: Aye.

9 MR. MARKS: Chairman Choffo.

10 CHAIRMAN CHOFFO: I vote aye.

11 MR. MARKS: Mr. Chairman, there is
12 four votes in the affirmative, three abstentions.
13 The motion passes.

14 CHAIRMAN CHOFFO: Thank you.

15 MR. MARKS: Mr. Chairman, now Section
16 5-A on the agenda, the selection of officers for
17 2012, beginning with the nomination and selection of
18 the Board Chair.

19 CHAIRMAN CHOFFO: At this point, I
20 would like to turn the meeting over to our counsel,
21 Mr. Curley.

22 MR. CURLEY: Do we have nominations
23 for the Board Chair?

24 COMMISSIONER FITZGIBBONS: I make a
25 motion to nominate Renee Bettinger.

1 COMMISSIONER HOLLOWAY: I second it.

2 MR. CURLEY: Any other nominations
3 for Board Chair? Can I have a motion to close
4 nominations?

5 MR. MARKS: Mr. Choffo, I'm sorry,
6 Commissioner Fitzgibbons made the motion, who
7 seconded?

8 COMMISSIONER CHOFFO: Freeholder
9 DiDomenico, that was for the closing, correct.

10 MR. MARKS: Mr. Chairman, on a motion
11 to close the nominations for the Planning Board
12 Chair made by Commissioner Fitzgibbons. Second by
13 Commissioner DiDomenico.

14 Commissioner Arencibia.

15 COMMISSIONER ARENCIBIA: Aye.

16 MR. MARKS: Commissioner Choffo.

17 COMMISSIONER CHOFFO: Aye.

18 MR. MARKS: Commissioner DiDomenico.

19 FREEHOLDER DiDOMENICO: Aye.

20 MR. MARKS: Commissioner Fitzgibbons.

21 COMMISSIONER FITZGIBBONS: Aye.

22 MR. CURLEY: Commissioner Holloway.

23 COMMISSIONER HOLLOWAY: Aye.

24 MR. MARKS: Commissioner Ng.

25 COMMISSIONER NG: Aye.

1 MR. MARKS: Commissioner Bettinger.

2 COMMISSIONER BETTINGER: I'll

3 abstain.

4 MR. MARKS: So the vote, since the
5 nominations are closed, the second vote will be the
6 actual selection of the Board Chair. The nomination
7 was for Renee Bettinger. Was there a motion to
8 second?

9 COMMISSIONER CHOFFO: There was a
10 motion made by Commissioner Fitzgibbons, second by
11 Commissioner Holloway.

12 MR. MARKS: On a motion made by
13 Commissioner Fitzgibbons. Seconded by Commissioner
14 Holloway.

15 Commissioner Arencibia.

16 COMMISSIONER ARENCIBIA: Aye.

17 MR. MARKS: Commissioner DiDomenico.

18 FREEHOLDER DiDOMENICO: Aye.

19 MR. MARKS: Commissioner Fitzgibbons.

20 COMMISSIONER FITZGIBBONS: Aye.

21 MR. CURLEY: Commissioner Holloway.

22 COMMISSIONER HOLLOWAY: Aye.

23 MR. MARKS: Commissioner Ng.

24 COMMISSIONER NG: Aye.

25 MR. MARKS: Chairman Choffo.

1 CHAIRMAN CHOFFO: I vote aye.

2 MR. MARKS: Commissioner Bettinger.

3 COMMISSIONER BETTINGER: I'll
4 abstain.

5 MR. MARKS: So there are six votes in
6 the affirmative, one abstention. So
7 congratulations, Madam Chair.

8 CHAIRWOMAN BETTINGER: First I would
9 like to thank Dan Choffo for being past Chair.
10 Thank you.

11 MR. MARKS: Madam Chair, the next
12 item on the agenda is 5-Aii, nomination and
13 selection of the Board Vice Chair.

14 COMMISSIONER CHOFFO: I make a motion
15 to nominate Commissioner Holloway as Vice Chair.

16 CHAIRWOMAN BETTINGER: Do I have a
17 second?

18 MR. MARKS: Madam Chair, on a motion
19 to nominate Commissioner Holloway as Vice Chair of
20 the Planning Board made by Commissioner Choffo.
21 Second by Commissioner Ng.

22 Commissioner Arencibia.

23 COMMISSIONER ARENCIBIA: Aye.

24 MR. MARKS: Commissioner Choffo.

25 COMMISSIONER CHOFFO: Aye.

1 MR. MARKS: Commissioner DiDomenico.

2 FREEHOLDER DiDOMENICO: Aye.

3 MR. MARKS: Commissioner Fitzgibbons.

4 COMMISSIONER FITZGIBBONS: Aye.

5 MR. CURLEY: Commissioner Holloway.

6 COMMISSIONER HOLLOWAY: Abstained.

7 MR. MARKS: Commissioner Ng.

8 COMMISSIONER NG: Aye.

9 MR. MARKS: Commissioner Bettinger.

10 CHAIRWOMAN BETTINGER: I vote aye.

11 MR. MARKS: Madam Chair, the next
12 order of business would be to close the nominations.

13 COMMISSIONER CHOFFO: I'll make a
14 motion.

15 MR. MARKS: Madam Chair, on a motion
16 to close the nominations for Board Vice Chair made
17 by Commissioner Choffo. Second by Commissioner
18 Fitzgibbons.

19 Commissioner Arencibia.

20 COMMISSIONER ARENCIBIA: Aye.

21 MR. MARKS: Commissioner Choffo.

22 COMMISSIONER CHOFFO: Aye.

23 MR. MARKS: Commissioner DiDomenico.

24 FREEHOLDER DiDOMENICO: Aye.

25 MR. MARKS: Commissioner Fitzgibbons.

1 COMMISSIONER FITZGIBBONS: Aye.

2 MR. CURLEY: Commissioner Holloway.

3 COMMISSIONER HOLLOWAY: Aye.

4 MR. MARKS: Commissioner Ng.

5 COMMISSIONER NG: Aye.

6 MR. MARKS: Commissioner Bettinger.

7 CHAIRWOMAN BETTINGER: I vote aye.

8 MR. MARKS: Madam Chair, the next
9 item on the agenda is the selection of the Planning
10 Board Chair Pro Tempore.

11 COMMISSIONER CHOFFO: I would like to
12 make a motion to nominate Jude Fitzgibbons as Chair
13 Pro Tempore.

14 MR. MARKS: Is there a second?

15 COMMISSIONER HOLLOWAY: Second.

16 MR. MARKS: Madam Chair, on a motion
17 to nominate Jude Fitzgibbons on Chair Pro Tempore
18 made by Commissioner Choffo. Second by Commissioner
19 Holloway.

20 Commissioner Arencibia.

21 COMMISSIONER ARENCIBIA: Aye.

22 MR. MARKS: Commissioner Choffo.

23 COMMISSIONER CHOFFO: Aye.

24 MR. MARKS: Commissioner DiDomenico.

25 FREEHOLDER DiDOMENICO: Aye.

1 MR. MARKS: Commissioner Fitzgibbons.

2 COMMISSIONER FITZGIBBONS: Abstained.

3 MR. CURLEY: Commissioner Holloway.

4 COMMISSIONER HOLLOWAY: Aye.

5 MR. MARKS: Commissioner Ng.

6 COMMISSIONER NG: Aye.

7 MR. MARKS: Commissioner Bettinger.

8 CHAIRWOMAN BETTINGER: I vote aye. I
9 would like to note for the record that Freeholder
10 Romano arrived.

11 COMMISSIONER CHOFFO: I make a motion
12 to close the nominations.

13 MR. MARKS: Madam Chair, on a motion
14 to close the nominations for the Planning Board
15 Chair Pro Tempore made by Commissioner Choffo.
16 Second by Commissioner Holloway.

17 Commissioner Arencibia.

18 COMMISSIONER ARENCIBIA: Aye.

19 MR. MARKS: Commissioner Choffo.

20 COMMISSIONER CHOFFO: Aye.

21 MR. MARKS: Commissioner DiDomenico.

22 FREEHOLDER DiDOMENICO: Aye.

23 MR. MARKS: Commissioner Fitzgibbons.

24 COMMISSIONER FITZGIBBONS: Aye.

25 MR. CURLEY: Commissioner Holloway.

1 COMMISSIONER HOLLOWAY: Aye.

2 MR. MARKS: Commissioner Ng.

3 COMMISSIONER NG: Aye.

4 MR. MARKS: Commissioner Romano.

5 FREEHOLDER ROMANO: Aye.

6 MR. MARKS: Commissioner Bettinger.

7 CHAIRWOMAN BETTINGER: I vote aye.

8 MR. MARKS: Madam Chair, the motion
9 passes. Madam Chair, the next item on the agenda is
10 5-B, the assignment of committee members. One
11 active committee that the Board has is the most
12 active is the Site Plan and Subdivision Review
13 Committee that meets on the first Wednesday of every
14 month. Are there any volunteers, or Madam Chair,
15 have you selected anybody to serve on that
16 committee?

17 CHAIRWOMAN BETTINGER: Do we have any
18 volunteers? Commissioner Choffo and Commissioner
19 Fitzgibbons.

20 MR. MARKS: And Commissioner
21 Arencibia is the County Engineer. Do you want to
22 take a roll call to accept these three Commissioners
23 to the Site Plan and Subdivision Review Committee.

24 FREEHOLDER ROMANO: Motion.

25 MR. MARKS: Is there a second?

1 COMMISSIONER NG: I'll second.

2 MR. MARKS: Madam Chair, on a motion
3 to select Commissioner Choffo, Commissioner
4 Fitzgibbons and Commissioner Arencibia, appoint them
5 to the Hudson County Planning Board Site Plan and
6 Subdivision Review Committee; motion was made by
7 Commissioner Romano and seconded by Commissioner Ng.

8 Commissioner Arencibia.

9 COMMISSIONER ARENCIBIA: Aye.

10 MR. MARKS: Commissioner Choffo.

11 COMMISSIONER CHOFFO: Aye.

12 MR. MARKS: Commissioner DiDomenico.

13 FREEHOLDER DiDOMENICO: Aye.

14 MR. MARKS: Commissioner Fitzgibbons.

15 COMMISSIONER FITZGIBBONS: Aye.

16 MR. CURLEY: Commissioner Holloway.

17 COMMISSIONER HOLLOWAY: Aye.

18 MR. MARKS: Commissioner Mehta.

19 COMMISSIONER MEHTA: Abstained.

20 MR. MARKS: Commissioner Ng.

21 COMMISSIONER NG: Aye.

22 MR. MARKS: Commissioner Romano.

23 FREEHOLDER ROMANO: Aye.

24 MR. MARKS: Chairwoman Bettinger.

25 CHAIRWOMAN BETTINGER: I vote aye.

1 MR. MARKS: Madam Chair, the next
2 item on the agenda is 5-C, Adoption of the Hudson
3 County Planning Board Bylaws. Madam Chair, there
4 are no revisions proposed, but I think it would be
5 an opportune time to have the Board reaffirm the
6 adoption of the Planning Board Bylaws so everybody
7 acknowledges the receipt and acceptance of the
8 bylaws.

9 COMMISSIONER CHOFFO: I make a motion
10 to approve the bylaws.

11 COMMISSIONER MEHTA: I think the
12 meeting timing is on the agenda early. I think it
13 is supposed to be like ten o'clock, and if you go
14 over, you extend the time.

15 MR. MARKS: Madam Chair, what
16 Commissioner Mehta is referring to is in the bylaws
17 that were adopted several years ago reaffirmed as we
18 said in 2010, the Board has to take a vote to
19 proceed past 10:30. I think it's been more custom
20 than anything else that the Board adjourns at ten
21 o'clock. It's the Board prerogative if the Board
22 wants to change the bylaws to reflect the custom by
23 adjourning at ten o'clock. It's your prerogative if
24 you would like to amend the bylaw reflect the ten
25 o'clock adjournment time or keep them as 10:30

1 adjournment time.

2 FREEHOLDER ROMANO: It says 10:30,
3 Section 4, Article 7.

4 COMMISSIONER MEHTA: In the last
5 couple of meetings, we extended the time. We took
6 the vote, and we extended the time to 10:30. So in
7 my mind, ten o'clock is a more that we extend to
8 10:30. So I think the bylaws shows 10:30, which
9 should be ten.

10 MR. MARKS: If there is a motion to
11 amend the bylaws to change the adjournment time to
12 ten o'clock, that's your prerogative.

13 COMMISSIONER MEHTA: I make a motion.

14 MR. CURLEY: Madam Chair, first there
15 was a motion to accept the bylaws made by
16 Commissioner Choffo. Is Commissioner Choffo
17 withdrawing his --

18 COMMISSIONER CHOFFO: I'll withdraw.

19 MR. MARKS: Madam Chair, there's a
20 motion by Commissioner Mehta to amend the bylaws to
21 make the adjournment time 10 p.m. rather than 10:30.
22 Is there a second?

23 COMMISSIONER NG: Second.

24 MR. MARKS: So Madam Chair, on a
25 motion made by Commissioner Mehta. Second by

1 Commissioner Ng.

2 Commissioner Arencibia.

3 COMMISSIONER ARENCIBIA: Abstained.

4 MR. MARKS: Commissioner Choffo.

5 COMMISSIONER CHOFFO: I vote aye.

6 MR. MARKS: Commissioner DiDomenico.

7 FREEHOLDER DiDOMENICO: Aye.

8 MR. MARKS: Commissioner Fitzgibbons.

9 COMMISSIONER FITZGIBBONS: Abstained.

10 MR. CURLEY: Commissioner Holloway.

11 COMMISSIONER HOLLOWAY: Aye.

12 MR. MARKS: Commissioner Mehta.

13 COMMISSIONER MEHTA: Aye.

14 MR. MARKS: Commissioner Ng.

15 COMMISSIONER NG: Aye.

16 MR. MARKS: Commissioner Romano.

17 FREEHOLDER ROMANO: Read to me,

18 please, exactly what we're doing.

19 MR. MARKS: Madam Chair, I'm sorry.

20 The motion made by Commissioner Mehta, second by

21 Commissioner Ng, would change the adjournment, the

22 section you cited, the adjournment time from 10:30,

23 and roll it back a half hour to 10 p.m. The Board

24 could still proceed if it votes to continue a

25 meeting past that. It's a simple majority vote of

1 the Board to continue the meeting.

2 FREEHOLDER ROMANO: Aye.

3 MR. MARKS: Aye from Commissioner
4 Romano; and Chairwoman Bettinger.

5 CHAIRWOMAN BETTINGER: I vote aye.

6 MR. MARKS: Madam Chair, that was a
7 motion to amend the bylaws so we should entertain a
8 motion to actually adopted the amended bylaws.

9 CHAIRWOMAN BETTINGER: Do I have a
10 motion?

11 MR. MARKS: Madam Chair, on the
12 motion made by Commission Mehta, second by
13 Commissioner Ng, to adopted the amended bylaws.

14 Commissioner Arencibia.

15 COMMISSIONER ARENCIBIA: Aye.

16 MR. MARKS: Commissioner Choffo.

17 COMMISSIONER CHOFFO: Aye.

18 MR. MARKS: Commissioner DiDomenico.

19 FREEHOLDER DiDOMENICO: Aye.

20 MR. MARKS: Commissioner Fitzgibbons.

21 COMMISSIONER FITZGIBBONS: Aye.

22 MR. CURLEY: Commissioner Holloway.

23 COMMISSIONER HOLLOWAY: Aye.

24 MR. MARKS: Commissioner Mehta.

25 COMMISSIONER MEHTA: Aye.

1 MR. MARKS: Commissioner Ng.

2 COMMISSIONER NG: Aye.

3 MR. MARKS: Commissioner Romano.

4 FREEHOLDER ROMANO: Aye.

5 MR. MARKS: Commissioner Bettinger.

6 CHAIRWOMAN BETTINGER: Aye.

7 MR. MARKS: Madam Chair, the motion
8 passes. Madam Chair, we're now on Section 5-D on
9 the agenda, Adoption of the Hudson County Planning
10 Board Meeting Schedule. Everybody should have
11 gotten a copy of the meeting schedule e-mailed to
12 them. Did everybody receive a copy in their packets
13 for this evening?

14 COMMISSIONER CHOFFO: Yes.

15 MR. MARKS: One thing, ordinarily the
16 Subdivision and Site Plan Review Committee meets on
17 the first Wednesday of the month in the County
18 Engineer's office. That would remain in effect.
19 Those meetings are at 10 a.m. in the morning, and
20 the regular Planning Board meetings are on the third
21 Wednesday of the month in the Freeholder Chambers
22 beginning at 6:30 p.m. The one change as
23 recommended by Commissioner Choffo was to move the
24 last meeting of the year, December, to the third
25 Monday rather than the third Wednesday because it

1 conflicts with holiday parties. Is there a motion
2 to adopt the Meeting Schedule for 2012?

3 CHAIRWOMAN BETTINGER: May I have a
4 motion?

5 COMMISSIONER FITZGIBBONS: I make a
6 motion.

7 MR. MARKS: Madam Chair, on a motion
8 to approve the 2012 Meeting Schedule made by
9 Commissioner Fitzgibbons. Second by Commissioner
10 Choffo.

11 Commissioner Arencibia.

12 COMMISSIONER ARENCIBIA: Aye.

13 MR. MARKS: Commissioner Choffo.

14 COMMISSIONER CHOFFO: Aye.

15 MR. MARKS: Commissioner DiDomenico.

16 FREEHOLDER DiDOMENICO: Aye.

17 MR. MARKS: Commissioner Fitzgibbons.

18 COMMISSIONER FITZGIBBONS: Aye.

19 MR. CURLEY: Commissioner Holloway.

20 COMMISSIONER HOLLOWAY: Aye.

21 MR. MARKS: Commissioner Mehta.

22 COMMISSIONER MEHTA: Aye.

23 MR. MARKS: Commissioner Ng.

24 COMMISSIONER NG: Aye.

25 MR. MARKS: Commissioner Romano.

1 FREEHOLDER ROMANO: Aye.

2 MR. MARKS: Chairwoman Bettinger.

3 CHAIRWOMAN BETTINGER: Aye.

4 MR. MARKS: Madam Chair, the motion
5 passes. Madam Chair, the next item on the agenda is
6 5-E, the resolution memorializing the acceptance of
7 Jersey City Hoboken Connectivity Study. Madam
8 Chair, it was conducted by the County in the last
9 couple of years. There was a public hearing held in
10 October. It was approved by the Planning Board I
11 believe at the November meeting. When it came time
12 to memorialize the resolution, it required a
13 two-thirds vote of the entire body, and at the
14 December meeting, we didn't meet a quorum. We
15 didn't have the entire Board. The motion to accept
16 the study was postponed until today.

17 Madam Chair, on a motion made by
18 Commissioner Romano. Second by Commissioner
19 Fitzgibbons.

20 Commissioner Arencibia.

21 COMMISSIONER ARENCIBIA: Aye.

22 MR. MARKS: Commissioner Choffo.

23 COMMISSIONER CHOFFO: Aye.

24 MR. MARKS: Commissioner DiDomenico.

25 FREEHOLDER DiDOMENICO: Aye.

1 MR. MARKS: Commissioner Fitzgibbons.

2 COMMISSIONER FITZGIBBONS: Aye.

3 MR. CURLEY: Commissioner Holloway.

4 COMMISSIONER HOLLOWAY: Aye.

5 MR. MARKS: Commissioner Mehta.

6 COMMISSIONER MEHTA: Aye.

7 MR. MARKS: Commissioner Ng.

8 COMMISSIONER NG: Aye.

9 MR. MARKS: Commissioner Romano.

10 FREEHOLDER ROMANO: Aye.

11 MR. MARKS: Chairwoman Bettinger.

12 CHAIRWOMAN BETTINGER: I vote aye.

13 MR. MARKS: Madam Chair, the motion
14 passes. We're now in Section 5-F on the agenda, the
15 memorializations of resolutions considered at the
16 last meeting. Just one side note, Madam Chair, the
17 first application that appears on the agenda is
18 Appleview LLC. That was actually heard and approved
19 by the Board at a special meeting in October.

20 So beginning with Application 2010-082-SP,
21 Appleview, LLC, located at 7009 & 7101 River Road,
22 which is Block 316, Lots 1-3 and 5.01 in the
23 Township of North Bergen.

24 The next is Application 2011-080-SP,
25 Fraternity Meadows LLC, located at 4000-10000

1 Riverside Station Boulevard, which is Block 5.01,
2 Lot 3.05, in the Town of Secaucus.

3 Next is Application 2011-081-SP, 7-Eleven,
4 Inc., located at 897-903 Schuyler Avenue, which is
5 Block 132, Lots 15 and 16, in the Town of Kearny.

6 Next is Application 2011-083-SP, Township
7 of Guttenberg, located at 7608 River Road, which is
8 Block 44 and 438, Lots 2, 3, 1 and 1.02 respectively
9 in the Town of Guttenberg and the Township of North
10 Bergen.

11 And finally, the last application is
12 2011-587-SP, Mark Gialuca, Applicant; located at
13 7704 River Road, which is Block 438, Lots 3, 5, and
14 11.01 in the Township of North Bergen.

15 Madam Chair, on the motion made by
16 Commissioner Mehta. Second by Commissioner
17 Fitzgibbons.

18 Commissioner Arencibia.

19 COMMISSIONER ARENCIBIA: Aye.

20 MR. MARKS: Commissioner Choffo.

21 COMMISSIONER CHOFFO: I vote aye on
22 all of them except for 2010-082-SP.

23 MR. MARKS: Commissioner DiDomenico.

24 FREEHOLDER DiDOMENICO: Aye.

25 MR. MARKS: Commissioner Fitzgibbons.

1 COMMISSIONER FITZGIBBONS: Aye.

2 MR. CURLEY: Commissioner Holloway.

3 COMMISSIONER HOLLOWAY: Abstained.

4 MR. MARKS: Commissioner Mehta.

5 COMMISSIONER MEHTA: Aye.

6 MR. MARKS: Commissioner Ng.

7 COMMISSIONER NG: Abstained.

8 MR. MARKS: Commissioner Romano.

9 FREEHOLDER ROMANO: Aye.

10 MR. MARKS: Commissioner Bettinger.

11 CHAIRWOMAN BETTINGER: I'll abstain.

12 MR. MARKS: Madam Chairwoman, we have
13 six votes in the affirmative and three abstentions.
14 The motion passes.

15 Madam Chair, we're now in Section 5-G on
16 the agenda, Site Plans, Subdivisions and other
17 matters scheduled for public hearing beginning with
18 Application 2011-075-SP, City Line Church, located
19 at 1510-1516 Kennedy Boulevard, Block 1380, Lots
20 52.99 and Lot 61 in the City of Jersey City.

21 CHAIRWOMAN BETTINGER: Before we
22 proceed I would just like to ask everyone to please
23 be sure to turn off their cellular devices. Thank
24 you.

25 Mr. Marks, I believe there was some type

1 of list circulating for public speaking?

2 MR. MARKS: Madam Chair, we are
3 circulating. If there's anybody who is interested
4 in speaking on an application, we are circulating a
5 sign-in sheet for speakers.

6 Danielle, do you know where it is?

7 MS. CIAMMARUCONI: There.

8 MR. MARKS: It's on the podium. If
9 anybody is interested in speaking, please make your
10 way up to the podium without causing a disturbance
11 and sign in.

12 MS. LAZZARA: Hi, my name is Alexis
13 Lazzara. I'm here on behalf of City Line Church.
14 I'm an attorney at Connell Foley, 25-10 Plaza 5 in
15 Jersey City, New Jersey.

16 CHAIRWOMAN BETTINGER: Can you speak
17 into the mic?

18 MS. LAZZARA: Can you hear me now?

19 CHAIRWOMAN BETTINGER: Thank you.

20 MS. LAZZARA: I'm Alexis Lazzara on
21 behalf of City Line Church. I'm an attorney with
22 Connell Foley at the Harborside Financial, 25-10,
23 Plaza 5, Jersey City, New Jersey. Everybody ready
24 for me to proceed?

25 CHAIRWOMAN BETTINGER: Yes, please.

1 MS. LAZZARA: On November 10th in
2 2011, the applicant, City Line, received -- Charles
3 Harrington of Connell Foley appeared before the
4 Zoning Board of Adjustment of Jersey City, and City
5 Line made an application to the zoning board for
6 site plan approval, final site plan approval with
7 variances with regard to the property located at
8 1510-1516 JF Kennedy Boulevard in Jersey City, also
9 known on the Jersey City tax map as Block 1380, Lots
10 52.99 and 61.

11 By resolutions dated December 8th, 2011,
12 the zoning board unanimously approved the
13 application of City Line Church subject to, amongst
14 other things, approval by the County Planning Board.
15 John F. Kennedy Boulevard is a County road, County
16 Road 550, and the Hudson County Planning Board has
17 jurisdiction, and that's why we're here tonight, for
18 County Planning Board approval.

19 Our engineer for the application, excuse
20 me, was Steven Koestner, who is here tonight. He is
21 located at 61 Hudson Street, Hackensack, New Jersey,
22 and he'll be speaking later on. Our architect who
23 is not here tonight, you have copies of the plans
24 that were submitted, was Robert Donahue of 60
25 Hamilton Road in Parsippany, New Jersey. The

1 property is located in the NC, Neighborhood
2 Commercial Zone. It has prior approval for a house
3 of worship, nursery school and classrooms on Lot
4 52.99, which is immediately adjacent to the Lot 61;
5 61 is a vacant piece of property which the church
6 intends to convert to a parking lot. It's a vacant
7 lot on the corner. Both pieces of property are not
8 within a flood hazard area.

9 This adjacent lot, parking lot, is
10 particularly well-suited for parking, accessory
11 parking purposes. The church is an inherently
12 beneficial use to the 52.99 lot, and the parking
13 will only make it that much better and more
14 accessible for the church members, nursery school
15 and classrooms. The proposed parking lot is
16 basically located between the building and the
17 street. The applicant will comply with the ADA
18 guidelines, which require accessibility and useable
19 public rights-of-way for those with disabilities.

20 They will further comply with NJDOT
21 standards. They will install all curbing to fill in
22 any missing gaps along Kennedy Boulevard, again,
23 which will be further defined, and you can see it
24 better on the drawing by Mr. Koestner. City Line
25 has prepared shade tree plantings as is proposed in

1 the January 12th, 2011 letter signed by Megan Massey
2 of the County of Hudson Department of Parks and
3 Community Services. All items set forth in her
4 letter will be addressed tonight and/or any
5 questions that you'll ask us for in our final
6 approvals.

7 I would now like to introduce
8 Mr. Koestner, Steven Koestner. Is he going to be --
9 I guess, he gets sworn in first.

10 (The witness is sworn.)

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

13 MR. KOESTNER: S-t-e-v-e-n;
14 K-o-e-s-t-n-e-r, 61 Hudson Street, Hackensack, New
15 Jersey.

16 MS. LAZZARA: Mr. Koestner, can you
17 please for the Board give us -- a lot of tape down
18 here, please give your qualifications for the Board,
19 tell us about places that you've graduated.

20 MR. KOESTNER: Sure. I'm a graduate
21 of Clarkson College of Technology, 1974. I've been
22 a practicing engineer and land surveyor ever since
23 full time; testified before many boards throughout
24 Hudson and Bergen County, Passaic, Sussex; licensed
25 engineer since 1988 and land surveyor since 1983.

1 MS. LAZZARA: Will the Board accept
2 Mr. Koestner's testimony?

3 CHAIRWOMAN BETTINGER: Yes.

4 MS. LAZZARA: Thank you.
5 Mr. Koestner, could you please go to your drawing
6 and explain a little bit and show a little bit
7 better about the two adjacent lots?

8 MR. CURLEY: Mr. Koestner, unless
9 these drawings have been submitted to the Board,
10 would you just mark each one using the drawing name.

11 MR. KOESTNER: The Board has the
12 entire site plan -- site plan. Do I need a mic?

13 CHAIRWOMAN BETTINGER: I'm sure if
14 you speak up, we can hear.

15 MR. KOESTNER: Site plan for Lots 52,
16 61 and 63 and 65, Block 1380 on the City Tax Map,
17 City of Jersey City. This is A-1. The site is
18 located at the southeasterly corner of Kennedy
19 Boulevard and Pamrapo Avenue, the existing church
20 building, L-shaped building fronting on Kennedy
21 Boulevard with a portion on Pamrapo Avenue.

22 The proposed parking area in question is
23 located exactly on the corner of the intersection.
24 Access is proposed from Pamrapo Avenue. No access
25 is proposed from Kennedy Boulevard. However, a

1 drainage system is located on Kennedy Boulevard.
2 That is the low southeastly corner of the two
3 streets. It would flow across the parking lot into
4 a trench. A stone trench will be piped underground
5 to an existing catch basin. The underground --
6 above-ground items are landscaping along the
7 building, three trees proposed on Pamrapo Avenue and
8 landscaping along Kennedy Boulevard at the
9 intersection. There is lighting attached to the
10 building. It's basically a site improvement. There
11 are eight parking spaces, four along the Kennedy
12 Boulevard roadway and four in the rear of the
13 property.

14 CHAIRWOMAN BETTINGER: Are any of the
15 parking spaces designated for handicapped?

16 MR. KOESTNER: Parking Space 1 will
17 be used for handicapped. It is not shown that way,
18 but there is room for it to be used for a
19 handicapped parking space.

20 FREEHOLDER ROMANO: Any bicycle
21 racks?

22 MR. KOESTNER: There are none
23 proposed.

24 CHAIRWOMAN BETTINGER: Any questions?
25 Any comments from our engineer?

1 COMMISSIONER ARENCIBIA: Madam Chair,
2 I think the condition of the curb and sidewalk's
3 existing condition, there is a piece of curb
4 missing.

5 MR. KOESTNER: There is an existing
6 curb apron, and your letter asked us to remove that
7 and fill it in, and that will be done.

8 COMMISSIONER ARENCIBIA: And I'm not
9 sure about the bicycle rack though.

10 CHAIRWOMAN BETTINGER: Is there any
11 objection about installing a bicycle rack?

12 MS. LAZZARA: No, that is not a
13 problem.

14 COMMISSIONER ARENCIBIA: I think
15 everything is fine.

16 CHAIRWOMAN BETTINGER: Commissioner
17 Choffo.

18 COMMISSIONER CHOFFO: I have one
19 question, Madam Chair. You might have mentioned,
20 you have a curb cut both on Kennedy Boulevard and
21 Pamrapo?

22 MR. KOESTNER: Correct. The curb cut
23 on Kennedy Boulevard is not in use presently. That
24 will be removed and filled in with a standard height
25 County curb. There will be no curb cut proposed, no

1 access from Kennedy Boulevard.

2 COMMISSIONER ARENCIBIA: Madam Chair,
3 another item that I saw in the photograph, the
4 cellar door that's on the sidewalk.

5 CHAIRWOMAN BETTINGER: That makes it
6 a hazard.

7 COMMISSIONER ARENCIBIA: The cellar
8 door that's in the sidewalk area?

9 MS. LAZZARA: Along Kennedy
10 Boulevard, you're talking about?

11 COMMISSIONER ARENCIBIA: I have a
12 picture. There is a picture right here.

13 MR. KOESTNER: On the photograph,
14 Mr. Arencibia, there is a cellar entrance with a
15 hatchback door on the southerly end of the building
16 that would be on the left-hand side of the sheet
17 here. That's an existing condition. It was not
18 proposed to be changed.

19 CHAIRWOMAN BETTINGER: Not proposed?

20 MR. KOESTNER: It will remain in
21 place.

22 COMMISSIONER ARENCIBIA: Will it be
23 repaired, I think was the question?

24 MR. KOESTNER: I think that would
25 have to be repaired. It is a trip hazard.

1 MS. LAZZARA: The entrance to the
2 basement, I believe? Okay, I got it.

3 FREEHOLDER ROMANO: Okay. It would
4 have to be repaired, sir?

5 MS. LAZZARA: It will be replaced,
6 yes.

7 CHAIRWOMAN BETTINGER: Any other
8 comments?

9 MR. TRIDENTE: No further comments.

10 MR. MARKS: Madam Chair, the County
11 has a standard of one shade tree for every 30 feet
12 of frontage. Was that addressed in your letter?

13 MS. LAZZARA: It's a letter from
14 Megan Massey dated January 12th. We will be putting
15 in shade trees, and Mr. Koestner does have a sample
16 of one on his drawings. That's one other item I was
17 going to ask him.

18 MR. KOESTNER: There's three shade
19 trees proposed along the Pamrapo Avenue side.

20 COMMISSIONER CHOFFO: How about the
21 Kennedy Boulevard side of the property?

22 MR. KOESTNER: There are none
23 proposed there at the present time.

24 MS. LAZZARA: There is a bus stop
25 right along Kennedy Boulevard. If the Board would

1 like something put in there, they will comply, but
2 you don't want it to become a problem.

3 MR. MARKS: Madam Chair; sir, what is
4 the frontage of the property?

5 MR. KOESTNER: The frontage of the
6 property along Kennedy Boulevard is 40 feet. The
7 adjoining property is 80 feet. That is the church
8 building. The parking lot frontage is 40 feet.

9 MR. MARKS: Again, do you know how
10 many feet the bus stop is?

11 MR. KOESTNER: I don't know, but as
12 indicated by the stop sign, I would say 20 or 30
13 feet would be a guesstimate.

14 MR. MARKS: Madam Chair, if it's a
15 financial issue for the church, I know how finances
16 are. It's a nonprofit application. We do have
17 funding available for planting shade trees along
18 County roads. If the applicant accepts it if it's
19 appropriate so it's not a financial burden, they
20 could include in their site plans the appropriate
21 number of shade trees for the frontage including the
22 actual church building, not just the parking lot. I
23 think it's something eligible for reimbursement from
24 the Hudson County Shade Tree Fund.

25 MS. LAZZARA: I also just want to

1 point out that they are providing landscaping and
2 further shade trees in the parking lot. They're
3 actually in the parking lot. It is going to have
4 shade trees and landscaping, and they're going to
5 make it look really nice.

6 MR. MARKS: With regard to the actual
7 number of shade trees on Kennedy Boulevard, would
8 that be acceptable?

9 MS. LAZZARA: That would be
10 acceptable, yes.

11 CHAIRWOMAN BETTINGER: Any other
12 comments or questions?

13 COMMISSIONER HOLLOWAY: I make a
14 motion.

15 MR. MARKS: I'm sorry, Madam Chair.
16 I missed the second; Freeholder DiDomenico.

17 Madam Chair, on a motion to approve
18 application 2010-075-SP, made by Commissioner
19 Holloway, and second by Commissioner DiDomenico.

20 Commissioner Arencibia.

21 COMMISSIONER ARENCIBIA: With the
22 conditions stated, aye.

23 MR. MARKS: Commissioner Choffo.

24 COMMISSIONER CHOFFO: Aye.

25 MR. MARKS: Commissioner DiDomenico.

1 FREEHOLDER DiDOMENICO: Aye.

2 MR. MARKS: Commissioner Fitzgibbons.

3 COMMISSIONER FITZGIBBONS: Aye.

4 MR. CURLEY: Commissioner Holloway.

5 COMMISSIONER HOLLOWAY: Abstained.

6 MR. MARKS: Commissioner Mehta.

7 COMMISSIONER MEHTA: Aye.

8 MR. MARKS: Commissioner Ng.

9 COMMISSIONER NG: Aye.

10 MR. MARKS: Commissioner Romano.

11 FREEHOLDER ROMANO: Aye, with the
12 stipulating conditions.

13 MR. MARKS: And Madam Chair,
14 Chairwoman Bettinger.

15 CHAIRWOMAN BETTINGER: I vote aye.

16 MR. MARKS: Madam Chair, the motion
17 passes.

18 CHAIRWOMAN BETTINGER: Thank you and
19 good luck.

20 MS. LAZZARA: Thank you very much.

21 MR. MARKS: Madam Chair, the next
22 application scheduled for public hearing is
23 2011-090-SP, NGP Properties, LLC; and JGP
24 Properties, LLC, located at 2229-2237 Kennedy
25 Boulevard, which is Block 46, Lots 1, 109, 116 and

1 120 in the Township of North Bergen.

2 MR. CAMPEN: Good evening. My name
3 is George Campen, and I represent the applicant in
4 this matter. It's basically an application looking
5 for site plan approval on preexisting buildings,
6 which are going to be used for retail. We have
7 contacted the Planning Board's experts and had a
8 meeting with them. The property itself borders on
9 Kennedy Boulevard, and therefore, the Board has
10 jurisdiction. We're also going to be consistent
11 with the Master Plan of Hudson County, and we're
12 certainly going to conform to the Americans with
13 Disabilities Act in this particular project. Also,
14 we're not in a flood zone. We're basically at the
15 top of the cliff, basically water runs off, and we
16 are going to put a bicycle rack which was part of
17 our previous meeting.

18 Mr. Dougherty, our engineer is here, and I
19 would like to have him sworn in and qualified.

20 (The witness is sworn.)

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

23 MR. DOUGHERTY: Daniel J. Dougherty,
24 D-o-u-g-h-e-r-t-y, Dynamic Engineering Consultants,
25 Lake Como, New Jersey.

1 MR. CAMPEN: Can you give the Board
2 the benefit of your expertise?

3 MR. DOUGHERTY: Certainly. I'm a
4 graduate of Villa Nova University with a Bachelors
5 of Civil Engineering. I've been practicing
6 consulting engineering in New Jersey for the past 18
7 years. I'm a licensed engineer in the state of New
8 Jersey since 1999, and I've been accepted as an
9 expert in front of numerous zoning and planning
10 boards throughout New Jersey, as well as provided
11 testimony before this Board.

12 FREEHOLDER ROMANO: Madam Chair, real
13 quick. George, is that the old car dealer, just for
14 a reference point.

15 MR. CAMPEN: Across the street, the
16 Durango.

17 FREEHOLDER ROMANO: That's still
18 there?

19 MR. CAMPEN: Yes, it is.

20 FREEHOLDER ROMANO: They basically
21 sold a parcel off?

22 MR. CAMPEN: That particular area has
23 been sold. I believe Cadillac still owns in Union
24 City.

25 FREEHOLDER ROMANO: Thank you, just

1 for reference.

2 CHAIRWOMAN BETTINGER: Yes, we do
3 approve of the expert witness.

4 MR. CAMPEN: Thank you.
5 Mr. Dougherty, just tell the Board about this
6 particular project.

7 MR. DOUGHERTY: Certainly. As
8 Mr. Campen described, this is basically a renovation
9 of an existing site and buildings. From a building
10 perspective, the site consists of two existing
11 buildings. If you look at your Site Plan Sheet No.
12 4 that I have mounted here, it's not an exhibit, it
13 doesn't need to be marked as an exhibit, the
14 building on the left-hand side shaded in gray is an
15 existing dry cleaner building --

16 MR. CAMPEN: Why don't you stand next
17 to it and point that out?

18 MR. DOUGHERTY: So inside the site to
19 the left is an existing dry cleaner that is
20 currently operating and occupied. There is no
21 proposed changes to that building or occupation to
22 that building. The larger building to the north and
23 to the right is what was previously the car dealer
24 building, and the empty lot in between those two
25 buildings served as a storage yard for the vehicles

1 that were part of the car dealership.

2 What is proposed is that northern building
3 is renovated internally and externally and used to
4 support warehouse and storage uses in the basement
5 spaces, and a mix of retail and office uses on the
6 first floor and the upper floor, the second floor of
7 that existing building. The previous existing or
8 the existing paved parking area was previously used
9 for the car dealership for storage of cars. It is
10 going to be renovated to be used as a parking area
11 for the patrons also the employees, not only to the
12 new retail and office building, but also the
13 existing cleaner building, which doesn't have any
14 designated parking, although I'm sure they use some
15 of that existing lot right now.

16 As Mr. Campen pointed out, we met with the
17 Board's staff, planning and engineering staff. They
18 did have some comments for us, including provide a
19 bike rack, eight street trees as required by the
20 regulations. Also, restricting left-turn movements
21 out of our parking lot where initially our existing
22 driveway had no restrictions; at the request of the
23 engineers, we're restricting it to only right turns
24 leaving the parking lot. They had concerns with
25 regard to the queuing traffic from the surrounding

1 traffic signal on 22nd Street and 23rd Street. We
2 agree with those comments and resubmitted plans
3 reflecting those revisions.

4 I think we also have a new letter from TY
5 Lin as recent as today or yesterday. It was
6 something we discussed, and it was documented from a
7 letter, and we are in full agreement with all the
8 comments that they raised in their letter.
9 Basically, they are confined to some additional
10 sidewalks along the frontage of Kennedy Boulevard
11 and provision of conformation of stormwater
12 management calculations.

13 Just to clarify on the stormwater
14 management measures, this site represents a decrease
15 in impervious coverage, so it is inherently an
16 improvement in stormwater management conditions for
17 both run-off rain and volume. However, the Board
18 engineer asked that we quantify that in a report to
19 them. Another question that was raised at the
20 meeting which is outstanding per the TY Lin letter,
21 is that we get confirmation from the Township that
22 connection to the drainage system placed in the rear
23 of the property is acceptable.

24 The reason the engineer brought this up is
25 that there are combined sewers in the area. This

1 was also confirmed in our meeting with the planning
2 board at the Township level. They are accepting to
3 that connection, and we will receive documentation
4 from them.

5 MR. CAMPEN: As part of the
6 application before North Bergen, we are dedicating
7 seven parking spaces in the back for residents of
8 West New York -- North Bergen, which we're going to
9 deed over to the parking authority because that's a
10 dead-end street. Nobody has probably ever seen
11 Dietz Place. It's a dead-end street. It's a very
12 narrow street. We're giving part of our land so
13 that they can be parking off site or at least you
14 are able to plow that particular street and clean
15 the street, and the Town of North Bergen, that's one
16 of the things they were in favor of in our
17 particular application. We're going to take care of
18 all the sidewalks. They're going to be fixed.

19 Perhaps you can tell us about the curb
20 cuts?

21 MR. DOUGHERTY: Certainly. The
22 existing site has two curb cuts. One curb cut is
23 basically a two-way drive aisle entrance to the car
24 dealer's parking storage area. The other curb cut
25 is in front of the cleaner building, closer to 22nd

1 Street. Previously that building had an overhead
2 door in the storefront of that building, which has
3 been replaced with storefront. The curb served the
4 overhead door. With the overhead door no longer in
5 place, there is no need for the curb cut, so we will
6 be removing. What we proposed in place of the
7 two-way driveway access to the existing car dealer's
8 lot, we proposed two curb cuts, one ingress only and
9 one egress only in adjacent locations in between the
10 two buildings that serve as the parking area. From
11 a traffic standpoint, the movements are similar to
12 what was existing, it's just that they're divided
13 between the two curb cuts, with the added
14 improvement from a traffic standpoint of eliminating
15 left turns out. That was requested by the board.

16 CHAIRWOMAN BETTINGER: This
17 application has been approved by the Township of
18 North Bergen?

19 MR. DOUGHERTY: Yes, ma'am.

20 MR. CAMPEN: We had approval, I
21 believe, January 6th.

22 CHAIRWOMAN BETTINGER: Any other
23 comments from the Board engineer?

24 COMMISSIONER CHOFFO: I have a
25 question, Madam Chair. So you haven't really been

1 provided you what you need?

2 MR. CONROY: As far as the request
3 that they provide the letter from the town, but
4 there's not an issue with the combined sewer system.
5 They're complied with the remainder of the
6 requirements. One comment I do see now that they've
7 provided eight shade trees that were not on the
8 previous application, there is a lot of sidewalk
9 that will be I guess you can say disturbed because
10 of the trees. I think we requested the sidewalk
11 gets replaced along with that.

12 MR. DOUGHERTY: That's correct. We
13 agreed.

14 COMMISSIONER CHOFFO: I'm looking at
15 a letter from TY Lin revised yesterday,
16 January 17th. So I'm under the impression as of
17 January 4th, page 2 of this letter from Edwin Reimon
18 speaks about the drainage and technical information,
19 so nothing has been formally executed? There is
20 nothing in writing about the drainage from North
21 Bergen TY Lin says, Mr. Marks?

22 MR. DOUGHERTY: That item was an item
23 that we discussed in our review meeting.

24 COMMISSIONER CHOFFO: On January 4th?

25 MR. DOUGHERTY: On January 4th, and

1 subsequent to the meeting, Ms. Massey had issued her
2 review letter, and that item wasn't included because
3 it wasn't an engineering review letter, it was a
4 planning review letter. So our reply to the Board
5 was a reflection of meeting Ms. Massey's comments in
6 that review letter. It was simply because I didn't
7 pick up the letter put, we didn't neglect to reply
8 to that comment. We agree wholeheartedly and agree
9 to meet the requirements of 2.1 and 2.2.

10 COMMISSIONER CHOFFO: And what if you
11 do not get this letter from North Bergen talking
12 about the combined sewer system?

13 MR. DOUGHERTY: I don't anticipate
14 not getting it. We are not making new -- there is
15 no run-off condition. The concern is that we're
16 proposing the new inlet at the back of our parking
17 lot, which will connect to an existing inlet on
18 Dietz Place. The reason we're doing that is to
19 better adequately collect run-off and deliver it to
20 the existing collections system. The run-off from
21 the site currently goes to that same location. All
22 we're doing is putting it through an inlet in a pipe
23 into the same collection system. So there is no
24 change in run-off characteristics. There is no new
25 sanitary connections to the combined system.

1 It was mentioned by the township's
2 planning board engineer considering the fact that it
3 is a combined system and we're not increasing
4 run-off to a combined system, we're minimizing the
5 run-off. There's where our landscaped areas and our
6 reduction in impervious surfaces is beneficial to
7 that. I don't anticipate any trouble with that. In
8 fact, we will be supplying less run-off to that
9 system than is currently being supplied.

10 COMMISSIONER CHOFFO: Are you okay
11 with that, Commissioner Arencibia?

12 COMMISSIONER FITZGIBBONS: I have a
13 question. Is it North Hudson County?

14 MR. CONROY: No, it's North Bergen,
15 North Bergen municipal sewer. They're not part of
16 the North Hudson.

17 COMMISSIONER ARENCIBIA: Madam,
18 Chair, I just want to know, the driveways you're
19 proposing, we discussed the driveways are closed at
20 the building that used to be a car repair shop?

21 MR. DOUGHERTY: Car sales.

22 COMMISSIONER ARENCIBIA: Okay. Right
23 now, the parking lot has a driveway in and out, and
24 you're proposing two driveways to split it up, in
25 and out, but as I was going to -- meaning that

1 parking space is going to get lost on the street.
2 So I my question, why was this driveway designed as
3 such?

4 MR. DOUGHERTY: That's very good
5 point. Just take a step back as far as the design
6 of the parking lot circulation, generally speaking,
7 this is a pretty tight confine between two existing
8 buildings. We went through several iterations of
9 parking lot layouts to try to maximize the parking
10 and lessen the burden on on-street parking to get as
11 much on-site parking as we can get. That's the
12 reason behind the orientation of having the two
13 drives.

14 We are mitigating that fact of losing one
15 space of the on-street parking by providing an
16 additional space and relocating the parking meter in
17 the location of the existing curb cut from the
18 overhead door that's going to be eliminated. So
19 we'll be maintaining the same on-street parking
20 count at Kennedy Boulevard as well as providing
21 additional seven stalls at the rear of the property
22 for displaced residents and visitors. This was
23 also, this plan and this scheme was used -- was
24 considered by the parking authority for the Township
25 of North Bergen, and with their help, approved.

1 COMMISSIONER ARENCIBIA: So what is
2 the net increase of parking?

3 MR. DOUGHERTY: For on-street it's
4 seven stalls. There is no increase on JFK
5 Boulevard, but on Dietz Place, there's seven new
6 stalls.

7 COMMISSIONER ARENCIBIA: The driveway
8 widths, you show one is larger than the other. Is
9 there a reason for that? I think they should both
10 be the same size.

11 MR. DOUGHERTY: We have the narrower
12 width on the existing drive, the egress drive, to
13 try to keep multiple cars from queuing up and
14 dissuade the left-turn movement.

15 FREEHOLDER ROMANO: So you have one
16 lane?

17 MR. DOUGHERTY: That's right. The
18 entrance drive is a little bit larger to allow
19 entering traffic to have a better turning radius.
20 We're able to keep the smaller width on the exit
21 drive to maintain that single lane. A typical lane
22 is anywhere from ten to twelve feet. If you give
23 two cars sixteen or seventeen feet, they end up next
24 to each other, even if it's marked as one lane.

25 COMMISSIONER ARENCIBIA: What's the

1 distance between the two driveways?

2 MR. DOUGHERTY: Between the full curb
3 cut is about eleven feet. That's including the
4 transition. I would say probably 18 to 20 feet
5 between the actual depressed curb section of each
6 driveway.

7 COMMISSIONER ARENCIBIA: You're not
8 concern about any cars parked between the driveways?

9 MR. DOUGHERTY: It's metered parking
10 so it won't be a metered stall located.

11 COMMISSIONER ARENCIBIA: You're going
12 to paint it yellow. That's all of the questions I
13 have.

14 CHAIRWOMAN BETTINGER: Any other
15 comments? Mr. Marks?

16 MR. MARKS: No, Madam Chair,
17 Mr. Tridente inspected it. Does Mr. Tridente have
18 any comments?

19 MR. TRIDENTE: I think that satisfied
20 all my concerns.

21 CHAIRWOMAN BETTINGER: Do I have a
22 motion?

23 MR. MARKS: Madam Chair, on the
24 motion to approve Application 2011-090-SP made
25 Commissioner Romano. Second by Commissioner Ng.

1 Commissioner Arencibia.
2 COMMISSIONER ARENCIBIA: Aye.
3 MR. MARKS: Commissioner Choffo.
4 COMMISSIONER CHOFFO: Aye.
5 MR. MARKS: Commissioner DiDomenico.
6 FREEHOLDER DiDOMENICO: Aye.
7 MR. MARKS: Commissioner Fitzgibbons.
8 COMMISSIONER FITZGIBBONS: Aye.
9 MR. CURLEY: Commissioner Holloway.
10 COMMISSIONER HOLLOWAY: Aye.
11 MR. MARKS: Commissioner Mehta.
12 COMMISSIONER MEHTA: Aye.
13 MR. MARKS: Commissioner Ng.
14 COMMISSIONER NG: Aye.
15 MR. MARKS: Commissioner Romano.
16 FREEHOLDER ROMANO: Aye.
17 MR. MARKS: Chairwoman Bettinger.
18 CHAIRWOMAN BETTINGER: I vote aye.
19 MR. MARKS: Madam Chair, the motion
20 passes.
21 MR. CAMPEN: Thank you very much.
22 CHAIRWOMAN BETTINGER: Thank you.
23 MR. CURLEY: Madam Chair, I will be
24 recusing myself of the next two applications, the
25 first being an application by the County of Hudson,

1 the second being the Shipyard presentation. Mr.
2 John Campbell is here to represent the County Board
3 on those two application.

4 CHAIRWOMAN BETTINGER: There's only
5 one other application. You're not recusing yourself
6 from the last application?

7 MR. CURLEY: I will be back for the
8 last application.

9 CHAIRWOMAN BETTINGER: Would the
10 Board mind if we move up the last application?

11 MR. MARKS: Madam Chair, the last
12 application --

13 CHAIRWOMAN BETTINGER: There are so
14 many public speakers.

15 MR. MARKS: Madam Chair, the last
16 application is Lusa Construction. It's relatively
17 short, sweet and not controversial, so I recommend
18 just putting that ahead of the queue. So after --
19 the Board can hear that application now or after the
20 Laurel Hill Park Subdivision application.

21 CHAIRWOMAN BETTINGER: We'll deal
22 with Hudson County.

23 MR. MARKS: Madam Chair, the next
24 application is 2011-094-SP, County of Hudson
25 applicant, for the subdivision of Laurel Hill Park,

1 which is Block 5, Lot 2.01 in the Town of Secaucus.

2 MR. McGUIRE: Good evening, Madam
3 Chair, Members of the Board. My name is Hugh
4 McGuire. I'm here representing the County of
5 Hudson. This is essentially just a minor
6 subdivision of Block 5, Lot 2 in Secaucus. This is
7 the Laurel Hill site in Secaucus. The portion of
8 this property is the park. The subdivision has
9 already been approved by the Hackensack Meadowlands
10 Commission. It has had an information hearing
11 already in the Town of Secaucus, and plans will be
12 signed by all of those agencies accordingly.

13 The subdivision, unfortunately we don't
14 have it on a board, but I think everyone has a copy
15 of the actual plan. The portion that's being
16 subdivided shows a Lot 2.03, is actually not a part
17 of the park. Even though it's part of the Laurel
18 Hill property, it is not part of the park. There
19 was a little confusion in the actual application
20 that it was part of the park, and it's not, so I
21 just want to clear up that we're not subdividing the
22 park itself. This is land that's adjacent to the
23 park as part of the Laurel Hill property.

24 Right now there is no -- we do not have
25 any building. Nothing is being done. It's simply a

1 subdivision to effectuate later-on uses of the
2 property, could be the park, could be for
3 educational purposes. At this point it's simply
4 just a subdivision to set it apart from the park's
5 parcel.

6 MR. MARKS: Madam Chair, I believe
7 there's a member of the public who is here to speak
8 on it.

9 CHAIRWOMAN BETTINGER: Do we have
10 anyone? I'm sorry. I apologize.

11 MR. BELUSHI: Good evening. My name
12 Ted Belushi, and I'm your Hackensack River Keeper.
13 Hackensack River Keeper is a nonprofit public
14 interest organization. We maintain and operate the
15 kayak rental and canoe rental out at Laurel Hill
16 County Park. We also run an eco-cruise program,
17 which takes thousands of people out into the
18 Meadowlands to enjoy the Hackensack River.

19 I'm very concerned with this application
20 principally because the land in question is some of
21 the last undefiled up space in that part of Secaucus
22 in that part of the County. Laurel Hill Park is an
23 outstanding park, but that's exactly what it is.
24 It's a human park. It's filled with playing fields,
25 playgrounds and human endeavor, which does not

1 contribute to anything in the way of natural
2 resource value. It's very good for recreation, and
3 of course, people need that.

4 MR. CAMPBELL: Do you want to be
5 sworn?

6 (The witness is sworn.)

7 FREEHOLDER ROMANO: Excuse me,
8 Counsel. Why would he be sworn? He is not
9 testifying an a expert. He's testifying as a
10 concern citizen.

11 MR. CAMPBELL: If he's giving factual
12 testimony and not just --

13 COMMISSIONER FITZGIBBONS: With all
14 due respect, we have never asked other than
15 professionals to swear in. This Board has never in
16 15 years that I was here sworn somebody opposing as
17 long as he makes his statement, as long as he's not
18 an engineer and/or lawyer.

19 MR. CAMPBELL: I'll defer to the
20 Board's practice.

21 FREEHOLDER ROMANO: We defer to your
22 legal opinion. What is your opinion?

23 MR. CAMPBELL: If he's making a fact
24 statement, he should be sworn in.

25 (The witness is sworn.)

1 MR. BELUSHI: I swear. I stand by
2 everything I said. Now, to get back on track, as I
3 was saying, this area of land that's -- I guess it
4 would be in the north, northeast corner of the park,
5 actually as you enter the park area, it has, you
6 know, a lot of trees, a lot of understory. There's
7 a pond adjacent to this property where endangered or
8 threatened species are known to roost throughout the
9 seasons. It's a very important wildlife habitat
10 area, and a County as densely populated and densely
11 developed as Hudson County, when you have any kind
12 of wildlife habitat left, you need to treasure that.

13 I would be very concerned as a naturalist
14 and as an activist and as an environmentalist, I
15 would be very concerned that the last scrap of
16 wildlife habitat laid waste to without giving it the
17 proper amount of thought. I noticed you were ready
18 to go right to a vote to approve this application.
19 I think it needs a lot more thought. You know, you
20 should take a ride out to Laurel Hill Park. You
21 should walk the property and see, you know, the
22 types of habitat that exists there.

23 I know coyotes are not on everyone's
24 favorite animal list, but we do have coyotes in
25 Hudson County. There are dozens of the typical

1 animals that do well living close by to humans,
2 raccoons, possums, skunks, squirrels. The black
3 crown night herons use the area for roosting
4 purposes, and at sunset when the black crown night
5 herons go out to feed, you could actually see them
6 leaving this wooded area and flying right across the
7 playing field of Laurel Hill County Park on their
8 way out to marshes in the Meadowlands. If we
9 destroy all this habitat, we lose all these
10 critters. If we lose all these critters, we're
11 poorer for it, the County is poorer for it, and the
12 people of the County are poorer for it.

13 So I do beseech the Commissioners to weigh
14 this very, very carefully before you just give it a
15 blanket okay, and that's about all I have to say; if
16 anyone has any questions.

17 COMMISSIONER HOLLOWAY: Madam Chair,
18 this application is a subdivision. That's all it
19 is. It's not part of that. It's strictly a
20 subdivision.

21 CHAIRWOMAN BETTINGER: They would
22 have to come before us.

23 COMMISSIONER HOLLOWAY: I can
24 understand what you're saying, but right now, this
25 application is for a subdivision. That's all it is.

1 MR. BELUSHI: In my experience, you
2 know, subdivisions more than almost always lead to
3 something else just around the corner. There is
4 going to be something else before you really quickly
5 around the corner for you to approve. You have to
6 consider this very carefully, all right?

7 COMMISSIONER FITZGIBBONS: I'm sure
8 they'll come before us. It's a requirement that the
9 County has. It's a simple subdivision, and you will
10 have to fight for another day.

11 MR. BELUSHI: All right. My main
12 concern is that, and it's my last thought on the
13 subject, this is open space. The County has been
14 racking up a very good scorecard over the past
15 several years with preserving open space and making
16 open space available to the people of Hudson County.
17 Most of that open space that's been made available
18 and approved for the people is the type of open
19 space that people can use for playing fields and
20 that kind of thing. This is wildlife habitat. We
21 need to preserve that also. Thank you.

22 CHAIRWOMAN BETTINGER: Mr. McGuire,
23 can you just explain a little bit more to the Board
24 what we're actually doing with the application?

25 MR. MCGUIRE: At this point there is

1 no immediate plan. They will be using interrimly.
2 There's going to be some educational purposes.
3 They're not building. It's not going to be any
4 development at this point. Again, I just want to
5 clarify on the comment. This is not the northeast
6 or northwest section. This is the subdivision. The
7 park is actually the northwest I guess you would
8 call it, northwest section of the land. The
9 subdivision is in the southeastern section of the
10 land. That's not the park. This is not park
11 property. If you look at it that way, the larger
12 part of the land, which is the park, is going to
13 remain. At this point there has been no
14 determination what to do with it. It's not part of
15 the park. It's just being subdivided out of the
16 park itself. There is now a distinction between the
17 lot that is the park and the lot that is not the
18 park.

19 CHAIRWOMAN BETTINGER: Did you say
20 you represent Hudson County?

21 MR. McGUIRE: I'm the attorney who
22 was hired to handle this application before
23 Secaucus's board and before this Board.

24 CHAIRWOMAN BETTINGER: Has this been
25 approved by the Township of Secaucus?

1 MR. McGUIRE: This has been approved
2 by the Hackensack Meadowlands Commission and the
3 Township of Secaucus after open hearings. I can say
4 there was no objection at all by either board
5 members or in Secaucus where the property is
6 located.

7 CHAIRWOMAN BETTINGER: Does anybody
8 have any other comments? May I have a motion?

9 MR. MARKS: Madam Chair, on the
10 motion to approve Application 2011-094-SP made by
11 Commissioner Holloway. Second by Commissioner
12 Fitzgibbons.

13 Commissioner Arencibia.

14 COMMISSIONER ARENCIBIA: Aye.

15 MR. MARKS: Commissioner Choffo.

16 COMMISSIONER CHOFFO: Aye.

17 MR. MARKS: Commissioner DiDomenico.

18 FREEHOLDER DiDOMENICO: Aye.

19 MR. MARKS: Commissioner Fitzgibbons.

20 COMMISSIONER FITZGIBBONS: Aye.

21 MR. CURLEY: Commissioner Holloway.

22 COMMISSIONER HOLLOWAY: Aye.

23 MR. MARKS: Commissioner Mehta.

24 COMMISSIONER MEHTA: Aye.

25 MR. MARKS: Commissioner Ng.

1 COMMISSIONER NG: Aye.

2 MR. MARKS: Commissioner Romano.

3 FREEHOLDER ROMANO: Aye.

4 MR. MARKS: Chairwoman Bettinger.

5 CHAIRWOMAN BETTINGER: I vote aye.

6 Before anything is approved --

7 MR. McGUIRE: They would have to make
8 an application. If there's anything else, they have
9 to come back. Thank you.

10 MR. MARKS: Madam Chair, did the
11 Board want to skip ahead?

12 CHAIRWOMAN BETTINGER: Yes.

13 MR. MARKS: Madam Chair, the next
14 application scheduled for public hearing is
15 2012-001-SP, Lusa Construction, Inc., located at
16 327-329 Schuyler Avenue, Block 241, Lots 37 and 38,
17 in the Town of Kearny.

18 MR. BUONO: Good evening. Paul
19 Buono, B-u-o-n-o, from the law firm of Koch, Koch &
20 Bennett on behalf of the application. Tonight's
21 application is, essentially a little history about
22 the property, it's 327-392 Schuyler Avenue in the
23 Town of Kearny. It's along Schuyler Avenue, which
24 is obviously a County road. This property was
25 originally applied for through the Town of Kearny

1 trying to put a one-family and a two-family on this
2 lot, very congestive the lot, and that application
3 was not able to be configured to make that work for
4 the property.

5 My client then purchased it. It had been
6 bulldozed as far as the property, and my client did
7 buy it as vacant land. All the requirements did
8 comply with the Town of Kearny. They were not
9 subjected to appear before the Zoning Board of
10 Adjustment of Kearny. They met all the
11 requirements, which were approved, applied for all
12 the permits. They come here somewhat apologetic for
13 not really knowing they did have to seek County
14 approval.

15 There an issue with this curb cut. Al
16 DaSilva from Neves Architecture is going to discuss
17 that in a little bit, as well as addressing some of
18 the issues that the County has requested beyond
19 those plans. So my client does come here with a
20 little bit of a red face having not submitted their
21 application before the Zoning Board of Adjustment of
22 Kearny, which they usually follow the recommendation
23 if they do have to follow the County approval on
24 this. So having met all the previous requirements,
25 they were just unaware this was a step along the

1 process.

2 With that, we'd like to present Mr. Al
3 DaSilva, on behalf of Neves Architecture.

4 (The witness is sworn.)

5 MR. CURLEY: Pleas state your name
6 and spell your last name.

7 MR. DaSILVA: It's Alfredo DaSilva,
8 D-a-s-i-l-v-a.

9 MR. BUONO: And can you present your
10 qualifications for the Board?

11 MR. DaSILVA: Yes, I'm a registered
12 architect in the state of New Jersey. I have
13 appeared before several boards in different counties
14 as well as cities. I am practicing now in Kearny.

15 CHAIRWOMAN BETTINGER: Thank you.

16 MR. BUONO: Mr. DaSilva, can you show
17 us a little bit about the plan, how these were
18 revised from the previous plans?

19 MR. DaSILVA: The previous plans were
20 submitted to the Board.

21 MR. CURLEY: Can you mark that as A-1
22 and identify the title?

23 MR. DaSILVA: This is A-1.
24 Basically, what we have is a two-family home. The
25 plans that the Board has and the ones that were

1 revised after communicating with the town --

2 CHAIRWOMAN BETTINGER: We can't hear
3 you.

4 MR. DaSILVA: They did include a rain
5 garden by request from Hudson County, also two trees
6 as per review. You do have a curb cut on the corner
7 of the property, which not going to be replaced.
8 There will be one on the center of the property to
9 accommodate the new garage that is part of the
10 building. The two trees are on the drawing, and
11 basically, we are including a lot of green space
12 that was not there before. So these are the two
13 things that the town requested. This is what we
14 tried to do also for the County.

15 MR. BUONO: Is it correct,
16 Mr. DaSilva, that no off-street parking is being
17 taken away, that the driveway essentially is to
18 remain a two-car driveway?

19 MR. DaSILVA: Yes, it is. There is
20 no increase in the amount of impervious surface that
21 is going to be provided with the structure, and with
22 the old driveway, they are going to be replace
23 curbing, and that can be used for a new parking
24 spot.

25 MR. BUONO: And being that this is a

1 64-foot frontage, can you point out to the Board the
2 placing of the shade trees?

3 MR. DaSILVA: Yes, there, on either
4 side of the driveway, one here and one here.

5 COMMISSIONER ARENCIBIA: Madam Chair,
6 do you have any utility cuts in the street?

7 MR. DaSILVA: We're going to have to,
8 yeah.

9 COMMISSIONER ARENCIBIA: Then you
10 have to come in for a road opening permit.

11 FREEHOLDER ROMANO: You made a
12 comment about Mr. Neves' firm, who is very competent
13 in the area, he didn't know Schuyler Avenue was a
14 County road?

15 MR. BUONO: I'm sure he was aware. I
16 think it was an oversight as far as giving the
17 advice to the client before they started
18 construction.

19 CHAIRWOMAN BETTINGER: Mr. Marks, any
20 comments?

21 MR. MARKS: Madam Chair, I would
22 defer to Mr. Tridente. He inspected the site.

23 MR. TRIDENTE: Madam Chair, I have
24 one question of the architect. He's saying that
25 he's not removing any parking spaces on the County

1 road. The photograph showed that there were four
2 parking spaces. Well, actually three directly in
3 front, two and a half. The location of that
4 driveway will take away two parking spaces. Could
5 you comment on that?

6 MR. DaSILVA: We're putting the
7 driveway in the center of the property. Where that
8 driveway is right now, there is no parking. When we
9 go replace that with a parking space, probably
10 another one will be on the driveway on that side.
11 So if there is three there now, we probably get two
12 back, one on each side of the public driveway.

13 MR. TRIDENTE: How wide is the
14 proposed driveway?

15 MR. DaSILVA: The proposed driveway
16 is fourteen feet wide. There is a two-car garage.

17 MR. TRIDENTE: With the location of
18 the proposed driveway being directly in the center
19 of the two parking spaces, how are you going to gain
20 back those two parking spaces?

21 MR. DaSILVA: Well, we're going to
22 have to have one on either side of the driveway, one
23 on the south side and one on the north side.

24 MR. TRIDENTE: That's one parking
25 space, just to make that clear.

1 CHAIRWOMAN BETTINGER: Any other
2 comments? Do I have a motion?

3 MR. MARKS: Madam Chair, on the
4 motion to approve Application 2012-001-SP, made by
5 Commissioner Choffo. Second by Commissioner Ng.
6 Commissioner Arencibia.

7 COMMISSIONER ARENCIBIA: Aye.

8 MR. MARKS: Commissioner Choffo.

9 COMMISSIONER CHOFFO: Aye.

10 MR. MARKS: Commissioner DiDomenico.

11 FREEHOLDER DiDOMENICO: Aye.

12 MR. MARKS: Commissioner Fitzgibbons.

13 COMMISSIONER FITZGIBBONS: Aye.

14 MR. CURLEY: Commissioner Holloway.

15 COMMISSIONER HOLLOWAY: Aye.

16 MR. MARKS: Commissioner Mehta.

17 COMMISSIONER MEHTA: Aye.

18 MR. MARKS: Commissioner Ng.

19 COMMISSIONER NG: Aye.

20 MR. MARKS: Commissioner Romano.

21 FREEHOLDER ROMANO: Aye.

22 MR. MARKS: Chairwoman Bettinger.

23 CHAIRWOMAN BETTINGER: Aye.

24 MR. MARKS: Madam Chair, the motion
25 passes.

1 (At this point in the proceeding, a
2 brief recess is taken.)

3 CHAIRWOMAN BETTINGER: Let's move
4 onto the next application.

5 MR. MARKS: Madam Chair, the next
6 application scheduled for public hearing is
7 2011-096-SP, Shipyard Associates, LP, located at
8 1501 Shipyard Lane, which is Block 264.1, Lot 1 in
9 the City of Hoboken.

10 MR. COAKLEY: Good evening, Madam
11 Chairwoman, Kevin Coakley with the firm of Connell
12 Foley on behalf of the applicant. Tonight we're
13 here to give you an overview of the project as
14 particularly with those matters within the County
15 Planning Board's jurisdiction. This is a 1.8-acre
16 site. Part of the site is upland and part of it
17 constitutes a platform that runs north and south in
18 the river.

19 The property is adjacent to Shipyard -- or
20 to Sinatra Drive. It's at Shipyard Lane, which is a
21 private road. The County's jurisdiction arises by
22 virtue of its adjacency to Sinatra Drive. The
23 property is in an IIW Waterfront Development
24 subdistrict in the zoning code of Hoboken. The
25 project has not yet been before the Hoboken Planning

1 Board.

2 In general, the project is for 78
3 residential units. It is the plan that the units
4 will be condominiums, and there would be 78 typical
5 parking spaces, plus nine tandem spaces associated
6 with the project. There will be more than adequate
7 parking. We've met with your staff on two
8 occasions. It's been before the Site Plan Review
9 Committee. They've made certain recommendations.
10 We've tried to adhere to them. I think we have.
11 We've also reviewed the review letters that we've
12 received. We are able and willing to comply with
13 those conditions.

14 So with that brief introduction, I would
15 like to call my first witness who is Mr. Eric Belevu,
16 who is the civil engineer for the project.
17 Mr. Belevu, can you be sworn.

18 (The witness is sworn.)

19 MR. BELEVU: I'm Eric Belevu, and I'm a
20 professional engineer in the state of New Jersey,
21 largely 16 years of experience. I have done
22 projects in Jersey City such as International Golf
23 Course, Port Liberte. I was also an engineer for
24 the W Hotel and the Berkshire building within the
25 same Shipyard land development.

1 MR. COAKLEY: Mr. Belev, can you give
2 the Board the benefit of your educational
3 background, please?

4 MR. BELEU: I have a bachelor's
5 degree in civil engineering from the University of
6 Massachusetts.

7 MR. COAKLEY: And what's the name of
8 the firm that you're with?

9 MR. BELEU: The Birdsall Services
10 Group.

11 MR. COAKLEY: And have you been the
12 engineer of record for this project?

13 MR. BELEU: I have.

14 MR. COAKLEY: How many boards have
15 you appeared before approximately in the state of
16 New Jersey?

17 MR. BELEU: I would say approximately
18 20.

19 MR. COAKLEY: I would like to offer
20 Mr. Belev an a expert in the field of civil
21 engineering. Mr. Belev, would you give the Board an
22 overview of the project, please? You're looking at
23 a photo, and that's going to be marked A-1.

24 MR. BELEU: Correct. Exhibit A-1 is
25 a rendered version of the black and white plan that

1 was submitted to the Board. To give you
2 orientation, at the top of the sheet is Hudson
3 Street that runs north and south. A little further
4 to the east Shipyard Lane, and Sinatra is towards
5 the east. This project is located at the
6 intersection with Shipyard Lane and Sinatra Drive
7 extending to the north.

8 The project is approximately 1.8 acres.
9 About a third of it is upland; that's provided with
10 a bulkhead, and the remainder portion to the east is
11 a platform. What the applicant is proposing to do
12 is take the vacant property that has a platform,
13 replace that platform, also install two bulkheads to
14 stabilize the upland to allow for the development of
15 a residential project.

16 The residential project is two
17 eleven-story buildings on the north side and
18 southern side containing 78 units. Those two
19 buildings are connected with corridors to a common
20 lobby area in the middle of that building. The
21 first level of the building is the parking level.
22 That allows us to park 78 standard spaces, nine
23 tandem spaces and also provides you with about 50
24 internal bike spaces as well. That access to the
25 garage, we're proposing a driveway that connects

1 Sinatra Drive and 15th Street. That will allow
2 access to the driveway into the garage, centrally
3 located within the building.

4 The other element for access that we have,
5 a driveway on the western side of the building that
6 allows people and vehicles to access the lobby
7 that's up one level. So you have parking at the
8 first level, the lobby is at the second level. This
9 driveway will give people the ability to go right to
10 the lobby, to walk and also to drive to it.

11 The other element of this proposed
12 development's public amenities is an extension of
13 the Hudson River Walkway. This project will propose
14 a 15-foot wide access for vehicles and pedestrians
15 that goes all the way around the perimeter, linking
16 up the existing Hudson River Walkway on Sinatra
17 Drive and links that completely over to the Hudson
18 River Walkway on 15th Street. A lot of that walkway
19 will have the standard elements for a Hudson River
20 Walkway, decorative railing, decorative lighting,
21 trash cans, bike racks. Also, on the eastern side,
22 we'll add in a few seating walls and seating areas
23 to promote the public to use it.

24 With regards to the engineering aspect of
25 the project, one of the first things we looked at is

1 drainage. We looked at what portion of this project
2 is actually tributary to the County drainage. We
3 looked at the drainage at this far corner of the
4 property today that is presently a tributary to the
5 stormwater system for the County. So when we drew
6 our grade designs, we were actually able to change
7 the drainage patterns to slightly decrease the
8 amount of area that's tributary to the County
9 system. So instead of adding additional flow to the
10 County system, we're actually taking that flow away.

11 To accommodate the flow from the platform
12 development, we're proposing two 18-inch out-valves
13 that will discharge directly to the Hudson River,
14 and we would obtain NJDEP waterfront development
15 approval to allow those outflows to handle our
16 stormwater. Also, I want to note that we did add
17 200 feet of impervious landscaped areas on the
18 upland portion. We have approximately 7,300 square
19 feet of planted rooftop on top of the building and
20 to the platform to also soften some of the
21 buildings.

22 One of the things that came up in our
23 pre-meetings was a discussion about overflow that
24 exists on 15th Street, that's located actually 90
25 feet west of our development. There was a concern

1 that we might exacerbate that existing problem by
2 having our development put more stormwater into the
3 system. We're actually going to decrease the amount
4 of water tributary to the system. We're not going
5 to have any negative effect on that present
6 overflow.

7 MR. COAKLEY: Mr. Belevu, in your
8 opinion is the access to the County road to and from
9 the project safe and adequate?

10 MR. BELEU: Yes, it is.

11 MR. COAKLEY: In your opinion is the
12 drainage from the project, does it burden or impede
13 the existing County drainage system?

14 MR. BELEU: No, it will have no
15 negative affects on the Count system.

16 MR. COAKLEY: No further questions.

17 CHAIRWOMAN BETTINGER: Have you done
18 any traffic --

19 MR. COAKLEY: We have a traffic
20 witness, yes.

21 COMMISSIONER FITZGIBBONS: I've got a
22 question, did North Hudson Sewerage Authority
23 approve of that?

24 MR. BELEU: Approve of the project?

25 MR. COAKLEY: They've issued a

1 will-serve letter for the project.

2 COMMISSIONER FITZGIBBONS: Also, you
3 said that the City of Hoboken didn't approve this
4 project?

5 MR. COAKLEY: It's not been before
6 the board as yet.

7 COMMISSIONER FITZGIBBONS: Was this
8 ever before the board?

9 MR. COAKLEY: No.

10 COMMISSIONER FITZGIBBONS: This
11 project was never before the board. Was there ever
12 any agreement with the owners of this project before
13 you presented that one to the board?

14 MR. COAKLEY: I'm not following your
15 question.

16 COMMISSIONER FITZGIBBONS: In other
17 words the original Shipyard agreement, was it a
18 resolution passed that preserved that site there for
19 recreational space with the City of Hoboken? There
20 was an agreement with the Planning Board and City
21 Council, am I right?

22 MR. COAKLEY: There was an approval
23 granted by the Planning Board for that property for
24 it to be a commercial tennis facility, commercial
25 tennis facility.

1 COMMISSIONER FITZGIBBONS: So now,
2 there was an approval. There was an agreement on
3 that approval that that would be a commercial tennis
4 facility?

5 MR. COAKLEY: It's not an agreement.
6 There was an approval.

7 COMMISSIONER FITZGIBBONS: You guys
8 didn't approve it?

9 MR. COAKLEY: It was an approval but
10 not an agreement. In other words the planning
11 board --

12 COMMISSIONER FITZGIBBONS: Was there
13 a resolution by the planning board?

14 MR. COAKLEY: There was a resolution
15 approving the use of that property as a commercial
16 tennis facility, and what's now before the planning
17 board is an application to amend that approval for
18 this use.

19 COMMISSIONER FITZGIBBONS: Before the
20 planning board to amend, to rescind that approval
21 before the Hoboken Planning Board, right?

22 MR. COAKLEY: That's pending before
23 the planning board, correct.

24 COMMISSIONER FITZGIBBONS: So my
25 problem is that you're coming here, and you've got a

1 problem in Hoboken. If they approve it in Hoboken,
2 that's when you should come here. That's the way I
3 feel about that.

4 MR. COAKLEY: There is no --

5 COMMISSIONER FITZGIBBONS: I'm not
6 grandstanding. I don't believe in anybody reneging
7 on anything.

8 MR. COAKLEY: I'm not saying you're
9 grandstand, but I think your wrong. I'm not saying
10 you're grandstanding, but you were wrong in terms of
11 what the legal requirements are. We're not
12 obligated.

13 COMMISSIONER FITZGIBBONS: I have a
14 question. Go ahead.

15 MR. COAKLEY: We're not obligated to
16 go before the planning board in Hoboken before
17 coming before this Board.

18 FREEHOLDER ROMANO: Counsel, is that
19 correct?

20 MR. CAMPBELL: He can appear in
21 either order. He's just conditioned on the other.

22 COMMISSIONER FITZGIBBONS: Have you
23 ever before come to this Board under the old
24 agreement with the County Planning Board?

25 MR. COAKLEY: I would imagine so if

1 there was a County road. I really don't know to be
2 honest with you.

3 COMMISSIONER FITZGIBBONS: Yes, you
4 did.

5 MR. COAKLEY: If the property, if the
6 property was adjacent to a County road at that time,
7 which was approximately 13 years ago --

8 COMMISSIONER FITZGIBBONS: I was
9 here.

10 MR. COAKLEY: I take your word for
11 it.

12 COMMISSIONER FITZGIBBONS: I'm not
13 that old, but I was here. You see, my problem is I
14 don't know how this is going to fly with Hoboken.
15 We had problems in the past with other
16 municipalities. Our Board took the brunt, okay? We
17 went along. We gave these things out, and we took
18 the hit, and then this municipalities would reject
19 it.

20 MR. COAKLEY: We are not looking for
21 anybody to take a hit. This involves approval of an
22 application that conforms to the requirements of the
23 County Plan Act, that has no traffic impacts, that
24 has no drainage impacts. We're asking you simply to
25 follow the law.

1 FREEHOLDER ROMANO: Counsel, just to
2 keep track for everybody, our County issues are
3 two-fold, correct? What is our jurisdiction? For
4 example -- tell us what our jurisdiction is.

5 MR. CAMPBELL: You mentioned the
6 impact on the circulation on the County road,
7 traffic impact.

8 FREEHOLDER ROMANO: And that's our
9 jurisdiction for the record with regard to North
10 Hudson Sewerage; 15th Street, all the way down is
11 not a County street. It's not, that's what I'm
12 asking; is it a County street or not? Where is our
13 jurisdiction just so the people here know what we're
14 talking about? What is our jurisdiction?

15 COMMISSIONER ARENCIBIA: The County
16 has Sinatra Drive and north, which is 12th Street
17 and Hudson Street, which is not on the map, but it
18 does continue north, and then turns 90 degrees to the
19 east and ends at Shipyard Lane. At that point is
20 where at Shipyard Lane it returns back to the
21 County.

22 CHAIRWOMAN BETTINGER: Counselor, I
23 have another question. If the Board approves an
24 application, is it contingent upon the municipality
25 as well?

1 MR. CAMPBELL: Absolutely.

2 FREEHOLDER ROMANO: Do you just want
3 to repeat that for the benefit of the people?

4 MR. CAMPBELL: Any approval here is
5 not an approval for the development. It's only in
6 recognition of compilation with County issues. The
7 Municipality of Hoboken will still have to hear the
8 entire application to vote on whether the
9 development itself would go forward.

10 COMMISSIONER FITZGIBBONS: I've got a
11 question. They presented, 13 years ago they
12 presented a site plan for this. What happens to
13 that site plan, is it still laying there?

14 MR. CAMPBELL: Depending on the
15 length of the approval from the County, there may
16 have been a condition that the development had to
17 occur by a certain time or it would expire. Absent
18 that, the approval with the property, the ultimate
19 question, an example is anybody could get an
20 approval to build something and then for one reason
21 or another be unable to do it and abandon the
22 approval and would have to start over if those
23 approvals did expire.

24 So the mere fact that no one ever acted on
25 that previous approval does not preclude someone

1 from a new application for a different project.

2 CHAIRMAN CHOFFO: Madam Chair, I have
3 two questions. Is the waterfront walkway there now,
4 or is that what's being proposed?

5 MR. BELEU: This is being proposed.
6 The one that goes in the north-south direction and
7 returns, that's being proposed. Now there is a
8 small walkway connection to 15th Street. It's a
9 small connections.

10 COMMISSIONER FITZGIBBONS: I've got
11 another question. Is walkway going to be a public
12 walkway? Is that going to be deeded to the City of
13 Hoboken?

14 MR. COAKLEY: It's going to be a
15 public walkway in the sense that there is going to
16 be a conservation restriction applied to it. So it
17 will be the public will not be barred from walking
18 around the walkway. It's a Hudson River Walkway
19 continuation, not the walkway itself, but a
20 continuation.

21 FREEHOLDER ROMANO: I have a
22 question. Now, if fire apparatus has to enter that
23 area, are they able to?

24 MR. COAKLEY: Yes. Mr. Beleu?

25 MR. BELEU: Yes, the plan that we

1 submitted as part of our application where an
2 emergency vehicle turning movement, which shows
3 their full 40-foot wide and being able to circulate.
4 That's on the northern edge where we have that
5 pavement area that would allow fire trucks to make
6 that movement.

7 COMMISSIONER ARENCIBIA: Madam Chair,
8 I just want to ask the engineer, you referenced
9 before about the County out-valves. I wasn't clear
10 whether the County has an out-valves there, or
11 you're tying it to the North Hudson Sewer Authority.

12 MR. BELEU: We're not tying into any
13 County drainage systems, nor are we tying into the
14 North Hudson Sewer out-valves. We have permits from
15 the NJDEP to build two outflows associated with the
16 new platforms; completely independent drainage
17 system.

18 COMMISSIONER FITZGIBBONS: I've got a
19 question. Did DEP approved that?

20 MR. BELEU: They did.

21 COMMISSIONER FITZGIBBONS: Is there
22 an objection? Is there any kind of legal action
23 against that?

24 MR. COAKLEY: Yes, there is a pending
25 appeal of the DEP decision that was recently filed

1 on behalf of the City of Hoboken. There may be
2 others. There is one that we're aware of.

3 COMMISSIONER ARENCIBIA: Madam Chair,
4 as far as the promenade goes, the responsibility,
5 care and maintenance of that, is that the developer
6 or the City?

7 MR. COAKLEY: The walkway, it will be
8 run with the land with the condominium association.
9 They will be required to maintain that.

10 MS. FLOR: Madam Chair, I would like
11 to hear more about the overflow valve and the
12 grading around. That is a combined system at that
13 location?

14 MR. BELEU: I believe it is.

15 MS. FLOR: So you are adding sanitary
16 flow because of the increase of your units. Would
17 that increase the amount of overflow from that
18 valve, and could that have an effect on drainage if
19 it was to overflow in that location? Which way does
20 it drain, and could it get to the County system?

21 CHAIRWOMAN BETTINGER: This is
22 Jackie. She's our consulting engineer for the
23 County.

24 MR. BELEU: Sure. The pipe that
25 comes out 15th Street, that goes to a chamber

1 fundamentally not involved with the Hudson River as
2 sort of an overflow from the Sewerage Authority.
3 Our standard sewer is going to tie into an
4 eight-inch gravity main located on Shipyard Lane.
5 So the sewerage will end up going to the Shipyard
6 Lane sanitary sewer system, and that will go onto
7 the treatment plant and that ultimately will be
8 discharged.

9 MS. FLOR: So it does not connect to
10 the valve that overflows?

11 MR. BELEU: No, it does not connect
12 to the valve.

13 CHAIRWOMAN BETTINGER: What is in the
14 surrounding area?

15 MR. BELEU: Surrounding area, we have
16 to the west, there's a vacant parking area. To the
17 further west would be the Hudson Tea Building, and
18 to the south is a completed building, which is part
19 of the Shipyard project; the Berkshire all the way
20 to the left, and across from this, another Shipyard
21 development, a completed building.

22 COMMISSIONER ARENCIBIA: Madam
23 Chairwoman, the rest of the pier, there appears to
24 be a piece of the pier to the north, a piece of the
25 pier runs into the river in the east, and then you

1 start to get to that development.

2 MR. BELEU: That is a City-owned
3 property. That is not part of that application.
4 It's beyond our property line.

5 COMMISSIONER ARENCIBIA: On the
6 extended pier to the east?

7 MR. BELEU: That pier is part of the
8 Shipyard development.

9 COMMISSIONER ARENCIBIA: There's
10 nothing planned for that?

11 MR. COAKLEY: There's no plans for
12 that at this point.

13 COMMISSIONER FITZGIBBONS: You say
14 part of that pier is owned by the City?

15 MR. BELEU: They're City-owned lots.

16 COMMISSIONER FITZGIBBONS: Will the
17 City have access to that?

18 MR. COAKLEY: Yes.

19 COMMISSIONER ARENCIBIA: Is that
20 currently fenced in or access to those piers, do you
21 prevent the public from getting on that through
22 fencing or security?

23 MR. BELEU: I believe it's all fenced
24 in.

25 COMMISSIONER ARENCIBIA: So you'll

1 keep that area fenced in so that people don't walk
2 into those areas.

3 FREEHOLDER ROMANO: Now, Counsel, is
4 there any intention to put any tennis courts at all?

5 MR. COAKLEY: There is no present
6 intention with this project to put in tennis courts.

7 COMMISSIONER HOLLOWAY: Madam Chair,
8 you said there is a lawsuit concerning the sewer
9 system that you wanted to put in? Explain that a
10 little better.

11 MR. COAKLEY: No, there's a permit
12 issued by the Department of Environmental Protection
13 for this project. It's called a Waterfront
14 Development Permit. There has been a notice of
15 administrative litigation filed with the Department
16 of Environmental Protection by the City of Hoboken
17 with respect to that permit.

18 COMMISSIONER HOLLOWAY: Thank you.

19 CHAIRWOMAN BETTINGER: Any other
20 questions or comments?

21 COMMISSIONER MEHTA: That is a pier
22 where the water is, there is an east-side pier?

23 MR. BELEU: This portion, that is
24 property owned by the applicant.

25 COMMISSIONER MEHTA: In the picture

1 here.

2 (Mr. Beleu approaches Commissioner
3 Mehta, and discussion is held off the record.)

4 MR. BELEU: We're just speaking in
5 regards to this platform that goes towards the east,
6 it is not an actively used platform.

7 COMMISSIONER HOLLOWAY: You're going
8 to be adding fill?

9 MR. BELEU: For this particular
10 project, we're going to be redoing a new platform,
11 replacing the failing platform and then adding
12 bulkheads in front of the existing bulkhead to make
13 sure that that bulkhead is sound. So there won't be
14 any fill added. It will be a concrete structure
15 with piles.

16 FREEHOLDER ROMANO: Question, will
17 that affect our infrastructure?

18 COMMISSIONER ARENCIBIA: No, this is
19 separate from 15th Street. You're actually removing
20 the old platform?

21 MR. BELEU: Correct, to install a new
22 platform, we would have to remove the old platform
23 in order to do that.

24 COMMISSIONER ARENCIBIA: So this
25 doesn't affect at all the platform, the portion of

1 the platform that's on 15th Street. Sinatra Drive
2 north or a portion of it is on a platform, parts of
3 the platform. I believe it goes right just to the
4 east of the turn. I think the platform ends right
5 further east, maybe right about where the
6 development starts.

7 MR. BELEU: That's where we'll be
8 proposing new bulkheads to intersect the existing
9 bulkhead.

10 COMMISSIONER ARENCIBIA: It will tie
11 into the existing bulkhead on 15th.

12 COMMISSIONER CHOFFO: I have a
13 question, Madam Chair. Was there any environmental
14 tests done on this site?

15 MR. COAKLEY: The site has an NFA.

16 COMMISSIONER CHOFFO: Do you know
17 what that's dated roughly?

18 MR. COAKLEY: It's fairly old. This
19 used to be, the overall site was a shipyard.

20 FREEHOLDER ROMANO: Shipyard that
21 moved out.

22 MR. COAKLEY: In fact, on this
23 platform there was a railroad at one time that
24 brought heavy equipment in from ships.

25 CHAIRWOMAN BETTINGER: Do you have

1 any other testimony?

2 MR. COAKLEY: Yes, I would like to
3 call Gary Dean, who's a traffic expert.

4 MR. DEAN: Good evening.

5 (The witness is sworn.)

6 MR. COAKLEY: Mr. Dean, would you
7 describe to the Board your educational background
8 and your work experience.

9 MR. DEAN: Certainly; 1983 graduate
10 of Lehigh University, Bachelor of Science in civic
11 engineering. I'm also a former member of the
12 faculty at Lehigh University and Lafayette College
13 having served as an adjunct professor teaching
14 transportation engineering. I'm licensed in the
15 state of New Jersey as a professional engineer since
16 1986. I'm also a licensed professional planner in
17 the state of New Jersey, and a licensed professional
18 engineer in five other states in the northeast.
19 I've been qualified as an expert traffic engineer
20 before roughly 300 or 350 planning or zoning boards
21 throughout the state.

22 MR. COAKLEY: I'd like to offer
23 Mr. Dean as an expert in traffic engineering.

24 CHAIRWOMAN BETTINGER: He's accepted.

25 MR. COAKLEY: Mr. Dean, could you

1 tell the Board how you went about studying the
2 traffic related to this project?

3 MR. DEAN: Yes, and one thing I
4 neglected to mention is that since the inception of
5 the Shipyard project, I was the traffic engineer for
6 the original component and investigated the
7 projections of traffic associated with the bulk
8 overall Planned Unit Development project. This
9 north platform represents one of the final phases of
10 the project, and as was described as per its
11 original approval, it was a commercial recreational
12 use.

13 Part of our study that was submitted to
14 this Board as well to the City of Hoboken entailed
15 updating traffic counts to 2011 conditions, looking
16 at the primary intersections of Hudson Street, 14th
17 and 15th and Washington Street; 14th and 15th.
18 Those primary intersections were included as part of
19 the Waterfront Development Permit submitted to the
20 Department of Environmental Protection, who has
21 specific traffic engineering criteria in their
22 regulations.

23 At the request of the municipal traffic
24 consultant, we recently performed additional counts
25 at the intersection of Shipyard Lane and Sinatra

1 Drive essentially at the front door of the project.
2 As part of our overall traffic study, we also
3 projected the amount of inbound and outbound traffic
4 associated with the 78 units. It's what we call a
5 high-rise building, and being able to take advantage
6 of mass transit, principally the ferry, we found,
7 not only through our own empirical studies in
8 Hoboken, but looking at industry-standard estimates
9 that the site would generate limited vehicular
10 traffic, given that most of the residents of Hoboken
11 do use other forms of transportation for commuting,
12 where the site would generate 24 traffic movements
13 during what we will call peak hour in the morning.
14 That's between eight and nine, when most people are
15 leaving for work, and then in the evening as
16 individuals are returning home, the property would
17 generate 38 traffic movements in an hour.

18 It's a very low traffic volume from what
19 we're accustomed to seeing in terms of overall
20 activity. We then performed an analysis to evaluate
21 the impacts of this additional traffic on
22 intersections nearest the site. We also factored
23 into our projection additional traffic from a
24 project that was approved by Hoboken and Park and
25 14th and 15th for a number of units, I think 400

1 units and a charter school. We included those
2 projections within our overall study, and we found
3 that the project would, of course, have a traffic
4 impact on the roadway system by virtue of there
5 being more traffic than there is today, however,
6 that the roadway system, the traffic and the
7 infrastructure have the capacity to safely and
8 efficiently process the additional traffic.

9 Not speaking for the Board's consultant,
10 but I'm also please T & M affirmed those findings in
11 their review that was submitted to the Board,
12 indicating the site-generated traffic would have no
13 significant impacts on the operation of the study
14 intersections. So in terms of evaluating the
15 ingress and egress and the overall impact,
16 essentially the system can handle the traffic
17 associated with the project.

18 MR. COAKLEY: Did you come to a
19 conclusion as to whether the means of access,
20 traffic moving to and from the project, was safe and
21 adequate?

22 MR. DEAN: Yes, we looked at the
23 proposed driveways that are included with the
24 proposal. Essentially, there is a driveway that
25 runs, I'm pointing to the top portion of the

1 exhibit, almost an easterly extension if you go to
2 15th Street, that would lead into the entrance to
3 the garage system and the semi-circular loop road
4 that serves site, and also the second means of
5 ingress and egress that is proposed.

6 As Mr. Beleu indicated, the project
7 includes a private, but nonetheless a street, that
8 forms a perimeter of the property. I personally
9 consulted with the City of Hoboken Fire and
10 Emergency Personnel to identify the vehicles that
11 would serve this particular building. Modifications
12 were made in the building to change its
13 configuration, and after looking at turning
14 templates and various engineering tools, we have
15 affirmed that emergency vehicles can circulate
16 around the entire building perimeter. So in terms
17 of meeting safety needs for emergency and serving
18 the walkway as well as the City-owned property to
19 north, I believe we've met all the appropriate tests
20 and standards for design for emergency vehicles.

21 MR. COAKLEY: No other questions.

22 CHAIRWOMAN BETTINGER: Do I have any
23 questions from Commissioners?

24 FREEHOLDER ROMANO: This is an
25 up-to-date study?

1 MR. DEAN: Correct. All the counts
2 were done at the end of 2011.

3 MR. MARKS: Madam Chair, I would just
4 recommend that Ms. Flor of T & M go through her
5 letter and take off any of the outstanding issues
6 there may be. I don't know if we've touched upon
7 the geotechnical aspects of the project from
8 Mr. Beleu, but also the outstanding questions or I
9 guess issues with regard to the traffic.

10 MS. FLOR: Most of the traffic
11 comments were addressed. The only thing that I
12 would like to hear a little bit more about, I see in
13 your report you were conservative, you didn't take
14 the 70 percent away. Can you also speak about that
15 for the Board?

16 MR. DEAN: Certainly. In normal
17 traffic engineering practice, we rely on industry
18 standard data that's been collected by other
19 engineering firms or County Boards or other planning
20 agencies, where they study, they actually conduct
21 traffic studies post-construction of a variety of
22 land uses. For this particular site, we relied on
23 data provided by the Institute of Transportation
24 Engineers for high-rise buildings, which of course
25 this meets those standards.

1 In Hoboken, we found not only through
2 census data but our own studies of other buildings
3 that 70 percent of residents don't use their
4 automobiles for normal commuting. When we took that
5 industry-standard data and those rates, we didn't
6 take 70 percent. We took them at face value and
7 made no further adjustments. What that does is, it
8 tends to overstate or over-project the estimated
9 traffic, but we felt that was an appropriate means
10 to ensure to this Board, your reviewing professional
11 and the City when we get there, that the system can
12 handle the traffic. We wanted to look at it on a
13 quote-unquote, worst-case basis.

14 MS. FLOR: The other comment I would
15 want to hear more about is Comment 1.4. I know that
16 no trip generations were included for Shipyard and
17 Sinatra. Can you explain why you think no trips
18 will go through that intersection?

19 MR. DEAN: I think some will. Even
20 though --

21 CHAIRWOMAN BETTINGER: No trips it
22 was?

23 MS. FLOR: His analysis shows that
24 there would be no site-generated trips from that
25 intersection, therefore, it will continue to operate

1 at a Level A. I'm not saying it won't operate at a
2 Level of Service A, I want to hear more about why no
3 trips are anticipated.

4 MR. DEAN: We did that for a very
5 specific reason, and that is when we originally
6 submitted our traffic study as part of the
7 Waterfront Development Permit, we looked at, I know
8 it's difficult to see, the intersections of Hudson
9 Street and 15th to the right, and 14th to the left,
10 and then one block, which is off the exhibit at
11 Washington Street. We assume that the site traffic,
12 all of the site traffic, would travel to those
13 intersections. The reason we did that is because
14 there is a lot more traffic at those intersections,
15 and if a problem were to occur from site traffic, if
16 we took no credits for using Sinatra Drive, it would
17 materialize at that location, at any one of those
18 locations. So we wanted to be conservative in our
19 analysis for the DEP process and part of all of this
20 collective review.

21 If, and I fully expect that future
22 residents will come down Sinatra Drive, that just
23 means there's less traffic on any one of these
24 intersections. So if our traffic study shows that
25 these work, all of our traffic going through these

1 locations, obviously as there's less traffic, there
2 is less impact. I think we did it, again, to be
3 conservative so that it wouldn't be
4 uncharacteristically judged that same way, you took
5 too much of your traffic down Sinatra. We think
6 they're going to wind up on 14th. We already
7 addressed that what-if scenario by assuming
8 worst-case load. So my expectation is some
9 residents would use Sinatra Drive, but that just
10 dilutes our impacts at these locations.

11 COMMISSIONER FITZGIBBONS: You used
12 peak hours. What are peak hours?

13 MR. DEAN: Peak hours, when traffic
14 engineers do studies, we count the infrastructure.
15 We count every car that goes through. We count it
16 between seven in the morning and nine in the morning
17 and four in the afternoon and six in the afternoon.
18 We identify the sixty minutes where traffic is
19 busiest, and on the days we counted, that was
20 between eight a.m. and nine a.m. and five and six
21 p.m.

22 COMMISSIONER FITZGIBBONS: What about
23 at night?

24 MR. DEAN: There is less.

25 COMMISSIONER FITZGIBBONS: How about

1 on the weekend, Friday night and Saturday night in
2 Hoboken? Do you know how much traffic comes in at
3 night?

4 MR. DEAN: Of course.

5 COMMISSIONER FITZGIBBONS: They will
6 find a way. There will be a lot of traffic.
7 Sometimes you can't even go to the bridge coming
8 into Hoboken. If there is a big jam in the Lincoln
9 Tunnel, these people who go in the Lincoln Tunnel,
10 they shoot right through Hoboken to the Holland
11 Tunnel. Hoboken is one square mile. They're going
12 to find a way to move through that city no matter
13 what.

14 MR. DEAN: No doubt of that, I've
15 done it myself. I think when traffic engineers do
16 studies, we look at the times, the confluence of
17 when site traffic is busiest and street traffic is
18 busiest. On a Friday or Saturday night, there may
19 be times when the street system is as busy. We look
20 at the times when both conditions occur at the same
21 time, and that's just our industry-standard
22 practice. If I looked at traffic generation hour by
23 hour throughout the day for a residential use, it is
24 highest in the weekday morning, and it's highest in
25 the weekday afternoon. It looks like the letter M.

1 Once we get outside of those two spikes, there's
2 much less site traffic during those hours.

3 COMMISSIONER FITZGIBBONS: You're
4 going to push some traffic on Sinatra Drive?

5 MR. DEAN: Correct, I expected some.

6 COMMISSIONER FITZGIBBONS: Did you
7 ever see those people move on Sinatra Drive? It's
8 unbelievable.

9 MR. DEAN: I don't know what that
10 means.

11 COMMISSIONER FITZGIBBONS: People do
12 more than 25 miles an hour. They think it's a
13 highway.

14 MR. DEAN: That's the downside of
15 building a nice road. People drive it in excess.

16 COMMISSIONER CHOFFO: You said your
17 trip count was 24; there will be 24 vehicle leaving?

18 MR. DEAN: Correct, that is actually
19 six inbound and 18 outbound.

20 COMMISSIONER CHOFFO: So if you're
21 building 78 units, and there's two people in a unit,
22 you're talking 156 people. That's all without using
23 mass transit?

24 MR. DEAN: No, no, that's how many of
25 those residents would use their automobiles. What

1 we do is we do car counts. So my whole analysis is
2 focused on the vehicular traffic leaving during
3 those hours.

4 COMMISSIONER CHOFFO: So it's less
5 than 20 percent in the morning?

6 MR. DEAN: Correct.

7 COMMISSIONER CHOFFO: The return is
8 38?

9 MR. DEAN: Correct.

10 COMMISSIONER CHOFFO: What is the
11 difference?

12 MR. DEAN: During the evening people
13 are going to the gym, social activities. There's
14 consistently more traffic in the evening hour than
15 there is in the morning. Some people are out the
16 door at 5:30 a.m. There are more social engineering
17 reasons than traffic. Consistently, we find that
18 the evening peak hour overall generates more traffic
19 than during the morning. You know, we run errands.
20 We go to the gym, all of the things residents do.

21 COMMISSIONER MEHTA: On 15th and
22 Washington, in the immediate area, would the PATH
23 train make some traffic on the peak hours?

24 MR. DEAN: I'm not sure what you
25 mean. In our traffic study that was submitted, we

1 included in the back of the report the numbers, the
2 traffic counts that show the left turns and right
3 turns and the movement in either direction. In
4 terms of what's going on, if you will, on 15th
5 Street in the evening peak hour, for example, there
6 is roughly I'll say 300 cars, 600 cars total in each
7 direction.

8 COMMISSIONER MEHTA: I see you have a
9 Level B.

10 MR. DEAN: B; A and B.

11 COMMISSIONER MEHTA: In the morning
12 peak hours?

13 MR. DEAN: Both. Every -- depending
14 on which, not to get overly technical, but if there
15 is more traffic approaching on one direction, it
16 will be have a lower service level than another
17 direction that has less traffic. There are fewer
18 cars to process. So on 15th Street, we're seeing
19 Levels of Service B, and on Washington Street, we're
20 seeing B consistently.

21 MS. FLOR: I just have one more
22 question only because of the words you used whenever
23 you spoke about the walkway. The previous engineer
24 that spoke called it a conservation easement, which
25 is why I didn't ask any questions about it. I

1 understood it was going to be a walkway. We
2 encourage the walkway. It's required by DEP. You
3 called it a street. I just want to be certain.
4 This is not a street. This is a walkway for public
5 use?

6 MR. DEAN: It is designed to conform
7 to the residential site improvement standards as a
8 street. It has a cartway. It has sidewalks and
9 pedestrian provisions. It has been designed to
10 accommodate not only the public pedestrian access,
11 but emergency vehicles only. Its use will be
12 restricted virtually one hundred percent pedestrians
13 but for whatever emergency need may arise. It's not
14 open to the public as a street for vehicular
15 traffic, and it will be so restricted and
16 controlled.

17 MR. BELEU: I used the term
18 "conservation easement," which is the DEP term for a
19 walkway. More appropriately, it would be an
20 easement, in the form of an easement that would
21 allow for these uses; that is, emergency vehicles,
22 pedestrians and access to the City's property to the
23 north. The form of it would be something that the
24 City would negotiate request.

25 MS. FLOR: As long as we're certain,

1 I mean, the County always encourages on any
2 application that it remain a public walkway, and
3 that DEP typically requires a conservation easement.
4 I want to be certain that we're not going to end up
5 with a street.

6 MR. COAKLEY: We believe that it is a
7 street by definition. The witness has explained
8 that, but legal rights that are attached to it are
9 those that we described; that is, it's going to be
10 open to pedestrians and public, it's going to be
11 available for emergency vehicles and for access to
12 Hoboken's property to the north. Those are the
13 property boundaries.

14 FREEHOLDER ROMANO: Those would be
15 acceptable to Hoboken. Let me ask this again
16 because we're splitting hairs and I'm confused.
17 You, sir, said it would be a walkway with rights of
18 emergency apparatus, and it's a continuation of the
19 walkway. The word "street," now you said the DEP
20 defines it as a different word, this conservation
21 easement?

22 MR. COAKLEY: No, I was alluding to
23 the fact that when you have the Hudson River
24 Walkway, DEP gets conservation restriction. In this
25 case it is a street by definition and by its

1 configuration in our opinion. It will allow the
2 public and it will allow emergency vehicles and
3 access to Hoboken's property. That's what will be
4 written into the document.

5 COMMISSIONER FITZGIBBONS: Who is
6 going to enforce that?

7 MR. COAKLEY: Hoboken will be the
8 grantees of those rights in that document.

9 COMMISSIONER FITZGIBBONS: Hoboken
10 Police Force?

11 MR. COAKLEY: The City of Hoboken
12 will be the grantee of emergency vehicle access,
13 access to their property, and if they would like it,
14 they can enforce the access to the pedestrian.

15 COMMISSIONER ARENCIBIA: Madam Chair,
16 when you say it's a street, it's basically designed
17 as a street just for emergency vehicles, it's not
18 going to be open to the public or?

19 MR. COAKLEY: Not for vehicles, no;
20 pedestrian, I'll make that clear.

21 CHAIRWOMAN BETTINGER: Who is going
22 to stop vehicles from entering that walkway; if it
23 is a street, how do you enforce that?

24 MR. COAKLEY: Well, the condominium
25 association would have that obligation as well as

1 the easement to the City would have that
2 restriction.

3 FREEHOLDER ROMANO: Is that going to
4 be pavers like a walkway, or is that going to be
5 asphalt?

6 MR. COAKLEY: I'll have Mr. Belevu
7 answer that question.

8 MR. BELEU: That would be concrete
9 pavers.

10 FREEHOLDER ROMANO: Roughly, a
11 continuation how the walkway is, and the police
12 department would put signs strictly alerting to the
13 fact that this is not a road, correct?

14 MR. BELEU: Not available to general
15 vehicular traffic.

16 COMMISSIONER ARENCIBIA: A lot of
17 times there are columns that can be installed, is
18 anything of that kind into your design?

19 FREEHOLDER ROMANO: In Hoboken on
20 Clinton Street where the movie theater is, the
21 street is going to be closed due to the fact that as
22 we expand the viaduct, we cannot continue to allow
23 it to be open to vehicular traffic, but obviously,
24 fire apparatus has to be able to enter and leave.
25 Therefore, it can accommodate fire apparatus.

1 COMMISSIONER ARENCIBIA: There's
2 decorative columns that can be installed, and you
3 can remove them for access.

4 MR. BELEU: What we've done with the
5 design, we actually have an internal driveway. It's
6 actually a sloped curbing, and then there's pavers
7 behind that. From a person typically in a vehicle,
8 it's not going to appear as a vehicular street.
9 It's going to appear to them as a walkway. We don't
10 think the vehicles would tend to jump the curb and
11 start riding the walkway. We did consider the other
12 aspects. There's positives and negatives to them.
13 We're hoping to keep it a clearer streetscape
14 without adding columns.

15 COMMISSIONER ARENCIBIA: I would
16 consider that.

17 MR. BELEU: Whatever the City would
18 require there.

19 COMMISSIONER ARENCIBIA: I think it's
20 safe to make sure no one accidentally drives onto
21 the promenade.

22 CHAIRWOMAN BETTINGER: Mr. Belev, do
23 you have any other renderings of the project?

24 MR. COAKLEY: We have an architect
25 who would just to show you what the project would

1 potentially look like.

2 CHAIRWOMAN BETTINGER: Let's move
3 this forward then.

4 MR. COAKLEY: Mr. Kaufman, do you
5 want to be sworn in, please?

6 (The witness is sworn.)

7 MR. COAKLEY: Do you want to state
8 your name and firm for the record?

9 MR. KAUFMAN: Gene Kaufman, Gawthmey,
10 Siegel & Kaufman Architects.

11 MR. COAKLEY: Mr. Kaufman, give the
12 Board your educational background.

13 MR. KAUFMAN: I studied architecture
14 at Cornell University. I graduated in 1981, and
15 I've been practicing architecture since that time.

16 MR. COAKLEY: Are you licensed in the
17 state of New Jersey?

18 MR. KAUFMAN: Yes, I've been licensed
19 in New Jersey for 25 years.

20 MR. COAKLEY: Are you the supervising
21 architect regarding this project?

22 MR. KAUFMAN: Yes, I am.

23 MR. COAKLEY: Can you give the Board,
24 first by marking that rendering as A-2, just give
25 the Board an idea of what the architectural

1 considerations are for the project.

2 MR. KAUFMAN: This is a view of the
3 two residential building and the lobby area in the
4 middle --

5 CHAIRWOMAN BETTINGER: I'm having
6 difficulty hearing.

7 COMMISSIONER CHOFFO: You can use a
8 microphone. We have background noise up here.

9 MR. KAUFMAN: This is a view of the
10 project looking from the land area. You can see two
11 more or less identical residential buildings, which
12 together have the 78 residential units in them, and
13 between is the lobby structure. The parking is
14 actually the base as was described earlier. That
15 lobby structure in the middle is actually the second
16 floor, which gives access to the units, and you can
17 see they're designed in a particular way. We were
18 very concerned that there would be an appropriate
19 aesthetic response for this location, within the
20 proximity to the water, the light and location.

21 MR. COAKLEY: Do you have any
22 questions?

23 CHAIRWOMAN BETTINGER: What is the
24 height of the building?

25 MR. KAUFMAN: The buildings are

1 120 feet high, 11 stories.

2 CHAIRWOMAN BETTINGER: They're both
3 the same, correct?

4 MR. KAUFMAN: Yes, they are.

5 COMMISSIONER MEHTA: The pictures of
6 the drawings just says 78 units, but are the units
7 going to be one bedroom, two bedroom, what is the
8 differentiation?

9 MR. KAUFMAN: They're two and three
10 bedroom apartments.

11 MR. COAKLEY: I think the facts are
12 that there are two one-bedroom apartments, and the
13 balance are equally split between twos and threes.

14 COMMISSIONER MEHTA: And you think
15 that the 78 parking spaces will be enough for all of
16 the units?

17 MR. KAUFMAN: I do.

18 FREEHOLDER ROMANO: Are there any
19 requests from the City for variances?

20 MR. COAKLEY: We believe there are no
21 variances necessary. The City's planner has
22 indicated that there may be a variance necessary,
23 and that has yet to be resolved.

24 CHAIRWOMAN BETTINGER: Commissioner
25 Arencibia.

1 COMMISSIONER ARENCIBIA: Thanks,
2 Madam Chair. I guess the engineer discussed this
3 Sinatra Drive again, and that we share a common
4 responsibility with having the roadway and the
5 promenade and some areas in the same platform, and
6 that that cooperation and coordination between the
7 County and developer is necessary for the safety of
8 the public for the promenade and citizens.

9 MR. COAKLEY: I don't know if I'm
10 addressing your question precisely, but we have
11 provided to the County the deed for the property
12 that constitutes Sinatra Drive in this area. We've
13 also provided to the County a maintenance agreement
14 that's been executed by Shipyard Associates that was
15 requested by the County, and we continue to
16 cooperate with the County and abide by those
17 agreements.

18 COMMISSIONER ARENCIBIA: There's one
19 outstanding agreement that's worked on as a result
20 of the recent repair of Sinatra Drive, that's
21 specific to that emergency repair work, and that
22 agreement needs to get finalized.

23 MR. COAKLEY: I don't believe we've
24 seen that agreement.

25 COMMISSIONER ARENCIBIA: I think the

1 attorney's name is Stack that works for the client.

2 MR. COAKLEY: Barbara Stack.

3 COMMISSIONER ARENCIBIA: That's
4 right, she's the one involved and Cathy Grant from
5 our County Counsel's office, they need to get
6 together to get this finally resolved so you know.
7 The work, the County's work is completed, but the
8 developer's work is still ongoing. I need to get
9 that agreement finalized and up before the
10 Freeholders within the month.

11 MR. COAKLEY: What part of the
12 roadway?

13 COMMISSIONER ARENCIBIA: This is for
14 the collapse that occurred just recently. It's just
15 south of 14th Street and Sinatra Drive.

16 MR. COAKLEY: I'm sure Ms. Stack will
17 get that done.

18 COMMISSIONER ARENCIBIA: In fact,
19 that has that to get done, what I'm saying. It
20 should get done before any kind of final approval is
21 provided.

22 MR. COAKLEY: That will get done.

23 CHAIRWOMAN BETTINGER: Do I have any
24 other questions or comments from the Board? Jackie?

25 MS. FLOR: My only question for the

1 architect is relative to the foundation, is there
2 any geotechnical report or any structural report to
3 be submitted to the County?

4 MR. KAUFMAN: We have not performed a
5 geotechnical engineering report at this time.
6 That's something we'll have to do prior to the
7 structural design of this building, but since we
8 haven't gotten the approvals, we haven't gone
9 forward and done that.

10 MS. FLOR: The County has required it
11 on that other applications what there's questions.

12 MR. COAKLEY: We don't have any
13 problem submitting a report.

14 CHAIRWOMAN BETTINGER: There seems to
15 be several speakers. We have a list. I would like
16 to keep it organized. We have according to our
17 bylaws, there is a five-minute limit per speaker.

18 MR. MARKS: Madam Chair,
19 Ms. Ciammaruconi has circulated a sheet for speakers
20 to sign up. I would just ask if there are any
21 speakers who didn't sign up on the sheet that they
22 sign up now, and I would just recommend that the
23 Board take these speakers in the order in which they
24 signed up.

25 MR. COAKLEY: Thank you for courtesy.

1 CHAIRWOMAN BETTINGER: Do we have any
2 elected official in the audience? As a courtesy,
3 would they like to come up and speak?

4 MS. MASON: Good evening.

5 CHAIRWOMAN BETTINGER: Counselor,
6 excuse me. Are we going to swear in?

7 MR. CAMPBELL: If they came here
8 making an argument based on the information, or are
9 they providing any factual allegations?

10 MS. MASON: That's where I have an
11 issue in terms of the process here. Good evening,
12 Madam Chair, Commissioners, ladies and gentlemen.
13 My name is Beth Mason. I am the Second Ward
14 Councilwoman for the area of Hoboken in which this
15 project is being proposed. I also am a Member of
16 the City Council, in which there was a vote against
17 any development on the piers, and it was a unanimous
18 decision.

19 I put forth that I find it a little
20 disturbing in terms of the questions that the
21 Commissioners are asking, which are very good ones
22 and very appropriate. However, they start treading
23 on the area of the Planning Board and the need for
24 its judgment in terms of where it's going with the
25 project prior to what I would assume is this Board's

1 jurisdiction, and I understand you said they could
2 be separated. However, every project that was
3 before this one, the question was asked, where was
4 the City Council, or where was the Town Council on
5 that particular project.

6 CHAIRWOMAN BETTINGER: We did ask the
7 question was this approved by Hoboken.

8 MS. MASON: Yes, but the assumption
9 when you look at each of those, everyone was yes;
10 was that your interest would be where does the City
11 stand before you make your judgment call. One of
12 the reasons I bring this up is I heard several times
13 this evening, they use the DEP as the reasons for
14 doing or getting approvals as a way to start laying
15 the ground work to say, this is why you should
16 approval this, which is also why they're here, so
17 that you'll give the approval, so then they could go
18 to the planning board to say, well, the County
19 approved it. So it's this building up of issues
20 that go to boards that start laying the ground work
21 that I think is background. That's number one.

22 The Commissioner's comments about the
23 project and where it is and some of the factual
24 issues being presented here, I have some concerns,
25 which is why I would prefer my testimony go after

1 attorneys that have opposing views of the facts that
2 have been presented here, and I think the process
3 here is a little bit of a concern to me, and as a
4 transparency person and a representative of many of
5 the residents here in this audience and the fact
6 that this is part of a PUD that was long approved,
7 that was part of the park plan to that PUD. So any
8 change to this is adding traffic, it's changing the
9 quality of life.

10 The reason there is an issue of the street
11 definition is critical because of the way the
12 buildings are being set. You need to have a street.
13 You know that as well I know that. The semantics
14 are critical here in terms of whether or not this is
15 a viable project, and I'm asking you to take
16 consideration, to actually table this until this
17 project is heard by the City of Hoboken, and when
18 that decision is made, then make your decision
19 because the questions you asked are fair ones and
20 right ones, but they should be done in the context
21 of an actually approved project so that you know
22 what you're actually approving.

23 So I put that forth before I make any
24 other testimony because I ask that request, and also
25 if the attorney here could actually do their

1 questions and their presentations so that the facts
2 are laid out before any additional comments are
3 made.

4 COMMISSIONER FITZGIBBONS: Madam
5 Chair, can I say something? In a way I agree with
6 you, but it's not the way this Hudson County Board
7 works. The rules and regulations stipulate that we
8 do have to handle any application, even if the
9 City -- if the City rejects it, all right, then it's
10 null and void. So what they do is when they come
11 before us, we hear it, okay, and I agree with you
12 that the City, it should be heard before. Things
13 have to be changed, legislation changed. It has to
14 be -- all these things have to go through the Senate
15 or the Assembly. Everything has to be changed so
16 that before the Hudson County Planning Board hears
17 this, these recommendations should be that the city
18 or municipality or township should approval this,
19 and that ain't the law here. We have a hard time
20 with this.

21 MS. MASON: Commissioner or Madam
22 Chair, if I may, the concern I have is that you
23 don't have the original application. That goes back
24 to your question earlier. Had this been before
25 here? When was it here? What was the project?

1 These are all valid questions, and ones that should
2 be in front of every Member here. That is under the
3 Open Public Records Act, that a project and those
4 documents should be available for everyone here to
5 have access to.

6 Without that, some of the facts that are
7 before you, you can't make a judgment on whether the
8 facts being presented here are correct or not. So
9 my belief is that this application is not complete
10 until you have that. So I am asking, given those
11 circumstances for consideration of tabling,
12 understanding exactly what you said, but putting
13 forth tabling this as two things; one, to make sure
14 you have all the information that obviously should
15 be available, and two, to be able to make an
16 appropriate judgment based on the facts.

17 COMMISSIONER MEHTA: I think I would
18 ask Mr. Campbell for the County because there are
19 public records. Whatever we approve if the local
20 boards to not approve, if it doesn't approve and if
21 they make that change and the approval is granted,
22 they are back here in front of us. The same way
23 that Hoboken can overrule the Planning Board because
24 we have a very limited jurisdiction.

25 MR. MARKS: Madam Chair, the County

1 Planning Act suggests that developers and applicants
2 go to the County Planning Board if they're subject
3 to the County Planning Board jurisdiction, i.e.,
4 affecting County drainage facilities, before the
5 Municipal Planning Board. The municipalities in New
6 Jersey have preeminent zoning and planning and land
7 use regulations and restrictions, and the County
8 Planning Board's jurisdiction under the County
9 Planning County Act of New Jersey is limited to
10 traffic and drainage impacts along County roads and
11 impacting County drainage facilities. The County
12 through its Freeholders Boards adopt a set of land
13 development regulations. Within the land
14 development regulations is a checklist. If an
15 applicant or a developer submits an application, and
16 the application is complete according to the
17 approved checklist by the governing body of the
18 County, there is no way you could, unless there are
19 lingering questions or issues with regards to the
20 traffic study or drainage calculations, there is
21 really no way the Board could hold an application
22 hostage until it gets municipal planning board
23 approval first.

24 The matter was looked to by previous
25 counsel, I believe, Mr. Glatt many years ago, and

1 Mr. Calvanico revisited the issue, and even
2 Mr. Curley has looked into the issue, and there is
3 just no way. If an application is complete
4 according to the County's land development standards
5 and the checklist, you can't hold it or deem it
6 incomplete because it hasn't gotten municipal
7 planning board approval. In that respect the County
8 Planning Board is much like the DEP or the New
9 Jersey Department of Transportation for highway
10 access permits or the Army Corp. of Engineers for
11 nationwide permits or individual permits.

12 It's a dual-track system, and the County
13 approval is contingent on municipal approval and
14 vice versa where there's our jurisdiction. One
15 can't hold up the other. It can be, from my
16 understanding, the application and/or approval can
17 be contingent on municipal planning board approval,
18 but you can't hold up an application or deem it
19 incomplete just because they haven't gotten
20 municipal planning board approval.

21 MS. MASON: I understand where you're
22 coming from. However, the fact that this project
23 has been in front of this Board before, that it is a
24 PUD, not a one, one and a half acre, whatever,
25 project that's being presented, that it's part of an

1 overall plan. You don't have that. You haven't
2 looked at it, and the questions have been raised by
3 the Commissioners regarding that because it isn't a
4 totality of how it exists, and the representation
5 that it was a commercial tennis facility I will say
6 is questionable in terms of the facts of that.
7 That's one of those issues that I would like to hear
8 about this. Those types of things, given those are
9 questions that were raised here, and in order to
10 make a decision without appropriate information to
11 fulfill these questions, I don't know how you make a
12 decision.

13 COMMISSIONER CHOFFO: I have a
14 question, Madam Chair. Commissioner Arencibia, what
15 you said earlier to the attorney, can you just
16 reiterate that about Frank Sinatra Drive about the
17 agreement? Could you go into more detail because
18 when you had asked Mr. Coakley about it with the
19 other attorney, Ms. Stack, I didn't get the
20 conclusion?

21 COMMISSIONER ARENCIBIA: It's, you
22 know, it's on Sinatra Drive. It's a separate
23 agreement that we need to have when we undertook the
24 emergency repairs.

25 CHAIRWOMAN BETTINGER: Was that

1 discussed at the site plan review?

2 COMMISSIONER ARENCIBIA: Yes, I don't
3 remember. I brought it up at various times.

4 COMMISSIONER CHOFFO: You asked them
5 to have the agreement in place before any approvals
6 would be granted?

7 COMMISSIONER ARENCIBIA: I believe it
8 should be a basis of the approval for tonight. We
9 should have that agreement in hand before this.

10 COMMISSIONER HOLLOWAY: Let me ask
11 you a question. What is your concern?

12 COMMISSIONER ARENCIBIA: Well, it's
13 been delayed. It's an agreement. Sinatra Drive
14 collapsed.

15 COMMISSIONER HOLLOWAY: I know what
16 it is. What is your concern if you don't get it,
17 what should they be doing or not doing?

18 COMMISSIONER ARENCIBIA: Well, it
19 really is separate from this application because the
20 collapse occurred a block and a half away from the
21 site, but it is the same developer, and I'm just
22 trying to that agreement into this application.

23 COMMISSIONER CHOFFO: I think we
24 should table this until that agreement is in place.

25 COMMISSIONER ARENCIBIA: As I

1 mentioned if its approval is conditioned, and by the
2 time for the next meeting when we memorialize it, if
3 it's not in, we won't memorialize it.

4 COMMISSIONER FITZGIBBONS: I
5 basically feel and I've said to Commissioner Choffo
6 because I want to put the gun to these people's
7 head. They owe to the County whatever agreement you
8 have. That's what I think. It's an agreement
9 between the County and the developer, and what
10 happens, they didn't fulfill their agreement?

11 COMMISSIONER ARENCIBIA: It's in
12 Legal's hands, back and forth, and the collapse
13 occurred a year ago, but there's a portion that's
14 being done right now. The purpose, my only
15 statement for tonight was to get it finally finished
16 and approved before a final approval. If we've
17 granted an approval with that as a condition, and by
18 the next meeting if it's not done, then we don't
19 memorialize it.

20 COMMISSIONER FITZGIBBONS: But you
21 said you negotiated an agreement with them, and they
22 sort of side-stepped you on that agreement?

23 COMMISSIONER ARENCIBIA: It's been
24 slow.

25 MR. COAKLEY: May I be heard? This

1 is a block and a half away from this property. It's
2 legally unrelated to this application. We have said
3 that we are going to provide this agreement. We
4 were asked about two other agreements at that Site
5 Plan Review Committee, the deed and the maintenance
6 agreement, and they've both been provided. This is
7 another agreement unrelated, and it will be
8 provided, but it is unrelated. It is an unrelated
9 matter, which would not be grounds, in my opinion,
10 to hold up this agreement.

11 COMMISSIONER CHOFFO: Counsel, could
12 you answer that?

13 MR. CAMPBELL: This is something new
14 to me as well. It would appear that this agreement
15 was worked out between the County and the developer.
16 If it's a block away, a block and a half away, it's
17 not directly pertaining to this site, so I would
18 question the Board's authority to condition that
19 agreement on this approval. Access to and from this
20 site and drainage caused by the flow of this site is
21 what is before the Board now. All these other
22 issues have to be settled.

23 COMMISSIONER ARENCIBIA: Madam Chair,
24 the applicant did agree that they would provide it
25 within its timeframe. It is technically unrelated,

1 but it's something that I am bringing up because
2 it's an action that is needed to finalize the
3 agreement. This is the opportunity to do that.

4 CHAIRWOMAN BETTINGER: Councilwoman,
5 I announced before that there was a five-minute
6 limit, and it's been about 15 minutes. I know
7 you've been asking questions, but there is a large
8 list of speakers, and I want to give everyone their
9 turn.

10 MS. MASON: One thing I want to add,
11 and I think it's important that your attorney also
12 understands, this is the same PUD that we're talking
13 about. This is why I have a serious issue. I think
14 there is a disclosure challenge here. This is the
15 same PUD. That road is part of the same PUD, and
16 there is significant concerns about that. So I'll
17 put that on the table, and I'll let my residents
18 speak. Thank you.

19 CHAIRWOMAN BETTINGER: The next
20 public speaker is Cecelia Carroll.

21 AUDIENCE MEMBER: She's hearing
22 impaired.

23 MR. CAMPBELL: Do you swear or affirm
24 that --

25 MS. CARROLL: I oppose the

1 construction.

2 CHAIRWOMAN BETTINGER: Ma'am.

3 MS. CARROLL: I don't hear well.

4 AUDIENCE MEMBER: You're going to
5 have to come over and talk to her.

6 (The witness is sworn.)

7 CHAIRWOMAN BETTINGER: Proceed, thank
8 you.

9 MS. CARROLL: My name is Cecelia
10 Carroll, and I am opposed to this construction
11 regarding this whole development. This group
12 received almost 9 million of taxpayers' money and
13 grants and subsidies for work on the project that
14 includes a public park on the waterfront. The
15 founder of this very same group was locked up for
16 pay-offs to election officials.

17 This is not old news. This is the same
18 project, the same company. This whole deal on the
19 waterfront needs to be investigated by the U.S.
20 Attorney General. For crying out loud, the whole
21 section of the road outside Bobby's property
22 collapsed into the river around a year ago, and the
23 walkway is still not repaired. A large portion of
24 Hoboken's walkway is not stable, and the last thing,
25 the last thing we need is more cars and trucks on

1 this very same road.

2 If you give the okay to go ahead on this
3 project, it's a just a matter of time before
4 somebody is seriously hurt on that road. The cost
5 to the taxpayers would far exceed any benefit of
6 high-rise on the piers. As it is now, we have
7 drainage problems and unstable ground along the
8 waterfront. The taxpayers do not need another
9 burden. The deals were made long ago with
10 handshakes and envelopes. I ask you to vote no on
11 this project as it is detrimental to the people of
12 New Jersey.

13 We need to save open space, free of
14 traffic. We need safe open space just from the
15 traffic where the elderly can walk and the young
16 children can play. In this proposal, this was
17 promised to the residents of Hoboken. In this
18 master plan, it was promised in this master plan by
19 the very crew, and I won't stop fighting along with
20 the residents of Hoboken. I will take this to the
21 streets and ensure it's not business as usual in
22 Hoboken and in New Jersey.

23 CHAIRWOMAN BETTINGER: Eric Goldberg.

24 MR. GOLDBERG: Good evening, Madam
25 Chair, Members of the Board. My name is Eric

1 Goldberg. I'm the attorney for Hudson Tea
2 Building's condominium association, and I'm
3 certainly very, very mindful of the Board's limited
4 jurisdiction in terms of the subject matters. But
5 just very, very briefly, in 1997, when this project
6 was initially approved, obviously, it was approved
7 for open space and tennis courts, and that's the
8 belief that this Board and every other board has
9 been going under when it's approved subsequent
10 projects for the last 15 years.

11 Now fast forward to Year 2012. There are
12 a slew of issues that have come up. This is a very
13 complex case, far more complex than I think that the
14 developer has perhaps portrayed it this evening. In
15 2012, as previously mentioned, there is a DEP appeal
16 filed and there are two others that will be or have
17 been filed. Some of them, just very quickly, the
18 issues, I understand the Board's jurisdiction
19 tonight, dealing with water development, whether
20 that's even feasible, and the pilings, whether
21 that's structurally sound, whether it satisfies open
22 space, aesthetics issues, and a slew of other things
23 that I'm not going to bore the Board with.

24 In terms of some of the outstanding
25 issues, one of the issues for the DEP does relate to

1 traffic and its determination of whether this
2 project satisfies all applicable traffic standards.
3 There is also several issues that are going to be
4 before Hoboken in terms of municipal zoning by the
5 Hoboken Planning Board. One of the issued that was
6 discussed and certainly will not be resolved tonight
7 deals with the issue of street versus walkway. What
8 is it? They will also see issues dealing with
9 whether a variance is needed.

10 You're also going to have issued dealing
11 with the facts that were previously mentioned. For
12 15 years before every application, this Board and
13 every other has been led to believe that what's
14 going to be here is open space and recreation tennis
15 courts. Well, are they violating the terms of prior
16 approvals and prior agreements by coming back at the
17 last minute and saying, no, this isn't what is going
18 to be, yet we said in the past, it's not really what
19 it's going to be. We're going to put two
20 eleven-story-high-rises there.

21 You have the issue of the agreement. I
22 will tell you that, again, the issue is out there,
23 it might not necessarily get resolved tonight, but
24 the issue is out there as to whether that agreement
25 should be signed before you go forward. As this

1 Board has seen, certainly things can change, i.e.,
2 15 years ago, this was going to be a tennis court.
3 So things certainly can change and perhaps precludes
4 the Board to get everything signed before it does go
5 forward.

6 In terms of the traffic report that exists
7 now, the Hudson Code PUD consists of about 1,200
8 units that were approved. Approximately half were
9 built. Was that -- were the other half that were
10 approved and not yet built, is that accounted for in
11 the traffic report? Is that accounted for
12 adequately? I will tell you no. What exists also
13 in terms of the development that is mentioned in the
14 traffic report is a school. Are these issues with a
15 school properly fleshed out in terms of, obviously,
16 you will have parents dropping off kids during the
17 a.m. peak hours? You'll have buses going in and
18 out. You'll have buses that sometimes perhaps might
19 require a stop, which affect traffic even further.
20 You'll have kids running this way and that. Have
21 those issues been effectively fleshed out?

22 You're going to have limited street
23 frontage. Again, you have this street versus
24 walkway issue. You have Sinatra Drive. At the time
25 the traffic report was done, was there a sink hole

1 when the traffic study was done? Did that impact or
2 perhaps skewer some of the numbers? At Shipyard and
3 Sinatra, there is a parking garage. Was that
4 adequately accounted for, traffic and ingress and
5 egress that that generates? Sinatra itself, as
6 previously mentioned by one of the Commissioners,
7 seemingly will become the preferred route if and
8 when this is approved. How is all this impacted?

9 In short, there are a plethora of issues.
10 This is far more complex than what is summarized in
11 the traffic analysis or anything else before this
12 Board. I think it would be inappropriate for this
13 Board to humanly make a decision on this without
14 more information. At a bare minium it needs --

15 CHAIRWOMAN BETTINGER: It's time.

16 MR. GOLDBERG: In summation, I think
17 it is inappropriate for the Board to not request
18 additional information to move forward. Without
19 having this additional information, I don't see how
20 any project, particularly one of this magnitude with
21 its history, can be approved based on the
22 information that this Board has seen. Thank you.

23 CHAIRWOMAN BETTINGER: Michael
24 Henderson.

25 MR. HENDERSON: Thank you. My name

1 is Mike Henderson. I'm a property manager at the
2 Hudson Tea Building. I was glossed over as the
3 neighboring building to site. This is a building
4 which has stood for a hundred years.

5 (The witness is sworn.)

6 MR. HENDERSON: I also have some
7 handouts.

8 MR. COAKLEY: Madam Chair, I think
9 it's very aggrieved. This witness was represented
10 by counsel. As he was represented by counsel, he
11 has to abide by his counsel's presentation and not
12 make a separate presentation.

13 MR. HENDERSON: I'm a resident of the
14 building as well as the property manager.

15 CHAIRWOMAN BETTINGER: Are you
16 speaking as a resident of the building?

17 MR. HENDERSON: Mr. Goldberg
18 represents the condo association. I'm an owner of a
19 unit in the building and have been for six years.

20 MR. COAKLEY: Madam Chair, if an
21 attorney comes in representing a condo association,
22 he speaks on behalf all the residents of that
23 association.

24 AUDIENCE MEMBER: Let him finish.

25 MR. COAKLEY: In terms of the

1 Municipal Land Use Law, for example, notice to the
2 condominium association is a notice to the
3 residents. So the law contemplates that
4 associations will act on behalf of their residents,
5 and in this case, the association has hired an
6 attorney who has spoken on behalf of its residents.
7 I think in this case these witnesses, residents or a
8 manager in this case should be not be permitted to
9 testify.

10 FREEHOLDER ROMANO: What happened the
11 last time with this?

12 MR. CAMPBELL: Typically, counsel is
13 correct. If an organization is represented by
14 counsel, the counsel would present evidence through
15 its witnesses to make an argument on behalf of the
16 organization, but I would like to hear from counsel,
17 Mr. Goldberg.

18 MR. GOLDBERG: There is nothing, no
19 law that precludes residents from also testifying.
20 They are here to speak. There is nothing that
21 precludes them from also speaking.

22 FREEHOLDER ROMANO: Counsel, tell us
23 what to do here.

24 MR. CAMPBELL: I'll defer to the
25 Board. Generally, if an attorney appears on behalf

1 of the organization, they will present evidence
2 through their experts and witnesses, but it makes
3 arguments for the entire group. In this case
4 Mr. Goldberg had the opportunity to ask questions of
5 his witness and to present this testimony and to
6 make arguments based on that. To do both is
7 uncommon. I don't believe there is a legal
8 prohibition for them to speak.

9 CHAIRWOMAN BETTINGER: As the new
10 Chairwoman, I feel anyone has the right to speak.

11 COMMISSIONER FITZGIBBONS: I believe
12 this is America, and everybody has a right to speak.

13 COMMISSIONER MEHTA: I don't have a
14 problem with the public speaking, but I request the
15 public to don't repeat the same issue again and
16 again, and please try to be short as much as
17 possible.

18 CHAIRWOMAN BETTINGER: They have five
19 minutes, starting now.

20 MR. HENDERSON: Thank you. I think
21 we heard some parsing of words here, and it's very
22 important some of the things that we're talking
23 about. Right now on this site alone, you've got two
24 curb cuts. If the applicant's attorney wants to say
25 that other access roads, is what they are calling

1 them, to the walkway are streets, the counsel is now
2 looking at a fourth curb cuts because essentially
3 you have four driveways on a limited site on the
4 corner.

5 This body is not just hearing traffic or
6 drainage. This is a construction site, and your
7 body has guidelines on what are uses as far as curb
8 cuts. Your engineers need to look to at that. So
9 that definition is very important. They talk about
10 the traffic report in terms of numbers, so they have
11 not calculated in the 660 units coming online. When
12 you asked the engineer what was in the neighborhood,
13 he said there is a building a couple blocks away.
14 He glossed over the fact that directly across the
15 street is a vacant lot with approvals to put 660
16 units. He also glossed over the fact there's a
17 building ready to come online next month with 150
18 units, as part of that 660.

19 This neighborhood, this northeast corner
20 of Hoboken is two PUDs. Mr. Curley did not want to
21 say there was an agreement. There is a file of
22 agreements here. It's called the developer's
23 agreement. There is clearly an agreement with the
24 City. It was made in 1997. It was for 1,160 units.
25 It was for a commercial space for retail. It was

1 not a commercial tennis facility, okay? There was
2 tennis courts that was supposed to be put there, a
3 recreational space and 44 parking spaces, okay?

4 That factored into the next PUD, which was
5 made with Hudson Tea, which is part of the building
6 that we reside in. That was 1,278 units. They
7 glossed over that whole development there and all
8 the traffic generated from those two buildings, the
9 additional people that are going to be there. Part
10 of the PUD was open space that was required to
11 satisfy those people. They have the commercial
12 space. There is no wording in the developer's
13 agreement about a commercial tennis park. They have
14 commercial space. They have two banks, which bring
15 them a lot of rentals. They have one of the highest
16 payers of retail space, banks. They have a
17 Starbucks. They have a Kings Supermarket. They
18 have their commercial space.

19 When they put this project out there, they
20 asked for assistance, and they got \$8.8 million of
21 public funds to develop this project, this
22 eleven-parcel PUD. This is the last piece of it.
23 With the public funds comes an obligation to
24 complete a project that they have approvals for,
25 okay? They're parsing their words. It was a

1 permit. There are blatant errors on the traffic
2 report. If you take a look at that traffic report,
3 if there is a recent one, my understanding is there
4 was a traffic report in April, a traffic report in
5 August. They're saying there's a very recent one.
6 That means there's a third traffic report.

7 I'm a layman. I'm not an attorney. I'm
8 not a planner, but when I read that traffic report
9 and look at the tally sheets, simple math errors.
10 One page had eleven percent errors on the sheet.
11 This Sinatra Drive which is a big piece of this was
12 closed, was closed during the time those traffic
13 reports were done due to a sink hole the size of
14 this room. The traffic Mr. Goldberg talked about,
15 there's a parking garage right across the street at
16 one of the corners on this County road. That
17 parking garage is at full capacity. The next
18 parking garage is further down the road of Shipyard
19 Lane. The ferry terminal is on Sinatra Drive. So
20 to say that this is not going to increase the
21 traffic is ridiculous.

22 The 15th Street is where Hudson Tea
23 resides now, there is no traffic signal along that
24 road. 14th Street used to be the main street into
25 Hoboken. It has traffic signals. The traffic

1 that's increased on 15th Street already before the
2 660 units come online, and if they want another 78
3 units, which are two- and three-bedroom places,
4 which in Hoboken isn't going to mean singles in two
5 bedrooms and three bedrooms, that's a lot more
6 traffic. The drainage, I've given a packet to
7 everyone. They show three trees on the site.

8 CHAIRWOMAN BETTINGER: Thank you.

9 MR. HENDERSON: Blatant things in
10 their drainage report. They say that the lot is a
11 hundred-percent impervious coverage. I've given you
12 pictures that show being an area of water all over
13 the site. They show there's three trees in their
14 application. There's about 30 trees in the
15 application. These are all baseline numbers you
16 need to look and say wait a minute. I know you're
17 layman up there. Some of you are professionals, but
18 you're there to represent the interest of the people
19 that are here. You're appointed from your local
20 towns. These are important things. These people
21 are not here just because -- because they think
22 you're not going to look at these things. You have
23 a responsibility to look at them. I would really
24 ask that you do that. There are just a lot of
25 things here. Thank you very much.

1 MR. CAMPBELL: Before you leave, Mr.
2 Henderson, you provided some photographs and two
3 pages of print. Do you have any objection to them
4 being submitted?

5 MR. COAKLEY: I haven't had a chance
6 to look at them. With that stipulation, I have not
7 had a chance.

8 MR. CAMPBELL: These are photographs
9 that you took or had taken yourself, and they
10 reflect the condition of the property?

11 MR. HENDERSON: Correct. Thank you.

12 MR. CAMPBELL: We'll have these,
13 marked.

14 (Exhibit O-1 is received and marked
15 for Identification by the Reporter.)

16 MR. CAMPBELL: Let the record reflect
17 that they have been marked O-1, a series of
18 photographs.

19 (The witness is sworn.)

20 MR. HINE: I do. My name is Ron
21 Hine. I live at 325 Park Avenue in Hoboken. I'm
22 also the executive director of the Fund for a Better
23 Waterfront. We've been working on waterfront issues
24 for the last 21 years. I would like to urge you all
25 to consider this application in light of the Hudson

1 County Master Plan. I think this is one of your
2 obligations to do that, and I did take the time to
3 go through that document, and I just want to read to
4 you some of the language that I picked out that I
5 thought was relevant to this application.

6 Promote public access to the Hudson River
7 waterfront; provide recreational park facilities
8 accessible to all residents and provide a variety of
9 amenities; ensure new development provides public
10 access to waterfront areas, recreational facilities
11 and open space; expand existing parks and encourage
12 development of new parks where feasible; preserve
13 existing scenic vistas, particularly skyline views
14 of Manhattan; encourage construction of coordinated
15 waterfront walkway along the County's waterfronts;
16 and support measures to protect scenic view,
17 especially for public spaces such as parks and
18 roads.

19 Now, already people have referred to some
20 of the prior obligations of the developer. In 1996,
21 the Hoboken Planning Board granted site plan
22 approval for this project, and part of that approval
23 was that this pier be open space, tennis courts and
24 a continuation of the waterfront walkway. So this
25 would be a reversal of that 1996 planning board

1 approval. A year later in 1997, the New Jersey
2 Department of Environmental Protection granted a
3 waterfront permit, and again, a condition of that
4 waterfront permit was that this pier be preserved as
5 open space with the tennis courts, tennis pavilions
6 and the Hudson River Waterfront Walkway.

7 The developers are coming before you,
8 they're coming before the Hoboken Planning Board and
9 the State of New Jersey Department of Environmental
10 Protection, and they're asking all of you to reverse
11 that commitment that they made back then. Also,
12 please consider this in light of the overall
13 projects, as some other people have asked you to.
14 This is roughly a 10-acre site, 1,160 units, and as
15 part of that project, they didn't offer to build any
16 public parks. They have one small private park in
17 the middle of the project. They have built the
18 Hudson River Waterfront Walkway based on the minimum
19 standards.

20 This current application, this is
21 City-owned property at the end of this pier. They
22 didn't offer to reconstruct that as part of the open
23 space for this project. The application that was
24 recently approve by the State Department of
25 Environmental Protection doesn't meet the minimum

1 standards for open space. There's a very clear
2 formula that's applied. They do not meet those
3 minimum requirements.

4 So based on what your own Hudson County
5 Master Plan says, I think you're obligated to vote
6 in opposition to this project. It is in conflict
7 with that master plan, and this is something that
8 simply cannot be allowed. Thank you very much.

9 CHAIRWOMAN BETTINGER: I'm not sure
10 if I'm pronouncing the name correct Franz Cassel.

11 MR. CASSEL: Actually, you did a
12 pretty good job with my name, thank you. My name is
13 Franz Cassel. I'm a Hoboken resident of the Second
14 Ward, right near the proposed development site. I'm
15 against the Monarch Project for two main reasons. I
16 want to talk about population density, which is
17 going to have a direct impact on both traffic and
18 drainage problems. I'm also going to talk about the
19 master plan.

20 First of all, this Monarch Project is
21 really going to add serious population density to
22 Hoboken's Second Ward. Over the next couple years,
23 we can expect new construction on Uptown Washington
24 Street, which is right near the Monarch Project
25 redeveloped to have approximately 810 new units. If

1 you take a look at the 2010 U.S. Census, you can
2 expect an average of 1.92 individuals to reside in
3 each unit in Hoboken. So if you do the math, in the
4 next couple years, we are looking at 1,620 new
5 residents who are going to be jam packed right into
6 that little corner of Hoboken.

7 On top of that, these guys want to add
8 another two -- another gigantic residential building
9 with 78 new units right next door, right around the
10 corner. In addition to that, we're also going to be
11 looking at another new development. I don't have
12 the numbers there, but that's going to add a
13 substantial number of residents to this area of the
14 city. Now, take this into consideration. The U.S.
15 Census report specifically says that we have 50,000
16 people who live in the city. Take that 50,000,
17 divide it by six because we have six wards, it's a
18 population distribution of about 8,330 people.

19 Therefore, we're looking at a population growth of
20 approximately 20 to 25 percent within the next two
21 or three year. If you don't think that's going to
22 have an impact on traffic and drainage, then I have
23 a bridge in Brooklyn that I would like to sell you.

24 Second, the Monarch Project is going to
25 disrespect Hoboken's master plan. The master plan

1 is important because it effectively accounts for the
2 needs of the City's population and takes into
3 consideration traffic and drainage. Without a
4 well-developed city master plan, our overall
5 development strategy is going to devolve into
6 something that looks like a chicken with its head
7 cut off, and that's going to hurt everybody.

8 Page 159 of the master plan contains a
9 section entitled Waterfront. This states that the
10 land in question should permit only open space,
11 publically accessible recreation space and limited
12 commercial development with strict parameters. In
13 addition, page 60 of the master plan, Reexamination
14 Report, shows the land currently proposed for the
15 Monarch Development is designated for planned new
16 parks and recreation. Therefore, developing two
17 eleven-story residential towers over on the lot in
18 question violates the master plan and must not be
19 permitted.

20 Finally, there are people in our community
21 who strongly support development because that spurs
22 job growth and economic benefits. I have no problem
23 with that point of view. I don't think anybody else
24 has either. We need to be careful about
25 overdeveloping or else our community as a whole may

1 suffer. What we need to do is pursue a balanced
2 development plan that mixes in good residential as
3 well as commercial space and maintains the character
4 and scale of your city, that helps preserve the
5 historical nature of some of our scenic spots and
6 respects the beauty and serenity of the waterfront.
7 The Monarch violates many of these principles, and
8 it's for this reason that I encourage this Planning
9 Board not to approve. Thank you.

10 CHAIRWOMAN BETTINGER: We have
11 another eight speakers. We need another hour to do
12 this.

13 COMMISSIONER FITZGIBBONS: If we
14 extend this, can we cut our statements a little
15 shorter, the people that are mentioned?

16 FREEHOLDER ROMANO: It's not a fair
17 thing to say to anyone to cut their comments. I
18 think to make everyone understand, no action will be
19 taken on this item. It will be continued at the
20 next meeting. This has happened with two other
21 similar projects. In reference to the statement
22 that somebody yelled out, you are next to last. I
23 think that if we're not going to entertain everyone
24 that wants to speak tonight, then I think that we
25 make a request to continue and make a decision to

1 have a special meeting so we have to do what we did
2 last time. It's up to you to consider.

3 COMMISSIONER HOLLOWAY: Madam Chair,
4 I recommend we table it until next month or a
5 special meeting.

6 COMMISSIONER FITZGIBBONS: I'll
7 second it.

8 CHAIRWOMAN BETTINGER: My question to
9 Mr. Marks, do you have any idea what the agenda
10 looks like for the next meeting?

11 MR. MARKS: Madam Chair, there's a
12 couple applications that are pending, including the
13 dinosaur park in Secaucus. I don't know if that's
14 going to be a controversial application. I'm not
15 aware at this point in time although there are
16 always applications being added on the agenda for
17 February.

18 FREEHOLDER ROMANO: Obviously, it's
19 going to be time consuming. It's not fair to other
20 applicants either. I think we need to have a
21 special meeting just for this subject so no one
22 feels they are being put behind constantly at the
23 end of the meeting. I make a motion zero for a
24 special meeting for this application.

25 MR. MARKS: Madam Chair, there is

1 always the subject of the date, if the Board wants
2 to discuss that now or select with the applicant's
3 counsel and the objector's counsel.

4 FREEHOLDER ROMANO: I wouldn't think
5 to make a date at this moment in time, understanding
6 there is also Freeholder meetings, we have to look
7 at the scheduling. You have to determine that.

8 COMMISSIONER FITZGIBBONS: That would
9 be publicly noticed in the papers when this was on?

10 MR. MARKS: Right, there is a ten-day
11 public notice for the Planning Board. The Board
12 could consider meeting on the evening of the Site
13 Plan Committee meeting, which is the first Wednesday
14 in February. I believe that's February 1st. So as
15 not to conflict, the Freeholder Board meets on
16 Tuesdays and Thursdays.

17 FREEHOLDER ROMANO: Our next meeting
18 would be we meet next Tuesday and next Thursday, and
19 the following it's a holiday week also. That's
20 Presidents Week. Is there a Hoboken Planning Board
21 meeting so we don't conflict with that? Counsel, is
22 this coming up at the next Hoboken Planning Board?

23 MR. COAKLEY: Actually, recently the
24 counsel to the planning board requested that we
25 consent to an adjournment from February to March,

1 but pending confirmation of that, we're on
2 February 7th.

3 FREEHOLDER ROMANO: Why don't we wait
4 until after the planning board, if that's all right
5 with the counsel?

6 MR. COAKLEY: There is a 45-day clock
7 as you know with these applications.

8 MR. CAMPBELL: Unless you waive that.

9 MR. COAKLEY: We would certainly
10 waive until a special meeting or another meeting,
11 but we don't want to waive it indefinitely.

12 FREEHOLDER ROMANO: I would make more
13 common sense instead of making the date in stone
14 right now to take a look at a calendar tomorrow,
15 talk with both counsel, and then make a
16 determination. This way you can look at all the
17 empirical data as far as meetings and schedules.

18 MR. COAKLEY: We will certainly
19 cooperate with everyone.

20 MR. SEAN: I took off work to be here
21 tonight. Now I have to take another night off of
22 work. It's very difficult.

23 FREEHOLDER ROMANO: With all due
24 respect, we want to get everyone in here, and we
25 don't let the meeting go past 10:30. One project

1 took four months because we made sure everybody
2 spoke. That's not fair to say. I just made a
3 statement to the benefit of the people that are
4 involved here. That's the wrong thing to say. Of
5 course, we're going to work with the people. We are
6 asking for a date that's convenient for everyone.
7 We're not going to sit here until midnight. The
8 Board doesn't do it. It's not the Hoboken Council
9 meetings. If you want to take a vote, you can take
10 a vote.

11 CHAIRWOMAN BETTINGER: We have a
12 motion on the floor.

13 MR. MARKS: Madam Chair, would
14 Commissioner Holloway consider amending the motion?

15 COMMISSIONER HOLLOWAY: I amend my
16 motion.

17 MR. MARKS: To reflect the special
18 meeting to a point in time probably in March, that
19 mutually --

20 FREEHOLDER ROMANO: Within the legal
21 ramifications.

22 MR. COAKLEY: Mr. Marks, you said in
23 March. I'm not consenting to March. I'm consenting
24 to the next regular meeting or before, whenever you
25 have a meeting.

1 MR. MARKS: Madam Chair, I would work
2 with all the counsel involved as well as the
3 Planning Board Commissioners to a mutually
4 convenient date before February 15th, to have a
5 special meeting.

6 FREEHOLDER ROMANO: I make a motion
7 that we have one more speaker to speak five minutes.
8 We'll let Sean speak.

9 CHAIRWOMAN BETTINGER: That's fine
10 with me. We have to take a vote. There is a motion
11 on the floor.

12 MR. MARKS: Madam Chair, there was a
13 motion made by Commissioner Holloway, and seconded
14 by Commissioner Mehta -- Ng, I'm sorry, to table and
15 find a mutually convenient date between now and
16 February 15th, and also complies with the Open
17 Public Meeting Act and the County Planning Act.

18 COMMISSIONER FITZGIBBONS: Can you
19 include that to give five minutes to a speaker
20 because if you're going to --

21 MR. SEAN: Thank you. I appreciate
22 the offer very kindly.

23 CHAIRWOMAN BETTINGER: It's not a
24 problem to let one more person speak. Let's just
25 take a vote on the motion that's on the floor.

1 MR. MARKS: Should the motion be
2 withdrawn to --

3 COMMISSIONER FITZGIBBONS: That's
4 what I was saying.

5 MR. MARKS: Madam Chair, Commissioner
6 Holloway withdrew his motion, and Commissioner Ng
7 would have to withdraw the second.

8 COMMISSIONER NG: Yes, okay.

9 (The witness is sworn.)

10 MR. SEAN: Thank you very much for
11 your time. I appreciate the flexibility for my
12 unique situation. We heard the application must be
13 approved unless there is a lingering question. I
14 have four or five questions lingering that I think
15 should be questions for you as fiduciaries for the
16 citizens of the County of Hudson. I ask you to
17 please consider them and not table the motion, but
18 ask the applicant to please go back and do more work
19 and provide you with more information.

20 Number one, the report of the traffic
21 study, there's a question about occasional queuing
22 and no extensive delays. Do you understand what no
23 extensive delays mean? There are points that the
24 report does not explore in detail. If you will
25 permit, I'll have the court reporter to read back

1 the rating of the intersection. The answers were A
2 and B. In the traffic report on page 4, it says at
3 peak times the intersections are C-rated. Further
4 on on page 9, they say that they will be D-rated
5 with the additional traffic. No one is exploring
6 this. I would ask that we please go back and have
7 the applicant to further explain this.

8 Further, these ratings and traffic counts
9 do not factor in hundred dollars of additional units
10 that are part of an approved PUD, approved. Please
11 ask the applicant to do a future study, not based on
12 two-percent Hudson County growth, but what number of
13 units are coming online both on 15th Street and two
14 blocks further that have been approved. You need
15 the facts. Let's have a comprehensive traffic
16 study. This is a major impact on society.

17 Second and lastly, I think it's brilliant
18 that they say seventy percent of people commute
19 because you will see you are approving on this bend
20 in the road by allowing the cut in the curb, and
21 seventy percent of the people in Hoboken are walking
22 to the ferry. You are allowing the cut to your
23 County road. Those people are now going to have
24 cars cut across the sidewalk on the way to the
25 ferry. You are allowing access to your County road.

1 There are hundred of people. Please ask them for a
2 pedestrian traffic count to understand the people
3 crossing with cars coming at 30 miles per hour.
4 That's one every two minutes. That's going to be a
5 major risk and safety risk.

6 I ask that the application is not tabled
7 but withdrawn and go back for a further, more
8 comprehensive traffic study because I think there
9 are more lingering questions, and if there's
10 technical flaws and gaping holes, as fiduciaries and
11 representative of the citizens of Hoboken and Hudson
12 County, I ask that you please go back and get more
13 information from the applicant. Thank you.

14 MR. MARKS: Now we have a motion from
15 Commissioner Holloway.

16 COMMISSIONER HOLLOWAY: I make a
17 motion to motion to table this to a special meeting
18 sometime within the next 30 days.

19 FREEHOLDER ROMANO: I second the
20 motion.

21 MR. MARKS: Madam Chair, on a motion
22 to table Application 2011-096-SP made by
23 Commissioner Holloway. Second by Commissioner
24 Romano.

25 Commissioner Arencibia.

1 COMMISSIONER ARENCIBIA: Aye.

2 MR. MARKS: Commissioner Choffo.

3 COMMISSIONER CHOFFO: I vote aye.

4 MR. MARKS: Commissioner DiDomenico.

5 FREEHOLDER DiDOMENICO: Aye.

6 MR. MARKS: Commissioner Fitzgibbons.

7 COMMISSIONER FITZGIBBONS: Aye.

8 MR. CURLEY: Commissioner Holloway.

9 COMMISSIONER HOLLOWAY: Aye.

10 MR. MARKS: Commissioner Mehta.

11 COMMISSIONER MEHTA: Aye.

12 MR. MARKS: Commissioner Ng.

13 COMMISSIONER NG: Aye.

14 MR. MARKS: Commissioner Romano.

15 FREEHOLDER ROMANO: Aye.

16 MR. MARKS: Chairwoman Bettinger.

17 CHAIRWOMAN BETTINGER: I vote aye.

18 MR. MARKS: Madam Chair, the motion
19 passes.

20 CHAIRWOMAN BETTINGER: We will
21 continue with the portion of the public speakers
22 with the names that I have in order for the next
23 meeting. If anyone would like to add that on, they
24 may do so.

25 MR. MARKS: Madam Chair, we have just

1 a couple of items that I have to go through before
2 we adjourn. Madam Chair, on Section 5-H on the
3 agenda for applications to be declared
4 administratively approved, there was one application
5 that is on a County road that has no drainage or
6 traffic. It's 2011-093-SP, Metro PCS, New York,
7 LLC, located on Secaucus Road, Block 1000, Lot 2, in
8 the City of Jersey City.

9 CHAIRWOMAN BETTINGER: Please step
10 out if you're going to speak. We are continuing the
11 meeting.

12 MR. MARKS: Madam Chair, on a motion
13 by Commissioner Choffo. Second by Commissioner
14 Mehta.

15 Commissioner Arencibia.

16 COMMISSIONER ARENCIBIA: Aye.

17 MR. MARKS: Commissioner Choffo.

18 COMMISSIONER CHOFFO: Aye.

19 MR. MARKS: Commissioner DiDomenico.

20 FREEHOLDER DiDOMENICO: Aye.

21 MR. MARKS: Commissioner Fitzgibbons.

22 COMMISSIONER FITZGIBBONS: Aye.

23 MR. CURLEY: Commissioner Holloway.

24 COMMISSIONER HOLLOWAY: Aye.

25 MR. MARKS: Commissioner Mehta.

1 COMMISSIONER MEHTA: Aye.

2 MR. MARKS: Commissioner Ng.

3 COMMISSIONER NG: Aye.

4 MR. MARKS: Commissioner Romano.

5 FREEHOLDER ROMANO: Aye.

6 MR. MARKS: Chairwoman Bettinger.

7 CHAIRWOMAN BETTINGER: Aye.

8 MR. MARKS: Madam Chair, the motion
9 passes. Old business? Madam Chair, on new business
10 I just want to bring to the Board's attention, I
11 e-mailed a document. We received administration
12 approval to circulate the request for qualifications
13 for outside counsel to the Board and for consulting
14 engineers. That's an annual contract, professional
15 service contract pursuant to local public contracts
16 law. I e-mailed a copy of the RFQ to all the
17 Commissioners. I need a review committee. Are
18 there Commissioner separate from the Site Review
19 Committee interested in reviewing the qualification
20 statements, or would the Board be interested in
21 designating and heaping more work on Commissioners
22 Choffo, Fitzgibbons and Arencibia?

23 Are there any Commissioners present who
24 are interested in serving on the RFQ Committee. We
25 need in order to continue having professional

1 representation both legally and engineering-wise, we
2 need to have a review. We can do it
3 administratively by staff, but ultimately, it's the
4 Planning Board professional view on it. You should
5 be selecting your qualified outside consultants.
6 Commissioner?

7 COMMISSIONER CHOFFO: Okay.

8 MR. MARKS: You should have a
9 Freeholder. From what I understand, Freeholder
10 Romano, it's from the County Planning Act. It's the
11 Freeholder Chair or his or her designee or alternate
12 and a second Freeholder. Eliu Rivera is an
13 ex-officio Member of this Board or Freeholder Chair
14 Rivera's alternate. Freeholder Rivera is not here.
15 There's two Freeholder here.

16 FREEHOLDER ROMANO: I spoke to
17 Freeholder Rivera today in the hospital. We have to
18 get committees going. He designated Freeholder
19 O'Dea to stand in as Acting Freeholder Chair, so
20 Freeholder O'Dea is on this committee. Eliu can't.
21 Therefore, you're the second, and Bill is the third.
22 You're the designee for the Chair, but whatever you
23 want to do.

24 MR. MARKS: Is Freeholder O'Dea
25 available, do you know if time-wise he's available?

1 Please notify him of that.

2 FREEHOLDER ROMANO: It would be you
3 and Freeholder O'Dea.

4 MR. MARKS: And you can have four
5 Members. Normally, it's not a quorum. You have can
6 up to four. Madam Chair, two other things real
7 quick. In your packets in your e-mail is the State
8 of New Jersey is going through its State strategic
9 plan update. That was sent to you or e-mailed to
10 you. They're holding hearings in February in Newark
11 soliciting comments. It's the State plan that's
12 going to guide future development in the State of
13 New Jersey. I think it's going to have an impact on
14 Hudson County. If anybody is interested to provide
15 any comments from the Board, and maybe if anybody is
16 interested in actually representing the Board over
17 at the public hearing in Newark.

18 COMMISSIONER MEHTA: When is it?

19 MR. MARKS: I believe it's
20 February 23rd. I will re-email the Board and
21 solicit comments. Finally, Madam Chair, we have the
22 Hudson County Smart Growth Awards that we've done.
23 This will be the third annual year. Would the
24 Board, Madam Chair, designate our Site Plan Review
25 Committee to review those applications? The staff

1 does all the work. There is no tabulations. It's
2 basically they're approving what we've already put
3 together. These are applications that have already
4 been approved by the Board for the Smart Growth
5 Awards, the gold, the silver and the bronze, either
6 at the February meeting or the March meeting.

7 CHAIRWOMAN BETTINGER: The Site Plan
8 Review Committee.

9 MR. MARKS: That's it, Madam Chair.

10 CHAIRWOMAN BETTINGER: Do I have a
11 motion to adjourn.

12 COMMISSIONER FITZGIBBONS: I make a
13 motion to adjourn.

14 (Whereupon the proceeding is then
15 concluded at 10:19 p.m.)

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

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I, SHARI CATHEY, a Notary Public and
Shorthand Reporter of the State of New Jersey,
hereby certify that the proceedings herein are from
the notes taken by me of a Special Meeting of the
Hudson County Planning Board, held on Wednesday,
January 18, 2012; and that this is a correct
transcript of the same.

SHARI CATHEY, S.R.
A NOTARY PUBLIC of the
State of New Jersey
I.D. No. 2283786
Commission Expires 2/4/12

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