

1 HUDSON COUNTY PLANNING BOARD
HUDSON COUNTY ANNEX
2 567 Pavonia Avenue
3 3rd Floor Freeholders Chambers
4 Jersey City, New Jersey 07306

5 B E F O R E:

6 RENEE BETTINGER, Chairwoman
7 DANIEL CHOFFO, COMMISSIONER
8 DOREEN DiDOMENICO, COMMISSIONER
9 JOSEPH GLEBOCKI, COMMISSIONER
10 MARY AVAGLIANO, COMMISSIONER
11 RUSHABH MEHTA, COMMISSIONER

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

13 Daniela Ciammaruconi, Planning Aide
14 Mario Tridente, Building Inspector/Zoning Officer
15 Megan Massey, PP, AICP
16 Paul Cray, PE, PP, CME
17 Stephen Marks, PP, AICP, CFM
18 Mr. Campbell, Esq., Board Attorney
19 John Curley, Esq., Board Attorney

20 A P P E A R A N C E S:

21 CONNELL FOLEY, LLP
22 Harborside Financial Center
23 2510 Plaza Five
24 Jersey City, New Jersey 07311
25 BY: NEVINS McCANN, ESQ.
Attorneys for Shipyard Associates

EASTERN ENVIRONMENTAL LAW CENTER
744 Broad Street
Suite 1525
Newark, New Jersey 07102
BY: Ogechi Onyeani, Esq.
BY: Hilary Semel, Esq.
Attorneys for Fund for a Beter Waterfront

Job No. NJ387301

1 CHAIRWOMAN BETTINGER: Good evening. I'd
2 like to call to order the meeting of the Hudson County
3 Planning Board for Wednesday, March 21, 2012. Daniela,
4 may I have a role call, please?

5 MS. CIAMMARUCONI: Commissioner Arencibia?
6 Not present. Commissioner Avagliano?

7 COMMISSIONER AVAGLIANO: Yes.

8 MS. CIAMMARUCONI: Commissioner Choffo?

9 COMMISSIONER CHOFFO: Here.

10 MS. CIAMMARUCONI: Commissioner Cryan?
11 Commissioner DiDomenico?

12 COMMISSIONER DiDOMENICO: Here.

13 MS. CIAMMARUCONI: Commissioner Glembocki?

14 COMMISSIONER GLEMBOCKI: Here.

15 MS. CIAMMARUCONI: Commissioner Holloway?
16 Commissioner Mehta?

17 COMMISSIONER MEHTA: Here.

18 MS. CIAMMARUCONI: Commissioner Ng?
19 Commissioner Romano? And Chairwoman Bettinger?

20 CHAIRWOMAN BETTINGER: Here.

21 MS. CIAMMARUCONI: The next item on the
22 agenda is the adoption of the meeting minutes from
23 February 15, 2012 and February 22, 2012.

24 CHAIRWOMAN BETTINGER: And we do have a
25 quorum, correct?

1 MS. CIAMMARUCONI: Yes, we do.

2 CHAIRWOMAN BETTINGER: Thank you.

3 MR. CAMPBELL: Madam Chair, I believe we
4 should mention the Open Public Meetings Act and our
5 compliance.

6 CHAIRWOMAN BETTINGER: Counselor, has this
7 meeting been properly advertised?

8 MR. CAMPBELL: Yes, it has been with the
9 Jersey Journal and the Star Ledger. It has been posted
10 at the Hudson County Clerk's office and the clerk of the
11 Freeholders.

12 CHAIRWOMAN BETTINGER: Will everyone please
13 rise to salute the flag.

14 (Flag salute was conducted.)

15 MS. CIAMMARUCONI: We'll continue with the
16 meeting minutes.

17 CHAIRWOMAN BETTINGER: Yes, please.

18 MS. CIAMMARUCONI: So that's the adoption of
19 the meeting minutes from February 15, 2012 and February
20 22, 2012.

21 CHAIRWOMAN BETTINGER: Have all the
22 commissioners received the minutes of the meeting?

23 COMMISSIONER CHOFFO: Yes. I'll make a
24 motion.

25 COMMISSIONER MEHTA: I second.

1 MS. CIAMMARUCONI: On a motion made by
2 Commissioner Choffo and seconded by Commissioner Mehta.

3 COMMISSIONER AVAGLIANO: Abstain.

4 CHAIRWOMAN BETTINGER: Excuse me, are we
5 voting on the February 15th minutes? Are we taking two
6 separate votes or one vote, Counselor?

7 MR. CAMPBELL: I would recommend taking a
8 separate vote for each meeting.

9 MS. CIAMMARUCONI: Okay.

10 CHAIRWOMAN BETTINGER: So we're voting on
11 the February 15th.

12 COMMISSIONER CHOFFO: I'll make a motion to
13 adopt the minutes from the meeting of February 15, 2012.

14 MS. CIAMMARUCONI: Second?

15 CHAIRWOMAN BETTINGER: Do we have a second?

16 MR. GLEBOCKI: Second:

17 MS. CIAMMARUCONI: On a motion made by
18 Commissioner Choffo and seconded by Commissioner
19 Glembocki to adopt the minutes from the February 15,
20 2012 meeting, Commissioner Avagliano?

21 COMMISSIONER AVAGLIANO: Abstain.

22 MS. CIAMMARUCONI: Commissioner Choffo?

23 COMMISSIONER CHOFFO: Aye.

24 MS. CIAMMARUCONI: Commissioner DiDomenico?

25 MS. DiDOMENICO: Abstain.

1 MS. CIAMMARUCONI: Commissioner Mehta?

2 COMMISSIONER MEHTA: Abstain.

3 MS. CIAMMARUCONI: Chairwoman Bettinger?

4 CHAIRWOMAN BETTINGER: I vote Aye. The
5 motion carries?

6 MR. CAMPBELL: The motion carries.

7 CHAIRWOMAN BETTINGER: Do I have a motion to
8 approve the adoption of the meeting minutes from
9 February 22, 2012?

10 MR. CHOFFI: I make a motion.

11 COMMISSIONER MEHTA: I second.

12 MS. CIAMMARUCONI: On a motion to accept the
13 meeting minutes from February 22, 2012 made by
14 Commissioner Choffo and seconded by Commissioner Mehta,
15 Commissioner Avagliano?

16 COMMISSIONER AVAGLIANO: Abstain.

17 MS. CIAMMARUCONI: Commissioner DiDomenico?

18 MS. DiDOMENICO: Abstain.

19 MS. CIAMMARUCONI: Commissioner Glembocki?

20 MR. GLEMBOCKI: Aye.

21 MS. CIAMMARUCONI: Commissioner Mehta?

22 COMMISSIONER MEHTA: Aye.

23 MS. CIAMMARUCONI: Chairwoman Bettinger?

24 CHAIRWOMAN BETTINGER: Aye.

25 MS. CIAMMARUCONI: Motion passed. I'm

1 sorry, Commissioner Choffo?

2 COMMISSIONER CHOFFO: I vote aye.

3 CHAIRWOMAN BETTINGER: Motion carries,
4 correct?

5 MS. CIAMMARUCONI: Yes. The next item on
6 the agenda is the memorization of resolutions considered
7 at the last meeting.

8 CHAIRWOMAN BETTINGER: Before we proceed, we
9 have a little presentation tonight. Maybe we should do
10 that before we go forward with the scheduled agenda.

11 MS. CIAMMARUCONI: Okay.

12 CHAIRWOMAN BETTINGER: Can I please call Dan
13 Choffo to the stand?

14 MR. MARKS: Can we have everybody, all the
15 commissioners come down just for a presentation?

16 CHAIRWOMAN BETTINGER: I'd like to present
17 this to Dan Choffo for chairman of the Hudson County
18 Planning Board, for his service and dedication and
19 commitment to the residents of Hudson County. Thank you
20 so much. And I have some big shoes to fill.

21 COMMISSIONER CHOFFO: Thank you, Renee.
22 Thank you, thanks everyone.

23 MR. MARKS: We have one more.

24 CHAIRWOMAN BETTINGER: And this I have the
25 honor of presenting on behalf of my colleagues, the

1 Planning Board. This award is presented to Jude
2 Fitzgibbons in grateful recognition for 15 years of
3 dedicated service as a Commissioner to the Hudson County
4 Planning Board. It's been an honor and pleasure to
5 serve with you, Jude, and I thank you for everything.

6 MR. FITZGIBBONS: I just want to thank
7 everybody. It was a pleasure serving on this Board,
8 over a decade I served on the Board. When we first
9 started, we used to tape the minutes, the meeting, with
10 a little tape deck and God rest his soul, John Connors
11 and Lydia was the secretary. And when I applied for
12 that, my brother Maurice, God rest his soul too, he's up
13 there looking down on us, he told me that they're
14 looking to fill positions on the County Planning Board
15 because they couldn't meet a quorum. And it was just
16 like the state of New Jersey telling me, you better get
17 your act together Hudson County or all these things will
18 be shipped out to Bergen County. But I put my resume in
19 and I accepted it.

20 This Board is a very important Board to the
21 county. It's one of the most important Boards in the
22 county and for all of the municipalities. This Board
23 over the decade that I was there created more open space
24 in Hudson County than any time in history. They created
25 the master plan, they created a map, they created a

1 redevelopment plan, they created a walkway. Ron, they
2 created a walkway and a bike path that will carry all
3 the way to the George Washington Bridge with the help of
4 God. And they did more open space, more green. More
5 green was done to this -- more green projects were done
6 than any other county in the state of New Jersey. And
7 you want to thank this Board because we went through a
8 lot of heated meetings, not us, but people don't realize
9 what these commissioners go through. And, you know, the
10 communities and the county should be grateful that they
11 have a Planning Board like we have in this county. And
12 believe me, you could see as you drive through the
13 county. You could see it. You could see the waterways,
14 and you know what? By the way, we created the most bike
15 racks in the state of New Jersey and we planted the most
16 trees in the state of New Jersey, but I want to thank
17 you people for serving on the Board. It was a pleasure.
18 Madam Chairwoman, Mary, this guy over here he was one of
19 my supporters, Dan and I thank people like the old
20 gentleman from Harrison, Angelo Cifelli and Pete Higgins
21 and Bob Chasek and many people that went through the
22 system here. And you know what? They'll keep on going.
23 This Board is a very, very important thing in the county
24 of Hudson and people have got to start realizing it.
25 Thank you.

1 CHAIRWOMAN BETTINGER: You will be missed.

2 MS. CIAMMARUCONI: We'll continue.

3 CHAIRWOMAN BETTINGER: We'll proceed with
4 the matters scheduled for public hearing. And I guess
5 the next item on the agenda is the memorization of
6 resolutions.

7 MS. CIAMMARUCONI: Correct. Item number
8 5(A), Memorization of resolutions considered at the last
9 meeting.

10 CHAIRWOMAN BETTINGER: I believe we have
11 someone from the public that would like to speak.

12 MR. McCann: We do, thank you, Madam
13 Chairperson. Madam Chairperson, members of the Board,
14 my name is Nevins McCann. I'm an attorney at the law
15 firm Connell, Foley. I'm here on behalf of the
16 applicant Shipyard Associates. Before I get started, I
17 want to say I presented before this Board many, many
18 years in front of Commissioner Fitzgibbons and he did a
19 great job and I thought that speech was excellent.

20 We're here this evening because before you
21 is a resolution to be memorialized denying the
22 application from the hearings that we've had over the
23 last couple of months. The problem is that there's a
24 technical issue with the prosecution of this
25 application. As I'm sure you are all aware, there's a

1 state statute that requires that the County Planning
2 Board must make a decision on an application 30 days
3 after it's been deemed complete. There's an exception
4 to that that it can be extended, the decision can be
5 extended for one 30-day period if consent is obtained by
6 the municipality, in this case Hoboken. The Board is
7 well aware of that because at our November hearing we
8 asked for an adjournment and we were denied that
9 adjournment because you were not able to get consent
10 from Hoboken. And that was memorialized in the
11 resolution.

12 So here we had an application at the January
13 hearing and the Board asked the applicant if they could
14 adjourn the hearing. The applicant consented to the
15 adjournment, but the county did not close the loop of
16 getting consent from the municipality, in which case,
17 unfortunately for the county, the matter is
18 automatically -- the application is deemed automatically
19 approved. So I'm here to let the Board know that
20 although there's a resolution before you to memorialize
21 the denial, I'm here to request that the Board listen to
22 the law. It's been decided by the legislature and case
23 law that it's a strict law with an exception only to
24 adjourn it or extend it 30 days if the municipality
25 authorizes that, which they did not. I think Steve

1 Marks and even Attorney Campbell will speak on this
2 issue, but I think they'll agree that the consent was
3 not obtained from Hoboken and therefore this law is the
4 law whether you like it or not, unfortunately. And as a
5 resident of Jersey City for many years and a person that
6 lives in this county, I think it would be a terrible
7 waste of county time and resources to make a decision
8 where you know that the law is against you on this. And
9 that's what I just wanted to put on the record.

10 CHAIRWOMAN BETTINGER: Thank you.

11 MR. McCann: You're welcome.

12 CHAIRWOMAN BETTINGER: Counselor, do you
13 have any comments?

14 MR. CAMPBELL: I believe there's an attorney
15 for the objecting neighborhood group that wanted to
16 comment.

17 MS. ONYEANI: Good evening, Madam Chair and
18 members of the commission. My name is Ogechi Onyeani
19 and I am with the Eastern Environmental Law Center. And
20 we are here on behalf of our clients, Fund For a Better
21 Waterfront. We're pretty much here tonight in support
22 of the Hudson County Planning Board's decision and its
23 position that it did act timely in this matter. And for
24 that reason we submit these comments on the record in
25 support of the Hudson County Planning Board. We believe

1 the Hudson County Planning Board's actions were timely
2 in the matter for a number of reasons. For one, there
3 was no depravation on the applicant's part of any due
4 process rights. Additionally, the report was also made
5 without undue delay. Moreover, applicants consented to
6 this approval and even took advantage of the extra time
7 to conduct more studies, one of which included their
8 traffic report study. In enacting this statute that the
9 applicants have referred to, the New Jersey Supreme
10 Court has found that the legislators enacted the statute
11 to promote prompt decision making, not only to benefit
12 applicants, but also to benefit objectors and also the
13 public at large. And this previous hearing that was
14 held on February 22nd, the Board of Hudson County, the
15 Hudson County Planning Board did just that. This
16 hearing was a continuation to a previous meeting which
17 allowed the public at large to express its views on this
18 particular application. Moreover, in situations where a
19 Planning Board -- where it has been found that a
20 Planning Board has violated the statutory framework, the
21 Supreme Court has recognized a narrow exception which is
22 that where the County Board's actions were inadvertent
23 or unintentional, the Supreme Court has found that an
24 automatic approval would not advance the legislators'
25 goals underlying this particular statute. For these

1 reasons and more, again, we are in support of the Hudson
2 County Planning Board's decision and we do believe that
3 you guys acted timely in this matter. Thank you.

4 CHAIRWOMAN BETTINGER: Thank you. Yes,
5 Counselor?

6 MR. McCann: Just to rebut a couple of those
7 points, the attorney has made a lot of very good points,
8 but in the case that she was discussing, I believe,
9 which was the Hess case, it does bring up those issues
10 of prosecuting the case properly, if it was
11 unintentional. In Cox which is a book that analyzes
12 statutes and whatnot, the unintentional and inadvertent
13 exception does not apply to the procedure to obtain an
14 extension. So although you may have been acting in good
15 faith and whatnot, the procedure of obtaining approval
16 from Hoboken, it's not relieved from that. So the case
17 speaks clearly on that point. So I just wanted to let
18 that be known. So I'm sure that Counsel will guide you
19 accordingly, thank you.

20 CHAIRWOMAN BETTINGER: Thank you. Do we
21 have any other members of the public that would like to
22 speak before we go further? Counselor?

23 MR. CAMPBELL: As has been indicated, there
24 is a state statute that requires the County Planning
25 Board to refer back to the municipal agency within 30

1 days of a complete site plan. That is fairly rigid and
2 clear language. However, in that same statute, the
3 court has gleaned an exception as was indicated and
4 agreed to. In the case that was cited, there was a
5 delay of some 9 months and the application was never
6 actually adjudicated. In this case there was every
7 effort made to hear the matter quickly, efficiently,
8 with due respect to all parties involved. The Board
9 went out of its way to have a special meeting in order
10 to accomplish that goal and in my opinion, the Board
11 went above and beyond to try to ensure that there was no
12 protracted delays in hearing and resolving the case,
13 which is exactly what the statute is intending should
14 happen. The question of what is good faith and what is
15 not, what is inadvertent, what is not, is a very complex
16 one and I think that if one exception can be found in
17 the statute as has been, then other exceptions can be
18 found. And so it's my opinion that it's not such an
19 open and shut case. And I believe that secondly, this
20 statute was written not only to protect the public, the
21 community at large, the objectors and the applicant, all
22 of whom consented and thereby waived their rights to
23 adhere to the statute, but also the municipality. The
24 municipality had not yet even scheduled its hearing. So
25 it was in no way prejudiced by the fact that it didn't

1 get a report from this Board at that time. If the goal
2 of the statute is to expedite proceedings so that the
3 municipal Board can act based on the wise advice of the
4 county Planning Board, they were not denied that
5 benefit. And so the spirit of the law, again, was met.

6 Furthermore, to say that this approval is
7 deemed as a matter of law raises the question of who can
8 so deem it? Does the County Planning Board deem that
9 its own actions were improper or is that something only
10 a court can do? Or is it something only the
11 municipality can do because it was their lack of consent
12 which is an issue? If the municipality is the one with
13 the standing to raise the issue, then it may be that we
14 need to simply provide the decision of this Board to
15 them and let the municipality deem it as technically
16 approved or not as it wishes.

17 I also am concerned with the fact that
18 nothing in the statute says that the municipal Board
19 cannot consider a report it receives out of time. So if
20 there's technically an approval, but this Board has
21 taken testimony, made decisions, rendered conclusions,
22 there's nothing that I see that would prevent the
23 municipality from reviewing that report, that resolution
24 and taking that information under advisement when it
25 rules. So I think it's a mere technicality to say that

1 it is deemed or not deemed approved. And my advice to
2 the Board, my opinion is that we proceed with
3 memorializing the resolution based on testimony before
4 the Board, submit that as the ancillary report to the
5 municipality and leave it to the municipality to
6 determine whether it was technically approved or not
7 and/or to leave it to a court to decide if there is a
8 valid exception, given the circumstances in this case.

9 CHAIRWOMAN BETTINGER: Does anyone have any
10 questions for the attorney before we go further?

11 MR. CAMPBELL: I think it would be
12 appropriate first for the Board to decide whether or not
13 you're of a mind to proceed with the case irrespective
14 of the statutory language. And if so, then to proceed
15 with the memorization. If not, then your resolution
16 would be to deem it complete.

17 CHAIRWOMAN BETTINGER: So do we need to take
18 a vote?

19 MR. CAMPBELL: I think you should.

20 MS. CIAMMARUCONI: As I understand it, this
21 is a vote to agree to memorialize or not memorialize the
22 first --

23 CHAIRWOMAN BETTINGER: What is the correct
24 language that you would like us to use?

25 MR. CAMPBELL: The first vote would be on

1 whether this Board agrees to deem the application
2 approved as a matter of law simply because it did not
3 render its report to the Hoboken Planning Board within
4 30 days. So you're voting on whether you accept the
5 applicant's attorney's position that this case has been
6 approved because it took more than 30 days to vote on
7 the case. So the motion would be to either approve a
8 determination that the case has been technically
9 approved or you could make the opposite motion to vote
10 that it is not deemed by you as affirmative.

11 COMMISSIONER CHOFFO: Due to the time frame.

12 CHAIRWOMAN BETTINGER: I guess one question
13 that I do have, did the applicant object at any point to
14 set a special meeting?

15 MR. CAMPBELL: They agreed to carry the case
16 to another special meeting, but at that time we couldn't
17 set a special date because we didn't know --

18 CHAIRWOMAN BETTINGER: I'm saying there was
19 no objection from the attorney of the applicant --

20 MR. CAMPBELL: To a continuation of that
21 initial month's testimony.

22 CHAIRWOMAN BETTINGER: They did not object,
23 they provided a date, correct?

24 MR. CAMPBELL: Well, after the adjournment
25 to an uncertain special meeting date, conference calls

1 were made to pick a convenient, mutually agreeable date
2 for the next hearing.

3 CHAIRWOMAN BETTINGER: Okay. Hi, are you a
4 member of the public?

5 MS. SEMEL: Yes, I'm a member of the public.
6 I'm Hilary Semel. I'm also from the Eastern
7 Environmental Law Center. We represent the Fund for a
8 Better Waterfront. My colleague, Ogechi Onyeani just
9 spoke. We'd just like to object to this motion because
10 it was not put on the agenda and there's been no time
11 for public comment on it. The motion on the agenda is
12 to accept the resolution, not to determine whether the
13 application is deemed approved or not deemed approved,
14 given the 30 day limit.

15 CHAIRWOMAN BETTINGER: Counselor?

16 MR. CAMPBELL: Then I suggest we vote on the
17 resolution if you believe that it is an inappropriate
18 resolution because you believe it to have been deemed
19 approved by statute, then you would vote no against the
20 memorialization. If you believe that the Board is
21 justified and may legitimately memorialize the decision
22 of the Board and you're satisfied with the language of
23 the resolution, then vote to approve the memorialization
24 of the resolution.

25 CHAIRWOMAN BETTINGER: I need a motion to go

1 forward.

2 MR. McCann: I just have one comment, Madam
3 Chairperson. Your question was whether the applicant's
4 attorney consented to the adjournment or to the next
5 meeting.

6 CHAIRWOMAN BETTINGER: Correct.

7 MR. McCann: We don't argue that we did, at
8 the request of the Board. The technical statutory issue
9 is that the loop was not closed by getting consent from
10 Hoboken. And that is where the case and the statute
11 speaks clearly on the subject. If the consent was not
12 given by the municipality, then as a matter of law, the
13 case is automatically approved.

14 MR. CAMPBELL: That's a strict reading of
15 the statute. That's what it says.

16 CHAIRWOMAN BETTINGER: But that has no
17 bearing on our Board, the municipality.

18 MR. CAMPBELL: The municipality --

19 CHAIRWOMAN BETTINGER: Of Hoboken, correct?

20 MR. CAMPBELL: I think Hoboken Municipal
21 Planning Board is the one with the standing to assert
22 that it did not consent to this extended hearing. And
23 having not consented, it's not bound by the decision of
24 this Board and may deem it legally as approved. My
25 opinion was that that's for the Hoboken Planning Board

1 to decide, not for this Board. So if we simply vote on
2 memorializing the resolution and send it to the Hoboken
3 Municipal Planning Board, it can either ignore it, adopt
4 it, accept it or the language in it as guidance without
5 formally accepting it as a legal opinion or whatever it
6 chooses to do. So I think we should just vote on
7 whether to memorialize this resolution based on the vote
8 of the Board at the last meeting. And those who would
9 vote on it are those who voted in favor of the denial.
10 And the majority of those who are here that voted in
11 favor of denial would be the ones to vote on the
12 resolution.

13 CHAIRWOMAN BETTINGER: Yes, Counselor?

14 MR. McCann: Thank you. Counselor, I have
15 to respectfully disagree with his recommendation on the
16 fact that the statute doesn't dictate whether the city
17 has to object to this. It's whether the county acted
18 within 30 days or if it got the extension approved from
19 the municipality, which it did not. The question is if
20 the county didn't get the approval to extend it from the
21 municipality, then that is what the question is. Did
22 you get approval from Hoboken or did you not? If you
23 did not, then the case is flawed and the case is
24 automatically approved.

25 COMMISSIONER MEHTA: I have one question.

1 That is I think that technically it says that the
2 application is complete, but I don't think that we even
3 heard the entire case and we did not complete. Because
4 there were a lot of public, the people from the public
5 wanted to speak and we were running out of time and
6 there was not enough opportunity for everybody to speak.
7 And at the same time, I think a couple of the testimony
8 was also not heard. So according to me, the case was
9 not completely even heard. So how can they argue that
10 it was complete and we didn't take care within 30 days?

11 MR. McCann: I know, it's a hard rule to
12 stomach. It doesn't seem to make sense, but it is the
13 law. It's not an argument I'm thrilled to make. I'm a
14 land use attorney. I usually do approvals. This is a
15 situation where the Board did not act. They acted after
16 the fact and approval was not obtained. It's statutory.
17 Cases are clear on the subject.

18 COMMISSIONER MEHTA: But even though you say
19 Hoboken Board and the County Planning Board, they are
20 two separate entities. We don't have to have approval
21 from the local Board. We always have resolution saying
22 that --

23 CHAIRWOMAN BETTINGER: Conditionally
24 approved.

25 COMMISSIONER MEHTA: Conditionally approved.

1 If it is approved, the local Board approves or denies.
2 And if they see a major difference, then they will come
3 back in front of us again. But at the same time,
4 according to my formal understanding, that the
5 application was not completely heard and the testimony
6 was not even finished. Then I don't understand that or
7 I don't consider it as a complete application.

8 MR. McCann: An extension was requested to
9 finish the application. We consented, but you did not
10 obtain consent from Hoboken. That is the issue. And
11 the case law and the statute says if it is not obtained,
12 then the application is deemed approved.

13 COMMISSIONER MEHTA: Then so many times we
14 have applications in front of us before it appears in
15 front of the local Board and that's the first thing we
16 will resolve is whether the application appeared in
17 front of the local Board or not. And sometimes you can
18 ask our attorneys that because the local Board has a
19 different jurisdiction as well as County Planning Board
20 has a different jurisdiction. So you can say yes, they
21 will fulfill the local requirement and it takes
22 sometimes longer procedure to appear in front of the
23 local Board. But yes, if it is a requirement of the
24 County Planning Board that is fulfilled, then county has
25 to hear the application. But according to me, it is

1 still not a complete application because the complete
2 testimony was not even finished.

3 MR. CAMPBELL: You may be confusing the word
4 "complete" in terms of the checklist requirements to
5 submit an application. "Complete" under that part of
6 the law does not mean that you finished the complete
7 case, it means that the documents they submitted, the
8 application forms, the plans, the surveys, the filing
9 fees, that everything that is technically required to
10 make it a complete or a full application so that you now
11 have jurisdiction to hear the case. That's the kind of
12 complete that I think he's talking about.

13 COMMISSIONER MEHTA: I understand, but at
14 the same time --

15 COMMISSIONER CHOFFO: I agree with
16 Commissioner Mehta. He's saying that basically he knows
17 the difference between completeness with the timing, the
18 timing of the filing of their paperwork to us, we have
19 the 30 days to hear it, but he's considering, from what
20 I interpreted, is that the application itself wasn't
21 complete since it was carried over or, you know, it was
22 a carry over.

23 CHAIRWOMAN BETTINGER: That the meeting
24 wasn't complete. I think that's what he's trying to
25 say, not that the application -- that's why there's an

1 Open Public Meeting Act, correct? Because the public
2 has an opportunity to address the Board.

3 MR. CAMPBELL: That's why I'm suggesting
4 that this may be another exception as with the Hess case
5 where there's an inadvertent failure to get consent.
6 There may well be an exception where the Board with the
7 consent of both the objectors and the applicant went out
8 of its way to have a special meeting to get it done
9 quickly, that the spirit of the law was satisfied. And
10 the court may well look at that and say in this case
11 there's an exception, it isn't to be deemed complete.
12 Then the next question is who is it to deem it complete?
13 Counsel wants this Board to deem the application
14 approved as a technicality. My suggestion is the one
15 that would so deem it should be either a court who has
16 the authority to interpret the law and apply the law, or
17 the Municipal Planning Board for whose benefit that
18 required consent was required. If Hoboken chooses to
19 deem it complete because they didn't get your response
20 within 30 days, that may well be Hoboken's choice. But
21 it's not for us to preclude, in my opinion, the Hoboken
22 Municipal Board the opportunity to retroactively consent
23 and accept the resolution.

24 COMMISSIONER CHOFFO: Madam Chair, that's
25 not something I think we should vote on. There's four

1 members that aren't present tonight that were involved
2 in the process, so I don't think it's something that we
3 should vote on in terms of what you first recommended,
4 Mr. Campbell.

5 MR. CAMPBELL: So again, my suggestion would
6 be memorialize the resolution as the Board voted last
7 meeting, send it to the Hoboken Planning Board and they
8 will treat it as they wish. And Counsel can make the
9 same arguments to them.

10 CHAIRWOMAN BETTINGER: Now do I have a
11 motion?

12 COMMISSIONER MEHTA: I think we have
13 memorialization and also the three applications. Can
14 you keep it two separate because I think I was not
15 present on the 15th.

16 MS. CIAMMARUCONI: That is my question. Can
17 we separate this application from the other two on the
18 agenda for memorization or can we keep it together and
19 have them vote on each?

20 MR. CAMPBELL: Only the members who voted in
21 support of the resolution to deny can vote on the
22 language in that resolution and we should separate it.

23 MS. CIAMMARUCONI: So we'll take a separate
24 vote for this application.

25 CHAIRWOMAN BETTINGER: So before we go

1 forward, I think we need to really be clear exactly on
2 what we're voting for.

3 MR. CAMPBELL: I believe there's a motion to
4 approve the resolution denying the application and the
5 members who voted to deny the application should vote on
6 memorializing the resolution.

7 COMMISSIONER MEHTA: I make a motion to
8 approve the denial of Shipyard application.

9 MR. CAMPBELL: And to memorialize the
10 resolution that's been submitted?

11 COMMISSIONER MEHTA: Yes.

12 CHAIRWOMAN BETTINGER: I believe I was the
13 only other, can I?

14 MR. CAMPBELL: You'll have to second it.

15 CHAIRWOMAN BETTINGER: I'll second the
16 motion.

17 MS. CIAMMARUCONI: Okay, on a motion to
18 memorialize application 2011-096-SP, applicant Shipyard
19 Associates, LP, located at 1501 Shipyard Lane, Block
20 264.2, Lot 1 in the municipality of Hoboken.
21 Commissioner Mehta?

22 COMMISSIONER MEHTA: Yes.

23 MS. CIAMMARUCONI: Commissioner Bettinger?

24 CHAIRWOMAN BETTINGER: Yes.

25 MS. CIAMMARUCONI: Motion passed.

1 COMMISSIONER CHOFFO: You have to take the
2 full vote.

3 MS. CIAMMARUCONI: Are we going to take the
4 full vote? Are they allowed to vote?

5 MR. CAMPBELL: Members who did not vote on
6 the application don't have a say in the language in the
7 resolution.

8 MS. CIAMMARUCONI: If they voted to approve
9 the application, do they still vote?

10 MR. CAMPBELL: No, because what's being
11 approved is the resolution that was adopted.

12 MR. CHOFFI: You got to say my name, though.
13 I have to give you my vote.

14 MS. CIAMMARUCONI: I think he said --

15 MR. CHOFFO: I abstained.

16 MS. CIAMMARUCONI: Okay. You abstained at
17 the time of the initial vote last month?

18 COMMISSIONER CHOFFO: No.

19 MR. CAMPBELL: You voted in favor?

20 COMMISSIONER CHOFFO: I don't need to vote,
21 all right. I retract it, I'm sorry. I apologize.

22 MS. CIAMMARUCONI: Okay. Madam Chair, the
23 motion passed.

24 (Mr. Campbell leaves and Mr. Curley joins
25 the Board as Board attorney.)

1 CHAIRWOMAN BETTINGER: The next item.

2 MS. CIAMMARUCONI: We'll continue with the
3 memorization of the next two applications. 2011-095-SP.
4 Applicant Russo at Harrison Urban Renewal, LLC. Located
5 at 1000 Frank E. Rodgers Boulevard, Block 138.03, Lot 1
6 in Harrison. And application 2012-008-SP, applicant Guy
7 Gsell, Field Station Dinosaurs, LLC located on New
8 County Road, Block 5, Lot 2 in Secaucus.

9 COMMISSIONER CHOFFO: I make a motion.

10 CHAIRWOMAN BETTINGER: Do I have a second?
11 I guess I'll second the motion.

12 MS. CIAMMARUCONI: On a motion made by
13 Commissioner Choffo and seconded by Chairwoman
14 Bettinger, Commissioner Avagliano?

15 COMMISSIONER AVAGLIANO: I'm going to
16 abstain because I wasn't here in the beginning of this
17 since December, so I'm going to abstain on that
18 Shipyard. Oh, the memorization? I vote aye. I told
19 her first.

20 MS. CIAMMARUCONI: Right now we're voting on
21 the memorization.

22 COMMISSIONER AVAGLIANO: I'm abstaining on
23 the Shipyard, but I'll vote yes on the others.

24 CHAIRWOMAN BETTINGER: But you weren't at
25 the meeting.

1 COMMISSIONER AVAGLIANO: Okay, abstain on
2 the whole. Go ahead.

3 MS. CIAMMARUCONI: Commissioner Choffo?

4 COMMISSIONER CHOFFO: Aye.

5 MS. CIAMMARUCONI: Commission DiDomenico?

6 COMMISSIONER DiDOMENICO: Abstain.

7 MS. CIAMMARUCONI: Commissioner Glembocki?

8 MR. GLEMBOCKI: Abstain.

9 MS. CIAMMARUCONI: Commissioner Mehta?

10 COMMISSIONER MEHTA: Abstain.

11 MS. CIAMMARUCONI: Commissioner Bettinger?

12 CHAIRWOMAN BETTINGER: I vote aye.

13 MR. CURLEY: The motion carries.

14 MS. CIAMMARUCONI: Motion carries. The next
15 item on the agenda is 5(B), applications to be declared
16 exempt. Application 2012-002-SP, applicant New York
17 SMSA Limited Partnership d/b/a Verizon Wireless located
18 at 2500 83rd Street, Block 443.03, Lot 1 in North
19 Bergen. Application 2012-003-SP, applicant 134 Bay
20 Street, LLC, located at 332-350 Marin Boulevard and 143
21 Bay Street, Block 171, Lots A and Y1 in Jersey City.
22 Application 2012-007-SD, applicant Manuel Rodriguez,
23 located at 11-15 South 5th Street, Block 126, Lot 23 in
24 Harrison.

25 COMMISSIONER CHOFFO: I make a motion.

1 CHAIRWOMAN BETTINGER: We have three more.

2 MS. CIAMMARUCONI: Application 2012-009-SD,
3 applicant Summit Plaza Associates located at 700 Newark
4 Avenue, Block 593.1, Lot 1 in Jersey City. Application
5 2012-010-SP, applicant Mr. Mike Laffan, located at 415
6 Tonnele Avenue, Block 971, Lots 5 and 41 in Jersey City.
7 And application 2012-012-SP, Simsmetal East, LLC,
8 located at 1 Linden Avenue East, Blocks 1507, Lots 2L5,
9 2L6, 10A, 10B, 10C and 18 in Jersey City.

10 CHAIRWOMAN BETTINGER: Now do I have a
11 motion?

12 COMMISSIONER MEHTA: I make a motion.

13 MS. DiDOMENICO: I'll second.

14 MS. CIAMMARUCONI: On a motion made by
15 Commissioner Mehta and seconded by Commissioner
16 DiDomenico, Commissioner Avagliano?

17 COMMISSIONER AVAGLIANO: Abstain.

18 MS. CIAMMARUCONI: Commissioner Choffo?

19 COMMISSIONER CHOFFO: Aye.

20 MS. CIAMMARUCONI: Commissioner DiDomenico?

21 MS. DiDOMENICO: Aye.

22 MS. CIAMMARUCONI: Commissioner Glembocki?

23 MR. GLEMBOCKI: Aye.

24 MS. CIAMMARUCONI: Commissioner Mehta?

25 COMMISSIONER MEHTA: Aye.

1 MS. CIAMMARUCONI: Chairwoman Bettinger?

2 CHAIRWOMAN BETTINGER: Aye.

3 MS. CIAMMARUCONI: The motion passed. The
4 next to last item on the agenda is 5C, applications to
5 be dismissed. Applicant 2011-079-SP, applicant Alberto
6 Grossetti, located at 1904 Paterson Plank Road, Block
7 40, Lot 3.031 in North Bergen.

8 CHAIRWOMAN BETTINGER: Do I have a motion?

9 COMMISSIONER CHOFFO: I'll make a motion.

10 COMMISSIONER MEHTA: Second.

11 MS. CIAMMARUCONI: On a motion made by
12 Commissioner Choffo and seconded by Commissioner Mehta,
13 Commissioner Avagliano?

14 COMMISSIONER AVAGLIANO: Abstain.

15 MS. CIAMMARUCONI: Commissioner Choffo?

16 COMMISSIONER CHOFFO: Aye.

17 MS. CIAMMARUCONI: Commissioner DiDomenico?

18 MS. DiDOMENICO: Aye.

19 MS. CIAMMARUCONI: Commissioner Glembocki?

20 MR. GLEMBOCKI: Aye.

21 MS. CIAMMARUCONI: Commissioner Mehta?

22 COMMISSIONER MEHTA: Aye.

23 MS. CIAMMARUCONI: Chairwoman Bettinger?

24 CHAIRWOMAN BETTINGER: Aye.

25 MS. CIAMMARUCONI: Motion passed. The next

1 item is Item 5(D), items for discussion. The first item
2 is the Hudson County 2012 Community Indicator Report
3 Update.

4 MS. MASSEY: In your packets tonight you'll
5 have the Hudson County 2012 Community Indicator Report.

6 CHAIRWOMAN BETTINGER: Ms. Massey, it's very
7 difficult for us to hear you.

8 MS. MASSEY: In your packets tonight you
9 have the 2012 Hudson County Community Indicator report.
10 It's the supplement to the CEDS which is the
11 Comprehensive Economic Development Strategies Report for
12 the 5-year economic plan for the county. The census is
13 a requirement of the US Department of Commerce, the
14 Economic Development Administration. And in order to be
15 funded and eligible for a public works grant and
16 economic development projects, we prepare the CEDS. And
17 then this, the Community Indicator Report that's in
18 front of you is just a report of how the county is doing
19 from 1990 to present. And we're just introducing this
20 tonight for your review and then at the next regular
21 meeting we can accept the document.

22 CHAIRWOMAN BETTINGER: Thank you.
23 Counselor, do we need to take a vote for the
24 introduction?

25 MR. CURLEY: Yes.

1 MS. CIAMMARUCONI: Okay.

2 CHAIRWOMAN BETTINGER: Do I have a motion?

3 COMMISSIONER CHOFFO: I'll make a motion.

4 COMMISSIONER MEHTA: I'll second.

5 MS. CIAMMARUCONI: On a motion to introduce
6 the 2012 Community Indicator Report made by Commissioner
7 Choffo, seconded by Commissioner Mehta. Commissioner
8 Avagliano?

9 COMMISSIONER AVAGLIANO: Aye.

10 MS. CIAMMARUCONI: Commissioner Choffo?

11 COMMISSIONER CHOFFO: Aye.

12 MS. CIAMMARUCONI: Commissioner DiDomenico?

13 COMMISSIONER DiDOMENICO: Aye.

14 MS. CIAMMARUCONI: Commissioner Glembocki?

15 MR. GLEMBOCKI: Aye.

16 MS. CIAMMARUCONI: Commissioner Mehta?

17 COMMISSIONER MEHTA: Aye.

18 MS. CIAMMARUCONI: Chairwoman Bettinger?

19 CHAIRWOMAN BETTINGER: Aye. Thank you.

20 MS. CIAMMARUCONI: The next item for
21 discussion is the Hudson County 2012 Smart Growth
22 Awards.

23 MS. MASSEY: So also in your packet is this
24 little write-up for the 2012 Hudson County Planning and
25 Smart Growth Awards. Each year the Division of Planning

1 reviews the site plan applications that go before the
2 Board. We review them based on site selection, site
3 design and proposed green infrastructure. And we also
4 base them off of criteria that we find through the US
5 Green Building Council, New Jersey Future, Smart Growth
6 America and USEPA. For this year we recommend that the
7 Gold Smart Growth award go to the M2 Development which
8 is located at 124, 130 Park Avenue in Hoboken and
9 consists of 11 residential units over one floor of
10 parking. It's currently going for LEED certification.
11 It has many energy efficient items. It's completely
12 self-sufficient. It relies on solar panels and
13 geothermal energy. And it planted the three required
14 shade trees in compliance with the Hudson County
15 Planning Board and also contributed 13 new trees to the
16 area. So we recommend that for the gold.

17 If you turn the page for the Smart Growth
18 Award for the silver award, we're recommending Exchange
19 at Secaucus Junction. They received this award in 2009,
20 but they're continuing to build. Currently they're
21 building I and J. The project is located at 410,000
22 Riverside Station Boulevard in Secaucus and will consist
23 of a four-story residential building with 588
24 residential units and a parking garage. It's part of
25 the transit friendly village near the Secaucus junction.

1 It's adjacent to Laurel Hill Park and the waterfront
2 walkway. It's agreed to a conservation easement so that
3 there will be no future development near the walkway and
4 it initially was a Brownfield site and now along with
5 development it will contain riparian buffers, vegetative
6 filter strips and it will treat up to 85 percent of the
7 stormwater developed on-site.

8 And as for the Bronze award, we are
9 recommending the proposed Waterfront Park in North
10 Bergen and Guttenberg on River Road. It will be a
11 passive park currently on undeveloped waterfront
12 property and it's along the Hudson River waterfront
13 walkway. And it will consist of landscaping, walking
14 paths, canopy structures, a playground and, of course,
15 the view of New York City.

16 We are awarding the Smart Growth Award for
17 Leadership, also known as the Peter B. Higgins, III
18 Award for Smart Growth Leadership to Senator Robert
19 Menendez. He began his political career as Mayor of
20 Union City from 1986 to 1992. He currently serves on
21 the Senate committees of finance, banking, housing and
22 urban affairs and foreign relations. In Congress he's
23 really working to champion clean energy and energy
24 efficiency bills. He's also working for the Partnership
25 for Sustainable Communities and Choice Neighborhoods at

1 the US Department of Housing and Urban Development and
2 has continued to play a role in Hudson County for many
3 years, promoting the funding for the Hudson Bergen Light
4 Rail, along with the sponsoring of the liberty corridor
5 to move freight from our state's ports and distribute
6 them more efficiently. So we are recommending him for
7 the award for leadership.

8 And last but not least, the Smart Growth
9 Award for Smart Planning and Policy, we recommend go to
10 the City of Jersey City for their plan for the Route 440
11 Truck 1 and 9 multi use urban boulevard and through
12 truck diversion concept development study. It
13 identifies a locally preferred alternative route for
14 Route 440 and truck routes 1 and 9. It will involve
15 complete street concepts, have bike and pedestrian
16 facilities and it will just create a more vibrant,
17 attractive area to support new buildings and
18 development.

19 COMMISSIONER AVAGLIANO: When are we going
20 to have these awards, next meeting?

21 MS. MASSEY: We're hoping to have these
22 awards in April, either at a special meeting, or at the
23 next meeting, regular meeting.

24 COMMISSIONER AVAGLIANO: Okay, it will be at
25 a meeting?

1 MS. MASSEY: Yes.

2 MR. CURLEY: I think it would be appropriate
3 for the Board to adopt a resolution accepting the staff
4 recommendation on the awards.

5 CHAIRWOMAN BETTINGER: Okay, do I have a
6 motion?

7 MS. DiDOMENICO: I make a motion for both
8 the indicator report and the smart growth award
9 proposals. I make a motion to adopt both.

10 CHAIRWOMAN BETTINGER: Do I have a second?

11 COMMISSIONER MEHTA: I second.

12 MS. CIAMMARUCONI: On a motion made by
13 Commissioner DiDomenico and seconded by Commissioner
14 Mehta. Commissioner Avagliano?

15 COMMISSIONER AVAGLIANO: Aye.

16 MS. CIAMMARUCONI: Commissioner Choffo?

17 COMMISSIONER CHOFFO: Aye.

18 MS. CIAMMARUCONI: Commissioner DiDomenico?

19 MS. DiDOMENICO: Aye.

20 MS. CIAMMARUCONI: Commissioner Mehta?

21 COMMISSIONER MEHTA: Aye.

22 MS. CIAMMARUCONI: Commissioner Glembocki?

23 COMMISSIONER GLEMBOCKI: Aye.

24 MS. CIAMMARUCONI: Chairwoman Bettinger?

25 CHAIRWOMAN BETTINGER: Aye.

1 MS. CIAMMARUCONI: Okay. There's one other
2 thing I think we might want to discuss under old
3 business. In your packets there are two legal opinions
4 from the office of Mr. Curley. I believe it was last
5 month or the month before that Freeholder Romano asked
6 some questions regarding municipal approvals and if they
7 should, if applications should be going to the county
8 prior to the municipality. So there's an opinion in
9 there about that and also about the dismissal of
10 incomplete applications. So I think maybe Mr. Curley
11 could speak to you briefly about that.

12 MR. CURLEY: Thank you. Let me address
13 first the dismissal of incomplete applications because
14 that's a little bit of an easier opinion. There is a
15 provision in the Land Development Regulations that the
16 Board can dismiss after 90 days, an application that has
17 not been deemed complete. As you know, we have a
18 checklist and every applicant has to fulfill the
19 checklist or ask for a waiver of particular checklist
20 items. The applicant has to pay the application fee,
21 any escrows that are required for professional review
22 and otherwise comply with the checklist in order for the
23 application to be deemed complete. Once an application
24 is deemed complete, it has consequences in terms of
25 timing. But, what happens if an applicant does not file

1 a complete application? The recommendation is that a
2 letter should go out listing the deficiencies from the
3 staff and then the applicant should be given 90 days to
4 cure the deficiency. And if the deficiencies are not
5 cured within the 90 days, then the recommendation is
6 that the Board should adopt a resolution dismissing the
7 application, basically because of lack of completeness.
8 The Land Development Regulations already contain a
9 provision that allows dismissal of incomplete
10 applications after a period of 90 days. So that's one
11 opinion. And then that was really generated by staff
12 that was looking for direction on what to do with
13 applicants who file half an application and never
14 complete it. So those deficiencies should go out and
15 then the clock should start running from that date.

16 COMMISSIONER CHOFFO: I have a question. So
17 the 90 days starts from the time the letter goes out or
18 from the date of the application?

19 MR. CURLEY: I would recommend doing it from
20 the time that the letter goes out because that way it
21 doesn't vary with how long it takes for the initial
22 review. The initial review may take 10 days, it may
23 take 30 days.

24 COMMISSIONER CHOFFO: So technically they
25 could have up to 120 days then because at our site plan

1 meetings sometimes it's two weeks or three weeks after
2 an application comes in, sometimes they'll come in and
3 do a brief presentation and then they'll fall off the
4 face of the earth. So you're saying the clock should
5 start ticking once the letter goes out from our Division
6 of Planning?

7 MR. CURLEY: If we do it that way, we'll
8 know that it's being fairly applied across the board
9 single handedly, regardless of how much time it takes
10 for a review of the initial application.

11 COMMISSIONER CHOFFO: All right. That's my
12 only question.

13 CHAIRWOMAN BETTINGER: Any other questions
14 or comments?

15 MR. CURLEY: The other opinion deals with
16 the issue of the 30-day limitation that the Board has.
17 And it is statutory. There is the Amerada case, the
18 Amerada Hess case which is the latest decision in this
19 area dealing with the County Planning Act. The strict
20 rule is that the Board has to act on an application
21 within a 30-day period after the application is
22 complete. The Board can obtain an extension of that
23 period for 30 days, one extension only and only for up
24 to 30 days. In order to obtain that extension, there's
25 a requirement that has to be an agreement between the

1 Board and the local municipal approving authority and
2 the consent of the applicant. So both elements are
3 generally required in order to obtain the 30-day
4 extension. The question was raised by one of the Board
5 members as to whether we can put as a checklist item
6 that there be a municipal approval before that clock
7 starts to run. It's my opinion that we cannot make that
8 a checklist item because the statute does not provide
9 for it and we are limited to do things that are
10 authorized by the statute. If we were to make that a
11 checklist item, it would be inconsistent with the County
12 Planning Act and would be, in my opinion, a void
13 checklist item and it would wind up creating more
14 problems for us than it would solve. It would create a
15 problem of our missing deadlines and we do have the
16 strict 30-day deadline. So essentially there is no way
17 to get around with the clock running. Now let me
18 comment that there are numerous court cases under the
19 Municipal Land Use Law dealing with these deadlines and
20 the courts do not favor doing automatic approvals. It's
21 highly unusual for a court to actually grant an
22 automatic approval despite the language of the Municipal
23 Land Use Law and there are frequently ways in which
24 exceptions are crafted to address situations as they
25 arise. I would anticipate the same will happen over

1 time with the County Planning Act. The essential
2 problem we have at this point in time is that there are
3 only two leading decisions, the Manalapan case and the
4 Amerada Hess case. And what those cases deal with,
5 especially the Amerada Hess case deals with a very
6 literal interpretation of the County Planning Act. And
7 the only exception recognized in that case is for
8 inadvertent and unintended exceedance of the time
9 limitation. But that is not to say more exceptions will
10 not be engrafted on the statute as time goes on and the
11 courts are usually very responsive to the factual
12 setting in which these things arise.

13 CHAIRWOMAN BETTINGER: Thank you, Counselor.
14 Daniela, can you just make sure that Freeholder Romano
15 definitely gets these opinions that were requested and
16 the rest of the commissioners that were not present?

17 MS. CIAMMARUCONI: Yes.

18 CHAIRWOMAN BETTINGER: Thank you. Do we
19 have any new business? Do I have a motion to adjourn?

20 COMMISSIONER AVAGLIANO: Make a motion.

21 COMMISSIONER CHOFFO: Motion.

22 CHAIRWOMAN BETTINGER: All in favor?

23 (Multiple Board members respond in the
24 affirmative.)

25 CHAIRWOMAN BETTINGER: Thank you.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(Whereupon the proceeding was concluded at
7:46 p.m.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE

I, NADINE M. GAZIC, a Notary Public and Certified Court Reporter of the State of New Jersey, License No. XI01883, do hereby certify that the foregoing is a true and accurate transcript of the testimony as taken stenographically by and before me at the time, place and on the date hereinbefore set forth.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.

Notary Public of the State of New Jersey
Dated: April 2, 2012

<p>0</p>	<p>44:24</p>	<p>7</p>	<p>adjournment 10:8,9</p>
<p>07102 1:20 07306 1:3 07311 1:16</p>	<p>2012-002 29:16 2012-003 29:19 2012-007 29:22 2012-008 28:6 2012-009 30:2 2012-010 30:5 2012-012 30:7</p>	<p>700 30:3 744 1:19 7:46 43:2</p>	<p>10:15 17:24 19:4 adjudicated 14:6 administration 32:14</p>
<p>1</p>	<p>2012-009 30:2 2012-010 30:5 2012-012 30:7</p>	<p>8</p>	<p>adopt 4:13,19 20:3 37:3,9 39:6</p>
<p>1 26:20 28:5 29:18 30:4,8 36:11,14 10 39:22 1000 28:5 10a 30:9 10b 30:9 10c 30:9 11 34:9 11-15 29:23 120 39:25 124 34:8 126 29:23 13 34:15 130 34:8 134 29:19 138.03 28:5 143 29:20 15 2:23 3:19 4:13,19 7:2 1501 26:19 1507 30:8 1525 1:20 15th 4:5,11 25:15 171 29:21 18 30:9 1904 31:6 1986 35:20 1990 32:19 1992 35:20</p>	<p>21 2:3 22 2:23 3:20 5:9,13 22nd 12:14 23 29:23 2500 29:18 2510 1:16 264.2 26:20 215 30:8 216 30:9</p>	<p>83rd 29:18 85 35:6</p>	<p>adopted 27:11 adoption 2:22 3:18 5:8 advance 12:24 advantage 12:6 advertised 3:7 advice 15:3 16:1 advisement 15:24 affairs 35:22 affirmative 17:10 42:24</p>
<p>2</p>	<p>3</p>	<p>9 14:5 36:11,14 90 38:16 39:3,5,10 39:17 971 30:6</p>	<p>agency 13:25 agenda 2:22 6:6,10 9:5 18:10,11 25:18 29:15 31:4 agree 11:2 16:21 23:15 agreeable 18:1 agreed 14:4 17:15 35:2 agreement 40:25 agrees 17:1 ahead 29:2 aicp 1:11,12 aide 1:10 alberto 31:5 allowed 12:17 27:4 allows 39:9 alternative 36:13 amerada 40:17,18 42:4,5 america 34:6 analyzes 13:11 ancillary 16:4 angelo 8:20 annex 1:1 anticipate 41:25</p>
<p>2</p>	<p>3.031 31:7 30 10:2,5,24 13:25 17:4,6 18:14 20:18 21:10 23:19 24:20 39:23 40:16,21,23 40:24 41:3,16 332-350 29:20 3rd 1:2</p>	<p>a</p>	<p>able 10:9 abstain 4:3,21,25 5:2,16,18 28:16,17 29:1,6,8,10 30:17 31:14 abstained 27:15,16 abstaining 28:22 accept 5:12 17:4 18:12 20:4 24:23 32:21 accepted 7:19 accepting 20:5 37:3 accomplish 14:10 accurate 44:6 act 3:4 7:17 11:23 15:3 21:15 24:1 40:19,20 41:12 42:1 42:6 acted 13:3 20:17 21:15 acting 13:14 action 44:11,13 actions 12:1,22 15:9 additionally 12:4 address 24:2 38:12 41:24 adhere 14:23 adjacent 35:1 adjourn 10:14,24 42:19</p>
<p>2</p>	<p>4</p>	<p>9</p>	<p>agency 13:25 agenda 2:22 6:6,10 9:5 18:10,11 25:18 29:15 31:4 agree 11:2 16:21 23:15 agreeable 18:1 agreed 14:4 17:15 35:2 agreement 40:25 agrees 17:1 ahead 29:2 aicp 1:11,12 aide 1:10 alberto 31:5 allowed 12:17 27:4 allows 39:9 alternative 36:13 amerada 40:17,18 42:4,5 america 34:6 analyzes 13:11 ancillary 16:4 angelo 8:20 annex 1:1 anticipate 41:25</p>
<p>2</p>	<p>40 31:7 41 30:6 410,000 34:21 415 30:5 440 36:10,14 443.03 29:18</p>	<p>a</p>	<p>able 10:9 abstain 4:3,21,25 5:2,16,18 28:16,17 29:1,6,8,10 30:17 31:14 abstained 27:15,16 abstaining 28:22 accept 5:12 17:4 18:12 20:4 24:23 32:21 accepted 7:19 accepting 20:5 37:3 accomplish 14:10 accurate 44:6 act 3:4 7:17 11:23 15:3 21:15 24:1 40:19,20 41:12 42:1 42:6 acted 13:3 20:17 21:15 acting 13:14 action 44:11,13 actions 12:1,22 15:9 additionally 12:4 address 24:2 38:12 41:24 adhere 14:23 adjacent 35:1 adjourn 10:14,24 42:19</p>
<p>2</p>	<p>5</p>	<p>9</p>	<p>agency 13:25 agenda 2:22 6:6,10 9:5 18:10,11 25:18 29:15 31:4 agree 11:2 16:21 23:15 agreeable 18:1 agreed 14:4 17:15 35:2 agreement 40:25 agrees 17:1 ahead 29:2 aicp 1:11,12 aide 1:10 alberto 31:5 allowed 12:17 27:4 allows 39:9 alternative 36:13 amerada 40:17,18 42:4,5 america 34:6 analyzes 13:11 ancillary 16:4 angelo 8:20 annex 1:1 anticipate 41:25</p>
<p>2</p>	<p>5 9:8 28:8 29:15 30:6 32:1,12 567 1:2 588 34:23 593.1 30:4 5c 31:4 5th 29:23</p>	<p>9</p>	<p>agency 13:25 agenda 2:22 6:6,10 9:5 18:10,11 25:18 29:15 31:4 agree 11:2 16:21 23:15 agreeable 18:1 agreed 14:4 17:15 35:2 agreement 40:25 agrees 17:1 ahead 29:2 aicp 1:11,12 aide 1:10 alberto 31:5 allowed 12:17 27:4 allows 39:9 alternative 36:13 amerada 40:17,18 42:4,5 america 34:6 analyzes 13:11 ancillary 16:4 angelo 8:20 annex 1:1 anticipate 41:25</p>
<p>2</p>	<p>5</p>	<p>9</p>	<p>agency 13:25 agenda 2:22 6:6,10 9:5 18:10,11 25:18 29:15 31:4 agree 11:2 16:21 23:15 agreeable 18:1 agreed 14:4 17:15 35:2 agreement 40:25 agrees 17:1 ahead 29:2 aicp 1:11,12 aide 1:10 alberto 31:5 allowed 12:17 27:4 allows 39:9 alternative 36:13 amerada 40:17,18 42:4,5 america 34:6 analyzes 13:11 ancillary 16:4 angelo 8:20 annex 1:1 anticipate 41:25</p>
<p>2</p>	<p>5</p>	<p>9</p>	<p>agency 13:25 agenda 2:22 6:6,10 9:5 18:10,11 25:18 29:15 31:4 agree 11:2 16:21 23:15 agreeable 18:1 agreed 14:4 17:15 35:2 agreement 40:25 agrees 17:1 ahead 29:2 aicp 1:11,12 aide 1:10 alberto 31:5 allowed 12:17 27:4 allows 39:9 alternative 36:13 amerada 40:17,18 42:4,5 america 34:6 analyzes 13:11 ancillary 16:4 angelo 8:20 annex 1:1 anticipate 41:25</p>

<p>apologize 27:21 appear 22:22 appeared 22:16 appears 22:14 applicant 9:16 10:13,14 14:21 17:13,19 24:7 26:18 28:4,6 29:16,19,22 30:3,5 31:5,5 38:18 38:20,25 39:3 41:2 applicant's 12:3 17:5 19:3 applicants 12:5,9,12 39:13 application 9:22,25 10:2,12,18 12:18 14:5 17:1 18:13 21:2 22:5,7,9,12,16 22:25 23:1,5,8,10 23:20,25 24:13 25:17,24 26:4,5,8 26:18 27:6,9 28:6 29:16,19,22 30:2,4 30:7 38:16,20,23,23 39:1,7,13,18 40:2 40:10,20,21 applications 22:14 25:13 28:3 29:15 31:4 34:1 38:7,10 38:13 39:10 applied 7:11 40:8 apply 13:13 24:16 appropriate 16:12 37:2 approval 12:6,24 13:15 15:6,20 20:20 20:22 21:16,20 41:6 41:22 approvals 21:14 38:6 41:20 approve 5:8 17:7 18:23 26:4,8 27:8 approved 10:19 15:16 16:1,6 17:2,6 17:9 18:13,13,19</p>	<p>19:13,24 20:18,24 21:24,25 22:1,12 24:14 27:11 approves 22:1 approving 41:1 april 36:22 44:24 area 34:16 36:17 40:19 arencibia 2:5 argue 19:7 21:9 argument 21:13 arguments 25:9 asked 10:8,13 38:5 assert 19:21 associates 1:17 9:16 26:19 30:3 attorney 1:12,13 9:14 11:1,14 13:7 16:10 17:19 19:4 21:14 27:25 44:10 44:12 attorney's 17:5 attorneys 1:17,22 22:18 attractive 36:17 authority 24:16 41:1 authorized 41:10 authorizes 10:25 automatic 12:24 41:20,22 automatically 10:18 10:18 19:13 20:24 avagliano 1:7 2:6,7 4:3,20,21 5:15,16 28:14,15,22 29:1 30:16,17 31:13,14 33:8,9 36:19,24 37:14,15 42:20 avenue 1:2 30:4,6,8 34:8 award 7:1 34:7,18 34:18,19 35:8,16,18 36:7,9 37:8</p>	<p>awarding 35:16 awards 33:22,25 36:20,22 37:4 aware 9:25 10:7 aye 4:23 5:4,20,22 5:24 6:2 28:18 29:4 29:12 30:19,21,23 30:25 31:2,16,18,20 31:22,24 33:9,11,13 33:15,17,19 37:15 37:17,19,21,23,25</p> <p style="text-align: center;">b</p> <p>b 1:4 29:15,17 35:17 back 13:25 22:3 banking 35:21 base 34:4 based 15:3 16:3 20:7 34:2 basically 23:16 39:7 bay 29:19,21 bearing 19:17 began 35:19 beginning 28:16 behalf 6:25 9:15 11:20 believe 3:3 8:12 9:10 11:14,25 13:2,8 14:19 18:17,18,20 26:3,12 38:4 benefit 12:11,12 15:5 24:17 bergen 7:18 29:19 31:7 35:10 36:3 beter 1:22 better 7:16 11:20 18:8 bettinger 1:5 2:1,19 2:20,24 3:2,6,12,17 3:21 4:4,10,15 5:3,4 5:7,23,24 6:3,8,12 6:16,24 9:1,3,10 11:10,12 13:4,20 16:9,17,23 17:12,18 17:22 18:3,15,25</p>	<p>19:6,16,19 20:13 21:23 23:23 25:10 25:25 26:12,15,23 26:24 28:1,10,14,24 29:11,12 30:1,10 31:1,2,8,23,24 32:6 32:22 33:2,18,19 37:5,10,24,25 40:13 42:13,18,22,25 beyond 14:11 big 6:20 bike 8:2,14 36:15 bills 35:24 bit 38:14 block 26:19 28:5,8 29:18,21,23 30:4,6 31:6 blocks 30:8 board 1:1,12,13 2:3 6:18 7:1,4,7,8,14,20 7:20,22 8:7,11,17 8:23 9:13,17 10:2,6 10:13,19,21 11:25 12:14,15,19,20 13:25 14:8,10 15:1 15:3,4,8,14,18,20 16:2,4,12 17:1,3 18:20,22 19:8,17,21 19:24,25 20:1,3,8 21:15,19,19,21 22:1 22:15,17,18,19,23 22:24 24:2,6,13,17 24:22 25:6,7 27:25 27:25 34:2,15 37:3 38:16 39:6 40:8,16 40:20,22 41:1,4 42:23 board's 11:22 12:1 12:22 13:2 boards 7:21 bob 8:21 book 13:11 boulevard 28:5 29:20 34:22 36:11</p>
---	---	--	--

<p>bound 19:23 bridge 8:3 brief 40:3 briefly 38:11 bring 13:9 broad 1:19 bronze 35:8 brother 7:12 brownfield 35:4 buffers 35:5 build 34:20 building 1:10 34:5 34:21,23 buildings 36:17 business 38:3 42:19</p>	<p>cases 21:17 41:18 42:4 ceds 32:10,16 census 32:12 center 1:15,19 11:19 18:7 certificate 44:1 certification 34:10 certified 44:3 certify 44:5,9 cfm 1:12 chair 3:3 11:17 24:24 27:22 chairman 6:17 chairperson 9:13,13 19:3</p>	<p>28:13 29:3,4,25 30:18,19 31:9,12,15 31:16 33:3,7,10,11 37:16,17 39:16,24 40:11 42:21 choice 24:20 35:25 chooses 20:6 24:18 ciammaruconi 1:10 2:5,8,10,13,15,18,21 3:1,15,18 4:1,9,14 4:17,22,24 5:1,3,12 5:17,19,21,23,25 6:5,11 9:2,7 16:20 25:16,23 26:17,23 26:25 27:3,8,14,16 27:22 28:2,12,20 29:3,5,7,9,11,14 30:2,14,18,20,22,24 31:1,3,11,15,17,19 31:21,23,25 33:1,5 33:10,12,14,16,18 33:20 37:12,16,18 37:20,22,24 38:1 42:17</p>	<p>colleagues 6:25 come 6:15 22:2 40:2 comes 40:2 comment 11:16 18:11 19:2 41:18 comments 11:13,24 40:14 commerce 32:13 commission 11:18 29:5 commissioner 1:6,6 1:7,7,8 2:5,6,7,8,9 2:10,11,12,13,14,15 2:16,17,18,19 3:23 3:25 4:2,2,3,12,18 4:18,20,21,22,23,24 5:1,2,11,14,14,15,16 5:17,19,21,22 6:1,2 6:21 7:3 9:18 17:11 20:25 21:18,25 22:13 23:13,15,16 24:24 25:12 26:7,11 26:21,22,23 27:1,18 27:20 28:9,13,14,15 28:22 29:1,3,4,6,7,9 29:10,11,25 30:12 30:15,15,16,17,18 30:19,20,22,24,25 31:9,10,12,12,13,14 31:15,16,17,19,21 31:22 33:3,4,6,7,7,9 33:10,11,12,13,14 33:16,17 36:19,24 37:11,13,13,14,15 37:16,17,18,20,21 37:22,23 39:16,24 40:11 42:20,21</p>
<p style="text-align: center;">c</p>			
<p>c 1:14 call 2:2,4 6:12 calls 17:25 campbell 1:12 3:3,8 4:7 5:6 11:1,14 13:23 16:11,19,25 17:15,20,24 18:16 19:14,18,20 23:3 24:3 25:4,5,20 26:3 26:9,14 27:5,10,19 27:24 canopy 35:14 care 21:10 career 35:19 carried 23:21 carries 5:5,6 6:3 29:13,14 carry 8:2 17:15 23:22 case 10:6,16,22 13:8 13:9,10,16 14:4,6 14:12,19 16:8,13 17:5,7,8,15 19:10 19:13 20:23,23 21:3 21:8 22:11 23:7,11 24:4,10 40:17,18 42:3,4,5,7</p>	<p>chairwoman 1:5 2:1 2:19,20,24 3:2,6,12 3:17,21 4:4,10,15 5:3,4,7,23,24 6:3,8 6:12,16,24 8:18 9:1 9:3,10 11:10,12 13:4,20 16:9,17,23 17:12,18,22 18:3,15 18:25 19:6,16,19 20:13 21:23 23:23 25:10,25 26:12,15 26:24 28:1,10,13,24 29:12 30:1,10 31:1 31:2,8,23,24 32:6 32:22 33:2,18,19 37:5,10,24,25 40:13 42:13,18,22,25 chambers 1:2 champion 35:23 chasek 8:21 checklist 23:4 38:18 38:19,19,22 41:5,8 41:11,13 choffi 5:10 27:12 choffo 1:6 2:8,9 3:23 4:2,12,18,22,23 5:14 6:1,2,13,17,21 17:11 23:15 24:24 27:1,15,18,20 28:9</p>	<p>cifelli 8:20 circumstances 16:8 cited 14:4 city 1:3,16 11:5 20:16 29:21 30:4,6 30:9 35:15,20 36:10 36:10 clean 35:23 clear 14:2 21:17 26:1 clearly 13:17 19:11 clerk 3:10 clerk's 3:10 clients 11:20 clock 39:15 40:4 41:6,17 close 10:15 closed 19:9 cme 1:11 colleague 18:8</p>	<p>commissioners 3:22 6:15 8:9 42:16 commitment 6:19 committees 35:21 communities 8:10 35:25 community 14:21 32:2,5,9,17 33:6</p>

<p>complete 10:3 14:1 16:16 21:2,3,10 22:7 23:1,1,4,5,6,10 23:12,21,24 24:11 24:12,19 36:15 38:17,23,24 39:1,14 40:22 completely 21:9 22:5 34:11 completeness 23:17 39:7 complex 14:15 compliance 3:5 34:14 comply 38:22 comprehensive 32:11 concept 36:12 concepts 36:15 concerned 15:17 concluded 43:1 conclusions 15:21 conditionally 21:23 21:25 conduct 12:7 conducted 3:14 conference 17:25 confusing 23:3 congress 35:22 connell 1:15 9:15 connors 7:10 consent 10:5,9,16 11:2 15:11 19:9,11 19:22 22:10 24:5,7 24:18,22 41:2 consented 10:14 12:5 14:22 19:4,23 22:9 consequences 38:24 conservation 35:2 consider 15:19 22:7 considered 6:6 9:8 considering 23:19 consist 34:22 35:13</p>	<p>consists 34:9 contain 35:5 39:8 continuation 12:16 17:20 continue 3:15 9:2 28:2 continued 36:2 continuing 34:20 contributed 34:15 convenient 18:1 correct 2:25 6:4 9:7 16:23 17:23 19:6,19 24:1 corridor 36:4 council 34:5 counsel 13:18 24:13 25:8 44:10,12 counselor 3:6 4:6 11:12 13:5,22 18:15 20:13,14 32:23 42:13 county 1:1,1 2:2 3:10 6:17,19 7:3,14 7:17,18,21,22,24 8:6,10,11,13,23 10:1,15,17 11:6,7 11:22,25 12:1,14,15 12:22 13:2,24 15:4 15:8 20:17,20 21:19 22:19,24,24 28:8 32:2,5,9,12,18 33:21,24 34:14 36:2 38:7 40:19 41:11 42:1,6 couple 9:23 13:6 21:7 course 35:14 court 12:10,21,23 14:3 15:10 16:7 24:10,15 41:18,21 44:4 courts 41:20 42:11 cox 13:11 crafted 41:24</p>	<p>cray 1:11 create 36:16 41:14 created 7:23,24,25 7:25 8:1,2,14 creating 41:13 criteria 34:4 cryan 2:10 cure 39:4 cured 39:5 curley 1:13 27:24 29:13 32:25 37:2 38:4,10,12 39:19 40:7,15 currently 34:10,20 35:11,20</p> <hr/> <p style="text-align: center;">d</p> <hr/> <p>d 29:17 32:1 dan 6:12,17 8:19 daniel 1:6 daniela 1:10 2:3 42:14 date 17:17,23,25 18:1 39:15,18 44:8 dated 44:24 day 10:5 18:14 40:16,21 41:3,16 days 10:2,24 14:1 17:4,6 20:18 21:10 23:19 24:20 38:16 39:3,5,10,17,22,23 39:25 40:23,24 deadline 41:16 deadlines 41:15,19 deal 42:4 dealing 40:19 41:19 deals 40:15 42:5 decade 7:8,23 december 28:17 decide 16:7,12 20:1 decided 10:22 decision 10:2,4 11:7 11:22 12:11 13:2 15:14 18:21 19:23 40:18</p>	<p>decisions 15:21 42:3 deck 7:10 declared 29:15 dedicated 7:3 dedication 6:18 deem 15:8,8,15 16:16 17:1 19:24 24:12,13,15,19 deemed 10:3,18 15:7 16:1,1 17:10 18:13,13,18 22:12 24:11 38:17,23,24 deficiencies 39:2,4 39:14 deficiency 39:4 definitely 42:15 delay 12:5 14:5 delays 14:12 denial 10:21 20:9,11 26:8 denied 10:8 15:4 denies 22:1 deny 25:21 26:5 denying 9:21 26:4 department 32:13 36:1 depravation 12:3 design 34:3 despite 41:22 determination 17:8 determine 16:6 18:12 developed 35:7 development 32:11 32:14,16 34:7 35:3 35:5 36:1,12,18 38:15 39:8 dictate 20:16 didomenico 1:6 2:11 2:12 4:24,25 5:17 5:18 29:5,6 30:13 30:16,20,21 31:17 31:18 33:12,13 37:7 37:13,18,19</p>
--	--	---	--

<p>difference 22:2 23:17 different 22:19,20 difficult 32:7 dinosaurs 28:7 direction 39:12 disagree 20:15 discuss 38:2 discussing 13:8 discussion 32:1 33:21 dismiss 38:16 dismissal 38:9,13 39:9 dismissed 31:5 dismissing 39:6 distribute 36:5 diversion 36:12 division 33:25 40:5 document 32:21 documents 23:7 doing 32:18 39:19 41:20 doreen 1:6 drive 8:12 due 12:3 14:8 17:11</p>	<p>elements 41:2 eligible 32:15 employee 44:10,12 enacted 12:10 enacting 12:8 energy 34:11,13 35:23,23 engrafted 42:10 ensure 14:11 entire 21:3 entities 21:20 environmental 1:19 11:19 18:7 escrows 38:21 especially 42:5 esq 1:12,13,17,21,21 essential 42:1 essentially 41:16 evening 2:1 9:20 11:17 everybody 6:14 7:7 21:6 exactly 14:13 26:1 exceedance 42:8 excellent 9:19 exception 10:3,23 12:21 13:13 14:3,16 16:8 24:4,6,11 42:7 exceptions 14:17 41:24 42:9 exchange 34:18 excuse 4:4 exempt 29:16 expedite 15:2 express 12:17 extend 10:24 20:20 extended 10:4,5 19:22 extension 13:14 20:18 22:8 40:22,23 40:24 41:4 extra 12:6</p>	<p style="text-align: center;">f</p> <p>f 1:4 face 40:4 facilities 36:16 fact 14:25 15:17 20:16 21:16 factual 42:11 failure 24:5 fairly 14:1 40:8 faith 13:15 14:14 fall 40:3 favor 20:9,11 27:19 41:20 42:22 february 2:23,23 3:19,19 4:5,11,13 4:19 5:9,13 12:14 fee 38:20 fees 23:9 field 28:7 file 38:25 39:13 filing 23:8,18 fill 6:20 7:14 filter 35:6 finance 35:21 financial 1:15 financially 44:13 find 34:4 finish 22:9 finished 22:6 23:2,6 firm 9:15 first 7:8 16:12,22,25 22:15 25:3 28:19 32:1 38:13 fitzgibbons 7:2,6 9:18 five 1:16 flag 3:13,14 flawed 20:23 floor 1:2 34:9 foley 1:15 9:15 foregoing 44:5 foreign 35:22 formal 22:4</p>	<p>formally 20:5 forms 23:8 forth 44:8 forward 6:10 19:1 26:1 found 12:10,19,23 14:16,18 four 24:25 34:23 frame 17:11 framework 12:20 frank 28:5 freeholder 38:5 42:14 freeholders 1:2 3:11 freight 36:5 frequently 41:23 friendly 34:25 front 9:18 22:3,14 22:15,17,22 32:18 fulfill 22:21 38:18 fulfilled 22:24 full 23:10 27:2,4 fund 1:22 11:20 18:7 funded 32:15 funding 36:3 further 13:22 16:10 44:9 furthermore 15:6 future 34:5 35:3</p>
<p>e</p>			
<p>e 1:4,4,9,9,14,14 28:5 earth 40:4 easement 35:2 easier 38:14 east 30:7,8 eastern 1:19 11:19 18:6 economic 32:11,12 32:14,16 efficiency 35:24 efficient 34:11 efficiently 14:7 36:6 effort 14:7 either 17:7 20:3 24:15 36:22</p>			<p style="text-align: center;">g</p> <p>garage 34:24 gazic 44:3 generally 41:3 generated 39:11 gentleman 8:20 george 8:3 geothermal 34:13 getting 10:16 19:9 give 27:13 given 16:8 18:14 19:12 39:3 gleaned 14:3</p>

<p>glembocki 1:7 2:13 2:14 4:16,19 5:19 5:20 29:7,8 30:22 30:23 31:19,20 33:14,15 37:22,23 go 6:10 8:9 13:22 16:10 18:25 25:25 29:2 34:1,7 36:9 39:2,14 goal 14:10 15:1 goals 12:25 god 7:10,12 8:4 goes 39:17,20 40:5 42:10 going 8:22 27:3 28:15,17 34:10 36:19 38:7 gold 34:7,16 good 2:1 11:17 13:7 13:14 14:14 grant 32:15 41:21 grateful 7:2 8:10 great 9:19 green 8:4,5,5 34:3,5 grossetti 31:6 group 11:15 growth 33:21,25 34:5,7,17 35:16,18 36:8 37:8 gsell 28:7 guess 9:4 17:12 28:11 guidance 20:4 guide 13:18 guttenberg 35:10 guy 8:18 28:6 guys 13:3</p>	<p>hard 21:11 harrison 8:20 28:4,6 29:24 hear 14:7 22:25 23:11,19 32:7 heard 21:3,8,9 22:5 hearing 9:4 10:7,13 10:14 12:13,16 14:12,24 18:2 19:22 hearings 9:22 heated 8:8 held 12:14 help 8:3 hereinbefore 44:8 hess 13:9 24:4 40:18 42:4,5 hi 18:3 higgins 8:20 35:17 highly 41:21 hilary 1:21 18:6 hill 35:1 history 7:24 hoboken 10:6,10 11:3 13:16 17:3 19:10,19,20,25 20:2 20:22 21:19 22:10 24:18,21 25:7 26:20 34:8 hoboken's 24:20 holloway 2:15 honor 6:25 7:4 hoping 36:21 housing 35:21 36:1 hudson 1:1,1 2:2 3:10 6:17,19 7:3,17 7:24 8:24 11:22,25 12:1,14,15 13:1 32:2,5,9 33:21,24 34:14 35:12 36:2,3</p>	<p>important 7:20,21 8:23 improper 15:9 inadvertent 12:22 13:12 14:15 24:5 42:8 inappropriate 18:17 included 12:7 incomplete 38:10,13 39:9 inconsistent 41:11 indicated 13:23 14:3 indicator 32:2,5,9 32:17 33:6 37:8 information 15:24 infrastructure 34:3 initial 17:21 27:17 39:21,22 40:10 initially 35:4 inspector 1:10 intending 14:13 interested 44:13 interpret 24:16 interpretation 42:6 interpreted 23:20 introduce 33:5 introducing 32:19 introduction 32:24 involve 36:14 involved 14:8 25:1 irrespective 16:13 issue 9:24 11:2 15:12,13 19:8 22:10 40:16 issues 13:9 item 2:21 6:5 9:5,7 28:1 29:15 31:4 32:1,1,1 33:20 41:5 41:8,11,13 items 32:1 34:11 38:20</p>	<p>january 10:12 jersey 1:3,3,16,16 1:20 3:9 7:16 8:6,15 8:16 11:5 12:9 29:21 30:4,6,9 34:5 36:10 44:4,23 job 1:25 9:19 john 1:13 7:10 joins 27:24 joseph 1:7 journal 3:9 jude 7:1,5 junction 34:19,25 jurisdiction 22:19 22:20 23:11 justified 18:21</p>
			k
			<p>keep 8:22 25:14,18 kind 23:11 know 8:9,14,22 10:19 11:8 17:17 21:11 23:21 38:17 40:8 known 13:18 35:17 knows 23:16</p>
			l
			<p>l 1:9 lack 15:11 39:7 laffan 30:5 land 21:14 38:15 39:8 41:19,23 landscaping 35:13 lane 26:19 language 14:2 16:14 16:24 18:22 20:4 25:22 27:6 41:22 large 12:13,17 14:21 latest 40:18 laurel 35:1 law 1:19 9:14 10:22 10:23,23 11:3,4,8 11:19 15:5,7 17:2 18:7 19:12 21:13 22:11 23:6 24:9,16</p>
<p style="text-align: center;">h</p>	<p style="text-align: center;">i</p>	<p style="text-align: center;">j</p>	
<p>half 39:13 handedly 40:9 happen 14:14 41:25 happens 38:25 harborside 1:15</p>	<p>identifies 36:13 ignore 20:3 iii 35:17</p>	<p>j 34:21</p>	

<p>24:16 41:19,23 leadership 35:17,18 36:7 leading 42:3 leave 16:5,7 leaves 27:24 ledger 3:9 leed 34:10 legal 20:5 38:3 legally 19:24 legislators 12:10,24 legislature 10:22 legitimately 18:21 letter 39:2,17,20 40:5 liberty 36:4 license 44:4 light 36:3 limit 18:14 limitation 40:16 42:9 limited 29:17 41:9 linden 30:8 listen 10:21 listing 39:2 literal 42:6 little 6:9 7:10 33:24 38:14 lives 11:6 llc 28:4,7 29:20 30:7 llp 1:15 local 21:21 22:1,15 22:17,18,21,23 41:1 locally 36:13 located 26:19 28:4,7 29:17,20,23 30:3,5 30:8 31:6 34:8,21 long 39:21 longer 22:22 look 24:10 looking 7:13,14 39:12 loop 10:15 19:9 lot 8:8 13:7 21:4 26:20 28:5,8 29:18</p>	<p>29:23 30:4 31:7 lots 29:21 30:6,8 lp 26:19 lydia 7:11</p> <hr/> <p style="text-align: center;">m</p> <hr/> <p>m 44:3 m2 34:7 madam 3:3 8:18 9:12,13 11:17 19:2 24:24 27:22 major 22:2 majority 20:10 making 12:11 manalapan 42:3 manuel 29:22 map 7:25 march 2:3 marin 29:20 mario 1:10 marks 1:12 6:14,23 11:1 mary 1:7 8:18 massey 1:11 32:4,6 32:8 33:23 36:21 37:1 master 7:25 matter 10:17 11:23 12:2 13:3 14:7 15:7 17:2 19:12 matters 9:4 maurice 7:12 mayor 35:19 mccann 1:17 9:12 9:14 11:11 13:6 19:2,7 20:14 21:11 22:8 mean 23:6 means 23:7 meet 7:15 meeting 2:2,22 3:7 3:16,19,22 4:8,13 4:20 5:8,13 6:7 7:9 9:9 12:16 14:9 17:14,16,25 19:5</p>	<p>20:8 23:23 24:1,8 25:7 28:25 32:21 36:20,22,23,23,25 meetings 3:4 8:8 40:1 megan 1:11 mehta 1:8 2:16,17 3:25 4:2 5:1,2,11,14 5:21,22 20:25 21:18 21:25 22:13 23:13 23:16 25:12 26:7,11 26:21,22 29:9,10 30:12,15,24,25 31:10,12,21,22 33:4 33:7,16,17 37:11,14 37:20,21 member 18:4,5 members 9:13 11:18 13:21 25:1,20 26:5 27:5 41:5 42:23 memorialization 18:20,23 25:13 memorialize 10:20 16:21,21 18:21 20:7 25:6 26:9,18 memorialized 9:21 10:10 memorializing 16:3 20:2 26:6 memorization 6:6 9:5,8 16:15 25:18 28:3,18,21 menendez 35:19 mention 3:4 mere 15:25 met 15:5 mike 30:5 mind 16:13 minutes 2:22 3:16 3:19,22 4:5,13,19 5:8,13 7:9 missed 9:1 missing 41:15 month 27:17 38:5,5</p>	<p>month's 17:21 months 9:23 14:5 motion 3:24 4:1,12 4:17 5:5,6,7,10,12 5:25 6:3 17:7,9 18:9 18:11,25 25:11 26:3 26:7,16,17,25 27:23 28:9,11,12 29:13,14 29:25 30:11,12,14 31:3,8,9,11,25 33:2 33:3,5 37:6,7,9,12 42:19,20,21 move 36:5 multi 36:11 multiple 42:23 municipal 13:25 15:3,18 19:20 20:3 24:17,22 38:6 41:1 41:6,19,22 municipalities 7:22 municipality 10:6 10:16,24 14:23,24 15:11,12,15,23 16:5 16:5 19:12,17,18 20:19,21 26:20 38:8 mutually 18:1</p> <hr/> <p style="text-align: center;">n</p> <hr/> <p>n 1:9,14 nadine 44:3 name 9:14 11:18 27:12 narrow 12:21 near 34:25 35:3 need 15:14 16:17 18:25 26:1 27:20 32:23 neighborhood 11:15 neighborhoods 35:25 neither 44:9,11 never 14:5 39:13 nevins 1:17 9:14 new 1:3,16,20 7:16 8:6,15,16 12:9 28:7</p>
--	---	---	--

<p>29:16 34:5,15 35:15 36:17 42:19 44:4,23 newark 1:20 30:3 ng 2:18 nj387301 1:25 north 29:18 31:7 35:9 notary 44:3,23 november 10:7 number 9:7 12:2 numerous 41:18</p>	<p>opinions 38:3 42:15 opportunity 21:6 24:2,22 opposite 17:9 order 2:2 14:9 32:14 38:22 40:24 41:3</p>	<p>plan 7:25 8:1 14:1 32:12 34:1 36:10 39:25 plank 31:6 planning 1:1,10 2:3 6:18 7:1,4,14 8:11 10:1 11:22,25 12:1 12:15,19,20 13:2,24 15:4,8 17:3 19:21 19:25 20:3 21:19 22:19,24 24:17 25:7 33:24,25 34:15 36:9 40:6,19 41:12 42:1 42:6 plans 23:8 planted 8:15 34:13 play 36:2 playground 35:14 plaza 1:16 30:3 please 2:4 3:12,17 6:12 pleasure 7:4,7 8:17 point 13:17 17:13 42:2 points 13:7,7 policy 36:9 political 35:19 ports 36:5 position 11:23 17:5 positions 7:14 posted 3:9 pp 1:11,11,12 preclude 24:21 preferred 36:13 prejudiced 14:25 prepare 32:16 present 2:6 6:16 25:1,15 32:19 42:16 presentation 6:9,15 40:3 presented 7:1 9:17 presenting 6:25 pretty 11:21 prevent 15:22</p>	<p>previous 12:13,16 prior 38:8 problem 9:23 41:15 42:2 problems 41:14 procedure 13:13,15 22:22 proceed 6:8 9:3 16:2 16:13,14 proceeding 43:1 proceedings 15:2 process 12:4 25:2 professional 38:21 project 34:21 projects 8:5 32:16 promote 12:11 promoting 36:3 prompt 12:11 properly 3:7 13:10 property 35:12 proposals 37:9 proposed 34:3 35:9 prosecuting 13:10 prosecution 9:24 protect 14:20 protracted 14:12 provide 15:14 41:8 provided 17:23 provision 38:15 39:9 public 3:4 9:4,11 12:13,17 13:21 14:20 18:4,5,11 21:4,4 24:1,1 32:15 44:3,23 put 7:18 11:9 18:10 41:5</p>
<p>o</p> <p>o 1:4,9 object 17:13,22 18:9 20:17 objecting 11:15 objection 17:19 objectors 12:12 14:21 24:7 obtain 13:13 22:10 40:22,24 41:3 obtained 10:5 11:3 21:16 22:11 obtaining 13:15 office 3:10 38:4 officer 1:10 ogechi 1:21 11:18 18:8 oh 28:18 okay 4:9 6:11 18:3 26:17 27:16,22 29:1 33:1 36:24 37:5 38:1 old 8:19 38:2 once 38:23 40:5 ones 20:11 onyeani 1:21 11:17 11:18 18:8 open 3:4 7:23 8:4 14:19 24:1 opinion 14:10,18 16:2 19:25 20:5 24:21 38:8,14 39:11 40:15 41:7,12</p>	<p>p</p> <p>p 1:9,14,14 p.m. 43:2 packet 33:23 packets 32:4,8 38:3 page 34:17 panels 34:12 paperwork 23:18 park 34:8 35:1,9,11 parking 34:10,24 part 12:3 23:5 34:24 particular 12:18,25 38:19 parties 14:8 44:10 partnership 29:17 35:24 passed 5:25 26:25 27:23 31:3,25 passive 35:11 paterson 31:6 path 8:2 paths 35:14 paul 1:11 pavonia 1:2 pay 38:20 pe 1:11 pedestrian 36:15 people 8:8,17,19,21 8:24 21:4 percent 35:6 period 10:5 39:10 40:21,23 person 11:5 pete 8:20 peter 35:17 pick 18:1 place 44:7</p>	<p>q</p> <p>question 14:14 15:7 17:12 19:3 20:19,21 20:25 24:12 25:16 39:16 40:12 41:4 questions 16:10 38:6 40:13</p>	

<p>quickly 14:7 24:9 quorum 2:25 7:15</p>	<p>rendered 15:21 renee 1:5 6:21</p>	<p>40:10 reviewing 15:23</p>	<p>28:10,11 30:13 31:10 33:4 37:10,11</p>
<p>r</p>	<p>renewal 28:4</p>	<p>reviews 34:1</p>	<p>seconded 4:2,18</p>
<p>r 1:4,9,14 racks 8:15 rail 36:4 raise 15:13 raised 41:4 raises 15:7 reading 19:14 realize 8:8 realizing 8:24 really 26:1 35:23 39:11 reason 11:24 reasons 12:2 13:1 rebut 13:6 received 3:22 34:19 receives 15:19 recognition 7:2 recognized 12:21 42:7 recommend 4:7 34:6,16 36:9 39:19 recommendation 20:15 37:4 39:1,5 recommended 25:3 recommending 34:18 35:9 36:6 record 11:9,24 redevelopment 8:1 refer 13:25 referred 12:9 regarding 38:6 regardless 40:9 regular 32:20 36:23 regulations 38:15 39:8 relations 35:22 relative 44:9,11 relies 34:12 relieved 13:16 render 17:3</p>	<p>report 12:4,8 15:1 15:19,23 16:4 17:3 32:2,5,9,11,17,18 33:6 37:8 reporter 44:4 represent 18:7 request 10:21 19:8 requested 22:8 42:15 required 23:9 24:18 24:18 34:13 38:21 41:3 requirement 22:21 22:23 32:13 40:25 requirements 23:4 requires 10:1 13:24 resident 11:5 residential 34:9,23 34:24 residents 6:19 resolution 9:21 10:11,20 15:23 16:3 16:15 18:12,17,18 18:23,24 20:2,7,12 21:21 24:23 25:6,21 25:22 26:4,6,10 27:7,11 37:3 39:6 resolutions 6:6 9:6,8 resolve 22:16 resolving 14:12 resources 11:7 respect 14:8 respectfully 20:15 respond 42:23 response 24:19 responsive 42:11 rest 7:10,12 42:16 resume 7:18 retract 27:21 retroactively 24:22 review 32:20 34:2 38:21 39:22,22</p>	<p>right 27:21 28:20 40:11 rights 12:4 14:22 rigid 14:1 riparian 35:5 rise 3:13 river 35:10,12 riverside 34:22 road 28:8 31:6 35:10 robert 35:18 rodgers 28:5 rodriguez 29:22 role 2:4 36:2 romano 2:19 38:5 42:14 ron 8:1 route 36:10,13,14 routes 36:14 rule 21:11 40:20 rules 15:25 run 41:7 running 21:5 39:15 41:17 rushabh 1:8 russo 28:4</p>	<p>secondly 14:19 secretary 7:11 see 8:12,13,13 15:22 22:2 selection 34:2 self 34:12 semel 1:21 18:5,6 senate 35:21 senator 35:18 send 20:2 25:7 sense 21:12 separate 4:6,8 21:20 25:14,17,22,23 serve 7:5 served 7:8 serves 35:20 service 6:18 7:3 serving 7:7 8:17 set 17:14,17 44:8 setting 42:12 shade 34:14 shipped 7:18 shipyard 1:17 9:16 26:8,18,19 28:18,23 shoes 6:20 shut 14:19 silver 34:18 simply 15:14 17:2 20:1 simsmetal 30:7 single 40:9 site 14:1 34:1,2,2 35:4,7 39:25 situation 21:15 situations 12:18 41:24 smart 33:21,25 34:5 34:7,17 35:16,18 36:8,9 37:8</p>
<p>s</p>	<p>s 1:9,9,14</p>	<p>salute 3:13,14</p>	<p>shut 14:19</p>
<p>satisfied 18:22 24:9</p>	<p>saying 17:18 21:21 23:16 40:4 says 15:18 19:15 21:1 22:11 scheduled 6:10 9:4 14:24 sd 29:22 30:2 secaucus 28:8 34:19 34:22,25 second 3:25 4:14,15 4:16 5:11 26:14,15</p>	<p>shipped 7:18 shipyard 1:17 9:16 26:8,18,19 28:18,23 shoes 6:20 shut 14:19 silver 34:18 simply 15:14 17:2 20:1 simsmetal 30:7 single 40:9 site 14:1 34:1,2,2 35:4,7 39:25 situation 21:15 situations 12:18 41:24 smart 33:21,25 34:5 34:7,17 35:16,18 36:8,9 37:8</p>	

<p>smsa 29:17 solar 34:12 solve 41:14 sorry 6:1 27:21 soul 7:10,12 south 29:23 sp 26:18 28:3,6 29:16,19 30:5,7 31:5 space 7:23 8:4 speak 9:11 11:1 13:22 21:5,6 38:11 speaks 13:17 19:11 special 14:9 17:14 17:16,17,25 24:8 36:22 speech 9:19 spirit 15:5 24:9 spoke 18:9 sponsoring 36:4 staff 37:3 39:3,11 stand 6:13 standing 15:13 19:21 star 3:9 start 8:24 39:15 40:5 started 7:9 9:16 starts 39:17 41:7 state 7:16 8:6,15,16 10:1 13:24 44:4,23 state's 36:5 station 28:7 34:22 statute 10:1 12:8,10 12:25 13:24 14:2,13 14:17,20,23 15:2,18 18:19 19:10,15 20:16 22:11 41:8,10 42:10 statutes 13:12 statutory 12:20 16:14 19:8 21:16 40:17 stenographically 44:7</p>	<p>stephen 1:12 steve 10:25 stomach 21:12 stormwater 35:7 story 34:23 strategies 32:11 street 1:19 29:18,20 29:21,23 36:15 strict 10:23 19:14 40:19 41:16 strips 35:6 structures 35:14 studies 12:7 study 12:8 36:12 subject 19:11 21:17 submit 11:24 16:4 23:5 submitted 23:7 26:10 sufficient 34:12 suggest 18:16 suggesting 24:3 suggestion 24:14 25:5 suite 1:20 summit 30:3 supplement 32:10 support 11:21,25 13:1 25:21 36:17 supporters 8:19 supreme 12:9,21,23 sure 9:25 13:18 42:14 surveys 23:8 sustainable 35:25 system 8:22</p>	<p>talking 23:12 tape 7:9,10 technical 9:24 19:8 technicality 15:25 24:14 technically 15:15,20 16:6 17:8 21:1 23:9 39:24 telling 7:16 terms 23:4 25:3 38:24 terrible 11:6 testimony 15:21 16:3 17:21 21:7 22:5 23:2 44:6 thank 3:2 6:19,21 6:22 7:5,6 8:7,16,19 8:25 9:12 11:10 13:3,4,19,20 20:14 32:22 33:19 38:12 42:13,18,25 thanks 6:22 thing 8:23 22:15 38:2 things 7:17 41:9 42:12 think 10:25 11:2,6 14:16 15:25 16:11 16:19 19:20 20:6 21:1,2,7 23:12,24 24:25 25:2,12,14 26:1 27:14 37:2 38:2,10 thought 9:19 three 25:13 30:1 34:13 40:1 thrilled 21:13 ticking 40:5 time 7:24 11:7 12:6 15:1,19 17:11,16 18:10 21:5,7 22:3 23:14 27:17 39:17 39:20 40:9 42:1,2,8 42:10 44:7</p>	<p>timely 11:23 12:1 13:3 times 22:13 timing 23:17,18 38:25 told 7:13 28:18 tonight 6:9 11:21 25:1 32:4,8,20 tonnele 30:6 traffic 12:8 transcript 44:6 transit 34:25 treat 25:8 35:6 trees 8:16 34:14,15 tridente 1:10 truck 36:11,12,14 true 44:5 try 14:11 trying 23:24 turn 34:17 two 4:5 21:20 25:14 25:17 28:3 38:3 40:1 42:3</p>
		u	<p>uncertain 17:25 underlying 12:25 understand 16:20 22:6 23:13 understanding 22:4 undeveloped 35:11 undue 12:5 unfortunately 10:17 11:4 unintended 42:8 unintentional 12:23 13:11,12 union 35:20 units 34:9,24 unusual 41:21 update 32:3 urban 28:4 35:22 36:1,11 use 16:24 21:14 36:11 41:19,23</p>
		t	
		<p>t 1:9 take 16:17 21:10 25:23 27:1,3 32:23 39:22,23 taken 15:21 44:6 takes 22:21 39:21 40:9</p>	

usepa 34:6	way 8:3,14 14:9,25
usually 21:14 42:11	24:8 39:20 40:7
v	41:16
valid 16:8	ways 41:23
vary 39:21	we've 9:22
vegetative 35:5	wednesday 2:3
verizon 29:17	weeks 40:1,1
vibrant 36:16	welcome 11:11
view 35:15	went 8:7,21 14:9,11
views 12:17	24:7
village 34:25	whatnot 13:12,15
violated 12:20	wind 41:13
void 41:12	wireless 29:17
vote 4:6,8 5:4 6:2	wise 15:3
16:18,21,25 17:6,9	wish 25:8
18:16,19,23 20:1,6	wishes 15:16
20:7,9,11 24:25	word 23:3
25:3,19,21,24 26:5	working 35:23,24
27:2,4,4,5,9,13,17	works 32:15
27:20 28:18,23	write 33:24
29:12 32:23	written 14:20
voted 20:9,10 25:6	x
25:20 26:5 27:8,19	xi01883 44:5
votes 4:6	y
voting 4:5,10 17:4	y1 29:21
26:2 28:20	year 32:12 33:25
w	34:6
waived 14:22	years 7:2 9:18 11:5
waiver 38:19	36:3
walking 35:13	york 29:16 35:15
walkway 8:1,2 35:2	z
35:3,13	zoning 1:10
want 7:6 8:7,16 9:17	
38:2	
wanted 11:9,15	
13:17 21:5	
wants 24:13	
washington 8:3	
waste 11:7	
waterfront 1:22	
11:21 18:8 35:1,9	
35:11,12	
waterways 8:13	