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COUNTY OF HUDSON  
PLANNING BOARD

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: TRANSCRIPT  
MEETING OF THE COUNTY OF : OF  
HUDSON PLANNING BOARD : PROCEEDINGS  
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6:30 p.m.  
Wednesday, July 20, 2011  
567 Pavonia Avenue  
Jersey City, New Jersey

B E F O R E:

- DANIEL CHOFFO, CHAIRMAN
- MARY AVAGLIANO, COMMISSIONER
- DEMETRIO ARENCIBIA, COMMISSIONER
- RENEE BETTINGER, COMMISSIONER
- DOREEN DiDOMENICO, COMMISSIONER
- JUDE FITZGIBBONS, COMMISSIONER
- MICHAEL HOLLOWAY, COMMISSIONER
- RUSHABH MEHTA, COMMISSIONER
- KENNEDY NG, COMMISSIONER
- ANTHONY ROMANO, COMMISSIONER

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

JOHN J. CURLEY, ESQ.  
Board Attorney

MARIO TRIDENTE,  
Building Inspector  
Zoning Officer

DANIELA CIAMMARUCONI,  
Planning Aide  
MEGAN MASSEY, AICP  
Principal Planner

Job No. NJ308684

1                   CHAIRMAN CHOFFO: Good evening,  
2 everyone. I would like to call to order the  
3 meeting of the Hudson County Planning Board for  
4 this evening Wednesday, July 20th. The time is  
5 now 6:38 for the record.

6                   Mr. Curly, has this meeting been  
7 properly advertised?

8                   MR. CURLEY: Yes, Mr. Chairman.  
9                   The meeting has been properly  
10 noticed under the open public meetings act.  
11 Copies of the agenda for the meeting were sent to  
12 the Jersey Journal and the Star Ledger and the  
13 agenda has been posted on the Freeholders'  
14 bulletin board.

15                   CHAIRMAN CHOFFO: Can we please  
16 have a roll call.

17                   MS. CIAMMARUCONI: Commissioner  
18 Arencibia?

19                   COMMISSIONER ARENCIBIA: Here.

20                   MS. CIAMMARUCONI: Commissioner  
21 Avagliano?

22                   COMMISSIONER AVAGLIANO: Here --

23                   MS. CIAMMARUCONI: Commissioner  
24 Bettinger?

25                   COMMISSIONER BETTINGER: -- here.

1 MS. CIAMMARUCONI: Commissioner  
2 DiDomenico? Absent.

3 Commissioner Fitzgibbons?

4 COMMISSIONER FITZGIBBONS: Present.

5 MS. CIAMMARUCONI: Commissioner  
6 Glembocki? Absent.

7 Commissioner Holloway?

8 COMMISSIONER HOLLOWAY: Here.

9 MS. CIAMMARUCONI: Commissioner  
10 Mehta? Absent.

11 Commissioner Ng? Absent.

12 Commissioner O'Dea? Absent.

13 Commissioner Romano?

14 COMMISSIONER ROMANO: Here.

15 MS. CIAMMARUCONI: Chairman Choffo?

16 CHAIRMAN CHOFFO: Here.

17 Please stand to salute the Flag.

18 (All rise to salute the Flag.)

19 MS. CIAMMARUCONI: The next item on  
20 the agenda, No. 4, adoption of meeting minutes  
21 from June 15.

22 CHAIRMAN CHOFFO: Can you repeat  
23 that.

24 MS. CIAMMARUCONI: Adoption of the  
25 meeting minutes from June 15th.

1                   Item No. 4, review and adoption of  
2 meeting minutes from June 15th, 2011.

3                   CHAIRMAN CHOFFO: Do I have a  
4 motion?

5                   COMMISSIONER FITZGIBBONS: I make a  
6 motion.

7                   COMMISSIONER AVAGLIANO: Second.

8                   MS. CIAMMARUCONI: On a motion made  
9 by Commissioner Fitzgibbons and seconded by  
10 Commissioner Avagliano, Commissioner Arencibia?

11                   COMMISSIONER ARENCIBIA: Aye.

12                   MS. CIAMMARUCONI: Commissioner  
13 Avagliano?

14                   COMMISSIONER AVAGLIANO: Aye.

15                   MS. CIAMMARUCONI: Commissioner  
16 Bettinger?

17                   COMMISSIONER BETTINGER: Aye.

18                   MS. CIAMMARUCONI: Commissioner  
19 Fitzgibbons?

20                   COMMISSIONER FITZGIBBONS: Aye.

21                   MS. CIAMMARUCONI: Commissioner  
22 Holloway?

23                   COMMISSIONER HOLLOWAY: Abstain.

24                   MS. CIAMMARUCONI: Commissioner  
25 Romano?

1 COMMISSIONER ROMANO: Aye.

2 MS. CIAMMARUCONI: Chairman Choffo?

3 CHAIRMAN CHOFFO: I vote aye.

4 MS. CIAMMARUCONI: The motion  
5 passed.

6 CHAIRMAN CHOFFO: Just so everyone  
7 in the audience knows, the first application  
8 Applevue, that is going to take up some time  
9 tonight so we are going to leap frog and push  
10 that back and let the other applicants go past.

11 MR. LAMB: Your counsel did advise  
12 me because of your heavy agenda that you will be  
13 doing that. I will be right outside whenever  
14 you get ready to call us. Thank you.

15 CHAIRMAN CHOFFO: Thank you very  
16 much.

17 Daniela, call the next application.

18 MS. MASSEY: Chairman, we received  
19 a letter from the applicant on 2011-054-SP  
20 requesting the matter to be adjourned to the  
21 August 17th meeting.

22 CHAIRMAN CHOFFO: Do I have a  
23 motion.

24 COMMISSIONER FITZGIBBONS: I make a  
25 motion.

1 COMMISSIONER AVAGLIANO: Second.

2 MS. CIAMMARUCONI: On a motion made  
3 by Commissioner Fitzgibbons, seconded by  
4 Commissioner Avagliano, Commissioner Arencibia?

5 COMMISSIONER ARENCIBIA: Aye.

6 COMMISSIONER BETTINGER: Can you  
7 explain what happened and what we are voting on.

8 MS. CIAMMARUCONI: Application  
9 2011-054-SP Terra Brasilis requested to be  
10 adjourned to next month so we are voting on the  
11 adjournment.

12 COMMISSIONER AVAGLIANO: Okay.

13 MS. CIAMMARUCONI: Commissioner  
14 Arencibia?

15 COMMISSIONER ARENCIBIA: Aye.

16 MS. CIAMMARUCONI: Commissioner  
17 Avagliano?

18 COMMISSIONER AVAGLIANO: Aye.

19 MS. CIAMMARUCONI: Commissioner  
20 Bettinger?

21 COMMISSIONER BETTINGER: Aye.

22 MS. CIAMMARUCONI: Commissioner  
23 Fitzgibbons?

24 COMMISSIONER FITZGIBBONS: Aye.

25 MS. CIAMMARUCONI: Commissioner

1 Holloway?

2 COMMISSIONER HOLLOWAY: Aye.

3 MS. CIAMMARUCONI: Commissioner

4 Romano?

5 COMMISSIONER ROMANO: Aye.

6 MS. CIAMMARUCONI: Chairman Choffo.

7 CHAIRMAN CHOFFO: Aye.

8 MS. CIAMMARUCONI: The next item on  
9 the agenda is 2011-036-SP/SD, applicant Michael  
10 A. Allan, located at 150 Harrison Avenue, Block  
11 284, Lots 2.01, 3.01 and 4.01 in the Town of  
12 Kearny.

13 MR. MAIRELLA: Good evening, Mr.  
14 Chairman.

15 Good evening, Mr. Chairman, ladies  
16 and gentlemen, my name is Steve Mairella, I am  
17 with the law firm of McManimon & Scotland and I  
18 am here this evening on behalf of our client  
19 Wal-Mart Real Estate Business Trust in connection  
20 with Wal-Mart's application for a minor  
21 subdivision review and preliminary and final site  
22 plan approval for the proposed remodeling and  
23 expansion of its existing Wal-Mart store in  
24 Kearny.

25 The properties in question

1     apparently designated at Lots 2.01 and portions  
2     of Lot 3.01 and 4.01 on the tax maps in the town  
3     of Kearny on Harrison Avenue.

4             The minor subdivision has been  
5     proposed to enable a property exchange and lot  
6     line adjustments between Wal-Mart and the  
7     existing construction so the lot lines better  
8     correspond to the uses on the lot.

9             There are three lots to begin with.  
10     There will be three lots after the exchange.

11             As to the site plans, the property  
12     and the project are within the jurisdiction of  
13     the New Jersey Meadowlands Commission and  
14     applications are pending before the commission  
15     for both site plan and subdivision approvals.

16             We hope to have those in hand  
17     shortly.

18             (Commissioner Mehta enters the  
19     Chamber.)

20             MR. MAIRELLA:   This evening you  
21     will here Michael Moonan, our civil engineer  
22     from Bohler Engineering, who will be very brief  
23     describe the site division and site plan for  
24     you.

25             John Harter P.E., from Atlantic

1 Traffic and Design Engineers will briefly  
2 describe the design and the traffic related  
3 aspects.

4 Perry M. Petrillo is our architect  
5 who will describe the architectural aspects of  
6 the project for you.

7 CHAIRMAN CHOFFO: Excuse me. I  
8 would like to let the record reflect that  
9 Commissioner Mehta just joined the meeting. And  
10 you may proceed.

11 MR. MAIRELLA: Thank you. No  
12 apologies.

13 We have received and responded to  
14 Ms. Massey's planner's review dated April 25 and  
15 July 11, 2011 and T&M Associates engineer's  
16 reports dated June 9 and July 5, 2011. I trust  
17 you will find we adequately address all the  
18 points raised in that correspondence.

19 Finally to speed things up we have  
20 taken the liberty of premarking the exhibits that  
21 we will use this evening. We have 3. Exhibit  
22 A-1 will be a colorized minor subdivision plat.  
23 Exhibit A-2 is a colorized site plan. And  
24 Exhibit A-3 is a colorized architectural  
25 perspective rendering.

1 I have 11 by 17 versions of those  
2 for the Board members to facilitate your ability  
3 to see what they are talking to. With your  
4 permission I would like to hand them to the  
5 Board.

6 (Handing.)

7 MR. MAIRELLA: Mr. Chairman, if I  
8 may, I would like to call Mr. Moonan to testify.

9 MR. CURLEY: Mr. Moonan, if I could  
10 swear you.

11 (Michael S. Moonan, was duly  
12 sworn.)

13 MR. CURLEY: State your name for  
14 the record.

15 MR. MOONAN: Michael Moonan,  
16 M-O-O-N-A-N.

17 MR. MAIRELLA: Mr. Moonan, you are  
18 a licensed professional engineer in the State of  
19 New Jersey?

20 MR. MOONAN: Yes, I am.

21 MR. MAIRELLA: You have experience  
22 testifying before boards in New Jersey?

23 MR. MOONAN: Numerous boards in New  
24 Jersey, zoning, planning boards, yes.

25 MR. MAIRELLA: Could you briefly

1 summarize for the Board your educational and  
2 professional background.

3 MR. MOONAN: Yes, I have a Bachelor  
4 of Science in civil engineering from Villanova  
5 University and I have approximately 24 years  
6 experience in site and traffic engineering.

7 MR. MAIRELLA: Mr. Chairman, I  
8 would like to offer Mr. Moonan as an expert in  
9 civil engineering as well as a fact witness.

10 CHAIRMAN CHOFFO: You may proceed.

11 MR. MAIRELLA: Mr. Moonan, would  
12 you briefly describe first the minor subdivision  
13 that is being proposed.

14 MR. MOONAN: Yes. Exhibit A-1  
15 which is titled Proposed Minor Subdivision,  
16 scales one inch equals 50 feet and north is up on  
17 the plan, basically we have three lots here. We  
18 have lot 2.01 which is the main Wal-Mart parcel.  
19 To the north we have lot 3.01 which is also  
20 existing, and then to the east we have lot 4.01.

21 Basically we are, the lot in lot  
22 2.01 we are conveying a portion of that lot which  
23 is up on the northwest portion of the site up  
24 near Harrison Avenue. We are conveying a portion  
25 of our lot, lot 2.01 to 3.01 which ultimately

1 becomes proposed lot 3.0. That is outlined in  
2 green.

3 We are also, lot 4.01 which is on  
4 the east side is conveying a portion of its lot  
5 to lot 2.01 and then that would become proposed  
6 lot 2.02 and then there is also a portion at the  
7 bottom of the page to the south that is being  
8 conveyed from lot 2.01 to 4.01 which makes it  
9 proposed lot 4.02. That is the subdivision.

10 MR. MAIRELLA: And the purpose of  
11 the subdivision particularly with regard to lot  
12 4.01.

13 MR. MOONAN: Yes. The purpose was  
14 to -- previously we had on lot 4.01 there was  
15 some retail that was part of an original approval  
16 and they shared parking in the middle.

17 Now that parking will, this  
18 represents a portion of that parking field which  
19 will now be conveyed over to the Wal-Mart.

20 MR. MAIRELLA: And the areas in  
21 green are being exchanged for the lots in that  
22 parcel?

23 MR. MOONAN: Yes. There was a  
24 proposed gas station up on that parcel that is  
25 going to be conveyed back to our lot which makes

1 it proposed Lot 3.02.

2 MR. MAIRELLA: Mr. Chairman, I have  
3 no more questions on the minor subdivision from  
4 Mr. Moonan.

5 If there are no questions we will  
6 move on to the site plan.

7 CHAIRMAN CHOFFO: Any questions?

8 COMMISSIONER FITZGIBBONS: Was that  
9 approved by the township?

10 MR. MAIRELLA: It has not yet been  
11 approved by the Township of Kearny because we are  
12 waiting for the approval from the New Jersey  
13 Meadowlands Commission which is the prerequisite  
14 to our submitting to the Township of Kearny.  
15 They are aware of it AND awaiting it as soon as  
16 we get that determination from the Meadowlands  
17 Commission.

18 Mr. Moonan, if you would generally  
19 describe the site plan and what is being gone in  
20 connection with this application.

21 MR. MOONAN: We have Exhibit A-2,  
22 it is entitled Overall Site Plan. Its scale is  
23 one inch equals 60 feet. And north is up also  
24 on this plan.

25 On the north -- excuse me on the

1 western portion of the property we have the  
2 existing Wal-Mart. We have access points right  
3 in, right out off of Harrison Avenue and  
4 signalized intersection with Bergen Avenue.

5 Also a secondary access located on  
6 the north side on the Harrison Avenue as well.  
7 There is an expansion of approximately -- the  
8 overall expansion is approximately 15,000 square  
9 feet.

10 The tan portion of this building is  
11 existing. The orange colored part of the  
12 building is an expansion. A portion at the  
13 northeast corner is a garden center so basically  
14 we are going to be reducing the size of the  
15 garden center.

16 Also there is a TLE which is a  
17 finger coming out to the north that I am pointing  
18 to on the plan towards the back of the building.  
19 That is a tire lube and express. That is going  
20 to be converted to retail as well so that is  
21 basically squaring off the building.

22 We presently have three loading  
23 docks located to the back of the building to the  
24 west. We were going to add three more loading  
25 docks to the southern portion of the building

1 with a truck spin as well so the trucks will  
2 access from Harrison Avenue, the westerly access  
3 point, do the spin and go out the same access  
4 point.

5 As far as improvements to the lot,  
6 there is not going to be a lot. There is going  
7 to be some grading in front associated with the  
8 handicapped parking and as part, the change in  
9 the drive aisle that is noted in the darker color  
10 on this plan.

11 The rest of the parking field will  
12 remain as is.

13 (Commissioner Ng enters the  
14 Chamber.)

15 MR. MOONAN: We also will have a  
16 bail and palate area along the north, along the  
17 northwestern portion of the building as well as  
18 located down by the southern portion of the  
19 building.

20 Also as part of the application  
21 will be at the request of the county with Frank's  
22 Creek we will clean up Frank's Creek as necessary  
23 as part of the proposal.

24 We also will be adding a bike rack  
25 out front that will be coordinated with the

1 architect and also as part of the green  
2 strategies as well, protection of natural  
3 resources. Again, that is the Frank's Creek.  
4 We will certainly not be touching it, only in  
5 cleaning it up.

6 From an impervious cover standpoint  
7 we are actually reducing impervious coverage.  
8 All the drainage patterns remain the same from  
9 the drainage that remains.

10 John Harter will be coming up to  
11 discuss traffic impacts, as well.

12 CHAIRMAN CHOFFO: How much retail  
13 space are you actually adding then?

14 MR. MOONAN: There is a total of  
15 15,000 square feet -- well, to be exact, 15,116  
16 square feet will be added when you include the  
17 building and the outdoor garden center. So from  
18 existing to proposed would be 15,116 square feet.

19 CHAIRMAN CHOFFO: Okay.

20 COMMISSIONER MEHTA: Just quick  
21 question. Are you changing any footprint of the  
22 building?

23 MR. MOONAN: The footprint, yes.  
24 As you see in orange on the plan the building  
25 will be extended pretty much -- the extension or

1 the expansion is pretty much located to the north  
2 of the building. There is going to be --  
3 actually there was one vestibule in the previous  
4 application or in the existing building that will  
5 now be having two vestibules and you will see  
6 there is a little extension out in the front and  
7 a little extension along the southern portion  
8 where we are adding three loading docks.

9 COMMISSIONER MEHTA: So the correct  
10 darker line is not the current existing building?

11 MR. MOONAN: Yes -- excuse me?  
12 Yes, I am sorry could you repeat that?

13 COMMISSIONER MEHTA: The current  
14 dark line that is in the square rectangle.

15 MR. MOONAN: Yes. We are squaring  
16 off the building.

17 COMMISSIONER MEHTA: So you are  
18 expanding the building, you are changing the  
19 building footprint, removing the wall and moving  
20 it further away.

21 MR. MOONAN: Correct.

22 (Commissioner DiDomenico enters the  
23 Chamber.)

24 CHAIRMAN CHOFFO: I would like the  
25 record to reflect that Commissioner Ng is present

1 and also Freeholder DiDomenico.

2 And you may proceed.

3 MR. MAIRELLA: Mr. Chairman, I have  
4 no other questions of Mr. Moonan unless there are  
5 other questions of him.

6 CHAIRMAN CHOFFO: You may proceed.

7 MR. MAIRELLA: In which case I  
8 would like to call John Harter.

9 (John Harter, was duly sworn.)

10 MR. CURLEY: State your name for  
11 the record and spell your last name.

12 MR. HARTER: John R. Harter,  
13 H-A-R-T-E-R.

14 MR. MAIRELLA: Mr. Harter, you are  
15 a licensed professional engineer in the State of  
16 New Jersey?

17 MR. HARTER: Yes.

18 MR. MAIRELLA: And you have  
19 experience testifying before boards in the State  
20 of New Jersey?

21 MR. HARTER: More than a hundred,  
22 yes.

23 MR. MAIRELLA: Have you ever  
24 testified before this Board?

25 MR. HARTER: Yes, several years

1 back.

2 MR. MAIRELLA: Were you accepted by  
3 them at that time as an expert?

4 MR. HARTER: Yes.

5 MR. MAIRELLA: And your particular  
6 area of expertise?

7 MR. HARTER: Traffic design and  
8 traffic impact analysis.

9 MR. MAIRELLA: Can the Board  
10 members hear?

11 CHAIRMAN CHOFFO: It is difficult  
12 for us because we have an overhead circulation  
13 and it is very difficult for us to hear. If you  
14 can speak into the microphone and speak a little  
15 louder it will also help our Court Reporter.

16 MR. MAIRELLA: My apologies. Your  
17 area of expertise again is?

18 MR. HARTER: Traffic analysis and  
19 design.

20 MR. MAIRELLA: And could you just  
21 briefly summarize your education and professional  
22 education.

23 MR. HARTER: Bachelor of Science in  
24 civil engineering from Lehigh University. Been  
25 with Atlantic Traffic for 17 years, licensed in

1 the State of New Jersey as a civil engineer and  
2 in several other states as well. And my focus  
3 has been on traffic engineering.

4 MR. MAIRELLA: Mr. Chairman, I  
5 offer Mr. Harter as an expert in traffic  
6 engineering and as a fact witness as well.

7 CHAIRMAN CHOFFO: You can proceed.

8 MR. MAIRELLA: Thank you for having  
9 us in an air conditioned facility this evening.

10 Mr. Harter, you conducted a traffic  
11 study in connection with this project?

12 MR. HARTER: We did, yes.

13 MR. MAIRELLA: Can you please just  
14 briefly summarize the results of your traffic  
15 study for the Board.

16 MR. HARTER: Yes. The traffic  
17 study was based on feedback from attorneys as  
18 well as a meeting with NJMC and their traffic  
19 engineer. They have the primary jurisdiction  
20 for the site and the scope of the report was put  
21 together based on that.

22 And let me state as well, we also  
23 agree with NJMC through calculations we have gone  
24 back and forth on the trip impact fee and we will  
25 be providing NJMC with 180,000 dollars in impact

1 fees that he will use. They indicate it will be  
2 used for an adaptive traffic signal system along  
3 County 202 which should help traffic in this  
4 area.

5 The traffic study is dated March 2  
6 of 2011 and we analyzed the existing condition in  
7 accordance with NJDOT standards and ITE. ITE is  
8 the Institute of Traffic Engineers.

9 Their generation trip traffic  
10 manual is what trip generators rely on. The  
11 existing use since it does not include a full  
12 grocery is a free standing discount store. When  
13 we add the full grocery we go to what IT refers  
14 to as a super store.

15 So NJMC had to go through the  
16 typical peak hours weekday hours in the morning  
17 and evening as well as Saturday and trip  
18 generation using the building area of the  
19 existing facility and then the expanded facility  
20 of about 15,000 square feet of expansion and  
21 using those two land uses we found there was only  
22 a need to study the morning peak hour and that is  
23 because that is the only time that the trip  
24 calculations indicate that there is a significant  
25 increase in traffic. That is defined by IT and

1 New Jersey DOT as one hundred or more peak hour  
2 trips.

3 So in our study we count the site  
4 drainage currently along 508 and also the signal  
5 of Bergen Avenue and our access points and  
6 conducted an analysis.

7 The morning peak hour, no issues  
8 with traffic related to Wal-Mart. It is a time  
9 actually when the traffic is fairly low on the  
10 site. The only thing we need is there is a  
11 heavy left turn on Bergen Avenue going to 95, no  
12 surprise, and that was the only problem movement.  
13 Otherwise movements were operating at C and the  
14 better levels of service.

15 For the p.m. and Saturday peak  
16 hours NJMC did not require a study because again  
17 it is a small expansion, we did not find a  
18 significant increase in traffic. We went  
19 through the comments with T&M. We responded to  
20 the initial letter and there was a second  
21 follow-up July 5 letter.

22 I talked to Lee Klein about it and  
23 there was one item in his letter that was not  
24 fully resolved I would say which is 1.4 and it  
25 asked about the trip generation and p.m. and

1 Saturday peak hours and why there wasn't more of  
2 an increase.

3 So it is really based on a couple  
4 of things that are different land uses. They  
5 have different rates of trips based on the  
6 building area and then also when you add a full  
7 supermarket you are going to have customers  
8 coming and staying longer, buying more things on  
9 one trip.

10 So it is just different  
11 characteristics but we, to satisfy that comment  
12 we felt we should look at another analysis and  
13 what we did is we kept the same land use, the  
14 discount store land use from ITE and used that  
15 for the proposed case. So we kept it for the  
16 existing and the propose and look at the increase  
17 in trips that we would see if we use the same  
18 land use to be more conservative and through that  
19 exercise we did describe that in our July 18  
20 letter outlining that and what we found was once  
21 we looked at the p.m. and Saturday and also in  
22 this method using this different methodology we  
23 still found there was no significant change in  
24 traffic using week and Saturday.

25 For those reasons we feel it is

1 appropriate not to do any further studies and  
2 again we are providing that significant impact  
3 figure DMCA 4 for traffic purposes.

4 One other traffic point, we are  
5 restriping the signalized exit from the Wal-Mart  
6 property right through the left turn lane. It  
7 calculates two cars after the striping. We  
8 should get six cars into the left turn lane and  
9 that helps traffic. And that hits on the points  
10 from the traffic study.

11 MR. MAIRELLA: Mr. Chairman, I have  
12 nothing further of Mr. Harter.

13 If the court has questions we will  
14 be happy to answer.

15 CHAIRMAN CHOFFO: Mr. Tridente.

16 MR. TRIDENTE: When Ms. Massey and  
17 I were out at the site we noticed that the  
18 westerly driveway I think it needs to have the no  
19 left turn sign relocated on the left side of the  
20 driveway as opposed to on the right-hand side  
21 where the stop sign is. People generally  
22 looking to the left for oncoming traffic would  
23 see the sign there and instead of just passing it  
24 up on the right-hand side. If you would make  
25 that adjustment that would improve the traffic

1 control in that area.

2 MR. MAIRELLA: That is not an  
3 issue. We will absolutely make that adjustment.

4 CHAIRMAN CHOFFO: Good point Mario,  
5 thank you.

6 Any other questions.

7 COMMISSIONER NG: How many parking  
8 lots, how many parking spaces are we going to  
9 have?

10 MR. HARTER: I will go to that part  
11 of my report. We exceed the NJIT criteria for  
12 the site. The NJMC requires a total of 757  
13 stalls for this site and we are proposing 833,  
14 and that -- and just looking at the rate of what  
15 we are providing, the supply is a 4.8 per  
16 thousand square feet of building area, and that  
17 from my experience is beneficial and will work  
18 fine.

19 COMMISSIONER NG: Are they going to  
20 be the same size or different sizes.

21 MR. HARTER: The proposal is nine  
22 and a half foot wide stalls by 18-foot stalls.

23 COMMISSIONER NG: The reason why  
24 the sizing, my question is in Secaucus did they  
25 have the Wal-Mart in there, I think that they

1 have only one size and it is very difficult when  
2 the big car parked when they park one, two,  
3 three, the small car to get in because --

4 MR. HARTER: It sounds like these  
5 are undersized stalls. Nine and a half is the  
6 desired width for Wal-Mart. I am in an  
7 application right now in northern New Jersey for  
8 a Wal-Mart and the town actually has a  
9 requirement of nine but Wal-Mart, in a suburban  
10 area, we have more room. We are providing the  
11 nine and a half because that is desirable. Some  
12 urban cases I am not referring to the site you  
13 are referring to but it sounds like they may be a  
14 narrower width of stall.

15 COMMISSIONER FITZGIBBONS: How many  
16 handicapped spots?

17 MR. HARTER: The site engineer  
18 would be better to answer that than me, but I can  
19 do a quick count.

20 I am counting 21.

21 COMMISSIONER FITZGIBBONS: Out of  
22 801.

23 MR. HARTER: 833 stalls.

24 CHAIRMAN CHOFFO: You may proceed.

25 MR. HARTER: Thank you.

1 MR. MAIRELLA: At this point I  
2 would like to call Perry M. Petrillo. He is the  
3 architect and he will describe the changes the  
4 building will undergo.

5 (Perry Petrillo, was duly sworn.)

6 MR. CURLEY: State your name and  
7 spell your last name please.

8 MR. PETRILLO: Perry Petrillo,  
9 P-E-T-R-I-L-L-O, Petrillo Architects, Park Ridge,  
10 New Jersey.

11 MR. MAIRELLA: Mr. Petrillo, you  
12 are a licensed architect in the State of New  
13 Jersey?

14 MR. PETRILLO: I am.

15 MR. MAIRELLA: And do you have  
16 experience testifying before Planning Boards  
17 throughout the State of New Jersey.

18 MR. PETRILLO: Throughout the State  
19 of New Jersey, New York, Pennsylvania,  
20 Massachusetts.

21 MR. MAIRELLA: Okay. Can you  
22 briefly summarize your education and professional  
23 qualifications for the Board.

24 MR. PETRILLO: Sure. Bachelor's  
25 degree in architecture, licensed originally in

1 the State of New Jersey and I am also licensed in  
2 ten other states in the northeast, have been  
3 before numerous boards in New Jersey,  
4 Pennsylvania, New York, Massachusetts,  
5 Pennsylvania, and have been practicing  
6 architecture twenty-six years now.

7 MR. MAIRELLA: Mr. Chairman, I  
8 offer Mr. Petrillo as an expert in architecture  
9 and a fact witness for our application.

10 CHAIRMAN CHOFFO: Okay.

11 MR. MAIRELLA: Perry, would you  
12 just very briefly describe the architectural  
13 aspects of the renovation that this Wal-Mart is  
14 undergoing and in particular, focus on the bike  
15 rack that was raised as an issue in the  
16 engineer's letter.

17 MR. PETRILLO: Sure, thank you.

18 Generally speaking the architecture  
19 or the new architecture facade of the building is  
20 an entirely new facade. We have basically taken  
21 the existing facade into account with the  
22 expansion. The expansion being the right or  
23 northerly end the store here, the existing  
24 entrance to the building exists in this portion  
25 of the front facade.

1           We have reworked and redesigned the  
2     entire facade to be -- it is really more  
3     sympathetic to the user and the customer.

4           It offers not only a degree of  
5     comfort from the scale and proportions which are  
6     very important to this but it is broken down  
7     through mask, through materials, through color  
8     entirely Earth tones.     The blue elements that  
9     exist there today, the sandy roofs and some of  
10    the stripes are all gone.     There is just a hint,  
11    we call it a Wal-Mart blue, at the entry points  
12    and that is just to be a hint of what is coming  
13    inside the store because that is really the  
14    background color not the interior design.

15           A couple important things that I  
16    think the elevation takes on as I mentioned scale  
17    and proportion are very, very important.     There  
18    is a breakdown of scaling through height and also  
19    through the undulating forms across the front so  
20    you do not have a flat facade across the front.

21           There is a whole sort of pattern of  
22    canopies that will happen at the entry points and  
23    also adjacent to the entry points and those  
24    canopies are not of the same material so that  
25    also helps to break things down.     You have got

1 sort of a hovering frame here which is a  
2 translucent panel. Then adjacent to that you  
3 have got some louvered awnings that also create  
4 some change and shadow so there is a lot going on  
5 to break up the facade.

6 Important for the architecture and  
7 the floor plan of the design of the facade is we  
8 now have gone to two vestibules which is really  
9 important because it really helps break down how  
10 people use the facility.

11 CHAIRMAN CHOFFO: It disburses the  
12 parking in the parking lot so you don't have  
13 everybody parking to the one end where the  
14 parking is. They can now disburse throughout the  
15 parking lot and really that is really  
16 read through the signage and the signage on the  
17 vestibules is meant to be directional so the user  
18 has an understanding of where they are going in  
19 the facility.

20 Again there is a breakdown that  
21 help not only through color but also textures so  
22 that the user space which we call sort of the  
23 lower eight feet under the canopies is a lot more  
24 comfortable.

25 MR. MAIRELLA: And Perry, where

1 would you propose to locate the bike rack.

2 MR. PETRILLO: The bike rack is  
3 actually going to fall between the two vestibules  
4 adjacent to call --

5 CHAIRMAN CHOFFO: Face us.

6 MR. PETRILLO: The bike rack is  
7 going to be proposed to be between the two  
8 vestibules in the area adjacent to the main  
9 building side. We feel that that works well  
10 with the user. It is not off in some corner  
11 where they have got to get across the parking lot  
12 or something of that nature so it is right up  
13 front.

14 MR. MAIRELLA: Thank you, Perry.

15 Mr. Chairman, I have no further  
16 questions of Mr. Petrillo on the architectural  
17 aspects. I will be happy to answer any  
18 questions the Board or consultants may have.

19 MR. KLEIN: Mr. Chairman, I was out  
20 at the site I forget when it was exactly but it  
21 was a rainy day and I remember seeing some  
22 puddling out on the route out of the western  
23 driveway. I am not sure if any improvements  
24 were being done. I am not sure why in the upper  
25 left hand corner of the drawing --

1 MR. PETRILLO: Here.

2 MR. MAIRELLA: I think that is a  
3 question for our civil engineer.

4 MR. MOONAN: We are not proposing  
5 any improvements out on the county road at this  
6 time.

7 MR. KLEIN: I don't know if the  
8 inlet was clogged, maybe it was a maintenance  
9 thing. I am not sure. I was out there on a  
10 rainy day and it has been pretty dry lately.

11 CHAIRMAN CHOFFO: I know the county  
12 engineer and a lot of the Commissioners, we feel  
13 strongly about Frank's Creek. You mentioned  
14 earlier that was going to be cleaned up and all  
15 the debris removed on your site.

16 MR. MAIRELLA: Yes.

17 COMMISSIONER ARENCIBIA: Mr.  
18 Chairman, you may recall a couple of months ago  
19 there was another application across the street  
20 and they are going to be doing improvements with  
21 Frank's Creek as well and their actual condition  
22 was they would improve the culvert that goes  
23 underneath 508 which obviously extends over to  
24 the Wal-Mart area so it should be as a  
25 combination through both owners that Frank's

1 Creek in this area should be cleaned up  
2 thoroughly.

3 I know they had to obtain a permit  
4 from DEP because they are realigning their creek,  
5 but you are just purely maintenance and cleaning.

6 MR. MAIRELLA: Our understanding  
7 what is being asked of us is basically remove the  
8 trash and anything that may be accumulating there  
9 and that is something we are very happy to do.

10 COMMISSIONER ARENCIBIA: Mr.  
11 Chairman, there was some discussion before about  
12 the Meadowlands Commission and were there certain  
13 parts of this project that were approved by the  
14 Commissioner.

15 MR. MAIRELLA: The approval is  
16 pending before the Meadowlands Commission. We  
17 have two aspects, we have the minor subdivision  
18 and we have the site plan.

19 COMMISSIONER ARENCIBIA: As far as  
20 the traffic contribution improvements, was that,  
21 how was that worked out with the Meadowlands  
22 Commission?

23 MR. HARTER: We went through with  
24 the traffic engineer and agreed on the trip  
25 calculations and ultimately the fee it it's not

1 officially part of the approval yet obviously but  
2 I don't expect that that dollar figure would  
3 change.

4 COMMISSIONER ARENCIBIA: But there  
5 was no specific improvements tied into that  
6 contribution.

7 MR. HARTER: Mr. Klein referred to  
8 the traffic signal system is where he intends to  
9 use the money.

10 COMMISSIONER ARENCIBIA: That is  
11 pretty much a district-wide program so there is  
12 really nothing specific to this site that he  
13 referred to.

14 MR. HARTER: Well, he implied it  
15 would be at this signal and others in the  
16 corridor.

17 COMMISSIONER ARENCIBIA: I know  
18 Wal-Mart installed the signal originally years  
19 ago when the project was constructed and I don't  
20 know if anybody looked at it from the compliance  
21 standpoint or if it was working properly, what  
22 kind of actuation is there at the signal.

23 MR. HARTER: We have the plan, the  
24 timing, we do the counts. I know there is  
25 pedestrian accommodations at the intersection.

1 I am not aware of any malfunctioning. Is it per  
2 the current MUTCD that is pretty new. I am not  
3 certain of that.

4 COMMISSIONER ARENCIBIA: If it is  
5 not a problem to Wal-Mart, if we can check that  
6 to make sure the signals are up to code. We are  
7 currently upgrading to twelve inch heads. I  
8 don't know what these are. Like I said, I don't  
9 know. We are also upgrading the countdown  
10 pedestrian signals and all that to LED and also  
11 the image presence detectors with an activation  
12 so I would ask that you look into that to make  
13 sure we are in compliance.

14 MR. MAIRELLA: Forgive me one  
15 second.

16 (Whereupon, an off-the-record  
17 discussion was held.)

18 MR. MAIRELLA: We will look at it  
19 and certainly pass the information along. It is  
20 not within our ability to necessarily do anything  
21 about it other than we are paying this enormous  
22 impact fee, but we would certainly take a look at  
23 that and pass it along.

24 COMMISSIONER ARENCIBIA: Pass it  
25 along to --

1 MR. MAIRELLA: The Meadowlands.  
2 They are the ones that have the fee.

3 COMMISSIONER ARENCIBIA: The  
4 Meadowlands doesn't control the traffic signal.

5 MR. MAIRELLA: But they have the  
6 money they said they would be using for this.  
7 We will give them that information and hopefully  
8 we will use the money to address any situation  
9 that would be identified. I am not sure what  
10 else we could do.

11 COMMISSIONER ARENCIBIA: I am not  
12 sure how this can be worked out with the  
13 Meadowlands Commission because ultimately they  
14 have the money and the county doesn't to do the  
15 improvements. We would have to be on the same  
16 page as the Meadowlands Commission.

17 MR. MAIRELLA: Understood.

18 COMMISSIONER ARENCIBIA: What I am  
19 trying to get at is if the Meadowlands Commission  
20 if, there is indeed these compliance issues that  
21 were just mentioned and the Meadowlands  
22 Commission is not in favor of performing those  
23 improvements and I am going to suggest this be a  
24 condition of the approval --

25 MR. MAIRELLA: We will do what we

1 are capable of doing in connection with that.

2 We understand your concern.

3 COMMISSIONER ARENCIBIA: -- right.  
4 So do you agree to that then? You would have to  
5 coordinate with the Meadowlands Commission and  
6 the county.

7 MR. MAIRELLA: If the condition is  
8 that we evaluate whether there are any issues and  
9 coordinate with the Meadowlands and serve as a  
10 good agent to try to coordinate between the  
11 Meadowlands and the county, that we will and can  
12 agree to.

13 COMMISSIONER ARENCIBIA: Okay.

14 CHAIRMAN CHOFFO: Any other  
15 questions?

16 COMMISSIONER NG: Going back I  
17 believe it is the picture No. 3-A-3, the parking  
18 lot, I just want to know what is the distance  
19 between where the -- how you call this -- the  
20 shopping cart --

21 MR. PETRILLO: The corral.

22 COMMISSIONER NG: And down the line  
23 where the cars parked. What is the distance  
24 between them.

25 MR. PETRILLO: The cart corrals fit

1 within the existing parking space.

2 COMMISSIONER NG: I refer to this  
3 spacing here between the park, this parking lot  
4 and the shopping cart, the fence.

5 MR. MAIRELLA: The front at the  
6 edge of the striping?

7 COMMISSIONER NG: My question is  
8 because I have the experience when you park in  
9 that place when you open the door there is not  
10 enough space. There is many, many many  
11 complaints back in Secaucus and the Wal-Mart use  
12 and Sam's Club because when you open the door you  
13 damage the car. I believe there should be more  
14 space between that fence and that parking lot  
15 length. If you have five parking lots and space.  
16 It hits the fence all the time.

17 MR. MOONAN: I believe the cart  
18 corrals -- I don't have the details with me, I  
19 believe they are six feet wide, the spaces are  
20 nine and a half so there is a little gap between  
21 the edge of the cart corral and the space. It  
22 would be centered.

23 Again, I would have to look at the  
24 detail to confirm that.

25 COMMISSIONER NG: If you can,

1 please.

2 CHAIRMAN CHOFFO: Because there are  
3 two carts by it, correct? The cart is about  
4 three, three and a half feet.

5 MR. MOONAN: Exactly.

6 CHAIRMAN CHOFFO: You don't fit  
7 more than three across, so it is about six feet.

8 MR. MOONAN: Six feet, yes.

9 COMMISSIONER NG: I don't know  
10 about the other Commissioners what they think but  
11 I really think the biggest stores like Wal-Mart  
12 like BJs, Sam's club, they should have a specific  
13 place to park big cars like vans, trucks.

14 What happens is in Hudson County we  
15 have a lot of grocery store, small grocery store.  
16 A lot of trucks they go to the grocery store and  
17 buy and we sell the merchandise because that is  
18 the merchandise you have. It is very hard to  
19 look for parking space sometimes because they  
20 oftentimes occupy two spaces. If you have four  
21 cars parking there they take up ten spaces not  
22 five. So if you could take this under  
23 consideration.

24 COMMISSIONER MEHTA: I think your  
25 testimony you mentioned that it requires 57

1 something so can you do modification and telling  
2 at the Commissioner's request to have a certain  
3 designate the area like you have a handicap area  
4 and you make an area where the car and van can  
5 park.

6 MR. HARTER: John Harter, traffic  
7 engineer.

8 The Industry for Traffic  
9 recommended compact spaces and in many designs  
10 and we really gotten away from that and the  
11 problem is that people don't tend to follow the  
12 signs and park in the correct spaces, so nine and  
13 a half foot stalls, this is -- Wal-Mart has over  
14 8,000 stores worldwide and this is their desired  
15 stall width.

16 I am assuming in Secaucus it was a  
17 small site and they had undersized stalls and  
18 that is the problem in that situation. So I  
19 have seen stalls as narrow as eight and eight and  
20 a half feet, so if that is the case that is where  
21 you are going to find the door banging that you  
22 mentioned.

23 COMMISSIONER NG: Every county have  
24 different needs because of the population in the  
25 county is like, like the most dense population in

1 New Jersey and I really I don't know what the  
2 other commissioners say but I really would like  
3 to take a specific area for the big, big vans and  
4 big cars and also to take them into consideration  
5 about where you park the cart close to the  
6 shopping carts. I damaged a brand new car  
7 because of the space.

8 MR. MAIRELLA: We understand and  
9 respect the concern. Our application is pending  
10 before the New Jersey Meadowlands Commission for  
11 their site plan approval. The parking criteria  
12 satisfy the criteria that they have for the  
13 parking and Mr. Harter has addressed the concern.  
14 I am not sure what else we can offer by way of  
15 changes to the parking area.

16 CHAIRMAN CHOFFO: At this point you  
17 met the criteria for the traffic and drainage so  
18 we can move forward.

19 MR. MAIRELLA: Thank you very much.  
20 We have nothing further, Mr.  
21 Chairman. If there is anything else that we can  
22 respond to from the Board.

23 CHAIRMAN CHOFFO: Go ahead, Rishi.

24 COMMISSIONER MEHTA: Usually when  
25 Wal-Mart has a grocery aisle and --

1 MR. MAIRELLA: I could not hear.

2 COMMISSIONER MEHTA: When the  
3 Wal-Mart the grocery aisles and grocery section  
4 and they make it a Super Wal-Mart usually they  
5 change the timing. So management, the business  
6 timing the same.

7 CHAIRMAN CHOFFO: Your hours of  
8 operation he is asking.

9 MR. MAIRELLA: I am not aware of  
10 any changes in hours of operation. That is not  
11 something we are addressing in connection with  
12 this application.

13 COMMISSIONER MEHTA: What is the  
14 current hours of operation?

15 MR. MAIRELLA: Typically Wal-Mart  
16 likes to operate twenty-four hours a day. I  
17 don't know what the situation is with this  
18 particular Wal-Mart, to be honest.

19 COMMISSIONER NG: Talking about  
20 Secaucus Wal-Mart like a year ago was the normal  
21 size and then they change it to super Wal-Mart.  
22 When they change to Wal-Mart now it is 24 hours.  
23 Before I think they used to close by 11:30,  
24 twelve at night.

25 MR. MAIRELLA: That certainly is,

1 that is a typical Wal-Mart objective when they do  
2 expand and have the supermarket use they like to  
3 be able to operate twenty-four hours a day but I  
4 don't have specifics for this store.

5 COMMISSIONER MEHTA: What is the  
6 usual normal.

7 CHAIRMAN CHOFFO: I know during the  
8 week and weekends they open at seven and close --

9 MR. MAIRELLA: Probably seven to  
10 eleven, that would be a typical range, but I do  
11 know that once they expand they do like to have  
12 the ability to operate for 24 hours. That is  
13 something I assume will be addressed  
14 appropriately with the Town of Kearny.

15 CHAIRMAN CHOFFO: Would that have  
16 an impact on the current traffic study?

17 MR. MAIRELLA: It would not. We  
18 would still operate on the current peak hours  
19 even if the store were open.

20 Any questions, Demetrio?

21 COMMISSIONER ARENCIBIA: Basically  
22 a twenty-four hour operation. You are talking  
23 about night time, so traffic is not an issue  
24 really.

25 CHAIRMAN CHOFFO: Any other

1 questions?

2 COMMISSIONER BETTINGER: Mr.  
3 Chairman, are there going to be any eateries in  
4 the Wal-Mart?

5 MR. PETRILLO: There will be an  
6 interior food portion. At this point I don't  
7 know what it would be, but per the current  
8 prototype there be would be some type of internal  
9 food tenet.

10 COMMISSIONER ARENCIBIA: I would  
11 make a motion for conditional approval of the  
12 application. There were some additions we may  
13 have noted before which are no left turn sign  
14 through the westerly driveway to be situated on  
15 the left side of the driveway. We would ask  
16 that the applicant investigate the traffic signal  
17 compliance with the county's standards and the  
18 storm sewer.

19 There is a ponding condition on the  
20 Jersey City Turnpike but it may be a combination  
21 between the county and Wal-Mart whether the inlet  
22 is clogged. It is up to the county. But there  
23 may be some, those I believe drain into Frank's  
24 Creek so it may be something in the creek itself  
25 if you are going to clean that out. So it will

1 probably be resolved.

2 But drainage is something that we  
3 will share. And I think those were the -- the  
4 bike rack, right. As was testified.

5 CHAIRMAN CHOFFO: Do I have a  
6 second.

7 COMMISSIONER BETTINGER: I will  
8 second the motion.

9 MS. CIAMMARUCONI: On a motion to  
10 approve application 2011-036-SP/SD made by  
11 Commissioner Arencibia and seconded by  
12 Commissioner Bettinger, Commissioner Arencibia?

13 COMMISSIONER ARENCIBIA: Aye.

14 MS. CIAMMARUCONI: Commissioner  
15 Avagliano?

16 COMMISSIONER AVAGLIANO: Aye.

17 MS. CIAMMARUCONI: Commissioner  
18 Bettinger?

19 COMMISSIONER BETTINGER: Aye.

20 MS. CIAMMARUCONI: Commissioner  
21 DiDomenico?

22 COMMISSIONER DiDOMENICO: Aye.

23 MS. CIAMMARUCONI: Commissioner  
24 Fitzgibbons?

25 COMMISSIONER FITZGIBBONS: Aye.

1 MS. CIAMMARUCONI: Commissioner  
2 Holloway?

3 COMMISSIONER HOLLOWAY: Aye.

4 MS. CIAMMARUCONI: Commissioner  
5 Mehta?

6 COMMISSIONER MEHTA: Aye.

7 MS. CIAMMARUCONI: Commissioner Ng?

8 COMMISSIONER NG: I will abstain.

9 MS. CIAMMARUCONI: Commissioner  
10 Romano?

11 COMMISSIONER ROMANO: Aye and maybe  
12 hopefully with regards to the Commissioner's  
13 questions the spot size as previously approved  
14 maybe just some rubber coating or molding around  
15 those gates where the shopping carts are maybe to  
16 meet in the middle if possible. I know you are  
17 giving me a look, but --

18 MR. MAIRELLA: I am not purposely  
19 giving you a look.

20 COMMISSIONER ROMANO: I am sure the  
21 rubber coating will be --

22 MR. MAIRELLA: We will certainly  
23 pass that along.

24 COMMISSIONER ROMANO: Thank you, I  
25 appreciate it.

1 MS. CIAMMARUCONI: Chairman Choffo.

2 CHAIRMAN CHOFFO: Aye.

3 MR. MAIRELLA: Thank you very much  
4 ladies and gentlemen. Good night.

5 MS. CIAMMARUCONI: The next item on  
6 the agenda is application 2011-050-SP, Cinelli  
7 Iron and Metal Company located at 226, 302-310  
8 Secaucus Road, Block 62, Lots 11, 12 and 13 in  
9 the Town of Secaucus.

10 CHAIRMAN CHOFFO: 226?

11 MS. CIAMMARUCONI: I am sorry, 286.

12 CHAIRMAN CHOFFO: Good evening.

13 MR. O'CONNOR: Good evening. Tom  
14 O'Connor, attorney with the firm of Waters  
15 McPherson McNeill representing the applicant  
16 Cinelli Metal and Iron Company.

17 This is an application for  
18 expansion of an existing metal recycling  
19 facility. The original facility is located at  
20 310 Secaucus Road which is that portion of  
21 Secaucus Road that is a dead end that veers off  
22 to the right.

23 If you are traveling west on  
24 Secaucus Road before it goes over the turnpike  
25 there is an old portion of the road which dead

1 ends of the original. A portion of this facility  
2 was constructed pursuant to an approval from this  
3 Board in 2006.

4 What we are seeking tonight is  
5 approval to expand the facility. The Cinellis  
6 have been able to obtain a small sliver of a  
7 parcel actually next door to them which they have  
8 purchased and are now owners of and they also  
9 have under contract another lot next to that  
10 which should be closing relatively soon within  
11 the next couple of weeks actually and on those  
12 two lots what they propose to do is essentially  
13 expand the existing operation on the larger of  
14 the two lots. They plan to construct a new  
15 larger building which is about 20,000 square  
16 feet.

17 The engineer and the architect will  
18 present that to you, but essentially the  
19 substance of this application is the expansion of  
20 this existing facility on to these two new lots  
21 with the construction of a new building.

22 The property is located within the  
23 Meadowlands District of Secaucus. It is in a  
24 heavy industrial zone which is really designed to  
25 accommodate uses of this type.

1           The project has already received a  
2 conditional zoning certificate approval from the  
3 Meadowlands that allows the project to bring fill  
4 and stock pile it at the property. The final  
5 approval before the Meadowlands is still pending  
6 but it does comply with all of the standards and  
7 use and bulk standards of the Meadowlands  
8 Commission.

9           In the Town of Secaucus the  
10 Secaucus Planning Board doesn't require any site  
11 plan review though we have met with members of  
12 the Secaucus administration and reviewed the  
13 plans with them and gotten their comments and  
14 incorporated those in the plans.

15           By way of presentation, we will  
16 have two witnesses. We will have Greg Polyniak  
17 from Neglia Engineering. Greg is the site civil  
18 engineer.

19           We will have Nicholas Netta who is  
20 the project architect. We have also submitted  
21 as part of the application a brief traffic report  
22 as part of the original approval of this project  
23 back in 2006.

24           There was, in conjunction with the  
25 hotel that is located across the street, a brand

1 new traffic signal installed at the intersection  
2 which you will see really more than adequately  
3 addresses any potential traffic from this.

4 So we have submit a traffic report.  
5 We have the traffic engineer here to answer  
6 questions if you need to, but I think in your  
7 engineer's review I don't think they identified  
8 any issues with it. And also Craig Cinelli is  
9 here. He is the principal of the company and if  
10 there are any questions with regard to operation  
11 of the business, he is here to answer it. But  
12 in the principle case, we present the two  
13 witnesses, the civil engineer and the architect.

14 We are in receipt of the planning  
15 report from the county office and two actually  
16 reports from the consulting engineer and initial  
17 report. There were some minor revisions made in  
18 response to that so we have an updated report  
19 which we also received.

20 So with that I will call Mr.  
21 Polyniak.

22 (Greg Polyniak, was duly sworn.)

23 MR. CURLEY: State your name and  
24 spell your last name.

25 MR. POLYNIK: Greg Polyniak,

1 P-O-L-Y-N-I-A-K. Neglia Engineering Associates,  
2 34 Park Avenue, Lyndhurst, New Jersey.

3 MR. CURLEY: Thank you.

4 MR. O'CONNOR: Greg, you are a  
5 licensed engineer in the State of New Jersey?

6 MR. POLYNIAK: Yes, I am.

7 MR. O'CONNOR: Have you testified  
8 on numerous occasions before county municipal  
9 boards in this State?

10 MR. POLYNIAK: I most definitely  
11 have and I was previously about five years ago I  
12 was previously qualified by this Board for this  
13 same site or same client at 310 Secaucus Road.

14 MR. O'CONNOR: We will be offering  
15 Mr. Polyniak as a professional engineer.

16 CHAIRMAN CHOFFO: Could I ask you  
17 gentlemen to once again speak into the  
18 microphone.

19 MR. O'CONNOR: Greg, I am going to  
20 ask you first to refer to the aerial that you  
21 have on the Board. That is an exhibit for this  
22 hearing it is not part of the application  
23 package. It is, but it is an aerial photo of  
24 the area and we will mark that as Exhibit A-1.  
25 Could you explain for the Board what that is.

1 MR. POLYNIAK: Sure. The figure  
2 that is before you, the aerial exhibit is  
3 entitled Aerial Site Plan. It is sheet A-P-1.  
4 It is dated July 5th, 2011 and what the aerial  
5 exhibit illustrates in yellow you can see the  
6 proposed site plan which is included within your  
7 drawing submission package and also illustrates  
8 the existing Cinelli 310 site along with the 302  
9 site which is a long strip of property which is  
10 approximately .97 acres and then you have the  
11 site locate at 286 Secaucus Road and that site  
12 along with the other three properties totals 8.14  
13 acres in size.

14 The aerial exhibit again  
15 illustrates the Cinelli 310 property. Through  
16 the acquisition of the other two properties,  
17 Cinelli Iron and Metal intends to build a state  
18 of the art facility which is in conformance with  
19 the New Jersey Meadowlands District requirements  
20 with respect to parking and buffer.

21 When you look at the aerial in the  
22 exhibit that is presented before you today, you  
23 can see that a lot of the requirements that are  
24 set forth within the New Jersey Meadowlands  
25 district aren't satisfied whatsoever.

1           From my understanding from speaking  
2 with the applicant's attorney, there are  
3 approximately ten existing businesses located on  
4 the site that are functioning in some form or  
5 fashion.

6           What we are doing is again cleaning  
7 up the site creating a site with delineating  
8 traffic patterns and creating a site that would  
9 be more aesthetically pleasing when one visits  
10 the site through the implementation of our plan  
11 and I will illustrate it on the landscaping plan.

12           We are planting 76 new trees across  
13 our site and providing 30 new shrubs again to  
14 provide aesthetics to the site so as one travels  
15 by it, you will get something that is visually  
16 pleasing to the neighborhood.

17           MR. O'CONNOR: Could you show us  
18 the site plan.

19           MR. POLYNIAK: Sure. This drawing  
20 is within your package it is entitled Site Plan  
21 Sheet 3.00. It is dated April 20, 2011. But  
22 it has a revision date of July 5th, 2011. And  
23 this plan illustrates the same information that  
24 was presented on the aerial but what it does is  
25 provide some notations of dimensional control

1 with respect to the plan and just to describe and  
2 discuss the particulars again with respect to the  
3 development and what is occurring, the existing  
4 facility at 310 Secaucus Road has an existing  
5 access location off of Secaucus Road. That  
6 access location will remain as is.

7 Other than a new scale truck, a  
8 scale is proposed at the site so it will be a  
9 slight widening of that access to permit Cinelli  
10 to have additional vehicles to utilize the scale  
11 instead of not utilizing the scale as they do  
12 today.

13 The site also illustrates a second  
14 access location which is located on Secaucus  
15 Road. It would be located at the same location  
16 of the 302 Secaucus Road driveway location and  
17 that permits additional vehicles to access the  
18 property at the same location that 302 Secaucus  
19 Road accesses.

20 If you look at the property that is  
21 directly to the south there is an existing drop  
22 curb that is located in close proximity to the  
23 stop part of the intersection. That driveway or  
24 access point which we believe is an unsafe  
25 condition is being closed and eliminated so we

1 cleaned the intersection up with this new  
2 development as part of the site plan and what is  
3 occurring on site is a proposed building,  
4 proposed with a small second story which is  
5 33,875 feet in size which gives a total gross  
6 floor area of the buildings 24,095 square feet in  
7 size. The development contains 43 parking spaces  
8 which exceeds the actual requirement of New  
9 Jersey Meadowlands district which is 36 parking  
10 spaces.

11 We have created through the  
12 development a 17-space parking lot located along  
13 the frontage of the building and then the  
14 remainder of the parking spaces other than 180  
15 spots adjacent to the existing building will be  
16 located to the rear of the property.

17 The site has been -- the buildings  
18 have been situated and also the driveways have  
19 been situated and the operations of the facility  
20 has been designed so that vehicular traffic will  
21 remain on the outside in the perimeter of the  
22 development and then would exit and access an  
23 utilize the existing driveways or propose  
24 driveways to exit the site. And the remainder  
25 of the site would function as it does today.

1                   We maintain or create a substantial  
2                   landscape buffer along the Secaucus Road frontage  
3                   as a previously discussed that will be planted  
4                   with trees and the mini-mall of five foot  
5                   landscaping buffers provided at the southern  
6                   boundary line.     These would contain new trees.

7                   With respect to lighting on the  
8                   subject property, the lighting has been designed  
9                   so that no light spillage occurs on to the county  
10                  right of way or to adjoining properties and we  
11                  have also provided within the submission package  
12                  a grading and drainage plan storm water managing  
13                  report.     That storm water management report will  
14                  provide itself an underground storm waer ground  
15                  which meets the State's requirements for water  
16                  quantity with the reductions that are provided by  
17                  the State requirements and then we are also  
18                  proposing, it is a jellyfish system which is a  
19                  system that removes total suspended solids and  
20                  oils as they are discharged from the site again  
21                  to meet DEP requirements.

22                  MR. O'CONNOR:   Greg, I mentioned  
23                  you had received a letter from the consulting  
24                  engineer and you had made some revisions to the  
25                  plan and resubmitted that at least to the

1 consulting engineer.

2           Could you just describe for us  
3 those minor changes to the plans or those details  
4 to the plan. And this again is a revision of  
5 the plan that is in the package, so could we mark  
6 this perhaps as Exhibit A-2 and describe it.

7           (Exhibit so marked A-2.)

8           MR. POLYNIAK: Sure. This is the  
9 grading and drainage plan which is sheet 4.00  
10 within your package. This is a revised plan.  
11 It is dated April 20, 2011. It is revised  
12 through July 14, 2011.

13           Mr. Ramon of TY Lin had issued a  
14 review letter with respect to some of the items  
15 on the drain and grading plan and through our  
16 revised plan submission I believe we have  
17 addressed Mr. Ramon's comments as he issued a  
18 second review letter that states those items have  
19 been addressed to his satisfaction. One which  
20 addresses the discussion of lighting, some of the  
21 existing, so the drawings can be more visible to  
22 be reviewed. We accomplished 45 and submitted  
23 revised plans accordingly and Mr. Ramon stated  
24 that that is acceptable.

25           Another discusses providing tree

1 notes and details with respect to the landscaping  
2 plan and construction details as it relates to  
3 saving plantings across the site.

4 That has been added the to the plan  
5 to Mr. Ramon's satisfaction and belief. All  
6 structures shall be certified to H20 loading  
7 which is a tractor trailer accessing the site.  
8 We made that certification and Mr. Ramon stated  
9 that in his revised review letter.

10 There were some other items with  
11 respect to drainage and the labeling of some of  
12 the pipe systems and with respect to the outlet  
13 control structure which is a discharging  
14 structure which allows us to meet that water  
15 quality standard which I previously discussed.  
16 Those were typographical errors and we revised  
17 that according to I believe Mr. Ramon's  
18 satisfaction, but I don't want to speak to Mr.  
19 Ramon. He might want to add that.

20 MR. O'CONNOR: I think you just  
21 did.

22 MR. POLYNIAK: I know.

23 MR. O'CONNOR: Would you tell us  
24 what the drainage system on this plan is and  
25 could you show us how that works.

1 MR. POLYNIAK: Sure.

2 We have installed numerous catch  
3 basins across the site to capture storm water  
4 runoff prior to it reaching any of the county  
5 roadway systems and prior to the flowing, sheet  
6 flowing into the Penhorn Creek. The catch  
7 basins capture the runoff and direct it to a  
8 fairly substantial storm water management system.  
9 When you look at the size of the building which I  
10 mentioned was about 21,000 square feet or 20,000  
11 square feet, this size, and you look at the  
12 detention system you can see it is almost the  
13 same size of the building and it could fit within  
14 that building. The water then is captured,  
15 stored, and it is slowly released per the DEP  
16 requirements with all of the reductions as  
17 required by the standards.

18 As it is released, the water  
19 quality storm flow would flow through a jelly  
20 fish system which meets the 20 percent reductions  
21 with respect to sediments being discharged and it  
22 will pull out any of the oils across the site.  
23 It is then discharged to an existing out flow  
24 which is located in close proximity to the  
25 Penhorn Creek so the same drainage patterns are

1 maintained but as we can see a fairly substantial  
2 storm water management system is proposed which,  
3 when prepared to the existing conditions and  
4 flowing that generated from the site, are  
5 reduced.

6 MR. O'CONNOR: That is all the  
7 questions I have of Mr. Polyniak.

8 CHAIRMAN CHOFFO: Was the applicant  
9 back when you were in front of us four years ago  
10 --

11 MR. O'CONNER: Five years ago.

12 CHAIRMAN CHOFFO: Was your  
13 applicant asked to contribute to the Penhorn  
14 Creek pumping station?

15 MR. O'CONNOR: There was a  
16 contribution made at the time of the first  
17 application which would have been for the  
18 original lot.

19 CHAIRMAN CHOFFO: So your applicant  
20 did contribute?

21 MR. O'CONNOR: Yes.

22 CHAIRMAN CHOFFO: Any questions?

23 COMMISSIONER ARENCIBIA: Mr.  
24 Chairman, there was a smaller size lot and they  
25 are expanding so I think the contribution would

1 need to be adjusted for the additional coverage.

2 MR. O'CONNOR: Could you just maybe  
3 for the record -- and we did take a look at this  
4 because we did have communication with the  
5 engineer earlier, did you do a calculation with  
6 the increase in impervious system from what is in  
7 there now?

8 CHAIRMAN CHOFFO: Please speak into  
9 the microphone.

10 MR. POLYNIAK: When you look at the  
11 overall site at the proposed impervious that is  
12 proposed with this new application it is  
13 approximately 17,000 square feet in area with  
14 respect to new impervious area. We are looking  
15 at the three lots as a whole.

16 MR. O'CONNOR: So it is our  
17 understanding if there would be an additional  
18 contribution required it would be based on that  
19 increased impervious surface?

20 COMMISSIONER ARENCIBIA: That is  
21 correct. Based on the impervious surface.

22 MR. O'CONNOR: All right.

23 COMMISSIONER ARENCIBIA: We could  
24 make that as a condition, whatever that comes out  
25 to be in additional funds. It is still a

1 contribution.

2 MS. MASSEY: Mr. Chairman, it is  
3 based on the two new lots they are acquiring and  
4 the impervious coverage. The calculation is  
5 \$5,000 per one acre of impervious coverage.

6 MR. O'CONNOR: So that would be  
7 what is 17,000 out of 3,000.

8 MR. POLYNIAK: It is about a third  
9 of an acre.

10 CHAIRMAN CHOFFO: And your  
11 applicant is okay with that?

12 MR. O'CONNOR: Yes.

13 CHAIRMAN CHOFFO: I think I recall  
14 your applicant was one of the first people to  
15 agree to the contribution in that scenario.

16 MR. O'CONNOR: That is probably the  
17 case. I have seen other ones that have agreed  
18 as well.

19 COMMISSIONER FITZGIBBONS: Do you  
20 have any questions for the applicant, Mr. Ramon?

21 MR. RAMON: We have completed the  
22 review and they answered all the questions. We  
23 had them revise the plan they submitted the  
24 plans.

25 Brian and I reviewed the revised

1 plans and there are no more comments.

2 CHAIRMAN CHOFFO: They agreed to  
3 everything?

4 MR. RAMON: Yes, everything  
5 including the addition to the Penhorn Creek.

6 COMMISSIONER ARENCIBIA: Mr.  
7 Chairman, my memory is not that good, but 2005 I  
8 remember Mr. Cinelli came and testified that --  
9 this is a metal recycling facility and there was  
10 another facility in Hackensack that was larger.

11 MR. O'CONNOR: They have another  
12 facility in Hackensack.

13 COMMISSIONER ARENCIBIA: And this  
14 was smaller but I gather business must be good in  
15 the metal recycling business, they are expanding  
16 in Secaucus, and how much -- the other issue was  
17 truck traffic, there are all trucks that are  
18 coming in.

19 Can you talk a little bit about the  
20 amount of trucks that you are expecting here, how  
21 much of a difference it is and how does this site  
22 compare to the site in Hackensack.

23 MR. O'CONNOR: I can have Mr.  
24 Cinelli sworn and he can describe the operation  
25 and the trucks if you would like, if that is

1 helpful.

2 MR. CINELLI: Hello, how are you.

3 MR. CURLEY: Mr. Cinelli, you have  
4 to be sworn.

5 (Craig Cinelli, was duly sworn.)

6 MR. CURLEY: Please state your name  
7 and spell your name.

8 MR. CINELLI: Craig Cinelli,  
9 C-I-N-E-L-L-I.

10 MR. O'CONNOR: So Craig, I think  
11 the chief engineer was asking at this location  
12 what do you see as the expansion and maybe what  
13 do you see as an increase or relative truck  
14 traffic to what you have now.

15 MR. CINELLI: The Hackensack  
16 facility that we own has nothing really to do  
17 with the Secaucus facility. The Secaucus  
18 facility that exists now is going to be expanded  
19 and the trucks that are now waiting to get in off  
20 the street and get into the yard will now have  
21 the accessibility because the large -- the yard  
22 will be larger.

23 There will be actually two scales  
24 now so when a truck comes into the yard it does  
25 not have to wait for an outbound lane to get out

1 because there will be two scales, so if you are  
2 asking if the expansion is an expansion of  
3 Hackensack, no, it is actually of Secaucus  
4 itself.

5 COMMISSIONER ARENCIBIA: How many  
6 trucks -- or if it is going to generate more, was  
7 that in the traffic study?

8 MR. O'CONNOR: There was a traffic  
9 study done and we have the traffic engineer who  
10 can testify but, Craig, just off the top of your  
11 head.

12 MR. CINELLI: I am here before you  
13 telling you I don't think it is going to increase  
14 more trucks into the yard. If anything it is  
15 going to alleviate the congestion of the existing  
16 trucks getting into the yard.

17 COMMISSIONER ARENCIBIA: So right  
18 now I see them waiting on the road so that is  
19 going to alleviate?

20 MR. CINELLI: Yes, it is going to  
21 alleviate my overtime.

22 COMMISSIONER ARENCIBIA: So it is  
23 not affecting the amount of truck traffic on the  
24 road?

25 MR. CINELLI: No.

1                   COMMISSIONER ARENCIBIA: All right.  
2 Do you have any question?

3                   MR. RAMON: No. But I want to add  
4 I believe what they are doing is actually  
5 improving the circulation of traffic within the  
6 property access ingress and egress by expanding  
7 the facility but the amount of traffic that is  
8 generated is probably insignificant to the  
9 capacity of the intersection.

10                  CHAIRMAN CHOFFO: To the capacity  
11 of what?

12                  MR. RAMON: Of the intersection.  
13 Don't forget this is a new traffic signal that  
14 has been designed taking into account all this  
15 traffic that is generated in this facility.

16                  CHAIRMAN CHOFFO: Mr. Cinelli, off  
17 the top your head, in your peak hours of  
18 operation how many hours were cuing?

19                  MR. CINELLI: Let's say in an hour?

20                  CHAIRMAN CHOFFO: Yes. Along the  
21 street.

22                  MR. CINELLI: Five.

23                  CHAIRMAN CHOFFO: So this should  
24 alleviate this?

25                  MR. CINELLI: Absolutely.

1 Absolutely.

2 CHAIRMAN CHOFFO: I have another  
3 question. Mr. O'Connor, hopefully you got a  
4 copy of Mario Tridente's letter.

5 MR. TRIDENTE: No, he hasn't.

6 CHAIRMAN CHOFFO: What happened?

7 MR. TRIDENTE: I was going to bring  
8 it to the attention of the Board.

9 Mr. Cinelli, when you have visitors  
10 visiting your site where do they normally park?  
11 On the sidewalk or in the street or is there a  
12 designated area?

13 MR. CINELLI: A little bit of both.  
14 Not on the sidewalk.

15 MR. TRIDENTE: On the street.

16 MR. CINELLI: Yes, and we do have  
17 parking.

18 MR. TRIDENTE: In front of the new  
19 site do you propose new sidewalks along that  
20 area?

21 MR. POLYNIAK: There are no new  
22 sidewalks. There is a green area that is  
23 maintained or reconstructed similar to what  
24 exists today along the Secaucus Road.

25 When you enter into the

1 southernmost driveway there is a parking lot  
2 which will be located there which will have 17  
3 parking spaces. In front of the building there  
4 will be a walkway leading to the lobby but there  
5 is no sidewalk proposed within the county  
6 right-of-way.

7 MR. TRIDENTE: So coming down from  
8 the east coming down Secaucus Road from the main  
9 intersection there is a finished sidewalk in  
10 front of the other properties. How are they  
11 going to terminate, your adjacent property?

12 MR. POLYNIAK: There is an existing  
13 sidewalk or plaza located in front of the  
14 property. That is to remain as is. We are not  
15 touching this with respect to what is occurring  
16 on the front of the property.

17 On our property, if I could go to  
18 our landscape plan, it illustrates nothing within  
19 the county right-of-way being touched with  
20 respect to the plaza or any of the sidewalk  
21 areas.

22 MR. TRIDENTE: But there is an  
23 existing sidewalk?

24 MR. POLYNIAK: Yes. Front property  
25 line, the remainder will be green with the new

1 tree plantings in one.

2 MR. TRIDENTE: What I am getting  
3 at, Mr. Cinelli maintains an impeccable lawn so I  
4 noticed people walking in the street to get to  
5 the vehicles parked in the sidewalk.

6 Would he be opposed to continue the  
7 sidewalks down along the frontage in front of the  
8 old site so that way people coming out of the  
9 site are not walking into the street to get to  
10 their vehicles that are visiting the site?

11 MR. CINELLI: I think there is  
12 going to be ample parking where there will not be  
13 people walking over. I think they will be  
14 inside the parking facility rather than having to  
15 park on the street.

16 MR. POLYNIAK: I could speak to the  
17 fact we have on the site, I believe it is 43  
18 parking spaces, 36 required by code. The 43  
19 parking spaces are striped.

20 If I go back to the site plan  
21 drawing sheet, seventeen of them are striped  
22 along the building and so you can access it and  
23 access the building. Remainder are 25 and are  
24 located to the rear of the property for people  
25 located there. 17 parking spaces are located

1 along the frontage of the site along the 286 lot.  
2 There would be an additional 25 parking spaces  
3 located to the rear of the 302 and 310 lot and  
4 then there would be one handicapped accessible or  
5 ADA accessible, the spot located adjacent to the  
6 existing building this is 43 parking spaces.

7 The NJMDC requires more, so we  
8 added extra to take some of the cars -- I think  
9 you have seen on the roadway -- and put them in  
10 our site so we open up.

11 MR. TRIDENTE: There is a  
12 designated area for visitor parking.

13 MR. POLYNIAK: There would be a  
14 designated area. I am sure Cinelli wouldn't  
15 occupy all of them in front because if they had  
16 vendors or clients in the site they would want to  
17 be located closer to the office so they could  
18 visit the offices.

19 Certainly we would like to add -- a  
20 lot of cars you see on the street are the DPW.  
21 The cars, they don't park their vehicles inside  
22 their property, they park on the street.

23 MR. TRIDENTE: So that brings us  
24 back providing a safe pedestrian passageway in  
25 front of the property.

1                   COMMISSIONER ARENCIBIA: Mr.  
2 Chairman, I agree with Mr. Tridente about the  
3 applicant providing a sidewalk, curb and  
4 sidewalk. There is none now, it looks like there  
5 was some sidewalks there.

6                   MR. TRIDENTE: In front of the new  
7 proposed site there is an existing sidewalk.  
8 Unfortunately they are older. Where the  
9 beautiful lawn is there isn't a sidewalk so  
10 people have the choice of walking in the street  
11 or walking on his grass.

12                  MR. O'CONNOR: He doesn't have a  
13 problem putting a sidewalk in if you would like  
14 to see that.

15                  COMMISSIONER ARENCIBIA: A  
16 seven-foot wide sidewalk from the curb as long as  
17 it does meet up with the existing and you have  
18 the handicapped ramps, whatever needs to get  
19 done.

20                  MR. O'CONNOR: We will have to work  
21 out some details because the engineering is  
22 pointing out there is not sufficient right-of-way  
23 to put the sidewalk in so some of the sidewalk  
24 may have to be on the private property.

25                  COMMISSIONER ARENCIBIA: That is

1 your right-of-way.

2 MR. O'CONNOR: We can work that  
3 out.

4 MR. TRIDENTE: That is all I have.

5 CHAIRMAN CHOFFO: Megan, did the  
6 applicant meet all our green techniques?

7 MS. MASSEY: The applicants  
8 addressed all the green techniques. I just  
9 wanted to read them into the record. The  
10 applicant is proposing strategy No. 4,  
11 redevelopment. Strategy 6 riparian buffer.  
12 Strategy 7, 17 on-lot treatment.

13 CHAIRMAN CHOFFO: Any other  
14 questions?

15 COMMISSIONER HOLLOWAY: I got one  
16 question.

17 CHAIRMAN CHOFFO: Yes.

18 COMMISSIONER HOLLOWAY: Just for  
19 the record, your project has nothing to do with  
20 the sanitation property, does it?

21 MR. CINELLI: Nothing.

22 COMMISSIONER HOLLOWAY: The  
23 property you are purchasing is abutting against  
24 that, correct?

25 MR. CINELLI: Correct.

1 COMMISSIONER HOLLOWAY: Thank you.

2 CHAIRMAN CHOFFO: Actually I have  
3 another question. You said one property has  
4 been purchased but you are in the process of  
5 purchasing another one.

6 MR. CINELLI: Yes.

7 CHAIRMAN CHOFFO: What happens if  
8 that purchase doesn't go through?

9 MR. O'CONNOR: We won't build the  
10 facility but the seller is very anxious to sell  
11 and Mr. Cinelli is very anxious to purchase it to  
12 expand his facility and the closing is going to  
13 be in a couple of weeks so it is all going to  
14 happen. We have been through all of the  
15 conditions.

16 MR. CINELLI: They were very  
17 amicable all the way. We only have two or three  
18 more weeks to go.

19 COMMISSIONER FITZGIBBONS: Does the  
20 DPW site have a sidewalk?

21 MR. CINELLI: I don't think so.

22 MR. POLYNIAK: The only sidewalk  
23 that is located along Secaucus Road is that plaza  
24 that is located along the front of the existing  
25 property where that 286 property is.

1 COMMISSIONER BETTINGER: Mr.  
2 Chairman.

3 CHAIRMAN CHOFFO: Yes.

4 COMMISSIONER BETTINGER: The photos  
5 the commissioners received, Mr. Tridente, is that  
6 a private home?

7 MR. TRIDENTE: That is a private  
8 home adjacent to the property, yes. One is  
9 being demolished but the other one is the  
10 adjacent property.

11 COMMISSIONER BETTINGER: The  
12 owners, they are aware of this expansion?

13 MR. CINELLI: The owners of the  
14 house are the sellers of the property and the  
15 house is -- I don't know what the picture  
16 portrays, but it will do the area justice if they  
17 come down and I don't know if you have gotten a  
18 chance to see the building we are building yet on  
19 the board.

20 MR. O'CONNOR: Yes. If you want  
21 to take three minutes we can just show you the  
22 elevation of the building and that would be fine.

23 CHAIRMAN CHOFFO: Yes.

24 MR. O'CONNOR: Mr. Netta is the  
25 project architect.

1 (Michael Netta, was duly sworn.)

2 MR. CURLEY: State your name and  
3 spell it for the record.

4 MR. NETTA: N-E-T-T-A, Nicholas J.  
5 Netta, 25 Route 22 East, Springfield, New Jersey.

6 MR. O'CONNOR: Mr. Netta, are you a  
7 license architect in the State of New Jersey?

8 MR. NETTA: Yes, I am.

9 MR. O'CONNOR: You testified before  
10 various boards in the State, as well?

11 MR. NETTA: I have testified for  
12 boards throughout the State of New Jersey.

13 MR. O'CONNOR: And you are the  
14 architect of record on the project?

15 MR. NETTA: Yes, I am.

16 MR. O'CONNOR: So we are offering  
17 Mr. Netta as a professional architect.

18 Could you just briefly describe for  
19 us the rendering of the building.

20 MR. NETTA: Sure.

21 CHAIRMAN CHOFFO: Either speak loud  
22 or speak into the microphone.

23 MR. NETTA: I will speak loud. We  
24 will walk you through quickly the floor plans and  
25 we will get to the elevation of the building.

1           As Mr. Polyniak testified, the  
2 proposed structure is a 25,000 thousand square  
3 foot, two-story building.

4           The largest of the floors is the  
5 lower left or ground floor. That contains three  
6 particular segments. There is the main  
7 processing area which is where precious metals  
8 are processed and loaded into a bailer and moved  
9 out to different facilities.

10          There is the truck repair block,  
11 there is an office block and then there is a  
12 separate little appendage which is the floor  
13 trade section of the building.

14          The second floor of the building  
15 will contain the corporate offices. It is a  
16 multi-use facility. It is being designed as a  
17 corporate office building for the Cinelli's where  
18 most of their clients will come for meetings and  
19 such, so I know one of the questions was raised  
20 parking and walking out on the street.

21          The majority of the meetings that  
22 happen at either of these sites will happen at  
23 this particular location and visitors will park  
24 directly in front of the building and access into  
25 the structure. Getting to the elevations which

1 become I guess the biggest impact of the  
2 building, we were specifically instructed by the  
3 client to design a building which is not  
4 depicting the use, but actually lends itself to  
5 be an office building, office-park-type  
6 structure, so what we did, this is the street  
7 view of the building, it is designed to depict a  
8 two-story office space. This area right here is  
9 the big processing facility.

10 Again that is screened to hide the  
11 use behind it and give it an office building-type  
12 field. We are using very high end materials,  
13 brick masonry panels make the building pop as the  
14 Cinelli corporate headquarters.

15 If you have any questions regarding  
16 the building layout or where the design of the  
17 structure --

18 MR. O'CONNOR: Just for the record,  
19 that one, the third exhibit, that is not part of  
20 the exhibit.

21 MR. NETTA: That is not part of  
22 your plan set. We should mark this as A-3.

23 CHAIRMAN CHOFFO: Nice looking  
24 building.

25 MR. CINELLI: Thank you. I have a

1 good architect.

2 CHAIRMAN CHOFFO: Questions? Do I  
3 have a motion?

4 COMMISSIONER BETTINGER: I will  
5 make a motion. It is a beautiful project it  
6 looks like it is going to be a great improvement  
7 to the area.

8 MR. CINELLI: Thank you.

9 COMMISSIONER HOLLOWAY: I second  
10 it.

11 MS. CIAMMARUCONI: On a motion to  
12 approve application 2011-050-SP made by  
13 Commissioner Bettinger, seconded by Commissioner  
14 Holloway, Commissioner Arencibia?

15 COMMISSIONER ARENCIBIA: Aye with  
16 the conditions earlier stated.

17 MS. CIAMMARUCONI: Commissioner  
18 Avagliano?

19 COMMISSIONER AVAGLIANO: Aye.

20 CHAIRMAN CHOFFO: Commissioner  
21 Bettinger?

22 COMMISSIONER BETTINGER: Aye.

23 MS. CIAMMARUCONI: Commissioner  
24 DiDomenico?

25 COMMISSIONER DiDOMENICO: Aye.

1 MS. CIAMMARUCONI: Commissioner  
2 Fitzgibbons?

3 COMMISSIONER FITZGIBBONS: Aye.

4 MS. CIAMMARUCONI: Commissioner  
5 Holloway?

6 COMMISSIONER HOLLOWAY: Just for  
7 the record it is a really nice building. I know  
8 the area. Maybe some of your neighbors will  
9 follow your lead.

10 I vote aye.

11 MS. CIAMMARUCONI: Commissioner Ng?

12 COMMISSIONER NG: Aye.

13 MS. CIAMMARUCONI: I am sorry,  
14 Commissioner Mehta?

15 COMMISSIONER MEHTA: Aye.

16 MS. CIAMMARUCONI: Chairman Choffo.

17 CHAIRMAN CHOFFO: I vote aye.

18 MS. CIAMMARUCONI: The motion  
19 passes.

20 CHAIRMAN CHOFFO: Good luck.

21 (Pause.)

22 CHAIRMAN CHOFFO: Next application.

23 MS. CIAMMARUCONI: The next  
24 application on the agenda is application  
25 2011-056-SP, Nastasi Architects located at 816

1 Garden Street, Block 183, Lots 27 and 28 in  
2 Hoboken.

3 CHAIRMAN CHOFFO: Before you start,  
4 just make sure you speak into the microphone and  
5 whoever your witnesses are also ask them to speak  
6 into your microphone. We have some background  
7 noise up here so it is difficult for us to hear.  
8 Proceed.

9 MR. NASTASI: My name is John  
10 Nastasi and I am an architect in Hoboken, New  
11 Jersey and I am here for the Scarpa residents  
12 which is 816-818 Garden Street in Hoboken, New  
13 Jersey.

14 We are here as an application  
15 because we are modifying the front yard of this  
16 single-family residence.

17 CHAIRMAN CHOFFO: Before you go any  
18 further, is there an attorney?

19 (John Nastasi, was duly sworn.)

20 MR. CURLEY: Could you restate your  
21 name and spell your last name.

22 MR. NASTASI, Nastasi, John Nastasi.  
23 N-A-S-T-A-S-I.

24 CHAIRMAN CHOFFO: Thank you, John.  
25 Can you reiterate your credentials please for the

1 Board.

2 MR. NASTASI: I am a licensed  
3 architect in the State of New Jersey. My office  
4 is in Hoboken for the past 21 years and I have a  
5 masters in design from Harvard.

6 CHAIRMAN CHOFFO: You can proceed.

7 MR. NASTASI: Our application is  
8 for a franchise agreement with Hudson County  
9 because we are currently working on a  
10 single-family house on Garden Street in Hoboken,  
11 New Jersey and Garden Street, as you know, is a  
12 county road and we are proposing to modify the  
13 front yard of this residence and the front yard  
14 of this residence that is on county property.

15 Shall I go into detail?

16 CHAIRMAN CHOFFO: Please.

17 MR. NASTASI: I will step away from  
18 the mike and I assure you, you will be able to  
19 hear me.

20 This is a rendering of the front of  
21 the house at 816-818 Garden.

22 My clients are combining two  
23 14-foot residences in Hoboken into one house and  
24 as part of the combination of the two houses, we  
25 have to alter the front door, the front gate, the

1 front steps and plant a tree on the sidewalk and  
2 all of that work is beyond the property line in  
3 Hoboken which is normally on city property but  
4 because it is Garden Street it is a county road  
5 and our application essentially requests  
6 permission to enter into an agreement to do this  
7 work.

8 COMMISSIONER ARENCIBIA: Mr.  
9 Chairman?

10 CHAIRMAN CHOFFO: Yes.

11 COMMISSIONER ARENCIBIA: The owner  
12 of the building currently has -- is protruded  
13 with the fence into the sidewalk currently.

14 MR. NASTASI: Yes. Just about all  
15 the houses in Hoboken have their front property  
16 line on the face of the brownstone so all front  
17 yards in Hoboken, fences, gardens, steps, are on  
18 city property and this fence does already exist.

19 COMMISSIONER ARENCIBIA: Okay. So  
20 it is currently in the county's right-of-way and  
21 could you just go through what the changes are to  
22 what you currently have to what you are  
23 proposing.

24 MR. NASTASI: Yes, I will.

25 On Page 8, 2.1 of the drawings I

1 submitted you will see the proposed first floor  
2 plan and in this proposed first-floor plan it  
3 shows four distinct things and in order, is the  
4 reconstruction of the light well to provide light  
5 into the basement of 818.

6 The reconfiguration of the steps to  
7 get into the front door, the reconfiguration of  
8 the fence to produce one gate to enter the  
9 property as opposed to two and then the planting  
10 of a tree on the sidewalk as required by the  
11 county.

12 CHAIRMAN CHOFFO: What is the width  
13 of this property, 28 feet?

14 MR. NASTASI: Yes, each residence,  
15 816 and 818, if we look at the survey, the  
16 combined two houses is 29.33 feet.

17 CHAIRMAN CHOFFO: Combined. Okay.  
18 Do you have a question, Commissioner?

19 COMMISSIONER FITZGIBBONS: Yes.  
20 Is there going to be -- is there a basement, sub  
21 basement like not a cellar, but you walk down  
22 like the lower level?

23 MR. NASTASI: Yes, there is an  
24 existing basement in the house that you enter  
25 from within inside the residence.

1                   COMMISSIONER FITZGIBBONS: That  
2 will still be there?

3                   MR. NASTASI: Yes.

4                   CHAIRMAN CHOFFO: Yes.

5                   COMMISSIONER FITZGIBBONS: And the  
6 two units as combined were bought by separate  
7 owners?

8                   MR. NASTASI: My client already  
9 lives in 816 and recently purchased 818 and is  
10 now expanding.

11                   COMMISSIONER FITZGIBBONS: How many  
12 units were in both of them?

13                   MR. NASTASI: It was two  
14 single-family houses and now a combined one  
15 single-family house.

16                   COMMISSIONER FITZGIBBONS: So there  
17 are two separate lots, right?

18                   MR. NASTASI: Yes.

19                   CHAIRMAN CHOFFO: Demetrio.

20                   COMMISSIONER ARENCIBIA: I see from  
21 the drawings it is ten feet four inches from the  
22 facade and the fence protrudes from the facade.  
23 Is that the current distance?

24                   MR. NASTASI: Yes, that is the  
25 existing of the whole street and that dimension

1 will stay exactly the same.

2 COMMISSIONER FITZGIBBONS: Excuse  
3 me. So you will -- what you are doing is making  
4 it a one-family use? Instead of two yards it is  
5 going to be one?

6 MR. NASTASI: Instead of two doors,  
7 one door.

8 COMMISSIONER FITZGIBBONS: Still  
9 the same length along the rest of the street?

10 MR. NASTASI: Yes.

11 COMMISSIONER FITZGIBBONS: I am  
12 very familiar with Hoboken.

13 MR. NASTASI: I am sure you are.  
14 I see you around there.

15 CHAIRMAN CHOFFO: Don't go there,  
16 John.

17 COMMISSIONER NG: How the utility  
18 will be come behind the same or are you going to  
19 combine the gas?

20 MR. NASTASI: Yes, we are required  
21 by construction codes to combine the electric  
22 service, combine the gas, combine the water, so  
23 it will be one set of utilities for the home  
24 behind residence.

25 COMMISSIONER NG: So it will be one

1 water?

2 MR. NASTASI: There will be  
3 multiple furnaces but one gas service, one water  
4 service, one electric service.

5 COMMISSIONER NG: And the number of  
6 the house will remain the same or it will be like  
7 2-B or 2-C.

8 MR. NASTASI: My client has lived  
9 at 816 for some time so they will keep their  
10 address at 816 and just combine. So the address  
11 will stay at 816.

12 COMMISSIONER BETTINGER: Mr.  
13 Chairman.

14 CHAIRMAN CHOFFO: Yes.

15 COMMISSIONER BETTINGER: Has this  
16 been approved by Hoboken?

17 MR. NASTASI: It was combined by  
18 Hoboken. We have construction permits for the  
19 interior work but the only thing that has not  
20 been approved is the county easement.

21 COMMISSIONER FITZGIBBONS: How do  
22 you know to come here for the approval?

23 MR. NASTASI: Through the zoning  
24 officer.

25 COMMISSIONER FITZGIBBONS: Good.

1 Usually they don't tell their clients and we have  
2 to go after the people.

3 COMMISSIONER MEHTA: They are  
4 improving.

5 CHAIRMAN CHOFFO: Megan.

6 MS. MASSEY: In order to move  
7 forward with the franchise agreement, the  
8 applicant has to submit a metes and bounds  
9 description as well as a signed and sealed survey  
10 so we can submit it to the Law Department for an  
11 appraisal.

12 CHAIRMAN CHOFFO: Are you okay with  
13 that, John?

14 MR. NETTA: I am okay with it.

15 CHAIRMAN CHOFFO: Is your client  
16 okay with it?

17 MR. NETTA: Yes.

18 COMMISSIONER BETTINGER: Are there  
19 any trees involved?

20 MR. NASTASI: Yes. We are  
21 required and we are planting a new tree in front  
22 of the 818 residence to make the street much  
23 nicer.

24 COMMISSIONER NG: What kind of tree  
25 it will be?

1 MR. NASTASI: I may have to ask  
2 somebody from my office that question.

3 (Pause.)

4 MR. NASTASI: We don't have the  
5 species of the tree.

6 COMMISSIONER NG: The reason for my  
7 question is we plant a lot of trees in my city,  
8 Union City, and we have to make sure that the  
9 tree grow inside not to spread and break the  
10 sidewalk.

11 MR. NASTASI: Well, I think as part  
12 of this requirement we will make sure that we  
13 hire the right person to specify the tree and  
14 plant it properly.

15 COMMISSIONER NG: Usually the one  
16 that spread out the sidewalk is cheaper than the  
17 other one but at the end it will be more  
18 expensive to fix the sidewalk three years after.

19 COMMISSIONER ARENCIBIA: Mr.  
20 Chairman, when you have the plans finalized you  
21 need to come to county engineer's office for a  
22 permit for the road opening for the work that you  
23 do in the county right-of-way. I guess you are  
24 doing a new curb and sidewalk as part the  
25 sidewalk.

1 MR. TRIDENTE: The curbs and  
2 sidewalks were in serviceable condition.

3 COMMISSIONER ARENCIBIA: You said  
4 you were doing utility service, openings, so you  
5 need to still come to our office for a permit.

6 MR. NASTASI: Our plumber will deal  
7 with that.

8 COMMISSIONER NG: Also the trees,  
9 you will have to break the sidewalk.

10 COMMISSIONER FITZGIBBONS: I  
11 believe you have to notify the city also when you  
12 plant a tree.

13 MR. NASTASI: Yes.

14 COMMISSIONER FITZGIBBONS: The  
15 shade tree commission. A new commission, the  
16 shade tree commission.

17 MS. MASSEY: Mr. Chairman.

18 CHAIRMAN CHOFFO: Yes.

19 MS. MASSEY: The applicant has to  
20 comply with the land development affiliations. I  
21 have it in my comment, native urban tolerant with  
22 a three and a half inch caliper and a two-year  
23 guarantee.

24 CHAIRMAN CHOFFO: You get that  
25 letter, John?

1 MR. NASTASI: Yes, we have that on  
2 file.

3 CHAIRMAN CHOFFO: Any other  
4 questions?

5 COMMISSIONER BETTINGER: Mr.  
6 Chairman, I will make a motion to approve.

7 COMMISSIONER DiDOMENICO: I will  
8 second.

9 MS. CIAMMARUCONI: On a motion to  
10 approve application 2011-056-SP, with a motion  
11 made by Commissioner Bettinger and seconded by  
12 Commissioner DiDomenico, Commissioner Arencibia?

13 COMMISSIONER ARENCIBIA: Aye.

14 MS. CIAMMARUCONI: Commissioner  
15 Avagliano?

16 COMMISSIONER AVAGLIANO: Aye.

17 MS. CIAMMARUCONI: Commissioner  
18 Bettinger?.

19 COMMISSIONER BETTINGER: Aye.

20 MS. CIAMMARUCONI: Commissioner  
21 DiDomenico?

22 COMMISSIONER DiDOMENICO: Aye.

23 MS. CIAMMARUCONI: Commissioner  
24 Fitzgibbons?

25 COMMISSIONER FITZGIBBONS: Aye.

1 MS. CIAMMARUCONI: Commissioner  
2 Holloway?

3 CHAIRMAN CHOFFO: He excused  
4 himself.

5 MS. CIAMMARUCONI: Commissioner  
6 Mehta?

7 COMMISSIONER MEHTA: Aye.

8 MS. CIAMMARUCONI: Commissioner Ng?

9 COMMISSIONER NG: Aye.

10 MS. CIAMMARUCONI: Chairman Choffo.

11 CHAIRMAN CHOFFO: I vote aye.

12 MS. CIAMMARUCONI: The motion  
13 passed.

14 MR. NASTASI: Thank you very much.

15 MS. CIAMMARUCONI: The next item on  
16 the agenda is application 2010-082-SP, Applevue,  
17 LLC, located at 7009-7101 River Road, Block 361  
18 Lots 1 through 3 and 5.01 in North Bergen.

19 MR. ALAMPI: Thank you very much.  
20 My name is Carmine Alampi, A-L-A-M-P-I. I am the  
21 attorney of Applevue, LLC, the owner of the  
22 property located at River Road in North Bergen.

23 This is an application that  
24 recently was approved in the Township of North  
25 Bergen for a construction of a 59 unit mid-rise

1 residential building.

2           We have filed the application with  
3 the County Planning Board back in late November.  
4 Our first submissions of plans were November of  
5 2010 -- our first submission of plans was in  
6 December, December 2nd, 2010 and since that time  
7 our development team has been working with the  
8 Board and the technical staff, the planning  
9 division and the engineering division and with  
10 various department heads at the county planning  
11 level at various work sessions. We appeared at  
12 meetings in January, in -- I believe in February,  
13 our engineer appeared and I attended to the  
14 meetings in March and April.

15           This application was being  
16 critiqued and reviewed. Some recommendations  
17 were made to us by the technical staff, some  
18 reviewing comments were made. We embraced each  
19 and every one of the comments. We analyzed how  
20 we could improve on the plans based upon that  
21 analysis and these plans have evolved to the set  
22 of plans that were resubmitted in April, 2011.  
23 We have received beyond the comment review  
24 letters.

25           We received a July 11th comment

1 review letter deeming the application complete  
2 and it was a letter, a three-page correspondence  
3 authored by Megan Massey. I know it was  
4 circulated to all parties.

5 I do want to note that we have  
6 received notification from a fellow attorney Mr.  
7 Lamb. He is in the audience. I am sure he will  
8 make his appearance on behalf of his client and  
9 we made every effort to provide copies of any  
10 transmissions, documents, reports and plans to  
11 his office as a courtesy and he and I in the past  
12 have always exchanged documents timely to each  
13 other.

14 With that in mind we do have a  
15 presentation this evening for site plan review  
16 and for a waiver from the steep slope ordinance.  
17 We have filed the application in a two-step  
18 process based upon the reports. Firstly to seek  
19 a waiver from the applicability of the steep  
20 slope ordinance and then secondly upon conclusion  
21 of that presentation, if the Board after  
22 evaluating the witnesses, the testimony and the  
23 evidence chooses or makes a determination that a  
24 waiver is not appropriate, then -- I said waiver.  
25 What I meant to say is first we will proceed on a

1 request for examination from the applicability of  
2 the steep slope ordinance. If the examination  
3 presentation is concluded and the Board has had  
4 the opportunity to review it, I am sure the Board  
5 will be guided by its staff and by Mr. Curley on  
6 what that procedure entails.

7 If that examination results in a  
8 decision by the Board that the examination is not  
9 appropriate, then we will proceed to request and  
10 produce the documentation and evidence for a  
11 waiver from the steep slope ordinance. That is  
12 how I intend to proceed, in a one, two-step  
13 process.

14 MR. LAMB: John J. Lamb from the  
15 firm of Beattie Padovano. We represent the  
16 Galaxy Condominium Association Incorporated.

17 Mr. Alampi is correct, we always  
18 cooperate with each as best as we can. We  
19 exchanged documents and I thank Mr. Alampi for  
20 documents he submitted to the Board and I  
21 submitted copies of all documents I submit to the  
22 Board. I have had four submissions to the  
23 Board.

24 Just for purposes of housekeeping,  
25 one was my letter to the North Bergen Planning

1 Board dated March 29, 2011.

2 One was an Accufax report prepared  
3 by Richard Cupowitz and then there were two other  
4 letters, long letters with exhibits sent to the  
5 Board. One was a letter dated April 5th, 2011  
6 with exhibits and one was a letter of July 18,  
7 2011 with exhibits.

8 To try to simplify this, the first  
9 two documents I submitted separately are attached  
10 to those other letters. So for our purposes I  
11 think of simplifying this record if we can at  
12 some point in time if Mr. Curley wants to mark  
13 specific exhibits because I think both sides will  
14 have a number of exhibits it might be appropriate  
15 to mark those two letters G-1 for galaxy and G  
16 whatever denomination or reference you want to  
17 make to it.

18 I did talk to Mr. Curley and Mr.  
19 Alampì before the hearing about certain  
20 procedural issues that I thought I was obligated  
21 to raise at the beginning of the hearing and I  
22 would just like to briefly go over them. I  
23 realize Mr. Curley will want to advise the Board  
24 to continue with the hearings, but I want to  
25 focus on some of the issues from our points.

1 The first is the completeness issues and we  
2 understand our planner recommended the matter be  
3 complete.

4 In my letter dated April 5th, 2011,  
5 I did have a section on completeness and I did  
6 indicate why I thought the application was not  
7 complete.

8 And so although I am not waiving  
9 the completeness issue, if the Board continues  
10 with the application I would request that any  
11 items that are incomplete they at least at the  
12 appropriate time if they deem it appropriate have  
13 the applicant submit that application.

14 The second issue is a  
15 jurisdictional issue involving Lot 8. The  
16 subject property comprises four lots and the  
17 adjacent property is Lot 8 on which the North  
18 Bergen Municipal Utilities Authority is located  
19 and what we have set forth in our letters is  
20 because that lot is affected by a proposed access  
21 road, maintenance area and staging area, that  
22 that should have been part of this application.

23 And you will hear through the  
24 testimony I am sure and Mr. Alampi or any of my  
25 witnesses, that not only is there a multi-family

1 residential dwelling of 59 units, 59 units  
2 proposed on the 2.31 acres, there is also an  
3 access road on the northerly side of the property  
4 that will service the sewer easement which is  
5 located on the border of Lot 8 on the other  
6 property but with sewer easement also -- excuse  
7 me, gas easement also traverses the rear of the  
8 subject property, so in essence you have got a  
9 gas transmission line, 36-inch gas transmission  
10 line within that easement that is located on  
11 adjacent Lot 8 and traverses back over the  
12 property to the rear of the subject property that  
13 is before the Board.

14 So it is our position when you put  
15 an access road through the subject property that  
16 is going to service that other function and area  
17 and usage on the neighbor's property, that you  
18 have to include the neighbor's property and again  
19 you have and access road maintenance area and  
20 staging area.

21 A sub part of this is one of the  
22 things we laid out before the North Bergen  
23 Planning Board and Mr. Alampi advised you the  
24 North Bergen Planning Board has indicated, had  
25 granted approval and adopted a resolution on June

1 9th of this year.

2 I can advise you my client has  
3 decided to appeal that just so for purposes of  
4 the record it is not a final and nonappealable  
5 decision although no appeal has yet been filed,  
6 but I advised Mr. Alampi that decision was made  
7 prior to the hearing.

8 But the other issue is because  
9 there are Transco, gas transmission operations on  
10 the subject property that is before you, we have  
11 always maintained that somebody from Transco,  
12 Williams Gas Company, needs to come and testify  
13 as to exactly what they are doing and we maintain  
14 that before the North Bergen Planning Board and  
15 our position is no different here. If you have  
16 -- and I understand that the county's review of  
17 this is limited really to drainage, it is limited  
18 to traffic, it is limited to compliance with your  
19 particular regulations so I understand it is not  
20 as broad as perhaps a municipal planning board  
21 approval but nonetheless you are being asked to  
22 review an application in which there is a silent  
23 person and the silent person who is not here is  
24 that transmission company and we have been --  
25 frankly, we have been screaming about that for

1 the last year.

2 Let somebody from Transco come in  
3 and answer some of these questions.

4 So if you don't have Lot 8 and you  
5 don't have the owner of Lot 8 involved and you  
6 don't have Transco involved, it is our position  
7 that you really should not proceed with the  
8 application until you get those in order.

9 But in all candor I have to advise  
10 you that the North Bergen Planning Board  
11 respectfully -- and we disagree -- ignored those  
12 issues and just reviewed the application.

13 The next item which is I think  
14 jurisdictional is whether a reverse subdivision  
15 is required as a result of this application and  
16 if you review the application the box indicating  
17 that subdivision was sought was not requested.  
18 In essence a reverse subdivision is an adjustment  
19 of lot lines and a consolidation of lots, so what  
20 we have said is that -- and we also said this  
21 before the North Bergen Planning Board and  
22 eventually I think the applicant a counsel did  
23 ask for a consolidation of the lots although they  
24 didn't use the word reverse subdivision, but I  
25 think that as part of this application in

1 addition to Lot 8 being involved, that you must  
2 also grant relief otherwise you have -- otherwise  
3 the applicant is missing a substantial part of  
4 the application so we have maintained this for  
5 the last year. You need a reverse subdivision  
6 to consolidate the lots. The last thing I  
7 mentioned jurisdictionally to the Board's  
8 attorney and Mr. Alampi, the -- Mr. Alampi  
9 indicated the first part of his presentation is  
10 for -- he used a word exception but exception is  
11 really what the document submitted to the Board  
12 is. Is this property an exception to the rule  
13 for steep slope prohibition and so it was my  
14 position that that is a legal issue.

15 The Board will take advice from its  
16 attorney, but respectfully I believe that the  
17 Board is going to be guided I think by counsel as  
18 to whether legally there is such a thing as an  
19 exception in Hudson County under the Hudson  
20 County regulations for that, for that steep slope  
21 prohibition.

22 We do not believe the exception is  
23 available to you and my thought was if you decide  
24 right now that no legal -- an exception is not  
25 available, they have to request a waiver. There

1 is a steep slope prohibition there is a  
2 requirement -- there is a provision that allows  
3 them to waive it so therefore they should ask for  
4 the waiver but they are saying well they should  
5 come with this exception except for there is no  
6 such exception in the Hudson County regulations  
7 so my point was if you were to determine there is  
8 no such exception, I think that a lot of the  
9 testimony, direct testimony, cross-examination  
10 could be limited or eliminated because that is a  
11 whole issue that wouldn't be, the Board wouldn't  
12 need to review.

13 But I think the attorney will  
14 advise you on that. So those are essentially my  
15 jurisdictional issues and we look forward to  
16 presenting our case to the Board.

17 We have hired a planner. We  
18 advised the Board, the same planner that  
19 testified before the North Bergen Planning Board  
20 hearings, he is available at the August 17th  
21 meeting and he was not available tonight and I  
22 don't, unfortunately we got a little slow start  
23 with the tough agenda so I don't know whether we  
24 would have finished anyway, but he is available.

25 That would be -- right now that is

1 the only expert we intend to provide unless  
2 circumstances change during the hearings. Thank  
3 you.

4 CHAIRMAN CHOFFO: Thank you.

5 MR. ALAMPI: Mr. Chairman, very  
6 briefly, I don't intend our preliminary remarks  
7 to dominate the presentation. I just wish to  
8 remind the Board and bring to their attention  
9 that certainly the Township of North Bergen from  
10 top to bottom from governing body through  
11 Planning Board to department heads were involved  
12 in this application when it was pending before  
13 the municipality and the township did grant  
14 preliminary and final approval.

15 It may be true that it will be  
16 appealed, but nonetheless it granted approval.  
17 Each of these issues was raised and rejected by  
18 the Board in this sequence.

19 With regard to the access, it was  
20 the administration in North Bergen that suggested  
21 to us that it would be an area that would be in  
22 the north part of the property that would be  
23 available not only to Transco, but to the  
24 Township of North Bergen, to its MUA, to the  
25 Township of Guttenberg and of course we,

1 Applevew, would retain use of that area. It is  
2 not a road, it is an access area. It is not a  
3 road.

4 Secondly and lastly, Lot 8 is owned  
5 by the municipality through the Municipal  
6 Utilities Authority. They were part and parcel  
7 of every element of this application and  
8 certainly the Township of North Bergen itself  
9 need not be a co-applicant. They own their  
10 property, we own our property.

11 Transco does have an infrastructure  
12 with a high powered gas line as part of it. Of  
13 course there are tens of thousands of miles to  
14 this gas line, but a small section of the gas  
15 line goes over the rim of the Palisades, crosses  
16 through our property on a diagonal, continues to  
17 the MUA property and then descends and comes  
18 down, goes under River Road and then proceeds to  
19 provide the gas supply to New York City, all of  
20 which is outside of our property. It is on the  
21 MUA property.

22 CHAIRMAN CHOFFO: What I would like  
23 to do now, I would rather move forward with the  
24 actual application, the presentation, and we can  
25 deal with those issues down the road, this way

1 the rest of the Board knows what we are talking  
2 about when we see the visual, the actual  
3 application itself.

4 MR. CURLEY: Mr. Alampi, on the  
5 two-stage process that you envision, I don't  
6 think the Board has agreed to that process at  
7 this point so I think it would be well-advised to  
8 present whatever aspects you are relying upon in  
9 the overall application.

10 MR. ALAMPI: I will. I understand  
11 that, Mr. Curley.

12 We are going to just remind the  
13 Board that you have been provided with many  
14 documents, all of which are enumerated in the  
15 July 11, 2011 review letter of Miss Massey, and  
16 that included the comprehensive 14-sheet  
17 engineering site plan boundary survey and related  
18 documents. It included the architectural plans  
19 and the survey prepared by the Bertin Engineering  
20 Company as well as a checklist and various  
21 traffic impact studies, reports and documents.

22 So I am not going to re-present all  
23 those many documents because they were presented  
24 to the Planning Board in the proper fashion  
25 through the agencies, through the review, through

1 -- and subject to work sessions and work  
2 meetings, and I think they were provided to your  
3 outside engineering.

4 I think it is I think called now TY  
5 Engineering.

6 MR. RAMON: TY Lin Engineering.

7 MR. ALAMPI: TY Lin Engineering.

8 So we made sure we circulated these documents to  
9 your outside engineering and regular engineers.  
10 We will present Mr. Calisto Bertin. He will  
11 have a series of exhibits that were from that  
12 package which he has mounted on the board which  
13 hone in on the issues of concern regarding the  
14 gray, the elevation, the steep slope, the  
15 drainage, things of that nature. We are going  
16 to focus in on that and we have some aerial  
17 photographs.

18 Each of these exhibits were part of  
19 the initial or revised resubmission to both the  
20 county and to the municipality. Some of these  
21 exhibits were also part and parcel of the report  
22 that was filed directly with the county.

23 The report I am referring to is  
24 there a steep slope waiver justification report  
25 prepared by Bertin Engineering which I don't

1 believe it was marked in. It may become my  
2 first exhibit. And then there is a planning  
3 analysis report prepared by Heyer and Gruel. If  
4 you give me a moment I would like to give you the  
5 dates of the Bertin Engineering steep slope  
6 waiver justification report is dated June 11,  
7 2011. The report contains certain photographs.  
8 We have attempted to enlarge some of those  
9 photographs for presentation.

10 We have the report, the planning  
11 report steep slope exception/waiver by Susan  
12 Gruel is dated July 7, 2011 and I would like to  
13 mark the Bertin Engineering report which was  
14 circulated more than two weeks ago. The June  
15 11, 2011 as our first exhibit and then after we  
16 -- or maybe I should wait until we swear in the  
17 witness, I will mark that and then we will mark  
18 in his other exhibits quickly and then we can go  
19 to his presentation. Our first witness is  
20 Calisto Bertin.

21 MR. CURLEY: Mr. Bertin.

22 (Calisto Bertin, was duly sworn.)

23 MR. CURLEY: Please state your name  
24 for the record and spell your last name.

25 MR. BERTIN: Calisto Bertin.

1 C-A-L-I-S-T-O, B-E-R-T-I-N.

2 MR. ALAMPI: Mr. Bertin, can you  
3 please give us the benefit of your educational  
4 and professional background.

5 MR. BERTIN: Yes. I have a degree  
6 in civil engineering from Villanova University,  
7 Masters Degree from Rensselaer Polytechnic  
8 Institute.

9 MR. LAMB: I don't have any  
10 objection to him testifying to the Bertin report  
11 that he is about to provide the court, Mr.  
12 Alampi.

13 CHAIRMAN CHOFFO: Can we finish the  
14 way we are doing the application, Mr. Lamb? This  
15 is the way we do it.

16 Finish, Mr. Bertin. Continue.

17 MR. ALAMPI: Thank you.

18 MR. BERTIN: I am the principal  
19 partner in Bertin Engineering formed in 1986.  
20 We have three offices, one in 66 Glenn Avenue in  
21 Glenn Rock, one in Massachusetts and one in the  
22 Middle East. There was about 40 employees.  
23 Our specialty is civil engineering, traffic  
24 engineering.

25 CHAIRMAN CHOFFO: You may proceed.

1 MR. ALAMPI: Are you licensed in  
2 the State of New Jersey as a civil engineer?

3 MR. BERTIN: I am licensed as a  
4 Civil Engineer in the State of New Jersey and six  
5 other states.

6 MR. ALAMPI: Do you hold any other  
7 licenses?

8 MR. BERTIN: Underground storage  
9 tank certification from the NJDEP.

10 MR. ALAMPI: Anything else we  
11 should know about?

12 MR. BERTIN: I don't think anything  
13 else you should know about for this.

14 MR. ALAMPI: Thank you.

15 Mr. Chairman, will the Board accept  
16 the credentials and expertise of this witness?

17 CHAIRMAN CHOFFO: Yes. Go ahead.

18 MR. ALAMPI: Before we go too far  
19 into the exhibits, Calisto, did you prepare a  
20 report, steep slope waiver application for  
21 Appleview dated June 11, 2011, correct?

22 MR. BERTIN: Yes, I did.

23 MR. ALAMPI: And, Mr. Chairman, can  
24 we mark this as A-1.

25 CHAIRMAN CHOFFO: Yes.

1                   MR. ALAMPI: The applicant will be  
2 A exhibits. A-1. I don't -- I will mark it  
3 with today's date.

4                   (Exhibit so marked as A-1.)

5                   MR. ALAMPI: Calisto, you have also  
6 prepared a series of exhibits that you have  
7 mounted on hard board, is that correct?

8                   MR. BERTIN: Yes.

9                   MR. ALAMPI: Can you tell us what  
10 exhibits you have. When you do describe it,  
11 give us the date of preparation or the last  
12 revision date. Each one in order so we will  
13 just mark them at this point.

14                   MR. CURLEY: We will just mark them  
15 as A-2 and consecutive numbers.

16                   (Exhibit so marked A-2.)

17                   MR. BERTIN: Yes. What I am  
18 marking as A-2, and it is dated 7 -- with today's  
19 date, is a landscape plan that is dated 7-19-11.  
20 This is a new exhibit. It is a compilation of  
21 the site plan and the landscape plan, clear the  
22 clutter so that you could better see the site.  
23 In essence the same as the plans that were  
24 submitted.

25                   MR. ALAMPI: That is A-2.

1 MR. BERTIN: That is A-2.

2 MR. ALAMPI: And you have a sheet  
3 under that?

4 MR. BERTIN: Yes.

5 MR. ALAMPI: Can you mark that as  
6 A-3.

7 (Exhibit so marked as A-3.)

8 MR. BERTIN: The exhibit now A-3 --  
9 I am just going to write county after that, is  
10 actually an exhibit that we presented in North  
11 Bergen Planning Board application and it is at  
12 that application it was Exhibit A-5 with the date  
13 of July 29, 2010, a year ago, and it is again a  
14 similar plan but this plan is colored.

15 MR. ALAMPI: What do you call this  
16 plan?

17 MR. BERTIN: It is also called  
18 landscape rendering and it is dated August 25,  
19 2009. There is a little difference between the  
20 two exhibits.

21 MR. ALAMPI: It is dated what?

22 MR. BERTIN: It is dated August  
23 25th, 2009 -- sorry, with a revision of September  
24 13, 2010.

25 MR. ALAMPI: You made reference to

1 July 29, 2010. Was that the marking date when  
2 the municipal application was being filed?

3 MR. BERTIN: Yes. That was the --

4 MR. ALAMPI: So that is not the  
5 date of the plan.

6 MR. BERTIN: No. That is the date  
7 of Exhibit A-5 for the Municipal Planning Board.

8 MR. ALAMPI: Thank you. What is  
9 your next exhibit?

10 MR. BERTIN: A-4 is a sheet out of  
11 the site plan set that was submitted. It is  
12 drawing C-2.5. It is called Slope Analysis Plan  
13 and it has a revision date of November 30th,  
14 2010.

15 MR. ALAMPI: That was part of your  
16 original package of engineering plans and that  
17 was one sheet of 14 that was submitted?

18 MR. BERTIN: That is correct.

19 Now, Exhibit A-5 is called Slope  
20 Condition. It has got a date of 7-19-11. That  
21 document was taken from the slope, steep slope  
22 disturbance waiver justification. The steep  
23 slope waiver justification. That will be marked  
24 as Exhibit A. This is an enlargement of figure  
25 4.1 that comes from that report so you can see

1 it.

2 MR. ALAMPI: This Exhibit A-5 is  
3 actually an enlargement of the photograph that  
4 was enumerated in the A-1 exhibit.

5 MR. BERTIN: A figure. That is in  
6 Exhibit A-1.

7 MR. ALAMPI: Fine, thank you.

8 MR. BERTIN: And A-6 is a document  
9 I am going to pass out and this is a photograph  
10 from the steep slope justification waiver report.  
11 It is a photograph that appears in figure 2.2.  
12 Again I enlarged it and I will pass it around to  
13 make it easier for people to see it.

14 MR. CURLEY: What is the date of  
15 that photograph?

16 MR. BERTIN: Well, it is entitled  
17 1966 aerial photograph. It comes out of the  
18 report.

19 MR. ALAMPI: A-2, is that an  
20 enlargement of the report itself, the steep slope  
21 justification report?

22 MR. BERTIN: Yes. And to be very  
23 specific, the photograph is flipped upside down  
24 in the report and I added one line which I will  
25 explain.

1 MR. ALAMPI: Chairman, can we  
2 distribute A-6? We will distribute a copy to  
3 counsel as well.

4 CHAIRMAN CHOFFO: Sure.

5 (Handing.)

6 MR. ALAMPI: Now, Calisto, let me  
7 ask you a few background questions and we will go  
8 right to your exhibit.

9 With regard to the proposed  
10 development by Applevue, can you give us a  
11 little overview of the project.

12 MR. BERTIN: Yes. I am now  
13 referring to Exhibit 2. It might be easier to  
14 look at the site plan.

15 As the introduction of Ms. Massey,  
16 this site is located on River Road which is shown  
17 at the bottom of the sheet. The street address  
18 is 7009-7101 River Road. It is comprised of  
19 four tax lots along the River Road frontage, tax  
20 lots one, two and three. Along the back of the  
21 building is an internal lot line.

22 MR. ALAMPI: The entire application  
23 is under the name of Applevue, LLC?

24 MR. BERTIN: Yes, and it is 2.3  
25 acres in size.

1 MR. ALAMPI: This is on the west  
2 side of River Road?

3 MR. BERTIN: Yes, west side on  
4 River Road north would be pointing to the right.

5 To the north what is the property  
6 immediately adjacent on the north of the adjacent  
7 mine plant.

8 MR. ALAMPI: This is operated and  
9 controlled by the Municipal Sewerage Authority of  
10 North Bergen?

11 MR. BERTIN: Yes.

12 MR. ALAMPI: Immediately adjacent  
13 to the south, what property is there?

14 MR. BERTIN: The Galaxy Condominium  
15 Complex, the building closest to the property is  
16 indicated on the plan.

17 MR. ALAMPI: And directly across  
18 the street, if you know what is there.

19 MR. BERTIN: Across the street now,  
20 well part of it -- there is three things. There  
21 is Transco which has a facility on the other side  
22 of the road, just I guess a metering gauging  
23 facility, a valve. There is part of the  
24 Hovnanian project that was recently built, and  
25 then there is a partial vacant lot that was

1 another Hovnanian project yet to be built.

2 MR. ALAMPI: And this vacant lot,  
3 is that the property where there is a proposed  
4 park to be constructed by North Bergen and  
5 Guttenberg?

6 MR. BERTIN: Yes. Originally it  
7 was supposed to be a small condominium. I  
8 understand now it is going to be a park.

9 MR. ALAMPI: And above to the west  
10 of the property itself, above the rim of the  
11 Palisades, what is there?

12 MR. BERTIN: There is the front of  
13 Ferry Road and then there is the Smith House  
14 which is an apartment complex on top of the  
15 Palisades behind the property.

16 MR. ALAMPI: On top behind the  
17 north property line.

18 MR. BERTIN: Towards the north  
19 property line.

20 MR. ALAMPI: Now, with regard to  
21 the property, could you give us some of the  
22 specifics of the property, the width, the length,  
23 and the topography and such.

24 MR. BERTIN: Yes. We have 257  
25 feet of frontage along River Road. The property

1 extends back from River Road to the rear or west  
2 property line 350 feet.

3 The front portion or the portion  
4 where this proposed building that we will get  
5 into is somewhat level. It raises in grade from  
6 about 9 or 10 at the road to about 10 or 11  
7 towards the back of the building.

8 There is currently a stone wall  
9 that exists today along almost half of this, at  
10 this lot line and between the front three lots  
11 and the rear lots and then there are tennis  
12 courts on it.

13 Once we get behind that wall, the  
14 grade rises pretty steeply. As I said, at the  
15 wall the grade is in the teens, 15, 14. When we  
16 get to the top of the property by the Summit  
17 house it rises up to 116.

18 So between the back of this  
19 proposed building and the property at the Smith  
20 House it raises up a hundred feet.

21 MR. ALAMPI: Now, with regard to  
22 the property itself and the topography, one of  
23 the questions in the July 11th completion review  
24 letter there were a series of general questions  
25 or considerations on Page 2. Do you recall

1 that?

2 MR. BERTIN: Yes.

3 MR. ALAMPI: Chairman, I am not  
4 marking, I am not sure what your procedure is.  
5 This was embodied by your planning division. Do  
6 we mark this comment letter? I referred to it  
7 now several times. It is the July 11, 2011.

8 CHAIRMAN CHOFFO: It is fine. You  
9 don't have to mark it.

10 MR. ALAMPI: Thank you. On Page 2  
11 Miss Massey has some general comments and some  
12 questions.

13 I asked you to focus on Item No. 4  
14 and in a little while we will go to Item No. 5,  
15 but for now I would just like to look at item No.  
16 4 which is a question regarding the flood maps,  
17 the flood plain, and the designation of the  
18 property.

19 Do you recall that issue, Item No.  
20 4?

21 MR. BERTIN: Yes. The flood plain  
22 in this area is at elevation 9.3. The concern  
23 for that is where is the building. The west  
24 floor of the building is at eleven by River Road  
25 in the back of the building. It rises -- the

1 back of this proposed building the floor rises to  
2 elevation eleven. The residential units are a  
3 whole story above that. The parking, the lobby  
4 and clearly the residential units are clearly  
5 above the hundred year flood plain.

6 MR. ALAMPI: And does that meet the  
7 requirements for construction; that is to say the  
8 elevation of the site, the ground level parking  
9 and the first level of residential units, does  
10 that comply with the requirements for the  
11 regulations, the regulation flood plain?

12 MR. BERTIN: Yes.

13 MR. ALAMPI: There was a question  
14 on the green space or green initiatives. I will  
15 ask you that in a little while.

16 With regard to these exhibits, I am  
17 sorry, could you describe the proposed  
18 development itself. What is it that we are  
19 proposing to do?

20 MR. BERTIN: Shown shaded in this  
21 Exhibit A-2 is a building in the shape of a U,  
22 upside down U which is a five-story residential  
23 building.

24 The first floor is a garage. It  
25 contains parking and lobbies and some other rooms

1 that are identified. We will talk about them  
2 later. And there are four levels of residential  
3 above that.

4 In total we are proposing 59  
5 dwelling units twelve of them are one-bedroom and  
6 47 of them are two-bedroom.

7 In total there is 116 parking  
8 spaces of which 73 are located inside the  
9 building.

10 The balance of the other 40, 43 are  
11 in an open yard area in the courtyard of the  
12 building.

13 MR. ALAMPI: Now, could you show  
14 the Board where the points of ingress and egress,  
15 the curb cuts are established on the proposed  
16 development.

17 MR. BERTIN: Yes. For this site we  
18 decided to have two driveways, one serving as an  
19 entrance to the site and one serving as an exit,  
20 and the north driveway would be the entrance, and  
21 we have a one-way circulation and the center  
22 parking lot and then the exit is on the south  
23 side.

24 Again, in the middle of the  
25 driveway, I mean in the middle of the site, so we

1 have again two driveways.

2           There is a circulation loop that  
3 could be made in the parking lot. You will see  
4 there is a row or two rows of parking in the  
5 center of this courtyard but there is an aisle  
6 that permits circulation around that. That  
7 island of cars.

8           There are two garage doors, one on  
9 the north wing and one on the south wing that  
10 provide access into the garage parking and you  
11 can go throughout the entire garage, you have  
12 circulation with no walls to inhibit traffic  
13 flow.

14           MR. ALAMPI: And with regard to the  
15 building itself, could you tell us what the  
16 height of the building is in linear footage  
17 utilizing the township ordinance, if you recall.

18           MR. BERTIN: Yes. The township  
19 ordinance regulates the height above the center  
20 of River Road which is 9.3 something and I will  
21 look it up. But the building is 64 feet high  
22 from the center line of River Road.

23           MR. ALAMPI: And do you recall what  
24 the permitted height is in this zone?

25           MR. BERTIN: Eighty-four feet.

1 MR. ALAMPI: And with regard to the  
2 number of units, 509 unit count, 59 unit count,  
3 do you recall whether or not that complies with  
4 the allowed density or not.

5 MR. BERTIN: Well, the permit  
6 density is 75 units per acre. This application  
7 is for 25 units per acre so it is approximately a  
8 third of what could be permitted in that zone.

9 MR. ALAMPI: Now let's move on,  
10 Calisto, to the footers of the property.

11 You have these exhibits that you  
12 were just marking, A-2, 3 and 4. Do we need to  
13 discuss those exhibits before we go to your  
14 report?

15 MR. BERTIN: Well, I just want to  
16 point out a few more features.

17 MR. ALAMPI: Go ahead.

18 MR. BERTIN: There are two  
19 suspected easements across this property now.  
20 Up in the northeast corner there is a sewer line  
21 that comes down from Guttenberg, comes down the  
22 hill and then enters the sewage treatment plant  
23 here in the northwest corner of the site.

24 There is another easement that is  
25 parallel to that for the Williams' gas pipeline.

1 That pipeline comes down across that corner  
2 adjacent to the sewer line easement and then  
3 enters into the sewage treatment plant, runs down  
4 along the sewerage treatment plant under River  
5 Road and under the Hudson River and I mentioned  
6 before that there is a valve station or something  
7 like that for Williams on the other side of River  
8 Road.

9 There is also an easement that we  
10 are not able to find deeds for but it is  
11 indicated on the tax map that crosses the  
12 property from north south direction and it was  
13 superseded to be for a sewer line or a sewer  
14 easement.

15 We did excavations, we found no  
16 sewer pipe. As I said, we found that in recorded  
17 deeds but we have reserved that area, there is no  
18 building proposed on that area and it is probably  
19 hard from where you are, but that lot line, that  
20 internal lot lines that separates Lots 5.02 from  
21 the other three lots is the eastern edge of that  
22 easement so that easement, if it exists, comes  
23 across the property behind the building.

24 MR. ALAMPI: At lot 5.02?

25 MR. BERTIN: In lot 5.02.

1 MR. ALAMPI: And again you did  
2 excavate the area to see if there was any  
3 infrastructure or functionality to this supposed  
4 easement.

5 MR. BERTIN: Yes.

6 MR. ALAMPI: How deep did you  
7 penetrate?

8 MR. BERTIN: We went down eighteen  
9 feet.

10 MR. ALAMPI: Did you find anything?

11 MR. BERTIN: There was no pipe  
12 found.

13 MR. ALAMPI: And you also  
14 commissioned within your office a research to see  
15 if there was a deed which created this so-called  
16 easement?

17 MR. BERTIN: That is correct.

18 MR. ALAMPI: Was that able to be  
19 found?

20 MR. BERTIN: No.

21 MR. ALAMPI: Did you search back  
22 more than a hundred years?

23 MR. BERTIN: Yes. We had a search  
24 and I think there were two other title reports on  
25 this property besides the report we prepared.

1 MR. ALAMPI: So you labeled that as  
2 suspect easement?

3 COMMISSIONER BETTINGER: Yes.

4 MR. ALAMPI: Chairman, our position  
5 is there really is no easement but because it was  
6 noted on the tax map, we just delineated.

7 In any event, Mr. Bertin, are there  
8 any other features of the site that you need to  
9 bring to the Board's attention?

10 MR. BERTIN: I just want to point  
11 out the sewage treatment plant is right next door  
12 and later on we are going to talk about these two  
13 clarifiers. They are open tanks that are located  
14 on your plan.

15 MR. ALAMPI: Those are the big huge  
16 cylindrical structures?

17 MR. BERTIN: No, they are tanks.  
18 Those two tanks with the roof on them are the  
19 circles, the two circles closest to River Road.  
20 The other two circles are open tanks.

21 MR. ALAMPI: Okay.

22 Now, there was a reference to the  
23 Transco easement. That is Williams' Gas Company  
24 commonly called Transco, is that correct?

25 MR. BERTIN: Yes.

1 MR. ALAMPI: And you are aware that  
2 there is in fact a natural gas -- a high pressure  
3 natural gas line that diagonally traverses the  
4 property and it goes over to the MUA property.

5 MR. BERTIN: Yes.

6 MR. ALAMPI: How were you made  
7 aware of it?

8 MR. BERTIN: First we saw the  
9 markers. There are markers along the gas  
10 pipelines.

11 MR. ALAMPI: The yellow poles that  
12 say warning, is that it?

13 MR. BERTIN: Yes. We called them  
14 and we started initial dialogues with Transco at  
15 least four years.

16 MR. ALAMPI: And without going into  
17 depth, have you constantly been in touch with the  
18 Transco engineering division and other personnel  
19 of Transco with regard to the location of their  
20 pipe infrastructure and the use of their pipe  
21 infrastructure?

22 MR. BERTIN: Yes. We submitted  
23 preliminary drawings for this application to  
24 Transco in December of 2009 and it was -- and I  
25 am sorry, 2010 we submitted. We had a meeting

1 with them.

2 This project goes back so long.  
3 We submitted plans in 2009 for this application  
4 with Transco. We had a site meeting with them  
5 in January of 2010 and we have been supplying  
6 these plans and my most recent communication with  
7 Transco was in March of this year.

8 MR. ALAMPI: And throughout these  
9 meetings and conferences, site inspections, you  
10 worked with Transco to develop an understanding  
11 of their pipe infrastructure?

12 MR. BERTIN: That is correct.

13 MR. ALAMPI: And requirements or  
14 precautions to be taken if there is construction  
15 on our site?

16 MR. BERTIN: Yes.

17 MR. ALAMPI: And in any event, did  
18 there come a time when you developed a consensus  
19 with Transco with regard to their line?

20 MR. LAMB: Mr. Chairman, I object.  
21 If they want to bring in a representative from  
22 Transco, fine, or if you want to have the  
23 engineer meet with Transco, but they can't -- it  
24 is not appropriate to say well Transco thinks  
25 this is great or whatever changes they made we

1 approve. That is -- I don't think that is  
2 appropriate.

3 MR. ALAMPI: Did you submit to the  
4 County Planning Board a copy of a letter  
5 indicating Transco has no objection to this?

6 MR. LAMB: And I am going to for  
7 the same reason, Mr. Chairman, I am going to  
8 object to the introduction of that evidence.

9 If they want to bring in Transco I  
10 would love it. I have no objection, and I think  
11 they should be here. Thank you.

12 MR. BERTIN: Yes.

13 MR. CURLEY: I would indicate that  
14 the admission of hearsay would not be  
15 appropriate, however whether or not Transco  
16 objected before the North Bergen Municipal Board  
17 can be represented by counsel one way or the  
18 other.

19 MR. ALAMPI: Thank you, Mr. Curley,  
20 and of course it is a matter of the public record  
21 that they were notified and they did not appear  
22 in opposition or objection.

23 MR. LAMB: For purposes of  
24 correcting the record, Transco at the original  
25 application filed did send a representative to

1 the North Bergen Planning Board who did object.

2 MR. ALAMPI: Counsel misspeaks.  
3 That is a different application a different  
4 version. It is a larger building. It is not  
5 this application.

6 MR. BERTIN: In January of --

7 MR. ALAMPI: I will move on,  
8 Chairman.

9 With regard to the issue, did there  
10 come a time that in concert with the Township of  
11 North Bergen and to the benefit of Guttenberg,  
12 the MUA and Transco, that a 20-foot area was  
13 provided as an access area to all those parties.

14 MR. BERTIN: Yes.

15 MR. ALAMPI: Can you just show us  
16 on this exhibit where that is located.

17 MR. BERTIN: Along the north  
18 property line on the site plan shows a 20-foot  
19 wide access way. It runs from River Road to the  
20 Transco easement. The existing easement.

21 MR. ALAMPI: Do these parties now  
22 have a legal way of getting to their  
23 infrastructure through the Applevew property?

24 MR. BERTIN: Yes. Before they had  
25 no way to get to their utilities, the pipes, so

1 we provided them a way should they need  
2 maintenance to get to those pipes.

3 MR. ALAMPI: Thank you.

4 CHAIRMAN CHOFFO: Why did they not  
5 have a way to get to the pipes, Mr. Bertin?

6 MR. BERTIN: Ferry Road is 20 feet  
7 in the air. There is a big grade change between  
8 the two roads. You can't get there from Ferry  
9 Road. You can try to come in through the Summit  
10 House, but there is a cliff at the top of the  
11 property which is 30 or 40 feet high, so there is  
12 no way to get equipment here.

13 You could try to come in through  
14 the sewerage treatment plant, but there is no way  
15 to get excavators and equipment from the parking  
16 lot of the MUA site up to these pipes up in this  
17 corner so even if you could come through the  
18 sewerage treatment plant you would have to get on  
19 to this property so there was no practical way to  
20 service the pipes.

21 MR. ALAMPI: This does provide now  
22 a practical way to approach the infrastructure?

23 MR. BERTIN: Yes. It is part of  
24 our lawn and should there be a need for  
25 maintenance, there is a way for any of the three

1 parties, Guttenberg, MUA, the North Bergen MUA or  
2 Transco to access the pipes.

3 MR. LAMB: Mr. Chairman, one of the  
4 issues in the case was the fact that in the four  
5 years of discussions with Transco there has never  
6 been an executed easement, access agreement,  
7 license agreement, whatever agreement, and based  
8 upon Mr. Bertin's testimony that they now have a  
9 way to do that, my simple request is I did not  
10 see it in the submissions.

11 Is there an easement that has now  
12 been signed that gives them the way?

13 CHAIRMAN CHOFFO: Mr. Lamb, we will  
14 give you your floor time. Could you let Mr.  
15 Alampi finish his presentation.

16 MR. ALAMPI: Thank you very much.  
17 In light of the anticipated appeal I don't think  
18 you will see an easement. My client will not  
19 sign until all zoning issues are resolved.

20 But in any event, with regard to  
21 these exhibits, Calisto, I want to return to  
22 them. You had them marked A-2 and A-3. Are  
23 those the ones you want to proceed with first?

24 MR. BERTIN: Unless we just want to  
25 talk about --

1 MR. ALAMPI: I don't know. Tell me  
2 what you want to talk about.

3 MR. BERTIN: If you want to talk  
4 about a risk identification that we prepared at  
5 the county's request.

6 MR. ALAMPI: You can explain that.

7 MR. BERTIN: Since we are on  
8 Transco.

9 MR. LAMB: Mr. Chairman, I am going  
10 to object to that. I set forth in my letter that  
11 Mr. Bertin has previously testified under oath  
12 before the North Bergen Planning Board that he  
13 was not an expert in gas pipeline safety or  
14 maintenance or anything dealing with Transco or  
15 Williams, he was not an expert, and that is what  
16 he testified to.

17 I set forth that in my letter to  
18 the Board dated July 18, 2011. I provided the  
19 excerpts from the transcripts and when Mr. Bertin  
20 was qualified as an expert prior to his testimony  
21 he talked about being a civil engineer, he had an  
22 underground storage tank license but that was all  
23 he was going to indicate to the Board.

24 If he now became in the last 90 to  
25 120 days a gas pipeline expert we are going to

1 need to put that on the record.

2 CHAIRMAN CHOFFO: Mr. Curley, can  
3 you respond to that.

4 MR. CURLEY: I think he is a civil  
5 engineer qualified to the extent he is a  
6 professional engineer to express an engineering  
7 opinion.

8 If his opinion goes beyond  
9 engineering, then it would not be admissible.

10 MR. ALAMPI: With regard to this I  
11 think it is a March 23 correspondence, report.

12 MR. BERTIN: Record, yes.

13 MR. ALAMPI: And this was submitted  
14 as part of the package to the County Planning  
15 Board?

16 MR. BERTIN: Correct.

17 MR. ALAMPI: How did this come  
18 about, this document?

19 MR. BERTIN: Well, first I should  
20 clarify this is not an assessment, it is not a  
21 mischaracterization, it is an identification of  
22 potential risks, something anybody could come up  
23 with it. Is not an assessment, it is not --

24 MR. ALAMPI: Tell us how this came  
25 about. Who requested it.

1 MR. BERTIN: At the first work  
2 session with the, with the County Planning  
3 Board's site plan committee questions were raised  
4 about the gas pipeline, some specific information  
5 they wanted to have, and so I --

6 MR. ALAMPI: Were there questions  
7 concerning the type of construction?

8 MR. BERTIN: They were really  
9 regarding -- yes, the type of construction of the  
10 pipe.

11 MR. ALAMPI: The methodology of  
12 construction?

13 CHAIRMAN CHOFFO: We got into  
14 methodology and vibrations and that sort of  
15 thing.

16 MR. ALAMPI: As a result of these  
17 inquiries were you asked to prepare the report to  
18 identify the areas of concern?

19 MR. BERTIN: Yes.

20 MR. ALAMPI: And that was part of  
21 the exhibit, that March 23, 2011 report is part  
22 of your exhibit submission?

23 MR. BERTIN: Correct.

24 MR. ALAMPI: Thank you. With  
25 regard to that, did you provide the same to TY

1 Lin Engineering as well?

2 MR. BERTIN: Yes.

3 MR. ALAMPI: Regarding -- and did  
4 you discuss that report with the representative  
5 of TY Lin regarding the type of construction,  
6 piling, things of that nature; did you have those  
7 discussions?

8 MR. BERTIN: Yes. Our discussion  
9 centered around piling because we will need piles  
10 for this building.

11 MR. ALAMPI: Did you satisfy these  
12 inquiries and concerns to the best of your  
13 ability?

14 MR. BERTIN: Yes. And we also  
15 presented this to Transco and I have a series of  
16 e-mails where Transco added their input on behalf  
17 of the client.

18 MR. LAMB: I am not trying to  
19 interrupt, they want Transco to come in, they  
20 can't say well I did what Transco wanted me to  
21 and it is on the plan. That is not fair and  
22 that is not appropriate.

23 CHAIRMAN CHOFFO: Well it is on the  
24 record, Mr. Lamb. I don't know what else to  
25 tell you.

1 MR. ALAMPI: Now, Calisto, with  
2 regard to the exhibits, we are going to go  
3 through your report. We are going to go through  
4 the comment letter, the Massey comment letter and  
5 your exhibits. Would you like to go through  
6 your exhibits firstly?

7 MR. BERTIN: Yes, then this deals  
8 with the slopes.

9 MR. ALAMPI: Go ahead.

10 MR. BERTIN: Exhibit A-4 which is  
11 drawing C-2.5 of the set that was submitted is a  
12 plan called Slope Analysis and what we did here  
13 was identify the area of the site that has slopes  
14 in excess of 20 percent and the area of the site  
15 that has slopes under 20 percent.

16 MR. ALAMPI: Why did you use 20  
17 percent?

18 MR. BERTIN: Because that is in the  
19 county's ordinance, site plan ordinance.

20 MR. ALAMPI: And the steep slopes?

21 MR. BERTIN: Well, steep slopes are  
22 referenced in that ordinance.

23 MR. ALAMPI: And the county uses  
24 the 20 percent, the criteria for identifying  
25 steep slopes?

1 MR. BERTIN: That is correct.

2 MR. ALAMPI: What does North Bergen  
3 utilize as its criteria?

4 MR. BERTIN: North Bergen was site  
5 plan on steep slopes.

6 MR. ALAMPI: With regard to the  
7 county criteria, did you identify them, those  
8 areas of the site which either meet or exceeds  
9 the 20 percent criteria?

10 MR. BERTIN: Yes.

11 MR. ALAMPI: Can you just show us  
12 firstly with your hand where it is and how you  
13 delineated and what exhibit are you referring to.

14 MR. BERTIN: I am referring to  
15 Exhibit A-4.

16 The entire west side of the  
17 property moving towards River Road is an area of  
18 steep slope up until we hit a small stone wall  
19 which is on that internal lot line between Lot  
20 5.02 and the rest of the property and the slope  
21 extends down a little bit further, another 40  
22 feet into that first front area.

23 The area in front or -- by "front"  
24 I mean adjacent to River Road is somewhat flat.  
25 There is an area on the slope that is less than

1 20 percent. I have highlighted that here.

2 MR. ALAMPI: So one small section  
3 in the western portion of the property does not  
4 meet the steep slope criteria but other than that  
5 all of the western portion is the steep slope?

6 MR. BERTIN: Correct. In total 54  
7 percent of the site is less than 20 percent slope  
8 and 46 percent of the site has over 20 percent  
9 slope.

10 MR. ALAMPI: And how did you make  
11 these calculations and measurements? How did you  
12 go about to do it?

13 MR. BERTIN: We can measure the  
14 distance between the contour lines and come up  
15 with what the slope is.

16 MR. ALAMPI: And you made physical  
17 inspections as well?

18 MR. BERTIN: Of course. The survey  
19 was made on the ground so it was done from actual  
20 physical work, physical inspection.

21 MR. ALAMPI: Mr. Reback in your  
22 organization actually repelled the area and  
23 examined it?

24 MR. BERTIN: Actually he did repel  
25 to get some of these elevations.

1 MR. ALAMPI: Does he get paid extra  
2 money for it?

3 MR. BERTIN: No, he likes doing it.  
4 Just so we understand what a slope is, when we  
5 talk about slope, it's not degrees. A hundred  
6 percent slope is a 45 degree angle. What slope  
7 is, and we usually use a hundred feet, if you go  
8 up two feet over a hundred feet that is a two  
9 percent slope. If you go up 50 feet over a  
10 hundred feet that is a 50 percent slope.

11 If you go up a hundred feet over a  
12 hundred feet that is a hundred percent slope so  
13 it is not degrees so you got to just understand  
14 there is a difference. When we say 20 percent  
15 slope, it is not 20 degrees. That means measure  
16 out a hundred feet and at the end of the hundred  
17 feet go up 20 feet and from there back to the  
18 original point, that is a 20 percent slope.  
19 Just so you understand there is a difference  
20 between degrees and slopes.

21 MR. ALAMPI: Now, with regard to  
22 these demarcations of the slope in excess of 20  
23 percent or below 20 percent, you took all that  
24 into consideration with the design of the  
25 proposed building?

1 MR. BERTIN: Yes, we kept the  
2 buildings as much as we could out of the steep  
3 slope area and, again, the building is outlined  
4 here on this exhibit and I mentioned an area that  
5 extends beyond that stone wall that exists along  
6 the internal lot line and there is an area of  
7 5,600 square feet that slopes down that falls  
8 within the footprint of this proposed building.

9 Now, there is going to be more  
10 disturbance than that because we will have some  
11 excavation behind the building so we show a line  
12 of disturbance another 15 or so feet behind the  
13 building.

14 MR. ALAMPI: What do you mean when  
15 you use the term line of disturbance?

16 MR. BERTIN: Well, the correct term  
17 would be limit of disturbance. That is the line  
18 within which we disturb the property and beyond  
19 which we do not disturb the property.

20 MR. ALAMPI: Once again for the  
21 Board and the public, with your hand, the line of  
22 disturbance, or what you call correctly the limit  
23 of disturbance just show us where that is.

24 MR. BERTIN: That is marked on the  
25 plan as a heavy dashed line. It is labeled

1 limit of disturbance. It is on the site plan  
2 site. It is a heavy dashed line that goes  
3 across the site. So there will be some grading  
4 in there so we have to be, we have to indicate  
5 the entire amount of disturbance. Even though  
6 the area will be restored, it still will be  
7 disturbed.

8 MR. ALAMPI: So there may not be  
9 the type of disturbance to that extent, but there  
10 will be some disturbance and sale --

11 MR. BERTIN: Correct. We are  
12 disturbing just about eleven thousand square feet  
13 of the site. Sorry, eleven thousand square feet  
14 of the steep slope area.

15 MR. ALAMPI: And you mentioned  
16 5,600 square feet. What are you talking about  
17 at that point?

18 MR. BERTIN: 5,600 or half the  
19 disturbance is under the building.

20 MR. ALAMPI: That 5,600 is part of  
21 the almost eleven thousand of total disturbance?

22 MR. BERTIN: Correct.

23 MR. ALAMPI: Not in addition to it?

24 MR. BERTIN: No, that is part of  
25 it.

1 MR. ALAMPI: So roughly half of the  
2 area is under the buildings that is being  
3 disturbed?

4 MR. BERTIN: Yes.

5 MR. ALAMPI: And the other half?

6 MR. BERTIN: Along the back of the  
7 building we know we are going to disturb for  
8 grading purposes.

9 MR. ALAMPI: Now, with regard to  
10 the, to this exhibit, what is your next exhibit?

11 MR. BERTIN: We are moving to A-5  
12 which is the slope condition.

13 MR. ALAMPI: Now, you have  
14 indicated that this exhibit is actually figure  
15 4.1 in your steep slope waiver justification  
16 report.

17 MR. BERTIN: That is correct.

18 MR. ALAMPI: So if we went to the  
19 A-1 exhibit, do you know where we would find that  
20 exhibit?

21 MR. BERTIN: The last page.

22 MR. ALAMPI: So this document or  
23 this plan A-5 is an enlargement of what you have  
24 as figure 4.1 the last page of your report?

25 MR. BERTIN: That is correct.

1 MR. ALAMPI: The only thing it  
2 looks like it is shaded. Part of it is not  
3 shaded in the report. Is that true?

4 MR. BERTIN: Well, I guess it  
5 depends on what version of the report, but yes,  
6 part of it -- the shading came out a little more  
7 prevalent on the original document. There is  
8 also two other changes. We moved labels out of  
9 the drawing to the side so they are a little more  
10 legible but in essence it points to the same  
11 areas. All the labels are the same.

12 MR. ALAMPI: I can see now. So  
13 the western half is shaded but it is just very  
14 faint.

15 MR. BERTIN: Yes, in the report it  
16 is very faint.

17 MR. ALAMPI: Why did you produce  
18 this enlargement for this evening?

19 MR. BERTIN: So that you could see  
20 how we are -- well, see the existing conditions  
21 of the slope as it exists today. Just redundant.

22 MR. ALAMPI: Now please educate us  
23 to what we are looking at.

24 MR. BERTIN: Okay. In the steep  
25 slope justification report there is a series of

1 photographs that were taken over the winter when  
2 we could see the site. That area that I  
3 mentioned that falls underneath the building is a  
4 rip rap slope.

5 MR. ALAMPI: What is rip rap?

6 MR. BERTIN: It was a slope that  
7 was manicured by man, a layer of stone was placed  
8 on the slope to stabilize it and underneath the  
9 stone is actually some fabric material. It is  
10 not natural. Someone graded this slope, put on  
11 that fabric material and put the stone on top of  
12 it. So that is the area that extends --

13 MR. ALAMPI: Did you make these  
14 observations yourself on the site?

15 MR. BERTIN: Yes, I made those  
16 observations and another engineer from my office  
17 went out and took photographs and the photographs  
18 are shown here.

19 We found another disturbed area and  
20 that is an asphalt driveway or part of an asphalt  
21 driveway that was covered by leaves and a little  
22 bit of dirt in some places. That picture is  
23 shown here. My guess is that that driveway was  
24 built for the construction of the Galaxy. That  
25 is only a guess.

1 I can't figure out why else it is  
2 there. But part of the site has a driveway on  
3 it. Behind that stone wall the area was graded  
4 as a path way the steep slope comes down and  
5 stops and it is leveled off so that is another  
6 area of disturbance found.

7 MR. ALAMPI: These are conditions  
8 you observed on the site?

9 MR. BERTIN: Right.

10 MR. ALAMPI: When did you first  
11 observe these conditions?

12 MR. BERTIN: I first observed these  
13 conditions several years ago when I first went to  
14 the site and saw these features. There are a  
15 series of stone walls on the property. I  
16 referred several times to the stone wall along  
17 the north side of the property. There are one,  
18 two, three other sizeable stone walls that were  
19 built by somebody over the years on the property.  
20 They are identified here. If you would walk  
21 there today you would see them. The photographs  
22 are presented as Exhibit A-1.

23 The geotechnical report that was  
24 submitted with the application showed some  
25 pictures and some test pit locations where some

1 brick debris was found just below the surface  
2 and that was actually found beyond what we are  
3 calling the limit of disturbance for this  
4 proposed project but there was brick debris,  
5 there was some pipes, pieces of pipe that were  
6 found in the area beyond the proposed limit of  
7 disturbance.

8 MR. ALAMPI: And could you describe  
9 the area that you are referring to, rip rap and  
10 the stone walls and within the limit of  
11 disturbance, what materials you found in the  
12 ground. The composition of the ground, have you  
13 tested it?

14 MR. BERTIN: Yes, many test pits  
15 done in the area to find the department of rock  
16 to look for possible sewer pipe.

17 Below the surface is the typical  
18 soil that you find at the base of the Palisades,  
19 a sandy material, some boulders and then  
20 eventually the Palisades itself or the  
21 underground portion of the Palisades. The point  
22 of showing all this is to show that this area  
23 that is proposed to be disturbed is what we call  
24 previously disturbed, that is what we found.  
25 That this is not natural site, this is a site

1 that has been disturbed.

2 MR. ALAMPI: Why is that important?

3 MR. BERTIN: As far as the  
4 justification for the disturbance of the slope we  
5 wanted to see what the condition of the slope is  
6 and we feel that because the site was disturbed  
7 that is part of the justification to construct on  
8 this limited portion of the steep slope area.

9 Also the DEP classifies rip rap as  
10 an impervious surface and so you are permitted in  
11 the DEP regulations to disturb impervious  
12 surfaces and so this whole area that I mentioned  
13 that is right behind the existing tennis courts,  
14 the paved driveway, those are all impervious  
15 surfaces and those are some of the areas that  
16 would be disturbed by these surfaces.

17 MR. TRIDENTE: Mr. Chairman, could  
18 you please have Mr. Bertin tell us when he first  
19 did the test pits. When were they first done.

20 MR. BERTIN: Well, some test pits  
21 were done back in 2007. If you want specific  
22 dates I could get that.

23 MR. TRIDENTE: That would be under  
24 2007-027-SP?

25 MR. BERTIN: If that was the prior

1 version of this project when the building was  
2 going back.

3 MR. TRIDENTE: Let me ask you.  
4 You don't want to bring in the application before  
5 because it was a different application, but now  
6 you are using the test pit tests from the  
7 previous application for this one.

8 MR. ALAMPI: You know, Mr.  
9 Chairman, that is a question that can't be  
10 responded to. It says that we don't want to  
11 bring in. That application was withdrawn and no  
12 action was taken on it and this is a completely  
13 different application on a much smaller building.

14 CHAIRMAN CHOFFO: What I think Mr.  
15 Tridente is saying is that that application you  
16 are addressing now, in terms of the tests that  
17 were done, was there any test done after that  
18 2007?

19 MR. BERTIN: Yes. They were done  
20 through 2010 so I just went to the earliest  
21 version of the geotechnical report that had an  
22 initial date of May of 2007 and it was last  
23 revised June of 2010.

24 CHAIRMAN CHOFFO: So there was  
25 tests done after that?

1 MR. BERTIN: Yes. And another  
2 report dated September 16th of 2010. So.

3 CHAIRMAN CHOFFO: I think that is  
4 what Mr. Tridente was saying, if that was the  
5 only test done it would be a different situation.

6 MR. BERTIN: No, there were tests  
7 done because we did a little bit, did a little  
8 bit more, did a little bit more.

9 CHAIRMAN CHOFFO: You did ask him  
10 when the first one was done.

11 MR. TRIDENTE: Yeah.

12 MR. ALAMPI: Thank you. Now,  
13 Calisto, you were going to explain to us the  
14 details that are on this Exhibit A-5. Just  
15 bring us through it, please.

16 MR. BERTIN: Yes, I think I did.  
17 I think I showed that our belief is that the area  
18 that is to be disturbed is currently either  
19 considered impervious area but most of it is  
20 impervious already by DEP's definition, but the  
21 entire area has been disturbed. It is not  
22 natural.

23 MR. ALAMPI: Now, with regard to  
24 your other exhibits, I think you had marked A-6,  
25 is that correct, the photograph?

1 MR. BERTIN: Yes. We obtained --

2 MR. ALAMPI: Just a second. The  
3 photograph we marked as A-6, is that photograph  
4 submitted in conjunction with your earlier  
5 report, with the A-1 report?

6 MR. BERTIN: Yes.

7 MR. ALAMPI: Could you tell us  
8 where we would find that in your report? Is that  
9 the figure 2.2 which is -- I guess which is five  
10 pages from the last in your report?

11 MR. BERTIN: Six pages.

12 MR. ALAMPI: Six pages from the  
13 last.

14 MR. BERTIN: Yes.

15 MR. ALAMPI: Thank you.

16 Now you indicated that you enlarged  
17 the photograph.

18 MR. BERTIN: Yes. I enlarged the  
19 photograph and I just flipped it upside down.

20 MR. ALAMPI: Why did you flip it?

21 MR. BERTIN: Because in the report  
22 we wanted to keep the orientation the same so  
23 north was generally up but when you look at the  
24 photograph you can tell the right way to look at  
25 the photograph is the other way, is to look at

1 the photograph instead of from the south to the  
2 north, it is from the north to the south because  
3 it starts to make sense.

4 MR. ALAMPI: This enlargement of  
5 the photograph, first of all, how did you obtain  
6 the original photograph in figure 2.2.

7 MR. BERTIN: There was a Phase 1  
8 report done for this project. I am sorry I don't  
9 have that Phase 1 report, but there were aerial  
10 photographs of -- actually most of this region  
11 provided, they were provided to us and the  
12 photographs go back to 1933.

13 MR. ALAMPI: Then how did you  
14 enlarge the photograph? What technique did you  
15 use?

16 MR. BERTIN: Well, we took those  
17 aerial photographs and enlarged it actually in  
18 Microsoft Power Point to get it to a size that we  
19 could use.

20 MR. ALAMPI: Now, is it possible to  
21 enlarge the photograph any further?

22 MR. BERTIN: We could enlarge it  
23 further than A-6 but then it would start to get  
24 blurry and we start to enlarge it to the size of  
25 full size sheet, but it was really dots.

1                   This picture is of a very large  
2 area and so what I am showing is a small, small  
3 segment of that aerial photograph.

4                   MR. ALAMPI: Now, going to your A-6  
5 exhibit -- Mr. Chairman, we did circulate this to  
6 the Board this evening.

7                   Going to this photograph, I note  
8 that you have some labels and items. Could you  
9 just bring us through these labels.

10                  MR. BERTIN: Yes. Walking around  
11 from the lower left corner, first we indicate the  
12 sewage treatment plant. The buildings weren't  
13 there but the two open clarifiers are there, are  
14 shown on this photograph.

15                  Next above that is a building that  
16 occupied the property along the north property  
17 line.

18                  In the middle of the site where the  
19 existing tennis courts are a series of tanks and  
20 then on the south property line --

21                  MR. ALAMPI: You say tanks. What  
22 type of tanks?

23                  MR. BERTIN: Vertical tanks. I  
24 understand this was some kind of oil processing  
25 facility. Turn oil from one type of oil into

1 another type of oil.

2 CHAIRMAN CHOFFO: Is it still  
3 active?

4 MR. BERTIN: No, no, no. It has  
5 been gone since -- well, we have it in '66, but  
6 it doesn't show up in '84, so somewhere in that  
7 time frame it was taken out.

8 COMMISSIONER ROMANO: When the road  
9 was widened they started building. It was  
10 removed.

11 MR. BERTIN: Okay.

12 In this 1966 photograph you can see  
13 -- what I should do is go to the building which  
14 is on the south property line because it is hard  
15 to see because of the color of the roof, but if  
16 you follow the property line the building does go  
17 right from the River Road frontage on an angle  
18 along that property line.

19 It comes back -- the edge of the  
20 building is somewhat obscured but I have a dashed  
21 line that goes from the site that approximates  
22 the ends are ending at the west end of the  
23 building and comes back as a rectangle back down  
24 the road.

25 MR. ALAMPI: The dashed line, did

1 you superimpose this on this enlarged photograph?

2 MR. BERTIN: Yes, I did.

3 MR. ALAMPI: Was this on the  
4 photograph itself when it was generated from the  
5 Phase 1 report that was given to you?

6 MR. BERTIN: No.

7 MR. ALAMPI: And what is the  
8 purpose of showing this dashed line?

9 MR. BERTIN: Well, I mentioned that  
10 the clarifiers are shown in the photograph and  
11 shown on the survey and on the site plans, and if  
12 you look at those two tanks, right between the  
13 tanks is a line. It is a border, this line here  
14 I am showing between the two tanks on Exhibit A-5  
15 and if you extend that line across the back of  
16 the property it sort of hits the back of these  
17 buildings so it gives me an indication of where  
18 the back of the buildings were located to know  
19 how far back in the property they went.

20 MR. ALAMPI: So you are using these  
21 clarifiers as a monument or point of reference?

22 MR. BERTIN: Correct.

23 MR. ALAMPI: And those clarifiers,  
24 have they been moved or relocated since the time  
25 of this photograph?

1 MR. BERTIN: No.

2 MR. ALAMPI: They are not able to  
3 be relocated, are they?

4 MR. BERTIN: No.

5 MR. ALAMPI: And you are using that  
6 as a reference point or monument to take a  
7 bearing from.

8 MR. BERTIN: That is correct. And  
9 what it shows me, and it is stated in the report  
10 that the two buildings that are located on this  
11 site were constructed back to that, approximately  
12 that lot line, that internal lot line that  
13 separates the rear lot, Line 5.02 to the lower  
14 lots.

15 MR. ALAMPI: Let's go slowly,  
16 Calisto.

17 The A-5 photographs where you  
18 insert the dashed line, you are using the  
19 clarifiers in the reference line, correct?

20 MR. BERTIN: Yes.

21 MR. ALAMPI: The A-5 exhibit, does  
22 it show the location on the clarifiers on A-5?

23 MR. BERTIN: Yes, all the plans  
24 have it.

25 MR. ALAMPI: When you show them,

1 how can we know whether the clarifiers are  
2 accurately depicted as to their true location?

3 MR. BERTIN: They were surveyed by  
4 the surveyors. Just like the rest of the survey  
5 was prepared, the surveyors went and actually  
6 surveyed those points.

7 MR. ALAMPI: So that you could  
8 verify their exact location?

9 MR. BERTIN: Yes.

10 MR. ALAMPI: And using the  
11 clarifiers as a point of reference for a bearing,  
12 can you show us on A-5 where the two buildings on  
13 the north and the south side, the two buildings  
14 that were there in 1966, how far back they went  
15 on the subject site.

16 MR. BERTIN: Well, I guess what I  
17 can do is go back to A-2.

18 MR. ALAMPI: I will have to ask you  
19 the same question. As to A-2, do you also show  
20 the clarifiers?

21 COMMISSIONER BETTINGER: Mr.  
22 Chairman, you are going through all this  
23 technical stuff and it is a quarter to ten at  
24 night, we are all exhausted.

25 We have a picture here. Can you

1 tell us from this picture where are you talking  
2 about. This would be so much easier.

3 MR. BERTIN: Well, I will take the  
4 site plan.

5 COMMISSIONER BETTINGER: It is late  
6 and it is very technical.

7 CHAIRMAN CHOFFO: You are losing  
8 our attention.

9 COMMISSIONER BETTINGER: I  
10 appreciate it, but can you just explain?

11 MR. BERTIN: On the site plan which  
12 would equate to your current photographs, the  
13 tanks are shown here, the clarifiers. You have  
14 two with the domes, the two dome tanks are closer  
15 to River Road and you got the two open tanks  
16 behind it and then if you look at the center of  
17 those tanks approximately and take that line  
18 clear across the site it comes to the approximate  
19 rear wall of the proposed building.

20 COMMISSIONER BETTINGER: So where  
21 do you plan on building?

22 CHAIRMAN CHOFFO: Can you come over  
23 here and point on this picture?

24 COMMISSIONER BETTINGER: It would  
25 be easier.

1 MR. ALAMPI: Mr. Chairman, if we  
2 might, what is that item that we are looking at?

3 COMMISSIONER ROMANO: 2007.

4 CHAIRMAN CHOFFO: We will mark it.  
5 It is a picture we received from Mario Tridente.  
6 It is an aerial view of the current site not from  
7 1966.

8 COMMISSIONER ROMANO: From 2007.

9 MR. ALAMPI: Do you want to mark  
10 that?

11 MR. BERTIN: Yes, please. Thank  
12 you.

13 MR. ALAMPI: I don't know if I want  
14 it as an A exhibit or PB exhibit.

15 CHAIRMAN CHOFFO: Make it a PB  
16 exhibit.

17 (Exhibit so marked as PB-1.)

18 MR. ALAMPI: All right. PB-1.

19 MR. BERTIN: I have a red marker  
20 here.

21 COMMISSIONER BETTINGER: Mr. Lamb  
22 will need copies as well.

23 MR. BERTIN: What I just marked, if  
24 the building -- let me start over.

25 I put a red line across the

1 photograph. South is to the top of the page, so  
2 east is to the left side. So the building on  
3 the left side of that line. Okay?

4 COMMISSIONER BETTINGER: Okay. By  
5 the tennis courts?

6 MR. BERTIN: It occupies the tennis  
7 courts but the tennis courts -- and that line was  
8 a sloped area and there are trees on it. That  
9 is the area that I said was a man-made slope or a  
10 manicured slope and what I was doing by going  
11 through this 1966 photograph was showing you that  
12 a building previously existed on that slope.

13 COMMISSIONER BETTINGER: Okay.  
14 Now we are making sense. We are sitting here  
15 and it is like -- thank you, thank you.

16 MR. ALAMPI: Okay. Chairman, I am  
17 going to pick up the tempo a little bit.

18 COMMISSIONER BETTINGER: Please.

19 MR. ALAMPI: I am trying.

20 COMMISSIONER MEHTA: In the same  
21 picture this purifier in the back and the two  
22 tank in the front, how high approximately those  
23 tanks are and how high is the proposed building  
24 will be so at least we can visualize the height  
25 of the building.

1 CHAIRMAN CHOFFO: Did you hear the  
2 question, Mr. Alampi?

3 MR. ALAMPI: How high are the big  
4 holding tanks, how tall are they?

5 COMMISSIONER MEHTA: How high they  
6 are and how high the proposed building will be so  
7 we can visualize.

8 MR. ALAMPI: I don't know if Mr.  
9 Bertin can tell you that.

10 MR. BERTIN: I can find out.

11 MR. ALAMPI: We will provide you  
12 with the answer rather than guess. We don't  
13 know how high those tanks are.

14 COMMISSIONER BETTINGER: Mr.  
15 Chairman, I have one other question. Who owns  
16 the tennis court?

17 MR. ALAMPI: That is the Applevew  
18 property. The tennis courts are no longer  
19 actively in use.

20 COMMISSIONER BETTINGER: And the  
21 tanks are going to remain there?

22 MR. ALAMPI: Those tanks belong to  
23 the MUA, that is how they clean the -- that is  
24 part of the sewerage infrastructure not from us.

25 CHAIRMAN CHOFFO: That is why the

1 1966 -- I am referring to the same pictures,  
2 Commissioner Bettinger.

3 MR. ALAMPI: The tanks being  
4 referred to in 1966 are where the tennis courts  
5 are now. They were oil tanks, holding tanks for  
6 petroleum product. The other tanks we are  
7 talking about is the sewerage tanks for cleaning  
8 the sewerage.

9 COMMISSIONER FITZGIBBONS: It is  
10 about two or three stories high.

11 CHAIRMAN CHOFFO: Say we are  
12 talking about in the pictures we have, the Board,  
13 basically is where the tennis courts are is where  
14 the buildings are going to go?

15 MR. ALAMPI: Exactly.

16 MR. BERTIN: On Exhibit A-5, you  
17 can see the two tennis courts.

18 MR. ALAMPI: Calisto, it is -- you  
19 are boring the people. It is not my fault, it is  
20 your fault. Would you move quicker?

21 MR. BERTIN: I am done. It is  
22 your fault now.

23 MR. ALAMPI: With regard to your  
24 report, these exhibits that you have just  
25 enlarged are enlargements from the report but

1 there was an A-3 and an A-2 exhibit.

2 Let's just briefly go to those.  
3 You marked them but I don't think we got any  
4 testimony from them.

5 MR. BERTIN: A-3.

6 MR. ALAMPI: Tell us what it is and  
7 why you are producing it.

8 MR. BERTIN: Just so you understand  
9 the building, over 50 percent of the roof is  
10 going to be landscaped. You have seen that you  
11 have green roofs, Jersey City uses them a lot, so  
12 this Exhibit A-3 is the landscape rendering of  
13 the plan. Shows the plantings around the  
14 building, the trees that are proposed on the site  
15 and the seedums that will be used on the roof.

16 One of the things I mentioned  
17 earlier is that we did some green infrastructure,  
18 the technologies here, and one of those features  
19 is that we are going to put a holding tank in the  
20 parking lot to provide, to collect and store rain  
21 water from the building that can be used for site  
22 irrigation and irrigating the roof top  
23 landscaping should it need it.

24 MR. ALAMPI: Now Calisto, these  
25 items that you are addressing with this exhibit,

1 you don't have to go into detail, are addressing  
2 Item No. 3 in Megan Massey's July 11, 2011  
3 report.

4 MR. BERTIN: That is correct.

5 MR. ALAMPI: And do you think you  
6 have adequately addressed these green initiatives  
7 and such with this feature, an explanation of  
8 recycling the water and things of that nature?

9 MR. BERTIN: Yes.

10 MR. ALAMPI: Thank you.

11 Finally, with regard to your report  
12 itself, the A-1 exhibit, it is a very voluminous  
13 report with photographs and exhibits, correct?

14 MR. BERTIN: Yes.

15 MR. ALAMPI: I don't want you to  
16 read your report into the record. Very briefly  
17 highlight for us the main points in that report  
18 that you may not have already touched upon.

19 MR. BERTIN: To be brief, we  
20 introduced the site, we described the existing  
21 conditions which I went too much into. There  
22 are a series of aerial photographs in the report.  
23 I just chose to show one.

24 MR. ALAMPI: What I am interested  
25 in is No. 5, proposed development options. What

1 were you doing, why were you showing these?

2 MR. BERTIN: And this goes back to  
3 Mr. Tridente's question earlier, we did provide  
4 an alternate analysis of the site and in figure  
5 3.2 which is Alternate Plan A, was that project  
6 that was discussed in 2007.

7 MR. ALAMPI: All I want to know is  
8 with that project footprint, does the project  
9 push further into the west beyond the limit of  
10 disturbance you are describing today?

11 MR. BERTIN: Absolutely.

12 MR. ALAMPI: How much?

13 MR. BERTIN: It went back another  
14 40, 50 feet into the property.

15 MR. ALAMPI: We abandoned that  
16 property in favor of the current project?

17 MR. BERTIN: Yes.

18 MR. ALAMPI: Next.

19 MR. BERTIN: The next project was a  
20 commercial -- mixed-use commercial on the ground  
21 floor, residential above. It required a  
22 two-level parking garage in the back.

23 MR. ALAMPI: That garage, if it  
24 would be constructed in the back, would it  
25 proceed deeper into it than this project we are

1 here on today?

2 MR. BERTIN: Yes.

3 MR. ALAMPI: How much? By how many  
4 feet?

5 MR. BERTIN: Fifteen feet.

6 MR. ALAMPI: And lastly, you have  
7 referred to other conditions. You have  
8 discussed the slope condition, drainage and  
9 erosion control.

10 Did you discuss the issues of  
11 drainage and control against any erosion so that  
12 it would not have an adverse impact upon the  
13 county's DEP discharge plan?

14 MR. BERTIN: Yes.

15 MR. ALAMPI: Did you discuss this  
16 with the representative from TY Lin Engineering?

17 MR. BERTIN: Yes.

18 MR. ALAMPI: And have you reviewed  
19 all this to their satisfaction, to your  
20 knowledge?

21 MR. BERTIN: Yes.

22 MR. ALAMPI: Thank you.

23 And I think, Chairman, we are not  
24 going to go through the report per se, we are  
25 moving these reports and documents into the case

1 record.

2                   You had opportunity to read it, I  
3 am sure in light of the testimony you want to  
4 reread it, so I am not going to beat a dead horse  
5 to death. I am going to try to conclude right  
6 now with Mr. Bertin.

7                   CHAIRMAN CHOFFO: Thank you.

8                   MR. ALAMPI: Issues of the county  
9 road itself, River Road is a county road,  
10 correct?

11                  MR. BERTIN: Yes.

12                  MR. ALAMPI: Are there any concerns  
13 regarding ingress and egress, site distances,  
14 safety of vehicle movements on and off the site?

15                  MR. BERTIN: No. We addressed  
16 that, a traffic impact study was prepared,  
17 reviewed by the county and accepted.

18                  MR. ALAMPI: Thank you. I have no  
19 further questions of this witness.

20                  CHAIRMAN CHOFFO: I have two  
21 questions. Out of the 59 units, is there any  
22 retail or strictly residential?

23                  MR. BERTIN: Strictly residential.

24                  CHAIRMAN CHOFFO: Are they one and  
25 two bedrooms, three bedrooms?

1 MR. ALAMPI: Yes. It is a mix of  
2 every. It is in your exhibit you reviewed, the  
3 architectural plan, the three-sheet plan, and it  
4 has the breakdown of the bedroom mix.

5 MR. BERTIN: I mentioned it earlier  
6 there were twelve one-bedrooms and 47  
7 two-bedrooms. Twelve one-bedrooms, 47  
8 two-bedrooms. A total of 59 units.

9 COMMISSIONER BETTINGER: Mr.  
10 Chairman, I have a question.

11 CHAIRMAN CHOFFO: Yes.

12 COMMISSIONER BETTINGER: Are they  
13 rental or condominiums?

14 MR. ALAMPI: They are designed  
15 contemplating with this economy as a rental  
16 building. Of course in 2004 we believed it  
17 would be a condominium, but they are presently  
18 being viewed as rental building.

19 CHAIRMAN CHOFFO: Any questions?

20 COMMISSIONER BETTINGER: Will any  
21 units be facing those tanks?

22 MR. ALAMPI: Yes.

23 CHAIRMAN CHOFFO: Questions?

24 Thank you, Mr. Alampi.

25 MR. ALAMPI: Thank you.

1                   CHAIRMAN CHOFFO: How do we proceed  
2 now, Mr. Curley?

3                   MR. CURLEY: If there are any  
4 objectors that wish to ask questions of the  
5 witness other than what was just given, that  
6 should be done at this point.

7                   I assume Mr. Lamb has some  
8 questions.

9                   MR. LAMB: I do, but I am going to  
10 go for a while. I am just --

11                   CHAIRMAN CHOFFO: Just so you know,  
12 at 10:30 we are going to take a vote, the members  
13 here. We may -- if we decide not to go further  
14 we are going to carry this meeting to August or  
15 there may be another special meeting.

16                   MR. LAMB: That is fine, Mr.  
17 Chairman.

18                   Mr. Bertin, I know we had a lot of  
19 testimony, discussions about what was there in  
20 1966, that prior aerial photograph. Was what  
21 was there before this project presented to any of  
22 the North Bergen Planning Board in 2007? Or  
23 thereafter when you started the project, what was  
24 in existence?

25                   MR. BERTIN: What is there today?

1 MR. LAMB: Yes.

2 MR. BERTIN: Tennis courts,  
3 basketball courts, dog run. Recreational scale.

4 MR. LAMB: Where is that?

5 MR. BERTIN: On Exhibit A-5 you  
6 show the tennis court, the basketball court.  
7 That is what it shows. It shows there are  
8 recreational facilities there.

9 MR. LAMB: Is there any plan that  
10 shows what is there now with the building  
11 superimposed to show the existing conditions of  
12 the building? I am not saying it is not there, I  
13 just don't recall.

14 MR. BERTIN: No. I don't think I  
15 have the building footprint and the tennis courts  
16 on the same plan on these exhibits.

17 MR. LAMB: It is fair to say the  
18 proposed building, however, goes far, further  
19 west than the westerly-most portion of the tennis  
20 courts?

21 MR. BERTIN: Yes.

22 MR. LAMB: What is this gray area  
23 that you have got here on A-5?

24 MR. BERTIN: There is a line that  
25 is shown on all the plans. That is the internal

1 lot line. The building goes back just shy of  
2 that lot line, so I am pointing it out on the  
3 plan here, that line is shown and so the building  
4 goes back to that line.

5 MR. LAMB: And you said between the  
6 westerly portion of the tennis courts going west  
7 that some of that area was disturbed or affected  
8 when you dug, when you brought in your digging,  
9 your wells -- I guess your drills.

10 MR. BERTIN: Drill rigs and track  
11 hoses. Not this slope. Behind it there was  
12 this path and in the area behind, but between the  
13 tennis -- well for the first 30 feet or 40 feet  
14 behind the tennis courts there was no disturbance  
15 there.

16 MR. LAMB: And if I went back -- if  
17 you started the whole application process in  
18 2007, if I went back another ten years, same  
19 thing; tennis courts here, tennis courts and open  
20 space and whatever is shown on this?

21 MR. BERTIN: We have an aerial  
22 photograph that shows the tennis courts were  
23 there in the '20s, as I recall.

24 MR. LAMB: For purposes of  
25 evaluating what was there before this

1 application, is it fair to say when you go back  
2 to prior buildings in the '60s, they are long  
3 since gone as you testify to. You are not sure  
4 the building was shown -- I assume you are right  
5 on your 1966 photos, but somewhere between 1966  
6 and 1984 the buildings were gone and there was a  
7 new development on the project?

8 MR. BERTIN: Correct.

9 MR. LAMB: And the new development  
10 was the tennis courts and whatever other areas  
11 are shown on the existing conditions?

12 MR. BERTIN: Correct.

13 MR. LAMB: Now, you talked about  
14 rip rap spread in certain areas and you said the  
15 rip rap was probably -- you believe that it was  
16 really for stabilization, is that what it is  
17 typically used for?

18 MR. BERTIN: That is what it was  
19 for.

20 MR. LAMB: That is kind a safety  
21 things that is to make sure rocks don't slide  
22 down the slips in those particular areas?

23 MR. BERTIN: It is to prevent  
24 erosion of that area, not anything to do with  
25 rocks or the Palisades, but it is just a way to

1 stabilize that slope until vegetation grows  
2 through it.

3 MR. LAMB: So it is to reserve it?

4 MR. BERTIN: Yes.

5 MR. LAMB: It is your testimony  
6 that when somebody takes steps to preserve the  
7 soil and the natural features, that that counts  
8 as disturbance for purposes of your exception  
9 argument on this NJAC regulation?

10 MR. BERTIN: In this case, yes.

11 MR. LAMB: And when was that NJAC  
12 regulation you referred to, do you know when that  
13 was adopted?

14 MR. BERTIN: No, I do not know when  
15 it was adopted. I have a copy of it in my file  
16 someplace but I don't know when it was adopted.

17 MR. LAMB: Is it fair to say that  
18 at the time it was adopted, if it was adopted in  
19 the last ten years -- if you can assume it was  
20 adopted in the last ten years, what was here was  
21 the tennis courts and the other improvements that  
22 are shown on your A-5?

23 MR. ALAMPI: Excuse me. The  
24 witness said he doesn't know when it was adopted  
25 so how can he answer that question.

1 MR. LAMB: I am asking him to  
2 assume it was adopted in the last ten years.

3 If that regulation was adopted the  
4 last ten years, is it fair to say at the time of  
5 the adoption when that DEP regulation put in that  
6 exception, this property was open space, tennis  
7 courts and recreational use?

8 MR. BERTIN: What exception?

9 MR. LAMB: The exception that your  
10 argument is that that is a prior disturbance  
11 which allows you to come within the exception of  
12 these county regulations.

13 MR. BERTIN: Yes, but there is a  
14 lot of recent regulations that address the fact  
15 that a site might have been previously developed.  
16 Like pavement up against a stream they understand  
17 that may exist and they give you the right to  
18 redevelop that area though today you would not be  
19 able to if it was wood or natural.

20 MR. LAMB: If I went out there, the  
21 whole Board went out there right now and we  
22 exclude the path where you are digging, that  
23 excavation, isn't it fair to say that this is  
24 steep slope with the rip rap on it, isn't that  
25 what is there?

1 MR. BERTIN: That is what I said it  
2 was.

3 COMMISSIONER ROMANO: Just for  
4 clarification, what is rip rap?

5 MR. BERTIN: Rip rap, it is large  
6 stone. It is crushed stone. I think in this  
7 case it is six inches, it is a uniform put on  
8 that.

9 MR. LAMB: That was my poor  
10 enunciation. After 10:00 o'clock I enunciate  
11 poorly.

12 Now, you talked about all this --  
13 now, this area, it was a little more than 10,000  
14 square feet?

15 MR. BERTIN: The area of steep  
16 slope to be disturbed, yes. It is 10,900 square  
17 feet.

18 MR. LAMB: You are asking this  
19 Board to allow, whether by exception or waiver,  
20 you are asking this Board to let you disturb  
21 steep slopes of about 10,000 square feet.

22 MR. BERTIN: Yes.

23 MR. LAMB: And that is about  
24 roughly within a 10,000 square foot property,  
25 that is a little more than 10 percent of the

1 property.

2 MR. BERTIN: Correct.

3 MR. LAMB: You put in your report  
4 you could develop a building that didn't disturb  
5 any steep slopes, but the problem is you would  
6 lose about 15 units?

7 MR. BERTIN: I mentioned that in  
8 the report, yes.

9 MR. LAMB: So what you are saying,  
10 then, is you can comply with the steep slopes and  
11 you can put a building up that is 45 units, is  
12 that what you are saying?

13 MR. BERTIN: Yes.

14 MR. LAMB: Now, the alternate plans  
15 that you put in your report, you put, in your  
16 report you put Alternate A was that 2007  
17 application that was nine plus stories.

18 MR. BERTIN: Correct.

19 MR. LAMB: What happened to that?  
20 The applicant voluntarily withdraw that, did it  
21 not?

22 MR. BERTIN: Yes.

23 MR. LAMB: And the next project was  
24 a little more closer to this, that was the five  
25 story but that was the mixed use?

1 MR. BERTIN: Correct.

2 MR. LAMB: What happened with that?

3 MR. BERTIN: The mixed use was not  
4 permitted in the zone. We thought it was and  
5 then we realized we did not want to go for a use  
6 variance so we withdraw that.

7 MR. LAMB: So you had two prior  
8 alternate plans but those were plans that you  
9 voluntarily withdraw.

10 MR. BERTIN: To get to this point.

11 MR. LAMB: But right now what is  
12 the alternatives of the site? Can you develop  
13 various alternatives from this site?

14 We know that you can leave the site  
15 as it is and use it for tennis courts and the  
16 other space. That is one possible alternative  
17 use.

18 MR. BERTIN: Correct.

19 MR. LAMB: Understand your client  
20 may not want to do that, but that is an  
21 alternative.

22 MR. BERTIN: Correct.

23 MR. LAMB: You could build a  
24 45-unit apartment/condo building as well and not  
25 run afield of any steep slopes?

1 MR. BERTIN: Correct, you can  
2 always build a smaller building, correct.

3 MR. LAMB: Now you also indicated  
4 that the path in that asphalt was covered by  
5 soil, I believe you said soil and leaves I think  
6 was your testimony.

7 MR. BERTIN: Yes.

8 MR. LAMB: So is it fair to say  
9 that that was underneath the ground, that wasn't  
10 a road where you walked and you didn't see a road  
11 on the top of the surface, it was subsurface?

12 MR. BERTIN: Did we see it when we  
13 first entered the property? No. Did we find  
14 it? Yes. It was covered with leaves and a  
15 little bit of soil, but mostly leaves.

16 MR. LAMB: Now, you said that area,  
17 that 10,000 square feet is impervious coverage  
18 that complies with the definition of impervious?

19 MR. BERTIN: The rip rap slope.

20 MR. LAMB: That 10,000 feet you  
21 want to disturb is steep slope.

22 MR. BERTIN: Not all of it is  
23 covered with rip rap, but a good portion of it  
24 is.

25 MR. LAMB: That is a good question.

1 How much of that 10,000 square feet is covered by  
2 the rip rap? Approximately. Round numbers.

3 MR. BERTIN: Eight -- yeah, eight  
4 -- it is the slope behind the tennis courts.

5 MR. LAMB: When you are saying --

6 MR. BERTIN: 8,000 square feet. I  
7 am trying to guess a ballpark. It is the  
8 majority of it, but it is more than half but less  
9 than a hundred percent. I got to write that  
10 down.

11 MR. LAMB: And you are free to  
12 double check that and come back and change it.  
13 Did you include that area in the calculation of  
14 impervious coverage on these plans?

15 MR. BERTIN: For what purpose?

16 MR. LAMB: You appeared before the  
17 North Bergen Planning Board. Did you say I have  
18 a certain amount of coverage and that coverage  
19 includes that extra 10,000 square feet?

20 MR. BERTIN: It was addressed in  
21 the drainage report. I have to look at the  
22 report. I don't recall.

23 MR. LAMB: Because you did say in  
24 this report that one of your arguments, and I  
25 think the other witnesses, is that you comply

1 with the impervious coverage requirement in North  
2 Bergen.

3 MR. BERTIN: Yes, yes. The total  
4 lot coverage is less than the maximum permitted.

5 MR. LAMB: Now, when you went back  
6 and brought in your excavator you took down some  
7 trees, I assume.

8 MR. BERTIN: Yes, a couple of trees  
9 were taken down to get back there.

10 MR. LAMB: Is it fair to say your  
11 application to this Planning Board indicate you  
12 did not remove any trees, no trees were removed  
13 on the site?

14 MR. BERTIN: I don't know that it  
15 says that.

16 MR. LAMB: Now, I mentioned at the  
17 beginning of the hearing did you apply for a  
18 reverse subdivision as the Hudson County Planning  
19 Board as part of this application?

20 MR. BERTIN: We should. I don't  
21 know if we did, I have to look at the application  
22 and I couldn't find it.

23 MR. LAMB: Now, for the first time  
24 -- and we have had lots of discussions in other  
25 hearings that is not totally relevant to this

1 Board, but we call it an access road, the 20 feet  
2 easement on the north portion of the property  
3 line.

4 MR. BERTIN: You call it an access  
5 road, we called it an access way.

6 MR. LAMB: You call it an access  
7 way.

8 MR. BERTIN: It is not a road.

9 MR. LAMB: Access alley? Is that a  
10 fair --

11 MR. BERTIN: It is a lawned area  
12 you can use for access.

13 MR. LAMB: There is going to be a  
14 gate over it?

15 MR. BERTIN: Yes, we are going to  
16 have a gate in the front.

17 MR. LAMB: Is that noted on any of  
18 the plans?

19 MR. BERTIN: I believe so. It was  
20 requested that we put a fence along the  
21 right-of-way line just because we are providing  
22 the depressed curb and we put a fence along the  
23 line so nobody thinks they can drive back there.

24 MR. LAMB: Do you know how many  
25 vehicles or trips or entrances over this access

1 way that Transco intends to make of that area, do  
2 you know how many, what the trips are over that?

3 MR. BERTIN: Hopefully one in the  
4 next ten years, two? Only if they have to  
5 maintain the pipe. They wouldn't go back there.  
6 They haven't had to go back there since the pipe  
7 was installed.

8 MR. LAMB: There is also a  
9 maintenance area, isn't there, in the proposal  
10 that Transco make a maintenance area?

11 MR. BERTIN: They get an area here  
12 should they need to dig. We gave them the rest  
13 of the corner up there if they need to stage.  
14 Just stage. Not to store anything.

15 MR. LAMB: Do you have any idea  
16 what can be staged up there; equipment, trucks,  
17 pickup vans, any idea?

18 MR. BERTIN: Things that would be  
19 used to construct or rebuild the pipe.  
20 Guttenberg has the same privilege.

21 MR. LAMB: You said Guttenberg  
22 approved of an easement yet is there any easement  
23 that is approved -- you said the North Bergen  
24 Municipal Utility Authority, I think you said  
25 Guttenburg, the City of North Bergen. Have any

1 of these agencies said I got this easement or  
2 license or agreement, whatever you want to call  
3 it?

4 CHAIRMAN CHOFFO: Excuse me, Mr.  
5 Lamb, I think that is something Mr. Alampi  
6 referenced earlier, that his client would not be  
7 issuing any easements until he knows if he has  
8 approval or not. If you recall, am I correct?

9 MR. LAMB: He did say that.

10 CHAIRMAN CHOFFO: I think that  
11 would be a question more directed towards Mr.  
12 Alampi and not --

13 MR. LAMB: I know Mr. Alampi will  
14 never let me ask him any questions.

15 CHAIRMAN CHOFFO: We have 15  
16 minutes left until the next meeting.

17 MR. LAMB: Now, were you involved  
18 in the submission of this application to Hudson  
19 County?

20 MR. BERTIN: Yes.

21 MR. LAMB: Did you review the  
22 application?

23 MR. BERTIN: Yes.

24 MR. LAMB: And as a result of that  
25 review did you make comments on it or changes on

1 the application before it was submitted?

2 MR. BERTIN: Oh, I am sure.

3 MR. LAMB: And is it fair to say  
4 that when filling out the application you  
5 indicated that no steep slopes would be  
6 disturbed?

7 MR. BERTIN: I don't think we would  
8 say that because we know we are disturbing steep  
9 slopes. We may have made a waiver request  
10 subsequent.

11 MR. LAMB: Did you make the waiver  
12 request that you are disturbing steep slopes and  
13 you wanted the Board to recognize that? Did you  
14 make that at the time of the submission of the  
15 application?

16 MR. BERTIN: There was no mechanism  
17 to ask for waivers in the application. It just  
18 -- you have a check list for completeness and you  
19 can ask for a waiver of being complete, but you  
20 know in a municipal application it says are you  
21 seeking any variances and you list the variance.  
22 We did not do that in the initial application.

23 MR. LAMB: Getting back down to the  
24 access way, you said there is a gate here and  
25 there is a depressed curb.

1 MR. BERTIN: Proposed.

2 MR. LAMB: Okay, proposed.

3 Is this considered a driveway?

4 MR. BERTIN: There is just going to  
5 be a depressed curb. There will still be lawn  
6 alongside it, so it will not be a driveway.

7 MR. LAMB: If it is considered a  
8 driveway, you are aware driveways be set back  
9 from property lines by ten feet?

10 MR. BERTIN: Yes, but it is not  
11 going to be a driveway.

12 MR. LAMB: If I am Transco and I  
13 want to drive my truck on this do I just go  
14 through this gate?

15 MR. BERTIN: You open the gate and  
16 you drive up on the lawn.

17 MR. LAMB: And now I know that  
18 there is no landscaping on this. Is there any  
19 subsurface material on this 20-foot area?

20 MR. BERTIN: Just lawn.

21 MR. LAMB: Just lawn?

22 MR. BERTIN: Just lawn.

23 MR. LAMB: Now, you testified over  
24 my objection to your risk assessment report.

25 MR. BERTIN: Risk identification.

1 MR. LAMB: Risk identification.

2 MR. BERTIN: There is a difference.

3 MR. LAMB: Is it fair to say you  
4 are not a gas pipeline transmission or safety  
5 expert?

6 MR. BERTIN: Absolutely.  
7 Absolutely I am not. It is fair to say that,  
8 yes.

9 MR. LAMB: Is it fair to say that  
10 therefore you are unable for this Board to  
11 identify every single risk and potential problem  
12 or issue that might affect that gas pipeline?

13 MR. BERTIN: That is correct.  
14 Certain things like stray currents and that sort  
15 of thing I would not know about, but we reviewed  
16 the Transco's manual for maintenance and  
17 construction of the gas pipeline or work near it.  
18 There is notes to the planner and we tried to  
19 identify what we could, that would happen during  
20 construction that might impact the gas lines.

21 MR. LAMB: Where are the notes on  
22 the plan?

23 MR. BERTIN: Drawing 2.3. There  
24 is a whole series of notes on the plan.

25 If you look at the extreme right

1 side, notification 2.0 under utility notes. It  
2 is Williams' natural gas pipeline and there is --  
3 at least the latest plan, there is ten comments  
4 to it. I don't know how many you have on yours.

5 MR. LAMB: I have got four which is  
6 going to lead me to request after this hearing  
7 you send me the most recent plan.

8 MR. BERTIN: But one of those  
9 comments besides notification is that the  
10 construction will be in accordance with Transco's  
11 manual. I don't recall the name of the manual.  
12 But it is in there, and that was discussed at the  
13 North Bergen Planning Board meeting.

14 MR. LAMB: I am going to read 5.3  
15 on yours. You say all work shall comply with  
16 requirements published by Williams.

17 MR. BERTIN: Correct.

18 MR. LAMB: Is that what you are  
19 referring to?

20 MR. BERTIN: Yes.

21 MR. LAMB: Is it fair to say that  
22 those terms and requirements and conditions have  
23 not yet been finalized?

24 MR. BERTIN: Well, as a condition  
25 of approval of these plans, that document is part

1 of the construction drawings so they are part of  
2 this approval.

3 MR. LAMB: So every requirement  
4 Transco imposes is going to be part of this?

5 MR. BERTIN: Yes.

6 MR. LAMB: But if Transco neglects  
7 or fails to provide some requirement, that is not  
8 going to be part of this?

9 MR. BERTIN: No, it is required and  
10 Transco has to be notified. Transco will be  
11 there.

12 MR. LAMB: Now, the date of this  
13 report, you prepared this report on March 23rd,  
14 this risk report?

15 MR. BERTIN: Correct.

16 MR. LAMB: Is it fair to say you  
17 did not submit that to the North Bergen Planning  
18 Board?

19 MR. BERTIN: That is true, I did  
20 not discuss it with the North Bergen Planning  
21 Board.

22 MR. LAMB: We were all discussing  
23 the identification of the risks, that was the big  
24 issue, trying to get a mitigation plan to address  
25 any risks to make sure that nothing would happen

1 on this gas pipeline.

2 MR. BERTIN: Yeah. Your expert  
3 was talking about potential risks but nothing  
4 substantive, but I prepared this at the request  
5 of the county so we submitted it to the county.  
6 It will be part of the construction record when  
7 we go for permits at the town.

8 MR. LAMB: Now, you've testified  
9 that there is about 10,000 square foot of  
10 disturbance of steep slopes that are greater than  
11 20 percent.

12 MR. BERTIN: Correct.

13 MR. LAMB: Did you break down --  
14 sometimes you see steep slope lights and you see  
15 engineers. They break down the percentage of the  
16 steep slopes that are in excess of 20 or 25 or 30  
17 or 40 or 50. Do you have any other breakdown?  
18 As you get to a higher percentage of steep  
19 slopes, what is the breakdown?

20 MR. BERTIN: No, we didn't do it  
21 because it is not applicable here. That is done  
22 in towns where they have requirements for at  
23 slopes of different percentages, so the threshold  
24 is 20 percent, 21 percent, 35 percent, it is all  
25 over 20 percent. That is why we did not see the

1 need to break it down any further.

2 MR. LAMB: And the answer to your  
3 application was there are no steep slopes being  
4 disturbed in excess of 70 percent, that is what  
5 you submitted to this Board?

6 MR. BERTIN: Okay. I don't  
7 recall, but if that is what you said, yes.

8 MR. LAMB: Is it fair to say there  
9 are steep slopes in this 10,000 square feet that  
10 are being disturbed that are much higher than the  
11 20 percent?

12 MR. BERTIN: That are higher than  
13 20 percent, yes.

14 MR. LAMB: Are there some that are  
15 50 percent, 60 percent, 70 percent?

16 MR. BERTIN: I don't recall.

17 MR. LAMB: Now, there was some  
18 discussion because of the concern of soil  
19 movement as a result of this project and its  
20 effect on the gas transmission line. What type  
21 of soils are on the subject property?

22 MR. BERTIN: For the first eighteen  
23 feet in the flat area of the site, and I am  
24 referring to one of the geotechnical reports, so  
25 I don't have to guess.

1 MR. LAMB: What date is that, sir?

2 MR. BERTIN: Well, preliminarily  
3 the geotechnical engineering report last revised  
4 June 10, 2010. I don't know that this report,  
5 let me see if this report -- yes, I don't believe  
6 this report was submitted to the county, but you  
7 asked about soil and that wasn't germane, but I  
8 am just going through one of the borings.

9 For the first ten feet there is  
10 fill, sand, gravel some woods, some concrete.  
11 Below that is organic silt. This is in the  
12 front portion of the property. And then at 24  
13 feet we get into sand and silt so that is in the  
14 front part of the property.

15 MR. LAMB: Did you say in your  
16 application under the low impact development  
17 checklist what the site does not contain.

18 MR. BERTIN: And B soils.  
19 I don't recall what it says.

20 MR. LAMB: Mr. Curley, should I  
21 mark this? I guess we can mark it. That is the  
22 application G-3.

23 MR. CURLEY: If you want to examine  
24 him on it then it should be marked.

25 (So marked as G-3.)

1 MR. LAMB: Mr. Alampi, I don't have  
2 extra copies.

3 CHAIRMAN CHOFFO: Mr. Lamb, I am  
4 going to allow one more question and then I am  
5 going to ask Daniela to take a vote of the Board  
6 members to see if we should continue or we move  
7 this to the next meeting or we will take a  
8 consensus to see if the Board is willing to do a  
9 special meeting between now and August 7.

10 MR. LAMB: That is fine, Mr.  
11 Chairman.

12 CHAIRMAN CHOFFO: Did we mark that?

13 MR. LAMB: Yes, we marked it G-3.  
14 G-1 and G-2 in the beginning of the presentation  
15 are my others letters. On the first page in  
16 question --

17 MR. BERTIN: This is the checklist,  
18 this is not the application. This didn't look  
19 like an application.

20 MR. LAMB: Let me modify the  
21 question. On that checklist is there an  
22 indication of the type of soils?

23 MR. BERTIN: This says, you know,  
24 sites with high permeability soils. The first  
25 ten feet of this soil is fill. And then in the

1 back it is rock. So that was the intent of  
2 this, but I can provide more clarification. But  
3 that is the intent why I said that.

4 MR. LAMB: Is it fair to say there  
5 are different types of fill; sand, rocks, fill,  
6 on this property?

7 MR. BERTIN: When I mentioned the  
8 sand it is down 20 feet because the top ten feet  
9 is fill. This whole area, the top 10, 15, 20  
10 feet is fill.

11 MR. LAMB: You are aware we  
12 presented to the Board what is marked as P-1,  
13 Robert Cuna's report that indicates the different  
14 soil types on the property?

15 MR. BERTIN: I didn't read his  
16 report, but you may have said that.

17 CHAIRMAN CHOFFO: All right. At  
18 this point I am going to ask Daniela to take a  
19 vote of the Commissioners to see if we should  
20 continue.

21 COMMISSIONER ROMANO: Can I ask a  
22 question?

23 CHAIRMAN CHOFFO: Yes.

24 COMMISSIONER ROMANO: For our  
25 knowledge, you talked about the trees if the

1 project going to be completed and approved. Are  
2 the trees going to be replaced and is the project  
3 going to have landscaping around?

4 MR. BERTIN: The plan shows the  
5 trees. There will be trees in the parking lot,  
6 trees on the south side. We are planting  
7 evergreen trees along the back.

8 COMMISSIONER ROMANO: So it will be  
9 more than that are there now?

10 MR. BERTIN: I would have to say  
11 fairly no. This is kind of grown wild, but we  
12 are going to plant. We are going to plant.

13 COMMISSIONER ROMANO: Thank you.

14 COMMISSIONER FITZGIBBONS: I make a  
15 motion to adjourn this to the next meeting.

16 COMMISSIONER BETTINGER: I will  
17 second the motion.

18 MS. CIAMMARUCONI: On a motion made  
19 to adjourn application 2010-082-SP to next  
20 month's regular meeting or a special meeting if  
21 need be.

22 COMMISSIONER FITZGIBBONS: The  
23 regular meeting. This is the next meeting, the  
24 regular meeting.

25 COMMISSIONER ROMANO: Mr. Chairman,

1 may I make a suggestion? If it is going to be  
2 like this meeting, if it going to be this crowded  
3 we are better off with a special meeting.

4 CHAIRMAN CHOFFO: We will take a  
5 vote on that.

6 MS. CIAMMARUCONI: On a motion made  
7 by Commissioner Fitzgibbons and seconded by  
8 Commissioner Bettinger, Commissioner Arencibia?

9 COMMISSIONER ARENCIBIA: Aye.

10 MS. CIAMMARUCONI: Commissioner  
11 Bettinger?

12 COMMISSIONER BETTINGER: Aye.

13 MS. CIAMMARUCONI: Commissioner  
14 DiDomenico?

15 COMMISSIONER DiDOMENICO: Aye.

16 MS. CIAMMARUCONI: Commissioner  
17 Fitzgibbons?

18 COMMISSIONER FITZGIBBONS: Aye.

19 MS. CIAMMARUCONI: Commissioner  
20 Mehta?

21 COMMISSIONER MEHTA: Aye.

22 MS. CIAMMARUCONI: Commissioner Ng?

23 COMMISSIONER NG: Aye.

24 MS. CIAMMARUCONI: Commissioner  
25 Romano?

1 COMMISSIONER ROMANO: Aye.

2 MS. CIAMMARUCONI: Chairman Choffo?

3 CHAIRMAN CHOFFO: Aye.

4 MS. CIAMMARUCONI: The motion  
5 passed.

6 MR. LAMB: That motion was to  
7 adjourn the meeting? We were a little sleepy.

8 MR. CURLEY: Will you consent to  
9 the extension of time?

10 MR. LAMB: Absolutely.

11 Chairman, I understand that  
12 Commissioner Fitzgibbons mentioned the special  
13 meetings in the hall, but sometimes we have our  
14 own logistical problem with the attorneys. I do  
15 know that I am available at your next regular  
16 meeting date, so that much I am aware of.  
17 Whatever you wish to do.

18 COMMISSIONER ROMANO: I make a  
19 motion for a special meeting.

20 COMMISSIONER FITZGIBBONS: The  
21 Chairman could call for a special meeting.

22 CHAIRMAN CHOFFO: I say we get a  
23 consensus after this because I think it is a lot  
24 for everyone to digest in one night, but if there  
25 are going to be three other applications we are

1 going to try to avoid scenarios like this so if  
2 we have a full agenda for the 17th we will make  
3 it for something else. I would like to speak to  
4 Mr. Marks, but he is not here tonight.

5 Are you available on the 17th?

6 MR. LAMB: Yes, I am available and  
7 my planner is available. We work this out lots  
8 of times.

9 CHAIRMAN CHOFFO: Being with  
10 vacation schedules and it is summer time I want  
11 to get a consensus of the Board and Commissioners  
12 if August 17 works for them. We would also need  
13 to have a quorum so I want to iron all those  
14 things out and you guys would be notified.  
15 Thank you.

16 COMMISSIONER ROMANO: We are  
17 budgeted for twelve meetings and if we are going  
18 to have an additional meeting we will have to get  
19 extra funds to cover the cost of the reporter.

20 COMMISSIONER MEHTA: My other  
21 suggestion is like they are mentioning lot of  
22 time back and forth. North Bergen Planning Board  
23 has a different jurisdiction and Hudson Planning  
24 Board has a different jurisdiction so you want to  
25 stick to the argument because the County Planning

1 Board it will be back for our understanding as  
2 well as making adjustments on --

3 COMMISSIONER FITZGIBBONS: I would  
4 suggest stick to what we representing the county  
5 and what you did in North Bergen doesn't hold no  
6 weight with me. Or this Board. We have  
7 jurisdiction over certain things only.

8 CHAIRMAN CHOFFO: As we are told a  
9 lot by the applicants, our jurisdiction is over  
10 traffic and drainage so I think the Commissioners  
11 are now reminding the attorneys and the  
12 applicants that that is our jurisdiction. If we  
13 could stay focused on those items it would make  
14 everyone's life a lot easier.

15 MR. LAMB: Since we do have people  
16 here is it appropriate to say the matter is  
17 continued on August 17th whereby that time you  
18 will have a date so you don't have to do the new  
19 notice. Does that help you?

20 CHAIRMAN CHOFFO: At this point we  
21 are going to keep it at August 17 and if for some  
22 reason we don't have a quorum or we have a large  
23 agenda and we have to see you at the next site  
24 committee meeting, you would be due notice.

25 MR. LAMB: Mr. Alampi and I, our

1 schedules will be taken --

2 CHAIRMAN CHOFFO: As was just  
3 explained to us about the budget, at this point  
4 we are going to stay focused on the 17th.

5 MR. LAMB: Thank you.

6 COMMISSIONER ROMANO: For the  
7 record I would like to record a vote on the  
8 previous.

9 MS. CIAMMARUCONI: The next item on  
10 the agenda is applications to be declared --

11 The next items are applications to  
12 be dismissed.

13 Application 2011-028 --

14 CHAIRMAN CHOFFO: People, excuse  
15 me. We have to finish a meeting. Can you take  
16 the conversation outside. I asked nicely once.  
17 Thank you.

18 MS. CIAMMARUCONI: Item 5-B,  
19 applications to be dismissed.

20 Application 2011-028-SP 100  
21 Paterson Realty, LLC, 100-102 Paterson Avenue,  
22 Block 11, Lot 9 in the City of Hoboken.

23 CHAIRMAN CHOFFO: Can I have a  
24 motion.

25 COMMISSIONER ROMANO: Motion.

1 COMMISSIONER NG: Second the  
2 motion.

3 MS. CIAMMARUCONI: On a motion to  
4 dismiss application 2011-028-SP made by  
5 Commissioner Romano, seconded by Commissioner Ng,  
6 Commissioner Arencibia?

7 COMMISSIONER ARENCIBIA: Aye.

8 MS. CIAMMARUCONI: Commissioner  
9 Bettinger?

10 COMMISSIONER BETTINGER: Aye.

11 MS. CIAMMARUCONI: Commissioner  
12 DiDomenico?

13 COMMISSIONER DiDOMENICO: Aye.

14 MS. CIAMMARUCONI: Commissioner  
15 Fitzgibbons?

16 COMMISSIONER FITZGIBBONS: Aye.

17 MS. CIAMMARUCONI: Commissioner  
18 Mehta?

19 COMMISSIONER MEHTA: Aye.

20 MS. CIAMMARUCONI: Commissioner Ng?

21 COMMISSIONER NG: Aye.

22 MS. CIAMMARUCONI: Commissioner  
23 Romano?

24 COMMISSIONER ROMANO: Aye.

25 MS. CIAMMARUCONI: Chairman Choffo?

1 CHAIRMAN CHOFFO: Aye.

2 MS. CIAMMARUCONI: The motion  
3 passed.

4 Item 5-D, applications to be  
5 declared exempt.

6 Application 2011-049-SP, applicant  
7 Manu Pohani, located at 1435 51st Street, Block  
8 164, Lots 4-B.5, 10, 14 through 17, 18-A through  
9 C and 19-A through C in the Township of North  
10 Bergen.

11 CHAIRMAN CHOFFO: Motion.

12 COMMISSIONER FITZGIBBONS: Motion.

13 COMMISSIONER MEHTA: Second.

14 MS. CIAMMARUCONI: On a motion to  
15 declare exempt 2011-049-SP made by Commissioner  
16 Mehta, seconded by Commissioner Fitzgibbons,  
17 Commissioner Arencibia?

18 COMMISSIONER ARENCIBIA: Aye.

19 MS. CIAMMARUCONI: Commissioner  
20 Bettinger?

21 COMMISSIONER BETTINGER: Aye.

22 MS. CIAMMARUCONI: Commissioner  
23 DiDomenico?

24 COMMISSIONER DiDOMENICO: Aye.

25 MS. CIAMMARUCONI: Commissioner

1 Fitzgibbons?

2 COMMISSIONER FITZGIBBONS: Aye.

3 MS. CIAMMARUCONI: Commissioner

4 Mehta?

5 COMMISSIONER MEHTA: Aye.

6 MS. CIAMMARUCONI: Commissioner Ng?

7 COMMISSIONER NG: Aye.

8 MS. CIAMMARUCONI: Commissioner

9 Romano?

10 COMMISSIONER ROMANO: Aye.

11 MS. CIAMMARUCONI: Chairman Choffo.

12 CHAIRMAN CHOFFO: Aye.

13 MS. CIAMMARUCONI: The motion

14 passed.

15 Commissioner Romano would like to  
16 call in his vote for application 2011-056-SP,  
17 Nastasi Architects, located at 816 Garden Street.

18 COMMISSIONER ROMANO: Aye. Thank  
19 you.

20 MS. CIAMMARUCONI: Next item is old  
21 business. I have none on the agenda. If  
22 anybody --

23 CHAIRMAN CHOFFO: New business.

24 MS. CIAMMARUCONI: New business is  
25 if you would like to call a vote for the special

1 meeting or no special meeting.

2 CHAIRMAN CHOFFO: We will talk  
3 about that.

4 Based on what Michael said, I  
5 totally forgot about the budget.

6 COMMISSIONER ROMANO: Mr. Chairman,  
7 I am just curious, if you are going to have an  
8 itinerary that are heavy they are going to get  
9 pushed back to the end.

10 We should have took a vote tonight  
11 as was mentioned by a previous Commissioner, we  
12 are going off into left field. I think they  
13 should be held on to introduce that to the county  
14 engineer and not North Bergen, North Bergen,  
15 North Bergen.

16 We are not going to put a stop to  
17 it being said, we are going to be here next month  
18 doing the same go around. Just my opinion. I  
19 understand your financial costs, but  
20 understand --

21 MS. CIAMMARUCONI: You could help  
22 us with the money.

23 COMMISSIONER ROMANO: But  
24 understand what they are getting into. If there  
25 is any kind of an agenda August 17 they are going

1 to be pushed back, so do we make an agreement to  
2 keep the meeting going to eleven or recontinue  
3 again in September?

4 COMMISSIONER DiDOMENICO: As the  
5 Chair pointed out, when they have a site plan  
6 review they get what the agenda is going to be.

7 COMMISSIONER ARENCIBIA: If we have  
8 to extend in the future, is what is Freeholder  
9 Romano is saying. We knew this was going to be a  
10 long application. We should have had this by  
11 itself just for future reference knowing there is  
12 a history with this application going into the  
13 meeting, so Steve was here --

14 MS. CIAMMARUCONI: It happened we  
15 have a heavy agenda. It was rather light and  
16 everything came at once this time.

17 COMMISSIONER ROMANO: We suggest  
18 that there are some applicants that could be put  
19 on to the September meeting.

20 MS. CIAMMARUCONI: By law we  
21 couldn't do that. If an application is deemed  
22 complete in our office we have to get it within  
23 30 days. We can't hold it for just -- the only  
24 way to have Applevue by itself would be by  
25 chance if they were by themselves.

1                   CHAIRMAN CHOFFO: The next meeting  
2 I am going to allow based on Commissioner Mehta's  
3 request, allow any of the people that are not  
4 represented by Mr. Lamb speak if that is okay  
5 with you, Mr. Curley, because Commissioner Mehta  
6 feels strongly about the people in North Bergen  
7 and everyone else, they should get a chance to  
8 speak if they are not being represent by Mr.  
9 Lamb. From there we will let Mr. Lamb finish  
10 his testimony and I will be direct based on every  
11 Commissioner's concern that we are not going to  
12 hear about nobody, we are not going to hear about  
13 Transco, and all the other things.

14                   Now he wants to bring Transco back  
15 into it so we are going to try to limit that to  
16 the testimony that is going to impact our  
17 jurisdiction as far as drainage and traffic and I  
18 will reiterate that because they will continue.

19                   Go ahead, Commissioner Mehta.

20                   COMMISSIONER MEHTA: Go ahead.

21                   COMMISSIONER FITZGIBBONS: We have  
22 been through this before. Same parties, same  
23 deal. All right? So let's just stick to our  
24 guns and we will know our jurisdiction.

25                   CHAIRMAN CHOFFO: Off the record.

1 (Whereupon, an off-the-record  
2 discussion took place.)

3 COMMISSIONER BETTINGER: I will  
4 make a motion to adjourn.

5 MS. CIAMMARUCONI: Meeting  
6 adjourned.

7 (Time noted: 10:50 p.m.)

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

I, CAREYANN SHAFTAN, License Number 30X100192900,  
an official Court Reporter in and for the State of  
New Jersey, do hereby certify the foregoing to be  
a true and accurate transcript to the best of  
my knowledge and ability.

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