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HUDSON COUNTY  
PLANNING BOARD

RE:

REGULAR MEETING : TRANSCRIPT OF  
SHIPYARD ASSOCIATES, LP : PROCEEDINGS  
:  
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Hudson County Freeholders Chambers  
Third Floor  
567 Pavonia Avenue  
Jersey City, New Jersey  
Wednesday, February 22, 2012  
6:30 p.m.

BEFORE:

- RENEE BETTINGER, Chairman
- MICHAEL HOLLOWAY, Vice Chairwoman
- DEMETRIO ARENCIBIA, PE, PP, County Engineer
- DANIEL CHOFFO, Commissioner
- RUSHABH MEHTA, Commissioner
- KENNEDY NG, Commissioner
- JAMES CRYAN, Commissioner
- HON. ANTHONY ROMANO, Freeholder

ALSO PRESENT:

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

Job No. NJ381200

CHAIRWOMAN BETTINGER: Good evening,

1 I would like to call to order the Special Meeting of  
2 the Hudson County Planning Board, February 22nd,  
3 2012. Counsel, has this meeting been properly  
4 advertised?

5 MR. MARKS: Madam Chair, notice of  
6 this meeting was advertised in the Star Ledger, in  
7 the Jersey Journal, and posted on the bulletin board  
8 of the County Clerk and is in compliance with the  
9 Open Public Meetings Act.

10 CHAIRWOMAN BETTINGER: Mr. Marks, may  
11 I have a roll call, please?

12 MR. MARKS: Commissioner Arencibia.

13 COMMISSIONER ARENCIBIA: Here.

14 MR. MARKS: Commissioner Avagliano,  
15 absent. Commissioner Choffo.

16 COMMISSIONER CHOFFO: Here.

17 MR. MARKS: Commissioner Cryan.

18 COMMISSIONER CRYAN: Here.

19 MR. MARKS: Commissioner DiDomenico.  
20 Commissioner Holloway.

21 COMMISSIONER HOLLOWAY: Here.

22 MR. MARKS: Commissioner Mehta.

23 COMMISSIONER MEHTA: Here.

24 MR. MARKS: Commissioner Ng.

25 COMMISSIONER NG: Here.

1 MR. MARKS: Commissioner O'Dea.  
2 Commissioner Romano, and Chairwoman Bettinger.

3 CHAIRWOMAN BETTINGER: Here.

4 MR. MARKS: Madam Chair, we have a  
5 quorum.

6 COMMISSIONER BETTINGER: May we  
7 please rise to salute the flag?

8 (Flag Salute.)

9 MR. MARKS: Madam Chair, this is a  
10 continuation of a public hearing for Application  
11 2011-096-SP, Shipyard Associates, LP, located at  
12 1501 Shipyard Lane, which is Block 264.2, Lot 1, in  
13 the City of Hoboken.

14 MR. COAKLEY: I just wanted to  
15 indicate my appearance, Madam Chair; Kevin Coakley  
16 on behalf of the applicant.

17 CHAIRWOMAN BETTINGER: Do we have any  
18 other attorneys representing anyone? We can't hear  
19 you up here.

20 MR. GOLDBERG: Good evening,  
21 everyone. My name is Eric Goldberg. I'm here on  
22 behalf of the Hudson Tea Building Condominium  
23 Association.

24 MR. COAKLEY: Madam Chairwoman, Kevin  
25 Coakley, Connell Foley on behalf of the applicant.

1 CHAIRWOMAN BETTINGER: I think we  
2 have a legal opinion that was rendered to the Board  
3 today. Counsel, if you could explain it to the  
4 public, please?

5 MR. CAMPBELL: There was a question  
6 in regard to participation of members of the public  
7 in terms of providing testimony and asking questions  
8 and concerns. We wanted to clarify by making it  
9 clear to everyone that anyone who is represented by  
10 an attorney can ask their questions of the witnesses  
11 through their attorney. People who are not  
12 represented by attorneys are able to ask questions  
13 on their own. Anyone who wishes to offer evidence  
14 and testimony of any kind who is represented by an  
15 attorney must do so as a witness, questioned through  
16 their attorney. Other persons who wish to offer  
17 information may do so under oath. However, the  
18 Board's regulations that I understand the limits,  
19 any testimony is five minutes per person; is that  
20 correct?

21 COMMISSIONER BETTINGER: That's  
22 correct.

23 MR. CAMPBELL: Everyone is limited to  
24 five minutes of testimony.

25 CHAIRWOMAN BETTINGER: That's

1 correct.

2 MR. CAMPBELL: And secondly, because  
3 the jurisdiction of the County Planning Board is  
4 very limited, dealing with issues of traffic and  
5 drainage facilities. All of the other issues that  
6 might be relevant at the Municipal Planning Board  
7 level will be handled there. So the testimony to be  
8 offered, questions to asked at this hearing should  
9 be limited to those two issues, and anyone wishing  
10 to offer evidence and testimony with regard to  
11 either of those two issues, which could be seen as  
12 an expert opinion, would have to be qualified as an  
13 expert to do so.

14 MR. GOLDBERG: Madam Chair, if I  
15 could just address that. At the last hearing, I  
16 know there was some question about how people were  
17 allowed to testify, whether they were allowed to  
18 speak or whether they had to speak through an  
19 attorney, whether they were allowed to come up and  
20 testify and exactly what procedure would be  
21 appropriate. At the last hearing, it was certainly  
22 ruled and obviously, people were allowed to come up  
23 and testify. People were allowed to speak. That  
24 was the ruling at the last hearing, clearly. A  
25 couple of concerns with changing midstream.

1 Initially, from the fairness standpoint, people came  
2 and they took off from work, they're very much  
3 prepared for this evening. This is a very important  
4 issue to them, and they spent an enormous amount of  
5 time preparing what they had to say. It's difficult  
6 from a fairness standpoint to truly understand why  
7 people are perhaps being notified at this time as  
8 opposed to prior. From a fairness standpoint, I  
9 would request what went on at the last hearing  
10 continue at this hearing.

11 Secondly, what easily could have been done  
12 at the last hearing had a ruling been different at  
13 the last hearing, was I could have certainly  
14 presented these people as witnesses. Mr. Smith, can  
15 you please tell the Board who you are; Mr. Smith, do  
16 you have any opinions with regarding the stormwater  
17 management, what is this based on; their views on  
18 traffic, can you please testify before the Board  
19 about ABC in traffic. It could have easily been  
20 accomplished that way. But again, there was no need  
21 for it to get that far. The Board had a ruling at  
22 the last hearing as to how it wished to proceed, and  
23 there was logic in doing that based on the nature of  
24 these proceedings. To go and change it midstream,  
25 not just midstream, at 6:30 at night after these

1 people have taken off work and built their day  
2 around it, it is very difficult to understand from a  
3 pure fairness perspective.

4 CHAIRWOMAN BETTINGER: I personally  
5 feel that everyone should be able to speak.  
6 However, we are being advised by counsel of this  
7 Board. Our hands are tied at this point. Going  
8 forward, because we have a legal opinion,  
9 unfortunately, we will continue with the list to go  
10 forward, and if they are represented by counsel, we  
11 have to follow our legal opinion.

12 MR. GOLDBERG: I hope you certainly  
13 understand my position.

14 CHAIRWOMAN BETTINGER: Absolutely.

15 MR. GOLDBERG: Thank you.

16 CHAIRWOMAN BETTINGER: Going forward  
17 we have Assemblyman Rubin Ramos in the audience, and  
18 we were going to go with the list they way we left  
19 off. If anybody objects, he has an engagement. If  
20 anyone objects for him to speak, please raise your  
21 hand.

22 Assemblyman.

23 ASSEMBLYMAN RAMOS: Thank you, Madam  
24 Chair. Thank you, members of the public, for  
25 allowing me to take up your time this evening. I'm

1 trying to get to church and trying to be a good  
2 Catholic tonight.

3 CHAIRWOMAN BETTINGER: I'm reminding  
4 everyone, five minutes.

5 ASSEMBLYMAN RAMOS: I will keep my  
6 comments brief and related to the traffic.

7 CHAIRWOMAN BETTINGER: We are keeping  
8 the time, and in four minutes, he ring a bell so you  
9 will know your timeframe. I guess we can start.

10 ASSEMBLYMAN RAMOS: I'll preface my  
11 comments specifically to traffic concerns regarding  
12 the site's block and lot number. Specifically, in  
13 dealing with the City of Hoboken's property, it's on  
14 the edge of this proposed development and  
15 specifically access to this site, Hoboken's plan was  
16 when this whole site was first created was Hoboken's  
17 visions for that site was open space, public open  
18 space and park space, and the original design of  
19 that plan had a 30-foot driveway so the City vehicle  
20 could have vehicle to access to that property.

21 With this proposed development, it knock  
22 off that access roadway to a 16-foot driveway. So  
23 as you deliberate this evening, please be cognizant  
24 of that fact that if the City of Hoboken, if this  
25 does get developed, the City of Hoboken wants to

1 develop this park space as was the original  
2 intention on that property, then the City will not  
3 have access to bring vehicles for construction  
4 purposes in order to access the site for future  
5 construction purposes from open space, public park  
6 space.

7           Hopefully, this evening my comments just  
8 keeping to the traffic issues to that site, I'm sure  
9 you'll get many comments as far as the one-road  
10 egress access points to the property. Also, I hope  
11 you will take that into consideration as you  
12 deliberate tonight as well, but again, overall is  
13 basically access, denying a property owner, whether  
14 private or public, in this instance public, denying  
15 them access to their property. Ever homeowner and  
16 every property owner should have access to their  
17 property. Please take that into consideration.

18           I thank you very much for your time. I  
19 know this is a very difficult decision for you guys.  
20 I'm sure you'll do your best to come to the right  
21 decision. Thank you very much.

22           CHAIRWOMAN BETTINGER: The next  
23 person we have, Desmond Jordan, is he present?  
24 Tiffany Fisher.

25           MS. FISHER: Hi, thank you. For

1 clarity, my name is Tiffany Fisher, and I am one of  
2 the founding members of a resident group.

3 MR. CAMPBELL: May I swear you in?

4 (The witness is sworn.)

5 MS. FISHER: I am speaking  
6 representing two groups. One is I am one of the  
7 founding members of a resident group Hoboken Fund  
8 For a Better Waterfront. There is a group of four  
9 or 500 people that are working on the Fund for a  
10 Better Waterfront, in coordinating a legal review  
11 and planning practices as well. And two, I am a  
12 board member of the Hudson Cove Umbrella  
13 Association, which is in the traffic report that was  
14 applied to this. They mentioned before previously,  
15 they mentioned there are two PUDs in this corner of  
16 town. One is the Shipyard PUD, which is the last  
17 development, and the second is the Hoboken Cove  
18 Association, which is made up five different  
19 buildings. I am on board member of that  
20 association.

21 A few things and I'll keep it to the  
22 specific points you're recognizing, that being  
23 traffic, drainage. What's also important as well is  
24 that funds were earmarked for this, and I do think  
25 it's a part of your jurisdiction. It was funded a

1 while ago. One thing I do want to highlight is as a  
2 founding member, we have over 2,000 petitions from  
3 residents in Hoboken. I just want to say that this  
4 is something in a very short period of time 2,000  
5 resident have come forward that are opposed this,  
6 and including every single public official that has  
7 jurisdiction over Hoboken came out against this  
8 project.

9           The reason for that is because of the  
10 history around the development, that applied to  
11 companies way back when in their original planning.  
12 This was always meant to be public space, and they  
13 had prior approval leading up to this. Every single  
14 approval says this is meant to be open space. I  
15 think what is important to highlight today is in  
16 terms of what you need to think about whether you're  
17 going to approve it or not, is you really don't have  
18 enough information to approve it. I would argue  
19 there is a lot of missing information.

20           There is information missing from last  
21 time from when they presented their traffic report.  
22 It's great. They went out and got a professional  
23 traffic report, and they corrected a few things.  
24 The reality is they are still completely  
25 misrepresenting what has been the plan for this

1 corner. There are two PUDs that seven buildings  
2 that are Shipyard and six building that are Cove,  
3 all have been approved, not specifically planning  
4 approval, but there are two PUDs in this corner to  
5 be built, including a number of units for Shipyard.  
6 All of the Shipyard have already been built. The  
7 other is in process.

8 This represents an additional building in  
9 the corner of Hoboken in addition, two PUDs that  
10 were all ready approved between the City. This will  
11 be additional traffic, additional stress on sewers,  
12 notwithstanding some of the tallest buildings have  
13 not yet been built. This is additional, additional  
14 units in this corner, all of this. There is one  
15 this corner that has been built, it's not occupied.  
16 They did not include it in this traffic report.  
17 They didn't include any contemplated traffic from  
18 this building that is a block and a half away, and  
19 these two additional buildings with a retail portion  
20 right at the corner. They've already been approved  
21 by Hoboken.

22 I don't know how this traffic report is  
23 completely silent on any of these buildings, which  
24 is missing information, and I don't know how you  
25 feel, or how you think that you have enough

1 information to approve this project. The second  
2 thing is it will take very little research go back  
3 and look at the original \$9 million in funds, Joe  
4 Berry went to jail for that.

5 MR. COAKLEY: Madam Chairwoman, this  
6 is totally off mark. It has absolutely nothing to  
7 do with the issues before this Board, and it's  
8 mostly likely -- Madam Chairwoman, Miss, please,  
9 when I'm speaking please don't interrupt, and I  
10 won't interrupt you.

11 MS. FISHER: You just did interrupt  
12 me.

13 MR. COAKLEY: Madam Chairwoman, this  
14 has nothing to do it with the issues before the  
15 Board.

16 MR. CAMPBELL: Ms. Fisher, when an  
17 attorney objects, you need to allow him to finish  
18 his objection so we can determine who does have the  
19 floor and whether the objection is appropriate.  
20 Secondly, I'd like to caution the Board that  
21 comments about other people that might be opposed to  
22 the project is hearsay, and those people have the  
23 opportunity to come and testify if that's their  
24 opinion. I would caution the Board in giving  
25 credence to opposition persons who are not present

1 to hear all of the evidence, and therefore, their  
2 opinion might be based on inadequate or actually  
3 incorrect information. So what her opinions is  
4 hers. She's entitled to that, but I would caution  
5 you about referencing other people's opinions. The  
6 objection is that you're discussing -- are you  
7 speaking about County funding as directed toward  
8 this site?

9 MS. FISHER: Yes. I'll take the  
10 emotions out of it. I get emotional. I do want to  
11 highlight a couple references by public officials  
12 that are not here. They are actually a part of  
13 public record.

14 MR. CAMPBELL: The public record we  
15 need is the one here.

16 MS. FISHER: All I want to raise, and  
17 I have something here if you want to look, it  
18 basically lists the original -- effectively the  
19 authority all of the funds were that went through  
20 the County process. They went through various  
21 divisions of the County. They were approved via the  
22 County and earmarked for the Shipyard project. It  
23 was almost \$9 million, a combination of funds and  
24 guarantees of loans and grants, the source of them  
25 was the federal or state, but it went through the

1 County process. They were earmarked and given to  
2 the developer of Shipyard. The only question I have  
3 for you is are you certain that you know that all of  
4 the conditions have been met that these fund were  
5 originally intended to be used for?

6 Because when Governor Christie was the DA  
7 at the time, he basically said that the Joe Berry  
8 only had to pay back a million dollars. That's it.  
9 He didn't have to pay the rest it back because they  
10 were going to be used for their intended use and for  
11 public good, and I would just ask you, do you know  
12 if that's the case? If you don't know the case, how  
13 could you possibly approve it? I have a list if you  
14 guys want to take. It was the press release at that  
15 time.

16 MR. CAMPBELL: This is a Google  
17 search?

18 MS. FISHER: This was the guilty-plea  
19 press release of Joe Berry for 2004. It literally  
20 lists all of the very specific funds and sources of  
21 funds in the Hudson County division or departments  
22 that the funds when through.

23 MR. CAMPBELL: I think the public  
24 record of those funds would be the more appropriate  
25 source for that information than a news release.

1 MS. FISHER: Okay. If you feel like  
2 you know enough.

3 CHAIRWOMAN BETTINGER: The next  
4 person on the list is Inez Garcia.

5 AUDIENCE MEMBER: She's not here.

6 CHAIRWOMAN BETTINGER: Nicholas  
7 Rossi.

8 AUDIENCE MEMBER: Not here.

9 MR. HENDERSON: Good evening. Nick  
10 and Kristen Rossi had a death in the family, and  
11 they have a prepared statement. They asked me if I  
12 could read it into the record. I have an e-mail  
13 which is stated that. I can give that to the  
14 Board's attorney, if you would like.

15 MR. CAMPBELL: That's the same as a  
16 petition, which are inadmissible. It's a form of  
17 hearsay because the Board wouldn't be able to ask  
18 questions of the preparer to validate the contents.  
19 So unfortunately, we can't allow that.

20 MR. HENDERSON: Even if it comes from  
21 the individual themselves?

22 MR. CAMPBELL: That's correct,  
23 because we can't cross examine that document. We  
24 can only cross examine the person themselves.

25 MR. HENDERSON: I also have a letter

1 from Eli Manning and his wife, Abby, opposing the  
2 project as well.

3 MR. CAMPBELL: If it's a letter, it's  
4 the same thing. Their opposition for all we know,  
5 could be founded on information which is not even  
6 accurate. That doesn't give the Board the  
7 opportunity to weigh the value of their opinion.

8 MR. HENDERSON: I'll let him know.

9 COMMISSIONER BETTINGER: The next  
10 person is Donna Goldman.

11 MS. GOLDMAN: My name is Donna  
12 Goldman. I live in Hoboken, New Jersey and I'm a  
13 member of the Fund for a Better Waterfront.

14 (The witness is sworn.)

15 MS. GOLDMAN: So what's going on with  
16 this development? The piers are crumbling. This  
17 project would actually blast wildlife that's living  
18 on the pier. Currently, there's a lot of animals in  
19 the spring.

20 MR. CAMPBELL: Ms. Goldman, this is  
21 limited to traffic and drainage issues, which is the  
22 County jurisdiction.

23 MS. GOLDMAN: So with respect to  
24 traffic, the traffic in Hoboken is so bad right now  
25 that typically a lot of cars are double parked. I'm

1 actually I'm afraid I'm going to kill somebody every  
2 time I leave my house because you can be driving  
3 down Washington Street, and New Jersey Transit buses  
4 are actually driving across the line into your lane.  
5 I've counted over twenty cars double parked on  
6 Washington Street on a Sunday morning. The traffic  
7 there is really hard to negotiate.

8           And with respect to flooding, the area  
9 around that project floods. It actually smells like  
10 sewerage, and I actually have special rain gear to  
11 go to work during rainstorms because there's so much  
12 water flooding the area. When the river rises,  
13 there's water, there's water that shoots through the  
14 road hole and floods around the cars near the  
15 proposed development.

16           As Tiffany mentioned, the question I had  
17 was do you have all the information about back in  
18 1994, what was the commitment for that space? What  
19 was the committed that applied to the County and the  
20 City for that space? My understanding was when I  
21 moved to area in 2005, it was going to be a park.  
22 It would be nothing more than tennis courts, and it  
23 was going to be a City park. I certainly enjoy the  
24 area. There is a lot of people that don't live in  
25 Hoboken that come on July 4th to watch the

1 fireworks, Union City children, Weehawken children.

2 So my question is do you know, have you  
3 looked at the forms of Hoboken and the attorneys,  
4 what was the agreement between the client and the  
5 County. They got all this money, and they agreed to  
6 actually, my understanding was, to keep it as open  
7 space.

8 MR. CAMPBELL: The issue before the  
9 Board is on the application, many times there are  
10 projects which are approved by a number of  
11 government agencies, and the project never comes to  
12 fruition.

13 MS. GOLDMAN: The money is coming  
14 from the taxpayers. Why would we give all this  
15 money to developers to pocket? And I'm not some  
16 fool up here.

17 MR. CAMPBELL: That is a political  
18 question that's beyond the scope of this Board.  
19 They don't make these decisions. They have to vote  
20 on whether or not the plan as submitted meets the  
21 requirements for them.

22 MS. GOLDMAN: This is the County  
23 Planning Board?

24 CHAIRWOMAN BETTINGER: Let the record  
25 reflect Commissioner Romano is present.

1 MS. GOLDMAN: I think the taxpayers  
2 we support you too to protect our community and  
3 plan, so we have a nice place to live so I'm just  
4 mentioning as a taxpayer something I was told in  
5 2005, that it was going to be open space. There's a  
6 bunch of sinkholes. There's giant sinkhole right  
7 where the ferry is on Shipyard, and I think it  
8 almost consumed a whole woman, who nearly missed it.  
9 I saw it. It went right down into the Hudson River.  
10 It's right in front of a daycare center. Thank God  
11 none children were out there. They frequently go on  
12 walks and meet their parents when they come from the  
13 ferry. Thank God none of the children were there.  
14 One of things was that the County was on top of it  
15 right away. The Mayor of Hoboken activated the  
16 County. Immediately they accepted responsibility  
17 for part of that roadway.

18 MR. CAMPBELL: Ms. Goldman, this  
19 Board's jurisdiction is limited. Some of the things  
20 you're mentioning might be suitable at the municipal  
21 level.

22 MS. GOLDMAN: The traffic situation  
23 also I think one of the people didn't take into  
24 account besides the people are the moving trucks,  
25 delivery trucks. I believe there are ambulances.

1 There is a lot the police because the speeding is so  
2 bad down 15th Street. Frequently, the Hoboken  
3 Police set up on that circle to catch speeders, and  
4 there is a ton of traffic that shoots down 15th to  
5 get to the Lincoln Tunnel, to go to the Lincoln  
6 Tunnel through Hoboken. A lot of people shoot from  
7 Bergen County to go to the bars. They shoot down  
8 15th Street, and I want to tell you when I get in my  
9 car, I pray that I don't hit a pedestrian or another  
10 car trying to get to work, and I usually walk. I  
11 only drive to go the Holland Tunnel. Thank you for  
12 listening. Thanks for repairing the hole.

13 MR. CAMPBELL: Mr. Coakley, of  
14 course, if you have any questions of any the  
15 witnesses.

16 MR. COAKLEY: No questions.

17 CHAIRWOMAN BETTINGER: Johannes  
18 Hondura.

19 MR. HONDURA: Johannes Hondura.

20 (The witness is sworn.)

21 CHAIRWOMAN BETTINGER: Sorry if I  
22 pronounced your name incorrectly.

23 MR. HONDURA: You're not the first  
24 one. Just starting off, I've lived in Hoboken for  
25 11 years. I made the decision to raise a family and

1 stay. One of the things is quality of life. The  
2 master plan of Hoboken was to --

3 CHAIRWOMAN BETTINGER: Please speak  
4 into the mic. We have overhead noise.

5 MR. HONDURA: This is better? My  
6 wife went down to city hall looked at the plans on  
7 the pier, and at that time it show the development  
8 of the tennis courts. That was one of the reasons  
9 to actually stay in Hoboken. I think that the local  
10 government, it's important if a master plan is  
11 developed that the developers are been held to that,  
12 particularly developers that receive money to  
13 develop that space.

14 I just want to bring that up as a point as  
15 a rule of government to make sure that when people  
16 make a decision to stay in a certain place, they do  
17 that based information received that not be changed.  
18 I spoke about quality of life. The park is  
19 important to quality of life. If you think about  
20 it, there's a lot of families with children  
21 particularly in the Hoboken north area, and it comes  
22 back to an area of safety. It was mentioned  
23 schools. There is a school, a Montessori School,  
24 there's planned to be a charter school in that area.

25 CHAIRWOMAN BETTINGER: We need to get

1 back on track.

2 MR. HONDURA: I'm going to back to  
3 the traffic area. That's the point I'm trying to  
4 make. You may do a traffic count. It's all about  
5 safety, ultimately traffic count. I know I don't  
6 feel that we're always that safe. 15th Street is  
7 being used as a back door. If you look there, the  
8 police actually control it. People are going  
9 through the stop sign. It's not that safe. To ask  
10 for an additional building that's looking for adding  
11 several units, it doesn't make that much sense to  
12 me.

13 Last point I would like to make, a  
14 building on a pier itself. You have the big  
15 sinkhole that has taken more than a year to fix  
16 that. Why give the same developer the right to  
17 build on the pier? Thank you so much. That's a  
18 question that I hope that you take that into your  
19 consideration. Thank you.

20 CHAIRWOMAN BETTINGER: I believe that  
21 completes the list of the last meeting. Do we have  
22 a new list, Danielle?

23 David Graff.

24 MR. GRAFF: Good evening, David Graff  
25 of Hoboken, Jersey.

1 (The witness is sworn.)

2 MR. GRAFF: I'm going to be very  
3 short. I'm speaking on behalf of my wife and other  
4 residence of the buildings surrounding that area in  
5 Hoboken, and beyond the things that other people  
6 have said, which I'm not going to reiterate, we also  
7 believe, our primary issue is about the traffic. So  
8 we do not face the waterfront so we don't have a  
9 personal issue that all of the property values are  
10 going to go down, which is a legitimate concern. We  
11 face the other direction, which means that we see  
12 all of the traffic on 15th Street.

13 Right now it lines up, we can see through  
14 our window all the way from Park Avenue in the  
15 morning and rush hour evening down almost past  
16 Washington. If you can imagine another 80 units and  
17 all the other development. We are very concerned  
18 not only about the safety issues, but from a  
19 congestion viewpoint what that is going to do with  
20 that area all the other developments. Thank you.

21 COMMISSIONER BETTINGER: Jim Banta.

22 (The witness is sworn.)

23 MR. BANTA: I'm Jim Banta, 107 Monroe  
24 Street Hoboken, located on the opposite side of town  
25 from where this development will be. I'm also

1 President of the Fund for a Better Waterfront.  
2 Speaking with regard to traffic, I have been to --  
3 if I've been to one, I've been 50 board meetings,  
4 planning board meeting, zoning board meetings, and I  
5 always hear the traffic engineer say, oh, the  
6 traffic as a result of this development will be de  
7 minimis. Well, the traffic has become disastrous in  
8 Hoboken, not de minimis. It has also has in many  
9 other parts of this County.

10 If traffic is taken seriously as an issue,  
11 I'm sure it is because many of you go there and know  
12 how difficult that can be, then the traffic  
13 generated from this development is not going to be  
14 de minimis. It's even going to affect my  
15 neighborhood in the other part of town. It is time  
16 that Board and the other boards and the elected  
17 officials in this County look at this and say this  
18 is not what we want. We have created a monster.

19 The only way we're going to get a handle  
20 on this monster is to admit to ourselves that  
21 traffic is horrendous, and that we have to seriously  
22 take that under consideration and deal with in  
23 particular with regard to in this new structure,  
24 which would add dozens of more cars, which will  
25 cause additional safety problems, it will cause

1 additional traffic problems, and I cannot see how  
2 it's possible when you really think through though  
3 this to approve this project, when it will have a  
4 horrendous effect on traffic in our town and in the  
5 County. Thank you.

6 CHAIRWOMAN BETTINGER: Before we go  
7 any further, does anyone want to speak?

8 MR. GOLDBERG: Madam Chair, what I  
9 would like to do is introduce the testimony of one  
10 witness, who will testify for about five minutes.

11 CHAIRWOMAN BETTINGER: I'm sorry?

12 MR. GOLDBERG: What I would like to  
13 call one witness, who I will ask questions and  
14 testify for about five minutes.

15 CHAIRWOMAN BETTINGER: Counsel, is  
16 that okay?

17 MR. CAMPBELL: Yes, that's fine.

18 MR. GOLDBERG: Mike, can you please  
19 tell the Board who you are?

20 (The witness is sworn.)

21 MR. HENDERSON: Mike Henderson.

22 MR. GOLDBERG: Madam Chair,  
23 Mr. Henderson previously testified at the last  
24 hearing, I don't know what procedure would allow him  
25 to be back, and obviously, the rules have changed

1 since the last hearing. I'm now calling  
2 Mr. Henderson. I'll ask him a series of the  
3 questions. He will testify in his capacity as the  
4 project manager of the Hudson Tea Building.

5 MR. CAMPBELL: This is your client?

6 MR. GOLDBERG: Correct.

7 MR. CAMPBELL: And he did testify at  
8 the last meeting?

9 MR. GOLDBERG: He did speak at the  
10 last meeting.

11 MR. CAMPBELL: He spoke on his own  
12 behalf without you questioning him?

13 MR. GOLDBERG: Correct.

14 MR. CAMPBELL: Is there a reason he  
15 needs to be recalled?

16 MR. GOLDBERG: Yes. Unfortunately,  
17 some people were not able to be here to testify to  
18 certain things, and obviously, the rules have  
19 changed, and what we would like to do is introduce  
20 some of the testimony, some of what others would  
21 have been able to speak to through Mr. Henderson,  
22 stuff he was not able to get to. The reality is  
23 that there was a five-minute limit, there were  
24 people who were planning on testifying who could not  
25 be here who would have been able to speak to the

1 point A, B, and C.

2 MR. CAMPBELL: The testimony must be  
3 of his knowledge. He's not speaking for someone  
4 else?

5 MR. GOLDBERG: No, his testimony is  
6 his personal knowledge.

7 MR. CAMPBELL: Proceed.

8 MR. GOLDBERG: State your name, Mike.

9 MR. HENDERSON: Mike Henderson, I'm  
10 property manager of the Hudson Tea Building in  
11 Hoboken on 15th Street.

12 CHAIRWOMAN BETTINGER: It's very  
13 difficult to hear if you could just -- thank you.

14 MR. GOLDBERG: And Mike, you've had  
15 an opportunity to review the traffic report dated  
16 February 16th, 2012, prepared by Dolan & Dean?

17 MR. HENDERSON: Yes, I have.

18 MR. GOLDBERG: And in that traffic  
19 report, there were some items that you found either  
20 omitted that shouldn't have been or factually  
21 inaccurate?

22 MR. COAKLEY: I object to the  
23 question. He's not an expert witnesses. How can he  
24 testify with respect to an expert's report?

25 MR. GOLDBERG: He can address factual

1 issues. Obviously he's not an expert traffic  
2 engineer.

3 MR. COAKLEY: He's analyzing the  
4 report. That's the function of an expert. A  
5 witness who is brought to testify must have the  
6 expertise. If he doesn't have that expertise, he  
7 can't testify about what the expert has said, the  
8 expert's assumption, whether they're warranted or  
9 not.

10 MR. GOLDBERG: He's address the  
11 factual issues in the report. If an engineer writes  
12 a report that says this building is located in Utah,  
13 someone can address that and say, gee, maybe this  
14 building isn't located in Utah. He's not  
15 necessarily going into an expert area, but he's  
16 allowed to address these factual inaccuracies.

17 MR. CAMPBELL: You can ask him  
18 questions of a factual nature that he's capable of  
19 answering without addressing it to the report, and  
20 then in your summations, you can deal with the  
21 report based on fact.

22 MR. GOLDBERG: Mike, after looking at  
23 the report, are there factual issues in the report  
24 that you believe are factually inaccurate?

25 MR. HENDERSON: Clearly.

1 MR. GOLDBERG: Can you please address  
2 those for the Board?

3 MR. HENDERSON: Yes. There is a  
4 representation made in the report that the parking  
5 for all of the Hoboken Cove PUD, which is 1,278  
6 units, all that parking is going to be three blocks  
7 away at the corner of Bloomfield and Garden  
8 Street -- Bloomfield and 15th Street. That's  
9 completely inaccurate. The parking for the  
10 buildings that will be constructed directly across  
11 the street from this Monarch site, there will be a  
12 parking garage underneath that building that will  
13 bring additional traffic 20 feet away from the  
14 Monarch site.

15 There is another building proposed half a  
16 block away from this, which will have another  
17 parking garage to bring additional traffic on that  
18 same 15th Street in this same corner. There's a  
19 clear misrepresentation, but it's clearly outlined  
20 in the Hoboken code, Public Welfare Statement, and I  
21 have a copy of that, if you would like me to submit  
22 that. It clearly states that there are parking  
23 garages at each one of these locations.

24 MR. GOLDBERG: We would like to  
25 introduce that code.

1 MR. CAMPBELL: His testimony is  
2 sufficient, unless the Board would like.

3 MR. GOLDBERG: We will introduce it  
4 as Hoboken-1.

5 MR. CAMPBELL: It's been marked as  
6 0-1, February 22nd. Show it to Mr. Coakley before  
7 you submit it.

8 MR. COAKLEY: Counsel, do you have  
9 another copy of that? Can I have it? I have no  
10 objection.

11 (Exhibit 0-1 is received and marked  
12 for Identification by the Reporter.)

13 MR. GOLDBERG: I think it's on page  
14 18, the last three pages. Also, Mike, do you have  
15 any thoughts regarding the issue of commercial space  
16 as it relates to this application?

17 MR. HENDERSON: Yes, there is 60,000  
18 square feet of commercial space on 15th Street. I  
19 believe it's 3,500 square feet directly across the  
20 street; 26,000 square feet in the next building, and  
21 the traffic report makes reference to a building  
22 which has been constructed at the corner of 15th and  
23 Washington Street. That building will also have  
24 additional commercial space. So there's 60,000  
25 square feet of commercial space which is going to

1 be added and to 15th Street in Hoboken, significant  
2 amount of traffic that will be generated by that.  
3 The parking garage is also making accommodations for  
4 some of that parking. You know, it's going to  
5 significantly increase the traffic on that road.  
6 There is no comment of that at all in the traffic  
7 report that was submitted on February 16th.

8 MR. GOLDBERG: No further questions.

9 CHAIRWOMAN BETTINGER: Do we have any  
10 comments from our engineers regarding the testimony  
11 that was just given?

12 MS. FLOR: I do have some comments as  
13 well as questions from the last meeting. I do have  
14 some questions. I don't know if you want to wait  
15 until all the testimony is submitted, but I  
16 definitely have some questions about some of the  
17 comments that were raised by the public.

18 CHAIRWOMAN BETTINGER: Do we have any  
19 other speakers? Mr. Coakley, would you like to  
20 comment?

21 MR. COAKLEY: I would like to call  
22 Gary Dean back for some rebuttal testimony, if  
23 that's okay, Madam Chairwoman.

24 MR. CAMPBELL: Good evening, Mr.  
25 Dean. You're still under oath.

1 MR. DEAN: I understand, thank you.

2 MR. COAKLEY: Mr. Dean, you gave  
3 testimony on traffic issues before the Board at the  
4 last hearing; is that correct?

5 MR. DEAN: Correct.

6 MR. COAKLEY: Since the last hearing  
7 at the request of the Board's consultants, and did  
8 you provide an additional traffic report?

9 MR. DEAN: Yes.

10 MR. COAKLEY: And you heard the  
11 testimony of Mr. Henderson just a minute ago?

12 MR. DEAN: Yes, I did.

13 MR. COAKLEY: And could you respond  
14 to his testimony?

15 MR. DEAN: I will, and I will have to  
16 say it's certainly a mischaracterization of not only  
17 our report, but the Hoboken Cove traffic report that  
18 was prepared in the year 2000. Much of our  
19 information so the Board is aware, I've been  
20 actively involved in the Shipyard project since  
21 probably the mid '90s, 2000, and years periodic.  
22 I'm also involved in other projects between 14th and  
23 15th, Park and Garden Street. So over the past,  
24 dare I say, 17 years, I've been very familiar about  
25 all the different traffic studies, projections and

1 the counts and the numbers.

2 Just for the Board's benefit, I would like  
3 to read from the traffic report for Hoboken Cove  
4 that was addressed by the concerned resident, and it  
5 was a report from prepared by Michael Marris  
6 Associates in December of 2002, and it states about  
7 DBLJ, who was the original developer of Hoboken  
8 Cove, and it states, a majority of parking, 1,256  
9 spaces, will be provided in a parking garage to be  
10 located between Bloomfield and Garden Streets with  
11 access from 15th and Bloomfield Streets. The  
12 remaining parking spaces will be provided under  
13 Building E and Building D, which were just  
14 described.

15 So if I can speak freely, no kidding. We  
16 know that there is a minor amount of parking to be  
17 constructed in the two buildings that have yet to be  
18 constructed. We're aware of that. There is  
19 absolutely no question that a majority of the Toll  
20 Brothers parking is contained within the structured  
21 parking three blocks from this site. So we have all  
22 of the traffic numbers. As members of the public  
23 raised their concerns at the last hearing, and at  
24 the request of the Board consultant, we have redone  
25 our traffic counts to address the sinkhole issue,

1 which was a phantom issue. There was no major  
2 traffic associated with the sinkhole. The traffic  
3 counts bare that out, and our levels of service, in  
4 fact, have improved now with the reopening of  
5 Sinatra Drive.

6 So it's the same traffic, it's just when  
7 the sinkhole was in operation or in effect, it was  
8 diverted to the primary intersections at Washington  
9 and Hudson as opposed to staying on Sinatra. All of  
10 that has been taken into consideration, and we have  
11 updated numbers from representatives of Toll  
12 Brothers regarding their remain counts to be  
13 constructed that have been taken into consideration,  
14 and we've addressed all of the issues relative to  
15 the Bijou property application that will soon be  
16 before the Board for the charter school.

17 MR. COAKLEY: Mr. Dean, let me just  
18 ask your opinion as expert as a licensed engineer,  
19 is egress and ingress from the County road network  
20 safe and adequate?

21 MR. DEAN: In my opinion and because  
22 I incur the liability should a design be offered  
23 that is unsaved, in my opinion that's my first test.  
24 Are we presenting to this Board and the public a  
25 design that comports with all recognized traffic

1 engineering and design engineering standards? In my  
2 professional opinion, yes, it does.

3 MR. COAKLEY: And given that the  
4 level of traffic will be 78 units entering the  
5 County roadway network, do you feel that this  
6 traffic will have a material adverse effect?

7 MR. DEAN: I don't, and I would like  
8 that backed up with data that we collected that was  
9 actually presented in Hoboken in 2000. That's when  
10 about half of this Shipyard had be constructed and  
11 occupied, including retail space. We actually did  
12 traffic counts, post-construction traffic counts, as  
13 the Shipyard was being constructed and came online.  
14 I would say the projections contained in our traffic  
15 report, which I didn't even consider at the time,  
16 are absolutely in line with actual experience that  
17 we've seen with the balance of the Shipyard PUD in  
18 Hoboken, in terms of indicating very low automobile  
19 traffic activity. The principle reason being is  
20 that residents avail themselves of other  
21 transportation means other than the car. That's all  
22 I have to say.

23 MR. COAKLEY: Okay. No other  
24 questions.

25 CHAIRWOMAN BETTINGER: Any questions

1 from the Board? Commissioner Mehta.

2 COMMISSIONER MEHTA: I have a couple  
3 of questions. Can you verify that how many times of  
4 each day you do the actual count of the traffic  
5 study and the date? So that's the numbers you  
6 propose, and at the same time, you said that you are  
7 available and you are doing the study from a 2000  
8 report, not from 2012, and the traffic and road  
9 changed. Did you include that change in your  
10 traffic report?

11 MR. DEAN: Well, when we take traffic  
12 counts, they reflect the patterns as they occur  
13 today. We merely -- the data that's in our traffic  
14 studies replicate what you see out there every day.  
15 People that are turning left and turning right, that  
16 is what's reflected in the traffic report. All of  
17 those patterns are taken into consideration. Our  
18 traffic counts, the specific days and dates of our  
19 counts, I believe are all in our report. We've done  
20 them now in April of 2011, December of 2011, January  
21 of 2012, and our counts going back to the original  
22 Shipyard were done in September 2000. I have counts  
23 from 2007, for Bijou. I have counts for 2009, for  
24 Bijou all along 15th Street, all along 14th Street.  
25 I have a database that probably involves dozens of

1 traffic counts that have been collected in the  
2 northern section of Hoboken for the past 12 or 15  
3 years.

4 COMMISSIONER MEHTA: Those are the  
5 reports, the December and January count, which date  
6 was it?

7 MR. DEAN: We submitted Tuesday,  
8 January 24th.

9 COMMISSIONER MEHTA: And December?

10 MR. DEAN: January, Tuesday,  
11 January 24.

12 COMMISSIONER MEHTA: Did you say  
13 December?

14 MR. DEAN: Yes, I'm sorry. I don't  
15 have the exact date. I have to look it up. I don't  
16 have the date right in front of me.

17 COMMISSIONER BETTINGER: Any other  
18 questions?

19 MR. DEAN: I'm sorry. I do have it  
20 Tuesday, December, 6, 2011, my apologies for  
21 interrupting.

22 FREEHOLDER ROMANO: Question, the new  
23 buildings that are also being built in the area, is  
24 there anything you're taking into consideration, the  
25 proposed new buildings?

1 MR. DEAN: Oh, yes. There are 335  
2 units to be constructed. The traffic from those  
3 buildings was added into this model, correct.

4 CHAIRWOMAN BETTINGER: How do you  
5 know how many vehicles are going to be in that  
6 building? Do you know the parking?

7 MR. DEAN: Much as we've done for  
8 this particular project, there are certain  
9 characteristics of a high-rise building, and there  
10 are certain demographics to which I've testified  
11 previously, in that 70 percent of the residents, for  
12 example, are not using an automobile for primary  
13 commuting. So we are expecting that those trends  
14 will follow as they have in the Shipyard. That was  
15 one of the benefits. We've done a cross check now  
16 that we know the Shipyard numbers. We will use that  
17 to project it in the future, depending on the number  
18 of units. Essentially, what we do is we do traffic  
19 counts, and we come up with a traffic rate per unit.  
20 We multiply it by the number of units in a  
21 particular project.

22 COMMISSIONER CRYAN: Would that 70  
23 percent you're talking about that don't use  
24 vehicles, is that for communicating purposes? That  
25 area has a ferry, but that doesn't mean 70 percent

1 of people aren't using cars.

2 MR. DEAN: I'm not following your  
3 question. What we've done, I might have mentioned  
4 this at the last hearing, we have done very recent  
5 studies in Hoboken, I believe it's called the Sky  
6 Club and Metro One, which are newer buildings on the  
7 west side adjacent to the light rail. We actually  
8 found that for those buildings, we've done our  
9 studies in Jersey City that has some relevance,  
10 people who have access to the ferry or the PATH,  
11 immediate access to the light rail, are not using  
12 automobiles. It's a lifestyle choice. They  
13 intentionally occupy these buildings because they  
14 know you're not beholden to an automobile, in  
15 essence, to get around for regular commuting  
16 purposes.

17 I buttress that with the data we found  
18 from the Shipyard project back in 2000, and all of  
19 those statistics hold exactly true where, in a  
20 unit-by-unit basis, the majority of trips or  
21 movements are not from cars. They're from  
22 pedestrians. So all these projects, I understand  
23 the units can be relatively overwhelming in  
24 aggregate, we have 1200-some-odd units in Shipyard,  
25 1,200 with Hudson Cove, we're 78 in pretty small

1 comparison. When you look at all those units, we're  
2 just not seeing that many traffic movements in and  
3 out, given the density in that area. The principle  
4 reason, I think you identified, is because of ferry  
5 is immediately accessible. That's one of the  
6 reasons you don't need a car to do your everyday  
7 commuting. As these retail amenities come online,  
8 there's more of a critical mass that, again, people  
9 don't use regular automobile access during peak a.m.  
10 and p.m. rush hours for commuting purposes.

11 COMMISSIONER CRYAN: I lived a block  
12 from this site, and I used a car at rush hour.

13 MR. DEAN: You're in that 30 percent.  
14 I'm not saying no one does it. What I'm saying when  
15 we counted Sky Club, 70 percent of the people aren't  
16 using an automobile.

17 COMMISSIONER HOLLOWAY: There's going  
18 to be three projects going up, yours and two others?

19 MR. DEAN: The inevitability of  
20 Hudson Cove, I can't forecast, but yes.

21 COMMISSIONER HOLLOWAY: You're  
22 telling me that with three properties going up,  
23 there will be no impact on the residents of Hoboken?

24 MR. DEAN: Of course there will be  
25 there more cars.

1                   COMMISSIONER HOLLOWAY:  When does it  
2 stop?

3                   MR. DEAN:  That's a different  
4 question.  I can answer the question of can the  
5 traffic fit on the system.  I draw an analogy to  
6 water flowing through a pipe.  Is the pipe big  
7 enough to accommodate the water flow?  In this  
8 instance roads have an analogous capacity and  
9 ability to move traffic the way it does water.  The  
10 issue is are the roads big enough, are the  
11 intersections and the way the lights work, can they  
12 sustain the traffic that's projected from these  
13 three projects.  The answer is unquestionable, yes,  
14 it can.  Yours is a different question as to where  
15 does it stop.  That's really one for Hoboken and its  
16 zoning issue.

17                   COMMISSIONER HOLLOWAY:  Not  
18 necessarily.  This Board has to look at it too.  
19 Hoboken, based on County property, there's too much  
20 traffic.  We have to look at that.

21                   MR. DEAN:  Of course.  That's why  
22 we've spent all the time we have to collect years'  
23 worth of traffic data to give it to your consultants  
24 to give you that level of assurance with their  
25 consent that this isn't becoming overly burdensome

1 and that we do have a safe means of egress and  
2 ingress through the property.

3 CHAIRWOMAN BETTINGER: Commissioner  
4 Cryan.

5 COMMISSIONER CRYAN: Assemblyman  
6 Ramos talked about the roadway that was 30 feet and  
7 moving to 16 feet, can you elaborate on that?

8 MR. DEAN: It's not a County roadway.  
9 It's part of the internal site design. My  
10 understanding of the original approval was that it's  
11 not a roadway but a driveway has been designed to  
12 accommodate traffic to and from a commercial  
13 recreational facility. It also provided a means of  
14 access to the City-owned property. I believe, I  
15 have to defer to counsel, that at some point over  
16 the intervening years, Hoboken relinquished their  
17 rights to that access.

18 So Hoboken participated in the vacation of  
19 that access. The 16 feet that is now being proposed  
20 as part of this project will unquestionably allow a  
21 fire truck to get to the City-owned property. It  
22 isn't designed to allow the public to drive to that  
23 property, but it is designed to allow the public to  
24 walk and access the City-owned property through a  
25 new easement that would be granted as part of this

1 application. So the public can still get to the  
2 City property as part of this proposal.

3 CHAIRWOMAN BETTINGER: Commissioner  
4 Mehta, do you have a comment?

5 COMMISSIONER MEHTA: First comment, I  
6 have a question. When you are saying you have the  
7 70 percent of the people use the train or bus, they  
8 mostly walk to the area to take the ferry. So are  
9 you counting that increase in the volume when the  
10 pedestrian volume increases, and you're making a  
11 left turn or a right turn, and then the train delay  
12 will increase. Did you take that into  
13 consideration?

14 MR. DEAN: Yes. Particularly, I'll  
15 call it the focal point, and we included it in our  
16 more recent submission, actual pedestrian counts at  
17 the intersection of, I'll call it Sinatra Drive,  
18 Shipyard Lane and 15th Street, which is right where  
19 this project has its access. We counted all of the  
20 pedestrians that would be walking across those  
21 driveways, and what that effect would have on level  
22 of service, and we still come up with levels of  
23 service A, which is the best rating. The principle  
24 reason is there's very little traffic in that  
25 particular corner compared to say Washington and

1 14th. Shipyard and Sinatra have very slow traffic.  
2 There is more pedestrians than there are vehicles.

3 COMMISSIONER MEHTA: You're including  
4 that Washington and 14th Street traffic signal for  
5 the pedestrian volume?

6 MR. DEAN: The signal won't affect  
7 the pedestrian volume.

8 COMMISSIONER MEHTA: With more  
9 pedestrian volume, the vehicle will have a longer  
10 waiting time.

11 MR. DEAN: Vehicles yield to  
12 pedestrians, that is correct.

13 COMMISSIONER MEHTA: The Sinatra  
14 Drive volume doesn't increase, but those people on  
15 the boulevard are going to walk to the Washington  
16 and 14th Street?

17 MR. DEAN: I used Washington and 14th  
18 as an example because it's a four-way intersection  
19 with a traffic signal. It's not along I'll say a  
20 main pedestrian route in this particular area, as  
21 many people, particularly from the Hudson Cove  
22 project, are going to the ferry terminal. Those are  
23 the patterns that we're seeing. So whatever  
24 pedestrian traffic arises from this project, I have  
25 to say, very little of it winds up at 14th and

1 Washington. I'm sure people will walk to stores,  
2 restaurants and things of that nature. At peak  
3 hour, that's the focus of our traffic study, people  
4 principally are going to and from work.

5 CHAIRWOMAN BETTINGER: Any other  
6 comments from the Commissioners?

7 MR. GOLDBERG: I have a couple  
8 questions of Mr. Dean. A minute ago you talked  
9 about how very little pedestrian traffic ends up on  
10 14th and Washington. Where does the pedestrian  
11 traffic end up?

12 MR. DEAN: Well, I said very little  
13 of the project, from this project, would wind up at  
14 14th and Washington.

15 MR. GOLDBERG: Right now, we're  
16 talking about the possible construction of seven  
17 more buildings, you're basically looking at three  
18 more buildings?

19 MR. DEAN: I know the potential of  
20 one building, which is this application. As to Toll  
21 Brothers, I can't speculate.

22 MR. GOLDBERG: But that's something  
23 you had to take in account for your traffic report?

24 MR. DEAN: I try to look at the  
25 worst-case scenario. I think would be remiss if I

1 didn't include that potential in our projections.

2 MR. GOLDBERG: And are any of those  
3 people from Toll Brothers development as well as the  
4 one here tonight, any of those people who wish to  
5 take the ferry, obviously there are a lot of them,  
6 they would be crossing Sinatra Drive at some point  
7 to get to that ferry?

8 MR. DEAN: Correct.

9 MR. GOLDBERG: And that will  
10 obviously have an impact on traffic?

11 MR. DEAN: Well, pedestrian traffic,  
12 so, yes, it will have an impact.

13 MR. GOLDBERG: Also, you had  
14 mentioned a growth rate that you had used?

15 MR. DEAN: Yes.

16 MR. GOLDBERG: Could you just explain  
17 what that growth rate was?

18 MR. DEAN: Well, growth rates are  
19 typically used by traffic engineers to account for  
20 projects that we don't know about, and up until very  
21 recently, traffic has historically increased as  
22 development in the area has similarly increased. In  
23 this particular section of Hoboken, the growth has  
24 arisen due to these projects. So we haven't double  
25 counted, we specifically considered the traffic from

1 these projects along 15th Street, Garden, Park and  
2 the subject application.

3 MR. GOLDBERG: Did you use any  
4 specific growth rate in terms of you estimated a  
5 growth rate based on Hudson County, or did you use  
6 any specific growth rate?

7 MR. DEAN: No, we used the  
8 projections from this specific projects along these  
9 corridors in this area.

10 MR. GOLDBERG: And the specific  
11 projects you talked about were which ones?

12 MR. DEAN: The Bijou Properties  
13 application, Hoboken Cove and the subject  
14 application.

15 MR. GOLDBERG: And the growth rate  
16 for this particular area that you're talking about  
17 is not really indicative of the general growth rate  
18 of Hudson County, is that fair to say?

19 MR. DEAN: When you say "growth  
20 rate," are you talking about population, are you  
21 talking about traffic, are you addressing the one  
22 street or intersection, or is this a global  
23 question? When you refer to the "growth rate,"  
24 you're referring to what? Are you referring to  
25 traffic, or are you referring to the growth rate of

1 the population? When we refer to a growth rate  
2 which I described, we usually account for unknown  
3 projects, and it is an expectation over time as and  
4 development increases, traffic will increase.

5 MR. GOLDBERG: No further questions.  
6 What I would like to do is recall one witness, and  
7 that will be the final witness.

8 MR. CAMPBELL: This is a factual  
9 witness or an expert witness?

10 MR. GOLDBERG: Factual.

11 MR. COAKLEY: There's been expert  
12 testimony here. There hasn't been any factual  
13 testimony. How can he rebut an expert when he's not  
14 an expert?

15 MR. GOLDBERG: Again, going back to  
16 factual testimony, some of what Mr. Dean testified  
17 to was factual. The basis is not every statement  
18 was an expert statement from an expert traffic  
19 engineer. There has to be an underlying basis for  
20 some of his propositions.

21 MR. CAMPBELL: If his rebuttal is  
22 specific, I think it's appropriate.

23 Your name again for the record?

24 MR. HENDERSON: Mike Henderson.

25 MR. CAMPBELL: You're still under

1 oath.

2 MR. GOLDBERG: Mr. Henderson,  
3 regarding some of the -- regarding the facts that  
4 were testified to in terms of buildings and other  
5 things, there wasn't any discussion with regard to  
6 the Maxwell House. Could you describe for the Board  
7 what the Maxwell House is?

8 MR. HENDERSON: The Maxwell  
9 Building --

10 MR. COAKLEY: Madam Chairwoman, there  
11 was no testimony to the Maxwell House. I didn't  
12 hear any testimony.

13 MR. CAMPBELL: What was the  
14 relevance?

15 MR. GOLDBERG: It's pertinent to  
16 determining overall growth rate and the potential  
17 impact on traffic.

18 MR. COAKLEY: Testimony about another  
19 project that's remote to the area should be omitted  
20 as rebuttal testimony.

21 MR. GOLDBERG: I think if he had an  
22 opportunity to describe it, and if the Board  
23 determines it's remote and has no relevance, so be  
24 it, but he's entitled to present it before the  
25 Board.

1 MR. CAMPBELL: If it's close enough  
2 proximity and it's relevant, then I'll defer to the  
3 Board.

4 FREEHOLDER ROMANO: Counsel, you have  
5 to make the determination. You can't defer to us.  
6 You're the lawyer. These gentlemen are looking at  
7 the Chairperson. You're the lawyer. You're the  
8 legal counsel. You make a determination.

9 MR. CAMPBELL: You're on a tight  
10 leash.

11 MR. GOLDBERG: Understood.  
12 Mr. Henderson, could you describe the proximity of  
13 the Maxwell Building to the subject application?

14 MR. HENDERSON: Sure. There is an  
15 additional PUD agreement for the Maxwell Place.  
16 It's called Maxwell Place Coffeehouse. That project  
17 is probably 50 percent complete. The location is  
18 adjoining to the Shipyard development project. It  
19 is on the direct corridor of Hudson Street and  
20 Sinatra Drive. It's the same corner. There are  
21 three PUDs. One is the Hoboken Cove, one is the  
22 Shipyard development, and the third one is Maxwell  
23 Place. Maxwell Place and the Shipyard development  
24 border to the water.

25 MR. GOLDBERG: Also, any views on the

1 restaurant and it's omission from the traffic  
2 pattern?

3 CHAIRWOMAN BETTINGER: Could you  
4 repeat the question?

5 MR. GOLDBERG: Well, let me ask this  
6 way. Is there a restaurant in the general proximity  
7 of this application?

8 MR. HENDERSON: Yes, there is.

9 FREEHOLDER ROMANO: Counsel, those of  
10 us that have colleagues that are not from Hoboken,  
11 specify address and name, please.

12 MR. GOLDBERG: Could you identify  
13 what that restaurant is?

14 MR. HENDERSON: Sure. The Lua,  
15 L-u-a, Restaurant, the co-owner is applicant.

16 MR. GOLDBERG: Is that the  
17 anticipated at this point in time?

18 MR. HENDERSON: The Lua Restaurant is  
19 on Sinatra Drive and 14th Street. It's been closed  
20 since the sinkhole developed on Sinatra Drive.

21 That's a restaurant which has significant traffic,  
22 especially in the evenings. The traffic overflow  
23 from that was actually parked on the applicant's  
24 site where the Monarch is right now because there  
25 was not sufficient parking available in the area.

1 The applicant has -- they used that site as a valet  
2 parking area for that restaurant. So when that  
3 restaurant reopens, they're going to need to put  
4 those cars some place. The applicant also has two  
5 parking garages.

6 MR. COAKLEY: Madam Chairwoman,  
7 again, rebuttal testimony is intended to rebut or  
8 counter testimony that a witness has given, not to  
9 open up a new chain of testimony that's going to  
10 perhaps prompted another bit of testimony from other  
11 witnesses. Proceedings have to have an end and not  
12 have a witness called back three times.

13 MR. CAMPBELL: Mr. Coakley, in light  
14 of the fact that were projections based on future  
15 growth, the witness can testify to any specific  
16 future growth that may impact on the site.

17 MR. HENDERSON: One of the buildings  
18 in the Shipyard project was called the Sovereign, it  
19 is directly across the street from the Monarch site.  
20 They have a public parking garage that's utilized by  
21 the public and also by the residents of the  
22 building. That garage is at full capacity. There  
23 is another parking garage, which is two blocks down  
24 on Shipyard Lane, that garage is near capacity at  
25 this point, and is often overcapacity where vehicles

1 are parking in unmarked spots.

2 MR. COAKLEY: Again, the testimony  
3 has no pertinence to this application. There be may  
4 be a garage, and it may be at capacity. The City of  
5 Hoboken has zoned that property with a use. There  
6 is adequate parking because they've approved those  
7 projects, and just because it's a garage with cars  
8 in it doesn't prove anything with respect to  
9 traffic.

10 MR. GOLDBERG: It impacts traffic.  
11 It couldn't be more relevant.

12 MR. CAMPBELL: Are there any other  
13 sites that you want to address?

14 COMMISSIONER CHOFFO: I have a  
15 question. How many parking units are in each  
16 garage, Mr. Henderson?

17 MR. HENDERSON: I don't have the  
18 specific number. I do know that it's at capacity  
19 right now. I've had direct conversations with the  
20 garage manager.

21 MR. CAMPBELL: You should bring in  
22 that witness to testify to numbers and to capacity.

23 MR. HENDERSON: And so I would  
24 testify in this manner. I had a parking arrangement  
25 with the Sovereign garage where my employees parked

1 in their garage, and we were told we could not  
2 longer --

3 MR. CAMPBELL: Don't tell us what you  
4 were told. Tell us what the result was.

5 MR. HENDERSON: The result was that  
6 we were no longer -- there was no longing space for  
7 us to park in that garage because it was full.

8 MR. CAMPBELL: That's what you were  
9 told. The result was you couldn't park there  
10 anymore?

11 MR. HENDERSON: Correct.

12 MR. CAMPBELL: It could have been for  
13 any number of reasons. It could have because they  
14 could get more money from somebody else, right? In  
15 other words we can't cross examine because you  
16 weren't the person who made that judgment. Is there  
17 any other site in question?

18 MR. HENDERSON: I'm a direct party to  
19 that.

20 MR. CAMPBELL: I understand that.  
21 What you were told from someone else can't be  
22 examined because they're not here. Anything else?

23 MR. GOLDBERG: No further questions.

24 COMMISSIONER MEHTA: Traffic  
25 engineer, one question. This question is in

1 reference to public safety. Public safety, like you  
2 mentioned about traffic yield to pedestrian traffic  
3 at the intersection. By increasing the pedestrian  
4 traffic and volume, you don't see any like a fender  
5 bender accident or pedestrian hit accident increase  
6 in your statistics?

7 MR. DEAN: We have not looked at  
8 accidents. What we investigated are the design of  
9 driveways, particularly as related to your review  
10 whether they comply with your design standards, and  
11 whether there is anything inherently dangerous with  
12 the design. By that I mean, if it would be unsafe  
13 to have a building wall where a crosswalk steps into  
14 a live lane of traffic, there is no sidewalk. That  
15 would be a dangerous situation. But as long as  
16 we're considering an open apron driveway design with  
17 clean site lines, we don't plant trees and have  
18 obstructions in the way, we expect it's a safe  
19 design. It's not to say people do unsafe things.  
20 Our job in this, and I would presume yours and your  
21 expert, is to ensure that the design itself meets  
22 all the recognized standards.

23 COMMISSIONER MEHTA: And at the same  
24 time that an accident or reason for that accident,  
25 if it's an alarming number, that definitely affects

1 planning for road construction. If you had that  
2 data and if you review that data, in other words,  
3 I'd appreciate it.

4 MR. DEAN: I will say that through  
5 the review process within the City of Hoboken, as  
6 well as my long-term experience with the developer,  
7 I have not been made aware of an alarming accident  
8 history at Shipyard and Sinatra and 15th Street. I  
9 will say at traffic signals, accidents happened.  
10 It's not to make light of it. There are a variety  
11 of reasons for that, and as there is more traffic,  
12 the probability of that increases. I'm not aware of  
13 any alarming accident statistics at this location in  
14 the vicinity of this project.

15 FREEHOLDER ROMANO: I have a  
16 question. Do you have knowledge of garages at full  
17 capacity so as there is overflow? Do you take that  
18 into consideration?

19 MR. DEAN: Understand, I look at  
20 traffic, and if the garage is full, that means  
21 traffic is coming in, which is good because we've  
22 counted it. In other words it's already in the  
23 study that we've done.

24 FREEHOLDER ROMANO: You're saying  
25 it's already in the study?

1 MR. DEAN: I guess I'm encouraged to  
2 hear if they're overcapacity, fine, we counted all  
3 the traffic because it's getting there somehow. I  
4 can't speak to operation. Candidly, I'm not sure  
5 why he's not using his own garage.

6 CHAIRWOMAN BETTINGER: You did most  
7 of your review study on a Tuesday?

8 MR. DEAN: I wouldn't say that. I  
9 mean maybe it's a coincidence. When we do our  
10 traffic counts, they're done on a weekday, a typical  
11 weekday that's not a federal, national, school or  
12 religious holiday. We want to make sure schools are  
13 in session, and we want to make sure it's not a  
14 blizzard or inclement weather. We also typically  
15 avoid Monday mornings and Friday afternoons because  
16 people often deviate from their normal commuting  
17 pattern.

18 We stick to the core middays of the week  
19 because they're as representative of conditions as  
20 any of them. Again, if there was a Tuesday that I  
21 happened to mention, it works out. I will say over  
22 the past 15 years, I assure you we've done days  
23 other than Tuesdays.

24 COMMISSIONER BETTINGER: All right,  
25 Ms. Flor.

1 MS. FLOR: Madam Chair, I would like  
2 to start questioning based on some of the questions  
3 at the last meeting which have to do with the walkway  
4 being called a road, and I need clarification on  
5 whether or not that's a road or a driveway and get  
6 the County standards on that. Secondly, I would  
7 like to ask the traffic engineer to speak to some of  
8 the traffic question we had that, and at that point,  
9 I will defer to Bruce, who is our traffic engineer  
10 to ask questions.

11 CHAIRWOMAN BETTINGER: Ms. Flor is  
12 from T & M, our consulting engineer company.

13 MS. FLOR: My first question is going  
14 to be relative to site layout. I do not believe  
15 it's for the traffic engineer -- it's for the site  
16 engineer. It may be for both.

17 MR. DEAN: I'll do what I can and  
18 Mr. Ballou will address your concerns.

19 MS. FLOR: Is it okay for me to  
20 direct, Madam Chair?

21 CHAIRWOMAN BETTINGER: Yes.

22 MS. FLOR: What I would like to know  
23 is at the first meeting, one of the answers to the  
24 questions that was raised by the public was that  
25 surrounding the site is a road. I know that that's

1 going to be a public walkway. What I need to  
2 understand is are you trying to call that a road, or  
3 are you trying to call that a driveway. I'm going  
4 to read you some of the standards in the County  
5 resolutions that basically you would have to address  
6 whether you wanted to call that a road or a  
7 driveway. Your frontage is about 150 feet, so you  
8 would only be allowed two driveways. So you already  
9 have two driveways at the site. If you were going  
10 to add those two, you would be up to four, which  
11 would not be following the County standard.

12 The other question I would have is that  
13 you would have to have a minimum of 30 feet distance  
14 between those driveways, if you're going to call  
15 them driveways, and then you couldn't have any  
16 driveways within 10 feet of that side property line.  
17 That's if you're going to call it a driveway. You  
18 also couldn't have the width exceed for multifamily  
19 for a two-way driveway more than 30 feet. You could  
20 maybe call it one driveway by connecting the two,  
21 but then you would be over the 30 feet. I need to  
22 understand whether you're calling it a driveway or a  
23 road.

24 I take issue with your calling it a road.  
25 What concerns me is that if that ever was to become

1 a road, as you can see from a traffic standpoint, if  
2 you had the road where people can make left and  
3 right turns and the driveway where people can make  
4 left and right turns, that would create a safety  
5 issue. I take that issue with that being a road or  
6 a driveway. What I need to understand is why it's  
7 being called a road or a driveway. I would advise  
8 the Board that it can't be called a road or a  
9 driveway because of its conflicting movement.

10 MR. DEAN: I'll do my best to  
11 explain. It's a street. I'm not trying to be cute.  
12 There is a specific reason under the residential  
13 site improvement standards that dictate the  
14 development of this project, and the street is a  
15 right-of-way whether, it's private or public, that  
16 allows access. Now we're getting into the use of  
17 that street. There's two separate issues. There  
18 are such things as paver streets. We see them all  
19 over the place. They are rights-of-way that are  
20 mapped on a plat, but have no road on them. They  
21 have no pavement. They have no surface. They carry  
22 no traffic. They are mapped streets. That's  
23 precisely what this project has.

24 The function of these streets is for  
25 pedestrian walkways around the building and to the

1 City-owned property, but if in the event of an  
2 emergency, their access controlled by design  
3 techniques that will allow an emergency vehicle to  
4 get around the building. So there are defined  
5 rights-of-way that meet the definition under motor  
6 vehicle code, residential site improvement standards  
7 and our opinion, Hoboken's ordinance. They're not a  
8 driveway. They're not a road. They're actually a  
9 street, but their design function is completely  
10 restricted to vehicular traffic but for emergency  
11 vehicles.

12 FREEHOLDER ROMANO: Under Title 39 if  
13 I were to issue a summons what do I issue for  
14 vehicle parked?

15 MR. DEAN: You can't get to it. You  
16 can't park on it. It's a curb. We have had  
17 discussions about removable bollards, things that  
18 we're doing at Garden Street with the Bijou project  
19 that physically limit vehicular access.

20 FREEHOLDER ROMANO: The analogy would  
21 be across the street on the Bijou property, it's a  
22 street but you can't get into unless you remove the  
23 bollards. You mentioned you aren't not a street  
24 that, what if I have vehicle that's parked there,  
25 what is the citation?

1 MR. DEAN: Hoboken, it would have to  
2 be posted for no parking. It's not proposed to be  
3 made of black top. It's not proposed to look like a  
4 street. It's not proposed to behave like a street.

5 FREEHOLDER ROMANO: You're saying  
6 it's a street under Title 39, I summons for improper  
7 parking?

8 MR. DEAN: I'm not a police officer.

9 FREEHOLDER ROMANO: Explain to me, my  
10 definition under Title 39, a street means vehicular  
11 parking unless otherwise prohibited, no stopping or  
12 standing?

13 MR. DEAN: Correct. It will be  
14 posted. Whatever prevailing ordinance, again, the  
15 entire application is subject to the enforcement of  
16 Title 39 as appropriate. We haven't been through  
17 the public hearing process of Hoboken, but issues  
18 such as fire lanes, handicapped parking and the rest  
19 all are summonable under Title 39, this would be the  
20 exact same scenario.

21 MS. FLOR: Madam Chairwoman, would  
22 the applicant be willing to accept as a condition of  
23 approval that this could not be used for vehicular  
24 use except for emergency access only, no vehicular  
25 use. It cannot act as a roadway or driveway or else

1 they would have to return to the Board.

2 MR. COAKLEY: I think that's what we  
3 said previously. Its only function is pedestrian  
4 and emergency vehicles and access to Hoboken  
5 property.

6 MS. FLOR: So the answer is yes?

7 MR. COAKLEY: That's what I just  
8 said, pedestrian, emergency and access to Hoboken's  
9 property at the end of the driveway.

10 COMMISSIONER HOLLOWAY: Forgive me  
11 Madam Chair, is there a reason why you have to call  
12 it a street? Why can't you call it a roadway? My  
13 concern is if we approve this, five years down the  
14 road, something changes, you remove the piles, now  
15 it's a street.

16 MR. DEAN: We can't.

17 MS. FLOR: That is my concern as well  
18 is that we've had plenty of applications that have  
19 had walkways. Steve Marks can speak that. He wrote  
20 a plan about having access to the waterways along  
21 the entire Hudson County site. It's very typical to  
22 have a walkway. Emergency access is always required  
23 on a walkway. I see no reason that I can see from a  
24 County perspective to call it a street unless you  
25 have another reason to call it a street, and that is

1 not a concern of the County's. From our  
2 perspective, we don't want this turning into a  
3 street because of the safety concerns of the  
4 intersections where that street abuts a driveway.  
5 So I would say to the Board that this cannot be  
6 considered a street for the concern that we have.

7 MR. COAKLEY: I'm not sure what  
8 you're trying to get at. Let's just deal with the  
9 practicality of what you just said. We agree its  
10 only use is for emergency vehicles, pedestrian and  
11 access to Hoboken's property. Otherwise, there will  
12 be no access to it. I don't think we can be any  
13 clearer than that.

14 MS. FLOR: It will never be a street?

15 MR. COAKLEY: It will never be used  
16 for normal vehicular access other than emergency  
17 access and access to Hoboken's property.

18 COMMISSIONER ARENCIBIA: Madam Chair,  
19 i just want to be clear, that access for the public  
20 will have bollards in place that will only be  
21 removed by Hoboken Fire Department and Police.

22 MR. COAKLEY: That's all that is. I  
23 don't want to commit to those design details because  
24 we haven't been through Hoboken's review process and  
25 whether their fire personnel want a gate in lieu of

1 bollards or some other design technique, but I think  
2 we can agree that it will be a physical barrier to  
3 prevent automobile vehicular access onto that  
4 right-of-way. I just want don't want to commit to a  
5 specific design.

6 CHAIRWOMAN BETTINGER: Point out on  
7 the diagram this area that is in question.

8 MR. DEAN: I'm referring for  
9 identification purposed to Context Plan prepared for  
10 the Monarch, Hoboken, New Jersey, dated -- I don't  
11 believe it was marked.

12 MR. COAKLEY: It was marked A-1.

13 MR. DEAN: Thank you, I apologize.  
14 North is to the right-hand side of the exhibit  
15 toward me, the Hudson River is to the bottom side,  
16 and the platform extends in a north-south  
17 orientation. In orange tone are the proposed  
18 primary residential buildings, the City-owned  
19 property is to the far right-hand side of the  
20 exhibit, and hopefully, you can see in a darker  
21 brown maroon tone around the building perimeter is  
22 this walkway, emergency vehicle access street  
23 system. It allows full emergency vehicles around  
24 the perimeter, and obviously to the City-owned  
25 property. It is consistent with the walkway,

1 esplanade, whatever term it has that allows the  
2 public a means to access the walkway.

3 CHAIRWOMAN BETTINGER: How are you  
4 proposing for residents to enter with their cars  
5 into the garage?

6 MR. DEAN: In the middle part of the  
7 exhibit, and hopefully it's clear, you will see a  
8 quarter circle driveway that has access to Sinatra  
9 Drive to the left, and comes to form the third leg  
10 of the intersection between Shipyard Lane, which is  
11 to left, and 15th Street, which runs to the top of  
12 the pages. I don't want to call it a horseshoe. It  
13 is not. It allows vehicular automobile access into  
14 the building in the garage. It also allows  
15 drop-off, delivery, passenger drop-off. It's off of  
16 the public streets, there's a driveway that serves  
17 the building. It does allow that access. It  
18 doesn't in any way involve the use of the street or  
19 walkway system.

20 COMMISSIONER HOLLOWAY: Madam Chair,  
21 just for the record, you don't want a walkway  
22 street. It's too narrow to ever become a legal  
23 street.

24 MR. DEAN: I don't want to answer  
25 that because we believe it is a legal street in

1 terms of meeting the definition of street.

2 COMMISSIONER HOLLOWAY: As to width?

3 MR. DEAN: It is not a sufficient  
4 cartway width, that is the physical width of the  
5 roadway, to sustain two-way regular traffic as would  
6 say 15th Street just as an example.

7 COMMISSIONER ARENCIBIA: I just want  
8 to clear up some things with that street or  
9 promenade, I guess. Is it going to be surface of  
10 the pavement, is it paver to look like the rest of  
11 the promenade?

12 MR. DEAN: Yes, the intent I can't  
13 speak to the specific architectural details, but it  
14 will be a elevated section, so it will be at  
15 sidewalk elevation, somewhere in that range as  
16 opposed to street pavement elevation. It will be  
17 made of, I believe there's some discussions whether  
18 it will actually be a boardwalk, or whether it will  
19 be masonry material, paver, stone, whatever.

20 COMMISSIONER ARENCIBIA: It will be  
21 more of a sidewalk area?

22 MR. DEAN: Correct.

23 COMMISSIONER ARENCIBIA: Is there  
24 curbs to separate the cartway of vehicles from  
25 pedestrian or flush?

1 MR. DEAN: Well, on the surface  
2 itself it will be a walkway. As it transitions into  
3 the street, I'll call it the elbow at Shipyard and  
4 15th, yes, it will be curb.

5 COMMISSIONER ARENCIBIA: It will be  
6 curb there. As far as the promenade, there is a  
7 walkway along the Hudson River, the continuation of  
8 that promenade, how does that develop from your  
9 site?

10 MR. DEAN: I'm a traffic guy. I'm  
11 sorry. I'll do my best. I believe it continues to  
12 the eastern side of the property, that you'll see in  
13 this black top, and connects to the balance of the  
14 promenade that was constructed as part of Shipyard.

15 COMMISSIONER ARENCIBIA: What was the  
16 intent to have people that use the walkway to  
17 circumvent around the pier and continue up 15th  
18 Street?

19 MR. DEAN: Yes, that will be open and  
20 available to the public to walk around the platform.

21 COMMISSIONER ARENCIBIA: And that's  
22 part of your requirements with DEP?

23 MR. DEAN: That was committed to DEP.

24 COMMISSIONER ARENCIBIA: That is  
25 purely a walkway. I supposed you're going to have

1 benches and other things for people?

2 MR. DEAN: I don't have those  
3 answers.

4 COMMISSIONER ARENCIBIA: I presume  
5 the rest of the promenade also has access for  
6 emergency vehicle?

7 MR. COAKLEY: Yes, DEP walkways do  
8 allow for emergency vehicles. This is not an  
9 official Hudson River walkway, but it is an  
10 extension that we will have similar attributes.

11 MS. FLOR: Madam Chair, I guess the  
12 question I have is those other areas that allow for  
13 emergency access, they're not called streets. What  
14 makes me nervous about it being called a street is  
15 exactly what Chairman Holloway brought up is that,  
16 in the future if another applicant comes in, you see  
17 a pier honking out on the bottom of that site, for  
18 access to that, vehicular access, that concerns me.  
19 I'm just not clear why we're calling it a street.

20 That aside, if the Board was going to  
21 allow it to be called a street and to have those  
22 access points then they would need a waiver from the  
23 County standards at least for the setback for the  
24 driveway, which is required to be ten feet from any  
25 street. They would need that as well as the width

1 of the driveway opening. Additionally, I would like  
2 clarification. Whenever we said that the condition  
3 would say only pedestrian emergency vehicles, I was  
4 then corrected by the attorney to say and access to  
5 the Hoboken site. I would like that to say only  
6 pedestrian access and emergency access. So that's  
7 not a loophole for not vehicular access because I  
8 want to be clear not we're not approving vehicular  
9 access on this walkway because that presents  
10 concerns relative to the driveways.

11 MR. COAKLEY: One thing I want you to  
12 be clear about Shipyard Lane, as you know, is a  
13 private roadway where the driveway will enter.

14 MS. FLOR: It starts at Sinatra and  
15 also enters?

16 MR. COAKLEY: I know Sinatra. I  
17 don't know which one are we addressing?

18 MS. FLOR: Sinatra.

19 COMMISSIONER ARENCIBIA: Madam Chair,  
20 maybe we can just agree to call it a street or a  
21 walkway that has emergency vehicle access.

22 MR. COAKLEY: I don't know how that  
23 necessarily comes into play here whether it's called  
24 a street or something. It has the same attributes  
25 that we described. We have limited access only for

1 the purpose we've described.

2 COMMISSIONER HOLLOWAY: Madam Chair,  
3 I have a slight problem. She has a concern about  
4 this being called a street. So do I.

5 MR. COAKLEY: I think she has a  
6 concern, if I could paraphrase, of it being used as  
7 a street, but not being called a street. I will say  
8 that the design features that are shown on the plan,  
9 should any deviation in the future by a subsequent  
10 owner, it comes back to this Board and goes back to  
11 your engineer. We can't perform work in the County  
12 right-of-way without your approval. You have the  
13 necessary safeguard already built in that suddenly  
14 hundreds of vehicles can't be going up and down this  
15 roadway without your permission.

16 COMMISSIONER HOLLOWAY: Let me  
17 explain something to you. I've been on this Board  
18 many years. We approved a lot of things. A couple  
19 years down the road, things change. Nothing has  
20 come in front of this Board again. I just want to  
21 make sure that our engineer is satisfied with that.

22 MR. DEAN: That's why some of these  
23 design features, be they bollards or curb details  
24 are some of the issues that we need to work out to  
25 your professional's satisfaction. I think we all

1 want the same end result. You want to make sure it  
2 doesn't ripen for misuse. Certainly we can do that.

3 CHAIRWOMAN BETTINGER: Mr. Marks, do  
4 you have a comment?

5 MR. MARKS: Madam Chair, more of a  
6 question, referring to the Context Plan, the end of  
7 the pier, I'm sorry I didn't bring this up earlier,  
8 the end of the pier is a City-owned property.  
9 That's owned by the City of Hoboken. There is  
10 another pier that juts, I assume to the east. Is  
11 that also owned by the City of Hoboken?

12 MR. COAKLEY: No, that's owned by the  
13 applicant.

14 MR. MARKS: Does the applicant have  
15 any -- is it zoned for residential development or  
16 waterfront development? Does the applicant have any  
17 future plans for that pier here? I think it is  
18 germane.

19 MR. COAKLEY: There are no plans for  
20 development of that pier approved by the City of  
21 Hoboken, nor does the applicant have any plans to  
22 develop that pier.

23 COMMISSIONER CHOFFO: Madam Chair, is  
24 that the reason why Mr. Coakley will not say it will  
25 be a walkway versus a street?

1 MR. COAKLEY: No, that's not the  
2 reason. We believe the definition of the street  
3 under the various authorities as was cited by  
4 Mr. Dean. We think that that's the correct way to  
5 call it. We have no dispute with the limited  
6 attributes of it in terms of what it's going to be  
7 used for. We're prepared to make that a condition  
8 of the resolution going forward.

9 COMMISSIONER HOLLOWAY: Madam Chair,  
10 if it's going to be called a street, there's  
11 guidelines through the County plan, and I don't  
12 think this Board should waive anything. If it's  
13 going to be called a street, then follow the  
14 guidelines.

15 MR. COAKLEY: I don't know exactly  
16 what the guidelines are.

17 MS. FLOR: For the one driveway that  
18 fronts on the County street, the guidelines would  
19 require that any driveway be setback ten feet from  
20 any street. There is also requirements for the  
21 geometry of the intersection. Additionally, I guess  
22 my main concern that with what Mr. Marks just  
23 brought up, is that the driveway, if you look at the  
24 southern driveway, the one that does access the  
25 County street, you go a little onto that driveway,

1 they're not in the County right-of-way anymore, and  
2 they can make a second curb cut from their driveway  
3 onto that site and access that street. So that's  
4 really why I'm raising this concern is that I don't  
5 understand the semantics why the applicant is  
6 insisting on calling it a street. It makes me  
7 hesitate to see if there's another reason why it's  
8 being called a street. If it acts as a walkway,  
9 what's a purpose of naming it something else? I  
10 don't understand and that gives me some reservation,  
11 if that can be explained to me.

12 MR. COAKLEY: The way these elements  
13 are defined in the Hoboken Zoning Ordinance that  
14 there are private streets. There's a lot of private  
15 streets in the development, and it's another private  
16 street.

17 FREEHOLDER ROMANO: You're just very  
18 simply following what the City of Hoboken's zoning  
19 protocol is?

20 MR. COAKLEY: There is a definition  
21 in that code that we are abiding by, and we need to  
22 call it a street to abide by the code.

23 FREEHOLDER ROMANO: The Board could  
24 explain to them also, if it's possible to make a  
25 stipulation if it does pass, that you have to change

1 it to walkway if Hoboken accepts.

2 MR. COAKLEY: I can't agree with  
3 that. What I am saying is that we will agree to the  
4 same limitations at the Hoboken Board as we are  
5 agreeing to here. It's limited access to  
6 pedestrian, emergency and for the City.

7 FREEHOLDER ROMANO: Our counsel can  
8 call the Hoboken counsel that there be an agreement.

9 MR. COAKLEY: I think so in the sense  
10 that notwithstanding the fact that the rights are  
11 with this property are discharged by Hoboken. As a  
12 matter of common law, we are attempting to provide  
13 access to their property.

14 FREEHOLDER ROMANO: That's about the  
15 facts that you stated, right?

16 MR. COAKLEY: About the discharge?

17 FREEHOLDER ROMANO: Fact that you  
18 stated the terminology was with him, Hoboken stating  
19 it.

20 MR. COAKLEY: There is a definition  
21 in the Hoboken ordinance. That's rationale for --

22 FREEHOLDER ROMANO: You're saying  
23 that's Hoboken, she's stating there's another one.

24 MR. COAKLEY: There is a definition  
25 we're following in their zoning ordinance. We

1 believe this is a street. It being a street, that  
2 meets a certain other circumstances.

3 FREEHOLDER ROMANO: Hoboken led you  
4 to come to their determination?

5 MR. COAKLEY: Yes, their ordinance  
6 did.

7 MS. FLOR: Is there any way to divide  
8 it so it's not a street? As you can see, the County  
9 has reservations. Can you redesign it so it's not a  
10 street, so it doesn't have to be a street?

11 MR. COAKLEY: No, we want to provide  
12 emergency access around this building, and we want  
13 to have it as wide as it is to allow the fire  
14 trucks.

15 MS. FLOR: But you already said that  
16 a walkway could accommodate that?

17 MR. COAKLEY: We're just talking  
18 terminology here. The way this is designed is  
19 required by this project. We believe it meets the  
20 definition in Hoboken's ordinance of a street.

21 COMMISSIONER HOLLOWAY: Madam Chair,  
22 do you have the ordinance with you?

23 MR. COAKLEY: No, I don't.

24 COMMISSIONER HOLLOWAY: I believe  
25 what you're saying.

1 MR. MARKS: Madam Chair, I do have a  
2 follow-up question for Mr. Coakley. The applicant  
3 received a water development permit from the DEP for  
4 this application?

5 MR. COAKLEY: Yes.

6 MR. MARKS: And the water development  
7 permit, was a condition on that permit a  
8 conservation of public access easement for  
9 pedestrian access?

10 MR. COAKLEY: Yes, that was committed  
11 to, that the public would be able to access the  
12 pier.

13 MR. MARKS: For pedestrian use?

14 MR. COAKLEY: For pedestrians.

15 MR. MARKS: And Mr. Coakley, with  
16 DEP's Waterfront Development Permit, was there any  
17 limitations in terms of the vehicular access besides  
18 emergency vehicles access or access to the  
19 City-owned portion?

20 MR. COAKLEY: I don't recall whether  
21 that was stipulated, but it could be.

22 MR. CAMPBELL: Mr. Coakley, when you  
23 talk about the City's access to its property, are we  
24 talking about pedestrian access or vehicular access?

25 MR. COAKLEY: I think the City may

1 require pedestrian access, and they might on  
2 occasion require vehicular access. That's up to the  
3 City. I mean certainly their property has not been  
4 taken care of. Perhaps the City will some day build  
5 something there. I think if they're going to build  
6 a park, whatever they're going to build, they would  
7 need to get vehicles out there. To think otherwise  
8 would be probably shortsighted. So we do intend to  
9 allow the City to do that if they wish to.

10 MS. FLOR: My exact concern is  
11 that -- I have a concern over the vehicular access.  
12 So from the County perspective, at least from the  
13 County's where we have jurisdiction which is to  
14 Sinatra Drive, vehicular access, even access on the  
15 Hoboken site cannot be permitted because of the fact  
16 that it will be an unsafe driveway. Turning  
17 movements could conflict. So I think the condition  
18 should state that as a condition of approval, even  
19 vehicular access cannot be permitted, only in  
20 emergency access and pedestrian.

21 MR. COAKLEY: We think the access  
22 we're proposing is quite limited, and it's to  
23 provide something to Hoboken which they don't have  
24 now. We think that at such a limited level of  
25 access that I think Ms. Flor's concerns are perhaps

1 a little bit overstated. It's almost like the  
2 emergency access with fire trucks. Hoboken may need  
3 to get a vehicle out there on some occasion or  
4 other. That's the only thing that we're concerned  
5 about.

6 MS. FLOR: Madam Chair, no one knows  
7 what can be built on that site. There's no way to  
8 say it's limited or not. My concern is safety. The  
9 turning movements don't work if it's used for  
10 vehicular. I recommend to you that the condition be  
11 no vehicular access even to the Hoboken property  
12 from the County driveway, the County portion of that  
13 road, that part that connects to the County portion  
14 of that road.

15 CHAIRWOMAN BETTINGER: Counsel?

16 MR. COAKLEY: I think I've stated my  
17 position. It would be repetitive.

18 COMMISSIONER BETTINGER: I'm going to  
19 ask for a five-minute recess.

20 (At this point in the proceeding, a  
21 brief recess is taken.)

22 MR. COAKLEY: If I may just ask  
23 Mr. Dean a few questions to address Ms. Flor's  
24 comments?

25 CHAIRWOMAN BETTINGER: Please speak

1 into the mic.

2 MR. COAKLEY: Is that better?

3 CHAIRWOMAN BETTINGER: Yes.

4 MR. COAKLEY: I would like to ask  
5 Mr. Dean a few questions to address Ms. Flor's  
6 concerns. Mr. Dean, first of all, is there an  
7 intersection within the County roadway other than  
8 the driveway into the facility?

9 MR. DEAN: There is not, and I'll do  
10 my best to explain. The applicant is seeking your  
11 approval, if you don't mind, the applicant is  
12 seeking approval to construct the driveway that is  
13 east of Shipyard Lane, on Sinatra Drive that is in  
14 the County right-of-way. That driveway, its apron,  
15 its curb, its design features handicapped ramps and  
16 the like, serves a dual purpose as I described  
17 earlier, allows access into the building's garage,  
18 but it also allows should the need arise, to  
19 whatever design techniques we ultimately devise, the  
20 ability for the emergency vehicles to traverse on  
21 the easterly side of the building.

22 We are not seeking any form of approval,  
23 driveway, street, any improvements east of that  
24 proposed driveway. So the street concern, it  
25 terminates at the driveway in the property itself.

1 So the only thing we need, as I indicated, is your  
2 approval for the driveway that serves the site.

3 MR. COAKLEY: That's on the Sinatra  
4 Drive side?

5 MR. DEAN: Correct.

6 MR. COAKLEY: Do you need approval  
7 for the driveway on the Shipyard Lane side?

8 MR. DEAN: My understanding is no  
9 because Shipyard still remains a private part of the  
10 Shipyard PUD. So in essence we only have one County  
11 driveway. That's my understanding.

12 MS. FLOR: Madam Chair, so what the  
13 applicant is saying he's going to stop the  
14 right-of-way of the street ten feet shy of  
15 intersecting our County roadway. If that's the  
16 case, and it's a dead end street, typically the  
17 County would require cul-de-sac. We don't know what  
18 Hoboken is going to do in that regard.

19 So my recommendation would be that we have  
20 two options. Either we have the applicant go to  
21 Hoboken first to see whether Hoboken is going to  
22 allow the street to stop ten feet from intersecting  
23 the County road and then render a decision, or we  
24 could make it a condition that we are only approving  
25 subject to that roadway not intersecting the County

1 road, in which case Hoboken, if they decided they  
2 aren't going to allow the dead end street, it would  
3 then void the approval.

4 MR. COAKLEY: The plans that we  
5 submitted with did not show that right-of-way  
6 reaching the County roadway, so we accept the  
7 condition.

8 CHAIRWOMAN BETTINGER: Mr. Marks.

9 MR. MARKS: Madam Chair, I just had a  
10 follow-up for Mr. Coakley. With regard to the pier  
11 that juts out to the east of the pier in question  
12 where the proposed application is, was there ever  
13 development planned for that?

14 MR. COAKLEY: Many years ago.

15 MR. MARKS: What was the nature of  
16 that development plan?

17 MR. COAKLEY: I'm not positive.

18 MR. MARKS: Was it similar to?

19 MR. COAKLEY: I'm not positive what  
20 it was, but there were plans that were not advanced.

21 MR. MARKS: Would you characterize  
22 the plan being similar to Monarch, was it a higher  
23 density residential development that was proposed  
24 there?

25 MR. COAKLEY: If I may defer the

1 question, I'll ask somebody.

2 I'm told it was for a banquet facility or  
3 something of that nook, and not a residential  
4 development.

5 MR. MARKS: Madam Chair, you said the  
6 applicant does not have any development proposals  
7 for that pier?

8 MR. COAKLEY: Does not.

9 MR. MARKS: Would that pier continue  
10 to be developable if this application were approved?

11 MR. COAKLEY: That pier would be  
12 developable only with a tremendous investment in the  
13 restoration of it.

14 MR. MARKS: Mr. Coakley, would access  
15 to that pier come through the walkway street that is  
16 being proposed?

17 MR. COAKLEY: I don't believe that  
18 we're proposing that to have access to that, I mean.

19 MR. MARKS: Mr. Coakley, if access to  
20 that eastern pier is cut off, would that make it  
21 further developable?

22 MR. COAKLEY: It would probably  
23 lessen the development capacity to a significant  
24 extent.

25 MR. MARKS: Ms. Flor, does that

1 change any of your concerns?

2 MS. FLOR: My concerns originally  
3 were the traffic movements at the intersection.  
4 What they did to alleviate that was they took it  
5 basically out of our jurisdiction by moving it back  
6 so that wouldn't connect to the County road, so the  
7 turning movement concern goes away. The vehicular  
8 movements, if they are willing to restrict those,  
9 then yes, it does alleviate the vehicular movement  
10 on that walkway.

11 MR. MARKS: With regard to the  
12 driveway apron by future access of the eastern pier?

13 MS. FLOR: Correct.

14 MR. COAKLEY: So the record is clear,  
15 we didn't change the plan. The plan reflected that  
16 right-of-way not reaching the County right-of-way.  
17 That wasn't necessarily apparent to me, and I  
18 apologize for that.

19 MR. MARKS: Ms. Flor, you have no  
20 concerns about future access to that eastern pier?

21 MS. FLOR: If they were going to  
22 access that eastern pier, any development on that  
23 eastern pier would require them to come back to this  
24 Board, even though it's -- my main concern is that  
25 once they move these streets off the County

1 right-of-way and they're no longer intersections,  
2 then this can on their private roadway and private  
3 site be able to develop anything without County  
4 approval so.

5 MR. MARKS: The private site is only  
6 accessible from the County roadway?

7 MS. FLOR: Correct, so since it would  
8 still have an affect on the County roadway, I would  
9 hope that they would still be required to come back  
10 to the Board. You could make a condition that it  
11 would come back to this Board.

12 MR. COAKLEY: That's agreeable.

13 MR. MARKS: Madam Chair, I have no  
14 other questions.

15 CHAIRWOMAN BETTINGER: Any other  
16 comments from any of the other Commissioners?

17 MS. FLOR: We have some traffic  
18 comments as well.

19 MR. BRUCE: Madam Chair, I would like  
20 to direct my comments to Mr. Dean. We've been on  
21 the subject for a while, so some of the traffic  
22 comments for the public may have -- it's been a  
23 while so I want to refresh a lot of their comments  
24 again. As far as the other developments we talked  
25 about that are adjacent to this site, can you just

1 explain the actual number of trips that you have in  
2 your report and exactly which developments that was  
3 formulated on?

4 MR. DEAN: I'll do my best. We've  
5 included the remaining units to be constructed in  
6 Hoboken Cove and the ancillary retail. We've  
7 included the Bijou properties application. I don't  
8 imagine the Board is familiar. I understand, and  
9 you will see me again on that soon, but that's on  
10 the western side of 15th Street and Park, and I  
11 believe that 212 residential units, a charter school  
12 and neighborhood ancillary retail space, a mixed-use  
13 development.

14 Those are the developments with driveways  
15 and access, and we'll see trip generation potential  
16 in the closest proximity to the site that were  
17 included in our background. When you go to figure  
18 the areas of the development's traffic, those are  
19 volumes from each of those projects, trip  
20 generation, taking into consideration that some of  
21 the traffic will go west toward Park Avenue, and  
22 it's not necessarily on the figure that was included  
23 in this report.

24 MR. BRUCE: Another thing is the  
25 study area that you have, do you have any other

1 information that might be outside of this roadway  
2 system that shows any adjacent traffic? One of the  
3 residents suggested that 15th Street backs up almost  
4 to this site. Did you experience that in the  
5 traffic study, did you see that type of activities?

6 MR. DEAN: Not as described. We are  
7 aware that the signal at Park and 15th exists. It's  
8 had some modifications over the years. In terms of  
9 extending the roadway network, yes, I've got the  
10 counts at Bloomfield and 15th, I'm pretty sure 14th,  
11 and 14th and Park and 15th and Park, so I have that  
12 matrix. Obviously, within the context of the Bijou  
13 application, we'll be presenting that information.

14 But in light of the exceptionally low  
15 projected traffic for this site, obviously I would  
16 love to study Hoboken ad nauseam, but it reaches an  
17 issue of relevance for a project that generates 23  
18 peak-hour trips in one direction. It's one car  
19 every two or three minutes. One cannot even  
20 perceive that traffic difference. I can keep  
21 studying, but the impacts as we get further and  
22 further from the property are more and more diluted.  
23 So you know, I'll defer to you for the relevance of  
24 having that information.

25 COMMISSIONER CRYAN: Park is like

1 five blocks away from this site?

2 MR. DEAN: Four.

3 COMMISSIONER CRYAN: So Bloomfield is  
4 three blocks away?

5 MR. DEAN: Correct.

6 COMMISSIONER CRYAN: It's a different  
7 dynamic that you're comparing it to because Park  
8 goes out to Weehawken, whereas Sinatra Drive  
9 wouldn't. It's a Hoboken road. It's strictly --  
10 I'm not saying, you know, it doesn't go to out of  
11 the City. It stays in the City, whereas Park goes  
12 all the way to Observer, and all the way to the road  
13 up from Weehawken.

14 FREEHOLDER ROMANO: Quick question  
15 Park is four blocks from the Monarch?

16 MR. DEAN: It's four and a half.

17 FREEHOLDER ROMANO: Park, Garden  
18 Bloomfield, Washington Hudson, Sinatra, just for  
19 clarification purposes for my colleague?

20 MR. DEAN: Hudson, Washington,  
21 Bloomfield, Garden and Park. It's five street, but  
22 I don't want to split hairs. I'm not sure of the  
23 relevance.

24 FREEHOLDER ROMANO: I'm a patrolman  
25 in this City. I think I know. Please don't tell me

1 that it's a half a block. It goes like this,  
2 Sinatra, Hudson, it's not a halfway. Court Street  
3 between Washington and Hudson is a half street.

4 MR. DEAN: Shipyard to Hudson is a  
5 short block.

6 FREEHOLDER ROMANO: Monarch is on the  
7 pier at the tip of 15th Street?

8 MR. DEAN: Right here, at the  
9 easterly end of 15th Street.

10 FREEHOLDER ROMANO: I can walk in the  
11 dark. I chased enough people that off that pier. I  
12 know what I'm talking about. I just want my  
13 colleagues to get a flavor of the exact distance  
14 where they're at.

15 COMMISSIONER CRYAN: You're really  
16 four block or five blocks. Regardless how many  
17 blocks it is, it's a world away.

18 MR. DEAN: That's why we didn't study  
19 it. We looked at the impacts of this project on the  
20 intersections and roads where if there was likely to  
21 be an impact, it would be pretty close to the site.  
22 As we get to Park, the traffic it so diluted at that  
23 point from this site, there's really no value in  
24 studying it. To your point it's so far removed,  
25 it's a completely different set of parameters. We

1 didn't include it in this study.

2 COMMISSIONER CRYAN: So 23 cars is  
3 what they're saying. That's going to be another 23  
4 more car on the intersection where Sinatra is or the  
5 site is, is that what you're saying?

6 MR. DEAN: The cars that leave the  
7 property, if you take it from origin to destination.  
8 We have a garage facility and we have our driveway.  
9 Some of those cars will go immediately west,  
10 possibly go down Hudson or possibly go down  
11 Washington or possibly continue all the way west to  
12 Park and perhaps to Weehawken. Some of those cars  
13 may go to Sinatra. So it then distributes onto the  
14 grid network of Hoboken. Some of that traffic, yes,  
15 as it filters its way through the various  
16 intersections, some of that traffic will go to Park.

17 COMMISSIONER CRYAN: Now, that ten  
18 feet you were talking about earlier, that doesn't  
19 come into play here at all?

20 MR. DEAN: There is no ten feet. We  
21 resolved that. The ten feet is not germane to this  
22 application. There are no design features in this  
23 application where that ten-foot standards comes into  
24 play. It's 23 cars in an hour. I won't ask you to,  
25 but if I were to say let's wait two minutes, dead

1 silence, that's the frequency between cars. You can  
2 say there is no traffic. It's virtually  
3 immeasurable unless you physically stood there like  
4 our staff does and count every car that goes by.

5 I'm a professional. I've been doing this  
6 for 30 years. I can't tell the difference between  
7 23 cars an hour. It doesn't affect traffic flow,  
8 and that's a driveway. A half a dozen go down  
9 Sinatra, maybe a half dozen go down Hudson, maybe a  
10 dozen go down Washington and a few more go out to  
11 Park. We start to have an impact of one car from  
12 this project every ten minutes or five minutes as we  
13 get further from the site. It has no impact,  
14 literally has no impact. It's immeasurable. It's  
15 too small traffic. That's why there have been  
16 standards by DOT as to what constitutes a  
17 significant traffic increase. There's a legal  
18 definition. It's a hundred cars an hour that could  
19 affect intersection operation. Anything less than  
20 that is very small.

21 I understand that's the exercise of a  
22 planning board to look at the aggregate impact, and  
23 that is what we've done for this site. We're also  
24 aware close to 25, in excess of 2,500 units have  
25 been approved in this area, and sure, we're adding

1 78 more units, but we're not 2,500, very, very small  
2 amount. So that is why, I don't know, we've beaten  
3 this issue to death, that's why we haven't studied  
4 the northern section of Hoboken. We've looked at  
5 those areas closest to the site where there's the  
6 highest concentration of site traffic. As it gets  
7 further through the system, it's increasingly  
8 irrelevant.

9 MR. BRUCE: I think it would be  
10 helpful to explain how that trip generation comes  
11 from the traffic numbers you came up with. We  
12 talked about the 70 percent utilize mass transit  
13 opportunities, so it would be a good idea to explain  
14 a little further where those numbers came from, and  
15 exactly what that means in relationships to the  
16 number of units that we have and trips, and also  
17 compare against that trip rate. Peak hour trips,  
18 you explained a little bit to the Board about peak  
19 hours compared to daily to be able to come up with a  
20 reason why you feel it's small?

21 MR. DEAN: Traffic engineers, unless  
22 we have actually data from a specific and unique  
23 land use, we rely on a publication that's a  
24 compilation of actual traffic studies and similar  
25 projects, and one must use a land use that's

1 analogous to the proposal. So it wouldn't be  
2 appropriate to look at trip generation for Home  
3 Depot from this project for obvious reasons. There  
4 are land use categories in the publication entitled  
5 trip generation. It's literally thousands of actual  
6 traffic studies where engineers, planning  
7 professionals, municipal agencies, go out and count  
8 traffic at a driveway to a particular land use.

9           For this study we relied on the industry  
10 standard trip generation data for a use called a  
11 high-rise apartment, and that is as the name  
12 explains, a multistory, in excess of ten-story  
13 development, that is most often found in urban areas  
14 because suburbia you don't have ten-story buildings,  
15 where the expectation is there are greater  
16 opportunities for mass transit or people walk or  
17 more of a neighborhood setting, precisely the  
18 circumstances we have in Hoboken, and we use that  
19 data in our traffic study.

20           We didn't deviate from the industry  
21 standard practice so if you use the same book that I  
22 do and we say 78 units will generate how many trips,  
23 it's right in our traffic study, six inbound vehicle  
24 trips in the morning, 18 exiting trips in the  
25 morning, 23 inbound trips at night as people are

1 coming home, and 15 leaving going out for  
2 socialization or what have you, in one hour. We  
3 also recognize that's the peak the hour. Traffic  
4 engineers use a peak hour for analysis because  
5 that's when the system is most constrained, going  
6 back to the pipe analogy, and we want to make sure  
7 that there's enough capacity in the system to  
8 accommodate that flow.

9 That's not to say people don't come and go  
10 at 6:30 in the morning, but we look at the peak  
11 hours when there's the most traffic on the road  
12 coming in and out of the project. I mentioned in  
13 our traffic study, we have done studies, I'll call  
14 it Metro Stop, that support the ITE data, which  
15 shows that a majority of people don't use their cars  
16 for commuting purposes. We've now buttressed that  
17 with the other data that we collected ten years ago  
18 with the Shipyard because it was 50-percent built.

19 All of these different data sources tell  
20 us that our projections are right in line with what  
21 we should expect from this project. I would  
22 characterize it as a very low traffic generator, and  
23 it's meeting the industry standard. It's meeting  
24 our experience with other buildings in Hoboken.  
25 It's meeting our experience actually at the

1 Shipyard. We feel very confident that our  
2 projections are accurate, at least for the purposes  
3 of analyzing the roadway network and making sure  
4 that there won't be a capacity problem arising in  
5 project.

6 MR. BRUCE: The other thing that was  
7 brought up has to do with pedestrian safety,  
8 specifically on Sinatra Drive at the intersection of  
9 Shipyard Lane. Do you have any data on the actual  
10 -- you have ten counts in your report, but can you  
11 expand upon what type of activity you can expect  
12 from this site specifically, based on what we talked  
13 about mass transit opportunities and number of  
14 pedestrians?

15 MR. DEAN: Because I'm a traffic  
16 engineer, it's always automobile traffic. I don't  
17 think I've ever done pedestrian generation  
18 calculations.

19 MR. BRUCE: Have you seen in your  
20 studies again around Hoboken, have you done any  
21 pedestrian counts at some of the other sites to get  
22 an idea of the building itself?

23 MR. DEAN: Yes, at Sky Club and Metro  
24 Stop, we've done those counts. They're intermingled  
25 because in some cases, there are people that are

1 walking to the train station as opposed to exiting  
2 the building. We do that information in terms of  
3 pedestrian access to the building. Unless I've  
4 missed something, pedestrians never cross if they're  
5 going to the ferry terminal, never cross a road or a  
6 driveway. They can exit the building, stay on the  
7 east side of the walkway, continue on the north side  
8 of Sinatra and coming down the east side of Sinatra  
9 staying on a plaza. So I haven't calculated how  
10 many people walk down to 14th, street, and I don't  
11 know if I could do that, but I do know the  
12 pedestrian route is highly conducive to at least get  
13 to that one transit opportunity.

14 MR. BRUCE: What other type of  
15 transit opportunities did you perceive?

16 CHAIRWOMAN BETTINGER: We can't hear  
17 you.

18 MR. BRUCE: What other transit  
19 opportunities other than the ferry would you  
20 perceive that pedestrian --

21 MR. DEAN: I can't guess if they're  
22 ride-sharing or just walking. Some people walk. My  
23 crystal ball is not that clear. I can't tell you.  
24 We're aware of the ferry terminal. That's been a  
25 major selling point of the Shipyard.

1                   MR. BRUCE: The pedestrian concept at  
2 the intersection, can you expand upon the numbers  
3 that are in your report?

4                   MR. DEAN: We counted the number of  
5 people that traversed in the vicinity of the subject  
6 property. During the same time as our vehicle  
7 counts, we counted people. On the site side, I'll  
8 say the northern or eastern side of the property  
9 continuing along the sidewalk, there are 16  
10 pedestrians in an hour. That's not a high volume.  
11 The highest volume was coming from Hoboken Cove in  
12 the morning and either continuing on the southern  
13 side of the site, and I'm pointing, forgive me,  
14 you'll note a fairly prominent crosswalk allowing  
15 them to come along Sinatra Drive. Some of them  
16 cross at 15th and move over to the north and east  
17 side to get to the ferry terminal. There were  
18 handfuls of others, maybe a dozen that continue  
19 south on Shipyard.

20                   So we have regular pedestrian activity  
21 crossing at the intersection of Sinatra and  
22 Shipyard. It is a typical intersection. I call it  
23 a T design, like the shape, where vehicles stop and  
24 pedestrians cross, recognizing that Shipyard  
25 continues one way past that crossing. There is no

1 northbound traffic that conflicts with pedestrian or  
2 would conflict with any vehicular activities from  
3 the subject property.

4 MR. BRUCE: When was that pedestrian  
5 count?

6 MR. DEAN: I think, I just want to  
7 verify, I believe we did those in early January of  
8 this year.

9 MR. BRUCE: And the time periods that  
10 those were done, were they the same peak hours as  
11 the traffic?

12 MR. DEAN: Morning and afternoon rush  
13 hour, seven to nine in the morning and four to six  
14 in the evening. We looked at weekday peak hours,  
15 seven to nine in the morning, four to six at night.

16 COMMISSIONER CRYAN: You had sixteen  
17 people?

18 MR. DEAN: Sixteen people went, I'll  
19 say, west, north and west; 76 people came east,  
20 south and east. This particular corner in this  
21 area, it's not like most of the other corners in  
22 Hoboken. This is a fairly isolated intersection and  
23 location. That's one of the benefits for this  
24 particular project's location. It's not in the  
25 middle of the street.

1                   COMMISSIONER HOLLOWAY: What you're  
2 saying do you use the same studies they do for  
3 traffic?

4                   MR. BRUCE: You can ask me. As far  
5 as the publication that they use, ITE has the  
6 national standard.

7                   COMMISSIONER HOLLOWAY: So your  
8 numbers are consistent with his?

9                   MR. BRUCE: Yes, absolutely. That is  
10 the data standard rate of trip generation, and we  
11 confirmed they are correct.

12                  MS. FLOR: Madam Chair, I would like  
13 to defer to Hoboken for the intersection because  
14 it's on the plan. I don't want there to be any  
15 confusion with the street around the site, and they  
16 were able to take it out to County jurisdiction by  
17 stopping it short by those ten feet. I want to make  
18 it clear as a condition, they've accepted the  
19 condition that Hoboken has to permit that dead end  
20 short of the County street to be a loop road without  
21 a cul de sac.

22                  Secondly, I would defer the review of the  
23 other intersection, which I believe it creates the  
24 same unsafe condition with conflicting vehicles if  
25 vehicular access was ever to be permitted there,

1 that one vehicle would be turning left at the same  
2 time as one is turning right because you have two  
3 roads abutting each other. That should be deferred  
4 to Hoboken review, and Hoboken should be clear that  
5 we are deferring that to them because I would be  
6 concerned if there was a misunderstanding that we're  
7 approving that, and we're not approving that.

8 MR. COAKLEY: You understand that  
9 intersection is outside of the County's  
10 jurisdiction. I have a few words to sum up. First  
11 of all, thank you very much for your attention and  
12 polite conduct. We appreciate it. I heard more  
13 about traffic than I ever wanted to hear.  
14 Unfortunately, these applications bring out a lot of  
15 emotion in people.

16 MR. CAMPBELL: Mr. Coakley, have we  
17 concludes with all of --

18 MR. COAKLEY: I've rested.

19 MR. CAMPBELL: The Board is  
20 satisfied? Is the objector's attorney going to make  
21 a statement?

22 MR. GOLDBERG: After Mr. Coakley, he  
23 could go first. I'm not sure. I can certainly go  
24 first. Initially, what you have here is a bad  
25 situation, which is simply exacerbated. You are

1 talking the displacement of additional parking.  
2 You're talking about traffic counts without the  
3 benefit of having buildings constructed, which we  
4 know will be constructed, 600 additional units.  
5 You're talking about 60,000 square feet of  
6 commercial, a restaurant that's closed. You're  
7 talking about sinkhole that has impacted traffic.  
8 All of these factors, all of these factors have to  
9 be considered by this Board.

10           You're talking about a report that  
11 contains inaccuracies, namely virtually all of  
12 Hudson Cove parking is accommodated in a parking  
13 structure with access to Bloomfield. That's not  
14 correct. You're talking a significant increase of  
15 the pedestrian traffic going along 15th and Sinatra  
16 Drive. You're talking about several buildings  
17 constructed. I understand they're not all before  
18 this Board tonight, but certainly the Board has to  
19 be cognizant of the fact that there are two  
20 additional buildings, certainly two additional on  
21 15th Street as part of Hudson Cove, which haven't  
22 been constructed. You're talking about 600  
23 additional units which have yet to be occupied.

24           You're talking about a condition that the  
25 applicant agreed, I certainly understood and heard

1 the applicant too, however, these people who are  
2 here tonight from the community have been down this  
3 road before. I mean for many, many years, this site  
4 was supposed to be a tennis court. It's obviously  
5 not going to be tennis court if the applicant has  
6 its way. These people heard promises before. They  
7 are now hearing that this street will not be  
8 extended. As this Board is well aware, it is far  
9 easier to potentially extend this street the  
10 additional ten feet after the street, walkway,  
11 whatever it is called, is ultimately constructed.  
12 It's easier to ask for that proverbial one inch at a  
13 time than the whole twelve feet.

14           Would this project have possibly been  
15 approved by any Board, had this come before this  
16 Board or any board the first time with this as some  
17 high-rise structure as opposed to tennis courts? I  
18 would say no. It shouldn't be permitted now that  
19 Board is here to help -- not help, to judge whether  
20 the applicant has satisfied the criteria it needed  
21 today ensure adequate traffic safety for its County  
22 road. Has it done that? Based on the inaccuracies  
23 and all of the information, no. These people, these  
24 people have felt almost like a punching bag. When I  
25 say "these people," the various members of this

1 community felt like a punching bag having been  
2 promised X and being delivered Y. Please deny this  
3 application. Thank you.

4 CHAIRWOMAN BETTINGER: Thank you.

5 MR. COAKLEY: Thank you, Madam  
6 Chairwoman. As I said we appreciate your courtesy  
7 and your attention. These types of applications,  
8 people come out and voice their overall feelings  
9 about it. A lot of what was said to you was not  
10 pertinent to your jurisdiction. I think you  
11 recognize that full well. Some of it is -- was  
12 inaccurate, but there's no need to dwell on that.

13 What we're really here to discuss are the  
14 matters that are within the jurisdiction of the  
15 County Planning Board. Those are the impacts of  
16 this project on County drainage facilities and on  
17 the County roadway. As to the County drainage  
18 facilities, I don't think there is any dispute that  
19 this, in fact, improves the County drainage  
20 facilities by diverting water that is currently  
21 going to those facilities into the applicant's  
22 system or the system that the applicant is going to  
23 build. That was testimony. There is approximately  
24 25 percent of the area of the project will be  
25 diverted away from the County drainage facilities.

1           With respect to traffic, I think you heard  
2 Mr. Dean. He was the only expert who testified. He  
3 said this traffic is de minimis, 78 units. Your  
4 expert agreed with him, and in terms of the  
5 treatises that he used to make that determination,  
6 he found levels of service that are very good with  
7 respect to this project. The access to the County  
8 road is safe and does not present a hazard to this  
9 driveway. We've agreed to the conditions that we're  
10 asserted with respect to not extending the easterly  
11 right-of-way to the County right-of-way. We've  
12 agreed that the other right-of-way -- the other  
13 access is not within the County's jurisdiction.

14           I guess, you know, I would like to address  
15 your concern, Mr. Holloway. You said when is enough  
16 enough. The City of Hoboken has zoned a lot of  
17 properties for development, and they're going to be  
18 coming to this Board. The one property that was  
19 mentioned, the Bijou property, is definitely coming  
20 to this Board. There are other properties coming to  
21 this Board, far bigger projects, and projects that  
22 will be -- you'll have to pass upon.

23           This is a 78-unit project with de minimis  
24 traffic impacts. Given the expert testimony, given  
25 the statements made by your own expert, all the

1 facts you've heard, I ask you to approve this  
2 application with the conditions as set forth. Thank  
3 you very much for your attention.

4 COMMISSIONER MEHTA: I've just got to  
5 clarify that question. I think that this is going  
6 to be sent to the Hoboken Board, when are you  
7 planning?

8 MR. COAKLEY: Your approval, we  
9 agreed last time, is subject to approval by the  
10 Hoboken Planning Board. That was agreed the last  
11 time. The statute requires your Board to act within  
12 30 days. We gave an extension to have this second  
13 special meeting, and the Hoboken Board application  
14 will go on for many months. It's not going to start  
15 until March or maybe April. It's going to go on for  
16 quite a while. There is a lot of issues in Hoboken.  
17 So in any event, we agree that this approval is  
18 subject to getting approval from Hoboken. That's  
19 the way that County Planning Act is set up. There  
20 is a presumption, I think Mr. Marks said it last  
21 time, that the County by law is supposed to go first  
22 or can go first.

23 COMMISSIONER CRYAN: Did you have a  
24 date to be heard?

25 MR. COAKLEY: Presently, the date is

1 March 6th. Whether that date will be the date, I  
2 can't tell you for sure at this moment. We just got  
3 their consultants' reports on Monday. We need to  
4 review that to make an intelligent presentation.

5 FREEHOLDER ROMANO: Commissioner  
6 Mehta, that was brought by Mr. Marks, the planner,  
7 that also the first date that we stated was  
8 March 7th. I don't know which counsel couldn't make  
9 it for March 7th, correct? Mr. Marks said we  
10 couldn't have a March 7th?

11 MR. MARKS: Madam Chair, at the  
12 January meeting when the Board was discussing the  
13 continuation of this public hearing for this  
14 application, Mr. Coakley objected to the County  
15 hearing going into March. That's my understanding.  
16 I don't know about conflicts.

17 FREEHOLDER ROMANO: So that's what I  
18 was told so I know. I was also told it doesn't have  
19 to be the City first. That was the same question  
20 that I asked the question that Commissioner Mehta  
21 asked.

22 MR. MARKS: Madam Chair, I did  
23 request a legal opinion from our counsel. As I  
24 understand the County Planning Act, which  
25 Mr. Coakley mentioned, it envisions getting County

1 approval either before Municipal approval or even if  
2 it's even at the same time because the County's --  
3 the number of days that the County has to respond is  
4 much smaller. That window of opportunity is much  
5 smaller. The County approval must follow the  
6 prescribed number of days. County review and  
7 approval must take place before municipal approval.  
8 Municipal planning boards have, relatively speaking  
9 45 day, 90 days subject to 90 days, so forth. The  
10 County Planning Board's timeframe is 30 days to  
11 review and deem complete, once deemed complete  
12 another 30 days to hear, where municipalities have  
13 much more time.

14           You can't deem an applicant incomplete  
15 subject to municipal planning board approval. You  
16 can say that your approval is contingent, you can  
17 say your approval is contingent on municipal  
18 planning board approval. You can't say that the  
19 application is incomplete until you hear back from  
20 the municipality.

21           COMMISSIONER MEHTA: And are we going  
22 to have a letter from our engineer's concerns that  
23 they are trying approve the conditions? They need  
24 conditions to their approve in that case. Do they  
25 have come back to our Board to find out the

1 conditions?

2 MR. MARKS: Madam Chair, under the  
3 County Planning Board -- under the land development  
4 regulations as approved by the Board of Chosen  
5 Freeholders, once this Board grants approval, that  
6 approval is good in perpetuity for the site plan.  
7 If there's any deviations, then the site plans have  
8 to come back before this Board. The land  
9 development regulations do allow for a ten-percent  
10 deviation in either the amount of units, number of  
11 parking spaces, number of square feet of commercial  
12 or industrial space, things of that nature. Any  
13 other changes in the orientation of the building  
14 footprint, any other non-de-minimis impacts to  
15 traffic or drainage would compel the applicant to  
16 come back. From my understanding it would negate  
17 the previous approval or the previous site plans,  
18 and require or necessitate the site plans be  
19 resubmitted to this Board, either as a new set of  
20 plans or amended set of site plans, for your future  
21 consideration.

22 COMMISSIONER MEHTA: That the was  
23 situation like over here regarding the conditions,  
24 if they have approved the different conditions at  
25 the Hoboken Planning Board. If they don't approve

1 of our conditions, then they have to come back in  
2 front of us or?

3 MR. MARKS: Madam Chair, I'm not an  
4 attorney. At some point in time, if Hoboken's  
5 conditions of approval are not consistent with the  
6 County's conditions of approval, it would basically,  
7 from what I understand, then the applicant would  
8 have to somehow reconcile the Municipal conditions  
9 of approval with the County conditions of approval  
10 because in New Jersey, municipalities have  
11 preeminent zoning and planning authority. It does  
12 not negate the County's jurisdiction or approval  
13 authority. They are different approval authorities,  
14 and the applicant would have to come up with a  
15 mutually agreeable set of site plan that adhere to  
16 County and municipal conditions, and if it can't,  
17 then the applicant will have a problem.

18 CHAIRWOMAN BETTINGER: Any other  
19 comments? Do I have a motion?

20 COMMISSIONER CRYAN: Madam Chair,  
21 just clarification so I understand  
22 the Commissioner's concerns, we are voting right now  
23 with some conditions, correct?

24 COMMISSIONER ARENCIBIA: Yes.

25 COMMISSIONER CRYAN: So based on

1 those conditions, we will say yes or no?

2 MR. MARKS: Madam Chair, the motion  
3 with whatever conditions are agreeable to the Board,  
4 the motion would have to come from the one of the  
5 Commissioners. You can ask the consulting engineer  
6 or staff planner for the -- or attorney, for the  
7 conditions that were discussed and that could be  
8 incorporated into the conditions of the resolution.

9 MR. CAMPBELL: Madam Chair, your  
10 deliberations should include the intended  
11 conditions.

12 COMMISSIONER HOLLOWAY: Madam Chair,  
13 can we have the attorney read out the conditions  
14 before we approve?

15 MR. CAMPBELL: I'll read as many as I  
16 have. The conditions as I recorded them are Hoboken  
17 Planning Board approval; that the DEP permits be  
18 submitted to the County Planning Board; that the  
19 Public Conservation Rights to the street slash  
20 walkway, perpetual maintenance agreement be  
21 provided; and that the City lot be fenced off; and  
22 that the environmental MFA be filed with the County  
23 Planning Board; that some physical barrier be  
24 provided to prevent access to the street slash  
25 walkway, subject to approval by the Hoboken Planning

1 Board; that the street slash walkway, the  
2 conservation easement be limited to emergency  
3 vehicle access, to public pedestrian access.

4 If you would like to verify as I go,  
5 rather than trying to remember all of them. The  
6 third condition on that was that it be limited  
7 access to the City property, that's what I need the  
8 Board's, did we settle pedestrian access or just  
9 access by the City for the City purposes to the  
10 City's property?

11 COMMISSIONER HOLLOWAY: I would like  
12 Ms. Flor to explain a little bit more about your  
13 concerns with the City property.

14 MS. FLOR: My concerns were  
15 vehicular. We don't know what the Hoboken -- what  
16 the City of Hoboken would approve for that part. We  
17 don't know the demands. We don't know what could  
18 end up there. If we just allowed it to be accessed  
19 without limiting it to pedestrian access, then we  
20 don't know the number of vehicles that we would be  
21 anticipating traveling on that portion of the  
22 walkway. That was the concern that we had.

23 COMMISSIONER HOLLOWAY: Is there a  
24 condition that you would like to see?

25 MS. FLOR: I would say only

1 authorized vehicles or for the park and pedestrian  
2 access and emergency access.

3 COMMISSIONER HOLLOWAY: You're okay  
4 with that being called a street?

5 MS. FLOR: I was not okay with it  
6 being called a street because of the fact that it  
7 intersected the County right-of-way, and there was  
8 concerns over safety and the configuration. What  
9 they did was they said that it doesn't intersect the  
10 County, which then took it out of our jurisdiction.

11 COMMISSIONER HOLLOWAY: Explain that  
12 a little bit. I don't know too much about that.

13 MS. FLOR: They said that the way  
14 that it's drawn on the plan that it looks like it  
15 intersects the County road, but it's actually a  
16 conservation easement that stops ten feet shy of the  
17 County road, and the street will actually dead end,  
18 do you see where that white block is? That it will  
19 dead end ten feet shy of that County right-of-way,  
20 so that's the way they got out of having to answer  
21 the concerns we had regarding it being a street.

22 COMMISSIONER ARENCIBIA: Madam Chair,  
23 I just wanted t say there's really no road for them  
24 to connect to 15th Street. It looks like they have  
25 to connect to the driveway.

1 MS. FLOR: Originally, we were under  
2 the understanding, I believe their counsel thought  
3 that as well, but it was then pointed out by their  
4 engineer that they are not looking to connect to the  
5 County street, they're going to stop. I don't know  
6 that Hoboken is going to allow that because for it  
7 to be a dead end, you will typically have to meet  
8 RSIS and have a cul de sac. So I don't see how  
9 Hoboken is going to approve a dead end street that  
10 doesn't meet RSIS, but that's why I said, then as a  
11 condition.

12 COMMISSIONER HOLLOWAY: Would that be  
13 a condition?

14 MS. FLOR: Yes, they accepted the  
15 condition that Hoboken would have to permit that  
16 road to dead end ten feet shy of the County road,  
17 meaning they would have to permit that right-of-way  
18 to end dead without having a cul de sac, which  
19 doesn't meet RSIS.

20 COMMISSIONER ARENCIBIA: That dead  
21 end, what can you explain that again? Where is the  
22 dead end?

23 CHAIRWOMAN BETTINGER: Can you maybe  
24 come up so we're all on the same page?

25 MS. FLOR: They're saying that the

1 road starts on 15th street, which is Hoboken, which  
2 conflicts the driveway turning movement, so we  
3 deferred by condition saying that Hoboken is going  
4 to approve that intersection. They're saying that  
5 the road then -- street, not road, street travels  
6 around the site, and it dead ends here and never  
7 connects to our County road, which takes it out of  
8 our jurisdiction.

9 CHAIRWOMAN BETTINGER: What is in  
10 that little white area?

11 MS. FLOR: That is the sidewalk and  
12 curb so the access to the street will be on their  
13 own site in their own driveway, and there is no  
14 County access to the street.

15 FREEHOLDER ROMANO: It's not  
16 Hoboken's responsibility to make a determination?

17 MS. FLOR: It's no longer in our  
18 jurisdiction because it doesn't intersect our  
19 street. But as a condition, if they were to develop  
20 this site because now it doesn't intersect that  
21 County road, this is what Mr. Marks raised, that now  
22 it doesn't intersect the County road, and they're  
23 going to have an access on the private road, that if  
24 they're going to develop this site, how do we  
25 maintain jurisdiction to make sure that doesn't

1 become highly used and we don't see the application?  
2 As the condition they agreed that if they were going  
3 to do develop this site, they would come back.

4 COMMISSIONER ARENCIBIA: The loop  
5 itself, it's going to have one entrance and another  
6 entrance. There is no way for a fire truck to get  
7 through there. So I'm not sure I'm following the  
8 dead end.

9 MS. FLOR: It's going to dead end  
10 here. This is a dead end street.

11 COMMISSIONER ARENCIBIA: That's  
12 another driveway to access the promenade?

13 MS. FLOR: It's private property.  
14 This is the right-of-way. That right-of-way stops  
15 here.

16 MR. COAKLEY: It's all private  
17 property. There is going to be access to the  
18 driveway, not a dead end.

19 COMMISSIONER ARENCIBIA: It's not  
20 really a dead end?

21 MR. COAKLEY: No.

22 MS. FLOR: The street right-of-way  
23 would stop here.

24 COMMISSIONER ARENCIBIA: Okay. It's  
25 the right-of-way, and that is a dead end.

1 MS. FLOR: A right-of-way dead end.

2 COMMISSIONER MEHTA: The dead end,  
3 where is the street?

4 MS. FLOR: The street it would be  
5 right here.

6 COMMISSIONER MEHTA: And that will be  
7 sixteen feet?

8 MS. FLOR: Right.

9 COMMISSIONER MEHTA: And it will be  
10 wide enough for the fire truck or whatever would be  
11 making a turn?

12 MS. FLOR: I would defer that to the  
13 local fire official. Now, granted there's benches  
14 or lights or trash receptacles.

15 COMMISSIONER MEHTA: There's going to  
16 be lights on the walkway, right?

17 MS. FLOR: I can't speak to that  
18 because they don't show those amenities on that  
19 walkway. There is no rendering with it.

20 MR. COAKLEY: There's testimony that  
21 emergency vehicles can go around there. That is  
22 another Hoboken issue, that certainly is.

23 COMMISSIONER MEHTA: That's why I'm  
24 asking our engineer, and she can say it's possible.

25 MR. DEAN: Can you please repeat the

1 question? I was looking at the plans for the  
2 amenities, and there are no amenities on that  
3 walkway.

4 MS. FLOR: So that you would have to  
5 make sure that the amenities are outside of the  
6 turning radius and the fire truck. They should be  
7 made aware -- Hoboken should be made aware of the  
8 receptacles be clear of those turning movements.

9 COMMISSIONER MEHTA: I'm just  
10 questioning from the attorney that whether we have  
11 any conditions like that, fire approval or  
12 something, that emergency vehicles will be getting  
13 through the turning.

14 MR. CAMPBELL: That will be part of  
15 the municipal planning board's approval process.  
16 It's not our jurisdiction. We could make a  
17 recommendation to remind them that they should look  
18 at that.

19 COMMISSIONER MEHTA: So we can make  
20 that recommendation to the Planning Board?

21 MR. CAMPBELL: That's correct.

22 COMMISSIONER HOLLOWAY: Who is  
23 monitoring the decision, the Hoboken Board decision?

24 MR. MARKS: Madam Chair, we could ask  
25 municipality if the municipal planning board grants

1 approval, obviously, if the application is approved,  
2 if the municipality disapproves the application,  
3 then it's not going anywhere, we could request a  
4 condition of approval that the applicant provide the  
5 resolution of approval and monitor that to ensure  
6 consistency.

7 MR. COAKLEY: We accept that  
8 condition.

9 CHAIRWOMAN BETTINGER: Do I have a  
10 motion -- are you finished with the conditions?

11 MR. CAMPBELL: No. I think the  
12 recommendation on the walkway restriction, to be  
13 clear, emergency vehicle access, public pedestrian  
14 access and municipal access to its property for  
15 authorized vehicles only.

16 CHAIRWOMAN BETTINGER: Are you clear?

17 MR. COAKLEY: Yes, I'm clear on those  
18 conditions.

19 MR. CAMPBELL: There was a about  
20 discussion dedication filings. I'm not sure if  
21 those are all submitted or recorded; maintenance  
22 agreement for Sinatra Drive.

23 MR. COAKLEY: I think that's been  
24 resolved.

25 MR. CAMPBELL: We can put it in as a

1 condition, and you can indicate that has been  
2 satisfied with the planner. There was at some point  
3 a request for the submission of a geotechnical  
4 report and a structural report on the platform; 15th  
5 Street dedication being recorded.

6 MR. COAKLEY: I think that has been  
7 recorded.

8 MR. CAMPBELL: The site plan  
9 committee review had some recommendations.

10 MR. COAKLEY: According to the  
11 letter, they're acceptable. The geotechnical, I'm  
12 not sure I remember that one.

13 COMMISSIONER ARENCIBIA: If the  
14 applicant has the information on the 15th Street  
15 pier, that's what he's referring to as it relates to  
16 the County right-of-way, that's acceptable.

17 MR. CAMPBELL: Proof of DEP approval,  
18 and the successful defense of the lawsuit  
19 challenging.

20 COMMISSIONER HOLLOWAY: What was  
21 that?

22 MR. CAMPBELL: Proof that the lawsuit  
23 challenging the DEP approvals has been satisfied or  
24 resolved.

25 MR. COAKLEY: I mean we're really

1 just saying that normal conditions, subject to all  
2 governmental approvals, correct?

3 MR. CAMPBELL: Correct. There were  
4 recommendations in our planner's report of January  
5 12th, 2012.

6 MR. COAKLEY: January, those are  
7 acceptable.

8 MR. CAMPBELL: There were  
9 recommendations from the engineer in a report dated  
10 January 10, 2012.

11 MR. COAKLEY: That's acceptable.

12 MR. CAMPBELL: Any development of the  
13 eastern pier would require return to the County  
14 Planning for review and approval.

15 MR. COAKLEY: Also acceptable.

16 MR. CAMPBELL: That's even if it  
17 doesn't -- it's not on the County road. The walkway  
18 is clear of objections to ensure --

19 CHAIRWOMAN BETTINGER: You said if  
20 even if doesn't involving the County road; is that  
21 correct?

22 MR. CAMPBELL: Since the pier is not  
23 technically on the County road, it would impact  
24 that, we asked them to return to the Board if they  
25 develop the pier. While we are reviewing that

1 application as submitted with these plans because  
2 the roadway does not connect to the County road and  
3 we have lost jurisdiction over that, is it  
4 conditioned that Hoboken Planning Board's  
5 specifically approving the plan with the roadway  
6 terminating as advised at the ten-foot space?

7 MR. COAKLEY: In general to the  
8 extent that any condition that the Hoboken approval  
9 modifies condition of the County approval as to  
10 matters within the County jurisdiction, then we need  
11 to come back to the County.

12 MR. CAMPBELL: We just wanted to put  
13 in that any resolutions so the municipality is aware  
14 of our concern, and that we are deferring any  
15 approval of the intersection, which is not part of  
16 the County road system. We are not approving the  
17 plan.

18 MR. COAKLEY: You're noting that you  
19 don't have jurisdiction over the driveway that  
20 intersects the private roadway?

21 MR. CAMPBELL: Correct, and finally,  
22 that any and all necessary governmental approvals be  
23 obtained?

24 MR. COAKLEY: Correct.

25 COMMISSIONER ARENCIBIA: I'm going to

1 add that final plans get submitted, we ask they be  
2 provided to the County, and obtaining County permits  
3 as a condition.

4 CHAIRWOMAN BETTINGER: Any other  
5 comments? Could I have a motion?

6 COMMISSIONER CHOFFO: Madam Chair,  
7 based on our jurisdiction pertaining to traffic and  
8 drainage and the conditions set forth by the  
9 Mr. Campbell and Mr. Arencibia, I make a motion to  
10 approve.

11 CHAIRWOMAN BETTINGER: Do I have a  
12 second?

13 COMMISSIONER ARENCIBIA: I'll second  
14 it.

15 MR. MARKS: Madam Chair, on a motion  
16 to conditionally approve Application 2011--96-SP, by  
17 Commissioner Choffo. Second by Commissioner  
18 Arencibia.

19 Commissioner Arencibia.

20 COMMISSIONER ARENCIBIA: Aye.

21 MR. MARKS: Commissioner Choffo.

22 COMMISSIONER CHOFFO: Aye.

23 MR. MARKS: Commissioner Cryan.

24 COMMISSIONER CRYAN: No.

25 MR. MARKS: Commissioner Holloway.

1 COMMISSIONER HOLLOWAY: No.

2 MR. MARKS: Commissioner Mehta.

3 COMMISSIONER MEHTA: No.

4 MR. MARKS: Commissioner Ng.

5 COMMISSIONER NG: No.

6 MR. MARKS: Commissioner Romano.

7 FREEHOLDER ROMANO: No.

8 MR. MARKS: And Chairwoman Bettinger.

9 CHAIRWOMAN BETTINGER: No.

10 MR. MARKS: Madam Chair, the motion  
11 did not pass.

12 MR. COAKLEY: Mr. Attorney, if the  
13 Board could state the reasons why they voted the way  
14 they did. I think that's necessary for judicial  
15 review. I would like the opportunity to ask for the  
16 Board to do that.

17 MR. CAMPBELL: It would be  
18 appropriate for Board Members to explain their  
19 reasoning. The record can speak for itself, but it  
20 would be appropriate for the Board to review the  
21 reasoning the Board Members had.

22 CHAIRWOMAN BETTINGER: As the  
23 Chairwoman, I was just extremely uncomfortable with  
24 all of the conditions. I've never -- I've sat on  
25 this Board for many years, and there were never so

1 many conditions with one application, so it made me  
2 very uncomfortable voting this, and I felt there was  
3 an issue of safety for traffic with the roadway,  
4 distinguishing whether it's a street, road or -- and  
5 that's my reason why I vote the way I did.

6 COMMISSIONER HOLLOWAY: Madam Chair,  
7 I concur. I asked so many questions about why they  
8 continued to name it a street not a walkway. Maybe  
9 I don't understand it, that's the reason, I honestly  
10 don't.

11 COMMISSIONER MEHTA: Madam Chair, I  
12 was concerned that there were so many conditions and  
13 at the same time, usually this is the type of  
14 application with this type of condition, I would  
15 prefer it pass before the local authority before us.  
16 We can ask them to take the action before the local  
17 authority, and it might make a difference maybe.  
18 I'm not sure about that. Because of that, I prefer  
19 to vote no.

20 COMMISSIONER NG: Too many questions  
21 tonight and I feel uncomfortable approving.

22 FREEHOLDER ROMANO: I'm here as a  
23 Planning Board Commissioner, and I'm a  
24 representative of the Freeholder Board. On the  
25 Planning Board side, I had hoped that with all the

1 controversy, living in Hoboken, I was hoping that  
2 this would have been in front of the Planning Board  
3 in Hoboken first. I think in certain situations  
4 it's not contrary to our procedure. Because of the  
5 all these things surrounding, this should have been  
6 went to Hoboken. I believe that in my heart.

7 Second issue, I'm an elected  
8 representative of residents of the Hoboken and  
9 Jersey City Heights, and the numerous outcries from  
10 many of my constituents with regard to questions as  
11 to we discussed, whether it be the access of the  
12 roadway, or I forget other questions. I think that  
13 stuff should have been determined before. I think  
14 that's it in a nutshell in my opinion. Then  
15 obviously, maybe Hoboken is going to pass it and  
16 that it has to come back for review.

17 But I think that in fairness for everybody  
18 involved with the uncertainty, and you spoke very  
19 eloquently, and obviously, you did what you're  
20 supposed to do. My comment is you weren't arrogant.  
21 You went out of your way to try to make every  
22 condition asked of you. I think the key is here is  
23 that the residents had so many concerns, the whole  
24 area, also the Commissioners had concerns. It's so  
25 many concerns. That's my rationale.

1                   COMMISSIONER CRYAN: For me it was  
2 simply way too many conditions. It become a  
3 different scenario. That's it.

4                   MR. COAKLEY: Thank you, Madam Chair.

5                   CHAIRWOMAN BETTINGER: I want to  
6 thank everyone tonight. We had a very constructive  
7 meeting. Thank you for respecting our Board and  
8 what we had to do here tonight.

9                   Mr. Marks, next item.

10                  MR. MARKS: Madam Chair, is there any  
11 old business?

12                  CHAIRWOMAN BETTINGER: Any new  
13 business?

14                  MR. MARKS: Madam Chair. The next  
15 regular meeting date is March 21st.

16                  COMMISSIONER BETTINGER: Do I have a  
17 motion to adjourn?

18                  (Whereupon the proceeding is then  
19 concluded at 9:51 p.m.)

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

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I, SHARI CATHEY, a Notary Public and  
Shorthand Reporter of the State of New Jersey,  
hereby certify that the proceedings herein are from  
the notes taken by me of a Special Meeting of the  
Hudson County Planning Board, held on Wednesday,  
February 22, 2012; and that this is a correct  
transcript of the same.

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

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