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HUDSON COUNTY
PLANNING BOARD

RE:

REGULAR MEETING : TRANSCRIPT OF
OF THE :
HUDSON COUNTY PLANNING : PROCEEDINGS
BOARD :
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O P E N S E S S I O N

Bergen Square Center
Floor 9A
830 Bergen Avenue
Jersey City, New Jersey
Tuesday, March 19, 2019
6:30 p.m.

B E F O R E:

RENEE BETTINGER, Chairwoman
FLOYD JETER, Commissioner
THOMAS MALAVASI, PE, PP, CME, Commissioner
JOEL TORRES, Freeholder
JERRY WALKER, Freeholder

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

JOHN J. CURLEY, ESQ., Board Counsel
STEPHANIE LEE, Assistant Planner
FRANCESCA GIARRATANA, PP AICP, Board Secretary
PAUL CRAY, PE
MARIO TRIDENTE, Inspector
KEVIN FORCE, PP, AICP, Principal Planner

1 CHAIRWOMAN BETTINGER: Good evening.
2 I would like to call to order the meeting of Hudson
3 County Planning Board for Tuesday, March 19, 2019.
4 Counselor, has this meeting been properly
5 advertised?

6 MR. CURLEY: The meeting has been
7 noticed in accordance with the Open Public Meetings
8 Act. Notice of the meeting was published in the
9 Jersey Journal. Notice was sent to the Star Ledger.
10 Notice was also posted on the bulletin board of the
11 Freeholders and the County Clerk.

12 CHAIRWOMAN BETTINGER: Madam
13 Secretary, may have a roll call, please.

14 MS. GIARRATANA: Chairman Choffo,
15 absent. Commissioner Cryan, absent. Commissioner
16 Glembocki, absent. Commissioner Hernandez, absent.
17 Commissioner Jeter.

18 COMMISSIONER JETER: Here.

19 MS. GIARRATANA: Commissioner Lugo,
20 absent. Commissioner Malavasi.

21 COMMISSIONER MALAVASI: Here.

22 MS. GIARRATANA: Commissioner Mehta,
23 absent. Commissioner Ng, absent. Commissioner
24 Torres.

25 FREEHOLDER TORRES: Here.

1 MS. GIARRATANA: Commissioner Walker.

2 FREEHOLDER WALKER: Here.

3 MS. GIARRATANA: Commissioner
4 Bettinger.

5 COMMISSIONER BETTINGER: Here.

6 MS. GIARRATANA: Acting Chairwoman,
7 we have a quorum.

8 COMMISSIONER BETTINGER: Will
9 everyone please rise and salute the flag.

10 (Flag Salute.)

11 CHAIRWOMAN BETTINGER: The next order
12 of business is adoption of the meeting minutes from
13 February 19, 2019.

14 MS. GIARRATANA: On a motion made by
15 Commissioner Torres, and second by Commissioner
16 Walker.

17 Commissioner Jeter.

18 COMMISSIONER JETER: Yes.

19 MS. GIARRATANA: Commissioner
20 Malavasi.

21 COMMISSIONER MALAVASI: Aye.

22 MS. GIARRATANA: Commissioner Torres.

23 FREEHOLDER TORRES: Yes.

24 MS. GIARRATANA: Commissioner Walker.

25 FREEHOLDER WALKER: Yes.

1 MS. GIARRATANA: Commissioner
2 Bettinger.

3 COMMISSIONER BETTINGER: Aye.

4 MS. GIARRATANA: The motion has
5 passed. The next item on the agenda is Matters
6 Scheduled for Public Hearing. The first item is the
7 adoption of the Hudson County Planning Board Bylaws.
8 We had reviewed the bylaws in January, and it was
9 just we had incorporated the full document, and
10 there was changes to the Subcommittee of Site Plan
11 Review granting some power we had given them back to
12 the Board taking that formal action at the actually
13 hearing. Do I have a motion?

14 On a motion made by Commissioner Torres
15 seconded by Commissioner Walker.

16 Commissioner Jeter.

17 COMMISSIONER JETER: Yes.

18 MS. GIARRATANA: Commissioner
19 Malavasi.

20 COMMISSIONER MALAVASI: Aye.

21 MS. GIARRATANA: Commissioner Torres.

22 FREEHOLDER TORRES: Yes.

23 MS. GIARRATANA: Commissioner Walker.

24 FREEHOLDER WALKER: Yes.

25 MS. GIARRATANA: Commissioner

1 Bettinger.

2 COMMISSIONER BETTINGER: Aye.

3 MS. GIARRATANA: The motion has
4 passed. The next item on the agenda are
5 Memorializations of Resolutions Considered at the
6 last meeting. Application 2018-68-SD Park Stone
7 Management; at 3060 Kennedy Boulevard; Block 6401,
8 Lot 7; in Jersey City.

9 Commissioner Jeter.

10 COMMISSIONER JETER: Yes.

11 MS. GIARRATANA: Commissioner
12 Malavasi.

13 COMMISSIONER MALAVASI: Aye.

14 CHAIRWOMAN BETTINGER: We need a
15 motion to approve.

16 COMMISSIONER MALAVASI: Motion.

17 COMMISSIONER JETER: Second.

18 MS. GIARRATANA: I am going to confer
19 with counsel. Yes, the motion has passed.

20 The next item on the agenda is Application
21 2019-09-SP; Township of North Bergen; 1811 Paterson
22 Plank Road; Block 27, Lot 27; in North Bergen.

23 CHAIRWOMAN BETTINGER: Do I have a
24 motion?

25 MS. GIARRATANA: On a motion made by

1 Commissioner Jeter. Seconded by Commissioner
2 Walker.

3 Commissioner Jeter.

4 COMMISSIONER JETER: Yes.

5 MS. GIARRATANA: Commissioner
6 Malavasi.

7 COMMISSIONER MALAVASI: Aye.

8 MS. GIARRATANA: Commissioner Torres.

9 FREEHOLDER TORRES: Yes.

10 MS. GIARRATANA: Commissioner
11 Bettinger.

12 COMMISSIONER BETTINGER: Aye.

13 MS. GIARRATANA: The motion has
14 passed. The next item on the agenda is one final
15 application to be memorialized. 2019-10-SP; the
16 Township of North Bergen, at 1231 Kennedy Boulevard;
17 Block 24, Lots 28, 29, 31, and 35.02; in North
18 Bergen.

19 Do I have a motion?

20 On a motion made by Commissioner Jeter,
21 seconded by Commissioner Torres.

22 Commissioner Jeter.

23 COMMISSIONER JETER: Yes.

24 MS. GIARRATANA: Commissioner
25 Malavasi.

1 COMMISSIONER MALAVASI: Aye.

2 MS. GIARRATANA: Commissioner Torres.

3 FREEHOLDER TORRES: Yes.

4 MS. GIARRATANA: Commissioner
5 Bettinger.

6 COMMISSIONER BETTINGER: Aye.

7 MS. GIARRATANA: The motion has
8 passed. The next item on the agenda are Site Plans,
9 Subdivisions and Other Matters Scheduled for Public
10 Hearing. The first application is 2018-71-SP/SD;
11 KMS Development Partners; located at 89 River Street
12 Block 231.01, Lot 1, in Hoboken. It's an
13 application to subdivide the existing parking lot
14 and loading dock space of the Post Office to
15 construct a 20-story, full-service hotel on the new
16 lot in accordance with the City's Post Office
17 Redevelopment Plan.

18 MR. MATULE: Good evening,
19 Commissioners, Robert Matule, appearing on behalf of
20 the applicant. As indicated this is the application
21 of KMS Development Partners to subdivide existing
22 U.S. Post Office property at 89 River Street in
23 Hoboken. That's Block 231.01, Lot 1, and after the
24 subdivision, we request site plan approval to
25 construct a 20-story full service hotel on what will

1 be Lot 1.02 in a accordance with the Post Office
2 Redevelopment Plan. We will present the testimony
3 by our site engineer, Sony David, as well as our
4 architect Keith Simmel. We also have our traffic
5 consultant, here Mr. Maris, and he's had extensive
6 interaction with the County Engineer's office. I'm
7 not planning on presenting any specific traffic
8 testimony. We have him here if there are any
9 questions. With that being said I would like to
10 call Sony David.

11 (The witness is sworn.)

12 MR. CURLEY: Would you please state
13 your name for the record and spell your last name?

14 MR. DAVID: Sony, S-O-N-Y; last name
15 David, D-A-V-I-D.

16 MR. MATULE: And what are your
17 professional credentials?

18 MR. DAVID: I'm a professional
19 engineer in the state of New Jersey and New York,
20 working for Langan engineering for the past 15
21 years, developing site plans and testifying before
22 boards in the state of New Jersey.

23 CHAIRWOMAN BETTINGER: Thank you.

24 MR. MATULE: Procedurally, if the
25 exhibits are part of the package, do you need them

1 marked?

2 MR. CURLEY: No, we don't. If
3 they're colorized or not included in the packet,
4 then they should be marked.

5 MR. MATULE: Thank you. Okay. Sony
6 please describe the existing site and then walk the
7 through the proposal site plan.

8 MR. DAVID: Sure. I will be
9 referring to CD-1, which is is part of our package,
10 the major subdivision plan. The existing site is
11 approximately 48 acres in size. Currently, there is
12 is an existing post office building in that gray
13 area. The site is bound by First Street to the
14 north which is striped. We have Sinatra Drive to
15 the east, Newark Street to the south and River
16 Street to the west. Our proposal is a subdivision
17 which includes, we subdivided this singular lot into
18 three separate lots. Our first Lot 1.01 would be
19 the existing post office building; Lot 1.02 would be
20 the hotel space, and the remaining Lot 1.30 would
21 also be owned by the post office building.

22 I'm referring to the site plan rendering.
23 It's marked as A-1. This is a partial demolition of
24 the existing post office building to accommodate the
25 20-story hotel. The improvement will also include

1 the pocket park; that includes cars and people
2 entering from Newark Street and exiting onto Sinatra
3 Drive. The other improvements will include a
4 sidewalk cafe along Sinatra Drive.

5 The loading operations on First Street
6 accommodate the existing post office operations. So
7 the first set of loading spaces along First Street
8 are for the post office, and two on the corner of
9 Sinatra and First are for the hotel operations. And
10 moving around, you also have a pocket park within a
11 long linear space between the existing post office
12 building and the existing hotel improvement. The
13 improvement would also include roadway and
14 streetscape improvements along three of the sides,
15 and on Newark Street, Sinatra Drive and Park Street.

16 There are a significant amount
17 improvements that are included. Newark Street which
18 is previously two-way traffic is now going to be
19 one-way traffic towards Sinatra Drive. First Street
20 which is previously one-way is now two-way traffic.
21 The improvement also include 23 on-street parking
22 spaces, nine of which are exclusive to the post
23 office, and throughout the streetscape is a
24 significant amount of landscaping improvements,
25 specifically within the frontage of the post office

1 building, the pocket park along the front. There is
2 also a significant amount of street trees that are
3 proposed on all three streets.

4 And of course, rumble strips along the
5 sidewalk and also the parking spaces on Sinatra
6 Drive. We also included a stormwater and subsurface
7 detention system. One of the changes that I wanted
8 to mention that was submitted was the Newark Street
9 and Sinatra Drive Sight Triangle Plan. The change
10 that were made were really focusing in on the area.
11 You'll notice the bollards in this area are
12 protecting the pedestrians from vehicular traffic.
13 That area was expanded from 17 1/2 to 20 feet to
14 just to better allow circulation to occur and allow
15 two lanes of traffic to occur in terms of queuing
16 and the providing of this space.

17 MR. MATULE: So this is not marked.
18 So we'll mark this A-2?

19 MR. CURLEY: Yes, please.

20 MR. MATULE: And you received
21 comments from Mr. Cray?

22 MR. DAVID: Yes, we did.

23 MR. MATULE: And if you have anything
24 that wasn't addressed, it will be addressed?

25 MR. DAVID: Yes, that's correct.

1 That was the site plan.

2 MR. MATULE: The architect will take
3 you through the actual building.

4 CHAIRWOMAN BETTINGER: Mr. Cray.

5 MR. CRAY: Thank you, Madam Chair.
6 We have met with this application's team a few
7 times, and therefore, the plan that came here were
8 developed from the beginning, and we were focused on
9 the traffic and the questions and concerns that we
10 had through the additional submissions from the
11 applicant to make sure that we really considered
12 changing the direction of traffic of Newark Street
13 from two-way to one-way. There are a couple of
14 traffic signal studies which is warranted to be on
15 all three signals. So we'll work on that to make
16 sure it's clear that the cost of the design and
17 construction would be borne by the application, and
18 the County will get review and approval conditions
19 on the studies.

20 So after that, most of my letter is
21 documented in the record, and the only thing I would
22 mention for the Board's reference, you have a letter
23 from the City there about the change of direction on
24 Newark Street, and the space was planned in the
25 committee process. The streetscape improvements are

1 a nice aesthetic, similar to what the County does
2 with the roads. They will maintain the sidewalks.
3 So to the extent there was special features, and of
4 course, the paving was understood that will not be
5 borne by the County. It will be born by the
6 applicant, and the applicant has a maintenance
7 agreement that's tied to other maintenance agreement
8 with the City, correct?

9 MR. MATULE: Correct, yes.

10 MR. CRAY: That being established we
11 have no other questions or concerns. They have
12 addressed all of them.

13 CHAIRWOMAN BETTINGER: Mr. Malavasi.

14 COMMISSIONER MALAVASI: Yeah. The
15 main thing and just so you understand that the
16 change of direction Newark from two-way to one-way
17 is part of the Post Office Redevelopment Plan. We
18 also received a letter from the Mayor saying that
19 they want to do that. Just so you understand that
20 will require Freeholder approval so understand if
21 it's approved, I will be taking this back and
22 preparing an ordinance to recommend that based the
23 redevelopment study and the Mayor. Also it is
24 important for the change in direction to work with
25 the traffic engineer. We will do it. The

1 circulation idea is a good idea to bring cars down
2 Sinatra and loop them around, Sinatra being one-way
3 going from the south to north. Newark Street will
4 flow as it entered in that direction. We support
5 it. Again, so just so you understand the conditions
6 of the approval, you have to get Freeholder
7 approval. Once it's approved here, we'll take care
8 of that at once.

9 CHAIRWOMAN BETTINGER: Has this
10 project been approved by the City of Hoboken?

11 MR. MATULE: We are still in that
12 process. We've had three previous hearings so far.
13 We have another hearing. We're going to finish it
14 on March 27th. We have discussed that with
15 Mr. Cray, with the understanding that once we have
16 that final new set of plans from the City, we will
17 provide you with that.

18 COMMISSIONER MALAVASI: Just so you
19 know, we will wait until they get all of the
20 approvals as well.

21 CHAIRWOMAN BETTINGER: So once it
22 gets approved by the City of Hoboken, and then it
23 will go to the Freeholders.

24 COMMISSIONER MALAVASI: For its
25 approval.

1 CHAIRWOMAN BETTINGER: Any other
2 questions?

3 COMMISSIONER WALKER: I have a
4 question. You said off-street parking. Is that
5 designated parking for the residents that are in the
6 area? Could you explain that in a little detail?

7 MR. DAVID: Basically parking is
8 within the street.

9 COMMISSIONER WALKER: So it's going
10 to be designated spots for that particular
11 development project?

12 MR. DAVID: It's open spaces on the
13 street; 23 spaces are provided, nine are exclusive
14 to the post office, but the other remaining spots
15 are public spaces.

16 MR. MATULE: Just to be clear, the
17 applicant is required under the redevelopment plan
18 to have ADA off-site parking spaces in a parking
19 garage. We have got a letter of intent to do that.
20 As part of the redevelopment of Newark Street, if
21 you're familiar, there is all angled parking for the
22 post office employees, and that's going to go away
23 so the street opens up a little more, and there are
24 parallel spaces. Some of those spaces will be
25 dedicated to post office employees.

1 CHAIRWOMAN BETTINGER: There won't be
2 on-site parking for the hotel?

3 MR. MATULE: No, just the cars to
4 come in to drop people off. There is a plan to have
5 full-time valet service.

6 CHAIRWOMAN BETTINGER: Where is the
7 parking facility?

8 MR. MATULE: The plan requires that
9 it be in a private garage within one thousand feet
10 walking distance from the hotel entrance. So
11 there's multiple sites in the area. The plan also
12 doesn't require any hard contract or lease agreement
13 to be in place until the applicant applies for a CO.
14 The applicant has provided a letter of intent from
15 the building, the Wiley Building on First Street. I
16 believe it's one level, and they have capacity, and
17 they've given us a letter of intent to rent those
18 spaces there, which had to be submitted to the
19 office as part of execution of the redevelopment
20 plan. We may not necessarily be at that location.
21 It would be within one thousand feet at a private
22 garage.

23 CHAIRWOMAN BETTINGER: Do you have
24 any other questions? Madam Secretary.

25 MS. GIARRATANA: I can speak to the

1 application for the Planning Board requirements, two
2 green techniques, urban forestry and the pocket park
3 and landscape area, also porous pavement. We have a
4 portion of porous pavement on the park site. And in
5 addition, they've fulfilled the shade tree
6 requirement. They're proposing three shade trees.

7 CHAIRWOMAN BETTINGER: Anything else?
8 Do you have another?

9 MR. MATULE: Yes. I have to call our
10 architect to walk you through the hotel plans.

11 (The witness is sworn.)

12 MR. CURLEY: Please state your name
13 for the record and spell your last name?

14 MR. SIMMEL: Keith Simmel,
15 S-i-m-m-e-l.

16 MR. MATULE: Mr. Simmel, you are the
17 project architect?

18 MR. SIMMEL: Yes, sir.

19 MR. MATULE: And would you give the
20 Board the benefit of your professional license and
21 work experience?

22 MR. SIMMEL: Yes. I'm a partner with
23 Cooper Carry Architects. I am licensed in the state
24 of New Jersey, as well as New York and about ten or
25 12 other states. I've been a practicing architect

1 for 25 years.

2 MR. MATULE: And you've testified
3 before boards in the pass?

4 MR. SIMMEL: Correct.

5 CHAIRWOMAN BETTINGER: Thank you very
6 much.

7 MR. MATULE: Okay. Again, we're
8 going to use a colorized. We'll have it marked for
9 the record as A-3. You heard Mr. David's testimony
10 regarding the subdivision and the property on the
11 site. If you would just walk the Board through the
12 hotel and tell us what is going on?

13 MR. SIMMEL: Sure. This view is on
14 the corner of Newark and Sinatra. Looking up, you
15 can see the entrance that Mr. David spoke about
16 earlier. The building, you arrive to the building,
17 and there is a pair of escalators and an elevator to
18 the building. It looks over the park, and across
19 the river you can see the skyline of Manhattan.
20 There is -- and I'm going to mark this as A-3. So
21 from a planning standpoint the arrival is off of
22 Newark Street, and you drive under the cantilever of
23 the building. The arrival is in the garage level,
24 and you come up the escalator or elevator up to the
25 lobby. The rest of this level is occupied by the

1 loading docks for the post office, as well as a
2 loading for the hotel and mechanical hotel functions
3 and a small cafe as well.

4 MR. MATULE: These are in the plans
5 but they've been colorized. So I'll mark this as
6 A-4 for reference.

7 MR. SIMMEL: When you arrive at the
8 top of the escalator, there is a hotel lobby where
9 the registration desk is, and around the other side
10 is a bridge to get to the lobby bar and restaurant.
11 You can see the park and look at the skyline beyond.
12 Guests will make their way through the elevator and
13 take the elevation to the guest level. There are
14 meeting spaces and a rooftop bar. There is 58
15 levels of guest rooms and approximately 550 guest
16 rooms in total, and they stack as you can see in the
17 elevation.

18 But as you got to the top floor moving
19 back a little on the corner of Newark and Sinatra,
20 there is a rooftop bar that looks out over the
21 skyline with a terrace and an internal bar. You can
22 see all the way to downtown. You have the
23 restrooms.

24 MR. MATULE: And just for the record
25 we'll mark that A-6.

1 MR. SIMMEL: The view from the
2 parking looking across Sinatra, this is the side of
3 the building. It's got a big dynamic. It catches
4 the sunlight on certain angles, and there is the
5 view of the solid angle of the building. There is
6 terra cotta materials which follows the slope of
7 escalator to the lobby over here. The guest rooms
8 stack. There is meeting spaces and a rooftop bar.
9 This is the aerial view. There is the aerial view
10 from the city side, the west side of the building,
11 the architectural glass; the back of the view of the
12 city of Hoboken, and you can see the view of the
13 vantage across the river.

14 MR. MATULE: And it's been decided by
15 the administrator of the City of Hoboken the --

16 MR. SIMMEL: The first floor of the
17 building, the basement and anything below that will
18 be built in accordance with requirements of FEMA.

19 MR. MATULE: I have no further
20 questions for the architect.

21 CHAIRWOMAN BETTINGER: The post
22 office, is that attached to the hotel?

23 MR. SIMMEL: So there are pieces of
24 the building attached to the hotel. We are
25 providing some backup facilities at the hotel next

1 to our loading docks in the post office area. Their
2 load docks, it's actually their loading dock. We
3 are building them a stair and an elevator, and it
4 gets right up to the post office, and this is the
5 location of the park and the post office.

6 CHAIRWOMAN BETTINGER: The post
7 office, the old will be refurbished or demolished?

8 MR. SIMMEL: It's going to be
9 renovated. It still functions as a post office.

10 MR. MATULE: As part of this
11 application, the applicant met with the architects
12 of the post office. It's mostly an interior
13 renovation. We are really not touching the
14 exterior.

15 CHAIRWOMAN BETTINGER: The rooftop
16 bar is that --

17 MR. SIMMEL: The rooftop bar, that is
18 open to the sky. So in the light gray area is open
19 to the sky. There is a big screen on the sides so
20 you have planters on the top of the edge, and we
21 have an interior bar here where the glass will take
22 advantage of the views.

23 CHAIRWOMAN BETTINGER: Mr. Cray, do
24 you have any comments for the applicant?

25 MR. CRAY: No. I had the benefit of

1 seeing it for the past few meetings. I don't have
2 any questions.

3 COMMISSIONER TORRES: Madam Chair,
4 what is the procedure for the garbage disposal?

5 MR. SIMMEL: There is a linen laundry
6 chute that takes it down to bottom floor, and the
7 garbage is in the loading dock.

8 COMMISSIONER TORRES: Will it impede
9 the traffic in any way?

10 MR. SIMMEL: That is not the intent.
11 I don't know exactly how the operator will run the
12 trash-related operation or what the frequency will
13 be with trash but it is at this level.

14 COMMISSIONER TORRES: So it's inside
15 the structure and not on the street?

16 MR. SIMMEL: That's the intent.

17 MR. MATULE: The testimony before the
18 Hoboken Board was that it would be stored inside and
19 then picked up as needed by a carter.

20 COMMISSIONER TORRES: Thank you.

21 CHAIRWOMAN BETTINGER: Any other
22 comment, questions? Any other testimony?

23 MR. MATULE: Like I said we have
24 Mr. Maris, but I believe between the city and the
25 County Engineer, Mr. Maris did resolve the traffic

1 signal warrant situation, so I don't think it's
2 necessary to present any traffic testimony.

3 I would also point out as part of the
4 redevelopment with the city, that roof bar has to be
5 open to the general public seven days a year. So
6 the operator can have private functions there like
7 weddings and parties, but so many days a year it has
8 to be open to the general public. That was the
9 presentation. It's been a long time.

10 CHAIRWOMAN BETTINGER: Do I have a
11 motion?

12 MS. GIARRATANA: On a motion made by
13 Commissioner Jeter and seconded by Commissioner
14 Walker.

15 Commissioner Jeter.

16 COMMISSIONER JETER: Yes.

17 MS. GIARRATANA: Commissioner
18 Malavasi.

19 COMMISSIONER MALAVASI: Aye.

20 MS. GIARRATANA: Commissioner Torres.

21 FREEHOLDER TORRES: Yes.

22 MS. GIARRATANA: Commissioner Walker.

23 FREEHOLDER WALKER: Yes.

24 MS. GIARRATANA: Commissioner

25 Bettinger.

1 COMMISSIONER BETTINGER: I vote aye,
2 get all the necessary approvals that are needed
3 going forward. It's a beautiful project. When are
4 you planning on breaking ground?

5 APPLICANT: Summer, to open summer of
6 2021. Thank you very much.

7 MS. GIARRATANA: The next item on the
8 agenda is Application 2018-78-SP; 60 Passaic Urban
9 Renewal, LLC; care of Russo Development, LLC, at 60
10 Passaic Avenue; Block 14, Lots 3 & 4; Kearny. It's
11 an application to construct 5 residential buildings
12 with 268 total units as well as a clubhouse and
13 associated amenities.

14 MR. MINKS: Good evening,
15 Commissioners. I am appearing for the applicant, 60
16 Passaic Urban Renewal. I'm Joe Minks with Russo
17 Development, an affiliate of the developer. The
18 property as the secretary correctly identified, is
19 located at Block 14 in the Township of Kearny, Lots
20 3 and 4. The property located in the Passaic Avenue
21 Redevelopment Area. This is a project that's been
22 fully approved by the town of Kearny in accordance
23 with that redevelopment plan. The approval was
24 granted March 6th, and we are still awaiting its
25 memorialization but it's been granted. It was

1 approved but for some minor deviations.

2 I have with me this evening Greg Rapp who
3 is the one of the chief engineers on the project.
4 We also have Craig Peregoy from Dynamic Traffic.
5 This application as the previous application this
6 evening has been subject of discussion both with
7 Mr. Malavasi as well as Mr. Cray. We have answered
8 any review letters that have largely been addressed
9 by way of supplemental submissions. The idea is
10 just to wrap up, just present the site plan in
11 general and to cover any remaining items that have
12 no been addressed.

13 (The witness is sworn.)

14 MR. CURLEY: Please state your name
15 for the record and spell your last name.

16 MR. RAPP: Greg Rapp, R-a-p-p.

17 MR. MINKS: Mr. Rapp, would you give
18 the Board the benefit of your professional education
19 and experience?

20 MR. RAPP: Sure. I'm vice president
21 of Russo Development. I've been working in the
22 field for 18 years. I'm licensed in the state of
23 New Jersey. For eight years I've been working for
24 Russo Development and doing site plans for the
25 northeast area of New Jersey.

1 MR. MINKS: And that's in the
2 capacity of a professional engineer?

3 MR. RAPP: That's as a professional
4 engineer.

5 MR. MINKS: I present Mr. Rapp as a
6 professional engineer.

7 CHAIRWOMAN BETTINGER: On behalf of
8 the Board, we accept your qualifications.

9 MR. MINKS: Thank you. Would you
10 take the Board through site plan. This is an
11 approved site plan by Kearny, correct?

12 MR. RAPP: Correct.

13 MR. MINKS: And during your
14 testimony, point out any items that address any
15 remaining items in Mr. Cray's letter.

16 MR. RAPP: Okay. Those letters would
17 be from February 28th, and the most recent we
18 received today on March 19. So it's bordered by the
19 synagogue to the left, Clark Avenue to the east and
20 Marshall Street to north and Belgrove to the south.
21 Both Marshall and Belgrove were former industrial
22 uses, manufacturing. It's been vacant for about ten
23 year now. The remainder of building has been
24 demolished, and the site right now is old building
25 piles, concrete and gravel for the entire property.

1 What we're proposing is to construct five
2 buildings. The first three buildings closest to
3 Passaic Avenue are four stories on the ground level
4 with shared garages and resident units. Behind the
5 four-story residences is the ground level parking
6 with a total of 268 spaces. We are proposing a
7 clubhouse building, an external pool and patio and
8 grass area for the residential. The access to the
9 site will not be directly off Passaic. It's made
10 from the town roads. Marshall Street will have two
11 vehicle accesses and Clark is going to have vehicle
12 access.

13 We are also proposing 371 parking space on
14 the sites. We received an exception from RSIS on
15 the parking. This is a transitory development and
16 the redevelopment areas provide for a smaller amount
17 of parking. So the part of the application we were
18 also going to provide shelters for the bus stop on
19 site. So the improvements that are actually being
20 proposed along Passaic Avenue are new curb and
21 sidewalks on the entire frontage as well as street
22 trees. We are also proposing township sidewalks on
23 the other property just adjacent to the sidewalk.

24 We are proposing left turn lanes. We're
25 adding a left-turn lanes signal at the corner of

1 Passaic and Belgrove. So we're adding a left
2 turning lane for southbound traffic on Passaic
3 Avenue, and we're adding a left-turn lane for
4 southbound traffic on Belgrove. Those lane
5 additions don't require roadway widening. The
6 roadways are wide enough. So we are updating signal
7 heads, and we will be doing striping in the streets.
8 We will make a provision for a left turn traveling
9 north on Passaic. Right now there is kind of cross
10 hatching as the property across the street happens.

11 MR. MINKS: So the additional turn
12 lanes, that's really an extension of what this Board
13 approved along Passaic regard to our prior project
14 across the street to the north?

15 MR. RAPP: Correct. So we're
16 proposing to actually extend those improvements with
17 turning lanes, and we will stripe it at the those
18 intersections where our project across the street is
19 on Passaic Avenue. We will add cross hatching here
20 so it splits the lanes and on Passaic Avenue.

21 CHAIRWOMAN BETTINGER: Just refresh
22 my memory when you're stating your other project?

23 MR. MINKS: On the western side of
24 Passaic Avenue, we were before you probably about
25 two years ago, and we were here for -- I'm

1 forgetting, a similar size project along the Passaic
2 Avenue with a clubhouse, very similar project
3 because of the shape of the property. As part of
4 that, we proposed some restriping and turn lanes for
5 that facility for the flow of traffic from Passaic.
6 So this is the logical extension.

7 CHAIRWOMAN BETTINGER: Did you start
8 that project?

9 MR. RAPP: We will also have our
10 financing in place for that project.

11 COMMISSIONER TORRES: You have
12 parking between the buildings there?

13 MR. RAPP: Yes, it's just south, four
14 buildings.

15 CHAIRWOMAN BETTINGER: I wanted to
16 refresh my memory.

17 MR. MINKS: We started construction
18 probably two years ago.

19 COMMISSIONER TORRES: So there's a
20 signal currently at the corner of Belgrove and
21 Passaic?

22 MR. RAPP: Correct. So it's only as
23 a single head, so we're adding turn lanes, and it
24 will be required to today have additional signal
25 heads for the additional lanes.

1 MR. MINKS: In addition we have been
2 at the request and negotiations with the town during
3 the course of our preliminary application and
4 application for a financial agreement for the site,
5 we agreed to do a warrant study for the intersection
6 of Marshall and Passaic, correct?

7 MR. RAPP: Correct.

8 MR. MINKS: And are you familiar with
9 Mr. Cray's review letter that he makes mention or
10 suggestion that in the future, if a warrant exists,
11 and there is a public outcry or request for the
12 signal across the street, that the applicant bear a
13 portion of the cost of that?

14 MR. RAPP: That was in his letter.

15 MR. MINKS: Are you also familiar
16 that the applicant has already agreed with the Town
17 of Kearny that if the warrant does not exist for the
18 signal at Marshall Street, that the applicant will
19 pay the town \$100,000 to be used for traffic
20 improvements given the warrant study, and that the
21 applicant has agreed to that contribution right?

22 MR. RAPP: Correct, yes, for the
23 traffic improvements is \$500,000.

24 MR. MINKS: Candidly, \$400,000 of is
25 generated by the redevelopment fee can be used for

1 affordable housing, drainage or traffic, but the
2 \$100,000 commitment that was made was in lieu of
3 building the intersection or signaling the Marshall
4 Street intersection. We agreed in our financial
5 agreement that we will pay in lieu of the
6 contribution to be used for improvements on Passaic.
7 In addition to the adoption of the Passaic Avenue
8 improvement fund, we will make a contribution to
9 that fund. That is also for traffic improvements on
10 Passaic Avenue. Those are the improvements that you
11 spoke about.

12 CHAIRWOMAN BETTINGER: Are these
13 units rentals?

14 MR. RAPP: Apartments.

15 CHAIRWOMAN BETTINGER: And the
16 parking is interior parking?

17 MR. RAPP: The parking is on the
18 ground level parking garages and ground level
19 parking around the site.

20 COMMISSIONER TORRES: When you say
21 "garage," you mean individual stalls?

22 MR. RAPP: They will be leased to
23 tenants with the double-parking spaces, and there
24 would be an additional underground parking
25 structure.

1 COMMISSIONER TORRES: Is the
2 clubhouse for the use of the tenants?

3 MR. RAPP: It's for the tenants.

4 MR. MINKS: As part of the approval
5 of the Township?

6 MR. RAPP: Yes. There is also a dog
7 run for the tenants.

8 MR. MINKS: As part of the approval
9 required by the Township, there is parking for other
10 parking spaces for the residents of Kearny?

11 MR. RAPP: There is an additional 20
12 right in front of the dog run between the park lot
13 that you had mentioned.

14 MR. MINKS: The proposal was for 351
15 spaces. During the course of the hearings, there
16 was a one Councilman from Kearny who sits on the
17 planning board, and he was particularly concerned
18 about this area, and he asked what we can do to
19 increase the parking along Clark Avenue. So despite
20 our efforts and the engineer's best efforts, there
21 was really was no good solution for the parking to
22 otherwise maximize or enlarge the parking, so what
23 we did in lieu of that was we found additional
24 parking on the site and increased our overall
25 parking count to 371, an increase of a net 20 plus,

1 and then we agreed to the licensing agreement with
2 the town for the parking I just mentioned so
3 resident in that ward can apply for a parking permit
4 and pay a fee to Kearny, a modest fee to rent the
5 spaces so the residents have overnight parking.

6 CHAIRWOMAN BETTINGER: It's a secure
7 community?

8 MR. MINKS: A secure community in
9 that all entrances and exits are gated with fobs.
10 There is cameras. It's a secure community as all of
11 our communities are designed in the same manner.
12 There is no access other than the leasing office
13 where someone on the street can enter through the
14 leasing office and inquire about vacancies, but
15 other than that, there is secure interventions.

16 CHAIRWOMAN BETTINGER: Where will
17 they be picking trash up?

18 MR. RAPP: There is assess here to
19 the site.

20 FREEHOLDER WALKER: What is there
21 currently, is it open space?

22 MR. RAPP: It's a fenced off lot and
23 the remains of the old building on the site so
24 you'll see building slabs, you'll see debris piles,
25 you'll see brush growing through the gravel areas,

1 so it's just an old demo site.

2 MR. MINKS: It's now under more site
3 work as we're completing approvals. We are starting
4 our site work in terms of development, and at the
5 same time there is responsible party, THC, the
6 remnant of prior ownership that were determined to
7 be the responsible party for the environmental
8 remediation. They will be completing the soil
9 remediation on the site and getting the REO as part
10 of our acquisition of the property. It will be
11 filed very shortly, and the REO is based on
12 acquisition of the property, so as we develop, we
13 will put in our improvements, and our improvements
14 will constitute the permanent cap on the site and so
15 it will be a remediated site.

16 The groundwater in this area is also being
17 remediated by that same responsible party, who are
18 unrelated to us, and they have a strict obligation
19 to the DEP, and that will be ongoing often as is the
20 case in our state for many, many years to come.
21 There are monitoring systems. As a matter of fact
22 our apartments are allowing access for long-term
23 monitoring on that site just to facilitate their
24 documenting and continued monitoring of water.

25 FREEHOLDER WALKER: Total units, how

1 many rental?

2 MR. RAPP: 268 spots.

3 FREEHOLDER WALKER: Is there
4 affordability?

5 MR. MINKS: There is not an
6 affordability. I mentioned that we're making a
7 \$400,000 contribution in lieu of it. Kearny's
8 affordable housing is in a good state, so they're
9 just building up their coffers for the next round
10 for their fair share which is 2025, right around the
11 corner.

12 CHAIRWOMAN BETTINGER: You mentioned
13 that you appeared before the Town of Kearny. Did
14 you get approved?

15 MR. MINKS: We did be obtain or
16 approval on March 6th. We appeared in January, and
17 February they didn't have a quorum, and we continued
18 on March 6.

19 CHAIRWOMAN BETTINGER: Mr. Cray, do
20 you have any comments?

21 MR. CRAY: Thank you, Madam Chair.
22 Just to add those driveways along Passaic Avenue,
23 there is a preexisting driveway, correct?

24 MR. RAPP: Right.

25 MR. CRAY: And the sidewalk

1 replacement also involved shall be addressed as per
2 the redevelopment area for frontage. The striping
3 improvements were mention along Passaic Avenue
4 southbound and northbound plans, but they don't
5 involve with the side streets, it's a separate
6 application and we're kind of rolling back.

7 I reference some additional information
8 that gave us, once of things I read in the March 5,
9 2019 letter which addressed my first letter, one of
10 the things that they knew that this Board of
11 Freeholder have a pro rata share approval for a
12 Passaic Improvement area. This will be the first
13 applicant who is part of that percentage that pay
14 certain amount. In their response to that comment I
15 had to come back to, they had discussed how Kearny
16 had asked for a certain contribution for traffic
17 related improvements. It sound like they may not
18 have been required to do. We don't disagree.

19 This topic came up across the street.
20 There was a site that was mentioned a couple of
21 years ago, another housing development. I know it
22 as 113 Passaic Avenue. That is what the application
23 was called. This one is called 60 Passaic Avenue,
24 and we talked about Marshall Street on that
25 application, and that was also not warranted but

1 there was a concern that sometimes where new
2 resident come in, they ask a lot of questions.

3 So there was a similar condition that
4 occurred. That may not have been the first one. It
5 may have been second, 113 Passaic Avenue I
6 mentioned. That was pursuant to a site plan
7 approval conditions. So I don't know. You may have
8 been the applicant, or you may have been the second
9 one with similar site conditions, and this would be
10 the third one, where we discussed the approval
11 conditions the traffic signal warrant status of the
12 unsignalized intersection because you know, we keep
13 increasing, and you go between unwarranted to
14 warranted on Marshall, or you start to have
15 complaints, and then the County has to consider what
16 they're doing with this.

17 In the future if there are members of the
18 community who request a traffic signal at the
19 proposed site driveways, the applicants are
20 financially responsible for any necessary warrant
21 study. The applicant shall also be financially
22 responsible for any traffic signal other than the
23 structural improvements determined to be warranted.
24 The County will not be held responsible in way for
25 future improvements made to proposal related to

1 increase traffic. That's different than a pro rata
2 share. That's the fix amount. That's fixed. The
3 next applicant they apply the same formula. We'll
4 all treated the same. Someone's mentioned that --

5 MR. MINKS: We can't agree to the
6 large that you proposed in your letter. The same
7 discussion occurred, and the reason is twofold,
8 number one, it's legally unenforceable and unlawful,
9 you cannot impose a future traffic improvement on
10 the site on a developer. You just can't do it.
11 There's case law. What you can impose is that
12 improvement cost that's prorated among all the
13 parties to that tract.

14 And we have been told that even though
15 that we believe that we're already making payment
16 for that well in that advance, and that's also kind
17 of a two-fold argument because number one, we're
18 making a \$100,000 contribution in lieu of putting a
19 traffic signal at Marshall now. That's what we
20 agreed to do during the Planning Board hearing with
21 the town. I acknowledge it's a payment to the town.
22 It's not a payment to the County. So will that
23 offset the County cost? I don't know, but the town
24 has control over that money. Nevertheless, we've
25 made that meaningful contribution already toward a

1 future signal at Marshall.

2 Putting that aside because besides
3 acknowledging a payment to the town, we're also
4 making a prorated share for the Passaic Avenue
5 Improvement Fund, which was granted by your
6 legislation by your local development standards, and
7 by the resolution that this Board passed. It's
8 specifically to going toward roadway improvements
9 along the Passaic Avenue corridor. Now granted, you
10 may not right now be thinking of a traffic signal at
11 Marshall because it's not warranted today, but two
12 more or three more projects down the road, and that
13 project is still ongoing, those warrants may justify
14 that signal, and at that time you're going to have
15 applicants make their prorated contribution. That
16 pool will go toward that specific to Passaic, one of
17 which may include a traffic signal.

18 Your redevelopment standard that led to
19 the adoption of your recent resolution establishing
20 your Passaic Avenue Improvement Fund specifically
21 speaks to using those funds for things such as
22 traffic signal improvements or replacement or new
23 signals, verbatim in your standards. So I think
24 this applicant has already made the equivalent of
25 \$210,000 and change toward future traffic

1 improvements on Passaic Avenue that may or may never
2 materialize. Moreover, the warrants don't exist
3 today, they didn't exist for 113, and candidly, we
4 have an interest in the property across the street
5 for potential future phase, and we've done in
6 advance a warrant study for that. Granted, I have
7 not submitted a report to you yet, but we're
8 confident that the warrants won't even be met then.

9 So potentially future development in East
10 Newark and south might, you know, tip the scale in
11 that the warrant may exist, but at that point it's
12 the percentage of all of the applicable uses along
13 that portion of Passaic that should be contributing
14 to any traffic mitigation they chose whether they
15 are contemplated today or in the future, and that
16 will include the major traffic generators which is
17 your retail. We have major retail centers directly
18 to the north of us. Any traffic study will confirm
19 and we've done those traffic studies, and we will be
20 very happy to share them with the Board, any traffic
21 study will confirm that those retail uses contribute
22 the lion's share of traffic. It's not residential
23 uses and certainly not those in an area with
24 reasonable to access to transit.

25 So it's our position that at the very

1 worst, we should not be obligated by anymore than
2 the conditions that we agreed for 113, which was in
3 the event that there is a future mitigation of a
4 signal on Marshall, our obligation should be no
5 greater than our prorated share of that development
6 at that time, and that prorated share would be based
7 upon our contribution to that traffic volume that
8 generates that warrant. That is the warranty study
9 we submitted to this Board in the resolution for 113
10 Passaic. We disagree with Mr. Cray's language. We
11 don't necessarily disagree with the concept but it
12 is qualified that it is only the prorated share of
13 that being our obligation.

14 MR. CRAY: Counselor, it would have
15 been more convenient if you brought this up at the
16 multiple meetings that we've had, and we could have
17 had a more constructive discussion instead of in
18 front of the Board. That was not raised before --

19 MR. MINKS: It was the first I've
20 heard about the condition in today's report that I
21 received today.

22 MR. CRAY: I'm sorry. I did not
23 interrupt you. I would appreciate if you would not
24 interrupt me. I gave you a chance to speak.

25 MR. MINKS: I'm sorry. I thought you

1 were done.

2 MR. CRAY: No. I was holding my
3 thoughts and allowed you to speak. So we did speak
4 to your client about this condition to set a
5 standard condition with 113 Passaic. It's top of
6 the list -- I'm trying to finish my thought if I
7 could, a little patience.

8 So if the resolution that bore out is
9 different, that's fine, we can work through that.
10 That would have been once of the things that would
11 have been better to speak about before. That
12 condition is borne by 113 Passaic. If it is a pro
13 rata share, so be it. Obviously, we can do the same
14 with 60 Passaic. There may have been a third. So I
15 think 113 may have been the second one off. So
16 there may have already been a basis for a pro rata
17 share. A lot of the corridor has already been
18 developed.

19 In the past although this pro rata share
20 ordinance is relatively new. There have been
21 developer contributions for traffic improvements.
22 There's a prior traffic signal what was actually
23 privately design, built and maintained, not all of
24 them, but there is one along the retail corridor.
25 This isn't the first applicant, although 113 Passaic

1 is the first applicant to finance some of the
2 traffic improvements. The new ordinance about fair
3 is share that's pretty standard. It's proportional
4 to the traffic generated by the applicant.

5 There is something else that I didn't
6 know. We could have been an easy discussion amongst
7 the County folks and the applicant team a few weeks
8 ago but we'll work through this. If the condition
9 in the prior resolution uses the term pro rata
10 share, the wording may have changed since the
11 resolution. Where the agree to the pro rata share
12 based on the formula tied to the traffic, they close
13 it by saying this contribution may be subject to a
14 credit for any signal improvements required at the
15 Belgrove intersection. Now I'm not sure what that
16 mean.

17 One thing that's clear to me that is there
18 \$100,000 going to the town for traffic improvements.
19 What is growing is Passaic Avenue, which is a County
20 road. It may never need one. It is my hope in
21 future warrant analysis will be borne this applicant
22 or the 113 Passaic because, and that could change
23 over time with different applications. But there's
24 two steps to it. One step is to look at the
25 necessary warrant studies first so we can see if

1 there is complaints of the public which are valid,
2 and today we're only speaking toward landowners.
3 Any apartment landowner is entitled to hire a
4 traffic engineer to respond.

5 That's one of the things we intend to do
6 and try to work with you, so then the study can stay
7 with Russo first become they can even come to the
8 County. In other words the County would have to do
9 a study. All the things that happen in the County,
10 it would be better if this was driven in part from
11 that project. We can go past so that Russo can feel
12 that they at least have their own analysis done, and
13 they can relieve the burden of the County in a
14 relatively new area. It's a short area of the
15 County and there is more traffic. That's a problem
16 when we have too many construction improvements.
17 You would be disappointed without the construction
18 improvement in the road.

19 So that \$100,000, I don't want to get into
20 much detail. It's the County not the town. We have
21 discussed that it would be better if that was part
22 of something, that if Marshall ever does have to it,
23 that that money would go towards Marshall.

24 MR. MINKS: And Russo would like to
25 make that pitch to the town. We can't. We're not

1 going to reopen any negotiation of the financial
2 agreement, but the language of that financial
3 agreement just to give you some context, that speaks
4 to that obligation, and I'll share the exhibit with
5 you if you would like. Would you like me to mark
6 this?

7 The language specifically says that if
8 approved by the County of Hudson, this is what the
9 applicant or the redeveloper.

10 CHAIRWOMAN BETTINGER: This is from
11 Kearny?

12 MR. MINKS: This is from Kearny.
13 It's actually an exhibit through our development or
14 our financial agreement, and as part of our
15 negotiation, we agreed to a number of improvements
16 on Passaic, resurface Marshall Street, put in
17 curbing on Marshall; resurface Clark Avenue, put new
18 curbing on Clark, now sidewalk along Clark and
19 Marshall, and we've doing a lot of public
20 improvement as well to the surrounding roadway, but
21 the pertinent condition is if approved by the County
22 of Hudson, the redeveloper would install a
23 signalized intersection on Marshall Street and
24 Passaic Avenue at the entity's sole cost and
25 expense. If the signalized intersection at Marshall

1 and Passaic is not approved by the County of Hudson,
2 meaning the warrants don't exist and we can't do it,
3 then the amount of \$100,000 shall be added to the
4 \$444,000 contribution referenced under Section 4.9
5 of this agreement.

6 The problem with that it doesn't earmark
7 the hundred thousand to specifically be held in an
8 account for a future signal at Marshall. So what we
9 would be willing to do, we will try to for our
10 benefit, is to back to the town and say, Listen,
11 that extra hundred, the intent was that it would be
12 intended for a signal. The warrants don't exist
13 today. If they exist in the future, that \$100,000
14 should be earmarked for that signal, and the County
15 should have that 100,000 from the town from this
16 developer that's it's going to go through. I can't
17 tell that it's going to fly. I can't tell you that
18 the town is going to renegotiate to reinterpret that
19 term, but I can tell that is intent of the letter.

20 While we do believe that we should be
21 entitled to some recognition for the significant
22 contributions we're already making with the intent
23 they manifest in improvements along Passaic, and we
24 acknowledge that's the basis for the credit, and I
25 think that's what the intent was.

1 MR. CRAY: And I won't disagree that
2 you're making a contribution to the traffic in the
3 area. I mean right now, you're in front of the
4 Hudson County Planning Board. We have had a lot of
5 discussion about Marshall, where that scenario is
6 not elsewhere, and that's fine, but accordingly,
7 they're obligated to use it along the Passaic Avenue
8 Corridor, the immediate area. You did mention a few
9 other streets besides Marshall.

10 MR. MINKS: So it is being used. It
11 needs to be utilized. The money that we're getting
12 that is going to be used for traffic improvement
13 drainage along Passaic Corridor, it maybe not a be a
14 hundred grand to traffic. It's 444,000 plus another
15 hundred. It's 544,000.

16 MR. CRAY: The 400, even though it's
17 related to residential, you're saying it could be
18 used for traffic?

19 MR. MINKS: Absolutely. It could be
20 used for traffic, drainage. That was specifically
21 in the agreement that it be used for traffic and
22 drainage improvements along Passaic Avenue.

23 MR. CRAY: Just one more item. I'm
24 going to make a recommendation for this Board's
25 consideration and a suggestion to you. Going back

1 to the comment about the pro rata share on Passaic
2 and Marshall related to the overall corridor, that
3 you agreed to -- there's the closing. You close it
4 by saying this calculation contribution will be
5 subject to a credit for any signal improvements
6 required at the intersection.

7 I actually think and I guess if the
8 Chairwoman wants to raise it, this came about by you
9 talking to Kearny, and we don't disagree that there
10 is a whole lot of traffic on that road, and you're
11 going to add a lane, and the County says since
12 you're adding a lane, you have to add a signal
13 there. That would seem more relevant to where that
14 hundred thousand could be tied to Passaic Avenue
15 corridor improvements. I don't want you to get hit
16 twice. My recommendation to the County is that's no
17 a pro rat share because that's --

18 MR. MINKS: I don't disagree with
19 you. We're not taking that. We'll take our luck to
20 Kearny and see if we can get that item approved
21 there. And I can't don't disagree with you in terms
22 of resolving the terms. My proffer today is not to
23 box here with you. The only reason why I raised it
24 today, and it wasn't at the meetings by me is
25 because I only received the review letter today. It

1 does not appear in your February 28th review letter,
2 and I wasn't at any of your engineering meetings so.

3 MR. CRAY: I know, but you are part
4 of a team so.

5 MR. MINKS: I just want to know it's
6 not an effort --

7 MR. CRAY: Fair enough, we --

8 MR. MINKS: Just be warned again. I
9 don't speak engineer. You obviously don't speak
10 lawyer, and my only concern is not with the content.
11 It is with the language. It's more of a drafting
12 issue, and I declined to mention, except we were
13 drafting that material with the planning board.

14 MR. CRAY: I'll defer to the Board
15 counsel that we can work that out. It's proposed in
16 that same spread. We can work out. We as part of
17 this review committee, we were seeking to be
18 consistent to the 113 Passaic conditions. In that
19 condition we didn't pull out the resolution. We
20 were speaking in general terms. So I defer to the
21 Board counsel that the conditions it is consistent
22 with that.

23 Now, it is my understanding that when we
24 go to the pro rata share, we're not able to reduce,
25 understanding that seems logical, and there may be

1 something you pursue with Kearny, that they can
2 offer to put in a traffic signal ahead in Belgrove.
3 Maybe it should come out of the contribution, and
4 that does involve the County.

5 MR. MINKS: The 110 and 338, whatever
6 the number is, is a contribution to Passaic Avenue
7 Traffic Mitigation Plan.

8 MR. CRAY: Thank you. There is
9 nothing else. The plans are quite complete and to
10 the extend that is enough, Madam Chair and Board,
11 it's minor, and it would be speaking of it as a
12 condition of approval. We can get the application
13 approved. So based on that, I have no further
14 questions or comments.

15 MR. RAPP: We're willing to comply
16 with the remaining terms.

17 CHAIRWOMAN BETTINGER: With all this
18 discussion, can you just recap everything?

19 MR. MINKS: I think I can do it
20 really quickly.

21 COMMISSIONER MALAVASI: I'll give you
22 my concern. This \$300,000, I don't know where
23 that's going.

24 MR. MINKS: It's going somewhere.
25 It's going in someone's account.

1 COMMISSIONER MALAVASI: I don't know,
2 but I'm a little concerned that the town is
3 representing that they're going to use that money
4 for an improvement along Passaic Avenue, and no one
5 consulted my office. I mean I'll happily take it,
6 but as you go forward if you could just as part of
7 your discussions to, you know, talk to them and say
8 what are your plans? You know, any improvements
9 along a County road have go through my office so
10 that's my only concern about that. I'll talk to the
11 their board engineer and say, Make sure you're
12 representing you're using it for Passaic Avenue.

13 MR. RAPP: I don't know if you notice
14 about the draining that they're looking at for
15 Johnston. They're looking at it for Belgrove.
16 There is drain line. They're scoping the area.
17 We're actually paying a contribution towards the
18 scoping of that drain line. So we're working very
19 closely with Kearny, and it goes without thinking
20 that we would certainly consult you, and of course,
21 we have to see if those improvements are necessary
22 before they touch it.

23 CHAIRWOMAN BETTINGER: My concern is
24 that we have some language here. Will the applicant
25 still make the contribution of \$110,000 and

1 \$3,508,000 for the Passaic Traffic Mitigation
2 Contribution Fund? Whose fund is that?

3 COMMISSIONER MALAVASI: That's the
4 County fund we established, and the Board passed
5 that contribution. We got the boards to agree,
6 Kearny and East Newark, to widened Passaic Avenue
7 from Belleville south to Central, to create a right
8 turn lane to go over the Clay Street Bridge. That
9 is a result of all the improvements that we have
10 there. It will not get any better.

11 So that's one cost. We have estimated
12 that construction cost. We're also doing the same
13 thing on the northern end on the Belleville
14 Turnpike, we're widening and creating a lane. So
15 the cost of that is in the neighborhood of
16 \$2 million so that's real. Traffic lights are kind
17 of a nebulous thing that may or may not help you.
18 These are real improvements. We will be in the
19 process of getting a design going. We're going use
20 our County money to help pay for that so it's a real
21 project going on. This type of contribution will
22 offset that. The thing that's going to take a
23 little time for us is the fact that we need to
24 borrow for the work on Central and Passaic. So this
25 \$2 million that we're taking a pro rata share for

1 this development and other developers, it's going to
2 offset those costs.

3 And we had the conversation last time, the
4 question of can we go out after other developers,
5 and the answer is no. We can't go back to BJ's or
6 Russo for their share because they're already
7 improved. You can't make them do that, but going
8 forward, we'll at least based upon total traffic
9 peak hour traffic on the road, so they're
10 contributing a percentage of what they're adding to
11 it, I think two to five percent. That's their pro
12 rata share for these improvements. These are real
13 improvements that are going to happen. The first
14 section is the southern section. We're going to
15 begin negotiations for roadway this year.

16 MR. MINKS: And unfortunately, we
17 weren't privy to the fact that the Hudson County
18 Planning Board was considering the creation of this
19 plan project and the adoption of the ordinance. It
20 was done in February of 2019. We had our hearings
21 for our financial agreement six months ago, and
22 during those prior hearings, we agreed to make all
23 sorts of contributions to Kearny for the altruistic
24 purpose of trying to contribute towards roadway
25 improvements and drainage improvements along Passaic

1 Avenue and the Clay Street Bridge project.

2 Specifically, they have been speaking to
3 you about, and it's something that the town has to
4 make contributions to, and they said, We want you to
5 make those contributions. We want you to pay up and
6 basically fund us so we can then make these
7 contributions to that improvement. So we are
8 getting a double dinged because we made those
9 agreements then, and now we're facing a
10 February 2019 resolution that established the pro
11 rata share, and notwithstanding my client's
12 agreement that we were going to make that payment of
13 110,600 and change, and we will work with Kearny
14 because the two are mutually exclusive,
15 notwithstanding the fact they're supposedly for the
16 same altruistic purpose.

17 MS. GIARRATANA: Madam Chair, I just
18 want to clarify that the creation of the fund was
19 introduced at the January meeting. It was in our
20 first review letter, so you know the date of
21 February 19th when the resolution was adopted that's
22 not the first time the applicant heard about the
23 contribution.

24 MR. MINKS: And I had asked if I
25 should challenge it, and my client told me not to.

1 MS. GIARRATANA: I just want to
2 clarify that. And one more clarification based on
3 our LDR, we have the -- we are enabled to create the
4 contribution funds as a right. You know, the State
5 follows a very specific formula. It's tied very
6 specific cost estimates, and there is, you know, a
7 pro rata share, and it's very structured so it's
8 fair I believe.

9 MR. MINKS: If it was a more general
10 fund for general improvements on Passaic, I would
11 have a much more compelling and a much more zealous
12 argument that we shouldn't also be required to make
13 a pro rata share contribution to a signal on
14 Marshall, but I acknowledge this is a specific
15 project for the planned locations on Passaic. The
16 project does not I assume include a signal at
17 Marshall, in which case we would be double paying.
18 At that point that was our concern. So what we are
19 doing here is we are agreeing to a \$110,000 and
20 change, as per Mr. Cray's review letter, which is a
21 contribution to the Passaic Avenue Traffic
22 Mitigation Fund.

23 CHAIRWOMAN BETTINGER: That is our
24 money?

25 MR. MINKS: That's to you guys to be

1 used for this purpose.

2 COMMISSIONER MALAVASI: And only for
3 this purpose.

4 MR. MINKS: With that we give a down
5 payment to the County as part of the improvement,
6 and we are also agreeing that we will accept the
7 language with regard to the future signal warrant on
8 Marshall that mirrors the language that was used in
9 the 113 Passaic resolution of approval, which I
10 think I have a signed copy of, so I appreciate it.
11 Other than that that's all I have.

12 I have my traffic engineer. I think other
13 than the warrant at Marshall that's been addressed,
14 I don't know if we need to hear from him, but I'm
15 more than happy to put him on.

16 CHAIRWOMAN BETTINGER: Mr. Cray?

17 COMMISSIONER MALAVASI: My office
18 reviewed the traffic warrant analysis, and yes, we
19 agree with it that at the current time they're not.

20 MR. RAPP: The traffic issues were
21 addressed in the review letters.

22 CHAIRWOMAN BETTINGER: Any other
23 questions? Any other comments? Mr. Tridente, any
24 comments?

25 MR. TRIDENTE: No, I don't.

1 CHAIRWOMAN BETTINGER: Okay. Do I
2 have a motion?

3 MS. GIARRATANA: On a motion made by
4 Commissioner Walker and seconded by Commissioner
5 Torres.

6 Commissioner Jeter.

7 COMMISSIONER JETER: Yes.

8 MS. GIARRATANA: Commissioner
9 Malavasi.

10 COMMISSIONER MALAVASI: Aye.

11 MS. GIARRATANA: Commissioner Torres.

12 FREEHOLDER TORRES: Yes.

13 MS. GIARRATANA: Commissioner Walker.

14 FREEHOLDER WALKER: Yes.

15 MS. GIARRATANA: Commissioner

16 Bettinger.

17 COMMISSIONER BETTINGER: Aye.

18 MS. GIARRATANA: Motion has passed.

19 COMMISSIONER BETTINGER: Thank you.

20 Good luck. Next item on the agenda.

21 MS. GIARRATANA: Applications to be
22 Administratively Approved. Application 2019-18-SP;
23 T-Mobile Northeast, LLC; West 60th Street & JFK
24 Boulevard; Block 500, Lot 1; in Bayonne.

25 It's application An application to upgrade

1 an existing rooftop wireless telecommunication
2 facility and install a new back-up generator on the
3 ground. A telecommunications application on a County
4 road. I also note that we reviewed the application
5 to ensure that the backup was not in our
6 right-of-way.

7 Next application is 2019-26-SP; T-Mobile
8 Northeast, LLC, NJ-05-328C; at 518-524 Kennedy
9 Boulevard; Block 219, Lot 45; in Bayonne. It's an
10 application to upgrade an existing FCC licensed
11 rooftop wireless telecommunications facility along a
12 County road.

13 CHAIRWOMAN BETTINGER: Do I have a
14 motion?

15 MS. GIARRATANA: On a motion
16 Commissioner Torres. Seconded by Commissioner
17 Jeter.

18 Commissioner Jeter.

19 COMMISSIONER JETER: Yes.

20 MS. GIARRATANA: Commissioner
21 Malavasi.

22 COMMISSIONER MALAVASI: Aye.

23 MS. GIARRATANA: Commissioner Torres.

24 FREEHOLDER TORRES: Yes.

25 MS. GIARRATANA: Commissioner Walker.

1 FREEHOLDER WALKER: Yes.

2 MS. GIARRATANA: Commissioner
3 Bettinger.

4 COMMISSIONER BETTINGER: Aye.

5 MS. GIARRATANA: The motion has
6 passed. The next item on the agenda are
7 applications to be Exempt. The first application
8 2019-08-SP; T-Mobile Northeast, LLC; 355 Danforth
9 Avenue; Block 26801, Lot 14; in Jersey City. It's a
10 telecommunication application not on County road.

11 The next Application is 2019-17-SP/SD, the
12 Applicant, AMS Acquisitions, LLC; 154 Avenue E
13 Bayonne; Blocks 234, 458, 467; Lots 8.01, 1.01,
14 24-26; in Bayonne. A site plan and subdivision
15 application not on a County road.

16 The next application is 2019-19-SP/SD; JSF
17 Management, LLC; 985 Communipaw Avenue, and 25 & 29
18 Marcy Avenue; Block 18101, Lots 1, 2, 3; in Jersey
19 City. A site plan and subdivision application not
20 on a County road.

21 Application 2019-20-SP; T-Mobile
22 Northeast, LLC; at 2500 83rd Street; Block 443.03,
23 Lot 1; in North Bergen.

24 The next application is 2019-22-SP
25 T-Mobile Northeast, LLC; 1403 11th Street; Block 18,

1 Lot 28; in North Bergen. It's a telecommunications
2 application not on a County road.

3 The final application is 2019-24-SP; Julia
4 Mody Holdings, Inc., 20 Amity Street; Block 13606,
5 Lot 4; Jersey City. A site plan application not on
6 a County road.

7 CHAIRWOMAN BETTINGER: Do I have a
8 motion?

9 MS. GIARRATANA: On a motion made by
10 Commissioner Torres. Seconded by Commissioner
11 Walker.

12 COMMISSIONER BETTINGER: I'm sorry.
13 The person who made the motion is Commissioner
14 Jeter.

15 MS. GIARRATANA: My apologies. On a
16 motion made by Commissioner Jeter. Seconded by
17 Commissioner Walker.

18 Commissioner Jeter.

19 COMMISSIONER JETER: Yes.

20 MS. GIARRATANA: Commissioner
21 Malavasi.

22 COMMISSIONER MALAVASI: Aye.

23 MS. GIARRATANA: Commissioner Torres.

24 FREEHOLDER TORRES: Yes.

25 MS. GIARRATANA: Commissioner Walker.

1 FREEHOLDER WALKER: Yes.

2 MS. GIARRATANA: Commissioner
3 Bettinger.

4 COMMISSIONER BETTINGER: Aye.

5 MS. GIARRATANA: The motion has
6 passed. Chairwoman, there is no old business or new
7 business, and the next meeting Tuesday, April 16.

8 COMMISSIONER BETTINGER: Do I have a
9 motion to adjourn.

10 FREEHOLDER TORRES: Motion.

11 FREEHOLDER WALKER: Second.

12 CHAIRWOMAN BETTINGER: All in favor.

13 (Whereupon the deposition is then
14 concluded at 8:32 p.m.)

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

I, SHARI CATHEY, CCR, RPR, License No. 30XI00234700, and Notary Public of the State of New Jersey, hereby certify that the proceedings herein are from the notes taken by me of a Regular Meeting of the Hudson County Planning Board, held on Tuesday, March 19, 2019; and that this is a correct transcript of the same.



SHARI CATHEY, CCR, RPR

A NOTARY PUBLIC of the
State of New Jersey

I.D. No. 2283786

Commission Expires 2/4/22

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