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HUDSON COUNTY
PLANNING BOARD

RE:

REGULAR MEETING : TRANSCRIPT OF
OF THE :
HUDSON COUNTY PLANNING : PROCEEDINGS
BOARD :
:

O P E N S E S S I O N

Bergen Square Center
Floor 9A
830 Bergen Avenue
Jersey City, New Jersey
Tuesday, December 19, 2023
6:30 p.m.

B E F O R E:

- FRANCIS KENNY, Chairman
- YRAIDA APONTE-LIPSKI, Commissioner
- BERNARD CALLEGARI, Commissioner
- PAMELA LAYSON, Commissioner
- SAMANTHA LUGO, Commissioner
- THOMAS MALAVASI, PE, Commissioner
- RUSHABH MEHTA, Commissioner
- ARTHUR PETTIGREW, Commissioner

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

- BYRON NICHOLAS, PP, AICP, Secretary
- MARCELLA TRAINA, Assistant Planner
- AMANDA CURLEY, ESQ., Board Attorney
- PETER BONDAR, P.E., C.M.E.
- MARIO TRIDENTE, Inspector

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1 CHAIRMAN KENNY: Good evening,
 2 everyone. I would like to call to order the
 3 December 19th, 2023 Hudson County Planning Board
 4 meeting. Has the meeting been properly advertised?
 5 MS. CURLEY: Yes. The meeting was
 6 properly advertised pursuant to the Open Public
 7 Meetings Act, and it ran in the Jersey Journal on
 8 December 14th.
 9 CHAIRMAN KENNY: Thank you. Can we
 10 have a roll call, please?
 11 MR. NICHOLAS: Thank you, Chairman.
 12 Before we do the roll call, I would like to welcome
 13 to the Board our new Commissioner. His name is
 14 Bernard Callegari.
 15 All right. Commissioner Aponte-Lipski.
 16 COMMISSIONER APONTE-LIPSKI: Here.
 17 MR. NICHOLAS: Commissioner
 18 Callegari.
 19 COMMISSIONER CALLEGARI: Here.
 20 MR. NICHOLAS: Commissioner Jeter,
 21 absent. Commissioner Layson.
 22 COMMISSIONER LAYSON: Here.
 23 MR. NICHOLAS: Commissioner Lugo.
 24 COMMISSIONER LUGO: Here.
 25 MR. NICHOLAS: Commissioner Malavasi.

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1 COMMISSIONER MALAVASI: Here.
 2 MR. NICHOLAS: Commissioner Mehta.
 3 COMMISSIONER MEHTA: Here.
 4 MR. NICHOLAS: Commissioner Ng,
 5 absent. Commissioner Pettigrew.
 6 COMMISSIONER PETTIGREW: Here.
 7 MR. NICHOLAS: Commissioner Walker,
 8 absent. And Chairman Kenny.
 9 CHAIRMAN KENNY: Here.
 10 MR. NICHOLAS: Chairman, we have a
 11 quorum.
 12 CHAIRMAN KENNY: Thank you. Can we
 13 please stand to salute the flag?
 14 (Flag salute.)
 15 CHAIRMAN KENNY: Commissioners, have
 16 you had the opportunity to review the minutes from
 17 the last meeting? And if so, I would like to ask
 18 for a motion to adopt the minutes?
 19 COMMISSIONER PETTIGREW: Motion.
 20 COMMISSIONER LUGO: Second.
 21 MR. NICHOLAS: On a motion made by
 22 Commissioner Pettigrew, and second by Commissioner
 23 Lugo. I will only call the names of the
 24 Commissioner who were present at the previous
 25 meeting, okay?

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1 Commissioner Aponte-Lipski.
 2 COMMISSIONER APONTE-LIPSKI: Aye.
 3 MR. NICHOLAS: Commissioner Layson.
 4 COMMISSIONER LAYSON: Aye.
 5 MR. NICHOLAS: Commissioner Lugo.
 6 COMMISSIONER LUGO: Aye.
 7 MR. NICHOLAS: Commissioner Malavasi.
 8 COMMISSIONER MALAVASI: Aye.
 9 MR. NICHOLAS: Commissioner Mehta.
 10 COMMISSIONER MEHTA: And Chairman
 11 Kenny.
 12 CHAIRMAN KENNY: Aye.
 13 MR. NICHOLAS: Chairman, the meeting
 14 minutes have been adopted.
 15 CHAIRMAN KENNY: Thank you.
 16 MR. NICHOLAS: The next item on the
 17 agenda are Matters Scheduled for Public Hearing.
 18 The first item is the Adoption of Hudson County
 19 Planning Board Schedule of Meetings for 2024. The
 20 Board should have received notification and
 21 information from Marchella Traina, and if someone
 22 would like to make a motion, we'll proceed for
 23 adoption.
 24 COMMISSIONER LUGO: Motion.
 25 COMMISSIONER PETTIGREW: Second.

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1 MR. NICHOLAS: All right. On a
 2 motion made by Commissioner Lugo, second by
 3 Commissioner Pettigrew.
 4 Commissioner Aponte-Lipski.
 5 COMMISSIONER APONTE-LIPSKI: Aye.
 6 MR. NICHOLAS: Commissioner
 7 Callegari.
 8 COMMISSIONER CALLEGARI: Aye.
 9 MR. NICHOLAS: Commissioner Jeter.
 10 I'm sorry. He's not here. Commissioner Layson.
 11 COMMISSIONER LAYSON: Aye.
 12 MR. NICHOLAS: Commissioner Lugo.
 13 COMMISSIONER LUGO: Aye.
 14 MR. NICHOLAS: Commissioner Malavasi.
 15 COMMISSIONER MALAVASI: Aye.
 16 MR. NICHOLAS: Commissioner Mehta.
 17 COMMISSIONER MEHTA: Aye.
 18 MR. NICHOLAS: Commissioner
 19 Pettigrew.
 20 COMMISSIONER PETTIGREW: Aye.
 21 MR. NICHOLAS: And Chairman Kenny.
 22 CHAIRMAN KENNY: Aye.
 23 MR. NICHOLAS: Chairman, the Regular
 24 Meetings for 2024 has been adopted.
 25 The next item on the agenda is the

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1 adoption of the Updated Recreational Open Space
 2 Inventory. Before I ask for a motion, I just would
 3 like to read the process for the items that are on
 4 the ROSI for approval. So the County is required to
 5 prepare an update to the Hudson County Recreation
 6 and Open Space Inventory, also known as the ROSI.
 7 As a condition of approval, to receive
 8 funds from the Green Acres program from the State,
 9 the ROSI amendment was introduced to the Planning
 10 Board at the October 2023, meeting with presentation
 11 by the planning staff Samuel Schroeder. The full
 12 ROSI Public Notice was posted in two newspapers 30
 13 days prior to the November 21st Planning Board
 14 Meeting and were posted on the County Planning Board
 15 site and sent to all of the Municipal clerks.
 16 The ROSI update as an amendment to the
 17 County's Master Plan followed the similar protocol
 18 and procedure to update the master plan, and
 19 therefore, it must be adopted by the Hudson County
 20 Planning Board. There's two items that will be
 21 essentially removed from the ROSI. The first item
 22 is a -- it's called a diversion. It's a tax lot at
 23 Laurel Hill, which will be removed for purposes to
 24 accommodate the Portal Bridge, which is under
 25 construction. The second item is the lease

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1 agreement has been expired in Lincoln Park, and
 2 essentially was not included in the ROSI.
 3 Are there any questions? Would someone
 4 like to make a motion for approval?
 5 COMMISSIONER PETTIGREW: Motion.
 6 COMMISSIONER MEHTA: Second.
 7 MR. NICHOLAS: On a motion made by
 8 Commissioner Pettigrew. Second by Commissioner
 9 Mehta.
 10 Commissioner Aponte-Lipski.
 11 COMMISSIONER APONTE-LIPSKI: Aye.
 12 MR. NICHOLAS: Commissioner
 13 Callegari.
 14 COMMISSIONER CALLEGARI: Aye.
 15 MR. NICHOLAS: Commissioner Layson.
 16 COMMISSIONER LAYSON: Aye.
 17 MR. NICHOLAS: Commissioner Lugo.
 18 COMMISSIONER LUGO: Aye.
 19 MR. NICHOLAS: Commissioner Malavasi.
 20 COMMISSIONER MALAVASI: Aye.
 21 MR. NICHOLAS: Commissioner Mehta.
 22 COMMISSIONER MEHTA: Aye.
 23 MR. NICHOLAS: Commissioner
 24 Pettigrew.
 25 COMMISSIONER PETTIGREW: Aye.

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1 MR. NICHOLAS: And Chairman Kenny.
 2 CHAIRMAN KENNY: Aye.
 3 MR. NICHOLAS: Chairman, the item
 4 known as the adoption of the Updated Recreational
 5 and Open Space Inventory has been adopted.
 6 Next on the agenda is the Memorialization
 7 of Resolutions considered at the previous meeting.
 8 This time we have one application that will be
 9 memorialized, and it is 2023-43-SP, Legend
 10 Management, LLC; located at 8800 Kennedy Boulevard;
 11 Block 395.13, Lot 1; in the municipality of North
 12 Bergen. Commissioners that were present at the last
 13 meeting, may I have a motion?
 14 COMMISSIONER LUGO: Motion.
 15 COMMISSIONER APONTE-LIPSKI: Second.
 16 MR. NICHOLAS: On a motion made by
 17 Commissioner Lugo, seconded by Commissioner
 18 Aponte-Lipski.
 19 Commissioner Aponte-Lipski. Commissioner
 20 Aponte-Lipski.
 21 COMMISSIONER APONTE-LIPSKI: Aye.
 22 MR. NICHOLAS: Commissioner Layson.
 23 COMMISSIONER LAYSON: Aye.
 24 MR. NICHOLAS: Commissioner Lugo.
 25 COMMISSIONER LUGO: Aye.

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1 MR. NICHOLAS: Commissioner Malavasi.
 2 COMMISSIONER MALAVASI: Aye.
 3 MR. NICHOLAS: And Chairman Kenny.
 4 CHAIRMAN KENNY: Aye.
 5 MR. NICHOLAS: Mr. Chairman, the
 6 items have been memorialized.
 7 And next on the agenda are Site Plans,
 8 Subdivisions and Other Matters Scheduled for Public
 9 Hearing. The first item on the agenda is
 10 2023-035-SP; County Avenue XNJ, LLC; located at 330
 11 County Avenue; Block 32, Lot 3; in the municipality
 12 of Secaucus. It's a site plan application to
 13 demolish the existing structure and construct a
 14 101,716-square-foot warehouse building with
 15 associated parking areas and truck court.
 16 MS. CURLEY: I have to recuse myself.
 17 The representative is an affiliate of the applicant,
 18 so I have Michael McQueeney of Foley Hoag to take my
 19 place.
 20 MR. MCQUEENY: Thank you.
 21 MR. SULLIVAN: Hi. Bill Sullivan,
 22 Scarinci Hollenbeck, on behalf of the applicant,
 23 County Avenue XNJ, LLC. The applicant is the owner
 24 of the property at 330 County Avenue, Block 32, Lot
 25 3, in Secaucus. We're proposing approximately

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1 102,000-square-foot warehouse. The property of is
 2 on the corner of County Avenue and Secaucus Road and
 3 the primary access is from County Avenue. There is
 4 emergency access proposed for Secaucus Road.
 5 We've worked with your professionals where
 6 we've had a considerable amount of give and take
 7 with them. The technical committee made some
 8 modifications to the project, so we're amenable to a
 9 couple of design waivers and site plan approvals, so
 10 we're hopeful that we can meet the requirements to
 11 grant that approval. My first witness this evening
 12 is Lauren Belardo, who is our site engineer.
 13 (The witness is sworn.)
 14 MS. BELARDO: B as in boy, E-L-A-R-D
 15 as in Donald, O.
 16 MR. SULLIVAN: So Lauren, could you
 17 provide the Board with the benefit of your
 18 professional credentials?
 19 MS. BELARDO: Sure. I'm a project
 20 manager at Langan Engineering and Environmental
 21 Services in Parsippany, New Jersey. I've been
 22 working for Langan for about over ten years now on
 23 the development of applications which are similar to
 24 the current application. I have had a professional
 25 engineering license in the New Jersey for last five

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1 years. I also have my bachelor's and masters
 2 degrees in civil engineering from the New Jersey
 3 Institute of Technology, and I've been considered an
 4 expert in multiple boards in the state of New
 5 Jersey.
 6 MR. SULLIVAN: So you've been
 7 qualified as an expert engineer before other boards
 8 in the state?
 9 MS. BELARDO: Yes.
 10 MR. SULLIVAN: Okay. I offer
 11 Ms. Belardo as an expert in civil engineering.
 12 CHAIRMAN KENNY: Thank you. If there
 13 are no objections, the witness is accepted.
 14 MR. SULLIVAN: All right. Lauren, if
 15 you could master the technology here?
 16 MS. BELARDO: I will try.
 17 MR. SULLIVAN: And if you can begin
 18 with an overview of the project and the zoning and
 19 the existing conditions.
 20 MS. BELARDO: Okay. I've got it. So
 21 the project site is 330 County Avenue in Secaucus,
 22 New Jersey, Block 32, Lot 3. Just to give like an
 23 overall project overview, we have construction of a
 24 large distribution warehouse with associated truck
 25 court and parking. The lot is located in the light

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1 industrial zone within is NJSEA district, and
 2 warehousing and distribution are approved uses.
 3 So going through the existing conditions,
 4 so the site is located at Block 32, Lot 3. The
 5 outline of this figure is yellow, and north is
 6 oriented in the top right corner of this plan. The
 7 lot is approximately 6.6 acres. To the west is
 8 County Avenue and to the north is Secaucus Road,
 9 both of which are County roads, and both of which
 10 have frontages for the site. So the south is
 11 Washington Avenue, and to the east is a vegetative
 12 area and the New Jersey Turnpike right-of-way.
 13 The applicant owns this property. It's
 14 currently occupied by United Ford. The building is
 15 approximately 19,227 square feet, and the site is
 16 approximately 85-percent impervious coverage, and
 17 also 77-percent motor vehicle coverage. The site
 18 has an existing grade change of approximately
 19 35 feet, which has significant impact on our design
 20 of the project. The site flows from west side to
 21 east, so from County Avenue to the east to the rear
 22 of the site and drains down towards the County
 23 right-of-way -- towards the New Jersey Turnpike
 24 right-of-way, away from the County right-of-way.
 25 There are two existing access points to

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1 the site. One is on County Avenue, and then one is
 2 on Secaucus Road. I do want to note that the one on
 3 County Avenue has a road width of approximately
 4 62 feet, and the driveway is directly on the
 5 sidewalk line of the property.
 6 MR. SULLIVAN: The site plan, give us
 7 an overview.
 8 MS. BELARDO: This is the submitted
 9 site plan for the application, and we are proposing
 10 to construct a distribution warehouse that's in
 11 compliance with the zoning regulations per NJSEA.
 12 The building is has a footprint of 101,806 square
 13 feet. That would be warehouse space, and then there
 14 is a 5,416 square foot office space as well. The
 15 tenant has just not been identified for the project.
 16 This is a speculative building so all of the
 17 specifics of this operation, the number of employs,
 18 number of tenants, hours of operation, all of this
 19 is not yet known, but we did design the site to
 20 accommodate a variety of potential tenants for a
 21 warehouse use.
 22 Access to the site is going to be
 23 maintained through -- from that County Avenue
 24 driveway. It's going to be a full access driveway
 25 along County Avenue. We are trying to balance this

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1 location by maintaining the existing location,
 2 trying to provide as much as distance as we can from
 3 the sidewalk line, but also creating as much
 4 distance as we can from the signal at the
 5 intersection. So there is also -- so this driveway
 6 has been designed to accommodate tractor trailers of
 7 33 feet in length, and as well as passenger
 8 vehicles, and additionally we are providing a
 9 secondary driveway off Secaucus Road that will be
 10 provided for emergency access only. There will be
 11 roadway changes and signage to discourage vehicles.
 12 We are requesting a waiver for the
 13 distance from the driveway to the sidewalk line of
 14 the property. So the requirement is that the
 15 driveway is ten feet from the sidewalk line, and
 16 what we've drawn with the driveway is greater than
 17 ten feet from the sidewalk line, but actually the
 18 right-of-way is seven and a half feet. This is due
 19 to the trucks maneuverability, but we did try to
 20 create as much distance as we can in the betterment
 21 from the existing condition that was right -- which
 22 is right at the end of the property line. We're not
 23 creating a sight distance issue with the other
 24 building that's up against that property line.
 25 MR. SULLIVAN: So it's a two and a

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1 half foot design waiver that the right-of-way --
 2 there is no building on the adjacent property. So
 3 it's providing for that access so that the site
 4 doesn't effect traffic safety or sight lines or
 5 anything like that?
 6 MS. BELARDO: Correct.
 7 MR. SULLIVAN: Okay.
 8 MS. BELARDO: There are existing
 9 sidewalks within the County of right-of-way for
 10 County Avenue and Secaucus Road. They're both four
 11 feet wide. The County regulation requires
 12 six-foot-wide sidewalks, so we plan to widened the
 13 sidewalk on County Avenue to be six feet wide, and
 14 replace any damaged sidewalk flagged on Secaucus
 15 Road as well, and also replace the damaged guardrail
 16 on both County Avenue and Secaucus Road.
 17 The parking, we're providing, 83 parking
 18 spaces, 82 are required per NJSEA requirements. So
 19 we are meeting the NJSEA parking requirements, and
 20 we do feel this is an appropriate amount of parking
 21 for a warehouse of this size. The parking spaces
 22 and the aisles are compliant in terms of their size
 23 and design, also compliant with the ADA standards as
 24 well as ADA width standards as well. In addition,
 25 we're providing ten trailer spaces and seven loading

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1 docks, and one driveway. We have one proposed
 2 monument sign that is going to be located at the
 3 main site driveway. It's going to be within the
 4 site, so it won't within the County the
 5 right-of-way, and it's complaint with the ordinance
 6 requirements as well.
 7 As far as grading goes, I mentioned
 8 earlier that the site was approximately 35 feet from
 9 west to east from the County Avenue down towards the
 10 rear of the site. There is a 35-foot grade change.
 11 So now we're putting a large warehouse building on
 12 it, that needs to be flat. We did have to flatten
 13 the slopes on the left-hand portion of the property
 14 that will be accommodating the green features and
 15 retaining wall on the eastern side of the property.
 16 For stormwater, so we are reducing
 17 impervious coverage by 1.05 acres, and we're
 18 reducing that percentage down from 68 percent down
 19 from 85 that was the existing condition. We're also
 20 reducing motor vehicle coverage by approximately
 21 3.04 acres. We're bringing that down to 42 percent
 22 from the existing 77 percent. So we're going to be
 23 reducing the motor vehicle coverage, and we're also
 24 reducing impervious, and these decreases are
 25 naturally reducing peak flows and volume and runoff

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1 within the site.
 2 So that's our reduction, flows, volume,
 3 and also reduction of the motor vehicle surface
 4 which all have to meet with the stormwater quality
 5 regulations of the State and the County, however,
 6 the County does also have a green infrastructure
 7 requirement for stormwater, and that requirement is
 8 to reduce 50 percent of the disturbed area with two
 9 green infrastructure BMPs. So because of the size
 10 of the building and the New Jersey -- sorry about
 11 that.
 12 In New Jersey, building runoff is clean.
 13 So the building is approximately 2.34 acres. We're
 14 also proposing two different green infrastructure
 15 BMP green techniques, which are swails as well as
 16 impervious pavement. So those swails and impervious
 17 pavement together are treating 2.9 acres of the
 18 site. So total if you combine the rest of the
 19 building is 2.34 acres, and the green infrastructure
 20 is treating 2.9 acres, you're getting approximately
 21 5.24 acres of clean runoff from the combination of
 22 the building and the treated areas which is greater
 23 than 50 percent. So we are trying to meet the
 24 intent of the green infrastructure rule, but because
 25 the green infrastructure BMPs themselves are not

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1 treating 50 percent, we are requesting a waiver from
 2 the strict compliance with the regulation.
 3 Similar to the existing conditions, we
 4 are -- the stormwater runoff will continue to
 5 discharge to the rear of the property away from the
 6 County right-of-way. It will discharge towards the
 7 rear of the site, towards the retaining area near
 8 the New Jersey Turnpike. The site is not located
 9 within a flood area. We did check the Hudson County
 10 map as well as the FEMA preliminary flood maps. The
 11 lowest elevation on the project site which we're not
 12 disturbing is -- it's not the disturbance property
 13 of the site is Elevation 11. The FEMA mapping shows
 14 a tidal base flood elevation of Elevation 9 in this
 15 area. So the site is above the flood hazard area.
 16 It does come like just within the vegetative area to
 17 the west of the site.
 18 As far as lighting, we're providing area
 19 building-mounted lights and area light fixtures, all
 20 LED at a 25-foot mounting height as per the NJSEA
 21 requirement. The landscaping as you can see, we're
 22 providing a lot of landscaping for this project,
 23 approximately 160 trees in total, 102 shade trees,
 24 five ornamental trees and 46 evergreen trees; a
 25 total of 416 shrubs and perennials and grasses as

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1 well. Along the County Avenue frontage, we have 12
 2 shade trees that are proposed. On the Secaucus
 3 frontage, there are 15 shade trees proposed and
 4 while we have space for trees to meet the County
 5 requirement of 30 feet on center, we are one tree
 6 shy of the frontage due to the -- the driveways on
 7 each frontage, so we have agreed to contribute to
 8 the tree fund for the County. Otherwise there is no
 9 encroachment to the County right-of-way.
 10 We received an engineering letter from T &
 11 M and also a planning letter, and we have met with
 12 the County Planning Committee several times to go
 13 through this application, and the applicant will
 14 comply with any of the other comments of the Hudson
 15 County professionals, and we'll go through each
 16 approval from Hudson County, the Hudson Essex
 17 Passaic Soil Conservation District, and we have
 18 received limited comments from Secaucus, and we have
 19 also addressed planning board with our recent
 20 submission, and we have not received any comments
 21 from them as of yet.
 22 MR. SULLIVAN: Those are all the
 23 questions I have for Ms. Belardo, Mr. Chairman.
 24 CHAIRMAN KENNY: Commissioners, do
 25 you have any questions of the engineer?

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1 COMMISSIONER MEHTA: You mentioned
 2 that 5400 square feet will be the office space.
 3 MS. BELARDO: Yes.
 4 COMMISSIONER MEHTA: Is that part of
 5 the 101,000, or is that in addition to the 101,000?
 6 MS. BELARDO: It's in addition to the
 7 101. It's 101,806 is the footprint and then the
 8 5416 is for the office area. That's like a second
 9 floor, just a portion of the building.
 10 MR. SULLIVAN: So the total square
 11 footage of the usable space is 101 plus the 54.
 12 COMMISSIONER MEHTA: It's 5400 or
 13 54,000?
 14 MR. SULLIVAN: It's 5400.
 15 MS. BELARDO: Correct. My apologies
 16 if I said 54,000.
 17 COMMISSIONER MEHTA: That's why I was
 18 confused. And the parking area you mentioned that
 19 next to the driveway will be some big trucks that
 20 are going to come into that driveway to get onto the
 21 site, so do you have a guardrail between the
 22 driveway with the trucks and the parking area?
 23 MS. BELARDO: In terms of like the
 24 truck movements and the trucks coming in?
 25 COMMISSIONER MEHTA: No, I mean like

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1 a blocked area so you don't have the trucks who want
 2 to go in and have a possible accident in the parking
 3 area.
 4 MS. BELARDO: So I don't believe that
 5 the trucks can maneuver from this driveway into the
 6 parking area because of the radii. I don't believe
 7 that we could fit the maneuver. The trucks will be
 8 loading in this area.
 9 CHAIRMAN KENNY: Any other questions?
 10 COMMISSIONER CALLEGARI: I noticed
 11 that there's just been demolition of the building,
 12 and if so, was there any communication prior to
 13 that?
 14 MS. BELARDO: I can't speak to that.
 15 MR. SULLIVAN: Certainly, if that was
 16 the case any demo we do we'll have to get all of
 17 appropriate permits and do the appropriate
 18 inspections. We will certainly put it on the record
 19 that we will comply with whatever the requirements
 20 are and conditions.
 21 COMMISSIONER MEHTA: Yeah, do you get
 22 permit from the DEP also for any contaminant that
 23 might be there?
 24 MR. SULLIVAN: As far as asbestos?
 25 Part of the requirements for the demo permit from

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1 Secaucus, we'll have to demonstrate what is there
 2 and what is not there. That's as part of the demo
 3 work that they're given on that.
 4 COMMISSIONER MEHTA: Okay.
 5 CHAIRMAN KENNY: Anything from
 6 engineering? Anything from the public? Proceed
 7 with the next witness.
 8 MR. SULLIVAN: Thank you, Lauren. My
 9 second and final witness is Karl Pehnke.
 10 (The witness is sworn.)
 11 MR. PEHNKE: It's Karl with a K, P as
 12 in Peter, E-H-N-K-E.
 13 MR. SULLIVAN: Would you provide the
 14 Board with your experience, please?
 15 MR. PEHNKE: Sure. I'm vice
 16 president of Langan Engineering and Environmental
 17 Services. I am a registered professional engineer
 18 in the state of New Jersey. My license is in good
 19 standing. I've been practicing for 38 years, and I
 20 have appeared before this Board many times in the
 21 past.
 22 CHAIRMAN KENNY: Okay. We have no
 23 objections at this time. You can proceed.
 24 MR. PEHNKE: Okay. Lauren has
 25 already done a really good job just describing the

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1 site, the access. Just to reiterate, it is
 2 redevelopment of existing active site. From a
 3 traffic perspective, there is no change to the
 4 roadway system. The proposed warehouse is basically
 5 associated with less traffic generation and traffic
 6 impacts to the system so there are no additional
 7 impacts on the road system leading to and from this
 8 site.
 9 As indicated, the site does have two
 10 access points today, one at County Avenue and one on
 11 Secaucus Road. The one on Secaucus will be
 12 maintained as emergency access only, so we won't be
 13 using that driveway which is a benefit to traffic on
 14 Secaucus Road. We are maintaining and improving the
 15 existing driveway on County Avenue to accommodate
 16 the type of vehicles that are typical to a building
 17 of this type. That driveway is as far to the south
 18 of Secaucus Road and the traffic signal as is
 19 permissible.
 20 One of the reasons for the waiver request
 21 is from the sight line of the driveway to make the
 22 additional movement. The driveway has been designed
 23 to accommodate the types of vehicles that are
 24 entering and leaving the site. We are requesting a
 25 full movement into and out of the site as typical of

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1 driveways along County Road, and we'll probably
 2 receive vehicles that are coming to site as well as
 3 exiting onto the road system. We believe that the
 4 traffic generation, which is relatively modest, ten
 5 to fifteen vehicles an hour, will be making a right
 6 into the site. It is modest and will operate well.
 7 The driveway is removed from the full
 8 width of the left turn lane at the traffic signal so
 9 it's a good location, and I think that the driveway
 10 can operate safely, with proper sight lines,
 11 properly geometry and basically low traffic volumes.
 12 That's really it.
 13 MR. SULLIVAN: Karl, could you just
 14 address the Commissioner's comment about the
 15 movement of the trucks and vehicles --
 16 MR. PEHNKE: Oh, certainly. So the
 17 movement of the truck vehicle coming in there is a
 18 clean circulation, separate from the parking area to
 19 the back of the building in the truck court. So
 20 trucks are separated from any vehicles which are in
 21 a separate lot, so that provides for safe movement
 22 of trucks into and out of the site, separate from
 23 the movement of vehicles associated with any
 24 employees or visitors of this building.
 25 MR. SULLIVAN: I have no other

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1 questions for Mr. Pehnke.
 2 CHAIRMAN KENNY: Commissioners, do
 3 you have any questions?
 4 COMMISSIONER MALAVASI: Just to talk
 5 about the driveway, Mr. Pehnke said they have
 6 another driveway on County Avenue. We had a lot of
 7 conversations about trucks making the left, but
 8 based on our conversation, they've done the best
 9 they can. While I'm not -- they could have made the
 10 movement easier, but they have best practices.
 11 MR. PEHNKE: I would agree. I think
 12 we're maintaining proper definition while
 13 accommodating that turning movement safely, and of
 14 course, the frontages are all going to be cleaned up
 15 with wider sidewalks and new street trees.
 16 CHAIRMAN KENNY: Any other
 17 Commissioners?
 18 MR. BONDAR: I have one quick
 19 question. You don't have a tenant yet. I mean do
 20 you envision what tenant could possibly --
 21 MR. PEHNKE: There are some variation
 22 with tenants and the traffic generation. I think we
 23 have mainly covered 95 percent of the types of
 24 tenants in our traffic generation for warehouse use.
 25 Quite frankly, you monitor these types of

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1 facilities. We found them to be relatively quiet.
 2 I think we will continue to identify, but I think
 3 we've overestimated the amount of truck traffic
 4 coming in and out. There's six loading bays. It's
 5 really not an intensive distribution, so I would
 6 expect that the testimony is based on probably a
 7 high end projection at this point in this time.
 8 MR. BONDAR: And as at 100,000 square
 9 feet, \$100,000 square feet is not a very big
 10 warehouse these days.
 11 CHAIRMAN KENNY: Any other questions?
 12 COMMISSIONER MEHTA: Does the
 13 applicant have to be approved by the Secaucus town?
 14 MR. SULLIVAN: It's still undergoing
 15 review for permitting by Secaucus. It doesn't -- it
 16 doesn't have -- Secaucus has taken back zoning
 17 jurisdiction from NJSEA. Because this application
 18 does not require a variance, it does not have to go
 19 to the Secaucus Planning Board. It will be reviewed
 20 administratively. That's just like if it was at
 21 NJSEA and you didn't need a variance, it was would
 22 be administratively there. So we're now undergoing
 23 review by the professionals in Secaucus.
 24 COMMISSIONER MEHTA: Okay.
 25 MR. SULLIVAN: So they have the right

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1 to say yes or no. It doesn't have to go to the
 2 board. It doesn't need a variance. It's a little
 3 unusual, but that's the way it would have worked at
 4 NJSEA if it wasn't for delegation.
 5 COMMISSIONER MEHTA: So right now, I
 6 assume that you don't have to go to a public
 7 meeting?
 8 MR. SULLIVAN: We don't have -- we
 9 don't have all of the approvals we need from
 10 Secaucus. We do not after tonight go and get a
 11 building permit. We're still under review by Carl
 12 Lightman (ph.) and Jennifer Modi in Secaucus.
 13 COMMISSIONER MEHTA: So you will not
 14 be 24 hours open?
 15 MR. SULLIVAN: Will it be a 24-hour
 16 operation? I don't know if I could say that. We
 17 don't know that yet. Secaucus has not imposed any
 18 hourly restrictions on it.
 19 That's all that we have, Mr. Chairman.
 20 This is a redevelopment of an important site, and
 21 we're going to take a rundown and underutilized
 22 property and turn it into a state-of-the-art
 23 warehouse. We don't really have any negative
 24 impacts. We do need those two design waivers for
 25 the setback at the driveway to the adjacent property

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1 and for the -- for not having all of the BMPs for
 2 the green infrastructure, and I think our testimony
 3 has supported that. So I encourage your support,
 4 and thank you very much.
 5 CHAIRMAN KENNY: Are there any more
 6 comments or questions of Commissioners or anyone
 7 from the public? I would like to see if we have a
 8 motion?
 9 COMMISSIONER PETTIGREW: Motion to
 10 approve.
 11 COMMISSIONER LUGO: Second.
 12 MR. NICHOLAS: On a motion made by
 13 Commissioner Pettigrew, and second by Commissioner
 14 Lugo.
 15 Commissioner Aponte-Lipski.
 16 COMMISSIONER APONTE-LIPSKI: Aye.
 17 MR. NICHOLAS: Commissioner
 18 Callegari.
 19 COMMISSIONER CALLEGARI: Aye.
 20 MR. NICHOLAS: Commissioner Layson.
 21 COMMISSIONER LAYSON: Aye.
 22 MR. NICHOLAS: Commissioner Malavasi.
 23 COMMISSIONER MALAVASI: Aye.
 24 MR. NICHOLAS: Commissioner Mehta.
 25 COMMISSIONER MEHTA: Aye.

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1 MR. NICHOLAS: And Chairman Kenny.
 2 CHAIRMAN KENNY: Aye.
 3 MR. NICHOLAS: Chairman, the motion
 4 has been approved.
 5 MR. SULLIVAN: Thank you very much.
 6 COMMISSIONER PETTIGREW: You didn't
 7 call on me.
 8 MR. NICHOLAS: Oh, I'm sorry,
 9 Commissioner Pettigrew.
 10 Before we get to the next application, I
 11 just for the record before I mentioned to
 12 Commissioner Callegari, but I just mentioned before
 13 that you could recuse yourself from that whole
 14 application. I just want to make that correction.
 15 Thank you.
 16 Next on the agenda is application
 17 2023-064-SP BASF Corporation; located at 1 Central
 18 Avenue, Block 17, Lot 2; in East Newark.
 19 MR. SCHNEIDER: My name is Dave
 20 Schneider. I'm with the law firm of Bressler, Amery
 21 & Ross, and I represent BASF Corporation with
 22 respect to the project we're bringing forward here
 23 tonight. But at the outset I will confess that I am
 24 not a Planning Board lawyer, and so please bear with
 25 me if I'm not as familiar with all of the procedures

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1 and the issues that you would like to have
 2 addressed. So please feel free to ask for whatever
 3 you need to in terms of questions.
 4 We have materials here that we can make a
 5 presentation generally about the project and to
 6 answer questions. We do have a letter that was sent
 7 yesterday to Carol Ann Mack, BASF's legal
 8 department, and we feel we have come -- we either
 9 have complied all of the requirements or certainly
 10 will in the course of completing the development.
 11 With me tonight is Cameron Dixon. He is
 12 with BASF Corporation. He is the project engineer
 13 for the project, and he can describe it in any level
 14 of detail that you're interested in hearing tonight.
 15 You know, it's in essence, what BASF is doing here
 16 is, this is a five-acre former industrial property
 17 that BASF owns on the banks of the Passaic River
 18 down in East Newark, and it has -- it was a site
 19 that was used formerly occupied by and operated by
 20 Englehardt Corporation, which BASF acquired back in
 21 2006.
 22 At this location Englehardt processed and
 23 used precious metals, platinum, silver, gold. They
 24 would take the raw metal material, and then process
 25 in terms of reaction into kind of a liquid form, and

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1 then that liquid, liquid gold was one of their main
 2 products that was used for various purposes like,
 3 you know, putting the gold rim around China cups and
 4 things like that.
 5 From an industrial point of view, it was
 6 very light industry compared with much of the
 7 industry along the Passaic River. There was a
 8 remediation that was conducted by BASF and with the
 9 supervision of NJDEP, and at the conclusion of that,
 10 there were discussions with the Borough of East
 11 Newark about using this property as a park, and so
 12 BASF is constructing a new park, and it will be
 13 donated to the Borough of East Newark upon
 14 completion. We're planning to have it completed --
 15 you know better, Cameron?
 16 MR. DIXON: The opening date is
 17 scheduled for October 19, 2025.
 18 Q. Okay. So we're moving forward, and
 19 there's been a lot of preliminary work done in terms
 20 of the bulkhead and some soil moving and so forth,
 21 and so we're here to try to get your final approval
 22 from the Commissioners this evening, and we will
 23 present whatever you would like us to present. If
 24 you're interested in kind of an overall description
 25 of the project, Mr. Dixon can -- can do that. So

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1 it's really you know up to you how you would like
 2 use proceed?
 3 MS. CURLEY: Why don't you give a
 4 quick overview, and I'll swear you in.
 5 (The witness is sworn.)
 6 MS. CURLEY: Could you please give
 7 the Board your qualifications?
 8 MR. DIXON: Sure. My name is
 9 Cameron, C-A-M-E-R-O-N; last name, Dixon, D-I-X-O-N,
 10 professional engineer here in New Jersey. I've been
 11 working as a civil environmental engineer, civil
 12 work or environmental engineering for approximately
 13 15 years, most of it on projects in New Jersey. I
 14 have a bachelors from the University of Southern
 15 California, masters from the Massachusetts Institute
 16 of Technology. And I'm not sure what else to say.
 17 CHAIRMAN KENNY: Thank you.
 18 MR. SCHNEIDER: Give us an overview
 19 of the project itself, your project.
 20 MR. DIXON: So we have the
 21 presentation we presented on the call earlier this
 22 year to the Planning Board. So this park is five
 23 acres located across starting -- this is Clay
 24 Street, the Clay Street Bridge that goes from Newark
 25 to East Newark. This is Passaic Avenue, Tops Diner

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1 over here for people who are familiar with it. This
 2 is the East Newark Town Center project. It's the
 3 former Clark Thread factory, and at the north end of
 4 the project, there in the north, the Southern
 5 Railroad right-of-way, and the quote-unquote, Annie
 6 Bridge, because of the movie, Annie, and that is
 7 also the outline of Kearny at the north end of the
 8 project. So I'm sure you're familiar with it.
 9 East Newark is a very tiny town,
 10 approximately 80 acres, located between Harrison and
 11 Kearny on the Passaic River. The project site is
 12 here in green, approximately five acres. This will
 13 be the Borough of East Newark's first public park.
 14 These are the current conditions. Everything is in
 15 a preconstruction condition the park. This is
 16 looking at Passaic Avenue. This is looking from the
 17 Clay Street Bridge North. And this is looking north
 18 at the site.
 19 Following the demolition of the Englehardt
 20 property in 2009 and 2010, there was remediation.
 21 The site has been left vacant up until now. The
 22 very northern portion of the site was used by the
 23 previous owner for parking vehicles, and BASF bought
 24 that property. I don't remember what year they
 25 bought that property.

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1 MR. SCHNEIDER: It was about two
 2 years ago.
 3 MR. DIXON: About two years ago.
 4 This is looking, you know, across Passaic Avenue
 5 towards the Clark Thread factory building. So our
 6 site plan is shown here. North is towards the
 7 left-hand side of the page, and the Passaic River is
 8 on this side, and Passaic Avenue is here, and Clay
 9 Street right here.
 10 Our overall plan for the site is basically
 11 we have kind of a progression that goes from one end
 12 to the other. So starting on the north end of the
 13 site, the focus is on more of a naturalistic feel.
 14 There is going to be larger trees, more vegetation.
 15 We do have an amphitheater and stage built into this
 16 hill. Also the area at the north end of the site is
 17 going to be built up, so these are actually going to
 18 be small hills that are increasing in size to our
 19 amphitheater, to our amphitheater here, which is
 20 approximately -- 15 feet above base elevation of 25.
 21 We have a boardwalk that will be running
 22 along the river, and we have along the river, we
 23 have these rain gardens which will, you know, are
 24 used for stormwater control, also beautification,
 25 and you know, education. As we move towards the

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1 south, we start to transition more to the human use
 2 portion -- well, the more -- parts of the park are
 3 more centered around human use. We have the great
 4 lawn at this location. This is what we called a
 5 viewing pond. It actually has a slope towards the
 6 back so people can rest, gaze out onto the Passaic
 7 River. We have this pond here. This is going to be
 8 a picnic area, you know, heavily vegetated with a
 9 lot of picnic tables.
 10 This is our kind of our open space plaza
 11 that we've discussed with East Newark and could be
 12 used for a farmer's market, activities, et cetera,
 13 to be put in temporarily. This pod right here and
 14 this pod right here will be a playground. The
 15 playground will actually have fence around it so
 16 that the kids don't wander off into the street, and
 17 then finally it is hard to see this because of the
 18 trees but we have a restroom located in this
 19 location, a simple precast building with, you know,
 20 two restrooms and a small maintenance closet.
 21 There will also be a small shed up at the
 22 near the northern end of the property that will be
 23 used for park maintenance essentially, and we have a
 24 small eight-spot parking lot area. The parking lot
 25 is essentially right-turn entrance and right-turn

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1 exit only. And you know, that was one of the
 2 requests from the Planning Board technical staff
 3 with the added signs to indicate that. This is
 4 pretty, but I'm going to this one.
 5 This is the layout, you know, with the
 6 trees and with the trees, it shows more beautifully.
 7 Part of the agreement for this park is to bring a
 8 lot of vegetation to the area, you know, softened
 9 area and bring a lot of vegetation instead of just
 10 asphalt and grass. So we're bringing a lot of trees
 11 in. Our rain gardens actually have public features
 12 in there, and as you know, the boardwalk. And here
 13 is a -- here is a bird's eye view.
 14 Let's talk about the shade structure a
 15 little bit. So we have plans that we submitted with
 16 a shade structure that is, you know, kind of more --
 17 continuous piece that covers all of these areas
 18 rather than three separate pieces. That's pretty
 19 much what we expect the park to look like after it's
 20 in, and you know, one of the important parts of this
 21 park is actually adding more resiliency to the area.
 22 Let me go to the submission.
 23 So right now the site is quite flat
 24 ranging in elevation from at its lowest point,
 25 Elevation 5 up to Elevation 10 or 11. But over most

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1 of the site is at Elevation 7 or 8. The FEMA base
 2 flood elevation for the Passaic River is Elevation 9
 3 in this area. The proposed FEMA flood elevation is
 4 Elevation 11 in this area. So if during a
 5 hundred-year flood event, it goes right across the
 6 site and floods -- you know, floods Passaic Avenue
 7 and these buildings here.
 8 One of the things that we are doing is
 9 incorporating a ridge that runs across the site that
 10 ties in with the clay street embankment here and the
 11 north and southern embankment here that we're
 12 negotiating access, which we who hope it will be
 13 granted from them soon, that will prevent flood
 14 waters go from over the central portion of the site
 15 and reaching Passaic avenue. So it greatly
 16 increases flood resiliency compared to the -- you
 17 know, compared to the current conditions.
 18 And one other thing that I would actually
 19 like to add to the change since we created this site
 20 is while these areas here are below the Base Flood
 21 Elevation 9, this is where our rain gardens are so
 22 it's the lowest point on the site. We have
 23 incorporated into our boardwalk a flood wall so that
 24 goes up to Elevation 9. So the park itself should
 25 not flood under base flood.

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1 The next slide talks about site
 2 stormwater, so you know, previously, the existing
 3 conditions prior to development was there were
 4 some -- there was a mix of storm systems on-site,
 5 some of which discharge to the Passaic River, some
 6 of them which -- other large areas just sheet flow
 7 into Passaic Avenue. Our site is significantly
 8 reducing runoff to Passaic Avenue. We're
 9 discharging the vast majority of the site to the
 10 Passaic River, and we're running it through in
 11 addition to -- in addition to the large rain garden,
 12 we also have a sufficient amount of low-grade
 13 detention systems that will be used to supplement
 14 the irrigation system for the site. So we're store
 15 stormwater and use it for irrigation for so long as
 16 it flows.

17 So that is the presentation that we gave
 18 to the planning board in September. We gave it to
 19 the site plan meeting. If there is any specific
 20 questions about the site -- if there is any specific
 21 questions, I'll hand it back to the board.

22 COMMISSIONER PETTIGREW: Yes. Is the
 23 park fenced in?

24 MR. DIXON: The park is an open
 25 access park. It is not going to have a perimeter

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1 around it.

2 COMMISSIONER LUGO: I think just the
 3 playground?

4 MR. DIXON: The playground is, yes,
 5 but the rest of the park is open access.

6 COMMISSIONER PETTIGREW: So we can go
 7 over the Clay Street Bridge and go right into the
 8 park?

9 MR. DIXON: Yes.

10 COMMISSIONER PETTIGREW: You only
 11 have eight parking spots anyway, you know.

12 MR. DIXON: So yes. For access and
 13 control, you know, as you come across Clay Street,
 14 there is a grade separation and guardrail along the
 15 end of the street until you get to about this point.
 16 That's existing. Then we have these planters which
 17 are raised bed planters. They're going to be steel
 18 facing, and they're positioned in such a way so that
 19 cars can't just drive in, you know. If there is an
 20 accident on the site at the intersection, they will
 21 hit those planters. They won't go into the site.

22 And Passaic Avenue is also being widened
 23 at the intersection. In fact, it has been widened,
 24 but it's going to have some additional work which
 25 will hopefully improve the traffic movements on our

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1 site.

2 COMMISSIONER PETTIGREW: There's one
 3 pole there?

4 MR. DIXON: I think there is more
 5 than one telephone pole. That's the County's
 6 problem to deal with.

7 COMMISSIONER PETTIGREW: How many
 8 acres?

9 MR. DIXON: It's five acres, just
 10 over five.

11 COMMISSIONER CALLEGARI: I have a
 12 question.

13 MR. DIXON: Yes.

14 COMMISSIONER CALLEGARI: Forgive me,
 15 you're building a five-acre site in East Newark, and
 16 were you around in 2022, when there was a ground
 17 breaking? The ground breaking already happened in
 18 2022?

19 MR. DIXON: We started installing the
 20 bulkhead after that.

21 COMMISSIONER CALLEGARI: Okay. Thank
 22 you.

23 MR. DIXON: Yeah. You know, in the
 24 interest of full, you know, full transparency, you
 25 know, we had mentioned we are not normally in front

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1 of planning boards. The park is an exceptional
 2 project for us. We're not T & M, et cetera. We
 3 were not aware that the County Planning Board
 4 approval was needed. It hadn't been identified by
 5 anybody. We had received our land use, you know --
 6 NJDEP received our land use application, didn't
 7 identify the Planning Board, which also required
 8 approval, you know. If we had known, we won't have
 9 done work without the Planning Board first. It was
 10 only -- it was the project manager for the street
 11 widening, actually told us about it. We apologize
 12 for not.

13 MR. NICHOLAS: Chairman, if I could
 14 add a point of clarification. Although on the
 15 agenda, the address is One Central Avenue, it's
 16 actually the County's jurisdiction for
 17 redevelopment. I just want that on the record.
 18 Also typically, we, the County as a Board, would
 19 review as a courtesy for public space or public
 20 parks and public agencies. So essentially, BASF
 21 will be donating this land to the Town of East
 22 Newark. We do not require them to meet the
 23 stormwater management and the shade tree
 24 requirement. As you can see they already provided
 25 public benefits.

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1 MR. DIXON: And we do meet the
 2 stormwater management criteria anyway.
 3 MS. TRAINA: Chairman, if I may. So
 4 just to clarify vehicle access into the park, is
 5 restricted only to this parking lot, correct?
 6 MR. DIXON: Correct.
 7 MS. TRAINA: And how many spaces are
 8 proposed?
 9 MR. DIXON: There are eight spaces
 10 that are proposed.
 11 MS. TRAINA: Are there any of them
 12 ADA?
 13 MR. DIXON: Yes. Two of them are ADA
 14 spaces. Six regular, two ADA spaces. It might take
 15 me a minute. There are a few slides here. It's
 16 definitely in the front so. Here we go. This is
 17 the detail of the parking area. So you know, as
 18 previously mentioned, access is right-hand turn only
 19 from Passaic Avenue into this area. We do have a
 20 sunken curb here which would have a chain across it.
 21 That's for the park maintenance folks to come into
 22 their shed which is located right over here, and
 23 then we have six regular parking spots, two ADA
 24 spots, and we have cross parking zone right here.
 25 MS. TRAINA: Can you speak to any

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1 other ADA features in the park?
 2 MR. DIXON: Yeah. So the entire park
 3 even though we have all of these significant upgrade
 4 changes, we have designed all pathways in the park
 5 to meet ADA requirements. There are really no
 6 places in the park that are not accessible to the
 7 people who are using the park. That was very
 8 important to us, and that became a significant
 9 challenge when we decided to raise this end of the
 10 park to Elevation 12 for flood resiliency because we
 11 made it work.
 12 You know, in addition to that, the
 13 landscape team did consider ways to make the paths
 14 clearer to the people who are low vision, you know,
 15 using separate color bands along the borders so that
 16 it's very easy to see the walking areas, you know,
 17 the darker contrasts, you know, the darker contrasts
 18 at the edges. Of course the restrooms are ADA.
 19 MS. TRAINA: And any playground
 20 equipment?
 21 MR. DIXON: Yes, the playground
 22 equipment has not been selected yet. The playground
 23 is being designed and built in conjunction with a
 24 local group. They are currently working on funding
 25 for that.

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1 MS. TRAINA: Okay. Thank you.
 2 CHAIRMAN KENNY: Any other questions?
 3 COMMISSIONER MALAVASI: Yeah. Just a
 4 brief statement about the work that the County is
 5 doing. We are widening. We added a right turn lane
 6 to Passaic Avenue. That was part of the off-track
 7 contribution fund for Passaic Avenue because the
 8 traffic flows in Kearny have been so successful. We
 9 created the right-turn lane, so the roads will be a
 10 little bit wider, and we'll be able to finish the
 11 project before the applicant is finished with the
 12 redevelopment across the street.
 13 The stormwater, the new sidewalks into the
 14 BASF property, they did accommodate us with the
 15 right turn only movement configuration. Since we're
 16 redoing all of the sidewalks along Central Avenue,
 17 we've agreed we're going to build sidewalks all the
 18 way up to Passaic and not have them tear it up, so
 19 we're going to have to work with them. We're going
 20 to build our sidewalks to accommodate these
 21 driveways, and our plan is to have all street trees.
 22 We're putting in street trees and sidewalks. So
 23 we'll have access to the property in the green
 24 spaces.
 25 So my question, the site plan that was

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1 submitted, I don't know when it was submitted, I
 2 just want to make sure that that has not changed?
 3 MR. DIXON: No.
 4 COMMISSIONER MALAVASI: The other
 5 question is the work across the street, they're
 6 working on stormwater?
 7 MR. DIXON: Yes. So the East Newark
 8 Town Center stormwater, we've been trying to get the
 9 developer since December of 2022, and just to, I
 10 guess, bring the Board up to date, the town -- I
 11 don't have the drawing that shows it. The East
 12 Newark Town Center is required to separate their
 13 storm sewer. They are bringing a line across the
 14 street then down along the edge of the park and then
 15 over and discharging into the Passaic River into the
 16 bulkhead.
 17 They have installed their pipe halfway
 18 across Passaic avenue then stopped. They installed
 19 their pipe parallel to Passaic Avenue, and then
 20 stopped and then have disappeared, and it's been a
 21 significant impediment to our park. BASF has put
 22 forth all efforts to get them to move. We get a lot
 23 of excuses from them. Their main excuse is that
 24 they encountered a telecommunications utility that
 25 was lower than they expected, and now they have to

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1 lower their pipe by 22 inches. The pipe is a
 2 48-inch-by-29 elliptical pipe, so it's very large.
 3 And you know, so unfortunately --
 4 COMMISSIONER MALAVASI: When I'm
 5 ready to build my sidewalk, I'm building it.
 6 MR. DIXON: Yeah. We are -- we are
 7 essentially at that point. You know, we're trying
 8 to very hard not to build things that will just get
 9 ripped out --
 10 COMMISSIONER MALAVASI: Right.
 11 MR. DIXON: Immediately or damage the
 12 storm drain system and then get it repaired. I
 13 would say because he has installed the pipe that
 14 runs along the edge of the sidewalk and parallel to
 15 the street, if you build your sidewalk now, he will
 16 only have to tear up two panels to do his crossing,
 17 so I would just build your sidewalk.
 18 COMMISSIONER MALAVASI: We will have
 19 that conversation with BASF and East Newark. We
 20 just kicked off the preliminary Clay Street Bridge
 21 replacement. There is a possibility that because
 22 they sought to build a donated park, just so the
 23 Board knows, we may need a plan with regard to the
 24 Clay Street Bridge. That's something that we'll
 25 deal with East Newark down the road.

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1 MR. DIXON: So I will say that you
 2 know, we were aware that that was a possibility, but
 3 that was one of the options that was being put in
 4 and kind of designed it so that, you know, where if
 5 according latest plan which are the evaluated plans,
 6 if the Clay Street Bridge has to be moved to the
 7 north, we'll primarily just wipe out this one
 8 planting area, and it could be accommodated and
 9 won't interfere with our active resources or our
 10 sewers, et cetera.
 11 COMMISSIONER MALAVASI: We appreciate
 12 this, and we're glad to accommodate the park.
 13 COMMISSIONER PETTIGREW: I didn't
 14 think the Clay Street Bridge would happen in my
 15 lifetime.
 16 COMMISSIONER MALAVASI: It will
 17 happen in my lifetime, about seven years.
 18 MR. DIXON: I suppose it would be
 19 good of me to point out that there is approximately
 20 only four bridges built of that type in the area and
 21 there is two remaining, and that one of them.
 22 COMMISSIONER MALAVASI: I'm sure it's
 23 because of the elements that only two exist.
 24 COMMISSIONER LUGO: Just out of
 25 curiosity because it's unfenced, who would be

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1 responsible to police the area?
 2 MR. DIXON: So the Borough of East
 3 Newark will be taking over the responsibility.
 4 We've discussed this significantly with them, and we
 5 show it on this drawing, in order to facilitate the
 6 policing of the park there actually will be a small
 7 trailer mounted guard check there. They wanted a
 8 trailer so they could move it as needed to higher
 9 traffic areas if they wanted, but the Borough of
 10 East Newark does plan to staff up their police
 11 department as required to police the park.
 12 We also, you know, have a significant
 13 lighting plan for the park to make sure it's
 14 illuminated on-site. We've put quite a bit of
 15 effort and thought into making sure that you know --
 16 to ensure public safety to the extent possible,
 17 giving clear sight lines and giving people multiple
 18 options so that you don't get trapped in the corner.
 19 COMMISSIONER LUGO: So any video
 20 surveillance would be taken on by East Newark?
 21 MR. DIXON: Yes. We have not
 22 discussed video surveillance, so there is no video
 23 surveillance currently in the plans.
 24 COMMISSIONER LUGO: All right.
 25 CHAIRMAN KENNY: Any other questions?

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1 If not, I would like to ask for a motion to approve.
 2 COMMISSIONER LUGO: Motion.
 3 COMMISSIONER MEHTA: I second. I
 4 would like to say this is a good project and
 5 congratulations.
 6 MR. DIXON: We're very excited. We
 7 encourage you all to come down and visit. It will
 8 be on the ROSI next year.
 9 MR. NICHOLAS: On a motion made by
 10 Commissioner Lugo. Second by Commissioner Mehta.
 11 Commissioner Aponte-Lipski.
 12 COMMISSIONER APONTE-LIPSKI: Aye.
 13 MR. NICHOLAS: Commissioner
 14 Callegari.
 15 COMMISSIONER CALLEGARI: Aye.
 16 MR. NICHOLAS: Commissioner Layson.
 17 COMMISSIONER LAYSON: Aye.
 18 MR. NICHOLAS: Commissioner Lugo.
 19 COMMISSIONER LUGO: Aye.
 20 MR. NICHOLAS: Commissioner Malavasi.
 21 COMMISSIONER MALAVASI: Aye.
 22 MR. NICHOLAS: Commissioner Mehta.
 23 COMMISSIONER MEHTA: Aye.
 24 MR. NICHOLAS: Commissioner
 25 Pettigrew.

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1 COMMISSIONER PETTIGREW: Aye.
 2 MR. NICHOLAS: And Chairman Kenny.
 3 CHAIRMAN KENNY: Aye.
 4 MR. NICHOLAS: Chairman, the item has
 5 been adopted.
 6 MR. DIXON: Thank you very much.
 7 Next on the agenda is application 2023-067-SP;
 8 Parkway Generation LLC; located at 200 Pennsylvania
 9 Avenue; Block 298, Lot 19.01; In the town of Kearny.
 10 MR. STORY: Chairman, Commissioners,
 11 Michael Story, attorney for the application Parkway
 12 Generation Operating, LLC. Unfortunately our
 13 application will not be nearly as exciting as the
 14 prior application. But we'll give it a shot anyway.
 15 So we're proposing a subdivision approval
 16 for the property located at 200 Pennsylvania Avenue
 17 in Kearny, designated as Block 298, Lot 19.01. Its
 18 associated with a larger development. The Lot 19.01
 19 is a little bit under 70 acres, 69.55, and proposed
 20 to Lot A which contains the majority of the existing
 21 improvements, will virtually stay the same and
 22 become 51.92 acres, while Lot A which is really the
 23 area that we're subdividing will become 17.64 acres,
 24 and no use or improvement are currently proposed
 25 there.

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1 I have with me two witnesses Matt Sipple
 2 and Peter Vandenhouten. I just plan to bring out to
 3 Matt to testify, but Peter, if you want to hear the
 4 operational testimony or if anyone has questions.
 5 So with that I'll let Matt take over.
 6 MR. SIPPLE: Matt Sipple,
 7 S-I-P-P-L-E.
 8 (The witness is sworn.)
 9 MR. SIPPLE: All right. Thank you,
 10 Mike. So my name is Matthew Sipple. I'm a
 11 professional land surveyor. I work for Langan
 12 Engineering, 300 Kimball Drive in Parsippany. I've
 13 been working as a surveyor in the field and at the
 14 office for 24 years. I've been licensed for the
 15 past 11 years, I have a bachelor of science of
 16 survey engineering technology from NJIT.
 17 CHAIRMAN KENNY: Thank you. We have
 18 no objections. You can proceed.
 19 MR. SIPPLE: Thank you. I'll go over
 20 the subdivision plan quickly. It's actually a
 21 better looking at the exhibit. All right. So a
 22 little bit about this site. This is in Kearny.
 23 It's a former fossil fuel generating facility. It's
 24 referred to as Kearny generating from PSE&G. PSE&G
 25 has since ceased their operation regarding the

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1 fossil fuels, and they have been in the process
 2 doing environmental remediation on the site, and our
 3 client has acquired the assets of the building PSE&G
 4 Fossil, and they are looking to subdivide the
 5 property to -- along this yellow line right here, to
 6 basically create a 17-acre site that they can put
 7 onto the real estate market.
 8 The site is currently undeveloped. There
 9 are no plans to develop anything on that site.
 10 There are no current tenants or anybody that may
 11 have an interest. They just want to get this out
 12 there, and the reason, you know, questions have come
 13 up about the -- you know, the configuration of the
 14 line, the yellow line there. That line was kind of
 15 designed to go around some of the existing
 16 facilities. PSE&G, even though there is no current
 17 you know, major generating facility, this site is
 18 very critical. There's a lot of different
 19 substations, and a lot of stuff for the electrical
 20 distribution, you know, infrastructure still
 21 remaining on the site. There is a lot of easements,
 22 and a lot of areas that any developer or any
 23 potential you know, occupant can use, so we have
 24 kind of designed that line to go around those
 25 easements. There is a couple substations we need to

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1 stay away from.
 2 This -- so we have the subdivision, and we
 3 have to go for County approval. One of the comments
 4 that we did receive was Pennsylvania Avenue is a
 5 County road, and there were some conditions,
 6 conditions from May 2017 approval, site plan
 7 approval, regarding making modifications, putting in
 8 sidewalks along Pennsylvania Avenue. Now, I know
 9 that the current owner is aware of this, and they
 10 have been in negotiations. There's been some NJDOT
 11 work going on for years. I know further up the road
 12 they just finished the Fishhouse Road Extension from
 13 the Wittpenn Bridge, and there are future plans to
 14 continue on that and redo the intersection of
 15 Central Avenue and Pennsylvania Avenue.
 16 We believe or client has been in touch,
 17 you know, there's been some talk about a temporary
 18 construction easement, but I have not yet seen the
 19 actual construction plans, but I do know there is
 20 talk to upgrading those roads.
 21 Is there any other questions? As Michael
 22 said, this isn't as exciting. There are no
 23 modifications or plans for this site right now.
 24 COMMISSIONER PETTIGREW: So the site
 25 is being remediated?

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1 MR. SIPPLE: It's in the process
 2 of -- it's in the process of being remediated. My
 3 understanding is that the site is actually pretty
 4 clean compared to the rest of the site, relatively
 5 speaking.
 6 COMMISSIONER MALAVASI: The
 7 remediation of the piece of land, there's inventory,
 8 it's stuck there in the lower corner there. Is that
 9 going to be removed?
 10 MR. SIPPLE: Yes.
 11 COMMISSIONER MALAVASI: There were
 12 some trucks.
 13 MR. SIPPLE: Yes. So all of these --
 14 all of this trucks or actually most of them are just
 15 temporary shipping containers for some of the
 16 remediation activity. So they're in the process of
 17 moving those over, and there is a concrete pad right
 18 here, the base of a temporary building that's going
 19 to be relocated for the site.
 20 COMMISSIONER MALAVASI: You're
 21 correct. The DOT is reconstructing Pennsylvania
 22 Avenue and Central avenue. It's under construction
 23 all the way down to Second Street, and they're
 24 actually moving some of the railroad tracks. And
 25 all of the conditions of the prior approval will

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1 still be due, but they're still working with the
 2 DOT. I believe that work is coming soon. It's
 3 free, and actually it will be very nice.
 4 COMMISSIONER LUGO: And if someone
 5 decides to build on that space, they come here?
 6 MR. SIPPLE: Yes, whoever winds up
 7 coming into that site will have to go likely in
 8 front of the local planning board, which we've
 9 already received approval from to subdivide, and
 10 then come back before the Board here as well because
 11 I think it does have frontage on the Pennsylvania
 12 Avenue. It's probably on the scale. Likely that it
 13 would come back, and in regard to remediation,
 14 there's different levels that are required for
 15 residential and commercial. I can't say for sure,
 16 but it's highly unlikely that a residential -- this
 17 would be made into a residential site.
 18 CHAIRMAN KENNY: Is there an ETA on
 19 the remediation issue, how much longer you might
 20 need remediation time?
 21 MR. SIPPLE: I don't know that off
 22 the top of my head. I haven't really been involved
 23 in the remediation.
 24 MR. VANDENHOUTEN: The remediation --
 25 MS. CURLEY: For the record could you

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1 state your name?
 2 MR. VANDENHOUTEN: Peter
 3 Vandenhouten.
 4 (The witness is sworn.)
 5 MS. CURLEY: Okay. Now you can talk.
 6 MR. VANDENHOUTEN: No problem. Now
 7 first of all, the remediation, PSE&G is going
 8 through the permitting process to go through
 9 remediation of the site. It's done borings, and
 10 it's going through the process that's outline by the
 11 dep. So we have no time line.
 12 COMMISSIONER MALAVASI: One thing, we
 13 have a development that we've been talking about for
 14 a while on Second Street. Remember, that's the
 15 railroad right-of-way.
 16 MR. SIPPLE: That's back here.
 17 COMMISSIONER MALAVASI: Right. So
 18 when Lot A comes in for development, they would need
 19 to if they want to go through Central Avenue, they
 20 will get an easement to cross the railroad tracks,
 21 or they could probably go up Third Street, and if
 22 they went on Third Street, that would affect traffic
 23 on Central, which would affect our traffic. So
 24 maybe we'll have some jurisdiction at the end of the
 25 day when they develop the site, but I think coming

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1 up Central is the same situation. I'm going to
 2 guess they would go out to Central because then to
 3 get an easement from the railroad is not easy.
 4 MR. SIPPLE: Yeah, yeah, I mean there
 5 is another piece of property between our site and
 6 here.
 7 COMMISSIONER MALAVASI: So that would
 8 be further to the south, so you're aware of that.
 9 MS. CURLEY: Well, you retain
 10 jurisdiction in the overall --
 11 COMMISSIONER MALAVASI: The drainage?
 12 MS. CURLEY: The drainage. There you
 13 go. Drainage. If you go down to the Burger King, I
 14 don't know about that but drainage, yeah.
 15 MR. NICHOLAS: And just for the
 16 record this application is just for subdivision,
 17 right? So there's no development proposed. So
 18 unlike a lot of the application that we review
 19 before, they're exempt from requirements for site
 20 plan approval including street trees and green
 21 infrastructure technique. When the applicant does
 22 come back, they'll be subjected to those
 23 requirements.
 24 CHAIRMAN KENNY: Any other questions?
 25 Anyone from the public? If not, I'll ask for a

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| <p>1 motion to approve?</p> <p>2 COMMISSIONER PETTIGREW: Motion.</p> <p>3 COMMISSIONER MEHTA: Second.</p> <p>4 MR. NICHOLAS: On a motion made by</p> <p>5 Commissioner Pettigrew, second by Commissioner</p> <p>6 Mehta.</p> <p>7 Commissioner Aponte-Lipski.</p> <p>8 COMMISSIONER APONTE-LIPSKI: Aye.</p> <p>9 MR. NICHOLAS: Commissioner</p> <p>10 Callegari.</p> <p>11 COMMISSIONER CALLEGARI: Aye.</p> <p>12 MR. NICHOLAS: Commissioner Layson.</p> <p>13 COMMISSIONER LAYSON: Aye.</p> <p>14 MR. NICHOLAS: Commissioner Lugo.</p> <p>15 COMMISSIONER LUGO: Aye.</p> <p>16 MR. NICHOLAS: Commissioner Malavasi.</p> <p>17 COMMISSIONER MALAVASI: Aye.</p> <p>18 MR. NICHOLAS: Commissioner Mehta.</p> <p>19 COMMISSIONER MEHTA: Aye.</p> <p>20 MR. NICHOLAS: Commissioner</p> <p>21 Pettigrew.</p> <p>22 COMMISSIONER PETTIGREW: Aye.</p> <p>23 MR. NICHOLAS: And Chairman Kenny.</p> <p>24 CHAIRMAN KENNY: Aye.</p> <p>25 MR. NICHOLAS: Chairman, the item has</p> | <p>1 MR. NICHOLAS: Commissioner Lugo.</p> <p>2 COMMISSIONER LUGO: Aye.</p> <p>3 MR. NICHOLAS: Commissioner Malavasi.</p> <p>4 COMMISSIONER MALAVASI: Aye.</p> <p>5 MR. NICHOLAS: Commissioner Mehta.</p> <p>6 COMMISSIONER MEHTA: Aye.</p> <p>7 MR. NICHOLAS: Commissioner</p> <p>8 Pettigrew.</p> <p>9 COMMISSIONER PETTIGREW: Aye.</p> <p>10 MR. NICHOLAS: And Chairman Kenny.</p> <p>11 CHAIRMAN KENNY: Aye.</p> <p>12 MR. NICHOLAS: Chairman, those items</p> <p>13 have been exempt.</p> <p>14 Chairman, next item on the agenda is an</p> <p>15 application to be administratively approved. The</p> <p>16 agenda item is 2023-060-SP; DISH Wireless LLC;</p> <p>17 located at 7328 Kennedy Boulevard; Block 264, Lot</p> <p>18 17.02; in the Township of North Bergen.</p> <p>19 COMMISSIONER LUGO: Motion.</p> <p>20 COMMISSIONER PETTIGREW: Second.</p> <p>21 MR. NICHOLAS: On a motion made by</p> <p>22 Commissioner Lugo, second by Commissioner Pettigrew.</p> <p>23 Commissioner Aponte-Lipski.</p> <p>24 COMMISSIONER APONTE-LIPSKI: Aye.</p> <p>25 MR. NICHOLAS: Commissioner</p> |
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| <p>1 been approved.</p> <p>2 MR. STORY: Thank you very much. See</p> <p>3 you all again soon.</p> <p>4 MR. NICHOLAS: Chairman, the next</p> <p>5 item on the general are Applications to be Exempt.</p> <p>6 The first application is 2023-072-SP; Buku Culture,</p> <p>7 LLC; located at 390 Tonnele Avenue; Block 4601, Lot</p> <p>8 42; in Jersey City.</p> <p>9 The second application to be exempt is</p> <p>10 2023-076-SP; 68 Oakland Development LLC, located</p> <p>11 68-70 Oakland Avenue; Block 6806, Lot 27; in the</p> <p>12 city of Jersey City.</p> <p>13 CHAIRMAN KENNY: Can I have a motion</p> <p>14 to approve the Applications to be Exempt?</p> <p>15 COMMISSIONER MEHTA: Motion.</p> <p>16 COMMISSIONER LUGO: Second.</p> <p>17 MR. NICHOLAS: On a motion made by</p> <p>18 Commissioner Mehta, second by Commissioner Lugo.</p> <p>19 Commissioner Aponte-Lipski.</p> <p>20 COMMISSIONER APONTE-LIPSKI: Aye.</p> <p>21 MR. NICHOLAS: Commissioner</p> <p>22 Callegari.</p> <p>23 COMMISSIONER CALLEGARI: Aye.</p> <p>24 MR. NICHOLAS: Commissioner Layson.</p> <p>25 COMMISSIONER LAYSON: Aye.</p> | <p>1 Callegari.</p> <p>2 COMMISSIONER CALLEGARI: Aye.</p> <p>3 MR. NICHOLAS: Commissioner Layson.</p> <p>4 COMMISSIONER LAYSON: Aye.</p> <p>5 MR. NICHOLAS: Commissioner Lugo.</p> <p>6 COMMISSIONER LUGO: Aye.</p> <p>7 MR. NICHOLAS: Commissioner Malavasi.</p> <p>8 COMMISSIONER MALAVASI: Aye.</p> <p>9 MR. NICHOLAS: Commissioner Mehta.</p> <p>10 COMMISSIONER MEHTA: Aye.</p> <p>11 MR. NICHOLAS: Commissioner</p> <p>12 Pettigrew.</p> <p>13 COMMISSIONER PETTIGREW: Aye.</p> <p>14 MR. NICHOLAS: And Chairman Kenny.</p> <p>15 CHAIRMAN KENNY: Aye.</p> <p>16 MR. NICHOLAS: Chairman, the item has</p> <p>17 been administratively approved.</p> <p>18 Next on the agenda is an application to be</p> <p>19 dismissed without prejudice. Just to give you --</p> <p>20 give the Board Members some context. This applicant</p> <p>21 has decided not to move forward since they are not</p> <p>22 acquiring the land. The application is 2023-037-SP;</p> <p>23 Prologis, LP. I don't know if I pronounced the name</p> <p>24 right. Prologis?</p> <p>25 MS. CURLEY: Prologis.</p> |


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1 MR. NICHOLAS: Prologis, got it.
 2 1000 New County Road; located at Block 5, Lot 8; In
 3 the town of Secaucus.
 4 CHAIRMAN KENNY: Do I have a motion?
 5 COMMISSIONER PETTIGREW: Motion.
 6 COMMISSIONER APONTE-LIPSKI: Second.
 7 MR. NICHOLAS: On a motion made by
 8 Commissioner Pettigrew second by Commissioner
 9 Aponte-Lipski.
 10 Commissioner Aponte-Lipski.
 11 COMMISSIONER APONTE-LIPSKI: Aye.
 12 MR. NICHOLAS: Commissioner
 13 Callegari.
 14 COMMISSIONER CALLEGARI: Aye.
 15 MR. NICHOLAS: Commissioner Layson.
 16 COMMISSIONER LAYSON: Aye.
 17 MR. NICHOLAS: Commissioner Lugo.
 18 COMMISSIONER LUGO: Aye.
 19 MR. NICHOLAS: Commissioner Malavasi.
 20 COMMISSIONER MALAVASI: Aye.
 21 MR. NICHOLAS: Commissioner Mehta.
 22 COMMISSIONER MEHTA: Aye.
 23 MR. NICHOLAS: Commissioner
 24 Pettigrew.
 25 COMMISSIONER PETTIGREW: Aye.

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1 MR. NICHOLAS: And Chairman Kenny.
 2 CHAIRMAN KENNY: Aye.
 3 MR. NICHOLAS: Chairman, the
 4 application has been dismissed without prejudice.
 5 Next on the agenda is old business. There
 6 is currently no old business to discuss. And next
 7 on the agenda is new business. We'll open up the
 8 floor if anyone has new business, otherwise --
 9 CHAIRMAN KENNY: Can I have a motion
 10 to adjourn.
 11 (Unanimous motion. Whereupon the
 12 proceeding is then concluded at 7:54 p.m.)
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1 CERTIFICATION
 2
 3 I, SHARI CATHEY, CCR, RPR, License No.
 4 30XI00234700, and Notary Public of the State of New
 5 Jersey, hereby certify that the proceedings herein
 6 are from the notes taken by me of a Regular Meeting
 7 of the Hudson County Planning Board, held on
 8 Tuesday, December 19, 2023; and that this is a
 9 correct transcript of the same.
 10
 11
 12 
 13 SHARI CATHEY, CCR, RPR
 14 A NOTARY PUBLIC of the
 15 State of New Jersey
 16 I.D. No. 2283786
 17 Commission Expires 2/4/27
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