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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, February 20, 2024  
6:30 p.m.

B E F O R E:

FRANCIS KENNY, Chairman  
FLOYD JETER, 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  
PAUL CRAY, P.E., C.M.E.

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1 CHAIRMAN KENNY: Good evening,  
 2 everyone. I'd like to call to order the February  
 3 20th, 2024, Hudson County Planning Board Meeting.  
 4 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 ran on Thursday, February 15th, in  
 8 the Jersey Journal and Jersey Sentinel.  
 9 CHAIRMAN KENNY: Thank you. Can we  
 10 have a roll call, please?  
 11 MR. NICHOLAS: Yes. Commissioner  
 12 Aponte-Lipski, not present. Commissioner Glembocki,  
 13 not present. Commissioner Callegari, not present.  
 14 Commissioner Jeter.  
 15 COMMISSIONER JETER: Present.  
 16 MR. NICHOLAS: Commissioner Layson,  
 17 not present. Commissioner Lugo.  
 18 COMMISSIONER LUGO: Aye.  
 19 MR. NICHOLAS: Commissioner Malavasi.  
 20 COMMISSIONER MALAVASI: Here.  
 21 MR. NICHOLAS: Commissioner Mehta.  
 22 COMMISSIONER MEHTA: Here.  
 23 MR. NICHOLAS: Commissioner Ng, not  
 24 present. Commissioner Pettigrew.  
 25 COMMISSIONER PETTIGREW: Here.

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1 MR. NICHOLAS: Commissioner Walker,  
 2 not present. And Chairman Kenny.  
 3 CHAIRMAN KENNY: Present.  
 4 MR. NICHOLAS: Chairman, we have a  
 5 quorum.  
 6 CHAIRMAN KENNY: Thank you. Can we  
 7 please stand to salute the flag?  
 8 (Flag salute.)  
 9 CHAIRMAN KENNY: Commissioners, has  
 10 everyone had the opportunity to review the minutes  
 11 from our last meeting? And if so, can we have a  
 12 motion to approve them?  
 13 COMMISSIONER PETTIGREW: Motion.  
 14 COMMISSIONER LUGO: Second.  
 15 MR. NICHOLAS: On a motion made by  
 16 Commissioner Pettigrew, seconded by Commissioner  
 17 Lugo. Commissioner Layson. Oh, she's not present.  
 18 Commissioner Lugo.  
 19 COMMISSIONER LUGO: Aye.  
 20 MR. NICHOLAS: Commissioner Malavasi.  
 21 COMMISSIONER MALAVASI: Aye.  
 22 MR. NICHOLAS: Commissioner Mehta.  
 23 COMMISSIONER MEHTA: Abstain.  
 24 MR. NICHOLAS: Okay. Thank you.  
 25 Commissioner Pettigrew.

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1 COMMISSIONER PETTIGREW: Aye.  
 2 MR. NICHOLAS: And Chairman Kenny.  
 3 CHAIRMAN KENNY: Aye.  
 4 MR. NICHOLAS: Mr. Chairman, the  
 5 previous meeting minutes have been adopted. Mr.  
 6 Chairman, the next item on the agenda are matters  
 7 scheduled for public hearing. And the first item  
 8 for public hearing is a presentation on the State  
 9 Development and Redevelopment Plan, in which I'll  
 10 provide an update from the previous meeting.  
 11 So as you all may recall, the State  
 12 Development and Redevelopment Plan is underway from  
 13 the State Planning Commission and the Office of  
 14 Planning Advocacy. The State plan, in which I'll  
 15 refer to the State Development and Redevelopment  
 16 Plan is essentially guided by rules and laws from  
 17 NJSA's Title 52, and it's essentially meant to  
 18 create a balance between development and  
 19 conservation efforts within the state.  
 20 So what's in the plan; right? The plan  
 21 essentially is meant to coordinate planning goals,  
 22 objectives, activities, visions, and statewide  
 23 planning initiatives backed by supporting  
 24 information in the following areas. Land use,  
 25 housing, economic development, transportation,

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1 natural resource conservation, agriculture, et  
 2 cetera.  
 3 The State Planning Commission really  
 4 emphasizes an effort for collaborative  
 5 opportunities, in which I'll explain more in the  
 6 cross-acceptance process. And real briefly, the  
 7 image on the left is an image of the existing state  
 8 plan, which was last updated in 2001.  
 9 So once the state plan is finalized, the  
 10 state plan can be utilized in many ways. For  
 11 example, by state agencies, they intend to implement  
 12 the state plan through their functional plans,  
 13 investment priorities, and administrative rules.  
 14 Local governments, such as the county, can implement  
 15 opportunity -- well, they can implement plans rather  
 16 through their own planning objectives while  
 17 promoting regionalism. And regionalism would  
 18 essentially help facilitate development throughout,  
 19 not only our county but other counties that we may  
 20 be adjacent to.  
 21 In addition, providing data sources --  
 22 being a source of additional data sources rather is  
 23 one of the main emphases of the state plan. The  
 24 opportunity to prioritize discretionary funding, for  
 25 example, being able to point to the State plan, as

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1 well as the county's master plan, or even municipal  
 2 plans, for priorities, for funding, is really useful  
 3 when it comes to going after grant opportunities and  
 4 many other funding opportunities. And the State,  
 5 they really emphasis that the plan is not designed  
 6 to overrule, mitigate, or interfere with existing  
 7 plans for regulations in communities, but it's,  
 8 again, intended to provide data and collaboration  
 9 amongst stakeholders.

10 So I'll briefly go through what is  
 11 essentially a very convoluted, but hopefully,  
 12 simplified process of the cross-acceptance process  
 13 within the state plan. And real quickly, I'll share  
 14 with you all the organizational structure where the  
 15 State Planning Commission falls under the New Jersey  
 16 Department of State in which they have two offices,  
 17 the New Jersey Business Action Center, as well as  
 18 the Office of Planning Advocacy, who is designed to  
 19 essentially carry out the goals of the state plan  
 20 and the State Planning Commission.

21 So just a few terms and definitions that  
 22 you guys may see throughout this presentation, and  
 23 here going forward in many other conversations that  
 24 we'll have about the state plan. The  
 25 cross-acceptance process, for example, is a process

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1 of comparing statewide planning policies at  
 2 government levels with the purpose of obtaining a  
 3 higher level of consistency among municipal, county,  
 4 regional, and state plans with the state plans.  
 5 Well, I think -- excuse me. The state plans are  
 6 meant to be county plans. And municipal plans with  
 7 the state plan.

8 The negotiating entity is essentially the  
 9 County. It's the participating county or any entity  
 10 designated by the State Planning Commission. If the  
 11 county decides to decline to be part of -- to be  
 12 actually the negotiating entity. The preliminary  
 13 plan is a document, including maps, appendices, and  
 14 other materials, included by reference approved by  
 15 the State Planning Commission as a basis for  
 16 comparing and negotiating with -- with the  
 17 negotiating entities. Again, that's the county and  
 18 the State Planning Commission.

19 They also spell out what municipal  
 20 meetings will be, which are meetings between the  
 21 county and municipalities to discuss the preliminary  
 22 plan. Meetings could be grouped by geography and  
 23 does not have to adhere to the Open Public Meetings  
 24 Act. And CART, which is also, again, the  
 25 cross-acceptance response template, there's both a

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1 draft and a final form, and they should be submitted  
 2 by each municipality to the county, and thus the  
 3 state. So the 2023 State plan cross-acceptance  
 4 process is not intended to -- actually, excuse me,  
 5 it will -- the State Planning Commission, rather,  
 6 will solicit and receive findings, objectives, and  
 7 recommendations to the preliminary state plan from  
 8 negotiating entities and their participants. The  
 9 process should include current planning scenarios  
 10 and also a vision of possibilities of the future for  
 11 each negotiating entity as a plan for growth and  
 12 preservation.

13 The process is expected to be -- or  
 14 intended to be a dialogue between the negotiating  
 15 entity, that's the counties, the public, and the  
 16 State Planning Commission to arrive at a final  
 17 cross-acceptance response template. I'll briefly go  
 18 over this timeline with you guys. I do want to  
 19 mention the most -- the most eminent action items  
 20 are more spelled out and more clear. For example,  
 21 for this month, rather, February 2024, the intent  
 22 really is for all planning boards to be introduced  
 23 to the state plan and the state plan process, the  
 24 cross-acceptance process. In this case, this is the  
 25 introduction that I'm providing for you guys, the

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1 Board for Hudson County, of course, Planning Board.  
 2 In March, the next step really is to have the County  
 3 Commissioner Board adopt a notice of participation  
 4 resolution, formally agreeing to be part of that  
 5 state planning process, and that could be no -- that  
 6 could be submitted no later than June 11th.

7 In April, the preliminary state plan and  
 8 development and redevelopment plan -- well, the  
 9 state plan is expected -- the preliminary plan,  
 10 excuse me, is expected to be released. Again,  
 11 that's the document that the state has created with  
 12 different maps, apprentices, et cetera, in which the  
 13 negotiating entities are intended to analyze and  
 14 assess. And that essentially starts the  
 15 cross-acceptance process.

16 In June of 2024, the cross-acceptance work  
 17 program is due, and that's -- the cross-acceptance  
 18 work program is essentially a document that provides  
 19 guidance to the State Planning Commission about the  
 20 county's direction on who will be included in  
 21 negotiating committees, where public hearings be  
 22 held, and different detailed matters of that sort.

23 I'm going to go into full detail, but  
 24 again, as you can see, with the next timeline, less  
 25 and less information becomes available. But the

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1 intent is that as time goes on, we will be fully  
 2 briefed by the State Planning Commission and the  
 3 Office of Planning Advocacy for more information.  
 4 And of course, I'll relay that to the full Board.  
 5 So why does this matter to Hudson County  
 6 Planning Board? Why, you know, should you even be  
 7 involved; right? So there are strict stipulations,  
 8 rules, guidelines. Again, not only from NJSA Title  
 9 52 but also, in NJAC, which is Administrative Code  
 10 for New Jersey that points to the county's -- all  
 11 county planning boards throughout the State should  
 12 be authorized to direct -- to carry out the  
 13 cross-acceptance process for the negotiating entity,  
 14 which is the County; right? This is language from a  
 15 draft resolution that the state has provided to each  
 16 county for that -- the County Commission Board to  
 17 adopt.  
 18 So again, it really points out and lays  
 19 out what the negotiating entity, again, the county,  
 20 is meant to -- or how we are intended to participate  
 21 in the process. For example -- again, for example,  
 22 number two, the County Planning Board should prepare  
 23 a proposed work program and schedule for negotiating  
 24 municipal and county cross-acceptance. No. 3, the  
 25 County Department of Planning shall provide staff

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1 assistance to the County Planning Board. And four,  
 2 the County Planning Board really should act as that  
 3 entity that -- that overarching entity that  
 4 coordinates with other departments within the county  
 5 and other municipalities as well.  
 6 So here are a few imminent next steps that  
 7 are outlined -- that were outlined by the State  
 8 Planning Commission. We've only completed the first  
 9 one. We've had to complete and submit a public  
 10 hearing questionnaire to the Office of Planning  
 11 Advocacy and that was due in -- that was due earlier  
 12 this morning. And essentially, the questionnaire  
 13 had questions about, you know, where we intend to  
 14 host our public meeting. So we've proposed that  
 15 perhaps it could be the Planning Board or the County  
 16 Planning -- or I'm sorry, the County Commissioner  
 17 Board meetings; all right.  
 18 So other items that are imminent, the  
 19 county is to submit a notice of participation that  
 20 must be adopted by a resolution. Again, that's  
 21 intended to be adopted by the County Board  
 22 Commission next month. The County is intended to  
 23 submit a draft work program outlining public --  
 24 public participation plans and that's no later than  
 25 45 days after the release of the preliminary plan,

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1 which will be released in April 2024. And then,  
 2 lastly, participating municipalities would have --  
 3 they too would have to submit a resolution to the  
 4 county to let us know that they would like to be  
 5 included in the process; all right?  
 6 And look, we have quite a few questions  
 7 remaining for the Office of Planning Advocacy. For  
 8 example, for the negotiation committee, you know, we  
 9 would like more guidance on who they would like to  
 10 be involved? How many members? Is membership open  
 11 to the county and municipal officials? Is it open  
 12 to the public? What is the timeframe for the  
 13 negotiation committee and the final cross-acceptance  
 14 template process? And submittal, rather?  
 15 And then when it comes to the public  
 16 information meetings, you know, very simple  
 17 questions. Can the meetings be hybrid? Do we need  
 18 a quorum of the governmental body? So you know, we  
 19 will follow up with these questions to the  
 20 State. And then, lastly, recommendations from the  
 21 Department of Planning and Business Opportunity.  
 22 There's two routes that the board can go. One,  
 23 essentially, the Board can activate and appoint  
 24 members to other long-range and master plan  
 25 committees, which again, is within our -- within the

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1 reach of the -- because of the bylaws, the Planning  
 2 Board bylaws.  
 3 And this way, the planning -- the Vision  
 4 and the Planning Department can continuously inform  
 5 committee members, we can solicit ideas from the  
 6 committee, we could request the committee to review  
 7 information on behalf of the entire Planning Board.  
 8 And then the committee could then provide periodic  
 9 updates to the full Board.  
 10 Or secondly, the Department of Planning  
 11 can just provide periodic updates to the full Board  
 12 via me, secretary to the Board. If you guys would  
 13 like my recommendation, I would suggest the first  
 14 option. And at this time, yeah, we'll just open it  
 15 to questions and comments.  
 16 CHAIRMAN KENNY: What does the  
 17 County's notice of participation look like? Because  
 18 I know they have to submit a notice of  
 19 participation.  
 20 MR. NICHOLAS: Yes.  
 21 CHAIRMAN KENNY: Is it like a form  
 22 document? Or they had to develop the resolution and  
 23 put it together? And does it have to be specific to  
 24 the County or is it more of a form document?  
 25 MR. NICHOLAS: Right. That's a good

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1 question. And to my understanding, it is just a  
 2 resolution. So again, they've provided draft  
 3 language for that resolution. If we could go back  
 4 to, I think it's the second to last -- or perhaps  
 5 third to last. The one with the -- yeah. So the  
 6 document on the right --  
 7 CHAIRMAN KENNY: Okay.  
 8 MR. NICHOLAS: It's pretty small, but  
 9 they already provided that draft language for us.  
 10 We could amend it to specific needs, but at this  
 11 time, it probably wouldn't be necessary to revise  
 12 further. But all the language is pretty much there,  
 13 we just have to plug in Hudson and the -- you know,  
 14 and the gaps. Any more questions?  
 15 COMMISSIONER MEHTA: Yeah. After how  
 16 many years they do the revision?  
 17 MR. NICHOLAS: That's a good  
 18 question. The last time they've actually --  
 19 COMMISSIONER MEHTA: Because I saw  
 20 you mentioned 2001.  
 21 MR. NICHOLAS: Right, yeah. I was 11  
 22 years old, so -- to be honest.  
 23 COMMISSIONER MEHTA: I was here such  
 24 a long time, and I didn't understand what that was.  
 25 MR. NICHOLAS: Right.

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1 COMMISSIONER MEHTA: It had to be  
 2 something. So I was wondering. Usually, like we  
 3 update the map and our own -- every five years or  
 4 maybe around six years.  
 5 MR. NICHOLAS: Correct. Yeah,  
 6 absolutely.  
 7 COMMISSIONER MEHTA: And that's why  
 8 the State is very, very behind, it looks like.  
 9 MR. NICHOLAS: Absolutely. So based  
 10 on my review of, you know, their statutory  
 11 requirements, I don't believe they have added any  
 12 type of periodic timeline that's required. But  
 13 you're right, when it comes to the county, we have a  
 14 separate title within the statutory -- within the  
 15 statutory annotates that we have to update our  
 16 master plan every five, or six, or ten years. We  
 17 have to update our county map every five years.  
 18 But to the State, I don't think they have  
 19 that requirement laid out. But I'll look more into  
 20 it. I'm not -- again, I'm not -- I haven't seen  
 21 it, but I'll look more into it to see if there's a  
 22 definite answer.  
 23 COMMISSIONER MEHTA: Okay.  
 24 MR. NICHOLAS: But the last one,  
 25 again, was in 2001. All right. Any more questions

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1 before we close out? All right. And, Mr. Chairman,  
 2 that's the presentation on the State Development and  
 3 Redevelopment Plan.  
 4 The next item on the agenda is  
 5 Memorialization of Resolutions Considered at the  
 6 Previous Meeting.  
 7 COMMISSIONER PETTIGREW: Have one  
 8 question. Are we going to get that doc so that we  
 9 can look at it by ourselves? So this way, we can  
 10 kind of make decisions of this to see where we've  
 11 been at?  
 12 MR. NICHOLAS: Absolutely, yes. I  
 13 could forward -- I'll work with Marcella and we'll  
 14 forward it to the full board and committee members;  
 15 all right?  
 16 COMMISSIONER MEHTA: Send an e-mail  
 17 copy will be fine.  
 18 MR. NICHOLAS: Yeah. And -- yeah.  
 19 Again, it's a lot of information, so if you guys do  
 20 want to take some time to really, you know, think  
 21 about if you want to form a committee, that's  
 22 totally fine as well. I don't think a definite  
 23 answer is needed before, having the County  
 24 Commissioner Board adopt a notice of participation,  
 25 so you guys could definitely take some time to think

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1 about it.  
 2 And so as I mentioned, I'll go back to the  
 3 Memorialization of Resolutions Considered at the  
 4 Previous Meeting, Application 2023-026-SP, Applicant  
 5 Shealing Consultants, LLC, located at 82 County  
 6 Avenue, Block 33, Lot 11, in the Town of Secaucus.  
 7 It's a site plan application to construct a mid -- a  
 8 mixed-use building with 24 dwelling units, four  
 9 co-units, and 600 square feet of retail space.  
 10 CHAIRMAN KENNY: Do we have a motion  
 11 to adopt the resolution?  
 12 COMMISSIONER PETTIGREW: Motion.  
 13 COMMISSIONER LUGO: Second.  
 14 MR. NICHOLAS: On a motion made by  
 15 Commissioner Pettigrew, seconded by Commissioner  
 16 Lugo. Commissioner Jeter.  
 17 COMMISSIONER JETER: Aye.  
 18 MR. NICHOLAS: Commissioner Lugo.  
 19 COMMISSIONER LUGO: Aye.  
 20 MR. NICHOLAS: Commissioner  
 21 Malavasi.  
 22 COMMISSIONER MALAVASI: Aye.  
 23 MR. NICHOLAS: Commissioner Mehta.  
 24 COMMISSIONER MEHTA: Abstain.  
 25 MR. NICHOLAS: Commissioner

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1 Pettigrew.  
 2 COMMISSIONER PETTIGREW: Aye.  
 3 MR. NICHOLAS: And Chairman Kenny.  
 4 CHAIRMAN KENNY: Aye.  
 5 MR. NICHOLAS: Chairman, the motion  
 6 has passed. All right. So next on the agenda is  
 7 Site Plans, Subdivisions, and Other Matters  
 8 Scheduled for Public Hearing. The application --  
 9 the first and only application is 2023-049-SP,  
 10 Applicant Osborne Capital, LLC, located at 232  
 11 Passaic Avenue, Block 15, Lot 8.02, in the Town of  
 12 Kearny. It's a site plan application to construct a  
 13 4,500-square-foot building to be used for a Panera  
 14 Bread Restaurant and retail space.  
 15 MR. BENNETT: Good evening, Mr.  
 16 Chairman and Members of the Board. Gary Bennett,  
 17 B-E-N-N-E-T-T, appearing on behalf of the applicant  
 18 Osborne Capital, LLC. As you heard the secretary  
 19 read into the record, this is an application for  
 20 site plan approval of an existing shopping center  
 21 that is along Passaic Avenue, 232 to 274 Passaic  
 22 Avenue in Kearny. It's a shopping center that's  
 23 existed for quite some time. They've been very  
 24 fortunate in the downtown and shopping area to be  
 25 able to keep very strong anchor stores in this

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1 shopping center.  
 2 And one of the last pieces of the puzzle  
 3 that completes the shopping center they've been  
 4 working on for almost a year, and that is the  
 5 proposal that's before you this evening, which is to  
 6 construct a 4,500 square foot building, 3,800 square  
 7 feet of which will be occupied by Panera Bread. One  
 8 of the holdups was just there was a requirement in  
 9 Kearny to an amendment to their redevelopment plan  
 10 because this does provide -- in the wake of COVID  
 11 and some other business decisions made by Panera, it  
 12 does provide for a drive-thru window.  
 13 Although, not the typical type of  
 14 drive-thru window that you would see in a fast foot  
 15 restaurant, but it was necessary in their business  
 16 model moving forward to have that. So Kearny's  
 17 redevelopment ordinance did not permit that, but it  
 18 didn't prohibit it. So we went through a process  
 19 that ultimately led to an amendment by the Mayor and  
 20 Council in Kearny of their redevelopment ordinance,  
 21 and then sent this on to the Kearny Planning Board.  
 22 And that application for preliminary and final site  
 23 planning before the Kearny Planning Board was  
 24 approved by a resolution of December 6th, 2023.  
 25 And it's with that that we come before

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1 this board, hopefully, to obtain your blessing on  
 2 this project that we've worked so hard on. This is,  
 3 as I say, it's a 4,500-square-foot building on six  
 4 and a half acres of property that comprises this  
 5 shopping center. And so it's a small portion of it,  
 6 and it's up in the northwestern corner of the  
 7 property. And the small piece adjacent to the 3,800  
 8 Panera is yet to be determined. It's a  
 9 700-square-foot supplemental piece that will be  
 10 occupied by a small tenant at some point.  
 11 I have this evening to provide some  
 12 testimony and kind of walk you through briefly and  
 13 answer any questions you have, two members from  
 14 Dynamic -- from Dynamic Engineer, I have Danielle  
 15 Lescrinier. And from Dynamic Traffic, I have Craig  
 16 Peregoy. And those two individuals hopefully can  
 17 answer all the questions you may have. I also have  
 18 a representative present, should you need any  
 19 further input from an operational standpoint, and  
 20 that would be Mr. Charlie Caramus (ph.) from Osborne  
 21 Capital. He's the representative here this  
 22 evening.  
 23 Hopefully, we can answer all of the  
 24 questions you have. I think we've tried to do that  
 25 through communication from Mr. Cray and Remington

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1 Vernick, and also from Mr. Malavasi, and from the  
 2 Commissioner themselves as to parts and parcels of  
 3 information that you needed, and I think that's what  
 4 brought us here this evening with the final piece  
 5 being a nice contribution of \$145,000 to the Passaic  
 6 Avenue Traffic Mitigation Fund.  
 7 And so, hopefully, we'll answer those  
 8 questions. Please let me know if there's something  
 9 that you want additional. We'll gladly provide it.  
 10 And we are not going to -- we won't have our  
 11 architect here this evening, although we do have all  
 12 of our architectural drawings and Ms. Lescrinier  
 13 will show you those and just refer to them so you  
 14 get a feel for what it's going to look like. But if  
 15 you've ever been to a Panera Bread, they are pretty  
 16 well modeled after a particular logo and a  
 17 particular look.  
 18 So with that, Danielle, if you would just  
 19 step up for me?  
 20 MS. LESCRINIER: Sure.  
 21 MR. BENNETT: And if I could, Mr.  
 22 Chairman, I'll just qualify --  
 23 MS. CURLEY: I would like to swear  
 24 her in first, if possible?  
 25 MR. BENNETT: Okay.

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1 MS. CURLEY: Can you please state  
 2 your name for the record?  
 3 MS. LESCRINIER: Danielle  
 4 Lescrinier. L-E-S-C-R-I-N-I-E-R.  
 5 MS. CURLEY: And if you could raise  
 6 your right hand?  
 7 (The witness is sworn.)  
 8 MS. CURLEY: Thank you.  
 9 MR. BENNETT: Danielle, you're a  
 10 licensed professional engineer in the State of New  
 11 Jersey?  
 12 MS. LESCRINIER: Yes, I am.  
 13 MR. BENNETT: Your license is in good  
 14 standing?  
 15 MS. LESCRINIER: That's correct.  
 16 MR. BENNETT: You've testified, have  
 17 you not, before zoning boards and planning boards  
 18 throughout the State of New Jersey?  
 19 MS. LESCRINIER: Yes.  
 20 MR. BENNETT: And you've been  
 21 qualified as an expert in the area of civil  
 22 engineering?  
 23 MS. LESCRINIER: Yes.  
 24 MR. BENNETT: I'd offer her in that  
 25 capacity, Mr. Chairman.

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1 CHAIRMAN KENNY: Thank you, Mr.  
 2 Bennett. The witness is accepted.  
 3 MS. LESCRINIER: Thank you.  
 4 CHAIRMAN KENNY: Please proceed.  
 5 MS. LESCRINIER: Thank you.  
 6 MR. BENNETT: If you would, Danielle,  
 7 just walk the board through the location of where  
 8 we're talking about for this building, and then an  
 9 orientation as to the development?  
 10 MS. LESCRINIER: Of course. This is  
 11 our first exhibit entitled Aerial Map Exhibit. It's  
 12 basically a replica of the area map that was  
 13 included in our site plan package already submitted  
 14 to your board. It just shows the subject site and  
 15 the surrounding areas. The property in question is  
 16 outlined right here in the center labeled PIQ. And  
 17 it's just that existing shopping center that Mr.  
 18 Bennett referenced.  
 19 And I'd just like to walk through again,  
 20 to illustrate what Mr. Bennett already outlined for  
 21 us, which is that this is an existing shopping  
 22 center located here. There are previous site plan  
 23 approval from both local and county levels was for  
 24 two buildings. One 6,600-square-foot commercial  
 25 building, which is located here in the southern

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1 corner of this site.  
 2 And then across this existing parking lot  
 3 was this area in question, which is currently not  
 4 constructed. What was previously approved was a  
 5 2,500-square-foot retail building. Again, we did  
 6 not -- the applicant did not construct that yet, and  
 7 so right now, that is currently vacant. And that  
 8 area, which is about 0.7 acres is the subject of  
 9 tonight's amended application.  
 10 There is access to the site, which is a  
 11 signalized full movement access drive off of the  
 12 County Road 699. And to the north off of Bergen  
 13 Avenue, which is an egress-only driveway. It's more  
 14 than just a red rectangle.  
 15 MR. BENNETT: That's a very small  
 16 building.  
 17 MS. LESCRINIER: Yes, very small.  
 18 MS. TRAINA: Can I ask? Is the other  
 19 building in the parking lot -- is it vacant? Or is  
 20 there a --  
 21 MR. BENNETT: No. This -- this  
 22 replaced that proposed 2,500 square foot building.  
 23 MS. LESCRINIER: Yes. And the  
 24 building that was previously approved on the other  
 25 side of the parking lot, that was fully constructed

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1 and is operational right now.  
 2 MS. TRAINA: What is the operation?  
 3 MS. LESCRINIER: It is a Sherwin  
 4 Williams and a medical center.  
 5 MR. BENNETT: Walk-in -- walk-in  
 6 medical facility.  
 7 MS. TRAINA: Okay. Thank you.  
 8 MS. LESCRINIER: So this is the same  
 9 site plan that was submitted as a part of this  
 10 amended application. And just like Mr. Bennett  
 11 described, this is one commercial pad which has a  
 12 3,800 square foot Panera Bread with a drive-thru and  
 13 a 700 square foot retail. The retail is this  
 14 smaller rectangle shown to the east here. And  
 15 there's also associated site improvements, which  
 16 include masonry trash enclosure, paved parking  
 17 circulation areas, landscaping, lighting, pedestrian  
 18 circulation.  
 19 It's important to note that all of the  
 20 other site improvements, as a part of our previous  
 21 site plan application, were already constructed,  
 22 which includes any of the landscaping, retaining  
 23 walls, which are immediately adjacent to the County  
 24 Road 699. None of this impacts any of those  
 25 previous improvements, which again, are already

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1 constructed. So all of the proposed improvements,  
 2 as a part of this evening's application, are just  
 3 pertaining to the internal site and just pertaining  
 4 to the Panera, which included the drive-thru.  
 5 The drive-thru necessitated the majority  
 6 of the reconfiguration of the parking lot. We are  
 7 proposing 22 parking spaces, which exceeds the  
 8 minimum required. And yeah, that's pretty much the  
 9 gist of the site plan improvements. There is a  
 10 slight reduction in impervious coverage when  
 11 compared to what was previously approved. So there  
 12 is no negative impact to the stormwater management  
 13 system, which is currently there today. Stormwater  
 14 will just be directed exactly where to it was  
 15 already going. It is currently going as it  
 16 operating today. Yeah. That's the short version.  
 17 MR. BENNETT: Danielle, with regard  
 18 to the traffic flow, as it comes around the Panera  
 19 Bread and it gets, you indicated that it's egress  
 20 only going out of the Bergen Avenue. So there's a  
 21 dispersion of the traffic that will exit, some will  
 22 loop around and come back, either through the  
 23 shopping center out onto Passaic Avenue, but many of  
 24 them will go out onto Bergen Avenue, the municipal  
 25 roadway; correct?

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1 MS. LESCRINIER: Yes.  
 2 MR. BENNETT: And that is just for  
 3 egress, and it comes at the top of the plan that's  
 4 shown there?  
 5 MS. LESCRINIER: Yes, that's  
 6 correct. And the only slight improvement to this  
 7 driveway here is we're proposing a curbed island  
 8 here and some additional stripping, just to help  
 9 direct traffic out of there in a safe manner where  
 10 those things were not there today. And so this is  
 11 an improvement to that driveway.  
 12 MR. BENNETT: Okay. Is it possible  
 13 to bring up the -- the architectural renderings?  
 14 MS. LESCRINIER: Sure, yeah.  
 15 MR. BENNETT: Just so they can get a  
 16 feel of what it's going to look like.  
 17 MS. LESCRINIER: Yes. So this is a  
 18 view from the intersection of Bergen and Passaic  
 19 Avenues looking at the northwestern corner of the  
 20 site. You can see the retaining walls, which are  
 21 there today, and landscaping. And the building is  
 22 slightly visible, as you can see, you can still see  
 23 the Panera logos at the corner there.  
 24 And this is a view from Bergen Avenue.  
 25 You can see the sidewalk that there. Still that

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1 sloped embankment up here with some landscaping up  
 2 top. There is proposed landscaping in front of  
 3 those parking spaces to help shield any headlights  
 4 or the cars that are parked there. But again, you  
 5 can still see the Panera branding so that patrons  
 6 are able to see where they are going, where to turn  
 7 in. Very similar to other Panera's around the  
 8 state.  
 9 And this is a better view of the building  
 10 from a front internal perspective from the parking  
 11 area. You're able to see there's going to be an  
 12 outdoor seating area, much like other typical Panera  
 13 buildings that you'll see, the main entrance over  
 14 here, and the drive-thru coming around.  
 15 MR. BENNETT: Thank you. I have no  
 16 further questions of Danielle. As I did indicate to  
 17 you, I do have our traffic expert here this  
 18 evening. But we did submit a traffic impact study  
 19 and I think it's been reviewed both by Mr. Cray and  
 20 Mr. Malavasi. If you would like us to provide some  
 21 supplemental information, I'd be happy to, but I  
 22 think more appropriate, Mr. Chairman, I'd be happy  
 23 to just answer any questions that the board members  
 24 may have and supplement it should we need testimony  
 25 from the traffic engineer.

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1 CHAIRMAN KENNY: If you don't mind, I  
 2 think we'd like to hear some testimony from the  
 3 traffic.  
 4 MR. BENNETT: Sure.  
 5 CHAIRMAN KENNY: But before we do, do  
 6 any of the commissioners have any questions?  
 7 COMMISSIONER MEHTA: Yeah. This a  
 8 projected building? Or the building is already  
 9 constructed?  
 10 MS. LESCRINIER: This is just a  
 11 rendered image, it's not constructed yet.  
 12 COMMISSIONER MEHTA: There's no  
 13 building yet. Okay.  
 14 MS. LESCRINIER: Yeah, yeah. That  
 15 portion of the site is currently -- there's nothing  
 16 on it. It's just fenced off from the other  
 17 improvements.  
 18 COMMISSIONER MEHTA: So you mentioned  
 19 that the other side has a medical facility or --  
 20 MS. LESCRINIER: Yeah. Yes. There  
 21 is a walk-in medical facility and that's adjacent to  
 22 a Sherwin-Williams.  
 23 COMMISSIONER MEHTA: So there's a  
 24 medical facility, Sherwin Williams, and this will be  
 25 the third thing in the shopping area?

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1 MR. BENNETT: Well, that's in the  
2 front portion of it, Commissioner. But across the  
3 back portion of it are your anchor stores. There  
4 was a Modell's, which has now been replaced when  
5 Modell's went out of business by an Old Navy. There  
6 had been a K-Mart, and of course, when K-Mart went  
7 out of business, they were fortunate enough to bring  
8 in Target and put a Target in there. Those  
9 buildings are across the back. These are in the  
10 front, more pad sites than the shopping center.  
11 MS. LESCRINIER: Right. The more  
12 recent buildings.  
13 COMMISSIONER MEHTA: Yeah. Because I  
14 saw the map, it looks like a big shopping area and  
15 shopping mall. So I assume that it might be -- how  
16 many? 30-40 acre lot to the shopping area mall?  
17 MS. LESCRINIER: I think it's about  
18 6.7 acres.  
19 MR. BENNETT: Yeah. Six -- I think  
20 6.5 after -- a little over 6.57 acres, I believe,  
21 after the dedication to the County that took place  
22 across the front.  
23 CHAIRMAN KENNY: Any other questions?  
24 COMMISSIONER MALAVASI: Just a  
25 question, but it might be to the traffic engineer,

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1 but I'll ask it. I see your egress is right-turn  
2 only?  
3 MS. LESCRINIER: Yes. Onto Bergen.  
4 COMMISSIONER MALAVASI: Onto Bergen.  
5 Is there a little bit of these internal signage  
6 that, as you get out of the drive-thru, directing  
7 people to Passaic -- Passaic Avenue?  
8 MS. LESCRINIER: Not specifically.  
9 COMMISSIONER MALAVASI: Circulating  
10 through the site or going out on Bergen after you  
11 turn --  
12 MS. LESCRINIER: Right. Well, they  
13 actually do have the option to exit via the  
14 signalized intersection, which is also a County road  
15 too.  
16 COMMISSIONER MALAVASI: Right.  
17 MS. LESCRINIER: So there is no  
18 specific signage to direct them only to that  
19 egress-only driveway because they do have the option  
20 to exit the other way.  
21 COMMISSIONER MALAVASI: Just -- just  
22 a question, so as you get out of the drive-thru, the  
23 sign that says Passaic Avenue, so all these people  
24 know to go --  
25 MR. BENNETT: You want a sign that

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1 says exit for Passaic Avenue North --  
2 COMMISSIONER MALAVASI: Something  
3 like that, yeah.  
4 MR. BENNETT: And exit for Bergen  
5 Avenue? Just so they can --  
6 COMMISSIONER MALAVASI: So they can  
7 see -- if they wind up on Bergen not knowing that  
8 they are going the wrong way, then they got to make  
9 a U-turn somewhere. And just some internal signage  
10 to get them back to the County road.  
11 MR. BENNETT: Yeah. I think that's  
12 fine. That's easy enough.  
13 MS. LESCRINIER: Yeah. No problem.  
14 MS. TRAINA: Mr. Chairman?  
15 CHAIRMAN KENNY: Yeah.  
16 MS. TRAINA: Just so we can get the  
17 renderings, and I'm not sure if it's different on  
18 the site plans, but are there any pedestrian safety  
19 measures for this walkway that you have proposed  
20 here? Is there, you know, a stop sign for vehicles  
21 for these pedestrians to cross?  
22 MS. LESCRINIER: I believe there is a  
23 pedestrian crossing sign. And there is also other  
24 pedestrian measures on the other -- let me see if I  
25 can pull it up. On this crosswalk here. That is

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1 heavily protected by some concrete planters and  
2 bollards. This crosswalk -- I don't believe that  
3 there is a sign specifically here for that, but that  
4 is something that we can consider if the county  
5 would like that.  
6 MS. TRAINA: I think that is  
7 something that I would like to be considered.  
8 MR. BENNETT: Just a sign that  
9 indicates pedestrian crossing?  
10 MS. TRAINA: Yes.  
11 CHAIRMAN KENNY: And also, the egress  
12 at Bergen, something to that effect as well.  
13 MS. LESCRINIER: Yes. So we are  
14 proposing signage near this, over here, indicating  
15 that it is right out only. And there's also do not  
16 enter signs facing Bergen. But this is the proposed  
17 sign for the right only.  
18 MR. CRAY: And that right turn only  
19 is an existing sign; correct?  
20 MS. LESCRINIER: Yes.  
21 MR. BENNETT: That does also provide  
22 an alternate method for getting to Passaic Avenue  
23 should somebody make a turn. They can do one of two  
24 things. When they reach Belgrove Drive, they can  
25 turn right and come down the end of Belgrove Drive,

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1 as you know, it intersects with the county road. Or  
 2 in the alternative, when they hit Belgrove Drive,  
 3 they can turn left, just go down one block, and that  
 4 road comes all the way back down again and turns  
 5 back into Passaic Avenue. So somebody wouldn't be  
 6 -- necessarily need to make a U-turn, they would  
 7 have a method for just looping around either way to  
 8 get back down to Passaic Avenue.  
 9 COMMISSIONER JETER: But they will.  
 10 One question. You said 22 parking spots; right?  
 11 MS. LESCRINIER: Yes, sir.  
 12 COMMISSIONER JETER: Now, do you have  
 13 -- would they have access to the rest of the mall  
 14 because of the other lot? And just throwing it out  
 15 there, what about like Doordash or anyone? Are they  
 16 going to have like designated areas for electric  
 17 bikes who pick up orders to go or anything like  
 18 that? Is there going to be some kind of  
 19 interaction? Because it's an area -- no one else is  
 20 in that area. So just something --  
 21 MR. BENNETT: Well, the one thing  
 22 that we do have is the overall shopping center has  
 23 consistently, and even with this development, has an  
 24 excess of parking. So although we designated 22  
 25 that surround the Panera Bread that are designated

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1 for that, really there's a spillover area there if  
 2 someone wanted to park. But the anticipation is  
 3 that that parking will be more than enough so that  
 4 anybody could pull into either one of the 22 spots  
 5 or one immediately adjacent to it if they needed to  
 6 on a Doordash.  
 7 And there is a walkway that goes across,  
 8 as you can see, and that's protected by bollards,  
 9 and that has parking spaces that you'll see with the  
 10 numbers 58, those are parking spots coming in there,  
 11 which are easily accessible also to the building.  
 12 MS. LESCRINIER: Yes. I believe  
 13 there's only 13 spaces required for the local  
 14 ordinance for the Panera and the retail, and we're  
 15 proposing the new 22. So overall, that's exceeding  
 16 19 spaces over the overall total retail development  
 17 for the site. So there is an excess.  
 18 CHAIRMAN KENNY: Okay. Thank you.  
 19 COMMISSIONER MEHTA: Just playing off  
 20 of Commissioner Jeter's question, operationally,  
 21 does Panera have designated like pickup spot or  
 22 curbside?  
 23 MS. LESCRINIER: Yes.  
 24 COMMISSIONER MALAVASI: Or do they  
 25 not do that? I don't know if -- I know McDonald's

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1 does it. I don't know if Panera does that.  
 2 MS. LESCRINIER: Yeah, they do.  
 3 Those spaces are located right here if you can see  
 4 my cursor. Proposed -- yeah.  
 5 COMMISSIONER MALAVASI: Oh, okay.  
 6 Thank you.  
 7 MS. LESCRINIER: Yeah. So you can  
 8 order on the app.  
 9 COMMISSIONER JETER: Thank you.  
 10 Yes.  
 11 CHAIRMAN KENNY: Do any other  
 12 commissioners have any questions? Mr. Cray,  
 13 anything?  
 14 MR. CRAY: No. We're familiar with  
 15 this site from the prior approval of the two  
 16 buildings and this is one of the two. But it was a  
 17 new application. So our review comments have been  
 18 addressed. There was one remaining from February --  
 19 from the January 11th letter, which is a second  
 20 review letter. In their January 22nd response  
 21 letter, the January 19th, 2024 plan, that addressed  
 22 the remaining comments.  
 23 A question I have for the applicant, I  
 24 know when you submitted the January 19th plan, that  
 25 was also in concert with you addressing approval

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1 conditions of the town. And if you were to receive  
 2 an approval and sought to have a resolution of  
 3 compliance, where are you at with the town? Did you  
 4 wrap everything up? Or do you still have some  
 5 back-and-forth?  
 6 MR. BENNETT: No. They are waiting  
 7 for the approval here before we move forward. The  
 8 developer, he's ready to go, but we're waiting for  
 9 the County approval.  
 10 MR. CRAY: So they've actually --  
 11 well, I mean, we can coordinate the signage that was  
 12 recommended. And if you agree to it, that will be  
 13 added to the plans. Is that it?  
 14 MR. BENNETT: Yes.  
 15 MR. CRAY: I mean, have they  
 16 basically blessed your plans from their perspective?  
 17 MR. BENNETT: Absolutely.  
 18 MS. LESCRINIER: Yes. Yeah. As Mr.  
 19 Bennett said, we do have a signed resolution from  
 20 them. There was a minor outstanding comment that  
 21 they had regarding this crosswalk here, which we did  
 22 address by proposing these planters as additional  
 23 protection for the pedestrians. And so those plans  
 24 are into the town and so now we're just wrapping up  
 25 the final administrative resolution compliance items

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1 with them.

2 MR. CRAY: Okay. So it'll be a

3 matter of giving them a heads-up that you're adding

4 some signage --

5 MS. LESCRINIER: Right.

6 MR. BENNETT: Yes.

7 MR. CRAY: And about the options for

8 both road egresses?

9 MR. BENNETT: Yes.

10 MS. LESCRINIER: Yes.

11 MR. CRAY: And then also about the

12 crosswalks. And that would be -- okay. Just -- I

13 know that, as these projects go, time is important.

14 So I just wanted to make sure we're on the same page

15 if you were to receive an approval, what would be

16 left.

17 MR. BENNETT: So the last -- the last

18 I we had to dot, the T we had to cross was the

19 bollards. And there was a question, we had a

20 selection, you could pick door number one, door

21 number two, or door number three. The board wanted

22 to know whether we're going to put up bollards,

23 whether we're going to put up planters, or whether

24 we're going to raise up the level of the curb. And

25 the board decided ultimately that they wanted the

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1 bollards, but then they thought it would be nice to

2 intersperse also planters filled with concrete that

3 would be in between the bollards for a little bit

4 nicer look.

5 So we have a little hybrid. And that was

6 approved at the -- they -- that was the final

7 presentation at the January meeting and they were

8 satisfied with that.

9 MR. CRAY: Mr. Chair, they shared

10 that information with us so that we knew what

11 changes they were making for the town. So there's

12 no further review comments to address, other than

13 the items brought up today -- tonight. So I don't

14 have any further questions or comments.

15 CHAIRMAN KENNY: Thank you. Ms.

16 Traina?

17 MS. TRAINA: Thank you. Mr. Cray,

18 with regards to the planters, do you believe that

19 the applicant meets the County's requirement for

20 grading stormwater infrastructure?

21 MR. CRAY: Well, on that point, I

22 mean, part of that was the new -- relatively new

23 requirements for collecting some and having some

24 groundwater infiltration. I did comment on that.

25 They -- because of some -- the condition of the

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1 site's soils, they have an LSRP for this site and

2 they submitted a formal letter showing that actually

3 in those conditions you did not promote infiltration

4 at the state level.

5 So my recommendation on that was that they

6 -- that I did not disagree with that. I'm familiar

7 with that on the particular sites. And that seems

8 to have met the intent of that particular water

9 requirement.

10 MS. TRAINA: Great. And then just

11 one final question -- I guess, point for the record,

12 the street tree requirement for this application is

13 basically waived because there was a monetary

14 contribution that was made with the --

15 MR. BENNETT: Prior application.

16 Yes.

17 MS. TRAINA: Prior application.

18 CHAIRMAN KENNY: Thank you. Any

19 questions from the public? Or comments? If not, we

20 can proceed to the next witness. Thank you very

21 much.

22 MR. BENNETT: Okay. Sure. Thank

23 you.

24 MS. LESCRINIER: Thank you.

25 CHAIRMAN KENNY: Thank you.

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1 MS. CURLEY: Name for the record?

2 MR. PEREGOY: Craig Peregoy.

3 P-E-R-E-G-O-Y.

4 MS. CURLEY: And now, raise your

5 right hand.

6 (The witness is sworn.)

7 MS. CURLEY: Thank you.

8 MR. BENNETT: Craig, you're employed

9 by Dynamic Traffic?

10 MR. PEREGOY: Yes.

11 MR. BENNETT: And you're a licensed

12 professional engineer?

13 MR. PEREGOY: I am.

14 MR. BENNETT: And you have expertise

15 in the area of traffic engineer?

16 MR. PEREGOY: Yes.

17 MR. BENNETT: And you've testified,

18 have you not, before zoning boards and planning

19 boards throughout the State of New Jersey?

20 MR. PEREGOY: I have. Including this

21 one, many times.

22 MR. BENNETT: Okay. And you've been

23 qualified as, not only as a professional engineer

24 but one with an expertise in the area of traffic

25 engineering?

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1 MR. PEREGOY: Correct.  
2 MR. BENNETT: You had the  
3 opportunity, did you not, at the request of the  
4 applicant to do a study of the impact that may be  
5 occasioned by the construction of this Panera Bread?  
6 MR. PEREGOY: We did.  
7 MR. BENNETT: And if you would just  
8 share with the board briefly what you incorporated  
9 into your traffic impact study that you submitted  
10 with our application?  
11 MR. PEREGOY: Sure. For this  
12 particular location, we looked at the weekday  
13 evening and the Saturday midday shopping peak hour,  
14 because that's when you're going to have the busiest  
15 traffic volumes for a shopping center like this.  
16 And typically, even though it's a pad  
17 site, it's a separate building, this is considered  
18 as an entire shopping center, that's the way the  
19 ITE, the Institute of Transportation Engineers, and  
20 NJDOT look at it as just an increase in the size of  
21 the shopping center. You then asked us to take a  
22 look at, hey, what if this is a standalone fast food  
23 with a drive-thru, a Panera Bread, how does that  
24 change the numbers?  
25 So we did that. We looked at it as if it

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1 was just a standalone restaurant, not associated  
2 with the shopping center. And then there's a  
3 procedure to calculate the internally captured  
4 trips. In other words, people who maybe are going  
5 to one other store, going to Target, and then go to  
6 Panera, or vice versa, we can make that  
7 calculation. And ultimately, the driveway trips, the  
8 traffic that would either go to Bergen or Passaic  
9 Avenue, the increase as a result of this and that  
10 small little bit of retail was 44 trips during the  
11 weekday evening peak hour and 92 trips during the  
12 Saturday shopping peak hour.  
13 But what you got to keep in mind is that  
14 this is a lot of pass-by traffic. In other words,  
15 Panera wants to be here because they want to capture  
16 the shoppers who are there and they want to capture  
17 people who are already traveling on Passaic Avenue.  
18 And the ITE gives us those percentages, and for a  
19 fast-food restaurant, it's a little higher than just  
20 the generic shopping center. You make a special  
21 trip to go to Target more so than Panera. You might  
22 just stop and pick up dinner on the way home, you  
23 might have been on the road anyway.  
24 So those percentages for pass by are 55  
25 percent in the evening peak hour and 37 percent in

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1 the Saturday. So if you do that math, the actual  
2 increase in traffic to offsite intersections,  
3 actually additional cars coming in the area, would  
4 be ten during the weekday evening and 54 on a  
5 Saturday?  
6 Now, what does that mean? Typically, what  
7 you look at, is there going to be a traffic impact,  
8 a significant impact is what New Jersey DOT calls  
9 it, that's a hundred trips in a peak hour. So even  
10 not considering that pass by, we're under it. But  
11 when you talk about the pass-by during the more  
12 critical weekday evening, we're at about ten percent  
13 of that threshold and about half of it on a  
14 Saturday.  
15 So essentially, beyond just the existing  
16 driveways, you barely -- you'd barely notice once  
17 that traffic disburse to the other locations. And  
18 again, the reason that Panera is located at this  
19 location is to capture what is already there, they  
20 are not thinking that people are going to all of a  
21 sudden come into this area. There's already  
22 successful shopping here, and obviously, heavy  
23 commuter traffic on Passaic Avenue that they are  
24 trying to bring in. That was really it. That was  
25 really the crux of the report. You already talked

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1 about parking so.  
2 MR. BENNETT: Right. And the  
3 opinion, obviously, that you drew from that based  
4 upon your expertise and based upon the number  
5 crunching, as you indicated, is that this particular  
6 addition to the shopping center will have no impact  
7 whatsoever on the county roadway?  
8 MR. PEREGOY: No, no impact  
9 whatsoever. You wouldn't notice from day one to day  
10 two.  
11 CHAIRMAN KENNY: Is there -- there's  
12 a 700 square foot retail? Separate retail?  
13 MR. BENNETT: Yeah. There's a little  
14 -- you see it off to the side, you can see it on the  
15 left-hand side.  
16 CHAIRMAN KENNY: What is that -- what  
17 is that going to be?  
18 MR. BENNETT: I'm sorry. Right-hand  
19 side. They don't know yet. That's going to be just  
20 a supplemental small -- but that should not generate  
21 much of anything. It's a tiny location. It might  
22 be a little office, it might be, you know, again --  
23 MR. PEREGOY: That was built into --  
24 the numbers I gave you, included that little piece,  
25 but yeah, that would be a small piece.

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1 COMMISSIONER LUGO: You mentioned the  
 2 weekday and Saturday. It'll be open seven days a  
 3 week?  
 4 MR. BENNETT: Yes. But there is a  
 5 restriction on the drive-thru that was placed on it  
 6 by the town. They wanted it closed -- I believe it  
 7 was eight o'clock. Yeah. Eight o'clock. They  
 8 wanted it closed at eight o'clock for the  
 9 drive-thru. Not for the internal dining room, but  
 10 they just didn't want the drive-thru -- it was --  
 11 very frankly, it was a way to differentiate and show  
 12 them that this was not intended to be in the true  
 13 sense of a fast-food restaurant because Panera is a  
 14 little different than that. They do dining inside,  
 15 you have silverware, you have plates, you have  
 16 napkins, you have things that would be more akin to  
 17 a restaurant than a fast food restaurant.  
 18 But in order to ensure that at a later  
 19 date, again, they've signed a very extensive lease  
 20 predicated upon this approval term-wise, but that  
 21 going forward, they wanted to ensure that it wasn't  
 22 going to become a fast-food restaurant. And so they  
 23 placed some restrictions on it, which were agreeable  
 24 to the developer, as well as Panera.  
 25 CHAIRMAN KENNY: You forgot to

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1 mention, Mr. Bennett, bread bowls.  
 2 MR. BENNETT: Oh, yes.  
 3 CHAIRMAN KENNY: They have bread  
 4 bowls, too.  
 5 COMMISSIONER MEHTA: So what will be  
 6 the normal business hours of this location?  
 7 MR. BENNETT: I believe --  
 8 AUDIENCE MEMBER: Seven until  
 9 probably around ten.  
 10 MR. BENNETT: Yeah. Seven -- seven  
 11 a.m. Because they do serve a coffee, and rolls, or  
 12 bread, or whatever. It's Panera Bread. From seven  
 13 to ten. But the drive-thru, I think, is going to  
 14 open a little later and then it'll close by eight  
 15 o'clock. So, yeah. Fairly restricted, but a  
 16 wonderful compliment to an existing shopping center  
 17 that's been a little -- weather the storm, as they  
 18 say.  
 19 CHAIRMAN KENNY: Any other questions  
 20 from the commissioners?  
 21 MR. BENNETT: Thank you. Thanks,  
 22 Craig. That is our witnesses and that's our  
 23 presentation. And hopefully, we've answered the  
 24 questions that you've posed. And I would  
 25 respectfully request, on behalf of the applicant,

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1 that the board affirmatively vote on it and allow us  
 2 to move forward.  
 3 CHAIRMAN KENNY: I'd like to request  
 4 a motion to approve, subject to the conditions  
 5 pertaining to signage.  
 6 COMMISSIONER PETTIGREW: Motion.  
 7 MR. NICHOLAS: On a motion made by  
 8 Commissioner Pettigrew.  
 9 COMMISSIONER PETTIGREW: Sure.  
 10 COMMISSIONER MEHTA: I second. Just  
 11 to let them know that if you get a comment to not  
 12 approve this project, but if there are changes to  
 13 something, you might have to come back to get  
 14 approval.  
 15 MR. BENNETT: Kearny has approved  
 16 everything. Everything has been approved by them.  
 17 COMMISSIONER MEHTA: Oh, okay.  
 18 Because I think I heard that you said that Kearny  
 19 did not approve yet.  
 20 MR. BENNETT: MR. BENNETT: No, no.  
 21 They approved it by resolution December 6, 2023.  
 22 COMMISSIONER MEHTA: Okay.  
 23 MR. BENNETT: And then with a little  
 24 minor modification. And we don't perceive that  
 25 there is any issue with regard to the signage

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1 requested internally. In fact, they probably join  
 2 in that request so.  
 3 COMMISSIONER MEHTA: Okay. Then,  
 4 they approved it. I second.  
 5 MR. NICHOLAS: Okay. On a motion  
 6 made by Commissioner Pettigrew, seconded by  
 7 Commissioner Mehta. Commissioner Jeter.  
 8 COMMISSIONER JETER: Yes.  
 9 MR. NICHOLAS: Commissioner Lugo.  
 10 COMMISSIONER LUGO: Aye.  
 11 MR. NICHOLAS: Commissioner  
 12 Malavasi.  
 13 COMMISSIONER MALAVASI: Yes.  
 14 MR. NICHOLAS: Commissioner Mehta.  
 15 COMMISSIONER MEHTA: Aye.  
 16 MR. NICHOLAS: Commissioner  
 17 Pettigrew.  
 18 COMMISSIONER PETTIGREW: Aye.  
 19 MR. NICHOLAS: Chairman Kenny.  
 20 CHAIRMAN KENNY: Aye.  
 21 MR. NICHOLAS: Chairman, the motion  
 22 has passed.  
 23 MR. BENNETT: Thank you very much.  
 24 MR. NICHOLAS: Next on the agenda are  
 25 applications to be exempt. I will read out all

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1 three applications and then we will move for a vote.  
 2 The first application is 2024-002-SPSD,  
 3 Six Wave Logistics, LLC, located at 69-71 New Hook  
 4 Access Road, Block 416, Lot 1.01, in the City of  
 5 Bayonne. It's a site plan and subdivision  
 6 application not along a County road.  
 7 The second application for exemption is  
 8 2024-003-SD, Applicant Port Imperial South Park  
 9 Parcel Urban Renewal Owner, LLC, located at 5 Avenue  
 10 at Port Imperial, Block 36.05, Lot 1.01, in the  
 11 Township of Weehawken. It's a subdivision  
 12 application not along a County road.  
 13 And the last application to be exempt is  
 14 2024-006-SP, Applicant 921 Madison, LLC, located at  
 15 931 Madison Street, Block 95, Lot 11-16, in the City  
 16 of Hoboken.  
 17 CHAIRMAN KENNY: Do we have a motion  
 18 to approve the applications to be exempt?  
 19 COMMISSIONER JETER: Motion.  
 20 COMMISSIONER LUGO: Second.  
 21 MR. NICHOLAS: On a motion made by  
 22 Commissioner Pettigrew, seconded by Commissioner --  
 23 I'm sorry. Was that --  
 24 COMMISSIONER PETTIGREW: We sound the  
 25 same.

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1 MR. NICHOLAS: You guys sound the  
 2 same. I apologize. On a motion made by  
 3 Commissioner Jeter. You guys sound alike. Seconded  
 4 by Commissioner Lugo. Commissioner Jeter.  
 5 COMMISSIONER JETER: Aye.  
 6 MR. NICHOLAS: Commissioner Lugo.  
 7 COMMISSIONER LUGO: Aye.  
 8 MR. NICHOLAS: Commissioner  
 9 Malavasi.  
 10 COMMISSIONER MALAVASI: Aye.  
 11 MR. NICHOLAS: Commissioner Mehta.  
 12 COMMISSIONER MEHTA: Aye.  
 13 MR. NICHOLAS: Commissioner  
 14 Pettigrew.  
 15 COMMISSIONER PETTIGREW: Aye.  
 16 MR. NICHOLAS: Chairman Kenny.  
 17 CHAIRMAN KENNY: Aye.  
 18 MR. NICHOLAS: Chairman, the motion  
 19 has passed. All right. And lastly, on the agenda  
 20 are applications to be dismissed without prejudice.  
 21 The first application is application  
 22 2023-040-SP, 80 Journal Square Partners, LLC,  
 23 located at 2895 JFK Boulevard, Block 9403, Lot  
 24 16.01, in the City of Jersey City. It's a site  
 25 plan application to construct a 28-story mixed-use

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1 tower above an existing two-story CH Martin Retail  
 2 Store.  
 3 As I've mentioned, you know, this  
 4 applicant has continuously submitted their  
 5 submittals late. So in this case, again, our agenda  
 6 had posted after --  
 7 MS. TRAINA: Before.  
 8 MR. NICHOLAS: Before. Excuse me.  
 9 Thank you. Our agenda posted before they had  
 10 submitted on time or in a timely manner, the items  
 11 that were needed to continue to review. So what we  
 12 usually do, they, of course, can continue with the  
 13 review, but with a new application number. So you  
 14 guys will be seeing them with a new application  
 15 number to restart that process; all right?  
 16 COMMISSIONER LUGO: The original  
 17 agenda had two. This was the one? The other one?  
 18 MR. NICHOLAS: Oh. This is -- well,  
 19 no, this has two as well. We're proceeding to  
 20 dismiss without prejudice both of them. Yeah.  
 21 CHAIRMAN KENNY: But the other one on  
 22 the initial agenda was a different Kennedy Boulevard  
 23 location; right?  
 24 MS. TRAINA: Yeah. So the original  
 25 agenda that was sent out two weeks ago, that only


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1 had the one application. In the agenda that I sent  
 2 out last week as a reminder of the meeting, had two  
 3 applications, that second application was 3447 John  
 4 F. Kennedy Boulevard. That was not posted. So that  
 5 was sent by email in error. But it is still a  
 6 pending application.  
 7 COMMISSIONER LUGO: Okay.  
 8 MR. NICHOLAS: Yeah. Thank you for  
 9 that explanation, Ms. Trainer.  
 10 And then secondly, the next application to  
 11 be dismissed without prejudice is 2023-069-SP,  
 12 Applicant Communications Construction Group, located  
 13 at 34 County Road, block and lot are not available.  
 14 Municipality is Jersey City.  
 15 It's a telecommunication application to  
 16 attach 356 feet of Comcast Coax cable, I'm assuming,  
 17 to an existing pole line on County Road. And, Ms.  
 18 Traina, do you mind providing an explanation for  
 19 this?  
 20 MS. TRAINA: Yes. The applicant has  
 21 informed us that they are not moving forward with  
 22 the project and so they requested to be dismissed.  
 23 MR. NICHOLAS: Thank you. And so,  
 24 yes. And those are the two items we dismissed  
 25 without prejudice.

1 COMMISSIONER LUGO: Motion.  
 2 COMMISSIONER JETER: Second.  
 3 MR. NICHOLAS: On a motion made by  
 4 Commissioner Lugo, seconded by Commissioner Jeter.  
 5 Commissioner Jeter.  
 6 COMMISSIONER JETER: Aye.  
 7 MR. NICHOLAS: Commissioner Lugo.  
 8 COMMISSIONER LUGO: Aye.  
 9 MR. NICHOLAS: Commissioner Malavasi.  
 10 COMMISSIONER MALAVASI: Aye.  
 11 MR. NICHOLAS: Commissioner Mehta.  
 12 COMMISSIONER MEHTA: Aye.  
 13 MR. NICHOLAS: Commissioner  
 14 Pettigrew.  
 15 COMMISSIONER PETTIGREW: Aye.  
 16 MR. NICHOLAS: Chairman Kenny.  
 17 CHAIRMAN KENNY: Aye.  
 18 MR. NICHOLAS: Chairman, the motion  
 19 has passed. And Chairman, there are no old  
 20 business, nor new business items to discuss. Next  
 21 meeting date is Tuesday, March 19, at 6:30 p.m.  
 22 CHAIRMAN KENNY: Do we have a motion  
 23 to adjourn until March 19th, 2024? Thank you.  
 24 (Whereupon the proceeding is then  
 25 concluded at 7:28 p.m.)

CERTIFICATION

1  
 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, February 20, 2024; and that this is a  
 9 correct transcript of the same.

10  
 11  
 12  
 13   
 SHARI CATHEY, CCR, RPR  
 A NOTARY PUBLIC of the  
 14 State of New Jersey  
 I.D. No. 2283786  
 15 Commission Expires 2/4/27  
 16  
 17  
 18  
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<b>0</b>	<b>2024-006</b> 50:14	<b>54</b> 44:4	<b>a</b>
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