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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, May 21, 2024
6:30 p.m.

B E F O R E:

FRANCIS KENNY, Chairman
PAMELA LAYSON, Commissioner
SAMANTHA LUGO, Commissioner
THOMAS MALAVASI, Commissioner
RUSHABH MEHTA, Commissioner
ARTHUR PETTIGREW, Commissioner

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

BYRON NICHOLAS, PP, AICP, Secretary
MARK SERRANO, Assistant Planner
AMANDA CURLEY, ESQ., Board Attorney
PETER BONDAR, P.E.

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1 CHAIRMAN KENNY: I'd like to call to
 2 order the May 21st, 2024 Hudson County Planning
 3 Board meeting. Has the meeting been properly
 4 advertised?
 5 MS. CURLEY: Yes. The meeting was
 6 properly advertised pursuant to the Open Public
 7 Meeting Act and notice ran in the Jersey Journal,
 8 Jersey City on Wednesday, May 15th, 2024.
 9 CHAIRMAN KENNY: Thank you. Can we
 10 have a roll call, please?
 11 MR. NICHOLAS: Sure. Commissioner
 12 Aponte-Lipski, absent. Commissioner Glembocki, not
 13 here. Commissioner Callegari, not here.
 14 Commissioner Jeter, not here. Commissioner Layson.
 15 COMMISSIONER LAYSON: Here.
 16 MR. NICHOLAS: Commissioner Lugo.
 17 COMMISSIONER LUGO: Here.
 18 MR. NICHOLAS: Commissioner Malavasi.
 19 COMMISSIONER MALAVASI: Here.
 20 MR. NICHOLAS: Commissioner Mehta.
 21 COMMISSIONER MEHTA: Here.
 22 MR. NICHOLAS: Commissioner Ng, not
 23 here. Commissioner Pettigrew.
 24 COMMISSIONER PETTIGREW: Here.
 25 MR. NICHOLAS: Commissioner Walker,

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1 not here. And Chairman Kenny.
 2 CHAIRMAN KENNY: Present.
 3 MR. NICHOLAS: Chairman, we have a
 4 quorum.
 5 CHAIRMAN KENNY: Okay.
 6 Commissioners, have you had an opportunity --
 7 actually, before we do that, could we please stand
 8 to salute the flag.
 9 (Flag Salute.)
 10 CHAIRMAN KENNY: Commissioners, have
 11 you had an opportunity to review minutes from our
 12 last meeting? And if so, I'd like to ask for a
 13 motion to adopt the minutes.
 14 COMMISSIONER PETTIGREW: Motion.
 15 COMMISSIONER LUGO: Second.
 16 MR. NICHOLAS: On a motion made by
 17 Commissioner Pettigrew. Second by Commissioner
 18 Lugo.
 19 Commissioner Layson.
 20 COMMISSIONER LAYSON: Aye.
 21 MR. NICHOLAS: Commissioner Lugo.
 22 COMMISSIONER LUGO: Aye.
 23 MR. NICHOLAS: Commissioner Malavasi.
 24 COMMISSIONER MALAVASI: Abstain.
 25 MR. NICHOLAS: Commissioner Mehta.

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1 COMMISSIONER MEHTA: Aye.
 2 MR. NICHOLAS: Commissioner
 3 Pettigrew.
 4 COMMISSIONER PETTIGREW: Aye.
 5 MR. NICHOLAS: Chairman Kenny.
 6 CHAIRMAN KENNY: Aye.
 7 MR. NICHOLAS: Chairman, the motion
 8 has passed. All right. The next item on the agenda
 9 are matters scheduled for public hearing. We have
 10 two award contracts for outside consulting
 11 engineering. The first contract would be -- so let
 12 me provide some background information where
 13 initially last month, we have awarded two contracts
 14 for our primary and secondary engineering consulting
 15 firms.
 16 And going forward, our Administration has
 17 agreed to extend that opportunity to the other two,
 18 or the consulting firms who have scored lower than
 19 the top two. So it would be a total of four, in
 20 rotation, outside engineering consulting firms, all
 21 right? And the third area, or I would say the third
 22 firm, was, I believe -- Oh, the third firm, I'm
 23 sorry, was Greenman Peterson, Inc., which is GPI.
 24 And the second, or the fourth, rather, was CME
 25 Associates. Again, these scored the top four,

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1 including RVE and T & M, who were awarded at the
 2 last Planning Board Meeting.
 3 Is there a motion to adopt and approve
 4 these two awards? I'm sorry, to approve these
 5 contracts? Or I'll open it up to questions, if
 6 anyone have any questions or comments.
 7 COMMISSIONER PETTIGREW: I think
 8 we're going to table this until the next month to
 9 have further discussion by the Legal Department.
 10 MR. NICHOLAS: Okay. Sounds good.
 11 COMMISSIONER PETTIGREW: So I'd like
 12 to make a motion to table this until the next --
 13 COMMISSIONER MEHTA: Second.
 14 COMMISSIONER PETTIGREW: If we can
 15 have a legal opinion on it.
 16 MR. NICHOLAS: Okay. So on a motion
 17 made by Commissioner Pettigrew. Second by
 18 Commissioner Mehta.
 19 Commissioner Layson.
 20 COMMISSIONER LAYSON: Aye.
 21 MR. NICHOLAS: Commissioner Lugo.
 22 COMMISSIONER LUGO: Aye.
 23 MR. NICHOLAS: Commissioner Malavasi.
 24 COMMISSIONER MALAVASI: Aye.
 25 MR. NICHOLAS: Commissioner Mehta.

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1 COMMISSIONER MEHTA: Aye.
 2 MR. NICHOLAS: Commissioner
 3 Pettigrew.
 4 COMMISSIONER PETTIGREW: Aye.
 5 MR. NICHOLAS: Chairman Kenny.
 6 CHAIRMAN KENNY: Aye.
 7 MR. NICHOLAS: All right. The two
 8 items, Item A and B, have been postponed until
 9 further notice, and we will obtain legal opinion for
 10 more information.
 11 All right. The next item on the agenda
 12 are Site Plans, Subdivisions, and Other Matters
 13 Scheduled for Public Hearing. The first application
 14 to be heard is Application 2023-036-SP. Applicant
 15 L2A, Land Design, LLC, located at 89-91 Park Avenue,
 16 Block 176, Lot 1.02; in the City of Hoboken.
 17 CHAIRMAN KENNY: Is the applicant
 18 here?
 19 MR. NICHOLAS: Okay. All right.
 20 MS. CURLEY: Can we get started on
 21 the next one?
 22 MR. NICHOLAS: Yeah. We'll move
 23 forward with the next application, and if the
 24 applicant does arrive, we will go forward, and if
 25 not, we will need a motion for postponement as well.

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1 The next application to be heard is
 2 2023-059-SP; 12th Street Development, LLC; located
 3 at 1200 Patterson Blank Road, Block 24, Lot 1, 3,
 4 and 66; in the Township of North Bergen.
 5 MR. NICHOLAS: Commissioner Mehta
 6 would request that we actually start with Newark
 7 Turnpike, Kearny, if that's possible, if we have
 8 everyone here for that application first.
 9 MR. ALONSO: Yeah. Okay.
 10 COMMISSIONER MEHTA: Because I think
 11 for North Bergen, I have to recuse myself because I
 12 have already heard the application in the Zoning
 13 Board.
 14 MR. NICHOLAS: All right. So the
 15 application to be heard is 2023-07-070-SP.
 16 Applicant IV5, 1100 Newark Turnpike, located at 1100
 17 Newark Turnpike; Block 284, Lot 21.03, and Lot 36;
 18 in the town of Kearny. It's a site plan application
 19 to redevelop an existing property and add parking
 20 spaces, truck loading spaces, and trailer parking
 21 spots.
 22 MR. TRAUTNER: That's a good location
 23 for the Board? Thank you, Mr. Chairman and Members
 24 of the board. Good evening. My name is Thomas
 25 Trautner. I'm an attorney with the law firm of

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1 Chiesa Shahinian & Giantomasi. We're here, we
 2 represent IV-5, 1100 Newark Turnpike LLC.
 3 This is a site plan application for a
 4 proposed warehouse distribution use, converting an
 5 existing intermodal facility, it's an existing
 6 one-story masonry building, into a warehouse
 7 distribution facility with some ancillary office
 8 space and ancillary site improvements, including
 9 additional parking spaces, truck loading spaces, and
 10 trailer parking spaces, and some landscape
 11 improvements, which you'll hear about this evening.
 12 Again, the proposed property, the
 13 property's located at 1100 Newark Turnpike in
 14 Kearny. It's Block 284, Lots 21.03 and 36. It's
 15 located in one of the New Jersey Sports and
 16 Exposition Authority zones, and that permits the
 17 proposed warehouse distribution facility.
 18 I have with me this evening Drew French
 19 from French & Parrello to testify as to site
 20 engineering issues, and as well as we have William
 21 Masol, also from French and Parrello, to answer
 22 questions regarding traffic. He's a traffic
 23 engineer and we also have a representative of the
 24 applicant here to answer any questions that may come
 25 up.

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1 MS. CURLEY: Can you raise your right
 2 hand?
 3 (The witness is sworn.)
 4 MS. CURLEY: And can you state your
 5 name for the record?
 6 MR. FRENCH: Andrew French from
 7 French & Parrello Associates.
 8 MS. CURLEY: Thank you.
 9 MR. FRENCH: You're welcome.
 10 MR. TRAUTNER: Mr. Chairman, with
 11 your permission, I'll qualify Mr. French as an
 12 expert in the field of civil engineering. Mr.
 13 French, can you just give me more of the benefit of
 14 your educational and professional background?
 15 MR. FRENCH: Yes. Certainly. I have
 16 a bachelor of science degree in civil engineering
 17 from NJIT. I've been practicing site engineering
 18 for about 25 years. I'm a licensed professional
 19 engineer in the state of New Jersey.
 20 CHAIRMAN KENNY: Okay. If there are
 21 no objections from the Commissioners, we can
 22 proceed.
 23 MR. TRAUTNER: Thank you, Mr.
 24 Chairman. So, Mr. French, without standing on
 25 ceremony, we, and members of the Board, Mr.

<p style="text-align: right;">Page 10</p> <p>1 Chairman, presented before you this evening, which 2 we can mark as Exhibit A-1, is an aerial overlay 3 exhibit. It's colorized, and I can let Mr. French 4 explain it, and in the context of explaining it, 5 I'll ask Mr. French to just describe the existing 6 conditions and generally what's proposed at the site 7 with a kind of eye to what came up in the comment 8 letters.</p> <p>9 MR. FRENCH: Yeah. So certainly this 10 is an overlay aerial exhibit of the existing 11 conditions surrounding it with, you know, this is 12 our landscaping plan, color rendered to illustrate 13 what we're proposing to do for the site. So the 14 property is located on Newark Turnpike. That's on 15 the north side of the property.</p> <p>16 The existing site is surrounded by 17 industrial uses, NJ Transit maintenance facilities 18 on the west. On south is CXS -- CSX terminal. It's 19 a railroad terminal facility to the south. And on 20 the east is another industrial facility. You can 21 see all the tractor trailers parked here on our 22 eastern borderline.</p> <p>23 The site is an existing intermodal 24 facility where it had, on the rear of the site, 25 railroad sidings that came into the back of the</p>	<p style="text-align: right;">Page 12</p> <p>1 in the back for the warehouse distribution facility. 2 As part of those improvements, you know, we are 3 reducing the impervious coverage. On the eastern 4 side of the property, we're actually adding a 5 landscape buffer here. In stormwater management, 6 we're reducing the amount of impervious coverage, so 7 the runoff from the site as a result of the project 8 would be less than it is under the existing 9 condition.</p> <p>10 You know, for the frontage, we are 11 providing street trees along North Turnpike. I 12 believe there's about 38 street trees. That was one 13 of the comments in the review letter that we're 14 addressing and willing to comply. The other 15 comments in the review letter regarding green 16 infrastructure. On the stormwater management rules, 17 we're asking a waiver from green infrastructure on 18 this property. As I indicated before, the soils are 19 not permeable. It's heavily compacted. The 20 groundwater is shallow, so it is not conducive to 21 providing green infrastructure, which relies on 22 infiltration into the ground and separation from the 23 groundwater table.</p> <p>24 So this particular site, because it's 25 already been fully developed, it's challenging to go</p>
<p style="text-align: right;">Page 11</p> <p>1 building that brought the bulk products to the back. 2 Then it would get stored in the building and trucks 3 would come up the front, get loaded, and then 4 locally distributed. The applicant purchased this 5 property and as part of the cleanup in the rear of 6 the site where the railroads, there was 7 environmental contamination, they cleaned up the 8 property. The intent is to remove the rail lines 9 and make it a warehouse distribution facility.</p> <p>10 The intent is that the bulk goods would be 11 delivered by tractor trailers, come to the rear of 12 the site, unload into the building, and then it 13 would be stored and then distributed locally out the 14 front with the front loading area.</p> <p>15 The site has been an industrial site for 16 decades. It's covered with impervious coverage 17 under the existing condition. We went out and did 18 soil testing. The surface is heavily compacted from 19 all the industrial use over decades. The water 20 table is very shallow, so you're not getting any 21 infiltration of the stormwater into the ground under 22 the existing conditions.</p> <p>23 What we're proposing to do, though, is to 24 pave the rear of the site, clean up some of the 25 environmental contaminants, make some loading docks</p>	<p style="text-align: right;">Page 13</p> <p>1 ahead and add in green infrastructure. We're asking 2 for the waiver, but we are implementing, and there's 3 two existing detention basins located up on the 4 north side of the property. They're currently 5 stone-lined. We would go ahead and remove the 6 stone, put soil media in there, and put plantings 7 into those basins, so they're acting like a 8 bio-retention system. But it doesn't meet all the 9 specific requirements of green infrastructure, but 10 we are, in good faith, meeting the intent of the 11 stormwater rules.</p> <p>12 For that matter, this property, fully 13 developed, we're reducing the runoff by adding some 14 landscaping and green spaces here, so we are 15 complying with the stormwater management rules, just 16 not specifically green infrastructure. We're asking 17 for that waiver.</p> <p>18 The other waiver that we're asking for is 19 a sidewalk along the frontage of Newark Turnpike. I 20 mean, this whole area is an industrial area. There 21 is no pedestrian traffic flow in this area. There's 22 no destination. Along Newark Turnpike, as you can 23 see here, there's pictures of cars parked all along 24 the frontage of the property. They're actually New 25 Jersey Transit's facilities parking. So what</p>

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1 they've done is they've had the parking all along
 2 the right-of-way, and now there's no additional
 3 right-of-way even to put the sidewalk. So there's
 4 no benefit of adding sidewalk. There's minimum
 5 right-of-way to put it, so we're asking for a waiver
 6 since there is no pedestrian traffic flow in that
 7 area.

8 So we do have on the property, we're
 9 adding additional loading docks in the back. One of
 10 the comments was why so many, as well as trailer
 11 parking spaces that we have. We don't have an end
 12 user yet for the facility, but for marketing
 13 purposes, we want to be able to market it and not
 14 have that be a constraint on our property. So
 15 nowadays, with the operations of truck drivers,
 16 they're limited to the hours that they can actually
 17 be in the truck driving. So in the old case where
 18 they used to drive for hours and hours, now in
 19 particular, they drive in, they set the truck, and
 20 they used to wait until it's unloaded before they
 21 pull out.

22 Nowadays, what they prefer is they pull
 23 the truck in, they unhook the truck, and while it's
 24 being unloaded, they pull around and they grab an
 25 empty container trailer and leave. So it helps make

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1 the operation more efficient. So to help market the
 2 property, we want that advantage, so for that end
 3 user to be able to really utilize the property. We
 4 are providing 38 parking spots to comply with the
 5 requirements. We're adding handicap parking and a
 6 handicap ramp in the front, as well as EV make-ready
 7 parking spaces.

8 MR. TRAUTNER: So unless the Board
 9 has any questions, that may cover it. We do have a
 10 traffic expert able to testify, although Mr. French,
 11 if you'd rather stay, I think there's a net deep
 12 decrease in the number of people.

13 MR. FRENCH: Well, what I can add is
 14 this is an existing building. We're not adding to
 15 the building. The building square footage is
 16 staying the way it is. We're just re-purposing it
 17 from intermodal to warehouse distribution, which is
 18 the same idea, you know, but because the building is
 19 remaining the same based on the ITE traffic
 20 calculations from intermodal to warehouse, our
 21 traffic trips are actually going down.

22 So from an on-site circulation, this has
 23 always been used for trucks and trailers pulling in
 24 and out of the facility, coming to the front loading
 25 dock area. So it already has the on-site

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1 circulation that we're not even changing along the
 2 front of the property. To the rear, we are taking a
 3 one-way circulation around the back for the loading
 4 docks. The turning templates work. So from a
 5 traffic standpoint, we're not anticipating any
 6 impact based on the traffic from the existing use to
 7 the new use. It's actually trips are slightly
 8 decreasing.

9 CHAIRMAN KENNY: Can I ask the
 10 commissioners if we have any questions?

11 COMMISSIONER MALAVASI: Just one
 12 point for the Board's information. That parking
 13 along the Newark Turnpike that Mr. French mentioned
 14 in New Jersey Transit, that's stuff that they did
 15 without our knowledge several years ago. So
 16 unfortunately, they built that themselves and kind
 17 of forced them into the position where there's no
 18 room for sidewalks. So it wasn't their doing. It
 19 was Transit's doing. We've been kind of going back
 20 and forth with them for a couple of years. So it is
 21 what it is.

22 Question on some of the drainage. I have
 23 a recollection that a couple of years ago, there was
 24 some flooding on that site. There was an old pump
 25 station there.

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1 MR. FRENCH: There is a pump station
 2 there. They just dumped onto the road.

3 COMMISSIONER MALAVASI: Yes.
 4 Correct. How is that being dealt with? Can you at
 5 least pipe that to the detention basins just so it
 6 doesn't go? It was just shooting out of the road in
 7 muddy water.

8 MR. FRENCH: Yes. That was an old
 9 condition. That is no longer being pumped overland
 10 into the road. The drainage systems that are there
 11 have improved the condition. I believe that pump
 12 station ties directly into the storm sewer on Newark
 13 Turnpike, though, in a controlled manner. The idea
 14 is the basins throttle and hold the water back with
 15 the operation of the pump. But it's not discharged
 16 overland, which is a nuisance and a maintenance
 17 headache. I understand that.

18 COMMISSIONER MALAVASI: I don't know
 19 why they did it, but they were doing it.

20 MR. FRENCH: Yes.

21 COMMISSIONER MALAVASI: But if you've
 22 taken care of that, that would help.

23 MR. TRAUTNER: A lot of things have
 24 happened with New Jersey Transit, the old operator,
 25 but we're here to clean up the site, make it better,

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1 you know.

2 COMMISSIONER MALAVASI: Thank you.

3 MR. FRENCH: You're welcome.

4 CHAIRMAN KENNY: Anyone else have any

5 questions?

6 COMMISSIONER MEHTA: Currently, how

7 many docking spaces are there?

8 MR. FRENCH: Under the existing

9 condition?

10 COMMISSIONER MEHTA: Yes.

11 MR. TRAUTNER: I believe 54.

12 COMMISSIONER MEHTA: And how many are

13 you planning to add?

14 MR. TRAUTNER: We're adding 21 full

15 size and about 31 smaller size in the rear. So, 52.

16 COMMISSIONER MEHTA: And how many

17 current employees are there?

18 MR. TRAUTNER: So it's currently not

19 being operated as when they were doing some of the

20 cleanup stuff out there. But in the past, like a

21 warehouse, it's a very small amount of employees.

22 It's my understanding there was only about 10

23 employees that worked there when it was operating as

24 the intermodal. And it's similar. What happens is

25 the office space is small. The warehouse, the way

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1 you make money in a warehouse is not on employees,

2 but it's storing the product that it gets into the

3 trucks. So it's the truck drivers that are going to

4 have the employment for the property, the people

5 that are driving the trucks. So there's not a

6 significant amount of employees that work there.

7 But there's a lot of opportunity for truck drivers

8 and employment from the operation.

9 CHAIRMAN KENNY: Anything else from

10 the Commissioners? Anyone from the public? If not,

11 we can proceed with the next witness, please.

12 MR. TRAUTNER: Certainly. Thank you.

13 CHAIRMAN KENNY: Thank you very much.

14 MR. TRAUTNER: So, we have William

15 Masol from French and Parrello, our traffic

16 engineer, who I think will be brief.

17 MS. CURLEY: You may raise your right

18 hand and state your name for the record.

19 MR. MASOL: William Masol, that's M

20 as in Mary, A-S-O-L.

21 (The witness is sworn.)

22 MS. CURLEY: Thank you.

23 MR. TRAUTNER: Mr. Chairman, I would

24 seek to know if Mr. Masol is qualified as an expert

25 in the field of traffic engineering. Mr. Masol, can

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1 you just give the board the benefit of your

2 educational and professional experience?

3 MR. MASOL: Sure. I am a graduate of

4 Stevens Institute of Technology over at Hoboken with

5 a Bachelor's of Engineering. I have spent 15 plus

6 years now in the field of transportation and

7 municipal engineering. I've done quite a number of

8 traffic impact reports. I've appeared before this

9 Board before and many others.

10 CHAIRMAN KENNY: Thank you. The

11 witness may proceed.

12 MR. TRAUTNER: Thank you, Mr.

13 Chairman. So, Mr. Masol, you prepared at some point

14 a traffic analysis in conjunction with this project,

15 probably in conjunction with the submissions to

16 NJSEA?

17 MR. MASOL: Yes, that's correct.

18 MR. TRAUTNER: And can you give the

19 board a brief overview of, I guess, your findings

20 with respect to trip generation, truck access, and

21 frequency and type of trucks that would access the

22 site for the proposed use?

23 MR. MASOL: Sure. So the report that

24 you referenced was dated January 9th, prepared by

25 our office. What that report found was that the

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1 intermodal truck terminal that previously existed at

2 the lot would actually produce more traffic than the

3 warehousing use that we are proposing now. So with

4 that in mind, reduction in traffic compared to the

5 prior use really is not going to have a negative

6 impact in the area.

7 The site, as Mr. French alluded to, has

8 been used by trucks for decades. It's going to

9 continue to be used by the same types of trucks, so

10 circulation should not be a problem. And then in

11 terms of, you know, frequency, as Mr. French alluded

12 to, there's really no end user right now, so the

13 exact frequency is not known per se, and it's

14 another reason that we really relied on those ITE

15 data points that span the entire country.

16 MR. TRAUTNER: And you modeled based

17 on peak hour estimations?

18 MR. MASOL: Yes. Those ITE peak

19 hours are between 7 and 9 a.m. and 4 and 6 p.m.

20 MR. TRAUTNER: And in your

21 professional opinion, would the truck access be

22 appropriately accommodated between the Newark

23 Turnpike and Route 7 and the surrounding roadways?

24 MR. MASOL: Yes.

25 MR. TRAUTNER: Mr. Chairman, if the

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1 Board has any questions, I'm certainly open to them.
 2 CHAIRMAN KENNY: Do any of the
 3 Commissioners have any questions? If not, I'd like
 4 to -- well, anyone from the public?
 5 If not, I'd like to ask for a motion to
 6 approve the application.
 7 COMMISSIONER PETTIGREW: Motion.
 8 COMMISSIONER MEHTA: Second.
 9 MR. NICHOLAS: On a motion made by
 10 Commissioner Pettigrew, seconded by Commissioner
 11 Mehta.
 12 Commissioner Layson.
 13 COMMISSIONER LAYSON: Aye.
 14 MR. NICHOLAS: Commissioner Lugo.
 15 COMMISSIONER LUGO: Aye.
 16 MR. NICHOLAS: Commissioner Malavasi.
 17 COMMISSIONER MALAVASI: Aye.
 18 MR. NICHOLAS: Commissioner Mehta.
 19 COMMISSIONER MEHTA: Aye.
 20 MR. NICHOLAS: Commissioner
 21 Pettigrew.
 22 COMMISSIONER PETTIGREW: Aye.
 23 MR. NICHOLAS: Chairman Kenny.
 24 CHAIRMAN KENNY: Aye.
 25 MR. NICHOLAS: Chairman, the motion

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1 has been adopted, or passed.
 2 MR. TRAUTNER: Thank you, Mr.
 3 Chairman. Thank you, everyone.
 4 CHAIRMAN KENNY: Thank you.
 5 MR. NICHOLAS: So the next item on
 6 the agenda is Application 2023-0 --
 7 MR. FRENCH: Do you keep the exhibit?
 8 MR. SERRANO: Yes, we typically do.
 9 MR. FRENCH: All right. Do you want
 10 me to just unclip it and fold it?
 11 MR. NICHOLAS: Yes, please. No
 12 problem. My apologies. The next application to be
 13 heard is Application 2023-059-SP; Applicant, 12th
 14 Street Development, LLC, located at 1200 Paterson
 15 Plank Road; Block 24, Lot 1, 3, and 66; in the
 16 Township of North Bergen. It's a site plan
 17 application to construct a five-story, 28-unit
 18 multifamily building.
 19 So just for the record, Commissioner Mehta
 20 does have a conflict of interest, so he is recusing
 21 himself. We'll see you next month.
 22 COMMISSIONER MEHTA: Perfect. Thank
 23 you.
 24 MR. ALONSO: Thank you. Good
 25 evening, Commissioners. For the record, my name is

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1 Alvaro Alonso. I represent the developer. This is
 2 an application for site plan approval for the
 3 building of a mixed-use, multifamily building with
 4 an office space and a retail space. Although we are
 5 on a County road, we were able to design it so that
 6 the access to the driveway would be on 12th Street
 7 and then back to the County road. I have two
 8 witnesses this evening, Demetrios Kaltsis, who is
 9 standing before you, and Craig Peregoy, who is a
 10 traffic engineer.
 11 Just to let you know, we did get this
 12 approved by the North Bergen Zoning Board already,
 13 and we do have the resolution. With that said, I
 14 will call Demetrios Kaltsis.
 15 MS. CURLEY: Can I raise your hand?
 16 Can you state your name for the record?
 17 MR. KALTSIS: It's Demetrios Kaltsis.
 18 (The witness is sworn.)
 19 MS. CURLEY: Thank you.
 20 MR. ALONSO: Mr. Kaltsis, can you
 21 review your qualifications for the Board?
 22 MR. KALTSIS: Sure. I'm a registered
 23 architect in the state of New Jersey and New York.
 24 I've been licensed for about 20 years. I've
 25 appeared before many different townships in the

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1 state of New Jersey, including this Board before,
 2 and my license is current.
 3 MR. ALONSO: Thank you. I would ask
 4 that --
 5 CHAIRMAN KENNY: The witness is
 6 accepted.
 7 MR. KALTSIS: Thank you.
 8 MR. ALONSO: Thank you. Okay.
 9 Demetrios, I'm going to ask you just to review the
 10 sheet of the board.
 11 MR. KALTSIS: So we have on our board
 12 here, we have a number of sheets, about 11 sheets
 13 total. Sheet T1, which has a three-dimensional
 14 rendering of the proposed project. We have sheets
 15 SP1 through SP5, which include site-related items,
 16 and then sheets A1 through A6, which are the
 17 architectural floor plans and elevations of the
 18 proposed building.
 19 I'll go to Sheet SP1, which shows the
 20 existing property, which is on the top left corner.
 21 This property is located on the corner of Paterson
 22 Plank Road and 12th Street. It's a flag-shaped lot,
 23 as you can see here. Currently, the property is
 24 11,836 square feet. There are two structures on the
 25 property. There's a single-family home that fronts

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1 on Paterson Plank, and then there's a one-story
 2 masonry building in the rear portion of the property
 3 that the property owner currently uses for his
 4 business. The property has one vehicular access
 5 from Paterson Plank Road, which is in the center of
 6 the property here, and the property is relatively
 7 flat without any slope.

8 What we're proposing is to demolish the
 9 two existing structures that are on the property and
 10 construct a five-story mixed-use building with 28
 11 residential units, a small non-residential area in
 12 the front, which is in the form of a cafe, and then
 13 a portion of the building will be utilized by the
 14 owner for his business.

15 Prior to doing the design for the
 16 building, we did soil borings just to verify there
 17 wouldn't be any major disturbance to the property to
 18 make sure there's no rock beneath the soil. That
 19 has been verified. The rock is actually about 18
 20 feet below grade, so that's why we are proposing two
 21 levels of parking, one of which is a basement and
 22 one parking level at grade. You can see on Sheet
 23 A1, these are our two parking levels.

24 On the basement level, we're proposing 21
 25 parking spaces. On the ground floor level, we're

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1 proposing 16 parking spaces for a total of 37, that
 2 include six parking spaces that are ready for
 3 electric vehicle charging stations. We are
 4 proposing to eliminate the vehicular access from
 5 Paterson Plank Road and provide a singular entrance
 6 from 12th Street. The parking in the basement will
 7 be accessed with a vehicle elevator, which is in a
 8 central location within the parking garage.

9 We do have the commercial spaces in the
 10 front, as indicated here in the pink color, and then
 11 a separate entrance in the back left corner of the
 12 building, which is for the current owner. I'll show
 13 you one sheet A-2. The commercial space is located
 14 on the second and third floor back left corner that
 15 you can see here and here. Looking at the second
 16 floor plan, we are proposing seven one-bedroom units
 17 and one two-bedroom unit, which is the dark color
 18 here at the front, and then a small amenity space, a
 19 gym in the front left corner.

20 On the third floor, we're proposing nine
 21 one-bedroom units and then the commercial space for
 22 the existing owner. On the fourth floor, we're
 23 proposing ten one-bedroom units. Finally, on the
 24 fifth floor, which is set back from the footprint of
 25 the building, we just have one two-bedroom unit in a

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1 central location, as well as a community room, which
 2 is this pink color here. We do have some green roof
 3 areas and outdoor terraces on this level as well.
 4 But this level primarily is not visible from the
 5 street, so it reduces the overall mass and scale of
 6 the building.

7 It is a modern design of the building.
 8 We're using a number of different materials, from a
 9 hardy plank siding finish to an aluminum composite
 10 panel. You can see more clearly in the rendering
 11 the post-finish materials with the wood accents and
 12 the stone veneer on the ground floor. We are
 13 improving the landscaping by providing shade trees.
 14 We do have three along Paterson Plank and then three
 15 on 12th Street.

16 As was mentioned before, we did eliminate
 17 the vehicular traffic from Paterson Plank to reduce
 18 the traffic coming off of Paterson Plank Road. We
 19 do have a stormwater management system that was
 20 provided with calculations, which currently there is
 21 no stormwater management system on the property. If
 22 anybody has any questions on the proposal?

23 We do have two green techniques that we
 24 are proposing, which I mentioned before. One is a
 25 bike rack on the first floor, which you can see here

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1 on the left side, as well as a green roof on the
 2 rooftop.

3 MR. TRIDENTE: Yes, Chairman. I have
 4 a question. You will be providing parking spaces.
 5 Will they be given back to the city where the curb
 6 cut was?

7 MR. KALTSIS: Yes, we can. I don't
 8 know if there is parking along --

9 MR. TRIDENTE: I think there was in
 10 front of the house.

11 MR. KALTSIS: Yes. We are proposing
 12 to replace the entire concrete curb and sidewalk, so
 13 the depressed curb will be replaced with a full face
 14 curb which will give back a parking space.

15 MR. NICHOLAS: Mr. Chairman, if I
 16 could add a point of clarification. So the bicycle
 17 rack was part of the old land development regulation
 18 green techniques, but you still do comply with the
 19 LDR with the green roof technique.

20 COMMISSIONER PETTIGREW: You said
 21 there's an elevator for the cars going down?

22 MR. KALTSIS: Yes. Yes.

23 COMMISSIONER PETTIGREW: Is it
 24 24-hour service?

25 MR. KALTSIS: There is a maintenance

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1 agreement that that the owner will have with the
 2 company that does install it. We do have we -- do
 3 have a storage area will which will have some spare
 4 parts, and then because of this the size of the
 5 building there will be a backup generator so we do
 6 take proper precautions with the -- with the
 7 operation of the elevator.
 8 COMMISSIONER PETTIGREW: How many?
 9 There's 21?
 10 MR. KALTSIS: There's 21 parking
 11 spaces in the basement and 16 on the -- on the first
 12 floor.
 13 COMMISSIONER MALAVASI: Just a
 14 reminder that the road is -- Paterson Plank Road is
 15 under moratorium so any disturbance to the road will
 16 have to be milled and paved curb to curb, or curb to
 17 centerline depending on whether you cross the
 18 centerline not just so we remind you of that. When
 19 you come in for your road permit that will be a
 20 requirement.
 21 CHAIRMAN KENNY: If there's anyone
 22 from the public that has any questions? And if not,
 23 you can proceed with your next witness.
 24 MR. ALONSO: Thank you. Craig
 25 Peregoy.

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1 MS. CURLEY: Raise your right hand
 2 and state your name for the record.
 3 MR. PEREGOY: My name is Craig
 4 Peregoy, P-E-R-E-G-O-Y.
 5 (The witness is sworn.)
 6 MS. CURLEY: Thank you.
 7 MR. ALONSO: Craig, can you review
 8 your qualifications in the field of traffic
 9 engineering?
 10 MR. KALTSIS: Sure. I have a
 11 bachelor's degree in civil engineering from Virginia
 12 Tech, a licensed professional engineer in New
 13 Jersey, been a traffic engineer for 24 years now,
 14 and I've testified a number of times before this
 15 Board and this room and on the screen.
 16 CHAIRMAN KENNY: Thank you.
 17 MR. ALONSO: Thank you. Craig, you
 18 prepared the traffic impact study which was followed
 19 with this application as well as a subsequent
 20 written submittal in response to certain questions
 21 that were raised; is that correct.
 22 MR. KALTSIS: Yes, correct.
 23 MR. ALONSO: Okay. So even though we
 24 don't have a curb cut on Paterson Plank Road, I'm
 25 going to ask you to do the traffic report.

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1 MR. KALTSIS: Yeah. I'll give you
 2 the brief summary of what we did for our traffic
 3 report. We analyzed the intersection right at the
 4 corner here, Paterson Plank and 12th Street, took
 5 traffic counts on weekday between 7 and 9 and 4.30
 6 and 6.30, isolated the busiest hour, that's the
 7 morning and evening peak hours, and then did an
 8 analysis with and without this project.
 9 Now, our analysis assumes that it's vacant
 10 land. Obviously, right now there is uses on that
 11 site that are generating traffic that were included
 12 in those traffic counts, but we didn't take those
 13 out, so it was completely additive of this. The
 14 trip generation for this project based on the ITE,
 15 nine trips in the morning peak hour, the single
 16 busiest hour in the morning, 12 in the evening,
 17 typically a hundred trips or more is when you see a
 18 significant impact, so we wouldn't expect to see any
 19 big impacts, and that was the case.
 20 The levels of service at 12th and Paterson
 21 Plank were at C or better, both with and without the
 22 project there. So traffic impacts, not a problem in
 23 terms of volume. If anything, it's an improvement.
 24 We're taking that driveway that exists on Paterson
 25 Plank Road, which is a much busier roadway, getting

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1 rid of that, putting it on the one-way, much quieter
 2 at 12th Street. So I think it's an improvement
 3 really from the traffic impact standpoint.
 4 Parking, we also did some parking counts,
 5 started early morning, 6.30 in the morning, to see,
 6 what happens during the day, because you have the
 7 two commercial spaces in the front, it's likely that
 8 these are going to serve the local neighborhood, and
 9 it's going to be people walking there, people in the
 10 building, but if somebody drives there, they're
 11 certainly probably not going to go around the corner
 12 and park in the garage, so we wanted to see if there
 13 was available parking spaces.
 14 So we counted 6.30 to 9 in the morning to
 15 get that sort of residential leaving time period,
 16 and then 4 to 8.30 in the evening coming back, all
 17 one block walk around the site, and we did find a
 18 minimum of 25 parking spaces that were available.
 19 So there is a place for somebody who wants to stop
 20 and get coffee, or whatever the retail happens to
 21 be, they will be able to find a spot on the street,
 22 and not have to figure out to go down to a garage,
 23 which I don't know about you all, but I wouldn't do
 24 for a cup of coffee. That's it. That's the short
 25 version. Any questions, I'll give you more details.

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1 CHAIRMAN KENNY: Anyone have any
2 questions? All right, anyone from the public? If
3 not, we can give a resolution. Do we have a motion
4 to approve the application?
5 COMMISSIONER LUGO: Motion.
6 COMMISSIONER PETTIGREW: Second.
7 MR. NICHOLAS: On a motion made by
8 Commissioner Lugo, seconded by Commissioner
9 Pettigrew.
10 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
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. ALONSO: Thank you.
24 MR. NICHOLAS: All right. The next
25 items on the agenda are applications to be exempt.

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1 There are four applications to be exempt, I'll read
2 them out loud and then we can go for a vote.
3 CHAIRMAN KENNY: I do have a question
4 for the other applications. They're not here so.
5 MR. NICHOLAS: Oh, I'm sorry, yes. So
6 I could defer to Ms. Curley, but perhaps we can move
7 towards postponement.
8 MS. CURLEY: Are we, where are we on
9 the time to decide?
10 MR. NICHOLAS: Yeah, they were
11 considered complete at the next site plan review
12 meeting.
13 MS. CURLEY: So, the time frame?
14 MR. NICHOLAS: I'm sorry?
15 MS. CURLEY: So if we wait until next
16 meeting, are we still within our set for a time
17 period?
18 MR. NICHOLAS: No, it would have to
19 be extended.
20 MS. CURLEY: So it would be dismissed
21 without prejudice.
22 MR. NICHOLAS: Okay.
23 MS. CURLEY: If not, in order to get
24 an extension, you need to have the applicant,
25 municipality, and us to sign. That is quite a

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1 hassle.
2 MR. NICHOLAS: Okay.
3 MS. CURLEY: So if they are able to
4 get that together, I do not foresee that happening.
5 MR. NICHOLAS: Okay.
6 MS. CURLEY: So I would dismiss
7 without prejudice and they can reapply, is there a
8 process for them to reinstate?
9 MR. NICHOLAS: Yeah. Typically we
10 would ask for -- we would just renew the application
11 number and carry over any existing fees.
12 MS. CURLEY: Okay.
13 COMMISSIONER PETTIGREW: Is there any
14 correspondence?
15 MR. NICHOLAS: Yes, absolutely, yes.
16 COMMISSIONER PETTIGREW: No, that
17 they weren't coming today?
18 MR. SERRANO: They never mentioned
19 that, but we did send out the complete letter to
20 them.
21 MR. NICHOLAS: We always send out
22 complete or completeness letters.
23 MS. CURLEY: So not every County
24 requires you to come. For example, Monmouth County,
25 meetings are 2pm. You are not invited. So perhaps

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1 they thought they did not have to come.
2 COMMISSIONER PETTIGREW: Does our
3 completeness letters say --
4 MR. NICHOLAS: Yeah, their presence
5 is required.
6 MS. CURLEY: But they might just, so
7 for example, Morris County, Monmouth County. Yeah.
8 So I keep hearing everything. No, and they're very,
9 very difficult. No offense to anyone. Yeah, most
10 counties are hard. It's an internal process. It's
11 an internal process. You get a letter after the
12 fact.
13 MR. NICHOLAS: So, yeah, we will
14 follow up with them, again, whatever the case may
15 be. We will let them know. Potentially, if you
16 guys do move forward with a dismissal without
17 prejudice, that they can, of course, reapply.
18 MS. CURLEY: All right.
19 COMMISSIONER PETTIGREW: Do they have
20 to go through the whole process again?
21 MR. NICHOLAS: No. Typically, no.
22 COMMISSIONER PETTIGREW: If you put
23 it back on the agenda.
24 MR. NICHOLAS: Right. We will have,
25 of course, the county engineer and whomever, an

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1 engineering consultant, take a final look.
2 Especially, or considering rather, if there's any
3 new additional items, right? But the idea is really
4 to just renew the -- we'll have them have a new
5 application number and go forward with whatever fees
6 they have.
7 MS. CURLEY: Do you have on you who
8 the attorney is?
9 MR. NICHOLAS: Mark is checking right
10 now.
11 MR. SERRANO: We send the mail to
12 Michael E. Dippel (ph.), L2A Land Design, LLC.
13 MS. CURLEY: So that's not an
14 attorney?
15 MR. SERRANO: We would have to check
16 to confirm on Devpilot who the attorney is.
17 MS. CURLEY: Because then that's what
18 happened. So the attorney went to like an engineer
19 L2A?
20 MR. SERRANO: It might have been,
21 yeah, it might have been who was listed as the
22 contact person.
23 MS. CURLEY: Okay.
24 MR. SERRANO: So we'll have to
25 confirm on Devpilot.

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1 MR. NICHOLAS: Yeah. So we will take
2 a look at that.
3 MR. SERRANO: I'm on Devpilot right
4 now. The attorney should be listed in Devpilot.
5 COMMISSIONER MALAVASI: But again,
6 the dismissal means they just re-filed it and it'll
7 be back here. It's the same as carrying, but it
8 covers us in terms of the time and rent.
9 MR. NICHOLAS: Correct.
10 COMMISSIONER MALAVASI: And really,
11 there shouldn't, you know, fees are re-reviewed.
12 I've looked at it, so my comments next month will be
13 the same. Unless I think of something else. I
14 might think of something else. I don't know. We
15 just need to make it clear that we'll get that back
16 on next month.
17 MS. CURLEY: They're not here.
18 COMMISSIONER MALAVASI: Correct.
19 MS. CURLEY: And just to make sure,
20 I'll reach out to the attorney tomorrow. What
21 number was this?
22 MR. SERRANO: This was 2023-036-SP.
23 MR. NICHOLAS: That's Sally Law,
24 right?
25 MR. SERRANO: I'm not sure, to be

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1 honest.
2 COMMISSIONER PETTIGREW: It's just
3 more of a curiosity. So what? You spend all that
4 money and you get all the plans and you sit through
5 them. And this is like the final plan.
6 MS. CURLEY: I mean, it doesn't look
7 like they have an attorney.
8 COMMISSIONER PETTIGREW: There you
9 go.
10 COMMISSIONER MALAVASI: And that
11 engineering firm, I think we've seen them before.
12 MS. CURLEY: They're the attorney in
13 the information is the planning firm. They don't
14 know. So tomorrow, someone from, maybe Mark, you
15 should call them. Let them know and tell them they
16 need to have counsel.
17 MR. SERRANO: Okay.
18 MS. CURLEY: And then we'll slate
19 them for the next hearing.
20 MR. SERRANO: Sure.
21 COMMISSIONER MALAVASI: I'll make a
22 motion to dismiss without prejudice.
23 COMMISSIONER PETTIGREW: Second.
24 MR. NICHOLAS: So on a motion made by
25 Commissioner Malavasi. Second by Commissioner

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1 Pettigrew.
2 Commissioner Layson.
3 COMMISSIONER LAYSON: Aye.
4 MR. NICHOLAS: Commissioner Lugo.
5 COMMISSIONER LUGO: Aye.
6 MR. NICHOLAS: Commissioner Malavasi.
7 COMMISSIONER MALAVASI: Aye.
8 MR. NICHOLAS: Commissioner
9 Pettigrew.
10 COMMISSIONER PETTIGREW: Aye.
11 MR. NICHOLAS: Chairman Kenny.
12 CHAIRMAN KENNY: Aye.
13 MR. NICHOLAS: Chairman, the motion
14 has passed. All right. So next on the agenda are
15 items to be exempt. There are four applications. I
16 will read through them and wait for a motion at the
17 end. All right?
18 The first application is 2024-018-SD;
19 Rockpoint Group LLC; located at 300 Avenue at Port
20 Imperial, Block 64.01, Lot 3; 06 in the township of
21 Weehawken. It's a subdivision application, not
22 along the County road.
23 The second application is 2024-021-SD;
24 Applicant Hudson Exchange Embankment Plaza LLC,
25 located at 125 Provost Street, Block 11603, Lot

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1 51.01 and Lot 2 and Lot 47.02; in the City of Jersey
 2 City. It's a subdivision application not along the
 3 County road.
 4 The third application is 2024-023-SD;
 5 Applicant Matthew Walsh, located at 213 Congress
 6 Street; Block 1405, Lot 9; in the City of Jersey
 7 City. A subdivision application, not along the
 8 County road.
 9 And the last application to be exempt is
 10 2024-025-SP; Applicant Levin Management, located at
 11 266-280 Broadway; Block 268, Lot 1; in the City of
 12 Bayonne. A site plan application, not along the
 13 County road.
 14 COMMISSIONER PETTIGREW: Motion.
 15 COMMISSIONER LUGO: Second.
 16 MR. NICHOLAS: On a motion made by
 17 Commissioner Pettigrew. Seconded by Commissioner
 18 Lugo.
 19 Commissioner Layson.
 20 COMMISSIONER LAYSON: Aye.
 21 MR. NICHOLAS: Commissioner Lugo.
 22 COMMISSIONER LUGO: Aye.
 23 MR. NICHOLAS: Commissioner Malavasi.
 24 COMMISSIONER MALAVASI: Aye.
 25 MR. NICHOLAS: Commissioner

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1 Pettigrew.
 2 COMMISSIONER PETTIGREW: Aye.
 3 MR. NICHOLAS: Chairman Kenny.
 4 CHAIRMAN KENNY: Aye.
 5 MR. NICHOLAS: Chairman, the motion
 6 has passed. And next on the agenda is an
 7 application to be dismissed without prejudice.
 8 Again, this is an application whose time frame has
 9 run out, in which the applicant has not provided
 10 information to us in a timely manner.
 11 The application is 2023-071-SP; Journal
 12 Square Tower, LLC, located at 2958 JFK Boulevard;
 13 Block 92, Lot 1.02; in the City of Jersey City.
 14 This is a site plan application to construct a
 15 31-story mixed-use building.
 16 COMMISSIONER MALAVASI: Just for
 17 clarification, this is Martin's?
 18 MR. NICHOLAS: It is, yes.
 19 COMMISSIONER MALAVASI: Sorry. No
 20 trouble.
 21 COMMISSIONER PETTIGREW: Motion.
 22 COMMISSIONER MALAVASI: Motion.
 23 Okay. Second.
 24 MR. NICHOLAS: On a motion made by
 25 Commissioner Pettigrew, seconded by Commissioner

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1 Malavasi.
 2 Commissioner Layson.
 3 COMMISSIONER LAYSON: Aye.
 4 MR. NICHOLAS: Commissioner Lugo.
 5 COMMISSIONER LUGO: Aye.
 6 MR. NICHOLAS: Commissioner Malavasi.
 7 COMMISSIONER MALAVASI: Aye.
 8 MR. NICHOLAS: Commissioner
 9 Pettigrew.
 10 COMMISSIONER PETTIGREW: Aye.
 11 MR. NICHOLAS: Chairman Kenny.
 12 CHAIRMAN KENNY: Aye.
 13 MR. NICHOLAS: Chairman, the motion
 14 has passed. There are no old business to discuss,
 15 and there is no new business to discuss unless
 16 anyone has any items for discussion. And then
 17 lastly, the next.
 18 COMMISSIONER PETTIGREW: Just one
 19 question on the new business, I guess the bid
 20 business. How many bids did we get for the last
 21 go-around for the higher professional market --
 22 engineer. How many bids were there.
 23 MR. NICHOLAS: Six, right?
 24 COMMISSIONER MALAVASI: Six. We got
 25 six, I believe, or seven.

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1 MR. NICHOLAS: We could check now,
 2 but I believe six.
 3 COMMISSIONER PETTIGREW: So we picked
 4 the two next to highest bidders?
 5 MR. NICHOLAS: We picked, at last
 6 meeting, we contracted the two highest bidders.
 7 COMMISSIONER PETTIGREW: Two highest
 8 or two lowest?
 9 MR. NICHOLAS: The two highest,
 10 definitely. Two highest score.
 11 COMMISSIONER PETTIGREW: Lowest
 12 responsible bidders, right?
 13 MR. NICHOLAS: Well -- well, we --
 14 the Board had recommended to award contracts to the
 15 two highest scored bidders, meaning we had a
 16 consultant selection committee who scored all six,
 17 all six.
 18 COMMISSIONER PETTIGREW: But
 19 technically, by law, you have to take the lowest
 20 bidder.
 21 MS. CURLEY: It's a contract. Sorry,
 22 I'm going to interrupt. It's a flat contract
 23 agreement. At least it is for the attorneys. So
 24 it's not -- I don't bid, I'm going to bill this much
 25 an hour. I'm told this is what the contract is,

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1 this is how much you may bill an hour, this is your
 2 maximum billable time. And then it's not the lowest
 3 bidder, who ever has the highest qualifications. So
 4 then I submit my qualifications, they review, they
 5 rank qualifications based on your answers, and then
 6 they award the contracts. This is not like a
 7 construction bid where you try to put in the lowest
 8 bid to build the improvements. It's a RFQ.
 9 COMMISSIONER PETTIGREW: But we're
 10 still on the same rules as the State, that you're
 11 supposed to get the lowest bid, or federal
 12 government, the lowest bid.
 13 MS. CURLEY: It's not the lowest bill
 14 because it's a contract rate. I will say, this is
 15 outside my wheelhouse. I am not a public bidding
 16 attorney. This is a conversation to have with the
 17 law department.
 18 MR. NICHOLAS: And so we have had --
 19 COMMISSIONER PETTIGREW: That's why I
 20 wanted to ask.
 21 COMMISSIONER MALAVASI: I do the same
 22 thing with my on-call engineers. I fix their rates.
 23 So they submit their qualifications, we rank them
 24 based upon their qualifications. And then it's a
 25 little different than the Board, because the Board

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1 assigns a project to one particular consultant.
 2 When I go out, I ask for quotes. And then I
 3 generally give the lowest quote. That's for a
 4 specific service. The problem here is you can't ask
 5 for a quote because every application is different.
 6 Every consultant is different. So by fixing the
 7 rates, the Board ranks them, and then makes a
 8 decision on how far down the list to go. That's the
 9 topic.
 10 COMMISSIONER PETTIGREW: We have a
 11 board that doesn't do that. It's whoever bids for,
 12 say, a planning board, a municipal planning board.
 13 Particularly mine. It's not mine personally. In
 14 Harrison, the professional puts in his bid, and it's
 15 the lowest quote.
 16 COMMISSIONER MALAVASI: Well, there
 17 may be certain things. On the municipal side. There
 18 may be certain duties you ask your planning board
 19 engineer to do.
 20 COMMISSIONER PETTIGREW: Right.
 21 COMMISSIONER MALAVASI: That you pay
 22 for as a board. This Board pays nothing to the
 23 consultants out of the county pocket. It's all
 24 extra. So we don't have fixed duties like I want
 25 you to these projects.


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1 MS. CURLEY: As a municipal planning
 2 board, municipalities in general, they typically
 3 have a flat fee for the year As opposed to billing
 4 to escrows. I think we are somewhat unique in
 5 Hudson County. So for example, with the attorney,
 6 you get this much per year for your work.
 7 COMMISSIONER PETTIGREW: Right.
 8
 9 MS. CURLEY: This is different. So
 10 this is different. We do it by hour. I'm not sure
 11 if this is for the attorney. For the attorney, it's
 12 hourly, and it's a flat fee. So there's no bidding.
 13 There's no negotiation for how much you pay.
 14 COMMISSIONER PETTIGREW: Correct.
 15 COMMISSIONER MALAVASI: We are a
 16 county engineer's association. Since every county
 17 engineer is on the board. A lot of counties have a
 18 flat fee.
 19 MS. CURLEY: I only know this because
 20 my father was the one who suggested it, and he saved
 21 the county a lot of money by having them bill hourly
 22 as opposed to a flat fee.
 23 MR. NICHOLAS: Yes. And I would like
 24 to apologize, especially to Commissioner Lugo. We
 25 have discussed this very briefly and generally

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1 downstairs. We are, as Amanda Curley had mentioned,
 2 we are unique. Where in our RFQ. We do list the
 3 price or the billable hours, or the billable amount,
 4 rather, per hour. And we do not have stipulated
 5 anywhere that we are limited to any amount of
 6 outside contracts, in regards to engineering or even
 7 outside counsel.
 8 Our law department has taken a look and
 9 has advised my director, who has advised me to bring
 10 this up to the Board for consideration. So this is
 11 where we are at.
 12 COMMISSIONER PETTIGREW: All right.
 13 MR. NICHOLAS: I'm happy to talk
 14 about this offline as well.
 15 COMMISSIONER PETTIGREW: We'll bring
 16 in the lawyers and let's talk about it. Then you
 17 move anyway you want to. Sounds good. Just a few
 18 questions for that.
 19 MR. NICHOLAS: Okay. Any other items
 20 for discussion? And the next meeting day is
 21 Tuesday, June --
 22 CHAIRMAN KENNY: June 18th.
 23 MR. NICHOLAS: Thank you. At 6.30
 24 p.m. June 18th.
 25 COMMISSIONER PETTIGREW: Hold on,

1 hold on. Hold on. June 18th is right in the middle
 2 of graduation week for all the high schools.
 3 CHAIRMAN KENNY: We're adjourned at
 4 this point, right? We're done though, right?
 5 (Whereupon the proceeding is then
 6 concluded at 7:35 p.m.)
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1 CERTIFICATION
 2
 3
 4 I, SHARI CATHEY, CCR, RPR, License No.
 5 30XI00234700, and Notary Public of the State of New
 6 Jersey, hereby certify that the proceedings herein
 7 are from the notes taken by me of a Regular Meeting
 8 of the Hudson County Planning Board, held on
 9 Tuesday, May 21, 2024; and that this is a correct
 10 transcript of the same.
 11
 12
 13 
 14 SHARI CATHEY, CCR, RPR
 A NOTARY PUBLIC of the
 15 State of New Jersey
 I.D. No. 2283786
 Commission Expires 2/4/27
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