

BERGEN COUNTY  
PLANNING BOARD

December 7, 2010

APPEARANCES

JOHN LIBRETTI, ESQ., Assistant County Counsel

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Attorney for Edgewater Colony

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MARC SCHRIEKS, Vicechairman  
JULIE O'BRIEN  
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I N D E XPLANNING BOARDPAGE

Vote

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1 THE CHAIRPERSON: Okay. So that I'd like  
2 to introduce Farouk Ahmad on the -- on the agenda for  
3 the -- for the walkway.

4 Just so that everybody understands. This  
5 is just a recommendation for a study. We're not  
6 going to approve anything tonight. Nothing's going  
7 to get approved. We're not going to okay anything.  
8 This is just a recommendation that we -- that the  
9 county does a study on the walkway. Okay.

10 Everybody's going to get a chance to talk  
11 but I'd like Mr. Farouk to make the presentation  
12 first.

13 MR. AHMAD: Good evening Chairman, plan  
14 board. We sent to you draft study, which we  
15 conducted over the last 18 month about the Hudson  
16 River Walkway. What the study is talking about there  
17 is a walkway now, and there is a requirement of a  
18 walkway by the state D.E.P..

19 When you -- when you have any application  
20 for development on the -- on the Hudson River Walkway  
21 you are required to build a walkway. So, this  
22 walkway over the years got built, let's say 70 to 80  
23 percent of that was built. Was -- was built not the  
24 proper way and what it did is it imposed a lot of  
25 hardship on the property owners. Because what

1 happens by time the walkway start to collapse and --  
2 and it's still -- it's a requirement by the D.E.P. to  
3 have the property owners they go and fix it.

4           We looked at this walkway over the years,  
5 we believe it to be it's -- it's an orphan walkway.  
6 Why, because it's required by the D.E.P. that  
7 everybody who builds there must build it. At the  
8 same time it's required by the property owners or the  
9 condo association or all the businesses to go and  
10 maintain it.

11           At the same time there are pieces of lot --  
12 big pieces -- it's not complete. We understand those  
13 are the rules and regulations started after many of  
14 the existing old developments. So, those  
15 developments we consider them grandfathered. They  
16 are not required to build it. And we respect that.  
17 And the D.E.P. respect that. But at the same time  
18 we're looking at the other pieces not built. There  
19 are pieces of land that are not built yet. Like,  
20 what we have -- we have Hyde Park (phonetic). It's  
21 -- it's a project under -- under partially  
22 construction and -- and you know approval process. I  
23 think it's a property to have walkway there.

24           But there is no intention or plan by the  
25 County or by the department or by anybody to go and

1 force anybody who's already established in the  
2 community there. They already built, and they're  
3 already exempted, because they were built before the  
4 rules and regulations established in the earlier  
5 80's.

6 I want to make it clear, we are not  
7 planning and the -- and the study does not talk about  
8 them going to build -- or required to build -- or to  
9 spend money. I'm -- I'm repeating this, because if  
10 anybody read the -- the report will see what we are  
11 talking about. We are talking about walk way is a  
12 good amenity for Bergen County, it's a good amenity  
13 for Edgewater. At the same time we're talking about  
14 if the -- if there are gaps how those gaps should be  
15 filled with the endorsement of the community. And  
16 endorsement of the town.

17 What we are talking about, instead of being  
18 the idea -- instead of the -- the business or the  
19 home owners, or the association, or the -- or the  
20 people that they rent there, to be responsible for  
21 the -- the maintenance and -- and taking care of  
22 this, we believe it's not fair. The way it's being  
23 handled now, is not fair. And what we are  
24 recommending and I'm saying recommending, it's not a  
25 requirement, recommending, that one day that the

1 County, with the town, with the D.E.P. with other --  
2 any other civic organization get together and create  
3 some kind of entity. This entity will be in charge  
4 of taking care of this walkway.

5           What I mean by that, to maintain it, to  
6 repair it and not -- and if -- if there is any area  
7 there is no -- no development, and there's a need for  
8 a walkway you go and build a walkway there, to become  
9 an amenity. And that's what, in a nutshell, what  
10 this study is all about.

11           During the course of the study we encounter  
12 like three existing grandfathered communities, a  
13 couple of them is a -- walk, another one is the  
14 Colony. We understand there is already the -- the --  
15 those are built before the rules and regulations.  
16 They -- they are not required according to the laws  
17 and regulation -- today's laws and regulation they  
18 are not required to do anything. But we looked at  
19 if one day they will come and become required by, not  
20 us, by D.E.P.. If they build another 200 units on  
21 their property and now triggers the rules and  
22 regulations D.E.P. to -- to apply on them, to look at  
23 different versions of doing it.

24           We looked at it, like one way of building a  
25 walkway. Because when you do a planning study you

1 .have to look at -- at what are the ideas. One of  
2 them is to go on the river, like on the Westside  
3 Highway, if there is money -- this is -- this is  
4 planning. This is not implementation. You just  
5 don't -- it's planning. To go on build on what they  
6 build recently in -- in New York. If you go to the  
7 upper side -- upper part of the -- of the -- of the  
8 Hudson River Walkway on the west side, they built it  
9 on -- in the water, outside anything. So, that's one  
10 way of doing it.

11           Another way is to go and see if the  
12 community there wants to have a walkway secured,  
13 protected, whatever it needs within their property,  
14 which we -- we recognize it's very difficult, because  
15 they have their club, they have their issue. We're  
16 close by. It's -- it's a gated community. It's --  
17 it's not feasible. But we have to show that is one  
18 of the alternatives. But it doesn't mean it's  
19 required. It doesn't mean it's going to be there.  
20 It's not -- it doesn't mean any of it. It's -- it's  
21 -- but -- it's one of the alternative.

22           The other alternative, is to be on the --  
23 on the road. Which is not -- you know it's the best  
24 thing to have a walkway -- sidewalk on the road, but  
25 we're showing that as an alternative.

1           That goes along with -- also with -- with  
2 -- with the Colony. The Colony went to through with  
3 the lot in the past with the D.E.P.. And the D.E.P.  
4 asked them to do certain thing and they spend certain  
5 -- you know -- big money to do, because I think they  
6 were doing some improvement to their -- they were  
7 doing something. So, the D.E.P. asked them to do  
8 certain thing.

9           We looked at that. And we reviewed it.  
10 All our consultant, all our engineers, everybody  
11 looked at that. And we came with similar thing, like  
12 three alternatives. Because they have their own --  
13 the docks already built on that area where the  
14 walkway should be. Nobody's going to go and say, you  
15 know, I want to put in the walkway, we're going to  
16 remove all of this board docks. It's -- it's -- it's  
17 not -- nobody could imagine that. It's not in our  
18 recommendation. But you have to show, as a planning  
19 -- planners, engineers, that you know if I want to  
20 build a walkway, this is one alternative, this is a  
21 second alternative, the third alternative. You put  
22 the three.

23           None of these alternatives, first of all  
24 are going to be implemented today or tomorrow in --  
25 in -- in any -- because there is no budget there's no

1 money for it. There is no -- it's -- this is going  
2 to happen when the people, the community wants a  
3 walkway and come and ask for it. And if they endorse  
4 such a solution that's what -- what's going to be  
5 happen. Nobody's going to go -- we are -- we are in  
6 the United States of America. We are in -- nobody  
7 could go and force anybody to do anything they don't  
8 want. I want to make it clear. This is planning  
9 study. It's not implementation study.

10 All what was recommended there, if anybody  
11 read it carefully it -- the only good thing about it,  
12 I could say is -- if one day the entities got  
13 established it would take the headache and the  
14 responsibility of the maintenance and the upkeeping  
15 of this walkway from the property owners and move it  
16 to the -- to the -- to the entity and force the  
17 people who own part of this entity, like the County,  
18 the town, as well as the D.E.P. to look for funds.  
19 Funds available through the county open space  
20 program, through the green acre program. Through  
21 private donations. Through any other source of funds  
22 where that headache would become part of this, not to  
23 create a new monster. We're talking about relieving  
24 the home owners or the business owners from what are  
25 they are required to do today. They are required by

1 D.E.P..

2           And by the way everything what we are  
3 talking about it's a recommendation it's not a  
4 requirement. So, this is why chairman and board I  
5 ask you to just endorse the -- the -- those  
6 recommendations and let's move on. Because this is  
7 not to hurt anybody, it's to help the town and to  
8 help the people who are standing behind us. Because  
9 I think there is less -- for what we are doing.

10 Thank you.

11           THE CHAIRPERSON: Thank you Mr. Ahmad.

12           MR. AHMAD: I would get -- if you need more  
13 explanation I will give our consult, I'll get Adam  
14 from my staff to elaborate more about some of the  
15 details.

16           THE CHAIRPERSON: I -- I was just going to  
17 ask if there's anybody else from the county that  
18 wants to speak?

19           MR. AHMAD: Jack -- Jaclyn wants to speak.

20           MS. FLOR: Hi, good evening I'm Jaclyn  
21 Flor, I'm from T and M Associates I am a professional  
22 planner and a professional engineer in the State of  
23 New Jersey. I was one of the people who drafted this  
24 plan as well as the County planning office, Farouk,  
25 Adam, Neglia Engineering (phonetic) also assisted.

1 And the towns of Edgewater and Fort Lee had a say in  
2 the plan.

3           So, what I would like to do is explain what  
4 the plan is about. Because I think you're going to  
5 hear a lot of different versions of what the plan is  
6 about. So, I'm going to go through it briefly. If  
7 you have any questions, please ask me anything you  
8 want and we'll explain to you how we got to this  
9 document.

10           The title of the plan is the Bergen County  
11 Hudson Walkway Design and Implementation Strategy.  
12 The purpose of the plan was to identify gaps in the  
13 existing Bergen County section of the Waterfront  
14 Walkway. And to identify an overall plan to how to  
15 complete the walkway.

16           I think this is good. This was funded by  
17 the Office of Smart Growth. They saw value in this.  
18 What often happens when there's not a planning  
19 process is that certain pieces of a project get built  
20 and they don't fit into the overall plan. So, what  
21 we did was we studied the entire Waterfront. And we  
22 started by looking at the baseline conditions.

23           This report by here, prepared by Neglia  
24 Engineering, identified the existing conditions along  
25 the entire Waterfront. They went from site to site,

1 identified where the properties were located, where  
2 walkways existed, existing lighting, benches, the  
3 types of pavers. They got into every minute detail  
4 so that we had a full understanding of what's there  
5 now.

6           After that we met with the stakeholders.  
7 We held stakeholder meetings where we invited every  
8 development along the waterfront so that we can hear  
9 what the concerns were. We had meetings with the  
10 business owners. We didn't just prepare this study  
11 in a vacuum is what I want you to understand. We met  
12 with everyone.

13           And what we learned is that most people  
14 supported a continual walkway, one that wasn't  
15 disjointed, one that had a regional benefit. Not  
16 everyone. You're never going to get 100 percent of  
17 everybody to buy into a plan. But the overall  
18 feeling that we got from our stakeholders was that  
19 people supported a continual walkway. Why, because  
20 when it's disjointed people can't continue along the  
21 entire waterfront. There's no -- signage to let you  
22 know where it stops and where it begins.

23           And so there was a need for a waterfront  
24 walkway that was continuous. Because right now it's  
25 not the County that has the jurisdiction to enforce a

1 walkway on these residence. Actually it comes from  
2 the Public Trust Doctrine. So, I just want you to  
3 know where this comes from.

4           The Federal Government in the Coastal Zone  
5 Management Rules requires access to waterfront.  
6 You'll see this along your beaches, as well as along  
7 your rivers. And so that's where the jurisdiction  
8 comes into play on the federal level.

9           The way that it comes in on the State level  
10 is under a Waterfront Development Permit. N.J.D.E.P.  
11 requires that a waterfront walkway be dedicated along  
12 the waterfront. This isn't something that the County  
13 came up with. This is N.J.D.E.P. requirement when a  
14 waterfront development permit is required. We're not  
15 changing that nor do we have the jurisdiction to  
16 change it.

17           But what we did do and what we want you to  
18 endorse is we did invite, N.J.D.E.P. to be our  
19 partner and to sit with us on a regional  
20 collaborative. We formed a regional collaborative  
21 group that consisted of not only N.J.D.E.P. and the  
22 County, but it had representatives from Edgewater,  
23 Fort Lee and very -- and if you look into the plan  
24 you can see the various organizations that were  
25 involved. We had N.J. Transit there. We had every

1 entity that we felt was a stakeholder in the plan,  
2 involved in the process.

3           Through that we were able to discuss with  
4 N.J. D.E.P. if they would be a partner with the  
5 County in reviewing these applications and if they  
6 would to listen to what our stakeholders told us and  
7 try to incorporate that into the review process.  
8 They amicable to that.

9           Certain things they didn't agree with, we  
10 actually originally had the walkway much narrower.  
11 We had a 16 to 20 foot wide walkway. N.J.D.E.P. said  
12 no, under the Waterfront Development Permit and the  
13 Coastal Zone Management Rules we currently ask for a  
14 30 foot wide walkway, so we feel you should  
15 incorporate a 30 foot wide walkway. And where it's  
16 not feasible N.J.D.E.P. will require a narrower  
17 walkway and then it can be built to that. So, that's  
18 what we did.

19           So, what you're going to see in this plan  
20 -- and I have the cross-section over there, is how we  
21 went through and developed the plan that met what we  
22 heard. And we put it into a document.

23           Now, why are we brining this to you? We're  
24 bringing it to you so that one you endorse it. This  
25 isn't a plan just for the planning department, this

1 is the plan of Bergen County and you're who can  
2 endorse this and say, that yes you support it.

3           The second reason is because whenever a  
4 development comes into you, and they are for example  
5 on River Road, and they have a development along the  
6 waterfront you can look and see that they are going  
7 to more than likely, by N.J.D.E.P., be required to  
8 put that walkway in. Not because you ask them to,  
9 but because it's a requirement of the State.

10           So, when that application comes before you  
11 and you see the walkway you can either defer it to  
12 the planning staff and take a look at it and see if  
13 it's in compliance with the recommendation plan, and  
14 then you can make recommendation that they revise,  
15 maybe the pavers and the benches, so that you have a  
16 consistent walkway. Because that's what we heard,  
17 that they -- that people want to see a consistent  
18 walkway.

19           You're not going to have jurisdiction over  
20 how wide the walkway is going to be. That's not your  
21 jurisdiction. But you can ask the question. The  
22 jurisdiction falls with N.J.D.E.P..

23           So, what I'm going to do now, now that I --  
24 I'm hoping that that helps you understand why we're  
25 here, what we're asking you to do. I can quickly

1 walk you through, just what the plan has in it.

2 Chapter one discusses all the stakeholder  
3 meeting and the feedback and there's copies of the  
4 minutes and explains to you exactly what we heard and  
5 who said it, and where this plan came from, the  
6 foundation of the plan.

7 Chapter two gets into the baseline  
8 conditions. It explains everything from the historic  
9 elements that are along the walkway to the type of  
10 pavers and the lights to every minute detail, so that  
11 you understand what's there now.

12 Chapter three gets into the vision. That's  
13 what we learned from the regional collaborative.  
14 That's what we learned from the stakeholder that  
15 we've interviewed and from the two public meetings  
16 that we held. That gets into the goals that people  
17 want to see along the waterfront.

18 Then we get into an action plan. And what  
19 that is so that this doesn't end up being, okay, it's  
20 just a study let's put it on a shelf and do nothing  
21 with it. What it does it there's an action plan in  
22 there that tells you, okay, if this is what your goal  
23 is, this how you can make that a reality. This is  
24 the steps you'd have to take in order to accomplish  
25 your plan becoming a reality.

1           And one of the things that was under the  
2 County Planning Board was to incorporate Chapter Four  
3 of this document into your site plan and subdivision  
4 review process. So, you would incorporate that  
5 into your -- in -- into the resolution that you  
6 review your site plan and subdivision applications  
7 by. And then when an application comes before, you  
8 review in accordance with that.

9           UNIDENTIFIED MALE: We -- we can't hear you  
10 in the back.

11          MS. FLOR: I -- I apologize, can you hear  
12 me now?

13          UNIDENTIFIED MALE: Yes.

14          MS. FLOR: Okay. And that was one of the  
15 actions in the plan. Additionally in that chapter we  
16 discussed funding. A lot of people said well where's  
17 the money going to come from. We identified  
18 available funding sources. We identify all available  
19 funding sources that we are aware of at this time.  
20 And we explained what those grants are and how -- how  
21 you can go about obtaining them.

22                 We identified time frames. You may have  
23 heard Farouk say this isn't going to happen tomorrow.  
24 But what we identified is what's feasible to happen  
25 within the next 5 years, within the next 10 years and

1 then over 10 years. So, we have short, medium and  
2 long term time frames.

3           You can see in the plan that we go through  
4 every single step that it would take and how long we  
5 anticipate and how much it would cost.

6           We actually did cost estimates for every  
7 section of the walkway. And we tell you how it can  
8 be built and how much it would cost. The reason? So  
9 that in the areas where there are alternatives.  
10 Because you're going to hear from people, they're  
11 going to say well we like alternative one. We don't  
12 like alternative two. Well, that's fine. That's  
13 good. That's -- that's why we did this. Because God  
14 forbid we start designing alignment two and we get  
15 into the process and we spend money on engineering  
16 and you find out that you have objectors. That's why  
17 this is a good process.

18           You're going to hear what's feasible in the  
19 public's mind and what's not feasible. Should we  
20 remove it from the plan? I believe not. I believe  
21 that you should have all alignments in the plan so  
22 that you know what the possibilities are. So, then  
23 in 10 years if you do decided to build alignment two,  
24 you know how much it's going to cost, and you're  
25 going to know that it's probably not going to happen,

1 because you have people with their lawyers in the  
2 audience that are going to fight you on it. And  
3 that's fine. That's a public process. And that's a  
4 good public process. It saves times and it saves  
5 money in the future.

6 But they are possible alignments. And  
7 they're all in your plan. You know where your  
8 walkway can run, how much it will cost, what permits  
9 you will need and how you can accomplish it. And in  
10 the future if you decide to build an alignment you  
11 can open your plan and see where it can run and what  
12 the possibilities are.

13 So, that's what we did for you. That's  
14 what this study is about. And if you'd like we can  
15 go through every alignment for you. I don't know if  
16 you want that much detail. But before we go there  
17 let me just end in saying that Chapter Five gets into  
18 implementation and it discusses how you would go  
19 about implementing the various alignment.

20 It also discusses the entity that Farouk  
21 brought up. And it explains to you in chapter four  
22 every step it would take in order to form that  
23 entity. Does this study create the entity? No, but  
24 it give you the guidelines to do so, should the  
25 County decide to move in that direction. And that's

1 the purpose of this plan.

2           Would you like me to walk you through it or  
3 would you like to just hear the public. That's up to  
4 you.

5           THE CHAIRPERSON: I mean we -- we have the  
6 study, we have -- huh?

7           UNIDENTIFIED FEMALE: Yeah, we have --

8           MS. O'BRIEN: I'd like to hear the public.

9           THE CHAIRPERSON: Yeah, I -- I rather hear  
10 the public.

11          MS. FLOR: Okay.

12          THE CHAIRPERSON: We can always look at --  
13 you know.

14          MS. FLOR: Okay. Would you like me to stay  
15 up here to answer questions or sit back down.

16          THE CHAIRPERSON: Well be -- yeah -- yeah.  
17 Anybody else here from the County that wants to come  
18 up? Yeah, anybody anyone else here from the County?  
19 Adam do you want to --

20          MR. STROBEL: I think enough was said to  
21 present the ideas of the studies --

22          THE CHAIRPERSON: Okay.

23          MR. STROBEL: I'll be available for  
24 questions.

25          MS. FLOR: Would -- would you like me to

1 sit back down or stay up here to answer questions.

2 THE CHAIRPERSON: You can sit up here if  
3 you want. Sit up here. With -- yeah. Anybody on  
4 the board have any questions?

5 MR. SCHRIEKS: I just have a really quick  
6 question for Farouk and I know it was covered in the  
7 book and -- and maybe even the engineer herself can  
8 answer.

9 Any of the future development that would  
10 occur along the river walk -- or along the river the  
11 D.E.P. would require you to pay into -- or adapt a  
12 river walk as you said earlier

13 MR. AHMAD: Yes.

14 MR. SCHRIEKS: What would trigger any  
15 changes in an existing building? What would D.E.P.  
16 -- what would the trigger be for D.E.P. to kick in  
17 for that developer to do that work on their own. You  
18 had alluded to -- creating another building --

19 MR. AHMAD: Yes. I -- I think the only  
20 time, from what I know triggers a new D.E.P. full  
21 fledge application when you have major  
22 redevelopment.

23 MR. SCHRIEKS: Okay.

24 MR. AHMAD: You know if you -- if you add  
25 up major -- major structure or major project to your

1 -- to your entity and you do -- and your entity and  
2 you do -- and required to submit to the D.E.P. that  
3 -- that will trigger the D.E.P. to apply their rules  
4 and regulation.

5 Our job is not to be the D.E.P..

6 MR. SCHRIEKS: Correct.

7 MR. AHMAD: The D.E.P. I the D.E.P.. What  
8 we are saying in the past the county never -- the  
9 prior planning never looked at the walkway when an  
10 application comes before us if there's a development  
11 on the Hudson River Walkway.

12 What we are saying now part of the -- the  
13 plan review is to see if it matches what -- what was  
14 -- what is being proposed -- matches what we -- what  
15 the people ask us. They ask us what they want. You  
16 know, certain designs. If it does meet that it will  
17 be in our approval process as recommendation,  
18 because we cannot require, we're -- it's not our  
19 jurisdiction. It's recommendation follow his  
20 design which I think the D.E.P. also is endorsing the  
21 same design. So, that -- that's -- that's what it  
22 is.

23 THE CHAIRPERSON: Anyone else?

24 (No Verbal Response)

25 THE CHAIRPERSON: No. All right. Before

1 we get into any kind of a shouting match or anything.  
2 Is there any attorneys representing clients. Okay.  
3 Would you like to come up one at a time, identify  
4 yourself and your client.

5 MR. SCHRIEKS: You're the winner.

6 THE CHAIRPERSON: You're number one.

7 MR. ACKERMAN: It's the best spot to be in,  
8 I suppose. Chairman, members of the board, afternoon  
9 or as it's becoming evening I have privilege to  
10 address you this evening on behalf of Edgewater  
11 Colony. My name is Bruce Ackerman, I'm a member of  
12 the firm of Pashman Stein Attorney at 21 Main Street,  
13 Hackensack New Jersey.

14 On behalf of Edgewater Colony I'd -- I'd  
15 like to present the following and submit some  
16 exhibits for your consideration in connection with my  
17 presentation.

18 The introduction by your planner and  
19 engineer is noteworthy in that they portray this as a  
20 planning task, idea document, which in the abstract  
21 is a wonderful thing. However, we're dealing with  
22 not the abstract we're dealing with real people, real  
23 infrastructure, and most notably legal documents that  
24 -- improvements that have already been put in place.

25 Now, I know Mr. Ahmad already noted, well

1 nobody that has already developed is going to be  
2 asked to change anything. Now, in my client's case  
3 that's very significant. Let me explain.

4           There are several negatives to, what I'll  
5 call alternative number two -- alignment number two  
6 that your planner and engineer have talked about, as  
7 to Edgewater Colony and I'll be more specific. In  
8 Edgewater Colony your planning proposal included two  
9 alternatives. One alternative is to adopt and  
10 improve, along River Road for the entire length of  
11 Edgewater Colony a 10 foot wide access way, that  
12 would include bikers, jogging trail and pedestrian  
13 access. That would link up from the entrance way to  
14 the Palisades Interstate Park and proceed to the  
15 southernmost point of Edgewater Colony.

16           Alternative number two is a boardwalk in  
17 the river. Now, let's put aside cost. Because we're  
18 in 2010, we all know the economics in today's day and  
19 age. Alternative number one, along River Road will  
20 cost estimated in report of 1 million dollars in  
21 today's dollars. Alternative number two to build a  
22 boardwalk in the river is a 7 million dollar  
23 boardwalk and a 4 million dollar bulkhead. Now,  
24 that's just the economics.

25           What it really ignores and what we urge

1 your adopted report to consider is the legal  
2 impediments that are already in place to suggesting  
3 alternative number two. That is, the Colony --  
4 Edgewater Colony has already expended, as Ahmad  
5 Farouk noted. If you already had a major development  
6 the D.E.P. comes in and makes various impositions  
7 upon you. We've already had that. The Colony has  
8 spent over 7 million dollars on infrastructure  
9 improvements. Including not only its own sewer  
10 system but upgrades to storm water management to meet  
11 -- while this was all going on -- the Storm Water  
12 Management Regulations, which D.E.P. imposed.

13 But as to the river walk the most notable  
14 part is that we have agreements in place with D.E.P.  
15 that your report needs to recognize that only provide  
16 for access in very limited ways, affecting Edgewater  
17 Colony.

18 You have in front of you a conservation  
19 easement in large scale. Let me present first -- how  
20 would you like me to mark exhibits?

21 THE CHAIRPERSON: You can make them Colony  
22 A, Colony B if you want.

23 MR. ACKERMAN: Colony A?

24 THE CHAIRPERSON: Yeah, or numerically.

25 MR. ACKERMAN: Colony One?

1 THE CHAIRPERSON: Just call them Colony  
2 one and two.

3 MR. ACKERMAN: I'm submitting to you what's  
4 entitled Colony One mediation and settlement  
5 agreement in lieu of permit, submitted to the  
6 Chairman, to the board members to consider. I can  
7 give you more copies if you'd like.

8 The most significant element of that, that  
9 is an agreement with N.J.D.E.P. from November 2005,  
10 which Edgewater Colony --

11 THE CHAIRPERSON: If you don't mind if you  
12 could give one to --

13 MR. ACKERMAN: Sure.

14 THE CHAIRPERSON: -- Jaclyn the engineer.

15 MR. ACKERMAN: You'll note in paragraph A,  
16 Edgewater Colony -- the D.E.P. required Edgewater  
17 Colony to provide signage at the Palisades Interstate  
18 Park parking lot to indicate public access. And  
19 paragraph B, Edgewater Colony was obligated to  
20 repair, a I might say a rather substantial expense,  
21 there's a public access walkway and stairs from the  
22 end of Palisade Interstate Park down to the point of  
23 the walk -- the ability of the pedestrian to walk at  
24 the Hudson River.

25 And the plan acknowledges that from the

1 bottom of that walkway the public could walk to the  
2 north, which is north of the Colony property onto  
3 Palisade Interstate Park Commission property.

4           As an addendum, which I'll designate and  
5 submit as Colony two, it's called a letter of  
6 authorization from N.J. D.E.P.. It is dated August  
7 17th, 2006. It supplemented the original settlement  
8 agreement with D.E.P. and notably it provides, in  
9 paragraph small one, that the Colony will grant 5.23  
10 acres of a conservation easement guaranteed against  
11 development in the future.

12           Now, that's what the Colony gave up.  
13 Besides costing 7 million dollars plus, the Colony  
14 donated and gave in 5.23 acres. And you have that on  
15 the plan -- the enlarged plan in front of you. The  
16 dark areas are all the areas that the Colony gave up.  
17 The Colony is something approximating --  
18 approximating 25 acres and they gave up 5.23 in an  
19 agreement of D.E.P.. And why did they do that? They  
20 did that because one of the things on the table was  
21 D.E.P. wanted waterfront access. And at the time we  
22 negotiated with D.E.P., we the Colony, and we had an  
23 understanding with them that the access would be  
24 along River Road. They also considered whether  
25 access would have to be provided through the Colony.

1 Which was originally -- originally in your planning  
2 document as alternate three for the Colony.

3 In exchange the Colony allowed access in  
4 the center of the Colony, which presently exists  
5 today, with signage, where the public does have  
6 access to go to the -- what were called the Colony  
7 Waterfront Town to have access to the River. And  
8 people do make -- avail themselves of that access.

9 That was the agreement, conservation  
10 easement, access along River Road. Improve the  
11 walkway down to the River at the Palisades Interstate  
12 Park. Just so that the record is clear. I have  
13 Colony Exhibit three, which is a subsequent short  
14 letter from D.E.P. of October 20th, 2006, addendum to  
15 the prior settlement agreement and letter of  
16 authorization, just to complete the record. I don't  
17 think there's anything significant as to what I'm  
18 saying, but I wanted that as part of your record as  
19 well, to show you the -- the degree of thoroughness  
20 that we've already undertaken with N.J.D.E.P. to have  
21 this walkway along River Road and only along River  
22 Road. And we urge your planning report to adopt  
23 that as the alternate affecting Edgewater Colony.

24 Now, I also have, which I'll submit as  
25 Colony Four, a scaled down version of the large

1 conservation easement right in front of you.

2 (Pause in Proceeding)

3 MR. ACKERMAN: I think I've adequately  
4 describe that. I think the most important element of  
5 that, you'll note, there is no easement on the  
6 conservation plan to go -- for public access through  
7 Edgewater Colony. It's a commitment by the Colony to  
8 not develop 5.23 acres.

9 Lastly, I have two more exhibits, one of  
10 which is entitled landscape scope plan, which is the  
11 agreement by which the colony made it's improvements  
12 to the Palisade Interstate Park walkway and provided,  
13 you'll see a very detailed access. I'll mark it  
14 Colony Five.

15 And I want to point it out on the plan -- I  
16 don't know if everybody can see this. The --  
17 improvement, from the road -- this is a walkway down  
18 to the river and then a walkway north. Now, the  
19 Colony built, as part of their settlement with  
20 D.E.P., the Colony built the walkway, improved it and  
21 we have turned it over to the Palisade Interstate  
22 Conservation -- an easement and maintenance  
23 responsibility to -- public access.

24 (Pause in Proceeding)

25 MR. ACKERMAN: Yes, I'm just going to mark

1 another so I leave that open as you look at it.

2 (Pause in Proceeding)

3 THE CHAIRPERSON: I'm sorry, go ahead.

4 MR. ACKERMAN: No, that's quite all right.

5 I'm giving you time to -- I'm presenting you with  
6 something you may not have seen. So, I wanted to  
7 give you a chance to look it over and pass it amongst  
8 the members.

9 MR. SCHRIEKS: I just want to ask a  
10 question. Just a small part that you said you guys  
11 handed over the Interstate Parkway. Does it meet the  
12 D.E.P. requirements, I mean up to date and all of  
13 that?

14 MR. ACKERMAN: Yes, in fact one of the  
15 conditions of the contract with the Commission -- the  
16 Palisade Interstate Park Commission, was that we had  
17 to produce a letter from D.E.P. saying that it met  
18 their requirements. And as a result we turn it over  
19 to them for maintenance.

20 So, it starts out as meeting D.E.P.  
21 requirements and then it's up to them to maintain it  
22 at that level. It's really for public access only.  
23 It doesn't serve the Colony.

24 Lastly I have what I'm calling  
25 approximately 70 plus letters from residents at the

1 Colony, all supporting the alignment along River Road  
2 and all objecting to the alternate being in your  
3 report. These are letters --

4 UNIDENTIFIED MALE: Letters of objections  
5 from Colony residents --

6 MR. ACKERMAN: As to the inclusion of the  
7 planning report. Many of them are here. The 70 or  
8 so represents over two-thirds of the Colony  
9 residents, which I find fairly remarkable. And this  
10 isn't a condominium that you go up and down hallways  
11 and stairwells and knock on doors. This is a  
12 development of nearly of 120 single family homes.  
13 So, having 70 plus letters is significant that the  
14 community is that unified and over two-thirds have  
15 signed a letter for us to submit to you, to not  
16 include anything but the River Road, agreed upon  
17 walkway along with -- in your plan.

18 (Pause in Proceeding)

19 MR. ACKERMAN: I guess I would sum it up as  
20 follows. Edgewater Colony has been a good neighbor  
21 to the County, the Borough and to N.J.D.E.P.. We  
22 made an agreement with N.J.D.E.P. and we have  
23 fulfilled each and every requirement of that  
24 agreement. That agreement opened up access to the  
25 river, which is over steep and often narrow

1 topography, which was not appropriate and your  
2 planner has acknowledge it, for bicycles and even  
3 really for jogging or other activities, which would  
4 be dangerous to run through that property.

5           This is a private community. It is not park  
6 land. It is nearly 120 single family homes. There  
7 are negatives -- there are not negatives to  
8 alternative number one, along River Road having a  
9 path for public bicycling, jogging, public  
10 transportation access. Not the same significant  
11 impasse as there are for your alternative number two.  
12 Such as safety and security, aesthetics and views to  
13 home owners, loss of property values, the effect upon  
14 what is presently substantial real estate investments  
15 for many people who embarked upon this and frankly  
16 are bearing the 7 plus million dollar debt every  
17 month in their payments to Edgewater Colony.

18           THE CHAIRPERSON: Can I -- can I just stop  
19 you for a second. Sir, I'd appreciate it if you  
20 don't take any pictures. Okay. This is not -- this  
21 is nothing criminal or anything. Okay.

22           MR. ACKERMAN: I note the -- the planner  
23 noted also there are docs -- there are approximately  
24 14 docs. As part of our agreement with New Jersey  
25 D.E.P., we agreed to cooperate to legalize all the

1 docs. We were able to establish and show the D.E.P.  
2 that 6 of the 14 docs were already permitted. They  
3 didn't know in many cases that they had permitted  
4 them. And that U.S. Core of Army -- U.S. Core of  
5 Army Engineers, which I think is in the U.S. Army,  
6 under their auspices, already approved many of the  
7 docs themselves. The other 8 were grandfathered.  
8 They existed and were in place prior to 1984 when the  
9 D.E.P. took over regulations. And that was the date  
10 that they gave us and the crucial date.

11 Any walkway along the river would be  
12 devastating to the people and the use of those docs  
13 now and in the future. That's alternative number  
14 two. Alternative number one does not have any effect  
15 on the docs.

16 Edgewater colony has already committed --  
17 given away, by dedication five --

18 (End Tape One Side A, Start Tape One, Side B)

19 MR. ACKERMAN: -- a commitment that we made  
20 that we have in place and eliminate alternate number  
21 two, as to the Edgewater Colony because it violates  
22 our agreement. And encourage you to amend your  
23 planning document and only adopt it as to Edgewater  
24 Colony's interest with a River Road, pedestrian  
25 bicycle access.

1 Any questions?

2 MR. STROBEL: Mr. Chairman if I may?

3 THE CHAIRPERSON: Yes.

4 MR. STROBEL: Obviously I took upon myself  
5 to come up to the dais and I would appreciate the --  
6 the allowance to come up to you, but I'm trying to  
7 figure out how to communicate easily from the -- from  
8 the audience.

9 But I would like to inform the Board that  
10 the documents that the learned counsel has talked  
11 about tonight and have provided as exhibits are in  
12 fact documents that we are aware of and we have  
13 reviewed and are in fact part of the planning study.

14 So, I just want to assure the Board here  
15 that those documents have been secured and reviewed  
16 as we were using those to prepare the documents. I  
17 would like to maybe at the moment just have Jaclyn  
18 kind of address the effort that was done to review  
19 those documents. And how that information was taken  
20 into consideration as we drafted the final  
21 recommended plan.

22 MS. FLOR: Mr. Chairman.

23 THE CHAIRPERSON: Yes.

24 MS. FLOR: If you look in the study area  
25 profile report that's been prepared by Neglia

1 Consulting, it was one of the baseline conditions  
2 that we reviewed. And the Colony was nice enough to  
3 provide a lot of that documentation as well.

4           We reviewed the location of the existing  
5 waterfront walkway, the N.J.D.E.P. did approve under  
6 the Waterfront Development Permit. It is true that  
7 there's conservation easements that were approved by  
8 N.J.D.E.P. and we noted the locations of those. The  
9 signage that runs through the Colony, does not -- as  
10 counsel explained -- have an easement associated with  
11 it.

12           When we learned of that, we removed the  
13 alignment three that ran through the Colony. There  
14 was no easement through that -- through the colony,  
15 that is why we removed the alignment that would have  
16 been a much cheaper alignment, that would have run  
17 along a paved road. As colonies acknowledge that  
18 alignment does have signage and people do walk on it.  
19 But the Colony came out and explained to us that to  
20 have people walking through their property made them  
21 feel unsafe. Made them feel that they lost the  
22 character of their neighborhood. But most  
23 importantly they were concerned that it reduced the  
24 width of the their road and that it would be  
25 dangerous for people walking, and for the people

1 driving at the same time. So we removed that  
2 alignment.

3           The River Road alignment was incorporated  
4 at the request of the Colony. There are pros and  
5 cons with that alignment, just as there are pros and  
6 cons with the alignment along the waterfront. We  
7 acknowledge those and we laid out those in the plan.

8           Along River Road the concern -- the only  
9 concern is children using the walkway. There's a lot  
10 truck traffic along River Road. We weigh that as one  
11 of the cons as the one along River Road. But we do  
12 acknowledge that is a direct route that school  
13 children could use along River Road to get home.  
14 There are some definite pros on the River Road  
15 alignment. However, the federal -- you know the  
16 Coastal Management -- Zone Management Rules as well  
17 as the Waterfront Development Permits all relate to  
18 Public Trust Doctrine that allow you access to the  
19 Waterfront.

20           So, although we acknowledge that the River  
21 Road is an alignment that we support, it's in the  
22 plan, that the Public Trust Doctrine supports a  
23 waterfront walkway. And to remove that alignment  
24 from the plan would go against current guidelines  
25 that are established by N.J.D.E.P..

1           We're -- so therefore we're not saying  
2 we're going to build alignment two, but we're not  
3 removing any alignment along the waterfront. Because  
4 if were to remove the alignment along the waterfront  
5 for the Colony then we would have shown that we would  
6 remove that alignment along other locations that the  
7 residents say, well not in my backyard. I don't want  
8 it because it diminishes my security. It diminishes  
9 -- or -- or a business such as Hess, that feels that  
10 it's public safety concern. These are all valid  
11 concerns. And these are things that will come out in  
12 the design process of them if it's ever built. But  
13 to remove it from the plan would be to not  
14 acknowledge that it's a possibility.

15           It's a possible alignment. Maybe 20 years  
16 from a property be vacated. The same concerns you  
17 have today might not be the concerns you have in 20  
18 years. To remove it as a possibility to me doesn't  
19 -- doesn't support what a public doctrine stands for.

20           So, therefore although we understand that  
21 at this time the River Road alignment makes the most  
22 sense in the short term, I don't have a crystal ball,  
23 I can't tell you what's going to be of the Colony in  
24 20 years. Perhaps alignment two, 20 years from now,  
25 could make sense. So, that's why we would suggest

1 leaving both alignment of the plan.

2           If we did review it -- and we did remove  
3 every document that was submitted -- and it is  
4 incorporated in our --

5           MR. ACKERMAN: Can I respond briefly?

6           THE CHAIRPERSON: Sure.

7           MR. ACKERMAN: That story is wonderful that  
8 they thought about it, they read about it. Although  
9 they're not lawyers, maybe they had lawyers on staff.  
10 What she's saying that they thought about, and read  
11 about, and all the exhibits that I have her -- not in  
12 the report, in the explanation of what's good  
13 alternative. And that the Colony has already made a  
14 deal with D.E.P. that the -- in -- in suggesting an  
15 alternative the Colony has an agreement that doesn't  
16 provide to that.

17           And what I'm suggesting you to -- to take  
18 -- what I'm suggesting to you to take it out of the  
19 report, doesn't mean in 10 years if this report in  
20 the abstract, as I'll call it -- if the facts change  
21 the Colony sells out a developer, there's not the  
22 Colony there with 120 homes. The plan can be  
23 amended. There's nothing that you're locking in as a  
24 planning documents. Because planning is an evolving  
25 process, as your planner will acknowledge. But it's

1 not in the abstract, it's really. And just as, your  
2 engineer and planner says they endorse the River  
3 Road, and that's realistic today. That's what you  
4 should -- should suggest for today. And if in 10  
5 years the infrastructure around it changes, the homes  
6 -- there's a whole different surroundings. Somebody  
7 will come before the Bergen County Planning Board and  
8 say, you know this planning document you did in 2010  
9 we'd like to modify it because there's something  
10 different that can be done today, and we would  
11 suggest a change. But that's not today. And that's  
12 the document you're being asked to prove.

13 THE CHAIRPERSON: Go ahead.

14 THE CHAIRPERSON: Yeah, Mr. Ackerman  
15 strictly from a legal point of view then, it's your  
16 position that this plan, which is a recommendation to  
17 begin with, the study should not include the -- the  
18 Hudson River Portion as an alternative. Is that what  
19 --

20 MR. ACKERMAN: As it violates our agreement  
21 with D.E.P..

22 THE CHAIRPERSON: So, you think it should  
23 be out of our plan completely?

24 MR. ACKERMAN: As a recommendation  
25 alternative because of our agreement.

1           THE CHAIRPERSON: I -- I just want to ask  
2 Adam and Jackie, is our directive or our purpose in  
3 this plan to include feasible alternatives, whether  
4 or not they can be implemented down the road that  
5 wasn't our task, was it, as to whether or not they  
6 can or should be implemented. Maybe you can explain  
7 that a little bit.

8           MR. STROBEL: Again, the -- the objective  
9 of the study was to provide for Riverfront walkway.  
10 So the effort is to show where those alignments can  
11 be. The reality is some areas may not have a  
12 Riverfront access. Maybe now, maybe 10 years, 20  
13 years, or in the future.

14           So, the notion of -- of removing these  
15 items really goes back to the notion of, well this  
16 not -- is not really a waterfront walkway. So,  
17 that's why the -- the elements of -- of the walkway,  
18 alignments are -- are in there.

19           Hess, as -- as Jaclyn indicated they've had  
20 an access around them on to River Road. If by chance  
21 Hess in the future leaves, or if they change  
22 operations, and they would be more hospitable to have  
23 something along the river, then that alignment would  
24 come into play.

25           Again, I'll take the counsel's notion that

1 having both in doesn't compel you to do both. Moving  
2 one out does not give you an option.

3 THE CHAIRPERSON: But would you -- would  
4 you say that? I mean it's pretty clear we understand  
5 what Mr. Ackerman's point is, specifically as to  
6 conservation easements and the legalities of it. But  
7 if you -- if we remove that alternative, we probably  
8 wouldn't be complying with the purposes we were  
9 directed to -- for this plan. Is that -- is that the  
10 way you see?

11 MR. STROBEL: I -- I would say yes. I know  
12 Farouk looks to respond.

13 MR. AHMAD: Yeah. Let -- let me say this.  
14 In the late 90's there was a company called Unilever  
15 in Edgewater. And a huge corporation, international  
16 corporation. When the issue of the walkway came to  
17 be part of us building River Road, Unilever said at  
18 that time -- and we had no jurisdiction we were  
19 working with the D.E.P. at that time, and they said  
20 we have a security issue, espionage and other things.  
21 And you know I will work -- work with you on building  
22 it on the river side -- on the road side. They were  
23 convincing, there is security issue. They went and  
24 they build it on the road. That changed in 10 years.

25 How it changed now there's a company called

1 I-Park (phonetic). They are planning to do -- so the  
2 original plan is -- is being implemented now.

3           So, it could be implemented in 100 years.  
4 This could be implemented in 2 years. It could be 50  
5 years. I don't think the Colony is going to change  
6 in -- in 500 years. But the plan is a plan. It's  
7 not implementation plan. It's a plan to show  
8 alternatives with pluses and minuses. Each one has  
9 pluses and minuses.

10           If -- at that time when I was negotiating  
11 with -- with the D.E.P. with Unilever, Unilever said,  
12 you know we're here to stay forever. And we are, you  
13 know, a corporation. The value of this corporation  
14 is the value of couple of countries. Small, you  
15 know. And at the end of the day they packed and  
16 left.

17           I don't think the Colony is going to leave.  
18 This is us -- the Colony is -- you could be there  
19 tomorrow or any of us be there.

20           UNIDENTIFIED MALE: I'm moving --

21           MR. AHMAD: I don't think we're going to  
22 leave the Colony, Colony is staying. But you cannot  
23 -- I don't think it's wise, it's smart to have a  
24 document we called Hudson River Parking and showing  
25 only alternative on the road. It -- it's just

1 absurd. It's a waste of people's tax dollars, money  
2 on doing study. We are talking about plusses or  
3 minuses, pros or cons, implementation. We recognize,  
4 if you read the report -- recognize it's not going to  
5 happen today. It's not going to happen tomorrow.  
6 There is nobody is planning to go out and impose on  
7 the Colony to do anything. But just to remove it  
8 like we're idiots we did not study the possibility  
9 to have it on the river, that is absurd. It is  
10 there, and we're saying what's the negative there?  
11 We're saying it's not going to happen today. It's  
12 not going to happen tomorrow.

13           One day, maybe the Colony decide, you know  
14 I'd love to have what you plan 50 years ago. I want  
15 -- you know, if this generation their grandchildren  
16 come and own the property and say, you know I'd love  
17 the walkway. I want a walkway like -- like -- like  
18 New York City. Can we implements? That's what it  
19 does.

20           So, don't -- you know I don't want to make  
21 a legal argument. It's not. It's a planning.

22           THE CHAIRPERSON: This is just a planning  
23 stage.

24           MR. AHMAD: You know I -- I -- we are not  
25 going -- nobody has a bulldozer to go on and start

1 taking all the docks.

2 MR. ACKERMAN: And nobody is going to stop  
3 somebody who wants to put something else in the  
4 River, in 20, 30, 50 years, because it is or isn't in  
5 your planning document. It would be reviewed anew,  
6 by whoever is in control of those -- the river at the  
7 time.

8 But Adam Strobel said it right. This is a  
9 feasibility study. And the Boardwalk and the river  
10 is not legally feasible. And it doesn't say that,  
11 that the Colony has an agreement in place, that this  
12 would violate it. That the Colony claims there's an  
13 agreement took place, it doesn't say that. You  
14 talked about, this is feasible, this is just  
15 planning. But it's not an abstract document. There  
16 is a D.E.P. Agreement with the colony in place. And  
17 that alternate violates the agreement. And the  
18 Planning Document doesn't say it. So, you either  
19 remove that alternative, as violative, or you  
20 indicate that it violates an agreement -- an  
21 existing agreement. So, if that agreement doesn't  
22 change, this is not feasible.

23 MR. AHMAD: Here -- Jaclyn you add a  
24 footnote that -- to mention, maybe you already did,  
25 mentioned all those documents between the Colony .

1 You already mentioned them on the report.

2 MS. FLOR: In the baseline -- basically an  
3 appendices to the -- and perhaps this is the  
4 disconnect, maybe the counsel then can see the -- an  
5 appendices to this document is the baseline  
6 conditions. The baseline condition has every  
7 property and every document that you've submitted in  
8 this baseline report.

9 So, it has been reviewed -- the doc -- this  
10 -- this study also explains what triggers a  
11 waterfront walkway, is a new waterfront development  
12 permit and it's under the jurisdiction of N.J.D.E.P.,  
13 which is a part of it --

14 MR. AHMAD: I understand that, and I am  
15 sure the counsel understand that. But what I am  
16 saying --

17 MS. FLOR: Well, but there's nothing saying  
18 it's violation.

19 MR. AHMAD: But -- but what -- what I want  
20 to say if all what he already presented to us, it  
21 should be part of the document.

22 MS. FLOR: It is.

23 MR. AHMAD: So, when if -- we're all not  
24 here and somebody opens this and find out, you know,  
25 something to hang their hat on it. So, I'm -- I'm --

1 I'm okay with that. So, if there is -- if there is  
2 a document to say you cannot put it on the river  
3 because you've -- the agreement between the Colony  
4 and the D.E.P., it's there. So, who is going to be  
5 implementing something illegal.

6 MR. ACKERMAN: Well, it's not there by  
7 burying it -- it's not there by burying it in an  
8 appendix where it says we reviewed it. When the  
9 verbiage is suggesting alternative two, as if it's a  
10 viable alternative. And it doesn't mention these  
11 document which existed as legal agreements.

12 MR. AHMAD: It's viable alternative for  
13 planning and engineering. It's not -- it could be  
14 from legal point of view, maybe it's not viable. And  
15 we are not lawyers. We are -- we are planners and  
16 engineers.

17 THE CHAIRPERSON: I don't -- I don't think  
18 we -- we have the authority or we should even speak  
19 of -- I mean you made a statement that the documents  
20 you have would clearly be violated if the walkway --  
21 went into the River. That may be true, it's  
22 definitely your point view, it's definitely the  
23 Colony's point of view. I don't think this  
24 particular recommendation should get into an  
25 interpretation of the D.E.P. Documents.

1 MR. ACKERMAN: It doesn't have to. It just  
2 has to acknowledge that -- that they're there.

3 THE CHAIRPERSON: Well, I think -- I think  
4 --

5 MR. ACKERMAN: The claim is there.

6 THE CHAIRPERSON: -- they were  
7 acknowledging there -- yes.

8 MR. ACKERMAN: As being an impediment.

9 MR. SCHRIEKS: By -- by being in a study I  
10 think, you know, everybody acknowledging the fact  
11 that, it's in there.

12 THE CHAIRPERSON: Go ahead Adam.

13 MR. STROBEL: Correct. You don't -- you  
14 don't see it in the document you have.

15 THE CHAIRPERSON: Not where the  
16 alternatives are actually promoted, so to speak.

17 MR. STROBEL: Okay you've -- you've seen  
18 -- Mr. Counsel you've seen this four inch stack.

19 MR. ACKERMAN: I'm familiar with it.

20 MR. STROBEL: Okay. You've not seen this  
21 before. It is intended to be a part of the study.  
22 So, it's listed at Appendix B in the study.

23 So this final document will be incorporated  
24 into this. Because you don't have it with you, does  
25 not indicate that we're not going to exclude it. So

1 the -- so the items found in this report are going to  
2 be contained in the -- in the final report as  
3 Appendix B, on page 121.

4 MR. ACKERMAN: Mr. Strobel I don't want to  
5 be contentious. That -- that pile that you just held  
6 up, it's probably 200 plus pages. And it's in a  
7 separate document, that's not in your planner report,  
8 which is what people are going to read if you want to  
9 refer to what you've you recommended.

10 THE CHAIRPERSON: Jackie --

11 MR. ACKERMAN: And the negatives of  
12 feasibility don't have any mention of my -- of  
13 anything I just said.

14 THE CHAIRPERSON: How difficult is it as  
15 Mr. -- as Farouk mentioned, how difficult is to  
16 reference in the body of the recommendation these  
17 existing documents that -- that you have, and you did  
18 utilize, as specifically --

19 MS. FLOR: I don't mind referencing it, but  
20 I guess the only comment I would make is that when  
21 you look at the mapping that's in the plan, we  
22 identify existing waterfront walkways. every single  
23 one of those existing waterfront walkways, came from  
24 an existing waterfront development permit.

25 So, every one of those existing permits is

1 in this plan. So, nobody's recommending anything in  
2 violation of anything else.

3 MR. ACKERMAN: I understand that.

4 MS. FLOR: So, this plan identified  
5 baseline conditions which are the waterfront  
6 development approved permits that identify location.  
7 This plan already identifies that, but if you want a  
8 footnote next to the Colony, if you think that that  
9 would appease the public, I can absolutely do that.

10 MR. AHMAD: I -- I think so. I -- I would  
11 like to put a footnote that to reference all the  
12 documents before any implementation of the walkway on  
13 the Colony that whoever, is going to be in charge to  
14 look at all these documents and see the legality and  
15 what needs to be done, before they move on. I would  
16 like to see that, so that will give the comfort to --  
17 to -- to the people that it's being looked at.

18 MR. ACKERMAN: The Colony wants to know  
19 that they -- they gave up 5.2 acres --

20 MR. AHMAD: No -- no I understand --

21 MR. ACKERMAN: -- for a purpose.

22 MR. AHMAD: It's going to lead -- the  
23 footnotes is going to lead, anybody, in 5 years, 10  
24 years, 100 years to go before it do anything to open  
25 the -- all those documents and read it and adhere to

1 it. That should be --

2 THE CHAIRPERSON: That -- that makes sense.

3 MR. ACKERMAN: That's not what we want,  
4 it's certainly better than nothing.

5 THE CHAIRPERSON: Yes, I understand that.  
6 I appreciate your comment. But, you know Mr. Ahmad  
7 made a good point. You know when someone opens up  
8 this plan, whenever they decide to try and implement  
9 it, many years from now, I think they -- they need to  
10 see the plusses and minuses of the alternatives.

11 And I think Farouk's suggestion to  
12 reference it and to tie it into your documents here,  
13 so that the reader will open it up and see a foot  
14 note or a reference, legally saying on this  
15 particular alternative take a look at these  
16 documents, because they may have ramifications.

17 This is a planning document, it's not even  
18 the County's project, don't forget. It's -- it's --  
19 the County can never implement it. So, it's not a  
20 County project. But at least this way when it is  
21 opened up there'll be referenced for the reader and  
22 -- and the State to realize that there are potential  
23 legal issues involved, because we've made reference  
24 them.

25 I don't think the alternative needs to be

1 removed from the purposes of why this document was  
2 prepared. You know it's -- it's not a legal opinion  
3 in any shape matter or form. I don't think they're  
4 required to give one. But I -- I think it makes  
5 sense to tie it in, so that if someone does open it  
6 up, they'll see the Colony and they'll see everything  
7 you mentioned here in writing with all these  
8 documents.

9 MR. AHMAD: So, it's not --

10 THE CHAIRPERSON: So, it's not --

11 MR. ACKERMAN: I understand. The language  
12 then should say that this is not, necessarily legally  
13 permitted to build this way. These are the  
14 negatives. The negatives --

15 THE CHAIRPERSON: Well I don't think we're  
16 letting --

17 MR. AHMAD: The documents we're start to  
18 getting into a legal argument. Let -- your -- your  
19 grandchild and my grandchild debate it at that time  
20 in 100 years.

21 THE CHAIRPERSON: They should only have  
22 that ability.

23 MR. AHMAD: Because that's -- that's --  
24 that's the only time. Because it's not going to  
25 happen in my time and your time and I think that's --

1 we'll leave it to the next generations to -- to look  
2 at the fact and do what's needed to be done. At this  
3 time to remove it, we are going to look silly. We're  
4 talking about a walk way and we did not, you know  
5 even -- even attempt to see if it can be built on the  
6 river or not. That's --

7 MR. SCHRIEKS: Can I ask to the chair --  
8 Mr. Farouk and I ask a question. Mr. Ackerman has  
9 repeatedly talked about the 5.2 acres of property  
10 that was given away. And maybe you can expand on it  
11 a little bit further. The 5.2 acres that is shaded.  
12 I'm assuming that's across the whole property. Is  
13 all of that 5.2 acres, or was that 5.2 acres  
14 available to be built on? Is there wetlands, stream  
15 encroachment, steep slope. Are there issues where  
16 you can't build on at all? Because I don't think  
17 that you're giving away 5.2 acres because you wanted  
18 to, there's probably approximately --

19 MR. ACKERMAN: Not that -- not that we  
20 didn't want to.

21 MR. SCHRIEKS: But you couldn't develop any  
22 of the 5.2 --

23 MR. ACKERMAN: Oh, no --

24 MR. SCHRIEKS: Okay. So, I want to just  
25 make sure -- I want to make sure that --

1 MR. ACKERMAN: -- developments.

2 MR. SCHRIEKS: Okay. Well the way -- the  
3 way you packaged it is that you gave it away because  
4 you didn't -- you wanted to make an agreement with  
5 the D.E.P..

6 MR. ACKERMAN: But since you're a planning  
7 board you understand that using developable land in  
8 general, whether it's wetlands or not, helps you  
9 having the acreage within your site at times.  
10 Depending --

11 MR. SCHRIEKS: It helps too. It helps the  
12 Colony as well.

13 MR. ACKERMAN: Yeah -- yes -- yes. But  
14 there are parts of it that either -- that everybody  
15 has to develop a certain wetlands buffer --

16 MR. SCHRIEKS: Correct, I understand.

17 MR. ACKERMAN: -- transition areas and the  
18 like.

19 MR. SCHRIEKS: But there were certain  
20 sections in that 5.2 acres that were -- it was un --  
21 un-buildable to begin with.

22 MR. ACKERMAN: Some parts. Some parts.  
23 Honestly not that much.

24 MR. SCHRIEKS: Do you know how much?

25 MR. ACKERMAN: I personally do not. But

1 you can assume the shoreline over here.

2 MR. SCHRIEKS: I'm assuming you have -- I'm  
3 assuming you have steep slope.

4 MR. ACKERMAN: But they're actually  
5 permitted to have -- to have two new houses here.  
6 But this -- this area. There's -- there's part area  
7 that's not steep slope and part could be developed.  
8 Colony conceded that, all right, we'll agree that we  
9 won't because they didn't want -- all right.

10 MR. SCHRIEKS: That's the other  
11 alternative.

12 MR. ACKERMAN: There was actually a  
13 proposal for -- more homes. And as part of  
14 negotiations with D.E.P. everybody compromises. We  
15 agreed to less development, more conservation.

16 So, in answer to your question, of course  
17 there are some areas that couldn't be developed, but  
18 it was more was conceded to D.E.P. then -- much more  
19 than had to be, in order to have the agreement that  
20 the walkway would be at the North, people would have  
21 access through the center, and the ultimate walkway  
22 would be on River Road.

23 MR. SCHRIEKS: I just wanted the record to  
24 reflect that it wasn't given away. There are --  
25 there are -- there were alternatives because you had

1 to make a recommendation or make the accommodations  
2 with the D.E.P. because of the topography of the  
3 ground -- of the land to begin with.

4 So, giving -- giving away 5.2 acres of the  
5 property that we're looking at, you didn't just give  
6 it away. You couldn't -- you couldn't build upon all  
7 of the property. That's what I wanted to make the  
8 record clear on.

9 MR. ACKERMAN: But it -- it committed no  
10 matter what.

11 MR. SCHRIEKS: No, I know that. But you --

12 MR. ACKERMAN: That's a big commitment.

13 MR. SCHRIEKS: Okay. I just wanted  
14 clarification. Thank you.

15 THE CHAIRPERSON: Okay. Anybody else have  
16 a question? Thank you very much. Anyone else?

17 MR. ACKERMAN: Thank you.

18 THE CHAIRPERSON: Just so that -- just so  
19 that we understand Mr. Ackerman represented anybody  
20 from the colony. Okay. I mean unless there's  
21 somebody that wants to add to Mr. Ackerman's --

22 MR. SKULBRINK: Yes, I'd like to add one  
23 thing to it. My name is Andre Skulbrink (phonetic),  
24 I'm the president of the Colony. We of course  
25 reviewed this -- this project. And I'm very happy

1 that you again, today, acknowledge that you want to  
2 have feedback from stakeholders in this whole  
3 process.

4           That you'd like to hear what this -- what  
5 people have against it and what you have for it. So,  
6 that's why we are here, and that's why I am -- I am  
7 here, to represent again, to say that there is  
8 something with your alignment two. And you may say  
9 every single time, this is just a plan this is just  
10 not happening. And we know all about it, I mean  
11 you're not going to retract it.

12           However, in your recommendation you say on  
13 the short term, okay the River Road plan isn't good  
14 -- but on the long term -- and watch it, on the long  
15 term it's going to happen that we are going to build  
16 in the River a walkway. And we have had that  
17 discussion, we know that. We had a discussion with  
18 Adam about it, and we had other discussions like yeah  
19 that is the ultimate plan. The ultimate plan is to  
20 build a walkway in the river. Well, you can tell me  
21 whatever you want at this moment, that this is just a  
22 plan, or it can be just removed or it's going to be  
23 removed or we just footnote it. I want to have it  
24 out, because in the ultimate idea, whoever's this  
25 issue it is. That is what the plan -- what is what

1 your report is recommending. And I don't want to  
2 have recommendation of a plan of an alternative that  
3 is not wished for. We are against it. It's illegal  
4 and nobody noticed it so far, but I noticed it in the  
5 Edgewater Council meeting it goes for a third through  
6 D.E.P. protected wetlands. That's quite a statement.  
7 You cannot enter wetlands. You cannot go in there.  
8 You cannot build anything in there. That's the  
9 D.E.P., 1985.

10 We had a long discussion with D.E.P. about  
11 it, about the wetlands and about how to improve and  
12 what we can do in the wetlands and how we have to  
13 stay away 50 feet or whatever feet. And we  
14 acknowledged that, because that's just the law.

15 So, giving an alternative, making a plan  
16 that goes through the wetlands, which means that you  
17 build into the wetlands is against all normal  
18 commonsense. And you may say, it's just a plan. It  
19 is a plan that D.E.P. never -- so why put it in  
20 there.

21 MR. AHMAD: So, why -- why if you believe  
22 that the D.E.P. is going to put --

23 MR. SKULBRINK: Why put it in there? Why  
24 put it in there?

25 MR. AHMAD: I cannot -- I cannot --

1           MR. SKULBRINK:   Why put it in there.  Why  
2 do you have to have two alternatives?  I give you all  
3 -- alternative, just build a walkway over the colony.  
4 It's perfect, it's waterfront, it's still whatever  
5 you're going to do.

6           But through the -- the River isn't -- and  
7 you can say, it's just a plan, it's just an idea, it  
8 is something that you should not include.  It's  
9 ridiculous.  That's what I wanted to say.  And I  
10 wanted to make known that we are against that.  And  
11 we will go where ever this report goes, and it's  
12 still in there.  We will be there.  Thank you.

13           THE CHAIRPERSON:  Thank you.

14                           (Clapping)

15           THE CHAIRPERSON:  Come on up.

16           UNIDENTIFIED MALE:  My name is -- I just  
17 want to Mr. Skulbrink just said about the wetlands.  
18 The alignment for this goes outside the conservation  
19 area into the town below, into the wetlands.  I  
20 brought some of the maps from the report.  And I  
21 think your name is Jackie.  Right, isn't it?  Yeah.

22           On your map you have like green areas, what  
23 does that mean?

24           MS. FLOR:  That's an existing waterfront  
25 walkway.

1 UNIDENTIFIED MALE: Okay.

2 MS. FLOR: Along Palisades Interstate Park,  
3 what you see it's dirt path, but it's an existing  
4 one.

5 UNIDENTIFIED MALE: Okay. So you can see  
6 walkway completed on here, but that's not really  
7 accurate, is it?

8 MS. FLOR: That's accurate.

9 UNIDENTIFIED MALE: Accurate to completed  
10 to these standards?

11 MS. FLOR: No, there is no -- there is no  
12 section that is like -- that's the vision. There are  
13 sections that are competed with pavers, which is a  
14 completed walkway. It's what was accepted by  
15 N.J.D.E.P. at the time of construction.

16 UNIDENTIFIED MALE: All right. So,  
17 basically you have zero percent completed of the  
18 walkway to the standard that you have up there.

19 MS. FLOR: Which is indicate -- yes.

20 UNIDENTIFIED MALE: Zero. So, that -- you  
21 have no walkway. So the scope of this plan that  
22 shows completed walkway, I don't want people to be  
23 misled by the green on the -- on the drawings you  
24 have nothing completed yet. So you're talking  
25 about an entire walkway. I understand they want to

1 make it continuity, but there is not continuity  
2 anywhere.

3 THE CHAIRPERSON: But what she's saying is  
4 that -- maybe it's not to those standards, but it is  
5 a walkway and it is an approved walkway.

6 UNIDENTIFIED MALE: Oh, I understand that.  
7 So, that's why I feel we have already.

8 So, that's one issue. The idea, originally  
9 you spoke about continuity, that people wanted that.  
10 Well, either you're going to make everybody redo  
11 everything that's been done or you'll never  
12 continuity, it'll still be piecemeal.

13 MS. FLOR: That's not true.

14 UNIDENTIFIED MALE: Why -- can you address  
15 that why that wouldn't that be.

16 MS. FLOR: Chairman would like me to  
17 address that?

18 THE CHAIRPERSON: Please.

19 MS. FLOR: It would be involving process.  
20 We're not asking anyone to go rip out their  
21 waterfront walkway. As the new sections come in,  
22 then if you review them for continuity -- and I can  
23 tell you that this is happening in other sections of  
24 the Hudson River Waterfront Walkway. This is  
25 happening in Hudson county. I'm a consultant to

1 Hudson County as well. And when an application comes  
2 in on River Road or in Jersey City, or anywhere along  
3 the waterfront they review it for continuity and they  
4 have them put a plan together to match what the  
5 guidelines were in that county. Bergen County is  
6 seeking to do the same.

7           And ultimately as new areas are built those  
8 areas are built in a continuous fashion. And sure  
9 there will be sections that look different for a  
10 while. But over time the walkway evolves. And  
11 eventually you'll have continuity.

12           UNIDENTIFIED MALE: Okay.

13           MS. FLOR: No -- no section right now is 30  
14 feet wide with pavers and a bike lane. That's not on  
15 the existing walkway in Bergen County right now. But  
16 yes, there areas where there's a 20 foot walkway,  
17 there are areas where there's a 10 foot walkway.  
18 Sometimes the pavers are gray. Sometimes the pavers  
19 are a different color. Brown, maybe red.

20           But the issue with that is that people  
21 walking on the walkway never know when they've left  
22 the public domain and entered the private. A lot of  
23 time you're walking and you feel as though you're on  
24 private property when you're not. There's advantage  
25 to continuity and that was recognized in our public

1 sessions.

2 UNIDENTIFIED MALE: Are any of those things  
3 included in the cost. So, for instances these areas  
4 that is --

5 THE CHAIRPERSON: Sir, you need to -- sir  
6 you need to ask the questions later.

7 UNIDENTIFIED MALE: I'm sorry. All right.

8 THE CHAIRPERSON: Just so that's --

9 UNIDENTIFIED MALE: I'm sorry I'm not used  
10 to this procedure.

11 So, all I'm seeing a green line that says  
12 complete. So, when -- when the people of Bergen  
13 County want to see the expense or which entity takes  
14 over this -- this idea of completed walkway over  
15 here, shouldn't really be completed walkway if you're  
16 ultimately make it continuity. And I know if the  
17 estimates were made for that. So, were estimates  
18 made for that completing the area in Palisades  
19 Interstate Park and has the Interstate Park agreed to  
20 anything yet?

21 MS. FLOR: Would you like me to answer  
22 that? Yes, we basically did the linear foot cost of  
23 completed walkway. In the plan I believe that that's  
24 in chapter -- chapter four -- no chapter five -- no  
25 chapter four. It's in chapter four of the plan. And

1 then in the appendices we have cost estimates for  
2 every section of the walkway. And then there's a  
3 linear foot cost for each section, in which we  
4 calculate out how much it would cost to upgrade the  
5 walkway.

6 UNIDENTIFIED MALE: Okay. My --

7 MS. FLOR: We have different costs for new  
8 versus retrofitting.

9 UNIDENTIFIED MALE: My last comment is if  
10 you look on this map where River Road is, there is no  
11 sidewalk -- sidewalk on River Road at this present  
12 time, I think. Running the walkway along there would  
13 improve the safety there. Is that accurate?

14 MS. FLOR: Would you like me to answer  
15 that?

16 THE CHAIRPERSON: Please.

17 MS. FLOR: Yes, I mean sidewalk is always  
18 an advantage, it's always a safer alternative than  
19 walking in the street. So, I would agree that yes,  
20 if you're asking if it's safe to have sidewalk along  
21 River Road, sure, it's safe.

22 THE CHAIRPERSON: I believe you said that  
23 before.

24 MS. FLOR: Yes, I said that one of the  
25 advantages, there's pros to the River Road alignment,

1 and there's cons.

2 UNIDENTIFIED MALE: But -- but --

3 MS. FLOR: And I would say that safety can  
4 be a pro and a con when it comes to that alignment,  
5 because there's fast traffic. So, to have the  
6 walkway near River Road, there are disadvantages. A  
7 child, maybe under the age of 10 you wouldn't want  
8 them riding their bike alone, up near that. However  
9 it would be an advantage to people that are currently  
10 walking along the street.

11 So, yes there are pros and cons to that.

12 UNIDENTIFIED MALE: Yeah, I just wanted to  
13 reiterate that there is no sidewalk there right now,  
14 because that's a dangerous situation.

15 THE CHAIRPERSON: Go ahead.

16 MR. GUINNESS: Jack Guinness (phonetic) I've  
17 lived 40 years in the Edgewater Colony. I'm a member  
18 of the Board of Directors. I've spent a lot of time  
19 speaking with Adam Strobel in the last year on this.  
20 He has been nothing but up front. And as I feel what  
21 I've even heard, 100 percent honest with me.

22 First of all I'd like to say we are not a  
23 gated community, which right of way give that  
24 connotation that there's a bunch of rich bitches --  
25 and everything else. That we're not. There's a lot

1 of people and I happen to be one of them that went  
2 back to work at 75 years of age. Tom Ford (phonetic)  
3 another gentlemen. Many, many people with this 7  
4 million dollars that our attorney mentioned has been  
5 a thing. Our assessments, our maintenance, our  
6 everyday thing. It's a terrible thing, but we will  
7 get through here.

8           What I have heard here, Adam had mentioned  
9 it to me Jackie had just said it a minute ago.  
10 Anytime you want to do anything, and then all of a  
11 sudden the D.E.P. and I was told many times in the  
12 last few days, well this is a D.E.P. walkway.

13           So, if Mr. Jones wants to fix his house, so  
14 many times, there's so much land, that we have to get  
15 improvements through the D.E.P.. And I was more or  
16 less told yesterday, well you know what then let's  
17 have some more lighting, let's do this, let's fix the  
18 signage, let's see the surface what you're going to  
19 do. Once you do those things then you can fix your  
20 house. Maybe you'll be able to build a house.

21           Myself and another gentlemen have been  
22 trying for 2 years to sell some land that we  
23 desperately need to sell that to we're -- we're in a  
24 tremendous -- I know some people are going to get  
25 mad, but I always feel we're drowning in debt. We

1 have tremendous debt. And you know when you're  
2 paying off something it doesn't go away. But now if  
3 we're going to be told by the D.E.P. anytime we want  
4 to do -- we haven't been able to put roads in,  
5 because the -- we can't ask the people for no more  
6 money. It's impossible. And to have this hanging  
7 over our head, and the people that have been there.  
8 Like I said I'm here 40 years, like all of us, like  
9 all of you people. Our homes is really our biggest  
10 asset.

11 So, thank you very much and hope you'll  
12 consider that and not put this burden around us.  
13 Thank you.

14 MS. O'BRIEN: I have a question for Jackie?

15 THE CHAIRPERSON: Sure.

16 MS. O'BRIEN: If this alternative two is  
17 taken out of the plan and D.E.P. changes their  
18 regulations or their -- their idea of what they want  
19 for waterfront walkway, say 10, 15 years from now.  
20 They can -- D.E.P., since this is a D.E.P. plan,  
21 basically, can D.E.P. come back and say it doesn't  
22 matter what's in this plan we're -- we're going up  
23 the river anyway, so it doesn't matter what the --

24 MS. FLOR: The -- D.E.P. could definitely  
25 still put -- even if we remove it, yes, D.E.P. has

1 the jurisdiction because they're charged with the  
2 State -- the Waterfront Development Permits, that's  
3 in the New Jersey Administrative Code. I can give  
4 you the code location and where that's at. As well  
5 as federal law, which is also -- also by statute that  
6 identifies that the Public Trust Doctrine requires it  
7 to be along the Waterfront walk -- you know along the  
8 waterfront. It provides access to the water --  
9 public access.

10 So, yes, even if we were to remove it,  
11 N.J.D.E.P. could still put the walkway --

12 MS. O'BRIEN: Does -- does the plan that  
13 you have for alternative two, does that in anyway  
14 protect the people who live in the Colony from the  
15 D.E.P. coming in. Like say the D.E.P. comes in and  
16 they say, well it's not in the plan but we're doing  
17 it anyway. Will our plan, in anyway, protect or  
18 insulate the people who live in the Colony from  
19 having the D.E.P. come in and say, no we're just  
20 doing it this way?

21 MS. FLOR: Yes, I think it does. I think  
22 that it provides with Colony with documentation of  
23 how much burden it would be, how much it would cost.  
24 If N.J.D.E.P. was to require that, the Colony could  
25 turn around and say 7.5 million, that's undue

1 hardship at this time. I think having it in the plan  
2 helps them, because it shows the hardship of that  
3 alignment at this time and why a better alignment at  
4 this juncture is along River Road at this time in the  
5 short term. But I, like I said before, don't know  
6 what's going to happen with the Colony in the future.  
7 And this isn't a 5 year plan, this is a 20 year plan,  
8 maybe more. And that's why propose to leave the  
9 alignment in. It give you exactly how it should be  
10 built, how much it would cost.

11 So, does that answer your question?

12 MS. O'BRIEN: It does. But I mean but my  
13 -- my question is really is -- is -- is this plan,  
14 you know, actually a way to protect the Colony from  
15 the D.E.P. coming in and --

16 MS. FLOR: In some ways yes. In some ways.  
17 But I don't know if the Colony would agree with that,  
18 but that -- that would be my opinion.

19 MS. O'BRIEN: Okay. Thank you.

20 THE CHAIRPERSON: Okay. Anyone else here  
21 other than the Colony. Because I -- I believe that  
22 Mr. Ackerman spoke for everybody in the Colony.

23 UNIDENTIFIED MALE: He did not.

24 THE CHAIRPERSON: He did not.

25 UNIDENTIFIED MALE: Absolutely did not.

1 MR. SCHRIEKS: I have a quick question.  
2 Either Farouk or Jackie -- Jackie and Adam, more or  
3 less. You know the Alternative two that we're  
4 talking about ad nauseam on River Road is there -- is  
5 there viable space on River Road right now, to put  
6 this sidewalk whether it's done 10, 20, 30, 40 years  
7 from now, without compromising any of the footprint  
8 or the property -- the property of the colony -- the  
9 frontage property of the Colony on River Road?

10 THE CHAIRPERSON: Go ahead.

11 MS. FLOR: AT this time we reviewed that  
12 location. There's a ravine next to River Road. In  
13 order to build the walkway you would have to reduce  
14 the width, probably to 5 feet in some areas. One of  
15 the houses does --

16 UNIDENTIFIED MALE: Of Edgewater --

17 UNIDENTIFIED MALE: No River Road.

18 MS. FLOR: Along River Road. One of the  
19 houses in Edgewater Colony comes extremely close to  
20 River Road and that location we would to reduce it to  
21 a sidewalk width of 5 feet. But in most locations,  
22 yes you could accommodate it. But you would have to  
23 have some redesign of River Road.

24 Let me also say that no survey has been  
25 performed and this is not an engineering document.

1 You would have to have a survey and confirm that.  
2 That is just from looking at aerial views and  
3 existing surveys of properties. An actual survey of  
4 the location has not been --

5 MR. SCHRIEKS: Okay. that's it. That's  
6 fine. I just wanted to get a feeling for what the  
7 frontage on River Road was.

8 (Indiscernible Conversation in Background)

9 MS. MICHAEL: -- I just wanted to --

10 THE CHAIRPERSON: You need to speak into  
11 the mike.

12 Ms. MICHAEL: My name is Catherine Michael  
13 I live in the Edgewater Colony. Mr. Farouk when you  
14 mentioned how wonderful it is in New York City to  
15 look at that Hudson River Trail that goes from the  
16 George Washington Bridge, all the way down to Battery  
17 Park, and eventually they're going to have it go all  
18 the way around the city. You know what's so  
19 wonderful about it there's a highway that separates  
20 it from any residential home. A highway. You cannot  
21 compare that to what you are trying to do here, along  
22 the waterfront.

23 And you're right the Public Trust Document  
24 says one important thing, access -- access to the  
25 waterfront, but where it is reasonable. There is a

1 Supreme Court case down in Bayhead New Jersey, which  
2 had to do with the access. What you need to  
3 understand is what you're doing, look at what it is  
4 along the waterfront. If you put a walkway in the  
5 waterfront maybe -- the only way to do this is for  
6 all of us to move, sell the property to a big  
7 development and then we'd have a big development  
8 there, and I've spent my years fighting that many a  
9 long time ago.

10 But we are right on the waterfront. You  
11 put something out there, you can just throw something  
12 down right to where the walkway would be. What  
13 you're doing is you've got -- like a bubble thought  
14 of how great this is going to be. It will not work  
15 through the Colony like that. You have ungapped the  
16 Gap 12. Why is it that you put there -- River Road  
17 is going to have to be redesigned. That means  
18 they're going to have to come to the County. I  
19 believe that's a county road. So, you'd have to come  
20 to the County and ask for the County's permission to  
21 redesign that road to give the width to be able to  
22 take that walkway all the way from the Caribbean  
23 House, as I understand this, all the way up to Hudson  
24 Drive. Which puts you right on to the path that we  
25 built that takes you down to the stairs to the river

1 front.

2 I was told at one of the meetings that one  
3 of the reasons why you don't like that is because  
4 it's a hill, and it's going to be hard for people to  
5 bike up there to push baby carriages up there. But  
6 it brings to mind what about taking bikes and baby  
7 carriages down the stairway. So that doesn't -- do  
8 you -- one of the meetings, I think in Edgewater I  
9 think you -- you raised that. Well, what we'd really  
10 like is to have the Waterfront because that's a  
11 straightway, it's continuous, and it's not hilly and  
12 it doesn't present a problem. If you put the walkway  
13 -- the River Road Walkway you come -- you're going to  
14 have to come here to the town -- to the County and  
15 ask for a redesign, permission, I believe from the  
16 County.

17 Would that not be true?

18 UNIDENTIFIED MALE: Yes.

19 MS. MICHAEL: Would we not have to come to  
20 the County? So, we haven't even gotten to that -- to  
21 that point yet. So, what we're trying to do is tell  
22 -- is ask you if you remove the waterfront portion of  
23 it, then that would put more pressure on everyone  
24 involved to get a redesign and to get a walkway --  
25 along River Road, because then there wouldn't be

1 another alternative. So, long as you leave that  
2 alternative there, you put right in your -- you put  
3 right there, it's a short term solution.

4 I mean it seems to me like you're really  
5 looking to use that waterfront. And the waterfront  
6 cannot be compared to New York City. It cannot be  
7 compared, as you mentioned at the Edgewater Council  
8 planning board meeting, I think in Houston -- is it  
9 Houston or --

10 UNIDENTIFIED MALE: San Antonio.

11 MS. MICHAEL: San Antonio, where you have a  
12 walkway there. You can't compare that. And  
13 stakeholders -- some of the stakeholders that you  
14 said were so agreeable, maybe commercial. We are  
15 stakeholders that live there. Live right on that  
16 water. Live right in that community. And it's not  
17 just the waterfront. We're worried about people who  
18 walk through the whole community. You're walking  
19 through your backyard. You're walking through your  
20 garage. You're walking through every part of your  
21 property.

22 (End Tape One, Start Tape Two)

23 MS. MICHAEL: -- the planning board. You  
24 have bike paths shown on Annette Avenue. Why was  
25 that shown there?

1 MS. FLOR: Would you like me to answer that  
2 Mr. Chairman?

3 MS. FLOR: We -- we removed that alignment.  
4 That alignment was show because there -- there's a  
5 signed path that was not approved by us, that was  
6 approved by N.J. D.E.P., that you were required --  
7 your counsel actually brought that document up and  
8 submitted it as an exhibit that showed that N.J.  
9 D.E.P. approved signage for public access along that  
10 alignment. So, we showed where that N.J. D.E.P. was.  
11 We removed it when we learned that there was no  
12 easement for it. And that's why it was on the plan  
13 before, but it is not on the plan now.

14 MS. MICHAEL: There are signs that come  
15 down Annette Avenue as well. And Annette Avenue, and  
16 then down to Shore Road on both side.

17 MS. FLOR: No more -- Mr. Chairman.

18 MS. MICHAEL: We don't want the waterfront  
19 walkway in front of us. It is not like New York  
20 City. It is just silly to use that as an example.  
21 Thank you.

22 THE CHAIRPERSON: Thank you.

23 (Clapping)

24 THE CHAIRPERSON: Come on up sir.

25 MR. HEANUE: I'm glad I have an opportunity

1 to speak, something denied to me at shareholders  
2 meetings in Edgewater Colony Incorporated, a phantom.

3 THE CHAIRPERSON: Speak to -- speak to the  
4 facts sir.

5 MR. HEANUE: I -- I certainly will. I  
6 think that you've mentioned legalism, which I've  
7 heard a lot of hoax here and presentation by  
8 attorneys.

9 THE CHAIRPERSON: Sir. Sir.

10 MR. HEANUE: And what have you. They talk  
11 about the Colony. Nobody knows what he Colony is.

12 THE CHAIRPERSON: Sir. You need to -- you  
13 need to speak into the mike, your name, your address  
14 --

15 MR. HEANUE: Yes, certainly.

16 THE CHAIRPERSON: Speak to the subject.

17 MR. HEANUE: Yes, I will.

18 THE CHAIRPERSON: Because we don't have  
19 that much time. Because fraud is involved. I will  
20 explain.

21 THE CHAIRPERSON: Okay. But --

22 MR. HEANUE: Absolute fraud and  
23 misrepresentation and Mr. Skulbrink knows about it.

24 THE CHAIRPERSON: Sir your name and --

25 MR. HEANUE: Yes, my name is Michael

1 Heanue, H-E-A-N-U-E, and I have been a resident,  
2 legal, proper home owning shareholder in Edgewater  
3 Colony Incorporated. A business corporation of the  
4 State of New Jersey that issue has restricted stock  
5 issue. And the only people who are in there now,  
6 most of them anyway, have transfers of those  
7 restricted shares. You don't have a legal quorum  
8 from the Board of Directors. All that you've been  
9 hearing here is false.

10 THE CHAIRPERSON: Sir.

11 MR. HEANUE: And I will explain it to you.  
12 It needs sever legal scrutiny. My name is Michael,  
13 Heanue. I live at 6 Annette Avenue. I'm a disabled  
14 veteran of the Korean War, 100 percent with multiple  
15 injuries.

16 THE CHAIRPERSON: Sir, we need to know just  
17 comment on these plans.

18 MR. HEANUE: Yes, on these plans, the plans  
19 are studded with fraudulent presentations. I would  
20 like to address these. I came here tonight to what I  
21 thought was a meeting with regard to the Hudson River  
22 Waterfront Walkway. I have two copies of what the  
23 N.J.D.E.P. presented, as responsibilities that they  
24 accepted to complete what Governor Byrne originated  
25 way back when to have a continuous waterfront walkway

1 stretching from Bayonne New Jersey along the  
2 waterside to the George Washington Bridge. That was  
3 what was accepted. They accepted federal monies to  
4 do that, without strings. All jurisdiction was  
5 allowed to the N.J.D.E.P..

6           They said about giving away 5.2 acres or  
7 what have you. That wasn't giving away that was a  
8 quid pro quo deal where one board member who is now  
9 --

10           THE CHAIRPERSON: Sir. Sir. That has  
11 nothing to do with --

12           MR. HEANUE: It was mentioned here I'd like  
13 to comment on it. Please allow me that. Please it's  
14 -- it's very important that your legal people know.

15           THE CHAIRPERSON: We don't' have that much  
16 time sir.

17           MR. HEANUE: I know time is very important,  
18 this may take a lot of time to undue --

19           THE CHAIRPERSON: Well then we -- then I  
20 need to --

21           MR. HEANUE: -- anything that is done with  
22 full knowledge.

23           THE CHAIRPERSON: Sir -- sire then I'm  
24 going to have to ask you to sit down.

25           MR. HEANUE: No, before you do that please

1 let me address what I came here to address. I have  
2 specific notes on what was said.

3 THE CHAIRPERSON: Okay. But stick to the  
4 facts of the plans. Stick to the facts of the plans.

5 MR. HEANUE: What was said -- yeah, what  
6 was said about those plans, I have to comment, give  
7 the other side. That's why I came here, to this  
8 meeting, and here it is.

9 First of all --

10 THE CHAIRPERSON: Do you have a question  
11 for the plans?

12 MR. HEANUE: Sir?

13 THE CHAIRPERSON: Do you have a question?

14 MR. HEANUE: Yeah, I gave Mr. Strobel some  
15 information this afternoon --

16 THE CHAIRPERSON: You asked me -- you asked  
17 me okay the question and I will -- I will try to  
18 figure it out and I will tell -- I will direct them  
19 to answer it. Ask me the question.

20 MR. HEANUE: Yes of course.

21 THE CHAIRPERSON: Okay. Questions. I  
22 don't want to know --

23 MR. HEANUE: Question one -- question one,  
24 thank you. Have you -- have you conversed with Mr.  
25 Strobel with regard to the presentation that I made

1 to him for about three-quarters of an hour this  
2 afternoon which gave him full detail.

3 Or may I -- may I respectfully request that  
4 you do have a conversation with him.

5 THE CHAIRPERSON: In the future I will.

6 MR. HEANUE: Yes, but before any  
7 furtherance of this activity tonight. It's very  
8 important.

9 THE CHAIRPERSON: Yes.

10 MR. HEANUE: Some things I wish to correct  
11 in the -- in the things going.

12 THE CHAIRPERSON: Again, sir questions.

13 MR. HEANUE: Questions. Are you aware that  
14 Edgewater Colony Incorporated, whom you're dealing  
15 with tonight is a business corporation that has  
16 issued restrictive stock called A stock and that  
17 those are --

18 THE CHAIRPERSON: What does that have to do  
19 with the plan?

20 MR. HEANUE: Well of course this is who --  
21 this is who you're dealing with. The waterfront  
22 walkway in front of this unknown entity, that is a  
23 fraud. Please let me continue.

24 This has legal overtones and what have you.  
25 And I recognize my responsibility of this saying this

1 to you.

2 MR. SCHRIEKS: Mr. Chairman -- Mr. Chairman  
3 I -- Mr. Chairman I would ask that the -- Mr. Heanue  
4 talks or speaks in reference to the plan that we have  
5 in front of us or at all.

6 MR. HEANUE: I'm the only one --

7 MR. SCHRIEKS: Or I will make a motion to  
8 have --

9 MR. HEANUE: I'm the only one so confined  
10 so far in all the speakers you have heard. I didn't  
11 expect to encounter bias.

12 THE CHAIRPERSON: With all due -- with all  
13 due -- there's no bias here, Mr. Heanue, with all due  
14 --

15 MR. HEANUE: Well then can I speak then  
16 please, sir.

17 THE CHAIRPERSON: With all due respect I  
18 would ask that you speak on -- on the merits of the  
19 plan that we have in front of us.

20 MR. HEANUE: The merits of the plan are  
21 all improperly based.

22 THE CHAIRPERSON: Okay, sir here's what I'm  
23 going to do for you. I'm going to give you five  
24 minutes.

25 MR. HEANUE: Okay.

1 THE CHAIRPERSON: Five minutes.

2 MR. HEANUE: Yeah, that's what -- that's  
3 what -- allows me partial.

4 THE CHAIRPERSON: Okay. And you only ask  
5 me question -- ask me --

6 MR. HEANUE: You never restricted any of  
7 the other people in that fashion.

8 THE CHAIRPERSON: Because they stopped to  
9 question --

10 MR. HEANUE: How did you know until they  
11 spoke. Allow me to speak. You never restricted them  
12 in anyway.

13 THE CHAIRPERSON: You're talking for five  
14 minutes, you haven't asked a question yet.

15 MR. SCHRIEKS: Five minutes sir.

16 MR. HEANUE: All right, five minutes, I'll  
17 do it.

18 The entity that you're addressing you  
19 should know who it is, legally. Mr. -- Mr. Stobel  
20 had detailed information on it. I have been here for  
21 43 years since August -- August 3 1967, along with  
22 many of speaker you've heard so far.

23 I've been -- Mr. -- attorney's  
24 mismanagement of this firm since I've moved in. He  
25 calls it many, many things which it isn't. It is

1 what it is, what it is, what it is. It's a business  
2 corporation that has issued restricted stock that --  
3 that the transferees who only -- transfers of these  
4 restrictive stock let people to act in a fiduciary  
5 manner and -- and in accordance and within the  
6 confines of that authority. They do not. They  
7 overstep it constantly. They violate the charter.  
8 You don't have the charter. They don't show it to  
9 the other shareholders. And it is available and I  
10 can get it produced to you.

11 THE CHAIRPERSON: That has nothing to do  
12 with this --

13 MR. HEANUE: It has everything to do with  
14 it. These are the people that you're addressing.  
15 They're not a legal quorum. And that -- and they  
16 can't have a legal attorney if they don't have a  
17 legal quorum.

18 THE CHAIRPERSON: Well, then -- then hire  
19 an attorney --

20 MR. HEANUE: No, I'm telling your right  
21 now, let me continue --

22 THE CHAIRPERSON: But it has nothing to do  
23 with this.

24 MR. HEANUE: Please don't argue with me in  
25 my five minutes. You said you would give it to me.

1 Okay.

2           The president is not the president that you  
3 have listened to. He doesn't even have one of these  
4 transferred shares. He has a newly issued share that  
5 doesn't have any restrictions like the other 115 of  
6 us. Tonight the attorney said 120. They can't issue  
7 more than 116, because that's all -- from the  
8 original instruments. He now says 116, these are  
9 typical of the secret activities by this board that  
10 is has continued to act unlawfully and present itself  
11 unlawfully to you tonight.

12           I want a waterfront walkway and I'd like to  
13 have it -- you're watching the clock I see that  
14 pressure on me -- and I want the walkway such as was  
15 twice proclaimed to a waterfront continuance walkway  
16 by the N.J.D.E.P. who accepted federal funds without  
17 conditions and who have farmed out the authority,  
18 certainly not their responsibility.

19           You may come back and tell me anything you  
20 want and insufficiently you haven't heard me. The  
21 opposition. You've heard five people speak to you  
22 about Edgewater Colony and nobody knows what it is.  
23 It is what it is what it is. It does not have a  
24 legal quorum. It hasn't. I'm not allowed to speak  
25 at meetings. I can produce the documentation if you

1 want to assign an attorney with whom I may meet.

2 I don't want this to be imposed on Bergen  
3 County because otherwise responsibility committee  
4 here, didn't allow the facts to surface.

5 Some of the things that I wanted to tell  
6 you. Catherine Michael who just spoke. She's not a  
7 shareholder. If you go and look at her entrance and  
8 share -- you'll find that she deeded her interest to  
9 her husband for \$1 and she's not authorized to be a  
10 homeowner or shareholder or speaker here of the  
11 colony. It's on file that they don't listen to me on  
12 that. She's an attorney. And certainly lack of  
13 candor in presenting herself here in acting as an  
14 official of Edgewater Colony Incorporation in  
15 violation of all the charter conditions.

16 Mr. Skulbrink the same way. I told you  
17 about that. And the -- the 5. -- quid pro quo --  
18 acres. Why? In order to get permission to piers and  
19 docks on somebody else's land. They do not own that  
20 land -- doesn't own that land in front of Edgewater  
21 Colony, it's owned by the Borough of Edgewater who  
22 has owned it secretly since 1939, 9 years before  
23 Edgewater Colony was even -- even begun -- came into  
24 being. And -- and the mayor at the time went to jail  
25 for fraud and -- Mayor Tanzi (phonetic) and it's

1 continued since then -- since the put piers and  
2 docks.

3 He mentioned 1994, the Colony was organized  
4 1948, so all of these things -- I have a map, which  
5 the -- there's a man here tonight who has it. He's  
6 the -- official of Edgewater. I gave it to him and  
7 photographs. And the map that I have, 1948 there is  
8 no structure whatsoever along the waterfront. These  
9 law -- and things in violation of the charter that  
10 the attorney keeps hidden and all those other people  
11 keep hidden, and it's just an unbelievable fraud.

12 I spent -- in hell. I was physically  
13 attacked by the president here -- back into a door.  
14 I have all kind of surgical recommendations from West  
15 Point as a result. The police refused to arrest him  
16 because the man said that nothing happened. The guy  
17 who is now present in the mayor of and council was  
18 then on the Board. And -- and the man in the  
19 prosecutor's office -- is a fraud member of the  
20 borough of Edgewater Colony. This is studded with  
21 misrepresentation, lack of candor and fraud.

22 I am in favor of the waterfront walkway,  
23 such as promulgated by the N.J.D.E.P. --

24 THE CHAIRPERSON: Your five minutes are up.

25 MR. HEANUE: I'm near done with it, nobody

1 with me.

2 THE CHAIRPERSON: Thank you.

3 UNIDENTIFIED MALE: There was four pair of  
4 eyes looking at the clock.

5 THE CHAIRPERSON: Thank you. Sir come on  
6 up. Please sir, direct the questions to me.

7 MR. TANZI: My name is Tom Tanzi (phonetic)  
8 611 Undercliff Avenue Edgewater. I was just referred  
9 to as -- I'm the former mayor that went away.

10 AS you can see there are times when there  
11 is more Honor and sanity dealing with thieves than  
12 the prior speaker.

13 But specifically sir, this is the second  
14 time in 30 years that the community has come under  
15 attack by some form of government agency. 30 years  
16 ago was the State of New Jersey, initiated by the  
17 D.E.P., under Brendan Byrne, Jerry English  
18 (phonetic). They are related sir and Mr. Chairman  
19 if you just give me a few minutes to go on the first  
20 it's directly related to this subject matter at  
21 hand.

22 THE CHAIRPERSON: Just -- we're going to  
23 give you the same --

24 MR. TANZI: Fine. I'm not going to be --  
25 be as long. It was called the Hudson River

1 Waterfront Commission. There was seven Hudson --  
2 Hudson County Communities four. But it was more --  
3 more comprehensive. It didn't deal just with the  
4 Edgewater walkway, which is a byproduct under  
5 discussion, but as well -- Park of Palisades, et  
6 cetera.

7           It was because of the assistance of the  
8 Bergen County Freeholders coming to the aid of  
9 Edgewater that that proposal was defeated. And --  
10 and as a result of that defeat, Edgewater's total  
11 assessment that is directly related to County  
12 operations, because it's your revenue from a single  
13 community. The aggregate escalated from 117 million  
14 at that time in 1980 to over 3 billion today.

15           Your portion of all new revenue based on  
16 '08, '09 assessed valuation aggregated, revenues  
17 received is roughly 16 percent of 32 million. That's  
18 because it wasn't taken over by the State. And  
19 that's because those that went before the various  
20 board at that time didn't succumb all -- didn't  
21 become intimidated by flashy documents, flash in  
22 front of the public for their specific purpose.

23           Second of all what hasn't changed from 1980  
24 is the -- the related communities. Fort Lee --  
25 excuse me Cliffside and Fairview is out of the realm.

1 Park of Palisades is not a -- a topic at this time.  
2 Fort Lee and Edgewater is being presented to you  
3 folks as far as a regional approach. But the common  
4 element is Fort Lee, this is not a reasonable  
5 approach, it's strictly Edgewater walkway. Strictly  
6 Edgewater walkway. Fort Lee has absolutely no  
7 jurisdiction or involvement I this so-called regional  
8 approach, because it's only operated by the  
9 Rockefeller Foundation, back then, and it's still  
10 controlled by the Palisade Interstate Park  
11 Commission. It has nothing to do with the -- the  
12 proposal at hand.

13           The regional approach is one single  
14 community that consists of roughly 4 miles and 12,000  
15 people. The reason why the regional approach is  
16 being taken is the additional residents by enjoining  
17 Fort Lee. Instead of 12,000 now you're talking maybe  
18 70 to 80. And if you break it down to respective  
19 region that's under the jurisdiction to Mr. Farouk,  
20 it becomes impressive, for any -- for any state or  
21 federal funding. But at who's expense?

22           The other thing that is fallen by the  
23 wayside is back in 80 from Bayonne to Edgewater, not  
24 Fort Lee. You had vacant and dilapidated commercial  
25 properties and a tremendous amount of closed

1 industrial sites. You can go to Colgate, you can go  
2 to Military -- if you take down Bayonne, Colgate down  
3 in Jersey City. You can go to Maxwell House --  
4 excuse me I don't mean to yell -- Maxwell House in  
5 Weehawken and -- to other sites.

6           The thing is they've been redeveloped, it  
7 was easy for the State to take over. Easy for them,  
8 because it's all gravy.

9           THE CHAIRPERSON: All right Mr. Tanzi I  
10 hate to cut you off.

11           MR. TANZI: Yeah, George, I'll wrap it up,  
12 just give me one minute, if I may indulge sir.

13           THE CHAIRPERSON: Go ahead.

14           MR. TANZI: The problem here is now -- now  
15 it comes to River Road. And it's not just as a  
16 Colony it's 420 property owners including Admiral's  
17 Walk. But specifically to Colony, the latest  
18 proposal, you're -- you're talking about road  
19 widening. You've got 30 feet from the center line,  
20 minimum. The County has jurisdiction of the existing  
21 center line. All right.

22           The River Road Rail, you're talking five  
23 feet on the west side that takes away all the  
24 sidewalks. You've got 15 feet that goes 10 feet for  
25 pedestrian and another 5 feet that's going to require

1 condemnation.

2 THE CHAIRPERSON: All right.

3 MR. TANZI: You're talking about relocation  
4 of a sewer disposal, at least several homes and the  
5 -- the entire land.

6 THE CHAIRPERSON: Mr. Tanzi I hate to --

7 MR. TANZI: Thank you, sir.

8 THE CHAIRPERSON: I hate to cut --

9 MR. TANZI: Thank you.

10 THE CHAIRPERSON: Young lady come on up and  
11 you're going to be the last one. Okay.

12 MS. BITAGLIA: Super quick. I'm -- my  
13 name is Crysel (phonetic). I recently moved here  
14 about 5 years ago. I live, literally straight on the  
15 water between Whole Foods and --

16 THE CHAIRPERSON: Young lady you need to --

17 MS. BITAGLIA: Oh, sorry. I'm from Grand  
18 Cove. My name is Crysel Bitaglia (phonetic), I live  
19 directly on the water in a townhouse between Whole  
20 Foods and Trader Joe's. There is literally my back  
21 yard, and then a small nice walkway that we have,  
22 recently.

23 I'm just here to say all of you that have  
24 not walked the walkway, or have not walked to see  
25 what it's going to do to the people who do have homes

1 right on that walkway there, should all walk it. All  
2 of you that have not walked the walkway in New York  
3 should walk it, because as the lady said New York  
4 walkway is a very, very different situation then what  
5 you guys are proposing here.

6 I can also tell you that the amount of  
7 vandalism that has gone on right now in Grand Cove  
8 right now because it's a public access. The amount  
9 of people are loitering on the streets, on the  
10 sidewalk there, because it's a public access. And  
11 the D.E.P. that said that they were going to be the  
12 ones that were going to be funding our walkway and  
13 taking care of it, are not funding it. It's part of  
14 our assessments, it's part of our maintenance. And  
15 most of the condo association, and most of the condos  
16 along the walkway have a lot of -- a lot of problems  
17 with them seeping and a lot of assessments that are  
18 going on. We have 2.7 million dollar assessment  
19 right now that's going down the pike, and we really  
20 can't afford to be taking care of any walkways that  
21 are public access.

22 So, that's all I really have to say on  
23 behalf of our condo.

24 THE CHAIRPERSON: Thank you. All right.

25 (Clapping)

1 THE CHAIRPERSON: I want to thank you for  
2 -- for the aligning of the presentation. Just so  
3 that we -- we understand, this is -- we're going to  
4 vote on just a recommendation. That's all this is,  
5 okay, for a study. Okay. We're not voting on -- on  
6 an alternative, we're not voting on none of that.  
7 Does everybody understand that?

8 UNIDENTIFIED MALE: Yes.

9 UNIDENTIFIED FEMALE: I have a question.

10 THE CHAIRPERSON: Go ahead.

11 UNIDENTIFIED MALE: You keep saying  
12 you're voting on a study. The study's already been  
13 done.

14 MR. HEANUE: Has not been done.

15 UNIDENTIFIED FEMALE: Well, --

16 THE CHAIRPERSON: Sir, you had your --  
17 please, sir.

18 (Indiscernible Conversation in Background)

19 UNIDENTIFIED FEMALE: Isn't this the  
20 study?

21 THE CHAIRPERSON: Yes.

22 UNIDENTIFIED FEMALE: So you're voting on  
23 the study?

24 THE CHAIRPERSON: On the study, ma'am.

25 UNIDENTIFIED FEMALE: On the study, not the

1 --

2 THE CHAIRPERSON: Correct.

3 UNIDENTIFIED FEMALE: Okay.

4 THE CHAIRPERSON: Okay.

5 (Indiscernible Conversation in Background)

6 UNIDENTIFIED FEMALE: It's not clear --

7 UNIDENTIFIED MALE: What is it you're  
8 voting on, it's unclear.

9 THE CHAIRPERSON: We're voting on the study  
10 that -- that -- we're endorsing the study that the  
11 firm did, the engineering firm did.

12 UNIDENTIFIED FEMALE: What happens if you  
13 don't endorse it.

14 THE CHAIRPERSON: Well, all that money goes  
15 to waste.

16 UNIDENTIFIED FEMALE: Well the money is  
17 wasted already. It's already been wasted.

18 THE CHAIRPERSON: All right. We --

19 (Indiscernible Conversation in Background)

20 THE CHAIRPERSON: Does anybody else on the  
21 Board -- excuse me I'm closing it off to the public.  
22 Okay. We need to -- we need to get going. Does  
23 anybody else on the Board have a question? Mark,  
24 anybody?

25 (No Verbal Response)

1 THE CHAIRPERSON: That's it? Okay. I need  
2 a motion, okay, to implement this study and endorse  
3 it.

4 MS. O'BRIEN: I'm going to move that.

5 THE CHAIRPERSON: I need a second.

6 UNIDENTIFIED MALE: Roll call Maizie.

7 MS. SECRETARY: Mr. Valente?

8 THE CHAIRPERSON: Yes.

9 MS. SECRETARY: Mr. Schrieks.

10 MR. SCHRIEKS: Is the question on the  
11 motion and I apologize to the chairman. I just  
12 want to make sure that the issues that were brought  
13 up prior to our vote tonight are included. The --  
14 what the recommendations were from Mr. Farouk and --  
15 and Mr. Ackerman, including those documentation so  
16 that they're noted in the report for future  
17 edification.

18 MS. O'BRIEN: I apologize I meant to move  
19 it with the -- with the amendments.

20 MR. SCHRIEKS: So, we're moving it with  
21 the amendments. So, someone's going to have to  
22 retract their second. Okay. We're -- we're  
23 enforcing --

24 MS. O'BRIEN: I will move it with the --  
25 with the changes that were spoken about earlier with

1 the --

2 THE CHAIRPERSON: Alternative two?

3 MS. O'BRIEN: Yes --

4 MR. SCHRIEKS: No -- no -- no.

5 MS. O'BRIEN: No, with the -- the  
6 amendments to the foot notes that we spoke about  
7 earlier.

8 THE CHAIRPERSON: Okay. With that said  
9 then Maizie do you want to do a recall again.

10 MR. SCHRIEKS: Yeah, second.

11 UNIDENTIFIED MALE: Second.

12 THE CHAIRPERSON: Roll --

13 MS. SECRETARY: Mr. Valente?

14 THE CHAIRPERSON: Yes.

15 MS. SECRETARY: Mr. Schrieks?

16 MR. SCHRIEKS: Yes.

17 MS. SECRETARY: Ms. O'Brien?

18 MS. O'BRIEN: Yes.

19 MS. SECRETARY: Mr. Pasquali?

20 MR. PASQUALI: Yes.

21 MS. SECRETARY: Ms. Ordway?

22 MS. ORDWAY: Yes.

23 MS. SECRETARY: Mr. Femia?

24 MR. FEMIA: Yes.

25 THE CHAIRPERSON: Thank you. Thank you

1 everybody for your concern and your participation.

2 (Case concluded)

3  
4  
5  
6 Certification

7 I, Jessica Robinson, the assigned transcriber,  
8 do hereby certify the foregoing transcript of  
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