

ARMY CORPS OF ENGINEERS' PUBLIC HEARING
RE: FERRY REFUELING/MAINTENANCE PERMIT
AT UNION DRY DOCK SITE

Wednesday, July 18, 2018

6:00 p.m. - 9:33 p.m.

DeBaun Auditorium

Stevens Institute of Technology
24 Fifth Street, Hoboken, New Jersey

Reported by: Susan Petty

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A p p e a r a n c e s :

U.S. ARMY CORPS OF ENGINEERS:

LTC RICHARD GUSSENHOVEN - Deputy District Engineer
Presiding Officer

STEPHAN RYBA - Chief, Regulatory Branch
Alternate Presiding Officer

MIA LOGAN, ESQ. - Assistant District Counsel

JIM CANNON - Regulatory Branch

P R O C E E D I N G S

MR. GUSSENHOVEN: Ladies and Gentlemen, if everyone would please come in so that we can call this meeting to order. Thank you very much.

Good evening, Ladies and Gentlemen. I am Lieutenant Colonel Richard B. Gussenhoven of the New York District of the U.S. Army Corps of Engineers.

I will presiding be the presiding officer for this public hearing on behalf of the Corps of Engineers today.

Seated at the far right with me today is Mr. Stephen A. Ryba, Chief of the District Regulatory Branch.

To my immediate right is Ms. Mia J. Logan, Assistant District Counsel.

We are here this evening to obtain information and evidence and/or receive public comments to assist in the regulatory review of a permit application by Port Imperial Ferry Corporation d/b/a New York Waterway.

The applicant proposes to repair existing pier structures and permanently moor floating maintenance and repair barges within the Hudson River at the former Union Dry Dock facility in the City of Hoboken, New Jersey.

1 This action will allow Port Imperial Ferry
2 Corp., d/b/a New York Waterway to relocate their
3 existing maintenance and support facility from the
4 Borough of Weehawken to the City of Hoboken.

5 The permit applicant's stated purpose for the
6 work is to prepare the former Union Dry Dock facility
7 to accommodate the New York Waterway's existing
8 marine ferry vessel maintenance and support facility
9 currently located in Weehawken, New Jersey.

10 Because the project proposes the installation
11 of structures within a navigable waters of the United
12 States, a permit is required from the Corps of
13 Engineers pursuant to the Section 10 of the Rivers
14 and Harbors Act of 1899.

15 The Corps of Engineers is neither a proponent
16 for nor an opponent of the proposed project.

17 Our role is to determine whether this project
18 is in the overall public interest.

19 This hearing will play an important part in
20 that determination.

21 This hearing will be conducted according to the
22 procedures set forth in Title 33 of the Code of
23 Federal Regulations, Part 327.

24 At this time I would like to explain the
25 procedures that will govern the conduct for this

1 public hearing.

2 Anyone may make an oral or written statement
3 concerning the subject matter of this hearing.

4 Anyone may appear on his or her own behalf or
5 be represented by counsel or other representatives to
6 present recommendations for information.

7 As presiding hearing officer, I will not
8 respond or reply to comments expressed by speakers
9 during the hearing regarding any aspect of the
10 project proposal, including project alternatives,
11 past dues of the proposed project facility, and
12 environmental risks. Cross examination of witnesses
13 will not be permitted.

14 Procedurally, Mr. Steven Ryba, my regulatory
15 branch chief, will call the names of those
16 individuals who have registered and asked for an
17 opportunity to speak.

18 I ask that you step up to and speak into the
19 microphone so that everyone, including the
20 stenographer, can hear you.

21 We request that you begin your presentation by
22 stating your name and indicating your affiliation
23 with an organization or group, if any, so that we may
24 also have that information in our administrative
25 record.

1 It is important to everyone, whatever your
2 opinion is on this matter, that this hearing be
3 conducted in an orderly manner.

4 Because of this, I must ask that speakers keep
5 their presentations to three minutes or less.

6 If you have a longer presentation, please
7 submit it in writing and summarize it orally.

8 Written statements that you would like to
9 submit for the record today should be presented
10 directly to the Base or to the registration table at
11 the entrance of the auditorium.

12 Time permitting, we look to provide an
13 opportunity for rebuttal to the applicant, and any
14 person who wants to do so after all speakers have
15 been heard.

16 Mr. Ryba has the registration forms that you
17 have completed and will call for each speaker by name
18 in the order listed in our public notice.

19 A verbatim written record of this public
20 hearing is being made. The hearing transcript will
21 be available for purchase from the Corps of Engineers
22 at the cost of reproduction.

23 The cost of a copy will correspond directly to
24 the number of pages enclosed within the transcript.

25 Everyone who has completed one of the

1 registration forms at entrance to the auditorium will
2 be contacted by the Corps of Engineers in writing
3 when the transcripts are available.

4 Written comments can be handed to the Corps of
5 Engineers' staff at the registration table.

6 Again, if you wish to speak this evening, you
7 must fill out one of the registration forms that is
8 available at the registration table outside the
9 auditorium.

10 The comments made here plus all submitted
11 written information will be used to evaluate the
12 probable impact, including cumulative impact and
13 proposed activity on the public interest.

14 The ultimate decision on the submitted
15 application will reflect the national concern for
16 both the protection and the utilization of the
17 important resources.

18 As a last bit of administrative information, I
19 remind everyone that smoking, eating, or drinking is
20 not allowed within the hearing room.

21 Now before we begin taking your public
22 comments, I would like to introduce Mr. Neil Yoskin
23 of Cullen and Dykman, LLP, an attorney representing
24 the applicant, who will provide a short description
25 of the project proposal.

1 MR. YOSKIN: Good evening. My name is Neil
2 Yoskin. And as the Colonel explained, I'm an
3 attorney and I represent the New York Waterway.

4 The Corps has asked that we briefly describe
5 the application and the proposed activities that are
6 the subject of the public hearing.

7 We have also been asked to adhere to the same
8 three-minute time limit that the rest of the audience
9 will be adhering to.

10 Waterways is the largest privately-owned
11 commuter carrier ferry operator in the country. It
12 transports nearly 30,000 riders daily to and from 16
13 locations in and around New York Harbor, including
14 two locations in Hoboken.

15 Its fleet of 33 ferries carry over 8.5 million
16 passengers annually. Waterway has for the past
17 20 years fueled and service its ferry from this
18 facility in Weehawken. However, that facility has a
19 very limited upland acreage and Waterway's lease with
20 the property owner has expired and necessitated a
21 move.

22 Waterway's proposed use of the Union Dry Dock
23 property represents a continuation of
24 maritime-related use that began more than one hundred
25 years ago.

1 The facility, which includes three piers and a
2 dredge basin, is perfectly adapted for use as a
3 marine support facility and its location in the
4 center of Waterways route system is ideal.

5 There's an illustration on the route system
6 here on the far right and another one out in the
7 lobby.

8 The activities for which a Section 10 permit is
9 required includes a permanent mooring of a 72-foot by
10 243 travel lift barge and a 33-foot by 120-foot shop
11 barge; both of which are currently used at the
12 Weehawken facility.

13 The current plan calls for the travel lift
14 barge to be moored between Piers 1 and 2; Pier 1 is
15 the northern-most pier. And for the shop barge to be
16 moored to the south, Pier 3.

17 Other Corps regulated activities include the
18 installation of eight steel piles that will hold the
19 two barges in place, and the eventual removal and
20 replacement of up to 102 damaged fender piles.

21 Although not regulated by the Corps, other
22 improvements to the property will include general
23 cleanup, the planting and enhanced vegetative screen
24 around the perimeter and upgrades to the multipurpose
25 walkway that runs along the western edge of the

1 facility.

2 Addition details in the application include
3 mooring for space for 20 vessels. As explained in
4 the application material, we anticipate ten vessels
5 at any one time will use the facility. That's
6 because many of the New York Waterway's fleet are
7 moored overnight at other locations and don't require
8 fuelling or service on a daily basis.

9 There is insufficient time at this hearing to
10 respond to the more than 500 pages of individual
11 comments that have been submitted to the Corps in
12 response to the public notice, and as explained by
13 the Colonel, that is not the purpose of this hearing.

14 The Corps has directed us to respond to each
15 and every comment in writing, and we are in the
16 process of doing just that.

17 The response document will be submitted to the
18 Corps once the public comment period ends. And
19 copies will be provided to the City of Hoboken.
20 Thank you.

21 - - -

22 MR. RYBA: Before I go on, I just want to let
23 folks know that each speaker will get three minutes.
24 And for the speaker's awareness, at the one-minute
25 mark I will hold up this sign which will be a warning

1 that there is one minute left.

2 We are trying to keep the process moving and
3 also to keep people in a flow on this. I will
4 announce the next speaker and then the speaker who is
5 going to go after that. I will proceed in that way
6 so we can keep the meeting moving so everyone can get
7 a chance to make a comment.

8 I would like to bring Mr. John Allen who is
9 appearing on behalf of senator Brian Stack.
10 Immediately following I would like to have
11 Assemblywoman Annette Chaparro.

12 - - -

13 JOHN ALLEN: Thank you. My name is John Allen.
14 I am here to enter into the record an official
15 statement from Senator Brian Stack.

16 "I first would like to apologize for not being
17 able to attend the meeting tonight, but felt it
18 important enough to issue a statement to be read on
19 the record.

20 I am a hundred percent opposed to New York
21 Waterways' permit application for a home port and
22 refueling facility.

23 The facility is not in the interest of the
24 people of Hoboken and the surrounding communities,
25 and the proposed use does not benefit residents.

1 Not only are the aesthetics problematic for
2 residents; but more importantly, the environmental
3 impact could have serious and lasting effects on the
4 community.

5 I urge the Army Corps of Engineers to consider
6 the points raised at tonight's meeting and to work
7 with Governor Murphy, Mayor Bhalla, and New Jersey
8 Transit to find a reasonable solution that would
9 benefit the residents of Hoboken and not adversely
10 impact their waterfront. Thank you.

11 - - -

12 MR. RYBA: I'm going to bring up Assembly
13 Annette Chaparro. Afterward we will have Corey
14 Wolkenberg on behalf of Assemblyman Raj Mukherji.

15 - - -

16 ANNETTE CHAPARRO: Thank you. Good evening.
17 My name is Annette Chaparro. I am the state
18 assemblywoman proudly representing the 33rd District
19 of New Jersey, which includes the Union Dry Dock site
20 in Hoboken.

21 It has long been a goal for the members of this
22 City to have a continuous public open space
23 waterfront, and they are so close to having it today.
24 The people who have called my office, spoke out and
25 made sure that everyone knew the issue is important

1 to them have, inspired me. And I hope they inspire
2 you today.

3 What we're seeing is this crowded room of
4 residents hoping to have a say in their community.
5 This is democracy in action.

6 What you don't know is that there are hundreds
7 of frustrated residents who could not be here and for
8 various reasons believed this was a behind-the-scene
9 done deal no matter how obvious or bad a plan it is
10 for the community.

11 Even though I encouraged them to be here, they
12 were frustrated and did not want to be here. I am
13 here for them.

14 In 2009 a study was done by New Jersey Transit
15 showing the Hoboken Terminal as the number one choice
16 for ferry operations among four other possible sites.
17 New York Waterways picked Choice Number Six, an
18 active location between parks.

19 I grew up in Hoboken. There was a time when an
20 industrial dock on the Waterfront made sense, but
21 that time is long past.

22 What Union Dry Dock was and what New York
23 Waterway is proposing are two totally different
24 things.

25 Hoboken is such a beautiful city, and

1 preserving our waterfront is an important way to
2 beautify it even more. We have such a rare
3 opportunity to put the final piece of the puzzle
4 together to complete our open space waterfront.

5 There are many issues that concern us, and I'm
6 going to let other people discuss that. I don't want
7 to keep repeating the same things. But I want you to
8 be aware Hoboken is one square mile between Lincoln
9 and Holland Tunnel with the Path, New Jersey Transit.

10 Any little change in our community makes a big
11 impact. We see it with traveling and everything
12 else.

13 One, if there's a spill, fire, or threat it can
14 cripple our city if Hoboken Fire Department has to
15 respond or law enforcement or EMS.

16 I ask you tonight to listen to the people in
17 this room and remember that government should serve
18 the people. The residents of Hoboken will live with
19 this decision and most of them will tell you that
20 they do not want an industrial site on their
21 waterfront.

22 They want a complete open space, waterfront
23 path, the benchmark beautiful waterfront as a truly
24 unique place where residents from near and far can
25 walk along the water and enjoy tremendous world class

1 views that our city has to offer. I thank you for
2 your consideration.

3 - - -

4 MR. RYBA: Next we will have Corey Wolkenberg
5 on behalf of Assemblyman Raj Mukherji. Then he will
6 be followed by Mayor Ravi Bhalla.

7 - - -

8 COREY WOLKENBERG: My name is Corey Wolkenberg.
9 I serve as chief of staff to Assemblyman Raj
10 Mukherji. We have the privilege of representing the
11 33rd District which encompasses Hoboken.

12 Like many Hoboken residents, we are extremely
13 concerned about the New York Waterways development
14 Hoboken Union Dry Dock. We stand united with Mayor
15 Ravi Bhalla and citizens of Hoboken to keep the park
16 that may be enjoyed by all the residents.

17 Mayor Bhalla and the City of Hoboken have
18 entered the bid at a fair market price for the bid
19 for the union dry docks at .63 million dollars. We
20 hope that union waterway accepts our offer.

21 Governor Murphy and Mayor Bhalla have delayed
22 the acquisition of the docks. We hope that NJ
23 Transit will withdraw their attempt to acquire
24 property and move forward. This project will be a
25 major interruption of the system of Hoboken Shores,

1 disrupt decades of public effort to create public use
2 space along the Hoboken shoreline and potentially
3 burden NJ Transit with expensive acquisition when
4 cheaper alternatives are available, and create an
5 environmental hazard for tens of thousands of
6 residents who live and work around the proposed site.

7 In 2009 NJ Transit conducted a study that best
8 identified our best sites for all New Jersey Shores
9 for a maintenance facility. A total of five sites
10 were deemed more suitable for the Union Dry Dock.

11 Two of the sites were examined in Weehawken and
12 didn't even -- not even have any acquisition for the
13 New Jersey Transit. Additionally, the five sites
14 that were proposed required little to no dredging and
15 would not pose the issue of small vessels' berthing
16 capacity as the Union Dry Dock site does.

17 According to the Army Corps of Engineers'
18 public notice for the development proposed at the
19 docks, the agency stressed the importance of
20 environmental and shoreline erosion the project may
21 have.

22 Given the availability of sites that would
23 require less disruption for shorelines, we should
24 continue to examine the alternate sites that were
25 proposed in 2009, which by NJ Transit's own ranking,

1 were better suited for the Union Dry Dock.

2 Such a move will be more responsible, both
3 financially and environmentally. We are grateful for
4 all the residents that have come here today to fight
5 against the development of maintenance and fueling
6 stations for the dry docks. We implore the Army
7 Corps of Engineers to reject the request to build on
8 the site in question.

9 The proposed plan does not meet the criteria
10 set by the Army Corps of Engineers to provide a
11 positive impact on the public interest.

12 If you feel that we can be of any further help,
13 please reach out to 201.626.4000 or his personal cell
14 at 201.420.4000. Thank you very much.

15 - - -

16 MR. RYBA: Our next speaker is Mayor Ravi
17 Bhalla.

18 - - -

19 RAVI BHALLA: Good evening. I want to thank
20 the Army Corps of Engineers for having this public
21 hearing. This is the first time that Hoboken
22 residents have had the opportunity to have their
23 voices heard.

24 As you can see, a Wednesday night in the middle
25 of the summer you have a packed auditorium; even

1 people up here who care about this issue.

2 So this is a matter of intense local interest,
3 and I hope that the Army Corps of Engineers gives it
4 the seriousness that it deserves based upon the
5 people that we see here.

6 Hoboken, as it was alluded to, has spent
7 decades of and generations transforming our
8 Waterfront from what was once an industrial and
9 maritime use to what you see now, which is a
10 beautiful, openly accessible public waterway for
11 public right of access that everyone can enjoy; from
12 people from all over the world.

13 This is not just a Hoboken issue. This is not
14 just a regional issue. This is an issue that impacts
15 the State of New Jersey, and we have people who come
16 from all over the world to enjoy our waterfront.

17 This would negate decades and generations of
18 the careful public planning by the residents of
19 Hoboken. And I think that's part of the reason why
20 we are here today.

21 I want to speak briefly on the merits of the
22 application. First, there is not enough information
23 within the application with respect to piling.

24 If the piling work will increase the
25 sedimentation rates or impact the product function,

1 then a Section 404 permit under the Clean Water Act
2 would be required.

3 I would respectfully submit that this
4 application does not contain such information on
5 piling work, and its impact on sedimentation rates
6 and a Section 404 permit should be submitted
7 subsequent to adjudication.

8 Secondly, the application contains insufficient
9 information about proposed fuelling operations.
10 There's no explanation of the process by which the
11 fuel will be transferred from the fueling truck or
12 ferry boats. So the potential water quality impact
13 is unclear.

14 Most importantly, the proposed activity is not
15 a categorical exclusion, so a NEPA, a National
16 Environmental Policy Act, is required in order for
17 the Corps to make a decision. I would even argue
18 that this hearing itself is premature for those
19 reasons.

20 Finally, this is a matter of public interest.
21 The decision should not be made by the Governor.
22 Democracy doesn't work in a way where decisions are
23 made by one person. It should be made by the people,
24 and that's what you're seeing here is local
25 democracy. We have the right to be heard. Our

1 voices matter as a community. Thank you very much.

2 - - -

3 MR. RYBA: Our next speaker will be Joseph
4 Maraziti, a City of Hoboken attorney. Followed by
5 Jamie Zaccaria from the New Jersey Sierra Club.

6 - - -

7 JOSEPH MARAZITI: Good evening. My name is Joe
8 Maraziti. I'm with the Law Firm of Maraziti Falcon.
9 I serve as special counsel for the City of Hoboken.

10 I rise to highlight in the brief time available
11 three major legal issues.

12 And the first of those is as the Mayor stated,
13 it is our view that the hearing is invalid and cannot
14 form the basis for a decision by the Corps on the New
15 York Waterway application.

16 The reason for that is that the Corps
17 Regulation 33 CFR 327.11B, requires that the notice
18 of the hearing must contain the location and
19 availability of the draft environmental impact
20 statement, EIS, or an environmental assessment, EA.
21 And that information is not contained in the hearing
22 notice.

23 Once the draft EIS or EA is prepared, the
24 public must be given the opportunity to review it and
25 comment on it at a future hearing that the City

1 reserves the right to speak.

2 So therefore we maintain that the public notice
3 is legally deficient. This hearing does not comply
4 with the Corps regulation.

5 My second point is that the EIS or an
6 environmental assessment is legally required because
7 as the Mayor stated, the application does not qualify
8 it as a capital exclusion under the Corps
9 regulations, and therefore is something that's
10 required.

11 The EIS and/or the EA should evaluate such
12 issues and the impact on threatened and endangered
13 species. Life sightings of the threatened and
14 endangered species have been sighted in the area, as
15 reflected in the biodiversity study which is attached
16 to the City's submission.

17 Next, the impact of the intensified wakes and
18 De Facto dredging from the actions of the engines of
19 the ferry boats and contaminated sediments must be
20 evaluated.

21 And next, the Section 1022 requires that the
22 agency consider alternatives to the project which has
23 been mentioned earlier, the 2009 study by New Jersey
24 Transit that indicates that this is not the best
25 site.

1 And then the third and final point I have is
2 that the factors to be considered to determine the
3 cumulative effects of any application are multiple
4 and diverse. There are over 20 I have counted. At
5 least 16 of those which are relevant here; including
6 conservation, economics, aesthetics, general
7 environment, fishing wildlife, values, navigation,
8 flood hazards, recreation, water quality, safety, and
9 in general the needs and welfare of the people.

10 There's a dearth of information before the Army
11 Corps to make a determination on these issues. And
12 moreover, the application by New York Waterway has
13 been mentioned does not provided specific information
14 about the piling and the location and the materials
15 which will be constructed.

16 And so in conclusion because of the incomplete
17 information, it is our position that a decision to
18 issue a permit would be an arbitrary, capricious, and
19 unreasonable decision lacking substantial evidence in
20 the record and would be invalid.

21 - - -

22 MR. RYBA: Next will be Jamie Zaccaria followed
23 by Karen Menegan of the Hoboken Residential Public
24 Waterfront.

25 - - -

1 JAMIE ZACCARIA: Good evening. My name is
2 Jamie Zaccaria. I'm speaking on behalf of the New
3 Jersey Sierra Club. We are the nation's oldest and
4 largest grassroots environmental group.

5 We have 60,000 supporters and over 20,000
6 members in the State of New Jersey alone. I think I
7 can speak on behalf of all of them when I say that we
8 oppose this project.

9 We are here to tell you that these permits must
10 be denied because instead of creating an important
11 greenery and waterfront this proposal will cause
12 environmental destruction and degradation.

13 Expanding the site with piling barges and
14 fueling containment systems is only going to cause
15 more pollution for the people of this city.

16 This facility should instead be dismantled,
17 cleaned up, and restored so that it can be used for
18 recreational purposes.

19 Not to mention there's all sorts of sites and
20 facilities that New Jersey Transit owns that make
21 more sense; for example, Bayonne.

22 The Army Corps must look at the secondary and
23 cumulative impact of this refueling facility and
24 examine other alternatives. This would be a heavy
25 industrial use that increases air pollution and noise

1 from diesel engines.

2 The arrival and departure of ferries will
3 increase the turbulence and wake in the areas
4 surrounding the property, and the activity will cause
5 potential spill of possible chemicals and materials
6 from the Hudson River; even diesel spills, oils, or
7 lubricants. The construction and dredging will
8 impact the surrounding fisheries.

9 Hoboken's waterfront is a viable place for
10 recreation and families. This facility will
11 negatively impact the areas onsite and recreational
12 opportunities for the public.

13 It would also interfere with the Hudson River
14 Walkway. The former Union Dry Dock property should
15 be enjoyed by thousands of people for open space and
16 not for industrial use.

17 This is land that is held in the public trust
18 and does not belong to a private ferry operator, and
19 that's why we're telling you that you must deny the
20 New York Waterways' permit application and protect
21 the waterfront.

22 - - -

23 MR. RYBA: The next speaker will be Karen
24 Menegan from the Hoboken Residents for Public
25 Waterfront followed by Ron Hine from The Fund for a

1 Better Waterfront.

2 - - -

3 KAREN MENEGAN: I'm Karen Menegan. I'm with
4 the Hoboken Residents for the Public Waterfront. Let
5 me read my notes here -- industrial use of Hoboken
6 Waterfront is the thing of Hoboken's maritime past.

7 But New York Waterway's attempt to insert an
8 industrial ferry home port within our mile-square
9 footprint is not only retro-aggressive, but socially
10 irresponsible, considering Hoboken's demographics.
11 And will put the health of 60,000 Hoboken residents
12 at risk with close proximity to the diesel exhaust,
13 emissions, and hazardous materials.

14 20,000 or one-third of Hoboken residents live
15 and work within 200 feet. That's one-third of us.
16 It's a dense and small town. It doesn't belong
17 there.

18 Examples of people who are living there and
19 using the waterfront are 7,000 paddles, 2,100
20 families and residents at Maxwell, 600 toddlers and
21 preschoolers, and at Maxwell's playground it is about
22 a hundred feet from the Union Dry Dock. 7,100
23 students at Stevens, 500 faculty members and 1,000
24 kids and adults who frequent Elysian Park and Castle
25 Point Park.

1 Not enough has been said about the health
2 issues associated with diesel exhaust and in
3 particular that are linked with diseases such as
4 asthma, bronchitis, other respiratory symptomatology,
5 as well as cancer, premature death, and the impact a
6 New York Waterway home port would have on thousands
7 of our residents.

8 By New York Waterway's shifting estimates of
9 the number of boats that would frequent Union Dry
10 Docks -- we started out at 25, and now we have 20,
11 and now we have 10.

12 But by their previous estimates of 80 trips per
13 day for refueling is actually 160 incidents of diesel
14 exhaust emissions.

15 MR. RYBAR: One minute.

16 KAREN MENEGAN: So diesel exhaust and
17 particulates and fuel from marine diesel engines are
18 within range of 20,000 residents. So a little bit
19 more math on that: 18-hour work days, these exhaust
20 would occur every eight minutes seven days a week.
21 The EPA and NJDEP are committed to clean air and
22 initiatives and acknowledge diesel exhaust as one of
23 the greatest risks of air pollutant.

24 Yet the NJDEP approved New York Waterway's
25 permit without any environmental impact statements or

1 consideration for the health risks for the Hoboken
2 Community.

3 MR. RYBA: Three minutes. Thank you. You're
4 welcome to submit that.

5 The next speaker will be Nicholas Scota from
6 District 15, Local 447 --

7 - - -

8 RONALD HINE: My name is Ronald Hine. I'm the
9 executive director of The Fund For a Better
10 Waterfront. This site is unique. Directly to its
11 north is a natural sand beach. There's no other
12 comparable beach along the Hudson River south of the
13 George Washington Bridge.

14 In fact, most of the shoreline consists of a
15 hard edge, bulkhead, cribbing, rip-rap that would
16 make it difficult, even dangerous to access the
17 Hudson River.

18 You will hear testimony tonight of the public's
19 opportunity to directly access the Hudson River via
20 kayak and paddle board. It is the only spot on the
21 Jersey side where such access is regularly offered.

22 The public fishing pier to the south and the
23 skateboard park is one of the few in the region, and
24 abutting the property will also be directly impacted.

25 The grassy sloping beach also provides a unique

1 bio-diverse habitat for marine and shore wildlife.
2 The Fund for a Better Waterfront requests the Army
3 Corps prepare a full environmental impact statement
4 to closely examine the impact of a ferry maintenance
5 storage and refueling facility at this site.

6 These impacts are clearly significant and
7 trigger the requirement for this kind of review.

8 The applicant claims that the Union Dry Dock
9 site is the only site where this ferry depot can be
10 located.

11 The August, 2009 study by New Jersey Transit
12 entitled a Ferry Berthing and Maintenance Facility
13 Alternative Site Analysis Clearly refutes this claim.

14 There are five sites identified in this report
15 that were determined objectively to be more suitable
16 for the facility.

17 This is the draft from that report, and you can
18 see here the Hoboken Terminal ranked number one by
19 far. The two Weehawken sites came in second and
20 third. Then came the Greenville Pier in Jersey City,
21 and fifth was the Bayonne Military Terminal.

22 So the final issue I want to address is one of
23 dredging. The applicant also claims there is no
24 dredging required. The 2009 NJT study contradicts
25 this claim as well.

1 In order to continue its work, Union Dry Dock
2 undertook dredging in 1982, 1996, and 2008.

3 A report by the applicant's consultant shows
4 extremely shallow depths at low tide along the
5 shoreline from 1.2 to three feet. And even several
6 hundred feet from the shoreline depths ranged from
7 six to seven feet.

8 The Army Corps must consider the impacts of
9 that dredging as part of its review, especially
10 impacts on essential fish habitat. Thank you.

11 - - -

12 MR. RYBA: Our next speaker is Ms. Emily
13 Jabbour followed by Tiffany Fischer.

14 - - -

15 EMILY JABBOUR: Good evening. My name is Emily
16 Jabbour. I'm a ten-year resident of Hoboken. I also
17 happen to be one of the three At-Large city council
18 members for the City of Hoboken.

19 My position as an At-Large council
20 representative is unique because I get to speak on
21 behalf of what's best for the entire city, and look
22 at the overall impact for our city.

23 Frankly, the proposal before you to allow New
24 York Waterways to create a diesel depot with a Union
25 Dry Dock is bad for our city. It is bad for our

1 residents. It is bad for our wildlife. It is bad
2 for our sense of safety and our community as a whole.
3 And it is bad to award the irresponsible actions of a
4 corporate entity over the health, safety, and
5 well-being of our residents.

6 The reason I ran for public office is not
7 because I have some aspirations to climb a political
8 ladder. I ran for public office because I'm a Mom.

9 I will do everything in my power as both a Mom
10 and a public servant to protect this community and my
11 children from this disaster waiting to happen.

12 The environmental impact of New York Waterway
13 moving its maintenance and refueling facility to
14 Hoboken would be a potential disaster.

15 By their own estimates, as expressed in the
16 NJDEP application, New York Waterway intends to have,
17 approximately, 80 in-and-out ferry trips from the
18 Union Dry Dock site.

19 Every eight minutes diesel exhaust fumes will
20 plume over our neighborhood, our playground, and our
21 cove area.

22 In fact, as said earlier, one-third of the
23 city's population is within 200 feet of the planned
24 facility. That's 20,000 residents.

25 Exposure to diesel fumes can lead to serious

1 health conditions such as asthma and respiratory
2 illnesses and can worsen existing heart and lung
3 disease; particularly for the most vulnerable of our
4 residents.

5 This past January hundreds of gallons of oil
6 spilled into the Hudson River in Weehawken. As the
7 current New York Waterway site, a refueling truck,
8 the very purpose that New York Waterway wishes to
9 bring to our waterfront, spilled 300 gallons of
10 diesel, one-third of which made its way to the Hudson
11 River.

12 Much of the City of Hoboken is below sea level.
13 If there were to be a spill locally this would be a
14 disaster.

15 First, the New York Waterway has not been
16 forthcoming about what its plans are for a Union Dry
17 Dock site. In their application to NJDEP they failed
18 to be forthcoming about the description of the full
19 scope of operations that is planned for the site. We
20 don't even know what we're talking about today.

21 This usage is categorically without question
22 different from what took place at the Union Dry Dock
23 site. I implore you not to allow this proposal to
24 move forward for the safety and protection of Hoboken
25 residents.

1 Please put the wellbeing of our residents
2 before the needs of a corporation that is driven by
3 their bottom line. There are far more logical
4 options for the location of the terminal, and it's
5 time for New York Waterways to explore those options;
6 stop spreading misinformation; and listen to the
7 residents who have come out tonight to share their
8 concerns with this ill-conceived plan. Thank you for
9 your consideration.

10 - - -

11 MR. RYBA: Next will be Tiffany Fischer
12 followed by Jim Doyle.

13 - - -

14 TIFFANY FISCHER. Hi everyone. Thank you to
15 the Army Corps of Engineers for coming to Hoboken and
16 having us here tonight. And thank you for what is
17 something like 450 people in the room. So we're
18 really excited for the large crowd. Clearly this is
19 an important issue for Hoboken.

20 My name is Tiffany Fischer, and I am a Hoboken
21 councilwoman having been elected in 2015.

22 Although this site itself sits in the Sixth
23 Ward, the residential area abuts the site of the
24 Second Ward, which is the ward who elected me to
25 represent them on the council.

1 Many here tonight have worked and fought for a
2 decade to see that our waterfront is developed for
3 the public. I, too, have been part of this advocacy
4 more recently.

5 When I was elected in 2015, many of my
6 constituents immediately raised the Union Dry Dock
7 with me and asked me to get involved to see what we
8 could do for the city to acquire the site for Union
9 Dry Dock.

10 I, along with the Councilwoman Genevieve Pino
11 (sic) and then Councilman Bhalla, who is now our
12 mayor and Councilman Peter Cunningham made this a
13 priority. The four of us sat in the north end, and
14 this was priority.

15 My focus tonight is to express my concerns
16 about the significant change in use that the proposed
17 New York Waterway home port is, with the negative
18 impact on our community.

19 Others will state tonight the impact on marine
20 life habitat, existing residential and recreational
21 uses that an increase in intensity of use will
22 create.

23 I want to raise what many of us believe is a
24 contaminated site that will be made only more
25 dangerous with the new proposed and significantly

1 more intense use.

2 There have been other developers in the recent
3 past who have looked to acquire a Union Dry Dock
4 site, other than the City of Hoboken and the New York
5 Waterway. But these developers backed away
6 specifically because of the environmental concern.

7 Given the long history of the site, it is
8 unacceptable that any change in use would not trigger
9 need for a full investigation and cleanup. But it is
10 clear that when the number of boats increase from two
11 to four per week to 80 per day immediately if New
12 York Waterway occupies the site, that this is a
13 signature change in use.

14 This type of change in use is exactly the kind
15 of change in use that will disrupt any sediment
16 contamination that exists today.

17 Add to this, the spill risk related to fuel
18 storage and refueling that doesn't currently exist,
19 and we have created a much greater environmental risk
20 profile than exists today.

21 I know there are some questions as to whether
22 the activities proposed are considered a change in
23 use. New York Waterways says no. But I think we can
24 all agree that ten boats creating 40 trips per day
25 combined with refueling will increase this risk.

1 But does it trigger a change in use? The level
2 of activity that New York Waterway is planning will
3 actually double. There are many definitions of
4 change in use out there, but the one that strikes me
5 as having a unique application in this scenario is
6 whether a greater hazard is created.

7 So although the building barges themselves may
8 be used for similar, the question I believe that is
9 relevant is whether the change in intensity to
10 operations might in and of itself trigger a use
11 change because a greater hazard is created.

12 And that risk only expands over time as New
13 York Waterways grows, which we expect they will.

14 In the interest of the residents of Hoboken and
15 visitors, please decline this application on the
16 grounds that what is being proposed is a material
17 change in use in the operations of the Union Dry Dock
18 and it should not be just glossed over. Thank you.

19 - - -

20 MR. RYBA: Jim Doyle. Mr. Doyle will be
21 followed by Ruben Ramos.

22 - - -

23 JIM DOYLE: Thank you. Thank you members of
24 the Corps for being here tonight to listen to the
25 public of Hoboken. I am also a city council member.

1 I also do have concerns and have had interest in this
2 issue as Councilwoman Jabbour demonstrated moments
3 ago.

4 I have lived in Hoboken for 30 years, and I
5 certainly have been involved in the opening of the
6 Hoboken's Waterfront as an activist many years before
7 my stint on the city council.

8 We are here tonight to participate in the
9 evaluation by the Corps of the impact of the proposed
10 activities in this application.

11 The Corps has a burden to balance many of the
12 alleged benefits that are put forth in the
13 application and weight them in light of the
14 reasonably foreseeable --

15 Some of the factors that they have to consider
16 are environmental use, which I think, as you have
17 heard, is anticipated to be significant. The land
18 use issues, the shoreline erosion is a factor, the
19 fish and wildlife implications, and the water
20 quality; some of which overlap.

21 As far as the examples for each of these
22 factors -- and there are others -- I suspect that the
23 remaining two hours of your evening will be spent
24 hearing tons of examples.

25 I think that the public interest is probably

1 going to be one that you're going to hear the most
2 about, which includes aesthetics, which includes
3 impact to the air quality, and things like that.

4 But I'm here to urge that you conclude that the
5 impact of the proposed activity is not in the public
6 interest, and I will be willing to accede my
7 remaining 30 seconds to the next people.

8 - - -

9 MR. RYBA: Ruben Ramos, please. We shall
10 follow with Anthony Remano.

11 - - -

12 RUBEN RAMOS: Good evening, everyone. Ruben
13 Ramos, Hoboken City Council president, lifelong
14 Hoboken resident, and I guess I'll speak from
15 multiple points of view tonight.

16 The one I will start off with is as a lifelong
17 resident of Hoboken knowing that when I was a child,
18 the waterfront was completely cut off to all of the
19 Hoboken residents. We had trucking companies, rail
20 companies, shipping companies, everything was made
21 for the industry, but nothing for the residents of
22 Hoboken.

23 Going back to Mayor Capiello, Mayor Vezzetti,
24 Mayor Pasculli, Mayor Russo, Mayor Roberts, Mayor
25 Zimmer, and now Mayor Bhalla and all of the city

1 council representatives, they have made the
2 waterfront access for all of us a priority.

3 We must continue in that Legacy that was made
4 over 30 years before 450 of us got here tonight, this
5 is on the backs of the Hoboken residents going back
6 to 1970 we're seeing them stand here tonight with us.

7 So as we move forward tonight, we can't forget
8 our history but look to our future together as we
9 preserve this waterfront for better use for all of
10 us. And that's the angle that we hope the Army Corps
11 of Engineers look into this as they go forward into
12 the matter.

13 We know there could be a viable impact
14 potentially, but it has to be us first. Community
15 first. Our community goals started 30 years ago.
16 This was a goal of ours. And we can't stop tonight.
17 We can't stop tomorrow. We have to keep on going
18 forward until we make this goal a reality for all of
19 us.

20 We hope the Army Corps of Engineers will take
21 all the professionals who will eloquently state all
22 the technical aspects of the environmental impact
23 much better than I can tonight. But people first.

24 People before community. Community first.
25 People first. Heart first. Hoboken first. And now

1 and always thank you very much.

2 - - -

3 MR. RYBA: Anthony Remano followed by Aileen
4 Oser.

5 - - -

6 ANTHONY REMANO: Antony Remano. I'm a county
7 representative, Freehold representative, also New
8 Jersey City retired police captain.

9 First and foremost, so many different points
10 have been made here tonight. I'm not going to be
11 repetitive. To the Corps of Engineers that is here,
12 that you for coming and listening to the public
13 interest.

14 As Councilman Ruben Ramos said, when we were
15 young he couldn't get to the waterfront. It was
16 closed off. Sinatra Drive as you all know it now
17 didn't get paved until 1976, and that was a big
18 thing. We had fireworks, and then there was the
19 Environments Day. And that was the beginning.

20 Two important issues to me are the continuation
21 of that walk so that pedestrians can enjoy the
22 beautiful view and the Hudson River.

23 And also to me the most important thing is the
24 impact on our environment. What will that diesel
25 fuel do to the people that live in the area and the

1 children that play in the area?

2 It is important that these considerations be
3 taken into account, and that we all are heard by all
4 of you that are here.

5 This is our concern: The safety of the people.
6 And it is us as the residents that have to bear this
7 burden, if we're not denied, to live with this. I
8 ask you to take it into consideration these factors.

9 Again, thank you all and thank you for your
10 consideration.

11 - - -

12 MR. RYBA: Aileen Oser followed by Noelle
13 Thurlow.

14 - - -

15 AILEEN OSER: So I grew up in Waikiki, and I
16 lived in Tribeca from 1983 through 9/11. I'm a
17 57-year-old navy diver widow, and I started paddling
18 the Hudson after my husband died seven years ago,
19 which has saved my life.

20 I take New York Waterway to volunteer and
21 paddle at Hoboken Cove, which I enjoy more than
22 Waikiki.

23 I love the spread of beach on the Hudson along
24 with the wildlife, including the turtles. I also sub
25 for a Manhattan kayak company and swim from Chelsea

1 Piers across from Hoboken Cove.

2 New York Waterway's drawings shows it will take
3 up all of Hoboken Cove. I was also in the New York
4 Waterway Ferry Terminal at Pier 79 the day the ferry
5 ran over the Manhattan Kayak Tour and two of my
6 friends and almost killed them.

7 I go out of my way to make friends with the New
8 York Waterway crews to make them aware of paddling on
9 the Hudson and that I'm on it.

10 I recently subbed at the Lackawanna Station the
11 outskirts of Hoboken and wondered why New York
12 Waterways wouldn't want to be there, as it's a
13 beautiful station.

14 New York Transit owns Lackawanna at half the
15 purchase price of Hoboken cove with parking for both
16 employees and customers, so it's better for
17 everybody. Thank you.

18 - - -

19 MR. YOSKIN: Noelle Thurlow followed by Mike
20 Odulana.

21 - - -

22 NOELLE THURLOW: Hello. Thank you for your
23 time. My name is Noelle Thurlow, and I'm the author
24 of the Biodiversity Study of the Hoboken Waterfront.
25 I also run the Paddle Sports. We offer paddle

1 boarding, kayaking, and environmental education to
2 the children.

3 I'm going to speak about three points.
4 Environmental sustainability is first. The proposed
5 use by New York Waterways will certainly impact that
6 area. We have found over 85 different species.

7 Local high school students, local college
8 students, and school-age children, and myself have
9 been documenting the species that live right there at
10 the Union Dry Dock site in Hoboken Cove. For the
11 last five years we have been documenting.

12 We have found over eight different endangered
13 species and yet no full environmental assessment has
14 been done.

15 Surely that is in our laws that should be done
16 before any kind of construction or dredging or
17 anything happens.

18 Additionally, there is a document called the
19 Hudson-Raritan. It's a comprehensive restoration
20 plan, and it's to improve our waterways for
21 generations to come. It makes us sustainable. It
22 is, in part, written by the Army Corps of Engineers,
23 and it identifies the Waterfront as a place that is
24 essentially for shellfish restoration.

25 Hoboken New York Waterway's proposed use would

1 certainly make that impossible. So consider that as
2 you are going forward.

3 The other thing I want to speak about is the
4 children's program that I run. We have had last year
5 1,500 paddlers that operate from the site used as the
6 Hoboken Cove. The Hoboken board ramp documented
7 6,000. That's 7,500 just on our side of the river
8 using the Hoboken Cove area.

9 On the New York side, the Metropolitan
10 waterfront line had over 110,000 paddlers using the
11 New York Waterway. That doesn't include swimmers or
12 rowers or other forms of recreation. Many of those
13 people are using the Hoboken Cove area.

14 It's not just for Hoboken residents. It's a
15 resource. That beach is one of a kind. It's unique.
16 It's the only one around like it. It's for everyone.
17 It belongs to everyone.

18 When I speak to the children who come to my
19 courses I say at the beginning, who owns the water?
20 Do you know who owns the water? Sometimes they say
21 the President or some other politician or they might
22 say the name of a company. And I make sure that they
23 know that they are the ones that own the water. We
24 the people own the water.

25 It's our job to protect it and it's ours to

1 use. The New York Waterways' proposed use of the
2 Hoboken Cove would block access.

3 Someone who was just up here mentioned that a
4 New York Waterways ferry ran over a group of
5 kayakers.

6 By putting the proposed ferry refueling station
7 there with 80 different trips per day, it would be
8 impossible for a guy to know when those boats were
9 coming in and out. You are increasing the risk for
10 the children, for the families, for all the people
11 using that cove, and the cove belongs to all of us.
12 The water belongs to us all of us.

13 - - -

14 MR. RYBA: Thank you. Michael Odulana followed
15 by Gerry Sova.

16 - - -

17 MICHAEL ODULANA: So first of all, I would like
18 to thank everyone. Thank you so much for allowing a
19 small fish like me to speak at such a large event.

20 I recently moved from Ohio about two years ago,
21 and I have been enchanted by this city through and
22 through; the water, the views, the city, everything
23 about it.

24 I spent my first year dragon boating about two
25 hours near JFK. The water had dead birds, dead rats,

1 trash. But it was something that I did anyway,
2 because I didn't have an outlet.

3 I get emotional talking about it because I
4 see -- I live in West New York, New Jersey, but I
5 spend the majority of my time in Hoboken just for the
6 simple fact that I see it as an oasis.

7 I think a lot of people see it as an oasis.
8 It's essentially my sanctuary. It's where I go to
9 get away. And by taking this away I think you're
10 taking away a lot of people's sanctuary.

11 This isn't something that people have access to
12 coming from the Hoboken Community Boathouse, and I
13 think I speak for a lot of people who I've shared
14 stories with, especially this story. And I wish that
15 I could be as personable or as personal as some
16 people have been up here. And I think I speak on
17 behalf of those people who also can't.

18 But to simply state that this is where I go to
19 get away. This is where I go to experience the
20 water. This area only has eight recognizable parks.
21 Six of the recognizable parks that are here would be
22 directly affected by this; some of them destroyed.

23 This is 75 percent of our community. This is
24 75 percent of where our children go to play. This is
25 75 percent of where people go and escape. This is 75

1 percent of where people relax and find their Oasis.
2 That's all.

3 - - -

4 MR. RYBA: Gerry Sova followed by Sam Pesin.

5 - - -

6 GERRY SOVA: Thank you for your time. I am a
7 member of Hoboken Cove Community Boathouse, and I
8 would like to second everything that has been said
9 before.

10 I am in favor of New York Waterway, but as
11 Mr. Hine said, there are other more suitable sites
12 for their maintenance and refueling terminal. And to
13 second what Noelle said, there are many paddlers who
14 come in and out of the cove. Many of them are
15 first-time paddlers who do not really know how to
16 paddle.

17 Some of them develop a love of it to be out on
18 the water, but when they first come out they can't
19 paddle very well. To put boats in and out of the
20 cove where New York Waterways ferries are coming in
21 and out would be a disaster. Either we would have to
22 stop our program or tragedy will ensue. Thank you
23 for your time.

24 - - -

25 MR. RYBA: Sam Pesin followed by Phil Cohen.

- - -

SAM PESIN: I am speaking as the president of the Friends of Liberty State Park. We are an open space advocacy organization, and we support Union Dry Dock as a sister waterfront park for the public's use and enjoyment.

Its waterfront open space would continue the great vision of a public waterfront which will enrich the spiritual wellbeing of Hoboken and the Hudson County residents and visitors from everywhere.

Since my father, Morris Pesin -- the father of Liberty Park -- died in 1992, I became involved with many others advocating for the importance of urban open space at Liberty Park and fighting against those who claim that the waterfront should be used for their profits.

This potential green space is priceless. It can't be measured in dollars and cents of New York Waterway's balance sheets.

What is important is the balance sheets of our civilization values. What is at stake here is the quality of life of the people in this region and New York Waterways can do a ferry depot in Bayonne or anywhere else. That may mean their profits may not be as high. It may mean that commuters may pay a bit

1 more for ferry service, but environmental justice and
2 social justice and the quality of life of people are
3 more meaningful as a criterion.

4 I taught preschool for over 40 years. Children
5 who use this space to enjoy and learn about nature
6 and people of all ages deserve Union Dry Dock as a
7 public green space.

8 As someone just commented; industry, the
9 transportation industry walled off the waterfront in
10 Hoboken and Jersey City for decades, and it's time
11 for the public to have that Waterfront access again.

12 Open space is scarce for urban residents, and
13 parks contribute significantly to the mental and
14 physical health of any community.

15 This new park area connected to the rest of the
16 Hoboken green waterfront will strengthen families and
17 strengthen communities as people of all colors and
18 religion use this green space for generations to
19 come.

20 A hundred years from now people will look back
21 at you, the Army Corps of Engineers, and they should
22 see that you are acting for the benefit of the public
23 good and for the public from.

24 So let's help create this special urban jewel
25 of a continuous green waterfront. So please listen

1 to Mayor Bhalla and the other elected officials who
2 spoke today and Fund for a Better Waterfront and all
3 these caring citizens today.

4 I'm sure if there was a vote there would be an
5 overwhelming majority who would want this space for
6 the people. So the choice is either more property
7 for New York Waterway or people's quality of life.
8 Thank you.

9 - - -

10 MR. RYBA: We had skipped over elected office
11 Nicholas Scotto, please. We will follow with Phil
12 Cohen.

13 - - -

14 NICHOLAS SCOTTO: My name is Nicholas Scotto.
15 I'm an attorney with District 15, Local 447 of the
16 International Association of Machinists and Aerospace
17 Workers; AFL-CIO.

18 My union represents 48 employees in New York
19 Waterways who are responsible for the maintenance of
20 the ferries and buses that carry tens of thousands of
21 passengers between locations in New York and New
22 Jersey each day.

23 Because of its partnership with our union and
24 its commitment to its employees, New York Waterways
25 has provided economic stability and security for our

1 members and their families.

2 In addition to the workers District 14 and
3 Local 447 represents, New York Waterway employs
4 another 303 individuals. Many of them are
5 represented by other unions. All of them have
6 good-paying middle class jobs.

7 Together, that is 351 families that rely on New
8 York Waterway for stable employment, good wages, and
9 medical benefits.

10 The development of the Union Dry Dock is
11 critical not only to the wellbeing of the company,
12 but to the continuance of the American dream for
13 those families.

14 These proud union members have been able to
15 make a better life for themselves and their loved
16 ones due in large part to the continued success and
17 development of this great company and its ability to
18 provide safe, reliable, transportation to those in
19 the New York Metropolitan area.

20 In summary, the development of the Union Dry
21 Dock is essential for New York Waterway to continue
22 to provide both middle class jobs for hundreds of
23 local families and a valuable service to the
24 community.

25 The machinist community fully supports New York

1 Waterways' application for this permit. Thank you.

2 - - -

3 MR. RYBA: Our next speaker is Phillip Cohen
4 followed by Hartmut Grossman.

5 - - -

6 HARTMUT GROSSMAN: Hello. My name is Hartmut
7 Grossman, and I'm with the Hoboken Residents for
8 Public Waterfront. I actually don't have much to add
9 to what Ron and Noelle have said.

10 The facility plans would cause unacceptable
11 harm for unique fish and wildlife at the site. And
12 I'm calling as well for the Corps to require a full
13 EIS and a sediment testing and appropriate dredging
14 as previously required.

15 Reference has been made to the biodiversity
16 study which the Corps has, and Noelle has spoken to
17 the many species. I should say that NOAA has, staff
18 from NOAA has informally agreed with those findings.

19 I should also say that local fisherman, mostly
20 Hispanic, have witnessed Atlantic and Shortnose
21 Sturgeon, both endangered species, and six of
22 concerned fish species and many others.

23 I should note that even the NJDEP Threatened
24 and Endangered Species Unit has determined that the
25 site as documented is an unsuitable hazard for

1 Shortnose and Atlantic Sturgeon; again, as they are
2 endangered species.

3 One further comment about the site; Professor
4 Alan Blumberg, formerly director of the Davidson
5 Laboratory at Stevens and a noted Hydro-science
6 expert as well as an expert in ferry weight has
7 considered the site a sediment trap.

8 In other words, the contamination does not wash
9 out. That means the contamination from the previous
10 Union Dry Dock scraping, painting, that means lead
11 and metal has been accumulated for decades.

12 Mr. Yoskin himself pointed out that this
13 operation has been going on for more than a hundred
14 years.

15 In terms of ferry weight, ferry weight and
16 propellor action of this very shallow water will stir
17 up the sediments and distribute contamination and
18 will harm the very precious habitat at the site.

19 That means low survival rates. That means no
20 growth of fish. This is unacceptable. Everybody
21 knows that the harbor, in general, is contaminated
22 with PCB Dioxins and metal. This is different. This
23 is a totally different category.

24 This is something that the Corps cannot ignore.
25 This is something that you have to take a hard look

1 at. This is where you have to require sediment
2 testing and dredging.

3 One last word just to echo what Ron and others
4 have said about dredging; the comments by New York
5 Waterways about not needing dredging of cesspits --
6 captains from the harbor know how to evade this by
7 running props at high speed and dislodging sediment.
8 This is not something we want.

9 So I ask you to pursue your public interest
10 obligation and take a hard look at the dredging at
11 the site. Thank you.

12 - - -

13 MR. RYBA: Richard Weinstein followed by Joe
14 Wisniewski.

15 - - -

16 RICHARD WEINSTEIN: My name is Richard
17 Weinstein. I've been a Hoboken citizen since 1988.
18 Before that I was an attorney with the Environmental
19 Protection Agency from 1973 to 1982.

20 I am familiar with the EPA and the Corps of
21 Engineers regulations regarding the navigable
22 waterways and the 404 permit.

23 So in some ways I speak as somewhat of an
24 expert on the kind of considerations that should be
25 going into this application.

1 I urge the U.S. Army Corps of Engineers to
2 postpone this decision until after a full EIS of the
3 effects of the granting of this permit, including but
4 not limited to addressing traffic congestion,
5 hazardous waste disposal, the associated diesel
6 storage and fuelling operations, the impact of the
7 proposed use on the existing Hudson River, the
8 location as concluded.

9 To support this request I will make four points
10 and show three pictures of the Weehawken Ferry
11 storage and maintenance facility. The facility is
12 going to be moved to Hoboken.

13 One: The US Army Corps of Engineers in its
14 initial public notice of April 26, 2018 state that
15 the decision of whether to issue a permit will be
16 based on evaluation of "probable impacts, including
17 cumulative impacts of the proposed activity on the
18 public interest."

19 To date, it is quite clear that an overwhelming
20 number of the public believes that this project is
21 wrong for Hoboken and will adversely affect both
22 public health and existing natural resources that
23 have been protected and enhanced by efforts by State,
24 Local, and Federal agencies to improve the water
25 quality of the Hudson River in general, and in this

1 particular site.

2 The use of the UD site by the previous owner,
3 unlike the proposed ferry maintenance and storage use
4 by the current owner, has been as a low-intensity dry
5 dock for a pair of marine vessels to render them
6 seaworthy.

7 The New York Waterway proposed use will involve
8 highly intensive use with numerous activities in the
9 navigable waterways and adjacent land as a result of
10 the introduction of semipermanent barges.

11 As part of the storage and repair a multitude
12 of ferry boats will daily be traversing the Hudson
13 River channel and mooring at piers, berths, and slips
14 at the site.

15 In addition to the adverse seaworthy impact,
16 there will be contaminate land impacts onsite and
17 offsite caused by transportation, storage, and diesel
18 fueling of the 22 ferries that will be brought to the
19 site by the New York Waterway's harbor operations
20 daily.

21 Point three: How can we know and measure the
22 actual impact of a relocation of the existing site
23 from Weehawken to Hoboken?

24 MR. RYBA: Sir, that's three minutes. We can
25 take those written comments for the record.

1 RICHARD WEINSTEIN: This is a picture
2 showing --

3 MR. RYBA: Sir, sir --

4 RICHARD WEINSTEIN: This is a picture
5 showing -- I just want to --

6 MR. RYBA: Sir, we want to have enough time for
7 everyone to have an opportunity to comment.

8 RICHARD WEINSTEIN: This is how long it goes
9 out from the shoreline out to there. (Indicating.)
10 And also I want to show you this particular picture.

11 MR. RYBA: You can be in contact with the folks
12 at the Corps. It would be welcomed to take this as
13 part of the electronic record.

14 RICHARD WEINSTEIN: There is a picture I wanted
15 to show you.

16 MR. RYBA: Sir, at this time I would ask that
17 you please --

18 MR. GUSSENHOVEN: Sir, at this time, please,
19 return to your seat.

20 RICHARD WEINSTEIN: This is dangerous cargo --

21 MR. RYBA: Sir -- thank you. I invite you to
22 submit your video presentation to our office. We're
23 just trying to stick to a schedule because we only
24 have limited time tonight. Thank you. No
25 disrespect.

1 Joe Wisniewski?

2 (No verbal response.)

3 MR. RYBA: We're going to move on to Shin Hin
4 Joo (sic).

5 (No verbal response.)

6 MR. RYBA: We will move on to Randy Brummette.

7 - - -

8 RANDY BRUMMETTE: Thank you. My name is Randy
9 Brummette. I've been a Hoboken resident for about
10 30 years, and I want to just touch on some of the
11 qualitative points that are listed in the public
12 notice as points to consider before issuing a permit.

13 The specific ones that I think we should focus
14 on are conservation, aesthetics, fishing, wildlife,
15 values, recreation, safety, the needs and welfare of
16 the people, and general environmental concerns.

17 I think it's obvious to anyone who uses the
18 Hoboken Waterfront which direction these things will
19 move in if that facility is allowed to take root
20 here.

21 Some other points I want to make quickly; we
22 shouldn't get hung up on the dogma that this site has
23 been the site of a marine industrial facility for a
24 hundred years and therefore it should remain one now.

25 That just doesn't make sense. The waterfront

1 in and around New York has just evolved to
2 recreation. It's there for people to enjoy. And,
3 you know, the thing that screams at me is that there
4 is an alternative site that is available, and it's
5 already owned by New York Transit. These are people
6 in the transportation business and they have
7 identified this as the place to put it.

8 You know, hand in hand with that is the
9 question of what the ferry needs in this area 10 or
10 20 years down the road. You don't want to just take
11 what exists in one point and move it to another
12 point.

13 I should add that a study should be made, and
14 does it make sense to put this facility at a
15 transportation locus such as the Lackawanna Terminal?

16 I mean, these things scream to me that this is
17 the better place to put it. And finally one thing
18 that, you know, the visual aspect of this is if we
19 miss this opportunity to complete this green
20 waterfront that Hoboken has, which we all know --
21 (applause) --

22 If we miss this chance it's gone forever. It's
23 not as though we will have another swing at the bat
24 five years from now. Once that facility is allowed
25 to take root there, it's just going to grow and it

1 will get deeper and deeper and deeper, and the use
2 will become more and more extreme.

3 And all of us now have the chance to do what we
4 know should be done in this instance. That park
5 should be completed, and we will be able to look back
6 and say we all contributed to making that happen.

7 And the ferry service doesn't have to go away.
8 There is a better site for it. We are not saying we
9 don't need the ferry. The ferries provide a great
10 service, and it's going to provide more service to
11 this area. But it just makes sense to me that it
12 goes -- the transportation locus existed in Staten
13 Island. It allows more people to get to it and with
14 less impact on the town. And that's it. I leave the
15 quantitative aspects of everything to the people who
16 are far better prepared than me and in a better
17 position to talk about it.

18 But I just have to say if we miss this chance
19 it's gone forever, and we should not let this
20 opportunity slip through our fingertips. Thank you.

21 - - -

22 MR. RYBA: Thank you. Next will be David White
23 followed by Oscar Hernandez.

24 - - -

25 DAVID WHITE: Good evening, everybody. Thank

1 you for coming and thank you to the Corps for
2 providing this opportunity.

3 I've been asked to address something that Ron
4 had brought up which is the importance of having an
5 environmental impact statement prepared.

6 To that end, I will not be talking about the
7 merits which have been addressed very excellently by
8 those who have spoken so far and those who will speak
9 further as well as written submissions.

10 So turning to the technical aspects of the EIS,
11 I want to point out to the Corps that there are at
12 least three statutory bases for this.

13 The first is a dredging and fill permit under
14 the Clean Water Act.

15 One need only look at the submissions from the
16 applicants to see that they are talking about shallow
17 water which is invariably going to require that kind
18 of activity.

19 The second is: The jurisdiction of the Corps
20 under the Rivers and Harbors Appropriation Act. And
21 the final I'm going to touch upon is the National
22 Environmental Policy Act called NEPA.

23 The regulations under all of these statutes
24 overlap for a great deal, so I'm going to focus on
25 the regulations underneath that as they would promote

1 the idea of conducting the environmental impact
2 statement.

3 There are two tests underneath. The first is
4 that it be a major Federal action, and the second is
5 that that major Federal action significantly affects
6 the human environment.

7 Effectively, they are narrowed into one, which
8 is; an action is major if it's significant. And if
9 it is significant, the Corps should produce an
10 environmental impact statement.

11 Breaking that down and taking them
12 separately -- human environment is described or,
13 rather, defined in the statutes and regulations very
14 broadly, including covering the quality of urban
15 life. A key issue that has come up tonight.

16 Effecting has also -- it means something that
17 will or may have an effect. And "effect" is
18 similarly broad, and it includes direct and indirect
19 effects over time and aggregating.

20 So that small things build up into big things.
21 Then we have big things that build up into giant
22 things.

23 Significant requires an analysis of context and
24 the intensity. And the context is the setting which
25 has been very well laid out. We have a dry dock in a

1 largely residential and park environment; a unique
2 placement. And intensity is pretty much what it
3 means. It's severity.

4 I will outline without going into the merits,
5 as I said, simply --

6 MR. RYBA: We are at three minutes, sir.

7 DAVID WHITE: That's it? Thank you very much.

8 - - -

9 MR. RYBA: Oscar Hernandez and he will be
10 followed by Marguerite Bunyan.

11 - - -

12 OSCAR HERNANDEZ: Hi, good evening. My name is
13 Oscar Hernandez. I want to thank every one of the
14 engineers who showed up tonight.

15 I have been a Hoboken resident for ten years
16 now. I live just a few blocks away from the proposed
17 site, and I am also a board member of the Hoboken
18 Cove Community Boathouse. We offer free kayaking for
19 anyone; adults and children. Everyone is welcome to
20 come. I am there every weekend from the end of May
21 to the end of September.

22 We do free kayaking. It's a free service, the
23 only one in the area. And we have over 6,000
24 paddlers ever single year, all ages. I have three
25 messages today. People ask me, How young can my kids

1 come? All ages is free. All they have to do is show
2 up. We also are home for kayaking and outrigger.
3 I'm sure a lot of people don't even know what
4 outrigger is. Please come check it out.

5 It's been growing. It's been established since
6 2004, and now we are up to 2,000 paddlers, and it
7 continues to grow.

8 If you look at the first picture right here of
9 the proposed plan for New York Waterways, it shows
10 not only that they are using the dock, but they also
11 are going to take over the whole cove.

12 That will effectively kill our operations of
13 free kayaking. We will not be able to do this
14 anymore. That is 6,000 people as of now -- and it
15 continues to grow -- that will not be doing the free
16 kayaking. In addition to all the other boathouses
17 that come every weekend to visit, they have -- they
18 call it the secret beach. They come from Manhattan.
19 They come from everywhere. That will be done right
20 there.

21 We understand that it's very self important.
22 We totally understand. Many of us use it for
23 transportation, but the New York Waterway operations
24 will not be affected whatsoever if they go to a
25 different site.

1 The bottom line may be affected if they have to
2 go to Bayonne, but they could still continue to run.

3 We hope and we ask that the Corps will deny
4 this application and please help us to keep helping
5 the community. Thank you.

6 - - -

7 MR. RYBA: Thank you. Marguerite Bunyan
8 followed by Marston Allen.

9 - - -

10 MARGUERITE BUNYAN: Hello. Good evening. I
11 would like to begin by saying to the Army Corps of
12 Engineers that the public's right to have agency over
13 the place in which we live is crucial to determining
14 the faith of Union Dry Dock.

15 Consider whether or not your decision to grant
16 the permit to New York Waterway will provide lasting
17 benefits to the community of Hoboken.

18 You have heard a great deal of testimony
19 explaining why it will not. You have heard testimony
20 concerning the impact on threatened and endangered
21 species and threats of environmental contamination.

22 You have heard testimony expressing concern for
23 the safety for the kayakers and paddlers who use the
24 cove. You have heard concern for the health of
25 children who play in the parks nearby.

1 In addition to this, what also needs to be
2 emphasized is the unique nature of the Hoboken
3 waterfront that is being challenged by New York
4 Waterways.

5 The waterfront affords access to all residents
6 and visitors. We are a system of parks and pathways.
7 Access is not determined by the ability to afford
8 amenities such as expensive restaurants; nor is it
9 determined by property ownership. The beauty of the
10 waterfront cannot be overstated.

11 The peace and serenity that it affords a highly
12 dense urban population is priceless. The
13 recreational and health benefits are enjoyed by
14 cyclists, paddlers, and pedestrians who delight, in
15 not only the spectacular views, but clean, fresh
16 Waterfront breezes.

17 As the population of Hoboken grows, the
18 development of more public land and open space along
19 the waterfront is vital and will serve as the model
20 for the sustainable public development of free open
21 space.

22 The Corps has the opportunity to acknowledge
23 the mandate to protect and preserve the environment,
24 and carefully assess the public as well as
25 environmental impact.

1 You have the opportunity to require an
2 environmental impact study. You can review
3 better-suited sites provided by the New Jersey DOT in
4 its 2009 study.

5 New York Waterway's failure to consider these
6 alternative locations reflect their excessive,
7 profiteering egos, and a complete disregard for the
8 community of Hoboken, which they plan to disrupt.

9 As a long-term resident of Hoboken, I have seen
10 the waterfront evolve into a clean and vibrant space
11 through the tireless efforts of nonprofit agencies
12 and residents working with the city.

13 It is my sincere hope that the Army Corps of
14 Engineers will allow this city and these groups
15 agency over its use of land, and not allow New York
16 Waterway's its permit to proceed with this plan.

17 Please allow the development of open space with
18 access for all. I want to thank the Army Corps of
19 Engineers for the seriousness of their attention.

20 - - -

21 MR. RYBA: Thank you. Phil Cohen.

22 - - -

23 PHIL COHEN: I want to also thank the Army
24 Corps of Engineers for offering the community an
25 opportunity to be heard tonight. This is an

1 important democratic process, and I want to thank
2 Mayor Bhalla for his advocacy for having this
3 meeting.

4 This meeting would not be held if not for the
5 hard work of members of the community to have their
6 voices heard.

7 New York Waterway was not interested in having
8 any kind of transparency. New York Waterway was not
9 interested in having the voices of the community
10 heard on this issue.

11 It required the people of Hoboken to head down
12 to New Jersey Transit on Martin Luther King Day to
13 stop a backroom meeting in the waning days of the
14 Christy Administration that was done without any
15 transparency, without any notice to the Bhalla
16 Administration, or to the Zimmer Administration
17 before him.

18 What you are hearing tonight is important, and
19 what you are hearing is the unanimous, near unanimous
20 view, of many, many people who have gone out of their
21 way to be heard, that need to be heard, for the Army
22 Corps of Engineer to understand the kind of harm to
23 this community that would happen if this permit was
24 granted, and the fierce and strong opposition of the
25 community to this application.

1 Let me be clear. The reason why New York
2 Waterways is searching for a new home is because it
3 sold its own home. It sold its own home for a good
4 price, for a great profit. And now it is trying to
5 put its problem onto the citizens of Hoboken and
6 force them, the citizens of Hoboken, to solve its
7 problem.

8 It's not fair to the citizens of Hoboken, and
9 it's an improper act of New York Waterway to take
10 advantage of the fact that they are offering an
11 important transportation asset to the State of New
12 Jersey. They are abusing what they have and they're
13 taking advantage of our community.

14 So I think it's important for the U.S. Corps of
15 Engineers to understand, in addition to all the
16 environment issues and the rest of the issues, that
17 there has been a lack of transparency and forthcoming
18 from New York Waterway. And it's time for them to be
19 stopped. Thank you.

20 - - -

21 MR. RYBA: Leslie Florio followed by Antoine
22 Clement.

23 - - -

24 LESLIE FLORIO: Thank you. I am Leslie Florio.
25 I am vice president of the Maxwell Place Condominium

1 Association.

2 I represent a community that received formal
3 public notice of this application because we have
4 residents that live within 200 feet of this site.

5 You have heard tonight about the very serious
6 environmental and safety concerns generated by the
7 proposal for this facility.

8 The concern is about pollution and human
9 health; air pollution, water pollution, noise
10 pollution in a residential and recreational area.

11 The proposed operation is vastly different from
12 the activity that took place at this location under
13 Union Dry Dock, and it has serious consequences for
14 our community and all who use the waterfront. So we
15 have a problem.

16 And when organizations of people are faced with
17 a problem there are two choices. You can be a part
18 of the problem or you can be part of the solution. I
19 urge the Army Corps tonight to be part of the
20 solution.

21 Listen seriously to our concerns, work with New
22 York Waterway, work with Governor Murphy, work with
23 New Jersey Transit, and find a solution that allows
24 New York Waterway to continue to provide the
25 important ferry service that our region needs; but a

1 solution that also puts this industrial operation in
2 a more appropriate location.

3 Do not take Hoboken backward in time to when
4 industrial operations polluted the entire waterfront.
5 Do not approve placing an industrial operation in a
6 residential and recreational location filled with
7 families and children.

8 We know there are five more suitable sites for
9 this facility. So I say tonight you have a choice.
10 Do not be part of the problem. Work together with
11 all parties to be part of the solution. Thank you.

12 - - -

13 MR. RYBA: Antoine Clement followed by Stewart
14 Rosen.

15 - - -

16 ANTOINE CLEMENT: Good evening. My name is
17 Antoine Clement. I am part of the board of trustees
18 of Maxwell, but that's not why I'm here. I'm
19 originally from France and moved to Montreal and then
20 moved to Hoboken a five years ago.

21 The reason I am telling you this story is
22 simple. It's water access. For those who have lived
23 or traveled in Paris, they have seen or heard of
24 Paris Plage. For those who have never been, they do
25 something totally bunkers which is bringing tons and

1 tons and tons of sand, pull them on the banks of the
2 Seine River and make it look like a beach, and then
3 take that sand back.

4 All I'm saying -- and I lived in Montreal for
5 one or two decades and we basically have no water
6 access, unless you go outside Montreal. And I'm
7 telling you this because cities would look at Hoboken
8 with the current -- I understand that it's not even
9 as wide as this room -- but look at the current water
10 access, and they would probably kill for it,
11 figuratively speaking, of course. They would be
12 very, very jealous.

13 Cities, even though they are on the water or by
14 the water, don't have water access. So it is strange
15 to see this.

16 And so I urge you and beg you almost not to
17 take -- someone used the word jewel -- not to take
18 that jewel away. It's very unique to Hoboken.

19 The second thing is, I actually lived for the
20 past five years a hundred meters, yards from the
21 site. And it's not a similar use.

22 Contrary to -- I know that New York Waterway
23 keeps saying it's a similar use. It's continuous
24 use. It's a total fabrication. It's not regular and
25 same use.

1 I have lived at the site for five years now.
2 If you work from Monday to Friday, 9:00 to 5:00 with
3 fairly limited boat trips; maybe one or two in the
4 morning and one or two at night. And that's it.

5 I'm actually a client, so I like Waterways. I
6 don't like what they're trying to do, but I use it.
7 And the hours the operation is from 6:00 a.m. to
8 midnight. The last trip to Hoboken -- because I use
9 it -- is midnight on a Saturday.

10 Therefore, it would mean that we would have a
11 boat trip at 1:00 in the morning to Hoboken. It
12 doesn't make any sense. It's noise. It would repair
13 and maintain from midnight to 6:00 a.m. It would be
14 nonstop, so it's not the same use. Thank you.

15 - - -

16 MR. RYBA: Stewart Rosen followed by Mark Von
17 Siegel.

18 - - -

19 STEWART ROSEN: Thank you. So you all live in
20 Hudson County that already has the worst air quality
21 in the State of New Jersey, which is one of the three
22 States in the United States with terrible air.

23 This operation is going to make it worse. It's
24 going to make it worse for you. It's going to make
25 it worse for your kids.

1 In addition to which -- and I'm a ferry
2 customer. I'm on it twice every day. In addition to
3 which, they don't seem to be able to control their
4 waste. And these boats are supposed to start with no
5 wake.

6 If you think that the reconstruction of the
7 north end of Sinatra Drive is from anything but
8 erosion caused by boats, you're wrong.

9 I dock a boat in Hoboken Shipyard Marina and I
10 fish about 20 hours a week, so I spend a lot of time
11 on the water. When the ferries come in to 14th
12 Street, I got knocked off the dock last week.

13 That's how bad the wake is. And I'm on the
14 boat, so they try to control it. But they really
15 can't. It blows my mind that there's been no
16 environmental impact statement, because if there was
17 we wouldn't be here today.

18 Finally, I'm appreciative of the plight of the
19 employees of the Waterway, but they should go
20 someplace else that's better suited than a totally
21 residential community. Thank you.

22 - - -

23 MR. RYBA: Mark Von Siegel. Then the following
24 speaker will be Jenna Masaitis.

25 - - -

1 MARK R. VON SIEGEL: Good evening. My name is
2 Mark Von Siegel. I work and represent for the
3 Seafarers International Union. My union has
4 represented the deckhand and captains at New York
5 Waterway since its inception in 1986.

6 The company provides over 150 well-paying jobs
7 to the members of my union. The proper and
8 professional maintenance of fueling and berthing of
9 ferry boats is essential to a safe, reliable, and
10 efficient ferry boat operation.

11 Such an operation needs to be conducted in a
12 safe and centrally located work environment.

13 This work environment requires water at a
14 sufficient depth, piers, and enough room on the land
15 side for storage of equipment, parts, and other
16 materials; as well as proper locker rooms and break
17 rooms for the employees who are my members.

18 There is no better location for such an
19 operation than the Union Dry Dock property.

20 It has all the requirements for the safe and
21 efficient shipyard; deep water, upland, parking for
22 employees, and nearby access for public
23 transportation.

24 In fact, the Union Dry Dock property is the
25 only existing shipyard on the Hudson River between

1 Nyack, New York and Bayonne, New Jersey. And this
2 property has, in fact, been a shipyard since at least
3 1887.

4 It has been suggested that his operation could
5 be moved to Bayonne or even Staten Island. Moving
6 the ferry operation to these locations would make no
7 sense, whatsoever in terms of the company's
8 operation.

9 Those locations are completely removed from the
10 routes where the boats operate, and would add
11 needless costs to the fueling and emergency repairs.

12 If the berth of fleet is so far removed from
13 the action, if the fleet is expected to respond to
14 path outages or shutdowns in train and bus terminals,
15 it's an encumbrance.

16 This past December there was a shutdown at the
17 Port Authority bus terminal as a result of terrorist
18 bombing. In turn, residents of North Hoboken lost
19 their regular bus service.

20 New York Waterway had an extra boat dispatched
21 to them from Weehawken within minutes. If that boat
22 had come out of Bayonne, it would have taken more
23 than an hour to assemble the crew in Bayonne and get
24 the extra boat from there to North Hoboken. And from
25 Staten Island, it would even be longer. From an

1 emergency response viewpoint this would be senseless
2 and ineffective.

3 Moving this entirely workforce to a remote
4 point of dispatch would also dislocate the workers,
5 many of whom get to work by public transportation.
6 How will they get to their jobs from Bayonne and
7 Staten Island? Many of them will have to give up
8 their jobs.

9 And to find experienced train ferry captains to
10 replace them --

11 MR. RYBA: That's about three minutes.

12 MARK R. VON SIEGEL: I'm sorry. This would be
13 no easy task. This is not good for blue collar
14 workers and not good for a safe and efficient ferry
15 operation. Thank you.

16 - - -

17 MR. RYBA: Jenna Masaitis. Following will be
18 Elvi Guzman.

19 - - -

20 JENNA MASAITIS: Hi. My name is Jenna
21 Masaitis, and I'm a concerned resident of Hoboken who
22 opposes this project.

23 I just gave birth to my first child, a
24 daughter, Carol Masaitis, 12 days ago. So I
25 apologize if I get emotional. I still have a lot of

1 postpartum hormones going through me.

2 I've been a homeowner in Hoboken for seven
3 years. My husband and I purchased a condo at Maxwell
4 Place with the intention of growing our family.

5 We chose Maxwell because of the access to the
6 waterfront, which is now the backyard of our child's
7 room. We were aware of Union Dry Dock and their
8 operations when we purchased. We respect Hoboken's
9 history as a working waterfront, and we felt that
10 they should be continued to be able to continue their
11 operation.

12 We did, as most residents do, we hoped that
13 they would be able to move on, and we would be able
14 to complete the waterfront.

15 It was so upsetting to learn that there was all
16 these backdoor deals going on between Union Dry Dock
17 and New York Waterway and NJ Transit to basically
18 take over the site without any public opinion.

19 The reason it was done backdoor is because
20 everyone is aware of what Hoboken's vision for the
21 waterfront has been.

22 It's really unfortunate that a private company
23 is attempting to utilize the morally corrupt NJ
24 Transit to bail them out of a bad business decision
25 they made when they sold their waterfront property

1 for profit, and they relied on a lease which
2 unfortunately is now ending.

3 There are more viable sites, and they should
4 not be counting on Hoboken residents, including my
5 daughter's backyard, to bail them out of this
6 situation.

7 My daughter should not have to grow up
8 breathing diesel fumes in her backyard when there are
9 move viable options that exist.

10 My husband and I both use the ferry to commute
11 to work. This is not about being against the ferry
12 system.

13 It's about finding a more appropriate location,
14 for preserving the waterfront as an open and public
15 space for generations to come; hopefully including my
16 daughter's children. Thank you.

17 - - -

18 MR. RYBA: Elvie Guzman. Followed by Joel
19 Freiser.

20 - - -

21 ELVI GUZMAN: Good evening, everyone. I'm
22 Elvi, and I have been a resident of Hoboken for ten
23 years now. I fell in love with this community when I
24 first moved here. It's an athletic community. It's
25 a community that is very tight knit, and I'm

1 100 percent opposed to New York Waterway Diesel
2 Depot.

3 I commend Mayor Bhalla, Councilwoman, our
4 Hoboken residents, the entire Hudson County
5 community, and thousands of residents in New Jersey
6 who are fighting the good fight in keeping New York
7 Waterway from aggressively moving in and moving
8 forward with their selfish agenda to build on our
9 waterfront.

10 I want to applaud everyone here, to give
11 everyone a round of applause because it's 8:00, and
12 we could have been at dinner or anywhere else, but
13 you decided to come here. You decided to be part of
14 the community. You decided to stand up and fight the
15 good fight. So thank you all for being here.

16 The waterfront belongs to our community and is
17 there for our residents to enjoy, not for New York
18 Waterway to use as they please.

19 It is an area in Hoboken that will connect the
20 Gold Coast and allow it to be a place where our
21 residents can enjoy, from young to old to everyone in
22 our community that can benefit from the waterfront,
23 and not by building an environmentally unsanitary
24 depot.

25 There has been various recommendations for the

1 depots to be built somewhere else. If it costs New
2 York Waterway, a multibillion company, a little bit
3 more to spend on gas while they are coming into
4 Hoboken, that's perfectly fine.

5 If a barge goes out of service and some of our
6 residents are unfortunately late to work by 10 or
7 15 minutes, it's not going to be the end of the
8 world.

9 It will be the end of the world -- not
10 literally -- but it will be very, very, very bad if
11 there is diesel, if there's gas, if there is more
12 traffic on Sinatra Drive. Because there's going to
13 be hundreds of employees driving in and driving out
14 of the workplace.

15 You know, I came from a blue-collar family.
16 I'm still somewhat of a blue-collar worker who
17 unloads trucks and loads trucks occasionally. So I
18 definitely want everyone to stay employed. I want
19 the family to continue to work and to take care of
20 their children. Just please let it be somewhere
21 else. Thank you.

22 - - -

23 MR. RYBA: Joel Freiser. Following we will
24 have Patricia Samperi.

25 - - -

1 JOEL FREISER: Good evening. My name is Joel
2 Freiser, and I have been a resident of Hoboken since
3 the early 1970's. I would like to put on the record,
4 though, some of the history that should be considered
5 by the Corp of Engineers in making its decision.

6 And that is the expressed intent of the
7 residents in the City of Hoboken for the last
8 40 years.

9 In the 1980's the City of Hoboken created a
10 nonprofit corporation called the Hoboken Waterfront
11 Corporation under the administration of Mayor Pat
12 Pasculli. And along with 15 residents, including Ron
13 Hine who spoke earlier, the corporation conducted
14 community hearings to invite ideas to create a
15 waterfront park with financial assistance by the City
16 of Hoboken.

17 Add the city and the corporation engaged a
18 respected architectural firm who designed this
19 incredible waterfront plan we are enjoying today.
20 And the park that exists now is really the envy.

21 The plan that is prepared or designated in the
22 application by the Corps of Engineers made by the
23 ferry corporation really is probably superfluous.

24 If you simply look across the river to the
25 other side in New York City from the waterways

1 terminal at 42nd Street south to at least 14th
2 Street, the pier head and the waterfront property in
3 New York City are essentially still commercial and
4 waterfront oriented.

5 It just blows my mind that the alternatives for
6 the Waterfront Corporation did not look at those dock
7 locations.

8 I think that Mayor De Blasio and Governor Cuomo
9 think the Waterfront Corporation should be
10 negotiating to use those locations which are dormant
11 for this facility, and not really to degrade the
12 environment of our waterfront in Hoboken. Thank you.

13 - - -

14 MR. RYBA: Patricia Samperi. Followed by Cara
15 Ciuffani.

16 - - -

17 PATRICIA SAMPERI: Good evening. My name is
18 Patricia Samperi. I'm a 20-plus year resident of
19 Hoboken. My family's history dates to 1903 here.
20 Thank you for this opportunity.

21 What I am very concerned about is the way that
22 this is being handled by New York Waterway.

23 New York Waterway, when I moved into this town,
24 had one big ferry terminal on their empty lot.

25 They had tons of open land that has now been

1 built on that Port Imperial has money off of. That
2 was the time for them to plan on their fueling
3 system, because all they had at that time was a ferry
4 system.

5 Now they are asking to move it here because
6 it's more convenient, and I do feel sorry for those
7 workers who would have to go out of their way to
8 Staten Island. But we are not, according to that
9 2009 study, the best place. We are the most
10 convenient place.

11 I would like to remind everybody that in 1900
12 we lost 326 lives on our waterfront due to a fire;
13 that this is a diesel facility where diesel vapors go
14 up in flames, and we are putting this on our
15 beautiful waterfront where our parks are and where
16 our children are.

17 And everything that this town and its people
18 have worked for, for the last 30 years could
19 literally go up in smoke. And the way this has been
20 handled by New York Waterway, the backhanded way,
21 doesn't make me trust them.

22 And the other thing that concerns me is that
23 they did this through New Jersey Transit. Because
24 the New York Waterway tried to buy the property
25 outright, the town had the right to say no. We can't

1 do this. And they knew they couldn't do that if New
2 Jersey Transit bought the property.

3 So I would ask you to keep this concern in mind
4 when you read about this, how New York Waterway has
5 approached this. I don't think they have done this
6 fairly and openly, and as such I don't trust them
7 with anything else they plan coming down road. Thank
8 you.

9 - - -

10 CARA CIUFFANI: Hello. My name is Cara
11 Ciuffani. I was born and raised New Jersey as are my
12 parents. I've had the privilege of living in Hoboken
13 for 16 years, the last 11 of which I have lived at
14 1025 Maxwell Lane, which is immediately next to the
15 proposed Union Dry Dock site. I have also taken the
16 ferry for the last 16 years.

17 And while I appreciate the service and the mode
18 of transportation as being convenient and it
19 certainly has made my life easier, I have grave
20 concerns about the use that they have proposed for
21 this site.

22 The air, water, and noise pollution that will
23 result from the usage that New York Waterway is
24 proposing is concerning from a health perspective and
25 a qualify-of-life perspective for Hoboken residents

1 and those who come to Hoboken to enjoy the
2 waterfront.

3 The current uses of the Union Dry Dock verus
4 the proposed use is dramatically different, as you
5 have heard this evening.

6 The number of boats that would be maintained
7 and refueled is multitudes greater. And that number
8 of boats that are proposed is going to have a
9 negative impact on the natural beach cove and the
10 wildlife in that area, which as you've heard some of
11 which are endangered.

12 The Union Dry Dock also has a limited number of
13 hours of service currently, and those hours generally
14 do not include night and weekends.

15 The proposed New York Waterway proposal for the
16 site would include 18-hour days, including weekends.

17 This increased number of hours is going to
18 negatively impact the residents' quality of life,
19 particularly during nonbusiness hours and the
20 evenings and weekends when they want to be out
21 enjoying that space.

22 Currently residents are able to use kayaks,
23 standup paddle boards, and the use of the parks and
24 natural beach. The current use allows for that, and
25 the proposed use would potentially eliminate that and

6 You have heard from many other individuals here
7 tonight about their concerns, the concerns about the
8 intention of New York Waterway, and what would happen
9 once they were let into that site.

16 | — — —

19 | - - -

23 On Sunday morning I went for a morning bike
24 ride in town. It had just rained and the air was
25 thick with moisture and smelled green and fresh.

1 I live on the west side of town and I took a
2 route that lead me to the river. Like so many of us
3 here I am drawn to the Hudson River.

4 As I biked along the Waterfront, the beauty of
5 the river shone reassuringly bright. I biked past
6 Pier 13; the dog park where people were sipping their
7 morning coffee and greeting their neighbor as their
8 dogs yipped and played together.

9 At Maxwell Park parents were setting up for a
10 child's birthday party on the grass, and boathouse
11 volunteers were getting the kayaks ready for the day.

12 They were going to put them out on the natural
13 beach cove to send them out for the day.

14 Then I turned south on Sinatra Drive, and the
15 path there became much less scenic and friendly. The
16 fenced-off area of the New York Waterway to my left
17 obscured views of the river.

18 There's no one here enjoying what the river has
19 to offer. You can barely see it, much less access
20 it. This continues over two city blocks, a blinding
21 stretch where you're lucky if you catch a glimpse of
22 the river off in the distance through the fence.

23 The site was quiet on a Sunday, but refueling
24 trucks and car traffic needing access to that site
25 are going to make it dangerous to cycle or walk past

1 that area.

2 As I reached the end of the property just
3 before the skateboard park, that's when I noticed it.
4 I looked up and I saw the barbed wire on the top of
5 that fence. That barbed wire gave a really strong
6 message: Stay out.

7 This fenced-off piece of land is the last piece
8 we needed to complete, to connect our waterfront; the
9 last piece to complete the protected and connected
10 bike lane; the last piece to complete and connect our
11 community gathering place; the last piece to complete
12 and connect the river with the community.

13 We must complete and connect with the beauty
14 that's all around us and give it back to the public.
15 It's the Waterfront that we all deserve. Don't let
16 New York Waterway or New Jersey Transit take it away.

17 - - -

18 MR. RYBA: Thank you. Seth Anagnostis followed
19 by James Harris.

20 - - -

21 SETH ANAGNOSTIS: Good evening, everyone. My
22 name is Seth Anagnosits. I've been a resident of
23 Hoboken for eight years. I moved here when I was in
24 my earlier 20s. Life was quite a bit different than
25 it is now as I'm a very happily married man.

1 I grew to love Hoboken and decided to stay here
2 with my wife. I am also a regular New York Waterway
3 commuter. I run a lot of spreadsheets to try to
4 figure out how I can justify the cost of taking the
5 ferry every day, rather than the Path just because
6 that morning ride is so pleasant.

7 So I certainly appreciate that they have to run
8 a business, and that they run an excellent service
9 that enables me to get in on time to my office
10 without ever having to think about.

11 From what I was hearing more and more about
12 tonight and about what New York Waterway was doing,
13 especially the fact that there are better places
14 where New York Waterway would be able to repair their
15 boats, where they could still run a profitable
16 business without impeding our waterfront, and that
17 still assures jobs for the Waterfront employees. So
18 even as a major supporter of the organization, I
19 strongly oppose the application for a number of
20 reasons.

21 When I have friends who come to visit in
22 Hoboken, they often are using -- staying with me in
23 my living room as a launching pad to get into New
24 York City when they want to see the City for the
25 weekend.

1 Of course we always have fun in the city, but
2 what we do first is just say, Hey. Come take a walk
3 with my wife and me on the waterfront for a little
4 bit. And they are always absolutely blown away with
5 how amazing the waterfront is, the incredible views,
6 how well-maintained the paths are, the variety of
7 different parks that we have, and the different
8 experiences that can be provided.

9 It became quite clear to me after having
10 watched so many of our friends say, Wow. Your
11 waterfront is amazing. It's just so weird that that
12 little part in the middle of town is so much uglier
13 than everything else and the waterfront is so much
14 more pleasant. It happens time and time again.

15 It became clear to me that anything but the
16 public use of that area was not in Hoboken citizens'
17 best interest and takes away from our most precious
18 asset.

19 So I would like to take a look at a long
20 perspective and try to imagine Hoboken 30 years from
21 now. I saw two kids here tonight. I heard some
22 crying here earlier.

23 It just seems so obvious to me like when you
24 look at Central Park in New York City, which
25 fortunately people had the foresight to leave aside

1 public space a hundred years ago, well before any of
2 us were alive.

3 Just like Central Park where the people of New
4 York can enjoy what they're enjoying and experiencing
5 now, just try and imagine going to New York City and
6 being in the 70's or 80's and having that area of the
7 city taken up by cars and taken up by office
8 buildings. It's impossible to imagine.

9 So I imagine a similar experience here in
10 Hoboken where we're all sitting here tonight thinking
11 about what this commute for the city -- and for us
12 right now -- and certainly those who speak on behalf
13 New York Waterway, it seems like to me when I think
14 about it, this is one of those things that we don't
15 have an opportunity to do anymore.

16 It's something that when you look back in
17 retrospect the choice was completely obvious. If we
18 are looking back in 30 years and you say, How was
19 there ever a point in time where we ever considered
20 that this would be anything but space for the public?

21 I think it will be something that we wouldn't
22 be able to imagine, and I hope that the Army Corps of
23 Engineers will not make this happen and make New York
24 Waterway locate to another place and give us a
25 contiguous waterfront. Thank you.

1 MR. RYBA: James Harris followed by Krista
2 Power.

3 - - -

4 JAMES HARRIS: Can everyone hear me all right?
5 I would like to sort of go back in time a little bit
6 back in the 1700's when Hoboken was farmland. It was
7 open space. It was a place that duelled. When you
8 couldn't do it in New York, you would row your boat
9 across the river and go shoot somebody. We don't do
10 that anymore. It's the 2000's.

11 So Hoboken has a story history. The cove where
12 we have the free kayaks that was actually the site
13 for the New York Yacht Club. New York Yacht Club's
14 the original boathouse was actually moved brick and
15 stone by stone to a new port where you can still see
16 it today. They got out of Dodge, because Hoboken
17 turned into an industrial waterfront.

18 Because of necessity World War I and II hit,
19 and Hoboken was one of the primary locations to
20 really drive the war effort.

21 Obviously then the 70's came and over time
22 Hoboken couldn't support that type of industrial
23 life, and so it's gone away. We are now where we are
24 here on the cusp of completing our waterfront. We
25 are just moments away looking around at everyone

1 that's here. I'm very excited. We're still waiting
2 for you to reject -- sorry -- approve, approve --

3 There's no way you can approve this based on
4 everyone that's here today. I heard a few smattering
5 of applause for the opposition, but this is Hoboken.
6 This is our waterfront. We deserve it. Closing
7 remarks -- I don't have any. Thank you.

8 MR. RYBA: Thank you. Krista Power followed by
9 Richard Kurland.

10 - - -

11 KRISTA POWER: I am speaking as a mother. I,
12 you know, respect all of the experts who have spoken
13 before. Thank you so much. But I present these
14 comments as a mother of a five-year-old who loves the
15 skate park. He cannot wait until he's old enough to
16 skate among big kids.

17 He would love to kayak on the water. He would
18 love to just maybe learn how to ride his bike without
19 training wheels around the adjacent pier. He's been
20 playing in the park that's next to where the Union
21 Dry Dock is since he was an infant. I would love to
22 see him grow up here. I would love to see his
23 friends grow up here.

24 And there are very real environmental concerns,
25 and not just only in terms of the traffic, but in

1 terms of the diesel fuel, in terms of the odors that
2 people have talked of, in terms of the noise
3 pollution.

4 And there is just too much value in seeing
5 families able to enjoy their recreational space and
6 being able to see families enjoy a connected
7 waterfront, as so many people have talked about.

8 And I would like to see our children grow up
9 here. It's clear that the New York Waterway and its
10 lies have known for a very long time that they were
11 going to have to move.

12 And it seems shocking that we would have to be
13 strong-armed into accepting a decision that they
14 should have had more than enough time to prepare for
15 and secure an appropriate location that would protect
16 their corporate interest while maintaining the
17 Community transportation service they provide. And
18 demonstrate the social responsibility that our
19 children and our children's children will demand from
20 the companies who we'll leave for the generations to
21 come. That should be the legacy of the New York
22 Waterway and its allies.

23 Don't miss this opportunity, please. Support
24 the connective waterfront that provides the
25 recreation opportunity. Support the residents and

1 the experts who have valid environmental concerns.
2 Protect this land for the future. This can be your
3 legacy. Thank you.

4 MR. RYBA: Richard Kurland followed by Patrick
5 Kelleher.

6 - - -

7 RICHARD KURLAND: Thank you. My name is
8 Richard Kurland, and I've been a resident for
9 30 years here in this town.

10 There are way better speakers here before me
11 and will come after me, but I just wanted to state on
12 the record that we do know that there's a very unique
13 situation with the beach, and that's just north of
14 this property, and all of the environmental impact
15 that will be negative on that beach.

16 We talked about the fish, the birds, someone
17 mentioned turtles, a lot of people mentioned the
18 children. Just for the record and the stenographer I
19 will say that woof woof there are dogs in town that
20 also want to use the park and use the beach; the only
21 beach for miles in each direction.

22 My dog recently passed away, but before he was
23 unable to walk to the beach we were regular users of
24 the beach. He's a Lab -- he was a Lab. He loved it.
25 He needs it. I see dogs there are all the time.

1 And just for the record, it's the only place
2 that a dog can get wet in town on the river for miles
3 around. So please deny this application, at least
4 for that reason as well as many more. Thank you.

5 - - -

6 MR. RYBA: Patrick Keller followed by
7 Emmanuelle Morgen.

8 - - -

9 EMMANUELLE MORGEN: Hi. Can you hear me?

10 I am Emmanuelle Morgen, and I'm a nine-year
11 resident of Hoboken. Thank you to the U.S. Army
12 Corps of Engineers for listening to us tonight.

13 I first came to Hoboken in the fall of 2009
14 when I was considering moving to the city.

15 Coming to New York City and before I left the
16 State of Oregon I didn't know what to expect of
17 Hoboken. I probably had, to be honest, a negative
18 view of it; an ignorant, outsider bias.

19 New Jersey in general is somewhat of an
20 industrial wasteland; a view that has since been
21 completely reversed.

22 Starting with the Hoboken Waterfront, my short
23 visit to Hoboken that first day culminated with a
24 stop at the waterfront. And I can say without a
25 doubt that I made my decision to move here right then

1 and there.

2 After Super Storm Sandy, I was appalled at the
3 destruction of the waterfront, my waterfront. And
4 made the commitment to understand and support this
5 incredible resource.

6 I'm a proud supporter of Fund for a Better
7 Waterfront, and I was one of the signature takers for
8 the potential supporting the city's acquisition of
9 the Union Dry Dock site.

10 New Jersey's Waterfront communities are already
11 challenged when it comes to the
12 population-to-parkland ratio as compared with other
13 urban areas in Manhattan and Brooklyn. We need our
14 waterfront park.

15 It is a jewel of Hudson County and of New
16 Jersey. It is our Central Park.

17 I ask the U.S. Army Corps of Engineers to
18 carefully consider all the environmental factors when
19 considering this application, so that our waterfront
20 can be protected and preserved for generations to
21 come. Thank you.

22 - - -

23 MR. RYBA: Heather Gibbons followed by Aaron
24 Lewit.

25 - - -

1 HEATHER GIBBONS: My name is Heather Gibbons.
2 I've lived in Hoboken now for 13 years. I'm a mother
3 of two kids. I walk my dog on the waterfront every
4 single day. I am a supporter of public
5 transportation, and I think the ferry is an important
6 part of that regional solution for transportation
7 needs. But I ask you to deny this application for
8 this site.

9 And I want to thank you for allowing us to have
10 this opportunity, because honestly it's the first one
11 we've had in order for the public to speak on this
12 issue.

13 And it's really hard to believe that a private
14 company, New York Waterway, entered into an agreement
15 with our public agency New Jersey Transit secretly in
16 the dark, and they forged this deal to buy Union Dry
17 Dock, shield New York Waterways from the City of
18 Hoboken's desire for this park, which they clearly
19 knew Hoboken wanted and talked about it for 30 years.

20 So it's hard to believe that that deal went
21 through without -- they purchased the property
22 without any public officials of Hoboken knowing that,
23 without county officials knowing that, without the
24 residents knowing that.

25 So thank you for this opportunity to be

1 transparent and to be open, and for the public to
2 have a chance to speak. And I hope this is the
3 beginning of a continued transparency. Thank you.

4 I just want to talk about briefly -- this is a
5 really different situation than the Union Dry Dock.
6 I know that New York Waterway is making this a
7 parallel: Well, it's like Union Dry Dock but just
8 with ferries.

9 Well, that's just not true. Union Dry Dock was
10 a pretty sleepy facility. It didn't refuel any of
11 their barges, because the barge didn't fuel. They
12 have engines. They just repaired couple -- they had
13 two slips and they repaired those barges and a couple
14 both trips a day. That was it.

15 Now we're talking much, much different. New
16 York Waterway by their own admission in their own
17 application, they plan to operate 18 hours a day,
18 seven days a week; anywhere from 80 to 136 trips a
19 day into this facility.

20 Not to mention the traffic. They have applied
21 for 150 parking spots, and I don't know. Have they
22 told their employees what it's like driving to
23 Hoboken in and out? So it seems like it's a very
24 poorly thought-out idea.

25 Finally, I would like to say that this is not

1 a (inaudible) issue. We are fine with it in our
2 backyard; just not this part of our backyard.

3 We had a 2009 Jersey Transit survey that said
4 that there were five other places that were better
5 suited for this facility, the Union Dry Dock.

6 And guess where the number one facility option
7 was? Right here in Hoboken. So that's a part of
8 your backyard. Thank you very much.

9 - - -

10 MR. RYBA: Aaron Lewit followed by Adriana
11 Politis.

12 - - -

13 AARON LEWIT: Hi everybody. Aaron Lewit. I
14 would like to also roll back about 30 years, which
15 was mentioned a number of times of how this park was
16 started and how it got to be the shining star that it
17 is now.

18 The park did not happen by accident with
19 regards to design. It was carefully thought out. It
20 was on the Jersey Hudson River coast where we have a
21 park with a principle.

22 There's a road cut along the waterfront. On
23 the waterside of the road it is a hundred percent
24 public, with the exception of one parking area for
25 this university. And the only other exception is

1 Union Dry Dock.

2 And the Fund for a Better Waterfront, which
3 I've been involved with for about 25 years, we knew
4 that the Union Dry Dock was an interruption of our
5 continuous park, but because it a functioning,
6 working waterfront industry, we felt as though when
7 their time comes and they leave, then we will
8 petition the city and push the city to purchase the
9 property.

10 We heard rumors last summer that it was being
11 sold. Last summer as some of the speakers mentioned,
12 we started a petition drive.

13 Everyone agreed to sign it, but we were only
14 accepting Hoboken residents. And believe it or not,
15 half the people on the waterfront on gorgeous days
16 are not from Hoboken. It has become a true
17 destination in New Jersey.

18 And to continue the principle now of having a
19 public side and a private side where buildings and
20 businesses can go, we need to finish Union Dry Dock.

21 Right now we have a north park and we have a
22 south park, and to go from one to the other you have
23 to literally go into the street which it has parking
24 spots blocked off.

25 We need the Army Corps of Engineers to help us

1 complete our park, not to end our continuous park.
2 And we hope that you understand how important the
3 design is, that it's a public side and a private
4 side. And we would like that to be completed. Thank
5 you.

6 - - -

7 MR. RYBA: Adriana Politis followed by Kate
8 Valenta.

9 - - -

10 ADRIANA POLITIS: Hello. My name is Adriana.
11 Since my birth at Hoboken Medical Center 20 years ago
12 I have watched the city transform.

13 During my earlier childhood years I could not
14 fathom water recreation activities in the Hudson
15 River. But thanks to local organizations, Champions
16 of the Waterfront, and millions of Federal, State,
17 and County funding, this dream has become a reality.

18 Today, the reality of public recreation in the
19 Hoboken Cove is 6,000 kayakers and 1,000 paddle
20 boarders use the Cove each year. It will be
21 destroyed by New York Waterway's plan for a diesel
22 depot, which will bring more than 130 boat trips per
23 day, ferry traffic, and other pollutants. Urban
24 runoff via impermeable (inaudible) in vehicle boat
25 maintenance areas have been shown to degrade water

1 quality.

2 Dredging is deemed necessary, because this is a
3 location where sand naturally accretes, as evidenced
4 by the sand beach adjacent to the site that is now
5 used for public recreation; putting a kayak in the
6 water, training volunteers, and introducing
7 individuals to water recreation for the first time.

8 Not only is this a threat to the public access
9 of the Hudson River, but also to the absence of the
10 river but also the open green space surrounding it.

11 The applicant has already acknowledged that the
12 proposed development will cause occasional leaks and
13 spills of diesel and chemicals, and it will pollute
14 the area with aluminium shavings.

15 Turning Frank Sinatra Drive into Industrial
16 Boulevard, from my understanding, was never in
17 Hoboken's waterfront plans.

18 The City of Hoboken has long planned creating a
19 continuous open waterfront with Union Dry Dock as one
20 of the final pieces.

21 Without green space in place of Union Dry Dock,
22 it will be nearly impossible to continue a true
23 public park; not just a cement walkway, but a real
24 park with protected bikes and pedestrian walkways and
25 green, generous, open lawn areas as imagined.

1 In this already over populated city it takes me
2 25 minutes to get three miles to my place of work.
3 The City of Hoboken has estimated that with two work
4 shifts ferry employees will be making from 240 to 480
5 per vehicular trip, in addition to the trucks
6 delivering fuel and supplies.

7 In the 2009 New Jersey Transit Alternative Site
8 Analysis, they found a site more suitable; one where
9 they could use public transportation for their work
10 commute. This would be a more sustainable solution
11 for such an overpopulated community.

12 The applicant has not conducted a traffic
13 impact study for the City of Hoboken. Therefore, we
14 are unsure of the direct and indirect consequences of
15 this development.

16 I believe we need to discover a more efficient
17 location where employees can commute to work via
18 public transportation and harmful pollutants could
19 not be within 200 feet of 20,000 people.

20 These consequences do not align with the city's
21 plan of combatting the already-existing traffic.
22 Constructing a protective bike path separate from the
23 roadway encourages cycling up, down, and through the
24 Hoboken Waterfront. Thank you.

25 - - -

1 MR. RYBA: Kate Valenta followed by James
2 Vance.

3 - - -

4 KATE VALENTA: Hello. Thank you for having me.
5 My name is Kate Valenta. I've been a Hoboken
6 resident for 16 years, and I'm proud to have served
7 on the board of a Fund for a Better Waterfront.

8 I just want to say for the record Union Dry
9 Dock is at the center of Hoboken's Waterfront Park.
10 And after decades of progress, it's now at the center
11 of much activity for families, visitors, kayakers,
12 and fisherman.

13 The requirement for the Hudson River Walkway
14 has been on the books since the 1980's, but it's not
15 yet complete because private interests have been
16 allowed to prevail in many areas north and south of
17 us. We have seen the ill effects of that.

18 Completing our park, our continuous park will
19 be a significant accomplishment, and a park at this
20 site will also comprise State's coastal zoning and
21 management regulations and will create much needed
22 urban space -- open space, that is -- unprescribed,
23 not privatized.

24 Especially important is giving children access
25 to the water and the wildlife at our unique sand

1 cove, which others have said tonight.

2 Even limited exposure to nature has a huge
3 impact on children's development and wellbeing, and
4 it's not just me saying this. If you go to the Fund
5 for a Better Waterfront website, there are links to
6 articles that you can read about that very thing.

7 At this unique site a full environmental study
8 is certainly called for, and that is part of the U.S.
9 Army Corps of Engineers to protect U.S. waterways.
10 And that is our public legacy. Thank you.

11 - - -

12 MR. RYBA: James Vance.

13 - - -

14 JAMES VANCE: Good evening. I'm James Vance
15 from the Fund for a Better Waterfront. I would like
16 to thank you, the Army Corps of Engineers for having
17 this public hearing and for Ravi Bhalla the mayor of
18 Hoboken for pursuing and getting the Corps to do
19 this.

20 I have information from the Union of Concerned
21 Scientists that I have been looking at. It's about
22 diesel engines and public health.

23 This facility, Union Dry Dock, which New York
24 Waterway wishes to turn into an industrial area
25 operating a large part of the day and night six,

1 seven days a week, is right next to a public park, a
2 heavily-used public park, skateboard, and residential
3 areas.

4 Of concern, a particular amount of soot is
5 created during the incomplete combustion of diesel
6 fuel. And these engines on these older ferries are
7 the worse.

8 A composition of what comes out of these
9 engines is sulfates, ammonium, nitrates, elemental
10 carbon, condense organic compounds and even
11 carcinogenic compounds and heavy metals, parsons,
12 selenium, cadmium, and zinc right next to the public
13 parks.

14 This irritates the eyes, nose, throats, and
15 lungs contributing to respiratory and cardiovascular
16 illnesses and even premature deaths.

17 Children are the most vulnerable. Diesel
18 emission of nitrous oxide contribute to the formation
19 of ground level ozone, which irritates the
20 respiratory system and causes coughing, choking, and
21 reduced lung capacity.

22 Ground level ozone pollution forms when nitrous
23 oxide and hydrocarbon emissions combine with the
24 presence of sunlight. And there is plenty of it out
25 over the river.

1 They present a hazard for both healthy adults
2 and individuals suffering from respiratory problems.
3 Urban ozone pollution has been linked to increased
4 hospitalization admissions for respiratory problems
5 such as asthma. Diesel exhaust has been classified
6 as potential human carcinogens by the U.S. Department
7 of Environment.

8 This use is not in the public interest. There
9 is an alternative. The 2009 New Jersey Transit
10 selected an alternative site right here in Hoboken.

11 Union guys have it wrong. The sky is not
12 falling. The jobs are not going away. Hoboken south
13 Corps of Engineers issued a permit in 2010. Dust it
14 off and reissue it and stop this tragedy. Thank you.

15 - - -

16 MR. RYBA: Carrow Thibault followed by Cheryl
17 Fallick.

18 - - -

19 CARROW THIBAUT: Good evening, my name is
20 Carrow Thibault. I'm a resident, and I'm a member of
21 the board for the Fund For a Better Waterfront.

22 As a 30-year resident of Hoboken, I've
23 witnessed the transformation of Hoboken's largely
24 abandoned waterfront into a public waterfront park
25 piece by piece with the aid of millions of dollars of

1 Federal and State grants.

2 Private investors have filled the upland
3 properties with residential buildings, office
4 buildings, and retail space over these years.

5 With the exception of a small parcel, Union Dry
6 Dock, there is now recreational public space
7 stretching from Erie Lackawanna Train Station to the
8 Weehawken River.

9 All of this will be diminished and put in ferry
10 depot on this parcel adjacent to thousands of units
11 of residential housing and right in the middle of a
12 public playground and skate park.

13 We have the opportunity to complete the
14 waterfront as recreational open space by connecting
15 Maxwell Park and the Hoboken Cove with the skate park
16 and Castle Point directly to the south allowing
17 visitors to experience uninterrupted open space and
18 views.

19 The waterfront has become a magnet for
20 cyclists, runners, walkers, and dogs. And is an
21 economic driver attracting large numbers of visitors
22 as well as new residents.

23 A complete, continuous park at the water's edge
24 would be a tremendous asset; not just for Hoboken,
25 but for the State, the region, and beyond.

1 Clearly a busy diesel refueling depot in this
2 location would diminish the overall quality of life
3 for residents and visitors alike and would be a step
4 in the wrong direction.

5 It is my hope that the Army Corps will
6 carefully study the application in a thorough and
7 transparent way and consider all of the available
8 options. I would like to thank the Corps for giving
9 us this opportunity. Thank you.

10 - - -

11 MR. RYBA: Cheryl Fallick followed by Kim
12 Hiesener.

13 - - -

14 CHERYL FALLICK: Good evening. I would like to
15 thank the Army Corps of Engineers for coming to
16 Hoboken tonight.

17 The primary and first reason I came tonight is
18 because the mayor of our regional area and elected
19 officials did a tremendous job in outreach to the
20 public to get us to come tonight.

21 But the thing that I wanted to share with all
22 of you as you're considering the input from the
23 public and the citizens of Hoboken is that
24 unilaterally and across the board is that the
25 outreach to the citizenry of Hoboken said, Come and

1 tell the Army Corps of Engineers that we don't want
2 you to approve this.

3 So while the room is quite full, the folks in
4 Hoboken who may be neutral and may want to just leave
5 it to you, or may even want New York Waterway to get
6 that permit, are probably not here because it's not
7 easy to come to a room full of people who are very
8 much opposed to this.

9 As far as I'm concerned I was one of the
10 residents of Hoboken with a clipboard and pen that
11 wanted to have a park along the waterfront 30 years
12 ago. I've lived here 35 years.

13 I also did read the DEP report in full. I'm
14 not an engineer of any sort. It looked pretty
15 comprehensive to me, and I am also concerned
16 obviously about the environmental issues.

17 But I don't really understand why the
18 environmental issues, if there are some, as so many
19 people here spoke about tonight, why there wouldn't
20 be environmental issues in Bayonne, or why there
21 wouldn't be environmental issues at New Jersey
22 Transit.

23 So if that's a fact, maybe what the citizenry
24 of Hoboken City is saying is; We don't want any
25 diesel shipped anywhere along the Hudson River.

1 I also think, you know, that I don't know why
2 our waterfront would be sacrosanct and the people in
3 Bayonne or somewhere else wouldn't be.

4 I also want to say that this report that
5 everybody says there's other places to go which is
6 2009, I don't know certainly -- what if, you know,
7 put it at New Jersey Transit, but I'm not sure if
8 that's what the Army Corps thinks would be great.
9 Maybe we have to be sure that it actually is a viable
10 space.

11 Overall I am concerned that the large amount of
12 people here tonight is actually a small section of
13 Hoboken that is a group of folks who actually would
14 laugh at somebody who came to the microphone and said
15 they were concerned about people's jobs. So maybe
16 that's what we're like in Hoboken. Thank you very
17 much.

18 - - -

19 MR. RYBA: The next speaker is Kim Hiesener.
20 I'm going to read three names in a row. I'm going to
21 ask that the folks start lining up so we can get as
22 many people as we can in the time allotted. Kim
23 Hiesener. The next name will be Carol Sun (sic) and
24 Daniel Tumpson.

25 KIM HIESENER: Hello. I'm Kim. I was at the

1 November 13th Hoboken City Council meeting. The
2 chairman of the New York Waterway said that the Union
3 Dry Dock had operated for 137 years and was the last
4 vestige of Hoboken's maritime history.

5 This was the only thing that New York Waterway
6 and Hoboken residents could agree on. Residents used
7 to celebrate the history of said waterfront before
8 New York Waterway raised their flag and removed the
9 longshoreman's memorial at the site.

10 But the fact is that Hoboken's maritime history
11 has continued to evolve, and the use case today for
12 this site is completely different than the former
13 Union Dry Dock's use case.

14 Union Dry Dock was a barge repair facility that
15 did not have any engines or gas on the site. And New
16 York Waterway is running tier one marine engines,
17 which is the most polluting class of engines one can
18 operate today.

19 Hoboken has not had diesel engines on the
20 waterfront since 1992 when Bethlehem Steel closed the
21 Hoboken Shipyard. Even then, most of the company's
22 operations were performed from barges.

23 The last time diesel fuel was stored at the
24 Union Dry Dock site was in 1982.

25 Since then, the population of Hoboken has grown

1 55 percent, it has expanded, waterfront communities
2 have been developed on former industrial sites, and
3 three schools serving children from birth to six
4 years are within 200 feet of the Union Dry Dock site.

5 Much has been said about the other locations
6 that are possible. I would just like to note that in
7 2011 New Jersey Transit paid \$120 million to restore
8 the ferry slips at the number one site, which is the
9 Hoboken Terminal.

10 They used public money to fund that site, and
11 they also used money to fund the site in Weehawken.
12 I don't understand how it's possible that introducing
13 fuel to the location after a 35-year absence does not
14 constitute a different use case.

15 How can New York Waterway invalidate almost
16 40 years progress along the waterfront? How can we
17 not demand an environmental impact statement? Don't
18 our children deserve better?

19 And my time is running out. In the other
20 permit that was granted, they used some language to
21 say that we cannot find any adverse impact to the
22 health and safety and welfare of the public as
23 anticipated since the site will continue to be
24 utilized in the similar manner.

25 Everyone should be asking ourselves, you know,

1 future generations are at stake. Shouldn't we really
2 know what the facts are before we move forward with
3 this?

4 Please demand that an environmental impact
5 assessment be conducted before you move forward or
6 approve this. Thank you.

7 - - -

8 DANIEL TUMPSON: My name is Daniel Tumpson. I
9 ask that the U.S. Army Corps of Engineers issue all
10 required permits to the ferry corp., to allow New
11 York Waterway to relocate its existing ferry
12 maintenance and support facility from Weehawken to
13 the former Union Dry Dock facility in Hoboken to
14 operate its ferry service.

15 Note that the New Jersey Department of
16 Environmental Protection already issued permits for
17 this project. How could they issue permits if they
18 found environmental damage?

19 In their April 26, 2018 public notice and
20 solicitation of public comments, the Army Corps of
21 Engineers noted in their preliminary determination
22 that first; "The activity for which authorization is
23 sought here is not likely to affect any Federally
24 endangered or threatened species or their critical
25 habitat."

1 Second quote: "There are no known sites
2 eligible for or included in the national register of
3 historic places within the permit area."

4 Third quote: "The applicant has certified in
5 the permit application that the activity complies
6 with and will be conducted in a manner that is
7 consistent with the approved State Coastal Zone
8 Management Program."

9 Based upon the following three facts, I expect
10 that the Army Corps of Engineers' investigations will
11 confirm New York Waterway certifications that this
12 use of its Hoboken Union Dry Dock property for ferry
13 maintenance complies with all permit requirements.

14 First; New York Waterway has relied on expert
15 testimony to support its certification that no
16 environmental damage will result from their
17 maintenance and support facility.

18 Second; New York Waterway has run its existing
19 ferry maintenance and support facility in the Borough
20 of Weehawken for several years with no damage to the
21 surrounding Hudson River environment.

22 Third; The former Union Dry Dock property which
23 is now owned by New York Waterway has been used for
24 years as a facility for repairing ships, again, with
25 no damage to the surrounding Hudson River

1 environment.

2 New York Waterway Hoboken site is the only one
3 which is functionally viable for their needs, and if
4 they are prevented from moving into it, then they may
5 not be able to continue to operate and go out of
6 business.

7 If this happens, there will be a substantial
8 detriment to the public. The New York Waterway
9 transit and ferry transportation operation is
10 currently serving 30,000 commuters each day and will
11 be permanently lost. And those commuters will be
12 forced to move to the Path and New Jersey Transit and
13 rail services, which are both already overcrowded,
14 which will therefore undermine the trans-Hudson
15 transportation between New York and New Jersey that
16 tens of thousands of commuters depend upon each day.

17 I ask that the Army Corps of Engineers follow
18 the NJDEP lead to approve the permit needed for New
19 York Waterway to move into Hoboken for the
20 maintenance and support facilities, so that it
21 continues in its vital role as a provider of
22 Trans-Hudson Transportation. Thank you.

23 - - -

24 MARY ONDREJKA: Mary Ondrejka. I live in
25 Hoboken. I've always had a rational view of what is

1 best for Hoboken and New Jersey. Working in New York
2 I see every day how Trans-Hudson commuters have
3 navigated the frequently crowded mass transit system
4 which have reached capacity.

5 With their system failing frequently causing
6 frustrating delays and detours due to technical
7 problems that affect the Path System, New Jersey
8 Transit trains and buses.

9 As a commuter, I must depend upon Tri-State
10 area transportation to survive. I want New York
11 Waterway to be able to utilize the land that they
12 have purchased in November of 2017 at the old Union
13 Dry Dock site for the maintenance of a ferry fleet
14 that carries 30,000 commuters every day. Because I
15 believe that they are taking advantage of a site that
16 has been a working waterfront for over a hundred
17 years.

18 New Jersey Transit depends on New York Waterway
19 as a partner in providing the commuting options for
20 daily travelers to get to their jobs. Because so
21 many things can go wrong for thousands of commuters
22 in New Jersey that they must rely upon each other.

23 The old Union Dry Dock site is the most
24 perfectly running, equipped, and centrally located
25 placed piece of land for the ferry to effectively

1 continue to serve commuters in our densely populated
2 Hudson County as well as help out in emergencies
3 along the New York skyline.

4 Much has been said about the study done in 2009
5 to find the best location for the ferries that
6 require repairing, since the ferry system's whole
7 existence depends on docks and deep water to exist.

8 But that study was done nine years ago, and
9 many of the places listed as possible sites for New
10 York Waterway are no longer viable, since they have
11 developed in other directions as the tri-state area
12 developed rapidly from luxury waterfront housing, so
13 that the wonderful number of docks that guard the
14 Hudson River have disappeared forever.

15 Hoboken already has 21 parks in our mile-square
16 town and much available parking space along our
17 waterfront. We must look at the reality that the
18 land in question is private land. And the City of
19 Hoboken cannot take possession of something that the
20 Government of New Jersey and the New Jersey Transit
21 know is needed for mass transit operations.

22 Hoboken has antiquated infrastructure that must
23 be addressed with money we have yet to find. We do
24 not have the tens of millions of dollars that will be
25 required to add another park to our town.

1 The New York Waterway has offered to provide a
2 waterfront walkway across its property so that the
3 proper balance between an operating ferry system and
4 a continuous public access to Hoboken's waterfront
5 can be achieved.

6 New York Waterway's maintenance facility in
7 Hoboken will be close to all ferry terminals and will
8 efficiently serve the community public, and will play
9 a necessary part to the other modes of transportation
10 that New Jersey offers to the public.

11 The governor and New Jersey Transit both know
12 that New York Waterway needs to obtain the necessary
13 permits to begin operations along the Hoboken's
14 waterfront.

15 And I do know from all the research I've done,
16 there is never and there is not really, really,
17 really -- there is no other site for the ferry to go.
18 Not at all. Thank you.

19 - - -

20 PAUL PERKINSON: I'm Paul Perkinson. I'm a
21 resident of Hoboken. I would like to first thank the
22 fine young lawyer who represented the union earlier
23 for his injection of humor into what is a serious
24 consideration; to invoke the American dream in this
25 important deliberation for me it's humorous.

1 And I mean no disrespect. You have your job to
2 do. I would like to thank the Army Corps of
3 Engineers for making this possible for everyone here
4 to be here. It's extraordinary.

5 We have heard many compelling reasons as to why
6 this permit should not be confirmed. I want to talk
7 briefly about why this permit will not be confirmed.

8 It will not be confirmed because we the people
9 of Hoboken will not allow it. We will not allow it
10 because the single driving force is a profit motive.

11 We know that allowing profit to trump the will
12 of the people would be careless and shameful on our
13 part, and, as an eloquent previous speaker said,
14 arbitrary, capricious, and unreasonable on the part
15 of New York Waterway.

16 The fact that New York Waterway has disregarded
17 clear thinking, thoughtful planning, good science,
18 and the public good, disqualifies them as users of
19 this site. Thank you.

20 - - -

21 KATHY PRUSSACK: Hello. I'm Kathy Prussack.
22 I'm a long-time resident of Hoboken. Someone can do
23 the math. I've been here since 1982.

24 I was here before the waterfront. We didn't
25 have any access to waterfront, and now we only have

1 one piece that we still need to get.

2 I'm thankful to the Corps of Engineers for
3 having us come here tonight so we can speak on that.
4 And many people have talked about all of the impact
5 of having this facility on our waterfront in terms of
6 pollution and wildlife and water sports.

7 The other thing that I would say is that -- I
8 lost my train of thought. I wanted to say that I've
9 spent so many hours in the Elysian Park with my kid
10 when they were little. They're all grown up now.

11 The thought of having diesel fumes come up into
12 their park and poison our air is just atrocious to
13 me. But I also think that the process somehow has
14 been really -- what is the word -- broken. It is
15 broken.

16 Because how in the world can someone present a
17 plan to you with no real environmental impact, no
18 traffic study? I don't know about anybody, but
19 driving in Hoboken is a nightmare, and trying to get
20 anywhere on the northern waterfront, I mean, trying
21 to get out of town during rush hour is impossible.
22 And there is no traffic study.

23 So if we don't have a traffic study and we
24 don't have a real environmental study, how in the
25 world did this get approved?

1 And so I'm urging you to not approve this
2 application. Find another spot. There has to be a
3 better place where people don't have to drive and
4 they won't pollute and destroy our waterfront.

5 - - -

6 DANIELLE MANDERIOLI: My name is Danielle
7 Manderioli, and I'm a 17-year resident of Hoboken.

8 I lived in the far west end of town for ten
9 years, and now I call the waterfront area my home.

10 I'm a runner, a cyclist, a yoga teacher who
11 teaches at Maxwell Park every summer. I'm also a
12 ferry rider.

13 However, I am definitely in support of
14 rejecting the permit that has been submitted --
15 excuse me -- the application for the permit that has
16 been submitted here.

17 I echo the sentiments of all my concerned
18 neighbors who have spoken before and those who will
19 come after.

20 Our number one priority should be protecting
21 the health and safety of all the citizens of Hoboken
22 as well as the visitors who come here to enjoy our
23 glorious waterfront.

24 If this were a safe and seamless move, do you
25 really think about 500 people would have shown up

1 here in person to take the time to express our
2 concern?

3 There have been references made to the 2009
4 study where this location was the number six spot,
5 but that was done well before thousands of people
6 moved in closer to the area where the Union Dry Dock
7 is; before the schools were added; before there were
8 a number of different activities that were happening
9 around that space.

10 Above land we've got to be concerned about the
11 runners, walkers, cyclists, skate boarders who are
12 all in the nearby space enjoying the waterfront.

13 Bringing in the diesel fuel -- we've got the
14 noise pollution for 18 hours a day.

15 I'm not sure if you're familiar with Battery
16 Park City and the issue that they had about six
17 months ago. They brought forward about the very loud
18 boats that were coming out of the ferry terminal
19 there.

20 They brought their concerns forward to New York
21 Waterway who briefly removed those four boats, but
22 then they brought them right back. They haven't
23 really lived up to their commitment of doing
24 something about the noise.

25 And the increased car and bus traffic has

1 naturally been mentioned already. In and below the
2 water we've got the issues of the kayakers and with
3 the paddle boarders as well and the fuel spill on the
4 Hudson that happened in January of this year. Who
5 knows what else this would bring about.

6 I think the biggest thing is that there is
7 major and material change to the current use.

8 Union Dry Dock, while it hasn't been
9 aesthetically pleasing -- look. Who cares?

10 It's more like they've been a quiet and
11 respectful neighbor; somewhat of a relic of the past,
12 and they operated during normal business hours and
13 with only few boats.

14 The quality of life for anyone up and using
15 that space over there has been fine. However, this
16 would dramatically change with what New York Waterway
17 wants to do here.

18 So I thank the mayor and the city council folks
19 and the other government officials who are involved
20 in pushing back on this application.

21 I ask the U.S. Army Corps of Engineers to
22 continue to work in the best interest of the people;
23 not only the citizens, but the visitors who come to
24 enjoy our town. Deny this application because it's
25 incomplete and inadequate. Thank you.

1 - - -

2 MR. RYBA: It is now 9:00. So we're going to
3 try to get through as many people as we can. We had
4 scheduled until 9:00, but we're going to keep going a
5 little bit over.

6 - - -

7 ALISON AMSTERDAM: Than you for giving me this
8 opportunity. I'm Alison Amsterdam. I am a life-long
9 New Jersey resident. I've lived in Hoboken for
10 almost 20 years. I grew up in Hoboken, and it was
11 very different back then.

12 Over the past decades we have built a very
13 special place here, and basically the "gem" as
14 everyone is calling it is our waterfront.

15 This proposal will destroy us. A couple of
16 points that I would like to make as a physician.
17 Nobody has really brought up adequately the
18 specifics, except for one gentleman, of diesel fuel.

19 There's something called a Material Safety Data
20 Sheet, which is for every single chemical out there.
21 It lists the hazards, it lists cleanups. If you look
22 at the one for diesel fuel, it will frighten you to
23 your core. I live about 200 feet from this proposed
24 site. I am petrified for myself, my family, my
25 friends, and everyone who visits this community.

1 It specifically states on the MSDS that diesel
2 fuel is flammable, explosive, has inhalation issues,
3 it can irritate the skin, the eyes. It has volatile
4 organic compounds.

5 If there were a spill, who is going to provide
6 all of us with our personal protective equipment and
7 for how long? We will be displaced from our homes.

8 I do ride the ferry. It's a wonderful form of
9 transportation, but frankly putting this in a
10 residential community is mind boggling to me. We
11 need to think about what is best for our safety.

12 If you cannot -- I every day deal with
13 occupational safety, and the first question that I
14 always ask is: Is it safe?

15 If I can't definitively answer yes to that
16 question, then everything is off the table.

17 We need to do the same here for our friends,
18 our family, our community, our city. We owe it to
19 ourselves.

20 I implore the U.S. Army Corps of Engineers to
21 deny this application and I very much thank you for
22 this opportunity.

23 - - -

24 MELISSA ABERNATHY: Thank you for this
25 opportunity. My name is Melissa Abernathy. I'm here

1 as a long-time resident. So long I refuse to say how
2 many years it is.

3 I am also here to speak on behalf of the
4 long-time advocates, many of whom you have heard
5 today, but many of whom are no longer with us who
6 have advocated for a recreational public access to
7 Hoboken's Waterfront now that industrial uses are no
8 longer appropriate.

9 If Brendan Byrne had been governor instead of
10 the previous governor when this application was
11 rushed through an environmental review we wouldn't be
12 here tonight. We wouldn't be depending on the U.S.
13 Army Corps of Engineers as our last bit of hope for
14 denying what everyone, with very few exceptions, has
15 rightly pointed out with research and with compassion
16 for themselves, their children, and their neighbors,
17 that this is a dangerous application for Hoboken's
18 waterfront. And people knew this years ago. They
19 have fought for this for years.

20 The Hoboken or the Hudson River Waterfront
21 walkway committee was organized under Brendan Byrne
22 and staffed by volunteers from Hoboken fighting for
23 years to get the beautiful walkway that they enjoy
24 now above and below this site.

25 In honor of those people, in honor of the work

1 that is memorialized in Hoboken's own master plan
2 document, the community is nearly unified in its
3 opposition to this kind of use for our waterfront.

4 Granted, Union Dry Dock was allowed to continue
5 to operate, and it is a lovely link to our past, but
6 the original use for Hoboken's waterfront literally
7 was a walkway founded by the Stevens family when they
8 first opened Hoboken to development. And it was the
9 jewel in our crown then.

10 It brought people over on the Stevens ferry
11 company to enjoy Hoboken. And now that Hoboken as a
12 community has expressed its desire to see this land
13 return to parkland, we implore you, and I did read in
14 the media report that the Army Corps of Engineers
15 very rarely denies permits of this type.

16 We implore you. Everybody in this room
17 implores you to deny that application. Thank you.

18 - - -

19 LAURA EDELMAN: Hi. So we're all sitting here
20 in this room, and we all come from our point of view;
21 which is we live here, we care, we fought for
22 30 years to make this waterfront for our community.
23 And not just our community, but the Greater New
24 Jersey and people from all the world, New York and
25 everything.

1 But I was wondering what your position is.

2 Like you are here for work, you know?

3 And you are the Army Corps of Engineers. The
4 only thing I've heard about you is that you clean up
5 sites. So you would appreciate those kind of
6 concerns.

7 But what I wanted to say is that I read a
8 little about what is your job, and I learned that the
9 Army Corps of Engineers' mission includes mitigating
10 the risk of disasters.

11 You have heard of the numerous environmental
12 and health and safety disasters associated with New
13 York Waterway proposed activities, thus denying this
14 application is wholly consistent with your mission.
15 Thank you.

16 - - -

17 GEOFFREY ROCKHILL: My name is Geoff Rockhill.
18 And unfortunately I live at 1025 Maxwell Lane, which
19 is one of those large buildings right next to the
20 Union Dry Dock.

21 I'm here to speak on behalf of my four-year old
22 daughter who was here in the audience until a few
23 moments ago and had to go home to bed.

24 My daughter Grace loves the waterfront. She
25 spends most of her afternoons in Maxwell Park.

1 Whenever the boathouse is open and the abatement is
2 available, we go out to kayak.

3 In fact, she just recently asked me to buy her
4 a fishing rod so that we can go out on the fishing
5 pier just to the south of the dry dock.

6 If all this comes to pass, if this permit is
7 allowed and this ferry terminal becomes a reality on
8 this site, the amount of sediment that's going to be
9 displaced, the amount of diesel fuel -- it's
10 unbelievable what that's going to amount to. But
11 it's certainly going to make it unhealthy and unsafe
12 for my daughter to spend as much time as she has done
13 the Waterfront.

14 So in that context I ask you on behalf of my
15 daughter, on behalf of Grace, that you deny this
16 application. Thank you.

17 - - -

18 NICHOLAS BORG: My name is Nicholas Board. I'm
19 a member of the board of Fund for a Better
20 Waterfront. I reside at 2 Constitution Court, which
21 is on 13th Street on the river, about two blocks from
22 the union dry docks site, where my wife and I own a
23 condominium.

24 I'm a lifelong resident of Hoboken. My family
25 moved to Hoboken 66 years ago when I was a young boy

1 in 1952. I grew up living on Stevens campus. My
2 father taught there for most of his career, and I've
3 been a homeowner in Hoboken since 1976.

4 I have very vivid childhood memories of the
5 docks, as we called them back then, when I was a kid.

6 Soon after I moved to Hoboken, however, this
7 vibrant maritime commerce all but ended, and the
8 docks soon became littered with abandoned piers.

9 Sinatra Drive, as it became known, we called it
10 River Road back then, was a rutted cobble stone road
11 with railroad tracks running down the middle and
12 empty box cars scattered along its length. It was
13 one of our favorite playgrounds.

14 In the summer friends of mine would actually
15 swim in the river. They would be diving in off the
16 rotted piers; dangerous to say the least, not even to
17 mention the pollution in the river at that time.

18 There were back trails along the Palisades
19 between 6th and 11th Street, and Sybil's Cave at that
20 time was wide open and very spooky.

21 Since that time I've had the good fortune to
22 witness firsthand Hoboken's waterfront Renaissance up
23 close. The transition has been nothing short of
24 amazing. The waterfront, in my opinion, is Hoboken's
25 most cherished and admired public amenity.

1 Many of my neighbors and relatives who moved to
2 Hoboken in large part, not just because of the views
3 or because of the proximity to the city, but because
4 of the waterfront and it had accessibility to all.

5 There is no question that Hoboken's property
6 values and commerce in general has benefitted from
7 its waterfront revival. Our town's vibrancy is a
8 direct result of its magnificent shoreline.

9 It would be a true tragedy to squander this
10 legacy by allowing New Jersey Transit to use the
11 Union Dry Dock site to repair and refuel ferries.

12 What makes this especially egregious is the
13 fact that a New Jersey Transit commission study
14 identified five other sites as being more suitable
15 for this type of use.

16 I implore you on behalf of future generations,
17 not just myself, to disapprove the permits for the
18 proposed siting of New York Waterway's repair
19 facility on the Union Dry Dock site. I thank you for
20 the opportunity to express my views.

21 I really hope you've been listening. The
22 people of Hoboken have been speaking to you. Thank
23 you.

24 - - -

25 LEON SHKLAR: Thank you for the opportunity. I

1 have been a resident of Hoboken for nine years. As
2 I'm sure can tell by my accent, I didn't grow up in
3 New Jersey. I came to New Jersey from Russia.

4 And one thing that comes to mind is
5 transparency and public interest that are not
6 featured in Russia.

7 So it's shocking, truly shocking to me when I
8 see the kind of scenario that transpired with the
9 Union Dry Dock and New Jersey Transit. It's truly
10 impossible for me to understand.

11 There is no logic. Why should be the case,
12 that we would endanger the public interest, endanger
13 the environment, and it's not the only choice?

14 So please save me from the time machine and
15 feeling like I'm reading the Russian newspaper and
16 reject the application.

17 - - -

18 MICHAEL EVERS: Thank you for the opportunity
19 to speak. I have been a resident of Hoboken for
20 25 years now.

21 I have been very proud of the testimony, but
22 I'm a little bit concerned that you're going to miss
23 the forest for the lawyers, the scientists, and the
24 activists. Simply put -- and I'll try to throw a few
25 simple thoughts out as you evaluate this

1 application -- first of which is that there are
2 30,000-foot levels is fundamentally ridiculous.

3 What you're talking about is putting a
4 heavy-duty maintenance facility and a diesel storage
5 facility in the middle of an entire array of
6 beautiful world-class parks.

7 The question I am suggesting you consider is --
8 and I hope you reject this application -- is the
9 question; Is this necessary? Is it necessary for
10 this park for this facility here? And the answer is
11 no. There are other places controlled by New Jersey
12 Transit which is critical, because if New Jersey
13 Transit isn't part of this land acquisition, the City
14 of Hoboken would have acquired this property by
15 eminent domain. So, no. It's not necessary for it
16 to be there.

17 Is it necessary to ruin public space by doing
18 this? No. There are alternate facilities, most
19 notably the one down by the Hoboken Ferry Terminal
20 which New Jersey own transit research says it's far
21 away the best site for this. They already control
22 it.

23 Is it necessary to do this to preserve jobs?
24 No. If you move it to the Hoboken Terminal area,
25 it's not a bigger commute to Union Dry Dock for the

1 workers. They're going to get a job there anyway.
2 The construction workers who are going to outfit the
3 terminal are going to work there, too.

4 There's going to be no loss of jobs. That's a
5 red herring. Is it financially crushing to the
6 existing owners of the ferry who have some very dumb
7 business decisions? Somebody is going to buy it.
8 It's going to keep running. It's not going to stop.

9 And last of all, is it necessary to spend
10 another \$10, \$12 million in taxpayer funds by New
11 Jersey Transit to buy land when it already has a
12 superior site for this property?

13 I think before you make any decisions, you
14 should find out from New Jersey Transit why they're
15 not simply siting this thing at the Hoboken Ferry
16 Terminal. Right now my understanding is that they
17 propose to build luxury waterfront condos there.

18 So you might want to ask them why it's better
19 to do that and destroy a beautiful public space,
20 rather than preserve a beautiful public space and put
21 that in the best spot on the river for that facility.
22 Thank you.

23 - - -

24 JEFFREY ARIS: I'm Jeffrey Aris. I've been a
25 resident of Hoboken for the last five years.

1 Like a lot of people in this room I moved to
2 Hoboken in my 20's and I was single at time, got
3 married, and now have a 14-month old son, Charlie,
4 with my wife Jessica whom I love.

5 I want to respond to something at the outset
6 that I don't go to meetings like this, but my son
7 Charlie will be the person who bears the
8 ramifications of the decision tonight, as well as all
9 children of Hoboken. So I felt it was my duty to
10 speak.

11 So I am a lawyer by my profession, and one of
12 the things that we do is determine if something is
13 material or not, and the best way to do that is
14 through data.

15 I strongly encourage the Army Corps of
16 Engineers to deny this application for a few reasons
17 that I will outline now.

18 The first of which is -- and somebody said this
19 previously that Union Dry Dock will be a sleepy
20 facility here. That's absolutely true, and it's a
21 perfect adjective.

22 Living in Hoboken I walk by the Union Dry Dock
23 facility every day. The data on the new dry dock
24 facility is that around two to four boat trips happen
25 per week. New York Waterways says about 80 trips

1 will happen per day. So that's 540 a week.

2 So let's say there's three boats at the Union
3 Dry Dock, which I don't even think is true. I think
4 that's three boat trips a month max, but let's call
5 it three. That's a 17,900 percent increase in boat
6 traffic. That is a material change. That is a
7 significant change use.

8 Secondly, going into more pedestrian defense,
9 there are two streets in Hoboken where you can go in
10 either direction from north of 10th Street to south
11 of 5th Street. One is Washington Street and the
12 second is Sinatra Drive.

13 New York Waterway's application has a permit
14 request for 150 employees. That parking lot that is
15 Sinatra Drive will become unusable.

16 And then lastly, I just want to say that the
17 main reason to deny this application is found if you
18 just go to this site on the weekend.

19 I ask the Army Corps of Engineers, who I'm so
20 thankful for to be here, to just do that before you
21 render a decision.

22 There is a beach there. It is magical, and it
23 will be lost if that 17,900 increase in traffic
24 occurs. And by the way, New York Waterway is scaling
25 their business. That is only going to increase.

1 Lastly, I have to say the idea that this impacts
2 their business in terms of jobs is laughable.

3 They were incorporated in December, 1986;
4 almost 32 years ago. They have had exactly one
5 day -- they have had exactly zero days to maintain
6 their facility in Hoboken. They can continue for the
7 next years 32 years without doing so. Thank you.

8 - - -

9 EYTAN STERN WEBER: My name is Eytan Stern
10 Weber, and, again, thank you so much for being here
11 and thank you for your service.

12 In 1857 New York City did something that at the
13 time was regarded as insane. 843 acres of real
14 estate that was primed for the ultra wealthy at the
15 time was said to be underdeveloped. It could not be
16 developed. Couldn't put regular roads through there;
17 no buildings for residences.

18 And people said this is terrible for business.
19 You're seriously killing Manhattan. Of course this
20 is Central Park. We all know how that turned out.

21 The waterfront is our Central Park. It's a
22 place where families get together. It's a venue for
23 the arts, and it's an icon synonymous with the arts.

24 A couple years ago a friend of mine came to
25 visit, and we were walking along the waterfront. He

1 saw the kids playing and the people biking and the
2 screen set up for movies under the stars and he goes:
3 Huh. It's nice here. I mean, I feel like if this
4 were Game of Thrones, New Jersey would be north of
5 the wall. That's what he thought New Jersey was.

6 And in large part that's because once you get
7 onto the Turnpike you get the unmistakable smells of
8 the gas and oil refineries. And we know that that is
9 not New Jersey; we know that that's not Hoboken,
10 unless this gets passed.

11 The thing is this: It comes down to the fact
12 that Hoboken isn't a pit stop. It's not a New York
13 City storage unit, and it's definitely not a tool for
14 New York businesses to use as they please.

15 It's our home, and I think of all people,
16 members of an armed services agency can agree that
17 home is something worth protecting. Thank you for
18 being here.

19 - - -

20 NADIA RUTKOWSKI: Good evening. My name is
21 Nadia Rutkowski; Hoboken resident for the past 11
22 years on Garden Street; so not too close to the
23 docks.

24 The sad thing is we as humans have and continue
25 to destroy each other. The Romans, the Italians, the

1 Germans, the French, and let us not forget the
2 Americans and so many more. But we always bounce
3 back.

4 Most of the time it will take a generation or
5 two, but we as humans are still around and perhaps
6 around for hopefully quite some time.

7 But what we humans are doing to the environment
8 cannot be compared to what we do to ourselves. We
9 are literally killing the one and only earth we live
10 on.

11 A few months ago the last southern Rhino died.
12 Extinct. That's it. Gone from the earth.

13 There's no second or generation to recoup from
14 that and to start over again like we do. We have got
15 to take responsibility for our earth now.

16 I know you heard about the horrible
17 environmental impact this "gas station" will do, so I
18 won't go into that.

19 We live in a time where we not only need to
20 decide on the political spectrum; country over party,
21 but we also have an environment over money and greed.

22 I urge you, the U.S. Army Corps of Engineers,
23 in choosing for our environment, do the right thing
24 and be on the right side of history. Thank you.

25 - - -

1 SYLVIA SCHWARTZ: Hi. I'm Sylvia Schwartz.
2 I've lived here for over 20 years. When I came here,
3 the waterfront was all industrial land.

4 Now, obviously that's changed, but that's the
5 whole concept that I think is very important for you
6 to really understand, and that's the idea that
7 there's a reason that we have industrial land and
8 residential. And there's a reason that they're
9 separated from each other.

10 If there was no risk, then you would have
11 residential next to industrial everywhere. But there
12 is risk, and that is why people have -- that's why
13 there are laws that have the different areas set up
14 that way. Because they don't want any harm to come
15 from the industrial land that can harm people.
16 That's why we have it separated.

17 So I would just like to read this into the
18 record just so that we have it. I believe other
19 people might have mentioned it, but I'm going to read
20 it anyway: NJ oil would spill leaks, hundreds of
21 gallons of diesel, some in the Hudson. What to know:
22 Hundreds of gallons of diesel fuel spilled from a
23 refueling truck in Weehawken on Friday.

24 About a third of the oil leaked into the Hudson
25 River near the New York Waterway Ferry Terminal. A

1 refueling truck spilled hundreds of gallons of oil in
2 New Jersey, and some of the oil gushed into the
3 Hudson. The fuel poured from the truck just south of
4 the New York Waterway Ferry Terminal in Weehawken on
5 Friday afternoon, according to a spokesman from the
6 Coast Guard.

7 The truck was delivering hundreds of gallons of
8 diesel storage tanks for the ferry, but before it
9 could begin the transfer it started to leak fuel.

10 In all, some 300 gallons of diesel spilled out
11 of the truck and about a third of that made its way
12 into the Hudson River.

13 Crews were still mopping up the oil Friday
14 evening. Some workers on land dug up dirt to be
15 carted away. Others boomed up the oil in the Hudson
16 and soaked it up with absorbent mats.

17 This happened, as people know, in January. The
18 thing I just want to make really clear is that there
19 is a reason to separate residential from industrial.

20 When you put them together next door to each
21 other the way we're talking about it, you're allowing
22 the potential for an accident to harm people. And we
23 should not put people at harm. Thank you.

24 ROSE OROZCO: Hi. My name is Rose Orozco, and
25 I'm here as a stand-in for someone who had to leave.

1 What I'm going to do is read a letter that was
2 written by a group of Hispanic fishermen who fish out
3 on the docks.

4 "We fish at the public pier several hundred
5 feet south of the union drive dock site built for
6 fishing. This pier includes a canopy to provide
7 shade and stations to clean fish. We understand that
8 the government provides funds to build this pier.

9 A number of us fish here often. It is a prime
10 fishing spot. Here we catch American Shad, Striped
11 Bass, Blueback Herring, Atlantic Sturgeon, Shortnose
12 Sturgeon -- I never heard of Shortnose Sturgeon --
13 American Eel, Atlantic Menhaden, Red Hockey, Tautog,
14 and Blue Crab, amongst other things.

15 We are concerned that a ferry repair and
16 maintenance facility next to this pier will hurt the
17 fish that are in these waters. Daily ferry traffic
18 and strong wakes, diesel fumes, and the refueling
19 with likely diesel spills will disrupt and harm the
20 life of the fish.

21 The Union Dry Dock was mostly quiet. There was
22 no traffic. The ferry plans were very different.
23 This change will be very bad for us, and it will also
24 disturb the peace and quiet we enjoy at this pier.

25 And if you walked around Hoboken and have been

1 down there, you see people down there fishing, and
2 you can clean and do all sorts of great things --
3 fish anyhow. So that's something else that people
4 enjoy."

5 You know, my name is Rose Orozco. I came here
6 in 1976. I've lived here a long time. I have been
7 involved in a lot of things, and I think that like
8 these fishermen some of them from Jersey City, some
9 of them from Hoboken, but they have a connection to
10 our town and to our river. And it's something that
11 we should honor. That's what I think.

12 - - -
13

14 MR. GUSSENHOVEN: All right. At this time I
15 think that we have exhausted all of our speakers.
16 Are there any more speakers? So, sir, we will let
17 you come forward and provide your three minutes of
18 comments. This will be our last speaker for the
19 evening.

20 - - -
21

22 PETER BOLOGNA: My name, for the record, is
23 Peter Bologna, B as in boy, O-L-O-G-N-A. I am a
24 two-year resident of the City of Hoboken. When you
25 see me on the streets I act like a lifer. I am in
love with the city. My wife loves the city. We came

1 here for the waterway, for the waterworks, for the
2 water view, and we walk it a lot. I think it's
3 sustaining our marriage.

4 I want to thank the Corps for being here. I
5 hope that you are able to give us a fair and
6 reasonable examination. This is science, but it's
7 also a very human experience that we are going
8 through.

9 In the public notice it says: We are seeking
10 the overall public interest and the needs and welfare
11 of the people.

12 Well, we are the people and we are the public.
13 And so when we speak about what the Corps is hoping
14 to accomplish, I hope they attach mostly the human
15 aspect of this. It's all about the science, but it's
16 all about us people.

17 If the Port Imperial Ferry Corporation were in
18 front of me right now, I would ask them to list on a
19 small piece of paper all the benefits that come to
20 the people of Hoboken because of this project.

21 I don't think we would need a big piece of
22 paper. I have been a trial attorney for 38 years. I
23 have been the source of and created many transcripts
24 and public records.

25 In all of my years, it's been very difficult to

1 create a transcript from a DOT proceeding that
2 expresses the heart and the emotions. If that
3 transcript could show the ache of heart and the fear
4 of loss that we experience, I would hope -- certainly
5 I would -- but I would hope that the Corps will be
6 able to take that into consideration with all of the
7 equal parts. Thank you so much.

8 - - -

9 MR. GUSSENHOVEN: At this time, I'm going to
10 adjourn the hearing. Any comments that the public
11 would like to include in the administrative record of
12 the application need to be presented or submitted to
13 our staff at this evening's hearings.

14 I do appreciate you having turned out this
15 evening to present your views. We respect your
16 comments, and you can be assured that they will be
17 given an appropriate consideration in our public
18 interest evaluation regarding this proposal. Thank
19 you very much, and at this time I will adjourn the
20 hearing.

21 - - -

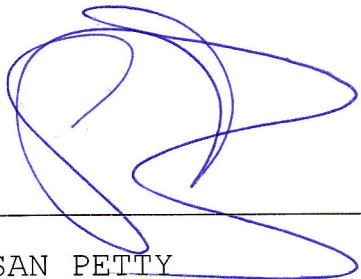
22 (Whereupon, the proceedings concluded at 9:33
23 p.m.)
24
25

C E R T I F I C A T E

I, SUSAN PETTY, a reporter and Notary Public within
and for the State of New York, do hereby certify:

That the foregoing transcript is a true record of the
testimony given by such witness(es).

I further certify that I am not related to any of the
parties to this action by blood or marriage, and that I
am in no way interested in the outcome of this matter.



SUSAN PETTY

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