

CITY OF HOBOKEN
PLANNING BOARD

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REGULAR MEETING OF THE HOBOKEN : April 5, 2016
PLANNING BOARD : 7:04 p.m.
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Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman Gary Holtzman
- Vice Chair Frank Magaletta
- Commissioner Jim Doyle
- Commissioner Ann Graham
- Commissioner Caleb McKenzie
- Commissioner Ryan Peene
- Commissioner Rami Pinchevsky
- Commissioner Tom Jacobson
- Commissioner Kelly O'Connor

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

- Kristin Russell, AICP/PP,
Board Planner
- Andrew R. Hipolit, PE, PP, CME
Board Engineer
- Patricia Carcone, Board Secretary
- JOHN N. MORGAN, Director of Transportation
- T and M ASSOCIATES
BY: JACLYN J. FLOR, PE, PP, CME
PETER F. BONDAR, PE, CME

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1 CHAIRMAN HOLTZMAN: Hi. Good evening,
2 everybody. We are going to get started.

3 All right, everybody. Here we go.

4 Good evening, everybody.

5 This is the City of Hoboken Planning
6 Board Meeting. It is Tuesday, April 5th. It is
7 7:04 p.m.

8 I would like to advise all of those
9 present that notice of this meeting has been
10 provided to the public in accordance with the
11 provisions of the Open Public Meetings Act, and that
12 notice was published in The Jersey Journal and on
13 the city's website.

14 Copies were also provided to The
15 Star-Ledger, The Record, and also placed on the
16 bulletin board in the lobby of City Hall.

17 Pat, please call the roll.

18 MS. CARCONE: Commissioner Holtzman?

19 CHAIRMAN HOLTZMAN: Here.

20 MS. CARCONE: Commissioner Magaletta?

21 VICE CHAIR MAGALETTA: Here.

22 MS. CARCONE: Commissioner Stratton and
23 Commissioner Forbes are absent.

24 Commissioner Doyle?

25 COMMISSIONER DOYLE: Here.

1 MS. CARCONE: Commissioner Graham?

2 COMMISSIONER GRAHAM: Here.

3 MS. CARCONE: Commissioner McKenzie?

4 COMMISSIONER MC KENZIE: Here.

5 MS. CARCONE: Commissioner Pinchevsky?

6 COMMISSIONER PINCHEVSKY: Here.

7 MS. CARCONE: Commissioner Peene?

8 COMMISSIONER PEENE: Here.

9 MS. CARCONE: Commissioner Jacobson?

10 COMMISSIONER JACOBSON: Here.

11 MS. CARCONE: Commissioner O'Connor?

12 COMMISSIONER O'CONNOR: Here.

13 CHAIRMAN HOLTZMAN: Great.

14 Thank you very much.

15 We have a presentation from the

16 administration. Mr. Morgan, can you give us a quick

17 introduction on what we are going to have tonight?

18 MR. MORGAN: Yes.

19 Thank you, Mr. Chairman.

20 It is my pleasure to introduce T and M

21 Associates tonight for this capital review. T and M

22 was chosen out of seven proposals that we got, and

23 we are very happy obviously with their proposal and

24 with their work so far.

25 So without further adieu, let me

1 introduce Jaclyn Flor, who is the project leader,
2 project manager for this project, Washington Street.

3 CHAIRMAN HOLTZMAN: All right. Thank
4 you.

5 MS. FLOR: Mr. Chairman, thank you for
6 having us this evening.

7 My name is Jaclyn Flor of T and M
8 Associates. I am one of the vice presidents of T
9 and M. I'm the principal in charge for this
10 project.

11 I have with me tonight Peter Bondar,
12 who is our project manager from T and M Associates
13 for Washington Street.

14 We are going to keep the presentation
15 brief. He's going to walk you through some of the
16 major elements within the project.

17 CHAIRMAN HOLTZMAN: Can you just give
18 us a little bit of a back story on starting with how
19 your process went?

20 Okay. Great. Thank you.

21 MS. FLOR: Yes.

22 So I wanted to start and basically talk
23 about the evolution of this project. This project
24 started with a comprehensive public outreach. RBA
25 started the project. You may have been involved in

1 some of the public process with all of the planning.
2 As you can see, there were multiple stakeholder
3 interviews, almost two dozen of those; online
4 surveys with 661 respondents; public meetings,
5 meetings with seniors and transit, and finally a
6 final presentation to the City Council.

7 After that point, the city then went
8 out to RFQ for consultants to design the project.

9 As Director Morgan stated, T and M was
10 chosen as the design consultant.

11 At that point we received this contract
12 back in August. We did a feasibility report, so
13 that we could look at the pros and cons of every
14 aspect of the project that was proposed by RBA, and
15 we provided that feasibility report. The
16 administration reviewed that report, and at that
17 point made some decisions on where they felt we
18 should move forward.

19 We then went before the Council and
20 presented all of those items to the Council. A vote
21 was made, and now we are proceeding with design. We
22 are now in the final design stage, and we are here
23 before you for capital review.

24 After this, we look to advertise the
25 project around July 1st, and you will see this

1 project start in the fall.

2 So ultimately, what we like to do with
3 any project is emphasize the importance of
4 collaboration. A great project incorporates not
5 only the residents, but the businesses and the
6 environment. When you find that perfect balance
7 between those three elements, that is when you
8 typically come up with the best project.

9 So as you can see, as we walk through
10 these different elements, you are going to see that
11 balance time and time again throughout this project.

12 So speaking back to the project goals,
13 the goal of the project was really five goals that
14 were encompassed in that original planning document,
15 which was safety for all users. And when we say
16 "All users," we mean the cyclists, the walkers, as
17 well as transit riders and vehicles.

18 Improved roadway operations and traffic
19 flow, basically we are replacing all 15 traffic
20 signals, and there will be a lot better flow within
21 that corridor, but also making sure that we just
22 repave the road. That riding surface ultimately
23 needs to be repaved, so it is a smoother ride for
24 everyone as well.

25 Improved aesthetics and livability, a

1 lot of the elements along Washington Street will be
2 upgraded and increased mobility and access to
3 transit, as well as incorporating GI, Green
4 Infrastructure, within Washington Street.

5 The project elements include the
6 traffic signals. All 15 intersections will be
7 upgraded with new traffic signals that will also
8 include pedestrian push buttons as well as vehicular
9 preemption, so that all of the lights can work
10 together if a fire truck comes down the road.

11 Curb extensions in order to shorten
12 that travel distance for pedestrians to cross the
13 road.

14 An improved roadway surface with new
15 pavement markings. All of the crosswalks that you
16 see that are right now pavers, that is going to be
17 removed, and it is going to be high visibility
18 crosswalks, basically thermoplastic paint.

19 The entire water main is going to be
20 replaced. On both sides of the road you basically
21 have a water main on each side of the road. We will
22 be replacing the water main and upgrading.

23 Additionally, we will be including
24 about 522 new curb stops and laterals up into the
25 curb stop for all the water surface connections.

1 Green infrastructure will be
2 incorporated throughout the corridor. We are going
3 to have 15 rain gardens within this corridor, as
4 well as upgrading the lighting. You will have the
5 existing light pole foundations, but we will be
6 upgrading basically the globe that you see on top
7 with LED fixtures.

8 All new ADA compliant ramps, so that we
9 serve all users, and a conduit, several conduits,
10 and acting as a backbone for a microgrid in the
11 future.

12 This is the proposed cross-section
13 downtown. As you can see, it is class two bicycling
14 downtown. Within that you will see the same
15 parallel parking that you see now.

16 Uptown there will be angled parking,
17 and with that angled parking at 60-degree angled
18 parking, there will actually be an increase in the
19 number of parking spaces over what you have now, and
20 you will have sharrows within the road.

21 That is basically the project. We
22 wanted to keep it short and sweet and explain all
23 the different elements for you, Chairman, and for
24 the Board.

25 CHAIRMAN HOLTZMAN: So everybody is

1 always anxious to get projects started, and we know
2 this is a process that has started quite some time
3 ago.

4 Can you just explain to us why the
5 process takes as long as it does? People are
6 anxious to get the road paved, and unfortunately,
7 why that is not exactly the first thing that gets
8 done unfortunately as well?

9 MS. FLOR: Well, what you don't want to
10 do typically is cut into the pavement immediately
11 after you pave. Typically you want to identify
12 which of your utilities need to be upgraded. In
13 this case, you are upgrading your water main. You
14 are also upgrading all 15 traffic signals.

15 So if you were to just pave the road at
16 this time, you would have to come back and reopen
17 that road in order to do the water main, all of the
18 utility service connections, as well as all of the
19 conduit that you are running for each of those new
20 traffic signals.

21 So in order for this to be
22 comprehensive, we are doing all of those elements at
23 once, and so all of those elements take time.

24 We have had so far two meetings with
25 all of the utility companies. Every utility company

1 within this entire table, there was actually more
2 people at the table than there are now with all of
3 the different utility companies that are represented
4 within the city.

5 So what we are doing is we had a
6 kickoff with them, as well as progress meetings, and
7 we will have one final meeting with all of the
8 utility companies, so we're making sure that this is
9 comprehensive and it includes all of the utilities.

10 CHAIRMAN HOLTZMAN: Great.

11 Commissioners, any questions for the
12 Washington Street presentation here?

13 VICE CHAIR MAGALETTA: Yeah, I have a
14 few questions.

15 CHAIRMAN HOLTZMAN: Commissioner
16 Graham?

17 VICE CHAIR MAGALETTA: Oh, go ahead.

18 COMMISSIONER GRAHAM: One question I
19 have is that I am sure cost is an issue, but why
20 weren't sidewalks looked at at all?

21 The sidewalks along Washington Street
22 are in very poor shape, and some of that is the
23 responsibility of the --

24 CHAIRMAN HOLTZMAN: Property owner.

25 COMMISSIONER GRAHAM: -- property

1 owners, I understand, but it just seems like a
2 really nice, beautiful street with trees and then
3 the other amenities along the curb, and then these
4 crummy sidewalks.

5 MS. FLOR: So basically we did look at
6 doing all of the sidewalks, and we did a cost
7 comparison, and there were several elements that
8 ended up getting placed into a Phase II project in
9 the future.

10 Whenever we quantify the entire cost of
11 the project, there had to be decisions made on the
12 pros and cons of doing each piece.

13 What was decided is that at this point
14 with all of these different elements, you are at
15 about a 17 to \$18 million project at this point with
16 the water main and the microgrid and all of those
17 elements, so it was decided that the best course of
18 action was to stay at the intersections and focus
19 those improvements on the intersections, and those
20 items within the sidewalk and curb area between
21 those ADA ramps, that that would be a future
22 project. So you won't see any of your benches done
23 in this phase. You won't see any continuous tree
24 pits done in this phase, or any of the street trees
25 or any of the sidewalk.

1 Including all of those elements would
2 have increased this to well over \$20 million
3 project, and that is a significant project to bond,
4 and so at this point the Phase I project is not
5 including all of those sidewalks.

6 COMMISSIONER GRAHAM: And could you
7 elaborate a little bit on what a microgrid is?

8 MS. FLOR: Sure.

9 A microgrid -- so right now the
10 electric is provided by PSE&G within your street,
11 and as you can imagine, everybody connects to that
12 system.

13 Imagine a second system, that if the
14 power went down, that your critical facilities had a
15 conduit down the center of the street that they
16 could also connect to.

17 Now all of those different locations,
18 those critical facilities, have generators, and if
19 they could share their excess power with one
20 another, that is how a microgrid works. So they are
21 able, the conduit within the street to share their
22 backup generation, so that they can all stay live in
23 a situation like Sandy.

24 COMMISSIONER GRAHAM: Thank you.

25 CHAIRMAN HOLTZMAN: Commissioner

1 Magaletta?

2 VICE CHAIR MAGALETTA: Yeah, very basic
3 questions.

4 On the -- the plan shows planting. Is
5 there a maintenance plan at this point, or is that
6 something that the city can deal with on its own?

7 CHAIRMAN HOLTZMAN: I thought you
8 said -- well, are there planting or not plantings?

9 MS. FLOR: The rain gardens will have
10 plantings, and that will be under a two-year
11 maintenance bond, and then after that point then
12 they would need to be maintained, and we would
13 provide that information to the city.

14 VICE CHAIR MAGALETTA: Okay.

15 And I think it is great that the water
16 main is being redone.

17 As far as who is designing that? Did
18 you design it, or did you talk to the -- okay.

19 And as far as state of the art, does a
20 shutoff need -- I mean, we don't anticipate it
21 breaking any time soon, but if it does as far as,
22 you know, closing it off, and then also what happens
23 during this construction phase to the businesses on
24 Washington Street, how are they going to get water
25 when all of this is being replaced?

1 How is that being phased in?

2 MS. FLOR: Sure.

3 So what we are doing is given the
4 climate of the City of Hoboken and some challenges
5 that you have with the water main, we are doing
6 insertion valves, so that we can keep the water main
7 live.

8 We are also looking at the cross
9 streets as well, so we are doing insertion valves,
10 so that your main stays live.

11 The only interruption that the
12 businesses or residents would encounter is whenever
13 we are actually taking their service connection
14 offline and connecting it to the new main, so we are
15 going to be doing that, at this point it was one
16 block at a time. We had originally envisioned doing
17 two blocks at a time, but in speaking to Suez,
18 United Water, they had suggested that we do one
19 block with insertion valves, that we disinfect that
20 section, and then that way we can bring up each
21 block as we finish, bring that live.

22 So the only interruption that people
23 should experience, given that there is not some
24 unforeseen issue in construction that day, would be
25 about three hours.

1 VICE CHAIR MAGALETTA: Thank you.

2 That is basically it. That is it.

3 CHAIRMAN HOLTZMAN: Thank you.

4 Commissioners, any other questions or
5 comments?

6 COMMISSIONER MC KENZIE: Yes, I have
7 one.

8 CHAIRMAN HOLTZMAN: Sure, go ahead.

9 COMMISSIONER MC KENZIE: How long do
10 you estimate this disruption on Washington Street?

11 MS. FLOR: 12 months. Well, we believe
12 this is a 12-month construction project. The 12
13 months won't be all in one location. The way that
14 the project is going to unfold is the first thing
15 that we will see happening is the water main, and
16 the water main will go about -- I can actually show
17 you a slide that speaks to that.

18 So construction sequencing, this will
19 help you understand how it is going to lay out.

20 On the left side of the street, you are
21 going to see the sequencing, and then on the right
22 side of the street you are going to see how long
23 generally in normal construction it takes.

24 First, you are going to see the water
25 main go in about a hundred linear feet a day and

1 you're going to see all of the service connections.
2 Like I said, we're going to have insertion valves
3 and you are going to see the service connections go
4 in block by block.

5 And as we are proceeding down, then you
6 are going to see some of the underground utilities
7 going in each intersection. As you can imagine,
8 there is a lot of conduit, and that's a very slow
9 process. The longest lead item is going to be the
10 traffic signals. You have 15 intersections. Those
11 signals are what is going to take the longest, in
12 trying to thread the needle in an urban environment
13 in order to get the conduit through and foundations
14 will be going in.

15 You will see the concrete work a week
16 after that with the sidewalks, the conduits, the
17 drainage and the light pole foundations for any of
18 the ones that we have to move.

19 Then at that point, you will see the
20 plantings go in, and then lastly, you will see the
21 milling and paving and any textured pavement
22 surfaces or stripping after that.

23 So that is how it is going to unfold.
24 What we are anticipating is we had a lot of
25 discussions over construction scheduling, and

1 I actually have the insurance for that particular
2 thing, but I think of, you know, the pipes based on
3 what I talked to with the city are lead and very,
4 very old, and that is why we have all of these
5 breaking.

6 So this, though, in front of my house,
7 I have had seven breaks in the last year and a half,
8 and none to my house. It is all the street, but is
9 there any worry about continuing to have the lead
10 pipes?

11 MS. FLOR: Well, what I can say is that
12 with the laterals that that -- I mean, with the
13 service connections, that that would be the
14 responsibility of each property owner. However, we
15 are replacing everything from the curb stop within
16 the street, and what will happen with all of those
17 breaks in the future now, because it is all going to
18 be new, anything that happens from the curb stop
19 back, where people come in and want to replace
20 those, you won't be ripping up the street now.
21 You'll be ripping up the sidewalk.

22 CHAIRMAN HOLTZMAN: I think the
23 Commissioner brings up a good question.

24 Is there a way that a property owner,
25 while all of this work is going on, can be proactive

1 and maybe piggyback on to all of this work that is
2 going on in Washington Street and all the way to the
3 curb, so for God's sake, if you are four feet from
4 the front of my house, how do we get the final four
5 feet done?

6 Is there some way that maybe the
7 community can reach out to your team or whatever the
8 correct people are, and you know, let's see if we
9 can get more work done at the same time?

10 If it is the responsibility of the
11 property owners, they have to decide to take that
12 on, but it would certainly be, you know --

13 MS. FLOR: A good time to do it.

14 CHAIRMAN HOLTZMAN: -- yeah.

15 MS. FLOR: We will definitely pass
16 those comments on.

17 COMMISSIONER MC KENZIE: Yeah. And if
18 you could alert the people on the block where you
19 will be working, I think that might be helpful. It
20 was supposed to happen before, but it never happened
21 with our block, so...

22 MS. FLOR: Okay.

23 CHAIRMAN HOLTZMAN: Yeah. That is a
24 good point also. We make a very concerted effort on
25 our Board to try to keep the community involved in,

1 you know, goings-on in their neighborhood, whether
2 it is a property that's being developed, and
3 certainly if it's something that's monumental, like
4 all of Washington Street, I think you guys should
5 put that on your list of, you know, community
6 outreach.

7 MS. FLOR: Absolutely. We will work
8 very closely with indications to the director to
9 make sure that every form of communication as well
10 is put in there.

11 CHAIRMAN HOLTZMAN: Great. Thank you.
12 Tom?

13 COMMISSIONER JACOBSON: Two questions.
14 Can we go back to the description of
15 the microgrid?

16 Particularly, I am interested in the
17 how and when these elements of critical
18 infrastructure that may have their own generators
19 would tap into the microgrid.

20 Is that something that is going to be
21 done during this phase of the construction, or when
22 that happens, are we going to be ripping up the
23 street in order to make those connections?

24 MS. FLOR: The intention is not to rip
25 up the street when we make those connections.

1 What we are doing is putting in the
2 infrastructure, so that in the future -- and we are
3 actually adding, and I don't know if you want to
4 speak to the additional conduits that we are adding
5 and the additional manholes, so that in the future
6 when you are ready to pull the line through the
7 microgrid and make the connections, that you don't
8 have to rip up the street.

9 MR. BONDAR: Basically we are putting
10 in all of the infrastructure for a later date to
11 either come in, pull the wire and connect it into
12 the system and create the system.

13 So like the fire house uptown at 13th
14 Street and here at city hall, we are going to have
15 stub outs, so that you can in the future tie into
16 the system and run that conduit, and it's also going
17 to be fiberoptic conduit available.

18 COMMISSIONER JACOBSON: Okay. So those
19 connections could be done without ripping up the
20 street?

21 MR. BONDAR: Yes. That's the intent.

22 COMMISSIONER JACOBSON: Okay.

23 CHAIRMAN HOLTZMAN: Great.

24 COMMISSIONER JACOBSON: The other
25 question was twice a year we shut down at least half

1 of Washington Street for the arts and music
2 festival. We also have a number of parades in town
3 that run essentially the entire length of Washington
4 Street. How are those community events going to be
5 impacted by the construction?

6 MS. FLOR: That's a great question, and
7 at this point I don't have the perfect answer for
8 that. We will have to coordinate with the city on
9 how to handle the parade and other civic events that
10 occur on Washington Street. I think that that is a
11 great comment. We will definitely look into that
12 and make sure it is stated in our spec on what the
13 approach will be. That's a great comment. We
14 hadn't --

15 MR. BONDAR: Yeah. That happens in
16 some other towns. We usually put that in the specs,
17 these are the anticipated civic events you have
18 today, and the contractor has to secure the site
19 prior to that happening.

20 (Board members talking at once)

21 (Laughter)

22 CHAIRMAN HOLTZMAN: Just don't say
23 that.

24 (Laughter)

25 CHAIRMAN HOLTZMAN: Any other comments

1 or questions, Commissioners?

2 COMMISSIONER PEENE: No.

3 CHAIRMAN HOLTZMAN: No.

4 Great. Thank you so much.

5 MS. FLOR: Thank you for having us.

6 CHAIRMAN HOLTZMAN: We will let these
7 guys break down.

8 (Continue on the next page)

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CITY OF HOBOKEN
Hoboken Planning Board
HOP-16-1

- - - - - X
RE: 319 Washington Street : April 5, 2016
Block 214, Lot 8 :
Applicant: Road, LLC : 7:30 p.m.
Minor Site Plan Review :
- - - - - X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman Gary Holtzman
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10 Attorney for the Applicant.

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1 CHAIRMAN HOLTZMAN: In the meantime, I
2 think, Mr. Matule, you have some information for us
3 about 319 Washington Street?

4 MR. MATULE: Good evening, Mr.
5 Chairman.

6 Robert Matule appearing on behalf of
7 the applicant.

8 Just by way of a brief background, we
9 were here in December to present an application to
10 rehabilitate and renovate the property at 306-308
11 Park Avenue. As part of those approvals --

12 CHAIRMAN HOLTZMAN: I'm sorry. 319
13 Washington, Bob.

14 MR. MATULE: Oh, I am sorry.

15 (Laughter)

16 CHAIRMAN HOLTZMAN: One at a time.

17 MR. MATULE: I am too focused.

18 319 Washington, there were some last
19 minute changes made, and I found out from Mr.
20 Nastasi's office yesterday that the applicant had
21 requested some yet additional changes.

22 I discussed it with the Board
23 Secretary, and we advised the client that we thought
24 the better course of action would be to carry the
25 matter to the May 3rd meeting, get whatever the

1 final set of plans are going to be to you and
2 renotice to reflect some of the changes.

3 The plan originally was going to have
4 two stories of retail. Now they are down to one
5 story of retail. Instead of two residential units,
6 three residential units. So because of the nature
7 of the changes and also because of where we were on
8 the agenda tonight, we thought the better course of
9 conduct would be to just carry it to May 3rd with a
10 new public notice.

11 CHAIRMAN HOLTZMAN: Okay. So new
12 notice on that.

13 MR. GALVIN: Are you going to waive the
14 time in which the Board has to act?

15 MR. MATULE: Yes.

16 MR. GALVIN: The only haunting thing in
17 this, is it going to be a substantial change that
18 the Board should accept the amendment on those or
19 not?

20 MR. MATULE: No. Well, I don't think
21 it is a substantial change.

22 MR. GALVIN: We are trying to feel our
23 way on that. When we make changes --

24 MR. MATULE: Originally it was being
25 presented with two floors of commercial and two

1 floors of residential, but the specific tenant who
2 was looking to do that has now gone away, and so
3 they want to go back to the more conventional,
4 commercial on the ground floor and residential
5 above.

6 VICE CHAIR MAGALETTA: Are the
7 variances that you're looking for, are they
8 basically the same, the variances?

9 MR. MATULE: Pardon?

10 VICE CHAIR MAGALETTA: There are a
11 couple of variances you're looking for on this
12 project. Are they basically the same?

13 MR. MATULE: The variances, yeah. The
14 principal variance we're looking for is expansion of
15 a nonconforming structure, and that's not changing.

16 VICE CHAIR MAGALETTA: Right, and the
17 lot coverage.

18 MR. GALVIN: But I'm saying are you
19 going to renotice as a result of this or --

20 MR. MATULE: Yes, yes.

21 Because we want to renotice for the
22 change in the makeup of the density.

23 MR. GALVIN: Yeah. You and I had that
24 in another case recently, so I think that is smart.

25 But then the question is, just for the

1 Board's information, and we had this a lot at the
2 Zoning Board, and we have been very flexible at the
3 Zoning Board, but in some ways I am concerned about
4 it. That when we have a major change, like you are
5 going to come in, and you're going to do
6 residential, and then you are going to change it,
7 like you are talking to the neighbors, good cause,
8 maybe it even makes the project better, we then --
9 our professionals have to then review it. It's like
10 we didn't look at the plans --

11 VICE CHAIR MAGALETTA: That's my point,
12 because there is a variance for I think lot coverage
13 as well, so my point is you are not changing much.
14 I don't think it has to go back before the Site Plan
15 Review. I think you're fine. You're not looking
16 for any additional waiver. I think it's pretty much
17 the same. It may change with residential versus
18 commercial, but I don't think it is that much of a
19 change. I think you're fine, but I will let my
20 attorney decide.

21 MR. GALVIN: Well, no, I think the
22 Board should decide that. If you guys are okay with
23 what -- seriously, I think that is the Board's
24 responsibility. If you are okay with that, if you
25 had a concern about it, then you might say to Bob,

1 we won't grant the amendment to it, and then he
2 would go with the original plan maybe. That is what
3 your choice is. If we don't grant --

4 CHAIRMAN HOLTZMAN: Or a new
5 application.

6 MR. GALVIN: -- or a new application,
7 right.

8 CHAIRMAN HOLTZMAN: That's his option.
9 Commissioners, any opinion?

10 MR. GALVIN: I'm sorry.
11 What do you have?

12 MR. DOLAN: Bill Dolan from 315 Court
13 Street, and I would like to know what is the
14 notification process, because I could throw a
15 ping-pong ball and hit this building, and I received
16 no notification --

17 MR. GALVIN: Why don't you -- why don't
18 you --

19 MR. DOLAN: -- these are the people
20 that live right next door, so --

21 UNIDENTIFIED VOICE: We live next door.

22 MR. DOLAN: -- I would just like to
23 know what the --

24 (Everyone talking at once.)

25 CHAIRMAN HOLTZMAN: Hold on. One at a

1 time, guys.

2 MR. GALVIN: Bob will answer that, but
3 let me just say this. No matter what, even if it
4 was wrong tonight, it is not going to matter because
5 they are going to be here in May, and they're going
6 to renotice.

7 MR. DOLAN: I just would like to know
8 what that process is.

9 Thank you.

10 MR. GALVIN: Sure.

11 MR. MATULE: The process is we get a
12 list from the tax assessor with all of the property
13 owners within 200 feet.

14 Are you in a condo or are you in a
15 rental building?

16 MR. DOLAN: Condo.

17 MR. MATULE: Okay. So the notice would
18 have gone to whatever condo association you live in,
19 as care of that property address.

20 MR. DOLAN: I don't know. Our other
21 neighbors received notice.

22 UNIDENTIFIED VOICE: I got it, but they
23 didn't.

24 MR. MATULE: I don't have --

25 (Everyone talking at once.)

1 CHAIRMAN HOLTZMAN: We can't have the
2 conversation.

3 MR. DOLAN: Okay.

4 CHAIRMAN HOLTZMAN: No, no, no. We
5 just need one person talking. We don't need three
6 people talking --

7 MR. GALVIN: Well --

8 CHAIRMAN HOLTZMAN: -- hold on.

9 Dennis goes.

10 MR. GALVIN: Okay. Thanks.

11 The law is very clear. The Municipal
12 Land Use Law is very clear that the notice goes to
13 the condo association, not to the individual condo
14 owners. So if you are not getting notice, and if
15 the association was properly noticed, you need to
16 talk to your association about that.

17 Do you understand what I am saying?

18 MR. DOLAN: I understand. It is a
19 freestanding building, but you know, I understand.

20 MR. GALVIN: But the good news is we
21 are going to schedule it to another night, and
22 you're going to hear what night we're going to, and
23 you can come back on that night.

24 MR. DOLAN: Thank you.

25 MR. GALVIN: Plus, in addition to

1 noticing people within 200 feet, it is also
2 published in the newspaper. Honestly, I've never
3 looked at a newspaper for what was published
4 notice --

5 ANOTHER UNIDENTIFIED VOICE: There was
6 a mention of reaching out to neighbors of the
7 building --

8 THE REPORTER: What is his name?

9 CHAIRMAN HOLTZMAN: Are we taking
10 comments?

11 MR. GALVIN: No.

12 CHAIRMAN HOLTZMAN: Hold on. Hold on.
13 Are we just taking comments from the
14 audience, or should we bring this gentleman up and
15 introduce him?

16 MR. GALVIN: No. All I am trying to do
17 is make the public feel comfortable with the
18 process. We will be done in one more minute. I am
19 just trying to be nice.

20 CHAIRMAN HOLTZMAN: No. Phyllis asked
21 his name.

22 MR. GALVIN: It is not a witness, so we
23 don't need his name. It's just public comment.

24 Anything else?

25 Did I handle it?

1 UNIDENTIFIED VOICE: Yeah. We are one
2 of the neighbors. We live adjacent to this
3 building, and so like when they knock this building
4 down or whenever they're doing, it will affect our
5 property --

6 MR. GALVIN: I understand.

7 UNIDENTIFIED VOICE: -- so we haven't
8 been notified, and nobody solicited comments or
9 feedback around the structure --

10 MR. GALVIN: The law only requires them
11 to give notice to everybody who owns property within
12 200 feet of the property, and he has to follow the
13 tax assessor's list, which I am positive that he
14 has, because he is here all of the time, and he does
15 it all the time, and we don't usually have people
16 complaining that they weren't noticed.

17 However, if you do live in a condo, I
18 am not surprised that you did not get notice because
19 your association got notice, and they should be
20 passing that along to you, so you got to go back and
21 check on that process with them. Okay?

22 CHAIRMAN HOLTZMAN: There is a second
23 part to what this young lady is asking, and that is:
24 Dennis said in concept, sometimes we have scenarios
25 where a property owner might reach out to the

1 neighbors. "Might" is the operative word there.
2 Might reach out to their neighbors and include them
3 in a conversation informally like what their idea is
4 for their property.

5 They are under no obligation to do
6 that. They are under a legal obligation to come
7 here. They are under a legal obligation to send you
8 a legal notice. Unfortunately, there are some times
9 as we are hearing problems with that getting to the
10 right people.

11 But at least this is good, and now more
12 of you are informed for the next go-round. They
13 have to come and make a presentation. There will be
14 comments from the Board, our professionals. The
15 public will have an opportunity to ask questions of
16 their professionals. The public will have an
17 opportunity to state their opinions. They love it,
18 they hate it, and what have you, and that is what we
19 will do.

20 But it is not going to be tonight
21 because they are changing their plan because of
22 obviously their conditions have changed with a
23 potential tenant or on the site, so that is where we
24 are.

25 Does that kind of clear that up a

1 little bit?

2 UNIDENTIFIED VOICE: Thank you.

3 COMMISSIONER GRAHAM: If you have a
4 management company that manages your building, you
5 should check with them, because they are usually the
6 ones that get the notice, and they should be telling
7 you, so you should yell at them.

8 UNIDENTIFIED VOICE: Thank you.

9 CHAIRMAN HOLTZMAN: So we need a
10 resolution on the floor that -- Mr. Peene?

11 COMMISSIONER PEENE: I'll make a motion
12 to carry this application to the next available
13 meeting.

14 MR. GALVIN: Well, let's give it a
15 date.

16 MS. CARCONE: May 3rd is the date that
17 I spoke to Mr. Matule about.

18 CHAIRMAN HOLTZMAN: May 3rd.

19 MR. GALVIN: With notice.

20 CHAIRMAN HOLTZMAN: There will be
21 additional notice on it because of the changes in
22 the plan.

23 MR. GALVIN: Do you waive the time in
24 which the Board has to act?

25 MR. MATULE: We waive the time within

1 which the Board has to act through May 3rd.

2 MR. GALVIN: And the Board agrees that
3 this file doesn't have to go back to the SSP. We
4 kind of have a general agreement on that, right?

5 CHAIRMAN HOLTZMAN: Right.

6 VICE CHAIR MAGALETTA: I do have a
7 question.

8 CHAIRMAN HOLTZMAN: Mr. Magaletta?

9 VICE CHAIR MAGALETTA: Are you going to
10 do new professional reports or you're going to stick
11 with the reports you have so far?

12 MR. MATULE: Hum...

13 CHAIRMAN HOLTZMAN: Can we finish the
14 resolution, and then you will ask your question,
15 Frank?

16 VICE CHAIR MAGALETTA: Sure.

17 CHAIRMAN HOLTZMAN: Okay. We have a
18 resolution on the floor.

19 COMMISSIONER DOYLE: I think it plays
20 into the question of whether it has to go back to
21 the SSP.

22 VICE CHAIR MAGALETTA: Yes.

23 CHAIRMAN HOLTZMAN: Okay. Then let's
24 get it.

25 The question is also, what is the date

1 letter from me. You probably just need Roberts'.
2 I will check when I get them, but I probably could
3 say --

4 MR. MATULE: I will give you the new
5 plans, and you look at them, and you make the
6 determination.

7 CHAIRMAN HOLTZMAN: Mr. Magaletta, are
8 you satisfied that the professionals will be able to
9 handle the workload?

10 VICE CHAIR MAGALETTA: I am.

11 CHAIRMAN HOLTZMAN: Okay. There is
12 still Mr. Peene's proposals on the floor --

13 COMMISSIONER O'CONNOR: Chairman --

14 CHAIRMAN HOLTZMAN: -- oh, go ahead.
15 Sorry.

16 COMMISSIONER O'CONNOR: -- can Mr.
17 Matule explain what the change is before we vote on
18 the resolution? I didn't quite understand it with
19 regard to the changes.

20 MR. MATULE: To my understanding, at
21 this point what the change is is the plan that was
22 presented to you had retail on the first and second
23 floor with residential on the third and fourth
24 floors.

25 The plan is now going to just have

1 retail on the ground floor with three residential
2 units above. So instead of being two and two, it
3 will be three and one.

4 COMMISSIONER O'CONNOR: Okay.

5 COMMISSIONER JACOBSON: In the scenario
6 that that large single window is changed to say like
7 three casement windows, would this have to go back
8 to the Historic Preservation Committee because it is
9 a change in fenestration?

10 MR. MATULE: Well, my understanding
11 from Mr. Nastasi's office is that is what Historic
12 has approved was the large window on the second
13 floor, and we are okay with leaving that that way in
14 a residential unit, but he is thinking it might make
15 more sense to run it by Historic and see if they
16 prefer to see the windows to match the two
17 residential floors above, so we have three floors
18 matching over the commercial space.

19 CHAIRMAN HOLTZMAN: If so, they will
20 have to do that before they get to us anyway.

21 COMMISSIONER JACOBSON: Which would be
22 one night immediately prior to our next meeting.

23 MR. MATULE: Unless we change it. You
24 know, if we keep it the way it is, we can keep it
25 the way it is, but we are thinking the better course

1 might be to change it.

2 CHAIRMAN HOLTZMAN: It is a work in
3 process.

4 So there is a motion on the floor from
5 Mr. Peene to accept the conditions as he so stated.

6 Is there a second?

7 COMMISSIONER MC KENZIE: I second.

8 CHAIRMAN HOLTZMAN: All in favor?

9 (All Board members answered in the
10 affirmative.)

11 CHAIRMAN HOLTZMAN: Anybody opposed?

12 No.

13 Okay. May it is.

14 MR. MATULE: Thank you.

15 CHAIRMAN HOLTZMAN: All right.

16 Folks, so we are punting on 319
17 Washington. Everybody got that? We're on the same
18 page?

19 MR. GALVIN: May 3rd,

20 CHAIRMAN HOLTZMAN: May 3rd. Mark your
21 calendar.

22 MR. GALVIN: Thanks, guys.

23 MS. CARCONE: Is it a good time to
24 talk about adding an additional meeting since we're
25 loading up May 3rd now? I'm sorry.

1 CHAIRMAN HOLTZMAN: Yes. Bring it up,
2 Pat.

3 Go ahead.

4 MS. CARCONE: We carried a couple of
5 projects to May 3rd, this one tonight and another
6 one that we didn't get to, so I would like to add an
7 additional meeting in May. Sorry.

8 I checked with our professionals. It
9 looks like May 26th is a possible date, Thursday,
10 May 26th, so I don't know --

11 COMMISSIONER GRAHAM: Is that the
12 holiday weekend --

13 (Board members all talking at once.)

14 MS. CARCONE: Yes. That's the Thursday
15 before Memorial Day weekend.

16 COMMISSIONER PINCHEVSKY: What's the
17 date again?

18 MS. CARCONE: May 26th, the Thursday.

19 COMMISSIONER GRAHAM: Is that the only
20 night available?

21 MS. CARCONE: There is a --

22 COMMISSIONER DOYLE: Friday.

23 MS. CARCONE: Friday.

24 (Laughter)

25 There's Memorial Day.

1 MR. GALVIN: Dennis will be divorced.

2 MR. HIPOLIT: The Tuesday after is
3 worse.

4 CHAIRMAN HOLTZMAN: All right. You
5 know, if not everybody can make it, they can't make
6 it.

7 COMMISSIONER GRAHAM: I'm not saying I
8 can't. I am just asking.

9 CHAIRMAN HOLTZMAN: I know it's hard.

10 MS. CARCONE: I'm just trying to feel
11 everybody out, if we would have a quorum for that
12 night.

13 CHAIRMAN HOLTZMAN: For what, May what?

14 MS. CARCONE: May 26th.

15 COMMISSIONER GRAHAM: So we don't have
16 another one in April?

17 MS. CARCONE: No.

18 COMMISSIONER GRAHAM: Well, that's
19 good.

20 MS. CARCONE: I guess the idea is maybe
21 May and June, we would have two meetings, and July
22 and August we would have one meeting.

23 CHAIRMAN HOLTZMAN: We will try.

24 So May 26th, I think mark your
25 calendars, kids.

1 Pat, May 26th. Let's --

2 MS. CARCONE: May 26th.

3 CHAIRMAN HOLTZMAN: -- put it on the

4 board.

5 MS. CARCONE: Okay. May 26th.

6 Thank you.

7 CHAIRMAN HOLTZMAN: Okay. Great.

8 All right. We have a couple of

9 administrative things to take care of first.

10 MR. MATULE: I will sit down.

11 MR. GALVIN: Thank you.

12 Take a break.

13 (Laughter)

14 (The matter concluded)

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C E R T I F I C A T E

I, PHYLLIS T. LEWIS, a Certified Court Reporter, Certified Realtime Court Reporter, and Notary Public of the State of New Jersey, do hereby certify that the foregoing is a true and accurate transcript of the proceedings as taken stenographically by and before me at the time, place and date hereinbefore set forth.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel to any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.

s/Phyllis T. Lewis, CCR, CRCR

 PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300
 Notary Public of the State of New Jersey
 My commission expires 11/5/2020.
 Dated: 4/11/16
 This transcript was prepared in accordance with
 NJAC 13:43-5.9.

CITY OF HOBOKEN
PLANNING BOARD

----- X
REGULAR MEETING OF THE HOBOKEN : April 5, 2016
PLANNING BOARD : 7:45 p.m.
----- X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman Gary Holtzman
- Vice Chair Frank Magaletta
- Commissioner Jim Doyle
- Commissioner Ann Graham
- Commissioner Caleb McKenzie
- Commissioner Ryan Peene
- Commissioner Rami Pinchevsky
- Commissioner Tom Jacobson
- Commissioner Kelly O'Connor

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

- Kristin Russell, AICP/PP,
Board Planner
- Andrew R. Hipolit, PE, PP, CME
Board Engineer
- Patricia Carcone, Board Secretary

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5 (732) 364-3011
6 Attorney for the Board.

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1 CHAIRMAN HOLTZMAN: All right. So we
2 have the resolution for 1423-1431 Hudson Street.
3 This is Building D.

4 MR. GALVIN: Are any attorneys here on
5 that?

6 CHAIRMAN HOLTZMAN: I can't believe
7 Glenn didn't come.

8 MR. GALVIN: He is confident.

9 CHAIRMAN HOLTZMAN: Confident, okay.
10 Mr. Doyle, any additional questions or
11 comments?

12 COMMISSIONER DOYLE: No. Thank you
13 very much.

14 CHAIRMAN HOLTZMAN: Mr. Magaletta?

15 VICE CHAIR MAGALETTA: None.

16 CHAIRMAN HOLTZMAN: Okay.

17 Is there a motion to accept it?

18 Any other questions or comments from
19 any of the other Commissioners?

20 Otherwise, if not, is there a motion to
21 accept the --

22 MS. CARCONE: Voting on this is
23 Commissioner Magaletta, Commissioner Doyle,
24 Commissioner Graham, Commissioner McKenzie,
25 Commissioner Jacobson, and Commissioner Holtzman.

1 CHAIRMAN HOLTZMAN: Okay. Is there a
2 motion?

3 VICE CHAIR MAGALETTA: Motion.

4 CHAIRMAN HOLTZMAN: Is there a second?

5 COMMISSIONER DOYLE: Second.

6 CHAIRMAN HOLTZMAN: Great.

7 Pat, please call it.

8 MS. CARCONE: Commissioner Magaletta?

9 VICE CHAIR MAGALETTA: Yes.

10 MS. CARCONE: Commissioner Doyle?

11 COMMISSIONER DOYLE: Yes.

12 MS. CARCONE: Commissioner Graham?

13 COMMISSIONER GRAHAM: Yes.

14 MS. CARCONE: Commissioner McKenzie?

15 COMMISSIONER MC KENZIE: Yes.

16 MS. CARCONE: Commissioner Jacobson?

17 COMMISSIONER JACOBSON: Yes.

18 MS. CARCONE: And Commissioner

19 Holtzman?

20 CHAIRMAN HOLTZMAN: Yes.

21 Thank you.

22 (Continue on next page)

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CITY OF HOBOKEN
PLANNING BOARD
HOP-15-16

RE: 306-308 Park Avenue : April 5, 2016
Block: 166, Lots 34.01 & 34.02 :
Applicant: Fig Tree Development, LLC : 7:45 p.m.
Review Request by Applicant to Replace:
Brick Facade :
-

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman Gary Holtzman
- Vice Chair Frank Magaletta
- Commissioner Jim Doyle
- Commissioner Ann Graham
- Commissioner Caleb McKenzie
- Commissioner Ryan Peene
- Commissioner Rami Pinchevsky
- Commissioner Tom Jacobson
- Commissioner Kelly O'Connor

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10 Attorney for the Applicant.

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PETER COSSIO

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EXHIBIT NO.

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Methodology of reusing the brick

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Facade illustration

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Rendering

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157 10th Street

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A-7A & B

158 13th Street

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A-8A & B

531 Garden Street

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1 CHAIRMAN HOLTZMAN: Okay. All right.

2 So 306 Park Avenue, Mr. Matule.

3 Now you can get back to where you
4 started, right?

5 MR. MATULE: That's right. Ground Hog
6 Day.

7 (Laughter)

8 Good evening. Robert Matule, appearing
9 on behalf of the applicant.

10 As I said earlier, we were here in
11 December. We received approvals to rehabilitate the
12 building at 306-308 Park Avenue, and as part of that
13 approval, the applicant had indicated that they
14 would be rehabilitating and reusing the existing
15 facade of the building subject to the new window
16 openings that were going to be put into it.

17 Apparently the building has a brick
18 face covering on it. Some sections of that were
19 taken off, and it was discovered that the brick
20 underneath, the original brick, the face of it was
21 in pretty rough shape. We asked to come before the
22 Subcommittee and discuss it.

23 When we came before the Subcommittee,
24 we had proposed replacing the brick with a new
25 replacement brick that substantially matched what

1 was there.

2 The consensus of the Subcommittee at
3 that time was that if the applicant was unable to
4 restore the existing brick and restore the existing
5 facade, that basically the applicant would not be
6 able to satisfy one or two or three of the
7 conditions of the resolution of approval, and that
8 the approvals in fact could be in jeopardy, if the
9 applicant was unable to do so.

10 Armed with that information, the
11 professionals went back to the drawing board, did
12 some further investigation, and it was determined
13 that a process that apparently is readily accepted
14 in the Historic Preservation community is to remove
15 the damaged brick and rotate it 180 degrees, so you
16 have a clean exposed face, and then put that brick
17 back in.

18 I had sent a letter to Chairman
19 Holtzman indicating that we would like to proceed in
20 this fashion.

21 I discussed it with the Board Engineer,
22 Mr. Hipolit, and he thought the best course of
23 action would be to come back before the full Board
24 and talk about what we are proposing to do and show
25 you. We have some of the bricks that have been

1 pulled out and will also talk about the methodology
2 of doing this.

3 We also have our engineer here tonight,
4 if there are any specific questions about the
5 feasibility of doing that.

6 So before I have Mr. Vasil testify, I
7 have just some handouts here I would like to pass
8 around to the Board.

9 I would say I would mark the one
10 captioned "Front Facade Restoration," we could mark
11 that A-1, and what that is frankly is a report from
12 a --

13 (Exhibit A-1 marked.)

14 MR. HIPOLIT: Want to use the sticker?

15 MR. MATULE: -- report of a Historic
16 Restoration facility that is involved with the
17 historic restoration in Toronto just explaining how
18 often they do this.

19 I also have another one we could mark
20 A-2, and that is from the Jersey City Historic Board
21 talking about this methodology of reusing the brick
22 by reversing it and -- do you want to pass it
23 around -- and using the good face.

24 (Exhibit A-2 marked.)

25 So if we could on that note, I would

1 like Mr. Vasil to explain the methodology and also
2 we have examples of other projects where this has
3 been done.

4 MR. GALVIN: Let's stop. I think
5 the --

6 CHAIRMAN HOLTZMAN: Let's make sure we
7 have our handouts squared away.

8 Okay. Good. Everybody set?

9 Dennis, I think you still have the
10 floor.

11 MR. GALVIN: Listen, I think that there
12 are -- as I see it, there is more than one issue in
13 the case. The first -- I think the Board needs
14 to -- the Board made a decision based on information
15 that was presented that the existing building was
16 going to be retained, right?

17 MR. MATULE: That is correct.

18 MR. GALVIN: So what the Board has to
19 understand is before we start talking, we need -- I
20 think the Board -- how important -- there is like
21 two questions here: How important was it to the
22 Board that the existing -- or how significant was it
23 to your decision that the existing walls remain
24 exactly the way they were.

25 Is this a demolition, which you are

1 taking the position it is not, because we are
2 turning the bricks around, and then --

3 MR. MATULE: Well, more than that, much
4 more than that, substantially more than that.

5 The building --

6 MR. GALVIN: Well, just for the record,
7 I am a dummy when it comes to construction
8 techniques, and I don't know anything until you guys
9 tell me.

10 But I wanted to make sure that the
11 Board understands. At the time of the hearing or in
12 other cases as well, we heard we are going to save a
13 part of a structure, and on the basis of saving that
14 part of the structure, we have a larger area of say
15 building coverage that we grant.

16 And if the walls are going to be
17 removed, and we get to a position where there is
18 nothing there, then the Board may not have granted
19 the variance that they granted in the first place.

20 MR. MATULE: I am fully aware of that,
21 and I just wanted to make the record clear --

22 MR. GALVIN: No. I'm talking to them.

23 MR. MATULE: -- that that is not where
24 we are going with this, but Mr. Vasil will discuss
25 that in his testimony.

1 MR. GALVIN: Right. But at this point
2 you have been stopped because there is a perception
3 that the existing walls are not going to be saved,
4 and it might be contrary to the testimony at the
5 time of the hearing.

6 Even if that were to be the case, that
7 doesn't mean that the Board can't say, fine, do
8 this. In other words, they're not mutually -- there
9 are two different issues here.

10 One: If you can prove to our
11 satisfaction that the wall is not being removed,
12 then you are compliant with the original resolution,
13 great.

14 B: Even if you are not, there is
15 somewhere along the continuum where the Board can
16 say, even though you are not doing that, we are okay
17 with that.

18 I just wanted to throw that out there.
19 That hasn't been the position of some of the people
20 that you faced so far in this, but that is also a
21 possibility.

22 Raise your right hand.

23 Does anybody have a question about
24 that?

25 Does everybody understand?

1 COMMISSIONER DOYLE: I do.

2 COMMISSIONER GRAHAM: Can we just hear
3 from them first?

4 MR. GALVIN: No, no, no. Let me just
5 make sure all of the Board members got it.

6 COMMISSIONER GRAHAM: All right.

7 CHAIRMAN HOLTZMAN: Mr. Doyle?

8 COMMISSIONER DOYLE: No. Then I had a
9 factual question about the structure, so I
10 understand the two choices.

11 MR. GALVIN: Okay. Fine. So if
12 everybody understands the framework, that's all I
13 wanted you to understand was the framework.

14 COMMISSIONER GRAHAM: All right.

15 Raise your right hand.

16 Do you swear or affirm the testimony
17 you are about to give in this matter is the truth,
18 the whole truth, and nothing but the truth?

19 MR. VASIL: I do.

20 J E N S E N V A S I L, having been duly sworn,
21 testified as follows:

22 MR. GALVIN: State your full name for
23 the record and spell your last name.

24 THE WITNESS: Jensen Vasil, V-a-s-i-l.

25 MR. GALVIN: All right.

1 Mr. Chairman?

2 You have already been sworn in this
3 matter, and it's kind of a continuation of the prior
4 hearing.

5 MR. MATULE: So, Mr. Vasil, just by way
6 of background to keep the perspective here, you have
7 the facade illustration that was presented when we
8 originally presented this matter to the Board,
9 correct?

10 THE WITNESS: Correct.

11 MR. MATULE: So I am just going to mark
12 this A-3 for the purposes of tonight's hearing.

13 (Exhibit A-3 marked.)

14 Could you just -- because I would like
15 you to explain to the Board, and I don't know if you
16 have a picture of the old building before --

17 CHAIRMAN HOLTZMAN: Vasil, could you
18 hold it up, so the Board can see?

19 MR. MATULE: -- we will mark that A-4,
20 and what I would like you to do is just go through
21 and explain again for the Board members and also for
22 the record how the new windows were being put in
23 this building and the brick that is shown there was
24 going to be the old brick that was going to be
25 retained.

1 (Exhibit A-4 marked.)

2 THE WITNESS: Correct.

3 So we have the original brick that was
4 on the front of the building. However, the openings
5 were going to be raised in order to comply with the
6 floor-to-floor height of the zoning resolution. We
7 are going to take the old brick and fill in the old
8 openings and move the openings up as we went.

9 As it turns out, the brick wasn't able
10 to be reused on that front face, the original hope
11 that we had. So now we have the bay windows that
12 cut through the front of the structure.

13 Now we have the option of taking the
14 brick. This is the face that was wearing outside,
15 rotating it 180 degrees and having a smooth face,
16 the face that has been unworn or unweathered. It is
17 two layers of brick, so there's a brick reinforced
18 behind it, which is the structure support, and there
19 is the front face brick.

20 This is the front face brick, so we are
21 going to be reusing that brick again by turning it
22 around.

23 We have an advantage here both because
24 we had originally proposed these bays, which work
25 out well. In case there are some that are damaged,

1 we are able to reuse the bricks that were from here.
2 It can't be taken down all at once. It would be
3 improper to do so.

4 So the way that it would be done is the
5 outer course, the outer face brick would be done in
6 diamond shaped patterns, piece by piece into
7 quadrants and then move up the columns, and you can
8 work on different columns at the same time, so it is
9 just the outside face. It's not the -- the inside
10 brick stays the same.

11 And as our engineer can maybe
12 elaborate, if you have any questions, the back of
13 this can be supported, lagged, so that the interface
14 is not destabilized.

15 So this is a fairly common method in
16 historic preservation when you can't -- when the
17 exterior brick can't be saved to rotate it, and it
18 looks as though from what we have seen quite a bit
19 of them have a very untouched and smooth clean face
20 that has not been worn.

21 MR. MATULE: Two questions, though,
22 just for the record.

23 THE WITNESS: Sure.

24 MR. MATULE: Those bricks are actually
25 bricks from the building?

1 THE WITNESS: These are bricks from the
2 actual building. This was the face that had the
3 brickface on it, yes, correct.

4 MR. MATULE: Okay.

5 And in talking about the methodology of
6 doing it in quadrants, while you are doing one
7 quadrant, everything else stays there, correct?

8 THE WITNESS: Correct.

9 MR. MATULE: So you are not stripping
10 the face off this building and then building it up?

11 THE WITNESS: No. It cannot be done
12 all at once. It has to be done in sections. It has
13 to be done -- it has to be done in pieces just
14 because you can't -- the one thickness of brick
15 can't span 30 feet, so you have to do it in pieces.

16 MR. MATULE: And you have worked with
17 these applicants on other projects in Hoboken, where
18 you have restored the brick that previously had
19 brickface or otherwise on it?

20 THE WITNESS: We have, so --

21 MR. MATULE: We have some examples --

22 COMMISSIONER PEENE: Yeah. I was going
23 to ask for examples.

24 MR. MATULE: -- we have some examples
25 of that, which I would like to present to the Board.

1 So what are we up to, A-4?

2 COMMISSIONER DOYLE: A-5.

3 MR. MATULE: I am going to mark this
4 A-5, and this is 612 Garden Street.

5 THE WITNESS: That's correct.

6 So 612, it had a brickface on it
7 previously. That brickface was removed. The entire
8 front facade was repointed, and in this case we were
9 able to salvage bricks from the lower portion and
10 reuse them on the upper portion and then brownstone
11 the bottom, so we were able to, you know, help the
12 other bricks that were damaged.

13 MR. MATULE: All right. Just let me
14 stop you.

15 So I am going mark that A-5B, and I
16 want to go back and mark the original one at A-5A,
17 just so we don't have double numbers there.

18 (Exhibits A-5A & 5B marked.)

19 VICE CHAIR MAGALETTA: While you are on
20 A-5B, how much brickface was done?

21 How many of those bricks were turned
22 around, all of them or just some of them?

23 THE WITNESS: Quite a few of them were.

24 VICE CHAIR MAGALETTA: What do you
25 mean, "quite a few?"

1 A VOICE: 100, over a hundred.

2 THE WITNESS: Over a hundred.

3 COMMISSIONER GRAHAM: Turned around.

4 THE WITNESS: Oh, I'm sorry.

5 COMMISSIONER GRAHAM: No. I mean they

6 were turned around?

7 A VOICE: They were replaced or turned

8 around.

9 MR. MATULE: You can't testify from

10 back there.

11 (Laughter)

12 COMMISSIONER PINCHEVSKY: How many

13 bricks were on there?

14 What is the percentage?

15 Is it roughly 10 percent, 20 percent,

16 50 percent?

17 THE WITNESS: A hundred is more like 40

18 percent maybe.

19 COMMISSIONER PINCHEVSKY: Thank you.

20 MR. MATULE: Do you have another

21 example?

22 THE WITNESS: We do.

23 MR. MATULE: You had one building that

24 actually had brickface that was removed?

25 THE WITNESS: That was 612 Garden.

1 The others are examples of other
2 restoration projects, where the brick was restored,
3 reused, turned around, where it needed to be,
4 replaced in kind.

5 This is 157 10th Street. That is the
6 four --

7 MR. MATULE: So let's mark that. Just
8 for the record, we'll mark that A-6A, and we'll mark
9 the after as A-6B.

10 (Exhibits A-6A and A-6B marked.)

11 THE WITNESS: That is the after.

12 You can see it is all cleanly
13 repointed. Wherever they needed spare brick, we got
14 it.

15 In some cases, as the client can
16 testify, that some of the brickface -- some of the
17 face brick was actually used in the garden floor on
18 the fireplace hearth, and that face brick was taken
19 out and used in the front as well, so it is pretty
20 seamless.

21 There is another property at 158 13th
22 Street that was restored.

23 You can see previously, not pointed --

24 MR. MATULE: So we will mark that A-7A.

25 THE WITNESS: Correct.

1 (Exhibit 7A marked)

2 MR. MATULE: And we'll mark the pointed
3 A-7B.

4 (Exhibit A-7B)

5 THE WITNESS: And you can see it all
6 clearly repointed.

7 MR. HIPOLIT: How many bricks were
8 replaced on those two?

9 THE WITNESS: These were less. This
10 had a lot more paint, but, you know, as a
11 percentage, maybe my client can testify more to that
12 exactly.

13 And then one last facade, 531 Garden
14 Street. There is the before. This is the after.

15 MR. MATULE: So I will mark that --

16 THE WITNESS: You can see some of
17 the --

18 MR. MATULE: -- I will mark that A-8A
19 and A-8B, proposed and after.

20 (Exhibits A-8A and A-8B marked.)

21 MR. MATULE: So the point is they have
22 done this on quite a few buildings in Hoboken
23 successfully. We are quite confident it could be
24 done successfully on this building, reusing the old
25 brick as indicated and not just peeling the entire

1 facade off the building and putting up a new facade.

2 That I guess goes to the point Mr.
3 Galvin was talking about, about if we said we
4 weren't taking the front of the building down, we
5 are not taking the front of the building down. I
6 want that to be clear. It is going to come out
7 piece by piece and then turned around and put back
8 in, and they will do a section at a time.

9 It is not going to be as much brick as
10 it would appear because in the design that was
11 presented to you, there is a huge window base, and
12 that is also going to give us a lot more product to
13 work with, in the sense that the brick that is there
14 that is being taken away can be also reused.

15 THE WITNESS: And as we work -- we
16 might also find, like 612 Garden, some of the
17 brickface will come off cleanly. We don't, you
18 know, we'll know when we get there, but we don't
19 know, you know, until you start taking it all off.

20 CHAIRMAN HOLTZMAN: Thank you.

21 Mr. Hipolit, I think you have had a
22 chance to review the information that we got from
23 the architect, and you had prepared an initial
24 review letter for our team.

25 Can you bring the rest of the Board up

1 to speed on what that is?

2 MR. HIPOLIT: So I did the letter based
3 on the last meeting when they came here and we met
4 upstairs. The approval that you gave had them
5 leaving that wall intact, at least in my opinion. I
6 am not the attorney.

7 And now to make the changes because of
8 the brickfacing, for the most part, I don't know the
9 exact number, they are going to remove that entire
10 first layer of brick and then replace it. Whether
11 they do it in pieces or in its entirety, they are
12 going to do that entire face.

13 So the question for the Board is: If
14 you knew that in the original testimony, would the
15 application still be the same application. Would
16 you have looked at it differently. Would you still
17 have voted for it, or would you have not voted for
18 it.

19 I think that is really the discussion
20 the Board needs to have, saying we had an
21 application we approved, and the face was staying.

22 Now the face for the most part, I
23 believe, will be totally removed. It might be done
24 in pieces, but it will be totally removed, so when
25 you deliberate on the application, would you still

1 feel the same way. I don't know the answer to that.

2 CHAIRMAN HOLTZMAN: Commissioners, any
3 questions for the Board Attorney?

4 COMMISSIONER O'CONNOR: Oh, for the
5 Board Attorney?

6 MR. GALVIN: Well, no. You can ask
7 anybody.

8 CHAIRMAN HOLTZMAN: Or anybody, yeah.

9 COMMISSIONER PINCHEVSKY: I have a
10 question.

11 CHAIRMAN HOLTZMAN: Go ahead, Rami.

12 COMMISSIONER PINCHEVSKY: So Andy said
13 intact. The only thing I am seeing in the
14 resolution is the existing brick on the building
15 will be stripped of its paint and reused on the
16 front facade. Is that the only language that we are
17 referring to, or is there --

18 MR. HIPOLIT: I believe you had
19 testimony also.

20 COMMISSIONER PINCHEVSKY: Okay.

21 MR. GALVIN: What is the lot coverage?

22 COMMISSIONER PINCHEVSKY: I think 64
23 percent.

24 MR. MATULE: I believe the lot coverage
25 is actually reduced.

1 There's three -- but if I might, just
2 because we are referring to the resolution, there
3 are three callouts in the resolution. On Page 3,
4 Paragraph H, it says: The applicant is proposing to
5 rehab and reuse the existing building's brick facade
6 with a new facade.

7 At Page 5, (EE) says: The existing
8 brick on the building will be stripped of its paint
9 and reused on the front facade. There will be
10 bricks on the rear and cement points on the corners.

11 Then (GG) says: The front of the
12 building will not be torn down. It will be rebuilt
13 upon.

14 So respectfully, I think we are sort of
15 getting into the methodology, rather than the
16 overall concept of rehabbing the building and
17 reusing the brick. You know, it is not like we are
18 going to take the building down and have a pile of
19 bricks over here and then reuse all of those bricks
20 to build a new building.

21 VICE CHAIR MAGALETTA: Well, it's kind
22 of what you are doing. I understand --

23 MR. MATULE: No. There is a whole
24 other row of other bricks behind there that is not
25 moving.

1 VICE CHAIR MAGALETTA: -- I know. But
2 the facade, I mean, when -- in the resolution it
3 says we'll reuse those bricks, I never contemplated
4 then you would take those bricks and turn them
5 around. I thought it meant to use the bricks that
6 are there. I mean, repointing is one thing, but
7 taking them out and then turning them around is
8 something else.

9 MR. MATULE: Well, again, I don't know
10 whether the rehabilitation of the facade of the
11 building -- I mean, I think we are really getting --
12 drilling down into micro methodology here of how the
13 applicant accomplishes the rehab of the face of the
14 brick --

15 COMMISSIONER DOYLE: May I ask, maybe
16 it is a step back, but is the problem with the
17 bricks as stripped purely esthetic, or is there --
18 in other words, you know, this pock marked front of
19 the bricks that you -- why do you -- what is your
20 problem with it looking like that?

21 Is it structural?

22 THE WITNESS: No.

23 COMMISSIONER DOYLE: It's esthetic?

24 THE WITNESS: Correct.

25 COMMISSIONER DOYLE: So there is no

1 problem with this brick other than its appearance?

2 THE WITNESS: No. It is perfectly
3 fine. I mean, it's the --

4 COMMISSIONER DOYLE: So you could just
5 leave the bricks like this, if this did not offend
6 you, and you wouldn't be here tonight. Is that
7 correct?

8 MR. MATULE: You know, it is a hard
9 question for me to answer because I think a
10 reasonable person could say, I thought you said you
11 were going to restore the face of the building. You
12 left all of that crummy damaged brick up there, you
13 know. It is in the eyes of the beholder I think.

14 MR. HIPOLIT: I don't know that you
15 would meet the facade -- what you testified to as
16 far as the facade if you left them all crummy
17 looking for lack of a better term --

18 COMMISSIONER O'CONNOR: May I?

19 COMMISSIONER DOYLE: That is what they
20 are.

21 COMMISSIONER O'CONNOR: At this point,
22 do you have an estimate of what percentage of the
23 building face would need to be all the bricks turned
24 around?

25 Is it a hundred percent?

1 Is it half of the building?

2 THE WITNESS: We won't know until we
3 get scaffolding up there and start stripping it off,
4 because you might get -- you might need 20 percent
5 or you might need 50 percent, you know. There is no
6 way to tell --

7 COMMISSIONER DOYLE: Is it the paint
8 stripping -- I think -- can't you look at the
9 building and see what percentage the bricks are --

10 THE WITNESS: There is another like
11 face brick, a real thin brick that's over that --

12 COMMISSIONER DOYLE: -- oh, that has
13 not yet been taken off.

14 THE WITNESS: -- so sometimes they peel
15 off, you know. That is what happened at 612 Garden,
16 a lot of that just peeled off.

17 MR. HIPOLIT: So from the application
18 perspective, why wouldn't you have done this
19 research before you came here because it would have
20 changed -- you may have -- you would have aired this
21 at the original hearings?

22 MR. MATULE: Hindsight is always 20/20,
23 but my understanding is that, you know, you have a
24 demo permit, and you know, start actually demoing
25 the front of the building, and normally you would

1 not do that until you went through the approval
2 process and found out what you were going to be
3 allowed to do with the building because you could
4 jeopardize any grandfathered rights that you have in
5 the building if you start demoing it without
6 approvals.

7 CHAIRMAN HOLTZMAN: Mr. Peene, you had
8 a question?

9 COMMISSIONER PEENE: Yes.

10 So what you are saying is you are
11 asking us to give you another approval to go in
12 blind without any due diligence on how many bricks
13 will actually have to be replaced?

14 MR. MATULE: No. I am asking you to
15 agree that the methodology we are proposing to
16 restore the facade of the building by reversing
17 however many bricks we need to reverse and come up
18 with the facade that was presented to the Board
19 using original bricks. It satisfies the conditions
20 of the resolution.

21 CHAIRMAN HOLTZMAN: Commissioner
22 Graham?

23 COMMISSIONER GRAHAM: Personally I
24 don't feel -- I feel like this is a non-issue. I
25 mean, so they may have to change a few bricks or

1 maybe 50 bricks or maybe a hundred. You know,
2 that's okay. To me, I don't see the need to spend a
3 lot of time discussing it. It just doesn't seem --
4 they are fixing the building. They're improving the
5 building. They are going to have to change a few
6 bricks, turn them around, and to me, you know, it
7 just seems like we're making a mountain out of a
8 molehill. I am not a construction person, but I
9 just don't think, you know, it's such a big deal --

10 CHAIRMAN HOLTZMAN: Mr. Peene?

11 COMMISSIONER PEENE: Just for the
12 purposes of discussion, too, we are disassembling
13 bricks, and you know, this is an older building, and
14 say you came before us with, you know, if the Board
15 decides something else, and you came before us with
16 a new application, then you would be subject to ADA
17 and FEMA compliance issues --

18 MR. HIPOLIT: And flood plain issues.

19 COMMISSIONER PEENE: -- and the flood
20 plain issues that were discussed in the resolution
21 that we approved based on preexisting conditions of
22 the rehab.

23 MR. MATULE: Well, just so we are clear
24 for the record, my understanding is we are complying
25 with all of the flood plain regulations as part of

1 this, what was brought to you --

2 COMMISSIONER PEENE: But no change --

3 MR. GALVIN: ADA and FEMA?

4 MR. MATULE: Not ADA, no, because it is
5 a restoration.

6 MR. HIPOLIT: I don't know. I have to
7 check the notes. I am not sure you'd be compliant
8 with the current flood plain regulations.

9 MR. MATULE: Yes. It was reviewed by
10 the Flood Plain Administrator, and because
11 originally we had the, for lack of a better term,
12 the basement partitioned up a little more, and she
13 had recommended changes to the plan, and Mr.
14 Vasil --

15 THE WITNESS: We raised the basement
16 level to the lowest adjacent grade, and we also
17 added the flood vents in the front and back.

18 MR. MATULE: So we are compliant with
19 the current flood plain regulations.

20 MR. HIPOLIT: Do you have a letter to
21 that effect?

22 MR. MATULE: I will look through my
23 file. I didn't bring my entire file with me, but I
24 know we had submitted --

25 COMMISSIONER DOYLE: Yes. I remember

1 the floor plan was wide-open and --

2 MR. MATULE: -- comments.

3 But I guess my point is that it is
4 important to understand that the way this building
5 is built, it is not like a frame building that just
6 has a brick facade on it that we are stripping off,
7 and that wooden wall behind it is the front wall of
8 the building.

9 It is a double row of brick, so that
10 the row of brick behind this face brick is staying
11 there. It is not coming down. We are not taking
12 the front of the building down. We are not in
13 effect taking away what was there and putting back
14 something new. This is really truly in the truest
15 sense of the word, a facade.

16 COMMISSIONER PINCHEVSKY: Mr. Chair?

17 CHAIRMAN HOLTZMAN: Yes.

18 COMMISSIONER PINCHEVSKY: Do we know
19 for sure whether or not -- and I am being a stickler
20 here on wording, all right, because I believe if
21 somebody says we are going to keep it intact, and
22 that is part of the application, and they are no
23 longer going to do that, that's very important.

24 However, in the resolution I am not
25 seeing that. I just want to make sure that the

1 prior testimony -- I did not go back look at the
2 prior testimony --

3 MR. GALVIN: If you were to go in the
4 transcript, the testimony was that they were
5 preserving the existing building, right?

6 I mean, I want to -- I mean, critique
7 me. Did I do something wrong?

8 MR. MATULE: I don't have the
9 transcript in front of me, but the import of the
10 testimony was we were reusing the existing building
11 face except that we were punching all of the windows
12 in it, you know, and bricking up --

13 MR. GALVIN: Except for that, yeah.

14 MR. MATULE: -- well, the point is this
15 is what was presented to the Board, and in achieving
16 this, some buildings are going to be -- some of the
17 windows are being bricked up, and other openings are
18 being cut, but they are all being cut in the
19 existing facade of the building.

20 MR. GALVIN: I think -- I think --

21 COMMISSIONER PINCHEVSKY: The existing,
22 so --

23 MR. GALVIN: -- I think the bigger
24 question is, and I apologize to everybody, because I
25 don't think I caught it until like in the last ten

1 minutes, so I apologize, but that I thought it was
2 building coverage.

3 Building coverage is not the issue on
4 this, because we have other cases where people tell
5 us we are going to save this building, and then they
6 don't, and we granted more building coverage. So I
7 got -- I completely blew it.

8 The issue here is if the walls are no
9 good, and the walls aren't there, not that you
10 wouldn't have granted them the building coverage
11 here, but that they would have had to comply with
12 ADA and the FEMA requirements.

13 The question is: Are the walls
14 substantially demolished, so that --

15 COMMISSIONER PINCHEVSKY: I think
16 they're still over -- they're at 64 according to
17 this --

18 MR. GALVIN: -- so I'm saying the lot
19 coverage is okay now.

20 What I am saying is I'm changing it on
21 you --

22 COMMISSIONER PINCHEVSKY: It is not
23 okay. It is still over. It is 64 percent.

24 MR. GALVIN: -- I didn't mean okay, but
25 it is not unusual for either Board to grant that

1 percentage of overage. It is still a variance, and
2 you are still within the right to say that you
3 relied on that to grant it. But I think the more
4 important focus is these other requirements --

5 COMMISSIONER PINCHEVSKY: So are you
6 saying -- and again, I apologize, I'm really being a
7 stickler here on wording, but it sounds like from
8 what was just discussed that the idea was that it
9 would be remaining intact.

10 MR. GALVIN: Correct.

11 COMMISSIONER PINCHEVSKY: And that is
12 what I think Mr. Matule was just saying, and I just
13 wanted to confirm that the idea was that it was
14 remaining intact, although that word isn't used
15 in --

16 MR. MATULE: Well, the idea was we were
17 not going to demolish the front wall of the building
18 and take it down.

19 COMMISSIONER PINCHEVSKY: I understand
20 what we are discussing at this point. However, I
21 just want to go back to the approval --

22 MR. MATULE: No. What was presented to
23 the Board was that we were keeping the side walls.
24 We were keeping the front wall as modified by the
25 new esthetic design of the building. The back wall

1 was coming off because there was a big extension on
2 the building that was all coming down. We were
3 acting --

4 COMMISSIONER DOYLE: Bringing it back.

5 MR. MATULE: -- creating a lot less lot
6 coverage than what was there now by taking down the
7 nonconforming structures in the back.

8 So the plan was that that back wall was
9 going to be a new wall from the ground up, and the
10 front wall was going to be rehabbed using the
11 existing structure that was there, and that, I
12 believe, is what we are doing, and correct me, you
13 are the architect.

14 THE WITNESS: I would also say that the
15 openings had to move up, so they could comply with
16 the floor-to-floor heights. We were already moving
17 the windows up. We were infilling doors. There
18 were other modifications. It wasn't just like strip
19 the brick, and we were done. There were other
20 modifications to it to get from this to this.

21 COMMISSIONER PINCHEVSKY: It sounds
22 like -- it sounds like when you -- and I also
23 understand hindsight is 20/20, but it sounds like
24 this is very common when you strip the brick that
25 you just named other applications where you had to

1 flip it because it is common. But it seems almost
2 as though it should be part of every application,
3 you know, if you are going to be using existing
4 brick, that you have to uncover, why wouldn't you
5 just throw those extra two sentences in, if it seems
6 a bit -- whatever -- it doesn't matter at this
7 point, however --

8 MR. MATULE: I absolutely will on the
9 next application.

10 (Laughter)

11 MR. HIPOLIT: The only thing I would
12 caution you on that, I am not telling you whether to
13 make a decision one way or the other, but on the
14 other buildings they were showing us, they were
15 removing and replacing a hundred bricks, let's say,
16 and they reappointed the rest. The repointing is a
17 little different process. A hundred bricks of a
18 couple thousand bricks is not a lot of bricks. In
19 this case, they will probably replace a hundred
20 percent of them or turn a hundred percent of them --

21 COMMISSIONER PINCHEVSKY: Well --

22 MR. HIPOLIT: -- their test of taking
23 them off is showing the bricks look --

24 COMMISSIOENR PINCHEVSKY: -- it is
25 possible they are all bad, so you lost a couple

1 hundred --

2 MR. HIPOLIT: -- the question for you
3 as a Board is, if you knew they were going to take
4 the whole face off and flip it around, would you
5 have still felt the same way.

6 VICE CHAIR MAGALETTA: Here is
7 question.

8 You testified that when you do this,
9 you have to support the walls well, because it can't
10 load it. So it is not just the facade, it is
11 structural, right?

12 THE WITNESS: No. The front is face
13 brick, so--

14 VICE CHAIR MAGALETTA: Well, why do you
15 have to support it, because if you don't support it,
16 then if it's face brick, it's not structural --

17 THE WITNESS: I think it is just due
18 diligence. It's prudent to do it. I mean, we could
19 do it without it, but I think it would be, you
20 know --

21 VICE CHAIR MAGALETTA: Well, you said
22 it would support it, and now you're saying it's due
23 diligence. Which is it --

24 THE WITNESS: Well, there's a one-inch
25 gap between the two --

1 VICE CHAIR MAGALETTA: -- which is it?
2 You are saying first it's structural, and now you're
3 saying it's just due diligence.

4 THE WITNESS: The back is typically the
5 bearing force, and the front is the face brick.
6 That's the way that that wall has been
7 constructed --

8 VICE CHAIR MAGALETTA: Well, it's
9 inconsistent. That's why I'm just -- I just wanted
10 to know which one is it. That's all.

11 THE WITNESS: There is a gap between
12 those two, but this is a one inch gap between those
13 two bricks --

14 COMMISSIONER DOYLE: But they're tied
15 together at intervals, correct?

16 THE WITNESS: They're actually in many
17 cases only at the floor level, so you know, when you
18 take out -- you know, when you take out pieces, you
19 know, you want to -- I just think it is prudent to
20 do it.

21 And you can ask the engineer. He could
22 probably tell you, you know, maybe a little better
23 than myself.

24 COMMISSIONER O'CONNOR: Well, it is not
25 really a question. But the bay windows represent --

1 it looks like half or two-thirds of the building
2 face --

3 THE WITNESS: Yes, a considerable
4 portion.

5 COMMISSIONER O'CONNOR: -- and it was
6 approved with the bay windows going in before, and
7 those bays are going to require removal of the
8 brick, right?

9 THE WITNESS: That is correct.

10 COMMISSIONER O'CONNOR: So I would say
11 that the Board probably already approved removal of
12 at least the first course of the brick by approving
13 the bay windows, so I am kind of with Commissioner
14 Graham on this.

15 CHAIRMAN HOLTZMAN: Commissioners, any
16 additional questions or comments?

17 COMMISSIONER PEENE: Just a comment,
18 Commissioner Holtzman.

19 Mr. Vasil, when you testified before
20 the Site Plan last time, I asked you a question, why
21 didn't you know about this before.

22 And, for the record, I believe you gave
23 an answer that had to do with proper due diligence,
24 and that is why we are here. If you did the proper
25 due diligence on this project, you would have known

1 MR. GALVIN: Does somebody want to make
2 a motion?

3 COMMISSIONER GRAHAM: I move that it's
4 okay, whatever the right words are here. I don't
5 know them.

6 MR. GALVIN: I will fix it. Okay?

7 COMMISSIONER GRAHAM: Okay.

8 MR. GALVIN: Look, the concern seemed
9 to have been that so much of the wall was being
10 removed, that to say that it was a restoration
11 project didn't seem right to somebody.

12 So now if you are finding that you
13 think this is consistent with what was testified to
14 and turning the bricks is consistent with the
15 resolution, then somebody should make a motion, and
16 you have --

17 COMMISSIONER PINCHEVSKY: Part of the
18 motion you made, if I may, does anyone have any -- I
19 don't think I am the person, but does anybody on the
20 Board have any justification towards not allowing
21 this like, or any passion or bad argument?

22 Like I personally don't really know
23 which way I feel at this current point --

24 MR. GALVIN: I think the question is,
25 and I have to turn it back on you.

1 It is like, Board members, you guys
2 have to do it. Lawyers don't -- I should never tell
3 you how to vote. You have to make a determination.

4 Some of you sat through this hearing.
5 What do you recollect?

6 Is this consistent with your
7 recollection of what happened at that hearing?

8 If it is, then this is okay.

9 If it's not, if it's not, or if you
10 believe, we were concerned -- some of the people
11 were concerned that a substantial part of the wall
12 was taken away, therefore, that maybe the testimony
13 was incorrect, or that there was a mistake on
14 everyone's part as to what is really happening out
15 there.

16 And if the walls aren't being saved,
17 then it wouldn't be a restoration. Then it would
18 have to comply with the ADA, and it would have to
19 comply with FEMA.

20 But Ann has already concluded that she
21 feels that the walls aren't being substantially
22 removed, that it's just the facade, and so she feels
23 it is consistent with the resolution, so that is --

24 COMMISSIONER PINCHEVSKY: I just wanted
25 to know if anyone on the Board felt otherwise.

1 MR. GALVIN: Does anyone feel -- well,
2 other people may feel that way, but it's up to them
3 to say.

4 COMMISSIONER PINCHEVSKY: Sure. And is
5 willing to say.

6 CHAIRMAN HOLTZMAN: Commissioner
7 Magaletta?

8 VICE CHAIR MAGALETTA: I was going to
9 say I do feel -- I was under the impression that the
10 walls were going to stay -- the facade was going to
11 stay the way it was. The restoration would be to
12 leave the brick the way it was. You know, I feel
13 that is not what is happening here, so I would vote
14 against that when the vote time comes around.

15 CHAIRMAN HOLTZMAN: Councilman, you had
16 something?

17 COMMISSIONER DOYLE: Well, I don't
18 think it is fair, Commissioner Peene, to talk about
19 the due diligence. I mean, I don't think this is an
20 instance where all along they planned to do this or
21 it was because of, you know, an irresponsible act of
22 not looking into this. I think it is what it is.

23 So the question for me really is, you
24 know, how much -- considering the variances that we
25 granted, how much was weighing in the scales to give

1 whatever variances they were, the 64 percent lot
2 coverage was preserving the facade the way it is
3 versus taking this extra step and expense I suspect
4 to do this process, so...

5 VICE CHAIR MAGALETTA: It's also not
6 just the 64 percent. It is also the --

7 COMMISSIONER DOYLE: The non ADA
8 compliance I guess is what you're saying.

9 VICE CHAIR MAGALETTA: Right, yes,
10 which I think is more important than 64 percent
11 coverage.

12 MR. MATULE: With the permission of the
13 Chair, I would just like to also comment that one of
14 the variances that the Board granted, and I think
15 this goes to the whole comment about the bay windows
16 is that we were only having 52 percent masonry on
17 the facade, where 75 percent is required because of
18 the combination of the Mansard roof and the bays,
19 so --

20 MR. HIPOLIT: Can I ask you a question?

21 If you are going to cut in those bay
22 windows and take the face off, you are confident
23 that that wall is going to stay up?

24 THE WITNESS: We are.

25 You could ask the engineer as well, but

1 we have spoken with other engineers as well.

2 MR. HIPOLIT: But what if it doesn't?

3 THE WITNESS: It's not a guess. We
4 would rebuild the wall first, and then you would
5 have to support it at each floor level, so it's
6 really only spanning ten feet, so I think 30 feet
7 would be --

8 MR. GALVIN: Time out.

9 THE WITNESS: -- so you have to do it
10 in sequence. You have to do the brick first --

11 CHAIRMAN HOLTZMAN: Mr. Galvin?

12 MR. GALVIN: Time out.

13 What was that sentence about rebuild
14 the wall?

15 THE WITNESS: When you --

16 MR. GALVIN: That is what kind of the
17 issue is.

18 THE WITNESS: I apologize for the
19 verbiage.

20 MR. GALVIN: No, no, but it is
21 important right now, because if we are sweeping away
22 walls, then we are changing the --

23 THE WITNESS: I apologize for my choice
24 of words. However, if we are going to take off the
25 front face and repair it or restore it, we have to

1 do that first, and then we'll put in the floor
2 levels and support it at each floor, and then the
3 bays can come out. You can't do it together. It
4 would never work, but that was the idea --

5 MR. HIPOLIT: You are going to replace
6 the entire face --

7 THE WITNESS: We are going to replace
8 the pieces that we need. I mean, obviously not
9 replace the bay because you don't need that, you
10 know, you don't need that piece. So you are going
11 to replace these three sections, and then you're
12 going to put in the floor structure, and then you
13 are going to take out what you need for the bays.

14 MR. HIPOLIT: I don't have a lot of
15 confidence. I'm sorry.

16 I mean, the problem you have if you end
17 up -- if you are doing your construction, and this
18 is a sensitive subject, and I know you know it is a
19 sensitive subject for the Board, you would be on top
20 of many applicants who have come and testified that
21 they are going to leave a wall, and it falls down.

22 You are going to find yourself in the
23 middle of construction with a wall that's falling
24 down and you're stopped, and you're back at the
25 Board for a full application. There's potential --

1 MR. MATULE: I suppose -- a potential,
2 but --

3 MR. HIPOLIT: -- it needs to be on the
4 record.

5 MR. MATULE: -- the difference here is
6 that we have a double wall. The wall behind the
7 wall we are working on is bearing wall.

8 MR. HIPOLIT: Just take the
9 assumption -- I mean, with the little bit I heard,
10 there is going to be some support, and there is
11 maybe a little concern.

12 I think for the record, I am not sure
13 how you vote, but for the record, if the wall falls
14 down, you're stopping your work, and you're coming
15 back here. Your job is dead.

16 MR. MATULE: I understand that. I
17 don't think that's an issue.

18 THE WITNESS: Not for nothing, but the
19 face brick -- this would have been the same way
20 whether we replaced the face brick or not, am I
21 right?

22 I mean, the way --

23 MR. HIPOLIT: You would have been
24 stopped, too, then.

25 THE WITNESS: A hundred percent, so we

1 understood that from -- that was the initial way --

2 MR. MATULE: May the applicant make a
3 comment?

4 MR. GALVIN: Yeah, go ahead.

5 CHAIRMAN HOLTZMAN: Let's introduce
6 him.

7 MR. COSSIO: I'm Peter Cossio.

8 MR. GALVIN: Do you swear or affirm the
9 testimony you are about to give in this matter is
10 the truth, the whole truth, and nothing but the
11 truth?

12 MR. COSSIO: I do.

13 P E T E R C O S S I O, having been duly sworn,
14 testified as follows:

15 MR. GALVIN: All right. We'll swear
16 you in.

17 State your full name for the record and
18 spell your last name.

19 MR. COSSIO: Peter Cossio.

20 MR. GALVIN: Spell your last name.

21 MR. COSSIO: C-o-s-s-i-o.

22 MR. GALVIN: All right. Go ahead.

23 MR. COSSIO: I just want to say that if
24 you read some of the material that we handed out,
25 you will see I think a lot of people are mistaking

1 what a restoration is.

2 It is actually an acceptable method of
3 restoration, and it's not a removal to actually turn
4 a brick around. It has been done, and it's done
5 quite commonly in full restoration projects of a
6 building of this age, so it is not something -- and
7 everyone is saying, oh, you guys, you were going to
8 leave -- you were going to restore the building, and
9 now you are taking it down.

10 Actually turning a brick around is a
11 common restoration practice, so it is by definition
12 restoring -- one of the definitions, restoring a
13 building of this age is actually if the brick is
14 damaged, that you would turn it around.

15 We don't know without a building demo
16 permit and ripping the entire facade off, how many
17 of those bricks will need to be replaced or turned
18 around.

19 But as you saw on these other projects,
20 and I think we have done 12 projects that have all
21 been restorations of bricks, and there are many
22 times when you have to replace brick.

23 A restoration again is finding the
24 correct historical context of the building, and
25 restoring it to what it was --

1 MR. GALVIN: Let me just stop you.

2 THE WITNESS: -- taking the original
3 brick and turning it around is actually the closest
4 you can get to the actual restoration --

5 MR. GALVIN: Peter, I think you are
6 confused on our confusion, okay?

7 THE WITNESS: Maybe I am.

8 MR. GALVIN: Yes. We are getting the
9 restoration part. What we are concerned with is
10 that somehow the restoration is more that just
11 turning the bricks around, that the wall itself is
12 unstable or is coming down for some reason.

13 And what Andy just said is right now it
14 seems like the Board seems to be listening to what
15 you are saying, not everybody is agreeing, but we
16 are trying to get there. We're trying to work it
17 out, but the bottom line I think what I am going to
18 advise the Board is if you can accomplish what your
19 architect is saying, that you're going to just turn
20 the bricks around, then you are good.

21 But if you lose the wall in the
22 process, like somehow, you know, you're going to
23 have to -- we think that you probably should be --
24 and it doesn't mean that the project is dead. It
25 just means that you would have to comply with FEMA

1 and ADA --

2 MR. MATULE: I understand.

3 THE WITNESS: Of course. If the wall
4 falls down, then you want us to come back.

5 MR. GALVIN: Yeah, same thing. We are
6 saying, if you lose either wall, then it's not -- in
7 other words, what we're saying is if you lose walls,
8 that's not what we bought.

9 THE WITNESS: We came here in good
10 faith because we saw the problem with the brick, so,
11 you know, we have come here, and we have come here
12 again, and we came here to the work site meeting,
13 and we had a different brick, and you said that
14 that -- and I understood that. I understood that.
15 That's why we were going back, and we actually did
16 the research on what we said we would do would be a
17 restoration, and this is something that we have
18 done, and we believe it's an acceptable form of
19 restoring the facade with using the original
20 material --

21 MR. GALVIN: Stop.

22 Go ahead, Bob.

23 MR. MATULE: I think the Board gets
24 that aspect of it.

25 The concern is if the underlying wall,

1 for lack of a better word, comes down --

2 CHAIRMAN HOLTZMAN: The inside
3 structural --

4 MR. GALVIN: Then the circumstances
5 change --

6 MR. MATULE: -- then you got to come
7 back to the Board because at that point you're --

8 CHAIRMAN HOLTZMAN: All right. I got
9 it.

10 MR. MATULE: -- you understand that,
11 and the architect understands that --

12 CHAIRMAN HOLTZMAN: Okay. I got the
13 floor.

14 MR. MATULE: -- and we understand that.

15 CHAIRMAN HOLTZMAN: Okay. Thank you.

16 So there is a motion on the floor from
17 Commissioner Graham. Dennis has a condition that
18 he's still typing out here to add.

19 Can you read it for us, Dennis?

20 MR. GALVIN: Well, if the inside
21 structural wall falls down of either the north or
22 south side, I mean, both the front and back walls
23 both have to be saved, right?

24 THE WITNESS: East and west.

25 MR. GALVIN: East and west. Damn, I am

1 bad with that.

2 MR. MATULE: The west wall was coming
3 down as part of the application.

4 MR. VASIL: We were resetting the
5 building --

6 CHAIRMAN HOLTZMAN: So this is the
7 front eastern wall.

8 MR. MATULE: The eastern wall, the
9 facade wall.

10 CHAIRMAN HOLTZMAN: Don't say that
11 word.

12 MR. GALVIN: If the inside
13 structural -- if the front wall of the building --
14 the building's inside bearing wall? I'll put
15 bearing wall.

16 MR. MATULE: I think that makes more
17 sense as opposed to the facade.

18 MR. GALVIN: If the inside bearing wall
19 falls down, the applicant must return to the Board.
20 Okay?

21 COMMISSIONER GRAHAM: No, that's
22 fine --

23 MR. GALVIN: Don't let it fall down.

24 VICE CHAIR MAGALETTA: Say exterior
25 wall.

1 CHAIRMAN HOLTZMAN: Mr. Magaletta?

2 VICE CHAIR MAGALETTA: I'm saying that
3 you're saying facade. Let's use exterior inside of
4 facade.

5 MR. GALVIN: Oh, I said front wall.

6 VICE CHAIR MAGALETTA: I know you did.
7 I'm just saying the --

8 COMMISSIONER DOYLE: Between the
9 interior bearing wall and the exterior facade
10 wall --

11 VICE CHAIR MAGALETTA: -- right, so
12 we're clear which wall -- which portion of that
13 wall --

14 MR. GALVIN: Oh, interior bearing wall?
15 I did it.

16 CHAIRMAN HOLTZMAN: So there is a
17 motion on the floor with a condition as read by
18 Dennis.

19 Is there a second for that motion?

20 COMMISSIONER JACOBSON: I'm sorry.

21 Regarding the condition, I thought I
22 heard testimony that both of the north and south
23 walls are also being retained in the project. Is
24 that correct?

25 MR. VASIL: That is correct.

1 COMMISSIONER JACOBSON: So I think the
2 condition needs to include the north and south walls
3 as well.

4 COMMISSIONER DOYLE: But that was not
5 part of a our condition for our approval.

6 COMMISSIONER JACOBSON: Oh, was it part
7 of the design which informed --

8 COMMISSIONER DOYLE: The north and
9 south are abutting the adjacent properties to the --

10 COMMISSIONER JACOBSON: And those go
11 out -- if those come down, is it still a
12 rehabilitation or is it a new building?

13 MR. GALVIN: Hold on.
14 Andy?

15 COMMISSIONER DOYLE: Well, I think
16 we're getting --

17 MR. GALVIN: Hold on.
18 Andy?

19 MR. HIPOLIT: I mean, you are really
20 splitting hairs like right down the line.

21 What the applicant has said is that you
22 have a face that they are going to rehab. Their
23 rehab includes removing or replacing some percentage
24 of the bricks, which they can't tell you how many
25 that is, and they also said that structurally the

1 wall is going to remain standing. I think you have
2 to just go on what they said. I think we're trying
3 to dive into stuff, and they can't answer the
4 question, so why would we even dive into it?

5 MR. GALVIN: Okay.

6 The only question I was asking is, and
7 it gets back to the restoration.

8 At what point do you trigger it's not a
9 restoration?

10 MR. HIPOLIT: When the -- the wall
11 behind it -- like I said, when the wall behind it is
12 compromised --

13 MR. GALVIN: Just the front wall?

14 MR. HIPOLIT: -- then the whole wall is
15 compromised.

16 MR. GALVIN: Okay.

17 MR. HIPOLIT: They are saying that
18 structurally the wall will be sound. If it's not,
19 then they are back here.

20 MR. GALVIN: Okay. Are you okay with
21 that? We won't put in north and south, we'll just
22 leave it.

23 CHAIRMAN HOLTZMAN: Tom?

24 MR. GALVIN: Tom?

25 COMMISSIONER JACOBSON: I can't

1 interpret the law, so --

2 MR. GALVIN: All right.

3 MR. MATULE: Touche.

4 (Laughter)

5 CHAIRMAN HOLTZMAN: So what do you got,
6 Dennis?

7 Dennis, please read your two conditions
8 again or one.

9 MR. GALVIN: If the front wall of the
10 building's interior bearing wall falls down, the
11 applicant must return to the Board.

12 Two: The north and south walls are to
13 be retained.

14 That's what you said. It's a throw
15 away. You guys are all nodding your head you can do
16 it --

17 CHAIRMAN HOLTZMAN: So that's the --
18 there is a motion on the floor from Commissioner
19 Graham with the two conditions as Dennis has just
20 read.

21 Is there a second for that motion?

22 COMMISSIONER O'CONNOR: Am I allowed to
23 second that? I didn't vote on the original
24 application.

25 MR. GALVIN: No. I would rather

1 everybody who voted -- can we have a roll call on
2 who voted?

3 MS. CARCONE: Commissioner Magaletta,
4 Commissioner Doyle, Commissioner Graham,
5 Commissioner McKenzie, Commissioner Peene,
6 Commissioner Pinchevsky and Commissioner Holtzman.

7 MR. GALVIN: That's who you should be
8 calling, okay?

9 CHAIRMAN HOLTZMAN: So is there a
10 second from that list?

11 COMMISSIONER MC KENZIE: Yes. I will
12 second it.

13 CHAIRMAN HOLTZMAN: Okay. Caleb
14 seconds.

15 Pat, please call the vote.

16 MS. CARCONE: Commissioner Magaletta?

17 VICE CHAIR MAGALETTA: Yes.

18 MS. CARCONE: Commissioner Doyle?

19 COMMISSIONER DOYLE: Yes.

20 MS. CARCONE: Commissioner Graham?

21 COMMISSIONER GRAHAM: Yes.

22 MS. CARCONE: Commissioner McKenzie?

23 COMMISSIONER MC KENZIE: Yes.

24 MS. CARCONE: Commissioner Peene?

25 COMMISSIONER PEENE: Yes.

1 MS. CARCONE: Commissioner Pinchevsky?

2 COMMISSIONER PINCHEVSKY: Yes.

3 MS. CARCONE: And Commissioner
4 Holtzman?

5 CHAIRMAN HOLTZMAN: No.

6 Okay. That was fine.

7 MR. MATULE: Thank you for your time
8 and your patience and your understanding.

9 CHAIRMAN HOLTZMAN: We are going to
10 take a ten-minute recess, everybody.

11 MR. HIPOLIT: Good luck, guys.

12 (The matter concluded at 8:30 p.m.)

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C E R T I F I C A T E

I, PHYLLIS T. LEWIS, a Certified Court Reporter, Certified Realtime Court Reporter, and Notary Public of the State of New Jersey, do hereby certify that the foregoing is a true and accurate transcript of the proceedings as taken stenographically by and before me at the time, place and date hereinbefore set forth.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel to any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.

S/Phyllis T. Lewis, CCR, CRCR

 PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300
 Notary Public of the State of New Jersey
 My commission expires 11/5/2020.
 Dated: 4/7/16
 This transcript was prepared in accordance with
 NJAC 13:43-5.9.

CITY OF HOBOKEN
PLANNING BOARD
HOP-15-22

- - - - - X
RE: 1313-19 Jefferson Street & : April 5, 2016
1312-1318 Adams Street :
Applicant: 1312 Adams Storage, LLC :
Preliminary Site Plan Review : 8:45 p.m.
- - - - - X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman Gary Holtzman
- Vice Chair Frank Magaletta
- Commissioner Jim Doyle
- Commissioner Ann Graham
- Commissioner Caleb McKenzie
- Commissioner Ryan Peene
- Commissioner Rami Pinchevsky
- Commissioner Kelly O'Connor (Recused)
- Commissioner Tom Jacobson

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

- Kristin Russell, AICP/PP
Board Planner

- Andrew R. Hipolit, PE, PP, CME
Board Engineer

- Patricia Carcone, Board Secretary

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10 Attorney for the Applicant.

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1 CHAIRMAN HOLTZMAN: Mr. Burke, are you
2 ready for us for 1313?

3 MR. BURKE: I am, Mr. Chairman,

4 CHAIRMAN HOLTZMAN: Thank you.

5 COMMISSIONER O'CONNOR: Mr. Chairman?

6 CHAIRMAN HOLTZMAN: Yes.

7 COMMISSIONER O'CONNOR: I'm recusing.

8 CHAIRMAN HOLTZMAN: You're recusing
9 yourself.

10 Dennis, do we need to have anything
11 from our Commissioner who is stepping off?

12 MR. GALVIN: No.

13 (Commissioner O'Connor recused)

14 CHAIRMAN HOLTZMAN: Hang on a second
15 there, guys.

16 MR. GALVIN: Let the record reflect
17 that Ms. O'Connor has been recused from this matter.

18 CHAIRMAN HOLTZMAN: Okay. Great.

19 Mr. Burke, you have the floor.

20 MR. BURKE: Thank you, Mr. Chairman.

21 Thank you, Board.

22 We are here for final site plan only.

23 This Board approved the application in December, and
24 as I understand the process, it is largely
25 administrative at this point.

1 We received review letters from Mr.
2 Hipolit and from Mr. Roberts. We have addressed
3 those review letters, and at this point we believe
4 we have largely satisfied those, but that is not for
5 me to say. That's for your professionals to say.

6 I have with me our engineer, if a
7 question comes up, and a representative of the
8 applicant.

9 CHAIRMAN HOLTZMAN: Thank you, Mr.
10 Burke.

11 Mr. Hipolit, you received some
12 additional information from the applicant?

13 MR. HIPOLIT: I have.

14 As far as anything that we had in our
15 original letter as a condition of approval, they
16 still have to comply with the Flood Plain Manager's
17 requirements, and they have agreed to bond the
18 amounts, so we have nothing further then.

19 CHAIRMAN HOLTZMAN: So we are pretty
20 clean and ready to go?

21 MR. HIPOLIT: We're clean, yes.

22 CHAIRMAN HOLTZMAN: Mr. Galvin, is
23 there anything administrative we need to discuss or
24 talk about on this application?

25 It is kind of like a second

1 memorialization it looks like to me.

2 MR. GALVIN: What happens on a final
3 approval is that after preliminary, they had to go
4 get everything done from the preliminary and obtain
5 outside agency approvals.

6 Have you obtained all of the outside
7 agency approvals?

8 MR. BURKE: We have gotten a North
9 Hudson Sewer permit, and soil conversation has also
10 been granted.

11 The other approvals will come as the
12 building is constructed.

13 CHAIRMAN HOLTZMAN: Hang on one second.

14 MR. GALVIN: My computer is charging.
15 Sorry.

16 CHAIRMAN HOLTZMAN: Go ahead, Mr.
17 Burke.

18 MR. BURKE: So as I said, we have two
19 approvals that were required, and others will be
20 received as we go along in the process, such as, as
21 you know, there is an environmental condition, and
22 that will be satisfied and addressed with the deed
23 restriction, and an LSRP will be hired, and all of
24 the other things that we spoke of in the preliminary
25 hearing.

1 MR. HIPOLIT: And our letter today has
2 them in it, so...

3 CHAIRMAN HOLTZMAN: So, Mr. Hipolit,
4 are you comfortable with what Mr. Burke is
5 proposing?

6 MR. HIPOLIT: I am.

7 CHAIRMAN HOLTZMAN: Great.

8 MR. GALVIN: So the conditions would be
9 subject to Mr. Hipolit's letter of April 5th, and
10 the DEP stuff is in there, right?

11 MR. HIPOLIT: It's all in there.
12 Everything is in there.

13 MR. GALVIN: All right.

14 MR. BURKE: All right. Thank you.

15 CHAIRMAN HOLTZMAN: Mr. Peene?

16 COMMISSIONER PEENE: This is more of a
17 question for the Chairman or the applicant.

18 What type of process -- there was a
19 mural component to this application.

20 What type of process has the applicant
21 engaged, agreed to, just for the update of the
22 Board. I wish Commissioner Forbes was here, because
23 I am sure her office would take the lead or Geri's
24 office.

25 MR. BURKE: Geri Fallo was outside with

1 me talking, but she couldn't stay. I asked her
2 actually to stay.

3 COMMISSIONER PEENE: Okay.

4 MR. BURKE: Reid is here, and he is the
5 contact. Before he speaks, though, I will say that
6 the estimate for the mural was somewhere between ten
7 and 20,000. It turned out it is more expensive, and
8 the applicant agreed to include \$50,000 in the bond.

9 MR. GALVIN: So we are going to add
10 that also.

11 The applicant is to post a \$50,000 bond
12 for the mural.

13 MR. BURKE: That's been submitted and
14 was approved by Mr. Hipolit.

15 MR. HIPOLIT: We agreed on that.

16 MR. GALVIN: I'm going to still include
17 that in the resolution.

18 MR. BURKE: To my right is Reid
19 Wepler. He is one of the representatives of the
20 company, and he has more dialog with Ms. Fallo.

21 MR. GALVIN: Raise your right hand

22 Do you swear or affirm the testimony
23 you are about to give in this matter is the truth,
24 the whole truth, and nothing but the truth?

25 MR. WEPPLER: I do.

1 R E I D W E P P L E R, having been duly sworn,
2 testified as follows:

3 MR. GALVIN: All right. State your
4 full name for the record and spell your last name.

5 THE WITNESS: Reid, R-e-i-d, Wepler,
6 W-e-p-p-l-e-r.

7 MR. GALVIN: Mr. Chairman, we
8 previously accepted his credentials.

9 CHAIRMAN HOLTZMAN: Yes.

10 Thank you, Mr. Wepler.

11 Please, go ahead.

12 THE WITNESS: I am the Vice President
13 of Development for Storage Deluxe.

14 You know, we have actually become very
15 excited about this project, about the mural that we
16 are going to be doing facing the Viaduct.

17 I have been working directly with Geri
18 Fallo, the Cultural Affairs Director, for the last
19 month or so to just try to come up with exactly what
20 the process is going to be.

21 We have actually just finalized an RFP
22 for that and worked with our head of construction,
23 with our architect on it, to make sure we really
24 understood all of the issues that were involved with
25 how we were actually going to do the mural.

1 That RFP has just kind of been
2 finalized, and Geri, Ms. Fallo, is going to be
3 issuing that to a number of artists, who have
4 already kind of, you know, suggested that they might
5 be interested, and then we are going to be getting
6 bids, including pricing and concept ideas from a
7 number of local artists.

8 Ms. Fallo actually, I believe, is
9 running it by the mayor's office, and you know,
10 working with other city staff, so we got the process
11 going.

12 We are really excited about it. We are
13 working hand in hand, I believe. You know, our
14 requirement is that we will have the Cultural
15 Director's approval, you know, prior to building
16 permits, so we are tracking well with that schedule.

17 CHAIRMAN HOLTZMAN: Great. Thank you.

18 COMMISSIONER PEENE: Thank you.

19 CHAIRMAN HOLTZMAN: All right.

20 Terrific.

21 Any Commissioners, any questions or
22 comments for Mr. Burke or anything else?

23 If not, is there a motion to accept
24 this final approval?

25 COMMISSIONER PEENE: So moved.

1 CHAIRMAN HOLTZMAN: Are there any
2 conditions, Dennis? I think you have two
3 conditions. Is that correct?

4 MR. GALVIN: I have the following
5 conditions. One: Subject to the Board Engineer's
6 letter of April 5th, 2016, which includes the
7 information about the DEP.

8 Two: The applicant has agreed to post
9 a \$50,000 bond to guarantee the implementation of
10 the mural.

11 MR. BURKE: Okay.

12 CHAIRMAN HOLTZMAN: Okay.

13 COMMISSIONER PEENE: Motion.

14 COMMISSIONER DOYLE: With those
15 conditions, second.

16 MR. GALVIN: We need a second.

17 COMMISSIONER DOYLE: I'll second.

18 CHAIRMAN HOLTZMAN: Second.

19 MS. CARCONE: Dennis, do only the
20 people that voted on the preliminary vote on the
21 final?

22 MR. GALVIN: No. Everybody can vote.
23 It is a new application.

24 MS. CARCONE: Everybody can vote.
25 Okay.

1 Commissioner Magaletta?

2 VICE CHAIR MAGALETTA: Yes.

3 MS. CARCONE: Commissioner Doyle?

4 COMMISSIONER DOYLE: Yes.

5 MS. CARCONE: Commissioner Graham?

6 COMMISSIONER GRAHAM: Yes.

7 MS. CARCONE: Commissioner McKenzie?

8 COMMISSIONER MC KENZIE: Yes.

9 MS. CARCONE: Commissioner Peene?

10 COMMISSIONER PEENE: Yes.

11 MS. CARCONE: Commissioner Pinchevsky?

12 COMMISSIONER PINCHEVSKY: No.

13 MS. CARCONE: Commissioner Jacobson?

14 COMMISSIONER JACOBSON: Yes.

15 MS. CARCONE: Commissioner Holtzman?

16 CHAIRMAN HOLTZMAN: Yes.

17 Thank you, Mr. Burke.

18 MR. BURKE: All right. Thank you all,

19 Good night.

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C E R T I F I C A T E

1

2

3 I, PHYLLIS T. LEWIS, a Certified Court

4 Reporter, Certified Realtime Court Reporter, and

5 Notary Public of the State of New Jersey, do hereby

6 certify that the foregoing is a true and accurate

7 transcript of the proceedings as taken

8 stenographically by and before me at the time, place

9 and date hereinbefore set forth.

10

11 I DO FURTHER CERTIFY that I am neither

12 a relative nor employee nor attorney nor counsel to

13 any of the parties to this action, and that I am

14 neither a relative nor employee of such attorney or

15 counsel, and that I am not financially interested in

16 the action.

17

18 s/Phyllis T. Lewis, CCR, CRCR

19 - - - - -

20 PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300

21 Notary Public of the State of New Jersey

22 My commission expires 11/5/2020.

23 Dated: 4/8/16

24 This transcript was prepared in accordance with

25 NJAC 13:43-5.9.

CITY OF HOBOKEN
PLANNING BOARD
HOP-15-25

- - - - - X
RE: 722-730 Jefferson Street : April 5, 2016
Block 83, Lots 20-24 :
Applicant: 732 Jefferson Street, LLC : 9 p.m.
Preliminary Site Plan Review :
- - - - - X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman Gary Holtzman
- Vice Chair Frank Magaletta
- Commissioner Jim Doyle
- Commissioner Ann Graham
- Commissioner Caleb McKenzie
- Commissioner Ryan Peene
- Commissioner Rami Pinchevsky
- Commissioner Kelly O'Connor
- Commissioner Tom Jacobson

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

- Kristin Russell, AICP/PP
Board Planner
- Andrew R. Hipolit, PE, PP, CME
Board Engineer
- Patricia Carcone, Board Secretary

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I N D E X

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WITNESS

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FRANK MINERVINI

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CRAIG W. PEREGOY

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9

EDWARD KOLLING

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E X H I B I T S

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EXHIBIT NO.

DESCRIPTION

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Computer generated rendering 128

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1 CHAIRMAN HOLTZMAN: Mr. Matule, and Mr.
2 Minervini, you have 722 Jefferson.

3 Phyllis, let the record show that
4 Commissioner O'Connor is back on the dais with us.

5 Mr. Matule?

6 MR. MATULE: Good evening, Mr.
7 Chairman, and Board members.

8 Robert Matule, appearing on behalf of
9 the applicant.

10 This is an application for preliminary
11 site plan approval and variances to construct a new
12 four over one building at 722-730 Jefferson Street,
13 15 residential units with eight parking spaces. We
14 are requesting several C variances.

15 Mr. Kolling will address them, but I
16 would just as a preliminary statement say most of
17 them are driven by the site configuration.

18 I will have the testimony of our
19 architect, Mr. Minervini; our planner, Mr. Kolling,
20 and our traffic engineer, Mr. Peregoy.

21 Just for the record, there was a
22 previous application I believe in February of 2015
23 with respect to this property, different principals.
24 It was before the Zoning Board of Adjustment. It
25 was for a five-story, 15 unit building under the old

1 ordinance, and it was denied, and I pulled that out
2 in the application, but I wanted to put it on the
3 record.

4 So having said that, if we could have
5 Mr. Minervini sworn.

6 MR. GALVIN: Do you swear or affirm the
7 testimony you are about to give in this matter is
8 the truth, the whole truth, and nothing but the
9 truth?

10 MR. MINERVINI: I do.

11 F R A N K M I N E R V I N I, having been duly
12 sworn, testified as follows:

13 MR. GALVIN: State your full name for
14 the record and spell your last name.

15 THE WITNESS: Frank Minervini,
16 M-i-n-e-r-v-i-n-i.

17 MR. GALVIN: Mr. Chairman, do we accept
18 Mr. Minervini's credentials?

19 CHAIRMAN HOLTZMAN: We will, yes, thank
20 you.

21 THE WITNESS: Thank you.

22 MR. MATULE: Mr. Minervini, before we
23 start your testimony, do you have any exhibits to
24 mark?

25 THE WITNESS: Yes, two.

1 MR. MATULE: So the first exhibit we
2 will mark A-1. Can you just describe what it is?

3 (Exhibit A-1 marked)

4 THE WITNESS: Satellite photographs
5 taken from Google Earth.

6 MR. MATULE: Okay.

7 I'll mark this A-2.

8 (Exhibit A-2 marked).

9 THE WITNESS: And the second is a
10 computer generated rendering prepared by my office.

11 MR. MATULE: Okay. Very good. So
12 would you please describe the existing site and the
13 surrounding area?

14 THE WITNESS: Yes. I will start with
15 this photo board, A-1, which the Board doesn't have.

16 So our site is a 10,625 square foot
17 property, 25 feet off the corner of 8th Street and
18 Jefferson Street. So on the west side of the street
19 in terms of the adjacent buildings, directly to our
20 west is a multi-family residential building that
21 takes up about 90 percent of its property, and its
22 side wall of 50 feet is directly at our rear
23 property line.

24 So the first building I'm describing is
25 here. It is again a multi-family residential

1 building. I am not sure of the number of units, but
2 it faces 8th Street as well as Madison Street, and
3 its configuration is such that where our two
4 property lines meet, there is a blank 50 foot wall,
5 so that is what we are looking at right here in this
6 lower photograph.

7 The rear of our property is adjacent to
8 a 50 foot wall.

9 To our south, here, this Board has
10 recently approved a five-story residential building
11 on this first 50 feet.

12 As you go further south on the street,
13 like that other drawing that helped describe this,
14 on the corner you have St. Anne's Church, and then a
15 series of residential buildings. One is Newark,
16 that is 716, which my office designed, and so the
17 majority of the street is residential use.

18 The corner directly to our north is a
19 one-story structure that is 25 feet wide by 75 feet.
20 Its front portion is currently a pizzeria. Its rear
21 section is a local neighborhood bar, DC's, and the
22 other non residential structure would be the church
23 on the 7th Street corner.

24 Across the street we have got a
25 five-story residential building. It was probably

1 built within the last ten years.

2 And then the school conversion done in
3 the eighties, Citadel, I believe is the name.

4 To our north is a six and a half story
5 residential building.

6 To our direct -- across the street -
7 pardon me - to the west on Madison Street is a
8 four-story residential building.

9 So in terms of context, mostly
10 residential structures, save for the two corners,
11 and we are proposing to keep that the same use.

12 Again, Bob alluded to it, but the
13 variances that I will go into, as will Ed Kolling,
14 were all driven by the strange site configuration.

15 So the site itself is 125 feet wide, so
16 that is six lots. The first two lots on the
17 southern portion of the property are the standard 25
18 by 100, and that is what this rectangle represents.

19 The three lots that are on the northern
20 portion of the property are all 25 by 75, so the
21 variances that we will be asking for in terms of lot
22 coverage are really generated by this section, which
23 has less lot coverage.

24 As Bob also described, we are proposing
25 a five-story building, which is composed of four

1 residential floors above ground floor parking and
2 lobby and other ancillary spaces.

3 The 15 units, again, I will go through
4 these in more detail, are all three and
5 four-bedrooms in size, very large apartments.

6 The ground floor also has 18 parking
7 spaces included.

8 So I discussed the context. I
9 discussed what we are proposing. It will probably
10 now make sense to go through the plans --

11 CHAIRMAN HOLTZMAN: I'm sorry, Mr.
12 Minervini. Could you just rewind there for one
13 second?

14 THE WITNESS: Yes.

15 CHAIRMAN HOLTZMAN: I know that
16 originally there were a number of more parking
17 spaces, and I think our requirement on this is 11,
18 and I think you just said 18. Is that correct?

19 THE WITNESS: 18 is correct.

20 CHAIRMAN HOLTZMAN: I just want to make
21 sure we get the count right.

22 THE WITNESS: I will describe that as I
23 get to the plans, and I will also describe the
24 revision that was made post the Subcommittee Meeting
25 to decrease the number of parking spaces. Prior to

1 the 18, I think we had an additional six, but I will
2 get into that as we get to the plans.

3 CHAIRMAN HOLTZMAN: Thank you.

4 THE WITNESS: I should also -- this is
5 the photo board that you got as part of your
6 drawings, and I described most of this already using
7 the satellite photograph.

8 But here is our site, this section
9 here, so these three buildings and a parking lot.
10 When, of course, this photograph was taken, these
11 three buildings were here. Since then, they've been
12 razed, so right now the entire 125 feet in width is
13 an empty lot.

14 This is a pizzeria currently. There is
15 a six and a half story residential building across
16 the street on 8th, and a 50 foot wide blank wall
17 that I discussed.

18 These two properties right here have
19 been approved by this Board for a five-story
20 residential building. I was thinking the subject of
21 an application recently to this Board --

22 MR. GALVIN: On this block there is
23 a -- when I am looking at Google Map, there is a
24 house that's under construction, and then there is
25 like a -- do you know what I am talking about?

1 VICE CHAIR MAGALETTA: What's the date
2 on that?

3 THE WITNESS: Often they are older --

4 MR. GALVIN: September 2013.

5 VICE CHAIR MAGALETTA: There you go.

6 MR. GALVIN: And then we just had -- I
7 don't know if it was the Zoning Board or the
8 Planning Board, maybe I am getting old here, but we
9 had a whole issue about the water not dripping off
10 the roof onto this roof right here.

11 Does that sound familiar?

12 COMMISSIONER DOYLE: Yes. That was the
13 application that we just approved next door.

14 THE WITNESS: Lee Levine was the
15 architect.

16 MR. MATULE: 718 --

17 CHAIRMAN HOLTZMAN: That's 718?

18 THE WITNESS: 718 or 716-718.

19 CHAIRMAN HOLTZMAN: So that is to the
20 south of this project tonight, is that correct?

21 THE WITNESS: Correct.

22 So this yellow shaded area is our
23 property. These are five lots in width. There is a
24 25 foot lot left over that runs along the corner.
25 Currently that has got DC's, which is a bar, as well

1 as a pizzeria. The building that was just the
2 subject of an application to this Board is this 50
3 feet in width.

4 CHAIRMAN HOLTZMAN: Right.

5 MR. MATULE: If I could interrupt one
6 second, Frank.

7 Just for the Board members, in Mr.
8 Roberts' revised report of March 29th, on the last
9 page he did his photo shopping showing the --

10 CHAIRMAN HOLTZMAN: Updating.

11 MR. MATULE: -- updating showing our
12 proposed building and the Lee Levine building that
13 was just approved right next door, so that might be
14 better for context.

15 MR. GALVIN: That's great, Bob. Thank
16 you.

17 MR. MATULE: I'm sorry, Frank.

18 THE WITNESS: No. Thank you.

19 MR. MATULE: Go ahead.

20 THE WITNESS: So I will start with the
21 floor plan drawings, pardon me, Sheet Z-1, the
22 drawing on the left top portion of the property. As
23 I described, I will color in the drawing that you
24 already have.

25 This is our site. This is Jefferson

1 Street. This is 8th Street. This is Madison
2 Street. Again, that 50 foot wall that is behind us
3 is right at this section.

4 This is the bar and pizzeria, the
5 subject -- the 50 foot swath by 100 is Lee Levine's
6 project that was here probably a month ago.
7 Residential building, residential building, a
8 five-story residential building here.

9 As we go further south along Jefferson,
10 there is a four-story. This has changed. Again, a
11 combination of two, two four and a half, three and a
12 half, and then St. Anne's Church finally on the
13 corner of 7th Street.

14 Our zoning tabulation chart: So the
15 variances we are asking for, and Mr. Kolling, our
16 planner, will go through them in more detail, but we
17 are asking for a lot coverage variance, which I will
18 get to in the site plans.

19 We are asking for a construction depth,
20 which is the distance from the front line to the
21 back of the building. That is also driven by the
22 site condition, and I will get into that.

23 We are also asking for the ground
24 floor, the rear yard side as well as that depth of
25 the building.

1 What we are not asking for in this case
2 is a height variance. The height above sea level,
3 where this sidewalk is, allows this building to be
4 constructed and conform to all of the FEMA
5 regulations, as well as the zoning regulations
6 without a height variance.

7 So if you saw Mr. Roberts' diagram,
8 that building looks like about three foot or so
9 taller than ours, and ours is 48 feet in height.

10 MR. MATULE: From grade.

11 THE WITNESS: From grade. Thank you.

12 It is 40 feet above design flood
13 elevation as per the ordinance.

14 Z-2 shows our proposed site plan
15 relative to the adjacent buildings.

16 The drawing on the bottom left is taken
17 from the survey.

18 This is the property line of our
19 southern property line.

20 These buildings have since been
21 demolished. We are calling them out here to be
22 demolished, but they were since demolished.

23 Sheet Z-3, this is our flood vent and
24 circulation lighting plan, but I will use it as a
25 general plan to describe the layout of the building.

1 Our residential entry and lobby is approximately at
2 the center of the building, just what I'm
3 describing.

4 Our vehicular entry is to the north of
5 that. You will see there is a five foot setback at
6 ground floor level at this section. So what we have
7 done just at this section, it is -- it's there for
8 several reasons. It allows for a better viewing car
9 for the cars that enter and exit. The building is
10 now set back at ground level, but it also helps us
11 to define where the entry is. So the real thought
12 behind that was let's define the entry, and that is
13 really the purpose of this angle.

14 With that in mind also, we have got 18
15 parking spaces, so if we entered -- the vehicles --
16 the cars enter here on the northern portion of the
17 facade, and you can see the parking is relatively
18 regular showing 18 parking spaces. Prior to the
19 Subcommittee Meeting, our design was actually this.

20 So what we had in that case was a
21 building that did extend 60 feet, where this extends
22 60, it extends 75, so we had additional parking
23 spaces here.

24 Post Subcommittee, we took another look
25 at it, removed this section and allowed the rear

1 yard to be larger and removed about six parking
2 spaces.

3 So the building itself, and I will get
4 to the second floor, the second residential floor
5 above, it is 60 feet in depth, and that wall carries
6 all the way across on floors two, three, four, and
7 five.

8 Our additional lot coverage that we are
9 asking for at ground level is caused by this block.
10 What we got here is a 15 foot swath of property, if
11 we weren't to use it on our first floor, that would
12 be between a 50 foot high wall to our west and our
13 approximately 50 foot high wall, so we thought this
14 was a better planning solution to at ground level
15 extend the parking area into this space.

16 It doesn't have any negative effect to
17 our north, because the building covers almost 100
18 percent of the property, it seemed like a very good
19 planning solution.

20 Then when we move to the south, where
21 that 50 foot tall building is not constructed, we
22 brought it back to the standard 60 foot depth
23 building, 40 foot rear yard, so we got a common rear
24 yard as well as a private yard, which is accessed
25 from the second floor. It will make more sense when

1 I get to the residential floors.

2 Z-4 is the same floor plan with the
3 exception of it shows some of our utilities as well
4 as our proposed location for the underground water
5 retention system.

6 Z-5, more utilities and the retention
7 system.

8 So Z-6, this is our -- pardon me --
9 first -- well, I am calling them first floors
10 because it is the first residential floor, and that
11 is how the ordinance was written, but this is our
12 first floor above DFE, and this is our second floor
13 above DFE.

14 So, again, our site on this portion is
15 75 feet in depth. Our site here is 100 feet in
16 depth.

17 The building, the residential building
18 that we are proposing on floors two, three, four,
19 and five conform to the standard 60 foot depth, 60
20 percent lot coverage, on this section.

21 We continued that line down, took out a
22 60 foot building on the northern section as well,
23 very standard and regular, double loaded corridor.
24 What we wind up with is a 15 foot terrace between
25 the back of our wall and the rear wall of the

1 adjacent residential structure, and you wind up with
2 a 40 foot by 50 foot rear yard here.

3 So, again, our variance, lot coverage
4 variance, is really driven by the fact that we got
5 an undersized lot at this section, at 75 feet, and
6 we are proposing the standard Hoboken depth building
7 of 60 feet. We don't think there is any negative
8 impact because this wall that I keep talking about
9 that would have an impact, if there were windows
10 here, is a blank wall on the property line where
11 there are no windows.

12 Going up to our second floor, we have
13 four units, and they are all sized along -- as well
14 as on Sheet Z-6, I have the unit area breakdown, so
15 you can look and see for yourself that the units
16 range between 1550 square feet at the smallest to
17 2,300 at the largest. All will be three or
18 four-bedroom units.

19 The floors are the same, one, two,
20 three, and four, with the exception that on our
21 fourth floor, which is our top residential floor, we
22 decreased the number of units from four to three, so
23 these are the three 2200 square foot units.

24 I should also mention that we are
25 permitted on the site 16 residential units. We are

1 proposing 15 residential units.

2 Our roof plan sheet, Z-8, I will start
3 with letting the Board know that this was submitted
4 prior to the forming of an opinion on how to
5 calculate roof coverage. We did, and you see the
6 calculations up here in the corner, we did include
7 bulkheads, so this will have to be redesigned in the
8 sense that the decks will be made slightly smaller.
9 Of course, if the project is approved, that is what
10 we would do.

11 So there are three private roof decks,
12 each with private stairs for access from those top
13 three units.

14 The remaining of the roof, where there
15 are not mechanicals, will be an extensive green
16 roof. We've got quite a few details -- here we
17 go -- extensive green roof detail. This Board
18 understands very well what an extensive green roof
19 is. It's the modular system. It cannot be used as
20 outdoor space, and it cannot be walked on.

21 Elevations: I will start with Sheet
22 Z-9, and then I'll go to the rendering.

23 We are not asking for any facade
24 variances. We meet the glazing requirement, as well
25 as the masonry requirement. Our building is 49 feet

1 in height. Just for reference, I know that the
2 building directly to our south that was approved is
3 about three feet taller than ours, so we still work
4 very nicely within what will be --

5 MR. GALVIN: We are going to drain it
6 onto your building.

7 THE WITNESS: Pardon?

8 MR. GALVIN: We are going to drain it
9 onto your building, because we promised the
10 neighbors on the other side that we wouldn't drain
11 it on theirs.

12 THE WITNESS: I think the construction
13 office will have a problem with that.

14 MR. GALVIN: Okay, just checking.

15 (Laughter)

16 THE WITNESS: The rendering: So this
17 is what we envision the building to look like. We
18 have used some traditional components in terms of
19 the brick. We've got some -- although it doesn't
20 show too well here -- this gray is meant to be a
21 composite wood, so it will look like wood, but not
22 have the maintenance issue that we wood would have.
23 We also have that same material to define the entry
24 way.

25 There is an abundance of glass, so our

1 thought is there wasn't a true historical context
2 here to work with, and anyone familiar with this
3 neighborhood knows that especially on this side of
4 the street, with most industrial buildings, so we
5 thought the perfect canvas for a modern building.

6 Again, for reference, this is that big
7 blank wall behind us to our west, and directly to
8 our north, which is now a pizzeria, it has been
9 several different businesses over the years, and
10 this is the area where the building has been
11 approved already from Mr. Lee Levine, the architect.

12 MR. MATULE: While you have that
13 rendering, could you just talk a little bit about
14 the fact that a portion of the ground floor of the
15 building is pulled back five feet?

16 THE WITNESS: I did describe that
17 during the floor plans, but it does show well here.

18 So this colonnade, this column line is
19 at the property line, and we have recessed this
20 section of ground floor area, mostly an
21 architectural feature. We didn't necessarily need
22 the space. We thought it was a better solution to
23 push this back into what would be a 15 foot cavern
24 and have more open space towards the front.

25 I will pass it around, if anybody wants

1 to look at it in more detail.

2 CHAIRMAN HOLTZMAN: Mr. Minervini, do
3 you have any other elevation plans while we're
4 dealing with --

5 THE WITNESS: Yes.

6 CHAIRMAN HOLTZMAN: -- what I am most
7 concerned about is the north wall.

8 THE WITNESS: I have it.

9 Just before I get to that, Sheet Z-9
10 also has a drawing showing all of the relative
11 buildings on the street with the exception of,
12 again, that building that was just recently
13 approved.

14 So you can see our building height in
15 context with the adjacent buildings, St. Anne's
16 Church, the rectory, and the series of residential
17 buildings along the way, as well as the east side of
18 Jefferson Street. Although not shown in detail,
19 this is the massing of those.

20 So I will get to the rear.

21 You are specifically asking about the
22 north facade. So what we have done, knowing that
23 the northern facade will be visible for many years
24 possibly, but even if it is just one year, we have
25 taken the design on the front facade, and we have

1 wrapped it around for about 20 feet, and didn't just
2 treat this as if it weren't there.

3 We actually considered this wall. We
4 considered that people can see this wall, so if I go
5 back to the front facade, you can see this design,
6 which acts as an end cap for this front facade, the
7 same concept that wraps around.

8 So this brick element is here, and that
9 wraps around and is terminated and a vertical on
10 here. I think it is a very neat and attractive way
11 to have this side facade look like it is part of the
12 main building.

13 VICE CHAIR MAGALETTA: Is it flush on
14 that side?

15 THE WITNESS: It is flush. It cannot
16 go past the property line, so it's exactly flush on
17 the property line.

18 VICE CHAIR MAGALETTA: That's what I
19 mean. I know you can't go past, but it's completely
20 flush --

21 THE WITNESS: Completely flush, yes.

22 VICE CHAIR MAGALETTA: Okay. Thank
23 you.

24 THE WITNESS: Yes.

25 CHAIRMAN HOLTZMAN: So to the west of

1 the brick component of that wall is an aluminum
2 paneling system or something or what is that?

3 THE WITNESS: No. It's a composite
4 panel, which is constructed of cement and Fiberglas.
5 It looks very much like the metal panels that we
6 have all seen. These come in any color or
7 configuration, and we got a design within this,
8 almost completely maintenance free, and it adds a
9 bit to our fire rating, so it is a very, very good
10 material that is attractive in a modern way to have
11 at a property line.

12 CHAIRMAN HOLTZMAN: I am not sure if
13 you were aware of some of the conditions or some of
14 the issues of the previous application that we had
15 with Mr. Burke --

16 THE WITNESS: I wasn't.

17 CHAIRMAN HOLTZMAN: -- but they have,
18 in the storage facility that they are working on,
19 they have a very large wall that faces into the
20 neighborhood as well, and in that case what the
21 applicant did to -- well, they dressed up three of
22 the walls in their building.

23 The walls front and back of their
24 property, they put green walls on. Obviously, that
25 is not something that is probably going to work on a

1 northern exposure. So on the northern wall what
2 they did in this case is they are having a mural
3 done on that wall, so that we have got something
4 that is a nice neighborhood enhancement on like what
5 your neighbors to the west have obviously left all
6 of us with for ten plus years, which is a horrendous
7 50 foot high blank wall. So maybe there is
8 something that can be dressed up about this.

9 THE WITNESS: I understand the point.

10 However, that is an extremely different
11 condition. That building that you are discussing,
12 Mr. Burke's -- the subject of Mr. Burke's
13 application, is directly next to a one-story
14 commercial building that is five years old or so, so
15 that is not going to change.

16 That wall that they have is about 70
17 feet or 65 feet taller than that, which is very
18 visible from that portion of town, where there are
19 not other tall buildings.

20 This is not exactly the same case.
21 First of all, this facade that we are discussing is
22 not on the street. It is set in 25 feet from the
23 street, as well as having a taller facade to our
24 north. I think that --

25 CHAIRMAN HOLTZMAN: Right. But it

1 would be over the corner one-story commercial
2 property.

3 THE WITNESS: Correct. There is a
4 buffer of 25 feet from our facade to that wall.

5 I think what we have proposed is
6 actually a very good architectural solution.
7 Although it is not art, it is art in the form of
8 architecture, and I think this ties in that front
9 facade better than just having a blank wall with
10 some art that we may want that will not really be
11 seen.

12 CHAIRMAN HOLTZMAN: I agree with that,
13 and I would assume that this property owner made
14 some effort to probably join the corner property at
15 some point.

16 THE WITNESS: I don't know.

17 CHAIRMAN HOLTZMAN: So I am wondering
18 if that person is a hold-out type of person that
19 maybe it is going to remain that way for a long
20 time. I'm just throwing it out.

21 Mr. Magaletta?

22 VICE CHAIR MAGALETTA: I mean, what
23 you've done now, I'm fine, and I understand what you
24 have done.

25 Is there a color to it?

1 What color will it be?

2 THE WITNESS: Yes. And the thought
3 would be and, of course, if you can't see it on the
4 2-D drawing, the thought would be this same
5 material, so the brick is this same color that wraps
6 around, and the composite panel would be this color
7 that wraps around.

8 VICE CHAIR MAGALETTA: Is there any way
9 that you could maybe put a band or a strip down
10 that -- well, just to give it some activity, as
11 opposed to making it just a plain wall?

12 CHAIRMAN HOLTZMAN: No, they do. The
13 front facade wraps around 20 feet. Is that correct?

14 THE WITNESS: Yes.

15 So what we have done, the front facade,
16 this section, which is the north facade, it wraps
17 around 20 feet. We have taken the design of the
18 front facade and wrapped it around acknowledging
19 that there is a larger --

20 VICE CHAIR MAGALETTA: I know. But the
21 balance of it is just blank?

22 THE WITNESS: It's not blank. The wall
23 will have a color that will match and a lot of
24 texture, as well as we can define as it's shown on
25 the drawings where the joint lines are.

1 VICE CHAIR MAGALETTA: That's what I'm
2 trying to say.

3 So the joint lines, you can pretty them
4 up --

5 THE WITNESS: Yes.

6 VICE CHAIR MAGALETTA: -- so you give
7 them some character?

8 THE WITNESS: And I think that is what
9 we have done. That's what we intended to do --

10 VICE CHAIR MAGALETTA: Yeah. I can't
11 see it.

12 THE WITNESS: -- yeah, I know. And you
13 probably can't see it on the small drawings
14 either --

15 VICE CHAIR MAGALETTA: It's black and
16 white --

17 CHAIRMAN HOLTZMAN: Unfortunately, we
18 do not have any color rendering of that --

19 VICE CHAIR MAGALETTA: That's the
20 problem.

21 CHAIRMAN HOLTZMAN: -- or you would be
22 showing it to us, if you had it, I assume, but let's
23 make sure you don't.

24 THE WITNESS: I don't have it, or I
25 certainly would show it.

1 Just while we're on this subject, we
2 show on the south elevation the same concept.
3 However, I am going to propose that we no longer
4 have to do that since a structure has been approved
5 and is going to be built on this property line. This
6 was designed prior to us knowing that a building was
7 going into this location.

8 CHAIRMAN HOLTZMAN: So that you know
9 where my leading next question is going to be then,
10 right?

11 THE WITNESS: Yes, I do know, but I am
12 not going to give it to you. You have to tell me.

13 (Laughter)

14 COMMISSIONER DOYLE: Well, we'll never
15 know, never really know.

16 CHAIRMAN HOLTZMAN: Which is: Can we
17 have our south side design added to our north side?

18 THE WITNESS: I think the answer is
19 yes, but we wouldn't use that design because it
20 doesn't make sense given what it's attached to.
21 However --

22 CHAIRMAN HOLTZMAN: What I am saying is
23 can we potentially use the effort and the money that
24 would have gone into prettying up the south side,
25 which obviously nobody needs now that we know that

1 there is a building next to it, and maybe we can put
2 the emphasis into the north side, so that for some
3 period of time we have dressed it up as much as
4 possible?

5 THE WITNESS: Of course, I will speak
6 to the applicant, but I am sure that is the case.

7 What I would suggest, though, is using
8 the same concept and dragging over and perhaps
9 doubling the size of it. I am hesitant to just
10 continue this design around because there aren't
11 windows there.

12 So the idea, as we as architects think
13 of it, this terminates the facade as opposed to
14 taking this material and bringing it all the way
15 down.

16 See what we have done, where you would
17 have windows on the front facade, we just have metal
18 panels, and I think that's acceptable perhaps for
19 one bay of windows. If you take it down too far, it
20 looks kind of Disneyland.

21 VICE CHAIR MAGALETTA: Yeah. I don't
22 want to make it too busy. I definitely don't want
23 that. I also don't want to make it more expensive
24 than necessary. I just wanted to have some activity
25 to it. That is really what I was looking for.

1 THE WITNESS: Yes, understood.

2 CHAIRMAN HOLTZMAN: Mr. Doyle?

3 COMMISSIONER DOYLE: Your since
4 retracted southern exposure, though, has about 60
5 percent busyness, you know, I mean, which
6 contradicts what you just said about not going to
7 far --

8 CHAIRMAN HOLTZMAN: Busy in a positive
9 way.

10 COMMISSIONER DOYLE: Busy in a good
11 positive way, yes.

12 THE WITNESS: But it's also much more
13 visible. That was our thought.

14 Of course, this building is coming, but
15 if a building wasn't coming, that is a much more
16 visible facade than the northern one.

17 The northern one you will only see, if
18 you are walking across the street on 8th Street, or
19 if you are walking from north to south along
20 Jefferson.

21 COMMISSIONER DOYLE: Where as you only
22 see it if you are approaching from the south --

23 THE WITNESS: What, the other one?

24 COMMISSIONER DOYLE: Yes.

25 THE WITNESS: The short buildings next

1 to it, they're all shorter buildings, yeah.

2 COMMISSIONER DOYLE: Okay.

3 THE WITNESS: But I think -- I am
4 hoping that --

5 COMMISSIONER DOYLE: The building to
6 the north is a story, that's --

7 THE WITNESS: Yeah. What I am
8 suggesting as a revision I think helps what your
9 concern is, that we brought this -- if we double it,
10 it is more than half the building, and I think that
11 is a pretty good architectural answer to I think a
12 good question.

13 COMMISSIONER DOYLE: Okay.

14 Okay. While we are all the -- Mr.
15 Hipolit, go ahead.

16 MR. HIPOLIT: I just want to ask you a
17 question.

18 So if I am standing at the corner --

19 THE WITNESS: Of 8th Street?

20 MR. HIPOLIT: -- looking up at the
21 building, I can see down both streets, because the
22 building in front of us is 25 feet deep. If you
23 wrapped it 40 feet, you probably would only be able
24 to see the 40 feet wrapped, and the rest would kind
25 of wash away because you can't really see it.

1 THE WITNESS: That is how I see it,
2 yes.

3 MR. HIPOLIT: I agree with that. I
4 agree with that.

5 CHAIRMAN HOLTZMAN: Oh, and our
6 unarchitecturally involved attorney has just given
7 us --

8 MR. GALVIN: And construction impaired.

9 CHAIRMAN HOLTZMAN: -- and construction
10 impaired attorney has just reminded us of something
11 very important.

12 (Laughter)

13 Lee's building to the south to
14 accommodate his large pointed bay, he is actually
15 setting back as well from the front property line
16 three feet or something along those lines --

17 COMMISSIONER DOYLE: It was two and a
18 half or three feet.

19 CHAIRMAN HOLTZMAN: That was a moving
20 target, right?

21 COMMISSIONER DOYLE: We'll say three.

22 MR. MATULE: It might be squished.

23 CHAIRMAN HOLTZMAN: So maybe some
24 aspect of turning your corner is still good on the
25 southern exposure.

1 THE WITNESS: Yes.

2 So then what I would propose then is to
3 confirm with Lee that dimension, and whatever that
4 dimension is, let's say it is 30 inches, we will
5 wrap it up to that 30-inch point. Of course, it
6 doesn't make sense further than that, but up to that
7 30-inch point. Happily do that.

8 CHAIRMAN HOLTZMAN: While we are on
9 elevations, you also have sort of the narrow 15 foot
10 wide stretch between you and the west.

11 THE WITNESS: Yes.

12 CHAIRMAN HOLTZMAN: And that obviously
13 is just sort of like a corridor --

14 THE WITNESS: It is a corridor that in
15 our case allows, because our building is set back
16 from the property line for light and air and for
17 windows, it can't work for windows on the property
18 to our west, because that is on the property line.
19 You can't have windows on the property line, and
20 ours is set back 15 feet, so we're permitted
21 windows.

22 CHAIRMAN HOLTZMAN: Okay. And that is
23 shown by the left -- no, on the bottom left-hand --

24 THE WITNESS: Yes, I'm sorry, yes.

25 CHAIRMAN HOLTZMAN: -- so that is the

1 filled in, that's the white filled in part right
2 there that you are marking with the blue between the
3 western building and the edge -- the rear of your
4 building.

5 THE WITNESS: That is correct.

6 CHAIRMAN HOLTZMAN: Okay.

7 COMMISSIONER DOYLE: Well, Mr.

8 Minervini, I heard you talking about, you know, this
9 50 foot high wall on either side of this corridor
10 and how, you know, it would make -- you thought from
11 a planning perspective or an architectural
12 perspective, that that would not be worth much to
13 have the building stop at 60 feet.

14 But then you are putting a terrace ten
15 feet up, and so it is a 40 foot high wall on either
16 side of this terrace, which, you know, I am having a
17 little problem seeing that, you know, that the
18 terrace is great, but ten foot down the ground level
19 15 foot open space is not worth saving or --

20 THE WITNESS: In my opinion, and we
21 certainly looked at it again, because I understand
22 that my job is to look at a potential project and
23 think what the problems will be when we get to this
24 point.

25 If we did that, that was something we

1 considered, we wind up with a 15 foot swath that is
2 not connected to any apartments. So by the time you
3 then add a stair, you have reduced that by three
4 feet, and our thought also was that raising it up
5 ten feet, it is actually nine feet because we have a
6 diminished floor plan on the ground floor -- we're
7 raising it up nine feet, plus parapet, lessens the
8 height of that 50 foot wall to 40 feet.

9 So I thought -- we thought as a team
10 that this was a very good solution. It allowed for
11 parking, which, you know, we have enough space for
12 this parking anyway because we can reconfigure, if
13 you look -- maybe I didn't describe it -- there is
14 an ample amount of storage on that ground floor
15 space.

16 So by taking this space up on that
17 first floor, we can put the parking there, and then
18 allow for greater amounts of storage.

19 COMMISSIONER DOYLE: Well, you also
20 spoke about how this conforms to the standard 60
21 foot depth.

22 THE WITNESS: On a 100 foot lot, yes.

23 COMMISSIONER DOYLE: Exactly.

24 Where as it doesn't conform on this
25 lot, it is what, 45 feet would be --

1 THE WITNESS: Absolutely.

2 COMMISSIONER DOYLE: -- so if it were
3 45 feet, you would now have a 30 foot backyard, you
4 know, which would be less of a corridor between two
5 50 foot high walls.

6 I just -- you know, the notion that you
7 needed to have a 60 foot deep structure on a lot
8 that doesn't allow for that, you know, and then you
9 have surplus, as the Chairman has pointed out, a
10 surplus of parking, so it is not as if you, you
11 know, you're saying we need that extra 15 feet to
12 make it a hundred percent coverage on 60 per --
13 whatever -- on the three lots, because of this need
14 to get ten cars in there. You now have 18 cars.

15 THE WITNESS: We would have those
16 number of cars anyway, as I probably didn't do a
17 very good job describing that two things -- so we've
18 got --

19 COMMISSIONER DOYLE: No. If it were 45
20 feet deep instead of 75 feet deep, you would have
21 less of a garage.

22 THE WITNESS: Right, but we wouldn't
23 necessarily need that five foot front yard setback,
24 and we also wouldn't need the amount of storage
25 space we got. So we could conceivably design this

1 parking lot -- this within the footprint that's
2 permitted given our lot area to have the same number
3 of parking spaces.

4 So when we realized that, it made more
5 sense to us than to just take over that small bit of
6 area, that 15 feet, which would not be connected
7 directly off of an apartment, and then with the
8 space that was left over within the ground floor,
9 you will see we have 820, I think it is, square feet
10 of storage space in the front, and storage space in
11 the back rear. There is quite a bit of storage
12 there that would otherwise be parking, if this
13 building were to be -- cover 60 percent of those
14 last three lots.

15 I'm sorry. Also at 60 feet it is a
16 very natural dimension for a double loaded corridor
17 when you are designing a building. So at 60 feet
18 you can see we have got on floors two, three, four
19 and actually five as well, you got a very simple
20 double loaded corridors, here on one stair at one
21 end and at the other end, which when you reduce the
22 dimensions to, let's say, 45 feet, as you suggested,
23 then it is not a natural dimension. Then you really
24 only got space for your corridor, one room plus, and
25 one room plus in the front and back. Keep in mind

1 that we have less units here than are permitted.

2 COMMISSIONER DOYLE: Well, and that was
3 probably not my last point, but it was my next
4 point.

5 The fact that you have the right to
6 build 16 units -- well, number one, some of these
7 1500 square foot units I would say don't sound like
8 three to four-bedroom size units.

9 THE WITNESS: Of course, they are,
10 absolutely.

11 COMMISSIONER DOYLE: Okay.

12 THE WITNESS: And I say that the way I
13 did because --

14 COMMISSIONER DOYLE: With such
15 contempt.

16 (Laughter)

17 THE WITNESS: -- I didn't mean to do
18 that. Because we do it very often, very often.

19 COMMISSIONER GRAHAM: You said, of
20 course, they are. Is that what you said?

21 THE WITNESS: Pardon?

22 COMMISSIONER GRAHAM: You said, of
23 course, they are. Is that what you said?

24 COMMISSIONER DOYLE: Well, for three I
25 would concede, but you have three slash four. A

1 four-bedroom apartment in 1500 square feet, you
2 think that's generous?

3 THE WITNESS: No. But the three to
4 four was describing from the smallest apartment up
5 to the largest apartment, so I am not suggesting we
6 can get four in 1500 square feet, but we can
7 certainly get three.

8 COMMISSIONER DOYLE: Well, I think all
9 of these say three dash four, don't they?

10 THE WITNESS: Right. But the
11 intention, again, and I should have made it more
12 clear, is there is only two of those 1500 square
13 foot apartments. Most of them are larger than that,
14 and those could all be four, hence, the three slash
15 four.

16 COMMISSIONER DOYLE: I have a concern
17 that we are seeing over and over, and over again for
18 I understand a confluence of reasons, three and
19 four-bedroom apartments, and I don't know, and I
20 think I said this at the last meeting to you --

21 THE WITNESS: Yes.

22 COMMISSIONER DOYLE: -- I don't know,
23 you know, when we will have a surplus of three to
24 four-bedroom apartments, and we already have, and I
25 know from realtor friends, a shortage of two-bedroom

1 apartments available. And so I am wondering when we
2 are going to stop seeing, you know, 15 three-bedroom
3 apartments and start seeing 16, you know, some
4 two-bedrooms, you know, and then however you want to
5 break it down --

6 CHAIRMAN HOLTZMAN: So, Councilman, is
7 your question -- to sort of extrapolate this a
8 little bit further, maybe 16 units would be okay,
9 but more in the two-bedroom territory?

10 COMMISSIONER DOYLE: Yes.

11 CHAIRMAN HOLTZMAN: The number of units
12 is not what you are fearful of, but the size and
13 the --

14 COMMISSIONER DOYLE: Expense.

15 CHAIRMAN HOLTZMAN: -- expense.

16 COMMISSIONER DOYLE: Yeah.

17 COMMISSIONER PINCHEVSKY: Size and the
18 what?

19 CHAIRMAN HOLTZMAN: Expense.

20 COMMISSIONER DOYLE: Expense.

21 CHAIRMAN HOLTZMAN: For someone to
22 purchase --

23 COMMISSIONER DOYLE: The
24 family-friendly, I am all for families, but if they
25 can't afford a 2300 square foot four-bedroom

1 apartment, then it doesn't do us a whole lot of good
2 in trying to keep families in town.

3 THE WITNESS: It doesn't do anyone any
4 good, the architect nor the applicant.

5 Remember, this design in terms of unit
6 count, there are two reasons: One is what the
7 market today is telling an applicant that people
8 want.

9 The second is: These are larger -- not
10 in the recent past, but slightly further back, less
11 units was better at these Boards, so I would counsel
12 an applicant, okay, we are allowed 16, let's make 15
13 larger units, 15 apartments, less than what is
14 permitted. They are larger. Of course, they are
15 more expensive, but as you get into that higher
16 square footage, that value per square foot is
17 diminished.

18 So could somebody put 16 smaller
19 apartments in here?

20 Probably -- certainly.

21 And would they get more per square
22 foot?

23 Probably, because on a smaller
24 apartment, you get more per square foot.

25 Is this concept that a 2,000 square

1 foot apartment is going to sell the same as -- I am
2 not saying this is from you, but just as a general
3 concept -- will sell for the same price as a 1,000
4 square foot apartment per square foot is just not
5 true. It is not true.

6 These apartments, they lose -- not that
7 anybody cares about what an applicant loses, but in
8 terms of pure dollars, you do better with smaller
9 apartments. But the city, as I counsel our clients,
10 wants larger apartments. We want less density.
11 These are the things that this project has.

12 Certainly we could reduce that section,
13 as you are describing, where the rear yard is.
14 However, there is still, no matter what, a building
15 at a hundred percent lot coverage directly to our
16 north.

17 I just think that this, given its lack
18 of any negative impact that our planner will discuss
19 better than I can, this seems to be a perfectly
20 reasonable and appropriate planning solution to this
21 particular site. You couldn't pick this up and move
22 it somewhere else.

23 COMMISSIONER DOYLE: But you haven't
24 heard me say anything about the depth of the
25 second -- first -- second, third, fourth and fifth

1 stories. I only mentioned the lowest, so --

2 THE WITNESS: And that's what I was
3 responding to --

4 COMMISSIONER DOYLE: -- I'm sorry -- I
5 know. But earlier you said if you reduced the upper
6 floors to 45 feet, then you wouldn't be able to do
7 it, and I never said that --

8 THE WITNESS: Understood.

9 COMMISSIONER DOYLE: -- but I'm
10 focusing just on the lowest level.

11 THE WITNESS: And I think that if the
12 building weren't to our -- the one to our north
13 covers 100 percent of the lot, I think it would be
14 reasonable to bring that 15 foot swath down to
15 grade, if they had it at the same grade, so if you
16 are walking down 8th Street, and you know, well,
17 there is some semblance of a donut.

18 In this case, there is a building there
19 on 8th Street, covering it from Madison all the way
20 to Jefferson, it is all building, and I am just
21 explaining that is how we came to this conclusion.

22 COMMISSIONER DOYLE: Okay.

23 CHAIRMAN HOLTZMAN: Okay.

24 COMMISSIONER JACOBSON: Question on the
25 building height, especially relative to adjoining

1 properties.

2 On Z-9, the building is described as 49
3 feet overall building height. But then there is a
4 three and a half foot parapet, which appears to run
5 the entire length of the building --

6 THE WITNESS: Yes.

7 COMMISSIONER JACOBSON: -- south to
8 north with zero setback --

9 THE WITNESS: Uh-huh.

10 COMMISSIONER JACOBSON: -- so how does
11 that compare to the actual, you know, visual
12 appearance and impact of adjoining properties,
13 because it is not a comparison of 50 versus 49, it
14 is 52 and a half versus --

15 THE WITNESS: No. That is not actually
16 correct, because we are supposed to measure building
17 height to the top of the roof slab. Parapets are
18 permitted. They are required by the fire
19 department.

20 Now, we do have the option of setting
21 it back. However, if I make the worst case
22 assumption that Lee Levine's project directly to our
23 south, which is three feet taller, has no parapet,
24 we still match that. So either we match that
25 building, or we are less than that building. So in

1 terms of context, it still makes perfect sense.

2 CHAIRMAN HOLTZMAN: You said that Lee's
3 building wouldn't have a parapet?

4 THE WITNESS: Whether it did or didn't,
5 I was suggesting --

6 CHAIRMAN HOLTZMAN: Okay. It certainly
7 does.

8 THE WITNESS: Right. So even if it
9 doesn't have a parapet, his building is taller than
10 ours because they raised theirs, I think it's two,
11 maybe three feet, they raised their first floor
12 height, the ceiling height. So our parapet matches
13 their roof line approximately, and if they have a
14 parapet as well, we're still lower. But the
15 measurement, as the Zoning Board tells us, is to the
16 roof slab.

17 COMMISSIONER JACOBSON: Yeah. I was
18 trying to understand better the context of adjoining
19 properties.

20 CHAIRMAN HOLTZMAN: Mr. Minervini, can
21 you make sure we discuss the backyard?

22 THE WITNESS: Yes, thank you.

23 COMMISSIONER DOYLE: Z-5.

24 THE WITNESS: Z-3, the same plan.

25 So the backyard, which is on the two

1 25-foot swaths that are on the southern portion is
2 the conforming 40-foot in depth. Where we have a
3 hundred feet in lot depth, we have our back building
4 line at 60 feet, and we've got a 40-foot rear yard.
5 Approximately half -- well, exactly half of it is to
6 be used as connected to the second floor unit
7 directly above it, firstly, and then the remaining
8 thousand square feet is meant to be used as a common
9 yard for any of the building's occupants.

10 COMMISSIONER PINCHEVSKY: And that's
11 accessed from the ground floor from the parking
12 garage?

13 THE WITNESS: Correct. You must go
14 through the parking garage to get to it.

15 COMMISSIONER PINCHEVSKY: But didn't
16 you just mention that if you -- the right portion
17 did not have the cars there, that you would have to
18 add -- it would have to be stairs to get down into
19 that area, but apparently that is not needed for the
20 common courtyard?

21 THE WITNESS: Yes, so I will explain
22 that when I get to the second floor plan. It will
23 help me explain that.

24 The second floor plan should be Z-6.
25 So this is, as we are proposing, a roof terrace

1 above the garage roof approximately ten feet off the
2 floor. What we have done is we connected -- and
3 this is permitted within the ordinance -- this small
4 terrace, which is attached to Unit 2B, with a stair
5 that takes you down to here.

6 COMMISSIONER PINCHEVSKY: Sure, I see
7 that.

8 But I am just thinking if you have a
9 ground floor entrance, I am not trying to tell you
10 how to plan this by any means, but theoretically if
11 that parking spot was not there, you know, if you
12 shifted it down, so that it was open space on the
13 ground floor, and you didn't have that as a private
14 yard, that could be one huge backyard -- common
15 courtyard for the residents accessed from the ground
16 floor. You wouldn't need stairs.

17 THE WITNESS: It certainly could. I
18 described I think or hopefully well why we thought
19 this was a better planning solution.

20 Our thought at ground level for a
21 15-foot wide swath is not a hole in the donut, and
22 again, our thought was that the one-story section
23 here, which is the garage, matches the height of the
24 building directly to our north and leaves us with,
25 in this 50-foot swath, a perfectly conforming rear

1 yard.

2 So where there isn't a donut anyway,
3 and we can't reintroduce it, that is what we
4 designed for. Where we can, where we can place a
5 donut which continues as you go further south, we
6 have.

7 CHAIRMAN HOLTZMAN: Mr. Minervini, why
8 does the stair from the garage roof deck go down
9 into the private yard not --

10 THE WITNESS: Because it is accessed
11 from that one particular unit. It is --

12 CHAIRMAN HOLTZMAN: No, no. I am not
13 following you.

14 If I'm -- the second floor, the first
15 residential floor above the garage roof deck, right,
16 is that public or that's only private space?

17 THE WITNESS: This is private off of
18 this unit --

19 CHAIRMAN HOLTZMAN: Oh, that's private
20 space.

21 THE WITNESS: Yes. So this small deck
22 is there just to allow us to go out on it and access
23 the stairs, which is --

24 CHAIRMAN HOLTZMAN: So that goes from
25 private outdoor space to then private backyard

1 space?

2 THE WITNESS: Private backyard space,
3 and then you go down to the ground level, and this
4 is the common backyard space.

5 CHAIRMAN HOLTZMAN: Right.

6 COMMISSIONER DOYLE: So, Mr. Minervini,
7 how about if, to follow up on what Commission
8 Pinchevsky was saying, the bump-out of the northern
9 three lots, the 15 feet, if you were to, you know,
10 take roughly that area and make the common area that
11 you are just pointing to, come into the garage more?

12 In other words, instead of having a 60
13 foot, have a 50 foot portion of the building there,
14 you have a lot of storage on the street right there.

15 So if you brought that down, you would
16 have a bigger yard. You would have a bigger donut.
17 You would be giving up some of the, you know -- I do
18 think that if you looked at, as I am sure you have,
19 you know, Hoboken, the conforming standard 60 foot
20 building is not -- I think most buildings in the
21 city are not 60 feet, more newer buildings --

22 THE WITNESS: Which is why the
23 ordinance is written that way. It is meant for
24 newer buildings.

25 COMMISSIONER DOYLE: No. You know, not

1 everybody is choosing to put an addition on their
2 home to make every single backyard 60, you know,
3 build a structure of 60 foot width --

4 THE WITNESS: Exactly. That is why I
5 suggested it is for newer buildings.

6 COMMISSIONER DOYLE: But you're saying
7 that you cannot build a new building 40 foot deep?

8 THE WITNESS: On this lot you're
9 asking?

10 COMMISSIONER DOYLE: No. I'm saying in
11 general.

12 THE WITNESS: Of course, you can.

13 COMMISSIONER DOYLE: Okay. So not all
14 new buildings have to be 60 percent on a lot that is
15 a hundred feet deep. You people choose naturally to
16 maximize that, but it is not that it must be.

17 THE WITNESS: But let's remember why
18 that number is there. It is because the city
19 fathers who wrote the zoning ordinance and thought
20 about all of these things thought that that 40 foot
21 number, where you were starting from a clean slate
22 is the number that makes sense. Then you have 80
23 feet between buildings. Certainly no one has to
24 build that. But if you build it to that point, we
25 should all accept the concept that that is then

1 enough space --

2 COMMISSIONER DOYLE: That is the
3 minimum that we want --

4 THE WITNESS: Yes.

5 COMMISSIONER DOYLE: -- the founding
6 fathers -- notwithstanding well after, you know, the
7 founding fathers many, many --

8 THE WITNESS: You're making fun of my
9 term.

10 COMMISSIONER DOYLE: -- no, I'm
11 sorry --

12 (Laughter)

13 -- many, many structures are 30, 40
14 percent lot coverage, and you know, I don't know
15 that they said that that was a problem.

16 So in 1979 when they wrote the first
17 zoning law, they said we got to do something about
18 curing all of these 30 percent lot coverage. You
19 want to get them to 60. It was just -- you know, I
20 am sure it was a compromise, you know --

21 THE WITNESS: It was meant especially
22 for properties where a new structure was going to
23 come. Obviously, that is this case, which is why I
24 said that --

25 CHAIRMAN HOLTZMAN: Okay. I think this

1 esoteric conversation about lot coverage from our
2 founding fathers, you guys can save for over a beer,
3 okay?

4 VICE CHAIR MAGALETTA: No. But at the
5 same time, you know, it actually makes perfect -- if
6 you talk about percentage of coverage, because you
7 have the one problem to the north, by bringing that
8 space over to the south, you now have the 60 percent
9 coverage, which is contemplated, and you increase
10 the donut. You know, there is sense to it.

11 THE WITNESS: I'm sorry, sir. Let me
12 make sure I understand.

13 You are suggesting that at this level,
14 you would remove this section and put a garden --

15 COMMISSIONER DOYLE: No, for the whole
16 building it would have to be, but -- I would think,
17 if you --

18 THE WITNESS: I absolutely agree, if we
19 weren't here.

20 To hear this, I think, again, I
21 counseled -- I am not lawyer, but as an architect in
22 terms of architecture, I counsel an applicant on
23 what I think makes sense, what I think works
24 architecturally, what I think works in terms of the
25 floor plan, and what I think generally speaking

1 works when we get to this point.

2 Again, part of that reason is that 60
3 feet allows for a double loaded corridor, which
4 makes residential design work, and that's just my --

5 CHAIRMAN HOLTZMAN: Look, let me
6 propose this.

7 Ms. Graham, did you have something?

8 COMMISSIONER GRAHAM: I can wait.

9 CHAIRMAN HOLTZMAN: Okay. Here is
10 what I would like to offer up.

11 Mr. Matule has some additional
12 testimony from some others.

13 Mr. Minervini, I will conclude with, I
14 know that this Board somehow also seems to like the
15 number 75 percent, so on that I will ask you to move
16 on to the next person.

17 MR. MATULE: I don't mean to interrupt,
18 but I did have just a couple more questions for Mr.
19 Minervini.

20 CHAIRMAN HOLTZMAN: Oh, you did? I'm
21 sorry, Mr. Matule.

22 MR. MATULE: Just for the record, you
23 received Mr. Hipolit's report?

24 THE WITNESS: I have.

25 MR. MATULE: Any issues complying with

1 any of his comments?

2 THE WITNESS: None.

3 MR. MATULE: It has been reviewed by
4 the Flood Plain Administrator?

5 THE WITNESS: Yes.

6 MR. MATULE: You've complied with all
7 of her issues?

8 THE WITNESS: We have.

9 MR. MATULE: We have our stormwater
10 management --

11 THE WITNESS: It has been submitted.

12 MR. MATULE: -- has been submitted.

13 We are going to have a minimum of --

14 THE WITNESS: I should have -- I didn't
15 get to it yet, but some of the green elements, yes,
16 yes, we are proposing the NHS -- the stormwater
17 management tank size to be twice the minimum
18 permitted by North Hudson Sewage Authority.

19 In terms of green, it's sustainable
20 elements. I mentioned the stormwater retention.

21 We got the extensive green roof. We
22 got car charging stations, which I didn't describe,
23 but they are shown on the floor plans.

24 All of the lighting will be LED and
25 have LED fixtures, Energy Star rated appliances, and

1 all of the insulation for the building will be
2 closed cell straight on tight. It will be a very,
3 very tight building.

4 CHAIRMAN HOLTZMAN: And the green roof
5 is going to come in at 50 percent with the new
6 calculation?

7 THE WITNESS: I have to revise that to
8 conform with what I have since learned prior --
9 since this application has been submitted.

10 MR. MATULE: So that is a yes, right?

11 THE WITNESS: That's a yes.

12 MR. MATULE: And in Phase I, there are
13 no other conditions?

14 THE WITNESS: No.

15 MR. MATULE: If there is any historic
16 fill there, it will be dealt with?

17 THE WITNESS: Yes.

18 MR. MATULE: Okay.

19 And I would also just submit for the
20 record, I believe I already provided Mr. Hipolit
21 with it at the Subcommittee Meeting, but the survey
22 shows Riparian -- a retention Riparian situation
23 across the rear corner of the property, and we
24 submitted a grant from the State of New Jersey
25 releasing any interest in that, so that is a

1 non-issue.

2 MR. HIPOLIT: We agree it is not an
3 issue.

4 CHAIRMAN HOLTZMAN: Great.

5 MR. MATULE: So while Mr. Minervini
6 goes and confers with the applicant, I would like to
7 call Mr. Peregoy.

8 COMMISSIONER GRAHAM: Can I just --

9 CHAIRMAN HOLTZMAN: Oh, I'm sorry. Ms.
10 Graham?

11 MR. MATULE: Frank?

12 CHAIRMAN HOLTZMAN: Frank?

13 THE WITNESS: Yes, I'm sorry.

14 COMMISSIONER GRAHAM: You know, I'm
15 always concerned about lot coverage. I am just
16 not -- maybe I am being dense tonight. I am just
17 not understanding the need for why that -- so much
18 lot coverage on the one building, it is not
19 incorporating --

20 THE WITNESS: No. I absolutely get it
21 and very similar to last week's project, if you look
22 at that number, it seems larger. However, the site
23 is on the last three lots, which I know, of course,
24 you know --

25 COMMISSIONER GRAHAM: Yes. I walked by

1 it, but I still don't get it.

2 THE WITNESS: -- so our thought is that
3 whether it's -- a 60-foot building, which is the
4 conforming, all the way down the street where the
5 lots -- after these three lots all the rest of them
6 are 100, makes for a regular shape, and there is no
7 real negative impact that we see that allows for the
8 larger apartments. Even though we have one less
9 unit, it is doesn't allow for more parking because
10 what we have done on that ground floor is we've
11 taken that space that is here, for example, where
12 the additional lot coverage is, and we put parking
13 there, but --

14 COMMISSIONER GRAHAM: But why -- I am
15 just not sure why you need -- well, go ahead.

16 THE WITNESS: It is not about what we
17 need. It is about what is a good plan, as we see
18 it, a good planning solution for this site.

19 This building, of course, can be built
20 at two stories. It could be built at four stories.
21 I understand all of the variations --

22 COMMISSIONER GRAHAM: It is not
23 stories --

24 THE WITNESS: -- I know that --

25 COMMISSIONER GRAHAM: -- but what is

1 it, 85 percent?

2 THE WITNESS: No, it's 77.

3 COMMISSIONER GRAHAM: 77. I'm thinking
4 of last week's --

5 THE WITNESS: Last week's, yeah.

6 My job is to try to make --

7 COMMISSIONER GRAHAM: Why does it need
8 to be 77? Just tell me why --

9 THE WITNESS: Because the building as
10 designed is a better planning solution given this
11 context than if it were to conform completely.
12 That's why.

13 COMMISSIONER GRAHAM: What if it could
14 only be 60 percent, what would you have to do? I'm
15 just curious.

16 THE WITNESS: Obviously, these three
17 lots, which are the 75-by-75, the building you would
18 have to make shorter, so you no longer could have a
19 standard for designing a structure -- the minimum we
20 want a double loaded corridor --

21 COMMISSIONER GRAHAM: I'm sorry? I
22 didn't hear you --

23 THE WITNESS: -- I was just describing
24 that if we had to, this would be reduced, and then
25 we could probably no longer have a double loaded

1 corridor because you wouldn't then be able to have
2 two rooms in depth.

3 In architecture, when we draw designs
4 for multi-family buildings, the most efficient way
5 to do it is the stair at one end, and a stair at the
6 other and a hall in between, and at minimum this
7 dimension is 60 feet. Where it is a higher, taller
8 building at 65, that allows for the apartment
9 layouts to work well and be consistent, and two
10 rooms in depth -- in depth.

11 Does it have to be?

12 Certainly not. I understand why you
13 are saying that. My job is to explain why we made
14 the decision and why I think it is a better planning
15 solution --

16 CHAIRMAN HOLTZMAN: Mr. Minervini,
17 there seems to be some discrepancies here on our
18 notes. Some of us have 81 percent lot coverage at
19 grade level, and some of us have 77.

20 COMMISSIONER GRAHAM: That's why I
21 said --

22 THE WITNESS: That's the old plan,
23 which has since been revised, and it is 77.

24 CHAIRMAN HOLTZMAN: So we are currently
25 at 77?

1 MR. HIPOLIT: Show where the revision
2 was made based on the site plan --

3 THE WITNESS: March 14th is the most
4 recent revision.

5 MR. HIPOLIT: Show the area that it
6 came off the building.

7 THE WITNESS: I'm sorry.

8 So, Chairman, I think the difference in
9 lot coverage is this section, so the project as
10 originally designed when we got to the SSP was this
11 part was all parking. That accounts for that
12 additional lot coverage.

13 Since then, we removed it and lessened
14 the lot coverage, making these two lots completely
15 conform.

16 CHAIRMAN HOLTZMAN: So 77 at grade
17 level, which is the only floor that really counts
18 for lot coverage -- well, not only, because there
19 could be projections, but 77 is our number?

20 THE WITNESS: Yes, yes.

21 CHAIRMAN HOLTZMAN: I just wanted to
22 make sure we are clear. That's all.

23 Thank you.

24 COMMISSIONER PINCHEVSKY: I just have a
25 general question. I don't know who could answer

1 this.

2 But is the only reason for the 70
3 percent coverage to maintain --

4 CHAIRMAN HOLTZMAN: 77.

5 COMMISSIONER PINCHEVSKY: -- no, no,
6 no, no. But the 60 percent, what you are allowed is
7 60 percent, right?

8 I understand you're going to 77.

9 Is the only reason to maintain 60
10 percent is to maintain the donut or so in a
11 situation where the donut is already shot, the heck
12 with it, and let's just give them a hundred percent,
13 or are there other reasons besides the donut that 60
14 percent should still be the target?

15 CHAIRMAN HOLTZMAN: Well --

16 MR. GALVIN: Let's give Mr. Matule a
17 chance to answer it.

18 MR. MATULE: Historically, the plan was
19 when you had 60 percent lot coverage, we also could
20 have up to a ten foot front yard, so that 60 foot
21 building could slide back to a 70 foot depth. That
22 is why we only have a 30 foot rear yard depth
23 requirement.

24 So if your building was slid back, and
25 that's also why we have the 70 foot rear wall depth

1 thing, you can't go more, so it is all interrelated,
2 but the theory is to have a 60 foot greenway down
3 the spine of the property, 30 feet on each side.
4 That is the planning theory.

5 COMMISSIONER PINCHEVSKY: So that is
6 the theory?

7 CHAIRMAN HOLTZMAN: I think you hit it
8 right on the head. So if he's dealt a set of
9 conditions --

10 COMMISSIONER PINCHEVSKY: It is not
11 dealt. It's something that they chose, right? They
12 bought it.

13 You know, if you go for lots that
14 already have a hundred percent coverage on each
15 side, and you come before us and say, well, there
16 you have it, we should have it, too, by default
17 because the donut is already shot, I just don't know
18 if I accept that argument, and I'm curious --

19 THE WITNESS: That is not what I said
20 at all --

21 MR. MATULE: I'm going to respond to
22 that --

23 COMMISSIONER PINCHEVSKY: -- well, you
24 are not saying that it's shot, but you're -- you
25 are. You are in a sense saying it is shot for the

1 right portion of the building, where you are going
2 to go --

3 THE WITNESS: He told me not to
4 respond.

5 MR. MATULE: No. I'm saying because I
6 think -- and Mr. Galvin can certainly advise you
7 much better than I can on this -- but part of the
8 whole theory of the variance process and why we come
9 here and ask for certain things is because of the
10 conditions on the ground, the site conditions, and
11 it is contextual --

12 MR. GALVIN: Right. We take each case
13 on its own merits.

14 MR. MATULE: -- and the fact that we
15 have all of these anomalies around us does go to the
16 heart of how we lay it out and what we are asking
17 for, and particular suitability, and those things.

18 MR. GALVIN: Right.

19 They are making an argument. You may
20 not agree with that argument. You don't have to
21 agree with that argument.

22 COMMISSIONER PINCHEVSKY: Right.

23 But I am not trying to stand here or
24 sit here and tell you, you know, you're wrong, and I
25 am right. I am trying to promote the discussion

1 because I want to understand --

2 MR. HIPOLIT: The only thing --

3 CHAIRMAN HOLTZMAN: Hang on.

4 MR. HIPOLIT: -- we can't see, which is
5 on the building to the south, show them where the
6 wall to the building on the south ends, because we
7 had that discussion on the Site Plan Committee about
8 the building wall to the south. Where is that wall?

9 THE WITNESS: As Andy suggested, the
10 building to our south, so I know that Lee has a
11 setback of 30 inches, which means it goes back 30
12 inches here.

13 So the building to our south is
14 approximately right at this line, and I think that
15 is what you are asking, correct?

16 MR. HIPOLIT: Right.

17 At the Site Plan Committee, we had
18 discussed -- so they decided now to pull it back and
19 get more room space, so the donut is preserved going
20 around the corner to the northern building --

21 COMMISSIONER PINCHEVSKY: But nothing's
22 preventing them from going back even further --

23 MR. HIPOLIT: -- no, no. I just wanted
24 to tell you the thought from the Site Plan --

25 COMMISSIONER PINCHEVSKY: -- yeah --

1 you know, as Mr. Matule was just saying, in the
2 front pushing it back ten feet and creating some
3 open space up there.

4 I just think that there is really so
5 much room, you know, that you have to work with here
6 on such a huge, you know, combination of lots, and I
7 am just wondering if we are essentially handcuffed
8 to the idea of we have to eliminate the 60 percent
9 and go higher because the donut is already shot.

10 THE WITNESS: No. That is not what I
11 was hoping to impart in terms of my perspective. It
12 was more along the lines that even if this were
13 conforming, because the building depth is 45 feet or
14 so, what you got is not a donut. You got a building
15 on the end, fine.

16 You got the adjacent building to our
17 west directly on the property line. So even if we
18 made this building 20 feet, you really don't have a
19 donut. There are not windows -- cannot be windows
20 from the adjacent property.

21 Again, I am probably not doing a very
22 good job explaining this, but this is purely a
23 result, this design, of the context. So I am not
24 suggesting that where there is no donut, we don't
25 reintroduce it. I think where we can, we do.

1 Here we cannot reintroduce the donut,
2 because of the building that is there.

3 So then the thought becomes, let's make
4 a regular shape building, which is consistent with
5 most of the buildings down the block, consistent
6 certainly with all of the other new structures in
7 Hoboken without much negative impact at all --

8 COMMISSIONER PINCHEVSKY: But because
9 you can't -- because you can't reintroduce the
10 donut, I mean, what you're saying is the donut is
11 shot, right, you can't reintroduce it --

12 MR. GALVIN: Well, let me stop you --

13 COMMISSIONER PINCHEVSKY: -- so my
14 question -- my question was: Because you can't
15 reintroduce it, why give up on open space on this
16 property, meaning you can --

17 CHAIRMAN HOLTZMAN: Hang on.

18 COMMISSIONER PINCHEVSKY: -- you can
19 have open space --

20 CHAIRMAN HOLTZMAN: Go ahead.

21 COMMISSIONER PINCHEVSKY: -- you can
22 have open space.

23 Sure, it doesn't -- you can't
24 reintroduce the donut where the parking spots are,
25 but you can still introduce open space for the

1 tenants of this building and stick with the 60
2 percent that is currently allowed.

3 I am not saying that this is not the
4 best idea. Again, I am just trying to get all of
5 the information I possibly can.

6 THE WITNESS: Yes, and we certainly
7 considered that, and we think we have given
8 considering this location the open space, which is
9 above the second floor.

10 There is a building directly to our
11 north, which is at the same height as this, so that
12 was the thinking, let's match this as opposed to
13 have this sliver at ground level. It seemed to be a
14 better use. We still have the open space above it,
15 but now it's connected directly to an apartment as
16 opposed to being at ground level where by the time
17 you introduce theirs, it becomes a --

18 CHAIRMAN HOLTZMAN: Okay. So I think
19 Mr. Minervini has made his point.

20 We can all make the decision whether we
21 think the trade-offs are fair or not, but we also
22 have additional testimony --

23 COMMISSIONER PINCHEVSKY: Sure. I am
24 good.

25 CHAIRMAN HOLTZMAN: -- so let's -- I

1 would like to try to move on.

2 THE WITNESS: Got it.

3 Thank you.

4 MR. MATULE: So, Mr. Peregoy, we will
5 try again.

6 MR. GALVIN: Raise your right hand,
7 sir.

8 Do you swear or affirm the testimony
9 you are about to give in this matter is the truth,
10 the whole truth, and nothing but the truth?

11 MR. PEREGOY: Yes, I do.

12 C R A I G W. P E R E G O Y, PE, Dynamic Traffic,
13 LLC, 245 Main Street, Chester, New Jersey, having
14 been duly sworn, testified as follows:

15 MR. GALVIN: State your full name for
16 the record and spell your last name.

17 THE WITNESS: It's Craig Peregoy,
18 P-e-r-e-g-o-y.

19 MR. GALVIN: Mr. Chairman, do we accept
20 his credentials as a traffic engineer?

21 THE WITNESS: They're the same as they
22 were a week ago.

23 (Laughter)

24 MR. GALVIN: That is what I thought.

25 COMMISSIONER DOYLE: But a little bit

1 better actually.

2 (Laughter)

3 MR. GALVIN: You're being honed by
4 facing one of the best Boards in the state.

5 MR. HIPOLIT: Let's see if he gets
6 where he's supposed to go with this.

7 CHAIRMAN HOLTZMAN: Let's accept him.
8 Sure, why not.

9 MR. MATULE: Thank you, Mr. Chairman.
10 Mr. Peregoy, obviously you are familiar
11 with the project?

12 THE WITNESS: Yes.

13 MR. MATULE: And you prepared a traffic
14 report, dated 11/17/15?

15 THE WITNESS: Yes.

16 MR. MATULE: At that time the project
17 was 16 units and 21 parking spaces?

18 THE WITNESS: Yes.

19 MR. MATULE: And, of course, now you're
20 aware it is 15 units and 18 parking spaces --

21 THE WITNESS: Uh-huh.

22 MR. MATULE: -- so would you give us
23 the benefit of your traffic report and provide us
24 with any significant changes, which result from the
25 reduction in the number of cars parking there as

1 well as the reduction in the one unit?

2 THE WITNESS: Sure.

3 Well, obviously one less unit is
4 slightly less traffic, but certainly not anything
5 with a big impact.

6 I think one of the big things about
7 this application, and I know it wasn't intentioned,
8 is the prior use of the site had two garages on the
9 southern, and they had driveways, so there is
10 pavement marking, strictly parking there, and we are
11 eliminating that condition, going to just one
12 driveway in the approximate location of another
13 previous driveway.

14 So you had three, and you are only
15 going to have one driveway, so you're picking up two
16 spaces on the street, which I think is one of the
17 benefits that was not mentioned earlier.

18 In terms of traffic, obviously 15 units
19 isn't going to generate a substantial amount of
20 traffic volume. We are looking at about six trips
21 in the peak hour. To put that into perspective,
22 that is about an average of one car every ten
23 minutes, so that is certainly not something that you
24 could notice if you were standing on the street
25 corner today versus when this building goes up.

1 The parking layout, obviously it has
2 been the subject of some discussion tonight, so we
3 will see if there are any changes. But as it is
4 proposed now, it works very well.

5 The thing to keep in mind is
6 residential buildings like this, there's low
7 turnover spaces. Typically it is assigned to a
8 residence, so it's the same person parking in them
9 every day that will leave in the morning and come
10 back in the evening, or sometimes maybe only leave
11 on the weekend. So the layout that we proposed is
12 pretty generous, and we are offering that kind of
13 condition for the residential garage use.

14 Then in terms of the number of parking
15 spaces, I know, as we discussed earlier, we would be
16 required ten parking spaces, and we are proposing 18
17 parking spaces, and I think a big part of that is
18 the larger units. The number of bedrooms is going
19 to potentially attract people who would want an
20 additional space or would have more visitors than a
21 typical one or two-bedroom unit, so that is the
22 reason for a little more parking than is required.

23 I did actually do a little homework
24 after last week. I mentioned that a lot of research
25 shows one space per unit for urban areas, and I

1 mentioned the ITE, Institute of Transportation
2 Engineers' parking generation, and they had a ratio
3 that I couldn't recall at the time.

4 If the average number of bedrooms is
5 over two, then they recommend increasing their
6 parking calculation by 13 percent. That is what I
7 couldn't remember because it was such an odd number,
8 but 13 percent.

9 So if you increase that one space per
10 unit at 15 by 13 percent, then you are at 17.
11 You're proposing 18, so it does make sense in terms
12 of the way the ITE recognizes it, and when you have
13 more -- you know, higher than average of
14 two-bedrooms is what they recommend.

15 MR. MATULE: And I guess you alluded to
16 it, because of the fact that you are talking about
17 peak hours one trip every ten minutes, is there
18 going to be any appreciable impact on the level of
19 service in any of the surrounding --

20 THE WITNESS: No, no, absolutely not.

21 MR. MATULE: Okay.

22 And when you do your report, do you
23 also contemplate future buildouts?

24 THE WITNESS: Yes, yes.

25 In this case, you know, we are

1 obviously just looking at this particular building
2 and talking about six trips. It is nothing, if one
3 day from the next, it won't fluctuate much more than
4 that.

5 MR. MATULE: Okay. Short and sweet.

6 CHAIRMAN HOLTZMAN: Thank you.

7 Mr. Hipolit, you guys had a chance to
8 take a look at the parking layout in the garage.
9 Any concerns or anything else in terms of this plan?

10 MR. HIPOLIT: There is actually a
11 couple of good features. So they set back the
12 building on the first floor that extra five, so we
13 have an buffer in that five feet.

14 I mean, they need to provide the light
15 at the door still, but that works.

16 The aisle ways are adequate, and the
17 parking layout works. It's actually a good layout.

18 CHAIRMAN HOLTZMAN: What is the hazard
19 notification for crossing the sidewalk and things
20 like that?

21 I know we had a couple different
22 options over the years.

23 MR. HIPOLIT: We like the one that
24 comes from the bottom.

25 CHAIRMAN HOLTZMAN: And they have the

1 LED stripping at the door?

2 THE WITNESS: Yes.

3 MR. MATULE: You have to get Frank out
4 here.

5 MR. HIPOLIT: Yes. That is what he
6 proposed.

7 MR. MATULE: He shows a flashing
8 pedestrian warning device above the garage --

9 CHAIRMAN HOLTZMAN: That is usually on
10 the exterior of the building --

11 MR. HIPOLIT: And an LED light at the
12 bottom.

13 CHAIRMAN HOLTZMAN: An LED light across
14 the base of the threshold --

15 MR. MATULE: I'm just looking to see if
16 it is called out here.

17 MR. HIPOLIT: Yes.

18 THE WITNESS: It says it is mounted
19 above grade, so it is not in the ground --

20 MR. MATULE: But I am sure if he were
21 here, he would say we could have that, so I could
22 make that proffer on his behalf.

23 CHAIRMAN HOLTZMAN: Then we can add it.

24 MR. GALVIN: What's that?

25 MR. MATULE: The LED strip at the

1 garage door opening, the typical LED flashing strip
2 that Frank puts in at grade into the threshold of
3 the garage.

4 CHAIRMAN HOLTZMAN: Embedded into the
5 threshold of the garage door.

6 COMMISSIONER MC KENZIE: It's an alert.

7 CHAIRMAN HOLTZMAN: Anything else, sir?

8 THE WITNESS: That is it.

9 CHAIRMAN HOLTZMAN: Any questions for
10 the traffic engineer, parking, anything else?

11 VICE CHAIR MAGALETTA: Well, as far
12 as --

13 CHAIRMAN HOLTZMAN: Oh, I'm sorry. Not
14 so fast.

15 VICE CHAIR MAGALETTA: -- we get
16 parking -- it's not a question of design. You're
17 not here as far as design. That's why Mr. Minervini
18 is asked because Andy said that the layout works
19 fine, but if we make it smaller -- the footprint
20 smaller --

21 COMMISSIONER DOYLE: Maybe that is a
22 question for Andy?

23 VICE CHAIR MAGALETTA: Yeah.

24 MR. HIPOLIT: If you make the
25 footprint --

1 COMMISSIONER DOYLE: Hypothetically 15
2 foot shallower on the back of the north three
3 lots --

4 VICE CHAIR MAGALETTA: The northwest
5 portion.

6 MR. HIPOLIT: If you took out those
7 back parking spaces, the aisle going around would
8 still be adequate because it would match up with the
9 aisle way as you head south, so --

10 VICE CHAIR MAGALETTA: And if they
11 needed to, they could put a carousel on it --

12 MR. HIPOLIT: They would not need that.

13 COMMISSIONER DOYLE: How many spots
14 would --

15 COMMISSIONER GRAHAM: What?

16 MR. HIPOLIT: A carousel, they would
17 not need.

18 (All Commissioners talking at once.)

19 CHAIRMAN HOLTZMAN: One at a time,
20 guys. Sorry, Frank has the floor.

21 VICE CHAIR MAGALETTA: No. You would
22 lose seven, but you could make them elsewhere
23 because you have storage space you can move over.
24 There is a room in the corner. I don't know what
25 that's for --

1 CHAIRMAN HOLTZMAN: I think we should
2 address that to the architect.

3 VICE CHAIR MAGALETTA: Yeah.

4 CHAIRMAN HOLTZMAN: All right.

5 Any other questions for the traffic
6 engineer on traffic issues, not architectural
7 issues?

8 Okay. I think we are good here.

9 (Witness excused)

10 CHAIRMAN HOLTZMAN: Do you have a
11 planner?

12 MR. MATULE: I do.

13 CHAIRMAN HOLTZMAN: Mr. Matule, we seem
14 to have lost most of your team out in the hallway.

15 MR. GALVIN: Can I say this?

16 We need a time out.

17 CHAIRMAN HOLTZMAN: We need a time out.

18 MR. MATULE: I think we do, because if
19 the plan is going to change, I would like my planner
20 to testify to what's going to be --

21 VICE CHAIR MAGALETTA: As to the
22 correct plan.

23 MR. MATULE: -- the correct plan.

24 CHAIRMAN HOLTZMAN: So we will take a
25 quick five-minute break here.

1 MR. MATULE: Thank you.

2 (Recess taken)

3 CHAIRMAN HOLTZMAN: Mr. Matule, before
4 we go any further, we would like to have Mr.
5 Minervini come back.

6 And thankfully from our mathematically
7 inclined Commissioner Pinchevsky, we took a look at
8 the lot coverage, and as we all know --

9 MR. GALVIN: Wait. The Board did not.

10 MR. HIPOLIT: I did.

11 MR. GALVIN: Maybe you and Mr.
12 Pinchevsky --

13 CHAIRMAN HOLTZMAN: Mr. Pinchevsky
14 started it, and Mr. Hipolit also confirmed it.

15 MR. GALVIN: Right, but not the Board.

16 CHAIRMAN HOLTZMAN: Okay.

17 COMMISSIONER DOYLE: I did it, too, so
18 I think it is the whole Board --

19 MR. GALVIN: No, no. Listen to your
20 attorney.

21 COMMISSIONER DOYLE: Okay, fine.

22 MR. GALVIN: What I want to make clear
23 is that there was no combined conversation here.

24 If you made that calculation, I give
25 you credit for that, and I give Mr. Pinchevsky

1 credit for it. There was a side bar between our
2 Chairman and Mr. Pinchevsky that I'm aware of --

3 COMMISSIONER DOYLE: That's correct,
4 yes.

5 MR. GALVIN: -- and that's what I'm
6 talking about, all right?

7 Because our room has been repopulated.
8 It was unpopulated.

9 Go ahead.

10 F R A N K M I N E R V I N I, having been
11 previously sworn, testified further as follows:

12 CHAIRMAN HOLTZMAN: Thank you.

13 Lot coverage is the complete coverage
14 of any part of the property including any
15 staircases, decks, or anything else, and there's
16 this debate as to let's make sure we get it right as
17 to what exactly the lot coverage is, and I think
18 that everybody likes your design element on the
19 front of the building by setting the grade level
20 back five feet.

21 THE WITNESS: Yes.

22 CHAIRMAN HOLTZMAN: However, the second
23 floor and the rest of the building also cover and
24 are considered lot coverage. So even though the
25 grade level -- there is no building at the grade

1 level, it's considered lot coverage because we have
2 a building on top of it.

3 Are we all in agreement on that?

4 THE WITNESS: Yes, of course.

5 CHAIRMAN HOLTZMAN: Okay. I think that
6 may be the part of the conversation as to -- and
7 Andy can be specific about it -- as to why we have
8 77 versus 81 percent.

9 THE WITNESS: If I may, I will get my
10 calculator out as we are talking. When I say
11 "calculator," of course, I mean the phone.

12 CHAIRMAN HOLTZMAN: 81.3 to be exact.
13 Is that correct, Mr. Hipolit?

14 MR. HIPOLIT: Yeah. Counting the
15 stairs, it will be 81.3.

16 MR. MATULE: But stairs don't count
17 under the ordinance.

18 THE WITNESS: Stairs don't count.

19 CHAIRMAN HOLTZMAN: 81.2. Now we are
20 really splitting hairs.

21 COMMISSIONER DOYLE: One-seven.

22 MR. HIPOLIT: You got to round it, but
23 yes, you're right.

24 THE WITNESS: 82.07. Okay.

25 CHAIRMAN HOLTZMAN: I would hate to

1 think that you were trying to deceive us --

2 THE WITNESS: It would never happen. I
3 would never do that.

4 So it is 77 percent at grade level.

5 MR. HIPOLIT: No. At grade level --

6 CHAIRMAN HOLTZMAN: At grade level, but
7 that is not the lot coverage.

8 MR. HIPOLIT: What we are saying is
9 when you count the second story, where your
10 five-foot setback is --

11 CHAIRMAN HOLTZMAN: That still counts
12 as grade -- that still counts as lot coverage.

13 THE WITNESS: I am giving you one at a
14 time, so let's start with that.

15 (Laughter)

16 So at the upper floor at a 7500 square
17 foot lot -- building area --

18 CHAIRMAN HOLTZMAN: There's only one
19 number. There's no -- lot coverage doesn't change
20 depending upon your elevation with whatever
21 Ms. Banyra's craziness that she put into your head.
22 There is one answer for lot coverage, which is, I
23 don't care if it's at the grade level, the second
24 floor, or you have a fifth floor that overhangs,
25 cantilevering into the backyard, it is still counted

1 for lot coverage.

2 THE WITNESS: Understood.

3 So now I am making the assumption of
4 the number in terms of area I have on my zoning
5 chart are correct, and I think they are. Then we
6 have 70.6 percent on floors two, three, four, and
7 five, because that footprint is 7500 square feet.
8 You divide that by the lot area. That is 70.5
9 percent.

10 CHAIRMAN HOLTZMAN: Mr. Hipolit, what
11 do we have?

12 MR. HIPOLIT: Right. Now take the
13 projection of the first floor --

14 THE WITNESS: No, no. Let's talk about
15 the ordinance. You do not count projections over
16 the property line as lot coverage.

17 CHAIRMAN HOLTZMAN: They're not over
18 the property line. It is on your property. You are
19 set back. The front of your building at the second
20 floor is on the property line.

21 THE WITNESS: The second floor --

22 CHAIRMAN HOLTZMAN: The second floor is
23 at the property line. Is that correct?

24 THE WITNESS: When I am talking about
25 projections, I am talking about these two small --

1 CHAIRMAN HOLTZMAN: No. Nobody is
2 talking about those. Nobody is talking about those.

3 THE WITNESS: -- so then the numbers I
4 gave you are still correct. You are adding an
5 additional five feet that should not be added.

6 The building at this is 125 feet --

7 MR. HIPOLIT: We agree with that calc.

8 THE WITNESS: -- by 60 feet, divide
9 that by the lot area --

10 MR. HIPOLIT: Yeah. We agree with your
11 first floor calc, and we agree with your second
12 floor calc. But do me one favor. Go back to Sheet
13 Z-5.

14 THE WITNESS: Yes.

15 MR. HIPOLIT: What is the square
16 footage of the area?

17 Everybody likes the feature -- the
18 architectural feature and you set the building back,
19 what is the area of that?

20 THE WITNESS: I will give you an
21 approximate.

22 It is five feet, of course, by take it
23 about up to here, it's 5 by 25 --

24 MR. MATULE: 5 by 75.

25 THE WITNESS: I'm sorry. 5 by 75,

1 pardon me.

2 MR. HIPOLIT: So your building coverage
3 to your second -- you have to add that back in
4 because you have building coverage above it --

5 CHAIRMAN HOLTZMAN: Right.

6 THE WITNESS: Oh, yes.

7 MR. HIPOLIT: -- your building coverage
8 is 81.3.

9 THE WITNESS: No.

10 CHAIRMAN HOLTZMAN: You have to add
11 that back in because you have a building above it --

12 MR. MATULE: Frank, do me a favor,
13 take your upper floor and add back in what this is,
14 15 by --

15 (Everyone talking at once.)

16 COMMISSIONER DOYLE: Just take 2,000
17 off --

18 MR. MATULE: 15 by 75 will get you to
19 the same --

20 COMMISSIONER PINCHEVSKY: It's much
21 more simple, if you don't mind, if you don't mind --

22 CHAIRMAN HOLTZMAN: Rami, Rami --

23 THE REPORTER: Everybody can't talk at
24 the same time.

25 COMMISSIONER PINCHEVSKY: -- you have

1 three lots to the right. That's a hundred percent
2 lot coverage. It's 75 by 75 -

3 THE WITNESS: I actually get all the
4 mathematics here. What my suggestion --

5 MR. GALVIN: Whoa, whoa, whoa. Wait a
6 minute. Time out.

7 Are you done?

8 COMMISSIONER PINCHEVSKY: No.

9 THE WITNESS: Pardon me.

10 CHAIRMAN HOLTZMAN: Let's go. Rami
11 goes.

12 COMMISSIONER PINCHEVSKY: You have five
13 lots. The three on the right are a hundred percent.
14 They are 75 by 75, and that gives you 5,625 square
15 foot at a hundred percent lot coverage. On the left
16 the -- bear with me one moment --

17 THE WITNESS: Yes.

18 COMMISSIONER PINCHEVSKY: -- do you
19 disagree with that?

20 THE WITNESS: I do.

21 MR. GALVIN: Okay. Stop.

22 The Commissioner gets to tell you his
23 opinion.

24 THE WITNESS: Of course. I don't mean
25 to cut you off, but you asked me if I disagree.

1 COMMISSIONER PINCHEVSKY: Then explain
2 why that's not a hundred percent lot coverage.

3 THE WITNESS: Because if you measure
4 the lot coverage at a per floor basis, you don't
5 include this.

6 CHAIRMAN HOLTZMAN: And that is not how
7 you define lot coverage.

8 THE WITNESS: No. Lot coverage is
9 defined at its maximum, at its biggest -- if you got
10 ten floors --

11 (Everyone talking at once.)

12 COMMISSIONER GRAHAM: Shush, shush,
13 shush --

14 CHAIRMAN HOLTZMAN: Mr. Kolling.

15 COMMISSIONER GRAHAM: -- there's too
16 many voices here.

17 MR. GALVIN: Mr. Kolling, don't start
18 your testimony yet.

19 (Laughter)

20 THE WITNESS: If you got ten floors in
21 a building, and at its maximum it's 100 percent at
22 ground floor, and at minimum it's 50 percent, that
23 lot coverage is 100 percent. That is what you go
24 by. It's not -- you don't at the top floor, if you
25 are breaking lot coverage up on a per floor basis --

1 COMMISSIONER DOYLE: If it cantilevers
2 over the line --

3 THE WITNESS: -- you don't call it lot
4 coverage at the tenth floor of 100 percent.

5 So we broke it down, understanding that
6 the worst case number is what lot coverage is, and
7 that is what we need to show the Board.

8 We broke it down on a per floor basis
9 just really to show the accommodation of this space,
10 but you don't add --

11 MR. HIPOLIT: I don't think the
12 ordinance says per floor.

13 THE WITNESS: You don't have to.

14 So what the ordinance says is you take
15 the worst, the worst, the largest number, meaning
16 the most coverage, and that's the number. You go
17 with that. You don't take lot coverage -- you take
18 the full --

19 A VOICE: That can't be right.

20 CHAIRMAN HOLTZMAN: He's not right.

21 THE WITNESS: I am right.

22 CHAIRMAN HOLTZMAN: You are definitely
23 not right.

24 THE WITNESS: I'm absolutely right,
25 pardon me, because when we are at that second floor,

1 pardon me, Chairman, we are at the second floor,
2 we're including this space because you got structure
3 there. You don't include it, if we are breaking it
4 down on the lower floor. Absolutely not.
5 Absolutely not.

6 CHAIRMAN HOLTZMAN: Okay.

7 THE WITNESS: Now, I am not arguing
8 that we don't count that the largest number is not
9 used, it certainly is, but the lot coverage on this
10 floor doesn't include this. We could certainly add
11 it back.

12 We didn't put the space here, so that
13 number comes down. That wasn't the intention. It
14 was more of an architectural feature. I don't think
15 that should work against us. But you don't -- and I
16 hope that our planner and the Board's Planner could
17 get into this discussion, you don't count lot
18 coverage if you are doing it on a per floor basis.
19 You don't count --

20 CHAIRMAN HOLTZMAN: Well, I think that
21 that's where I disagree with you. Lot coverage is
22 not done on an individual -- it is not done -- you
23 can shake your head all you want --

24 THE WITNESS: No, I am saying I agree
25 with you.

1 CHAIRMAN HOLTZMAN: -- it's not done on
2 an individual floor basis.

3 The way that it has always been
4 described to me is that it's the bird's eye view.
5 So if I am looking down at your building, I can't
6 see the land that is where that front inset is. So
7 as far as I am concerned, that is covered --

8 THE WITNESS: Absolutely.

9 CHAIRMAN HOLTZMAN: -- the same way
10 that if there is a deck off the back, and I can't
11 see the earth below your deck, that deck counts as
12 lot coverage.

13 THE WITNESS: I agree.

14 CHAIRMAN HOLTZMAN: So how do you not
15 count the strip of land that is five feet wide
16 that's the setback from the property line?

17 THE WITNESS: The disconnect here I am
18 not suggesting that it is not counted.

19 I'm suggesting if we're referring back
20 to the chart, and we're looking at it on a per floor
21 basis, it's not included. But certainly as an
22 aggregate number, this front wall, this section is
23 included, as well as this section. I agree 100
24 percent.

25 COMMISSIONER DOYLE: But the lot

1 coverage is based on the lot size, not on five times
2 the lot size.

3 The way you are doing it, you are
4 saying the lot coverage for floor one, you are five
5 feet off, and then floor two, you're at 60 percent,
6 and floor three you're at 60 percent. It is just
7 the bird's eye view, and that area is covered. You
8 are acknowledging that --

9 THE WITNESS: Yes.

10 COMMISSIONER DOYLE: -- so of the
11 10,625 square feet that these five lots compromise,
12 there is only the 2,000 square feet and that yard
13 that is not covered --

14 CHAIRMAN HOLTZMAN: Uh-huh.

15 COMMISSIONER DOYLE: -- and so you
16 subtract that, and that is 8,625 --

17 THE WITNESS: I absolutely stand
18 corrected. I understand your point --

19 COMMISSIONER DOYLE: -- and then --
20 okay.

21 THE WITNESS: -- you don't even have
22 to -- I absolutely understand your point.

23 CHAIRMAN HOLTZMAN: Right. That's the
24 simplest calculation.

25 THE WITNESS: Yes. And I was purely

1 thinking of them as per floor. But you're right, if
2 we are going to give an aggregate, then I should
3 include this area as well as this area --

4 CHAIRMAN HOLTZMAN: Yes, absolutely.

5 THE WITNESS: -- understood, and I
6 apologize for the argument. I was thinking of the
7 per floor basis --

8 CHAIRMAN HOLTZMAN: So just to make
9 sure the record is clear, we are at 81 percent or
10 81.2 percent lot coverage?

11 MR. HIPOLIT: Yes, and I just checked
12 the definition --

13 CHAIRMAN HOLTZMAN: I would like to
14 hear it from the architect.

15 THE WITNESS: Yes.

16 CHAIRMAN HOLTZMAN: Ah, thank you.

17 Let's move on.

18 (Laughter)

19 MR. GALVIN: And Rami was right.

20 CHAIRMAN HOLTZMAN: And Rami was right.

21 THE WITNESS: Mr. Pinchevsky, you are
22 right, and thank you for that.

23 What I am going to offer I think will
24 make this whole discussion kind of moot.

25 So, of course, we understood what the

1 Board was telling us in not so many words, and I
2 went back and I spoke to the applicant, and what we
3 would like to propose is at the upper floors --

4 (Counsel confers with witness)

5 CHAIRMAN HOLTZMAN: Do you guys need
6 another five minutes?

7 (Laughter)

8 THE WITNESS: No. Bob didn't know
9 where I was going with this --

10 MR. GALVIN: He was worried you were
11 going down the same rat hole --

12 THE WITNESS: -- no.

13 So at the upper floors, and I'm going
14 to show each plan at a time, we are proposing to
15 remove five feet from the structure of the building.
16 That is on floors two, three, four, and five. So
17 instead of being 60 feet in depth, it will be 55
18 feet in depth.

19 As it relates down to the ground floor,
20 we are proposing to, where this 15 foot swath was
21 structure and we had open space above, we are
22 proposing to remove this parking, reduce the
23 building depth to match above, so it takes you to 55
24 feet. So in essence, the entire building will be
25 shaped like that. Our lot coverage goes to 67.8

1 percent on the upper floors.

2 A VOICE: No, it doesn't.

3 (Laughter)

4 THE WITNESS: I will have to calculate
5 it on the lower floors.

6 MR. MATULE: It normally goes to here,
7 correct?

8 THE WITNESS: Yes.

9 CHAIRMAN HOLTZMAN: You can't make it
10 up.

11 MR. MATULE: This way?

12 THE WITNESS: Yes.

13 COMMISSIONER GRAHAM: Can I ask?

14 I appreciate you're doing that, but why
15 does it take -- you always can do that. You know,
16 all of a sudden, you know, we come in here, we
17 discuss lot coverage, and you know that is an issue,
18 and you go out, and then you come back with what you
19 could have done in the first place --

20 THE WITNESS: Because what I present to
21 you is what I think makes sense, is what I think
22 generally speaking the Board would accept. I heard
23 something different tonight. I still think in terms
24 of pure architectural planning, what we had was a
25 better solution, but I understand where the Board is

1 coming from.

2 So what we are proposing is to -- now
3 at ground level, we will have 40 foot open space
4 here. You will have 20 feet of open space here, and
5 that line goes all the way up, so I will have to
6 calculate the lot coverage inclusive of that number,
7 but it will be 70 percent.

8 CHAIRMAN HOLTZMAN: So the back of the
9 building is not straight across. There is a little
10 bit of a jog in it still?

11 THE WITNESS: Yes, because this section
12 is already 60 feet, which is permitted --

13 CHAIRMAN HOLTZMAN: Right.

14 THE WITNESS: -- if you think about
15 those two lots separately.

16 CHAIRMAN HOLTZMAN: Okay. So that is
17 60 percent -- 60 feet deep on the left side --

18 THE WITNESS: Yes.

19 CHAIRMAN HOLTZMAN: -- and on the right
20 side it's how deep from the --

21 THE WITNESS: We are proposing 55 feet,
22 which --

23 CHAIRMAN HOLTZMAN: -- I want to be
24 just really careful about this, Frank.

25 55 from the property line, or 55 is the

1 building, because your building is set back.

2 THE WITNESS: It's set back only on the
3 ground floor, so if you look at it from the floor
4 above, it is from the property line. The front of
5 the building is back 55 feet --

6 CHAIRMAN HOLTZMAN: 55 feet is the
7 building width on the upper level --

8 THE WITNESS: Correct.

9 CHAIRMAN HOLTZMAN: -- and the front is
10 still set back the five feet in the entry type of --

11 THE WITNESS: Yes, yes.

12 But the back wall of the building will
13 be consistent all the way up --

14 CHAIRMAN HOLTZMAN: Right.

15 THE WITNESS: -- so where we heard
16 there was an issue -- but some of the Board members
17 weren't very happy with the concept of having what
18 we thought was outdoor space on the second floor, we
19 brought it all the way down to ground level, and we
20 made that space now 20 feet as opposed to 15, and I
21 think it is a very nice solution --

22 CHAIRMAN HOLTZMAN: So how is the
23 private/public space in the backyard now on this
24 revision in process?

25 MR. HIPOLIT: It's totally open --

1 THE WITNESS: Now, I haven't -- I don't
2 have an exact answer. I will -- because we didn't
3 discuss that in detail.

4 I am sure that a portion of this
5 minimally will have direct stair access from the
6 apartment above, which kind of makes sense, and then
7 what would have been private access will now become
8 common area.

9 So as we are talking this through, I'm
10 going to suggest that this becomes space to be used
11 for one particular unit, and now we will double the
12 size of the common area outdoor space --

13 CHAIRMAN HOLTZMAN: Oh, mazel tov.

14 COMMISSIONER DOYLE: Good.

15 CHAIRMAN HOLTZMAN: Excellent.

16 COMMISSIONER DOYLE: 67.05 is your
17 percentage.

18 MR. MATULE: I have 67.1 --

19 COMMISSIONER DOYLE: Well, you know --

20 COMMISSIONER PINCHEVSKY: 67 percent
21 sounds good.

22 CHAIRMAN HOLTZMAN: 67 percent our
23 mathematicians have.

24 MR. MATULE: Point one.

25 COMMISSIONER DOYLE: Well, you want to

1 make it bigger, Mr. Matule?

2 CHAIRMAN HOLTZMAN: 67.1. We'll give
3 you a little buffer.

4 MR. MATULE: It is a very good way to
5 do it. If we take the 3500 square feet of open
6 space and divide it by 10,625, it is 67.1 --

7 CHAIRMAN HOLTZMAN: Grat.

8 MR. MATULE: -- no, actually it's 39
9 point something, and you subtract that --

10 (Everyone talking at once.)

11 MR. MATULE: -- 32.9 --

12 (Everyone talking at once.)

13 CHAIRMAN HOLTZMAN: Okay. Mr.
14 Minervini, can we get you back?

15 Mr. Galvin has a couple of concerns.

16 MR. GALVIN: The plan is to be revised
17 to reduce five feet from floors two, three, four,
18 and five.

19 The plan is to be revised to do what on
20 the first floor?

21 MR. MATULE: It is to reduce --
22 basically it is to take five feet straight down.

23 CHAIRMAN HOLTZMAN: He needs to write
24 it down on the thing.

25 THE WITNESS: But to be clear, that is

1 only off of the 75 feet of frontage north to south.

2 MR. GALVIN: I am looking for a way to
3 describe this in the resolution. I'm not --

4 MR. MATULE: My suggestion is that on
5 Lots 20, 21 and 22, the building will be 55 feet
6 deep.

7 THE WITNESS: Yes. Thank you, Bob.

8 MR. MATULE: On Lots 23 and 24, the
9 building will be 60 feet deep --

10 THE WITNESS: As proposed --

11 CHAIRMAN HOLTZMAN: Wait. He just has
12 to get it down, so just one more time.

13 MR. MATULE: On Lots 23 and 24, the
14 building will be 60 feet deep.

15 MR. GALVIN: Okay. I got it. I know
16 it doesn't look like it, but --

17 COMMISSIONER PINCHEVSKY: And that's
18 because the first three lots are --

19 MR. MATULE: I was going to say, the
20 rear yard in Lots 20, 21, and 22 will be private,
21 and the rear yard in Lots 23 and 24 will be for the
22 whole building. And if I may --

23 CHAIRMAN HOLTZMAN: Let's just be slow.
24 We are trying to get it down.

25 THE WITNESS: No. I have to say this

1 when you are done.

2 MR. GALVIN: Lots 20, 21, and 22 will
3 be open to the public?

4 MR. MATULE: Open to the public.

5 THE WITNESS: No, it's the other way
6 around.

7 These three, 21, 22, 23, is that where
8 you are?

9 COMMISSIONER PINCHEVSKY: No. 20, 21,
10 22.

11 MR. MATULE: No. These are going to
12 be private.

13 THE WITNESS: Yes.

14 CHAIRMAN HOLTZMAN: So 21, 22 and 23
15 are private.

16 MR. MATULE: 21 and 22 are going to be
17 private --

18 COMMISSIONER PINCHEVSKY: 20, 21, 22 --

19 MR. MATULE: -- are going to be
20 private --

21 CHAIRMAN HOLTZMAN: 20, 21, 22.

22 MR. MATULE: -- lots 23 and 24 are
23 going to be public.

24 COMMISSIONER DOYLE: When you say
25 "public," you don't mean --

1 MR. GALVIN: No. They're common areas
2 for the building. I'm sorry. We are being
3 inartful.

4 CHAIRMAN HOLTZMAN: Do you have that?

5 MR. GALVIN: Yes.

6 COMMISSIONER DOYLE: If I can just --

7 CHAIRMAN HOLTZMAN: Hold on.

8 THE WITNESS: I'm sure what also gets
9 written in there is that although it's private, it
10 can be for two units perhaps, rather than one.

11 MR. HIPOLIT: The new parking -- what
12 is the number now --

13 THE WITNESS: We haven't come up with
14 the number. We are going to say minimally -- what's
15 the number, Bob?

16 MR. MATULE: Minimum of ten.

17 THE WITNESS: Minimum of ten.

18 CHAIRMAN HOLTZMAN: You have to be at
19 ten.

20 THE WITNESS: Minimum of ten. We may
21 have more depending how it lays out.

22 CHAIRMAN HOLTZMAN: Mr. Jacobson?

23 COMMISSIONER JACOBSON: I don't think
24 this Board has such a great interest in the division
25 of the open space on the property between that which

1 is common and that which is deeded to an individual
2 unit, and I am getting a sense from the applicants
3 that perhaps the negotiation we are having with the
4 architect is perhaps inconsistent with what they may
5 want to do, so just I mean --

6 CHAIRMAN HOLTZMAN: I'll --

7 (Everyone talking at once.)

8 COMMISSIONER JACOBSON: -- well, I was
9 just -- there was a lot of --

10 CHAIRMAN HOLTZMAN: One at a time.

11 MR. GALVIN: Whoa, whoa.

12 CHAIRMAN HOLTZMAN: -- stop, stop.

13 MR. GALVIN: You guys aren't sworn in.
14 You can't do it that way.

15 CHAIRMAN HOLTZMAN: Mr. Jacobson, are
16 you done?

17 COMMISSIONER JACOBSON: Yes.

18 CHAIRMAN HOLTZMAN: Thank you.

19 So I don't know that that is a shared
20 opinion. I thought it was a great advantage that
21 the open space for the people of this property was
22 just doubled, so I thought that that was a
23 considerable consideration in terms of a plus.

24 So to me, I think there are two issues.
25 I think there is an open space lot coverage backyard

1 issue for the greater good of the neighborhood, but
2 there is also a significant benefit now to the
3 everybody that lives in this property except for one
4 or two people having the backyard.

5 MR. MATULE: And I appreciate your
6 concern, but we are all good with this layout.

7 Thank you for raising --

8 COMMISSIONER JACOBSON: Okay. Just
9 because there's one unit that's losing a deeded --
10 so I'm making sure that everything --

11 (Everyone talking at once.)

12 CHAIRMAN HOLTZMAN: Are they losing a
13 deeded --

14 COMMISSIONER JACOBSON: Yes, yes.

15 CHAIRMAN HOLTZMAN: No.

16 COMMISSIONER JACOBSON: Yes.

17 CHAIRMAN HOLTZMAN: -- because they are
18 going to get the skinny part of that yard.

19 COMMISSIONER MC KENZIE: Or somebody
20 is.

21 CHAIRMAN HOLTZMAN: They are good.

22 Did you have something?

23 THE WITNESS: No, no. I am just
24 responding.

25 (Laughter)

1 CHAIRMAN HOLTZMAN: Any other questions
2 for Mr. Minervini while we have him up here, or are
3 we going to continue with the planner I guess at
4 this point, or where are we, Mr. Matule?

5 The planner? Where are we these days?

6 (Witness excused.)

7 MR. MATULE: The planner.

8 Okay. Mr. Kolling, we will have you
9 sworn in.

10 MR. GALVIN: Raise your right hand.

11 Do you swear or affirm the testimony
12 you are about to give in this matter is the truth,
13 the whole truth, and nothing but the truth?

14 MR. KOLLING: Yes, I do.

15 E D W A R D K O L L I N G, having been duly sworn,
16 testified as follows:

17 MR. GALVIN: State your full name for
18 the record and spell your last name.

19 THE WITNESS: Edward Kolling,
20 K-o-l-l-i-n-g.

21 MR. GALVIN: Mr. Chair, do we accept
22 his credentials?

23 CHAIRMAN HOLTZMAN: We do, even though
24 Mr. Kolling is wearing jeans today. I thought it
25 rather unusual.

1 (Laughter)

2 MR. MATULE: Mr. Kolling, you are
3 familiar with the master plan and the zoning
4 ordinance of the City of Hoboken?

5 THE WITNESS: Yes, I am.

6 MR. MATULE: And you're familiar with
7 the project as most currently revised?

8 THE WITNESS: Yes. I have been in
9 attendance at the hearing all evening.

10 MR. MATULE: So while we are at 15
11 dwelling units, we are now at a minimum of ten
12 parking spaces and lot coverage -- here is my math.

13 What did we say?

14 THE WITNESS: 67, a little over 67.

15 MR. MATULE: 67.1 percent.

16 All right. So could you go through
17 your planner's report, and with respect to the
18 revisions, because I think I see one more revision
19 now, the rear wall is no longer going to be at 75
20 feet --

21 THE WITNESS: Correct. The depth --

22 MR. MATULE: -- the rear wall is no
23 longer going to be at 75 feet, so that variance is
24 going away?

25 THE WITNESS: We removed that variance,

1 correct.

2 VICE CHAIR MAGALETTA: Thank you.

3 MR. MATULE: That rear wall will now
4 be at 55 feet I believe. But anyway, it will not
5 exceed 70 feet?

6 THE WITNESS: Correct.

7 MR. MATULE: So could you just give us
8 the benefit of your professional opinion regarding
9 the amended variances, which would be the amended
10 lot coverage --

11 COMMISSIONER DOYLE: Excuse me --

12 CHAIRMAN HOLTZMAN: I'm sorry, Mr.
13 Matule, hang on one second.

14 Mr. Doyle?

15 COMMISSIONER DOYLE: -- Mr. Matule, I'm
16 sorry. If I could just -- just so you don't spend
17 time on it, the setback is a percentage, right? It
18 is not --

19 MR. MATULE: The rear yard is 30 feet
20 or 30 percent. That is different than the rear
21 wall.

22 COMMISSIONER DOYLE: Right. I don't
23 think you have -- you don't have 30 percent, so you
24 still would need a variance for the rear wall --

25 THE WITNESS: We need a rear yard

1 variance of approximately 2.5 feet. When you have a
2 75 foot deep lot, 30 percent would be 22.5 feet, and
3 we're at 20 feet, so we are much closer, but we
4 still need a variance.

5 COMMISSIONER DOYLE: Yes. I thought
6 you were saying you no longer needed the rear --

7 MR. MATULE: No, it was a different
8 variance. The rear wall depth, the rear wall of the
9 building can't go back more than 70 feet, and on
10 those three lots, the rear wall was at 75 feet. So
11 by coming back, that variance went away, not the
12 rear yard depth.

13 Continue.

14 COMMISSIONER DOYLE: Okay. Thank you.
15 I'm sorry to interrupt.

16 MR. MATULE: It's getting late.

17 (Laughter)

18 THE WITNESS: One of the things I
19 wanted to point out as basic information is that we
20 are in the R-2 District, and the purpose of that
21 district is to facilitate conversion of non
22 residential to residential space, and to otherwise
23 reinforce the residential characteristics of the
24 district by restricting uses that are incompatible
25 with that purpose, and I think that is important to

1 say because that is exactly what we are doing here.

2 There was a couple commercial
3 buildings, a quasi industrial building, open
4 parking. All of that is coming out to be replaced
5 by residential buildings, so we are promoting the
6 intent and purpose of the zone plan, and that goes
7 to the beneficial aspects of the application that
8 could support -- if it goes to the C-2.

9 In terms of the variances, the lot
10 coverage is now at 67.1 percent, and that is on all
11 floors, so there is no argument about that.

12 Our rear yard, we conform on the two
13 deeper lots. We have a two and a half foot deep
14 variance for the shorter portion of the property.
15 We conform to the rear wall distance.

16 We still need that little variance in
17 the front for the zero to five feet that we are
18 moving in and out, but I think that if you look at
19 it from the perspective of good urban design based
20 on the way the building was approved recently next
21 door and the idea that this space will add some
22 additional pedestrian space and enhance the
23 pedestrian environment, I think that you can look at
24 that from the C-2 benefits outweighing the
25 detriments.

1 We also promote many aspects of the
2 master plan, compatibility of scale and density. We
3 meet the density -- we are under the density
4 actually. Similar in scale to a lot of other
5 buildings in the area, many, many five-story
6 buildings and even taller, as Frank pointed out.

7 The parking will be within the
8 building. We provide open space of the interior of
9 the block. We may not fully conform, but it is a
10 significant improvement over what was there, and we
11 are creating a much more attractive rear yard area
12 that does enhance the donut, so I think we are
13 promoting those purposes as well.

14 We're promoting family-friendly units,
15 and we're promoting green architecture, so these are
16 all beneficial aspects of the project.

17 We do need -- I think Mr. Roberts had
18 pointed out, we need a variance for development of a
19 nonconforming lot. It is a preexisting condition.
20 It can't be made conforming. There is an existing
21 building on the 25 by a hundred lot that faces 8th
22 Street that was taken out of these lots, God knows
23 when. You can't knock down that building, so there
24 is the hardship there, and I think that that is an
25 easy variance to substantiate in terms of the

1 hardship criteria and the fact that it can't be
2 improved.

3 So if you go to -- really the essence
4 of this application really is the lot coverage and
5 the rear yard, and they both fall under I think this
6 hardship criteria, where that back end of the lot
7 was taken out.

8 So because of the shorter depth of
9 those three lots, the approximately 60 percent of
10 the lot because that area was taken out, we can't
11 conform. Even with a 60 foot deep building, we
12 would not be able to conform, so I think that if you
13 look at it from a hardship perspective, the
14 application of that criteria would result in a
15 hardship.

16 We have tried to accommodate that to
17 the greatest extent possible by pulling in the
18 building that is on the shorter portion of the lot
19 an additional five feet, and we got within 2.5 feet
20 of the rear yard, so I think that when you look at
21 it from that perspective, there really would be no
22 substantial detriment to the zone plan because it's
23 now a very limited impact on the zone plan, and
24 certainly no substantial detriment to the public
25 good because even though it is not conforming, it's

1 a much greater improvement to what was there before.

2 So I think in this case, you can grant
3 a variance under the C-1 hardship criteria, and
4 there's no substantial detriment either to the zone
5 plan or to the general welfare.

6 So I think that the variances for the
7 front yard can be granted under the C-2 criteria,
8 the variance for a nonconforming lot under C-1
9 criteria, as well as the variances for the lot
10 coverage and the rear yard also under the C-1
11 criteria.

12 MR. HIPOLIT: What about parking?

13 Eleven spaces minimum --

14 THE REPORTER: Andy, I can't hear you.

15 CHAIRMAN HOLTZMAN: Andy, she can't
16 hear you.

17 THE WITNESS: No. We are down to 15
18 units.

19 MR. HIPOLIT: So --

20 THE REPORTER: Andy, I can't hear you.

21 MR. GALVIN: You know he's doing that
22 to you on purpose, right?

23 THE REPORTER: I know.

24 (Laughter)

25 MR. HIPOLIT: Sorry.

1 THE WITNESS: So, yes, the original
2 application was for 16 units. We would have needed
3 11, but that has been changed to --

4 CHAIRMAN HOLTZMAN: So our requirement
5 is --

6 MR. GALVIN: Wait a minute. We don't
7 know what the number of parking spaces is now,
8 right?

9 MR. MATULE: But all we are saying is
10 we will conform with the ordinance. We will have a
11 minimum of ten.

12 THE WITNESS: Which is what would be
13 required, 15 minus five --

14 MR. MATULE: I mean, we may have 13.

15 MR. GALVIN: If you can. If you can
16 have 13, you have 13. We don't know yet.

17 MR. MATULE: We will have a minimum of
18 ten, and we will have a conforming parking layout
19 and parking capacity.

20 CHAIRMAN HOLTZMAN: Okay.

21 MR. GALVIN: So you won't need a
22 variance for that?

23 MR. MATULE: No.

24 CHAIRMAN HOLTZMAN: Mr. Kolling, were
25 you finished? I'm sorry.

1 THE WITNESS: Yes.

2 MR. MATULE: Open it up to the public.

3 CHAIRMAN HOLTZMAN: Any questions for
4 Mr. Kolling on planner testimony?

5 Okay.

6 COMMISSIONER PINCHEVSKY: Is the --

7 CHAIRMAN HOLTZMAN: Oh.

8 COMMISSIONER PINCHEVSKY: -- I'm sorry,
9 for the planner, if I may.

10 Will the parking spots -- I am assuming
11 that this is going to be a -- not a rental -- this
12 would be condos --

13 MR. MATULE: That's the intention.

14 COMMISSIONER PINCHEVSKY: -- will
15 the -- assuming that is the case, will the spots be
16 deeded or owned by the tenants?

17 MR. MATULE: My understanding is that
18 they will be either deeded or they'll be limited
19 common elements assigned to the residents in the
20 building.

21 COMMISSIONER PINCHEVSKY: They will not
22 be rentals to the residents?

23 MR. MATULE: No.

24 COMMISSIONER PINCHEVSKY: Okay.

25 So they will be assigned somehow to

1 residents?

2 MR. MATULE: Right. They either do it
3 by fee simple ownership or by making the limited
4 common element --

5 COMMISSIONER PINCHEVSKY: One or the
6 other.

7 MR. MATULE: -- particular unit --

8 COMMISSIONER PINCHEVSKY: Thank you.

9 CHAIRMAN HOLTZMAN: Okay.

10 Any remarks, Mr. Matule?

11 MR. MATULE: Well, just a few closing
12 comments.

13 I think as redesigned it's a super
14 project. I think you will all agree it is a great
15 esthetic improvement to the block.

16 We are having twice the stormwater
17 capacity we are required to have.

18 We are putting in four street trees.
19 We are eliminating two curb cuts, so there is a lot
20 of things where I think the applicant has gone above
21 and beyond, and you know, all in all, as amended
22 it's now a better project, and hopefully you will
23 approve it.

24 MR. GALVIN: Just for the record, there
25 wasn't anybody from the public. Everybody here is

1 your clients.

2 CHAIRMAN HOLTZMAN: Yes.

3 Are there any members of the public
4 that wish to give us any opinions or questions?

5 No.

6 If there are no members of the public,
7 we will --

8 MR. MATULE: No. It's either our
9 professional team or our applicants.

10 MR. GALVIN: Correct. That is the way
11 I saw it.

12 CHAIRMAN HOLTZMAN: Thank you.

13 Commissioners, any additional
14 questions, comments, opinions on the application or
15 for any of the testimony we have heard here tonight?

16 No.

17 COMMISSIONER PINCHEVSKY: For whatever
18 it's worth, I feel like I've done most of the
19 talking. I just want to say I'm quite content, and
20 I appreciate the applicant's edits or revisions to
21 the application.

22 CHAIRMAN HOLTZMAN: Dennis, do you have
23 some conditions?

24 Can you read those off for us so we can
25 get started?

1 MR. GALVIN: Sure.

2 The applicant is to submit its green
3 roof maintenance plan to the Board's Engineer and
4 Planner for their review and approval.

5 Two: The applicant agreed to --

6 MR. HIPOLIT: It needs to be agreement
7 for the maintenance plan and a green roof plan
8 because that's going to totally change now.

9 MR. GALVIN: Wait. Say that again.

10 MR. HIPOLIT: It's the green roof plan
11 and the green roof maintenance plan because that is
12 going to totally change now.

13 CHAIRMAN HOLTZMAN: And there was some
14 debate on the coverage of the green roof as well
15 that they were working out.

16 MR. MATULE: It will be a minimum of 50
17 percent.

18 CHAIRMAN HOLTZMAN: Mr. Minervini?

19 MR. MATULE: Mr. Minervini was saying
20 there is what green roof maintenance plan on the
21 plans --

22 MR. GALVIN: That doesn't help me when
23 I read that kind of condition, because if you
24 already did it, then just submit it over to these
25 guys.

1 MR. MINERVINI: Understood.

2 MR. GALVIN: All right. I picked that
3 up from the SSP.

4 Two: The applicant agreed to plant
5 four street trees.

6 Three: The applicant is to seek the
7 governing body's approval of any encroachment into
8 the public right-of-way.

9 Four: The green roof must be
10 maintained as shown on the plans for the life of the
11 building by the owner or any entity created to own
12 the building. This condition is to be enforced by a
13 dead restriction, which is to be recorded prior to
14 the issuance of a building report.

15 I am going to put that condition in
16 every single place we have a green roof.

17 Five: The plan is to be revised to
18 show smaller decks in order to comply with the green
19 roof ordinance.

20 Everybody agrees?

21 Six: The plan is to be revised to show
22 the facade wrap around the north and south sides of
23 the building as described to the Board at the time
24 of the hearing and which must be reviewed and
25 approved by the Board's Engineer and Planner.

1 Seven: The plan is to be revised to
2 show the embedded LED in the parking garage opening.

3 Eight: The plan is to be revised to
4 reduce five feet from floors two, three, four, and
5 five.

6 Nine: The plan is to be revised to
7 show Lots 20, 21 and 22 as being set back 55 feet
8 deep, and Lots 23 and 24 being set back 60 feet from
9 the rear property line.

10 COMMISSIONER DOYLE: No.

11 MR. MATULE: No, from the front
12 property line.

13 (Laughter)

14 MR. GALVIN: And this is why we have to
15 pay attention to the conditions, right?

16 CHAIRMAN HOLTZMAN: So does this make
17 sense to have: This plan is to be revised to reduce
18 five feet from the upper floors or the revised
19 plan --

20 MR. MATULE: Well, there are two
21 separate things --

22 MR. GALVIN: It's two separate things.

23 CHAIRMAN HOLTZMAN: Okay. I just
24 wanted to make sure --

25 MR. GALVIN: I saw them as two separate

1 things --

2 CHAIRMAN HOLTZMAN: Okay.

3 MR. GALVIN: -- but I also saw them as
4 a rear yard, so --

5 CHAIRMAN HOLTZMAN: That's fine.

6 MR. GALVIN: Ten: Lots 20, 21 and 22
7 are to be used privately, and Lots 23 and 24 are to
8 be used as common area.

9 Eleven: In revising the plan, the
10 applicant's parking plan must show at least ten
11 parking spaces. The parking plan is to be reviewed
12 and approved by the Board's Engineer.

13 Twelve: The plan is to be reviewed and
14 approved by the Board prior to memorialization
15 unless you want to go --

16 CHAIRMAN HOLTZMAN: So this brings up
17 the next point, which is --

18 VICE CHAIR MAGALETTA: Can we back up a
19 little bit?

20 We talked about lots to be used for
21 public and open -- say the open space in lots --

22 COMMISSIONER DOYLE: Rear --

23 VICE CHAIR MAGALETTA: -- yeah -- the
24 rear of open lots, because otherwise it sounds like
25 it's open to the public

1 CHAIRMAN HOLTZMAN: So one more time,
2 can we just review that?

3 MR. GALVIN: The rear yards --

4 COMMISSIONER PINCHEVSKY: In those
5 lots --

6 MR. GALVIN: -- of Lots 20, 21 and 22
7 are to be used privately and --

8 VICE CHAIR MAGALETTA: For private --
9 for specific unit owners -- for certain unit owners,
10 how do we want to phrase it?

11 CHAIRMAN HOLTZMAN: Privately for
12 specific unit owners.

13 VICE CHAIR MAGALETTA: Correct.

14 MR. GALVIN: And the rear yards --

15 VICE CHAIR MAGALETTA: Rear open space
16 of the other lots --

17 CHAIRMAN HOLTZMAN: Lots 23 and 24 are
18 to be used as common areas.

19 MR. MATULE: Common area.

20 MR. GALVIN: -- as a common area.

21 Is that okay?

22 VICE CHAIR MAGALETTA: Yes, thank you.
23 For the residents.

24 COMMISSIONER GRAHAM: For the people
25 who live there.

1 VICE CHAIR MAGALETTA: For the
2 residents.

3 CHAIRMAN HOLTZMAN: Put building
4 residents.

5 MR. GALVIN: Well, that is an accepted
6 thing of the common areas.

7 COMMISSIONER PINCHEVSKY: For the
8 private one, I don't think they are going to change
9 their mind, but maybe use the word "may" instead of
10 "is" or "are" in case they change their mind and
11 they want to make it common?

12 COMMISSIONER MC KENZIE: No.

13 CHAIRMAN HOLTZMAN: It is their choice.
14 It's their choice --

15 COMMISSIONER PINCHEVSKY: But if you
16 use the word "may," then --

17 CHAIRMAN HOLTZMAN: It's a "may." Then
18 it is an option, right?

19 COMMISSIONER PINCHEVSKY: That is what
20 I am saying, but only for that one --

21 MR. GALVIN: I can change that to
22 "May."

23 CHAIRMAN HOLTZMAN: That way there is
24 at least a potential.

25 MR. GALVIN: You may do that.

1 MR. MATULE: It could happen.

2 MR. GALVIN: It could happen.

3 (Laughter)

4 COMMISSIONER PINCHEVSKY: Who knows?

5 CHAIRMAN HOLTZMAN: Okay.

6 So we have 11 solid conditions, and
7 then the 12th condition is Dennis' concern regarding
8 that there are some very significant changes to the
9 plan.

10 Dennis, can you kind of give the Board
11 a little feedback on this?

12 MR. GALVIN: You know, we face this
13 like every month I'm facing this, where we are
14 making changes, important changes and good changes,
15 I think it is a bad practice. I think at some point
16 you need to --

17 CHAIRMAN HOLTZMAN: You think what's a
18 bad practice?

19 MR. GALVIN: Changing on the fly,
20 This is a serious building, and we are
21 making a lot of different changes.

22 If it is something simple, where you
23 say, okay, we are going to add the LED strip, no
24 problem. We all know what that means. But when you
25 are changing this, and we're going to change the

1 inside of the parking space, I would think sometimes
2 you want to see what it looks like.

3 If you are comfortable that you don't
4 need to, or that you're comfortable exceeding that
5 authority, then we can -- so at the time of
6 memorialization, we will see the plans as revised.
7 If they meet your expectations, it is approved.

8 The other side of it is sometimes it is
9 a good idea to look at the plans. You didn't work
10 out all of the -- you know, in truth, you haven't
11 worked out all of the bugs. You're on the fly.

12 MR. MINERVINI: Yes. But the
13 professionals, your Board of professionals, still
14 have to approve it prior to getting to the next
15 memorialization process --

16 MR. GALVIN: I got it.

17 CHAIRMAN HOLTZMAN: So what Option B
18 is --

19 MR. GALVIN: That on May 3rd, we give
20 you ten minutes, if you can keep it under ten
21 minutes or 15 minutes, so we don't mess everybody
22 else up, and you say here's the plan, this is what
23 we revised, is this what you want, and then the
24 Board votes.

25 The risk is some people that are here

1 saying is important, too. I'm asking you a
2 question.

3 MR. GALVIN: And I'm going to listen to
4 you.

5 COMMISSIONER GRAHAM: Okay.

6 It seems to me that the Zoning Board is
7 being strict about the 60 percent, and we seem to be
8 not so strict, and I remembered you saying to us
9 when these ordinances were changed, that we have to
10 give very specific reasons why we were doing
11 something that was different from the ordinance, and
12 we don't seem to be doing that. It seems to be -- I
13 am going to vote in favor of this one. I understand
14 what has happened here, but I just wanted to say
15 this in general, that we seem to be a little looser
16 than what I thought we were supposed to be doing,
17 and we are diverging from what the Zoning Board is
18 doing, and I know we're separate Boards, but that's
19 my --

20 MR. GALVIN: Let me just -- do you want
21 my response?

22 COMMISSIONER GRAHAM: Yes, I do.

23 MR. GALVIN: I am concerned also.

24 COMMISSIONER GRAHAM: Okay.

25 MR. GALVIN: All right?

1 I think that we should as much as
2 possible try to stay to the 60 percent.

3 COMMISSIONER GRAHAM: I do, too.

4 MR. GALVIN: However, both the Planning
5 Board and the Zoning Board should take each of these
6 cases based on the unique circumstances that we have
7 been presented.

8 We had a lot of cases at the Zoning
9 Board that are fresh starts, where there is a viable
10 donut, where we fought for every inch to try to keep
11 it as close to 60 percent as possible.

12 I seem to have it in my mind that there
13 have been a lot of cases, where I guess it's the
14 fire escape doesn't count --

15 MR. MATULE: Right.

16 MR. GALVIN: -- but, you know, we
17 might -- the Zoning Board sometimes will grant them
18 a little bit.

19 I mean, in the world of granting
20 variances, if you grant 61, 62, 63, 64, you are
21 still pretty close to honoring the spirit.

22 I am concerned when you start going to
23 70 percent, 75 percent, 80 percent. I think you
24 should be concerned, so you have to get --

25 COMMISSIONER GRAHAM: That's why when

1 it was 74 last week --

2 MR. GALVIN: -- so you have to get good
3 reasons. And in this case Mr. Minervini has worked
4 really hard to explain --

5 COMMISSIONER GRAHAM: I understand.

6 MR. GALVIN: -- why this neighborhood
7 is a little derelict, that there is an existing
8 building that's forcing its way almost into the
9 donut from the other side. You either accept that
10 or you don't accept --

11 COMMISSIONER GRAHAM: And I won't --

12 (Commissioner Graham and Mr. Galvin
13 speaking at the same time)

14 MR. GALVIN: -- no, no. But what I am
15 saying is you can't be hard on us to the extent that
16 you are having solid zoning reasons for granting a
17 variance, that you are finding a unique condition
18 that exists in this location, that you think
19 justifies encroachment. And we kind of beat them
20 back, at least a little bit, and so I think we have
21 done a valuable job by doing that.

22 But if you felt that they -- the one
23 thing to keep in mind is if you feel that there
24 isn't enough donut kept here, or you don't -- I
25 don't know what we are at 72, 75 percent, if you

1 think that is too much, then you vote no.

2 You know, there are going to be other
3 cases, and I'm not saying this one, where you should
4 vote no. And if you send a few no votes out, that
5 sends the message as to what the Board will
6 tolerate.

7 When we grant this and it's 75 percent,
8 they are going to go back to the drawing board, and
9 some other applicant is going to say, "Well, what
10 have they done recently?"

11 "Well, they gave us 75 percent over
12 here."

13 They are evaluating every decision we
14 make. However, all I am going to say is, I am
15 comfortable with the decisions that this Board has
16 made because I believe that you are testing
17 everything out, and you feel that the planning
18 options that Mr. Minervini has given you is in the
19 best interest of the city, and that the benefits are
20 in fact outweighing the detriments.

21 So in this case, you are not really
22 casting a shadow or blocking out some neighbors.
23 There are no neighbors here complaining, not that it
24 should turn on whether the neighbors complain, but
25 we have had other cases at the Zoning Board, where

1 people came in and said, "We want a shadow study.
2 We don't like the way this is going to block us or
3 it's going to knock out my view of the donut."

4 So I think those are all factors that
5 go into it, and I think you guys are doing a good
6 job. Be careful is what I would tell you.

7 COMMISSIONER PINCHEVSKY: All right. I
8 was just trying to pat ourselves on the back a
9 little more.

10 It is actually 67 percent we're down
11 to. You mentioned 75, so --

12 MR. HIPOLIT: It's 67.1.

13 MR. GALVIN: Okay. So we are closer
14 than that mythical 64 and 63 percent.

15 COMMISSIONER PINCHEVSKY: Yeah.

16 CHAIRMAN HOLTZMAN: Okay, great.

17 Thank you, Ann.

18 Commissioners, any other questions or
19 comments?

20 I think we need to take Dennis' concern
21 seriously. There are major changes to the design of
22 this building that will obviously have to take place
23 to get these plans approved.

24 It is my opinion that I think that we
25 should share the conditions with the applicant and

1 ask them to return in 30 days with the revised plans
2 having been sent to our professionals, and we can
3 then all receive a second set of revised plans and
4 maybe we can bring them back and literally make it a
5 very quick ten-minute -- in effect, read it into the
6 record and be done with it.

7 But I would like to hear from some of
8 the other Commissioners as well.

9 MR. MATULE: Well, I mean, I certainly
10 appreciate the concern, and with the condition that
11 they have to be reviewed by the Board of
12 Professionals.

13 My primary concern is that if we have a
14 different makeup of the Board next month, I just
15 think something gets lost in the translation.

16 You know what happened here tonight --

17 MR. GALVIN: We won't let the other
18 Board members read the transcript --

19 MR. MATULE: I understand that.

20 MR. GALVIN: -- I'm kidding. It is a
21 joke.

22 (Laughter)

23 MR. MATULE: You know, bailing it in is
24 not quite the same as being here.

25 CHAIRMAN HOLTZMAN: Mr. Magaletta?

1 MR. MATULE: What I would appreciate is
2 if we could get a vote tonight and not memorialize
3 it --

4 VICE CHAIR MAGALETTA: Yeah. Hold on.
5 Bob, hold it.

6 CHAIRMAN HOLTZMAN: Hang on.

7 VICE CHAIR MAGALETTA: There's an
8 option that we vote on it tonight, and the
9 condition, as you said, to review it by our experts,
10 and then when it comes for final vote on the
11 resolution, you can say either --

12 CHAIRMAN HOLTZMAN: You're talking
13 about the memorialization?

14 VICE CHAIR MAGALETTA: Memorialization
15 of the resolution, and then at that point we'll say,
16 well, we'll get a referral from our experts as to
17 whether or not they are satisfied when we request
18 it.

19 They say yes or no. If they say no,
20 then we have them come in. They don't want that to
21 happen, so they will make sure they comply. And if
22 our experts say it's fine, then we vote.

23 CHAIRMAN HOLTZMAN: Mr. Hipolit, what
24 are your thoughts?

25 MR. HIPOLIT: I mean, so if you approve

1 it tonight, you can vote on the approval, we're
2 going to still have to go through the process of
3 looking at the plans. You are going to have a
4 resolution in front of you at the next meeting to
5 look at, and you're going to vote on the resolution.

6 If you don't approve it, and you hold
7 it, we are still going to go through the same
8 process. So if you are comfortable, we are still
9 going to go through the same process and review it,
10 and if we are going to tell you at the next meeting
11 that you haven't met your requirements, then you
12 would hold the resolution.

13 CHAIRMAN HOLTZMAN: Would that be a
14 sufficient legal ground to not memorialize, because
15 I know there are certain legal grounds that you have
16 to memorialize or you have to at least revisit it
17 within a certain period of time, correct?

18 MR. GALVIN: Well, we have a condition.
19 We actually are approving it subject to our
20 approving it, again, provided that the plan meets
21 our expectations of what was -- but I guess we could
22 litigate it, if we disagree. If they bring
23 something in, and we go, "Oh, that's not right," it
24 is going to become a lawsuit, you know, somewhere
25 along the line.

1 MR. MATULE: Theoretically, yes.

2 MR. GALVIN: Theoretically, yes, unless
3 you got it perfect.

4 (Laughter)

5 VICE CHAIR MAGALETTA: But if you put
6 conditions and they don't meet the conditions, then
7 you're okay --

8 MR. GALVIN: What is our time --

9 MR. HIPOLIT: It doesn't change what we
10 do --

11 (Everyone talking at once)

12 CHAIRMAN HOLTZMAN: One at a time,
13 guys.

14 MR. GALVIN: -- what is our time line?
15 Are we out of time?

16 MS. CARCONE: We are at the 83-day mark
17 right now, so we have until May 12th to approve.

18 MR. GALVIN: So we could carry this.

19 CHAIRMAN HOLTZMAN: Or deny it.

20 MS. CARCONE: Or deny it.

21 (Board members confer)

22 MR. GALVIN: Again, I can see this both
23 ways, guys. I'm not telling you which way to go --

24 CHAIRMAN HOLTZMAN: Commissioner --

25 MR. GALVIN: -- all I am going to say

1 is: I think when you make major changes like this,
2 and I'd say this to any of my Boards anywhere in the
3 state, I think it is a good idea to look at what it
4 looks like.

5 What is the wrap-around going to look
6 like, you know, it makes -- it is just a better
7 plan --

8 CHAIRMAN HOLTZMAN: In an effort to
9 move this forward, Mr. Minervini, could we get you
10 back for one moment?

11 You heard the discussion. Do you think
12 there is anything preventing you and your office
13 from getting these revised plans to our
14 professionals in a timely manner, so they have got
15 some considerable time to also review it, because
16 obviously there are going to be substantial changes
17 to the building.

18 You guys say that you can get all
19 parking spaces in there. I know that you are going
20 to shove them in there, all that you can, because
21 there is a requirement for it, but maybe it becomes
22 a scenario where you really can't, and you need to
23 come to us for a parking variance or, you know,
24 you can't unbuild all of the utilities and things
25 that you need to build into the plan as well, so I

1 am offering it up to hear from you.

2 MR. MINERVINI: I'm certain we can meet
3 the parking requirement, and I think, although the
4 changes sound major in terms of the number of them,
5 they are really not. I will take five feet off the
6 back of the building, take it all the way down. It
7 doesn't change the front facade. It changes mostly
8 the calculations. I can have them very quickly.

9 CHAIRMAN HOLTZMAN: Okay.

10 VICE CHAIR MAGALETTA: Use a carousel,
11 if you need to.

12 MR. MINERVINI: Sorry?

13 VICE CHAIR MAGALETTA: Use a carousel,
14 if you need to.

15 (Laughter)

16 COMMISSIONER PINCHEVSKY: I mean, I
17 understand what Dennis is saying, and he is trying
18 to be polite, but he's also being direct about it,
19 in that we should have the latest and greatest in
20 front of us with such, you know, a large amount of
21 changes, we should have the latest and greatest in
22 front of us when we make our decision and we make
23 our vote.

24 I guess I would want to respect what he
25 is trying to say here, and again, politely.

1 So what is the harm in waiting until
2 May, that, what, five of us, half of the Board may
3 not be here next month?

4 VICE CHAIR MAGALETTA: It is another
5 month --

6 COMMISSIONER GRAHAM: It's the time
7 line.

8 VICE CHAIR MAGALETTA: -- it is another
9 month, because then we have another month for the
10 resolution, assuming there isn't enough, you know --

11 COMMISSIONER PINCHEVSKY: But I think
12 Mr. Matule understood -- but Mr. Matule was saying
13 that he was afraid that some of the makeup of the
14 Board may not be the same --

15 COMMISSIONER DOYLE: That is part of it
16 as well.

17 COMMISSIONER PINCHEVSKY: -- which I
18 understand. However, I guess, I have never been at
19 a meeting where half of the Board wasn't, you know,
20 in attendance, so --

21 COMMISSIONER DOYLE: I think we should
22 vote tonight.

23 CHAIRMAN HOLTZMAN: Then make a motion,
24 Mr. Doyle.

25 COMMISSIONER DOYLE: I move that we

1 approve this application --

2 CHAIRMAN HOLTZMAN: Based upon the 11
3 conditions or the 10 conditions --

4 COMMISSIONER DOYLE: Can I ask, was the
5 50 percent green roof in there?

6 MR. HIPOLIT: Yes.

7 COMMISSIONER DOYLE: Okay.

8 MR. GALVIN: Wel, it is not in that
9 way, though. So when you go to review this, it's
10 not going to say that. It says they are going to
11 comply with the deck ordinance.

12 COMMISSIONER DOYLE: No. If they said
13 they will comply with 50 percent or more green roof,
14 that is all I need, so --

15 COMMISSIONER PEENE: I second that
16 motion.

17 CHAIRMAN HOLTZMAN: There's a second
18 for that.

19 Pat, please call that vote.

20 MS. CARCONE: Commissioner Magaletta?

21 VICE CHAIR MAGALETTA: Yes.

22 MS. CARCONE: Commissioner Doyle?

23 COMMISSIONER DOYLE: Yes.

24 MS. CARCONE: Commissioner Graham?

25 COMMISSIONER GRAHAM: Yes.

1 MS. CARCONE: Commissioner Mc Kenzie?

2 COMMISSIONER MC KENZIE: Yes.

3 MS. CARCONE: Commissioner Peene?

4 COMMISSIONER PEENE: Yes.

5 MS. CARCONE: Commissioner Pinchevsky?

6 COMMISSIONER PINCHEVSKY: Yes.

7 MS. CARCONE: Commissioner Jacobson?

8 COMMISSIONER JACOBSON: Just for

9 clarification, are we voting to vote, which was I
10 thought your motion was to vote on this tonight
11 rather than a motion to approve?

12 CHAIRMAN HOLTZMAN: He has a motion on
13 the floor to approve as per the ten -- the eleven
14 conditions.

15 COMMISSIONER DOYLE: This is to
16 approve. This is the vote.

17 MR. GALVIN: Subject to our final
18 review of the plan at the May 3rd meeting.

19 COMMISSIONER JACOBSON: Subject to --

20 MR. GALVIN: We are going to see the
21 plans on May 3rd.

22 MR. MATULE: Subject to the conditions.

23 MR. GALVIN: Right, right.

24 COMMISSIONER DOYLE: We'll do like we
25 do at every one --

1 MR. GALVIN: No. We're going to see
2 the plan --

3 CHAIRMAN HOLTZMAN: One at a time,
4 guys. Let's not lose it.

5 MR. GALVIN: -- what I'm saying is we
6 are going to see the plan between now and May 3rd.
7 And at the next meeting, everyone is going to say,
8 is this what -- is everybody happy, and is this what
9 you thought it was?

10 If everybody says yes, then you will
11 memorialize the resolution.

12 COMMISSIONER JACOBSON: I'm sorry to be
13 particular on this.

14 When you say "We are going to see the
15 plans," all I had heard was the plans were going to
16 be sent to our professionals. I didn't hear --

17 MR. GALVIN: No. The Board members are
18 going to get them also.

19 MR. HIPOLIT: You have to get them
20 also.

21 COMMISSIONER JACOBSON: Okay. Yes.

22 CHAIRMAN HOLTZMAN: Commissioner
23 O'Connor?

24 COMMISSIONER O'CONNOR: Yes.

25 MS. CARCONE: Commissioner Holtzman?

1 CHAIRMAN HOLTZMAN: Yes.

2 MR. MATULE: Thank you. Thank you for
3 your time. Thank you for your patience.

4 CHAIRMAN HOLTZMAN: Any other business
5 before the Board this evening?

6 Move to adjourn.

7 A second?

8 COMMISSIONER PEENE: Second.

9 CHAIRMAN HOLTZMAN: All in favor?

10 (All Board members answered in the
11 affirmative.)

12 (The meeting concluded at 11 p.m.)

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C E R T I F I C A T E

I, PHYLLIS T. LEWIS, a Certified Court Reporter, Certified Realtime Court Reporter, and Notary Public of the State of New Jersey, do hereby certify that the foregoing is a true and accurate transcript of the proceedings as taken stenographically by and before me at the time, place and date hereinbefore set forth.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel to any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.

s/Phyllis T. Lewis, CCR, CRCR

 PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300
 Notary Public of the State of New Jersey
 Dated: 4/11/16
 My commission expires 11/5/2020.
 This transcript was prepared in accordance with
 NJAC 13:43-5.9.