

CITY OF HOBOKEN  
PLANNING BOARD

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REGULAR MEETING OF THE HOBOKEN : January 5, 2016  
PLANNING BOARD : 7:08 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 Brandy Forbes
- Commissioner Jim Doyle
- Commissioner Ann Graham
- Commissioner Caleb McKenzie
- Commissioner Rami Pinchevsky
- Commissioner Caleb D. Stratton
- Commissioner Ryan Peene
- Commissioner Kelly O'Connor
- Commissioner Tom Jacobson

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

- David Glynn Roberts, AICP/PP, LLA, RLA  
Board Planner
- Andrew R. Hipolit, PE, PP, CME  
Board Engineer
- Joseph Torlucci, LSRP
- Patricia Carcone, Board Secretary

PHYLLIS T. LEWIS  
CERTIFIED SHORTHAND REPORTER  
CERTIFIED REALTIME REPORTER  
Phone: (732) 735-4522

1           A P P E A R A N C E S:

2                   DENNIS M. GALVIN, ESQUIRE  
3                   730 Brewers Bridge Road  
4                   Jackson, New Jersey 08527  
5                   (732) 364-3011  
6                   Attorney for the Board.

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1                   CHAIRMAN HOLTZMAN:   Okay, everybody.

2                   We are going to get started here.

3                   Thank you.

4                   It is 7:08 p.m. on Tuesday, January  
5                   5th.  This is the City of Hoboken Planning Board  
6                   Meeting.

7                   I would like to advise all of those  
8                   present that notice of this meeting has been  
9                   provided to the public in accordance with the  
10                  provisions of the Open Public Meetings Act, and that  
11                  notice was published in The Jersey Journal and on  
12                  the city's website.  Copies were also provided to  
13                  The Star-Ledger, The Record, and also placed on the  
14                  bulletin board in the lobby of City Hall.

15                  Pat, please call the roll.

16                  MS. CARCONE:  Do we want to do the  
17                  appointments before we do the roll call?

18                  Does that make sense?

19                  CHAIRMAN HOLTZMAN:  Do you want to?

20                  MR. GALVIN:  Yes, we should.

21                  Is that all right?

22                  CHAIRMAN HOLTZMAN:  We will do the  
23                  swearing-ins first.  Okay.

24                  MR. GALVIN:  So can all of our new  
25                  personnel please rise.

1                   CHAIRMAN HOLTZMAN: Don't you want to  
2 read them off and make sure we got everybody?

3                   MS. CARCONE: Okay. We have --

4                   CHAIRMAN HOLTZMAN: Brandy, Caleb,  
5 Rami, myself, Tom and Kelly.

6                   MR. GALVIN: And our councilperson  
7 also.

8                   CHAIRMAN HOLTZMAN: All right.

9                   MR. GALVIN: Everyone please raise your  
10 right hand.

11                   Do you solemnly swear that you will  
12 faithfully, impartially and justly perform all of  
13 the duties of a Planning Board member for the City  
14 of Hoboken to the best of your ability, and that you  
15 will support the constitutions of the United States  
16 and the State of New Jersey, and that you will bear  
17 true faith and allegiance to the same and to the  
18 governments established in the United States and in  
19 this state under the authority of the people?

20                   CHAIRMAN HOLTZMAN: I do.

21                   COMMISSIONER MC KENZIE: Yes.

22                   COMMISSIONER FORBES: Yes.

23                   COMMISSIONER O'CONNOR: Yes.

24                   COMMISSIONER JACOBSON: Yes.

25                   COMMISSIONER DOYLE: I do.

1 MR. GALVIN: Thank you. Welcome  
2 aboard.

3 (Applause)

4 A written copy of the certifications  
5 have been submitted.

6 MS. CARCONE: I have two more for you  
7 to sign.

8 CHAIRMAN HOLTZMAN: Okay. So now I  
9 guess we should call the roll.

10 MS. CARCONE: Commissioner Holtzman?

11 CHAIRMAN HOLTZMAN: Here.

12 MS. CARCONE: Commissioner Magaletta?

13 VICE CHAIR MAGALETTA: Here.

14 MS. CARCONE: Commissioner Stratton?

15 COMMISSIONER STRATTON: Here.

16 MS. CARCONE: Commissioner Forbes?

17 COMMISSIONER FORBES: Here.

18 MS. CARCONE: Commissioner Doyle?

19 COMMISSIONER DOYLE: Here.

20 MS. CARCONE: Commissioner Graham?

21 COMMISSIONER GRAHAM: Here.

22 MS. CARCONE: Commissioner McKenzie?

23 COMMISSIONER MC KENZIE: Here.

24 MS. CARCONE: Commissioner Pinchevsky?

25 COMMISSIONER PINCHEVSKY: Here.

1 MS. CARCONE: Commissioner Peene?

2 COMMISSIONER PEENE: Here.

3 MS. CARCONE: Commissioner Jacobson?

4 COMMISSIONER JACOBSON: Here.

5 MS. CARCONE: Commissioner O'Connor?

6 COMMISSIONER O'CONNOR: Here.

7 CHAIRMAN HOLTZMAN: Great. Thank you.

8 So let's try to dispatch as many things  
9 as possible here.

10 The first thing that we have is the  
11 hearing, which is posted for this evening, which  
12 will be moved to a later date for 1423-31.

13 Is Mr. Pantel or any representative of  
14 the Hoboken Cove folks here?

15 No.

16 Okay. We are going to move that. Do  
17 we need a motion to --

18 MR. GALVIN: A motion and a second to  
19 carry without notice to what date, Pat?

20 MS. CARCONE: To January 27th, a  
21 Special Meeting.

22 VICE CHAIR MAGALETTA: Motion.

23 COMMISSIONER PEENE: Second.

24 CHAIRMAN HOLTZMAN: Call that vote.

25 MS. CARCONE: All right. That was

1 Frank and Ryan.

2 Commissioner Magaletta?

3 VICE CHAIR MAGALETTA: Yes.

4 MS. CARCONE: Commissioner Stratton?

5 COMMISSIONER STRATTON: Yes.

6 MS. CARCONE: Commissioner Forbes?

7 COMMISSIONER FORBES: Yes.

8 MS. CARCONE: Commissioner Doyle?

9 COMMISSIONER DOYLE: Yes.

10 MS. CARCONE: Commissioner Graham?

11 COMMISSIONER GRAHAM: Yes.

12 MS. CARCONE: Commissioner McKenzie?

13 COMMISSIONER MC KENZIE: Yes.

14 MS. CARCONE: Commissioner Peene?

15 COMMISSIONER PEENE: Yes.

16 MS. CARCONE: Commissioner Pinchevsky?

17 COMMISSIONER PINCHEVSKY: Yes.

18 MS. CARCONE: Commissioner Holtzman?

19 CHAIRMAN HOLTZMAN: Yes.

20 Okay. So our next --

21 MS. CARCONE: Put that on your

22 calendar, please, the Special Meeting.

23 CHAIRMAN HOLTZMAN: The 27th, right?

24 And you will send out -- you want to

25 send out a notice to the team, so we make sure

1           everybody got that on their calendars, sooner than  
2           later, so we don't forget?

3                       MS. CARCONE:   Okay.

4                       COMMISSIONER FORBES:   If I may.

5                       CHAIRMAN HOLTZMAN:   Sure.  Go ahead,  
6           Brandy.

7                       COMMISSIONER FORBES:   Did we do the  
8           Open Public Meetings statement?

9                       CHAIRMAN HOLTZMAN:   Yes.  I thought I  
10          read it.  Okay, great.

11                      One of the easy things that we have got  
12          here is a designation of The Jersey Journal and also  
13          now the Hoboken Reporter as our official newspapers.  
14          I think we do have a resolution on it.  Basically it  
15          just pretty much states that --

16                      MS. CARCONE:   Yes.

17                      CHAIRMAN HOLTZMAN:   -- but nothing --  
18          right.

19                      MS. CARCONE:   -- if anybody wants to  
20          see it, it's the same resolution as we had last  
21          year.  It just added The Hoboken Reporter as one of  
22          the city's official newspapers, which was I guess  
23          added last night at the City Council meeting.

24                      COMMISSIONER DOYLE:   Yes.  Actually  
25          it's not an official newspaper because it is not a

1       paid or daily, but it has been added as an option  
2       for an additional --

3                   MS. CARCONE:   An option.

4                   COMMISSIONER DOYLE:  -- so we would  
5       have to do The Jersey Journal, and we can choose to  
6       do belts and suspenders.

7                   CHAIRMAN HOLTZMAN:  Right, right,  
8       right.  Great, great, great.  So I think that sounds  
9       like a great idea.

10                   So is there a motion to accept The  
11       Jersey Journal and The Hoboken Reporter as well as  
12       sort of a second backup?

13                   COMMISSIONER MC KENZIE:  I move.

14                   COMMISSIONER DOYLE:  Second.

15                   MS. CARCONE:  Well, it's the Bergen  
16       Record and The Star-Ledger.

17                   CHAIRMAN HOLTZMAN:  Sorry about that.

18                   There is a motion from Caleb?

19                   COMMISSIONER MC KENZIE:  Yes.

20                   CHAIRMAN HOLTZMAN:  Second from  
21       Councilman.

22                   CHAIRMAN HOLTZMAN:  Call that vote.

23                   MS. CARCONE:  Commissioner Magaletta?

24                   VICE CHAIR MAGALETTA:  Yes.

25                   MS. CARCONE:  Commissioner Stratton?

1 COMMISSIONER STRATTON: Yes.

2 MS. CARCONE: Commissioner Forbes?

3 COMMISSIONER FORBES: Yes.

4 MS. CARCONE: Commissioner Doyle?

5 COMMISSIONER DOYLE: Yes.

6 MS. CARCONE: Commissioner Graham?

7 COMMISSIONER GRAHAM: Yes.

8 MS. CARCONE: Commissioner McKenzie?

9 COMMISSIONER MC KENZIE: Yes.

10 MS. CARCONE: Commissioner Peene?

11 COMMISSIONER PEENE: Yes.

12 MS. CARCONE: Commissioner Pinchevsky?

13 COMMISSIONER PINCHEVSKY: Yes.

14 MS. CARCONE: Commissioner Holtzman?

15 CHAIRMAN HOLTZMAN: Yes.

16 Okay. The next one that is pretty easy

17 is our meeting schedule, which I think, Pat, you

18 made one further adjustment in June, which was a

19 conflict.

20 MS. CARCONE: Yes. I have a new

21 calendar to hand out, too.

22 CHAIRMAN HOLTZMAN: With the primary?

23 VICE CHAIR MAGALETTA: There's a new

24 June date.

25 CHAIRMAN HOLTZMAN: I think that was

1 the only date that moved, right? It was June 7th.

2 MS. CARCONE: Yes.

3 Excuse me. I had it here.

4 Yes. June 7th was moved to the  
5 following Tuesday, which I think is June 14th, yeah,  
6 and that was the only change.

7 CHAIRMAN HOLTZMAN: That was the only  
8 change.

9 MS. CARCONE: And once I find it, I  
10 will hand out a revised calendar to everybody.

11 CHAIRMAN HOLTZMAN: Okay. Or why don't  
12 you --

13 COMMISSIONER GRAHAM: It's Flag Day.

14 MS. CARCONE: It's Flag Day.

15 CHAIRMAN HOLTZMAN: Don't worry about  
16 it. We can send it out electronically with a notice  
17 of the meeting. It's easier just to --

18 MS. CARCONE: Yeah. So the calendar  
19 that was distributed to everyone in the packet, the  
20 only change was the --

21 COMMISSIONER PEENE: Do you want it?

22 MS. CARCONE: -- yeah -- the only  
23 change was June 7th, which is the primary election  
24 day which was moved to June 14th. Otherwise, the  
25 calendar stays the same.

1                   CHAIRMAN HOLTZMAN: So is there a  
2 motion to accept the calendar with that one change?

3                   COMMISSIONER PEENE: So moved.

4                   CHAIRMAN HOLTZMAN: Okay. A second?

5                   VICE CHAIR MAGALETTA: Second.

6                   COMMISSIONER DOYLE: Second.

7                   CHAIRMAN HOLTZMAN: Great.

8 All in favor?

9 (All Board members answered in the  
10 affirmative)

11                   CHAIRMAN HOLTZMAN: Thank you.

12 Okay. Great.

13                   Commissioner Peene has so nicely  
14 volunteered to head up our review committee for our  
15 professionals and the qualifications, and I think  
16 you have an update for us in terms of how that is  
17 going?

18                   COMMISSIONER PEENE: Yes.

19                   We will be meeting with respondents  
20 this week, and those who replied to the  
21 advertisement on the website and in the paper, we  
22 will be meeting with and should have a decision  
23 quite soon.

24                   CHAIRMAN HOLTZMAN: Were there some  
25 dates set up yet?

1                   COMMISSIONER PEENE: I believe tomorrow  
2 night at 6:30 the interviews start, and I know  
3 Commissioner Magaletta's on the committee and so --

4                   VICE CHAIR MAGALETTA: It says three,  
5 but we have four people, so if somebody else wants  
6 to join in, if that would be okay, it starts at 6:30  
7 for the first interview.

8                   COMMISSIONER PEENE: Great. Do we have  
9 any volunteers?

10                  CHAIRMAN HOLTZMAN: It's a fun evening.

11                                 (Laughter)

12                  COMMISSIONER DOYLE: I will be here for  
13 something else at seven, so I maybe I'll pop in for  
14 a half-hour.

15                  CHAIRMAN HOLTZMAN: Okay. That would  
16 be great.

17                                 Thank you, Jim.

18                                 Okay. So that is an update there, and  
19 then we will circle back with the rest of the team  
20 after we have had the interviews.

21                                 Then we have our nomination for  
22 officers for the Board.

23                                 I would certainly like to nominate Pat  
24 Carcone as our Board Secretary.

25                                 MS. CARCONE: Thank you.

1 CHAIRMAN HOLTZMAN: All in favor?

2 (All Board members answered in the  
3 affirmative)

4 CHAIRMAN HOLTZMAN: Thank you.

5 A VOICE: Sorry, we won.

6 CHAIRMAN HOLTZMAN: You are stuck with  
7 us, Pat.

8 (Laughter)

9 MS. CARCONE: I was hoping to be  
10 Chairman.

11 (Laughter)

12 MR. GALVIN: Whoa, whoa. Calm down.

13 CHAIRMAN HOLTZMAN: Be careful what you  
14 ask for.

15 MS. CARCONE: That was a joke.

16 (Laughter)

17 COMMISSIONER PEENE: The puppet regime  
18 here.

19 (Laughter)

20 CHAIRMAN HOLTZMAN: Are there any  
21 nominations on the floor for Chairman?

22 COMMISSIONER PEENE: I would like to  
23 nominate Gary Holtzman to serve another term as  
24 Chairman of the Planning Board.

25 CHAIRMAN HOLTZMAN: Thank you very

1 much, Mr. Peene.

2 Are there any other nominations for  
3 Board Chair?

4 Okay. There is a motion on the floor.  
5 Is there a second?

6 COMMISSIONER MC KENZIE: Second.

7 CHAIRMAN HOLTZMAN: Second from Caleb.  
8 Pat, please call the vote.

9 MS. CARCONE: Okay. I'm confusing my  
10 Calebs. I'm sorry.

11 COMMISSIONER MC KENZIE: Many people do  
12 that.

13 MS. CARCONE: Yeah.

14 Commissioner Magaletta?

15 VICE CHAIR MAGALETTA: Yes.

16 MS. CARCONE: Commissioner Stratton?

17 COMMISSIONER STRATTON: Yes.

18 MS. CARCONE: Commissioner Forbes?

19 COMMISSIONER FORBES: Yes.

20 MS. CARCONE: Commissioner Doyle?

21 COMMISSIONER DOYLE: Yes.

22 MS. CARCONE: Commissioner Graham?

23 COMMISSIONER GRAHAM: No.

24 MS. CARCONE: Commissioner McKenzie?

25 COMMISSIONER MC KENZIE: Yes.

1 MS. CARCONE: Commissioner Peene?

2 COMMISSIONER PEENE: Yes.

3 MS. CARCONE: Commissioner Pinchevsky?

4 COMMISSIONER PINCHEVSKY: Yes.

5 MS. CARCONE: Commissioner Holtzman?

6 CHAIRMAN HOLTZMAN: Yes.

7 Thank you.

8 I would like to nominate Frank  
9 Magaletta, Commissioner Magaletta, as Vice Chairman.

10 VICE CHAIR MAGALETTA: Thank you.

11 CHAIRMAN HOLTZMAN: Are there any

12 other --

13 COMMISSIONER GRAHAM: Second.

14 COMMISSIONER PEENE: Second.

15 CHAIRMAN HOLTZMAN: -- well, just  
16 first, are there any other nominations for Vice  
17 Chair?

18 COMMISSIONER DOYLE: Pat, you are not  
19 interested in this one?

20 MS. CARCONE: No. I wanted that  
21 Chairman's spot. All or nothing.

22 (Laughter)

23 COMMISSIONER PEENE: It's a Trump  
24 world.

25 (Laughter)

1                   CHAIRMAN HOLTZMAN: We have  
2           Commissioner Magaletta for a motion for Vice Chair.  
3           Is there a second?

4                   COMMISSIONER GRAHAM: Second.

5                   CHAIRMAN HOLTZMAN: I think we had it  
6           from Ann Graham.

7                   COMMISSIONER GRAHAM: Yes.

8                   CHAIRMAN HOLTZMAN: Please call the  
9           vote for that, Pat.

10                  MS. CARCONE: Okay.

11                  Commissioner Magaletta?

12                  VICE CHAIR MAGALETTA: Oh, yeah.

13                  (Laughter)

14                  MS. CARCONE: Commissioner Stratton?

15                  COMMISSIONER STRATTON: Yes.

16                  MS. CARCONE: Commissioner Forbes?

17                  COMMISSIONER FORBES: 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: Commissioner Holtzman?

4 CHAIRMAN HOLTZMAN: Yes.

5 Thank you.

6 Congratulations, Frank. Terrific.

7 VICE CHAIR MAGALETTA: Thank you.

8 CHAIRMAN HOLTZMAN: Okay. We have four  
9 resolutions, and there were a number of  
10 Commissioners that gave us some input in terms of  
11 the corrections and edits and updates and things  
12 like that.

13 Dennis, was there anything that you  
14 wanted to kind of say or recap on that?

15 MR. GALVIN: No. I talked to  
16 Councilman Doyle, and we made some changes, and I  
17 explained why we didn't make one or two other  
18 changes.

19 One of the things that you noticed is  
20 that when we do a resolution, one of them was I put  
21 down that we had a C1 and C2 variance, which is both  
22 a hardship and special reason variance.

23 And I usually keep focused on just  
24 special reasons, but if the unique facts are there,  
25 and I can also show a C1 variance, the property I'm

1 thinking about in particular was kind of unique in  
2 that it was undersized for Hoboken.

3 So the one concern that Councilman  
4 Doyle has, and I think it is a bona fide concern  
5 that you would all have, and I want to put your mind  
6 to rest on it, which is there is no such thing as  
7 precedence when we are deciding variance cases.  
8 Each case is taken on its own merits.

9 So in that particular case, in that  
10 instance, I saw it, and hopefully the Board agrees  
11 with me, that the lot was very undersized, and it  
12 did drive a couple of the variances in that.

13 If you denied it, you could have denied  
14 the case, then I may have taken a different tact.  
15 But because we approve it, I want to make it as  
16 strong as possible in case the resolution is  
17 attacked in the future, and having both the C1 and  
18 C2, I think it makes stronger for my defense.

19 CHAIRMAN HOLTZMAN: Great.

20 Thank you.

21 So just to kind of recap, there are a  
22 handful of Commissioners that are very active in  
23 terms of when we get the resolution from Dennis'  
24 office, and they are distributed by Pat, people are  
25 reading through them and really checking the

1 language, and it really helps.

2 Both Jim and Frank are incredibly  
3 excellent in looking at the actual words on the  
4 page. I unfortunately seem to read a little bit  
5 more for concept, and they read the actual words,  
6 and it is really critically important to get it  
7 right.

8 So if you do have any ideas or edits or  
9 suggestions or corrections, please just forward them  
10 to me, and then I sort of gather them up and forward  
11 them as a group to Dennis, so that he is not  
12 inundated by each Commissioner sending them  
13 independently.

14 MR. GALVIN: The other thing is the one  
15 on the storage facility, Mr. Burke is here, but he  
16 gave me a considerable amount of changes also, and a  
17 lot of it came from his professionals. I found that  
18 they were useful, so I made those changes. They  
19 were technical. You guys caught some of them like  
20 boggle, the way it was spelled properly.

21 The other thing to keep in mind is our  
22 court stenographer does an awesome job, but, you  
23 know, not every single word is written exactly the  
24 way it would be if they spelled it for us, and then  
25 when we're taking -- when we are doing the

1 resolution, we are using the transcript to generate  
2 it, so sometimes it may not necessarily be -- so  
3 anyway, the bottom line is I am grateful for  
4 everybody's input.

5 But in Mr. Burke's case, the concern I  
6 have is I never like to touch conditions. So even  
7 if there is a bona fide concern about a condition, I  
8 am more hesitant to change a condition. I think  
9 that is the Board's province. If I told you what  
10 the conditions are, only you guys should be changing  
11 them, and there are two that I think might need a  
12 slight modification, so we should discuss it. So  
13 let's do that one last.

14 MS. CARCONE: Do you want copies of the  
15 four resolutions?

16 CHAIRMAN HOLTZMAN: I have copies.

17 MS. CARCONE: You got them. Okay.

18 CHAIRMAN HOLTZMAN: Yes.

19 VICE CHAIR MAGALETTA: May I have them?

20 Thank you.

21 CHAIRMAN HOLTZMAN: So the first one,  
22 is this problematic?

23 What is the problematic one that you  
24 want to discuss?

25 MR. GALVIN: No, the storage one.

1 CHAIRMAN HOLTZMAN: Which is 1313

2 Jeff --

3 MR. GALVIN: Okay.

4 CHAIRMAN HOLTZMAN: Okay. All right.  
5 Great.

6 So the first one that we have a  
7 resolution for is 113-121 Monroe. It has been  
8 somewhat updated and corrected.

9 Are there any other changes or  
10 suggestions or comments?

11 That being said, is there a motion to  
12 accept it?

13 COMMISSIONER PEENE: Motion.

14 CHAIRMAN HOLTZMAN: A second?

15 COMMISSIONER DOYLE: Second.

16 CHAIRMAN HOLTZMAN: Pat, please call  
17 the vote. This is for 113 Monroe.

18 Do you need to know --

19 MS. CARCONE: And everybody is eligible  
20 to vote on this one?

21 CHAIRMAN HOLTZMAN: -- do you need to  
22 know who --

23 MS. CARCONE: No. Everyone is eligible  
24 to vote on this one.

25 Commissioner Magaletta?

1 VICE CHAIR MAGALETTA: Yes.

2 MS. CARCONE: Commissioner Stratton?

3 COMMISSIONER STRATTON: Yes.

4 MS. CARCONE: Commissioner Forbes?

5 COMMISSIONER FORBES: Yes.

6 MS. CARCONE: Commissioner Doyle?

7 COMMISSIONER DOYLE: Yes.

8 MS. CARCONE: Commissioner Graham?

9 COMMISSIONER GRAHAM: Yes.

10 MS. CARCONE: Commissioner McKenzie?

11 COMMISSIONER MC KENZIE: Yes.

12 MS. CARCONE: Commissioner Peene?

13 COMMISSIONER PEENE: Yes.

14 MS. CARCONE: Commissioner Pinchevsky?

15 COMMISSIONER PINCHEVSKY: Yes.

16 MS. CARCONE: Commissioner Holtzman?

17 CHAIRMAN HOLTZMAN: Yes.

18 The second resolution is 306-308 Park

19 Avenue. This was the Fig Tree Development.

20 Any other questions, comments or

21 suggestions?

22 None being said, is there a motion?

23 COMMISSIONER PEENE: So moved.

24 CHAIRMAN HOLTZMAN: A second?

25 COMMISSIONER MC KENZIE: Yes, second.

1 CHAIRMAN HOLTZMAN: Thank you.

2 Pat, please call that.

3 MS. CARCONE: Commissioner Magaletta --

4 oh, everyone again is eligible to vote?

5 CHAIRMAN HOLTZMAN: Yes.

6 MS. CARCONE: Commissioner Magaletta?

7 VICE CHAIR MAGALETTA: Yes.

8 MS. CARCONE: Commissioner Stratton?

9 COMMISSIONER STRATTON: Yes.

10 MS. CARCONE: Commissioner Forbes?

11 COMMISSIONER FORBES: Yes.

12 MS. CARCONE: Commissioner Doyle?

13 COMMISSIONER DOYLE: Yes.

14 MS. CARCONE: Commissioner Graham?

15 COMMISSIONER GRAHAM: Yes.

16 MS. CARCONE: Commissioner McKenzie?

17 COMMISSIONER MC KENZIE: Yes.

18 MS. CARCONE: Commissioner Peene?

19 COMMISSIONER PEENE: Yes.

20 MS. CARCONE: Commissioner Pinchevsky?

21 COMMISSIONER PINCHEVSKY: Yes.

22 MS. CARCONE: Commissioner Holtzman?

23 CHAIRMAN HOLTZMAN: Yes.

24 The third one is 713-715 Monroe.

25 Questions, comments, suggestions?

1                   VICE CHAIR MAGALETTA: Yeah. I have a  
2 comment. I abstained on this one, but it has me  
3 listed -- it has Kelly O'Connor as abstained. I  
4 don't know if you know that -- maybe you were --

5                   COMMISSIONER O'CONNOR: Oh, yeah, I  
6 remember that.

7                   VICE CHAIR MAGALETTA: -- but I  
8 abstained on that application.

9                   MR. GALVIN: I can tell you why. We  
10 will add you to abstain, and actually we don't want  
11 to use the word "abstain." We want the word  
12 "Recused."

13                   VICE CHAIR MAGALETTA: Exactly.

14                   MR. GALVIN: And the reason was that  
15 you quietly left the meeting before we got started.

16                   VICE CHAIR MAGALETTA: Oh, I thought I  
17 said on the record that I recused.

18                   I apologize.

19                   CHAIRMAN HOLTZMAN: No. We got it now.

20                   Okay. Frank, so we are going to change  
21 Frank's status to recuse.

22                   MR. GALVIN: Same thing there.

23                   CHAIRMAN HOLTZMAN: Kelly abstained,  
24 none opposed.

25                   So then the people voting are Caleb

1           Stratton, Brandy Forbes, Jim Doyle, Ann Graham,  
2           Caleb McKenzie, Rami Pinchevsky, Ryan Peene and  
3           myself.

4                        So we have that one change.

5                        Are there any other changes or edits?

6                        Is there a motion to accept?

7           COMMISSIONER DOYLE:    Motion.

8           COMMISSIONER PEENE:    Second.

9           CHAIRMAN HOLTZMAN:    Thank you.

10          MR. GALVIN:    Want me to call it?

11          CHAIRMAN HOLTZMAN:    Pat, please call  
12          that.

13          MS. CARCONE:    Commissioner Stratton?

14          COMMISSIONER STRATTON:    Yes.

15          MS. CARCONE:    Commissioner Forbes?

16          COMMISSIONER FORBES:    Yes.

17          MS. CARCONE:    Commissioner Doyle?

18          COMMISSIONER DOYLE:    Yes.

19          MS. CARCONE:    Commissioner Graham?

20          COMMISSIONER GRAHAM:    Yes.

21          MS. CARCONE:    Commissioner McKenzie?

22                        COMMISSIONER MC KENZIE:    Yes.

23          MS. CARCONE:    Commissioner Peene?

24          COMMISSIONER PEENE:    Yes.

25          MS. CARCONE:    Commissioner Pinchevsky?

1 COMMISSIONER PINCHEVSKY: Yes.

2 MS. CARCONE: Commissioner Holtzman?

3 CHAIRMAN HOLTZMAN: Yes.

4 Thank you.

5 (Continue on next page)

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CITY OF HOBOKEN  
PLANNING BOARD  
HOP-15-22

RE: 1313-19 Jefferson Street & : January 5, 2016  
1312-1318 Adams Street :  
Applicant: 1312 Adams Storage, LLC :  
Preliminary Site Plan Review : 7:15 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 Brandy Forbes
- Commissioner Jim Doyle
- Commissioner Ann Graham
- Commissioner Caleb McKenzie
- Commissioner Rami Pinchevsky
- Commissioner Caleb D. Stratton
- Commissioner Ryan Peene
- Commissioner Kelly O'Connor (Recused)
- Commissioner Tom Jacobson

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

- David Glynn Roberts, AICP/PP, LLA, RLA  
Board Planner
- Andrew R. Hipolit, PE, PP, CME  
Board Engineer
- Joseph Torlucci, LSRP
- Patricia Carcone, Board Secretary

PHYLLIS T. LEWIS  
CERTIFIED SHORTHAND REPORTER  
CERTIFIED REALTIME REPORTER  
Phone: (732) 735-4522

1           A P P E A R A N C E S:

2                   DENNIS M. GALVIN, ESQUIRE  
3                   730 Brewers Bridge Road  
4                   Jackson, New Jersey 08527  
5                   (732) 364-3011  
6                   Attorney for the Board.

7                   JAMES J. BURKE, ESQUIRE  
8                   235 Hudson Street  
9                   Hoboken, New Jersey 07030  
10                  Attorney for the Applicant.

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1                   CHAIRMAN HOLTZMAN: So now we are over  
2 to 1313-19 Jefferson Street. This is Adams storage.

3                   MR. GALVIN: Mr. Burke, are you there?

4                   MR. BURKE: Yes. I'm here.

5                   MR. GALVIN: The two questions are at  
6 the end on the conditions.

7                   CHAIRMAN HOLTZMAN: Okay.

8                   MR. GALVIN: He might have other  
9 concerns, but I don't think that they are the ones  
10 we should be worried about.

11                   CHAIRMAN HOLTZMAN: Mr. Burke?

12                   MR. BURKE: Yes. Thank you, Mr.  
13 Chairman, and the Board.

14                   The conditions in general were the  
15 applicant agreed to hire a separate LSRP, but did  
16 not consent to hiring that person throughout the  
17 entire development process.

18                   On the record it stated that the LSRP  
19 would be needed for the excavation and the  
20 foundation pouring, and then after that you are not  
21 touching the ground, so he would no longer be  
22 needed, so that appears several times.

23                   I spoke to Andy about it and relayed  
24 that comment to Dennis, and then secondly --

25                   CHAIRMAN HOLTZMAN: Let's take it one

1 at time.

2 MR. BURKE: I'm sorry.

3 CHAIRMAN HOLTZMAN: So, Mr. Hipolit,  
4 are you comfortable with that?

5 MR. HIPOLIT: I am okay with it, yes.

6 CHAIRMAN HOLTZMAN: Mr. Doyle, are you  
7 good with that?

8 COMMISSIONER DOYLE: I'm good with  
9 that.

10 CHAIRMAN HOLTZMAN: Thank you.

11 MR. BURKE: All right.

12 And then the second comment involved  
13 the -- it was Paragraph 9 on Page 13, and I had  
14 spoken to Andy about that comment. The issuance of  
15 the RAO in final form, that involves a third party,  
16 so we don't want that to hold up the issuance of the  
17 CO.

18 And I spoke to Andy about it, and he  
19 suggested the following letter from the LSRP of  
20 record stating that the property is fit for  
21 occupation as a condition precedent to the issuance  
22 of a CO or TCO, and I made that comment to Dennis.

23 CHAIRMAN HOLTZMAN: So, Andy, do you  
24 want to explain that to us a little bit?

25 MR. HIPOLIT: So the difficulty that

1 the applicant has is that the LSRP is the owners.  
2 The LSRP as part of the process when they close on  
3 the property, they want to open it, may not be able  
4 to get the physical RAO in their hand as well.

5 CHAIRMAN HOLTZMAN: What is an RAO?

6 MR. HIPOLIT: Response Action Outcome.

7 CHAIRMAN HOLTZMAN: Okay.

8 MR. HIPOLIT: That was the old No  
9 Further Action letter, which kind of cleared the  
10 site and said it was good the DEP approved it.  
11 That does take some time to obtain that.

12 What I said was what we are concerned  
13 about is if the building is safe to occupy.

14 If they have done their capping and  
15 it's safe to occupy, and they are going through the  
16 process of getting their final RAO from DEP, we want  
17 something in writing from an LSRP that says the  
18 building is safe to occupy.

19 They have a license. They are under  
20 the jurisdiction of the state, as if they're a state  
21 official. We are comfortable with that.

22 I think Joe Torlucci is here. He's our  
23 LSRP. He would be comfortable with it, but we just  
24 wanted you to understand that there is some delay in  
25 getting the RAO.

1                   CHAIRMAN HOLTZMAN:  So there is kind of  
2     like a short-term signoff and a long-term signoff?

3                   MR. HIPOLIT:  Correct.  Eventually the  
4     RAO would --

5                   COMMISSIONER DOYLE:  Wouldn't the RAO  
6     process be initiated when the soil work is done  
7     before the structure is, you know -- in other words,  
8     I would imagine there would be ample time.

9                   MR. HIPOLIT:  Sometimes it could take  
10    literally years after the work is done to actually  
11    have the DEP issue an RAO.  It could take a long  
12    time.

13                   I mean, the building could sit built  
14    and vacant for years, because they can't get their  
15    guy there --

16                   COMMISSIONER DOYLE:  But Mr. Holtzman  
17    just said, it was like a two-step process.  But what  
18    you're suggesting I guess is a one-step process of  
19    only getting the LSRP, and when and if the State  
20    ever gets around to giving the RAO --

21                   MR. HIPOLIT:  Eventually they will.

22                   COMMISSIONER DOYLE:  -- it's irrelevant  
23    to this resolution?

24                   MR. HIPOLIT:  Correct.

25                   VICE CHAIR MAGALETTA:  And the chances

1 of the RAO being denied is very unlikely is what  
2 you're saying because the LSRP basically is the  
3 State in fact --

4 MR. HIPOLIT: Well, if the State  
5 decides not to issue an RAO because they want more  
6 work done, the owner is still responsible to do that  
7 work, so that work is still going to get done.

8 CHAIRMAN HOLTZMAN: So that would  
9 supersede our approval anyway.

10 MR. HIPOLIT: Absolutely.

11 VICE CHAIR MAGALETTA: But the occupy  
12 is the problem, right?

13 MR. HIPOLIT: The State would -- that  
14 is a different issue. I mean --

15 VICE CHAIR MAGALETTA: Yeah.

16 CHAIRMAN HOLTZMAN: But at least we can  
17 I think have some comfort in that we have got a  
18 signoff by a licensed individual in the  
19 short-term --

20 COMMISSIONER DOYLE: In the employ of  
21 the owner.

22 VICE CHAIR MAGALETTA: Yeah.

23 CHAIRMAN HOLTZMAN: But licensed and  
24 responsible to the State.

25 MR. HIPOLIT: He acts as though he's a

1 State agent.

2 COMMISSIONER DOYLE: And obviously, it  
3 is not fair to hold up the applicant --

4 VICE CHAIR MAGALETTA: It's not  
5 residential either, so it's --

6 CHAIRMAN HOLTZMAN: And it's not  
7 residential, that is right.

8 VICE CHAIR MAGALETTA: -- so it's less  
9 likely of people being injured, so I think under  
10 those circumstances --

11 CHAIRMAN HOLTZMAN: Was there anything  
12 else, Mr. Burke?

13 MR. BURKE: Just a couple of quick  
14 comments.

15 CHAIRMAN HOLTZMAN: Yes.

16 MR. BURKE: There were two variances.  
17 One that you were granting or authorizing the  
18 granting of relief for a front yard setback to zero  
19 feet, but actually the applicant is only seeking 2.5  
20 feet.

21 MR. GALVIN: We made that change.

22 MR. BURKE: I didn't see it in your  
23 draft.

24 Second: On the driveway width, the  
25 draft I have shows a 30 foot wide driveway, and the

1 applicant was asking for 24 foot wide.

2 And then lastly, a comment which I am  
3 sure Dennis won't agree to, but on the affordable  
4 housing, your ordinance, the Hoboken ordinance says  
5 it applies to residential buildings.

6 I just wanted to state on the record,  
7 this is not a residential building, so it would not  
8 apply to the Hoboken ordinance, and --

9 MR. GALVIN: It is going in be in the  
10 resolution anyway, and the reason why it's going to  
11 be in the resolution is there was a time period when  
12 even commercial development had to make a  
13 contribution to affordable housing, and I got that  
14 language straight from Jeff Surenian, and  
15 recommended that I include it because it is a very  
16 changing marketplace for affordable housing --

17 MR. BURKE: Understood.

18 MR. GALVIN: -- and the law is moving  
19 like fast.

20 So if it is required, it is required.  
21 If it is not required, you got nothing to worry  
22 about.

23 MR. BURKE: And the second point, there  
24 is a reference to a development fee ordinance, and I  
25 could not find that --

1                   MR. GALVIN: The same thing. It was  
2 development --

3                   MR. BURKE: But it --

4                   MR. GALVIN: -- this was in the past,  
5 and was part of the affordable housing --

6                   MR. BURKE: -- but it is not --

7                   MR. GALVIN: -- so it is going to stay  
8 in the resolution, Mr. Burke.

9                   Thank you for pointing it out.

10                  MR. BURKE: All right.

11                  That's it.

12                  CHAIRMAN HOLTZMAN: Thank you, Mr.  
13 Burke.

14                  COMMISSIONER DOYLE: Was there one  
15 resolution that didn't have the affordable housing  
16 text or -- I thought --

17                  MR. GALVIN: I may have had a reason,  
18 but --

19                  COMMISSIONER DOYLE: Thought I'd bring  
20 it up --

21                  MR. GALVIN: -- and we may have been  
22 trying to avoid --

23                  CHAIRMAN HOLTZMAN: Let's not muddy  
24 this one any more than it needs to be.

25                  Okay. So is there a motion to accept

1           this resolution with the changes that we just  
2           discussed?

3                       COMMISSIONER MC KENZIE: I so move.

4                       CHAIRMAN HOLTZMAN: Is there a second?

5                       COMMISSIONER MC KENZIE: I can do it,  
6           right?

7                       MS. CARCONE: Yes.

8                       CHAIRMAN HOLTZMAN: Is there a second?

9                       COMMISSIONER DOYLE: Second.

10                      CHAIRMAN HOLTZMAN: Second. Thank you.  
11                      Pat, please call it.

12                      MS. CARCONE: Commissioner Magaletta?

13                      VICE CHAIR MAGALETTA: Yes.

14                      MS. CARCONE: Commissioner Stratton?

15                      COMMISSIONER STRATTON: Yes.

16                      MS. CARCONE: Commissioner Doyle?

17                      COMMISSIONER DOYLE: Yes.

18                      MS. CARCONE: Commissioner Graham?

19                      COMMISSIONER GRAHAM: Yes.

20                      MS. CARCONE: Commissioner McKenzie?

21                      COMMISSIONER MC KENZIE: Yes.

22                      MS. CARCONE: Commissioner Peene?

23                      COMMISSIONER PEENE: Yes.

24                      MS. CARCONE: Commissioner Pinchevsky?

25                      COMMISSIONER PINCHEVSKY: Yes.

1 MS. CARCONE: Commissioner Holtzman?

2 CHAIRMAN HOLTZMAN: Yes.

3 MR. GALVIN: I just wanted to clarify  
4 that language.

5 Prior to the issuance of a CO or a  
6 Temporary CO, the Board must be provided a letter  
7 from an LSRP that the building is habitable.

8 MR. BURKE: Yes, and that was what Andy  
9 suggested.

10 MR. GALVIN: Andy?

11 CHAIRMAN HOLTZMAN: It's not  
12 habitable --

13 MR. HIPOLIT: It is habitable.

14 MR. GALVIN: Habitable.

15 CHAIRMAN HOLTZMAN: All right. Great.

16 MS. CARCONE: Randy Forbes just made a  
17 correction that she was not listed as voting on the  
18 1312-1319 Jefferson application, so we will add her.

19 COMMISSIONER DOYLE: Did you miss a  
20 meeting?

21 COMMISSIONER FORBES: No. I know I  
22 didn't miss that meeting.

23 (Laughter)

24 MS. CARCONE: Okay. So, Commissioner  
25 Forbes?

1 COMMISSIONER FORBES: Yes.

2 MS. CARCONE: Yes. Sorry about that.

3 CHAIRMAN HOLTZMAN: Okay. So we are  
4 good?

5 MS. CARCONE: So we are going to revise  
6 this resolution.

7 CHAIRMAN HOLTZMAN: Okay. So that  
8 needs a couple of updates, yes.

9 (Another matter heard before the Board,  
10 and the following takes place at 11:45 p.m.)

11 MR. GALVIN: I think we have one last  
12 thing for the Board just real quick.

13 On that one resolution tonight that Mr.  
14 Burke was here for, there was something about the  
15 mural is not going to be done at this point, and I  
16 put it in my original condition at the time of  
17 memorialization.

18 I am going to change it to: The  
19 approval of the mural is not required for the first  
20 certificate of zoning.

21 Is that all right with everybody?

22 VICE CHAIR MAGALETTA: Say that again.

23 What are you going to put?

24 MR. GALVIN: In the resolution, the  
25 timing thing, for when the mural should be done, I

1 thought you should have it for tonight, but it is  
2 too complicated, okay, so you should have it before  
3 you issue the building permit.

4 (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: 1/7/16  
This transcript was prepared in accordance with  
NJAC 13:43-5.9.

CITY OF HOBOKEN  
PLANNING BOARD  
HOP-15-17

- - - - - X  
RE: 726-732 Grand Street : January 5, 2016  
Block 85, Lots 14, 15.05-15.08 : Tuesday  
Applicant: FGAM, LLC :  
Preliminary Site Plan Review : 7:30 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 Brandy Forbes
- Commissioner Jim Doyle
- Commissioner Ann Graham
- Commissioner Caleb McKenzie
- Commissioner Rami Pinchevsky
- Commissioner Caleb D. Stratton
- Commissioner Ryan Peene
- Commissioner Kelly O'Connor
- Commissioner Tom Jacobson

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

- David Glynn Roberts, AICP/PP, LLA, RLA  
Board Planner
- Andrew R. Hipolit, PE, PP, CME  
Board Engineer
- Joseph Torlucci, LSRP
- Patricia Carcone, Board Secretary

PHYLLIS T. LEWIS  
CERTIFIED SHORTHAND REPORTER  
CERTIFIED REALTIME REPORTER  
Phone: (732) 735-4522

## 1           A P P E A R A N C E S:

2                   DENNIS M. GALVIN, ESQUIRE  
3                   730 Brewers Bridge Road  
4                   Jackson, New Jersey 08527  
5                   (732) 364-3011  
6                   Attorney for the Board.

7                   ROBERT C. MATULE, ESQUIRE  
8                   2 Hudson Street  
9                   Hoboken, New Jersey 07030  
10                  Attorney for the Applicant.

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## I N D E X

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A-4	Rendering of Wonder Bakery	52
A-5	Colored facades	52
A-6	3D rendering	52
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A-8	Three-dimensional drawing	52

1                   CHAIRMAN HOLTZMAN: All right.

2                   So let's go forward with our hearings  
3 here. We will start with 726 Grand Street.

4                   Mr. Matule, are you ready for us?

5                   MR. MATULE: I am ready for you.

6                   CHAIRMAN HOLTZMAN: Thank you.

7                   MR. MATULE: Good evening.

8                   CHAIRMAN HOLTZMAN: Happy New Year, Mr.  
9 Matule.

10                  MR. MATULE: Happy New Year, Board  
11 members, and good evening to the new Board members  
12 and congratulations.

13                  This is an application for the property  
14 we are calling 726 Grand, but it is actually --

15                  CHAIRMAN HOLTZMAN: Mr. Matule, just  
16 hang on one second, please.

17                  Thank you.

18                  Dennis, Andy has also brought with him  
19 a Maser LSRP, so that we kind of have an offsetting  
20 of LSRPs.

21                  MR. GALVIN: All right.

22                  CHAIRMAN HOLTZMAN: I don't know if we  
23 need to have Joe up here on the dais with us or if  
24 we need to -- what's the right -- we want him to  
25 obviously be participating in the conversation, so

1 we should bring Joe up.

2 MR. GALVIN: You should at least come  
3 to the edge of the table. How's that, Joe, and  
4 raise --

5 CHAIRMAN HOLTZMAN: Or if there is a  
6 chair up here, we are happy to -- it is a little  
7 crowded, but --

8 MR. GALVIN: -- Joe, could you raise  
9 your right hand?

10 Do you swear or affirm the testimony  
11 you are about to give in this matter is the truth,  
12 the whole truth, and nothing but the truth?

13 MR. TORLUCCI: I do.

14 J O S E P H T O R L U C C I, having been duly  
15 sworn.

16 MR. GALVIN: Thank you very much.

17 THE REPORTER: What is your name?

18 CHAIRMAN HOLTZMAN: We have to put his  
19 name on --

20 MR. GALVIN: Oh, we need your name.  
21 See, and this is why I screw up the transcript,  
22 because I forget to get your name and address.

23 MR. TORLUCCI: First name is Joseph.  
24 Last name is Torlucci, T-o-r-l-u-c-c-i.

25 CHAIRMAN HOLTZMAN: And your position?

1                   MR. TORLUCCI:  It's senior associate  
2                   with Maser Consulting.

3                   CHAIRMAN HOLTZMAN:  And your  
4                   professional --

5                   MR. TORLUCCI:  Licensed Site  
6                   Remediation Professional, LSRP, and a professional  
7                   geologist.

8                   CHAIRMAN HOLTZMAN:  Thank you.

9                   Great.  Thanks, Joe.

10                  Sit down.

11                  (Laughter)

12                  Thank you, Mr. Matule.

13                  MR. MATULE:  As I was saying, this is  
14                  an application for preliminary site plan approval  
15                  and variances to construct a five-story mixed-use  
16                  building with 28 residential units and two  
17                  commercial units.  We're proposing 29 parking spaces  
18                  and one of the things that the applicant is  
19                  requesting is that if the project is approved, that  
20                  it be -- the applicant be allowed to construct it in  
21                  two phases, one-half and then the other half.

22                  I have three or four witnesses  
23                  depending on where we go.  I have Mr. Minervini, our  
24                  architect.

25                  Mr. Ochab is pinch hitting for Mr.

1 Kolling as our planner tonight. Mr. Kolling was not  
2 available.

3 We have Mr. Staigar as our traffic  
4 engineer, and we also have our LSRP, Mr. Carlson, if  
5 we need testimony with respect to that.

6 Mr. Minervini will go over it, and Mr.  
7 Ochab will go over it in more detail, but we are  
8 requesting preliminary site plan approval and  
9 basically three variances; one for lot coverage,  
10 which varies by floor, one for having a deck in the  
11 front yard because I believe on the top floor there  
12 is a deck that faces the street or terrace, whatever  
13 you want to call it, and the other is that there are  
14 not two other retails on the same block frontage.  
15 We are actually putting the retails there, so we  
16 need a variance for that.

17 So having said that, we submitted our  
18 jurisdictional proofs previously as this matter has  
19 been carried, so if we could have Mr. Minervini  
20 sworn, we can start his testimony.

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

25 MR. MINERVINI: I do.

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

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

5 THE WITNESS: Frank Minervini,  
6 M-i-n-e-r-v-i-n-i.

7 MR. GALVIN: Mr. Chairman, do we accept  
8 Mr. Minervini's credentials?

9 CHAIRMAN HOLTZMAN: We do.

10 MR. MATULE: Mr. Minervini, before you  
11 start your testimony, do we have boards that are not  
12 in the plan package?

13 THE WITNESS: We have eight that are  
14 not.

15 MR. MATULE: We have eight boards that  
16 are not in the plan package. All right. Well,  
17 let's go through the process now, and bear with me  
18 while I fill out these exhibit stickers.

19 So why don't we start with number one  
20 and just describe for the record what it is.

21 THE WITNESS: Aerial photograph of the  
22 site and the surrounding neighborhood.

23 MR. MATULE: And was that produced by  
24 your office?

25 THE WITNESS: Yes.

1 MR. MATULE: So we're going to mark  
2 that A-1.

3 (Exhibit A-1 marked.)

4 THE WITNESS: Yes.

5 And A-2 is an additional aerial  
6 photograph taken by my office.

7 MR. MATULE: At another angle?

8 THE WITNESS: Yes.

9 MR. MATULE: We will call that A-2.

10 (Exhibit A-2 marked.)

11 MR. MATULE: They were taken recently?

12 THE WITNESS: Within the last six  
13 months.

14 MR. MATULE: Okay.

15 A-3?

16 THE WITNESS: A-3 is a board showing  
17 two separate drawings, one of the outdoor space  
18 within the "U." We are proposing to landscape the  
19 courtyard, and the other drawing is an isometrics,  
20 an additional detailed colored drawing of a similar  
21 condition.

22 MR. MATULE: Okay.

23 So we will mark that A-3.

24 (Exhibit A-3 marked.)

25 THE WITNESS: Yes.

1                   A-4, we brought a rendering of the  
2                   as-approved project, Wonder Bakery, across the  
3                   street, and I will talk about this in terms of  
4                   context and specifically esthetic context produced  
5                   by my office.

6                   (Exhibit A-4 marked)

7                   MR. MATULE:   A-5?

8                   THE WITNESS:   Colored renderings --  
9                   pardon me -- colored facades.

10                  (Exhibit A-5 marked.)

11                  A-6 would be a 3D rendering all  
12                  produced by us as well.

13                  (Exhibit A-6 marked.)

14                  A-4 and 5 are --

15                  MR. MATULE:   A-7.

16                  THE WITNESS:   -- I'm sorry, yes.   Thank  
17                  you, Bob.

18                  A-7 and A-8 are three-dimensional  
19                  drawings of our project in context with all of the  
20                  buildings in the neighborhood, and that's it.

21                  (Exhibits A-7 and A-8 marked)

22                  MR. MATULE:   Okay.   One is A-7 and one  
23                  is A-8.

24                  THE WITNESS:   That is right.

25                  MR. MATULE:   So when you testify with

1 respect to the exhibits, just refer to the exhibit  
2 numbers for the record.

3 THE WITNESS: Yes.

4 MR. MATULE: Okay. So could you  
5 describe the existing site and the surrounding area?

6 THE WITNESS: Yes, and I will start  
7 with A-1. It is an aerial photograph at about 100  
8 feet looking south, so obviously this is the site.  
9 We are outlining it in orange on the site.

10 This is 8th Street running east and  
11 west.

12 Clinton Street -- I'm sorry -- Grand  
13 Street and Adams, but Grand Street is on the eastern  
14 side of the property. Adams is on the west.

15 The property dimension along 8th Street  
16 is 200 feet, and on both Adams and Grand, 100 feet,  
17 so the site is 20,000 square feet, the equivalent of  
18 eight 25-by-100 lots, and it's at the corner of 8th  
19 Street and Grand and 8th Street and Adams, so that's  
20 the view of the site and showing some of the  
21 context.

22 We got public housing over here.

23 We got an industrial building that  
24 recently received Zoning Board approval to be  
25 converted into a residential -- a mixed-use

1 building. The majority of the units are  
2 residential, and we got the remaining part of the  
3 donut along both Adams and Grand Street.

4 So you see the residential buildings  
5 making up the rest of the donut as well as a view of  
6 Hoboken south.

7 Looking over at A-2, it was taken from  
8 a different perspective, so now you can see the  
9 relative heights of the buildings along Grand  
10 Street. So directly adjacent to us to our south is  
11 a five-story building built within the last year.

12 Directly to our south on Adams Street  
13 is a row of four and a half story buildings, turn of  
14 the century.

15 Across the street is a six-story  
16 residential building to our northeast. To our  
17 northwest is a very tall seven-story public storage  
18 building.

19 Again, as I mentioned, the Wonder  
20 Bakery building is here, which has recently received  
21 approvals from the Zoning Board to be converted into  
22 a mixed-use building.

23 So we are proposing a 28 residential  
24 and two commercial unit building at five stories in  
25 height. I will go through all of the plans

1 describing how we came to this. But because of the  
2 particular site and its history, and the Chairman  
3 spoke about it quickly, and I will get into a bit  
4 more detail, I would like to go through the history  
5 at least of the previous buildings very quickly  
6 without wasting much of the Board's time.

7           So the previous building that was here  
8 was constructed in 1910 for the Cooper Hewitt  
9 Electric Company. They produced electric items,  
10 light bulbs, electrical connections, and many other  
11 wiring and lots of other products for the electrical  
12 industry. So that was a brick building of five  
13 stories in height, very tall floor-to-floor heights.

14           In the 1940s that building was sold to  
15 General Electric, where then the site was used to  
16 build mercury vapor lamps. That will be important,  
17 and if you don't know, you will see.

18           It was then sold in the 1970s to a  
19 private family who used it as a tool and die  
20 factory. So from the 1970s to 1993, it was used as  
21 a tool and die factory.

22           In 1993, a group called the Grand  
23 Street Artist Partnership bought it with the  
24 intention of converting that building, industrial  
25 building into 18 residential lofts. They received

1 Zoning Board approval. They constructed the  
2 majority of the units within the building.

3 In 1995, during part of the  
4 construction of one of the units, liquid mercury was  
5 discovered beneath the floor boards and the walls,  
6 so obviously that was something that became an  
7 issue.

8 In 1997, the site was designated an EPA  
9 Superfund Site, leading to 2001 when the building  
10 was finally razed. And the site was remediated by  
11 the Federal Government since then, since 2001,  
12 because of this.

13 And in 2009, the State of New Jersey  
14 regulations had changed requiring that a site such  
15 as this have an LSRP, which is a Licensed State  
16 Remediation Professional, and we have one here, and  
17 we have ours here ready to testify. They will give  
18 you more information, if needed, on what the actual  
19 problems with the soil and what the State had found  
20 during their inspections.

21 For us as the architects, we had to  
22 take that information, we had to take direction from  
23 the LSRP and use that to come up with the design.

24 In this case specifically, the controls  
25 were given to us by the LSRP, "controls" meaning how

1 do we make this site safe for residential  
2 habitation.

3 So with that, we knew that the certain  
4 controls had to be designed in such a particular --  
5 controlled within the slab, and in this case  
6 specifically because of its history, the LSRP  
7 suggested and required -- will require that we have  
8 an enclosed space. That where normally you would  
9 see on a site like this, and here is the site, and I  
10 am looking at Sheet Z-1, here is the site, and  
11 normally you would see a "U" shaped building, which  
12 is what we are proposing with this area at grade  
13 level. However, this is, of course, part of our  
14 site that needs to be remediated -- I mean  
15 controlled.

16 So what our LSRP wants and suggests and  
17 will discuss, if needed, that there be a double  
18 barrier for lack of a better term. I am an  
19 architect, not an engineer, but a double barrier.  
20 So you will have a slab control, which is at grade  
21 level, and in this case we will have about three  
22 feet above ground an additional protecting slap. In  
23 essence, it's a double protection of the existing  
24 conditions.

25 We originally designed this building

1 and started the process with the Zoning Board as  
2 well as coming to the Planning Board work session  
3 meetings, and we designed it so this area within the  
4 "U" would be used for parking. We have it at nine  
5 feet high. Our thought was since we needed this  
6 double slab system design anyway, let's put the  
7 space to use.

8           Since the original design, going  
9 through two of the Subcommittee Meetings at the  
10 Planning Board, we changed the approach, and I will  
11 get into this in more detail, but the important  
12 thing is that we are no longer proposing this area,  
13 which is the area that would normally not be built  
14 on at all within Hoboken, that now we would still  
15 have double controls, but the LSRP is going to allow  
16 us to drop that height off of grade to three feet as  
17 opposed to eight feet.

18           So that three feet will allow for  
19 inspections, allow enough space to get in there  
20 through inspection holes, and we'll call them  
21 manholes, allow it to be inspected, make sure there  
22 are no cracks in the slabs. Humans can get in there  
23 and inspect it, and we thought let's have an  
24 additional use of the space.

25           So we are proposing, and again, I will

1 get into more detail, that the entire space be used  
2 as an above groundwater retention system because of  
3 the difficulties in the site. Putting it below  
4 ground, even at the required size by the residential  
5 standards or the North Hudson Sewerage Authority,  
6 would mean that a small tank, smaller than we are  
7 proposing, would be above ground because of our  
8 controlled conditions.

9 With this design, and keep in mind it  
10 is only three feet above ground, we are going to  
11 have eight times the retention that's required by  
12 the NHSA and the Residential Site Improvement  
13 Standards. A lot of it doesn't make sense yet I  
14 know, because I haven't gone through the building  
15 yet, but it will make more sense.

16 But the bigger point is that the site  
17 conditions, the controls drove a lot of the design  
18 decisions that you will see coming.

19 So, as I mentioned, 20 residential  
20 units, two commercial spaces along 8th Street -- on  
21 the corner, pardon me, of 8th and Adams and on the  
22 corner of 8th and Grand.

23 I will go through the residential  
24 units.

25 Let's go through the floor plans, so

1       you all got the same floors plans as I, dated  
2       November 13th, 2015.

3                       Sheet Z-1, and I referred to this  
4       drawing, this is our -- it is a site plan showing  
5       the adjacent property within 200 feet.

6                       I already described that our building  
7       will be, if approved, a U-shape with this open area.  
8       We will call it the hole in the donut that we  
9       referred to many times being now only three feet  
10      above grade.

11                      I have some nice design and colored  
12      drawings showing exactly what the design intention  
13      is there, so you will understand how it affects, if  
14      at all -- we don't think at all -- the adjacent  
15      properties, or what the adjacent properties will  
16      see.

17                      At the low part of the sheet, we have  
18      our block diagram.

19                      The zoning chart, we will go through  
20      that in a bit.

21                      Sheet Z -- it's just a list of property  
22      owners, and Z-2 is a survey.

23                      All right. Z-3 is a good drawing to  
24      really start helping you to understand what the  
25      project actually is.

1                   8th Street, Adams Street, Grand Street.

2           This is our 200 foot dimension and our 100 foot  
3           dimension, so this is the equivalent of eight  
4           25-by-100 lots.

5                   What we are proposing is a five-story  
6           residential building shaped in the "U" that I  
7           mentioned here.

8                   You will see on this drawing it shows a  
9           setback here, a setback, and a setback. Those are  
10          setbacks we are proposing only on the fifth floor.

11                  As I get further into the plans, it  
12          will make more sense, but the reason we have it on  
13          the Grand Street side is because by setting back  
14          this portion of the fifth floor, it matches exactly  
15          the adjacent building that was recently constructed.  
16          They have a fifth floor setback at the exact same  
17          height as ours, so in terms of street continuity, we  
18          think it is a very good design solution.

19                  Actually I may as well show you that in  
20          three dimensions.

21                  We are proposing on the Adams Street  
22          side, because on Adams Street we have four and a  
23          half story buildings, they're four-story residential  
24          structures raising up above grade a bit. So by  
25          taking out this section of the fifth floor, the

1 street scape in terms of its perceived height is  
2 continuous.

3 So using -- which is the best one --  
4 using Sheet Z -- I'm sorry, A-8, these are schematic  
5 renderings that we produced in Google Sketchup  
6 showing our building in the "U," all of the rest of  
7 the properties on the block modeled, across the  
8 street modeled on Adams, and across modeled on Grand  
9 Street, as well as further to the north and further  
10 to the south.

11 So looking at the schematics, you can  
12 see our building as proposed matches exactly with  
13 the building to our south on Grand Street.

14 As I mentioned, there is a ten foot  
15 setback on the fifth floor. That's right here. It  
16 matches exactly the ten foot setback that's been  
17 constructed already on the new eight-unit  
18 residential building, as well as -- I'm looking  
19 for -- oh, here we go.

20 So this drawing shows that we got those  
21 four -- four and a half story residential buildings  
22 along Adams. So with that ten foot setback, we have  
23 matched -- actually we are slightly lower than those  
24 structures, so the thought process is where we meet  
25 other buildings, let's match the height. Elsewhere

1       they are five stories still within the context of  
2       the adjacent properties.

3                 Here is a view looking to the north  
4       down Grand Street. This building was built in the  
5       last year. This has a top floor setback. Here is  
6       our structure.

7                 This drawing reflects the as-approved  
8       Wonder Bakery building, so this has got more than 60  
9       residential units, some commercial spaces on the  
10      ground floor, and this is what it looks like in  
11      essence, so you can get a relative size comparison  
12      between the two.

13                This is us looking down Adams, as I  
14      mentioned before, and this is the corner of the  
15      Wonder Bakery building.

16                So even without the controls that are  
17      required via the mercury and site remediation  
18      controls, we designed it to fit contextually with  
19      all of the other properties on the block and within  
20      the neighborhood.

21                To go through the floor plans, I talked  
22      about that. Z-4 is our first floor plan. Because  
23      the plan is big, we broke it into half -- actually,  
24      if you don't mind, we'll go straight to Z-4C. Z-4C,  
25      at a smaller scale, shows the entire ground floor,

1 8th Street, Adams Street, Grand Street.

2 We are proposing that the building be  
3 approved as one and allowed to be constructed in  
4 Phase I and Phase II. What that allows for -- well,  
5 what it requires is that we have two means of egress  
6 for Phase I, as well as an elevator, two means of  
7 egress and an elevator for Phase II.

8 This would be the connection, so our  
9 parking design is Phase I, Grand Street enters  
10 the -- the vehicular entry is on Grand Street on the  
11 southern part of the building, and you would filter  
12 through here for parking spaces.

13 This area and this area is that three  
14 foot high construction off of grade that I mentioned  
15 is the double control double slab, which will be our  
16 new stormwater retention tanks, again eight times  
17 the capacity that is required by the North Hudson  
18 Sewerage Authority and the New Jersey Residential  
19 Site Improvement Standards.

20 There's a 730 square foot space on the  
21 corner of 8th and Grand, commercial space, pardon  
22 me, a 1300 square foot commercial space on the  
23 corner of Adams and 8th.

24 I should mention that the initial  
25 design had three commercial spaces, and after some

1 discussion at the work sessions, we understood and  
2 agreed that it makes more sense instead of having  
3 three small spaces, that we could combine two of the  
4 smaller and then get a 1300 square foot space, which  
5 allows more than just a nail salon, allows more than  
6 just a coffee shop. It might be more useful to the  
7 neighborhood and probably easier to control who is  
8 there, two-tenths as opposed to three --

9 CHAIRMAN HOLTZMAN: So it's a --

10 THE WITNESS: -- the initial  
11 construction --

12 CHAIRMAN HOLTZMAN: -- I'm sorry,  
13 Frank.

14 THE WITNESS: Yes.

15 CHAIRMAN HOLTZMAN: So the current  
16 retail setup is now 1300 square foot and at 850?

17 THE WITNESS: 730 along Grand and 8th  
18 on the corner, and then 1300 on the corner of 8th  
19 and --

20 CHAIRMAN HOLTZMAN: 730 and 1300?

21 THE WITNESS: -- yes, 730 and 1300.

22 The residential entry and lobby for  
23 Phase I along Grand Street is about in the center of  
24 the building. It is mirrored on the Adams Street  
25 side.

1                   The buildings are, in terms of their  
2 floor plan and actual structure the same with the  
3 exception of Phase I, the building that would be  
4 built first, and that is along Grand Street, will  
5 have 16 residential units and one commercial.

6                   Phase II will have 12 residential units  
7 and one larger commercial.

8                   So temporarily, there will be a wall  
9 here that allows this building, of course, to be  
10 safe and controlled and have to be within its four  
11 walls.

12                   When Phase II is constructed, this wall  
13 will be removed, so then the circulation pattern  
14 will be vehicles in here, and here, and they could  
15 either go out to Adams or just turn around and come  
16 back. So it is designed to work for -- so it's  
17 designed to work if it were one building or two. Of  
18 course, it is going to be one building, and then  
19 will be combined one larger building.

20                   29 parking spaces --

21                   CHAIRMAN HOLTZMAN: What is the  
22 requirement?

23                   THE WITNESS: 29 is the requirement, so  
24 we are not asking for a variance.

25                   On the bottom of the sheet we are

1 showing some details of our flood venting. At the  
2 commercial spaces, we have to be dry flood proofed,  
3 so there will be -- and this drawing reflects it --  
4 we will have flood paneling, so that no water will  
5 enter the commercial space, either of them.

6 The rest of the ground floor area with  
7 the exception of the lobbies -- well, the lobby as  
8 well, I'm sorry, will be wet flood proofed, so water  
9 will be allowed to enter and exit, and that applies  
10 to both of the egress floors, so that is Sheet Z-4C.

11 MR. MATULE: Just at that point, if I  
12 could, Mr. Minervini, since you are talking about  
13 flood proofing, this project has been reviewed by  
14 the Flood Plain Administrator?

15 THE WITNESS: Yes.

16 MR. MATULE: You are able to address  
17 any of her concerns or comments --

18 THE WITNESS: Yes. I received the  
19 letter of November 7th and -- some of the comments  
20 were in lots of our projects that have been to this  
21 Board, we had to revise because we had gas services  
22 at the ground floor, but this has been revised. It  
23 was one of the comments in the letter to bring it up  
24 to the second floor.

25 So, yes, the answer is we can respond

1 to all of these comments.

2 MR. MATULE: Very good. Thank you.

3 THE WITNESS: Z-5 is our lighting plan  
4 showing how we are proposing to light the areas.

5 Z-5A, and I am going to use --

6 CHAIRMAN HOLTZMAN: It looks like you  
7 have a handwritten note on there, Mr. Minervini.

8 THE WITNESS: Yes. It's to remind  
9 myself to use one of our renderings. "See color  
10 rendering," that is what I am going to show you,  
11 show you the colored rendering.

12 (Laughter)

13 So what we are looking at on Sheet Z-5A  
14 on the drawing to the left part of the sheet is the  
15 actual open space within the "U" of the building,  
16 which in essence is our garden, our yard. It's the  
17 same as any other yard except in this case it is  
18 three feet above grade, and we reduced it from that  
19 eight or nine feet to three --

20 VICE CHAIR MAGALETTA: Excuse me.

21 When you say "above grade," you mean  
22 above the people next door to you?

23 THE WITNESS: Yes, and I got a drawing  
24 that will --

25 VICE CHAIR MAGALETTA: That's fine.

1       Because when you said "grade," I wasn't sure what  
2       you meant. That's fine.

3                   THE WITNESS: The average grade, it is  
4       a nominally flat site. The entire block is  
5       nominally flat.

6                   VICE CHAIR MAGALETTA: Okay. Thank  
7       you.

8                   THE WITNESS: So a colored drawing  
9       showing how we are proposing to treat that garden,  
10      yard, as we know them. We are breaking them up into  
11      six individual spaces to be used for the adjacent  
12      apartments. But more importantly, the adjacent  
13      properties to our south, so I got one here along  
14      Adams Street, and one along Grand Street.

15                   This is the new 18 residential  
16      building, and this is a four-story residential  
17      building.

18                   Recognizing that we are three feet  
19      above grade and recognizing that it could be the  
20      possibility of having a fence there, and then people  
21      within their own yard instead of looking at a six  
22      foot high fence, which is the standard in Hoboken,  
23      they would be looking at a nine foot fence.

24                   So what we have done here, this is the  
25      edge of our property, the edge of our structure, as

1 well as the edge of the tank that I had mentioned.  
2 So this section is three feet above the sidewalk --  
3 the garden next door, moving to this drawing.

4 This shows a neighbor in his or her -  
5 but it is showing him - rear yard walking a dog.

6 (Laughter)

7 So what we are proposing to do, so that  
8 their experience is no different than it would be if  
9 the structure were not here in terms of its  
10 stormwater detention system, we are proposing that  
11 three foot area of tank, which also allows for the  
12 double controls, to be stuccoed up to three feet,  
13 and then in the additional three foot we're going to  
14 put a wooden fence.

15 So the overall experience in the  
16 adjacent backyards is of a six foot high fence, just  
17 as you would have otherwise.

18 Also, recognizing that if somebody were  
19 to occupy and use the space directly behind it on  
20 our proposed project, they would be looking down and  
21 over into that yard.

22 So what we have done is we've set back  
23 the use of the rear -- our rear garden, we set it  
24 back five feet from the property line, so this is  
25 five feet. It will be a green roof area, cannot be

1 walked on, cannot be occupied, and that is what this  
2 drawing reflects.

3 So this shows a five foot setback with  
4 then at the edge of the usable spaces, the outdoor  
5 spaces, we have got a wood planter with landscaping  
6 above it. So the thought is if you are living and  
7 if you are experiencing your own backyard, the  
8 actual experience to use the word again, would not  
9 be any different if this building didn't have this  
10 required by us our stormwater retention system.

11 So what we have done is we have tried  
12 to imagine what the concerns would be of those  
13 neighbors and address them this way, and I don't  
14 think there's -- we could not think of a better  
15 solution. It should be no different in terms of  
16 experience for these folks and for the new  
17 residents. It will allow use of outdoor space  
18 without having -- allowing them to look over the  
19 adjacent gardens, while still giving us the  
20 stormwater detention system that is eight times  
21 bigger than required.

22 CHAIRMAN HOLTZMAN: How many times?

23 (Laughter)

24 THE WITNESS: I heard the Councilman  
25 mention that just now, and I'm going to probably say

1 that a few more times.

2 (Laughter)

3 COMMISSIONER DOYLE: You said it eight  
4 times.

5 (Laughter)

6 COMMISSIONER PINCHEVSKY: The five foot  
7 space, is that accessible by any way from the  
8 building staff or --

9 THE WITNESS: They would have to  
10 climb -- actually what we would probably do is put a  
11 small door system into the planters, allowing  
12 access. We designed them just to -- I'm sorry -- I  
13 keep turning this -- to maintain the green roof,  
14 yeah, we would have to do that.

15 COMMISSIONER PINCHEVSKY: When you say  
16 "green," is it --

17 THE WITNESS: It's an extensive green  
18 roof, not walkable.

19 COMMISSIONER PINCHEVSKY: Sure.

20 Is it intended to be grass or some sort  
21 of artificial --

22 THE WITNESS: No. An extensive green  
23 roof, meaning that it is vegetation on a small tray  
24 system that is raised above the slab of the  
25 building, the exact same system we would use on the

1 roof of the building that you've heard, and we've  
2 described --

3 CHAIRMAN HOLTZMAN: No maintenance  
4 required like a lawn would. It is those small  
5 seedum plants, so all it does is absorb water --

6 COMMISSIONER PINCHEVSKY: It doesn't --

7 THE WITNESS: And stores --

8 CHAIRMAN HOLTZMAN: -- and stores some,  
9 yes, right.

10 COMMISSIONER PINCHEVSKY: Okay.

11 And then one other question actually.

12 THE WITNESS: Yes.

13 COMMISSIONER PINCHEVSKY: The -- I know  
14 that the donut hole is three foot above grade.

15 Is the parking lot as well, the parking  
16 garage, is that also the same three foot above grade  
17 as the hole -- so the rest of the property there --

18 THE WITNESS: No. This edge of the  
19 building -- actually it is even less than that.

20 Here, this is a better drawing.

21 The edge of the building above is here  
22 like that, so that is the structure.

23 The building goes back here and here 60  
24 feet, as it would anywhere else, and it is the 80  
25 feet in between is what we are talking about.

1 COMMISSIONER PINCHEVSKY: I understand.

2 So if you are in the parking garage,  
3 you're in one of the spots, are you the same  
4 three -- you're standing there, are you the same  
5 three feet above grade as the donut hole or not?

6 THE WITNESS: No.

7 The parking garage can be at grade  
8 level, your floor.

9 Your control for the parking garage,  
10 your secondary control is your first residential  
11 floor, so that is the double layer of protection  
12 that we are proposing.

13 Where we can't do that in this area,  
14 that second layer is the three foot section that is  
15 above grade that we are using for outdoor space  
16 as --

17 COMMISSIONER PINCHEVSKY: So the double  
18 layer requirement is for living space and a parking  
19 garage --

20 CHAIRMAN HOLTZMAN: Double layer is  
21 required, period.

22 COMMISSIONER PINCHEVSKY: -- but, no,  
23 if you are parking your car, that is not double  
24 layered.

25 CHAIRMAN HOLTZMAN: No. But there's no

1 double -- let me get it --

2 THE WITNESS: Yes.

3 CHAIRMAN HOLTZMAN: -- let's try it  
4 this way.

5 The donut is -- I think the first  
6 question that you had is the donut cutout is higher  
7 than the parking level.

8 COMMISSIONER PINCHEVSKY: Correct, yup.

9 CHAIRMAN HOLTZMAN: The reason being is  
10 the parking deck has the layer that you are parking  
11 your car on as a first level, and the ceiling of the  
12 parking garage before you get to the habitable space  
13 is the second layer.

14 In the donut we have the first layer  
15 that is at the same level as the parking slab, but  
16 you need that second layer because there is no  
17 building above it.

18 COMMISSIONER PINCHEVSKY: I understand.

19 CHAIRMAN HOLTZMAN: Oh, I'm sorry.

20 COMMISSIONER PINCHEVSKY: Yeah.

21 So I was just reiterating or just  
22 confirming that that double layer requirement is for  
23 habitable space or I guess in the donut portion  
24 there is no space -- or no --

25 CHAIRMAN HOLTZMAN: It is required,

1 period, on all space.

2 COMMISSIONER PINCHEVSKY: -- well, not  
3 for the parking garage, right?

4 You are parking your garage -- you're  
5 parking your car, you're only in a single --

6 THE WITNESS: That's exactly right. I  
7 understand your point.

8 So our secondary layer except in that  
9 case --

10 COMMISSIONER PINCHEVSKY: Is above.

11 THE WITNESS: -- is our floor is  
12 separating the residential space above.

13 So what you are asking I think is in  
14 this case, we are not proposing a secondary --

15 COMMISSIONER PINCHEVSKY: Yeah. I  
16 gotcha.

17 THE WITNESS: All right.

18 CHAIRMAN HOLTZMAN: So can you just go  
19 back to the visual on the donut, and there appears  
20 to be some staircases.

21 So are those staircases that come from  
22 in effect the first residential level --

23 THE WITNESS: Yes.

24 CHAIRMAN HOLTZMAN: -- that drop down  
25 into the space, so that those apartments can get

1 down to them?

2 THE WITNESS: Yes. And as part of the  
3 initial design, this area was level with the  
4 residential floors six feet higher than we are now  
5 proposing, so there was a flat connection between  
6 the apartment and the outdoor space.

7 Now, since we are proposing to drop  
8 this entire garden area down to three feet above the  
9 nominal grade, we need to have stairs connecting  
10 this upper space and this lower space, so in each of  
11 the apartments --

12 CHAIRMAN HOLTZMAN: So people are not  
13 entering that space from the garage. They are  
14 entering it from their apartment, which would be on  
15 the first residential level or the second floor,  
16 pardon me, but second floor of the building  
17 visually?

18 THE WITNESS: That's exactly right.  
19 That's exactly right.

20 I can pass these around, if you want to  
21 take a closer look at them.

22 COMMISSIONER PINCHEVSKY: The three  
23 feet, that's the -- there is a concrete slab on this  
24 at three feet --

25 THE WITNESS: Yes.

1                   COMMISSIONER PINCHEVSKY:  -- so the  
2                   greenery that you have currently in the grass, I am  
3                   assuming it is grass, that adds a few extra inches,  
4                   I am assuming as well?

5                   THE WITNESS:  Yes.

6                   COMMISSIONER PINCHEVSKY:  Yes.

7                   CHAIRMAN HOLTZMAN:  So while you have  
8                   it out, is it grass, or what is it, Frank?

9                   Why don't you take us through it?

10                  THE WITNESS:  We are proposing that the  
11                  five foot area as set back would be the extensive  
12                  green roof.

13                  Elsewhere we are proposing for  
14                  maintenance purposes SYNLawN, which is a synthetic  
15                  grass.  This SYNLawN, synthetic lawn, is a  
16                  particular brand, particular manufacturer.  It may  
17                  or may not be that company, but it has become the  
18                  standard Q-Tip word for artificial grass.

19                  Also, these are inspection hatches that  
20                  we need to inspect that three foot space we have  
21                  been talking about.

22                  So the outdoor space would be for  
23                  within our garden.  It would be a combination of the  
24                  synthetic grass, landscaping, as well as hard scape.  
25                  We got cast stone for wood pavers, the SYNLawN and

1 landscaping, which acts as a privacy fence between  
2 each of these spaces, as well as acting as a privacy  
3 fence to the neighbors to our south.

4 CHAIRMAN HOLTZMAN: Okay.

5 MR. MATULE: Want to go through the  
6 upper floors?

7 THE WITNESS: Yes.

8 Sheet Z-7 is our second floor plan,  
9 which is the first residential floor. We have shown  
10 the demising walls of each of the units.

11 For unit breakdown, I will give that to  
12 you in one second.

13 So of the 28 residential units, we have  
14 got three one-bedroom units at 1046 square feet.

15 We have got four two-bedroom units  
16 ranging from 1,170 square feet to 1440 square feet.

17 We have got 15 three-bedroom units of  
18 1,514 square feet to 1,995 square feet, and we have  
19 six four-bedroom units of 2,140 square feet to 2,345  
20 square feet.

21 If you divide those numbers, you can --

22 COMMISSIONER DOYLE: Can you just say  
23 the first two again, the one and two-bedrooms?

24 THE WITNESS: Yes. We have three  
25 one-bedrooms of 1,046 square feet --

1                   COMMISSIONER DOYLE: I have the square  
2 foot, just the number of units.

3                   THE WITNESS: Yeah.

4                   And the two-bedrooms, there are four of  
5 them that range between 1170 and 1440 --

6                   COMMISSIONER DOYLE: Okay. Thanks.

7                   THE WITNESS: -- so we are proposing  
8 ones, twos, threes, and fours in terms of the mix.

9                   The second floor plan, residential  
10 floor along Grand Street, a residential floor along  
11 Adams.

12                   This is the inner courtyard or garden  
13 that I referred to before on Sheet A-3, as well as  
14 the stairs connecting the apartments. So this part  
15 is connected to its outdoor space. That is there  
16 and so on.

17                   The third floor showing our unit  
18 breakdown, we are proposing within this "U" four  
19 cantilevered decks, which would be within our "U"  
20 for lack of a better term, each of 250 square feet,  
21 25-by-10. The reasoning for this is some of these  
22 units, given where they are in the floor plan, don't  
23 have outdoor space.

24                   So our thought was let's propose 250  
25 square foot outdoor spaces that can be used by some

1 of these residential units on every other floor, not  
2 every floor, but -- pardon me -- on every floor,  
3 pardon me. I have to make sure I got that right.

4 So we are proposing those outdoor  
5 spaces, and certainly I have heard this Board and  
6 other Boards at times depending on the project, not  
7 like this idea, but our thought was here of getting  
8 outdoor space, of course, but also any negative is  
9 within our own project.

10 So somebody coming to buy or rent a  
11 space here will have the same condition as his  
12 neighbor, so we are not imposing this condition on a  
13 building that was built here 80 years ago.

14 And although we are showing columns, it  
15 doesn't have to have a structure, if this Board  
16 doesn't want. We can cantilever it over, if need  
17 be. Our drawings will reflect columns, but it could  
18 be designed otherwise.

19 The fifth floor plan, and I did go  
20 through the fourth with the same rendering, but  
21 what's different about the fifth floor plan, and we  
22 do need, as Bob had mentioned, a variance for these  
23 three specific locations. At the fifth floor, we  
24 are setting back, as I mentioned before, 45 feet off  
25 of the northern-southern property line, we are

1 setting back the fifth floor ten feet.

2 Again, the reason is so that we will  
3 visually match the shorter four and a half story  
4 building here to our south along Adams. We are  
5 proposing the same treatments along 8th Street.

6 The thinking is let's -- where this  
7 would be the capping within the donut along 8th  
8 Street, let's control the visual mass there as much  
9 as possible, so we set this back for 77 feet, 77  
10 feet of length, a good portion of this 200 foot  
11 facade, we set that back ten feet, and we have done  
12 the same on the Grand Street facade facing the  
13 adjacent building to our south, and this matches  
14 exactly that building which has at its fifth floor,  
15 the same floor heights as set back at ten feet --

16 MR. MATULE: Frank, while you are still  
17 on that sheet, do you have facade elevations that  
18 would show those decks, what they look like --

19 THE WITNESS: Yes, yeah. I mean, I can  
20 do -- well --

21 MR. MATULE: I don't want to have you  
22 jump around --

23 THE WITNESS: -- I think it might be a  
24 good time to do that.

25 So is that a 5, Bob?

1 MR. MATULE: That is a 5, yes.

2 THE WITNESS: So going to A-5, we have  
3 got colored facades showing what we expect our  
4 proposed building to look like, recognizing that it  
5 is a 200 foot length of street along 8th. We wanted  
6 to achieve a few things.

7 First and foremost is to have strong  
8 anchored corners. The most important part of a  
9 building, in a building that's configured like this,  
10 should be its corners. So our thought was that is  
11 where the five-story sections would be.

12 The sections in between that connect in  
13 essence those two anchors is where we are proposing  
14 that fifth floor setback.

15 So, as I mentioned along 8th Street,  
16 this whole section, this entire section that I'm  
17 pointing out is set back ten feet, so visually,  
18 you're walking down the street, and you would barely  
19 see those.

20 Along Adams Street, we have done the  
21 same thing, set it back here, which will match that  
22 building on that side, and along Grand Street it  
23 will match exactly the building to our south.

24 One of the things we wanted to do, as I  
25 mentioned, is have anchored corners. That is the

1 most prominent features within a building that's  
2 configured like this and of this size. The other  
3 was not to have it seem like one mass. We did not  
4 want this building to appear massive, recognizing  
5 that it is a 200 foot long street.

6 So our main facade along the corners  
7 you can see, but where we get to the centerpiece  
8 that are connecting, we have broken the materials --  
9 broken down the facade by using materials.

10 So for the two-story section on the 8th  
11 Street side, two stories of brick, and what that  
12 does is you are walking down, as we foresee, you're  
13 walking 8th Street, and perhaps accessing these  
14 commercial spaces, you will perceive a two-story  
15 section.

16 It will be brick. That is what you  
17 will see most, and then our setbacks will start, but  
18 we change materials here to glass, certainly a  
19 lighter material in terms of its visual impact than  
20 brick, as well as bay projections, and what they do  
21 is allow for movement in the facade, again, not to  
22 have just one plane along this street.

23 You will see that on the Grand Street  
24 corner, we have a semi -- we call it a  
25 quasi-industrial look to the building, the majority

1 of the building that is there, and we did that  
2 specifically because we were responding to the  
3 Wonder Bakery building across the street, as well as  
4 projects, 715 Grand, which was approved and  
5 constructed directly to the south of the Wonder  
6 Bakery building.

7 So as we are proposing the corner, and  
8 this is actually a better view of it, this is the  
9 8th and Grand corner. You will see the concept is  
10 to have it appear as if it were an older industrial  
11 building as was in many sites within this  
12 neighborhood, an industrial building that has been  
13 converted to residential or mixed-use.

14 So with that, we have our industrial  
15 portions of the building, our modern appendages, and  
16 if you look at that relative to -- disregard the  
17 brick color, please -- if you compare that to what  
18 has been approved directly to our east on the Wonder  
19 Bakery, you will see that we, in terms of esthetics  
20 are trying keep to what could be a very nice  
21 industrial conversion neighborhood esthetic alive,  
22 so that is what drove the facade designs.

23 All right. So we talked about the  
24 elevations. We talked about how it is going to  
25 look. We talked about on these other boards how it

1 fits contextually. I will continue to finish out  
2 the sheets.

3 Yes. The roof plan, Sheet Z-10, and  
4 your drawings reflect this already, this was my  
5 notes from an older drawing -- but we are proposing  
6 private roof decks, four on the Adams Street side,  
7 four on the Grand Street side that are accessed  
8 directly from the units below.

9 The remaining -- with all of the  
10 remaining roof area with the exception of where the  
11 mechanical requirements are, such as  
12 air-conditioning and air-conditioning condensing  
13 units and others will be the extensive green roof.

14 So the extensive green roof, again, is  
15 the roof system that I described before that is not  
16 walkable, cannot be used as outdoor space, but will  
17 provide some water retention.

18 So those are the roof decks, all set  
19 back and they meet the ordinance requirements, set  
20 back off the street, set back off the rear yard --  
21 yes.

22 COMMISSIONER DOYLE: Would those areas,  
23 other than the green roof area, equal 50 percent or  
24 more of the roof?

25 THE WITNESS: Yes. We meet the

1 requirements. So our green roof is 50 percent or  
2 more and conversely our roof deck --

3 COMMISSIONER DOYLE: That's exclusive  
4 of the --

5 THE WITNESS: Exactly, correct.

6 COMMISSIONER DOYLE: -- decks and the  
7 air conditioning units?

8 THE WITNESS: So the new ordinance as  
9 has been recently approved, we meet the ordinance  
10 requirements.

11 COMMISSIONER DOYLE: And what about the  
12 areas that you have as decks, are they like pavers  
13 or, you know, what --

14 THE WITNESS: We don't know. It may be  
15 a wooden paver or a cementitious paver --

16 COMMISSIONER DOYLE: -- all of that  
17 goes into the detention system?

18 THE WITNESS: Yes. It all goes into  
19 the same detention system, so everything you see  
20 that -- any water that would be drained from this  
21 roof goes down to our detention system, which is  
22 larger.

23 COMMISSIONER DOYLE: How much larger?

24 THE WITNESS: It's eight times larger.

25 (Laughter)

1                   COMMISSIONER DOYLE: Okay.

2                   THE WITNESS: Something that I passed  
3 by, although it's very important considering this  
4 building, with the water -- the additional water  
5 retention that's being proposed, there are other  
6 green features that we are proposing.

7                   So on Sheet Z-3, we listed what we are  
8 calling green amenities that will be part of the  
9 project, so a cogeneration system, and that is  
10 reflected on the roof plans.

11                   Our electricity will be produced by  
12 natural gas. The units will be up on the roof.  
13 They will be within Type 2 sound attenuation covers.  
14 All of our water that is saved that is used on site  
15 will be part of our gray water system, so we are  
16 going to reuse all of the water that is generated by  
17 the building.

18                   The extensive green roofs, I described,  
19 the larger rainwater retention system, all of the  
20 insulation within the building will be closed cell  
21 tight, which is a much more efficient spray-in type.

22                   All of the windows will be Energy Star  
23 rated.

24                   All the water -- the heating systems  
25 will be tankless, so no storage.

1 All of the lighting will be LED.

2 All of the plumbing fixtures will be  
3 water-reducing types, and the same with the Energy  
4 Star appliances.

5 Bicycle storage, though, I should go  
6 back, and we have shown provisions for electric car  
7 charging stations.

8 We are asking and proposing, I should  
9 say, a LEED certified building, nothing -- not  
10 higher than that. However, all of these would very  
11 likely get us much higher than the LEED, just plain  
12 LEED approval -- certification, pardon me.

13 So we have taken the site condition,  
14 which pushed us and allowed us to propose a much  
15 larger retention system. Taking that thought and  
16 brought it right through the building with all of  
17 these green provisions and green amenities.

18 COMMISSIONER DOYLE: Is the  
19 cogeneration just for an emergency or is it --

20 THE WITNESS: No. It will be used for  
21 producing electricity for the building, but it does  
22 act as an emergency generator as well, so in this  
23 system you don't need an emergency generator in  
24 addition.

25 Bicycle storage, I neglected to

1 mention --

2 MR. HIPOLIT: Do you intend on applying  
3 for LEED certification?

4 THE WITNESS: Yes, we are. We will  
5 absolutely apply and are confident we will receive  
6 minimally LEED certification.

7 MR. HIPOLIT: Okay.

8 THE WITNESS: I wanted to go to the  
9 larger plan looking at the building in its whole.

10 So for bicycle storage, and the other  
11 drawings reflect it, but we are proposing wall  
12 bicycle storage in front of each parking space. It  
13 can hold two bicycles, so each parking space will  
14 have that.

15 You will see this little cutout at the  
16 water retention system. This is to allow for when  
17 Phase I is only constructed, and Phase II is not yet  
18 connected, it will allow for a car to back up and  
19 turn. So it allows for easy backup in and out for  
20 these two spaces, which otherwise would have  
21 compromised entries and exits.

22 After the buildings are connected, we  
23 are proposing that this space be used for bicycle  
24 storage. I am estimating you can get, you know, 15  
25 bicycles there, but anyway it is larger. It's 27

1 feet by six feet, so you can fit quite a number of  
2 bicycles.

3 MR. ROBERTS: Frank, before you get all  
4 through that --

5 THE WITNESS: Yes.

6 MR. ROBERTS: -- sheet, we had actually  
7 talked a little bit about the circulation, in and  
8 out of the buildings.

9 I know you are talking about providing  
10 the building in phases, so you need a two-way  
11 circulation system. But when the full project is  
12 done, we were trying to see if there was a way to  
13 minimize the curb cut for pedestrian purposes, and I  
14 don't know if you want to explain how that  
15 circulation will work. We didn't really talk about  
16 it.

17 THE WITNESS: No. I think one of the  
18 conversations that we had at the Subcommittee  
19 Meeting was when the buildings are connected, do we  
20 want to consider removing one of the doors and  
21 having all of the vehicles enter from one side and  
22 then just going all the way and turning around, and  
23 we are hoping the Board agrees.

24 But on second look at that, because of  
25 the length of the building, it didn't seem to be the

1 appropriate solution because our thought was, if  
2 this door was closed, this one remained, you know,  
3 the flip, cars would come in all the way to here,  
4 and then have to turn around and go back an  
5 additional 200 feet and travel within the garage.

6 Our thought was the same number of cars  
7 will be now divided into two, so the impact will  
8 always be lessened on Clinton, if this were the only  
9 one and the same for Adams -- I'm sorry -- Grand and  
10 Adams. With buildings of -- our thought again was  
11 we are talking about a large structure in terms of  
12 its footprint, because the site is large. Pattern  
13 two seems to make more sense giving us 28 parking  
14 spaces.

15 MR. ROBERTS: So you will be dividing  
16 the circulation between two streets instead of  
17 concentrating on one --

18 THE WITNESS: Exactly right.

19 MR. ROBERTS: -- but in terms of -- our  
20 interest was on the impact on pedestrians on the  
21 sidewalk going back and forth in front of that entry  
22 because it's two-way in and out, instead of just  
23 one-way out, or one-way in.

24 Are you proposing any kind of a  
25 pedestrian warning system?

1                   THE WITNESS: And thank you for  
2 reminding me. I neglected to mention that.

3                   This project as well every one we are  
4 now proposing for this Board and the Zoning Board of  
5 Adjustment -- I have to find the exact detail --  
6 will have within the slab, actually at the threshold  
7 of the garage door, an LED warning light that is  
8 operated when the door opens.

9                   So it is visual, a warning. It doesn't  
10 make any sound, should not, as we think, should not  
11 have any impact on the adjacent properties, but it  
12 does allow any pedestrian walking by to see that  
13 once that garage door opens, if they happen to miss  
14 that, that there will be flashing LED lights in that  
15 garage door threshold.

16                   I will find the details. I know we do  
17 have them.

18                   COMMISSIONER DOYLE: And that's during  
19 the daylight, there's --

20                   THE WITNESS: Yes, it is LED.

21                   MR. HIPOLIT: You can see it.

22                   CHAIRMAN HOLTZMAN: Mr. Minervini, I  
23 think you said 28 parking spaces, but I thought  
24 previously you said 29.

25                   VICE CHAIR MAGALETTA: The plans say

1 29.

2 CHAIRMAN HOLTZMAN: So can we just make  
3 sure we have a count on what it is?

4 THE WITNESS: Yes. Let me confirm what  
5 I told you and make sure I get it right myself.

6 We are proposing 20 residential units,  
7 two commercial units, and there's 29 parking spaces.  
8 That's correct. So, yes, 29 parking spaces,  
9 and the way it is divided is 16 would be on Phase  
10 I --

11 CHAIRMAN HOLTZMAN: Mr. Roberts, 29 is  
12 the requirement?

13 MR. ROBERTS: Yes. They basically got  
14 it right down to the --

15 CHAIRMAN HOLTZMAN: Yup. I just wanted  
16 to make sure we're even money here.

17 VICE CHAIR MAGALETTA: No. Your  
18 argument is saying why do you want to make both  
19 driveways -- both -- I understand if you are going  
20 from one side to the other, but if you are parked  
21 there in the middle, it doesn't make a difference,  
22 right?

23 I understand what you are saying, you  
24 go from one side to the other. But if you are  
25 parked in the middle, it does control the sidewalk a

1 little better, if you just have one side in and one  
2 side out.

3 THE WITNESS: I don't have any problem,  
4 nor would the applicant, if you wanted that.

5 Our thought is, and our traffic  
6 engineer will do a much better job explaining this  
7 than I can, that this is a better solution.

8 VICE CHAIR MAGALETTA: All right. I'm  
9 willing to listen.

10 COMMISSIONER PINCHEVSKY: Is -- excuse  
11 me -- is the residential units proposed to be  
12 rented, or are they going to be condo units or  
13 rental?

14 THE WITNESS: I don't know the answer.  
15 I could find that out. I'm not sure if it's been  
16 decided.

17 Generally when we get to this point,  
18 their thinking is one or the other, depending on the  
19 marketing conditions, but they generally don't want  
20 to say yes, it is condos, where in three years if  
21 this building is constructed, the condo market is no  
22 longer here, and it's a rental market, so it is  
23 being designed to work either way.

24 I don't know if they want me to give  
25 you an answer one way or the other, thus again,

1           because of what the future market conditions may  
2           want this building to be.

3                           COMMISSIONER PINCHEVSKY:  If it's  
4           condos, will the spots be deeded to the units?

5                           THE WITNESS:  Yes.

6                           COMMISSIONER PINCHEVSKY:  I am assuming  
7           one per unit with one extra spot to be handled  
8           however?

9                           THE WITNESS:  Yeah.

10                          You may remember at one of our previous  
11           projects, 113 Monroe Street, the applicant, Nick  
12           Petrocelli, came up to describe how generally that  
13           happens, and he described it because he is more  
14           hands-on in that part of the process than I am.  He  
15           said generally it is first come first serve, so  
16           whoever buys the units first gets the first choice  
17           in parking spaces.

18                          If this Board wanted to, we could have  
19           it such that, you know, we say apportion one parking  
20           space to a unit, but somebody may not have a car.  
21           Somebody might have two cars, so it's hard to  
22           control that.

23                          COMMISSIONER PEENE:  I would hate to be  
24           the three-bedroom that gets one of those compact  
25           spaces right there.

1                   THE WITNESS: Yes. We don't have a lot  
2 of compacts and -- but I agree.

3                   CHAIRMAN HOLTZMAN: The concern of the  
4 Board has generally been with regards to the  
5 parking, that we want to make sure that the parking  
6 actually gets used by the people in the building as  
7 opposed to becoming a pay for parking lot.

8                   THE WITNESS: Yes. And I can testify  
9 that this will not be used by anybody outside of  
10 this property. And Mr. Matule, if it were condo,  
11 can put that within the master deed, and there's  
12 probably other restrictions that he can put in.

13                   CHAIRMAN HOLTZMAN: So we are  
14 comfortable in making that as type of a condition.  
15 We will figure out the language on it.

16                   MR. MATULE: I was just going to say  
17 that in other projects, one we just had recently I  
18 believe on Monroe Street, Mr. Galvin crafted a  
19 condition that basically the spaces could only be  
20 used by the occupants of the building --

21                   CHAIRMAN HOLTZMAN: He is a crafty one,  
22 isn't he?

23                   (Laughter)

24                   MR. MATULE: -- and we have no  
25 objections to any restraints such as that.

1 CHAIRMAN HOLTZMAN: Great. Thank you.

2 COMMISSIONER PINCHEVSKY: Mr. Chairman?

3 CHAIRMAN HOLTZMAN: Mr. Pinchevsky?

4 COMMISSIONER PINCHEVSKY: One of the  
5 concerns, and I think I mentioned this for other  
6 applications is that, let's say it is a condo  
7 building, but the spots are rentals, and they charge  
8 \$500 a month, then that defeats the purpose because  
9 the residents are going to park on the street  
10 anyway.

11 It might not make business sense to do  
12 that, but, you know, I live in a building where  
13 parking is extremely expensive, and half of the  
14 residents park on the street defeating the purpose  
15 of having such a large parking garage, so that's why  
16 I just want some kind of reassurance that if you  
17 do --

18 MR. GALVIN: That is the best I can do.

19 COMMISSIONER PINCHEVSKY: I'm sorry?

20 MR. GALVIN: I mean, it's the best I  
21 can do. We can do this, but it is going to be hard  
22 to enforce, you know, in the long run.

23 MR. MATULE: If I might --

24 COMMISSIONER PINCHEVSKY: I'm trying to  
25 see what the intention is -- what the intentions

1 are --

2 MR. MATULE: -- the intent is to  
3 allocate the parking spaces either as limited --  
4 assuming it is a condo building, they will be sold  
5 and deeded or there will be limited common elements  
6 assigned to particular units, in that the users of  
7 those spaces, because if I might, if somebody was  
8 going to try -- what you are talking about  
9 respectfully is basically operating a commercial  
10 parking lot. To do that would entail a lot of other  
11 things in a condominium form of ownership --

12 CHAIRMAN HOLTZMAN: In addition to a  
13 commercial parking license.

14 MR. MATULE: -- it would have to be a  
15 second condominium unit within the regime, and they  
16 would have to have a commercial parking license and  
17 all of the things that go with that. That is not  
18 the intent here.

19 CHAIRMAN HOLTZMAN: So Dennis has some  
20 language on that. Let's see what he can draft up  
21 for us and then we will figure out if that works for  
22 you.

23 COMMISSIONER PINCHEVSKY: I am  
24 satisfied.

25 MR. MATULE: One of the other concerns

1 coming out from another direction that I have heard  
2 expressed was the fact that they didn't want it  
3 being rented out to third-party non occupants of the  
4 building, and that is clearly not the intent, and we  
5 have no issue with any constraints on that.

6 THE WITNESS: To conclude -- I'm sorry.

7 CHAIRMAN HOLTZMAN: We are good.

8 THE WITNESS: If I may just conclude,  
9 I think I have gone through all of the sheets. You  
10 have a good sense of what the project is.

11 I want to reiterate that as architects,  
12 when we designed this, we start here with a -- our  
13 blank slate here was not so blank.

14 We started with site conditions that  
15 had very particular requirements as given to us by  
16 the LSRP -- Andy is laughing -- given to us by our  
17 LSRP. I think that we responded to those conditions  
18 and have designed and are proposing a project that  
19 makes very much sense given the location.

20 Its impact is not any more we think  
21 than the ordinance allows. The unit count is where  
22 it's permitted to be.

23 Our parking is as required. We are  
24 proposing two commercial spaces along 8th Street and  
25 on two corners that do require variances, but

1 commercial -- small commercial spaces, smallish, and  
2 that is not uncommon in any of our residential  
3 areas, as well as given the site, we are proposing  
4 eight -- I'm sorry -- 16 street trees, all new  
5 sidewalks and curbs, planting beds, which would need  
6 City Council approval, as well as bay projections,  
7 which would need City Council approval.

8 But we think we have designed a project  
9 that is scaled properly, that has responded to some  
10 of this Board's comments during the work sessions as  
11 environmentally friendly almost as we can possibly  
12 design for, especially with water mitigation --  
13 water retention.

14 We have addressed a very serious  
15 problem that the city has, and we have done it in a  
16 very big way, so I am very proud of this project,  
17 and I'm ready for questions.

18 CHAIRMAN HOLTZMAN: Thank you.

19 MR. MATULE: I have a couple of  
20 questions before you go there first, though, Frank.

21 You received the Maser report from Mr.  
22 Hipolit?

23 THE WITNESS: Yes.

24 MR. MATULE: You have been able to  
25 address any of the conditions or questions he has

1 raised?

2 THE WITNESS: Absolutely. There was  
3 nothing there I don't think can be addressed.

4 MR. HIPOLIT: I agree.

5 MR. MATULE: And then one other  
6 question. One of the other variances I noticed on  
7 your zoning table you were asking for is a two foot  
8 height variance, where we are allowed 40 feet above  
9 the design flood elevation, and you requested 42  
10 feet.

11 Can you talk just to that for the  
12 record?

13 THE WITNESS: Yes. We are asking for a  
14 two foot high variance.

15 This building can be built without a  
16 height variance. We would have to compress the  
17 garage. What that does in effect is compress these  
18 two commercial spaces.

19 So our thought was given its location,  
20 given the adjacent properties are all 48 feet or 50  
21 feet, and across the street even taller, that it  
22 would be smart to ask for a very small two foot  
23 height variance, which then allows the commercial  
24 space to be nine feet and change, much more usable.

25 MR. MATULE: So that is what is driving

1 that?

2 THE WITNESS: That's what is driving  
3 that, yes.

4 MR. MATULE: And all the other  
5 floor-to-floor heights were ten feet --

6 THE WITNESS: Are ten feet  
7 floor-to-floor as --

8 MR. MATULE: -- per the ordinance?

9 THE WITNESS: -- per the ordinance.

10 CHAIRMAN HOLTZMAN: Thank you, Mr.  
11 Matule.

12 Thank you, Mr. Minervini.

13 Councilman, you had a couple questions  
14 it sounded like --

15 COMMISSIONER DOYLE: I just --

16 CHAIRMAN HOLTZMAN: -- or do you want  
17 us to come back or are you ready?

18 COMMISSIONER DOYLE: No.

19 The bulkheads, you have two?

20 THE WITNESS: We have two --

21 COMMISSIONER DOYLE: Z-10 I think.

22 THE WITNESS: -- yes. There is more  
23 than two because we have got one each for the  
24 secondary means of egress. So on the -- let's call  
25 this Phase II, you have got a bulkhead that is our

1 secondary means of egress with one stair.

2 You have a bulkhead, which is our  
3 elevator. The same applies to this street. But we  
4 also have six foot square bulkheads that have spiral  
5 stairs which allow access to our roof decks.

6 COMMISSIONER DOYLE: Okay.

7 THE WITNESS: But all with the  
8 exception of these two -- even these two -- pardon  
9 me -- every one is set back off the front property  
10 line and rear property line. We have gathered them  
11 in the middle of the building, so there really  
12 should not be any visual impact.

13 Remember here, there's -- although this  
14 looks like the front of the building, it is actually  
15 a ten foot setback.

16 MR. MATULE: Go to Z-12.

17 THE WITNESS: Yes.

18 To that point, to that question, we  
19 have done some sight line diagrams showing what will  
20 and what will not be visible from the street.

21 So if we use the center drawing, which  
22 is on our -- showing at Grand Street -- if you cross  
23 the street on Grand Street, this is what you would  
24 see visually. So because of this setback, you would  
25 just see the edge of that. You should not see any

1 of the bulkhead.

2 CHAIRMAN HOLTZMAN: I am looking at  
3 that sheet there, Mr. Minervini, and you failed to  
4 tell us about the green wall element.

5 THE WITNESS: Oh, yes. Thank you for  
6 that, because it is important, and it was in  
7 response --

8 CHAIRMAN HOLTZMAN: It wasn't even on  
9 your checklist of cool and new things --

10 (Laughter)

11 THE WITNESS: It wasn't, but I have a  
12 drawing somewhere. Well, I will get to it.

13 At the Subcommittee Meeting, one of the  
14 Commissioners brought up a very, very good point,  
15 that there is a lot of wall area here that could  
16 be -- will be seen from within the hole in the donut  
17 from further back. So our thought was to soften  
18 that to have this entire area be a green wall. So  
19 if you are looking at the building from the south  
20 looking north, this is the structure. This is the  
21 open part. This is the opening in elevation of the  
22 donut.

23 So we have the proposed balconies on  
24 both sides planking, but we have got about 20 feet  
25 of the green wall that would stand up the full

1 height of the building. Again, just a method of  
2 softening this taller facade.

3 Thank you for reminding me.

4 CHAIRMAN HOLTZMAN: Thank you.

5 Commissioners?

6 COMMISSIONER DOYLE: With regard to the  
7 tank, and you can tell me, if somebody else can  
8 answer this. But the reason you can't bury the tank  
9 is because of, you know, the control requirements,  
10 you cannot dig on the property?

11 THE WITNESS: Yes. Our LSRP will  
12 describe that better, but that is the reason for it,  
13 and it made perfect sense to us anyway to use the  
14 space.

15 Yes, even the initial proposal to first  
16 the Zoning Board and then initially to the work  
17 session, we had two tanks above ground, not nearly  
18 this size, but just a few inches above the ground  
19 within the parking lot.

20 COMMISSIONER DOYLE: Okay.

21 MR. HIPOLIT: The issue of the access  
22 for the actual design of this cap, the distances,  
23 the final details, all of that will have to be  
24 designed after you received your approval. It will  
25 be details that your LSRP is involved in, and

1       although you discussed it tonight, those final  
2       details are not final --

3                   THE WITNESS:   That's correct.

4                   MR. HIPOLIT:   -- the height is final --

5                   THE WITNESS:   Yes.

6                   MR. HIPOLIT:   -- but all of the details  
7       that have gone on will later have conditions --

8                   THE WITNESS:   Yes.

9                   COMMISSIONER DOYLE:  Your capacity is  
10       final?

11                   MR. HIPOLIT:   Capacity is final --

12                   (Everyone talking at once.)

13                   CHAIRMAN HOLTZMAN:  Mr. Matule?

14                   MR. MATULE:   Mr. Hipolit, we're here  
15       only for preliminary site plan approval tonight.  
16       Certainly by the time when we come back for final  
17       site plan approval, that will all be speced out.

18                   THE WITNESS:   We certainly can have  
19       that information.

20                   MR. HIPOLIT:   I just wanted to be clear  
21       at least for the Board's purposes, that I understand  
22       you testified to stuff that -- the concept is fine.  
23       There's nothing wrong with it.

24                   THE WITNESS:   Yes.

25                   MR. HIPOLIT:   We like the area.  We

1       like the storage tank. We like what you are  
2       proposing on that side, but those details aren't  
3       final.

4                   THE WITNESS: Correct.

5                   CHAIRMAN HOLTZMAN: Councilman?

6                   COMMISSIONER DOYLE: No. I'm fine.

7                   I would like to commend the committee  
8       and the applicant because having read the planner's  
9       report, I had a long list of issues, and you pretty  
10      much have resolved all of them.

11                  CHAIRMAN HOLTZMAN: That's great.

12                  MR. ROBERTS: Mr. Chairman, I just have  
13      one thing while Frank is up.

14                  We had in the past had some discussion  
15      about the bays, when bays are proposed, about how  
16      far up they come.

17                  I see on the plans they are two feet.  
18      I thought we should have testimony from Frank, so we  
19      know we have to get Council approval for those, and  
20      I think we are starting to get more and more  
21      deliberate about making sure it's on the record, so  
22      why don't you touch on that?

23                  THE WITNESS: Two feet is what we're  
24      proposing. 24 inches, two feet is what the zoning  
25      ordinance permits.

1                   And looking at our elevations, we are  
2                   proposing bay projections here, here and then this  
3                   section.

4                   Again, because of our long facade, and  
5                   the reason why bays are permitted within the zoning  
6                   ordinance is to alleviate problems that you would  
7                   have in larger buildings.

8                   CHAIRMAN HOLTZMAN:   And all of these  
9                   bays are well off of the first floor, the grade  
10                  level --

11                  THE WITNESS:   That's right.

12                  CHAIRMAN HOLTZMAN:   -- so that there's  
13                  no problem in walking underneath them?

14                  They are not blocking the sidewalk or  
15                  anything like that?

16                  THE WITNESS:   Yes.   None of our bays  
17                  are proposed to reach the ground.   They are all at  
18                  the second floor and above.   None of them actually  
19                  go the full four stories.   It's either three  
20                  stories, three stories, two stories, so they are not  
21                  bays that go the full height of the building.   It's  
22                  just a way of esthetically playing with the ins and  
23                  outs on a very long facade.   You will have slightly  
24                  less than ten feet to walk underneath those bays.

25                  CHAIRMAN HOLTZMAN:   Commissioner

1 Graham?

2 COMMISSIONER GRAHAM: Oh, what is the  
3 reason that you're proposing the commercial units?

4 THE WITNESS: Commercial units are  
5 proposed, it is a bigger planning question in terms  
6 of the thinking about the design. But commercial  
7 spaces we think invite life to a street.

8 So the thought is we have them oriented  
9 along 8th Street, which if without commercial  
10 spaces, we think would be a rather dull street.

11 So recognizing that these are not very  
12 big, they are a bit more than 700 and 1300, two  
13 smaller commercial spaces will allow for some street  
14 life, and that's the reason, and they will serve a  
15 function within the neighborhood.

16 COMMISSIONER GRAHAM: Depending on what  
17 is in them.

18 THE WITNESS: Of course.

19 And as I suggested, one of the  
20 directions or one of the comments that we heard at  
21 the Subcommittee Meeting was by having these very  
22 small spaces, which we had originally, three of  
23 them, that you are more likely to have the things  
24 that we all don't want.

25 So we thought by rearranging, combining

1 two and making one larger, that now we have more  
2 flexibility on what can be there. Not just a nail  
3 salon, not just a coffee shop, not just a dry  
4 cleaners.

5 CHAIRMAN HOLTZMAN: Commissioners, any  
6 other questions?

7 VICE CHAIR MAGALETTA: Yeah, I have a  
8 few.

9 CHAIRMAN HOLTZMAN: Mr. Magaletta?

10 VICE CHAIR MAGALETTA: With the fifth  
11 floor setbacks, you have ten feet on a few because  
12 you said they line up better with the properties to  
13 the south, correct?

14 THE WITNESS: Yes.

15 VICE CHAIR MAGALETTA: That is true  
16 until it gets to the corners by 8th Street, and then  
17 the setbacks are gone, and now it is the full height  
18 of the building, correct?

19 THE WITNESS: That's right.

20 VICE CHAIR MAGALETTA: So why wouldn't  
21 you have a setback the whole way, therefore, the  
22 property line stays intact along 8th?

23 THE WITNESS: Well, with the exception  
24 of the two feet that we are asking for a variance,  
25 and that can be compressed, we are allowed this

1 height. But our thought was to, again, this is a  
2 bigger design, but you want an anchor.

3 Your anchors of a building this size,  
4 the more substantial portions are going to be at the  
5 two corners. Generally in urban design, the taller  
6 buildings are on corners. We're talking five  
7 stories here. We're not talking very tall --

8 VICE CHAIR MAGALETTA: So it is  
9 creating like a mass on the corner basically.

10 THE WITNESS: The larger mass --

11 VICE CHAIR MAGALETTA: Right, right,  
12 right. That's what I mean --

13 THE WITNESS: -- at the two corners --

14 VICE CHAIR MAGALETTA: -- a more  
15 distinct mass, it may be fair to say --

16 THE WITNESS: Yes.

17 VICE CHAIR MAGALETTA: -- okay.

18 Then with the setbacks, those again are  
19 facing on the street. I think that is a variance  
20 you guys are looking for, correct?

21 THE WITNESS: We are asking for  
22 adaptive use of outdoor space.

23 VICE CHAIR MAGALETTA: Right.

24 With those decks, I think you have to  
25 be three feet from the property line, the edge.

1 Are they?

2 I thought they were two feet --

3 THE WITNESS: No. That is one of the  
4 variances because we got now a ten foot open area --

5 VICE CHAIR MAGALETTA: Right.

6 THE WITNESS: -- I guess it could be  
7 set back three feet, but in these small little -- we  
8 thought best to ask for the variance and allow that  
9 space, which would be a very low impact we think to  
10 be used as a nine foot deck --

11 VICE CHAIR MAGALETTA: Because I have a  
12 safety concern with that because the closer you are  
13 to the edge, something call fall off, or a person  
14 could fall, you know, so that's a concern of mine.

15 The other question, oh, and the  
16 landscaping in the back, could you go back to the  
17 visual you had with the backyard and how it abuts?

18 THE WITNESS: A-3.

19 VICE CHAIR MAGALETTA: Exactly, the  
20 picture on the right.

21 The fence between the buffer and your  
22 backyard, how high is the wooden slat -- how high  
23 are the wooden slats?

24 THE WITNESS: This section is three  
25 feet. There is a detail on one of the drawings I

1           could refer you to, but these are three feet, and  
2           then these arborvitaes will grow approximately  
3           another six feet above that.

4                         VICE CHAIR MAGALETTA:   So the plan is  
5           to have about nine feet of buffer?

6                         THE WITNESS:   Approximately.

7                         VICE CHAIR MAGALETTA:   Okay.

8                         And also on, I guess, whatever side  
9           that is towards you, yeah, right there, what is  
10          that?

11                        Is that going to be dead space as well  
12          as I guess on the west side of that?

13                        THE WITNESS:   No.   This space is used  
14          by one of the apartments --

15                        VICE CHAIR MAGALETTA:   Okay, okay.

16                        THE WITNESS:   -- so that space would be  
17          here.

18                        VICE CHAIR MAGALETTA:   Okay, okay.   Got  
19          it.

20                        Thank you.

21                        CHAIRMAN HOLTZMAN:   That other one is  
22          just dividing between the properties.

23                        VICE CHAIR MAGALETTA:   Right.

24                        THE WITNESS:   Yeah.   So the same  
25          planter design that we're using as a privacy screen

1 to --

2 VICE CHAIR MAGALETTA: I thought that  
3 dead-ended at Grand. That is why I confused it --

4 THE WITNESS: I understand.

5 VICE CHAIR MAGALETTA: -- okay.

6 Gotcha.

7 Thank you.

8 COMMISSIONER PINCHEVSKY: What is the  
9 permitted lot coverage here, 60 percent?

10 COMMISSIONER GRAHAM: Uh-huh.

11 COMMISSIONER PINCHEVSKY: If you -- if  
12 the donut was at grade level, what would be your lot  
13 coverage?

14 THE WITNESS: 70 percent, not including  
15 the decks.

16 The proposed outdoor spaces, so those  
17 are an additional five percent. Our additional lot  
18 coverage with that -- not including that is for the  
19 connecting piece along 8th Street, which allows for  
20 the commercial spaces, as well as that continuity of  
21 structure, and it finishes off the donut.

22 We referred many times to the hole in  
23 the donut. Well, to have a hole in the donut, you  
24 have to have a donut. This creates the donut.

25 COMMISSIONER PINCHEVSKY: So just to do

1 the math real quick, you have two sections 2250, so  
2 it is 4500 square feet in the middle of the donut?

3 THE WITNESS: So, yes. You've got --  
4 let me think about this. I have it written down.

5 CHAIRMAN HOLTZMAN: You do have a  
6 little chink in your donut also because of the --

7 COMMISSIONER PINCHEVSKY: Yeah. I  
8 mean, disregarding that --

9 CHAIRMAN HOLTZMAN: Yes.

10 COMMISSIONER PINCHEVSKY: -- the  
11 4500 --

12 THE WITNESS: Yeah. We have got the  
13 lot coverage broken down. Pardon me.

14 So at the second floor, you have about  
15 6,000 square -- the second floor we are proposing  
16 14,000 square foot of building. It is a 20,000  
17 square foot site, so you got about 6,000 square feet  
18 of open space.

19 COMMISSIONER PINCHEVSKY: I guess -- I  
20 am looking at the donut, and I'm doing 2250 and  
21 2250, which is 4500, and I'm dividing that by  
22 20,000, which is the 200-by-100 lot --

23 THE WITNESS: Oh, I'm sorry.

24 So you are looking at the actual water  
25 retention system with that 2250. That is not -- the

1 water retention system is not exactly the same as  
2 the open space above.

3 If you recall, I mentioned how there is  
4 a cutout that allows for the backup space that will  
5 be used for parking in the future, and that also  
6 doesn't include the wall thicknesses. That is pure  
7 volume, a pure area of retention system.

8 COMMISSIONER PINCHEVSKY: Okay.

9 So let's take the 4500 and make it  
10 6,000 --

11 THE WITNESS: Yes.

12 COMMISSIONER PINCHEVSKY: -- so 6,000  
13 out of 20,000 so 70 percent --

14 THE WITNESS: Yes.

15 COMMISSIONER DOYLE: 70 percent.

16 COMMISSIONER PINCHEVSKY: -- 70  
17 percent.

18 So what is the justification for 70  
19 percent lot coverage essentially?

20 THE WITNESS: Purely site driven. We  
21 have got two corners, which is not a common  
22 condition. You know, we got two corners, and our  
23 options are to have two separate buildings.

24 Let me go to the site plan.

25 So our options are having two separate

1 buildings with an open space here, not then having  
2 any closure in the donut, not having any privacy.  
3 You would visually see the entire garden system of  
4 all of the buildings, and not having the more -- the  
5 closure of the donut, urban planning, as I was  
6 schooled and I've been told by planners that we work  
7 with, that within urban planning, we are looking for  
8 street continuity, and in architecture as well,  
9 we're looking for continuity of the street. Oh,  
10 again, it also allows for our commercial spaces.

11 COMMISSIONER DOYLE: The other option  
12 would be to have two on the other side --

13 THE WITNESS: Which would be a worse  
14 solution --

15 COMMISSIONER GRAHAM: Why is that?

16 THE WITNESS: I'm sorry?

17 COMMISSIONER GRAHAM: Why is that?

18 THE WITNESS: The two holes over here?

19 COMMISSIONER GRAHAM: Uh-huh.

20 THE WITNESS: Because now you are going  
21 to have a loss of continuity on Grand Street or  
22 Adams Street, which is twice.

23 Yeah. Thank you, Bob.

24 You would have more front yards in  
25 essence or side yards, which the ordinance doesn't

1 allow either.

2 MR. ROBERTS: Mr. Chairman, if I might,  
3 one of the other ways to think about the lot  
4 coverage is that even though they are allowed 70  
5 foot depth, these were originally hundred foot deep  
6 lots, so --

7 COMMISSIONER DOYLE: They are all at 60  
8 basically --

9 MR. ROBERTS: -- well, but they were  
10 allowed -- okay -- well, if that is the case, then  
11 they would get to the 60 percent.

12 So I guess what I am thinking is, those  
13 four-story residential buildings are probably at 60.  
14 That's the way it looks.

15 In order to get that 60 percent, you  
16 have to pull the building back to line up the back  
17 of the building with those four-story residential.

18 The building on the other side of the  
19 block looks like it was given relief then for that  
20 60 feet, and it probably also was at 70 percent,  
21 so they lined it up. By lining it up with the  
22 building on that side, they've centered -- they've  
23 set their footprint in --

24 COMMISSIONER DOYLE: But the building  
25 is 60 feet.

1                   THE WITNESS: Yes. Our building is 60  
2 feet, and 60 feet matching as you suggested the  
3 adjacent --

4                   MR. ROBERTS: I'm sorry. I scaled it  
5 off at 70, so --

6                   THE WITNESS: -- what the official lot  
7 coverage is, is solely for this section right here,  
8 which is the connecting piece between the buildings.  
9 It allows it to be one structure, and again, we  
10 think allows for that continuity of street scape.  
11 It finishes off the donut.

12                   COMMISSIONER PINCHEVSKY: Yeah.

13                   So, I mean, you know, I'm one person  
14 here as a Commissioner, I am torn because I love the  
15 three-bedrooms and four-bedrooms that you are  
16 allocating in this proposal. But, yeah, an extra  
17 ten feet -- or I'm sorry -- an extra ten percent of  
18 lot coverage is pretty significant, so anyway, I am  
19 interested in hearing the rest of the testimony.

20                   THE WITNESS: And that's fair, and I  
21 think especially fair if this were not corner  
22 properties. There is a slightly different way we  
23 look at it. Of course, we're asking for the  
24 variance, though.

25                   COMMISSIONER PINCHESKY: Sure.

1                   MR. ROBERTS: The other thing, too, Mr.  
2 Chairman, I would point out on the lot coverage is  
3 that they're actually asking for a hundred percent  
4 lot coverage.

5                   COMMISSIONER PEENE: Well, that was the  
6 idea --

7                   CHAIRMAN HOLTZMAN: Mr. Peene?

8                   COMMISSIONER PEENE: -- well, that's  
9 the point that I wanted to make, Frank.

10                   Isn't it essentially a hundred percent  
11 because we have to cap the bad stuff and --

12                   THE WITNESS: Yes. Pardon me. I was  
13 speaking more of floors two through five.

14                   At ground floor, we are asking for a  
15 hundred percent lot coverage because of that cap.

16                   COMMISSIONER PINCHEVSKY: Correct.

17                   But I was -- yeah -- and not to try to  
18 ignore that, I was just trying to -- if it wasn't  
19 for the remediation or the capping, what would it be  
20 at, and it's at 70, so I just wanted to get kind of  
21 a clearer picture of what was happening at three  
22 feet and above.

23                   CHAIRMAN HOLTZMAN: Okay.

24                   Commissioner Jacobson?

25                   COMMISSIONER JACOBSON: First time, so

1 I apologize if I am covering ground that's well  
2 known.

3 CHAIRMAN HOLTZMAN: Long time listener,  
4 first time caller.

5 (Laughter)

6 COMMISSIONER JACOBSON: The two  
7 commercial spaces within the first floor appear to  
8 only have a single cap --

9 THE WITNESS: That's correct --

10 COMMISSIONER JACOBSON: -- from the  
11 environmental perspective, what is the --

12 THE WITNESS: -- our LSRP will discuss  
13 that. As I understand it, it is the residential  
14 portions that require the double caps.

15 COMMISSIONER JACOBSON: I spend more  
16 time in my place of work than I do in my home, so --

17 THE WITNESS: Understood.

18 No, I get it --

19 COMMISSIONER JACOBSON: Okay. And  
20 whichever drawing is the rooftop diagram, can you  
21 talk a little bit about where the cogeneration  
22 facilities are located, what comprises the  
23 cogeneration facilities in terms of boilers,  
24 furnaces, cooling towers, heat transfer, et cetera,  
25 and how that is going to impact the ability to

1 sustain a green roof and any other kind of green or  
2 quality of life considerations of the design?

3 THE WITNESS: The cogeneration system  
4 is not dissimilar to -- let me see -- and I have to  
5 apologize, it looks like it didn't make it to our  
6 actual as submitted drawings what our intention was.  
7 And this is what I show here, two cogeneration  
8 units. What they are, are generators run by gas,  
9 very quiet and efficient, that produce electricity  
10 for the building.

11 They are within, as the Board Engineer  
12 has recommended on previous projects, a sound  
13 enclosure of a particular type that meets particular  
14 levels that is acceptable to this Board and in most  
15 neighborhoods, so it is very quiet. It is also at  
16 50 feet high.

17 The remaining air-conditioning units  
18 are the air-conditioning units that we all have seen  
19 these three foot square little boxes that they make  
20 some noise, but we are removed from the street  
21 level, removed from most of the other residences  
22 because we have got them four feet in the center of  
23 this building.

24 COMMISSIONER JACOBSON: I am less  
25 concerned about the noise.

1                   My question was along the heat -- that  
2                   you are going to be generating a lot of heat, and no  
3                   boiler is a hundred percent efficient, so what is  
4                   that heat going to do to your green roof?

5                   THE WITNESS: Well, any heat generated  
6                   will go directly up -- air-conditioning units, the  
7                   heat is expelled directly, intakes through the side,  
8                   and again, I am not an engineer, I'm an architect,  
9                   but I have some experience in this.

10                  The heat is expelled up. The same  
11                  applies for the combustion from these cogeneration  
12                  units. That is expelled through pipes, an exhaust  
13                  system. So the heat and the combustible air will be  
14                  expelled directly up and out and away from the green  
15                  roof system.

16                  By the way, the green roof systems, as  
17                  these pipes and the extensive pipe, which is the  
18                  not-walkable pipe, as opposed to intensive, which is  
19                  walkable, is pretty hardy. It requires very little  
20                  maintenance. I say that because they are also not  
21                  easy to kill. It's possible, but...

22                  COMMISSIONER JACOBSON: Are you going  
23                  to be generating steam and driving generators --

24                  THE WITNESS: These two -- the  
25                  cogeneration units generate a small amount of steam

1 through combustion, but that is expelled directly up  
2 through a pipe that's about two or three feet above  
3 the unit and beyond the unit, so there is no heat  
4 that will be expelled to the side. It all goes out  
5 with the combustion air and directly throughout  
6 here --

7 CHAIRMAN HOLTZMAN: Do we have any idea  
8 or maybe for circling back at a future date, we are  
9 going to get a little bit more information on output  
10 of BTUs of a HVAC condenser versus a cogen?

11 THE WITNESS: We're happy to do that.

12 CHAIRMAN HOLTZMAN: I am sure somebody  
13 has some stats for us on that, right?

14 THE WITNESS: Yes.

15 CHAIRMAN HOLTZMAN: Commissioner, any  
16 other questions for Frank?

17 COMMISSIONER JACOBSON: No.

18 CHAIRMAN HOLTZMAN: Any other questions  
19 for Frank? Otherwise, we will open it up to the  
20 public. We can certainly circle back.

21 Are there any members of the public  
22 that have questions for Mr. Minervini with regards  
23 to architectural plans and things of that nature?

24 Sure. If there are people in the back,  
25 come on up. Our attorney will give you a little

1 guidance here.

2 MR. GALVIN: State your name for the  
3 record and spell your last name.

4 MR. EVERS: Michael Evers, E-v-e-r-s,  
5 252 Second Street, Hoboken, New Jersey.

6 MR. GALVIN: Thank you, Mike.

7 MR. EVERS: I just have a simple  
8 question regarding the -- you had mentioned -- when  
9 you refer to this as two separate projects, what did  
10 you mean?

11 THE WITNESS: If I said that, I didn't  
12 mean to. Certainly it is one project, but two  
13 phases.

14 So as I described to the Board, and you  
15 probably could not see the drawings, the building  
16 would be built --

17 MR. MATULE: If I might, why don't you  
18 just turn to, what is it, Z-4 --

19 THE WITNESS: -- yes, this is probably  
20 a good drawing --

21 MR. MATULE: -- so he will be able to  
22 see it.

23 THE WITNESS: -- Z-3 -- the building is  
24 U-shaped, so we are proposing this section built as  
25 Phase I, and this section built as Phase II, and

1 connected at Phase II at the ground level.

2 MR. EVERS: When you said Phase I and  
3 Phase II, you mean Phase I will be going first, and  
4 Phase II will be built second?

5 THE WITNESS: Correct.

6 MR. EVERS: Okay. And will the  
7 affordable housing units be in Phase I or Phase II?

8 THE WITNESS: There's no affordable  
9 housing requirement here. We are not asking for a  
10 density variance. What we are proposing is as  
11 permitted via the ordinance.

12 MR. EVERS: I'm mortified. This is not  
13 the Wonderlofts project.

14 THE WITNESS: No.

15 (Laughter)

16 MR. EVERS: I withdraw all of my  
17 questions and I apologize for wasting your time.

18 (Laughter)

19 CHAIRMAN HOLTZMAN: Thanks for the  
20 visit, Mike.

21 Anyone else?

22 THE WITNESS: I think he will be back  
23 that night.

24 COMMISSIONER GRAHAM: We get confused,  
25 too.

1 MR. DELESSIO: Mark Delessio --

2 MR. GALVIN: You are going to have to  
3 speak up. We can't hear you.

4 MR. DELESSIO: -- Mark Delessio,  
5 D-e-l-e-s-s-i-o.

6 I have a quick question.

7 MR. GALVIN: Oh, your street address?

8 MR. DELESSIO: Oh, 520 Jefferson  
9 Street.

10 MR. GALVIN: Thank you.

11 You may proceed.

12 MR. DELESSIO: And can we just ask  
13 questions?

14 MR. GALVIN: Right now, it's just  
15 questions.

16 MR. DELESSIO: When can we comment?

17 MR. GALVIN: At the end of the hearing.

18 MR. DELESSIO: Just one quick question.  
19 This says that it has 36 parking spots,  
20 but you said 29 --

21 THE WITNESS: That is an earlier design

22 MR. DELESSIO: Why did you -- why did  
23 you reduce seven spots?

24 THE WITNESS: We reduced the parking  
25 spaces because those were proposed within the open

1 "U" that I mentioned, and you probably could not see  
2 the drawings, which is no longer there.

3 As we have gone through the  
4 Subcommittee Meetings, that height that would be  
5 required for this additional parking which is  
6 above --

7 CHAIRMAN HOLTZMAN: Let me simplify  
8 that for you.

9 THE WITNESS: Yes.

10 CHAIRMAN HOLTZMAN: We traded open  
11 space for parking spots.

12 THE WITNESS: Thank you.

13 We traded open space for parking spots  
14 and a larger retention system.

15 (Laughter)

16 MR. GALVIN: Thank you.

17 CHAIRMAN HOLTZMAN: Any other members  
18 of the public that have questions for the architect?

19 If there is anybody else there that I  
20 can't see, please let me know.

21 Oh, sure, come on up.

22 MS. HEYER: I have one question about  
23 the --

24 CHAIRMAN HOLTZMAN: Sure. Come on up  
25 and give us your name.

1 MS. HEYER: -- about the traffic --

2 MR. GALVIN: Time out. We got to have  
3 your name.

4 MS. HEYER: Yes.

5 Joyce Heyer, 718 Adams.

6 MR. GALVIN: Spell your last name.

7 MS. HEYER: H-e-y-e-r.

8 I am concerned about the amount of  
9 traffic, and that is yet to be --

10 THE WITNESS: Yes. Our traffic  
11 engineer will discuss that, and you will have the  
12 opportunity to ask him questions.

13 MS. HEYER: Will that be tonight then?

14 MR. GALVIN: Hopefully. We will see.

15 CHAIRMAN HOLTZMAN: Hopefully. We will  
16 see.

17 Any other members of the public,  
18 questions for the architect?

19 Okay. So we'll close the public  
20 portion.

21 COMMISSIONER PINCHEVSKY: Oh, I'm  
22 sorry.

23 CHAIRMAN HOLTZMAN: Mr. Pinchevsky?

24 COMMISSIONER PINCHEVSKY: I am just  
25 doing the math here, and it is not adding up.

1                   Can you just explain a little bit  
2 further how we are getting 70 percent?

3                   Because the hole that I am seeing is 80  
4 by 60 roughly?

5                   THE WITNESS: Well, we have to look  
6 towards the --

7                   THE REPORTER: I can't hear you, Frank.

8                   THE WITNESS: -- which is the dimension  
9 of the connecting piece. That is what drives the  
10 additional lot coverage --

11                   COMMISSIONER PINCHEVSKY: Well, perhaps  
12 it's not a huge deal to the Board, but I am getting  
13 around 75 percent, not --

14                   THE WITNESS: 75 percent, you're  
15 correct, is using -- if we include those balconies  
16 that project within the "U."

17                   COMMISSIONER PINCHEVSKY: Yes. I  
18 wasn't even using the balconies, though.

19                   Again, I don't know if it is even  
20 important to the Board, but are -- so I mean, are we  
21 looking at from 60 -- ignoring the three foot donut  
22 hole, are we going from 60 to 70 or 60 to 75?

23                   I think it is a kind of a big enough  
24 difference that maybe it's important, so I  
25 just -- -- can you just maybe -- just explain the

1 dimensions?

2 CHAIRMAN HOLTZMAN: Here is what we are  
3 going to do. We are going to get you an answer on  
4 this because we need to get this answered,  
5 absolutely.

6 We have other people for testimony, Mr.  
7 Matule?

8 MR. MATULE: We do.

9 CHAIRMAN HOLTZMAN: Great. Let's move  
10 on to them, and Frank will sit down and calculate it  
11 to the letter of the law.

12 THE WITNESS: Understood.

13 COMMISSIONER PINCHEVSKY: Perfect.

14 Thank you.

15 Thanks, Frank.

16 (Witness excused)

17 CHAIRMAN HOLTZMAN: Mr. Matule, who do  
18 you have for us now?

19 MR. MATULE: Joseph Staigar from  
20 Dynamic Traffic, our traffic engineer.

21 MR. GALVIN: Mr. Staigar, raise your  
22 right hand.

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

1 MR. STAIGAR: Yes, I do.

2 J O S E P H S T A I G A R, having been duly sworn,  
3 testified as follows:

4 THE REPORTER: Would you state your  
5 full name for the record and spell your last name?

6 THE WITNESS: Yes. Joseph Staigar.  
7 That's S-t-a-i-g-a-r.

8 (Board members confer.)

9 CHAIRMAN HOLTZMAN: Do we have some  
10 credentials on Mr. Staigar?

11 Did I miss that? I'm sorry.

12 MR. MATULE: I will be happy to  
13 prequalify Mr. Staigar, if you would like.

14 (Board members confer)

15 MR. HIPOLIT: He's testified here  
16 before --

17 MR. GALVIN: We recognize his --

18 CHAIRMAN HOLTZMAN: Can we get it on  
19 the record, please, Mr. Hipolit?

20 MR. HIPOLIT: Absolutely.

21 CHAIRMAN HOLTZMAN: Thank you.

22 (Laughter)

23 MR. HIPOLIT: Should I ask

24 Ms. Carcone --

25 CHAIRMAN HOLTZMAN: You can ask Ms.

1 Carcone to repeat that.

2 (Laughter)

3 MR. GALVIN: Why don't you just give us  
4 a little educational background based on the  
5 Chairman's question.

6 THE WITNESS: Bachelor of science and a  
7 masters of science degrees, civil engineering, from  
8 the New Jersey Institute of Technology, Newark, New  
9 Jersey.

10 An adjunct professor of traffic  
11 engineering courses at NJIT.

12 I hold a professional engineer's  
13 license in the State of New Jersey, as well as other  
14 states in the northeast, and I've been before this  
15 Board in the capacity of a traffic engineer.

16 CHAIRMAN HOLTZMAN: Thank you very  
17 much.

18 I wanted to make sure that everybody  
19 was up to speed with Mr. Staigar's outstanding  
20 credentials. We welcome him and accept him.

21 Thank you.

22 MR. MATULE: Thank you.

23 Mr. Staigar, you are familiar with the  
24 project as revised?

25 THE WITNESS: Yes.

1 MR. MATULE: The 28 units with two  
2 retail spaces?

3 THE WITNESS: Yes.

4 MR. MATULE: And you prepared a traffic  
5 impact study, dated August 18th, 2015?

6 THE WITNESS: That's correct.

7 MR. MATULE: Could you go through your  
8 report for the Board and give us your professional  
9 opinion regarding the impact of this project on the  
10 local traffic and pedestrian safety?

11 THE WITNESS: Yes.

12 We had prepared a traffic study for the  
13 Wonderlofts project, which is to the east of this  
14 site, and I mention that because we prepared this  
15 report in the summertime. We all know that traffic  
16 volumes are typically lower in the summertime, but  
17 we did have traffic data specifically at the  
18 intersection of Grand and 8th Street that we had  
19 taken the previous year in February, so we do have a  
20 background of non summer, as well as summer counts  
21 at this location.

22 We took the counts --

23 MR. GALVIN: Mr. Staigar, can I  
24 interrupt?

25 I respectfully apologize, but I think

1 we have to be concerned with our calendar. It is  
2 nine o'clock.

3 CHAIRMAN HOLTZMAN: It is already after  
4 nine o'clock.

5 You have number three on the hit parade  
6 also, Mr. Matule. Did we want to -- 721 --

7 MR. MATULE: Are you suggesting that we  
8 carry that to February 2nd?

9 MS. CARCONE: Yes.

10 CHAIRMAN HOLTZMAN: I know there are  
11 some people in the audience that wanted to --

12 (Counsel confers)

13 MR. MATULE: Yes.

14 I have just spoken with the applicant.  
15 In light of the hour, I know there is another  
16 application before that one, so we would request, if  
17 we could, to be carried to the meeting of February  
18 2nd, which is the next meeting with no further  
19 public notice.

20 CHAIRMAN HOLTZMAN: Sure.

21 Good?

22 MR. GALVIN: Yes. I just wanted to say  
23 also, who is on 502?

24 I am not a hundred percent sure right  
25 now either the way this is lumbering on. We have

1 another hour, but --

2 MR. MC DONALD: Do you have a hard  
3 stop?

4 MR. GALVIN: I don't know --

5 CHAIRMAN HOLTZMAN: We don't have a  
6 hard stop, but we are already at 9:05, and our court  
7 reporter needs to take a little break here in a  
8 couple of minutes, if not now, so I just wanted to  
9 have a conversation about it. Why don't you come on  
10 up?

11 MS. CARCONE: He would be the first  
12 application on the 2nd.

13 MR. GALVIN: Yes.

14 MR. MC DONALD: Yeah, I'd appreciate  
15 it.

16 MR. GALVIN: Yeah. I hate to see you  
17 hang around. I mean, it is possible, but it would  
18 have to speed up and --

19 MR. MC DONALD: We are not going to  
20 finish tonight anyway.

21 MS. CARCONE: His planner is not here.

22 CHAIRMAN HOLTZMAN: You said you didn't  
23 have your planner anyway tonight, right?

24 MR. MC DONALD: Right, so we're not  
25 going to finish tonight.

1                   Would we be on, assuming this one  
2 finished, would we be on first at the next meeting?

3                   MS. CARCONE: We'd put you on first on  
4 the 2nd.

5                   MR. MC DONALD: On the 2nd?

6                   MS. CARCONE: Yes.

7                   MR. GALVIN: So the Wonderlofts would  
8 be second on the 2nd?

9                   (Laughter)

10                  MS. CARCONE: Yes, and then everything  
11 else would be --

12                  CHAIRMAN HOLTZMAN: Which will give  
13 everybody a little time to get that in order  
14 potentially.

15                  MR. MC DONALD: Can I just check with  
16 everybody?

17                  CHAIRMAN HOLTZMAN: Absolutely. Take a  
18 moment, and then we will take a break.

19                  MR. MC DONALD: We are fine for  
20 February 2nd.

21                  CHAIRMAN HOLTZMAN: Great. Sorry to  
22 get you guys out --

23                  (Everyone talking at once)

24                  MR. GALVIN: Wait, wait, wait. Time  
25 out.

1 A VOICE: Do they have to waive --

2 MR. GALVIN: Yes, they do.

3 MR. MC DONALD: Yes, no further --

4 MR. GALVIN: We need you to waive the  
5 time in which the Board has to act.

6 MR. MC DONALD: We'll waive that time,  
7 and we would ask that there would be no further  
8 publication required.

9 MR. GALVIN: We are about to do that.

10 Would somebody like to make a motion  
11 without notice to carry this and the Wonderlots  
12 matter --

13 CHAIRMAN HOLTZMAN: "This" being 502  
14 Madison.

15 MR. GALVIN: Thank you.

16 MR. MC DONALD: Also known as the first  
17 application.

18 (Laughter)

19 COMMISSIONER MC KENZIE: So moved.

20 COMMISSIONER FORBES: Second.

21 CHAIRMAN HOLTZMAN: All in favor?

22 (All Board members answered in the  
23 affirmative)

24 CHAIRMAN HOLTZMAN: Okay. Thank you.

25 MR. GALVIN: Both of those cases are

1 moved to February 2nd.

2 Do you waive the time in which we have  
3 to hear Wonderlofts?

4 MR. MATULE: Yes. For the record, yes.

5 MR. GALVIN: Thank you.

6 CHAIRMAN HOLTZMAN: Sorry about that  
7 folks.

8 MR. MC DONALD: No, that's okay. Thank  
9 you.

10 CHAIRMAN HOLTZMAN: We are going to  
11 take a five-minute break anyway. We will clear the  
12 room, and we will reconvene with Mr. Staigar.

13 (Recess taken at 9:05 p.m. and resumed  
14 at 9:25 p.m.)

15 CHAIRMAN HOLTZMAN: Mr. Matule.

16 Mr. Matule, we are ready for you and  
17 Mr. Staigar. We are all set.

18 MR. MATULE: Are we back on the record?

19 CHAIRMAN HOLTZMAN: We are back on the  
20 record, please.

21 MR. MATULE: Okay. Mr. Staigar, if you  
22 would continue.

23 THE WITNESS: I will continue.

24 So we did take our traffic counts. We  
25 do have I think a good understanding of what the

1 traffic volumes are. We took traffic counts at the  
2 two key intersections, that of 8th Street with Adams  
3 and Grand, and we took them during the typical peak  
4 hours for residential development between 7 and 9  
5 a.m. and 4 to 6 p.m.

6 We have a one-way traffic flow on those  
7 three roadways. We have good levels of service,  
8 currently level service B in the morning and C in  
9 the evening peak hours.

10 And as in grade school, levels of  
11 service range from A through F. A being the best  
12 condition, and F being the worst condition, where  
13 your volume exceeds the capacity with backups and  
14 long delays, so we are in that upper mid range of Bs  
15 and Cs during the peak hours.

16 The amount of traffic that would be  
17 generated, we have 28 units that are proposed  
18 residential units, and we have another 2,030 square  
19 feet of retail.

20 Now, the retail is going to be  
21 neighborhood retail. It is going to primarily focus  
22 on generating traffic from the immediate area, but  
23 we did take into account that it will have some trip  
24 generation in terms of travel, but the main focus  
25 will be the residential aspect in parking and trip

1 generation, and we did take into account Hoboken  
2 characteristics.

3 The US Census data has specific  
4 information about the City of Hoboken. RSIS has its  
5 own special designation of parking demand, which is  
6 much less than the rest of the state, and we have  
7 done in the past, actually sat at driveways of other  
8 similar developments in the City of Hoboken and  
9 counted cars during the peak hours, and certainly  
10 what you are finding is that the amount of traffic  
11 that's generated is much less than what the average  
12 is in suburbia and rural, more rural areas of New  
13 Jersey.

14 And with that, the 28 units and the  
15 2000 plus square feet of retail will generate 11  
16 trips in the morning, primarily leaving in the  
17 morning, and in the evening these are hourly rates,  
18 and in the evening hours 17 trips in the evening  
19 hours primarily coming back into the building.

20 Again, I say that these are hourly  
21 rates. These are not the only volumes. You're  
22 going to have these over a two or three or four-hour  
23 period, only 11 trips of 17, and these are within  
24 the peak hour that we are dealing with.

25 The residential uses, some people start

1 early in the morning on the road by 6 or 6:30 in the  
2 morning. Others may not leave until after the rush  
3 hour by design and leave their residential units.

4 On the return, some people get home  
5 early. Some people get home late. So basically  
6 there is like a three and a half or a four-hour  
7 window when most of the people leave in the morning  
8 and come back in the evening.

9 Now, what we have done, we have taken  
10 the traffic and we included traffic that has already  
11 either been approved or contemplated, WonderLoft and  
12 in other projects in the area, and included a growth  
13 rate.

14 We know that other traffic beyond the  
15 immediate area will also contribute traffic volumes  
16 in the area, and we have adjusted the existing  
17 volumes, so we have existing volumes that we  
18 counted, we adjusted them with other projects in the  
19 area, and then superimposed the volumes that I just  
20 gave you onto that volume to establish what is going  
21 to happen in the future.

22 What happens is that we still are  
23 within that range. The only degradation is that  
24 when I said we have a level of service C within a  
25 fraction of the second away from the C and D level,

1       so that when we do add the additional traffic that I  
2       just mentioned, we do go to a D. It goes from  
3       basically a C minus to a D plus, but we are still  
4       within an acceptable level of service in terms of  
5       operational conditions.

6                When you drop down to E and then into F  
7       is when you get into a level that is unacceptable  
8       levels of service. So in terms of trip generation,  
9       traffic generation, minimal impact in terms of what  
10      this site will generate.

11              We worked hand in hand with the site --  
12      with the architects, the project architect, to  
13      evaluate an access plan, as well as a layout for the  
14      parking to ensure that we have (a) sufficient  
15      parking, which we do. We are required to have 29  
16      spaces, and we have 29 spaces.

17              We have -- our driveways are located  
18      furthest away from the intersection, from the  
19      intersection of 8th and -- and -- 8th Street, so we  
20      have located them as far back as possible, so that  
21      there is no interference with the intersection  
22      operations of the roadway, located, as you can see  
23      on the plan, on the two southernly extremes of the  
24      site.

25              We looked at the site visibility. You

1 heard from Mr. Minervini, some of the safety aspects  
2 in terms of pedestrian flow of what the LED  
3 lighting, which is a visual, as well as when the  
4 door goes up, pedestrians will certainly see the  
5 door and/or hear the door, but primarily the use of  
6 the LED lights will be a visual aspect of the  
7 operational conditions of that driveway.

8 We have level of service A at these two  
9 driveways, so they will operate very well, and that  
10 is given the low volume that is going to come in and  
11 out of the driveways.

12 I took a look at the site as it was  
13 fully built in both phases in terms of trip  
14 generation, so the numbers I gave you are not for  
15 phase, but are the totals of both phases.

16 There was one comment from the Board  
17 about limiting the number of driveways, and we had  
18 taken a look at that as well. We do have pretty  
19 good -- a pretty long route from our furthest  
20 parking spaces, well over 200 feet, to get to either  
21 one of these driveways.

22 What we want to do is we want to  
23 maintain a very light traffic flow in the middle of  
24 the parking area and by providing access points on  
25 one extreme of the building and then on the other,

1        what we are going to see is a more balanced effect  
2        of people that would be designated to parking their  
3        cars on one side would use primarily the one  
4        driveway closest to it, and then vice versa. So  
5        that somebody entering from one driveway is probably  
6        unlikely going to be parking on the extreme ends  
7        when they can park more conveniently to get to those  
8        parking spaces from the driveway, so that limits or  
9        minimizes the amount of the activity in the driveway  
10       or aisle area in the site. So it is a safety aspect  
11       in terms of balancing traffic flow.

12                    It also disperses traffic flow. We do  
13       have a high school catty corner of our site. We do  
14       have some pretty significant pedestrian traffic  
15       along the frontages.

16                    Now, primarily when we took our  
17       pedestrian counts, we took counts along the  
18       frontages of -- the three frontages of the site.  
19       The majority of the pedestrian flow is along 8th  
20       Street.

21                    When I say "the majority," during the  
22       morning peak hour about a hundred in the morning, a  
23       hundred pedestrians cross the site property in the  
24       morning, whereas we have about 50 on Grand passing  
25       the site driveway, and about 38 to 40 passing on

1 Adams.

2 COMMISSIONER PINCHEVSKY: Is that just  
3 along 8th Street or is that on the north side -- I'm  
4 sorry -- the south side?

5 THE WITNESS: The south side.

6 Yeah. These are crossing the site  
7 frontages, so not the opposite side, or let's say  
8 the high school side or the north side, but just our  
9 property.

10 COMMISSIONER PINCHEVSKY: Thank you.

11 THE WITNESS: And I guess the main  
12 aspect is trying to get the magnitude of pedestrian  
13 traffic that would be crossing the driveways as you  
14 would see in the future, motorists, drivers and  
15 vehicles pulling out of the site.

16 So relatively light pedestrian traffic,  
17 even particularly on the side streets of Grand and  
18 Adams. But, again, we are talking relatively low  
19 volumes.

20 During the morning -- and the key --  
21 the more critical time period is the morning peak  
22 hour because that is when the school activity  
23 coincides with the site activity. In the afternoon  
24 they are not coincidental for the most part anyway.  
25 People are not coming home at three o'clock when the

1 prime dismissal time is, so that is offset.

2 And when they do come home, where I was  
3 giving you those morning pedestrian volumes, on --  
4 on 8th Street there are only 20, and again, this is  
5 the evening peak hour between 4:30 and 5:30 p.m., 20  
6 pedestrians on 8th, and only 11 on Grand, and 10 on  
7 Adams, so pedestrian volumes are very much lighter,  
8 at least for -- these are the student pedestrians.

9 I didn't include -- so what we did was  
10 we -- we -- when we did out counts, we were more  
11 concerned about the students in terms of how many  
12 students will be generated, so what I gave you were  
13 just student volumes or more, I will call them  
14 minors. If somebody looked like a teenager or  
15 younger, they were considered a student as opposed  
16 to a business person or an adult passing by the  
17 site.

18 So, again, we do have quite a bit of  
19 student activity and pedestrian activity in the  
20 morning peak hour, but it is oriented towards 8th  
21 Street as opposed to the side streets.

22 COMMISSIONER DOYLE: Do you have the  
23 numbers for the adults, too, or just --

24 THE WITNESS: It was more than --  
25 hum -- I don't know if I have it in this report or

1 the Wonderloft report. I can get that information.

2 COMMISSIONER DOYLE: Okay. That is  
3 okay.

4 THE WITNESS: In the morning peak hour,  
5 the numbers were about equal, you know, adult versus  
6 students, and in the evening the adult volume was  
7 quite a bit higher. We are only talking about ten  
8 or eleven an hour with students, where the adults  
9 were in the same order about a hundred pedestrians.

10 COMMISSIONER DOYLE: Okay.

11 MR. ROBERTS: On all three streets  
12 or --

13 THE WITNESS: A hundred on 8th Street.

14 COMMISSIONER DOYLE: That should be the  
15 busiest.

16 THE WITNESS: The side -- I'm sorry --  
17 yeah, a hundred on 8th Street and in the order of 50  
18 on the two side streets.

19 COMMISSIOENR DOYLE: That was your  
20 earlier testimony.

21 But when you say about double, all  
22 three are double in the evening --

23 THE WITNESS: Yes --

24 COMMISSIONER DOYLE: -- for the adults  
25 as well or --

1                   THE WITNESS: -- no. They are the same  
2 for the adults.

3                   The evening -- I am sorry. The evening  
4 volumes were double of the students, so on the order  
5 of 20 to 30 adults.

6                   COMMISSIONER DOYLE: Three times the  
7 number because twice as many added to the one.

8                   But the question I think Mr. Roberts  
9 jumped on as well, is that for all three sides or is  
10 it just the 8th Street?

11                   I mean, maybe when somebody else is  
12 testifying, you can dig out the numbers.

13                   THE WITNESS: Yeah. Let me go back.

14                   The student volumes on 8th Street were  
15 a hundred in the morning and 20 in the evening.

16                   On Adams and Grand, they were about the  
17 same, 55 and 11 on Grand, and 38 and 10 on Adams.

18                   In the morning peak hour, the adults  
19 were about the same number, about a hundred, and  
20 also the same number on Grand and Adams.

21                   In the evening, they were probably --  
22 they were triple of what they were in terms of  
23 students. So if we had 10 or 11, we're talking  
24 about in the order of about 30 adults walking those  
25 streets during the peck hour.

1 COMMISSIONER DOYLE: All three?

2 THE WITNESS: No, each one.

3 So 30 on Adams, 30 on Grand, and these  
4 are adults only --

5 COMMISSIONER DOYLE: Okay, at night.

6 THE WITNESS: -- and about 60 on 8th.

7 COMMISSIONER DOYLE: Okay.

8 MR. HIPOLIT: I have a question with  
9 respect to the parking garage exit and entrances in  
10 the two-way versus one-way.

11 Based on the pedestrian volumes,  
12 because I agree with you, that the traffic volumes  
13 are at a good level of service, we are okay.

14 Based on the pedestrian volumes, are  
15 the driveway entrances and exits better on the two  
16 side streets or should --

17 THE WITNESS: Absolutely, because,  
18 first of all, the traffic volume is a little bit  
19 heavier on 8th, and you have a lot more pedestrian  
20 traffic.

21 MR. HIPOLIT: Okay. So I agree with  
22 you.

23 So now go to the driveway entrances and  
24 exits. Right now they are two-way.

25 THE WITNESS: Yes.

1                   MR. HIPOLIT: In your opinion, based on  
2 the pedestrian volumes specifically, and I know the  
3 traffic level of service is good, should they stay  
4 two-ways or should they go to one-way?

5                   THE WITNESS: I think they should be  
6 two-way for two reasons.

7                   One reason is that you are going to  
8 have -- the key -- the key -- I guess the safety  
9 issue is the exit movement because pedestrian  
10 volumes on both of these streets are approximately  
11 the same. You will be concentrating all of your  
12 exit movements on one driveway or the other  
13 driveway.

14                   You may enhance the safety aspect on  
15 the enter only, but then double the non enhancement  
16 at the exit, so you are forcing all of the exits at  
17 one location.

18                   The other aspect is that you are going  
19 to create -- people are looping around more  
20 depending upon -- because we have a one-way system,  
21 so if I want to get to one driveway, but I happen to  
22 be on Adams, I have to loop around somehow to get  
23 there, so having it two-way provides a more  
24 efficient flow to the network itself.

25                   MR. HIPOLIT: If it is two-way in the

1 garage and I missed a spot, can I turn around in the  
2 garage and go back up or go back in the street --

3 THE WITNESS: Well, these spaces, if I  
4 understand -- well, you can. You can make a K-turn  
5 in the driveway to go back around again, all right,  
6 or use the handicapped striping area, but you  
7 probably more than likely get to the end and come  
8 around.

9 The spaces will be, at least my  
10 recommendation, is to have them reserved, so that  
11 Unit 1A will have space number 2, and 2B will have  
12 space number 5.

13 This way then you can manage, better  
14 manage the compact spaces. So if Unit A-1 has a  
15 compact car, stick him in one of the compact spaces.  
16 That is your space.

17 MR. HIPOLIT: So if I understand you  
18 correctly, by having two-way driveways, I better  
19 allow the traffic to either stay inside of the  
20 garage or cycle off the streets and not cycle back  
21 out to the streets even though I do sacrifice the  
22 driveway width of pedestrians, but if the  
23 pedestrians have the adequate safety warnings, that  
24 makes it okay?

25 THE WITNESS: Yeah. I heard one good

1 aspect of making a one-way. You could probably  
2 narrow the driveway a little bit. That is probably  
3 the only benefit that I see. But a number of  
4 detriments, and those being, as I pointed out  
5 before, the effect -- well, concentrating all of the  
6 exit movements at one driveway and all at the other,  
7 which is a wash. That doesn't -- you know, you are  
8 enhancing it in one way, but not enhancing it in the  
9 other way in terms safety.

10 But the impacts on the overall network  
11 of the surrounding streets is to try to get to where  
12 you want to go.

13 MR. HIPOLIT: Right. It puts more cars  
14 on the road.

15 THE WITNESS: It also affects --

16 COMMISSIONER PINCHEVSKY: So could I --

17 THE WITNESS: -- I believe, the  
18 aspect -- if one driveway is an entrance, and I am  
19 parking on the opposite side of the street, now I am  
20 zig-zagging through the parking lot to get there,  
21 and I'm more likely, and it will balance out that  
22 you will be entering over here, you will be parking  
23 on that side of the driveway, so you are eliminating  
24 the movements inside of the property as well --

25 MR. HIPOLIT: The last question I have

1 is -- Frank, you have a nice pink line on the plan.

2 Should the garage be separated or  
3 should it be left open?

4 THE WITNESS: I think it should be left  
5 open because this is throwing me off, because I  
6 think the north arrow is facing down --

7 COMMISSIONER DOYLE: That is correct.

8 THE WITNESS: -- so let me get my  
9 orientation. If that is facing down, then Grand  
10 Street is on the left, and Adams is on the right,  
11 and this is a one-way going this way and a one-way  
12 going that way, and if --

13 COMMISSIONER DOYLE: That is correct.

14 THE WITNESS: -- and if -- so if  
15 somebody wanted to head towards 14th Street, they  
16 may choose to exit out of the Adams driveway to head  
17 northbound. But if somebody wanted to orient  
18 themselves towards Observer Highway, they could use  
19 the driveway as opposed to looping around, you know,  
20 the property.

21 MR. HIPOLIT: Right. So by not  
22 separating, it again keeps the traffic on your site  
23 and not on the street?

24 THE WITNESS: Correct.

25 CHAIRMAN HOLTZMAN: Thank you.

1                   Commissioner Stratton, I think you had  
2                   some questions or comments or concerns on the  
3                   traffic.

4                   COMMISSIONER STRATTON: Do we want to  
5                   stay on the internal circulation issue?

6                   Mine is different than --

7                   CHAIRMAN HOLTZMAN: Yours is more  
8                   pedestrian?

9                   COMMISSIONER STRATTON: Yes.

10                  CHAIRMAN HOLTZMAN: Is Mr. Staigar  
11                  speaking about pedestrian issues as well?

12                  THE WITNESS: In the -- in the --

13                  CHAIRMAN HOLTZMAN: Why don't you tell  
14                  us what you got, Commissioner.

15                  COMMISSIONER STRATTON: So we are  
16                  talking about pedestrian safety and volumes of the  
17                  pedestrians in this area, and the city has been  
18                  advancing complete street policies, and it would be  
19                  my recommendation to this Board that we recommend  
20                  concrete curb extensions at the southwest corner of  
21                  Grand and 8th Street and at the southwest corner of  
22                  Adams and 8th Street --

23                  CHAIRMAN HOLTZMAN: So that is --

24                  COMMISSIONER STRATTON: -- and what  
25                  that does is it decreases crossing distances for an

1 area that's approximate to the Hoboken light -- or  
2 the light rail and Columbus Gardens and the high  
3 school.

4 CHAIRMAN HOLTZMAN: So on both corners.  
5 I am not sure I heard it correctly or not.

6 COMMISSIONER STRATTON: Both corners,  
7 correct.

8 CHAIRMAN HOLTZMAN: Okay.

9 COMMISSIONER DOYLE: Northeast,  
10 northwest --

11 COMMISSIONER STRATTON: Southwest  
12 and -- I think southwest --

13 COMMISSIONER DOYLE: Across the street?

14 CHAIRMAN HOLTZMAN: Across the street  
15 or on their side of the --

16 COMMISSIONER STRATTON: -- southwest  
17 and southeast.

18 THE WITNESS: Well, the southeast  
19 corner is --

20 (Everyone talking at once.)

21 MR. MATULE: I am understanding on our  
22 site --

23 COMMISSIONER STRATTON: On both the  
24 corners of 8th Street that are on your property --

25 MR. GALVIN: Wow.

1 COMMISSIONER DOYLE: Which is north --

2 COMMISSIONER O'CONNOR: Those would be  
3 coordinated with whatever site --

4 CHAIRMAN HOLTZMAN: So this -- Mr.  
5 Staigar has now turned it, so that north is up. Is  
6 that correct?

7 THE WITNESS: Yes.

8 North is up, and it will be the  
9 northeast corner of our property, not at the  
10 intersection, correct?

11 COMMISSIONER STRATTON: Yes, yes.

12 THE WITNESS: And the northwest corner  
13 of our site property.

14 CHAIRMAN HOLTZMAN: Is that correct?

15 COMMISSIONER STRATTON: Yes, that's  
16 correct.

17 CHAIRMAN HOLTZMAN: Okay. So what you  
18 are proposing are the curb extensions that we are  
19 familiar with, like, for example, around City Hall  
20 here, in the back of City Hall?

21 COMMISSIONER STRATTON: Correct.

22 CHAIRMAN HOLTZMAN: And this extends  
23 the curb and the sidewalk, so that for pedestrians,  
24 they are easier to cross and --

25 COMMISSIONER STRATTON: Correct.

1                   THE WITNESS: Yes. We can coordinate  
2                   that with Mr. Morgan who is head of the -- that  
3                   aspect --

4                   MR. HIPOLIT: Then the curb extensions  
5                   will be on Grand and Adams, so you're coming -- when  
6                   you're going east to west, you can continue up --

7                   COMMISSIONER STRATTON: It would  
8                   continue around the corner of the intersections,  
9                   so it would be on both sides.

10                  MR. MATULE: And that would be on 8th  
11                  Street as well.

12                  COMMISSIONER STRATTON: Okay.

13                  CHAIRMAN HOLTZMAN: Then were there any  
14                  other pedestrian concerns that you wanted to call  
15                  out?

16                  COMMISSIONER STRATTON: The only other  
17                  thing or recommendation I would make is that when  
18                  you are restriping the sidewalks, and if there is  
19                  any stop control, that you have a stop bar with  
20                  "Stop" in the roadway in thermoplastic, and that the  
21                  striping is high visibility thermoplastic when you  
22                  are restriping the sidewalks.

23                  THE WITNESS: Yes, and we agree to  
24                  that.

25                  CHAIRMAN HOLTZMAN: So, Mr. Matule,

1 these are additions that we can add to the --

2 MR. MATULE: We can put it in any  
3 resolution of approval, but the applicant has no  
4 issues with it.

5 CHAIRMAN HOLTZMAN: Great.

6 MR. GALVIN: Could you repeat it?

7 CHAIRMAN HOLTZMAN: Commissioner,  
8 Dennis needs to try to get it with what the  
9 specifics are.

10 COMMISSIONER STRATTON: I have -- so  
11 for the --

12 MR. HIPOLIT: Is it street striping or  
13 parking lot striping?

14 Striping on Grand and Adams?

15 COMMISSIONER STRATTON: It would be for  
16 the crosswalk striping.

17 MR. HIPOLIT: So we want him to redo  
18 the crosswalk striping at the bumpouts?

19 COMMISSIONER STRATTON: Yes.

20 MS. HIPOLIT: Okay. At the sidewalk  
21 bumpouts.

22 COMMISSIONER STRATTON: Dennis, which  
23 would you like me to repeat?

24 MR. GALVIN: The applicant is to redo  
25 the crosswalk striping at the bumpout and --

1                   CHAIRMAN HOLTZMAN: But we need to  
2 specify which corners, so that we can correctly --

3                   COMMISSIONER STRATTON: It would be the  
4 northeast corner of the property and the northwest  
5 corner of the property and the bumpout to extend on  
6 both Grand, Adams and 8th Streets.

7                   THE WITNESS: There will be four  
8 bumpouts. Is what we are saying?

9                   MR. HIPOLIT: Right.

10                  COMMISSIONER STRATTON: And the bumpout  
11 would extend around the actual corner to --

12                  VICE CHAIR MAGALETTA: It's like a  
13 bumper around each corner.

14                  CHAIRMAN HOLTZMAN: Okay. So do we  
15 understand this, we are pretty good?

16                  COMMISSIONER STRATTON: Yeah.

17                  (All Commissioners talking at once.)

18                  CHAIRMAN HOLTZMAN: Go ahead.

19                  Commissioner Stratton has the floor.

20                  COMMISSIONER STRATTON: Another  
21 question I have: Do you have -- did you do a  
22 roadway condition assessment in this area around the  
23 three --

24                  THE WITNESS: No.

25                  COMMISSIONER STRATTON: -- one thing

1       you are proposing is a two foot --

2                   CHAIRMAN HOLTZMAN:   Can you explain to  
3       us what that is, Commissioner?

4                   COMMISSIONER STRATTON:   So basically a  
5       status of the asphalt around the project area.  If  
6       we are going to be constructing two buildings in two  
7       phases, and they are proposing a two foot cut in the  
8       asphalt at part of this project, I would be  
9       interested in knowing the condition of the roadway  
10      and whether or not the entire roadway from curb to  
11      cub should be repaved.  Having an understanding of  
12      the condition of the roadway, we would be able to  
13      determine whether or not there would be a  
14      significantly impacted roadway, whether it has been  
15      repaved recently.

16                   That is something that I would be  
17      willing to talk about when we go through the next  
18      phase of the site plan, but I would like to  
19      understand the condition of the roadway and whether  
20      or not that should be required as part of the  
21      construction schedule or the final CO.

22                   THE WITNESS:   I think that that's  
23      something that maybe could be assessed before in  
24      post construction because what might be a good  
25      condition preconstruction may not be such a good

1 condition post-construction, you know, so I don't  
2 know how the city handles that, but that could be  
3 handled through --

4 COMMISSIONER STRATTON: Well, what I  
5 would like to know and for the Board is it's already  
6 in poor condition preceding construction, whether or  
7 not we recommend to replace that curb to curb --

8 THE WITNESS: Yeah.

9 MR. HIPOLIT: So let me make a  
10 suggestion.

11 The applicant is proposing a  
12 significant development that affects three streets.  
13 The Municipal Land Use Law allows you to collect the  
14 contribution from them or have them improve half of  
15 the street for the entire frontage.

16 So I think the discussion for the Board  
17 is: Do you want to have the city take the money and  
18 use it as a future road project, or just have them  
19 pave half of the street and then repair any damage  
20 they caused to the other half?

21 COMMISSIONER FORBES: The concern is we  
22 do have that, you know, that off-site improvement  
23 fund, but we have never heard back from the State on  
24 whether or not they approved the fund, so we don't  
25 really have a mechanism to collect the fund until

1 the State approves that.

2 CHAIRMAN HOLTZMAN: So we need to get  
3 it done.

4 MR. HIPOLIT: So you just have them do  
5 it. What you do is you have them only pave half of  
6 the street, which is their responsibility, and any  
7 damage they cause to the other half.

8 CHAIRMAN HOLTZMAN: Right.

9 So it needs to just be worded also in  
10 that there is going to be multiple phases of this  
11 project, more than likely, so that there is like  
12 Phase I, and then Phase I needs to be completed and  
13 tidied up, and then if Phase II wrecks Phase I, it  
14 needs to be redone.

15 COMMISSIONER STRATTON: Well, I also  
16 will offer that we asked PSE&G to do a roadway  
17 assessment, and in some place where the road is in  
18 better condition, we did not repave, and you were to  
19 pave the entire curb to curb right-of-way, so if  
20 Grand Street and Adams Street were in better  
21 condition, and you wanted to repave the entire  
22 right-of-way of 8th Street and maybe a tradeoff that  
23 the Board should consider --

24 CHAIRMAN HOLTZMAN: Okay. So then Andy  
25 is going to work on figuring out that assessment for

1 us.

2 COMMISSIONER STRATTON: Yes.

3 MR. HIPOLIT: I think what we will do  
4 is we will work with the applicant and come up with  
5 a bonding number for it. We'll be a little  
6 conservative, so it will cover --

7 CHAIRMAN HOLTZMAN: Right, because  
8 there sounds like there is going to a fair amount of  
9 roadway work anyway with the bumpouts and everything  
10 else, so --

11 MR. HIPOLIT: Yes.

12 CHAIRMAN HOLTZMAN: -- great.

13 COMMISSIONER STRATTON: I did not have  
14 the time to look before, but we have a bicycle  
15 network map that we are also planning stripping the  
16 city streets with money, and I would stipulate that  
17 if there was any damage done to those bicycle lanes,  
18 they would be replaced with thermoplastic or any  
19 impact of the bicycle network at all, that they  
20 would be replaced in kind --

21 CHAIRMAN HOLTZMAN: The bicycle  
22 network, is it on one of these streets --

23 MR. MATULE: I think that goes without  
24 saying. I think if the applicant does any damage to  
25 the street, he is responsible for it anyway. But

1       certainly if you want to articulate that in the  
2       resolution, that's fine.

3                   CHAIRMAN HOLTZMAN: Thank you. Great.

4                   Does the bike network specifically hit  
5       one of these streets or you said you did not --

6                   COMMISSIONER STRATTON: I didn't check  
7       beforehand, but I can --

8                   CHAIRMAN HOLTZMAN: Okay. So maybe you  
9       can at a later date, just make sure that we know if  
10      it does.

11                  COMMISSIONER O'CONNOR: It is on Adams  
12      and Grand.

13                  CHAIRMAN HOLTZMAN: It's on Adams and  
14      Grand, okay, so it obviously does.

15                  Okay. All right.

16                  Any Commissioners?

17                  Commissioner Graham?

18                  COMMISSIONER GRAHAM: I mean, we  
19      probably don't know the answer to this, but we don't  
20      know who is going to live in that building. But I  
21      just think we need to expand our definition of what  
22      constitutes a traffic transportation study. I mean,  
23      people in this town go into New York. They get on a  
24      bus. There are two bus stops right near on Clinton,  
25      and then they come down Willow.

1                   We don't ever evaluate the fact that we  
2                   live right next to the largest city in this country,  
3                   and that most of the people in this city go into New  
4                   York to work. So we don't evaluate the bus traffic,  
5                   the bus load, you know, how many buses, you know,  
6                   can they get into New York.

7                   I mean, I know that is a larger issue,  
8                   but we got to expand. We are not just this little  
9                   suburban community that, you know, has got cars that  
10                  are always going somewhere. A lot of -- too many  
11                  cars do, unfortunately. But, you know, at five  
12                  o'clock, even starting at four on Willow Street, it  
13                  is backed up solid. I mean, from four to 6:30 or 7,  
14                  Willow is just completely backed up. It's not just  
15                  the buses. I mean, there's cars.

16                  And I don't know if that was considered  
17                  at all. I am trying to get to expand the idea of  
18                  what we define as transportation and traffic issues  
19                  in this town, and every time we have a  
20                  transportation and traffic study, nobody addresses  
21                  that, and I would like to please start addressing  
22                  those issues, please.

23                  CHAIRMAN HOLTZMAN: So your statement  
24                  is that as opposed to just looking at the vehicle  
25                  traffic --

1 COMMISSIONER GRAHAM: Yes.

2 CHAIRMAN HOLTZMAN: -- we should be  
3 saying: Is there a percentage of the people that  
4 would live in this building that would take public  
5 transportation or the light rail or the bus or  
6 whatever the answer is.

7 COMMISSIONER GRAHAM: We just need to  
8 recognize what this community is and what  
9 transportation modes people use, that it's not just  
10 cars.

11 CHAIRMAN HOLTZMAN: Okay. So in the  
12 future, Andy, if you can, when we've got traffic  
13 studies, if you can kind of counsel our, you know,  
14 traffic engineers.

15 COMMISSIONER GRAHAM: I say this a lot.

16 COMMISSIONER DOYLE: We do that in the  
17 redevelopment context, so, correct --

18 COMMISSIONER PINCHEVSKY: Mr. Chairman,  
19 I have a question.

20 CHAIRMAN HOLTZMAN: Yes, Commissioner?  
21 I'm sorry. Ms. Graham, are you done?

22 COMMISSIONER GRAHAM: Yes, I am.

23 COMMISSIONER PINCHEVSKY: Hum, two  
24 questions.

25 One: Mr. Staigar, you mentioned that

1       having two exits and two entrances -- having it be  
2       two ways on both sides is more beneficial because  
3       you didn't want -- or you thought it would be easier  
4       for folks with automobiles to exit or enter the  
5       closest entrance, so one on one side of the road,  
6       and one on the other side.

7                       But then you also mentioned that  
8       depending on the traffic or the direction the  
9       individual is going, they would be more likely to  
10      use one exit or the other.

11                      So is it safe to assume then someone  
12      who may be on the west -- this is backwards -- on  
13      one side of the building, if they wanted to go the  
14      other direction, they would go internally -- it's  
15      okay -- you don't have to --

16                      THE WITNESS: I'll get --

17                      COMMISSIONER PINCHEVSKY: -- they would  
18      go internally -- okay. Just somebody on the west  
19      side would drive internally east within the parking  
20      garage to exit because they want to go north --

21                      THE WITNESS: Yes.

22                      COMMISSIONER PINCHEVSKY: -- so if that  
23      is the case, if people are going north, it doesn't  
24      matter where they are parking, they're going to go  
25      internally within, so --

1 THE WITNESS: Correct.

2 COMMISSIONER PINCHEVSKY: -- doesn't  
3 that kind of go against then -- isn't that a --  
4 didn't you just counter argue yourself?

5 THE WITNESS: You are right, and I  
6 think you are correct in a sense because if they are  
7 going to be heading north, they are going to be  
8 wanting to exit out the roadway that goes north,  
9 Adams, which is here --

10 CHAIRMAN HOLTZMAN: This north-south  
11 thing is --

12 THE WITNESS: -- north -- but --

13 COMMISSIONER PINCHEVSKY: -- which is  
14 also the opposite direction of where the school is,  
15 right?

16 THE WITNESS: -- well, if they want to  
17 go east, or they want to go west for whatever  
18 reason, then they can probably use either, so --

19 CHAIRMAN HOLTZMAN: Rami, I would agree  
20 with you a hundred percent. If I am in that place  
21 and I need to go out the other door, I'm going out  
22 the other door.

23 I think the advantage that Andy pointed  
24 out, though, was it takes the car off the street for  
25 making two additional turns, and it takes the car

1       also off the street of 8th Street, which is by far  
2       the heavily most pedestrian street, because I am  
3       definitely driving through the middle of the  
4       building, if I need to go out the other door. There  
5       is no question.

6                   COMMISSIONER PINCHEVSKY: Correct. So  
7       I am with you on that.

8                   So if you made, for example -- well, I  
9       guess, we can come up here -- it's not my  
10      profession, so I am not the traffic engineer or  
11      consultant, but, yeah, I guess that counter argument  
12      just kind of stuck with me --

13                   CHAIRMAN HOLTZMAN: You caught him on  
14      his counter argument. You got him.

15                   COMMISSIONER PINCHEVSKY: -- but  
16      another question I have, though, is the C minus the  
17      D plus, because a lot of times we hear arguments  
18      that, oh, it was an F, it's still an F, so it's de  
19      minimus, even though the grading within might be Y,  
20      right? It might be like -- I don't know how you  
21      grade it.

22                   Do you grade by seconds?

23                   THE WITNESS: Yes. Depending upon  
24      which level of service, there is ten to 15 seconds  
25      from a B to a C or a C to a D.

1                   COMMISSIONER PINCHEVSKY: So let's say  
2 something is an F, and then it goes to a worse F,  
3 you know, it gets three seconds worse -- I don't  
4 know if that makes sense -- I'm making up numbers,  
5 right?

6                   THE WITNESS: Right.

7                   COMMISISONER PINCHEVSKY: But the  
8 traffic engineer argument is, well, it is an F, it  
9 is still an F, it's de minimis.

10                   But here, we are saying there was a  
11 change in the grade. It went from a C minus to a D  
12 plus, but it was only a one second difference, so  
13 it's de minimus, so I don't know when is it not de  
14 minimis?

15                   Does that make sense?

16                   CHAIRMAN HOLTZMAN: I don't know, but  
17 if you came in with a D plus, you would be in a lot  
18 of trouble.

19                   (Laughter)

20                   THE WITNESS: It would not be de  
21 minimis if we went say from a C or a D to an F, that  
22 would not be. So now you are in the realm of a 20  
23 to 25-second delay.

24                   In this instance, we are at point eight  
25 seconds of a delay, because we are right on the cusp

1 of the C minus and D plus, it was point eight  
2 seconds that brought us over that level of  
3 service --

4 COMMISSIONER PINCHEVSKY: I understand.  
5 I just don't know --

6 THE WITNESS: -- because there's a  
7 change at 25 seconds --

8 COMMISSIONER PINCHEVSKY: -- at what  
9 point are we allowed to judge and say, okay, you  
10 know, this does have an impact, right?

11 If it's -- why do we even assign grades  
12 then?

13 Why do we even assign letters -- I'm  
14 sorry -- why don't we just look at the numbers?

15 THE WITNESS: The numbers are in my  
16 report.

17 COMMISSIONER PINCHEVSKY: This is your  
18 field. I don't know.

19 THE WITNESS: No. The numbers are in  
20 my report.

21 CHAIRMAN HOLTZMAN: One at a time.

22 COMMISSIONER PINCHEVSKY: Correct. I'm  
23 just saying --

24 CHAIRMAN HOLTZMAN: I think it just  
25 makes it easier for us laymen to go A, B, C, D as

1       opposed to 22.6 versus 29.7.

2                   COMMISSIONER PINCHEVSKY: Well, if that  
3       is what we're looking at then, it goes from a C to a  
4       D, so it's an impact.

5                   MR. HIPOLIT: Can I jump in a little  
6       bit?

7                   So when the application for traffic  
8       comes to us, we do look at it.

9                   If we see a degradation that is  
10      significant or is going to cause something we think  
11      is a concern to you, we bring it to your attention.

12                   Going from a C to a D is degrading,  
13      although I don't think in this case it's  
14      significant. In this application, there are other  
15      ones you see that are more significant, but in this  
16      case, it is somewhat minor.

17                   Now, you have to evaluate the  
18      application for what it is. I can't tell you what  
19      to do, but at least in our review, we think in this  
20      case it is very minor based on what is there.

21                   COMMISSIONER PINCHEVSKY: Okay. I  
22      mean --

23                   MR. HIPOLIT: The other thing is they  
24      are not really taking credit for in this case what  
25      they could build on the site as of right, if they

1 didn't get any variances, and then subtract it.  
2 They are saying, hey, we are going to show you  
3 everything, so they are a little more conservative  
4 with their analysis --

5 COMMISSIONER PINCHEVSKY: Right. I  
6 understand. That's a good point. All right.

7 CHAIRMAN HOLTZMAN: Any other questions  
8 for Mr. Staigar, otherwise we will also open it up  
9 to public, if there are any questions from the  
10 public for the traffic engineer.

11 Come on up.

12 MS. HEYER: So what I am hearing --

13 MR. GALVIN: You have to do your  
14 name --

15 CHAIRMAN HOLTZMAN: Now, we go back to  
16 where we started.

17 Go ahead.

18 MR. GALVIN: Spell your last name  
19 again.

20 MS. HEYER: Joyce Heyer, H-e-y-e-r, 718  
21 Adams Street.

22 MR. GALVIN: You may ask your question.

23 MS. HEYER: Okay.

24 So there is a premise here that this  
25 dispersal is based on, that people on the west side

1 of the building, or more on the west side, park more  
2 on the west side, will exit out Adams, and people  
3 more on the east side of the building will exit and  
4 enter out Grand --

5 CHAIRMAN HOLTZMAN: I think we  
6 dispelled that.

7 COMMISSIONER MC KENZIE: Yes, I agree.

8 MS. HEYER: So then doesn't that --  
9 okay -- so because that didn't sound right to me if  
10 somebody lives in Hoboken, you can go through the  
11 building if that's the quicker way to navigate --

12 CHAIRMAN HOLTZMAN: Absolutely.  
13 Everybody agrees.

14 MS. HEYER: Okay.

15 So then doesn't the lettering then have  
16 some impact on that letter grade because the  
17 dispersal isn't true? That premise isn't true?

18 THE WITNESS: And we took that into  
19 account. We had the two driveways, and we know that  
20 some -- any time the volume of -- what we took was  
21 the volume of Adams versus the volume on Grand, you  
22 know, there is more going northbound than  
23 southbound, and that is where we oriented our  
24 traffic in the same direction.

25 We used the existing volumes to

1 establish where our future volumes would both  
2 slightly make it either go northbound or southbound,  
3 and then we redid the calculations to come up with  
4 the levels of service, how much degradation --

5 MR. HIPOLIT: What distribution did you  
6 use, percentage?

7 In his report, he just used X percent  
8 for one driveway and Y for another.

9 THE WITNESS: It is fairly even. Out  
10 of the 11 cars in the morning that would be  
11 generated during morning peak hours, four went  
12 southbound and three went -- now, there is 11. 11  
13 is in and out.

14 Four went southbound, and three went  
15 northbound.

16 MR. HIPOLIT: And the way, so you  
17 understand, the way they come up with that  
18 distribution is they use the traffic that's  
19 currently on the street and the way the patterns  
20 move and say "About this percentage move this way,  
21 and this moves that way," and they apply it inside  
22 the building and then send it out of the building,  
23 so it is a consistent way of doing it.

24 THE WITNESS: And, again, Just looking  
25 at the volume going south on Grand, it's just a

1 little bit higher than the traffic going north on  
2 Adams, so we distributed the enters and exits in the  
3 same way.

4 MR. HIPOLIT: And that is the way you  
5 should do it. That is the way it is done.

6 MS. HEYER: Okay.

7 So if this is exiting and entering out  
8 of both Adams and Grand, what's the opening, because  
9 I don't have a picture of this?

10 Like how big is the opening --

11 MR. MATULE: The width of the driveway.

12 THE WITNESS: Oh, a little over 18  
13 feet, 18.10 feet, almost 19 feet --

14 CHAIRMAN HOLTZMAN: Andy, that's  
15 enough?

16 MR. HIPOLIT: Yes.

17 MR. MATULE: Is that the driveway or  
18 the apron?

19 CHAIRMAN HOLTZMAN: Answer that,  
20 please.

21 MR. HIPOLIT: That is an adequate  
22 width. That is the right width.

23 THE WITNESS: You don't want to make it  
24 too big and take away parking from the street, but  
25 not too narrow, so that it makes it difficult to

1 enter and exit --

2 MS. HEYER: I was going to say because  
3 the narrower it is, the more time people will take  
4 to maneuver in and out, thus tying up Adams or Grand  
5 longer, which is my concern.

6 CHAIRMAN HOLTZMAN: Right.

7 So, Joyce, we have seen a couple of  
8 applications like this, where we have parking on the  
9 ground level of a residential floor. And the big  
10 difference that we kind of all thought the same  
11 question I think that you are having, which is, this  
12 is not like it is a parking structure or it's not  
13 public parking lot, at which point you would need  
14 significantly larger driveways, if there was active  
15 people coming and going on a regular basis from like  
16 a retail parking structure or something like that.

17 So what our professionals are telling  
18 us is that 19 feet is adequate for the level of  
19 volume that is in and out of 99 percent or 95  
20 percent of this building that is residential, and  
21 there is five percent that is retail.

22 MS. HEYER: How much time do you think  
23 a car, say traveling down Adams and going in would  
24 take up?

25 Like what would be the time from when

1       it hits the beginning of the door to when it is in  
2       and off the street, like it's --

3                   THE WITNESS:  Oh, it would be a matter  
4       of seconds.

5                   Well, going in is just a free flow --

6                   MS. HEYER:  Right, with that width --  
7       sorry --

8                   THE WITNESS:  -- I just have to watch  
9       out for pedestrians, and I can pull right in, either  
10      as a right turn or a left turn depending on which  
11      direction I come from.

12                   Coming out, I now have to wait and make  
13      sure I am clear of pedestrians and clear of traffic  
14      passing by, but the levels of service were very good  
15      going out because it is relatively light, a lighter  
16      volume.  We are in level of service A for that,  
17      which is less than ten seconds, so it would take  
18      less than ten seconds to turn out of the site.

19                   MS. HEYER:  And doesn't it slow down if  
20      it's an exit and entrance?

21                   I mean, there's a possibility that  
22      you're coming in and somebody going out?

23                   THE WITNESS:  Well, yeah, I think you  
24      have to use caution if somebody is coming out the  
25      same time you're trying to get in, but it's --

1                   MS. HEYER: I mean, doesn't that slow  
2 that number down?

3                   That is what I'm saying, that you have  
4 to factor that in also as a possibility that  
5 somebody is coming out, and you're going in and --

6                   THE WITNESS: No, because we are  
7 dealing with the average time --

8                   MR. MATULE: It's a one-way street --

9                   THE WITNESS: -- and I think you are  
10 talking -- we're talking about volumes of 11 and 17  
11 per hour. That is one vehicle every five and a half  
12 minutes or three and a half minutes.

13                  MR. HIPOLIT: Only in the peak hour.  
14 The rest of the day there's very little volume at  
15 all.

16                  THE WITNESS: So the instance where  
17 somebody is trying to get out the same time someone  
18 is trying to get in, again, those volumes are  
19 dispersed over two volumes, so I am saying one for  
20 every five and a half minutes being generated, that  
21 is really one every 11 minutes at one of the  
22 driveways.

23                  So it's very light traffic. It would  
24 probably happen once every two weeks, where somebody  
25 is going out and someone is coming in and trying to

1 do it at the same time. The probability is very low  
2 that they will be there at the same time.

3 MS. HEYER: I was generally speaking in  
4 Hoboken with my experiences again. It is more  
5 concentrated --

6 MR. GALVIN: Wait, wait. I'm sorry. I  
7 am trying give you latitude, but you have to stick  
8 to questions for right now.

9 THE WITNESS: Well, these are the peak  
10 times, the worst scenario.

11 Obviously, outside those peak hours, it  
12 will be even lighter.

13 MS. HEYER: Okay.

14 CHAIRMAN HOLTZMAN: Thank you, Joyce.

15 Any other members of the public?

16 Okay. We'll close the public portion.

17 VICE CHAIR MAGALETTA: I just have a  
18 question.

19 CHAIRMAN HOLTZMAN: Commissioner  
20 Magaletta?

21 VICE CHAIR MAGALETTA: Yes. Excuse me.  
22 Excuse me.

23 So you actually raised a question that  
24 I have.

25 So I have kids. When we walk along a

1 building, the door opens up and a car comes out. I  
2 tell my kids to stop, which is good, because  
3 sometimes a car just pops right out, and we exchange  
4 pleasantries, and the car keeps on going.

5 (Laughter)

6 I mean, I know it is great that you can  
7 have these warning lights for the pedestrians, and  
8 this is maybe a bigger question as well.

9 What can you do internally, people  
10 coming out, to slow them down, other than having a  
11 stop sign, having a gate that rolls up slowly, what  
12 can you do to slow the car coming out?

13 THE WITNESS: Physically --

14 VICE CHAIR MAGALETTA: Yeah.

15 THE WITNESS: -- I mean, the only thing  
16 you can do is put a bump there, but I think the fact  
17 that, and somebody mentioned about putting a stop  
18 sign, a stop bar, that will give the indication that  
19 I need to stop.

20 I mean, the intuition is going to be, I  
21 am going through this doorway. There's somebody  
22 that could be on the opposite side. I need to use  
23 caution.

24 VICE CHAIR MAGALETTA: That doesn't  
25 always work.

1 THE WITNESS: Excuse me?

2 VICE CHAIR MAGALETTA: That doesn't  
3 always work.

4 THE WITNESS: I know. I know, but  
5 reinforcing that with a stop sign, maybe a caution  
6 for pedestrians sign would meet that as well --

7 VICE CHAIR MAGALETTA: Have you ever  
8 driven around Hoboken with stop signs, because  
9 people don't stop at stop signs.

10 THE WITNESS: I stop at stop signs.

11 VICE CHAIR MAGALETTA: I do, too, and I  
12 believe you do, but lot of people do not.

13 THE WITNESS: Yes. A lot of people  
14 just blow right through them, and that's out on the  
15 street. You're going to have residents -- these  
16 driveways, these parking spaces, this will be used  
17 by the same person day in and day out. They are  
18 going to be accustomed to the issues.

19 VICE CHAIR MAGALETTA: I appreciate  
20 that. I just wondered if there is any kind of, you  
21 know, just some kind of method or methodology.

22 CHAIRMAN HOLTZMAN: Mr. Minervini, did  
23 we have any signage package about what Mr. Magaletta  
24 is concerned about, or we are going to perhaps add  
25 to it?

1                   MR. MINERVINI: Yeah. We show the no  
2 right or left turn sign. We can show a stop sign,  
3 but also we have proposed these planters that extend  
4 into the sidewalk that will actually act as a buffer  
5 as well for cars coming out.

6                   CHAIRMAN HOLTZMAN: Okay. So people  
7 can kind of nose out a little bit, but they wouldn't  
8 be in the walking zone yet?

9                   MR. MINERVINI: Yes. It would prevent  
10 a pedestrian from walking directly against the  
11 building at that point, so you got a little bit more  
12 of a buffer.

13                   CHAIRMAN HOLTZMAN: Okay.

14                   VICE CHAIR MAGALETTA: I guess for the  
15 pedestrians, but what about the drivers? That's  
16 really my focus.

17                   I mean, other than the sign -- I  
18 agree -- but what is a stop bar?

19                   What's that exactly?

20                   THE WITNESS: Oh, that's just a painted  
21 line.

22                   VICE CHAIR MAGALETTA: Okay.

23                   THE WITNESS: I mean, you could use a  
24 bump --

25                   VICE CHAIR MAGALETTA: A speed bump?

1                   THE WITNESS:  -- speed bump, but they  
2                   turn out to be tripping hazards.  Somebody who may  
3                   want to walk out the door, it becomes a tripping  
4                   hazard --

5                   VICE CHAIR MAGALETTA:  Unless you --

6                   THE WITNESS:  -- we try to shy away  
7                   from those --

8                   VICE CHAIR MAGALETTA:  -- well, unless  
9                   you put the bumps just where the tires would be and  
10                  leave a space in the middle for somebody to walk  
11                  through or --

12                  CHAIRMAN HOLTZMAN:  Unless you're  
13                  blind.

14                  VICE CHAIR MAGALETTA:  -- something  
15                  like that --

16                  CHAIRMAN HOLTZMAN:  Mr. Hipolit, are  
17                  you concerned about the speed bumps?

18                  MR. HIPOLIT:  They are not a good idea.

19                  THE WITNESS:  And then as you heard  
20                  from the public, it is going to slow cars from  
21                  coming in as well, so it is a negative effect on  
22                  that.

23                  VICE CHAIR MAGALETTA:  Okay.

24                  CHAIRMAN HOLTZMAN:  So we have a stop  
25                  sign.  We got lights --

1 MR. HIPOLIT: Stop bars, too.

2 CHAIRMAN HOLTZMAN: -- a stop bar,  
3 meaning it's just painted. It's not an actual bar.  
4 It's something that's painted.

5 Any other Commissioners?

6 Commissioner Stratton, any insight on  
7 this?

8 COMMISSIONER STRATTON: I will defer to  
9 Andy. But is there any visual -- other visual  
10 warning you can give to pedestrians in the sidewalk  
11 such as "look out for vehicles" or "garage exit"?

12 I don't know if there is anything  
13 standardized, other than the flashing and the  
14 beeping.

15 MR. HIPOLIT: You know, for a while now  
16 we have been putting these, and they're been  
17 proposing these lights that are across the whole  
18 garage, and they flash, these LED lights, and  
19 pedestrian safety and driver safety in that conflict  
20 is about consistency. I think it is starting to  
21 show up all over the place, and people are starting  
22 to expect it. So when I walk down the sidewalk and  
23 I see this light flashing, I know a car is coming  
24 out.

25 I think what you want to do as a Board

1 is try to be as consistent as you can. If you want  
2 to add something to make it more consistent, you  
3 could, but I think you have a lot here --

4 COMMISSIONER STRATTON: I'm thinking  
5 this through, and I don't think we want to put  
6 something where we are encouraging pedestrians to  
7 look down at something --

8 MR. HIPOLIT: I agree.

9 COMMISSIONER STRATTON: -- versus  
10 seeing a light and looking to see if there's a car,  
11 so let's take that off there.

12 COMMISSIONER FORBES: If I can, I think  
13 your issue, though, is more about the --

14 VICE CHAIR MAGALETTA: The driver,  
15 right.

16 COMMISSIONER FORBES: -- the driver  
17 being aware. So I don't know if it is like the  
18 mirrors, you know, so they can see people, you know,  
19 there is something visually there --

20 MR. HIPOLIT: In a number of cases, I  
21 have seen municipalities all over New Jersey try to  
22 put something for the driver to use to locate  
23 pedestrians.

24 What ends up happening is, and I think  
25 it is very dangerous, a driver in the car comes out

1       because they're used to looking at something,  
2       whether it be a mirror or something that let's him  
3       know a pedestrian is coming, and they're not looking  
4       for the pedestrian, and they become a false sense of  
5       security.

6                     You want them to drive out slowly and  
7       actually look and try to spot a pedestrian --

8                     VICE CHAIR MAGALETTA:  That's exactly  
9       what I want them to do --

10                    MR. HIPOLIT:  -- yeah.  And you don't  
11       want to have a mirror or something else.  It is not  
12       a good move.

13                    Remember, in all cases, drivers have to  
14       yield to pedestrians.

15                    VICE CHAIR MAGALETTA:  "Have" is not  
16       the same as actually.

17                    MR. HIPOLIT:  But I don't know, I mean,  
18       unless you know better, but I don't think  
19       pedestrian -- driver exits at garages are a problem  
20       that I know of --

21                    CHAIRMAN HOLTZMAN:  There's probably a  
22       lot of more too close for comfort situations.

23                    VICE CHAIR MAGALETTA:  Which I have  
24       witnessed, which I have experienced personally,  
25       but --

1                   CHAIRMAN HOLTZMAN:  No, I wouldn't  
2           doubt that.

3                   VICE CHAIR MAGALETTA:  Okay.  I need to  
4           decide --

5                   CHAIRMAN HOLTZMAN:  Commissioner  
6           Pinchevsky?

7                   VICE CHAIR MAGALETTA:  -- if that is an  
8           issue.

9                   Thank you.

10                  COMMISSIONER PINCHEVSKY:  Just one more  
11           question.

12                   You mentioned before that the ideal  
13           location for the garage is as far away as possible  
14           from the intersection.

15                   So I just was curious if -- and this is  
16           just minute, but is it worth moving it an extra  
17           seven feet and flipping with the one extra car  
18           parking spot on both sides, or is there a reason  
19           that it is not that way?

20                  THE WITNESS:  I think what you are  
21           mentioning is just moving another --

22                  COMMISSIONER PINCHEVSKY:  Seven and a  
23           half feet --

24                  THE WITNESS:  -- seven, eight --

25                  COMMISSIONER PINCHEVSKY:  -- yeah, if

1 it is indeed more safe, the further away from the  
2 intersection, then wouldn't that be more of an  
3 idea --

4 THE WITNESS: No. You get to a point  
5 where that safety aspect is diminished, and I think  
6 we are beyond that with the distance that we have  
7 already. The additional seven feet is not going to  
8 enhance any purpose.

9 COMMISSIONER PINCHEVSKY: Thank you.

10 CHAIRMAN HOLTZMAN: Thank you.

11 Commissioner Stratton?

12 COMMISSIONER STRATTON: One last  
13 question.

14 Do you have any proposed loading or  
15 unloading zones or no parking zones on any three  
16 sides?

17 THE WITNESS: No.

18 COMMISSIONER STRATTON: Are there  
19 hydrants that are located on any of the three sides?

20 (Board members confer)

21 THE REPORTER: Is this on the record  
22 because I can't hear you.

23 COMMISSIONER MC KENZIE: No, it's not  
24 on the record.

25 COMMISSIONER GRAHAM: We're just

1 thinking out loud.

2 (Laughter)

3 MR. GALVIN: Is this where you write  
4 "indiscernible chatter"?

5 (Laughter)

6 THE WITNESS: I don't see anything on  
7 the survey.

8 COMMISSIONER STRATTON: If there is a  
9 hydrant on either side, I recommend that that area  
10 is also stripped in thermoplastic, and there's an  
11 icon placed in the right-of-way indicating that  
12 there is a fire hydrant.

13 THE WITNESS: Yes. Good idea.

14 CHAIRMAN HOLTZMAN: So do we think with  
15 a building that is 28 units, that there should be  
16 consideration for taking a parking spot for a  
17 loading zone?

18 Is that where you were going with that,  
19 Commissioner, or --

20 COMMISSIONER STRATTON: Not  
21 necessarily. I just actually wanted to make sure  
22 that there wasn't something proposed that was  
23 unnecessary.

24 CHAIRMAN HOLTZMAN: Director, did you  
25 want to add to that?

1                   COMMISSIONER FORBES: No. I wouldn't  
2 do that, because if they want to for move-ins, they  
3 can, you know, they can go and request that.

4                   CHAIRMAN HOLTZMAN: I just wanted to  
5 make sure we got that covered.

6                   Thank you.

7                   Any other questions for Mr. Staigar  
8 with regard to traffic?

9                   Otherwise, do we have others to  
10 entertain us?

11                  MR. MATULE: I have my LSRP and my  
12 planner.

13                  CHAIRMAN HOLTZMAN: Oh, one more thing,  
14 Mr. Stratton, sure.

15                  COMMISSIONER STRATTON: Andy, can you  
16 double check on what they are required to do, if  
17 it's a new development on an entire block, are they  
18 required to put a hydrant in?

19                  I just wanted to make sure we don't  
20 miss that --

21                  MR. HIPOLIT: I will check it.

22                  CHAIRMAN HOLTZMAN: Okay.

23                  MR. HIPOLIT: I am going to look to see  
24 if there are any hydrants first of all in the area.

25                  (Board members confer)

1 MR. MATULE: Mr. Carlson.

2 MR. CARLSON: David Carlson, and I'm  
3 with TRC Engineering.

4 MR. GALVIN: Raise your right hand.

5 Do you swear or affirm the testimony  
6 you are about to give in this matter is the truth,  
7 the whole truth, and nothing but the truth?

8 MR. CARLSON: I do.

9 D A V I D C A R L S O N, having been duly sworn,  
10 testified as follows:

11 MR. GALVIN: Thank you very much.

12 THE REPORTER: Can you spell your name?

13 THE WITNESS: C-a-r-l-s-o-n.

14 MR. MATULE: Could you just briefly  
15 give the Board your educational background, your --

16 CHAIRMAN HOLTZMAN: Credentials.

17 MR. MATULE: -- professional licensing,  
18 and if you have testified at other Boards, could you  
19 provide those, please?

20 THE WITNESS: I have a bachelors -- a  
21 bachelors degree in geology from Franklin & Marshall  
22 College.

23 I have graduate studies at the  
24 University of Florida in hybrid geology.

25 I am a New Jersey Licensed Site

1 Remediation Professional, that's an LSRP, and a  
2 professional geologist in the State of Pennsylvania.

3 CHAIRMAN HOLTZMAN: Any Boards you  
4 testified for recently?

5 THE WITNESS: No Boards that I have  
6 testified for. I am retained as the LSRP for  
7 Burlington Township and for Bordentown Township.

8 CHAIRMAN HOLTZMAN: We like Mr.  
9 Carlson's credentials.

10 Please proceed.

11 MR. MATULE: Mr. Carlson, I am sure you  
12 heard the architect testify specifically with  
13 respect to this raised double layer concrete  
14 detention tank/deck.

15 Could you, first of all, just kind of  
16 start at the beginning and give the Board a sense of  
17 what conditions at the site you are trying to deal  
18 with, and then how you are trying to deal with them,  
19 and how you got there?

20 THE WITNESS: Yes.

21 And, you know, given the time, I will  
22 try to be succinct, but the site has a long and  
23 checkered history. I think probably many of you  
24 understand that these are, and heard from Frank,  
25 that these are issues that started in the forties

1 with mercury vapor links.

2 Mercury is a particularly unique metal,  
3 and it has characteristics unlike any other metal,  
4 and that is why it is used in thermometers. That's  
5 why it's used in lamps, mercury vapor lamps, because  
6 it has these characteristics, where it's a liquid or  
7 a vapor. And standard temperatures, where we all  
8 live, there's no other metal really that has these  
9 characteristics, so it gives it the ability to -- it  
10 has the ability actually sometimes to actually  
11 change from a liquid to a vapor and to move and move  
12 almost as a gas.

13 So when, you know, when I received this  
14 site or was retained as the LSRP, I was presented  
15 with this long history and in a large remediation  
16 project that was performed and as the result of some  
17 pretty severe actually health consequences.

18 At one point a section of the EPA  
19 issued a vacate order on the building because people  
20 were getting sick within there. The building was  
21 demolished, and the soil was removed from the entire  
22 site at varying depths. The depths of the removal  
23 were anywhere from four to 12 feet.

24 The site was cut into a grid pattern,  
25 and there were a lot of soil analyses and a lot of

1 soil was removed, and all \$19 million --

2 COMMISSIONER DOYLE: Somebody coughed  
3 when you said "from four to" what "feet"?

4 THE WITNESS: Four to 12 feet was  
5 excavated and removed.

6 COMMISSIONER DOYLE: Thank you.

7 THE WITNESS: In all, \$19 million was  
8 spent by the EPA, by General Electric, and by the  
9 Department of Environmental Protection to remediate  
10 the site.

11 Towards the end of the remediation, the  
12 EPA petitioned the Department of Environmental  
13 Protection to a lessened -- to accept a lessened  
14 standard for mercury for the property. The typical  
15 residential cleanup standard for mercury is 23 parts  
16 per million.

17 At this site there was an agreement  
18 between the EPA and the DEP to apply a standard of  
19 45, just not quite twice the typical standard, and  
20 so that site specific standard was written into the  
21 closure documents. We will call them "closure  
22 documents," but they were really an early closure,  
23 and that set -- that site sat as it was from 2006  
24 really until now. Nothing much has been done since  
25 the EPA finished that remediation since about 2005

1 or '6. I'm not sure exactly.

2 And then we moved to now, and what we  
3 had to do was we had to clarify paperwork that was  
4 in the state. The state had old deed restrictions  
5 on this property dating back to 1989, 1993 having to  
6 do with the tool and die company, and we had to  
7 remove these old deed restrictions, and in order to  
8 do that, we had to give the state a remedial action  
9 work plan.

10 This was all done really independent  
11 and before Mr. Minervini came up with his -- with  
12 the development plans.

13 At the time what we really had was, you  
14 know, a schematic footprint of how the site would be  
15 built, but we had to give the Department of  
16 Environmental Protection a remedial action work  
17 plan.

18 So essentially, our remedial action  
19 work plan had to account for the elevated levels of  
20 mercury that was -- were allowed to remain in the  
21 site from an agreement from the EPA and the DEP, and  
22 you know, in my opinion and other people's opinions,  
23 it has to account for the peculiar characteristics  
24 of mercury.

25 Now, this mercury isn't -- it's not

1       like you have an oil tank. You know, oil does have  
2       vapors, but not really heavy parts. Oil doesn't  
3       have vapors, and it can't move out of the soil and  
4       into the vapors the same way that mercury does.

5                So in order to protect anybody who  
6       would be moving into the property and the building,  
7       a remedial action work plan has a vapor barrier  
8       underneath the building, and that is a rubber  
9       barrier, and we'll -- and then above the rubber  
10      barrier, it has a six-inch clean stone layer, like  
11      crushed stone, and through that crushed stone there  
12      is a piping network of slotted pipes, okay, that we  
13      can actually turn it a vac -- we'll be able to turn  
14      a vacuum on it, if the mercury does become mobile.

15               And then to protect all of those things  
16      underneath it, we require an impermeable hard scape,  
17      a concrete layer to protect all of that. So we do  
18      need this -- it is really more than a double barrier  
19      what we have down there, what we're going to put in  
20      down there.

21               So given all of this, this was  
22      submitted -- or all of this was submitted to the  
23      Department of Environmental Protection and a  
24      remedial action work plan that the Board's engineers  
25      and LSRPs have seen, and I remember that it was like

1 370 pages or something like that, Joe?

2 And the department approved the  
3 remedial work plan. And then we took our schematic  
4 plans that required the entire site 100 percent,  
5 armored coverage with concrete, and presented them  
6 to the architects and said, you know, here is  
7 what -- here's what the State accepts. This is  
8 what, in my opinion as the LSRP, is required not  
9 only to protect the residents. We have other people  
10 that we have to protect because the levels of  
11 mercury that are allowed to stay in the soil are  
12 higher than the standard cleanup level.

13 So we have, you know, any workmen,  
14 anybody, the contractors who are going to be out  
15 there building, so we will have a health and safety  
16 plan to take care of that during construction,  
17 because we do not want to get deeper than the four  
18 to 12 feet that has been replaced with clean fill.

19 That is essentially where we were when  
20 the architects took the constraints of the plan and  
21 developed the building, the building plans.

22 CHAIRMAN HOLTZMAN: Mr. Carlson, so you  
23 spoke about, I want to say, a normal standard or an  
24 acceptable standard of about 22 parts per million?

25 THE WITNESS: 23 parts per million,

1       yes.

2                   CHAIRMAN HOLTZMAN:  23 parts per  
3       million.

4                   And in this site, it was allowed to  
5       have a 45?

6                   THE WITNESS:  Yes.

7                   CHAIRMAN HOLTZMAN:  Okay.

8                   So after we put this gold standard  
9       capping system on top of the soil, what am I dealing  
10      with if I live on the first floor?

11                  THE WITNESS:  If you live on the first  
12      floor, which remember, nobody is living on the first  
13      floor, but if you were living on the first floor --

14                  CHAIRMAN HOLTZMAN:  If I am in the  
15      parking lot --

16                  THE WITNESS:  -- if you're in the  
17      parking garage, so what will happen is --

18                  CHAIRMAN HOLTZMAN:  -- or the retail  
19      store.

20                  THE WITNESS:  Okay.

21                  So one of the things that we require in  
22      our work plan is that the armor coverage, the  
23      concrete layer per se is completely inspectable.

24                  And what I mean by that is:  On that  
25      first floor, there is no carpet.  There is to be no

1 cracks. There are regular inspections in the plan,  
2 and they will be registered with the Department of  
3 Environmental Protection to have these regular  
4 inspections and certifications to the State.

5 So the store, the retail areas, for  
6 example, the architect's plan show that --

7 CHAIRMAN HOLTZMAN: Here is my  
8 question: What is coming through?

9 THE WITNESS: Nothing.

10 CHAIRMAN HOLTZMAN: Zero parts per  
11 million?

12 THE WITNESS: Zero parts per million.

13 CHAIRMAN HOLTZMAN: So if I'm living on  
14 the second floor --

15 THE WITNESS: Zero parts per million --

16 CHAIRMAN HOLTZMAN: -- it is less than  
17 zero?

18 THE WITNESS: Right.

19 (Laughter)

20 So what we have to do, and this is part  
21 of the plan is we have to test. We will  
22 periodically have to take samples, that stone layer  
23 between the rubber and the concrete, where the pipes  
24 are going through, we will periodically -- in the  
25 beginning, it will be annual. We will have to put a

1 vacuum pump on that and pull air and test that air  
2 and make sure there is no mercury in it.

3 CHAIRMAN HOLTZMAN: We're also going to  
4 test the water eight times the size of a required  
5 water retention tank?

6 THE WITNESS: Well, we won't be testing  
7 that tank, because that has the barrier -- the other  
8 barrier underneath it.

9 But we do -- you know, one thing that  
10 Frank talked about were the access hatches to that  
11 tank, and those access hatches are more than what  
12 would be required for maintenance purposes. We  
13 spoke about it. The access hatches are there so  
14 that we can pull the hatches and see the entire  
15 bottom, the entire concrete barrier without actually  
16 going into a confined space.

17 CHAIRMAN HOLTZMAN: So how long is this  
18 testing procedure in place, forever?

19 THE WITNESS: It will probably be every  
20 two years for at least 30 years.

21 CHAIRMAN HOLTZMAN: And this standard  
22 is set by --

23 THE WITNESS: The Department of  
24 Environmental Protection.

25 CHAIRMAN HOLTZMAN: And this is managed

1 and still overseen by somebody like yourself?

2 THE WITNESS: Yes, exactly. This  
3 will --

4 CHAIRMAN HOLTZMAN: So the property  
5 owner or condo association would still have to  
6 follow this standard?

7 THE WITNESS: Yes. The condo  
8 association -- well, step back for a second.

9 The developers of the property at first  
10 when this regime is established, and it is  
11 established and enforced through a mechanism that's  
12 called a remedial action permit. That is a permit  
13 that the DEP ultimately issues to the owners of the  
14 property, and that will set all of the sampling and  
15 the biannual inspections in motion and will set how  
16 much the owner of the property will have to  
17 establish as a financial resource to make sure it  
18 happens.

19 CHAIRMAN HOLTZMAN: So the standards  
20 are set by the State DEP, these standards of  
21 monitoring and things of that nature?

22 THE WITNESS: Yes, the minimum  
23 standards.

24 CHAIRMAN HOLTZMAN: I guess what I am  
25 getting at is: The condo association can't just

1       decide, we can't be bothered with this.

2                   THE WITNESS:  They cannot.

3                   VICE CHAIR MAGALETTA:  What if they  
4       don't pay you?

5                   What if they don't pay you?

6                   THE WITNESS:  Well, it won't be a  
7       matter of paying me or some other LSRP.

8                   There will be an annual fee and  
9       paperwork associated with the State from the  
10      Department of Environmental Protection with whoever  
11      owns the property --

12                   CHAIRMAN HOLTZMAN:  So theoretically,  
13      if they don't --

14                   THE WITNESS:  -- and the DEP will  
15      enforce it.

16                   MR. HIPOLIT:  You will be fine.

17                   CHAIRMAN HOLTZMAN:  -- so the DEP has  
18      on the books that this piece of property has to have  
19      an annual checkup --

20                   THE WITNESS:  Yes.

21                   CHAIRMAN HOLTZMAN:  -- and if they  
22      don't do it, again, it's not our jurisdiction.  It's  
23      above our pay grade here, but somebody from the DEP  
24      hopefully notices on the list that 726 Grand missed  
25      their date.

1                   VICE CHAIR MAGALETTA: In my condo we  
2                   have a lead fee that we have to pay every --

3                   CHAIRMAN HOLTZMAN: Commissioner  
4                   Graham --

5                   THE WITNESS: In the soil underneath  
6                   your building, so it's the same.

7                   CHAIRMAN HOLTZMAN: -- Commissioner  
8                   Graham?

9                   Hang on one second.

10                  COMMISSIONER GRAHAM: So if I'm -- say  
11                  it is built hypothetically, and I decide that I am  
12                  looking at places to live, and I say, oh, that looks  
13                  like a nice place, I want to buy there or rent  
14                  there, full disclosure, when do I learn that this is  
15                  going on here, that this happened, the history of  
16                  this building?

17                  THE WITNESS: Well, it will be in the  
18                  deed.

19                  MR. HIPOLIT: In your deed for the  
20                  property.

21                  COMMISSIONER GRAHAM: Yeah, but I get a  
22                  deed when I --

23                  (All Commissioners talking at once.)

24                  CHAIRMAN HOLTZMAN: One at a time.

25                  COMMISSIONER GRAHAM: -- the title --

1 the title people are going to tell me this, right?

2 But I want to know before, because I  
3 don't think I want to --

4 CHAIRMAN HOLTZMAN: Mr. Matule?

5 MR. MATULE: If I may --

6 COMMISSIONER GRAHAM: Okay, please.

7 MR. MATULE: -- what the LSRP is  
8 talking about is something called a deed notice,  
9 which the DEP requires.

10 What the Department of Community  
11 Affairs requires, assuming this were a condominium,  
12 is there would be a big box bound in red on the  
13 cover of the public offering statement saying, "Read  
14 this, it's very important, special notice" --

15 COMMISSIONER GRAHAM: And what about  
16 rental --

17 MR. MATULE: -- and if it was a rental  
18 apartment, I can't say off the top of my head, if  
19 there were any regulations that would require it  
20 would be disclosed, but I think a prudent landlord  
21 would want to disclose it --

22 COMMISSIONER GRAHAM: We need to make  
23 sure --

24 MR. MATULE: -- just in terms of  
25 potential liability --

1                   MR. GALVIN: I think it has to be  
2 disclosed.

3                   COMMISSIONER GRAHAM: -- I have another  
4 question, too.

5                   When construction is happening,  
6 assuming this is approved, what goes into the air?

7                   THE WITNESS: Well, this is what I  
8 briefly mentioned --

9                   COMMISSIONER GRAHAM: Yeah, I didn't  
10 get it.

11                  THE WITNESS: -- there will be a --  
12 there will be a health and safety plan, and the  
13 contractors, the design engineer will know ahead of  
14 time, and the contractors will be aware of how they  
15 are able to excavate without taking precautions.

16                  Now, I don't know exactly -- they're no  
17 plans to excavate. You don't have to excavate the  
18 floor or the slab to the depth of four feet where  
19 there would be -- there may be some foundation  
20 excavation. Any of that would be covered under  
21 health and safety precautions.

22                  COMMISSIONER GRAHAM: Health and safety  
23 precautions for the construction workers?

24                  What about the neighborhood, the air  
25 that's coming all around that's disturbed?

1                   THE WITNESS: All of the above. It  
2 would cover --

3                   COMMISSIONER GRAHAM: So how would --  
4 if I lived four blocks away, then what do I need to  
5 know, or five blocks or two blocks away, during how  
6 many years, you know, of your construction of that,  
7 what's going to happen?

8                   THE WITNESS: What do you need to know?

9                   COMMISSIONER GRAHAM: Yes.

10                  THE WITNESS: Well, I am not sure  
11 exactly what the local regulations are for, you  
12 know, for Hoboken. But the procedures that would  
13 have to be followed would be covered by OSHA  
14 regulations, and OSHA regulations don't just cover  
15 the workers, you know, they cover releases and a  
16 control of what is at the site.

17                  COMMISSIONER GRAHAM: Because there's,  
18 you know, hundreds of kids in the high school right  
19 next door, you know, that are going to be exposed to  
20 this constantly and --

21                  THE WITNESS: Right.

22                  MR. HIPOLIT: Is there an LSRP that  
23 will be in charge of oversight of the job during  
24 construction?

25                  THE WITNESS: That will be in charge

1 during construction?

2           There is actually not an -- there's not  
3 a requirement for construction, but it actually will  
4 be my responsibility to ensure that everything is  
5 built according to the remedial action work plan,  
6 so --

7           MR. HIPOLIT: I think -- I think --  
8 just hold on to that.

9           I think when we talked about this  
10 storage application, because that would be a good  
11 baseline for this application, we had asked the  
12 applicant to provide monitoring, or an LSRP  
13 monitoring during construction to answer -- which is  
14 a great question of yours, we have school kids  
15 across the street.

16           So what happens when the trucks are  
17 leaving the site are they tracking dirt offsite,  
18 what's happening. And I think it is reasonable for  
19 the Board to ask the applicant to hire an LSRP to  
20 oversee the project.

21           At the same time they could post escrow  
22 monies, and we could also have a person oversee it  
23 to make sure they're doing their job, so you could  
24 put some controls in place to make sure those  
25 questions are answered.

1 MR. TORLUCCI: If I can, Mr. Chairman.

2 CHAIRMAN HOLTZMAN: Sure, Joe. Go  
3 ahead.

4 MR. TORLUCCI: You asked Mr. Carlson  
5 simply regarding any type of soil that will occur, I  
6 think looking at the information that you put  
7 together in the remedial action work plan, or  
8 remedial action permit application, it gives the  
9 different contaminants and talks about the depth of  
10 the contaminants, and some of those contaminants are  
11 very close to the surface. We may not be talking  
12 about mercury, but we're talking about poly aromatic  
13 hydrocarbons and metals.

14 So wouldn't it really behoove the owner  
15 to have an LSRP or another environmental consultant  
16 perhaps working under your guidance there because  
17 there will be soil, excess soil that's being taken  
18 away from these properties that will need to be --  
19 it doesn't need to be met by residential standards,  
20 so it needs to be properly classified to move it off  
21 site --

22 CHAIRMAN HOLTZMAN: Okay. Think about  
23 that for a second.

24 Commissioner O'Connor?

25 COMMISSIONER O'CONNOR: This might have

1       been addressed by Mr. Hipolit, but I wanted to get a  
2       better understanding just following on to  
3       Commissioner Graham's question.

4               The type of monitoring that would be  
5       formed during the construction, if any, I know you  
6       probably don't have a whole plan laid out yet, but  
7       what would be a typical type of monitoring for a  
8       site like this --

9               THE WITNESS: Well, I think --

10              COMMISSIONER O'CONNOR: -- air  
11       monitoring specifically?

12              THE WITNESS: -- air monitoring in the  
13       case of this site that's really not -- at the levels  
14       we are talking about, there is not a lot of  
15       monitoring or instrumentation that would detect the  
16       mercury, but what we would monitor would be dust.  
17       We would monitor for the dust emissions --

18              CHAIRMAN HOLTZMAN: Hang on one second.

19              Hey, Joe, are we concerned that the  
20       mercury is coming out of the ground and flying  
21       through the air?

22              MR. TORLUCCI: My concern because there  
23       is vapor, there are monitors that can get down into  
24       low parts per million and below, so I would suspect  
25       any type of a situation that we have like this, you

1 would want to have some type of mercury monitoring  
2 as well as looking at --

3 CHAIRMAN HOLTZMAN: And I know one of  
4 the things that we --

5 MR. MATULE: The applicant has no  
6 objections to a condition that says that during  
7 construction, they will retain the services of an  
8 LSRP to oversee the construction at the site.

9 CHAIRMAN HOLTZMAN: Great.

10 And, Mr. Hipolit, you are going to give  
11 them some guidance, the same way that we laid out  
12 kind of a plan with the storage facility, that the  
13 trucks get cleaned and washed, and there's not dirt  
14 obviously -- maybe in this case --

15 MR. HIPOLIT: Dust and air --

16 VICE CHAIR MAGALETTA: A staging area.

17 CHAIRMAN HOLTZMAN: -- right, that  
18 there was like a staging area where the tires went  
19 over some kind of a sticky pad or something they  
20 described to us --

21 THE WITNESS: A tracking pad --

22 CHAIRMAN HOLTZMAN: -- basically,  
23 right?

24 The other thing is maybe it's worth  
25 considering, but I will leave it to you and your

1 team to figure out. Maybe there are certain hours  
2 of the day that the kids are on the street, that we  
3 say, there's no trucks coming and going from here to  
4 here.

5 MR. HIPOLIT: I think what I put in my  
6 notes was they are going to develop a health and  
7 safety plan.

8 The Board should require submittal of  
9 that plan before construction, reviewed by our  
10 office, and approval subsequently, and once it is  
11 approved, they can start construction, and that will  
12 include all of the items you are talking about.

13 CHAIRMAN HOLTZMAN: Right.

14 Then there is another part that we  
15 discussed, which we want to make sure we get in as a  
16 condition as well, which is we want to make sure  
17 that the applicant, the construction people, the  
18 LSRP, are all kind of on the same time schedule, and  
19 that at least 30 days prior to anybody sticking a  
20 shovel in the ground on this site, that the mayor's  
21 office, the mayor's chief of staff, director of  
22 communications, Director Forbes' office are  
23 communicated with, so that they can outreach to the  
24 community just to give them some idea as to what is  
25 going on, because the last thing everybody needs is

1 a surprise that, all of a sudden, the site that  
2 nobody has touched for 30 years is now under  
3 construction, and it always smells, and there is  
4 concerns.

5 That way the administration can at  
6 least give these people this information that these  
7 professionals have been hired, and these are the  
8 standards that are in place.

9 MR. MATULE: Does 14th Street ring a  
10 bell?

11 (Laughter)

12 CHAIRMAN HOLTZMAN: It rings a real  
13 loud bell.

14 But we have a little new of a team  
15 here, so we have to do it.

16 THE WITNESS: It is because it will  
17 eventually come up later I think in addition to  
18 the -- we should say that as a component of the  
19 health and safety plan, there should be a soils  
20 management plan.

21 CHAIRMAN HOLTZMAN: Soils management  
22 plan, there you go.

23 COMMISSIONER STRATTON: Gary, can I ask  
24 a question?

25 CHAIRMAN HOLTZMAN: Sure.

1 Commissioner Stratton?

2 COMMISSIONER STRATTON: Just so we're  
3 not -- what would be the impact if any human came in  
4 contact with mercury at 45 parts per million?

5 THE WITNESS: Now, the nonresidential  
6 standard --

7 COMMISSIONER STRATTON: I'm just saying  
8 like in laymen terms, like is it bad, or is it  
9 picking up dirt in Hoboken right now?

10 I get the impression that it is like  
11 not that bad.

12 THE WITNESS: If you -- let's say the  
13 nonresidential standard, okay, is 63 parts per  
14 million.

15 Now, here is the difference: So if you  
16 think about what happens at a residential and a  
17 nonresidential property, the residential property,  
18 somebody lives there, and there are scientific  
19 models based on essentially somebody living in a  
20 house or being potentially exposed to a chemical 24  
21 hours a day --

22 COMMISSIONER STRATTON: With no cap?

23 THE WITNESS: With no cap, right.

24 And the nonresidential or based on an  
25 eight-hour workday, and that's an eight-hour

1       workday, 50 weeks a year, eight hours a day, so the  
2       actual physical exposure on a very short term, you  
3       know, once or twice or over a week still is a less  
4       risk than a nonresidential scenario of a workplace  
5       scenario.

6                        So in short -- so, you know, I am not a  
7       risk assessor, but what I would say is that a  
8       short-term exposure falls within the purview of the  
9       nonresidential criteria.

10                      COMMISSIONER GRAHAM:  But it's a  
11       residential site --

12                      COMMISSIONER STRATTON:  But what I am  
13       trying to understand is we're going to --

14                      CHAIRMAN HOLTZMAN:  Well, let me  
15       just -- Commissioner Graham just said, "But it's a  
16       residential site," and you are right, but nobody  
17       would be exposed to this after the cap is on.

18                      THE WITNESS:  Correct.

19                      COMMISSIONER GRAHAM:  All right.

20                      COMMISSIONER DOYLE:  And if I may,  
21       yeah, that was the point that I was going to ask you  
22       about.

23                      So the exposure scenario that is  
24       presumed in coming up with these different numbers  
25       is that the times, you know, 40 hours versus the

1 residential standards, so even -- and you said 66 is  
2 the nonresidential standard --

3 THE WITNESS: 63.

4 COMMISSIONER DOYLE: -- 63.

5 So for the purposes of the concerns  
6 about the store, even if there was, you know, we're  
7 talking about 45 now, but even if there was some  
8 kind of exposure in a store, it is safer than the  
9 standard that's established for nonresidential uses.

10 So walking to your car for, you know,  
11 20 minutes a day back and forth or going to the  
12 store for less than 40 hours a week, you are okay,  
13 right?

14 (Laughter)

15 THE WITNESS: Yes.

16 COMMISSIONER DOYLE: And that just  
17 assumes that the cap fails, because at zero, you are  
18 fine for anything.

19 COMMISSIONER GRAHAM: That's true.

20 CHAIRMAN HOLTZMAN: Commissioner  
21 Stratton?

22 COMMISSIONER STRATTON: I think that  
23 would be a point that is not lost on the general  
24 public. Like, this is Superfund Site. We are  
25 building a residential building there.

1                   If you tell them what the potential  
2 risk is at 45 parts per million with nothing, and  
3 that the site will make it substantially better and  
4 safer, it's helpful for people to understand what am  
5 I exposed to, and should I get worked up about this.

6                   And the answer is: No, you really  
7 shouldn't get worked up about this because it's much  
8 safer than it exists in its current condition.

9                   CHAIRMAN HOLTZMAN: What am I  
10 experiencing right now if I'm standing in the middle  
11 of that site?

12                   COMMISSIONER STRATTON: Right, exactly.

13                   THE WITNESS: What are you experiencing  
14 right now?

15                   MR. HIPOLIT: Or If you're standing  
16 right next to it.

17                   CHAIRMAN HOLTZMAN: Or if I'm standing  
18 in the middle of the site. I'm a jerky kid. I  
19 climbed over the fence.

20                   THE WITNESS: Well, the site was  
21 excavated to various depths, and it has been covered  
22 with --

23                   CHAIRMAN HOLTZMAN: Give me a number.  
24 Give me a number. Come on. Give me a number,  
25 Carlson.

1 THE WITNESS: A number right now?

2 CHAIRMAN HOLTZMAN: Give me a ballpark  
3 number.

4 THE WITNESS: If you are eating the  
5 dirt?

6 (Laughter)

7 CHAIRMAN HOLTZMAN: I probably am, yes.

8 THE WITNESS: I actually can't give you  
9 a number because I don't know what was in the fill.  
10 It should have been clean fill that they brought in.  
11 The EPA typically when it's operating a contaminated  
12 site to backfill the site, they just don't bring  
13 in --

14 CHAIRMAN HOLTZMAN: Am I getting 23  
15 parts, if I'm standing in the middle there?

16 THE WITNESS: No. The 23 -- the  
17 contaminated -- the mercury contaminated soil on  
18 every case out there is deeper than four feet.

19 CHAIRMAN HOLTZMAN: Deeper than four  
20 feet.

21 So it has to go through four feet of  
22 soil before it gets to me standing in the middle of  
23 the yard?

24 THE WITNESS: Yes.

25 MR. MATULE: Minimally.

1                   COMMISSIONER PINCHEVSKY: I thought you  
2 mentioned before that the standard they had to use  
3 was 45 --

4                   THE WITNESS: That's the agreement  
5 between the DEP and the EPA --

6                   COMMISSIONER PINCHEVSKY: -- correct.

7                   So my question is: So at -- there's --  
8 at most it is 45, that you would be exposed  
9 currently if you're standing or if you are jumping  
10 the fence to eat the dirt, but you are saying it's  
11 probably less, but it can't be more than 45 based on  
12 that agreement.

13                   My question is: When that agreement  
14 was made, when they relaxed the rules, was there --  
15 was it written as to why?

16                   For example --

17                   CHAIRMAN HOLTZMAN: Yes.

18                   COMMISSIONER PINCHEVSKY: -- did they  
19 say, oh, because if somebody wants to build a  
20 residential later, then they are going to have to  
21 fully clean up the area to make it below 23 or --

22                   COMMISSIONER DOYLE: They just need to  
23 be controlled on the property. That is what the two  
24 slabs are.

25                   THE WITNESS: There was a deed notice

1 put on the property by the EPA in approximately 2005  
2 that said exactly that.

3 It was a notice just to say that  
4 anybody purchasing or developing this site must be  
5 aware or must take proper precautions for the  
6 conditions that still exist.

7 And then the new deed notice that will  
8 be placed on the property is actually more  
9 approximately called a deed -- a -- a --

10 COMMISSIONER DOYLE: Institutional  
11 control?

12 THE WITNESS: -- well, it's an  
13 environmental restriction. It's a deed of  
14 environmental restrictions that will lock in  
15 engineering controls and engineering and  
16 institutional controls.

17 The new deed notice will actually say:  
18 This site has to be covered by concrete. This site  
19 has to have this sub slab, clean fill extraction and  
20 a testing system --

21 COMMISSIONER PINCHEVSKY: Okay.

22 So, and before you mentioned, if I may  
23 continue, that the entire cap can't have carpet or  
24 anything covering the concrete. But if I am not  
25 mistaken, or maybe I am confused here, but a good

1 portion of at least the donut hole is going to have  
2 grass or SynTurf --

3 COMMISSIONER GRAHAM: That was --

4 (All Commissioners talking at once)

5 THE WITNESS: That takes us to why we  
6 have two layers of concrete on there that the --

7 COMMISSIONER PINCHEVSKY: Oh, so you  
8 are still going to be underneath --

9 MR. MATULE: The bottom --

10 THE WITNESS: Right. And there are  
11 access holes in that SYNLawn surface, there are  
12 access ports in there, and those ports are simply to  
13 allow inspection of that smooth concrete underneath  
14 that.

15 COMMISSIONER PINCHEVSKY: All right.

16 And then besides capping it, putting  
17 the concrete slab on top, what are the alternative  
18 measures of cleaning up this lot in order for it to  
19 be safe for residential purposes?

20 THE WITNESS: In order to -- I mean,  
21 alternatively, your choice is to dig it up to 20  
22 feet, to dig it all up, and we don't even know if  
23 that would --

24 COMMISSIONER PINCHEVSKY: But I mean --

25 THE WITNESS: -- but that would

1       probably work, and that would also cost literally  
2       billions of dollars.

3                   CHAIRMAN HOLTZMAN:   And it would also  
4       require moving an enormous amount of dump trucks  
5       worth of polluted soil right through the middle of  
6       our town.

7                   I did ask that question earlier of the  
8       professional, and it seems like all of the governing  
9       bodies agree on this, that this is not so toxic that  
10      capping it and keeping it in place is a better  
11      solution than trying to remove it, because when you  
12      remove it, you still got to put it in somebody  
13      else's backyard now.

14                   COMMISSIONER PINCHEVSKY:   Sure.

15                   Hum, I mean, one of the ideas that I  
16      think was mentioned before, at least I certainly was  
17      thinking of it, is the three feet of elevation where  
18      the --

19                   COMMISSIONER DOYLE:   Tanks?

20                   COMMISSIONER PINCHEVSKY:   -- the tanks  
21      are going to be, it seems as though the ground is at  
22      least four feet deep in any given area in terms of  
23      the clean soil or cleaner soil.

24                   What is the holdup for at least putting  
25      that three feet deep, so therefore, the top of the

1 tank would be at grade --

2 THE WITNESS: Putting it at three feet  
3 deep --

4 COMMISSIONER PINCHEVSKY: -- or even  
5 way up -- you know, one and a half feet deep, so  
6 therefore, you are only a foot and a half above  
7 grade --

8 MR. MINERVINI: The tank below --

9 CHAIRMAN HOLTZMAN: Mr. Minervini,  
10 would you like to answer since it's come up?

11 MR. MINERVINI: I mean, my answer -- I  
12 can't answer it, but it's a question for David.

13 But what you are suggesting is dropping  
14 the tank below grade, and you have to respond --

15 THE WITNESS: Oh, yeah, yeah, right --

16 CHAIRMAN HOLTZMAN: This also gets back  
17 to we don't want to remove soil.

18 THE WITNESS: Yeah. We would rather --

19 COMMISSIONER PINCHEVSKY: Well, it's a  
20 minimal amount, and it's, you know --

21 THE WITNESS: -- avoid removing soil,  
22 and if you think about dropping that three feet, you  
23 are not -- you know, you're not just -- it's not  
24 just a three foot rise, but you still have your sub  
25 grade underneath the concrete, the actual concrete

1 floor, and so you drop that down, and you are  
2 getting pretty close to that four foot --

3 COMMISSIONER PINCHEVSKY: It breaks up  
4 the continuous --

5 COMMISSIONER STRATTON: You want a  
6 single --

7 (Everyone talking at once.)

8 THE REPORTER: Wait a second, please.

9 CHAIRMAN HOLTZMAN: Time out, time out.

10 Mr. Hipolit, you have question for Joe?

11 MR. HIPOLIT: Yes. I just have a  
12 question for Joe from the Board because it might  
13 help because he is on our side.

14 (Laughter)

15 Joe, on the site in general, there's  
16 nothing that the State has put in place that  
17 prevents development on the property?

18 MR. TORLUCCI: True.

19 MR. HIPOLIT: So as long as the  
20 applicant follows the State regulations for capping,  
21 and we are going to put some institutional controls  
22 on the construction because we have a school across  
23 the street and some notification stuff, if they can  
24 redevelop the property in accordance with State  
25 standard and people can occupy it and work there

1 safely?

2 MR. TORLUCCI: Two distinctives,  
3 especially minimum standards --

4 THE REPORTER: Joe, I'm sorry, but I  
5 can't hear you or see you.

6 CHAIRMAN HOLTZMAN: You have to stand  
7 up.

8 MR. TORLUCCI: The NJDEP gives minimum  
9 standards that they feel are protective for --  
10 excuse me -- my voice is going -- for a residential  
11 site such as this. One of them is concrete caps.

12 So there are no -- the real design is  
13 of the LSRP, as far as what the LSRP feels is  
14 appropriate.

15 MR. HIPOLIT: I mean, if the Board  
16 wants, we can review that design just to make sure  
17 we're comfortable from a Board perspective that what  
18 you're saying is true.

19 CHAIRMAN HOLTZMAN: However, what you  
20 told me is that our LSRP did review that and --

21 MR. HIPOLIT: No, but the actual design  
22 is not --

23 CHAIRMAN HOLTZMAN: -- and told us that  
24 this was the gold standard of caps.

25 MR. TORLUCCI: It is what Mr. Carlson

1 has proposed, I understand, is essentially a one  
2 foot thick concrete cap with -- with piping, so that  
3 they can collect vapors.

4 He hasn't gone into what happens if  
5 they do find levels that are above, or if those  
6 vapors need to be collected and treated in some  
7 manner. It just mentioned that as a possibility, so  
8 maybe the Board would want to include that in the  
9 their approval in the resolution.

10 Mr. Carlson, I am sure at some point  
11 when he gets around to doing the remedial action  
12 permit, will have those details in the deed notice  
13 and in the engineering controls.

14 But there is one question in particular  
15 I have for Mr. Carlson: Since this will now be a  
16 phased development, how will that impact the  
17 remedial action permit process?

18 THE WITNESS: Hum, I think that we will  
19 have to do a permit modification. Our remedial  
20 action permit, the initial remedial action permit  
21 will still cover the entire property, but it will be  
22 for a partial cap coverage since the cap is integral  
23 to the construction, and then when Phase II is  
24 completed, there will be a remedial action permit  
25 modification.

1                   MR. TORLUCCI: So for the half that  
2 will not be developed at this point, do you believe  
3 that the existing cap that's there -- excuse me --  
4 just a soil cap is sufficient?

5                   THE WITNESS: The soil cap is -- I  
6 don't know what -- I guess I would say I don't know  
7 exactly what the phasing schedule is for that.

8                   And as I mentioned before, the existing  
9 soil cap was material brought in by the EPA, and I  
10 don't know the exact components that are --

11                   MR. TORLUCCI: That's one of my  
12 concerns, because I think looking back it shows  
13 levels that are above the residential standard,  
14 pretty much in the zero to one foot depth for  
15 certain --

16                   THE WITNESS: Prior to excavation --

17                   MR. MATULE: May I interject --

18                   THE WITNESS: -- PAHs and metals --  
19 post excavation --

20                   MR. MATULE: -- may I interject?

21                   I just spoke with the applicant and the  
22 architect, and this might make your job a lot  
23 easier, and they would have no -- even though they  
24 are going to phase the construction of the building,  
25 they would have no objection to doing the entire

1 site capping and detention tank construction with  
2 the concrete at once, so you wouldn't have to go  
3 through that process.

4 CHAIRMAN HOLTZMAN: Great. Super.  
5 Make everybody's life easier.

6 Mr. Pinchevsky, a follow-up question?

7 COMMISSIONER PINCHEVSKY: Yeah. I had  
8 two follow-up questions from before.

9 One was: If the initial slab is going  
10 to be one foot, and then on top three foot -- I am  
11 focused on that donut hole, the three feet of the  
12 tank. Are we then four feet above grade instead of  
13 three feet above grade?

14 MR. MATULE: Well, Frank, you can  
15 answer that.

16 MR. MINERVINI: No. The tank is three  
17 feet above grade. It is 28 -- two feet eight inches  
18 within the tank --

19 COMMISSIONER PINCHEVSKY: Correct.

20 But then you have one foot of the  
21 initial slab -- that initial -- that first slab --

22 MR. MINERVINI: Oh, that is at grade  
23 level. That's at approximate grade level.

24 COMMISSIONER PINCHEVSKY: But it's one  
25 foot. Are you digging a foot down --

1                   MR. MINERVINI: Yes. Some of that soil  
2 will be removed --

3                   COMMISSIONER PINCHEVSKY: -- so you're  
4 literally digging a foot of soil --

5                   MR. MINERVINI: -- yes, correct --

6                   VICE CHAIR MAGALETTA: That's clean  
7 soil --

8                   MR. MINERVINI: That's clean soil.

9                   We are removing 12 inches of that clean  
10 soil to put in the controls that we are talking  
11 about now.

12                   COMMISSIONER PINCHEVSKY: Okay. I  
13 thought there was no soil removal, so that's fine.  
14 And then --

15                   THE WITNESS: Can I clarify that?

16                   We believe it to be clean, because it  
17 was brought in as fill by the EPA in accordance with  
18 the regulations and requirements. It will be  
19 tested. If we have to remove that soil before we  
20 can move it off site, it will be tested, and we will  
21 know for sure.

22                   COMMISSIONER PINCHEVSKY: Correct.

23                   But you mentioned before that there was  
24 a minimum four feet of clean soil, so I -- okay. I  
25 mean, I'm going to drop it, but I'm just a little

1 confused --

2 CHAIRMAN HOLTZMAN: Let them do their  
3 job.

4 COMMISSIONER PINCHEVSKY: My last  
5 question is: If the water is being retained right  
6 above that one foot slab, which there's a  
7 possibility that things could leak through, and that  
8 it could be contaminated, what is the water being  
9 stored in?

10 And the reason I stress this question  
11 is because, if I am not mistaken, this water is  
12 going to be reused within the building, and it needs  
13 to be tested --

14 CHAIRMAN HOLTZMAN: They have a testing  
15 plan on that.

16 COMMISSIONER PINCHEVSKY: -- but this  
17 is every two years --

18 CHAIRMAN HOLTZMAN: No. This is  
19 continually monitored.

20 COMMISSIONER PINCHEVSKY: The water is  
21 being continually monitored?

22 THE WITNESS: No. This water -- I  
23 don't believe that the storm -- the storm surcharge  
24 water is being reused --

25 COMMISSIONER DOYLE: This is not the

1 gray water.

2 CHAIRMAN HOLTZMAN: This is not gray  
3 water.

4 (Everyone talking at once)

5 THE WITNESS: That's correct. That is  
6 not the -- that's green water. That's not being  
7 reused in the building.

8 They're talking about the gray water  
9 system, where they reuse it.

10 That tank will be green water and  
11 really will just be precipitation, and the purpose  
12 is to store the storm surcharge, and then it will  
13 gradually release that water into the storm sewer  
14 system after the peak levels caused by the  
15 precipitation have then passed.

16 COMMISSIONER PINCHEVSKY: Okay. I  
17 misunderstood.

18 Thank you.

19 CHAIRMAN HOLTZMAN: Thank you.

20 Commissioner Jacobson?

21 COMMISSIONER JACOBSON: Yeah. Three  
22 questions, and I will try to be brief.

23 In terms of -- I -- I -- I'm  
24 sympathetic to the proposal for completing the  
25 capping and the venting system all in one shot.

1                   My concern is then with the second  
2 phase of the construction. Is there going to be the  
3 potential to compromise that cap with the driving of  
4 piles or something for --

5                   MR. HIPOLIT: That will all be done in  
6 Phase I.

7                   COMMISSIONER JACOBSON: That's all  
8 Phase I?

9                   THE WITNESS: Yes. The piles, the  
10 foundation, and the cap will all be part of this  
11 Phase I.

12                   COMMISSIONER JACOBSON: Perfect.

13                   The other thing I heard was the one  
14 foot thick concrete cap can't have anything on top,  
15 so no surface cuts. So I am struggling to  
16 understand how that actually will play out in the  
17 two retail environments as well as the building  
18 lobby, et cetera.

19                   MR. MINERVINI: Polished concrete, oxy  
20 coating. We cannot put tile -- we can't do anything  
21 that's going to cover the slab. The cracks have to  
22 be seen, so most likely it will be polished  
23 concrete. That's what we're --

24                   THE WITNESS: No tile, no carpeting,  
25 yeah, just the concrete.

1                   MR. MINERVINI: Colored concrete. It  
2 will be esthetically pleasing, but it will be the  
3 concrete --

4                   (Everyone talking at once.)

5                   MR. MINERVINI: -- what's that?

6                   COMMISSIONER DOYLE: What I have in my  
7 kitchen?

8                   THE WITNESS: It's probably easier to  
9 keep it clean --

10                   (Everyone talking at once.)

11                   CHAIRMAN HOLTZMAN: Are there --

12                   COMMISSIONER JACOBSON: I'm sorry. I  
13 did say three.

14                   CHAIRMAN HOLTZMAN: Oh, I'm sorry.

15                   (Laughter)

16                   COMMISSIONER JACOBSON: The question  
17 is: With regards to the remediation that has been  
18 done to date, what is the condition -- how will the  
19 new construction tie in with the sewer system?

20                   So we are now introducing a high water  
21 usage, residential usage to the property, flushing a  
22 lot of -- much more water through the sewer system  
23 than had previously been done. Is there the -- I  
24 mean, have we -- are we doing -- is there any  
25 concern with mercury, you know, in any sewer

1 connections that has been relatively stagnant, which  
2 is now going to be dislodged?

3 THE WITNESS: Well, I think with regard  
4 to the volume flux and changes and impacts to the  
5 sewer system, that is an engineering question. That  
6 not really an LSRP question.

7 CHAIRMAN HOLTZMAN: And you have given  
8 us a will-serve letter, so we are covered there in  
9 terms of our sewerage hookup.

10 Is the question that your concern is  
11 that there's sewer pipes in the ground that are  
12 being reused?

13 COMMISSIONER JACOBSON: That is a  
14 scenario, yes.

15 MR. MINERVINI: I can answer that.

16 As part of this project, and North  
17 Hudson Sewerage Authority would require this, all  
18 piping is new, and new connections to the street,  
19 and this basically would be on Clinton and -- I'm  
20 sorry -- Grand and Adams, but everything will be  
21 new.

22 THE WITNESS: And as part of the  
23 engineering control, all of the new subsurface  
24 piping will be buried in a trench to be filled with  
25 clean fill, and the exterior edges of the trench

1 will be lined with a geo-textile, basically an  
2 orange geo-textile that has the word "warning" right  
3 on it, and is part of the engineer's control, so  
4 people know if they do have to go in after the fact  
5 to work on that, it's accurately marked.

6 CHAIRMAN HOLTZMAN: Are there any  
7 members of the public that have any questions for  
8 Mr. Carlson?

9 Sure. Come on up, Joyce.

10 MS. HEYER: Joyce Heyer, H-e-y-e-r, 718  
11 Adams.

12 What is to keep the mercury from moving  
13 laterally off the site?

14 Right, you're going -- my understanding  
15 is it can become mobile. It is going to be capped  
16 for the residents of that building, but what is to  
17 keep it from becoming mobile either because of the  
18 vibrations or construction and moving say southward,  
19 where's there a garden in the backyard?

20 THE WITNESS: Well, in the past during  
21 the EPA's work, they did spend an extensive  
22 investigation evaluating whether or not that was  
23 occurring, and that investigation occurred at the  
24 time when the levels of mercury were --

25 CHAIRMAN HOLTZMAN: Mr. Carlson, could



1 actually investigating the surrounding property,  
2 some of which this Board has seen applications for  
3 in the past to investigate what was done on those  
4 properties, how were those capped, what were the  
5 potential impacts, and they are going to report back  
6 to us with regard to that.

7 And if there are any concerns, we are  
8 going to share that with the administration, who  
9 will take whatever is the reasonable approach to  
10 notifying the neighbors.

11 So it is something that -- because this  
12 sort of has all come to a head, we don't want to --  
13 even though it doesn't have to do with this  
14 application, we don't want to miss the opportunity  
15 to pursue this investigation.

16 MS. HEYER: Okay. So this is --

17 MR. MATULE: Respectfully, though, I  
18 just want to make the record clear, Mr. Carlson,  
19 when you talk about sensitive receptors, that's  
20 technically done for adjoining properties --

21 THE WITNESS: Adjoining properties.  
22 Humans who live in the adjoining properties.

23 MR. MATULE: Okay.

24 So at this time based on whatever  
25 studies have been done, that is not an issue?

1 THE WITNESS: Yes.

2 MR. MATULE: Is that fair to say?

3 THE WITNESS: Yes, yes. That's fair to  
4 say.

5 MR. MATULE: Okay.

6 MS. HEYER: Back in the past, though,  
7 my concern is that was in the past, right?

8 And now it has laid fallow, and it's  
9 got some grass -- and I never even seen people  
10 walking on that area at all --

11 CHAIRMAN HOLTZMAN: Well --

12 MS. HEYER: -- but once construction  
13 starts, what is to keep it from moving outwards and  
14 how will that be detected if it does, because again,  
15 it's an arbitrary line, the mercury never respected,  
16 this is outside the boundaries of Path and such --

17 CHAIRMAN HOLTZMAN: That is why we are  
18 going to have a soils --

19 THE WITNESS: Soils management plan.

20 MR. HIPOLIT: Yes.

21 (Everyone talking at once)

22 THE WITNESS: As I was saying, you  
23 know, in our work, one of our objectives would be to  
24 not disturb anything, any of that soil that is down  
25 there, that was left down there.

1                   Any of that soil that was evaluated by  
2                   the EPA and the DEP, and they decided to leave in  
3                   place, we do not want to disturb one bit of it.

4                   We want to redevelop the property and  
5                   make it a useful attractive property, rather than a  
6                   vacant lot, but we don't want to disturb that  
7                   material.

8                   MS. HEYER:   So my understanding is  
9                   there's a plan, and there is going to be monitoring  
10                  during construction when it's going to be disturbed  
11                  for sure, for sure, and the adjoining properties?

12                  THE WITNESS:   Yes.

13                  MR. GALVIN:   I have a question off of  
14                  that.

15                  Does mercury migrate?

16                  I mean, like oil migrates.   I don't  
17                  know, if there is pollutants and the oil keeps  
18                  going --

19                  MR. HIPOLIT:   Joe, what's the answer to  
20                  that?

21                  MR. TORLUCCI:   Well, mercury does  
22                  migrate.   At the levels that are reported from the  
23                  State, we are not talking about free mercury, which  
24                  would be like if you broke a thermometer, that would  
25                  be the liquid part that would actually move.

1                   And one of the other things that the  
2                   EPA and DEP have come up with, but investigated  
3                   here, they had monitoring wells installed, but they  
4                   didn't find any incidences of the mercury standard  
5                   in water, which I would suspect if there were still  
6                   very high levels of mercury that were migrating,  
7                   that would have monitoring wells that would have  
8                   been affected.

9                   CHAIRMAN HOLTZMAN: Joe, so is your  
10                  answer that there was not liquid mercury in the  
11                  ground?

12                 MR. TORLUCCI: No, no. I believe there  
13                 was, and I think that was the main --

14                 CHAIRMAN HOLTZMAN: There was?

15                 MR. TORLUCCI: -- area that the US EPA  
16                 was -- I'm sorry -- was remediating.

17                 CHAIRMAN HOLTZMAN: There was, and  
18                 there currently still is?

19                 THE WITNESS: No, there was. That was  
20                 remediated.

21                 CHAIRMAN HOLTZMAN: So the liquid  
22                 mercury most likely would have been removed from  
23                 those excavations that were done during those  
24                 excavations?

25                 MR. TORLUCCI: Yes.

1                   CHAIRMAN HOLTZMAN:  So we're dealing  
2                   with kind of like mercury vaporized in the soil or  
3                   something like that?

4                   MR. TORLUCCI:  There is still traces of  
5                   mercury, you know, when you look -- they're in the  
6                   parts per million ranges as opposed to, you know, a  
7                   high percentage of soil, which would indicate that  
8                   there was still liquid mercury that was present.

9                   CHAIRMAN HOLTZMAN:  Okay.

10                  COMMISSIONER DOYLE:  If I may ask:  The  
11                  structure that's being proposed would be a cap --

12                  CHAIRMAN HOLTZMAN:  Right.

13                  COMMISISONER DOYLE:  -- and the  
14                  percolation of rainwater is a possible migration  
15                  route, and if there was a hundred percent cap over  
16                  this structure, they will be removing the potential  
17                  for any migration that's still there?

18                  MR. TORLUCCI:  Yes.

19                  COMMISSIONER DOYLE:  Thank you, Joe.

20                  CHAIRMAN HOLTZMAN:  Are there any other  
21                  members of the public that wish to question the  
22                  LSRP?

23                  None.

24                  CHAIRMAN HOLTZMAN:  So it is now --  
25                  Bob, I'm sorry?

1 MR. HIPOLIT: He's thanking Mr.

2 Carlson.

3 MR. MATULE: I was thanking Mr. Carlson  
4 for his testimony.

5 CHAIRMAN HOLTZMAN: Thank you, Mr.

6 Carlson.

7 MR. CARLSON: You're welcome.

8 CHAIRMAN HOLTZMAN: It is 11:05.

9 What do we say, Team? Have we had  
10 enough mercury for this evening?

11 Has everyone had their parts per  
12 billion of mercury and had enough?

13 COMMISSIONER GRAHAM: Where are we in  
14 the testimony?

15 CHAIRMAN HOLTZMAN: Well, Mr. Matule  
16 still has a planner as well.

17 MR. MATULE: I still have my planner.  
18 I am sure he could be expeditious.

19 MR. GALVIN: That's a half an hour at  
20 least.

21 (Everyone talking at once.)

22 CHAIRMAN HOLTZMAN: That's a half an  
23 hour.

24 MR. GALVIN: I have 16 or 17 conditions  
25 already.

1 MR. HIPOLIT: I do, too. I have a  
2 bunch.

3 MR. GALVIN: Well, maybe we have the  
4 same ones.

5 MR. HIPOLIT: Hopefully.

6 (Laughter)

7 MR. GALVIN: So I think that would give  
8 us an opportunity to compare notes.

9 (All Commissioners talking at once)

10 CHAIRMAN HOLTZMAN: Let's get him.  
11 Step on the gas.

12 (Laughter)

13 COMMISSIONER DOYLE: You are not  
14 getting paid by the word.

15 MR. MATULE: Be brief, but be thorough.

16 (Laughter)

17 CHAIRMAN HOLTZMAN: Mr. Ochab, this  
18 should be most --

19 VICE CHAIR MAGALETTA: Succinct.

20 MR. HIPOLIT: Expeditious.

21 (Laughter - everyone talking at once)

22 MR. OCHAB: Ken Ochab, O-c-h-a-b.

23 MR. GALVIN: Can he go now?

24 CHAIRMAN HOLTZMAN: Go. We like Mr.  
25 Ochab.

1 (Laughter)

2 MR. GALVIN: Do you swear or affirm the  
3 testimony you are about to give in this matter is  
4 the truth, the whole truth, and nothing but the  
5 truth?

6 MR. OCHAB: Yes, I do.

7 K E N N E T H O C H A B, having been duly sworn,  
8 testified as follows:

9 MR. GALVIN: Thank you very much.

10 State your full name for the record and  
11 spell your last name.

12 THE WITNESS: It's Ken Ochab,  
13 O-c-h-a-b.

14 CHAIRMAN HOLTZMAN: We accept, Mr.  
15 Ochab, yes. We accept him as he is.

16 MR. MATULE: And your license number is  
17 45?

18 THE WITNESS: 49.

19 (Laughter)

20 MR. MATULE: Mr. Ochab, you are  
21 familiar with the zoning ordinance and the master  
22 plan of the City of Hoboken?

23 THE WITNESS: Yes.

24 MR. MATULE: And you are familiar with  
25 the proposed project as revised?

1 THE WITNESS: I am, indeed.

2 MR. MATULE: And are you familiar with  
3 Mr. Kolling's planner's report, dated 8/6/15?

4 THE WITNESS: I am, yes.

5 MR. MATULE: You are pinch hitting for  
6 him tonight?

7 THE WITNESS: Yes, I am.

8 MR. MATULE: Can you, with all due  
9 alacrity, go through his report and give us your  
10 professional opinion regarding the variances that  
11 the applicant is requesting?

12 THE WITNESS: Yes.

13 So I have five minutes, as I  
14 understand.

15 (Laughter)

16 So we are in the R-2 zone. We are  
17 proposing a residential development for 28 units and  
18 retail development.

19 Residential is permitted in the zone,  
20 and so is retail development permitted in the R-2  
21 zone under the provisions of 196-33, which has three  
22 requirements. One is that retail be on the first  
23 floor of the building, which it is.

24 Two is that the customer service area  
25 does not exceed 1000 square feet, which we have

1 stipulated to.

2 And, too, that in order to be  
3 permitted, that there be two other retail uses on  
4 the same block front, which it does not, so this is  
5 a variance for that section of the retail use.

6 The genesis behind the retail is that  
7 provision of the retail use in the residential zone  
8 has to do with at one time the thought of massing of  
9 the retail uses together at mid block or at the  
10 corner, and that subsequently has begun to change  
11 over time.

12 I actually talked to the author of the  
13 section of the ordinance, who wrote this section of  
14 the ordinance, and so this is what the thinking was  
15 behind that. Subsequent to the ordinance being  
16 adopted, there had been many, many cases in which we  
17 had retail uses without the other two retail uses on  
18 the same block frontage, and particularly where it  
19 comes to corner development, certainly the master  
20 plan speaks to this, and also the zoning ordinance  
21 and other development speaks to the fact that corner  
22 locations are ideal. It is where the pedestrians  
23 cross and traffic, high traffic, and good locations.  
24 It is the old city design, urban design. You go to  
25 the corner and do what you need to do. So certainly

1 with respect to that, that variance should be  
2 granted for that reason.

3 The building height variance is two  
4 feet. 40 feet is required. Two feet additional.  
5 The two feet is proposed due to the parking at the  
6 grade level, make the first floor higher.

7 There is no impact to that additional  
8 two feet of height because the adjacent buildings on  
9 Adams and on Grand are both compatible with the  
10 height that's being proposed, as Frank has laid out  
11 on the architectural plans.

12 The first deck on the fifth floor of  
13 the building, this is a lower roof deck by  
14 definition. It's generally not permitted in the  
15 front yard, so here we have a lower deck proposed in  
16 the front yard, and obviously the benefit of this  
17 type of variance would be to reduce the mass of the  
18 building on the street line, visually have a more  
19 pleasing perception of the building from the  
20 sidewalk, so it's not -- so it doesn't appear as  
21 tall as it might be.

22 Also with respect to Grand, the  
23 adjacent building to the south of us on Grand has a  
24 similar situation, where the deck is on the fifth  
25 floor, and it's set back ten feet, which is what our

1 proposed deck is.

2 So here, again, we certainly have the  
3 benefit in terms of locating the deck in the front  
4 yard and also setting it back, setting the building  
5 back ten feet.

6 The other variance is the lot coverage  
7 variance, so we have a hundred percent coverage on  
8 the first floor. You heard all of the reasons why  
9 we need to have a hundred percent coverage on the  
10 first floor.

11 The other coverage has to do with the  
12 size of the lot and the positioning of the lot,  
13 which is at the corner, the end of the block.

14 So this is a classical example of  
15 planning for the urban environment and particularly  
16 looking at the fabric of Hoboken, the design  
17 standards of the Hoboken development, where the  
18 block is enclosed, and the open space is provided  
19 for at the block center. This is one of the major  
20 proponents of the master plan and the master plan  
21 reexamination of 2010 to enclose that block area and  
22 then provide double open space in the center.

23 It also allows for a much more cohesive  
24 open space area because now you have 6,000 square  
25 feet of open area, which can be designed in a

1 uniform manner as opposed to breaking it all up.

2 It also, again, is a classical urban  
3 design and also very unique to Hoboken itself, which  
4 has that, again, block, city block component with  
5 open space in the center.

6 So I think that overall, all of these  
7 proposed variances meet the C2 criteria. There's  
8 really no hardship here to speak of, so we are not  
9 talking about C1. We're talking about C2 criteria,  
10 where the benefits of granting the variances would  
11 outweigh any of the detriments.

12 And with respect to the negative  
13 criteria, it would be my succinct opinion that  
14 granting the variances would not result in any  
15 substantial detriment to the public good. What that  
16 means is: There wouldn't be any substantial impact  
17 to the surrounding area, nor would there be a  
18 substantial impairment to the zone plan.

19 Basically the variances are minor and  
20 the design that's being proposed to you, I think  
21 it's a very unique design and a very well thought  
22 out design with respect to the City of Hoboken, and  
23 the type of development that is encouraged within  
24 this area.

25 Thank you very much.

1 I will answer any questions you have.

2 CHAIRMAN HOLTZMAN: Thank you, Mr.  
3 Ochab.

4 Do any of the Commissioners have any  
5 questions for Mr. Ochab in regard to the planning?

6 COMMISSIONER PINCHEVSKY: I'll start.

7 CHAIRMAN HOLTZMAN: Mr. Pinchevsky?

8 COMMISSIONER PINCHEVSKY: Hum, Mr.

9 Ochab, you mentioned that -- that the size and  
10 position of the lot is unique, and that, hum, hum,  
11 having such a -- I'm focused -- my question is going  
12 to be focused on the lot coverage, and if you  
13 exclude the hundred percent because of the cap  
14 that's required, I think we are left at Mr.  
15 Minervini's -- Mister -- Frank was going to come up  
16 and mention whether it was 70 or 75 percent. I  
17 think it is about 75 percent, and I don't think  
18 that, hum, the variance --

19 CHAIRMAN HOLTZMAN: Hang on.

20 MR. MINERVINI: To that point, 70  
21 percent is floors two, three, four, and five,  
22 including balconies. That is the 75 percent. That  
23 is the additional five percent, but the structure is  
24 70 percent.

25 MR. GALVIN: Why wouldn't you include

1 the balconies?

2 MR. MINERVINI: I am not saying you  
3 shouldn't. I'm making the point that the overall  
4 structure of the building is 70 percent, and there's  
5 an additional five percent for the balconies.

6 COMMISSIONER PINCHEVSKY: So lot  
7 coverage is 75 percent excluding the three foot cap  
8 that's needed for the mercury.

9 So going from 60 percent to 75 percent  
10 is essentially a 25 percent increase, so I don't  
11 think that the variance is minimum. I think that's  
12 a fairly --

13 COMMISSIONER GRAHAM: It's 15 percent.

14 COMMISSIONER PINCHEVSKY: No, it's a --

15 COMMISSIONER GRAHAM: 60 to 75 is 15 --

16 COMMISSIONER PINCHEVSKY: -- well, the  
17 percentage is a 25 percent increase from 60 to 75 --

18 COMMISSIONER DOYLE: No, it's 15 --

19 COMMISSIONER PINCHEVSKY: -- 60 times  
20 1.25 is 75 --

21 COMMISSIONER GRAHAM: You're doing the  
22 actual --

23 (Everyone talking at once.)

24 COMMISSIONER PINCHEVSKY: So -- so --  
25 so I don't think that's a minimum variance, and the

1 size and the position of the lot was known when it  
2 was purchased, so I mean --

3 MR. GALVIN: No, no. I have two  
4 thoughts. Let me just get it out.

5 One is: If you're asking the planner a  
6 question, that's fine --

7 COMMISSIONER PINCHEVSKY: I am about  
8 to.

9 MR. GALVIN: -- okay. I thought you  
10 were close to going into deliberations. I mean,  
11 that's your opinion, so --

12 COMMISSIONER PINCHEVSKY: No, nope.  
13 Here comes the question.

14 MR. GALVIN: Okay.

15 COMMISSIONER PINCHEVSKY: But, no,  
16 thank you, though.

17 You mentioned that the reason to have  
18 this size is you need to have the block enclosed. I  
19 think that was like the main -- the main point you  
20 were trying to make, right?

21 That the block needs to be enclosed.  
22 That's the whole purpose. The donut shape, the  
23 block needs to be enclosed.

24 Is there anything preventing the block  
25 being closed and maintaining a 60 percent lot

1 coverage, excluding the three foot cap?

2 Is there anything preventing the 60  
3 percent coverage --

4 THE WITNESS: Well, the entire design  
5 would change markedly if you reduced the coverage at  
6 this point, because from the design perspective, the  
7 intent here is to enclose the block.

8 The positioning of the lot is really  
9 unique, because it's very rare -- I mean, during  
10 this year and years, it's very rare to get an entire  
11 block front on the east-west street at the end of  
12 the block.

13 So here you have an opportunity to do  
14 one design, one uniform design, one street scape  
15 design, and an open space area, which has substance  
16 to it, other than the typical 30 foot by 20 foot  
17 rear yard on a, you know, 2500 --

18 COMMISSIONER PINCHEVSKY: I already  
19 completed --

20 THE WITNESS: -- so you have lots of  
21 benefits here --

22 COMMISSIONER PINCHEVSKY: -- you have a  
23 lot of opportunity.

24 CHAIRMAN HOLTZMAN: I think what it  
25 comes down to simply, Rami, and I take your point, I

1 honestly do, and if you do not feel that -- they  
2 could, of course -- I think your question was more  
3 of could they have designed a building that limited  
4 itself to 60 percent lot coverage, and obviously the  
5 answer is there's always a possibility, sure.

6 COMMISSIONER PINCHEVSKY: And still --

7 CHAIRMAN HOLTZMAN: Would it function  
8 as well?

9 The answer is obviously, they decided  
10 that it functions better this way and/or they would  
11 like some more square footage. There's no question  
12 about it, right?

13 So Mr. Ochab is not going to --

14 COMMISSIONER PINCHEVSKY: Well, yeah.  
15 No, Mr. Chairman. I think I asked a very  
16 straightforward question.

17 Is it possible to have put this -- a  
18 plan before us that block enclosed, and it met the  
19 60 percent excluding the hole where he put three  
20 foot cap, and that's the question I was answering --  
21 or asking --

22 COMMISSIONER DOYLE: One word.

23 THE WITNESS: Well, yes. However --

24 CHAIRMAN HOLTZMAN: There you go.

25 Thanks.

1                   THE WITNESS:  -- however, what would  
2                   happen is that the depth of the buildings along each  
3                   of the streets would have to be markedly reduced,  
4                   which would then compromise the design and the  
5                   parking underneath the building --

6                   COMMISSIONER PINCHEVSKY:  No -- yeah.  
7                   I understand clearly, and I'll probably have some  
8                   more comments during deliberations, but that's what  
9                   I wanted to get on the record.

10                  CHAIRMAN HOLTZMAN:  Mr. Peene?

11                  COMMISSIONER PEENE:  Mr. Ochab, I have  
12                  a question for you.

13                  See, I interpret lot coverage as being  
14                  a hundred percent here.  That is the cap.

15                  Would you agree with the notion that we  
16                  are talking about lot coverages of 60 percent and 70  
17                  percent, it's not even a lot coverage.  Would you  
18                  agree with the fact that it's more or less air  
19                  rights or air coverage, or things like that, would  
20                  you believe that has anything to do with the  
21                  building coverage as I interpret it --

22                  THE WITNESS:  Well, this is why --

23                  COMMISSIONER PEENE:  -- with our zoning  
24                  and planning here --

25                  THE WITNESS:  -- that is why I said we

1 have such a unique property here, because typically  
2 we're dealing with a 20 by a hundred foot lot, where  
3 you have 60 percent coverage, and here we have much  
4 more interesting and much more unique property to  
5 deal with.

6 So that is why I think the lot  
7 coverage, what is proposed here is reasonable in the  
8 context of trying to have it conform to some of the  
9 objectives that are in the master plan with respect  
10 to landfill.

11 COMMISSIONER PEENE: Thank you for  
12 clarifying.

13 CHAIRMAN HOLTZMAN: Any other questions  
14 for Mr. Ochab?

15 Any there any members of the public  
16 that have any questions for the planner?

17 Okay. No questions for the planner.

18 Thank you, Mr. Ochab.

19 THE WITNESS: Thank you.

20 (Witness excused)

21 CHAIRMAN HOLTZMAN: Dennis, you had  
22 some conditions you were working on?

23 Maybe we can get started on hearing  
24 some of them before we move any further?

25 Mr. Matule would like to give us some

1 closing statements?

2 Mr. Matule, do you have some closing  
3 statements?

4 You want the public to --

5 MR. MATULE: I will wait for public  
6 comment.

7 CHAIRMAN HOLTZMAN: Joyce, do you have  
8 any closing comments or opinions for us?

9 MS. HEYER: Just on the traffic that he  
10 mentioned. This is beyond this project, but  
11 everybody knows how if you let any more cars in, it  
12 is only another handful of cars, but, you know how  
13 slow it is to get out of town.

14 I just wanted to point that out, but I  
15 don't know that it's a larger issue there.

16 Thank you.

17 CHAIRMAN HOLTZMAN: Thank you.

18 MR. GALVIN: Thank you.

19 MR. MATULE: Well, very briefly, and to  
20 Joyce's point, we are not asking for any increased  
21 density. We are within the permissible density.

22 The parking that we are providing is  
23 the mandated parking. It's no more, no less.

24 I would also point out that our  
25 ordinance allows a curb cut every 50 feet. If you

1 have a 50 foot wide lot, you can have a curb cut.  
2 So theoretically, if they wanted to develop these as  
3 separate lots, we could probably have six curb cuts  
4 around that whole block as opposed to the two we are  
5 going to have.

6 And there is no question there's going  
7 to be traffic generated. If you build anything,  
8 there is going to be traffic generated. But Mr.  
9 Staigar's testimony was we were talking about a trip  
10 every six minutes, or if we use two driveways every  
11 12 minutes during the peak morning hours. So, yes,  
12 I guess it is like dripping water, and eventually it  
13 adds up. But in the grand scheme of things, it is  
14 minimal.

15 This is a very difficult site obviously  
16 with the history of it. I think Mr. Minervini and  
17 the applicant have come up with a really very  
18 creative, esthetically pleasing design, and it  
19 addresses so many issues on so many levels, I just  
20 think it would be a home run for the city.

21 That is all I have to say.

22 CHAIRMAN HOLTZMAN: Thank you.

23 Commissioners, opinions, final  
24 questions or comments?

25 Director Forbes?

1                   COMMISSIONER FORBES: I just had a few  
2                   comments.

3                   I think this has been very creative in  
4                   addressing the fact that there are environmental  
5                   constraints on this. Instead of just making it all  
6                   a hundred percent one floor, you know, making that,  
7                   so that it is more like a yard, I appreciate that.

8                   I can understand the height variance  
9                   for that retail. I think that that is, you know,  
10                  important to have an active street scape.

11                  Those are my comments.

12                  CHAIRMAN HOLTZMAN: Great.

13                  Thank you very much.

14                  COMMISSIONER PINCHEVSKY: I'll chime  
15                  in.

16                  I'd second what Brandy just said, and  
17                  personally I can easily get over the height variance  
18                  request. I can get over a lot of that, and I think  
19                  this is an extremely creative design as well, and I  
20                  am very appreciative of the three and the  
21                  four-bedroom units. I think that's fantastic.

22                  But it's very difficult for me to get  
23                  over -- I have not heard sufficient testimony as to  
24                  why the 75 percent lot coverage, excluding the cap  
25                  is needed or it's justified, and it is very hard for

1 me to do that or to grant that when, you know, it  
2 just sets precedence for the Board essentially that  
3 it is okay to come with little testimony and grant  
4 75 percent lot coverage.

5 COMMISSIONER STRATTON: Gary, I --

6 CHAIRMAN HOLTZMAN: Commissioner  
7 Stratton?

8 COMMISSIONER STRATTON: -- I think that  
9 the accumulation of these properties and the  
10 location and its orientation to the street is unique  
11 enough for this Board to consider granting that for  
12 the reason that I think it is atypical that we will  
13 be looking at a project of this magnitude, designed  
14 this well, with the thought that has gone into the  
15 urban design of it, so I am more comfortable with  
16 it.

17 CHAIRMAN HOLTZMAN: Thank you,  
18 Commissioner.

19 COMMISSIONER DOYLE: I agree with  
20 Commissioner Stratton.

21 I think, Rami, that we often hear  
22 about, and I had a concern with a prior application  
23 with regard to, you know, we keep hearing it's a  
24 unique property, it's a unique property, when they  
25 are undersized by ten feet in depth or something

1       like that, and that doesn't go over with me.

2                   I think I tend to be as strong about  
3       getting the 60 percent only as anybody, and yet, the  
4       fact that it is on the corner this way, if you think  
5       about -- well, two corners -- it is on the end of  
6       the block, and if you put 60 percent one way, and 60  
7       percent across this way, and 60 percent across  
8       there, there's the hatch mark -- I mean, it is truly  
9       an unusual property, and I think it is almost unfair  
10      to expect that they would cut the size of the  
11      building back as much as it would take to get to the  
12      60.

13                   So I think there are many creative  
14      aspects here, and I commend, as I said earlier, the  
15      committee, which I am sure, you know, had a lot of  
16      great comments, and I commend the applicant for as  
17      far as they have gone to address them, because  
18      having read the initial planner's report, I was not  
19      very happy. I am very happy and impressed with it,  
20      so I'll be supportive of it.

21                   CHAIRMAN HOLTZMAN: Thank you,  
22      Councilman.

23                   Commissioner Magaletta?

24                   VICE CHAIR MAGALETTA: Yeah.

25                   I mean, the plan initially came to us,

1 the backyard, you know, it was a parking lot, and  
2 you listened to us and you changed it. As you all  
3 know, I'm concerned about the fact of the donut and  
4 protecting that.

5 And what you have done here is you put  
6 your retention tank down there, but at the same time  
7 you kept kind of a backyard feel to it, by keeping  
8 it three feet down and only putting a three foot --  
9 so I think that was a good way of doing it.

10 My only issue, and I said that before,  
11 and I said this with the terraces, I really want you  
12 to have a three foot setback from the edge, from the  
13 front of the exterior of the building, because I  
14 really think that is a serious safety issue.

15 Other than that, though, I think the  
16 plan is appropriate for the site. I really believe  
17 that. And, again, it was a tough one, and you came  
18 back with a good plan based upon our comments, so I  
19 appreciate that.

20 Thank you.

21 CHAIRMAN HOLTZMAN: Thank you,  
22 Commissioner.

23 I would also like to offer a personal  
24 thanks from the Subcommittee that you guys worked  
25 with us and took direction and feedback, and also

1 from some of the previous hearings that we had with  
2 the same team, so thank you for really reworking the  
3 plan very dramatically, and I think for, you know,  
4 dealing with this contaminated site headon, as  
5 opposed to, you know, trying to play games or do  
6 something.

7           Everybody has been very forthcoming and  
8 out in front of it and continues to be, and I think  
9 that's really important, because now in the  
10 development that we are doing in Hoboken, almost  
11 every one of these sites that's coming before us has  
12 these types of issues in it, so it is really  
13 important that we're kind of setting a new standard,  
14 and I think that's good.

15           Any other comments from any of the  
16 Commissioners?

17           Commissioner Graham?

18           COMMISSIONER GRAHAM: No. I just hear  
19 all of the comments, and they seem to be positive  
20 about the uniqueness and how much they have come  
21 along and changed the design, and how much better it  
22 is, and I appreciate all of that, but every site in  
23 Hoboken is a unique site.

24           I just have real problems with a  
25 hundred percent lot coverage, no matter where it is,

1 and it's way beyond the 60 percent variance  
2 requirements, and I'm still very uncomfortable with  
3 the mercury, and I just don't feel comfortable with  
4 this, and I wish there was something else that could  
5 be put there, but I don't know what that is.

6 So I just don't feel comfortable  
7 enough, and I think there are too many questions  
8 which need to be answered.

9 VICE CHAIR MAGALETTA: Let me just say  
10 I agree. It is a hundred percent lot coverage.  
11 That's exactly what it is. But what they have done,  
12 they have taken that part in the back and they kind  
13 of made it open space, you know, give you that feel.

14 I mean, I understand what is being  
15 accomplished, and I understand the complaint. But  
16 at the same time, I think they worked with it  
17 because you have to have a cap here, you have to --

18 COMMISSIONER GRAHAM: I agree.

19 VICE CHAIR MAGALETTA: -- so you have  
20 this cap, and at the same time you also kind of kept  
21 it open a little bit.

22 CHAIRMAN HOLTZMAN: I think it is  
23 important to also note that in addition to you  
24 having to have the cap, if you wanted to monetize  
25 your property, having the cap also benefits our

1 neighborhood.

2 COMMISSIONER MC KENZIE: Yes.

3 CHAIRMAN HOLTZMAN: So I think that's  
4 important.

5 COMMISSIONER GRAHAM: But isn't there a  
6 way to put a cap on without --

7 CHAIRMAN HOLTZMAN: Putting a building  
8 on it?

9 Who is going to pay for it?

10 COMMISSIONER GRAHAM: No. I didn't say  
11 that. I didn't go that far.

12 Isn't there a way to put cap on it and  
13 something else that is not -- so is simply putting a  
14 cap on it, a hundred percent lot coverage?

15 COMMISSIONER PINCHEVSKY: Yes --

16 CHAIRMAN HOLTZMAN: If it's covering  
17 the ground, sure.

18 COMMISSIONER GRAHAM: Just simply  
19 putting the cap on by itself qualifies as a hundred  
20 percent lot coverage --

21 COMMISSIONER PINCHEVSKY: Which is why  
22 I was looking at it and excluding it --

23 COMMISSIONER GRAHAM: I understand.

24 COMMISSIONER PINCHEVSKY: -- and I just  
25 wanted to chime in one last time, and I think I'm in

1 the minority on this one --

2 CHAIRMAN HOLTZMAN: I think  
3 Commissioner Peene had the floor.

4 COMMISSIONER PINCHEVSKY: -- oh, yeah,  
5 by all means.

6 COMMISSIONER PEENE: Thank you.

7 I just wanted to address the resident's  
8 concerns on Adams Street.

9 If we do vote on this application  
10 tonight, and we do vote in the affirmative, I have  
11 no doubt in the conditions that will be read by our  
12 attorney, Dennis Galvin, that protections will be in  
13 place to assuage your fears, to assuage any sort of  
14 particles of mercury getting out there and blowing  
15 every way and truly keeping everything safe for the  
16 community.

17 That is paramount in this thing. That  
18 is why I agree with the cap a hundred percent.

19 CHAIRMAN HOLTZMAN: Great. Thank you.  
20 Commissioner?

21 COMMISSIONER PINCHEVSKY: Sure.

22 Hum, my last comment, not really  
23 designed to persuade anyone, but you know, it's just  
24 given the uniqueness of this property as it's been  
25 stated, I feel that there could have been more given

1 in terms of -- for 75 percent lot coverage, for it  
2 to be reduced not necessarily from the inside in the  
3 donut hole, but I think there is a lot of the  
4 perimeter space that could have been taken back and  
5 given space perhaps to the public, so not just again  
6 in the donut hole, but outside on the sidewalk, it  
7 could have been brought in five, ten feet. Benches  
8 could have been brought in. Public art could have  
9 been brought in.

10 There is just, you know, there's so  
11 much possibility that could have been given to this  
12 unique space, that I think we are kind of passing up  
13 a good opportunity.

14 That said, again, I do think it is a  
15 beautiful design, and I'm happy with the three and  
16 four-bedroom units, so even if I'm in the minority,  
17 it's, you know, I am not losing any sleep over it.

18 CHAIRMAN HOLTZMAN: Thank you,  
19 Commissioner.

20 Dennis, you have some conditions for  
21 us?

22 MR. GALVIN: Yes. Here we go:

23 1. The applicant is to apply for and  
24 seek LEED certification for the buildings.

25 2. A cogeneration system is to be

1 constructed as shown on the plan.

2 3. The applicant is to obtain the city  
3 approval of any encroachment into the city  
4 right-of-way.

5 4. The green roof, green wall, green  
6 elements must be maintained as shown on the plans  
7 for the life of this building by the owner or any  
8 entity created to own the building.

9 5. The parking in the building is to  
10 be limited to the owners of the building. It is not  
11 to be used as a commercial parking facility.

12 6. The previous two conditions are to  
13 be recorded against the property by means of a deed  
14 restriction. The deed restriction is to be reviewed  
15 and approved by the Board Attorney prior to  
16 recording, and must be recorded prior to the  
17 issuance of the first certificate of zoning.

18 7. The applicant is to install  
19 concrete curb extensions at both the northeast and  
20 northwest corners on 8th Street, which would be done  
21 in consultation with city's Director of  
22 Transportation.

23 8. The applicant is to redo the  
24 crosswalk thermoplastic striping at the bumpout  
25 leading to Grand Street, 8th Street and Adams

1 Street.

2 9. In the event any future phases  
3 undermine any roadway, sidewalk, bike lane or curbs,  
4 the applicant will have a continuing responsibility  
5 to ensure all surfaces are adequate in the opinion  
6 of the Board's engineer, and any damage to the bike  
7 lane is to be replaced with thermoplastic striping.

8 10: The applicant shall provide a copy  
9 of the required deed notice once it is recorded to  
10 the Board's engineer, attorney and the mayor's  
11 office.

12 11. The applicant must provide the  
13 city a letter from an LSRP that the property is  
14 habitable prior to the issuance of any certificate  
15 of occupancy or temporary certificate of occupancy.

16 12. The Board's engineer's LSRP is to  
17 review the applicant's proposal.

18 13. The applicant will hire an LSRP to  
19 monitor this site during construction and who must  
20 report any contamination incidents and provide all  
21 notices set forth in the plans to both the Board's  
22 engineer and the mayor's office.

23 14. The applicant must file its health  
24 and safety plan together with its soil management  
25 plan with the Board's engineer and the building

1 department prior to construction. Both plans must  
2 be approved by the Board's engineer.

3 15. The applicant is to give the  
4 Board's engineer and the mayor's office a minimum of  
5 30 days notice prior to any site disturbance. This  
6 condition is essential to this approval and is  
7 intended to serve the public welfare by allowing the  
8 administration to keep the public informed.

9 16. The applicant agreed to complete  
10 the cap, the foundation for both phases, and the  
11 venting system during the first phase.

12 CHAIRMAN HOLTZMAN: Any other questions  
13 or comments?

14 Frank?

15 VICE CHAIR MAGALETTA: Yeah, two  
16 things.

17 One: When we had the storage facility  
18 up on 14th, they had an excavation plan.

19 I would strongly urge our engineers to  
20 review that plan and to incorporate those elements,  
21 including phone numbers, the staging area, all of  
22 that stuff into this excavation plan.

23 MR. HIPOLIT: So what I have is: The  
24 Board would like to have owner or Board oversight of  
25 the LSRP activities that the applicant has, so the

1 applicant should post monies for the Board's LSRP to  
2 review the project prior to the start and perform  
3 some periodic site inspections during construction  
4 and then review the final closeout documents prior  
5 to the issuance of a Co.

6 CHAIRMAN HOLTZMAN: But I think  
7 Frank's --

8 VICE CHAIR MAGALETTA: That's  
9 different.

10 CHAIRMAN HOLTZMAN: -- that's  
11 different --

12 MR. HIPOLIT: No, including that.

13 VICE CHAIR MAGALETTA: Because I want  
14 that -- I want that -- I want that -- I really liked  
15 their excavation plan, which included the staging  
16 area, the description exactly of what it's all  
17 about, and phone numbers, and everything that --

18 MR. HIPOLIT: Yeah. So that is going  
19 to be covered in their site and safety plan, so that  
20 is going to cover all of that.

21 VICE CHAIR MAGALETTA: All right. As  
22 long as it incorporates those elements. That is  
23 what I'm concerned about.

24 MR. HIPOLIT: In the conditions, they  
25 will provide a site safety plan for review and

1 approval prior to the start.

2 MR. GALVIN: I got that.

3 MR. HIPOLIT: Okay.

4 And then they are going to provide  
5 public notification.

6 MR. GALVIN: I got that also.

7 CHAIRMAN HOLTZMAN: Well, notification  
8 not to the public, but to the mayor's office.

9 MR. HIPOLIT: The mayor's office.

10 CHAIRMAN HOLTZMAN: Right, because we  
11 want to control the notification.

12 MR. HIPOLIT: The cogeneration system  
13 should have a Type 2 sound enclosure.

14 CHAIRMAN HOLTZMAN: It does, as noted  
15 on the record by Mr. Minervini.

16 MR. HIPOLIT: Okay. It's got to comply  
17 with the flood plain letter and --

18 CHAIRMAN HOLTZMAN: Did you have two  
19 things --

20 VICE CHAIR MAGALETTA: The other thing  
21 is, I know compared to this project, this is  
22 piddling. But the setback for the terraces, that's  
23 an issue. Seriously it's an issue --

24 CHAIRMAN HOLTZMAN: Maybe, Frank --

25 VICE CHAIR MAGALETTA: -- yeah.

1                   CHAIRMAN HOLTZMAN:  -- no, perhaps -- I  
2           mean --

3                   VICE CHAIR MAGALETTA:  I know you're  
4           concerned about the size --

5                   CHAIRMAN HOLTZMAN:  -- we don't want to  
6           unbuild the design of the front of the building at  
7           this hour.

8                   On the other hand, can we take a look  
9           at, there is perhaps some type of fencing element or  
10          a railing element that can address some of the  
11          Commissioner's --

12                   VICE CHAIR MAGALETTA:  -- or you can  
13          put it one foot and go back into the units --

14                   MR. MINERVINI:  What I was going to  
15          suggest is:  We have got a ten foot setback now.  We  
16          kept that ten foot setback to the structure, but  
17          what if the outdoor space was only seven feet, so  
18          therefore, the railing is three feet off the front  
19          of the building --

20                   CHAIRMAN HOLTZMAN:  That's something  
21          like that, right?

22                   VICE CHAIR MAGALETTA:  That would be  
23          acceptable.

24                   Thank you.

25                   CHAIRMAN HOLTZMAN:  And that condition

1 will be in conjunction with the Board's attorney to  
2 review that.

3 VICE CHAIR MAGALETTA: Thank you.

4 MR. GALVIN: I missed that.

5 CHAIRMAN HOLTZMAN: Frank, can you just  
6 kind of -- Dennis needs to kind of just get a little  
7 language on that. Can you --

8 MR. MINERVINI: The outdoor space on  
9 those recessed fifth floor areas will extend no  
10 further than seven feet from the base of the  
11 building, leaving three feet of open roof that  
12 cannot be used as a deck --

13 COMMISSIOENR DOYLE: Beyond the  
14 balcony -- beyond the fencing --

15 MR. MINERVINI: -- yes, beyond the  
16 railing.

17 CHAIRMAN HOLTZMAN: And these are  
18 specifically the outdoor spaces that are on the  
19 outside of the building.

20 MR. MINERVINI: On the fifth floor  
21 only.

22 VICE CHAIR MAGALETTA: Well, since you  
23 would be complying, you don't have to put anything  
24 there, right?

25 I mean, if you're complying, so you

1 don't have to put anything in there --

2 MR. MINERVINI: It would be  
3 compliant --

4 VICE CHAIR MAGALETTA: -- so you don't  
5 have to put anything. You just have to change your  
6 plans.

7 MR. MATULE: Well, we are still not  
8 allowed to have them in the front yard.

9 VICE CHAIR MAGALETTA: No, I understand  
10 that part of it, right.

11 CHAIRMAN HOLTZMAN: Right. Okay.

12 COMMISSIONER DOYLE: I'm sorry.

13 Frank, you know we are talking about  
14 the balcony on the fifth floor, not the roof of the  
15 building.

16 MR. MINERVINI: On the fifth floor  
17 only, correct.

18 CHAIRMAN HOLTZMAN: Not the roof of the  
19 building.

20 VICE CHAIR MAGALETTA: Yeah, yeah,  
21 that's right.

22 CHAIRMAN HOLTZMAN: Technically the  
23 lower roof.

24 MR. MINERVINI: Yes, it is, at the  
25 fourth floor level.

1 CHAIRMAN HOLTZMAN: Mr. Roberts?

2 MR. ROBERTS: Just two real simple  
3 ones.

4 Dennis, I think it was the first  
5 condition on the cogen units.

6 MR. GALVIN: Second one.

7 MR. ROBERTS: Second one.

8 Somewhere in there, that in the final  
9 site plan, because this is preliminary, that the  
10 units actually be shown on the plans, because  
11 remember, they had to be added, so I just want to  
12 make sure the plans show the units. That was number  
13 one.

14 Then the second one was the standard  
15 language we usually put on for Council approval for  
16 the planters and --

17 CHAIRMAN HOLTZMAN: Got it.

18 MR. ROBERTS: -- and the bay windows.

19 MR. GALVIN: Got that.

20 CHAIRMAN HOLTZMAN: Frank, did you hear  
21 that about the cogen system not being detailed on  
22 the plan?

23 MR. MINERVINI: As part of any  
24 revisions that have to be made, I can give more  
25 information.

1 MR. MATULE: For the signatures --

2 MR. MINERVINI: For the signatures.

3 MR. MATULE: -- assuming it is passed.

4 MR. GALVIN: You still have to come for  
5 final, right?

6 MR. MINERVINI: That's correct.

7 MR. GALVIN: This is only preliminary,  
8 so at the time of final, your plans will show the  
9 details for the cogen.

10 MR. MATULE: Okay.

11 MR. GALVIN: Is that all right?

12 MR. MATULE: Sure, it's terrific.

13 (Laughter)

14 MR. GALVIN: Okay.

15 CHAIRMAN HOLTZMAN: And we're going to  
16 get some more information on those cogen systems  
17 eventually, right?

18 MR. MINERVINI: Yes.

19 CHAIRMAN HOLTZMAN: So we have 17  
20 conditions that we read into the record.

21 Is there anything else that anyone else  
22 would like to add?

23 COMMISSIONER STRATTON: I'll make a  
24 motion --

25 CHAIRMAN HOLTZMAN: Mr. Stratton?

1 COMMISSIONER STRATTON: Absent any  
2 other conditions, I will be happy to make a motion.

3 CHAIRMAN HOLTZMAN: Oh, very nice.  
4 Thank you.

5 There is a motion on the floor.

6 Is there a second?

7 COMMISSIONER PEENE: Second.

8 CHAIRMAN HOLTZMAN: Mr. Peene, thank  
9 you.

10 MS. CARCONE: Okay. Commissioner  
11 Magaletta?

12 VICE CHAIR MAGALETTA: Yes.

13 MS. CARCONE: Commissioner Stratton?

14 COMMISSIONER STRATTON: Yes.

15 MS. CARCONE: Commissioner Forbes?

16 COMMISSIONER FORBES: Yes.

17 MS. CARCONE: Commissioner Doyle?

18 COMMISSIONER DOYLE: Yes.

19 MS. CARCONE: Commissioner Graham?

20 COMMISSIONER GRAHAM: No.

21 MS. CARCONE: Commissioner McKenzie?

22 COMMISSIONER MC KENZIE: Yes.

23 MS. CARCONE: Commissioner Peene?

24 COMMISSIONER PEENE: Yes.

25 MS. CARCONE: Commissioner Pinchevsky?

1 COMMISSIONER PINCHEVSKY: No.

2 MS. CARCONE: And, Commissioner  
3 Holtzman?

4 CHAIRMAN HOLTZMAN: Yes.

5 MS. CARCONE: Okay. So we have seven  
6 yes and two no.

7 MR. MATULE: Thank you.

8 (Another matter discussed before the  
9 Board, which is contained on Page 41 of the  
10 transcript)

11 CHAIRMAN HOLTZMAN: Any other business,  
12 Dennis?

13 MR. GALVIN: No, I have nothing.

14 CHAIRMAN HOLTZMAN: Thank you.

15 Is there a motion to close the meeting?

16 COMMISSIONER MC KENZIE: Close.

17 COMMISSIONER PEENE: Second.

18 CHAIRMAN HOLTZMAN: Second.

19 All in favor?

20 (All Board members answered in the  
21 affirmative.)

22 (The matter concluded at 11:45 p.m.)

23

24

25

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

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 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: 1/11/16  
 This transcript was prepared in accordance with  
 NJAC 13:43-5.9.