

CITY OF HOBOKEN  
PLANNING BOARD

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REGULAR MEETING OF THE HOBOKEN :December 8, 2015  
PLANNING BOARD : 7:04 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

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
- 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:

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4                   Jackson, New Jersey 08527  
5                   (732) 364-3011  
6                   Attorney for the Board.

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I N D E X

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1                   CHAIRMAN HOLTZMAN: All right. Folks,  
2 we are going to get started.

3                   Thank you.

4                   This is the City of Hoboken Planning  
5 Board Meeting. It is Tuesday, December 8th, at 7:04  
6 p.m.

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: Commissioner Holtzman?

17                  CHAIRMAN HOLTZMAN: Here.

18                  MS. CARCONE: Commissioner Magaletta?

19                  VICE CHAIR MAGALETTA: Here.

20                  MS. CARCONE: Commissioner Stratton?

21                  COMMISSIONER STRATTON: Here.

22                  MS. CARCONE: Commissioner Forbes?

23                  COMMISSIONER FORBES: Here.

24                  MS. CARCONE: Commissioner Doyle?

25                  COMMISSIONER DOYLE: Here.

1 MS. CARCONE: Commissioner Graham?

2 COMMISSIONER GRAHAM: Here.

3 MS. CARCONE: Commissioner McKenzie?

4 COMMISSIONER MC KENZIE: Here.

5 MS. CARCONE: Commissioner Pinchevsky

6 is absent.

7 Commissioner Peene?

8 COMMISSIONER PEENE: Here.

9 MS. CARCONE: Commissioner O'Connor?

10 COMMISSIONER O'CONNOR: Here.

11 (Continue on the next page)

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CITY OF HOBOKEN  
PLANNING BOARD

----- X  
 RE: 536 Washington Street :December 8, 2015  
 Block 204, Lot 24.02 :  
 Applicant: Grace & Lily, Inc. :  
 Conditional Use approval : 7:10 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 Caleb D. Stratton
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4                   Jackson, New Jersey 08527  
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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: Okay. So first we  
2 have some administrative things to take care of.

3                   We have a note here from Mr. Burke with  
4 regards to Grace and Lily. This is the Tiger Tea  
5 application that we saw a while ago.

6                   Mr. Burke, are you here?

7                   MR. BURKE: Yes, Mr. Chairman.

8                   CHAIRMAN HOLTZMAN: Oh, there you are.

9                   Okay. Could you give us a little quick  
10 introduction on it?

11                  The Planning Board just received this  
12 correspondence this afternoon, so everybody might  
13 not be up to speed on it.

14                  MR. BURKE: Right.

15                  Grace and Lily received approval to  
16 open up a retail tea shop, in essence, a retail tea  
17 shop, hot and cold teas. In the resolution of the  
18 approval, it stated that food would not be served.

19                  Subsequent to that, the client said,  
20 there has been a demand for that.

21                  They have not opened yet, but they  
22 would like to serve a limited amount of food, none  
23 of which would be cooked on the premises, but it  
24 would be brought off site once a day in the morning,  
25 and it really wouldn't change the need for a kitchen

1 or anything of that nature, except for a microwave.  
2 That was the only additional item that they would  
3 require.

4 CHAIRMAN HOLTZMAN: Okay.

5 Mr. Hipolit, did you have any questions  
6 about that at all?

7 MR. HIPOLIT: No, I have no issue with  
8 it.

9 CHAIRMAN HOLTZMAN: Mr. Galvin, any  
10 issues with regard to the Planning Board making an  
11 alteration to the resolution that we already  
12 memorialized?

13 MR. GALVIN: No. I don't see any  
14 problem with that whatsoever.

15 CHAIRMAN HOLTZMAN: Okay.

16 Commissioners, any questions or comments or any "I  
17 told you so's"?

18 (Laughter)

19 Okay.

20 Sure, Jim.

21 COMMISSIONER DOYLE: I assumed that  
22 while you are not going to be strictly limited to  
23 the five or six choices that you provided us as  
24 examples --

25 MR. BURKE: Correct.

1                   COMMISSIONER DOYLE:  -- you will be  
2                   limited to the non kitchen related, you know, non  
3                   cooking and making sandwiches on the premises?

4                   MR. BURKE:  Correct.

5                   Sandwiches aren't contemplated now.  
6                   It's just cookies and cakes, like more of a dessert  
7                   type of thing.

8                   VICE CHAIR MAGALETTA:  No food  
9                   preparation?

10                  MR. BURKE:  No food preparation on the  
11                  site.

12                  MR. GALVIN:  If you approve this, we  
13                  will do an amended resolution that will permit that,  
14                  but we will limit the cooking.

15                  CHAIRMAN HOLTZMAN:  So we are going to  
16                  make a motion then to entertain it.  Dennis is going  
17                  to draft off a resolution, and we will look at that  
18                  at our next meeting.

19                  Is that kind of the procedure?

20                  MR. GALVIN:  No.  You vote on it.  I  
21                  think you can vote on it now, and then we will just  
22                  memorialize it at the next meeting.

23                  CHAIRMAN HOLTZMAN:  After you work out  
24                  the language, okay.

25                  So is there a motion to accept the

1 alteration of the food at the applicant's, Grace and  
2 Lily?

3 COMMISSIONER MC KENZIE: Move.

4 CHAIRMAN HOLTZMAN: So moved.

5 Is there a second?

6 MS. CARCONE: Caleb did not vote on the  
7 original --

8 CHAIRMAN HOLTZMAN: Oh.

9 COMMISSIONER MC KENZIE: I withdraw my  
10 move.

11 CHAIRMAN HOLTZMAN: There you go.

12 COMMISSIONER DOYLE: I move.

13 CHAIRMAN HOLTZMAN: Councilman Doyle  
14 makes a motion.

15 COMMISSIONER PEENE: Second.

16 CHAIRMAN HOLTZMAN: Please call the  
17 vote.

18 MS. CARCONE: One thing. I didn't  
19 check if there is escrow to pay for this resolution,  
20 Jim, the amended resolution, so we are probably  
21 going to need additional funds.

22 MR. BURKE: Prior to the amended  
23 resolution adoption, the client, if necessary, will  
24 bring in the additional escrow.

25 MS. CARCONE: Okay.

1 MR. GALVIN: We are only going to call  
2 the people who voted on the resolution.

3 MS. CARCONE: Yeah, I got that.

4 MR. GALVIN: But I am speaking to  
5 Ms. O'Connor, so she understands what we're doing --

6 MS. CARCONE: Oh, okay. I thought you  
7 were speaking to me.

8 MR. GALVIN: -- so she's not worried.  
9 Go ahead.

10 MS. CARCONE: Commissioner Magaletta?

11 VICE CHAIR MAGALETTA: Yes.

12 MS. CARCONE: Commissioner Stratton?

13 COMMISSIONER STRATTON: Yes.

14 MS. CARCONE: Commissioner Forbes?

15 COMMISSIONER FORBES: Yes.

16 MS. CARCONE: Commissioner Doyle?

17 COMMISSIONER DOYLE: Yes.

18 MS. CARCONE: Commissioner Graham?

19 COMMISSIONER GRAHAM: Yes.

20 MS. CARCONE: Commissioner Peene?

21 COMMISSIONER PEENE: Yes.

22 MS. CARCONE: Commissioner Holtzman?

23 CHAIRMAN HOLTZMAN: Yes.

24 MR. GALVIN: So the resolution will  
25 also be contingent on the escrow being restored,

1 right, Mr. Burke?

2 MR. BURKE: That's correct.

3 MR. GALVIN: All right, or else you  
4 won't have the resolution that you got tonight.

5 MR. BURKE: Understood.

6 (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.  
This transcript was prepared in accordance with  
NJAC 13:43-5.9.

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CITY OF HOBOKEN  
PLANNING BOARD  
HOP-15-22

- - - - - X  
RE: 1313-19 Jefferson Street & :December 8, 2015  
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)

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

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9                   Hoboken, New Jersey 07030  
10                  Attorney for the Applicant.

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## I N D E X

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WITNESS

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NICHOLAS COSLOV

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TAVIA RUTLEDGE

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CHRISTOPHER LYNCH

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JACK WILBERN

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MAGNUS HAY

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## E X H I B I T S

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EXHIBIT NO.

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1                   CHAIRMAN HOLTZMAN: Go no further, Mr.  
2                   Burke, the first application this evening is yours,  
3                   1313 Jefferson.

4                   MR. BURKE: Thank you, Chairman, and  
5                   Board.

6                   Jim Burke representing the applicant.  
7                   This involves a self-storage facility as proposed at  
8                   the site of 1313-19 Jefferson Street.

9                   By way of information, the Board was  
10                  given --

11                  (All Board members conferring)

12                  CHAIRMAN HOLTZMAN: Hang on one second.

13                  MR. GALVIN: I just want to say  
14                  Ms. O'Connor is recused in this matter.

15                  (Commissioner O'Connor recused)

16                  MR. BURKE: By way of information, an  
17                  application was submitted to the Zoning Board by the  
18                  prior owner for a mixed-use development including  
19                  residential.

20                  The Board turned down the applicant and  
21                  cited among the reasons that the site was not to be  
22                  considered as a redevelopment zone or part of a  
23                  redevelopment zone. It is an industrial zone, and  
24                  that the governing body did not anticipate changing  
25                  the zone, and the Board felt that a user, a

1 permitted user, could be found.

2 So this application as a warehouse is a  
3 permitted use, so that is not a question.

4 There are a number of C variances  
5 requested, and we will go through this with five  
6 witnesses. We are going to have -- the first  
7 witness will be very brief, but it's a  
8 representative of the company, whose name is Nick  
9 Coslov.

10 The second is Tavia Rutledge. This  
11 site -- I'm sorry.

12 (Commissioner Pinchevsky present.)

13 CHAIRMAN HOLTZMAN: Just one second,  
14 please.

15 Please let the record show that  
16 Commissioner Pinchevsky has arrived.

17 MR. GALVIN: This is going to sound  
18 silly, but could you start over --

19 MR. BURKE: Sure.

20 MR. GALVIN: -- or else Mr. Pinchevsky  
21 won't be able to vote.

22 MR. BURKE: No, I understand.

23 MR. GALVIN: So let the record reflect  
24 we are going to start over.

25 CHAIRMAN HOLTZMAN: You are good there,

1 MR. GALVIN: 1312 Jefferson, take two.

2 MR. BURKE: All right. Take two.

3 Happy holidays. We will start  
4 differently.

5 (Laughter)

6 The former owner brought an application  
7 to the Zoning Board for a mixed-use development.  
8 That application was denied by a vote of  
9 five-to-two, and the reason cited for denial was it  
10 was an industrial zone, and there were permitted  
11 uses. The Board felt the owner had not exhausted  
12 the possibilities of permitted uses, and there were  
13 other factors, such as, it is not in a redevelopment  
14 zone, even though it is surrounded by a  
15 redevelopment zone, so the owner sold his property  
16 to my client, which is the applicant.

17 It is a self-storage facility that's  
18 being proposed and a preliminary site plan is being  
19 sought, along with a number of C variances.

20 Also, it is worth to note that the  
21 property as a former industrial site does have  
22 contamination, and that will be addressed with one  
23 of the witnesses.

24 And then finally, a number, as I  
25 mentioned, a number of C variances are going to be

1 sought.

2 There are five witnesses. Several will  
3 be brief. Some will be a little longer in their  
4 presentation.

5 The first witness will be Nick Coslov,  
6 who is a representative of the applicant.

7 The second will be Tavia Rutledge. She  
8 is an environmental consultant, who will discuss the  
9 capping requirement of the site and the past  
10 historical contamination.

11 Third will be Jack Wilbern, who is the  
12 architect of record.

13 Fourth will be Magnus Hay, who is a  
14 civil engineer, who will focus on the utility  
15 service to the site and also the flood prevention  
16 and so forth containment.

17 Then finally Ed Kolling, who is our  
18 planner.

19 There is also -- Chris Lynch is here,  
20 who is a contractor. If there's any questions -- I  
21 am not going to present him, but if any questions  
22 come up regarding the construction of the site,  
23 especially since there is some, you know,  
24 contamination, he will be here to answer those  
25 questions.

1                   So my first witness will be Nick  
2                   Coslov.

3                   MR. GALVIN:   Raise your right hand.

4                   Do you swear or affirm that the  
5                   testimony you are about to give in this matter is  
6                   the truth, the whole truth and nothing but the  
7                   truth?

8                   MR. COSLOV:   I do.

9                   N I C H O L A S       C O S L O V, having been duly  
10                  sworn, testified as follows:

11                  MR. GALVIN:   State your full name for  
12                  the record and spell your last name.

13                  THE WITNESS:   Coslov, C-o-s-l-o-v.

14                  MR. GALVIN:   Your witness.

15                  MR. BURKE:   Nick, just you work for the  
16                  company?

17                  THE WITNESS:   Yes.

18                  MR. BURKE:   What is your position?

19                  THE WITNESS:   I'm the CEO of Storage  
20                  Deluxe.  I have been a partner in the company for 15  
21                  years.

22                  MR. BURKE:   Briefly describe what  
23                  attracted you to this site in Hoboken, and what were  
24                  the marketing reasons for that.

25                  THE WITNESS:   Sure.

1                   Our primary business purposes is that  
2                   we have for the last 15 years developed 46  
3                   self-storage facilities all over the New York area,  
4                   the Boroughs of New York, as well as Westchester,  
5                   Long Island, Connecticut, as far down as  
6                   Philadelphia, and Hoboken has always been a market  
7                   that has been super attractive to us, given the  
8                   demographics here and the need that we see for  
9                   self-storage.

10                   We are aware today that there are three  
11                   existing facilities, and after doing our homework,  
12                   all are 98 or more percent occupied, so there is  
13                   very little. And given the amount of residential  
14                   development going on in this area, as well as the  
15                   number of apartments and small dwellings, we think  
16                   it is a great fit for the site, and we think that  
17                   there's a high demand for our services.

18                   MR. BURKE: Just for the record, as an  
19                   applicant, you also own the site. It's not a  
20                   contractor owned --

21                   THE WITNESS: We are the owners.

22                   MR. BURKE: Okay. Thank you.

23                   Any questions.

24                   CHAIRMAN HOLTZMAN: Any questions,  
25                   Commissioners for Nick?

1 Thank you.

2 (Witness excused)

3 MR. BURKE: Thank you.

4 The next witness will be Tavia  
5 Rutledge. She is the environmental consultant.

6 MR. GALVIN: Raise your right hand.

7 Do you swear or affirm the testimony  
8 you're about to give in this matter will be the  
9 truth, the whole truth, and nothing but the truth,

10 MS. RUTLEDGE: Yes.

11 T A V I A R U T L E D G E, Ramboll Environ, One  
12 Riverfront Plaza, Newark, New Jersey, having been  
13 duly sworn, testified as follows:

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

16 THE WITNESS: Rutledge,  
17 R-u-t-l-e-d-g-e.

18 MR. GALVIN: And your credentials?

19 THE WITNESS: I'm the senior manager of  
20 Environ, Ramboll Environ now, R-a-m-b-o-l-l, U.S.  
21 Corporation.

22 I've been there for 17 years. I am an  
23 environmental professional pursuant to the US EPA's  
24 all appropriate inquiry regulation, and also  
25 pursuant to ASTM, and I formerly held a New Jersey

1 license, a subservice evaluator license, which is  
2 not really used any more.

3 MR. BURKE: She is not a professional  
4 with a license, such as an engineer, but she is here  
5 to testify and give the Board an understanding of  
6 the environmental contamination and the history.

7 CHAIRMAN HOLTZMAN: Mr. Hipolit?

8 MR. HIPOLIT: She doesn't have to be a  
9 PE.

10 MR. GALVIN: Can you give us a couple  
11 of Boards you appeared before?

12 THE WITNESS: Sorry?

13 MR. GALVIN: Name a couple of other  
14 Boards that you have appeared before and testified.

15 THE WITNESS: I have not.

16 MR. BURKE: This is really for  
17 background. It is not testifying as to any  
18 architectural or engineering designs. It's just to  
19 give the Board an understanding of where the cleanup  
20 is.

21 CHAIRMAN HOLTZMAN: Mr. Magaletta?

22 VICE CHAIR MAGALETTA: She's only  
23 telling the history of the site?

24 MR. BURKE: Yes.

25 VICE CHAIR MAGALETTA: Not as far as

1           what the procedures will for cleanup?

2                       MR. BURKE: Well, she's --

3                       THE WITNESS: We will, yes.

4                       VICE CHAIR MAGALETTA: So you are going  
5           to give the procedures as well?

6                       THE WITNESS: Yes.

7                       VICE CHAIR MAGALETTA: So you are going  
8           to testify as to the efficacy of that procedure?

9                       THE WITNESS: Yes.

10                      VICE CHAIR MAGALETTA: Then what is  
11           your expertise in the area to do that, if you can  
12           just --

13                      THE WITNESS: Sure.

14                      I am an environmental professional  
15           pursuant to the US EPA's All Appropriate Inquiry  
16           Act. I've been doing --

17                      CHAIRMAN HOLTZMAN: Can I just ask,  
18           just please slow down.

19                      THE WITNESS: Oh, I'm sorry. I'm a  
20           fast talker.

21                      MR. BURKE: What is your educational  
22           background?

23                      THE WITNESS: I'm a chemical engineer  
24           from the University of Pennsylvania. I got a  
25           masters in environmental engineering from Drexel

1 University.

2 I have been doing site investigation,  
3 assessment and remediation work in New Jersey for 17  
4 years. I've assessed well over 300 sites in New  
5 Jersey alone, and then well over that throughout the  
6 world and the United States.

7 MR. HIPOLIT: You are not an LSRP,  
8 though?

9 THE WITNESS: I am not, no.

10 MR. HIPOLIT: But is there an LSRP in  
11 charge of the site?

12 THE WITNESS: Yes.

13 MR. HIPOLIT: Who is that?

14 THE WITNESS: The LSRP is with Atlantic  
15 Environmental Solutions based here in New Jersey.  
16 They're based here in Hoboken. They are remediating  
17 the site on behalf of the responsible party, who is  
18 a property owner -- two property owners ago -- MRC.

19 So we did the transactional due  
20 diligence to evaluate that work. We've been in  
21 contact with them, and we're working with them to  
22 put together an appropriate remedy for the site at  
23 which point they will file the necessary paperwork  
24 and close the site out.

25 CHAIRMAN HOLTZMAN: I have to tell you

1 something. I am really confused right now, and that  
2 is not good.

3 So we are dealing with an LSRP from two  
4 owners ago?

5 COMMISSIONER GRAHAM: What's an LSRP,  
6 please?

7 CHAIRMAN HOLTZMAN: Sure --

8 MR. HIPOLIT: Just one more question.

9 CHAIRMAN HOLTZMAN: Go ahead.

10 MR. HIPOLIT: When you decide how you  
11 are going to remediate or clean up the site, they  
12 will be in charge of it?

13 THE WITNESS: Yes.

14 MR. HIPOLIT: So you are just  
15 overseeing it for the owner?

16 THE WITNESS: Yes.

17 CHAIRMAN HOLTZMAN: Andy, can you give  
18 the Board a little background on an LSRP?

19 MR. HIPOLIT: It's a Licensed Site  
20 Remediation Professional. So the DEP licenses these  
21 professionals, so the DEP no longer has to handle  
22 the review of these cases, so they actually are  
23 licensed by the State. Even though they work for  
24 private consultants, they act as if they are the DEP  
25 on the site, and they follow the mandates that the

1 DEP does.

2 The State instituted that program a  
3 number of years ago because they couldn't handle the  
4 workload literally, so the State has -- I don't know  
5 how many licensed professionals, but they have a  
6 number of them that do this work. For instance, we  
7 have six of them on our staff.

8 MR. ROBERTS: You know, the other thing  
9 I was thinking of, too, is that the LSRP would have  
10 to work for the responsible party who is actually  
11 responsible for the contamination --

12 CHAIRMAN HOLTZMAN: Shouldn't the LSRP  
13 be employed by the applicant, the property owner?

14 MR. HIPOLIT: No. The owner of the  
15 property, whoever is responsible for the cleanup,  
16 employs the LSRP.

17 CHAIRMAN HOLTZMAN: So what you're  
18 trying to tell us --

19 MR. HIPOLIT: Well, that is the  
20 question I asked her.

21 So the question I asked her was: Who  
22 is responsible to clean it up.

23 They are, not --

24 CHAIRMAN HOLTZMAN: Which is "they,"  
25 what is their name?

1 MR. HIPOLIT: I don't know who -

2 THE WITNESS: MRC, the property  
3 owner -- two property owners ago.

4 MR. BURKE: Atlantic has no contractual  
5 relationship with my client. They represent the  
6 former owner, so this individual does, so she is in  
7 essence the intermediary between the present owner  
8 and the former owner, so her company is overseeing  
9 it, but they are not the firm of record.

10 But she does have, you know, a vast  
11 knowledge of the site and the cleanup techniques and  
12 everything else, so I thought it would be worthwhile  
13 to understand that and just let her present that to  
14 the Board.

15 MR. HIPOLIT: It is, but for the Board,  
16 the difficult part for the Board is going to be: Is  
17 the owner of record at the time of the contamination  
18 is cleaning it, they will have reporting  
19 responsibilities to the city. Under that, they will  
20 have no bearing on your application. They are doing  
21 it separate from the application.

22 When you approve this application, they  
23 won't be starting until that work is done, correct?

24 THE WITNESS: The actual -- the  
25 construction of the building is part of the remedy

1 for this site, so we are working with the LSRP to  
2 develop an appropriate remedy that works for both  
3 the former -- the responsible party and for us.

4 COMMISSIONER GRAHAM: But isn't that a  
5 conflict of interest?

6 CHAIRMAN HOLTZMAN: Mr. Doyle?

7 Yes. This is fraught with problems.

8 MR. HIPOLIT: It's not -- it's not --  
9 so in New Jersey, it is a normal process, where the  
10 owner of record, the owner during contamination, is  
11 responsible for the cleanup. The new buyer never  
12 wants that responsibility.

13 Now, they could work together, which is  
14 what they are saying, to come up with a solution to  
15 remedy or cap the site.

16 Two ways -- to cap it, to put something  
17 over it that prevents the contamination from ever  
18 getting to the owners above it, or clean it up and  
19 take it out. When you clean it up, you are taking  
20 out soil and/or cleaning groundwater or sometimes  
21 one or the other or both.

22 In this particular case, when you  
23 review this application, she is going to represent  
24 the owner that is taking it over and their interest  
25 with respect to this cap or cleanup, so when the

1 liability is or is not transferred, she is saying to  
2 her owner, you are good, the cap is on, we are  
3 clear.

4           Saying all of that is actually all  
5 under the purview of the DEP. It is a different  
6 approval outside of your Board. They have to  
7 approve this cap, or this LSRP, who acts as an agent  
8 of DEP, is going to approve this engineered cap on  
9 the site, and whatever it is, you have to accept.

10           CHAIRMAN HOLTZMAN: Councilman, you had  
11 a question or you want to hold it for a second?

12           COMMISSIONER DOYLE: I'll hold it.

13           CHAIRMAN HOLTZMAN: I am with  
14 Commissioner Graham in raising her point.

15           I am trying to just make sure that I  
16 understand who is responsible to who, and that we  
17 don't end up with a scenario where somebody drops  
18 the ball, and everybody looks away, not my job.

19           VICE CHAIR MAGALETTA: It sounds like  
20 what I am hearing is that this witness will provide  
21 the procedure that the prior owner will do, but you  
22 are not testifying that this is what they definitely  
23 will do. They are going to take care of it with  
24 their own LSRP.

25           THE WITNESS: Yes, and they are

1 required to do that by the laws of State of New  
2 Jersey.

3 VICE CHAIR MAGALETTA: What Andy is  
4 saying is this application is part two of it. That  
5 part is first, but you have no control over it. But  
6 they still have to do what they have to do, and you  
7 have an agreement with them, correct, that they will  
8 clean it up and then you're --

9 MR. HIPOLIT: Well, they are not  
10 cleaning it. They're capping it.

11 VICE CHAIR MAGALETTA: -- whatever they  
12 are going to do, whatever they are going to do for  
13 remediation purposes, they will take care of it and  
14 then --

15 THE WITNESS: Yes.

16 They are required under the New  
17 Jersey's Industrial Site Recovery Act to remediate  
18 the site in its entirety to meet all State standards  
19 either via complete remediation or capping or  
20 something, but they have to meet State standards  
21 that is required under the Industrial Site Recovery  
22 Act.

23 VICE CHAIR MAGALETTA: Right.

24 And you are not testifying as an expert  
25 as to what should be done. You're saying what is

1 going to be done as far as you know. Is that right?

2 THE WITNESS: Correct, but it's also  
3 what I think should be done.

4 VICE CHAIR MAGALETTA: I understand  
5 that, too.

6 You are a fact witness, not an expert  
7 witness really.

8 CHAIRMAN HOLTZMAN: I think, Andy, if  
9 this is --

10 VICE CHAIR MAGALETTA: That is what I  
11 am trying to find out, your status.

12 CHAIRMAN HOLTZMAN: Right.

13 Let's go one step at a time. Let's  
14 find out what -- so she is going to testify as to --

15 (Everyone talking at once.)

16 CHAIRMAN HOLTZMAN: -- one at a time,  
17 please -- she is going to testify, if I understand  
18 this correctly, as to what the contamination on the  
19 site is, period.

20 MR. HIPOLIT: Correct.

21 CHAIRMAN HOLTZMAN: Then she is going  
22 to testify as to what the previous property owner  
23 is --

24 VICE CHAIR MAGALETTA: The responsible  
25 party.

1                   CHAIRMAN HOLTZMAN:  -- what she -- what  
2                   the responsible party, the previous property owner,  
3                   is supposed to do.

4                   MR. HIPOLIT:  Correct.

5                   CHAIRMAN HOLTZMAN:  That "supposed to  
6                   do" is also governed by DEP regulations, so it is  
7                   not like the previous property owner is just making  
8                   something up off the top of their head --

9                   MR. HIPOLIT:  No.  That's why --

10                  CHAIRMAN HOLTZMAN:  -- there is very  
11                  specific --

12                  COMMISSIONER DOYLE:  The LSRP --

13                  MR. HIPOLIT:  No.

14                  Now, what I would recommend, no matter  
15                  what you do going forward, what I would recommend as  
16                  part of any condition of approval is that you ask  
17                  for a final certification or a release of their --  
18                  it is not new further action --

19                  THE WITNESS:  It's called a Response  
20                  Action Outcome.

21                  MR. HIPOLIT:  Yeah, Response to Action  
22                  Outcome, RAI --

23                  THE WITNESS:  ROA -- RAO --

24                  MR. HIPOLIT:  -- RAO.

25                  You want the RAO issued to the city

1 prior to the issuance of any C of O for the property  
2 or TC of O.

3 CHAIRMAN HOLTZMAN: I guess my concern  
4 is that I want to make sure that the work gets done.  
5 How do we -- that's that, right?

6 MR. HIPOLIT: That is it, right.

7 CHAIRMAN HOLTZMAN: Okay.

8 MR. HIPOLIT: They would not be able to  
9 get a CO or a TCO without that RAO being issued.

10 MR. GALVIN: I have a concern about  
11 that, the last part that you are saying about the  
12 TCO. I am not so sure that we can -- if you're  
13 issued a building permit, I am not sure if we can  
14 use the TCO to -- if we can stop it --

15 MR. HIPOLIT: You have to do something  
16 because technically --

17 MR. GALVIN: The building --

18 MR. HIPOLIT: -- it's like --

19 CHAIRMAN HOLTZMAN: One at a time,  
20 guys.

21 MR. GALVIN: I'm sorry.

22 The building permit I could use for  
23 sure, but it is going to get riskier with the CO and  
24 the TCO.

25 COMMISSIONER STRATTON: I don't think

1       that we could use the building permit because they  
2       need to pull the building --

3                   MR. HIPOLIT:  They're not going to get  
4       it --

5                   CHAIRMAN HOLTZMAN:  Hang on.  One at a  
6       time, guys.

7                   Andy, finish your thought.

8                   MR. HIPOLIT:  Yeah.  They are not going  
9       to be able to issue an RAO until the building is  
10      built, that is the cap.

11                   So, for instance, if the site is not  
12      capped, it is not safe to occupy, so that would hold  
13      your TCO or CO.

14                   MR. GALVIN:  Okay.  I accept that, but  
15      I am saying in other situations in the past, where I  
16      thought a CO would be a good stop place, I am  
17      learning that that is not really the case.  That  
18      once you issue a building permit, that they get a  
19      TCO.

20                   Like say we got to put trees in before  
21      they get a CO, they can get a TCO and just move  
22      right along.

23                   MR. HIPOLIT:  But trees would make  
24      it -- I don't know if there is a difference in  
25      hierarchy --

1                   MR. GALVIN: You are saying life safety  
2 is trumping it, right? I get it.

3                   The other thing I wanted everybody to  
4 understand is that based on some of the experience I  
5 have had at the Zoning Board, LSRPs, the individual  
6 who is supposed to make that decision, can differ on  
7 opinions. You could get two or three of them, and  
8 they could all be a different opinion as to how to  
9 reach the outcome.

10                  And if we are talking about capping any  
11 property, not just this one, you may see others in  
12 the near future, just because they have to cap it  
13 doesn't mean that it has to have a building.  
14 There's a difference between putting down a membrane  
15 that's the cap and also putting a building up.

16                  VICE CHAIR MAGALETTA: So then can we  
17 have the responsible party's LSRP talk to Maser and  
18 say, well, what is the process, if can we interject  
19 at all?

20                  MR. HIPOLIT: We did it for you on  
21 Grand Street.

22                  VICE CHAIR MAGALETTA: I know that.  
23 That's why I'm asking that.

24                  MR. HIPOLIT: So we talked to them, and  
25 based on the discussion with that applicant, we

1       determined that the cap they were putting on was as  
2       restrictive as the highest standard you could  
3       have --

4                   VICE CHAIR MAGALETTA:  But they were  
5       the applicant, the responsible party.

6                   This is not the applicant.  So my  
7       question is:  How do we condition this at all, to  
8       say that their LSRP has to talk to our LSRP?

9                   MR. GALVIN:  What Andy said is we're  
10      going to rely on the Board, that the Board must be  
11      provided a RAO to be issued to the city prior to the  
12      issuance of any CO or TCO.

13                  MR. HIPOLIT:  Remember, the LSRP  
14      process was set up by the State to act as the State,  
15      so even though LSRPs will differ, there are -- just  
16      like there is to any problem, there are multiple  
17      solutions to a problem.

18                  There's cost factor and cost factor,  
19      and that is where they negotiate with the owners of  
20      the property now versus them to determine what that  
21      is and what the safety of the eventual occupants  
22      are.

23                  VICE CHAIR MAGALETTA:  Well, that is  
24      the reason why I wanted them to talk to you, because  
25      they have their own opinion and maybe not what we

1 think is best for the city.

2 COMMISSIONER DOYLE: But you can get  
3 different outcomes from the DEP at the same time,  
4 so, you know --

5 CHAIRMAN HOLTZMAN: Okay. So we are  
6 going to proceed slowly. Let's go.

7 (Laughter)

8 MR. BURKE: All right.

9 So, Tavia, just give the Board a bit of  
10 a background and history of the site and the current  
11 status of the remediation.

12 COMMISSIONER GRAHAM: Can I ask that  
13 she just move over this way? You're right -- I  
14 can't see you.

15 THE WITNESS: All right. A little bit  
16 more?

17 COMMISSIONER GRAHAM: Thank you.

18 THE WITNESS: All right.

19 So this is site is located in northwest  
20 Hoboken, which many years ago, the 1800s, around the  
21 turn of the century was marshland.

22 It was eventually filled. They did not  
23 drive down to the Jersey Shore and get nice pristine  
24 soil and sand for the sites. They just used what  
25 was at hand, and many industrial areas, such as

1 Hoboken, that included soil that may be contaminated  
2 with other things.

3 So the site was redeveloped for heavy  
4 industrial use as a foundry in the 1930s. It was  
5 first operated by Wedlake Aluminum Corporation from  
6 1937 until the 1960s. They then vacated the site,  
7 and it continued to be operated as a foundry by  
8 American Magnesium & Aluminum Corporation from the  
9 1960s until 2012.

10 During that 75 years of industrial use,  
11 the site would have used metal ingots, aluminum,  
12 copper, lead, magnesium. It also used petroleum  
13 compounds, both for fueling their operations and for  
14 lubrication. They used acids, sulfuric acid, nitric  
15 acid, and they would have used more limited amount  
16 of solvents and other chemical compounds.

17 They ceased operations in 2012. That  
18 triggered the requirements of the New Jersey  
19 Industrial Site Recovery Act, which essentially says  
20 that if you cease operating as an industrial  
21 property, you need to do a full environmental  
22 assessment, identify all areas of contamination,  
23 identify all areas of contamination, investigate  
24 those areas of contamination and remediate it to  
25 meet the State standards, and there are very

1 specific time lines that are set up by the State of  
2 New Jersey in which you need to get that done, so  
3 they are working within that time frame.

4 The responsible party at the time,  
5 which was MRC, they owned the property when the  
6 operation ceased. They hired an LSRP. They hired  
7 someone over at the Atlantic Environmental Solutions  
8 to be the LSRP on the project, that they conducted a  
9 preliminary assessment to identify those areas of  
10 contamination. They then did a site investigation  
11 that involved a collection of soil samples from  
12 across the site.

13 That sampling identified contamination  
14 of soil by certain metals, polycyclic aromatic  
15 hydrocarbons and petroleum compounds.

16 So they did a little bit more  
17 delineation. They then found additional petroleum  
18 hydrocarbon contamination. They excavated that in  
19 2012 and 2013, there were two different excavation  
20 activities, transported those soils off site and  
21 backfilled with clean fill.

22 That left just in the soil some  
23 remaining metals NS VOCs, and a little bit of  
24 hydrocarbons. All of that contamination is  
25 acceptable to be left in place, and it is also

1 indicative of this historic filling that I talked to  
2 you about earlier. Those are typical contaminants  
3 we find in these types of sites.

4 They also triggered a groundwater  
5 investigation. They put in three wells, and there  
6 were also samples collected from three temporary  
7 wells. Those groundwater samples contained again  
8 low level metals, low levels of semi-volatile organic  
9 compounds, and some very low concentrations of  
10 volatile organic compounds. That contamination is  
11 located within the site. It is not migrating off  
12 site.

13 The remedy for that that is being  
14 proposed is classification exceptional, which is  
15 essentially sort of like a D notice, but for  
16 groundwater. It says that you are not going to  
17 install any walls. You're not going to use the  
18 groundwater. It's delineated. We know where it is  
19 migrating, and it's not going to harm anything. So  
20 for the contamination left in groundwater, that is  
21 what they are proposing.

22 And then for soil, they are proposing  
23 again this D notice, which will be attached to the  
24 deed. It will say that there is historic fill  
25 contamination across the site, and by the way, it is

1 consistent with the contamination found in that  
2 entire area of Hoboken, whether or not it has been  
3 investigated yet, but that is what you're finding.

4 And so they are going to put this D  
5 notice for the entire property, and then they need  
6 to install an engineering control to prevent contact  
7 with that contaminated soil, and so an engineering  
8 control remedy for that to protect human health and  
9 the environment would be to cap across the site, so  
10 the asphalt and concrete base of the building  
11 prevents the future exposure of humans to those  
12 contaminated soils --

13 MR. HIPOLIT: Nothing else, other than  
14 a concrete cap, no vapor barrier?

15 THE WITNESS: They did do a vapor  
16 intrusion investigation. They took a few sub slab  
17 soil gas samples just a few months ago, and no vapor  
18 intrusion issue was identified at the site, and we  
19 would not expect that actually based on the very low  
20 levels of VOCs that we did detect, but they did not  
21 find anything.

22 It may be part of the construction.  
23 You can ask construction. They may be putting that  
24 in anyway, but it's not required by New Jersey law  
25 to have a vapor barrier.

1 MR. BURKE: Thank you.

2 Any questions?

3 VICE CHAIR MAGALETTA: You testified as  
4 an expert just now, but that's okay.

5 THE WITNESS: I'm sorry?

6 VICE CHAIR MAGALETTA: You testified as  
7 an expert just now, but that's okay.

8 THE WITNESS: Okay.

9 (Witness laughs).

10 VICE CHAIR MAGALETTA: You said that  
11 there is no migration, and then you said there is  
12 migration of the contaminants or not?

13 THE WITNESS: Hum, the contaminants are  
14 in soil, so those aren't -- those don't really  
15 migrate, but we do want to prevent future exposure  
16 such as windblown dust, or children getting on the  
17 property, so that is what the engineering control,  
18 asphalt and concrete cap prevents.

19 VICE CHAIR MAGALETTA: So when it  
20 rains, though, do any of the compounds, do they  
21 separate from the soil, or do they get into the  
22 water, or do they migrate to the neighboring  
23 property?

24 THE WITNESS: No -- sure -- no -- not  
25 what we found in soil. The contaminants in soil are

1 metals and semi-volatile organic compounds. Those  
2 store really, really tightly to the soil. They  
3 would rather be in soil than in groundwater, so the  
4 rain doesn't really cause those to migrate.

5 And in addition, they have taken  
6 groundwater samples, so the site has been like this  
7 for 100 years.

8 Some of it reached groundwater, but  
9 that, again, is typical of the historical fill being  
10 in contact with the soil.

11 VICE CHAIR MAGALETTA: Do you know what  
12 the plan is as far as dust mitigation?

13 THE WITNESS: That would be during  
14 construction, so you can get more information from  
15 Chris.

16 But I know, you know, if they need to  
17 use -- do wetting of the soil, they can do that.

18 They are going to do -- I think they  
19 are called construction fences, the green fences  
20 around it, to prevent windblown dust from getting  
21 out and other soil erosion measures such as that.

22 MR. HIPOLIT: I think the key issue is:  
23 Who is in control of the site during construction.

24 THE WITNESS: How do you mean?

25 MR. HIPOLIT: From an environmental

1 perspective.

2 Is there going to be an LSRP on the  
3 site either doing air monitoring, vapor monitoring  
4 and/or monitoring of soil leaving the site on truck  
5 tires and --

6 THE WITNESS: Sure. That would be  
7 dependent on the health and safety plan developed  
8 with the construction --

9 MR. BURKE: The contractor is here, if  
10 there are questions of him as well, because he dealt  
11 with this before.

12 CHAIRMAN HOLTZMAN: Commissioner  
13 Graham?

14 COMMISSIONER GRAHAM: How do you  
15 prevent it from getting into the air during  
16 construction --

17 THE WITNESS: During construction?

18 COMMISSIONER GRAHAM: -- or even now?  
19 I mean, how does that happen?

20 THE WITNESS: How does it happen now?

21 COMMISSIONER GRAHAM: Now and during  
22 construction.

23 THE WITNESS: Well, now it has been  
24 like the site has been for many years. We are  
25 investigating, and then we are going to remediate it

1 ideally with this cap.

2 COMMISSIONER GRAHAM: But what about  
3 during construction?

4 THE WITNESS: I will let the  
5 construction -- yeah --

6 COMMISSIONER GRAHAM: Okay.

7 CHAIRMAN HOLTZMAN: Councilman?

8 COMMISSIONER DOYLE: I have two  
9 questions.

10 You described the structure as a  
11 permissible cap for this, but can you like describe  
12 other caps that would work to provide the barrier  
13 that is necessary to --

14 THE WITNESS: I mean, I don't know what  
15 else the LSRP has contemplated. I mean, the LSRP  
16 initially just contemplated just putting a fence  
17 around it.

18 We think putting on an impervious  
19 barrier is a better remedy than a fence around --

20 VICE CHAIR MAGALETTA: That is what I  
21 was getting to before --

22 THE WITNESS: -- unprotected soil --

23 VICE CHAIR MAGALETTA: -- the basis for  
24 your second part on what's going to be done.

25 Is it what you want to have done, or

1        what the responsible party said they were going to  
2        do, or simply what you think should be done?

3                THE WITNESS:  It's a negotiation  
4        between both of us.  We -- both the LSRP and we  
5        believe that this is an appropriate remedy.

6                VICE CHAIR MAGALETTA:  So as you  
7        testify tonight, this is your understanding of what  
8        is contemplated to be done --

9                THE WITNESS:  Yes --

10               VICE CHAIR MAGALETTA:  -- correct?

11               Okay.

12               THE WITNESS:  -- yes.

13               But I will say that in order to get a D  
14        notice, that a site property owner is required to  
15        agree, and the property owner is going to agree that  
16        the type of cap that the property owner wants.

17               CHAIRMAN HOLTZMAN:  Hang on one second.

18               Is where you are going with this, that  
19        we would like to have our Maser LSRP also involved  
20        in reviewing that document --

21               VICE CHAIR MAGALETTA:  Yes.

22               CHAIRMAN HOLTZMAN:  -- as to what the  
23        final capping plan is?

24               MR. HIPOLIT:  I think what is crucial  
25        for the Board when you look at this application for

1 approval is the applicant has come in front of you  
2 with a concept. They want to put a storage  
3 facility. It has access from two sides. It's so  
4 high. It is what they propose it to be.

5 The key language for you or the Board  
6 is no matter what they propose, however it is  
7 proposed or whatever happens, it needs to meet the  
8 State standards under the guidelines of an LSRP for  
9 the proper controls for a cap or a cleanup of that  
10 site.

11 I understand her testimony is very  
12 factual. The next step is if you approve that site  
13 as it is, it has to meet the State standards for  
14 that cleanup. There really is zero negotiation  
15 because they can't say, well, we propose to fence it  
16 off. You want to put a cap on it.

17 They can't build the building if the  
18 fence --

19 CHAIRMAN HOLTZMAN: Uh-huh.

20 Consequently --

21 MR. HIPOLIT: -- so you need to be  
22 very, very specific.

23 CHAIRMAN HOLTZMAN: -- consequently, if  
24 we somehow randomly thought that something else was  
25 appropriate, we don't have jurisdiction to do

1 anything about that.

2 MR. HIPOLIT: You have no jurisdiction  
3 over it.

4 CHAIRMAN HOLTZMAN: Right.

5 COMMISSIONER DOYLE: The piles, I  
6 assume, they are piles to build this building?

7 CHAIRMAN HOLTZMAN: Maybe we should  
8 direct that to the construction person.

9 COMMISSIONER DOYLE: Okay.

10 The problem is the construction person  
11 will not know the environmental consequences of  
12 piling and the impact to -- as an impact to a  
13 potential cap of a pile. I appreciate that it is  
14 back and forth, but you know, and that is it, I  
15 guess.

16 MR. HIPOLIT: I think to follow up on  
17 your question, I think it is a good question.

18 Where I have seen applications go  
19 astray after approval is when I have an owner of a  
20 property who has an LSRP, and they are paying to  
21 clean this up, and that money is hurting them  
22 because they are not getting anything out of it.

23 Somebody new that's coming on is paying  
24 them a fixed amount to buy the property, so they  
25 want to make sure that when they buy the property or

1 sell it, they're not losing -- it's not that number  
2 minus a smaller number. They don't want to get  
3 crushed, so they try to negotiate the right  
4 environmental capping and containment and the  
5 removal within that dollar amount. That is where  
6 their battle comes in.

7 What we as a Board want to require from  
8 them is that the LSRP that is going to be in charge  
9 of this site during construction, because they have  
10 a contractor, which is all well and good, he is just  
11 a contractor.

12 The LSRP that's in charge of the site  
13 during construction needs to keep, I guess, in my  
14 case, the engineer, Board Engineer and the building  
15 department up-to-date on how they are dealing with  
16 things such as air monitoring, truck tires and soil  
17 leaving the site, vapor barrier, or not a vapor  
18 barrier, engineer cap, and the reports on what it is  
19 and how it is being handled, and ultimately this  
20 site needs an RAO.

21 You could put all of this language in  
22 there. If they can't work that out, the site would  
23 not be safe for occupancy, and that would be the key  
24 issue.

25 COMMISSIONER DOYLE: Including a

1 commercial occupancy.

2 MR. HIPOLIT: Including commercial  
3 occupancy.

4 The one twist for you is, I know this  
5 Board becomes very sensitive to notification of the  
6 residents and surrounding folks, is if all of a  
7 sudden, fences go in and they start trucking soil  
8 out of there, that could happen, and do we want  
9 notification to residents, do we want to let people  
10 know, do we want the mayor's office or the city to  
11 know about it, so they know what's going on?

12 You might want to get involved in some  
13 language on that. I will give Dennis some stuff on  
14 it.

15 I think getting some notification when  
16 construction is starting is not a bad idea,  
17 especially to the building department and the  
18 administration --

19 VICE CHAIR MAGALETTA: I think in the  
20 plan, they actually said what the schedule of notice  
21 to the city --

22 MR. HIPOLIT: They do, but somebody  
23 needs to make sure they follow it.

24 CHAIRMAN HOLTZMAN: We also have to  
25 make sure. We've had issues in the past, where we

1       need to get that information to people that are  
2       going to react to it.

3                   VICE CHAIR MAGALETTA:  I hear you.

4                   They had something in here about  
5       notification.  It is a fairly -- it's a nice little  
6       list --

7                   MR. HIPOLIT:  It is required.  It's  
8       required.

9                   CHAIRMAN HOLTZMAN:  Is that the  
10      conclusion of Ms. Rutledge's testimony?

11                  MR. BURKE:  Yes, it is.

12                  CHAIRMAN HOLTZMAN:  Any there any other  
13      questions for Ms. Rutledge at this time, or we can  
14      circle back if there's something else?

15                  MR. BURKE:  Want to open it up to the  
16      public?

17                  CHAIRMAN HOLTZMAN:  Sure.

18                  Open it up to the public, if there are  
19      any questions for Ms. Rutledge.

20                  This is just on the testimony.  If you  
21      want to speak, kind of come forward, and we will  
22      take you.

23                  Come on up, up here, a little bit more.

24                  MR. TILL:  Sure.

25                  CHAIRMAN HOLTZMAN:  There you go.

1 MR. GALVIN: Name?

2 MR. TILL: The boundaries --

3 CHAIRMAN HOLTZMAN: Your name?

4 MR. GALVIN: Name and address.

5 MR. TILL: My name is Keith, last name  
6 is Till.

7 MR. GALVIN: Spell the last name.

8 MR. TILL: T-i-l-l.

9 MR. GALVIN: Now you may ask your  
10 question.

11 COMMISSIONER PEENE: Address?

12 MR. GALVIN: You gave us your address,  
13 right?

14 MR. TILL: No, I didn't.  
15 1301 Adams Street, so I live directly  
16 across the street.

17 MR. GALVIN: All right. Go ahead. Ask  
18 your questions.

19 MR. TILL: The fact that it has been a  
20 foundry for that long and the amount of leaching in  
21 the soil, is that normal?

22 Wouldn't there be more leaching than  
23 there actually is, and I know the standards have  
24 changed drastically throughout the years, so I would  
25 imagine there would be a lot more leaching.

1                   THE WITNESS: The contamination of the  
2 site is actually not related to the foundry  
3 operations.

4                   The contamination that's left at the  
5 site, the metals in the soil, the semi-volatile  
6 organic compounds, those are related to the fill  
7 operations that happened long before the foundry was  
8 started, that happened at all of the properties in  
9 that area, so that contamination is related to that.

10                  The TPH, the petroleum hydrocarbon  
11 contamination, some is possibly related to the  
12 foundry. Some is probably related to the fill  
13 operations.

14                  MR. TILL: Well, we are aware that  
15 there is a day care center close by this.

16                  MR. GALVIN: You are not asking us  
17 questions. This witness didn't testify to anything  
18 about that, and before the hearing is over, you will  
19 be able to come back up, and I'll put you under  
20 oath, and you'll be able to tell us whatever you  
21 think needs to be --

22                  MR. TILL: Okay. I thought I was under  
23 oath.

24                  MR. GALVIN: No. I didn't do that yet.  
25 I didn't break out the magic.

1 CHAIRMAN HOLTZMAN: Okay. Thank you.

2 Any other members of the public that  
3 wish to speak or have questions of Ms. Rutledge?

4 Okay. We will close the public portion  
5 on that.

6 Thank you.

7 (Witness excused)

8 MR. BURKE: The next witness will be  
9 the architect, Jack Wilbern.

10 (Board members confer.)

11 MR. GALVIN: Jim, can we have  
12 construction guidelines?

13 MR. BURKE: You want to see the  
14 construction guidelines?

15 CHAIRMAN HOLTZMAN: Yes, let's do that,  
16 yes.

17 MR. BURKE: Oh, sure.

18 CHAIRMAN HOLTZMAN: It seems like --

19 (Board members talking at once.)

20 MR. GALVIN: Raise your right hand.

21 Do you swear or affirm that what you're  
22 about to testify to is the truth, the whole truth,  
23 and nothing but the truth?

24 MR. LYNCH: Yes, I do.

25

1 C H R I S T O P H E R L Y N C H, having been duly  
2 sworn, testified as follows:

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

5 THE WITNESS: Christopher Lynch.

6 MR. GALVIN: Spell your last name.

7 THE WITNESS: L-y-n-c-h.

8 MR. GALVIN: And you are a  
9 construction -- what do you do?

10 THE WITNESS: I'm a contractor, and I  
11 work directly with Storage Deluxe in the  
12 construction of these properties.

13 MR. GALVIN: We have no problem with  
14 that, right?

15 MR. BURKE: How many projects have you  
16 worked on?

17 THE WITNESS: I've worked on over 50  
18 self-storage projects.

19 MR. BURKE: And how many for this  
20 applicant?

21 THE WITNESS: I've built 21 directly  
22 for Storage Deluxe.

23 VICE CHAIR MAGALETTA: What you, what  
24 your company did, right?

25 THE WITNESS: Well, I worked directly

1 for Storage Deluxe. The company I ran --

2 CHAIRMAN HOLTZMAN: You got to just  
3 slow down.

4 THE WITNESS: -- I'm sorry -- I work  
5 directly for Storage Deluxe.

6 The company I run is called Storage  
7 Construction Company. It is solely owned by the  
8 partners of Storage Deluxe, so I am essentially  
9 their in-house contractor.

10 CHAIRMAN HOLTZMAN: Mr. Hipolit, you  
11 had question?

12 MR. HIPOLIT: So a couple of questions.  
13 You're their in-house contractor?

14 THE WITNESS: Yes.

15 MR. HIPOLIT: Have you actually  
16 contracted the contractors who do the work, or is it  
17 your firm, and you are in-house and all equipment  
18 and --

19 THE WITNESS: So we are a general  
20 contractor, and we subcontract out all of the work  
21 of the construction. We don't do any physical --

22 MR. HIPOLIT: How many of the sites --  
23 how many of the sites that you worked on were  
24 contaminated?

25 MR. BURKE: Approximately.

1 THE WITNESS: 25.

2 MR. HIPOLIT: Who was the overseer on  
3 your side from the health and safety plan that  
4 oversaw work activities to guarantee that the health  
5 and safety plan developed --

6 THE WITNESS: We worked with a lot of  
7 different consultants.

8 MR. HIPOLIT: So you don't have that  
9 person --

10 THE WITNESS: I'm sorry?

11 MR. HIPOLIT: -- you don't have that  
12 person on your team yet?

13 THE WITNESS: No. For this team, Tavia  
14 is going to handle it on this project. She is our  
15 environmental consultant for this project. She is  
16 local to this area.

17 Many of the projects we have done are  
18 in New York, and we used other firms.

19 MR. HIPOLIT: Okay.

20 CHAIRMAN HOLTZMAN: Did you have a  
21 concern, Mr. Hipolit?

22 MR. HIPOLIT: Again, my concern is the  
23 coordination between the various entities. You have  
24 an owner that is responsible for the site with an  
25 LSRP. You have a purchaser who is working with them

1 to get the site cleaned up, and you have a  
2 contractor who is somehow intertwined inside the  
3 storage company's entity with other subs coming in.

4           Somebody needs to control the site, so  
5 he is the overall control, so if trucks are leaving  
6 the site with mud packed in their tires, and it gets  
7 off site, you just took contamination off site  
8 possibly.

9           CHAIRMAN HOLTZMAN: So, Mr. Lynch, can  
10 you address that question?

11           THE WITNESS: Sure.

12           So we would set up, as with piling  
13 driving operations, there's no engineering control  
14 in place at this time to mitigate anything going off  
15 site.

16           So the first thing we would do when we  
17 are mobilized on the site is we would put in erosion  
18 control measures around the site -- around the site.  
19 That would be fences and silt fences to stop any  
20 transfer of any rainwater off the site from anything  
21 we disturb.

22           Then we have tracking pads, which is  
23 basically large stones with filtered fabric  
24 underneath it, where we could stage a truck before  
25 it leaves the site and wash it down, clean the

1       tires, make sure that there is nothing, depending on  
2       what the site condition was, if it had rained or  
3       excavating, mud would stick to the tires, so we  
4       clean the truck tires, so that nothing exits the  
5       site.

6                   MR. HIPOLIT:  So when you are done, or  
7       daily, or whatever it may be, who is the party  
8       responsible for certifying that that happened?

9                   The city is not going to be out there  
10      watching you every day.

11                   THE WITNESS:  Hum, yeah.  I don't know  
12      the answer to that question.  I mean, I don't know  
13      the answer to that important question.  I mean --

14                   MR. HIPOLIT:  It is an important  
15      question.

16                   THE WITNESS:  -- the -- the responsible  
17      party that is currently responsible is MRC is the  
18      company.  They are going to be responsible for  
19      anything.  So during the course of excavation, if we  
20      unearthed something that wasn't discovered in all  
21      the amounts of studies done, that responsible party  
22      is still responsible --

23                   MR. HIPOLIT:  That is not necessarily  
24      the question I am asking.

25                   On this site, I am confident between

1 your environmental person that testified and the  
2 LSRP that what they find on the site will be  
3 identified, encapsulated, removed, whatever happens  
4 to it.

5 What we are concerned about is during  
6 construction activities. During construction  
7 activities, we have contact with water, contact with  
8 air, contact with our city streets, runoff, all of  
9 these things that could happen, that as you know,  
10 happen on many construction sites on Hoboken. We  
11 get three inches of rain and 20,000 gallons run down  
12 our storm sewer. Who is responsible for that in  
13 your case?

14 THE WITNESS: So we would contain it.  
15 I mean, we would work with Tavia to put together --

16 MR. HIPOLIT: What if you can't?

17 What if 40 trucks go off the site today  
18 with soil in their tires, and you missed it?

19 "Oh, sorry, we missed it."

20 We are not there every day to make sure  
21 you are not slipping up. So, again, my question is:  
22 Who is doing that for your guys?

23 THE WITNESS: I mean, with our  
24 experience in these sites, we have done this in New  
25 York City on sites. We are working on three sites

1 now that are much more contaminated. They have NJP  
2 waste and other things. Just our experience, it is  
3 not our first rodeo. We have really done a lot of  
4 these, and that we -- to protect ourselves, we don't  
5 want somebody coming back to us --

6 MR. BURKE: So you're responsible --

7 CHAIRMAN HOLTZMAN: So hang on a  
8 second, Mr. Burke.

9 THE WITNESS: -- we are responsible.

10 CHAIRMAN HOLTZMAN: So, Mr. Lynch, this  
11 isn't our first rodeo either --

12 THE WITNESS: Understood.

13 CHAIRMAN HOLTZMAN: -- and we are  
14 dealing with an area of our town here that while it  
15 used to be industrial and a swamp at good times is  
16 now a very densely populated neighborhood and  
17 growing more so every day. So you are going to get  
18 our tone real quick that we are going to really make  
19 sure that we are taking care of our neighbors.

20 THE WITNESS: Absolutely.

21 CHAIRMAN HOLTZMAN: Thank you.

22 THE WITNESS: Oh, absolutely.

23 CHAIRMAN HOLTZMAN: Mr. Peene, you had  
24 a question for Nick? Did you want to -- is that  
25 relevant to what we are dealing with right here?

1 COMMISSIONER PEENE: We can let him go.

2 CHAIRMAN HOLTZMAN: Thank you.

3 COMMISSIONER DOYLE: Can I ask a  
4 question?

5 THE WITNESS: Sure.

6 COMMISSIONER DOYLE: The piles question  
7 was not a question about soil disturbance.

8 The piles can be a conduit for  
9 ground -- rain to the groundwater.

10 So if you have a cap, and you are  
11 trying to keep the rainwater from getting down into  
12 the groundwater table, and you have multiple piles  
13 through that cap, that is why I was asking the  
14 question.

15 THE WITNESS: Oh, okay.

16 Most of our piles, we have done some  
17 geotech investigations on site, and the piles will  
18 be driven down to rock, so essentially when we start  
19 driving a pile, we will drive it to the bottom of  
20 the rock, and that rock is essentially to seal the  
21 bottom of that pile. So any rainwater that goes in  
22 the pile will actually just stay in the pile.

23 CHAIRMAN HOLTZMAN: So this is a  
24 technical question that an LSRP would also have  
25 oversight over? This issue of the piles and the

1 cap, we don't want to have a cap and then punch lots  
2 of holes in it and then have to recap it, so take us  
3 through some of the technical --

4 MR. HIPOLIT: So I am not -- I know for  
5 the Board, the Board has a concern about that issue.

6 I am pretty confident, if not a hundred  
7 percent confident, that the LSRP in charge of the  
8 site will ensure the cap is put in place, and once  
9 the site is constructed out, there will be no issues  
10 with health or safety or he could lose his license,  
11 or he or she could lose their license and go to jail  
12 literally. It's a big problem.

13 I'm more concerned about the daily --

14 CHAIRMAN HOLTZMAN: So it's not -- the  
15 final product we are not so concerned about, so I  
16 think we are all on the same page --

17 MR. HIPOLIT: Not concerned about it.

18 CHAIRMAN HOLTZMAN: -- right?

19 But it is the how do we get there.

20 MR. HIPOLIT: Right.

21 I don't necessarily hear a good answer.  
22 I mean, they have a contractor who is going to  
23 self-police himself.

24 We have seen that fall apart hundreds  
25 of times in Hoboken. I mean fall hardly apart, down

1 to where caps never got put in, and all kinds of  
2 stuff.

3 So it's not, I mean, I think what we  
4 want is some -- listen, if the applicant says, hey,  
5 you know what, we will post money in the city, you  
6 sit out here every day. That is an option, but I  
7 don't think that's a good option for you. I think  
8 we want to have an LSRP or somebody from their  
9 side --

10 CHAIRMAN HOLTZMAN: So what would be  
11 the standard procedure as to who --

12 MR. HIPOLIT: They should have an LSRP  
13 in charge of the site during construction. They can  
14 hire their own.

15 CHAIRMAN HOLTZMAN: Mr. Lynch would --

16 MR. HIPOLIT: Yeah.

17 CHAIRMAN HOLTZMAN: -- that they work  
18 for the --

19 MR. HIPOLIT: For the applicant --

20 CHAIRMAN HOLTZMAN: -- contractor on  
21 site --

22 MR. HIPOLIT: Yeah.

23 CHAIRMAN HOLTZMAN: I think that's --  
24 then there is a direct report --

25 MR. HIPOLIT: That way there's a

1 licensed --

2 CHAIRMAN HOLTZMAN: -- and that seems  
3 to be part of the problem here, that the chain of  
4 reporting seems to be a little all over the place.

5 MR. BURKE: We think that is a good  
6 suggestion, and the applicant will do it.

7 MR. HIPOLIT: That's great, and then  
8 they can just report to the city or report to us.

9 CHAIRMAN HOLTZMAN: So the LSRP will be  
10 hired by Mr. Lynch's firm to have basically the  
11 daily oversight, so that while the work is in  
12 process, and at the end of every evening, the site  
13 is properly secured, and the trucks are not leaving  
14 full of soil and things of this nature.

15 MR. HIPOLIT: If there is an issue,  
16 they can deal with it, report it, and then make sure  
17 it's taken care of properly.

18 CHAIRMAN HOLTZMAN: The LSRP is legally  
19 obligated to have a hundred percent oversight on  
20 that.

21 MR. HIPOLIT: Absolutely.

22 CHAIRMAN HOLTZMAN: Great.

23 Does that -- Jim, does that give you  
24 any confidence there?

25 COMMISSIONER DOYLE: Yes.

1 CHAIRMAN HOLTZMAN: Okay.

2 All right. I am sorry, Mr. Lynch, we  
3 had a little diversion. Is there any more to your  
4 testimony?

5 I'm sure there is.

6 THE WITNESS: No, that is it.

7 MR. BURKE: He was really for  
8 questions, not to provide testimony.

9 CHAIRMAN HOLTZMAN: Commissioner?

10 VICE CHAIR MAGALETTA: Mr. Burke, could  
11 you show Mr. Lynch C-6 for the plan?

12 Do you have it available, C-6?

13 MR. BURKE: Okay.

14 It's the soil erosion and sediment  
15 control plan.

16 VICE CHAIR MAGALETTA: That's right, of  
17 the application, of the plan, dated September 30th,  
18 2015.

19 Did you review where it says sequence  
20 of construction?

21 THE WITNESS: Yes.

22 VICE CHAIR MAGALETTA: Did you review  
23 that, and you agree that is how it is going to  
24 happen, or that is how --

25 THE WITNESS: Yeah. This is how it is

1 stipulated by our engineering firm.

2 VICE CHAIR MAGALETTA: And the top left  
3 portion, soil erosion and sediment control, you read  
4 that as well?

5 THE WITNESS: Yes.

6 VICE CHAIR MAGALETTA: And that is also  
7 what the applicant is going to do during  
8 construction?

9 THE WITNESS: Yeah. This basically  
10 depicts what I described before with the silt fences  
11 around the perimeter of the site, and there is a  
12 tracking pad up in the -- if you look at the plan --

13 VICE CHAIR MAGALETTA: The proposed  
14 stabilized construction entrance?

15 THE WITNESS: Yes, exactly. So the  
16 truck leaving the site, that is where we would  
17 ensure it has no soil.

18 VICE CHAIR MAGALETTA: Okay. This is  
19 what you as the contractor are agreeing to do?

20 THE WITNESS: Yes.

21 VICE CHAIR MAGALETTA: Okay. Thank  
22 you.

23 CHAIRMAN HOLTZMAN: Any other questions  
24 for Mr. Lynch at this time?

25 Are there any members of the public

1 that wish to have questions of Mr. Lynch with regard  
2 to construction issues?

3 If there is anybody back there that I  
4 can't see, just come up.

5 MR. BURKE: No, I don't think so.

6 CHAIRMAN HOLTZMAN: Okay. All right.  
7 So we will close -- go ahead, Mr. Pinchevsky --

8 COMMISSIONER PINCHEVSKY: You want to  
9 close --

10 CHAIRMAN HOLTZMAN: We'll close the  
11 public portion on that.

12 Commissioner, go ahead.

13 COMMISSIONER PINCHEVSKY: Just for  
14 clarification, the LSRP by the applicant, they would  
15 be on site during construction every day, all day?

16 CHAIRMAN HOLTZMAN: How does that work?

17 MR. HIPOLIT: So the LSRP for the  
18 applicant is going to be in charge of site  
19 activities with respect to any cross contamination  
20 type issues, air, water, soil on the site.

21 So they are licensed. They will have  
22 to be on site as much as they need to be with an  
23 issue now. They are going to have to have a  
24 relationship with the contractor, and if something  
25 arise, and they are not there, he needs to let them

1 know right away. There will have to be reporting  
2 back and forth between the two of them.

3 Does he need to sit there, it's  
4 probably not necessary.

5 CHAIRMAN HOLTZMAN: Does Mr. Lynch have  
6 an obligation, if something goes wrong, to inform  
7 somebody?

8 MR. HIPOLIT: Yes.

9 MR. GALVIN: I am actually going to  
10 make that part of the conditions.

11 MR. HIPOLIT: Right.

12 Now, have there been cases in New  
13 Jersey where that has not happened?

14 There's lots. That is why we have  
15 contamination all over the place in New Jersey on  
16 sites that it shouldn't be on, so I think by adding  
17 a second LSRP, one by the applicant and one by the  
18 owner, I think you are doing as much as you can to  
19 cover it. I think you are doing a great service,  
20 and them agreeing to it, I think it is great for  
21 them to agree to it.

22 COMMISSIONER PINCHEVSKY: But not  
23 having -- I guess what you are saying is that they  
24 hire an LSRP, and that LSRP has a ton of ethical  
25 standards and professional standards that they can't

1 just take a check and not ever show up.

2 MR. HIPOLIT: Correct.

3 They are licensed by the State. They  
4 have a license under penalty of law to go to jail  
5 and lose their job. It's a pretty high requirement.

6 COMMISSIONER PINCHEVSKY: Okay.

7 COMMISSIONER GRAHAM: Can you review  
8 the credentials of the one they propose?

9 MR. HIPOLIT: So keep in mind that when  
10 they are on that site, they are going to notify us,  
11 and as the Board Engineer, we are going to have some  
12 oversight, too, so we're going to ask them for the  
13 reports. We are going to make sure they give us  
14 their health and safety plan. There's things that  
15 we are going to do to also flag things we see.

16 We have our LSRPs, and if I think there  
17 is something wrong, I'm get someone out there and  
18 have them look at it.

19 COMMISSIONER GRAHAM: Okay.

20 CHAIRMAN HOLTZMAN: Thank you.

21 Thank you, Mr. Lynch.

22 THE WITNESS: I have one thing to add.

23 CHAIRMAN HOLTZMAN: Sure.

24 THE WITNESS: The portion of the  
25 disturbance of the soil in the site where the

1           contamination lies is a very short period of the  
2           duration of the project. We will get in that, get  
3           the foundations in as quickly as possible, and  
4           essentially cap the site.

5                        So the construction operations that go  
6           on above grade, it won't affect any of those sub  
7           grades --

8                        CHAIRMAN HOLTZMAN: Is there a time  
9           frame that you can offer that we won't hold you to,  
10          but an approximate?

11                       THE WITNESS: Yeah, a month and a half,  
12          two months of the foundation completion.

13                       CHAIRMAN HOLTZMAN: And that's to dig  
14          the foundations, drive piles, do that kind of work?

15                       THE WITNESS: Drive piles, excavate the  
16          foundations, and put the drainage system in and pave  
17          the site.

18                       MR. HIPOLIT: Once they are done with  
19          that, then we are good.

20                       CHAIRMAN HOLTZMAN: Then we are good.  
21          Okay.

22                       Thank you, Mr. Lynch.

23                       MR. BURKE: Thank you.

24                       (Witness excused)

25                       COMMISSIONER PEENE: I'd like to

1 before the architect --

2 CHAIRMAN HOLTZMAN: Sure.

3 Mr. Peene, you have a question of Mr.  
4 Coslov?

5 COMMISSIONER PEENE: Yes. I have a  
6 question for Mr. Coslov before the architect steps  
7 up here.

8 N I C H O L A S C O S L O V, having been duly  
9 sworn, testified further as follows:

10 COMMISSIONER PEENE: Now, you are the  
11 owner of Storage Deluxe, correct?

12 THE WITNESS: I'm one of them.

13 COMMISSIONER PEENE: You're one of  
14 them. Okay.

15 I look at the applications and the  
16 plans, and I see Cube Smart here.

17 Can you explain your relationship with  
18 Cube Smart and Storage Deluxe, and if it's going to  
19 be a Storage Deluxe?

20 THE WITNESS: Great question.

21 So the property will be owned by  
22 Storage Deluxe.

23 We hired Cube Smart to be a third-party  
24 manager of all of our owned properties. So we own a  
25 fairly sizable portfolio of properties around, and

1 because of Cube Smart's internet presence, their  
2 economies of scale they have -- they operate, they  
3 are a national company. You actually have one here  
4 in Hoboken. They operate 750 facilities. We use  
5 them, so we will brand the building Cube Smart, but  
6 we will be the owners of it.

7 COMMISSIONER PEENE: Okay. Thank you.

8 I wanted to make a comment because I do  
9 a lot of work in Queens and I see, you know, Storage  
10 Deluxe there. They look like mini Shea Stadiums  
11 with the blue and the orange and stuff. I mean, I'm  
12 a Mets' fan myself, but I wasn't sure about the  
13 coloring for a residential neighborhood.

14 THE WITNESS: Thank you.

15 COMMISSIONER GRAHAM: Is Cube Smart the  
16 one on Grand Street?

17 THE WITNESS: Say it one more time.

18 COMMISSIONER GRAHAM: Is Cube Smart the  
19 one on Grand Street?

20 THE WITNESS: I believe so, yes.

21 COMMISSIONER GRAHAM: Between 10th and  
22 11th?

23 THE WITNESS: I believe so, yes.

24 CHAIRMAN HOLTZMAN: Okay. Great.

25 MR. GALVIN: Raise your right hand.

1                   Do you swear or affirm the testimony  
2                   you are about to give in this matter is the truth,  
3                   the whole truth, and nothing but the truth?

4                   MR. WILBERN: I do.

5                   J A C K    W I L B E R N, RA, Butz & Wilbern, Ltd.,  
6                   800 W. Broad Street, Falls Church, Virginia, having  
7                   been duly sworn, testified as follows:

8                   MR. GALVIN: State your full name for  
9                   the record and spell your last name.

10                  THE WITNESS: My name is Jack Wilbern,  
11                  W-i-l-b-e-r-n.

12                  MR. GALVIN: And your credentials?

13                  THE WITNESS: I'm a licensed architect  
14                  in the State of New Jersey, and I've been since the  
15                  early '90s.

16                  MR. GALVIN: Early '90s.

17                  What is your license number?

18                  No, I'm only kidding.

19                  (Laughter)

20                  Name three Boards you appeared before  
21                  recently.

22                  MR. BURKE: This month?

23                  THE WITNESS: This month?

24                  MR. BURKE: No, this Board.

25                  THE WITNESS: This Board.

1 MR. GALVIN: No, no, no.

2 Give me three other Boards. I don't  
3 remember you being here.

4 THE WITNESS: In the State of New  
5 Jersey?

6 MR. GALVIN: Yes.

7 THE WITNESS: Camden, Fort Lee. I am  
8 trying to remember the other couple I have been in  
9 front of.

10 MR. GALVIN: It doesn't have to be last  
11 week. It could be last month.

12 THE WITNESS: I was going to say over  
13 the past ten years, I know we were in front of a  
14 dozen, but I can't name them.

15 CHAIRMAN HOLTZMAN: I think we will  
16 accept Mr. Wilbern's credentials.

17 MR. GALVIN: I was trying to make it  
18 easy.

19 CHAIRMAN HOLTZMAN: I know.

20 THE WITNESS: I am assuming everybody  
21 on the Board is familiar with the location of this  
22 facility.

23 CHAIRMAN HOLTZMAN: Yes.

24 THE WITNESS: Okay. So I am going to  
25 cover really sort of our basic design approach, go

1 through the plans as they were submitted to  
2 highlight key features of pieces, and then the  
3 elevations, and where we came to design that is not  
4 solid orange and red and blue.

5 COMMISSIONER PEENE: It's orange and  
6 blue.

7 THE WITNESS: Orange and blue.

8 MR. GALVIN: You don't want to tick off  
9 the Mets' fans, you know.

10 (Laughter)

11 THE WITNESS: You win some; you lose  
12 some.

13 As you are aware, as was stated  
14 earlier, this is an unusual location. We have what  
15 is considered an industrial use, even though we  
16 don't consider it that industrial, in an area that's  
17 surrounded by a lot of non industrial or what will  
18 become non industrial. So we know that we have to  
19 be very sensitive to our contacts, including day  
20 care and including the apartments, and we -- the  
21 good news is that we are a very good transitional  
22 use.

23 MR. BURKE: What do you mean by  
24 "transitional"?

25 THE WITNESS: If you were going to be

1 next to a truly industrial use, we are a good,  
2 quiet -- we are low impact --

3 MR. GALVIN: Hey, guys, let's stay to  
4 the architectural testimony, all right?

5 THE WITNESS: Okay.

6 CHAIRMAN HOLTZMAN: Good idea.

7 THE WITNESS: So we are a very low  
8 traffic generating and very low impact in all senses  
9 of the word because all of our oper -- we don't  
10 generate very much traffic. We don't generate very  
11 much noise, and we don't generate very much light

12 So given the context and the importance  
13 of being a good neighbor, because it is a good  
14 neighbor for us now to be approved, but also  
15 ultimately this is a locally serving business, so  
16 our best customers are our immediate neighbors.

17 CHAIRMAN HOLTZMAN: Mr. Burke, can we  
18 have testimony from the architect about the actual  
19 building, and if we need or require additional  
20 opinions regarding planning type opinions, we will  
21 seek them out?

22 MR. BURKE: Yes, Mr. Chairman.

23 I think in fairness, Jack was  
24 basically -- I think he is going to get to this  
25 right now, but the design of building is sensitive

1 to the surrounding area.

2 Is that your statement?

3 THE WITNESS: Correct.

4 MR. BURKE: Okay. So let's get to the  
5 building.

6 THE WITNESS: The design feature is a  
7 hundred percent screening of all operations from  
8 view off site to the maximum extent possible. It is  
9 foresighted architecture. Our goal is not to have  
10 any blank walls, to continue to screen all lighting  
11 and all noises minimized.

12 Our HVAC systems are in fact  
13 residential scaled units. They are not large  
14 industrial or commercial units.

15 So to go to the plans, this is Adams on  
16 this side and Jefferson here.

17 A single drive on this side and a  
18 matching one on this side, a nice clear drive aisle,  
19 immediate parking for our business operations  
20 office, oversized parking spaces get to the elevator  
21 lobby, where all of the building is located above  
22 flood elevation and then auxiliary parking.

23 CHAIRMAN HOLTZMAN: Mr. Wilbern, I know  
24 that there was some discussion at our previous  
25 completion meeting about the location of the

1 utilities, and there seems to still be some  
2 discussion as to the location of them now.

3 Your previous testimony was regarding  
4 the office that you didn't think that it would be  
5 necessary, you weren't really overly concerned if it  
6 was perhaps damaged in the future by flood waters  
7 and stormwater because it was relatively small and  
8 inconsequential to the operations of this facility.

9 THE WITNESS: Correct.

10 CHAIRMAN HOLTZMAN: You said people  
11 could sit in the parking lot and run the whole place  
12 off a couple of laptops?

13 THE WITNESS: Correct.

14 CHAIRMAN HOLTZMAN: So that being said,  
15 that's understandable with regards to the office.

16 But with regard to the location of the  
17 utilities, if you keep them on the grade level,  
18 where I think they are still in the latest  
19 version --

20 THE WITNESS: No. As a clarification,  
21 we have labeled two areas as utility because that is  
22 where the incoming sweep will come in from the  
23 street and go up to the upper levels for all of the  
24 actual panels, computer controls, everything that is  
25 vital to the operation of the business will be above

1 it.

2 CHAIRMAN HOLTZMAN: Great.

3 So those rooms that are marked  
4 "Utility" on the grade level are merely conduit  
5 rooms?

6 THE WITNESS: Correct, correct, or  
7 possibly to put repair equipment, but nothing vital  
8 to the operation of the building.

9 CHAIRMAN HOLTZMAN: Great. Thank you.

10 MR. GALVIN: It should be revised. The  
11 labeling should probably be revised then.

12 THE WITNESS: Absolutely.

13 MR. GALVIN: Okay.

14 MR. HIPOLIT: I think it is still a  
15 utility room. I think the labeling on the upstairs  
16 room should be meter location room or meter room.

17 CHAIRMAN HOLTZMAN: Right, because if  
18 they keep it at grade level, they can technically  
19 have them dry flood proofed, but in this case I  
20 think they would have to dry flood proof to eight  
21 feet high, which is almost unsustainable --

22 MR. HIPOLIT: You can't really --

23 CHAIRMAN HOLTZMAN: -- right.

24 THE WITNESS: Correct.

25 MR. GALVIN: So the plan should be

1 revised to show the meter room on the second floor.

2 CHAIRMAN HOLTZMAN: Utility meter  
3 locations on the second floor.

4 MR. HIPOLIT: Right.

5 CHAIRMAN HOLTZMAN: And that the grade  
6 level is only pass-through rooms for the conduit,  
7 utility conduit.

8 MR. GALVIN: Because what happens if we  
9 don't change the labeling on the plan, later on  
10 somebody thinks something else.

11 THE WITNESS: Yes. Happy to do so.

12 We are demonstrating a total of 17  
13 parking spaces, plus six oversized parking loading  
14 spaces, which are more than adequate for our use.

15 This is supported by an ITE calculation  
16 that uses both the square footage in the building as  
17 well as the total number of proposed units and  
18 generates somewhere around a peak traffic of 16  
19 vehicles per day -- per hour at peak.

20 And our empirical evidence would say  
21 that that is an overstatement based on the  
22 facilities within the urban environment similar to  
23 Hoboken.

24 THE REPORTER: I'm having trouble  
25 hearing you.

1                   THE WITNESS: I'm from the south, I  
2 usually talk slow.

3                   THE REPORTER: I can't hear you that  
4 well over here.

5                   CHAIRMAN HOLTZMAN: Mr. Wilbern, why  
6 don't you come to the center of the floor and kick  
7 Mr. Burke away?

8                   THE WITNESS: I will be a little bit  
9 closer.

10                  So then from there, we go to a typical  
11 upper floor, which is on the back here, not a  
12 particularly meaningful -- it will all be  
13 self-storage, limited hallways, egress stairs, and  
14 elevators.

15                  The second floor is where we put all of  
16 the utilities, and I will note that on the plan and  
17 update it to make it clear.

18                  MR. GALVIN: Thank you.

19                  THE WITNESS: The roof plan  
20 indicates -- I am coming forward -- we are going to  
21 have some plan elements on the roof to support what  
22 we are proposing for the elevations.

23                  But for the most part it is a white  
24 roof, so it is a low albedo heat island reduction  
25 roof and will be certified as such.

1                   As I stated before, we have small  
2                   residential scaled condensers on the roof, just like  
3                   an apartment building. We probably have fewer given  
4                   the square footage. We are not trying to keep  
5                   belongings as comfortable as you would keep your own  
6                   house.

7                   MR. GALVIN: Any generators?

8                   THE WITNESS: No. At this point we  
9                   don't feel that we have to provide any for life  
10                  safety, so we have not proposed any.

11                  MR. GALVIN: All right. Fair enough.

12                  THE WITNESS: One of the features of  
13                  this building that I think is important for the  
14                  overall understanding is -- I'm looking at P-204 of  
15                  your documents that shows the overall context of the  
16                  building, what we are proposing to face Adams and  
17                  Jefferson is a very similar elevation --

18                  MR. GALVIN: Tower of Pisa look.

19                  THE WITNESS: I beg your pardon?

20                  MR. GALVIN: Tower of Pisa look.

21                  (Laughter)

22                  THE WITNESS: Not so much.

23                  What we are proposing is a green wall,  
24                  a living green wall.

25                  CHAIRMAN HOLTZMAN: Why don't you bring

1 your whole easel forward?

2 Why don't we bring everything closer,  
3 so people can see it?

4 MR. GALVIN: I was kidding because the  
5 easel was tipping.

6 THE WITNESS: I'm also going to show  
7 bigger pictures.

8 CHAIRMAN HOLTZMAN: Great. Let's use  
9 bigger pictures.

10 THE WITNESS: So let's use this one.

11 MR. BURKE: Yeah, use the big one.

12 CHAIRMAN HOLTZMAN: Mr. Burke, help him  
13 out with that scaffolding over there, that tripod.  
14 It's going crooked. Everyone is distracted.

15 THE WITNESS: So this is the Jefferson,  
16 but the Adams is a duplicate.

17 What we are proposing is where the  
18 drive-through is above is to put a spandrel glass  
19 system, so it's not just a blank facade, but the  
20 overall majority of this is actually a green  
21 screening system, which is a living wall supported  
22 from both the base and the top.

23 We are also using a prefinished PCC --  
24 a three-dimensional system, so that even as it grows  
25 in, it is still attractive, and I have some further

1 pictures for the Board to look at in terms of the  
2 nature of the plan.

3 The system that we are proposing is  
4 used throughout North America. They don't just do  
5 it in the sunbelt. They do it all the way through  
6 to Canada and pick plants that are appropriate and  
7 maintainable and live on this micro climb.

8 So, for instance, this elevation might  
9 be slightly different than the other one, because it  
10 faces different directions.

11 MR. BURKE: How is it watered and how  
12 is it maintained?

13 THE WITNESS: We will actually provide  
14 a written maintenance agreement to the town. It is  
15 watered and maintained at the top and bottom, and  
16 then will be regularly pruned and weeded actually.  
17 Surprisingly enough, weeds will actually grow up in  
18 the air. I never quite understood it, but it's  
19 true --

20 CHAIRMAN HOLTZMAN: Councilman Doyle,  
21 your question about how long it takes to look so  
22 pretty?

23 THE WITNESS: It is a little -- it is a  
24 variable. I can say that I am familiar with -- I  
25 have this green screen on the building that I

1 designed for our office. It took it about a year  
2 and a half to grow about 20 feet on a little  
3 itty-bitty planter.

4 So I would predict that somewhere  
5 around three or four years to infill, and I have  
6 projects in driving distance of my office that did  
7 that easily 40 feet and filled in very solidly

8 MR. ROBERTS: So the plant materials,  
9 it looks like it's all one species or multiple --

10 THE WITNESS: That I will refer to  
11 people who actually know plants better than I do.

12 MR. ROBERTS: Are you going to have a  
13 witness that is going to cover it?

14 THE WITNESS: Not this time. We are  
15 going to hire basically somebody who specializes in  
16 these installations and require them to give us a  
17 maintenance contract.

18 MR. ROBERTS: I think we are trying to  
19 get to -- we are putting plants in across the top  
20 and across the bottom. They are going to grow down  
21 and up, correct?

22 THE WITNESS: Correct.

23 MR. ROBERTS: Is there going to be a  
24 variety of plants that are intermingle?

25 Are they vines?

1                   I think we are trying to get a feeling  
2                   for this wall, how soon it would be green.

3                   I know you said it would take three to  
4                   four years to infill, but I'm trying to get a better  
5                   picture on infilling from the bottom and from the  
6                   top towards the middle.

7                   Is there anything that could grow in  
8                   between, or is it all planting that needs either to  
9                   grow across the base of the building or --

10                  THE WITNESS: It's all in the top.  
11                  There are no intermediate pieces because you need to  
12                  be able to add water and nutrients to the plants  
13                  themselves, and midstream is almost impossible to do  
14                  it on regular maintenance --

15                  MR. ROBERTS: Because there are systems  
16                  where they have -- the whole screen is like a grid.

17                  THE WITNESS: For the most part, that  
18                  is when you want them to be edible walls. In  
19                  order -- you have controls, and they're usually  
20                  lower. They are usually in the 20-foot range, where  
21                  you can more reasonably maintain them.

22                  MR. ROBERTS: I understand that, right.

23                  MR. BURKE: The question came up on the  
24                  encroachment.

25                  Will any of this be on the public

1 sidewalk or is this all --

2 THE WITNESS: No. All of the plant  
3 media, the wall center is all within our property.

4 VICE CHAIR MAGALETTA: Can we go back  
5 to the wall?

6 THE WITNESS: Sure.

7 VICE CHAIR MAGALETTA: You have glass  
8 there as well, and my question is: As far as the  
9 sunlight that reflects off of that, will it be  
10 reflecting onto the neighbor, where it reflects off?

11 How far is it going to be, because  
12 that's facing east on the one side, so at one  
13 point --

14 THE WITNESS: This will actually -- the  
15 glass will be polished aluminum --

16 VICE CHAIR MAGALETTA: Oh, I thought  
17 you said glass.

18 THE WITNESS: I call it "spandrel"  
19 because people are familiar with that term, but in  
20 this case it's actually a polished aluminum system,  
21 which is not nearly as reflective as glass.

22 VICE CHAIR MAGALETTA: Okay.

23 THE WITNESS: So it gives it a dark  
24 shiny-ish appearance without all of the negatives.

25 So we will just keep going through the

1 sheets.

2 This is our context showing the  
3 relationship to the adjoining apartment on Adams and  
4 then this building, and the adjacent retail, day  
5 care that is on the side, and actually strings  
6 between Adams and Jefferson as well.

7 COMMISSIONER PEENE: How many feet  
8 higher is it than the Adams Street building --

9 THE WITNESS: Based on our  
10 understanding, we weren't able to physically measure  
11 it, but we did shoot it. We are currently at a  
12 height of 78 feet on the Adams Street elevation, 79  
13 and a half on Jefferson, because the site is sloped.

14 This building is somewhere 23 or 24  
15 feet. It's a story and a half, if you will.

16 There are -- the apartments across the  
17 way is at -- their parapet is at 75 feet, which we  
18 did have the surveyor do the best to shoot it.

19 COMMISSIONER PEENE: Thank you.

20 CHAIRMAN HOLTZMAN: Is there an  
21 elevation for the -- I see east, west, south. Do we  
22 have north?

23 THE WITNESS: Yes. We have north.

24 I clearly saved a lot of boards by  
25 trying to put them on top of each other. It is this

1 one.

2 Thank you very much, the hidden one.

3 This is the north elevation, where the  
4 existing building falls here.

5 And what we are proposing on this  
6 elevation is a little bit -- we have to bring a  
7 stairwell up. We have an elevator bulkhead, and  
8 then what we are proposing is actually a true glass  
9 pair of panels, and we worked and approached the  
10 building department, and there are two or three  
11 different solutions for doing this that are not --  
12 that don't require an easement under the next  
13 property.

14 Our first choice is to get a prior  
15 easement off of this easement that would preclude  
16 them from ever building in front of us, but we have  
17 two other methodologies or actually a fire rated  
18 glass or actually a fire rated wall in front of it.

19 VICE CHAIR MAGALETTA: Is there any way  
20 to put the bulkhead further into the interior of the  
21 building, so it is not visible from the street, the  
22 north or the east elevation --

23 THE WITNESS: Hum, yeah, but it is --

24 VICE CHAIR MAGALETTA: I understand.

25 THE WITNESS: -- where we are loading

1 from the first floor to determine where the  
2 elevators have to go, and the stairwells follow that  
3 same pattern of development coming up from the floor  
4 plan --

5 CHAIRMAN HOLTZMAN: Technical  
6 difficulties with the easel.

7 THE WITNESS: -- our typical floor  
8 plan, which is on the back --

9 CHAIRMAN HOLTZMAN: Hey, Cube Smart  
10 team, give your architect a hand here with his  
11 easel.

12 THE WITNESS: -- so all of our  
13 operations at present for drive motions on one side  
14 of the building, which puts the stairwells on the  
15 other.

16 The elevator bulkhead is actually quite  
17 minimum. It's only three or four feet. One of the  
18 stairwells has to come up all the way to the road --

19 VICE CHAIR MAGALETTA: I understood  
20 that. I just thought you could hide it a little  
21 more from the street.

22 And you're saying you can't really  
23 because that is where the elevator is, and it plays  
24 off of that.

25 COMMISSIONER DOYLE: Putting on the

1 other side --

2 VICE CHAIR MAGALETTA: Well, they are  
3 in the middle, where the trucks are making or the  
4 cars --

5 THE WITNESS: We would be conflicting  
6 with keeping all of the operations internal to the  
7 site.

8 So that is north, and we did east and  
9 west. East and west are essentially duplicates of  
10 each other.

11 For the south elevation, what we  
12 submitted to you was we were unsure as to what the  
13 property development next to us was actually going  
14 to be.

15 If there is actually going to be a  
16 building plan there, then we would probably not put  
17 anything on there, other than a fire wall.

18 But we were indicating that if we were  
19 going to be next to an open space, we would have  
20 four-sided architecture. We would have the same  
21 siding, the same panels, and then do the same  
22 glazing --

23 CHAIRMAN HOLTZMAN: We are going to  
24 take a little diversion here.

25 Director Forbes?

1                   COMMISSIONER FORBES: Right now the  
2 city is in the process of acquiring that property --

3                   CHAIRMAN HOLTZMAN: The property to the  
4 south of their site.

5                   COMMISSIONER FORBES: -- the property  
6 to the south of the site. For that particular  
7 piece, however, they established that that is where  
8 they want to put a parking garage. So it is very  
9 specific that that is where they would want to  
10 locate parking.

11                   That being said, it has not been  
12 designed as to how many levels of parking. You  
13 know, it would likely take up the entire site.  
14 However, like I said, I don't know what height it  
15 would be at, but that is the intent. However, it  
16 still has to go through acquisition, and it still  
17 has to go through design, and it still has to be  
18 built.

19                   THE WITNESS: So our goal is to provide  
20 four-sided architecture.

21                   You are looking at some of the  
22 buildings that are in place that have these large  
23 winding walls, that is not in our enlightened  
24 self-interest. We would like to provide something  
25 that is indicative of the quality building that we

1 are providing to the neighborhood, that we would  
2 love to do with glass, but unfortunately, it is  
3 going to be covered by a building, it would serve no  
4 purpose. One idea that we have played with --

5 CHAIRMAN HOLTZMAN: So is it a fair  
6 statement then to say, given Director Forbes'  
7 testimony about in the future there is going to be a  
8 parking deck there, that it makes no sense to go  
9 with that design plan that you are showing us at the  
10 moment?

11 THE WITNESS: I believe so.

12 We would probably make it so that it  
13 could happen pending those plans.

14 CHAIRMAN HOLTZMAN: You are going to  
15 build this building long before those plans get  
16 set --

17 COMMISSIONER FORBES: Yes.

18 THE WITNESS: I am sure, so what we are  
19 left with is something that needs to be appropriate  
20 in terms of a blank wall because we are going to  
21 have something fire rated next to us, but we would  
22 like to be a good neighbor. We then need about a  
23 couple different options of how to do that.

24 One is we could use the same spandrel  
25 system or polished aluminum that is on the front and

1 back, or we could come up with something, and I  
2 played with the notion -- I apologize -- I played  
3 with the notion of putting a temporary mural. I  
4 just put a picture of Hoboken on there. It could be  
5 anything. It could be something that would be  
6 street scape appropriate. If it was unfinished, it  
7 could be, you know, a picture of the park that's  
8 coming. It could be any number of things as a  
9 temporary function.

10 CHAIRMAN HOLTZMAN: That is very  
11 interesting.

12 Mr. Peene and I were recently  
13 discussing murals.

14 COMMISSIONER PEENE: Yeah.

15 This has become more common practice in  
16 some of the more urban cities in New Jersey, as  
17 Jersey City has done a huge community project --

18 CHAIRMAN HOLTZMAN: Newark.

19 COMMISSIONER PEENE: -- Newark, Asbury  
20 Park and different places like that, and really got  
21 the community involved, commissioned high profile  
22 artists and really turned lemons into lemonade and  
23 made public art.

24 I think in the City of Hoboken we are  
25 really lacking in that department. We are lacking

1 in the public art, and I know this Board has tried  
2 hard to on some redevelopment projects to insert a  
3 public art requirement in there, and you know,  
4 according to your plans right now, it looks like  
5 naturally you have a canvas for such a painting.

6 THE WITNESS: Exactly.

7 CHAIRMAN HOLTZMAN: It brings up a  
8 great point, though, and obviously you are  
9 interested in entertaining this. You have put  
10 together a board for us, a proposal here. It does  
11 seem perhaps -- it seems like a very nice community  
12 benefit to have a large mural.

13 On the other hand, we are fairly  
14 certain that in the not too distant future, that we  
15 are also going to end up with a parking structure.  
16 So in sort of thinking this through, I was talking  
17 to Commissioner Peene earlier, that the north side  
18 of the building, which actually has the same sized  
19 canvas, if you will, is an incredible view of that  
20 coming down the Viaduct, that would then be an  
21 incredible space for a mural that would overlook all  
22 of Hoboken and the industrial area that this is  
23 located. So maybe that is a good location for it,  
24 so that it also survives for some time as opposed to  
25 being against the parking structure.

1                   THE WITNESS: Yeah, because we actually  
2 talked about that internal about how do you present  
3 something that then doesn't become a burden to  
4 future development, if now you put art into it, and  
5 people propose a parking garage because --

6                   CHAIRMAN HOLTZMAN: Because there is  
7 this beautiful mural, right?

8                   THE WITNESS: -- correct. Having had  
9 that happen to me before.

10                  So we are also open to that. We  
11 calculated trying to keep something that is a  
12 reasonable size, that is large enough to actually be  
13 read from a distance --

14                  CHAIRMAN HOLTZMAN: Can you tell us  
15 what the dimensions of like this north --

16                  THE WITNESS: This is roughly just  
17 under 200 feet. It is 195 feet, and we have roughly  
18 78 minus 23, so we have 50 feet, let's say.

19                  CHAIRMAN HOLTZMAN: Right.

20                  THE WITNESS: So what we were also  
21 looking at is how to integrate that to make that --  
22 I tend to also look for what could be enjoyed from  
23 the street, so that as you are coming down, you also  
24 have a sense of that, because you see it from a  
25 distance, but then if you completely lose sight of

1       it when you walk and drive to the building, that can  
2       be disconcerting. So, if anything, we would be  
3       looking at working with a solution that would be  
4       good for a distance as well as close.

5                   VICE CHAIR MAGALETTA: I have a  
6       question.

7                   Any wall can be active, but is there a  
8       reason why the windows on that side -- I would  
9       imagine that there is a hallway there --

10                  THE WITNESS: Correct.

11                  VICE CHAIR MAGALETTA: -- so the  
12       windows basically just --

13                  THE WITNESS: This was part of my  
14       testimony in terms of the intent of the glass as  
15       well as the signage, that this is a lot about way  
16       finding.

17                  We are drawing from a two-mile radius,  
18       which is two square miles, so it's mostly people in  
19       this area, like it's typically only visited once or  
20       twice by people that were patrons when they rent and  
21       when they move out. They're usually driving -- they  
22       borrowed a van or somebody's truck, so we are very  
23       focused on way finding, so that when somebody sees  
24       us from a distance, they know where they are headed  
25       to. Signage alone, you don't normally see that or

1       you can't read it from any kind of distance.

2               So typically what we are trying to say  
3       is we are self-storage and show what kind of  
4       operations are going on, so these are actually faux  
5       displaying, if you will.

6               Sometimes it is shallow, two and a half  
7       feet. Sometimes they are five feet deep to actually  
8       show hallways and activity, so people know where  
9       they are headed.

10              Then as you come closer, that is where  
11       we rely on the low signs, so people are way finding  
12       as they get closer to us.

13              So as much as we are drawing for local,  
14       we are drawing for people that have only been here  
15       once or twice, and it's part of our way finding  
16       strategy --

17              MR. HIPOLIT: I will ask the question:  
18       If that is the case, why do you have of a big sign  
19       in the middle?

20              THE WITNESS: Because we want them to  
21       know which self-storage it is.

22              It is all about branding, because  
23       people -- Cube Smart, Hoboken is going to come up on  
24       their phone. That's it. That's part of the  
25       searching --

1                   VICE CHAIR MAGALETTA: The point is,  
2                   like you're saying, you want to make this building  
3                   iconic --

4                   THE WITNESS: Well, it's --

5                   VICE CHAIR MAGALETTA: -- but you want  
6                   to have it, so it's in their mind, when they see  
7                   that building, be it the artwork or windows.

8                   So if you have Cube Smart up there, why  
9                   do you have to make it a branded building facade is  
10                  what I think Andy's question is, and I agree with  
11                  that --

12                  THE WITNESS: I will predict that our  
13                  signage allotment is not something where we're going  
14                  to be visible from the --

15                  VICE CHAIR MAGALETTA: And that was my  
16                  next question, which is as far as our sign  
17                  ordinance, how does your proposed Cube Smart comply  
18                  with our sign ordinance?

19                  THE WITNESS: I believe the actual  
20                  total areas are detailed on our application as the  
21                  total amount signage.

22                  We have two street frontages, which  
23                  gives us each approximately a hundred square feet  
24                  for signs on both frontages.

25                  We are currently proposing with all of

1 the pieces of the puzzle, we are somewhere around  
2 600. If we are going to have a parking garage next  
3 to us, I think this one is going to go away, right,  
4 this south elevation, that drops us by a quarter.

5 We are also looking at reducing all of  
6 the signage on Adams and Jefferson to get rid of the  
7 symbol piece, Cube, reduce it down to Cube Smart,  
8 which brings both of those signs into conformance.

9 MR. ROBERTS: Those signs are the ones  
10 that are actually permitted by the ordinance because  
11 you are only allowed to put signs on facades that  
12 face the street --

13 THE WITNESS: Correct. And those are  
14 not lit. They are not internally illuminated, so  
15 they aren't blasting light out. We have small  
16 localized ball washers on them, not -- and they're  
17 embedded into the green wall.

18 CHAIRMAN HOLTZMAN: I think your  
19 building would be iconic, if you had this incredible  
20 mural on the north side of it, and everyone would  
21 know that the storage facility is that cool mural.

22 COMMISSIONER PINCHEVSKY: One question.

23 CHAIRMAN HOLTZMAN: Sure, of course.

24 COMMISSIONER PINCHEVSKY: The existing  
25 structure that's currently there, is it just a black

1 wall currently?

2 THE WITNESS: No, no. This is just --  
3 I am showing it as blocked out what is not our  
4 building. This won't be visible.

5 COMMISSIONER PINCHEVSKY: Okay. So I  
6 guess having it blacked essentially, it's difficult  
7 to try to visualize.

8 THE WITNESS: Well, we will have fire  
9 rated panels behind it.

10 If it is visible on this elevation, we  
11 are going to use the same panels that go all the way  
12 down.

13 COMMISSIONER PINCHEVSKY: Correct. I  
14 mean, if one of the ideas was to make, I believe it  
15 was that that wall a mural, it would be nice to be  
16 able to visualize this from I think --

17 VICE CHAIR MAGALETTA: Strip mall.

18 COMMISSIONER PINCHEVSKY: -- is it a  
19 strip mall --

20 (Everyone talking at once.)

21 COMMISSIONER DOYLE: Italian  
22 restaurant.

23 THE WITNESS: I actually had submitted  
24 a three-dimensional rendering --

25 MR. HIPOLIT: It would have to be above

1 it.

2 (Everybody talking at once)

3 THE WITNESS: -- so on Sheet 206 of  
4 your submission, we actually did some 3D modeling,  
5 which also showed the relationship of that low  
6 building to our building.

7 COMMISSIONER PINCHEVSKY: I have it.

8 Thank you.

9 MR. BURKE: If we did a mural on the  
10 north, the only concern I have is that it would  
11 require probably an easement from the private  
12 landowner because we would have to access it from  
13 its side.

14 CHAIRMAN HOLTZMAN: One more time, Jim?

15 MR. BURKE: On the north side, our  
16 building is going to go to the property line,  
17 correct?

18 THE WITNESS: Correct.

19 MR. BURKE: So to maintain and be able  
20 to paint that mural, it would require the owner of  
21 the adjacent site --

22 MR. GALVIN: You got an easement by  
23 necessity --

24 MR. BURKE: I don't know. Is that a  
25 necessity? I'm not --

1 MR. GALVIN: -- because you don't have  
2 any --

3 MR. BURKE: -- to paint a mural.

4 MR. GALVIN: -- you have a right to do  
5 that. You may have to work it out with him, I don't  
6 know, but --

7 MR. BURKE: I'm just raising it as a  
8 concern.

9 MR. GALVIN: How do you put up the wall  
10 in the first place?

11 CHAIRMAN HOLTZMAN: You're going to  
12 need to do it to construct the building anyway.

13 THE WITNESS: Site construction, you  
14 know, easements are very different, and also what we  
15 are doing is we are swinging a lightweight insulated  
16 metal panel, so we are not with scaffolding on the  
17 roof, for instance --

18 COMMISSIONER PINCHEVSKY: Don't the  
19 murals, aren't they are painted on by --

20 CHAIRMAN HOLTZMAN: Hanging  
21 scaffolding --

22 COMMISSIONER PINCHEVSKY: -- I mean, so  
23 you're hanging over the property for two days, and  
24 that's an easement -- they do it extremely quick.

25 CHAIRMAN HOLTZMAN: It needs to be

1 worked out.

2 MR. GALVIN: I am just saying whether  
3 you have it or not, don't you agree with me that you  
4 have an easement by necessity?

5 VICE CHAIR MAGALETTA: I think so.

6 MR. GALVIN: You got to be able to  
7 maintain your property. If you don't have a zero  
8 lot line --

9 THE WITNESS: Correct. A lot of the  
10 building we put up --

11 MR. GALVIN: I mean, I don't know what  
12 other people do. It would be nice to have an  
13 agreement to be good neighbors, but I think you get  
14 to do it whether they agree or not.

15 MR. BURKE: Look, I lean towards that,  
16 but I can't say a hundred percent, okay?

17 CHAIRMAN HOLTZMAN: Mr. Burke, is there  
18 any additional info to Mr. Wilbern's testimony?

19 MR. BURKE: Do you have anything  
20 further?

21 THE WITNESS: I just wanted to make  
22 sure I covered all of the sheets.

23 We also developed, in conjunction with  
24 the comments from the Board engineer, a lighting  
25 plan, where we did a photometric.

1                   We have the benefit of simply putting  
2 all the lights under the building, so we have light  
3 lead. We have low bollards against the street. We  
4 did have -- when you first come in under our  
5 parking, we have increased lighting right there  
6 because your eyes don't transition that fast, so we  
7 made sure that the light lead on the sidewalk was de  
8 minimus, so we did all the site lighting study.

9                   We also provided a full ADA compliance  
10 route to go from the street to our operations to the  
11 parking control operational areas.

12                   If I could do one more, which is our  
13 flood control plan.

14                   That would be -- that's it -- we did  
15 receive a conditional follow-up, a letter from the  
16 Flood Plain Administrator detailing for the most  
17 part because we have these two access points, and  
18 we are able to put a security grill rather than a  
19 solid gate. We will provide a hundred percent open  
20 throughout the flood event, and we are flood venting  
21 all areas that we possibly can.

22                   Again, as the Chairman noted, we had  
23 provided information earlier that our operations  
24 office on the first floor is a convenience, but is  
25 not vital to reestablishing the operation for the

1 facility, because it is all cloud based, and  
2 therefore, we are not dependent on cleaning up that  
3 space instantaneously.

4 The last piece was also just the green  
5 screen itself, which is -- thank you -- these  
6 documents are also in yours.

7 It shows a progress shot of how it  
8 comes up. This is already 10, 20, 30, 40 feet  
9 already.

10 MR. BURKE: How long did that take?

11 THE WITNESS: This one when I called  
12 the manufacturer, it was about two and a half years,  
13 but this was also in a place that would grow  
14 anything. This was in Florida.

15 CHAIRMAN HOLTZMAN: Hoboken.

16 (Laughter)

17 THE WITNESS: We have another, and I  
18 also provided a close-up shot of the  
19 three-dimensional screening element.

20 We provided it in the green, so that it  
21 is still attractive as it's filling in, rather you  
22 have options for white, and I don't know why anybody  
23 would ever do that.

24 Again, our goal is to provide this and  
25 to provide -- we have a self-interest to make sure

1       that this goes in and is maintained well. We don't  
2       want to put something in that becomes a maintenance  
3       issue.

4                   As I said before, our primary patrons  
5       are local, and we intend to be a good neighbor to  
6       them.

7                   CHAIRMAN HOLTZMAN: Thank you, Mr.  
8       Wilbern.

9                   Councilman, you had a question?

10                  COMMISSIONER DOYLE: Yes, a few  
11       questions.

12                  This apparatus that would be holding  
13       that up, that is not protruding out into the public  
14       right-of-way?

15                  THE WITNESS: No, it is not.

16                  COMMISSIONER DOYLE: Okay. Thank you.

17                  THE WITNESS: Our building faces two  
18       and a half feet back. This is approximately three  
19       inches.

20                  COMMISSIONER DOYLE: The other question  
21       is just so I am understanding, the notion that you  
22       are not going to have anything in this commercial  
23       space on the lowest level, so that it can flood, and  
24       it won't be a catastrophe for you.

25                  Do we allow that as an option?

1                   I thought that you have to dry flood  
2 proof a commercial space within the low DFE. I  
3 mean, I didn't know you could say we don't care  
4 about what is there, so we are happy to let it  
5 flood.

6                   CHAIRMAN HOLTZMAN: It is not a retail  
7 environment, so --

8                   MR. HIPOLIT: You are not required to  
9 dry proof it. You could, but you're not required  
10 to.

11                  COMMISSIONER DOYLE: I'm saying, you  
12 are allowed to have a commercial -- non retail  
13 space --

14                  THE WITNESS: By the same token, we are  
15 trying to provide a good street scape for screening.

16                  COMMISSIONER DOYLE: I got you. Just a  
17 specific question --

18                  MR. GALVIN: God bless you, Pat.

19                  COMMISSIONER DOYLE: Thank you.

20                  CHAIRMAN HOLTZMAN: Any other questions  
21 for Mr. Wilbern at this time?

22                  MR. ROBERTS: Mr. Chairman, just a  
23 follow-up on the green screen.

24                  I guess I am a little -- I have some  
25 questions about the plant materials that we are

1 going to be using here, and I would like to be able  
2 to have some additional follow-up when those plants  
3 are selected because I think from the photographs,  
4 it looks like we have -- some of those screens may  
5 have been planted with wisteria or --

6 THE WITNESS: No wisteria --

7 CHAIRMAN HOLTZMAN: So your concern is  
8 that --

9 MR. ROBERTS: -- I'm just going by the  
10 pictures.

11 CHAIRMAN HOLTZMAN: -- Mr. Wilbern's --  
12 Mr. Wilbern's testimony, I believe, was specifically  
13 that they have not gotten that far yet.

14 MR. ROBERTS: Right.

15 CHAIRMAN HOLTZMAN: And your answer is  
16 that --

17 MR. ROBERTS: We need to keep track of  
18 it.

19 CHAIRMAN HOLTZMAN: -- we need to keep  
20 track of that, right?

21 MR. ROBERTS: Right, because I wouldn't  
22 want to see any evasive vines. There are some very  
23 oppressive ones --

24 CHAIRMAN HOLTZMAN: Okay. We are  
25 hoping they are going to hire the right

1 professional, but you just want to have a signoff on  
2 that.

3 (Everybody talking at once.)

4 MR. GALVIN: I got the solution.

5 CHAIRMAN HOLTZMAN: We are going to  
6 open it up to the public.

7 MR. GALVIN: The architect offered that  
8 they would do an agreement with the city --

9 CHAIRMAN HOLTZMAN: Absolutely.

10 MR. GALVIN: -- and I think that that  
11 is the best way to go, and I think it has to be a  
12 recorded agreement, so it can be binding on future  
13 owners, so the building gets --

14 MR. BURKE: So the maintenance  
15 agreement would include the types of plants --

16 MR. GALVIN: You are going to work all  
17 of that out with the city and the city professionals  
18 probably --

19 (Everyone talking at once.)

20 VICE CHAIR MAGALETTA: You could put a  
21 variance on the number of floors as well, because  
22 the more units you stuff in there, the better.  
23 Is that basically it?

24 THE WITNESS: Also, we are trying to  
25 screen all of the operations and cap the entire

1 site, and we are essentially the same height as the  
2 apartments, so we are trying to fit into our  
3 neighborhood. We can't look like an apartment  
4 building, and so we are trying to provide something  
5 that's --

6 VICE CHAIR MAGALETTA: I'm not talking  
7 about height. I'm talking about the number of  
8 stories.

9 THE WITNESS: The number of stories.

10 VICE CHAIR MAGALETTA: The height, I  
11 understand that. Two feet below --

12 THE WITNESS: Correct.

13 VICE CHAIR MAGALETTA: -- but you have  
14 more stories than you are permitted --

15 THE WITNESS: The height doesn't  
16 benefit us in any material way. If we had taller  
17 floors --

18 VICE CHAIR MAGALETTA: I'm just talking  
19 about the number of stories --

20 THE WITNESS: You were actually --

21 MR. GALVIN: No, no.

22 CHAIRMAN HOLTZMAN: Time out.

23 MR. GALVIN: The rationale for this  
24 zone was 20 feet per floor because an industrial  
25 building, you know, you wanted more height to do an

1 operation.

2 But if you are going to do Coca-Cola or  
3 iced tea, you need to have a tank in an area above  
4 it to clean it --

5 VICE CHAIR MAGALETTA: You are going to  
6 put more units into that building now because they  
7 are shorter. You don't need to have 20 foot  
8 storage -- I don't, but maybe somebody does, and  
9 that's the reason.

10 THE WITNESS: Right.

11 CHAIRMAN HOLTZMAN: Frank has his yes.  
12 That's all he was looking for. Frank was looking  
13 for his yes.

14 THE WITNESS: It also precludes us from  
15 having people store things that are too heavy by  
16 reducing the height --

17 CHAIRMAN HOLTZMAN: Mr. Wilbern, I  
18 think we are good. Let's not go any further. Leave  
19 it alone. Leave it alone. Okay.

20 So we are going to open it up to the  
21 public, if there are any questions for Mr. Wilbern  
22 about the architecture of this building.

23 Sure. Come on up.

24 MR. OZTURK: I'm Mustafa Ozturk.

25 MR. GALVIN: Spell your last name.

1 MR. OZTURK: Ozturk, O-z-t-u-r-k.

2 MR. GALVIN: You may proceed. Go  
3 ahead. Ask your question.

4 MR. OZTURK: I understand that this  
5 building cannot look like an apartment building, but  
6 there are actually industrial buildings in the  
7 neighborhood, namely, the Biergarten is  
8 approximately the same size, but that is not an  
9 eyesore to the our neighborhood. It fits in with  
10 the neighborhood very nicely. It kind of shows the  
11 whole characteristic of the neighborhood.

12 This building frankly --

13 MR. GALVIN: No, no, no. We are asking  
14 questions right now.

15 You will get a chance to comment in a  
16 minute, and you kind of hurt his feelings. He  
17 designed it.

18 (Laughter)

19 MR. OZTURK: Why can't it look more  
20 like the Biergarten?

21 CHAIRMAN HOLTZMAN: I am going to take  
22 the answer on that.

23 The Biergarten building is a building  
24 that is over a hundred years old, that the property  
25 owner was able be to actually do an adaptive reuse,

1       which is something that we try to promote as much as  
2       possible.  Just like the Neumann Leather Building  
3       down here on Observer, that we like to try to save  
4       those buildings when they can be repurposed and  
5       reused.

6                     In this case, we have nothing on the  
7       site currently, and it is actually against -- it  
8       goes contrary to the historical preservation  
9       standards to create something today to make it look  
10      historic --

11                    MR. OZTURK:  Okay.  Counterintuitive.

12                    CHAIRMAN HOLTZMAN:  -- so we don't try  
13      to build something that looks like it was built in  
14      1880.

15                    MR. OZTURK:  Thank you.

16                    CHAIRMAN HOLTZMAN:  Thank you.

17                    Any other questions for the architect  
18      about the construction or the building itself?

19                    Okay.  If there are no questions, we  
20      will close the public portion.

21                    Mr. Burke, was there some additional  
22      testimony here?

23                    MR. BURKE:  Yes, Mr. Chairman.

24                    The engineer, please.  Magnus Hay, the  
25      civil engineer, please.

1 MR. GALVIN: Want to raise your right  
2 hand?

3 Do you swear or affirm the testimony  
4 you are about to give in this matter is the truth,  
5 the whole truth, and nothing but the truth?

6 MR. HAY: I do.

7 M A G N U S H A Y, AKRF Engineering, 440 Park  
8 Avenue South, New York, New York, having been duly  
9 sworn, testified as follows:

10 MR. GALVIN: State your full name for  
11 the record.

12 THE WITNESS: Magnus Hay.

13 MR. GALVIN: Spell your name.

14 THE WITNESS: My last name is spelled  
15 H-a-y.

16 MR. GALVIN: Why don't you spell your  
17 first name also?

18 THE WITNESS: It's Magnus, M-a-g-n-u-s.

19 MR. GALVIN: Thank you so much.

20 And your credentials? You're an  
21 engineer?

22 MR. BURKE: You had a southern voice,  
23 and now you got an Scottish accent --

24 MR. GALVIN: Mustafa, so we're doing  
25 good.

1 (Laughter)

2 CHAIRMAN HOLTZMAN: Very international  
3 Hoboken area.

4 MR. GALVIN: So give us three Boards  
5 you have appeared before as a professional engineer.

6 THE WITNESS: This is actually my first  
7 testimony before a Planning Board.

8 MR. GALVIN: Okay. Well, that's what  
9 Mr. Burke is trying to do is give us all new people.

10 (Laughter)

11 How long have you -- you're a  
12 professional engineer of the State of New Jersey?

13 THE WITNESS: I am, yes, and I am a  
14 technical director at AKRF Engineering, and I have  
15 over 15 years experience in site civil engineering  
16 with over 11 of those years experience specifically  
17 in New Jersey.

18 MR. GALVIN: And they finally let you  
19 out of the building?

20 (Laughter)

21 THE WITNESS: Yes.

22 VICE CHAIR MAGALETTA: This is first  
23 time before any Board ever?

24 THE WITNESS: No. I attended and  
25 assisted at multiple Planning Board hearings, but

1 this is first time giving testimony.

2 MR. GALVIN: Sometimes you have to get  
3 the first time.

4 Well, good luck.

5 (Laughter)

6 THE WITNESS: No pressure.

7 Thank you.

8 Okay. Before I touch on the --

9 MR. GALVIN: Wait a minute. Time out.  
10 Time out.

11 CHAIRMAN HOLTZMAN: Yes, we accept Mr.  
12 Hay's credentials.

13 Thank you.

14 THE WITNESS: -- before I touch on the  
15 site plan and the utility plans, I just wanted to  
16 note to the Board that in addition to the site plan  
17 application, we have also made applications for a  
18 sewer connection application to the North Hudson  
19 Sewerage Authority, and also a soil erosion  
20 certification application to the soil conservation  
21 district, so those applications are being made.

22 MR. BURKE: Let's break this into two  
23 parts.

24 Just describe the items, if necessary,  
25 to meet preliminary site plan approval, and then

1 most important, your company that you were involved  
2 in the stormwater management report, and I would  
3 like you to go into the details on it.

4 THE WITNESS: Okay.

5 So we have provided the required site  
6 plans, including the site layout, access, utilities.

7 We have also provided a stormwater  
8 management report to the city, which details how  
9 stormwater will be handled at the site.

10 Talking to the plan Z-4, which is our  
11 site geometry, utility and paving plan, as you see  
12 and mentioned by Jack Wilbern, it is a proposed  
13 storage facility with a driveway and parking  
14 proposed within the building footprint, which  
15 screens the kind of usage from the neighbors.

16 As part of this work, we will have two  
17 proposed curb cuts, one on Jefferson Street and one  
18 on Adams Street, and these correspond with a 24-foot  
19 driveway that goes through the building. It is a  
20 two-way driveway to provide access from both  
21 directions and allows for better circulation and  
22 maneuverability within the site.

23 The proposed driveway is in accordance  
24 with the city's zoning ordinance, which requires a  
25 minimum 12 feet for two-way, and we are allowing 24

1 feet to allow the expected sizes of vehicles to  
2 maneuver easily, including providing appropriate  
3 site distances.

4 The existing site has a curb cut along  
5 the entire frontage of Adams Street and another curb  
6 cut on Jefferson Street close to the same location  
7 as proposed.

8 As part of the proposed layout, we will  
9 be removing a large section of the current curb cut  
10 along Adams Street, which will result in at least  
11 two additional street parking spaces in front of the  
12 site.

13 And moving on to the utilities for the  
14 site, we have proposed a sanitary stormwater, water,  
15 gas and electric services all proposed on Adams  
16 Street.

17 We have requested and received  
18 will-serve letters from United Water, PSE&G, Verizon  
19 and Cablevision.

20 CHAIRMAN HOLTZMAN: Mr. Burke, Mr.  
21 Galvin?

22 MR. GALVIN: I think you have done a  
23 good job of giving us the basics.

24 You, guys, does anybody want ask  
25 questions?

1 COMMISSIONER PINCHEVSKY: I have a  
2 question.

3 CHAIRMAN HOLTZMAN: Go ahead.

4 MR. GALVIN: I am saying we got the  
5 basic particulars.

6 MR. BURKE: Okay. I would like him to  
7 go into the stormwater management part.

8 CHAIRMAN HOLTZMAN: Great. Let's skip  
9 ahead then.

10 THE WITNESS: No, I was just getting  
11 there.

12 CHAIRMAN HOLTZMAN: Great.

13 THE WITNESS: Okay.

14 So talking to drawing C-5, our grading  
15 and drainage plan, and this corresponds with the  
16 stormwater management report that we submitted to  
17 the city, and I just wanted to touch on the fact  
18 that I am, in fact, a Hoboken resident who was here  
19 during Sandy, so I am aware and mindful of the  
20 city's stormwater issues, and the proposed system  
21 will collect stormwater runoff from the roof and  
22 direct that to a detention system below the first  
23 floor before discharging to the city sewer on Adams  
24 Street.

25 And the detention system itself

1 proposes 275 feet of a 24-inch pipe and an outlet  
2 structure before discharging into the sewer --

3 MR. HIPOLIT: The good question is:  
4 Currently the existing site --

5 THE WITNESS: Yes.

6 MR. HIPOLIT: -- I mean, I know the  
7 building has been knocked down at this point, or  
8 they are not there. But the site, a hundred percent  
9 of it ran off before. There was no detention.

10 THE WITNESS: Correct.

11 MR. HIPOLIT: So you are providing the  
12 excess in storage, if you necessarily -- if you net  
13 it out, you won't have to buy any?

14 THE WITNESS: That's correct.

15 Just a few numbers, and the water  
16 quality storm requires approximately 4,300 gallons  
17 of detention. That is your typical storm, and we  
18 are proposing 6,400 gallons of storage.

19 MR. HIPOLIT: Good.

20 CHAIRMAN HOLTZMAN: Mr. Hay, what size  
21 storm would that be, do you know, if we are going to  
22 take testimony on a storm?

23 MR. HIPOLIT: Two years.

24 THE WITNESS: Correct.

25 MR. HIPOLIT: Two-year stormwater

1 quality --

2 THE WITNESS: It's a two-year storm,  
3 yes.

4 COMMISSIONER DOYLE: 50 percent more,  
5 you said, 4,000--

6 CHAIRMAN HOLTZMAN: 50 percent more  
7 than a two-year storm, is that accurate? Is that  
8 what I'm hearing?

9 MR. HIPOLIT: Yeah. He does -- he's  
10 required to provide approximately 4,000 gallons, and  
11 he is providing 6,000 gallons.

12 But he would technically need to  
13 provide zero, because the site was impervious  
14 before, so they could make the argument to you that  
15 they don't want to provide any.

16 CHAIRMAN HOLTZMAN: And then they can  
17 argue with North Hudson about that.

18 MR. HIPOLIT: North Hudson  
19 hypothetically could say you are right. You had a  
20 hundred percent runoff before, and the site allowed  
21 it. They may side with them on that, but since they  
22 are requesting it here and providing it to you, it's  
23 great. You are getting a great benefit.

24 MR. GALVIN: It is a special reason.  
25 It's another -- you have multiple variances here --

1 MR. HIPOLIT: It helps justify the  
2 variances.

3 MR. GALVIN: Correct, because they are  
4 improving stormwater runoff.

5 MR. HIPOLIT: Correct.

6 THE WITNESS: And in addition to the  
7 actual volume we are providing, we are also meeting  
8 and exceeding the stormwater floor reduction  
9 requirements.

10 CHAIRMAN HOLTZMAN: That's the  
11 discharge rate, is that what that is?

12 THE WITNESS: Yes.

13 VICE CHAIR MAGALETTA: What is the  
14 discharge rate?

15 THE WITNESS: For the two, the ten and  
16 the 100-year post development flows, they have to be  
17 reduced to 50, 75 and 80 percent of the  
18 predevelopment floors.

19 MR. HIPOLIT: And they are meeting that  
20 requirement or exceeding it.

21 THE WITNESS: Yes. We are meeting and  
22 exceeding those requirements.

23 CHAIRMAN HOLTZMAN: So I know that we  
24 obviously have some serious issues with regard to  
25 the soil contamination. Where do these pipes --



1 not putting water into the ground.

2 MR. HIPOLIT: It is watertight,  
3 correct.

4 CHAIRMAN HOLTZMAN: Commissioner  
5 Stratton, did you have any questions or insight on  
6 this?

7 You looked like you were --

8 COMMISSIONER STRATTON: I don't know if  
9 this is an engineering question, but do you have  
10 turning radius calculations for the vehicles that  
11 are going to be entering and existing the facility?

12 MR. HIPOLIT: That should be for him.

13 THE WITNESS: Yes, we do.

14 We have checked that the layout has  
15 provided adequate turning.

16 COMMISSIONER STRATTON: I would really  
17 like for Andy to see that and review it.

18 We've had issues with that, especially  
19 on one-way streets and especially in residential  
20 areas.

21 CHAIRMAN HOLTZMAN: So it is more so  
22 getting in and out of the driveway sometimes, and  
23 there's cars parked on the street?

24 COMMISSIONER STERATTON: If there are  
25 cars parked on the east side of Adams, and a truck

1 needs to swing to make the turn, and if there are  
2 cars parked on the west side of Jefferson, they have  
3 to swing to come out --

4 CHAIRMAN HOLTZMAN: Unfortunately, the  
5 people driving their rental truck to the storage  
6 site are not normal regular truck drivers.

7 MR. HIPOLIT: Yeah. If they provide  
8 the turning templates for this --

9 THE WITNESS: We actually have a board  
10 prepared for that.

11 CHAIRMAN HOLTZMAN: There you go.

12 MR. GALVIN: All right. Let's go.

13 THE WITNESS: I will.

14 COMMISSIONER PINCHEVSKY: I wanted to  
15 say --

16 CHAIRMAN HOLTZMAN: Yes, Rami. Go  
17 ahead.

18 THE WITNESS: I'll pull this a little  
19 closer.

20 CHAIRMAN HOLTZMAN: Hang on a second  
21 there, Magnus.

22 COMMISSIONER PINCHEVSKY: Assuming all  
23 of the turning radiuses are okay, which would  
24 essentially require further no parking, right, in  
25 order to exit, given that there is not that many

1 spots, could you eliminate one of the garages?

2 I know you mentioned in your  
3 testimony -- or not one of the garages, I'm sorry --  
4 one of the entrances? You mentioned in your  
5 testimony that it helps better with the flow. But  
6 given the limited number of spots, is it possible,  
7 or is there a requirement that the --

8 COMMISSIONER STRATTON: It is two  
9 one-way streets. They have to enter and exit on  
10 different sides --

11 CHAIRMAN HOLTZMAN: Would you speak up,  
12 Caleb?

13 I couldn't hear you.

14 COMMISSIONER PINCHEVSKY: Why is that?

15 COMMISSIONER STRATTON: It is two  
16 one-way streets. You have to enter and exit on two  
17 sides of the road.

18 MR. BURKE: I don't know if you heard  
19 the testimony, but two spots are going to be added  
20 to the street. There won't be spots --

21 COMMISSIONER PINCHEVSKY: Sure. I  
22 mean, I am just curious --

23 MR. BURKE: I thought you said some  
24 would be taken off the street, and I just wanted to  
25 be clear --



1 the competence level of the drivers, like a not  
2 normal, like we are going to Shop-Rite. The driver  
3 knows what he's doing. He's a great driver. He can  
4 back that up. He can do magical things.

5 But you got me driving one of those  
6 trucks, I cannot back it up.

7 COMMISSIONER PINCHEVSKY: Correct,  
8 but --

9 MR. HIPOLIT: What you are going to  
10 find is that most drivers are not going to park in  
11 the spaces. They are going to pull in the aisle,  
12 unload real quick and get out of there, because  
13 they're not going to be able to do it, because they  
14 are not going to be able to pull into the space --

15 COMMISSIONER PINCHEVSKY: All right.

16 So, okay, I mean, was that the case?

17 I mean, is that what -- I guess the  
18 CEO, is that what they typically see, that people  
19 don't -- they ignore the parking spots?

20 MR. BURKE: Jack will answer.

21 MR. WILBERN: Just as a reference why I  
22 can answer this question, I have 135 active storage  
23 facilities designed in my office right now. I am an  
24 owner of multiple facilities myself.

25 In fact, yes, they will park anywhere.

1 If somebody comes in with a truck, they will just  
2 stop because it's a high stress, and they just want  
3 to get everything out.

4 So however they came in, they may go  
5 out. They see the other exit because they can see  
6 it, and they're just going to go, so it is a vast  
7 reduction of anxiety and getting them in off the  
8 street with the minimum hoo-ha that we can and as  
9 quickly as we can is in everybody's interest.

10 MR. HIPOLIT: There is definitely --

11 MR. WILBERN: You should let Magnus  
12 walk you through the turn radius because, in fact,  
13 we're doing -- one of the reasons why we are asking  
14 for the 24-foot drive with the visual indicator, and  
15 I forgot to testify we also added that to our  
16 drawings in connection to a comment by the engineer,  
17 once you go through --

18 VICE CHAIR MAGALETTA: Audio and  
19 visual?

20 MR. HIPOLIT: Audio and visual.

21 (Everyone talking at once)

22 MR. WILBERN: You have a number of  
23 riders right here in the city, where there is a  
24 proximity indicator, a loop in the floor. As a  
25 truck approaches, it turns on the light, so that

1 people know that there's --

2 CHAIRMAN HOLTZMAN: So this is a light  
3 that goes on at the sidewalk level?

4 MR. WILBERN: Correct.

5 CHAIRMAN HOLTZMAN: At the curb cut?

6 MR. HIPOLIT: You said light.

7 (Laughter)

8 MR. WILBERN: I'm sorry.

9 You know, the salesperson says visual  
10 alarm --

11 VICE CHAIR MAGALETTA: Thank you.

12 MR. HIPOLIT: Can we go through the  
13 turning radius?

14 THE WITNESS: This was not a part of  
15 the plan application, but it can be provided.

16 MR. GALVIN: Well, let's mark that.

17 Jim, you are going to mark it, but Mr.  
18 Hay, please go and tell us what it is.

19 Why don't you direct it down to our  
20 expert at the end of the table?

21 THE WITNESS: So as the Board member  
22 correctly pointed out and as shown on drawing AT-1  
23 here, you wanted to make sure that the vehicle  
24 turning doesn't impact the potential parking spaces  
25 near by.

1                   And what this basically shows here is  
2                   the kind of U-Haul-type vehicle --

3                   MR. GALVIN:   And what's the wheel base  
4                   on that?

5                   CHAIRMAN HOLTZMAN:   Or the size of the  
6                   vehicle or something.

7                   THE WITNESS:   That is an SU-30 vehicle.

8                   MR. BURKE:   What does that mean?

9                   CHAIRMAN HOLTZMAN:   What does that mean  
10                  to us laymen?

11                  THE WITNESS:   It's a box truck.

12                  CHAIRMAN HOLTZMAN:   Giving us a  
13                  ballpark, how big is it?   How long is it?

14                  THE WITNESS:   That vehicle is 30 feet  
15                  long and eight feet wide.

16                  CHAIRMAN HOLTZMAN:   Great.   Okay.

17                  COMMISSIONER STRATTON:   Will your  
18                  facility accommodate larger vehicles than that?

19                  THE WITNESS:   That is typically the  
20                  largest vehicle that we see.

21                  CHAIRMAN HOLTZMAN:   That wasn't the  
22                  question.

23                  THE WITNESS:   It can accommodate it --

24                  COMMISSIONER STRATTON:   I want to  
25                  know -- I want to know --

1 THE WITNESS: -- it can accommodate  
2 it --

3 CHAIRMAN HOLTZMAN: Hold on.  
4 Go ahead, Caleb.

5 COMMISSIONER STRATTON: -- I want to  
6 know if there is an adequate turning radius for the  
7 largest vehicle that your facility will accommodate,  
8 and you are not going to be able to testify tonight,  
9 so I suggest you demonstrate that you can  
10 accommodate the largest vehicle for that facility to  
11 our Board Engineer.

12 MR. HIPOLIT: What is the largest  
13 vehicle you are going to allow?

14 MR. BURKE: What's the largest vehicle  
15 that you're going to allow --

16 MR. WILBERN: The design is such that  
17 the largest vehicle that's allowed on the road can  
18 enter our facility to get off the street.

19 CHAIRMAN HOLTZMAN: How big a truck is  
20 that, Mr. Wilbern?

21 MR. WILBERN: That's 55 foot --

22 CHAIRMAN HOLTZMAN: Full size semi --

23 MR. WILBERN: -- full size semi 13 and  
24 a half feet tall, the largest it could be on the  
25 road. We have people to get it off the street --

1                   CHAIRMAN HOLTZMAN: That guy can get  
2 into this lot?

3                   MR. WILBERN: Correct, and that's going  
4 to be a professional driver --

5                   CHAIRMAN HOLTZMAN: But only a  
6 professional driver would be driving that vehicle?

7                   MR. WILBERN: Correct.

8                   COMMISSIONER STRATTON: I am not  
9 satisfied by that testimony. I definitely want  
10 to --

11                  MR. WILBERN: We can provide that --

12                  CHAIRMAN HOLTZMAN: We can provide it.  
13 You can provide it. We will review it.

14                  VICE CHAIR MAGALETTA: Mr. Wilbern, so  
15 that person who is driving the semi, he will park in  
16 the drive aisle. He'll stop --

17                  MR. WILBERN: Correct.

18                  VICE CHAIR MAGALETTA: -- but there's a  
19 spot for a vehicle 35 feet in length --

20                  MR. WILBERN: Correct.

21                  VICE CHAIR MAGALETTA: -- so your  
22 SU-30 --

23                  MR. WILBERN: Correct.

24                  VICE CHAIR MAGALETTA: -- what's in  
25 between?

1 MR. WILBERN: A Fed Ex truck, or I  
2 forget the size truck, but there's two sizes of USPS  
3 trucks, and they are 17 and 22 feet.

4 VICE CHAIR MAGALETTA: So they are  
5 smaller, and they're professional drivers. They're  
6 CDLs?

7 MR. WILBERN: Yes.

8 CHAIRMAN HOLTZMAN: Okay. So we will  
9 get some additional information, and we will review  
10 it. Good.

11 Are there any other additions to Mr.  
12 Hay's testimony?

13 COMMISSIONER DOYLE: Can I just ask --

14 CHAIRMAN HOLTZMAN: Let's see if he has  
15 some additional testimony. Let's get his testimony  
16 out.

17 COMMISSIONER DOYLE: Oh, I'm sorry.

18 CHAIRMAN HOLTZMAN: Or I'm sorry. Is  
19 this a driver?

20 COMMISSIONER DOYLE: No. It's a car  
21 question, but it's not a --

22 CHAIRMAN HOLTZMAN: It is a car  
23 question. Go ahead. Let's go with car questions.

24 COMMISSIONER DOYLE: I am just looking  
25 with -- looking at this, the documents reflect I

1 believe 17 parking spaces, and I am looking at it,  
2 and I count 23.

3 You don't count the office parking as  
4 parking in that building, is that --

5 MR. WILBERN: It is 17 standard parking  
6 spaces, and six over-sized parking loading.

7 COMMISSIONER DOYLE: Okay. Thank you.

8 MR. BURKE: He is done with his  
9 testimony, so if you have any questions.

10 CHAIRMAN HOLTZMAN: Great.

11 Any other questions for Mr. Hay from  
12 the Commissioners?

13 Are there any members of the public  
14 that have any questions for the engineer?

15 CHAIRMAN HOLTZMAN: Okay. We'll close  
16 the public portion.

17 What else do you have for us, Mr.  
18 Burke?

19 MR. BURKE: The last witness, our  
20 planner, and I think we all know Mr. Kolling.

21 CHAIRMAN HOLTZMAN: Okay.

22 MR. GALVIN: Raise your 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. KOLLING: Yes, I do.

2 E D W A R D K O L L I N G, having been duly sworn,  
3 testified as follows:

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

6 THE WITNESS: Edward Kolling,  
7 K-o-l-l-i-n-g.

8 CHAIRMAN HOLTZMAN: Mr. Chairman, do we  
9 accept Mr. Kolling's credentials?

10 CHAIRMAN HOLTZMAN: We do.

11 MR. BURKE: Mr. Kolling, you heard the  
12 testimony. There are a number of C variances that  
13 are being requested. I would like you to address  
14 each one in your oral testimony.

15 THE WITNESS: Certainly.

16 First we will address the height issue.  
17 It's height only in terms of number of stories. We  
18 meet the height in linear feet.

19 The rationale here is that the height  
20 or number of stories was created to address  
21 industrial development. Self-storage facilities  
22 were not prevalent at that time, so the height is  
23 considered to be 20 feet, fourth floor, that would  
24 be what would fit four floors in an 80 foot tall  
25 building, so it's not really appropriate for this

1 kind of use. Nonetheless, I think that the type of  
2 storage that's being proposed is well suited for  
3 this particular site.

4 The site is sort of almost what I would  
5 call an orphan site. It is really not close to  
6 other I-1 zoned properties any longer. You have the  
7 western edge zone just to our west.

8 You have the Northwest Redevelopment  
9 Plan both to our north and to our east, and the  
10 property that adjoins it is listed in the master  
11 plan that's being for a public park, or as Ms.  
12 Forbes has mentioned, for a parking facility.

13 So it's really sort of an orphan piece.  
14 It really wouldn't be well suited to a heavy  
15 industrial use, so I think doing this is much more  
16 beneficial in terms of the type of development.

17 It is intended to service a more  
18 residential population, so it is almost a difference  
19 between saying a retail warehouse versus a wholesale  
20 warehouse, so I think this works out very well.

21 It's beneficial in terms of the lesser  
22 impacts on traffic, on parking, on noise, and all of  
23 those other things, so that that is also beneficial  
24 I think in terms of its proximity to other  
25 commercial and residential.

1                   And I think the number of stories  
2           doesn't result in any substantial detriment, because  
3           in a heavy industrial warehouse, more floors,  
4           obviously there is going to be more heavy storage,  
5           this is such a light intensive use or lightly  
6           intensive, if that makes sense. Even with the extra  
7           floors, it's much less impactful than with the heavy  
8           industrial use.

9                   So I think you have a C-2 variance that  
10          could be granted here, and that the benefits of this  
11          approval would substantially outweigh any detriment.  
12          It wouldn't result in substantial detriment to  
13          either the intent of the zone plan or to the public  
14          welfare because of a lack of impact.

15                   The lot width is a preexisting  
16          condition. It is a hundred feet wide, where 200  
17          feet would be required.

18                   Typically you would have a 200 foot  
19          width and a hundred foot depth, and we have the  
20          opposite, so we still have the permitted lot area,  
21          and further, the lot area really can't be expanded.

22                   To the north, we have the Northwest  
23          Redevelopment Plan. It's a different zone  
24          altogether, and it's already developed, so we  
25          couldn't build that way.

1           To the south we have an area that's  
2           designated for a public purpose, so I think in this  
3           case we have a hardship meeting the requirement,  
4           which could not -- can't be met, and because we have  
5           the hundred by 200, at any rate, there is no  
6           substantial detriment to the intent of the zone plan  
7           or to the public welfare.

8           Lot coverage, we are looking at about  
9           97 percent coverage, where 65 percent is required,  
10          but I think you have to look at it from the  
11          perspective of a heavy industrial warehouse, if it  
12          was developed in that way. You would still have a  
13          hundred percent impervious coverage. You would have  
14          65 percent could be the building, and ten percent  
15          could be an accessory building.

16          You need areas for truck loading,  
17          parking, maneuvering, so you would still end up with  
18          that amount of coverage, so I don't think there is  
19          any substantial difference in that regard.

20          Keeping the building at a hundred  
21          percent or close to a hundred percent does provide a  
22          benefit of being able to internalize the parking,  
23          internalize the loading. It is less visually  
24          impactful, and you don't have that, you know, being  
25          able to see the trucks and cars when they are on

1 site, so I think that is beneficial in terms of that  
2 approach.

3 Then you have the beneficial aspect of  
4 the environmental cap, so I think taking this  
5 approach also can be granted under the C-2, where  
6 the benefits will substantially outweigh any  
7 detriment.

8 In terms of the front yard variance,  
9 typically, as you know in Hoboken, there are very  
10 shallow front yards. This would emulate that, and  
11 it would emulate the properties, the residential  
12 properties across the street.

13 The adjoining properties to the north  
14 will also go from Adams to -- what is it -- Adams to  
15 Jefferson at any rate, so I think we continue the  
16 street scape.

17 The minimal setbacks do allow for at  
18 least the green walls, which I think mitigates the  
19 impact of the lesser front setbacks.

20 Again, this is in part caused by the  
21 creation of an environmental cap, which is also  
22 beneficial, so again, we are talking about C-2  
23 benefits that outweigh the detriments.

24 In terms of parking, again, we look at  
25 the industrial zone. The industrial zoning was

1       meant to accommodate the employees, and you might  
2       project X number of employees in an industrial  
3       warehouse. In this case, as you heard from the  
4       testimony, there are very few employees, and the  
5       number of visitors are much less than you would have  
6       in terms of trucks coming and going or cars having  
7       to come and so.

8                 So this use wasn't really anticipated  
9       in the industrial zone when it was created, and to  
10      create additional parking would be really wasteful  
11      and would have I think a greater negative impact.

12                So in this case, too, by reducing the  
13      parking, you accommodate the needs of this  
14      particular use while not having any waste or excess  
15      parking created, so I think, again, the benefits  
16      outweigh the detriment.

17                As for the signage, I believe that the  
18      signage on the property, on the street lines has  
19      been reduced to comply.

20                Did I hear that correctly?

21                         UNIDENTIFIED VOICE: Will be.

22                         THE WITNESS: Or will be, so we won't  
23      be having that variance.

24                And I guess the murals may result in  
25      the fact, if that is the case, will result in not

1       having the necessity for the signages on the side  
2       walls.  However, some signage I think is appropriate  
3       in this type of location for this type of use,  
4       because I mentioned, this is more like a retail  
5       warehouse use.  It deals with residential.

6                 If you are in a typical business  
7       district, there is the passerby, the traffic, the  
8       business traffic, and retail type business can be  
9       seen more readily.

10                In a situation like this, where you are  
11       in the industrial zone, it is necessary or important  
12       to have some sort of way finding or something that  
13       would make this building recognized, so that people  
14       find their way there, so I think that that helps  
15       support the intent of the industrial zone, which is  
16       really to promote business.

17                So depending on how this has been  
18       designed and laid out, there is a rationale for the  
19       additional signage, if deemed appropriate by the  
20       Board.

21                CHAIRMAN HOLTZMAN:  Thank you, Mr.  
22       Kolling.

23                MR. BURKE:  Thank you.

24                Any questions?

25                CHAIRMAN HOLTZMAN:  Any questions for

1 Mr. Kolling?

2 MR. ROBERTS: Just a follow-up, Mr.  
3 Chairman.

4 CHAIRMAN HOLTZMAN: Go ahead.

5 MR. ROBERTS: Just on the natural lot  
6 coverage again, you indicated that with the  
7 traditional industrial development, I think if I  
8 understood your testimony, that with the building,  
9 park and loading and other types of improvements  
10 around the site, that you would commonly cover more  
11 than about the same amount as is being covered by  
12 the building itself, and that the benefit is that  
13 the building is effectively enclosing those uses, so  
14 that they are effectively out of sight in terms of  
15 the impact to the neighborhood.

16 Did I understand that correctly?

17 THE WITNESS: Yes, yes.

18 MR. ROBERTS: So the existing lot  
19 coverage requirement is 65 percent.

20 So I am thinking that if that is the  
21 case, then that would have included the building and  
22 the loading, et cetera.

23 THE WITNESS: No. My understanding of  
24 how the Hoboken code is written is that lot coverage  
25 and building coverage --

1 MR. ROBERTS: Are the same.

2 THE WITNESS: -- are the same thing, so  
3 that if you had -- and I know that that has been  
4 changed somewhat in residential zones where other  
5 than the building, we can have -- we can go -- that  
6 way only a certain percentage can be covered with an  
7 impervious surface, but I don't think that that's  
8 applicable in an industrial zone.

9 MR. ROBERTS: So you're thinking --  
10 that is why I wanted to follow up.

11 So you are basically saying that 65  
12 percent was really probably building coverage --

13 THE WITNESS: Yes.

14 MR. ROBERTS: -- and that you would  
15 have had other lot coverage in addition to that  
16 under the traditional industrial development, in  
17 which case it is all building covering -- that is  
18 why it is covering a greater percentage.

19 THE WITNESS: Yes.

20 MR. ROBERTS: Because I think that is  
21 significant in terms of the rationale.

22 THE WITNESS: Yes.

23 That is exactly where I was going with  
24 that.

25 What I did leave out was the additional

1 underground storage detention, that the additional  
2 coverage is somewhat mitigated by the fact that we  
3 have an increased amount of detention underneath,  
4 where as if this building continued to operate as an  
5 industrial building, with the coverage now that it  
6 has of the building and the impervious coverage, we  
7 wouldn't have that detention, so this development  
8 would help mitigate the impacts of the additional --

9 MR. ROBERTS: Plus, you would need to  
10 cover eventually the whole site for the cap.

11 THE WITNESS: Yes.

12 MR. ROBERTS: So either building or  
13 parking --

14 THE WITNESS: Yes.

15 MR. ROBERTS: -- and so your argument  
16 is that having everything internalized in the  
17 building is a better solution than having exposed  
18 parking --

19 THE WITNESS: Right, exactly.

20 CHAIRMAN HOLTZMAN: Any questions for  
21 the planner?

22 Councilman?

23 COMMISSIONER DOYLE: I am having a hard  
24 time with the testimony with regard to lot coverage.

25 COMMISSIONER DOYLE: You are saying

1       that the public benefit is that the statutorily  
2       mandated cap that somebody has to do anyway, it is  
3       not an additional benefit, you know, with regard to  
4       the way I see it, and you can convince me where I am  
5       wrong, but I believe, and this is where I was trying  
6       to get before with the environmental consultant,  
7       there are other ways to cap this.

8                   I mean, if you came in today and said  
9       we want a 65 percent lot coverage structure here,  
10      and the remaining 35 percent or accessory building  
11      for ten percent and the remaining 25 percent would  
12      be capped in this manner, there are other ways to  
13      skin the cat, I believe.

14                   THE WITNESS: Well, I have seen  
15      self-storage facilities, for instance, where the  
16      loading might be exterior, so that, for instance,  
17      maybe a 65 percent coverage with the building, and  
18      then trucks are directed to come in off Adams or  
19      Jefferson, and they would come into an exterior  
20      loading dock.

21                   To me, that is unsightly and probably  
22      would not make a good neighbor for any other type of  
23      commercial or residential or office development that  
24      might occur nearby, because it is something that you  
25      might expect in an industrial zone. And although we

1 are in an industrial zone here, the proximity to the  
2 two other redevelopment plans, I think means you  
3 have to look at it a little bit more cautiously in  
4 terms of how much truck traffic and exposed vehicles  
5 you might have on site.

6 MR. BURKE: Councilman, you are right.  
7 I mean, there are other means of capping.

8 I think the argument that has been  
9 made, whether you agree or not, is that the  
10 screening part I think is more important than the  
11 capping. Capping is important, but you could cap  
12 with other, you know, topsoil and other ways of  
13 landscaping. But the screening part would not, you  
14 got activity outside of the building. I think  
15 that's the argument that's being made.

16 COMMISSIONER DOYLE: And I don't --

17 CHAIRMAN HOLTZMAN: Jim, one of the  
18 things that I think is important to consider also, I  
19 take your point. I think it is a good point to  
20 bring up, that the solution to capping is not always  
21 that you have to build a building over the cap.  
22 That's number one. That's important, and we dealt  
23 with that on other of our applications recently as  
24 well and we will in the future.

25 I think that there is a visual benefit

1 to one of the things that we certainly would never  
2 approve at this point is a surface parking lot in  
3 Hoboken. We are doing our best to do away with  
4 those. Stormwater management, they are horrible and  
5 everything else.

6 I like the idea personally that I'm not  
7 seeing a parking lot, because they are going to need  
8 a parking lot for this facility, and we are not  
9 seeing a parking lot. We're not seeing loading  
10 docks, and I think that that is a nice trade-off.  
11 There may be other ways to disguise or to shield it,  
12 or you could get crazy creative, and I'm sure come  
13 up with a lot of solutions.

14 I just wanted to throw that out as  
15 well.

16 COMMISSIONER DOYLE: Well, I don't know  
17 whether the neighbors in the neighborhood would say  
18 35 percent less bulk on this block might be  
19 something that they -- you know, whether they are  
20 looking out on a parking lot, where trucks park  
21 there, or whether they are looking out on a 12 and a  
22 half percent setback on either street --

23 CHAIRMAN HOLTZMAN: And hopefully a  
24 nice pretty green wall.

25 COMMISSIONER DOYLE: A nice pretty

1 green wall.

2 MR. BURKE: One point -- obviously, I  
3 can't testify to it anecdotally, but there's been  
4 problems with some of the facilities in town that  
5 have open space.

6 Kids get into it. You know, no matter  
7 how you try, the fences are scaled, and trouble  
8 occurs.

9 So one of the ideas here, no matter  
10 what security you have, one of the ideas is that  
11 that wouldn't happen. There would be no dead space  
12 so to speak on the weekends, because this is not a  
13 24-hour facility, so that being --

14 COMMISSIONER DOYLE: But you are  
15 assuming that it is behind -- I don't know what you  
16 are assuming -- you're behind two buildings, there  
17 are two backgrounds --

18 MR. BURKE: And any open space.

19 COMMISSIONER DOYLE: -- and then you  
20 got space in the back versus a front yard, you know,  
21 make the building set back on each street, and you  
22 know, I guess people could trespass in the front  
23 yard as well, but --

24 CHAIRMAN HOLTZMAN: Yes.

25 Mr. Burke is absolutely correct. There

1 have been a number of other facilities, where there  
2 were some serious policing issues about the parking  
3 lots and parking lots being used on the weekends and  
4 late at night, and there was definitely some  
5 problems about that.

6 COMMISSIONER DOYLE: Well, I am not  
7 advocating a parking lot --

8 CHAIRMAN HOLTZMAN: I'm sure you're  
9 not.

10 COMMISSIONER DOYLE: -- all I'm  
11 advocating is whether we need 97 percent lot  
12 coverage. That is my question.

13 VICE CHAIR MAGALETTA: Mass and bulk --

14 COMMISSIONER DOYLE: With regard to --  
15 so this is a warehouse, is that -- I mean, does it  
16 fit within the use?

17 THE WITNESS: Well, that is my  
18 understanding, and that is why we can be here.

19 COMMISSIONER DOYLE: So that is your  
20 testimony?

21 THE WITNESS: Yes.

22 Obviously, it has been directed here  
23 by, you know, the administration or the zoning  
24 officer or whoever makes those decisions on --

25 COMMISSIONER DOYLE: Right. It could be

1 a use variance, if it were to find differently. I  
2 mean, you could come and ask for anything you  
3 want --

4 MR. BURKE: We would, but the case law  
5 supports this as a permitted use.

6 COMMISSIONER DOYLE: Okay. Thank you.

7 CHAIRMAN HOLTZMAN: You may -- sorry.

8 COMMISSIONER DOYLE: So with that, with  
9 the amount of square footage in the building, you  
10 alluded to the parking being sort of ridiculous, but  
11 with the square footage, you would have to have  
12 about 125 parking spaces for this structure --

13 THE WITNESS: Right. If this were a --

14 COMMISSIONER DOYLE: -- under the  
15 ordinance.

16 THE WITNESS: -- if this were a typical  
17 industrial warehouse, the standards would be, I  
18 believe, one space per 5,000 square feet --

19 COMMISSIONER DOYLE: For 1,000.

20 THE WITNESS: -- for 1,000.

21 COMMISSIONER DOYLE: And that adds up  
22 to 120, which I don't -- you know, I certainly am  
23 not suggesting that you have to, you know, fill four  
24 stories to get the parking satisfied, but --

25 (Board members confer.)

1                   COMMISSIONER DOYLE:  There will be a  
2                   parking garage perhaps right next door.

3                   CHAIRMAN HOLTZMAN:  Commissioner  
4                   Graham, you had a comment?

5                   COMMISSIONER GRAHAM:  Well, I am not  
6                   sure this gets to the variances, but it may not be  
7                   within the planner's purview.

8                   I just haven't heard any testimony  
9                   about how many storage spaces there will be.

10                  I mean, then why is it necessary to  
11                  have so many spaces that there are, you know, nearly  
12                  80 feet in height, and that kind of bulk, lot  
13                  coverage, for how many storage spaces, and is that  
14                  necessary, and what kind of marketing has been done  
15                  to determine how many, whatever they are, spaces are  
16                  needed for that height and bulk?

17                  MR. BURKE:  We can bring somebody back  
18                  up, because that is not really the planner's  
19                  testimony --

20                  COMMISSIONER GRAHAM:  No, I know.  
21                  That's why it gets to the variances, but there are  
22                  other issues that I haven't heard anything about how  
23                  much --

24                  MR. COSLOV:  I can answer the  
25                  question --

1                   CHAIRMAN HOLTZMAN:  Sure.  Who do we  
2    have here?

3                   We have Mr. Coslov?

4                   MR. COSLOV:  Coslov, yes.

5                   COMMISSIONER GRAHAM:  Just how many  
6    storage spaces will there be, and why was it  
7    determined that you would have X number of storage  
8    spaces, so then that determines the seven stories of  
9    height versus the hundred --

10                  CHAIRMAN HOLTZMAN:  So let's take them  
11   one at a time.

12                  So how many storage spaces are there?

13                  Let's take them one at a time.

14                  MR. COSLOV:  It's probably 1700 spaces,  
15   1700 individual units of all different sizes within  
16   the building.

17                  COMMISSIONER GRAHAM:  How was that  
18   determined that that would be what you needed,  
19   or that that is necessary?

20                  MR. COSLOV:  Right.

21                  So what we do is a market study.  We  
22   look at the population that you have in a radius  
23   from our facility.

24                  We look at the average square feet that  
25   each person in that population uses.  We look at how

1 much you have supplied currently with the current  
2 and occupancies of those buildings, and we determine  
3 what we think the demand is for the existing use.

4 COMMISSIONER GRAHAM: So it's your --

5 CHAIRMAN HOLTZMAN: And then --

6 COMMISSIONER GRAHAM: -- that you  
7 needed that 1700 spaces?

8 MR. COSLOV: Correct.

9 CHAIRMAN HOLTZMAN: So, Mr. Coslov,  
10 would you anticipate a facility of this size, I  
11 heard anecdotally that you guys were taking bets as  
12 to how quickly you would be at 98 percent occupied,  
13 that the good money is on six weeks, is that right?

14 (Laughtger)

15 MR. COSLOV: I hope you're right. I  
16 think it is probably more like three to four years.

17 CHAIRMAN HOLTZMAN: Three to four years  
18 for full occupancy?

19 MR. COSLOV: Correct.

20 CHAIRMAN HOLTZMAN: Okay.

21 MR. COSLOV: That would be a good  
22 outcome for us.

23 COMMISSIONER GRAHAM: But is it a good  
24 outcome for us, I guess that's my point.

25 Seven stories versus almost a hundred

1 percent lot coverage.

2 CHAIRMAN HOLTZMAN: Right. I mean, I  
3 think we need to evaluate -- they are taking a look  
4 at their demographics, and they are not making this  
5 investment without thinking that there is a serious  
6 need for the service, so yeah, we have to make that  
7 trade-off, right,

8 COMMISSIONER DOYLE: But I wasn't done  
9 with a question.

10 CHAIRMAN HOLTZMAN: I'm sorry. Go  
11 ahead, Jim.

12 COMMISSIONER DOYLE: That is fine.

13 You are here for a variance on number  
14 of stories, and there has been testimony that the  
15 number of stories -- that 20 foot high stories does  
16 you no good for this facility, but that doesn't mean  
17 that you couldn't have a four-story which is what  
18 you are allowed, and you could choose to make them  
19 ten foot, four floors, and whatever these are,  
20 these are less than that, and you could have a  
21 building that could be 55 feet high, you know,  
22 whatever that adds up to. Then you would have fewer  
23 units in it, and you know, I'm just asking. You  
24 know, you have done the math, and you feel that  
25 there is a demand for 1700?

1 MR. COSLOV: Correct.

2 COMMISSIONER DOYLE: Okay.

3 CHAIRMAN HOLTZMAN: Okay. Any there  
4 any other questions?

5 MR. BURKE: One point, though, so we  
6 are clear. There isn't a height variance, so --

7 COMMISSIONER DOYLE: I understand.

8 CHAIRMAN HOLTZMAN: We got that.

9 MR. BURKE: -- yeah -- but the number  
10 of stories within the building, the testimony that's  
11 been presented that --

12 MR. GALVIN: That's a story variance.

13 MR. BURKE: -- that's a story variance,  
14 but it is almost irrelevant since it's internal. I  
15 mean, it does increase the intensification at some  
16 level of parking and so forth --

17 COMMISSIONER DOYLE: Oh, if someone who  
18 lives across the street --

19 CHAIRMAN HOLTZMAN: But we all have to  
20 agree that it doesn't make the building higher.

21 COMMISSIONER DOYLE: No, it does.

22 COMMISSIONER GRAHAM: Yeah.

23 COMMISSIONER DOYLE: If we said -- I  
24 mean, if we said, you're denied your story variance,  
25 then you could, yes, build four 20 foot stories, if

1           you wanted to, but --

2                         CHAIRMAN HOLTZMAN:   So, therefore, the  
3           building would still be the same height.

4                         COMMISSIONER DOYLE:   But they wouldn't  
5           do that.

6                         CHAIRMAN HOLTZMAN:   But they wouldn't  
7           do that, right.

8                         COMMISSIONER DOYLE:   Right.

9                         CHAIRMAN HOLTZMAN:   On the other hand,  
10          we would still have a vacant contaminated lot  
11          probably.

12                        COMMISSIONER PINCHEVSKY:   Can I ask a  
13          question on that?

14                        CHAIRMAN HOLTZMAN:   Of course you can.

15                        COMMISSIONER PINCHEVSKY:   If this were  
16          not moved forward, I believe that once the prior  
17          operation ceased, the remediation plan began based  
18          on the environmental consultant, I think that is  
19          what she was saying.

20                        So if this did not move forward, is  
21          there a time frame on when the lot must be  
22          remediated by?

23                        MR. HIPOLIT:   Yes.   They have a time.  
24          She started to talk about it.   They have a time  
25          frame to do --

1                   COMMISSIONER DOYLE: Contributed by the  
2 transfer --

3                   MR. HIPOLIT: -- no, by the ceasing of  
4 the activities that were on the site. The activity  
5 is gone now, so --

6                   COMMISSIONER PINCHEVSKY: What's the  
7 rough time --

8                   (Commissioners talking at once)

9                   CHAIRMAN HOLTZMAN: One at a time,  
10 guys.

11                   COMMISSIONER PINCHEVSKY: What's the  
12 time frame for that?

13                   MR. HIPOLIT: I don't know.

14                   MR. GALVIN: Go ahead. Give us the  
15 answer.

16                   CHAIRMAN HOLTZMAN: Come on, Ms.  
17 Rutledge. Give us the answer.

18                   MS. RUGLEDGE: Yeah.

19                   They've got two contaminated medias, so  
20 they have, I believe it is seven years from 2012 to  
21 complete the remedial investigation. Then after  
22 that, they have more time to complete their --

23                   COMMISSIONER PINCHEVSKY: What's that  
24 about?

25                   MR. HIPOLIT: That's just the

1 investigation.

2 MS. RUTLEDGE: That's just the  
3 investigation.

4 COMMISSIONER PINCHEVSKY: So 2019, and  
5 then how much longer do they have to --

6 MS. RUTLEDGE: I think it's two or  
7 three years. I'd have to go back and look at the --

8 COMMISSIONER PINCHEVSKY: So, okay --

9 MS. RUTLEDGE: -- so this will get it  
10 done faster.

11 COMMISSIONER PINCHEVSKY: Sure. So  
12 this accelerates -- accelerates the remediation of  
13 the property.

14 CHAIRMAN HOLTZMAN: Versus, Mr. Coslov,  
15 if this was approved this evening, how quickly would  
16 you be active or want to be active on the site in  
17 terms of getting your construction moving and things  
18 like that?

19 MR. COSLOV: As quickly as we could  
20 feasibly do it, and we would pull -- as soon as you  
21 issue us permits, we would get our building plans in  
22 order, and we would start doing the work right away.

23 CHAIRMAN HOLTZMAN: Is there any reason  
24 to believe that the previous owner is dragging their  
25 feet with executing the remediation and things of

1 that nature?

2 MR. COSLOV: There is not.

3 CHAIRMAN HOLTZMAN: Okay.

4 So did we get any kind of a specific  
5 answer there, or even a vague answer as to the time  
6 frame that you guys would operate in?

7 MR. COSLOV: You could probably give us  
8 that better in terms of when we could get our  
9 permit, but we would literally start doing our work  
10 the day after.

11 CHAIRMAN HOLTZMAN: So you are telling  
12 me there's nothing slowing you down?

13 MR. COSLOV: Zero.

14 CHAIRMAN HOLTZMAN: The money is in the  
15 bank. You're writing the checks. People are  
16 moving?

17 MR. COSLOV: We already own it. We  
18 already paid for it. Yeah, we are ready to go.

19 MR. BURKE: His question to me was: If  
20 we received approval tonight, what would the next  
21 step be?

22 Final site plan, and they were ready to  
23 move on that right away to get on back here, and I  
24 am not assuming anything, but get back here as  
25 quickly as possible.

1                   CHAIRMAN HOLTZMAN:   Okay.

2                   COMMISSIONER PINCHEVSKY:   Yeah.   So it  
3                   just seems that 2020 to be maybe -- in 2016, so it's  
4                   a six-year acceleration is the public benefit.

5                   I think the planner was mentioning  
6                   before that the public benefit is it, but it is  
7                   really just accelerating the remediation whether it  
8                   was capped or --

9                   CHAIRMAN HOLTZMAN:   It eventually has  
10                  to get done.

11                  COMMISSIONER PINCHEVSKY:   Correct,  
12                  right.   This is quicker.

13                  MR. HIPOLIT:   It accelerates it, so the  
14                  request from the variances --

15                  COMMISSIONER PINCHEVSKY:   Yeah, but I  
16                  think there should be a distinction.   It's not like  
17                  you are doing us a favor.   You're remediating the  
18                  property.

19                  The property is going to be remediated  
20                  regardless, so anyway, I am not going to repeat  
21                  myself ten times.

22                  CHAIRMAN HOLTZMAN:   You're absolutely  
23                  right.

24                  MR. HIPOLIT:   You're absolutely right.

25                  COMMISSIONER PINCHEVSKY:   I have a

1 follow-up question that goes back to the parking.

2 In one breath you are saying that this  
3 is not -- traffic is not going to be a big deal. It  
4 is going to be negligible.

5 Then, on the other hand, we are saying  
6 that we need two garages to satisfy the demand for  
7 these huge trucks that are going to be coming in and  
8 rushing and then going out the door. That is what  
9 was testified to and agreed on 20 minutes ago.

10 So my question is -- I guess maybe Mr.  
11 Coslov might be good at this --

12 MR. BURKE: He never gets to sit.

13 MR. COSLOV: That's all right.

14 COMMISSIONER PINCHEVSKY: -- so what is  
15 the average flow for a facility of this size in  
16 terms of cars coming in and out -- large trucks  
17 coming in and out?

18 CHAIRMAN HOLTZMAN: We had testimony on  
19 that already.

20 MR. BURKE: Hang on one second.

21 I just wanted to make clear, you're  
22 talking about hypotheticals, and I think the  
23 question came from this side. What would the  
24 largest truck be that could be accommodated, and the  
25 answer was it could be the largest truck --

1                   COMMISSIONER PINCHEVSKY: It was like  
2 three minutes before that.

3                   MR. BURKE: -- however -- however, by  
4 no means was anyone saying that that occurs on a  
5 regular basis.

6                   So if you want to hear something else  
7 about that, we can bring the person back, but it was  
8 more of a U-Haul type of situation than any big  
9 truck --

10                  COMMISSIONER PINCHEVSKY: Well, do you  
11 mind repeating your --

12                  MR. COSLOV: No problem.

13                  So we've operated over 46 storage  
14 facilities, so we have experience in inner cities,  
15 many of this size, some bigger and some smaller.

16                  You have to have a facility that can  
17 accommodate the largest truck on the road in case  
18 someone does an interstate move, and they show up on  
19 that.

20                  It almost never happens. I mean, it is  
21 rarer than rare. I mean, it will happen a couple  
22 times a year. The vast majority of your people  
23 moving in come in in U-Hauls and moving vans.

24                  Then you have customers that once you  
25 have a facility, they actually come in to get

1 something to take in or take out by their car.

2 So the actual number of cars that are  
3 on your site in any given month is very small. You  
4 just have to be able to accommodate the bigger stuff  
5 in case it does show up.

6 COMMISSIONER PINCHEVSKY: So given that  
7 testimony, I don't see the need for the second  
8 entrance. I mean, I just don't see it. I'm sorry.

9 CHAIRMAN HOLTZMAN: Okay.

10 COMMISSIONER PINCHEVSKY: Could you  
11 give perhaps in your experience the justification  
12 for --

13 CHAIRMAN HOLTZMAN: I think we had the  
14 justification.

15 COMMISSIONER PINCHEVSKY: From Mr.  
16 Coslov?

17 CHAIRMAN HOLTZMAN: No, not from Mr.  
18 Coslov. We took the testimony from the engineer.

19 COMMISSIONER DOYLE: And Andy.

20 CHAIRMAN HOLTZMAN: And Andy.

21 COMMISSIONER DOYLE: And Caleb.

22 COMMISSIONER PINCHEVSKY: And then I  
23 have another question.

24 If all of the storage units currently  
25 or storage companies currently in Hoboken are at 98

1 percent or greater, and you expect to get there in a  
2 decent time frame, it seems like a business that's  
3 going to succeed. But one of the arguments that you  
4 need to advertise in order to succeed.

5 So I guess I'm torn that there's such a  
6 high demand here, that Hoboken needs another one.  
7 Yet in order to succeed, we need to place huge signs  
8 on the building facade. I guess it is almost a  
9 counter argument, and I wonder if it could be  
10 addressed.

11 CHAIRMAN HOLTZMAN: The signs have been  
12 done away with.

13 COMMISSIONER PINCHEVSKY: They have --

14 CHAIRMAN HOLTZMAN: I think they have  
15 signs on the front and the back of the building.

16 COMMISSIONER PINCHEVSKY: Well, the  
17 front and the back --

18 COMMISSIONER DOYLE: There's no  
19 variance.

20 CHAIRMAN HOLTZMAN: Right.

21 MR. BURKE: There's no variance --

22 CHAIRMAN HOLTZMAN: The signage on the  
23 side has been eliminated,

24 MR. BURKE: That's correct.

25 COMMISSIONER PINCHEVSKY: North and

1 south have been eliminated completely?

2 MR. BURKE: Yes, and it is not a  
3 variance.

4 COMMISSIONER PINCHEVSKY: Okay. Okay,  
5 so I missed that.

6 CHAIRMAN HOLTZMAN: No, it changed. It  
7 was on the fly.

8 COMMISSIONER PINCHEVSKY: All right.  
9 Thank you.

10 CHAIRMAN HOLTZMAN: No problem.

11 So are there --

12 MR. GALVIN: Yeah, it changed big time.

13 CHAIRMAN HOLTZMAN: Frank?

14 VICE CHAIR MAGALETTA: This is an  
15 operations question, which was raised before.

16 What will the hours of operation --  
17 hours and days of operation be?

18 MR. COSLOV: We typically operate seven  
19 days a week. We typically operate about 9 to 6,  
20 Monday through Friday, and then we have shorter  
21 hours on Saturday and Sunday.

22 I can't tell you exactly what we will  
23 do here, but it's probably a three or four-hour  
24 block on Sunday, and it's probably a five-hour block  
25 on Saturday.

1                   VICE CHAIR MAGALETTA: Is there such a  
2 thing as emergency access? Is it possible to get  
3 emergency access to somebody's unit?

4                   MR. COSLOV: Yeah, it could be  
5 arranged. It could arranged.

6                   I mean, we don't do it often. I mean,  
7 we try to keep hours, because we don't want people  
8 in the buildings overall and safety, but you could.  
9 Yes, you can get it. It actually happens sometimes.

10                  CHAIRMAN HOLTZMAN: You got to get your  
11 skis.

12                  COMMISSIONER DOYLE: But there is an  
13 ordinance that was passed recently changing the  
14 hours, the permitted hours of operation, but it  
15 sounds like what you are describing, you are fine.  
16 But you obviously might want look at it.

17                  COMMISSIONER GRAHAM: One more  
18 question.

19                  CHAIRMAN HOLTZMAN: Commissioner  
20 Graham?

21                  COMMISSIONER GRAHAM: One more question  
22 for him.

23                  I live near the one that's on Grand  
24 Street between 10th and 11th.

25                  So would people from that unit then

1 think, oh, this is a nicer place, maybe I'll move my  
2 stuff up there? So you think -- okay, we don't need  
3 this one here any more, or is there enough capacity  
4 or enough demand for all of the ones that are here?

5 MR. COSLOV: Good question.

6 People typically won't move once they  
7 are in a place. We think there's plenty of demand  
8 for everybody, so we are not planning on demand  
9 based on taking it from another facility.

10 If you think about it yourself, it's  
11 typically a pain for you to take all of your stuff  
12 and move it just for a nicer building.

13 COMMISSIONER GRAHAM: Right.

14 MR. COSLOV: If you already had it out,  
15 maybe the next time you would choose to use my  
16 facility, but typically you won't have people just  
17 to upgrade to a nice facility.

18 COMMISSIONER DOYLE: Pay more.

19 (Laughter)

20 MR. ROBERTS: Another question, Mr.  
21 Chairman, I'm sorry.

22 CHAIRMAN HOLTZMAN: Go ahead.

23 MR. ROBERTS: We actually had, and  
24 there was a question in the letter.

25 In terms of security, the entrances to

1 on both ends of the building, I don't think we heard  
2 any testimony as to whether there is a gate that  
3 comes down, or during off hours whether the gate  
4 comes down per user, or how does that --

5 MR. WILBERN: We actually did provide a  
6 letter response saying that we were going to put a  
7 security grill over. We don't want people  
8 underneath our building on off hours. What we are  
9 doing is an open grill to comply with the flood  
10 plain administration.

11 MR. ROBERTS: Oh, I see. Okay.

12 CHAIRMAN HOLTZMAN: Okay.

13 COMMISSIONER PINCHEVSKY: I have a  
14 question.

15 Mr. Coslov, if the Board denied the  
16 extra floors, does the economics of the project more  
17 need looking forward --

18 MR. COSLOV: Likely not.

19 COMMISSIONER PINCHEVSKY: And it's  
20 seven floors --

21 MR. COSLOV: When you look at where our  
22 economic model looks on our property to take out two  
23 floors and still have the same land costs you have  
24 in the building and what it would cost to do the  
25 construction, it likely wouldn't justify doing the

1 project.

2 CHAIRMAN HOLTZMAN: Okay.

3 MR. GALVIN: We have to watch when we  
4 go into the economics. I think it is fair question  
5 to ask, but we don't want to get into the economics.  
6 We wouldn't let you get into the economics, and we  
7 shouldn't get into the economics. But otherwise, it  
8 is a good question we need to know.

9 COMMISSIONER PINCHEVSKY: Thank you.

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

12 Does that conclude the planning  
13 testimony?

14 Are there any members of the public  
15 that have a question for the planner with regard to  
16 the planning testimony?

17 Sure, come on up.

18 MR. OZTURK: Mustafa Ozturk.

19 I was wondering if there was an  
20 approximation of how much traffic outside of Hoboken  
21 would be coming to your facility.

22 CHAIRMAN HOLTZMAN: How much traffic  
23 from outside, so people that don't live in Hoboken  
24 coming to use this place?

25 MR. GALVIN: Let me say this before he

1 responds.

2 The testimony was that they are looking  
3 at a two mile radius.

4 Since Hoboken is only one mile, they  
5 have to be looking at least a little bit outside of  
6 the community.

7 Mr. Coslov, do you have any further  
8 information about that?

9 MR. COSLOV: Sure.

10 So likely there is little outside of  
11 Hoboken, so typically people will store their goods  
12 close to where they work and where they live, so it  
13 is possible that someone who lived in a neighboring  
14 area and worked in Hoboken, they pass it every day,  
15 and it was convenient for them, they would do it.

16 But most of the surrounding -- if you  
17 look at the surrounding neighborhoods around  
18 Hoboken, Hoboken is the most underserved right now,  
19 so they likely have better opportunities and are  
20 also less expensive in their areas, so I don't want  
21 to say none, but very, very little.

22 CHAIRMAN HOLTZMAN: Ten percent?

23 MR. COSLOV: Probably less.

24 CHAIRMAN HOLTZMAN: Probably less than  
25 ten percent?

1 MR. COSLOV: Yes.

2 CHAIRMAN HOLTZMAN: Great.

3 Are there any other members that have  
4 questions for the planner?

5 Okay. Great.

6 So we are going to take a moment here,  
7 and it is 9:30. We are still deep in the weeds  
8 here.

9 MR. GALVIN: Well, we have comments  
10 from the public, Mr. Burke's closing argument, our  
11 deliberations, so I think that that will take at  
12 least a half hour or 45 minutes, and that is being  
13 very optimistic. Okay?

14 Plus, we are going to take a break,  
15 which is going to take up 15 minutes, so we will be  
16 at 10:30 before we know.

17 So do we go on to the next case? Do we  
18 start the next case?

19 What is the Board members' thinking?

20 I don't see Mr. Pantel here.

21 MR. PANTEL: I'm here.

22 UNIDENTIFIED VOICE: He's behind the  
23 easel.

24 (Laughter)

25 MR. GALVIN: I do this all of the time.

1                   CHAIRMAN HOLTZMAN: Mr. Pantel, can we  
2 see you up here, please?

3                   MR. PANTEL: Yes.

4                   MR. GALVIN: Here is where we are at.  
5 We estimate that if we keep going on Mr. Burke's  
6 case, we probably won't finish until ten o'clock at  
7 best, probably more like 10:30 because we have to  
8 take a break, and the Board hasn't been really that  
9 interested in going beyond 10:30 or so.

10                   So what are your thoughts?

11                   Do you want to hang around and see if  
12 you can start, or --

13                   MR. PANTEL: Do you think that his case  
14 will finish probably about --

15                   MR. GALVIN: He has all of his  
16 witnesses in, but we have to listen to the public.  
17 We are going to take a break for five minute.

18                   MR. PANTEL: So you're not going to  
19 finish until ten o'clock?

20                   CHAIRMAN HOLTZMAN: Easy.

21                   MR. GALVIN: At best. 10:30 is --

22                   MR. PANTEL: Could I have 30 seconds to  
23 consult?

24                   MR. GALVIN: Well, why don't we do  
25 this. Why don't we take our break, and when we come

1 back from our break, if you want to go, you let me  
2 know, and we'll let you out, or you can hang around  
3 and see if you --

4 MR. PANTEL: Okay. Do we know what  
5 date --

6 MR. GALVIN: We are going to check on  
7 that also and let you know in one second, unless you  
8 know, Ms. Carcone.

9 MS. CARCONE: The next available date  
10 would be January 5th.

11 MR. GALVIN: What else do we have on  
12 that night?

13 MS. CARCONE: We have 726-732 Grand  
14 that we had carried from December 1st.

15 MR. PANTEL: Do we know where we would  
16 be at on that agenda?

17 MR. GALVIN: Do you have another night  
18 that we could give them?

19 MS. CARCONE: That would be February  
20 2nd.

21 MR. GALVIN: We don't have a second  
22 meeting in January?

23 MS. CARCONE: We don't have one  
24 scheduled now.

25 MR. GALVIN: All right. We may have to

1 talk about that, too.

2 CHAIRMAN HOLTZMAN: So it is a fluid  
3 situation, Mr. Pantel.

4 MR. PANTEL: Let me talk for a few  
5 minutes to --

6 MR. GALVIN: You are going to need a  
7 whole night, right?

8 MR. PANTEL: At least two hours.

9 CHAIRMAN HOLTZMAN: So we are going to  
10 take a break.

11 MR. BURKE: Phyllis, I'm going to mark  
12 this A-1. It's the AT-1 drawing).

13 (Exhibit A-1 marked.)

14 (Recess taken at 9:35 p.m.)

15 (After recess)

16 CHAIRMAN HOLTZMAN: Are you ready for  
17 us, Phyllis?

18 THE REPORTER: Yes.

19 CHAIRMAN HOLTZMAN: Thank you.

20 Okay. We are back on the record.

21 Mr. Pantel?

22 MR. PANTEL: Yes, thank you.

23 What we would appreciate the courtesy  
24 of is perhaps another meeting being scheduled in  
25 January, because you already have the reorganization

1 in January and another application on ahead of us  
2 already, which has not started yet, and it doesn't  
3 seem like a real light one necessarily, so I think  
4 we would be in for a repeat performance on January  
5 5th.

6 CHAIRMAN HOLTZMAN: So we are looking  
7 at special meeting date?

8 MR. PANTEL: Yes.

9 CHAIRMAN HOLTZMAN: Ms. Carcone?

10 MS. CARCONE: Well, it is a little hard  
11 right now.

12 We have the 5th. We have the Zoning  
13 Board on the 19th and -- we have the 5th and the  
14 13th for the Planning Board.

15 The Zoning Board is on the 19th and the  
16 26th.

17 So, Mr. Galvin, when do you have a free  
18 day?

19 MR. GALVIN: I am working on that. You  
20 surprised me. I thought you had a date in mind.

21 MS. CARCONE: No. I had no date in  
22 mind. I wasn't sure where they were going.

23 MR. HIPOLIT: The 20th or the 27th?

24 MS. CARCONE: 20th or the 27th?

25 MS. CARCONE: Is that a fifth

1 something?

2 MR. HIPOLIT: Third and fourth.

3 MS. CARCONE: No. There's no fifth  
4 week in January.

5 MR. GALVIN: I am good on a fourth  
6 Wednesday.

7 MR. ROBERTS: The 27th.

8 MS. CARCONE: That's the 27th.

9 I don't know if we have a room. On  
10 Wednesday, there is no court.

11 COMMISSIONER FORBES: We just don't  
12 know if there is ABC.

13 CHAIRMAN HOLTZMAN: What do we got?

14 MR. PANTEL: Wednesday, January 27th?

15 CHAIRMAN HOLTZMAN: Wednesday, the  
16 27th, sold?

17 MS. CARCONE: Is that good for you,  
18 Dennis?

19 MR. GALVIN: Yes, the fourth Wednesday  
20 would be good for me.

21 CHAIRMAN HOLTZMAN: Mr. Pantel?

22 MR. PANTEL: Yes. We are good with  
23 that, so I would like to confirm now on the record  
24 that our application is being carried to November --  
25 excuse me -- to January 27th, 2016, 7 p.m. in this

1 meeting room with no further notice being  
2 required --

3 MS. CARCONE: I can't guarantee the  
4 meeting room at this time.

5 MR. PANTEL: -- in the City Hall --

6 MR. GALVIN: No, no, no.

7 Here's what we want to do. We want to  
8 carry this to the January 5th meeting.

9 MR. PANTEL: Oh --

10 MR. GALVIN: -- no, no, but we are not  
11 going to -- you are not going to meet.

12 MR. PANTEL: I understand.

13 MR. GALVIN: And then we will figure  
14 out the time and place, and we will have a better  
15 handle on that.

16 MR. PANTEL: Okay. Understood.

17 For the moment, should we pencil in our  
18 calendars January 27th, but bearing in our mind, as  
19 you said, we are being formally carried tonight just  
20 to January 5th?

21 MR. GALVIN: Right. We might have to  
22 go to the elementary school or one of the other  
23 places.

24 MS. CARCONE: We might have to go to  
25 the Multi-Purpose Center or something.

1 MR. GALVIN: We'll pull that off.

2 MR. PANTEL: So we will carry it  
3 tonight to January 5th, 2016, with no further  
4 notice.

5 This, of course, is our application for  
6 building Lot 264, Block 3.01, amended preliminary  
7 and final site plan approval, carried to January  
8 5th, 2016 for a meeting in this room at 7 p.m., no  
9 further notice.

10 MR. GALVIN: For the purpose to be  
11 carried again.

12 MR. PANTEL: At that time on January  
13 5th, there will be a further announcement as to the  
14 next meeting date, time and place.

15 MR. GALVIN: And you waive the time at  
16 least through the end of January?

17 MR. PANTEL: Yes, we do.

18 CHAIRMAN HOLTZMAN: Okay.

19 We need a motion to accept the  
20 conditions as laid out by Mr. Pantel.

21 VICE CHAIR MAGALETTA: Motion.

22 COMMISSIONER PEENE: Second.

23 CHAIRMAN HOLTZMAN: Call the vote.

24 MS. CARCONE: Commissioner Magaletta?

25 VICE CHAIR MAGALETTA: Yes.

1 MS. CARCONE: Commissioner Stratton?

2 COMMISSIONER STRATTON: Yes.

3 MS. CARCONE: Commissioner Forbes?

4 COMMISSIONER FORBES: Yes.

5 MS. CARCONE: Commissioner Doyle?

6 COMMISSIONER DOYLE: Yes.

7 MS. CARCONE: Commissioner Graham?

8 COMMISSIONER GRAHAM: Yes.

9 MS. CARCONE: Commissioner Mc Kenzie?

10 COMMISSIONER MC KENZIE: Yes.

11 MS. CARCONE: Commissioner Peene?

12 COMMISSIONER PEENE: Yes.

13 MS. CARCONE: Commissioner Pinchevsky?

14 COMMISSIONER PINCHEVSKY: Yes.

15 MS. CARCONE: Commissioner Holtzman?

16 CHAIRMAN HOLTZMAN: Yes.

17 Please, Commissioners, let's make sure

18 we keep our packets for Block D.

19 CHAIRMAN HOLTZMAN: So if you are

20 interested in this case, you would probably be wise

21 to check with Ms. Carcone's office probably on

22 January 6th.

23 MR. PANTEL: Thank you.

24 CHAIRMAN HOLTZMAN: Thank you, Mr.

25 Pantel.

1 MR. PANTEL: Thank you.

2 CHAIRMAN HOLTZMAN: Mr. Burke, do you  
3 have some closing remarks for us?

4 MR. BURKE: The public first, I would  
5 prefer.

6 CHAIRMAN HOLTZMAN: Sure. Let's do the  
7 public.

8 Let's get Henry and his gang out of  
9 here, and we will give him a second.

10 CHAIRMAN HOLTZMAN: All right.

11 So are there any members of the public  
12 that wish to offer us any opinions of the project?

13 Sure.

14 MR. GALVIN: Raise your right hand.

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

18 MR. JACOBSON: Yes.

19 MR. GALVIN: State your full name for  
20 the record and spell your last name.

21 MR. JACOBSON: Tom Jacobson,  
22 J-a-c-o-b-s-o-n.

23 MR. GALVIN: You may proceed.

24 MR. GALVIN: And your street address?

25 MR. JACOBSON: 1114 Garden Street.

1 MR. GALVIN: You may proceed.

2 MR. JACOBSON: I'm generally supportive  
3 of the application. I think the requested usage,  
4 the design of the structure, given the constraints  
5 of the property and some of the other things that  
6 are in play in that area is worked together as an  
7 integrated whole.

8 However, considering the scope of the  
9 variances that are being requested, I am not  
10 convinced that the public benefit has been fully  
11 conferred.

12 Two ideas that came to my mind: One is  
13 the height of the structure. There is nothing that  
14 says it has to be 70 feet tall and 1700 units. That  
15 is pretty intense, especially considering that the  
16 property immediately north is a significantly lower  
17 structure. So perhaps the applicant would consider  
18 reducing the height by one story, which I imagine  
19 would be somewhere between eight and ten feet,  
20 considering these are storage lockers.

21 Alternatively, this could be an  
22 excellent opportunity to perhaps incorporate some  
23 kind of a green feature, maybe roll that green wall  
24 up to a green roof. There doesn't appear to be a  
25 need for frequent roof access, so perhaps the roof

1 can be incorporated.

2 CHAIRMAN HOLTZMAN: Yes. We actually  
3 asked that question as well of the applicant, and  
4 they did have some concerns being that this is a  
5 storage facility with having any accumulations of  
6 water and things and soil on the roof. So we did  
7 actually ask them about that. Just so you know,  
8 they kind of deferred that from an engineering  
9 standpoint, they were uncomfortable with that.

10 MR. JACOBSON: I trust the applicant  
11 understands that the residential structures in town  
12 are being approved with green roofs, where nothing  
13 is getting water --

14 CHAIRMAN HOLTZMAN: And the response to  
15 that is residential buildings are lived in 24 hours  
16 a day, where as if they have a leak in their storage  
17 facility, somebody might not discover it for six  
18 months when they go to pick up grandma's old couch.

19 MR. JACOBSON: Another green feature  
20 could be something like solar panels that could then  
21 perhaps power a municipal garage.

22 CHAIRMAN HOLTZMAN: We asked that  
23 question as well, and we were told that they could  
24 basically run this facility with a couple D  
25 batteries, that it's so efficient that basically

1       their solar array would do nothing except turn back  
2       the meter, which is a nice thing for the good, but  
3       they have such minimum requirements for utilities  
4       and electricity on this facility.

5               MR. JACOBSON: I am not sure you  
6       exhausted every option.

7               CHAIRMAN HOLTZMAN: Absolutely not, but  
8       I want you to know that we did ask some of these  
9       questions.

10              MR. JACOBSON: Okay. And then my last  
11       comment is: I think I missed my opportunity to ask  
12       this as a question, so I'll refer it back to you --

13              MR. GALVIN: Go ahead and ask it.

14              MR. JACOBSON: -- as a comment.

15              MR. GALVIN: No. You can ask the  
16       question.

17              Go ahead and ask the question.

18              MR. JACOBSON: Well, given the  
19       arrangement of virtually 100 percent lot coverage  
20       with a drive -- with a 24-foot driveway and all of  
21       the parking covered by the remaining portion of the  
22       structure, I was just interested in what the  
23       ventilation would be.

24              I have used storage facilities myself,  
25       and I can relate that two characteristics of some of

1 the vehicular traffic in these environments are  
2 extensive idling and use of diesel powered vehicles.  
3 So in an enclosed -- semi enclosed structure like  
4 that, ventilation of that enclosed or covered area  
5 would be something of interest to the public and the  
6 Planning Board.

7 MR. GALVIN: Do you have a good answer  
8 for this?

9 It's a good question.

10 CHAIRMAN HOLTZMAN: Mr. Wilbern?

11 MR. WILBERN: Yeah. But a few of the  
12 department buildings will require a full ventilation  
13 system that will be center controlled, so any time  
14 you are CO2 or diesel accumulation, so we are  
15 required a code on our modern building because we  
16 don't have more than 50 percent open, we just have  
17 limited areas, will have a fully vented to the roof  
18 situation, so that will be triggered by that.

19 CHAIRMAN HOLTZMAN: Good question.

20 MR. JACOBSON: That's it.

21 MR. GALVIN: Thank you.

22 CHAIRMAN HOLTZMAN: Thank you.

23 Any other members of the public wish to  
24 speak?

25 MR. GALVIN: Now I got to put you under

1 oath, right?

2 Raise your right hand.

3 Do you swear or affirm that your  
4 testimony in this matter is to be the truth, the  
5 whole truth, and nothing but the truth?

6 MR. OSTURK: I do.

7 MR. GALVIN: Spell your last name.

8 Osturk, O-s-t-u-r-k, 1300 Grand street.

9 MR. GALVIN: Thank you.

10 You may proceed.

11 MR. OSTURK: So I live with my wife and  
12 my two children at Grand Street, and one thing that  
13 concerns me is traffic.

14 We have only local traffic coming in  
15 and out of our neighborhood. I can actually send my  
16 eight-year-old daughter to go to the Dunkin' Donuts  
17 on the weekend to pick up some donuts and coffee  
18 without worrying about being run over by an  
19 inexperienced driver driving a storage -- I mean a  
20 truck.

21 So, you know, I have been living there  
22 since 2007. And when American Magnesium Corporation  
23 was up and running, the traffic added to the  
24 neighborhood was negligible. There is, you know,  
25 industrial businesses in the neighborhood operating

1 wholesale, you know, plumbing supply stores. The  
2 traffic they have is all negligible.

3 It's presented as low impact, but 1700  
4 units is not low impact. It is going to add vehicle  
5 traffic to our neighborhood, you know, that has no  
6 traffic, so that concerns me.

7 There is going to be a park hopefully  
8 opening sometime soon just south of that property.  
9 I want to be able to tell my kids, "Hey, go play in  
10 the park" without worrying that they are going to be  
11 run over. That is one issue.

12 The other issue about having a  
13 contaminated site that's just sitting there, as we  
14 heard, the contaminants are not going anywhere.  
15 They are just sitting there, so I am not worried  
16 about, you know, at least that's what we heard from  
17 the testimony that, you know, the contaminants are  
18 affecting my property, you know, they can sit there  
19 until 2019 as far as I am concerned.

20 I don't care that the site is being  
21 remediated, you know, five years ahead of time.  
22 That is not really important to me as somebody just  
23 living there.

24 And, again, the building and the  
25 business section doesn't fit with what we have in

1 the neighborhood right now. We have small  
2 restaurants, bars, a theater, gyms, cooking classes,  
3 Design and Wine.

4 All of these places people walk to in  
5 Hoboken. We don't drive to those businesses. We  
6 walk, you know. I like businesses in the  
7 neighborhood. I don't want to be in a place where  
8 there is nothing going on, but you know, we have  
9 small businesses, and I would like to keep it to  
10 that, and I wouldn't want just people driving over  
11 to our neighborhood, you know, just to go to  
12 storage -- I mean, ideally I would like something  
13 else put there instead of storage. I don't know if  
14 that is -- if I have a say. So, you know, but we  
15 are giving variances for this building, I don't know  
16 if we are getting enough.

17 That is all I have to say.

18 CHAIRMAN HOLTZMAN: Thank you.

19 Any other members of the public that  
20 wish to speak?

21 Sure. Come on up.

22 MR. GALVIN: Raise your 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. TILL: Yes.

2 MR. GALVIN: You may proceed.

3 Oh, I'm sorry. Name, sorry.

4 MR. TILL: Keith Till. Last name is  
5 T-i-l-l.

6 MR. GALVIN: And your street address  
7 again? I'm sorry, Mr. Till.

8 MR. TILL: 1301 Adams.

9 MR. GALVIN: Thank you.

10 MR. TILL: I don't know if anybody  
11 spoke about it, what kind of refuge --

12 CHAIRMAN HOLTZMAN: Could you just  
13 direct your questions up here?

14 MR. TILL: I'm sorry.

15 What kind of -- like the turnover and  
16 when somebody doesn't pay their rent for their  
17 storage facility, what happens to all of the refuge?

18 CHAIRMAN HOLTZMAN: What happens with?

19 MR. TILL: All of their garbage that  
20 comes out. Grandma's couch, where does it go?

21 Has that been addressed?

22 (Board members confer)

23 CHAIRMAN HOLTZMAN: Storage Wars,  
24 right, yeah.

25 MR. TILL: Open dumpsters that have

1       been sitting around?

2                   MR. BURKE:  No, no.  If you would  
3       permit me, we will bring someone up to answer that.

4                   CHAIRMAN HOLTZMAN:  Please do.

5                   Jack?

6                   MR. WILBERN:  Jack Wilbern.

7                   Self-storage facilities do not allow  
8       individuals to use the on-site trash, so we have a  
9       very small trash accumulation because we are only  
10      generating office and miscellaneous trash from the  
11      site.

12                   In the case of somebody skipping rent,  
13      it is auctioned off.  If it is not auctioned off, it  
14      will be removed that day in its entirety.  It  
15      doesn't go in open dumpsters.  We specifically don't  
16      allow people to use the dumpster because it will  
17      fill up like that.  Not just from our patrons, from  
18      anybody, you know, in the neighborhood.

19                   CHAIRMAN HOLTZMAN:  So everybody is not  
20      so polite, Mr. Wilbern, and I go to pick up my stuff  
21      at the storage site, and I decide, you know what,  
22      this old chair, I don't need this piece of junk any  
23      more, and I leave it on the curb.  What happens?

24                   MR. WILBERN:  Management will remove  
25      it.

1                   CHAIRMAN HOLTZMAN: Right. But we  
2 don't have a dumpster or anything to throw it in,  
3 so --

4                   MR. WILBERN: There is a dumpster on  
5 site. It's just not readily available to the  
6 patrons.

7                   CHAIRMAN HOLTZMAN: Okay.

8                   Mr. Coslov, did you want to add  
9 something to that?

10                  MR. COSLOV: It's fine. I think he did  
11 fine.

12                  We keep our own dumpster that is  
13 secured, if our customers can use it, it is out of  
14 sight. It's in our first --

15                  MR. GALVIN: Jim, you're in the way,  
16 Jim.

17                  MR. BURKE: I'm sorry.

18                  MR. COSLOV: -- it's to use for our own  
19 refuse. And if there is any trash anywhere in the  
20 building or on the street or anything, we take the  
21 contents, and we put it in there, and we have it  
22 taken off by our own refuse company, so nothing is  
23 left anywhere.

24                  MR. TILL: He brought up an auction.  
25 Where does the auction take place, in the parking

1 lot now, like we see on TV?

2 MR. COSLOV: No.

3 MR. TILL: Is that what's going to go  
4 on?

5 MR. COSLOV: No. You see that on TV  
6 because you see single-story steel buildings, and  
7 they go around, and that's -- and we are in a fully  
8 enclosed building. It is a place in our hallways,  
9 in our building, and everybody has to -- people  
10 leave it -- the way they work it is people pay a  
11 deposit if you want to come bid at our auctions, and  
12 that room has to be totally emptied out and clear on  
13 our premises before you get your deposit back.

14 MR. TILL: Is it a manned facility?

15 Is there an on-site manager there?

16 MR. COSLOV: Yes.

17 MR. TILL: Does anybody police what  
18 comes and goes in those units?

19 MR. COSLOV: Yes, the best we can. But  
20 because we are not 24-hour access, we don't have  
21 drive-up units, we can police it pretty well, and we  
22 have security cameras all throughout the facility,  
23 and we have our office near the loading dock, so you  
24 can see exactly what's being taken off and taken on,  
25 and every time somebody goes in an elevator, up and

1 down, you see it's secured, so we can do a fairly  
2 good job. I can't say it's perfect, but fairly  
3 good.

4 MR. TILL: Have you had any experience  
5 with a bad scenario with something in the units?

6 MR. COSLOV: Knock on wood, we have  
7 not.

8 MR. TILL: Sometimes there is.

9 CHAIRMAN HOLTZMAN: Any other questions  
10 or anything?

11 MR. TILL: No.

12 CHAIRMAN HOLTZMAN: Okay. Great.  
13 Thank you.

14 MR. TILL: Thank you.

15 CHAIRMAN HOLTZMAN: Are there any other  
16 members of the public?

17 Okay. We will close the public  
18 portion.

19 Commissioners, any opinions, final  
20 thoughts?

21 Councilman?

22 COMMISSIONER FORBES: I just want to  
23 say --

24 CHAIRMAN HOLTZMAN: I'm sorry. Go  
25 ahead, Director.

1                   COMMISSIONER FORBES:  -- you know, I  
2            appreciate that the signage variance is no longer on  
3            the table.  That was the thing that I had the  
4            biggest concern about.

5                    I think with this particular site and  
6            what is around it, and what is expected to be to the  
7            south or at least the intent of the city, you know,  
8            there isn't that hole in the donut for keeping that  
9            lot coverage, and thus, I don't really have the  
10           issue -- just personally, I don't have that issue  
11           with the full lot coverage.

12                   I appreciate that the green wall is  
13            actually on their property and not hanging over in  
14            the city's right-of-way, so I appreciate that that  
15            has been addressed.

16                   Those are my issues.

17                   CHAIRMAN HOLTZMAN:  Okay.

18                   Jim, did you have some closing remarks?

19                    I heard you guys sort of talking.  I  
20            didn't know if there was any sort of final revised  
21            design elements or anything because there were a  
22            number of things sort of worked and discussed  
23            throughout the evening, so I didn't know if they  
24            kind of wanted to, whether it was Jack or Nick  
25            wanted to give us any kind of wrap-up here.

1 MR. BURKE: Well --

2 MR. WILBERN: Yes.

3 In discussion with ownership as the  
4 best way to integrate a mural and reduce the signage  
5 on the north elevation, we already said that the  
6 south elevation we can provide -- I don't know --

7 MR. BURKE: You know, next time they  
8 shouldn't be on two sides.

9 MR. WILBERN: I know. I know.

10 And what we are proposing, I am going  
11 to mark up my own drawing, if I'm allowed to do  
12 that, is essentially there will be no glass --

13 CHAIRMAN HOLTZMAN: So, Mr. Wilbern,  
14 we are looking at the south elevation now.

15 MR. WILBERN: South elevation --

16 COMMISSIONER FORBES: No, north.

17 MR. WILBERN: -- north elevation, I'm  
18 sorry --

19 CHAIRMAN HOLTZMAN: It's all right. Go  
20 ahead.

21 MR. WILBERN: -- north elevation,  
22 P-203, such that we would reserve the right to  
23 have -- we are eliminating all of the signage, and  
24 what we propose to do is leave the entire lower  
25 third, fourth, and fifth floors for the maximum

1 standard, leave that entire area for a mural, and  
2 leave two stories of glass above that at a maximum  
3 area, so that we are not completely blank during the  
4 night.

5 We can't light the mural from the other  
6 building, and if we were to try to light it from the  
7 top, we would have to put in excessive amounts of  
8 light to light it, so we would like to provide a  
9 daytime and nighttime facade.

10 So a mural for the majority of the  
11 facade and limited glass above it.

12 CHAIRMAN HOLTZMAN: And the windows,  
13 the idea is that it sort of activates your space to  
14 kind of show that it is not just a big -- it's not  
15 just some big warehouse building or something.

16 MR. WILBERN: It's not 200 feet long  
17 blank walls.

18 CHAIRMAN HOLTZMAN: Right.

19 And then what about on the southern  
20 side that would in the future face a parking  
21 structure?

22 MR. WILBERN: The southern elevation is  
23 just essentially a duplicate of this. It's --

24 CHAIRMAN HOLTZMAN: Why don't we find  
25 the card. Take 30 seconds.

1                   You guys need a bigger phone cord  
2 budget, right? That's the problem.

3                   (Laughter)

4                   MR. WILBERN: On the south elevation  
5 where we had indicated the two activated glass  
6 doesn't make sense --

7                   CHAIRMAN HOLTZMAN: Let's start with  
8 the signage.

9                   MR. WILBERN: The signage would be  
10 completely eliminated.

11                  CHAIRMAN HOLTZMAN: Thank you.

12                  MR. WILBERN: What we would propose to  
13 do is to take the area that was the actual active  
14 glass, which is in the future going to be a complete  
15 waste of time, and use the same polished aluminum  
16 system from the front elevation and replace that  
17 clear glass with polished aluminum.

18                  CHAIRMAN HOLTZMAN: So, again, as  
19 opposed to a large blank wall, which is eventually  
20 going to face a parking structure, at least for the  
21 next couple, five years or whatever it is, at least  
22 it breaks up the space.

23                  MR. WILBERN: Correct.

24                  CHAIRMAN HOLTZMAN: And all of that is  
25 all within your property, and there's nothing that's

1 hanging over the property line or on the property  
2 line or anything like that, right?

3 MR. WILBERN: Correct.

4 VICE CHAIR MAGALETTA: I have a  
5 question.

6 CHAIRMAN HOLTZMAN: Frank?

7 VICE CHAIR MAGALETTA: Commissioner  
8 Forbes, I know you said that it is hopeful that  
9 there will be a parking deck there as the plan?

10 COMMISSIONER FORBES: It's expected in  
11 the intent, yes.

12 VICE CHAIR MAGALETTA: Would you expect  
13 it to be as this high, 78 feet, 80 feet?

14 COMMISSIONER FORBES: That has not been  
15 designed as to if it is going to be a six or seven  
16 story, but, you know, we do have other garages  
17 around town.

18 VICE CHAIR MAGALETTA: I was trying to  
19 figure out if there was a gap, you could put  
20 something there, but --

21 COMMISSIONER FORBES: It has not been  
22 designed at all.

23 VICE CHAIR MAGALETTA: Yeah, I know. I  
24 just wanted to conceptualize it, that's all.

25 CHAIRMAN HOLTZMAN: So if you are

1 opening the door on that, I am sure they want to  
2 activate and show life in the space, so would you  
3 guys want to take Commissioner Magaletta up on his  
4 idea, that you would run a row of windows along your  
5 top row with the hope that one day the parking  
6 structure isn't so high?

7 Does that make sense to you, or it  
8 doesn't make sense to try?

9 MR. COSLOV: I think it's a great  
10 offer. We would love to have the option to do that,  
11 should the garage not be that high.

12 COMMISSIONER DOYLE: They won't know  
13 what the garage height is --

14 VICE CHAIR MAGALETTA: Exactly. It  
15 will get blocked off, but --

16 CHAIRMAN HOLTZMAN: So there's no --

17 MR. COSLOV: And it would match the  
18 other side.

19 CHAIRMAN HOLTZMAN: And it would match  
20 the other side.

21 MR. COSLOV: Which has some benefit for  
22 everybody.

23 CHAIRMAN HOLTZMAN: Right.

24 So that's sort of a neat idea.

25 Thank you, Frank.

1 Rami?

2 COMMISSIONER PINCHEVSKY: I think I  
3 know the answer, but I just wanted to reconfirm.

4 The reason for not doing a mural on the  
5 south side is five years from now, you don't want  
6 the public to be upset that it is going to be  
7 blocked by the garage. I think that is what you  
8 mentioned before. Maybe it was half jokingly.

9 But what's the reason not to have a  
10 mural now?

11 CHAIRMAN HOLTZMAN: There is more than  
12 that. There is going to be a large parking  
13 structure right there.

14 COMMISSIONER PINCHEVSKY: In four or  
15 five years.

16 COMMISSIONER FORBES: Yeah. It will be  
17 years down the road.

18 COMMISSIONER PINCHEVSKY: Yeah.

19 So why not take advantage of having two  
20 murals?

21 We just double the --

22 MR. COSLOV: Well, two reasons  
23 actually.

24 One is: To do a mural right, it is  
25 going to be a significant expense to do that.

1        Whatever applique or paint that we use to do that,  
2        it's not cheap. It is also going to go through a  
3        commission, and we have to hire artists, et cetera,  
4        et cetera. And in my personal experience having sat  
5        on Zoning Boards in my jurisdiction is that once the  
6        mural goes up, it has a tremendous neighborhood --  
7        they want to keep it forever.

8                    COMMISSIONER DOYLE: You can make it in  
9        poor taste.

10                   (Laughter)

11                   COMMISSIONER PINCHEVSKY: For a mural  
12        that's going up, if you're not giving too much of  
13        the detail, on the other side, is this a one time  
14        thing, and you know, five years from now, if it is  
15        fading, so be it?

16                   MR. BURKE: Oh, no. It has to be  
17        maintained.

18                   COMMISSIONER PINCHEVSKY: It has to be  
19        maintained, but it won't be changing, every year a  
20        new mural?

21                   CHAIRMAN HOLTZMAN: No.

22                   (All Board members talking at once.)

23                   COMMISSIONER PINCHEVSKY: Okay.

24                   Okay. That was my question.

25                   CHAIRMAN HOLTZMAN: All right. Thank

1           you.

2                       Commissioner Graham, did you --

3                       COMMISSIONER GRAHAM:  No.

4                       CHAIRMAN HOLTZMAN:  Okay.

5                       Questions, comments, opinions?

6                       MR. ROBERTS:  Just one more thing.

7                       CHAIRMAN HOLTZMAN:  No chance from you.

8           You've had your fill tonight.

9                       Go ahead.

10                      (Laughter)

11                      MR. ROBERTS:  It has to do with street

12           trees.

13                      COMMISSIONER DOYLE:  Yes.  That's my

14           question.  Take it away.

15                      CHAIRMAN HOLTZMAN:  Thank you.

16                      MR. ROBERTS:  Actually, Jim asked me

17           about this during the break, and I had seen the

18           street trees shown in the elevation, but it's not

19           shown on the actual site plan.

20                      Now that you are reducing that curb cut

21           down as a result of the sidewalk improvements, there

22           is room for them, and it is something that we

23           always -- it's like one of the first things we look

24           for in a residential area, but what would be your

25           reaction to -- we would like to try to improve the

1 street scape --

2 MR. HIPOLIT: They could add four  
3 trees.

4 MR. ROBERTS: Right. You have room for  
5 two on each side.

6 MR. WILBERN: Correct. And we are  
7 happy to say if it's structurally feasible given the  
8 gas line and everything that is there --

9 MR. ROBERTS: Right.

10 MR. WILBERN: -- we would prefer to  
11 have them on our site. But we are happy to say for  
12 whatever reason, there is a structural impediment,  
13 that we will plant them wherever you want them.

14 MR. HIPOLIT: Two on each side. You  
15 have plenty of space.

16 MR. BURKE: We're saying even if they  
17 have them off site --

18 CHAIRMAN HOLTZMAN: They will put them  
19 on the street some place.

20 MR. WILBERN: Yes. We are happy  
21 because the street --

22 (Everyone talking once)

23 MR. BURKE: With the Shade Tree  
24 Commission --

25 CHAIRMAN HOLTZMAN: Thank you, Dave.

1                   MR. ROBERTS: Right. You have 72 feet  
2                   from the driveway to the edge of the building, so if  
3                   you took 11 feet off each one, you would have 54  
4                   feet for each two, so I am assuming you could fit  
5                   them.

6                   MR. BURKE: I am going to mark this  
7                   A-2. It is the south elevation, P-201.

8                   (Exhibit A-2 marked)

9                   CHAIRMAN HOLTZMAN: Mr. Galvin, you had  
10                  some questions?

11                  MR. GALVIN: Well, not questions, but  
12                  when we do the conditions, I think --

13                  CHAIRMAN HOLTZMAN: Well, I think we  
14                  are at that stage, so can we start reading our  
15                  conditions, or did you need a moment?

16                  COMMISSIONER FORBES: Yes, please.

17                  CHAIRMAN HOLTZMAN: We are working on  
18                  it. We are trying. Just give us a moment.

19                  Did you have any additional closing  
20                  remarks, Mr. Burke?

21                  MR. BURKE: No. I think --

22                  CHAIRMAN HOLTZMAN: I think we are in a  
23                  good space here.

24                  MR. BURKE: Then I will shut my mouth.

25                  (Laughter)

1                   CHAIRMAN HOLTZMAN: Okay. Dennis has a  
2 number of conditions for us, so let's start reading  
3 those.

4                   MR. GALVIN: All right.

5                   The applicant shall provide a copy of  
6 the required D notice once it is recorded to the  
7 Board's Engineer, Attorney and the Mayor's Office.

8                   2: The Board must be provided a  
9 Response Action Outcome to be issued to the city  
10 prior to the issuance of any CO or TCO.

11                  3: The Board Engineer's LSRP is to  
12 review the applicant's proposal.

13                  4: Both the owner and the applicant  
14 have to have their own LSRP during construction, and  
15 they are to report contamination incidents and  
16 provide all notices set forth in the plans to both  
17 the Board's Engineer and the mayor's office.

18                  CHAIRMAN HOLTZMAN: So that is the  
19 property owner and the applicant.

20                  Should we just add that to make it  
21 specific?

22                  COMMISSIONER FORBES: I think to  
23 clarify it, isn't it the owner of record --

24                  CHAIRMAN HOLTZMAN: The previous  
25 property owner --

1                   VICE CHAIR MAGALETTA: The responsible  
2 property owner.

3                   COMMISSIONER FORBES: Yeah.

4                   CHAIRMAN HOLTZMAN: The previous  
5 property owner.

6                   VICE CHAIR MAGALETTA: Prior  
7 responsible property owner.

8                   CHAIRMAN HOLTZMAN: Director?

9                   COMMISSIONER FORBES: What Frank said.

10                  CHAIRMAN HOLTZMAN: What did Frank say?

11                  VICE CHAIR MAGALETTA: Responsible --

12                  COMMISSIONER DOYLE: Prior, prior --

13                  VICE CHAIR MAGALETTA: -- prior  
14 responsible property owner.

15                  CHAIRMAN HOLTZMAN: Prior to being  
16 responsible?

17                  (Laughter)

18                  VICE CHAIR MAGALETTA: Prior  
19 responsible property owner.

20                  COMMISSIONER DOYLE: It's called  
21 responsible party. It called prior -- you can't mix  
22 them up.

23                  (Board members conferring)

24                  CHAIRMAN HOLTZMAN: Do you have the  
25 language on that, Dennis?

1 MR. GALVIN: No.

2 MS. RUTLEDGE: Excuse me. It is ISRA  
3 responsible party.

4 CHAIRMAN HOLTZMAN: The ISRA?

5 MS. RUTLEDGE: ISRA, I-S-R-A, all  
6 capital letters.

7 CHAIRMAN HOLTZMAN: Tell us what that  
8 means.

9 MS. RUTLEDGE: That is the responsible  
10 party that is required to complete the ISRA  
11 investigation and remediation.

12 CHAIRMAN HOLTZMAN: And tell us what  
13 ISRA means.

14 MS. RUTLEDGE: Oh, Industrial Site  
15 Recovery Act.

16 MR. GALVIN: Okay.

17 (Board members conferring)

18 MR. GALVIN: Both the ISRA  
19 responsible -- say that again. The ISRA --

20 (Laughter)

21 MS. RUTLEDGE: ISRA responsible party.

22 COMMISSIONER DOYLE: It's the site  
23 responsible party -- never mind --

24 CHAIRMAN HOLTZMAN: The ISRA site  
25 responsible party?

1                   COMMISSIONER DOYLE:  -- no, no.  I take  
2    it back.  I thought I was helping with the acronym,  
3    so --

4                   CHAIRMAN HOLTZMAN:  It does not appear  
5    so.

6                   COMMISSIONER DOYLE:  No, not at this  
7    hour.

8                   (Laughter)

9                   MR. GALVIN:  So all notices will  
10   provide contamination incidents and provide all  
11   notices set forth in the plan.

12                   I was led to believe that there was a  
13   very clear noticing requirement in the plans that I  
14   didn't look at.

15                   Does everyone agree with that?

16                   Do you agree with that?

17                   Could you help me?

18                   MS. RUTLEDGE:  I'm sorry.

19                   MR. GALVIN:  I am sorry, because you  
20   gave us a lot of good information tonight.

21                   I am talking about the plans itself.  
22   There was like a set of notices, that you got  
23   notices of different time periods.  Is that correct?

24                   MR. RUTLEDGE:  I wouldn't say notices  
25   so much, the remediation has to be complete within a

1 certain time frame.

2 MR. GALVIN: Are there things that have  
3 to be done on a time schedule?

4 MS. RUTLEDGE: Yes.

5 MR. GALVIN: That is what I am talking  
6 about.

7 MS. RUTLEDGE: Okay.

8 MR. GALVIN: So every time you do  
9 something and it gets completed, I think you should  
10 alert the engineer's office and the mayor's office,  
11 and we're including the mayor's office, so that if  
12 she gets questions from the neighbors, they will  
13 able to respond to those questions.

14 MS. RUTLEDGE: Okay.

15 MR. GALVIN: Okay. I will have to fix  
16 that condition.

17 MR. HIPOLIT: I can help you with that.

18 MR. GALVIN: All right.

19 5: The plan should be revised to show  
20 the utility meter location on the second floor and  
21 the utility room on the first floor will provide  
22 access for conduit it equipment.

23 6: The applicant agreed to enter into  
24 a maintenance agreement with the city, which shall  
25 be recorded against the property and bind future

1 property owners as to the green walls. The plant  
2 material is to be determined as part of that  
3 agreement, but it must be consistent with the  
4 testimony of the applicant's architect. Okay?

5 7: The plan is to be revised to  
6 eliminate the signage on the north wall and to show  
7 a mural platform covering floors three, four and  
8 five.

9 8 --

10 COMMISSIONER DOYLE: And did you want  
11 to say and the south wall?

12 MR. GALVIN: Well, I was going to go  
13 with the next condition. That's okay.

14 The south wall is to be revised to  
15 eliminate the signage and to show the introduction  
16 of windows?

17 CHAIRMAN HOLTZMAN: No. Metal panels,

18 MR. HIPOLIT: Aluminum panels.

19 CHAIRMAN HOLTZMAN: Is that correct?

20 MR. WILBERN: For --

21 CHAIRMAN HOLTZMAN: South wall.

22 MR. WILBERN: South elevation for --

23 CHAIRMAN HOLTZMAN: Oh, wait, I'm  
24 sorry. There are windows along the top floor --

25 MR. WILBERN: Top two floors on the

1 north and south elevation.

2 (Audience talking at once)

3 CHAIRMAN HOLTZMAN: Wait. Let's make  
4 sure we get this right. This is important.

5 Let's go north wall. One row of  
6 windows.

7 MR. COSLOV: Yeah, on the south -- on  
8 the north --

9 CHAIRMAN HOLTZMAN: No. Let's go north  
10 first. Let's make sure we got north right.

11 MR. WILBERN: Over the top of the  
12 Viaduct, facing the Viaduct.

13 MR. COSLOV: So on the south  
14 elevation --

15 MR. HIPOLIT: Do north.

16 (Laughter)

17 MR. COSLOV: -- I'm sorry. The north  
18 elevation, there's two rows of windows on the top  
19 two floors. Floors three, four and five will be the  
20 mural.

21 MR. GALVIN: I got that.

22 CHAIRMAN HOLTZMAN: Okay. Now we are  
23 on to the south side.

24 MR. WILBERN: The top floor real glass.  
25 The lower floors two, three, four, and five, the

1 polished aluminum.

2 MR. HIPOLIT: Correct.

3 MR. GALVIN: What would you call that  
4 on floors three through six?

5 MR. HIPOLIT: Polished aluminum.

6 MR. WILBERN: Polished aluminum faux,  
7 f-a-u-x, storefront.

8 MR. HIPOLIT: It's just polished  
9 aluminum.

10 MR. GALVIN: Floors three, four, five,  
11 six, three through six.

12 MR. HIPOLIT: And seven will be glass.

13 MR. GALVIN: I got that part.

14 And if it has got to be fixed, I don't  
15 like that. I like to have it perfect.

16 The signage is to be compliant with the  
17 ordinance now, because you eliminated the signage on  
18 two sides, and then we eliminated the variance.

19 CHAIRMAN HOLTZMAN: We eliminated the  
20 signage on the north and south, and there is signage  
21 on the east and the west.

22 MR. GALVIN: Right.

23 10: The applicant agreed to plant four  
24 street trees at the direction of the Shade Tree  
25 Commission, and if they can't be on site, they will

1 be planted on the street.

2 MR. BURKE: Correct.

3 MR. GALVIN: For 11, I have: The  
4 signage is to be in compliance with the ordinance,  
5 So that is all right.

6 CHAIRMAN HOLTZMAN: No problem. We're  
7 good there.

8 MR. GALVIN: All right. The Board -- I  
9 think the turning template is to be provided to the  
10 Board's engineer for his review and approval that  
11 shows the largest vehicle permitted to use this  
12 drive aisle.

13 One thing that was said that I think --  
14 this is a minor site plan, right?

15 This isn't a preliminary. We don't  
16 have a final.

17 MR. ROBERTS: It is preliminary.

18 MR. BURKE: It's preliminary --

19 MR. GALVIN: No, no, no. Just because  
20 you say that, I am asking our guys.

21 MR. HIPOLIT: It's not minor. It's a  
22 regular full site plan.

23 MR. GALVIN: So we got to get a final.

24 MR. HIPOLIT: Yes.

25 MR. GALVIN: Okay. Because my notes

1       said it was only minor.

2                   So that turning template information  
3       has got to be resolved prior to final site plan.

4                   COMMISSIONER STRATTON: I would like to  
5       take it one step further.

6                   We recently had an applicant rent a  
7       truck and demonstrate that they could make the  
8       turning movement, and I would like that to be an  
9       option available to the Transportation Department,  
10      should it need be.

11                  Can I talk about the Trader Joe's  
12      application?

13                  CHAIRMAN HOLTZMAN: Please do.

14                  COMMISSIONER STRATTON: You know, we  
15      had to redesign the roadway, remove parking, and if  
16      the Board has the latitude to work with the  
17      applicant to make sure that they can make those  
18      movements, I want to give the Transportation  
19      Division as many tools as they can to use to make  
20      sure that this works.

21                  CHAIRMAN HOLTZMAN: Okay. So how do we  
22      do that? How do we do that?

23                  MR. GALVIN: In addition, the  
24      Transportation Department --

25                  COMMISSIONER STRATTON: At the request

1 of the city's engineer, they have to demonstrate  
2 that they can make the movements.

3 If the engineer is not satisfied by the  
4 drawings, they need to demonstrate that it can  
5 occur.

6 CHAIRMAN HOLTZMAN: Right.

7 So what do you envision, that the  
8 building is built, and then you would literally have  
9 a truck demonstrate that it could make these turns,  
10 otherwise maybe we need to pull back the cars on the  
11 street or deal with the driveway or reconfigure it  
12 or something like that.

13 But what you don't want to have happen  
14 is they build the building, it doesn't really work,  
15 and it's a problem --

16 COMMISSIONER STRATTON: Correct.

17 CHAIRMAN HOLTZMAN: -- and the city  
18 inherits the problem.

19 COMMISSIONER STRATTON: Correct.

20 MR. HIPOLIT: I think what the language  
21 would say is: The applicant has testified that any  
22 truck that could legally ride on the roadways in New  
23 Jersey can enter this site. So they will provide a  
24 truck turning template showing that.

25 If that, in fact, is the case, then

1       they will be allowed to do that.  If that's not the  
2       case, then they will have to restrict it.  If it  
3       does show it works, but they start utilizing the  
4       site, and it actually doesn't work, then they can  
5       be --

6                   CHAIRMAN HOLTZMAN:  That is not what  
7       Caleb is asking for.  What Caleb wants is he wants  
8       proof.

9                   COMMISSIONER STRATTON:  No.  I am  
10       saying that if Maser's engineer says, "I disagree  
11       with this," that there is an opportunity for the  
12       applicant to demonstrate that it can work there, and  
13       the engineer --

14                   MR. HIPOLIT:  They bring a truck out  
15       there and try it.

16                   COMMISSIONER STRATTON:  -- they bring  
17       the truck and try it.  And if it does work, then we  
18       close the book on it.

19                   I'm not encouraging them to come back  
20       to the Board, but I also don't want to remove a  
21       dozen parking spaces because there is two on the  
22       east leg of 13th Street and two on the north leg of  
23       Adams and then two on the west leg of Jefferson --

24                   CHAIRMAN HOLTZMAN:  Okay.

25                   Mr. Hay, do you have something for us?

1                   MR. HAY:   Hum, yes.  I think your city  
2   engineer is proposing --

3                   CHAIRMAN HOLTZMAN:  Oh, don't promote  
4   him.  He's only our Board Engineer.

5                   (Laughter)

6                   MR. HAY:   We can provide the auto turn  
7   analysis for the vehicles making these maneuvers.

8                   I think it would be very challenging to  
9   provide a practical experiment for proving that.  
10   I mean the auto turn is typically a conservative  
11   approach in terms of what a vehicle can perform in  
12   maneuvers, so --

13                  COMMISSIONER STRATTON:  I understand --

14                  MR. HIPOLIT:  And when we have a final  
15   site plan approval in this case, so they are going  
16   to build the building and come back for final.  So  
17   if in fact it is not working, then we could say,  
18   okay, here is the truck.  I'll be able to look at  
19   it --

20                  COMMISSIONER STRATTON:  Then I am  
21   satisfied.

22                  MR. HIPOLIT:  -- or -- or limit  
23   truck --

24                  COMMISSIONER STRATTON:  That's fine.

25                  MR. HIPOLIT:  -- we have a hook on it.

1                   CHAIRMAN HOLTZMAN: So we have coverage  
2 on this, right?

3                   COMMISSIONER STRATTON: Okay.

4                   CHAIRMAN HOLTZMAN: Okay.

5                   MR. HIPOLIT: That's good language.

6 That's good language.

7                   MR. GALVIN: I have one last thing.

8                   MR. HIPOLIT: I got one more.

9                   CHAIRMAN HOLTZMAN: Can you back up one  
10 with that turning radius?

11                  MR. GALVIN: Sure.

12                  CHAIRMAN HOLTZMAN: Are we okay with  
13 that?

14                  MR. GALVIN: I have: The turning  
15 template is to be provided to the Board's Engineer  
16 for his review and approval that shows the largest  
17 vehicle permitted to use this drive aisle can  
18 reasonably access the site.

19                  At the request of the City's Engineer,  
20 the applicant must physically demonstrate that the  
21 driveway can accommodate these vehicles. This issue  
22 must be resolved prior to the issuance of final site  
23 plan approval.

24                  Good?

25                  CHAIRMAN HOLTZMAN: Good.

1 MR. GALVIN: All right. The last one.

2 This is the one that I had the question on.

3 Who decides the mural?

4 COMMISSIONER FORBES: Department of  
5 Cultural Affairs?

6 MR. GALVIN: Who?

7 COMMISSIONER FORBES: The Division of  
8 Cultural Affairs, yes, Geri Fallo --

9 MR. BURKE: Geri Fallo.

10 COMMISSIONER FORBES: -- well, we are  
11 not going to put her name. We're just going to say  
12 the Division of Cultural Affairs with the city.

13 MR. HIPOLIT: I have one.

14 CHAIRMAN HOLTZMAN: Three in the  
15 penalty box.

16 Go ahead. Make it three.

17 MR. HIPOLIT: It is an important one.

18 MR. GALVIN: He's willing to take the  
19 penalty.

20 MR. HIPOLIT: The health and safety  
21 plan, so they need to file a copy of their health  
22 and safety plan with me and the Building Department,  
23 so we know what plan they are following, and that is  
24 the plan that the contractors will be following on  
25 the site during construction activities,

1 specifically during the remediation portion.

2 CHAIRMAN HOLTZMAN: Okay.

3 MR. GALVIN: Got it.

4 CHAIRMAN HOLTZMAN: Any other questions  
5 or comments concerning the conditions as just read  
6 by Mr. Galvin?

7 Is there a motion to accept this  
8 application and the conditions as read by Mr.  
9 Galvin?

10 COMMISSIONER MC KENZIE: So moved.

11 CHAIRMAN HOLTZMAN: So moved.

12 Is there a second?

13 COMMISSIONER FORBES: Second.

14 CHAIRMAN HOLTZMAN: Second by Director  
15 Forbes.

16 Pat, please the vote.

17 MS. CARCONE: Commissioner Magaletta?

18 VICE CHAIR MAGALETTA: Yes.

19 MS. CARCONE: Commissioner Stratton?

20 COMMISSIONER STRATTON: Yes.

21 MS. CARCONE: Commissioner Forbes?

22 COMMISSIONER FORBES: Yes.

23 MS. CARCONE: Commissioner Doyle?

24 COMMISSIONER DOYLE: Yes.

25 MS. CARCONE: Commissioner Graham?

1 COMMISSIONER GRAHAM: Yes.

2 MS. CARCONE: Commissioner Mc Kenzie?

3 COMMISSIONER MC KENZIE: Yes.

4 MS. CARCONE: Commissioner Peene?

5 COMMISSIONER PEENE: Yes.

6 MS. CARCONE: Commissioner Pinchevsky?

7 COMMISSIONER PINCHEVSKY: Yes.

8 MS. CARCONE: Commissioner Holtzman?

9 CHAIRMAN HOLTZMAN: Yes.

10 Thank you.

11 MR. BURKE: Thank you, all.

12 CHAIRMAN HOLTZMAN: Thank you, Mr.

13 Burke.

14 MR. BURKE: And happy holidays.

15 CHAIRMAN HOLTZMAN: Are there any other

16 issues before the Board this evening?

17 COMMISSIONER PEENE: No.

18 CHAIRMAN HOLTZMAN: If not, is there a

19 motion?

20 COMMISSIONER DOYLE: Is there a

21 meeting? You said --

22 MS. CARCONE: Tomorrow is the work

23 session.

24 COMMISSIONER DOYLE: -- on the 14th of

25 January?

1 MS. CARCONE: Next month, yeah.

2 CHAIRMAN HOLTZMAN: Was that a motion  
3 to close?

4 COMMISSIONER MC KENZIE: Motion.

5 CHAIRMAN HOLTZMAN: And a second?

6 COMMISSIONER PEENE: Second.

7 CHAIRMAN HOLTZMAN: All in favor, aye?

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

10 CHAIRMAN HOLTZMAN: Thank you.

11 MR. BURKE: I'm going to mark Exhibit  
12 A-3, PC-203.

13 (Exhibit A-3 marked.)

14 (The meeting 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

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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.  
 This transcript was prepared in accordance with  
 NJAC 13:43-5.9.