

HOBOKEN PLANNING BOARD  
CITY OF HOBOKEN

BOARD AGENDA ITEMS:

MEETING CALLED TO ORDER,  
OPEN PUBLIC MEETING STATEMENT,  
ROLL CALL, RESOLUTIONS,  
ADMINISTRATIVE MATTERS  
113 MONROE STREET,  
1000 JEFFERSON STREET,  
319 WASHINGTON STREET,  
ADJOURNMENT.

MAY 3, 2016

7:00 p.m.

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HELD AT: 94 WASHINGTON STREET  
HOBOKEN, NEW JERSEY

B E F O R E:

Chairman Gary Holtzman  
Vice Chairman Frank Magaletta  
Commissioner Caleb Stratton  
Commissioner Brandy Forbes  
Commissioner Jim Doyle  
Commissioner Ann Graham  
Commissioner Caleb McKenzie  
Commissioner Ryan Penne  
Commissioner Tom Jacobson, 1st Alt.  
Commissioner Kelly O'Connor, 2nd Alt.

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

David Glynn Roberts, AICP/PP, LLA, RLA  
Patricia Carcone, Board Secretary

THERESA L. CARIDDI TIERNAN  
CERTIFIED COURT REPORTER  
146 LINDBERGH PARKWAY  
WALDWICK, NEW JERSEY 07463  
(201) 925-7474

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APPEARANCES :

DENNIS GALVIN, ESQ.,  
Attorney for the Board.

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1                   CHAIRMAN HOLTZMAN: All right,  
2                   everybody, we're going to get started here. It is  
3                   7:05 on Tuesday, May 3rd. This is the Hoboken  
4                   Planning Board meeting. I would like to advise all  
5                   those present that notice of this meeting has been  
6                   provided to the public in accordance with the  
7                   provisions of the Open Public Meetings Act. That  
8                   notice was published in the Jersey Journal and on  
9                   the City's web site. Copies were also provided to  
10                  the Star Ledger, The Record, and also placed on the  
11                  bulletin board in the lobby of City Hall.

12                  Pat, please call the roll.

13                  MS. CARCONE: Commissioner Holtzman.

14                  CHAIRMAN HOLTZMAN: Here.

15                  MS. CARCONE: Commissioner Magaletta.

16                  VICE-CHAIRMAN MAGALETTA: Here.

17                  MS. CARCONE: Commissioner Stratton.

18                  COMMISSIONER STRATTON: Here.

19                  MS. CARCONE: Commissioner Forbes.

20                  COMMISSIONER FORBES: Here.

21                  MS. CARCONE: Commissioner Doyle.

22                  COMMISSIONER DOYLE: Here.

23                  MS. CARCONE: Commissioner Graham.

24                  COMMISSIONER GRAHAM: Here.

25                  MS. CARCONE: Commissioner McKenzie.

1 COMMISSIONER MCKENZIE: Here.

2 MS. CARCONE: Commissioner Pinchevsky  
3 is absent.

4 CHAIRMAN HOLTZMAN: Correct.

5 MS. CARCONE: And Commissioner Peene.

6 COMMISSIONER PEENE: Here.

7 MS. CARCONE: Commissioner Jacobson.

8 COMMISSIONER JACOBSON: Here.

9 MS. CARCONE: Commissioner O'Connor.

10 COMMISSIONER O'CONNOR: Here.

11 CHAIRMAN HOLTZMAN: Thank you. Okay.

12 We have a number of resolutions to go through this  
13 evening. The first up is 1313-1319 Jefferson.

14 Were there any questions or comments?

15 We did get some questions on -- from some of the  
16 commissioners and have made some adjustments to the  
17 resolution.

18 Any other questions or comments,  
19 Commissioners? If there is none, is there a motion  
20 to accept the resolution?

21 COMMISSIONER PEENE: So moved.

22 CHAIRMAN HOLTZMAN: Is there a second?

23 COMMISSIONER DOYLE: Second.

24 CHAIRMAN HOLTZMAN: Thank you. Pat,  
25 will you call it?

1 MS. CARCONE: Commissioner Magaletta.  
2 VICE-CHAIRMAN MAGALETTA: Yes.  
3 MS. CARCONE: Commissioner Doyle.  
4 COMMISSIONER DOYLE: Yes.  
5 MS. CARCONE: Commissioner Graham.  
6 COMMISSIONER GRAHAM: Yes.  
7 MS. CARCONE: Commissioner McKenzie.  
8 COMMISSIONER MCKENZIE: Yes.  
9 MS. CARCONE: Commissioner Peene.  
10 COMMISSIONER PEENE: Yes.  
11 MS. CARCONE: Commissioner Jacobson.  
12 COMMISSIONER JACOBSON: Yes.  
13 MS. CARCONE: And Commissioner  
14 Holtzman.  
15 CHAIRMAN HOLTZMAN: Yes.  
16 Thank you.  
17 Second one that we have is 306-308 Park  
18 Avenue. This is better known as the Figure Tree  
19 property.  
20 Any additional questions or comments,  
21 Commissioners? If none, is there a motion to  
22 accept.  
23 VICE-CHAIRMAN MAGALETTA: Motion.  
24 CHAIRMAN HOLTZMAN: Second?  
25 COMMISSIONER GRAHAM: Second.

1 CHAIRMAN HOLTZMAN: Thank you.

2 MS. CARCONE: And who seconded it?

3 CHAIRMAN HOLTZMAN: Ann seconded it.

4 MS. CARCONE: Okay.

5 Commissioner Magaletta.

6 VICE-CHAIRMAN MAGALETTA: Yes.

7 COMMISSIONER GRAHAM: Did I vote for  
8 it, though?

9 MS. CARCONE: Yes, you did. Voting on  
10 this is Commissioner Magaletta, Commissioner Doyle,  
11 Commissioner Graham, Commissioner McKenzie,  
12 Commissioner Peene and Commissioner Pinchevsky, who  
13 is absent.

14 CHAIRMAN HOLTZMAN: Correct.

15 MS. CARCONE: So Commissioner  
16 Magaletta.

17 VICE-CHAIRMAN MAGALETTA: Yes.

18 MS. CARCONE: Commissioner Doyle.

19 COMMISSIONER DOYLE: Yes.

20 MS. CARCONE: Commission Graham.

21 COMMISSIONER GRAHAM: Yes.

22 MS. CARCONE: Commissioner McKenzie.

23 COMMISSIONER MCKENZIE: Yes.

24 MS. CARCONE: Commissioner Peene.

25 COMMISSIONER PEENE: Yes.

1 CHAIRMAN HOLTZMAN: Okay. Thank you.  
2 Our third one this evening is 731-733  
3 Clinton Street.

4 Any additional questions or comments,  
5 Commissioners? If there aren't any, is there a  
6 motion to accept this? All those -- those having  
7 voted previously in favor are Magaletta, Stratton,  
8 Forbes, Doyle, McKenzie, Peene, O'Connor and  
9 Holtzman.

10 MR. GALVIN: Is there a  
11 motion?

12 CHAIRMAN HOLTZMAN: Is there a motion  
13 to accept?

14 COMMISSIONER DOYLE: Motion.

15 COMMISSIONER MCKENZIE: Second.

16 CHAIRMAN HOLTZMAN: Thank you. Pat.

17 MS. CARCONE: Commissioner Magaletta.

18 VICE-CHAIRMAN MAGALETTA: Yes.

19 MS. CARCONE: Commission 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 McKenzie.

1 COMMISSIONER MCKENZIE: Yes.

2 MS. CARCONE: Commissioner Peene.

3 COMMISSIONER PEENE: Yes.

4 MS. CARCONE: Commissioner O'Connor.

5 COMMISSIONER O'CONNOR: Yes.

6 MS. CARCONE: Commissioner Holtzman.

7 CHAIRMAN HOLTZMAN: Yes. Thank you.

8 And our last one is 722-730 Jefferson.

9 We have received some extensive corrections and  
10 updates from Councilman Doyle, which we appreciate  
11 and we worked into the final draft here.

12 Was there any -- anything else you  
13 wanted to cover on that, Dennis?

14 MR. GALVIN: No. But the highlight is  
15 that, and I agreed with you completely, we went back  
16 and looked at it is that this case was a special  
17 reason case. Did not involve -- it was not a  
18 hardship. So I took out of the everything related  
19 to a hardship, because when you have that much  
20 property, it could never be a hardship and we quite  
21 frankly, most types in Hoboken, it's hard to make a  
22 hardship arguments because we have small lots  
23 everywhere, so...

24 CHAIRMAN HOLTZMAN: Uh-huh.

25 MR. GALVIN: We make it fit.

1                   CHAIRMAN HOLTZMAN: Great. So we've  
2 got -- having voted in favor of that.

3                   MR. GALVIN: It's a good argument in,  
4 though.

5                   CHAIRMAN HOLTZMAN: Thank you.

6                   COMMISSIONER GRAHAM: I'm sorry, it's a  
7 hardship in what way? I'm just trying to make sure  
8 I understand.

9                   MR. GALVIN: Hardship is normally when  
10 it's an unusual shape of a lot, unusual topographic  
11 of a lot, or unusual condition affecting the lot.

12                  COMMISSIONER GRAHAM: Right.

13                  MR. GALVIN: And in a lot of places you  
14 might argue that if it's an acre zone, and you have  
15 only a quarter acre, it would be hard to meet all  
16 the requirements of the zone. And it just -- I  
17 understand why we put it in there, but their planner  
18 kind of suggested it.

19                  COMMISSIONER GRAHAM: Right.

20                  MR. GALVIN: But in the end when I  
21 thought about it, I was like that's not -- that's  
22 bad for us to make that a reason.

23                  COMMISSIONER GRAHAM: I'm glad you did  
24 that actually, yeah.

25                  MR. GALVIN: Okay.

1                   COMMISSIONER JACOBSON: There was a  
2                   substantial reduction in the bulk of that  
3                   development that subsequently was part of the  
4                   debate, the updated drawings, plans, et cetera, for  
5                   the reconfigured building, those are going to be as  
6                   part of the final site review, or how does that come  
7                   back to this Board as opposed to being somewhat of  
8                   an unknown quantity?

9                   MR. ROBERTS: They get -- there is a  
10                  final set that's signed, and those are reviewed to  
11                  make sure that any changes that were reflected in  
12                  the resolution are corrected in the final version,  
13                  so that the signed version is -- becomes the one  
14                  that is the final version.

15                 COMMISSIONER JACOBSON: Okay.

16                 CHAIRMAN HOLTZMAN: So all the  
17                  professionals have to sign off on the final set of  
18                  plans.

19                 COMMISSIONER JACOBSON: Okay.

20                 CHAIRMAN HOLTZMAN: So they've got to  
21                  come back to us with a completely polished-up,  
22                  revised set that takes all the resolution into  
23                  consideration.

24                 COMMISSIONER JACOBSON: Okay. Thank  
25                  you for clarifying.

1 CHAIRMAN HOLTZMAN: Thanks.  
2 Those voting in favor previously with  
3 this resolution were Magaletta, Doyle, Graham,  
4 McKenzie, Peene, Pinchevsky, Jacobson, O'Connor and  
5 Holtzman.  
6 Pat, please call.  
7 MS. CARCONE: We need a motion.  
8 VICE-CHAIRMAN MAGALETTA: Motion.  
9 CHAIRMAN HOLTZMAN: And a second.  
10 COMMISSIONER MCKENZIE: Second.  
11 MS. CARCONE: Caleb. Commissioner  
12 Magaletta.  
13 VICE-CHAIRMAN MAGALETTA: Yes.  
14 MS. CARCONE: Commissioner Doyle.  
15 COMMISSIONER DOYLE: Yes.  
16 MS. CARCONE: Commissioner Graham.  
17 COMMISSIONER GRAHAM: Yes.  
18 MS. CARCONE: Commissioner McKenzie.  
19 COMMISSIONER MCKENZIE: Yes.  
20 MS. CARCONE: Commissioner Jacobson.  
21 COMMISSIONER JACOBSON: Yes.  
22 MS. CARCONE: Commissioner O'Connor.  
23 COMMISSIONER O'CONNOR: Yes.  
24 MS. CARCONE: Commissioner Holtzman.  
25 CHAIRMAN HOLTZMAN: Yes.

1                   We also have a review here, a quick  
2 review of some changes to the zoning and planning  
3 checklist, which we were provided with.

4                   Dave, can you give us a quick, kind of,  
5 synopsis as to what we were dealing with here.

6                   MR. ROBERTS: Sure.

7                   The communications that were provided,  
8 obviously, Brandy's memo and the ordinance is pretty  
9 straightforward. We did provide somewhat of a memo  
10 with a couple of additional comments, but  
11 effectively these are administrative items, have to  
12 do with checklist regarding taking visual  
13 photography or photographs of all sides of the  
14 building. These are actually things we normally ask  
15 for and the idea was really adding it to the  
16 checklist.

17                   The other thing was environmental, some  
18 kind of a statement environmental conditions or a  
19 Phase I, or something of that sort, so that we have  
20 a sense of what the environmental issues are  
21 without -- and in this case it would be a checklist  
22 item. The other two pieces --

23                   CHAIRMAN HOLTZMAN: So the point being  
24 that now that it's a an official checklist item,  
25 it's an actual requirement of the application as

1           opposed to it's not open to debate. It's a  
2           requirement that they provide it for us.

3                   MR. ROBERTS: And we've been asking for  
4           that pretty regularly with almost every application.  
5           Now it will be -- actually, it's the service, the  
6           applicants so they know up front that they need to  
7           at least address it. If they don't a very Phase I,  
8           at least provide some background information on the  
9           environmental conditions on the property.

10                   The other two things had to do with  
11           adjusting the fee, and that was really to reflect  
12           the level of effort that goes into things like  
13           variance reviews. Any time there's a variance, it  
14           involves a little extra time and effort to deal with  
15           them, and then also the digital filing is now a  
16           requirement. We've actually been starting to put  
17           that into practice already. There is a site that --  
18           the Drop Box sit, it's really in the cloud. It  
19           allows us to get the plans that much quicker, and  
20           it's just paperless and that's part of the City's  
21           effort to be sustainable. So those are really  
22           the -- I think those are four main pieces that we --  
23           that are addressed in this ordinance, that's  
24           housekeeping.

25                   MR. GALVIN: Dave, do you think this

1 proposal is consistent with the Master Plan?

2 MR. ROBERTS: There's nothing in the  
3 Master Plan that would be inconsistent with it.  
4 It's really administrative in nature, so yes.

5 MR. GALVIN: Okay.

6 CHAIRMAN HOLTZMAN: Director Forbes,  
7 anything to add?

8 COMMISSIONER FORBES: No, I think  
9 they've addressed st.

10 CHAIRMAN HOLTZMAN: They've got it  
11 okay.

12 MR. GALVIN: So we need a motion and a  
13 second.

14 CHAIRMAN HOLTZMAN: Well, we've got to  
15 see if there's commissioners who have any questions  
16 or comments.

17 MR. GALVIN: We could.

18 CHAIRMAN HOLTZMAN: We could.

19 MR. GALVIN: Yeah, I was just going to  
20 explain what we're doing.

21 CHAIRMAN HOLTZMAN: No problem. Go  
22 ahead.

23 MR. GALVIN: We're looking for a motion  
24 and a second, basically, I think, to tell the  
25 governing body that you've considered this ordinance

1 that you don't have any -- and you may have  
2 recommendations, but that you don't have any  
3 recommendations, you don't have problem with what's  
4 proposed, and that you find that it's consistent  
5 with the Master Plan, as part of why it's being  
6 brought over here, and that's why I asked Dave the  
7 question.

8 CHAIRMAN HOLTZMAN: Commissioners, any  
9 questions or comments?

10 COMMISSIONER PEENE: I think this is a  
11 good idea. You know, when you go to the bank and  
12 you ask for money for your development project, the  
13 bank does a Phase I. I don't see why we shouldn't  
14 do a Phase I for the applicants before they hit that  
15 step before a Planning Board.

16 CHAIRMAN HOLTZMAN: Right. Great.  
17 Okay.

18 COMMISSIONER DOYLE: But we're not the  
19 going to be requiring the Phase I. We're going to  
20 be requiring them to provide us with it, if it  
21 exists.

22 MR. ROBERTS: Right. And then if there  
23 is a Phase I, or there's so many different terms  
24 that deal with an environmental, it's really  
25 environmental conditions, a statement assessment,

1 right.

2 CHAIRMAN HOLTZMAN: Formalizes the  
3 procedure that we've been getting from most of our  
4 applicants.

5 MR. GALVIN: Well, let me just say  
6 this: We're not allowed to ask -- well, we can ask  
7 for things beyond the checklist, but once they have  
8 everything that's on the checklist, we have to deem  
9 it complete. So while everyone's been cooperating,  
10 we could have a situation where someone doesn't want  
11 to cooperate and we think it's essential  
12 information, we could then have to fight at the time  
13 of the hearing to get that information. It's much  
14 better to make it part of the checklist. It's  
15 required. If they don't supply it, they don't get  
16 onto a hearing date. Okay? And if they don't have  
17 it because they don't have it, they don't need it,  
18 then we could waive that item or we would logically  
19 waive that item.

20 CHAIRMAN HOLTZMAN: Okay.  
21 Commissioners, any additional questions, comments  
22 or --

23 VICE-CHAIRMAN MAGALETTA: Yeah. One  
24 other question. I know you asked for pictures,  
25 photographs of when available. Can we ask for a

1 photograph, because of the internet and Google,  
2 could we ask for an overhead shot?

3 MR. ROBERTS: We can. Actually, I  
4 always put them in our reports.

5 VICE-CHAIRMAN MAGALETTA: You do, I  
6 know, but I always have them, that way someone is  
7 looking at it, because now it's actually going to be  
8 available for someone in the public to view so why  
9 not have that available so it's all complete? Just  
10 another picture --

11 CHAIRMAN HOLTZMAN: Well, so we can add  
12 that as a recommendation to add to the photos of the  
13 front and back -- or sides of the property an  
14 overhead aerial.

15 VICE-CHAIRMAN MAGALETTA: Right. And I  
16 guess another question is: When these photos are  
17 included, is there date information on it? Because  
18 it could be from five years ago or it could be  
19 whenever, so, I don't think they include that in  
20 checklists to say, look, date this photograph, to  
21 give us a sense of proximity to the project. That's  
22 about it.

23 CHAIRMAN HOLTZMAN: Okay. So we need  
24 to just --

25 VICE-CHAIRMAN MAGALETTA: You know --

1                   CHAIRMAN HOLTZMAN:  -- communicate  
2                   indicate that to --

3                   COMMISSIONER FORBES:  We can  
4                   communicate it if we add that to the checklist at  
5                   this time.  It will have to be reintroduced in --

6                   COMMISSIONER DOYLE:  Well, do you think  
7                   so?  I was going to ask Dennis that question.

8                   Do you think --

9                   MR. GALVIN:  Well, it's a question of  
10                  whether it's a substantial change.

11                  VICE-CHAIRMAN MAGALETTA:  I don't think  
12                  it is.

13                  MR. GALVIN:  Well, Frank doesn't so,  
14                  but.

15                  VICE-CHAIRMAN MAGALETTA:  Because what  
16                  I was thinking, but because I thought of this issue  
17                  of I don't want it to go back and forth for this one  
18                  photograph, so I didn't think it was substantial and  
19                  that's why I proposed it.

20                  MR. GALVIN:  What's the exact wording?  
21                  Do we have the exact wording?

22                  MR. ROBERTS:  Yeah.

23                  MR. GALVIN:  Because I know from the  
24                  Zoning Board perspective, I really keep wanting the  
25                  rear pictures, because I get the rear pictures when

1 I don't need them, but when we need them, we never  
2 have them. So we're --

3 CHAIRMAN HOLTZMAN: So the additional  
4 changes we're talking about are an overhead aerial  
5 photograph and that the photographs be dated?

6 VICE-CHAIRMAN MAGALETTA: Yes.

7 MR. GALVIN: We can make that  
8 recommendation no matter what, and the governing  
9 body can decide whether to push forward, and then do  
10 it again in the future or --

11 COMMISSIONER DOYLE: They would have --

12 MR. GALVIN: And their attorney could  
13 decide if it's a major change or a minor change.

14 COMMISSIONER DOYLE: It's now listed as  
15 number eight on the checklist, and it says,  
16 "Photographs of the buildings and/or property front  
17 and rear views, side view, where visible."

18 VICE-CHAIRMAN MAGALETTA: And all of  
19 them, except for the wireless application that asks,  
20 but that's number seven, but the rest are --

21 MR. ROBERTS: On the site plan  
22 checklist, it's number eight.

23 VICE-CHAIRMAN MAGALETTA: On the  
24 variance, yeah.

25 MR. GALVIN: Recommend that aerial view

1 also, and --

2 CHAIRMAN HOLTZMAN: That the  
3 photographs be dated.

4 MR. GALVIN: And that photos be dated.

5 VICE-CHAIRMAN MAGALETTA: Just a time  
6 stamp.

7 MR. GALVIN: I mean, if they use photos  
8 during the time of the hearing that are in the file,  
9 we're going to make them qualify them anyway.

10 MR. ROBERTS: Uh-huh.

11 VICE-CHAIRMAN MAGALETTA: If someone is  
12 reviewing them. I'm saying if somebody is reviewing  
13 them on line.

14 CHAIRMAN HOLTZMAN: Okay.

15 Any other additional recommendations  
16 with regards to this review?

17 Is there a motion to accept the  
18 revisions, the Chapter 44 checklist with the two  
19 revisions as per Commissioner Magaletta, the  
20 addition of an aerial view, and that the  
21 recommendation that the governing body add an aerial  
22 view, and also that the photographs be dated.

23 COMMISSIONER PEENE: So moved.

24 CHAIRMAN HOLTZMAN: Moved. Is there a  
25 second? Okay. All those in favor?

1 (Voice vote taken at this time.)

2 CHAIRMAN HOLTZMAN: Okay. Great.

3 Thank you.

4 (Concluded at 7:18 p.m.)

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CERTIFICATE OF OFFICER

1  
2 I, THERESA L. TIERNAN, A Notary Public and  
3 Certified Court Reporter of the State of New Jersey, do  
4 hereby certify that the foregoing is a true and correct  
5 transcript of the proceedings as taken stenographically  
6 by and before me at the time, place and on the date  
7 herein before set forth.

8 I DO FURTHER CERTIFY that I am neither a  
9 relative nor employee nor attorney nor counsel of any  
10 of the parties to this action, and that I am neither a  
11 relative nor employee of such attorney or counsel, and  
12 that I am not financially interested in the action.  
13  
14

15 THERESA L. CARIDDI TIERNAN  
16 Notary Public of the State of New Jersey  
17 C.S.R. License No. XI01210  
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HOBOKEN PLANNING BOARD  
CITY OF HOBOKEN

MAY 3, 2016

IN THE MATTER OF  
113 MONROE STREET,  
CASE HOP-15-28, BLOCK 18, LOT 17

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7:18 p.m.

HELD AT: 94 WASHINGTON STREET  
HOBOKEN, NEW JERSEY

B E F O R E:

- Chairman Gary Holtzman
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APPEARANCES :

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1                   CHAIRMAN HOLTZMAN: The first hearing  
2 this evening is for 133 Monroe.

3                   Mr. Matule, you ready for us? Ready as  
4 always?

5                   MR. GALVIN: And you have the updated  
6 calculation chart?

7                   MR. MATULE: I have the updated  
8 calculation chart.

9                   Good evening, Mr. Chairman, Board  
10 Members. Robert Matule appearing on behalf of the  
11 applicant.

12                   I'm just going to give you a little  
13 overview before we have Mr. Kelly sworn.

14                   This is the property at 133 Monroe  
15 Street, on the corner of Second and Monroe. It's in  
16 the R-3 zone. The application was originally filed  
17 for a three residential unit building, with nothing  
18 on the ground floor, and other than the storage  
19 space to comply with the flood ordinance.

20                   We were here on March 1, and we did not  
21 get reached. While we were here on March 1, there  
22 was some conversations with the architect and  
23 applicant and some of the neighbors regarding the  
24 application. There seemed to be a strong sentiment  
25 in the neighborhood that they would like to see

1 commercial on the ground floor, that they felt there  
2 was a need for some local retail in the  
3 neighborhood, so the applicant went back, and  
4 because we were coming back on the 29th, tried to  
5 get the plans revised to take out one residential  
6 unit and put in the commercial on the ground floor.  
7 When we came back on the 29th, there was a  
8 discussion about the nature and extent of the  
9 revisions and it was determined that, to be on the  
10 safe side, it would be better if the applicant  
11 re-noticed based on the substantiveness of the  
12 changes, that the usual Omnibus language about any  
13 other variances would be stretching things. So the  
14 applicant agreed to come back today. We have  
15 re-noticed for the project, as now presented to you.  
16 Mr. Kelly will talk to it, but apparently in the  
17 rush to get this file, there were some calculation  
18 errors in some of the numbers. We will go through  
19 them in our presentation and correct them. They all  
20 fall within the parameters of our notice, so I'm not  
21 concerned about that being an issue. We are now  
22 requesting a hundred percent lot coverage on the  
23 ground floor for the commercial space with the  
24 residential above, and, of course, that hundred  
25 percent lot coverage triggers a bunch of other

1 variances, rear yard depth, rear wall depth, things  
2 of that nature. We're also requesting a 2-foot  
3 height variance. Mr. Ochab, our planner, when he  
4 testifies, will go through all the variances in more  
5 specificity. Ciaran Kelly of Minervini Vandermark  
6 is appearing as our architect this evening, so I  
7 don't believe he's had the pleasure of appearing  
8 before you before, so if we can have him sworn,  
9 we'll qualify him, and he can take you through the  
10 drawings.

11 C I A R A N K E L L Y, being first duly sworn by the  
12 Notary, testifies as follows:

13 MR. GALVIN: Can you give us three  
14 boards you've appeared before, please?

15 MR. KELLY: Sure. Zoning Boards of  
16 Adjustment in Weehawken, Jersey City, Bloomfield,  
17 Fort Lee.

18 MR. GALVIN: Do you accept his  
19 credentials?

20 CHAIRMAN HOLTZMAN: We do.

21 MR. GALVIN: All right. You're good to  
22 go.

23 MR. MATULE: Thank you. All right, Mr.  
24 Kelly, if we're going to refer to anything that's  
25 not in the set of plans we need to mark it and

1 identify it for the record.

2 I see you have a photo board up there.  
3 Is that in the plans?

4 MR. KELLY: No. I'm going to refer to  
5 two photo boards; one, is this sheet which is Z-8 of  
6 the set which was submitted. This is a new exhibit,  
7 this photo board.

8 MR. MATULE: So why don't we mark this  
9 A-1, and if you will just -- I'll put a sticker on.  
10 Just state for the record what it is.

11 (Exhibit marked A-1 for identification.)

12 MR. GALVIN: I don't know, they don't  
13 have stickers in Weehawken and Jersey City? Okay.

14 MR. KELLY: I'll use my hands.

15 MR. MATULE: So why don't you just tell  
16 us --

17 MR. KELLY: Well, before, before I go  
18 into testimony, I hate my first thing to say to this  
19 Board to be an apology, but unfortunately, as Bob  
20 had said, were we resubmitted this, as you know  
21 there was a redesign, and one of the things which  
22 had been changed was we pulled in the rear wall to  
23 reduce the floor footprint and land coverage on the  
24 upper floors. At one point throughout that redesign  
25 we were going to use a number of the 25-foot rear

1 yard setback, but when the surveyor confirmed the  
2 rear line of the building directly to the south, the  
3 adjoining building, it was a 56-foot building with a  
4 24-foot rear yard, and so we determined it would be  
5 best to match that building depth. However,  
6 unfortunately, that 55-foot dimension remained on  
7 the plans. Now, it only remained on it numerically.  
8 Graphically, the plan is accurate and the  
9 calculations were based on the correct floor plan,  
10 but that number stated on there, and I don't it  
11 caused some confusion, so I do apologize, but I  
12 believe that frankly, when we spoke with Mazer --

13 MR. ROBERTS: Yes. Mr. Chairman, if I  
14 might, when we saw -- we received the revised chart,  
15 yesterday. We had in nine, number 33 in Andy's  
16 letter, had mentioned a couple of different  
17 conflicting area calculations having to do with a  
18 number of the units, and we saw this as a response  
19 to that. The change had to do with a .75 square  
20 foot of building coverage for the upper floors. One  
21 of the things was the issue is that in the table, we  
22 really only need to deal with, as we've talked about  
23 before, the outer physical limits of the building,  
24 which is a hundred percent in this case.

25 The upper floor's coverage are

1 informational, but they're not really pertinent to  
2 the variance request, but we still want the  
3 information to be accurate. Turns out, as  
4 Mr. Ciarnon (sic) said on page A-6 of the most  
5 recent plans, there's are two different dimensions  
6 for the same -- one was 56 and one was 55. We  
7 determined that the 56 would cause the 70 percent to  
8 be the accurate number. The 55 causes the 70.75 to  
9 be the accurate number, and the question was which  
10 is -- which is it? We confirmed in this  
11 conversation that Andy and I had with Mr. Minervini  
12 today that as Mr. Ciarnon (sic) just explained, the  
13 56 is accurate because the rear yard is 24 feet, 24  
14 plus 56 is a hundred. So as long as that is  
15 correct, and that's what we were assured this  
16 morning was correct, then the roof terrace  
17 calculation is accurate, and the lot coverage at  
18 70 percent is also accurate. So we can confirm that  
19 for the Board.

20 We would also ask that the plans be  
21 amended, obviously, to be correct, that all the  
22 dimensions be accurate.

23 CHAIRMAN HOLTZMAN: Let's get  
24 everything accurate, 24 and 56 is 80, which is the  
25 depth of the property.

1 MR. ROBERTS: Right.

2 CHAIRMAN HOLTZMAN: You said a hundred,  
3 because it's a stand type of a thing, but just to  
4 make sure that we're all on the same page, right.

5 MR. ROBERTS: Right.

6 CHAIRMAN HOLTZMAN: Let's not introduce  
7 a new number.

8 MR. ROBERTS: No, no, no. It's the  
9 depth of the property.

10 Yeah. So it can't be any different  
11 than that. As long as the rear yard is 24 feet,  
12 then the rest of the dimension has to be 56.

13 CHAIRMAN HOLTZMAN: Okay. Great.  
14 Thanks.

15 MR. KELLY: Right.

16 MR. MATULE: All right. So why don't  
17 you just describe for the record what A-1 we just  
18 marked as?

19 MR. KELLY: Okay. So A-1 is a series  
20 of photos of the existing site conditions.

21 We are proposing a five-story building  
22 with four residential floors over a commercial space  
23 on a property that's on the southeast corner of  
24 Second and Monroe. That is also the northwest  
25 corner of Block 28 in the R-3 zone. The site itself

1 is undersized. It's 2,400 square feet. It's  
2 30 feet wide along Monroe, and 80 feet deep along  
3 Second. There is currently a two-and-a-half story  
4 residential building on the -- towards Monroe Street  
5 with a smaller one-story accessory building to the  
6 rear and, there's a small driveway entrance between  
7 the two. Directly to the south, there is an  
8 existing five-story masonry residential building and  
9 directly to the east is a four-story, if I may just  
10 refer to this sheet which was submitted previously,  
11 there is a four-story residential building here.  
12 Directly across the street to the north is a  
13 four-story masonry Commerce School, and opposite  
14 that on Monroe is an -- I'm trying to see where on  
15 this photograph you can see here, there's another  
16 four-story building, it's three floors over a  
17 commercial. And directly opposite or as across  
18 Monroe Street is the -- is another five-story  
19 building. So that's the existing conditions.

20 These photographs were taken not -- by  
21 me. These photographs were taken from Google Earth.

22 So to refer to the plans, as I said,  
23 we're proposing a five-story building. It's four  
24 floors of residential, over a commercial unit at the  
25 base. Originally, this project had three duplex

1 residential units over a storage space, and all  
2 floors were 75-foot lot coverage.

3           When we had the workshop meeting, and  
4 also when we got the -- a lot of feedback from the  
5 neighborhood representative, it was clear that this  
6 was a very prime location for a corner retail space.  
7 And so we are now proposing to introduce that retail  
8 space at a hundred percent lot coverage on the first  
9 floor. To make the large retail space really into  
10 the more flexible, more attractive space. We also  
11 feel that from a planning standpoint, it makes sense  
12 because -- let me just show you on sheet Z-3  
13 perhaps. What it does is it has the effect of  
14 closing the doughnut and creating a more consistent,  
15 continuing street frontage. So we're proposing a  
16 2,100 square foot commercial space, with a  
17 residential lobby for the units above along Monroe  
18 Street.

19           So on the second floor, I'm going egg  
20 to turn now to sheet Z-5. On the second floor, we  
21 reduced the floor plate to 70 percent lot coverage  
22 by setting in the rear wall in line with the  
23 adjoining building to the south. There are two  
24 duplex units in the building. Floors two and three  
25 are on for the lower duplex. Floors three and four,

1 the upper duplex. On the lower duplex on floor two,  
2 the lower of the two floors of that duplex, that's  
3 the main living area for that level, and that then  
4 accesses out onto a private landscaped rear deck  
5 above the commercial space below. The duplex unit  
6 above on three and four, we flipped the floor plans  
7 such that the main living area is on the top floor,  
8 so that has then direct access to a rooftop deck.

9 MR. MATULE: And Mr. Kelly, just for  
10 the record, if the upper duplex is four and five --

11 MR. KELLY: Four and five, correct,  
12 yeah, yeah.

13 MR. MATULE: Okay.

14 MR. KELLY: The area of the lower  
15 duplex is 3,090 square feet. The upper duplex is  
16 3,440. I know that one of the comments in the  
17 Mazer's report was questioning the square footage on  
18 the upper unit, but that's because once the stair  
19 and elevator enter that upper unit, they essentially  
20 become part of the unit and so their footprint is  
21 included in the lot coverage calculation. But the  
22 upper floor then has access to a private roof deck  
23 on the upper roof. Now, that is a 504 square feet  
24 landscaped upper roof deck. It adheres to the  
25 setback requirements being 10 feet from street

1 frontage, three feet from the adjoining property,  
2 and it occupies 30 percent of the upper roof area.

3 Both that roof deck and the lower roof  
4 deck are landscaped. They're landscaped with a  
5 variety of retardant decking material, timber  
6 planters with a variety of arborvitae, azaleas,  
7 ferns, but both of those roof decks drain onto the  
8 roofs below. In turn, those roofs drain into a  
9 storm water detention tank beneath the first floor  
10 slab. And a storm water management report has been  
11 submitted, and it will certainly exceed the  
12 Northwest Sewage requirements, but the intent is  
13 that that provides capacity for double the  
14 requirement.

15 The landscaping continues at grade on  
16 the pavement around this frontage of the building.  
17 We have proposed a planter, a 3-foot wide planter at  
18 the solid sections of masonry wall at the base of  
19 the building and also four street trees; three long  
20 Second Street, one on Monroe Street. They would be  
21 in a compliant tree grate, as per the Shade Tree  
22 Commission requirements.

23 So that, I guess, brings us towards the  
24 facade design of the building.

25 MR. MATULE: So now we're going to mark

1           this A-2.

2                           MR. KELLY:  Yeah.  Do you have a  
3 sticker for this one?

4                           MR. MATULE:  I do.

5                           MR. KELLY:  Thanks.

6                           COMMISSIONER DOYLE:  May I have ask a  
7 question about the deck?

8                           (Exhibit marked A-2 for identification.)

9                           MR. KELLY:  Yes?  The upper or lower?

10                          COMMISSIONER DOYLE:  The lower deck.

11                          MR. KELLY:  Yes.

12                          COMMISSIONER DOYLE:  You point out to  
13 the upper, about the setbacks.

14                          MR. KELLY:  Yes.

15                          COMMISSIONER DOYLE:  Is there a 3-foot  
16 setback?

17                          MR. KELLY:  There currently --

18                          COMMISSIONER DOYLE:  Is that going to  
19 be the shrubbery?  Is that the idea?

20                          MR. KELLY:  Well, they're currently, as  
21 shown, is not a 3-foot setback.  There are planters  
22 around a lot of the perimeter, but we would happily  
23 provide as planters around all of the parameters.  
24 The thinking was here that there's currently a  
25 6-foot privacy wall on the west, the eastern, and

1 southern side, and I'll get, when I talk about the  
2 facade, but there's also a street wall along the  
3 front. And so in terms of -- it's not a condition  
4 where you're -- you have a dropoff in any direction  
5 or any safety hazards. So the thinking was that it  
6 would be fine without it. However, it's perfect --  
7 we're perfectly happy to introduce it on all three  
8 sides.

9 COMMISSIONER DOYLE: But I think the  
10 ordinance, you know, requires the three, feet not  
11 for -- not necessarily for safety, but I know the  
12 Commissioner Magaletta will be asking about the  
13 walls, so, but it looks like those -- the shrubs are  
14 close to three feet.

15 MR. KELLY: They are. They are. And  
16 what I've done here, you'll see that we currently  
17 have a planter around this corner and this corner,  
18 but we don't have it right adjacent to the building.  
19 Now, what I've done with this yellow line is just an  
20 indication that I would propose extending them so  
21 that they meet the building and provide 3-foot  
22 setback on all three sides.

23 COMMISSIONER DOYLE: Isn't the back  
24 portion that -- there's another building right up  
25 against that.

1 MR. KELLY: There is.

2 COMMISSIONER DOYLE: So and I'm just  
3 thinking out loud whether the -- Dave, whether the  
4 3-foot setback, you know, including shrubs in that  
5 three feet is -- I mean, whether that's compliant or  
6 not. I don't know that it bothers me, but I'm just  
7 asking the question.

8 MR. ROBERTS: Normally, the deck area  
9 would be the occupiable space. I think that  
10 would -- you could certainly plant within the  
11 setback, I think, so I think that could do that. I  
12 think we should -- probably, when we get into the  
13 mor testimony on the walls, there may be -- they've  
14 asked for the relief, or at least we've called out  
15 or alerted that they need the relief, we can maybe  
16 address it at that point, as to whether it's  
17 necessary.

18 COMMISSIONER DOYLE: Okay.

19 COMMISSIONER JACOBSON: Regarding the  
20 grade on Second Street.

21 MR. KELLY: Yes.

22 COMMISSIONER JACOBSON: After  
23 subtracting for the width of the proposed planting  
24 bed, what is the width of the sidewalk? I'm having  
25 trouble picking that out.

1 MR. KELLY: Yeah, and it is not  
2 dimensioned, but I can tell you that the width is  
3 five feet.

4 COMMISSIONER JACOBSON: So from the  
5 edge of the planter to the street would be  
6 five feet?

7 MR. KELLY: From the edge of the  
8 planter to the edge of the tree grate, the five by  
9 three tree grate is five feet.

10 COMMISSIONER JACOBSON: And in areas  
11 where there is no tree grate.

12 MR. KELLY: It would be an additional  
13 three feet, so we would be eight feet.

14 COMMISSIONER JACOBSON: Okay.

15 MR. KELLY: Yeah. This is on Monroe  
16 Street. Yeah. So on Monroe Street, the  
17 corresponding dimension is nine feet clear.

18 COMMISSIONER DOYLE: It looks more than  
19 the 9-foot dimension. Looks like it's more than a  
20 foot wider than the -- you're saying the sidewalk on  
21 Second Street without -- where there's no tree is  
22 eight feet?

23 MR. MATULE: I think it's dimensioned  
24 on sheet Z-3.

25 MR. KELLY: Yeah. It's dimensioned.

1 Again, also dimensioned on the Monroe Street side,  
2 but we don't have dimensions shown on the Second  
3 Street side, and I am saying, I'm guesstimating, but  
4 that is it's 3-foot three wide, and so to me the  
5 distance between the two appears to be 5 feet.

6 COMMISSIONER DOYLE: Yeah, okay. And  
7 so the planter is considered a positive amenity.

8 MR. KELLY: I think, generally  
9 speaking, it is. I think it softens the  
10 streetscape. I think it's generally looked on  
11 favorably, but it's not an absolute requirement and,  
12 in fact, I'm going to get on shortly when I talk  
13 about the facade design, that when we initially  
14 designed and reconfigured this building to provide  
15 the commercial space, we had -- we had windows that  
16 replicated the windows above. However, again,  
17 taking the Board feedback, we decided to increase  
18 those window openings, drop them to the street limit  
19 to create essentially store front glazing. So in  
20 those areas, we would be proposing to remove those  
21 planters anyway.

22 COMMISSIONER DOYLE: Okay.

23 MR. MATULE: Why don't you talk about  
24 the facade, and maybe that would bring it into  
25 focus --

1                   MR. KELLY: Okay. So just to show you,  
2 this is what I was, you know, talking about here,  
3 where we would actually -- we would combine openings  
4 on the lower floor to create entry points and  
5 commercial entry or glazing on the street, and so we  
6 would be reducing -- removing sections of the  
7 planters and reducing the overall planter. Okay.

8                   COMMISSIONER DOYLE: Okay.

9                   MR. KELLY: So in terms of overall  
10 facade design, it is a somewhat traditional design.  
11 We felt it was appropriate in this particular lot  
12 also, you know, considering its proximity to the  
13 Connors building directly across the street, we are  
14 proposing a two-tone traditional red brick, and I  
15 have, and we might put a sticker on this, perhaps we  
16 want to pass this around, the lighter brick that you  
17 see here is a red blend. The darker brick is a  
18 Brandywine velour. The idea is that the lighter  
19 brick would be used with a light gray mortar. The  
20 Brandywine velour brick with a similar matching  
21 mortar color. That -- that Brandywine velour is  
22 used on the top floor, and also it acts as points  
23 throughout, so between windows and we have some deck  
24 decorative headers. There are three bay  
25 projections. There are two along Second Street and

1           one -- sorry, yeah. Two on Second and one on  
2           Monroe. They're eight feet wide. They are clad in  
3           a light faux zinc aluminum composite panels, and  
4           then we have a decorative cornice and some accent  
5           bandings, which would be in a darker faux zinc  
6           composite aluminum panel. It's an interesting  
7           facade. I don't know if anybody wants to look.  
8           It's an interesting facade, because it's not, you  
9           know, it's not just those two facades. The rear  
10          facade is also quite prominent. And so what we've  
11          done is we've continued the architectural language  
12          onto the third facade, and we basically wrap around  
13          the same treatment.

14                        The other thing of interest, of course,  
15          is the wall. So where we create the setback at the  
16          rear of the building, I'm going to turn to sheet  
17          Z-7, where we create the setback at the rear of the  
18          building for that the second floor lower roof deck,  
19          we're proposing that we actually extend the street  
20          wall up to ten feet above that deck level, the  
21          reason being that proportionally speaking it  
22          significantly works better with the portion of the  
23          overall facade, than if you were to just have this  
24          very small wall along here, it also provides a  
25          certain amount of privacy, and we think that it

1 works well. The windows in this area would in  
2 actual fact, just be openings with metal grills to  
3 replicate the frames of the other buildings in the  
4 facade.

5 So the only other thing I wanted to  
6 mention was that in terms of sustainability, we're  
7 going to propose a number of sustainable techniques;  
8 one, is the storm water detention tank I talked  
9 about. We're proposing light or white roofing  
10 membranes for a, you know, a low albedo.

11 COURT REPORTER: I'm sorry. For a low  
12 albedo?

13 MR. GALVIN: Libido?

14 MR. KELLY: Libido. Albedo.

15 Now you've thrown me off.

16 MR. GALVIN: Sorry. That wasn't my  
17 aim. I just was trying to break up the --

18 MR. KELLY: Low albedo.

19 So high energy efficiencies, high  
20 energy glazing, closed cell spray foam insulation,  
21 and that's really it.

22 MR. MATULE: A couple of questions. If  
23 you can go to the upper roof deck.

24 MR. KELLY: Yes.

25 MR. MATULE: One of the questions that

1 was raised in one of the Mazer reports was the fact  
2 that the air conditioning condensers are not within  
3 the appropriate setbacks.

4 Can they be relocated to?

5 MR. KELLY: Absolutely. The comment  
6 was correct. Again, similar to the deck, you  
7 require a ten foot setback from the street --  
8 property line and also three feet from an interior  
9 property line or adjoining property. In this case  
10 those condensers, there will not be four. There  
11 will actually only be three, and one of them can sit  
12 over here adjacent to them, and I believe that we  
13 get 11 feet one foot setback. Here the generator,  
14 this was, you know, a kind of a schematic, showing  
15 schematically. But based on an average generator  
16 spec from a similar sized building and the size of  
17 that unit, we can easily provide the 3-foot setback  
18 on this side, and still put the generator in that  
19 location.

20 MR. MATULE: And that will be within a  
21 type two sound enclosure?

22 MR. KELLY: Yes.

23 MR. MATULE: The generator?

24 MR. KELLY: All the equipment on the  
25 roof will be.

1 MR. MATULE: And you received the Mazer  
2 reports, the last one dated March 23rd.

3 MR. KELLY: Yes.

4 MR. MATULE: Any issues addressing any  
5 of their comments?

6 MR. KELLY: No.

7 MR. MATULE: Okay.

8 CHAIRMAN HOLTZMAN: Thank you. Mr.  
9 Roberts, was there any additional call-outs or  
10 anything you wanted to highlight from the review of  
11 the reports.

12 MR. ROBERTS: I think, Mr. Chairman, I  
13 think most of them are probably technical things  
14 having to do with storm water calcs and things like  
15 that that are in Annie's letter. Our comments,  
16 really there was a correction, I think, I believe to  
17 the table. Some of the other things we've already  
18 talked about in testimony, so I think we've pretty  
19 much covered the planning comments.

20 In the engineering comments, there are  
21 a number of things that I think we probably just  
22 want to make sure we've hit on, Ciarnon, on the  
23 record. There is a couple of things that we had  
24 asked for regarding the differential between  
25 recycling and storage between the commercial and the

1 residential, tenants, and few other comments.

2 MR. KELLY: Yes.

3 MR. ROBERTS: Could you, kind of, hit  
4 on those a little bit more?

5 MR. KELLY: Sure.

6 The residential storage is provided for  
7 within closets within the main residential lobby.  
8 So we provided for trash and recycling, and we've  
9 calculated the amount required on the occupants of  
10 the building and the amount of receptacles that will  
11 be used.

12 For the commercial, that will be  
13 stored, you know, that really is dependent on the  
14 future tenants of the space, but the idea is that  
15 their refuse and recycling will be stored within the  
16 unit, and then presumably they will provide an  
17 interior closet for, you know, such storage and,  
18 then it will be brought out to the street for  
19 municipal pickup, you know, based on the City  
20 schedule.

21 MR. ROBERTS: Okay. I think there is a  
22 couple of comments regarding the fire retardant  
23 materials. Things that are in the ordinance.

24 Any issues with any of those?

25 MR. KELLY: No. And just to clarify,

1           though, we didn't say it on the plans, we would be  
2           proposing a decking material, which is called  
3           Versadeck, and essentially it is an -- it's a wood  
4           veneer over an aluminum decking planning. So it's  
5           Class A fire retardant.

6                         MR. ROBERTS: Okay. And then there are  
7           a number of things that had to do with connecting  
8           the water and sewer lines, a number of other things  
9           that were referenced as a -- that would be a  
10          condition of approval.

11                        Is there any issues with any of those?

12                        MR. KELLY: No, there is no difficulty  
13          in meeting the requirements. We can do so.

14                        MR. ROBERTS: And there are -- also,  
15          there is a -- we had asked in comment number 26, we  
16          had indicated there was a Phase I provide for the  
17          site, and we just were asking for: Is there going  
18          to be another witness?

19                        MR. MATULE: Not with respect to the  
20          Phase I, one just our planner. We had submitted the  
21          Phase I to Mr. Hipolit. There were no -- it was  
22          unremarkable. There were no issues with the  
23          property.

24                        MR. KELLY: So at some point that -- we  
25          had asked for some testimony just to clarify what,

1           you know, about the environmental conditions, so if  
2           the planner is going to deal with that.

3                       MR. MATULE: I could bring the  
4           applicant up and he'll testify, if the Board wishes.

5                       MR. ROBERTS: I don't think -- we  
6           didn't have any issues, Mr. Chairman, with the Phase  
7           I, and I believe that was it. I think the rest of  
8           the them may be corrections to the plans, which  
9           you've already talked about or they would be  
10          conditions of approval, if you're agreeing with the  
11          letter, then I think we're good, Mr. Chairman.

12                      CHAIRMAN HOLTZMAN: Thank you.

13                      Commissioners, do you have any  
14          questions for me Mr. Kelly, the architect?

15                      COMMISSIONER FORBES: Yes. On the  
16          sheet Z-7 where you had talked about the revised  
17          bays that will actually be in the rear yard, are  
18          those actually projecting out or are you just using  
19          the material? Because looking at the floor plans,  
20          it's not showing anything projecting out.

21                      MR. KELLY: Yeah. And you're  
22          referring, specifically, to the rear facade? It  
23          doesn't project. It's purely a change in material  
24          to create the articulation, so it replicates what  
25          happens on the street frontages.

1                   COMMISSIONER FORBES: Is that something  
2 that you've ever considered for the bays that  
3 actually go out into the right-of-way?

4                   MR. KELLY: No.

5                   MR. MATULE: I just want to make sure  
6 we're talking about the same thing.

7                   Are we talking about the bay on the --  
8 what appears to be a bay on the rear facade.

9                   COMMISSIONER FORBES: Right.

10                  MR. MATULE: I don't know if that's the  
11 correct term on the rear of the building.

12                  VICE-CHAIRMAN MAGALETTA: That --

13                  MR. MATULE: The bays on the two  
14 facades, street facades are projecting.

15                  COMMISSIONER FORBES: Are, right.

16                  And, you know, when you look at that,  
17 that total square footage when you add all those up  
18 is another 192 square feet of livable space.

19                  CHAIRMAN HOLTZMAN: In the public  
20 right-of-way.

21                  COMMISSIONER FORBES: That's all.

22                  CHAIRMAN HOLTZMAN: 192 square feet per  
23 floor.

24                  COMMISSIONER FORBES: No, 192 feet.

25                  CHAIRMAN HOLTZMAN: In total.

1                   COMMISSIONER FORBES: That's all I have  
2 for a questions.

3                   MR. KELLY: I think one of the original  
4 trains of thought there was that in this case, you  
5 know, our office doesn't always do this, but we  
6 wanted to propose a more traditional looking  
7 building, and where in the ordinance it talks about  
8 doing so, one of the things it mentions is like of  
9 the bays and stoops, they kind of create that  
10 traditional feel, and so we felt in this case the  
11 bays would be appropriate.

12                  COMMISSIONER FORBES: Right. And I  
13 know that you hadn't presented before the Board  
14 before. One of the things that I had mentioned is,  
15 you know, that that then may trigger going to the  
16 City counsel for that approval, and it's something  
17 that administratively, then I have to be there and  
18 present and, you know, so just be a -- bear that in  
19 mind that that would have to be --

20                  CHAIRMAN HOLTZMAN: So can we get the  
21 nice color picture brought up again? So in this  
22 picture, we have three bays that actually do extend  
23 beyond the property line.

24                                Is that correct?

25                   MR. KELLY: Yes.

1 CHAIRMAN HOLTZMAN: Okay.

2 MR. KELLY: They're 8 feet wide and  
3 they project 2 feet.

4 CHAIRMAN HOLTZMAN: Okay. And then  
5 there's one on the back, which is, kind of, like a  
6 faux bay.

7 COMMISSIONER FORBES: Uh-huh.

8 CHAIRMAN HOLTZMAN: Just a material  
9 change, but not any --

10 MR. ROBERTS: Projection.

11 CHAIRMAN HOLTZMAN: -- projection.

12 MR. KELLY: Yes.

13 CHAIRMAN HOLTZMAN: Okay. Tom, did you  
14 have something?

15 COMMISSIONER JACOBSON: No, I share  
16 Commissioner Forbes' concerns with the square  
17 footage and the number of bay projections in a  
18 relatively concentrated, you know, space. I  
19 understand bays are somewhat traditional, I'm not  
20 certain whether floor or, you know, four story tall  
21 bays and multiple of them on a single building is  
22 traditional, but...

23 CHAIRMAN HOLTZMAN: Yeah. Good point.

24 VICE-CHAIRMAN MAGALETTA: All right.  
25 Go ahead.

1                   COMMISSIONER DOYLE: And Z-6, this may  
2 be what you described earlier, but you've got -- you  
3 have the fourth and fifth floors and the unit two,  
4 you have them all at 1,720 square feet, correct?

5                   MR. KELLY: I'm sorry, where were you?

6                   COMMISSIONER DOYLE: Right in the  
7 middle of each of the floors. It says 1,720 square  
8 feet, fourth floor, fifth floor?

9                   MR. KELLY: Correct. Yes.

10                  COMMISSIONER DOYLE: And it's 56 by 30,  
11 right, or with the extra, is because of the bay.

12                  MR. KELLY: Plus the bay. And there's  
13 a difference in the two units, as a saying, there's  
14 no stair and elevator in the lower units.

15                  COMMISSIONER DOYLE: That's exactly  
16 right. That's the 40 per floor. Okay. All right.

17                  And then I don't know, maybe Dave, or  
18 you've gone from three units to two, and is that --  
19 is that because of the commercial space? I mean,  
20 you're allowed -- are you not -- you're still  
21 allowed three under the -- without a density  
22 variance.

23                  Is that correct?

24                  MR. MATULE: Correct. But we have to  
25 back out the space taken up by the commercial space,

1 from the permissible residential density. The only  
2 place you don't do that is on, I think, First  
3 Street, Washington Street, and 14th Street.

4 COMMISSIONER DOYLE: So what you're  
5 saying is you're only allowed two.

6 MR. MATULE: Correct. We are within  
7 the permissible density.

8 COMMISSIONER DOYLE: And if you went to  
9 three --

10 MR. MATULE: If we to three, we would  
11 need a density variance and we would be at the  
12 Zoning Board.

13 COMMISSIONER DOYLE: And you prefer to  
14 be here? Okay, thank you.

15 VICE-CHAIRMAN MAGALETTA: Mr. Kelly,  
16 the commercial space down below, what kind of -- I'm  
17 sure you don't have a tenant yet, but what kind of a  
18 space could it be?

19 MR. KELLY: Well, I can tell you it's  
20 specifically not a restaurant or a bar or any  
21 conditional use. It is most likely like a yoga  
22 studio or a professional office or something.

23 VICE-CHAIRMAN MAGALETTA: Could it be  
24 retail such as clothing retail? Something like  
25 that?

1 MR. KELLY: It can be. I mean, it's  
2 permitted to be. I don't know if it is.

3 VICE-CHAIRMAN MAGALETTA: I'm just  
4 saying, so it could be used for that space.

5 MR. KELLY: Yes.

6 VICE-CHAIRMAN MAGALETTA: Because I  
7 know as far as the signage then, I know the facade  
8 on that street level, it's fairly subtle, and so the  
9 signage would have to be, basically, just in the  
10 windows.

11 MR. KELLY: I would think so, yeah.

12 VICE-CHAIRMAN MAGALETTA: Okay. You  
13 wouldn't have anything attached to the walls?

14 MR. KELLY: No, no. I mean, you know,  
15 for one reason practically, as you just said,  
16 there's no real space on the facade for it, so it  
17 would be within the windows or maybe, you know, on  
18 the glass.

19 VICE-CHAIRMAN MAGALETTA: Right, right.  
20 Okay. Thank you.

21 COMMISSIONER GRAHAM: So what is the  
22 reason for the thousand square feet of -- I mean,  
23 why does it have to be a hundred percent lot  
24 coverage there and what was the reasoning to make it  
25 a thousand square feet?

1 COMMISSIONER DOYLE: It's 2,100.

2 MR. KELLY: 2,100.

3 COMMISSIONER GRAHAM: Right, well,  
4 okay, so 2,100.

5 MR. KELLY: Well, there's two kind of  
6 trains of thought that led letter to the same place;  
7 one, being that the larger the space, the more  
8 flexible or, again, attractive it is to a tenant,  
9 but also we did feel that it was -- it was important  
10 to continue the building on that first floor to  
11 close in the doughnut, to create a continuous street  
12 frontage, and so at the time when we made that  
13 transition, we thought that it was an appropriate  
14 change. We still do.

15 COMMISSIONER GRAHAM: So less square  
16 footage would be that you could not close in the  
17 doughnut? I mean, what, does this make something  
18 unique in that corner that requires this amount of  
19 space?

20 MR. KELLY: No, I don't believe there's  
21 something unique, no.

22 COMMISSIONER GRAHAM: But if a  
23 smaller -- if you had a smaller retail space that  
24 looked at, you know, the requirements of the 60  
25 percent lot coverage and what would you be able to

1 do above that?

2 MR. KELLY: What we be able to do about  
3 it?

4 COMMISSIONER GRAHAM: No, above that.

5 MR. KELLY: Oh.

6 COMMISSIONER GRAHAM: The residential  
7 units above that, what how would that change that?

8 MR. KELLY: You would be able to do the  
9 same as we're currently proposing. I mean, the two  
10 of them are somewhat independent.

11 COMMISSIONER GRAHAM: Okay.

12 MR. ROBERTS: It is possible, though,  
13 if you had -- if you were to bring that back wall  
14 back to the 24, same 24 foot setback as the rest of  
15 the building, you might -- I don't know if you've  
16 done the calculation, but you might be able to get  
17 the third unit in. I'm not sure how the numbers  
18 work, but you'd be reducing your overall square  
19 footage that you did calculate density by. I don't  
20 think know if it would be enough.

21 MR. KELLY: And I don't at this time.

22 MR. MATULE: I don't think it would be  
23 enough, but I think also the intention was --

24 MR. ROBERTS: To close in the doughnut.

25 MR. MATULE: Well, to close in the

1           doughnut, but also we've gotten some feedback from  
2           this Board that perhaps they would like to see some,  
3           not giant, but somewhat larger retail spaces, so you  
4           can attract commercial tenants in there other than a  
5           nail salon or a cell phone store or something.

6                         COMMISSIONER GRAHAM: I certainly  
7           understand that, but, I guess, we're being contrary  
8           to what, you know, the ordinance says, you know, 60  
9           percent.

10                        MR. MATULE: Well, that's why we have a  
11           variance process.

12                        COMMISSIONER GRAHAM: I know, I know  
13           that, but --

14                        CHAIRMAN HOLTZMAN: Mr. Kelly, you  
15           specifically said that a restaurant or cafe was not  
16           considered.

17                        Was there some reason that that was  
18           taken off the table?

19                        MR. KELLY: Well, they're conditional  
20           uses in the zone.

21                        MR. ROBERTS: Uh-huh. They would  
22           require Zoning Board.

23                        MR. KELLY: Exactly.

24                        VICE-CHAIRMAN MAGALETTA: The way the  
25           space is laid out, it really would not be

1           conducive -- I'm sorry, maybe it is conducive --  
2           maybe it would or would not be conducive to, say, a  
3           restaurant or food service the way it's done right  
4           now.

5                         MR. KELLY: Well, right now it's  
6           essentially a blank canvas. It's a large open  
7           vanilla box.

8                         VICE-CHAIRMAN MAGALETTA: Right. But  
9           as far as you haven't put anything in there as far  
10          utilities, any kind of water lines, nothing yet to  
11          support it.

12                        MR. KELLY: No, not yet, without  
13          nothing a tenant.

14                        VICE-CHAIRMAN MAGALETTA: But if  
15          there's no tenant when building is done, then what  
16          do you do? Just leave open utilities?

17                        MR. KELLY: Well, I mean, we could --  
18          we could bring utilities to the curb line and saying  
19          we cap them, but we haven't proposed it.

20                        VICE-CHAIRMAN MAGALETTA: And what was  
21          contemplated before, you could close the doughnut  
22          and put in that two-foot -- that two-story wall  
23          there and having an open space behind it, correct?  
24          You still close it.

25                        MR. KELLY: You could.

1                   VICE-CHAIRMAN MAGALETTA: The street  
2 would look like the closed.

3                   MR. KELLY: It becomes a 20-foot plus  
4 wall, which is somewhat, I don't know,  
5 Disneyland-esq, but, yes, you could.

6                   COMMISSIONER DOYLE: Well, you --  
7 excuse me, but one of the -- if you did a one-story  
8 wall, which you already doing now on top of --  
9 you're proposing on top of the other one, I guess  
10 that's not Disney-esq, but --

11                  MR. KELLY: Well, the thinking is that  
12 it's more from the perception from inside the lot,  
13 and so, you know, the one-story wall, as we  
14 described it, if, you know, you take that away, and  
15 you put a one-story wall, in my opinion it looks  
16 almost like a tail on the bottom of this building.  
17 It doesn't look proportioned, in proportion with the  
18 rest of the facade, and so that's why --

19                  VICE-CHAIRMAN MAGALETTA: I agree with  
20 you. I think having the two story is better than  
21 having a one story, it looks better from the street,  
22 and if you're inside, you may want -- it gives you  
23 more air if you're inside, but from the street, that  
24 sidewalk, two stories looks better. But you can  
25 also -- if you're also inside, you could pretty it

1 up. You know, you can do something.

2 CHAIRMAN HOLTZMAN: Okay.

3 Commissioners, any additional questions? You can  
4 certainly circle back.

5 COMMISSIONER JACOBSON: Maybe it's a  
6 question for the planner, but what is the intended  
7 size of the storm water detention tank relative to  
8 the requirements of N.J.S.A.

9 MR. KELLY: Relative to the size, the  
10 intent is that it's double the required capacity. I  
11 believe, as currently calculated it's 3,750 gallons.

12 COMMISSIONER JACOBSON: Okay.

13 COMMISSIONER DOYLE: And my last -- the  
14 bump-outs that I think add, you know, some interest  
15 to the building.

16 Is there a reason why we're seeing  
17 fairly repeatedly 2-foot bump-outs as opposed to  
18 something -- would a shallower bump-out not work, do  
19 you think usual, visually or --

20 MR. KELLY: No, I think that it could  
21 work just as well. I mean, obviously, from my  
22 client's point of view, it would be a reduction in  
23 square footage, but not to an extent that it would  
24 make the units unusable. But it's -- that 24-inch  
25 tends to be in everybody's head because that's

1           what's the permitted extension of the bay on the  
2           floor, and so we made the 24 inches. It could be  
3           brought back in.

4                         CHAIRMAN HOLTZMAN: We'll open up to  
5           the public for questions for the architect, Mr.  
6           Kelly.

7                         Mr. Vance, I see you chomping at the  
8           bit.

9                         MS. CARCONE: Could I have your name,  
10          please?

11                        MR. VANCE: James Vance.

12                        MR. GALVIN: Spell your last name for  
13          us.

14                        MR. VANCE: Excuse me?

15                        MR. GALVIN: Spell your last name for  
16          the court reporter.

17                        MR. VANCE: James Vance, V-A-N-C-E.

18                        CHAIRMAN HOLTZMAN: And, yeah, we'll  
19          accept Mr. Vance's credentials.

20                        COMMISSIONER DOYLE: We won't say what  
21          it is.

22                        MR. VANCE: I have some questions.

23                        First of all, planters in front of  
24          retail stores, can you tell me in your professional  
25          background, have you ever seen, except in

1 architectural design guidelines or textbooks  
2 recommending planters in front of retail stores?

3 MR. KELLY: Not specifically, no.

4 MR. VANCE: I assume you're familiar  
5 with Washington Street in Hoboken.

6 MR. KELLY: Yes.

7 MR. VANCE: Can you tell me if you've  
8 seen any planters in front of retail stores there?

9 MR. KELLY: Not of this kind, not where  
10 they're, you know, constructed in the sidewalk.  
11 I've seen many planters that are, you know, for  
12 example, around outdoor dining areas for -- to  
13 create green areas and soften the streetscape.

14 MR. VANCE: Planting boxes.

15 MR. KELLY: Planting boxes, exactly.

16 MR. VANCE: What about on Madison  
17 Avenue in New York City, or Fifth Avenue?

18 MR. KELLY: I don't recall  
19 specifically.

20 MR. VANCE: Thank you. Who maintains  
21 these planters?

22 MR. KELLY: Most likely, the tenant of  
23 the commercial space.

24 MR. VANCE: Or at least would you say  
25 someone either the owners -- someone in the building

1 would be responsible for the planters?

2 MR. KELLY: Absolutely.

3 MR. VANCE: Is that what you're telling  
4 me?

5 What reason do you have for wanting to  
6 marrow the sidewalk?

7 MR. KELLY: When you say -- I don't  
8 specific want to narrow the sidewalk, but do you  
9 mean as a result of providing these planters?

10 MR. VANCE: Yes.

11 MR. KELLY: Well, we originally had the  
12 planters there, I think, as I said earlier, the  
13 planters are generally a favorable addition at the  
14 sidewalk at the base of the building. Again, it  
15 softens that streetscape and adds landscaping, as it  
16 adds greenery. Once we receive feedback from you,  
17 and, indeed, from the Board with the addition of the  
18 commercial glazing at that location, you know, we  
19 are -- we are open to, you know, eliminating that  
20 planter in that location, if that so be the  
21 requirement or the wish.

22 MR. VANCE: Can you explain to me how  
23 the planters benefit retail?

24 MR. KELLY: I think that they benefit  
25 the realtor -- or the retailer because they beautify

1 his commercial space. You know, they make it a more  
2 pleasant street frontage.

3 MR. VANCE: With regard to -- this  
4 rendering here is exactly where I want to be. The  
5 corner of the building on Second and Monroe, you  
6 have -- what are the dimensions of that rather large  
7 brick column? At least the horizontal dimensions?

8 MR. KELLY: The horizontal dimensions,  
9 I wouldn't think that we -- oh, we do have a  
10 dimension. So on the Monroe Street side, it's  
11 3-foot 6 inches. And on the Second Street side,  
12 it's 5 feet 6 inches.

13 MR. VANCE: Okay. Is there any  
14 particular reason, from a retail standpoint, that  
15 that large brick column was placed on the first  
16 floor?

17 MR. KELLY: From a retail standpoint,  
18 no, but there's a very specific reason from a  
19 architectural standpoint. The building and the  
20 exterior facade design was not designed around the  
21 retail space, the retail space was a later addition.  
22 So we had a building where we had a solid masonry  
23 corner. Now, if you're -- you know, if what you're  
24 suggesting is that we continue the glass storefront  
25 glazing across the front, I would have to disagree

1 because it would leave you a very top-heavy looking  
2 corner on the building, it's a solid masonry corner  
3 above a glass corner, and that doesn't look  
4 architecturally pleasing or correct. So I do not --  
5 I know what you're suggesting, and perhaps on a  
6 different building. Had it been conceived  
7 differently from the beginning, it might be a  
8 possibility, but in this case I would say it would  
9 be a mistake to do that.

10 MR. VANCE: From your professional  
11 opinion.

12 MR. KELLY: Absolutely.

13 MR. VANCE: As an architect.

14 MR. KELLY: Yes.

15 MR. VANCE: Where is the entrance to  
16 the retail, or --

17 MR. KELLY: There are a number of  
18 entrances. At each of these of locations, the  
19 center panel would be an operable door.

20 MR. VANCE: So I'm a retailer, and I'm  
21 in there by myself. I have several people come into  
22 the store through various entrances. Do you think  
23 that's a --

24 MR. KELLY: Well, it's all up to the  
25 realtor, and essentially it's up to the intended use

1 of the space, which we don't currently know. So,  
2 you know, they can choose which -- either of which  
3 doors to have operable or not, or if they can --  
4 they can go and apply to have, you know, new glazing  
5 put in of the same proportion as are approved, but  
6 that don't include operable door sections at that  
7 those locations.

8 MR. VANCE: Okay. Thank you. I have  
9 no other questions.

10 MR. KELLY: My pleasure.

11 CHAIRMAN HOLTZMAN: Thank you,  
12 Mr. Vance.

13 Any other members of the public have  
14 any questions for the architect. Okay.

15 Mr. Matule, who have you got next?

16 MR. MATULE: Mr. Ochab.

17 MR. KELLY: Thank you.

18 MR. MATULE: Just on the point, just so  
19 I'm clear, I do have the applicant here. I can put  
20 testimony in about the Phase I, but I think it  
21 speaks for itself.

22 CHAIRMAN HOLTZMAN: It speaks for  
23 itself? Thank you.

24 MR. MATULE: Thank you. Mr. Ochab.

25 K E N O C H A B, being first duly sworn by the

1 Notary, testifies as follows:

2 MR. GALVIN: Mr. Chairman, do you  
3 accept Mr. Ochab's credentials?

4 CHAIRMAN HOLTZMAN: We do.

5 MR. MATULE: Mr. Ochab, I see you have  
6 some photo boards there?

7 MR. GEITZ: I do.

8 MR. MATULE: How many do you have?

9 MR. GEITZ: I have two.

10 MR. MATULE: Okay. I'm going to mark  
11 the first one A-4. If you can just describe it for  
12 the record.

13 (Exhibits marked A-3 and A-4 for  
14 identification.)

15 MR. GEITZ: Yes, A-4 is a series of  
16 four photographs that were taken by me in November  
17 of last year just prior to my drafting a report for  
18 this project.

19 MR. MATULE: Okay. And then we'll mark  
20 the second board as A-5.

21 (Exhibit marked A-5 for identification.)

22 MR. GEITZ: A-5.

23 MR. MATULE: Similarly.

24 MR. GEITZ: A-5 is the same.

25 MR. MATULE: Okay. You are familiar

1 with the Master Plan and zoning ordinance of the  
2 Citi of Hoboken.

3 MR. GEITZ: Yes.

4 MR. MATULE: And you are familiar with  
5 the proposed project?

6 MR. GEITZ: I am, yes.

7 MR. MATULE: And as most recently  
8 amended?

9 MR. GEITZ: Yes, most recently amended.

10 MR. MATULE: And you prepared a report  
11 dated November 20, 2015, in support of the requested  
12 variance relief?

13 MR. GEITZ: I did.

14 MR. MATULE: And you provided a  
15 supplemental report dated March 24th to address the  
16 revisions made by the architect?

17 MR. GEITZ: That's correct. Yes.

18 MR. MATULE: Could you go through the  
19 report and give us your professional opinion  
20 regarding the requested variance relief, and if you  
21 would, when you're doing that, call out the specific  
22 variances because we didn't have the architect call  
23 them out.

24 MR. GEITZ: Okay. I'll do that as the  
25 first order of business, so...

1 MR. MATULE: Okay.

2 MR. GEITZ: In terms of the variances  
3 we're in the R-3, of course, and we have two -- we  
4 have one, two, three, four, four variances relative  
5 to this application.

6 We have a building height variance  
7 where 42 feet is being proposed, 40 feet above  
8 design flood elevation is allowed or required.

9 We have a lot coverage variance of a  
10 hundred percent for the first floor, and 70 percent  
11 for the upper floors.

12 We have a rear yard variance where,  
13 obviously, we have zero setback to the rear yard on  
14 the first floor and 24 feet on the upper floors, and  
15 because we're proposing retail space, we are subject  
16 to section 196-33 of the ordinance which deals with  
17 retail uses and residential zones. So we have two  
18 variances relative to that one. I'll go through  
19 this in more detail, but one is having greater than  
20 a thousand square feet of customer service or sales  
21 area, and two is that we do not have two existing  
22 retail uses on the same block frontage as the front  
23 we're proposing.

24 MR. MATULE: Do we also have a rear  
25 yard depth of 80 feet?

1 MR. GEITZ: Yeah. We have two rear --

2 MR. MATULE: A rear wall depth? I'm  
3 sorry.

4 MR. GEITZ: Yes. We have a rear  
5 wall --

6 MR. MATULE: From the Monroe Street  
7 frontage to back?

8 MR. GEITZ: Correct, at 80 feet.

9 MR. MATULE: And we're on an undersized  
10 lot?

11 MR. GEITZ: Correct. Those are two  
12 pre-existing conditions. Both the 2,400 square feet  
13 lot size, and the lot depth of 80 feet. So we have  
14 a corner lot, and so relative to the corner lot, we  
15 have a situation where if you look at the first  
16 photo board, A-4, the upper left photograph is  
17 showing the existing building, on A-4, and the --  
18 generally, the lot frontage, which is -- which is  
19 30 feet, I believe, here, as opposed to the typical  
20 25-foot in the R-3 zone. The upper right photograph  
21 is a photograph of, again, the building on the  
22 current site, and on the adjacent building to the  
23 south, which is a five-story building, more recently  
24 constructed.

25 The lower left photograph is a

1 photograph showing the back frontage, the eastern  
2 frontage on Second Street, and the adjacent building  
3 just to the east of the site, the property in  
4 question. The blue tarp that you see here is  
5 actually on the property in question, so that's part  
6 of that rear yard area that we were discussing with  
7 the architect earlier.

8 And then the lower right photograph,  
9 again, is the -- looking from Second Street at the  
10 adjacent building to the south, and you could see  
11 that rear -- the side wall of that building and the  
12 existing structure on the property as well.

13 So we'll come back to that in a little  
14 bit.

15 A-5. The upper left photograph on A-5  
16 shows the property across Monroe from the site in  
17 question. So we're at the southwest corner of  
18 Monroe and Second. Again, showing the five-story  
19 building on the corner. The lower photograph on the  
20 left is the school across Second Street, and then  
21 the other photograph here on the right is just a  
22 photograph of the sidewalk and streetscape as it  
23 exists on Jefferson.

24 MR. MATULE: Monroe.

25 MR. GEITZ: Monroe. I'm sorry. That's

1 Monroe. I'll get these right.

2 So we have a few variances to discuss.

3 For me, I think the most significant  
4 variance here is the lot coverage variance with  
5 respect to the retail space on the first floor, and  
6 certainly there was a give and take between the  
7 residents and some interested parties about having  
8 retail space in this area. And we also have a  
9 corner lot, so when you have a lot coverage issue on  
10 a corner lot, we're always going to need to talk  
11 about the open space element of why we don't have a  
12 rear yard, or why we shouldn't have a rear yard, and  
13 how does that impact on the hole in the doughnut and  
14 the Master Plan's infamous hole in the doughnut,  
15 which we're always cognizant of, of course.

16 So here in this case we have, again, on  
17 A-4, the lower left photograph, we have a building  
18 on Second Street. This building fronts on Second  
19 Street. It's four stories in height. And this lot  
20 is 105 feet deep. So when we look at this lot, we  
21 have a building on the front and then we have a  
22 second building behind it on the same lot. We have  
23 two buildings on this lot, two separate structures  
24 on this lot, and so we have a building that  
25 basically goes back to the rear yard. So we have a

1 building that's set back up to 105 feet from Second  
2 Street. What that does is -- and let me just step  
3 back one more time. Now, the lots on Monroe, of  
4 course, the backyards are going back towards this  
5 lot. This is the only lot that pretty much runs  
6 north to south. All the others on both adjacent  
7 streets run east to west. So this -- this lot,  
8 basically, is interfering with or is suggesting  
9 there's, sort of, a prohibition against achieving  
10 that hole in the doughnut open space, because what  
11 happens is our lot's only 30 feet in width, so we're  
12 30 feet wide, but the lot adjacent to us is 105 feet  
13 deep. So, therefore, if we had a rear yard open  
14 space area, I mean, that would be fine, but it  
15 wouldn't really contribute to the open space in the  
16 center of the block, because there are buildings  
17 here that interfere with that concept. So -- and  
18 since we also have a corner lot, we always talk  
19 about whether or not the corner lot open space areas  
20 really contribute towards the center block open  
21 space concept. And, certainly, you know, to be sure  
22 there's a mixed bag of treatments along the  
23 east-west streets in Hoboken. Some are -- have  
24 walls which run along the east-west streets, others  
25 have garages. There's some open areas where you can

1 see into the center of the open space in the center  
2 of the block. So it's clearly a mixed bag.

3 But one of the, I think, strong  
4 considerations here for, basically, using the  
5 hundred percent coverage would be that it really  
6 doesn't and won't contribute anything, any  
7 meaningful open space to the center block area. The  
8 adjacent property to the south, that building, does  
9 come back to, again, to 80 feet. It's also -- I'm  
10 sorry, to 56 feet. That lot is also 80 feet in  
11 width. But you can see, even on this photograph  
12 that just adjacent to that building is where the  
13 second building starts on Second Street. So I guess  
14 my -- my argument here is that from a standpoint of  
15 goals and objectives, one objective is to try to get  
16 more retail space in locations that are appropriate.  
17 Corner lots are typically great locations for  
18 retail, and commercial use because they're focal  
19 points, they add to the neighborhood character, et  
20 cetera, and by the same token, pulling back the  
21 building to allow open space here doesn't achieve  
22 anything with respect -- or doesn't achieve enough  
23 with respect to its contribution to the open space  
24 area.

25 So that's my pitch on the lot coverage

1 issue.

2 CHAIRMAN HOLTZMAN: Thank you,  
3 Mr. Ochab.

4 MR. GEITZ: And the same really applies  
5 to the rear yard. If we had a rear yard, again,  
6 we're proposing a zero rear yard area, so the same  
7 argument would pretty much be applicable to that as  
8 well.

9 With respect to the retail use, there's  
10 no other retail use on the block frontage of Second  
11 Street or on Monroe. The closest thing on Monroe,  
12 the closest commercial use on Monroe is Elite  
13 Cleaners on the corner of First and Monroe, and  
14 there's nothing else in mid-block within Monroe. So  
15 that results in our having a variance because we're  
16 proposing retail space. And so relative to that,  
17 again, I think the retail space is a good idea here,  
18 with respect to what's happening here, certainly  
19 better than storage or parking and certainly would  
20 add to the neighborhood character, if we had more  
21 retail facilities here.

22 And then the other part of the retail  
23 requirement that we were not meeting, I'm assuming  
24 we're not going to meet is because we have 2,100  
25 square feet of retail gross space proposed. We're

1 not going to be under a thousand square feet of  
2 customer service area. I don't know if that's the  
3 case or not because we don't have specific uses, but  
4 I'm putting in that variance on the notion that we  
5 will have more than a thousand square feet at the  
6 end of the day of customer service area. So, again,  
7 those are both positive elements to the  
8 neighborhood. I think there's certainly, with  
9 respect to the lot coverage issue and with respect  
10 to this retail issue, the C-2 criteria, which can be  
11 met, i.e. that the benefits of having the design in  
12 this manner, and then this in this way at this  
13 location, certainly the benefits of that clearly  
14 outweigh the detriment, in so doing.

15 CHAIRMAN HOLTZMAN: Thanks, Ken.

16 MR. GEITZ: So I'll stop there.

17 MR. ROBERTS: Thanks, Mr. Ochab.

18 MR. MATULE: Could I just touch very  
19 quickly on the height variance? Just in the context  
20 of the surrounding buildings?

21 MR. GEITZ: Yes. In that height  
22 variance, again, we have 42 feet DFE, which is  
23 consistent with the surrounding character of the  
24 buildings. We have five-story buildings to the  
25 south, five-story building to the west, and, of

1 course, the school is a four-story building, but the  
2 floor -- floors are very high.

3 MR. GALVIN: So is it your opinion this  
4 location can accommodate the deviation in the height  
5 standard?

6 MR. GEITZ: Absolutely, yes.

7 MR. MATULE: Thank you.

8 CHAIRMAN HOLTZMAN: Commissioners, any  
9 questions for Mr. Ochab on the planner's report?

10 MR. ROBERTS: Mr. Chairman, just one  
11 other follow-up. Ken, as you remember the  
12 conversation before regarding the lower roof deck  
13 setback, the walls versus the planters, I know that  
14 Mr. Kelly mentioned that they would be willing to  
15 provide a 3-foot setback by using the planters, but  
16 if they are going to be asking for that relief, I  
17 think we need to address that testimony.

18 MR. GEITZ: Okay. Well, certainly, as  
19 far as the roof deck is concerned, it certainly is  
20 an amenity which can be a positive element to this.  
21 I think the concept that the architect put forth in  
22 terms of a buffering effect and the setback, again,  
23 certainly it's having the deck is a benefit, which  
24 would add a positive element to this application as  
25 well as to the public.

1 MR. ROBERTS: Okay.

2 COMMISSIONER DOYLE: Your testimony is  
3 that a deck, a private deck, is a benefit to the  
4 public?

5 MR. GEITZ: Well, not in the context of  
6 the public public, but the residents who will  
7 eventually occupy the site.

8 CHAIRMAN HOLTZMAN: To the private  
9 public.

10 MR. GEITZ: Thank you, Chairman. To  
11 the private public.

12 COMMISSIONER DOYLE: Could I ask, I'm  
13 not sure if I should have asked this question of Mr.  
14 Kelly, but, you know, you're talking about we've  
15 heard about the hundred percent lot coverage and  
16 it's important for the commercial, you know,  
17 viability and it's a little bit larger space and so  
18 forth, but with regard to the remaining floors at  
19 70 percent versus say 60 percent, could you provide  
20 some testimony, you know, these are two duplexes, so  
21 it's 60 percent you'd have, according to my rough  
22 math, you know, 2,800 square foot apartments, which  
23 don't really ring out as, you know, dire need of an  
24 additional 10 percent. Those are pretty large  
25 units, and so why are you proposing 70 as opposed to

1           60 for the upper four floors?

2                   MR. GEITZ: For me not so much with the  
3           number, it's the fact that from a design standpoint,  
4           what we're trying to do is to match the rear wall of  
5           the adjacent building to the south, and what that  
6           does is it removes the blank wall, and then it adds  
7           the building that Mr. Kelly has proposed here with  
8           windows and the architectural design he has  
9           proposed. If we went back to 60 percent or some  
10          lesser number other than 70, we basically be  
11          exposing the blank wall. So from an aesthetic  
12          standpoint, to me that wouldn't be desirable.

13                   COMMISSIONER DOYLE: So it's a bigger  
14          deck for the public.

15                   MR. GEITZ: I'm not going to live that  
16          one down, am I?

17                   COMMISSIONER DOYLE: I'm sorry. I'm  
18          sorry.

19                   MR. MATULE: Not for a while.

20                   COMMISSIONER JACOBSON: And related to  
21          that question, the adjoining building to the south,  
22          you know, where you're aligning the rear facades, is  
23          that a conforming structure or is that a  
24          nonconforming structure with regards to lot  
25          coverage, rear yard setback and so --

1 MR. GEITZ: I believe that lot depth  
2 there is 80 feet as well, so it's a 56-foot  
3 building, and 80 foot a lot, so it would be 22 feet,  
4 and a half feet, so I think it would be --

5 MR. MATULE: 70 percent.

6 COMMISSIONER DOYLE: Seventy as well.  
7 We did approve, by the way, down the block recently  
8 commercial space in the middle of the block, but not  
9 the --

10 COMMISSIONER GRAHAM: Do you remember  
11 exactly where?

12 COMMISSIONER DOYLE: That was --

13 CHAIRMAN HOLTZMAN: Any other questions  
14 for the planner? Other questions from the public  
15 for the --

16 VICE-CHAIRMAN MAGALETTA: I have a --  
17 so I know there's no commercial on that same side,  
18 but catty-corner there is commercial space, correct?  
19 I think at the corner, there's a corner shop across  
20 from Connors across the street. I know it's not on  
21 the same side of the street. There is something  
22 there.

23 MR. GALVIN: A dry cleaner.

24 MR. GEITZ: And diagonally across also.

25 VICE-CHAIRMAN MAGALETTA: Okay. Now,

1 with respect to you talking about hundred percent  
2 lot coverage, and you're saying how well the  
3 neighboring property to the south, they have -- they  
4 go back 56 feet, and the remaining 24 feet is a  
5 backyard, correct?

6 MR. GEITZ: Correct.

7 VICE-CHAIRMAN MAGALETTA: So this  
8 would -- if this building only goes back 56 feet and  
9 we keep the backyard open, that would improve --  
10 increase that open space, correct?

11 MR. GEITZ: It would provide open  
12 space, yes.

13 VICE-CHAIRMAN MAGALETTA: It would.  
14 All right. So I think you're looking at the wrong  
15 building. You're looking at the building to the  
16 east. I think if you look at the neighboring  
17 building to the south and say: How does this really  
18 add to the doughnut? And it does add to the  
19 doughnut. Now, we're talking about closing the end.  
20 That can be done by putting in a two-story wall,  
21 right? And, therefore, even if it's at 60 percent  
22 coverage, and it does match the building to the  
23 south, you still have your open space. You have --  
24 you don't have the blank wall that you're looking  
25 at, and that would be consistent with the

1 neighborhood.

2 MR. GEITZ: Well, the question for me  
3 is: Does the open space add anything to the open  
4 space on the adjacent lot to the south? And for me  
5 it doesn't. It doesn't really add any particular  
6 element of openness to the building to the south.

7 VICE-CHAIRMAN MAGALETTA: Do you think  
8 a wall would add open? Because you're proposing  
9 putting a wall there. That's certainly doesn't add  
10 open necessary. That detracts.

11 MR. GEITZ: My point was that the  
12 buildings to the east have already basically made  
13 that decision that we're not going to have an  
14 open -- a center block open space in this portion of  
15 the block. That they're 105 feet deep, and they're  
16 in the center of that 105 feet deep lot, and they  
17 precluded that this area of the block of achieving  
18 that open space. Now, if you want to have open  
19 space in the lot, the property, itself, I mean,  
20 certainly we'd have open space if you decide that  
21 that, you know, we're not doing a hundred percent  
22 coverage. But I don't know what that achieves  
23 relative to the concept of the center block open  
24 space.

25 VICE-CHAIRMAN MAGALETTA: It gives a

1 neighbor open space, right? The neighbors to the  
2 south would have more open space, and more light and  
3 air, right?

4 MR. MATULE: I think he's asked and  
5 answered the question.

6 VICE-CHAIRMAN MAGALETTA: He has, but  
7 you know, we're arguing --

8 MR. GEITZ: To some degree --

9 MR. MATULE: It has been debated at  
10 this point.

11 MR. GEITZ: To some degree that has to  
12 be true, there's no doubt.

13 MR. GALVIN: You got to make you're  
14 witness stop. I mean, it's like, you want to make  
15 the Board Member stop?

16 MR. MATULE: I'm trying to get him to  
17 stop. Mr. Magaletta keeps asking him the same  
18 question.

19 MR. GALVIN: He's a good attorney. He  
20 knows what he's doing.

21 VICE-CHAIRMAN MAGALETTA: I finally got  
22 a direct answer.

23 MR. GALVIN: I'm trying to wear him  
24 down. Give me the answer that I want.

25 CHAIRMAN HOLTZMAN: Thank you.

1 Mr. Magaletta.

2 Are there any members of the public  
3 that have questions for the planner.

4 MR. VANCE: Yes.

5 CHAIRMAN HOLTZMAN: Mr. Vance.

6 MR. VANCE: James Vance. I do have a  
7 couple of questions.

8 With regard to filling the doughnut, do  
9 you find, from a planning standpoint, any benefit  
10 of -- for that standing back here, looking at this  
11 concrete block wall? Do you find that favorable  
12 with regard to making the neighborhood a more  
13 comfortable place to be?

14 MR. GEITZ: Not particularly.

15 MR. VANCE: Do you find the same  
16 situation with regard to this stuccoed over wall  
17 here?

18 MR. GEITZ: The same answer. I don't  
19 find that contributing.

20 MR. VANCE: What -- would it be  
21 beneficial from a -- do you -- do you find it  
22 beneficial from a standpoint of -- earlier, you had  
23 spoken to the benefit of closing the doughnut.  
24 Would you find it beneficial from a standpoint of  
25 masking those lovely walls we've just discussed with

1 a facade that goes to match the new building, five  
2 stories.

3 MR. GEITZ: You know, you're bringing a  
4 five-story building all the way to the --

5 MR. VANCE: Or five-story building or  
6 facade that relates to it.

7 Would you find that that would benefit  
8 from a standpoint of viewing from outside as a  
9 pedestrian?

10 MR. GEITZ: It's a more interesting  
11 question because there is a question of providing  
12 some amount of light that comes through from Second  
13 Street to the -- to the inside of the block. So I'm  
14 not sure I would agree a hundred percent that  
15 bringing the wall over and masking this entire side  
16 of the building would be something that would be a  
17 positive element here.

18 MR. VANCE: Second Street is on the  
19 north side of this block, is it not?

20 MR. GEITZ: Yes, it is.

21 MR. VANCE: I believe we're in the  
22 northern hemisphere, are we not?

23 MR. GEITZ: Last time I looked, yes.

24 MR. VANCE: Then would not the sun,  
25 therefore, light put an arc to the south of this

1 structure?

2 MR. GEITZ: It would.

3 MR. VANCE: Thereby bringing -- well, I  
4 won't go any further. I think I made my point.  
5 With regard to -- with regard to the retail space,  
6 the amount of square footage, would you not think  
7 that the larger the available retail space, the more  
8 opportunity it would give to attract a larger  
9 variety of retailers having an opportunity to build  
10 out to a maximum amount of room? I guess what I'm  
11 asking you: Do you think that the larger -- the  
12 larger the footprint of the retail space is  
13 beneficial with regard to expanding the height of  
14 retail merchants that would be interested.

15 MR. GEITZ: I mean, it certainly could.  
16 We're not restricted here to one or two or a number  
17 of tenants, so I think that was the intent, to  
18 provide a larger retail space that could be  
19 utilized.

20 MR. VANCE: And to Mr. Doyle's point,  
21 in fact, there was approved two additional  
22 commercial spaces in the development in the middle  
23 of the block on the east side.

24 MR. GEITZ: I appreciate that.

25 MR. VANCE: Thank you.

1 CHAIRMAN HOLTZMAN: Thanks, Jim.

2 Any other members of the public that  
3 have any questions for the planner? Okay.

4 Commissioners, anything else from  
5 Mr. Ochab? No.

6 MR. GALVIN: Open to the public?

7 CHAIRMAN HOLTZMAN: We'll open to the  
8 public for opinions on the project.

9 MR. VANCE: This is public portion?

10 CHAIRMAN HOLTZMAN: Public portion,  
11 Mr. Vance.

12 MR. GALVIN: Mr. Vance, raise your  
13 right hand.

14 J A M E S V A N C E, being first duly sworn by the  
15 Notary, testifies as follows:

16 MR. VANCE: May I hand out --

17 MR. GALVIN: You've got to show them to  
18 Mr. Matule first to make sure he doesn't have any  
19 objections.

20 MR. VANCE: Nothing in here will shock  
21 Mr. Matule.

22 MR. MATULE: I have no objections, but  
23 I would qualify that comment by saying that you're  
24 not proposing to offer yourself as an expert witness  
25 in the field of architecture, are you?

1 MR. VANCE: No, I am not.

2 MR. MATULE: Okay.

3 MR. VANCE: Or in --

4 MR. MATULE: That's enough.

5 MR. VANCE: -- any other.

6 MR. MATULE: No is sufficient.

7 MR. VANCE: So should I mark this?

8 MR. GALVIN: Why don't we mark this as

9 N-1.

10 MR. MATULE: I was going to say "P" for

11 public.

12 MR. GALVIN: I was going to say "N" for

13 neighbor.

14 MR. MATULE: Okay.

15 CHAIRMAN HOLTZMAN: I was going to be

16 "V" for Vance.

17 MR. GALVIN: It could be have been "V"

18 for Vance.

19 MR. MATULE: We could do that, too. Or

20 maybe "V" for victory. But that's A-3 page -- a

21 four page, series of photographs. N-1, four page

22 series of color photographs, which I'm sure

23 Mr. Vance will explain to the Board.

24 (Exhibit received and marked N-1 for

25 identification.)

1                   MR. VANCE: I have somewhat of a  
2 background in retail. My former wife, Nancy  
3 Vernulin (phonetic) in 1982, when we first moved to  
4 this town, opened a Crabtree and Evelyn line, which  
5 is a fancy bath oils and soaps and whatnot. They're  
6 in London, Paris, New York and Hoboken. My friends  
7 thought we were nuts. It printed money. It was on  
8 Washington Street. We didn't have any planters,  
9 which didn't seem to inhibit our ability to make  
10 money.

11                   We have on the front page here in the  
12 new improved version, and it is much improved over  
13 what we had the last time from a standpoint of just  
14 based on the street and I want to say how much I  
15 appreciate the builder's willingness to talk to the  
16 community, to be open with regard to putting retail  
17 in here. I think it's -- it is real positive  
18 because, if you will look catty-corner across the  
19 street, you will see a coffee shop that has brought  
20 some life to that street, and we have a cleaners on  
21 the other corner. Well, in Hoboken, you have a  
22 cleaner on the corner. And then we also have a  
23 school, and there's a lot of activity there during  
24 the day, and Second Street near the corner, there's  
25 the corridor that connects to the light rail. So

1           you have -- and you have a situation where now we  
2           are adding -- let me see. There's two units in this  
3           development. There's going to be eight in the  
4           five-lot development in the middle of the block. I  
5           think there's going to be another three or four in  
6           the two lots on the -- on the south side of the  
7           five-block development, the five-lot development.  
8           So we're going to have, you know, 14, 15 new  
9           families in here. It's going to do a lot to make  
10          this street work better and this Board and the  
11          developer, Miss Lott, was smart enough to say we  
12          want some commercial in there, and I think -- I  
13          think that's commendable. So I think this whole  
14          thing is moving quite well. I do, on the new  
15          improved version, and I mentioned this before,  
16          you'll see on the front page, the lower level, we  
17          have this large brick column, five by three, that is  
18          more of building than it is retail. We also have  
19          planters around the building, built up wall and  
20          greenery. On the second page, I went around town,  
21          took some photographs, also flew around town on  
22          Google Earth or Google Maps, it makes it almost as  
23          quickly as doing it on your bicycle, and you will  
24          see I have taken pictures of four retail stores, one  
25          on Washington Street -- I'm sorry, three retail

1 stores, one on Washington Street, at the bank, the  
2 two others with the column in the middle of the  
3 retail store, and then there's another one on  
4 Washington Street, there's a shadow over it, but  
5 about you'll see the large column again, and then we  
6 have greenery with a fence around it, and then  
7 around it, and I submit that it certainly doesn't do  
8 anything to improve the streetscape or certainly to  
9 improve the opportunity for retail.

10 If you go to the next page, labeled  
11 "Inviting Storefronts", you will see what, in my  
12 opinion, really makes retail work. That is on the  
13 Second and Washington there's a real estate  
14 operation, it's all glass. You could see what's  
15 going on. It's inviting. You know, you all come on  
16 in. If you see below that, Wells Fargo, over in the  
17 new section of town, on the -- on the northeast  
18 side, again, you have glass, you have an entrance,  
19 and you also notice on these you have a cornice or  
20 something -- something that wants to keep your eye  
21 down. Retail prefers you walking around like this.  
22 It prefers you keep your eye down, and see what's in  
23 the store window. On the lower right side on Jack's  
24 Hair Salon is around the corner on First and Monroe,  
25 and you can see this -- this entrance is on the

1 corner, and you can see all the -- as we like to say  
2 light and air, and then above it on Garden Street  
3 and First is a fairly new building. And you can  
4 see, again, corner entrance, the corner salon, and  
5 above it there is a brick column, as we have on the  
6 building that's being submitted, but the brick  
7 column only comes down to the first floor, and it's  
8 structurally supported, and, again, it gives an  
9 opportunity for much more -- it's more conducive to  
10 retail.

11           And then if you go to the last page, we  
12 can talk about the greenery. Here is the idea of  
13 having planters along in front of this building and,  
14 again, I've been to Madison Avenue, I've been to  
15 Broadway, I've been to Washington Street. I've been  
16 to Paris and Rome. I have -- just do not see  
17 planters, raised planters with greenery stuck in  
18 front of retail buildings. In fact, in New York  
19 City I don't see it any place. So I don't know  
20 where this great concept of urban design has come  
21 from, but I find it inappropriate. It looks like  
22 something that ought to be out in the mall.

23           And then if you look below that, you'll  
24 see, this is the building we were talking about,  
25 just to the east of the new structure. You'll see

1           what happens to planters in this town. Now, I can  
2           take you all over, except it will take two days, and  
3           show you where this -- these things -- well, we have  
4           people here who live in these buildings, who really  
5           don't seem to have much pride of ownership. You  
6           know, I live at 107 Monroe Street. It's a  
7           three-unit building with a basement, that's been  
8           there over a hundred years, and I take the garbage  
9           out, and all the my neighbors think I'm the  
10          superintendent or the hired management people. I  
11          mean, nobody takes their garbage out. So these  
12          places, they tend to be not tended to, and I think  
13          they -- I think the fewer, the better. Fewer all  
14          the way down to none. I see absolutely no reason  
15          for putting planters in especially in this location.

16                        So I guess what I'm saying is: Please  
17          scrap the planters. And two, let's do something  
18          about this, this pillar that runs all the way from  
19          top to bottom.

20                        One of the problems with the pillar,  
21          again, is I'm saying that you need to have -- you  
22          want to keep -- you want to keep people's eyes down.  
23          Not on street level.

24                        CHAIRMAN HOLTZMAN: Let me jump in  
25          here, Mr. Vance.

1 I think you've made a terrific point  
2 here. What I want to do is bring Mr. Kelly up.

3 Can you come up, Mr. Kelly.

4 MR. KELLY: Yes.

5 CHAIRMAN HOLTZMAN: Thank you.

6 And you have a copy of the handout that  
7 Mr. Vance has been talking about, and had a chance  
8 to kind of follow along?

9 MR. KELLY: Yes.

10 CHAIRMAN HOLTZMAN: We didn't think he  
11 could do it, but I think Mr. Vance may have, you  
12 know, struck a cord with some of the Commissioners,  
13 and I was wondering if you wanted to make any  
14 comment?

15 MR. KELLY: You know, I don't disagree,  
16 in principal. I think what he says makes sense. I  
17 also think that, you know, if any of us were to go  
18 around town, we could easily get a number of  
19 photographs to illustrate the opposite viewpoint,  
20 but I would make the point that, you know, this  
21 building wasn't conceived in adulthood --

22 MR. GALVIN: No, no. Time out. Time  
23 out. You're going in the wrong direction.

24 MR. KELLY: Yes, we can.

25 MR. GALVIN: Yeah. That's the right

1 direction. Now, you got it.

2 MR. KELLY: Yeah, absolutely.

3 MR. GALVIN: Okay. We want to make it  
4 look more like the buildings across the street where  
5 the entrance is inviting and we want to know that  
6 it's going to be used commercially.

7 MR. KELLY: Yeah, we can absolutely --

8 CHAIRMAN HOLTZMAN: I think we'll have  
9 a conversation about it. I think Jim has brought up  
10 an interesting point.

11 MR. GALVIN: But I'm just saying  
12 arguing the point I didn't think was worth our time.

13 CHAIRMAN HOLTZMAN: Right, right,  
14 right.

15 Any Commissioners want to comment on  
16 some of the points Mr. Vance has brought up?

17 MR. GALVIN: Let's see where everybody  
18 else is. Maybe they think it's okay the way it is.  
19 I don't know.

20 Commissioners, any feedback? Any  
21 commentary to Mr. Kelly after his design?

22 COMMISSIONER MCKENZIE: For one thing,  
23 I don't think it's finished enough to decide some of  
24 these things, because we don't know what's going in  
25 there. We don't know what will be a show window or

1           what will be a door to get in and out. We don't  
2           know whether signage will go on that corner. We  
3           don't know how the signage will work. We don't know  
4           where the lighting would be. And I particularly  
5           like planters. I mean, I think it adds greenery. I  
6           don't -- I don't think, especially in that  
7           rendering, it doesn't look continuous, so it's not a  
8           big, bulky wall going around, and the planters could  
9           be pots. I mean, you know, and which would be  
10          typical of a lot of places in Hoboken and elsewhere.  
11          The corner doesn't bother me, because I think it's a  
12          great place for signage in both directions, and I  
13          just think it's --

14                         CHAIRMAN HOLTZMAN: So you like the  
15          design as it is?

16                         COMMISSIONER MCKENZIE: Yeah, I know  
17          when a retailer comes in, the retailer will make  
18          some of those distinctions no matter what we say.

19                         MR. GALVIN: There's no question about  
20          that. I bigger retailer will. A smaller one is  
21          going to work with the space as it is.

22                         COMMISSIONER MCKENZIE: Yeah. I don't  
23          think it's going to be a smaller one.

24                         CHAIRMAN HOLTZMAN: Director, on the  
25          inside, anything to offer?

1                   COMMISSIONER FORBES: The one thing  
2                   about the planters, is just on the one street, you  
3                   know, when you get to that street tree, it does  
4                   narrow down a lot, and I know people think that  
5                   five feet is enough, but when, you know, you got a  
6                   double wide stroller and somebody else walking past,  
7                   that you've got a school across the street, it's not  
8                   that people aren't going to be walking here. That's  
9                   my concern is that passageway that the planters  
10                  narrow that down. So that's my only concern about  
11                  that.

12                  CHAIRMAN HOLTZMAN: I think the  
13                  planters is an interesting discussion in some of the  
14                  larger buildings where there's professional  
15                  management, I think it's also something that's more  
16                  easily maintained. Here, we've got two residential  
17                  units, and whether these are going to be condos or  
18                  whatnot, and sort of left up to smaller potential  
19                  maintenance profile.

20                  Commissioner Peene?

21                  COMMISSIONER PEENE: Yeah, I live in a  
22                  building similar to this uptown at 1100 Adams, and  
23                  the way the retail is set up in that building right  
24                  now, in that corner reminds me of my building.  
25                  There's a very nice deli/bodega, I guess you would

1 call it, and on the other side, you know, there's  
2 some vacant spaces. There's a laundromat and then  
3 there's a Maroon coffee, which is very hard to find  
4 on the Jefferson Street side, and I know that the  
5 owners of these units have had difficulty attracting  
6 tenants. Now, that being said, it's not a 2,200  
7 square foot place. However, I do think Mr. Vance  
8 makes a great point about the -- yeah, the appeal of  
9 having a corner such as that. It would be up to the  
10 owner of the space to have the flexibility maybe,  
11 you know, 1,200 square feet somewhere. I know we  
12 want to attract somebody with the 2,200 square feet,  
13 but you can't always find them. The doors on the  
14 side also give you that flexibility to have a  
15 marquis space and you could have a smaller space,  
16 and you can divvy it up any way you want, but I  
17 mean, it was well staged by Mr. Vance.

18 MR. ROBERTS: Mr. Chairman, I agree.  
19 Just an observation, while Mr. Kelly's up. I think  
20 I remember he said that in the bays, as they go  
21 around the retail space, the center is a -- can  
22 operate as a door, correct?

23 MR. KELLY: Yes.

24 MR. ROBERTS: But on the site plan, it  
25 shows that really there's one opening in that

1 planter on Second Avenue.

2 MR. KELLY: Yes.

3 MR. ROBERTS: So if the determining,  
4 since we don't know how this retail space is going  
5 to be marketed, and how many spaces you're going to  
6 have, it would seem like the ability to use those  
7 doors in the centers of those bays would potentially  
8 conflict with the planter because you would need to  
9 open up the planter to get access to that door if  
10 you're going to fit out that space. So there seems  
11 to be a little bit of a conflict between the two.

12 MR. MATULE: If I might, I think I  
13 could cut to the heart of this.

14 MR. ROBERTS: Yes.

15 MR. MATULE: I don't want to cut anyone  
16 off, but we are perfectly fine taking all the  
17 planters out, if that's the Board's decision.

18 CHAIRMAN HOLTZMAN: That's not the  
19 Board decision, no.

20 MR. MATULE: But as far as keeping the  
21 architectural design --

22 CHAIRMAN HOLTZMAN: I think there's  
23 more of a concern that we've heard about planters  
24 that get planted and then left to go to heck.

25 MR. MATULE: Well, I would assume two

1 things: A, this is going probably be a condominium,  
2 and I would think the condominium association would  
3 have something in their budget to take care of them.  
4 People investing in a unit of that size, probably  
5 would want to keep it looking nice, and I would also  
6 think the retailer would want to keep it looking  
7 nice despite the condominium association's  
8 maintenance or lack thereof, but I'll leave it at  
9 that.

10 CHAIRMAN HOLTZMAN: That's where it's  
11 at.

12 Mr. Magaletta.

13 VICE-CHAIRMAN MAGALETTA: I agree with  
14 Commissioner Forbes as far as I don't want to  
15 restrictions -- I want to minimize restrictions on  
16 the sidewalk, but as far as design elements, we're  
17 not here to judge your design. You're a  
18 professional and your client decides what is  
19 appropriate. I'm fine with what you've done as a  
20 design. I'm not going to second guess you. You  
21 know, people can opine how would they have done it  
22 different and the things should be done, but, you  
23 know, the market will tell, and I'm fine with what  
24 you've designed.

25 CHAIRMAN HOLTZMAN: So your concern is

1 the planters on one of the streets, not both?

2 VICE-CHAIRMAN MAGALETTA: I'm sorry?

3 CHAIRMAN HOLTZMAN: Because it's not a  
4 planter issue, it's more of a sidewalk width issue  
5 like Director Forbes?

6 VICE-CHAIRMAN MAGALETTA: Exactly.  
7 That's all I'm concerned with. As far as the setup,  
8 it's up to you.

9 CHAIRMAN HOLTZMAN: So the front  
10 sidewalk on Monroe is okay?

11 VICE-CHAIRMAN MAGALETTA: Wherever the  
12 trees -- wherever there is a tree in a planter,  
13 that's my concern. However the tree --

14 CHAIRMAN HOLTZMAN: But there's a  
15 different sidewalk width on the different sides.

16 VICE-CHAIRMAN MAGALETTA: I'm saying  
17 that. Whichever side that it is, if it's eight feet  
18 or it's ten feet, I still think, you know what, I  
19 don't want it getting narrowed, so if there's a  
20 conflict -- if there's -- I don't want planters  
21 directly across from a tree pit. That's my only  
22 concern. Other than that --

23 MR. VANCE: Could I go on?

24 CHAIRMAN HOLTZMAN: No.

25 MR. VANCE: Well, you called up, Mr.

1 Chair, if I might you called up the architect and I  
2 still had a few points to make.

3 CHAIRMAN HOLTZMAN: Fire away, Jim.  
4 Make them quick.

5 MR. VANCE: Very quickly. Instead of  
6 having a raised planter bed --

7 MR. GALVIN: We did interrupt him.

8 We interrupted Mr. Vance. He wants to  
9 finish. We were trying to give you a solution, but  
10 it doesn't work.

11 MR. VANCE: Instead of having raised  
12 planter beds, I was going to say, what's wrong with  
13 having the retailer determine whether they want  
14 planters out there, and they could put planters  
15 boxes out there, and keep them as they see fit or  
16 not put them out. It gives everybody flexibility,  
17 and the more flexibility as store owner has, the  
18 better off we are as a retailer. Thank you so much.

19 CHAIRMAN HOLTZMAN: Thank you, Jim.

20 Mr. Stratton, do you have anything else  
21 with regards to public safety, pedestrian safety  
22 here?

23 COMMISSIONER STRATTON: Is the public  
24 comment period over with? I can save my comments.

25 CHAIRMAN HOLTZMAN: Okay. Thanks.

1                   So where are we with -- is there any  
2 other members of the public that wish to --

3                   MR. GALVIN: Be heard on this case.

4                   CHAIRMAN HOLTZMAN: Okay. Terrific.  
5 We'll close the public portion.

6                   Commissioners, where are we with this?

7                   COMMISSIONER STRATTON: Can we talk to  
8 the architect real quick?

9                   CHAIRMAN HOLTZMAN: We can talk to  
10 anybody you'd like, even Mr. Vance.

11                   COMMISSIONER STRATTON: So just to  
12 confirm the sidewalk would be replaced on the north  
13 and west side of the building?

14                   MR. KELLY: Yes.

15                   COMMISSIONER STRATTON: And both curb  
16 ramps would be installed with ADA compliance and  
17 truncated dome pads.

18                   MR. KELLY: Yes.

19                   COMMISSIONER STRATTON: And I think the  
20 plan should reflect the crosswalk should be a ladder  
21 type crossing instead of, I think, they're just  
22 shown as continental style right now.

23                   MR. KELLY: Okay.

24                   CHAIRMAN HOLTZMAN: Is there a specific  
25 kind of painting that we do on that?

1                   COMMISSIONER STRATTON: Yeah, any  
2 pavement markings that are disturbed as part of the  
3 project should be replaced with high visibility  
4 thermoplastic, and I don't know if this is typical  
5 for to us to require, but I think it's important to  
6 think about sidewalk closures as part of the  
7 construction project, because it's adjacent to the  
8 school, so we would want to minimize sidewalk  
9 closures as much as possible, certainly on the west  
10 and north side of the building, and if sidewalk  
11 closures were part of the project plan, that there  
12 would be -- I would like to see what the plan is for  
13 diversion, because we don't want a kid to walk in  
14 the street mid block on any side of the traffic.

15                   CHAIRMAN HOLTZMAN: Dave, are you  
16 making a note on that?

17                   MR. ROBERTS: Uh-huh.

18                   CHAIRMAN HOLTZMAN: Okay.

19                   So, Commissioners, where are we with  
20 regards to the sidewalk width? Planters? No  
21 planters? Give us a little direction here.

22                   COMMISSIONER FORBES: I actually agree  
23 with Commissioner Magaletta that, you know, my issue  
24 is the width of the sidewalk where there's the tree  
25 pit and a planter. So if there's a limitation that

1           there aren't going to be planters at the same width  
2           of where a tree is going to be located, that still  
3           allows then for the full width of the sidewalk, so  
4           that's just, you know, that's my thought on that.

5                         CHAIRMAN HOLTZMAN:   So is there a  
6           minimum sidewalk width we're looking to achieve  
7           here?  Is that a standard?

8                         COMMISSIONER FORBES:  I don't know that  
9           there's minimum, but I think five feet is not an  
10          appropriate width.  When, you know, you're trying  
11          to, like I said, you know, you're going to have  
12          people going by with, you know, strollers, they  
13          might be walking a bike, or, you know, whatever --

14                        MR. GALVIN:  Mr. Chairman.

15                        MR. MATULE:  What I was going to  
16          suggest, I actually I like -- hate to admit it, but  
17          thought Mr. Vance's suggestion was a good one in  
18          terms of letting the retailer determine if he wants  
19          planter boxes on the Monroe Street side of the  
20          building, and we'll eliminate the planters all  
21          around the building, or just eliminate them on the  
22          Second Street side and have fixed planters on the  
23          Monroe Street side where the sidewalk is  
24          substantially wider.  I believe the drawings show a  
25          dimension of nine feet between the face of the

1 planter and the edge of the tree pit on Monroe  
2 Street, which is a pretty substantial width for a  
3 sidewalk, but, again, we could take them all out  
4 and --

5 CHAIRMAN HOLTZMAN: Can we get a ruling  
6 on that to make sure that --

7 MR. MATULE: If the retailer would  
8 like --

9 COMMISSIONER O'CONNOR: We got it. Mr.  
10 Kelly, can you confirm that measurement, because I  
11 know this seems to be debated. Mr. Doyle is saying  
12 that, "No, it isn't".

13 COMMISSIONER DOYLE: It's nine feet to  
14 the curb, I believe, Mr. Matule, from the -- on  
15 Monroe Street.

16 MR. KELLY: No, it's to the tree pit.

17 MR. MATULE: There's a nine feet in  
18 there, they're three feet.

19 MR. KELLY: From the face of the  
20 building to the edge of the curb, is fifteen eight.

21 CHAIRMAN HOLTZMAN: We stand corrected.  
22 Make a note.

23 MR. KELLY: Just to confirm, though, on  
24 the Second Street side, the corresponding dimension  
25 would be eight feet.

1                   COMMISSIONER STRATTON:  So, Gary, I  
2                   would say that removing the tree pits on the  
3                   Second --

4                   CHAIRMAN HOLTZMAN:  Not the tree pits,  
5                   the planters.

6                   COMMISSIONER STRATTON:  The planters.  
7                   Excuse me.  Keep the tree pits, remove the planters  
8                   on the Second Street side, but I would encourage  
9                   some kind of planting on Monroe Street because I  
10                  don't think that we should be advocating for more  
11                  concrete in the City.  Planters, I mean, in my  
12                  opinion, are a good thing.

13                  CHAIRMAN HOLTZMAN:  So okay.  
14                  Commissioners, does that sound like a fair  
15                  compromise there.

16                  MR. GALVIN:  Simpler.

17                  COMMISSIONER GRAHAM:  Uh-huh.

18                  COMMISSIONER MCKENZIE:  Sounds good.

19                  CHAIRMAN HOLTZMAN:  Sounds good?  Are  
20                  there any other Commissioners, any additional  
21                  questions?  Opinions?  Comments?

22                  Otherwise, Dennis has a number of  
23                  conditions, we can read them and try to just keep  
24                  things moving.

25                  COMMISSIONER FORBES:  I have just an

1 additional comment, and it's, you know, a standard  
2 for me, is, you know, the concern about the bay  
3 windows. I understand that the need for or the  
4 desire to have some architectural difference and  
5 interest in buildings and we don't want to see  
6 something that's just, you know, the exact same  
7 blank facade all the way across, but I think that  
8 you had demonstrated very well that you could have  
9 that without having it be something that's bumped  
10 out, and what I found interesting is that it wasn't  
11 being bumped out to add to the actual lot coverage.  
12 It was actually being bumped out to add to taking  
13 away the right-of-way use, the visual right-of-way.

14 CHAIRMAN HOLTZMAN: So they were able  
15 to solve the aesthetic issue on the back of the  
16 building.

17 COMMISSIONER FORBES: Right. But  
18 not -- and I thought it was a great solution, and,  
19 unfortunately, it was not used for the right-of-way  
20 side. That's my comment.

21 CHAIRMAN HOLTZMAN: Right.

22 Any comments against that, Mr. Kelly?

23 MR. KELLY: I have no objection to  
24 either reducing them or removing them, but it's  
25 really not my decision at this point.

1                   CHAIRMAN HOLTZMAN: Director Forbes is  
2 put in an uncomfortable position as well that she  
3 needs to take your design, lovely as it may be, and  
4 now if it's approved as is, also, in effect,  
5 represent it in an attempt to justify the --

6                   MR. KELLY: I understand.

7                   CHAIRMAN HOLTZMAN: -- right-of-way  
8 ask. Sometimes it's a heavy lift at the City  
9 Council, sometimes not. I know that the City  
10 Council would certainly take into consideration if  
11 there was some other mitigating factors that helped  
12 with the neighborhood improvement that might offset  
13 things, but I'll let you sit down and discuss that  
14 with your client. We'll see if the Commissioners  
15 have any other questions or comments in the  
16 meantime. If not, Dennis, could you start reading  
17 our conditions? We'll see where we are.

18                   MR. GALVIN: One, the plan is to be  
19 revised to show the correct calculations as  
20 explained to the Board at the time of the hearing.  
21 These modifications are to be submitted to the  
22 Board's engineer and planner for their review and  
23 approval prior to the memorialization of resolution.

24                   Two, the applicant is to supply  
25 drainage calculations to the Board's engineer for

1 his review and to confirm that the size of the  
2 on-site detention will be double of what is required  
3 under the North Hudson Sewer Authority.

4 Three, the applicant must obtain City  
5 Council's approval for any encroachment into the  
6 City right-of-way.

7 Four, the applicant agreed to comply  
8 with the Board engineer and planner's review  
9 letters.

10 Five, the Board's engineer and planner  
11 are to submit a memo to be attached as an exhibit to  
12 the resolution identifying all unmet comments or  
13 technical commitments made during the hearing.

14 Six, the applicant agreed to plant --  
15 I'm sorry. That's not true. I was thinking we  
16 might need that. The plan is to be revised to  
17 remove the planters on the Second Street side. Any  
18 sidewalk closure must be done in consultation with  
19 the City.

20 Anybody specifically in the City?

21 CHAIRMAN HOLTZMAN: Mayor's office?

22 COMMISSIONER STRATTON: Mayor's office  
23 is fine.

24 MR. GALVIN: Mayor's office. And I  
25 didn't get all of your comments on the sidewalk, but

1 I put the applicant's to replace the sidewalk on  
2 both sides, and I'll go back and capture your  
3 comments in the condition.

4 COMMISSIONER STRATTON: Okay.

5 CHAIRMAN HOLTZMAN: In terms of the  
6 crosswalk and things like that.

7 MR. GALVIN: Right.

8 CHAIRMAN HOLTZMAN: Anything else or is  
9 that it, Dennis?

10 MR. GALVIN: That's all I had.

11 CHAIRMAN HOLTZMAN: That's all you've  
12 got?

13 Yes, Mr. Matule.

14 MR. MATULE: To the issue of the bays.  
15 I appreciate that there seems to be a dichotomy  
16 here, an anomaly between our ordinances and the  
17 position the City Council is taking, we have an  
18 ordinance that says we're allowed to have bays, but  
19 now we have to go to the City Council. In one part  
20 of our ordinance, they're permissive. Apparently,  
21 in another part, they're not permissive, but be that  
22 as it may --

23 CHAIRMAN HOLTZMAN: Direct your disdain  
24 to our councilman.

25 MR. MATULE: I'm talking to the man to

1 my left, but the reality is, I think you would all  
2 agree, that there should be some latitude and maybe  
3 I should have this conversation with the City  
4 Council rather than the Board for architectural  
5 detail, and that having been said, we would be happy  
6 to reduce the bays to one foot deep bays on the  
7 three sides, but, you know, to make them flat.

8 MR. KELLY: On the two sides.

9 MR. MATULE: On the two sides, but to  
10 make them flat, really, I just don't think it will  
11 accomplish the same architectural effect, and I  
12 would think that the City Council would find the  
13 aesthetic value of that would outweigh the one foot  
14 encroachment into the sidewalk.

15 CHAIRMAN HOLTZMAN: Mr. Councilman, you  
16 think that might help soften the blow?

17 COMMISSIONER DOYLE: Ms. Forbes.

18 CHAIRMAN HOLTZMAN: Director?

19 COMMISSIONER FORBES: Yeah, I do  
20 appreciate that. It's -- to me the issue is about  
21 that additional livable space that comes with that,  
22 whereas I think when you're reducing that down to a  
23 foot, it's not really creating, you know, that same  
24 additional space.

25 CHAIRMAN HOLTZMAN: So we'll does ask

1 Dennis to update the conditions to add that the bays  
2 on the two sides of the building, the three bays on  
3 the two sides of the building will have a one foot  
4 from the building projection.

5 MR. KELLY: Correct.

6 VICE-CHAIRMAN MAGALETTA: So would be  
7 eight feet by the one foot each.

8 MR. KELLY: That's 24 square feet.

9 CHAIRMAN HOLTZMAN: Did you have  
10 something else, Dave?

11 MR. ROBERTS: Yes, Mr. Chairman, yes  
12 Mr. Chairman, I'm just suggesting, maybe I'm  
13 thinking maybe we should add a condition just making  
14 sure that they comply with all the requirements of  
15 the flood plain administrator based on the fact that  
16 we now have commercial space on the ground floor.

17 CHAIRMAN HOLTZMAN: Correct.

18 Commissioners, any additional questions  
19 comments, additions to the conditions list?

20 COMMISSIONER FORBES: Is there a -- was  
21 there a comments about the three foot width on that  
22 lower deck? Did we get that rectified in there?

23 COMMISSIONER JACOBSON: Setback from  
24 the property line.

25 CHAIRMAN HOLTZMAN: What was the answer

1           there, Mr. Kelly?

2                         MR. KELLY: We're happy to introduce  
3 the planter. If that is considered complying with  
4 the ordinance, well, we are happy to introduce a  
5 planter on all three sides so that the deck does not  
6 encroach beyond three feet towards any property  
7 line.

8                         CHAIRMAN HOLTZMAN: Okay.  
9 Mr. Magaletta, good with that?

10                        VICE-CHAIRMAN MAGALETTA: Sure.

11                        CHAIRMAN HOLTZMAN: Sure. Why not.  
12 Smiles all around.

13                        COMMISSIONER DOYLE: And we just  
14 open --

15                        CHAIRMAN HOLTZMAN: A pause. Go ahead.

16                        COMMISSIONER DOYLE: May I reiterate  
17 what I said earlier, as far as the fact that it just  
18 strikes me, but it's just me that the 70 percent  
19 versus 60 percent for the upper floors seems like  
20 it's -- the 60 percent certainly gets you adequate  
21 sized units, but I understand. That's all.

22                        CHAIRMAN HOLTZMAN: Okay.  
23 Commissioners, anything else. Otherwise, if there  
24 is --

25                        VICE-CHAIRMAN MAGALETTA: Yeah, I

1 mean --

2 CHAIRMAN HOLTZMAN: Go ahead, Frank.

3 VICE-CHAIRMAN MAGALETTA: -- you asked  
4 if I was -- my issue it not the planters. My issue  
5 is the backyard, and as I said to Mr. Ochab, you  
6 know, I'm --

7 CHAIRMAN HOLTZMAN: We're talking about  
8 the upper deck now or the lower deck?

9 VICE-CHAIRMAN MAGALETTA: The ground  
10 level.

11 CHAIRMAN HOLTZMAN: Oh, the ground  
12 level.

13 VICE-CHAIRMAN MAGALETTA: The  
14 commercial space. My issue is that, you know, I  
15 think that you can maintain that 24 square feet,  
16 24 feet of rear yard open, and keep the two-story  
17 wall on the north side on the Second Street side,  
18 and you create some air there and some light, so  
19 that's my issue with this application.

20 CHAIRMAN HOLTZMAN: Okay. Mr. Peene.

21 COMMISSIONER PEENE: Frank, I  
22 understand where you're coming from, but on the  
23 other hand, you have a commercial space, we don't  
24 know what kind of commercial space it's going to be,  
25 so you're taking away one of the outdoor patios for

1 the residents to use, and then I don't think kids  
2 really want to play in front of a commercial space.

3 VICE-CHAIRMAN MAGALETTA: But they  
4 can -- they can make that outdoor space commercial  
5 space and be a shared use for the building.

6 CHAIRMAN HOLTZMAN: Uh-huh. There are  
7 how many conditions, Mr. Galvin?

8 MR. GALVIN: Nine.

9 CHAIRMAN HOLTZMAN: Nine conditions  
10 that Dennis read. Is there --

11 MR. GALVIN: Ten.

12 CHAIRMAN HOLTZMAN: Ten. There are ten  
13 conditions that Mr. Galvin has read.

14 Is there a motion to accept the  
15 application with the ten conditions?

16 COMMISSIONER FORBES: So moved.

17 CHAIRMAN HOLTZMAN: Second.

18 COMMISSIONER PEENE: Second.

19 CHAIRMAN HOLTZMAN: Second, Mr. Peene.  
20 Pat, please call the vote.

21 MS. CARCONE: Commissioner Magaletta.

22 VICE-CHAIRMAN MAGALETTA: No.

23 MS. CARCONE: Commissioner Stratton.

24 COMMISSIONER STRATTON: Yes.

25 MS. CARCONE: Commissioner Forbes.

1 COMMISSIONER FORBES: Yes.  
2 MS. CARCONE: Commissioner Doyle.  
3 COMMISSIONER DOYLE: No.  
4 MS. CARCONE: Commissioner Graham.  
5 COMMISSIONER GRAHAM: No.  
6 MS. CARCONE: Commissioner McKenzie.  
7 COMMISSIONER MCKENZIE: Yes.  
8 MS. CARCONE: Commissioner Jacobson.  
9 COMMISSIONER JACOBSON: Yes.  
10 MS. CARCONE: Commissioner Holtzman.  
11 CHAIRMAN HOLTZMAN: Yes.  
12 MR. MATULE: Thank you.  
13 CHAIRMAN HOLTZMAN: Thank you, Mr.  
14 Matule.  
15 MS. CARCONE: Oh, I'm sorry.  
16 Commissioner Peene.  
17 COMMISSIONER PEENE: Yes.  
18 CHAIRMAN HOLTZMAN: Oops.  
19 (Concluded at 9:18 p.m.)  
20  
21  
22  
23  
24  
25

CERTIFICATE OF OFFICER

1  
2 I, THERESA L. TIERNAN, A Notary Public and  
3 Certified Court Reporter of the State of New Jersey, do  
4 hereby certify that the foregoing is a true and correct  
5 transcript of the proceedings as taken stenographically  
6 by and before me at the time, place and on the date  
7 herein before set forth.

8 I DO FURTHER CERTIFY that I am neither a  
9 relative nor employee nor attorney nor counsel of any  
10 of the parties to this action, and that I am neither a  
11 relative nor employee of such attorney or counsel, and  
12 that I am not financially interested in the action.  
13  
14

15 THERESA L. CARIDDI TIERNAN  
16 Notary Public of the State of New Jersey  
17 C.C.R. License No. XI01210  
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HOBOKEN PLANNING BOARD  
CITY OF HOBOKEN

MAY 3, 2016

IN THE MATTER OF  
1000 JEFFERSON STREET,  
CASE HOP-15-26, BLOCK 99, LOT 1

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9:18 p.m.

HELD AT: 94 WASHINGTON STREET  
HOBOKEN, NEW JERSEY

B E F O R E:

- Chairman Gary Holtzman
- Vice Chairman Frank Magaletta
- Commissioner Caleb Stratton
- Commissioner Brandy Forbes
- Commissioner Jim Doyle
- Commissioner Ann Graham
- Commissioner Caleb McKenzie
- Commissioner Tom Jacobson, 1st Alt.
- Commissioner Kelly O'Connor, 2nd Alt.

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

- David Glynn Roberts, AICP/PP, LLA, RLA
- Patricia Carcone, Board Secretary

THERESA L. CARIDDI TIERNAN  
CERTIFIED COURT REPORTER  
146 LINDBERGH PARKWAY  
WALDWICK, NEW JERSEY 07463  
(201) 925-7474

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1 APPEARANCES:

2

3 DENNIS GALVIN, ESQ.,  
4 Attorney for the Board.

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6 GARY T. HALL, ESQ.  
7 Attorney for the Applicant.

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1                   CHAIRMAN HOLTZMAN: We're going to get  
2 started, guys. Everybody, we're going to get back  
3 on the record here. We're got next on our agenda is  
4 1000 Jefferson.

5                   MR. HALL: Good evening, Planning Board  
6 members. Gary Hall representing 1000 Jefferson.  
7 The actual owner is Jefferson Urban Renewal, LP.  
8 The building is at 1000 Jefferson, built were about  
9 seven, eight years ago. Six story. 170, I think,  
10 apartment units. So it's there already.

11                   The proposal is to expand the existing  
12 deck area on the roof. We were at the subcommittee  
13 twice now. We got the message of your concerns.  
14 The area and activity level was scaled back quite a  
15 bit. Got rid of the, I think, shuffle board, pool  
16 table, made it smaller. So we did listen, and at  
17 the committee level, I know many people here weren't  
18 there, so we'll go through it all, but with that  
19 I'll go to the architect, Tim Geitz.

20                   VICE-CHAIRMAN MAGALETTA: Excuse me.  
21 Before you do that.

22                   MR. HALL: Sure.

23                   VICE-CHAIRMAN MAGALETTA: You mentioned  
24 the owner. As you look -- I looked on page sheet  
25 three of four of the final site plan.

1 MR. HALL: Yeah.

2 VICE-CHAIRMAN MAGALETTA: It shows the  
3 Tarragon Corporation, Tarragon Development  
4 Corporation. Are they owners? Because I don't see  
5 any contribution statements by them.

6 MR. HALL: I don't know where that --  
7 I'm sorry where was that?

8 VICE-CHAIRMAN MAGALETTA: If you look  
9 on this plan.

10 MR. HALL: Oh, Clarion Partners?

11 VICE-CHAIRMAN MAGALETTA: Yeah, Clarion  
12 Partners, sheet three of four.

13 MR. HALL: I think that's the  
14 management entity. I did file an ownership  
15 disclosure. Let me find that. The entity, as I  
16 said, the actual entity name on the deed is CLPF  
17 Jefferson Urban Renewal, LP, a hundred percent owner  
18 is Clarion Lion Properties Fund Holdings, LP.  
19 They're listed on page two of the application, and  
20 it's care of Clarion Partners. So that's --

21 VICE-CHAIRMAN MAGALETTA: I understand  
22 that, but on sheet three of four you have those are  
23 other entities. I'm wondering what's their  
24 relationship to the property and should there be  
25 contribution disclosure statements by them?

1 MR. HALL: Oh, that's who was certified  
2 to, I don't know where that came from. I mean, the  
3 survey originally was October '07, when the property  
4 was purchased. So maybe they were involved in the  
5 development. I don't know.

6 VICE-CHAIRMAN MAGALETTA: Okay.

7 MR. HALL: I filed -- I checked with  
8 the owners about the disclosure and none of those  
9 names are 10 percent owners of a 10 percent owner.

10 VICE-CHAIRMAN MAGALETTA: Got you.

11 MR. HALL: So beyond that, we can take  
12 that off, if you'd like, but...

13 VICE-CHAIRMAN MAGALETTA: I just want  
14 to know why they were there.

15 MR. HALL: Because it's an  
16 eight-year-old survey, I guess. That's all I can  
17 say.

18 VICE-CHAIRMAN MAGALETTA: Thank you.

19 MR. HALL: Okay. Thank you.

20 CHAIRMAN HOLTZMAN: Did you get an  
21 answer to that, Mr. Magaletta?

22 VICE-CHAIRMAN MAGALETTA: Yes. He  
23 doesn't know.

24 MR. GALVIN: Well --

25 MR. HALL: Well, I said, I verified all

1 the ownership now, they're not owners now. Why  
2 they're there, I don't know. That's correct.

3 VICE-CHAIRMAN MAGALETTA: Right.

4 MR. HALL: I'm not aware of any basis  
5 for them having the current interest in the  
6 property.

7 MR. GALVIN: But more likely than not,  
8 they're trying to use the old paperwork in order to  
9 present this, so...

10 MR. HALL: Well, it was a survey that  
11 was updated.

12 MR. GALVIN: Correct.

13 MR. HALL: And those names are on the  
14 old, the original, and they didn't take them off.

15 MR. GALVIN: Right.

16 CHAIRMAN HOLTZMAN: So at some point in  
17 the future you're going to circle back to us and get  
18 us a straight answer on this?

19 MR. HALL: Yeah, we can verify why  
20 they're there.

21 CHAIRMAN HOLTZMAN: Great.

22 MR. HALL: And I'll confirm they're no  
23 longer involved.

24 CHAIRMAN HOLTZMAN: Terrific. Off to  
25 an outstanding start, Mr. Hall. Let's go uphill

1 from here.

2 MR. HALL: Let's swear the architect  
3 in.

4 MR. GALVIN: Before we do that, I want  
5 the record to reflect that Mr. Peene has recused  
6 himself from this matter.

7 Now, raise your right hand.

8 T I M O T H Y A L L E N G E I T Z, being first  
9 duly sworn by the Notary, testifies as follows:

10 MR. GALVIN: And Mr. Geitz, are you an  
11 engineer?

12 MR. GEITZ: I'm a licensed architect.

13 MR. GALVIN: You're a licensed  
14 architect, okay.

15 MR. HALL: In the State of New Jersey,  
16 right?

17 MR. GEITZ: Yes.

18 MR. GALVIN: Awesome. Could you give  
19 us three boards you've appeared before recently, not  
20 Hoboken.

21 MR. GEITZ: Yes. In front of the  
22 Planning Board in Westport; Norwalk, Connecticut, as  
23 well, and New Rochelle, New York.

24 MR. HALL: His office is in  
25 Connecticut.

1 MR. GALVIN: Okay. Have you ever  
2 appeared in a New Jersey board?

3 MR. GEITZ: I have not.

4 MR. GALVIN: All right. Mr. Chairman,  
5 will you accept his credentials?

6 CHAIRMAN HOLTZMAN: Yes.

7 MR. GALVIN: Okay.

8 MR. GEITZ: Thank you. I look forward  
9 to it. Okay, to start.

10 MR. GALVIN: Welcome to New Jersey.

11 MR. GEITZ: Thank you. Thank you.

12 MR. HALL: Have to start somewhere.

13 MR. GEITZ: Yes.

14 Everybody need a first short.

15 MR. GALVIN: Last night the architect  
16 was from Palm Beach, so I got it.

17 MR. GEITZ: Excellent.

18 To get everyone familiar with the  
19 layouts of the building and the shape of the  
20 building, it's a six-story facility apartment  
21 building. The roof terrace, the roof deck itself is  
22 "U" shaped or the lower portion to the south.

23 What we're proposing to do is, as Gary  
24 had mentioned, Mr. Hall had mentioned, is to expand  
25 on an existing roof terrace that is there today.

1                   Currently, the roof terrace is  
2                   approximately 897 square feet. We're proposing to  
3                   elevate that up to 3,086 square feet. The current  
4                   terrace area only allows occupancy, which is in  
5                   approximately this area right here where the red  
6                   square is, of only about nine occupants to utilize  
7                   that space. The building has --

8                   MR. HALL: I'm sorry. Tell us what  
9                   sheet you're referring to and if it's part of the  
10                  plans that were filed with the Board.

11                  MR. GEITZ: Sure. This is sheet A-0a,  
12                  and this was submitted previously. Okay. So with  
13                  the ability to only --

14                  CHAIRMAN HOLTZMAN: I want to you to  
15                  finish that sentence, Mr. Geitz.

16                  MR. GEITZ: Okay.

17                  CHAIRMAN HOLTZMAN: The current roof  
18                  deck allows for nine people to be out there, and  
19                  this is a building with how many apartments?

20                  MR. GEITZ: 217 units.

21                  CHAIRMAN HOLTZMAN: And do we have an  
22                  idea about how many residents that equates to?

23                  VOICE: Over 500, about 500.

24                  MR. GEITZ: About 500.

25                  MR. HALL: A person with the management

1 company, should we bring him up and swear him in?

2 MR. GALVIN: Yeah, why not? Let's do  
3 it.

4 COMMISSIONER GRAHAM: Are these condos  
5 or rentals?

6 MR. GEITZ: Apartments.

7 COMMISSIONER GRAHAM: They are rentals.

8 CHAIRMAN HOLTZMAN: Let's bring him up  
9 to get that on the record just for kicks.

10 MR. GEITZ: I'm sorry I'm not able to  
11 answer you.

12 MR. GALVIN: That's all right. Relax.  
13 R Y A N A N T O N E L L I, being first duly sworn by  
14 the Notary, testifies as follows:

15 MR. HALL: What's your relationship to  
16 this building that we're talking about this evening?

17 MR. ANTONELLI: I'm the regional  
18 property manager for the management company.

19 MR. HALL: And you heard the Chairman's  
20 question? Could you answer that?

21 MR. ANTONELLI: Yes. There's probably  
22 approximately 500 to 525 people in the building.

23 CHAIRMAN HOLTZMAN: Great. Thank you  
24 very much.

25 MR. ANTONELLI: Okay.

1 MR. GEITZ: So our proposal is to  
2 expand on that, and we're proposing an upgrade to  
3 approximately allowance of 40 people to utilize this  
4 new location. The existing terrace is directly off  
5 of the elevator that leads to the roof deck. It  
6 also faces on the west -- eastern side, the Kennedy  
7 Stadium, so I want to point out on the side that  
8 we're proposing the expansion on where the existing  
9 terrace is. The only thing really adjacent to us is  
10 the football field. And to the west of us is our  
11 own building, our own courtyard, and really nothing  
12 else to the -- to the west -- to the east.

13 With that in mind, we have, as Gary  
14 mentioned, scaled backed quite a bit on this. We  
15 had a much larger presentation in our completeness  
16 committee review. At this time what we're looking  
17 to do is really allow the residents to have an area  
18 that can get them outdoors, because these types of  
19 environments have become much more popular, as I'm  
20 sure you've seen on the apartment communities, and  
21 let them socialize, to get them outdoors, get them  
22 to interact. Having nine lounge chairs currently on  
23 the upper roof is really -- it's just not enough for  
24 500 people.

25 So with that in mind, what the roof

1 deck will include is a lounge area, as I go to the  
2 different sheet, sheet A-1. It includes an expanded  
3 lounge area, a couple of sitting tables that are  
4 sort of sporadically spread out; a raised, what  
5 we're calling, a raised bar area, it's simply a  
6 viewing station with bar height chairs and tables;  
7 an exterior grilling station that will house two  
8 grills, a refrigerator, an ice machine, and a sink.  
9 We're also proposing two fire pits, one on each side  
10 of the roof terrace area. The deck, itself,  
11 currently has concrete pavers. They're not  
12 lightweight pavers, but they are 2-inch thick  
13 concrete decking pavers. We're proposing a  
14 lightweight system that is a porcelain paver. It  
15 has a decorative look to it. That of a -- if you go  
16 to sheet A-11, my drawings are not in color, but I  
17 believe yours are, you can see the opportunities  
18 that we have to make this roof deck look a little  
19 bit better as far as the floor finish and the floor  
20 deck itself goes. The porcelain pavers are fire  
21 rated. They will be elevated on the pedestals.  
22 What the pedestals will actually do is allow for our  
23 gas lines, our electrical conduits, and everything  
24 else to be hidden and run beneath that surface, and  
25 it will also allow us to continue to have the water

1 flow that is currently there to the existing roof  
2 drains. These are the pedestals here that support a  
3 floor system. This is an example of an opening. We  
4 will be approximately six to eight inches up. As  
5 you could imagine with roof drains, there's pitching  
6 involved on the current roof deck. One of the  
7 reasons we're also proposing this system is that it  
8 is lightweight. It doesn't really -- it's much  
9 cooler as far as the surface goes. We currently  
10 have a black tar roof membrane up there. We're also  
11 proposing a railing system that does not penetrate  
12 the existing roof system, which I'll show you in a  
13 moment. So going back to the fencing, let me turn  
14 to page -- let me see here. I apologize. This is  
15 the railing system that we're proposing on sheet  
16 A-9. This is a metal rail system that will actually  
17 be a weighted, engineered system, that will not  
18 penetrate our roof deck. We don't want to get into  
19 voiding any warranties or any water issues with  
20 expanding on the roof terrace itself. The  
21 direction, which is to the -- to the east  
22 overlooking the field, will have this style railing.  
23 These are galvanized steel railings. Here's another  
24 image. To the innermost portion of the deck where  
25 the roof appurtenances currently exist, AC units and

1 so forth, we're going to be screening the interior  
2 section with a higher type of fence system, so that  
3 the residents, when they're out there, will not be  
4 affected by noise of units and a lesser view. As  
5 far as lighting, we're only introducing 42-inch high  
6 bollards throughout the roof terrace area.

7 Previously, we had some light poles. We've taken  
8 those away. One of the comments from Mazer was  
9 regarding our spillage of light, and we've addressed  
10 that, actually. Our diagram that we had produced or  
11 submitted was taken care of by the lighting engineer  
12 that works with the manufacturer of the product, and  
13 that diagram at the time had shown some of the  
14 spillage going beyond the parapet walls. I just  
15 wanted to, for the record, note that on sheet A-12  
16 you can see here this is a revised drawing that we  
17 had been happy to submit. Where you see the yellow  
18 lines along the parapet walls, those parapet walls  
19 range anywhere from 24 to 48 inches high. Where  
20 these outer bubbles exist, there's only one foot  
21 candle, and that's down at the ground. Our prior  
22 submission, just the way the drawing was sent to us,  
23 showed this bubble in five locations extending  
24 beyond the parapet. That could never happen.

25 MR. HALL: I'm sorry. You said "at the

1 ground". The ground up there?

2 MR. GEITZ: The ground, meaning the  
3 roof terrace.

4 MR. HALL: Not the ground that's six  
5 stories down from the roof deck?

6 MR. GEITZ: That's correct.

7 So I just wanted to clarify that, that  
8 there will be no light spillage beyond the existing  
9 roof itself. Okay. As far as the security goes,  
10 I'm going to -- we have the management with us  
11 today. We have submitted a full management plan to  
12 you as well. That management plan includes the  
13 following items: It addresses access control,  
14 control of the grills and the fire pits, opening and  
15 closing procedures, lighting control, and hours of  
16 operation. If you have any questions about that,  
17 I'd like to have those directed towards the  
18 management company, but that -- that information has  
19 been submitted. We've also -- we've also submitted  
20 a landscape plan, and in the rush of getting the  
21 package in at the time, we realized that we had  
22 submitted the plan that was issued to our very first  
23 completeness review session, and what that had  
24 included, which is in your package, I believe, it's  
25 the L drawing at the back of your package, L-1. On

1 L-1 you'll see what we used to have over here was a  
2 gaming area. We've reduced that, and this is the  
3 drawing that should have been included in your  
4 package that we're happy to submit at this time. So  
5 what we've done is we've taken away what we  
6 initially had, which was a -- this entire side was  
7 to be a gaming area. We had a pool table. We had  
8 shuffle board courts. We had a lot of activities  
9 out there. The ownership took the advice of the  
10 committee, and recognized that they really -- with  
11 that much square footage, we really could push to  
12 have an additional occupants out there. While they  
13 only have nine now, 40, they feel, is a comfortable  
14 amount, and they felt that lessening the activities  
15 by just making more of socialization areas would be  
16 more or less what they really want to achieve with  
17 the property.

18 COMMISSIONER FORBES: Should this be  
19 marked as an exhibit, since it's a different from --

20 MR. HALL: Yeah, we probably should  
21 mark that one, because that's totally not --

22 COMMISSIONER FORBES: Just mark it as  
23 A-1.

24 (Exhibit marked A-1 for identification.)

25 MR. HALL: I see the exhibit tabs here.

1 MR. GEITZ: So what you'll notice on  
2 this plan is how we're adding landscaping throughout  
3 the new terrace area. We're trying to bring some  
4 greenscape in. The greenscape will be used for  
5 multiple ideas of basically disguising some of the  
6 rooftop pipes that are up there. We want to move  
7 away from seeing the actual vents and so forth, if  
8 we can; try to make the space feel as finished as  
9 possible. We've got a row of planters that are  
10 outside of the walkway and in the mechanical area,  
11 simply because we didn't want this alleyway to feel  
12 like you're walking between two tall fences, so we  
13 figured we'd keep this as the viewable fence and let  
14 the back drop or the screen be the landscaping.  
15 However, to the opposite side, this is where the  
16 taller fence would be, or railing system, I should  
17 say, screening all of the mechanical equipment.

18 MR. HALL: And you've been referring to  
19 what we've marked as A-1, correct?

20 MR. GEITZ: It's Exhibit A-1, but it is  
21 sheet L-1.

22 MR. HALL: Revised to eliminate the  
23 inadvertent showing of the old shuffle board area?

24 MR. GEITZ: That is correct.

25 MR. HALL: Okay. So this is now the

1           operative plan?

2                       MR. GEITZ: That is correct.

3                       MR. HALL: Okay. The entire design  
4 will be ADA compliant and code compliant. We are  
5 utilizing, as I mentioned, the existing elevator, as  
6 well as two stair towers for egress; one, that is  
7 completely to the south, and one to the north. If  
8 you are looking to see where that is, on sheet A-0a,  
9 this is the second stair tower here. Here's the  
10 elevator. And here is the initial stair tower as  
11 well. The odd shape change.

12                      CHAIRMAN HOLTZMAN: Hang on a second  
13 there, Mr. Geitz.

14                      Mr. Roberts, have you guys -- there  
15 seems to be some conflict in terms of the correct  
16 drawings.

17                      MR. ROBERTS: Uh-huh.

18                      CHAIRMAN HOLTZMAN: Did you receive the  
19 correct drawings or did you receive the old  
20 drawings?

21                      MR. ROBERTS: Well, one of the  
22 call-outs was the landscape plan in Andy's letter,  
23 so we had not had a chance to review the landscape  
24 plan in detail. I could see just from this drawing,  
25 that we have a collection of some pretty significant

1 trees in there, but we have not -- that was one of  
2 the things we had requested in the engineering  
3 letter.

4 CHAIRMAN HOLTZMAN: Uh-huh, okay.

5 MR. GEITZ: Another item that has been  
6 addressed is security on the roof. We will be  
7 installing a series of cameras that will be  
8 monitored, and, again, I would direct that to the  
9 management company. We have issued a security plan  
10 as well showing the location of those cameras.

11 MR. HALL: And I believe that also  
12 inadvertently has the old face back on the front of  
13 it. SCC-1. Still -- it was filed still, shows  
14 the --

15 COMMISSIONER DOYLE: Shuffle board.

16 MR. HALL: Shuffle board. I think that  
17 was called out by Mr. Roberts in one of the memos.  
18 I think those are the only two sheets we determined  
19 were inaccurate.

20 MR. GEITZ: That is correct. That is  
21 correct.

22 COMMISSIONER DOYLE: Chairman.

23 CHAIRMAN HOLTZMAN: Mr. Doyle, yes.

24 COMMISSIONER DOYLE: The pergola that's  
25 in SCC-1 is no longer.

1 MR. HALL: That went away. We don't  
2 want any issue of anything height-wise. So that --

3 CHAIRMAN HOLTZMAN: Okay. So I'm  
4 calling a technical foul here. We've got a  
5 presentation being made where, not only the  
6 Commissioners, but our professionals haven't  
7 received the final set of plans.

8 MR. HALL: Only two out of many plans,  
9 I agree to, too, yes.

10 CHAIRMAN HOLTZMAN: Commissioners,  
11 would you like to continue with this application or  
12 do we want these gentleman to come back when they've  
13 prepared their packets properly?

14 COMMISSIONER GRAHAM: Can I just ask,  
15 why are we hearing this if they're not -- I'm not  
16 sure what our jurisdiction is on this.

17 MR. GALVIN: Well, we deemed -- we did  
18 deem him complete. We thought we had --

19 COMMISSIONER GRAHAM: In the first  
20 place, why did it come to the Planning Board? I'm  
21 just curious.

22 MR. GALVIN: Can you explain that?

23 MR. ROBERTS: I think the -- the  
24 expansion of the roof deck this was a previously  
25 approved application with a smaller roof deck. It's

1 a significant expansion.

2 COMMISSIONER GRAHAM: Because we had  
3 previously approved it?

4 MR. ROBERTS: Right. So it's really --  
5 effectively it's an amended site plan, but we also  
6 have new roof deck regulations that weren't in place  
7 at the time. So we first checked, if you  
8 remember -- well, the first thing that came up was  
9 there a -- this was originally a redevelopment  
10 project, was there a certificate of completion?  
11 We've established that there was. So effectively  
12 now we're reviewing this under the new ordinance as  
13 a site -- really effectively a minor site plan.

14 COMMISSIONER GRAHAM: Okay.

15 CHAIRMAN HOLTZMAN: And there was also  
16 a considerable change in the scope and the usage as  
17 opposed to nine lounge chairs. Now it's a couple of  
18 thousand feet and has a lot of additional  
19 accessories up on the roof.

20 COMMISSIONER GRAHAM: No, I feel that  
21 we don't have complete information.

22 CHAIRMAN HOLTZMAN: Yeah.

23 Mr. Magaletta?

24 VICE-CHAIRMAN MAGALETTA: Yeah, I mean,  
25 if our professionals don't have any information they

1 need, that's the first step.

2 CHAIRMAN HOLTZMAN: Right. Because I  
3 can't see that we're hitting it home tonight,  
4 because there's going to be Dave and Andy's reports  
5 are going to reflect a lot of things that they're  
6 going to tell us: Well, it's on the updated plans.  
7 Yes, but we never had an opportunity to really  
8 review those updated plans.

9 VICE-CHAIRMAN MAGALETTA: Right.

10 COMMISSIONER MCKENZIE: Agreed.

11 CHAIRMAN HOLTZMAN: Agreed.

12 Where do we go from here, Mr. Galvin?

13 MR. GALVIN: The only that I'm -- you  
14 understand where we are at, Mr. Hall?

15 MR. HALL: Yeah, as I said, I agree --

16 MR. GALVIN: We took a shot.

17 MR. HALL: -- the plans are wrong,  
18 inadvertently. I don't think it affects your  
19 ability to judge the application, but I agree. If  
20 you want a hundred percent completeness, we'll have  
21 to come back.

22 MR. GALVIN: Why don't we -- one thing,  
23 let me just draw this out, there were conditions  
24 that we had in 51 Garden Street, which was also a  
25 deck. Have you guys looked at that?

1 MR. GEITZ: Yes.

2 MR. HALL: Definitely, yes.

3 MR. GALVIN: Okay. Because we had  
4 things in there, I just want you to be aware so the  
5 Board hears them, and then I don't know what we're  
6 going to want, but I'm trying to quickly write these  
7 all down. That's why I've been furiously typing.  
8 In that case, we wanted the --

9 CHAIRMAN HOLTZMAN: So is it -- Mr.  
10 Hall, I just want to make sure, you've seen the  
11 exact resolution that this Board did approve for a  
12 similar type of an outdoor deck.

13 MR. HALL: I read the transcript of the  
14 subcommittee, the transcript of the Planning Board,  
15 and the resolution.

16 CHAIRMAN HOLTZMAN: Okay. Great. I'm  
17 sorry. I just want to make sure we were all on the  
18 same page.

19 MR. GALVIN: No, and I'm only going to  
20 highlight the conditions that I think that I have no  
21 clue, so maybe you can guys can address it when you  
22 come back. Okay. The natural gas line serving the  
23 gas grills will be on a timer. I don't know if  
24 there's gas grills or not. Timer will shut the gas  
25 grill off if left on by mistake.

1 MR. HALL: That's all in the management  
2 plan actually.

3 MR. GALVIN: Yeah. The lighting will  
4 come on photovoltaically, but will shut off no later  
5 than 10 p.m. March through October, and no later  
6 than 7 p.m. November through February. You guys got  
7 to figure out if that --

8 MR. HALL: We're proposing ten year  
9 round, as I recall.

10 MR. GALVIN: So we'll have to talk.  
11 We'll discuss that.

12 CHAIRMAN HOLTZMAN: Mr. Galvin, let me  
13 make a suggestion here. You've got some --

14 MR. GALVIN: I'm almost done.

15 CHAIRMAN HOLTZMAN: I'm going to make a  
16 suggestion, though.

17 MR. GALVIN: Okay.

18 CHAIRMAN HOLTZMAN: Thank you.

19 That in addition to just reading these  
20 items to Mr. Hall, perhaps you can be so generous as  
21 to share some of these potential hazards with him.

22 MR. GALVIN: Okay.

23 CHAIRMAN HOLTZMAN: And send him an  
24 e-mail tomorrow.

25 MR. GALVIN: Yup, I can do that.

1 MR. HALL: That's fine. I'll verify  
2 the ownership question.

3 CHAIRMAN HOLTZMAN: We'll square that  
4 away a hundred percent. We'll make sure that we get  
5 all the right documents.

6 Dave, can you make an extra added  
7 effort to make sure that these packets are a hundred  
8 percent, and if you don't receive this information  
9 from Mr. Hall within the next one week --

10 MR. HALL: That's fine, because we have  
11 the --

12 CHAIRMAN HOLTZMAN: You have  
13 everything. So if you don't receive everything  
14 within one week, I would expect to phone call.

15 MR. ROBERTS: And, Mr. Chairman,  
16 there's also a number of things, especially the  
17 engineering, the engineering letter had a lot more  
18 in terms of technical aspects having to do with  
19 things like proximity of the trash receipts to the  
20 grills and a lot of other technical issues. I would  
21 just suggest that those be addressed and any changes  
22 to the plans that they be included on that.

23 CHAIRMAN HOLTZMAN: Okay, Dave, did you  
24 guys also get a full copy of this management plan  
25 that Mr. Hall is referring to?

1 MR. ROBERTS: Yes, yes.

2 MR. HALL: The Board Members should  
3 have it, too, I think.

4 MR. ROBERTS: Yes, but, Mr. Chairman, I  
5 have a question about that, that might be helpful to  
6 at least clarify -- I don't want to prolong the  
7 meeting tonight, but I notice in the most recent  
8 submission that they're -- under the fire and  
9 building codes that their numbers are higher in  
10 terms of allowable occupancy than the management  
11 plan. I think the management plan now sets it at  
12 40. I believe that's what the management is  
13 limiting it to, but the fire code had the existing  
14 at 60 and the allowable for the new at 206. So  
15 obviously the fire code is allowing a greater  
16 occupancy than the management plan.

17 MR. HALL: I think you asked for that  
18 number. We're not proposing. We're limiting it to  
19 40.

20 VICE-CHAIRMAN MAGALETTA: I have one  
21 question for you on the gate -- I'm sorry, the  
22 fence. On the Jefferson Street side, the east side  
23 of the building, is that 10-foot back from the edge  
24 of the building?

25 MR. GEITZ: The building itself is set

1 back 10 feet from the property line, and then from  
2 the parapet wall to the fencing it's approximately  
3 eight feet.

4 VICE-CHAIRMAN MAGALETTA: Okay. So it  
5 should be 10 feet.

6 MR. GEITZ: Okay.

7 VICE-CHAIRMAN MAGALETTA: So I'm  
8 telling you this now, so later on it's --

9 MR. GEITZ: I've got to verify that.

10 VICE-CHAIRMAN MAGALETTA: Okay.

11 CHAIRMAN HOLTZMAN: Commissioner  
12 Forbes.

13 COMMISSIONER FORBES: You know, for the  
14 railing, you know, some of the questions that I know  
15 were coming up for me were about is that movable?  
16 How is that not movable? Is that -- can that  
17 sustain hurricane level winds? So that -- I just  
18 say, you know, be prepared to testify to that.

19 MR. GEITZ: Sure. Sure.

20 CHAIRMAN HOLTZMAN: Okay. So what we  
21 need to do then is we need to carry this.

22 MR. HALL: May 6, is that the date --

23 MS. CARCONE: May 26.

24 MR. HALL: Do you have a meeting the  
25 following Monday?

1 MS. CARCONE: We have a couple of other  
2 projects lined up. How long do you think this is  
3 going to take?

4 MR. GALVIN: I'd say if they buttoned  
5 everything up, I think we should be able to get it  
6 done in 45 minutes.

7 MS. CARCONE: Okay. Then possibly on.

8 MR. HALL: What's the next meeting? Is  
9 there one the first week in --

10 MS. CARCONE: June 14th, we've got a  
11 full lineup for that night already.

12 MR. HALL: I prefer the 26th.

13 MR. GALVIN: It's up to you.

14 MS. CARCONE: So we're going to carry  
15 it to May 26. We can get everything done by then?

16 MR. GALVIN: They can do it.

17 MR. HALL: We have all the information,  
18 so we can turn it around.

19 CHAIRMAN HOLTZMAN: And, Dave, you guys  
20 will have enough time to generate some look-see on  
21 the --

22 MR. ROBERTS: We'll have a follow-up  
23 review letter with anything new that's submitted.

24 CHAIRMAN HOLTZMAN: Okay. You need to  
25 make a motion to --

1 MR. GALVIN: Yes. Do you waive the  
2 time in which the Board has to act?

3 MR. HALL: Excuse me?

4 MR. GALVIN: Do you waive the time?

5 MR. HALL: Yeah, waive the extension.

6 MR. GALVIN: Is there a motion to carry  
7 this matter to May 26 without further notice?

8 COMMISSIONER MCKENZIE: I move.

9 VICE-CHAIRMAN MAGALETTA: Second.

10 MR. GALVIN: We have a motion and a  
11 second.

12 Roll call.

13 MS. CARCONE: Commissioner Magaletta.

14 VICE-CHAIRMAN MAGALETTA: Yes.

15 MS. CARCONE: Commissioner Stratton.

16 COMMISSIONER STRATTON: Yes.

17 MS. CARCONE: Commissioner Forbes.

18 COMMISSIONER FORBES: Yes.

19 MS. CARCONE: Commission Doyle.

20 COMMISSIONER DOYLE: Yes.

21 MS. CARCONE: Commissioner Graham.

22 COMMISSIONER GRAHAM: Yes.

23 MS. CARCONE: Commissioner McKenzie.

24 COMMISSIONER MCKENZIE: Yes.

25 MS. CARCONE: Commissioner Jacobson.

1 COMMISSIONER JACOBSON: Yes.

2 MS. CARCONE: Commissioner O'Connor.

3 COMMISSIONER O'CONNOR: Yes.

4 MS. CARCONE: Commissioner Holtzman.

5 CHAIRMAN HOLTZMAN: Yes.

6 MR. GALVIN: Thank you.

7 MR. HALL: Thank you.

8 (Concluded at 9:46 p.m.)

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HOBOKEN PLANNING BOARD  
CITY OF HOBOKEN

MAY 3, 2016

IN THE MATTER OF  
319 WASHINGTON STREET,  
CASE HOP-16-1, BLOCK 214, LOT 8

---

9:46 p.m.

HELD AT: 94 WASHINGTON STREET  
HOBOKEN, NEW JERSEY

B E F O R E:

- Chairman Gary Holtzman
- Vice Chairman Frank Magaletta
- Commissioner Caleb Stratton
- Commissioner Brandy Forbes
- Commissioner Jim Doyle
- Commissioner Ann Graham
- Commissioner Caleb McKenzie
- Commissioner Ryan Penne
- Commissioner Tom Jacobson, 1st Alt.
- Commissioner Kelly O'Connor, 2nd Alt.

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

- David Glynn Roberts, AICP/PP, LLA, RLA
- Patricia Carcone, Board Secretary

THERESA L. CARIDDI TIERNAN  
CERTIFIED COURT REPORTER  
146 LINDBERGH PARKWAY  
WALDWICK, NEW JERSEY 07463  
(201) 925-7474

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APPEARANCES:

DENNIS GALVIN, ESQ.,  
Attorney for the Board.

ROBERT MATULE, ESQ.  
Attorney for the Applicant.

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1                   CHAIRMAN HOLTZMAN: We're back on the  
2 record. Your appreciation is greatly felt  
3 Mr. Nastasi, to step on the gas and --

4                   MR. NASTASI: Yes, sir.

5                   MR. GALVIN: Yeah. Can you really do  
6 all that stuff you said about moving it along?

7                   MR. NASTASI: I was.

8                   MR. MATULE: Good evening, Chairman,  
9 Board Members. Robert Matule appearing on behalf of  
10 the applicant.

11                   This application is with respect to the  
12 property at 319 Washington Street. It's in the  
13 Central Business District. Mr. Nastasi will go into  
14 more of the specifics, but in a nutshell, what the  
15 application is is to remove the two-story frame  
16 building that fronts on Washington Street, retain  
17 the one-story masonry section of the building that  
18 goes back to Court Street, and build a new  
19 four-story building on Washington Street, 60 feet  
20 deep, the first two floors of which will be  
21 commercial, two residential units above. And I'll  
22 let Mr. Nastasi get into more particular details, if  
23 I might. So could I have him sworn?

24 J O H N       N A S T A S I, being first duly sworn by the  
25 Notary, testifies as follows:

1 MR. GALVIN: Mr. Chairman, do you  
2 accept Mr. Nastasi's credentials?

3 CHAIRMAN HOLTZMAN: We do.

4 MR. GALVIN: You're good to go.

5 MR. MATULE: Okay. I see you have a --  
6 packet of handouts there before we start, so is  
7 this -- well, maybe we'll do it this way.

8 Is what you're handing out the same as  
9 this elevation?

10 MR. NASTASI: Yes. Yes. There are  
11 two -- these -- the handout on 11/17 are basically  
12 these two boards.

13 MR. MATULE: Okay. So why don't we --  
14 you want to mark the handout A-1? Mark the boards  
15 A-2 and 3?

16 MR. GALVIN: No, no. I think the --  
17 mark one of these handouts A-1. Or that's good,  
18 Bob, you can leave that.

19 MR. MATULE: We'll mark the one board  
20 A-1, and the second board A-2.

21 (Exhibits marked A-1 and A-2 for  
22 identification.)

23 MR. GALVIN: Correct. And the  
24 handouts, just give it to us.

25 MR. MATULE: The handouts are just

1 reduced copies of A-1 and A-2.

2 MR. GALVIN: Awesome. That works  
3 perfectly.

4 MR. MATULE: Okay. Mr. Nastasi.

5 MR. NASTASI: Okay. So --

6 MR. MATULE: Explain the project to the  
7 Board.

8 MR. NASTASI: The property at 319  
9 Washington Street is the Five Guys Burger building.  
10 It's a two-story, wood frame structure, that  
11 continues through to an existing one-story Court  
12 Street building. Together, the two structures  
13 occupy 100 percent of the lot coverage. We are  
14 proposing to build a new four-story building on that  
15 lot where we will be removing the Washington Street  
16 Five Guys Burger building, primarily because it's a  
17 wood frame structure. We are asking -- we are  
18 asking for two stories of retail and then two single  
19 family units on the upper two floors. So we're  
20 doing a two family residential building on top of  
21 two stories of retail. The retail will go  
22 100 percent lot coverage on the ground floor and  
23 only 60 percent coverage on the second floor. So  
24 the second third and fourth floor are proposed to  
25 have 60 percent coverage, which is what's allowable

1 in the zone. We are asking for two "C" variances,  
2 which is the first variance be expansion of a  
3 nonconforming lot, because it's existing 100 percent  
4 lot coverage, and then the second "C" variance is to  
5 the rear yard dimension, because it is 100 percent  
6 lot coverage, so essentially the two "C" variances  
7 are for the same reason of lot coverage and  
8 expansion of nonconforming. This --

9 COMMISSIONER DOYLE: Do you mean an  
10 expansion of a nonconforming structure or a lot?

11 MR. NASTASI: Structure. Thank you  
12 very much.

13 On the board that is marked A-1, is a  
14 Washington Street elevation, and you could see here  
15 our project is in the center, the S & B Plumbing  
16 building is to our south, and then there's an -- our  
17 neighbor to the north.

18 MR. GALVIN: Let me stop you. Do you  
19 agree with that?

20 MR. ROBERTS: Yeah, I think the -- one  
21 of the things we noted in our report is that  
22 effectively the front building is being totaled  
23 rebuilt, so...

24 MR. GALVIN: So it's not expansion of a  
25 nonconforming structure, it's a new structure.

1                   MR. ROBERTS: It will end up -- the end  
2 up -- the existing building in the back is staying,  
3 the effectively the hundred percent coverage is  
4 being replaced by a bigger building at a hundred  
5 percent coverage.

6                   VICE-CHAIRMAN MAGALETTA: Is the  
7 building in the back staying or is the slab in the  
8 back staying?

9                   MR. NASTASI: The building in the back.

10                  MR. ROBERTS: The building in the back.

11                  MR. NASTASI: The building on Court  
12 Street is staying.

13                  CHAIRMAN HOLTZMAN: One at a time,  
14 guys.

15                  MR. NASTASI: The building on Court  
16 street is a masonry structure, that's staying. The  
17 building on Washington Street is a wood structure,  
18 that's being replaced.

19                  VICE-CHAIRMAN MAGALETTA: Okay.

20                  MR. MATULE: If I might, to that issue,  
21 and maybe this is where the expansion, the  
22 nonconforming structure part comes in, is the  
23 building that's on Court Street now, as I understand  
24 it, is 48 feet 6 inches deep now. The one-story  
25 masonry, for lack of a better word, garage.

1 MR. NASTASI: Right.

2 MR. MATULE: That's being cut back to  
3 40 feet. So 8 feet 6 inches is coming off the west  
4 side -- west end of that building. So the new  
5 60-foot building that's being built on Washington  
6 Street will then butt up against that. So we'll  
7 have 40 percent in the old building and a hundred --  
8 60 percent in the new building, to get the hundred  
9 percent where we're allowed 80 percent, so...

10 MR. ROBERTS: We're up four stories.

11 MR. MATULE: So how do you want to call  
12 that? We could call it expansion of a nonconforming  
13 structure or we could just ask for the hundred  
14 percent lot coverage at grade versus 80 percent.

15 MR. ROBERTS: I think that's basically  
16 what we had -- we had said it's effectively a new  
17 building.

18 MR. GALVIN: You need a -- I think it's  
19 a hundred percent at grade. I mean, if we were just  
20 talking about doing something with the garage in the  
21 back, then I think that's an expansion of the  
22 nonconforming structure, maybe.

23 MR. MATULE: Well, we are. We're  
24 converting the garage --

25 MR. GALVIN: Also. Also. You may need

1           it also, but --

2                   MR. MATULE: All right. Whatever.

3                   MR. GALVIN: I'm just saying it's one  
4 of those times when it was a wood structure, it's  
5 being removed. We're starting with a -- the whole  
6 argument about starting with a blank slate. You've  
7 got a blank slate.

8                   MR. NASTASI: Except that the structure  
9 on Court Street is staying.

10                  MR. GALVIN: Yes.

11                  MR. NASTASI: Okay.

12                  VICE-CHAIRMAN MAGALETTA: And also on  
13 the Washington Street side, you're also digging down  
14 a few feet, so it's a new building.

15                  MR. GALVIN: Correct. I'm agreeing  
16 with you.

17                  MR. NASTASI: The Washington Street  
18 building is new structure. The Court Street  
19 building is an existing building. As part of the  
20 construction of the Washington Street building, we  
21 surveyed the property, we surveyed each neighbor.  
22 Our existing basement is several feet above both,  
23 the south and the north neighbor, and we surveyed  
24 both properties, and in our calculations, our  
25 excavation for a full basement in that structure

1 will bring us at the level of the two neighbors.

2 So one of the things we wanted to be  
3 very clear about is at no point will our basement go  
4 underpin the old neighbors, but actually will go  
5 down to the level. So for all these years our  
6 basement was actually several feet higher than the  
7 footings of the two neighbors.

8 VICE-CHAIRMAN MAGALETTA: So when  
9 you're digging down, would you undermine support of  
10 those buildings?

11 MR. NASTASI: At no point will we do  
12 that.

13 VICE-CHAIRMAN MAGALETTA: No, I know  
14 that but I'm just saying, you know, now you're  
15 moving dirt, which gives support, so when that  
16 happens, you know, you're not worried about it?

17 MR. NASTASI: Not that I'm not worried  
18 about it, it's just that we'll do it professionally  
19 and carefully and by all priority.

20 MR. MATULE: And to that end, how will  
21 the building be supported? Will it be on piles?

22 MR. NASTASI: We've also done an  
23 engineering and the proposed foundation system for  
24 this new building, because of the soil condition on  
25 Washington Street, which is very good soil, will be

1 traditional spread footings and we will not be  
2 driving piles. So two of the things we were  
3 concerned about with our neighbors is the need to  
4 drive piles, which we do not need to do, and whether  
5 or not we need to underpin other people's footing,  
6 and we're actually just going to excavate down to  
7 their footings. So we will not leave their building  
8 unstable.

9 CHAIRMAN HOLTZMAN: I just want to  
10 confirm something. You were referring earlier to  
11 the two buildings, but it's really going to be one  
12 building. I mean, these things are not going to  
13 function as two separate buildings.

14 MR. NASTASI: When the project is  
15 complete, it will function as one cohesive building.

16 CHAIRMAN HOLTZMAN: Right.

17 MR. NASTASI: Proposed 100 percent on  
18 the ground floor, proposed 60 percent on two, three  
19 and four.

20 CHAIRMAN HOLTZMAN: Got you.

21 MR. MATULE: And to that end, do you  
22 want to take the Board through the floor plans of  
23 the commercial units?

24 COMMISSIONER DOYLE: Can I ask one  
25 question?

1                   CHAIRMAN HOLTZMAN:  Sure.  Go ahead,  
2                   Jim.

3                   COMMISSIONER DOYLE:  Is there any  
4                   distinction in what you would be seeking relief for  
5                   based on the distinction of a new building versus a  
6                   change to a nonconforming structure?

7                   MR. MATULE:  I think there's a  
8                   distinction, because the new building is going to be  
9                   60 feet deep.  In order to get that building 60 feet  
10                  deep, we have to take eight feet something off the  
11                  existing building that fronts on Court Street.  
12                  Other than interior changes to that building on  
13                  Court Street and removing that eight feet, nothing  
14                  is changing on that building that's on Court Street.  
15                  So that's going to remain there.  It's there now,  
16                  it's going to remain there.  So in that context, it  
17                  is a nonconforming structure that's going to remain.  
18                  The degree of nonconformity will be reduced in the  
19                  sense that it's being cut back to 40 feet, but at  
20                  the end of the day we're still going to have a  
21                  hundred percent lot coverage at grade, which is what  
22                  we have now, which exceeds the permissible lot  
23                  coverage by the 20 percent.

24                  COMMISSIONER DOYLE:  Okay.  But I know  
25                  the degree of nonconformity in the ordinance is not

1 reduced, it's increased because right now you have a  
2 hundred percent lot coverage, plus -- is Five Guys  
3 all just one story?

4 CHAIRMAN HOLTZMAN: Okay. Hang on a  
5 second. This sounds like this is one of those  
6 endless --

7 COMMISSIONER DOYLE: I know --

8 CHAIRMAN HOLTZMAN: No. Let me go  
9 first.

10 COMMISSIONER DOYLE: Okay.

11 CHAIRMAN HOLTZMAN: That sounds like  
12 this is one of those endlessly debatable, coming at  
13 this from the chicken and the egg side. I want a  
14 ruling from our professionals. Does it make a  
15 difference if it's a nonconforming or if we just  
16 think about it more cleanly, perhaps, as a hundred  
17 percent lot coverage? Is there a considerable  
18 difference for the Board to entertain, other than  
19 the semantics of our endlessly complicated zoning  
20 code?

21 MR. GALVIN: Well, let me say this: At  
22 the zoning boards, we've had a couple of these cases  
23 where you have the structure on Court Street, and  
24 then I think that -- I think the principal structure  
25 was 60 percent, 70 percent, and there was a little

1 bit of gap between the, you know, a 10-foot, 15-foot  
2 gap between the principal structure and the  
3 garage/accessory apartment on Court Street.

4 So the reason I, myself -- and I  
5 apologize to the applicant. The premise is that  
6 because we have a hundred percent of the lot covered  
7 now, what's the difference and we're going to keep a  
8 hundred percent lot coverage, but if you had a  
9 blank -- if you had a blank slate here and you might  
10 have a blank slate because we're taking the whole  
11 structure down, what would you be entitled to build  
12 here? And it would be 60 percent, right?

13 CHAIRMAN HOLTZMAN: No, that's  
14 incorrect. This is a Central Business District. It  
15 would be 80 percent.

16 MR. GALVIN: Okay. But and you have  
17 accessory structure, that's included in the  
18 80 percent, right?

19 MR. ROBERTS: Uh-huh.

20 MR. GALVIN: So there would still be  
21 20 percent of this lot that should be open.

22 CHAIRMAN HOLTZMAN: That's correct.  
23 But -- right.

24 COMMISSIONER DOYLE: I asked a yes or  
25 no question, which was all I care is if we treat

1 this as a new building, and it's not -- would we  
2 have to -- would we have 20 -- would the applicant  
3 have to seek different relief or to go a different  
4 Board? And I think the answer is no. I just want  
5 to hear that it's "no", so that we can -- once we  
6 get past this, but the semantics are important,  
7 because clearly if this were -- if you were going to  
8 keep the wooden structure and build on top of that,  
9 that would be in addition to an existing  
10 nonconforming structure, and I don't know where you  
11 get into, if you take a wall down or two walls down  
12 or the front down --

13 MR. GALVIN: No, I'm making it -- it's  
14 pretty cheer here, that this is what they're  
15 proposing to do is a complete elimination of the  
16 existing building.

17 COMMISSIONER DOYLE: So they're seeking  
18 to --

19 MR. GALVIN: But there is still the --  
20 there is still the structure in the rear of the  
21 building that's on Court Street, that's a  
22 nonconforming structure. That will continue.

23 COMMISSIONER DOYLE: All right. You're  
24 okay with that? I mean, as far as not going to ask  
25 for two things, so that you're covered --

1 MR. MATULE: Well, I think we are  
2 asking for a hundred percent lot coverage at grade  
3 to obviate this conversation.

4 MR. GALVIN: We want to make sure we  
5 are understand it.

6 MR. MATULE: I think the existing site  
7 conditions and how we're proposing to modify the  
8 existing site conditions goes to the amelioration of  
9 any possible negative impacts or the fact that it's  
10 not going to have any substantial negative impacts  
11 on the surrounding properties based on what's been  
12 there already for a hundred years.

13 COMMISSIONER DOYLE: Okay.

14 MR. MATULE: But the bottom line is  
15 we're asking for the hundred percent lot coverage at  
16 grade because that's the more conservative approach,  
17 and we try to be more conservative.

18 MR. GALVIN: But the variance needed  
19 for the principal building is new. The  
20 nonconforming structures for the existing rear  
21 structure garage.

22 COMMISSIONER DOYLE: Okay. I'm fine.

23 CHAIRMAN HOLTZMAN: Great. Thank you.

24 MR. GALVIN: Sorry we couldn't be  
25 clearer.

1                   CHAIRMAN HOLTZMAN: I'm glad we hashed  
2                   it out. No, it's good.

3                   MR. NASTASI: Now, with reference to  
4                   the retail space, what we are proposing is a  
5                   demising wall on the ground floor of the center of  
6                   the building and actually two retail spaces at grade  
7                   on Washington Street where the south retail space is  
8                   a traditional shotgun railroad space on one level,  
9                   while the retail space on the north side of the  
10                  building is actually a duplex. So that we have the  
11                  opportunity to go and get a larger retail tenant  
12                  here, and then a more traditional retail tenant on  
13                  the south side. And the floor plans actually show  
14                  that configuration. And because we're maximizing  
15                  the retail on Washington Street, we're proposing the  
16                  residential entry of the two families who live above  
17                  here to be entered actually on Court Street. And if  
18                  you look at --

19                  CHAIRMAN HOLTZMAN: John, before you  
20                  flip over to the back, and the -- this building and  
21                  the front scape of it, you guys have already been to  
22                  historic.

23                  Is that correct?

24                  MR. NASTASI: I've already got an  
25                  approval from Historic Board several months ago. I

1 went back last night for a tweak on this storefront  
2 system, and I have a verbal "okay", although I will  
3 resubmit further clarified drawings on the  
4 storefront system, but I did get the building  
5 approved several months ago from the Historic Board.  
6 I'm going for an amendment to the my approval, which  
7 I have a verbal "okay", and what we verbally  
8 discussed last night is actually this exact  
9 configuration. So I went and drew this today to  
10 meet the conditions of the Historic Board.

11 CHAIRMAN HOLTZMAN: Great. Thank you.

12 MR. ROBERTS: That was one of our  
13 clauses.

14 MR. NASTASI: I was saying earlier that  
15 the residential entry is from the south side of the  
16 rear facade of Court Street where you will come in  
17 and go up into the duplex, the two units up above,  
18 so that we can maximize and keep a very clean entry  
19 on Washington Street, and then I brought some simple  
20 materials, the limestone frame, and then the  
21 traditional red Hoboken facade brick, and that's  
22 basically the materials.

23 MR. GALVIN: And they look good no  
24 matter which way you turn them?

25 MR. NASTASI: I think so.

1 MR. MATULE: Ouch.

2 MR. GALVIN: Wait a minute.

3 MR. NASTASI: Okay. I would say one  
4 last thing I will present is the one-story elevation  
5 on Court Street. On page A-202, you can see the low  
6 one-story facade on Court Street where you have a  
7 residential entry and then you have a second means  
8 of egress for the retail space. And that's  
9 essential it.

10 MR. MATULE: And just a couple of quick  
11 things on that. The extension, if you will, the  
12 Court Street one-story portion of the building,  
13 you're going to have the HVAC up on top of that,  
14 which is reduced in size, I think, from the --

15 MR. NASTASI: Yes, and we -- the HVAC  
16 equipment that will be on the roof will also have  
17 acoustic barriers to meet and exceed all acoustic  
18 codes.

19 MR. MATULE: Okay. You're obviously  
20 not in the flood area, so you don't have to deal  
21 with any flood plain issues, correct?

22 MR. NASTASI: Correct.

23 CHAIRMAN HOLTZMAN: Is there any storm  
24 water management that you are proposing for this?

25 MR. NASTASI: The storm water detention

1 is not proposed and not required by the NHSA.

2 CHAIRMAN HOLTZMAN: I understand that  
3 it is not required, however, here in Hoboken only  
4 80 percent of us flood, and not all of us get to  
5 live on Washington Street, so is there anything that  
6 this project might be able to offer for the greater  
7 good?

8 MR. NASTASI: I -- I have something. I  
9 hate to bring it up after what we just discussed for  
10 the past 15 minutes, but we tried to figure out how  
11 to get a storm detention system under the building.  
12 The only way to get a storm detention system under  
13 the building is actually to remove the Court Street  
14 building, because then we can get underneath there  
15 and put the detention system underneath that. I  
16 will put that out there as something we would  
17 consider, but as part of this application right now,  
18 we're not proposing a detention system and for that  
19 reason, we couldn't fit anywhere.

20 VICE-CHAIRMAN MAGALETTA: Well, you  
21 have a brand new building, and we've seen systems  
22 where you could have it up on the roof decks, and  
23 beneath the roof deck and the roof there is a  
24 mitigation, there's some kind of system to slow down  
25 the rain fall. So maybe that's something you can

1 consider.

2 MR. NASTASI: Like in the media that --  
3 the roofing media that would go to the roof?

4 VICE-CHAIRMAN MAGALETTA: Yes.

5 MR. MATULE: Let me clarify. I think  
6 what you're talking about, I know Mr. Hipolit isn't  
7 here tonight, but the drain, the upper roof drain, I  
8 don't know what the correct technical terminology  
9 is.

10 MR. GALVIN: It's a scupper.

11 MR. MATULE: But they make it taller so  
12 water can collect on the roof and then --

13 VICE-CHAIRMAN MAGALETTA: So there's a  
14 gap that could hold water. So you have a weir valve  
15 where you very slowly --

16 MR. NASTASI: So you would collect  
17 several inches of water before, so you would detain  
18 it from going --

19 MR. GALVIN: Correct.

20 CHAIRMAN HOLTZMAN: It's a delay  
21 mechanism. So that the water --

22 MR. NASTASI: We would certainly be  
23 amenable to that.

24 VICE-CHAIRMAN MAGALETTA: It's a brand  
25 new building, so you could have a structure that

1 would handle the weight of it now.

2 MR. NASTASI: Yes, we would engineer  
3 the building to hold the weight of the water if we  
4 do that.

5 COMMISSIONER GRAHAM: If you took out  
6 the Court Street building, what -- how much would  
7 we -- would it reduce much the size of your units?  
8 What would it do to your --

9 MR. NASTASI: No, then we would just  
10 rebuild the Court Street building.

11 COMMISSIONER GRAHAM: So you would  
12 rebuild.

13 MR. NASTASI: But then we would be able  
14 to get --

15 COMMISSIONER GRAHAM: You wouldn't just  
16 eliminate it completely? Okay.

17 COMMISSIONER FORBES: Are there other  
18 residential entrances on Court Street? I'm not as  
19 familiar, you know, for this type of a layout?

20 MR. NASTASI: I have the Court Street,  
21 the proposed Court Street elevation, and you can  
22 see -- you could see actually several. There are  
23 several residential entries on that street.

24 COMMISSIONER FORBES: What sheet is  
25 that? What sheet is that?

1 MR. NASTASI: Sheet two, A-202.

2 CHAIRMAN HOLTZMAN: So since we've  
3 already opened Pandora's Box and let's the genie out  
4 of the -- genie out, should the Board be comfortable  
5 with looking at this project with a hundred percent  
6 lot coverage, and would give you the flexibility of  
7 having the potential to rebuild the Court Street  
8 already existing building, would there be a comfort  
9 in then getting some type of storm water management  
10 system built into this?

11 MR. NASTASI: Could I can confirm with  
12 my client?

13 CHAIRMAN HOLTZMAN: Please continue  
14 your presentation. You'll circle back on it later,  
15 but yeah.

16 MR. MATULE: While Mr. Ochab is  
17 testifying.

18 MR. NASTASI: Okay. Fair enough.

19 CHAIRMAN HOLTZMAN: Is there anything  
20 else that you --

21 MR. NASTASI: I think --

22 MR. MATULE: Just for the record --

23 CHAIRMAN HOLTZMAN: Let's take a look  
24 at the roof diagrams. That's something the team is  
25 interested in.

1 MR. MATULE: The upper roof.

2 CHAIRMAN HOLTZMAN: And the lower one  
3 as well because that's where your HVAC equipment is.

4 MR. MATULE: A-101.

5 CHAIRMAN HOLTZMAN: Is there potential  
6 also that -- or do you have retail clients in mind  
7 or is there -- and/or is there a potential for  
8 another restaurant client?

9 MR. NASTASI: I think all of those, my  
10 client has been soliciting interest in this building  
11 for several months while we're waiting to be heard.  
12 We're looking for one big tenant. We're looking for  
13 two tenants. We're looking for restaurant tenants.  
14 We're keeping all options open. I mean, my client's  
15 ultimate objective was to have one big tenant, two  
16 stories, and that's his goal. We're finding a  
17 little bit of pushback on that, so the small space  
18 and then the one-and-a-half story space seem to be a  
19 good fit because the proportions work well.

20 CHAIRMAN HOLTZMAN: One of the things  
21 that we've attempted to do on some previous  
22 applications where a restaurant was anticipated to  
23 go back into a space, was to plan for the  
24 eventuality of the exhaust stack for the cooking  
25 equipment. So as opposed to, after the fact, having

1           it just bolted onto the back of the building and  
2           running up the outside of the building, which is  
3           certainly not going to be pretty on a John Nastasi  
4           building, we all know that, maybe there's some way  
5           to think about that ahead of time, and incorporate  
6           some type of a chase.

7                       MR. NASTASI:   A flue.

8                       CHAIRMAN HOLTZMAN:  A flue.

9                       MR. NASTASI:  We would definitely  
10           consider that.  And that would be the objective.  If  
11           we knew a restaurant were going in, we would want to  
12           bring that ventilation up through the center of the  
13           building and not --

14                      CHAIRMAN HOLTZMAN:  Right.  So the  
15           question is:  Does it then affect the plan, or is it  
16           something that bumps out the back, or is it  
17           something that you take out of the back corner?

18                      How does that work if we want to think  
19           about that ahead of time?

20                      MR. NASTASI:  We actually have in the  
21           plan space allocation for the eventuality of a flue  
22           and you'll see it's bumping out of the inside,  
23           doesn't bump out on the outside of the building, and  
24           we're taking away square footage inside the building  
25           for the eventuality of those flues.

1 MR. GALVIN: So the building is to have  
2 space for a flue to accommodate a future restaurant.

3 CHAIRMAN HOLTZMAN: John?

4 MR. NASTASI: Yes.

5 MR. MATULE: A-101.

6 MR. NASTASI: On A-101.

7 MR. GALVIN: Right, but I want --

8 CHAIRMAN HOLTZMAN: I just want you to  
9 hear what Dennis just said to make sure that you're  
10 okay with this statement.

11 MR. GALVIN: I think that's like a  
12 detail that's sometimes goes by the by. So we are  
13 going to have it in the resolution also. Even  
14 though I've been arguing lately that the plans are  
15 the final determinant, but the building is to have  
16 space for a flue to accommodate a future restaurant  
17 use. It's already on the plan. No problem. So I'm  
18 being redundant.

19 MR. MATULE: That's double suspenders.

20 MR. GALVIN: Sometimes you need that.

21 CHAIRMAN HOLTZMAN: So let's deal -- do  
22 the roofs.

23 MR. NASTASI: So on page A-101 is the  
24 second floor plan, which is actually the roof of the  
25 Court Street building, and on this plan you could

1 see the proposed HVAC equipment, and then the noise  
2 barrier curtain wall system that surrounds that  
3 equipment set back from the street. So that we have  
4 the appropriate architect in there to absorb the --  
5 attenuate the sound.

6 CHAIRMAN HOLTZMAN: And that's the  
7 equipment for the retail spaces as well as the  
8 residential?

9 MR. NASTASI: It's the equipment for  
10 the retail spaces, and if I go to the main roof  
11 plan, which is A-102, you'll see the three  
12 compressors on the roof and they -- again, they have  
13 the noise barrier curtain wall system on to  
14 attenuate the sound, to block the sound from the  
15 neighbors as well.

16 CHAIRMAN HOLTZMAN: Okay. Dave.

17 MR. ROBERTS: Yes, Mr. Chairman, while  
18 we're on the roofs, we had pointed out one of the  
19 call-outs we had was that there's a note indicating  
20 a 300 square feet of green roof on that upper roof,  
21 but there was an indication elsewhere that there was  
22 not going to be a green roof, so I just wanted to  
23 get that taken care of.

24 MR. NASTASI: That was an inadvertent  
25 note. The green roof is not in the scope of work.

1 MR. ROBERTS: It doesn't the roof deck  
2 calculation or anything, it's just that we saw a  
3 contradiction between the note and the --

4 CHAIRMAN HOLTZMAN: So no green roof.

5 MR. NASTASI: There's no green roof.  
6 The reason for that is the 60 percent total  
7 structure with the attenuation of the mechanical  
8 equipment and bulkhead leaves almost no roof space  
9 left, so it would be so of a gratuitous set of green  
10 trays, which we didn't think was appropriate.

11 MR. ROBERTS: So that note is going --  
12 that's a correction that needs to be made in the  
13 plan. Remove the note.

14 MR. NASTASI: Yes.

15 CHAIRMAN HOLTZMAN: All the more reason  
16 to help us with our storm water underground.

17 MR. NASTASI: Correct.

18 CHAIRMAN HOLTZMAN: Any other questions  
19 for Mr. Nastasi at this time, Commissioners?

20 MR. GALVIN: I do.

21 CHAIRMAN HOLTZMAN: Mr. Galvin.

22 MR. GALVIN: 317 Washington has windows  
23 that are going to be enclosed by this? I can see it  
24 because I'm looking at Google Maps. I'm cheating.  
25 Okay. You guys are going to resolve that. You're

1 going to be responsible for closing those windows?

2 MR. NASTASI: Yes.

3 MR. GALVIN: The other thing I notice  
4 there is there's a stack, like just what we were  
5 talking about, about attached -- but it's attached  
6 to the side of the building where you're coming up.

7 Are you aware of that?

8 MR. NASTASI: We'll have to resolve  
9 that with the neighbor.

10 MR. GALVIN: You'll have to resolve  
11 that also, okay.

12 CHAIRMAN HOLTZMAN: Is that from a  
13 venting from their property or from your property?

14 MR. GALVIN: Oh, I don't know.

15 MR. NASTASI: It's our own property's  
16 vent.

17 MR. GALVIN: Yeah, okay.

18 CHAIRMAN HOLTZMAN: Coming out through  
19 your roof.

20 MR. NASTASI: Five Guys.

21 MR. GALVIN: I'm broken hearted that  
22 they went out.

23 CHAIRMAN HOLTZMAN: Any members of the  
24 public that have any questions for John Nastasi, the  
25 architect?

1 VOICE: I have a quick question.

2 CHAIRMAN HOLTZMAN: Sure. Come on up.

3 MR. GALVIN: Full name and address.

4 MR. DOLAN: Sure. Bill Dolan, 315  
5 Court Street.

6 MR. GALVIN: Thank you, Mr. Dolan.

7 MR. DOLAN: Thank you.

8 The two units for the residential,  
9 they'll be on -- can we just call it Washington  
10 Street side of the building?

11 MR. NASTASI: Yes. They're on the  
12 higher roof on the --

13 MR. DOLAN: On the roof, okay?

14 MR. NASTASI: They're on the Washington  
15 Street side.

16 MR. DOLAN: Okay. Okay. And the other  
17 units for the retail commercial space will be?

18 MR. NASTASI: In both conditions  
19 surrounded by a acoustic curtain system.

20 MR. DOLAN: Great. Okay.

21 CHAIRMAN HOLTZMAN: That's it?

22 MR. DOLAN: Thank you very much.

23 CHAIRMAN HOLTZMAN: Thank you.

24 Any other members of the public that  
25 have any questions for the architect?

1                   COMMISSIONER JACOBSON: I did overlook  
2 one thing that just popped into my mind.

3                   CHAIRMAN HOLTZMAN: Sure. Go ahead.

4                   COMMISSIONER JACOBSON: The commercial  
5 entrance on Court Street, is that intended to be  
6 like an emergency exit or a commercial exit?

7                   MR. NASTASI: It's actually an exit,  
8 not an entrance. It would not be got a public  
9 entrance.

10                  VICE-CHAIRMAN MAGALETTA: For the sewer  
11 line, there's -- you're satisfied that the existing  
12 line will satisfy -- meet the requirements of the  
13 proposed structure?

14                  MR. NASTASI: No. Our assumption is  
15 when we investigate is our assumption we'll probably  
16 be putting in a new line. We have to really  
17 investigate the --

18                  VICE-CHAIRMAN MAGALETTA: Because  
19 that's part of the application, it says anything to  
20 go with existing sewer line.

21                  MR. NASTASI: The --

22                  VICE-CHAIRMAN MAGALETTA: The  
23 application says that.

24                  MR. NASTASI: I'm conferring with my --

25                  VOICE: It's being replaced.

1 MR. NASTASI: It will be a new 6-inch  
2 line.

3 VICE-CHAIRMAN MAGALETTA: It will be?

4 MR. NASTASI: We did -- those are old  
5 sewers there.

6 VICE-CHAIRMAN MAGALETTA: I know,  
7 that's why I was surprised to see that.

8 MR. NASTASI: They're deep sewers, too.

9 VICE-CHAIRMAN MAGALETTA: So that --

10 MR. MATULE: So then to then end,  
11 Mr. Nastasi, North Hudson, I think, it was call-out  
12 in Mr. Hipolit's report they require a -- I don't  
13 know, FOG or something, fat, oil, and grease on all  
14 the new sewer hookups whether there's an actual  
15 restaurant customer there or not. So obviously you  
16 would just comply with whatever the requirements of  
17 the North Hudson are?

18 MR. NASTASI: Yes, we would.

19 MR. MATULE: Okay.

20 MR. GALVIN: Thank you.

21 CHAIRMAN HOLTZMAN: Otherwise you won't  
22 go further, right?

23 Any other questions for Mr. Nastasi at  
24 this time?

25 Are there any other members of the

1 public that have any questions for the architect?

2 Okay. Mr. Matule.

3 MR. MATULE: Mr. Ochab, are you still  
4 there?

5 K E N O C H A B, being first duly sworn by the  
6 Notary, testifies as follows:

7 MR. GALVIN: Thank you, Mr. Ochab.

8 Do we accept Mr. Ochab's credentials?

9 CHAIRMAN HOLTZMAN: We do.

10 MR. GALVIN: All right. You're good to  
11 go.

12 MR. MATULE: Or Mr. Ochab, you're  
13 familiar with this zoning ordinance and the Master  
14 Plan and the project as revised?

15 MR. OCHAB: Yes, I am.

16 MR. MATULE: You prepared a planner  
17 report dated February 8th, 2016?

18 MR. OCHAB: Yes.

19 MR. MATULE: In support of the project?

20 MR. OCHAB: I did, yes.

21 MR. MATULE: And you're aware now that  
22 the -- what was originally proposed as a two-story  
23 single commercial space has now been divided into  
24 two commercial spaces?

25 MR. OCHAB: Yes, I am aware of that.

1                   MR. MATULE: Can you go through your  
2 report and give us your professional opinion  
3 regarding the requested variance relief?

4                   MR. OCHAB: Okay. So we're in the  
5 CBDHCS zone and have frontage on Washington Street,  
6 also Court Street, and as I understand it now we  
7 have a lot coverage variance for a hundred percent  
8 coverage. And so with respect to -- with respect to  
9 that, of course, the existing building did cover a  
10 hundred percent of the property, the certainly one  
11 of the objectives of the CBD zone is to encourage  
12 retail development. Washington is your main retail  
13 corridor, and so with respect to how the property  
14 should be laid out, it's certainly appropriate to  
15 look at expansion of their retail expansion space on  
16 the first floor and carry that through Court Street.  
17 Court Street is an interesting phenomenon because,  
18 although it's a combination of off-street parking in  
19 the back of buildings that front on Washington, some  
20 accessory apartments and some garage space is for  
21 retail and also for residential use. Certainly in  
22 this location the -- I don't believe there would be  
23 any negative impact of keeping the garage as it is  
24 and converting it to access exit, as Mr. Nastasi  
25 indicated, out to Court Street.



1 on down.

2 MR. GALVIN: Court recalls Mr. Nastasi  
3 to the witness stand.

4 CHAIRMAN HOLTZMAN: Mr. Nastasi, there  
5 wasn't any mention of street trees or anything.

6 Do you have that? I know it's not on  
7 the plan, but is there pre-existing trees and do you  
8 have any idea?

9 MR. GALVIN: You can't even see it from  
10 Google Maps.

11 MR. NASTASI: There's existing trees  
12 that will remain on the Washington Street side.

13 CHAIRMAN HOLTZMAN: Is there one or two  
14 in front of their building?

15 MR. GALVIN: Just one. This is a  
16 lamppost.

17 CHAIRMAN HOLTZMAN: Oh, that's a  
18 lamppost.

19 MR. NASTASI: A-101 on the first floor  
20 plan shows the existing shade tree and tree pit are  
21 in place.

22 CHAIRMAN HOLTZMAN: Do you know if it's  
23 a tree pit that has got the standard Shade Tree  
24 Commission guard around it? I don't think it does.  
25 Is that something we might be able to improve on?

1 MR. NASTASI: I can't tell from the  
2 photographs, but I can check to see if it's one of  
3 the approved.

4 CHAIRMAN HOLTZMAN: And if it's not,  
5 maybe we can --

6 MR. NASTASI: Upgrade it.

7 CHAIRMAN HOLTZMAN: Throw it in.

8 MR. NASTASI: Yes.

9 CHAIRMAN HOLTZMAN: Terrific.

10 MR. GALVIN: It's a dead tree. Further  
11 up there's a dead tree.

12 MR. MATULE: Mr. Nastasi, did you have  
13 an opportunity to discuss with the applicant  
14 installing some type of storm water detention  
15 system.

16 MR. NASTASI: Yes.

17 MR. MATULE: On to the Court Street  
18 portion of the building.

19 MR. NASTASI: Yes<sup>86</sup>.

20 MR. MATULE: And what was the result of  
21 those discussions?

22 CHAIRMAN HOLTZMAN: Drag it out of him,  
23 huh? I'll do it if you want, Bob.

24 MR. GALVIN: You going to treat him  
25 like a hostile witness now?

1 MR. NASTASI: We would be 100 percent  
2 amenable to that recommendation.

3 MR. MATULE: Thank you.

4 CHAIRMAN HOLTZMAN: And do we have any  
5 idea what the scope of that might be? Did you guys  
6 investigate this at all?

7 MR. NASTASI: I think we could -- we  
8 can -- we can do either the roof -- the roof detail  
9 of collecting water beneath the scupper, or we can  
10 do the subsurface storm retention if we were to  
11 remove the Court Street building, and we would -- we  
12 would look at either scenario.

13 MR. MATULE: And if you were to do a  
14 storm water detention system underneath the newly  
15 reconstructed Court Street portion of the building,  
16 do you think it would be feasible to have that  
17 design so it would be at least two times whatever  
18 the minimum standards of the North Hudson Sewage  
19 Authority is?

20 MR. NASTASI: It's hard to say. It's  
21 hard to punt that number at this point, but --

22 CHAIRMAN HOLTZMAN: How about if Mr.  
23 Nastasi consults with Mr. Hipolit on this, and we're  
24 going to allow them to work out the details.

25 MR. MATULE: Okay, okay.

1                   CHAIRMAN HOLTZMAN: But we'll -- we'll  
2 be -- we'll be comforted in the fact that we know  
3 that we're getting some nice storm water detention  
4 system.

5                   MR. NASTASI: And I could have our  
6 civil engineer be part of that discussion, so...

7                   CHAIRMAN HOLTZMAN: Great.

8                   MR. NASTASI: So we can do it the right  
9 way.

10                  MR. MATULE: Okay. That concludes our  
11 testimony.

12                  CHAIRMAN HOLTZMAN: Thank you.

13                  Are there any members of the public  
14 that wish to come on up? Come on up, sure.

15                  MS. NISLER: Dawn Nisler, N-I-S-L-E-R,  
16 316 Hudson.

17                  MR. GALVIN: Raise your right hand.

18                  D A W N     N I S L E R, being first duly sworn by the  
19 Notary, testifies as follows:

20                  CHAIRMAN HOLTZMAN: You may proceed.

21                  MS. NISLER: I have a question about  
22 the back. If it's going to be knocked down, will we  
23 be warned about that or is everything just going  
24 to -- will it just happen because that's where we  
25 all live?

1 MR. NASTASI: If it were to be knocked  
2 down, if we were to move in that direction,  
3 requirements for the International Building Code and  
4 the Building Department would require us to send the  
5 neighbor notifications. So you would have to be  
6 properly notified by certified mail, should we do  
7 that.

8 MS. NISLER: And we're starting this  
9 all over again. Meaning you'd have to come back  
10 here?

11 MR. MATULE: No, no, no.

12 CHAIRMAN HOLTZMAN: No, no.

13 MR. MATULE: If I might.

14 MR. NASTASI: Different --

15 CHAIRMAN HOLTZMAN: Hold on.

16 MR. NASTASI: Different kind of a  
17 notification. You received notification as part of  
18 this process, but when we are about to start  
19 construction, you have -- if you're working on the  
20 property line, you have to notify your neighbors of  
21 exactly what you're going to be doing on the  
22 property line. So you'll be receiving that  
23 notification if you're a neighbor on either side, as  
24 part of the building code.

25 MR. MATULE: Okay.

1 MS. NISLER: Okay.

2 CHAIRMAN HOLTZMAN: John, can you  
3 also -- I know some of the neighbors had some  
4 concerns about structural issues and things like  
5 that. Can you assuage our fears a little bit? Can  
6 you give us a a little information on that?

7 MR. NASTASI: That's why I brought out  
8 the point about the cellars, that our basement is  
9 several feet above the neighbors. So their -- both  
10 basements are below our height. When we lower our  
11 slab down to the proper level, it will actually  
12 align with the neighbors, which creates actually a  
13 better structural condition. Everything is on the  
14 same plain, and we will not undermine the structural  
15 integrity of the neighbors' buildings.

16 CHAIRMAN HOLTZMAN: And when you're  
17 talking down your, especially the frame building,  
18 and most likely it seems like the rear building as  
19 well --

20 MR. NASTASI: Well --

21 CHAIRMAN HOLTZMAN: Will you do certain  
22 things to structurally support the other buildings?

23 MR. NASTASI: We'll make sure our  
24 structural engineer prepares a bracing strategy as  
25 part of the construction.

1                   CHAIRMAN HOLTZMAN:  And the people will  
2                   be noticed before any of this type of work starts  
3                   happening --

4                   MR. NASTASI:  Yes.

5                   CHAIRMAN HOLTZMAN:  -- as well.

6                   MR. NASTASI:  Yes.  I will be make  
7                   myself available to the neighbors as well.

8                   CHAIRMAN HOLTZMAN:  Okay.  Any other  
9                   questions or comments, commissioners?

10                  COMMISSIONER STRATTON:  Is there any  
11                  historical value for contacts that the rear building  
12                  contributes to Court Street.

13                  MR. NASTASI:  The rear building?  No.

14                  CHAIRMAN HOLTZMAN:  Well, you did have  
15                  a historic preservation review, and part of that  
16                  review was maintaining the retail streetscape, and  
17                  some of the certain elements of that storefront,  
18                  right?

19                  MR. NASTASI:  It is original transom  
20                  glass panels in the burger place right now that  
21                  we're keeping, and we're installing as decorative  
22                  transom glass, which is really original.  It's all  
23                  that's left in the burger building, but we'll keep  
24                  that and reinstall them.

25                  CHAIRMAN HOLTZMAN:  Great.

1                   COMMISSIONER PEENE: Just a quick  
2 question for Mr. Roberts or members of the Board who  
3 can answer this: Is there a precedence for this on  
4 Washington Street, where undergrounds tanks have  
5 been put in the historical areas such as this, or  
6 the opportunity to, by knocking down the structure,  
7 such as the one on Court Street.

8                   MR. ROBERTS: I haven't heard. This is  
9 the first one I've seen.

10                  MR. GALVIN: I think the answer is "it  
11 depends". We've looked at numerous of these at the  
12 Zoning Board. The important part of Court Street  
13 is, and maybe other people can tell me, the planner,  
14 Brandy can tell me, but it's the -- it's a  
15 cobblestone street. There are structures here that  
16 are unique, but there's an awful lot of garages  
17 here, that are -- they're just low level garages,  
18 and they're not, in any way. So it depends. You've  
19 got to be out there. You got to be out there and  
20 see it building -- building to building, I think it  
21 makes a difference.

22                  CHAIRMAN HOLTZMAN: Mr. Nastasi, is  
23 there anything going on with the cobbles that are  
24 behind the building as well? How does that work in  
25 terms of Court Street? Court Street, your property

1 going up to Court Street, I imagine?

2 MR. NASTASI: Yes.

3 CHAIRMAN HOLTZMAN: And Court Street,  
4 is it an actual public right-of-way?

5 MR. NASTASI: It's an actual -- it's an  
6 actual street.

7 MR. GALVIN: Can you show us -- show us  
8 the facade on Court Street. Please. I'm sorry. I  
9 don't mean say that it that way.

10 MR. NASTASI: So here are four  
11 photographs, A-201, existing.

12 CHAIRMAN HOLTZMAN: That's existing.

13 MR. NASTASI: And you could see our  
14 facade comes right up to the cobblestone, but  
15 there's a concrete apron, an ad hoc concrete apron  
16 that's in place right here, and you could also see  
17 that the building has --

18 CHAIRMAN HOLTZMAN: And the proposed?

19 MR. NASTASI: Essentially no historic  
20 character. On page A-203, you see the Court Street  
21 elevation, and our proposed masonry facade, the  
22 renovated facade with the new glass residential  
23 entries, the corbel at the top of the parapet. So  
24 we're --

25 MR. GALVIN: Did the Historic

1 Commission look at that, and they were okay with  
2 that also?

3 MR. NASTASI: That was all part of the  
4 first application to the Historic Commission which  
5 we received our approval for.

6 MR. GALVIN: Because, again, I'm only  
7 using the reference from the Zoning Board on the one  
8 or two of the other properties we had, and in this  
9 case you have a garage. I think we made one of  
10 the -- one or two of those. Bob, do you remember  
11 those? I think we changed -- we're not -- I know  
12 we're not supposed to make things look historic, but  
13 I think we did something with the garage doors or  
14 something.

15 CHAIRMAN HOLTZMAN: Well, they don't  
16 have garage doors here, so I'm not sure what your  
17 question is.

18 MR. GALVIN: I was -- I'm trying to --  
19 we were asking about the historical character of  
20 Court Street and does this -- does this meet it, and  
21 they've talked to the Historical Commission and  
22 they've said -- they said okie-dokie on this, right?

23 CHAIRMAN HOLTZMAN: They said okay on  
24 this.

25 MR. GALVIN: So if you guys are all

1 right, then I'm all right with it.

2 CHAIRMAN HOLTZMAN: John, my question  
3 really with the cobbles and everything else that are  
4 on Court Street is I know, you know, obviously  
5 you're going to be doing work right up to the  
6 property line.

7 Is there any thought or consideration  
8 for making sure that the cobbles that are behind  
9 your property are going to be re-laid, re-set,  
10 re-leveled, because I know there are sections of  
11 Court Street that are disasters, other sections that  
12 are great. You're putting a tremendous amount of  
13 money into this project. Is there consideration for  
14 getting the cobblestones squared away?

15 MR. NASTASI: You're pointing. On  
16 A-001, the ground floor plan site plan, there's  
17 already notes on the drawing to maintain and repair  
18 existing sets of cobblestones that face the building  
19 and remove that concrete apron. So we'll take care  
20 of all that property adjacent to the plans.

21 CHAIRMAN HOLTZMAN: Okay.

22 COMMISSIONER FORBES: I got an -- are  
23 we on comments.

24 CHAIRMAN HOLTZMAN: We're on comments.

25 COMMISSIONER FORBES: Okay. So one of

1 the things, you know, I'm looking at when you're  
2 looking at that rear facade that's what's fronting  
3 on Court Street, is a lot of these buildings are at  
4 that property line, except for the one that's right  
5 next to it. But when you see that photo, there's  
6 actually cars parked there, so I would actually be  
7 interested in seeing that being done, the hundred  
8 percent rather than have it be set back, and then  
9 people starting to park cars in that area. It's  
10 just something to think about or consider.

11 CHAIRMAN HOLTZMAN: So it's a -- if the  
12 tradeoff is a mess of a parking lot versus retail  
13 space, you're voting for retail space?

14 COMMISSIONER FORBES: Uh-huh. Yes.

15 CHAIRMAN HOLTZMAN: Commissioners,  
16 anything?

17 Mr. Galvin, you have a couple of  
18 conditions? Can you start us off? Oh, Mr. Roberts.

19 MR. ROBERTS: Just one point,  
20 Mr. Chairman, I just wanted to, for the record, ask  
21 John. You had a chance to review -- not so much the  
22 planning comments, because I think we've covered  
23 those, but there was a number of things in  
24 Mr. Hipolit's letter having to do with either  
25 providing testimony, which you've done, but also a

1 couple of other things that were talked about in  
2 terms of being addressed, and did you find anything  
3 that you would object to?

4 MR. NASTASI: Yeah, I reviewed  
5 everything and we're 100 percent in agreement with  
6 the letter. The only condition that was already  
7 discussed was the water retention, and that's  
8 something we'll work out with our civil engineer,  
9 but that was the one point I was going to bring up,  
10 but you already covered it.

11 MR. ROBERTS: And the other thing, Mr.  
12 Chairman, would have to do with the environmental  
13 report. Probably the -- basically, almost all of  
14 page six had to do with that. I just want to point  
15 out that I received from Mr. Matule today a report  
16 regarding an underground storage tank, which was the  
17 only environmental, I guess, analysis that had been  
18 done on the site, but it effectively came up clean.  
19 It was a screen, I think it's called, a UST screen?

20 MR. MATULE: Yes. Because Mr. Hipolit  
21 had raised it in the report, and because the  
22 applicant had not previously had a Phase I, they  
23 didn't see the need when they bought the building.  
24 We asked them to initiate some environmental  
25 investigation. They had a tank company come in and

1 do a scan of the property, and also investigate for  
2 vent pipes or copper lines or whatever. They found  
3 no evidence of an oil tank existing on site. My  
4 understanding is they also did a study for asbestos.  
5 We haven't gotten that back yet. We expect that  
6 shortly. When I get that, I'll pass that along to  
7 Mr. Hipolit.

8 MR. ROBERTS: I just wanted to get that  
9 on the record, Mr. Chairman.

10 CHAIRMAN HOLTZMAN: Great. Thank you.  
11 Anything else, Commissioners?  
12 Mr. Galvin.

13 MR. GALVIN: Here we go.  
14 One, the applicants will be responsible  
15 for the proper closure of the windows along 317  
16 Washington Street.

17 Two, applicant is to consult with the  
18 board engineer to add design features which will  
19 retain storm water on site sufficient -- I'm making  
20 this up, so if you guys don't agree, tell me -- to  
21 accommodate 20 percent of the lot. I'm thinking if  
22 you've got a hundred percent of that and you're only  
23 supposed to be 80 percent, there's 20 percent that  
24 was supposed to be ground.

25 CHAIRMAN HOLTZMAN: Or more.

1 MR. GALVIN: Or more?

2 MR. MATULE: So basically, offset what  
3 the equivalent of 20 percent impervious.

4 MR. NASTASI: A minimum of 20 percent.

5 MR. GALVIN: Just to give you a guide  
6 of where you got to go.

7 MR. NASTASI: Minimum 20 percent.

8 MR. GALVIN: Minimum. Do better.  
9 The building is to have space for a  
10 flue to accommodate a future restaurant use.

11 Four, the retail space is to be  
12 encircled by acoustical sound proofing?

13 MR. NASTASI: Not retail space. The  
14 mechanical equipment.

15 MR. ROBERTS: On the roof.

16 MR. MATULE: On the roof.

17 MR. ROBERTS: On both roofs.

18 MR. GALVIN: I thought you meant the --  
19 mechanical equipment. Okay.

20 CHAIRMAN HOLTZMAN: On both roofs.

21 MR. GALVIN: Is to be enclosed.

22 CHAIRMAN HOLTZMAN: On both roofs.

23 MR. MATULE: Screened.

24 CHAIRMAN HOLTZMAN: Screened.

25 MR. GALVIN: I thought I heard acoustic

1 something.

2 MR. NASTASI: Acoustic screening.

3 MR. GALVIN: Acoustic screening.

4 VICE-CHAIRMAN MAGALETTA: Acoustic  
5 attenuation.

6 MR. NASTASI: Sure.

7 MR. GALVIN: Okay.

8 The applicant is to preserve the  
9 existing tree and the applicant will install a tree  
10 grate in consultation with the Shade Tree  
11 Commission.

12 MR. NASTASI: Yes.

13 MR. GALVIN: The cobblestones are to be  
14 maintained and repaired as necessary to preserve the  
15 cobblestone path.

16 Seven --

17 CHAIRMAN HOLTZMAN: On Court Street.  
18 Do we need to say that?

19 COMMISSIONER GRAHAM: On Court Street.

20 MR. GALVIN: I'm sure we can. It's  
21 nowhere else.

22 The applicant is to comply with the  
23 planner and engineer's letters, and then our  
24 standard condition that the planner and engineer  
25 memo will be met.

1 MR. NASTASI: Sounds good.

2 MR. MATULE: Yup.

3 CHAIRMAN HOLTZMAN: I don't know if  
4 it's -- doesn't raise to the issue of a condition,  
5 but in the previous hearing we had the City  
6 administration in here talking about the restoration  
7 and refurbishment of Washington Street, and how all  
8 of these different water lines and sewer lines are  
9 being upgraded into each building, so I don't know  
10 if it makes sense in some way to coordinate with the  
11 City to make sure that that also gets done  
12 completely on your project as well, because there  
13 seemed to be one part of that that the City and that  
14 project was taken care of, but then there's another  
15 part of it, I guess, that is left up to the property  
16 owner.

17 MR. NASTASI: We'll look into that.

18 COMMISSIONER DOYLE: To the curb.

19 CHAIRMAN HOLTZMAN: To the curb?

20 MR. NASTASI: Do the curb.

21 CHAIRMAN HOLTZMAN: So these are the  
22 nine -- eight conditions that Dennis has read.

23 Are there any other items that  
24 anybody --

25 MR. GALVIN: Did Andy raise the

1 sidewalk? Is the sidewalk going to be a condition?

2 MR. ROBERTS: It wasn't. I don't think  
3 it was in. I don't think it was referenced in the  
4 letter. It doesn't look like it was.

5 MR. MATULE: A-001 says "replace  
6 existing sidewalk".

7 CHAIRMAN HOLTZMAN: Replace existing  
8 sidewalk, so that's easy.

9 MR. GALVIN: So if it's in their  
10 letter, it's okay. I don't need to respell it out.

11 MR. NASTASI: It's on the drawings.

12 CHAIRMAN HOLTZMAN: It's on the  
13 drawings.

14 MR. GALVIN: Okay. Curb and sidewalk.

15 MR. NASTASI: As to the flue, too,  
16 though.

17 MR. GALVIN: Yeah, but I had a reason  
18 for the flue. I think that -- I think the curb and  
19 sidewalk are real easy, and I think that something  
20 like a flue goes, and people are like, "Oh, we don't  
21 really need this space," and then they punch it out  
22 and I'm going --

23 CHAIRMAN HOLTZMAN: Okay. There are  
24 eight conditions read by Mr. Galvin, and is there a  
25 motion to accept the application with these eight

1 conditions?

2 COMMISSIONER DOYLE: Motion.

3 CHAIRMAN HOLTZMAN: Is there a second?

4 COMMISSIONER MCKENZIE: Second.

5 CHAIRMAN HOLTZMAN: Pat, please call  
6 the roll.

7 MS. CARCONE: Commissioner Magaletta.

8 VICE-CHAIRMAN MAGALETTA: Yes.

9 MS. CARCONE: Commissioner Stratton.

10 COMMISSIONER STRATTON: Yes.

11 MS. CARCONE: Commissioner Forbes.

12 COMMISSIONER FORBES: Yes.

13 MS. CARCONE: Commissioner Doyle.

14 COMMISSIONER DOYLE: Yes.

15 MS. CARCONE: Commissioner Graham.

16 COMMISSIONER GRAHAM: Yes.

17 MS. CARCONE: Commissioner McKenzie.

18 COMMISSIONER MCKENZIE: Yes.

19 MS. CARCONE: Commissioner Peene.

20 COMMISSIONER PEENE: Yes.

21 MS. CARCONE: Commissioner Jacobson.

22 COMMISSIONER JACOBSON: Yes.

23 MS. CARCONE: Commissioner Holtzman.

24 CHAIRMAN HOLTZMAN: Yes.

25 ms. na: Thank you very much.

1 CHAIRMAN HOLTZMAN: Thank you.

2 Motion to adjourn?

3 COMMISSIONER MCKENZIE: So moved.

4 CHAIRMAN HOLTZMAN: Second?

5 COMMISSIONER PEENE: Second.

6 CHAIRMAN HOLTZMAN: All in favor?

7 (Voice vote taken at this time.)

8 (Concluded at 10:38 p.m.)

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CERTIFICATE OF OFFICER

I, THERESA L. TIERNAN, A Notary Public and Certified Court Reporter of the State of New Jersey, do hereby certify that the foregoing is a true and correct transcript of the proceedings as taken stenographically by and before me at the time, place and on the date herein before set forth.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of 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.

THERESA L. CARIDDI TIERNAN  
Notary Public of the State of New Jersey  
C.C.R. License No. XI01210

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