

CITY OF HOBOKEN
PLANNING BOARD

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REGULAR MEETING OF THE HOBOKEN : February 2, 2016
PLANNING BOARD : 7:07 p.m.
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Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman Gary Holtzman
- Vice Chair Frank Magaletta
- Commissioner Caleb D. Stratton
- Commissioner Brandy Forbes
- Commissioner Ann Graham
- Commissioner Caleb McKenzie
- Commissioner Ryan Peene
- Commissioner Rami Pinchevsky
- Commissioner Tom Jacobson

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

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

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1 CHAIRMAN HOLTZMAN: Okay, guys. We are
2 going to get started.

3 Thank you.

4 It is 7:07 on Tuesday, February 2nd,
5 2016.

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

14 Pat, please call the roll.

15 MS. CARCONE: Commissioner Holtzman?

16 CHAIRMAN HOLTZMAN: Here.

17 MS. CARCONE: Commissioner Magaletta?

18 VICE CHAIR MAGALETTA: Here.

19 MS. CARCONE: Commissioner Stratton?

20 COMMISSIONER STRATTON: Here.

21 MS. CARCONE: Commissioner Forbes?

22 COMMISSIONER FORBES: Here.

23 MS. CARCONE: Commissioner Doyle is
24 absent.

25 MR. GALVIN: Well, he is expected.

1 CHAIRMAN HOLTZMAN: He is expected a
2 little later.

3 MR. GALVIN: He has some important
4 Councilman business to take care of.

5 MS. CARCONE: Commissioner Graham?

6 COMMISSIONER GRAHAM: Here.

7 MS. CARCONE: Commissioner McKenzie?

8 COMMISSIONER MC KENZIE: Here.

9 MS. CARCONE: Commissioner Pinchevsky?

10 COMMISSIONER PINCHEVSKY: Here.

11 MS. CARCONE: Commissioner Peene?

12 COMMISSIONER PEENE: Here.

13 MS. CARCONE: Commissioner Jacobson?

14 COMMISSIONER JACOBSON: Here.

15 MS. CARCONE: And Commissioner O'Connor
16 is absent.

17 CHAIRMAN HOLTZMAN: Okay. Great.

18 Thank you.

19 So the first item on our agenda is some
20 administrative things.

21 Mr. Peene, would you like to bring us
22 up to the speed on the professionals' reviews?

23 COMMISSIONER PEENE: Yes.

24 As is custom in most open governments
25 and for all Boards, full disclosure. We

1 interviewed. The city advertised for a Board
2 Attorney, a planner, an engineer, and every year we
3 review the work of the previous or current
4 applicants, our professionals. We also interview
5 new professionals. It is really a chance for the
6 Board to see what else is out there, how other
7 people think, because we are always looking for the
8 best people to serve our Board in Hoboken. We had
9 eight interviews amongst attorneys, engineers and
10 planners.

11 And through Commissioner's Holtzman's
12 work, Vice Chairman Magaletta, Councilman Doyle, and
13 I sat in on the interviews, and it seems like we
14 ended up right back where we started. So we have a
15 resolution on the table to reappoint Mr. Galvin, our
16 Planning Board Attorney, Mr. David Roberts of Maser,
17 our planner, and Mr. Andy Hipolit, our engineer.

18 I am presenting this to the Board right
19 now as the committee's recommendation.

20 CHAIRMAN HOLTZMAN: And the alternates
21 as well and the backup --

22 COMMISSIONER PEENE: And, yes, there
23 are backup engineers, as was the previous case in
24 2015. Joe Pomante from Boswell Engineering will be
25 our conflict engineer that we are putting forth, and

1 as for a Board Palnner, Jessica Giorgianni from H2M
2 Engineering, who many of you have experienced her
3 reports in 2015.

4 So without further adieu, I leave the
5 motion on the table to approve this resolution.

6 CHAIRMAN HOLTZMAN: Anything to add,
7 Mr. Magaletta?

8 VICE CHAIR MAGALETTA: No, that's it.

9 CHAIRMAN HOLTZMAN: Terrific.

10 So there is a motion on the floor for,
11 is that five different resolutions?

12 COMMISSIONER PEENE: I think there's
13 three resolutions.

14 MS. CARCONE: Three resolutions.

15 CHAIRMAN HOLTZMAN: Three resolutions,
16 is that how we do it, because then we list it as a
17 conflict and --

18 MS. CARCONE: Yes, the alternate is
19 listed.

20 COMMISSIONER PEENE: The alternate is
21 listed with the engineer and the planner.

22 VICE CHAIR MAGALETTA: I second the
23 motion to approve all three resolutions.

24 MS. CARCONE: Who was the first?

25 COMMISSIONER PEENE: I was.

1 MS. CARCONE: You were the first.

2 Okay.

3 And we are going to do all five
4 together?

5 CHAIRMAN HOLTZMAN: All three.

6 MS. CARCONE: All three, I'm sorry.
7 You are right.

8 CHAIRMAN HOLTZMAN: As you corrected
9 me.

10 (Laughter)

11 MS. CARCONE: Okay.

12 Commissioner Magaletta?

13 VICE CHAIR MAGALETTA: Yes.

14 MS. CARCONE: Commissioner Stratton?

15 COMMISSIONER STRATTON: Yes.

16 MS. CARCONE: Commissioner Forbes?

17 COMMISSIONER FORBES: Yes.

18 MS. CARCONE: Commissioner Graham?

19 COMMISSIONER GRAHAM: Yes.

20 MS. CARCONE: Commissioner McKenzie?

21 COMMISSIONER MC KENZIE: Yes.

22 MS. CARCONE: Commissioner Peene?

23 COMMISSIONER PEENE: Yes.

24 MS. CARCONE: Commissioner Pinchevsky?

25 COMMISSIONER PINCHEVSKY: Yes.

1 MS. CARCONE: Commissioner Jacobson?

2 COMMISSIONER JACOBSON: Yes.

3 MS. CARCONE: And Commissioner
4 Holtzman?

5 CHAIRMAN HOLTZMAN: Yes.

6 MR. GALVIN: On behalf of the
7 professional staff, thank you.

8 MR. HIPOLIT: Thank you very much.

9 CHAIRMAN HOLTZMAN: Thank you,
10 gentlemen.

11 COMMISSIONER GRAHAM: You got it.

12 (Laughter)

13 (Continue on next page)

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CITY OF HOBOKEN
PLANNING BOARD
HOP-15-19

- - - - - X
RE: 502-510 Madison Street : February 2, 2016
Block 67, Lots 28, 29, 30, 31, 32 : 7:15 p.m.
Applicant: 502 Madison Street, LLC :
Preliminary Site Plan Review :
- - - - - X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman Gary Holtzman
- Vice Chair Frank Magaletta
- Commissioner Caleb D. Stratton
- Commissioner Brandy Forbes
- Commissioner Ann Graham
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Attorneys for the Applicant.

I N D E X

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1 CHAIRMAN HOLTZMAN: The first item on
2 our agenda, the first hearing is for 502 Madison.

3 MR. MC DONALD: Yes. Good evening, Mr.
4 Chairman, and members of the Board.

5 CHAIRMAN HOLTZMAN: Good evening.

6 MR. MC DONALD: I am John McDonald from
7 McDonald & Rogers, Somerville, New Jersey. I
8 represent the applicant. This is HOP-15-19, 502-510
9 Madison Street.

10 We have five witnesses this evening. I
11 think the last couple will go rather quickly I hope,
12 but I will tell you who they are.

13 They are: Antonio Aiello, who is our
14 architect on the project; Andrew Missey, our project
15 engineer; Tom Carman will be providing some
16 testimony on the landscape architecture and green
17 features of the project. John Pavlovich is our
18 traffic engineer, and Edward Kolling is our planner.

19 I believe that they all have been
20 qualified by this Board and other Boards in this
21 town before, but we will take them on a one-by-one
22 basis.

23 In addition to everything that we
24 submitted, and we have been very active over the
25 last five or six months with your engineer and your

1 planner, there is one slight modification. The
2 neighbors to the west, who are the building to the
3 west of our property, where the back of this garage,
4 and we will describe it in a moment, they have asked
5 us, if it's possible, and you will have testimony on
6 this, to retain part of a wall of a building that is
7 very visually attractive for the neighbors. It has
8 been there for a long time. It is ivy covered. It
9 is brick. It's the rear wall of the building.

10 The applicant has met with the
11 neighbors, and they are here tonight, and we are
12 going to try to accommodate them by keeping part of
13 the existing wall -- God bless you -- keeping part
14 of the existing wall, shoring it up and making sure
15 it is engineeringly sound, it's soundly engineered,
16 and then we will accommodate them because it has
17 been a very, very nice buffer for them in the past,
18 so that is really the only modification to the plans
19 that we have.

20 CHAIRMAN HOLTZMAN: Do you have some
21 visuals or anything else on this to assist the
22 Commissioners on this?

23 MR. MC DONALD: Well, we do have the
24 overview of the existing garage that is there now.
25 It's an existing garage.

1 CHAIRMAN HOLTZMAN: This wall sounds so
2 wonderful, we all want to see it.

3 UNIDENTIFIED VOICE FROM THE AUDIENCE:
4 I have photographs.

5 CHAIRMAN HOLTZMAN: Good. Someone has
6 a photograph.

7 MS. CARCONE: I have photographs, too,
8 from the prior hearing.

9 MR. MC DONALD: Thank you.

10 CHAIRMAN HOLTZMAN: Okay. Great.
11 Let's proceed.

12 MR. MC DONALD: Mr. Aiello.

13 VICE CHAIR MAGALETTA: Mr. McDonald?

14 MR. MC DONALD: Yes.

15 VICE CHAIR MAGALETTA: Mr. Chair, can I
16 just ask a couple of preliminary questions before
17 you get to that?

18 CHAIRMAN HOLTZMAN: Sure.

19 Mr. McDonald, go ahead.

20 VICE CHAIR MAGALETTA: On your
21 application there's a will-serve letter for PSE&G,
22 and there's also an amended will-serve letter. Why
23 was there an amended PSE&G will-serve letter?

24 MR. MC DONALD: I believe it was just
25 because one was from a prior application. There was

1 an application before the Zoning Board last year on
2 this property, and I think it is an updated
3 will-serve letter from PSE&G.

4 VICE CHAIR MAGALETTA: Thanks.

5 And also there is certain disclosure
6 statements, and some people filled them out by
7 saying "none," and someone put blank.

8 Just let me ask the question. Now, by
9 virtue of no one putting anything in there, nothing
10 was contributed to any politician, correct?

11 MR. MC DONALD: That is correct.

12 VICE CHAIR MAGALETTA: Okay. That is
13 all I wanted for the record. Thank you.

14 That is it.

15 MR. MC DONALD: Thank you.

16 Mr. Aiello, will you please state your
17 full name?

18 MR. AIELLO: Antonio Aiello,
19 A-i-e-l-l-o.

20 MR. GALVIN: Raise your right hand.

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

24 MR. AIELLO: I do.

25

1 A N T O N I O A I E L L O, having been duly sworn,
2 testified as follows:

3 MR. GALVIN: Mr. Chairman, do we accept
4 Mr. Aiello's credentials as an architect?

5 CHAIRMAN HOLTZMAN: We do.

6 MR. GALVIN: You may proceed.

7 MR. MC DONALD: Thank you.

8 Mr. Aiello, you are the project
9 architect?

10 THE WITNESS: I am.

11 MR. MC DONALD: Okay. Could you tell
12 us very briefly what the applicant is seeking to do?

13 THE WITNESS: We are currently
14 requesting to build a five-family multi-family
15 structure on the property. The lot is a hundred
16 feet deep and 125 feet wide, located at 502 Madison
17 Street. It's currently --

18 MR. GALVIN: Can I interrupt you for
19 one second?

20 MR. MC DONALD: Yes.

21 MR. GALVIN: Does it include more than
22 the parking lot I am looking at?

23 MR. MC DONALD: I'm sorry, yes.

24 MR. GALVIN: Does it include more than
25 the parking lot to the right or to the left?

1 THE WITNESS: Currently the property is
2 75 feet of parking lot and 50 feet of existing --

3 MR. GALVIN: Got it. Thank you very
4 much.

5 THE REPORTER: Can you say that again
6 because you're so far over, it's hard to hear you.

7 THE WITNESS: It is a 75 foot wide
8 section of a parking lot and surface parking, and a
9 50 foot wide existing --

10 MR. GALVIN: And could you point out
11 where the wall is that we're talking about?

12 THE WITNESS: The current wall is
13 located along the back of the property, and we are
14 going to maintain a partial section of the return in
15 order to maintain the structure.

16 MR. GALVIN: Thank you.

17 CHAIRMAN HOLTZMAN: Thank you.

18 THE WITNESS: You're welcome.

19 MR. MC DONALD: So would you describe
20 how many units are in the proposed building?

21 THE WITNESS: 18 residential units.

22 MR. MC DONALD: And how many parking
23 spaces are enclosed?

24 THE WITNESS: 18 parking spaces.

25 MR. MC DONALD: What is the existing

1 condition of the lot now?

2 THE WITNESS: Currently it's surface
3 parking to the north and a 15 foot high existing
4 warehouse building to the south.

5 MR. MC DONALD: Are they permitted uses
6 in the zone?

7 THE WITNESS: They are not.

8 MR. MC DONALD: Okay. The building
9 that is proposed, what is the zone? Is it an R-3
10 zone?

11 THE WITNESS: That is correct.

12 MR. MC DONALD: Okay. And does this --
13 we are seeking preliminary site plan approval from
14 the Board and we're also seeking one variance. Is
15 that correct?

16 THE WITNESS: Yes.

17 MR. MC DONALD: And what is that
18 variance?

19 THE WITNESS: Height.

20 MR. MC DONALD: Okay. And could you
21 tell us what is the permitted height and what is
22 proposed?

23 THE WITNESS: We're currently permitted
24 40 feet above design flood elevation, and we are
25 requesting 43 feet nine inches, so an additional

1 three feet nine inches.

2 MR. MC DONALD: Could you tell us about
3 the proposed building? It is a multi-family
4 residential?

5 THE WITNESS: It is.

6 MR. MC DONALD: And what is going to be
7 on the first floor of the building and describe that
8 in a little detail for the Board.

9 THE WITNESS: The first floor would be
10 parking and common area amenities, such as the
11 lobby, utilities, gas, electric meters, sprinkler
12 systems, all are going to be based above the flood
13 elevation.

14 The center of the building is the lobby
15 entrance as you see here. On either side we have
16 parking spaces, and we'll maintain the curb cuts in
17 order to have two parking entrances and also able to
18 get all 18 spaces, one parking space per unit.

19 MR. MC DONALD: Now, when we originally
20 brought our application before the Board, there was
21 a gym proposed. Is that correct?

22 THE WITNESS: That is correct, and that
23 has been removed.

24 MR. MC DONALD: Has the Flood Plain
25 Administrator suggested removal of that?

1 THE WITNESS: Yes.

2 MR. MC DONALD: And that has been
3 replaced with what?

4 THE WITNESS: Nothing. Currently it's
5 just a lobby and a water sprinkler room in the back,
6 and we have bicycle parking --

7 MR. MC DONALD: Okay. Storage for the
8 bicycles?

9 THE WITNESS: Yes.

10 MR. MC DONALD: Now, could you please
11 describe for the Board --

12 VICE CHAIR MAGALETTA: Excuse me.
13 What page are you referring to?

14 THE WITNESS: This is currently SP-1, 5
15 of 15.

16 MR. MC DONALD: So this is SP-1 of Page
17 5 of 15 on the plans submitted to the Board. Is
18 that correct?

19 THE WITNESS: Yes, that's correct.

20 MR. MC DONALD: Now, you described for
21 us the parking, and could you give us a little more
22 detail on the parking?

23 This is on the first level, is that
24 correct?

25 THE WITNESS: Absolutely, yes.

1 As I mentioned, we have two entrances,
2 two curb cuts, two garages on the ground floor. The
3 entrance to the south has a total of six parking
4 spaces, bicycle storage, as well as access to
5 electrical, gas and sprinkler requirements for the
6 building.

7 The lobby is the center portion and has
8 access to, of course, the fire stair and the
9 elevator which accesses the units above.

10 The northern parking entrance is
11 adjacent to where we have the handicapped parking
12 spot, and there's a few compact parking spaces, as
13 well as a second means of egress out of the
14 building.

15 MR. MC DONALD: Now, the height
16 variance that we are seeking, less than four feet,
17 is that caused primarily because of a barrier-free
18 access for a van?

19 THE WITNESS: That is correct. As soon
20 as you have parking in a structure, you are required
21 to maintain van -- accessible van entrances and
22 routes within the building. This gives us --

23 CHAIRMAN HOLTZMAN: Are we talking
24 about a handicapped van, is that what you mean
25 specifically?

1 THE WITNESS: That's correct, yes.

2 MR. MC DONALD: So it would be taller
3 because those vans are a little higher than most
4 cars?

5 THE WITNESS: Correct.

6 MR. MC DONALD: Now, you described the
7 lobby and the parking.

8 The two entrances to the parking --

9 CHAIRMAN HOLTZMAN: Mr. McDonald, we're
10 going to just walk that back, just a little bit
11 here.

12 I know my Board Engineer just gave me a
13 look here when we were going through the utility
14 rooms there, and all of those utility rooms that are
15 located at grade, you called out, it sounded like
16 all of the utilities that are located in there. Is
17 that correct?

18 THE WITNESS: We have the electric and
19 gas meters on a raised platform in the southern
20 portion of the garage, and then the water meter room
21 within an elevated space inside there as well.

22 MR. HIPOLIT: So the gas and electric
23 is above the DFE?

24 THE WITNESS: Yes.

25 CHAIRMAN HOLTZMAN: It's on an elevated

1 platform?

2 THE WITNESS: The platform is elevated,
3 and the meters themselves are elevated again in
4 order to accommodate that --

5 CHAIRMAN HOLTZMAN: I think, if you
6 remember correctly, there also needs to be some kind
7 of a step, so somebody can access it, that the
8 meters can't be a certain height above the floor --

9 THE WITNESS: Correct, yes.

10 CHAIRMAN HOLTZMAN: -- okay.

11 MR. MC DONALD: You will provide for
12 that?

13 THE WITNESS: Absolutely.

14 MR. MC DONALD: Okay. And we will also
15 get into this generator on the roof.

16 CHAIRMAN HOLTZMAN: Great, thank you.

17 MR. MC DONALD: Now, if you are
18 parking, and this would be the south parking garage,
19 is that correct?

20 THE WITNESS: That's correct.

21 MR. MC DONALD: You can't go from one
22 parking garage to the other, can you?

23 THE WITNESS: You cannot, no.

24 MR. MC DONALD: Okay. So they are
25 separately maintained?

1 THE WITNESS: Yes.

2 MR. MC DONALD: And separate entrances
3 and exits for each one, is that right?

4 THE WITNESS: Correct.

5 MR. MC DONALD: Now, could you describe
6 for the Board, we will have our landscape architect
7 talk about this a little bit, but the garden area in
8 the back --

9 THE WITNESS: The garden area is
10 accessed via the garage on either side of the south
11 and northern portion.

12 We have -- the rest of the property, we
13 have a 60 foot deep building, and the rest is a 40
14 foot deep rear yard, which is going to be fully
15 landscaped, pavers, and landscaping in order to
16 beautify this space.

17 MR. MC DONALD: Now, have you done some
18 renderings of the facade of the building?

19 THE WITNESS: I have.

20 MR. MC DONALD: Now, these are not part
21 of the package, so we will have these marked, if
22 that is okay with the Board.

23 A-1, Mr. Chairman?

24 CHAIRMAN HOLTZMAN: Yes.

25 (Exhibit A-1 marked.)

1 MR. MC DONALD: They're the same board?

2 THE WITNESS: Yes. They are just
3 different views, so I don't know if I need to show
4 that one.

5 MR. MC DONALD: All right. Well, are
6 you comfortable with A-1?

7 THE WITNESS: Yes.

8 MR. MC DONALD: Okay. Could you, from
9 an architectural standpoint on the facade of the
10 building, could you describe the brick and different
11 materials used and the features of that?

12 THE WITNESS: Absolutely.

13 As you can see from the facade
14 rendering, the building is split, so it looks like
15 two different structures. One is a more modern
16 rendition of the building. The other one is a more
17 common, you know, system that is usually seen in
18 Hoboken with an angled base. They are both brick
19 buildings, metal clad bays.

20 The building on the right-hand side, as
21 you can see, is not only brick, but it's also stone
22 infill throughout the building, so it's stone. It
23 is not excessive panels, metal panels, except at the
24 window locations.

25 MR. MC DONALD: Now, you described the

1 materials to be used.

2 The first floor is for parking, the
3 lobby, the utilities, and the outdoor garden, is
4 that correct?

5 THE WITNESS: That's correct.

6 MR. MC DONALD: And is there any plan
7 for paving -- strike that -- for landscaping in the
8 front of the building?

9 THE WITNESS: Yes. We are providing
10 planters along the entire facade length of the
11 building, wherever there are not openings.

12 We have standard concrete, and then we
13 have brick pavers along the perimeter of the street
14 as well as the lobby entrance way.

15 MR. MC DONALD: Now, the engineer's
16 report, we have been back and forth a number of
17 times, but I want you to describe for us the ADA
18 striping and the accessibility, the ADA
19 accessibility.

20 THE WITNESS: Absolutely, absolutely.

21 As far as accessibility, all entrances
22 into the building and out to the rear yard, lobby,
23 all have -- are all accessible as required by the
24 State of New Jersey and federal regulations.

25 We have proper striping culled out for

1 the handicapped space, proper dimensions for it, as
2 well as the access space next to it, which is the
3 same width as the parking space when it comes to a
4 van's -- a van location.

5 The van access directs -- access has
6 direct access to the lobby. And as you can see, I
7 created a clearance space that's shown at both of
8 the doors that there is clearance on both sides
9 should somebody in a wheelchair or somebody who is
10 handicapped needs to access this other side since
11 there is garbage cans on the southern side as well.

12 In addition, we do have an elevator,
13 which accommodates barrier free as well as stretcher
14 requirements that brings you up to the residential
15 floors above, and of course, the residences, of
16 course, would also have proper clearances at the
17 doors, bathrooms, kitchen, and all accessible spaces
18 throughout.

19 MR. MC DONALD: Could you describe what
20 utilities would be provided for the building?

21 THE WITNESS: Utilities, we have gas,
22 electric, sprinkler, water and public sewer.

23 MR. MC DONALD: They're all public
24 utilities. Is that correct?

25 THE WITNESS: That's correct.

1 MR. MC DONALD: What provisions, if
2 any, have been made for the generator, and could you
3 give the Board a little detail on the proposed
4 generator, its location, and what we have done to --

5 MR. GALVIN: Yes. With the generator,
6 you are going to have what kind of -- where is it
7 going to be?

8 THE WITNESS: It's going to be located
9 on the roof.

10 MR. GALVIN: Is it going to be
11 attenuated?

12 THE WITNESS: I have that information
13 with me.

14 CHAIRMAN HOLTZMAN: And natural gas?

15 THE WITNESS: We have -- the generator
16 will be a Generac, 7-kilowatt, natural gas, and it's
17 going to be in Class 4 attenuation with a 72 decibel
18 sound output.

19 MR. HIPOLIT: And you have natural gas?

20 THE WITNESS: Yes, that's correct.

21 MR. MC DONALD: We have gone from the
22 first floor to the roof. There is a little bit more
23 to this building, I take it?

24 MR. GALVIN: Well, we don't care. We
25 are worried about the outside of the building and --

1 (Laughter)

2 MR. MC DONALD: Do you want a general
3 description of the units?

4 MR. GALVIN: Do we want to know the
5 makeup and what the size of the units are?

6 COMMISSIONER PINCHEVSKY: Sure, please.

7 THE WITNESS: Sure.

8 Currently we have a total of 18
9 dwelling units --

10 MR. GALVIN: Unless it is important,
11 and I am missing it, guys, let me know.

12 THE WITNESS: -- seven one-bedrooms,
13 three two-bedrooms, seven three-bedrooms and a
14 four-bedroom unit.

15 MR. MC DONALD: And that's for a mix of
16 18 units, is that correct?

17 THE WITNESS: Oh, exactly, yes.

18 MR. MC DONALD: And the parking, there
19 are 18 units and 18 proposed spaces?

20 THE WITNESS: That's correct.

21 MR. MC DONALD: And one of them is the
22 handicapped space, is that correct?

23 THE WITNESS: Correct.

24 The parking -- the unit sizes
25 themselves are 810 square feet for the one-bedrooms,

1 approximately 1340 for the two-bedrooms, and 1700 to
2 2000 for the three-bedroom units.

3 MR. MC DONALD: Okay. You described
4 the building.

5 Could you tell us what is the areas
6 around the building, and you have some pages on
7 that, is that correct?

8 THE WITNESS: Yes.

9 As you can see here from the block
10 elevation, it is a five-story building.

11 MR. MC DONALD: Excuse me.

12 For the record, we are on what is
13 marked Z-3, page 3 of 15.

14 MR. GALVIN: That's been previously
15 submitted?

16 MR. MC DONALD: Yes.

17 MR. GALVIN: Got it.

18 THE WITNESS: We have a five-story
19 building, which we're proposing.

20 There's a three-story structure next
21 door on the corner, but the rest of the block is all
22 six stories and --

23 MR. MC DONALD: And what is this larger
24 building directly to the north of the subject
25 property?

1 THE WITNESS: They are all residential.

2 MR. MC DONALD: Is that Columbus --

3 THE WITNESS: Columbus Arms.

4 MR. MC DONALD: -- Columbus Arms Homes?

5 THE WITNESS: Yes.

6 MR. MC DONALD: And could you -- you
7 have some --

8 THE WITNESS: Absolutely.

9 MR. MC DONALD: -- this is Page 4 or
10 15, Z-4.

11 The subject property is proposed at
12 five stories, is that correct?

13 THE WITNESS: That's correct.

14 MR. MC DONALD: Now, going to the
15 south, you told us there is a three-story building
16 there. Is that correct?

17 THE WITNESS: Yes.

18 MR. MC DONALD: And to the north
19 there's the Columbus Arms, and that is a six-story
20 building, is that right?

21 THE WITNESS: Correct, as are the other
22 two buildings to the north of that building.

23 MR. MC DONALD: So they are all
24 six-story?

25 THE WITNESS: Correct.

1 MR. GALVIN: Hey, guys, five stories is
2 compliant, right?

3 THE WITNESS: Yes, it is.

4 MR. GALVIN: So the sole issue that we
5 have in this case is the height of the building, and
6 the height is up because of the need to meet the
7 DFE, right?

8 MR. HIPOLIT: They need to be a certain
9 height for the van, access for the handicapped
10 space, they had to make it higher -- they had to
11 make it 43-9 above DFE, not 40, but they can have a
12 valid argument for it.

13 MR. GALVIN: All right. Good.

14 CHAIRMAN HOLTZMAN: And they do.

15 MR. GALVIN: All right.

16 MR. MC DONALD: Do you want a general
17 description -- it is compliant --

18 MR. GALVIN: That's what I am saying.
19 What you are pointing out with the adjacent
20 buildings and the number of stories, if we were
21 trying to go to higher than the norm, then you need
22 to show it for a consistency of the neighborhood,
23 but you are compliant, so I think it throws the
24 Board off by, you know, getting them into that
25 discussion on the --

1 CHAIRMAN HOLTZMAN: We're trying to
2 help you out here, Mr. McDonald, trying to --

3 MR. MC DONALD: I need a lot of help --

4 MR. HIPOLIT: Could you talk about the
5 wall?

6 MR. MC DONALD: Yes.

7 Mr. Aiello, you are familiar that the
8 applicant has had some discussions with the
9 neighbors to the west of the property. Is that
10 correct?

11 THE WITNESS: That's correct.

12 MR. GALVIN: And can I interrupt for
13 one second?

14 THE WITNESS: Sure.

15 MR. GALVIN: The young lady in the back
16 said she had a picture. You might want to --

17 CHAIRMAN HOLTZMAN: She is now in the
18 front.

19 MR. MC DONALD: The young lady in the
20 front.

21 MS. FUDIM: I will take the "young
22 lady."

23 (Laughter)

24 MR. MC DONALD: She is an attorney.
25 Watch out.

1 VICE CHAIR MAGALETTA: It is on the
2 record.

3 CHAIRMAN HOLTZMAN: Just tell us who
4 you are, and who took the pictures. Did you take
5 the pictures?

6 Let's get your name.

7 MS. FUDIM: My name is Elissa Fudim,
8 F-u-d-i-m. E-l-i-s-s-a Fudim, F, like Frank, u-d,
9 like David, i-m, like Mary.

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

14 MS. FUDIM: Yes.

15 E L I S S A F U D I M, having been duly sworn,
16 testified as follows:

17 MR. GALVIN: Okay. Thanks.

18 MR. MC DONALD: If I may interrupt the
19 testimony to ask her a few questions.

20 MR. HIPOLIT: They are important.

21 MR. MC DONALD: Elissa, I have two
22 photographs I marked A-2 and A-3.

23 (Exhibits A-2 and A-3 marked.)

24 MR. HIPOLIT: I think those are
25 perfect.

1 MR. MC DONALD: And could you tell us
2 what they are, those two?

3 MR. HIPOLIT: This is A-3, and this is
4 A-2.

5 THE WITNESS: A-2 and A-3 are both
6 photographs of the rear portion of the wall that my
7 unit and some of my other neighbors, you know, face.

8 CHAIRMAN HOLTZMAN: So you took these
9 pictures from your property I guess?

10 THE WITNESS: I did. I took all of
11 these photos, yes.

12 CHAIRMAN HOLTZMAN: Okay. So this is
13 like looking out your backyard, and you see this
14 kind of cool brick wall with all of the ivy and
15 stuff on it?

16 THE WITNESS: Yeah. I actually think
17 this one is pretty demonstrative as well. This was
18 taken in the summer --

19 MR. MC DONALD: This is A-4.

20 (Exhibit A-4 marked)

21 THE WITNESS: -- for example, you can
22 see it even when you just walk in the front door,
23 so --

24 CHAIRMAN HOLTZMAN: Yeah, it's great.

25 MR. MC DONALD: And this is A-4.

1 And these were taken from your
2 property?

3 THE WITNESS: These were all taken from
4 my property. I think there is one that I took from
5 one of my neighbor's balcony's that was higher up,
6 the balcony.

7 CHAIRMAN HOLTZMAN: Okay.

8 MR. MC DONALD: And the wall is on --
9 the wall you see is on our property about a foot on
10 to it, and that's what we are proposing to keep, not
11 all of that wall, but pretty high up on the wall.
12 It is about --

13 MR. AIELLO: It's 50 feet existing.

14 MR. MC DONALD: And what are you going
15 to --

16 THE WITNESS: No, that's not right. It
17 is about 30 feet tall. Yeah. Plus 20 -- I mean,
18 I'm guesstimating, but it is definitely a hundred
19 percent --

20 MR. AIELLO: This is the building
21 itself right here.

22 THE WITNESS: -- yeah, it has got to be
23 at least 25 feet tall, because if you look at --
24 there's one of the photos that shows the side -- no,
25 it's not this one -- it might be one of the other

1 ones, but --

2 (Mr. Aiello and the witness speaking at
3 the same time.)

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

5 THE WITNESS: Yeah.

6 MR. HIPOLIT: On that picture --

7 THE WITNESS: Yes.

8 MR. HIPOLIT: -- you are like five foot
9 two maybe, you are?

10 THE WITNESS: I am five foot two.

11 MR. HIPOLIT: Can you touch that point
12 we're talking about? Can you reach that?

13 THE WITNESS: No.

14 MR. HIPOLIT: You can't reach that?

15 THE WITNESS: No, I don't think so.

16 There is a photo where you can see the
17 fence in the middle --

18 MR. HIPOLIT: That's six foot high --

19 THE WITNESS: -- and you can see the
20 fence is a six foot fence, like this --

21 MR. HIPOLIT: -- is that white fence a
22 six foot high fence?

23 THE WITNESS: -- so this is a six foot
24 fence --

25 MR. HIPOLIT: Okay.

1 THE WITNESS: -- and it doesn't come
2 even close to the bottom of that, so it has got to
3 be like 25 or 30 feet tall.

4 MR. HIPOLIT: It's a pretty high wall.

5 MR. MC DONALD: We are proposing to
6 trim it to approximately ten to 12 feet to shore it
7 up, to keep the side, the piece on the side, and to
8 keep the ivy on it, and we are also planning on
9 doing for the residents --

10 CHAIRMAN HOLTZMAN: Hold on. Time out.
11 We got to have one conversation at a time, guys.

12 MR. MC DONALD: Agreed.

13 CHAIRMAN HOLTZMAN: Mr. McDonald?

14 MR. MC DONALD: Yes. Thank you, Mr.
15 Chairman.

16 For the residents who are either going
17 to rent or who own these properties that we're
18 developing, we will clean up that side of the wall,
19 and that is what the change is to the plans that we
20 are submitting to accommodate the neighbors.

21 CHAIRMAN HOLTZMAN: Right. So you are
22 trying to accommodate the neighbors. I get that.
23 Okay.

24 MR. MC DONALD: We are. You know, I
25 have never seen it from that view, but it is really

1 very attractive.

2 CHAIRMAN HOLTZMAN: Okay.

3 COMMISSIONER JACOBSON: And that
4 wouldn't affect the western boundary of the outdoor
5 common area?

6 MR. MC DONALD: It would be. It would
7 be about a foot off of there, and the rest of the
8 fencing and the wall would run the back of the
9 property and the side of the property also.

10 MR. AIELLO: It's only 50 feet.

11 MR. HIPOLIT: So you want to bring the
12 wall down to ten feet?

13 MR. AIELLO: Approximatey ten feet,
14 yeah, just so we can stabilize it better, and once
15 we have a return, if we keep it too tall, we don't
16 want it just swaying in the wind.

17 MR. HIPOLIT: I agree with that.

18 THE WITNESS: May I make a statement on
19 that?

20 CHAIRMAN HOLTZMAN: Sure.

21 THE WITNESS: When I met with Mr.
22 Caulfield, it wasn't -- I think maybe there was a
23 disconnect because of not a connection in terms of
24 how high it was, but I don't think that ten feet is
25 really consistent with what we discussed, because

1 when we had talked about bringing it down, I mean I
2 understood he said he was going to make every effort
3 to keep it as high as possible while ensuring
4 structural stability, and obviously everyone would
5 agree that structural stability is very important.
6 But we had talked about trying not to bring it down
7 any more than the garage that's directly to the
8 side, which is nowhere near ten feet. I mean, I
9 don't think ten feet would really satisfy
10 necessarily our perspective and interest --

11 MR. GALVIN: We get you.

12 THE WITNESS: -- I think that would
13 sort of take away what we are looking at.

14 CHAIRMAN HOLTZMAN: We have other
15 people who want to join the conversation.

16 MR. GALVIN: Okay.

17 UNIDENTIFIED VOICE: Well, I took a
18 photo this morning --

19 MR. MC DONALD: You've got to come
20 up --

21 CHAIRMAN HOLTZMAN: We've got to bring
22 her up.

23 MR. MC DONALD: -- and identify
24 yourself --

25 MR. GALVIN: No, no. Time out. Time

1 out.

2 I appreciate what you are trying to do,
3 but I think we have enough going on right now.

4 If we start using your cell phone, I
5 will have to take it.

6 (Laughter)

7 UNIDENTIFIED VOICE: If you want to pay
8 for it.

9 MR. GALVIN: No, we're kidding.

10 UNIDENTIFIED VOICE: It shows what the
11 wall --

12 THE REPORTER: What is her name?

13 CHAIRMAN HOLTZMAN: Wait, stop.

14 MR. GALVIN: I know I am having a
15 conversation off the record because I don't want to
16 put any more people under oath right now. I have a
17 reason for it. I am trying to move the case along,
18 but we get it. We get it.

19 UNIDENTIFIED VOICE: Okay.

20 CHAIRMAN HOLTZMAN: Okay. We are good
21 right now. We got the photos. We understand.

22 MR. MC DONALD: But the ones that we
23 marked, is it okay for us to keep them?

24 THE WITNESS: Yeah, you can keep them.

25 MR. GALVIN: We have it in play. We

1 got the issue. We know that you want more than ten
2 feet. We don't know where we're going yet, but we
3 will figure it out.

4 MS. FUDIM: Okay.

5 MR. MC DONALD: We will try to make it
6 as high as we can.

7 CHAIRMAN HOLTZMAN: Don't give away
8 our --

9 MR. GALVIN: Well, wait a minute. That
10 is probably not going to get it done, Mr. McDonald,
11 because that is what she was told already, so I want
12 to know specifically what height we are going to go
13 to.

14 A N T O N I O A I E L L O, having been previously
15 sworn, resumed the stand and testified further as
16 follows:

17 MR. GALVIN: And what is the height of
18 the garage?

19 THE WITNESS: I believe that wall is 15
20 feet. We would like to move the parapet wall down
21 to where the joists are, and that's at approximately
22 ten to 12 feet. We're not --

23 MR. GALVIN: Well, you might want to
24 measure that and figure that out.

25 THE WITNESS: I know that building is

1 15 feet tall.

2 CHAIRMAN HOLTZMAN: Mr. Hipolit, do you
3 got an opinion on this?

4 MR. HIPOLIT: Yeah. I mean, I think
5 the building is somewhere between 15 and 16 feet.

6 Just from a structural standpoint, if
7 they are just going to save an existing wall to save
8 it above the joists is almost impossible, so they
9 are going to have to take it down to that point.

10 Now, could they reconstruct or rebuild
11 it, that's a different discussion. But once they
12 take those joists out --

13 CHAIRMAN HOLTZMAN: So if they took the
14 wall down to the area where the joists would sit or
15 where the joists engage the wall, where do you think
16 that brings us to?

17 MR. HIPOLIT: They are saying ten feet.
18 That is what they are saying.

19 I didn't see the inside. I have no
20 picture on the inside --

21 CHAIRMAN HOLTZMAN: So then if I am in
22 the garage, I got a maximum of ten feet, and I'm
23 hitting my head on the joist?

24 THE WITNESS: Approximately in that
25 location, yeah. It might be at 12 feet, but it was

1 never --

2 (People talking at once.)

3 CHAIRMAN HOLTZMAN: One at a time.

4 THE WITNESS: -- I would say 12 --

5 CHAIRMAN HOLTZMAN: Okay. So maybe you
6 can squeeze two feet out of that. Maybe we can give
7 her a 12 foot wall, not a ten foot wall. Maybe?

8 THE WITNESS: Maybe.

9 CHAIRMAN HOLTZMAN: Maybe.

10 MR. HIPOLIT: Yeah. I think the
11 difficult part is this is an existing wall.

12 How old is it?

13 CHAIRMAN HOLTZMAN: A hundred-year-old
14 wall.

15 THE WITNESS: Easily a hundred years.

16 MR. HIPOLIT: The higher you go, the
17 harder it's going to be to keep it up, specifically
18 if you put it under any stress, it is like a wind
19 loading --

20 CHAIRMAN HOLTZMAN: Do you have any
21 idea what kind of foundation is underneath this
22 wall?

23 THE WITNESS: Piles is a possibility.

24 MR. HIPOLIT: What is it? I'm sorry.

25 THE WITNESS: Piles.

1 MR. HIPOLIT: You think it is on piles?

2 THE WITNESS: I believe so.

3 CHAIRMAN HOLTZMAN: So that means we
4 are good in terms of the foundation?

5 MR. HIPOLIT: Sure.

6 THE WITNESS: Yes.

7 MR. ROBERTS: Just a thought, too, this
8 would really be for Andy and for Antonio, but I am
9 wondering if you were to wrap that around part of a
10 corner, so that you might be able to take the wall
11 down at an angle, but have the support of the
12 existing corner wall to hold up that wall and then
13 blend your fence into that. I'm not sure --

14 THE WITNESS: We are planning on
15 returning that wall partially on the southern side.

16 If I do it on the other side, we are
17 essentially just cutting off that property from our
18 yard --

19 MR. ROBERTS: Oh, that's true. Yeah,
20 you're right. I was thinking it was going all the
21 way across. It's only going across 50 feet.

22 THE WITNESS: Right.

23 MR. MC DONALD: We will keep it on the
24 southerly side of the return.

25 THE WITNESS: Absolutely, right.

1 CHAIRMAN HOLTZMAN: All right. So we
2 are going to have to figure this out, but we need to
3 continue with the testimony.

4 There is not a lot in discrepancy here,
5 Mr. McDonald, so I would urge you to step on the
6 gas.

7 MR. MC DONALD: I'll move.

8 Thank you.

9 Does anybody have any questions of my
10 witness that have not been asked?

11 CHAIRMAN HOLTZMAN: Commissioners, any
12 questions of the architect, any specific questions?

13 Mr. Roberts?

14 MR. ROBERTS: Just one, Mr. Chairman.

15 I notice you have the bay window
16 projection at two and a half feet.

17 THE WITNESS: Yes.

18 MR. ROBERTS: I just wanted to make
19 that -- point that out on the record, because that
20 is going to require, as we have been having ongoing
21 discussions with the Council, I believe that is
22 compliant, but I just wanted to point out that that
23 is the dimension that's shown in the plan.

24 MR. GALVIN: Okay.

25 COMMISSIONER PEENE: Mr. Chairman, one

1 quick question.

2 I notice you have done a very thorough
3 landscape design for the backyard patio.

4 Will there be real grass or will there
5 be --

6 MR. MC DONALD: We have our landscape
7 architect.

8 COMMISSIONER PEENE: -- oh, your
9 architect --

10 MR. GALVIN: Could you tell us?

11 THE WITNESS: No, it would not be
12 grass.

13 CHAIRMAN HOLTZMAN: Great.

14 We will open it up to the public for --

15 VICE CHAIR MAGALETTA: Actually before
16 you do that --

17 CHAIRMAN HOLTZMAN: Oh, Go ahead, Mr.
18 Magaletta.

19 VICE CHAIR MAGALETTA: Now, everybody
20 in town wants to make this building family-friendly.

21 On this building you have a patio on
22 the back, is that correct?

23 THE WITNESS: Yes, that's for the
24 common area.

25 VICE CHAIR MAGALETTA: Right.

1 THE WITNESS: On the top floor we do
2 have a common area room for all of the tenants and
3 then a terrace along the rear.

4 VICE CHAIR MAGALETTA: Now, we have had
5 a bunch of applications, and if your patio was on
6 the front or was overhanging, you would need a three
7 foot buffer between the edge and the interior.

8 THE WITNESS: Correct.

9 VICE CHAIR MAGALETTA: Is there any
10 idea of maybe putting a little buffer here since you
11 have families and things like that --

12 THE WITNESS: Absolutely --

13 VICE CHAIR MAGALETTA: -- on the rear
14 side, not the north side?

15 THE WITNESS: Oh, not the rear -- on
16 the rear side as well?

17 Well, we are going to have a 42 inch
18 high safety railing parapet wall in that location,
19 which is what is required for --

20 VICE CHAIR MAGALETTA: I know what is
21 required.

22 I am asking if there is any idea for
23 maybe a little bit of a buffer between the rear wall
24 and the patio. If you're putting drinks, kids up
25 there, you never know what would happen --

1 THE WITNESS: Sure. That would be easy
2 to accommodate.

3 VICE CHAIR MAGALETTA: Okay.

4 Thank you. That's it.

5 CHAIRMAN HOLTZMAN: All right.

6 Commissioners, we will open it up for
7 the public for questions of the architect, so this
8 is just questions about the architecture of the
9 building.

10 I think we will save questions about
11 the wall for a little bit downstream.

12 MS. RUDDEN: I have a question on the
13 generator.

14 CHAIRMAN HOLTZMAN: Go ahead. Sure.
15 Come on up.

16 MR. GALVIN: Come on up, sure.

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

19 MS. RUDDEN: Joanne Rudden,
20 R-u-d-d-e-m.

21 MR. GALVIN: Thank you.

22 And your street address?

23 MS. RUDDEN: 505 Monroe.

24 MR. GALVIN: Thank you.

25 You may ask questions. Go ahead.

1 MS. RUDDEN: You said 72 decibels is
2 the sound of the generator.

3 If you can put that in layman's terms,
4 is that as loud as this fan?

5 Is that the sound of a fire engine?

6 THE WITNESS: No. It's definitely less
7 than a fire engine. It is what is required by
8 Hoboken ordinance, the maximum permitted as far as
9 decibels. I don't know how to set an example on
10 what it would --

11 CHAIRMAN HOLTZMAN: We are going to get
12 you an answer reel quick here. Hold on one second.

13 MS. RUDDEN: Is the generator in case
14 of an emergency, that's it only --

15 THE WITNESS: Only for emergencies.

16 MS. RUDDEN: -- so that it's not a non
17 stop noise?

18 THE WITNESS: No, no, no. It's just
19 going to be for emergency purposes, emergency power,
20 the elevator --

21 VICE CHAIR MAGALETTA: And in what
22 distance is that 72 decibels measured from?

23 THE WITNESS: That is from -- I would
24 have to review the specifications. I could get you
25 that information.

1 But we are currently located centrally
2 inside of the building, and we have the elevator
3 shaft and the stairs adjacent from the rear
4 neighbors, and in the front we have the street.

5 VICE CHAIR MAGALETTA: Right.

6 My point, I am trying to alleviate the
7 question as far as to the sound of it, but how close
8 do you have to be, and the further you get --

9 MR. HIPOLIT: It's usually measured
10 in -- yeah, so 72 decibels -- generators normally
11 are measured, depending on the manufacturer, between
12 six to ten feet from the generator. Every
13 manufacturer measures it a little bit differently,
14 and they measure between three to six feet off the
15 ground.

16 72 decibels would be the equivalent of
17 being in a car in Hoboken with your windows closed,
18 and the noise that you would hear outside of your
19 car, the other traffic, that is what it would be
20 equivalent to, so it is not very loud.

21 It is probably maybe a little louder
22 than this room.

23 If you went into a bar in Hoboken, it
24 would be way above 72 decibels.

25 (Laughter)

1 THE WITNESS: Just so you know, it is
2 located within a decorative enclosure, and there is
3 a whole masonry block elevator that's between the
4 generator and the properties --

5 CHAIRMAN HOLTZMAN: And to further --
6 we deal with the generators on almost every
7 application at this point, and to further that,
8 Dennis is going to give us another detail that we
9 usually put on the record as well.

10 MR. GALVIN: We're going to limit them
11 to testing of the generator Monday through Friday
12 between the hours of noon and three.

13 These things have to get tested
14 periodically, and my experience is that noon to
15 three is probably the least opportunity of bothering
16 anyone.

17 MS. RUDDEN: Thank you.

18 CHAIRMAN HOLTZMAN: Great. Thank you.

19 Any other members of the public that
20 wish to comment or ask a question rather of the
21 architect?

22 Sure, come on up.

23 MR. GALVIN: Please state your name for
24 the record and spell your last name.

25 What did he get taller?

1 (Laughter)

2 MR. EVERS: Michael Evers, E-v-e-r-s.
3 252 Second Street, Hoboken, New Jersey.

4 What is the square footage of this lot?

5 THE WITNESS: It's currently 24, 25 by
6 a hundred --

7 MR. EVERS: How much?

8 THE WITNESS: 12,500 square feet.

9 MR. EVERS: 12,500 square feet.

10 And you need how many units?

11 THE WITNESS: We have 18 currently.

12 MR. EVERS: I have no further
13 questions.

14 Thank you.

15 (Laughter)

16 CHAIRMAN HOLTZMAN: That was easy.

17 COMMISSIONER MC KENZIE: Yes.

18 CHAIRMAN HOLTZMAN: Anybody else for
19 questions of the architect?

20 Okay. We will close the public
21 portion.

22 Mr. McDonald, who is up next?

23 MR. MC DONALD: Yes.

24 Mr. Missey. Andrew Missey is our
25 engineer. I am going to limit his testimony to the

1 general description of the detention and drainage --

2 CHAIRMAN HOLTZMAN: Good.

3 MR. MC DONALD: -- if that's okay with
4 the Board.

5 MR. GALVIN: I think that's where we're
6 at --

7 CHAIRMAN HOLTZMAN: Now you're on the
8 plan.

9 COMMISSIONER PEENE: Very germane, very
10 germane.

11 MR. MC DONALD: I am slow, but I will
12 get there eventually.

13 MR. GALVIN: You are doing fine, Mr.
14 McDonald.

15 MR. MC DONALD: Mr. Missey -- oh, do
16 you want to swear him in?

17 MR. GALVIN: Yes.

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

21 MR. MISSEY: Yes, I do.

22 A N D R E W H. M I S S E Y, Lapatka Associates,
23 Inc., 12 Route 17 North, Paramus, New Jersey, having
24 been duly sworn, testified as follows:

25 MR. GALVIN: State your full name for

1 the record and spell your last name.

2 THE WITNESS: Andrew H. Missey,
3 M-i-s-s-e-y.

4 MR. GALVIN: Mr. Chairman, do you
5 accept Mr. Missey as a professional engineer?

6 CHAIRMAN HOLTZMAN: We do.

7 MR. GALVIN: You may proceed.

8 THE WITNESS: Thank you.

9 MR. MC DONALD: Thank you.

10 Mr. Missey, you are the project
11 engineer. Is that correct?

12 THE WITNESS: That is correct. I am
13 the project engineer for this 502 Madison
14 application.

15 MR. MC DONALD: Could you please
16 describe what efforts have been made to detain water
17 on the property and drainage in general?

18 THE WITNESS: Certainly.

19 I think first and foremost, the
20 property at the present time is 100 percent
21 impervious --

22 CHAIRMAN HOLTZMAN: Tell us what are
23 you showing us, Mr. Missey.

24 THE WITNESS: I'm showing you drawing
25 one of two, the engineering utility site plan, and I

1 have had my draftsman add some color to mostly the
2 rear yard area, but also the street scape.

3 MR. MC DONALD: And --

4 THE WITNESS: Right now all 12,500
5 square feet of this lot are impervious.

6 Under proposed conditions, 27
7 percent -- almost 27 percent of this lot area will
8 become greenery open space, not inclusive of the
9 patio area, the hard scape.

10 This is a significant increase. I have
11 been before this Board dozens of times. We never
12 brought in an application to you that has reduced
13 impervious by this quantity.

14 The second thing that we have as a
15 green feature on this project is a rain garden in
16 the rear.

17 We have had rain gardens in the past on
18 other projects, but this is a significant departure
19 for most redevelopment projects.

20 The third thing that we have is an
21 underground detention system running below the rear
22 yard area and the garage area connected to the
23 combined sewer and Madison Street. All in all, we
24 are creating 6,014 gallons of detention storage.

25 We are reducing the volume of fill on

1 this site, which is actually a two-inch cut across
2 the board from west to east out to the street scape,
3 so there will be more flood storage available on
4 this property under proposed conditions exclusive of
5 the wet flood proofing that is proposed for the
6 building itself by Mr. Aiello.

7 As I said, we've never brought in an
8 application that has so dramatically increased
9 greenery and open space on a 100 percent impervious
10 lot.

11 MR. MC DONALD: I have no further
12 questions of this witness.

13 CHAIRMAN HOLTZMAN: Professionals, any
14 questions of Mr. Missey?

15 MR. HIPOLIT: I just have one question
16 on the parking garage.

17 THE WITNESS: Yes.

18 MR. HIPOLIT: On the parking garage,
19 there are two access points?

20 THE WITNESS: There are. One to the
21 south and one to the north.

22 MR. HIPOLIT: The application is going
23 to have the warning devices installed --

24 THE WITNESS: It will be. Those will
25 be posted or mounted on the building --

1 MR. HIPOLIT: And you don't foresee any
2 traffic issues caused by that having the two asset
3 bars?

4 THE WITNESS: Not in this instance,
5 because the garages are separated.

6 MR. HIPOLIT: Thank you.

7 CHAIRMAN HOLTZMAN: Professionals, any
8 questions of the engineer?

9 Commissioners, anything?

10 VICE CHAIR MAGALETTA: I have a couple
11 of questions.

12 CHAIRMAN HOLTZMAN: Sure. Go ahead,
13 Frank.

14 VICE CHAIR MAGALETTA: On the
15 stormwater retention tanks, what is going to be
16 feeding those tanks?

17 Is it the roof or is it the rear?

18 THE WITNESS: The roof primarily, but
19 also the rear.

20 VICE CHAIR MAGALETTA: Okay.

21 CHAIRMAN HOLTZMAN: So do we have a
22 calculation on what the North Hudson Sewerage
23 Authority requirement is and how you fair relative
24 to that?

25 MR. HIPOLIT: So on this site, it would

1 be zero.

2 CHAIRMAN HOLTZMAN: Because currently
3 it is impervious?

4 MR. HIPOLIT: And they don't have to
5 provide anything.

6 CHAIRMAN HOLTZMAN: Right. I
7 understand that.

8 MR. HIPOLIT: So they are providing a
9 27 percent increase in pervious area and 6,000
10 gallons of storage, which is significant. It's
11 probably the largest increase in storage you ever
12 had, even more than that eight times one we talked
13 about --

14 (Laughter)

15 -- and they were required to provide
16 storage on that site.

17 CHAIRMAN HOLTZMAN: Mr. Stratton,
18 anything?

19 Nothing, great.

20 Frank, did you have any other
21 questions?

22 VICE CHAIR MAGALETTA: No, that was it.

23 Thank you.

24 CHAIRMAN HOLTZMAN: Thank you, Mr.
25 Missey.

1 MR. MISSEY: Thank you.

2 (Witness excused.)

3 MR. MC DONALD: Our next witness will
4 be Tom Carman, who is our landscape architect, and I
5 think --

6 MR. GALVIN: Mr. Carman --

7 MR. CARMAN: Good evening.

8 MR. GALVIN: -- raise your right hand.

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

12 MR. CARMAN: I do.

13 T H O M A S S. C A R M A N, Melillo & Bauer
14 Associates, 200 Union Avenue, Brielle, New Jersey,
15 having been duly sworn, testified as follows:

16 MR. GALVIN: State your full name for
17 the record.

18 THE WITNESS: Thomas S. Carman,
19 C-a-r-m-a-n.

20 MR. GALVIN: Mr. Chairman, do we accept
21 Mr. Carman as a licensed landscape architect?

22 CHAIRMAN HOLTZMAN: We do.

23 MR. GALVIN: Thank you.

24 THE WITNESS: Thank you. Thank you.

25 MR. MC DONALD: Mr. Carman, you gave a

1 land -- you provided a landscape submission plan,
2 dated September 8th, 2015, is that correct?

3 THE WITNESS: That's correct.

4 MR. MC DONALD: And you appeared before
5 the Hoboken Shade Tree Commission on October 13th,
6 2015, is that correct?

7 THE WITNESS: That's correct.

8 MR. MC DONALD: And we received a
9 letter of approval on your plans, dated October
10 14th, is that correct?

11 THE WITNESS: That's correct.

12 MR. MC DONALD: And that has been
13 submitted to the Board.

14 Could you take a few moments and just
15 describe the plantings for the Board members in the
16 front and in the rear?

17 Thank you.

18 THE WITNESS: I will.

19 I think the front is -- it was reviewed
20 by the Shade Tree Commission. It's hornbeams up
21 front. Mr. Aiello had mentioned the layout of the
22 planting, so what I will do is I will just jump to
23 the back --

24 CHAIRMAN HOLTZMAN: Where you leave the
25 front there, Mr. Carman --

1 THE WITNESS: Sure.

2 CHAIRMAN HOLTZMAN: -- was there any
3 consideration for any additional neighborhood
4 improvement in street trees due to the bays that we
5 have extending into the right-of-way?

6 Normally we frequently had applicants,
7 who have extended themselves to help Director Forbes
8 when she makes the presentation to the City Council
9 and needs to get the -- is it a license or --

10 COMMISSIONER FORBES: License
11 agreement.

12 CHAIRMAN HOLTZMAN: -- a license
13 agreement, that it is very nice if she has something
14 in her back pocket to say, gee, these folks also
15 planted a dozen street trees in the neighborhood to
16 help offset that type of consideration.

17 COMMISSIONER FORBES: Yes.

18 Just one of the issues is with bay
19 windows, it is an encroachment on the city's
20 right-of-way. I mean, that is city owned. I
21 understand they are, you know, elevated, but it is
22 livable space that is now being built in the public
23 right-of-way, and you know, it is a use of the
24 public right-of-way. It has to go before the City
25 Council for their approval, but it still, you know,

1 it does take away, you know, a space and an area and
2 encroaches upon that, which is why it's considered
3 an encroachment license. So it's just one of those
4 that's a concern, because you are now creating
5 private space in a public realm.

6 And a lot of times, as the Chairman
7 mentioned, we have seen some offset of that, like
8 how can we, you know, make sure that that is not
9 creating a major impact in that area from that, you
10 know, that visual reduction in space.

11 CHAIRMAN HOLTZMAN: So, Mr. Carman, it
12 appears that you did not make that a part of your
13 plan.

14 Did you want to maybe take a moment
15 with the applicant?

16 THE WITNESS: Yes.

17 MR. MC DONALD: We will provide -- what
18 did you think, a dozen trees? Is that the --

19 CHAIRMAN HOLTZMAN: I threw that out as
20 a number, sure.

21 MR. MC DONALD: Was that a high number,
22 or was that the real number?

23 (Laughter)

24 CHAIRMAN HOLTZMAN: I threw that out on
25 my shopping list, yeah, I guess so.

1 Shade Tree Commission, and they will tell you on the
2 street, you know, but this is an older commercial
3 industrial block, so there are quite a number of
4 voids.

5 MR. HIPOLIT: So there will be 14 trees
6 total. Four that they originally proposed, plus ten
7 more on the block.

8 CHAIRMAN HOLTZMAN: Four in the
9 surrounding area.

10 MR. HIPOLIT: Four in the surrounding
11 area, wherever the Shade Tree Commission wants them.

12 CHAIRMAN HOLTZMAN: Okay, great.

13 MR. MC DONALD: And we do know about
14 both your planner and your engineer pointed out that
15 we need the licensing agreement with the city for
16 that in the front.

17 Do you have any more questions on the
18 front?

19 CHAIRMAN HOLTZMAN: Nope.

20 MR. ROBERTS: Well, I actually had one
21 more, Mr. Chairman.

22 CHAIRMAN HOLTZMAN: Go ahead, Dave.

23 MR. ROBERTS: Tom, it looks like you
24 have a treatment of the sidewalk in that same -- is
25 that a true lawn or is that a brick --

1 THE WITNESS: That is a waiver
2 treatment along where the street trees are, and the
3 street trees are enclosed with a low rail, a low
4 guard, which is a recommendation from the Shade Tree
5 Commission.

6 We did meet with them. As John
7 mentioned, we do have a letter of approval related
8 to that tree detail as well.

9 MR. ROBERTS: Have you gotten any
10 feedback from the city -- it is basically becoming a
11 street scape. It looks like you are replacing the
12 sidewalk, putting in pavers across the front,
13 probably putting in a new curb because of the old
14 curb cut in the garage.

15 Did you get feedback from the city or
16 is this your own design?

17 THE WITNESS: This is our own
18 recommendations for that street scape right there.

19 MR. ROBERTS: My only suggestion, Mr.
20 Chairman, would be that I have no problems with what
21 they proposed, but if the city has a design standard
22 that they would prefer, that they consult with the
23 city on that.

24 CHAIRMAN HOLTZMAN: Mr. Stratton, do we
25 have any such thing?

1 COMMISSIONER STRATTON: We don't have a
2 design standard, but it would be beneficial for them
3 to maybe talk about the curb cut width and
4 sidewalk --

5 CHAIRMAN HOLTZMAN: Who should they
6 speak with, yourself?

7 COMMISSIONER STRATTON: Sure, that's
8 fine, or John Morgan is the appropriate person,
9 Director Morgan.

10 CHAIRMAN HOLTZMAN: I think Caleb
11 Stratton is the more better person.

12 COMMISSIONER STRATTON: That's fine.

13 CHAIRMAN HOLTZMAN: Caleb is our
14 professional planner for the City of Hoboken, and we
15 will put him as the contact person.

16 MR. MC DONALD: That's fine.

17 COMMISSIONER PINCHEVSKY: Mr. Chairman,
18 I have question.

19 CHAIRMAN HOLTZMAN: Yes.

20 COMMISSIONER PINCHEVSKY: What is the
21 narrowest point on that sidewalk for -- if somebody
22 was walking by and --

23 THE WITNESS: The narrowest point would
24 be between the planter that is at the facade of the
25 building right here to the edge of where the street

1 tree is, and that is eight feet. Eight foot is the
2 narrowest clear dimension.

3 It is wider than that in some
4 instances, however, that is the --

5 COMMISSIONER PINCHEVSKY: Eight foot is
6 the narrowest point?

7 THE WITNESS: Correct.

8 COMMISSIONER PINCHEVSKY: Thank you.

9 CHAIRMAN HOLTZMAN: Thank you.

10 VICE CHAIR MAGALETTA: A follow-up on
11 that.

12 What is the height of that, and that
13 eight feet is from the edge of that to the tree
14 guard?

15 THE WITNESS: To the right. Right.

16 VICE CHAIR MAGALETTA: Okay. What is
17 the height of that tree guardrail?

18 THE WITNESS: It is 15 or 16 inches
19 high. It's very low.

20 VICE CHAIR MAGALETTA: And is it on all
21 four sides, or it would just be --

22 THE WITNESS: It goes around the three
23 sides, the sidewalk side and then the two leading
24 sides.

25 On the street side it is open, and it

1 tapers back for parallel parking and car doors and
2 that.

3 VICE CHAIR MAGALETTA: Thank you.

4 COMMISSIONER FORBES: Chair?

5 CHAIRMAN HOLTZMAN: Commissioner?

6 COMMISSIONER FORBES: I would just
7 recommend that when you do go to apply to the City
8 Council, you know, if this is approved, and you do
9 go to apply to the City Council for a license, that
10 you provide that width because that is something
11 that they ask for very frequently.

12 THE WITNESS: Okay.

13 MR. MC DONALD: Could we turn to the
14 back?

15 CHAIRMAN HOLTZMAN: Let's go to the
16 backyard, Mr. Carman.

17 THE WITNESS: Sure.

18 The back area, there's a terrace space
19 as discussed with a planter wall around a portion of
20 it.

21 The central portion has a rain garden
22 as previously indicated. The rain garden has a mix
23 of native shrubs and ornamental grasses, ground
24 covers, that take the inundation of stormwater while
25 that slowly perks in and that plant material absorbs

1 it.

2 As mentioned in the opening statements
3 and a member of the public came up, the wall that
4 was discussed runs right along the back here.

5 This is a 25 foot lot, and then this is
6 a 50 foot lot. Overall it is 50 foot, so it goes to
7 the center at this point right here. Okay?

8 And that wall, it will return along the
9 southern property line. Again, it would be cut down
10 along the southern property line, and then we would
11 return a portion into our property as well for
12 stability sake as far as need be to stabilize that
13 wall.

14 The goal was to cut that down to a
15 manageable size of 12 feet -- 12 foot. If we are in
16 this room here, it is actually taller. I am six, so
17 it is a bit taller than the ceiling here.

18 Moving to the last spot is the upper
19 terrace on the northwest corner. There is a three
20 foot buffer on the north side, and as requested, we
21 can return that and bring that three foot buffer
22 along the western base as well.

23 CHAIRMAN HOLTZMAN: Okay.

24 MR. ROBERTS: Mr. Chairman --

25 CHAIRMAN HOLTZMAN: Dave.

1 MR. ROBERTS: -- just because the idea
2 of preserving the rear wall is relatively new, it
3 sounds like, it seems like since you were going to
4 have a planter wall anyway, that maybe that when you
5 get into kind of a more detailed design of that,
6 maybe that planter wall could be used to help
7 support the -- structurally support the existing
8 wall --

9 THE WITNESS: Sure.

10 MR. ROBERTS: -- and that return, where
11 you have the design on an angle, and the return from
12 the actual wall itself might help to keep the wall
13 as high as possible.

14 THE WITNESS: Right. I think that is
15 true.

16 And we will have to revise a little bit
17 of the planting within this area to work with that
18 wall as well.

19 CHAIRMAN HOLTZMAN: Commissioners, any
20 questions for Mr. Carman?

21 Tom?

22 COMMISSIONER JACOBSON: Yeah.

23 As I am looking at that, the proposed
24 wall to be retained would actually abut two
25 properties to the west?

1 You indicated that property to the
2 southern boundary is approximately 25 feet wide?

3 THE WITNESS: This one right here?

4 COMMISSIONER JACOBSON: Yup.

5 THE WITNESS: Correct.

6 COMMISSIONER JACOBSON: And there is
7 another property further north.

8 Are both the neighbors -- are owners
9 from both of those properties in support of
10 retaining that wall?

11 MS. FUDIM: I can speak to that.

12 The other neighbor is -- she was --
13 they were planning to be here, but unfortunately,
14 they have four kids and they got --

15 MR. GALVIN: As you know, that is
16 hearsay testimony, so we can't take it.

17 MR. FUDIM: I know but --

18 MR. GALVIN: You are sneaking it in
19 there, Counsellor.

20 UNIDENTIFIED VOICE: I have another
21 email.

22 MS. FUDIM: They couldn't come, but
23 they were aware of that and on board with that.
24 I am sure she could be reached by phone if --

25 MR. GALVIN: No, no, no. What you gave

1 us is good enough.

2 CHAIRMAN HOLTZMAN: Andy?

3 MR. HIPOLIT: So I think if the
4 applicant was willing to, I think even though they
5 have seats inside for the columns, the beams that go
6 across the top, if you could try to save the wall 12
7 foot high, even if you had to go on the back side of
8 the wall on your side and put columns on the inside
9 to kind of brace that wall a little better, because
10 it's a little higher. At least we'd try to shoot
11 for 12 foot high. We know we are going to get at
12 least ten, but I think the goal should be 12 feet.

13 MR. MC DONALD: I think we agreed to be
14 a minimum of ten feet, and we'll try to make it 12
15 feet.

16 MR. HIPOLIT: Well, that's fair.

17 MR. MC DONALD: It has to be safe, of
18 course.

19 MR. HIPOLIT: It's an existing wall.
20 Yeah, I agree. You need to calc it out. I need
21 calcs for it. There's no doubt.

22 CHAIRMAN HOLTZMAN: Any other questions
23 from Mr. Carman about the landscape architecture?

24 Any members of the public that have
25 questions for the landscape architect?

1 Okay. Thank you.

2 Mr. McDonald, who is up next?

3 MR. MC DONALD: Mr. Pavlovich, and
4 he'll be very brief. He's our traffic --

5 MR. HIPOLIT: I don't think we need
6 him, but --

7 CHAIRMAN HOLTZMAN: We don't think we
8 have any need for him.

9 MR. MC DONALD: Okay, sorry.

10 MR. HIPOLIT: I mean, I asked the
11 question of your engineer --

12 MR. MC DONALD: This is Mr. Pavlovich.
13 So thank you, they don't have any questions for you.

14 MR. PAVLOVICH: Thank you.

15 (Laughter)

16 MR. MC DONALD: Best witness I ever
17 had.

18 MR. GALVIN: But if he wasn't here, we
19 would have needed him.

20 MR. MC DONALD: You would have needed
21 him.

22 CHAIRMAN HOLTZMAN: We would have
23 needed him, right.

24 MR. MC DONALD: Andy had some things,
25 and we answered them.

1 CHAIRMAN HOLTZMAN: But we figured them
2 out.

3 MR. HIPOLIT: You answered already.

4 MR. MC DONALD: This is Edward Kolling,
5 our planner.

6 MR. GALVIN: Raise your right hand,
7 please.

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

11 MR. KOLLING: Yes, I do.

12 E D W A R D K O L L I N G, having been duly sworn,
13 testified as follows:

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

16 THE WITNESS: Edward Kolling,
17 K-o-l-l-i-n-g.

18 MR. GALVIN: Mr. Chairman, do we accept
19 Mr. Kolling as a planner?

20 CHAIRMAN HOLTZMAN: We do.

21 MR. GALVIN: Certainly.

22 MR. MC DONALD: Mr. Kolling, could you
23 briefly -- this is just -- I shouldn't say "just"
24 because that's in the eyes of the Board -- this is
25 only a height variance. It's not a use variance,

1 is that correct?

2 THE WITNESS: That's correct.

3 MR. MC DONALD: Okay. Could you please
4 go through briefly how this project comports with
5 the master plan and the positive and negative
6 criteria presented under the Municipal Land Use Act?

7 MR. GALVIN: Can I stop you for a
8 second?

9 Can we focus on the height variance?

10 CHAIRMAN HOLTZMAN: Since that is the
11 only one in play.

12 THE WITNESS: Yes, that's the only one
13 I'm going to go through.

14 MR. GALVIN: That's all right.

15 THE WITNESS: And so we don't have to
16 go through the whole project. It's already very
17 well described.

18 And you can look at the height variance
19 from two perspectives, the C1 or C2. C1, very
20 briefly, is that where the DFE falls, there is not
21 quite enough clearance to the first habitable floor
22 to get a handicapped van in there, to get the
23 utilities up to a proper height and those sort of
24 things. So by elevating that first floor an extra
25 couple of feet, we are able to provide the necessary

1 parking, and we're able to provide the utilities out
2 of the flood plain, and we're able to provide the
3 handicapped accessibility, which I think is what
4 necessitates the variance, and it is really sort of
5 under the hardship criteria because of the
6 topography and where the elevation falls.

7 You can look at it from C2 criteria.
8 This project promotes many recommendations of the
9 master plan. It promotes family-friendly units. It
10 promotes a diversity of units. It removes a
11 property that is now inconsistent with the intent of
12 the zone plan, in that it has a commercial garage
13 and paved parking, and it will provide instead
14 residential what's consistent with the density, so
15 those are all looked upon as being benefits.

16 If you look at the detriments, there
17 really are no detriments. We have a significant
18 rear yard which, again, promotes one of the
19 recommendations of the master plan. It's 5000 feet
20 of open space. The building is set 40 feet from the
21 rear yard, so you probably will not get any
22 substantial impact from adjoining properties from
23 that extra couple of feet variance, so there is no
24 substantial detriment to the community or the public
25 welfare, and no substantial detriment to the zone

1 plan because we're really promoting the purposes of
2 the zone plan, the R-3 zone plan.

3 The intent is to promote residential
4 development and to remove uses that are inconsistent
5 with that, and that is what we are doing, so we are
6 not really inconsistent with the intent of the zone
7 plan either, so I think we've met both the positive
8 and negative criteria in that regard.

9 CHAIRMAN HOLTZMAN: Thank you, Mr.
10 Kolling. That was very fast. I appreciate that.

11 Mr. Roberts, do you agree with Mr.
12 Kolling's testimony?

13 MR. ROBERTS: Yes. Just one other
14 question that was referenced by the architect.

15 Many of the other buildings on the
16 block are six stories. What is the height
17 relationship between those buildings and this
18 proposed building?

19 THE WITNESS: Well, for the six-story
20 buildings, this would actually be lower. We have
21 ten foot floor to floor in each case, so it would be
22 50 feet. A six floor building, even if you had an
23 eight foot ceiling and an extra foot between there,
24 you are going to be 54 feet at the minimum, so we
25 are going to be a little bit below those other

1 buildings on the block at least.

2 MR. ROBERTS: So in terms of the impact
3 on the surrounding area, the negative criteria
4 effectively is less than the prevailing height?

5 THE WITNESS: Right, and pretty much
6 compatible with the character of the other five or
7 six-story buildings on the block.

8 CHAIRMAN HOLTZMAN: Mr. Kolling, just
9 so we are certainly just conscious of exactly what
10 the ask is, it's three feet nine inches, is that
11 what it is? Right?

12 THE WITNESS: Yes, that's correct.

13 CHAIRMAN HOLTZMAN: Any questions from
14 the Commissioners for Mr. Kolling on the planning?

15 Are there any members of the public who
16 have questions for the planner and his testimony?

17 Okay, great.

18 MR. MC DONALD: That completes our
19 presentation.

20 CHAIRMAN HOLTZMAN: Any there any
21 concluding remarks that you have for us, Mr.
22 McDonald?

23 MR. MC DONALD: No, unless you need
24 questions answered.

25 CHAIRMAN HOLTZMAN: No. That is

1 public wants to be heard?

2 CHAIRMAN HOLTZMAN: Or do you?

3 MR. GALVIN: You don't have to be,
4 but --

5 MS. FUDIM: No, I --

6 CHAIRMAN HOLTZMAN: Sure. Come on up
7 one more time.

8 MR. GALVIN: You have to state your
9 name for the record. You're under oath, so you can
10 proceed.

11 MS. FUDIM: Elissa Fudim for the
12 record.

13 I was texting with one of my neighbors,
14 and apparently I am crazy that I thought the wall
15 was 30 feet tall.

16 One of my neighbors told me that it's
17 between 15 and 16 feet tall --

18 (Laughter)

19 -- according to our I guess property
20 deeds or whatever, it was between 15 and 16. So I
21 guess from our point of view, we would really like
22 there to be an effort to keep it at the highest that
23 is feasible as opposed to taking it down just
24 because visually it is -- basically it's really
25 important to us, the height.

1 reasonable access to the necessary point where --

2 MR. GALVIN: I am not getting why this
3 affects this application.

4 MS. FUDIM: -- I'm sorry. I was under
5 the impression that I was supposed to come here and
6 say all of this. I'm not supposed to say it?

7 CHAIRMAN HOLTZMAN: No. Hang on one
8 second. Hang on one second.

9 Dennis is concerned about that the
10 property line issue is not about this application.

11 I was looking for an answer to that
12 question by the way, Dennis.

13 MR. HIPOLIT: This property looks to be
14 from her yard in this picture A-3, where that little
15 keystone wall is, that is about the applicant's
16 property line.

17 CHAIRMAN HOLTZMAN: Okay.

18 MR. HIPOLIT: So this wall is set back
19 a few feet from their property line, which she's
20 saying is they talked among the applicant and the
21 owner next door, and their agreement to give an
22 easement to allow this to remain for their use
23 because they use it right now. They're not moving
24 the wall any closer to the property line.

25 CHAIRMAN HOLTZMAN: Are you following

1 this yet or not?

2 MR. GALVIN: Well, I am, but I don't
3 know that we need to follow that. In other words, I
4 think --

5 MR. HIPOLIT: That is what I am saying

6 MR. GALVIN: -- I think that --

7 MS. FUDIM: You may not.

8 MR. GALVIN: -- I think you need to
9 give them an easement, so they can encroach --

10 MS. FUDIM: The other way around.

11 CHAIRMAN HOLTZMAN: The other way
12 around.

13 MR. HIPOLIT: It's the other way
14 around. The applicant needs to give --

15 CHAIRMAN HOLTZMAN: Mr. Caulfield, do
16 you want to shed some light on this?

17 MR. CAULFIELD: Sure.

18 CHAIRMAN HOLTZMAN: Let's put --

19 MR. GALVIN: Raise your right hand.

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

23 MR. CAULFIELD: I do.

24 MR. GALVIN: Good.

25 THE REPORTER: State your name.

1 MR. CAULFIELD: Robert Caulfield,
2 C-a-u-l-f-i-e-l-d.

3 CHAIRMAN HOLTZMAN: So if we understand
4 this correctly, Mr. Caulfield, what happened is the
5 brick wall -- the property that you own extends two
6 feet beyond the brick wall.

7 MR. CAULFIELD: Yes. Our brick wall is
8 about two feet clear --

9 CHAIRMAN HOLTZMAN: And in effect what
10 has happened over the years is the people who live
11 behind you have kind of used those two feet up to
12 the back of the building, right?

13 MR. CAULFIELD: Yes.

14 CHAIRMAN HOLTZMAN: So you guys are
15 going to work out some type of an easement that
16 those two feet between the edge of their property
17 line and the, what, the edge of the brick wall is
18 now their property?

19 MR. MC DONALD: I don't know if we want
20 to call it an easement --

21 CHAIRMAN HOLTZMAN: I don't want to --
22 I don't want to fill in the blank there --

23 MR. CAULFIELD: Mr. Chair, I would
24 defer to counsel, but I think it could be done
25 through maybe the resolution or through the condo

1 documents of our property that we would be -- we
2 would maintain that wall. Our neighbors to the west
3 would be allowed to --

4 CHAIRMAN HOLTZMAN: Use the space?

5 MR. ROBERTS: It's really a right of
6 access --

7 CHAIRMAN HOLTZMAN: It's a right of
8 access --

9 MR. ROBERTS: -- because we can't --
10 they need that for their coverage, because if we,
11 you know --

12 CHAIRMAN HOLTZMAN: It messes up the
13 calc on everything. That's right.

14 MR. ROBERTS: -- the only other thing,
15 I'm sorry -- one thing that just also occurred to me
16 is that when they removed the rest of the building,
17 that back wall becomes a fence, and it exceeds the
18 height limitation for the fence, so we may want to
19 make a note that in preserving the wall, if any
20 relief is needed for the height, that that is
21 included in your decision.

22 MR. GALVIN: And you had the standard
23 language in your notice that any other variances are
24 required?

25 MR. MC DONALD: That's correct. Any

1 and all other variances.

2 MR. ROBERTS: Otherwise, we might have
3 a problem with --

4 CHAIRMAN HOLTZMAN: Okay.

5 VICE CHAIR MAGALETTA: I have a
6 question for you now.

7 Mr. Caulfield, when you guys go in and
8 work on that wall, you will need to go onto their
9 property. Do you need us to put anything in this
10 resolution for that?

11 I guess you have to work it out -- I
12 think it's something --

13 MR. MC DONALD: I think we have to work
14 it out. I don't think you could bind the property
15 owner --

16 VICE CHAIR MAGALETTA: That's what I'm
17 saying. Okay.

18 (Everyone talking at once)

19 MR. GALVIN: Guys, I need one second,
20 because if I don't understand it, we are not going
21 anywhere.

22 CHAIRMAN HOLTZMAN: Okay.

23 MR. GALVIN: Sorry.

24 MR. HIPOLIT: So here is -- the
25 property line is actually here.

1 MR. GALVIN: Whose property line?

2 CHAIRMAN HOLTZMAN: Caulfield's.

3 MR. HIPOLIT: So Caulfield's property
4 is back to here. Right now, these properties,
5 because the wall is here, and they are using this
6 area --

7 MR. GALVIN: Who is using it?

8 CHAIRMAN HOLTZMAN: She is.

9 MR. HIPOLIT: That lady in the front
10 row.

11 MR. GALVIN: Is using Caulfield's
12 property?

13 MR. HIPOLIT: Yes.

14 CHAIRMAN HOLTZMAN: That's correct.

15 MR. HIPOLIT: And they put plants here.
16 There's two feet between that wall and this wall.
17 So all they are saying, they are going to grant an
18 easement to them to continue to use the property.

19 MR. GALVIN: And if they don't, they
20 will have to remove it --

21 MR. HIPOLIT: Well, that's up to --

22 MR. GALVIN: -- so I don't need to
23 cover it --

24 MR. HIPOLIT: It has nothing to do with
25 us. I don't think we should even get involved.

1 CHAIRMAN HOLTZMAN: It has nothing to
2 do with us.

3 Okay. We are good. We are back in
4 reality.

5 MR. GALVIN: Because it is something
6 you are giving them to let them use your property,
7 we are okay with what you guys are planning, but we
8 are not going to put it into the resolution as a
9 condition.

10 MR. MC DONALD: That's fine. I think
11 that makes sense.

12 COMMISSIONER JACOBSON: Then do I
13 understand correctly that the rest of the rear fence
14 will be aligned with the brick wall as opposed to
15 extending it all the way to the property line?

16 (Commissioner Doyle present)

17 MR. HIPOLIT: Say that again.

18 CHAIRMAN HOLTZMAN: I'm not sure I
19 followed you on that, Tom.

20 COMMISSIONER JACOBSON: The remainder
21 of the rear fence that will not be defined by the
22 wall, the rear fence of the outdoor common area,
23 that will be built flush with the wall being
24 retained, rather than being pushed out to the --

25 CHAIRMAN HOLTZMAN: To the property

1 line?

2 COMMISSIONER JACOBSON: -- to the
3 property line?

4 MR. MC DONALD: I think we want that on
5 the property line and just have a little cut into
6 where the building is.

7 MR. ROBERTS: They will take their
8 plantings and pull it down --

9 MR. MC DONALD: Can we have one moment?

10 COMMISSIONER JACOBSON: I guess
11 everybody understands what that's going to be.

12 (Board members confer)

13 (Counsel confers)

14 MR. MC DONALD: So we will put the
15 fence on the property line where it exists now.

16 CHAIRMAN HOLTZMAN: Where it exists,
17 okay.

18 Dennis, do you have some conditions
19 that you were working on? Let's read them and see
20 where we are.

21 MR. GALVIN: Okay. 1 --

22 COMMISSIONER PINCHEVSKY: Can I just
23 have one question?

24 CHAIRMAN HOLTZMAN: Absolutely. Go
25 ahead.

1 MR. GALVIN: Go ahead.

2 COMMISSIONER PINCHEVSKY: I apologize
3 for --

4 MR. GALVIN: No.

5 COMMISSIONER PINCHEVSKY: -- I like --
6 just let me ask -- I don't really understand very
7 well here.

8 I like the wall. I think it is
9 beautiful. In fact, so thank you for providing us
10 with those pictures, and I don't really want to see
11 it torn down by any means. I am glad everybody is
12 working together here.

13 But just in general, what is the
14 purpose of maintaining the donut, which is something
15 we strive for, if we are putting up 15 foot walls in
16 the middle of it?

17 CHAIRMAN HOLTZMAN: Well, we are not
18 putting it up because it already exists.

19 MR. HIPOLIT: It exists.

20 COMMISSIONER PINCHEVSKY: I understand.
21 But I mean, you know, we're -- you know, if we fight
22 for -- and I don't -- and in this specific case, it
23 seems like, again, it works really, really well, and
24 nobody wants to tear it down, so I get that. So I
25 guess I'm just having this conflict --

1 CHAIRMAN HOLTZMAN: Do you think the
2 wall should be torn down?

3 COMMISSIONER PINCHEVSKY: I haven't
4 heard a good argument why it should. However, I do
5 feel there is a conflict here a little bit that
6 we -- so I am just trying to hear a good argument --

7 CHAIRMAN HOLTZMAN: I see the
8 difference in a couple of things.

9 One, we have a preexisting condition,
10 and it greatly enhances the neighbor's property, and
11 you I think admit that it looks really nice for the
12 folks that back on to it for sure, right?

13 COMMISSIONER PINCHEVSKY: Yes.

14 CHAIRMAN HOLTZMAN: So it is
15 preexisting. It is not an improvement, but it is a
16 nice thing that hopefully stays.

17 On the other hand, we fight for the
18 donut when we don't want people building buildings
19 into the donut, so this would be basically a
20 freestanding brick wall that is one foot thick.

21 MR. HIPOLIT: Right --

22 COMMISSIONER PINCHEVSKY: You can't --
23 hold on.

24 There's a difference -- other than just
25 buildings, you also don't want people putting up 20

1 foot fences, which I think is what Mr. Roberts was
2 just mentioning.

3 CHAIRMAN HOLTZMAN: That's correct. We
4 have an ordinance that limits how high a fence can
5 be.

6 COMMISSIONER PINCHEVSKY: Exactly, and
7 this is essentially almost becoming a fence.

8 MR. HIPOLIT: It is becoming a fence.
9 You are allowed a six-foot back there.

10 COMMISSIONER PINCHEVSKY: Yeah. So,
11 again, I want this to stay. I am just kind of
12 internally struggling with --

13 MR. GALVIN: Can I jump in?

14 COMMISSIONER PINCHEVSKY: Uh-huh.

15 VICE CHAIR MAGALETTA: Let me jump in
16 first, Counsel.

17 Let me just do this. Because we are
18 not filling the donut in, okay?

19 It is their backyard. If you have a
20 backyard and you want to put a fence, you can do it.
21 We are not filling in the donut. We are keeping
22 that yard space open.

23 I hear what you are saying because I
24 had the same kind of like -- my first impulse was,
25 hold on, wait a second, what about the donut. You

1 are not filling in the donut. You're keeping it
2 intact.

3 This is adding I think a nice visual.
4 I think it is a good thing, and you know how I feel
5 about it. So that being said, I agree with what the
6 Chair said.

7 Dennis, please go.

8 MR. GALVIN: Let me just chip this in.

9 In zoning, we take every case on its
10 own merit. So I think everybody is agreeing with
11 you that we want to preserve the donut, but in this
12 one particular case, they are saying, hey, they
13 think this is a nice feature, so we want to go with
14 it.

15 COMMISSIONER PINCHEVSKY: Okay.

16 MR. GALVIN: And that is how you
17 approve it, because if the next person -- you know,
18 somebody could come in on the very next application
19 and ask you for a 12 foot wall, and you are going to
20 say, what the hell do you think I am. You know, I
21 am not doing that --

22 COMMISSIONER PINCHEVSKY: Yeah. Look,
23 I just thought it warranted a 30-second or
24 two-minute conversation --

25 CHAIRMAN HOLTZMAN: Yeah. You take

1 each one on its own merits.

2 COMMISSIONER PINCHEVSKY: Okay.

3 CHAIRMAN HOLTZMAN: There is no
4 precedence. We take each one by itself.

5 COMMISSIONER PINCHEVSKY: Very good.

6 Thank you.

7 MR. HIPOLIT: By filling in the donut
8 is putting a building there, so it is encroaching
9 past your 60, 70, whatever your setback is. This is
10 not. This is just a fence you are allowing a little
11 higher, although it's existing --

12 MR. GALVIN: Although Rami is not wrong
13 in the sense that you wouldn't normally do 12 feet.
14 You would do six feet or seven feet, you know --

15 MR. ROBERTS: But you are removing
16 about almost 30 feet of building that used to be
17 there and creating a donut.

18 MR. GALVIN: Got it.

19 COMMISSIONER PINCHEFSKY: Thank you.

20 CHAIRMAN HOLTZMAN: Read the
21 conditions.

22 MR. GALVIN: All right.

23 1. The applicant promised the neighbor
24 that they would preserve the wall separating their
25 properties to the extent possible.

1 The Board having balanced the
2 structural concerns has determined that the wall
3 must be preserved to a height of 12 feet.

4 Should the wall be damaged or fall
5 during construction, it will be reconstructed to 12
6 feet in height. The applicant must add this wall to
7 their plan and confirm with the Board's Engineer
8 that the wall is sustainable.

9 2. The applicant must obtain City
10 Council approval of any encroachment into the city
11 right-of-way.

12 3. The generator may only be tested
13 Monday through Friday between the hours of noon and
14 three p.m.

15 4. The applicant offered to plant ten
16 additional street trees along the street to fill
17 voids in exchange for the encroachment to the city's
18 right-of-way. The trees will be planted in
19 accordance with the city's Shade Tree Commission.

20 5. The curb cut width and sidewalk
21 design is to be reviewed and approved by the city's
22 planner. That is Caleb.

23 6. The rain garden is to be maintained
24 by the owner of the property during the life of the
25 building. This condition is to be imposed by a deed

1 restriction. The deed restriction is to be reviewed
2 and approved by the Board Attorney prior to being
3 recorded and must be recorded prior to the issuance
4 of the first certificate of zoning.

5 7. The applicant agreed to comply with
6 the Board professionals' review letter, plus my
7 standard conditions.

8 CHAIRMAN HOLTZMAN: Any questions or
9 comments or any additions to the conditions that
10 Dennis has just read for us?

11 COMMISSIONER PINCHEVSKY: It was the
12 ten trees in addition to the four?

13 CHAIRMAN HOLTZMAN: That's correct.

14 COMMISSIONER PINCHEVSKY: Is it worth
15 perhaps distinguishing that it is an additional --
16 it's in addition to the four, because I think you
17 just mentioned ten?

18 MR. MC DONALD: I think he said ten
19 additional.

20 MR. HIPOLIT: Ten additional, so that
21 is 14 total.

22 COMMISSIONER PINCHEVSKY: Okay. Yeah,
23 I actually know if it would work --

24 MR. HIPOLIT: It's 14 total.

25 MR. GALVIN: All right. I will add "14

1 total."

2 CHAIRMAN HOLTZMAN: Okay. Great.

3 Any other questions, comments or
4 additions to the conditions?

5 If there is not, is there a motion to
6 accept the conditions and approve the application?

7 COMMISSIONER PEENE: So moved.

8 CHAIRMAN HOLTZMAN: Is there a second?

9 COMMISSIONER MC KENZIE: Second.

10 CHAIRMAN HOLTZMAN: Pet, please call
11 the vote.

12 MS. CARCONE: Okay. Commissioner
13 Magaletta?

14 VICE CHAIR MAGALETTA: Yes.

15 MS. CARCONE: Commissioner Stratton?

16 COMMISSIONER STRATTON: Yes.

17 MS. CARCONE: Commissioner Forbes?

18 COMMISSIONER FORBES: Yes.

19 MS. CARCONE: Commissioner Graham?

20 COMMISSIONER GRAHAM: Yes.

21 MS. CARCONE: Commissioner McKenzie?

22 COMMISSIONER MC KENZIE: Yes.

23 MS. CARCONE: Commissioner Peene?

24 COMMISSIONER PEENE: Yes.

25 MS. CARCONE: Commissioner Pinchevsky?

1 COMMISSIONER PINCHEVSKY: Yes.

2 MS. CARCONE: Commissioner Jacobson?

3 COMMISSIONER JACOBSON: Yes.

4 MS. CARCONE: Commissioner Holtzman?

5 CHAIRMAN HOLTZMAN: Yes.

6 Great. Thank you.

7 MR. MC DONALD: Thank you very much.

8 CHAIRMAN HOLTZMAN: Thank you, Mr.

9 McDonald.

10 Mr. Caulfield, thank you.

11 We are going to also take a quick

12 break.

13 (The matter concluded at 8:25 p.m.)

14 (Recess taken)

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C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CCR, CRCR

 PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300
 Notary Public of the State of New Jersey
 My commission expires 11/5/2020.
 Dated: 2/5/16
 This transcript was prepared in accordance with
 NJAC 13:43-5.9.

CITY OF HOBOKEN
PLANNING BOARD
HOP-15-27

- - - - - X
RE: 118-120 Madison Street : February 2, 2016
Block 28, Lot 25 : 8:33 p.m.
Applicant: TST Madison, LLC :
Minor Site Plan Approval & Variances :
- - - - - X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman Gary Holtzman
- Vice Chair Frank Magaletta
- Commissioner Caleb D. Stratton
- Commissioner Brandy Forbes
- Commissioner Jim Doyle
- Commissioner Ann Graham
- Commissioner Caleb McKenzie
- Commissioner Ryan Peene
- Commissioner Rami Pinchevsky
- Commissioner Tom Jacobson

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

- David Glynn Roberts, AICP/PP, LLA, RLA
Board Planner

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

- Patricia Carcone, Board Secretary

PHYLLIS T. LEWIS
CERTIFIED SHORTHAND REPORTER
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13 Attorney for the Applicant.

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I N D E X

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WITNESS

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1 CHAIRMAN HOLTZMAN: Okay. It is 8:33.

2 We are back on the record.

3 Before we get on to our next hearing,
4 we are going to extend our congratulations to Mr.
5 Galvin and his family upon the birth of the first
6 grandchild.

7 MR. GALVIN: Thank you very much.

8 Thanks, guys.

9 (Applause)

10 CHAIRMAN HOLTZMAN: Tell us what do we
11 have? We have a little girl I think, right?

12 MR. GALVIN: Brianna Christine. She's
13 five pounds six ounces, and she is little.

14 (Laughter)

15 COMMISSIONER PEENE: They grow very
16 fast and become very big.

17 CHAIRMAN HOLTZMAN: Great.

18 Congratulations.

19 Mr. Curley, we are going to move on to
20 118 Madison.

21 MR. CURLEY: Good evening, Mr.

22 Chairman, and members of the Board.

23 John J. Curley, C-u-r-l-e-y, for the
24 applicant.

25 The applicant is TST Madison, LLC. The

1 property is located at 118-120 Madison Street, Block
2 28, Lots 25 and 26. It is a 50 by 100 foot lot with
3 5,000 square feet in the R-3 zoning district.

4 We propose a development of six units,
5 where as seven would be permitted in the zone for a
6 property of this size, and eight parking spaces, in
7 a situation in which only one space would be
8 required.

9 MR. GALVIN: Would you hold on one
10 second?

11 We need the record to reflect that Mr.
12 Doyle has now joined the Board.

13 CHAIRMAN HOLTZMAN: Excellent. Thank
14 you.

15 MR. CURLEY: Thank you.

16 We are looking for variances with
17 respect to height, variances with respect to lot
18 coverage, variances with respect to the rear yard
19 and building depth and also the facade.

20 I have three witnesses to present. I'm
21 starting with Mr. Chartier, who is the builder of
22 the project, and going through with the architect,
23 Mr. Minervini, and then Mr. Kolling as the planner.

24 Mr. Chartier?

25 CHAIRMAN HOLTZMAN: Okay.

1 MR. GALVIN: Raise your right hand.

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

5 MR. CHARTIER: I do.

6 T H O M A S C H A R T I E R, having been duly
7 sworn, testified as follows:

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

10 THE WITNESS: Thomas Chartier,
11 C-h-a-r-t-i-e-r.

12 MR. GALVIN: Thank you.

13 MR. CURLEY: Mr. Chartier, can you
14 discuss your qualifications?

15 THE WITNESS: I am a licensed
16 professional engineer in the States of New Jersey
17 and New York.

18 I am a LEED accredited professional.
19 I'm a certified Passive House Consultant, and I have
20 been building for approximately 17 years.

21 CHAIRMAN HOLTZMAN: Mr. Curley, will
22 Mr. Chartier be testifying as a professional, or as
23 the applicant, or as the property owner? Let's just
24 make sure we know what we're getting.

25 MR. CURLEY: He will be testifying to

1 professional opinions, but he is also testifying as
2 the property owner and the applicant.

3 CHAIRMAN HOLTZMAN: Thank you.

4 MR. CURLEY: Mr. Chartier, tell us a
5 bit about the benefits of this project as you have
6 worked on designing it.

7 THE WITNESS: The building is going to
8 be LEED platinum certified, which is the highest
9 level of green building certification from the U.S.
10 Green Building Council. It's also going to be
11 designed to Passive House standards, which
12 essentially means that the building is going to be
13 super insulated. It's going to be super air tight,
14 triple pane windows.

15 The energy consumption is designed to
16 be at least 50 percent less than the typical
17 building. We are anticipating using approximately
18 60 percent less water than a typical building.

19 We put in stormwater detention as per
20 North Hudson Sewerage Authority, but we go beyond
21 that. We put in stormwater retention and we use the
22 water for flushing the toilets and also irrigating
23 our rear yard and our green roofs, which encompass
24 almost the entire building coverage. So the
25 stormwater retention almost doubles the required

1 detention on the property.

2 In the non building coverage, we also
3 put in pervious pavement, where we had hard scape.

4 The building will have electric vehicle
5 charging stations at all eight parking spots.

6 We will have bicycle storage for all of
7 the residents.

8 We provide fresh air directly to each
9 unit. We design our buildings to what is called the
10 Well Building Standard. We use bits and pieces of
11 it, which promotes the general health and wellness
12 of the occupants mostly with respect to daylighting,
13 bringing in natural sunlight into buildings, giving
14 them views and giving access to greenery, vegetation
15 and also giving them a higher level of air quality.

16 We recycle approximately 85 percent of
17 all of the construction waste used on the property,
18 and we are proposing to plant approximately ten to
19 15 street trees to fill in the gaps in the street
20 tree canopy on our block.

21 MR. HIPOLIT: How many trees?

22 MR. ROBERTS: Ten or 15.

23 MR. HIPOLIT: Is it ten or 15?

24 THE WITNESS: Call it 15.

25 MR. GALVIN: Each application, you get

1 an extra tree now.

2 (Laughter)

3 MR. CURLEY: Mr. Chartier, can you tell
4 us a bit about the property and its history?

5 THE WITNESS: So the property formerly
6 housed what was called the Otillo Stove Company. It
7 was an industrial slash commercial building. I
8 believe the building is over a hundred years old.
9 It had a predominant chimney at the front, which is
10 still existing.

11 The front facade, which was quite
12 beaten up, had a painted mural on the brick. The
13 building, the factory and stove company building,
14 covered approximately 94 percent of the lot coverage
15 at the first and second floors, and then at the
16 third floor it set back to approximately 75 percent
17 lot coverage.

18 MR. CURLEY: Did you make a prior
19 application for land use approval to a Hoboken
20 Board?

21 THE WITNESS: We did.

22 MR. CURLEY: Tell us about that.

23 THE WITNESS: We received Zoning Board
24 approval a year ago, last February 2015 -- I'm
25 sorry -- in 2014, two years ago, to repurpose the

1 site as a residential building. It was essentially
2 what the application before you is.

3 We have a building that sort of
4 mimicked the lot coverage of the existing stove
5 company building with one exception. We took the
6 rear wall, and we pulled the lot coverage back by
7 ten feet to increase the hole in the donut, so our
8 first floor and our second floor sort of mimic that
9 footprint of the building, and then we set that back
10 again to mimic the footprint of the building, so we
11 created these outdoor spaces for the residents.

12 The chimney -- the building was
13 essentially demolished to meet fire code and also
14 the flood regulations.

15 We started the process of buying the
16 building before hurricane Sandy. Hurricane Sandy
17 hit. The flood regulations changed, so essentially
18 our floor to floor heights had to change, so we
19 demolished what we considered a hundred percent of
20 what we legally had to demolish. We kept what we
21 considered a hundred percent of what we could
22 legally keep.

23 The predominant features that we kept
24 are the chimney on the site and the northern brick
25 wall, both of which are standing, and we went to

1 pretty great lengths to cut out that painted brick
2 mural, and we put it in storage, and we are planning
3 to use the mural as a piece of artwork either --
4 well, most likely in the lobby of the building.

5 MR. CURLEY: And what happened with
6 respect to that approval?

7 THE WITNESS: There was some confusion
8 over how much of the building was required to
9 remain. We finished demolition, and we applied for
10 our foundation permit, and we got a stop work order
11 from the zoning officer, and we went back before the
12 Zoning Board and tried to work out what exactly was
13 the intent, and that brings us here.

14 MR. CURLEY: And was the approval
15 deemed conditional and the conditions not met?

16 THE WITNESS: Yes.

17 MR. CURLEY: Tell us a bit about the
18 variances that are being sought in this application
19 with respect to height and other matters.

20 THE WITNESS: The variance for height
21 really is just to elevate our utilities above the
22 flood plain. I believe Mr. Minervini can speak more
23 to that.

24 The lot coverage variance is really
25 requesting what was previously approved and which

1 mimicked the original footprint of the building. It
2 allows us to add two extra parking spaces. It also
3 allows us to create what we consider to be very
4 interesting usable outdoor roof decks for the
5 residents.

6 MR. CURLEY: And Mr. Minervini will
7 also show us that on the plan?

8 THE WITNESS: Yes.

9 MR. CURLEY: Anything else?

10 THE WITNESS: I don't believe so. I
11 could answer your questions.

12 MR. CURLEY: And is this your preferred
13 method of developing this site?

14 THE WITNESS: It is, and we try --
15 every building I build is a green building. We
16 typically build LEED platinum, LEED gold buildings,
17 Stratenberg's Net Zero Energy Buildings. So every
18 building we develop or build, we try to push the
19 envelope. We try to make it sort of the greenest
20 building in town or whatever municipality we are
21 building in.

22 This building, I forgot to mention
23 also, is going to have a rooftop silver panel array,
24 which will generate on-site renewable energy.

25 It's also going to have a cogeneration

1 system, which burns natural gas and generates
2 electricity on site, captures the waste, and you
3 reuse that for heating your building or heating your
4 hot water.

5 We are also proposing to use the excess
6 heat for a snow melting system in the side lot in
7 front of the building, so it is a very energy
8 efficient way to generate your electricity on site.
9 You get the added benefit of that it acts as an
10 emergency generator, so during a power outage, this
11 building will have a power source that will run its
12 fire protection system, its security system, and the
13 residents will be able to power their cell phones or
14 laptops. And ultimately, we have had some
15 discussions over the past year and a half or so that
16 it could potentially tie into the micro grid system
17 that is being proposed by the city.

18 MR. CURLEY: What parts of the
19 structure that used to be on the site remain today?

20 THE WITNESS: The chimney and the
21 northern -- the entire northern wall, and then we
22 have the painted mural in storage.

23 MR. CURLEY: What would be proposed
24 with respect to those structural items?

25 THE WITNESS: We are proposing to keep

1 all of them and then build a new structure to
2 support them. Right now they have temporary bracing
3 in place.

4 MR. CURLEY: And they remain on the
5 site today, correct?

6 THE WITNESS: They do.

7 MR. CURLEY: I have no other questions.

8 CHAIRMAN HOLTZMAN: Any specific
9 questions for Mr. Chartier?

10 Otherwise, I will move on to Mr.
11 Minervini.

12 MR. HIPOLIT: Can we ask him a question
13 about the --

14 COMMISSIONER GRAHAM: Could I ask a
15 question?

16 CHAIRMAN HOLTZMAN: I'm sorry. Go
17 ahead, Commissioner Graham.

18 COMMISSIONER GRAHAM: You said that you
19 went to the Zoning Board and the conditions -- the
20 conditions that they put on you were not met,
21 correct?

22 THE WITNESS: Correct.

23 COMMISSIONER GRAHAM: And why was that?

24 THE WITNESS: There was a condition
25 that was relatively vague in the resolution that

1 said that 50 percent of the building or the
2 structure should remain.

3 COMMISSIONER GRAHAM: The entire
4 structure?

5 THE WITNESS: Well, it was worded as
6 the structure.

7 So parts of the structure were wood
8 framed. They didn't meet the fire code. The
9 majority of the structures were at 14 foot ceiling
10 height, 12 foot ceiling height, where as our
11 proposed building to meet flood elevations and also
12 not exceed 50 feet, we had to remove every floor
13 system.

14 So we interpreted that to mean that we
15 had to keep 50 percent of the shell, which is what
16 the neighborhood or the community would actually
17 see, and there was a disagreement.

18 COMMISSIONER GRAHAM: That was the only
19 thing?

20 THE WITNESS: That was the only thing.

21 COMMISSIONER GRAHAM: So how is this --
22 is this application different than the one that you
23 went to the Zoning Board for?

24 THE WITNESS: I believe the only thing
25 different about it is that we took the cogen plan

1 and we moved it to the roof.

2 CHAIRMAN HOLTZMAN: Thank you,
3 Commissioner.

4 Mr. Hipolit, you had some environmental
5 questions?

6 MR. HIPOLIT: I do.

7 So we looked at your information on
8 your Phase I assessment and your No Further Action,
9 and that had to do with the tanks that were on the
10 site, but it didn't really address any other
11 contamination on the site, historic fills and other
12 items. Not that you would be the right expert, but
13 how are we dealing with those items?

14 Is there a cap on site or testing --

15 THE WITNESS: We did testing.

16 The tank was actually off the property.
17 It was actually underneath the sidewalk, so we
18 removed the tank, and we did additional testing for
19 a Phase II, and we got a No Further Action letter
20 from the DEP.

21 MR. HIPOLIT: Just for petroleum type
22 products?

23 I mean, the site has a history --

24 THE WITNESS: Well, I mean, it was
25 tested by Atlantic Environmental. They did a Phase

1 I on the entire property. They looked at a couple
2 areas that I guess warranted further testing, which
3 they performed, and they got the DEP to sign off on
4 it.

5 MR. HIPOLIT: Based on the stuff that
6 you sent our guys, our environmental guys,
7 everything was associated with just the storage
8 tanks. They never really got into the testing of
9 contaminants associated with either historic fill or
10 contaminants for the prior use of the property.

11 THE WITNESS: Okay.

12 MR. HIPOLIT: That is an issue.

13 MR. CURLEY: I think the proposal is to
14 have a cap and a deed notice with respect to
15 historic fill. That would be required in every
16 case.

17 CHAIRMAN HOLTZMAN: Well, we are going
18 to need to know what we are dealing with first, in
19 case it's something that different capping would
20 require different thresholds.

21 MR. HIPOLIT: Yes.

22 CHAIRMAN HOLTZMAN: So we are going to
23 need a Phase I for the entire property, not just the
24 petroleum tanks that were storage tanks --

25 MR. HIPOLIT: We need testing for all

1 of the other potential contaminants.

2 MR. CURLEY: I believe the Phase I for
3 the entire property was submitted as the other
4 report dealt with the removal of the tank and the
5 testing.

6 CHAIRMAN HOLTZMAN: I didn't hear that
7 from you, Andy. If I understand it wrong, then
8 correct me.

9 MR. HIPOLIT: I think the issue that
10 our guy picked up, and I am kind of paraphrasing, is
11 Otillo -- Otillo Stoves was on this site --

12 CHAIRMAN HOLTZMAN: Yes.

13 MR. HIPOLIT: -- and Otillo Stoves had
14 a carpet dying operation, so the things that could
15 come along with carpet dying could be pretty bad,
16 and it may not -- the carpet dying operation and the
17 historic fill could be different, so it could -- it
18 could potentially raise your cap to a different
19 level.

20 We have seen a few other applications
21 that have come in front of us, to where they had to
22 put a vapor barrier below it. I mean, there needs
23 to be some discussion or at least some detail of
24 what you plan to do to deal with that, not just cap
25 it and --

1 THE WITNESS: We could submit a plan.
2 We do have quite a bit of documentation. Off the
3 top of my head, I don't know exactly what we
4 submitted to you --

5 CHAIRMAN HOLTZMAN: Okay. Here is what
6 we need. We don't need a plan.

7 What we need to know first is what is
8 it that we dealing with, and a full Phase I for the
9 full property, so that we can have our LSRP take a
10 look at it, and then everybody can agree as to what
11 level of capping is or is not required. Hopefully,
12 there is nothing to deal with.

13 THE WITNESS: That was done. I know
14 that a Phase I was done.

15 CHAIRMAN HOLTZMAN: Right. Then it
16 should be easy -- then it should be easy to produce.

17 THE WITNESS: Okay.

18 CHAIRMAN HOLTZMAN: Okay.

19 Any other questions for the applicant?

20 MR. CURLEY: Thank you.

21 (Witness excused)

22 CHAIRMAN HOLTZMAN: All right.

23 MR. GALVIN: Raise your right hand.

24 Do you swear or affirm the testimony
25 you are about to give in this matter is the truth,

1 the whole truth, and nothing but the truth?

2 MR. MINERVINI: I do.

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

5 MR. GALVIN: State your full name for
6 the record and spell your last name.

7 THE WITNESS: Frank Minervini,
8 M-i-n-e-r-v-i-n-i.

9 MR. GALVIN: Mr. Chairman, do we accept
10 Mr. Minervini's credentials as an architect?

11 CHAIRMAN HOLTZMAN: Yes.

12 MR. GALVIN: Good. Thank you.

13 MR. CURLEY: Mr. Minervini, take us
14 through the project.

15 THE WITNESS: A lot of it has been
16 described already.

17 The property, and I have a photo board
18 that might be useful as I am discussing what we are
19 proposing.

20 MR. CURLEY: Should we have this
21 marked?

22 THE WITNESS: Yeah. It is part of the
23 drawing set. However, this is in color, and the
24 drawing set is black and white, so I guess it should
25 be marked.

1 MR. CURLEY: Okay. I'll mark it A-1.

2 MR. GALVIN: Yes. We have stickers
3 right there.

4 CHAIRMAN HOLTZMAN: You have some
5 stickers right there, Mr. Curley, under your pad,
6 yup.

7 (Exhibit A-1 marked.)

8 THE WITNESS: I will use this photo
9 board, which is the same as you got as part of your
10 package, to describe the context when I get to it.

11 But the site is a 50 foot wide by 100
12 foot deep parcel. It currently has on it the one
13 wall as described by Mr. Chartier, about 30 feet
14 high on the northern portion of the property, as
15 well as a -- it's about a 40 foot brick chimney on
16 the Madison Street side, which is the front of the
17 property. We are on the west side of Madison
18 between First and Second.

19 In terms of adjacent properties and
20 context, and I will go through that photo board, and
21 it will be helpful. Here is the photograph showing
22 the existing chimney with its temporary supports, as
23 well as behind it the existing brick wall that was
24 part of the initial -- the original building.

25 Mr. Chartier described what happened

1 during the process, as he sees it, and I absolutely
2 agree. And just for the record, I don't think that
3 we should be at this Board. I think the Zoning
4 Board made a mistake rescinding this approval.

5 I described at that Zoning Board
6 meeting that the floor structures all had to change,
7 the front wall was being removed, and the back wall
8 was being removed because the Zoning Board requested
9 that, and what you see is what is left after those
10 things were done. So there was, I guess, a
11 miscommunication. Nevertheless, we are here.

12 So context: The building directly to
13 our north --

14 CHAIRMAN HOLTZMAN: Hang on, Mr.
15 Minervini.

16 COMMISSIONER GRAHAM: Yeah.

17 THE WITNESS: Sorry?

18 CHAIRMAN HOLTZMAN: I think we need to
19 take a pause there for a minute.

20 THE WITNESS: I will happily debate.

21 CHAIRMAN HOLTZMAN: No, no, no. We're
22 not going to debate, but here's going to be my
23 statement --

24 MR. GALVIN: Let me say this --

25 CHAIRMAN HOLTZMAN: -- would you like

1 to continue with your application or not?

2 THE WITNESS: Why wouldn't I?

3 CHAIRMAN HOLTZMAN: It seemed like you
4 said you shouldn't be here.

5 THE WITNESS: No, no. I was referring
6 to the fact that I think this building should be
7 under construction, that the Zoning Board made a
8 mistake. This is our --

9 CHAIRMAN HOLTZMAN: We are not going to
10 debate that here.

11 THE WITNESS: Of course.

12 CHAIRMAN HOLTZMAN: Mr. Galvin?

13 MR. GALVIN: No. I mean, if you want
14 to know what happened, we can provide you a copy of
15 the record.

16 CHAIRMAN HOLTZMAN: No, let's continue.

17 THE WITNESS: And the reason that I say
18 that is because it was a follow-up to what Mr.
19 Chartier said --

20 MR. GALVIN: We have a copy of the
21 resolution.

22 THE WITNESS: -- and it also will lead
23 into why the building is as it is in terms of
24 design.

25 So back to the context. Again, we are

1 on Madison Street between First and Second. That's
2 a photograph of the existing site across the street
3 on Madison, and these are the buildings across our
4 street on Madison on the eastern side of the
5 building, all four or five-story buildings.

6 Here is a bird's eye view of our site.

7 Here is the four-story and five-story
8 buildings to our north, to our south.

9 Directly to our west, there is an empty
10 lot with a commercial building. Mar Oil was there,
11 and this Board recently approved a five-story
12 building there.

13 Directly behind us, there are two
14 three-story buildings and a four-story building, and
15 that pattern continues down towards Second Street.

16 MR. HIPOLIT: In View A, where the word
17 "site" is --

18 THE WITNESS: Yes.

19 MR. HIPOLIT: -- that is when the
20 building existed?

21 THE WITNESS: Correct. That is
22 correct, yeah. That is taken from Goggle Earth, and
23 it was an older photograph.

24 COMMISSIONER DOYLE: In View C --

25 CHAIRMAN HOLTZMAN: Mr. Doyle, speak

1 up, please.

2 COMMISSIONER DOYLE: -- in View C, we
3 see the northern wall and the chimney --

4 THE WITNESS: Correct.

5 COMMISSIONER DOYLE: -- no front or
6 back. Is there another wall?

7 THE WITNESS: All that is left --
8 pardon me. I didn't mean to cut you off. All that
9 is left are these two.

10 The back wall was at the 94 foot point,
11 six feet off the rear property line. The Zoning
12 Board as part of that approval requested that we
13 remove that and pull that wall in ten feet, so that
14 was removed.

15 And the wall along its southern side
16 was a wood frame, and that had to be removed because
17 you couldn't use that structure. So what is left is
18 the architectural element of the -- as we see a
19 significant architectural element of the chimney and
20 the one wall that is left.

21 I could pass this around, if anybody
22 wants to see it.

23 CHAIRMAN HOLTZMAN: Okay.

24 THE WITNESS: So looking at the
25 drawings now, as has been mentioned, we are

1 proposing a six-unit building, where seven is
2 permitted, an eight parking space garage at grade
3 level.

4 The initial -- the original building
5 had its lowest level slightly below grade, and its
6 first floor was up about three or four feet, and
7 that is what led to, as Mr. Chartier mentioned, us
8 having to remove those floor levels because we can
9 no longer have parking below grade, and our first
10 residential floor has to be above -- has to meet the
11 design flood elevation, and the existing floors
12 didn't, but the building you see now does as
13 proposed.

14 The variances, Ed Kolling will get
15 into, but in short, we are asking for a height
16 variance of three feet. That is really to
17 accommodate our parking level.

18 We are asking for lot coverage
19 variances, or 83.8 percent on the second floor --
20 I'm sorry, I skipped the first. 84.6 at the first,
21 83.8 at the second, 72.6 at the third, and the
22 fourth and fifth are both conforming at 60.

23 The 84.6 at the first and the 83.8 at
24 the second are a result of the previous building's
25 lot coverage with the subtraction of that ten feet

1 at the rear of the building.

2 The third floor at 72.6 percent mimics
3 the back wall that was at that location, and the
4 fourth and fifth floors as proposed would have been
5 the new floors, and they do conform.

6 So I will start with Sheet Z-2.

7 Z-1 is our list of property owners, not
8 necessarily relevant for my presentation.

9 The current survey showing the vacant
10 land, showing the wall along the north that is
11 existing, and the smoke stack that is still
12 existing, a site plan based on that survey of our
13 proposed building.

14 So if you don't mind, I will draw it on
15 top of this. Floors five and four are conforming at
16 60 feet in depth.

17 One and two are this shape, and three
18 is this shape, so it will make more sense as I get
19 through the floor plans, but again, floors one, two,
20 and three mimic what was there with the exception of
21 the ten foot reduction at the rear of the building.

22 Sheet Z-3, our ground floor plan, which
23 is our parking plan, as well as our refuse and
24 recyclables, we extend back along the northern wall
25 at 85 feet three -- five inches, pardon me, so that

1 allows for three parking spaces at the rear.

2 We got what was a mechanical platform,
3 but we have since relocated that, and I will
4 describe that when we get to the roof where the
5 cogeneration was, and eight parking spaces.

6 So this is the ground level. We meet
7 the ADA requirement by having that small height
8 variance that allows a handicapped van to use the
9 handicapped space, which is right here.

10 We have two means of egress, one stair
11 here, one stair here as required by the construction
12 code, and refuse and recyclables are in this
13 location.

14 The backyard is a common garden, and
15 you can see the drains we have connected to the
16 detention tank.

17 This is pavers over sand. It is
18 completely permeable, and I have a detail of that as
19 well, so that is the ground floor plan.

20 The main entry, residential entry is
21 along the southern portion of the facade, and the
22 vehicular entry is along the northern portion of the
23 facade. We are proposing ground floor -- sidewalk
24 planting, for which we need City Council approval.

25 As Mr. Chartier mentioned, all the

1 parking spaces will have car charging stations as
2 well as -- and they are shown on Sheet Z-4 -- the
3 bicycle storage racks at the nose of the parking
4 spaces along the wall.

5 Sheet Z-4 shows in more detail our
6 lighting and landscaping.

7 Z-5, a larger scale ground floor plan
8 as well as the start of our residential floors,
9 pardon me, the second residential floor, and I will
10 go through the unit breakdown.

11 So as mentioned, we are proposing six
12 residential units, where seven are permitted. Two
13 of those will be two-bedroom units at 1445 square
14 feet. Two of those will be three-bedroom units
15 ranging from 1445 square feet to 1740 square feet,
16 and the last two will be four-bedroom units ranging
17 from 2,720 square feet to 2,785 square feet, so --

18 COMMISSIONER DOYLE: So --

19 CHAIRMAN HOLTZMAN: Mr. Doyle?

20 COMMISSIONER DOYLE: -- Z-5 says
21 three-bedroom, 2280 square feet.

22 THE WITNESS: Pardon me. That is the
23 largest, yes, and that one has a den, so I should
24 mention that. So the range on the three-bedroom
25 would be from 1445 to 2280.

1 Thank you for that correction.

2 COMMISSIONER DOYLE: You are welcome.

3 THE WITNESS: The third floor, what is
4 different between the third floor and the fourth and
5 fifth floors is that we got this extension, which
6 was there in the existing building, and now we are
7 proposing a roof deck on the roof of floor number
8 two.

9 Moving up to the fourth floor, it is
10 conforming in its depth at 60 feet, and we are
11 proposing a roof deck on the roof of the section
12 below, which is on our third floor.

13 Again, on the fourth floor there is one
14 four-bedroom unit of 2,720 square feet.

15 On the third floor you have two
16 apartments. The rear one, a three-bedroom at 1740,
17 and the front one a two-bedroom at 1445.

18 Our fifth floor also conforming at 60
19 feet in depth has one apartment, a four-bedroom unit
20 of 2,785 square feet.

21 When we get to the roof, a significant
22 feature, as Mr. Chartier mentioned, is our
23 cogeneration plant, so what we got, we constructed a
24 masonry wall around the cogeneration. It will
25 actually serve us better than the standard Type 2

1 sound attenuation covers.

2 Also, as he said, they both produce
3 electricity using natural gas, and the waste heat
4 from the combustion is used to heat water, which
5 would probably be used for the hot water system in
6 the building, and then there is also a solar array,
7 as well as a deck, which is attached to the unit
8 below, which we are calling Unit 501. The deck
9 itself as well as the solar array at least to the
10 rear of the building is screened with a piping
11 system. The deck and the solar array to the front
12 are also screened with a planting system. We are 11
13 feet off of the front face of the building.

14 For the deck, we are three feet ten off
15 the northern side, and we are about six feet off of
16 the southern side.

17 The stair penthouse bulkhead is along
18 our southern facade centralized in the building.
19 Condensing units and HVAC units are also on this
20 section of the roof directly adjacent to the stairs.

21 COMMISSIONER DOYLE: Chairman?

22 CHAIRMAN HOLTZMAN: Yes, Mr. Doyle.

23 COMMISSIONER DOYLE: What percentage of
24 the green roof -- what percentage is the green roof
25 of the roof itself?

1 THE WITNESS: Let me see if I got that.

2 I know we don't need a variance.

3 Let's see. So we have got 435 square
4 feet of deck, 260 square foot of walkable grass and
5 solar arrays as well as planters. We are not
6 requesting a variance for that roof deck.

7 I don't know if I got the exact square
8 footage because unlike some other projects, what's
9 different here is we got the solar array, so that
10 area doesn't have what would normally be our
11 extensive green roof system, but I can get you that.

12 COMMISSIONER DOYLE: Okay.

13 And your walkable grass, you don't
14 consider that to be part of the green roof?

15 THE WITNESS: It would also be part of
16 the green roof system.

17 MR. ROBERTS: Yes. I think we asked --
18 Jim asked the question that I had, too. You need to
19 clarify it. You didn't need to have 50 percent of
20 the roof in order to have the roof deck for the area
21 we are proposing that would be under 30 percent.

22 THE WITNESS: I think there is a
23 provision for the solar array that gets reduced out
24 of the green roof system, and I will confirm that,
25 if it would make sense --

1 COMMISSIONER DOYLE: Well, at least not
2 in the provision --

3 MR. HIPOLIT: No, it's not in the
4 provision --

5 MR. ROBERTS: That is a LEED provision.
6 The LEED exempts the roof related to the solar
7 panel, but I don't know if the ordinance does.

8 THE WITNESS: I will confirm that
9 perhaps when I next present it.

10 But to the elevations, Sheet Z-8, the
11 front facade, as described, the predominant feature
12 is the existing chimney. We continued that feature,
13 and here is a colored rendering, which should be
14 marked, describing what our intention is in terms of
15 the facade design.

16 MR. CURLEY: That is being marked A-2.

17 (Exhibit A-2 marked.)

18 THE WITNESS: I can pass this round, if
19 anyone wants to look at more closely, but it
20 reflects what you see in 2D on Sheet Z-8.

21 So what we've done -- and this was
22 approximately the original height of the building,
23 we reconstructed this portion out of brick that did
24 mimic what was there before.

25 This infill is all new, and these two

1 additional floors are glass and solar shades, and we
2 got them detailed as well. Here we go, on the
3 bottom of that same sheet, Z-8.

4 The rear facade again mimics in design
5 what the previously existing building looked like,
6 so this is our three-story section, as I described
7 on the floor plans. Here's our two-story, and then
8 the portion of the building that is at 60 feet in
9 depth is this shaded gray area behind it.

10 We provide on Sheet Z-9 a street
11 elevation, so you can see in terms of height, the
12 building is not out of context. We are asking for
13 that small height variance. However, if you look at
14 the adjacent properties, I think we fit in nicely.

15 Also, we provided a site section for
16 the building as well as across the street showing
17 what the new angles would be and what you would and
18 would not see in terms of the roof structures.

19 And the last sheet is the photographs
20 that you have seen me point to, but in color.

21 The building will be concrete
22 construction. Part of that construction will help
23 support the existing chimney as well as it will help
24 support the northern wall that we have kept.

25 As Mr. Chartier said, the painted brick

1 that had the previous company's symbol on it will be
2 kept and rebuilt and used in the lobby.

3 I certainly recognize that it looks
4 like we are asking for a lot of lot coverage, and I
5 think in a vacuum that would be true. However, in
6 this case, considering the history of the property,
7 considering the history of the approvals, as well as
8 the high level of green features that are being
9 proposed in this building, we think it makes perfect
10 sense.

11 I would venture to bet that if this is
12 not approved in some way, and this building isn't
13 built like this, and we come back to this Board with
14 a conforming building without these areas that mimic
15 what was there before, a lot of these green -- most
16 of these green features won't be there. They are
17 there as a result of having the building as
18 proposed, so that is why we think this is a good
19 building.

20 MR. CURLEY: What is your opinion as to
21 the architectural benefit of that chimney?

22 THE WITNESS: I think it is worth
23 saving. I think the building facade originally was
24 very industrial, but it didn't lend itself to a
25 residential building. However, the predominant

1 feature on it did, and that is what we kept. We
2 worked around it, and we worked a new building
3 around that feature, and I think it works very well
4 within the front facade.

5 MR. CURLEY: I have no other questions.

6 CHAIRMAN HOLTZMAN: Thank you.

7 Ms. Graham?

8 COMMISSIONER GRAHAM: Yes.

9 When I looked at the picture, the
10 rendering of the building with the chimney --

11 THE WITNESS: Yes.

12 COMMISSIONER GRAHAM: -- just out of
13 curiosity, it looks like the chimney is just -- it
14 doesn't look like a chimney any more. It just looks
15 like a wall. It doesn't have any stand-out
16 features. It looks like the old --

17 THE WITNESS: I'm sorry, but it will
18 project about 12 inches. It is at our front
19 property line, so we don't have a lot of leeway with
20 that front wall that can or cannot be built --

21 COMMISSIONER GRAHAM: Are you adding
22 more around it?

23 THE WITNESS: Yes. The brick that you
24 see around it is brick that we have saved when the
25 previously existing building was demolished, so that

1 brick as you see it will match the chimney.

2 COMMISSIONER GRAHAM: Could you explain
3 a little bit more as to why you need the extra lot
4 coverage?

5 THE WITNESS: It is a difficult answer.
6 I certainly understand the purpose of the question.

7 The opinion that we got is that with
8 all of the green features proposed, asking for what
9 was initially approved by the Zoning Board in terms
10 of its bulk is reasonable. So the thinking is
11 that --

12 COMMISSIONER GRAHAM: I'm not asking
13 what is reasonable.

14 I am asking why. Why do you need --

15 THE WITNESS: -- yeah, I am. I'm going
16 to finish.

17 COMMISSIONER GRAHAM: Okay.

18 THE WITNESS: So we think that by
19 proposing to keep these, we think significant
20 architectural feature, adding to it the cogeneration
21 plant, all of the green features that Mr. Chartier,
22 who this is his field of expertise, is proposing and
23 they are very significant. To get to a LEED
24 platinum building is difficult to do. We think that
25 is worth this Board agreeing to give us the

1 additional lot coverage on those three floors.

2 COMMISSIONER GRAHAM: Thank you.

3 CHAIRMAN HOLTZMAN: Thank you,
4 Commissioner.

5 Director Forbes?

6 COMMISSIONER FORBES: Yes. I had some
7 questions about these awnings that you are showing
8 on here.

9 I mean, it looks like on the second
10 floor plan, is that for starting at four feet six
11 inches from the property line going down to two or
12 is that --

13 THE WITNESS: No. It extends over the
14 property line. That would need City Council
15 approval, if it were to be approved.

16 COMMISSIONER FORBES: But what's the
17 distance it's going over the property line?

18 THE WITNESS: That dimension that you
19 see in the drawing is the distance --

20 COMMISSIONER FORBES: About four foot
21 six inches --

22 THE WITNESS: -- yes, and then it
23 tapers down to two feet and change.

24 COMMISSIONER FORBES: Now, this looks
25 like a balcony. There's like a doorway that goes

1 out onto that, and it looks like on the upper ones
2 maybe sliders or something? I just wondered --

3 CHAIRMAN HOLTZMAN: Do you have a front
4 exposure -- a front elevation plan that we can see
5 the detail on?

6 THE WITNESS: Yes. Actually, if you
7 don't mind, the rendering might be the best.

8 CHAIRMAN HOLTZMAN: Okay.

9 THE WITNESS: We're not proposing to --
10 I think I understand the question -- to use any of
11 that as outdoor space.

12 COMMISSIONER FORBES: Okay.

13 I am just curious because on the second
14 floor plan, on Z-5, there is a door opening that
15 goes out there, unless I am reading that wrong.

16 THE WITNESS: It is very narrow and
17 it's showing a casement window. It should not be
18 shown like that. We normally don't show windows as
19 they operate. It is not meant to be a door, and I
20 could certainly clarify that. We are not proposing
21 at all to use any part of the awning or anything
22 past the front property line as outdoor space for
23 the building.

24 COMMISSIONER FORBES: Okay. Are
25 there -- aside from these awnings, are there bay

1 windows?

2 THE WITNESS: No. We're not proposing
3 any bays. There's no further projections past the
4 front property line other than that awning.

5 COMMISSIONER FORBES: What is the
6 purpose of the awning?

7 THE WITNESS: Again, it's an
8 architectural feature that lends to the industrial
9 look that the building we perceived would have had
10 before converted to residential --

11 COMMISSIONER FORBES: I mean, I am just
12 concerned about, you know, what kind of shading and
13 such that might -- you know, that sticks out a
14 significant amount.

15 THE WITNESS: And for us, if it is
16 something that this Board didn't like, I don't think
17 it negatively affects the facade design at all, and
18 we could certainly remove it without causing any
19 issue.

20 CHAIRMAN HOLTZMAN: Anything else,
21 Director?

22 COMMISSIONER FORBES: And just I know
23 that you were mentioning the reasoning for the lot
24 coverage. I think you had responded something about
25 what the prior use or the prior proposal, and I

1 don't think that that's what we're here -- if we are
2 here for this application, I just wanted to make
3 that clear.

4 THE WITNESS: Absolutely --

5 CHAIRMAN HOLTZMAN: Right. We have to
6 deal with the application before us.

7 THE WITNESS: -- and to be more clear,
8 we think that the additional lot coverage proposed
9 is a fair trade for the extensive green elements
10 that the building is proposed to have.

11 CHAIRMAN HOLTZMAN: Thank you,
12 Director.

13 Just hang on one second.

14 I want to get Dave in.

15 COMMISSIONER PINCHEVSKY: Sure.

16 CHAIRMAN HOLTZMAN: Dave, you had some
17 questions and some comments I think?

18 MR. ROBERTS: Yes, a couple of things.

19 I think we have to, to some extent, go
20 back and do a little history on this because my
21 understanding was the -- I mean, if you look at --
22 Frank, do you want to show us the diagram, probably
23 the cover sheet.

24 Yeah. The white space on the inside of
25 the block is effectively the donut, correct --

1 THE WITNESS: Yes.

2 MR. ROBERTS: -- in other words, the
3 gray space shows your existing building lines and
4 the original --

5 THE WITNESS: Correct, with the
6 exception of these five lots, one, two, three, four,
7 five that will now be this, that this Board approved
8 at 113-117 Monroe probably six months ago, five or
9 six months ago.

10 MR. ROBERTS: So that donut has been
11 restored, right?

12 THE WITNESS: Yes, and this is shaded
13 very darkly. Ours would be something like that.

14 MR. ROBERTS: Right.

15 Now, originally the proposal was it was
16 94 percent lot coverage, and the Zoning Board asked
17 you to cut your building wall back ten feet, and
18 that is how you got to the 84 percent --

19 THE WITNESS: Yes.

20 MR. ROBERTS: -- that you are now
21 proposing for lot coverage in this situation.

22 My understanding, though, was that that
23 was the only wall being modified at that point in
24 time, because effectively the proposal was to
25 repurpose the existing building, and it was really

1 more of an adaptive reuse application, correct?

2 THE WITNESS: Well, that's not correct.
3 I never used the term "adaptive reuse," and I also
4 was clear that the front facade had to change. It
5 had to accommodate new floor levels, as well as
6 windows, so it was very clear that this wall was
7 being removed.

8 I think the confusion was even though I
9 had said that the building had to have its floors
10 removed and replaced with concrete, that I may not
11 have really hit that hard enough, and people
12 didn't -- the Board members didn't really get it.

13 We walked away from the project with
14 the assumption that that was understood.

15 It wasn't, and that is what we came to
16 find out.

17 MR. ROBERTS: Right.

18 But in terms of the original variance
19 for the 84 percent, which was based on retention of
20 an existing building and effectively what the
21 reality is, which is there is really one wall and a
22 chimney --

23 THE WITNESS: Absolutely true.

24 MR. ROBERTS: -- that is left.

25 The reason why at this point since you

1 brought the rear wall back ten feet that you
2 couldn't bring it the additional 30 feet and use the
3 same sidewall and the same chimney and have a
4 conforming 60 percent building coverage, because
5 effectively the majority of the building is no
6 longer -- there's nothing to prevent it from doing
7 that.

8 I am just -- I think my original
9 question was going to be: At what point did the
10 front wall become an issue.

11 It sounds like what you are saying is
12 that in order to accommodate the interior changes,
13 we're going to have to remove the front wall, but
14 it's not clear -- it seems that that was part of the
15 second application, not the first application.

16 CHAIRMAN HOLTZMAN: I am going to call
17 a time out.

18 MR. ROBERTS: Yes.

19 CHAIRMAN HOLTZMAN: We need to deal
20 with the application that's before us, and I don't
21 want to hear that.

22 MR. ROBERTS: Okay. But my specific
23 question had to do with why the front wall is not
24 part of the application -- why it couldn't be saved
25 I guess.

1 CHAIRMAN HOLTZMAN: Again, that is not
2 for us to decide here. We need to deal with the
3 application that is before us and nothing more.

4 THE WITNESS: I did describe that
5 already, and I can again, if it helps.

6 CHAIRMAN HOLTZMAN: No. I think we
7 heard it twice.

8 THE WITNESS: Okay.

9 COMMISSIONER DOYLE: The question of
10 why the wall couldn't be at 60 percent I think is a
11 valid question.

12 MR. ROBERTS: Right.

13 CHAIRMAN HOLTZMAN: That's a fair
14 question, but the front wall discussion we don't
15 need to talk about. The front wall does not exist
16 any more.

17 MR. ROBERTS: All right.

18 Well, then my point originally was the
19 only original modification was the back, and now we
20 are dealing with effectively not much left of the
21 building, so why can't we have a 60 percent
22 conforming building?

23 CHAIRMAN HOLTZMAN: That is a question,
24 and Mr. Minervini has responded to that I think a
25 number of times, as well as Mr. Chartier, which is

1 that they feel that the extensive green building
2 methodologies being built into this building are
3 justified for the lot coverage that they are asking
4 for.

5 MR. ROBERTS: I assume then that that
6 would be the testimony that would be coming from the
7 planner, but I --

8 CHAIRMAN HOLTZMAN: That was the
9 testimony we had from the architect, planner
10 already --

11 MR. ROBERTS: -- because I think the --

12 CHAIRMAN HOLTZMAN: -- and I don't mean
13 to completely testify for you, Mr. Minervini, but I
14 didn't want to try to --

15 THE WITNESS: That is our
16 application -- I'm sorry -- that is our application
17 tonight, understanding that the building is no
18 longer there.

19 MR. GALVIN: Architects can offer
20 planning -- they kind of do offer planning testimony
21 all the time as to C variances.

22 CHAIRMAN HOLTZMAN: Mr. Pinchevsky?

23 COMMISSIONER PINCHEVSKY: Yes. Thank
24 you.

25 Very simple question I think. This is

1 no longer an existing use.

2 What is the benefit of using -- just
3 out of curiosity, I suppose -- what's the benefit of
4 using that northern remaining wall?

5 Like it seems as though you have to put
6 a lot of effort into making sure it doesn't come
7 down. Why even use it?

8 THE WITNESS: I'm sorry. It goes back
9 to the previous application. We mistakenly thought
10 that that was one of the features that had to stay.

11 COMMISSIONER PINCHEVSKY: All right.
12 But in this application.

13 THE WITNESS: It doesn't have to stay.

14 CHAIRMAN HOLTZMAN: So at this point,
15 why not take it down?

16 THE WITNESS: If this Board would --

17 CHAIRMAN HOLTZMAN: It would probably
18 make your life easier from a construction
19 standpoint, I would think.

20 THE WITNESS: Certainly.

21 COMMISSIONER PINCHEVSKY: Well, that
22 would be my question. The same thing -- I mean --
23 yeah, I mean, I want the best application before me,
24 and if you are saying that taking that wall down, it
25 makes a better application, why it not --

1 CHAIRMAN HOLTZMAN: It doesn't make it
2 a better --

3 COMMISSIONER PINCHEVSKY: -- I'm
4 sorry --

5 CHAIRMAN HOLTZMAN: -- I don't think it
6 changes --

7 COMMISSIONER PINCHEVSKY: -- it makes
8 it a better structure. It gives --

9 CHAIRMAN HOLTZMAN: -- it makes it
10 easier for them.

11 THE WITNESS: It was terribly more
12 difficult to keep the wall there than take it down.
13 The applicant would be happy to take the wall
14 down --

15 CHAIRMAN HOLTZMAN: The only thing that
16 the public can see that retains any part of the
17 history is the chimney, so that is really the only
18 thing that should --

19 COMMISSIONER PINCHEVSKY: Just for
20 clarification --

21 CHAIRMAN HOLTZMAN: -- you know, that's
22 the only thing --

23 COMMISSIONER PINCHEVSKY: -- and just
24 for clarification, you said you are going to be
25 putting brick around it, but you said there was a

1 12-inch setback. Like so I just want to make sure,
2 is it flush with the other brick or is it not flush?

3 THE WITNESS: It doesn't show very well
4 here, but there is a bit of a line, but this
5 particular perspective --

6 CHAIRMAN HOLTZMAN: So is it that the
7 brick chimney will extend from the face of the
8 building?

9 THE WITNESS: We will give you a
10 drawing because this doesn't reflect it well.

11 We will pull it back at least one
12 course of bricks, so there is a distinction in
13 plane --

14 COMMISSIONER PINCHEVSKY: So the rest
15 of the front facade, other than chimney -- when you
16 say one course of bricks, do you mean like four
17 inches?

18 THE WITNESS: Four inches or so --

19 COMMISSIONER PINCHEVSKY: -- so
20 therefore -- so therefore, other than the chimney,
21 you will be four inches back from your property
22 line?

23 THE WITNESS: Yeah. And this brick
24 that is shown here is -- we would be proposing to
25 reuse the brick that was originally on the front

1 face of the building. They saved it. The applicant
2 saved it.

3 Whether the four inches is worth it,
4 that is for the Board to decide. Certainly --

5 CHAIRMAN HOLTZMAN: But the purpose of
6 it is to try to highlight the chimney?

7 THE WITNESS: That is the only purpose.

8 COMMISSIONER PINCHEVSKY: Yeah. So I
9 mean, so just to reiterate, for my clarity, my own
10 clarity, there is no existing use currently with
11 this application?

12 CHAIRMAN HOLTZMAN: I am not sure I
13 understand what you mean by that. What existing
14 use?

15 (Board members confer)

16 COMMISSIONER PINCHEVSKY: I'm sorry?

17 COMMISSIONER DOYLE: The ordinance is
18 the existing use.

19 COMMISSIONER PINCHEVSKY: Well, no, I'm
20 sorry.

21 So in the past we have had applications
22 come before us that they are essentially going to --
23 I think perhaps when this was initially before the
24 Zoning Board, it was an existing use. There was an
25 existing --

1 CHAIRMAN HOLTZMAN: An existing
2 building.

3 COMMISSIONER PINCHEVSKY: -- an
4 existing building, and therefore --

5 CHAIRMAN HOLTZMAN: They were going to
6 reuse it somehow --

7 COMMISSIONER PINCHEVSKY: -- correct,
8 and therefore, they didn't need to seek a
9 variance -- for example, they didn't need to seek a
10 variance for lot coverage because they had already
11 had --

12 MR. GALVIN: Oh, no. That is not true.
13 Even when a building exists, there is no such thing
14 as having prior approval.

15 You know, you come before the Board for
16 any application like to add a deck. Technically
17 everything is in front of the Board. All of the
18 preexisting nonconformities, they don't own them.
19 So we could ask them to make changes on a piece of
20 property, so the fact that --

21 COMMISSIONER PINCHEVSKY: Okay --

22 MR. GALVIN: -- but from a practical
23 standpoint, if somebody comes here and says, "I have
24 this existing building that is really, it's still in
25 good shape, and we want to reuse it," you know, you

1 have to weigh it out as a Board. Do you want them
2 to comply with the 60 percent, or do you want to
3 give them latitude and use the existing structure --

4 COMMISSIONER PINCHEVSKY: So I guess I
5 don't know if I am allowed to ask this question --

6 MR. GALVIN: -- so but it is more like
7 practical than the law, because they have no
8 entitlement to have the building at the size that it
9 is --

10 CHAIRMAN HOLTZMAN: That never should
11 have --

12 COMMISSIONER PINCHEVSKY: So if Mr.
13 Minervini -- Mr. Minervini --

14 THE WITNESS: Here, as we did
15 previously --

16 MR. GALVIN: Right --

17 THE WITNESS: -- that happened at the
18 Zoning Board --

19 MR. GALVIN: -- but I am not discussing
20 what happened at the Zoning Board --

21 (Everyone talking at once.)

22 CHAIRMAN HOLTZMAN: Mr. Pinchevsky has
23 the floor, guys. Thanks.

24 COMMISSIONER PINCHEVSKY: So have
25 you -- if a LEED platinum building -- is there a

1 LEED platinum building in Hoboken that does meet the
2 60 percent coverage ratio?

3 THE WITNESS: I don't know the answer.

4 We have done one, and it is in the 70
5 percent range approved by the Zoning Board. That is
6 124 Park Avenue. So I don't know, other than that,
7 if there's more lot coverage, so the answer is no,
8 that I know of --

9 COMMISSIONER PINCHEVSKY: But I mean,
10 you know, it does seem to be -- well --

11 CHAIRMAN HOLTZMAN: Those things are
12 also mutually exclusive, you know, the size of the
13 building and its green building threshold or status
14 that it achieves, there's not a definitive linkage
15 between those two.

16 COMMISSIONER PINCHEVSKY: Well, no, I
17 think it becomes an economic question, right?

18 CHAIRMAN HOLTZMAN: That is correct.

19 COMMISSIONER PINCHEVSKY: So my
20 question is, you know, is there existing cases in
21 Hoboken, where a building is at 60 percent or close
22 to it, 65, maybe 70, and does it, you know, is able
23 to make it work?

24 CHAIRMAN HOLTZMAN: That is a fair
25 question.

1 COMMISSIONER PINCHEVSKY: Yeah. So
2 that is what I was trying to ask him, and apparently
3 there's one that's close --

4 CHAIRMAN HOLTZMAN: 70.
5 Mr. Peene?

6 COMMISSIONER PEENE: In July of this
7 year, I believe we had the first Passive House
8 proposed in Hoboken at 1024 Adams Street, and I was
9 trying to get to hold --

10 COMMISSIONER FORBES: But that was a
11 redevelopment, and it did have more lot coverage,
12 yes.

13 CHAIRMAN HOLTZMAN: Okay.

14 COMMISSIONER DOYLE: I think I know
15 from the walking tour, there are other Passive
16 Houses in Hoboken --

17 CHAIRMAN HOLTZMAN: Mr. Jacobson?

18 COMMISSIONER JACOBSON: Two questions.

19 One, and forgive my ignorance, the
20 exterior stairs from the second floor to the outdoor
21 patio, it's approximately three feet wide and 24
22 feet long --

23 THE WITNESS: Looking at Z-5 --

24 COMMISSIONER JACOBSON: -- on Z-5, the
25 second floor plan --

1 THE WITNESS: Yes.

2 COMMISSIONER JACOBSON: -- are those to
3 be included in lot coverage calculations?

4 THE WITNESS: They are, if you look at
5 the zoning chart, there's two separate callouts, one
6 with and one without.

7 COMMISSIONER JACOBSON: And what is the
8 second floor lot coverage width?

9 THE WITNESS: Back to my glasses.

10 So the first floor without is 84.6
11 percent. With that rear stair, it is 86.5.

12 The second floor without is 83.8, and
13 with it's 85.3.

14 COMMISSIONER JACOBSON: Okay.

15 The second question, I believe Mr.
16 Chartier testified that there was going to be a
17 stormwater retention system for the purpose of using
18 that water for flushing the toilets --

19 THE WITNESS: And gray water use as
20 well, yes.

21 COMMISSIONER JACOBSON: -- I am not
22 finding that system on any of the drawings. Could
23 you point that out for me?

24 THE WITNESS: I will certainly take a
25 look.

1 It is shown diagrammatically on Sheet
2 Z-3. I am pointing to the area that would be
3 underneath the drive aisle.

4 COMMISSIONER JACOBSON: That's
5 described as a stormwater detention tank?

6 THE WITNESS: Yes. It is a detention
7 tank. It will be used for retention for the gray
8 water use as Tom --

9 COMMISSIONER JACOBSON: So it will be a
10 dual purpose --

11 THE WITNESS: Yes.

12 COMMISSIONER JACOBSON: -- detention
13 for purposes of stormwater mitigation and retention
14 for purposes of --

15 THE WITNESS: Yes.

16 COMMISSIONER JACOBSON: -- okay. So is
17 there a calculation then of the net available
18 stormwater detention capacity?

19 THE WITNESS: We should let Tom answer
20 that question.

21 COMMISSIONER JACOBSON: I assumed that
22 would be part of --

23 MR. CHARTIER: I have done the
24 calculation. I don't know it off the top of my
25 head, but I believe it is 1700 gallons extra above

1 the detention volume that's used for gray water.

2 COMMISSIONER JACOBSON: I am interested
3 in the net detention volume.

4 MR. CHARTIER: The detention, and
5 again, I don't know it off the top of my head, it's
6 probably somewhere around 2000, maybe 2500 gallons
7 is the volume --

8 COMMISSIONER JACOBSON: And then the
9 retention --

10 MR. CHARTIER: -- and plus the
11 additional 1700 gallons for detention.

12 COMMISSIONER DOYLE: How does that
13 relate to what North Hudson Sewerage -- you
14 testified that it exceeds it. The whole -- the
15 whole --

16 MR. CHARTIER: Almost double.

17 THE WITNESS: You could agree to
18 double it.

19 MR. CHARTIER: We like to sort of push
20 it. We try to get as much as we can.

21 I mean, my goal for this is to have 100
22 percent of every drop of water that falls on the
23 property is going to flow through the detention
24 system or percolate. The green roof absorbs a good
25 portion, but also in the back, it stops it, so

1 whatever sort of runs off, if it doesn't percolate
2 into the soil, it will go through.

3 Typically what North Hudson requires is
4 for you to design for a two-year storm, and we
5 typically go for a five-year storm --

6 CHAIRMAN HOLTZMAN: All right.

7 And the difficulty, Mr. Chartier, that
8 we have with this issue is we want to believe your
9 testimony, but we also need to be able to see that
10 that is actually on the plan and sized correctly, so
11 that is the disconnect on this.

12 MR. MINERVINI: I think Tom can give a
13 number as part of the testimony, that if this were
14 to be approved, I could then apply to the plan.

15 Tom, there's another question --

16 CHAIRMAN HOLTZMAN: Yeah. The number I
17 think I'm sure that we all like to hear is 100
18 percent of the water falling on this building is
19 being captured. That is the word, right, yes?

20 MR. MINERVINI: Yes.

21 There was another question about --
22 that I couldn't answer very well -- about what other
23 projects that this city has --

24 MR. CHARTIER: There are three LEED
25 platinum buildings in town, and I worked on all

1 three. They all were approved with variances for
2 height and lot coverage.

3 One of them I believe is a hundred
4 percent lot coverage, The Edge Lofts.

5 The other two I believe are 70 percent
6 lot coverage, and they got additional height
7 variances. They have all extra -- so, of course,
8 they do all have extra floor area that helps pay for
9 all of these community give-backs and green
10 features.

11 CHAIRMAN HOLTZMAN: Thank you.

12 VICE CHAIR MAGALETTA: I have --

13 CHAIRMAN HOLTZMAN: Sure.

14 VICE CHAIR MAGALETTA: -- very quickly.

15 What, as proposed, what is the
16 difference between the height of the top of the
17 chimney and the top of the building?

18 THE WITNESS: Let me go to elevation
19 Sheet Z-8.

20 I don't have a dimension, but I can
21 tell you that it is about a two and a half foot
22 difference. We got 51 feet. Overall height, 50
23 feet to the roof slab, and there is about a two and
24 a half foot difference between the top --

25 VICE CHAIR MAGALETTA: So the chimney

1 won't go above the roof line?

2 THE WITNESS: No.

3 VICE CHAIR MAGALETTA: Okay.

4 CHAIRMAN HOLTZMAN: And the chimney is
5 obviously no longer functional or --

6 THE WITNESS: Correct.

7 VICE CHAIR MAGALETTA: But you're
8 saying it is a chimney, but it's losing the effect
9 of a chimney, okay?

10 THE WITNESS: Certainly losing the
11 effect of a chimney. It's just an architectural
12 element now.

13 COMMISSIONER DOYLE: Is the inside half
14 of the chimney cut off?

15 THE WITNESS: It is still four sides,
16 and it will remain that way just for structural
17 purposes.

18 CHAIRMAN HOLTZMAN: Any other questions
19 for Mr. Minervini, Commissioners?

20 We can certainly circle back.

21 Any there any members of the public
22 that have questions for Mr. Minervini and his
23 testimony?

24 Is there somebody with a hand up? I
25 can't kind of see it behind the easel there.

1 MS. BAILEY: Yes.

2 CHAIRMAN HOLTZMAN: Yes, sure. Come on
3 up.

4 MR. GALVIN: Come up.
5 State your name.

6 MS. BAILEY: Andrea Bailey,
7 MR. GALVIN: Spell your last name.
8 MS. BAILEY: B-a-i-l-e-y.
9 MR. GALVIN: And where do you live?
10 MS. BAILEY: At 122 Madison Street, so
11 I --

12 MR. GALVIN: And we are just asking
13 questions right now.

14 MS. BAILEY: -- I just wanted to
15 confirm that the wall that we are talking about is
16 still staying.

17 THE WITNESS: We think we heard that
18 the Board prefers and the applicant prefers as well,
19 if this project were to be approved, the wall would
20 be removed.

21 MR. HIPOLIT: Do you want it to stay?
22 MS. BAILEY: Yes.
23 MR. GALVIN: She is not under oath,
24 though. But, go ahead, answer it.
25 MS. BAILEY: Oh, okay.

1 So I live at 122 Madison Street, so I'm
2 directly north of the building, and so what we are
3 not seeing is that on the other side of the wall, I
4 am in a first floor apartment, the garden floor
5 apartment, and the other side of the wall is
6 beautiful. Maybe you can see it. It's beautiful
7 ivy growing up. It climbs the entire height of the
8 building, so it really is, you know, beneficial
9 to --

10 CHAIRMAN HOLTZMAN: Okay. Hang on one
11 second, please.

12 Dennis?

13 MR. GALVIN: Okay. Now that we went
14 this far, raise your right hand.

15 Do you swear or affirm -- no, keep it
16 up.

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

20 MS. BAILEY: Yes.

21 MR. GALVIN: Okay. And the first
22 question I have to ask you: Is everything that you
23 said so far, is that true?

24 MS. BAILEY: Yes.

25 MR. GALVIN: Okay. Good. Go ahead.

1 MS. BAILEY: So when this was
2 originally presented to us about a year ago, I was
3 completely supportive. The building was completely
4 supportive of these plans, especially with the
5 exception being the wall, is the wall staying.

6 Yes, the wall's staying.

7 That was confirmed to us throughout the
8 entire project, and if possible, we would really
9 like it to stay. It's really beautiful --

10 CHAIRMAN HOLTZMAN: Mr. Minervini, do
11 you have any photos of what this person --

12 THE WITNESS: I don't have it from the
13 northern side, which is what she is referring to.

14 MS. BAILEY: I have them on my phone.

15 THE WITNESS: -- I do know the yard
16 very well, because we designed the building. My
17 business partner lived in her apartment initially,
18 so I know that garden very well, and it is very
19 beautiful, and I think Mr. Chartier can speak to
20 saving that section or not.

21 MR. CHARTIER: Yes. I think we could
22 at the very least save at least ten feet in height.
23 I mean, the vines actually go all the way to the
24 top, and they actually were coming in through the
25 windows.

1 MS. BAILEY: It is a four-story
2 building.

3 CHAIRMAN HOLTZMAN: This is like brick
4 wall evening.

5 (Laughter)

6 MR. HIPOLIT: We can call it ivy
7 evening.

8 (Board members talking at once)

9 (Laughter)

10 COMMISSIONER JACOBSON: So is it the
11 attachment of the ivy to the wall that is of
12 interest, or is it the actual physical character of
13 the existing wall?

14 MS. BAILEY: Both really.

15 I mean, it's -- I am sorry. I am
16 trying to bring up a photo.

17 CHAIRMAN HOLTZMAN: They are going to
18 build a new wall that basically completely surrounds
19 the existing hundred-year old wall that is there
20 anyway.

21 Is that correct?

22 THE WITNESS: The plan would be to, if
23 the wall were to stay, and have the new concrete
24 structure behind it, and that wall attached to the
25 concrete structure.

1 CHAIRMAN HOLTZMAN: A new structure in
2 that area of the building that's she is talking
3 about, the backyards there, is brick, it's concrete,
4 it's masonry block, what are we talking about?

5 MR. CHARTIER: It is brick, and it goes
6 from the sidewalk of Madison, it goes 94 feet back.

7 CHAIRMAN HOLTZMAN: Not the old
8 building. If the wall went away, and we built a
9 totally new building, right, since that makes sense
10 from a construction standpoint, what happens next to
11 her?

12 MR. CHARTIER: If the wall comes down,
13 the vines come down, and we could try to preserve
14 the vines --

15 CHAIRMAN HOLTZMAN: Probably what
16 happens anyway is during construction those vines
17 are going to have trouble.

18 MR. CHARTIER: Not necessarily. I
19 mean --

20 CHAIRMAN HOLTZMAN: Here is where I am
21 going with this.

22 Is there a way that after a new
23 building potentially gets built, that the vines and
24 some consideration can be given to the neighbor to
25 help replant some of the prettiness of the garden or

1 the wall --

2 MR. CHARTIER: Absolutely. I mean, if
3 this wall comes down entirely --

4 CHAIRMAN HOLTZMAN: -- or put a green
5 wall up. I don't know if it's possible in that
6 place because it would face north I guess, right,
7 so --

8 MR. CHARTIER: I mean, it faces north
9 now, and for the past hundred years they've been
10 growing and they've been thriving --

11 COMMISSIONER PINCHEVSKY: Mr. Chair,
12 how far is that wall going back right now? Is it
13 going back 90 feet?

14 CHAIRMAN HOLTZMAN: Can we see --

15 MR. CHARTIER: 94 feet.

16 CHAIRMAN HOLTZMAN: -- can you show us
17 some place where this is?

18 COMMISSIONER PINCHEVSKY: So it was
19 going to go -- you were going to cut that wall
20 regardless to 84 --

21 CHAIRMAN HOLTZMAN: 85.

22 COMMISSIONER PINCHEVSKY: -- 85 feet,
23 and is that going to remain, that portion of the
24 wall that -- is it Ms. Bailey -- is referring to?

25 MR. HIPOLIT: It's the part that

1 projects past the building.

2 THE WITNESS: It goes back 94 feet from
3 the front property line, and this is the wall. I am
4 highlighting it.

5 CHAIRMAN HOLTZMAN: And she lives to
6 the right-hand side of it.

7 THE WITNESS: She lives here, and this
8 building is 60 feet in depth, so there is an
9 additional 36 feet of wall she has --

10 COMMISSIONER PINCHEVSKY: And you are
11 proposing to cut off 20 or ten feet of that wall,
12 correct?

13 THE WITNESS: Yes, 11 feet.

14 COMMISSIONER PINCHEVSKY: So you were
15 already -- that was already going to be --

16 THE WITNESS: Yes, correct. That's
17 correct.

18 COMMISSIONER PINCHEVSKY: -- from two
19 years ago?

20 THE WITNESS: Yes.

21 COMMISSIONER PINCHEVSKY: So there is
22 only about what, 10 or 15 feet remaining --

23 CHAIRMAN HOLTZMAN: It should only be a
24 fence, if anything, six feet high.

25 COMMISSIONER PINCHEVSKY: I mean, look,

1 you have an opportunity to reestablish the donut
2 here, and, you know, I think that's also
3 important --

4 CHAIRMAN HOLTZMAN: Yes.

5 COMMISSIONER DOYLE: Chairman?

6 CHAIRMAN HOLTZMAN: Yes, Mr. Doyle.

7 COMMISSIONER DOYLE: The
8 characterization, and I don't want to make it
9 sound -- the notion that we as, you know,
10 Commissioner Pinchevsky asked a question about, you
11 know, do you need to save the wall, why are you
12 saving the wall, and then since then, you know,
13 Frank has indicated that the Board prefers to get
14 rid of this wall.

15 I don't know that we are advocating
16 that the wall should come down or stay up. It is
17 your wall to do with. But it is a just a question
18 as to whether there was a need to.

19 So I don't think we should tell
20 Ms. Bailey that we are saying, well, we will look
21 more favorably to do this application, if this wall
22 comes down, I think --

23 CHAIRMAN HOLTZMAN: Correct. Thank you
24 for clarifying that.

25 THE WITNESS: I think we have a

1 solution to these kind of share problems. The
2 section that goes past her building that is within
3 the construction of ours, we can keep as it is.

4 We can remove the remaining 30 foot
5 high wall that goes from east to west.

6 And where that wall goes past our
7 building, we can keep it at ten feet high, if this
8 Board is okay with it, and that could act as a
9 fence, a dividing line between the two yards, so you
10 would still have a good portion of the wall and ivy
11 that she's got now.

12 VICE CHAIR MAGALETTA: Why don't you
13 just replant the ivy on a new wall?

14 THE WITNESS: That's certainly another
15 option. It grows quick.

16 CHAIRMAN HOLTZMAN: Okay. Thank you,
17 Ms. Bailey.

18 Any there any other members of the
19 public that have questions for the architect?

20 Sure. Come on up.

21 MR. GALVIN: At this point we are not
22 putting you under oath. You're Just asking
23 questions.

24 So state your full name for the record
25 and spell your last name.

1 MR. CAULFIELD: My name is Joe
2 Caulfield, C-a-u-l-f-i-e-l-d.

3 MR. GALVIN: Hi, Mr. Caulfield.
4 Give us your street address.

5 MR. CAULFIELD: 1016 Hudson Street, but
6 I have owned the property to the south of this piece
7 for 40 years.

8 MR. GALVIN: So we're just asking
9 questions right now.

10 MR. CAULFIELD: And the question is I
11 want to make sure that they put sensors on our
12 building when they are doing their foundation, that
13 our building will be monitored during your
14 foundation work. You know, we will get some surveys
15 there of what you are doing now and what is going
16 on.

17 I will say that with this northeast
18 storm, they did some job of bracing the chimney, and
19 we were really worried that the chimney would wind
20 up in our lap, and they did a great job of bracing
21 the wall, so they have gone through all of these
22 efforts. But my question is that I want to make
23 sure that during the foundation process, that our
24 building is monitored.

25 CHAIRMAN HOLTZMAN: Okay.

1 Mr. Chartier?

2 MR. CHARTIER: And the answer is yes,
3 and we are also going to do screw piles instead of
4 the driven piles, so it will be --

5 CHAIRMAN HOLTZMAN: Yeah, much more --
6 much less, yeah --

7 MR. CHARTIER: -- much less vibration.

8 MR. CAULFIELD: And the rest of the
9 condo owners, I am the president of the condo
10 association, want to make sure that we get some
11 pictures before and after the construction, that
12 there is no settlement in our walls and that type of
13 thing.

14 It has been a blight in the community
15 for the last --

16 MR. GALVIN: No, no, no. Come on. We
17 are just asking question right now.

18 MR. CAULFIELD: So that's my question.

19 MR. GALVIN: But they answered your
20 question.

21 CHAIRMAN HOLTZMAN: Good. Thank you,
22 Mr. Chartier.

23 Any other members of the public?

24 Okay. We will close the public portion
25 for architect. Mr. Minervini I guess is finished,

1 right?

2 Who is up next?

3 Oh, we didn't go far, did we?

4 MR. GALVIN: Raise your right hand.

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

8 MR. KOLLING: Yes, I do.

9 E D W A R D K O L L I N G, having been duly sworn,
10 testified as follows:

11 MR. GALVIN: Mr. Chairman, do we accept
12 Mr. Kolling's credentials?

13 CHAIRMAN HOLTZMAN: We do.

14 MR. GALVIN: Do you need it spelled?

15 THE REPORTER: No.

16 MR. GALVIN: Okay. Go ahead.

17 MR. CURLEY: Mr. Kolling, can you
18 discuss the variances and the justification for each
19 one?

20 THE WITNESS: Yes.

21 First, just going to what the zoning
22 is, it is an R-3 zone. The previous use of the
23 property obviously was inconsistent with that
24 zoning. The purpose of the zone is to achieve a
25 vibrant residential neighborhood, to encourage

1 conservation and rehabilitation of existing sound
2 residential blocks, and to support residential
3 revitalization, so this project is consistent with
4 that because it takes a former industrial property
5 and converts it for a permitted residential use.

6 The variances are C variances for
7 height, lot coverage, rear setback, and facade
8 materials. As I said, the use permitted is
9 residential. The accessory parking is permitted,
10 and it is within the permitted density. It's
11 actually one unit short.

12 Part of what we have to discuss in
13 granting the variances is the rationale for some of
14 the variances. That would both be in terms of
15 hardship in some cases and the benefits outweighing
16 the detriments.

17 In case of -- in a height variance, it
18 is a very similar case to what we discussed earlier
19 this evening, in that there is about a three foot
20 difference in the height to what is permitted and
21 what is being proposed, and that is due in part to
22 the elevation and the design flood elevation, and
23 the need to have accessibility for the ADA van
24 aspects and also to be able to have the utilities
25 raised to the height out of the flood elevation.

1 There is within the ground floor design a platform
2 for the meters and the steps leading up to it, so
3 that all follows into the C1 hardship criteria, at
4 least in the case of the height.

5 In terms of other beneficial parts,
6 though, and we are really looking at in terms of the
7 other bulk, it is really more of C2 benefits
8 outweighing the detriments.

9 The building is consistent with the
10 character of the area in terms of height and in
11 terms of permitted density. It also I think
12 promotes a good, desirable visual environment
13 because of the preservation of the chimney as an
14 interesting architectural feature. The master plan
15 actually does talk about preserving some of the few
16 remaining industrial features that you find in
17 Hoboken.

18 Beyond that, I think in terms of
19 promoting the purposes of the master plan, it does
20 promote capability in scale, density and design,
21 which is one of the recommendations of the master
22 plan in terms of the size of this building and in
23 terms of the height and the surrounding buildings
24 and, again, in the densities.

25 It hides all of the parking on the

1 ground floor, which is another purpose or
2 recommendation of the master plan.

3 It provides additional street trees.
4 It provides a diversity of housing types. It has
5 one, two and three-family -- three-bedroom units,
6 and I think that that provides for the different
7 types of units for different family sizes, which is
8 also recommended by the master plan.

9 Not to be dismissed is the green
10 development approach. As you heard Mr. Chartier
11 describe, we are proposing a very significant green
12 development approach. The solar panels, the water
13 detention, all of the other green elements, the car
14 charging stations and bicycle racks, all of these
15 things are being proposed, and I think that that
16 provides also a significant benefit that I would say
17 would outweigh the detriments.

18 The additional coverage is mitigated
19 through the provision of the stormwater detention,
20 through the provision of the gray water systems, the
21 green elements even on the roof.

22 This is an improvement over the
23 previous use of the property. The setbacks are
24 greater than what were there before.

25 I recognize that the building has been

1 removed, so we are more or less starting from
2 scratch. It is still an improvement over what had
3 been there in terms of providing also green space at
4 grade. It doesn't fully create the Hoboken donut,
5 but it does take a step in the right direction, and
6 I think that that is a benefit over what was there
7 before.

8 So I think when you look at the lot
9 coverage, which is the 84 percent, and the rear
10 yard, which again doesn't meet the criteria, but
11 it's greater than it was before, I think the
12 detrimental impacts of those are mitigated by the
13 green approach, and I think are counter balanced by
14 the benefits of the way this building has been
15 designed and is being proposed to be constructed,
16 and I think that if you look at it from those
17 perspectives, those variances can be granted under
18 the C2 criteria, where the benefits would outweigh
19 any detriment.

20 I don't see any substantial detriment
21 to the general welfare because, as I said, it is
22 actually an improvement over what had been there
23 before. It is consistent with the character of the
24 area in terms of the residential use and in terms of
25 the permitted density, and for the same reason, I

1 see no substantial detriment to the intent of the
2 zone plan. It promotes the intent of the R-3
3 district, which is the whole basis of the intent and
4 purpose of the zone plan, so I don't see any
5 substantial detriment in that regard as well.

6 So I think that given the unique
7 characteristics of this development, the extensive
8 green approach to development, the mitigations that
9 are being proposed to offset the lack of the rear
10 yard and the lot coverage, I think that you could
11 grant this under the C2 criteria.

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

14 Mr. Roberts, any questions for Mr.
15 Kolling?

16 MR. ROBERTS: I guess what I really
17 think the crux of this comes down to, and I guess I
18 would point this out for Ed's response is the fact
19 that based on some of the recent developments that
20 Frank walked us around in terms of other development
21 on the block, and especially now we are really
22 trying to give it in all of the applications and
23 infill that's going on around the city, trying to
24 link them together and make sure that we are looking
25 at the whole block, the fact that effectively what

1 it looks like to me is that this building, which we
2 have now accepted, there is really not much left of
3 in terms of the original footprint of it. It's
4 really the only building left in that donut, and
5 that projects out into it. And given the master
6 plan's focus on retaining and enhancing those
7 interior donuts, how that comports with, you know,
8 effectively you are using the LEED platinum as a
9 mitigation on that.

10 And I think given this circumstance, in
11 this situation where this is the last remaining
12 obstruction in the donut, I think that is a pretty
13 heavy obstacle to come from, you know, the benefits
14 outweighing the detriments, and the detriments would
15 be the variance that would allow effectively that
16 coverage to remain when there's an opportunity to
17 develop conforming and basically restore that entire
18 donut, and I think that is the difficulty that I am
19 having with that.

20 CHAIRMAN HOLTZMAN: Thank you.

21 Councilman, how is that wrist doing?

22 (Laughter)

23 COMMISSIONER DOYLE: Thank you, fine.

24 Maybe I am missing something, but in
25 the procedural history of how we got here, I

1 frankly, you know, I don't care to discuss, that is
2 not for us to consider. But in your testimony you
3 are saying how it would be better than it -- it's an
4 improvement to go from 94 to 84. But from where I
5 am sitting, there is an application for the vacant
6 lot, and there is no right to go back to 94, if it
7 is, you know, no longer a building.

8 So you are here. You know, you are
9 asking for 60 to 84, not, you know, 94 to 84 for
10 other consideration, and so I think Dave said it
11 pretty well, that, you know, the public benefit, and
12 I do appreciate all of the green components, and I
13 think it is a great building in that regard, but if
14 60 percent is what you are allowed, and you are
15 going to an extra 24 feet, which is a 40 percent
16 increase over what you would otherwise be, that is a
17 tough road to hoe, so...

18 CHAIRMAN HOLTZMAN: Thank you,
19 Councilman.

20 COMMISSIONER FORBES: If I might.

21 CHAIRMAN HOLTZMAN: Director?

22 COMMISSIONER FORBES: Yeah.

23 I mean, and just piggybacking on that,
24 you know, you said this is a step in the right
25 direction in recreating that donut. We only have

1 one step to take here. We have only one opportunity
2 to take that step, and I think it would be good to
3 widen that gate and maybe take a bigger step, and
4 because, you know, this is an opportunity to restore
5 that donut, and we only get one shot at it.

6 CHAIRMAN HOLTZMAN: Dennis?

7 MR. GALVIN: No. We don't want to
8 deliberate at this point. If you --

9 CHAIRMAN HOLTZMAN: Right. We should
10 be asking questions of Mr. Kolling.

11 COMMISSIONER PINCHEVSKY: I have a
12 question.

13 CHAIRMAN HOLTZMAN: Yes.

14 COMMISSIONER PINCHEVSKY: You mentioned
15 that this building would be consistent density with
16 the others.

17 THE WITNESS: Well, existing density
18 with what is permitted. I didn't do a density
19 analysis of the area.

20 If we were asking for a density
21 variance, I would have, because you would want to
22 show consistency with what the surrounding
23 properties have. But in this case we had no need
24 to. We are actually below the permitted density, so
25 we are consistent with what density is permitted in

1 the zone.

2 COMMISSIONER PINCHEVSKY: With what's
3 permitted?

4 CHAIRMAN HOLTZMAN: Uh-huh.

5 COMMISSIONER PINCHEVSKY: Okay. I
6 misunderstood.

7 Thank you.

8 CHAIRMAN HOLTZMAN: Any other
9 questions -- I'm sorry -- any other questions for
10 the planner on his testimony, not opinions?

11 COMMISSIONER PINCHEVSKY: Well, he
12 testified to it, so I was asking --

13 CHAIRMAN HOLTZMAN: You are a hundred
14 percent. I'm sorry. I thought you had finished.
15 I'm sorry.

16 COMMISSIONER PINCHEVSKY: No. I had
17 finished. I thought that was pointed at me. I'm
18 sorry.

19 CHAIRMAN HOLTZMAN: No, no.

20 Are there any members of the public
21 that wish to ask Mr. Kolling any questions about his
22 planner's testimony?

23 Okay. Thank you, Mr. Kolling.

24 MR. CURLEY: Mr. Chairman, can I have a
25 moment with my client to discuss the coverage issue?

1 MR. GALVIN: I would strongly recommend
2 that. I think that's --

3 CHAIRMAN HOLTZMAN: Sure. Yes.

4 MR. CURLEY: Thank you.

5 (Recess taken)

6 CHAIRMAN HOLTZMAN: Mr. Galvin, and
7 Commissioners.

8 We are back on the record.

9 Mr. Curley?

10 MR. CURLEY: Yes, Mr. Chairman.

11 I spoke with the applicant, and we
12 would request a reasonable adjournment, so that we
13 could take a look at our plans and perhaps address
14 the lot coverage issue, which I think is probably
15 the most important issue that has come forward at
16 this hearing.

17 CHAIRMAN HOLTZMAN: Mr. Magaletta, are
18 there any questions or comments or a motion?

19 VICE CHAIR MAGALETTA: Well, a
20 question. When you say "adjournment," what kind of
21 adjournment are you talking about?

22 MR. CURLEY: Well, we would be
23 submitting a set of plans.

24 VICE CHAIR MAGALETTA: Are you
25 withdrawing the application or what are you doing?

1 MR. CURLEY: No. We would be modifying
2 the application.

3 CHAIRMAN HOLTZMAN: Mr. Doyle,
4 anything?

5 COMMISSIONER DOYLE: No.

6 CHAIRMAN HOLTZMAN: I would like to
7 make a motion to deny the application as it stands.

8 MR. GALVIN: Well, wait. We didn't
9 open to the public yet.

10 CHAIRMAN HOLTZMAN: Okay. Great.
11 Sure. Let's open it up to the public.
12 Why not?

13 MR. GALVIN: Raise your right hand
14 Do you swear or affirm the testimony
15 you are about to give in this matter is the truth,
16 the whole truth, and nothing but the truth?

17 MR. GAGEL: I do.

18 MR. GALVIN: State your full name for
19 the record and spell your last name.

20 MR. GAGEL: Todd Gagel, G-a-g-e-l.

21 MR. GALVIN: And your street address?

22 MR. GAGEL: 117 Madison.

23 MR. GALVIN: Okay. Go ahead.

24 MR. GAGEL: I would just like to say
25 that as somebody who looks at this lot probably more

1 than anybody, I find this whole thing is absolutely
2 absurd. It is supposed to be in the best public
3 interest. It's not, because the public is the one
4 that's paying the price here. It is a lot that's
5 been sitting there. It's not used. It is a piece
6 of crap. I get up every morning and I look at dirt
7 and the chimney, and I've done it for a year.

8 I am appalled that this whole thing got
9 started because of a debate on 50 percent because
10 without that, there would be a building there.

11 What they are building probably raises
12 property values, and it gives something that I think
13 the city needs really important, which is the green
14 technology and everything, and I think we are caught
15 up in a bunch of crap that basically is hurting the
16 public interest.

17 CHAIRMAN HOLTZMAN: Thank you.

18 Any other members of the public that
19 wish to speak?

20 Mr. Caulfield, sure. Come on up.

21 MR. GALVIN: Raise your right hand.

22 MR. CAULFIELD: My name is Joe
23 Caulfield.

24 MR. GALVIN: Raise your right hand.

25 Do you swear or affirm the testimony

1 you are about to give in this matter is the truth,
2 the whole truth, and nothing but the truth?

3 MR. CAULFIELD: It is indeed.

4 MR. GALVIN: And then spell your last
5 name.

6 MR. CAULFIELD: C-a-u-l-f-i-e-l-d.

7 MR. GALVIN: And your street address
8 again.

9 MR. CAULFIELD: My home address is 1016
10 Hudson, but I am a property owner to the south of
11 116 Madison, and that is what I am here for.

12 MR. GALVIN: Fire away.

13 MR. CAULFIELD: I mentioned before, I
14 have a history here for 40 years in the
15 neighborhood. I knew Otillo when he had the stove
16 business there, and it is a blight in our
17 neighborhood, and it is affecting our building. We
18 are having water conditions because it has been open
19 for a year. We were frightened to death in the last
20 storm that the chimney would blow down.

21 We think it is the last bit of
22 Hoboken's little bit of antiquity that we can save,
23 to say yes, we do acknowledge that there was, you
24 know, an industrial past here, and they are given
25 architectural acknowledgement.

1 The unkept area and the unsettled
2 ground that is not capped, if they meet Mr.
3 Hipolit's, you know, suggestion that they passed the
4 environmental status, it should be capped. It
5 should be done something the way you guys talk
6 about, you know, whether a green roof substitutes
7 for solar.

8 I think they have done an outstanding
9 job designing it, and they put a tremendous amount
10 of care into communicating with the neighbors and
11 participating through this whole debacle of
12 interpretation.

13 You guys, I commend you for your time
14 and your patience that you put in, but this has been
15 a blight in our neighborhood, and we are worried
16 about the next storm, that we lucked out after the
17 60-mile an hour winds, that we didn't have that wall
18 blow down or didn't have that chimney blow down.

19 It is always passing the buck here.
20 The guy has bent over backwards to try to
21 accommodate everything that we want in Hoboken,
22 especially what he is doing for his flood
23 mitigation, and I lived through Sandy down there,
24 and we really need the retention area.

25 So I would commend the Board to be

1 proactive and not deny something so fast and give it
2 a chance to really speak to its merit of design and
3 what it can do to the neighborhood, that we are not
4 going to live for another year while this goes
5 through the process in a blight, and that is my
6 plea.

7 CHAIRMAN HOLTZMAN: Thank you.

8 Sure, come on up.

9 MS. BAILEY: Andrea Bailey.

10 I would just like to bring up my safety
11 concerns as well.

12 What I didn't mention in my previous
13 statement was that this has happened three times
14 now, but specifically on October 30th, the vacant
15 lot next to us is creating an opening in our garden
16 apartment, and we have had three trespassing
17 incidences at this point. Our last one was an
18 attempted breaking and entering, where they did
19 actually get into our neighbor's apartment and rob
20 them. He was apprehended. The third time this man
21 was apprehended, and the first two times he was not.

22 You know, at this point, you know, I
23 don't feel like either myself or my neighbors should
24 have to be worried about this exposure that has been
25 here for the past year, and it sounds like another

1 year coming, you know, that we have to worry about
2 people breaking into our homes and feeling on guard
3 in our own homes.

4 So, you know, while I do appreciate all
5 considerations, I do, you know, hope that this would
6 move forward sooner rather than later.

7 Thank you.

8 CHAIRMAN HOLTZMAN: Thank you.

9 Any our members of the public?

10 Okay. Mr. Curley, anything else?

11 MR. CURLEY: No.

12 CHAIRMAN HOLTZMAN: Commissioners?

13 Mr. Pinchevsky?

14 COMMISSIONER PINCHEVSKY: Yeah. I mean
15 I don't know what is happening. I know there was a
16 request by the applicant's attorney.

17 But I would just say one other comment
18 that I think was made or maybe wasn't emphasized
19 with regard to the application was the chimney.

20 I think Mr. Roberts has a comment. I
21 don't want to necessarily say --

22 MR. CURLEY: No. I have no problem
23 with Mr. Roberts' comment.

24 COMMISSIONER PINCHEVSKY: -- yeah, I
25 thought it was a very good suggestion, number seven

1 on your letter, where, you know, it essentially puts
2 more emphasis on the chimney. So I think it has
3 been discussed a lot and used as a positive part of
4 this application. But I think it is essentially
5 being blended in. Certainly in the rendering, and I
6 understand that there would be like a four-inch or
7 some sort of setback, but I hope that -- I don't
8 know what is happening right now -- but if there is
9 some future consideration or some changes and maybe
10 there is something that is going to come back before
11 us, that more emphasis on the chimney itself would
12 be -- you are saying and maybe you have --

13 MR. MINERVINI: I'm happy to do that,
14 but the original building didn't have any emphasis
15 on the chimney. Its front wall was flush with it.

16 I think it is a great suggestion. I
17 think we should architecturally make it more
18 prominent because, as Mr. Caulfield said, it is a
19 pretty dominant feature, so absolutely we could
20 revise it.

21 COMMISSIONER PINCHEVSKY: And I think
22 Mr. Kolling was talking about how -- how preserving
23 the chimney was such a positive, but if you are
24 blending it in, you are kind of losing that.

25 So if there is some sort of future

1 consideration being given, I just wanted to
2 highlight that as well because I think that was a
3 great point Mr. Roberts made.

4 CHAIRMAN HOLTZMAN: Thanks, Rami.

5 Commissioners, any other questions?

6 Dennis, did you --

7 COMMISSIONER DOYLE: Can I just --

8 CHAIRMAN HOLTZMAN: Sure. Go ahead, go.

9 COMMISSIONER DOYLE: I just wanted to
10 point out that, you know, it is the property owner's
11 choice to be here, and one can build as of right,
12 and the frustration, I appreciate that you are
13 concerned about breaking -- you know, break-ins and
14 flooding and subsiding and everything else. But the
15 Zoning Board and the Planning Board, it is a choice
16 to go there, or you cannot come here, and just go
17 and get a construction permit, so don't blame us
18 that it has been a vacant lot for however long it's
19 been a vacant lot.

20 CHAIRMAN HOLTZMAN: Mr. Doyle, or any
21 other members of the administration, the public
22 voiced some serious concerns about obviously the
23 safety and the security of the lot and/or maybe
24 there is some flooding issues or some other things.

25 Could I ask you to find out who in the

1 administration should look into it to make sure that
2 the lot is obviously secure, that people are not
3 trespassing on it or whatever it is, and at least
4 let's make sure that some of the public concerns
5 about this property are being addressed in the
6 short-term regardless of what happens in the
7 long-term?

8 COMMISSIONER DOYLE: Yes.

9 COMMISSIONER MC KENZIE: Very good.

10 CHAIRMAN HOLTZMAN: Thank you.

11 CHAIRMAN HOLTZMAN: Dennis?

12 MR. GALVIN: Do you want to hear the
13 conditions or, you know, what is the Board's
14 pleasure?

15 I think if you guys -- I think it is
16 important that you put your reasons on the record as
17 to what you are going to do, whether you vote in
18 favor of something, or you vote against something.

19 CHAIRMAN HOLTZMAN: Uh-huh.

20 COMMISSIONER PINCHEVSKY: Well, if you
21 don't mind me asking, there was a request to
22 adjourn. What would be the pros and cons to
23 granting that?

24 CHAIRMAN HOLTZMAN: If they -- if we
25 grant them a continuation, basically what they are

1 saying is that they are hearing the Board's concerns
2 about lot coverage, and they will go back to the
3 drawing board at least somewhat and come back to us
4 with a revised plan. I am sure they have heard us
5 loud and clear.

6 On the other hand, what historically
7 has often happened in these scenarios is the
8 applicant goes back, and the 84 percent, they
9 somehow didn't hear 60 percent, which is the maximum
10 lot coverage that is allowed. The 84 percent goes
11 to 79 percent, and then they come back and they make
12 the case at 79 percent.

13 When we say, did you not hear 60
14 percent, and then they go back away, and they come
15 back two months later and they come with 64 percent.

16 Did you not hear 60 percent?

17 And it becomes this cycle of a game,
18 which I think I would rather not play, so I am going
19 to make a motion based upon the fact that I don't
20 believe that they have put enough consideration into
21 the fact that there is no building that currently
22 exists and that they have a vacant gravel lot, and
23 that we have an unprecedented opportunity to save a
24 substantial -- not to save -- to reacquire a
25 substantial portion of the donut in this area, and

1 that would add air and light to numerous backyards.
2 Amongst them, the people that would come out tonight
3 to talk in support of it because it seems like they
4 are more frustrated that nothing is going on on this
5 property.

6 I would say that I am more frustrated
7 that you have a property owner that thinks that
8 their sustainability green building attributes trump
9 everybody's light and air in the backyard, so I will
10 again -- that's my opinion. I would like to hear
11 from some of the other Commissioners.

12 COMMISSIONER GRAHAM: My opinion is
13 similar to yours.

14 I am concerned that the members of the
15 public think that we are being -- I don't know, my
16 brain is not working very well -- that we are not
17 being serious about this.

18 The city ordinance says 60 percent. We
19 are not being just frivolous about this. We are
20 paying attention to what the ordinance says, and the
21 ordinance is there for a reason.

22 CHAIRMAN HOLTZMAN: Right. It's not an
23 arbitrary --

24 COMMISSIONER GRAHAM: It is not an
25 arbitrary issue, and what it says about openness and

1 light and space is very important.

2 I appreciate the efforts of the
3 architect and the owner to be LEED certified
4 platinum, and that is all very important to the
5 environment, but I don't like the implication that
6 if, you know, you don't approve this in the way that
7 we have it, then we won't get this wonderful LEED
8 certified building, and I don't like that kind of --
9 it feels like, you know, a threat to me quite
10 frankly, and I don't appreciate that.

11 Even though I think the building could
12 have much potential, I am not happy with the lot
13 coverage as well, and I just want the public to
14 understand that we don't take this lightly. We look
15 at these things very seriously, and I hope that
16 there are some things that can be done to look into
17 the concerns about safety and what was said tonight.

18 Thank you.

19 CHAIRMAN HOLTZMAN: Commissioner Peene?

20 COMMISSIONER PEENE: We have pretty
21 stringent standards in this town. In fact, I know
22 the architect in this particular application has
23 presented many prior applications using Hoboken's
24 standards that probably would be deemed LEED silver
25 or LEED gold just based on, you know, what is in the

1 city's ordinances and our master plan.

2 That being said, I am of the opinion,
3 and I think a lot has been conveyed here today, that
4 we let them go back to the drawing board once, just
5 once, and I think they get the picture. I hope they
6 get the picture because we have residents here
7 expressing safety concerns.

8 Obviously the fence around the lot is
9 not doing a good job. Something needs to be done.
10 I don't want people to sit there and wait because of
11 the inaction of property owners. That is not why we
12 are here. We are here to make progress. We're here
13 to serve the city's best interests, and in this case
14 I think they go back to the drawing board
15 immediately, and we hear what they have to say in
16 the coming weeks or months.

17 CHAIRMAN HOLTZMAN: Commissioner
18 Forbes?

19 COMMISSIONER FORBES: Yeah. I would
20 open to -- I agree with you. I mean, I think if
21 there is, you know, you get that one chance to make
22 that adjustment, recognizing all of our concerns,
23 you know, we all have that same concern. This is
24 that opportunity to reclaim that donut, and I think
25 that that is, you know, definitely more significant.

1 I mean, certainly the LEED is
2 important, but that is not what the zoning is. The
3 zoning is the lot coverage and the density and the
4 height.

5 COMMISSIONER DOYLE: Mr. Chairman?

6 CHAIRMAN HOLTZMAN: Commissioner Doyle?

7 COMMISSIONER DOYLE: Well, I think,
8 number one, I don't know how we enforce a one time,
9 you can only come back once and no more.

10 And secondly, if --

11 CHAIRMAN HOLTZMAN: You can enforce it
12 very simply.

13 (Laughter)

14 You have a very easy way to enforce
15 that.

16 COMMISSIONER DOYLE: But if they were
17 to come back with 60 percent, then there would be no
18 need to come back --

19 MR. GALVIN: Well, there are other
20 variances here, right?

21 COMMISSIONER DOYLE: Well --

22 MR. ROBERTS: There's still the site
23 plan --

24 MR. GALVIN: Right.

25 CHAIRMAN HOLTZMAN: So they are coming

1 back regardless.

2 COMMISSIONER DOYLE: Okay.

3 CHAIRMAN HOLTZMAN: So did you want to
4 give us any specific opinion on whether you wanted
5 to stay the execution or --

6 COMMISSIONER DOYLE: No. I am not
7 going to express it right now.

8 CHAIRMAN HOLTZMAN: Thank you.

9 Mr. Magaletta?

10 VICE CHAIR MAGALETTA: Yeah.

11 The problem with this application is
12 made plain by the discussion that we had.

13 I am so persuaded by Mr. Peene to say
14 fine, you can redo it. But if you redo it, is it
15 maybe a completely different application? So I
16 don't know that it's even -- I think you heard from
17 us I think procedurally, it should be either
18 withdrawn or we should deny it only because it will
19 be a different application. It will be so
20 substantially different I think. You're going from
21 84 percent back to 60, which I think is what we are
22 saying. I don't know what your client wants to do,
23 but you don't have to tell me nor should you tell
24 me.

25 But I think it's such a different

1 thing, I think we should just deny it, and let you
2 guys start fresh and go from there.

3 That's it.

4 MR. CURLEY: If I could comment on
5 that, I don't think it would be that substantially
6 different.

7 Also, it is a matter of timing, and it
8 would be much more expeditious for the applicant to
9 have the ability to come back within a fixed period
10 of time for one more try.

11 CHAIRMAN HOLTZMAN: Mr. Jacobson?

12 COMMISSIONER JACOBSON: I think the
13 other Commissioners have appropriately highlighted
14 the lot coverage, as I think is the key issue here.

15 It certainly is not in my view a de
16 minimus request with the requested variance.

17 So when I look at a variance of this
18 magnitude, I would look for something like a
19 hardship or a compelling public interest, and as the
20 project has been presented, I don't see either of
21 those, and I wouldn't be supportive of it moving
22 forward as currently proposed.

23 CHAIRMAN HOLTZMAN: Thank you.

24 Caleb?

25 COMMISSIONER MC KENZIE: There are so

1 many good things about this project that has been
2 presented, but I am very upset that the public has
3 to come here and complain about security relating to
4 this job, and I also live on a block where we have
5 been cut off with air from overbuilding, and it
6 changes the whole nature of the donut itself.

7 And I would hope that when this comes
8 back, some of these green things that are being
9 presented would still be here because it is my
10 feeling, I mean, they are doing it all over the
11 world, and in ten years we will be fighting for
12 everything that is in here to be in every project.

13 But right now we need to consider the
14 donut and saving some of the air, which is also a
15 green consideration, and that is the way I feel.

16 CHAIRMAN HOLTZMAN: Anything else,
17 Rami?

18 COMMISSIONER PINCHEVSKY: Yeah.

19 I mean, I think I'm with the folks on
20 this Board that are okay with the applicant having a
21 one-time adjournment.

22 I think you made excellent points. I
23 think it was heard. I hope it was heard. And with
24 that said, I would hope that we as a Board can, you
25 know, show that we do want to work with applicants,

1 and we do. I think we have proven that over and
2 over and over again, so I think this would be
3 another example, and I would lean that way.

4 CHAIRMAN HOLTZMAN: Okay.

5 I think it is important to just circle
6 back on Mr. Curley's final statement there, which
7 was -- if I am getting it wrong, Mr. Curley, please
8 correct me honestly -- that it didn't sound like the
9 revised application would be significantly
10 different.

11 Did I understand that correctly?

12 MR. CURLEY: Substantially different in
13 the sense that it would be such a new application
14 that would address the lot coverage issue primarily.

15 CHAIRMAN HOLTZMAN: So we should not
16 anticipate it being significantly different?

17 MR. CURLEY: Not so substantially
18 different as to constitute a whole new application.

19 CHAIRMAN HOLTZMAN: Okay.

20 I think we are dancing around it, and I
21 am making a motion to deny the application based
22 upon my previous feeling that the scales have not
23 been balanced here, and they have not made the case
24 for the size of the ask for the variance.

25 VICE CHAIR MAGALETTA: I second the

1 motion.

2 CHAIRMAN HOLTZMAN: Second the motion.

3 COMMISSIONER PINCHEVSKY: Point of
4 order. If you vote no, you are not voting for the
5 application, is that correct?

6 CHAIRMAN HOLTZMAN: You are voting to
7 deny the application.

8 VICE CHAIR MAGALETTA: Yes is to deny.

9 MS. CARCONE: Yes is to deny.

10 COMMISSIONER PINCHEVSKY: But is a no
11 vote to accept?

12 COMMISSIONER DOYLE: It doesn't pass if
13 you vote no.

14 COMMISSIONER PINCHEVSKY: It doesn't
15 pass if you vote no. Okay.

16 MR. CURLEY: Procedurally shouldn't the
17 motion to carry it come first?

18 MR. GALVIN: Are you asking me?

19 CHAIRMAN HOLTZMAN: I guess I am asking
20 you.

21 MR. GALVIN: I would like the motion to
22 be whether or not we carry it to be done first.

23 CHAIRMAN HOLTZMAN: Okay.

24 COMMISSIONER PINCHEVSKY: I'll motion
25 to carry.

1 COMMISSIONER PEENE: I'll second.

2 CHAIRMAN HOLTZMAN: Okay.

3 Call the vote, please.

4 MS. CARCONE: Commissioner Magaletta?

5 VICE CHAIR MAGALETTA: No.

6 MS. CARCONE: Commissioner Stratton?

7 COMMISSIONER STRATTON: No.

8 MS. CARCONE: Commissioner Forbes?

9 COMMISSIONER FORBES: Yes.

10 MS. CARCONE: Commissioner Doyle?

11 COMMISSIONER DOYLE: No.

12 MS. CARCONE: Commissioner Graham?

13 COMMISSIONER GRAHAM: No.

14 MS. CARCONE: Commissioner McKenzie?

15 COMMISSIONER MC KENZIE: No.

16 MS. CARCONE: Commissioner Peene?

17 COMMISSIONER PEENE: Yes.

18 MS. CARCONE: Commissioner Pinchevsky?

19 COMMISSIONER PINCHEVSKY: Yes.

20 MS. CARCONE: Commissioner Holtzman?

21 CHAIRMAN HOLTZMAN: No.

22 MR. GALVIN: All right. Now we can

23 entertain the next motion.

24 CHAIRMAN HOLTZMAN: Is there a motion

25 on the floor to deny the application?

1 VICE CHAIR MAGALETTA: Motion.

2 COMMISSIONER GRAHAM: Second.

3 CHAIRMAN HOLTZMAN: There's a second.

4 MS. CARCONE: Who made the first?

5 CHAIRMAN HOLTZMAN: Frank.

6 MS. CARCONE: Frank.

7 CHAIRMAN HOLTZMAN: Ann seconded it.

8 MS. CARCONE: Okay. Frank and Ann.

9 Okay.

10 So Commissioner Magaletta?

11 VICE CHAIR MAGALETTA: Yes.

12 MS. CARCONE: Commissioner Stratton?

13 COMMISSIONER STRATTON: Yes.

14 MS. CARCONE: Commissioner Forbes?

15 COMMISSIONER FORBES: No.

16 MS. CARCONE: Commissioner Doyle?

17 COMMISSIONER DOYLE: Yes.

18 MS. CARCONE: Commissioner Graham?

19 COMMISSIONER GRAHAM: Yes.

20 MS. CARCONE: Commissioner McKenzie?

21 COMMISSIONER MC KENZIE: Yes.

22 MS. CARCONE: Commissioner Peene?

23 COMMISSIONER PEENE: Abstain.

24 MR. GALVIN: I prefer if you would vote

25 yes or no, but I understand your motion on that.

1 MS. CARCONE: Commissioner Pinchevsky?

2 COMMISSIONER PINCHEVSKY: Yes.

3 MS. CARCONE: Commissioner Holtzman?

4 CHAIRMAN HOLTZMAN: Yes, to deny.

5 MS. CARCONE: Motion to deny is
6 approved. One, two, three, four, five, six, seven.

7 CHAIRMAN HOLTZMAN: Thank you,
8 Commissioners.

9 Thank you, Mr. Curley.

10 MR. CURLEY: Thank you.

11 (The matter concluded at 10:30 p.m.)

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C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CCR, CRCR

 PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300
 Notary Public of the State of New Jersey
 My commission expires 11/5/2020.
 Dated: 2/5/16
 This transcript was prepared in accordance with
 NJAC 13:43-5.9.

CITY OF HOBOKEN
PLANNING BOARD
HOP-15-20

----- X
RE: 721 Clinton Avenue : February 2, 2016
Block 159, Lot 7 : 10:35 p.m.
Applicant: Wonderlofts, LLC :
Minor Site Plan Review :
----- X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman Gary Holtzman
- Vice Chair Frank Magaletta
- Commissioner Caleb D. Stratton
- Commissioner Brandy Forbes
- Commissioner Jim Doyle
- Commissioner Ann Graham
- Commissioner Caleb McKenzie
- Commissioner Ryan Peene
- Commissioner Rami Pinchevsky
- Commissioner Tom Jacobson

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

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

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I N D E X

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3 WITNESS

PAGE

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5 FRANK MINERVINI

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E X H I B I T S

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10 EXHIBIT NO.

DESCRIPTION

PAGE

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12 A-1

Colored rendering

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1 CHAIRMAN HOLTZMAN: All right. We are
2 back on the record. Here we go, kids.

3 Mr. Matule, you have the floor. We are
4 at 721 Clinton, correct?

5 MR. MATULE: Yes.

6 Board members, this is an application
7 for 721 Clinton Street.

8 Just by way of background, we
9 originally filed this application for minor site
10 plan approval with no variances to construct a new
11 six residential unit building. This is across the
12 street from the Wonder Bread building at 720
13 Clinton, and it is to provide the six affordable
14 units for that project. It has been designed as a
15 standalone 100 percent affordable building because
16 it would be operated as a rental as opposed to a
17 condominium.

18 We were supposed to be heard last
19 month. We didn't get reached, but we understood
20 some undercurrent that perhaps there was an issue of
21 whether the units were, quote, unquote, of
22 comparable size to the units across the street at
23 720.

24 What the applicant did is have the
25 architect go back to the drawing board and add a

1 fourth residential floor to the building, so we
2 still have six units, but the amended application
3 before you now is asking for a height variance of
4 two feet. We are now at 42 feet above the design
5 flood elevation versus 40 feet.

6 Obviously, our position is, and Frank
7 will give you more specifics to the context, that
8 the additional two feet is de minimus and what it
9 allows us to do is provide substantially larger
10 units for all six of the affordable units.

11 We take the average size of the units
12 in the Wonder Bread building and the average size of
13 the two and three-bedroom units, and what we are
14 proposing these units are actually slightly bigger
15 on average, so we think it is all around a better
16 project, and there is really no negative aspect to
17 it.

18 So, with that as our background --

19 CHAIRMAN HOLTZMAN: Mr. Matule, I just
20 wanted to jump in real quick on the height variance
21 that you just spoke. That is the variance that you
22 are requesting?

23 MR. MATULE: Yes.

24 CHAIRMAN HOLTZMAN: If I understand the
25 law correctly, we have 40 foot above the design

1 flood elevation.

2 MR. MATULE: Correct.

3 CHAIRMAN HOLTZMAN: And that also does
4 allow, though, for a ten percent -- I don't know
5 what the right word is -- like a floater kind of a
6 number? That there is a ten percent of the height
7 of the building, that is allowed without it
8 triggering --

9 MR. HIPOLIT: Ten feet or ten percent.

10 MR. MATULE: I think it's whether it's
11 a D variance or a C variance --

12 CHAIRMAN HOLTZMAN: Right.

13 MR. MATULE: -- you are allowed ten
14 feet or ten percent -- if it is more than -- ten
15 feet or ten percent, and then it is a D variance.

16 CHAIRMAN HOLTZMAN: Right.

17 Being that this ask is on the low
18 side --

19 MR. MATULE: It's a C2.

20 CHAIRMAN HOLTZMAN: -- and within that
21 permitted floating number of the ten percent or ten
22 feet.

23 MR. MATULE: Right, so it's a C --

24 MR. GALVIN: It still needs a C
25 variance, which has got to be special reasons, and

1 it's got to outweigh the detriment.

2 MR. MATULE: Right. And what we are
3 proffering is it is a C2 variance where the benefit
4 outweighs any negative detriment, and you know,
5 frankly --

6 CHAIRMAN HOLTZMAN: I was attempting to
7 help you there that I thought it was a lower
8 threshold. I know I made a mess of it. I'm sorry.

9 (Laughter)

10 MR. MATULE: You are absolutely
11 correct. The fact that it is a C variance lets you
12 do that balancing test without getting into other
13 issues that you have to get into with a D
14 variance --

15 CHAIRMAN HOLTZMAN: I will try not to
16 be so helpful.

17 Thank you.

18 MR. MATULE: -- besides not being at
19 the right Board.

20 (Laughter)

21 Anyway, so if could have Mr. Minervini
22 sworn.

23 COMMISSIONER DOYLE: Can I just ask one
24 question, which I think we are trying to accelerate
25 this, not slow things down --

1 MR. MATULE: Yes.

2 COMMISSIONER DOYLE: -- but you made an
3 interesting statement that -- you said the average
4 size of the units across the street versus the
5 average size of the two-bedroom and three-bedroom
6 units in this.

7 Were you comparing --

8 MR. MATULE: Two and three-bedrooms to
9 across the street.

10 COMMISSIONER DOYLE: -- in this
11 building to the two and three-bedrooms --

12 MR. MATULE: Across the street, yes.

13 COMMISSIONER DOYLE: -- but one number
14 that I am curious about is the average size of the
15 units across the street. I think there are 66 units
16 across the street --

17 MR. MATULE: Yes.

18 COMMISSIONER DOYLE: -- and I don't
19 know, whatever that number is --

20 MR. MATULE: I have them broken down by
21 two and three-bedroom. I could have my client try
22 and work out a number while we're going on. I
23 was --

24 CHAIRMAN HOLTZMAN: We are going to get
25 that for you.

1 COMMISSIONER DOYLE: Thank you.

2 CHAIRMAN HOLTZMAN: Do you have this
3 off the top of your head, Frank, or do you want to
4 proceed, and they're going to figure this out and
5 come back?

6 MR. MINERVINI: I do have -- should I
7 be sworn?

8 MR. GALVIN: Yes, yes. I can do it.

9 (Laughter)

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

13 MR. MINERVINI: I do.

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

16 MR. GALVIN: Mr. Minervini, state
17 your --

18 THE WITNESS: Frank Minervini,
19 M-i-n-e-r-v-i-n-i.

20 MR. GALVIN: Do you accept Mr.
21 Minervini's credentials?

22 CHAIRMAN HOLTZMAN: Yes.

23 THE WITNESS: Across the street the
24 average of all of the units, of 68 of them --

25 CHAIRMAN HOLTZMAN: Across the street

1 in Wonderlofts?

2 THE WITNESS: -- I'm sorry. We're
3 talking about the Wonder Bakery building--

4 CHAIRMAN HOLTZMAN: Wonderlofts, right?

5 THE WITNESS: -- Wonderlofts, 720
6 Clinton, which is 1,650 square feet. That is the
7 average of all the units.

8 MR. HIPOLIT: How many units are there?

9 THE WITNESS: 68 we are at, right?

10 Yes.

11 CHAIRMAN HOLTZMAN: Great. Please --

12 MR. MATULE: While we are on that
13 point, just close the circle, what is the average
14 size of the two-bedroom units at 720 Clinton?

15 THE WITNESS: 1,111 square feet at 720.

16 MR. MATULE: And at 721?

17 THE WITNESS: 1,290 square feet.

18 MR. MATULE: So they're 179 feet
19 larger.

20 And then the three-bedrooms at 720
21 Clinton?

22 THE WITNESS: 1,714 square feet versus
23 at 721, 1,727 square feet.

24 VICE CHAIR MAGALETTA: Mr. Minervini, I
25 will just say to you that I looked at the

1 three-bedrooms, and I came out to an average of
2 1,735 comparable. You know, maybe my --

3 THE WITNESS: You are close.

4 VICE CHAIR MAGALETTA: -- yeah, we're
5 close. I am a little over, but I think we're close.
6 I just wanted to say for the record, I did get a
7 different number. You may be right; I may be right,
8 but we are close --

9 THE WITNESS: Yeah, I'll confirm the
10 number --

11 VICE CHAIR MAGALETTA: -- yeah, please.
12 That's kind of where I'm going.

13 Thank you.

14 Correct, either way, but it's close --

15 MR. GALVIN: But comparable is not
16 equivalent, right?

17 VICE CHAIR MAGALETTA: I agree.

18 But the statute talks about -- I'm
19 sorry -- the ordinance talks about comparable
20 superior, so I think we're in that --

21 MR. MATULE: I think we are in the
22 ballpark.

23 VICE CHAIR MAGALETTA: I agree.

24 MR. MATULE: So, Mr. Minervini, if you
25 would, could you describe the existing site and the

1 surrounding neighborhood and then go on to describe
2 the proposed building?

3 And if we are going to refer to
4 anything other than what has already been
5 introduced, we need to mark it.

6 So you have a rendering there?

7 THE WITNESS: A colored facade of the
8 proposed --

9 MR. MATULE: We'll mark that A-1.

10 (Exhibit A-1 marked.)

11 THE WITNESS: The other board I'm going
12 to be using, you already have.

13 MR. MATULE: Sheet Z-8?

14 THE WITNESS: Sheet Z-8.

15 MR. MATULE: Okay.

16 THE WITNESS: All right. So the
17 existing site is a 43 foot 6 inch wide by 99 feet 9
18 inch deep lot. It's an empty lot. Currently it's
19 used as parking on the east side of Clinton Street
20 between 7th and 8th Streets.

21 It is one lot. It's a Larger lot off
22 the corner of Main Street.

23 We are within the R-2 zone, and in
24 terms of context, I will use first that same photo
25 board, Sheet Z-8, that you have got already.

1 Photograph number three shows three of
2 the adjacent structures. This one is directly
3 adjacent to us. It is four feet off of our property
4 line and within the plans that we made more clear.
5 It is also a very deep building that covers more
6 than 80 percent in depth.

7 This is a view -- photograph number two
8 of the actual site. You can see it's currently used
9 for parking, and this view shows the view directly
10 to our west. This is 8th Street above the high
11 school, and this is the structure that we have been
12 referring to as we'll call it the Wonderlofts
13 project, which has an approval from the Zoning
14 Board, an addition and converted to residential use.

15 While I'm on Sheet Z-8, we've got I
16 think a very effective drawing. We're calling that
17 10th Street elevation, showing the relative heights
18 along the street.

19 And we are here, of course, for a
20 height variance, but I think this drawing shows very
21 well that we do fit in contextually with the
22 adjacent properties to our south.

23 The property to our north will be the
24 subject of an application to this Board as well. I
25 think it actually has already been submitted.

1 So very simply --

2 MR. GALVIN: I know we're going fast,
3 but that has to get marked.

4 THE WITNESS: It is Sheet Z-8. You
5 have that already.

6 MR. GALVIN: Okay. We have it. Good.

7 MR. MATULE: It is in your plans.

8 MR. GALVIN: No problem. You got to
9 be -- it's better safe than sorry.

10 MR. MATULE: It is okay.

11 THE WITNESS: So we are proposing a
12 four-story above design flood elevation building and
13 six residential units. What is different about this
14 one is that --

15 VICE CHAIR MAGALETTA: Four or five
16 stories?

17 THE WITNESS: I'm sorry?

18 VICE CHAIR MAGALETTA: Four or five
19 stories?

20 THE WITNESS: It's four stories above
21 design flood elevation, which is how we are supposed
22 to acknowledge the building, five stories in total,
23 if we count that lower storage space.

24 This building doesn't have parking.
25 Our width at 43 and a half feet does not permit

1 parking, so our ground floor, and I'll go through
2 the plans, is solely for storage -- I mean, let's
3 look at the plans.

4 Sheet Z-1 has our zoning chart. Again,
5 the only variance we are asking for is height, and
6 we'll describe that.

7 We got the drawing to my left -- my
8 right on the left portion of the sheet showing all
9 of the adjacent properties in context and depth,
10 which you can see, as I referred to before, is the
11 two adjacent buildings to our left, and I do have
12 better drawings of this, more than 80 percent lot
13 coverage.

14 Starting at Sheet Z-2, what I am
15 calling the circulation lighting plan, which I will
16 use this as a floor plan.

17 So this is Clinton Street. This is the
18 one-story building that goes all the way to the
19 corner of 8th Street.

20 So what we are proposing is a lobby
21 along the southern face of the front facade, which
22 leads to your elevator for ADA compliance, as well
23 as our stairs, and it also has a refuse and
24 recyclable area. It contains storage, which takes
25 up this full length of the building, and it is about

1 16 or so feet of room dedicated to bicycle storage,
2 a rear access hallway, and a rear garden, which is
3 all permeable to use as a common element for the
4 building.

5 I didn't mention our second means of
6 egress is along the northern wall.

7 The second drawing of the utility plan
8 shows where our water retention -- detention system
9 is proposed to be underneath the floor plan.

10 MR. MATULE: While you're on that
11 drawing, you are putting two new street trees in?

12 THE WITNESS: Yes, yes. I should
13 mention that, of course. So two new street trees
14 conforming to the Shade Tree Commission
15 requirements, and we also have the Shade Tree
16 Commission details on the tree pit.

17 So our Sheet Z-3 actually shows the
18 tree box. That's a new Shade Tree Commission
19 required detail. It's actually a small gate around
20 the tree as opposed to the flat gate -- I can't
21 think of the word -- it used to be a flat -- a metal
22 grate, thank you. No longer can we use that, and it
23 is three feet by five, and that is the requirement.

24 COMMISSIONER DOYLE: He was telling
25 you --

1 THE REPORTER: I can't hear you.

2 (Mr. Minervini and Commissioner Doyle
3 speaking at the same time)

4 MR. GALVIN: All right. Time out.

5 CHAIRMAN HOLTZMAN: We didn't hear Jim.

6 MR. GALVIN: We didn't hear you.

7 COMMISSIONER DOYLE: I apologize.

8 I said he was just telling you what a
9 good job you were doing, and you said great.

10 THE WITNESS: I did a g-r-a-t-e job.

11 COMMISSIONER DOYLE: Yes.

12 (Laughter)

13 THE WITNESS: I will describe on Sheet
14 Z-4, our first floor plan, and the second floor plan
15 has two residential units, and I'll go through the
16 mix of those.

17 We got four two-bedroom units ranging
18 from 1255 square feet to 1326 square feet, and two
19 three-bedroom units ranging from 1700 square feet to
20 1755, so our second floor plan has one three-bedroom
21 and one two-bedroom.

22 Our third floor plan on Sheet Z-5 has
23 also one three-bedroom, a two-bedroom, but in this
24 case -- oh, pardon me -- I missed this. The front
25 unit in both cases will be duplex.

1 So the back portion of the building is
2 four units, one for each residential floor.

3 The front portion of the building will
4 have two duplexes making a total of six units, and
5 the front portion of the building is where our
6 duplexes will be.

7 We are not proposing a -- pardon -- we
8 are not proposing any use for the roof. We are at
9 Sheet Z-6. We are proposing a 24 kilowatt
10 generator. It has its Type 2 sound attenuation
11 cover, and we also show here our condensing units
12 for the use of the building's HVAC system.

13 CHAIRMAN HOLTZMAN: So those are
14 individual HVAC units?

15 THE WITNESS: Correct, and I will read
16 a large note that we have on Sheet Z-1 for the
17 record.

18 "All interior architectural elements of
19 this building including all fixtures and finishes
20 within the units are to be comparable to the units
21 in the approved building at 721 Clinton Street."

22 That includes the mechanical systems,
23 so this will have -- each unit will have its own
24 separate heating and air conditioning units within
25 the space.

1 CHAIRMAN HOLTZMAN: And that also
2 travels through, is it in terms of the appliances,
3 the interior finishes, the countertops, because we
4 did discuss this at the completion meeting. I
5 thought that you had suggested that you might bring
6 some samples of what those things were.

7 THE WITNESS: We don't know what we are
8 going to have at 720. I can only tell you that they
9 will be the same.

10 CHAIRMAN HOLTZMAN: Okay.

11 MR. MATULE: Comparable.

12 THE WITNESS: Comparable, pardon me.
13 That's absolutely right --

14 (Board members talking at once.)

15 THE WITNESS: Sheet Z-7, building
16 elevations, and I have a colored rendering that will
17 better describe the front elevation.

18 This is our front elevation in a lined
19 form. The thinking in terms of the architecture is
20 of an industrial building. We were playing off the
21 industrial nature of this area of Hoboken. The
22 section of Clinton Street from 8th Street south, as
23 well as Grand Street from 8th Street south was
24 historically industrial, so that is the theme of
25 this building.

1 It also carries across many of the
2 details from the Wonderloft building, the additions
3 there, so again, there will be a neighborhood
4 resemblance.

5 Renderings in terms of materials, the
6 majority of it is brick, glass --

7 (Board members talking at once)

8 THE WITNESS: -- and I will pass this
9 around. It is the same drawing as we got on your
10 Sheet Z-7. It's a colored version of it --

11 VICE CHAIR MAGALETTA: Just a minute.
12 That front elevation, is it going to be flat or --

13 THE WITNESS: It's flat with the
14 exception of the glass section which is a bay
15 projection.

16 I did notice on our plans mistakenly it
17 is dimensioned as three feet, but it is actually two
18 feet. Three feet is not permitted by the ordinance.
19 It is two feet, and I will actually correct that.

20 The back of the building is a colored
21 cement board, maintenance free. We haven't figured
22 out quite yet what the colors are. It's a very
23 common material that we use on a majority of our
24 buildings. It is comparable to, again, other
25 structures as well as the new portions of the Wonder

1 Bakery and Wonderloft project.

2 And Sheet Z-8 is the same photo board
3 that I had referred to already.

4 So we got a conforming building with
5 the exception of the small height variance. That
6 height variance is because we are required to have
7 our ground floor at a particular height, we need ADA
8 compliance. We have to have an elevator in this
9 building. If we didn't, we could have a stoop
10 outside that allows access, but in this case because
11 we need an elevator, it's three units more, and we
12 have to provide ADA compliance.

13 So that is the real reasoning for the
14 height variance. It also allows as well for usable
15 storage space at the ground floor and all of those
16 other things that would be nice for the apartments'
17 occupants to have.

18 MR. MATULE: I have a couple of other
19 questions, if I might.

20 You talked about in answer to one of
21 the Board member's questions, that you have a bay, a
22 three foot bay for three floors?

23 THE WITNESS: Yes.

24 MR. MATULE: The building also has kind
25 of a canopy overhang in the front over some of it --

1 THE WITNESS: Pardon me, yes. But
2 there is a canopy that would need, in similar
3 fashion to the last proposal, again, our thinking is
4 this was an industrial area. We would use a similar
5 canopy on the building across the street. It just
6 helps break up the building's mass in the front, so
7 we have got a very strong faced building, and it
8 acts as a small overhang. We would need City
9 Council approval for that.

10 MR. MATULE: And --

11 MR. ROBERTS: I'm sorry. What is the
12 projection on the canopy?

13 THE WITNESS: That is I believe four
14 feet, and I will confirm it.

15 It is five feet. Pardon me.

16 VICE CHAIR MAGALETTA: How wide is it?

17 THE WITNESS: It's the whole width as
18 proposed, yes.

19 It doesn't have to be. If that had
20 become a problem, we could reduce it to the front --
21 to the entry area only.

22 VICE CHAIR MAGALETTA: From the
23 diagram, I thought it was half of it, but that was
24 the bay extension that I saw.

25 THE WITNESS: Yeah. The bay extension

1 is just the extending part.

2 MR. GALVIN: Can I ask a couple of
3 questions?

4 VICE CHAIR MAGALETTA: Well, I would
5 like to ask a couple of questions.

6 MR. GALVIN: Okay, go ahead.

7 VICE CHAIR MAGALETTA: With respect to
8 the property looking to the south, how wide is that
9 distance between our building versus your building
10 and the property to the south, how wide is that?

11 THE WITNESS: Four feet.

12 VICE CHAIR MAGALETTA: Why is that not
13 being used?

14 THE WITNESS: That is not on our
15 property. That four feet is the side yard of the
16 existing structure.

17 The way these two buildings were built,
18 they have that four foot side yard here, and eight
19 feet between them, and then zero on this side, but
20 that wasn't very common, but there are couple of
21 conditions that we've got them. Their sister
22 buildings were built at the same time.

23 VICE CHAIR MAGALETTA: With respect to
24 the building across the street, 720, there will
25 be -- how would people have access to the building?

1 THE WITNESS: 720?

2 VICE CHAIR MAGALETTA: Yes.

3 THE WITNESS: There's two.

4 VICE CHAIR MAGALETTA: Is it going to
5 be a key fob or an intercom, how are they going to
6 get into the building?

7 THE WITNESS: I don't think that's been
8 determined yet.

9 VICE CHAIR MAGALETTA: Okay. There is
10 going to be a pool there, right, and the parking and
11 patios and roof decks across the street, right?

12 THE WITNESS: Yes.

13 VICE CHAIR MAGALETTA: How is access to
14 the pool going to be determined?

15 Is there a fob to get in or what are
16 they going to do?

17 THE WITNESS: If I understand your
18 question, I'm sorry, you are asking in essence, will
19 these occupants have access -- no, I don't think
20 they have access to those amenities.

21 VICE CHAIR MAGALETTA: Well, that is
22 what I am saying, because -- excuse me for standing,
23 I have been sitting a while -- the way the
24 ordinance, the way I think it is done, is that size
25 has to be comparable, but I think the quality also

1 has to be similar -- superior and similar.

2 So I think the purpose of the -- the
3 amenities across the street are what's missing on
4 this property. I am not suggesting to put a pool on
5 this property or parking, because you cannot, but is
6 there a way, and I think there is a way, to give
7 people -- if the tenants at 721 pay their rent, to
8 give them access to the pool across the street?

9 As far as parking goes, I don't think
10 you have the parking spaces on this property, but I
11 know that the same owner has the property to the
12 north they're develop immediately, and if there is
13 parking there, if they have access to that.

14 If, you know, again, at market rate. I
15 think, you know, having a unit at low income is one
16 thing, having a parking space, that should be market
17 rate, but will there be a method for people who live
18 at 721 to use either one of those amenities?

19 THE WITNESS: Frankly, I have not
20 considered that. I could certainly ask the
21 applicant or Bob can ask the applicant.

22 CHAIRMAN HOLTZMAN: I think Frank
23 brings up an excellent point that we need to get
24 through. I don't actually know that we are going to
25 answer that one really quickly, and I know that

1 Dennis did have some procedural questions as well,
2 so let's get a couple of these things out there.

3 MR. GALVIN: Yeah. I'm sorry for this,
4 but this is the first building that we are going to
5 take that is under the ordinance. So who is going
6 to administer it?

7 Is it going to be administered by the
8 city?

9 COMMISSIONER FORBES: Yes. It's the
10 city ordinance specifies that. It is administered
11 by the city.

12 We are in the process of developing our
13 operating manual, and we have an administrative
14 agent that makes sure that it is affirmatively
15 marketed. It will have all of those details the
16 City Council will adopt before these go online.

17 MR. GALVIN: Will there be a deed
18 restriction on this property, or is the property
19 given to the city?

20 COMMISSIONER FORBES: It's not given to
21 the city, but there should be a deed restriction on
22 it, and I believe it's for a 40-year time frame.

23 MR. GALVIN: All right. That was one
24 of my other questions.

25 COMMISSIONER FORBES: Per -- I would

1 say per the affordable housing ordinance.

2 MR. MATULE: Right.

3 MR. GALVIN: I had three questions, and
4 that answered all three of them.

5 THE WITNESS: Great. I didn't know the
6 answer.

7 CHAIRMAN HOLTZMAN: Councilman?

8 COMMISSIONER DOYLE: I have a question.
9 I'd like to flag it so you can think about it in
10 case we don't finish tonight.

11 But the map is -- I find it
12 interesting. The Wonderlofts across the street,
13 there's 68 units, and they have the -- the owner has
14 chosen to put these units into the building across
15 the street, it would be 62 and six. I guess it
16 rounds down, you know, but by choosing to put the
17 obligation of six units across the street,
18 holistically you are talking about 74 units, you
19 know, 68 plus 6 is 74, and whether that means there
20 should be seven units, not six units because --

21 MR. MATULE: I don't think it ever got
22 to that point just by way of, you know, kind of how
23 it got to six units.

24 When we presented the application, I
25 believe it was 68 units. There is a provision in

1 the ordinance that it was our position that we were
2 doing a renovation. There is like a free pass for
3 the first ten units, so we were allowed 58 units,
4 and we were asking for 68.

5 The Board did not agree with that
6 interpretation and they --

7 COMMISSIONER DOYLE: The Zoning Board.

8 MR. MATULE: -- the Zoning Board, and
9 they came up with the six units just as a number.

10 COMMISSIONER DOYLE: Okay.

11 Well, but the notion of adding, you
12 know, the universe here of the building and the
13 affordable housing does add up to --

14 MR. MATULE: They have to stand alone.

15 The way we are presenting it is we were
16 required to provide six affordable units. The
17 ordinance says you can provide them at the
18 discretion of the Zoning Board, because they were
19 the Board hearing the matter.

20 We could provide them off site as long
21 as they were a comparable neighborhood, and they
22 were comparable, and that is what we elected to do
23 primarily because, quite frankly, the intention is
24 that the larger building is going to be a
25 condominium, and this is going to be a rental

1 because rental affordable units just work, but condo
2 affordable units don't work. That's a whole other
3 philosophical discussion.

4 COMMISSIONER DOYLE: I mean, you can
5 think about it or not, and I am just trying to give
6 you -- the only other question that I have, you
7 know, I think it looks good, is the, you know, the
8 question I asked earlier about the average size.

9 I find it interesting that -- I
10 acknowledge -- I believe your testimony that the
11 average size of the two and three-bedrooms across
12 the street are actually smaller than the average
13 size two and three-bedrooms here, but I don't think
14 the ordinance talks about it has to be two or
15 three-bedrooms, so if the average size unit --

16 MR. MATULE: Actually it does. It says
17 a certain percentage of the -- yeah, I believe --

18 MR. ROBERTS: It's 20 --

19 MR. MATULE: -- it's like 20 percent
20 has to be two-bedrooms, 20 percent has to be
21 three-bedrooms --

22 MR. ROBERTS: Not more than 20 percent
23 in one-bedroom --

24 MR. MATULE: Yeah, and then the balance
25 has to be 23 --

1 (Mr. Roberts and Mr. Matule speaking at
2 the same time)

3 MR. MATULE: -- yeah, and then there is
4 like a missing 20 percent in there at the
5 discretion -- it's going to be a mix of two and
6 three. So that is why this is all two and three,
7 because the ordinance doesn't encourage
8 one-bedroom --

9 COMMISSIONER DOYLE: Okay. I hear
10 that, but -- well, okay. I will confess that I have
11 not looked at the ordinance, but --

12 MR. MATULE: And I don't think this is
13 the forum to get into that philosophical discussion
14 also, but you also have to understand that the
15 building across the street is the adaptive reuse of
16 an existing volume.

17 We started out with over a hundred
18 units in that building, and there were a lot of
19 issues that Frank could probably talk about, because
20 in order to get bedrooms, you need windows and the
21 depth and everything, and as we need to respond to
22 the push-back from the Zoning Board, that there was
23 just way too much density there, we had to combine
24 units. So, you know, we have kind of an outlier
25 situation that I don't necessarily think was

1 anticipated by the affordable housing ordinance,
2 where if you are building new buildings and, you
3 know, new buildings, it is fine, but if you are
4 adaptively reusing one, you are trying to fit a
5 square peg in a round hole.

6 MR. GALVIN: I agree with that. I seem
7 to remember that. They made the units bigger to
8 reduce the number of units.

9 MR. MATULE: So this is an attempt to
10 try to have --

11 (Commissioner Doyle speaking over Mr.
12 Matule)

13 COMMISSIONER DOYLE: Yeah, and you have
14 taken another step --

15 CHAIRMAN HOLTZMAN: Jim, can we proceed
16 and try to get more of the testimony on the record?

17 COMMISSIONER DOYLE: Yeah, that's fine.

18 VICE CHAIR MAGALETTA: Well, before you
19 do that, on the resolution for the Zoning Board, it
20 said that I think the zoning -- I'm sorry -- the low
21 income housing person said that you could have
22 condos at 720, but the only way to make it work was
23 to have rentals in 721, they required that I think,
24 right?

25 I mean, they kind of forced it upon --

1 MR. MATULE: Well, I viewed it in just
2 the opposite perspective, that if our project at 720
3 was going to be rentals, then the affordable units
4 would have to go there --

5 VICE CHAIR MAGALETTA: Yes.

6 MR. MATULE: -- but if it was going to
7 be condos, and our alternate site was going to be
8 rentals, that was okay. That worked.

9 VICE CHAIR MAGALETTA: And one other
10 point --

11 CHAIRMAN HOLTZMAN: And just to follow
12 up on that point, we were making -- we had discussed
13 previously a condition of approval that if 720
14 changes and it's not a condo, but becomes a rental
15 property, that they would then be required to put
16 those units back in the building, but they couldn't
17 have sort of played, let's delay the game until we
18 can get them out of the building.

19 VICE CHAIR MAGALETTA: That's right.
20 That's exactly right.

21 I just think Mister -- the
22 Commissioner's point about, you know, adding them
23 up -- I would just suggest that you look at -- I
24 mean, I don't know if that completes -- in our
25 ordinance 65A-2(d)(3), which talks about you have to

1 look at all of the properties owned by applicant to
2 make sure you're not -- just let me finish -- so you
3 are not evading your requirement. That's all, and I
4 am not saying that you're trying to do that, but --

5 MR. MATULE: I think that what that
6 means quite simply is that you are not artificially
7 separating the buildings.

8 If I am going to build a 30-unit
9 building on three lots, you know, you could say,
10 well, I am going to build three ten-unit buildings,
11 and then I am exempt from the ordinance. I think
12 that's what --

13 VICE CHAIR MAGALETTA: That is exactly
14 right --

15 MR. MATULE: -- that's talking about --

16 VICE CHAIR MAGALETTA: -- you can't
17 subdivide and create these little --

18 MR. MATULE: -- which he's clearly not
19 doing that --

20 VICE CHAIR MAGALETTA: -- right. But
21 you also have a property immediately to the north
22 that you are also developing, so I don't know how
23 that fits in --

24 MR. MATULE: -- well --

25 VICE CHAIR MAGALETTA: -- maybe that's

1 not --

2 MR. MATULE: -- let's not lose sight of
3 the fact that unless you're -- if you are not asking
4 for a density variance, or you are not asking for a
5 variance in a zone that doesn't present residential
6 to have residential, there is no obligation to
7 provide affordable housing. The whole generator of
8 this obligation was we exceeded the permissible
9 density across the street.

10 VICE CHAIR MAGALETTA: Thank you.

11 MR. MATULE: So moving on.

12 (Laughter)

13 Was the project reviewed by the Flood
14 Plain Administrator?

15 THE WITNESS: Yes.

16 MR. MATULE: And have you amended your
17 plans to change the dry flood proofing to wet flood
18 proofing --

19 THE WITNESS: Yes, we have --

20 MR. MATULE: -- as requested?

21 MR. GALVIN: "Yes" is good.

22 THE WITNESS: Yes.

23 (Laughter)

24 MR. MATULE: And you received the Maser
25 review letters of 11/9 to 1/27?

1 THE WITNESS: Yes.

2 MR. MATULE: And you have no issues
3 addressing any of Mr. Hipolit's comments?

4 THE WITNESS: No issues.

5 CHAIRMAN HOLTZMAN: Mr. Hipolit?

6 MR. HIPOLIT: I think the only thing we
7 don't have, and I haven't seen it is a Phase I or an
8 environmental report for the property.

9 MR. MATULE: I have to check, Andy. I
10 think we may have.

11 CHAIRMAN HOLTZMAN: If you have not
12 already, you --

13 MR. HIPOLIT: Just send it.

14 CHAIRMAN HOLTZMAN: -- you will.

15 THE WITNESS: Yes, we will send it.

16 CHAIRMAN HOLTZMAN: It exists. We know
17 that it exists.

18 MR. HIPOLIT: You said you had one.

19 MR. MATULE: Yes. All right.

20 CHAIRMAN HOLTZMAN: Great. We are
21 going to make sure we get that in the file.

22 Thank you.

23 MR. MATULE: Okay.

24 CHAIRMAN HOLTZMAN: That was all that
25 you had, Andy, right, in terms of other specific

1 callouts?

2 MR. HIPOLIT: That's it, right.

3 CHAIRMAN HOLTZMAN: Dave, anything else
4 on your review letters while we're talking about
5 review letters?

6 MR. ROBERTS: Not specifically on the
7 review letters, Mr. Chairman.

8 I just think that part of the reason
9 for the difference in the application with the
10 additional floor is also related to the height
11 variance, so I would just -- I think that the
12 benefit of the larger units, though, is I think
13 pretty significant --

14 CHAIRMAN HOLTZMAN: Because they could
15 theoretically come to us like the application
16 initially did, which was they complied completely,
17 and ask for no variances, but we got less units --
18 not less units, but smaller units. I'm sorry.

19 MR. ROBERTS: I think it's partially
20 the reason for the height variance, but I think that
21 the benefit is --

22 CHAIRMAN HOLTZMAN: Certainly outweighs
23 it,

24 MR. ROBERTS: Absolutely.

25 MR. MATULE: And I guess the other

1 question gets to that.

2 In Z-8, Mr. Minervini, you have a block
3 of street scape that's showing the proposed
4 building. I know you can't testify as a planner,
5 but in your professional opinion, is the proposed
6 building in keeping with the existing scale of the
7 block --

8 THE WITNESS: Yes.

9 MR. MATULE: -- which is an
10 architectural question?

11 THE WITNESS: Yes.

12 (Laughter)

13 CHAIRMAN HOLTZMAN: Mr. Minervini,
14 while you've got that up there, and I think, Mr.
15 Roberts, you had put together some additional
16 visuals for us. I am not sure if they made it here
17 to the meeting, but the applicant also owns the
18 property, if I am looking at the top line there to
19 the left, which is to the north -- the top line, the
20 rendering --

21 THE WITNESS: I'm sorry, yes.

22 CHAIRMAN HOLTZMAN: -- and what is the
23 size of the building that's proposed for that
24 location?

25 THE WITNESS: I think it's a similar

1 height as this -- to this.

2 CHAIRMAN HOLTZMAN: 43, 42?

3 MR. MATULE: Approximatey. I don't
4 have it --

5 THE WITNESS: Looking at this -- we
6 will be at this Board, so it is less than 44.

7 (Laughter)

8 CHAIRMAN HOLTZMAN: Thank you.

9 MR. ROBERTS: Mr. Chairman, you had
10 mentioned, it is on the last page of the review
11 letter --

12 CHAIRMAN HOLTZMAN: Oh, there you go.

13 MR. ROBERTS: -- so it just shows in
14 Google Earth the two elevations side by side.

15 CHAIRMAN HOLTZMAN: So just to bring to
16 the Board's attention, what Dave did with his team,
17 which is really great, is they basically were able
18 to take some of the other applications that we have
19 before the Board and basically plug them in on --
20 that filled in the street view on stuff that isn't
21 physically there yet, so it is really helpful from
22 the visual.

23 Isn't that great, Frank?

24 THE WITNESS: I like my building very
25 much.

1 (Laughter)

2 MR. ROBERTS: Actually I have to
3 mention, I noticed, Mr. Chairman, this was done
4 before the plans were revised, so we still indicate
5 four floors and no variance, so that has obviously
6 changed.

7 But the main thing we wanted to try to
8 do was to start to tie some of these applications
9 together when they were on the same block, and
10 this -- because these two properties are adjacent to
11 each other, it shows the -- the diagram at the top
12 shows both site plans side by side, so you can see
13 the relationship of the donut being proposed for
14 this application, and then you will be able to
15 anticipate when you see the next application how
16 they relate --

17 MR. GALVIN: But this in no way confers
18 any rights on future applicants.

19 MR. ROBERTS: No. Just trying to
20 show -- we're just trying to show the cumulative
21 effect on the block.

22 CHAIRMAN HOLTZMAN: Just, Mr.
23 Minervini --

24 MR. GALVIN: It was supposed to be
25 funny.

1 (Laughter)

2 CHAIRMAN HOLTZMAN: -- this is really
3 great, and I would ask you in the future, especially
4 when we are dealing with other projects and we know
5 there is something else on the street that we are
6 working on or that we know about, because maybe Mr.
7 Matule is working on it as well, that we try to plug
8 that in to give the team a little bit more of a
9 realistic future picture.

10 THE WITNESS: I am not sure if that
11 actually makes sense -- yes, the answer is yes.

12 (Laughter)

13 MR. GALVIN: Let's debate it for a half
14 an hour.

15 THE WITNESS: Yes, of course.

16 MR. MATULE: It's a good idea, Frank.
17 Just put a disclaimer on there that the fact that
18 you are superimposing that proposed picture on there
19 doesn't vest the applicant with any rights --

20 (Laughter)

21 MR. GALVIN: It's that simple.

22 VICE CHAIR MAGALETTA: Or obligations.

23 THE WITNESS: I'm finished I think --

24 CHAIRMAN HOLTZMAN: Questions for the
25 architect, Mr. Minervini?

1 None down at this end.

2 Down at this end, any questions for Mr.
3 Minervini on the architecture of the --

4 COMMISSIONER STRATTON: Can I ask him
5 one question?

6 CHAIRMAN HOLTZMAN: Absolutely.

7 COMMISSIONER STRATTON: Will the
8 building perform to the same energy standard as the
9 comparable building?

10 THE WITNESS: Yes. I think we have to
11 provide as part of our initial approval the
12 certification --

13 UNIDENTIFIED VOICE: This building is
14 an adaptive reuse across the street --

15 THE WITNESS: Yeah.

16 UNIDENTIFIED VOICE: -- they're not in
17 the same -- there's conditions that we have --

18 THE REPORTER: Wait a second. Who is
19 speaking? Is this on the record?

20 MR. GALVIN: No offense, but we're not
21 listening to you.

22 THE WITNESS: I will translate.

23 The standard LEED that I talk about
24 often and the last project Tom Chartier did is it
25 doesn't really apply to that building across the

1 street because it is an adaptive reuse.

2 I can get the Board a list of green
3 elements that we're proposing here.

4 COMMISSIONER STRATTON: I'm just most
5 concerned for -- these are affordable housing units,
6 and they are rental units.

7 Are they going to be paying the
8 utilities for the -- if you could reduce those
9 month-to-month costs to the greatest extent possible
10 through green features, that would be --

11 THE WITNESS: I think we are happy to
12 do that to the extent that's required by the
13 ordinance.

14 COMMISSIONER STRATTON: Sure.

15 MR. MATULE: Mr. Evers may have some
16 insight.

17 CHAIRMAN HOLTZMAN: Let's have Mr.
18 Evers.

19 MR. GALVIN: Raise your right hand.

20 MR. EVERS: Let the record reflect that
21 Mr. Matule actually said, Come up here, Mike.

22 MR. GALVIN: He'll deny it.

23 (Laughter)

24 Do you swear or affirm the testimony
25 you are about to give in this matter is the truth,

1 the whole truth, and nothing but the truth?

2 MR. EVERS: I do.

3 MR. GALVIN: All right.

4 MR. EVERS: I will present credentials
5 as somebody who has operated 12 units in affordable
6 housing for the last three years, and six units of
7 affordable housing for 15 years.

8 The issue here, if I am correct, is
9 that the units in this building, the tenants will be
10 paying their own heat and electricity.

11 What is often overlooked, and I am
12 mentioning this in response to that question, such
13 individuals have low incomes by definition. They
14 almost invariably qualify for heating and utility
15 assistance from Public Service Electric & Gas, so
16 that is a significant income factor that will help
17 them to meet these costs.

18 CHAIRMAN HOLTZMAN: That being said,
19 certainly if the building is well insulated and has
20 current modern standard windows that offer
21 insulation and things like that, the cost will still
22 be lower.

23 VICE CHAIR MAGALETTA: Absolutely.

24 MR. EVERS: And any prudent landlord
25 would want to do that, because when dealing with

1 affordable housing tenants, there is a realistic --
2 a higher chance of them not paying their rent,
3 because they have financial difficulties. But by
4 having the building properly insulated, and having
5 nice efficient heating systems, you lower their
6 utility costs even with the assistance, that reduces
7 the chance of them defaulting and creating a
8 management problem.

9 CHAIRMAN HOLTZMAN: Mr. Stratton, are
10 you satisfied with that answer?

11 COMMISSIONER STRATTON: Yes, very.

12 Thank you.

13 CHAIRMAN HOLTZMAN: Thank you.

14 MR. EVERS: Thank you.

15 CHAIRMAN HOLTZMAN: Thank you.

16 MR. MATULE: Frank, just for the
17 record, you will have the typical things you put in
18 all new buildings, the thermopane windows, the low
19 flow fixtures, Energy Star appliances?

20 THE WITNESS: Yes. We will meet the
21 New Jersey energy code, because we're required to,
22 but it's pretty strict, in terms of the windows, our
23 value for walls, our value for ceilings and floors,
24 so all of those things make a pretty tight envelope
25 in an urban building.

1 CHAIRMAN HOLTZMAN: And the roof, what
2 is the roof?

3 THE WITNESS: It's not R-39, the
4 requirement.

5 CHAIRMAN HOLTZMAN: Is there any
6 requirement that it be a white or be a reflective
7 roof?

8 THE WITNESS: I'm sorry. The
9 construction code?

10 CHAIRMAN HOLTZMAN: Yes.

11 THE WITNESS: No.

12 MR. MATULE: I think we have a white
13 roof --

14 THE WITNESS: We're proposing white,
15 and I think our notes reflect that.

16 CHAIRMAN HOLTZMAN: It is not a code
17 requirement --

18 THE WITNESS: It's not a code
19 requirement.

20 CHAIRMAN HOLTZMAN: -- but it is going
21 to be a white roof?

22 THE WITNESS: Yes.

23 CHAIRMAN HOLTZMAN: Commissioners, any
24 other questions for Mr. Minervini?

25 No. Okay.

1 THE WITNESS: Thank you.

2 CHAIRMAN HOLTZMAN: Is there any other
3 testimony, Mr. Matule?

4 MR. MATULE: No, that is really it.

5 I mean, as I think we talked it out,
6 what the variance request is, and I would submit it
7 is a de minimus request especially in the context of
8 the block frontage.

9 There's a lot of five and a -- very
10 high five-and-a-half-story and seven-story buildings
11 on the block, so the two feet is certainly not going
12 to have any substantial impact on the surrounding
13 properties, and I think on balance, the fact that it
14 is allowing us to produce larger units for the
15 affordable units, you know, the positive benefits
16 certainly outweigh any negative impact.

17 CHAIRMAN HOLTZMAN: Sure.

18 Let's see if there's members of the
19 public.

20 Mr. Evers, any other additional
21 questions or comments or opinions on this project --

22 MR. EVERS: Very brief.

23 CHAIRMAN HOLTZMAN: -- since you are
24 the public at this point?

25 MR. EVERS: Wow, what an honor.

1 Do you need me to do the swearing in
2 again or are we good?

3 MR. GALVIN: No, you are good.

4 Go ahead.

5 MR. EVERS: I think this is a good
6 project, and what I specifically think is good about
7 it is that while, you know, let's face it, I have
8 considerable credentials as somebody who is very
9 much in favor of affordable housing. I live within
10 a hundred feet of the applied housing -- I believe
11 it's their very first project. As neighbors, I
12 offer no criticism of them, okay?

13 However, it seems to me that one of the
14 benefits of this approach both for this particular
15 project is that it is going to make it easier in my
16 belief for developers to actually get the affordable
17 housing built.

18 A lot of the projects coming in are
19 probably going to be condominiums. Condominiums are
20 difficult to do for people who are in affordable
21 housing situations.

22 I can tell you from my own work up in
23 Ossining, New York near Big House, okay, they do
24 have a ten percent set aside there, and it is
25 enforced, and as a result, the condominium complexes

1 have considerable trouble marketing these affordable
2 units to people in that income range, and many of
3 them are actually empty despite a chronic shortage
4 of affordable housing in that municipality.

5 So I would suggest that the benefit of
6 this is it is in some ways it's more adaptive to
7 getting affordable housing actually built that could
8 be easily managed and the tenants could actually
9 live in.

10 I think the danger, which many of you
11 have quite accurately raised, is "Rust Never
12 Sleeps," and it will be very important for the city
13 to be vigilant to make sure that these units are run
14 properly and are comparable to the units that
15 they're being built for. But I very much support
16 this project. I think it represents a useful
17 pattern frankly getting the housing built, that we
18 would like to see built.

19 CHAIRMAN HOLTZMAN: Great. Thank you
20 very much.

21 COMMISSIONER GRAHAM: Can I ask a
22 question?

23 CHAIRMAN HOLTZMAN: Sure.

24 COMMISSIONER GRAHAM: Are you implying,
25 Mr. Evers, that we should isolate low income people?

1 MR. EVERS: No, I don't as a matter of
2 fact.

3 COMMISSIONER GRAHAM: I don't agree
4 with that at all. I think that has been contrary to
5 all of the studies that have shown that integration
6 can work.

7 MR. EVERS: Well, again, the key thing
8 is not can integration work or can't it work, at
9 least from my view. But the question is, how do you
10 put it, making sure that the perfect doesn't become
11 the enemy of the good.

12 The reality is how many units of
13 affordable housing have gotten built under this
14 ordinance so far?

15 None, okay?

16 I think if it turns out that people
17 start building it as a regular basis, then you might
18 want to examine and raise the standards. But I
19 don't really think that -- I mean, I think if the
20 intent here was simply to keep the stinky poor
21 people away from the market rate people, then this
22 would be wrong, and I would oppose it. But I don't
23 get the sense that is really what is being attempted
24 here. They are just trying to come up with a
25 practical way of managing the situation. It is not

1 as if they are not living next to each other.

2 COMMISSIONER GRAHAM: Okay. Thank you.

3 CHAIRMAN HOLTZMAN: Thank you.

4 VICE CHAIR MAGALETTA: I would actually
5 have a voice to what Commissioner Graham said, that,
6 you know, this approach may work here, but it should
7 not be our policy to do that. Poor house is popping
8 up, and what you said is, and this may be the
9 approach to take, I think right now it might be. In
10 the future, it might not be, so I don't want people
11 to think that this is how it is done.

12 As I said before, I think the project
13 is a good project. I like it, but I think there are
14 some things we could tweak. For example, what I
15 mentioned about amenities being available to 721 or
16 somebody else on the property, but I think this is a
17 good approach at this time. That is all I am
18 saying. I appreciate it.

19 Thank you.

20 CHAIRMAN HOLTZMAN: Thank you.

21 No other members of the public, I
22 assume.

23 We will close the public portion.

24 Commissioners, any closing comments,
25 opinions on the project?

1 COMMISSIONER STRATTON: Can we return
2 to Phase I-A and just discuss that a little bit?

3 CHAIRMAN HOLTZMAN: Absolutely.
4 What is your question?

5 COMMISSIONER STRATTON: Does it exist,
6 and if it does, has there been a letter from DEP
7 stating that the site has been satisfied for
8 residential occupancy?

9 This is a pretty significant issue I
10 think.

11 CHAIRMAN HOLTZMAN: It's a very
12 significant issue.

13 COMMISSIONER STRATTON: I would like to
14 make sure that we have done all of our due diligence
15 to --

16 CHAIRMAN HOLTZMAN: We are going to
17 make that a condition of approval, that if we do not
18 have that, it is an absolute condition of approval.

19 MR. MATULE: I can confirm that my
20 client advises that the Phase 1 was a clean Phase 1.
21 You know, other than the usual historic fill that's
22 in Hoboken, there were no issues. There are no
23 tanks.

24 CHAIRMAN HOLTZMAN: Does anybody have a
25 short list of what existed on the site before it was

1 a parking lot?

2 MR. HIPOLIT: The Phase 1 should say
3 that.

4 CHAIRMAN HOLTZMAN: I know it should.
5 I am asking does anybody remember from reading that
6 document?

7 MR. MATULE: I haven't read it, so I
8 can't say. I think it may have been a parking
9 lot --

10 CHAIRMAN HOLTZMAN: Let's not assume.

11 MR. MATULE: -- I don't know. We could
12 get it and submit it to Andy.

13 CHAIRMAN HOLTZMAN: Okay. We have a
14 copy of this. We are going to submit it to the
15 Board's engineer and it will be reviewed. We'll
16 review it by the Maser LSRP and it will be a
17 condition of approval.

18 Any other questions, comments,
19 Commissioners?

20 Mr. Doyle?

21 COMMISSIONER DOYLE: Well, my only
22 question, which I was trying to get to a little
23 earlier, and, you know, I am not a lawyer, but --

24 (Laughter)

25 MR. MATULE: I would like not to be --

1 COMMISSIONER DOYLE: -- no. My
2 question is: If the ordinance requires -- and I
3 think I know what you are going to say, but if the
4 spirit of the ordinance is if you -- let's say the
5 building across the street didn't have these
6 complicated factors, and you know, you built a
7 hundred units in a hypothetical building, and you
8 make 80 of them 4,000 square foot luxury, and then
9 you do ten two-bedroom and ten three-bedrooms that
10 are undersized by comparison, then you say, our
11 obligation is to build two and three-bedrooms, and
12 they will be considerably smaller than the average
13 size of the units across the street.

14 So say -- I think 1641 is the number
15 you said, if that is the average size of the units
16 across the street, and your obligation is to build
17 six units, you know, whether you need to be
18 seeking -- well, whether it is appropriate that the
19 units on average here I think are 1400, which is
20 close, you know, and that is a legal question that I
21 am not sure I know the answer to.

22 CHAIRMAN HOLTZMAN: I think that is why
23 it is before the Board --

24 COMMISSIONER DOYLE: But they are not
25 seeking a variance for the smaller --

1 CHAIRMAN HOLTZMAN: No, they are not.

2 On the other hand, I think what we get
3 to in this is there is obviously a recognition that
4 there are flaws in that underlying ordinance, which
5 we are seeing coming to the table through this
6 application.

7 So if you see fit in your other duties
8 as our Councilman to tighten that language up, we
9 would be happy to I think follow it.

10 On the other hand, when there are some
11 vague sentences in that ordinance that we all read,
12 I think we have to do our best to interpret it and
13 to say, you know: Was the underlying intent not to
14 do some overlying calculation of the building, but
15 also to provide what seemed to be at this point very
16 reasonably sized apartments for affordable housing.

17 We are not back to where this
18 application started when we were trying to jam a
19 two-bedroom into 750 square feet or something like
20 that --

21 MR. GALVIN: Listen, the bottom line of
22 statutory construction is to try to advance the
23 public policy that the ordinance intended, and if we
24 don't get affordable housing, then we are not
25 achieving that objective, and I think that you guys

1 have been exceptionally responsible in trying to
2 make sure that it's as close or as comparable as we
3 can get it in this case.

4 It is the first time we are going
5 through it, and we're going to learn, and if we are
6 making mistakes, that's what -- I agree with our
7 Chairman, that the ordinance may have to be tweaked
8 in some ways to make it easier in the future and
9 give us some more guidance and give the applicant
10 some guidance, but I think --

11 CHAIRMAN HOLTZMAN: Or to leave it so
12 it does have some wiggle room, so that the Boards
13 can do some interpretation and say, hey, listen,
14 this is an unusual situation, because across the
15 street is not a normal building. It's an adaptive
16 reuse, and because of the size of it, they created
17 loft spaces because the building is so deep, and
18 there is so much interior space, so you have got
19 some pretty unusual set of circumstances here.

20 COMMISSIONER DOYLE: My point is that
21 the ordinance is not ambiguous. It's comparable or
22 larger. It's not something that is --

23 MR. GALVIN: But you are the
24 interpreter of that. You either think it is
25 comparable or you don't think it's comparable.

1 COMMISSIONER DOYLE: So if
2 hypothetically every unit across the street were
3 3000 square feet, and so we were saying -- we were
4 sitting here saying, you have to build three or six
5 3,000 square foot units, and you were here saying,
6 you know what, we have an 18,000 square foot
7 obligation, we would like to break that into nine
8 smaller units because we think it is not a public
9 policy, 3,000 square foot units doesn't make sense,
10 then I think the spirit of the ordinance would be --

11 MR. MATULE: Do you think the spirit of
12 the ordinance would be met if the average size of
13 these units in this building were within 200 square
14 feet of the average size of the units in the other
15 building?

16 COMMISSIONER DOYLE: Well, I think you
17 have gotten a lot closer, so --

18 MR. MATULE: That's effectively where
19 we are at.

20 (Board members confer)

21 MR. MATLE: But all I am saying is the
22 average size in my understanding, if we take all of
23 the units, the ones, twos, threes and fours that are
24 across the street in the big building, the average
25 size of all of those units is 1640 square feet, and

1 the average size of the six units here is 1436
2 square feet --

3 CHAIRMAN HOLTZMAN: And these are
4 limited to two and three-bedrooms.

5 MR. MATULE: -- so we are within 200
6 and some square feet, so I mean I think that's
7 pretty comparable.

8 CHAIRMAN HOLTZMAN: Commissioner Peene?

9 COMMISSIONER PEENE: I think it's
10 monumental because here you have a city in New
11 Jersey who actually has an application to build
12 affordable housing. Where else in the state is that
13 happening right now?

14 I mean, nobody has any rules. Nobody
15 has any policies. The governor's office throws it
16 to the courts, and I think it is a testament,
17 especially with all that has gone on here in Hoboken
18 over the past, you know, 10, 20 years in the
19 gentrification, as people call it, and getting
20 people a place to come in a new building that is not
21 decrepit like a lot of other housing stock here, I
22 think it is a home run.

23 VICE CHAIR MAGALETTA: I just -- when
24 the application came before the completion
25 committee, I looked at it and I said -- I looked at

1 the ordinance. I said, how do you make it
2 comparable superior.

3 I don't think it makes sense to say
4 what is the largest unit at 720 and make it
5 comparable to that or superior to that. I don't
6 think that's the intent. But it also wasn't to make
7 it as small as the smallest at 720, and that's
8 why -- and I did the same thing you guys did, an
9 average. Before we even came here, I said, well,
10 what seems fair. I thought that seemed fair in this
11 context. Maybe in a different context, that is not
12 appropriate, but I think this time it makes sense to
13 do it the way you have done it -- the applicant has
14 done it. That's all.

15 CHAIRMAN HOLTZMAN: Thank you,
16 Commissioner.

17 Mr. Jacobson?

18 COMMISSIONER JACOBSON: No comments.

19 CHAIRMAN HOLTZMAN: I thought you had
20 something. I'm sorry.

21 COMMISSIONER DOYLE: Well, I mean, my
22 question was maybe thinking ahead, but I am not
23 suggesting that I am opposed to this at all. I am
24 suggesting whether they should be seeking variance
25 relief for not satisfying the as, you know, large or

1 larger, but I am not being told that that is
2 required, so I will --

3 MR., MATULE: If you want to give us a
4 lot coverage variance, we will make it bigger.

5 (Laughter)

6 COMMISSIONER PEENE: Just average the
7 two and three-bedrooms, it will be the same --

8 CHAIRMAN HOLTZMAN: Dennis has a couple
9 of conditions.

10 Can we read these out, please?

11 MR. GALVIN: Sure.

12 1. The city will administer the
13 affordable housing provided in this building. In
14 accordance with the ordinance, a deed restriction is
15 to be placed on the property in consultation with
16 the city. This deed will provide -- this building
17 will remain restricted for a period of four years.

18 2. The generator is only to be tested
19 weekdays between the hours of noon and three p.m.

20 3. The applicant is to submit all
21 models of appliances to be used to the Board's
22 Planner's satisfaction that they are comparable with
23 the appliances to be used in the Wonderlofts.

24 4. If the Wonderlofts becomes a rental
25 building, then the required affordable housing will

1 be provided in that building.

2 5. The applicant agreed to comply with
3 the Board's professional letters.

4 6. The applicant is to provide its
5 Phase I report for the Board's Engineer confirming
6 that there are no environmental issues on this site,
7 and that the site is clear for residential use.

8 COMMISSIONER GRAHAM: You forgot the
9 amenity access.

10 MR. GALVIN: You guys tell me.

11 CHAIRMAN HOLTZMAN: That is the
12 condition six, right?

13 MR. GALVIN: I am done with six, yes.

14 COMMISSIONER GRAHAM: People from the
15 rental building can use the amenities --

16 CHAIRMAN HOLTZMAN: I think, Mr.
17 Magaletta, and Ms. `Graham is bringing up a point as
18 well, that there are numerous amenities that are
19 being proposed or built into the building across the
20 street.

21 Does the applicant have any comment or
22 consideration for making them available to the
23 tenants in this building?

24 COMMISSIONER PEENE: To your point,
25 Gary, many of the people at 720 will be paying a

1 condo fee, and a lot of those amenities are
2 supported with the condo fee, so I think that would
3 have to be something to consider, and we have that
4 case right now at 1100 Adams Street where the
5 affordable housing components at 1118, they do not
6 have access to our amenities. Not that I am adverse
7 to it, it's just something that I moved into --

8 COMMISSIONER GRAHAM: That doesn't mean
9 it's right.

10 COMMISSIONER PEENE: It doesn't mean
11 it's right, but the argument about the condo fee --

12 CHAIRMAN HOLTZMAN: Mr. Matule --

13 COMMISSIONER PEENE: -- has been a mean
14 sticking point amongst the Board at my condo
15 building.

16 MR. MATULE: Yes. The building at 720
17 is going to be a condo, and the condo unit owners
18 are going to, you know, pay substantial condo fees
19 to have whatever amenities they're going to have,
20 and there wasn't an intention to make these
21 amenities available to the people in this building
22 at no cost, you know.

23 VICE CHAIR MAGALETTA: Well, what would
24 it cost?

25 COMMISSIONER GRAHAM: What would it

1 cost?

2 MR. MATULE: I don't know what it would
3 cost.

4 VICE CHAIR MAGALETTA: So maybe that's
5 the option. You say, look, here's what it costs to
6 have this amenity for the pool access, and you
7 either pay it or you don't.

8 CHAIRMAN HOLTZMAN: But you offer it.

9 VICE CHAIR MAGALETTA: But you offer
10 it. That is right.

11 (Board members talking at once.)

12 MR. MATULE: It's something we could
13 look at, but, you know, this is the first time we
14 are all doing this, so --

15 VICE CHAIR MAGALETTA: That's exactly
16 right, and that's why I think we have to do it very
17 carefully, and that goes to -- because the quality
18 of those units includes those amenities,
19 and if you are extrapolating those amenities, the
20 quality of it, I think you have to include them --

21 (Board members talking at once)

22 COMMISSIONER STRATTON: Frank, I don't
23 know if I really agree on that.

24 I think that it's going to be -- we
25 have to place conditions that we could enforce or

1 reasonably enforce, and I am not sure how long -- or
2 how long we could extend that.

3 I just think it is difficult to compel
4 the residents and the condo owners to pay for an
5 amenity that's --

6 COMMISSIONER GRAHAM: We are not.

7 VICE CHAIR MAGALETTA: No. I am saying
8 if you are a tenant in 721, you pay a fee to use the
9 pool --

10 A VOICE: You have options.

11 VICE CHAIR MAGALETTA: -- right. That
12 is all I am saying. That's all I'm saying. It is
13 not a free ride for the pool.

14 MR. MATULE: It's something, like I
15 said, it's something to be looked at, but I mean, at
16 this point that's so far down the road, that I am
17 not in the position to make any --

18 CHAIRMAN HOLTZMAN: Director?

19 COMMISSIONER FORBES: Yes.

20 MR. MATULE: -- prior commitment --

21 COMMISSIONER FORBES: I think that, you
22 know, when we are talking about comparable quality,
23 we're talking about comparable quality of the units.
24 They are paying for their unit, but then they are
25 also paying for something additional for it, so the

1 comparable unit is what I would be looking for.

2 That is just where I stand on that.

3 COMMISSIONER DOYLE: Well, I believe
4 that you may be assuming --

5 THE REPORTER: Mr. Doyle, I can't hear
6 you.

7 COMMISSIONER DOYLE: -- I'm sorry.

8 Perhaps you may be assuming, and I
9 don't know the answer, that the condo unit owners
10 would have to pay above and beyond their condo fees
11 to have access to the pool as opposed to just
12 coming --

13 CHAIRMAN HOLTZMAN: No. It's probably
14 going to be built into people's condo fees.

15 COMMISSIONER DOYLE: Right. So I am
16 not sure about your point --

17 COMMISSIONER STRATTON: Can we look at
18 this in a different context, that if, let's say,
19 they are all rental units, would the same amenities
20 provided to 70 rental units on the same site built
21 together be required and have access to --

22 VICE CHAIR MAGALETTA: Say that again.
23 I didn't hear that.

24 COMMISSIONER GRAHAM: Can you be a
25 little louder?

1 COMMISSIONER STRATTON: If this
2 building was built on one site and it was 70 units,
3 and six of the units were affordable housing units,
4 would those affordable housing units be provided the
5 provision to use the pool table and the vending
6 machines and the downstairs community room, the same
7 amenities within a building as part of satisfying
8 the affordable housing requirement?

9 So is it are we looking at the unit or
10 are we looking at the amenities associated with the
11 unit and living within -- and the benefits of the
12 affordable housing provided within the context of
13 the whole development?

14 VICE CHAIR MAGALETTA: Well, that is my
15 point. If the people lived at 720, they would have
16 access to those amenities. By putting them across
17 the street, you deprive them of those amenities,
18 which would then go to the quality of the units in
19 which they would have resided. That's the picture.
20 That's the holistic picture that I'm looking at,
21 which I think the ordinance talks about.

22 I think the point of the ordinance is:
23 Look, here is a certain lifestyle with these unit
24 sizes and these amenities. Just because you are
25 across the street in the poor house doesn't mean you

1 can't appreciate those and use those as well. If
2 you want to pay for it, why not?

3 That is it.

4 CHAIRMAN HOLTZMAN: That's good.

5 Mr. Peene?

6 COMMISSIONER PEENE: I would like to
7 motion to accept the conditions of the resolution
8 for this application --

9 COMMISSIONER GRAHAM: We haven't made a
10 decision --

11 CHAIRMAN HOLTZMAN: I'm sorry, Ms.
12 Graham?

13 COMMISSIONER GRAHAM: No. We haven't
14 made a decision about whether to put this condition
15 on --

16 COMMISSIONER DOYLE: He's proposing it
17 without it --

18 COMMISSIONER GRAHAM: -- without it --

19 CHAIRMAN HOLTZMAN: -- he's proposing
20 it without it.

21 COMMISSIONER PEENE: I have full
22 confidence in the city, so...

23 COMMISSIONER FORBES: I will second.

24 CHAIRMAN HOLTZMAN: That was a second.

25 MS. CARCONE: Okay. Commissioner

1 to close the meeting?

2 COMMISSIONER PEENE: So moved.

3 CHAIRMAN HOLTZMAN: Second?

4 COMMISSIONER MC KENZIE: Second.

5 CHAIRMAN HOLTZMAN: All in favor?

6 (All Board members voted in the
7 affirmative).

8 (The meeting concluded at 11:40 p.m.)

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C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CCR, CRCR

 PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300
 Notary Public of the State of New Jersey
 My commission expires 11/5/2020.
 Dated: 2/5/16
 This transcript was prepared in accordance with
 NJAC 13:43-5.9.