

CITY OF HOBOKEN
PLANNING BOARD

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SPECIAL MEETING OF THE HOBOKEN : January 27, 2016
PLANNING BOARD : 7:10 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 Jim Doyle
- Commissioner Caleb McKenzie
- Commissioner Rami Pinchevsky
- Commissioner Tom Jacobson
- Commissioner Kelly O'Connor

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

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

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6 Attorney for the Board.

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Board Business

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536 Washington St. Amended Resolution

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HEARING

1423-1431 Hudson Street

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

3 It is 7:10 on Wednesday, January 27th.
4 This is the City of Hoboken Planning Board Meeting.

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

13 Pat, please call the roll.

14 MS. CARCONE: Commissioner Holtzman?

15 CHAIRMAN HOLTZMAN: Here.

16 MS. CARCONE: Commissioner Magaletta?

17 VICE CHAIR MAGALETAT: Here.

18 MS. CARCONE: Commissioner Stratton?

19 COMMISSIONER STRATTON: Here.

20 MS. CARCONE: Commissioner Forbes?

21 COMMISSIONER FORBES: Here.

22 MS. CARCONE: Commissioner Doyle?

23 COMMISSIONER DOYLE: Here.

24 MS. CARCONE: Commissioner Graham?

25 Absent.

1 Commissioner McKenzie?

2 COMMISSIONER MC KENZIE: Here.

3 MS. CARCONE: Commissioner Pinchevsky?

4 COMMISSIONER PINCHEVSKY: Here.

5 MS. CARCONE: Commissioner Peene is
6 absent.

7 Commissioner Jacobson?

8 COMMISSIONER JACOBSON: Here.

9 MS. CARCONE: Commissioner O'Connor?

10 COMMISSIONER O'CONNOR: Here.

11 CHAIRMAN HOLTZMAN: Great. Thank you.
12 The first item on our agenda is a last
13 minute memorialization of an updated resolution.

14 Is that what we have here, Dennis?

15 MR. GALVIN: Yes. Guys, this is the
16 case where the guy was only going to sell tea and
17 recently we heard him and we said, okay, we'll amend
18 the resolution. We're going to let you have baked
19 goods as long as you bake them on the premises and
20 bring them in.

21 So we have a slight addition to the
22 conditions that say that. I don't remember the
23 exact wording, but that you can sell pre-prepared --

24 COMMISSIONER DOYLE: Microwaved --

25 CHAIRMAN HOLTZMAN: So I don't know if

1 anybody has had a chance to see this or review this,
2 or does anybody have any questions about it, or was
3 it simple enough to move forward with?

4 MS. CARCONE: It went out to the Board.

5 CHAIRMAN HOLTZMAN: Oh, it did. I'm
6 sorry.

7 VICE CHAIR MAGALETTA: There were some
8 changes. I ask that the conditions for the elements
9 for the use --

10 MR. GALVIN: We did it.

11 VICE CHAIR MAGALETTA: -- no, I'm
12 talking on the record, that that was added. Just
13 three points, and that was it. That is the only
14 change I had.

15 CHAIRMAN HOLTZMAN: So the change was
16 the elements of the use, I am sorry?

17 VICE CHAIR MAGALETTA: You have to have
18 three components. You have to have another retail
19 space there, 1000 square feet of retail space, those
20 three points --

21 CHAIRMAN HOLTZMAN: Okay. Great.

22 VICE CHAIR MAGALETTA: -- just stating
23 it --

24 CHAIRMAN HOLTZMAN: Any other questions
25 or comments about this resolution?

1 COMMISSIONER DOYLE: Chairman, my only
2 comment is I think in the certification at the end,
3 it says this is a Regular Meeting, and this was a
4 Special Meeting.

5 CHAIRMAN HOLTZMAN: That this is a
6 Special Meeting in the certification.

7 MR. GALVIN: We can change that easily.
8 Just make a motion to amend it with that, and
9 I'll --

10 COMMISSIONER DOYLE: I mean, I don't
11 know that it really matters, but...

12 CHAIRMAN HOLTZMAN: Okay.

13 So, Mr. Doyle, would you like to make a
14 motion to approve that with the following condition
15 that you just pointed out?

16 COMMISSIONER DOYLE: Yes, I would.

17 Motion to approve the resolution.

18 CHAIRMAN HOLTZMAN: Okay. Is there a
19 second?

20 COMMISSIONER FORBES: Second.

21 CHAIRMAN HOLTZMAN: The people voting
22 on this are Magaletta, Stratton, Forbes, Doyle.
23 Graham is not here. Peene is not here, and
24 Holtzman.

25 Pat, please call the roll.

1 MS. CARCONE: Commissioner Magaletta?

2 VICE CHAIR MAGALETAT: Yes.

3 MS. CARCONE: Commissioner Stratton?

4 COMMISSIONER STRATTON: Yes.

5 MS. CARCONE: Commissioner Forbes?

6 COMMISSIONER FORBES: Yes.

7 MS. CARCONE: Commissioner Doyle?

8 COMMISSIONER DOYLE: Yes.

9 MS. CARCONE: Commissioner Holtzman.

10 CHAIRMAN HOLTZMAN: Yes.

11 Okay. Thank you.

12 (Continue on next page)

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CITY OF HOBOKEN
PLANNING BOARD

- - - - - X
Re: 1423-1431 Hudson Street a/k/a : SPECIAL MEETING
Hoboken Cove Building D and Section 4 :
Block: 264, Lot 3.01 : January 27, 2016
Applicant: Hoboken Cove, LLC C/O Toll: 7:15 p.m.
Brothers :
Amendment to Approved Site Plan & :
Revisions & Modifications :
- - - - - X

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Hoboken, New Jersey

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9 Florham Park, New Jersey 07932
10 (973) 549-7000
11 By: GLENN S. PANTEL, ESQUIRE
12 Attorneys for the Applicant.

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I N D E X

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4 WITNESS

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6 DEAN MARCHETTO

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8 THOMAS S. CARMAN

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10 TODD M. HAY

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E X H I B I T S

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14 EXHIBIT NO.

DESCRIPTION

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Slide package

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Letter, 10/8/2014

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Illustrative Site Plan

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Amended Preliminary & Final Site Plan

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20 D-1

Memo, 12/28/14

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

3 MR. PANTEL: Yes, we are. Thank you.
4 Good evening.

5 CHAIRMAN HOLTZMAN: Good evening.

6 MR. PANTEL: For the record, as you
7 know, my name is Glenn Pantel. I'm an attorney with
8 the law firm of Drinker Biddle. We represent Toll.
9 The applicant is Hoboken Cove, LLC.

10 What is before you tonight is our
11 application for amended preliminary and final site
12 plan approval for the building within the Hudson Tea
13 project, known as Building D at 1423-1431 Hudson
14 Street, Block 264, Lot 3.01.

15 The application before you tonight does
16 not pose a major change to the application
17 previously approved. Before Building D, we had
18 amended and preliminary and final site plan approval
19 granted in 2009.

20 What we are trying to achieve with the
21 revised plan that is before you this evening is
22 clearly an upgrade in the architectural features of
23 the building to make it more appealing or a
24 contemporary building, more responsive to the mark
25 than the prior approval.

1 We have with us, of course, Dean
2 Marchetto who will be presenting more detail in that
3 regard. It is more a family-friendly mix, more
4 dense, more units that are likely to be occupied by
5 families, but no increase in the total number of the
6 units.

7 It's at 99 residential units, the same
8 as previously proposed and approved, and we are
9 increasing the amount of commercial and retail space
10 of about 2,033 square feet to a total of 4,125
11 square feet, so roughly a doubling of the commercial
12 and retail space intended to provide a more vibrant
13 retail space and a much more improved floor plan for
14 that space intended to attract the quality tenants
15 that would be certainly helpful to the vitality of
16 the project as a whole.

17 There is an increase of 14 parking
18 spaces from the prior approval, so we now have 30
19 rather than 16 parking spaces subsurface, of course,
20 as part of this building.

21 By and large, the application is fully
22 conforming with the ordinance. There's three
23 relatively minor variances, one for the maximum
24 distance between the rear wall of the residential
25 building and the street line. The ordinance allows

1 125 feet. It was previously approved at 146, and we
2 are now proposing 156 feet largely as result of the
3 increase in the commercial floor area.

4 Technically, a variance for maximum
5 rooftop coverages, for rooftop appurtenances.
6 Previously we actually were approved at 21 percent
7 versus the ordinance requirement of 10. We are
8 actually reducing that from 21 percent to 20
9 percent. Since it was a new building, it has been
10 suggested to us that we ask for the variance, even
11 though we are reducing the amount of rooftop
12 coverage, now at 20 percent.

13 And then lastly, the lower roof
14 decks --

15 (Commissioner Peene present)

16 CHAIRMAN HOLTZMAN: Glenn, hang on one
17 second.

18 MR. PANTEL: Sure.

19 MR. GALVIN: I really hate to do this
20 to you, but start over.

21 MR. PANTEL: Oh, okay.

22 MR. GALVIN: Mr. Peene just arrived,
23 and I want to make sure he can vote on the
24 application.

25 MR. PANTEL: Not a problem. I'll be

1 glad to do that.

2 By the way, am I okay mike-wise?

3 MR. GALVIN: Since we don't have mikes,
4 you are fine.

5 MR. PANTEL: Okay. Safe.

6 (Laughter)

7 MR. GALVIN: Do you want to speak into
8 our court reporter's tape recorder --

9 CHAIRMAN HOLTZMAN: Your Mike is not
10 working, Glenn.

11 MR. PANTEL: Okay.

12 MR. GALVIN: If our court reporter
13 can't hear you, I will advise you.

14 MR. PANTEL: Okay. Thank you. I'll
15 gladly start over.

16 As I indicated, my name is Glenn
17 Pantel. As many of you know, I am the attorney for
18 the applicant, Hoboken Cove, LLC, an affiliate of
19 Toll Brothers, on our application tonight for
20 amended preliminary and final site plan approval for
21 the building known as Building D in the Hudson Tea
22 project located at 1423-1431 Hudson Street, Block
23 264, Lot 3.01.

24 The application seeks approval tonight
25 for a building, which does not pose a dramatic

1 difference from that which was previously approved
2 by the Board in our last amended preliminary and
3 final site plan approval issued in April of 2009,
4 the same number of units at 99 as was previously
5 approved, some additional more family-friendly
6 units, because we do have some additional facilities
7 and the like, we have more units that are likely to
8 be occupied by families.

9 An increase of about 2000 square feet
10 to a total of 4,125 square feet of commercial and
11 retail space intended to create a more vital,
12 vibrant retail facility in a project, which I think
13 would be helpful to the overall success of the
14 project, and in particular to the commercial
15 component, which I know the Board views as a
16 valuable and important piece of the project, a small
17 increase in the parking spaces all subsurface, of
18 course, going from 16 to 30.

19 We believe that we will be in full
20 compliance with all of the reports that have been
21 issued.

22 There was one comment in the planner's
23 report about a three foot setback requirement for
24 lower rooftop decks, but that issue has been
25 resolved, so it leaves us just with three variances

1 of a relatively minor nature, one for the maximum
2 distance between the rear wall of the building and
3 the street line, namely, in this case 15th Street.

4 The ordinance allows a maximum of 125
5 feet. We were previously approved with a variance
6 of 146, and we are now proposing 156 due largely as
7 a result of the additional commercial floor area
8 that I just alluded to.

9 Rooftop coverage is actually being
10 reduced from 21 percent to 20 percent, but since the
11 20 percent still exceeds the permitted maximum of
12 ten percent, the rooftop coverage for mechanicals
13 and the like, a variance is being sought due to
14 other changes in the building.

15 Lastly, the ordinance doesn't allow
16 lower level roof decks in the front yard, and you
17 will recall this property has three frontages on
18 Shipyard Lane, Hudson Street and 15th Street, so
19 creating a situation where we clearly do need relief
20 from that prohibition against lower level roof
21 decks.

22 We have with us tonight our architect.
23 Dean Marchetto, who will present, of course, the
24 architectural plans and provide a little more
25 elucidation on some of the variances that I alluded

1 to.

2 Tom Carman, our landscape architect
3 from Melillo & Bauer, has testified many times
4 before this Board for Toll.

5 Our site engineer, Todd Hay, likewise
6 testified not long ago before this Board when we
7 obtained amended and preliminary final site approval
8 for Building E.

9 And our planner, John Chadwick, will,
10 of course, wrap up the testimony regarding the
11 variances.

12 So if there is nothing further at this
13 point, what I would like to do is turn things over
14 to Dean Marchetto.

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

19 MR. MARCHETTO: Yes, I do.

20 D E A N M A R C H E T T O, having been duly sworn,
21 testified as follows:

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

24 THE WITNESS: It's Dean Marchetto,
25 M-a-r-c-h-e-t-t-o.

1 CHAIRMAN HOLTZMAN: All right.

2 Mr. Chairman, do we accept Mr.
3 Marchetto's credentials?

4 CHAIRMAN HOLTZMAN: Yes.

5 MR. GALVIN: You may proceed.

6 MR. PANTEL: Thank you.

7 THE WITNESS: Okay. Great.

8 So thank you, Glenn.

9 I am here tonight. I am pleased to be
10 here to present an alternative exterior and interior
11 design for a previously approved project.

12 The project is, I would say, the last
13 build-out project of the Toll Brothers Hoboken Cove
14 Redevelopment Plan. It is on the very eastern edge.
15 It is a much smaller building than the other ones in
16 terms of its footprint. And as you such, my client
17 has asked me to come up with a redesign of the
18 existing building to accomplish several goals.

19 The first goal is to create an enhanced
20 architectural design. There are a lot of buildings,
21 and I will show you in the photographs, in this area
22 that have similar architectural character and the
23 times are changing, and I think it is an opportunity
24 to create a new look and actually create some kind
25 of a reference to the past at the same time.

1 At the same time we increased the unit
2 bedroom count, so we have larger family-friendly
3 units. There are more three bedrooms in this plan,
4 and the units are larger.

5 We also have increased the ground floor
6 retail area by reshifting the ground floor. We
7 actually almost doubled the ground floor retail
8 unit, so instead of having maybe a small nail shop
9 or a coffee shop, there is a substantial amount of
10 space on the ground floor to create a real retail
11 for that neighborhood.

12 We also created double the amount of
13 parking. We have 30 spaces, and we did that with a
14 mechanical system, which I am going to show you, and
15 last, but not least we have a green building as
16 well, so there were five goals that I was charged
17 with.

18 What I would like to do is I have
19 several things to show you tonight. The first thing
20 I would like to do is show you some context photos,
21 so we can look at the exact street, the
22 neighborhood, the context to the site.

23 Then I have built a 3-D model of most
24 of northern Hoboken with all scaled buildings in it,
25 which we will be able to fly around and show you the

1 project from different angles, so you can see it in
2 the context of its neighbors.

3 Then I have a photo realistic 3-D
4 rendering to show you what the building will look
5 like through visualization.

6 Then I have all of the floor plans, and
7 we can walk through the plan floors, if you'd like,
8 and go floor by floor and take you through the
9 building and, of course, answer any of your
10 questions.

11 So with that, I would like to get
12 started --

13 VICE CHAIR MAGALETTA: Actually before
14 you do that, I have just a procedural question.

15 I like this idea of having this appear,
16 but how do we make that part of the record, Dennis?

17 If he's going to refer to it, I would
18 say maybe make a copy and give it --

19 THE WITNESS: Every slide that we have
20 that you will see tonight is listed in this package
21 that I prepared, and we can submit it as an exhibit.

22 VICE CHAIR MAGALETTA: Okay.

23 CHAIRMAN HOLTZMAN: There you go.

24 Great.

25 MR. PANTEL: Should we mark the entire

1 package as Exhibit A-1?

2 MR. GALVIN: Yes.

3 MR. PANTEL: That's what we will do.

4 MR. GALVIN: Because we don't have time
5 to wait for you to mark all of them --

6 THE WITNESS: Well, it is stapled
7 together.

8 MR. GALVIN: -- I'm kidding. Each
9 page, A-1, A-2 -- yes, we are good.

10 CHAIRMAN HOLTZMAN: Good.

11 (Exhibit A-1 marked.)

12 MR. GALVIN: And who took all the
13 pictures?

14 THE WITNESS: I took these photographs
15 on December 8th, the date of our last -- two
16 hearings ago in 2015.

17 You can see that just by looking at --
18 those of you who are familiar with this
19 neighborhood, you can see the building that's being
20 built on 14th. It is actually only three stories
21 here. It is probably up around seven or eight, so
22 in the last month and a half it has changed.

23 So this is looking north on Hudson, and
24 I am standing on the corner of 14th and Hudson. I'm
25 looking north. You can see the Hudson Tea building

1 in the distance. The Sovereign Building is on the
2 right. It's an existing residential building, and
3 on the left is a new building that's in construction
4 called Building E.

5 COMMISSIONER DOYLE: Mr. Chair, do you
6 think we could ask -- Mr. Pantel, could you take the
7 exhibit and just make sure that, you know, as we go
8 through in case --

9 MR. PANTEL: Yes, sure. I would be
10 glad to do that. I will make sure.

11 COMMISSIONER DOYLE: -- we trust you,
12 if you say it, but just to make sure everything is
13 in there?

14 MR. PANTEL: Yes. So far we had two
15 sheets, and they are both here.

16 COMMISSIONER DOYLE: Just a second.
17 You can sit down and quietly do it, I'm just, you
18 know --

19 MR. PANTEL: I will do it quietly --

20 COMMISSIONER DOYLE: Thank you.

21 (Laughter)

22 THE WITNESS: So moving further north
23 along Hudson Street, you start to see the building
24 site that is the subject site right here.

25 15th Street is in the distance. I am

1 on Hudson Street. This is the end of the Sovereign,
2 and the site starts right here at this dimension and
3 goes for the remainder of the block.

4 The site is approximately half that lot
5 in terms of it's the northern half of Block 264, so
6 the site is just about half of the block in its
7 size, and it is half -- a little less than half of
8 Block 264.

9 Now I am at the end of the intersection
10 of Hudson and 15th, and you can see the site is
11 right here on the right, and there is -- the
12 building Sovereign is here on the right --

13 COMMISSIONER DOYLE: So it's beyond the
14 intersection --

15 THE WITNESS: -- and I guess on the
16 other side of this truck right here, you can see the
17 waterfront, and you can also see the views to the
18 east, and this is the Shipyard building, and I'm not
19 sure what the name of this one is.

20 And so right now, I am standing on the
21 site. This is the south end of the site. Our
22 building will match up against this solid wall,
23 which is the parking structure for this building of
24 Sovereign, and so the property starts here and moves
25 to the left, looking at the Hudson Tea building

1 here, 15th.

2 Now, I am looking west. I am on the
3 waterfront walking back towards Hoboken, walking
4 west. This is 15th Street right here. Hudson Tea
5 is on the right, and this is the building that's in
6 construction. Our site is right in front of that
7 where this fence is.

8 I could move it closer, and you can see
9 it right here. This is the site right in here.

10 Again, closer, this site is currently
11 being used as a staging area to construct the
12 building on the other side.

13 This is interesting. This is Shipyard
14 Lane. This runs parallel to Hudson Street, runs
15 north and south, and it has a little bit of a
16 character of the service street between Hudson and
17 Frank Sinatra.

18 So if you walk up this street, you see
19 a lot of the backs of the buildings here are service
20 area and parking. If you move up a little closer,
21 you can see this is more of a service side of these
22 buildings.

23 On the other side is the Sovereign.
24 You can see the parking entrance is in here, and
25 there is some retail on the ground floor and a

1 parking garage is up above.

2 And what I would like to do here is
3 just take you on a proposal to show you what it is
4 that we are actually proposing on that site.

5 Okay. Did you get those?

6 MR. PANTEL: Yes.

7 (Witness confers with counsel)

8 THE WITNESS: Those will come later.
9 We are back in here. That is this.

10 So this is, again, a plan of the area.
11 This is looking down from above. You see this is
12 the Hudson Tea building. This is the building
13 that's in construction, and this is our site right
14 in here. You will recognize that this is a little
15 less than half of this block. I could zoom in here.

16 As we are moving closer, you can start
17 to see 15th Street, Hudson Street, Shipyard Lane,
18 and of course, this is the Hudson Tea building.

19 Now I am going to tilt this up, and now
20 you will start to see the relationship of the
21 volumes. So Shipyard, Hudson Tea, and this is the
22 building right here.

23 You can see it is kind of like the
24 bookend on this block. You have the Sovereign over
25 with this parking lot in a lower deck, and then we

1 occupy the other end of that block.

2 So if I move in a little closer here,
3 you can start to get a feeling of what we are trying
4 to do. Maybe at this point, I should talk a little
5 bit about the design concept.

6 What I am able to do in this model is
7 project the previous approved project in the same
8 context and then flip back and forth.

9 The purpose of the redesign was to
10 create a four-story base, a base on a building that
11 would be with large-loft-like windows that had a
12 brick and four-story scale, and the kind of building
13 on the base that might -- recall what the former
14 industrial buildings were like, and some of them
15 still remain in Hoboken.

16 You have, you know, Monroe Center,
17 Neumann Leather. You have the Hudson Tea building,
18 the Pilsner Lofts, and the Wonder Bread Building.
19 These are former industrial uses, brick loft
20 warehouse and manufacturing buildings, and we lost
21 that. You can see when you look at these buildings
22 by and large, most of the buildings that have been
23 developed in this neighborhood have been buildings
24 that go from roof to ground, straight up, straight
25 up, straight down.

1 So what we tried to do here is create a
2 building that had a little bit more interest in it
3 by creating a base and a four-story scale that is
4 more reminiscent of Hoboken's residential districts,
5 but then to step the building back and create more
6 of a light glass tower that goes up. It is a
7 12-story building, and the previous approval was 12
8 stories.

9 What I would like to do here is just
10 maybe flip back to show you what I am describing.

11 So this is the current approval. This
12 is a 12-story building designed by somebody else.

13 (Laughter)

14 What we have done here, and you can see
15 the difference, what we tried to do is go to
16 something a little bit more contemporary, something
17 that has a lot more interest and creates a reference
18 to the past at the base and also to create a more
19 light and airy top.

20 You can see in this context how it
21 really, really stands out and creates a
22 differentiation for itself and it creates a little
23 bit more variety in that area, so now what I'm going
24 to do is I'll just go around and get a little
25 closer.

1 So the building, like I said, the
2 ground level of this building, all along this edge
3 is on 15th Street. It turns the corner here on
4 Shipyard Lane, and it turns the corner on Hudson.

5 There is our retail space located right
6 here on the ground floor. It is a taller ceiling,
7 and we have located our service here on the east
8 side behind the Shipyard building. We have three
9 service rooms that are required. We have a
10 generator room, a transformer room, and a mechanical
11 room that will be internalized and designed to meet
12 the flood regulations.

13 The garage entrance is also here.
14 There are two garage entrances, one on 15th -- one
15 on Shipyard Lane and one on the other side, which I
16 will show you. So the garage will go right through,
17 and it also serves as a place to drop off.

18 There are two drop-offs on the
19 sidewalks here, on Shipyard Lane, as well as 15th
20 Street, and the civil engineer and site architect
21 will talk about the site.

22 But let's see if I can get to the next
23 image a little closer.

24 So this is a red brick, and it will be
25 the brick, and I have the materials here that will

1 match the kind of historic brick that these older
2 buildings were made from. And you will see that
3 there are a series of windows in each one of these
4 bays. There is a horizontal brick spandrel and
5 vertical brick columns breaking the base up into a
6 series of bays that is reminiscent of the open loft
7 style.

8 Moving along 15th Street, the retail
9 again at the ground floor, we see signage bands here
10 that will be programmed once tenants are included.

11 You see that there are some balconies
12 on some of these units, and they are recessed into
13 the building on this lower level so as not to
14 disturb the overall pattern of the architecture.

15 Spinning it around here, retail
16 entrances.

17 Our main residential entrance is on
18 Hudson Street as we turn the corner here, so here is
19 our main entrance. Our main entrance is opposite a
20 park that's being created by the building that is
21 currently in construction. So there is a
22 relationship here between the entrance of the
23 building that's being built, Building E, and this
24 building, Building D, so that the relationship is
25 about the park.

1 There is a park being built on this
2 corner, and I think you will be able to see it, if I
3 move down.

4 So I am in this little pocket park that
5 is on the corner that's currently being constructed,
6 and our new Building D entrance is right in here.

7 Again, this is retail all on this whole
8 edge, and this is the garage in here.

9 You can see even in the garage, we made
10 a strong attempt to kind of create that window and
11 glass feeling around the garage, so it wasn't a
12 blank wall, and it fits into the overall style.

13 This is our main entrance, and our
14 lobby, and the garage is back in there.

15 COMMISSIONER DOYLE: Are those windows
16 going to be opaque or --

17 THE WITNESS: They would probably in
18 the garage be tinted.

19 COMMISSIONER DOYLE: Tinted?

20 THE WITNESS: Tinted.

21 COMMISSIONER DOYLE: Thank you.

22 THE COURT: So now I am on Hudson
23 Street, and I am looking north. This is the
24 building that is in construction, Building E,
25 Sovereign, and this is, if you remember the

1 photograph I showed you earlier, you can see that at
2 the corner of the block, and this is what's going to
3 be.

4 We are going to basically pick up the
5 line of the lower level of this building and carry
6 it around at that four-story height, and of course,
7 that is Hudson Tea at the end of the block.

8 So if I just back out for a minute, you
9 can see the building in the context of the others.
10 This is the new Park plus Garden building that just
11 got just completed. This is Hudson Tea, and these
12 are the other buildings, and this is our building
13 right here at the end. You can see that the street
14 corridor was preserved.

15 If I get you down to the ground level,
16 you get a sense to see what it is going to be.

17 So there is our building at the very
18 end. You see what happens. We come up off the
19 sidewalk and we step back, and then we go up with a
20 glass tower. It allows a little more width in that
21 view, and it creates a much lighter feeling at the
22 top.

23 A little closer view coming up 15th
24 Street --

25 MR. HIPOLIT: Are you going the actual

1 speed that cars drive on the street?

2 THE WITNESS: It is a Goggle car.

3 (Laughter)

4 Last, I will explain that, too, as the
5 building sets back up at the top, so the building
6 sets back. That part of the roof becomes open space
7 for the units on that floor. We call those lower
8 roof decks. We are asking for a variance for that,
9 and I think I will be able to tilt this up for you,
10 and you will get a better view.

11 So, Commissioner Doyle, you see the
12 settings I have up at the top? Those are the fixed
13 settings, which I have images in the packets. As I
14 fly around, there is an infinite number of views --

15 COMMISSIONER DOYLE: Yeah, I understand.

16 THE WITNESS: -- but all of the ones
17 that are fixed that I showed you, I am just spinning
18 around to show you.

19 COMMISSIONER DOYLE: That's fine.

20 THE WITNESS: So here up on the roof,
21 you can see our roof is greener.

22 We have a building that our landscape
23 architect will talk about, and it is 52.3 percent of
24 the roof that's green --

25 MR. PANTEL: On a composite basis,

1 correct?

2 THE WITNESS: Yes. The total is 52.3
3 percent.

4 The previous roof was 27 percent green,
5 so we doubled, almost doubled the amount of green
6 roof.

7 We have outdoor decks up on the roof,
8 and this is the lower deck on the fourth story.

9 What you are able to do is imagine if
10 that was a blacktop, a black tar roof or any other
11 roof. I think besides combining a nice condition
12 for the residents who are on this level, it also is
13 a nicer thing to look at if you are across the
14 street, and you're up in the building, let's say, on
15 the Shipyard building or the Hudson Tea building
16 looking down, you see a landscaped deck as opposed
17 to a roof.

18 That continues on this little piece of
19 the building here as well.

20 COMMISSIONER DOYLE: Mr. Chairman?

21 Your statement I think, Mr. Pantel, if
22 you could explain what "composite" means.

23 MR. PANTEL: Yes, I can explain it.

24 If you were to take a bird's eye view
25 looking down to the rooftop of the building, you can

1 see you have multiple roof levels. If you treated
2 all of them as a single bird's eye shot, we would be
3 at 52 percent green, and the prior plan I think --
4 there you go, perfect -- in the prior plan, I think
5 it was maybe as low as 25.3, so it essentially
6 doubled the green roof area on a composite, what I
7 call a composite basis.

8 COMMISSIONER DOYLE: So I just
9 question, does the ordinance of a green roof -- I
10 know they consider it, you know, if you have a
11 bulkhead that is 10 by 20, they consider that, you
12 know, they often -- we would like that to be green
13 as well, but I am questioning whether that is
14 considered to be part of the roof 18 feet below it.

15 THE WITNESS: Yes. This is that
16 bulkhead up here, and it is green as well.

17 COMMISSIONER DOYLE: I get that.

18 But I am asking you if you are doing
19 the calculations to figure out what percentage of
20 the roof is a green roof, and if you were to exclude
21 the 18 foot, you know, what is the definition of
22 roof, is what I guess I am asking --

23 THE WITNESS: Well, it --

24 COMMISSIONER DOYLE: -- you're adding
25 two roofs --

1 THE WITNESS: -- all of the roof planed
2 together, if you squash them together, it would be
3 our total.

4 COMMISSIONER DOYLE: Okay. That is
5 your view of -- I mean, I don't know what the answer
6 is. I am asking the question.

7 I don't know that -- so I guess the
8 roofs that are seven stories down below are part of
9 the roof as well?

10 THE WITNESS: Yes, if you do a
11 composite calculation.

12 COMMISSIONER DOYLE: Right. But I
13 don't think the ordinance talks about a composite in
14 the calculation, but that's what I'm asking.

15 MR. PANTEL: I don't know if the
16 ordinance speaks in terms of calculating green roofs
17 per se.

18 What we have done is, as we have done
19 in the past, we have always presented to you
20 composite rooftop plans to show what the sum total
21 is. We have different levels of roof, because
22 remember, we have on the fourth story, that is the
23 highest level, and that is part of the roof of the
24 structure just as the, you know, 12-story is part of
25 the roof of the structure.

1 COMMISSIONER DOYLE: But those are
2 decks I think down on the fifth story --

3 MR. PANTEL: It includes decks, but not
4 exclusively --

5 THE WITNESS: All of this is decks as
6 well --

7 COMMISSIONER DOYLE: -- well, no, by
8 that I mean, there is a definition in the ordinance
9 of a deck versus a definition of an upper roof, and
10 the fourth story roof is clearly a deck --

11 MR. PANTEL: Clearly a deck. Well,
12 actually, looking at it from the bird's eye view, if
13 you were to count only the upper most horizontal
14 plane --

15 THE WITNESS: Right here.

16 MR. PANTEL: -- which is right as you
17 see that kind of slightly irregular shaped --

18 COMMISSIONER DOYLE: You're going to
19 say it's a hundred percent --

20 MR. PANTEL: -- you probably are going
21 to have a lot higher than -- it looks like you have
22 probably about -- that green actually represents a
23 green roof, I am not sure --

24 THE WITNESS: Yes.

25 MR. PANTEL: -- it does. It does, so

1 you can see that higher level is actually far more
2 than 50 percent. It looks like it's more like 90
3 percent --

4 COMMISSIONER DOYLE: Right. If that is
5 the roof of the building versus the top of an
6 accessory structure on top of a roof, which is I
7 think how -- I mean, that is why you asked for a
8 variance to have your accessory structure be bigger
9 than ten percent --

10 MR. PANTEL: Yes, to be 20 percent.

11 COMMISSIONER DOYLE: -- so you are
12 conceding that it's an accessory structure, not the
13 roof of the building I think --

14 MR. PANTEL: Well, the top of the
15 accessory structure I think counts as part of the
16 roof.

17 But if you want to do a meaningful
18 computation of a green roof, obviously a green roof
19 has to happen only at the highest level, regardless
20 of what you have there. You can't have obviously
21 material on top of the green roof because it won't
22 survive.

23 So any time you do a computation of
24 what a green roof is, you would have to, for it to
25 be meaningful, it has to take into account the sum

1 total of your highest horizontal planes, if you
2 will, which is exactly what we have done here.

3 COMMISSIONER DOYLE: I am sorry. I
4 don't -- all I am saying is at some point if the
5 accessory structure became 65 percent of the roof,
6 it would become another floor, and the rest of it
7 would be a deck around the top floor, and I don't
8 know where 21 becomes 50, 60 --

9 CHAIRMAN HOLTZMAN: Here is what we are
10 going to do.

11 Dave, you are reading up on this?

12 MR. ROBERTS: Yes.

13 CHAIRMAN HOLTZMAN: We are going to
14 circle back on this.

15 COMMISSIONER DOYLE: Okay.

16 CHAIRMAN HOLTZMAN: Please continue.

17 MR. PANTEL: Yes, we will.

18 THE WITNESS: I can tell you that the
19 actual coverage of the roof, the box, the mechanical
20 room on the top floor is smaller than the previously
21 approved one.

22 Does that help?

23 COMMISSIONER DOYLE: Right. I hear
24 you. I am just questioning whether the rest of the
25 green --

1 CHAIRMAN HOLTZMAN: We are going to get
2 back to that.

3 MR. PANTEL: We will come back to that.

4 CHAIRMAN HOLTZMAN: Keep moving.

5 MR. PANTEL: Okay. Keep on going.

6 One thing I would like you to comment
7 on is the expansion of the length of the building
8 from 146 to 156 feet and how that relates to the
9 increase in commercial floor area.

10 THE WITNESS: Right.

11 So if you look at the building from
12 this point of view, the ground floor extended
13 further towards the right and added an additional
14 amount of retail. I should really go through the
15 plans before I get there. It went from 2,092 square
16 feet of retail to 4.125.

17 So if we can come back to this, I have
18 finished my little presentation on this, so you can
19 see.

20 One thing that this does show us is
21 that park. This is the building that's being
22 constructed right now, and this is the park that's
23 opposite obviously the entrance, so you can see it
24 creates an open space, a nice open space at this --

25 CHAIRMAN HOLTZMAN: Dean, hang on one

1 second.

2 Director?

3 COMMISSIONER FORBES: Can you just
4 refer to that as a rain garden because it is not
5 technically a park there?

6 I just want to make sure we're using
7 the correct term for that. That was approved as a
8 rain garden, so just that way --

9 THE WITNESS: Okay. I stand corrected.

10 MR. PANTEL: There was a lot of
11 discussion about it being a rain garden.

12 COMMISSIONER FORBES: Right.

13 THE WITNESS: I wasn't involved in
14 that. I see it as an open space, and I just
15 characterized it a park.

16 CHAIRMAN HOLTZMAN: Commissioner?

17 COMMISSIONER PINCHEVSKY: By the way, I
18 think it is a fantastic review that you've shown.
19 Thank you very much.

20 The question is: Does your model allow
21 us to see in the same angle, not just a look between
22 the current and proposed, but side by side?

23 THE WITNESS: No.

24 COMMISSIONER PINCHEVSKY: Okay.

25 Could you maybe go back to the current

1 just for a moment and maybe spend 30 seconds zooming
2 in as you did before, but just quicker?

3 So there you can see the setback and
4 the sidewalk is much wider.

5 COMMISSIONER DOYLE: And the gap
6 between that structure and the prior structure, can
7 you show us that?

8 If you zoom in on the back, the
9 southern end of the structure.

10 THE WITNESS: Is that what you want?

11 COMMISSIONER DOYLE: Yes, that answers
12 my question.

13 MR. HIPOLIT: Can you look down there?

14 THE WITNESS: I can show you the
15 proposed.

16 See this alley that is created here?

17 COMMISSIONER DOYLE: Yes. So how is
18 that not a hundred -- how is that not 156 feet if
19 it's up against the other building in the old plan,
20 and it's up against the building in this plan, it is
21 156 feet off of 15th Street.

22 THE WITNESS: The front --

23 COMMISSIONER DOYLE: Oh, you've
24 taken --

25 THE WITNESS: -- no -- the retail is

1 extended out --

2 COMMISSIONER DOYLE: -- you have taken
3 the front back ten feet?

4 THE WITNESS: Yes, to create this
5 retail on this ground floor.

6 COMMISSIONER PINCHEVSKY: Can you click
7 on the current one again?

8 Thank you.

9 THE WITNESS: This is very helpful for
10 you to visualize this stuff.

11 MR. PANTEL: So what you are saying is
12 that the ten foot expansion of the building is
13 coming closer to the 15th Street --

14 THE WITNESS: Yes.

15 CHAIRMAN HOLTZMAN: Glenn, we can't
16 hear you.

17 MR. PANTEL: That the ten foot addition
18 to length, this comes with a ten foot extension of
19 the building as it faces north facing 15th Street,
20 an extension of ten feet closer to --

21 CHAIRMAN HOLTZMAN: Thanks.

22 COMMISSIONER DOYLE: Thanks.

23 THE WITNESS: There is a landscaped
24 rain garden type of sidewalk and landscaping that
25 will be explained by the landscape architect, so let

1 me go back then.

2 So this here is our visual simulation.

3 It's a little bit more -- it's not just a model. We

4 basically went in here and tried to add the

5 landscaping and the sky to try to make it more of a

6 green visualization, so this is a little more

7 refined than the green model shows. But it

8 defines -- you start to see reflections in this up

9 here, and you can see that the balconies and the

10 upper part of the tower actually helps to break that

11 glass mass up even further. So you have three

12 sections on the north, two sections on the east, and

13 it breaks it up.

14 So the next thing I would like to do is

15 take you through the floor plans.

16 The drawings I have up here are the

17 actual same drawings that were submitted to the

18 Board that you have in your application package.

19 This is our site plan, but I think the best thing we

20 could do here is maybe just zoom in on the plans, so

21 you see how the ground floor works.

22 Okay. So here is our retail. You see

23 the retail on 15th Street, there is two spaces. One

24 is 2450 square feet, and the other one is 17 a

25 hundred and ten square feet, and the total, as I

1 mentioned before was 4,125.

2 The entrance on Hudson Street comes in
3 right here with our vestibule. This is our lobby,
4 our two elevators, and this is our parking in the
5 back. You can see that there is an entrance door
6 here on Shipyard Lane and also on Hudson Street, so
7 you can come in and go right out.

8 These parking spaces right in here --

9 MR. PANTEL: These here for the record?

10 THE WITNESS: These parking spaces on
11 the left on the some southern edge are double
12 height. There's a parking system that we have
13 called the Klaus Parking System, and there are three
14 more here, and it allows us to double that because
15 we have a height on the ground floor, which we are
16 using for the retail, so it allows us to double the
17 amount of parking you can get in here.

18 The previous approval had 16 parking
19 spaces, and we have 30.

20 We have a handicapped parking space.
21 We have a van parking space required by code.

22 You can see our service rooms, the
23 generator room, and the transformer room and the
24 water meter and mechanical room.

25 The entrance to the building is on

1 Hudson Street, and the second level exit, it goes
2 out onto Shipyard Lane.

3 There is a trash chute in the building,
4 so all of the garbage from individual residents will
5 go into a chute and will be compacted here. Very
6 simple small footprint, and our concierge, package
7 room, mail, all is circulated here right inside
8 the --

9 COMMISSIONER JACOBSON: Mr. Marchetto,
10 from my perspective, one of the most compelling
11 views of this building is going to be turning west
12 off of the waterfront walkway and seeing the eastern
13 exposure of this building --

14 THE WITNESS: Yes.

15 COMMISSIONER JACOBSON: -- from your
16 renderings and this drawing, that facade is going to
17 present a 23 foot wide garage opening.

18 THE WITNESS: Yes.

19 COMMISSIONER JACOBSON: Then some kind
20 of a blank space, and then in consecutive order four
21 separate door entrances.

22 THE WITNESS: Yes.

23 COMMISSIONER JACOBSON: Is there a
24 possibility of consolidating some of those door
25 entrances to make the appearance of that -- the

1 first thing you see when you turn west, a bit less
2 service oriented?

3 THE WITNESS: Well, I would like to
4 think that we tried to do exactly that, if I could
5 maybe go back into this.

6 You can see as you are coming down from
7 the waterfront, the edge and the corner of the
8 building is all open for retail, and then we have
9 our mechanical rooms right in here.

10 So I have a choice. I could put them
11 on 15th Street. I could put them on Hudson Street,
12 or I could put them on Shipyard Lane, where it is
13 opposite service on the other building.

14 I would like to think, and I walked
15 that street quite a few times, that Hudson Street is
16 more of a primary Street, and Shipyard Lane is more
17 of a secondary street, if you look at the
18 character --

19 COMMISSIONER JACOBSON: I agree.

20 THE WITNESS: -- and I tried to show
21 you that earlier.

22 So I thought it was a smart choice to
23 choose that side of the building opposite the
24 service. There's less pedestrians. It's just more
25 of a service street in the back side --

1 COMMISSIONER JACOBSON: Right.

2 I am more questioning whether we need
3 four separate entrances for those four distinct
4 purposes or can there be some consolidation?

5 THE WITNESS: Well, here is what I did.

6 See what I have done?

7 I brought the brick down, so I could
8 continue the architectural character. I need by
9 code, by utility companies, this width to go across
10 here for these -- there has to -- Public Service has
11 to get in there and be able to change a transformer,
12 and the utilities companies want your services as
13 soon as you come inside of the building, so all of
14 this stuff is as small as I could make it, right in
15 here.

16 And, again, by trying to match window
17 moldings and see how this looks, by trying to match
18 window moldings and architectural design with
19 louvers, I really think we did the best we could to
20 match the pattern and the overall style of the
21 building, given the fact that they have to be
22 service rooms.

23 So you see how, you know, we did our
24 best to disguise them into the job, and I think
25 it's -- although the east side of the building is a

1 very important side, so is Hudson Street and
2 certainly is 15th Street.

3 I think we thought long and hard how to
4 organize this, but let me see if I could back into
5 the floor plan.

6 You can see here the garage. In order
7 to get maximum efficiency out of the garage, you
8 really want to have it kind of be as square as
9 possible, so parking spaces can line up. So this
10 made sense putting this garage door behind the
11 service garage door and then putting these
12 mechanical rooms directly adjacent.

13 Now, here we have windows that match
14 the windows of the retail, so we are trying to
15 continue that ground level design.

16 I hardly think that would be more
17 successful to move these to any other part of the
18 building given the fact that it's exposed on three
19 sides.

20 COMMISSIONER DOYLE: The parking spaces
21 to the right of the door off Shipyard Lane, are
22 those also double?

23 THE WITNESS: Yes.

24 COMMISSIONER DOYLE: So I am counting
25 14 double decker times two, which is 28, and then I

1 am seeing four more -- five more spots.

2 THE WITNESS: Well, in the system that
3 we have, the parking system that we have, in order
4 to get the cars to move up, one space has to be
5 vacant, so a car can pull in. So at any given time
6 there is only 30. One or two of those spaces have
7 to be vacant. I have a little --

8 COMMISSIONER DOYLE: That's fine.
9 That's fine. I just -- the math was getting to me.

10 THE WITNESS: Okay. I have a video, if
11 you want to see how they park.

12 COMMISSIONER DOYLE: No, that's fine.
13 Thank you.

14 CHAIRMAN HOLTZMAN: Let's see the
15 video.

16 THE WITNESS: You do?

17 CHAIRMAN HOLTZMAN: Yes, sure.
18 We are going to make Jim count all of
19 the cars.

20 (Laughter)

21 THE WITNESS: So this is the Klaus
22 Parking System. It's not the same system that we
23 used in the Park & Garden building. This is a
24 little bit more of a self-oriented parking system.
25 This would be operated by an individual. There is a

1 key system, where you park your car. The individual
2 goes by. The door closes, and the car moves by
3 itself. And what happens is, it goes to the second
4 level and then it just slides over.

5 You will see that these cars will just
6 slide over, and a car moves up, and it is kind of
7 like a little bit of a squirrel cage --

8 COMMISSIONER DOYLE: And you'll never
9 find your car.

10 (Board members talking at once)

11 THE WITNESS: -- and that is why there
12 is always a vacancy on the ground floor.

13 But in urban areas, like Hoboken, when
14 you don't want to have that much space dedicated to
15 automobiles, this is a very smart, efficient way --

16 COMMISSIONER DOYLE: You will never
17 find your car.

18 (Laughter)

19 THE WITNESS: -- well, I think you have
20 it figured out.

21 VICE CHAIR MAGALETTA: What happens if
22 there is a power failure, how do you get your car
23 out?

24 THE WITNESS: Well, we have a
25 generator.

1 VICE CHAIR MAGALETTA: Okay.

2 THE WITNESS: And, by the way, it could
3 be operated manually.

4 VICE CHAIR MAGALETTA: That's what I
5 was wondering.

6 THE WITNESS: There is a way to do it
7 manually.

8 MR. STIEVE: A couple of men could push
9 the car,

10 THE WITNESS: Yes, it could be pushed.
11 The whole thing is on wheels, and the whole thing
12 could be moved over --

13 CHAIRMAN HOLTZMAN: Thanks, Dean.

14 THE WITNESS: -- so anyway, it is just
15 a little demonstration --

16 CHAIRMAN HOLTZMAN: We got it.

17 THE WITNESS: -- to show you how it
18 works and how we are able to get the cars in here.

19 Okay. So back to the plan. I will
20 take you to the next floor.

21 COMMISSIONER PINCHEVSKY: Real quick,
22 if you don't mind.

23 THE WITNESS: Not at all.

24 COMMISSIONER PINCHEVSKY: The two
25 retail previously was roughly half of that in square

1 footage.

2 THE WITNESS: Yes.

3 COMMISSIONER PINCHEVSKY: Was it
4 previously also split between two retail units or
5 was it just one?

6 THE WITNESS: I don't know the answer
7 to the question. I have to look at the old plan.

8 CHAIRMAN HOLTZMAN: Yes.

9 COMMISSIONER PINCHEVSKY: It was two?

10 MR. GALVIN: We're good. Okay. Move
11 along.

12 THE WITNESS: Okay. So this is the
13 second floor plan.

14 So as soon as you get above the lobby,
15 you can start to see we have residential units that
16 are in the lower base. We'll call it the more
17 historic base of the building. These are the two
18 balconies I showed you before that are recessed into
19 the building.

20 You can see the mechanical rooms,
21 actually the utility companies require a very tall
22 ceiling for the mechanical service. You see we lose
23 this space on the second floor. But, again, it is
24 enclosed with the same windows, so the facade of the
25 building is consistent.

1 On this floor we have a fitness center,
2 and the super's office here, that are located for
3 common use. Two elevators, two stairs and the
4 residential units that work with themselves around
5 the perimeter.

6 So the third floor is identical, except
7 on this floor is a children's playroom in this
8 section instead of a fitness center.

9 And on this floor, that space is
10 dedicated for storage, so it is similar in that
11 there are residential units around the center core.

12 So this here is the --

13 VICE CHAIR MAGALETTA: Let me see that
14 again.

15 THE WITNESS: -- this here is the
16 fourth floor, which is the deck level as the
17 building sets back.

18 So you can see here on 15th Street,
19 these are three residential units facing north.
20 They each have a door to this open terrace. Then
21 there are two units here on this corner that have
22 private terraces here and here. Again, they will be
23 landscaped and separated with landscaping buffers.

24 And by the way, the details of that we
25 have, and the landscape architect has it all

1 designed out for you.

2 As you go up, I guess these are all
3 typical floors going up to the top, residential
4 units going around. The building sets back, and
5 there are terraces here and terraces here that are
6 recessed into the building. It breaks the glass
7 mass up into a more fragmented and smaller scale
8 element.

9 And then this is the upper roof. On
10 the upper roof, you will come out of the elevator.
11 You will come into a common roof terrace up in here,
12 and then there are private roof terraces that
13 surround that.

14 Here is our mechanical room, which is
15 part of that box, the mechanical box on the roof,
16 and you can see our elevator --

17 COMMISSIONER JACOBSON: Mr. Marchetto?

18 THE WITNESS: Yes.

19 COMMISSIONER JACOBSON: If I am reading
20 correctly, there are 11 private terraces on the
21 roof?

22 THE WITNESS: Let me count them.

23 COMMISSIONER JACOBSON: And on the 12th
24 floor there are eight residences?

25 How are those 11 private terraces kind

1 of allocated among the units?

2 THE WITNESS: I am not the person to
3 ask that question.

4 COMMISSIONER DOYLE: I mean, there are
5 no bulkheads up to the 11 units.

6 THE WITNESS: No. You have to come up
7 the elevator.

8 COMMISSIONER DOYLE: You're in the
9 building and you go up to the roof. Okay.

10 THE WITNESS: Right. There will be
11 private terraces, but they will be accessed through
12 the common elevator and stairway --

13 COMMISSIONER DOYLE: Okay, okay.

14 CHAIRMAN HOLTZMAN: So, Dean, can you
15 go up to the roof shot again, the roof plan?

16 THE WITNESS: Okay.

17 CHAIRMAN HOLTZMAN: So can you zoom in
18 on that, please?

19 So I see the two elevators, right, in
20 the dead center it looks like --

21 THE WITNESS: Yes, right here.

22 CHAIRMAN HOLTZMAN: -- and the
23 staircase is obviously to the left?

24 THE WITNESS: Yes.

25 CHAIRMAN HOLTZMAN: And what is

1 above -- what's in the mechanical room up there? Is
2 that HVAC units or --

3 THE WITNESS: Yes. Plumbing and
4 heating and ventilation equipment, including the
5 elevator machines as well.

6 COMMISSIONER DOYLE: And there is a
7 bathroom up there, too, I believe, right, and
8 storage?

9 THE WITNESS: There is a powder room
10 right here.

11 COMMISSIONER DOYLE: And storage?

12 THE WITNESS: There is storage, yes.

13 CHAIRMAN HOLTZMAN: Okay. Thank you.

14 COMMISSIONER PINCHEVSKY: Mr.
15 Marchetto, do you have a -- without having to count
16 through each floor, do you have breakdown of the one
17 and two-bedrooms?

18 THE WITNESS: I do.

19 COMMISSIONER PINCHEVSKY: Also from the
20 current versus the proposal.

21 THE WITNESS: We have not finalized the
22 interior design of all of those units yet because we
23 are not at that stage, but there are 99 total units
24 of which there are 11 studios --

25 COMMISSIONER PINCHEVSKY: This is

1 current or proposed?

2 THE WITNESS: This is the old mix.

3 The current mix is 11 studios. We now
4 have six.

5 The old one had 22 one-bedrooms. Now
6 there are 25.

7 The previous plan had 55 two-bedrooms.
8 We now have 41.

9 And the previous one had 11
10 three-bedrooms, and now we have 25, and we actually
11 have two four-bedroom units.

12 CHAIRMAN HOLTZMAN: And what?

13 THE WITNESS: Two four-bedroom units.

14 Again, that is not finalized yet, but
15 that is what the sizes indicate.

16 We are going to go in and lay out the
17 apartments within the boxes that we created, but the
18 square footage that we have allows these units to
19 have that many bedrooms, so you can see that the
20 apartments have become more family-friendly because
21 they have larger units.

22 COMMISSIONER PINCHEVSKY: Thank you for
23 that information.

24 CHAIRMAN HOLTZMAN: Thanks. Okay.

25 THE WITNESS: So the rest of the

1 drawings in the set are basically the elevations,
2 which I think you can see better, rather than the
3 two-dimensional elevations, I think you can see them
4 better in the model, but they are all part of the
5 application drawings.

6 There are details here for the entrance
7 canopy. There are facade calculations, and I think
8 you can see how the building scales on the block.

9 This one here is the Sovereign, and
10 this is our proposed building, and this is along
11 Hudson Street, so you get a chance to see the
12 relationship of the volume to its neighbors.

13 COMMISSIONER DOYLE: So you added 1700
14 square feet residential, but you have not changed
15 the height. Where does that 17 -- because I assume
16 the bump-out -- is it in the first four floors with
17 the ten-foot bump-out?

18 THE WITNESS: Yes, yes. It's basically
19 in that four-story piece.

20 COMMISSIONER DOYLE: Okay. Thank you.

21 THE WITNESS: The number of units, the
22 number of bedrooms, the square footage, all of that
23 stuff is within the ordinance, and we are, you know,
24 there are no variances required for that.

25 COMMISSIONER DOYLE: And you were

1 approved to have only -- it varies in some of the
2 documents -- 15 or 16 parking spaces in the
3 currently approved plan, and you are adding 15 --

4 THE WITNESS: Yes.

5 COMMISSIONER DOYLE: -- is that viewed
6 as an improvement?

7 THE WITNESS: I think so.

8 CHAIRMAN HOLTZMAN: Well, it is also
9 taking up the same amount of space because they were
10 able to get in, because of the higher grade level
11 ceiling --

12 THE WITNESS: We're using the --

13 COMMISSIONER DOYLE: Yeah. And I guess
14 where I was starting with -- I guess it doesn't
15 matter. You already were approved for that. I
16 mean, it seems for 99 units, having 16 in your prior
17 approval is a ratio lower than what we typically
18 see, but you doubled it, and doubled is better than
19 what you --

20 MR. PANTEL: Right. Still for the
21 project as a whole, it complies with the ordinance
22 parking requirements --

23 COMMISSIONER DOYLE: Because you have
24 garages --

25 MR. PANTEL: -- because we have the

1 parking garages and --

2 COMMISSIONER DOYLE: -- okay, thank
3 you.

4 MR. PANTEL: -- so this is obviously a
5 net increase, and we were in compliance, and we
6 still are in compliance.

7 CHAIRMAN HOLTZMAN: Thank you.

8 COMMISSIONER DOYLE: And the planner or
9 somebody will testify about the detention system?

10 MR. PANTEL: Yes.

11 CHAIRMAN HOLTZMAN: We --

12 COMMISSIONER DOYLE: Thank you.

13 THE WITNESS: I just want to finish up
14 one more thing. I have the ground floor plan. We
15 met with the flood patrol administrator in Hoboken,
16 and we viewed the plan, and we have a plan of action
17 and approval to go forward with this wet flood
18 proofing and dry flood proofing system.

19 Let's see. So this plan is the ground
20 floor again. What we are showing here is what the
21 Flood Plain Administrator asked us to do is to
22 create a wet flood proofing area here in the garage,
23 which allows water to flow out, in and out.

24 And then this is our lobby and retail,
25 and we have the dry flood proofing situation here,

1 so it is a hybrid of two types of flood proofing
2 systems, so that would minimize the amount of water
3 that we displace, so --

4 COMMISSIONER STRATTON: Dean, are the
5 emergency ingress and egress points wet flood
6 proofed?

7 COMMISSIONER DOYLE: They're not by
8 that picture.

9 THE WITNESS: Yes. There's -- let me
10 go back into that plan for you.

11 The way this works is you come down the
12 stair in here, and you come out the wet flood
13 proofed area by having an equalized door, so there
14 is no pressure from the water. So, for instance, if
15 a flood came up, the water would want to keep the
16 door closed. But there is a vent in the door, and
17 that's the way the Flood Plain Administrator wanted
18 it, that allows the door to open.

19 So you come down into this upper level,
20 and you come down these last couple of stairs, and
21 you are in the ground level, and then you have this
22 equalized door.

23 MR. HIPOLIT: And you have to have that
24 door, you know, it's not -- it's required --

25 COMMISSIONER STRATTON: Is there --

1 this may be outside of the purview, but is there
2 signage or direction in those stairways?

3 I think that the instinct for somebody
4 to evacuate the building would either go through the
5 front entrance, but if that's dry flood proofed, you
6 cannot egress through there --

7 CHAIRMAN HOLTZMAN: Actually you can in
8 this case.

9 COMMISSIONER STRATTON: Through the
10 lobby, you wouldn't be able to --

11 THE WITNESS: So we will work that out,
12 and if the signage needs to be --

13 CHAIRMAN HOLTZMAN: There is an
14 elevation change that occurs in the lobby that
15 allows it to be dry flood proofed, but still allows
16 egress because you are absolutely a hundred percent
17 correct, in that you can't have a situation where
18 somebody could get to the bottom of the stairwell or
19 a door that they are not able to go through, and
20 that is not the case here.

21 COMMISSIONER STRATTON: Thank you.

22 THE WITNESS: Okay. So I believe that
23 concludes my presentation.

24 CHAIRMAN HOLTZMAN: Thank you.

25 Mr. Pinchevsky?

1 Hold on a second there, Mr. Marchetto.

2 COMMISSIONER PINCHEVSKY: Mr.

3 Marchetto, thanks so much.

4 Just for clarification because the
5 bedroom breakdown is pretty important to me.

6 Were you including two bedrooms with a
7 den in the three-bedroom count?

8 THE WITNESS: Yes.

9 COMMISSIONER PINCHEVSKY: And the
10 one-bedroom with the den in the two-bedroom count
11 and so on?

12 THE WITNESS: Yes.

13 COMMISSIONER PINCHEVSKY: Do you have
14 it split up, not --

15 THE WITNESS: Well, I could tell you
16 exactly.

17 COMMISSIONER PINCHEVSKY: -- without
18 counting it just floor by floor, if you have it.

19 THE WITNESS: Yes, I do.

20 This is what we are proposing so far.

21 Six studio units --

22 CHAIRMAN HOLTZMAN: 60 what? I'm
23 sorry.

24 THE WITNESS: Six studio units, 25
25 one-bedrooms, four one-bedroom plus a den, 37

1 two-bedroom, 18 two-bedroom plus a den, seven
2 three-bedroom, and two three-bedroom plus a den.

3 COMMISSIONER PINCHEVSKY: Thank you.

4 CHAIRMAN HOLTZMAN: Okay. Are you
5 good?

6 COMMISSIONER PINCHEVSKY: Yes.

7 CHAIRMAN HOLTZMAN: Thank you.

8 Any questions for Mr. Marchetto,
9 Commissioners, on the architecture?

10 Mr. Magaletta?

11 VICE CHAIR MAGALETTA: Yes.

12 Mr. Marchetto, we're talking about
13 these private roof terraces.

14 Now, you need variances for them
15 because you are on the exterior side.

16 THE WITNESS: Yes.

17 VICE CHAIR MAGALETTA: One of the
18 things that --

19 CHAIRMAN HOLTZMAN: You're talking
20 about the lower ones specifically --

21 VICE CHAIR MAGALETTA: And the top also
22 because I will explain why the top ones are also a
23 concern to me.

24 You are supposed to have a three foot
25 distance between the terrace and I think in the

1 front of the building, correct?

2 CHAIRMAN HOLTZMAN: That's correct.

3 THE WITNESS: On the interior property
4 line.

5 VICE CHAIR MAGALETTA: The interior
6 property line, correct, and I understand that.

7 And the purpose is because if you are
8 too close -- if you put something too close to the
9 edge, and it falls, it could fall on someone, or,
10 you know, hurt somebody, right?

11 Now, on these, the ones on the fifth
12 floor level, there is only one, where I see a three
13 foot -- and that is on the back, it's on the
14 exterior. But on the roof terrace, you have a
15 three-foot perimeter, or whatever you want to call
16 it, gap.

17 But my concern is that when you look at
18 these variances, I think it is important that you
19 have the three foot barrier all around, because if
20 you are on your terrace down there, and somebody
21 above you on the 12th floor or 11th floor drops
22 something down, it's the same issue. It's a safety
23 issue, and I think that's important, and so I would
24 ask that you put that three foot buffer in all of
25 them.

1 THE WITNESS: I will look into that.

2 VICE CHAIR MAGALETTA: Okay. Thank
3 you.

4 CHAIRMAN HOLTZMAN: Commissioners, any
5 other questions for Mr. Marchetto?

6 We can certainly circle back later.

7 Dave, what do you got for us?

8 MR. ROBERTS: Yes, Mr. Chairman.

9 Just to get back to Mr. Pinchevsky's
10 question about the retail, it is one -- I have the
11 old plans, and I checked them. It was one retail
12 unit. It was about 20 to 25 feet deep. It went all
13 the way across --

14 COMMISSIONER PINCHEVSKY: Oh, it was
15 one unit?

16 CHAIRMAN HOLTZMAN: Oh, it was one --

17 MR. ROBERTS: -- one retail in the old
18 plan of about 2000 some odd square feet according to
19 the floor plan that I have from the old original
20 approval.

21 And to get back to Mr. Doyle's question
22 about the upper roofs, effectively I think the idea
23 was that it not include the bulkhead groups because
24 I think what I am seeing, it doesn't specifically
25 say it, but in the industrial "W" area, there is a

1 ten percent restriction on those kinds of rooftops,
2 which would then indicate that it would be -- our
3 new ordinance says an upper roof is the top most
4 roof of the building, and that would suggest the
5 entire floor. The roof over that entire upper floor
6 would be the upper roof.

7 And then it says the upper roof
8 decks -- the rest of the section deals with decks on
9 the upper roof. You wouldn't have a deck on the
10 roof with a bulkhead, and the decks -- that is where
11 the 50 percent, inclusive of required setbacks talks
12 about the green roof.

13 And where it's referenced in another
14 section under green roofs, it talks about an
15 unencumbered area of 50 percent of the roof surface,
16 and obviously you can't get up to the roof of a
17 bulkhead, so that would be an encumbrance.

18 So I think in terms of the ordinance,
19 it was that the upper roof be the roof over the top
20 most floor, occupied floor of the building, not
21 roofs of bulkheads. And the fact that we have a
22 bulkhead area that requires relief of 20 percent, it
23 is now getting large enough to support a green roof,
24 but I don't think that that was intended to be part
25 of the 50 percent that was in the ordinance. That

1 is the closest I could get to try to come up with
2 a --

3 COMMISSIONER DOYLE: I was involved in
4 that. I think that was --

5 CHAIRMAN HOLTZMAN: On the other hand,
6 what we got is a scenario here that you got the
7 mechanicals up there, which solves another one of
8 our issues is taking mechanicals out of the flood
9 damage zone, so I think we need to weigh the pros
10 and cons on it.

11 You know, it is to get the mechanical
12 equipment and everything out of the way, elevator
13 equipment and stuff all up on the roof, and maybe
14 it's one of the things that we didn't anticipate
15 also when we originally worked on that roof deck
16 ordinance is to say, you know, that is a positive,
17 perhaps there is an off-setting balance here with
18 putting a green roof on top of it. We need to
19 figure that out.

20 MR. ROBERTS: The other thing, too, is
21 obviously this is a pretty significant area of that
22 bulkhead now that it's up to 20 percent of the area
23 of the roof, so that the argument when you look down
24 on the roof, you are seeing 50 percent of the roof
25 area covered, it is effectively accomplishing I

1 think the same benefit as if it was all on the same
2 level. It is just that that is not the way the
3 ordinance I think was designed because it
4 anticipated you could only have ten percent of those
5 types of coverages, and you wouldn't have enough
6 room for a green roof on areas that small.

7 CHAIRMAN HOLTZMAN: Right.

8 MR. ROBERTS: So the fact that they are
9 asking for the weight of the variance of the 20
10 percent, I think you can probably consider the
11 overall impact of the entire roof area as having the
12 same effect as if it were all on the same level, but
13 it's not the way the ordinance was designed.

14 COMMISSIONER DOYLE: And if you -- I
15 guess query whether the remaining 80 percent -- if
16 you tried to put 50 percent or more of green roof,
17 that would be 40 percent of the roof, if you
18 excluded the 20 percent --

19 MR. ROBERTS: Right.

20 COMMISSIONER DOYLE: -- and I think to
21 the point about -- I think the revisions were made
22 subsequent to the flood plain ordinance, so I don't
23 know that that wasn't thought through. But I do
24 think, you know, here we have a bathroom and storage
25 area up in this quote, unquote, bulkhead. You know,

1 it is not being called a bulkhead, but it is serving
2 as something more than merely a staircase that gets
3 you up to the roof, and that isn't necessarily a bad
4 thing. It's good that the roof will be green, so --
5 but I don't know whether it's just a question of --
6 and I mean -- and I've been told that there's no
7 precedent, so we don't have to worry about that.
8 But I do think that, you know, coming in and
9 describing it in a manner that is consistent.

10 If you came in and said, we are seeking
11 a variance for, you know, 42 percent roof, because
12 we didn't hit 50 because the bulkhead doesn't count,
13 I don't know that that would be a problem for us.

14 THE WITNESS: I would just like to say
15 that one of the reasons why green roofs are included
16 is because they help with storm flash flood
17 drainage, so when it's a "W" to the sky and that
18 green roof absorbs water, whether it's on the 12th
19 floor or the roof of the penthouse, it's doing the
20 same job. So the purpose of the green roof is still
21 served whether it's on the penthouse or it's on the
22 main roof --

23 MR. PANTEL: Or on the fourth floor for
24 that matter --

25 THE WITNESS: -- or on the fourth

1 floor --

2 COMMISSIONER DOYLE: No, but you are
3 arguing against yourself, I would suggest, because
4 if we said the ordinance says you have to have 52,
5 we would say yes. But these decks, you have to
6 remove three of them and make more green roof to
7 give us more absorbent material on the roof --

8 THE WITNESS: But then I wouldn't need
9 to put the penthouse with a green roof, and I would
10 have less.

11 COMMISSIONER DOYLE: You would have
12 less area for recreating, and you'd have more area
13 for rainwater to be absorbed --

14 THE WITNESS: Well, no. I am saying,
15 if we move the green roof down to the 12th floor on
16 the roof, not let's say the penthouse roof, then my
17 penthouse wouldn't have to be green. That area
18 would then just be draining into the sewer system on
19 a flash flood, but --

20 CHAIRMAN HOLTZMAN: Then he is going to
21 put a black tar roof on top of that. That's what
22 he's saying.

23 I think we need to take an evaluation
24 as to if we get 52 percent of the roof surfaces --

25 COMMISSIONER DOYLE: Composite area --

1 CHAIRMAN HOLTZMAN: -- green, let's
2 evaluate and figure out how much we like or don't
3 like that.

4 But any there other questions from the
5 Commissioners for Mr. Marchetto on the architecture?

6 If not, we'll --

7 COMMISSIONER PEENE: I do.

8 CHAIRMAN HOLTZMAN: -- oh, Mr. Peene?

9 COMMISSIONER PEENE: Just a point of
10 clarification.

11 That 52 percent that was up from a
12 previous 20 --

13 COMMISSIONER DOYLE: 27.

14 THE WITNESS: 27 percent.

15 MR. GALVIN: Question.

16 You were talking about the cars, and
17 you said at the time, don't worry about it, we are
18 going have backup generators.

19 Did I hear that correctly?

20 CHAIRMAN HOLTZMAN: Uh-huh.

21 MR. GALVIN: Where is the backup
22 generator?

23 CHAIRMAN HOLTZMAN: It is in the dry
24 flood proofed grade level utility room --

25 THE WITNESS: It's on the ground floor

1 in one of those mechanical rooms on Shipyard Lane.

2 MR. GALVIN: No problem.

3 THE WITNESS: It's shown clearly on the
4 drawings.

5 MR. GALVIN: No problem. I was asking
6 because if it was outdoors somewhere, whether or not
7 it would have to be baffled --

8 THE WITNESS: It's inside. It's
9 inside.

10 MR. GALVIN: -- and stuff.

11 No problem, sorry.

12 CHAIRMAN HOLTZMAN: Great.

13 COMMISSIONER PINCHEVSKY: Mr.

14 Marchetto, from an architectural standpoint, is it
15 possible for those two retail spots to be combined
16 into one?

17 THE WITNESS: Sure.

18 COMMISSIONER PINCHEVSKY: Thank you.

19 CHAIRMAN HOLTZMAN: Thank you.

20 MR. PANTEL: Just one item for the
21 record: In the presentation Mr. Marchetto included
22 that color coded version of A-1 to tie it into the
23 Flood Plain Administrator's review. That graphic
24 was not in this package --

25 THE WITNESS: Yes, it is.

1 MR. PANTEL: -- oh, I stand corrected.

2 The very bottom sheet. Okay. It is in here.

3 CHAIRMAN HOLTZMAN: All right. Mr.

4 Pantel, that is one strike.

5 (Laughter)

6 We will open it up to the public for

7 comments for Mr. Marchetto regarding the

8 architecture.

9 Sure, come on up.

10 Dennis?

11 MS. QUINT: Good evening.

12 My name is Cynthia Quint, and I live at

13 1500 Hudson Street.

14 THE REPORTER: How do you spell your

15 last name?

16 MS. QUINT: Q-u-i-n-t.

17 MR. GALVIN: Thank you.

18 I was going to get to that.

19 (Laughter)

20 MS. QUINT: I just want to compliment

21 you on the building. I think it is very attractive

22 and a definite improvement over the former one.

23 THE WITNESS: Thank you.

24 CHAIRMAN HOLTZMAN: Ms. Quint, can you

25 just speak towards us, so that the court reporter

1 can hear you?

2 MS. QUINT: I was just complimenting
3 the gentleman.

4 MR. GALVIN: That's okay. You did
5 that. But everything else you are going to do has
6 got to be a question, okay?

7 MS. QUINT: Yes, I will.

8 MR. GALVIN: Thanks.

9 MS. QUINT: Well, my questions
10 basically concern dog accommodations. It's
11 definitely an issue for the people in my area.

12 So I wanted to ask if there were any
13 dog accommodations included in this plan.

14 MR. GALVIN: Okay.

15 THE WITNESS: I am not prepared to
16 answer that. We have others that will testify --

17 CHAIRMAN HOLTZMAN: A simple yes or no
18 would be sufficient, Mr. Marchetto.

19 THE WITNESS: What I talked about is
20 the building itself. There are no dog runs inside
21 the building.

22 CHAIRMAN HOLTZMAN: Mr. Pantel, would
23 you like to answer that a little bit more
24 thoroughly?

25 (Laughter)

1 MR. PANTEL: Yes.

2 COMMISSIONER DOYLE: With a
3 straightforward answer.

4 MR. PANTEL: There was a condition of
5 the prior approval for Building E with respect to
6 dog accommodations that required -- or pet
7 accommodations, I should say, that required us to
8 meet with the city to address pet accommodations.

9 This goes back to the approvals that
10 preceded Building E as well, that had again a
11 general requirement that we coordinate with the city
12 on pet accommodations.

13 In fact, we met with the city after the
14 approval of Building E in compliance with that
15 condition of approval. I have a letter that was
16 submitted by Toll --

17 CHAIRMAN HOLTZMAN: Let's enter this
18 into the record.

19 MR. PANTEL: -- to the city following
20 that meeting confirming --

21 CHAIRMAN HOLTZMAN: Can we enter this
22 into the record, Mr. Pantel, because that's A-2?

23 MR. PANTEL: Yes. We will put this
24 into the record as A-2.

25 (Exhibit A-2 marked.)

1 This is a letter, dated October 8,
2 2014, to Quentin Wiest, the City of Hoboken Business
3 Administrator from Henry Waller at Toll.

4 It confirms that the required
5 meeting --

6 CHAIRMAN HOLTZMAN: Who was at that
7 meeting, Mr. Pantel?

8 MR. PANTEL: At the meeting, I believe
9 Mr. Waller was at that the meeting, Brandy Forbes, I
10 believe was at the meeting, and Quentin Wiest was at
11 that meeting.

12 And the letter confirms that Toll has
13 installed stations in the vicinity of the project
14 1400 Hudson, which is also, of course, the same as
15 this building, for people to dispose of pet waste,
16 and the staff constantly circulates and cleans up in
17 case there is any pet waste in the area of the
18 property. And management sends out constant
19 reminders to our residents to make sure that pet
20 owners are considerate of others. We provide
21 signage in areas that we wish to be pet free. Our
22 staff at the buildings can direct residents to the
23 pet friendly accommodations in the area,
24 particularly by the Shipyard, and we intend to take
25 these same measures with the new building, which of

1 course, at that time, Building E, and we would
2 intend to do the same with respect to Building D.

3 And additionally, as was requested at
4 the meeting, we can place signage in the proposed
5 rain garden in front of 1400 Hudson. That's the
6 rain garden that we saw earlier this evening to
7 remind people that that is not an appropriate area
8 for walking pets.

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

11 Director Forbes, you were at that
12 meeting. Is there anything else that you can add to
13 that or --

14 COMMISSIONER FORBES: The main concerns
15 were making sure that the pet waste was going to
16 be -- that there was some way to collect it, and I
17 remember that there was also a discussion of having
18 the bags available, so it is not just the disposal,
19 but also having those available, and as well, it was
20 really protecting that rain garden, so that doesn't
21 become a pet area.

22 MS. QUINT: Is that handling the urine
23 situation?

24 MR. PANTEL: No, I don't believe so.
25 But we believe that the bags are available --

1 obviously you don't use bags for that, but bags are
2 available at the concierge.

3 (Laughter)

4 But I believe actually what I just did
5 discuss does address the urine situation in the
6 park, because when people walk their dogs, there are
7 areas that are flagged, where dogs are not to be
8 walked. So it obviously addresses all types of dog
9 waste, yes, but not the bags per se.

10 MR. GALVIN: But in the end, though,
11 there isn't any plan for this building for pets,
12 right?

13 I mean, just to be --

14 CHAIRMAN HOLTZMAN: Exterior --

15 MR. PANTEL: No additional facilities,
16 no additional physical facilities.

17 MR. GALVIN: Right. Because I think
18 that was the question, and I think you needed a fair
19 answer in there.

20 MR. PANTEL: No additional physical
21 facilities.

22 MS. QUINT: Are there pet restrictions
23 or anything in terms of pet -- of allowing pets
24 within the building?

25 MR. PANTEL: No.

1 MS. QUINT: No restrictions?

2 MR. PANTEL: No restrictions.

3 CHAIRMAN HOLTZMAN: Mr. Peene?

4 COMMISSIONER PEENE: Ms. Quint, I have
5 a question for you.

6 How do you interpret dog
7 accommodations?

8 MS. QUINT: Well, the way I see it,
9 there is only one dog run, and that is by the pier,
10 okay, where the ferry area is.

11 There are not any other dog runs, and
12 what has become a dog run is the Hudson Tea building
13 and mainly the grass areas around it, so it just
14 seems okay you have -- maybe people are pretty good
15 about picking up the waste. I am talking primarily
16 about the urine situation, especially in the
17 summertime.

18 So there really isn't, as I said, much
19 a green area around any of the buildings except the
20 Hudson Tea building, which ends up being the dog
21 run, or, you know, where everybody does their
22 business.

23 So it seemed from my understanding that
24 all the Toll Brothers were supposed to provide pet
25 accommodations, and none of their buildings have

1 done that. So it has been going on for a long time
2 and that has not been addressed, and they haven't
3 addressed it. And I understand you can put up
4 signs, but the bottom line is dogs like grass.

5 MR. GALVIN: All right. I have to stop
6 what we are doing, because we don't have this person
7 under oath, and we're just asking questions, and
8 we're --

9 MS. QUINT: I'm just --

10 COMMISSIONER PEENE: No. I just wanted
11 to know when you said dog accommodations, I just
12 wanted to get to the point --

13 MS. QUINT: -- I don't think that's a
14 sufficient dog accommodation. The nearest, as I
15 said, the park, there's only the one by the pier
16 that I know of.

17 COMMISSIONER PEENE: I know we are
18 getting off topic, and I just wanted to follow up
19 with Mr. Stratton.

20 Mr. Stratton, is there not a dog run at
21 1600 Park?

22 COMMISSIONER STRATTON: There is --

23 COMMISSIONER PEENE: I wasn't familiar
24 with it until doing research on this, too. But that
25 would be two blocks from the Hudson Tea building,

1 correct?

2 MS. QUINT: I'm not aware of that. I
3 don't have a dog.

4 (Laughter)

5 COMMISSIONER PEENE: Neither do I have.

6 MS. QUINT: I am aware of the situation
7 which I described.

8 MR. GALVIN: Thank you.

9 CHAIRMAN HOLTZMAN: Thank you.

10 Sure. Come on up.

11 MR. GALVIN: Wait. Is she done?

12 CHAIRMAN HOLTZMAN: Oh, I'm sorry, Ms.
13 Quint. Are you done?

14 MS. QUINT: Yeah, I think so.

15 So is there a weight restriction or
16 just any prior restrictions --

17 MR. GALVIN: No, no. He's got
18 nothing --

19 CHAIRMAN HOLTZMAN: He's the architect.

20 (Laughter)

21 MR. PANTEL: I can tell you there is
22 not.

23 MS. QUINT: There is not. Okay.

24 Thank you.

25 I appreciate it.

1 CHAIRMAN HOLTZMAN: Thank you.

2 Sure, come on up.

3 MS. MANTEL: Okay. Continuing on the
4 same topic.

5 Susan Mantel, 1500 Washington Street.

6 One question is for you. I go to --

7 MR. GALVIN: Could you spell your last
8 name?

9 MS. MANTEL: Ma-n-n-t-e-l.

10 MR. GALVIN: Okay. And the Board is
11 not going to answer your questions right now. Your
12 questions are directed to this witness --

13 CHAIRMAN HOLTZMAN: This is about
14 architecture.

15 MR. GALVIN: -- and if --

16 MS. MANTEL: I'm a big fan of the
17 building, too, by the way.

18 Can you indicate where that dog run is,
19 1600 and Park, because I haven't found it in my
20 daily walks?

21 COMMISSIONER FORBES: I can answer
22 that.

23 CHAIRMAN HOLTZMAN: Director Forbes.

24 COMMISSIONER FORBES: Just so you are
25 aware, that is underneath the Willow Avenue Viaduct,

1 so it's on the far side of 1600 Park, but there is
2 one --

3 CHAIRMAN HOLTZMAN: On the far side of
4 the soccer field --

5 COMMISISONER FORBES: Yes, uh-huh.

6 CHAIRMAN HOLTZMAN: -- on the west
7 side, let's be specific, right?

8 COMMISISONER FORBES: On the west side.

9 CHAIRMAN HOLTZMAN: West side of the
10 soccer field --

11 COMMISSIONER FORBES: Under the Willow
12 Avenue bridge.

13 CHAIRMAN HOLTZMAN: -- Willow Avenue
14 bridge. Okay. Got you.

15 MR. GALVIN: Okay.

16 MS. MANTEL: This isn't only a
17 question --

18 MR. GALVIN: Well, no, no, no. Time
19 out. Time out.

20 I am not going to let you do it. Here
21 is how it is going to work. We are going to have a
22 hearing, and at the end of the hearing, there's
23 going to be a public comment section, and that's
24 when you can get up. I put you under oath, and then
25 you can tell us why you think we're not doing it

1 right, or we should do it differently.

2 MS. MANTEL: I'm just trying to
3 understand that, so the signs are what are
4 considered pet accommodations --

5 MR. GALVIN: No, no.

6 Did you hear what I said?

7 There was no pet accommodation on this
8 site. That is what is going on.

9 MS. MANTEL: Okay. It's just a little
10 hard to hear back there --

11 MR. GALVIN: No. I just wanted you to
12 know. I'm trying to tell you exactly what is going
13 on.

14 They understood what your concerns are.
15 We talked about it. They are not providing
16 anything.

17 What they were required to do in the
18 last application was to go talk to the city, and
19 they did what they were supposed to do.

20 That's where we are at right now. So
21 if you want to comment on that, you have to wait to
22 the appropriate point in the hearing to comment. It
23 is not logical, but that is the way it works.

24 MS. MANTEL: Thank you.

25 CHAIRMAN HOLTZMAN: Any other members

1 of the public?

2 MR. STERNLIEB: Good evening.

3 My name is Robert Sternlieb,

4 S-t-e-r-n-l-i-e-b. I'm at 1500 Washington.

5 I'd just like to understand how you

6 came to the calculation of parking spaces.

7 My understanding is that in Hudson

8 County, and I know Hoboken is different, but Hudson

9 had at least one spot per two-bedroom. I think it

10 is a variable schedule.

11 Hoboken, I know, had some sort of

12 ordinance.

13 CHAIRMAN HOLTZMAN: Sure. We'll get

14 you an answer on that. No problem. This is easy.

15 MR. PANTEL: Yes, we can address that.

16 It's here on the submitted site plans

17 that we do comply with the ordinance requirement of

18 one space per residential unit for the project as a

19 whole, as I indicated earlier. You don't have to

20 have that in every single building, but we do have

21 the requirement for the parking spaces --

22 CHAIRMAN HOLTZMAN: Time out, time out.

23 We are going to walk this back a little bit.

24 So the superseding part of this is that

25 this is a redevelopment zone. This is a

1 redevelopment zone.

2 COMMISSIONER FORBES: A planned unit
3 development --

4 COMMISSIONER DOYLE: It's a PUD.

5 CHAIRMAN HOLTZMAN: It is a PUD, right,
6 which is -- so now we are in the weeds, right?

7 MR. STERNLIEB: We'll be there in a
8 little while.

9 (Laughter)

10 CHAIRMAN HOLTZMAN: So that developer
11 agreement in the PUD specifically superseded the
12 straight line one unit, one parking spot because as
13 part of the whole PUD, this property owner also
14 built a large parking structure, so they are, in the
15 grand master macro view of it, they needed to meet
16 the parking requirement, but it didn't necessarily
17 have to be on each individual building site, because
18 of the parking structure.

19 MR. STERNLIEB: The parking structure
20 is full, just it is full.

21 CHAIRMAN HOLTZMAN: Mr. Waller is
22 shaking his head.

23 MR. STERNLIEB: Yes or no, it is
24 full --

25 MR. GALVIN: Listen, listen, guys,

1 right now we are asking questions of the
2 architect --

3 CHAIRMAN HOLTZMAN: So your question is
4 specifically -- go ahead.

5 MR. STERNLIEB: Was there --

6 MR. PANTEL: Excuse me one second.

7 I think we are going beyond the
8 questions for the architect.

9 CHAIRMAN HOLTZMAN: Let's see if we can
10 get some place.

11 Go ahead.

12 MR. STERNLIEB: Hum, is there any
13 parking available for your retail space?

14 MR. PANTEL: Yes. The submitted site
15 plans show it. The engineer will testify to it,
16 that the planned unit development as a whole
17 provides a requirement with parking spaces under the
18 Planned Unit Development Ordinance, so there is
19 parking for the entirety of the project in
20 compliance with the ordinance requirements.

21 CHAIRMAN HOLTZMAN: Right.

22 So does that mean also, Glenn, in
23 English, that there is no retail parking for the
24 stores in this building?

25 MR. PANTEL: Correct.

1 CHAIRMAN HOLTZMAN: So the retail
2 parking for these stores in this building would be
3 in the parking structure?

4 MR. PANTEL: Would be in the garage,
5 correct.

6 CHAIRMAN HOLTZMAN: I'm trying to
7 interpret. Sorry.

8 MR. STERNLIEB: No, and I appreciate
9 the interpretation.

10 My understanding was that --

11 MR. GALVIN: Question.

12 MR. STERNLIEB: -- is there supposed to
13 be a walkway between I guess the Sovereign and that
14 new building that you are specifically constructing
15 now?

16 My understanding was that --

17 MR. GALVIN: Do you want to defer that
18 to the engineer?

19 MR. PANTEL: Yes. I would like to
20 defer that --

21 CHAIRMAN HOLTZMAN: Okay. We'll get
22 you an answer on that. No problem.

23 MR. PANTEL: You will see the entire
24 site plan that we'll address all of this when the
25 engineer testifies, and he's available for

1 further --

2 CHAIRMAN HOLTZMAN: Any other
3 architecture type questions, building questions?

4 MR. STERNLIEB: I know you discussed
5 the flooding and where the utilities are.

6 Does it make sense to have the
7 utilities on the ground level?

8 THE WITNESS: They are raised above
9 design flood elevation.

10 MR. STERNLIEB: And still whatever we
11 were discussing, 14 --

12 COMMISSIONER DOYLE: 13.

13 MR. STERNLIEB: -- 13 feet or so --

14 THE WITNESS: -- yes, they are above,
15 because they have to have access for the utility
16 company --

17 CHAIRMAN HOLTZMAN: Because that first
18 floor has a much higher than normal ceiling because
19 they created like a high ceiling retail space, which
20 is why they are able to put in that double height
21 parking system.

22 So in the utility room, they are also
23 able to get that stuff above the design flood
24 elevation.

25 MR. STERNLIEB: The generator that you

1 referred to, how will it be powered?

2 So I know that, if you recall a couple
3 of years ago, the massive earthquake in the Pacific,
4 it damaged the nuclear plant, it wasn't -- the plans
5 had power backup, but they were batteries, and the
6 batteries didn't last for a sufficient time --

7 CHAIRMAN HOLTZMAN: Right. So we're
8 pretty sure it's not going to be nuclear, okay?

9 (Laughter)

10 MR. STERNLIEB: It's the nuclear --

11 CHAIRMAN HOLTZMAN: I'm kidding, come
12 on.

13 And it's naturally gas plumbed, so it
14 is not a diesel engine. It's not a battery backup.
15 It's a gas generator.

16 MR. STERNLIEB: And will that be
17 affected by flooding?

18 CHAIRMAN HOLTZMAN: No.

19 MR. GALVIN: No. The only place in the
20 state that had a problem was down by the shore by
21 Bay Head, where they wiped out the whole island,
22 okay --

23 CHAIRMAN HOLTZMAN: Because the gas can
24 still travel through the line even if it was under
25 water.

1 MR. PANTEL: It could also be diesel.

2 CHAIRMAN HOLTZMAN: Well, let's make a
3 note of that.

4 MR. GALVIN: We want to know which one
5 it is.

6 (Laughter)

7 MR. HIPOLIT: Well, why would you do
8 that?

9 CHAIRMAN HOLTZMAN: We are not going to
10 suggest that you do that because we had a great
11 problem during Hurricane Sandy --

12 MR. HIPOLIT: Getting gas.

13 CHAIRMAN HOLTZMAN: -- of people
14 getting in to be able to --

15 MR. HIPOLIT: Get gas.

16 CHAIRMAN HOLTZMAN: -- refill the
17 generators --

18 MR. STERNLIEB: Exactly.

19 CHAIRMAN HOLTZMAN: -- so our
20 requirement has always been that they are naturally
21 plumbed.

22 MR. GALVIN: And then you need to have
23 a double storage tank and all kinds of other crazy
24 stuff --

25 CHAIRMAN HOLTZMAN: I'd make a note of

1 that.

2 MR. PANTEL: I understand.

3 CHAIRMAN HOLTZMAN: Right.

4 MR. STERNLIEB: I just have one more
5 question.

6 CHAIRMAN HOLTZMAN: We can come back to
7 you.

8 MR. STERNLIEB: Okay. I think that's
9 all I have.

10 CHAIRMAN HOLTZMAN: Okay.

11 Any other members of the public on the
12 architecture?

13 MS. FISHER: Tiffanie Fisher.

14 I'm here just as a resident of Hudson
15 Tea.

16 VICE CHAIR MAGALETTA: We can't hear
17 you.

18 CHAIRMAN HOLTZMAN: You need to speak
19 this way, Tiffanie.

20 MS. FISHER: I'm sorry.

21 Two quick questions. One --

22 CHAIRMAN HOLTZMAN: To us. To us.

23 MS. FISHER: -- I'm sorry. I am
24 looking at the site.

25 Is the front -- the north facade of

1 this, is it flush with the facade of 1400?

2 I am unclear about the bump-out and the
3 ten foot extension, what --

4 MR. HIPOLIT: Show her the picture.

5 MS. FISHER: Yeah. And you went
6 through the plan really fast, and I didn't --

7 MR. HIPOLIT: Dean, show her the 3-D
8 model.

9 COMMISSIONER DOYLE: They both butt up
10 against it.

11 THE WITNESS: Well, I can tell you that
12 there is a setback of five foot six from the
13 property line.

14 CHAIRMAN HOLTZMAN: Dean, let's see it,
15 Dean.

16 COMMISSIONER DOYLE: The first floor
17 butts up against it, and in their old plan there is
18 a little setback.

19 MS. FISHER: Oh, it's set back --

20 COMMISSIONER DOYLE: The lowest
21 level --

22 MS. FISHER: -- it is flush now, so
23 like if you look at it, it is flush now.

24 COMMISSIONER DOYLE: Yes.

25 CHAIRMAN HOLTZMAN: So we need the view

1 looking across 15th Street. Is that what we are
2 looking for here?

3 MR. HIPOLIT: Yes.

4 THE WITNESS: You are looking for the
5 3-D model?

6 MR. HIPOLIT: Yeah, the 3-D model.

7 MR. GALVIN: Oh, that 3-D model.

8 CHAIRMAN HOLTZMAN: Oh, the 3-D model.

9 (Laughter)

10 MS. FISHER: Okay. So it's --

11 COMMISSIONER DOYLE: So that one is
12 flush --

13 MS. FISHER: It is not flush. The
14 bump-out is actually -- it's not -- it's not
15 flush --

16 MR. HIPOLIT: Zoom out on it.

17 COMMISSIONER DOYLE: She wants to see
18 between the two buildings, correct?

19 MS. FISHER: Not -- do you see on the
20 right-hand side, the north --

21 MR. HIPOLIT: Walk up and point to it.

22 MS. FISHER: -- right there. And then
23 on the left-hand side on the new building, the north
24 facade, it bumps into the street, and the whole
25 building is closer to the street than 1400 --

1 THE WITNESS: The base part is.

2 MS. FISHER: Yeah, yeah. And where
3 1400 I think is flush with 1450, and I think the
4 parking garage bumps out mistakenly, years and years
5 ago, so I am just curious. I just wanted to point
6 or I wanted to see that, and wondered why that
7 was --

8 THE WITNESS: We did it to create a
9 larger retail space on the ground floor and create a
10 four-story base that we could set the tower back.
11 It is fully compliant with the ordinance in terms of
12 the setback.

13 So there is no variance to do this, but
14 it creates like a dynamic view of the building to
15 have it two levels, so it steps back and gives you
16 a --

17 MS. FISHER: How wide is that sidewalk?

18 THE WITNESS: The site engineer.

19 (Laughter)

20 MS. FISHER: And then the -- just
21 because we talked about it before, there is 99
22 units, 30 parking spaces, and the remainder
23 generally parks -- are the spaces in the new
24 building, 1400, available for them as well?
25 Generally all of that excess demand in the parking

1 garage --

2 THE REPORTER: I can't hear you.

3 THE WITNESS: Yes.

4 MS. FISHER: -- so generally the
5 parking garage meets whatever the first demand is,
6 and then if there's extra -- so people will be
7 traveling from that entrance west to get to the
8 parking garage --

9 THE WITNESS: If they have a car in the
10 garage, they will be walking west.

11 MS. FISHER: Thank you.

12 CHAIRMAN HOLTZMAN: Thank you.

13 Any other members of the public?

14 Okay. We will close public portion
15 with respect to the architecture.

16 Mr. Pantel, who is up next?

17 MR. PANTEL: The landscape architect,
18 Tom Carman.

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. CARMAN: I do.

24 T H O M A S S. C A R M A N, LLA, Melillo & Bauer
25 Associates, 200 Union Avenue, Brielle, New Jersey,

1 having been duly sworn, testified as follows:

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

4 THE WITNESS: Thomas S. Carman,
5 C-a-r-m-a-n.

6 MR. GALVIN: Mr. Chairman, do you
7 accept Mr. Carman's expertise as a landscape
8 architect?

9 CHAIRMAN HOLTZMAN: Yes, we do.

10 THE WITNESS: Thank you. Thank you.
11 Good evening.

12 What I will do this evening is I have
13 three plans for you, three graphics for you.

14 The first graphic that Mr. Marchetto
15 pulled up here is a combination. It is a composite
16 graphic. It shows the street level, which was L-1
17 within your set, and then it has the roof levels of
18 on L-2, the fifth floor as well as the upper roof.

19 The fifth floor is shown as the medium
20 tone, terrace spaces, and then the upper roof is
21 indicated as the lighter tan tone.

22 So what we will do now is -- Dean,
23 let's just jump to the next graphic.

24 This is actually L-1, so this is just a
25 colorized version of the plan that was submitted in

1 the package.

2 And what we have are street trees along
3 the three frontages, zelkova and one of the plane
4 trees are proposed. There is decorative paving
5 proposed along 15th Street at the street trees
6 themselves, concrete sidewalks around all three
7 sides in keeping with the surrounding fabric.

8 Along Hudson Street, you will see that
9 the sidewalk treatment includes decorative pavement
10 up there, as well as trees and some lower ground
11 cover planting. That is all installed today based
12 on the overall comprehensive improvements that were
13 done to the building to the west, Building E.

14 Precast planter curbs are located along
15 the frontage at Hudson Street, as well as along
16 Shipyard Lane. That planting and that curbing
17 setback is similar to the building just to the
18 south, the Berkshire building.

19 The landscape plans themselves have
20 been submitted to the Shade Tree Commission, who we
21 understand will be reviewing them at the next
22 meeting in February. The details are in keeping
23 with their recommended details on their website.

24 What I will do now is move up to the
25 next plan, L-2.

1 Thank you.

2 Now, this is -- the plan at the upper
3 portion is the fifth floor plan, and that has some
4 private terrace spaces. And as Mr. Marchetto had
5 indicated earlier, there are some partials that are
6 created by some planting. This is an intensive
7 green roof planting in that it is a combination of
8 some shrub and ground cover material in an
9 engineering soil mix. A series of planter curbs
10 provide the needed soil depth for that planting.

11 On the southern portion of that, we
12 have that three foot separation, which was indicated
13 and discussed earlier.

14 The upper rooftop area is a combination
15 of extensive, as well as intensive green roof
16 planting. So the intensive, being a soil profile of
17 roughly a foot, and that is providing some accent, a
18 little bit of separation in different areas on the
19 rooftop. The balance of it, most of the green roof
20 planting that is depicted on this graphic right
21 here, the rooftop planting is extensive rooftop
22 planting.

23 It's a four-inch soil profile with
24 engineering soil in there. It's primarily a mix of
25 succulence, a variety of seedum mixes, probably

1 about 12 different plants comprised of that mix.

2 The seedum planting is a very good
3 benefit in terms of stormwater effects. It holds
4 and slows the stormwater during a rain event. That
5 is the overview of the landscaping improvements for
6 the project.

7 At the street level, the lighting is
8 consistent with the previous approval, and a lot of
9 that lighting is installed today. The lighting at
10 the rooftop, indirect lighting, bollards, and wall
11 lights providing a low safe level of light.

12 CHAIRMAN HOLTZMAN: Can we bring up the
13 street level view one more time?

14 THE WITNESS: Sure.

15 CHAIRMAN HOLTZMAN: It looks like there
16 was the odd man out on a missing tree. Is that
17 because of the loading zone there at the bottom
18 right?

19 THE WITNESS: Yes. There is a loading
20 zone right in that location between those two trees.

21 CHAIRMAN HOLTZMAN: Great. Thank you.

22 Commissioners, any questions regarding
23 the landscape?

24 COMMISSIONER STRATTON: Can you make
25 sure to clarify whether that's a loading zone or a

1 no parking zone?

2 It's not a landscape question, but --

3 CHAIRMAN HOLTZMAN: Add it on your list
4 there, Glenn.

5 MR. PANTEL: Yes, we will.

6 CHAIRMAN HOLTZMAN: Any other questions
7 regarding the plantings, the green roof or anything?

8 VICE CHAIR MAGALETTA: Yes.

9 On the patios, I know the private
10 terraces, we want to call them private, what are the
11 green components of those particular spaces?

12 THE WITNESS: The private terraces on
13 the fifth floor or --

14 VICE CHAIR MAGALETTA: Throughout, yes,
15 the fifth and the roof, yes.

16 CHAIRMAN HOLTZMAN: Yes.

17 THE WITNESS: So on the fifth floor,
18 there are planter curbs, which provides some soil
19 depth, and there is evergreen shrub in between
20 there, as well as some ground cover, some ground
21 cover that would be planted within that planter zone
22 itself.

23 VICE CHAIR MAGALETTA: So what happens
24 when the rain hits the top of the patio?

25 Is there a drain system?

1 Where does it come out?

2 Where does it go?

3 THE WITNESS: Yes, yes.

4 Wherever the beige color is, that would
5 be a pedestal paver system, okay, so that would go
6 into the building's drainage system.

7 VICE CHAIR MAGALETTA: And that goes
8 straight into the water system, or is there a
9 detention system?

10 COMMISSIONER DOYLE: That's for
11 somebody else, the engineer.

12 MR. PANTEL: The engineer will address
13 that.

14 VICE CHAIR MAGALETTA: Okay.

15 CHAIRMAN HOLTZMAN: Let's make sure we
16 address that specifically and get an answer as to
17 where the drains from all of the roofs go and/or
18 what we're going to do about it.

19 VICE CHAIR MAGALETTA: Because my
20 question would also be then: Is there a way to keep
21 that water -- to slow that water at the paver level,
22 so it's something to think about. Maybe it is a
23 landscaping question or an engineering question.

24 MR. GALVIN: Engineering question.

25 VICE CHAIR MAGALETTA: Okay.

1 CHAIRMAN HOLTZMAN: Right. Along of
2 the lines of the drain weirs that we've had
3 installed in numerous other roofing systems.

4 VICE CHAIR MAGALETTA: Okay.

5 Because you talk about 52 percent is
6 green, so we could make it even more as far as water
7 consumption or retention. Okay.

8 CHAIRMAN HOLTZMAN: Rami?

9 COMMISSIONER PINCHEVSKY: On the ground
10 floor, could you maybe switch back to that?

11 CHAIRMAN HOLTZMAN: Dean, could we get
12 the ground floor picture, please?

13 THE WITNESS: There we go.

14 COMMISSIONER PINCHEVSKY: So on the
15 north side, it looks like you got a northeast,
16 there's a little bit of a shaded green -- maybe for
17 the plantings --

18 THE WITNESS: In this location right
19 here?

20 COMMISSIONER PINCHEVSKY: Yes.

21 THE WITNESS: Right. So that is an
22 expanded ground cover planting, much like what is
23 proposed and exists along Hudson Street.

24 The balance of the area under these
25 three trees right here has some expanded planting

1 area. However, there is some pavement there as well
2 because there is parallel parking there.

3 COMMISSIONER PINCHEVSKY: So do we have
4 a graphic of what was current -- the currently
5 approved landscape?

6 THE WITNESS: We do not have a --

7 CHAIRMAN HOLTZMAN: I don't think that
8 they probably ever did that.

9 COMMISSIONER PINCHEVSKY: There was
10 nothing before?

11 CHAIRMAN HOLTZMAN: Mr. Carman, is
12 there any street view of your landscape work here?

13 THE WITNESS: Street view?

14 CHAIRMAN HOLTZMAN: Like a street view,
15 like any kind of elevation type of drawings or
16 anything like that?

17 THE WITNESS: No. Only the images that
18 were shown by Mr. Marchetto, primarily the building.

19 COMMISSIONER PINCHEVSKY: So what is
20 the width of the darker green, the plantings on the
21 north side of the road there -- on the north side of
22 the property?

23 THE WITNESS: So the sidewalk itself,
24 to answer an earlier question from the public, the
25 concrete sidewalk area is 80 feet.

1 COMMISSIONER PINCHEVSKY: From the edge
2 of the proposed building to the road is eight feet
3 total?

4 THE WITNESS: No. It's eight foot from
5 the face of the building to the end of that planting
6 right there, the concrete, which is the gray color.

7 Then there is in this location right
8 here, roughly eight feet of planting. The green
9 area is planting.

10 So roughly from the face of the
11 building to the outer part of the curb, we are
12 looking at 15, 16 feet.

13 COMMISSIONER PINCHEVSKY: Then on the
14 west side of the building because you have the
15 plantings, and then you also have --

16 THE WITNESS: Here are some photos.

17 COMMISSIONER PINCHEVSKY: -- photos --

18 THE WITNESS: Do you want to pull that
19 up?

20 We are matching the Sovereign in terms
21 of the curb plantings.

22 COMMISSIONER PINCHEVSKY: There you go.

23 THE WITNESS: Okay. So this planting
24 bed that exists on the adjacent Sovereign -- or
25 Berkshire, I'm sorry, I get them confused -- along

1 our frontage, we are holding that same dimension.
2 So the sidewalk dimension clearly goes through, and
3 then the planted area, a portion of it in our
4 frontage is that same dimension.

5 COMMISSIONER PINCHEVSKY: Now, is
6 that -- what is the width of that -- this might not
7 be -- well, maybe you know -- what is the width from
8 the building to the street on that side road, is
9 that Hudson?

10 CHAIRMAN HOLTZMAN: That's Hudson
11 Street, yes.

12 THE WITNESS: This is Hudson. The
13 dimension of the building face to the curb is what
14 you're asking?

15 COMMISSIONER PINCHEVSKY: Yeah.

16 MR. PANTEL: The civil engineer --

17 THE WITNESS: I do not know --

18 COMMISSIONER PINCHEVSKY: I guess my
19 question that I have for you is there were previous
20 concerns about places for dogs or even disregarding
21 that, with the original -- the currently approved
22 building with the wider sidewalk on the northern
23 part of the property, are there other possibilities
24 from your professional point of view, of greenery
25 that could go there, that could be both -- if you

1 had a bigger canvas to work with, what other ideas
2 would you have?

3 THE WITNESS: Well, I think in terms of
4 along a street scape like this, this would be --
5 this would be the solution, where you would expand a
6 little bit of planting out in the front, not in
7 areas essentially designated for dogs to use, but
8 just expanded planting.

9 COMMISSIONER PINCHEVSKY: So if you had
10 an extra ten feet in front -- on the northern part,
11 the plantings that are currently adjacent to the
12 building or touching the building, you would propose
13 to put that on the northern part as well?

14 THE WITNESS: I mean, I am not saying
15 that is a better solution than what we have right
16 now in terms of the street scape trees, but if there
17 was additional room, yes, I would imagine that we
18 would put additional planting there because you
19 would keep that eight foot sidewalk.

20 COMMISSIONER PINCHEVSKY: Well, you had
21 that planting that you pointed to, the red --

22 THE WITNESS: Correct.

23 COMMISSIONER PINCHEVSKY: -- but I am
24 pointing to the one that's adjacent to the building.

25 If you had ten extra feet, would you

1 propose to put that on the northern side --

2 THE WITNESS: Well, on the northern
3 side is retail also, so when we're --

4 COMMISSIONER PINCHEVSKY: Are the
5 doors --

6 THE REPORTER: Wait. You can't talk
7 when he's talking.

8 CHAIRMAN HOLTZMAN: One at a time,
9 guys.

10 COMMISSIONER PINCHEVSKY: The doors for
11 the retail on the northern side of the building --

12 THE WITNESS: Yes.

13 COMMISSIONER PINCHEVSKY: -- okay, so I
14 mean not --

15 CHAIRMAN HOLTZMAN: Let me just jump in
16 here. I think you are on to something that maybe we
17 can expand upon.

18 This type of planting, which also
19 serves as the planting from the sidewalk to the curb
20 side, also serves as a really nice thing for
21 stormwater management because any water that's on
22 the sidewalk, then ends up in the planting bed, so
23 it doesn't end up in the street and in the sewer
24 system.

25 On the other hand, what I would ask the

1 applicant to at least consider is on one of our
2 field trips with Director Forbes and with Mr.
3 Stratton in New York City that I shared some
4 photographs with you guys afterwards, we saw a
5 bump-out that accommodated half of the sort of rain
6 garden area or planting bed was for plants, and the
7 other half of it was mulched and was signed
8 specifically like dog friendly, and maybe there is
9 some type of an accommodation that can be designed
10 with one of these sidewalk planting open strips.
11 Maybe there is some way to make some accommodation
12 that way --

13 COMMISSIONER PINCHEVSKY: Yeah, but I
14 mean --

15 CHAIRMAN HOLTZMAN: -- obviously you
16 wouldn't want it in front of the front entrance of
17 the building. You don't want it at the front
18 entrance of the store, but maybe in one of these
19 strips like on the back side of the building, the
20 eastern side of the building, maybe there is some
21 way to accommodate that type of a thing there. Kill
22 a couple of birds with two stones here.

23 COMMISSIONER PINCHEVSKY: Yeah. I
24 mean, just a general question I had was given the
25 initial or the current proposal, whether or not the

1 larger sidewalk would give, you know, somebody, you
2 know, a landscape engineer more of a canvas to come
3 up with more creative ideas for stormwater
4 management and also dog friendly patches.

5 But, okay. So it seems like maybe you
6 weren't prepared to answer that, or talk about it.

7 MR. MARCHETTO: I would suggest that
8 since that is a complete retail frontage in front,
9 you wouldn't want to invite dogs to do their
10 business in there.

11 MR. GALVIN: We agree. We just said
12 that.

13 CHAIRMAN HOLTZMAN: We just said that,
14 Dean.

15 MR. MARCHETTO: Okay.

16 COMMISSIONER PINCHEVSKY: Yeah, and I
17 agree with what you are saying and the Chairman was
18 saying.

19 CHAIRMAN HOLTZMAN: Okay.

20 MR. ROBERTS: Mr. Chair, just to follow
21 up on Commissioner Pinchevsky's question, I just
22 scaled off the drawings that it is about 22 feet
23 from the wall to the curb --

24 COMMISSIONER PINCHEVSKY: On the Hudson
25 portion?

1 MR. ROBERTS: -- on the Hudson side of
2 that 22 feet. Six feet out is where that planting
3 bed comes out to, and then the other 16 feet is
4 roughly split between the sidewalk eight feet and
5 the curbed area with the planting --

6 COMMISSIONER PINCHEVSKY: Thank you
7 very much. I appreciate it.

8 CHAIRMAN HOLTZMAN: Any other questions
9 for the landscape architect?

10 MR. ROBERTS: Oh, Mr. Chairman, I did
11 have a couple of follow-up.

12 CHAIRMAN HOLTZMAN: Sure.

13 MR. ROBERTS: Tom, on the shade trees
14 you have the zelkovas on Shipyard and the London
15 planes on 15th.

16 THE WITNESS: Correct.

17 MR. ROBERTS: The trees that are on --
18 I don't remember exactly what they were on Hudson
19 that were part of the improvements with Building E,
20 were they also zelkovas?

21 THE WITNESS: I believe there were
22 maple over there and then within the fill terrace
23 system, I think it was an amelanchier.

24 MR. ROBERTS: Okay.

25 THE WITNESS: That's my recollection.

1 MR. ROBERTS: And going further down
2 15th, any other plane trees, or would these be the
3 first along that strip of 15th?

4 THE WITNESS: On 15th, I believe to the
5 west, there are existing trees there that were
6 pears.

7 MR. ROBERTS: They were pears?

8 THE WITNESS: Yes.

9 MR. ROBERTS: The reason I am asking,
10 Mr. Chairman, is just to see if there is some
11 coordination within the street trees in the larger
12 area.

13 The other part of the question has to
14 do with --

15 CHAIRMAN HOLTZMAN: What does that
16 mean, Dave, in terms of --

17 MR. ROBERTS: Well, in other words --

18 CHAIRMAN HOLTZMAN: -- you're looking
19 to change up the varieties, is that what you're
20 getting at?

21 MR. ROBERTS: -- or to have some
22 consistency as well within the street trees on
23 certain streets, like the side streets might be one
24 species, and then the major streets, 14th, 15th
25 might be a different type of species. The London

1 planes also have a bulkier appearance.

2 So the other part of my question is
3 whether he consulted with the Shade Tree Commission
4 because they may have concerns about the London
5 planes. I'm not sure. I happen to think they are
6 handsome trees, but they also have issues with
7 shallow roots and a certain amount of litter, and
8 occasionally because when they get large, the
9 branches get heavy, and in case of ice and snow,
10 they could break off. So I just wanted to make sure
11 the Shade Tree Commission was aware of that.

12 Normally we require street trees, and
13 we defer to the Shade Tree Commission for comment,
14 so because the street trees are being proposed, I
15 just wanted to make sure that there was a couple --

16 CHAIRMAN HOLTZMAN: Mr. Carman, you
17 will look into Mr. Roberts' concern about where the
18 species are being located?

19 THE WITNESS: We will. We will.

20 And we did submit the plans to the
21 Shade Tree Commission. They should be reviewing
22 them I think on the 8th, so we will follow up, and
23 the previous plan had London plane trees on 15th,
24 and we certainly could make a substitution, if need
25 be. That's fine.

1 CHAIRMAN HOLTZMAN: Thank you.

2 MR. ROBERTS: The only other question I
3 have, Mr. Chairman, and this may not be feasible,
4 but we were talking about the green roof on top of
5 the mechanical penthouse. The fact that you have
6 enough to create a green roof, that penthouse drains
7 when the water is collected, it drains down to the
8 next roof down, I would imagine.

9 I guess my question is: Was there any
10 thought into when you have that gravity collecting
11 that rainwater, seeing that there is an opportunity
12 to use it for irrigation in the beds, the planters
13 that are on the larger roof below it, I don't know
14 if that was given any thought.

15 THE WITNESS: We have not looked into
16 that at this point. We can. We certainly can look
17 into it.

18 The issue that we have run into in the
19 past with doing that is collecting that small area
20 and storing that, and then working that into the
21 balance of the system has had its challenges, and
22 being that it is a small area --

23 MR. ROBERTS: That is why I am asking
24 because it is small, that it might be feasible
25 because you are not going to have to collect it and

1 hold it and then slowly release it. So I was just
2 curious because we haven't had one of these before,
3 where you've actually had a penthouse that was big
4 enough for --

5 CHAIRMAN HOLTZMAN: That's large
6 enough.

7 Mr. Carman, you will certainly look
8 into this and get back to Mr. Roberts?

9 THE WITNESS: I will look into it.

10 CHAIRMAN HOLTZMAN: Thank you.

11 MR. ROBERTS: Thank you.

12 That was it.

13 COMMISSIONER DOYLE: Was that extensive
14 or intensive, the top of the accessory structure?

15 THE WITNESS: The accessory structure
16 is all extensive.

17 COMMISSIONER DOYLE: Thank you.

18 CHAIRMAN HOLTZMAN: Thank you.

19 Commissioners, any additional questions
20 for the landscape architect?

21 I'll open it up to the public. Any
22 questions for the landscape architect?

23 Come on up.

24 MR. STERNLIEB: Robert Sternlieb, 1500
25 Washington.

1 The middle tree that is facing east --

2 THE WITNESS: This tree?

3 MR. STERNLIEB: -- that tree, that is
4 right in front of the utility rooms.

5 Is that going to be a problem for
6 ingress/egress, any mechanical equipment or repairs,
7 or anything like that?

8 It all looks beautiful, but that is the
9 question.

10 THE WITNESS: It should not be. We
11 will confirm it.

12 CHAIRMAN HOLTZMAN: Mr. Marchetto?

13 MR. MARCHETTO: It is in between the
14 doors.

15 CHAIRMAN HOLTZMAN: So the answer is
16 the doors open up fine and don't hit the tree?

17 MR. MARCHETTO: That's correct.

18 MR. STERNLIEB: I am not worried about
19 the doors. I'm worried about the equipment that
20 needs to get in and out if -- when the doors are
21 open --

22 MR. GALVIN: Mr. Marchetto is saying it
23 is not. He's designed it. It is not a problem.

24 CHAIRMAN HOLTZMAN: Great.

25 Any other questions?

1 MR. GALVIN: It was a good point,
2 though.

3 CHAIRMAN HOLTZMAN: Thank you.

4 MR. STERNLIEB: Thank you.

5 CHAIRMAN HOLTZMAN: Any other members
6 of the public, questions for the landscaping?

7 Okay. We are going to take a
8 ten-minute break here at this point.

9 MR. PANTEL: Thank you.

10 CHAIRMAN HOLTZMAN: Thank you.

11 (Recess taken)

12 MR. GALVIN: Here we go.

13 CHAIRMAN HOLTZMAN: Mr. Pantel, are you
14 ready for us?

15 MR. PANTEL: Yes, Mr. Chairman.

16 CHAIRMAN HOLTZMAN: Okay. Great. We
17 are back on the record here.

18 MR. GALVIN: Good set of lungs.

19 (Laughter)

20 CHAIRMAN HOLTZMAN: So we finished up
21 our landscaper, and who is up next?

22 MR. PANTEL: We next have our site
23 engineer, Todd Hay, who has testified before this
24 Board previously.

25 Can we have the witness sworn, please?

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. HAY: I do.

6 T O D D M. H A Y, having been duly sworn,
7 testified as follows:

8 MR. GALVIN: State your name for the
9 record.

10 THE WITNESS: Yes. It's Todd M. Hay,
11 H-a-y, at 105 Fieldcrest Avenue, Suite 502, Edison,
12 New Jersey.

13 CHAIRMAN HOLTZMAN: Any professional
14 credentials, Mr. Galvin?

15 MR. GALVIN: I don't know. Do we
16 accept his professional credentials?

17 CHAIRMAN HOLTZMAN: We didn't hear what
18 he is.

19 MR. GALVIN: He's a professional
20 engineer. He's appeared before this Board several
21 times in the past.

22 CHAIRMAN HOLTZMAN: We accept Mr. Hay,
23 yes.

24 Mr. Hay, could you bring that
25 projection --

1 COMMISSIONER DOYLE: Easel.

2 CHAIRMAN HOLTZMAN: -- easel forward
3 here, so that we have some chance of seeing it?

4 THE WITNESS: No problem, Mr. Chairman.

5 CHAIRMAN HOLTZMAN: Great.

6 MR. PANTEL: Could you please proceed
7 to describe to the Board the nature of the -- since
8 you did site engineering for the project, and as you
9 review that, please mark the exhibits starting with
10 A-3 and today's date on it, and identify the exhibit
11 as you proceed with your testimony.

12 CHAIRMAN HOLTZMAN: You have stickers
13 there, Glenn. I don't want to be obsessive about
14 it, but --

15 MR. PANTEL: Okay.

16 (Exhibit A-3 marked)

17 THE REPORTER: What do you call what
18 you're marking?

19 MR. PANTEL: And as you do that --

20 CHAIRMAN HOLTZMAN: Hang on a second
21 there, Glenn.

22 What was that, Phyllis?

23 THE REPORTER: What do you call that, a
24 rendering?

25 MR. GALVIN: It's an illustrative site

1 plan.

2 MR. PANTEL: As you do that, please
3 respond to some of the questions that we previously
4 asked.

5 THE WITNESS: Sure.

6 This plan before you, Mr. Chairman, and
7 Commissioners, is a plan that essentially shows what
8 the Hudson Tea building is on both and what is
9 existing and also the future development of the site
10 for all of the redevelopment area.

11 As you can see, the orange indicates
12 the existing Hudson Tea buildings. You can see that
13 the blue building is essentially Building E or 14
14 Hudson, which is under construction, and then
15 Building D, which is the building that we are going
16 to discuss this evening in terms of the site plan
17 criteria.

18 To move to the next exhibit, I believe
19 this would be A-4.

20 MR. PANTEL: A-4. There you go.

21 (Exhibit A-4 marked.)

22 MR. PANTEL: And identify that for us,
23 please.

24 THE WITNESS: Yes.

25 Mr. Chairman, this plan is essentially

1 the cover sheet, a cover sheet known as CS-0001,
2 which is in your packet, and the latest revision
3 date is November 20th, 2015.

4 So what we are talking about is the
5 Hudson Tea Building D. What we have shown is the
6 zoning compliance table, which Mr. Chadwick, our
7 planner, will discuss.

8 We also have shown our sheet index for
9 utility notifications, and then, of course, our
10 zoning compliance calculations.

11 There are several variances that were
12 previously approved, because this is an amended site
13 plan application back in 2009, and they are
14 self-explanatory on the zoning compliance table.

15 Move to the next exhibit.

16 MR. PANTEL: It seems identical to
17 what we had submitted. Do you want this marked?

18 MR. GALVIN: No.

19 CHAIRMAN HOLTZMAN: No.

20 MR. PANTEL: Okay. You can just
21 proceed to refer to the plan, but if it is the same
22 as was already submitted, just confirm that on the
23 record as you present your testimony.

24 THE WITNESS: Sure. No problem.

25 Okay. The next plan is CS-0501, which

1 is the demolition and clearing plan. That plan is
2 dated actually October 22nd, 2015.

3 Mr. Chairman, what that plan shows is
4 the demolition of the existing lot in question. The
5 lot is 17,322 square feet. It is approximately a
6 111 feet wide by 156.22 feet deep, and that lot is
7 now occupied in terms of demolition as well as a
8 staging area for Building E operations.

9 It's currently paved. It has a fenced
10 area. There are existing water valves there that
11 exist.

12 There is also a gate, and that gate
13 happens to be located off of 15th Street. It is
14 occupied now for demolition operations and also
15 clearing operations and staging with Building E.

16 In terms of demolition, all of the
17 paving would come up. That would be in the interior
18 of the site as well as the fenced area.

19 And outside of that on the off track,
20 it would be the sidewalks and the curbs and
21 associated paving that would accommodate, for
22 instance, any type of new proposed utilities and so
23 forth.

24 Want to move to the next exhibit?

25 This is the site plan exhibit, and this

1 site plan exhibit is CS-1001 --

2 MR. PANTEL: Also previously submitted,

3 THE WITNESS: -- previously submitted,

4 and the latest revision date is November 20th, 2015.

5 Mr. Chairman, what this shows is the

6 building envelope on the property.

7 The building happens to be 99 feet wide
8 by approximately 150.5 feet deep. We are holding
9 the southwest corner of the property, so in other
10 words, the building occupies about a portion of the
11 property, so you would have essentially six feet of
12 buffer between the property line and the building
13 line.

14 And then on the opposite side, you have
15 approximately 12 feet, so that happens to be on the
16 north and also on the easterly perspective
17 respectively.

18 This layout essentially has ingress and
19 egress off of Hudson Street, which the architect
20 mentioned before, into the garage area, as well as
21 ingress and egress in the Shipyard Lane. Perhaps
22 the accommodations for parking of approximately 30
23 spaces, which the architect discussed before.

24 There are two loading areas that were
25 essentially from the original redevelopment plan

1 that were stipulated a redevelopment plan, very
2 similar to what we had in Building E that we
3 essentially established, and that happened to be on
4 15th Street, as well as on Shipyard Lane.

5 There are accommodations also for ADA.
6 There happens to be an ADA area, and ADA --
7 essentially a curb ramp that comes on the southerly
8 side of what we call Shipyard Lane to Frank Sinatra
9 Drive. So all curbs and all sidewalks on 15th
10 Street face, as well as on the Shipyard Lane, face
11 what would be essentially removed and replaced.
12 That is shown on the site layout plan.

13 Mr. Carman did discuss about the tree
14 wells. There are four tree wells on the northern
15 side, and then there happens to be three tree wells
16 on the easterly side.

17 Again, the fact is we would like to put
18 more landscaping in, but because of the fact that we
19 have between the building line, and I'm talking
20 specifically on the easterly side, the building line
21 to curb line is only about eight feet, so there is
22 not enough area really to put enough landscaping in.
23 We want to be able to accommodate any type of
24 pedestrian traffic that might occur between the
25 parking garage and the southerly properties to get

1 to the retail on the northerly end.

2 On the northerly side you have at least
3 15 feet, and of course, again, we are accommodating
4 planter areas, as well as trees on that side.

5 Any other thing in terms of grading, I
6 am going to go ahead and go to the next plan, which
7 is the grading plan, and again, this is in your
8 package, so there's no change in this. The latest
9 date is November 20th, 2015, CS-1501.

10 What you have is the grade plan, and
11 you have the grading plan, and I'll start with the
12 grading plan. The grading plan is really broken up
13 into various different areas.

14 First of all, you have an area -- and
15 we're going to get to this later when we talk about
16 permitting. You have an area for the lobby area.
17 The lobby area is going to be dry flood proofed, and
18 the actual retail area, that's also going to be dry
19 flood proofed, but the lobby area is essentially a
20 little bit higher than the actual retail area on the
21 northerly end, but again, it will meet the criteria
22 of permits that we'll get into in a second.

23 The same thing with the areas that
24 happen to be in the garage areas. They are actually
25 level, but they are actually wet flood proofed. So

1 those areas -- that's essentially the areas, and we
2 will see a pictorial sooner or later about how
3 that's broken up and how that's accommodating the
4 permits both from a local standpoint as well as a
5 state standpoint.

6 As far as the drainage is concerned,
7 the way the drainage works is the way the drainage
8 system is accommodated. There happens to be, and
9 Mr. Carman had stipulated this before as well as the
10 architect. The drainage essentially operates on
11 roof level, and the drainage is accommodated in two
12 different aspects.

13 First of all, the aspect happens to be
14 you have a medium of soil as well as an under drain
15 system, and you also have obviously the landscaping
16 area that we accommodated within our report.

17 Now, our report when we looked at it
18 and we looked at the regulations, the regulations
19 are very clear under NJAC 7:8, we have been a water
20 redevelopment zone.

21 We do not have to provide for recharge.
22 We don't have to provide for also quantity, as well
23 as quality, and again, with that we did take an
24 accommodation. However, the fact that the rooftops
25 are going to have some quantity aspect, and that

1 there is going to be evaporation, transpiration, it
2 is on the rooftop, and you will start to see a lot
3 of that water evaporate into the atmosphere. It
4 goes at varying levels, but on a conservative side
5 and keeping informed with your local ordinances,
6 your stormwater ordinance, which we have to
7 evaluate, we looked at the two, ten, and 100-year
8 storm.

9 At the two-year storm level, we found
10 that there would be a reduction of nearly 24 percent
11 in terms of flows that are going off site either
12 onto 15th Street or onto Hudson Street.

13 At the ten-year level, we found a
14 reduction of nearly 12 percent.

15 At the 100-year storm, which is
16 essentially eight inches of rainfall in a 24-hour
17 period, we found out that there was a reduction of
18 nearly six percent.

19 So those reductions again only take
20 into account the rooftop gardens and then the
21 internal scupper system that goes out, eventually
22 flows to 15th Street.

23 So without any type of stormwater tanks
24 or what have you, there is a reduction, and again,
25 we are actually providing a benefit by reducing the

1 flows off site into obviously 15th Street and to
2 Hudson Street.

3 COMMISSIONER STRATTON: Gary, can I
4 ask --

5 THE WITNESS: With respect to --

6 CHAIRMAN HOLTZMAN: Hang on one second,
7 Mr. Hay.

8 COMMISSIONER STRATTON: How does that
9 relate to the requirement from the North Hudson
10 Sewerage Authority to retain a certain storm on the
11 site?

12 THE WITNESS: The North Hudson Sewer
13 Authority does have some jurisdiction over this. We
14 have had the same issue on Building E.

15 And to be quite honest with you, the
16 DEP regulations superseded what the Sewerage
17 Authority wants --

18 COMMISSIONER STRATTON: So the --

19 THE WITNESS: -- because it is under
20 the jurisdiction when we sent the permit.

21 COMMISSIONER STRATTON: -- so is this
22 area governed by the MS-4 program or the -- is it
23 governed by North Hudson Sewerage Authority's
24 outfall permit --

25 THE WITNESS: The MS-4 permit and the

1 outfall permits have nothing to do with what --

2 THE REPORTER: You have to slow down.

3 CHAIRMAN HOLTZMAN: Slow down.

4 COMMISSIONER STRATTON: See, I am aware
5 of what the --

6 CHAIRMAN HOLTZMAN: Hold on, time out.

7 MR. GALVIN: You can't do that. You
8 have to let him finish.

9 CHAIRMAN HOLTZMAN: One at a time.

10 What we need to know, Mr. Hay, is what
11 those terms were.

12 THE WITNESS: MS-4 permit, Mr.
13 Chairman, is a multi discharge permit. It's an
14 annual permit.

15 CHAIRMAN HOLTZMAN: And the other one?

16 THE WITNESS: The outfall permit, the
17 outfall permit is part of your MS-4 permit. It is a
18 function of that.

19 CHAIRMAN HOLTZMAN: Phyllis, you got
20 that?

21 THE REPORTER: Yes, thank you.

22 THE WITNESS: Mr. Chairman, and
23 Commissioners, what I am trying to relate to is that
24 that particular function that the municipality has
25 to meet in their obligation with their MS-4 permit

1 does not have anything to do or have any bearing
2 with this application.

3 Because we have to do a permit, very
4 similar what we did with Building E, what we are
5 going to build with Building D relevant to DEP and
6 the waterfront development permit, we still have to
7 meet the rules of NJAC 7:8 in terms of providing
8 stormwater.

9 We don't have to actually meet the
10 recharge or the quantity or even the water quality,
11 but we still have to show what are we willing to
12 accommodate in drainage, so we are doing that, and
13 we have shown that in the stormwater report and the
14 permit that we're going to prepare.

15 COMMISSIONER STRATTON: So can I
16 clarify it with a question to Andy?

17 Do they have to comply with the permit
18 requirements of North Hudson Sewerage Authority?

19 MR. HIPOLIT: So everybody who
20 discharges in North Hudson has to comply with the
21 requirements unless somebody else over them has a
22 different requirement that supersedes it.

23 COMMISSIONER STRATTON: So in this case
24 the DEP supersedes North Hudson Sewerage Authority?

25 MR. HIPOLIT: Could, and that's going

1 to be something they have to work through, but at a
2 minimum they would comply, always comply with North
3 Hudson.

4 COMMISSIONER O'CONNOR: When you say
5 superseded --

6 COMMISSIONER STRATTON: And does this
7 comply with --

8 MR. GALVIN: Whoa, whoa, whoa.

9 CHAIRMAN HOLTZMAN: One at a time,
10 guys.

11 COMMISSIONER STRATTON: -- does this
12 application comply with North Hudson Sewerage
13 Authority's requirements?

14 THE WITNESS: The application will
15 comply with North Hudson Sewerage Authority permit
16 requirements, although the DEP regulations do
17 supersede it, they will comply.

18 We have shown that on Building E, and
19 they will on Building D.

20 CHAIRMAN HOLTZMAN: So is the DEP
21 requirement at a higher level than the North Hudson
22 Sewerage Authority permit level?

23 THE WITNESS: Absolutely, yes.

24 CHAIRMAN HOLTZMAN: So we are exceeding
25 the North Hudson Sewerage Authority level. Is that

1 correct?

2 THE WITNESS: That's correct. Yes, Mr.
3 Chairman.

4 CHAIRMAN HOLTZMAN: Good.

5 MR. HIPOLIT: That's correct.

6 CHAIRMAN HOLTZMAN: Mr. Stratton, are
7 you satisfied with that answer?

8 You may not be satisfied, but did you
9 get your answer?

10 COMMISSIONER STRATTON: I think I did.

11 What I am trying to understand is that
12 the on-site retention requirement of North Hudson
13 Sewerage Authority, what is that?

14 I think it's 30 percent of the ten-year
15 storm?

16 MR. HIPOLIT: It is the two, the ten,
17 and the 100.

18 THE WITNESS: Yeah. It's two, ten, and
19 100, and it's typically -- and they're looking at
20 each other -- it is typically 25 percent, 20 percent
21 and 15 percent reduction --

22 MR. HIPOLIT: Or ten --

23 THE WITNESS: -- it is 15 --

24 COMMISSIONER STRATTON: So you are
25 going to be better than that?

1 THE WITNESS: Well, we are going to
2 meet the requirements that are in NJAC 7:8, which
3 there is no requirement for this because of the fact
4 that we are in a waterfront development area. A
5 little different than --

6 CHAIRMAN HOLTZMAN: But what he is also
7 not saying, if I'm trying to read between the lines
8 here, is it sounds like the DEP requirement is
9 higher than the North Hudson requirement.

10 THE WITNESS: Correct.

11 COMMISSIONER DOYLE: So then when he
12 says, will you satisfy it, you say --

13 CHAIRMAN HOLTZMAN: He can't satisfy
14 the North Hudson because it doesn't apply, so that
15 is why he is refusing correctly to say that I can't
16 satisfy it because it doesn't apply here.

17 On the other hand, from a number
18 standpoint, it satisfies it.

19 MR. HIPOLIT: He will -- I can tell you
20 that --

21 COMMISSIONER STRATTON: Well, we just
22 got 24, 12 and 6, and you are saying that the other
23 numbers are 25, 20 and 10, so I just --

24 THE WITNESS: Commissioner, we will
25 satisfy any requirements that we need to meet, any

1 obligations for permits, which was going to be at
2 the end, Mr. Chairman, but I will talk about it now,
3 we will satisfy any requirements that we need to
4 meet with respect to the permit.

5 COMMISSIONER DOYLE: But that's not
6 what you're being asked.

7 You are saying you will abide by the
8 law that you have to comply with.

9 THE WITNESS: Yes.

10 COMMISSIONER DOYLE: He is asking, will
11 you satisfy a standard. A standard is an objective
12 number --

13 COMMISSIONER STRATTON: And the reason
14 I am harping on this is we required higher standards
15 of other applicants who were seeking variances
16 before this Board, and I want to know if we are
17 reviewing this application consistent with other
18 applications that we required the applicant to
19 perform above and beyond because you are asking for
20 something that's above and beyond what is allowed --

21 MR. HIPOLIT: I think the other -- I
22 think the one other question that's pertinent is
23 this development is part of --

24 THE WITNESS: Correct.

25 MR. HIPOLIT: -- the development, I

1 think that you have to answer this question, are
2 they being permitted through North Hudson?

3 THE WITNESS: That's correct.

4 MR. HIPOLIT: And this building was
5 included in that?

6 THE WITNESS: That's correct, yes.

7 MR. HIPOLIT: Are you going back to
8 them for another permit or you don't know?

9 THE WITNESS: We have to go back for a
10 connection permit, that's correct.

11 MR. HIPOLIT: But when they evaluate,
12 are you evaluating just for this building or for the
13 PUD in its entirety?

14 THE WITNESS: We are evaluating
15 specifically for the building with just a connection
16 permit, because we have to connect. We have a new
17 building. We're coming with an amended site plan
18 application, and the amended site plan application
19 has different variables, and the variable for
20 sewerage is we can only go to Shipyard Lane for
21 sewage or the sewage connection.

22 CHAIRMAN HOLTZMAN: So to further Mr.
23 Stratton's question and to circle back on what Mr.
24 Magaletta brought up before about the paved
25 section of the roof, not the green roofs, is can we

1 also do better with our delay numbers in terms of
2 the stormwater by installing the drain weirs under
3 the drains under all of the pedestaled concrete
4 paver sections?

5 THE WITNESS: Mr. Chairman, yes. I am
6 going to ask answer in two parts and go a little bit
7 beyond the answer.

8 The answer is that we can come up with
9 some solution in order to increase the amount of
10 storage volume on the roof, including potentially
11 doing a rain barrel, which would be located within
12 the retail area.

13 You have to understand that with the
14 hundred-year storm, and I would be able to work with
15 this with your engineer, that at a hundred-year
16 level, you will have nearly 8,000 cubic feet of
17 water, okay, that's going to hit the roof.

18 4,000 cubic feet of that is obviously
19 going to be accommodated by the landscaper, so there
20 is an additional 4,000 cubic feet of water that we
21 have to be able to go ahead and allow to drain
22 through a scupper system and into the drain system
23 located on 15th Street.

24 We can make accommodations in the
25 retail area on the first floor to obviously take a

1 portion of that, which would be appropriate, and I
2 would work with your engineer to have a rain barrel
3 system to take some of that water and then --

4 CHAIRMAN HOLTZMAN: So is your answer
5 to me that the drain weir system doesn't work for
6 you in this case?

7 THE WITNESS: Mr. Chairman, it is a
8 combination, that we can explore the drain weir
9 system, and we can also look at the rain barrel
10 system because --

11 CHAIRMAN HOLTZMAN: I don't think that
12 the Commissioners, and I will speak for myself, but
13 I don't think that the Commissioners are interested
14 in entertaining reducing the retail space. Perhaps
15 you might want to put that in the garage.

16 THE WITNESS: You could actually put it
17 underneath the retail space, Mr. Chairman.

18 CHAIRMAN HOLTZMAN: Even a better
19 answer.

20 THE WITNESS: Yes, because you don't
21 want to put it in the garage. You want to put it as
22 close by as 15th Street, so you can allow --

23 CHAIRMAN HOLTZMAN: Great. We just
24 don't want to reduce our retail space either.

25 THE WITNESS: Not a problem.

1 CHAIRMAN HOLTZMAN: Thank you.

2 MR. HIPOLIT: I think for purposes of
3 stormwater reduction, I am not sure how the Board is
4 going act on it, or whether you are going to finish
5 tonight, but I think it would be important to say
6 that the applicant needs to at least get
7 confirmation from North Hudson, that North Hudson's
8 still satisfied by whatever requirements you meet,
9 whether it is theirs, or NJAC 7:8, and anything they
10 do in addition to that would be great.

11 So if they are going to add rain
12 barrels on the floor or they have their green roofs,
13 whatever it is, whatever in addition is great,
14 whether it be the roof drains, I think all of the
15 above, so we can put some language in it depending
16 on how you act on it.

17 VICE CHAIR MAGALETTA: I would go
18 beyond. I mean, I would go with Caleb. There's no
19 reason why we can't go beyond what they are
20 requesting.

21 I mean, at this stage you have
22 technology. It hasn't been built yet. Let's just
23 do it. Everything counts. It is all cumulative.

24 THE WITNESS: Again, because of what I
25 mentioned in 7:8 and the fact that we said we would

1 make an accommodation to look at the quantity, we
2 can look at a number of different, I want to say
3 instruments and factors that would not affect the
4 retail space, that would be located under grade
5 level, and it would actually allow a slow release
6 back into the system.

7 CHAIRMAN HOLTZMAN: Mr. Hay is using
8 the word "rain barrel," which is something that I
9 usually think of as something that I got in the
10 backyard under a downspout as opposed to is this
11 something what we normally would call a detention
12 tank underneath the --

13 MR. HIPOLIT: Yes.

14 I think what you see in a lot of your
15 other applications is a system under the ground,
16 which is like some type of plastic or concrete
17 system, really all they are is bigger rain barrels.
18 You know, they're --

19 CHAIRMAN HOLTZMAN: We just don't call
20 them that.

21 MR. HIPOLIT: -- right. It is a
22 detention system.

23 COMMISSIONER DOYLE: But it sounds --
24 is it pumped out?

25 Is it detained and held until the storm

1 is over, or is it retained?

2 MR. HIPOLIT: It would have some type
3 of weir system --

4 THE WITNESS: Even a -- yes.

5 CHAIRMAN HOLTZMAN: Go ahead.

6 MR. HIPOLIT: Just for the waterfront
7 development side, this is in a waterfront
8 development permit zone. That is why we have the
9 difference between what we normally see in our other
10 applications and this one, where the other
11 applications aren't a waterfront involving permits,
12 so there is a difference, although I believe,
13 summing up again, the applicant is going to work
14 with that North Hudson requirement and the
15 waterfront development requirement at the same time.

16 CHAIRMAN HOLTZMAN: I am going to mimic
17 the two previous Commissioners' comments as well,
18 that if we have an applicant before us that is also
19 seeking some variance relief, Mr. Hay may not be
20 aware of it, but a recent application that came
21 before the Board that was seeking some variance
22 relief, at the end of the day the calculation came
23 to their stormwater detention system, which was
24 eight times the requirement of North Hudson Sewerage
25 Authority, so that might be the neighborhood we are

1 shopping in.

2 Please continue.

3 THE WITNESS: We have no problem, sir.

4 So with respect to the grading, and
5 looking on the outside of the building, we made
6 accommodations on the sidewalk areas, you know, the
7 cross slope that is from the building to the curb
8 face no more than two percent.

9 We have also made accommodations to
10 make sure that it would be ADA and handicapped
11 accessible to doorways at less than five percent.
12 Both on the retail areas, which would be on the
13 north side of 15th Street, as well as -- and also
14 the locations, which really is existing on Hudson
15 Street or going into the vestibule and going into
16 the lobby area for the residential, so we have made
17 accommodations for that.

18 I'm going to move on --

19 CHAIRMAN HOLTZMAN: Is that the
20 lobby -- is that the grade level plan that you have
21 here?

22 THE WITNESS: The lobby plan -- the
23 lobby is right here, Mr. Chairman.

24 CHAIRMAN HOLTZMAN: Great.

25 Mr. Hipolit, did you have an

1 opportunity, I know that there was some discussion
2 about there are steps or elevation changes within
3 the lobby that also have to do with the flood water
4 or stormwater accommodation. Can we make sure that
5 we understand that because I am definitely confused?

6 THE WITNESS: Mr. Chairman, if I might,
7 I have an exhibit for that.

8 CHAIRMAN HOLTZMAN: Terrific.

9 THE WITNESS: I'll discuss it when we
10 get to the permit.

11 CHAIRMAN HOLTZMAN: Thank you. Great.

12 THE WITNESS: I am going to move to the
13 utility plan, and again, it should be in your
14 packet. CS-1701, it's a utility plan, and it's
15 dated November 20th, 2015.

16 MR. PANTEL: CS-1701.

17 THE WITNESS: Correct.

18 Mr. Chairman, and Commissioners, while
19 what this plan shows is your utility connections, we
20 mentioned before you have a water connection, a
21 sanitary connection and an electrical connection all
22 into Shipyard Lane. Because electric is only found
23 at 15th Street and Hudson Street, we would have to
24 come down with our electric to the opposite side of
25 the street and come around on the -- I want to say

1 the northbound lane. It's actually westbound,
2 northbound and then westbound lane back to the
3 intersection.

4 We have had discussions with PSE&G. We
5 do have will-serve letters for all of the various
6 different entities and utilities that will say that
7 they will be able to provide service for this
8 proposed development.

9 I am going to move on to the next
10 exhibit --

11 COMMISSIONER STRATTON: Can you talk
12 about what street cut would be required as part of
13 that utility extension?

14 THE WITNESS: Yes. The street cut
15 typically would fall within your ordinance. I
16 believe you have an ordinance that allows for a
17 certain amount of distance, an excavation ordinance.
18 We would accommodate that excavation ordinance for
19 all of the various utilities.

20 Now, I am going to digress a little bit
21 before I move on to this. But with the connection
22 permit that I mentioned with the North Hudson
23 Sewerage Authority, we will have to meet their
24 requirements for a new manhole structure. It would
25 be essentially a dog house manhole structure. It

1 would be accommodated over top of the existing
2 sanitary sewer that's located in the center of
3 Shipyard.

4 I am going to move on to the soil
5 erosion plan, CS-8001, and it's in your packet as
6 well. There's no changes, November 20th, 2015.

7 The soil erosion plan essentially shows
8 the outline of how much area is actually disturbed.

9 We calculated that to be nearly point
10 five acres. It shows the outbound of that location,
11 where we have the construction entrance into the
12 facility and how much area would be actually
13 disturbed in terms of the off track and then the on
14 track.

15 Again, because we are over 5,000 square
16 feet, we have to get a Hudson-Essex-Passaic soil
17 conversation district permit, which we will apply
18 for.

19 Relative to other permits, and I going
20 to go ahead and move this exhibit --

21 CHAIRMAN HOLTZMAN: While you are on
22 that exhibit, Mr. Hay, let's just pause for a
23 second.

24 Mr. Hipolit, can you reiterate for the
25 Board any environmental concerns that we might have,

1 which we visited on a number of applications
2 recently and how it's been dealt with in this
3 application?

4 MR. HIPOLIT: Yeah. We should get
5 testimony from the applicant, but on this
6 development it was a PUD, which was a former
7 commercial site or industrial site back when this
8 development originally came in, in my memory, was
9 that they had an environmental situation. They
10 eventually received a No Further Action letter. I
11 think this was before the RAOs were out at that
12 time, and that was done back when you first started,
13 but maybe your attorney can speak to that a little
14 more directly.

15 MR. PANTEL: Well, I am not sure
16 exactly what the question is.

17 MR. HIPOLIT: It's just like at some
18 point the site received environmental clearance --

19 MR. PANTEL: Yes. The site had an
20 environmental history. Obviously it was fully
21 remediated --

22 MR. HIPOLIT: Correct.

23 MR. PANTEL: -- so the level of
24 remediation is consistent with the type of
25 development that we had been implementing --

1 MR. HIPOLIT: And you received a No
2 Further Action when they used to do No Further
3 Actions, I'm assuming?

4 MR. PANTEL: Yes. I didn't actually
5 handle the environmental work myself, but it's my
6 understanding that they did get that in the past.

7 CHAIRMAN HOLTZMAN: Mr. Pantel, can you
8 please try to make an effort to get us a copy of
9 some type of a No Further Action, so that we can put
10 it in our file here?

11 MR. HIPOLIT: What they probably could
12 just show us is just a single deed for a single
13 property of the entire PUD, but it will be part of
14 their deed.

15 CHAIRMAN HOLTZMAN: What we would like
16 is some documentation for our file that just shows
17 that the environmental issues have been resolved and
18 cleared up.

19 MR. PANTEL: Understood.

20 CHAIRMAN HOLTZMAN: Great.

21 Thank you, Mr. Hay.

22 Please continue.

23 THE WITNESS: No problem, Mr. Chairman.

24 So, Mr. Chairman, we will go through
25 the permits.

1 We did discuss the soil conservation
2 district. We obviously have to obtain a zoning
3 permit approval from this Board, if it grants so.
4 We need building department permit.

5 We talked about the permits we would
6 need for water from United Water. We need to get a
7 North Hudson Sewerage Authority permit.

8 We would have to get an electric permit
9 through PSE&G, and a gas permit from PSE&G, and then
10 ultimately we would have to get what's really an
11 amended waterfront permit.

12 Originally with this PUD, there was a
13 waterfront development permit that was sought for
14 this section. What I mean by "this section," our
15 lot and block, because the waterfront development
16 line actually goes up Hudson Street and divides the
17 waterfront development area, which faces the river,
18 from the typical rural flood hazard area, where we
19 would get, for instance, an individual permit. That
20 is what we saw on Building E.

21 The difference on this particular
22 application is that we would go for an amended
23 permit, okay, with our waterfront development
24 permit, and again, we have to meet the criteria of
25 NJAC 7:8. We discussed that fully.

1 We would also have to meet the
2 requirements for dry flood proofing and wet flood
3 proofing. And with the dry flood proofing and wet
4 flood proofing, I have an exhibit, and I believe we
5 have to mark this, Mr. Pantel.

6 MR. PANTEL: Yes. Well, actually that
7 exhibit was in the ground floor plan A-1, which was
8 presented in the computer presentation by Mr.
9 Marchetto, so it is included in A-1. It is the last
10 sheet in A-1 you might recall.

11 THE WITNESS: Mr. Chairman, the date on
12 that is December 12th, 2016 (sic). It was prepared
13 by the architect. Essentially this plan shows --

14 COMMISSIONER DOYLE: 2015.

15 CHAIRMAN HOLTZMAN: Commissioner Doyle,
16 did you have something?

17 COMMISSIONER DOYLE: 2015 I think,
18 right?

19 THE WITNESS: Yes, I'm sorry, 2015.

20 It actually says "2016," but my
21 apologies.

22 So, yeah. So what we had to do with
23 this, Mr. Chairman, is we had to show the Board and
24 we had to show the Certified Flood Plain Manager as
25 of getting local -- meeting local flood plain

1 ordinance approval, we had to seek a letter from the
2 CFM, Certified Flood Plain Manager. We needed to
3 distinguish the areas that would be dry flood
4 proofed and wet flood proofed, and we talked about
5 those areas before. Retail areas and the lobby
6 areas will all be dry flood proofed. There has to
7 be --

8 MR. GALVIN: Hey, guys, I just want to
9 say this is redundant testimony.

10 CHAIRMAN HOLTZMAN: We are going to
11 take this testimony.

12 Thank you, Dennis.

13 MR. GALVIN: Okay.

14 THE WITNESS: There has to be two areas
15 of access for wet flood proof areas into really a
16 dry flood proof area.

17 Those access points are located in this
18 lobby corridor here, and then the location of where
19 the staircase is here, where you actually could go
20 from a wet area into a dry area.

21 By providing those two locations, we
22 meet the criteria, not only of the local flood
23 ordinances, but also the State and also FEMA
24 regulations.

25 CHAIRMAN HOLTZMAN: So, Mr. Stratton,

1 it is a little hard to see, but in that staircase
2 that kind of pinches into the garage, it goes from
3 dry to the bottom of the staircase, becomes pink or
4 purple or whatever that is, so that it becomes a wet
5 zone.

6 COMMISSIONER STRATTON: I am good.

7 CHAIRMAN HOLTZMAN: Thank you.

8 THE WITNESS: Now, Mr. Chairman, the
9 other elements that have not been shown, but were
10 discussed, and the architect did touch upon them,
11 there are further elements that have to be placed
12 into the permit. The first element has to be shown
13 obviously meeting the criteria with the dry flood
14 proof areas and the wet flood proofed areas in terms
15 of showing what type of elevation we need to be at.

16 The flood hazard area in this area is
17 approximately 12 feet. It needs to be one foot of
18 freeboard. Therefore, all residential areas need to
19 be at an elevation of nearly 13 feet.

20 For the wet flood proof areas, there
21 needs to be areas in terms of the wall structures,
22 that would be wet flood proofed, they have to be
23 essentially knee walls and actually flood proofed to
24 an elevation that's approximately 13 feet.

25 So in the areas, the retail areas, you

1 have knees walls of approximately four to five feet
2 in height. That was discussed with the local
3 Certified Flood Plain Manager, and I discussed that
4 with your engineer, and that is appropriate, and
5 that is also acceptable per regulations.

6 The other element that you have to look
7 at is also with respect to wet flood proofed area
8 with the flood vents. The flood vents that would be
9 proposed would be on areas that are outside of the
10 wet flood proofed areas to allow equalization of
11 pressure, if, let's say, you had a catastrophic
12 event, and in case of a catastrophic event, it
13 allows for free passage of flood waters in and out
14 of the building, so you have that aspect as well.

15 The last aspect is, and shifting back
16 over to the dry flood proofing is for the doorway
17 areas. The doorway areas would be very similar in
18 terms of how they would be dry flood proofed similar
19 to Building E, in terms of having just a manual door
20 inset that would basically allow for a dry flood
21 proofed vestibule and lobby area on the lobby side.
22 We are allowed to do that, and that's permissible,
23 as long as we have two wet flood proofed access
24 points, which we provided.

25 Those are all of the elements that we

1 have to provide to your local ordinance and also for
2 the State ordinance, and they appear obviously for
3 FEMA regulations.

4 That concludes my testimony, Mr.
5 Chairman.

6 CHAIRMAN HOLTZMAN: Thank you.
7 Any questions for Mr. Hay?

8 COMMISSIONER PINCHEVSKY: I have a
9 question.

10 COMMISSIONER DOYLE: My --

11 CHAIRMAN HOLTZMAN: Hang on a second
12 there, Mr. Doyle.

13 Mr. Pinchevsky has the floor.

14 COMMISSIONER DOYLE: Oh, I didn't have
15 my glasses on, Rami. I apologize.

16 CHAIRMAN HOLTZMAN: You are not always
17 first.

18 (Laughter)

19 COMMISSIONER PINCHEVSKY: Hum, the
20 zoning compliance table mentions that the building
21 is currently at 67.3 percent for the coverage, and
22 that the requirement is not to exceed at 75 percent.
23 But there is an asterisk that says that 67 percent
24 is coverage above the fourth floor.

25 I was just wondering if you can explain

1 why the fifth floor and above was included in that,
2 in that ratio --

3 THE WITNESS: You may need to have that
4 expanded by the planner or the architect, I'm going
5 to be quite honest with you.

6 CHAIRMAN HOLTZMAN: Mr. Roberts, can
7 you address Mr. Pinchevsky's concern at all?

8 MR. ROBERTS: Yeah. I mean, actually
9 we had some questions about the building coverage,
10 and I was trying to get a handle on it. We did
11 through the prior testimony find out that the retail
12 was expanded by bringing the building out ten feet,

13 THE WITNESS: Right.

14 MR. ROBERTS: And you have, it looks
15 like from your surface, the total is 17,322, and
16 then as you walk through the plans, that ground
17 floor level is 14,900, and I wasn't able to read
18 some of the columns because of this black and white
19 copy, but it looks like some of the ground floor
20 area of the previous plan was 13,400 square feet.

21 So I guess what we are trying to
22 determine is how that coverage was calculated,
23 because whether it's 13,400 or whether it's 14,900,
24 if you divide it into 17,322, it is more than 75
25 percent, so that aspect becomes pretty important.

1 COMMISSIONER PINCHEVSKY: When I went
2 ahead, I just did a back-of-the-envelope calculation
3 on the fifth floor, and it is below the 75 percent
4 that is required, but I am getting like 71 percent,
5 so it is not even matching the 67, but it does say
6 65 percent average --

7 MR. ROBERTS: Average over the whole
8 the PUD.

9 COMMISSIONER PINCHEVSKY: Over all of
10 the buildings?

11 MR. ROBERTS: The whole PUD, right.

12 So the question is really the 75
13 percent, and I am thinking that if there is an
14 asterisk in the tables that that's where it was
15 measured, that that was a PUD standard, but there's
16 a question that you're trying to get an
17 explanation --

18 COMMISSIONER PINCHEVSKY: Well, it
19 references the zoning ordinance.

20 MR. ROBERTS: Right. Well, that is
21 where the PUD stands for --

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

24 Okay. Yeah, I mean, that definitely
25 answers that. I thought since you presented this

1 table --

2 THE WITNESS: We did --

3 (The witness and Commissioenr

4 Pinchevsky talking over each other)

5 COMMISSIONER PINCHEVSKY: Okay. I

6 mean, that is all I have for this moment.

7 Councilman, you are up.

8 COMMISSIONER DOYLE: All right.

9 MR. HIPOLIT: Do you think you're --

10 (Laughter)

11 COMMISSIONER DOYLE: Yes. Now, I'm

12 going to leave the dogs out --

13 MR. HIPOLIT: -- so it's just the sewer

14 and the dog runs.

15 COMMISSIONER DOYLE: No. We just

16 received today the January 21st letter from the

17 Flood Plain Administrator, and am I to -- her letter

18 says that she has no objections to the responses and

19 that appropriate testimony would be heard from the

20 architect and engineer to further clarify these

21 points.

22 So from the responses to the January

23 19th response to the earlier Flood Plain

24 Administrator's letter, it seems to me that some of

25 the questions have not been addressed, but can I

1 rely on you guys to -- yeah, one of the issues was
2 whether to elevate, for example, questions numbers 6
3 and 7. It is not permitted under the FEMA
4 guidelines to have the lobby be dry flood proofed,
5 and you're doing dry flood proofing, but you
6 explained, and you guys are --

7 MR. HIPOLIT: Yes. Initially, in their
8 initial plan, their wet versus dry proof was
9 unclear. We have now clarified that. I looked at
10 his letter. I've spoken to the Flood Plain Manager.

11 Anything that you decide to act on, if
12 it is an approval, needs to be consistent with the
13 other approvals that have to meet with the Flood
14 Plain Manager's requirements to the site, and/or
15 FEMA. I talked to Mr. Hay earlier today. They
16 agreed. They have no issue with that. They have to
17 comply with it. They don't any choice. They can't
18 not comply, especially on this site, it's a
19 waterfront development.

20 CHAIRMAN HOLTZMAN: I think one of the
21 issues that we specifically got testimony about was
22 the two egresses from the lobby and the wet proofing
23 egress, so that there is a safety egress that you
24 can actually use.

25 MR. HIPOLIT: Correct.

1 Not that it should make you feel any
2 better, but because they are a waterfront
3 development, they're looked at very differently.
4 Any other application we look at, there's another
5 agency looking at this permit, so on top of FEMA --

6 COMMISSIONER DOYLE: And that's the
7 same answer for the generator room and transformer
8 where your --

9 MR. HIPOLIT: Elevating it --

10 COMMISSIONER DOYLE: -- elevating 13
11 feet up regardless of whether you are on the first
12 floor or the second floor.

13 CHAIRMAN HOLTZMAN: Correct.

14 COMMISSIONER DOYLE: And then number
15 one, which is my last question, it says: No fill
16 shall be used to elevate the proposed structure, and
17 in your response, it says we will be using infill,
18 which seems to contradict the statement that no fill
19 shall be used, but I guess that is okay.

20 MR. HIPOLIT: It is. It's probably a
21 longer discussion --

22 COMMISSIONER DOYLE: No. Just say yes.

23 MR. HIPOLIT: Yes.

24 (Laughter)

25 COMMISSIONER DOYLE: Thank you.

1 And then I'm not sure that you're
2 saying -- I had the same question that Commissioner
3 Pinchevsky asked with regard to the percentage, and
4 you are saying that's averaged out over the whole --

5 MR. ROBERTS: Well, the 65 percent is
6 the average. The 75 percent is the max. The
7 question is where, at what point is it measured --

8 COMMISSIONER DOYLE: But this building
9 can't be 67 percent of this lot. There's no --

10 MR. ROBERTS: 67 percent is based on
11 the table. It's based on 11,300 some odd square
12 feet.

13 The question is from -- in the PUD
14 standard, is it allowed to be measured per floor,
15 and I have to check with the PUD standards to tell
16 you that.

17 CHAIRMAN HOLTZMAN: Mr. Doyle, we are
18 going to get an answer to this.

19 Mr. Pantel, can you make sure that Mr.
20 Marchetto or whomever needs to do this calculation
21 gets it to the square foot for us by the end of this
22 evening?

23 MR. PANTEL: Yes, I will certainly try
24 to --

25 CHAIRMAN HOLTZMAN: Yes is the correct

1 answer.

2 Thank you.

3 COMMISSIONER PINCHEVSKY: Mr. Chairman,
4 just for clarification --

5 CHAIRMAN HOLTZMAN: Yes, Mr.
6 Pinchevsky.

7 COMMISSIONER PINCHEVSKY: -- the floor
8 print of the building itself is on ground level at
9 85 percent coverage based on the numbers that have
10 been provided in the table there, but Mr. Roberts
11 just said there is the asterisk that says that it
12 could be based on the fifth floor --

13 CHAIRMAN HOLTZMAN: We will get to the
14 bottom of this one, I'm sure.

15 COMMISSIONER PINCHEVSKY: -- just I
16 wanted the Board to hear that it was 85 percent.

17 CHAIRMAN HOLTZMAN: Thank you.

18 Any other questions --

19 COMMISSIONER DOYLE: And my last
20 question is, I'm sorry -- the sewer, is there going
21 to be a split with the sewers coming out of the
22 building? In other words, for the rainwater runoff
23 versus the --

24 THE WITNESS: Correct. That is
25 correct.

1 So the rainwater actually drains
2 directly to a catch basin that is adjacent to the
3 loading area on 15th Street.

4 The sewer will be individually sewered
5 directly to Shipyard Lane. It is almost identical
6 in terms of what we did with Building E --

7 COMMISSIONER DOYLE: Okay. Which I
8 wasn't around for. Okay.

9 CHAIRMAN HOLTZMAN: Thank you.

10 COMMISSIONER DOYLE: All right. Thank
11 you.

12 When are we going to hear about, you
13 know, saying the detention, you know, will work with
14 Andy, and it is going to be a rain barrel versus a
15 detention or versus a retention, I mean, are we
16 going to be voting tonight without having any idea
17 whether it will be one percent better or 20 percent
18 better?

19 THE WITNESS: Councilman, let me just
20 be sure I explain this one.

21 When we came from Building E, and it's
22 the same thing with Building D, we don't have to
23 meet a criteria. However, the Chairman has
24 elaborated, they would like to see us make an
25 accommodation.

1 We have said we were willing to make an
2 accommodation.

3 I did speak to your engineer earlier
4 about this. It would be a number that we would have
5 to work out obviously administratively, what we're
6 asking, if the Board would consider that as part of
7 the application approval, I believe we can come up
8 with something that would accommodate everybody.

9 We certainly did that on Building E
10 with raising Hudson Street, accommodating the amount
11 of stormwater that we are storing, so I see it
12 almost the same in that application as this
13 application.

14 CHAIRMAN HOLTZMAN: Mr. Councilman, I
15 think that by the end of this evening that we will
16 be fairly certain that we're going to come up with a
17 percentage number that is going to help.

18 COMMISSIONER DOYLE: All right.

19 Thank you.

20 CHAIRMAN HOLTZMAN: Thank you.

21 Any members of the public that have any
22 questions for engineer?

23 MS. FISHER: Tiffanie Fisher, 1500
24 Hudson.

25 Can you point out where the loading

1 docks are?

2 I know the one on the east side, but I
3 think you mentioned there was one on the north side,
4 which I wasn't -- somebody else said earlier, that
5 it's all parallel parking --

6 THE WITNESS: Okay. I'm going to refer
7 to CS-1001, Mr. Chairman, to answer the question.

8 The two loading areas that I mentioned
9 before are part of the original PUD approval. We
10 had the same issue with Building E that we could not
11 locate them.

12 For this one, we have accommodated both
13 locations both from the north side, which is just
14 adjacent to in front of the retail area.

15 Then on the northeasterly side, which
16 is adjacent to the dry flood proof access point or
17 actually wet flood proof access point through to get
18 to the retail -- the residential.

19 MS. FISHER: Thanks.

20 On the north side, are there still a
21 portion of that that will be parking?

22 THE WITNESS: No, there is not.

23 MS. FISHER: You're removing all the
24 parking signs?

25 THE WITNESS: As far as I understand,

1 that location now, there is parking there. And I
2 believe the parking if I call it, it is parallel
3 parking.

4 MS. FISHER: Yes.

5 THE WITNESS: Yes. That area, because
6 of the fact that PUD stipulates we have to have a
7 loading area there, it has to be accommodated.

8 MS. FISHER: I just would throw it out
9 to everybody who is going to vote on this, as a
10 developer, do you feel you need the second loading
11 zone, and as the Board, if they said they didn't
12 need it, and they put parking there, would you guys
13 consider it?

14 You don't have to answer it, but --

15 CHAIRMAN HOLTZMAN: I believe you're
16 required to.

17 Is that correct, Mr. Hay?

18 THE WITNESS: Mr. Chairman, yes. Very
19 similar to Building E, for Building D we are
20 required to.

21 CHAIRMAN HOLTZMAN: And you certainly
22 don't want to ask us for another variance to remove
23 that, do you?

24 THE WITNESS: No, Mr. Chairman. We
25 will not ask you for another variance.

1 CHAIRMAN HOLTZMAN: Thank you.

2 COMMISSIONER STRATTON: Can I ask a
3 follow-up question?

4 CHAIRMAN HOLTZMAN: Of course.

5 COMMISSIONER STRATTON: What is the
6 width of the proposed loading zone?

7 THE WITNESS: The width of the loading
8 zone, I believe is eight feet. It was the same
9 distance that we have on Building E.

10 We had to make accommodations because
11 typically eight feet is the norm for an area to
12 obviously have a loading zone and to have a vehicle
13 out of the travel path.

14 COMMISSIONER STRATTON: That is what I
15 am most concerned with.

16 CHAIRMAN HOLTZMAN: Does that make
17 sense? Is that good?

18 COMMISSIONER STRATTON: And the loading
19 zone width, would that accommodate a vehicle and
20 have that not be in the travel path along 15th
21 Street?

22 THE WITNESS: Yes. Eight feet will
23 accommodate an actual vehicle. That is the typical
24 standard. A maximum is eight feet, and a minimum of
25 seven feet.

1 MS. FISHER: Does the PUD require the
2 length of it to be that full length of the building?

3 What I am getting at is: Is there some
4 ability to --

5 CHAIRMAN HOLTZMAN: Save some of the
6 parking spots?

7 MS. FISHER: Yes.

8 CHAIRMAN HOLTZMAN: Ask the question.

9 MS. FISHER: Yes.

10 Sorry.

11 Is there some ability to save some of
12 the parking spots?

13 THE WITNESS: There would not be, and
14 let me explain why.

15 This is a little bit different than
16 Building E.

17 In Building D, you have a lot width of
18 nearly 112 feet. You are not allowed to park more
19 than 25 feet from a corner. Once you take the 25
20 feet out on both sides, that's 50 feet, you subtract
21 that by, let's say, 120 feet in this case, 130 feet,
22 you are at 80 feet. That area essentially has to be
23 a minimum of 50 feet.

24 Now why is that?

25 Because you have vehicles that have a

1 wheel base of nearly, let's say, 30 to 40 feet.
2 They have to be able to reverse into the space and
3 then out of the space.

4 MS. FISHER: This isn't a pop quiz.
5 It's more of a -- is that because that's a standard
6 size or that length is what was required under the
7 PUD?

8 Just so you know the basis of it, the
9 loading zone that is on our building at 1500 Hudson
10 that we discovered is 52 feet long, and it was
11 approved, you know, and it was a long, long time
12 ago, so I don't know if the rules changed or
13 whatever. But that one that was approved that's in
14 the PUD is just 18 feet long, and other locations in
15 the intersection not used --

16 THE WITNESS: It's -- it's --

17 MS. FISHER: -- so I am curious if
18 there's flexibility --

19 THE WITNESS: There is -- there is very
20 little because what we did was, very similar to what
21 we did in Building E, Building D we took those
22 distances, and we checked them. We checked them in
23 terms of length and width. As I admitted earlier,
24 they have to be around seven to eight feet in width.
25 That's to get the vehicle out of the travel, but

1 with 50 feet that will accommodate a normal box
2 truck with a wheel base of anywhere between 30 to 40
3 feet.

4 MS. FISHER: Okay.

5 And then how wide is the sidewalk that
6 would be usable for pedestrians?

7 THE WITNESS: The narrowest point, the
8 narrowest point that you should be worried about is
9 along this corridor, this wet flood proofed corridor
10 back into the residential area, that width is almost
11 about eight to nine feet. That's the minimum.

12 MR. PANTEL: That's along Shipyard
13 Lane?

14 THE WITNESS: That's along Shipyard
15 Lane, yes.

16 MS. FISHER: Got it.

17 And on the north side, it's about how
18 much?

19 THE WITNESS: It's approximately 13
20 feet.

21 MS. FISHER: Okay.

22 And how wide is the one on 14th and
23 15th, do you know --

24 THE WITNESS: You mean on Hudson?

25 MS. FISHER: -- I'm sorry -- 1400 --

1 like how does the width of the walkable sidewalk on
2 the north side of this building compare with the
3 width of what I am calling the walkable sidewalk on
4 1400?

5 THE WITNESS: It is very accomo -- it's
6 the same as Hudson Street on both sides of the
7 street because on Hudson Street we made sure that
8 the sidewalks were identical in terms of width.

9 Obviously, we reconstructed the street,
10 so, yes, they are very similar.

11 MS. FISHER: Okay. And just one last
12 question: Do you know where -- so in this kind of
13 corner, where does the PUD end?

14 Like on the -- you had that original
15 say --

16 CHAIRMAN HOLTZMAN: On your color
17 plan --

18 MS. FISHER: -- yeah, it's the color
19 plan.

20 CHAIRMAN HOLTZMAN: -- illustrative
21 site plan.

22 COMMISSIONER DOYLE: Is it A-3?

23 THE WITNESS: It's A-3. It is Exhibit
24 A-3.

25 MS. FISHER: So is it the orange color?

1 THE WITNESS: The building in question,
2 Building D, is the blue color.

3 MS. FISHER: Yeah, no. But the whole
4 PUD, like where is the boundary in the --

5 THE WITNESS: It's the Orange. That's
6 the boundary. That is correct.

7 COMMISSIONER DOYLE: The orange
8 buildings, or there is no line that is orange, is
9 there?

10 THE WITNESS: No. In terms of the
11 actual area, it encompasses just the orange
12 buildings. I don't have the actual master
13 development plan, but it is very similar in terms of
14 footprint and commonality of the ground --

15 COMMISSIONER DOYLE: But you testified
16 that Building D, which is not orange, is in the PUD,
17 correct?

18 THE WITNESS: That's correct, yes.

19 MS. FISHER: Yeah. But he's saying
20 that I think if you go -- 1500 Hudson, how far is
21 that right above your finger to the east?

22 Keep going. How far does the PUD --

23 (The witness and Ms. Fisher speaking
24 over each other)

25 THE WITNESS: It ended up -- yes --

1 MS. FISHER: -- and that's how it
2 varies?

3 THE WITNESS: Yes.

4 MR. PANTEL: So it includes the orange
5 buildings that were labeled A, B, C, D, E and F
6 and --

7 MS. FISHER: Yup. It's a --

8 MR. PANTEL: -- and as well as -- it's
9 not orange -- as well as Buildings D and E, which
10 are different colors.

11 THE WITNESS: Yes.

12 MS. FISHER: And what part of the road
13 is -- it just would kind go directly across from the
14 end of the rust-colored building, and I'm asking
15 more like are there other site improvements as
16 you're thinking about whatever the additional
17 accommodations are, are there additional site
18 improvements on that last -- this is like a messy
19 corner. Like, you know, it has odd parking, and it
20 has the North Hudson Sewerage thing, and the weird
21 width sidewalks and the weird intersections and
22 loading zones in the intersections.

23 Is there any contemplated improvements
24 for this piece because you are not going to be back
25 in front of the Planning Board? This is it.

1 THE WITNESS: The only off track
2 improvements, and I will refer to the site plan,
3 because the outbound is very clear on the site.
4 Again, referring back to the plans that we had and
5 provided and presented tonight, CS-1001.

6 The only area that would be improved
7 would be the areas outside -- the outbound is nearly
8 six feet outside of the building line.

9 You might recall my testimony --

10 MS. FISHER: Yes.

11 THE WITNESS: -- I had testified prior,
12 so you would have that improvement along the
13 sidewalk, the curbing and any paving, as well as any
14 utility, which would be really the connection point
15 into the catch basin, that would be the first off
16 track improvement.

17 The second off track improvement would
18 be on the easterly side 12 feet outside of the
19 outbound, the outbound that's 12 feet outside of the
20 building, and then you have associated curb and
21 sidewalk paving and utilities that would be
22 approved, as well as a handicapped ramp, and then
23 you are also talking about the westerly side.

24 Now, there has to be improvements. We
25 made improvements there previously. They are in a,

1 I want to say, a rough grade stage. They will be
2 finalized at the conclusion of the construction.

3 And you are talking about the
4 ingress/egress garage off the westerly face of the
5 building, as well as any type of landscaping that's
6 adjacent to the building, as well as the area
7 alongside the vestibule.

8 MS. FISHER: So thanks --

9 THE WITNESS: Once again, that's
10 outside of the track --

11 (The witness and Ms. Fisher talking at
12 the same time)

13 MS. FISHER: -- all of which -- all of
14 which is going to be a great addition to the corner.

15 What's prompting me to ask a lot of
16 these kind of questions right here is the bump-out
17 going out further, and when Mr. Marchetto --
18 Marchetto shows his model, it narrows that area to
19 some degree from I guess a feel standpoint.

20 And so the question is -- is there --
21 to accommodate that bump-out, is there something
22 more that could be done in the area that is
23 resident-friendly as opposed to like a loading zone
24 for trucks, or you know, something on the other side
25 of the site because this is the last time you're

1 going to be in front of the Planning Board, or is
2 this like orphaned little corner on the other -- on
3 the north side of 15th Street -- by that side of the
4 weird intersection?

5 You have these road improvements that
6 are awesome, I mean, and they've been awesome.

7 And the question is: Can they somehow
8 extend it into that intersection --

9 THE WITNESS: Not --

10 (Ms. Fisher and the witness talking at
11 the same time.)

12 THE REPORTER: Wait a second. You
13 can't talk at the same time.

14 MS. FISHER: -- sorry.

15 The question is: They did some really
16 great road improvements on Hudson Street between
17 14th and 15th, and after you do -- and, again, I
18 will echo what everybody says, everybody thinks it's
19 a great looking building.

20 After this gets built, there is this
21 little orphaned corner in the middle of the
22 intersection that's part of the PUD, but doesn't
23 necessarily require you to come back and do anything
24 with it.

25 So the question is: Is this last

1 opportunity as part of these variances, is there
2 something that can be done to just make this last
3 little corner that is part of the PUD, you know,
4 better for the community, otherwise --

5 CHAIRMAN HOLTZMAN: Okay. You got your
6 point.

7 MS. FISHER: Thank you.

8 CHAIRMAN HOLTZMAN: Thank you.

9 MS. FISHER: No more questions.

10 CHAIRMAN HOLTZMAN: Thank you.

11 Is there anyone else that had any
12 questions for the engineer?

13 MR. STERNLIEB: Robert Sternlieb, 1500
14 Washington.

15 Hum, Tiffanie mentioned the loading
16 zone on the north, required, not changing, so that
17 is fine.

18 Hum, with respect to the roof section,
19 my expectation is the previous building plan, the
20 roof, none of it was -- and I don't know this -- but
21 none of it was for residential use was my
22 expectation.

23 We just had two feet of snow. Where is
24 the snow -- will there be a way to prevent the
25 residents from throwing snow off of there what is

1 now a balcony onto the sidewalk?

2 THE WITNESS: I can't answer that.

3 CHAIRMAN HOLTZMAN: No. You can answer
4 that.

5 MR. STERNLIEB: Is that something
6 that --

7 CHAIRMAN HOLTZMAN: The answer is no,
8 there is nothing stopping people from being
9 ridiculous.

10 THE WITNESS: There's nothing stopping
11 them, unless you have a 48-inch parapet, Mr.
12 Chairman, you could have that --

13 MR. STERNLIEB: Is that something that
14 anyone is concerned with?

15 I think actually something was --

16 CHAIRMAN HOLTZMAN: Somebody could also
17 throw something ridiculous out the window, so at
18 some point public safety is left up to the police
19 department for people that act like crazy people.

20 MR. STERNLIEB: During your testimony
21 you did mention utility connections. You did
22 specifically mention the water, the sewer and the
23 electric. You didn't specifically mention gas.

24 THE WITNESS: Yes. The gas will be
25 also connected at Shipyard Lane.

1 MR. STERNLIEB: Okay. That just needed
2 to be before the --

3 CHAIRMAN HOLTZMAN: Great.

4 MR. STERNLIEB: -- hum, staging of the
5 materials during construction, environmental
6 monitoring during construction and traffic during
7 construction, right now, as you mentioned --

8 MR. GALVIN: I am going to stop you
9 there because I have already made allowances for
10 those. When we get to the conditions, I am going to
11 rattle that off.

12 MR. STERNLIEB: Perfect.

13 Thank you.

14 CHAIRMAN HOLTZMAN: Mr. Stratton, I
15 know there was some concerns about pedestrian
16 traffic and flow mostly east-west.

17 COMMISSIONER STRATTON: I spoke with
18 the Director of Transportation about this site plan,
19 and I have a number of things I would like to raise
20 and ask a question first --

21 CHAIRMAN HOLTZMAN: Did you prepare a
22 memo on this?

23 COMMISSIONER STRATTON: There was a
24 memo written to the Director by myself representing
25 my role as a principal planner for the

1 transportation department --

2 MR. PANTEL: I'm sorry. What did you
3 say?

4 COMMISSIONER STRATTON: -- in my role
5 as my principal planner for the transportation
6 department --

7 MR. PANTEL: Okay.

8 COMMISSIONER STRATTON: -- did you
9 receive that memo?

10 THE WITNESS: No.

11 COMMISSIONER STRATTON: Did the
12 engineer, our engineer, the Board Engineer, discuss
13 that memo with you?

14 THE WITNESS: No.

15 COMMISSIONER STRATTON: Okay. So I
16 think that this is a good time to talk about it
17 then.

18 So pedestrian safety going from west to
19 east --

20 CHAIRMAN HOLTZMAN: For future
21 reference, Mr. Stratton --

22 MR. HIPOLIT: Yeah. I'm not sure. If
23 you could --

24 CHAIRMAN HOLTZMAN: -- I'm sorry.

25 For future reference, Mr. Stratton, if

1 you have a memo that you are preparing ahead of
2 time, even though it might be something that's
3 internal, perhaps you can share that with our
4 Board's Attorney, so that we can get a direct answer
5 for you, and their engineer would have had an
6 opportunity to respond to it, so that we could have
7 had your responses for this evening.

8 COMMISSIONER STRATTON: Okay.

9 CHAIRMAN HOLTZMAN: But that being
10 said, let's go. Let's hit it.

11 COMMISSIONER STRATTON: So there are
12 two specific intersections that don't provide for
13 pedestrian accommodation, which is the northeast
14 corner of the site and then on the eastern side of
15 the --

16 CHAIRMAN HOLTZMAN: Can we get a large
17 visual on this or something, or maybe just a color
18 rendering, a map of --

19 MR. PANTEL: A-3.

20 CHAIRMAN HOLTZMAN: -- the streets, the
21 streets, so we can point this out, what Caleb is
22 referring to?

23 THE WITNESS: Mr. Chairman, would you
24 like an aerial shot or would you like this?

25 CHAIRMAN HOLTZMAN: This is good. I

1 think this will work.

2 THE WITNESS: Very good.

3 COMMISSIONER DOYLE: A-3.

4 CHAIRMAN HOLTZMAN: So what is the
5 corner?

6 COMMISSIONER STRATTON: The northeast
7 corner or the eastern side -- what we recommend is a
8 pedestrian accommodation to access the waterfront
9 because of the changes in the project area and the
10 need to create a west to eastbound connection.

11 The crossings as proposed we consider
12 to be inadequate, and that we think or would suggest
13 that additional accommodations need to be made for
14 pedestrian traffic, and that change needs to be made
15 to the proposed site plan based on those needs to
16 connect to the waterfront --

17 CHAIRMAN HOLTZMAN: So specifically
18 about, so we got a new building here, and people are
19 going to want to travel east, so they're going to
20 come out the doors on perhaps the eastern side of
21 this building, and they're going to walk right into
22 this kind kooky dog leg intersection there of
23 Shipyard Lane and 15th Street, and I don't know
24 whatever the heck -- is that 15th Street that
25 goes --

1 A VOICE: North Sinatra.

2 CHAIRMAN HOLTZMAN: -- North Sinatra
3 Drive, right?

4 So it is kind of a mess there. And,
5 again, if you are walking across 15th Street, again,
6 you walk into the middle of like two turns or three
7 turns even --

8 COMMISSIONER STRATTON: Right.

9 CHAIRMAN HOLTZMAN: -- so we understand
10 it is kind of a messy thing.

11 Did you guys do any analysis to come up
12 with what might be a better solution or different
13 crosswalking signage or directional --

14 COMMISSIONER STRATTON: We would
15 recommend first that you provide a circulation plan
16 for not just vehicles or loading zones, but for --
17 to accommodate all users, so really looking at
18 bicycle facilities, traffic coming and pedestrian
19 crossings in this area.

20 THE WITNESS: Mr. Chairman, I just
21 conferred with my client.

22 I thought the original question -- and
23 now I am hearing more things that obviously we are
24 not prepared for. But if the question is about the
25 east to west pedestrian flow and being able to get

1 over to this corner, if there would be the
2 suggestion of maybe placing a handicapped ramp
3 across this corner, it's possible we could do that,
4 but, yes, you would have to --

5 CHAIRMAN HOLTZMAN: See, I am at a loss
6 as how to solve this problem this evening, because
7 unfortunately, we have a situation where you guys
8 had some analysis of something. Unfortunately, we
9 didn't give these guys any opportunity to respond
10 with a solution. So you are not prepared to offer
11 an exact solution to the problem.

12 COMMISSIONER SETRATTON: We provide --
13 we provide guidance on what the City of Hoboken
14 considers a complete street and we provide -- we
15 don't provide -- we provide general recommendations
16 on how to align crosswalks, but I don't think we are
17 in a position to provide a design for how they
18 should do that --

19 CHAIRMAN HOLTZMAN: Okay. So --

20 COMMISSIONER STRATTON: -- we provide
21 comments in the plan, but I am not going to tell the
22 applicant how they should design their --

23 CHAIRMAN HOLTZMAN: -- okay. So there
24 is not a specific answer that solves the problem,
25 right?

1 COMMISSIONER STRATTON: Correct.

2 CHAIRMAN HOLTZMAN: Okay.

3 So how do we move forward with this?
4 How do we make this work?

5 MR. PANTEL: Obviously, we have not
6 seen, as you, yourself, pointed out a moment ago, a
7 description of this analysis, so we don't really
8 know what the problem, quote, unquote, is --

9 MR. GALVIN: Do you have --

10 CHAIRMAN HOLTZMAN: Hang on.

11 MR. GALVIN: -- do you have a copy of
12 the memo with you?

13 COMMISSIONER STRATTON: Yes.

14 MR. GALVIN: Can we see it?

15 COMMISSIONER STRATTON: Sure.

16 CHAIRMAN HOLTZMAN: So are you reading
17 this? It's a whole story. You're not reading this
18 whole thing --

19 MR. GALVIN: Yes. Lawyers can read
20 that fast.

21 CHAIRMAN HOLTZMAN: -- it is a whole
22 Megillah.

23 MR. PANTEL: Do you have an extra
24 copy?

25 MR. GALVIN: No, but I am going to hand

1 it to you in one second.

2 Come on over.

3 MR. PANTEL: Sure. Thank you.

4 (Counsel review document)

5 CHAIRMAN HOLTZMAN: So we need to put
6 some kind of a condition here, I guess, that says
7 that we need to figure out how to do a good job
8 about this. We don't know what the answer is
9 because we are not exactly sure what the problem is,
10 so I am not sure how we solve that. But Dennis
11 needs to come up with some kind of a resolution that
12 says we are going to figure out how to deal with
13 this intersection and pedestrian safety a whole lot
14 better than doing nothing --

15 MR. GALVIN: I mean the --

16 COMMISSIONER STRATTON: It -- it --

17 CHAIRMAN HOLTZMAN: -- because right
18 now we are doing nothing. We are putting a curb in.
19 Great. We got a crosswalk -- we don't even have a
20 crosswalk or anything --

21 THE WITNESS: Which I had mentioned,
22 but, yes.

23 COMMISSIONER FORBES: Chair, I mean,
24 the point of that is, you know, not only for this
25 building have we had this conversation, but as was

1 in the letter about the example, the pet
2 accommodation, you know, their recommendation was,
3 you know, to guide people over to the waterfront to
4 where, you know, the dog run is in that area.

5 For them to do that and crossing this,
6 you know, frontage, and if we are going to make that
7 recommendation here, that is where, you know, those
8 residents are going to walk with their pets. So I
9 think that it is something that, you know, aside
10 from just in general, that there are going to be
11 more people walking, you know, more pedestrians
12 created from this and walking along there, and with
13 that completion, we are actually making that
14 suggestion that they, you know, make that
15 recommendation that is creating even more of that.

16 CHAIRMAN HOLTZMAN: Okay.

17 COMMISSIONER FORBES: I don't have a
18 solution --

19 MR. GALVIN: No, no. Listen --

20 CHAIRMAN HOLTZMAN: This ball is up in
21 the air.

22 MR. GALVIN: -- I think one of the
23 things -- can I talk for one second?

24 I think the frustration is we have a
25 lot of cases that we have to get through going

1 forward, and that is why we are having special
2 meetings, and we are going to have them for the
3 foreseeable future.

4 So what might happen as a result of
5 getting this information at this point without
6 having our team able to take a look at it is we
7 might have to carry this to another night before we
8 can approve it.

9 That is not maybe a terrible thing, but
10 if they had had this for a couple of days with Andy,
11 they would have been able to come up with something
12 similar to previous plans that we create, so --

13 CHAIRMAN HOLTZMAN: Sure.

14 Mr. Peene, you had something?

15 COMMISSIONER PEENE: Just, you know,
16 just through the Chair, just a clarification
17 question for Mr. Stratton or Ms. Forbes.

18 The orphan corner that we are talking
19 about right now, is this the waterfront walkway --
20 the waterfront walkway corner, where it ends,
21 because, you know --

22 COMMISSIONER STRATTON: It's creating a
23 connection from the project site to the waterfront
24 walkway --

25 COMMISSIONER PEENE: Correct. Right

1 now you are kind of --

2 COMMISSIONER STRATTON: -- that is much
3 more clear, much more defined and much more -- much
4 safer for pedestrians and vehicular traffic and
5 cyclists alike.

6 COMMISSIONER PEENE: Yes. In my humble
7 opinion, it is a disaster right now. You go walk
8 along the waterfront to get to 15th Street, you have
9 to -- it is a disaster.

10 MR. HIPOLIT: When you look at this
11 board, I mean, all they talking about is the
12 connectivity either across here -- I don't know that
13 that necessarily --

14 COMMISSIONER STRATTON: And I don't
15 necessarily think it was the recommendation of our
16 department to create it on a blind corner on a
17 two-way street either.

18 I think there are other alternatives
19 that I think the applicant would probably prefer not
20 to resolve this based on the memo that I have
21 written right now. I don't think that that could
22 actually happen, so --

23 CHAIRMAN HOLTZMAN: Right. That's not
24 going to happen now, no.

25 Okay. So that being said, we have a

1 memo now from Commissioner Stratton, that I guess we
2 maybe need to put on the record.

3 MR. PANTEL: Well, the memorandum
4 raises a lot of very --

5 CHAIRMAN HOLTZMAN: I didn't want to
6 discuss it, Mr. Pantel. I just wanted to put it on
7 the record. Let's take it one step at a time.

8 MR. PANTEL: Sure. We can do that.

9 CHAIRMAN HOLTZMAN: I think we need to
10 put that memo on the record.

11 Is that correct, Mr. Galvin?

12 We're talking about this memo.

13 MR. GALVIN: I think that could become
14 D-1.

15 CHAIRMAN HOLTZMAN: D-1, there you go.

16 MR. PANTEL: It's a December 28th memo
17 to the Hoboken DOT, Director John Morgan, from Mr.
18 Stratton.

19 (Exhibit D-1 marked.)

20 CHAIRMAN HOLTZMAN: Okay. Great.
21 Okay.

22 So we are going to make sure that that
23 gets entered on the record. Mr. Stratton is going
24 to make sure that he forwards a copy of that to our
25 Board Secretary, who will make sure that it gets

1 into the hands of all of our professionals and all
2 of your professionals, at which point when we see
3 you at the next meeting, there will be, I'm sure,
4 some good solutions offered to these points that
5 have been raised.

6 MR. PANTEL: Yes.

7 We will certainly have the traffic
8 consultant review this, and I think one thing is
9 important to bear in mind is that there is no change
10 in traffic impact --

11 CHAIRMAN HOLTZMAN: No one assumed that
12 there was.

13 MR. PANTEL: Right.

14 MR. GALVIN: You know, like some of the
15 items on that are really benign, like the --

16 CHAIRMAN HOLTZMAN: We are not going to
17 get into the discussion of that memo, so let's stop
18 right here --

19 MR. GALVIN: Okay.

20 CHAIRMAN HOLTZMAN: -- so let's stop
21 right here.

22 Thank you.

23 Okay. Mr. Hay, was your testimony
24 concluded?

25 THE WITNESS: Yes, Mr. Chairman.

1 CHAIRMAN HOLTZMAN: Does anybody have
2 any additional questions from the Board for Mr. Hay?

3 Were there any -- oh, we had public
4 questions. Were there any other public questions
5 for Mr. Hay, for the engineering?

6 Great. We will close the public
7 portion on Mr. Hay.

8 Ms. Carcone, how are we doing on time?
9 I know that you had some constraints we were working
10 into, we were trying to help you with. It's 10:30.

11 MS. CARCONE: Are you asking for a date
12 to continue?

13 MR. GALVIN: Yes. We're asking for
14 both.

15 CHAIRMAN HOLTZMAN: We're asking for
16 both. I'm asking how are you doing on time.

17 MS. CARCONE: I'm fine with time.

18 MR. GALVIN: Yes. One is the train,
19 and one is when can we carry this to, if we're
20 carrying it?

21 (Laughter)

22 MS. CARCONE: Our February meetings are
23 kind of scheduled out. We have two meetings in
24 February. I was looking at March 1st.

25 MR. GALVIN: What are the two matters

1 we have and what is on?

2 MS. CARCONE: We have next Tuesday,
3 which is kind of fast. That meeting we have
4 projects already noticed for that meeting that we
5 carried already, so that is not a good date.

6 Our second meeting is on the 25th. We
7 have a special meeting. We have two projects. They
8 could be bumped back, or we could put this on March
9 1st, which is a week later, and that is wide-open.

10 CHAIRMAN HOLTZMAN: What do you think
11 about that, Mr. Pantel?

12 Let me just say this: We are going to
13 respond to the traffic concerns, and I am sure they
14 will be adjusted pretty easily. They're going to
15 figure it out, and then Mr. Chadwick, he going to
16 need a half hour.

17 MR. PANTEL: Yes. Obviously we need
18 testimony from Mr. Chadwick and --

19 MR. CHADWICK: What day is the 25th?

20 MS. CARCONE: It's a Thursday.

21 MR. PANTEL: February 25th is a
22 Thursday.

23 (Board members confer.)

24 CHAIRMAN HOLTZMAN: So, Mr. Pantel, I
25 am going to have Dennis read the conditions that he

1 has been working on up until this point as well, so
2 that all of the people involved in this, whether
3 it's our professionals or yours or the applicant,
4 can make sure that they do their best to resolve any
5 of these outstanding items.

6 MR. PANTEL: Good point. I appreciate
7 that.

8 CHAIRMAN HOLTZMAN: Did we pick a date
9 there, kids?

10 MR. GALVIN: No.

11 MR. PANTEL: No.

12 MS. CARCONE: The 25th or the 1st,
13 March 1st.

14 COMMISSIONER PEENE: We have a meeting
15 already --

16 MR. GALVIN: Yes, but we would put this
17 over that.

18 (Board members confer)

19 CHAIRMAN HOLTZMAN: So, Mr. Pantel,
20 what do we have? We also need to have a planner's
21 report?

22 MR. PANTEL: We have two witnesses, the
23 planner and obviously traffic.

24 CHAIRMAN HOLTZMAN: Not obviously
25 traffic.

1 MR. GALVIN: We agree.

2 MR. PANTEL: Well, maybe we will work
3 that out in advance.

4 MR. GALVIN: Right. We can resolve it
5 beforehand.

6 MR. PANTEL: Absolutely.
7 Okay, the planner.

8 CHAIRMAN HOLTZMAN: Okay, and we can
9 keep it tight.

10 MR. GALVIN: I think you can do it in
11 an hour or an hour and 15 minutes.

12 MR. PANTEL: Yes.

13 CHAIRMAN HOLTZMAN: So do we have a
14 date here that we're agreeing on?

15 I know you were checking with your team
16 there.

17 MR. PANTEL: Yes. We are okay on the
18 25th or March 1st.

19 MR. CHADWICK: Let's do the 1st.

20 MS. CARCONE: You prefer the 1st. We
21 can do the 1st, because Bob Matule is already lined
22 up for the 25th.

23 CHAIRMAN HOLTZMAN: Oh, it's the Bob
24 Matule Show.

25 (Laughter)

1 MR. PANTEL: So March 1st at 7 p.m.

2 The matter is being carried to March
3 1st at 7 p.m. with no further notice for appearing,
4 and in what location, please?

5 MS. CARCONE: We will be in the
6 conference room, the lower conference room.

7 MR. PANTEL: In the City Hall
8 conference room, the ground floor.

9 CHAIRMAN HOLTZMAN: And do you waive
10 the time in which the Board has to act?

11 MR. PANTEL: Yes. We will extend the
12 time to March 2nd.

13 (Laughter)

14 MR. GALVIN: All right.

15 CHAIRMAN HOLTZMAN: Dennis, could you
16 read the conditions that you have worked on so far?

17 MR. GALVIN: Yes. I think we should
18 vote on that first. Is that okay?

19 CHAIRMAN HOLTZMAN: Yes.

20 We need a motion to accept that and a
21 motion to second that.

22 VICE CHAIR MAGALETTA: Motion.

23 COMMISSIONER MC KENZIE: Second.

24 CHAIRMAN HOLTZMAN: All in favor, aye?

25 (All Board members answered in the

1 affirmative.)

2 MR. GALVIN: Anyone opposed?

3 CHAIRMAN HOLTZMAN: Anyone opposed?

4 Thank you.

5 MR. GALVIN: Here we go --

6 MR. PANTEL: And there will be no
7 further notice required for that March 1st hearing.

8 MR. GALVIN: Right. That was included
9 as part of the motion, because that's what you
10 offered.

11 MR. PANTEL: Great. Thank you.

12 CHAIRMAN HOLTZMAN: All right. Let's
13 make sure that everyone is paying attention to what
14 we got so far.

15 MR. GALVIN: All right. Here we go.

16 1. The applicant is to confirm with the
17 City Council that all requirements of the 1997
18 Developer Agreement have been satisfied, and to
19 either amend or enter into a new developer agreement
20 consistent with this resolution of approval, which
21 will include the road closure and staging plans and
22 will ensure that all required public access be
23 provided.

24 CHAIRMAN HOLTZMAN: Hang on a second.

25 Mr. Pantel, I am sure Mr. Galvin will

1 share this with you, so you don't have to scrawl
2 this entire thing down.

3 MR. HIPOLIT: Share it with me and
4 Dave, too.

5 MR. GALVIN: Yes, yes, yes, I will.

6 CHAIRMAN HOLTZMAN: Let's read them
7 into the record, please.

8 MR. GALVIN: All right.

9 2. All elements constructed within the
10 city right-of-way shall be bonded and shall be
11 constructed in accordance with the site plan.

12 3. The road closure and detour plan
13 during construction is to be created in consultation
14 with the Board's Engineer and the City's Department
15 of Transportation --

16 CHAIRMAN HOLTZMAN: No, the mayor's
17 office.

18 MR. GALVIN: -- and must be approved by
19 both the county and the city.

20 The particulars of the road closure and
21 detour plan are then to be added to the site plan.
22 The Board's Engineer shall confirm that the plans
23 have been properly amended.

24 A copy of this road closure and detour
25 plan are to be provided to the mayor's office and

1 the developer agreement shall require 30 days
2 advance written notice to the mayor and the
3 Department of Transportation prior to the initiation
4 of the road closure detour plan.

5 4. The Board's Engineer shall review,
6 and if acceptable in the professional opinion of the
7 Board's Engineer, approve a construction staging
8 plan, which must be consistent with the road closure
9 plan.

10 5. This the approval is subject to the
11 compliance with the Board's professionals' letters.

12 6. Any public right-of-ways or
13 easements, which have been offered to the city
14 through any part of the underlying PUD must be
15 recorded prior to the issuance of the First
16 Certificate of Zoning for this property.

17 7. The applicant is to record a deed
18 restriction to ensure that the owner of the
19 building, which may be a condominium association, is
20 to maintain the green roofs as shown on the plan as
21 long as the building exists.

22 The deed restriction is to be reviewed
23 and approved by the Board's Attorney prior to its
24 being recorded and must be recorded prior to the
25 issuance of the First Certificate of Zoning.

1 8. The backup generator is to be
2 supplied by natural gas.

3 9. The ground level landscape plan is
4 to be revised to add a small area of low level
5 ground cover that is dog-friendly. That revision is
6 to be reviewed and approved by the Board's Planner.

7 10. The proposed street trees are to
8 be planted in consultation with the Shade Tree
9 Commission. The Board recommends that the trees be
10 a variety satisfactory with the Shade Tree
11 Commission, and the Board thought some consideration
12 should be given to the trees planted on neighboring
13 sites.

14 11. The stormwater plan for the
15 building is to be revised and submitted to the
16 Board's Engineer for his review and approval.

17 The Board would like to detain --

18 CHAIRMAN HOLTZMAN: Blank.

19 MR. GALVIN: -- I have eight times the
20 required detention by North Hudson Sewer Authority.

21 There is a back and forth, and I have
22 no clue where we are at.

23 12: The applicant is to submit proof
24 that the environmental issues have been resolved.

25 CHAIRMAN HOLTZMAN: Okay. There are

1 another couple of items that we were working on
2 during the hearing, which was Mr. Pinchevsky's --

3 COMMISSIONER PINCHEVSKY: Coverage.

4 CHAIRMAN HOLTZMAN: -- I'm sorry?

5 COMMISSIONER PINCHEVSKY: Coverage.

6 CHAIRMAN HOLTZMAN: Coverage, right.

7 There was a calculation that seemed to not add up.

8 COMMISSIONER PINCHEVSKY: An asterisk.

9 CHAIRMAN HOLTZMAN: Right. So we are
10 going to get an answer to that.

11 Are there any other outstanding --
12 obviously, we have the pedestrian safety issue,
13 Director.

14 COMMISSIONER FORBES: Yes. I think
15 we'll be addressing the issue about the buffer from
16 the edge of the buildings --

17 CHAIRMAN HOLTZMAN: Setting back the
18 decks, so that there is like a safety railing or
19 some buffer zone or something like that, right,
20 okay?

21 COMMISSIONER FORBES: Yes.

22 COMMISSIONER DOYLE: The calculation
23 for green roof?

24 CHAIRMAN HOLTZMAN: Calculation for
25 green roof, we are going to double check with Dave

1 on that, and we're going to get a straight answer on
2 that.

3 Commissioners, anything else that we
4 worked on this evening and didn't get a satisfactory
5 answer to?

6 COMMISSIONER PINCHEVSKY: Were we going
7 to give them an opportunity, for example, the
8 coverage ratio? If they have an answer now, why not
9 just --

10 MR. ROBERTS: Actually I looked it up,
11 so we can either cover it at this time --

12 CHAIRMAN HOLTZMAN: We are not going to
13 discuss it now, no.

14 That is what I have. Okay. So I think
15 we are good.

16 CHAIRMAN HOLTZMAN: Anything else,
17 Commissioners?

18 COMMISSIONER PEENE: No, sir.

19 CHAIRMAN HOLTZMAN: Is there a motion
20 to close our meeting?

21 COMMISSIONER PEENE: So moved.

22 CHAIRMAN HOLTZMAN: Is there a second?

23 COMMISSIONER MC KENZIE: Second.

24 CHAIRMAN HOLTZMAN: All in favor?

25 (All Board members answered in the

1 affirmative.)

2 MR. PANTEL: Thank you.

3 CHAIRMAN HOLTZMAN: Thank you.

4 (The meeting concluded at 10:45 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: 1-29-16
 This transcript was prepared in accordance with
 NJAC 13:43-5.9.