

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

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SPECIAL MEETING OF THE HOBOKEN : April 26, 2016
ZONING BOARD OF ADJUSTMENT : 7:10 p.m.
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Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman James Aibel
- Vice Chairman John Branciforte
- Commissioner Philip Cohen
- Commissioner Diane Fitzmyer Murphy
- Commissioner Edward McBride

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

- Eileen Banyra, Planning Consultant
- Jeffrey Marsden, PE, PP
Board Engineer
- Patricia Carcone, Board Secretary

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I N D E X

1		
2		
3		PAGE
4		
5	Board Business	1
6		
7	50 Harrison Street	5
8		
9	70 Monroe Street	6
10		
11	507 River Street	33
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

1 CHAIRMAN AIBEL: Good evening,
2 everyone.

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

11 Please join me in saluting the flag.

12 (Pledge of Allegiance recited)

13 CHAIRMAN AIBEL: Thank you.

14 Pat?

15 MS. CARCONE: Commissioner Aibel?

16 CHAIRMAN AIBEL: Here.

17 MS. CARCONE: Commissioner Branciforte?

18 VICE CHAIR BRANCIFORTE: Here.

19 MS. CARCONE: Commissioner Cohen?

20 COMMISSIONER COHEN: Here.

21 MS. CARCONE: Commissioner Grana is
22 absent.

23 Commissioner Marsh is absent.

24 Commissioner Murphy?

25 COMMISSIONER MURPHY: Here.

1 MS. CARCONE: Commissioner Mc Anuff and
2 Commissioner Weaver are absent.

3 Commissioner McBride?

4 COMMISSIONER MC BRIDE: Here.

5 MS. CARCONE: Commissioner Johnson is
6 absent, and Commissioner DeGrim is going to be late.
7 I think we are expecting him.

8 CHAIRMAN AIBEL: Good, as far as I
9 know.

10 So we have one resolution to do. Let's
11 knock that out.

12 MS. CARCONE: All right. Voting on 50
13 Harrison, resolution of approval, the Hoboken
14 Business Center, voting is Commissioner Aibel,
15 Commissioner Branciforte, and Commissioner Cohen,

16 COMMISSIONER COHEN: Motion to approve.

17 VICE CHAIR BRANCIFORTE: Second.

18 MS. CARCONE: Commissioner Branciforte?

19 VICE CHAIR BRANCIFORTE: Yes.

20 MS. CARCONE: Commissioner Cohen?

21 COMMISSIONER COHEN: Yes.

22 MS. CARCONE: Commissioner Aibel?

23 CHAIRMAN AIBEL: Yes.

24 MS. CARCONE: Okay.

25

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

----- X
RE: 70 Monroe Street : April 26, 2016
Block 15, Lot 27 :
Request for Extension for Minor Site :
Plan Approval granted 7/17/07 : 7:20 p.m.
----- X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman James Aibel
- Vice Chairman John Branciforte
- Commissioner Philip Cohen
- Commissioner Diane Fitzmyer Murphy
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8 Harborside Financial Center
9 1202 Plaza Ten
10 Jersey City, New Jersey 07311
11 Attorney for the Applicant.

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I N D E X

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WITNESS

PAGE

THOMAS CHARTIER

11

1 CHAIRMAN AIBEL: Great.

2 We have a request for an extension or
3 other relief I guess for 70 Monroe, Mr. Curley.

4 MR. GALVIN: Mr. Curley?

5 MR. CURLEY: Good evening.

6 John J. Curley, C-u-r-l-e-y, for the
7 applicant.

8 Mr. Chairman, and Members of the Board,
9 this is a project at 70 Monroe Street. It was
10 previously approved as a minor site plan review.
11 There were certain variances granted at the time.

12 The approvals have remained alive as a
13 result of the Permit Extension Act. They are due to
14 expire on June 30th, 2016. And although I sent in a
15 request for a full year extension, having looked at
16 it under the circumstances, it appears that we would
17 only need an extra 90 days.

18 The reason we ask for the extension is
19 that we would like to have the Board
20 administratively review certain changes that we
21 would like to make first to the facade of the
22 project.

23 One of the problems we have with the
24 facade is that it has balconies that actually extend
25 into the public right-of-way, and there are even

1 portions of the building that extend into the public
2 right-of-way, and we are of the opinion that that
3 wouldn't be approved today, and we think it is
4 appropriate to withdraw those elements of the
5 design.

6 I have Mr. Chartier with me, if the
7 Board would like to hear any information from him
8 either under oath or otherwise concerning the facade
9 changes and the fact that as a result of those
10 changes, there will actually be a building that is
11 less tall than is currently approved.

12 MR. GALVIN: Let me just say this for
13 the Board's information.

14 When this came by my desk, I was
15 worried that we were going to try to force a square
16 peg into a round hole, and I think we have an
17 opportunity to get a better looking building, and I
18 thought that you should at least be given that
19 opportunity to consider it.

20 Because I guess the first thought was
21 we would just get rid of the balconies, and I think
22 it would make the building look poor. I am not sure
23 if it would have been conforming to the original
24 approval, but I am not a hundred percent sure that
25 it wouldn't have. This way I think you get to

1 control the outcome.

2 I also said if there were any variances
3 required of this request, that that would be a
4 problem because then they would have to amend their
5 application.

6 Raise your right hand.

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

10 MR. CHARTIER: I do.

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

13 MR. GALVIN: And your name is?

14 THE WITNESS: Thomas Chartier.

15 MR. GALVIN: Spell your last name.

16 THE WITNESS: C-h-a-r-t-i-e-r.

17 MR. GALVIN: Mr. Chartier, you are the
18 developer of this project?

19 THE WITNESS: Yes.

20 MR. GALVIN: And no new variances are
21 required as a result of this revised drawing?

22 THE WITNESS: Correct.

23 MR. GALVIN: Okay.

24 So if it became determined that a
25 variance was required, they would have to file an

1 amended application, and I am not a hundred percent
2 sure that they would get an approval for the project
3 that was approved seven or eight years ago with
4 today's Board.

5 With that having been said, I think
6 what I want you to do is show the Board what the old
7 plan looked like and then show them what you are
8 proposing.

9 And let me confirm this: The new plan
10 will comply with the flood hazard regulation,
11 correct?

12 THE WITNESS: Correct.

13 MR. CURLEY: That is correct.

14 MR. GALVIN: And it eliminates
15 balconies, so it eliminates the need to go before
16 the City Council to get a right-of-way.

17 THE WITNESS: Yes.

18 MR. GALVIN: So really what this boils
19 down to is if you like the new drawing, and you're
20 okay with it, we are amending the prior resolution
21 to allow for this new looking facade.

22 Go ahead.

23 COMMISSIONER COHEN: Can I --

24 CHAIRMAN AIBEL: Excuse me.

25 Are there any interior changes?

1 THE WITNESS: There will be some
2 modification to the first floor to comply with the
3 flood regulations, and we're moving the utilities up
4 to the second floor, and the interior of the
5 residential units will be adjusted.

6 CHAIRMAN AIBEL: Okay.

7 MR. GALVIN: No problem.

8 CHAIRMAN AIBEL: Phil?

9 COMMISSIONER COHEN: Just one question,
10 Mr. Curley.

11 You referred to the balconies that went
12 into the right-of-way.

13 Is it your view that the governing body
14 would not have approved the balconies or this -- you
15 said you had thought that if they came back, they
16 would not be approved.

17 Were you referring to this body or the
18 governing body because the right-of-way goes into
19 the public?

20 MR. CURLEY: To tell you the truth, I
21 was quite surprised to find that they had been
22 approved by the Zoning Board in this instance. I
23 really have no idea what the governing body would
24 do.

25 COMMISSIONER COHEN: Okay.

1 MR. GALVIN: But now we don't have to
2 find out.

3 COMMISSIONER COHEN: Okay.

4 THE WITNESS: So this is the original
5 facade that was approved. It is four stories over a
6 common area. It is 50 feet two inches tall, and it
7 has balconies on the second, third, fourth and fifth
8 floors that protrude three feet into the public
9 right-of-way. This was marked as Exhibit A-2.

10 And then this is Exhibit A-1, and this
11 is the new design. It is 20 inches shorter. It
12 eliminates the balconies entirely, and it eliminates
13 the three foot protrusion into the right-of-way, so
14 it essentially just brings the facade back to the
15 property line and now complies with the flood
16 regulations.

17 CHAIRMAN AIBEL: Would you mind putting
18 the two side-by-side?

19 COMMISSIONER MURPHY: Can you tell us
20 what everything is on the new one?

21 Like I can't tell from here what is
22 glass, what is cement --

23 THE WITNESS: This is a glass curtain
24 wall, and then there's a mixture of brick. It is
25 primarily brick and glass with some metal painted

1 metal accent.

2 COMMISSIONER MURPHY: The painted
3 metal, is it gray, is it?

4 Is it next to the windows, like --

5 THE WITNESS: Right here in between
6 these windows --

7 COMMISSIONER MURPHY: Okay. So it's
8 like the gray --

9 THE WITNESS: -- it is sort of like a
10 cross hatched.

11 COMMISSIONER MURPHY: -- okay. Well,
12 yeah, from here we couldn't tell that, so...

13 MR. CURLEY: It is my understanding
14 that this design will increase conformity with the
15 facade requirements rather than decrease over the
16 prior approved.

17 MS. BANYRA: In terms of masonry?

18 MR. CURLEY: In terms of masonry.

19 CHAIRMAN AIBEL: I want to just be
20 clear. So the masonry percentages all comply?

21 MR. CURLEY: No. There was a variance
22 for the masonry percentage. There is less of a
23 variation or less of an inconsistency with the
24 standard in the new design. It is an improvement.

25 THE WITNESS: You said by 20 percent.

1 We are increasing the amount of masonry by 20.4
2 percent from the approved design.

3 CHAIRMAN AIBEL: So if we were to deny
4 the relief, you would have to come back and get a
5 masonry variance?

6 MR. GALVIN: No. If we deny the
7 relief, they are going to build Version A.

8 I mean, I don't know. They'll go to
9 the governing body and see if they will approve the
10 balconies. And if not, I mean, I think they were
11 thinking about just eliminating the balconies, and I
12 am in a gray area of whether they can do that or
13 not, so I thought it would be better for you to take
14 a look at this revised drawing.

15 I don't know what a judge would do
16 either.

17 COMMISSIONER MURPHY: Can you tell us
18 on the original like what the materials are?

19 THE WITNESS: So on the original, this
20 was all metal, kind of wrapping around the entire
21 perimeter, and then there was some rows of brick on
22 the residential floors and then a horizontal wood
23 clad on the balcony.

24 COMMISSIONER MURPHY: And that is where
25 the balcony is or was?

1 THE WITNESS: The balconies are right
2 here.

3 COMMISSIONER MURPHY: Uh-huh, okay.

4 COMMISSIONER COHEN: And how far out
5 did the balcony protrude in that?

6 THE WITNESS: Three feet.

7 MS. BANYRA: Mr. Chartier, you sent us
8 a letter in February that indicated on your other
9 submission that it was taller. You brought it down
10 internally now. Is that what happened?

11 THE WITNESS: Yes. Because we were
12 trying to keep the utilities on the first floor
13 above the new design flood elevations --

14 MS. BANYRA: Right.

15 THE WITNESS: -- so we just moved them
16 up to the second floor, and then we shrunk the first
17 floor, so the non residential floor has come down in
18 height. We still have 10-foot floor-to-floor
19 heights on all the residential floors, which
20 complies, and then that allowed us to bring the
21 entire -- the overall height of the building down by
22 just under two feet.

23 COMMISSIONER MURPHY: So on the first
24 one, was there a parapet needed or like --

25 THE WITNESS: We had a railing system,

1 which was an additional I believe 42 inches.

2 COMMISSIONER MURPHY: Okay. Right.

3 So like on the new one, it looks like
4 you have a bulkhead for the stairs I guess, is it?

5 Did you have that on the original?

6 THE WITNESS: Yes.

7 COMMISSIONER MURPHY: I just can't see
8 it, so --

9 THE WITNESS: The original design
10 didn't show it on the facade, but we are showing it
11 on the new design.

12 The bulkhead for the stairs and the
13 elevator is set back, and that doesn't really
14 change. That was part of the original design, and
15 it is going to stay part of the new design, other
16 than the fact that it's going to come down by almost
17 two feet in height.

18 MR. MARSDEN: Mr. Chartier, you said
19 that now you meet the criteria for the flood hazard
20 area.

21 THE WITNESS: Yes.

22 MR. MARSDEN: So all of your lower
23 structure on each floor is one foot above the flood
24 elevation?

25 THE WITNESS: Yes.

1 MR. MARSDEN: Okay. Thank you.

2 CHAIRMAN AIBEL: Board members, any
3 other questions?

4 VICE CHAIR BRANCIFORTE: So now you
5 will have storage space on the -- so there will be
6 rooms for bikes -- I am not asking specifically for
7 bicycle storage, but I'm just saying there will
8 be --

9 THE WITNESS: Yeah. Originally this
10 was approved to have a common area with a
11 bathroom --

12 VICE CHAIR BRANCIFORTE: Right.

13 THE WITNESS: -- we've gotten rid of
14 that and now it is storage for all four units.

15 VICE CHAIR BRANCIFORTE: Okay.

16 And you will have room to set aside one
17 space for common storage, perhaps where people could
18 put bicycles?

19 THE WITNESS: Yes.

20 VICE CHAIR BRANCIFORTE: Okay.

21 CHAIRMAN AIBEL: Anything else?

22 COMMISSIONER COHEN: No.

23 CHAIRMAN AIBEL: All right, Counsel?

24 MR. GALVIN: I got nothing for you
25 guys. You have to decide if you want to permit the

1 amendment to the facade for this project. That is
2 the first question.

3 And then the second question is: If
4 you do, do you want to grant the request for the
5 extension of time for 90 days to get the building
6 permit and get this project going.

7 Under the law we have, they could ask
8 for up to three years, but it is complicated with
9 these cases that go back to 2007. They have been
10 kind of protected for the last eight years based on
11 the Permit Extension Act, and one of the
12 requirements of getting an extension is to show that
13 you had some reason for the delay, and again, if you
14 are asking me -- if someone is just asking me --

15 (Cell phone ringing)

16 MR. GALVIN: I'm sorry. I can hear
17 somebody's telephone.

18 UNIDENTIFIED VOICE: Sorry, guys.

19 MR. GALVIN: That's all right.

20 You are low man on the totem pole. I
21 mean, you want to keep that up, and you are out of
22 here, okay?

23 (Laughter)

24 CHAIRMAN AIBEL: I don't know if you
25 want to have a discussion or you want to make a

1 motion.

2 MR. GALVIN: What do you guys think?

3 CHAIRMAN AIBEL: Phil?

4 COMMISSIONER COHEN: I mean, just
5 briefly. I mean, it is going to be a shorter
6 building. It is not going to have balconies facing
7 on Monroe Street, which I agree, I don't think
8 anybody would have agreed to have three foot
9 balconies on Monroe Street here.

10 90 days is a relatively small
11 additional extension of time to get this thing done,
12 and you know, I think it is a reasonable amendment
13 to the earlier approval, so I think we should move
14 it.

15 VICE CHAIR BRANCIFORTE: In the past I
16 objected to these extensions. Usually it is because
17 someone -- the applicant submitted that it's a
18 financial reason that needs him to switch, and he's
19 looking at -- sort of looking towards us for
20 financial relief, rather than a genuine reason. And
21 I think Mr. Chartier has a genuine reason,
22 especially since he is going to be protecting the
23 first floor, moving it above the flood elevation.
24 So, you know, I have no problem with granting the
25 extension.

1 CHAIRMAN AIBEL: Well, in principle, I
2 would like to respect prior decisions of the Board,
3 but in this case I think probably I can violate my
4 own principle.

5 (Laughter)

6 Anybody want to make a motion?

7 VICE CHAIR BRANCIFORTE: Welcome to my
8 world.

9 COMMISSIONER COHEN: Motion to approve
10 with the conditions that Mr. Galvin will recite.

11 MR. GALVIN: Yes. Here is what I
12 collected:

13 One: The applicant must comply with
14 all flood hazard regulations.

15 Two: It was represented to the Board
16 that no variances are created by the revisions to
17 the building and its facade.

18 If it is determined that any variances
19 are needed, the applicant will be required to seek
20 an amended approval. So you don't want to go there,
21 okay?

22 Three: The Board authorized this
23 change provided the building permit is sought prior
24 to August 1st. I counted May, June, July. That's
25 90 days, so I made it August 1st.

1 And then: All conditions of the prior
2 approval remain in full force and effect except as
3 herein amended.

4 Yes?

5 MR. CURLEY: I was requesting three
6 months from June 30th, which would be the
7 termination date under the Permit Extension Act
8 grace period. We are thinking in terms of the
9 building department receiving numerous sets of plans
10 as the Permit Extension Act due date comes up.

11 MR. GALVIN: I don't care. It is up to
12 the Board.

13 COMMISSIONER COHEN: So is that
14 September 1st?

15 MR. CURLEY: Yes, that is.

16 COMMISSONER MC BRIDE: Yeah, I agree.

17 VICE CHAIR BRANCIFORTE: Does your
18 motion still stand there?

19 COMMISSIONER COHEN: Yes.

20 MR. GALVIN: September 1st, that is no
21 problem.

22 Yes, I am good.

23 COMMISSIONER COHEN: So that is the
24 motion.

25 CHAIRMAN AIBEL: We have a motion.

1 Do we have a second?

2 COMMISSONER MC BRIDE: Second

3 MS. CARCONE: What was the motion?

4 I'm sorry.

5 COMMISSIONER COHEN: Motion to approve
6 with the conditions as stated by counsel.

7 MR. GALVIN: And we are taking care of
8 everything in one shot, the extension and the change
9 to the facade.

10 MS. CARCONE: Can I ask you an
11 administrative question?

12 The plans, we have the old plans that
13 are signed, a signature set of plans. Are we doing
14 a new set of plans for this?

15 MR. GALVIN: Yes. They are going to
16 have to submit a new set of plans to get that
17 facade, to show the facade.

18 MS. CARCONE: For our professionals to
19 review?

20 MR. GALVIN: I would think so. They
21 got to verify the testimony that we got.

22 All right. Do you want to add that?

23 Is everybody okay with me adding: The
24 plans to be submitted to the Board's professionals
25 to verify the testimony?

1 COMMISSIONER COHEN: Yes.

2 Thank you, Pat.

3 MR. GALVIN: That was a good catch.

4 We have to make sure we have enough
5 escrow for that, too, right?

6 THE WITNESS: There is money in the
7 escrow.

8 MS. CARCONE: There's money in the
9 escrow from the --

10 MR. GALVIN: There isn't always. Not
11 for yours, sometimes there isn't.

12 (Laughter)

13 Plans are to be --

14 COMMISSIONER COHEN: Reviewed by the
15 professionals to comply with the -- to determine
16 whether they comply with the representations at the
17 hearing.

18 MR. GALVIN: I am good.

19 MS. BANYRA: So the review is going to
20 be limited to the architecture, and then the floor
21 changes in terms of internal walls doesn't really --

22 MR. GALVIN: Just what they testified
23 to --

24 MS. BANYRA: Okay. I'm just --

25 MR. GALVIN: -- you guys already

1 authorized -- the plan has already been authorized.
2 They are authorized. So we are just changing the
3 facade and the first floor, the storage room, and
4 make sure everything is as was testified to. Okay?

5 MS. BANYRA: Okay.

6 COMMISSIONER COHEN: The balcony.

7 MR. GALVIN: The balconies will be
8 gone.

9 CHAIRMAN AIBEL: Go ahead, Pat.

10 MS. CARCONE: Tom, are we withdrawing
11 the other application then that was submitted to the
12 Zoning Board?

13 MR. CURLEY: Let's get a resolution
14 first.

15 (Laughter)

16 MS. CARCONE: Okay.

17 MR. CURLEY: Mr. Galvin, there are
18 changes to the internal floor plan, yes.

19 MR. GALVIN: Just what you testified
20 to. They are going to look at these and they are
21 going to look at -- you tell them -- they're going
22 to quickly check to see if you are compliant with
23 the flood guidelines. They're going to take a look
24 at that first floor, and you told us that you were
25 moving the utilities up to the second floor.

1 MS. BANYRA: Right --

2 MR. GALVIN: It shouldn't take long.

3 MS. BANYRA: -- and he said there will
4 be internal changes. No. Jeff and I just agreed,
5 I'm going to review it, and he's going to be able to
6 sign off.

7 There are typically internal floor plan
8 changes that are kind of immaterial to a Board
9 hearing as long as it is not changing substantive
10 things --

11 MR. GALVIN: I would just --

12 MS. BANYRA: -- I don't mind that
13 happening is what I am suggesting.

14 MR. GALVIN: Do what you normally do,
15 except in this case since it has already been
16 approved, we don't want to go back. I don't want to
17 hear that there is a curb cut that is not right, or
18 that there's some component on the green roof that
19 is not right.

20 MS. BANYRA: Yeah.

21 MR. GALVIN: I'm just saying, so
22 just -- and I think the turn-around should be as
23 quick as you can make it.

24 MS. BANYRA: Yep.

25 MR. GALVIN: Let's get this thing going

1 because it is not our fault. All right?

2 CHAIRMAN AIBEL: So are larger
3 three-bedroom units something that needs to be
4 reviewed?

5 I mean, that is what one of the letters
6 says here, so --

7 (Board members confer)

8 CHAIRMAN AIBEL: Do you want them to
9 look at that?

10 MR. GALVIN: Yeah, I guess.

11 You're providing larger -- you said the
12 units got bigger?

13 MR. CURLEY: Yes.

14 THE WITNESS: Not from the square
15 footage point of view.

16 MR. GALVIN: Right.

17 THE WITNESS: They were rearranged
18 because of the new facade and --

19 MR. GALVIN: They will take a quick
20 look at that. We acknowledge that there's some
21 changes that occur.

22 We are usually concerned with the
23 outside of the building and the total square footage
24 and the footprint of the building, so sometimes it
25 is going on floor to floor inside, and I don't know

1 that we do every single element that goes on.

2 MS. BANYRA: No. But if somebody has
3 indicated they are going to be three-bedroom units
4 or two-bedroom, we will evaluate it from that
5 perspective.

6 MR. GALVIN: So whatever they've
7 testified to.

8 MS. BANYRA: Yeah.

9 MR. GALVIN: So that's what I'm saying.
10 You are checking against what they just testified
11 to, to confirm the testimony.

12 MS. BANYRA: Okay.

13 CHAIRMAN AIBEL: Okay. I think we're
14 ready for a vote.

15 MS. CARCONE: Commissioner Branciforte?

16 VICE CHAIR BRANCIFORTE: Yes.

17 MS. CARCONE: Commissioner Cohen?

18 COMMISSIONER COHEN: Yes.

19 MS. CARCONE: Commissioner Murphy?

20 COMMISSIONER MURPHY: Yes.

21 MS. CARCONE: Commissioner McBride?

22 COMMISSIONER MC BRIDE: Yes.

23 MS. CARCONE: And Commissioner Aibel?

24 CHAIRMAN AIBEL: Yes.

25 MR. CURLEY: Thank you very much.

1 CHAIRMAN AIBEL: Now you can withdraw
2 the application?

3 MS. BANYRA: Well, send us a letter
4 maybe, right?

5 MR. CURLEY: We'll get the resolution
6 first.

7 CHAIRMAN AIBEL: You don't trust us?
8 (Laughter)

9 MR. CURLEY: I will send the letter.

10 MS. BANYRA: Dennis, can I ask you,
11 while we're before the next application, so when
12 there are architectural changes, it will be coming
13 to the Board, correct --

14 MR. GALVIN: Yes.

15 MS. BANYRA: -- on an application?

16 MR. GALVIN: Yes.

17 MS. BANYRA: Okay. I just wanted to
18 confirm that that is the procedure.

19 MR. GALVIN: Let me just say this.

20 Hey, guys. Just so everybody
21 understands, when we grant an approval, and I put in
22 that resolution that we thought it was esthetically
23 pleasing, I don't think they can change it without
24 asking for our permission because it was the proofs
25 of the case.

1 In this case you are saying it is okay.
2 It's still as good or better than what was
3 originally approved.

4 MS. BANYRA: Okay. I just wanted it on
5 the record.

6 MR. GALVIN: And now for a brief
7 recess.

8 (Laughter)

9 (The matter concluded)

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C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CCR, CRCR

 PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300
 Notary Public of the State of New Jersey
 My commission expires 11/5/2020.
 Dated: 4/28/16
 This transcript was prepared in accordance with
 NJAC 13:43-5.9.

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN
HOZ-15-31

- - - - - X
 RE: 507 River Street & 525 River : April 26, 2016
 Street, Hoboken : Special Meeting
 Block 234, Lot 1, portion of Block : Tuesday, 7:35 p.m.
 257, Lots 2 & 3 (the "Property") :
 Block 258, Lot 1 and a portion of :
 Block 259, Lot 2 (The "Griffith Lot") :
 Zone: Higher Education Subdistrict :
 (R-1(E)) Zone :
 Applicant: Stevens Institute of :
 Technology a/k/a The Trustees of the :
 Stevens Institute of Technology :
 Summary: Amended preliminary & final :
 major site plan approval with variances:
 Continued from March 22, 2016 :
 - - - - - X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

Chairman James Aibel
Vice Chairman John Branciforte
Commissioner Philip Cohen
Commissioner Diane Fitzmyer Murphy
Commissioner Edward McBride.

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

Eileen Banyra, Planning Consultant

Jeffrey Marsden, PE, PP
Board Engineer

Patricia Carcone, Board Secretary

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I N D E X

1		
2		
3	WITNESS	PAGE
4		
5	RICHARD KING	39
6		
7	CHARLES D. OLIVO	65
8		
9	ROBERT MAFFIA	93
10		
11	DIRECTOR JOHN MORGAN	139
12		
13	ELIZABETH C. MCKENZIE	170

E X H I B I T S

14			
15			
16			
17			
18	EXHIBIT NO.	DESCRIPTION	PAGE
19			
20	A-119	Comparison of site plans	42
21	A-127	On-Street Parking	70
22	A-128	Vehicle Turning Templates	74
23	B-1	Letter, 4/25/16	160

24

25

1 CHAIRMAN AIBEL: Before you go, Phil,
2 we have five members right now. One is missing in
3 action, so we are not going to have more than six
4 tonight. It had been my fervent hope that we would
5 get to vote, but I guess now -- and there are D
6 variances. So, Counsel, can we proceed?

7 MR. GALVIN: I wouldn't want to make
8 that call at this point in the hearing. I think I
9 would want to see how the hearing goes on. But if
10 you feel like you want seven, no matter what, and
11 you know that, then we'll just know -- we will go
12 for a while, and we'll cover as much as we can, and
13 we will carry it to another night for the vote.

14 MR. TUVEL: Good evening, everybody.

15 Jason Tuvell on behalf of Stevens
16 Institute of Technology.

17 My preference would be: We have all of
18 the experts here. If we could just move forward,
19 and then at the end of the hearing, we could decide
20 whether we move forward to a vote, if we get there.

21 If we don't, we can -- if we don't want
22 to proceed, since we don't have seven people, we can
23 always do the decision at the next meeting.

24 I would like to finish as well, believe
25 me, but obviously the circumstances sometimes

1 dictate otherwise.

2 CHAIRMAN AIBEL: We are going to take a
3 60-second break for Mr. Cohen to get a water.

4 COMMISSIONER COHEN: You are not
5 waiting for Mr. DeGrim?

6 MR. GALVIN: You know what, at this
7 point -- do we know if Frank emailed us or anything?

8 CHAIRMAN AIBEL: No idea.

9 MR. GALVIN: I think we should take
10 five minutes. Mr. Chairman, I think we should take
11 five minutes.

12 CHAIRMAN AIBEL: Five minutes it is.

13 MS. BANYRA: Don't go crazy, take five
14 minutes.

15 (Laughter)

16 (Board members confer)

17 MR. TUVEL: I agree with you. I mean,
18 if we could hear the whole proceeding --

19 (Board members confer)

20 MR. GALVIN: It is our fault. Don't
21 worry about it. Whatever I said, don't worry about
22 it.

23 (Recess taken)

24 CHAIRMAN AIBEL: Okay. We are back on
25 the record.

1 Thank you for bearing with us. We are
2 ready to go. We have five members who are going to
3 hear the matter this evening.

4 MR. TUVEL: Okay. Let's rock and roll.
5 Ready, Mr. Chairman?

6 CHAIRMAN AIBEL: Please.

7 MR. TUVEL: Good evening, everyone.

8 Jason Tuvel from the law firm of
9 Gibbons, PC, attorney for the applicant, Stevens
10 Institute of Technology.

11 I'll jump right into it. We are here
12 to talk -- we are going to have four witnesses
13 tonight. Two of them should be very brief.

14 Our architect, Richard King, is going
15 to testify as to some of the modifications we made
16 to the site plan based on some Board feedback and
17 recommendations, so that shouldn't take too long.

18 Then our traffic engineer, Charles
19 Olivo, will go through some of the additional data
20 that the Board had requested in connection with the
21 traffic study. That traffic study was amended and
22 submitted to the Board, and I will have Mr. Olivo
23 summarize those findings when he comes up here.

24 We will have Bob Maffia. He is the
25 operational expert for Stevens. He will talk about

1 how the garage is going to operate.

2 Then finally, we will have Betsy
3 McKenzie, who is our professional planner, and she
4 will go through the variance testimony.

5 That is the lineup. I hope to do it
6 pretty concisely, but it will all depend on the
7 questions and answers.

8 So, Mr. Chairman, can I call my first
9 witness?

10 CHAIRMAN AIBEL: Please.

11 MR. TUVEL: All right.

12 So our first witness will be Richard
13 King. He was previously sworn and accepted by the
14 Board as an expert in architecture, so I believe he
15 is still under oath.

16 MR. GALVIN: I believe he is, too.

17 R I C H A R D K I N G, AIA, LEED AP BD+C, WRT,
18 1700 Market Street, Philadelphia, Pa., having been
19 previously sworn, testified as follows:

20 MR. TUVEL: Okay.

21 So, Richard, why don't we explain to
22 the Board several of the modifications that we made
23 to the plan.

24 I know the garage itself didn't change,
25 but some of the exterior portions did. Let's start

1 with the stairs and then move to the driveway.

2 THE WITNESS: Okay. Can I start with
3 the driveway?

4 MR. TUVEL: You can start with the
5 driveway.

6 THE WITNESS: Let me start with the
7 driveway.

8 So what I have up on the screen is just
9 so you can easily see the comparison. This was the
10 previous version of the plan and the new version
11 here.

12 One of the items, just to start with
13 the driveway that was noted, was the orientation of
14 the driveway because it wasn't perpendicular to
15 Sinatra Drive. It is curved, so we tried to get it
16 as close to perpendicular as possible. So we have
17 rotated the driveway in order to accomplish that,
18 which also improves its alignment with the driveway
19 across from it at the parking lot.

20 As a result of that, it definitely
21 opened up some more space to the north side of the
22 driveway, which allowed us to address one of the
23 other issues, that was a good comment that was
24 brought up, that the staircase, the bottom rung of
25 the staircase landed just at the sidewalk until you

1 felt like you were -- someone was concerned that you
2 would feel like you were falling into the street.

3 So what we have done is we have turned
4 that stair back on itself and opened to a planted
5 garden space adjacent to the driveway instead of
6 landing straight onto the sidewalk, so it is a
7 little more gracious, and you don't feel like you
8 are immediately confronted with the street at the
9 bottom of the stairs, which we thought would be a
10 better solution, so we adjusted the staircase a
11 little bit in order to accommodate that.

12 We pulled this down a little bit
13 further just so that the bottom of the stairs was in
14 the middle of that space instead of tucked back into
15 the building, so it would still be gracious. We
16 didn't want it to land all the way back into the
17 building and feel like you were stuck in the corner,
18 so we moved it into the center of that space.

19 The next item we wanted to talk about,
20 there were some questions related to pedestrian
21 safety. So what we did as part of this adjustment,
22 we relocated the crosswalk, so it was further north
23 before, and you can see here, slid it down, so it is
24 right next to the entrance driveway, so that it --

25 MR. TUVEL: Richard, I'm sorry. I

1 forgot to say. What exhibit are you looking at
2 right now?

3 THE WITNESS: I'm sorry. 119.

4 MR. TUVEL: And that previously was
5 submitted at the last meeting?

6 THE WITNESS: It was not. This is a
7 new exhibit.

8 MR. TUVEL: Okay. So let's mark that
9 Exhibit 119 and just explain what it is.

10 (Exhibit 119 marked.)

11 THE WITNESS: So it's a comparison of
12 the previous site plan with the adjusted site plan.

13 MR. TUVEL: Okay. Thanks.

14 THE WITNESS: So you can see on the
15 previous site plan, the crosswalk was further north
16 away from the edge of the driveway.

17 We moved that crosswalk further south,
18 so that it is right on the corner near the driveway,
19 so that drivers coming out of the garage would have
20 a much better sight line of seeing pedestrians that
21 might be there.

22 We also made sure that the sidewalk
23 goes all the way across that -- the skirt of the
24 driveway, again to -- we always feel like that helps
25 drivers slow down, just so you're not -- it is not

1 asphalt connecting to asphalt. It's actually a real
2 concrete sidewalk that continues across.

3 The other thing I wanted to note is we
4 did add signage at the center of Sinatra Drive on
5 either side of the crosswalk just with a pedestrian
6 warning sign, the typical stop, state law requires
7 you to stop for pedestrians at crosswalks, so that
8 would be added at the median on both sides of the
9 crosswalk as well.

10 MR. TUVEL: And, Richard, in connection
11 with this, did you review Mr. Marsden's latest
12 report?

13 THE WITNESS: We did.

14 MR. TUVEL: Okay. And there were some
15 questions about icing and some drainage on the
16 staircases themselves.

17 THE WITNESS: Correct.

18 MR. TUVEL: How do you propose we
19 address that?

20 THE WITNESS: So the concern was the
21 build-up of ice on the stairs. What we did is there
22 will be drains at each of the levels on the stairs
23 on the edges and also the riser, which would be the
24 vertical face on the stairs would be open, so that
25 way you could easily remove snow.

1 The space on the -- there is space
2 underneath the staircase on the top two rungs, and
3 the reason for that is because the cliff that is
4 here right now is actually out here, so the stair
5 actually sits between the cliff and the garage. So
6 there is actual space underneath the staircase from
7 here to here, so that will allow us to easily drain
8 the stair and remove snow easily.

9 MR. TUVEL: And you spoke to Mr.
10 Marsden about that issue?

11 THE WITNESS: Yes.

12 MR. TUVEL: And he was in agreement
13 what you had proposed?

14 THE WITNESS: Generally speaking, in
15 our conversation, he was comfortable. He seemed
16 comfortable, and he is here. He seemed comfortable
17 with that solution. Obviously we will have to
18 address it, so he could confirm that.

19 MR. TUVEL: Great.

20 Thank you.

21 THE WITNESS: I don't think I have -- I
22 think that covers all of those issues.

23 MR. TUVEL: Yes.

24 CHAIRMAN AIBEL: Can we do questions
25 while we are on that slide?

1 THE WITNESS: On that issue,
2 absolutely.

3 MR. TUVEL: Sure.

4 CHAIRMAN AIBEL: Just the addition.
5 Board members, any questions on --

6 VICE CHAIR BRANCIFORTE: Just for the
7 Board Engineer, Mr. Marsden, for Jeff, were you okay
8 with the design, Jeff, of the steps?

9 MR. MARSDEN: Yes.

10 My initial concern was they had the
11 high point in the center of the stairs and half of
12 the stairs would run -- flow towards the building,
13 and half of the stairs would flow towards the wall,
14 and I assumed that the water would be coming and
15 cascading over the stairs until it got down to the
16 landing.

17 However, with the open risers, it will
18 hit that stair and it will go both ways. It will go
19 underneath the stair and it will also run down, so I
20 am comfortable with that design change.

21 COMMISSIONER MC BRIDE: I have one
22 quick question.

23 Since the risers are open, is there a
24 way to clean out -- obviously they throw snow back
25 there. Is there a way to clean out trash or

1 anything else that might wind up there?

2 THE WITNESS: Yes. Once you -- you'll
3 be able to, from inside of the garage, you will be
4 able to get into the space below there to clean out
5 any debris that collects over time.

6 CHAIRMAN AIBEL: Is there a divider or
7 a wall between the walkway and the driveway, where
8 the elevations --

9 THE WITNESS: You mean between the
10 walkway here and the driveway here?

11 CHAIRMAN AIBEL: Yes.

12 THE WITNESS: There is a planted area,
13 and there would be a low wall that we would put
14 around that, so that wall probably wouldn't be any
15 more than say a 12-inch high wall.

16 We have shown it right now as lawn, but
17 if there is a concern about safety, we could put an
18 additional planting there or raising that hedge up.

19 CHAIRMAN AIBEL: I think, you know, my
20 one observation, not a professional one, is there
21 are going to be a lot of kids running along that
22 sidewalk back and forth, and I am not sure there
23 aren't other safety devices we can build into that
24 entrance where, you know, and I would be concerned
25 that a car would come out quickly and for whatever

1 reason not see a kid --

2 THE WITNESS: I see.

3 CHAIRMAN AIBEL: -- so I don't know if
4 there is a speed bump that could be put in there or
5 some way to get the cars to literally stop before
6 they hit the concrete of the sidewalk.

7 MR. TUVEL: Well, Mr. Chairman, when
8 the cars -- and Mr. Maffia will talk a little bit
9 about this when he testifies -- but when the cars
10 exit the driveway, they are going to put a ticket at
11 the window.

12 When they enter, as Mr. Olivo testified
13 to, it is going to be open, because we don't want to
14 have cuing along Sinatra. But when they leave, it
15 is just going to be more sporadic as opposed to when
16 they come. They are going to put a ticket in the
17 machine, so there will be a stop point when they're
18 there, and then easily graze out.

19 CHAIRMAN AIBEL: So I guess my question
20 is: How far back is the ticket booth. Is it 20
21 feet, 30, 40?

22 THE WITNESS: It would be within five
23 feet of the face of the garage.

24 CHAIRMAN AIBEL: So approximately how
25 far is the walkway, the sidewalk?

1 THE WITNESS: That is approximately 30
2 feet.

3 CHAIRMAN AIBEL: All right. Thanks.
4 Anybody else, questions on this point?

5 MR. GALVIN: Mr. Marsden.

6 CHAIRMAN AIBEL: Please go ahead.

7 MR. MARSDEN: How tall is that
8 staircase at that point because it looks like it is
9 touching the sidewalk, and that might cause a sight
10 issue with seeing people on the sidewalk?

11 THE WITNESS: That is a good question.

12 At the corner, I believe it is about
13 nine feet, but we also do have some sight lines that
14 the traffic engineer can show you tonight because we
15 looked at the sight lines carefully, so you can see
16 those as well.

17 So the short answer is, Jeff, that it
18 is fairly tall, but we don't feel that it is a sight
19 line issue.

20 MR. MARSDEN: Okay. You will be giving
21 testimony on that --

22 THE WITNESS: Showing the sight line as
23 well.

24 MR. MARSDEN: Okay.

25 CHAIRMAN AIBEL: Diane?

1 COMMISSIONER MURPHY: So at that exit,
2 even though they are going to be coming to a stop
3 and going out to the street, do you have any signage
4 that says stop right at the street?

5 THE WITNESS: Yes. There is signage
6 indicated. There is an actual stop sign.

7 COMMISSIONER MURPHY: Okay. I can't
8 see it. Okay.

9 CHAIRMAN AIBEL: Good. Thanks.

10 THE WITNESS: This just gives you a
11 picture of what that -- the revised staircase would
12 look like.

13 So this comes in a little bit lower and
14 gives you an idea, and here's the staircase, which
15 is inside of it wrapping down on to the main
16 driveway.

17 MS. BANYRA: So, Mr. King, that's
18 different than what is in the plan set, the latest
19 plan set, correct, that you're saying for the
20 staircase?

21 THE WITNESS: This staircase represents
22 what is in the current set that we have submitted.

23 MR. TUVEL: I'm sorry. This is Exhibit
24 120, correct?

25 THE WITNESS: Exhibit 120, yes.

1 VICE CHAIR BRANCIFORTE: I have to kind
2 of call you out on something here.

3 THE WITNESS: Absolutely, go ahead.

4 VICE CHAIR BRANCIFORTE: I know it is
5 only for demonstration purposes, display purposes,
6 but that SUV is parked right in front of that
7 crosswalk.

8 THE WITNESS: He needs a ticket.

9 (Laughter)

10 VICE CHAIR BRANCIFORTE: Yeah.

11 Are you guys going to provide some sort
12 of red curb there or something for us, or is that up
13 to the city?

14 MR. GALVIN: By the way, that is Mr.
15 Tuvell's vehicle.

16 (Laughter)

17 MR. TUVEL: I think Dennis always has
18 one joke for me every single night.

19 MR. GALVIN: Oh, no. It is usually
20 more than one.

21 (Laughter)

22 THE WITNESS: I agree. One thing --

23 VICE CHAIR BRANCIFORTE: Who will be
24 responsible for painting that curb --

25 THE WITNESS: There is a photo shot

1 reason that we have that like that.

2 VICE CHAIR BRANCIFORTE: What is it --

3 THE WITNESS: We will go through also
4 on the traffic engineer, where there is sight lines.
5 We also have some information about zones that we
6 would recommend that we leave clear, and he can
7 testify to -- I don't know myself what is in the
8 city's purview versus what is the Stevens' purview
9 in terms of --

10 MR. TUVEL: Right. On street parking,
11 though, is regulated by the city, so we would have
12 to work with them to determine what spaces they
13 would -- what areas they would want to be public
14 parking, and what areas they wouldn't.

15 And if they wanted us to stripe certain
16 areas, we will have to stripe the curb.

17 VICE CHAIR BRANCIFORTE: Okay. That's
18 my question.

19 MR. TUVEL: Yes. If they wanted us to
20 do that, we would have to do that, yes.

21 VICE CHAIR BRANCIFORTE: Got you.
22 Thanks.

23 CHAIRMAN AIBEL: Board members?
24 Go on, Jeff.

25 MR. MARSDEN: Yeah.

1 If there is parking, you are going to
2 stripe the outside of the cartway, so that it shows
3 the spot in which they can park. So if those cars
4 park there, they will stay in the lane rather than
5 go too close to the curb?

6 MR. TUVEL: Yeah. I think again that
7 would be something that we would work with the city
8 engineer probably on at some point, if it is on-site
9 parking -- on-street parking, yes.

10 Any other questions on this slide?

11 CHAIRMAN AIBEL: Anything?

12 No. Thanks.

13 MR. TUVEL: Okay. We'll move to the
14 next one.

15 THE WITNESS: So at the last meeting
16 there was a request to get a sense of what this
17 facade would look like at night, so we spent some
18 time modeling that --

19 MR. TUVEL: So we are up to Exhibit
20 121.

21 THE WITNESS: -- Exhibit 121. Not an
22 easy task to try and get an accurate model.

23 So first to point out, the fixtures
24 that are shown in the light levels from the pictures
25 that are shown generally are what is out there now,

1 so meaning the two street lights that are out there
2 today. So most of the lights you are seeing on the
3 front of the facade is because of the existing
4 street lights.

5 Then we did do some work mapping out a
6 lighting pattern inside of the garage. The intent
7 for that would be for us to keep the lights in the
8 drive aisles as far back from the facade as we can
9 to reduce the visual impact of the light that you
10 would see from the exterior.

11 So this gives you a fairly good
12 indication of how much light you are going to see
13 through the facade.

14 The areas as we tested -- the areas
15 where we found that you see through it the most are
16 the areas where the street lights have the lower --
17 least impact. So the areas here are -- essentially
18 where the street lights are not shining, so the
19 street light provides a lot of light wash on the
20 facade, which reduces how much you see into -- into
21 the facade through the mesh.

22 So there are some areas, where you do
23 see through it, but this gives you a fairly clean
24 indication -- clear indication of what we can expect
25 to see in terms of the transparency into the sides

1 of the building.

2 CHAIRMAN AIBEL: Jeff?

3 MR. MARSDEN: I'm sorry.

4 But as we discussed earlier today, you
5 will be providing readings of the actual light
6 provided by the street lights?

7 THE WITNESS: Yes.

8 MR. MARSDEN: And then the filling of
9 any of the dark spots in front of the building?

10 THE WITNESS: Yes.

11 So we talked earlier today with Jeff
12 about our light intensities map. We were looking at
13 the Isolux levels, and because these are existing
14 fixtures we will go out and measure the light levels
15 of those fixtures and indicate those, and if there
16 are dark spots at the pedestrian level from a safety
17 standpoint, we would put some supplemental lighting
18 at that level, likely bollards or something like
19 that that is low level and has an appropriate cutoff
20 or a provides sense of safety that you want to have
21 along Sinatra Drive.

22 MR. TUVEL: I guess, Dennis, that would
23 be a condition, right?

24 MR. GALVIN: Yes.

25 THE WITNESS: Those are the ones that I

1 have.

2 MR. TUVEL: Okay.

3 So I think we have tried to address at
4 least as to Mr. King's testimony everything that the
5 Board had asked, and hopefully we covered it.

6 CHAIRMAN AIBEL: Good.

7 Any more questions?

8 Thank you.

9 MR. TUVEL: Do you want to open to the
10 public as to Mr. King?

11 CHAIRMAN AIBEL: Thank you.

12 Let me open it up to the public.
13 Anybody have questions for the architect?

14 Please come forward.

15 Come and give us your name.

16 MR. WEINSTEIN: Richard Weinstein.

17 I am an attorney in Hoboken.

18 Do you need my address or just my name
19 is good enough?

20 MR. GALVIN: It's good enough.

21 MR. WEINSTEIN: As the architect on
22 this plan, were you involved at all in the
23 determination or the setback of the garage and wrap
24 around the building?

25 MR. TUVEL: Are we only limiting it to

1 what he testified to this evening, the questions?

2 MR. GALVIN: Yes, that is, yes. So
3 we've already asked questions about what was
4 previously testified to.

5 MR. WEINSTEIN: Well, at that time I
6 didn't have a copy of the decision of 2009, so I am
7 asking if you would just open it up to this limited
8 question.

9 MR. GALVIN: I know you don't want me
10 to, but I think we should. Let's get it out. I
11 want to make sure that you feel like -- I want you
12 to realize that we are doing everything aboveboard
13 correctly and --

14 MR. WEINSTEIN: I am sure you are, but
15 that's why I'm asking.

16 MR. GALVIN: You know, go ahead.

17 CHAIRMAN AIBEL: Be nice and focused.

18 Thank you.

19 MR. WEINSTEIN: So do you have --

20 THE WITNESS: Can you repeat the
21 question, though?

22 MR. WEINSTEIN: First of all, do you
23 have an exhibit that shows the setback of the
24 building, of the garage, and the setback of the
25 wrap-around --

1 MR. GALVIN: From 2009?

2 THE WITNESS: From 2009?

3 MR. WEINSTEIN: Yeah, from 2009.

4 THE WITNESS: I do not have a drawing
5 that has the setback information.

6 MR. WEINSTEIN: Is there a such a
7 drawing in any of your records at all?

8 THE WITNESS: It is listed. The
9 setbacks are listed in the variance table in the
10 2009 documents, yes. But I do apologize, I do not
11 recall the number.

12 MR. GALVIN: And then the question is:
13 Is there a deviation from then and now?

14 Is there a change from what you are
15 proposing and what was originally approved?

16 THE WITNESS: We are not proposing any
17 changes to the setbacks relating to the final second
18 phase of this project. There's no change to that.

19 MR. TUVEL: That is correct.

20 MR. WEINSTEIN: So would you be
21 familiar with the amount of distance from the end of
22 the Babbio building, the wrap-around part, that
23 would be encroaching into the Sinatra Drive
24 easement?

25 THE WITNESS: I do not have that -- I

1 don't know that exact --

2 MR. WEINSTEIN: But is there some
3 information -- is there some distance that will be
4 appropriated for the purpose of the building?

5 THE WITNESS: It will not be
6 approp -- -- well, I think "appropriated" is the
7 wrong word, but --

8 MR. WEINSTEIN: Well, let me --

9 MR. GALVIN: No, no. Don't interrupt.

10 MR. WEINSTEIN: -- let me --

11 MR. GALVIN: Whoa, whoa.

12 THE WITNESS: -- let me answer the
13 question.

14 MR. WEINSTEIN: Okay.

15 THE WITNESS: You asked a question, and
16 I am happy to answer it.

17 The road alignment does change in order
18 to make the project work, yes.

19 MR. WEINSTEIN: But doesn't the
20 building actually have a setback provision, which is
21 if there is a variance for that provision, and that
22 variance is the ability of a building to take a
23 portion of Sinatra Drive --

24 MR. TUVEL: Excuse me. I'm sorry, Mr.
25 Weinstein. Just hold on for one second.

1 Again, that is part of the second
2 phase. It has nothing to do with his testimony this
3 evening. We are not looking to change that. The
4 building is going to remain where it is approved, so
5 I really -- I don't know where this is going is my
6 point.

7 MR. GALVIN: Well, there is some -- it
8 is confusing because there is two phases --

9 MR. TUVEL: Correct.

10 MR. GALVIN: -- so he wants to make
11 sure that what was promised in the beginning is
12 going to be the result at the end.

13 MR. TUVEL: I'm saying that it will be.
14 There has been no intent to change the final plan.

15 MR. GALVIN: Okay.

16 That is the answer. There is not going
17 to be a change. We are talking about two different
18 phases.

19 MR. WEINSTEIN: Well, I would like to
20 just have on the record what distance that is.

21 MR. GALVIN: Well, let me just tell
22 you. We are not going to get that right this
23 second, so --

24 MR. WEINSTEIN: Never have -- it is not
25 even in the original decision of 2009.

1 MR. GALVIN: Do you have something?

2 MS. BANYRA: Well, there is a zoning
3 table on the map that shows half a foot, and it says
4 previously approved and variances that the applicant
5 has submitted.

6 So if that is the -- that seems to be
7 the number at least on your plans.

8 MR. TUVEL: We actually did a table,
9 and Rich doesn't have an exhibit of it here, but it
10 was submitted with the plan set, of existing,
11 previously approved, and Phase I, and then
12 previously approved will be Phase II. That is how
13 it works.

14 MS. BANYRA: Right.

15 Just so you know, It's Sheet CS0 --

16 MR. GALVIN: You should write that
17 down, Mr. Weinstein, so you can check it.

18 MS. BANYRA: -- sheet number C, as in
19 cat, S002. It is the second. It says "zoning
20 analysis," and it appears to be -- to answer you, it
21 appears to be a half a foot that was previously
22 approved and a half a foot that is still proposed,
23 and there was variance relief sought, at least as
24 what's indicated on the plan.

25 MR. WEINSTEIN: Well, half a foot of

1 the existing easement would be --

2 MS. BANYRA: I don't know about the
3 existing easement. I'm telling you what the zoning
4 table -- I am just reciting what the zoning table
5 says.

6 MR. WEINSTEIN: Well, that was really
7 not my concern.

8 I am concerned about just knowing how
9 much -- because the Babbio building you said has to
10 be not set back as far as it would be required by
11 the zoning law, and that you're requesting a
12 variance, and I am asking what is the extent of the
13 variance that you are requesting, and I don't know
14 if it is on the record. I've never seen it.

15 MR. GALVIN: The variance was
16 previously approved.

17 MR. WEINSTEIN: But it is not in the
18 record.

19 MR. GALVIN: Stop, stop, stop.

20 It is -- Eileen is going -- talk to
21 Eileen. Eileen is going to give you the answer.

22 MR. WEINSTEIN: But it is not in the
23 decision. It is not even decided in the decision.

24 MR. GALVIN: But the decision, in all
25 due respect, and I have been doing this for 25

1 years, and I know what I am doing, there are three
2 components --

3 MR. WEINSTEIN: I know what I am doing,
4 too, sir.

5 MR. GALVIN: Good. But I am the one
6 who teaches the classes.

7 So when I go to court, there are three
8 components that a judge is looking at. He is
9 looking at the resolution. He is looking at the
10 transcript of the hearing, and he is looking at the
11 plans that are submitted to the Board.

12 And, to be honest with you, and I've
13 been doing this for 25 years, I don't write down
14 every single detail on a highly complicated case
15 like Stevens.

16 I will also say that I was not the
17 drafter of the resolution that's in your hand
18 because I wasn't here for that case --

19 MR. WEINSTEIN: I don't know who
20 drafted it.

21 MR. GALVIN: -- but it wouldn't make a
22 difference to me, because I know that when I have
23 to -- if I were the judge reviewing this, or if I
24 were the future Board Attorney reviewing this, I
25 would look at both the plan and the resolution to

1 make sure I got the full scope of what was
2 approved --

3 MR. WEINSTEIN: However, the fact, the
4 fact is clear that the resolution by the Board does
5 not even reference and incorporate by reference
6 anything about that --

7 MR. GALVIN: But it wouldn't matter in
8 standard land use law --

9 MR. WEINSTEIN: -- so it is implied,
10 but it isn't explicit.

11 MR. TUVEL: I mean, there is case law
12 that clearly says that the resolution is not the
13 entire record, and that the entire record, as Dennis
14 said, is the applications that were on file, the
15 transcript and the resolution.

16 MR. WEINSTEIN: But the fact of the
17 matter is there is nothing in the Board
18 resolution --

19 MR. GALVIN: But what I am saying is --
20 but what I'm telling you is that if my planner is
21 correct, and she is trying to verify everything, so
22 that you are satisfied, that we granted a variance
23 for what you are referencing, and there is paperwork
24 to that effect, and that these plans -- again, these
25 plans are part of the resolution.

1 MR. WEINSTEIN: And this Board has no
2 authority, in fact, to grant any encroachments or
3 any passage of title to Stevens other than the
4 existing variances -- easements --

5 MR. GALVIN: I agree with you
6 completely. We can never grant an encroachment into
7 the city's right-of-way --

8 MR. WEINSTEIN: That's right.

9 MR. GALVIN: -- the city can.

10 MR. WEINSTEIN: Yeah, the city can, and
11 it wouldn't be able to do so unless the public
12 believes it's --

13 MR. GALVIN: And if you were here every
14 night, you would see every time that someone wants
15 to put a balcony that's going to encroach into the
16 right-of-way, I put "and you must obtain the city's
17 approval of your encroachment to the city's
18 right-of-way.

19 MR. WEINSTEIN: I think that should be
20 on the record, and you put it on the record.

21 Thank you.

22 MR. GALVIN: Okay. There you go.

23 CHAIRMAN AIBEL: Any other questions
24 for the architect?

25 Okay. Seeing none.

1 COMMISSIONER COHEN: Motion to close
2 public portion for this witness.

3 VICE CHAIR BRANCIFORTE: Second.

4 CHAIRMAN AIBEL: All in favor?

5 (All Board members voted in the
6 affirmative.)

7 CHAIRMAN AIBEL: Thanks.

8 MR. TUVEL: Thank you.

9 Mr. Chairman, the next witness I'm
10 going to call is Charles Olivo, who was previously
11 sworn and accepted by the Board as an expert in
12 traffic engineering.

13 CHAIRMAN AIBEL: Thanks.

14 MR. TUVEL: Mr. Olivo is still under
15 oath.

16 MR. GALVIN: Correct.

17 CHAIRMAN AIBEL: Would you make sure he
18 speaks up?

19 (Laughter)

20 MR. GALVIN: Just speak up, so we can
21 hear you.

22 C H A R L E S D. O L I V O, PE, PTOE, Stonefield
23 Engineering & Design, LLC, 75 Orient Way,
24 Rutherford, New Jersey, having been previously
25 sworn, testified as follows:

1 MR. TUVEL: So, Mr. Olivo, you were
2 asked to look into some additional items with
3 respect to your traffic study at the last meeting,
4 correct?

5 THE WITNESS: That's correct, yes.

6 MR. TUVEL: And did you do that?

7 THE WITNESS: We did, yes.

8 MR. TUVEL: Okay.

9 Can you explain to the Board what items
10 those are and what effect, if any, it had on your
11 traffic study?

12 THE WITNESS: Certainly.

13 Good evening, Mr. Chairman, and Members
14 of the Board. Just for the record, Charles Olivo,
15 Stonefield Engineering & Design.

16 We did have an opportunity after the
17 last hearing to make some revisions of the traffic
18 impact study. I believe it was Commissioner
19 Branciforte that mentioned the ambient growth rate,
20 which was increased.

21 As a result of those conversations,
22 what we utilized was a two percent growth rate for
23 the course of two years compounded annually to look
24 conservatively at ambient growth within the traffic
25 roadway network.

1 MR. TUVEL: First, there was one
2 percent, correct?

3 THE WITNESS: That's correct, yes.

4 We looked at the background growth rate
5 table of the NJDOT in Hudson County. There are
6 different types of roadways that are along generally
7 the roadway network that is adjacent to our site,
8 and so what we did was incorporate a higher growth
9 rate, as I mentioned, to create more of a work space
10 scenario of that analysis.

11 We weaved that through the no-build,
12 the build, and the build with mitigation conditions.

13 We did notice some slight uptick in
14 delay at a number of intersections, which I think
15 just helps inform some of the mitigation,
16 particularly at 11th, Hudson and Sinatra.

17 We did have some conversation at the
18 last hearing about attempting to implement those
19 changes, and we had a conversation with the county
20 engineer today, and what they stated is that if the
21 project is approved, that we can certainly come to
22 them with an updated signal timing directive, and
23 they would be happy to go out to the signal, the
24 controller, and take a look to see if some
25 optimization changes can be made.

1 In addition to that, we have
2 incorporated a diversion of traffic to allow for the
3 left turn movement from Sinatra Drive north onto
4 Sinatra Drive, and there was discussion about
5 putting that back into the traffic signal, which we
6 did that as well.

7 And what that will give us some sense
8 of is we are going to make those signal timing
9 re-allocation changes, and we can go with two signal
10 timing plans to the county that would either
11 reallocate timing associated with a non diversion
12 pattern or with a diverted pattern, if that left
13 turn were to be allowed from Sinatra Drive North to
14 Sinatra Drive.

15 So I think certainly adding those
16 changes to the analysis will help us as we now get
17 to the process when we get there with the county.

18 MR. TUVEL: All right.

19 MR. GALVIN: All right. Now stop.

20 Post approval, the applicant will
21 perform a signal timing study for 11th and Hudson.

22 THE WITNESS: Agreed.

23 MR. GALVIN: All right. And then what
24 happens?

25 THE WITNESS: In terms of that study?

1 MR. GALVIN: Yes.

2 THE WITNESS: If the county were to
3 accept it, then changes could be made to the
4 controller to reallocate green time as determined by
5 the county engineer. Typically they like to have
6 final say over their signals.

7 MR. GALVIN: Jason, what was the
8 condition that the architect had?

9 MR. TUVEL: Oh, that was with Mr.
10 Marsden had requested that we do a final light
11 reading in connection with the existing lighting out
12 there and then adjust our lighting plan to Jeff's
13 satisfaction.

14 Did I say that accurately, Jeff?

15 MR. MARSDEN: Yes.

16 MR. TUVEL: Okay.

17 MR. MARSDEN: You will be showing --
18 excuse me -- you will be preparing a plan that shows
19 the existing photometrics and then your fill
20 photometrics --

21 MR. TUVEL: Correct.

22 MR. MARSDEN: -- okay.

23 VICE CHAIR BRANCIFORTE: What are
24 photometrics, Jeff?

25 MR. MARSDEN: The foot candle

1 intensities generated by the lights.

2 VICE CHAIR BRANCIFORTE: Okay. Got
3 you.

4 MR. GALVIN: So the applicant is to
5 perform a photometrics plan showing the existing
6 and --

7 MS. BANYRA: And proposed --

8 MR. MARSDEN: -- and proposed
9 intensities.

10 MR. GALVIN: Okay. Good.

11 Go ahead. Please proceed.

12 MR. TUVEL: Okay. I'm sorry.

13 THE WITNESS: In addition to that, not
14 only do we look at the technical analysis, but we
15 took a look at on-street parking. There was some
16 discussion about whether or not the amount of
17 on-street parking stalls would change as a result of
18 the reconfiguration of this area. We're talking
19 about channelizing Fifth as it intersects with
20 Sinatra, and so we prepared an exhibit. I'm not
21 sure what number we are up to --

22 MR. TUVEL: We are up to A-125.

23 THE WITNESS: -- A-125, and this is
24 entitled On-Street Parking Exhibit prepared by
25 Stonefield Engineering & Design, dated April 26,

1 2016.

2 MR. TUVEL: I'm sorry. A-127.

3 THE WITNESS: A-127.

4 Towards the top of the sheet, you will
5 see that there are a number of parked cars that are
6 to the north of the expansive intersection, where
7 Fifth ties into Sinatra Drive.

8 What we would be doing is noted on the
9 bottom portion of the page and shown in red.

10 So, again, Commissioner Branciforte
11 pointed it out, the SUV in the crosswalk area, what
12 we would be proposing is consistent with generally
13 what you see along Sinatra and other areas in
14 Hoboken, where you will have not only yellow curb,
15 but as a redundant measure, you will have yellow
16 striping with a hatched area as well that prohibits
17 parking, and that would generally be -- it's
18 approximately 25 feet away from the crosswalk area.

19 In addition to that, we worked with
20 Langan. We worked with Mr. King's office to
21 understand the site distance and the required site
22 distance of 445 feet would be provided.

23 In terms of the sidewalk and the stair
24 area, there are actually some subtle changes, but I
25 think they make some really significant improvements

1 in terms of pedestrian traffic in the area by
2 directing the last piece of the stairwell in the
3 landing area back towards a pedestrian area that
4 then ties into the sidewalk rather than having
5 everything happen as you are coming down the stairs
6 and into a relatively narrow area of sidewalk.

7 Because the road bends down towards the
8 east, you have a clear line in that cone of vision
9 of pedestrians on the sidewalk and then also
10 vehicles as they are traveling south along Sinatra.

11 MR. TUVEL: And, Chuck, the Chairman's
12 question about vehicles coming out and seeing
13 pedestrians on that platform there, do you agree
14 that the speed at that point would be minimal, and
15 that the driver would have the ability to recognize
16 the pedestrian?

17 THE WITNESS: It would. And the
18 difference between -- Mr. King pointed it out on his
19 rendering, but it wasn't showing the stop bar.
20 There would be a stop bar at the end of the
21 driveway.

22 More than likely you would also have
23 "Stop" written out in letters on the pavement
24 section as well and a stop sign, so you have a
25 number of different measures that would allow for

1 vehicles to stage, wait and observe either vehicular
2 or pedestrian traffic.

3 MR. TUVEL: Okay.

4 And we could put some plantings in that
5 area just, I guess, to the north of the driveway
6 just to break up the pedestrian and vehicular
7 interactions?

8 THE WITNESS: Certainly. For some
9 delineation between those areas, we can certainly do
10 that. We would just want to keep them relatively
11 low, so that they wouldn't obstruct the driver's
12 eye, which is at about three and a half feet.

13 MR. TUVEL: Okay. And in terms of
14 parking spaces before and after, what's the number
15 currently versus post condition?

16 THE WITNESS: We are looking at seven
17 currently and six in the proposal.

18 MR. TUVEL: Okay.

19 VICE CHAIR BRANCIFORTE: Do we have a
20 copy of that?

21 Is there somewhere --

22 MS. BANYRA: Yes.

23 THE WITNESS: I have some handouts that
24 I could supply the Board.

25 MR. TUVEL: We remembered handouts this

1 time. We learned our lesson from the last time.

2 (Laughter)

3 Mr. Chairman, did you want to ask
4 questions about the exhibit before we go to the next
5 one?

6 CHAIRMAN AIBEL: He has more.

7 MR. TUVEL: Yes. He has one more
8 exhibit.

9 CHAIRMAN AIBEL: Yeah. Okay. Good.

10 THE WITNESS: The second exhibit is
11 just simply to show, and we will mark it as well --

12 MR. TUVEL: A-128.

13 (Exhibit A-128 marked.)

14 THE WITNESS: -- A-128.

15 These are vehicle turning templates.

16 There was some discussion about aligning the
17 driveway in a more particular manner to the
18 curvature that we have on Sinatra Drive, and whether
19 or not vehicles could turn in or out without
20 encroaching on an oncoming vehicle.

21 And what this shows, and it is the
22 second half sized sheet within your set is that
23 motorists can turn from either northbound or
24 southbound in or out without encroaching on the
25 other lane within the driveway throat area.

1 MR. TUVEL: Go ahead, Jeff.

2 MR. MARSDEN: If I may.

3 Your turning templates indicate that --
4 is there parking on the east side allowed?

5 THE WITNESS: Parking on the east
6 side --

7 MR. MARSDEN: Of Sinatra. I thought
8 there was.

9 THE WITNESS: I have to take a look.
10 There is parking there under existing conditions,
11 but we can -- that movement can be made further from
12 the curb area as well. There is plenty of room
13 there.

14 MR. MARSDEN: Well, that's, you know,
15 because you do show it getting close to the curb --

16 THE WITNESS: Yes.

17 MR. MARSDEN: -- I suggest that you --

18 THE WITNESS: Yeah. We can
19 certainly --

20 MR. MARSDEN: -- modify that to show
21 that you can park cars there, if required.

22 THE WITNESS: -- I can show you that.
23 Absolutely.

24 MR. MARSDEN: And it is only going to
25 be one-way, one lane in each direction?

1 THE WITNESS: At the driveway?

2 MR. MARSDEN: Yeah. Sinatra will only
3 be one-way -- Sinatra Drive will only be one-way

4 THE WITNESS: Yes. One lane in each
5 direction. That's correct.

6 MR. MARSDEN: In each direction,
7 correct.

8 THE WITNESS: Yes.

9 MR. MARSDEN: Okay.

10 MR. TUVEL: There's no parking on the
11 east side.

12 THE WITNESS: There's no parking on the
13 east side.

14 VICE CHAIR BRANCIFORTE: So -- oh, go
15 ahead.

16 COMMISSIONER MURPHY: No, no.
17 There is past the crosswalk, but not
18 right --

19 THE WITNESS: To the north of here,
20 yes, yes.

21 VICE CHAIR BRANCIFORTE: Can you
22 explain exactly what sort of warning signals are
23 going to be installed?

24 Now that we are moving the crosswalk
25 south, do we need to install flashing lights, you

1 know, pedestrian crossing?

2 You mentioned you have two signs going
3 in the middle of the street. Is there anything else
4 going up?

5 THE WITNESS: No. We would have
6 certainly the painted crosswalk, zebra strips, as
7 well as the pedestal sign in the middle at the
8 location of the double yellow.

9 VICE CHAIR BRANCIFORTE: And who is
10 going to be in charge of maintaining those signs in
11 the middle of the road?

12 Would it be Stevens or the city?

13 THE WITNESS: Typically I believe
14 anything within the city roadways are maintained by
15 the city.

16 I know this may fall into a little bit
17 of a gray area, but certainly we would comply with
18 whatever the rest of Sinatra Drive is in terms of
19 striping and signage and things of that nature.

20 MR. MARSDEN: If I may, Sinatra Drive
21 and Fifth as it's proposed, is it your intent to
22 turn the jurisdiction of those over to the city,
23 because part of that is owned by Stevens at this
24 point?

25 MR. TUVEL: Sinatra Drive would remain

1 owned by Stevens, but there is an easement for the
2 city that we submitted in the packet that I believe
3 the Board had asked for that, and that was
4 submitted.

5 So there is an easement to the city to
6 use as a public right-of-way, but that will remain
7 the same.

8 MR. MARSDEN: But then you'll be
9 responsible for main --

10 MS. BANYRA: It's --

11 MR. TUVEL: I don't believe like the
12 way it works now, where I believe the city is in
13 charge of maintenance of that roadway, in terms of
14 snowplowing, debris, and things in the street, so it
15 would remain that way as a public right-of-way.

16 Stevens doesn't plow the street or any
17 portion of Sinatra Drive in any event --

18 MR. MARSDEN: Okay. That is my
19 question.

20 There is not going to be any increased
21 maintenance on the city?

22 MR. TUVEL: I mean, other than, I guess
23 what your question was, if the striping were to fade
24 or something along those lines, I mean, just as it
25 would be today, but I don't see anything

1 significant.

2 MR. MARSDEN: Okay.

3 CHAIRMAN AIBEL: Board members,
4 questions?

5 COMMISSIONER MC BRIDE: Let me back up
6 a little bit

7 The car counts and things that were
8 done, were done during the weekdays?

9 THE WITNESS: That's correct, yes.

10 COMMISSIONER MC BRIDE: Stevens has
11 school on Saturday?

12 THE WITNESS: I believe that there may
13 be some class schedule on the weekends, but much
14 reduced from what it is during the week.

15 COMMISSIONER MC BRIDE: Traffic, if you
16 have been down there on Sunday, backs up
17 horrendously, backs to Stevens from 11th and Hudson,
18 and that's obviously tourist traffic or --

19 THE WITNESS: Recreation traffic,
20 tourist traffic. Absolutely, yes.

21 COMMISSIONER MC BRIDE: -- but Stevens
22 does have some classes on Saturday, so the garage
23 would be open on Saturday, even though the 50 spots
24 across the street would be open to the public --

25 MR. TUVEL: The garage is open -- the

1 way it is proposed, the garage is open on Saturday,
2 and closed on Sunday.

3 COMMISSIONER MC BRIDE: Just Sunday,
4 okay.

5 MR. TUVEL: Right, because there's no
6 classes on Sunday, right.

7 COMMISSIONER MC BRIDE: Okay.

8 VICE CHAIR BRANCIFORTE: I may have
9 asked this question, so if I asked it already, I'm
10 sorry.

11 But what's the story with people
12 leaving the garage at four o'clock, five o'clock,
13 you know, administrative people, students?

14 Are we going to get a big rush of
15 people at 4:30, five o'clock leaving at once?

16 THE WITNESS: It doesn't operate like
17 an office building might. You will have some staff
18 leaving at that time, but it doesn't have a surge
19 like you would see in some other land uses. It is
20 generally spread out throughout the course of the
21 day.

22 VICE CHAIR BRANCIFORTE: So, you know,
23 what time does -- do Stevens' offices close at five
24 o'clock, the administrative people, the payroll
25 people, the maintenance people, all jump into their

1 cars at once and leave, you are saying that's not
2 going to happen?

3 THE WITNESS: Well, it's going to
4 happen, but it happens over a more staggered period
5 than everyone leaving exactly at 5:03 and then
6 hitting this gate as they're coming out.

7 MR. TUVEL: Yeah.

8 Commissioner Branciforte, this will be
9 faculty, staff and students. So faculty will
10 obviously be sporadic based on when they are
11 teaching. Students as well.

12 I know you're really talking about
13 staff that have set hours on a daily basis --

14 VICE CHAIR BRANCIFORTE: Right.

15 MR. TUVEL: -- but this garage will be
16 mixed with all of those types of people.

17 COMMISSIONER MURPHY: I have a
18 question.

19 COMMISSIONER COHEN: I have a question.

20 CHAIRMAN AIBEL: Go ahead.

21 COMMISSIONER COHEN: I thought I
22 understood from the testimony that we had at our
23 last hearing that the garage is going to be opened
24 weekends from seven in the morning until 11 o'clock
25 at night.

1 MR. TUVEL: That is correct. 7 a.m. to
2 11 p.m. in the garage, correct.

3 COMMISSIONER COHEN: Okay.

4 Is that not going to be open on Sunday
5 now?

6 MR. TUVEL: Correct. Sunday is closed.

7 COMMISSIONER COHEN: So it's seven in
8 the morning until 11 p.m. on Saturday?

9 MR. TUVEL: Saturday.

10 And Mr. Maffia will go over that in his
11 testimony right after Mr. Olivo.

12 COMMISSIONER COHEN: Okay.

13 MR. TUVEL: That was actually the first
14 question I am going to ask him, Commissioner Cohen,
15 so...

16 COMMISSIONER COHEN: Okay. Thanks.

17 That was it.

18 Sorry. Go ahead.

19 MR. TUVEL: We'll go over that.

20 COMMISSIONER MURPHY: I have a
21 question --

22 MR. TUVEL: Sure.

23 COMMISSIONER MURPHY: -- and it may
24 not -- I'm not sure who it is directed towards.

25 MR. TUVEL: Sure.

1 COMMISSIONER MURPHY: But what happens
2 when Hoboken has one of its festivals, which there
3 are a few. I mean, and I am hoping that we are not
4 going to end them.

5 So I am just curious because then the
6 garage is usually blocked off, or is everything to
7 the south of the garage?

8 MR. TUVEL: Well, I think like most
9 times when there are events in Hoboken, Stevens
10 works with the local police department, OEM, with
11 their police as well on coordinating those types of
12 things, so I don't think -- those would happen on
13 the weekends, correct?

14 COMMISSIONER MURPHY: Well, some of
15 them go like Thursday, Friday, Saturday, Sunday --

16 COMMISSIONER MC BRIDE: Setup.

17 COMMISSIONER MURPHY: -- and setup, you
18 know, there is a couple holidays that are longer
19 like St. Anne's --

20 THE WITNESS: I don't think we are
21 looking to change any of the events. Certainly
22 we'll continue to coordinate as we have in the past,
23 and it is a matter of making sure that the garage,
24 or people parked in the garage have to leave by a
25 certain time, and all of those logistical things,

1 Stevens can work out.

2 MR. TUVEL: Yeah, I mean -- sorry,
3 Chuck.

4 Just remember the garage is there now.
5 I mean, it operates as a garage now with a
6 hundred -- I mean a lot less spaces obviously --

7 COMMISSIONER MURPHY: Right.

8 MR. TUVEL: -- but it does operate now.
9 So in the event that there are events or things of
10 that nature down there, things have to be done to
11 ensure that there is safety and everything is taken
12 into account, so I am assuming it will act the same
13 way.

14 We actually have Stevens Chief of
15 Police, Chief Griffin, so if you would like, he can
16 address that question as well. But we can hold that
17 off until later when we get to his testimony --

18 COMMISSIONER MURPHY: Yeah.

19 MR. TUVEL: -- but he can answer that
20 as to how that is coordinated.

21 COMMISSIONER MURPHY: Okay. Thank you.

22 CHAIRMAN AIBEL: Board members, any
23 other questions?

24 Mr. Olivo, one quick question.

25 I believe there is a stop light south

1 of maybe the -- is the street --

2 THE WITNESS: Just off the page here?

3 CHAIRMAN AIBEL: Yes.

4 Is there a concern that there would be
5 traffic congestion from cars stopped at the stop
6 light and then reaching the crosswalk for
7 pedestrians taking their time getting back and
8 forth?

9 THE WITNESS: There is a pedestrian
10 actuated push button assembly that is near the
11 recreational fields that is only actuated when
12 someone actually pushes the button.

13 And then as you run up Sinatra and
14 Fourth there, you will come to a signal.

15 We didn't observe any cuing. I don't
16 have any particular concerns about cuing reaching
17 all the way to this crosswalk area, but I understand
18 the point. I don't think anything would be impacted
19 by this change.

20 CHAIRMAN AIBEL: Okay. Thank you.

21 Let me open -- Jeff, are you finished?

22 MR. MARSDEN: Yes.

23 CHAIRMAN AIBEL: Good.

24 Let me open it up to the public.

25 Questions for the traffic engineer.

1 Please come forward.

2 MR. WEINSTEIN: Were you involved in
3 the --

4 MR. TUVEL: You have to state your
5 name.

6 MR. WEINSTEIN: -- want me to put my
7 name on the record again?

8 CHAIRMAN AIBEL: Please.

9 MR. TUVEL: Sorry.

10 CHAIRMAN AIBEL: Thank you.

11 MR. WEINSTEIN: I'm Richard Weinstein.

12 MR. GALVIN: He has represented he is
13 an attorney, so I don't know if he has to put his
14 name on every single time. He's not a witness.

15 MR. TUVEL: Oh, I understand. I just
16 thought he was a --

17 MR. GALVIN: No, no. He is an
18 attorney.

19 MR. TUVEL: Okay.

20 MR. WEINSTEIN: I am appearing pro
21 se --

22 MR. TUVEL: Okay.

23 MR. GALVIN: All right.

24 MR. WEINSTEIN: -- as a member of the
25 public interested.

1 Were you involved in the application
2 for this revised application -- I'm sorry -- were
3 you involved in the revised application for the
4 garage?

5 THE WITNESS: 2009, the previous
6 approval?

7 MR. WEINSTEIN: The one that is brought
8 to the hearing here today.

9 THE WITNESS: I have been involved as
10 part of this application currently, yes.

11 MR. WEINSTEIN: Okay.

12 And are you familiar with the decision
13 of 2009 regarding the little league parking in the
14 garage?

15 THE WITNESS: I am familiar with the
16 idea of public parking, which was contemplated as
17 part of that resolution and approval.

18 MR. WEINSTEIN: Right.

19 And in paragraph 11, are you aware that
20 in paragraph 11, this Board -- the previous Board
21 sitting, and that made the resolution, not this
22 Board here, so I don't know whether or not any of
23 the members of the Board that are currently here
24 overlap that Board, because I didn't see in the
25 decision all of the names of the people, and I don't

1 know the names of these people.

2 But did you participate -- are you
3 familiar with that decision and did you see
4 paragraph 11?

5 THE WITNESS: I am going to trust you
6 that it's in paragraph 11. I have read the
7 resolution a number of times. I am familiar with
8 the discussion.

9 MR. WEINSTEIN: And that discussion was
10 that the Board agreed at that time that building the
11 garage would include the provision of parking for
12 little league people --

13 MR. TUVEL: Dennis, excuse me.

14 MR. WEINSTEIN: -- inside of the garage
15 not on the east side of Sinatra Drive --

16 MR. TUVEL: He testified about this at
17 the last hearing.

18 MR. GALVIN: Yes. We already did this
19 the last meeting --

20 MR. WEINSTEIN: I didn't have the
21 benefit of the resolution and I asked for it --

22 MR. GALVIN: Right. But we are not
23 limited to that. We can modify that, and I think
24 the Board understands the plan now is to take all of
25 the -- this is my recollection from the last

1 meeting -- there's not going to be -- the children
2 and the parents are going to use the Griffith lot,
3 and they're not going to use the Babbio garage.

4 MR. WEINSTEIN: I understand that.
5 I understand that.

6 MR. TUVEL: And Mr. Maffia is going to
7 testify on this issue regarding the operation --

8 MR. WEINSTEIN: Whatever this gentleman
9 knows about it, I just want to see if I can --

10 MR. TUVEL: But he testified to it at
11 the last -- he talked about it at the last meeting.

12 MR. WEINSTEIN: I know, but he didn't
13 talk about it in the way I am questioning him now --

14 MR. TUVEL: I leave it to the Board.

15 MR. WEINSTEIN: -- because I wasn't
16 aware.

17 So it is true that the statement of
18 fact is that before you made the new application
19 that is now before this Board, parking for little
20 league people who would be attending little league
21 games was not only going to be on the side in the
22 parking facility to the east of Sinatra Drive, but
23 also actually in the Babbio garage, yes or no?

24 THE WITNESS: I believe as reading the
25 resolution, you frame the question the way you want,

1 and I will answer the question the way that I want.

2 MR. WEINSTEIN: Well, I think you
3 should answer yes or no.

4 MR. GALVIN: No. I don't think he
5 should answer it yes or no.

6 Go ahead. Answer the question.

7 THE WITNESS: Thank you.

8 I read the resolution. I'm familiar
9 with what it discussed. There was significant
10 testimony put on at the last hearing that we
11 understand, where in the resolution it was
12 contemplated to have the parking, and we believe
13 that this is a preferred location for the parking to
14 exist, utilized by those that are going to be using
15 the recreational fields.

16 MR. WEINSTEIN: And the preferred
17 location is where?

18 THE WITNESS: The preferred location,
19 the optimal location is the Griffith lot.

20 MR. GALVIN: And that is the Board's
21 understanding.

22 MR. WEINSTEIN: And that was my
23 understanding, too.

24 And do you know when that decision was
25 made to make an application to remove the parking of

1 little league and public from the Babbio garage?

2 MR. TUVEL: That is why we are here.

3 THE WITNESS: As part of this --

4 MR. GALVIN: Don't answer that
5 question. That is their application. That's part
6 of their application that they're doing that --

7 MR. WEINSTEIN: When was that --

8 MR. GALVIN: He doesn't have that
9 answer. He is an expert. He's told.

10 MR. WEINSTEIN: Tell me on the record
11 when was the application made.

12 MR. TUVEL: When was the application
13 filed?

14 It was filed at the end of September of
15 2015.

16 MR. WEINSTEIN: Okay. Thank you.

17 CHAIRMAN AIBEL: Thank you.

18 Any further questions for the engineer?

19 VICE CHAIR BRANCIFORTE: Motion to
20 close public portion.

21 COMMISSIONER COHEN: Second.

22 CHAIRMAN AIBEL: Thank you.

23 All in favor?

24 (All Board members answered in the
25 affirmative.)

1 MR. TUVEL: Okay. Mr. Chairman, moving
2 to our next witness, next will be Bob Maffia. Mr.
3 Maffia did not testify at the last meeting. He did
4 testify before this Board in connection with the
5 Gateway application, and we went through his
6 credentials as the Vice President of Facilities and
7 Operations at Stevens.

8 We could put them on again, if you'd
9 like, but --

10 MR. GALVIN: If he is not qualified as
11 an -- not qualified -- he is not an expert. He is
12 part of the operation. He is a fact witness.

13 MR. TUVEL: Do you want us to go
14 through his duties and responsibilities again?

15 MR. GALVIN: I don't think we need
16 that.

17 CHAIRMAN AIBEL: I don't think we need
18 that.

19 MR. GALVIN: Mr. Maffia, raise your
20 right hand.

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

24 MR. MAFFIA: I do.

25

1 R O B E R T M A F F I A, PE, Vice President for
2 Facilities and Campus Operations, Stevens Institute
3 of Technology, Castle Point on Hudson, Hoboken, New
4 Jersey, having been duly sworn, testified as
5 follows:

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

8 THE WITNESS: Robert Maffia, M-a-
9 double f, like in Frank, i-a.

10 MR. GALVIN: Thank you.

11 MR. TUVEL: So, Mr. Maffia, from the
12 last time that you were at this Board, you are still
13 the Vice President of Facilities and Operations at
14 Stevens?

15 THE WITNESS: Yes, I am.

16 MR. TUVEL: All right. And your duties
17 and responsibilities are still the same?

18 THE WITNESS: The same.

19 MR. TUVEL: All right. Thank you.

20 All right. So let's move to the Babbio
21 garage. You have been a part of this process, and
22 you've overseen the design of its Phase I and the
23 application, correct?

24 THE WITNESS: Yes.

25 MR. TUVEL: Okay.

1 What will the hours of operation be for
2 the garage?

3 THE WITNESS: The same as they are now,
4 7 a.m. to 11 p.m. Monday to Saturday.

5 MR. TUVEL: Okay.

6 And on Sunday, the lot is completely
7 closed?

8 THE WITNESS: The lot is closed on
9 Sunday --

10 MR. TUVEL: Okay.

11 THE WITNESS: -- except if there is
12 special events of some sort. Once in a while we
13 have a big event and we need all the parking.

14 MR. TUVEL: Okay.

15 How is it secured after hours once it
16 is closed?

17 THE WITNESS: So the garage is going to
18 have roll down gates on the entrance and on the
19 exit, so there will be a roll down gate, so there
20 will be no access during all hours.

21 MR. TUVEL: Okay.

22 And can people drive in and out freely
23 during normal operation, or are they going to need a
24 Stevens' I.D. to get into this garage, whether they
25 are faculty, staff, or students?

1 THE WITNESS: So the way we are going
2 to do it is we are very sensitive to traffic and to
3 the community and whatnot, so what we are going to
4 do is the gate to go into the garage will be open
5 during the day, so you will be able to drive in
6 freely. This is to prevent any cuing up on Sinatra
7 Drive.

8 To leave, you will take your Stevens
9 I.D. and you will put that in a vending machine.
10 You will get a ticket out, and that ticket will go
11 into the gate so you can exit the garage.

12 MR. TUVEL: Okay.

13 So just very simply, you come in during
14 the day, you go to class or whatever. You come back
15 and you put your I.D. in this vending machine, you
16 get a ticket. You put that ticket into a machine
17 when you exit?

18 THE WITNESS: That's right.

19 MR. TUVEL: And the gate goes up?

20 THE WITNESS: Yes.

21 MR. TUVEL: Okay.

22 How will security be handled in the
23 garage in terms of patrolling and things of that
24 nature?

25 THE WITNESS: So the same way it is

1 now. We have our campus police go through the
2 garage Monday through Friday. They go through every
3 two hours. Saturday, every four hours, because
4 there is less action on Saturday, and they will be
5 patrolling it.

6 MR. TUVEL: All right.

7 And there are going to be security
8 cameras in the garage?

9 THE WITNESS: They'll be cameras.
10 There will be cameras on each level of the garage.
11 There will be cameras in the staircase of the
12 garage. There will be cameras outside on the steps
13 on the side of the garage, yeah.

14 MR. TUVEL: Will there be -- go ahead.

15 THE WITNESS: There will be a blue
16 phone system in there also on each floor in case of
17 an emergency. You can pick up the phone, which
18 rings right at the police desk.

19 MR. TUVEL: Okay. And will there also
20 be a blue phone on the staircase?

21 THE WITNESS: On the staircase outside,
22 yes.

23 MR. TUVEL: Okay.

24 And have you gone over these security
25 measures with your chief of police at Stevens?

1 THE WITNESS: I did. We went over them
2 very carefully with our chief of police. He was
3 part of the process of where we are going to put the
4 cameras in and the blue phone system.

5 MR. TUVEL: Okay.

6 So let's say a student or a faculty
7 member needs to stay past 11 o'clock when the garage
8 closes, how do they get out of the garage if it
9 closes at 11 o'clock and they're still there?

10 THE WITNESS: So they will have a card
11 access to get into the garage, so they can get their
12 car. And then again when they put their card in the
13 vending machine and they get their ticket, that
14 ticket will not only open the gate, but it will open
15 the roll up door, too, so they will be able to exit.

16 MR. TUVEL: Okay.

17 So once 11 p.m. comes, nobody will be
18 able to enter the garage any more, but those who are
19 still there, if they're studying or working, will be
20 able to exit with their car?

21 THE WITNESS: Yes.

22 MR. TUVEL: Okay. Let's talk about
23 cleaning the garage.

24 How is the garage going to be
25 maintained on a daily basis?

1 THE WITNESS: So we clean it like we do
2 now. We clean every day. Each floor of the garage
3 has a regular trash can and has a recycle trash
4 container. We go around every day. We pick up both
5 regular and recycled trash, and we take that out
6 to -- our regular trash goes into an open container,
7 which gets picked up once a week, and our recycling
8 goes into a compactor, and twice a week the
9 compactor gets taken away.

10 MR. TUVEL: Okay. Is there going to be
11 bicycle parking in the garage?

12 THE WITNESS: Yeah. I don't know
13 exactly how many spaces yet, because the inside is
14 not fully designed yet, but there will be bicycle
15 parking. We are actually seeing this as a good
16 opportunity to provide covered bike parking. Right
17 now we have 260 spaces for bicycles, but we do know
18 that there is an interest in having more covered
19 parking, so this is a good opportunity for us to do
20 that.

21 MR. TUVEL: Okay. Any other
22 sustainability features that are going to be in this
23 garage?

24 THE WITNESS: Well, the lights will be
25 LED, and we will have an ultra vehicle charging

1 station in the garage.

2 MR. TUVEL: Okay.

3 In terms of landscaping, there is some
4 landscaping that is proposed in connection with this
5 application. How is that maintained?

6 THE WITNESS: Well, we will maintain
7 the landscaping like we maintain the landscaping on
8 our campus now. I think our guys do a pretty good
9 job of maintaining the landscaping.

10 As a matter of fact, we had more of a
11 focus the last couple of years on our landscaping.
12 I had two openings in the past year that we actually
13 filled with people with landscaping experience.

14 We actually even have a landscape
15 architect now that we work with very closely who
16 trains our staff, so we're actually doing a very
17 good job with our landscaping now. I am pretty
18 proud of it actually.

19 MR. TUVEL: Okay.

20 There's some discussion we are here to
21 modify or clarify the issue concerning little league
22 and soccer parking.

23 How is Stevens proposing to modify
24 that, and why do you think it's a better solution
25 than what was in the prior resolution?

1 THE WITNESS: Well, you know, we looked
2 at the resolution, and the one thing that was clear
3 was that it clearly stated 50 spaces for little
4 league and soccer parking.

5 There was vague reference to -- it
6 talked about public parking, but not very exact.
7 But we do know about the 50 spaces for the little
8 league and soccer, so --

9 MR. TUVEL: And that parking for the
10 little league and soccer, that was 50, and it could
11 be allocated either in the Babbio garage or the
12 Griffith lot, correct?

13 THE WITNESS: It could be allocated in
14 either place.

15 So our proposal is to allocate it in
16 the Griffith lot. There's -- we much prefer for it
17 to be in the Griffith lot for several reasons. One
18 reason is safety. You know, letting the public park
19 in the garage, we have safety concerns with that
20 because when the elevator is in the garage, you can
21 get up into the Babbio building. So basically that
22 would give the public access to our Babbio building,
23 which is an academic building, so that is not a
24 great situation for us.

25 Stevens is a very safe campus. We just

1 ranked first actually in New Jersey, number one in
2 New Jersey for safety with a group called Neich,
3 which is a campus ranking group and ranked us the
4 safest college in New Jersey, so we very concerned
5 about safety. So, you know, we prefer not to have
6 that access from the garage elevators into the
7 Babbio building.

8 The other reason is that it's easier to
9 maintain safety in the garage when you have more
10 predictable schedules, like we know what our
11 students are doing. We know what our staff is
12 doing. We know what our faculty is doing. We know
13 their schedules. But when you have the public, the
14 schedules are random, and it makes security a lot
15 harder.

16 The other reason why security is
17 tougher in the garage than it would be in an open
18 parking lot is because there are columns. There are
19 walls you can hide behind, so it is much easier for
20 an intruder to do the wrong thing in a garage, so
21 there is more chance of mischief in a garage than
22 there is in an open parking lot.

23 MR. TUVEL: Have you reviewed this
24 issue with your chief of police?

25 THE WITNESS: I did. I did very

1 closely. I mean, he -- what is nice about the
2 Griffith parking lot is that it's wide-open. You
3 can see it. There's nothing to hide behind. It
4 actually works out better for parkers for little
5 league and soccer also because they can see right
6 from Sinatra Drive, they can see, because there is a
7 designated area for them, and they can see right
8 away if there's any spots in there versus tooling
9 around the garage and trying to find a spot, so we
10 think it works well all around.

11 MR. TUVEL: Okay.

12 Have you spoken to the Hoboken Parking
13 Authority as to this proposed parking for the little
14 league and soccer fields concerning this
15 arrangement?

16 THE WITNESS: So we did. You know, we
17 wanted to study this very carefully. We wanted to
18 do our homework, so we spoke with the Hoboken
19 Parking Authority. In fact, we understand Director
20 Morgan might have even sent a letter to the Zoning
21 Board specifying what he felt was the best solution
22 for the 50 spaces. And basically, it's again, I
23 think Hoboken Parking Authority also felt that it is
24 best to just have the little league and soccer park
25 there, not necessarily make the spaces available for

1 the general public.

2 There is a lot more -- it's a lot more
3 complicated when you have the general public outside
4 of the little league and soccer parking there.

5 For example, if the little league and
6 soccer was parking there, you can give them a
7 placard. You know, you can give them a pass that
8 shows they belong there, whereas the public coming
9 in randomly, it is kind of hard to police that.

10 MR. TUVEL: And have you spoken to the
11 appropriate director at the little league and
12 recreation departments concerning this issue?

13 THE WITNESS: Yes. They actually were
14 on board, too, so...

15 MR. TUVEL: And they agreed that
16 providing decals and having those spaces in the
17 Griffith lot was acceptable?

18 THE WITNESS: Yes.

19 MR. TUVEL: Okay.

20 I don't have any further questions at
21 this time unless the Board has questions.

22 COMMISSIONER MURPHY: I have a
23 question.

24 CHAIRMAN AIBEL: Please go ahead.

25 COMMISSIONER MURPHY: So what happens

1 when, you know, the garage entrance is open, and you
2 are from out of town, and you can't find parking.
3 You see a garage and you pull in. How do I get back
4 out?

5 THE WITNESS: So we are going to make
6 sure we have signs that alert people that this is a
7 Stevens' parking lot, so to prevent unintentional,
8 unauthorized parking --

9 COMMISSIONER MURPHY: Uh-huh.

10 THE WITNESS: -- so hopefully that is
11 going to help.

12 But on the odd occasion that it does
13 happen, what will happen is there will be a call
14 button at the exit gate, and with that call button
15 they will be able to reach the campus police desk,
16 and the campus police desk will be able to see with
17 a camera what is going on and they will be able
18 to --

19 COMMISSIONER MURPHY: Activate it?

20 THE WITNESS: -- yeah, activate it.

21 MR. TUVEL: It is a good question
22 because not only for that reason, but what if a
23 Stevens' student forgets their I.D. that day or
24 something like that. They have to be able to get
25 out of the lot.

1 I should have brought that up, so I
2 appreciate that you brought it up, so we talked
3 about putting a call system there, so that the
4 police can see who it is, they can see the license
5 plate and the car, and open the gate as appropriate.

6 COMMISSIONER MURPHY: Okay.

7 And then in regard to the spaces for
8 little league, et cetera, the Griffith lot is kind
9 of like long and, you know, it goes down pretty far,
10 and I am curious as to where you think the 50 spaces
11 might be, because when the thought that they were
12 going to be in the garage, they were much closer to
13 the actual little league field than where being
14 across the street and then to the north of your
15 utilities building or whatever that building is,
16 makes it a much further walk from the little league
17 field. So I am just curious as to where in that
18 parking lot you are planning on having the spaces.

19 THE WITNESS: So they're going to be --
20 the parking lot is kind of two triangles sort of the
21 way it is shaped, so the northern most triangle, not
22 the furthest end of the lot, but in that northern
23 triangle, there will be the 50 spaces there. They
24 will be striped differently. There will be signs
25 there. It will be obvious for anybody pulling in

1 there that these are the 50 spaces, and again,
2 they're visible from Sinatra Drive, so you will be
3 able to see if there are spaces in there.

4 COMMISSIONER MURPHY: So they're kind
5 of like in the middle of that big space?

6 THE WITNESS: Yeah, I guess so. I
7 guess about in the middle.

8 I don't have a drawing, I'm sorry. But
9 you have the utility building, as you called it,
10 which is on one section. The section after that is
11 the section where the parking spaces are.

12 COMMISSIONER MURPHY: Okay. Thank you.

13 MR. TUVEL: Bob, did you ask the -- did
14 you talk to the little league and soccer officials
15 about that, about where they would go?

16 THE WITNESS: Yeah. They thought they
17 were fine over there, because especially that we're
18 able to -- the way the parking lot is laid out, we
19 are really able to lay out 50 spaces all in one
20 location, so they are not scattered. It is not too
21 hard to make the borders, you know.

22 COMMISSIONER MURPHY: And your Stevens'
23 students will know that on weekends, they shouldn't
24 be parking there, because it is pretty close to the
25 crosswalk, so if they wanted to just kind of go up

1 the stairs to campus --

2 THE WITNESS: Right. But they'll
3 also --

4 COMMISSIONER MURPHY: -- know that on
5 weekends it's not for them.

6 THE WITNESS: -- well, it will be
7 signed, and you know, our police are going to be
8 policing it also. But the other thing is, they're
9 going to have a garage, don't forget --

10 COMMISSIONER MURPHY: True --

11 THE WITNESS: -- they wouldn't have all
12 the extra spaces --

13 COMMISSIONER MURPHY: -- right.

14 MR. TUVEL: Yeah.

15 I mean, we think that it works actually
16 very well with the class schedule, because on the
17 weekends there's much less of a class schedule than
18 there is during the week. So if somebody needs to
19 go to class or a faculty member needs to attend to
20 something, they can actually park on the main campus
21 because it is pretty much empty on the weekends, or
22 there's not a lot of cars there --

23 COMMISSIONER MURPHY: Right, relatively
24 speaking.

25 MR. TUVEL: -- so based on the signage

1 that Mr. Maffia talked about, you know, obviously
2 policing it with their campus police, and the fact
3 that the scheduling works well, Stevens' schedule
4 goes down, and the public wants to come, it will
5 coincide very nicely.

6 COMMISSIONER MURPHY: Okay. Thank you.

7 MR. GALVIN: Mr. Cohen?

8 I'm sorry.

9 COMMISSIONER COHEN: Yeah.

10 The Griffith lot, is that also going to
11 be closed on Sunday?

12 I mean, we were talking about the
13 garage, and the garage parking hours. It sounds
14 like your answers to Commissioner Murphy's questions
15 were talking that the Griffith lot would be open
16 seven days a week. Is that right?

17 THE WITNESS: The Griffith lot is open.
18 That doesn't close.

19 MR. TUVEL: Yeah. Commissioner Cohen,
20 well, let me be clear, so everybody is on the same
21 page.

22 So the goal here -- the garage will be
23 open -- the Babbio garage will be the weekday,
24 Monday to Friday 7 a.m. -- I'm sorry -- Monday
25 through Saturday, 7 a.m. to 11 p.m. and closed on

1 Sunday. That is the garage.

2 The Griffith lot, the 50 spaces that we
3 are proposing for the little league and soccer, and
4 Bob will correct me if I am wrong, will be Monday
5 through Friday four p.m. to 11 p.m., and this is all
6 year round, four p.m. to 11 p.m., and Saturday and
7 Sunday 7 a.m. to 11 p.m. --

8 THE WITNESS: That is right.

9 MR. TUVEL: -- and they will be marked
10 and signed accordingly with those hours.

11 COMMISSIONER COHEN: Okay. Thanks.

12 MR. TUVEL: Sorry if I wasn't clear.

13 COMMISSIONER COHEN: Okay. I get it
14 now.

15 There were questions asked in the first
16 hearing about maintenance of the steps, and we had
17 some discussion about the drains. I assume that
18 your folks were involved with the plan for
19 maintaining the steps. Is that right?

20 THE WITNESS: Yes. I talked to my --
21 snow removal is part of my responsibility, too, and
22 we have a really good snow removal team. You know,
23 we do a really good job clearing the campus, and we
24 talk to them about that, too, and we will be
25 clearing the steps like we do like the rest of the

1 campus.

2 COMMISSIONER COHEN: So that will just
3 be part of your campus plan for maintenance?

4 THE WITNESS: It will be part of our
5 routine, yeah, just like the rest of the campus is.

6 COMMISSIONER COHEN: Right. Okay.

7 And I assume that when you are talking
8 about maintaining the facilities, the Griffith lot,
9 I mean, if there is a snowstorm in the wintertime,
10 you guys are going to be responsible for clearing
11 the lot of snow, so that people can use the 50
12 spots --

13 THE WITNESS: Yeah. We even do that
14 now. We are responsible for that now, too.

15 COMMISSIONER COHEN: -- so let's say, I
16 mean, it is during your winter break, for instance,
17 you know. Is that something that the school will be
18 responsible for, even when the school is not in
19 session, maintaining that lot, that sort of thing?

20 THE WITNESS: When there is snow
21 removal to be done, we do it. Whether if we are on
22 break, winter break, our guys are still in. They're
23 working. You know, they are responsible for coming
24 in and removing the snow.

25 COMMISSIONER COHEN: And I guess I am

1 asking because I think it might be different in -- I
2 mean, typically in your school year, I would think
3 on breaks, your lots are not going to be used. But
4 if the city is going to have dedicated parking in
5 the Griffith lot, even if you guys are not in
6 session, I just wanted to confirm that that would be
7 part of your maintenance plan.

8 THE WITNESS: Yes. See, you know, we
9 can't afford to -- if school is not in session -- we
10 can't afford to just let snow pile up, because then
11 you can't get rid of it, so we have to stay on top
12 of it no matter what. So if we are not in school,
13 and there's a snowstorm, we are in clearing snow.

14 COMMISSIONER COHEN: Okay. So I just
15 want to be clear. As far as the public spaces are
16 concerned, I have no doubt that Stevens is going to
17 maintain its facilities for Stevens' faculty and
18 staff and all of that, but obviously there is a
19 public component with respect to this proposal
20 that's going to be for the public's benefit, and I
21 just wanted to confirm that --

22 THE WITNESS: It is on us to clean it.

23 COMMISSIONER COHEN: That is my
24 question.

25 Thank you.

1 THE WITNESS: Absolutely.

2 COMMISSIONER COHEN: Okay.

3 CHAIRMAN AIBEL: One additional
4 question quick question on maintenance.

5 Is there any provision for outside
6 trash receptacles near the landing for the steps at
7 places where the increase in foot traffic is likely
8 to include an increase in garbage?

9 THE WITNESS: Well, I can't tell you
10 that we spotted them yet, but I would say yes. You
11 know, we're going to -- we'll put them. In fact, we
12 have been putting more trash receptacles around our
13 campus. You may have noticed we have a lot of solar
14 trash compactors now on our campus, too, so as part
15 of our sustainability efforts, so yeah, we'll have
16 trash compactors there.

17 CHAIRMAN AIBEL: That would be a great
18 place for them.

19 THE WITNESS: Yeah, yeah.

20 COMMISSIONER MC BRIDE: Is that in the
21 lot as well?

22 I didn't notice, but do you have
23 compactors in the lot?

24 THE WITNESS: We don't have solar
25 compactors in the Griffith lot. We just have a few

1 solar compactors on our campus right now. It's
2 something that is fairly new to us, but --

3 COMMISSIONER MC BRIDE: Well, are there
4 trash receptacles in the lot now?

5 THE WITNESS: I don't know. I don't
6 know if we do. I can't picture any, but it doesn't
7 mean we can't put them there. But I am sorry, I
8 don't know.

9 COMMISSIONER MC BRIDE: My guess is
10 that with 50 public spaces of kids going to and from
11 little league, soccer and the Blue Ice Cafe, you're
12 going to wind up with trash in the lot.

13 THE WITNESS: Oh, well, it is in our
14 best interest, otherwise we are cleaning it up. So
15 I can promise you, if we need trash receptacles
16 there, there will be trash receptacles. We will
17 make sure of it.

18 COMMISSIONER MURPHY: And out of the 50
19 spots, are there any handicapped spots or will there
20 be a couple of handicapped spots, and I'm
21 thinking --

22 MR. TUVEL: No. That is a good
23 question. Actually I think that is something that
24 we should ask the traffic engineer.

25 COMMISSIONER MURPHY: Okay.

1 MR. TUVEL: The 50 spaces, will we have
2 to designate any handicapped?

3 (Mr. Tuvell and Mr. Olivo confer)

4 MR. TUVEL: So if there is a
5 requirement for, like let's say you have a certain
6 amount, usually you get a certain amount of spaces,
7 and Jeff can chime in, there is a certain amount
8 that we would have to designate as handicapped. So
9 if the Board would want that, we could -- we
10 could --

11 COMMISSIONER MURPHY: Well, I'm just
12 saying, imagine -- I know you have handicapped spots
13 in the way the lot is paved right now, because you
14 newly paved it --

15 MR. TUVEL: Right.

16 COMMISSIONER MURPHY: --- but out of
17 those 50, I don't know if any of the handicapped are
18 where the 50 are.

19 MR. TUVEL: Yeah. We can look at that
20 with your Board engineer and see if there is a
21 requirement.

22 COMMISSIONER MURPHY: Okay. I think
23 you should have a couple even if it's not required.

24 MR. TUVEL: We can talk with Jeff on
25 that.

1 MR. MARSDEN: If I may, there's -- ADA
2 requires so many spots handicapped and van
3 accessible for any number of parking spaces that
4 they are providing.

5 MR. TUVEL: Okay.

6 COMMISSIONER MURPHY: Right. But they
7 may still have that taken care of in the overall
8 lot.

9 I am concerned about the 50 that are
10 going to be designated for us, so that the handicaps
11 might all be, you know, in the part that's where the
12 Stevens are --

13 MR. MARSDEN: If you are specifying a
14 specific use for a specific number of spaces, then
15 they will provide that --

16 MR. TUVEL: We can work with your
17 engineer to make sure it works.

18 COMMISSIONER MURPHY: Thank you.

19 VICE CHAIR BRANCIFORTE: We know that
20 when the lot closes, when Babbio closes, you are
21 going to have gates coming down, but what happens at
22 11 o'clock across the street on this public lot, you
23 know, if somebody is there past eleven o'clock, do
24 the gates close or --

25 THE WITNESS: There is no gates on that

1 lot.

2 VICE CHAIR BRANCIFORTE: Right.

3 MR. TUVEL: Commissioner Branciforte,
4 this was one of the reasons why we prefer to have
5 this parking there versus the garage, because if the
6 police are patrolling, it is very easy to see if the
7 car is there past 11 o'clock in one of those 50
8 spots, they should get a ticket or towed or whatever
9 the law enforcement mechanism would be, so it is
10 much easier to identify it, which is one of the
11 reasons we talked about that.

12 CHAIRMAN AIBEL: So are you going to
13 create the signage or is the city --

14 MR. TUVEL: The signage on the?

15 CHAIRMAN AIBEL: On the Griffith lot.

16 THE WITNESS: We will create the
17 signage --

18 MR. TUVEL: Yeah, I guess we'd have to
19 create --

20 THE WITNESS: -- and we can coordinate
21 it with the city, you know, what it has to say, but
22 we will provide the signage.

23 MR. TUVEL: Yeah.

24 CHAIRMAN AIBEL: Is Director Morgan
25 going to speak to us?

1 MR. TUVEL: He is here, so we can ask
2 him.

3 MS. BANYRA: Can I ask one question,
4 though?

5 CHAIRMAN AIBEL: Go ahead.

6 MS. BANYRA: Mr. Maffia, can you also
7 include additional interior bike parking on the
8 upper level, the fourth floor?

9 I know you have it on the first floor
10 covered parking. Can you dedicate some on the upper
11 floor?

12 THE WITNESS: We will look at it with
13 our architect. I mean, ideally, I would like the
14 bike parking first on the first floor because you
15 can roll in right off Sinatra, and then I think --
16 isn't it the third level, where there is a door to
17 go into from the staircase then?

18 MR. KING: Yes.

19 THE WITNESS: So, you know, we'll put
20 it in the most convenient place we can --

21 MS. BANYRA: Yeah, because they may not
22 be coming from Sinatra. They may be coming from
23 Hudson or another location, so it might be easier
24 to --

25 THE WITNESS: So I mean, we didn't talk

1 about this. But is it possible to come down that
2 bike ramp and put it right in there --

3 MR. TUVEL: Sure. Can Richard just
4 speak on that real quick?

5 CHAIRMAN AIBEL: Sure.

6 MR. KING: We debated the issue of
7 whether to put the parking through all of the
8 levels of the garage, and the main reason that we
9 didn't was we were skeptical that cyclists were
10 going to bother to ride up the ramps.

11 Being someone who rides to work
12 regularly, there is bike parking outside that is not
13 covered, and there is bike parking in the garage --

14 MS. BANYRA: At the first floor, right.

15 MR. KING: -- at the first floor, and
16 up at the second floor. The only one that ever gets
17 any bikes on it is on the first floor.

18 The second floor, nobody bothers. They
19 put plastic bags over their seat instead of climbing
20 up to the next level, but if --

21 MS. BANYRA: Can you evaluate it,
22 because I carry my bike up. I mean, if I'm going
23 to -- you know, if I'm exiting --

24 MR. KING: I don't have that. I'm
25 working on the means --

1 (Laughter)

2 MS. BANYRA: -- well, if I'm exiting
3 out Sinatra Drive, then I would bike out -- but if
4 I'm on Hudson, I might just carry it up and go,
5 you know, rather than going around.

6 MR. TUVEL: That is another one, if we
7 can get a condition, we can work with you on placing
8 the bike racks in the appropriate locations.

9 MS. BANYRA: That's fine.

10 THE WITNESS: We want them to be as
11 convenient as possible because we are trying to
12 encourage bike users, too --

13 MS. BANYRA: Exactly. Understood.

14 THE WITNESS: -- sure.

15 MS. BANYRA: -- that's all I have.

16 CHAIRMAN AIBEL: John?

17 VICE CHAIR BRANCIFORTE: The only other
18 question, too, is we're talking about the little
19 league and soccer players and the parents. But on
20 Thursday nights at Sinatra Park, there is also
21 concerns.

22 I know my friends that come down to
23 play with their equipment and their guitars, they
24 are going to need a place to park, so I am hoping
25 that when we talk about little league and this other

1 stuff, we are including those concerts and the
2 people that, you know, visit for those concerts on
3 Thursday nights.

4 CHAIRMAN AIBEL: We have Director
5 Morgan here, so I think he would be a good person to
6 talk to that.

7 MR. TUVEL: It is up to the Board.
8 With the little league and soccer, when we spoke to
9 them, I wasn't a part of those conversations, but
10 Bob was. They said they could make it very easy by
11 handing out decals to people who are, you know,
12 participating in those programs, so we can ensure
13 that the little league and soccer people are parking
14 there.

15 But on days where those are not
16 occurring, it is up to the Board if they want the
17 general public to be able to park there as well, but
18 keeping it for little league and soccer is very
19 simple to control because they will have the decals.

20 CHAIRMAN AIBEL: Well, let's come back
21 to that.

22 COMMISSIONER MURPHY: Right.

23 MR. TUVEL: You might want to get
24 Director Morgan's thoughts on that as well.

25 CHAIRMAN AIBEL: I would, and he has

1 addressed part of the issue in a letter to the
2 Board, so --

3 VICE CHAIR BRANCIFORTE: I'm sorry.
4 One more quick thing.

5 CHAIRMAN AIBEL: Go ahead.

6 VICE CHAIR BRANCIFORTE: Right now
7 there is trailers for, I guess Hoboken City's OEM
8 trailers, and the ambulance corps has a trailer
9 there. Are those trailers going to have to move
10 once construction starts?

11 THE WITNESS: They have been moved.

12 VICE CHAIR BRANCIFORTE: Oh, they've
13 been moved already?

14 THE WITNESS: Yes. They are in our
15 Hayden parking lot, behind our Hayden dorm, so
16 there's trailers that we moved there now.

17 VICE CHAIR BRANCIFORTE: So they are
18 out of the flood zone now?

19 THE WITNESS: Yes.

20 (Laughter)

21 VICE CHAIR BRANCIFORTE: There's
22 nothing worse than having an OEM trailer in a flood
23 zone.

24 (Laughter)

25 THE WITNESS: There was a boat there.

1 There was a Hoboken boat there, but that was okay.

2 VICE CHAIR BRANCIFORTE: Floating away.

3 (Laughter)

4 CHAIRMAN AIBEL: Let me open it up to
5 the public, questions for Mr. Maffia.

6 Please come forward.

7 MR. WEINSTEIN: The Board has no
8 questions, I assume, right?

9 CHAIRMAN AIBEL: We have asked our
10 questions.

11 MR. WEINSTEIN: Mr. Maffia, you're --
12 now, what is your title?

13 THE WITNESS: Vice President for
14 Facilities and Campus Operations.

15 MR. WEINSTEIN: And how long were you
16 in that position?

17 THE WITNESS: Two and a half years.

18 MR. WEINSTEIN: So you are the
19 successor to Hank Dobbelaar?

20 THE WITNESS: Yes.

21 MR. WEINSTEIN: I think that is how it
22 is pronounced,

23 You stated I think during your initial
24 questioning by Mister -- Jason, what is your last
25 name --

1 MR. TUVEL: Oh, sure. Tuvel,

2 MR. WEINSTEIN: -- Mr. Tuvel, that you
3 thought that the 50 spaces that were designated in
4 the resolution, that's the 2009 resolution, was
5 either/or. Either 50 spaces in the lot -- what did
6 you call that lot?

7 THE WITNESS: Griffith lot.

8 MR. WEINSTEIN: The Griffith lot, or 50
9 spaces in the garage. Is that right?

10 MR. TUVEL: There were 50 spaces either
11 way. A total of 50. You could provide any
12 combination.

13 MR. WEINSTEIN: Could you read number
14 11, in the resolution?

15 MR. TUVEL: Do we need him to read the
16 document?

17 I mean, we submitted it to the Board.

18 MR. WEINSTEIN: Well, he made a
19 statement that --

20 MR. TUVEL: Can I read what you are
21 asking him to read first?

22 MR. WEINSTEIN: Sure.

23 CHAIRMAN AIBEL: I don't think we need
24 to hear it. We are aware of that.

25 MR. WEINSTEIN: Maybe if I had some

1 water, I might be better.

2 But anyway, can you hear me?

3 CHAIRMAN AIBEL: Perfect.

4 MR. GALVIN: We can hear you, but we
5 are questioning the questions, but that is all
6 right.

7 CHAIRMAN AIBEL: So your question is?

8 MR. GALVIN: No. He wants him to look
9 at condition number 11.

10 MR. WEINSTEIN: Doesn't it say that 50
11 spaces shall be --

12 THE WITNESS: Except -- except during
13 major institute --

14 MR. TUVEL: Here is some.

15 THE WITNESS: -- except during major
16 institute events, the applicant shall provide a
17 total of 50 spaces for free parking in the garage
18 and in the physical plant lot on the east side of
19 Sinatra Drive to use as a little league field and
20 soccer field to the City of Hoboken --

21 MR. GALVIN: All right. That is
22 enough. Listen --

23 MR. WEINSTEIN: So --

24 MR. GALVIN: -- I am going -- now I am
25 going to get angry, okay?

1 MR. WEINSTEIN: You are going to get
2 angry?

3 MR. GALVIN: Yes, I am.

4 MR. WEINSTEIN: Why? Because I am
5 doing something that you don't like?

6 MR. GALVIN: No, because I think you
7 are being rude and impolite.

8 MR. WEINSTEIN: I don't think so. I
9 think I'm asking the witness questions --

10 MR. GALVIN: We have told you --

11 MR. WEINSTEIN: -- he interpreted
12 that --

13 MR. GALVIN: -- let me tell you that we
14 have the right to control the hearing to the extent
15 that redundant questions -- we do not have to allow
16 redundant questions to be asked.

17 Even though you are an attorney, I can
18 still say -- and I am talking to the judge right
19 now -- the judge will know that I have been very
20 patient with you, and I am trying to give you an
21 opportunity. But one thing is crystal clear to
22 everybody perhaps, except for yourself, which is
23 they are asking us to deviate from the resolution
24 that they got approved a couple years ago --

25 MR. WEINSTEIN: I understand.

1 MR. GALVIN: -- they now want to move
2 the parking from the garage to the Griffith lot --

3 MR. WEINSTEIN: I understand that, but
4 I just want to clarify what the resolution says,
5 because he said --

6 MR. GALVIN: The resolution speaks for
7 itself.

8 MR. WEINSTEIN: Yeah. But he
9 testified, and I want him to correct his statement
10 now.

11 Do you agree that the parking could
12 have been -- 50 spaces could have been in the Babbio
13 garage or in the Griffith lot?

14 MR. GALVIN: You don't have to answer
15 that.

16 The answer is they could have been --

17 MR. WEINSTEIN: He should answer that
18 question --

19 MR. GALVIN: -- he is not answering
20 that question. Take me up on appeal.

21 MR. WEINSTEIN: -- he brought that up
22 in his direct testimony --

23 CHAIRMAN AIBEL: Okay. No.

24 MR. GALVIN: You are going to a crazy
25 place. The parking spaces could be in Babbio or

1 they could be in the Griffith. They are telling us
2 that although the resolution required them in the
3 Babbio, they now want to provide them in the
4 Griffith. There is nothing else to plumb from that
5 information.

6 MR. WEINSTEIN: But, sir, he made a
7 statement that was either in the Babbio garage or in
8 the Griffith lot, but in fact it says in the
9 resolution --

10 MR. GALVIN: It just said Babbio, okay.

11 MR. WEINSTEIN: And so do you agree
12 that it says "and"?

13 THE WITNESS: It says "and" in the
14 resolution.

15 MR. WEINSTEIN: Okay. That is all I am
16 asking you.

17 Did you consider when you -- were you
18 part of the decision of submitting the application
19 in 2015?

20 THE WITNESS: Sure.

21 MR. WEINSTEIN: And did you consider
22 whether or not the safety of the children and the
23 attendants for legal aid -- excuse me -- little
24 league might be affected by where they would park?

25 MR. TUVEL: I think that is why he

1 told --

2 MR. WEINSTEIN: Wait. I am not asking
3 you a question. I am asking him a question.

4 MR. TUVEL: But he testified --

5 CHAIRMAN AIBEL: Okay --

6 THE WITNESS: -- if you want to testify
7 as a witness --

8 MR. TUVEL: -- no. But what I'm saying
9 is he testified -- you are asking questions that
10 have been answered.

11 He testified to the fact that he
12 actually spoke with the director of the little
13 league and the soccer in connection with that --

14 MR. WEINSTEIN: I am getting to that --

15 MR. TUVEL: Okay.

16 MR. WEINSTEIN: -- I'm going to ask him
17 who he spoke to --

18 MR. TUVEL: Okay.

19 THE WITNESS: We spoke with the
20 director of the little league.

21 MR. WEINSTEIN: What's his name?

22 THE WITNESS: Benny Rotondi.

23 MR. WEINSTEIN: Bennny Rotondi?

24 THE WITNESS: I believe it's

25 R-o-t-o-n-d-i.

1 MR. WEINSTEIN: Do you know when you
2 spoke to him?

3 THE WITNESS: The date, no, I don't
4 remember dates.

5 MR. WEINSTEIN: Approximately?

6 THE WITNESS: Couple of months ago.

7 MR. WEINSTEIN: Before you made the
8 application?

9 THE WITNESS: I don't remember.

10 MR. WEINSTEIN: Was it before you made
11 the application?

12 THE WITNESS: I don't remember what the
13 date was that we spoke to him.

14 MR. WEINSTEIN: So it could have been
15 after the application?

16 THE WITNESS: It could have been after
17 the application.

18 MR. WEINSTEIN: But by that time, you
19 were fait accompli, right? You had made that
20 application?

21 THE WITNESS: Well, I don't think it's
22 a fait accompli until this Board --

23 MR. WEINSTEIN: Well, for the purposes
24 of Stevens' position as to where the parking for the
25 little league would be --

1 MR. TUVEL: Well, now you're testifying
2 on his behalf. Actually what he said was, and I
3 think it is actually a very honest move is that they
4 filed the application. Then we wanted to see
5 whether it was before or after. He wanted to see
6 what the little league's input would be. They were
7 okay with it, and we stuck with the plan.

8 MR. WEINSTEIN: And I asked him when he
9 spoke to the little league --

10 MR. GALVIN: I don't see what the land
11 use value of it is when he spoke to him, okay?

12 MR. WEINSTEIN: Well, only that he
13 didn't consider -- that you didn't consider -- if
14 you did, I can't tell whether you did or didn't
15 because you don't know when you spoke to them before
16 the application or after.

17 THE WITNESS: Well, you can tell that
18 we considered it because we made a point to go and
19 speak with the director of the little league and we
20 went to speak with the Director of the Hoboken
21 Parking Utilities.

22 MR. WEINSTEIN: Wouldn't it have been
23 better to have spoken to them before you made the
24 application?

25 MR. GALVIN: No.

1 MR. TUVEL: Don't answer that.

2 MR. GALVIN: Don't answer that
3 question. It is not necessary. It is not a
4 deposition. It doesn't matter. I already told you
5 that we are going to consider the Griffith lot.

6 If you want to get to whether it's safe
7 or not, I think that's a fair question. You asked
8 him, and he said it was.

9 MR. WEINSTEIN: Okay. I will ask that
10 question then.

11 THE WITNESS: Do I think it is safe?

12 MR. WEINSTEIN: Do you think it would
13 be safer for the children and the parents to be able
14 to park in the Babbio garage, if attending a little
15 league game on the side -- on the west side of the
16 Babbio garage?

17 THE WITNESS: Well, you know, I don't
18 know. Safety is relative.

19 Is it safer to be in a parking garage
20 that's got columns and walls and where people can
21 duck behind, or is it safer to be in an open parking
22 lot, where if anybody tries anything, it is pretty
23 out in the open?

24 So for that reason, I would say it's
25 safer to be in the Griffith lot.

1 MR. WEINSTEIN: Well, in terms of the
2 safety of a pedestrian in terms of crossing the
3 street --

4 THE WITNESS: I would say that --

5 (Mr. Weinstein and the witness talking
6 at the same time)

7 THE REPORTER: You can't talk at the
8 same time.

9 MR. GALVIN: Guys, look at me, okay?
10 Don't answer questions unless I am directing you to
11 answer the question. Okay?

12 Where is our traffic expert?

13 MR. TUVEL: Right here.

14 MR. GALVIN: Give us an answer on the
15 safety of using the Griffith versus the Babbio
16 garage.

17 State your name again for the record.

18 MR. OLIVO: Charles Olivo.

19 MR. GALVIN: Okay. For purposes of the
20 children and the parents using the ball fields, is
21 the Griffith lot a safe location for them to use for
22 parking purposes?

23 MR. OLIVO: It is. It is a safe
24 location. There is a well delineated crosswalk that
25 will be provided, and they are provided under

1 existing conditions. It is a safe manner in which
2 to cross and park and travel through.

3 MR. GALVIN: Do you have an opinion if
4 it is safer than having them in the Babbio garage?

5 MR. OLIVO: I believe that they're both
6 safe. I don't evaluate whether one is safer than
7 the other.

8 I look at it as if it's safe or unsafe.
9 They are both safe locations to park and walk.

10 MR. GALVIN: Okay.

11 MR. WEINSTEIN: Well, you agree that
12 Sinatra Drive is a main thoroughfare, isn't it?

13 MR. OLIVO: I would not characterize
14 Sinatra Drive as a main thoroughfare. Actually we
15 got into it a little bit at the last hearing about
16 what Sinatra Drive is in terms of the roadway. It
17 carries traffic north to south throughout this area.
18 It's a connector roadway.

19 MR. GALVIN: Time out.

20 MR. WEINSTEIN: Well, let me ask you
21 something.

22 Is Sinatra Drive more, more heavily
23 traveled than the streets that are --

24 MR. GALVIN: He is not going to answer
25 that question. The Board has knowledge of the local

1 roadway conditions.

2 At the end of this case, if you want to
3 argue that you think the use of the Griffith lot is
4 bad, you can do that, okay?

5 MR. WEINSTEIN: I am going to argue
6 from the basis of testimony. That's what I want to
7 argue. I read the resolution.

8 The resolution consistently refers to
9 testimony of witnesses as a justification and a
10 rationalization for what it makes its decision, so I
11 don't see why that should be improper.

12 All I am asking is whether or not
13 Sinatra Drive is a more heavily traveled road than
14 Fifth Street -- and what is the street that goes
15 along the Babbio garage on the west side?

16 MR. OLIVO: There are a number of
17 streets in this network. There's Hudson Street.
18 There's Fifth Street. There's Fourth Street. Name
19 them all. Sinatra Drive falls into a certain
20 hierarchy of roadway. It carries a certain amount
21 of vehicles during --

22 MR. WEINSTEIN: Isn't it a higher
23 volume of vehicles than are carried by those streets
24 that you enumerated --

25 MR. TUVEL: I object. I want this to

1 stop.

2 He testified that the Griffith lot is
3 safe for the little league and the soccer field
4 patrons. That is his professional opinion. That's
5 it.

6 MR. GALVIN: So if you want to bring
7 your own witness to put up something contrary, do
8 it.

9 MR. WEINSTEIN: Well, I have a right to
10 cross-examine.

11 MR. GALVIN: No. You have a limited
12 right to cross-examine --

13 MR. WEINSTEIN: I agree.

14 MR. GALVIN: -- and you have exhausted
15 it.

16 MR. WEINSTEIN: But I think it is
17 proper questions.

18 MR. GALVIN: I don't. I think we have
19 hit the limit.

20 MR. WEINSTEIN: Then you're limiting
21 the record on the record.

22 MR. GALVIN: Correct, correct. I'll be
23 willing to --

24 MR. WEINSTEIN: What's your name, sir?

25 MR. GALVIN: Dennis Galvin.

1 MR. WEINSTEIN: Mr. Galvin?

2 MR. GALVIN: Yes.

3 MR. WEINSTEIN: You have decided to
4 limit the record and then anyone reviewing the
5 record from here would be aware that you are doing
6 it.

7 MR. GALVIN: I am hoping that the judge
8 will comment on how patient I have been.

9 (Laughter)

10 MR. WEINSTEIN: Maybe so, but I think
11 you are preventing me from asking a question, which
12 is so obvious, even you should be able to take
13 judicial notice of it, that Sinatra Drive is a far
14 more traveled drive, if you live in Hoboken --

15 MR. GALVIN: That is an argument that
16 you are going to make.

17 MR. WEINSTEIN: -- he is supposed to be
18 familiar with the information.

19 MR. TUVEL: He testified to all of
20 that. If you disagree with it, make that in your
21 public comment at the end of the hearing.

22 MR. WEINSTEIN: Well, you know, your
23 answer is that you have no position as to whether or
24 not --

25 MR. GALVIN: You can sit down now.

1 Thank you.

2 You helped me out. I wanted to get you
3 the answer that you were questioning about the
4 safety, and Mr. Maffia is not the best person to
5 answer to safety --

6 MR. WEINSTEIN: Okay. I appreciate it.

7 MR. GALVIN: -- the traffic expert says
8 he believes it's safe. The Board feels comfortable
9 with that testimony at the moment, and we'll figure
10 it out.

11 MR. WEINSTEIN: Well, you remember that
12 when Mister -- that this gentleman was testifying,
13 he said Mr. Maffia could answer those questions.

14 MR. GALVIN: Mr. Maffia has answered
15 questions about how the garage is going to be
16 used --

17 MR. WEINSTEIN: So I am asking the
18 questions --

19 MR. GALVIN: -- because he is an
20 operations man.

21 MR. WEINSTEIN: -- you conducted --

22 CHAIRMAN AIBEL: Thank you. Let's move
23 on.

24 Thank you. Does anybody --

25 MR. GALVIN: I have some experience.

1 I know what I am doing.

2 CHAIRMAN AIBEL: Does anybody else have
3 questions for Mr. Maffia?

4 COMMISSIONER COHEN: Motion to close
5 public portion for this witness.

6 COMMISSIONER MC BRIDE: Second.

7 CHAIRMAN AIBEL: All in favor?

8 (All Board members answered in the
9 affirmative.)

10 CHAIRMAN AIBEL: Thank you.

11 MR. GALVIN: We would like to hear from
12 Director Morgan next.

13 MR. TUVEL: Okay. Well, he is not my
14 witness.

15 MR. GALVIN: Well, we would like to
16 hear from him anyway.

17 (Laughter)

18 MR. TUVEL: Sure. No, no, that's fine.
19 I'm just saying I am not going to be the one who
20 brings him up. But if the Board wants to hear from
21 him, that's fine.

22 MR. GALVIN: Because we feel it is
23 related to Mr. Maffia.

24 MR. TUVEL: That's fine, so he can come
25 up.

1 MR. GALVIN: Director Morgan, could you
2 come up?

3 Raise your right hand.

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

7 MR. MORGAN: Yes, I do.

8 J O H N N. M O R G A N, Director of
9 Transportation and Parking for the City of Hoboken,
10 having been duly sworn, testified as follows:

11 MR. GALVIN: Thank you.

12 MR. WEINSTEIN: Did he state his full
13 name?

14 THE WITNESS: John Morgan, Director of
15 Transportation and Parking for the City of Hoboken.

16 CHAIRMAN AIBEL: Thank you, Mr. Morgan.

17 You directed a letter to me as Chairman
18 of the Board. I think it probably would be, you
19 know, very helpful for the Board for you to go
20 through the contents of the letter, and I am
21 particularly interested in how you plan to
22 coordinate the distribution of parking permits or
23 placards to authorize users of the Griffith lot.

24 THE WITNESS: We have talked to both
25 the soccer league, we have talked to the little

1 league, and Director Pelligrini who runs the
2 recreation program.

3 In coordination with him, and this is a
4 program that is going to start in 2017, everybody is
5 in agreement that they will have permits issued to
6 parents, so that parents and grandparents can use
7 that parking facility.

8 CHAIRMAN AIBEL: Is that like having a
9 street parking permit?

10 THE WITNESS: For that lot, yes.

11 COMMISSIONER MURPHY: Can I just ask --

12 CHAIRMAN AIBEL: Please go ahead, sure.

13 COMMISSIONER MURPHY: So I notice that
14 the soccer field is often used by other leagues that
15 are not part of the Hoboken recreation. I am sure
16 they still have to get permission to use it. Will
17 they be able to get permits as well?

18 THE WITNESS: If Director Pelligrini
19 deems that at the times that they are playing in the
20 field it's relative to use in that parking lot, of
21 course, it will be.

22 COMMISSIONER MURPHY: Okay. Thank you.

23 CHAIRMAN AIBEL: Are there any other
24 users who are being considered as authorized users?

25 THE WITNESS: At this time strictly

1 little league and soccer.

2 VICE CHAIR BRANCIFORTE: May I ask a
3 question?

4 CHAIRMAN AIBEL: Sure.

5 VICE CHAIR BRANCIFORTE: Would you
6 consider extending that to the -- I guess it's
7 cultural affairs that runs the concerts on Thursday
8 nights, would that be extended to cultural affairs
9 and the people they need, their staff?

10 THE WITNESS: That would be up to
11 Stevens.

12 VICE CHAIR BRANCIFORTE: It would be up
13 to Stevens.

14 THE WITNESS: It is their lot.

15 The agreement right now says little
16 league and soccer.

17 CHAIRMAN AIBEL: What agreement is
18 that?

19 MR. GALVIN: Ask him. I don't know.

20 CHAIRMAN AIBEL: What agreement is
21 that, the one you are discussing?

22 THE WITNESS: The one we are discussing
23 right now.

24 VICE CHAIR BRANCIFORTE: I have
25 something that's more of a comment than a question,

1 Dennis, so I kind of --

2 MR. GALVIN: John, I can't read your
3 mind, so you have to ask, and I have to figure out
4 if it's okay or not.

5 VICE CHAIR BRANCIFORTE: I just feel
6 like -- you know, when I sat on the original
7 hearing, and someone mentioned this, I think it
8 was -- I won't mention who it was because I could
9 get the name wrong anyway, but I just felt like it
10 was a huge can of worms we were opening with this
11 parking lot, who is going to be able to use it, and
12 who wasn't.

13 Now, I don't have kids, you know, but
14 should I be able to go down there and park, if I
15 wanted be able to just kick the soccer ball around
16 on a Friday afternoon?

17 You know, it just seems like a huge can
18 of worms to me.

19 MR. GALVIN: Take your bike down.

20 (Laughter)

21 VICE CHAIR BRANCIFORTE: Well, on the
22 other hand, I understand why parents, if you have
23 two or three kids, and you want to haul everybody
24 down to, you know, Jane's soccer game, you are going
25 to need a parking space. I get that.

1 On the other hand, I would rather see
2 less car uses around town, so it is a pickle for me.
3 It really is. I just feel like it is a huge can of
4 worms here.

5 COMMISSIONER COHEN: I have a question.

6 MR. GALVIN: It's on the city
7 recreation department and transportation department
8 who are going to have to monitor it and make it
9 work.

10 THE WITNESS: The alternative, sir, is
11 to not have 50 parking spots for organized events.

12 COMMISSIONER MURPHY: Well, I guess it
13 would be to stretch it for the organized events to
14 include cultural affairs' things that take place,
15 you know, in the same region. It's the same parking
16 thing --

17 THE WITNESS: I can't comment on that.
18 It is not our lot.

19 MR. TUVEL: I mean, just from Stevens'
20 perspective, we have this condition from a prior
21 resolution that we have to deal with, right? So we
22 are trying to deal with it in the best way that we
23 can.

24 The little league and soccer, we need
25 to provide it to them, and we are happy to do that.

1 If the city wants to provide passes or
2 hang tags for some other types of events we're
3 talking about, cultural events or concerts, they can
4 do that. It is their 50 spaces during that time
5 period, and if they want to allocate it to others,
6 except for the little league and soccer, that is up
7 to them.

8 You know, we just want to make sure
9 that we're providing it, and we are coordinating
10 with the entities, the little league and soccer to
11 make sure that they're comfortable with how we're
12 providing it and where we are providing it, and so
13 far we have done that, so....

14 CHAIRMAN AIBEL: Phil?

15 COMMISSIONER COHEN: Do you know how
16 many participants there are in little league and
17 soccer?

18 THE WITNESS: I do not know by numbers,
19 but I can tell you that obviously the baseball
20 season is a lot shorter than the soccer season,
21 which is used all year round.

22 Therefore, I would say the soccer field
23 would be utilized 12 months out of the year.
24 Obviously when there is no snow, it wouldn't be
25 utilized then.

1 COMMISSIONER COHEN: Okay. Does the
2 city have a position as to whether the 50 spaces
3 could be available to the public at no charge, other
4 than for little league or soccer, one way or the
5 another?

6 I mean, are there --

7 THE WITNESS: There has been no fee
8 discussed, nor is there any intent to charge
9 anything for those 50 spaces.

10 COMMISSIONER COHEN: So the city has no
11 objection to the spots being available for free,
12 however the 50 spots are available?

13 THE WITNESS: As far as I am concerned
14 at this moment in time, the only thing that has been
15 discussed is little league and soccer.

16 If there is another discussion that has
17 to be had about cultural events, then that could be
18 had. But at this moment in time, the only
19 discussion has been with soccer and little league.

20 COMMISSIONER COHEN: Director Morgan --

21 MR. GALVIN: They have been asked for a
22 plan for making sure that it's fair for soccer and
23 for little league, and they have a plan for that.

24 COMMISSISONER COHEN: Right.

25 MR. GALVIN: They don't have a plan for

1 anything else. That is up to Stevens.

2 If Stevens said to us, you could use it
3 for more than parking -- for more than little league
4 and baseball -- soccer, that is what they are
5 saying, is that then we would have to -- they may
6 have to create a new plan for that.

7 COMMISSIONER COHEN: So what you are
8 saying is based on the prior resolution, the
9 understanding is that these 50 spots are dedicated
10 to the City of Hoboken solely for the purpose of
11 little league and soccer?

12 MR. GALVIN: That was the understanding
13 from the prior resolution, right?

14 MR. TUVEL: Right.

15 MR. GALVIN: Although we are modifying
16 things. That's what I'm saying.

17 MR. TUVEL: Right, and that is fine.

18 From Stevens' perspective, you know,
19 whether it's little league or soccer, the Board has
20 the discretion. It is public parking. We are
21 giving you the 50 spaces that the resolution wants.

22 If you want to modify how it is used,
23 it is up to the Board.

24 COMMISSIONER COHEN: Here -- I mean, my
25 thinking is that I think it is fine for there to be

1 little league and soccer parking there, but there
2 are times when there are no little league games
3 going and there are no soccer games going on, and I
4 don't know that it is the intent of the --

5 CHAIRMAN AIBEL: Well, I am with you,
6 Phil, but in the winter there are not a lot of
7 little league and soccer games, but there is ice
8 skating being provided at the site.

9 COMMISSIONER COHEN: Right.

10 But my question is that: Are these
11 spots supposed to stay empty when there is not
12 soccer games or little league is going on, and not
13 to be used by anyone?

14 I mean, I just want to understand what
15 the intent is, because it seems to me that the
16 intent is that this is a give-back to the city that
17 there are 50 spots, and I certainly don't want to go
18 against the will of the prior resolution and for
19 there to be the benefit of little leaguers and
20 soccer players, they should enjoy those spots. But
21 I don't know that it is necessary for us to come up
22 with every other worthy group or organization that
23 could also benefit from it.

24 I would think that Joe Citizen and Jane
25 Citizen, if there is an empty spot, should be able

1 to -- from my point of view -- should use it even if
2 they are not doing a cultural affairs event. I
3 mean, this is a give-back that's being offered to of
4 the city.

5 So, you know, if I understand you
6 correctly, Director Morgan, I guess my question is:
7 Would the city have any objection to there being
8 free parking in these 50 spots separate and apart
9 from the little league and soccer dedicated spots,
10 where they would be, you know, permitting however
11 you want to go about permitting that spot, but would
12 there be any objection to the city having, you know,
13 additional parking made available for free to the
14 community?

15 THE WITNESS: It has not been discussed
16 at this point. Only little league and soccer.

17 COMMISSIONER COHEN: Okay.

18 CHAIRMAN AIBEL: I think Phil is
19 raising a great point.

20 If somehow or another we could have the
21 lot available when there are little league and
22 soccer games, that is great, and have it available
23 for public use and access to the waterfront at other
24 times.

25 MR. TUVEL: Can I just say one thing?

1 Stevens doesn't have a fight in this
2 game --

3 CHAIRMAN AIBEL: Understood.

4 MR. TUVEL: -- but obviously we have
5 analyzed it beyond belief, because we wanted to make
6 sure we are doing the right thing here.

7 And to Commissioner Cohen's point about
8 just having it allocated as 50, if it was meant for
9 Hoboken residents, if you just have it general
10 public, anybody from any town could just drive and
11 park there, so I'm assuming -- I just want to make
12 it clear does the Board wants it to be --

13 MR. GALVIN: You want me to go?

14 MR. TUVEL: What's that?

15 MR. GALVIN: You want me to go?

16 VICE CHAIR BRANCIFORTE: Let me --

17 MR. GALVIN: I am writing down a
18 condition that I think solves the problem.

19 MR. TUVEL: Okay. Fine. Go ahead. Go
20 ahead.

21 MR. GALVIN: While the lot is intended
22 to be used for little league and soccer during times
23 when those leagues play, the city may use the lot
24 for other public purposes at other times.

25 MR. TUVEL: Yeah, administered by the

1 city.

2 MR. GALVIN: The line before that is:
3 The city will have the responsibility for the
4 distribution of placards to permit parking for the
5 Griffith lot.

6 MR. TUVEL: That's fine. That makes it
7 very easy to --

8 THE WITNESS: I would agree to that.

9 COMMISSIONER MURPHY: Great.

10 VICE CHAIR BRANCIFORTE: Basically a
11 resident parking permit only kind of deal?

12 MR. GALVIN: Yeah. We are leaving it
13 to the city completely.

14 COMMISSIONER MURPHY: Or a cultural
15 event, and they get a special pass to be able to go
16 park and get their stuff unloaded.

17 VICE CHAIR BRANCIFORTE: Well, sure. I
18 mean, I worked with Geri Fallo in the past on these
19 events, and I know she gives out placards, you know,
20 to the vendors or to the band members. She could
21 easily do that on Thursday nights for her people.

22 COMMISSIONER MURPHY: Right.

23 COMMISSIONER COHEN: Great.

24 MR. TUVEL: And it makes it easier even
25 for Stevens' people to see what's going on there, to

1 make sure that the right people are parked there.

2 COMMISSIONER COHEN: Okay.

3 CHAIRMAN AIBEL: Good.

4 Any other questions for Director
5 Morgan?

6 COMMISSIONER COHEN: Oh, I have one.

7 CHAIRMAN AIBEL: Go ahead.

8 COMMISSIONER COHEN: Does the city have
9 any concerns that you heard about safety with
10 respect to little league or soccer players parking
11 in the Griffith lot and using the facilities?

12 Are you aware from Director Pelligrini
13 or anybody else with any concerns about safety?

14 THE WITNESS: No.

15 COMMISSIONER COHEN: Thank you.

16 CHAIRMAN AIBEL: Good. Let me open it
17 up to the public --

18 COMMISSIONER MC BRIDE: I just have an
19 opinion. I think restrictions --

20 CHAIRMAN AIBEL: Oh, opinions --

21 COMMISSIONER MC BRIDE: -- make this an
22 enforcement nightmare. I wouldn't want to be in the
23 shoes of anybody trying to enforce it, whether it's
24 soccer, little league, lacrosse, cultural events.
25 If somebody wanders in there from somewhere else,

1 nightmare. It will be a nightmare.

2 I don't have a solution by the way, but
3 it is a nightmare.

4 COMMISSIONER COHEN: Well, can I just
5 respond to that?

6 VICE CHAIR BRANCIFORTE: Yeah, it's a
7 can of worms that I was talking about --

8 COMMISSIONER MC BRIDE: It's a can of
9 worms, and I agree with Commissioner --

10 COMMISSIONER COHEN: Just a quick,
11 quick response to that.

12 I think a hang tag is typically used in
13 lots of parking lots for enforcement purposes.

14 COMMISSIONER MC BRIDE: No. I
15 certainly concur with that, but somebody has to
16 monitor that. Somebody has got to say, "Mrs. Jones
17 doesn't have a hang tag" and --

18 COMMISSIONER COHEN: I think it's
19 Stevens' --

20 COMMISSIONER MC BRIDE: -- it was for
21 soccer, and there's a baseball game --

22 COMMISSIONER COHEN: -- that would be
23 Stevens' responsibility.

24 COMMISSIONER MC BRIDE: -- nightmare.

25 VICE CHAIR BRANCIFORTE: Well, if we

1 generalize it, maybe we can get around it by just
2 saying resident parking only in this lot.

3 COMMISSIONER MURPHY: Yeah, but what
4 about the travel teams?

5 CHAIRMAN AIBEL: Okay. Please, let me
6 open it up to the public, so --

7 MR. WEINSTEIN: I just wanted to ask --

8 MR. GALVIN: Whoa, whoa, whoa. Wait,
9 wait, wait. Time out.

10 UNIDENTIFIED VOICE: I just wanted --

11 MR. WEINSTEIN: Well, go on. I didn't
12 know you wanted to ask -- I'm sorry --

13 MR. GALVIN: We are not ready yet. I
14 am not sure we are ready yet.

15 Just wait one second.

16 Is the Board satisfied?

17 Are you guys done?

18 The only thing I would say to you is I
19 think that there is a point, where we have to
20 like -- we got Director Morgan here. It's like he
21 is part of the administration. At some point the
22 control of the placards and all of that stuff is on
23 them to figure that out going forward. They are
24 going to adjust it based on their experience.

25 COMMISSIONER MC BRIDE: So we extend

1 our sympathy.

2 MR. GALVIN: Exactly.

3 THE WITNESS: Yes.

4 (Laughter)

5 COMMISSIONER MURPHY: And I think we've
6 got a very good understanding that Stevens doesn't
7 really care how we use the spots as much. Like it
8 doesn't have to be just soccer according to Stevens.

9 MR. GALVIN: But the good news is we
10 opened this up --

11 COMMISSIONER MURPHY: Yes.

12 MR. GALVIN: -- that we said --
13 basically what we are going to say is: When the
14 leagues are playing, the leagues get the use.

15 When the leagues are not playing, the
16 city could issue placards for other purposes. Okay.
17 But we're not going to limit it to who, or what, or
18 how. We'll leave all of that to the legalities
19 and --

20 MR. TUVEL: Dennis, just one thing.

21 On the enforcement issue, I agree that
22 the enforcement has to be coordinated properly
23 because, like you said, it could be a problem. So
24 the Stevens police department would likely
25 coordinate with the parking authority and the

1 Hoboken Police Department, because those 50 spaces
2 will not be Stevens --

3 MR. GALVIN: It's beyond the Board's
4 portfolio. You guys have -- as our astute Board
5 member has said, good luck with that.

6 (Laughter)

7 All right. Now we are going to open it
8 up to questions of Director Morgan.

9 Go ahead.

10 Please state your name for the record.

11 MS. ONDREJKA: Mary Ondrejka. That's
12 O-n-d-r-e-j-k-a.

13 Okay. You have avoided this question
14 every time somebody asks you, and I -- you still are
15 not going to answer it, but I am going to ask.

16 They asked whoever they were, and your
17 answer was, hum, we only discussed soccer and little
18 league for that parking lot.

19 Now that is avoiding the concept of
20 letting anybody else park there. I personally don't
21 think it is fair --

22 MR. GALVIN: But, wait, Mary, let me
23 just say this.

24 We already got past all of this,
25 because we have already said that they could do

1 other things beyond that, and the other way that it
2 gets ignited, the start of this, and I have no idea
3 how this came up, but in the prior resolution --

4 MS. ONDREJKA: It's not fair.

5 MR. GALVIN: -- what is that?

6 MS. ONDREJKA: It's not fair.

7 CHAIRMAN AIBEL: And you will have a
8 chance to express that.

9 But let's ask Director Morgan
10 questions.

11 MS. ONDREJKA: I want to know is it a
12 first come first serve basis on the parking in those
13 50 spots?

14 THE WITNESS: I believe, yes.

15 MS. ONDREJKA: So if somebody is not a
16 soccer person or in little league, they can park
17 there --

18 MR. GALVIN: No.

19 THE WITNESS: Not without a placard.

20 MS. ONDREJKA: With a placard.

21 With a placard, they can?

22 THE WITNESS: Correct.

23 MS. ONDREJKA: Okay. I don't know how
24 many people park for the little league.

25 Do 50 people park for little league or

1 softball or soccer?

2 THE WITNESS: Since the program hasn't
3 started, I couldn't answer that.

4 MS. ONDREJKA: Okay.

5 So the 50 spots was just a give-back or
6 just a number that Stevens agreed to. Is that --

7 THE WITNESS: That is what is in the
8 agreement. We had nothing to do with the number.

9 MS. ONDREJKA: Okay. So it could be
10 ten for little league?

11 THE WITNESS: Ten for little league, 40
12 for soccer, it really doesn't matter.

13 MS. ONDREJKA: Well, wait a minute.

14 Are you saying they happen at the same
15 time?

16 THE WITNESS: Of course, they do.

17 MS. ONDREJKA: Okay. So that it could
18 be ten for soccer and 40 for the public?

19 THE WITNESS: It is going to be first
20 come first serve with placards.

21 MS. ONDREJKA: I mean -- that's
22 correct. So it will 40 for the public with the
23 placard?

24 THE WITNESS: 50.

25 MS. ONDREJKA: I know. But if there is

1 thought it was appropriate.

2 MR. WEINSTEIN: But he is from the
3 parking utilities -- Hoboken parking utilities --

4 MR. GALVIN: Correct.

5 MR. WEINSTEIN: -- and he can only
6 address an issue of parking. Is that correct?

7 MR. GALVIN: Only what is going to
8 happen in the Griffith lot and how the placards are
9 going to issue, and that's what he's testifying to.

10 MR. WEINSTEIN: So he would not be able
11 to answer a question about the -- which are some of
12 the questions I asked the other witnesses about the
13 pedestrians and the appropriateness of the lot
14 location of the parking lot --

15 MR. GALVIN: He is not being offered
16 for that purpose. He gave us a letter, you know,
17 basically telling us how the lot would be utilized,
18 and we wanted to get --

19 MR. WEINSTEIN: Is that letter a part
20 of the record?

21 MR. GALVIN: It is now. We are going
22 to mark it.

23 MR. WEINSTEIN: Has it been marked as
24 an exhibit?

25 MR. GALVIN: No. But we will mark it

1 right now. We'll make it B-1.

2 I think it's already part of the record
3 because it's submitted to the Board, and you do know
4 the rules are relaxed before a Zoning Board.

5 MR. WEINSTEIN: I know, but it's better
6 to identify a document like everyone else --

7 MR. GALVIN: Could somebody help me?
8 Could you please help me?

9 MS. CARCONE: I have it marked here. I
10 have a copy.

11 (Exhibit B-1 marked.)

12 MR. WEINSTEIN: Could I have a moment
13 to read it?

14 CHAIRMAN AIBEL: Yes, please.

15 (Pause while Mr. Weinstein reviews
16 document.)

17 MR. WEINSTEIN: Are you familiar with
18 this letter that you wrote?

19 (Laughter)

20 THE WITNESS: That is my signature.

21 MR. WEINSTEIN: In the second
22 paragraph -- could you read the second paragraph?

23 THE WITNESS: "Stevens has suggested
24 that any requirement of public parking be provided
25 in the Griffith parking lot adjacent to the river as

1 opposed to the Babbio garage, and I understand that
2 the 2009 resolution provided for the possibility of
3 offering public parking in either location."

4 MR. WEINSTEIN: Do you have an opinion
5 as to whether or not that resolution was a good
6 idea?

7 MR. GALVIN: That is not his place to
8 comment on the quality of the resolution.

9 MR. WEINSTEIN: Well, he wrote a letter
10 to you, to the Board, saying that he discussed it.

11 What was your decision on that --
12 decision on that?

13 THE WITNESS: It was twofold. As I
14 stated prior, soccer is 12 months a year. Baseball
15 is only going to be used for maybe nine months out
16 of the year.

17 MR. WEINSTEIN: Well --

18 THE WITNESS: Wait a minute. I am not
19 finished. Do you want me to answer the question?

20 MR. WEINSTEIN: Go ahead.

21 THE WITNESS: Then let me answer the
22 question.

23 MR. WEINSTEIN: Go on, please.

24 THE WITNESS: Number one.

25 Number two: My personal opinion is for

1 safety and security of the college. I would not
2 allow anyone who is not related to the college,
3 either student, faculty or otherwise, to enter that
4 building in today's environment with terrorists and
5 anything else. That facility should be controlled
6 for security purposes.

7 That is my opinion.

8 MR. WEINSTEIN: Did you state that in
9 that letter?

10 MR. GALVIN: It doesn't matter. He
11 just put it on the record.

12 THE WITNESS: I have answered the
13 question --

14 MR. WEINSTEIN: May I see the letter
15 again, please?

16 MR. GALVIN: Director, you are fine.

17 MR. WEINSTEIN: Don't be rude to me.
18 I'm not trying to be rude to you.

19 THE WITNESS: Excuse me. You
20 interrupted me. I didn't interrupt you.

21 MR. WEINSTEIN: But you talked --

22 (The witness and Mr. Weinstein talking
23 at the same time)

24 CHAIRMAN AIBEL: Gentlemen, gentlemen,
25 thank you.

1 Just ask a question, please.

2 MR. WEINSTEIN: Okay. So you say that
3 you agreed -- I'm sorry.

4 Would you say that you disagree with
5 the conclusion of the previous Board in the 2009
6 resolution that either parking in the Babbio garage
7 or the Griffith lot is appropriate?

8 THE WITNESS: I could not comment on
9 what the moment in time in 2009 was when they made
10 their opinion.

11 I am giving you my opinion today in
12 2016.

13 MR. WEINSTEIN: And your opinion is
14 that resolution was improper to do that?

15 MR. GALVIN: No. No. Time out.

16 THE WITNESS: I did not say the
17 resolution was improper.

18 MR. GALVIN: Director, please stop.

19 What he just testified to is that he
20 thinks it is better not to have the parking in the
21 garage, that he wants the garage to only be used for
22 Stevens, and he even included the fact that he felt
23 in today's terrorism type environment, that it is
24 smarter for that purpose, and other people have
25 testified that having the open parking area is

1 better for security purposes.

2 The Board is listening to the
3 testimony, and we will make a determination.

4 MR. WEINSTEIN: Okay. That is all.
5 Thank you.

6 CHAIRMAN AIBEL: Thank you.

7 MR. GALVIN: Director Morgan, thank
8 you.

9 THE WITNESS: You're quite welcome.

10 MR. GALVIN: It was very kind of you to
11 come.

12 THE WITNESS: Call me any time.

13 (Laughter)

14 (Witness excused)

15 COMMISSIONER COHEN: Motion to close
16 public portion for this witness.

17 COMMISISONER MURPHY: Second.

18 CHAIRMAN AIBEL: All in favor.

19 (All Board members answered in the
20 affirmative)

21 MR. TUVEL: Our next witness is
22 Elizabeth McKenzie, our professional planner.

23 MR. GALVIN: Is that your last witness?

24 MR. TUVEL: Do you want it to be?

25 (Laughter)

1 MR. TUVEL: It is.

2 MR. GALVIN: Pretty much, yes.

3 (Laughter)

4 MR. TUVEL: Ms. McKenzie recognizes --

5 CHAIRMAN AIBEL: How long do you think
6 Ms. McKenzie will be?

7 MR. TUVEL: I am going to try to do 15
8 to 20 minutes?

9 MS. MC KENZIE: Do you want me to be
10 short or do you want me to be long?

11 CHAIRMAN AIBEL: Well, Phyllis wants
12 you to be very short.

13 (Laughter)

14 MS. MC KENZIE: I'll do my best.

15 CHAIRMAN AIBEL: Phyllis, do you want
16 to take a break?

17 THE REPORTER: It's up to you. We were
18 going for like two and a half hours, though.

19 CHAIRMAN AIBEL: We'll take a
20 ten-minute break, and we'll be on the dot at 20 of
21 ten.

22 MS. MC KENZIE: Then you are going to
23 hold me to the 20 minutes.

24 CHAIRMAN AIBEL: Yes. No.

25 (Laughter)

1 MS. MC KENZIE: I will do what I can
2 for the Board's pleasure as long as I can make the
3 record.

4 CHAIRMAN AIBEL: Make the record, yes.
5 We're fine. Thank you.

6 (Recess taken)

7 CHAIRMAN AIBEL: All right.

8 MR. GALVIN: Jason, when are we getting
9 the Fifth Street design?

10 MR. TUVEL: Okay. We can talk about
11 that now.

12 MR. GALVIN: No, no. I'm just saying
13 you can't get it on final. Final should be just,
14 you know, you have all outside agency approvals and
15 you're done.

16 MR. TUVEL: Okay. So I think that we
17 talked about that. We actually -- our engineer
18 spoke with Jeff today --

19 MR. GALVIN: But I am worried about
20 that. I am worried that we are saying cross things,
21 cross purposes. Okay. I don't believe that we
22 should be designing anything on final.

23 MR. TUVEL: So why don't we make it a
24 condition that we have to come back to demonstrate
25 that the grading of Fifth Street is in accordance as

1 part of Phase II, like a limited Phase II to
2 demonstrate to Jeff that we completed the grading in
3 a way that is satisfactory to him?

4 CHAIRMAN AIBEL: If that's the only
5 issue, that's different --

6 MR. GALVIN: Okay. I am just saying I
7 just don't want to deal with it on final approval
8 because final approval should be final unless you
9 are amending a preliminary.

10 So you are going to make an
11 application --

12 MR. TUVEL: For Phase II, where we
13 would have to demonstrate that the grading was
14 sufficient because I am assuming, even if we came
15 back for final hypothetically on Phase II, Jeff
16 would have raised that issue.

17 MR. GALVIN: Which would have required
18 you to file an amended preliminary and final --

19 MR. TUVEL: For Phase II.

20 MR. GALVIN: -- correct.

21 MR. TUVEL: Right.

22 MR. GALVIN: Because what I am saying
23 is final should be for DEP approval, county
24 approval --

25 MR. TUVEL: Okay. So we would have to

1 come back on a Phase II application for the purpose
2 of whatever the final approval items are and the
3 slope of the roadway, and we spoke -- our engineer
4 has looked at Jeff's comments, and we believe we can
5 make that work, but we only received that a few days
6 ago.

7 MR. GALVIN: No. I don't have a
8 problem with doing the design later on. I just have
9 a problem with how we were kind of kicking it around
10 and characterizing it.

11 MR. TUVEL: Yeah. I think what we
12 would do is come back on a Phase II.

13 MR. GALVIN: The applicant is to return
14 to the Board for an amendment to Phase II showing
15 the redesign of Fifth Street.

16 MR. TUVEL: The regrading of the --
17 right -- the reconfigured Fifth Street to the
18 garage --

19 MR. MARSDEN: The horizontal and
20 vertical lines because you may have to modify the
21 horizontal also.

22 MR. TUVEL: Okay.

23 MR. GALVIN: Showing the what, Jeff?

24 MR. MARSDEN: Modifying the horizontal
25 and vertical alignment of Fifth Street.

1 MR. TUVEL: Okay. And that would not
2 preclude us from getting a building permit for Phase
3 I, but we wouldn't obviously be able to get permits
4 or final approval for Phase II until we did that.

5 MR. GALVIN: I think that is right.

6 MR. TUVEL: Okay.

7 CHAIRMAN AIBEL: Good.

8 MR. TUVEL: Okay.

9 CHAIRMAN AIBEL: Okay.

10 So Ms. McKenzie was ready five minutes
11 ago on time, so --

12 (Laughter)

13 MR. GALVIN: Horizontal and vertical
14 what, Jeff?

15 MS. MC KENZIE: I have my marching
16 orders.

17 (Laughter)

18 MR. MARSDEN: Alignment.

19 MR. GALVIN: Alignment. I needed
20 "Alignment."

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

24 MS. MC KENZIE: Yes, I do.

25

1 E L I Z A B E T H C . M C K E N Z I E , P P , P A , 9
2 Main Street, Flemington, New Jersey, having been
3 duly sworn, testified as follows:

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

6 THE WITNESS: Elizabeth, middle initial
7 C., McKenzie, M-c-K-e-n-z-i-e.

8 MR. GALVIN: Mr. Chairman, I ask that
9 we accept Ms. McKenzie's credentials. She is
10 well-known in the state as one of the best planners.

11 CHAIRMAN AIBEL: I grant your request.

12 MR. GALVIN: Thank you.

13 THE WITNESS: Thank you.

14 (Laughter)

15 MR. GALVIN: Then we don't have to
16 listen to the curriculum vitae, which is like ten
17 pages long.

18 (Laughter)

19 MR. TUVEL: So, Ms. McKenzie, very
20 briefly, as in preparation of this application, you
21 reviewed the City of Hoboken's zoning ordinance,
22 master plan, master plan reexamination report, and
23 all of the plans and application materials that are
24 on file?

25 THE WITNESS: Yes.

1 MR. TUVEL: Okay.

2 You also heard all of the testimony at
3 all of the hearings?

4 THE WITNESS: Yes.

5 MR. TUVEL: And you were actually
6 involved in the 2009 application as well?

7 THE WITNESS: And the 2004 application.

8 MR. TUVEL: Okay. So you may be the
9 only person that actually has the history that's in
10 this agreement.

11 Oh, you were on the Board as well?

12 VICE CHAIR BRANCIFORTE: Yes.

13 MR. TUVEL: And Commissioner
14 Branciforte.

15 You are the only one from our team that
16 was part of that.

17 Can you describe the nature of this
18 aspect of the application, Phase I of the Babbio
19 garage?

20 THE WITNESS: Yes.

21 As the Board is aware, and I know it
22 has been said to you, but just to frame the
23 variances that we are requesting, what we are here
24 before you for is, first of all, an extension of the
25 original, the 2009 preliminary site plan approval,

1 which included D and C variances. A lot of them,
2 you know, continue, that had been granted by the
3 Board of Adjustment. And that was for the expansion
4 of the Babbio garage as currently proposed and also
5 for the construction of the new academic wrap-around
6 building.

7 The academic wrap-around building is
8 now Phase II of the application. We want to proceed
9 with the final approval for Phase I, which would be
10 the completion of the garage at this time, so that
11 we are seeking the extension of the 2009 preliminary
12 site plan approval, but we are seeking final
13 approval for Phase I.

14 We are also seeking an extension of the
15 final subdivision approval that had been granted in
16 connection with the approved preliminary site plan,
17 and that, because that subdivision approval involved
18 a reconfiguration of some of the lots in that
19 immediate area, along with some realignments of
20 roadways, all of that we would just like to have
21 extended, and all of that will come into play and be
22 perfected again as part of the implementation of
23 Phase II. None of that is required for Phase I of
24 the application, but we don't want to lose those
25 approvals because we want to be able to access them

1 for Phase II when we are ready to do that.

2 And in addition to the request for
3 final approval of Phase I, we are looking to have
4 some minor amendments to the previously approved
5 site plan and an amendment to the phasing plan for
6 the construction of the Babbio garage and
7 wrap-around building.

8 Originally there was going to be -- the
9 phases were going to be arranged somewhat
10 differently, and there was going to be a part of the
11 wrap-around building constructed with the parking
12 garage and then the rest of it,

13 At this point we would like to put the
14 whole wrap-around building into a separate Phase II,
15 but it would all be constructed at once when it's
16 constructed.

17 The reason for doing this is simply to
18 make it possible to finish the garage now and have
19 it look good, but recognizing that at the time of
20 the original approval in 2009, we had proposed
21 certain alignments to Sinatra Drive and Fifth
22 Street, all of which are a little bit open to
23 question at this time. We don't know how those will
24 resolve itself. We need a little time to work with
25 the city in terms of what they are now looking for.

1 At one point they thought they had a
2 plan for it, and now I think they are rethinking
3 that a little. We want to be able to work with them
4 before we start doing shovels in the ground with
5 something that can't be undone, so for that reason
6 we would like to move forward.

7 I think we all know how important it is
8 to not only Stevens, but also to Hoboken, that
9 Stevens step up to finish the parking garage both
10 from an esthetic perspective because it has remained
11 incomplete for a number of years, and also because
12 the parking is desperately needed.

13 I think that there is not only the
14 need, the perceived need by the community that
15 Stevens needs to provide more parking on the
16 property, but also we need this parking in order
17 to -- and we need this approval in order to have the
18 parking available when we are ready to open the
19 Academic Gateway buildings.

20 We need to have that parking on line,
21 so that we are not doing some of the other stop gap
22 measures which are there in case the parking garage
23 isn't done, but we don't want to have to implement
24 them. We think it is better to have the parking
25 garage and proceed with the plan as it was

1 originally intended.

2 So we need some additional variances in
3 connection with the amendments. They are minor.
4 All of the variances that were granted in 2009, we
5 still, you know, are grateful for and we still want
6 to incorporate them into the plan for the
7 construction of Phase II, but because we are
8 separating out Phase I as just the garage, we
9 thought that to get the building permits for that
10 and to get the C of O for that, we needed to
11 identify variances specifically relating to this
12 aspect of the proposal.

13 One of them, for example, has to do
14 with how we are handling the facade treatment of the
15 garage during the interim period when there won't be
16 a wrap-around building to have non residential uses
17 along the street frontage, so that we need to deal
18 with that.

19 We also need to reiterate some of the
20 previously approved variances to the extent that
21 there are some modifications and quantification of
22 setbacks and things like that, that are temporary
23 that will go back to the way they were approved in
24 2009 when we finally build Phase II.

25 MR. TUVEL: So, Betsy, let's jump into

1 the variance testimony.

2 THE WITNESS: I will.

3 We have one D-1 variance that is
4 related to the fact that in the R-1(E) Zone, we are
5 allowed to create as a conditional use a garage of
6 more than 50 spaces that can be used for the
7 purposes of Stevens Institute of Technology.

8 At the time in 2009, when we presented
9 that application, the intention of the
10 administration at that time was that they might want
11 a contract with somebody else to operate the parking
12 garage for them.

13 They now, right now Stevens does not
14 feel that is the route they want to go, but they
15 want to preserve that option in case managing the
16 parking garage becomes a job in itself and becomes
17 cumbersome. We are not proposing to have it as a
18 public garage. It will still be accessory to
19 Stevens, but because there was nothing in the
20 language describing the permitted conditional uses
21 that suggested that we could have somebody else run
22 it for us, it would either have to be run by Stevens
23 or a parking utility or some other governmental
24 agency, we felt that that called for a D variance at
25 that time, and since we want to preserve that option

1 of, you know, hiring out the responsibility for
2 managing the garage for us to somebody else, if that
3 seemed to be a better way to do it, we are still
4 asking for that variance. So that is the reason
5 that we even needed a D variance in the first place.
6 That was previously approved.

7 Nothing is changing about that
8 variance, so I am not going to go back and redefend
9 that variance because we are not proposing to change
10 that, except to say that it is a little more likely
11 that Stevens will manage this as part of their
12 facilities management since we have a different team
13 in place now, and they seem to be more comfortable
14 with the idea that they would rather keep control
15 over the management of the garage. The team
16 previously did not feel that they were as
17 comfortable with that.

18 There are some conditional use
19 standards that are applicable to what is known as a
20 major parking facility. One -- and when it is
21 allowed as a conditional use in the R-1(E) Zone, one
22 is that there are certain requirements for
23 submissions for site plan approval.

24 Those were all met in the submission
25 before you, so there is not an issue with that. But

1 there are some deviations from the specific, the
2 conditional use standards for major parking
3 facilities, and there are three from which we
4 deviate.

5 One we are no longer proposing to
6 deviate from. We had four deviations, and we now
7 only have three.

8 One is the requirement that -- and
9 these are all from Section 196-38(B). One is that
10 freestanding parking structures, as well as above
11 ground parking below residential or commercial
12 floors shall be clad architecturally to resemble to
13 the greatest extent possible the residential or
14 commercial floor above.

15 You also have other design standards
16 relating to parking garages elsewhere in you
17 ordinance and -- but we are proposing to meet that
18 particular requirement.

19 There is also, where the frontages of
20 parking structures exceed 50 feet in length, non
21 parking uses, such as retail or professional uses
22 shall be provided for to the extent permitted for by
23 the chapter.

24 When we applied before you in 2009, we
25 were going to do the Cesi wrap-around building,

1 which we are still going to do eventually. That was
2 the name of the building that was proposed at that
3 time. We are now just referring to it as the
4 academic wrap-around building.

5 We are still going to do an academic
6 wrap-around building, but that will come a little
7 later. So for the time being, we are going to -- we
8 are not going to have non parking uses located at
9 street level in front of the parking garage, so that
10 requires a D-3 variance as does the fact that we
11 have the architectural deviations from the rest of
12 the Babbio building.

13 And then finally, there is a
14 requirement that operators of these facilities have
15 to participate in park and shop programs for
16 businesses within 800 feet of the facility. We --
17 and that preference must also be given to residents
18 within 800 feet of the facility. We are not
19 proposing to participate in the park and shop
20 program. This will be a Stevens' garage for
21 Stevens' staff, faculty and students.

22 So we did also originally need
23 something for the fact that we -- we were
24 contemplating hourly parking originally. We are no
25 longer contemplating hourly parking. We will have a

1 different system of managing this, so that will not
2 be an issue any more. So we only have the three D-3
3 variances, and those I just identified for you, and
4 I will make the arguments pertaining to them in just
5 a few minutes. I won't belabor them.

6 We also have a number of deviations
7 from the requirements for development in the R-1(E)
8 higher education subdistrict. Generally there is a
9 limit of the lot building coverage in this zone to a
10 maximum of 50 percent. We are proposing on this
11 individual lot 53.7 percent.

12 It is less than the lot coverage that
13 was approved in both 2004 and 2009. It is less than
14 it will be when the Phase II is constructed, but it
15 nevertheless exceeds the 50 percent limit, and it is
16 quantitatively different from the variance you
17 previously granted, so we are being conservative in
18 asking for that.

19 You may decide that since it is below
20 that, we don't need that variance, but we are being
21 conservative.

22 There is also a requirement for a side
23 yard setback in the R-1(E) subdistrict of zero or
24 five feet. That is the way it is worded.

25 The closest proposed setback of the

1 garage without the Academic wrap-around building
2 from Fifth Street will be 3.94 feet.

3 With the wrap-around building and the
4 reconfigured street system as part of Phase II, it
5 would be 2.2 feet. So, again, we are not violating
6 the previous approval, but it is quantitatively
7 different, so we are calling it out.

8 We also have a requirement for a
9 minimum distance between buildings of 25 feet plus
10 one foot for each foot of height that the taller
11 building exceeds 25 feet, and that would require a
12 distance between the proposed parking garage and
13 McLane Hall at 84 and a half feet. We are providing
14 is 55.2 feet. We are actually providing something
15 less than that. I think it's in the vicinity of 44
16 feet once Phase II is constructed. A variance was
17 already granted for that. But, nevertheless, this
18 is quantitatively different from the previously
19 approved variance, so we are being conservative in
20 asking for it.

21 There is also a minimum open space
22 ratio for developments in the R-1(E) higher
23 education subdistrict of 50 percent of the building
24 floor area to be dispersed throughout any property
25 larger than an acre.

1 For Phase I alone, the open space ratio
2 works out to be .06, and this assumes we are not
3 counting the green space on top of the plaza at all
4 in that. That is just something else, but we're not
5 including it in the calculation of the open space
6 ratio, and it is also based solely on the area of
7 Lot 1 in Block 234.

8 Now, again, when we do the academic
9 wrap-around building, it will involve other lots in
10 addition to the property that is proposed for just
11 Phase I in a post subdivision configuration. So the
12 entire calculation changes for Phase II, but that
13 was already approved by this Board in 2009.

14 And then finally, this is a new
15 deviation. There is a requirement pertaining to
16 institutional identification signs that they do not
17 exceed more than 25 square feet in area, nor more
18 than five feet in height, and we are proposing a
19 hundred square foot sign still having a maximum
20 height of five feet on the facade of the garage, and
21 so that's a new variance that we need.

22 There were other sign variances in
23 connection with the prior approval that related to
24 entrance and exit signs for the garage. However,
25 they are not part of -- they are not part of what we

1 are doing right now.

2 This particular sign variance is one
3 that is temporary in nature in that we will no
4 longer have that sign, nor will it be needed, and
5 the variance would be abandoned at the time as the
6 Phase II wrap-around building is constructed,
7 because there will be no place for the sign, it
8 won't be needed, so that that will go away.

9 MR. TUVEL: So those are all of the
10 variances. I just wanted to make it clear --

11 THE WITNESS: There is one other.

12 MR. TUVEL: I'm sorry. Go ahead.

13 (Laughter)

14 THE WITNESS: I am sorry.

15 There is also a requirement that in the
16 design of buildings no less than every 50 linear
17 feet of facade has to have a vertical demarcation,
18 which can be achieved by color, change -- by
19 variation of color or materials or stacks of windows
20 or balconies and other things, and there'd be a
21 variation of eight inches or more in the surface of
22 the building --

23 THE REPORTER: Can you just slow down?

24 THE WITNESS: Yes.

25 (Laughter)

1 MR. GALVIN: Well, let me just say
2 this. I put her under pressure and said try to be
3 quick --

4 THE WITNESS: I am going to try to slow
5 down, so that she can get it, though.

6 MR. GALVIN: Okay. But you are almost
7 done, so...

8 THE WITNESS: I'm almost done.

9 And also they have to be provided for
10 every hundred feet, there are some more things in
11 that section. Obviously, we are not proposing that
12 at all in this case.

13 In the 2009 approval, we weren't
14 meeting that requirement, but that was because we
15 were doing a different form of vertical demarcation
16 and a horizontal demarcation in connection with the
17 wrap-around building and the garage.

18 That was already approved. That will
19 be implemented when the time comes. This is
20 different because of the temporary facade that we
21 are putting on the structure.

22 So those are the variances that we
23 need. Those are C variances.

24 In the report that I submitted to you
25 as part of the application materials, I gave a

1 thorough outline of the criteria for addressing the
2 different types of variances.

3 What we are basically down to is the
4 three D-3 variances because we are not reiterating
5 the D-1 variance. It was already granted, and any
6 different C variances that we're requesting at this
7 time, and I will say that, again, with respect to
8 most of the variances that we are seeking, they are
9 similar to variances that were already granted, but
10 the order of magnitude is slightly different, and in
11 most cases they are just a different quantification,
12 not a greater quantification. In most cases they
13 are lesser than the variances previously granted.

14 MR. TUVEL: Yes.

15 I just wanted to say to the Board what
16 we tried to do here is be very conservative about
17 this.

18 The prior resolution has a phasing
19 option in it. It talks about phasing. Since we
20 wanted to clarify how we were doing it, we thought
21 it would be prudent to ask for the variances in the
22 interim phase just to make sure that the Board was
23 comfortable with it. But in the end, of course,
24 Phase II is going to be built out in the way that
25 the prior approval was built. But we are going to

1 go through those criteria, but I think that is
2 conservative and the most prudent way to do it, and
3 we are not exacerbating anything that was done in
4 Phase II.

5 THE WITNESS: Right.

6 MR. TUVEL: And the signage -- the sign
7 is something that is new, but again, that will be
8 temporary and only part of a Phase I, so I just
9 wanted to make that clear.

10 CHAIRMAN AIBEL: So all of the
11 variances that are sought are as a result of the
12 temporary nature of the phasing?

13 MR. TUVEL: That is correct.

14 THE WITNESS: Exactly. That is exactly
15 right.

16 MR. TUVEL: And then it would fall back
17 to Phase II, which was originally approved.

18 Does that make sense to everybody?

19 COMMISSIONER COHEN: Yes.

20 MR. TUVEL: All right. I tried to make
21 that clear. Okay.

22 CHAIRMAN AIBEL: Very good.

23 MR. TUVEL: So, Ms. McKenzie, let's go
24 through the D-3 criteria for -- under the Coventry
25 standard --

1 THE WITNESS: Certainly.

2 MR. TUVEL: -- for the D-3 variances --

3 THE WITNESS: I just want to say that
4 we -- when we appeared before you in 2009, we didn't
5 make the pitch that because this was an inherently
6 beneficial use, somehow you should just approve all
7 of the variances that we were seeking.

8 We didn't do that. We -- I separately
9 identified each of the D-3 variances, but I will say
10 that the Board in its resolution took note of the
11 fact that the use was inherently beneficial, but we
12 didn't make that argument as part of our
13 justification. We felt it was appropriate to do it
14 this way.

15 As the Board is aware, in demonstrating
16 special reasons in connection with a deviation from
17 the conditional use standards, which is what we are
18 dealing with in our D variances, there is a
19 requirement that we look at it a little differently
20 from justifying a use variance that is not permitted
21 at all in the zone.

22 There is a less stringent standard of
23 proof in one sense and perhaps a more stringent
24 standard in another sense, in that what we have to
25 look at is the specific deviations that we are

1 seeking and be able to demonstrate that despite
2 those deviations, the concerns that may have
3 motivated writing an ordinance that contained
4 regulations that we are not able to meet, can still
5 be met, and that if you grant the variance, the site
6 will be suitable for the development, and all of the
7 concerns that the municipality had when it adopted
8 its ordinance regulating conditional uses will still
9 be addressed.

10 I think that that is an important
11 distinction in that we really have to look at your
12 intentions in imposing the standards in the first
13 place, and that was upheld, The Supreme Court laid
14 that out in Coventry Square. It was upheld again in
15 the TSI East Brunswick versus Zoning Board case,
16 which was more recently, in 2013.

17 For C variances, and there are several
18 C variances, we have to demonstrate either that
19 there is a hardship or a practical difficulty that
20 we are dealing with, or in the alternative, that
21 there is some purpose of the Municipal Land Use Law
22 that is actually promoted by granting the variance,
23 and in this case I think we are really dealing with
24 C-2 types of variances in all situations.

25 I want to go right to the arguments for

1 the specific relief that we are requesting, and
2 again, I am not going to go back over the D-1
3 variance arguments. We made extensive arguments in
4 2009 as to why this was a great location for a
5 parking garage anyway, totally apart from the
6 inherently beneficial use aspects of an academic
7 institution.

8 But with respect to the D-3 variances,
9 two of the D-3 variances that we are seeking
10 actually relate to the proposed cladding of the
11 garage during the time that the Academic wrap-around
12 building remains unbuilt.

13 The architectural treatment will not
14 reflect that of the Babbio building, nor will the
15 building be faced with non parking uses during that
16 interim time.

17 We have proposed, and Richard King has
18 described it to you in great detail, a facade
19 treatment that will be an interim treatment for the
20 garage that will be at least attractive and will
21 give it a finished appearance, because it may be a
22 few years while you have to live with the appearance
23 of the garage, and we wanted to give it a finished
24 appearance, but we wanted also to make it kind of a
25 cladding that could easily be removed when it is

1 time to build Phase II and will not constrain the
2 use of the garage while it is being removed. If it
3 was more structural, the garage might have to be
4 partly or largely closed down during that. There
5 will be less of that needed with the construction of
6 Phase II, if there isn't a -- if there isn't a
7 structural cladding to the garage right now.

8 So this was the reason for doing it,
9 and I think, as Richard King described to you, a
10 great deal of attention was paid to making it an
11 attractive temporary facade treatment, and efforts
12 were made to tweak it in response to public
13 reactions to it, to make -- to sort of change the
14 ratio of the different colors and component parts of
15 it, and also adding the Stevens sign was really
16 intended in some ways to add some sort of esthetic
17 element in addition to identifying for people
18 unaccustomed to the garage being at this location or
19 being able to access the garage there, that this was
20 in fact the new garage, and this was the location
21 for it.

22 Again, by the time the wrap-around
23 building is constructed, that won't be needed any
24 more. So what this does is it allows -- it allows
25 the parking to be constructed ahead of schedule, so

1 that we can have it when the Gateway building is
2 ready to open, and it also allows us to simply have
3 more parking available on the Stevens campus for
4 those faculty and staff and students that do drive
5 cars, and I grant you that that is something that we
6 are hoping to limit even more in the future, and you
7 had testimony about that in terms of the Academic
8 Gateway.

9 But to the extent the parking garage is
10 needed, the more we can take responsibility for our
11 parking, the more the residents of Hoboken in the
12 area can feel comfortable that we're not taking up
13 their spaces where they need to park at night.

14 MR. TUVEL: So, Betsy, in terms of the
15 positive and negative criteria of the deviation, we
16 meet purposes A of the Municipal Land Use Law,
17 Purpose H. Purpose A being the public safety and
18 welfare, and Purpose H being traffic congestion by
19 creating a garage. Is that correct?

20 THE WITNESS: Yes.

21 MR. TUVEL: Okay.

22 In terms of substantial detriment to
23 the public good, do you see any detriment to the
24 surrounding area based on the deviations?

25 THE WITNESS: No, I don't see any

1 substantial detriment. I think you had a
2 presentation that indicates that the garage will be
3 very attractive during the period of time that we
4 are waiting for Phase II to be built. It will be
5 finished. It will be nicely landscaped. The public
6 amenities in terms of the walkway, the new walkway
7 in the bed of Sixth Street will be -- the vacated
8 bed of Sixth Street -- will be constructed. There
9 will be a much nicer treatment of this area.

10 It will be more attractive from the
11 waterfront, and all of the things that the Board had
12 hoped for in 2009 in connection with the garage will
13 be accomplished.

14 We will also have started the, you
15 know, the rooftop terrace will also be constructed,
16 and that part of the work will be started as well,
17 which is important.

18 MR. TUVEL: Do you see any substantial
19 impairment to the zone plan or zoning ordinance,
20 specifically since this is a temporary condition?

21 THE WITNESS: Not at all.

22 This is simply getting us to the
23 benefits associated with the garage, but in a way
24 that will allow us to do it immediately and do it in
25 an attractive way.

1 MR. TUVEL: Okay.

2 THE WITNESS: I think with respect to
3 the issue of the other things besides the facade,
4 the third issue, the third issue, the fact that we
5 are not going to be doing the park and shop program,
6 I think that that is important to recognize that we
7 were never proposing to do that. We are still not
8 proposing to do it, but it continues to be a D-3
9 variance, but it's not a new one, so I just wanted
10 to say that that is not changing.

11 In terms of the C variances, in terms
12 of the lot coverage and the open space ratio,
13 traditionally back in 2009 and traditionally when we
14 appeared before you for Stevens, those have been
15 treated as campus-wide requirements.

16 In this particular case we are dealing
17 with a separate lot, so we technically, because of
18 the way the ordinance is written, we need variances
19 for these. Campus-wide, we had recalculated the
20 open space ratio and the lot coverage, which is the
21 building coverage limit as a result of the approval
22 of the Academic Gateway and everything else that has
23 been approved and with the garage in place, and we
24 are well below the limit for building coverage and
25 well above the minimum ratio for open space, so we

1 still meet those overall on a campus basis.

2 In terms of the building separation,
3 that is kind of a technical requirement. We had
4 already had less of a separation previously. With
5 Phase II, it will be less when Phase II is
6 constructed. It is quantitatively different.

7 I just wanted to say that this also is
8 a lot that had very varied building heights in it.
9 It has multiple buildings, but the building heights
10 are varied, and it also got extreme topography, so
11 the intention of having building separation
12 requirements, which is adequate light, air and open
13 space, can be readily met on this lot despite the
14 fact that technically we don't meet the 84 and a
15 half foot requirement, separation requirement that's
16 called for by your ordinance for buildings of the
17 height that we have on this property.

18 The side yard setback from Fifth Street
19 is proposed to be 3.94 feet. It will eventually be
20 2.2 feet, but it will be from a realigned Fifth
21 Street when the wrap-around building is built.

22 We are really only talking about a very
23 small corner of the building as it approaches Fifth
24 Street and it comes in at an angle at the corner of
25 the building where that is violated. But I think

1 the benefits associated with having the garage
2 there, the fact that it is within the permitted
3 setback range of zero or five feet means that we are
4 not seriously violating the intent and purpose of
5 your zone plan and zoning ordinance. And, again,
6 since we are still maintaining the current alignment
7 of Fifth Street, there is not a lot we can do about
8 it and still build the garage that was intended to
9 be built.

10 There were both side yard and front
11 yard setbacks granted in connection with the
12 Academic wrap-around building, but -- and we are not
13 proposing to change any of those. The only thing
14 that we are doing is slightly quantifying the side
15 yard setback differently for Phase I than for the
16 entire project.

17 So to the extent that the granting of
18 the C variance for the side yard setback facilitates
19 the immediate construction of the parking garage
20 allows us to proceed with that while the issue of
21 the Fifth Street alignment is still being looked at,
22 I think is a substantial benefit and the reason for
23 granting the variance and it promotes the purposes
24 of the Municipal Land Use Law that are promoted by
25 the overall development.

1 The building separation I discussed.

2 The vertical facade demarcations, I think I
3 have handled that. They are similar to the fact
4 that we don't meet the D-3 requirements, the
5 conditional use requirements. We simply have a
6 different facade proposed on a temporary basis.

7 In terms of the signage, it is a new
8 variance, and we are requesting the Board's
9 indulgence to allow us to decorate the facade, which
10 is quite large, in a way that is dignified,
11 announces the fact that it is part of Stevens and
12 allows people to know where the garage is in the
13 interim period between the time the garage is
14 constructed and the Academic wrap-around building is
15 constructed.

16 MR. TUVEL: Betsy, do you think that
17 the sign is proportional to the facade of the
18 garage?

19 THE WITNESS: It absolutely is. If it
20 was smaller, it would look silly. It might as well
21 not be there. I think it is definitely
22 proportional. And if you look at the images that
23 were presented to you by Ricahrd King, it doesn't
24 look like a large sign. It just happens to be
25 because it is a large facade.

1 MR. TUVEL: Okay. Do you see any
2 detriment to the public good or surrounding
3 properties based on the size of the sign?

4 THE WITNESS: No. We don't have any
5 residential properties that will be looking at that
6 sign. It will be visible from the riverfront area
7 and Sinatra Drive, but on a facade of this size, it
8 is appropriate in my opinion.

9 So that I think, again, what we are
10 proposing is something that accomplishes the most
11 important objectives of having the parking garage
12 and allows us to do that promptly and move forward
13 with that aspect of this prior approval, but we are
14 also asking to keep the prior approval intact,
15 because we fully intend to build that wrap-around
16 building in connection with the approval that was
17 previously granted.

18 MR. TUVEL: All right. Just wrapping
19 up the C variances, you believe the benefits of
20 granting those, taking them collectively,
21 substantially outweigh any detriments?

22 THE WITNESS: Absolutely. And a lot of
23 them were, again, changes in quantification of
24 previously granted variances. The only one that's
25 really new is the sign variance.

1 MR. TUVEL: And they will be temporary
2 pending the completion of Phase II?

3 THE WITNESS: Yes. All of them will be
4 temporary, and Phase II will revert to the variances
5 that were granted in 2009.

6 MR. TUVEL: Okay. Thank you.

7 Mr. Chairman, thank you.

8 That concludes the direct.

9 THE WITNESS: Thank you.

10 CHAIRMAN AIBEL: Thank you very much.

11 Thank you, Ms. McKenzie.

12 Questions, Board members?

13 VICE CHAIR BRANCIFORTE: So just to be
14 clear, can we put it in the resolution that they
15 agreed to abandon the sign variance as soon as they
16 start Phase II?

17 MR. TUVEL: Yeah. The signage would
18 revert back to whatever signage was approved in
19 2009.

20 VICE CHAIR BRANCIFORTE: So you have no
21 problem with that being in the resolution?

22 MR. TUVEL: Yeah, because the sign is
23 part of that facade treatment.

24 THE WITNESS: The facade will come
25 down. It's in there. It will go away, yes, fine.

1 MR. TUVEL: Yes. So the answer to your
2 question is yes.

3 CHAIRMAN AIBEL: So whatever was
4 approved in 2009 will conform with the 25 square
5 feet, five foot height?

6 MR. TUVEL: Yeah. I don't believe --

7 THE WITNESS: There was a variance.
8 There wasn't any deviation from the size.

9 The variance was -- I think we needed a
10 sign at each garage entrance. From Sinatra Drive we
11 needed a sign, and we needed a sign at Fifth Street,
12 and only one is permitted, but we had two street
13 frontages we were trying to --

14 MR. GALVIN: So the garage signs are to
15 be removed during construction of Phase II?

16 MR. TUVEL: Yeah. Once Phase II is
17 constructed, that facade sign that we're applying
18 for now will go away.

19 That is the plan, right?

20 THE WITNESS: Yes.

21 MR. TUVEL: Okay. Yes.

22 THE WITNESS: The other signs would
23 remain.

24 MR. GALVIN: The garage facade sign is
25 to be removed during the construction of Phase II.

1 MR. TUVEL: Correct, correct.

2 THE WITNESS: Correct. That is it.

3 CHAIRMAN AIBEL: And I guess my only
4 comment, and Mr. King has done a splendid job with
5 all of the exhibits, but Exhibit 108 has the Stevens
6 sign looking like a major billboard in my humble
7 estimation.

8 THE WITNESS: I don't know how to bring
9 that up.

10 Can you bring that up?

11 VICE CHAIR BRANCIFORTE: Well, you say
12 the sign is going to be visible from the waterfront?

13 THE WITNESS: It will. It's going to
14 face it.

15 VICE CHAIR BRANCIFORTE: And people
16 walking -- but let's be honest. It is also going to
17 be really so people walking along the highline in
18 Manhattan will see this is Stevens Institute of
19 Technology.

20 MR. KING: You can see it --

21 THE WITNESS: It is low enough. I am
22 not sure. I don't know that for a fact one way or
23 the other.

24 VICE CHAIR BRANCIFORTE: All right.

25 MR. GALVIN: When they have that neon

1 light on it, though.

2 (Laughter)

3 THE WITNESS: We try to avoid that it.

4 CHAIRMAN AIBEL: Is there any other
5 signage of that size along Sinatra at this time?

6 MR. TUVEL: Are you are asking me?

7 THE WITNESS: I don't think so. I'm
8 not aware of any.

9 MR. TUVEL: Well, other --

10 A VOICE: The Big W.

11 THE WITNESS: Yes. There is the Big W,
12 that is true. I forgot about that.

13 CHAIRMAN AIBEL: Yes.

14 (Laughter)

15 THE WITNESS: That's correct. There is
16 one.

17 CHAIRMAN AIBEL: All right, Board
18 members, let's -- do we have questions for Ms.
19 McKenzie?

20 I guess, again, I will just say what I
21 think is very, very clear on the record, had you
22 been building these two phases altogether, you would
23 not be here having this discussion with us.

24 MR. TUVEL: That is correct.

25 THE WITNESS: Correct.

1 CHAIRMAN AIBEL: And we are talking
2 about a three-year build?

3 MR. TUVEL: Yes.

4 (Counsel confers)

5 MR. TUVEL: 2020, correct. And this
6 would be finished in 2020 -- no, I'm sorry, Phase
7 I --

8 THE WITNESS: Phase I would be done
9 in --

10 MR. TUVEL: -- so 2017 start
11 construction, and Phase II 2020.

12 CHAIRMAN AIBEL: Okay.

13 VICE CHAIR BRANCIFORTE: I think you
14 mentioned five years somewhere in your report that
15 you want --

16 MR. TUVEL: I think Phase -- I'm
17 sorry -- I think -- if that was unclear, we wanted
18 Phase II would be completed, but the whole thing
19 would be done within five years.

20 THE WITNESS: It would be a two-year
21 build period presumably for that, so it would start
22 in 2020 and possibly be ready for occupancy in 2022

23 VICE CHAIR BRANCIFORTE: And just to be
24 clear, for Phase II you are going to have to come
25 back in front of the Board for more variances.

1 THE WITNESS: Final. No, no more
2 variances, just final approval.

3 VICE CHAIR BRANCIFORTE: I mean, not
4 variances --

5 MR. GALVIN: Negative.

6 MR. TUVEL: No. We're coming back, as
7 Dennis had pointed out previously, to make sure that
8 the grade of the roadway along Fifth --

9 THE WITNESS: Oh, yeah, without
10 question. That's a condition.

11 MR. GALVIN: All right. That's what
12 I'm saying.

13 I want the Board to understand in the
14 past in Hoboken, it wasn't uncommon to do things on
15 final. Final should be, you got county approval,
16 you got DEP approval, and we put our blessing on it,
17 and it moves forward.

18 THE WITNESS: And demonstration of
19 meeting all conditions of preliminary approval.

20 MR. GALVIN: Yeah. You really didn't
21 need the microphone.

22 (Laughter)

23 THE WITNESS: I never do.

24 MR. GALVIN: That was like the
25 punctuation point.

1 VICE CHAIR BRANCIFORTE: So I'm not
2 sure I got an answer on that --

3 MR. GALVIN: You are coming back for
4 the redesign of Fifth Street.

5 THE WITNESS: Yes. But that is an
6 interim step almost like, you know, a utility plan
7 review or something like that.

8 MR. TUVEL: But I just wanted to answer
9 Commissioner Branciforte's question.

10 So we would be coming back to the Board
11 for Phase II for basically two things, no new
12 variances. We are sticking with the variances that
13 were approved.

14 It would be, as Dennis pointed out,
15 because Jeff had some concerns about the grading of
16 the roadway that would lead to the entrance. The
17 Board would review that, and then all of the final
18 details that are required as part of final site
19 plan.

20 MR. GALVIN: So you could do like an
21 amended Phase II and final.

22 MR. TUVEL: Correct.

23 Does that answer it?

24 Are you good there?

25 VICE CHAIR BRANCIFORTE: Yes. I'm

1 good.

2 I just wanted to know what the next
3 step was before you started before we went on.

4 MR. TUVEL: Okay.

5 CHAIRMAN AIBEL: Okay. Seeing no
6 questions on the table, let me open it up to the
7 public. Questions for Ms. McKenzie.

8 Ms. Ondrejka?

9 MR. WEINSTEIN: I'll let her go first.

10 CHAIRMAN AIBEL: Ladies first.

11 MS. ONDREJKA: Mary Ondrejka, 159 9th
12 Street. That's O-n-d-r-e-j-k-a.

13 I'm just so curious. When you said that
14 the building structure in a small area violates the
15 zoning code, yet it doesn't, it is a contradiction,
16 and I am just trying to understand, what is it
17 that --

18 THE WITNESS: I am sorry. I don't -- I
19 am not sure which part of my testimony you are
20 referring to.

21 MS. ONDREJKA: You said it was set back
22 correctly --

23 MS. BANYRA: Zero to five foot setback.

24 THE WITNESS: Right.

25 MS. ONDREJKA: Oh, yeah. What was

1 that? I am just curious.

2 THE WITNESS: The setback is
3 articulated for a side yard at either zero or five
4 feet. We are not providing five feet, and we are
5 not providing zero feet. We could go to zero feet,
6 but we are not doing that, and we could go to five
7 feet, but we are not doing that. It is at three
8 point something feet.

9 MS. ONDREJKA: Okay. So how is that in
10 violation?

11 THE WITNESS: Well, it's not a zero to
12 five feet --

13 MR. TUVEL: Yeah, it's an "or" -

14 THE WITNESS: -- the way the ordinance
15 is written. I am being really literal --

16 MS. ONDREJKA: Oh, okay. That's what I
17 was wondering.

18 THE WITNESS: -- I'm a little nitpicky
19 that way.

20 MS. ONDREJKA: Well, I'm a little
21 nitpicky, too.

22 THE REPORTER: You can't both talk at
23 the same time, please.

24 CHAIRMAN AIBEL: One at a time.

25 MS. ONDREJKA: I know.

1 THE WITNESS: I'm a little nitpicky.

2 CHAIRMAN AIBEL: Okay.

3 MS. ONDREJKA: So that is what you were
4 referring to in the setback was the -- not the --
5 it's not really in violation, though. I wouldn't
6 use that word.

7 THE WITNESS: Well, technically it
8 doesn't meet the way the ordinance is worded, the
9 zero or five foot setback requirement. It is in the
10 middle, so it doesn't go outside of the range
11 embraced by those two setbacks, which is what I was
12 saying. But what it does do is not meet the letter
13 of the law.

14 MS. ONDREJKA: Okay. Fair enough.

15 Thank you.

16 CHAIRMAN AIBEL: Thank you very much.

17 Anyone else?

18 MR. WEINSTEIN: May I ask --

19 CHAIRMAN AIBEL: Sure.

20 And your name?

21 MR. WEINSTEIN: Richard Weinstein.

22 So you testified at the first hearing
23 on the -- that resulted in the resolution in 2009,
24 is that right?

25 THE WITNESS: I did.

1 MR. WEINSTEIN: And I am referring now
2 to pages -- between 31 and 35 of the record that
3 was -- I'm sorry -- of the resolution.

4 THE WITNESS: All right.

5 MR. WEINSTEIN: Are you familiar with
6 that?

7 THE WITNESS: I am.

8 MR. WEINSTEIN: So on page 35, with
9 regard to the setback, you stated, did you not, that
10 at time --

11 THE WITNESS: I'm trying to get to page
12 35. Let me just get that.

13 MR. WEINSTEIN: -- and paragraph 68.

14 THE WITNESS: Yes.

15 MR. WEINSTEIN: So you stated, did you
16 not, at that time that there was a ten foot
17 requirement of the setback?

18 THE WITNESS: That is for a front yard
19 setback.

20 MR. WEINSTEIN: Right.

21 THE WITNESS: Yes.

22 MR. WEINSTEIN: But that is what's --
23 that setback is what is being referred to when you
24 are asking for a variance for the building of the
25 garage, isn't that right?

1 MR. TUVEL: No.

2 THE WITNESS: Not now, no. That is a
3 side yard setback requirement.

4 MR. WEINSTEIN: Isn't there --

5 THE WITNESS: The ten foot setback
6 requirement was for -- was from Sinatra Drive and
7 having the building closer than ten feet to the
8 street.

9 MR. TUVEL: That is not changing.

10 That's --

11 THE WITNESS: That is the same.

12 MR. TUVEL: -- that's part of Phase

13 II --

14 MR. WEINSTEIN: But the requirement is
15 ten feet, right, and you're --

16 THE WITNESS: The requirement to the
17 front -- there are different requirements from
18 different points on the lot. The front yard setback
19 requirement is ten feet.

20 MR. WEINSTEIN: Okay. That is what I
21 asked you before.

22 THE WITNESS: We are not talking about
23 a front yard setback requirement.

24 MR. WEINSTEIN: Well, I am asking you
25 about the ten foot setback.

1 MR. TUVEL: Well, I think you should
2 stick to the testimony -- stick your questions to
3 her testimony about this application.

4 (Laughter)

5 MR. WEINSTEIN: But it is a garage
6 because --

7 MR. TUVEL: No, no. It is not the
8 garage.

9 MR. WEINSTEIN: Well, would you read --
10 would you read 68 to yourself?

11 CHAIRMAN AIBEL: Is there a front yard
12 setback variance that you obtained already?

13 THE WITNESS: Yes.

14 CHAIRMAN AIBEL: Okay. So what else do
15 we need to know?

16 THE WITNESS: We are not changing that.

17 MR. TUVEL: Yeah. I don't understand.
18 That is what I am getting at. We are not --

19 MR. WEINSTEIN: But you said zero and
20 five feet were okay, but in fact, it was ten feet
21 that --

22 MR. TUVEL: No. You are mixing up the
23 front yard setback variance that was approved in
24 2009 for the wrap-around building, which is part of
25 Phase II, and sort of a temporary -- I will call it

1 a temporary variance that we are seeking for a side
2 yard for this Phase I.

3 You're -- they are two separate things.
4 What you are talking about is not what we are doing
5 right now.

6 MR. WEINSTEIN: Well, could you read
7 the first sentence of 68 out loud?

8 THE WITNESS: Yes.

9 "Ms. McKenzie stated that in terms of
10 the ten foot front yard setback requirement having
11 the building closer than ten feet to the street
12 makes it easier to construct the garage and to
13 maximize the number of parking spaces within it."

14 That is the first sentence that refers
15 to a front yard setback.

16 MR. WEINSTEIN: And what street is
17 that?

18 THE WITNESS: Sinatra Drive.

19 MR. WEINSTEIN: Is that also Fifth
20 Street?

21 THE WITNESS: I don't think that
22 measurement was being taken from Fifth Street.

23 MR. WEINSTEIN: Well, but isn't Fifth
24 Street -- doesn't Fifth Street run along the main
25 length of the garage?

1 THE WITNESS: Yes, it does.

2 MR. TUVEL: Is your question, though,
3 about this Phase I application?

4 MR. WEINSTEIN: It is, the garage.

5 Isn't that what this application is
6 about, the garage?

7 MR. TUVEL: Right, but you are talking
8 about a setback that has to do with the building in
9 Phase II.

10 MR. WEINSTEIN: No. If you read 68 --

11 MR. TUVEL: No, no. You are not
12 understanding the --

13 MR. WEINSTEIN: -- I'm sorry. I am
14 only reading what the --

15 MR. TUVEL: Right. It talks about the
16 fact that -- I don't want to waste time -- but it
17 talks about the fact that bringing the wrap-around
18 building closer to the street allows the garage to
19 be constructed in a better manner.

20 That is why the variance -- that's the
21 justification that the Board gave for the variance
22 in that 2009 approval. It has to do with the
23 location of the building, not the location of the
24 garage.

25 MR. WEINSTEIN: Okay.

1 So you're saying that the garage will
2 not encroach at all on the space --

3 MR. TUVEL: What we are seeking to do
4 right now is not encroaching on anything. This is
5 just a temporary positioning, a phasing of the
6 project pending final approval of the whole
7 building.

8 MR. WEINSTEIN: I understand that.

9 So you are saying that the garage is
10 not going to be moved any closer -- will not be
11 moved any more east --

12 THE WITNESS: Correct.

13 MR. TUVEL: Wait a minute. The garage
14 is --

15 MR. GALVIN: Wait, wait. That is the
16 answer.

17 MR. TUVEL: Okay.

18 MR. WEINSTEIN: That is all I wanted to
19 know.

20 CHAIRMAN AIBEL: Okay.

21 MR. WEINSTEIN: Ms. McKenzie, when you
22 testified, did you also state something about the
23 location of the garage -- I'm sorry -- the location
24 of the garage with relation to the spaces, the 50
25 spaces?

1 THE WITNESS: I am sure I did address
2 that because it was something we were proposing at
3 that time.

4 MR. WEINSTEIN: Could you read
5 paragraph 72 on page 35?

6 THE WITNESS: 72, just a moment.

7 MR. GALVIN: It asks you if the garage
8 was a suitable location for little league players
9 and their families.

10 She stated the applicant would be able
11 to provide 436 in the garage and the proposed
12 location is the only viable site on Stevens campus
13 for the spaces.

14 She noted that most of the Stevens
15 campus was built prior to the parking and zoning
16 requirement in the ordinance.

17 Mr. Weinstein, I again point out
18 that -- finish your cross-examination question, but
19 we recognize that they want to change the prior
20 resolution, and the Board has the authority to do
21 that.

22 MR. WEINSTEIN: I understand that, sir,
23 I do --

24 MR. GALVIN: Okay, good.

25 MR. WEINSTEIN: -- but I just want to

1 know what this witness, you know, she made an
2 opinion at that time, and I want to see what -- why
3 she changed her opinion.

4 THE WITNESS: At that time it was
5 contemplated that maybe Stevens would prefer to
6 allow some of the parking spaces in the garage to be
7 used by little league players. But in the interim
8 it was -- and the resolution -- we kept it a little
9 bit loose in the end, and the resolution was
10 written, so that it was kind of an either/or/and
11 type of situation.

12 It was still only 50 parking spaces.
13 It's just question of where. We're proposing to
14 refine them to have them in the Griffith lot for all
15 of the reasons that have already been made part of
16 this record.

17 MR. WEINSTEIN: But you did say at that
18 time that that location -- that the parking of the
19 little -- I'm sorry -- the use by the little league
20 players was a very suitable location, did you not?

21 THE WITNESS: Yes, I did.

22 MR. WEINSTEIN: Okay.

23 Okay. No further questions.

24 CHAIRMAN AIBEL: Thank you, sir.

25 MR. GALVIN: Thank you.

1 CHAIRMAN AIBEL: Anybody else have
2 questions for Ms. McKenzie?

3 COMMISSIONER COHEN: Motion to close
4 public portion for this witness.

5 COMMISSIONER MURPHY: Second.

6 CHAIRMAN AIBEL: All in favor?

7 (All Board members answered in the
8 affirmative)

9 CHAIRMAN AIBEL: Okay.

10 (Board members confer)

11 CHAIRMAN AIBEL: Okay. I will open it
12 up to the public for comment, and I hope everybody
13 will be to the point. I think we all understand the
14 facts, so please --

15 MR. WEINSTEIN: Is this argument?

16 MR. GALVIN: Yeah.

17 Does anybody who wants to make a
18 comment?

19 CHAIRMAN AIBEL: Please come forward.
20 You don't have to.

21 MR. GALVIN: We're not eliciting
22 comments.

23 (Laughter)

24 VICE CHAIR BRANCIFORTE: Mary, wait a
25 second.

1 MS. PREGIBON: You can go first.

2 MS. ONDREJKA: No, go ahead.

3 MR. GALVIN: You are not affiliated
4 with the college, right?

5 MS. PREGIBON: No, I'm not. I just
6 happened to take a seat in the back there.

7 (Laughter)

8 MR. GALVIN: No. I'm just saying
9 because I am going to get very angry if you're a
10 member of the college staff, part of the student
11 government association.

12 Anybody affiliated with the college is
13 covered by Mr. Tuvell's case.

14 MS. PREGIBON: Then you should know
15 that I'm not part of Stevens --

16 MR. GALVIN: Then raise your right
17 hand, and I'll put you under oath.

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

21 MS. PREGIBON: I do.

22 MR. GALVIN: Are you a member of
23 Stevens Institute in any way?

24 MS. PREGIBON: No, I am not.

25 MR. GALVIN: All right. You may

1 proceed.

2 THE REPORTER: Oh, wait. I need your
3 name.

4 MS. PREGIBON: Susan Pregibon,
5 P-r-e-g-i-b-o-n. 624 Hudson Street.

6 THE REPORTER: Thank you.

7 MS. PREGIBON: Good evening.

8 My name is Susan Pregibon, and I am a
9 member of the Steering Committee of the Hudson
10 Street Alliance, and I have been asked to present
11 this statement.

12 As most of you know during hearings for
13 the Gateway project, we also made a statement at
14 that point. We were not in favor of several various
15 different things that were going on with that. In
16 this case, you know, we are going to present our
17 position on the garage as well.

18 So members of the Hudson Street
19 Alliance Steering Committee attended the first
20 Zoning Board meeting here for the garage, and we
21 have also met with Stevens administrators to review
22 the plans for Phase I of the project.

23 We can say with confidence that we
24 support Phase I on the grounds that it will have an
25 immediate positive impact on Hudson Street and the

1 surrounding streets.

2 Number one: It will add 266 additional
3 parking spots in the garage for total of 430 spots.

4 The entrance and exit of the garage
5 will be on Sinatra Drive, and it will divert traffic
6 away from the already congested area between
7 Washington Street and the campus. It will increase
8 our quality of life by decreasing traffic, freeing
9 up the street for parking for residents, and it will
10 make our streets safer.

11 And as per the agreement, Stevens will
12 be offering 50 parking spots in their lot for use by
13 Hoboken residents during little league and soccer
14 games.

15 Hoboken has been waiting for more than
16 a decade for this garage to be finished. As
17 repeatedly discussed during the Gateway project
18 Zoning Board hearings, it is imperative that this
19 garage be completed as soon as possible in order
20 that we can accommodate the increased need for both
21 of these two new Gateway buildings and also for any
22 other, you know, construction that is going to be
23 happening on the campus.

24 Now, moving forward, it is our opinion
25 that the entrance and exit to the garage remain on

1 Sinatra Drive after Phase II is completed. We are
2 not going to elaborate on that now because I think
3 we will be given the opportunity to talk about that
4 later. But an entrance anywhere other than Sinatra
5 Drive is really going to detract from anything that
6 we gained from getting the garage, you know, and
7 diverting the traffic away.

8 So we also believe that by the
9 completion of the Babbio garage, it affords Stevens
10 a unique opportunity to coordinate all of its
11 vehicular traffic in one central location. So our
12 objective is to try to get as many cars, buses,
13 shuttles off of Hudson and the surrounding streets.

14 So not only would it benefit the area
15 that we live in, a very residential area, it would
16 also greatly benefit the entire campus because it
17 would provide Stevens with an extension of their
18 campus footprint that would bring life to an
19 underutilized area of the waterfront. By completing
20 the garage and diverting traffic, we would create a
21 safer and more pedestrian friendly environment
22 around the Gateway project, Stevens Park, and the
23 little league field.

24 At this point what I really have to
25 say, and it is not even in my notes, the amount of

1 pedestrian traffic that is up around Sixth and
2 Hudson Street, Fifth and Hudson Street, Seventh and
3 Hudson Street is ten-fold greater than any
4 pedestrian traffic you will see any day of the week
5 except on a very hot Sunday afternoon down on
6 Sinatra.

7 As far as vehicular traffic, same thing
8 on Hudson Street. We have bumper to bumper traffic
9 from seven o'clock in the morning until eight
10 o'clock at night along Hudson Street, along the side
11 street.

12 You go down on Sinatra, and there is
13 literally no traffic. There are no cars. I can
14 walk my dog for 45 minutes down there and run across
15 two cars, and that is at any time during the day and
16 any time during the night.

17 And if you take the time to really
18 assess that, the traffic is up at the main campus.

19 So there is one other thing that was
20 mentioned a lot during the Gateway project, and that
21 is, if you get the traffic and the cars out of
22 there, what you are going to do is you are going to
23 enhance the Buholic field at the other campus that
24 both Stevens and all of the public said at those
25 meetings, that they want to preserve.

1 So what we could have is a traffic
2 area, and we could have a pedestrian traffic area.

3 So what we feel, this is a win-win
4 situation. The garage as currently proposed is good
5 for Stevens, and it's good for Hoboken. We like the
6 way it is proposed right now.

7 The Hudson Street Alliance is asking
8 the Zoning Board of Adjustment to approve the
9 request, to have the project built in two phases
10 with the variances that they are asking for.
11 Although already approved in 2009, both Stevens and
12 the residents of Hoboken would benefit immediately
13 from the completion of the garage while taking the
14 time to evaluate the specifics and changing needs of
15 the proposed academic building.

16 Thank you.

17 CHAIRMAN AIBEL: Thank you.

18 I think you just stole Mr. Tuvel's
19 closing.

20 (Laughter)

21 MS. PREGIBON: Pardon?

22 CHAIRMAN AIBEL: You stole Mr. Tuvel's
23 closing.

24 Anybody else, please come forward.

25 MR. GALVIN: Raise your right hand,

1 Mary.

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 MS. ONDREJKA: I do.

6 MR. GALVIN: Okay.

7 MS. ONDREJKA: Mary Ondrejka,
8 O-n-d-r-e-j-k-a, 159 9th Street.

9 Hum, it is interesting through all of
10 the years I have lived there, the biggest problem in
11 town has been parking, and that is always on
12 someone's tongue. It's whether we are going to lose
13 spaces or how we are going to get more.

14 And I find this project so needed on so
15 many fronts because just tonight upstairs because of
16 the Trader Joe's situation with the tractor trailer
17 coming in, we lost 24 spaces in our town because we
18 have to accommodate situations like that.

19 We have a school that has grown and
20 needs to get people in a place, so it will alleviate
21 the problems we have with so many traffic areas,
22 where it will continue on and on and on.

23 I wish it could be built tomorrow, and
24 of course, it's going to take time, but eventually
25 it will alleviate so many problems on so many

1 levels, although we will have other problems in
2 other areas that don't even relate to this. I think
3 it is a very good plan.

4 I often think back to the clipping I
5 have from 1969 of Stevens. I have it because it
6 shows a parking garage that was going to be
7 considered to be built on the waterfront four
8 concrete piers out, four feet -- four stories high,
9 and this is such a contrast to what once somebody
10 thought of in the way of parking. You would have
11 had to see it to believe it. Of course, it never
12 happened, thank God, but it would have destroyed
13 what waterfront there is today.

14 So I think that Stevens has been
15 incredibly considerate, and they have bent over
16 backwards to help themselves as well as to help the
17 town.

18 Please, I would like you to please okay
19 this application.

20 Thank you.

21 CHAIRMAN AIBEL: Thank you very much.

22 Anybody else wish to comment?

23 Please come forward.

24 MR. WEINSTEIN: My name is Richard
25 Weinstein.

1 CHAIRMAN AIBEL: Swear him in?

2 MR. GALVIN: I think at this point
3 you're going to testify --

4 MR. WEINSTEIN: I am not testifying. I
5 am arguing.

6 MR. GALVIN: At the moment I hear you
7 testify, I am going to stop you.

8 MR. WEINSTEIN: I have no testimony.
9 All of my statements -- I mean, all of my actions in
10 this proceeding have been regarding the
11 cross-examination --

12 MR. GALVIN: You may proceed,
13 Counselor.

14 MR. WEINSTEIN: So -- and I want to
15 just state I really think everybody should know that
16 one of the things that was most apparent to me on
17 this application was the candidness and openness of
18 Stevens in terms of giving the public a full
19 opportunity to participate as I have in coming to a
20 decision by this Board and urging a particular
21 decision.

22 As you recall, whenever my questioning
23 of any of the witnesses took place, it was really
24 only regarding the question of the -- any
25 encroachment on Stevens -- I'm sorry -- on Sinatra

1 Drive or Fifth Street.

2 And as I have been told now, and it's
3 been pretty clearly stated in the record by the
4 witnesses that have testified, that that is part of
5 the second phase, that that issue will be visited at
6 that time, but I wanted to make sure that that was
7 delineated and clearly stated, so that when you do
8 reach that stage, it isn't waived in any way that
9 that issue could be reconsidered.

10 And the second point I tried to make
11 was that the resolution that was the basis for the
12 2009 Board decision included 50 spaces in the Babbio
13 garage for the little league and any other uses that
14 might relate to the use of the waterfront.

15 I don't know whether or not any of the
16 witnesses agreed that Stevens -- I'm sorry -- that
17 Sinatra Drive was more heavily traveled than the
18 streets up on the west side of the Babbio garage,
19 and it is for you to decide that, whether or not
20 Sinatra Drive is in fact a street that is heavily
21 traveled, that there are considerations about
22 whether or not the safety of the children and adults
23 crossing the street for the little league exposes
24 them to more -- to more danger than they might
25 otherwise have to face, if they could go from the

1 Babbio garage to the little league field.

2 Now, that Board that decided that issue
3 and granted those 50 spaces, just like your Board
4 is, deliberated and very much considered all of
5 these things I am bringing up, and they decided that
6 the 50 spaces was needed. And I am urging you to
7 consider some kind of resolution of maybe less
8 spaces in the garage to mitigate the impact that the
9 applicant said there would be. But that -- consider
10 whether or not that Board that made that decision
11 was wrong, and that they had no basis for making
12 that decision, or whether or not you respect their
13 decision in some way and want to in the spirit of
14 that decision affirm it in some way at all, and I am
15 urging that you should affirm it.

16 I have not opposed this building of
17 this Babbio garage. In fact, as I said, I would not
18 even be here were it not for the fact that Stevens
19 notified me, I believe it was March 22nd by email,
20 that there would be a discussion in Stevens of what
21 this proposal before the Board today is, this
22 amended application.

23 So I know that they have always been
24 open, and I want you to know that I have no malice
25 towards them because they have been very fair. But

1 the Board should consider, in my opinion, whether or
2 not those 50 spaces should be just across the street
3 where the kids have to cross the street, or whether
4 or not some kind of accommodation should be offered
5 by Stevens to the community that the first Board
6 when it make its resolution considered to be
7 important.

8 And if you look at paragraph 11 and
9 read it to yourself again, you will see that Board
10 made that decision, and I think you should at least
11 uphold partially that decision or at least uphold it
12 totally.

13 CHAIRMAN AIBEL: Thank you, Mr.
14 Weinstein.

15 MR. WEINSTEIN: Thank you.

16 CHAIRMAN AIBEL: Anybody else wish to
17 comment?

18 Seeing none.

19 You are asking for second swing.

20 MS. PREGIBON: I just wanted to make
21 one comment about the --

22 MR. GALVIN: No twosies.

23 MS. PREGIBON: I can't comment?

24 MR. GALVIN: We don't normally do
25 twosies.

1 Do you want to do it, Mr. Chairman?

2 CHAIRMAN AIBEL: Yeah.

3 MR. GALVIN: All right. Go ahead.

4 Come on.

5 CHAIRMAN AIBEL: This is for Dennis.

6 This is a Dennis twosie.

7 MS. PREGIBON: Susan Pregibon,

8 P-r-e-g-i-b-o-n, 624 Hudson Street.

9 In the dilemma of the parking to be in
10 the Babbio garage or across the street, we have the
11 little league that would be going into the parking
12 garage without crossing the street.

13 We would have the soccer kids going --
14 having to -- you know, if we are at the Babbio
15 garage, they would have to cross the street because
16 the soccer field is on the same side as Griffith
17 garage.

18 So I mean, who are you going to go for,
19 soccer or little league?

20 (Laughter)

21 CHAIRMAN AIBEL: Thank you, Ms.

22 Pregibon.

23 All right. Let's have a motion to
24 close.

25 COMMISSIONER COHEN: Motion to close

1 public portion.

2 CHAIRMAN AIBEL: Do I have a second to
3 close public portion?

4 VICE CHAIR BRANCIFORTE: Second.

5 COMMISSIONER MURPHY: Second.

6 CHAIRMAN AIBEL: All in favor?

7 (All Board members answered in the
8 affirmative)

9 MR. GALVIN: Let me say this to the
10 Board. In these types of cases we need to have five
11 affirmative votes. If there is any doubt about how
12 you feel about this case, I think we should hold off
13 and wait until we get a sixth or seventh member in
14 here, because in my view, people ask me this why all
15 of the time. It's because there is a mathematical
16 difference between five, six, and seven, and I think
17 a court some day might make a ruling on that.

18 There is an exception, if you have
19 conflicts of interest, and you only have five, then
20 an applicant is forced to proceed with five. But in
21 all other instances, I think you really should seat
22 seven, if you can.

23 Now, if anybody has any doubt that they
24 might be in favor of this case, I think the polite
25 thing to do would be -- and it's not saying you are

1 going to vote no on it, if you have any doubt, I
2 think we should carry it to another night to give
3 Stevens the ability to have a sixth or seventh Board
4 member to hear the case.

5 If you don't have any doubt, and you
6 feel pretty comfortable, then kind of give me that
7 indication, and we can allow them to proceed, go for
8 a vote, and this way we don't have to have a whole
9 other hearing in this matter.

10 Guys, what are you thinking? Any
11 doubts?

12 Doubt?

13 CHAIRMAN AIBEL: Okay. I will speak
14 up.

15 There may be some small tweaks here and
16 there in the conditions that I might be in favor of
17 in concept, but it is hard to see that this is not a
18 benefit to the community, as well as obviously
19 something valuable to Stevens, and I probably -- I
20 could support it.

21 MR. GALVIN: So, Guys, you want me to
22 read the conditions and then you will let me know
23 what to do?

24 CHAIRMAN AIBEL: But let me not drive
25 the conversation. We have five other people here.

1 COMMISSIONER MC BRIDE: I am good.

2 COMMISSIONER MURPHY: I am.

3 VICE CHAIR BRANCIFORTE: Well, I'm
4 hesitant to open my mouth without going into
5 deliberations, so --

6 MR. GALVIN: Right. But all I'm asking
7 you is -- sometimes you get a case, where you don't
8 have any doubt.

9 If you have any doubt at all, let's
10 carry it to another night. We'll pick another
11 night. They will come back. We'll have two other
12 Board members read it. I just didn't want to like
13 weigh down -- weigh everyone else down.

14 VICE CHAIR BRANCIFORTE: With that
15 said, for myself, I don't see any reason to come
16 back. I could see myself wanting to do this tonight
17 then.

18 MR. GALVIN: Right. We got to be
19 positive because we are not going to hand them a bad
20 result and have a court tell us to go back and do it
21 again and get the sixth and seventh guy in the
22 saddle. All right?

23 COMMISSIONER COHEN: I am fine.

24 MR. GALVIN: All right. Let me give
25 you the conditions.

1 The Board --

2 CHAIRMAN AIBEL: Are you okay?

3 COMMISSIONER COHEN: I'm fine.

4 MR. GALVIN: All right. I had --

5 CHAIRMAN AIBEL: Well, why don't we
6 just make sure that Mr. Tuvel and his client are
7 okay with this?

8 COMMISSIONER MURPHY: Oh, yeah.

9 MR. TUVEL: Do you want a closing?

10 CHAIRMAN AIBEL: Well, I guess --

11 MR. GALVIN: You don't need a closing
12 argument.

13 (Laughter)

14 MR. TUVEL: I am going to rely on --

15 MR. GALVIN: You're going to sacrifice
16 that. I am going to tell you right now, my mom is
17 on her way to the hospital for the last half-hour.
18 I want to leave here soon. I don't think we need to
19 hear the closing argument on this.

20 MR. TUVEL: I was going to rely on
21 Ms. Pregibon's closing statement.

22 (Laughter)

23 MR. GALVIN: Okay. I spoke too soon.
24 Okay. You got me. Okay.

25 My mom is still on the way to the

1 hospital, okay?

2 MR. TUVEL: I'm sorry about that.

3 MR. GALVIN: All right.

4 There is to be no barrier or
5 restriction to the use of the garage roof. Is that
6 true, everybody? Anybody?

7 VICE CHAIR BRANCIFORTE: What's that?

8 MR. GALVIN: It is a note I had. I
9 don't know if it is true or not.

10 COMMISSIONER MURPHY: Yeah, it's from
11 the first night.

12 MR. TUVEL: Say that one more time,
13 Dennis.

14 MR. GALVIN: There is to be no barrier
15 or restriction to the use of the garage roof.

16 MR. TUVEL: Right. The rooftop plaza
17 will not be obstructed. That is correct.

18 MR. GALVIN: Two: The stairs are to
19 have a de-icer feature.

20 Now, tonight I heard that they were
21 going to shovel them, so we don't have a de-icer
22 feature, right?

23 MR. TUVEL: No, and I believe we talked
24 about having some of those openings, so it would
25 easier to shovel and to drain.

1 MR. GALVIN: That's what I heard
2 tonight, but my notes had said something like crazy,
3 like there were going to be heated stairs or
4 something like that.

5 Two: The Babbio garage is not to be
6 operated as a public parking garage, where fees
7 would be charged to rent spaces.

8 MR. TUVEL: That's correct.

9 MR. GALVIN: Three: The Griffin lot is
10 to be free for public use --

11 COMMISSIONER COHEN: 50 spots within
12 the Griffith lot.

13 MR. GALVIN: I think we had that
14 somewhere else, too. Let me hold on to that for a
15 second. I'm going to come back to that.

16 COMMISSIONER COHEN: Okay.

17 MR. GALVIN: Three: The applicant is
18 to perform a photometric plan showing the existing
19 and the proposed lighting intensities.

20 Four: Post approval, the applicant
21 will perform a signal timing study for 11th and
22 Hudson Street. If the county accepts, the
23 controller will be changed to increase the length of
24 the green light.

25 Five: All lighting is to be dark sky

1 compliant.

2 Six: Stevens is to provide a
3 right-of-way agreement to the city for what? For
4 Fifth Street, Sixth Street?

5 MR. TUVEL: That is a condition of
6 Phase II of final. That's not part of this.

7 MR. GALVIN: Okay.

8 Is there hours of operation for the
9 parking lot at Griffith?

10 MR. TUVEL: It will be open at all
11 times, but it is -- we are proposing that it be
12 available to the public Monday through Friday 4 p.m.
13 to 11 p.m. and Saturday and Sunday 7 a.m. to 11 p.m.

14 MR. GALVIN: All right. Monday through
15 Friday --

16 MR. TUVEL: 4 p.m. to 11 p.m.

17 Saturday, Sunday, 7 a.m. to 11 p.m.

18 and there is no gate or anything like that.

19 MR. GALVIN: Saturday and Sunday --

20 MR. TUVEL: 7 a.m. to 11 p.m. Saturday
21 and Sunday.

22 MR. GALVIN: Seven: Stevens will
23 maintain and keep the Griffith parking lot open and
24 operational even when the school is not in session.

25 MR. TUVEL: Correct.

1 MR. GALVIN: Eight: The city will have
2 the responsibility for the distribution of placards
3 to permit parking for the Griffith lot. While the
4 lot is intended to be used for little league and
5 soccer during times when those leagues are in
6 session, the city may make use of the lot for other
7 public purposes -- for other parking needs when the
8 leagues are not in session. There will be -- did I
9 get it right?

10 MR. TUVEL: Yes. I'm making sure.

11 MR. GALVIN: Okay.

12 There will be a minimum of 50 parking
13 spaces in this lot, so we don't need that earlier
14 thing I was saying about the Griffith.

15 MR. TUVEL: Correct.

16 MR. GALVIN: Nine: The applicant is to
17 return to the Board for an amendment to Phase II
18 modifying the horizontal and vertical alignment of
19 Fifth Street at which time we will discuss an
20 easement?

21 MR. TUVEL: I guess whatever would be
22 required, whatever instrument would be required, if
23 necessary.

24 MR. GALVIN: The use -- well, how do
25 you want --

1 MS. BANYRA: To the satisfaction of the
2 Board Engineer.

3 MR. GALVIN: No, no, no. I got that
4 part. I got the part that --

5 MR. TUVEL: You are saying about making
6 that road a public street or --

7 MR. GALVIN: I am not trying to impose
8 any additional requirements. I want to make sure
9 whatever was promised before, that I didn't lose it.

10 MR. TUVEL: Right. Okay.

11 So I would just say: And will be
12 subject to the requirements of the 2009 resolution
13 as to the realignment of the roadway, something
14 along those lines.

15 MR. GALVIN: I think at a minimum, I
16 think the --

17 MR. TUVEL: Let me check. Let me see
18 if there's --

19 MR. GALVIN: Not to bring up something
20 dangerous, but I think what we just learned in
21 another case that we have to have a right-of-way
22 even if we currently use it.

23 MR. TUVEL: I understand.

24 Why don't we just say this: In the
25 event an easement or a right-of-way agreement or

1 some instrument is required from the City of
2 Hoboken, Stevens -- if required, because I don't
3 know, I have to look through the prior resolution,
4 Dennis, if it's required.

5 If it was required in the prior
6 resolution, we have to deal with it. We are bound
7 by that.

8 MR. GALVIN: Well, I mean, we can pose
9 it, too. We can make it a requirement now. We're
10 not -- the same way Mr. Weinstein was saying it the
11 whole time, and I kept telling him we are
12 changing --

13 MR. TUVEL: I understand that.

14 MR. GALVIN: -- same thing --
15 everything, once it is open, we can change what we
16 got to change.

17 In the vertical alignment and -- and
18 the Board -- say it again.

19 MR. TUVEL: The same right-of-way
20 agreement.

21 MR. GALVIN: Hum. The Board will
22 consider the need for a right-of-way --

23 COMMISSIONER COHEN: If any.

24 MS. BANYRA: Right-of-way or easement,
25 Dennis?

1 MR. GALVIN: I'm sorry?

2 MR. TUVEL: Can we say also in
3 consultation with city's corporation counsel?

4 MR. GALVIN: No.

5 (Laughter)

6 MR. TUVEL: Okay.

7 MR. GALVIN: The Board has its
8 portfolio.

9 MR. TUVEL: Dennis, that is on when we
10 come back for Phase II, right?

11 MR. GALVIN: Correct.

12 MR. TUVEL: Okay.

13 MS. MC KENZIE: Okay.

14 MR. GALVIN: All right. Here is what I
15 wrote: The applicant is to return to the Board for
16 an amendment to Phase II modifying the horizontal
17 and vertical alignment of Fifth Street to the
18 satisfaction of the Board's Engineer --

19 MR. TUVEL: Okay.

20 MR. GALVIN: -- and will consider
21 whether -- and the Board will consider whether a
22 right-of-way agreement is required to preserve the
23 city's interest in Fifth Street.

24 MR. TUVEL: That's fine. That's fair.

25 MR. GALVIN: Ten: The lawn area

1 between the garage, driveway and sidewalk will have
2 additional landscaping and a low barrier -- did you
3 mean low barrier planting, Eileen?

4 MS. BANYRA: Well, something. I think,
5 you know, as the Chairman raised, there needs to be
6 something else in that area, so I know that there is
7 a visual easement, but some kind of barrier. It
8 needs to be reworked a little bit, as you come down
9 the steps is the area we're talking --

10 MR. TUVEL: Yeah. The area that is
11 lawn now between the driveway and the steps.

12 MR. GALVIN: So we want some kind of
13 low barrier or --

14 MR. TUVEL: Low shrubs or barrier, yes.

15 MR. GALVIN: -- I have low barrier or
16 planting --

17 MR. TUVEL: Fine.

18 MR. GALVIN: -- to prevent crossing
19 driveway aisles.

20 MR. TUVEL: Fine.

21 MR. GALVIN: This revision to the plan
22 is to be reviewed and approved by the Board's
23 planner and engineer.

24 11: The landscape plan is to be
25 revised to show the number and type of all plants to

1 be utilized.

2 12: The garage plan is to show
3 additional parking on floors two, three, and four of
4 the --

5 MR. TUVEL: Bicycle parking.

6 MR. GALVIN: -- additional bike parking
7 of the --

8 MS. BANYRA: To be evaluated I think --

9 MR. TUVEL: Yeah. I think we talked
10 about working with Eileen to see where we can get
11 additional parking on the different levels of the
12 garage.

13 MR. GALVIN: -- is to be evaluated in
14 consultation -- the garage plan is to be evaluated
15 in consultation with the planner to show additional
16 bike parking on floors two, three, and four as
17 available.

18 13: The garage facade sign is to be
19 removed during the construction of Phase II.

20 That is what I have, everybody, unless
21 there's something else you need.

22 COMMISSIONER COHEN: I think we are
23 good.

24 MR. GALVIN: Jeff?

25 MR. MARSDEN: Two things I have here

1 that weren't listed are: Driveway will have a stop
2 bar and stop painted in the roadway.

3 MR. TUVEL: I think that was on the
4 plan, but we can add it as a condition. That's
5 fine.

6 MR. MARSDEN: Oh, I didn't think it was
7 on the plan.

8 COMMISSIONER COHEN: I think it was on
9 the revised plan.

10 MR. MARSDEN: Okay.

11 MS. BANYRA: It doesn't matter. Just
12 keep going.

13 MR. GALVIN: If it is on the plan, I
14 don't have to do it.

15 MR. MARSDEN: Right.

16 MR. TUVEL: Okay. If it's not, we'll
17 do it.

18 MR. MARSDEN: Modify the turning
19 templates to distance them from the eastern curb.

20 MR. TUVEL: Yeah, that is fine. Mr.
21 Olivo testified he would do that, yes.

22 MR. MARSDEN: Right.

23 Charging stations in the garage?

24 MR. TUVEL: Yeah. We testified that
25 there would be an electric charging station in the

1 garage. I believe it is on the plan as well.

2 MR. MARSDEN: Does Griffith have
3 handicapped spaces?

4 MR. TUVEL: We said we would evaluate
5 that with you.

6 MR. MARSDEN: Right.

7 MR. TUVEL: We would take a look at it,
8 right.

9 Jeff is correct, as to the 50 spaces,
10 we would evaluate whether any handicapped spaces
11 would be required.

12 MR. GALVIN: How about, can we put
13 these in a letter from you and Eileen as to
14 outstanding items, like we are supposed to do?

15 MR. MARSDEN: Yeah, I could do that in
16 my compliance review --

17 MR. GALVIN: Okay.

18 MS. BANYRA: Yeah.

19 MR. GALVIN: No. But we are going to
20 do a letter from the planner subject to a letter
21 from the Board professionals regarding outstanding
22 review letter items.

23 Does that work?

24 MR. MARSDEN: Yes.

25 MR. GALVIN: That is what we are

1 supposed to do. Okay.

2 All right, Board.

3 VICE CHAIR BRANCIFORTE: You know
4 the -- deliberation time?

5 MR. GALVIN: Yes.

6 VICE CHAIR BRANCIFORTE: It is not a
7 deal breaker for me, but it kind of irks me about
8 this parking deal will just be allowed for little
9 league and soccer and the recreational field.

10 I just think it should -- like I said,
11 I don't have kids, but if somebody wants to go down
12 there, watch a game or something, or participate in
13 whatever way, I just see we are cutting off this
14 so-called public lot and we're just giving it to
15 people with little league and soccer kids, and
16 everybody else has to scramble for parking on the
17 street like everyone else.

18 Either we open it up to the public for
19 everybody, or we just go that way --

20 COMMISSIONER COHEN: Can I respond?

21 VICE CHAIR BRANCIFORTE: Yeah, go
22 ahead.

23 COMMISSIONER COHEN: I think that we
24 are doing that. I mean, I don't think that the way
25 this is drafted it is restricted to little league

1 and soccer. I think it is including little league
2 and soccer, and it allows the city to open it up to
3 the public generally.

4 I don't think the condition is
5 restricted to that, and I think that we can make
6 clear in the resolution that follows this that the
7 intent of the Board is to make it available to not
8 just little league and soccer players, but also to
9 include Hoboken parkers, people who are permitted to
10 park in Hoboken, if it's available, that they can
11 use it as well.

12 VICE CHAIR BRANCIFORTE: So you agree
13 there is a little league game or there's a soccer
14 game, and I want to drive down and show somebody the
15 waterfront for five minutes is it okay to park in
16 there without a placard?

17 MR. GALVIN: No.

18 COMMISSIONER COHEN: No. You would
19 have to apply to the City of Hoboken for a placard,
20 but you wouldn't be prevented from applying to the
21 City of Hoboken for that placard if you're not a
22 little league parent or a soccer parent --

23 COMMISSIONER MURPHY: Well, you don't
24 know that.

25 COMMISSIONER COHEN: -- it would be --

1 but the point is that it's going to be administered
2 by the City of Hoboken, and that they will set the
3 rules for that, but I think what we are saying here
4 is that it should not be limited to those parents of
5 families or athletes --

6 MR. GALVIN: Listen. I would say
7 this -- it is none of my business, but -- but --

8 VICE CHAIR BRANCIFORTE: Yes.

9 MR. GALVIN: -- I would imagine that
10 the intent of this was, as part of trying to
11 convince you to go along with this, they were trying
12 to do something nice for the little league and
13 soccer people, and saying, hey, you can get some
14 parking close by. They weren't trying to do
15 something that was a parking lot that was available
16 for the entire city.

17 However, we have got in here that when
18 the little league kids and soccer kids aren't doing
19 their thing, that the city can use it for other
20 purposes.

21 VICE CHAIR BRANCIFORTE: Okay. So it's
22 not a deal breaker for me. Nobody else seems to be
23 concerned about, so I am okay with it --

24 COMMISSIONER MC BRIDE: Well, I share
25 the concern --

1 COMMISSIONER MURPHY: I share your
2 concern, but --

3 COMMISSIONER MC BRIDE: -- it is a
4 nightmare. It's a nightmare. It is not our
5 nightmare.

6 (Laughter)

7 VICE CHAIR BRANCIFORTE: It will be our
8 nightmare, if I park i there and I get towed because
9 I don't have a kid playing soccer on a certain day
10 at a certain hour.

11 But, okay, look, back in 2004 when it
12 was proposed, I shook my head and said, you know, it
13 will never work, let's just skip it all together.
14 And, you know, people thought it was a good idea, so
15 I let it go.

16 CHAIRMAN AIBEL: I'm sure Stevens would
17 be happy to take the lot back, so let's, you know --

18 VICE CHAIR BRANCIFORTE: I would be
19 happy to keep -- look, anything that I can keep
20 people from driving around town on short trips is
21 fine.

22 Of course, if I had kids, like I said,
23 and I lived at 10th and Clinton, and I had to get my
24 four kids down there now, yeah, walking versus
25 driving, I get it.

1 COMMISSIONER COHEN: Just two quick
2 comments.

3 One is that this project has been a
4 long time coming, but the Zoning Board has acted
5 promptly on this.

6 We got this application last month.
7 When we heard it last month, we are wrapping it up
8 tonight, and we have dealt with this I think very
9 efficiently, number one.

10 Number two: We are going to be adding
11 50 public spots, prime free parking on the
12 waterfront. There may be administrative issues with
13 running that, but those are going to be Stevens'
14 issues in terms of administration and the city's
15 administrative issues in terms of how to issue the
16 placards for the use of that lot. It will be up to
17 the city to advertise what the rules are and to
18 invite people to participate in that. But I think
19 in the end, it's going to be a positive to have 50
20 free spots on the waterfront for our community,
21 number one.

22 And number two: A beautiful interim
23 building that is going to be on the waterfront for
24 three years as opposed to what has kind of been an
25 ugly gash in the side of the cliff that we all have

1 been looking at for a decade now, and it's going
2 to -- so I want to commend Stevens for the effort in
3 terms of the water appearing plastic design.

4 I think that while it is an interim
5 three-year plan, it is going to be an attractive
6 addition to the waterfront. In addition to having
7 additional parking, it is going to be a nice
8 architectural addition to the waterfront, so those
9 are my comments.

10 VICE CHAIR BRANCIFORTE: Did we include
11 this in the conditions about replacing the -- that
12 fabric, you know, when it shows wear or it starts to
13 tear, that they have to replace it immediately?

14 We talked about it.

15 MR. GALVIN: What is your position?

16 I know you have --

17 MR. TUVEL: Yeah, that is fine.

18 MR. GALVIN: Who is making the call on
19 that?

20 COMMISSIONER MURPHY: Maintenance --

21 VICE CHAIR BRANCIFORTE: Would it be
22 our zoning officer? Would it be --

23 MR. GALVIN: That should be the person.

24 COMMISSIONER COHEN: I just wouldn't
25 say "immediately." If it's a reasonable period of

1 time --

2 VICE CHAIR BRANCIFORTE: Well, in a
3 timely manner.

4 COMMISSIONER COHEN: Yeah.

5 VICE CHAIR BRANCIFORTE: I don't want
6 ripped fabric sitting up there for months at a time.

7 COMMISSIONER COHEN: Yeah.

8 (Board members confer)

9 MS. BANYRA: Do you have it, Dennis, or
10 do you need it --

11 MR. GALVIN: I'm still -- in the event
12 the membrane is damaged --

13 VICE CHAIR BRANCIFORTE: Shows signs of
14 wear?

15 COMMISSIONER MURPHY: And tear.

16 MR. TUVEL: Dennis, we can agree
17 that --

18 MS. BANYRA: The cladding should be
19 maintained --

20 MR. TUVEL: -- we just have to replace
21 it every 18 months.

22 VICE CHAIR BRANCIFORTE: I would even
23 love that better, but still if it does tear, you
24 still have to -- I would love to see it -- look, in
25 commercial real estate, you always put in a clause

1 in the lease that says the tenant has to paint every
2 few years. I don't think this is any different.

3 MS. BANYRA: The building's cladding
4 will be maintained in the event that there is any
5 deterioration. As noted by the zoning officer, the
6 applicant will replace said cladding.

7 COMMISSIONER COHEN: Maybe like obvious
8 deterioration.

9 MS. BANYRA: Yeah.

10 VICE CHAIR BRANCIFORTE: Well, we can
11 go 18 months, and then if there is a storm and it
12 rips, you clearly replace it.

13 MR. TUVEL: Yeah.

14 Clearly, if there is some incident that
15 occurred, and it doesn't look nice, Stevens would
16 want to do that.

17 MS. BANYRA: In consultation with
18 Stevens.

19 VICE CHAIR BRANCIFORTE: But I think 18
20 months would be -- does everyone agree that every 18
21 months, it should be replaced?

22 MS. BANYRA: Maybe. Who knows, if it
23 lasts two years then.

24 VICE CHAIR BRANCIFORTE: Well, if
25 they're agreeing to go 18 months --

1 MS. BANYRA: But why would you throw it
2 out, if it is good?

3 VICE CHAIR BRANCIFORTE: Because it is
4 going to look fresh, and it's going to look like a
5 new thing.

6 Now, I am against throwing it into
7 the --

8 MS. BANYRA: That is what I mean.

9 VICE CHAIR BRANCIFORTE: -- because it
10 can't be recycled, but you know --

11 MS. BANYRA: Yeah.

12 VICE CHAIR BRANCIFORTE: -- it is up to
13 you. They agreed to do it every 18 months, so...

14 COMMISSIONER MURPHY: How long did it
15 say it lasts?

16 I can't remember.

17 CHAIRMAN AIBEL: A year warranty.

18 COMMISSIONER MURPHY: Year warranty.

19 MR. GALVIN: All right. Here is what I
20 got:

21 In the event the membrane is damaged or
22 there's notable deterioration, the zoning officer
23 can require its replacement. Otherwise, it will be
24 replaced every 18 months.

25 We are not going to make you replace

1 it, if it doesn't need to be replaced, even if it's
2 the 18-month period. If it looks fantastic, like we
3 are going to go to the three-year mark to replace
4 the whole thing, we're probably not going to do
5 that.

6 On the other hand, if we get a big wind
7 storm in August, and it gets turn --

8 MR. TUVEL: They don't want the "S"
9 hanging off the -- I doubt they want that to happen.

10 (Laughter)

11 MR. GALVIN: I got you.

12 But we are planning for you not doing
13 the right thing, even though we think you are going
14 to do the right thing.

15 MR. TUVEL: Understood.

16 COMMISSIONER COHEN: Is that it?

17 MR. GALVIN: Yeah. And if you disagree
18 with the zoning officer, you can appeal or write a
19 letter to ask us to override.

20 MR. TUVEL: Sure.

21 CHAIRMAN AIBEL: Board members, anybody
22 else want to comment?

23 VICE CHAIR BRANCIFORTE: Is there
24 anything about pedestrian safety, about maybe
25 requiring like a flashing pedestrian crossing sign

1 at the crosswalk?

2 Do we need that?

3 MR. GALVIN: I don't see it here. I
4 mean, I think when we are doing the garages on
5 different interior streets, I think that is an
6 exceptionally great idea and necessary. Here, I am
7 not so sure. It is pretty wide-open.

8 VICE CHAIR BRANCIFORTE: Yeah. The
9 only problem is we are encouraging kids to cross the
10 street to get --

11 COMMISSIONER MURPHY: They can walk up
12 to the one that has the blinking -- that you can
13 press the button --

14 VICE CHAIR BRANCIFORTE: Stop light --

15 COMMISSIONER MURPHY: -- and then they
16 can go --

17 VICE CHAIR BRANCIFORTE: If no one
18 else -- if no one else sees the need for it, then I
19 will pass on it --

20 MR. MARSDEN: Well, they are going to
21 place these standard pedestrian crosswalk signs.
22 They're just not going to put an LED --

23 VICE CHAIR BRANCIFORTE: Flashing ones?

24 MR. MARSDEN: -- yeah.

25 VICE CHAIR BRANCIFORTE: And they put

1 two pylons in the street -- in the middle of the
2 street they're putting two pylons --

3 MR. GALVIN: And if we find -- and when
4 they come back for Phase II, if you -- you know, you
5 have been out there, and you observe it, and you
6 think that we need to do something else, I guess we
7 could then require that in Phase II.

8 VICE CHAIR BRANCIFORTE: Okay.

9 CHAIRMAN AIBEL: John, any other
10 comments?

11 VICE CHAIR BRANCIFORTE: No. I think
12 I'm good.

13 CHAIRMAN AIBEL: We're ready for a
14 motion and a vote.

15 COMMISSIONER COHEN: Motion to
16 approve --

17 COMMISSIONER MC BRIDE: Second.

18 COMMISSIONER COHEN: -- with the
19 conditions as described.

20 COMMISSIONER MC BRIDE: Second.

21 MS. CARCONE: Commissioner Branciforte?

22 VICE CHAIR BRANCIFORTE: Yes.

23 MS. CARCONE: Commissioner Cohen?

24 COMMISSIONER COHEN: Yes.

25 MS. CARCONE: Commissioner Murphy?

1 COMMISSIONER MURPHY: Yes.

2 MS. CARCONE: Commissioner McBride?

3 COMMISSIONER MC BRIDE: Yes.

4 MS. CARCONE: And Commissioner Aibel?

5 CHAIRMAN AIBEL: Yes.

6 MR. TUVEL: Thank you.

7 (Applause)

8 COMMISSIONER COHEN: Motion to adjourn.

9 VICE CHAIR BRANCIFORTE: Oh, any other

10 business?

11 CHAIRMAN AIBEL: No.

12 Motion to adjourn.

13 VICE CHAIR BRANCIFORTE: Motion to

14 adjourn.

15 COMMISSIONER MC BRIDE: Second.

16 CHAIRMAN AIBEL: All in favor?

17 (All Board members answered in the

18 affirmative)

19 (The meeting concluded at 11:30 p.m.)

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C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CCR, CRCR

 PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300
 Notary Public of the State of New Jersey
 My commission expires 11/5/2020.
 Dated: 4/29/16
 This transcript was prepared in accordance with
 NJAC 13:43-5.9.