

CITY OF HOBOKEN  
PLANNING BOARD

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REGULAR MEETING OF THE HOBOKEN : March 1, 2016  
PLANNING BOARD : 7:10 p.m.  
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Held At: 94 Washington Street  
Hoboken, New Jersey

B E F O R E:

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

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

- David Glynn Roberts, AICP/PP, LLA, RLA  
Board Planner
- Michael J. O'Krepky, PE, CME  
Board Engineer
- Patricia Carcone, Board Secretary

PHYLLIS T. LEWIS  
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## I N D E X

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

3                   It is Tuesday, March 1st.   It is 7:10  
4                   p.m.   This is the City of Hoboken Planning Board  
5                   Meeting.

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

14                  Pat, please call the roll.

15                  MS. CARCONE:   Commissioner Holtzman?

16                  CHAIRMAN HOLTZMAN:   Here.

17                  MS. CARCONE:   Commissioner Magaletta?

18                  VICE CHAIR MAGALETTA:   Here.

19                  MS. CARCONE:   Commissioner Stratton?

20                  COMMISSIONER STRATTON:   Here.

21                  MS. CARCONE:   Commissioner Forbes?

22                  COMMISSIONER FORBES:   Here.

23                  MS. CARCONE:   Commissioner Doyle?

24                  COMMISSIONER DOYLE:   Here.

25                  MS. CARCONE:   Commissioner Graham?

1 COMMISSIONER GRAHAM: Here.

2 MS. CARCONE: Commissioner McKenzie?

3 COMMISSIONER MC KENZIE: Here.

4 MS. CARCONE: Commissioner Pinchevsky?

5 COMMISSIONER PINCHEVSKY: Here.

6 MS. CARCONE: Commissioner Peene is  
7 absent.

8 CHAIRMAN HOLTZMAN: Commissioner Peene  
9 had a family emergency at the last minute, yes.

10 MS. CARCONE: Commissioner Jacobson?

11 COMMISSIONER JACOBSON: Here.

12 MS. CARCONE: And Commissioner O'Connor  
13 is absent.

14 CHAIRMAN HOLTZMAN: Okay. Great.

15 Thank you, Pat.

16 We have two resolutions that we are  
17 going to address this evening. The first is 502  
18 Madison Street. Copies of these were provided to us  
19 ahead of time by Dennis' office.

20 Were there any additional questions or  
21 comments?

22 If there are none, is there a motion to  
23 accept the resolution?

24 COMMISSIONER MC KENZIE: I move.

25 COMMISSIONER DOYLE: Do we do them

1 separately?

2 CHAIRMAN HOLTZMAN: We are doing each  
3 one separately, sure, yes.

4 MR. GALVIN: Yes.

5 CHAIRMAN HOLTZMAN: Is there a motion  
6 to accept, Caleb?

7 COMMISSIONER MC KENZIE: I make the  
8 motion, yes.

9 CHAIRMAN HOLTZMAN: Great.

10 Is there a second?

11 VICE CHAIRMAN MAGALETTA: Second.

12 CHAIRMAN HOLTZMAN: Thank you.

13 Pat, please call the roll.

14 MS. CARCONE: This is 502-510 Madison.

15 CHAIRMAN HOLTZMAN: 502 Madison, yes.

16 MS. CARCONE: Commissioner Magaletta?

17 VICE CHAIR MAGALETTA: Yes.

18 MS. CARCONE: Commissioner Stratton?

19 COMMISSIONER STRATTON: Yes.

20 MS. CARCONE: Commissioner Forbes?

21 COMMISSIONER FORBES: Yes.

22 MS. CARCONE: Commissioner Graham?

23 COMMISSIONER GRAHAM: Yes.

24 MS. CARCONE: Commissioner McKenzie?

25 COMMISSIONER MC KENZIE: Yes.

1 MS. CARCONE: Commissioner Pinchevsky?

2 COMMISSIONER PINCHEVSKY: Yes.

3 MS. CARCONE: Commissioner Jacobson?

4 COMMISSIONER JACOBSON: Yes.

5 MS. CARCONE: And Commissioner

6 Holtzman?

7 CHAIRMAN HOLTZMAN: Yes.

8 Okay. The second resolution this  
9 evening is for the Wonderlofts project. This is 721  
10 Clinton. I know there are a number of questions and  
11 some additional revisions to that. I think we got  
12 everything fairly well buttoned up.

13 Is there a motion to accept the  
14 resolution?

15 COMMISSIONER DOYLE: Motion.

16 CHAIRMAN HOLTZMAN: Second?

17 COMMISSIONER MC KENZIE: I second it.

18 CHAIRMAN HOLTZMAN: Thank you. Great.  
19 Pat, please call the roll.

20 MS. CARCONE: Commissioner Magaletta?

21 VICE CHAIR MAGALETTA: Yes.

22 MS. CARCONE: Commissioner Stratton?

23 COMMISSIONER STRATTON: Yes.

24 MS. CARCONE: Commissioner Forbes?

25 COMMISSIONER FORBES: Yes.

1 MS. CARCONE: Commissioner Doyle?

2 COMMISSIONER DOYLE: Yes.

3 MS. CARCONE: Commissioner McKenzie?

4 COMMISSIONER MC KENZIE: Yes.

5 MS. CARCONE: Commissioner Pinchevsky?

6 COMMISSIONER PINCHEVSKY: Yes.

7 MS. CARCONE: Commissioner Holtzman?

8 CHAIRMAN HOLTZMAN: Yes.

9 I would like to also note that 721  
10 Clinton, the Wonderlofts' affordable housing was  
11 mentioned by the mayor in her State of the City  
12 speech this past year, which was really nice.

13 Okay. That is done.

14 (Continue on the next page)

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CITY OF HOBOKEN  
PLANNING BOARD

- - - - - X  
 Re: 1423-1431 Hudson Street a/k/a :  
 Hoboken Cove Building D and Section 4 :  
 Block: 264, Lot 3.01 : March 1, 2016  
 Applicant: Hoboken Cove, LLC C/O Toll: 7:15 p.m.  
 Brothers :  
 Amendment to Approved Site Plan & :  
 Revisions & Modifications :  
 - - - - - X

Held At: 94 Washington Street  
Hoboken, New Jersey

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11                  By: GLENN S. PANTEL, ESQUIRE  
12                  Attorneys for the Applicant.

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## I N D E X

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WITNESS

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DEAN MARCHETTO

13 &amp; 73

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THOMAS CARMAN

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TODD M. HAY

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JOHN T. CHADWICK, IV

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## E X H I B I T S

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EXHIBIT NO.

DESCRIPTION

PAGE

16

17

A-5

Floor Plan

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A-6

March Version configuration

17

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A-7

Detail of railing

19

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A-8

Landscape plan

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1                   CHAIRMAN HOLTZMAN: The first item for  
2                   our agenda hearing wise is 1423 Hudson, Building D,  
3                   Lot D, Block D, whatever we are calling it.

4                   Good evening, Mr. Pantel.

5                   MR. PANTEL: Good evening, everybody.

6                   Thank you.

7                   We are here obviously on a continuation  
8                   of our application for amended preliminary and final  
9                   site plan approval for Lot D within the Hoboken Cove  
10                  project.

11                  We have a few wrap-up items that we  
12                  would like to present to the Board tonight based  
13                  upon some of the issues that were raised at the last  
14                  hearing. I have four witnesses, but I think they  
15                  will be each fairly brief.

16                  We are going to start off with Dean  
17                  Marchetto, our architect, who will talk about a  
18                  minor architectural change that we actually made  
19                  after the last meeting, as well as the protective  
20                  measures that could be installed around the private  
21                  decks, number one.

22                  Secondly, we received, if you recall,  
23                  towards the end of the last meeting, a memorandum on  
24                  traffic from the city's Department of  
25                  Transportation, and we had subsequent meetings with

1 the Department of Transportation, and I believe that  
2 we resolved all of those issues, and we are pleased  
3 to have received today an updated, very clean  
4 memorandum from the Department of Transportation.  
5 And Michael Maris, our traffic consultant, will  
6 present the Board with a brief explanation and his  
7 exhibit illustrating the proposed resolution of  
8 those issues that were previously raised.

9 Our landscape architect, Tom Carman,  
10 will testify as to the dog-friendly planters and  
11 some modifications made to the landscape plan as a  
12 result of the input received from the Shade Tree  
13 Commission.

14 And, finally, John Chadwick, our  
15 planner, will, of course, address the variances that  
16 we are seeking, the same three variances that were  
17 outlined in our notice and in the initial hearing.

18 So if there are no questions at this  
19 point, what I would like to do is proceed with Mr.  
20 Marchetto.

21 MR. GALVIN: You are still under oath.

22 MR. MARCHETTO: Okay.

23 D E A N M A R C H E T T O, having been previously  
24 sworn, testified further as follows:

25 THE WITNESS: Thank you, Glenn.

1                   So Dean Marchetto for the record.

2                   I appeared last month on behalf of the  
3 application, and basically I have three slides to  
4 show you tonight, which are changes and updates from  
5 the last presentation.

6                   I have three. The first one is a floor  
7 plan. I am going to show you that we reconfigured  
8 the floor plan slightly based on the apartment  
9 layouts. Then I have a 3D version of what that  
10 change looks like on the outside, so you can see  
11 that.

12                   Then we have steps to address the  
13 concerns that the Board had about the railing on the  
14 edge of the roof, so I will start with that.

15                   Okay. So I know the Board doesn't  
16 normally review interior apartment layouts, but as  
17 you know, the plan here for us is to draw up  
18 family-friendly units, and we have a majority of  
19 large units in this project.

20                   What I would like to call your  
21 attention to is these blue areas here. These blue  
22 areas are adjustments and reconfiguration of the  
23 perimeter of the building, and what I would like to  
24 show you here is these apartments and how they are  
25 affected by these layouts.

1                   MR. PANTEL: Could you just for the  
2 record identify --

3                   THE WITNESS: We're going to call  
4 this -- here this is called a typical floor plan, a  
5 typical floor plan, which is above the base, and it  
6 is going to be marked as A-5, the next exhibit.

7                   (Exhibit A-5 marked)

8                   So this first bay we left alone, so it  
9 would not change the dimension between the building  
10 here and the building across the street, but within  
11 these interiors we extended the line of the building  
12 three feet approximately and incorporated these blue  
13 zones.

14                  If you look here at these apartment  
15 layouts, you will see that by doing so in these  
16 apartments we are able to include a dining room  
17 table as well as an eat-in counter and a living  
18 room. So just by moving the wall from this point to  
19 this point, we can fit dining rooms in here, here  
20 and in here.

21                  This change should be a configuration  
22 of the upper floor plan and it's a 1.8 percent  
23 increase in the lot coverage, and it moves from  
24 67.29 to 69.1, well within the 75 percent permitted  
25 lot coverage zone.

1           In total, it adds 2,000 -- over all of  
2           the floors, it adds 2018 square feet to the gross  
3           residential floor area, and the planner, when he  
4           testifies, will confirm that it is still within the  
5           range of ratios, so we don't have any additional  
6           changes in terms of as it meets or complies with the  
7           current ordinance.

8           So the next exhibit here is going to be  
9           what that looks like three dimensionally. So this  
10          here is the plan view of the building, and if I tilt  
11          it up, like we did last week, I am moving closer.

12          You can start to see here the base of  
13          the building as I presented, and this is the new  
14          configuration.

15          Now, if I get in one a little closer,  
16          so those are the bunks that step in and out, and  
17          this is the new configuration shown with the  
18          building added in those dining room areas, and for  
19          comparison purposes I am able to flip back to what  
20          we presented in January and then flip forward, and  
21          you can see the building change. That is the effect  
22          it has.

23                 MR. PANTEL: And for the record, the  
24          newly configured exhibit would be A-6, which depicts  
25          the bumpout?

1 THE WITNESS: Right.

2 And this is one of the slides that was  
3 given to the Board in the handout last month, so we  
4 are going to give you a second copy.

5 You can see up here, this is called  
6 3.1. That is the view, and we are going to submit a  
7 paper copy labeled A-6 that shows this revised with  
8 the new March configuration, so basically it  
9 reconfigures the proportion of these shapes.

10 (Exhibit A-6 marked)

11 COMMISSIONER PINCHEVSKY: Can you put  
12 that between the one from January and --

13 THE WITNESS: This is January and that  
14 is March. I can go back as many times as you like,  
15 January, March.

16 See what has happened here?

17 These bumps, these two bumps bumped out  
18 three feet.

19 VICE CHAIR MAGALETTA: The bottom looks  
20 like it changed as well.

21 THE WITNESS: No, the bottom didn't  
22 change.

23 VICE CHAIR MAGALETTA: It looks like it  
24 is darker now.

25 THE WITNESS: No. It is regenerating

1 and before it comes into focus, but there are no  
2 changes on the bottom.

3 The next change is this railing, and  
4 for that I would like to go through the detail.

5 What we are proposing -- the Board was  
6 concerned that if you have the railing right on the  
7 end of the building or on top of the coping, that  
8 that could be a place where someone puts a coffee  
9 cup or a can of soda, and you could knock that off.  
10 So we've come up with a revised railing detail, and  
11 I'm going to show you the detail here.

12 This is our proposed railing. What we  
13 are proposing is to extend the railing from three  
14 foot six up to four feet. It's a glass railing, and  
15 to do a nine inch top on top of the glass railing,  
16 so there is no possible way. It's probably going to  
17 be about three-quarter inches thick, that you could  
18 put anything on top of it, so the design of the  
19 railing is intended.

20 Now, there is no variance required for  
21 this, because it is officially set back from the  
22 property line, but the Board had a concern that it  
23 could still cause an issue with falling objects, so  
24 by increasing the height and making it a purely  
25 glass railing with no top edge, we feel that it

1 mitigates the issue in terms of safety and things  
2 falling.

3 MR. PANTEL: That exhibit we should  
4 call --

5 THE WITNESS: Yes. This detail is  
6 going to be A-7.

7 MR. PANTEL: A-7, and again, we will  
8 provide paper copies to the Board.

9 (Exhibit A-7 marked)

10 THE WITNESS: Yes.

11 So that is my revised testimony, and I  
12 am here to answer any questions.

13 CHAIRMAN HOLTZMAN: Okay.

14 Any questions for Mr. Marchetto with  
15 regard to the revisions, Commissioners?

16 Nothing. Okay.

17 I guess we will open it up to the  
18 public for questions about the revisions from Mr.  
19 Marchetto's presentation.

20 Okay. Glenn, who do we have next?

21 MR. PANTEL: Yes.

22 Tom Carman, our landscape architect.

23 MS. VAN DOOREN: Can I have a question?

24 So going --

25 MR. GALVIN: Come up. Give us your

1 name, spell your last name and give us your street  
2 address.

3 MS. VAN DOOREN: Maryanne Van Dooren,  
4 V-a-n space D-o-o-r-e-n.

5 1500 Hudson.

6 MR. GALVIN: Thank you.

7 MS. VAN DOOREN: I'm just wondering.  
8 You mentioned the railing is going to be glass, so  
9 they are only going to four feet?

10 THE WITNESS: Yes.

11 MS. VAN DOOREN: So I'm five foot  
12 eight. I could easily hold something over. I don't  
13 see the advantage of that at all and --

14 MR. GALVIN: No, no, no. You're just  
15 asking questions.

16 MS. VAN DOOREN: Oh, oh.

17 So do you see the additional height  
18 preventing somebody from dropping something over it?

19 THE WITNESS: Yes. I think, you know,  
20 on any roof or any balcony if somebody wanted to  
21 throw something off, no matter where you put the  
22 railing --

23 MS. VAN DOOREN: I'm not saying  
24 "Throw." Drop.

25 MR. GALVIN: Don't interrupt.

1                   THE WITNESS: Well, by having it up at  
2                   four feet, you are unlikely to rest on it, because  
3                   it's a little higher. Three foot six is the normal  
4                   height, but more importantly, if you were going to  
5                   put a coffee cup or a can of soda there while you  
6                   were enjoying your time on the balcony, the tendency  
7                   to knock it off has been eliminated, and that's the  
8                   purpose of this --

9                   CHAIRMAN HOLTZMAN: Dean, what is the  
10                  normal requirement height for a railing?

11                  THE WITNESS: Three foot six.

12                  CHAIRMAN HOLTZMAN: So the normal  
13                  requirement height is at three foot six?

14                  THE WITNESS: Yes.

15                  CHAIRMAN HOLTZMAN: And you are  
16                  increasing it to?

17                  THE WITNESS: Four feet.

18                  CHAIRMAN HOLTZMAN: Four feet.

19                  THE WITNESS: Yes.

20                  MS. VAN DOOREN: Can I ask another  
21                  question?

22                  THE WITNESS: Yes.

23                  MS. VAN DOOREN: So you said it goes to  
24                  a point?

25                  THE WITNESS: Yeah. Well, what I'm

1 saying is at the top of the glass, it's just a piece  
2 of glass. There is no railing on top. It is the  
3 glass itself, which is the thickness of the glass.

4 MS. VAN DOOREN: Thank you.

5 So there is no way for somebody to buy  
6 a shelf that they could put it on top or anything?  
7 I'm just curious --

8 THE WITNESS: I imagine you could.

9 MS. VAN DOOREN: I just don't like --  
10 you know, well, I can't have opinions, but --

11 MR. GALVIN: Well, no, You can. It's  
12 just a matter of timing. If you wait a little later  
13 in the night, you can give us your opinion.

14 MS. VAN DOOREN: Okay.

15 So why didn't you put the railing in  
16 further and leave a lip?

17 THE WITNESS: Because it would increase  
18 the usable space --

19 MS. VAN DOOREN: And decrease safety.

20 Okay. Thank you.

21 COMMISSIONER PINCHEVSKY: I have a  
22 question.

23 The previous -- there is a current  
24 variance request for the rear wall, right, 156 feet  
25 versus 146 feet?

1 THE WITNESS: Yes.

2 COMMISSIONER PINCHEVSKY: The upper  
3 portion of the building, because of the additional  
4 square footage you are putting on the interior, does  
5 the upper portion now exceed the 146 feet --

6 THE WITNESS: No. It doesn't change  
7 the perimeter at all of the upper --

8 COMMISSIONER PINCHEVSKY: Well, it did  
9 in terms of -- I thought the balconies shrank  
10 because you are pushing the walls out. Isn't that  
11 what you were just showing when you flipped back and  
12 forth?

13 THE WITNESS: No. The actual glass  
14 wall itself extended out, so that is in the front  
15 yard.

16 COMMISSIONER PINCHEVSKY: In the front  
17 on 15th Street?

18 THE WITNESS: On 15th.

19 COMMISSIONER PINCHEVSKY: Right.

20 So my question is: Is that now -- does  
21 that now get into the line of sight from the  
22 buildings north?

23 THE WITNESS: No, because we kept that  
24 first bump where it was, so it doesn't decrease the  
25 aperture of the opening between Hudson Tea and this

1 building. These are internal steps, not the end  
2 step.

3 COMMISSIONER PINCHEVSKY: Okay. It  
4 looked like --

5 MR. PANTEL: In the variance, I think I  
6 know what you were driving at, the variance that was  
7 requested and still is requested is to allow that  
8 156 foot distance from the rear wall of the building  
9 to the front of the building, that hasn't changed --

10 COMMISSIONER PINCHEVSKY: And that's  
11 for the base of the building.

12 MR. PANTEL: -- and that's the base of  
13 the building.

14 COMMISSIONER PINCHEVSKY: Yeah, I  
15 understand that.

16 But I wanted to make sure that the  
17 upper tower did not exceed the original 146 feet,  
18 and there is really no variance being requested, and  
19 I get it, but I just wanted to make sure that no  
20 one's line of sight would be interrupted by the  
21 upper portion of the building being pushed out  
22 further.

23 But you are saying that it's -- the  
24 furthest portion of that wall isn't actually  
25 touched. It's the other --

1                   THE WITNESS: That's right. It is the  
2 internal step in.

3                   COMMISSIONER PINCHEVSKY: Okay.

4                   That's all I have for right now.

5                   Thank you.

6                   CHAIRMAN HOLTZMAN: Thank you.

7                   MR. PANTEL: Thank you.

8                   CHAIRMAN HOLTZMAN: Glenn, who do we  
9 got?

10                  MR. PANTEL: Tom Carman.

11                  MR. GALVIN: Mr. Carman was under oath  
12 also, so he may proceed.

13                  Just spell your last name.

14                  MR. CARMAN: Carman, C-a-r-m-a-n.

15                  MR. GALVIN: Thank you.

16                  T H O M A S   C A R M A N, having been previously  
17 sworn, testified further as follows:

18                  THE WITNESS: Thank you.

19                  So I have this one exhibit for this  
20 evening, and this is Drawing SK-1. It has today's  
21 date of 3/1/2016.

22                  Glenn, should I mark this?

23                  MR. PANTEL: Yes, please. Exhibit A-8.

24                  (Exhibit A-8 marked.)

25                  THE WITNESS: And this is the street --

1 MR. PANTEL: Identify that, please.

2 THE WITNESS: -- this is a street level  
3 landscaped plan, so there are two items this evening  
4 that I would just like to describe.

5 The first being during last month's  
6 meeting, there were discussions about incorporating  
7 some pet-friendly ground cover along Shipyard Lane.

8 So there are two locations where we are  
9 providing K9 Turf. K9 Turf is a synthetic turf that  
10 is used on dog run applications, and adjacent to the  
11 two trees we have a five and a half foot wide by 12  
12 foot band of the synthetic turf in the two  
13 locations, and then a pet waste bag dispenser and  
14 receptacle associated with it that occurs down on  
15 Shipyard Lane.

16 The second item to discuss or to  
17 describe has to do with the Shade Tree Commission's  
18 recommendations. They did review the plan and put  
19 forth four recommendations. We are able to  
20 accommodate all except for one of the  
21 recommendations. Their recommendation number four  
22 asks to replace the trees and the grates with a  
23 larger species, remove the grates and raise the soil  
24 to grade.

25 That is for the existing, two existing

1 trees along Hudson Street. Those trees currently  
2 exist and they were part of the application to the  
3 west. Part of that application to the west included  
4 a lot of stormwater improvements. One of those  
5 improvements was a Filtera Bioretention System.  
6 That system includes a concrete basin that has soil  
7 a bit lower than the sidewalk, which necessitates  
8 the installation of a tree grate to keep the  
9 pedestrian way safe from a tripping hazard. It also  
10 requires a smaller scale tree, so those improvements  
11 were proposed during that application and have been  
12 installed.

13 That concludes my testimony for this  
14 evening.

15 CHAIRMAN HOLTZMAN: Thank you, Mr.  
16 Carman.

17 Any questions for Mr. Carman with  
18 regard to the synthetic turf?

19 Could you just physically point out the  
20 new additions and area there?

21 THE WITNESS: Here.

22 CHAIRMAN HOLTZMAN: So that's on the --  
23 the diagram that you're showing us today is actually  
24 the top is west, is that correct.

25 THE WITNESS: That is correct. That is

1 correct.

2 And Shipyard Lane at the bottom of the  
3 sheet, Hudson Street at the top of the street --  
4 sheet, and the two areas of synthetic turf are on  
5 either side of the garage entry located adjacent to  
6 two trees.

7 CHAIRMAN HOLTZMAN: Right. That is on  
8 the side also where the utility doors are I think,  
9 is that right?

10 THE WITNESS: That is correct. The  
11 utility doors are located right here central to the  
12 building.

13 CHAIRMAN HOLTZMAN: Can you tell us,  
14 just give us a little back story on the turf itself,  
15 what it is?

16 THE WITNESS: Sure.

17 It is a synthetic turf that is -- it  
18 has a microbial component to it that is appropriate  
19 for dog runs. It is appropriate for a space like  
20 this, where you are encouraging a pet to do its  
21 business. It allows water to drain through it, and  
22 it is able to be hosed off. There would be  
23 provisions for that associated with the building.

24 CHAIRMAN HOLTZMAN: Great.

25 Any questions for Mr. Carman, Board?

1 Dave?

2 MR. ROBERTS: Just a quick follow-up.

3 THE WITNESS: Yes.

4 MR. ROBERTS: If I remember, the London  
5 Planes were on 15th, and the Zelkovas I think were  
6 on Hudson Street. Was it the Zelkovas that they  
7 wanted you to replace the existing ones?

8 THE WITNESS: They wanted the  
9 Amalanchier to be replaced that fall within those  
10 Filtera systems. The other tree varieties they were  
11 okay with --

12 MR. ROBERTS: So they were okay with  
13 the London Planes because I was the one, I asked  
14 about them specifically last time.

15 THE WITNESS: Right, right.

16 They sent that in a separate email.  
17 Their recommendations do not include anything about  
18 that because they were okay with it.

19 CHAIRMAN HOLTZMAN: Okay.

20 MR. ROBERTS: That is it.

21 CHAIRMAN HOLTZMAN: Good.

22 We'll open it up to the public for  
23 questions for the landscape architect.

24 Sure. Come on up.

25 MS. FISHER: Tiffanie Fisher.

1                   Can you just tell us the dimensions --

2                   THE REPORTER: Can you just speak over  
3 here, and look at me when you're talking so I can  
4 hear you?

5                   MS. FISHER: -- can you tell us the  
6 dimensions of the new pet-friendly areas?

7                   THE WITNESS: Sure, sure.

8                   Both areas are five and a half foot  
9 wide by 12 foot long, so 66 square feet each.

10                  MS. FISHER: And is the -- I think at  
11 the last meeting when we were talking about the --  
12 correct me if I am wrong -- we were talking about  
13 doing something that would be sort of a -- for the  
14 pets. I think we still spoke about the tree and the  
15 tree pits that are going to be in front of retail.

16                  Is that still going to be the same  
17 construction, not that it is officially the  
18 pet-friendly area, but as we said, the ones along  
19 Hudson Street are generally where all pets go, so  
20 are we going to see a similar structure of tree pits  
21 generally along 15th Street as the ones on Hudson?

22                  THE WITNESS: Meaning the --

23                  MS. FISHER: You know, they are like --  
24 they're --

25                  THE WITNESS: -- there is some ground

1 cover associated with it --

2 MS. FISHER: Yeah, yeah, the ground  
3 cover.

4 They are generally low mulch, I don't  
5 know what to call it -- low something, but they look  
6 like they are alive, but we are seeing a lot of pets  
7 go in there, and it seems to be a place --

8 THE REPORTER: I can't hear you.

9 THE WITNESS: So along Shipyard Lane as  
10 well as 15th Street, one of the recommendations that  
11 the Shade Tree Commission had was to eliminate --  
12 reduce the amount of wooden ground cover, woody  
13 shrub material, which is what some of that is that  
14 is along Hudson Street for a carrot ground cover.

15 Carrots is like a -- it is a low tufted  
16 grass. It's a little bit taller, maybe a foot tall,  
17 so that is what is going to be installed and planted  
18 within the tree pits at Shipyard Lane as well as on  
19 15th Street.

20 MS. FISHER: I think you mentioned that  
21 there is going to be a dog waste station here.

22 THE WITNESS: Right.

23 MS. FISHER: Are there going to be any  
24 other ones on any other side, or are there going to  
25 be any other ones anywhere else?

1                   THE WITNESS: We currently are  
2                   proposing them in the locations adjacent to where  
3                   the synthetic turf is. We were not proposing them  
4                   elsewhere along the streets.

5                   CHAIRMAN HOLTZMAN: Mr. Pantel, is it  
6                   accurate that if the dog -- it is called the dog  
7                   station, right, that we are coming up with here?

8                   So the dog station is something that is  
9                   not required, but something that our friends, the  
10                  applicant here, are making an accommodation for the  
11                  neighborhood. I just wanted to make sure that we  
12                  are clear about that.

13                  MR. PANTEL: Yes, that is correct.

14                  CHAIRMAN HOLTZMAN: Thank you.

15                  COMMISSIONER PINCHEVSKY: I thought it  
16                  was testified at the last meeting that there were  
17                  provisions in the original plan to have  
18                  considerations for pets.

19                  CHAIRMAN HOLTZMAN: And there was  
20                  nothing specific about it, which is why --

21                  COMMISSIONER PINCHEVSKY: Well, these  
22                  appear to be considerations, and that is what was in  
23                  the plan, so it seems to be in the spirit of the  
24                  original plan, not something that's just on top of  
25                  it --

1 MS. FISHER: And -- and --

2 COMMISSIONER PINCHEVSKY: -- but I  
3 think we are arguing --

4 CHAIRMAN HOLTZMAN: Let's not argue  
5 since we got them, and it is making it better.

6 MS. FISHER: I was going to say and  
7 it's making it positive. I mean, all of us are  
8 saying for what it's worth, there was a question of  
9 whether or not were there more lacking closer to the  
10 building, is it possible to put like a station on  
11 the street or something, or not, and I would throw  
12 it out as a question.

13 So thank you.

14 CHAIRMAN HOLTZMAN: Any other members  
15 to the public?

16 MR. GALVIN: I'm sorry. Did we get an  
17 answer to the question?

18 MR. GALVIN: Glenn, did you answer the  
19 question?

20 MR. PANTEL: Can I do that when we  
21 fully wrap up our testimony?

22 CHAIRMAN HOLTZMAN: Sure. Okay.  
23 Great.

24 Any other questions for the landscape  
25 architect?

1 Come on up.

2 MR. HENDERSON: I'm not sure if it's --

3 CHAIRMAN HOLTZMAN: Introduce yourself.

4 MR. HENDERSON: Mike Henderson, 1500  
5 Hudson Street.

6 MR. GALVIN: Mike, spell your last  
7 name.

8 MR. HENDERSON: H-e-n-d-e-r-s-o-n.

9 CHAIRMAN HOLTZMAN: Do you actually  
10 live there, Mike?

11 MR. HENDERSON: Just one thing I was  
12 seeing in the original public offering statement was  
13 a setback -- I'm sorry -- not a setback, a  
14 right-of-way between on the south end of the  
15 property --

16 CHAIRMAN HOLTZMAN: We are taking  
17 testimony about the landscape architecture.

18 MR. HENDERSON: Okay. I don't know if  
19 there's another professional that would speak to  
20 that.

21 MR. GALVIN: I think the engineer is  
22 getting up next, so you can ask him.

23 MR. HENDERSON: Okay. Great. Thank  
24 you.

25 CHAIRMAN HOLTZMAN: Any other questions

1 about the landscape architecture?

2 Okay. Great.

3 THE WITNESS: Thank you.

4 CHAIRMAN HOLTZMAN: Mr. Pantel, who is  
5 up next?

6 MR. PANTEL: Our traffic engineer is up  
7 next, Michael Maris

8 CHAIRMAN HOLTZMAN: So before Mr. Maris  
9 starts, I wanted to ask Mr. Stratton, Commissioner  
10 Stratton, as well as in his role as professional  
11 planner for the city, you had a meeting, and can you  
12 just give us a little fact story on that, because  
13 there is a letter that we want to introduce to the  
14 record as well?

15 COMMISSIONER STRATTON: At the  
16 conclusion of our last meeting, we presented a memo  
17 at the meeting without the applicant having the  
18 ability to see it. It was from myself to the  
19 Director of Transportation. We sent that to the  
20 applicant since our last meeting, and we have met  
21 twice with them, as well as the Director of  
22 Transportation, and the new memo that Gary is  
23 referencing that we'll enter into the record is  
24 basically a statement from myself to the Director  
25 that the applicant has satisfied or responded to the



1                   MR. GALVIN: Mr. Chairman, do we accept  
2 Mr. Maris' credentials as a professional traffic  
3 engineer?

4                   CHAIRMAN HOLTZMAN: Absolutely.

5                   MR. GALVIN: You may proceed.

6                   THE WITNESS: Thank you.

7                   Mr. Stratton said most of the things I  
8 was going to say, but I do want to present the plan.

9                   We did meet. We believe that we  
10 addressed many of the concerns, and the end result  
11 is this conceptual plan that I have shown over here  
12 with green showing what would be revised and what  
13 has been revised from the previous plan that you  
14 have seen.

15                  MR. PANTEL: Can you just identify that  
16 as Exhibit A-9 and tell the Board what that plan is  
17 titled?

18                  (Exhibit A-9 marked)

19                  THE WITNESS: It's titled A-9, and the  
20 title is Pedestrian Circulation Plan.

21                  MR. PANTEL: Could you put the date  
22 there under that A-9?

23                  THE WITNESS: Yes.

24                  COMMISSIONER PINCHEVSKY: Do you mind  
25 flipping it over, so it is consistent with the other

1 diagrams, rotating it 180 degrees?

2 One more.

3 CHAIRMAN HOLTZMAN: 90, 180, sold.

4 THE WITNESS: You are talking to an  
5 engineer --

6 (Laughter)

7 THE WITNESS: Okay.

8 Basically what you are seeing in green  
9 are the changes. If this is acceptable to this  
10 Board, they will be added to the site plans, along  
11 with the details that were requested by Mr. John  
12 Jahr, et cetera.

13 What we are doing first is we are  
14 starting out by relocating the pedestrian crossings  
15 at the intersection of Shipyard Lane and Sinatra  
16 North.

17 The purpose for the relocation, there's  
18 two reasons for it. One is putting it away from the  
19 curb reduces the crossing distance required by a  
20 pedestrian.

21 And two: It makes them conform to the  
22 current ADA standards that requires separate and  
23 again ramps for its cross -- therefore, the existing  
24 ones will be removed. New handicapped ramps will be  
25 provided.

1           Also, the driveway onto Shipyard Lane,  
2           which was always intended to be right in, right out,  
3           will now be -- the right in, right out will be  
4           enhanced in that we are shifting the driveway  
5           slightly to the south to get it further away from  
6           the pedestrian crossing, and we are proposing an  
7           island over there to enhance the right in right out,  
8           and there will also be signed only right permitted.

9           The other thing we are doing is, we are  
10          taking the loading area on Shipyard Lane, and we're  
11          making it shorter, approximately five feet, and the  
12          reason for that is to get it away from the  
13          intersection, reducing -- so that the trucks will  
14          not stop in the intersection.

15          I do want to point out that this curb  
16          on the island will be a mountable curb, so that  
17          vehicles can easily get in and out,

18          We are also painting sharrows along the  
19          roadways to make it clear that this will be shared,  
20          this roadway will be shared with bicyclists, and we  
21          are really enhancing the center line making sure  
22          that it is clear.

23          This pretty much summarizes what we  
24          have concluded, and it is our opinion that this will  
25          certainly enhance traffic flow or pedestrian traffic

1 flow in the area.

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

4 Mikey O., you guys have had a chance to  
5 review this, right, you and John Jahr, your traffic  
6 specialist and stuff?

7 MR. O'KREPKY: Yes, that's correct.

8 CHAIRMAN HOLTZMAN: And everything, you  
9 guys are good with all of the proposals, and it  
10 seems to --

11 MR. O'KREPKY: Yes, absolutely. It has  
12 been in conformance with everything that's been  
13 discussed, as well as John Jahr's extensive review  
14 of the traffic aspects of this application.

15 CHAIRMAN HOLTZMAN: Okay. Great.  
16 That's terrific.

17 Commissioners, any questions for Mr.  
18 Maris on the traffic?

19 Sure.

20 COMMISSIONER PINCHEVSKY: Just a minor  
21 question, but the crosswalk over Shipyard Lane, does  
22 that conflict with the doggie station that was just  
23 being proposed?

24 CHAIRMAN HOLTZMAN: Mr. Landscape --  
25 Karen -- Carman, I'm sorry, can we get your --

1                   COMMISSIONER PINCHEVSKY: Is it over to  
2 the side of that or --

3                   MR. CARMAN: The dog area was -- did  
4 not fall within that area where this is happening.

5                   COMMISSIONER PINCHEVSKY: I thought it  
6 was very close to the garage, so it would have  
7 seemed to be in the same place at the same time.

8                   MR. CARMAN: It is not. It is not.

9                   The black here is the existing previous  
10 location, which is what we're showing here, so the  
11 green had actually slid to the south.

12                   COMMISSIONER PINCHEVSKY: Okay. That's  
13 all.

14                   Thank you.

15                   CHAIRMAN HOLTZMAN: Mr. Stratton?

16                   COMMISSIONER STRATTON: I just wanted  
17 to add one of the things that we discussed was the  
18 northeast corner of the property and crossing to the  
19 waterfront from the northeast corner of the  
20 property, and what you are not seeing on the plan is  
21 something that we agreed upon.

22                   There is a guardrail there and a  
23 turning radius, and because the other side of the  
24 property is not owned by this applicant, and we  
25 didn't want to create an unsafe crossing condition,

1 we did not ask them to propose crossings, ADA ramps,  
2 or striping at that corner because it is a two-way  
3 travel lane, and we wanted to reduce pedestrian and  
4 vehicle conflicts, so that is one of the things  
5 you're not seeing on this plan, and that's something  
6 we discussed with Mr. Maris at the meeting.

7 CHAIRMAN HOLTZMAN: So basically  
8 because the property across the street is not  
9 developed or not anything in the near future, this  
10 is safer for now. In the future, there may be a  
11 better solution.

12 COMMISSIONER STRATTON: Well, correct,  
13 but our department and John Jahr from Maser  
14 Consulting and Mr. Maris are in agreement on it.

15 CHAIRMAN HOLTZMAN: Okay. Great.

16 We'll open it up to the public for any  
17 questions of the traffic engineer on the pedestrian  
18 safety issues.

19 MR. STERNLIEB: Robert Sternlieb, 300  
20 Washington.

21 CHAIRMAN HOLTZMAN: Just give us the  
22 spelling.

23 MR. STERNLIEB: S-e-r-n-l-i-e-b.

24 Caleb, did you just describe that there  
25 was going to be a railing here?

1 CHAIRMAN HOLTZMAN: No.

2 COMMISSIONER STRATTON: No. I

3 described across the street from there that there is  
4 an existing guardrail.

5 MR. STERNLIEB: Yeah. So here there is  
6 one. So is there a railing here --

7 CHAIRMAN HOLTZMAN: No.

8 MR. STERNLIEB: -- to prevent crossing?

9 THE WITNESS: No.

10 What Mr. Stratton was saying was there  
11 were discussions about putting pedestrian crossings  
12 over there, and we felt that there was not --

13 MR. PANTEL: When you say "over there,"  
14 you're referring where?

15 THE WITNESS: -- in the northeast  
16 corner. It was felt that that would not be a safe  
17 situation. There is a rail along the outside of the  
18 curb, just so you know.

19 MR. STERNLIEB: But there is nothing to  
20 prevent people from crossing from the --

21 CHAIRMAN HOLTZMAN: The same way that  
22 it currently exists, that there isn't something to  
23 prevent people from crossing. But what they are  
24 trying to do is to basically tell us, if and when  
25 the property across the street becomes the tennis

1 court that it's supposed to be and a park, that  
2 there is probably a better solution for a pedestrian  
3 crossing, but being that we are nowhere near that,  
4 these guys are telling us this is a much safer  
5 solution than putting people on the other side of  
6 the street where they are going to run into a  
7 guardrail.

8 MR. STERNLIEB: Understood, and I agree  
9 to that.

10 To that end, would it make sense to  
11 have a guardrail to try and prevent people from  
12 trying to cross? Like in the city and various  
13 places, they do have the fences in those certain  
14 areas to try and prevent people from crossing those  
15 dangerous locations.

16 CHAIRMAN HOLTZMAN: Right.

17 MR. STERNLIEB: And I think that may be  
18 a reasonable --

19 CHAIRMAN HOLTZMAN: I think this is one  
20 of those things where you got to throw it out there  
21 to see what happens. I don't think anybody wants  
22 fences along their curb line. If they had come and  
23 proposed that, you would probably be screaming back  
24 at us that you don't want fences, so what I'm going  
25 to suggest -- yeah, yeah, yeah, you wouldn't like

1 it, right --

2 MR. STERNLIEB: Maybe yes, maybe no --

3 CHAIRMAN HOLTZMAN: -- you know, come  
4 on.

5 So what I am going to suggest -- what  
6 I'm going to suggest is that this is one of those  
7 things, where our Board professionals give it a  
8 review six months after the building is operational,  
9 and they can come back to us and say, "Hey, you know  
10 what, this isn't working. We got to make some  
11 additional changes."

12 MR. STERNLIEB: Okay. That's perfectly  
13 fair. I wasn't making any judgments either way when  
14 Caleb suggested that. I thought it actually did  
15 make sense. I was not --

16 CHAIRMAN HOLTZMAN: No problem.

17 MS. FISHER: Tiffanie Fisher, 1500  
18 Hudson.

19 Mr. Maris, you talked about the  
20 northwest corner of the site.

21 Hum, what -- I guess, hum, given all of  
22 the entrances to the three buildings that's built  
23 into that -- into that intersection, do you think  
24 the one stop sign on Hudson is sufficient from a  
25 pedestrian safety standpoint?

1                   THE WITNESS: The standard is to have a  
2 stop sign on one approach.

3                   You technically cannot put more stop  
4 signs on other approaches unless they are  
5 warranted --

6                   MS. FISHER: But what --

7                   THE WITNESS: -- based on what the  
8 volumes that are out there, the stop signs should be  
9 on Hudson Street.

10                  MS. FISHER: The volumes of pedestrians  
11 or the volumes of cars?

12                  THE WITNESS: Well, you have seen the  
13 pedestrians run across the street over there, so  
14 there is certainly heavier on 15th Street, and the  
15 cars are also higher on 15th Street than they are on  
16 Hudson.

17                  So if I were to look at that, I would  
18 say put the stop sign on Hudson Street, facing  
19 Hudson Street.

20                  MS. FISHER: Where it is now?

21                  THE WITNESS: Correct.

22                  MS. FISHER: And is there -- what would  
23 prompt the requirement for additional stop signs on  
24 15th Street?

25                  THE WITNESS: You would have to do what

1 is called a multi-way stop sign warrant analysis.  
2 Those -- and those analyses take into consideration  
3 pedestrians, vehicles and bicycles and treat them as  
4 one unit, and they should meet a certain number. If  
5 they are below that number, a multi-way stop sign is  
6 not warranted. If they are before those numbers,  
7 multi-way stop signs can be installed, not  
8 necessarily have to be, but can be installed.

9 MS. FISHER: That type of analysis is  
10 not required under -- in this situation for the  
11 applicant to do that?

12 THE WITNESS: It is not an analysis we  
13 normally do.

14 MS. FISHER: Okay. It's not an  
15 analysis that you normally do.

16 Is it required -- I guess if it is --  
17 the question I have is: If all of those features  
18 are there, and some of them exist today, some of  
19 them are about to exist within the next 12 months at  
20 1400 Hudson, and some are going to exist a year or  
21 so later when it's open, is that enough of an  
22 assumption for somebody to say required for this  
23 analysis or for this application?

24 THE WITNESS: The word "required" is  
25 what I have a problem with.

1                   The city code does not require it. It  
2                   is not something we normally do when we do a traffic  
3                   impact study.

4                   MS. FISHER: Right.

5                   THE WITNESS: Now, and I might add, we  
6                   can say no multi-way stop sign -- we cannot say  
7                   multi-way stop sign unless it meets the warrant. Do  
8                   you follow me?

9                   MS. FISHER: Right.

10                  THE WITNESS: So it is not a matter of  
11                  putting them in, and if you want to remove them, you  
12                  have to do warrants --

13                  MS. FISHER: Do you know that -- I am  
14                  pretty sure that the city did one about a year and a  
15                  half ago, are you not aware?

16                  THE WITNESS: Not aware.

17                  MS. FISHER: Are you not aware of that?

18                  THE WITNESS: I'm not aware.

19                  MS. FISHER: Are you aware of that --  
20                  I'm sorry. You don't have to answer me. I'll go on  
21                  to the next question.

22                  My understanding is there is a --

23                  MR. GALVIN: You got to ask questions.

24                  MS. FISHER: I am going to ask a  
25                  question.

1 MR. GALVIN: No problem. Just checking  
2 on you. That's all.

3 (Laughter)

4 MS. FISHER: As a result of the prior  
5 application, there were a series of warrant studies  
6 on 15th Street--

7 THE REPORTER: I can't hear you.

8 MS. FISHER: Warrant studies,  
9 w-a-r-r-a-n-t.

10 MR. GALVIN: Let me just stop you for a  
11 second, because you need to have a series of  
12 warrants in order to be able to get a traffic light,  
13 is that how it works?

14 MS. FISHER: No. There are --

15 THE WITNESS: There are two --

16 MR. GALVIN: Wait, wait, wait.

17 I asked the question. I get the  
18 answer.

19 MS. FISHER: Okay.

20 THE WITNESS: There are two different  
21 warrant studies. One is for a multi-way stop sign  
22 and the other one is for a traffic signal.

23 The traffic signal is limited to  
24 vehicles. Pedestrian warrant studies are limited --  
25 I mean, stop signs look at three: Vehicles,

1 pedestrians and bicycles. So what she is referring  
2 to I believe is a multi-way stop sign --

3 MR. GALVIN: Thank you.

4 I just learned something. I didn't  
5 know that you did it for a multi-traffic stop --

6 THE WITNESS: They are two different  
7 things.

8 MS. FISHER: Hum, if the warrant study  
9 that was done for this corner at the time suggested  
10 that it didn't require stop signs, but the numbers  
11 were fairly close, the pro forma for these two  
12 buildings that didn't exist at the time, could you  
13 surmise that maybe we would need multiple stop  
14 signs?

15 THE WITNESS: You would have to make  
16 projections. I'd --

17 MR. PANTEL: By the way, you are asking  
18 the witness to answer what might be the case if the  
19 current analysis were quote, unquote, close. I  
20 don't know what it means to be close. I think it's  
21 really too hypothetical. It's like one hypothetical  
22 on top of another. I don't think he can rationally  
23 answer that.

24 MR. GALVIN: Can I jump in?

25 CHAIRMAN HOLTZMAN: Please do.

1                   MR. GALVIN: You know, I just want to  
2 say this. I think it is my understanding and I only  
3 understand -- and, Mike, you can help me if I go  
4 astray here.

5                   My understanding with traffic lights is  
6 you can't have a traffic light unless the state  
7 authorizes it, and you only can only be authorized  
8 if you have the warrants --

9                   THE WITNESS: Correct --

10                  MR. GALVIN: -- that the warrant study  
11 is effective --

12                  THE WITNESS: -- technically we are not  
13 permitted to design and sign plans for a traffic  
14 light unless it meets the warrants.

15                  MR. GALVIN: Is it the same thing for a  
16 multi-way stop?

17                  THE WITNESS: Yes, it is.

18                  And, in fact, the county when we had  
19 recommended a multi-way stop at another location in  
20 Hoboken with a county roadway, the county asked us  
21 to do a warrant and a stop -- a multi-way warrant  
22 analysis and it did make it at the county --

23                  MR. GALVIN: So wouldn't the better  
24 answer be that even if it close, if it doesn't  
25 achieve the warrants, you can't do it?

1 THE WITNESS: That's the standard, yes.

2 MR. GALVIN: Okay.

3 MS. FISHER: For clarity, I know that  
4 if the warrant study doesn't result in whatever the  
5 levels are, you can't have a stop sign. That's why  
6 there is no other stop signs there.

7 The question I guess I had is: What  
8 would you think are the largest contributors to the  
9 increase of pedestrians, the increase in lights in  
10 the corner? Is it buildings or is it just something  
11 else?

12 THE WITNESS: Many things. Vehicles,  
13 buildings, development, everything.

14 MS. FISHER: All right.

15 Thanks.

16 CHAIRMAN HOLTZMAN: Any other questions  
17 for the traffic engineer?

18 MS. VAN DOORN: Yes. What --

19 MR. GALVIN: State your name, and you  
20 have to spell your last name every time.

21 MS. VAN DOORN: Oh, every time?

22 MR. GALVIN: Yes, because she has a  
23 hard enough time --

24 THE REPORTER: I can't hear her with  
25 the fan on.

1 MR. GALVIN: You have to speak up.

2 MS. VAN DOORN: Van Doorn, V-a-n space  
3 D-o-o-r-n.

4 MR. GALVIN: Go ahead. Sorry, and I do  
5 that to everybody every night of the week, so...

6 MS. VAN DOORN: I'm just wondering, you  
7 are having a -- you talked about not having a  
8 guardrail, and the reason for that was for safety --  
9 was the idea is having one across the street for  
10 safety?

11 THE WITNESS: The issue was not  
12 whether, when we met with Mr. Stratton whether we  
13 should have a guide rail.

14 The issue was whether there should be  
15 additional pedestrian crossings, and we felt that  
16 that would be unsafe because of the curvature of the  
17 roadway.

18 The fact that there is a guide rail  
19 there, it just exists.

20 MS. VAN DOORN: Okay. And where --  
21 sorry -- where is the entrance to the parking?

22 THE WITNESS: There's an entrance here  
23 and an entrance here.

24 MS. VAN DOORN: That is two-ways or  
25 one-way when it comes out?

1 THE WITNESS: Two-way. This one  
2 permits left and right turns.

3 This one will permit only right turns.

4 MR. PANTEL: The entrance on Shipyard  
5 Lane.

6 MS. VAN DOORN: Shipyard is only this  
7 way --

8 THE REPORTER: I can't hear what you're  
9 saying.

10 CHAIRMAN HOLTZMAN: You guys are  
11 terrible tonight --

12 MR. PANTEL: The entrance on Shipyard  
13 Lane permits only a right turn --

14 CHAIRMAN HOLTZMAN: -- hey, Glenn, talk  
15 towards us so that we can hear you.

16 THE WITNESS: The -- you can only have  
17 right turns in and out because it is one way  
18 southbound. There's nothing else you can do.

19 MS. VAN DOORN: Okay. So then the  
20 traffic can get into -- or has to come out only,  
21 that is the exit only?

22 THE WITNESS: Well, they can get in and  
23 park and get out. But if they get out, they can  
24 only make a right turn, or they can get out onto  
25 Hudson.

1 MS. VAN DOORN: So the likelihood is  
2 that cars will have to come across 15th Street and  
3 make a right turn to get into their parking garage,  
4 if they want to come out, right?

5 THE WITNESS: That's possible. They  
6 could also make a left turn onto Hudson and a left  
7 turn -- they have options.

8 MS. VAN DOORN: I know. I was just  
9 thinking of the traffic flow, just looking for the  
10 stop sign to make sense.

11 Okay. Thanks.

12 CHAIRMAN HOLTZMAN: Thank you.

13 Any other questions for the traffic  
14 engineer?

15 Okay. Who is up next, Mr. Pantel, or  
16 is that the whole team?

17 MR. PANTEL: Our land planner on  
18 variances --

19 CHAIRMAN HOLTZMAN: Oh, Of course, I'm  
20 sorry.

21 MR. PANTEL: -- Thomas John Chadwick,  
22 and that would be our last witness.

23 (Board members confer)

24 CHAIRMAN HOLTZMAN: Mr. Pantel, we  
25 would actually like to have the engineer come up,

1 Mr. Pantel, before the planner kind of concludes --

2 MR. PANTEL: Yes.

3 CHAIRMAN HOLTZMAN: -- we would like  
4 the engineer come up.

5 MR. PANTEL: Sure. We certainly can do  
6 that.

7 Todd Hay is our engineer who testified  
8 at the prior hearing.

9 CHAIRMAN HOLTZMAN: Do we need to swear  
10 Mr. Hay in?

11 MR. GALVIN: No. You are still under  
12 oath, right?

13 MR. HAY: Yes.

14 CHAIRMAN HOLTZMAN: He's still under  
15 oath. Okay.

16 T O D D M. H A Y, having been previously sworn,  
17 testified further as follows:

18 CHAIRMAN HOLTZMAN: So at our last  
19 meeting, Mr. Hay, you had provided us with some  
20 testimony that I found to be after the meeting  
21 rather troubling.

22 You told us in no uncertain terms that  
23 you far exceeded the requirements from the North  
24 Hudson Sewerage Authority. I have come to later  
25 learn that you have no requirement from the North

1 Hudson Sewage Authority with regard to stormwater  
2 outflow since you are in the waterfront area, and  
3 all of your stormwater will be directed directly  
4 into the Hudson River.

5 THE WITNESS: That is correct, yes.

6 CHAIRMAN HOLTZMAN: So how is it and  
7 why is it that you were so disingenuous, and I think  
8 that is being kind, with your testimony before this  
9 Board the last time?

10 THE WITNESS: Mr. Chairman, I don't  
11 think I was being disingenuous, I'll say that.

12 I can tell you that I thought I  
13 articulated to the Board that it would be a direct  
14 discharge somewhere to the last application, and I  
15 do put that on the record that I did say that.

16 If I didn't yet become a little bit  
17 more forthcoming about how it would discharge into  
18 the cove, again, I apologize, but I thought it was  
19 very clear on the plans that it was emptying into  
20 the same location that we had when we testified  
21 about Building 8.

22 CHAIRMAN HOLTZMAN: You are quite aware  
23 of this Board's obsession with stormwater  
24 management, right?

25 THE WITNESS: Yes, I do, very much so

1 in terms of what I performed in the last application  
2 and what we performed on this application, that is  
3 correct.

4 CHAIRMAN HOLTZMAN: Mr. Magaletta,  
5 anything to offer?

6 VICE CHAIR MAGALETTA: Well, we have a  
7 transcript from the last time you testified, and in  
8 response to Commissioner Stratton, he asked you --  
9 this is on Page 133 of the transcript, starting at  
10 Line 11:

11 "Commissioner Stratton: -- does this  
12 application comply with the North Hudson Sewerage  
13 Authority's requirements?

14 "The Witness," and that's you: "The  
15 application will comply with the North Hudson  
16 Sewerage Authority permit requirements, although the  
17 DEP regulations do supersede it, they will comply."

18 I will stop there. So that is  
19 confusing to me. I mean, I feel misled, to be  
20 perfectly honest. It seems like you are saying,  
21 we'll take care of -- North Hudson Sewerage, they  
22 talk about sewerage, so whatever dumps in, all the  
23 water comes in, they take care of it.

24 So you're saying you will exceed that,  
25 but here it sounds like now we're hearing you're not

1 exceeding it --

2 THE WITNESS: You know, I apologize,  
3 but I think, you know, but just to make sure that  
4 you understand -- I don't need that -- so you  
5 understand when we were talking about that, we were  
6 talking about the actual sewerage flow, sanitary  
7 sewerage flow, not stormwater.

8 So if I didn't understand, you know  
9 what one of the Commissioners said, my apologies,  
10 that's number one. I certainly didn't want to  
11 mislead the Board, and I would not do that.

12 What I would say is that when the  
13 question was asked of me, I was thinking about  
14 sanitary sewerage. We did have several issues with  
15 the last building concerning sewerage. I wanted to  
16 make sure I articulated for sanitary sewage, we  
17 would be dumping into the combined sewer system.  
18 But for stormwater, it would be a direct discharge  
19 into the river.

20 VICE CHAIR MAGALETTA: Well, I'll  
21 correct you even further then. Let's go to Page  
22 132, Line 3. This is you testifying:

23 "Because we have to do a permit very  
24 similar to what we did with Building E, what we are  
25 going to build with Building D relevant to DEP and

1 the waterfront development permit, we still have to  
2 meet the rules of NJAC 7:8 in terms of providing  
3 stormwater," period.

4 So that is the page before it, so it  
5 seems like consistent you are talking about  
6 stormwater, and now you are saying you meant  
7 sewerage.

8 THE WITNESS: Well, again, I want to  
9 make sure that I articulate this. You know, I've  
10 appeared before this Board many times in the last 15  
11 years. I am not going to go ahead and say that I  
12 was going ahead and confusing both. I just want to  
13 simply answer the question about North Hudson  
14 Sewerage Authority.

15 Yes, North Hudson Sewerage Authority,  
16 we had to meet the regulations with the last  
17 application. The same thing applies with this  
18 application when it pertains to just sewage.

19 But as far as stormwater is concerned,  
20 as I mentioned before, it was identical in terms of  
21 direct discharge into the river, so we are doing the  
22 same exact thing. There's no deference. The  
23 difference is that we have to apply waterfront  
24 development permit application requirements as  
25 opposed to the flood hazard from the last

1 application.

2 But I wanted to make sure that the  
3 Board also understood, and again I'll put it on the  
4 record, that we are going for an amended waterfront  
5 development permit, which is a little bit different  
6 than the application in that we have to still meet  
7 NJAC rules requirements with stormwater management,  
8 very similar to the last one.

9 The difference is that with this  
10 application, you have a certain amount of impervious  
11 coverage with this -- and the pervious coverage from  
12 the existing conditions, the entire site is  
13 impervious.

14 This time you are introducing green  
15 roofs as well as your tree wells that are going to  
16 reduce that impervious coverage. And again, with  
17 the rules and regulations from our discussions with  
18 the DEP, you do not have to meet any regulations  
19 when it turns to stormwater management as if there  
20 is no requirements, and I did obviously speak to  
21 Andy concerning that, and he agreed with me when we  
22 prepared the stormwater management report.

23 VICE CHAIR MAGALETTA: So you are  
24 saying that any stormwater that comes into the  
25 system, even though it may be slowed down, it goes

1 right into the Hudson?

2 THE WITNESS: That's correct.

3 VICE CHAIR MAGALETTA: None of it goes  
4 into the sewerage authority?

5 THE WITNESS: No.

6 And, again, I want to make sure I  
7 articular it, because I thought when I prefaced it  
8 when I got to stormwater, I said this is very  
9 similar, almost identical, in terms of how we are  
10 going to have stormwater discharging into the river,  
11 so that's -- but I said the permit -- there is a  
12 difference in the permit in terms of this being a  
13 permit, you've been told by DEP that we need to do  
14 an amended permit for waterfront development from  
15 our previous plan.

16 CHAIRMAN HOLTZMAN: Mr. Stratton, any  
17 questions with regard to the stormwater?

18 I know this is something that we at the  
19 last meeting discussed at length and we wanted to  
20 clear up this confusion.

21 COMMISSIONER STRATTON: Yes. It is  
22 much more clear now.

23 CHAIRMAN HOLTZMAN: Thank you.

24 Mr. Doyle, anything?

25 COMMISSIONER DOYLE: No.

1                   CHAIRMAN HOLTZMAN: Mr. Magaletta,  
2 anything else, or you're satisfied that it is on the  
3 record?

4                   VICE CHAIR MAGALETTA: Yes.

5                   CHAIRMAN HOLTZMAN: Thank you. Thank  
6 you, Mr. Hay.

7                   THE WITNESS: Thank you, Board.

8                   MR. PANTEL: Thank you.

9                   MR. GALVIN: Oh, I have a question.

10 Sorry. Change gears.

11 Talk to us about the NFAs.

12                   THE WITNESS: I'm sorry?

13                   MR. GALVIN: No Further Action?

14                   THE WITNESS: No Further Action for the  
15 environmentalals?

16                   MR. GALVIN: Yes. I had a couple of  
17 things on that. I have a condition that we were  
18 kicking around, and Glenn was suggesting that I  
19 should eliminate it, and I had: The applicant --

20                   CHAIRMAN HOLTZMAN: Go ahead.

21 I think, Mikey, can you get us up to  
22 speed because I know that we -- Joe Torlucci, the  
23 LSRP that's been working with us previously, had  
24 some additional documents, so can you get us up to  
25 speed as to what has been happening behind the

1 scenes here?

2 MR. O'KREPKY: Yes.

3 We requested additional documentation  
4 from the applicant regarding No Further Action  
5 letters that were presented in respect to this  
6 application.

7 CHAIRMAN HOLTZMAN: These are No  
8 Further Action letters from the DEP?

9 MR. O'KREPKY: That's correct.

10 CHAIRMAN HOLTZMAN: Okay.

11 MR. O'KREPKY: The No Further Action  
12 letters were dated, and I'm going off memory, I  
13 think one was 1990 -- late '90s, and the other one  
14 was early 2000.

15 So our LSRP, Joe Torlucci, reviewed the  
16 NFA documents, and came to the conclusion the best  
17 way for us to properly analyze the information was  
18 to obtain the information that the NFAs were based  
19 on.

20 The applicant has -- we requested that  
21 same information from the applicant. Some of that  
22 information was supplied, but not all of it, and  
23 based on my discussion with Joe back and forth, Joe  
24 Torlucci, of Maser Consulting, it's our opinion that  
25 these items can be addressed as a condition of

1 approval but nevertheless are very important and  
2 shall be supplied.

3 CHAIRMAN HOLTZMAN: So Joe gave me a  
4 little bit of a lesson on this, and please, I hope I  
5 get this right, because this gets technical pretty  
6 quickly, but we've got like a 25-year-old No Further  
7 Action letter.

8 MR. O'KREPKY: Correct.

9 CHAIRMAN HOLTZMAN: The problem is in  
10 that letter, it doesn't tell us what the heck, and  
11 there is a deed restriction. I think that's an  
12 important thing to get on the record, that along  
13 with that No Further Action, there's a deed  
14 restriction that says some environmental action may  
15 be required or --

16 MR. O'KREPKY: Environmental action  
17 shall be required for any residential development.

18 CHAIRMAN HOLTZMAN: But unfortunately,  
19 it doesn't tell us what the underlying problem  
20 was --

21 MR. O'KREPKY: Correct.

22 CHAIRMAN HOLTZMAN: -- and it doesn't  
23 tell us what the solution is in terms of what level  
24 of capping because this Board has seen low levels of  
25 capping that are fairly sort of standard and we've

1       seen very advanced technical ones also.  So that's  
2       the problem, because we got a letter that says no  
3       further action required, but there's a deed  
4       restriction, but it doesn't give us the back story,  
5       and what you're looking for is the back story.

6                   MR. O'KREPKY:  The back story, so we  
7       can understand what is required to move forward,  
8       also, you know, I want to point out that any type of  
9       application or any type of action with the DEP would  
10      be required by the applicant as part of the DEP  
11      process to notice Hoboken by certified mail, that  
12      any actions were being taken, so it is required that  
13      they notice.

14  
15                   CHAIRMAN HOLTZMAN:  Now there is  
16      assumptions, but no specific confirmation of the  
17      following, which is the assumption is that the  
18      underlying problem was what is referred to as  
19      historic fill.

20                   MR. O'KREPKY:  Correct.

21                   CHAIRMAN HOLTZMAN:  And the historic  
22      fill is not necessarily an environmental disaster,  
23      but can be usually mitigated with a concrete  
24      foundation and no residential on the first floor,  
25      and that's --



1 of the property years ago submitted information to  
2 the New Jersey Department of Environmental  
3 Protection, and the -- otherwise known as the DEP --  
4 the DEP at that time issued a letter of NFA, No  
5 Further Action, NFA based on that information that  
6 was submitted to them.

7 The NFAs are very -- as you clearly  
8 outlined, aren't specific. The base information  
9 that was submitted or the applicant information that  
10 was submitted at that time will give us the full  
11 picture of what has to be done, and that is what we  
12 are looking for.

13 Is that clear?

14 CHAIRMAN HOLTZMAN: Yeah.

15 Is that something that is reasonable  
16 for us to expect, that they can produce since they  
17 didn't own the property probably 25 years ago when  
18 that transaction occurred?

19 MR. O'KREPKY: Yes, it is. It does  
20 require some foot work, but the DEP, you know,  
21 they're not electronically filed, the applicant, the  
22 current applicant before us, can access these files  
23 in Trenton, and 25-year-old files, I've accessed  
24 files much older than that.

25 CHAIRMAN HOLTZMAN: Okay.

1                   MR. O'KREPKY: So this information  
2 would be available to them.

3                   CHAIRMAN HOLTZMAN: So it's a bit of a  
4 pain in a neck because it's not electronic so you  
5 can't search in a data base, but somebody can go and  
6 get it?

7                   MR. O'KREPKY: That has been my  
8 experience, yes, in every application that I worked  
9 on with DEP.

10                  CHAIRMAN HOLTZMAN: Great.

11                  MR. PANTEL: What I would like to add  
12 to that is that there is only one DEP in this state,  
13 as the state, that municipality, that we have to  
14 comply with the DEP. DEP regulations on  
15 environmental clearly preempt any local oversight  
16 over what NFAs are and what they mean and what they  
17 don't mean, and what you have to do to comply with  
18 the deed restriction. It is all exclusively a  
19 matter of DEP jurisdiction.

20                  As was just noted by your engineer, the  
21 city is entitled to get notice of disturbance in  
22 accordance with a deed notice. Obviously, we will  
23 give you notice of that, but we shouldn't have to be  
24 in a situation where -- bearing in mind, the NFA is  
25 a very powerful document. It is the touchdown that

1       you get when you finally get over the goal line, and  
2       you satisfy the DEP. It is not just a matter of  
3       providing information to the DEP and getting this  
4       piece of paper back called an NFA. You have to go  
5       through a very exhaustive oversight review and  
6       remediation process, et cetera, to end up typically  
7       with an NFA.

8                        So that we did provide to Mr. Galvin  
9       and to Maser groundwater and soil NFAs for this  
10      project, so I really don't think that we need to  
11      have another condition of approval that requires  
12      that the city open up that whole DEP file and decide  
13      whether or not they are satisfied with NFAS. NFAS  
14      were issued --

15                      MR. GALVIN: I think there's a  
16      mischaracterization --

17                      MR. PANTEL: -- were complied --

18                      MR. GALVIN: -- with all due respect, I  
19      think there's a mischaracterization there. I don't  
20      think that we are trying to do what you are  
21      suggesting.

22                      We want to know that -- we double  
23      checked the information that you gave us, and we  
24      saw -- they saw a report, and the LSRP said that  
25      there were some open items. They're a little

1 confused as to why the NFAs were issued. I think we  
2 would like to know if everything was done properly.  
3 I think that's not -- we are not supervising it. We  
4 want to make sure that -- we want to know what's out  
5 there. We want to make sure we're doing the right  
6 thing.

7 MR. O'KREPKY: To clarify one of the  
8 items that wasn't quite clear is the exact coverage  
9 of the NFAs, which properties were covered by which  
10 document. That was one of the issues that we needed  
11 clarity on.

12 CHAIRMAN HOLTZMAN: Because this used  
13 to be a larger industrial site, and it was  
14 subdivided up.

15 MR. O'KREPKY: Many properties, yes.  
16 So that is one of the items that has to be  
17 clarified.

18 CHAIRMAN HOLTZMAN: So we got that on  
19 our list, so we're going to work through that.

20 Mr. Pantel, why don't we proceed with  
21 the planner --

22 MR. PANTEL: We can revisit the  
23 conditions when we get there.

24 CHAIRMAN HOLTZMAN: Yup.

25 COMMISSIONER DOYLE: Mr. Chairman?

1 CHAIRMAN HOLTZMAN: Yes, Mr. Doyle.

2 COMMISSIONER DOYLE: If I had a --  
3 before -- I would ask Mr. Pantel if I had a question  
4 about the green roof, who would you prefer that be  
5 directed to before --

6 MR. GALVIN: That's why -- I've been  
7 trying to hold Mr. Chadwick off because I want to  
8 make sure that you got all of your loose ends done.

9 MR. PANTEL: Yes. No, I appreciate  
10 that.

11 MR. GALVIN: All right.

12 MR. PANTEL: Just a question about  
13 computation --

14 CHAIRMAN HOLTZMAN: I think Jim is  
15 asking a question more about roof coverage and  
16 things of that nature, not necessarily the  
17 landscaping itself.

18 COMMISSIONER DOYLE: You said  
19 computation.

20 MR. PANTEL: Computation.

21 CHAIRMAN HOLTZMAN: Right, yeah.

22 COMMISSIONER DOYLE: Math, okay.

23 CHAIRMAN HOLTZMAN: Math, yes.

24 Maybe that's Dean?

25 MR. PANTEL: That would be Dean.

1 D E A N M A R C H E T T O, having been previously  
2 sworn, testified further as follows:

3 COMMISSIONER DOYLE: There was  
4 testimony at the last hearing about the green roof  
5 coverage and whether that qualified for the 50  
6 percent, et cetera.

7 THE WITNESS: Yes.

8 COMMISSIONER DOYLE: So I went back and  
9 looked to see if my recollection was intact, and,  
10 you know the ordinance reads that where a green roof  
11 is installed over at least 50 percent of the roof  
12 surface, an upper roof deck may cover the remaining  
13 available roof area.

14 My understanding of that is that you  
15 cover 50 percent of the roof, and then in the  
16 remaining 50 percent, you can have your air  
17 conditioners, you know. You can have your HVAC  
18 units. You can have your bulkhead for your  
19 staircase. You could have whatever -- however you  
20 choose to do that.

21 So in this instance, you have chosen to  
22 seek a variance to exceed the 10 percent semi  
23 bulkhead to 20 percent or 21 percent, and my point  
24 at the last meeting was that is your prerogative,  
25 but that falls within your other 50 percent. You

1 put a 50 percent green roof and you fit the rest of  
2 what you want on the roof in that other 50 percent,  
3 so if you choose to have a 20 percent bulkhead, and  
4 I'm not sure of the term you are using for this  
5 structure, then you only have 30 percent left for  
6 your green roof -- for your deck because 20 and 30  
7 equals 50.

8 Your reply, you know, logically was no,  
9 the roof of this structure, this bulkhead, counts  
10 towards the green roof, and so that is not how I see  
11 it.

12 I mean, clearly if you were seeking a  
13 bulkhead that was 80 percent of the -- we would be  
14 saying you have another floor, this is not a  
15 bulkhead. Bulkheads are defined in the ordinance as  
16 there's a bulkhead for a staircase. There's a  
17 bulkhead for an elevator. There's no bulkhead for a  
18 powder room and a storage area for lawn chairs.

19 So whether this 20 percent structure is  
20 another floor, I am not trying to push you into a  
21 height variance, you know, a further height  
22 variance, but I am saying, you chose to use some of  
23 your 50 percent that you could make into a roof  
24 deck, and you chose to make it into a structure that  
25 is a powder room and a storage area, and so in my

1 view, you need a variance for not satisfying the  
2 roof ordinance, and we acknowledge, I think it's a  
3 good thing that the cover -- I mean, this is -- just  
4 for the record, we're talking about 11,000 square  
5 feet, the entire roof area, so this 20 percent is --  
6 I have it somewhere -- you know, it's 20 -- it's  
7 2,300, some number square foot. This is not an  
8 insignificant little bulkhead. It's bigger than my  
9 house by far, so you know, that's your -- that's the  
10 bulkhead on the roof --

11 (Laughter)

12 -- and so I think you got one or the  
13 other.

14 CHAIRMAN HOLTZMAN: Okay.

15 Dave, could you just sort of -- there  
16 is a lot of information there that Jim just threw  
17 out. Can you kind of --

18 MR. ROBERTS: Yeah, just because this  
19 was an item that was raised at the last hearing, and  
20 we effectively said we would get back to the Board,  
21 and that is one of the reasons why I should be --  
22 follow-up memo last week for this meeting -- I had  
23 actually looked at the ordinance myself, and then  
24 conferred with the zoning officer because  
25 effectively since this ordinance is relatively new,

1       it's probably less than a year old, this is the  
2       first time we had a situation with an area when you  
3       look at the standards that were regulating roof  
4       decks, they were talking about upper and lower roof  
5       decks, and the upper roof is defined uppermost roof  
6       of the building, where presumably you have a deck.

7                So when we looked at that standard for  
8       upper decks, upper roof decks and upper roofs, it  
9       made reference to the fact that you could exceed, as  
10      Jim just decided, you could exceed that maximum of  
11      35 or 30 percent, whatever, a roof deck as long as  
12      you had 50 percent green roof.

13               So the question then was how do we  
14      measure or calculate the surface area of the green  
15      roof portion, given the fact that we have this  
16      penthouse effectively, so it's an enclosed area that  
17      has the bathroom and the storage area and elevator,  
18      a machinery penthouse and a little bigger than  
19      usual, and it's big enough so that the roof could  
20      actually be as covering -- as part of the green  
21      surface area.

22               In looking at the ordinance, there's  
23      two places where that 50 percent is covered. One is  
24      in the upper roof deck, and the other is the  
25      description of basically the white roof and the

1 green roof. The green roof section talks about and  
2 it prefaces it by saying that we are trying to  
3 encourage green roofs.

4 So effectively what we ended up coming  
5 up with, because there wasn't any specificity in the  
6 ordinance about what would be deducted from that  
7 area, we came up with that you start with the  
8 footprint of the upper roof, and then you calculate  
9 the surface area of the green and it should equal 50  
10 percent of that roof area.

11 In that regard, since there wasn't  
12 anything in the ordinance to say that we should  
13 deduct for bulkheads or other structures, which  
14 there is in other standards that I looked at, for  
15 example, the LEED -- the LEED standards generally on  
16 green roofs tell you to calculate the outer  
17 footprint of the entire building of all of the  
18 roofs, subtract all of the bulkheads and all of the  
19 areas that are appurtenances on the roof, and then  
20 take a percentage of what's left. We don't do that  
21 in our ordinance.

22 So we came to the conclusion that we  
23 would take the upper roof footprint, and what I did  
24 was I noted in the diagram that's attached to the  
25 letter that I sent last week, there were two

1 rectangular areas on the roof, and they're  
2 referenced on the roof plan as cooling towers --

3 CHAIRMAN HOLTZMAN: Let me stop you one  
4 second.

5 Dean, do you have a full set of plans  
6 here tonight?

7 Obviously, this conversation about the  
8 roof could use a roof plan, if we can get that up.

9 I'm sorry, Dave. Go ahead.

10 MR. ROBERTS: Yeah. And just so the  
11 Board -- on the last page of my letter, there is a  
12 diagram that is what was submitted to us when we  
13 were -- since the last meeting to use as a basis of  
14 evaluation, and you will note, if you have that last  
15 page, you will note that those two rectangular areas  
16 are shown in the gray area, and they're also shown  
17 in the area that's calculated as green.

18 What we did was scale -- since those  
19 are marked as cooling towers, and they're -- they  
20 were considerable surface areas, we deducted those  
21 from the overall calculation. You can see them on  
22 the rendering --

23 CHAIRMAN HOLTZMAN: So, Dave, what's  
24 your -- what's your guidance for us?

25 What is your direction that you want to

1 give to the Board here?

2 MR. ROBERTS: Based on this at this  
3 point, what we said, if their calculation was based  
4 on the area they've shown as green and the area they  
5 show as roof deck, that it was at 52.3 percent  
6 green.

7 When you deduct the following cooling  
8 tower areas, which I scaled off the plan, at roughly  
9 16 feet by I think it was -- 7 by 18 -- right, and  
10 you multiply it by two and subtract that, you're  
11 right at 50 percent.

12 So my recommendation for the Board  
13 would be that they have at least, and it's 50  
14 percent of 11,118 square feet, which is the total  
15 footprint, that we have a condition in the  
16 resolution saying that they have at least, I think  
17 it is 5,594 square feet minimum roof area to be  
18 green. And that way when we get to the point where  
19 we have more detailed calculations of these  
20 individual areas, we have a limit that we can look  
21 to, to make sure that we have at least much on the  
22 roof, and that would get them to the 50 percent, so  
23 that they would be able to have more than 30 percent  
24 roof deck.

25 If they have to take -- if they have to





1 maybe it will be in the future --

2 CHAIRMAN HOLTZMAN: I think that it  
3 will.

4 COMMISSIONER DOYLE: -- but I can tell  
5 you that the committee that worked on interpreted it  
6 to mean 50 percent green, and you fit the rest that  
7 you want in the other 50 percent, so --

8 CHAIRMAN HOLTZMAN: Okay. I think  
9 we -- I'm sorry to cut you off --

10 COMMISSIONER DOYLE: -- I don't know  
11 how we resolve this other than I guess I can, you  
12 know --

13 CHAIRMAN HOLTZMAN: Drop back 15 and  
14 punt.

15 COMMISSIONER DOYLE: Excuse me -- okay.

16 (Laughter)

17 CHAIRMAN HOLTZMAN: Okay.

18 So I think what we got as an underlying  
19 problem also is the ordinance is still getting  
20 flushed out and perhaps needs some addition language  
21 as to what we do with rooftop appurtenances and how  
22 big do they get before they become -- your point is  
23 well taken -- almost an entire floor.

24 COMMISSIONER DOYLE: And there's no  
25 instruction in the ordinance on that issue --

1                   CHAIRMAN HOLTZMAN: Right. There's  
2 none whatsoever, so that's something that we have to  
3 send to the administration as a recommendation that  
4 that language needs to be, you know, more specific  
5 so we know how to work with it here.

6                   Any opinion, Mr. Magaletta? You see  
7 the dilemma here?

8                   I see the dilemma. I take Jim's point.  
9 I think that Jim is always great at reading the  
10 letters on the page on the four corners.

11                  On the other hand, I think this is one  
12 of those scenarios where I look at it and my eye  
13 says as long as Dave tells me if they have to play  
14 some games with moving some of the sizes of the  
15 decks around to make sure that when you take out the  
16 cooling towers, you still get your 5,000 plus  
17 whatever the feet exactly was --

18                  MR. ROBERTS: 50 percent of --

19                  CHAIRMAN HOLTZMAN: -- I still think  
20 we're on a win situation that we've got 50 percent  
21 of the roof green even though it's a little  
22 squirrely as to how we got there using the bulkhead.

23                  VICE CHAIR MAGALETTA: I think there is  
24 a problem with it because it's a misuse of the  
25 bulkhead.

1                   I am not -- I am not maligning you when  
2                   I say that. I'm saying the bulkhead, as we've said,  
3                   it should be for mechanicals and things like that,  
4                   not for usable space. I mean, at some point if you  
5                   have, I don't know a full shower and a changing  
6                   room, so it becomes something more than simply a  
7                   bulkhead, it becomes part of the residence, and I  
8                   think the ordinance doesn't call for that. So  
9                   that's why I am actually quite torn about this  
10                  honestly.

11                  MR. GALVIN: Well, let me add this.

12                  I mean, I think Mr. Roberts has made a  
13                  very careful study of this, but if it is big, if you  
14                  think it's big, then this Board can't make that  
15                  determination.

16                  VICE CHAIR MAGALETTA: I'm not saying  
17                  it's big. I'm just saying that I think that if you  
18                  look at the ordinance, the ordinance doesn't permit  
19                  what they're trying to do here, and I think that's  
20                  not vague --

21                  COMMISSIONER DOYLE: And I don't think  
22                  it's vague --

23                  (Laughter)

24                  -- but --

25                  MR. GALVIN: No, no. But what we're

1 saying -- I got your point --

2 THE WITNESS: This is a nuance in the  
3 language. It's a nuance in the language.

4 The intent is to put 50 percent of that  
5 roof as water absorbing, a rain absorbing green roof  
6 to prevent over storm surge down below. This  
7 accomplishes that.

8 If we were to take this out and put 50  
9 percent, like Concilman Doyle says, then this  
10 wouldn't be green, and you'd still get 50 percent,  
11 so I don't know what is accomplished by interpreting  
12 it another way.

13 COMMISSIONER DOYLE: First of all, I  
14 asked you -- I suggested that you need a variance.  
15 I didn't suggest that this is a bad way to go.

16 Number two, I know what Mr. Galvin will  
17 be saying in a moment is this is a precedent in my  
18 mind. If the next one comes along and says, okay,  
19 well, you know, it's 35 percent of the roof, and  
20 that's part of our green roof, I would say that is  
21 another -- you can't have it both ways. It's either  
22 another story or you got a hundred percent, or it's  
23 not another story, and it's part of the other --

24 CHAIRMAN HOLTZMAN: Mr. Galvin?

25 Hold on, hold on, hold on.

1                   MR. GALVIN: Councilman Doyle has  
2 anticipated what I would say, which is in zoning, we  
3 take each case on its own merits. So if we blow it  
4 on this one, we're not going to blow it on the next  
5 one.

6                   CHAIRMAN HOLTZMAN: Mr. Jacobson, you  
7 wanted to make a comment there about the stormwater,  
8 where it actually goes?

9                   COMMISSIONER JACOBSON: Right.

10                   I mean, in this case the benefit of the  
11 green roof is relatively minimal because the  
12 stormwater drains directly to the Hudson River and  
13 attenuating the rate of that relative to the flow of  
14 the Hudson River is --

15                   CHAIRMAN HOLTZMAN: Not much.

16                   (Laughter)

17                   THE WITNESS: Maybe they don't need a  
18 green roof. Maybe some day the storm sewer might be  
19 separated and be not, you know, won't be a combined  
20 sewer or --

21                   CHAIRMAN HOLTZMAN: Your stormwater  
22 doesn't go into the sewer. We just had Mr. Hay  
23 raked over the coals about that. Remember that?

24                   (Laughter).

25                   THE WITNESS: I understand that. I

1 understand, but by having this infrastructure or  
2 placed on the roof, whatever happens with the sewage  
3 in the future, if you had to run it into a sewer  
4 treatment plan, for some reason you have to get the  
5 structure here on the building.

6 MR. GALVIN: Okay. Thanks.

7 CHAIRMAN HOLTZMAN: You wouldn't add  
8 stormwater to our sewer plant. Trust me. That's an  
9 impossibility.

10 (Laughter)

11 Any direction on this, Director?

12 COMMISSIONER FORBES: I understand both  
13 sides of this. I think that, you know, it sounds  
14 like we do have to do some work as far as, you know,  
15 making more definition, but it's going to be the  
16 same amount of green roof one way or the other. I  
17 think this is fine.

18 CHAIRMAN HOLTZMAN: Mr. Stratton?

19 COMMISSIONER STRATTON: I don't have an  
20 issue with the calculation of the green roof. It's  
21 the bulkhead size and how we calculate the allowable  
22 bulkhead size, and I don't think that there's clear  
23 guidance on that for this application.

24 COMMISSIONER DOYLE: They've already  
25 received a variance for the bulkhead --

1 THE WITNESS: We already received the  
2 variance for the bulkhead --

3 COMMISSIONER DOYLE: So we're not --

4 MR. GALVIN: I don't agree with that.

5 COMMISSIONER DOYLE: Okay.

6 MR. GALVIN: The reason why I don't  
7 agree with it is they are in front of us now with a  
8 revised plan, so everything is in front of us. The  
9 fact that they've gotten previous variances doesn't  
10 give them a lock.

11 If you like it, you're going to ratify  
12 it by this. But if you wanted to -- I'm not  
13 suggesting in any way that we should do anything,  
14 but I just want you to understand that once somebody  
15 gets a variance in an earlier version of this, they  
16 don't have an entitlement to it when they're coming  
17 back looking for new relief.

18 MR. ROBERTS: The only thing I would  
19 add, Mr. Chairman, is that we were kind of wrestling  
20 with this because we were aware of the fact that if  
21 we came up with this interpretation, at least in  
22 this one -- this first situation, that we'd have to  
23 be consistent. If we got a similar -- and I don't  
24 want to contradict what Dennis said --

25 (Laughter)

1                   -- but the point --

2                   MR. GALVIN: Only kidding --

3                   (Laughter)

4                   MR. ROBERTS: -- but the point would be  
5 if it's a matter of getting an oversized roof area  
6 that's big enough for a green roof, we would  
7 encourage it to be green, not discourage it from  
8 being green.

9                   So that's why at the end we felt that  
10 the intent of the ordinance was we should try to get  
11 green whenever we can fit it, and if that type of a  
12 structure gets us to a big enough roof where we can  
13 have it green, then it would be accomplishing a goal  
14 that the city is striving for --

15                  MR. GALVIN: Well, there is, and from a  
16 technicality standpoint, in this situation if we  
17 think a variance is required, and we are going to  
18 grant it, it's wise to say that we need a variance  
19 and grant it.

20                  I think probably, Mr. Pantel, you  
21 included language "and any other variances that are  
22 required at the time of the hearing by the Board"?

23                  MR. PANTEL: Of course, I included that  
24 language.

25                  I would like to add that, you know, Mr.

1 Roberts' memo of February 24th in which he concurs  
2 with the approach that we have taken concluding that  
3 we do comply with the 50 percent coverage also notes  
4 that the zoning officer has statutory authority to  
5 interpret ordinances, and I don't think the Board  
6 should likely disregard an interpretation made in  
7 conjunction with consultation with the zoning  
8 officer.

9 MR. GALVIN: With all due respect, the  
10 question is maybe it is a good idea to treat it like  
11 a variance, and you know, then everybody is  
12 satisfied. You get the approval. You know, we got  
13 the variance. We got it covered, and then in the  
14 future we will go back, and we'll take a look at it,  
15 and we'll make the ordinance --

16 CHAIRMAN HOLTZMAN: Mr. Doyle, if they  
17 were to request a variance, as Dennis has sort of  
18 just laid out, even though you may not like the  
19 taste of this one, would you be willing to support  
20 it in this case with the hopes that we can get this  
21 rooftop appurtenance calculation more refined in the  
22 future, so we at least deal with this on a variance  
23 basis, and that way we can put it in this as a  
24 one-off scenario?

25 COMMISSIONER DOYLE: Well, I think this

1 is a good application in general, and I would really  
2 not want to vote against it because of this, so the  
3 answer is I want to keep the suspense --

4 (Laughter)

5 -- I might be --

6 CHAIRMAN HOLTZMAN: We appreciate your  
7 consideration.

8 Thank you.

9 CHAIRMAN HOLTZMAN: Okay.

10 MR. GALVIN: This is why the planner  
11 goes last.

12 (Laughter)

13 MR. PANTEL: You always present the  
14 planning testimony --

15 CHAIRMAN HOLTZMAN: Hang on, Glenn.

16 COMMISSIONER JACOBSON: I apologize. I  
17 am still learning like at what point to ask certain  
18 questions.

19 So I hadn't heard any testimony with  
20 regard to the use of the parking. You are offering  
21 or planning for some number of parking spots. I  
22 don't recall hearing whether those were going to be  
23 limited to residents of the building or used as a  
24 public parking lot.

25 MR. PANTEL: I think we did it at the

1 initial hearing.

2 COMMISSIONER JACOBSON: So way back  
3 when.

4 CHAIRMAN HOLTZMAN: No. Were you here  
5 at the previous meeting for them?

6 COMMISSIONER JACOBSON: Yeah.

7 CHAIRMAN HOLTZMAN: I know we had a lot  
8 of testimony about the parking.

9 MR. PANTEL: Yes. We did have  
10 testimony about parking, because the testimony in a  
11 nutshell was that the parking garage on Block G  
12 services the entire project, so residents in this  
13 building -- some residents in this building will be  
14 able to buy parking spaces underneath this building,  
15 but not all of the residents.

16 Other residents will have the option of  
17 getting parking spaces in the garage on Block G.

18 COMMISSIONER JACOBSON: That doesn't  
19 quite answer the question. Maybe it does, but you  
20 are not being explicit enough.

21 Will those spots be offered to the  
22 public as in people traveling around that  
23 neighborhood looking for a public parking spot?

24 MR. PANTEL: No, no.

25 COMMISSIONER JACOBSON: Very good.

1 Thank you.

2 VICE CHAIR MAGALETTA: One thing.

3 Since you made a statement before,  
4 regardless of what Mr. Roberts or any expert  
5 testifies, and I would never doubt Mr. Roberts,  
6 those statements from any expert are advisory.  
7 They're not binding upon us. We can dismiss them  
8 when we disregard what an expert testifies to. We  
9 can do that.

10 And with respect to what the Flood  
11 Plain Administrator said or the zoning officer says,  
12 I don't think that's binding on us either. I just  
13 wanted to put that out there, because you made that  
14 statement, and while we do take the advice of our  
15 experts, we are not bound by what they say.

16 CHAIRMAN HOLTZMAN: Thank you. Good  
17 point.

18 MR. GALVIN: The zoning officer would  
19 be advisory.

20 VICE CHAIR MAGALETTA: Yeah, that's  
21 all.

22 COMMISSIONER PINCHEVSKY: Regarding the  
23 parking since it was brought up -- I'm sorry -- we  
24 discussed that excess parking would be provided in a  
25 separate garage that's already been built, and I

1 recall at the last meeting it being mentioned that  
2 that parking garage is already full and --

3 CHAIRMAN HOLTZMAN: Nope, nope, nope.

4 COMMISSIONER PINCHEVSKY: -- I remember  
5 hearing --

6 CHAIRMAN HOLTZMAN: No. You got  
7 members of the public --

8 CHAIRMAN HOLTZMAN: -- and --

9 COMMISSIONER PINCHEVSKY: -- I, I may  
10 have heard concerns by members of the public saying  
11 something when they shouldn't have, and I would have  
12 liked a response to that, or -- maybe, I have a  
13 question. Is that parking lot full?

14 And when would be an appropriate time  
15 to discuss that?

16 MR. PANTEL: The number of parking  
17 spaces required for this project are provided for  
18 within this building and the other subsurface  
19 parking and the parking garage.

20 We fully comply with the ordinance  
21 requirements. Parking in the garage is not, quote,  
22 unquote, fully filled or fully sold out or fully  
23 occupied. There is ample parking for all of the  
24 residents in accordance with the ordinance.

25 COMMISSIONER PINCHEVSKY: So you are



1 up and tell us that the garage is available?

2 MR. PANTEL: -- I can clearly stipulate  
3 that we guarantee one parking space per unit, and  
4 that is what the ordinance requires. That's what  
5 our plan shows. We have always done that, and we  
6 will continue to do that. There is no variance  
7 needed.

8 VICE CHAIR MAGALETTA: I think people  
9 may think that because the parking lot is full,  
10 that's there's no spaces for the residents.  
11 Basically spaces are rented out to just, you know,  
12 someone over in parking or something like that.  
13 There are enough spaces for everybody. I am sure  
14 that is probably what is going on.

15 COMMISSIONER PINCHEVSKY: So how does  
16 it work then?

17 If the parking garage is built, you  
18 know, these buildings are going up, so there's  
19 excess parking. Are the -- is the parking currently  
20 split between owners and then the excess parking is  
21 rented out monthly or just on an overnight basis,  
22 and now when this building goes up, those monthly  
23 memberships will be cancelled and these new tenants  
24 will take the place of that, or I mean, how if it's  
25 consistently filled or full, or most frequently

1 full, you know, how are the people being moved to  
2 make room for these new tenants?

3 I think having somebody testify about  
4 that would be -- I would like to hear someone  
5 testify to that --

6 MR. PANTEL: Well, I can tell you that  
7 if there are any spaces being used by anyone on the  
8 outside, they are subversive to the requirements of  
9 the project and your ordinance, a public parking  
10 statement, that every unit has the right to a  
11 space --

12 COMMISSIONER PINCHEVSKY: Well, are  
13 there people outside that are being -- that are  
14 using the parking garage now?

15 CHAIRMAN HOLTZMAN: "People outside,"  
16 what does that mean?

17 COMMISSIONER PINCHEVSKY: Outside, non  
18 tenants. Are there non tenants using the garage?

19 MR. PANTEL: Non tenants?

20 CHAIRMAN HOLTZMAN: Tennats of what,  
21 this building that doesn't exist yet?

22 COMMISSIONER PINCHEVSKY: Not tenants  
23 of any of the --

24 CHAIRMAN HOLTZMAN: I'm trying to  
25 understand the question.

1 MR. PANTEL: Yes.

2 COMMISSIONER PINCHEVSKY: There are?

3 MR. PANTEL: Right. Because obviously  
4 the garage is built, but not all of the units that  
5 would require it. The units haven't been  
6 constructed to -- that need 100 percent of the  
7 garage. Over time obviously the units that are  
8 built clearly take precedence. That is what your  
9 ordinance requires. That's what the public offering  
10 statement requires --

11 COMMISSIONER PINCHEVSKY: And I  
12 appreciate what you are saying there, but even --

13 MR. PANTEL: -- and we police that very  
14 carefully.

15 Obviously, you know, in my economic  
16 interest very much, we are told to make sure that we  
17 comply with that because parking spaces obviously  
18 add value. We are absolutely compliant with the  
19 ordinance --

20 COMMISSIONER PINCHEVSKY: I mean, just  
21 to --

22 THE REPORTER: Wait a second. You  
23 can't talk at the same time.

24 MR. PANTEL: -- compliant with the  
25 ordinance --

1                   CHAIRMAN HOLTZMAN: Hold on.

2                   MR. GALVIN: No. Talk to me, because I  
3 just want to make sure I am getting your answer, but  
4 I want to move the case along.

5                   COMMISSIONER PINCHEVSKY: Well, I mean,  
6 I don't think I'm asking for a lot of information.  
7 I want just a couple of numbers thrown my way, maybe  
8 two minutes of time, but It doesn't seem as though  
9 anybody really wants to go on the record and specify  
10 as to what the current parking situation is.

11                   I mean, if you have a parking lot that  
12 is completely full at this moment between tenants of  
13 other buildings and non tenants, and now we are  
14 going to throw on another hundred people, I just  
15 think it's --

16                   MR. GALVIN: They are representing that  
17 they have an obligation to supply those units for  
18 this building, so they have a way of letting people  
19 off the hook or terminating those other leases.

20                   MR. PANTEL: One way or another, we  
21 have to comply, and we will.

22                   CHAIRMAN HOLTZMAN: So somebody moves  
23 into this new building and wants a parking space,  
24 what happens?

25                   MR. PANTEL: They get it.

1 (Laughter)

2 They have to pay for it, but they get  
3 it.

4 COMMISSIONER PINCHEVSKY: Is it a  
5 monthly fee or is it purchased?

6 MR. PANTEL: I think it is purchased.

7 COMMISSIONER DOYLE: Commissioner, is  
8 your point that the non tenants will then be  
9 displaced, and there will be a bigger parking  
10 problem, or is just that you believe that they will  
11 take --

12 COMMISSIONER PINCHEVSKY: Well, my  
13 concern is that let's say that -- I don't know if  
14 it's not -- you weren't testifying, but it's --

15 MR. PANTEL: I was stipulating.

16 COMMISSIONER PINCHEVSKY: -- that it is  
17 a purchased spot. But let's just say it is not.  
18 Let's say it's monthly.

19 I happen to live in a building where  
20 the building got variances because they put a big  
21 garage right next door, and it wasn't deeded with  
22 your unit. You had to rent it. But you had  
23 obviously an opportunity to rent it over someone who  
24 didn't live in that building, but because the demand  
25 was so high, the rates were outstanding -- you

1 know -- I mean outrageous --

2 CHAIRMAN HOLTZMAN: Outrageous.

3 COMMISSIONER PINCHEVSKY: -- and people  
4 don't park there. Right?

5 When you -- when the demand -- when you  
6 have, you know, when you can park 500 a month or  
7 whatever the amount is for a parking spot, because  
8 the demand allows it, and half of the people moving  
9 into this building might not park and park on the  
10 street. So it does concern me, and I would like to  
11 have a little more reassurance --

12 CHAIRMAN HOLTZMAN: The issue is -- I  
13 get your point now. Now I understand what you're  
14 saying. Their requirement, though, as per the  
15 redevelopment PUD is that they have to provide it.  
16 It doesn't say they have to provide it at what Rami  
17 thinks is a fair price.

18 COMMISSIONER PINCHEVSKY: Well, it  
19 should have, but --

20 (Laughter)

21 -- but I want a distinction as to  
22 whether or not it is deeded with the unit, whether  
23 it's purchased on top or whether it's rented  
24 monthly, and you just have first dibs.

25 CHAIRMAN HOLTZMAN: So it's not deeded

1 with the unit.

2 MR. PANTEL: Right. It's purchased  
3 separately.

4 COMMISSIONER PINCHEVSKY: And someone  
5 is testifying that it is purchased, not rented?

6 MR. PANTEL: Correct.

7 COMMISSIONER PINCHEVSKY: Who is that  
8 person?

9 MR. PANTEL: I just stipulated to that.

10 COMMISSIONER DOYLE: He stipulated to  
11 that.

12 COMMISSIONER PINCHEVSKY: What's the  
13 difference between stipulating and testifying?

14 VICE CHAIR MAGALETTA: He is  
15 representing that the applicant is going to follow  
16 that --

17 COMMISSIONER PINCHEVSKY: Okay. Let's  
18 skip it. Okay. I mean, that's all I have for right  
19 now.

20 MR. PANTEL: Thank you.

21 CHAIRMAN HOLTZMAN: Okay. Thank you.  
22 Did you have a question?

23 MR. STERNLIEB: Can the public ask  
24 questions about the parking?

25 MR. GALVIN: Go ahead. Ask your

1 question.

2 MR. STERNLIEB: Maybe a way of  
3 rephrasing the question --

4 MR. GALVIN: Mr. Pantel isn't a  
5 witness. He is making representations.

6 MR. STERNLIEB: I understand.

7 CHAIRMAN HOLTZMAN: Just give us your  
8 info for the record.

9 MR. STERNLIEB: Robert Sternlieb, 1500  
10 Washington.

11 To rephrase the counsel's question --

12 COMMISSIONER DOYLE: The Commissioner's  
13 question.

14 MR. STERNLIEB: -- how many units are  
15 in the entire PUD and how parking spaces in 1450  
16 Garden, whichever -- the --

17 MR. PANTEL: The site plans, I don't  
18 have that number. The site plans that were  
19 submitted to the Board should have exactly that  
20 information. They were submitted months and months  
21 ago. It is all there, and we are in full compliance  
22 with the overall numbers.

23 CHAIRMAN HOLTZMAN: Is it your  
24 stipulation that you're in compliance with the  
25 overall numbers, Mr. Pantel?

1 MR. PANTEL: Absolutely.

2 MR. STERNLIEB: I am an owner of my  
3 unit at 1500 Washington.

4 MR. GALVIN: Question, question.

5 MR. STERNLIEB: It will be a question.

6 MR. GALVIN: Okay.

7 MR. STERNLIEB: Am I guaranteed that I  
8 will be able to continue to rent my spot in the  
9 parking garage, 1450 Garden or whichever, because  
10 that's what you're saying.

11 MR. GALVIN: No.

12 MR. STERNLIEB: But that's what they're  
13 saying. I am -- every unit --

14 CHAIRMAN HOLTZMAN: Okay. We got the  
15 question.

16 Mr. Pantel, do you have an answer for  
17 him?

18 MR. PANTEL: I think we have stipulated  
19 that a parking space will be made available if you  
20 are an owner of a unit in this condominium complex,  
21 a parking space will be made available to you.

22 I am not at liberty right now to  
23 discuss all of the financial arrangements in that  
24 respect. I don't think to be privy to all of the  
25 financial arrangements, the next thing people will

1 be asking how much does one cost, and I can't tell  
2 you that --

3 MR. STERNLIEB: That's not my question.  
4 My question is solely the availability  
5 to continuing renting that because --

6 MR. GALVIN: I'm going to jump in. I  
7 mean, I think it's very clear they have to. They've  
8 told us they are going to --

9 COMMISSIONER PINCHEVSKY: Well, he not  
10 going to allow --

11 (Everyone talking at once.)

12 MR. GALVIN: No, no, no. Go ahead.  
13 Clear it up for me.

14 COMMISSIONER PINCHEVSKY: It doesn't  
15 appear as though -- it seems like he was being very  
16 careful with how answered that question.

17 If a tenant is renting, they did not  
18 actually purchase, they wanted to continue renting,  
19 are they allowed to or they have to purchase --

20 MR. PANTEL: Here is the short answer  
21 to this.

22 This Board is obviously charged with  
23 making sure that we fully comply with all of our  
24 applicable zoning requirements and site plan  
25 approval conditions. We have done that in spades.

1 No ifs, ands or buts.

2 We are now starting to get into the  
3 whole realm of what the public offering statement  
4 provides, and that level of detail is really more  
5 for the public offering statement. Ultimately the  
6 Department of Community Affairs, I suppose, which  
7 approves and has approved those public offering  
8 statements, so I don't think -- we are going way far  
9 afield. We have been before this Board countless  
10 times on applications and described for this  
11 project, and I don't think that this whole area of  
12 inquiry is now an appropriate subject on amended  
13 final site plan --

14 MR. GALVIN: You know, let me stop you.

15 I understand that we want to move the  
16 case along, and I don't really want us to go down  
17 paths we don't need to go down --

18 MR. PANTEL: Right.

19 MR. GALVIN: -- but your representation  
20 is that -- not yours, the applicant's -- the  
21 representation is that this is a fully compliant  
22 plan --

23 MR. PANTEL: Correct.

24 MR. GALVIN: -- and if it's a fully  
25 compliant plan, that means that we're supposed to

1 have a sufficient number of parking spaces --

2 MR. PANTEL: Correct.

3 MR. GALVIN: -- and they are being  
4 provided here, and they're being provided in another  
5 location.

6 MR. PANTEL: Exactly, as shown on the  
7 site plan that we submitted.

8 MR. GALVIN: Now, there has been --  
9 now, logically, and I'm being a simple guy, okay, I  
10 would like to think that there is a building  
11 somewhere with available parking space, but that is  
12 not necessarily the case.

13 It starts to get complicated, right,  
14 because we need all of the spaces in the city, so  
15 the spaces are being used, and what they're  
16 representing is that these new people that are going  
17 to come into this building are going to have a shot  
18 at having a parking space. They're going to do  
19 whatever they have to do to make those parking  
20 spaces available.

21 So somebody who is currently renting in  
22 G may have a problem.

23 MR. PANTEL: But if he's a unit owner,  
24 he will have the right to acquire a space.

25 MR. GALVIN: Okay.

1                   CHAIRMAN HOLTZMAN: But if the guy that  
2 lives two blocks away -- hang on one second --

3                   MR. GALVIN: Don't interrupt us.

4                   CHAIRMAN HOLTZMAN: -- if it's somebody  
5 in the neighborhood that lives two blocks away, who  
6 is just randomly renting a spot, well, that might  
7 not work out for that guy.

8                   MR. PANTEL: Exactly.

9                   COMMISSIOENR PINCHEVSKY: But, Mr.  
10 Chair, he said acquire. I want to confirm that  
11 acquire in this case means purchase, and that's a  
12 fair distinction I want. I want to be clear --

13                   MR. PANTEL: My understanding is that  
14 the spaces are typically purchased.

15                   MR. GALVIN: Okay.

16                   COMMISSIONER PINCHEVSKY: Okay.

17                   MR. GALVIN: Now, give me a short, and  
18 then we are stopping with this.

19                   Go ahead.

20                   MR. STERNLIEB: Will I be able to  
21 purchase a unit -- I purchased my apartment unit  
22 five years ago, five and a half years ago. Will I  
23 be able to purchase the unit in that building?

24                   MR. GALVIN: Stop --

25                   CHAIRMAN HOLTZMAN: Which building?

1 MR. GALVIN: Which building are you in?

2 MR. STERNLIEB: I'm in 1500 Washington,  
3 which is B, B as in boy.

4 MR. GALVIN: Go ahead. Answer that.  
5 Can you answer that?

6 MR. PANTEL: I can't answer it. He has  
7 to look at his public offering statement, and I  
8 can't tell him what his public offering statement  
9 provides, what his master deed provides --

10 MR. GALVIN: No, no.

11 CHAIRMAN HOLTZMAN: We're done with  
12 this.

13 MR. PANTEL: -- but I can assure you  
14 that we are in full compliance with the ordinance,  
15 and if this gentleman has further questions that go  
16 beyond the purview of this Board, obviously --

17 CHAIRMAN HOLTZMAN: He should hire an  
18 attorney. That's right.

19 MR. PANTEL: -- he should talk to his  
20 attorney or do what he wants.

21 MR. GALVIN: Yes. I think it's a close  
22 call, but I'm satisfied that we got the answer that  
23 we need to get, which is the site is conforming. So  
24 what's happening, that's for you to take a close  
25 look at your public offering statement. I agree. I

1 think you should talk to an attorney and make sure  
2 that if you wanted to purchase that, investigate  
3 that.

4 MR. STERNLIEB: I'm more concerned  
5 about having my rented space within that parking  
6 garage removed from me because someone in another  
7 building wants to purchase a parking spot, and in  
8 that way, I am losing the spot that I was guaranteed  
9 within that offering statement that was --

10 MR. GALVIN: Well, let me just say  
11 this. That's between -- you'll have to go back and  
12 look at your public offering statement. That's  
13 between you and the developer, and that's beyond the  
14 scope of this hearing.

15 I do agree with that, okay?

16 MR. STERNLIEB: Understood. Thank you.

17 MR. GALVIN: You're welcome.

18 CHAIRMAN HOLTZMAN: Okay. Thank you.

19 MR. PANTEL: We do now have Mr.

20 Chadwick prepared to testify --

21 MR. GALVIN: Time for a recess. No,  
22 no, I'm kidding.

23 THE REPORTER: It is time for a recess.  
24 We've been going over an hour and 45 minutes.

25 CHAIRMAN HOLTZMAN: It is time for a

1 recess.

2 MR. PANTEL: Is the court reporter  
3 okay?

4 THE REPORTER: Yes. Let's take five  
5 minutes.

6 (Laughter)

7 CHAIRMAN HOLTZMAN: How long is Mr.  
8 Chadwick's testimony?

9 MR. PANTEL: About 12 minutes.

10 THE REPORTER: Okay. That's fine.

11 MR. GALVIN: You can handle that.

12 CHAIRMAN HOLTZMAN: 12 minutes you got  
13 for us, Phyllis?

14 THE REPORTER: That's fine.

15 MR. PANTEL: So I will have Mr.  
16 Chadwick address three variances that were sought  
17 pursuant to our initial application and the notice  
18 that we gave in the matter.

19 I also will have Mr. Chadwick address,  
20 if he could, grounds for what I will charitably call  
21 this fourth variance or this issue that was raised  
22 by --

23 MR. GALVIN: We are going to describe  
24 it as a bulkhead variance.

25 MR. PANTEL: -- a bulkhead variance,

1 but in that respect, I do want to make it clear for  
2 the record that I do reserve my rights to maintain  
3 that that variance may not be --

4 MR. GALVIN: Absolutely, totally  
5 understood. I am offering it more as a conservative  
6 approach.

7 MR. PANTEL: Understood. I appreciate  
8 that as well.

9 Thank you.

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

14 MR. CHADWICK: Yes.

15 J O H N T. C H A D W I C K, having been duly  
16 sworn, testified as follows:

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

19 THE WITNESS: John T. Chadwick, IV.  
20 C-h-a-d-w-i-c-k.

21 MR. GALVIN: Mr. Chairman, I ask that  
22 we accept Mr. Chadwick's credentials as a  
23 professional planner.

24 CHAIRMAN HOLTZMAN: We definitely  
25 accept Mr. Chadwick.

1 MR. GALVIN: Very good.

2 THE WITNESS: Good evening.

3 You explored this application pretty  
4 diligently for two meetings and --

5 CHAIRMAN HOLTZMAN: You are being too  
6 kind, Mr. Chadwick.

7 THE WITNESS: -- I want to take us back  
8 to exactly what we have.

9 We have an approval for a building, 99  
10 units, 2,000 -- roughly 2,000 square foot  
11 commercial.

12 I'm going to change the whole  
13 architecture of this. I thought it was a fabulous  
14 presentation with the 3D vision, and you are  
15 comparing what we have in front of you to what was  
16 approved, and this is a better plan, and it falls  
17 into these variances of C-1 and C-2.

18 C-1 is there something unique about  
19 this project. The unique part of this project is  
20 it's bounded on three sides by streets, so every  
21 time we have a setback, we are going to be in  
22 violation, because the ordinance contemplated you  
23 have street frontage, you have a side yard and a  
24 rear yard. That's the way all zoning ordinances are  
25 basically structured.

1                   The C-2 variance is really what we've  
2                   been talking about although all the way through.  
3                   The C-2 variances really boils down to is this a  
4                   better plan than you already have.

5                   You weigh that in terms of what is  
6                   going on in this plan. Obviously, the architecture  
7                   is dramatically different, and the basic esthetics  
8                   in part of the C-2 is the planning variance.

9                   Are you pushing forward with the Land  
10                  Use Law that says you should look at, and are you  
11                  making adjustments into your own ordinance as it  
12                  relates to this building that are being ameliorated  
13                  and/or have no impact.

14                  So what have we done?

15                  We have taken and made it vastly more  
16                  attractive. We have taken and increased the retail  
17                  space about double, which takes you like from little  
18                  kiosks to real commercial things that can support  
19                  the neighborhood.

20                  The other part of it is we have  
21                  currently about 25 percent of the existing approval  
22                  is green. This one is 50 percent on some  
23                  calculations, 52 percent on other calculations.  
24                  We don't know precisely what the percentage is or if  
25                  you take it, I'm not agreeing to 32, but I was

1       coached, but I think it probably is a little higher  
2       than that, but we'll go with 32. It's better than  
3       25.

4                   Let's go to the first variance. We're  
5       making the building a little bit longer. We're  
6       going from 146 feet to -- I don't remember the  
7       numbers -- 156 feet, ten feet.

8                   We maintain the sidewalk, greenery,  
9       trees, et cetera on 15th Street. You had visuals on  
10      that from Dean in terms of the view down the street.  
11      You had the landscaping plans. All of these things  
12      in my judgment, that's really a de minimus variance  
13      given the orientation of this building and the  
14      makings of the open pedestrian walkways, et cetera.

15                   In addition, that being enhanced as a  
16      result of the comments from the city, and that  
17      testimony was given to you by Mike Maris.

18                   So I think in terms of the basic  
19      planning criteria, do we move forward with regard to  
20      the Municipal Land Use Law?

21                   Certainly we do. It's a better looking  
22      building. It's more practical. We're maintaining  
23      the open space areas. We're increasing the  
24      circulation or enhancing the safety of circulation  
25      as per the revised circulation.

1           Are there negatives to this?

2           I don't see any. I don't see anything  
3           in terms of changing the architecture, and I think  
4           it's much more attractive. Increasing the retail  
5           space, which makes it much more viable, and that's a  
6           benefit to both the city and to the developer.

7           In terms of ameliorating any impacts,  
8           particularly associated with building depth, we have  
9           done the landscaping on the exterior. We've done  
10          the landscaping on the roof. In my judgment, those  
11          go to minimizing any visual impacts that you might  
12          perceive.

13          The other variances deal with the  
14          percent coverage by equipment, and currently the  
15          approval has 21 percent, and the proposal is 20  
16          percent. This relates to Section 196-23(a)(1),  
17          which is also cited in Mr. Roberts' report.

18          Effectively, we are reducing what is a  
19          variance. I agree with Mr. Galvin, once you put a  
20          new application in, everything is open. But  
21          basically we're reducing it somewhat. It's a figure  
22          that in terms of the construction of this building,  
23          this is the elevators and the bathrooms and the  
24          storage areas, et cetera, that your ordinance has a  
25          ten percent figure. I don't know how that was

1 derived. I participated in a couple of applications  
2 and we're always around 20 percent. That's just a  
3 function of having the building operate properly, so  
4 they're effective.

5           The last variance is a variance that  
6 Mr. Pantel has said that we don't believe that we  
7 need, but I still think it falls under the basic  
8 planning variance, and that's the variance where one  
9 calculation is 52 percent of the building is green,  
10 another calculation is that 50 percent of the  
11 building is green, and the third calculation I will  
12 accept -- what did you say 35 or 32 -- 32. It's  
13 still a substantial portion of the rooftop that is  
14 green. And the way you look at this really is from  
15 across the street, and you had the one view looking  
16 from this building towards the Hudson and seeing the  
17 different buildings across the way. The lower roof  
18 level, the fifth floor is where you see -- go to the  
19 green and the patio areas.

20           The rooftop is going to be the view  
21 from a long distance down the road. That's where  
22 you also see the green.

23           So on the top of this roof, if we've  
24 never withdrawn it, you just -- at this juncture for  
25 the sake of discussion, we're not talking about the

1 roof over the mechanicals, that's going to be green  
2 as well.

3 I think taking all of these things into  
4 consideration, the question of counting the rooftop  
5 on top of mechanicals or not counting the real end  
6 result, it is going to be there --

7 MR. PANTEL: When you say it's going to  
8 be there, as a green roof?

9 THE WITNESS: As a green roof.

10 So regardless of what the ordinance  
11 says, if you are in an airplane flying over this, 50  
12 percent coverage.

13 MR. PANTEL: And the rain falling from  
14 the sky, you're 50 percent coverage --

15 THE WITNESS: I think it's more  
16 important in terms of the view scape and how it  
17 works.

18 MR. GALVIN: If you were raining, you  
19 would be a real trip.

20 (Laughter)

21 THE WITNESS: But if you take it and  
22 look at it from a purely planning standpoint, how  
23 much is going to be green, it is 50 percent.

24 If your ordinance says now we're not  
25 going to count this, it doesn't take it away. It's

1 still there.

2 So given that fact, I think it is  
3 clearly meeting the intent of the ordinance. I  
4 don't see any detriment in terms of having this  
5 percentage. In my judgment the variances support  
6 this application.

7 I think there is another bottom line to  
8 any application, and you hear them all at least once  
9 a month. There's been a lot of cooperation on this  
10 side of the table. They've met with the traffic  
11 people, tried to react as quickly as possible.  
12 We've tried to, I think, make a much, much better  
13 project than is now on the books.

14 I think the neighborhood scheme in  
15 terms of pedestrian improvements, dog rest areas --

16 MR. PANTEL: Excuse me one second.

17 Before you get into that kind of  
18 wrap-up, also we need you to and we would like you  
19 to address specifically the ordinance to allow the  
20 lower roof decks in the front yard. Remember we  
21 have two front yards --

22 THE WITNESS: Okay. Yeah.

23 MR. PANTEL: -- we alluded to that  
24 earlier, and we need to put some meat on that.

25 THE WITNESS: What is the best one on

1       this one?

2                       (Witness confers)

3                       THE WITNESS:  These are the lower deck  
4       areas.  They are clearly not visible from the street  
5       level.  They would be from opposite sides of the  
6       street, and effectively I think they provide a much  
7       more attractive surface to the roof area presenting  
8       itself to a building that is about a hundred odd  
9       feet away, as opposed to the roofing material.

10                      It has green areas in between and it  
11       has the beginnings of the upper floors as a  
12       backdrop.  In my judgment, just because of the  
13       three-sided streets, there would be a hard -- an  
14       unnecessary hardship associated with the look --

15                      MR. PANTEL:  So what you're saying is  
16       that under the Municipal Land Use Law, the variance  
17       should be granted to allow these lower roof decks in  
18       the front as specifically the front yards along  
19       Hudson Street, 15th Street and Shipyard Lane --

20                      THE WITNESS:  Correct.

21                      MR. PANTEL:  -- because you in effect  
22       have a building that will be highly constrained if  
23       you enforced that prohibition against decks in the  
24       front yard?

25                      THE WITNESS:  Correct.

1                   Effectively, the area -- one of the  
2                   longest street frontage being Hudson is effectively  
3                   green area.

4                   The other sides, which would be the  
5                   normal configuration of the lot, they are --

6                   MR. PANTEL: And the vision of these  
7                   decks make for a more user friendly aspect --

8                   THE WITNESS: I think they would make a  
9                   better presentation from other buildings that are --  
10                  that have a view of this area. This is a rooftop,  
11                  and I think they also make a much more  
12                  family-friendly environment to the basic unit's  
13                  offering -- offering outside space as well as  
14                  dwelling space.

15                  MR. PANTEL: So you were wrapping up a  
16                  moment ago.

17                  THE WITNESS: I think I was finished.

18                  (Laughter)

19                  CHAIRMAN HOLTZMAN: Thank you, Mr.  
20                  Chadwick.

21                  THE WITNESS: Thank you.

22                  CHAIRMAN HOLTZMAN: We are going to  
23                  take a ten-minute break here.

24                  MR. PANTEL: Thank you.

25                  (Recess taken)

1 MR. GALVIN: Okay. Let's go.

2 CHAIRMAN HOLTZMAN: Hey, Mr. Matule,  
3 can you keep it down out there? I can hear you up  
4 here, huh?

5 (Laughter)

6 Good evening.

7 Oh, great. We're back on the record.

8 Mr. Matule?

9 MR. MATULE: Good evening, Mr.  
10 Chairman.

11 Robert Matule. I am actually here on  
12 the next two matters, 722-730 Jefferson and 133  
13 Monroe. Obviously it would appear to me that we are  
14 not going to get to both of those this evening,  
15 so --

16 CHAIRMAN HOLTZMAN: What would you like  
17 to propose?

18 MR. PANTEL: -- I would like to carry  
19 133 Monroe to the Special Meeting on March 29th with  
20 no further public notice, and if we need to extend  
21 the time within which the Board has to act through  
22 that date, we agree to do so.

23 MR. GALVIN: That's very gracious.  
24 Thank you.

25 CHAIRMAN HOLTZMAN: Thank you, Mr.

1 Matule.

2 Is there a motion to accept Mr.  
3 Matule's offer of extending the application, I'm  
4 sorry, for which?

5 MR. MATULE: 133 Monroe.

6 VICE CHAIR MAGALETTA: Motion.

7 COMMISSIONER GRAHAM: Second.

8 CHAIRMAN HOLTZMAN: Commissioner Graham  
9 seconded.

10 Is everybody in favor?

11 (All Board members answered in the  
12 affirmative)

13 CHAIRMAN HOLTZMAN: Any opposed?

14 No. Great.

15 MR. MATULE: Would you just make an  
16 announcement if anybody is here on that, that it is  
17 being carried to the 29th just for the record, if  
18 anybody didn't hear that?

19 (Laughter)

20 MR. GALVIN: 133 Monroe. Is anybody  
21 here on 133 Monroe?

22 No.

23 (Laughter)

24 MR. MATULE: Thank you.

25 CHAIRMAN HOLTZMAN: Thank you, Mr.

1 Matule.

2 CHAIRMAN HOLTZMAN: Mr. Pantel, your  
3 planner has concluded his remarks, right?

4 MR. PANTEL: Yes, he has.

5 CHAIRMAN HOLTZMAN: Are there any  
6 questions for the planner from the Commissioners?

7 No.

8 You don't have to ask one, Jim. It is  
9 not required.

10 COMMISSIONER DOYLE: I think I have  
11 been very good tonight.

12 CHAIRMAN HOLTZMAN: It is a matter of  
13 opinion.

14 (Laughter)

15 COMMISSIONER DOYLE: My only question  
16 is: Did you unequivocally state that you are,  
17 regardless of your sentiments, seeking a variance  
18 which applies to the use percentage?

19 THE WITNESS: No. I don't agree with  
20 your interpretation.

21 MR. PANTEL: No, no, no. That wasn't  
22 the question.

23 The question is: Are we unequivocally  
24 seeking the variance. I have already reserved our  
25 rights. We definitely are.

1 THE WITNESS: Yeah.

2 COMMISSIONER DOYLE: Thank you.

3 CHAIRMAN HOLTZMAN: Thank you, Mr.  
4 Doyle, for getting that on the record.

5 Great.

6 THE WITNESS: I misunderstood you.  
7 Sorry.

8 CHAIRMAN HOLTZMAN: We'll open it up  
9 for the public for questions of the planner and his  
10 testimony.

11 MR. HENDERSON: Mike Henderson, 1500  
12 Hudson Street.

13 Did you review the easements that were  
14 on the -- I have a title survey that is in the  
15 public offering statement, where the Hoboken Cove  
16 project is totalled, and in that site survey it  
17 shows that a 30 foot wide existing right-of-way  
18 easement at the south end of the property. I just  
19 want to know if that was researched, what that  
20 specifically is for. Is that a public right-of-way?  
21 It is 110 feet wide by 30 --

22 CHAIRMAN HOLTZMAN: We know what this  
23 is.

24 Great. Thank you, Mike.

25 Mr. Pantel, can you address Mister --

1 MR. PANTEL: Yes.

2 That was a private easement in  
3 connection with prior industrial uses. It is no  
4 longer extant, and it is certainly not a public  
5 right-of-way.

6 CHAIRMAN HOLTZMAN: Mr. Roberts, can  
7 you confirm Mr. Pantel's answer?

8 MR. ROBERTS: Yes. Actually, Mr.  
9 Chairman, we had a discussion on the record about  
10 this at the last hearing, and I believe that was  
11 addressed, that point, and this is something that  
12 goes back to the passage back and forth to the water  
13 for the industrial operations, to my understanding,  
14 and that it was expelled when the area was  
15 subdivided and reconfigured.

16 CHAIRMAN HOLTZMAN: Great. Thank you.

17 Are there any other members of the  
18 public that have questions for the planner?

19 Okay. We'll close the public portion.

20 COMMISSIONER PINCHEVSKY: I have a  
21 question.

22 CHAIRMAN HOLTZMAN: Yes, Mr.  
23 Pinchevsky.

24 COMMISSIONER PINCHEVSKY: Thank you.

25 You mentioned in your testimony that

1 the previous retail space was something like small  
2 kiosks with, I believe it was close to 2,000 square  
3 feet was the previous plan for the one retail space,  
4 roughly 2,000 square feet.

5 In your professional opinion, is that  
6 all that can go in 2,000 square feet, that space?

7 THE WITNESS: I just classified it as  
8 being small retail --

9 CHAIRMAN HOLTZMAN: Mr. Pinchevsky, we  
10 have got a situation where the 2,000 square feet  
11 doesn't exist any more, and they are proposing  
12 something that's more than double --

13 COMMISSIONER PINCHEVSKY: Well,  
14 correct. However --

15 CHAIRMAN HOLTZMAN: -- so are you just  
16 trying to trip up Mr. Chadwick on the fact that he  
17 used the word "kiosks"?

18 COMMISSIONER PINCHEVSKY: Small kiosks.  
19 No. I am -- because what we are getting now is  
20 we're getting the same 2,000 square foot and another  
21 1400 square foot or 1500 square foot --

22 MR. PANTEL: 2,000.

23 CHAIRMAN HOLTZMAN: 2,000.

24 COMMISSIONER PINCHEVSKY: -- so if we  
25 are getting two individual 2,000s, and a strip we're

1 going to use for small kiosks, I just want to be  
2 classified correctly -- because this is a benefit.  
3 This is a benefit. We are doubling the space.  
4 We're doubling the count of the retail, and I want  
5 to make sure it is on the record of what will  
6 actually go there.

7 THE WITNESS: It is a configuration.  
8 The depth of the retail space increases by double.  
9 So now you are talking about space that could be big  
10 enough to support retail uses that would be common  
11 to a, you know, residential neighborhood.

12 MR. PANTEL: You can get a higher  
13 quality of retail. Is that what you are saying,  
14 John?

15 THE WITNESS: Absolutely.

16 CHAIRMAN HOLTZMAN: And, as you just  
17 said, Mr. Pinchevsky, it is a win situation, and I  
18 think the Board got what it asked for, which is  
19 increased retail.

20 So if Mr. Chadwick and you disagree  
21 over how we are going to define the space, whether  
22 it is kiosks, or I am sure there would be retailers  
23 in town that would think that 4,000 square feet is  
24 enormous.

25 COMMISSIONER PINCHEVSKY: Well, it is

1 not 4,000 square feet. It is 2,000 square foot and  
2 another 2,000 square foot --

3 CHAIRMAN HOLTZMAN: Which can  
4 actually --

5 COMMISSIONER PINCHEVSKY: -- and I  
6 don't think they are connected.

7 THE WITNESS: Yes, they are.

8 CHAIRMAN HOLTZMAN: And they can be  
9 potentially combined.

10 THE WITNESS: They could be?

11 CHAIRMAN HOLTZMAN: Yup.

12 THE WITNESS: The depth of the retail  
13 space doubles. The frontage is the same.

14 COMMISSIONER PINCHEVSKY: It was being  
15 laid out as though it was two separate uses.

16 CHAIRMAN HOLTZMAN: It is currently  
17 potentially two separate, but the property owner  
18 certainly has the ability, like any retail  
19 commercial property owner, to make adjustments to  
20 the space of the retail breakout to accommodate a  
21 tenant.

22 COMMISSIONER PINCHEVSKY: So -- well, I  
23 don't know if this is for the planner, but can the  
24 applicant also go the other way and take the 2,000  
25 square foot unit and turn them into ten 400 square

1 foot units, if for some reason the market called for  
2 it?

3 CHAIRMAN HOLTZMAN: I guess  
4 theoretically that they could, and it wouldn't be  
5 within our jurisdiction to tell them how they could  
6 break up their space.

7 COMMISSIONER PINCHEVSKY: I'm sorry?

8 CHAIRMAN HOLTZMAN: It would not be  
9 within our purview to deal with that.

10 On the other hand, it is going -- it's  
11 only going to hurt them. They are benefiting and  
12 the community is benefiting from the larger space.

13 COMMISSIONER PINCHEVSKY: The community  
14 is benefiting from the larger space, as you just  
15 said. However, if for some reason it is beneficial  
16 to them to make 400 square foot nail salons, which  
17 is what they are trying to say that this is a  
18 benefit because it's not going to be nail salons,  
19 why is it something that cannot be --

20 VICE CHAIR MAGALETTA: It is a business  
21 decision for them to make.

22 COMMISSIONER PINCHEVSKY: Yeah. But if  
23 we're voting, yes, this is a benefit, I mean, I  
24 guess maybe this isn't --

25 CHAIRMAN HOLTZMAN: If you don't think

1 that it is a benefit --

2 COMMISSIONER PINCHEVSKY: Well, I --

3 CHAIRMAN HOLTZMAN: -- if you don't  
4 think that it's a benefit to double the increase on  
5 the retail square footage of this proposal, then my  
6 suggestion to you is when it is time for you to  
7 vote, you should vote no.

8 COMMISSIONER PINCHEVSKY: And my  
9 comment is that we can discuss this at a later  
10 time --

11 CHAIRMAN HOLTZMAN: No. Now is the  
12 time to discuss it, my friend.

13 COMMISSIONER PINCHEVSKY: -- well, I  
14 think I am trying to have conversations with the  
15 planner.

16 CHAIRMAN HOLTZMAN: No. What you are  
17 trying to do is trip him up. If you had an actual  
18 question, it would be nice if we got it.

19 COMMISSIONER PINCHEVSKY: It was a very  
20 simple question.

21 CHAIRMAN HOLTZMAN: Yeah. The word --  
22 what was it --

23 COMMISSIONER PINCHEVSKY: I think that  
24 the --

25 CHAIRMAN HOLTZMAN: -- "kiosks," that

1 was the key thing of your question?

2 COMMISSIONER PINCHEVSKY: -- that it  
3 was -- the previous one was also the size of nail  
4 salons, so I think that it's being misrepresented.  
5 The previous plan is being misrepresented on several  
6 occasions by different testimony, so I want it  
7 certainly on the record that I feel that way and  
8 maybe others do as well, but I certainly feel that  
9 way.

10 CHAIRMAN HOLTZMAN: Thank you.

11 COMMISSIONER PINCHEVSKY: Thank you.

12 CHAIRMAN HOLTZMAN: Commissioners, any  
13 other questions for Mr. Chadwick, our planner, or  
14 the applicant's planner?

15 No.

16 Dennis, you had couple of conditions.  
17 Can you --

18 MR. GALVIN: Well, I don't think we are  
19 ready for those yet, Mr. Chairman. I think we  
20 should open to the public and hear public comment.

21 CHAIRMAN HOLTZMAN: Okay. Let's open  
22 it to public. Sure.

23 Members of the public for general  
24 comments?

25 MR. GALVIN: Please raise your right

1 hand.

2 MS. FISHER: Hi.

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

7 MS. FISHER: Yes, I do.

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

10 MS. FISHER: Tiffanie Fisher,  
11 F-i-s-h-e-r, 1500 Hudson Street.

12 Okay. I'm here testifying as a  
13 neighbor in the area.

14 Hum, the one thing I wanted to start  
15 off by saying is this -- most of the people and my  
16 neighbors think this is a beautiful building, the  
17 fact that it has glass and looks different, and  
18 people are pretty excited about it, and we have come  
19 in front of this Board before on the same issues for  
20 safety and pet accommodations and feel good that pet  
21 accommodations were incorporated into the  
22 discussion.

23 We still don't have a dog park. Still  
24 think they were required to do more than they have  
25 done, but honestly, it feels good that we will have

1 at least something to address what we know will be  
2 additional pets in the area, which I think is  
3 positive.

4 The safety concerns, I appreciate  
5 the -- the crosswalks, which, again, I think will be  
6 a great improvement to the area for all of the  
7 people that go to the ferry, for the people that go  
8 to Pier 13, for people who just generally go to the  
9 waterfront, it will be great that it is so clear.

10 I still have a strong concern about the  
11 corner of 15th and Hudson. For the two minute  
12 history, the last time you were in front of the  
13 Board for 1400 Hudson, a lot of work was done around  
14 looking into safety concerns on 15th Street, very  
15 specifically the interaction between vehicles and  
16 pedestrians, and I think it was an unintended  
17 consequence of the changes in demographics in  
18 Hoboken, a lot of families and kids, et cetera, that  
19 weren't originally planned.

20 A warrant study was done on the corner  
21 of 15th and Bloomfield by the city and the corner of  
22 15th and Hudson. Bloomfield as a result of the last  
23 Planning Board meeting, we got a great stop sign at  
24 15th and Bloomfield, which was well received by all  
25 of my neighbors, and it just significantly impacted

1 in a positive way safety.

2 We kind of left open 15th and Hudson,  
3 which the results were just shy of requiring  
4 additional stop signs at that corner, and we  
5 basically said we will wait and come back when the  
6 buildings get -- either at the next Planning Board  
7 or when the buildings open and all of those people  
8 that are going to walk through that intersection  
9 walk through the intersection, and I don't know if  
10 it is within the purview of the Planning Board to  
11 compel this applicant to take ownership and  
12 responsibility of performing that warrant analysis.  
13 It wouldn't be today, but like when one of the  
14 buildings opens or as a condition, but if it is, I  
15 throw it out there --

16 CHAIRMAN HOLTZMAN: I suggest in that  
17 regard, you talk to your local Council person.

18 (Laughter)

19 MS. FISHER: Because if it is not their  
20 responsibility, I will talk to the local Council  
21 person, and I will come back and talk to the city,  
22 and it really becomes, are they taking ownership of  
23 their PUD or is the city taking the burden of it, so  
24 that's why I just raise it, and I hope that this  
25 applicant is required to take that responsibility.

1                   The last comment I will say very  
2 quickly is there wasn't a lot of discussion around  
3 the balconies on the street side. I know that this  
4 plan effectively has increased the scale of the  
5 footprint to project more on 15th Street, so we  
6 talked about it at the last meeting, it is no longer  
7 flush to the other two buildings, the front of the  
8 building.

9                   I am glad the Planning Board wants  
10 bigger retail. I don't think the neighbors want the  
11 bigger retail, but it is what it is.

12                   But those balconies, I think there is a  
13 reason why we have an ordinance that says they are  
14 not supposed to have balconies on the street side,  
15 and those balconies are fairly big, and they may be  
16 family-friendly, but they're curby friendly, and  
17 there is a residential building right across the  
18 street that is potentially going to be impacted by,  
19 you know, all of whatever activity will be on those  
20 balconies, so -- and also the throwing or tossing or  
21 tipping of anything over the balconies onto the  
22 street below, so I hope you would consider that.

23                   Thank you.

24                   CHAIRMAN HOLTZMAN: Thank you.

25                   Any other members of the public?

1                   Okay.

2                   Do you want to give us some conditions  
3           here, sir?

4                   MR. GALVIN:   Sure.

5                   Okay.   Are you ready?

6                   1:   The applicant is to confirm with  
7           corporate counsel that all requirements of the  
8           1997 --

9                   CHAIRMAN HOLTZMAN:   The city's  
10          corporate counsel?

11                  MR. GALVIN:   -- the city's corporate  
12          counsel --

13                  CHAIRMAN HOLTZMAN:   Corporation  
14          counsel?

15                  MR. GALVIN:   -- corporation counsel?  
16          Help me out with the nomenclature.

17                  The city's corporation counsel that all  
18          requirements of the 1997 developer agreement NPUD  
19          have been satisfied, and that all required easement  
20          grants for public access have been provided.

21                  2:   All elements constructed within the  
22          city's right-of-way shall be bonded and shall be  
23          constructed in accordance with the site plan.

24                  3:   The road closure and detour plan is  
25          to be created in consultation with the Board's

1 engineer and the mayor's office and must be approved  
2 by both the county and the city. The particulars of  
3 the road closure and detour plan are then to be  
4 added to the site plan. The Board's Engineer shall  
5 confirm that the plans have been properly amended.

6 A copy of the road closure and detour  
7 plan are to be provided to the mayor's office, and  
8 it is to be incorporated into the developer  
9 agreement and shall require the mayor and the  
10 Department of Transportation to be provided 30 days  
11 advance written notice prior to the initiation of  
12 the road closure detour plan.

13 4: The Board's Engineer shall review,  
14 and if acceptable in the professional opinion of the  
15 Board's Engineer, approve a construction staging  
16 plan, which must be consistent with the road closure  
17 plan, which is also to be included in the  
18 developer's agreement.

19 5: The approval is subject to  
20 compliance with the Board's professional letters.

21 6: Any public right-of-ways or  
22 easements, which have been offered to the city for  
23 any part of the underlying PUD must be recorded  
24 prior to the issuance -- and Mr. Pantel wanted it to  
25 be the CO, but I always want everything that is

1 going to be recorded, recorded before we start doing  
2 construction, so I have prior to the issuance of the  
3 first certificate of zoning compliance for this  
4 property.

5 MR. PANTEL: Yeah. My issue with that  
6 is sometimes it can take the city an awful long  
7 period of time to approve, accept, pass ordinances,  
8 to acknowledge the grant of easements. I will spare  
9 you war stories, but it can sometimes take a  
10 considerable period of time, but I hate to see the  
11 issuance of a building permit held up or a zoning  
12 permit held up because we don't have easements all  
13 recorded yet and subject of passing ordinances.

14 COMMISSIONER STRATTON: But what if  
15 they are offered prior to the issuance of  
16 construction?

17 MR. PANTEL: That is fine.

18 MR. GALVIN: I'm sorry. I didn't  
19 understand what "offered prior to" means.

20 COMMISSIONER STRATTON: Jim, can you  
21 explain that?

22 COMMISSIONER DOYLE: May be offered in  
23 an acceptable manner to the city. You know, I mean,  
24 I know there is obviously an approval process, but  
25 saying if they do their side of it, and if the city

1 is dragging its feet, then that wouldn't be a reason  
2 to hold them up.

3 CHAIRMAN HOLTZMAN: That seems to  
4 weaken our end.

5 COMMISSIONER FORBES: I think it should  
6 still be approved and done prior to the issuance of  
7 the CO.

8 MR. PANTEL: That's fine.

9 MR. GALVIN: Well, that is what he was  
10 asking for, so --

11 COMMISSIONER FORBES: Right. But I'm  
12 saying it wouldn't be that it's offered before --

13 MR. PANTEL: Yes. Tendered before the  
14 building permit and approved obviously recorded  
15 before the CO, obviously it will be long before the  
16 CO, but, yes, we are fine with that.

17 CHAIRMAN HOLTZMAN: Okay. We still  
18 have coverage on that?

19 MR. GALVIN: I am correcting it. Just  
20 give me one second.

21 CHAIRMAN HOLTZMAN: Take your time.

22 MR. GALVIN: All right. So I have:  
23 Must be tendered before the first certificate of  
24 zoning compliance and recorded prior to the issuance  
25 of the certificate of occupancy.

1                   CHAIRMAN HOLTZMAN: Are you okay with  
2 that, Mr. Pantel?

3                   MR. PANTEL: Yes.

4                   CHAIRMAN HOLTZMAN: Thank you.

5                   MR. GALVIN: 7: The applicant is to  
6 record a deed restriction to ensure that the owner  
7 of the building, which may be a condominium  
8 association, is to maintain the green roof as shown  
9 on the plan as long as the building exists. The  
10 deed restriction is to be reviewed and approved by  
11 the Board's Attorney prior to it being recording,  
12 and it must be recorded prior to the issuance of the  
13 first certificate of zoning compliance.

14                   Now, that shouldn't be a problem  
15 because I am going to turn it around within 48  
16 hours, right?

17                   MR. PANTEL: I get that.

18                   MR. GALVIN: Okay.

19                   VICE CHAIR MAGALETTA: There's a  
20 question I have. I know using green roof is a term  
21 of art --

22                   CHAIRMAN HOLTZMAN: A term of what?

23                   VICE CHAIR MAGALETTA: -- a term of  
24 art.

25                   MR. GALVIN: I mean the -- the --

1                   VICE CHAIR MAGALETTA: Oh, I know what  
2                   you mean, but if you say green roof and then say  
3                   elements as required by the ordinance for a green  
4                   roof as defined by Hoboken's ordinance --

5                   MR. GALVIN: How about as shown on  
6                   the -- green roof -- I have: "As shown on the  
7                   plan."

8                   VICE CHAIR MAGALETTA: I understand.  
9                   But the green roof means something other than the  
10                  roof is not painted green. I know what it means.  
11                  We all know what it means.

12                  CHAIRMAN HOLTZMAN: Right. But it's  
13                  also defined on the plan in terms of what it  
14                  consists of and its construction.

15                  VICE CHAIR MAGALETTA: How about "as  
16                  show and defined"? How about you give me that?

17                  MR. GALVIN: I can give you that.

18                  VICE CHAIR MAGALETTA: Thank you.

19                  (Laughter)

20                  MR. GALVIN: You are lucky you are not  
21                  on that side of the table, though.

22                  (Laughter)

23                  CHAIRMAN HOLTZMAN: Right. The plant  
24                  materials and everything, as Dave was saying, is  
25                  also defined. That's good.

1                   VICE CHAIR MAGALETTA: That I  
2 understood.

3                   CHAIRMAN HOLTZMAN: Okay.

4                   MR. GALVIN: So you will make reference  
5 in the deed restriction, make reference to the site  
6 plan.

7                   MR. PANTEL: Yes.

8                   MR. GALVIN: Thanks, Glenn.

9 All right.

10                  8: The backup generator is to be  
11 supplied by natural gas.

12                  Mr. Pantel suggested that they might  
13 use diesel fuel instead, so he has asked us to give  
14 him the alternative of natural gas or diesel fuel.

15                  Do we have a problem with that?

16                  MR. ROBERTS: Mr. Chairman, just a note  
17 on that. One of the things we did have some  
18 discussion with the applicant about the difference  
19 in the fuels.

20                  Evidently, the explanation we got back  
21 was that the diesel -- I'm sorry -- the natural gas  
22 generator for a building that size as opposed to  
23 diesel would require a much bigger area and  
24 potentially could encroach on the retail.

25                  So their rationale for the diesel was

1       that it would take up a smaller footprint on the  
2       ground floor, and that the fuel, I guess because of  
3       the combustible power, difference of diesel versus  
4       natural gas, they are showing the footprint based on  
5       diesel, which allows us to preserve the retail.

6                So my sense from that is that if there  
7       is no difference in terms of -- which I am told  
8       there isn't, that we would prefer the retail, the  
9       larger retail than the natural gas requiring a  
10      larger generator, so I just wanted to put that on  
11      the record that we did check on that, and that was  
12      the response that we got.

13               VICE CHAIR MAGALETTA:  So I guess the  
14      question is, so the diesel would be maintained on  
15      site as opposed to natural gas, which is piped in.  
16      How would that work?

17               MR. PANTEL:  Yeah.  We obviously have  
18      diesel.  We have a tank on site.  That is what we  
19      have done in other buildings, and needless to say,  
20      it is in full compliance with all of the tank  
21      regulations and it works fine.  Diesel is very  
22      reliable --

23               CHAIRMAN HOLTZMAN:  Director --

24               MR. PANTEL:  -- fuel.

25               VICE CHAIR MAGALETTA:  Yeah.

1                   COMMISSIONER FORBES: I understand that  
2 it is a reliable fuel, if you can get fuel to it.

3                   But during an event, such as Sandy,  
4 when the fuel can't even get to the location to  
5 refuel, I personally live in a building that it had  
6 a generator that was diesel, and it worked for four  
7 days, and then it didn't work for four days, and I  
8 was without power after the fact.

9                   So it is one of those situations, where  
10 the whole point of it is to be able to provide the  
11 backup generation during those kinds of outages, and  
12 natural gas will have that continuous supply.  
13 Diesel, you can't get the fuel to it in certain  
14 circumstances in those emergency situations.

15                  CHAIRMAN HOLTZMAN: Hey, Mike, we have  
16 never had this call before or a conversation before.

17                  So is this accurate, that a diesel  
18 generator generates more horsepower per cubic foot  
19 than a natural gas generator?

20                  MR. O'KREPKY: Well, the thermal  
21 efficiency of diesel is higher than natural gas, so  
22 I have not reviewed the equipment, but based on  
23 that, a diesel -- not counting fuel storage, but the  
24 actual unit, you know, because of the thermal  
25 efficiencies would be smaller. It would -- the

1 logic would dictate that.

2           However, I am just basing that just on  
3 my basic understanding of energy and physics, not of  
4 reviewing the machinery itself.

5           CHAIRMAN HOLTZMAN: But if I have a  
6 diesel generator -- if I have a natural gas  
7 generator over here, and it takes up X, over here I  
8 can have a diesel generator, and maybe the generator  
9 is a little smaller, but I got to also have a tank.

10           COMMISSIONER DOYLE: That's correct.  
11 It could be underground --

12           MR. O'KREPKY: That is correct. It  
13 would take up -- you know, it could be a part of the  
14 appurtenance of that fuel is somewhere else. And as  
15 you brought up, you know, it is not going to be  
16 unlimited, you know.

17           CHAIRMAN HOLTZMAN: Mr. Pantel, was  
18 there something you wanted to add to that?

19           MR. PANTEL: Yes, for sure.

20           First of all, with diesel, you do have  
21 the option of multiple suppliers.

22           Obviously, with natural gas, it is only  
23 one. I understand --

24           CHAIRMAN HOLTZMAN: Do you have any  
25 diesel suppliers that come in by boat?

1                   MR. PANTEL: We were able to supply all  
2 of our generators during Sandy. I don't know what  
3 the situation was with this other project that was  
4 just alluded to, but we were able to provide them  
5 all. All of our existing generators are diesel, and  
6 they clearly do take up less space, and we would  
7 like to have the option of going either way.

8                   It has worked for us before. We have a  
9 high level of confidence that it would continue to  
10 work for us, and again, for the Planning Board, I  
11 think we're getting into like --

12                   CHAIRMAN HOLTZMAN: Hang on a second  
13 there, Glenn, before you disparage us.

14                   (Laughter)

15                   VICE CHAIR MAGALETTA: Yeah. I just  
16 wanted to make sure that what you are representing  
17 is fine.

18                   CHAIRMAN HOLTZMAN: Is there some way  
19 that we can hand this off to our engineer to  
20 supervise this?

21                   Would the Commissioners be okay with  
22 leaving this in our engineer's hands to resolve this  
23 generator issue?

24                   COMMISSIONER STRATTON: I think that we  
25 should state for the record that our preference is

1 to have a natural gas generator.

2 CHAIRMAN HOLTZMAN: It is certainly on  
3 the record, but thank you for mentioning that again,  
4 absolutely.

5 COMMISSIONER PINCHEVSKY: Sure. I will  
6 also add that I also have a diesel generator, but we  
7 were able to get refilled in a few days, so our  
8 building was able to be maintained, and I think the  
9 report is, and during the storm somebody was able to  
10 come and refill it, so it worked just fine on our  
11 end.

12 CHAIRMAN HOLTZMAN: Okay. Great.  
13 Thank you.

14 So we will kick it over to the  
15 engineering team to come to a final conclusion on  
16 that. Great.

17 And the Board prefers natural gas, and  
18 Dennis is adding that to the condition.

19 MR. ROBERTS: Actually just a thought,  
20 Mr. Chairman, that the preference for natural gas,  
21 provided that it does not reduce the amount of  
22 retail square footage. I would suggest that because  
23 that was -- the size difference was apparently  
24 related to the retail --

25 CHAIRMAN HOLTZMAN: Right. That is the

1 trade-off we want evaluated, correct.

2 MR. ROBERTS: -- so I mean, I would say  
3 we would want to maintain the retail that was  
4 proposed, and it should be retail that gets built.

5 MR. GALVIN: So I have: The backup  
6 generator is to be supplied by natural gas or diesel  
7 fuel in consultation with the Board Engineer. The  
8 Board prefers natural gas, provided it does not  
9 reduce the retail space.

10 9: The ground level landscape plan is  
11 to be revised to add a small area of low level  
12 ground cover that is dog-friendly. That revision is  
13 to be reviewed and approved by the Board's Planner.

14 That has already happened, right?

15 MR. ROBERTS: I'm sorry. The --

16 MR. GALVIN: Dog-friendly, so should I  
17 take that out or just leave it in?

18 MR. ROBERTS: I would leave it in  
19 just --

20 MR. GALVIN: Okay. We'll leave it in.

21 MR. PANTEL: Can we acknowledge per the  
22 plan that was submitted?

23 VICE CHAIR MAGALETTA: I would say to  
24 Mr. Pantel's point, number 9 says: Landscaping has  
25 been revised, not is to be.

1 CHAIRMAN HOLTZMAN: There you go.

2 Beautiful.

3 VICE CHAIR MAGALETTA: That is two.

4 MR. GALVIN: Very helpful.

5 (Laughter)

6 Okay. 10: The proposed street trees  
7 are to be planted in consultation with the Shade  
8 Tree Commission. The Board recommends that the  
9 trees be a varied -- a variety -- I have "varied"  
10 -- be a variety satisfactory to the Shade Tree  
11 Commission, and the Board thought that some  
12 consideration should be given to the trees planted  
13 on neighboring streets.

14 MR. PANTEL: So there you heard that we  
15 were fine with the Shade Tree Commission's comments  
16 with that one exception explained by Mr. Carman, so  
17 I wouldn't want this to override that testimony.

18 CHAIRMAN HOLTZMAN: One second there,  
19 Glenn.

20 Okay. The street tree thing, Glenn,  
21 what was your feedback on the street tree?

22 MR. PANTEL: The feedback on that is  
23 that I wouldn't -- Mr. Carman testified that we are  
24 okay with the Shade Tree Commission's comments with  
25 one exception pertaining to the trees along Hudson

1 Street, and I wouldn't want this condition to  
2 override that testimony.

3 CHAIRMAN HOLTZMAN: We are deferring to  
4 the Shade Tree Commission, and he is telling us that  
5 there is a conflict with one of their --

6 MR. PANTEL: One of their --

7 CHAIRMAN HOLTZMAN: -- did you go back  
8 to the Shade Tree Commission to tell them about this  
9 conflict with the stormwater underground management  
10 system?

11 MR. CARMAN: I have a call into them  
12 and I sent them an email, but I have not heard back  
13 from them related to that.

14 CHAIRMAN HOLTZMAN: Okay. So we need  
15 to make sure that you report back to us that you  
16 okayed it with them. How about that?

17 MR. CARMAN: Okay.

18 CHAIRMAN HOLTZMAN: I don't know what  
19 that means, but...

20 MR. GALVIN: Well, how about this? How  
21 about at the time of memorialization, you confirm  
22 that the shade trees have been --

23 CHAIRMAN HOLTZMAN: That the Shade Tree  
24 Commissioner has signed off.

25 How about you get us some kind of a

1 letter from them that you guys are on the same page?

2 MR. CARMAN: We can do that.

3 MR. GALVIN: All right.

4 (Board members confer)

5 Prior to memorialization -- now I'm on  
6 the record -- prior to memorialization, the  
7 applicant is to provide confirmation that the Shade  
8 Tree Commission finds the plan acceptable, okay?

9 MR. PANTEL: Yeah, and if we don't have  
10 it by memorialization, then we'll --

11 CHAIRMAN HOLTZMAN: Don't worry about  
12 it, Glenn, you'll get it.

13 MR. GALVIN: You call me, and you will  
14 give me a story.

15 (Laughter)

16 11: None of the stormwater from this  
17 property is to outflow into the North Hudson Sewer  
18 Authority system.

19 CHAIRMAN HOLTZMAN: Now and forever.

20 MR. GALVIN: You're all right with  
21 that?

22 12: The applicant is to submit the  
23 base information that supports the No Further Action  
24 letters that have been issued for this property.

25 The Board Engineer is to make a

1       determination that the known environmental issues  
2       for this site have been resolved.

3               MR. PANTEL:  The first part of that, I  
4       am okay with the first part of that.  I don't want  
5       the second part in because that is a DEP call, and  
6       we can't have a second master on that.  It is the  
7       DEP.

8               MR. GALVIN:  You are seeing it wrong.  
9               How about I change it to:  Resolved to  
10       the satisfaction of the DEP?

11              CHAIRMAN HOLTZMAN:  Yes.

12              COMMISSIONER DOYLE:  You are assuming  
13       you will get action from the DEP --

14              THE REPORTER:  I can't hear you.

15              MR. GALVIN:  No.  We're assuming -- our  
16       engineer has told us that he has in the past been  
17       able to find files there that are more than 25 years  
18       old, so I am hoping that you will be able to easily  
19       go back and find the information.

20              If not, you will contact me, and we  
21       will come up with Plan B.  But right now, we want to  
22       be assured that this property has fully complied  
23       with DEP requirements, and we are uncertain because  
24       we did a search that showed certain things that were  
25       open, and we weren't quite sure of what was there

1 before, and we want to make sure that everything was  
2 done properly.

3 We are not supervising the DEP. We  
4 just want to make sure that people who are going to  
5 live in these homes are -- their needs have been  
6 met. If they haven't been met, we will reach out to  
7 the DEP and ask them to investigate.

8 CHAIRMAN HOLTZMAN: Thank you, Glenn.

9 13?

10 MR. GALVIN: The applicant is to enter  
11 into a developer agreement with the city for this  
12 property, which shall include the construction  
13 staging plan and the road closure and detour plan,  
14 so my compromise is not to link it. I'm not linking  
15 it --

16 MR. PANTEL: I was making a note.  
17 Could you repeat that?

18 MR. GALVIN: Yes.

19 The applicant is to enter into a  
20 developer agreement with the city for this property,  
21 which shall include the construction staging plan  
22 and the road closure and detour plan.

23 I am not linking it to a prior  
24 developer's agreement. If you need it -- I think it  
25 is something that you need when you do this kind

1 of -- you need an agreement with the city before you  
2 start closing streets.

3 MR. PANTEL: Well, in the past, it  
4 worked well for us, when we have road construction  
5 staging and the road closure plan, they are  
6 implemented in connection with the review and  
7 approval, of course, by the Board Engineer and the  
8 city road department.

9 We don't -- we are not a bunch of  
10 cowboys going out and doing this on our own by any  
11 means. We have never had any violation issues that  
12 I am aware of in that regard at all. But to suggest  
13 that we need a full blown developer's agreement, the  
14 City Council requiring a whole new layer of review  
15 over and above the Board's Engineer and the city  
16 road department, I don't think is appropriate, and I  
17 do take exceptions to the requirement that we have a  
18 new developer's agreement just to implement a  
19 construction --

20 MR. GALVIN: No, no, no, no, no. I was  
21 compromising you, and I'm offering you a new  
22 developer agreement for this project rather than  
23 saying, no, we would amend the existing developer's  
24 agreement. But if you would like to amend the  
25 existing developer's agreement, that would be my

1 recommendation to the Board.

2 MR. PANTEL: No. I understand that.  
3 But I am suggesting to you (A) that you certainly  
4 don't need to amend the -- I understand you are  
5 suggesting it so --

6 MR. GALVIN: No. I was trying to be  
7 helpful, right.

8 If it's not helpful --

9 MR. PANTEL: -- right. I understand  
10 that. But it is still very problematic and not  
11 acceptable to us to have to go to the City Council  
12 to have City Council approve a purely engineering  
13 issue of a construction staging plan and a road  
14 closure plan.

15 We have projects on county roads left  
16 and right throughout the state. When you deal with  
17 a county road, and you have this type of issue, you  
18 get a road opening permit from the county  
19 engineering department. It should be the same thing  
20 here, and that is what we have always done in the  
21 past. You go to engineering, maybe the Department  
22 of Transportation, the city road department, and we  
23 should not have to go to City Council on that.

24 COMMISSIONER STRATTON: Can I offer --

25 CHAIRMAN HOLTZMAN: Commissioner

1 Stratton?

2 COMMISSIONER STRATTON: Dennis, I don't  
3 know if you have done this in the past, but we did  
4 talk about construction scheduling and road closure  
5 with Director Morgan, and the applicant did state  
6 that they will work on that submission with the  
7 department, and they will comply with whatever  
8 requirements we have. That's the only conversation  
9 we had. I don't know what the mechanism is --

10 MR. GALVIN: You know, I have been  
11 saying all along that this particular developer is  
12 kind of the white hat. You know, normally what they  
13 promise you, you get.

14 But I want you to understand that it's  
15 standard operating procedure in the State of New  
16 Jersey or the best practice for sure that when you  
17 are going to do things that are beyond the scope of  
18 the property, shutting down the street is beyond the  
19 scope of the property, that now you are talking  
20 about closing a city street. You need an agreement  
21 with the city in order to do that, and that's best  
22 done by a developer agreement.

23 So in my opinion, you know, I am not  
24 suggesting that you have to record this or there's  
25 anything really dramatic here. We are talking about

1 a developer agreement doing two things. One,  
2 explaining how the staging plan and the road closure  
3 are going to --

4 CHAIRMAN HOLTZMAN: So this is a  
5 separate developer agreement that only deals with  
6 those two issues, staging and road closure?

7 MR. GALVIN: For this, for this --

8 CHAIRMAN HOLTZMAN: Staging and road  
9 closure.

10 MR. GALVIN: To keep it simple.

11 So whatever plan you guys develop,  
12 whatever your department develops, that would be  
13 Exhibit A and Exhibit B attached to a rudimentary  
14 developer's agreement.

15 Now, you are right that it would  
16 require some approvals, and this applicant doesn't  
17 want to go any extra steps because they want to move  
18 this project along, and I want to be as cooperative  
19 as I can, but in my opinion, that is something that  
20 we should have.

21 MR. PANTEL: I can tell you my  
22 experience --

23 COMMISSIONER STRATTON: And I think  
24 that's a decision for the Board to make --

25 CHAIRMAN HOLTZMAN: Hang on a second.

1 Commissioner?

2 COMMISSIONER STRATTON: -- then I think  
3 that's a decision for the Board to make. I think  
4 that we should weigh in on whether or not we --

5 MR. GALVIN: Yes, exactly.

6 CHAIRMAN HOLTZMAN: Director Forbes,  
7 any insight on how to proceed?

8 COMMISSIONER FORBES: What Dennis is  
9 talking about is it is standard practice. The  
10 approvals, if they're impacts on the public  
11 right-of-way or improvements that they are going to  
12 be doing in the public right-of-way, that are  
13 significant in here, it would be closing that  
14 roadway, then, yes, I think that, you know, those  
15 are the things that typically is the best practice  
16 to have a developer's agreement.

17 CHAIRMAN HOLTZMAN: Great, so --

18 MR. PANTEL: I would like to comment,  
19 especially in light of the fact that comment was  
20 made that this is standard practice.

21 I have done probably about easily 70 to  
22 80 million square feet of industrial development and  
23 commercial development around the state and tens of  
24 thousands of residential developments.

25 And sometimes you see from time to time

1       that developer's agreements are standard practice in  
2       some towns. In others, they are not, and  
3       particularly, if you have, you know, some special  
4       off tract improvement, which we obviously don't have  
5       here beyond the very basics that we have in our  
6       traffic plan. But for something as basic as a  
7       construction staging plan, which is essentially all  
8       on site and a road closure plan, dealing with you  
9       have a sophisticated road department here, and for  
10      that matter a city Department of Transportation, I  
11      don't see why we have to go to City Council.

12                   CHAIRMAN HOLTZMAN: I got you, Mr.  
13      Pantel.

14                   Thank you.

15                   Please continue, Dennis.

16                   MR. GALVIN: And then the final item  
17      is: The roof is to have a minimum 5,490 square feet  
18      of green roof -- we're back to the same thing of how  
19      do you divide it -- as shown on the -- as more  
20      particularly shown on the site plan.

21                   COMMISSIONER DOYLE: I got a --

22                   A VOICE: What was on the roof, 5,000  
23      what?

24                   MR. PANTEL: 5,490.

25                   MR. GALVIN: 490.

1                   Go ahead.

2                   COMMISSIONER DOYLE:  Maybe just say the  
3                   green roof as depicted in the plans because you are  
4                   conceding that the top of the structure is --

5                   MR. GALVIN:  Well, no, no, no.  Hold on  
6                   a second.  I am trying to broker compromise.

7                   (Laughter)

8                   CHAIRMAN HOLTZMAN:  You're trying to  
9                   make sure we don't lose any feet, right?  I mean,  
10                  that's sort of where you're --

11                  MR. GALVIN:  Both things.  We get the  
12                  variance in one way, and the other way is we make  
13                  sure that this gets a minimum of 5,000 --

14                  CHAIRMAN HOLTZMAN:  So we want to make  
15                  sure that we get all of the square footage that we  
16                  are looking for, right?  So how do we do that?

17                  COMMISSIONER DOYLE:  You say including  
18                  the area on top of the bulkhead?

19                  MR. ROBERTS:  That would be the  
20                  mechanical --

21                  MR. GALVIN:  The roof is to have a  
22                  minimum of 5,490 square feet of green roof including  
23                  the mechanical bulkhead.

24                  MR. ROBERTS:  The roof over the  
25                  mechanical penthouse.

1                   MR. GALVIN: And then I am going to  
2 add: To be determined by the Board's Planner, which  
3 is to be confirmed prior to the issuance of a  
4 certificate of occupancy, okay?

5                   COMMISSIONER DOYLE: Yes, I guess so.

6                   Thank you.

7                   CHAIRMAN HOLTZMAN: Okay. So those are  
8 the four conditions that --

9                   MR. GALVIN: Those are 14 conditions.

10                  CHAIRMAN HOLTZMAN: -- 14 conditions.  
11 I'm sorry, 14 conditions.

12                  MR. GALVIN: Plus my standard  
13 conditions.

14                  MR. PANTEL: Can I pick four?

15                  (Laughter)

16                  MR. GALVIN: Yes. Glenn takes four,  
17 whatever four you want.

18                  (Laughter)

19                  COMMISSIONER DOYLE: Chairman?

20                  CHAIRMAN HOLTZMAN: Yes, Jim.

21                  COMMISSIONER DOYLE: Can I ask  
22 Commissioner Forbes, I don't recall ever having a  
23 road closure plan coming before the Council in the  
24 last two and a half years, including --

25                  COMMISSIONER FORBES: I am not saying

1       that -- my point was it is a best practice to have a  
2       developer's agreement. We haven't always. We do  
3       have some developer's agreements that have come  
4       before City Council over the last few years. I  
5       don't know if it included -- I don't know that all  
6       of those projects included a road closure. A lot of  
7       projects may require improvements to the roadway  
8       itself, but not necessarily a road closure.

9                 MR. GALVIN: And I would say that if  
10       the Department of Transportation looks at it and  
11       signs off on it, then it comes to the Council for a  
12       resolution accepting the developer's agreement, I  
13       would like to see it move right along and be  
14       approved, and that is what they are concerned about,  
15       that it is going to become like a back and forth,  
16       and it's really -- if it is as simple as the closure  
17       plan in a street, and these two plans are okayed by  
18       the staff, and they go into the developer's  
19       agreement, and corporation counsel reviewed the  
20       resolution, then I would like to think that the  
21       Council would approve that pretty promptly.

22                COMMISSIONER DOYLE: I imagine it  
23       would, but if it were just a resolution without a  
24       separate agreement that had to be negotiated, that  
25       would be I think perhaps more palatable to Mr.

1 Pantel, which is that is just one page, but --

2 MR. GALVIN: No. You guys need a  
3 resolution authorizing somebody to sign the  
4 developer's agreement, so I guess the next question  
5 would be you would want to see the document, and if  
6 I were a councilman, I would.

7 COMMISSIONER DOYLE: Oh, yes. That is  
8 what you are recommending, and I understand that --

9 MR. GALVIN: That we're not just -- you  
10 know, that there's no -- what I am actually saying  
11 is it is something that you could spend time on, but  
12 I am not really so sure you should if your  
13 executive -- your administrative department has at  
14 least on this thing -- in other words, it would be a  
15 shame not to follow the best practice because we are  
16 worried it's going to be bogged down, and that is  
17 what we are thinking about.

18 CHAIRMAN HOLTZMAN: Okay.

19 MR. PANTEL: Frankly, I don't see how  
20 it is the best practice. I mean, you have --

21 CHAIRMAN HOLTZMAN: Mr. Pantel, you  
22 made your point perfectly clear on that

23 MR. PANTEL: -- this is all technical  
24 input, road department engineering.

25 CHAIRMAN HOLTZMAN: Thank you, Mr.

1 Pantel.

2 Mr. Doyle, are you still comfortable  
3 with that clause?

4 COMMISSIONER DOYLE: I am not  
5 uncomfortable with it, but --

6 CHAIRMAN HOLTZMAN: Good.

7 COMMISSIONER DOYLE: -- I don't know  
8 whether we can consider whether it's included or  
9 not, maybe --

10 CHAIRMAN HOLTZMAN: Director Forbes and  
11 Mr. Galvin are giving us a guidance that this is a  
12 best practice that we perhaps have not always  
13 followed --

14 COMMISSIONER DOYLE: I will stop.

15 CHAIRMAN HOLTZMAN: -- no, no, no, no,  
16 but I think that that is really the -- it's new to  
17 me as well. It took me back a little bit, but on  
18 the other hand, if these two are telling me that it  
19 is best practices, then I think that we should  
20 follow the best practices.

21 MR. GALVIN: Yeah. It is not supposed  
22 to be a negotiation. It's supposed to be the  
23 department comes up with this is how we are going to  
24 close it off, this is who we are going to contact  
25 when we close it, this is how long it's closed, and

1       this is how it's going to be closed, and that goes  
2       into an agreement that's signed by the city and by  
3       the developer.

4                   CHAIRMAN HOLTZMAN:   And we should  
5       probably talk about this more than they should.  We  
6       have taken up way more time with this than the City  
7       Council should in terms of discussing this.

8                   MR. GALVIN:   Yes.  You have confidence  
9       in your administrative staff.

10                  COMMISSIONER PINCHEVSKY:  Mr. Chairman,  
11       I have a couple of concerns I wouldn't mind putting  
12       on the record, if that could be --

13                  MR. GALVIN:   Okay.  Hold on one second.  
14       Let me make sure that I'm done with the conditions.

15                  Are we done with the conditions?

16                  CHAIRMAN HOLTZMAN:  We are done with  
17       the conditions.

18                  MR. GALVIN:   The Board wants to move  
19       into deliberations.

20                  Do you want to file a lawsuit and try  
21       to knock these conditions out?  Let's give it a  
22       shot.

23                  MR. PANTEL:   It is obviously not my  
24       intention, and it hasn't been our practice to do  
25       that.  But I just want to make one final remark, if

1 I could, because I know you spent more time on this  
2 issue than you like, but it is a tiny, tiny fraction  
3 of the time that I am going to have to spend on it  
4 later with the city attorneys and City Council.

5 Now, I am totally fine dealing with  
6 your engineer, with your city road department, with  
7 your city Department of Transportation, but once we  
8 have that done, I shouldn't then have to go to City  
9 Council and have five, six, seven City Council  
10 members start questioning our road closure plan and  
11 having whole new hearings on that. That is not the  
12 way the process should work, and I think that is  
13 what you are exposing us to.

14 MR. GALVIN: Okay. We respectfully  
15 disagree.

16 CHAIRMAN HOLTZMAN: Okay. We are going  
17 to go into comments from the Commissioners.

18 Mr. Pinchevsky, do you want to lead us  
19 off?

20 COMMISSIONER PINCHEVSKY: Yes. Thank  
21 you very much.

22 So I also agree with the many folks  
23 that commented that the esthetics of the building is  
24 much improved, and I think should be commended by  
25 everybody involved.

1           I do have a very big concern with the  
2           large footprint of this property. The first four  
3           floors are nearly a hundred percent lot coverage. I  
4           understand that the citation, the  
5           196-27.1(b)(3)(b)(1) got them 74 percent and only  
6           counting floors five and above.

7           However, one section above that in  
8           3(a), it tells them that they only have 125 feet.  
9           They are requesting 156 feet. I understand they  
10          were previously granted 146, but what we are looking  
11          upon is 125 going up to 156.

12          The 146 previously granted seems to be  
13          a very strange number, and it appears to essentially  
14          give them no more room than to make them flush with  
15          all of the other buildings on 15th Street, and I  
16          think that is important to note because also in  
17          196-27.1, it specifically mentions referring to  
18          subsection (b)(1) that the pedestrian circulation  
19          system of the street is to be maintained -- that  
20          it's important to maintain the view corridors, and  
21          it specifically mentions the east/west view  
22          corridor, and it again specifically mentions 15th  
23          Street.

24          So when you have this building now  
25          requesting 31 feet more than the 125 allotted or

1 allowed, and they are going to be projecting into  
2 that view corridor, which it specifically says that  
3 we should try to maintain, I think that is a big  
4 hurdle to overcome, and it's a major detriment in  
5 fact.

6 I mean, if this building was ten blocks  
7 further west, and they weren't at the same point of  
8 view for many people walking east towards the river,  
9 again, I think it is a major detriment.

10 The one positive given fact, other than  
11 the esthetics, is the retail space, and that is the  
12 reason I was really honing in on that, because I  
13 think it was being portrayed as though it was kiosks  
14 and nail salons, where as it was 2,000 square feet,  
15 which, you know, we've all seen nail salons. They  
16 fit in 200 square feet.

17 This is much more. The current plan is  
18 much more than that, and I just think that the  
19 detriment of projecting into the beautiful  
20 right-of-way that folks walk along every single day,  
21 it is the natural progression towards the river, and  
22 sticking a building right in front of it, I  
23 understand it is only ten feet, but it's right in  
24 the way. Again, I think it's a major detriment, and  
25 I don't think that the -- I don't think that it's

1       been proven or the burden has been shown to -- that  
2       I can vote in favor.

3                   CHAIRMAN HOLTZMAN:   Thank you, Mr.  
4       Pinchevsky.

5                   Commissioners, any other additional  
6       comments or questions -- or not questions -- but  
7       additional opinions?

8                   COMMISSIONER STRATTON:   Can I just --

9                   CHAIRMAN HOLTZMAN:   Mr. Stratton?

10                  COMMISSIONER STRATTON:   -- can we go  
11       back to the road closure?  I just have a couple of  
12       questions.

13                  CHAIRMAN HOLTZMAN:   I hope not, but go  
14       ahead.

15                  COMMISSIONER STRATTON:   Does the City  
16       Council grant authority to close streets?

17                  Like do people go to the City Council  
18       and say, Hey, City Council, can we close this  
19       street?

20                  Does that rest with the transportation  
21       director?

22                  So what then would the Council offer by  
23       reviewing and approving --

24                  MR. GALVIN:   My simple view is that a  
25       street is owned by the municipality.  So if I want

1 to do something on the street, I need to come and  
2 get municipal approval. It is no different than  
3 getting a bay window that encroaches onto the  
4 sidewalk, so in this instance where you're going to  
5 close the street down --

6 CHAIRMAN HOLTZMAN: Yeah, but that is a  
7 different thing because that's a temporary closure  
8 versus a forever bay window.

9 MR. GALVIN: I think even if you were  
10 going to have like a suburban neighborhood, where  
11 you want to have a block party, you need the city's  
12 permission to close down the cul-de-sac to have a  
13 party.

14 CHAIRMAN HOLTZMAN: Well, we don't have  
15 that approved by our City Council. We do that by  
16 process of event permits and things like that that  
17 are handled in the administration.

18 COMMISSIONER STRATTON: So I guess my  
19 next question, Dennis, would be: Do you not think  
20 that there is sufficient leverage between an  
21 engineer's review and the transportation review to  
22 compel the applicant to comply with a construction  
23 schedule and --

24 MR. GALVIN: The reason why you -- and,  
25 again, I started out with saying these guys wear the

1 white hat. But if you have another developer that  
2 doesn't want to abide by the agreement you reach,  
3 how do you enforce it?

4 COMMISSIONER STRATTON: You don't issue  
5 a road --

6 MR. GALVIN: You use a developer's  
7 agreement. It's a contract, that you go to court  
8 and you say, this is what we agreed to, and they're  
9 not following it.

10 You set out the specifics of how you're  
11 going to do it. Otherwise you are left to other  
12 ordinances and things that you are going to try to  
13 use, and it's going to be a lot harder.

14 COMMISSIONER STRATTON: Well, I mean,  
15 if you come to me, and you ask for a road closure  
16 permit, and I say, "No, you can't have one," I think  
17 that that is also a leverage point.

18 VICE CHAIR MAGALETTA: Yeah. I am  
19 going with Commissioner Stratton. If the city  
20 authorizes its directors and -- as far as the  
21 engineer, you know, this is not -- this is a  
22 temporary closure. This is not permanent. It's not  
23 for the next 50 years, so I am okay with removing  
24 that requirement.

25 CHAIRMAN HOLTZMAN: I am okay with

1 removing the requirement of the developer's  
2 agreement.

3 VICE CHAIR MAGALETTA: Yeah. This is  
4 an ad hoc -- this is -- there's no developer --

5 MR. GALVIN: Okay. No problem.

6 VICE CHAIR MAGALETTA: -- this  
7 applicant --

8 CHAIRMAN HOLTZMAN: No problem.

9 COMMISSIONER STRATTON: I would really  
10 like Jim to weigh in on this to be honest. I would  
11 really like to know what --

12 COMMISSIONER DOYLE: Well, I already  
13 tried to get it taken out, because that is how I  
14 feel about it, but I mean --

15 (Laughter)

16 CHAIRMAN HOLTZMAN: Okay. So let's  
17 take that out.

18 MR. GALVIN: I just want you to keep an  
19 open mind, even though --

20 COMMISSIONER STRATTON: Of course.

21 MR. GALVIN: -- even though you are  
22 doing it in this instance, I will produce additional  
23 information that supports the theory that when you  
24 are doing this, you should have a developer's  
25 agreement. Okay?

1 CHAIRMAN HOLTZMAN: Thank you.

2 COMMISSIONER STRATTON: And I don't  
3 disagree.

4 I would like to state for the record  
5 that this applicant has demonstrated the ability to  
6 come to a consensus, implement a construction  
7 schedule and complete that construction ahead of  
8 schedule. They did that with the previous closure  
9 for Hudson Street, and it was three months ahead of  
10 schedule.

11 VICE CHAIR MAGALETTA: Never playing  
12 favorites with any applicant.

13 COMMISSIONER STRATTON: Right.

14 CHAIRMAN HOLTZMAN: Thank you very  
15 much, Mr. Stratton. It's a very good point, and I  
16 appreciate your positive comments about the  
17 applicant. It's very nice. So we are going to  
18 remove that condition. That is a great callout.

19 Any other --

20 COMMISSIONER FORBES: Are we --

21 CHAIRMAN HOLTZMAN: -- Director Forbes?

22 COMMISSIONER FORBES: -- are we still  
23 requiring, though, that they to go through the  
24 proper --

25 CHAIRMAN HOLTZMAN: Yes, the City's --

1 the Planning Board --

2 COMMISSIONER FORBES: -- so we're not  
3 removing -- we're just removing the requirement of a  
4 developer's agreement to do that?

5 CHAIRMAN HOLTZMAN: Correct.

6 MR. GALVIN: Correct.

7 CHAIRMAN HOLTZMAN: Did you want to  
8 follow up with any opinion on the application with  
9 any opinion, Director?

10 COMMISSIONER FORBES: No.

11 CHAIRMAN HOLTZMAN: No. Good.

12 Mr. Doyle, any opinion on the  
13 application before us and the conditions now that we  
14 cleaned things up a little bit?

15 COMMISSIONER DOYLE: No.

16 CHAIRMAN HOLTZMAN: Mr. Magaletta, any  
17 concluding remarks?

18 VICE CHAIR MAGALETTA: I am fine. I am  
19 glad that the applicant is agreeing to have a  
20 variance for the mechanical penthouse. You know, I  
21 understand your position. You are retaining your  
22 exception to it, but I mean, at some point when does  
23 a penthouse -- when does it become too much, so I  
24 thank you for that, and I support this application.  
25 I think it is -- I know, Mr. Marchetto, you pointed

1 out at the first hearing, when you reduced the top  
2 floors, it lightens it up. I mean, we have canyons  
3 that we walk through, and this makes it a little bit  
4 lighter. Not great, but you do what you can.

5 Thank you.

6 CHAIRMAN HOLTZMAN: Thank you,  
7 Commissioner.

8 COMMISSIONER JACOBSON: I just wanted  
9 to echo Mr. Magaletta's comments about the design or  
10 the architecture of the building. I really like the  
11 big retail space on 15th Street because that is  
12 becoming a primary pathway to the waterfront and  
13 having a large commercial space along that corridor  
14 I think is a big win for us.

15 In particular, I like the creation of  
16 some texture or contrast from the building with the  
17 use of setbacks as opposed to things like bay  
18 extensions, so I really do like that.

19 One thing I do want to add into the  
20 record, and I had spoken with Mr. Galvin about this  
21 after the first hearing, in Mr. Marchetto's  
22 testimony he referred to the building immediately  
23 south of the proposed development between Hudson and  
24 Shipyard Lane as the Sovereign Building.

25 Just for the record, in case there is

1 any whatever, that's actually known as the Berkshire  
2 Building, so I just wanted to get that on the record  
3 that if anything comes back, that is the Berkshire  
4 Building.

5 That is it.

6 CHAIRMAN HOLTZMAN: Thank you.

7 COMMISSIONER FORBES: Actually I did  
8 have -- I apologize.

9 (Laughter)

10 I did want to make a comment. I do  
11 think that there are improved, you know, definite,  
12 distinct improvement over the prior approval in both  
13 the size of the retail space, but as well as the pet  
14 amenities. I know that has been an issue with prior  
15 buildings in this PUD, and I appreciate that they  
16 went back to the drawing board and really tried to  
17 consider some options for that.

18 CHAIRMAN HOLTZMAN: Great.

19 Thank you.

20 I think the application and the  
21 applicant has done a tremendous job of making the  
22 project better than where it started, and I  
23 appreciate that myself.

24 They have made it easy for our  
25 professionals to work with them. They have been

1 very accommodating for the administration and their  
2 professionals with regards to the pedestrian safety  
3 and things of this nature. They have accommodated  
4 us with regard to the redesign of the balconies,  
5 which I think is important.

6 I think the initial change in the  
7 architecture is an incredible improvement over what  
8 was on the drawing board, gosh, almost 20 years ago  
9 at this point.

10 The pet accommodation, they have  
11 listened to the public. They have gone back to the  
12 drawing board, so I certainly will be supporting  
13 this application.

14 That being said, are there any other  
15 Commissioners who wish to opine on this, or is there  
16 a motion to accept the application with the  
17 conditions as read by Mr. Galvin?

18 VICE CHAIR MAGALETTA: Motion.

19 COMMISSIONER FORBES: Second.

20 CHAIRMAN HOLTZMAN: Call the vote.

21 MS. CARCONE: Commissioner Magaletta?

22 VICE CHAIR MAGALETTA: Yes.

23 MS. CARCONE: Commissioner Stratton?

24 COMMISSIONER STRATTON: Yes.

25 MS. CARCONE: Commissioner Forbes?

1 COMMISSIONER FORBES: Yes.

2 MS. CARCONE: Commissioner Doyle?

3 COMMISSIONER DOYLE: Yes.

4 MS. CARCONE: Commissioner Graham?

5 COMMISSIONER GRAHAM: Yes.

6 MS. CARCONE: Commissioner McKenzie?

7 COMMISSIONER MC KENZIE: Yes.

8 MS. CARCONE: Commissioner Pinchevsky?

9 COMMISSIONER PINCHEVSKY: No.

10 MS. CARCONE: Commissioner Jacobson?

11 COMMISSIONER JACOBSON: Yes.

12 MS. CARCONE: And Commissioner  
13 Holtzman?

14 CHAIRMAN HOLTZMAN: Yes.

15 MS. CARCONE: Approved.

16 CHAIRMAN HOLTZMAN: Thank you.

17 Thank you, folks.

18 MR. PANTEL: Thank you very much. We  
19 appreciate it.

20 MR. GALVIN: See you, Glenn.

21 MR. PANTEL: See you.

22 (The matter concluded at 10:25 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: 3/8/16  
This transcript was prepared in accordance with  
NJAC 13:43-5.9.

CITY OF HOBOKEN  
PLANNING BOARD

----- X  
REGULAR MEETING OF THE HOBOKEN : March 1, 2016  
PLANNING BOARD : 10:25 p.m.  
----- X

Held At: 94 Washington Street  
Hoboken, New Jersey

B E F O R E:

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

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

- David Glynn Roberts, AICP/PP, LLA, RLA  
Board Planner
- Michael J. O'Krepky, PE, CME  
Board Engineer
- Patricia Carcone, Board Secretary

PHYLLIS T. LEWIS  
CERTIFIED SHORTHAND REPORTER  
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Phone: (732) 735-4522

## 1           A P P E A R A N C E S:

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

7                   ROBERT C. MATULE, ESQUIRE  
8                   One Hudson Place (5th Floor)  
9                   Hoboken, New Jersey 077030  
10                  Attorney for the Applicant.

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1                   CHAIRMAN HOLTZMAN: Do you want to  
2 start this game?

3                   MR. MATULE: Pardon?

4                   CHAIRMAN HOLTZMAN: I said do you want  
5 to start this game?

6                   MR. MATULE: No.

7                   (Laughter)

8                   CHAIRMAN HOLTZMAN: Thank you.

9                   We're back on the record. We are on  
10 the record, Mr. Matule. Please fire away.

11                  MR. MATULE: Good evening, Mr.  
12 Chairman.

13                  (Laughter)

14                  Robert Matule appearing on behalf of  
15 the applicant.

16                  This is with respect to the application  
17 for 722-730 Jefferson Street. In light of the hour,  
18 we would prefer not to start because we probably  
19 wouldn't get finished with even one witness, and we  
20 find, if we have the option, it usually works better  
21 to present the entire application in one shot.

22                  We have already on March 29th two  
23 matters scheduled. One was carried from the last  
24 meeting, 731-733 Clinton Street, which is a  
25 preliminary site plan for I think I want to say 15

1 units, so that's going to, I would think, take some  
2 time. Now, we just carried 133. I don't know how  
3 realistic it would be to try to carry this to the  
4 29th.

5 CHAIRMAN HOLTZMAN: Nope.

6 MR. MATULE: I would prefer the next  
7 scheduled meeting, which is the following week,  
8 April 5th, I would rather be number one on the April  
9 5th agenda, if that's possible.

10 MS. CARCONE: You actually have 318  
11 Washington Street carried to April 4th

12 MR. MATULE: What's carried to that?

13 MS. CARCONE: 319 Washington from  
14 February 10th -- oh, wait -- no, it was deemed  
15 complete on February 10th, so we had scheduled that  
16 for -- was that you, 319 Washington?

17 MR. MATULE: No, it's not ringing a  
18 bell.

19 CHAIRMAN HOLTZMAN: Oh, that is the  
20 burger place, the Five Guys burger thing, right,  
21 adding additional floors?

22 VICE CHAIR MAGALETTA: That was the --  
23 yeah, Five Guys burger place.

24 MR. MATULE: No, that is not mine.

25 MS. CARCONE: That's not you?

1 MR. MATULE: That's not me.

2 MS. CARCONE: Oh, okay. All right.

3 MR. MATULE: That is not me, and I want  
4 to know how that happened.

5 (Laughter)

6 MS. CARCONE: So you'll be second.

7 MR. MATULE: But, well, either way, if  
8 we are second even, we have a pretty strong  
9 likelihood of getting reached.

10 I don't know what that application  
11 entails or how complicated it is, but generally we  
12 can get through two a night.

13 So that being said, we would like to be  
14 carried to April 5th with no further public notice,  
15 and we will waive the time within which the Board  
16 has to act through April 5th, and have a good  
17 evening.

18 CHAIRMAN HOLTZMAN: Great.

19 MR. GALVIN: Motion to accept?

20 VICE CHAIR MAGALETTA: Motion to  
21 accept.

22 CHAIRMAN HOLTZMAN: Is there a second  
23 to that motion?

24 COMMISSIONER FORBES: Second.

25 CHAIRMAN HOLTZMAN: All in favor?

1 (All Board members answered in the  
2 affirmative.)

3 CHAIRMAN HOLTZMAN: Anybody opposed?

4 MR. MATULE: Thank you.

5 CHAIRMAN HOLTZMAN: Any other business,  
6 Commissioners?

7 (Board members confer)

8 CHAIRMAN HOLTZMAN: Is there a motion  
9 to close the meeting, Commissioners?

10 VICE CHAIR MAGALETTA: Motion.

11 CHAIRMAN HOLTZMAN: Second?

12 COMMISSIONER MC KENZIE: Second.

13 CHAIRMAN HOLTZMAN: All in favor?

14 (All Board members answered in the  
15 affirmative.).

16 (The meeting concluded at 10:30 p.m.)

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C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CCR, CRCR

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PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300  
 Notary Public of the State of New Jersey  
 My commission expires 11/5/2020.  
 Dated: 3/8/16  
 This transcript was prepared in accordance with  
 NJAC 13:43-5.9.