

CITY OF HOBOKEN
PLANNING BOARD

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REGULAR MEETING OF THE HOBOKEN : January 6, 2015
PLANNING BOARD : 7:08 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 Stephen Marks
- Commissioner Brandy Forbes
- Commissioner Ann Graham
- Commissioner Rami Pinchevsky
- Commissioner Caleb McKenzie
- Commisioner Ryan Peene

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

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

Patricia Carcone, Board Secretary

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1 CHAIRMAN HOLTZMAN: So we are going to
2 call the meeting to order. It is 7:08 on Tuesday,
3 January 6th. This is the Hoboken Planning Board
4 Meeting.

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

13 Pat, please call the roll.

14 MS. CARCONE: Commissioner Holtzman?

15 CHAIRMAN HOLTZMAN: Here.

16 MS. CARCONE: Commissioner Magaletta?

17 VICE CHAIR MAGALETTA: Here.

18 MS. CARONE: Commissioner Marks?

19 COMMISSIONER MARKS: Present.

20 MS. CARONE: Commissioner Forbes?

21 COMMISSIONER FORBES: Here.

22 MS. CARONE: Commissioner Graham?

23 COMMISSIONER GRAHAM: Here.

24 MS. CARONE: Commissioner McKenzie?

25 COMMISSIONER MC KENZIE: Here.

1 MS. CARONE: Commissioner Mosseri is
2 not here yet.

3 Commissioner Pinchevsky?

4 COMMISSIONER PINCHEVSKY: Here.

5 MS. CARCONE: And soon to be
6 Commissioner Peene?

7 COMMISSIONER PEENE: Here.

8 MS. CARCONE: Okay.

9 MR. GALVIN: Not soon to be.

10 MS. CARCONE: Okay. Well, we're going
11 to do that first?

12 CHAIRMAN HOLTZMAN: Should we do the
13 appointments first?

14 MR. GALVIN: You do the roll call --

15 CHAIRMAN HOLTZMAN: The regular
16 administrative stuff.

17 MR. GALVIN: -- I understood what you
18 meant.

19 MS. CARCONE: Okay.

20 CHAIRMAN HOLTZMAN: We have a number of
21 administrative things to take care of quickly.

22 MR. GALVIN: Well, I think Pat is
23 right. I think we should reorder -- I don't think
24 the agenda, my bad -- I know you gave me the agenda,
25 and I probably didn't pay close enough attention,

1 but I think we should swear in the new members
2 first.

3 CHAIRMAN HOLTZMAN: Okay. Let's do
4 that.

5 So I have a memo from Mayor Dawn
6 Zimmer: I have made the following appointments to
7 the Planinng Board: Brandy Forbes, Class II
8 reappointed; Stephen Marks, Mayor's designee
9 reappointed; Caleb McKenzie, Class IV appointed,
10 that is a bump-up to Caleb, and Ryan Peene, first
11 alternate appointed, so I guess we can do this en
12 mass.

13 MR. GALVIN: Yes. Would everyone
14 please rise, and raise your right hand.

15 I -- state your name --

16 COMMISSIONER FORBES: I, Brandy
17 Forbes --

18 COMMISSIONER MC KENZIE: I, Caleb
19 McKenzie --

20 COMMISSIONER PEENE: I, Ryan Peene --

21 COMMISSIONER MARKS: I, Stephen
22 Marks --

23 MR. GALVIN: -- do solemnly swear that
24 I will faithfully, impartially, and justly perform
25 all of the duties as a member of the Hoboken

1 Planning Board according to the best of my
2 abilities, and that you will support the
3 Constitution of the United States and the
4 Constitution of the State of New Jersey, and that
5 you will bear true faith and allegiance to the same
6 under the ability of the people, so help you God.

7 COMMISSIONER FORBES: I do.

8 COMMISSIONER MC KENZIE: I do.

9 COMMISSIONER PEENE: I do.

10 COMMISSIONER MARKS: I do.

11 MR. GALVIN: Fantastic.

12 Congratulations.

13 CHAIRMAN HOLTZMAN: Congratulations.

14 Thank you, Commissioners.

15 So the first item is we have a notice
16 here --

17 MR. GALVIN: Yes. Everybody should
18 sign.

19 Has everyone signed it?

20 MS. CARCONE: No. I was going to --

21 MR. GALVIN: Hand them out, and
22 everybody will sign it, and then --

23 MS. CARCONE: It's a little different
24 than yours, the language.

25 MR. GALVIN: Yes. What I did is I put

1 the two of them together.

2 MS. CARCONE: All right.

3 MR. GALVIN: Yours is right.

4 MS. CARCONE: Mine is right.

5 MR. GALVIN: Mine is specialized and
6 easier to read and have people perform under it.

7 MS. CARCONE: Okay.

8 CHAIRMAN HOLTZMAN: Now we will
9 commence with the signing ceremonies apparently.

10 (Laughter)

11 MS. CARCONE: Sign them, and then send
12 them over to Dennis to sign.

13 CHAIRMAN HOLTZMAN: Here is a pen.

14 Okay, great, terrific.

15 Dennis is signing, and we will move on.

16 So we have a notice here from Aurora
17 Hoboken Two. This is a letter to the Planning Board
18 regarding 411 Monroe.

19 "This letter is to advise that we are
20 withdrawing our application. It is requested that
21 there be no further billing by the Board's
22 consultants."

23 So this was an application that came to
24 the completion meeting. The application was deemed
25 incomplete, and the applicant decided to not move

1 forward.

2 We also have notification from Glenn
3 Pantell from Drinker Biddle on behalf of Toll
4 Maxwell Place, and this is in respect to scheduling.

5 "Please be advised that we do consent
6 to an adjournment of this matter to enable it to be
7 heard by the Planning Board at its meeting on
8 February 3rd, 2015, and we grant the Planning Board
9 an extension of time for it to act on this
10 application up to and including February 3rd, 2015."

11 So that is the Maxwell House street
12 application.

13 VICE CHAIR MAGALETTA: On that, we were
14 supposed to get transcripts of that hearing, I
15 thought.

16 CHAIRMAN HOLTZMAN: Transcripts?

17 VICE CHAIR MAGALETTA: A transcript of
18 that hearing, yes.

19 THE REPORTER: I did send it.

20 COMMISSIONER GRAHAM: We don't get
21 them.

22 VICE CHAIR MAGALETTA: We don't get it.
23 Pat, if you have it, could you email it
24 to me?

25 MS. CARCONE: I could email it to you,

1 yes, sure.

2 VICE CHAIR MAGALETTA: Thank you.

3 MS. CARCONE: Yes.

4 MR. GALVIN: Time out for a
5 technicality.

6 We need to have a motion and a second
7 accepting his request to carry that to the February
8 3rd meeting without notice.

9 CHAIRMAN HOLTZMAN: Do we need any
10 motion -- let's deal with -- anything on 411, or
11 this was something that was in the completion
12 meeting that never passed that stage.

13 MR. GALVIN: I think on this one, we
14 should have a motion also accepting their
15 withdrawal.

16 COMMISSIONER PINCHEVSKY: What was
17 their application for?

18 CHAIRMAN HOLTZMAN: It was a two-story
19 building, and they wanted to add a third floor on
20 top and also an extension on the back of it, and
21 interestingly enough the major issue with the
22 property was them being able to comply with their --
23 with the flood and stormwater ordinance, and they
24 kind of dug their heels in and didn't think that
25 they needed to comply or didn't want to comply, so

1 they withdrew their application.

2 COMMISSIONER PINCHEVSKY: Okay.

3 CHAIRMAN HOLTZMAN: So is there a
4 motion to accept the withdrawal from 411 Monroe?

5 VICE CHAIR MAGALETTA: Motion.

6 CHAIRMAN HOLTZMAN: Is there a second?

7 COMMISSIONER FORBES: Second.

8 COMMISSIONER MC KENZIE: Second.

9 CHAIRMAN HOLTZMAN: Pat, can you just
10 call the vote on that?

11 MS. CARONE: Was that Caleb?

12 COMMISSIONER MC KENZIE: Yes.

13 (Laughter)

14 MS. CARONE: Commissioner Magaletta?

15 VICE CHAIR MAGALETTA: Yes.

16 MS. CARONE: Commissioner Marks?

17 COMMISSIONER MARKS: Aye.

18 MS. CARONE: Commissioner Forbes?

19 COMMISSIONER FORBES: Yes.

20 MS. CARONE: Commissioner Graham?

21 COMMISSIONER GRAHAM: Yes.

22 MS. CARONE: Commissioner Mc Kenzie?

23 COMMISSIONER MC KENZIE: Yes.

24 MS. CARONE: Commissioner Pinchevsky?

25 COMMISSIONER PINCHEVSKY: Yes.

1 MS. CARONE: Commissioner Peene?
2 COMMISSIONER PEENE: Yes.
3 MS. CARONE: Commissioner Holtzman?
4 CHAIRMAN HOLTZMAN: Yes.
5 Okay. We also have the second letter.
6 This is in regard to Toll Maxwell Place. We need a
7 motion to accept their carry to February 3rd --
8 MR. GALVIN: Without further notice.
9 CHAIRMAN HOLTZMAN: -- without further
10 notice.
11 COMMISSIONER PINCHEVSKY: Motion.
12 CHAIRMAN HOLTZMAN: Is there a second?
13 MS. CARONE: Who did the first? I'm
14 sorry.
15 CHAIRMAN HOLTZMAN: Rami.
16 VICE CHAIR MAGALETTA: Second.
17 MR. GALVIN: Second by Frank.
18 CHAIRMAN HOLTZMAN: Please call that
19 vote.
20 MS. CARONE: Commissioner Magaletta?
21 VICE CHAIR MAGALETTA: Yes.
22 MS. CARONE: Commissioner Marks?
23 COMMISSIONER MARKS: Aye.
24 MS. CARONE: Commissioner Forbes?
25 COMMISSIONER FORBES: Yes.

1 MS. CARONE: Commissioner Graham?

2 COMMISSIONER GRAHAM: Yes.

3 MS. CARONE: Commissioner Mc Kenzie?

4 COMMISSIONER MC KENZIE: Yes.

5 MS. CARONE: Commissioner Pinchevsky?

6 COMMISSIONER PINCHEVSKY: Yes.

7 MS. CARONE: Commissioner Peene?

8 COMMISSIONER PEENE: Yes.

9 MS. CARONE: Commissioner Holtzman?

10 CHAIRMAN HOLTZMAN: Yes.

11 We also have a notice here from our
12 friends over at Historic Preservation.

13 I think everybody did get an email on
14 this previously, but I just wanted to follow up on
15 it and see if there is interest in attending this
16 potential workshop.

17 This is that the Historic Preservation
18 Commission has been speaking with Janine Bauer, an
19 expert in Municipal Land Use Law and Historic
20 Preservation Law in the State of New Jersey.

21 Ms. Bauer gives regular workshop
22 classes at Kean University that serve as educational
23 credit for Board members. We are looking to
24 schedule a date with her early next year to give a
25 class in Hoboken, and we would like to include

1 Commissioners from all three Boards. The workshop
2 runs approximately four hours, so we hope to
3 schedule a Saturday morning.

4 And maybe, Pat, you can send out this
5 to everybody again. And if people have an interest
6 in it, if you can give Pat just a heads-up on that,
7 so we can --

8 COMMISSIONER GRAHAM: What is the point
9 of it, and what's the specific goal or changing the
10 ordinance or --

11 CHAIRMAN HOLTZMAN: No. This is a
12 workshop to learn about historic preservation and
13 land use.

14 COMMISSIONER GRAHAM: We had one a few
15 years ago. I'm just wondering what's different
16 about this, because I remember we changed the
17 ordinance a few years ago, and we had a workshop.

18 I am just wondering what is different,
19 and why would we have another workshop. It's not
20 that I don't like the subject, but I am just asking.

21 CHAIRMAN HOLTZMAN: Director Forbes?

22 COMMISSIONER FORBES: No, I agree,
23 because we did have that workshop, and I think it
24 was about what changes, you know, it was more like
25 talking about our ordinance.

1 You know what, I think that -- can we
2 make that request of Historic Preservation to get
3 more detail --

4 CHAIRMAN HOLTZMAN: Get a little more
5 background.

6 COMMISSIONER FORBES: -- I think that
7 that would be helpful --

8 COMMISSIONER GRAHAM: I do, too.

9 COMMISSIONER FORBES: -- so that way
10 you know what you are going for four hours for.

11 COMMISSIONER GRAHAM: Or if I choose to
12 go --

13 COMMISSIONER FORBES: Right. Exactly.

14 (Laughter)

15 CHAIRMAN HOLTZMAN: Do you have any
16 insight on this, Stephen?

17 COMMISSIONER MARKS: Just for Mr.
18 Galvin, I know that there is an educational
19 requirement for Board members, and I am not sure if
20 at least the new members are aware of that.

21 CHAIRMAN HOLTZMAN: They are.

22 MR. GALVIN: I think it's a good point.
23 This will not satisfy it.

24 COMMISSIONER MARKS: That will not
25 satisfy it.

1 MR. GALVIN: No way.

2 (Laughter)

3 COMMISSIONER MARKS: So it will not
4 satisfy it.

5 But also, just to add a little color to
6 it, too, it was requested multiple times by the
7 Historic Preservation Commission to improve I guess
8 the coordination and the collaboration between
9 Boards and this --

10 COMMISSIONER GRAHAM: I heard that so
11 many times --

12 COMMISSIONER MARKS: This is in
13 relation to that, so --

14 COMMISSIONER GRAHAM: -- I know. It
15 would be great.

16 MR. GALVIN: But four hours is a big
17 commitment to try to get people to work. An hour or
18 an hour and a half might be more sensible, you know.

19 COMMISSIONER MARKS: Understood.

20 MR. GALVIN: Yes. For the new guys,
21 you have to attend -- within the first 18 months of
22 being appointed, you have to attend a land use
23 class. Normally the NJPO gives them.

24 VICE CHAIR MAGALETTA: It is right
25 here.

1 CHAIRMAN HOLTZMAN: We got the calendar
2 to everybody today.

3 So you will get us a little bit of more
4 background info on that, and then resend it to the
5 team.

6 MS. CARONE: Yes.

7 MR. GALVIN: Ten questions at the end
8 of the class. I am not kidding. I'm serious.

9 (Laughter)

10 I don't know which class I am teaching.
11 It's probably going to be in Burlington County.

12 CHAIRMAN HOLTZMAN: Also earlier today
13 after all of the --

14 (Board members conferring)

15 MR. GALVIN: Burlington?

16 MR. ROBERTS: Yes.

17 CHAIRMAN HOLTZMAN: Are you good, Den?

18 MR. GALVIN: I'm good.

19 (Laughter)

20 CHAIRMAN HOLTZMAN: Thank you.

21 Also earlier today after all of the
22 attorneys signed off on the letter, we were able to
23 distribute a letter that we received from the Flood
24 Plain Administrator, and this is in regards to a
25 letter that she received from an applicant that

1 we'll refer to as 800 Monroe.

2 This is an application that we received
3 at the Board and went to a completion meeting. The
4 completion meeting team deemed the application
5 incomplete.

6 There was quite a number of issues that
7 needed to be resolved, and in the interim the
8 applicant has decided to challenge the Flood Plain
9 Administrator's working letter to sort of deem --
10 their claim is that her letter is a denial that they
11 are not in compliance with the flood plain
12 ordinance.

13 From my reading of this, her intention
14 is to work with the applicant to try to streamline
15 the process and have asked for, and they asked for
16 an appeal of her hearing, of her determination,
17 which she hasn't made a determination yet, so it is
18 a little bit of putting the cart two steps before
19 the horse.

20 Since they are not deemed complete, and
21 they haven't been deemed not in compliance with the
22 flood plain ordinance yet, so that is sort of the
23 generation of how this how has started.

24 Dennis?

25 MR. GALVIN: However, we have a new

1 flood plain ordinance, and we are trying to learn
2 how to work with that flood plain ordinance.

3 One of the things that I think is there
4 is no specific time limit for when somebody requests
5 an appeal and when we should hear it. But under the
6 MLUL, if somebody requests an appeal of something
7 involving the zoning ordinance, it is 120 days. So
8 I think it is reasonable for us to feel that even if
9 this was a decision, and I am not saying it was,
10 that we have 120 days to get them on and to hear
11 their appeal.

12 I think other events will transpire in
13 the meantime, and we will be able to sort out what
14 to do.

15 CHAIRMAN HOLTZMAN: Right.

16 In the meantime, we have been sort of
17 put on notice from the Flood Plain Administrator
18 that an appeal has been requested, so now it is in
19 our court in which to act, or not act.

20 MR. GALVIN: Or not act.

21 I mean, one thing is that to tell them
22 that we think that it is not a decision yet. You
23 know, I need to follow up on this letter and see if
24 that changes their opinion.

25 Assuming it doesn't, and they think

1 that was a decision that is appealable, their view
2 would be we have 120 days -- my view would be we
3 would have 120 days to do it. So we have time to
4 figure out this outcome. We don't have to know what
5 to do tonight.

6 CHAIRMAN HOLTZMAN: Okay.

7 MR. ROBERTS: Is the flood compliance
8 permit administratively set up the same way as a
9 zoning permit, because the zoning permit is
10 definitely a decision by the zoning officer that can
11 be appealed to the Board, and it seems to me that it
12 looks very official, the permits that Ann attached
13 to her letter. A couple were approved. She was
14 giving us an example. Some were approved and some
15 were denied. It would seem that I don't know how
16 that is established or proved administratively, but
17 it would seem that it would be --

18 COMMISSIONER FORBES: And I actually
19 spoke with her on that, because I wanted that
20 clarification, does she normally do like a letter.
21 And she typically will do a review letter, but then
22 there is a follow-up with a final decision based on
23 additional information or changes that they might
24 make based her review letter. And I think all she
25 submitted, as I understand it, is the review letter

1 to the Planning Board, but not issued --

2 CHAIRMAN HOLTZMAN: Not issued an
3 official decision.

4 COMMISSIONER FORBES: -- right.

5 I don't know that they had actually --
6 I am not sure one way or the other if they had
7 actually submitted an application and sat down with
8 her and gone over that with her for her to even
9 issue that.

10 MR. ROBERTS: Is there actually an
11 application that leads to that permit that she -- a
12 formal application that they have to fill out, and
13 that she renders a permit denied or approved,
14 because it may just be a matter of sending them the
15 application saying this is what you need to do in
16 order to get the decision.

17 COMMISSIONER FORBES: Right.

18 CHAIRMAN HOLTZMAN: It is not my
19 understanding. It's a matter of --

20 MR. ROBERTS: She just issues it --

21 CHAIRMAN HOLTZMAN: -- she issues it
22 based upon the plans that are being presented to
23 her.

24 MR. ROBERTS: It may just be that the
25 Board could direct either Dennis or myself to write

1 a letter back to Coakley basically saying, you
2 didn't apply for an official decision, and here is
3 an example of what the permit looks like, apply for
4 a permit, and then we will have a decision. Maybe
5 they don't realize that just the letter itself is
6 not sufficient.

7 VICE CHAIR MAGALETTA: Well, I have a
8 question.

9 You're asking do they apply for a
10 permit or by this application, does Ms. Holtzman
11 make a determination, and she has not yet made a
12 determination, but at what point can she or should
13 she make a determination?

14 COMMISSIONER FORBES: She can make the
15 determination even after the Planning Board has
16 decided.

17 If you recall, we had some
18 applications, and we're saying that they are going
19 to have to comply with the flood damage prevention
20 ordinance.

21 The issue is, if they come into the
22 Planning Board and go through that whole process,
23 and they're not in communication with her or
24 they're, you know, not in compliance with the
25 ordinance, and then they get an approval from the

1 Planning Board with that condition on it, and then
2 they go to her, and she is like, here is where it
3 does not comply, they are going to have to come back
4 to the Planning Board to amend their --

5 VICE CHAIR MAGALETTA: I'm sorry. I
6 think Dave's question is: Could she issue the
7 denial or approval right now.

8 CHAIRMAN HOLTZMAN: Technically the
9 application is logged in the committee and not
10 deemed incomplete, so the Planning Board hasn't, you
11 know, done any of its hearing at all. It doesn't
12 even meet the threshold.

13 One of the things that they are working
14 on trying to change is that on the checklist, it
15 would be one of the checklist items that an
16 applicant would have to submit would be reviewed by
17 the Flood Plain Manager, so that they are purposely
18 doing that before they got to us, so that they don't
19 come to us and then have to go through some kind of
20 a redesign and a re-application.

21 Unfortunately, you know, it is sort of
22 like no good deed goes unpunished. She was
23 attempting to try to work with these folks, and you
24 know, they are not interested in apparently doing
25 that very much. Okay. So that is the story on that

1 appeal that Dennis needs to give us a final timing
2 and decision on where we want to go on that.

3 MR. GALVIN: So you want me to send a
4 letter to Coakley -- you want me to follow up with
5 Coakley at a minimum, but I think I should send a
6 letter at some point saying that the Board doesn't
7 think that the Flood Plain Administrator acted yet.

8 What do you guys think?

9 COMMISSIONER PINCHEVSKY: Is that your
10 belief, or I thought you mentioned a few minutes ago
11 that you needed a review of the letter --

12 MR. GALVIN: I do. I probably still
13 need to go back over it more carefully. But I
14 believe Ann, and Ann is telling me that she didn't
15 issue a decision.

16 VICE CHAIR MAGALETTA: The record backs
17 that up. I mean, there has been no determination.

18 COMMISSIONER PINCHEVSKY: Do you want
19 the review the letters and then at the next
20 meeting --

21 MR. GALVIN: No. I would be okay with
22 sending a letter to Kevin saying we don't think --
23 because then he will give us a response, and then we
24 will get a better clarification on it. You know,
25 there are things here that I don't understand. So

1 if there is no determination, there is no
2 determination. How do you appeal from the
3 determination?

4 But if they insist that this was a
5 determination, my advice to you at some point is to
6 hear it, let them come in, let them tell you why
7 there was a determination, let them tell you why
8 they think it was incorrect, and then you can make a
9 decision at that point.

10 Why struggle against it is my feeling
11 on that, but we have 120 days just to sort it out.

12 You know, a normal case where somebody
13 is bringing a conforming site plan in here, and they
14 had to go to the Flood Plain Administrator, we would
15 all be working it out.

16 It is like the other case that we were
17 talking about that's coming to the SSP. I forget
18 the name of the case. But, you know, that you are
19 cooperating because you are trying to work together
20 through the process to get on outcome.

21 VICE CHAIR MAGALETTA: I would just say
22 the one thing for Coakley, he was copied on
23 Ms. Holtzman's December 30th letter. He had time to
24 respond. You can just refer to that letter. You
25 don't have to rehash what she said.

1 MR. GALVIN: Yes. Discussed it with
2 the Board, and the Board looked at her letter, and
3 the Board at this point believes that there is
4 nothing to appeal, and I will again say, we welcome
5 your response. I am sure, whether I say welcome it
6 or not, we'll get one --

7 MR. ROBERTS: Because the other thing
8 that I am thinking, too, equated to an appeal of the
9 zoning officer's decision to the Zoning Board, that
10 can be a pretty lengthy process because at that
11 hearing, in my experience, not only does the
12 applicant come with whoever they decided to bring in
13 to testify to try to convince the Board that their
14 interpretation is correct, and that the zoning
15 officer is wrong.

16 Usually you have the zoning officer
17 there, and anybody else on the city's side to
18 represent her position or his position, so we would
19 probably have to -- I mean, I can see that you want
20 to make sure that, you know, you have -- this is all
21 a very technical application, do you measure the
22 design flow elevation from the ABFE or the
23 preliminary flood insurance rate. You know, we know
24 that our ordinance is based on the ABFE, but how do
25 you measure the design flood elevation.

1 You know, that basically determines all
2 of that argument pretty much, and you know, if you
3 basically create an impermeable barrier as the
4 pedestal of your building, is that dry flood
5 proofing or wet flood proofing, because there is
6 very technical stuff there. You want to make sure
7 you have everybody at that hearing to hear both
8 sides, not just their side, right, so you want to
9 plan ahead for that.

10 CHAIRMAN HOLTZMAN: Okay.

11 MR. GALVIN: Okay. I kind of agree
12 with that, if we reach that issue.

13 MR. ROBERTS: I mean, I wouldn't want
14 to be in the position to say who is right on
15 something that technical. You want to have your
16 engineer there to be able to weigh in.

17 MR. GALVIN: Yes.

18 If Ann were to make a ruling, that in
19 another case -- let's use another case, not this
20 case.

21 If Ann were to make a ruling in some
22 case that's before the Zoning Board, and she were to
23 say, you need to do X, and the applicant doesn't
24 want to do X, and then they have to come here, and
25 then they would have explain that to us.

1 Yes. At some point we are going to
2 have to become experts on that. That is the only
3 way that you can do it to be able to --

4 MR. ROBERTS: Yes. Because I mean,
5 what is at stake is your CRS rating.

6 CHAIRMAN HOLTZMAN: Yes. Tell us that
7 what that is again, Dave.

8 MR. ROBERTS: The Certified Rate System
9 of effectual flood insurance, so if you --

10 CHAIRMAN HOLTZMAN: For the whole town.

11 MR. ROBERTS: -- for the whole city, so
12 the higher ranking you attain by being vigilant
13 about preventing flood damage, the higher your
14 rating is, the lower the flood insurance is.

15 So if they drop you points for granting
16 too many variances of the CRS through your
17 ordinance, then your rating drops, and your flood
18 insurance is affected. So there is a lot at stake
19 there, and this is kind of the first challenge that
20 I think we have seen --

21 MR. GALVIN: Right. At this point they
22 are not requesting a variance. They are appealing a
23 decision that she's saying I didn't make a decision,
24 so it makes it really complicated, but I'm saying --

25 CHAIRMAN HOLTZMAN: The process would

1 normally be, if there was a decision that the Flood
2 Plain Administrator had issued, and it was a denial,
3 somebody would have the opportunity to make an
4 appeal to the Planning Board, at which point they
5 would come to the Planning Board, and they would
6 bring their architects, their planners, their
7 engineers, and everyone and try to make the case
8 that either we cannot follow the requirements of
9 your ordinance, or it is financially unreasonable
10 for us to do it, so they would come and make that
11 case to us.

12 MR. GALVIN: That would be an appeal --
13 no, no, I'm sorry, that would be a variance.

14 Under an appeal, they would have to
15 show you that Ann misapplied the ordinance or
16 misapplied the flood code.

17 CHAIRMAN HOLTZMAN: Were the Board to
18 also hear them if they were to request a variance
19 from the flood plain ordinance --

20 MR. GALVIN: Then that changes things.
21 In other words, how you analyze it, changes. In the
22 first instance, if it is an appeal, we are trying to
23 determine whether or not the Flood Plain
24 Administrator erred.

25 In the second instance, you are trying

1 to decide whether you should grant relief from the
2 ordinance as it exists.

3 What Dave is pointing out is when we
4 start to get those variances, everybody needs to be
5 very vigilant that, you know, while people present
6 hardships, and we want to help people, if we open up
7 that door, and we start granting those variances,
8 you know, things that pull the heart strings, we
9 could be really hurting a lot of other people
10 because it might not take very many variances for
11 our flood rating to be compromised.

12 MR. ROBERTS: I also think it affects
13 this appeal, because the interpretation of that
14 ordinance as to whether it is wet proofed or dry
15 proofed based on the fact that, you know, your
16 displacement of water, that is a key issue in town,
17 and so you want to make sure, and she has been
18 complying it consistently from what I have seen, she
19 has examples of approvals and denials --

20 MR. GALVIN: Don't go into the facts of
21 the case, if you have a thought --

22 MR. ROBERTS: Yeah, I know.

23 I just read the four letters before I
24 walked in, so that's what I am gathering, that that
25 is where the bone of contention is, so it is going

1 to be their word against hers. I'm not sure how the
2 Board --

3 MR. GALVIN: But it might be --

4 CHAIRMAN HOLTZMAN: Okay. I think we
5 are done.

6 MR. GALVIN: -- no, just one last
7 sentence, if I could.

8 It is not ripe. In other words, she
9 hasn't made that --

10 MR. ROBERTS: Right.

11 MR. GALVIN: -- and that sentence
12 needed to be said, so...

13 CHAIRMAN HOLTZMAN: Thank you.

14 We also have an approval of our -- it
15 should be the 2015 meeting schedule, I'm sure.
16 Everybody received that.

17 Is there a motion to accept our 2015
18 meeting schedule or are there any callouts or
19 conflicts or anything?

20 VICE CHAIR MAGALETTA: There were
21 actually I think some typos.

22 CHAIRMAN HOLTZMAN: Pat, was there a
23 typo you wanted to point out?

24 VICE CHAIR MAGALETTA: There were two I
25 think.

1 MS. CARCONE: Yes. I made some
2 changes, but I have copies of it, if you want to --

3 CHAIRMAN HOLTZMAN: Can you just tell
4 us what the changes were?

5 MS. CARCONE: I had actually
6 incorrectly recorded a date on here, so I fixed that
7 when I went through it again.

8 CHAIRMAN HOLTZMAN: Okay.

9 MS. CARCONE: So I think I have it
10 right now. First Tuesday, second Wednesday.

11 VICE CHAIR MAGALETTA: Okay.

12 MS. CARCONE: You know, when I had
13 distributed the draft, I made some changes then.

14 VICE CHAIR MAGALETTA: I am okay with
15 it. I didn't see it, but I'm okay with it.

16 CHAIRMAN HOLTZMAN: Would you like a
17 copy?

18 MS. CARCONE: I will pass them down.
19 Do you guys have copies?

20 CHAIRMAN HOLTZMAN: Pat, what was the
21 typo or mistake?

22 MS. CARCONE: I think it was April. It
23 was like the 7th and 8th. It's like two meetings
24 back to back when --

25 VICE CHAIR MAGALETTA: Then now, if you

1 look at the November meeting, it says "Conflict with
2 Election Day on November 3," but November 3rd is a
3 Tuesday, so two days later should be November 5th,
4 but you have November 10th, which is a Thursday --

5 COMMISSIONER PINCHEVSKY: November 10th
6 is a Tuesday.

7 VICE CHAIR MAGALETTA: -- because
8 November 3rd was one Tuesday, and the next Thursday
9 should be November 5th.

10 MS. CARCONE: I don't have a
11 calendar --

12 MR. GALVIN: I got a calendar.

13 COMMISSIONER PINCHEVSKY: November 10th
14 is a Tuesday.

15 MS. CARCONE: November 10th is a
16 Tuesday, okay.

17 VICE CHAIR MAGALETTA: Then right
18 across from that, the Subcommittee Meeting --

19 MS. CARCONE: Let me get my calendar
20 out.

21 COMMISSIONER PINCHEVSKY: November 30th
22 is a Monday.

23 (Board members confer)

24 VICE CHAIR MAGALETTA: That should be
25 the 5th.

1 CHAIRMAN HOLTZMAN: This is supposed to
2 be the easy stuff.

3 MS. CARCONE: That is why I needed
4 everybody to look at it.

5 MR. GALVIN: You mean before the
6 meeting?

7 (Laughter)

8 MS. CARCONE: So it is supposed --

9 VICE CHAIR MAGALETTA: I think it
10 should be November 5th.

11 MS. CARCONE: November 10th is --

12 COMMISSIONER PINCHEVSKY: Tuesday.

13 VICE CHAIR MAGALETTA: If November
14 3rd -- if we are having the meeting that week, so
15 Thursday, not Tuesday.

16 MS. CARCONE: Tuesday, November 10th.
17 That's what I think it should say.

18 MR. GALVIN: I am available on that
19 Tuesday.

20 MS. CARCONE: Yes. And I went through
21 the days with Ann --

22 CHAIRMAN HOLTZMAN: It's not kicking it
23 to Thursday. It's actually supposed to be kicking
24 it to Tuesday.

25 MS. CARCONE: Tuesday, November 10th,

1 and then Wednesday, November 30th.

2 MR. GALVIN: November 30th is a Monday.

3 MS. CARCONE: How did I do this?

4 Okay. Let me fix it.

5 Thank you, guys.

6 Then we chose not to do -- the 11th is
7 Veterans Day, and the next week is the League of
8 Municipalities, so we left that week alone, and then
9 Thanksgiving, so that is why we bumped it up to
10 November 30th.

11 VICE CHAIR MAGALETTA: But it can't be
12 the 30th. It has to be -- so you are doing it on a
13 Monday.

14 MS. CARCONE: A Monday, because I think
15 Dennis was available.

16 CHAIRMAN HOLTZMAN: She had the right
17 dates, but she didn't have the right days.

18 MS. CARCONE: Thank you, Frank.

19 MR. GALVIN: I appreciate the
20 consideration of my schedule. I'm sorry.

21 CHAIRMAN HOLTZMAN: Okay.

22 So is there a motion to set this
23 revised calendar that basically says the dates are
24 all correct, but November 10th is a Tuesday and
25 November 30th is a Monday?

1 VICE CHAIR MAGALETTA: Motion.

2 CHAIRMAN HOLTZMAN: Second?

3 Nobody else wants to accept our

4 calendar?

5 COMMISSIONER MARKS: Second.

6 MR. GALVIN: One of you new guys can do

7 it. It is a big first opportunity.

8 (Laughter)

9 COMMISSIONER PEENE: So moved. Second.

10 MR. GALVIN: There you go.

11 MS. CARCONE: So we're taking it away

12 from -- do you want an all in favor?

13 CHAIRMAN HOLTZMAN: All in favor?

14 (All Board members answered in the

15 affirmative)

16 CHAIRMAN HOLTZMAN: Okay. We designate

17 The Jersey Journal as our official newspaper.

18 VICE CHAIR MAGALETTA: Motion.

19 COMMISSIONER MARKS: Second.

20 CHAIRMAN HOLTZMAN: All in favor?

21 (All Board members voted in the

22 affirmative)

23 MS. CARCONE: Do we have to do that by

24 resolution, Dennis?

25 We did it by resolution last year. I

1 have last year's resolution.

2 MR. GALVIN: Yes. Let's just redo it.
3 I think that is a good practice. I don't think it's
4 necessary, but it's a good practice.

5 CHAIRMAN HOLTZMAN: So we will
6 rememorialize it at the next meeting?

7 MR. GALVIN: No. It doesn't have to be
8 memorialized. We will just use the same one.

9 MS. CARCONE: I have it with me, so we
10 can --

11 CHAIRMAN HOLTZMAN: Okay.

12 We also have our professionals.

13 Now, Director Forbes did go out and
14 received requests for bid for the attorney, the
15 engineer and the planner.

16 On the attorney we received one
17 application back from Mr. Dennis Galvin.

18 For the Planning Board engineer, we
19 received four applications, one from Boswell, one
20 from H2M, one from Maser, and Remington Vernick, and
21 for the Planning Board planner we received four
22 applications, Community By Design, H2M, Maser, and
23 Remington.

24 So obviously the attorney one seems
25 like it is relatively easy. We have one application

1 before us to be our Planning Board Attorney.

2 Is there anybody who would like to make
3 a motion to hire Mr. Dennis Galvin as our attorney
4 for 2015?

5 COMMISSIONER MC KENZIE: I will make
6 the motion.

7 COMMISSIONER FORBES: Second.

8 CHAIRMAN HOLTZMAN: Take a vote on
9 that.

10 MS. CARCONE: Commissioner Magaletta?

11 VICE CHAIR MAGALETTA: Yes.

12 MS. CARONE: Commissioenr Marks?

13 COMMISSIONER MARKS: Aye.

14 MS. CARONE: Commissioner Forbes?

15 COMMISSIONER FORBES: Yes.

16 MS. CARONE: Commissioner Graham?

17 COMMISSIONER GRAHAM: Yes.

18 MS. CARONE: Commissioner McKenzie?

19 COMMISSIONER MC KENZIE: Yes.

20 MS. CARONE: Commisioner Pinchevsky?

21 COMMISSIONER PINCHEVSKY: Yes.

22 MS. CARONE: Commissioner Peene?

23 COMMISSIONER PEENE: Yes.

24 MS. CARONE: Commissioner Holtzman?

25 CHAIRMAN HOLTZMAN: Yes.

1 MR. GALVIN: Thank you.

2 CHAIRMAN HOLTZMAN: Thank you, Dennis.

3 MR. GALVIN: Every year, guys, I have
4 to get redone.

5 (Laughter)

6 CHAIRMAN HOLTZMAN: You have to earn
7 your salt.

8 MR. GALVIN: That is it.

9 CHAIRMAN HOLTZMAN: So we have four
10 applications for both the planner and the engineer
11 position. In some previous years, we brought
12 different teams of people in to conduct interviews
13 with them. The Board needs to make a decision
14 whether it wants to do that or not.

15 Frank, did you have an opinion on that?

16 VICE CHAIR MAGALETTA: Yes. I think it
17 is appropriate to have an interview. It is an open
18 process, so I think we should do that.

19 CHAIRMAN HOLTZMAN: Sure. Great.

20 Do you want to head up a team to do
21 that?

22 VICE CHAIR MAGALETTA: How did I know
23 you were going to ask me that question?

24 You bet.

25 (Laughter)

1 CHAIRMAN HOLTZMAN: Okay.

2 Is there a specified number of people
3 that we should or should not have at that team,
4 Dennis?

5 MR. GALVIN: You can't -- it is the
6 same thing. We should use the same methodology that
7 we used for the SSP, so it is I think three, I think
8 that is good.

9 VICE CHAIR MAGALETTA: The quorum for
10 an SSP is three, but they have four, so I am fine.

11 MR. GALVIN: I prefer a smaller --

12 VICE CHAIR MAGALETTA: I think three is
13 better.

14 CHAIRMAN HOLTZMAN: So you will reach
15 out to people, or if there's anybody who wants to --

16 VICE CHAIR MAGALETTA: Talk to me after
17 the meeting.

18 CHAIRMAN HOLTZMAN: -- or talk to you,
19 we'll set up a team. We will bring in some other
20 folks to conduct some interviews, and that will be
21 good.

22 VICE CHAIR MAGALETTA: Can we use
23 Brandy's office again?

24 COMMISSIONER FORBES: Sure.

25 CHAIRMAN HOLTZMAN: So then we have

1 appointments for our officers.

2 I would certainly like to make a motion
3 to have Pat Carcone as our Board Secretary.

4 MS. CARCONE: Thank you.

5 CHAIRMAN HOLTZMAN: Is there a second
6 on that?

7 COMMISSIONER MARKS: Second.

8 COMMISSIONER FORBES: Second.

9 CHAIRMAN HOLTZMAN: All in favor?

10 (All Board members answered in the
11 affirmative)

12 MS. CARCONE: Who was the second?

13 COMMISSIONER FORBES: Me and Stephen.

14 CHAIRMAN HOLTZMAN: Oh, you're keeping
15 score on that?

16 MS. CARCONE: I don't know. I want to
17 match what --

18 THE REPORTER: It was Stephen and
19 Brandy Forbes.

20 MS. CARCONE: Okay, very good.

21 CHAIRMAN HOLTZMAN: We also have
22 positions of Chairman and Vice Chairman.

23 Are there any nominations for the
24 Chairman's position?

25 COMMISSIONER MARKS: I would like to

1 nominate Gary Holtzman to serve as Chairman.

2 COMMISSIONER MC KENZIE: I second that.

3 CHAIRMAN HOLTZMAN: Okay.

4 Are there any other nominations?

5 COMMISSIONER GRAHAM: I would like to

6 nominate Frank Magaletta.

7 CHAIRMAN HOLTZMAN: Great.

8 Is there a second for that?

9 VICE CHAIR MAGALETTA: I guess I can't
10 second.

11 MR. GALVIN: Well, you could actually.

12 VICE CHAIR MAGALETTA: I am not doing
13 that.

14 CHAIRMAN HOLTZMAN: So are there any
15 other nominations?

16 So then we got one nomination for
17 Chairman for Gary Holtzman.

18 Pat, could you call the vote on that?

19 MS. CARCONE: Commissioner Magaletta?

20 VICE CHAIR MAGALETTA: Yes.

21 MS. CARONE: Commissioner Marks?

22 COMMISSIONER MARKS: Aye.

23 MS. CARONE: Commissioner Forbes?

24 COMMISSIONER FORBES: Yes.

25 MS. CARONE: Commissioner Graham?

1 COMMISSIONER GRAHAM: No.

2 MS. CARONE: Commissioner Mc Kenzie?

3 COMMISSIONER MC KENZIE: Yes.

4 MS. CARONE: Commissioner Pinchevsky?

5 COMMISSIONER PINCHEVSKY: Yes.

6 MS. CARONE: Commissioner Peene?

7 COMMISSIONER PEENE: Yes.

8 MS. CARONE: Commissioner Holtzman --

9 Gary is not voting for himself.

10 Can you vote for yourself?

11 MR. GALVIN: You can, if it doesn't

12 involve money.

13 MS. CARCONE: Commissioner Holtzman?

14 CHAIRMAN HOLTZMAN: Yes.

15 There's also a position of Vice

16 Chairman. I would like to nominate Mr. Frank

17 Magaletta as the Vice Chairman.

18 COMMISSIONER MARKS: Second.

19 CHAIRMAN HOLTZMAN: Great.

20 Are there any other nominations for

21 Vice Chair?

22 Seeing none, Pat, call the vote for

23 that.

24 MS. CARCONE: Commissioner Magletta?

25 VICE CHAIR MAGALETTA: Abstain.

1 (Laughter)

2 MR. GALVIN: You can vote for yourself.

3 VICE CHAIR MAGALETTA: I'm not voting
4 for myself.

5 (Laughter)

6 MS. CARONE: Commissioner Marks?

7 COMMISSIONER MARKS: Aye.

8 MS. CARONE: Commissioner Forbes?

9 COMMISSIONER FORBES: Yes.

10 MS. CARONE: Commissioner Graham?

11 COMMISSIONER GRAHAM: Yes.

12 MS. CARONE: Commissioner Mc Kenzie?

13 COMMISSIONER MC KENZIE: Yes.

14 MS. CARONE: Commissioner Pinchevsky?

15 COMMISSIONER PINCHEVSKY: Yes.

16 MS. CARONE: Commissioner Peene?

17 COMMISSIONER PEENE: Yes.

18 MS. CARONE: Commissioner Holtzman?

19 CHAIRMAN HOLTZMAN: Yes.

20 (Board members confer.)

21 (Laughter)

22 CHAIRMAN HOLTZMAN: So basically our
23 major outstanding item for this evening is for
24 moving forward with doing interviews.

25 VICE CHAIR MAGALETTA: And also the

1 local rules, which last year I went through and
2 revised it, and then we never got further. Dennis
3 and I talked about some issues, so I would like to
4 just resubmit those.

5 CHAIRMAN HOLTZMAN: Do you have a copy
6 of that and maybe you can just forward it?

7 VICE CHAIR MAGALETTA: I have it on my
8 commuter.

9 MS. CARCONE: I had emailed a copy out
10 to everybody.

11 MR. GALVIN: I remember talking to
12 Frank. I actually remember having the phone call in
13 my home, and I was like --

14 VICE CHAIR MAGALETTA: Hiding from your
15 wife.

16 (Laughter)

17 MR. GALVIN: -- yeah, I was, but I
18 don't truly remember what we wanted to do, but I
19 know that there was something that you suggested,
20 and I was going like, I don't know if we should do
21 that or --

22 VICE CHAIR MAGALETTA: One of the
23 reasons is, and it has been a while, and some of the
24 statutes cited in the local rules have been
25 repealed, so it needs to be updated, and we should

1 do that sooner rather than later.

2 MR. GALVIN: The other thing that is
3 important to know is I think it is best practice to
4 have bylaws for a Board, but you have to understand
5 that bylaws are not a rule or a law. It is a
6 guideline. So any time we need to go off the
7 reservation, we can.

8 But the other side is we want to make
9 sure that we don't put so much stuff into the bylaws
10 that it creates issues that we don't need to have.
11 It needs to work for us. It needs to tell us what
12 time we go home, how many standing committees we
13 should have, what the order of our meetings are
14 going to be, and there is probably way too much
15 stuff in there, but that is the problem.

16 Some of the stuff that is in there that
17 maybe could become issues, we don't want issues.

18 VICE CHAIR MAGALETTA: I think part of
19 it, also if you are a citizen, and you look at it,
20 it tells you what the procedure is as far as what is
21 here, which I think is very helpful in that regard,
22 so I do like that aspect.

23 MR. GALVIN: I said it is the best
24 practice. I just said the one that we have is very
25 thorough at this point, and we have to be careful

1 not to make it go from being thorough to being
2 complicated.

3 I am not saying anything that you are
4 suggesting does that, but I think when we put -- it
5 is almost like where I am getting in my stage of
6 life, if I get a new pair of jeans, I get rid of the
7 old pair of jeans. We have to figure out, if we are
8 going to add something, we have to figure out what
9 we are taking out to keep it minimal.

10 CHAIRMAN HOLTZMAN: And we also need to
11 be in compliance with the State MLUL --

12 MR. GALVIN: I think it is, but at some
13 point, too, it contains a lot of stuff from the MLUL
14 that is in the MLUL, so it doesn't also need to be
15 in the bylaws. It can be because it is instructive,
16 so in some places I agree with the use of the MLUL
17 because I think it is instructive and helpful, but
18 in other places it starts to bog you down because
19 you can always go back to the MLUL. You would
20 ultimately go back to the MLUL --

21 CHAIRMAN HOLTZMAN: That would be the
22 default anyway--

23 VICE CHAIR MAGALETTA: As I recall last
24 year, the provisions in our local rules defer to the
25 MLUL, and say here is what we should do, so it is

1 helpful in that regard. It gives you the
2 guidelines.

3 MR. GALVIN: Right. Just go back and
4 take a look, and we will give it another go-round.

5 CHAIRMAN HOLTZMAN: Are there any other
6 items?

7 Director Forbes, do you have anything
8 for us?

9 COMMISSIONER FORBES: When it comes to
10 the committees, do we have the Site Plan Subdivision
11 Committee members?

12 CHAIRMAN HOLTZMAN: We need to
13 absolutely set that.

14 Frank, will you join us on that
15 committee as well?

16 VICE CHAIR MAGALETTA: Sure.

17 CHAIRMAN HOLTZMAN: I will sit on that
18 committee, and if there are any other Commissioners
19 that wish to sit on that committee, let me know, and
20 I will reach out to other people as well and see who
21 is interested in that, so basically --

22 MR. GALVIN: Let me just stop you.

23 We have a very important SSP meeting
24 coming up next week, or we have to figure something
25 out before the night is out.

1 CHAIRMAN HOLTZMAN: Yes. We will make
2 sure that we have a third Commissioner with us there
3 for sure.

4 MR. GALVIN: But you would have to
5 appoint him now, right, so you have a quorum.

6 How are you going to do it otherwise?
7 In other words, you have to have --

8 MS. CARCONE: I think our bylaws say a
9 minimum of three.

10 MR. GALVIN: So you need to appoint one
11 other person or at least appoint somebody
12 temporarily.

13 COMMISSIONER FORBES: It's got to be a
14 Class IV member.

15 MR. GALVIN: Class IV member, right.

16 CHAIRMAN HOLTZMAN: So, Caleb, will you
17 join us at the SSP?

18 COMMISSIONER MC KENZIE: I am a IV.

19 MR. GALVIN: You're Class IV.

20 CHAIRMAN HOLTZMAN: So that's next
21 week's meeting, join us for that meeting.

22 COMMISSIONER MC KENZIE: Yes.

23 CHAIRMAN HOLTZMAN: Great.

24 MR. GALVIN: It will be a short one we
25 think, but you never know. Okay.

1 So we need the Board to accept the
2 appointment to the SSP meeting of Frank, Gary and
3 Caleb.

4 COMMISSIONER MARKS: Motion to accept.

5 MR. GALVIN: Is there a second?

6 COMMISSIONER GRAHAM: Second.

7 CHAIRMAN HOLTZMAN: All in favor?

8 (All Board members answered in the
9 affirmative)

10 CHAIRMAN HOLTZMAN: Thank you. Okay.
11 We got that resolved.

12 Anything else, Director?

13 COMMISSIONER FORBES: No.

14 CHAIRMAN HOLTZMAN: I know that,
15 Director, you will have a full calendar for us this
16 next year.

17 COMMISSIONER FORBES: Yes. There will
18 be a lot of redevelopment plans that will be coming
19 our way.

20 I will make sure that when we are
21 rolling that out to the public, that you are getting
22 the copies at that point like we did with the
23 Hoboken Yards Redevelopment Plan, just so you know
24 that it is coming. You know that you have to look
25 at it, even though it may not have officially been

1 introduced at the City Council.

2 Just so that you know what we have for
3 this year, we'll have the Neumann Leathers
4 Redevelopment Plan, the Western Edge Redevelopment
5 Plan, the Post Office Site Redevelopment Plan, and I
6 know that Southwest, we will be working on that, and
7 that will be towards the end of year.

8 CHAIRMAN HOLTZMAN: Right.

9 So I think it would also be nice if the
10 Planning Board Commissioners, you certainly made the
11 notice of the sort of a little bit more of the
12 presentation and show that you had at the City
13 Council chambers. Unfortunately, Frank and I, I
14 think, were the only ones who got there that evening
15 for that.

16 I think there needs to be just a little
17 bit more coordination, so that this team is a little
18 bit more involved in that. I don't know, maybe
19 there is a way to have a presentation for the
20 Planning Board, or just to make sure that that works
21 a little bit better, so that everybody on this team
22 is a little bit more involved in what you are
23 presenting to the City Council, what you're
24 presenting to the public, and that they are involved
25 from the beginning.

1 COMMISSIONER FORBES: Okay.

2 CHAIRMAN HOLTZMAN: Great.

3 Anybody have any other new business or
4 anything?

5 Dennis Galvin?

6 MR. GALVIN: We have to talk about 800.
7 We have to get that on the record.

8 COMMISSIONER FORBES: If I may, Dennis,
9 I know I will have to recuse myself. In talking
10 with the mayor --

11 MR. GALVIN: You will have to --

12 COMMISSIONER FORBES: -- no, no. Joe
13 Maraziti didn't feel that the mayor or the mayor's
14 designee needed to recuse themselves --

15 CHAIRMAN HOLTZMAN: Did not --

16 COMMISSIONER FORBES: -- they were not
17 involved in the redevelopment part of that -- I'm
18 sorry --

19 CHAIRMAN HOLTZMAN: Dennis, do you want
20 to --

21 COMMISSIONER FORBES: Shall I?

22 CHAIRMAN HOLTZMAN: Yes.

23 Director Forbes has left the dance.

24 (Commissioner Forbes excused.)

25 MR. GALVIN: Okay.

1 CHAIRMAN HOLTZMAN: On or off?

2 VICE CHAIR MAGALETTA: If we are going
3 to talk litigation and strategy, I think it should
4 be a closed session. I am saying that is the
5 standard. It sounds like we are going to.

6 What is your view?

7 MR. GALVIN: Let me put a thimble full
8 of information on the record first, because I am
9 comfortable with what I am about to say, very
10 comfortable.

11 The Applied owns property at 800
12 Monroe. They submitted a site plan application to
13 basically redevelop that property. The problem is
14 that they have not been appointed the redeveloper.

15 In my view, if I were teaching a class,
16 if I were somewhere in public talking about it, my
17 official position is you can't submit a
18 redevelopment site plan unless you have been
19 appointed the redeveloper.

20 Now, they have very well respected and
21 exceptionally competent attorneys representing them,
22 and I have had this discussion with them, and I
23 think if I had that discussion with other attorneys,
24 I believe that they would listen to me, and they
25 would back off and do something different.

1 This group of attorneys, who feels very
2 confident in the position, says that because there
3 is nothing in the redevelopment plan that requires a
4 specific designation of a redeveloper, and because
5 the existing zoning is superseded by the
6 redevelopment plan, which I think it is, that they
7 have every right to act as a redeveloper whether
8 they are appointed or not, so it leaves us with a
9 dilemma of whether or not they have jurisdiction to
10 proceed.

11 The last thing you need to know is they
12 are taking the position that their application is
13 deemed complete, even though we don't think it is
14 complete, and that they think their application will
15 be automatically approved as of February 20th.

16 So I would like to do something in
17 response to all of that, and we have two or three
18 options, and we probably should talk about those
19 options in executive session because it does involve
20 either the potential for us to file litigation or
21 the fact that this will result in litigation, and
22 you know, that is where I am at.

23 What do you think?

24 CHAIRMAN HOLTZMAN: That sounds about
25 right.

1 MR. GALVIN: Was that concise?

2 CHAIRMAN HOLTZMAN: Okay. So then
3 let's make a -- do you want to read this into the
4 record?

5 MR. GALVIN: Yes. I'll read it into
6 the record.

7 "WHEREAS, NJSA 10:4-12 of the Open
8 Public Meetings Act permits the exclusion of the
9 public from a meeting in certain circumstances set
10 forth in Paragraph (b): And

11 WHEREAS, this public body is of the
12 opinion that such circumstances presently exist.

13 Now, THEREFORE BE IT RESOLVED by the
14 Planning Board of the City of Hoboken, County of
15 Hudson, State of New Jersey, as follows:

16 "1. The public shall be excluded from
17 the Board's discussions of the hereinafter specified
18 matters.

19 "2. The general nature of the subject
20 matter to be discussed is as follows:

21 "G. Matters concerning pending or
22 anticipated litigation with regard to 800 Monarch --
23 800 Monroe --

24 (Laughter)

25 MR. GALVIN: -- 800 Monroe.

1 COMMISSIONER MARKS: Strike that.

2 (Laughter)

3 MR. GALVIN: "3," that is all right.

4 "It is anticipated at this time that
5 the above matter will be made public within 90 days"
6 of the conclusion of these issues.

7 "This resolution shall take effect
8 immediately," and Mr. Holtzman is going to sign
9 that.

10 Phyllis, we are now off the record --
11 oh, no, we have to vote to go and accept this
12 resolution and go into executive session.

13 Anybody want to make that motion?

14 VICE CHAIR MAGALETTA: Motion.

15 COMMISSIONER PEENE: Second.

16 CHAIRMAN HOLTZMAN: All in favor, aye?

17 (All Board members answered in the
18 affirmative.)

19 MR. GALVIN: Roll call.

20 MS. CARCONE: Oh, I thought you said
21 "All in favor."

22 MR. GALVIN: No. It's very important.

23 MS. CARONE: Commissioner Magaletta?

24 VICE CHAIR MAGALETTA: Yes.

25 MS. CARONE: Commissioner Marks?

1 COMMISSIONER MARKS: Aye.

2 MS. CARONE: Commissioner Graham?

3 COMMISSIONER GRAHAM: Yes.

4 MS. CARONE: Commissioner Mc Kenzie?

5 COMMISSIONER MC KENZIE: Yes.

6 MS. CARONE: Commissioner Pinchevsky?

7 COMMISSIONER PINCHEVSKY: Aye.

8 MS. CARONE: Commissioner Peene?

9 COMMISSIONER PEENE: Yes.

10 MS. CARONE: Commissioner Holtzman?

11 CHAIRMAN HOLTZMAN: Yes.

12 (Discussion held off the record from
13 8:15 to 9 p.m.)

14 CHAIRMAN HOLTZMAN: So we are going to
15 come back on the record now.

16 We are out of executive session, and we
17 are back on the record.

18 Dennis, you have the floor.

19 MR. GALVIN: Right.

20 I can't say too much. We discussed the
21 800 Monroe matter, and the discussion has led to the
22 following suggestion, so I put it to the Board.

23 In considering what our options are,
24 the SSP Committee has found that they are not the
25 valid redeveloper, and therefore had no right to

1 proceed forward, and then there is a question about
2 whether or not they should have been deemed
3 complete.

4 The discussion was do we want to give
5 Mr. Coakley the opportunity to present legal
6 arguments as to both the completeness and whether or
7 not they are a valid redeveloper, and if the Board
8 agrees with that offer that we -- by the way, for
9 the record, I want the record to reflect that there
10 is a car horn blaring in the record incessantly
11 while I am trying to give this advice to the Board.

12 COMMISSIONER GRAHAM: You are
13 distracted.

14 MR. GALVIN: No, I am not distracted,
15 but it is definitely impairing my ability to talk.

16 So if you guys agree that that is the
17 best course of action, then I think we need a motion
18 to set down legal arguments on the completeness for
19 800 Monroe.

20 VICE CHAIR MAGALETTA: I move that we
21 provide the applicant, 800 Monroe, with an
22 opportunity to be heard on those appeals at our next
23 meeting in February.

24 MR. GALVIN: On the issue of --

25 VICE CHAIR MAGALETTA: Standing and

1 completion.

2 MR. GALVIN: -- standing and
3 completion.

4 COMMISSIONER GRAHAM: Second.

5 MR. GALVIN: We need a specific vote.

6 CHAIRMAN HOLTZMAN: We're going to need
7 a specific vote on this.

8 MS. CARCONE: All right.

9 Commissioner Magaletta?

10 VICE CHAIR MAGALETTA: Yes.

11 MS. CARONE: Commissioner Marks?

12 COMMISSIONER MARKS: Aye.

13 MS. CARONE: Commissioner Graham?

14 COMMISSIONER GRAHAM: Yes.

15 MS. CARONE: Commissioner Mc Kenzie?

16 COMMISSIONER MC KENZIE: Yes.

17 MS. CARONE: Commissioner Pinchevsky?

18 COMMISSIONER PINCHEVSKY: Yes.

19 MS. CARONE: Commissioner Holtzman?

20 CHAIRMAN HOLTZMAN: Yes.

21 MR. GALVIN: One other question off of
22 this, are we going to put this on the same night as
23 Maxwell House?

24 MS. CARCONE: That's what we carried
25 Maxwell House to, February 3rd.

1 MR. GALVIN: Can we get both things
2 done in the same night?

3 VICE CHAIR MAGALETTA: I don't think
4 so.

5 MR. GALVIN: I think you have to factor
6 at least an hour for their argument and for me to
7 respond.

8 CHAIRMAN HOLTZMAN: Time management.

9 COMMISSIONER PINCHEVSKY: Well, will
10 they go first then?

11 MR. GALVIN: I don't think we should
12 decide that right now.

13 CHAIRMAN HOLTZMAN: We will figure that
14 out with what else is on agenda.

15 MR. GALVIN: They may not appear, who
16 knows.

17 Am I directed to send them a letter
18 telling them that?

19 CHAIRMAN HOLTZMAN: Yes. Okay.

20 Is there any other business that we
21 need to discuss this evening?

22 Seeing no business, is there a motion
23 to close our meeting?

24 COMMISSIONER MARKS: Motion.

25 CHAIRMAN HOLTZMAN: Second?

1 COMMISSIONER GRAHAM: Second.

2 CHAIRMAN HOLTZMAN: All in favor?

3 (All Board members answered in the
4 affirmative.)

5 (The meeting concluded at 9:05 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

PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300
 Notary Public of the State of New Jersey
 My commission expires 11/5/2015.
 Dated: 1/8/15
 This transcript was prepared in accordance with
 NJAC 13:43-5.9.