

CITY OF HOBOKEN
PLANNING BOARD

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REGULAR MEETING OF THE HOBOKEN :February 4, 2014
PLANNING BOARD : 7:05 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 Stephen Marks
- Commissioner Brandy Forbes
- Commissioner Ravi Bhalla
- Commissioner Ann Graham
- Commissioner Gill Mosseri
- Commissioner Sasha Conroy

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

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

Patricia Carcone, Board Secretary

PHYLLIS T. LEWIS
CERTIFIED SHORTHAND REPORTER
CERTIFIED REALTIME REPORTER
Phone: (732) 735-4522

1 A P P E A R A N C E S:

2 DENNIS M. GALVIN, ESQUIRE
3 730 Brewers Bridge Road
4 Jackson, New Jersey 08527
5 (732) 364-3011
6 Attorney for the Board.

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BOARD BUSINESS 1 & 91

RESOLUTION:

1125-1131 Jefferson Street 14

HEARINGS:

1400 Hudson (Carried) 23

420 Adams Street 25

1 CHAIRMAN HOLTZMAN: Okay, Guys, we are
2 going to get started here tonight. Thank you.

3 I would like to call to order the City
4 of Hoboken Planning Board Meeting. It is 7:05 on
5 Tuesday, February 4th.

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, could you please call the roll?

15 MS. CARCONE: Commissioner Holtzman?

16 CHAIRMAN HOLTZMAN: Here.

17 MS. CARCONE: Commissioner Marks?

18 COMMISSIONER MARKS: Here.

19 MS. CARCONE: Commissioner Forbes?

20 COMMISSIONER FORBES: Here.

21 MS. CARCONE: Commissioner Graham?

22 COMMISSIONER GRAHAM: Here.

23 MS. CARCONE: Commissioner Magaletta?

24 VICE CHAIR MAGALETTA: Here.

25 MS. CARCONE: Commissioner Mosseri?

1 COMMISSIONER MOSSERI: Here.

2 MS. CARCONE: Commissioner Pinchevsky
3 is not here.

4 Commissioner Weaver is not here.

5 Commissioner Conroy?

6 COMMISSIONER CONROY: Here.

7 MS. CARCONE: Commissioner Bhalla?

8 COMMISSIONER BHALLA: Here.

9 CHAIRMAN HOLTZMAN: Terrific.

10 So the first item on our agenda tonight
11 is the swearing in of Councilman Ravi Bhalla to the
12 Planning Board.

13 MR. GALVIN: Councilman, would you
14 please stand and raise your right hand?

15 Do you solemnly swear that you will
16 faithfully, impartially and justly perform all of
17 the duties of a Board member of the City of
18 Hoboken's Planning Board according to the best of
19 your ability?

20 COMMISSIONER BHALLA: Yes.

21 MR. GALVIN: And do you solemnly swear
22 that you will support the Constitution of the United
23 States, the Constitution of the State of New Jersey,
24 and that you will bear true faith and allegiance to
25 the same and to the Governments established in the

1 United States and in this state under the authority
2 of the people?

3 COMMISSIONER BHALLA: Yes.

4 MR. GALVIN: Congratulations. Welcome
5 back.

6 COMMISSIONER BHALLA: Thank you.

7 (Applause)

8 CHAIRMAN HOLTZMAN: So the next item on
9 our agenda is to finalize our reorganization of the
10 Planning Board. We did get submissions of five
11 engineering firms and five planning firms. I know
12 that Director Forbes had posted those up on a drop
13 box for everybody to review.

14 We did not have the ability to actually
15 get together to meet the team that wanted to discuss
16 it, but I did have a chance to speak to each one of
17 the people that were interested personally. That
18 was Director Forbes, Commissioner Marks,
19 Commissioner Magaletta, and also Commissioner
20 Graham.

21 The decision of all of the members of
22 the selection committee was that we would stay the
23 course with the team at Maser for the planning and
24 engineering.

25 So I guess the next step is that we are

1 making that recommendation to the Board, and I
2 imagine that the next step is to take a vote on
3 that, that the Board accept that recommendation.

4 MR. GALVIN: I would just say, if there
5 is no discussion, then at some point somebody should
6 make a motion first for the planner and then for the
7 engineer.

8 CHAIRMAN HOLTZMAN: Okay. Is there
9 someone that would make a motion to --

10 COMMISSIONER CONROY: I'll make a
11 motion --

12 CHAIRMAN HOLTZMAN: -- to accept the
13 planner?

14 COMMISSIONER CONROY: -- to accept the
15 planner.

16 COMMISSIONER GRAHAM: Second.

17 CHAIRMAN HOLTZMAN: Second.

18 All those in favor of accepting Maser
19 as our planner, aye?

20 (All Board members answered in the
21 affirmative.)

22 CHAIRMAN HOLTZMAN: Is there a motion
23 to accept Maser as our engineering firm?

24 VICE CHAIR MAGALETTA: I will make that
25 motion.

1 CHAIRMAN HOLTZMAN: Is there a second?

2 COMMISSIONER BHALLA: Second.

3 CHAIRMAN HOLTZMAN: All those in favor
4 of Maser as our engineering firm, aye?

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

7 CHAIRMAN HOLTZMAN: Terrific.

8 MR. ROBERTS: Thank you very much. We
9 appreciate it.

10 CHAIRMAN HOLTZMAN: We also do have a
11 memorialization of the resolution of accepting
12 Dennis Galvin as our Board Attorney from last week.

13 Were there any questions or comments on
14 the resolution for Dennis in your packet?

15 Frank, I know that you had reviewed
16 some of the contract language. Was there anything
17 that was a call-out that you wanted to change?

18 VICE CHAIR MAGALETTA: I thought I
19 emailed you the changes. There were a couple of
20 things. I don't have it in front of me.

21 MR. GALVIN: Is it all the same in all
22 three contracts?

23 VICE CHAIR MAGALETTA: Yes.

24 MR. GALVIN: I took a quick look at
25 them, and I had no problem.

1 CHAIRMAN HOLTZMAN: It was more of like
2 who got noticed and things like that, is that
3 correct?

4 VICE CHAIR MAGALETTA: There was some
5 language --

6 MR. GALVIN: The order of how you got
7 paid was you had to verify -- it was lawyer
8 language, and we changed it. It is better.

9 VICE CHAIR MAGALETTA: Thank you.

10 CHAIRMAN HOLTZMAN: Great.

11 Is there a motion to accept the
12 resolution to have Dennis as our attorney?

13 VICE CHAIR MAGALETTA: I will make a
14 motion.

15 CHAIRMAN HOLTZMAN: Is there a second?

16 COMMISSIONER MOSSERI: Second.

17 CHAIRMAN HOLTZMAN: Great.

18 Pat, could you call the roll on that
19 memorialization?

20 MS. CARCONE: Commissioner Marks?

21 COMMISSIONER MARKS: Aye.

22 MS. CARCONE: Commissioner Forbes?

23 COMMISSIONER FORBES: Yes.

24 MS. CARCONE: Commissioner Bhalla?

25 COMMISSIONER BHALLA: Yes.

1 MS. CARCONE: Commissioner Magaletta?

2 VICE CHAIR MAGALETTA: Yes.

3 MS. CARCONE: Commissioner Graham?

4 COMMISSIONER GRAHAM: Yes.

5 MS. CARCONE: Commissioner Mosseri?

6 COMMISSIONER MOSSERI: Yes.

7 MS. CARCONE: Commissioner Conroy?

8 COMMISSIONER CONROY: Yes.

9 MS. CARCONE: Commissioner Holtzman?

10 CHAIRMAN HOLTZMAN: Yes.

11 Great.

12 COMMISSIONER MOSSERI: Mr. Chairman,
13 are you going to look at the term? Somebody was
14 going to investigate if we could change the term to
15 be longer.

16 CHAIRMAN HOLTZMAN: Yes. I believe
17 Director Forbes did look into that, right?

18 COMMISSIONER FORBES: I need to check
19 to see about if we can extend the term, or if it is
20 something that we needed to do, so I will double
21 check on that term.

22 CHAIRMAN HOLTZMAN: If I remember
23 correctly, there was a difference between what we
24 might be legally able to do and best practices.

25 COMMISSIONER FORBES: Uh-huh.

1 CHAIRMAN HOLTZMAN: We also need to
2 appoint a conflict engineer and a conflict planner.
3 Is that correct, Director?

4 COMMISSIONER FORBES: I think we always
5 just had a conflict engineer.

6 CHAIRMAN HOLTZMAN: Just a conflict
7 engineer, okay.

8 And they are currently working with us,
9 Remington Vernick, right?

10 COMMISSIONER FORBES: Remington
11 Vernick.

12 CHAIRMAN HOLTZMAN: So is there a
13 motion to continue on with Remington Vernick?

14 COMMISSIONER MOSSERI: I will make the
15 motion.

16 CHAIRMAN HOLTZMAN: Can I get a second
17 on that?

18 COMMISSIONER GRAHAM: Can I ask a
19 question?

20 CHAIRMAN HOLTZMAN: Of course.

21 COMMISSIONER GRAHAM: Have we ever had
22 to use them?

23 CHAIRMAN HOLTZMAN: We're currently
24 using them, yes.

25 COMMISSIONER GRAHAM: I don't remember

1 them coming to a meeting.

2 CHAIRMAN HOLTZMAN: Sure. They came to
3 the Verizon -- oh, I'm sorry --

4 MR. GALVIN: PSE&G.

5 CHAIRMAN HOLTZMAN: -- right.

6 MS. CARCONE: And Verizon.

7 CHAIRMAN HOLTZMAN: And Verizon. They
8 worked with us on the completion meeting on that.
9 that's right.

10 COMMISSIONER GRAHAM: Okay. Thank you.

11 CHAIRMAN HOLTZMAN: So let's take a --

12 MS. CARCONE: Is there is a second on
13 that? Who was the second?

14 CHAIRMAN HOLTZMAN: Yes. It was --

15 COMMISSIONER FORBES: I will second.

16 MS. CARCONE: Commissioner Holtzman?

17 CHAIRMAN HOLTZMAN: Yes.

18 MS. CARCONE: Commissioner Marks?

19 COMMISSIONER MARKS: Aye.

20 MS. CARCONE: Commissioner Forbes?

21 COMMISSIONER FORBES: Yes.

22 MS. CARCONE: Commissioner Bhalla?

23 COMMISSIONER BHALLA: Yes.

24 MS. CARCONE: Commissioner Magaletta?

25 VICE CHAIR MAGALETTA: Yes.

1 MS. CARCONE: Commissioner Graham?

2 COMMISSIONER GRAHAM: Yes.

3 MS. CARCONE: Commissioner Mosseri?

4 COMMISSIONER MOSSERI: Yes.

5 MS. CARCONE: Commissioner Conroy?

6 COMMISSIONER CONROY: Yes.

7 CHAIRMAN HOLTZMAN: Great.

8 How are we doing temperature-wise in
9 this room? Is everybody okay? Is it too hot, too
10 cool?

11 COMMISSIONER GRAHAM: It's never too
12 hot.

13 (Laughter)

14 (Continue on next page)

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CITY OF HOBOKEN
PLANNING BOARD

----- X
 1125-1131 Jefferson Street, 457 12th :February 4, 2014
 Street, 1124-1130 Adams Street : 7:10 p.m.
 Block 104, Lots 13-21 :
 Applicant: TDC/URSA Hoboken Sales :
 Center, LLC :
 Amended Preliminary & Final Site Plan :
 ----- X

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 Ravi Bhalla
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730 Brewers Bridge Road
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(732) 364-3011
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JOHN J. CURLEY, LLC
BY: JOHN J. CURLEY, ESQUIRE
1202 Plaza Ten
Jersey City, New Jersey 07311
Attorney for the Applicant.

1 CHAIRMAN HOLTZMAN: The first item on
2 our agenda for a hearing tonight -- well, not a
3 hearing, but we have another resolution for a
4 memorialization, which is 1125-1131 Jefferson.

5 Dennis, can you give us the latest
6 update? I know there were some language changes
7 that you were working on.

8 MR. GALVIN: Yes. The last two things
9 that Mr. Curley and I discussed, and he is here, and
10 he is concerned about it. In number 13, we put in
11 that they are going to improve and pave Jefferson
12 Street along the length of the building.

13 And there was another change, but I
14 just can't remember what it was -- oh, yes, here the
15 it is: In the event -- well, number seven, I added
16 in number seven: In the event of a substantial
17 change, the plan must be reviewed by the Planning
18 Board.

19 So what we have done is if it's a minor
20 change to the plan, then the flood plain
21 administrator can handle it.

22 If it starts to be bigger than a red
23 box, then you come back to the Planning Board and
24 present an amended plan.

25 VICE CHAIR MAGALETTA: What is the

1 standard meaning of the term "substantial"?

2 MR. GALVIN: Well, we don't have a
3 standard, and right now we don't want to have a
4 standard. We want to hope for the best, that the
5 plan is going to be as close as possible to what
6 they produced.

7 The problem is in discussing this with
8 Mr. Curley is that they presented us with their
9 ideas for how they are going to raise up the
10 building up and what they are going to do, but they
11 really don't know what is going to be required in
12 the end. So if the building starts changing in
13 elevation, then I think they have to come back and
14 see us, so that would be a substantial change.

15 But if they are talking about whether
16 they vent it or don't vent it, that is going to
17 depend on the engineering, what's required, what
18 complies with FEMA, what complies with our
19 ordinance.

20 If it is simple enough, you really
21 don't want to know if they put vents in or stronger
22 walls. You just want to make sure that it is flood
23 compliant. But if it starts changing the nature of
24 the building, then it has to come back, so --

25 VICE CHAIR MAGALETTA: I would argue

1 that -- I would agree with you that if it is a
2 question dealing with compliance, that is a standard
3 objective, and we don't have to get involved with
4 that.

5 MR. GALVIN: Well, we had things in
6 there like that they were going to put vents around
7 the building. They may be able to do something with
8 the construction that may eliminate the vents, but
9 we won't be able to tell the difference walking by
10 the building. I think it is insubstantial and as
11 long as it is compliant, then we should be okay --

12 VICE CHAIR MAGALETTA: I agree.

13 MR. GALVIN: -- but once they start
14 monkeying with the location of the building or the
15 height of the building, or if there some kind of a
16 substantial structural change, then I think we are
17 counting on our building department and our zoning
18 officer to decide that they shouldn't do that. They
19 shouldn't make that call. They should come back to
20 us. Pretty much even in that situation, I suspect,
21 and I told Mr. Curley also, that we are going to
22 cooperate with them.

23 You know, now we have the building. We
24 committed to the building. Everything is done. We
25 have to just make sure it is compliant, and they

1 don't really know what the final construction is
2 going to be.

3 So when they figure it out, if it is
4 simple, they are good. If it is a little bit
5 complicated, they might have to come back. But even
6 if they come back, I think it is going to be mostly
7 administrative for us.

8 CHAIRMAN HOLTZMAN: Just to reiterate,
9 Commissioner, that there is language in the
10 resolution there that clearly states that the
11 applicant is a fully compliant with the Hoboken
12 Flood Mitigation Ordinance a hundred percent. There
13 is no question about it. So, you know, I think we
14 are all on the same page here.

15 VICE CHAIR MAGALETTA: I agree.

16 Thank you.

17 CHAIRMAN HOLTZMAN: Is there a motion
18 to accept the resolution as kind of just updated by
19 Dennis?

20 The people that are voting on this are
21 Commissioner Marks, Commissioner Weaver,
22 Commissioner Conroy and myself.

23 MR. GALVIN: Right. So that is what
24 that pregnant pause is there.

25 Can we have a motion?

1 COMMISSIONER MARKS: So, Mr. Chairman,
2 Mr. Curley is here. Can I hear from Mr. Curley, if
3 he consents to the changes?

4 Are they acceptable?

5 MR. CURLEY: The changes --

6 MR. GALVIN: Yes, he can. It is not
7 something that we have to do, but it is our
8 resolution. We can, you know --

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

11 MR. GALVIN: -- it is respectful.

12 MR. CURLEY: -- good evening.

13 The changes were discussed, and they
14 are substantially as requested.

15 There are a couple things we asked for
16 that Mr. Galvin did not decide to put into the
17 resolution, but I think that the overall terms are a
18 fair reflection of what was presented to the Board.

19 CHAIRMAN HOLTZMAN: Great. Thank you
20 very much.

21 MR. CURLEY: Thank you.

22 CHAIRMAN HOLTZMAN: That being said,
23 Mr. Marks, is there a motion on the floor?

24 MR. GALVIN: Thank you, Mr. Curley.

25 COMMISSIONER MARKS: I will make the

1 motion to accept.

2 CHAIRMAN HOLTZMAN: I will second that
3 motion.

4 MS. CARCONE: Commissioner Marks?

5 COMMISSIONER MARKS: Aye.

6 MS. CARCONE: Commissioner Conroy?

7 COMMISSIONER CONROY: Yes.

8 MS. CARCONE: Commissioner Holtzman?

9 CHAIRMAN HOLTZMAN: Yes.

10 MR. GALVIN: Awesome. All done.

11 CHAIRMAN HOLTZMAN: Thank you, Mr.
12 Curley.

13 MR. CURLEY: Thank you.

14 MR. GALVIN: Just email Ann, and if we
15 didn't already put it there, she will give it to
16 you.

17 MR. CURLEY: Thank you.

18 (The resolution concluded.)

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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, CSR, CRR

- - - - -

PHYLLIS T. LEWIS, C.S.R. XI01333 C.R.R. 30XR15300

Notary Public of the State of New Jersey

My commission expires 11/5/2015.

Dated: 2/5/14

This transcript was prepared in accordance with NJ ADC 13:43-5.9.

1 CHAIRMAN HOLTZMAN: We did have an item
2 on the agenda, which was 1400 Hudson, and the
3 Commissioners may recall that was a project that is
4 Block E between 14th and 15th Street behind City
5 Bistro. We had done like a design sort of review on
6 them a couple of months back, and the completion
7 committee and the applicant have kind of been going
8 back and forth with a good deal of very, very
9 technical information with regard to the flooding
10 issues and how the street is going to be pitched and
11 things of that nature, so Andy has been working very
12 closely with them, with the city's flood plain
13 manager as well, and they are going to have another
14 site visit I think next week, and then they are
15 going to be able to pull together some additional
16 information, so they can answer us in sort of
17 layman's terms as opposed to unbelievably ridiculous
18 engineering. So they pulled that from the agenda
19 this evening, and we will see them in March, next
20 month.

21 MR. GALVIN: We need a motion to carry
22 to the March meeting without notice.

23 CHAIRMAN HOLTZMAN: Right.

24 So we need a motion on the floor to --

25 MR. GALVIN: Carry without notice, and
I want the record to reflect that we have received a
letter from Mr. Pantel waiving the time in which the
Board has to act to that March meeting, so we are
all covered.

 VICE CHAIR MAGALETTA: Thank you.

 I will make that motion.

 COMMISSIONER GRAHAM: Second.

 CHAIRMAN HOLTZMAN: Pat, call the vote
on that.

 MS. CARCONE: Commissioner Marks?

 COMMISSIONER MARKS: Aye.

 MS. CARCONE: Commissioner Forbes?

 COMMISSIONER FORBES: Aye.

 MS. CARCONE: Commissioner Bhalla?

 COMMISSIONER BHALLA: Yes.

 MS. CARCONE: Commissioner Magaletta?

 VICE CHAIR MAGALETTA: Yes.

 MS. CARCONE: Commissioner Graham?

 COMMISSIONER GRAHAM: Yes.

 MS. CARCONE: Commissioner Mosseri?

 COMMISSIONER MOSSERI: Yes.

 MS. CARCONE: Commissioner Conroy?

 COMMISSIONER CONROY: Yes.

 MS. CARCONE: Commissioner Holtzman?

 CHAIRMAN HOLTZMAN: Yes.

(Continue on the next page.)

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CITY OF HOBOKEN
PLANNING BOARD

RE: 420 Adams Street, Block 60, Lot 15:
Applicant: Al Croce :February 4, 2014
Conditional Use :7:25 p.m.

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 Ravi Bhalla
- Commissioner Ann Graham
- Commissioner Gill Mosseri
- Commissioner Rami Pinchevsky
- Commissioner Dan Weaver
- Commissioner Sasha Conroy

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Attorney for the Applicant.

I N D E X

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WITNESS

PAGE

BENNY LOVE

30

1 CHAIRMAN HOLTZMAN: The first hearing
2 that we have this evening is for 420 Adams Street.

3 Is it Hajjar, is that how you pronounce
4 it, Mr. Hajjar?

5 MR. CHERAMI: Actually Mr. Hajjar is my
6 associate.

7 CHAIRMAN HOLTZMAN: Oh, okay.

8 MR. CHERAMI: I am Nicholas Cherami.

9 MR. GALVIN: Could you spell your last
10 name?

11 MR. CHERAMI: C-h-e-r-a-m-i.

12 MR. GALVIN: Thank you.

13 MR. CHERAMI: All right. Thank you.

14 Good evening.

15 We have an application this evening for
16 a conditional use of a commercial space located at
17 420 Adams Street. That would be the ground floor
18 space.

19 We had sort of a preliminary meeting
20 with a couple of members of the Board back in
21 December. We had a couple of notes that came from
22 that meeting, which we have incorporated into an
23 updated site plan, architect's rendering of the
24 space, which has been hopefully circulated to all
25 Board members. We are not seeking any external

1 now to any questions that you had for me or for
2 Benny Love, who is here representing the applicant
3 and will be helping to operate and own the facility.

4 MR. GALVIN: Mr. Love, raise your right
5 hand.

6 Do you swear to tell the truth, the
7 whole truth, and nothing but the truth, so help you
8 God?

9 MR. LOVE: Yes.

10 B E N N Y L O V E, having been duly sworn,
11 testified as follows:

12 MR. GALVIN: State your full name for
13 the record and spell your last name.

14 THE WITNESS: Benny Love, L-o-v-e.

15 MR. GALVIN: Thank you.

16 CHAIRMAN HOLTZMAN: Mr. Love, can you
17 just kind of take us through what the operations of
18 the gym would be and how it would function, the
19 hours, how many kids might be at this facility and
20 things like that?

21 THE WITNESS: The operation is going to
22 be -- it is an open play center for the parents. It
23 is membership only, and the interior is going to
24 have mats, mats on the floors, on the walls, little
25 games. It is more like a zero to four, you know,

1 kid safe parent friendly location.

2 We are just looking to have something
3 for the parents to have indoors as if they were to
4 have a second option instead of taking your kid to
5 the park, you can have him indoors, and we will
6 have, you know, just a little play center for them,
7 including a little ball pen, a little slide, games,
8 activities.

9 We'd like to incorporate some learning,
10 where we are speaking to a couple of different
11 companies for health, light schooling, you know,
12 just premature before day care, and we are working
13 on the health class, too, that we want to
14 incorporate. So we are talking to somebody in town
15 about that, so it is going to be something for the
16 kids and the parents to learn and play.

17 CHAIRMAN HOLTZMAN: Okay. Have you
18 operated a facility like this any place else that
19 you had this experience?

20 THE WITNESS: I have.

21 At the moment, I own an inflatable
22 bounce company for children for the last three
23 years, and I have been doing the -- I do a lot of
24 activities in town. We do Rocking For Autism. I do
25 a lot of events for the children that are in need,

1 so I deal with children of that age now. For the
2 last three years, I've been doing it, whether it is
3 a birthday party or a charity event, that is what I
4 do now.

5 CHAIRMAN HOLTZMAN: Okay, great.

6 Dave, can you kind of take us through
7 your report a little bit?

8 MR. ROBERTS: Yes.

9 Actually the report that was provided
10 to the Board was actually done for the Site Plan
11 Subdivision Committee, which then met in December.

12 First of all, I want to apologize. I
13 think that we provided the report again for
14 background, but I had thought at that time I had
15 included in that report the discussion and/or the
16 communications that I had with the zoning officer
17 about the use, which Mr. Cherami recognized.

18 We did discuss it at the Site Plan
19 Subdivision Committee, and at that point I had
20 gotten confirmation from the zoning officer that it
21 was a permitted use.

22 As you may have seen from the letter,
23 we had brought up stipulations in the ordinance that
24 we had some questions about, and because of that, I
25 consulted with her to make sure that it was going to

1 the right board back in December.

2 But as far as the use goes, I think the
3 main thing that we probably need to make sure we are
4 clear on is that the discussion at the Site Plan
5 Subdivision Committee and the descriptions that Mr.
6 Love just gave us specifically focused on the
7 inside.

8 There is an outdoor pad in the rear of
9 the building, and I think we just want to confirm
10 this is all going to be inside, and part of the
11 reason for that I think in my view is for two
12 reasons:

13 One is: This is a residential area, so
14 we want to make sure that the activities are
15 contained within the building for the purposes of
16 noise and that type of issue, but more importantly,
17 I think it is for the security of the kids,
18 especially zero to four years old, that when there
19 is an outdoor space, the security is a lot less
20 prevalent than if it is inside.

21 So I just would recommend to the Board
22 it is clearly, and it has been confirmed by the
23 zoning officer, if it meets the three conditions in
24 terms of commercial use on the block being a
25 thousand square feet or less and so on, but that

1 there be a condition put on any position you might
2 make that specifies that the use will be inside
3 only.

4 Other than that, Mr. Chairman, I think
5 it is a pretty straightforward application.

6 CHAIRMAN HOLTZMAN: Great.

7 Do any of the Commissioners have any
8 specific questions?

9 Commissioner Graham?

10 COMMISSIONER GRAHAM: Yes.

11 You mentioned that this was membership
12 only. Can you describe that a little bit? What are
13 the qualifications for a membership?

14 THE WITNESS: We want to charge the
15 parents a fee that is going to include their open
16 playtime, maybe some food, and that will help with
17 the attendant. It is just going to be a parent and
18 child or a nanny and child, but we are not really
19 going to open up to the public unless they have a
20 membership.

21 There might be open hours, and there
22 might be an open -- we are going to have open play,
23 but for the most part we want to cater to like a
24 one-on-one with the parents and the kids.

25 COMMISSIONER GRAHAM: I was concerned

1 there may be people in the neighborhood that wanted
2 to come, but they -- I don't know what they are
3 going to charge for a membership. Maybe they can
4 only afford to come every once in a while, so --

5 (Commissioner Weaver present.)

6 THE WITNESS: Well, everyone is
7 invited. Everyone is invited. I mean, we are not
8 charging much. I have seen the rates around town.
9 I know we are under maybe five or ten percent.

10 The open play for the kids when we do
11 set up, it's going to be -- the membership is more
12 to have -- to make sure that you have enough time
13 for the parents who are members to play, because it
14 is a large community of children, and we only have a
15 thousand square feet, so we have to make sure that,
16 you know, we have to do our calculations with how
17 many members we can take and how many children we
18 can have in the facility, and if we are just taking
19 anyone that wants to come in, it is going to
20 interfere with the operation.

21 COMMISSIONER GRAHAM: So have you
22 checked with the places around there, like the Boys
23 and Girls Club and the Jubilee Center, and what kind
24 of competition you're going to have, and how do you
25 know you are going to get these memberships?

1 THE WITNESS: It is more like a Romper
2 Room. My research comes more from My Gym, Romper
3 Room, Gymboree in Jersey City, so it is that type of
4 a facility.

5 CHAIRMAN HOLTZMAN: Just let the record
6 show that Commissioner Daniel Weaver has joined us.

7 Thank you.

8 Commissioner Conroy?

9 COMMISSIONER CONROY: I just had a
10 question about the hours.

11 THE WITNESS: The hours, we would open
12 8:30 a.m. to maybe eight, nine o'clock at night
13 depending on the after school programs that we do.
14 I know nine o'clock is kind of late, so, you know,
15 we will just get a feel.

16 We are going to have some dance
17 classes, whether it's ballet or just regular dance
18 for the kids and gym activities.

19 Zero through four is going to be more
20 through the day for the parents who drop off the
21 first child and have another smaller child.

22 Then after school, the parents who have
23 a sibling that wants to use the facility also, there
24 is going to be, you know, a room for the siblings.
25 We have a small room, whether it is for homework or

1 just, you know, interacting with the other child.

2 CHAIRMAN HOLTZMAN: Councilman Bhalla?

3 COMMISSIONER BHALLA: Well,

4 Commissioner Graham asked my first question, and

5 Commissioner Conroy asked my second question, so I

6 guess my third question is: You had mentioned that

7 you are going to have children there for different

8 activities.

9 Is this going to be a facility where

10 the children are going to be under adult supervision

11 with the parents or --

12 THE WITNESS: Yes.

13 COMMISSIONER BHALLA: -- or will there

14 be people employed that provide sitting or

15 supervision services?

16 THE WITNESS: You will have an employee

17 there always, but the parents have to come in with

18 the children and nannies.

19 COMMISSIONER BHALLA: Would they drop

20 off or would they be --

21 (Commissioner Pinchevsky present.)

22 THE WITNESS: We are not -- at the

23 moment, we are not looking to do a drop-off service.

24 The first phase is just to get somebody there that

25 has experience with the children and the parents and

1 just have somebody all of the time with the kids.

2 I just want to open the space for them
3 because instead of walking around with the children
4 going to Starbucks, you have that second option.
5 You can stop there, maybe have, you know, your
6 downtime. We're going to set up an internet service
7 for the parents who are there and then the playtime
8 for the kids.

9 COMMISSIONER BHALLA: You mentioned
10 very briefly in passing, if possible, food service.

11 Do you contemplate having any beverages
12 or foods that are offered there?

13 THE WITNESS: Sippies, organic little
14 juice drinks that we use for the birthday parties.

15 When we do a birthday party, we use
16 pizza, but that is stuff that we order out. We
17 don't cook anything in the facility. They can order
18 anything they like. That's how I do birthday
19 parties.

20 Now, if they want a special restaurant
21 they want to cater from, they can have that, because
22 everybody doesn't eat pizza, you know, especially
23 with the allergies that they have, whether it is,
24 you know, peanuts or whatever, so we just let them
25 bring in what they want.

1 When we do a birthday party, it starts
2 off with pizza and maybe a little juice drink.

3 COMMISSIONER BHALLA: So in addition to
4 the membership benefits for people who are members,
5 if you are not a member, you can rent out the
6 facility for a private event, like a birthday party,
7 is that right?

8 THE WITNESS: Yes, yes.

9 COMMISSIONER BHALLA: Okay. So similar
10 to My Gym or --

11 THE WITNESS: Yes, the same thing.

12 COMMISSIONER BHALLA: I think that is
13 all I have for now.

14 CHAIRMAN HOLTZMAN: Commissioner Marks?

15 COMMISSIONER MARKS: How is this
16 facility different from a day care facility?

17 THE WITNESS: It is not a drop-off
18 service. It is more of a nanny and mom interacting
19 service, giving them an open time from maybe, you
20 figure when you drop your first child off to pickup,
21 you know, 2:30, we are figuring, it's more to give
22 you that.

23 COMMISSIONER MARKS: So you said the
24 daytime service would be for children from zero to
25 four.

1 Do you have day care providers?

2 THE WITNESS: I am not going to
3 specifically do zero to four. We are offering it as
4 zero to four, because we are seeing that that is the
5 child that's home, if you're not in pre day care or
6 anything else.

7 So for the mothers who are walking
8 around with the kids, that is an option. You can
9 sign up and come in and have a seat and have your
10 children play. It's an open space, so you are
11 one-on-one with your child, and we are not looking
12 to do a day care.

13 We are not looking to house kids there.
14 We are looking more for the parents to come in with
15 the child, and we want to have different activities
16 throughout the day, like I said, whether it is a
17 little yoga class. You know, everything is little,
18 you know, small exercising, meals for the parents
19 and kids, where they are, you know, learning more of
20 a healthier choice, so we are working on those types
21 of services.

22 COMMISSIONER MARKS: I have one more
23 follow-up question.

24 Were there any environmental tests?

25 What was the use of the property

1 before --

2 THE WITNESS: It has been, if you
3 remember, it was the Old Russo Club. That is how it
4 was named. It is 420 Adams Street. It was a civic
5 association for the Russos during his term.

6 Since then, it has been vacant, and
7 actually my partner bought the building sometime
8 this year or last year --

9 MR. CHERAMI: The end of last year.

10 THE WITNESS: -- at the end of last
11 year, and it has just been vacant since. Since then
12 we put in the motion, and we are waiting.

13 COMMISSIONER MARKS: So for the use
14 that you are proposing, is there anyone with small
15 children involved?

16 Is there any legal requirement for
17 testing for any lead paint or asbestos or any
18 environmental contamination whatsoever?

19 THE WITNESS: Not that business. If we
20 were doing a day care, then it would be sprinklered,
21 lead, the year that the building was made,
22 structural, you know. There is a bathroom. That is
23 a whole different animal.

24 MR. ROBERTS: See, that is one of the
25 reasons why I asked the question about the outdoor

1 space, because if it was a day care center, it would
2 be inspected by the State, and it would have to get
3 a license, where as this is an independent business,
4 so there is no way of knowing how that outdoor space
5 would be protected.

6 COMMISSIONER MARKS: Finally, the last
7 question: What is the maximum occupancy of the
8 space?

9 THE WITNESS: We have 1,000 square
10 feet, so whatever the city requires for that.

11 VICE CHAIR MAGALETTA: Did you check
12 with the fire department?

13 MR. CHERAMI: I think the fire
14 department will have to come and inspect the space
15 because you are renovating --

16 THE WITNESS: No, there's no
17 renovations. We're using the space as is. There
18 has been no renovation.

19 MR. CHERAMI: No renovation?

20 THE WITNESS: No. That's all modern --

21 MR. CHERAMI: We can add a condition to
22 the resolution to check with the fire department for
23 the maximum occupancy at a given time.

24 CHAIRMAN HOLTZMAN: Commissioner
25 Magaletta?

1 VICE CHAIR MAGALETTA: Well, you said
2 there will be an employee there. What is the job of
3 the employee?

4 THE WITNESS: Their job is to interact
5 with the parents and kids.

6 VICE CHAIR MAGALETTA: When you say
7 "interact," how so --

8 THE WITNESS: Kind of be like a cold,
9 cold, you know, parent so to speak --

10 VICE CHAIR MAGALETTA: -- because the
11 problem -- not "problem," but the issue that's
12 raised here, if you have an employee interacting
13 with them, does that become a day care service, or
14 is that person just there --

15 THE WITNESS: No. We just want the
16 person to be there to help.

17 VICE CHAIR MAGALETTA: Administrative,
18 make sure things are clean, things like that?

19 THE WITNESS: Yes.

20 Sign the families in and make sure
21 everything is clean and safe, you know.

22 We also ask that, you know, during the
23 process should also become a part of the play, you
24 know. We want whoever is there to make everybody
25 feel comfortable. Don't just sit behind the desk

1 and watch them play. We want you to be a part of
2 the system.

3 VICE CHAIR MAGALETTA: And a follow-up
4 again to what Commissioner Marks asked you, what
5 exactly -- are you going to paint the stuff, are you
6 going to redo the floors, what exactly is going to
7 be done before you open up?

8 THE WITNESS: On the floor I am going
9 to have padding, tumbling mats.

10 VICE CHAIR MAGALETTA: Are you going to
11 refinish the floors?

12 THE WITNESS: No, no, no finishing. We
13 have a wooden floor now. There's going to be mats,
14 tumbling mats.

15 VICE CHAIR MAGALETTA: Let me take it a
16 step at a time.

17 With respect to the walls and the
18 ceiling, are you going to repaint it or what are you
19 going to do?

20 THE WITNESS: The walls, we are having
21 them painted in art. We have an artist coming in
22 and drawing just like -- my idea is anybody familiar
23 with the John Lennon collection before he passed
24 away, where he had the little animals and different
25 stuff like that, that is what we are having on the

1 walls.

2 VICE CHAIR MAGALETTA: Now, with the
3 floors, I know you are putting pads on the floors.
4 Are the floors going to be finished or remain as is?

5 THE WITNESS: They are as is right now.
6 They are in good shape, and you are not going to see
7 the floors when we are done.

8 VICE CHAIR MAGALETTA: So the floors
9 and the stuff is not peeling?

10 THE WITNESS: Oh, no.

11 VICE CHAIR MAGALETTA: Okay.

12 THE WITNESS: There are no chips.
13 There's no -- it is not even faded.

14 VICE CHAIR MAGALETTA: How about the
15 ceiling?

16 THE WITNESS: The ceilings are all tin.
17 They are really nice like this, so we don't want to
18 change anything. We want to leave it.

19 VICE CHAIR MAGALETTA: They're not
20 chipped and need to be painted?

21 THE WITNESS: No, no. The place is
22 complete. The place actually is painted right now.
23 We just want to make it more kid friendly, so we are
24 going to make some changes, like the one wall, the
25 large wall on the left side is sheet rock. On the

1 right side is brick, so with that, what we are going
2 to do is -- I'm sorry -- we're going to pad along
3 four feet, and then the left side when you walk in,
4 it's going to be the child's mural --

5 VICE CHAIR MAGALETTA: Okay.

6 THE WITNESS: -- I have a photo, if
7 anybody wants to see what it is looking like, you
8 know. And as far as the picture goes, I can show
9 you.

10 VICE CHAIR MAGALETTA: You can pass it
11 around. Oh, it is on your phone.

12 MR. GALVIN: I'm sorry. We will have
13 to move your phone into evidence. I'm sorry.

14 (Laughter)

15 MR. GALVIN: Pat, you needed a phone,
16 right?

17 MS. CARCONE: Yes.

18 (Laughter)

19 THE WITNESS: That's a start.

20 Keep your finger on it, so it doesn't
21 go away.

22 CHAIRMAN HOLTZMAN: Mr. Croce is the
23 property owner?

24 MR. CHERAMI: Mr. Croce, yes. He is
25 the property owner.

1 CHAIRMAN HOLTZMAN: And he is also an
2 investor or a principal in this firm?

3 MR. CHERAMI: Principal, yes, but he's
4 a partner, too, in this particular venture.

5 CHAIRMAN HOLTZMAN: Right.

6 There was one thing missing from the
7 checklist, and I don't know, Pat, maybe we got that
8 as a follow-up. There was a certificate from the
9 tax collector.

10 Did we ever receive that?

11 MS. CARCONE: Oh, a certificate that
12 the taxes were paid?

13 CHAIRMAN HOLTZMAN: Yes.

14 MR. GALVIN: If anybody wants to see
15 that quick before I mess it up.

16 THE WITNESS: Just keep your finger on
17 it, and it won't go away.

18 MS. CARCONE: That was pulled out of
19 the SSP meeting, that it was missing --

20 CHAIRMAN HOLTZMAN: I noticed it was
21 not checked or it was pending on the checklist.

22 MR. CHERAMI: No. When we had
23 submitted the application, we were paid through the
24 fourth quarter, and we provided the breakdown at the
25 time.

1 CHAIRMAN HOLTZMAN: Okay. So we are
2 squared away.

3 Pat, you probably do have that in our
4 records.

5 MS. CARCONE: I am checking right now.

6 CHAIRMAN HOLTZMAN: Okay, great.

7 I had a chance to kind of drive by the
8 property, and I was wondering, you are doing some
9 work on it, and obviously you are fixing it up nice
10 it sounds like.

11 Is there any chance we might be able to
12 talk you into putting a nice shade tree in front of
13 the building?

14 THE WITNESS: A what?

15 CHAIRMAN HOLTZMAN: A shade tree, a
16 tree, a street tree.

17 THE WITNESS: A tree?

18 COMMISSIONER HOLTZMAN: Yes.

19 THE WITNESS: Sure. That would be
20 nice.

21 CHAIRMAN HOLTZMAN: That would be nice,
22 yes.

23 THE WITNESS: Do we have space? Is
24 there any dirt or anything in front of the building
25 now that --

1 MR. GALVIN: There isn't dirt, but it
2 is not like -- where is our engineer -- our planner
3 is here, though.

4 I am the attorney, but it looks like
5 you have plenty of room to put a tree there. The
6 question is somebody is going to break the concrete
7 and cut through and put the tree --

8 THE WITNESS: I would have to talk to
9 Al about that. I don't want to make a commitment on
10 that, but I will definitely mention it to him. I
11 don't see it being a problem.

12 We would also like to paint the front
13 of the building, maybe, you know, a nice color and
14 make it look, you know, just bring it back.

15 MR. GALVIN: Like bright orange?

16 THE WITNESS: Yes.

17 (Laughter)

18 MR. GALVIN: We need answers on the
19 tree. We are either doing it or we are not doing
20 it.

21 CHAIRMAN HOLTZMAN: Yes. We have to
22 kind of figure that out. Okay. So just put it on
23 the pending list there.

24 MR. ROBERTS: Mr. Chairman, maybe what
25 we can do is say that they are agreeable to install

1 the tree, providing that there are facilities in the
2 sidewalk, you know, pending the engineer's
3 recommendation. There may be utilities under the
4 sidewalk, as long as there is room, and it can be
5 done per the city's standards --

6 CHAIRMAN HOLTZMAN: Obviously, Mr. Love
7 needs to get approval of his partner as well.

8 MR. ROBERTS: Right.

9 CHAIRMAN HOLTZMAN: It would be nice.
10 I know that that street there unfortunately, there
11 is hardly any trees on the street, so it probably
12 would be a nice addition to what you are bringing to
13 the neighborhood it sounds like.

14 MR. ROBERTS: Actually you are right --

15 CHAIRMAN HOLTZMAN: Go ahead.

16 MR. ROBERTS: -- yes, Mr. Chairman.

17 In the photo on Page 3 of my letter, it
18 looks like there is a tree in front of the dry
19 cleaners, so that leads me to think that there are
20 sufficient soil pits in the sidewalk to have another
21 tree in front of this property.

22 CHAIRMAN HOLTZMAN: I just want to -- I
23 think you said that you may have food at the
24 facility, but just to confirm, there is no cooking
25 facilities, no kitchenette, or anything like that

1 or --

2 THE WITNESS: No. We don't have
3 anything there to cook.

4 COMMISSIONER BHALLA: Mr. Chairman?

5 CHAIRMAN HOLTZMAN: Yes, Mr. Bhalla.

6 COMMISSIONER BHALLA: Do you -- when
7 you say tree, are you referring to the process for
8 getting a tree from the Shade Tree Commission or
9 just planting a tree?

10 CHAIRMAN HOLTZMAN: Yes.

11 We would hope that you would reach out
12 to the Shade Tree Commission. They have a list of
13 preferred species, and they kind of can give you a
14 little checklist of how big a tree pit should be,
15 and sort of how it should be done, just so that
16 people have a little bit of guidance in terms of,
17 you know, how to kind of do it right.

18 If you are going to do it, let's make
19 sure that the tree has a chance to live type of
20 thing.

21 THE WITNESS: Okay.

22 CHAIRMAN HOLTZMAN: So that would be
23 great.

24 So it was no to the cooking. I just
25 wanted to double check.

1 Then I want to bring back a point that
2 Dave brought up, which was to make sure that the
3 backyard there, which it looks like from the
4 drawing, it seems to be contained by buildings on
5 all sides, so it would seem that -- and, again, it
6 is in the middle of a residential neighborhood, and
7 you know, even a couple of kids in a little confined
8 concrete little yard there would make probably quite
9 a lot of noise for the neighborhood, so I just
10 wanted to make sure on the record there that the
11 backyard is not part of the approved usage.

12 THE WITNESS: Is there anything that we
13 can do to have use of the yard and go back there?

14 You know, we have a backyard. We would
15 like to go in the backyard on nice days --

16 CHAIRMAN HOLTZMAN: I will open it up
17 to all of the Commissioners to --

18 THE WITNESS: -- if somebody complains
19 in the future, and we have to come book back here,
20 fine. But I don't think -- it is going to be early.
21 Most of the residents work I would say in this
22 neighborhood, and Fiore's parking lot is actually
23 right behind us on the open space there, so it would
24 not be closed in.

25 CHAIRMAN HOLTZMAN: And the hours that

1 you testified to were pretty much that you would be
2 opened or could be opened from eight o'clock in the
3 morning to nine o'clock at night, and there are
4 certainly a lot more people here in town that work
5 from home, so I think that has the potential to --

6 THE WITNESS: We can set a cutoff
7 time --

8 CHAIRMAN HOLTZMAN: -- I'm sorry?

9 THE WITNESS: -- would you like to set
10 up a cutoff time?

11 CHAIRMAN HOLTZMAN: My personal
12 preference, and I am going to open it up to our
13 Board for a conversation, my personal preference,
14 though, if you would like to hear it, is that it not
15 be used. I think that is from a noise and
16 infiltration on the neighbors, but also to the
17 guidance that our planner is giving us with regard
18 to it kind of opens up this box of now is it a day
19 care center, what rules and regulations might govern
20 outdoor space, the safety of that outdoor space and
21 things like that.

22 MR. ROBERTS: Yes.

23 I would also add to that that this is
24 only one-half of your commercial frontage, correct?

25 THE WITNESS: I'm sorry?

1 MR. ROBERTS: This is -- the ground
2 level is divided into two spaces --

3 THE WITNESS: No. It is all one space.

4 MR. ROBERTS: It's all one space.

5 So what about the --

6 THE WITNESS: The yard is space --

7 MR. ROBERTS: -- there is space
8 upstairs as well.

9 THE WITNESS: Residential?

10 MR. ROBERTS: Yes.

11 THE WITNESS: Yes, residential.

12 MR. ROBERTS: So, in other words, this
13 concrete pad that is there, this very small space,
14 is common for the entire building, not just for the
15 ground floor?

16 THE WITNESS: I don't know how we set
17 it up --

18 MR. CHERAMI: It is not an association,
19 so there is no common --

20 MR. ROBERTS: I mean, in other words,
21 everyone has access to it in the building.

22 THE WITNESS: Because of the means of
23 egress through the side, yes, for the tenants, yes.

24 MR. ROBERTS: So that brings back my
25 original concern about safety and security of young

1 children, especially zero to four years old, when
2 you you're not -- when you expand to the outside, I
3 have a concern about that, and I think that when I
4 originally brought it up in the beginning of the
5 meeting, you indicated that the use would be
6 contained and be compelled to the interior of the
7 building, so that is what we're --

8 CHAIRMAN HOLTZMAN: We will flesh it
9 out.

10 Director Forbes?

11 COMMISSIONER FORBES: Yes.

12 One of my concerns is, you know, as far
13 as it meeting, you know, being permitted as a
14 conditional use, it has to comply with -- there's no
15 more than a thousand square feet of customer sales
16 or service area, so even if you are expanding that,
17 if you're using that for your customer service area,
18 isn't that expanding that square footage?

19 MR. ROBERTS: Yes. I think I would
20 agree with you.

21 Commissioner Forbes brings up the fact
22 that your total space is 1,023 square feet. The
23 customer floor, you know, basically the front room
24 and the back room, because we deduct the space from
25 the bathrooms, so when you deduct the space from the

1 bathrooms, you are in compliance, but if you add
2 that space in the back, it could potentially put you
3 over a thousand.

4 MR. CHERAMI: Right.

5 So the application was originally set
6 up just for the interior of the space, and I think,
7 you know, if anything additional is going to be done
8 there, and I'll ask Al, and obviously if we have to
9 come back and reappear --

10 CHAIRMAN HOLTZMAN: Yes.

11 MR. ROBERTS: Because, again, I think
12 the other concern is that with these conditional
13 uses, the reason they are conditional is because
14 these are residential zones, and we want to protect
15 the integrity of the residential area.

16 CHAIRMAN HOLTZMAN: Any other comments
17 or questions from the Commissioners?

18 Commissioner Weaver, yes.

19 COMMISSIONER WEAVER: I remember from
20 the Site Plan Subcommittee Meeting that we asked you
21 to address the issue of the strollers not parking
22 outside of the building, and I noticed that on the
23 plan now, you show stroller parking inside the
24 building, which is great, but I would just like you
25 to acknowledge for the record that stroller parking

1 is not permitted outside of your establishment.

2 THE WITNESS: Okay.

3 MR. CHERAMI: Yes. I think there were
4 racks there --

5 THE WITNESS: Yeah.

6 MR. CHERAMI: -- along the front of the
7 building, and they are noted on the updated plans.

8 COMMISSIONER WEAVER: Yes. But also to
9 along with that, it's explicit that there is parking
10 inside, but that stroller parking is not permitted
11 outside of the building.

12 MR. CHERAMI: Yes.

13 COMMISSIONER WEAVER: Thank you.

14 THE WITNESS: I am trying to rent space
15 from the parking lot on the side --

16 COMMISSIONER WEAVER: No, I mean --
17 sir, it's --

18 THE WITNESS: -- six parking spots --

19 COMMISSIONER WEAVER: -- sir, it's not
20 about you or how you might manage the business. But
21 there are a number of places in town, which have
22 been approved for day care, and I think erroneously,
23 and there is no stroller parking there right now,
24 but they are parking the strollers outside the gates
25 blocking the public sidewalk. It is kind of like,

1 you know, what do we do about that now. So I just
2 wanted to say that I am not trying to go after you,
3 sir, I'm just saying --

4 THE WITNESS: I am working on it.

5 Like I said, I talked to Fiore and told
6 him to give me one spot, or if you would give me the
7 whole lot, I'll buy the lot. You know, I just said
8 I owned bars, I can't tell you where they are going
9 to park their cars.

10 (Laughter)

11 You know, so it's the same thing with
12 the strollers. Maybe we will have a van picking the
13 parents up one day and bringing them in without the
14 strollers, you know --

15 COMMISSIONER WEAVER: Thank you.

16 COMMISSIONER BHALLA: Just for
17 clarification purposes, the objection to stroller
18 parking on the street was because it impedes --

19 COMMISSIONER WEAVER: The flow of
20 pedestrians.

21 COMMISSIONER BHALLA: -- was that --

22 CHAIRMAN HOLTZMAN: Can we see a
23 picture of the front of the building?

24 MR. GALVIN: Sure.

25 COMMISSIONER BHALLA: I don't know what

1 the pedestrian flow is on that street. My
2 impression is that it is fairly light, but did you
3 guys review the width of the sidewalk to the extent
4 to which -- the extent to whether or not that can be
5 addressed partially or --

6 COMMISSIONER WEAVER: The idea is that
7 it is part of the public way. It is public
8 property. If we are going to approve that, if we
9 are going to explicitly approve them, then I think
10 you probably have to go to city council to have that
11 area deeded over to them to be able to park their
12 strollers there.

13 CHAIRMAN HOLTZMAN: This also gives us
14 an enforcement mechanism. If it is one stroller,
15 perhaps no one is going to scream. On the other
16 hand, if it does get out of control, then we at
17 least have an enforcement mechanism because of the
18 testimony of the applicant.

19 VICE CHAIR MAGALETTA: If there is one
20 stroller, there's one stroller, and then there is
21 all of them --

22 CHAIRMAN HOLTZMAN: They multiply.

23 (Laughter)

24 COMMISSIONER WEAVER: Are you speaking
25 as a parent?

1 VICE CHAIR MAGALETTA: I'm speaking as
2 an observer.

3 THE WITNESS: And having kids, you
4 know, that is why we are doing this, trying to give
5 them something to do.

6 (Laughter)

7 CHAIRMAN HOLTZMAN: Okay.

8 Any other comments or questions from
9 the Commissioners?

10 Dave, any additional comments or
11 questions?

12 MR. ROBERTS: No.

13 CHAIRMAN HOLTZMAN: Commissioner Marks,
14 you look like -- do you have anything for us?

15 No, we're good?

16 COMMISSIONER MARKS: Just the maximum
17 occupancy, I would recommend that they consult with
18 the fire department.

19 CHAIRMAN HOLTZMAN: Okay.

20 THE WITNESS: Yes.

21 CHAIRMAN HOLTZMAN: Dennis has a couple
22 of conditions here. Let's make sure that we add
23 that in as a --

24 COMMISSIONER PINCHEVSKY: Hum --

25 CHAIRMAN HOLTZMAN: -- yes, Mr.

1 Pinchevsky?

2 COMMISSIONER PINCHEVSKY: I apologize
3 for coming late, so if this was answered, I
4 apologize.

5 On the report that we received, it
6 states that this is a conditional use conducted by a
7 nonprofit organization. I don't know if it was
8 already answered, but are you guys continuing to be
9 a nonprofit organization?

10 THE WITNESS: No --

11 COMMISSIONER PINCHEVSKY: When the --

12 THE WITNESS: -- no, no --

13 CHAIRMAN HOLTZMAN: Hang on, hang on.

14 COMMISSIONER PINCHEVSKY: -- when the
15 building was purchased recently, it is now for
16 profit business?

17 CHAIRMAN HOLTZMAN: Yes. You missed a
18 little bit of testimony from Dave that that first
19 report was a report that was generated for the
20 completion meeting, and David updated it from that,
21 and it does comply. There was a question prior to
22 the completion meeting.

23 COMMISSIONER PINCHEVSKY: Great.

24 I think I came in when you were
25 discussing how this differs from a day care, but I

1 didn't really quite understand.

2 I have a young child, a six-month-old,
3 and we are going through the whole process --

4 THE WITNESS: Congratulations.

5 COMMISSIONER PINCHEVSKY: -- thank
6 you --

7 (Laughter)

8 -- I mean it, thank you.

9 Day cares are always actually inviting
10 parents to stay and play and stay the five days a
11 week, if they want to, but I know there is also, on
12 the other hand, you know, there's play group areas,
13 where folks can go, you know, for a membership fee,
14 they can join this kids' gym --

15 MR. ROBERTS: That is this --

16 COMMISSIONER PINCHEVSKY: -- but at
17 those places, I don't know of any parents who leave
18 their children there, and it sounded like there
19 would be an option.

20 When I came in, I thought I heard you
21 say that there would be an option to leave the
22 children there with someone, or did I mishear?

23 THE WITNESS: Phase one is memberships
24 for the parents. Your wife can come in and have a
25 space to play with the children.

1 There is a law that we are looking into
2 now. There is a ratio that a facility like this can
3 have, say, it is one attendant to like two or three
4 children, you know. Whatever the ratio is, we want
5 to comply with that number. But at the moment right
6 now, we just want a parent and a nanny hangout.

7 Instead of going to Starbucks and
8 Panera's and sitting there with your kids and
9 hanging out with the strollers, the way they are
10 doing it now, we want to give them a facility for
11 the parents to come in and have something for the
12 kids to do as opposed to going to Starbucks and
13 having something for the parents to do, and the kids
14 just sit in the strollers.

15 COMMISSIONER PINCHEVSKY: Yeah, I mean,
16 I think that's --

17 THE WITNESS: I own a store next to
18 Starbucks, and so I see that. I kind of get the
19 idea of the Starbucks every day, and you know, you
20 have to do zigzags through the carriages every day,
21 and the kids are just sitting there.

22 COMMISSIONER PINCHEVSKY: Sure. I
23 think this is definitely a better alternative, but
24 the question, though, is, at least on the current
25 application, are there going to be -- are parents

1 allowed or nannies -- would parents be allowed to
2 drop off their kids?

3 THE WITNESS: Yes. In the future
4 whatever the law requires, yes --

5 MR. CHERAMI: Not the current
6 application, so we are looking into the future law
7 that may require additional applications, and that's
8 not the present application.

9 The present use is a place for people
10 to be available --

11 CHAIRMAN HOLTZMAN: You would go and
12 stay with your child.

13 MR. GALVIN: Here is my language: All
14 children are to be attended by a parent or a
15 responsible guardian. Children are not to be
16 dropped off and supervised by staff.

17 CHAIRMAN HOLTZMAN: If in the future --

18 COMMISSIONER PINCHEVSKY: So it's a
19 separate --

20 THE WITNESS: Well, according to law
21 now, right, one of these facilities, there is -- and
22 I am sorry, and don't quote me because I have not
23 read the whole thing, but there is an okay by the
24 State, and there is a ratio.

25 So, you know, like I said, the first

1 phase is to get the parents in and get the kids to
2 the birthday parties and --

3 CHAIRMAN HOLTZMAN: I am going to call
4 a timeout. I am going to suggest that your --

5 MR. CHERAMI: Right, the current
6 application --

7 CHAIRMAN HOLTZMAN: -- let's just deal
8 with what we have on the table today. I am familiar
9 with those laws a little bit myself, and they do
10 vary by age of children and how many attendees you
11 need to have for different age groups, and then
12 there is usually a maximum, and there are
13 school-aged kids, so it gets pretty confusing really
14 quickly.

15 I am sure you will cross that bridge
16 when you do. We are not there. Let's deal with
17 what we have, so that we can move forward on the
18 current application. If that changes in the future,
19 we will see you in the future.

20 MR. CHERAMI: Absolutely.

21 CHAIRMAN HOLTZMAN: Dennis, I think you
22 have a number of conditions. Can you kind of read
23 them from the top for us?

24 MR. GALVIN: Sure.

25 One: The use of this facility is

1 limited to the building. The applicant is not to
2 make use of the areas outside or in the backyard.

3 Two: Stroller parking is not permitted
4 outside of the building.

5 Three: The applicant is to consult
6 with the Shade Tree Commission and will plant a
7 shade tree outside the building. I know we still
8 have to discuss that.

9 Four: There is to be no cooking or
10 food preparation on site. The Board understands
11 that food will be served, but will be brought in.

12 Five: The facility is not to exceed
13 the building occupancy limit, which is to be
14 established by the city's fire officials.

15 Six: All children are to be attended
16 by a parent or a responsible guardian. The children
17 are not to be dropped off and supervised solely by
18 staff.

19 CHAIRMAN HOLTZMAN: Any questions or
20 comments, other than the tree issue, which obviously
21 Mr. Love needs to consult with his partner on?

22 MR. GALVIN: Let me throw one more log
23 on there.

24 It is probably in the city's
25 right-of-way, so you probably don't need Mr. Croce's

1 permission to do it.

2 CHAIRMAN HOLTZMAN: I think he needs a
3 financial agreement.

4 MR. GALVIN: Oh, okay.

5 THE WITNESS: Financial agreement, I
6 don't want to commit to paying for it. I don't know
7 even know what a tree costs.

8 COMMISSIONER GRAHAM: Well, the city
9 pays for it.

10 THE WITNESS: If the city pays for it,
11 I'm sure you can come and do it tomorrow.

12 COMMISSIONER GRAHAM: But you just have
13 to agree to maintain it and water it initially.

14 CHAIRMAN HOLTZMAN: No. What we are
15 saying here is that we would like them, if possible,
16 they are making an investment in the neighborhood,
17 to step up on their behalf and put a tree in front
18 of their building.

19 COMMISSIONER GRAHAM: Oh, you want
20 them to do it?

21 CHAIRMAN HOLTZMAN: Right.

22 There are times when the Shade Tree
23 Commission gets grants, and then they say, "Hey, we
24 have a grant for a hundred trees. Who would like a
25 tree in front of their house?" But we are not in

1 one of those situations right now.

2 COMMISSIONER GRAHAM: I'm sorry.

3 CHAIRMAN HOLTZMAN: Sure.

4 Commissioner Weaver?

5 COMMISSIONER WEAVER: May I also add

6 that the -- I don't know how to say this -- but

7 signage and exterior painting or treatment of the

8 exterior of the building shall be in keeping with

9 the residential character of the neighborhood?

10 CHAIRMAN HOLTZMAN: I believe they are

11 under that jurisdiction elsewhere, but we can double

12 check that for sure, because they would be under

13 the --

14 COMMISSIONER WEAVER: You know, all

15 joking aside, he could go and paint the building

16 orange.

17 CHAIRMAN HOLTZMAN: Does anyone know if

18 this falls within a historic district or anything?

19 THE WITNESS: We are not historic.

20 COMMISSIONER WEAVER: I mean, if it was

21 in a historic district -- but it's not within a

22 historic district --

23 CHAIRMAN HOLTZMAN: Right.

24 COMMISSIONER WEAVER: -- so you can say

25 within the color pallet. We can even just say

1 within the color pallet --

2 THE WITNESS: Does anybody oppose
3 orange?

4 COMMISSIONER MARKS: Yes.

5 COMMISSIONER WEAVER: Well, I think Mr.
6 Marks has an orange tie --

7 (Laughter)

8 MR. GALVIN: Let me just tell you, I do
9 this every night of the week, and my point for being
10 jocular like that and saying orange is because
11 people want their property to be noticed, so you
12 might, you know, paint it orange.

13 If you have kids, you are going to
14 notice it, and we want it to fit into the
15 neighborhood, and that that wouldn't be appropriate,
16 so we would have a disconnect, and we don't want to
17 have that.

18 You know, sometimes you want to lean
19 towards making the building look like a sign, so it
20 is attractive --

21 CHAIRMAN HOLTZMAN: Well, we do have
22 very specific sign ordinances and things of that
23 nature --

24 MR. GALVIN: -- no, but I am saying you
25 are creating it by --

1 CHAIRMAN HOLTZMAN: Yes.

2 MR. GALVIN: -- doing something that's,
3 you know, you paint it red and white, so it looks
4 like it's Budweiser, but it's not Budweiser --

5 CHAIRMAN HOLTZMAN: Right, right.

6 COMMISSIONER MOSSERI: That is a good
7 can actually.

8 MR. GALVIN: Looks like a Budweiser
9 can.

10 (Laughter)

11 COMMISSIONER WEAVER: That was my
12 only --

13 MR. GALVIN: So how would we do that,
14 or what are you guys proposing to do?

15 Can you narrow it down? Is there --

16 THE WITNESS: We are not sure.

17 MR. GALVIN: Well, we don't like open.
18 That is like open is not good. We need closed. We
19 need to know what you are doing.

20 THE WITNESS: I will put it in
21 writing --

22 MR. GALVIN: Well, we can hold off the
23 approval until you are ready.

24 MR. CHERAMI: I mean, at this point, I
25 don't think they --

1 MR. GALVIN: I am kidding him a little
2 bit. That's okay.

3 THE WITNESS: Give me a color.

4 MR. GALVIN: That is fair.

5 CHAIRMAN HOLTZMAN: That is where we
6 are going.

7 Commissioner Weaver?

8 COMMISSIONER WEAVER: Within the color
9 pallet of the residential neighborhood, if you can
10 find, you know --

11 CHAIRMAN HOLTZMAN: Don't make the
12 suggestion. Do not offer.

13 COMMISSIONER CONROY: Well, I think his
14 point --

15 COMMISSIONER WEAVER: If he can find
16 some colors within the residential neighborhood that
17 you would like --

18 THE WITNESS: Something light. It
19 doesn't have to be dark. You know, something that
20 stands out a little bit. We are in a very
21 residential area. There is a liquor store across
22 the street, and there's Fiore's --

23 (Everyone talking at once.)

24 THE WITNESS: -- other than that, it is
25 all residential, and we don't really stand out much.

1 But I am not trying to do orange or lime green or
2 anything that --

3 CHAIRMAN HOLTZMAN: Councilman Bhalla?

4 COMMISSIONER BHALLA: Commissioner
5 Weaver, I think your point is very well taken.

6 Just for clarification purposes, when
7 you say, "within the color pallet of the
8 neighborhood," are you specifying that block or some
9 other geographic area?

10 COMMISSIONER WEAVER: I would said that
11 block.

12 COMMISSIONER BHALLA: That block, the
13 east and west?

14 COMMISSIONER WEAVER: Yes.

15 COMMISSIONER BHALLA: Okay. I just
16 wanted to make sure we are clear about --

17 COMMISSIONER WEAVER: Within the 400
18 block of that.

19 COMMISSIONER BHALLA: Okay.

20 Just as part of my ignorance, how do
21 you define color pallet?

22 COMMISSIONER WEAVER: Well, I would say
23 the color pallet of this room is, you know, dark
24 brown wood tone with terracotta brick and, you know,
25 cream paint. That is how I would describe the color

1 pallet of this room.

2 COMMISSIONER BHALLA: So it would be
3 within those colors, is that right?

4 COMMISSIONER WEAVER: Yes. You could
5 pick just terracotta. You can pick some terracotta
6 with some gray for the windows and put some water
7 colors. I mean, that's --

8 COMMISSIONER CONROY: You're saying
9 something that is not going to be completely adverse
10 to everything else on the block.

11 COMMISSIONER WEAVER: It won't be out
12 of step or it won't be out of tone with rest of
13 the --

14 VICE CHAIR MAGALETTA: May I add to
15 that, the predominant color pallet?

16 COMMISSIONER WEAVER: Oh, yes.

17 Thank you.

18 CHAIRMAN HOLTZMAN: Good?

19 COMMISSIONER WEAVER: Yes.

20 CHAIRMAN HOLTZMAN: Okay.

21 COMMISSIONER CONROY: All right.

22 CHAIRMAN HOLTZMAN: So now, Dennis, how
23 are we going to deal with -- they are going to --
24 Mr. Love and his partner are going to discuss if
25 they are going to plant the tree for us.

1 MR. GALVIN: My experience tells me we
2 are not getting the tree under those circumstances,
3 but as long as you understand that, because if Mr.
4 Croce has no incentive, why would he want to plant
5 the tree? He would have to be a good natured fellow
6 to do that.

7 CHAIRMAN HOLTZMAN: Do you have
8 anything to offer us, Mr. --

9 THE WITNESS: I don't see a problem
10 with it.

11 Can we paint the tree orange?

12 (Laughter)

13 COMMISSIONER WEAVER: No, but you could
14 get a very, very beautiful flowering tree with
15 orange flowers.

16 THE WITNESS: Maybe we can do something
17 like that.

18 MR. ROBERTS: I'm not sure what that
19 would be.

20 MR. GALVIN: I am just saying, just
21 like when I do conditions, I always try to do them
22 so we actually get what we aim for. This is one of
23 those where if you are going to give a lot of
24 latitude, you may or may not get it, so just --

25 MR. CHERAMI: You know, we don't want

1 to be cost prohibitive here. He already purchased
2 the property, and he's already come for the
3 application, and you know, the clock is running.

4 THE WITNESS: You know, vacant units,
5 the unit was vacant since he acquired the property.

6 CHAIRMAN HOLTZMAN: Right. And I
7 believe the Shade Tree Commission has a rough
8 estimate of it takes probably between \$500 to a
9 thousand dollars to plant a tree correctly.

10 THE WITNESS: I am not opposing it. I
11 am all for it.

12 MR. GALVIN: Well, you are all for it
13 as long as the landlord pays for it, because the
14 landlord --

15 THE WITNESS: No. I have no problem
16 paying for it either. I just want to make sure
17 that --

18 CHAIRMAN HOLTZMAN: So that's a yes?
19 Is that a yes?

20 COMMISSIONER CONROY: It is his
21 business partner, though. I don't think that -- you
22 know, we have to respect the fact that he wants to
23 confirm with his business partner before he makes
24 that representation --

25 MR. GALVIN: Okay. All I'm saying

1 is --

2 CHAIRMAN HOLTZMAN: Okay. We need a
3 yes or no whether we're going to make it a
4 condition. That is where we are at.

5 COMMISSIONER MARKS: Maybe we should
6 table the application until he talks to his business
7 partner.

8 COMMISSIONER PINCHEVSKY: Why can't we
9 just put if the business partner agrees, Mr. Love
10 agrees, why can't you make a condition? And if his
11 business partner does not agree to it, then he comes
12 back, and we reopen the case. And if he is okay
13 with it, then they can move forward --

14 MR. GALVIN: Like prepare a
15 memorialized resolution between now and next month,
16 you will be able to check, and maybe you can even go
17 out and come up with your idea of how you are going
18 to paint it, so we can approve that, and we can take
19 a couple --

20 THE WITNESS: Orange.

21 MR. GALVIN: -- show us if it is a
22 tasteful orange that fits into the neighborhood
23 color pallet. Who knows --

24 THE WITNESS: Why does the tree have to
25 be a condition on the business, though? That is

1 going to set us back.

2 MR. GALVIN: I'm not making --

3 THE WITNESS: I don't oppose it. I
4 will talk to Al.

5 MR. GALVIN: -- all I am saying to the
6 Board is: We either make conditions that we are
7 going to make stick, or we are going to let you off
8 the hook and say don't do it.

9 THE WITNESS: Well, I don't want you to
10 say don't do it either, because it might be
11 something that we might want to do.

12 CHAIRMAN HOLTZMAN: Right.

13 What you would prefer is the wiggle
14 room. We don't like wiggle room. We like yes or
15 no.

16 COMMISSIONER CONROY: I feel like -- is
17 everybody wanting it to be a condition? I am the
18 only one who doesn't feel that way?

19 CHAIRMAN HOLTZMAN: We can open it up
20 for discussion. We're having a discussion here.

21 COMMISSIONER MOSSERI: I am just having
22 a hard time holding the man's business up for 30
23 days. You know, you are holding his money up for a
24 month.

25 COMMISSIONER PINCHEVSKY: How is the

1 business getting held up?

2 MR. CHERAMI: Well, there's property
3 taxes running on the building. There's a lot --

4 COMMISSIONER MOSSERI: We are costing
5 him money --

6 MR. CHERAMI: There already has been a
7 significant investment --

8 COMMISSIONER BHALLA: Is the condition
9 that you can't move forward until this tree is
10 planted, or can we put a time period like within one
11 year --

12 MR. CHERAMI: Well, he certainly can't
13 plant it now. I mean, the ground is frozen.

14 COMMISSIONER MOSSERI: How long will it
15 take you to talk to your business partner?

16 THE WITNESS: A day. If you want a
17 tree, we will put up a tree. I just don't want to
18 come back at this point.

19 CHAIRMAN HOLTZMAN: You understand the
20 process is also we vote at some point this evening
21 on a resolution of this application --

22 MR. CHERAMI: Absolutely.

23 CHAIRMAN HOLTZMAN: -- at which point
24 there is a 30-day period as well between when the
25 resolution is voted on and the memorialization of

1 this resolution, so we are not concluding the
2 business with you this evening anyway.

3 I would imagine that in the next 30
4 days, you can probably get your heads around the
5 fact whether we are spending another thousand bucks
6 to plant a tree and/or some idea as to how we may
7 plant this thing --

8 THE WITNESS: Why don't we do this, we
9 are doing the tree.

10 CHAIRMAN HOLTZMAN: Great. That's a
11 yes.

12 THE WITNESS: Now I want the tree.

13 (Laughter)

14 COMMISSIONER MOSSERI: Thank you.

15 COMMISSIONER PINCHEVSKY: He has 30
16 days to come back, though, if his partner --

17 CHAIRMAN HOLTZMAN: If they freak out
18 about it --

19 COMMISSIONER PINCHEVSKY: No, because
20 that's when we read the resolution, a month from
21 now.

22 COMMISSIONER GRAHAM: Good.

23 COMMISSIONER MARKS: Mr. Galvin, the
24 public hearing is now, so if the Board votes on the
25 application with that as a proviso, what recourse do

1 we have in 30 days --

2 MR. GALVIN: Let me add something else
3 to this, and understand where I am going with this.

4 There are no variances in this case
5 because it is a fully compliant application. If
6 there were variances, I think it is okay to ask for
7 this tree. I don't want them to walk out of this
8 room, if they don't feel like the tree was the thing
9 that got the approval. They should be getting the
10 approval no matter what.

11 But what I was trying to express to
12 them, and I am sorry, I teach, even when it is not
13 for this case, I just want you to know that when we
14 make conditions, we should make conditions that are
15 enforceable, and making conditions that aren't
16 enforceable, you know, I could put in here, I could
17 change this to the Board would like the applicant to
18 attempt to put a shade tree, and if he does, he
19 should consult with the Shade Tree Commission.

20 COMMISSIONER CONROY: I agree with
21 that. I don't think we should make a condition that
22 he has to put a tree in, but I think that it should
23 be a closed answer to your point. It shouldn't be a
24 vague determination, so I think your solution that
25 you just suggested is spot on.

1 COMMISSIONER PINCHEVSKY: That is
2 vague.

3 MR. GALVIN: It is vague --

4 COMMISSIONER CONROY: It's not --

5 MR. GALVIN: -- listen to me. It is
6 totally vague, but I don't want to make it sound
7 like it's a quid pro quo --

8 COMMISSIONER CONROY: -- right.

9 MR. GALVIN: -- for a tree. We don't
10 want to do that --

11 COMMISSIONER CONROY: If he does a
12 tree, we're happy --

13 MR. GALVIN: -- if there were variances
14 here, then it's different.

15 THE WITNESS: If we don't do a tree
16 there, I will volunteer to put a tree somewhere
17 else.

18 MR. GALVIN: We're not even asking for
19 that --

20 THE WITNESS: -- if you want trees, I
21 will help you --

22 (Everyone talking at once.)

23 CHAIRMAN HOLTZMAN: Slow down.

24 MR. GALVIN: We are the good guys. We
25 want to do things the right way.

1 CHAIRMAN HOLTZMAN: We hope you will
2 take our suggestion to put a tree in, stop, period.

3 Thank you, Dennis. I appreciate you
4 clarifying that. We're not making --

5 MR. GALVIN: The way the
6 conversation --

7 CHAIRMAN HOLTZMAN: -- it started
8 tilting all the wrong way. That's absolutely right.

9 Thank you.

10 MR. GALVIN: So the Board would like
11 the applicant to plant a shade tree. If he is
12 inclined to do so, he should consult with the Shade
13 Tree Commission.

14 CHAIRMAN HOLTZMAN: Great.

15 COMMISSIONER PINCHEVSKY: Mr. Chairman?

16 CHAIRMAN HOLTZMAN: Yes.

17 COMMISSIONER PINCHEVSKY: Was the
18 pricing structure discussed at all before I arrived?

19 MR. GALVIN: No, I don't think so.

20 COMMISSIONER PINCHEVSKY: Is that a
21 fair topic to bring up?

22 CHAIRMAN HOLTZMAN: Everything is a
23 fair topic --

24 COMMISSIONER PINCHEVSKY: I apologize,
25 if it was already discussed.

1 CHAIRMAN HOLTZMAN: It kind of went
2 back and forth.

3 Is there a short answer on that?

4 THE WITNESS: Sure. It's 90, \$80, \$50
5 we are not sure. There's going to be an open house
6 for one week, and then everything will vary with
7 other programs.

8 COMMISSIONER PINCHEVSKY: What is the
9 \$80, is that a --

10 THE WITNESS: Probably be --

11 COMMISSIONER PINCHEVSKY: -- \$80 a
12 month?

13 (Everyone talking at once.)

14 THE WITNESS: -- somewhere around that.
15 We are working on the numbers now.

16 Then if -- what other classes that you
17 take or memberships that you take, the instructors
18 get paid, so it will be whatever they charge, but we
19 will have access to dance, health, yoga, exercise
20 for the children and parents.

21 COMMISSIONER PINCHEVSKY: So \$80 would
22 get you into the facility every day, or when it was
23 open playtime, a few hours, whatever it is?

24 THE WITNESS: Yes.

25 COMMISSIONER GRAHAM: I apologize for

1 belaboring this, but \$80 a month is a lot of money.
2 It sounds like you are gearing this to a certain
3 socio-economic. That is a very diverse
4 neighborhood. I am wondering if --

5 THE WITNESS: I'm sorry. I am missing
6 what you're saying.

7 COMMISSIONER GRAHAM: It is a diverse
8 neighborhood, and it sounds like \$80 a month would
9 be gearing it to a certain socio-economic income
10 class, and I am concerned that there are a lot of
11 people in that neighborhood that maybe could not
12 afford \$80 a month, and you may want to consider
13 that. I am not going to put a condition on it. I
14 am just saying that I think \$80 a month is a high.

15 CHAIRMAN HOLTZMAN: That is a great
16 comment, Commissioner Graham. I think that the
17 applicant will find out very quickly if he has
18 outpriced himself and he's ahead of the market
19 there --

20 COMMISSIONER GRAHAM: Well, he will get
21 a certain class of people, and that's --

22 CHAIRMAN HOLTZMAN: And if he doesn't
23 fill his facility and have any action, I am sure he
24 is going to take --

25 COMMISSIONER GRAHAM: Well, that's not

1 what I am looking for --

2 CHAIRMAN HOLTZMAN: I think your point
3 is valid. I think your point is a good point. I'm
4 glad you said it.

5 COMMISSIONER GRAHAM: No. I know my
6 point was valid, but I'm saying he may be able to
7 fill it with \$80 a month and leave out the people
8 who really need it, but they can't afford the \$80 a
9 month.

10 That is your business, so I can't --

11 CHAIRMAN HOLTZMAN: That is right.

12 So we have seven conditions, Dennis?

13 MR. GALVIN: Yes.

14 CHAIRMAN HOLTZMAN: We have the -- can
15 we just get a quick recap here?

16 We had number one, which was the --

17 MR. GALVIN: No use outside.

18 Stroller parking is only permitted
19 inside of the building.

20 The Board would like the applicant to
21 plant a shade tree. If he is inclined to do so, he
22 should consult with the Shade Tree Commission.

23 Four: There is to be no cooking or
24 food preparation on site, but the Board understands
25 that food will be served, but it will be brought in.

1 The facility is not to exceed the
2 building occupancy letter, which is to be
3 established by the city fire code officials.

4 All children are to be attended by a
5 parent or a responsible guardian.

6 The children are not to be dropped off
7 and supervised solely by staff.

8 The building is to be painted within
9 the color pallet of the corner block of Adams
10 Street.

11 In the next 30 days, if you figure out
12 what that is, you might want to run it by us and you
13 say it's okay.

14 VICE CHAIR MAGALETTA: One addition,
15 talking about the guardian --

16 MR. GALVIN: I used the term "guardian"
17 on purpose to be wide.

18 VICE CHAIR MAGALETTA: That's fine. I
19 agree.

20 MR. GALVIN: A guardian who is not an
21 employee of the applicant. I don't want them
22 signing off saying I will be guardian for the day.

23 COMMISSIONER CONROY: I mean, if it's
24 their kid, I mean --

25 VICE CHAIR MAGALETTA: Day care --

1 COMMISSIONER CONROY: -- I think when
2 you say, in all seriousness, when you say an
3 employee of, if an employee is working three days a
4 week, and if on the fourth or fifth day they want to
5 take their kids or their friend's kids, who they
6 asked to babysit them, that should be okay, so --

7 VICE CHAIR MAGALETTA: I mean, an
8 employee of the applicant, not the employee of the
9 parent.

10 COMMISSIONER CONROY: I know, but the
11 applicant could have kids, or it could have -- they
12 might have their own kids that they are going to
13 bring there.

14 MR. GALVIN: You know what, you know
15 what, if you would just indulge me, I have it
16 covered in the second sentence.

17 It says: The children are not to be
18 dropped off and supervised solely by staff, so I had
19 it covered, and you guys are both right --

20 COMMISSIONER CONROY: Yes. I think
21 stop is when --

22 CHAIRMAN HOLTZMAN: Your possibility
23 could exist, absolutely.

24 COMMISSIONER CONROY: Yes.

25 Thank you.

1 CHAIRMAN HOLTZMAN: Commissioner

2 Forbes?

3 COMMISSIONER FORBES: Just real quick
4 on the number seven, where it says: The building is
5 to be painted -- I mean, obviously the interior, so
6 can we just say the exterior of the building?

7 I mean, the interior is going to have a
8 lot of bright colors, and I think that is fine.

9 CHAIRMAN HOLTZMAN: The exterior of the
10 building.

11 MR. GALVIN: Yes, sure. I agree with
12 that. It's very thoughtful.

13 CHAIRMAN HOLTZMAN: So is there a
14 motion on the floor to accept the seven conditions
15 as just read by Dennis Galvin?

16 COMMISSIONER BHALLA: Motion.

17 CHAIRMAN HOLTZMAN: Is there a second?

18 COMMISSIONER FORBES: Second.

19 CHAIRMAN HOLTZMAN: Pat, would you call
20 the vote?

21 MR. GALVIN: I just wanted to say Mr.
22 Weaver and Mr. Pinchevsky are not voting because
23 they entered late.

24 CHAIRMAN HOLTZMAN: Okay.

25 MS. CARCONE: Commissioner Marks?

1 COMMISSIONER MARKS: Aye.

2 MS. CARCONE: Commissioner Forbes?

3 COMMISSIONER FORBES: Yes.

4 MS. CARCONE: Commissioner Bhalla?

5 COMMISSIONER BHALLA: Yes.

6 MS. CARCONE: Commissioner Magaletta?

7 VICE CHAIR MAGALETTA: Yes.

8 MS. CARCONE: Commissioner Graham?

9 COMMISSIONER GRAHAM: Yes.

10 MS. CARCONE: Commissioner Mosseri?

11 COMMISSIONER MOSSERI: Yes.

12 MS. CARCONE: Commissioner Conroy?

13 COMMISSIONER CONROY: Yes.

14 MS. CARCONE: Commissioner Holtzman?

15 CHAIRMAN HOLTZMAN: Yes.

16 Thank you.

17 MR. LOVE: Thank you.

18 MR. GALVIN: Good luck.

19 If you become a day care, it changes,
20 and then you are going to need DYFS approval, so
21 we'll have to figure other things out, and you know,
22 who knows what's going to happen --

23 MR. LOVE: We are not going to
24 hopefully do that. Thank you.

25 (The matter concluded.)

C E R T I F I C A T E

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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, CSR, CRR

- - - - -

PHYLLIS T. LEWIS, C.S.R. XI01333 C.R.R. 30XR15300
Notary Public of the State of New Jersey
My commission expires 11/5/2015.

Dated: 2/5/14

This transcript was prepared in accordance with NJ ADC 13:43-5.9.

CITY OF HOBOKEN
PLANNING BOARD

----- X
REGULAR MEETING OF THE HOBOKEN :February 4, 2014
PLANNING BOARD : 9 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 Stephen Marks
- Commissioner Brandy Forbes
- Commissioner Ann Graham
- Commissioner Gill Mosseri
- Commissioner Rami Pinchevsky
- Commissioner Dan Weaver
- Commissioner Sasha Conroy

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 (Commissioner Bhalla excused.)

2 CHAIRMAN HOLTZMAN: Yes, sir.

3 Are you here with the applicant?

4 MR. CONDON: I am actually here to
5 represent the Shade Tree Commission.

6 MR. GALVIN: Are we doing okay so far?

7 MR. CONDON: Yes.

8 MR. LOVE: I will take his number.

9 THE REPORTER: Is this on the record?

10 MR. GALVIN: No.

11 (Discussion held off the record)

12 CHAIRMAN HOLTZMAN: I'm sorry. I
13 didn't realize you were here.

14 Can you introduce yourself and tell us
15 who you are?

16 MR. CONDON: Matt Condon, a
17 Commissioner on the Shade Tree Commission.

18 MR. GALVIN: Can you spell your name
19 for our court reporter?

20 MR. CONDON: I can.

21 First name is Matt, M-a-t-t. Last name
22 is Condon, C-o-n-d-o-n, representative of the Shade
23 Tree Commission.

24 I have not been in direct
25 communication, but apparently there was a request by

1 the Planning Board for the Shade Tree Commission to
2 submit a document that would help you guys out, for
3 instance, like I think we just witnessed, to help
4 developers, business owners, and residents deal with
5 the potential of planting a tree.

6 So what I am going to submit this
7 evening, and I have a few copies, not one for
8 everyone, we were trying to save some trees, I
9 suppose --

10 (Laughter)

11 -- talks about permitting tree
12 selection, specifications for planting trees, tree
13 guards, if the applicant so chooses, suggested
14 maintenance programs, and then some visual
15 specifications, and then the last page is the
16 current approved tree list for the city as well, so
17 I will submit this this evening.

18 I am happy to answer any immediate
19 questions you guys have. I can send a digital copy
20 obviously, if you guys want to share that, and this
21 is kind of a living document at this point that we
22 are happy to edit and work with you all to update --

23 CHAIRMAN HOLTZMAN: Right.

24 So I have been in contact with the
25 Shade Tree Commission. I came to one of your

1 meetings --

2 MR. CONDON: Right.

3 CHAIRMAN HOLTZMAN: -- and spoke, and
4 this was sort of a nice discussion that we had.

5 It serves two really great purposes.
6 One: The Shade Tree Commission in its state
7 statutory requirement is required to reach out to
8 the other Boards in the city and have some active
9 communication, so this fulfills your requirement on
10 the Shade Tree side.

11 It is also great, because just like the
12 applicant we just saw, now we have a document that
13 we can hand them, so that hopefully in the sort of a
14 design and planning process here, they can
15 incorporate these good practices into their plan on
16 the front side as opposed to it passing through us
17 and then coming to you, and you turning them upside
18 down, because, you know, they got it all wrong.

19 So please give this over to our Board
20 Secretary, Pat, and, you know, maybe you can send it
21 around electronically. I would like to have a copy
22 of it myself, so that would be great.

23 MR. CONDON: Sure. There are three
24 copies in there --

25 CHAIRMAN HOLTZMAN: But I'm saying if

1 you could share it electronically, and then the idea
2 was that we would somehow incorporate this into our
3 checklist --

4 MR. ROBERTS: Application package.

5 CHAIRMAN HOLTZMAN: -- in an
6 application package.

7 I am not sure how we do that, but we
8 need to figure that out internally and also on the
9 Zoning Board.

10 MR. GALVIN: Right.

11 One of the other things, if you are
12 going to make it part of your checklist, then you
13 have to have the ordinance changed to include it.

14 CHAIRMAN HOLTZMAN: Right.

15 This is a good first pass, though, to
16 kind of get the ball moving.

17 MR. CONDON: Again, we are open to
18 edits to work with you guys on this. We definitely
19 want to keep the lines of communication open,
20 because I think there is a lot of back and forth
21 that can happen, like we saw this evening, so we are
22 definitely going to work with this document.

23 CHAIRMAN HOLTZMAN: Great. Thank you
24 so much, Matt.

25 MR. CONDON: All right. Thank you for

1 your time.

2 CHAIRMAN HOLTZMAN: Do you any
3 questions for Matt?

4 MR. ROBERTS: The only thing I would
5 say, Mr. Chairman, is that in the meantime, we could
6 certainly provide it to applicants for informational
7 purposes. There's no ordinance, and in fact, some
8 of the Boards I worked with actually have a native
9 tree pallet that their environmental commission had
10 provided to the Board --

11 CHAIRMAN HOLTZMAN: Okay.

12 MR. ROBERTS: -- so a similar idea, so
13 that the applicants know, and the engineers can
14 design it into their plans.

15 CHAIRMAN HOLTZMAN: So even prior to
16 the ordinance changing, to make it a formal part of
17 the checklist, you can give it out as just an
18 informational package, right. Great.

19 MR. CONDON: I think that is the level
20 that it is, informational. I mean, the same as you
21 guys deal with as a Commission, we deal with it as
22 well. Plans are submitted to us, and we review,
23 so the thing with the trees is that it is kind of
24 situational, you know, depending on where the
25 easements are that are available, if there are

1 overhead lines, there's a lot of, you know,
2 variables that go into it.

3 So it is a little difficult to just say
4 here are all the requirements and this will tell you
5 everything that you need to know about planting a
6 tree on the property because we actually have to go
7 out and review it similar to what you guys do.

8 MR. GALVIN: Even the tree grates, you
9 know, like you put the tree in, and you have to have
10 something around it, right?

11 MR. CONDON: Not necessarily. There's
12 no requirement for a guard necessarily. You can
13 have a recommendation in there for guards, and then
14 specifications of what we would like to see, if you
15 do decide to put a guard in, but no requirement to
16 put a guard.

17 CHAIRMAN HOLTZMAN: Their preference is
18 for the guard, meaning like the little fence as
19 opposed to the flat one. That seems to really help
20 the collision -- avoid the collision to the tree.

21 MR. CONDON: On just three sides.
22 Typically not on the curb side to allow cars in and
23 out and opening car doors.

24 CHAIRMAN HOLTZMAN: Great. Thank you
25 so much.

1 MR. CONDON: All right.

2 COMMISSIONER WEAVER: I have a
3 question.

4 There is -- I was thinking about the
5 salt --

6 MR. CONDON: Salt?

7 COMMISSIONER WEAVER: -- salting -- was
8 it -- did the ordinance say we shouldn't salt the
9 trees or the sidewalks --

10 MR. CONDON: There's nothing in my
11 knowledge that talks about salting.

12 We suggest -- we have like an
13 informational flier that we kind of posted
14 throughout the city that suggests alternatives to
15 salt use, because salt is bad for trees, but there's
16 nothing in an ordinance that is saying not to use
17 it. Maybe there could be, but there isn't at the
18 moment.

19 COMMISSIONER WEAVER: I guess it
20 would -- the city is really banning the sale of the
21 use of plastic bags. I guess we could ban the sale
22 of calcium chloride --

23 (Everybody talking at once.)

24 MR. CONDON: No question. There's
25 alternatives to it, and it is not good for trees,

1 and it's not good for sidewalks really either. It
2 eats up concrete as well and pavers.

3 COMMISSIONER WEAVER: There are plenty
4 of other alternatives to melting snow. Okay.

5 MR. CONDON: Thank you.

6 CHAIRMAN HOLTZMAN: Thank you, Matt.
7 Thank you for your time.

8 Have a good night.

9 MR. CONDON: Thank you.

10 CHAIRMAN HOLTZMAN: Director Forbes has
11 had some updates on some issues that run through
12 her office for us, so I will let her --

13 COMMISSIONER FORBES: Yes.

14 First, I know that the question came up
15 about the off track improvements. I checked with
16 our finance department or CFO in our Clerk's Office.
17 They had submitted to the State for the approval of
18 that trust fund. We still have not heard back from
19 the State, so we are still awaiting that, and I am
20 working with them to try to get that coordinated and
21 hopefully get that reviewed.

22 CHAIRMAN HOLTZMAN: Yes.

23 My question on that, Dennis, was the
24 off site, specifically the road improvement thing.
25 We are waiting for the trust fund, so if we got

1 money from somebody, we wouldn't have any specific
2 pot to put it in, so we can't put it into the
3 general fund of the city obviously. We need a
4 specific trust fund to make that transaction
5 complete.

6 My question to you is we have some
7 larger applications potentially coming up in the
8 future, and can we write it in as a condition sort
9 of pending the approval of the trust fund?

10 MR. GALVIN: Yes. I think we can do
11 it, but I think the other thing, too, is we have to
12 chase the State, you know, I mean, they have to give
13 you an answer at some point. They just can't
14 stonewall forever, and they should be authorizing
15 that. I don't think --

16 COMMISSIONER PINCHEVSKY: How long or
17 when was the application made or --

18 COMMISSIONER FORBES: I want to say
19 that it was approved at the November 18th meeting,
20 and the Clerks's Office sent it, you know, within a
21 week of that time frame, but I don't know if it's
22 the local financial board. You know, they don't
23 meet necessarily like on an every two weeks kind of
24 basis. I mean, they meet, but sometimes it's every
25 other month. I don't think that they meet on a

1 monthly basis.

2 CHAIRMAN HOLTZMAN: Do any of the
3 professionals have any insight as to who we would
4 follow up with, or is there a way to follow up on
5 this?

6 COMMISSIONER FORBES: I will talk to
7 the CFO and see if he has any recommendations.

8 MR. GALVIN: It is a bit of a moving
9 target, so you don't know who you are going to get
10 on any given day --

11 (Laughter)

12 -- but you should be able to -- I am
13 just saying, you know, I did a little investigation
14 myself. I think you have to just pursue it. Just
15 get on the phone and get somebody to get on the
16 phone with you and say, look, it is down there.

17 They do have to authorize it, but I
18 don't think it should be a question of -- they
19 should be authorizing it. In other words, they have
20 to authorize it, but they have to have a pretty darn
21 good reason not to permit us to do it.

22 What they want to evaluate is are we
23 doing it correctly. We're not allowed to --

24 CHAIRMAN HOLTZMAN: And we have to
25 create a city ordinance and the city council has to

1 adopt that.

2 MR. GALVIN: -- exactly, but it has to
3 be for projects. It's got to be for the reasonable
4 offsite area. It can't be for like repaving all of
5 the streets in town. We are just passing out pro
6 rata cost of that. You can't do that, but --

7 VICE CHAIR MAGALETTA: It has to be
8 related to the project.

9 MR. GALVIN: -- it's got to be related
10 to the project like we just had, where you are doing
11 the half width in front of the building. Since it
12 is not practical to do the whole street, then that
13 the money should go into the fund.

14 But if you were saying, look, we are
15 going to pave all of the streets and try to do like
16 a percentage, that is called an impact, and you
17 can't do that.

18 So if I were the State, I would want to
19 make sure you're not trying to do impact, because
20 you are really doing reasonable offsite
21 improvements, and then it has to be double checked
22 and administered.

23 The other problem is you don't want the
24 money to go into a black hole or getting used for
25 the -- in other words, if you are saying it is

1 dedicated for street improvements, it should
2 actually be used for street improvements, just
3 like --

4 (Everyone talking at once.)

5 COMMISSIONER PINCHEVSKY: If you don't
6 mind me asking, if the streets surrounding an
7 applicant, say the whole block, all four streets are
8 within a year recently paved, so they're all grand
9 and in great condition, and they need to, because
10 there is an ordinance, provide money into this fund,
11 but those streets don't need to be paved, then what
12 happens --

13 MR. GALVIN: You know, when you change
14 the facts, you make it a lot harder for me. If you
15 are going to make all of the streets paved, what --

16 (Everyone talking at once.)

17 COMMISSIONER PINCHEVSKY: Well, you
18 know, he was saying that he was doing one street
19 that was in need, but the other ones were not --

20 MR. GALVIN: -- that's what -- we
21 actually got there, we did better actually in the
22 URSA case than we normally do, because they actually
23 are going to approve at least a block's length of --

24 COMMISSIONER PINCHEVSKY: I think it
25 was a short block --

1 MR. GALVIN: -- it is a short block,
2 but it's better than everybody else telling us that
3 they are going to do something and make a
4 contribution, and they haven't for the last 15
5 years, so you really got nothing paved, so it's
6 better to get -- at least we got a little portion.

7 MR. PINCHEVSKY: My example was a real
8 situation from the last month in terms of the other
9 sides were good enough and didn't need to be paved,
10 so if that is the situation, and somebody comes
11 across and says, I'm not going to do it on my own --

12 MR. GALVIN: No. We have to argue
13 that.

14 One of the things that has to happen
15 normally, if you are going to build a whole block
16 building, you probably will have to open that
17 pavement up anyway.

18 CHAIRMAN HOLTZMAN: That is not Rami's
19 question. I have the same question that Rami has,
20 which is: It doesn't matter how many feet it is.
21 Let's say it is a 25 foot lot. The question is: If
22 the piece of pavement that is in front of that exact
23 property is okay, do you still have --

24 MR. GALVIN: I don't know the answer to
25 that.

1 CHAIRMAN HOLTZMAN: Okay. Well, here
2 is a copy of the resolution -- here's the copy of
3 the ordinance that you already have already, I know,
4 and how do we figure out what it actually says?

5 You keep going around in a circle on
6 the same argument, right?

7 MR. GALVIN: Sometimes you have to do
8 things and see if you get challenged. I think that
9 there are enough poor street conditions in Hoboken
10 that it is reasonable to think that whoever is going
11 to do an improvement should be making a contribution
12 for that half width for the road in front of the
13 building, but whether -- somebody might challenge us
14 on the argument that you're making, that I got fresh
15 pavement, it is a brand new street. I mean, if the
16 municipality put it in, he benefited from it.

17 VICE CHAIR MAGALETTA: Here is the
18 question I have.

19 For example, you have a big project,
20 the whole block. The sewer system now doesn't have
21 the capacity. They have to dig up the sewer and fix
22 it, so it will satisfy the capacity of the building,
23 and while they are doing that, they dig up the road
24 and then fix the road, is that something that we can
25 require, those pieces?

1 MR. ROBERTS: It would --

2 (Everyone talking at once.)

3 MR. GALVIN: Look, we have a whole
4 other problem with the sewers. We need to have
5 sanitary --

6 VICE CHAIR MAGALETTA: Right.

7 MR. GALVIN: -- but there are two types
8 of sewers, and we only have one, so we need a whole
9 sewer facility that we don't have. The problem is
10 you can never make just one developer do this whole
11 thing, so that is never happening until we bond, do
12 some gigantic bonding project.

13 I mean, the other thing you can do
14 sometimes is you can say, the street doesn't have
15 sidewalks, and the municipality can come in and
16 require people to pay for the sidewalks and then put
17 them in. There are things that you can do as the
18 government.

19 I don't know if that answers your
20 question, but try again. I mean --

21 VICE CHAIR MAGALETTA: Sort of.

22 MR. GALVIN: -- I think that's what's
23 going to happen, though, even though the building is
24 surrounded by a recently paved street, the odds are
25 really high that they are going to have to tear up

1 that street to put sewers and electrical lines and
2 things into that building, so --

3 CHAIRMAN HOLTZMAN: Commissioner Marks?

4 COMMISSIONER MOSSERI: Frank, the
5 answer is the sewers are not localized. You have to
6 fix the whole system to get it down there.

7 VICE CHAIR MAGALETTA: But maybe
8 there's one that serves your building, that you may
9 be able to tap into and fix it up where the water
10 will be coming in and -- but what if when you do
11 this project, this development, this huge project,
12 and now you have all of your trucks coming in and
13 vehicles coming in, and you ruin the road, is that
14 an easier question?

15 MR. GALVIN: Say it again.

16 (Everyone talking at once.)

17 VICE CHAIR MAGALETTA: What if during
18 the course of the building, you mess up the whole
19 road?

20 MR. GALVIN: Listen, the language in
21 this says reasonable and necessary. That is what I
22 would have to look at. Where you have a brand new
23 paved road, is it necessary to make them do it, and
24 they would argue no, it is not necessary --

25 (Everyone talking at once.)

1 MR. GALVIN: -- so you'd have to --
2 well, you know, I think that that is the -- again,
3 my evaluation for most of this town is that it is
4 okay in most locations.

5 So let's say you get some place where
6 it is paved, all right? So then we have to back off
7 in that location, but there are plenty of other
8 places where it is not like that, where it's kind of
9 pot holes and, you know, and it hasn't been
10 addressed in a long time.

11 COMMISSIONER MARKS: The North Hudson
12 Sewerage Authority has their own permit system, so I
13 think that every applicant, like it would be for us,
14 that needs a new hookup has to go to them anyway,
15 and they have their own requirements.

16 CHAIRMAN HOLTZMAN: And they are very
17 strict about it. You don't get any wiggle room with
18 them.

19 VICE CHAIR MAGALETTA: Good.

20 CHAIRMAN HOLTZMAN: So, Dennis, is that
21 something that we have to, what, just basically
22 throw it out there?

23 MR. GALVIN: I mean, I think we have to
24 play it by ear and trust our engineer -- have our
25 engineer tell us on a project, he thinks on a given

1 project, that the road is good out there, and it
2 doesn't need to be improved. Then we will have to
3 decide if we want to try to stretch it and go for it
4 or not.

5 COMMISSIONER PINCHEVSKY: First, we are
6 going to get approval of the trust fund.

7 MR. GALVIN: Division of Local
8 Government Services.

9 CHAIRMAN HOLTZMAN: I was saying,
10 though, pending the trust fund being signed off on
11 by the State, maybe we can make it a condition of an
12 approval.

13 COMMISSIONER PINCHEVSKY: Thank you.

14 CHAIRMAN HOLTZMAN: No problem.

15 (Laughter)

16 COMMISSIONER FORBES: All right.

17 CHAIRMAN HOLTZMAN: Do you have
18 anything else, Ms. Director?

19 COMMISSIONER FORBES: Yes, I do.

20 I wanted to give an update for the
21 green element. We had Natural Systems Utilities who
22 was the consultant on that. We had had a lot of,
23 you know, movement on that, and then we kind of hit
24 a time where they were preparing the draft, and it
25 was getting pushed off and pushed off, and what we

1 got in late October was a very, very rough draft.
2 And we recognize that, you know, we were more than a
3 year out from when we started the contract, and
4 having evaluated it for economy and efficiency sake,
5 we are just going to in-house complete that, and,
6 you know, take the information that they have
7 collected and complete the draft in-house --

8 COMMISSIONER GRAHAM: They could stop
9 doing the contract --

10 COMMISSIONER FORBES: Yes. It wasn't
11 being completed within the time frame of the
12 contract.

13 CHAIRMAN HOLTZMAN: So they at least
14 contributed to the thing of running the public
15 meetings and surveys --

16 COMMISSIONER FORBES: But there was a
17 lot of information. It was definitely --

18 COMMISSIONER GRAHAM: Why can't they
19 continue?

20 COMMISSIONER FORBES: It's just, you
21 know, the time frame that it was taking to get that
22 and the amount of time it was going to take to
23 evaluate the level of draft that we received, that
24 for economy and efficiency sake, we decided to
25 complete it in-house.

1 COMMISSIONER MARKS: Under local public
2 contracts, you have one year to complete a contract,
3 so we were coming up to that one-year time, so the
4 city council would have to fund it, and I think that
5 the contract was let by the Planning Board --

6 COMMISSIONER FORBES: Uh-huh.

7 COMMISSIONER MARKS: -- then the
8 Planning Board would have to continue with it, if
9 they were to continue. I think the draft is at such
10 a sufficiency stage, they did a lot of ground work,
11 which is great, but I think it is at a sufficient
12 stage to be completed in-house.

13 CHAIRMAN HOLTZMAN: Did you have a
14 comment, Gill?

15 COMMISSIONER MOSSERI: No.

16 CHAIRMAN HOLTZMAN: Oh, I'm sorry.

17 COMMISSIONER GRAHAM: No. I am just
18 saying what staff in-house can complete that?

19 COMMISSIONER FORBES: We are going to
20 be -- we have various members that can contribute to
21 that. We have transportation, planning. We have
22 green infrastructure planning, and we have LEED
23 planners, so --

24 CHAIRMAN HOLTZMAN: One of the planners
25 that is going to be working on it, Caleb, who is the

1 guy who came in and made the presentation for the
2 generators, and he had recently worked on a green
3 master plan for Newark, which I did get a chance to
4 see, and it is really pretty impressive, so I think
5 he is going to be one of the guys who is going to be
6 kind of leading that task force there.

7 COMMISSIONER FORBES: Yes.

8 COMMISSIONER WEAVER: How did it get
9 put out so long, that they couldn't finish it in
10 time?

11 COMMISSIONER FORBES: They kept asking
12 for extensions for that. I don't know what their
13 internal, you know, why that was taking them that
14 long, but they kept asking for extensions for
15 submitting, and what we got was a very rough draft.

16 CHAIRMAN HOLTZMAN: Let me give you a
17 little insight on what --

18 COMMISSIONER MOSSERI: Let me ask a
19 follow-up question. Did we pay them everything?

20 COMMISSIONER FORBES: No, but for the
21 work completed.

22 CHAIRMAN HOLTZMAN: The payments are
23 released sort of as different stages of the work are
24 completed.

25 One of the things that when they were

1 selected, that this Board was very active and vocal
2 about was wanting specific actionable types of
3 elements, and unfortunately, some of the drafts that
4 came back were just very vague category elements as
5 opposed to giving us a specific actionable type of
6 thing, and then when the Director and Commissioner
7 Marks had reviewed it and kicked it back to them to
8 sort of say, this isn't where we wanted this to go,
9 we wanted more, they didn't seem to have the
10 capacity to finish the job. They didn't seem to
11 have the capacity to really drill down on it and
12 give us the meat part of it, which was really
13 unfortunate.

14 COMMISSIONER MOSSERI: So they stayed
15 too theoretical, is that what happened?

16 CHAIRMAN HOLTZMAN: Yes.

17 COMMISSIONER MOSSERI: Okay.

18 COMMISSIONER FORBES: Not very
19 implemental.

20 (Everyone talking at once.)

21 COMMISSIONER FORBES: For other
22 projects, just so you are aware of what might be
23 coming forward this year with redevelopment, we
24 have -- we are going to be going out for an RFP
25 for -- the city is, but I wanted to give you a

1 heads-up for redevelopment plans for various areas,
2 so we are looking at Western Edge, North End.

3 You're more than likely going to see
4 New Jersey Transit, that will probably be one of the
5 first things, Neuman Leathers, and the post office
6 sites, so those are going to be in different time
7 frames, but just so --

8 COMMISSIONER WEAVER: Redevelopment --

9 COMMISSIONER FORBES: Well, they are
10 called redevelopment plans, even if it is a
11 rehabilitation area, the local housing and
12 redevelopment law calls it a redevelopment plan.
13 It's the same comprehensive planning for that area.

14 So we will be working on that with
15 administration and the city council on developing
16 those plans, but those two come before the Planning
17 Board, so I just wanted to make sure everybody is
18 aware those are some things that we might be seeing
19 this year, as well as I think that we have, you
20 know -- certainly we have a city council
21 subcommittee that's set up for doing some zoning
22 revisions.

23 I know that we had talked about Chapter
24 44 last year, and that came before us, and the
25 council didn't end up adopting it, but I think

1 that's, you know, going to come back through here
2 again and some of those other changes to the --

3 CHAIRMAN HOLTZMAN: So those are the
4 things they would -- you would actually get the
5 legislation or the municipal code rewritten,
6 updated, and then we would get a pass at it for
7 review.

8 COMMISSIONER FORBES: Right.

9 COMMISSIONER GRAHAM: Weren't we going
10 to hire a firm to do that work?

11 COMMISSIONER FORBES: We are evaluating
12 that budgetarily if we are going to be able to do it
13 for the more comprehensive, but for those that we
14 already have, like the Chapter 44, which is updating
15 the checklist and kind of streamlining that process,
16 those are things you are going to see right upfront.

17 CHAIRMAN HOLTZMAN: Those are things
18 that are already written and revised, but it was
19 more of a voting dynamic on the city council, that
20 if it didn't move forward, then if there was any
21 more additional work that really needed to be
22 done --

23 COMMISSIONER FORBES: Right, right.

24 COMMISSIONER GRAHAM: I was just
25 concerned. I mean for years, we've been talking

1 about hiring somebody to do this work, and I know
2 there were budgetary concerns, but it just never got
3 done.

4 COMMISSIONER FORBES: I agree. I have
5 it in my recommended budget, but I can't say that
6 that is going to continue. You know, I am not sure.

7 COMMISSIONER GRAHAM: We should be
8 getting it --

9 COMMISSIONER FORBES: There is a lot to
10 do.

11 COMMISSIONER GRAHAM: -- we have piles
12 of reports every year --

13 CHAIRMAN HOLTZMAN: Anything else for
14 us, Director?

15 COMMISSIONER FORBES: I think that is
16 the main thing.

17 CHAIRMAN HOLTZMAN: Great. Okay.

18 Is there a -- I think we want to go
19 into an executive session, Dennis, and give us some
20 updates on some of our legal findings?

21 MR. GALVIN: We can go in on Shipyards
22 and talk about Shipyards, so on that matter some
23 people had conflicts.

24 Whoever had a conflict at the time and
25 continues to have a conflict --

1 CHAIRMAN HOLTZMAN: So what do we need
2 then, a motion on the floor?

3 MR. GALVIN: I have to read a
4 resolution to move in --

5 CHAIRMAN HOLTZMAN: Go ahead.
6 So who are the people that are
7 conflicted, just so we make sure we have all of the
8 right people at the table?

9 MR. GALVIN: All of the people that
10 were associated with the administration, to the best
11 of my understanding, did you participate in the
12 hearing?

13 CHAIRMAN HOLTZMAN: I participated in
14 the hearing, yes.

15 MR. GALVIN: So you continue to --

16 CHAIRMAN HOLTZMAN: Mr. Marks?

17 COMMISSIONER MARKS: I worked for the
18 administration.

19 MR. GALVIN: I don't have the recall at
20 the time you guys stepped off --

21 COMMISSIONER FORBES: Actually it was
22 the mayor's representative at the time who was
23 Frank.

24 VICE CHAIR MAGALETTA: I was, but I no
25 longer am, though.

1 MR. GALVIN: Who is the mayor's
2 designee?

3 COMMISSIONER MARKS: I am.

4 MR. GALVIN: So you would step off.
5 Oh, I am out of here.

6 (Laughter)

7 COMMISSIONER FORBES: All right. Thank
8 you.

9 (Commissioner Marks and Commissioner
10 Forbes excused.)

11 MR. GALVIN: Were you conflicted for a
12 different reason, Ann, seriously?

13 COMMISSIONER GRAHAM: No, I'm sorry --

14 MR. GALVIN: No, no. I am saying at
15 the time, were you conflicted because of a letter?

16 COMMISSIONER GRAHAM: No, I was not.
17 There was an argument that I should have been, but I
18 was not. I was told that I should not recuse
19 myself.

20 MR. GALVIN: Again, I'm not --

21 CHAIRMAN HOLTZMAN: Good night,
22 Director.

23 COMMISSIONER GRAHAM: I was at the
24 hearing, and I voted.

25 MR. GALVIN: Okay. That is all I am

1 asking rather than I am not going back and
2 reevaluating who has and who doesn't, as long as
3 that is what happened.

4 CHAIRMAN HOLTZMAN: So go ahead. Read
5 away.

6 MR. GALVIN: Here you go.

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 whereas, this public body
11 is of the opinion that such circumstances presently
12 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 The public shall be excluded from the
17 Board's discussion of the hereinafter specified
18 matters:

19 Two: The general nature of the subject
20 matter to be discussed is matters concerning, under
21 Section G, matters concerning pending or anticipated
22 litigation with regard to Shipyard, two Shipyard
23 matters, I guess, so -- okay. And that is
24 anticipated at this time that the above matter will
25 be made public within 90 days of the conclusion of

1 the litigation.

2 Four: This resolution shall take
3 effect immediately, and then Mr. Holtzman will sign
4 this, and then you can go home.

5 Well, we will come back out at the end,
6 but we are not going to really do anything.

7 COMMISSIONER MOSSERI: We have other
8 questions. Do you want to discuss North End or not?

9 CHAIRMAN HOLTZMAN: We need to go into
10 an executive session first.

11 So is there a motion on the floor to
12 accept the resolution as Dennis has just read?

13 VICE CHAIR MAGALETTA: Motion.

14 CHAIRMAN HOLTZMAN: Is there a second?

15 COMMISSIONER PINCHEVSKY: Second.

16 CHAIRMAN HOLTZMAN: Everybody in favor,
17 aye?

18 (All Board members voted in the
19 affirmative.)

20 CHAIRMAN HOLTZMAN: We are officially
21 in executive session and off the record. Is that
22 correct?

23 MR. GALVIN: Yes.

24 (Discussion held off the record.)

25 CHAIRMAN HOLTZMAN: We are back on the

1 record now. It's 9:20.

2 Is there a motion to close the meeting?

3 COMMISSIONER MOSSERI: Motion to close.

4 CHAIRMAN HOLTZMAN: Is there a second?

5 COMMISSIONER PINCHEVSKY: Second.

6 CHAIRMAN HOLTZMAN: All in favor?

7 (All Board members voted in the

8 affirmative.)

9 CHAIRMAN HOLTZMAN: Thank you.

10 (The meeting concluded at 9:25 p.m.)

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C E R T I F I C A T E

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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, CSR, CRR

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PHYLLIS T. LEWIS, C.S.R. XI01333 C.R.R. 30XR15300

Notary Public of the State of New Jersey

My commission expires 11/5/2015.

Dated: 2/5/14

This transcript was prepared in accordance with NJ ADC 13:43-5.9.