

CITY OF HOBOKEN PLANNING BOARD

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 REGULAR MEETING OF THE HOBOKEN :  
 PLANNING BOARD OF THE CITY OF : August 4, 2015  
 HOBOKEN : 7:10 p.m.  
 - - - - - X

Held At: 94 Washington Street  
 Hoboken, New Jersey

B E F O R E:

- Chairman Gary Holtzman
- Vice Chair Frank Magaletta
- Commissioner Caleb Stratton
- Commissioner Brandy Forbes
- Commissioner Jim Doyle
- Commissioner Ann Graham
- Commissioner Caleb McKenzie
- Commissioner Rami Pinchevsky
- Commissioner Ryan Peene

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

- David Glynn Roberts, AICP/PP, LLA, RLA  
Board Planner
- Joseph R. Venezia, PE, PP, CME, CPWM  
Acting Board Engineer
- Patricia Carcone, Board Secretary

PHYLLIS T. LEWIS  
 CERTIFIED COURT REPORTER  
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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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## I N D E X

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1                   CHAIRMAN HOLTZMAN: Okay. We are going  
2 to get started here, and hopefully our attorney is  
3 going to show up shortly.

4                   It is 7:10. This is the City of  
5 Hoboken Planning Board Meeting. It is August 4th,  
6 2015. It is 7:10.

7                   I would like to advise all of those  
8 present that notice of this meeting has been  
9 provided to the public in accordance with the  
10 provisions of the Open Public Meetings Act, and that  
11 notice was published in The Jersey Journal and on  
12 the city's website.

13                   Copies were also provided to The  
14 Star-Ledger, The Record, and also placed on the  
15 bulletin board in the lobby of City Hall.

16                   Pat, please call the roll.

17                   MS. CARCONE: Commissioner Holtzman?

18                   CHAIRMAN HOLTZMAN: Here.

19                   MS. CARCONE: Commisioner Magaletta?

20                   VICE CHAIR MAGALETTA: Here.

21                   MS. CARCONE: Commissioner Stratton?

22                   COMMISSIONER STRATTON: Here.

23                   MS. CARCONE: Commisioner Forbes?

24                   COMMISSIONER FORBES: Here.

25                   MS. CARCONE: Commissioner Doyle?

1 COMMISSIONER DOYLE: Here.

2 MS. CARCONE: Commissioner Graham?

3 COMMISSIONER GRAHAM: Here.

4 MS. CARCONE: Commissioner McKenzie?

5 COMMISSIONER MC KENZIE: Here.

6 MS. CARCONE: Commissioner Pinchevsky?

7 COMMISSIONER PINCHEVSKY: Here.

8 MS. CARCONE: Commissioner Peene?

9 COMMISSIONER PEENE: Here.

10 CHAIRMAN HOLTZMAN: Thank you.

11 So we have three -- I am sorry, are you  
12 okay?

13 COMMISSIONER PEENE: Yes.

14 CHAIRMAN HOLTZMAN: Thank you.

15 So we have three resolutions for  
16 memorialization.

17 The first one is for 536 Washington.  
18 This is the one known as Kung Fu Tea. I know that  
19 Mr. Doyle had a couple of questions and comments on  
20 that. Dennis had provided us with an updated  
21 version of that later today.

22 Were there any other questions or  
23 comments from the Commissioners?

24 None said, is there a motion to accept  
25 this resolution?

1 VICE CHAIR MAGALETTA: Motion to  
2 accept.

3 CHAIRMAN HOLTZMAN: Is there is a  
4 second?

5 COMMISSIONER MC KENZIE: Second.

6 CHAIRMAN HOLTZMAN: Pat, please call  
7 it.

8 MS. CARCONE: Okay.

9 Commissioner Magaletta?

10 VICE CHAIR MAGALETTA: Yes.

11 MS. CARCONE: Commissioner Stratton?

12 COMMISSIONER STRATTON: Yes.

13 MS. CARCONE: Commissioner Forbes?

14 COMMISSIONER FORBES: Yes.

15 MS. CARCONE: Commissioner Doyle?

16 COMMISSIONER DOYLE: Yes.

17 MS. CARCONE: Commissioner Graham?

18 COMMISSIONER GRAHAM: Yes.

19 MS. CARCONE: Commissioner Peene?

20 COMMISSIONER PEENE: Yes.

21 MS. CARCONE: Commissioner Holtzman?

22 CHAIRMAN HOLTZMAN: Yes.

23 Our second resolution here is for the  
24 property known as 461 11th Street.

25 There was a couple of quick alterations

1 on that as well from Councilman Doyle.

2 Any other questions or comments from  
3 the Commissioners?

4 VICE CHAIR MAGALETTA: I have a  
5 question.

6 One of the questions we had during the  
7 hearing was what is the actual address.

8 Did you ever find out from the tax --  
9 is it 11th Street or is it Grand --

10 COMMISSIONER PEENE: Or Adams?

11 VICE CHAIR MAGALETTA: -- or Adams, I  
12 mean, excuse me.

13 This says 11th Street, so the question  
14 is what did the tax assessor call it.

15 So I am fine with whatever it is. I  
16 just want to make sure that we are consistent and we  
17 have proper address down.

18 CHAIRMAN HOLTZMAN: Well, we do have it  
19 designated by the block and lot, and that's going to  
20 certainly take precedence over what address they  
21 decide to give it.

22 VICE CHAIR MAGALETTA: Okay. That's  
23 fine.

24 Other than that, then I have no problem  
25 with it.

1 CHAIRMAN HOLTZMAN: Great.

2 So that is a motion to accept?

3 VICE CHAIR MAGALETTA: It is.

4 CHAIRMAN HOLTZMAN: Thank you.

5 And a second?

6 COMMISSIONER FORBES: Second.

7 CHAIRMAN HOLTZMAN: Pat, please call

8 it.

9 MS. CARCONE: Commissioner Magaletta?

10 VICE CHAIR MAGALETTA: Yes.

11 MS. CARCONE: Commissioner Stratton?

12 COMMISSIONER STRATTON: Yes.

13 MS. CARCONE: Commissioner Forbes?

14 COMMISSIONER FORBES: Yes.

15 MS. CARCONE: Commissioner Doyle?

16 COMMISSIONER DOYLE: Yes.

17 MS. CARCONE: Commissioner Graham?

18 COMMISSIONER GRAHAM: Yes.

19 MS. CARCONE: Commissioner Peene?

20 COMMISSIONER PEENE: Yes.

21 MS. CARCONE: Commissioner Holtzman?

22 CHAIRMAN HOLTZMAN: Yes.

23 And the third resolution is the PSE&G

24 resolution for 1622 Clinton.

25 Any questions on that?

1 Councilman, anything additional there?

2 I know there were some revisions that  
3 you were looking for in terms of base flood  
4 elevation.

5 COMMISSIONER DOYLE: No. Whatever was  
6 done was done.

7 CHAIRMAN HOLTZMAN: You are good with  
8 the changes?

9 COMMISSIONER DOYLE: I am fine with the  
10 changes.

11 CHAIRMAN HOLTZMAN: Thank you.  
12 Is that a motion to accept it?

13 COMMISSIONER DOYLE: Yes.

14 COMMISSIONER PEENE: So moved.

15 COMMISSIONER DOYLE: I move.

16 CHAIRMAN HOLTZMAN: And a second?

17 COMMISSIONER FORBES: Second.

18 CHAIRMAN HOLTZMAN: Pat?

19 MS. CARCONE: Commissioner Magaletta?

20 VICE CHAIR MAGALETTA: Yes.

21 MS. CARCONE: Commissioner Stratton?

22 COMMISSIONER STRATTON: Yes.

23 MS. CARCONE: Commissioner Forbes?

24 COMMISSIONER FORBES: Yes.

25 MS. CARCONE: Commissioner Doyle?

1 COMMISSIONER DOYLE: Yes.

2 MS. CARCONE: Commissioner Graham?

3 COMMISSIONER GRAHAM: Yes.

4 MS. CARCONE: Commissioner Peene?

5 COMMISSIONER PEENE: Yes.

6 MS. CARCONE: Commissioner Holtzman?

7 CHAIRMAN HOLTZMAN: Yes.

8 CHAIRMAN HOLTZMAN: Commissioner

9 Stratton, you have some updates for us in terms of  
10 some -- do we have here, design updates?

11 COMMISSIONER STRATTON: Sure. Yes.

12 As part of our Post Sandy Recovery  
13 Planning, the administration undertook five  
14 different plan elements, one of which is design  
15 standards below the design flood elevation for the  
16 city, and we are coming to the end of that period of  
17 time, and we have the guidelines ready, and we would  
18 like to introduce to the Board for September a  
19 review of that guidance document and welcome any  
20 comments from the Board.

21 It mainly pertains to anything that has  
22 to do with foundations, access, materials, sighting  
23 constraints, urban design, and it is meant to help  
24 applicants or residents or anybody applying to the  
25 different Boards in the City of Hoboken to

1 understand the different requirements from a  
2 national flood insurance program or FEMA and to help  
3 guide them through that process and also help the  
4 Zoning Officer and Flood Plain Administrator  
5 communicate with the citizens and residents, so that  
6 will be forthcoming.

7 CHAIRMAN HOLTZMAN: So these are  
8 updates to the zoning code?

9 COMMISSIONER STRATTON: They are  
10 neither updates to the zoning code or updates to the  
11 flood damage prevention ordinance. It is simply a  
12 tool that can be used in the zoning office and a  
13 guidance document that we can refer to for how  
14 facilities should be designed.

15 CHAIRMAN HOLTZMAN: Okay. Great.

16 Anybody else have any new business?

17 Well, if that is the case, we will take  
18 a moment and hopefully wait for Mr. Galvin.

19 COMMISSIONER DOYLE: Excuse me.

20 Can I ask, Commissioner?

21 This document, I missed the beginning.  
22 Is it prepared by HUD or --

23 COMMISSIONER STRATTON: It was prepared  
24 through monies awarded by the Community Development  
25 Block Program Disaster Relief Fund, and it is

1 through the Department of Community Affairs of the  
2 state that we have received as a sub recipient of  
3 those funds, and we are doing -- undertaking the  
4 studies with Princeton Hydro, who has done work in  
5 the city before.

6 COMMISSIONER DOYLE: Thank you.

7 COMMISSIONER FORBES: As well as part  
8 of that grant, so there are five parts to that  
9 grant. Some of them are things that the City  
10 Council will address directly, and some of them are  
11 things that, you know, the Planning Board, for  
12 example, you know, the design guidelines, getting  
13 our input as a Board, but also we will have a  
14 stormwater -- both a stormwater plan, which will be  
15 part of the master plan, so we have to amend the  
16 master plan to address that, so that will be coming  
17 then, you know, following the design guidelines, and  
18 then as well then a stormwater ordinance that the  
19 City Council will approve. So there are a variety  
20 of things that we worked on that are post Sandy  
21 related.

22 (Dennis Galvin, Esquire present)

23 COMMISSIONER DOYLE: So these would be  
24 just as it sounds, policy suggestions rather than  
25 binding obligations?

1                   COMMISSIONER FORBES: Right.

2                   COMMISSIONER STRATTON: It is a  
3 guideline. The binding obligation comes from FEMA.  
4 It comes from the National Flood Insurance Program  
5 or the Uniform Construction Code. This is in some  
6 ways an aggregation of many different resources that  
7 apply to construction in the flood plain, and they  
8 are put in one place and organized, so people can  
9 better understand and access them.

10                  CHAIRMAN HOLTZMAN: Okay.

11                  COMMISSIONER DOYLE: But they are not  
12 going to have a force of law unless an independent  
13 suggestion is also present in FEMA or excuse me, you  
14 know, or the flood ordinance -- okay.

15                  COMMISSIONER STRATTON: Correct.

16                  COMMISSIONER DOYLE: Thank you.

17                  (Continue on next page)

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CITY OF HOBOKEN PLANNING BOARD

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 RE: 711 Hudson Street : August 44, 2015  
 Stevens Institute Davidson : 7:20 p.m.  
 Laboratory Building :  
 Applicant: Stevens Institute of :  
 Technology :  
 Minor Site Plan Review to renovate :  
 the ABS Laboratory :  
 ----- X

Held At: 94 Washington Street  
 Hoboken, New Jersey

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7                   GIBBONS, PC  
8                   One Gateway Center  
9                   Newark, New Jersey 07102  
10                  BY: JASON R. TUVEL, ESQ.  
11                  Attorney for the Applicant.

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## I N D E X

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3 WITNESS

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5 Modesta A. Sobolta

22 &amp; 61

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7 Andrew H. Missey

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## E X H I B I T S

12

13 EXHIBIT NO.

DESCRIPTION

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Colorized drainage plan

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1                   CHAIRMAN HOLTZMAN: Good evening, Mr.  
2 Galvin.

3                   MR. GALVIN: How are you, Mr. Chairman?

4                   CHAIRMAN HOLTZMAN: Very good.  
5 Take your time.

6                   MR. GALVIN: I'm ready to go.

7                   CHAIRMAN HOLTZMAN: No problem.

8                   Mr. Tuvel, are you ready for us this  
9 evening?

10                  MR. TUVEL: Ready.

11                  CHAIRMAN HOLTZMAN: Excellent. Thank  
12 you.

13                  MR. TUVEL: Good evening, Mr. Chairman,  
14 and Members of the Board.

15                  Jason Tuvel from the law firm of  
16 Gibbons, PC, attorney for the applicant, Stevens  
17 Institute of Technology, on this minor site plan  
18 application for the property located at 235, Block  
19 1, 711 Hudson Street.

20                  This is an application to renovate the  
21 interior space of the Davidson Lab or ABS Building  
22 of the Davidson Lab, as well as a modest expansion  
23 of the building itself of approximately 3,886 square  
24 feet.

25                  Just a brief overview of what the

1 renovation is: The renovation is looking to  
2 renovate the first floor of the building. That is  
3 going to be research labs in there for the civil  
4 engineering department, structural engineering  
5 department and the mechanical engineering  
6 department, as well as the naval engineering  
7 department that all have classes and research  
8 activities within this building.

9 On the second floor of the building,  
10 where they are actually expanding slightly, there is  
11 going to be 13 faculty offices accounted for  
12 teachers and professors who work in these different  
13 disciplines within Stevens.

14 The property is located in the R-1(E)  
15 Zone, so the use is obviously permitted as an  
16 academic use. There are no variances associated  
17 with this application.

18 The building height based on the  
19 expansion of the second floor will still be at 35  
20 feet, where we are in a 40 foot zone, so we are  
21 still five feet under the limit.

22 In terms of the exterior renovations,  
23 and I will go from the east side of the building to  
24 the west side of the building, the east side of  
25 building, as you may be aware, faces the field at

1 Stevens, and there is a narrow area where people can  
2 walk and enter and exit the building.

3 That area in front of the ABS  
4 laboratory is a little bit worn. What they want to  
5 do is create a nice entrance area for the students,  
6 so you will hear testimony about how the brick is  
7 going to be cleaned up there. It's going to be made  
8 ADA accessible.

9 A good point about this building is  
10 that it's not currently ADA accessible, and this  
11 project will make it ADA accessible.

12 In addition, there will be landscaping  
13 put on the east side of the building as well.

14 In terms of the west side of the  
15 building, which is the side that faces Hudson  
16 Street, there will be changes to the doors, the  
17 windows, the brick. We are going to enhance the  
18 landscaping as well on that area.

19 In addition on that area, there is more  
20 site conditions based on some work of your Site Plan  
21 Review Committee, there is going to be a detention  
22 system located along that facade and elevation of  
23 the building.

24 In addition, there will be bioswales  
25 that will work as a water quality measure as well on

1       that side of the building.

2                       We reviewed your Board professionals'  
3 reports. We find them to be all acceptable in terms  
4 of comments. We will go through the items where  
5 testimony is required.

6                       In addition, relative to the parking,  
7 since we do have 3,886 square feet of new floor  
8 space -- by the way, there is no expansion of the  
9 footprint of the building. The addition will all be  
10 for the most part, it will be on top of the second  
11 floor. But since we are adding that square footage,  
12 we are required to provide four parking spaces based  
13 on the R-1(E) zoning district, which is one per  
14 1000.

15                      So in speaking with the zoning officer  
16 on that issue, the code talks about providing proof  
17 to the Planning Board or the zoning officer of the  
18 four spaces being secured before a CO is issued, so  
19 we are happy to do that as a condition of approval,  
20 provide that proof to the both the Board and the  
21 zoning officer that we have met that.

22                      But just as a preclude, Stevens is  
23 looking to put those spaces in either the Babbio  
24 Garage, where it will have excess space, they are  
25 also looking to possibly restripe the Griffith Lot,

1       which is on the water, which would add more spaces,  
2       but we will provide you with proof that there will  
3       be four additional parking spaces that will result  
4       from this project, and we will provide that to both  
5       you and the zoning officer as well.

6                       There are two witnesses that I plan on  
7       calling, Modeste Sobolta, who is our architect from  
8       ESA, who will go through the interior renovations as  
9       well as the exterior renovations, and Andy Missey,  
10      who is our site engineer, who will obviously go  
11      through the site improvements.

12                      We do have representatives here from  
13      Stevens in the event that there are any questions  
14      that myself or the Board professionals can't answer.  
15      I don't plan on calling them.

16                      The operations of this building will  
17      pretty much remain the same, so I don't think we  
18      really need to go through any operational testimony,  
19      but if there are questions, we are happy to answer  
20      them.

21                      We do have our traffic engineer here.  
22      We did submit a traffic report. In the Maser review  
23      letter, it did ask us to address that. I believe in  
24      the peak hour the traffic generation is minimal.  
25      The trip generation is four trips. But, again, if

1       there are any questions, our traffic engineer is  
2       here, but I didn't plan on calling him since this is  
3       a permitted use, and it's a pretty minor expansion.

4               So unless there are any questions for  
5       me, I will be happy to call our first witness.

6               CHAIRMAN HOLTZMAN: Please proceed.

7               So the first witness I will call is  
8       Modesta Sobolta, who is our project architect.

9               Oh, and for the record, I provided my  
10      affidavit of service of publication to Mr. Galvin.

11              MR. GALVIN: Yes. We find it in order.

12              Raise your right hand.

13              Do you swear to tell the truth, the  
14      whole truth, and nothing but the truth so help you  
15      God?

16              MR. SOBOLTA: I do.

17      M O D E S T A   A.   S O B O L T A, AIA, having been  
18      duly sworn, testified as follows:

19              MR. GALVIN: State your full name for  
20      the record and spell your last name.

21              THE WITNESS: Modesta Sobolta, S-o-b,  
22      as in boy, o-l-t, as in Tom, -a.

23              MR. GALVIN: Can you just give us three  
24      Boards you appeared before recently?

25              THE WITNESS: Mahwah, Maywood,

1 Northvale, Parsippany.

2 MR. GALVIN: All right. That is good.

3 That is four.

4 Do we accept his credentials?

5 CHAIRMAN HOLTZMAN: We do.

6 MR. GALVIN: We do.

7 MR. TUVEL: Great. Thank you very  
8 much.

9 Mr. Sobolta, let's start first with the  
10 interior renovations going from the first floor up.

11 Could you please describe to the Board  
12 what is occurring on the first level of the space?

13 THE WITNESS: Ladies and gentlemen,  
14 this is the first floor of the ABS Building.

15 MR. TUVEL: Can you just refer to the  
16 document that you are looking at?

17 THE WITNESS: A-100.

18 MR. TUVEL: It was submitted with the  
19 packet that you have.

20 THE WITNESS: The entrance to the first  
21 floor is by steps from Hudson Street.

22 Within the area inside, there is a  
23 square tank that has been decommissioned that was  
24 filled with water and used for testing ship models.  
25 Within that area will be three research labs,

1       robotics, structural and civil, and mechanical, and  
2       then the remainder of the space will be an open lab  
3       for prototypical design and collaborative work.  
4       Experiments within this area will be flexible.

5                 In the back portion are the toilet  
6       facilities for the first floor.

7                 Moving on to the second floor, the  
8       second floor new portion is over the research labs  
9       on the first floor, and that is the 13 offices, and  
10       on the south side a student study lounge area  
11       overlooking the collaborative area.

12                Within the annex, which is to the east,  
13       would be the main campus entrance and also the ADA  
14       accessible entrance, and that is why we added the  
15       second floor offices, which are at the same level as  
16       that floor.

17                Moving on, the third floor will be --  
18       which is presently housed in the annex -- a seminar  
19       room and a small lounge with a kitchenette and a  
20       connection into the Rocco Building, which is another  
21       engineering building. Part of this effort here was  
22       to unite these buildings, so the students could move  
23       easily between them, and they wouldn't have to go  
24       outside.

25                MR. TUVEL: So in terms of building

1 height on the second floor, what will the exact  
2 building height be after the proposal?

3 THE WITNESS: The height of the  
4 building, these are sections on A-104.

5 What you see here are two  
6 cross-sections. This is the east side, the west  
7 side, Hudson Street, and this is looking the  
8 opposite way, Hudson Street and the east side.

9 The height at the new roof will be 34  
10 feet eight inches above the mean grade level, and  
11 the annex presently is higher than that, so no new  
12 part of the building will be higher than what is  
13 already existing.

14 MR. TUVEL: Okay.

15 And just sticking with the roof, can  
16 you just describe how the new roof is constructed  
17 and how it is oriented towards Hudson Street?

18 THE WITNESS: What is done within this  
19 space of the lab is use a barrel-shaped roof, which  
20 starts low at the same level as the top of the  
21 parapet on the Hudson Street elevation.

22 It starts back eight feet from that,  
23 and it rises to 11 feet seven inches above the  
24 parapet, but at that point it is over 50 feet away  
25 from the parapet and from Hudson Street.

1                   This allows us to have -- to bring  
2                   light from the east into the open collaborative  
3                   prototyping space, and under -- over the offices on  
4                   the second floor is a flat roof with all of the  
5                   mechanical equipment, which the new roof hides from  
6                   the west.

7                   MR. TUVEL:    Okay.

8                   So let's move to some of the exterior  
9                   renovations that we are proposing.

10                  Let's start on the east side of the  
11                  building, and if you can describe to the Board what  
12                  is existing and then go into what is proposed.

13                  THE WITNESS:  This exhibit was prepared  
14                  for the work session that we had with the Planning  
15                  Board, so it was not submitted in your package.

16                  MR. TUVEL:  Mr. Galvin, should we mark  
17                  that as A-1?

18                  MR. GALVIN:  Yes.

19                  (Exhibit A-1 marked.)

20                  MR. TUVEL:  So just describe, Mr.  
21                  Sobolta, what A-1 is.

22                  THE WITNESS:  A-1 is a series of  
23                  existing use of --

24                  MR. GALVIN:  Who took the photos and  
25                  when were they taken?

1 THE WITNESS: I did.

2 MR. GALVIN: Okay.

3 When were they taken?

4 THE WITNESS: They were taken over a  
5 number of years as we have been looking at the  
6 building --

7 MR. GALVIN: All right. That is good.

8 THE WITNESS: -- over maybe four years.

9 MR. GALVIN: I just need you to  
10 identify the pictures, so we can talk about them.  
11 You are fine.

12 Go ahead.

13 THE WITNESS: The east elevation -- the  
14 existing view of the east elevation is very  
15 difficult to photograph because the playing field  
16 rises very steeply and very quickly, and it is very  
17 difficult to get a vantage point, but you can see  
18 this view is of the annex building. This one little  
19 door is the present entrances into the annex  
20 building, and one little window for the third floor.

21 We call the second floor the annex, the  
22 second floor, because it will be the second, but it  
23 is the first floor on the east side because that is  
24 where you get to it from the campus side.

25 And then what you see in here, this low

1 brick shape is the rest of the tank. You are  
2 looking now at this wall, which is the wall of the  
3 tank building itself, and it is a one-story space,  
4 but it goes a high one-story space. It is more like  
5 one and a half stories.

6 The view above is the proposed east  
7 elevation. We have not changed the shape or the  
8 height of the annex, but we have repositioned  
9 windows and combined them and tied them together to  
10 make an esthetically pleasing view and entrance from  
11 the campus side.

12 We have a glass facade entrance. We  
13 have a glass canopy at that point, and we also  
14 opened up windows into the lower portion of the  
15 first floor and windows into the new offices on the  
16 second floor, so you can see the difference between.

17 And then what you see back here is the  
18 translucent glazing that would bring the light from  
19 the east into the two-story space.

20 MR. TUVEL: And is there proposed  
21 signage on that side of the building?

22 THE WITNESS: There is -- there will be  
23 signage. We are not quite sure yet what the signage  
24 will be. So when the time comes, it will be as of  
25 right, but we will go before the Board and present

1 and get approval for that signage.

2 MR. TUVEL: So the goal, just to  
3 summarize for this signage, isn't to be compliant  
4 with the ordinance at the time that they submit a  
5 sign permit --

6 CHAIRMAN HOLTZMAN: Uh-huh --

7 MR. TUVEL: -- when they decide what  
8 they want to put there.

9 CHAIRMAN HOLTZMAN: -- you will circle  
10 back with us and give us a look at it?

11 MR. TUVEL: Absolutely at some point.

12 CHAIRMAN HOLTZMAN: Thank you.

13 MR. GALVIN: "Us" meaning the Board,  
14 right?

15 MR. TUVEL: Yes, absolutely.

16 Okay. So let's move to the west, so  
17 yes, the west elevation.

18 THE WITNESS: The west elevation --  
19 this picture of the west elevation was the one that  
20 was taken a long time ago in 2012, but it shows a  
21 tired facade. The building was built in the early  
22 1940s --

23 MR. TUVEL: Modesta, does it represent,  
24 though, what is existing there today?

25 THE WITNESS: Yes.

1                   This represents what the building looks  
2                   like today, looking at it from the south looking  
3                   north at the building. Behind it is the Nickel Lab,  
4                   which is far in the distance. The openings that  
5                   were there originally had been infilled with glass  
6                   block making the building look dated and dowdy and  
7                   not very welcoming.

8                   The doors on both sides are solid at  
9                   the present, solid hollow metal doors. There are  
10                  glass lights above them.

11                  What we are proposing to do is we are  
12                  going to clean up, wash the brick, clean it, open up  
13                  these windows, take out the glass block and create a  
14                  pattern that was on the building of glass when it  
15                  was first built.

16                  They have photographs in the archives,  
17                  and that is exactly how that building looked when it  
18                  was first built.

19                  We will also do that with the doors  
20                  into the main entrance or the public entrance from  
21                  Hudson Street will be glass doors, a glass canopy,  
22                  so it is not obtrusive, but yet allows somebody to  
23                  stand there, because this door will be locked and  
24                  you have to connect with the intercom to ask to be  
25                  allowed to come in.

1                   And the door on this side will remain  
2 solid, but we will pick up the same pattern on the  
3 door of panels, and that will remain as the service  
4 door as it is now for bringing in the materials that  
5 they work on --

6                   MR. TUVEL: And for the record --

7                   THE WITNESS: -- you can see in this  
8 elevation, a very small orange piece of actually the  
9 roof. What you are seeing based on the angle is  
10 just a slight -- because of the way the roof starts  
11 low and rises, you won't really see it from Hudson  
12 Street at grade.

13                   MR. TUVEL: Modesta, in terms of the  
14 railings that are outside of the --

15                   THE WITNESS: The railings will remain.  
16 They may have to be moved during construction, but  
17 they will be replaced --

18                   MR. TUVEL: And they will be  
19 repaired --

20                   THE WITNESS: -- and repaired and  
21 refurbished, yes.

22                   MR. TUVEL: Anything else with respect  
23 to the west elevation of the building?

24                   THE WITNESS: No.

25                   MR. TUVEL: Okay.

1 I will open it up to the Board for any  
2 questions that they may have for Mr. Sobolta.

3 CHAIRMAN HOLTZMAN: Mr. Roberts, you  
4 prepared a review letter for us?

5 MR. ROBERTS: Yes, Mr. Chairman.

6 The actual architectural testimony that  
7 has been given is consistent with what our review  
8 letters have talked about.

9 There were a number of waivers that had  
10 been requested. They were fairly straightforward  
11 because the relative limited scope of this is really  
12 an interior addition to the building, not much in  
13 the way of outdoor changes.

14 However, there are some comments in the  
15 letter that regard the proposed treatment of the  
16 front of the Hudson Street building that probably  
17 would be better saved for the architect -- I'm  
18 sorry -- for the engineer.

19 But other than that, I think it is a  
20 pretty straightforward application.

21 CHAIRMAN HOLTZMAN: Any questions or  
22 comments, Joe?

23 MR. VENEZIA: Not of this witness.

24 CHAIRMAN HOLTZMAN: Thank you.

25 Commissioners, anything at this point?

1 VICE CHAIR MAGALETTA: Yeah, I have a  
2 question.

3 CHAIRMAN HOLTZMAN: Go ahead, Frank.

4 VICE CHAIR MAGALETTA: On the west  
5 elevation, where on these drawings do you show the  
6 height on the west side, the Hudson Street side?

7 What page is that on?

8 THE WITNESS: The height of -- you mean  
9 the height of the building?

10 VICE CHAIR MAGALETTA: Yes, when it is  
11 done.

12 THE WITNESS: It is on A-104.

13 The top cross-section one to the left,  
14 34 feet eight inches from average grade to the high  
15 point of the barrel roof.

16 VICE CHAIR MAGALETTA: It says 76,  
17 doesn't it? 76 point --

18 THE WITNESS: Well, that is relative to  
19 grade -- that is not grade. That is just the survey  
20 elevations.

21 The physical height is, as you can see,  
22 it is at -- we call it elevation 100, the average  
23 grade, and the top of the roof is 130 --

24 VICE CHAIR MAGALETTA: 6.

25 THE WITNESS: 136 --

1 CHAIRMAN HOLTZMAN: 36 plus --

2 MR. TUVEL: I guess that is the --

3 THE WITNESS: -- I'm sorry. Average  
4 grade is 102 and a half.

5 The first floor is a hundred.

6 The average grade, which is measured at  
7 the four corners of the building, averages out, so  
8 that this elevation is 102, which is two feet higher  
9 than the present first floor of the building.

10 VICE CHAIR MAGALETTA: Okay.

11 MR. ROBERTS: Above sea level.

12 VICE CHAIR MAGALETTA: Okay.

13 That's fine. I wasn't sure. I was not  
14 reading it correctly.

15 On the application, it says that it is  
16 to demolish and add a second floor. But the second  
17 floor, if you look at it from the west, but the  
18 third floor, if you look at it from the east, right?

19 MR. TUVEL: Yes. We were discussing  
20 this, so --

21 VICE CHAIR MAGALETTA: Yeah, yeah.  
22 Just for the record, I am clarifying it.

23 MR. TUVEL: -- I will let him just  
24 explain that.

25 If you look at it from the east side,

1       it looks a little bit different in terms of stories  
2       than when you look at it from the west side.

3                   VICE CHAIR MAGALETTA: Right.

4                   MR. TUVEL: So, Modesta, why don't you  
5       just explain that?

6                   THE WITNESS: I think the best way to  
7       explain it is by looking at the two sections on  
8       drawing A-104.

9                   As I said, what we call the first floor  
10       is actually the elevation of the walkway around the  
11       tank on Hudson Street, and the floor of the tank is  
12       two and a half feet lower than that walkway. That  
13       is the first floor.

14                   As you get into -- you have the  
15       research lab that is still in the square tank room,  
16       and then you move along into the annex, into what is  
17       basically the basement of the annex, but that is  
18       still now the first floor of the building -- of the  
19       total building.

20                   The second floor is -- has the new  
21       offices over -- over the research labs in the big  
22       room, and in the annex we actually have to raise the  
23       floor about a foot and a half, so you can see the  
24       shaded lot, this shaded area, that is what we have  
25       to raise the floor to so that it matches the new

1 second floor inside of the space.

2 We can't bring the new second floor  
3 down to match the annex because we won't have enough  
4 head room into the research labs, which need higher  
5 space.

6 MR. TUVEL: Modesta, when you enter the  
7 building from the campus side, what floor are you  
8 on?

9 THE WITNESS: When you enter the  
10 building from the campus side, you are on the second  
11 floor.

12 MR. TUVEL: That is why it is a little  
13 confusing.

14 VICE CHAIR MAGALETTA: I know that, and  
15 that's why, because the application is confusing,  
16 but when you first testified, you clarified it, and  
17 I just wanted to make the record be clear, because I  
18 understand it now --

19 THE WITNESS: This is a very confusing  
20 building.

21 (Laughter)

22 VICE CHAIR MAGALETTA: Well, it's a  
23 question of --

24 MR. TUVEL: Where you enter it from.

25 VICE CHAIR MAGALETTA: -- perspective.

1 Exactly.

2 THE WITNESS: Even for me.

3 (Laughter)

4 VICE CHAIR MAGALETTA: Okay. I just  
5 wanted to make sure for the record what was going  
6 on, because the application didn't match up with the  
7 testimony completely, so I wanted to put it on the  
8 record.

9 CHAIRMAN HOLTZMAN: Frank, you are  
10 squared away? You're good with the answer?

11 VICE CHAIR MAGALETTA: I'm fine.

12 CHAIRMAN HOLTZMAN: Dave, do you and  
13 Joe concur with the description of the architect?

14 MR. ROBERTS: Yes.

15 CHAIRMAN HOLTZMAN: Thank you.

16 Were there other any questions from any  
17 of the Commissioners?

18 Otherwise, we will move on to the  
19 engineer's testimony.

20 THE WITNESS: Thank you.

21 MR. TUVEL: So the next witness I would  
22 like to call is Andrew Missey from Lapatka  
23 Associates.

24 MR. GALVIN: Has that been previously  
25 supplied?

1 MR. TUVEL: I think this one was.

2 MR. GALVIN: Mr. Missey, raise your  
3 right hand.

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

7 MR. MISSEY: Yes, I do.

8 A N D R E W H. M I S S E Y, Professional  
9 Engineer, having been duly sworn, testified as  
10 follows:

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

13 THE WITNESS: Andrew Missey,  
14 M-i-s-s-e-y.

15 MR. GALVIN: Mr. Chairman, do we accept  
16 Mr. Missey's credentials?

17 CHAIRMAN HOLTZMAN: Yes.

18 MR. GALVIN: Very good.

19 MR. TUVEL: Mr. Missey, as Mr. Sobolta  
20 did, let's talk about the site improvements going  
21 from the east side of the property over to the west  
22 side of the property, okay?

23 THE WITNESS: Certainly.

24 What I will do is --

25 MR. TUVEL: You can mark it as A-2.

1 (Exhibit A-2 marked)

2 MR. TUVEL: Can you please describe  
3 what A-2 is for the Board?

4 THE WITNESS: Yes.

5 A-2 is the site layout plan, Sheet 105  
6 of the plan set, as revised through July 17th of  
7 this year.

8 MR. TUVEL: It is simply colorized, but  
9 a depiction of what the Board has already received,  
10 correct?

11 THE WITNESS: That's correct.

12 It is simply Sheet 105, and we have  
13 added color to it to give it a little more life, as  
14 I explain what we are proposing here.

15 You heard Mr. Sobolta say a minute ago  
16 there is no expansion of the building footprint, and  
17 there is no true alteration to the entries at Hudson  
18 Street. That stoop appearance will remain.

19 But on the east campus side, there will  
20 be improvements to how you get into the building  
21 because right now it is not ADA accessible from the  
22 campus side because there is a step as you enter the  
23 annex.

24 We will reorient a portion of the metal  
25 stair down from the athletic field, which right now

1 runs straight down to the front of the ABS lab.

2 We will, at its landing, angle it to  
3 the south and east, and making that turn allows us  
4 to install a barrier free ramp in this location that  
5 connects to a stoop at the entry way, so the  
6 building has a true entrance now on the campus side,  
7 which it does not now.

8 You just meander behind the Rocco  
9 Building, and you find the old ABS annex.

10 In addition to those improvements,  
11 there will be a new very low retaining wall, because  
12 beneath those stairs is a significant slope down  
13 from the athletic field. That is the slope that  
14 gives Mr. Sobolta difficulty in taking a picture of  
15 this facade.

16 We will plant in the immediate vicinity  
17 of where our work is low ground cover type  
18 shrubbery. They're Junipers primarily, and we will  
19 also plant one new tree back there. That is in this  
20 location.

21 The balance of the area will remain,  
22 the curb slope up to the athletic field. It is  
23 stabilized at the present time, and it is not in an  
24 area where landscaping could be maintained.

25 That is what the improvements will look

1       like that you see on the surface. We will install  
2       three small drains back there to remove runoff from  
3       the walkways that we are installing.

4                 Those will connect to an existing inlet  
5       to the south of the annex. That is an existing  
6       surface inlet that then drains through the Rocco  
7       Building's drainage system and discharges on the  
8       southerly side of Rocco to an alleyway.

9                 MR. TUVEL: Is that in like 528 that's  
10       referenced in the Maser report?

11                THE WITNESS: That's correct.

12                MR. TUVEL: Can you testify as to a  
13       question in the report that that inlet can  
14       accommodate the increase in flow and discharge?

15                THE WITNESS: We have quantified the  
16       amount of water -- the amount of runoff that's going  
17       to that inlet, and the system can accept that  
18       runoff, yes.

19                MR. TUVEL: Just to follow up on  
20       another comment in the report, and I'm looking at  
21       the July 31st report by Mr. Hipolit's office, there  
22       was a slight discrepancy in the amount of impervious  
23       surface. Can you just please explain that?

24                THE WITNESS: I really can't.

25                We tried to talk to Mr. Hipolit's

1 office. The discrepancy is 70 square feet, so we  
2 will compare offline whichever or however the  
3 quantity was determined.

4 In all likelihood, we will just accept  
5 that their office says there is 70 more square feet.  
6 The inlet can accommodate that runoff and so can our  
7 detention system that I will speak of in a minute.

8 MR. TUVEL: Okay. Thank you.

9 Did we complete the testimony with  
10 regard to the east side of the property?

11 THE WITNESS: Well, I think probably  
12 the last thing I want to tell you is that the Maser  
13 report asked that we perform a closed circuit TV  
14 inspection of both the drain systems that we will  
15 continue to keep in use, and the plans state that we  
16 will do that as part of the work.

17 Now, I think I will go to the west  
18 side, if that is appropriate.

19 MR. TUVEL: Sure.

20 THE WITNESS: The west side has a  
21 little more going on from a civil engineering  
22 standpoint, not that the east side is not important,  
23 and the work over there is important, because it  
24 makes the building ADA accessible and that is very  
25 important.

1                   On the east side, though, we will  
2                   retain the stoops, but those stoops will be  
3                   repaired, and the sidewalks will be repaired or  
4                   replaced.

5                   We will remove the existing three trees  
6                   that are out there now. We may relocate them, but  
7                   in all likelihood, they will be replaced.

8                   The reason that they will be replaced  
9                   is because at the present time they are overgrown.  
10                  They appear to be a black cherry type tree, and they  
11                  already have grown into and are resting on the glass  
12                  facade -- the brick facade and the glass windows  
13                  that Mr. Sobolta spoke of.

14                  MR. TUVEL: So if the Board made it a  
15                  condition of approval, you will confer with Maser in  
16                  connection into relocating those trees somewhere  
17                  else on the property, correct?

18                  THE WITNESS: We will probably replace  
19                  them. Those trees do not appear to be relocatable.  
20                  They are just not appropriate.

21                  MR. TUVEL: Okay. Thank you.

22                  THE WITNESS: We are going to remove  
23                  and reinstall the fencing that surrounds this area  
24                  between the stoops. That will be removed, and then  
25                  put back into place once the work is done.

1                   There are landscape improvements  
2           between these two stoops that will probably be the  
3           most important thing from an engineering standpoint  
4           to what we are doing in the front.

5                   We are going to install a bio retention  
6           swale along the first seven feet immediately inside  
7           the curb that is at the east side of the sidewalk,  
8           the pedestrian area, and that bio retention swale  
9           will function as a stormwater quality measure  
10          introduced at this site, where none exists right  
11          now.

12                   I guess another way to put it is:  
13          Right now there are no stormwater management  
14          measures here.

15                   Under our proposal there will be the  
16          full stormwater management system that your  
17          ordinance -- that your variance ordinances require,  
18          as well as the North Hudson Sewerage Authority.

19                   Immediately to the east of that bio  
20          retention swale, there will be a below grade  
21          detention system, and the runoff from the roof  
22          system that does not have sanitary sewer  
23          intermingled with it, and that is at the southwest  
24          corner, will be directed to that detention system.

25                   From that detention system, we will

1       reduce the rate of runoff by constricting the  
2       outflow, the full structure located within the bio  
3       retention swale itself, and that will be directly  
4       connected to a manhole that is only about six to  
5       eight feet away in the sidewalk area, so there will  
6       be a significant, significant upgrade in the  
7       stormwater management here. There is none now.

8                 The Hoboken stormwater ordinance  
9       requirements will be met as will the Hoboken flood  
10      damage prevention ordinance requirements, so we will  
11      meet both of those strict requirements, and we will  
12      meet the North Hudson Sewerage Authority's detention  
13      requirements.

14                There is actually a third subtle aspect  
15      to this, and that is that we are introducing a low  
16      impact development technique to our approach to this  
17      stormwater management.

18                Most sites in Hoboken do not permit  
19      that because of the constraints, and buildings are  
20      immediately up to the property line, so on and so  
21      forth.

22                This location does allow us to do this.  
23      The fact that we are oriented on the west side of  
24      the building poses some problems. We have to more  
25      carefully select the plants that we have chosen, and

1 I believe we have done that in this instance.

2 The plants are specified on Sheet 2A,  
3 which is also part of the plans, and I don't know if  
4 I should mark it.

5 MR. TUVEL: Yeah. Let's mark it as A-3  
6 because it is colorized.

7 (Exhibit A-3 marked.)

8 THE WITNESS: It is the Hudson Street  
9 frontage drainage and grading plan. Sheet 2A  
10 revised July 17th.

11 This bio retention swale that I just  
12 spoke of, referring to this five scale lower  
13 portion, and this is the detention system.

14 In addition to those improvements, one  
15 suggestion in Maser's planner's report --

16 MR. TUVEL: Mr. Roberts' report.

17 THE WITNESS: -- Mr. Roberts' report  
18 was that that we consider something other than turf  
19 in this area between the shrubbery immediately  
20 adjacent to the building and the bio retention  
21 swale, and we have looked through the various  
22 options that are out there for what would be a  
23 shaded area, and it would appear that the best  
24 selection is actually an evergreen called  
25 unfortunately monkey grass or Mondo grass, but

1           nonetheless, it does seem to fit the bill.

2                       I have five copies, and perhaps that  
3           could be distributed.

4                       MR. TUVEL: I will just mark one of  
5           them, so I will mark that as A-4.

6                       (Exhibit A-4 marked.)

7                       MR. GALVIN: Now, I don't want it  
8           reported that you passed around grass at the  
9           Planning Board meeting.

10                      MR. TUVEL: No. I thought that was  
11           legal now.

12                      VICE CHAIR MAGALETTA: My eyes are  
13           bothering me. I'm in a lot of pain.

14                      (Laughter)

15                      THE WITNESS: It is primarily used as  
16           ground coverage, so this is an excellent option  
17           here. It competes well with the roots of other  
18           plants. That is what we want here, because that  
19           will reduce -- it will reduce runoff from this area,  
20           and it provides an uptake of precipitation and  
21           probably the best feature about it is that it is  
22           evergreen, so it has a unique texture to it, and  
23           it's an extra shade tolerant lawn, so it is a very  
24           good suggestion, Mr. Roberts.

25                      Thank you.

1                   That really pretty much concludes what  
2           I wanted to speak about.  It's a minor site plan  
3           after all.

4                   MR. TUVEL:  Just a couple of questions  
5           just to go over the comments in the Board's  
6           professionals review letters.

7                   THE WITNESS:  Yes.

8                   MR. TUVEL:  The over -- the down  
9           spouts, okay, those are not going to overflow on to  
10          adjacent parcels?

11                  THE WITNESS:  They do not, no.

12                  They would -- if there was some  
13          instance -- the retention system or the detention  
14          system could not accept flow any more, it goes  
15          directly into the combined sewer system.  It does  
16          not flow on to other properties.

17                  MR. TUVEL:  Okay.

18                  In terms of the detention system  
19          itself, I know you said that it meets North Hudson  
20          Sewerage Authority's requirements.

21                  Does it exceed those requirements?

22                  THE WITNESS:  It actually does exceed  
23          it by about 25 percent.

24                  MR. TUVEL:  In terms of the lighting,  
25          just because that was also noted in one of the

1 reports, is the lighting in your professional  
2 opinion adequate?

3 THE WITNESS: Yes. In this instance,  
4 it is appropriate.

5 We have sconce lighting at each of the  
6 entry points, and it wraps the easterly side because  
7 we are proposing, you know, to make that area more  
8 accessible.

9 MR. TUVEL: You see no adverse impacts  
10 to the adjacent parcels?

11 THE WITNESS: No, especially not from  
12 the easterly side.

13 From the Hudson Street facade it will  
14 look like every other brownstone to the south, which  
15 has sconce lighting basically at the top of the  
16 stairs.

17 MR. TUVEL: Okay.

18 Just another comment in the Macer  
19 report. The applicant shall confirm that existing  
20 utilities can accommodate the use, sanitary sewer,  
21 water for domestic and firefighting, can it do that?

22 THE WITNESS: Yes, it can.

23 The building is already connected to  
24 the Hoboken water system for a sprinkler system.  
25 And for the sewer, they used to actually test

1       toilets in this building, 50 or 60 at a time in the  
2       annex portion. Those are gone, so there will be  
3       significantly less flow.

4                   (Laughter)

5                   It is an engineering school.

6                   CHAIRMAN HOLTZMAN: There's some trivia  
7       for you.

8                   MR. TUVEL: And the remainder of the  
9       comments in the Board Engineer's letter, which are a  
10      lot of items that we have to supply, as well as the  
11      planner's report, we will comply with those,  
12      correct?

13                  THE WITNESS: Yes.

14                  MR. TUVEL: You didn't see any issues  
15      with those?

16                  THE WITNESS: None.

17                  MR. TUVEL: Okay. Thank you.

18                  CHAIRMAN HOLTZMAN: Thank you.

19                  Mr. Roberts, I know that you had some  
20      questions from your second letter with regard to  
21      some of the infill in the bioswale.

22                  Does it seem like we have gotten that  
23      resolved in this new material that is being talked  
24      about as opposed to turf --

25                  MR. ROBERTS: Yes. Actually it was

1 more -- the seven feet -- the plantings in the seven  
2 feet are what we would expect. They infilled the  
3 bioswale with a number of different ground covers  
4 and then shrubs similar to the way they handled the  
5 original rain garden. The only difference being  
6 that these plant materials are not wet tolerant  
7 plants. They are more standard plants because they  
8 do not have wet feet, like they would have in the  
9 rain garden.

10 But what we were looking at was the  
11 area that's between the row of hydrangea against the  
12 building, and that is where the Mondo grass is being  
13 proposed, so I think that we are satisfied that that  
14 will be a sufficient tree and equivalent to what  
15 would have been in the rain garden in terms of the  
16 plant material.

17 CHAIRMAN HOLTZMAN: What is the overall  
18 length of this building again?

19 Do you have that?

20 MR. VENEZIA: 93 feet.

21 CHAIRMAN HOLTZMAN: 93 feet.

22 And the length of the bioswale?

23 MR. ROBERTS: It is the distance of the  
24 area between the two stoops, so I have to see.

25 CHAIRMAN HOLTZMAN: Can you give me a

1 ball park on it?

2 THE WITNESS: About 70.

3 CHAIRMAN HOLTZMAN: About 70?

4 THE WITNESS: Yes.

5 CHAIRMAN HOLTZMAN: Joe, do you got  
6 that?

7 MR. VENEZIA: Approximately --

8 CHAIRMAN HOLTZMAN: About 70 out of the  
9 93 feet?

10 MR. VENEZIA: -- about 60 --

11 approximately 60 -- I'm sorry. The bioswale itself  
12 is about 70.

13 The other system, the stone bed is  
14 about 55 linear feet.

15 CHAIRMAN HOLTZMAN: Okay.

16 Do we have a judgment call as to what  
17 percentage of the water that falls on this building  
18 will be directed to these water detention and  
19 retention systems, because I know we were given  
20 quite a thick binder there of storm calculations,  
21 which I got lost after the second sentence, so  
22 somebody has got to help me.

23 THE WITNESS: It's about 50 percent, a  
24 little over 50 percent. It is the southerly  
25 portion.

1 CHAIRMAN HOLTZMAN: Okay.

2 THE WITNESS: I will go to A-1 or A-2.

3 It's right down the middle of the 94  
4 feet, but because of the annex, there is a little  
5 more than 50 percent.

6 CHAIRMAN HOLTZMAN: Okay.

7 Caleb, you had a question?

8 COMMISSIONER MC KENZIE: Yeah.

9 On the Hudson Street elevation on  
10 either side of the entry doors you're showing  
11 sconces, which may be glowing, or may be up or down  
12 sconces, and that is compatible with the brownstones  
13 that are adjacent, but this is not a brownstone, and  
14 the usage is very different.

15 Do you think that that is adequate  
16 since you are keeping the stoop for the traffic that  
17 goes in and out of that door?

18 THE WITNESS: On Hudson Street those  
19 are primarily service entries.

20 COMMISSIONER MC KENZIE: Yeah, but  
21 still, somebody could fall.

22 THE WITNESS: If you or I were to go to  
23 that door, it is locked.

24 MR. TUVEL: It's not the primary  
25 entrance, but just from a safety standpoint, if

1 somebody were to walk up at night and stand there,  
2 in your mind, in your professional opinion, is the  
3 lighting adequate for that purpose?

4 THE WITNESS: Oh, yes, because --

5 COMMISSIONER MC KENZIE: On the stairs?

6 THE WITNESS: -- on the stairs because  
7 we have a street light out really just splitting the  
8 stoops at this location, so the street light is the  
9 dominant light source there.

10 COMMISSIONER MC KENZIE: Yeah. I just  
11 don't want you open to litigation, if a kid runs up  
12 and down, which they do on Hudson Street, and falls,  
13 and somebody says there is not enough light because  
14 there is not any light on those stairs. That's all.

15 MR. TUVEL: You know, that is a good  
16 question.

17 Mr. Missey, in your opinion, based on  
18 the street lighting that's out there with the  
19 proposed lighting, do you feel it is safe and  
20 adequate?

21 THE WITNESS: I do. Yes, I do.

22 CHAIRMAN HOLTZMAN: Any more questions?

23 COMMISSIONER MC KENZIE: I don't.

24 CHAIRMAN HOLTZMAN: Okay.

25 Commissioner Magaletta, did you have a

1 question or comment?

2 VICE CHAIR MAGALETTA: No, I did not.

3 CHAIRMAN HOLTZMAN: Okay. Sorry about  
4 that.

5 Joe, did you have anything else for us?

6 MR. VENEZIA: Regarding the overall  
7 length of the building along Hudson Street, the  
8 building continues, normally you have a portion  
9 directly in front of the lab, is that correct or --

10 THE WITNESS: I guess the better way to  
11 put it is the Davidson Labs had two tank buildings.  
12 This was the sea basin building that simulated a  
13 situation at sea, and then the building to the north  
14 is the Davidson Labs tow tank building, where they  
15 can perform high speed towing testing, so we are at  
16 94 feet -- we are actually the second building. The  
17 tow tank building I believe is older, and so we are  
18 the junior, the junior in the tank building, so  
19 that --

20 MR. VENEZIA: There's no changes  
21 proposed to the older building?

22 THE WITNESS: -- it's about 330 feet in  
23 length.

24 MR. VENEZIA: 330, so about --

25 CHAIRMAN HOLTZMAN: That is Joe's

1 question, though.

2 There are no changes to that building?

3 THE WITNESS: Not at this time as part  
4 of this ABS laboratory project.

5 CHAIRMAN HOLTZMAN: Councilman, did you  
6 have a question?

7 COMMISSIONER DOYLE: Yes, I did.

8 I am sure you have been through this  
9 with the Subcommittee, but the decision to go with  
10 retention versus detention, can you explain why, you  
11 know, the way I understand it, you know, you are  
12 saying that at some point if the rainfall becomes  
13 too much, then the water will end up going directly  
14 to the POTW?

15 THE WITNESS: No, I don't mean to say  
16 that.

17 I think that when I said that, that was  
18 in response to what if the roof leaders for whatever  
19 reason overflow, would it spill on to a neighbor's  
20 property.

21 No, it would not. It would continue  
22 directly into the combined sewer system.

23 COMMISSIONER DOYLE: So this is  
24 designed to accommodate for an X year's storm?

25 THE WITNESS: 100-year storm event.

1                   COMMISSIONER DOYLE: 100-year storm,  
2           okay.

3                   THE WITNESS: Yes, and actually a  
4           little more because we have in excess of 100-year  
5           storm events storage here.

6                   COMMISSIONER DOYLE: And where as  
7           currently constructed, there's nothing?

8                   THE WITNESS: It is zero. There's  
9           nothing.

10                  COMMISSIONER DOYLE: So that is an  
11          improvement.

12                  CHAIRMAN HOLTZMAN: But I think it is  
13          important to know, Councilman, that while there is a  
14          system that they are putting in place, it is  
15          definitely not capturing all of the rainfall that  
16          falls on this building as well. They are capturing  
17          approximately --

18                  COMMISSIONER DOYLE: 50 percent --

19                  CHAIRMAN HOLTZMAN: -- 50, 55 percent.

20                  So while it's certainly an improvement,  
21          it also isn't dealing with the entire building as  
22          well.

23                  COMMISSIONER DOYLE: The other 50  
24          percent is going to the east, I assume.

25                  THE WITNESS: It is combined with the

1 sewer flows, so it can't go to a detention system.  
2 You can't really mix -- the plumbing inside of the  
3 building is mixed on the northerly portion.

4 The southernly portion, all sewer flows  
5 are being removed from that system. The  
6 southeasterly -- southwesterly discharge --

7 CHAIRMAN HOLTZMAN: I don't think he  
8 meant sewer flows.

9 Right?

10 THE WITNESS: I know, but the sewer  
11 flows are mixed in with the roof drain on this --

12 CHAIRMAN HOLTZMAN: You meant drainage  
13 flows, right?

14 COMMISSIONER DOYLE: From an  
15 engineering perspective, I can't imagine that is an  
16 obstacle --

17 THE WITNESS: It is a significant  
18 obstacle because once the flows are mixed within the  
19 building --

20 COMMISSIONER DOYLE: No. I'm talking  
21 about don't let them get mixed.

22 THE WITNESS: They are already mixed.  
23 That is the way the building was constructed.  
24 That's the way the plumbing for the building was  
25 constructed.

1                   COMMISSIONER DOYLE: But I understand  
2                   the interior uses, but you are saying it is  
3                   impossible to redirect water that is falling on the  
4                   roof on the north portion of this building, so that  
5                   it does not go into the internal plumbing system?

6                   THE WITNESS: Yes. It goes all the way  
7                   into a tunnel below -- it goes below a tunnel that  
8                   was constructed around the basin. It is mixed below  
9                   grade in a confined area.

10                  COMMISSIONER DOYLE: Yeah. But I am  
11                  asking can you intercept it, make it not get there  
12                  is what I'm saying.

13                  THE WITNESS: I don't that know that.  
14                  You know, I am working outside of the building,  
15                  Can you make it not get there?

16                  COMMISSIONER DOYLE: Yeah, just plug  
17                  the orifice that allows it to go into the basin  
18                  that's underneath the building and have it run off  
19                  into a gutter and --

20                  THE WITNESS: A gutter system?

21                  It is really not something that this  
22                  roof system allows you to do.

23                  If we had a peak roof with gutters or  
24                  even a flat roof that was draining all to a gutter  
25                  system in the back, like a lot of flat roofs might

1 do, that could be done. These roof leaders are  
2 actually internal to the building.

3 COMMISSIONER DOYLE: But the barrel  
4 roof will be on the northern side of the property  
5 when we're done, correct?

6 THE WITNESS: It will. It will be on  
7 actually the western side --

8 COMMISSIONER DOYLE: Right. It will be  
9 north to south on the west side, correct?

10 THE WITNESS: That's correct.

11 COMMISSIONER DOYLE: And you're  
12 saying -- you just said the north side of the  
13 building is where the water is commingled with  
14 the --

15 THE WITNESS: Yes.

16 COMMISSIONER DOYLE: So half of the  
17 north side of the building has a brand new barrel  
18 roof, which you have not built yet, correct?

19 THE WITNESS: That's correct.

20 I mean, we are going to --

21 CHAIRMAN HOLTZMAN: So if I can fill in  
22 the blanks, Councilman, I think what you are saying  
23 is since they are building a brand new roof, the  
24 barrel roof, that it would seem reasonable that any  
25 water that falls on the brand new roof be redirected

1 not into our system, into our sewer system.

2 COMMISSIONER DOYLE: I was just asking  
3 a question, yeah.

4 MR. TUVEL: Is that a question for the  
5 architect?

6 THE WITNESS: I think that is really a  
7 question for the architect.

8 CHAIRMAN HOLTZMAN: Great. Let's bring  
9 him back.

10 MR. TUVEL: That's fine.

11 CHAIRMAN HOLTZMAN: I'm glad you think  
12 so.

13 M O D E S T A A. S O B O L T A, AIA, having been  
14 previously sworn, testified further as follows:

15 MR. TUVEL: Did you hear the question,  
16 Modesta?

17 THE WITNESS: Yes.

18 On A-102, unfortunately, I don't have a  
19 full roof plan of the complex, but on A-102, which  
20 is the third floor plan, if you see here along the  
21 bottom, this is Hudson Street. This is the west  
22 elevation.

23 This is basically the flat area from  
24 the parapet wall towards the east, and then starts  
25 the barrel roof, which you see in lines here.

1                   Presently, there are roof drains in the  
2                   four corners of the building, two on the east -- on  
3                   the west side, two on the east side, and the annex  
4                   roof has a roof leader in the southwest corner,  
5                   which connects into the leader from the southeast  
6                   corner of the present roof, which is a gable roof,  
7                   which has a high point through the middle and  
8                   slopes -- half of the roof slopes -- excuse me --  
9                   half of the roof slopes towards Hudson, and half of  
10                  the roof slopes towards the east.

11                  CHAIRMAN HOLTZMAN: Jason, let's try to  
12                  cut to the chase here.

13                  So I think what seems logical is we are  
14                  getting lost with the architect really quickly is  
15                  that we got a brand new pitched roof that we all  
16                  know is pitched towards the west, so all of the  
17                  water is going to run west towards Hudson Street on  
18                  the new barrel roof.

19                  That being said, since it is now above  
20                  Hudson Street, why isn't all of that water being  
21                  easily redirected into our bioswale water retention  
22                  and detention systems?

23                  THE WITNESS: Well, right now in the  
24                  design, all of the water is still going into the  
25                  four leaders in the building because those remain.

1 Those will remain, and they are in the four corners,  
2 and they presently drop down. The two on the south  
3 side come down.

4 I don't have a section, but they will  
5 come down. They run in the tunnel. You see here is  
6 the tunnel on A-104.

7 MR. TUVEL: Modesta, I'll try to make  
8 the question simple.

9 Can we just, in terms of the roof, that  
10 is barreled, is there a way to implement some sort  
11 of feature into your design that would allow that  
12 barrel portion of the roof to collect more water and  
13 pitch it into the detention system?

14 Is there something that you could do as  
15 an architect in that design --

16 THE WITNESS: We could bring --

17 MR. TUVEL: That is what you are  
18 asking.

19 THE WITNESS: -- we could bring that  
20 water from this drain here inside underneath this  
21 roof, run it from north to south, from north to  
22 south underneath within this area, and then connect  
23 into the leader in the southwest corner.

24 So what you would be getting is the  
25 rest of the barrel being brought across the west

1 elevation and meet with the leader.

2 Now, we'd have to check the size of the  
3 leader. That leader is embedded in concrete once it  
4 gets down below the tunnel. It comes into the  
5 tunnel, but it still can't exit the building because  
6 the tunnel is higher than the grade.

7 So it plunges down into the tunnel into  
8 the concrete slab, and then turns and goes out the  
9 foundation, so that would have to be checked, but it  
10 could be done, that the barrel, that the entire  
11 barrel is brought to that corner.

12 MR. VENEZIA: Can you create a parallel  
13 line, the second -- its own --

14 THE WITNESS: Well, we still would have  
15 to cut through the slab.

16 MR. VENEZIA: Right.

17 THE WITNESS: So we have to look at it.  
18 Either we have parallel lines, or if the line can  
19 take that load, then we wouldn't have to.

20 We can join above the slab as long as  
21 the line can take that extra -- it is not 50 percent  
22 of the building, it is maybe 35 percent more of the  
23 entire building, but a hundred percent of the  
24 barrel.

25 MR. TUVEL: So can we do this, Mr.

1 Chairman, if it's okay with the Board?

2 I think it is more of a technical issue  
3 that needs to be worked out between the Board  
4 Engineer and the architect, and if the Board as a  
5 condition would like us to work with your engineer  
6 on that issue to try to obtain more of the runoff  
7 from the barrel, I think Mr. Sobolta said that he  
8 can --

9 CHAIRMAN HOLTZMAN: That is the point  
10 we are trying to make.

11 Thank you, Jason. Yes.

12 MR. TUVEL: Okay.

13 CHAIRMAN HOLTZMAN: Are there any other  
14 questions from the Commissioners?

15 Otherwise, we can circle back.

16 We are going to open it up to the  
17 public.

18 Is there anyone from the public who  
19 would like to speak?

20 Ms. Choma.

21 MR. GALVIN: Raise your right hand.

22 Do you swear to tell the truth, the  
23 whole truth, and nothing but the truth so help you  
24 God?

25 MS. CHOMA: Yes, I do.

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

3                   MS. CHOMA: Andrienne Choma, C-h-o-m-a.

4                   MR. GALVIN: Street address?

5                   MS. CHOMA: 732 Hudson Street.

6                   MR. GALVIN: All right. You may  
7 proceed.

8                   MS. CHOMA: Yes.

9                   I would just like to say as a neighbor  
10 of the Davidson Lab living on Hudson Street, I see  
11 the development and the improvement of the lab as a  
12 very positive step.

13                   First of all, the stormwater runoff has  
14 been a significant issue over time to some neighbors  
15 more than others, and it has created problems,  
16 significant problems in the basements of some  
17 people, so I am glad that you are looking into the  
18 adequacy of the system.

19                   But given that there's nothing there  
20 now, this is nothing but an improvement.

21                   Secondly, esthetically, nobody can  
22 argue with regard to the testimony that this is  
23 really an eyesore of a building, and the improvement  
24 to the facade of the building is going to only  
25 enhance the appeal of the neighborhood and be a

1 positive development for the community and for the  
2 neighbors, and the addition of the roof is not going  
3 to be visible.

4 There has been from my interactions  
5 with my neighbors, and I don't mean to testify on  
6 anybody else's behalf, this is a very positive  
7 development by Stevens, and I support it.

8 CHAIRMAN HOLTZMAN: Okay.

9 I understand that Stevens has also  
10 reached out to some of the neighbors and kind of  
11 involved you guys with some of the things that they  
12 are implementing on their campus.

13 MS. CHOMA: Yes, absolutely.

14 Actually I was the founder of the  
15 Hudson Street Alliance. I organized the community  
16 against the Gateway complex, and over time we had  
17 numerous meetings with the Stevens' staff, and they  
18 have completely changed their program to accommodate  
19 our concerns. They worked very cooperatively with  
20 us, and I now became a strong supporter of their  
21 Gateway complex plan as well.

22 CHAIRMAN HOLTZMAN: Great.

23 Thank you for your help.

24 MS. CHOMA: Thank you.

25 CHAIRMAN HOLTZMAN: Any other questions

1 for the applicant here, the architect, the engineer,  
2 or any other questions or comments from the  
3 Commissioners?

4 COMMISSIONER MC KENZIE: Yeah, I have  
5 one.

6 CHAIRMAN HOLTZMAN: Go ahead, Caleb.

7 COMMISSIONER MC KENZIE: I would like  
8 to go on the record that it is my professional  
9 opinion as Vice-President of the Illuminating  
10 Engineers Society of New York City and as a  
11 principal of U.S. Lighting, that I don't believe  
12 that is adequate lighting on those stairs for 2015,  
13 and what was good for 1920 is probably not good for  
14 2015, and I worry about egress from that.

15 I know it is not a door that will be in  
16 use constantly, but as it is in use, I think it  
17 should be relooked at.

18 MR. TUVEL: Okay.

19 CHAIRMAN HOLTZMAN: Hold on.

20 So I am going to make a suggestion that  
21 obviously Commissioner McKenzie has got some serious  
22 credentials with regards to this fact.

23 MR. TUVEL: Sure.

24 CHAIRMAN HOLTZMAN: So obviously the  
25 same way that you are going to circle back with our

1 engineer and see if there is additional drainage  
2 that we can implement, we are going to take a look  
3 at the foot candles and all of the other technical  
4 aspects of the lighting that falls on that, and we  
5 will get that ironed out.

6 MR. TUVEL: That is what I was going to  
7 suggest. That's fine.

8 COMMISSIONER MC KENZIE: Thank you.

9 CHAIRMAN HOLTZMAN: Dennis has a list  
10 here of a couple of conditions. He is still typing  
11 away, so I will let him finish for a second, and  
12 then we will read those out, and we will see if the  
13 Commissioners would like to move forward.

14 (Pause in proceedings)

15 CHAIRMAN HOLTZMAN: Okay. So why don't  
16 you read them and we will start?

17 MR. GALVIN: All right.

18 When the applicant presents its Babbio  
19 Garage final site plan, it will count four of its  
20 parking spaces as being utilized by the addition to  
21 the ABS Lab.

22 VICE CHAIR MAGALETTA: Or Griffith  
23 parking.

24 MR. TUVEL: Yeah. I was going to say,  
25 we have to provide that we have four additional

1 spaces --

2 CHAIRMAN HOLTZMAN: Right. They also  
3 have the Waterfront Park --

4 MR. GALVIN: There is a reason for why  
5 I am doing this.

6 CHAIRMAN HOLTZMAN: Go ahead.

7 MR. GALVIN: I anticipate we are going  
8 to get the Babbio Garage in the not in too distant  
9 future --

10 MR. TUVEL: Yes.

11 MR. GALVIN: -- there is a lot of  
12 commitments being placed on the Babbio Garage, and I  
13 want to make sure that when we do the engineering,  
14 you know, we don't recount the same parking spaces  
15 over and over, you know.

16 In other words, I am not thinking about  
17 this application. I am thinking about the next  
18 application.

19 VICE CHAIR MAGALETTA: I understand  
20 that, but the problem with that is, this application  
21 that we're looking at, so if you just put them in as  
22 an option, I understand --

23 MR. GALVIN: But it has no control over  
24 what they are doing here.

25 VICE CHAIR MAGALETTA: -- there could

1 be a reference.

2 I understand what you are saying, but  
3 his representation is that it's either/or, either  
4 one, which is fine.

5 CHAIRMAN HOLTZMAN: They have the  
6 obligation to provide them.

7 VICE CHAIR MAGALETTA: Right.

8 MR. TUVEL: My only concern is that if  
9 this building gets built first, I don't know what  
10 the construction time lines are going to be. But,  
11 for example, if this building is constructed and  
12 ready to open --

13 MR. GALVIN: If Babbio is going to have  
14 400 parking -- whenever -- I'm not making any --  
15 guys, do you understand what I am doing here?

16 CHAIRMAN HOLTZMAN: No, we don't.

17 MR. GALVIN: You don't, but let me try  
18 to clarify it.

19 I am not trying to make them provide  
20 any parking in any particular location.

21 All I am seeing is I am seeing into  
22 future, and I know the Babbio is going to come in  
23 for final site plan approval.

24 When it does, they are going to make an  
25 accounting of the parking spaces, and what I'm

1 saying is, they are going to say that X amount of  
2 parking spaces are owed to 611 Hudson, which is the  
3 Gateway project, and then Babbio needs to produce  
4 this. And I'm saying when they make that traffic  
5 count of how many parking spaces are dedicated to  
6 which uses, that they attribute four to this  
7 location.

8 VICE CHAIR MAGALETTA: Well, to make it  
9 easier, strike Babbio, and just say that they will  
10 represent that they have four parking spaces,  
11 and they'll represent however they do it --

12 MR. GALVIN: That won't solve my  
13 concern, though, of them accounting for it when they  
14 come in on --

15 COMMISSIONER FORBES: I --

16 CHAIRMAN HOLTZMAN: Director?

17 COMMISSIONER FORBES: Yes. I have a  
18 suggestion.

19 It would be if the parking spaces are  
20 going to be provided at the Babbio, because we know  
21 that they are going to have to demonstrate, then it  
22 needs to be demonstrated on the Babbio application.

23 MR. GALVIN: Okay.

24 COMMISSIONER FORBES: That gives them  
25 the option that they can be providing those at the

1 other location.

2 VICE CHAIR MAGALETTA: So somebody has  
3 to make a notation on the Babbio application when  
4 it's concluded, which is fine.

5 CHAIRMAN HOLTZMAN: We want to make  
6 sure you are not double counting the whole thing six  
7 times, right? That's what we're trying to prevent.

8 MR. TUVEL: I understand. I  
9 understand.

10 CHAIRMAN HOLTZMAN: We will figure out  
11 the language later.

12 MR. GALVIN: Okay. Got it.

13 Two: Future signs are to be reviewed  
14 and approved by the Planning Board, so you can't  
15 just go to the zoning officer.

16 MR. TUVEL: That's fine.

17 MR. GALVIN: Three: Stoops and  
18 sidewalk along Hudson Street will be replaced.

19 Four: The trees on Hudson Street will  
20 be replaced.

21 CHAIRMAN HOLTZMAN: Hang on.

22 It's stoops and sidewalks will be  
23 replaced, but that implies all of them being  
24 replaced.

25 MR. TUVEL: I believe the testimony was

1           that the stoops and the railing will be repaired and  
2           replaced as required.

3                           (Counsel confers)

4                   CHAIRMAN HOLTZMAN:  There are numerous  
5           sections of the sidewalk that are certainly damaged  
6           beyond repair that need replacing.  We are all in  
7           agreement on that, correct?

8                   MR. TUVEL:  Correct.

9                   The stoops I believe are remaining in  
10          place.

11                   MR. ROBERTS:  Right.  The railings and  
12          the sidewalks.

13                   MR. GALVIN:  I'm just saying Frank and  
14          I agree.  There was testimony.  It was said.

15                   MR. TUVEL:  Then I apologize.  That was  
16          a mistake.

17                   MR. GALVIN:  Okay.  All right.

18                   So we are going to say the sidewalks --

19                   CHAIRMAN HOLTZMAN:  Stoop -- well, not  
20          the stoop, but the sidewalk --

21                   VICE CHAIR MAGALETTA:  And rails.

22                   MR. GALVIN:  Rails?

23                   MR. TUVEL:  Uh-huh.

24                   CHAIRMAN HOLTZMAN:  Replaced.

25                   MR. GALVIN:  Are they all being

1 repaired?

2 CHAIRMAN HOLTZMAN: No. Repaired or  
3 replaced as needed, which will be reviewed by the  
4 engineer, as to the sidewalk needs replacing, not  
5 repairing.

6 MR. GALVIN: At the discretion of the  
7 Board's Engineer.

8 CHAIRMAN HOLTZMAN: Correct.

9 MR. TUVEL: Fine.

10 MR. GALVIN: The trees on Hudson Street  
11 will be replaced.

12 What are we replacing them with, and  
13 what is going to be the width at time of planting?

14 CHAIRMAN HOLTZMAN: How many are we  
15 replacing now?

16 MR. ROBERTS: Mr. Chairman, if I might,  
17 that came from a comment in our letter to the SSP,  
18 and it was really just a matter of if the trees were  
19 of a type and a nature where they could be replaced  
20 somewhere else on the campus.

21 CHAIRMAN HOLTZMAN: And everybody  
22 agrees that they are beyond their useful life.

23 MR. ROBERTS: Right. But if they are  
24 black cherries and they are overgrown, there is no  
25 need to replace them, in my opinion.

1                   CHAIRMAN HOLTZMAN: Right. But they  
2 said that they were going to replace them.

3                   COMMISSIONER DOYLE: Remove them.

4                   MR. ROBERTS: Right. Well, they were  
5 offering to do like a tree replacement, and I was  
6 looking to just save the ones that were already  
7 there.

8                   CHAIRMAN HOLTZMAN: Sure.

9                   And how many are we getting rid of?

10                  MR. ROBERTS: Three.

11                  MR. TUVEL: Our testimony was, and it  
12 was in Mr. Roberts' letter that we should replace or  
13 relocate the trees, so we didn't want to save these  
14 because they weren't in good shape, but if it's the  
15 Board's preference that we put three trees somewhere  
16 else --

17                  CHAIRMAN HOLTZMAN: How about you plant  
18 three new trees some place else?

19                  You got that?

20                  At a caliber that our engineer will  
21 give you as a standard that our Shade Tree  
22 Commission sets as a minimum standard, so that it's  
23 a survivable tree in an urban setting.

24                  MR. TUVEL: Yes. That was the  
25 testimony and that's fine.

1                   CHAIRMAN HOLTZMAN: Great.

2                   MR. GALVIN: All right.

3                   The applicant agreed to plant three  
4 trees somewhere on the campus.

5                   Is that --

6                   MR. TUVEL: Yes.

7                   MR. GALVIN: -- in consultation with  
8 the Board's Planner.

9                   CHAIRMAN HOLTZMAN: Engineer.

10                  MR. GALVIN: Five: The fencing is  
11 going to be removed, but reinstalled once the work  
12 is done.

13                  MR. TUVEL: Right.

14                  MR. GALVIN: Six: The applicant is to  
15 install a bio retention swale as described to the  
16 Board at the time of the hearing.

17                  Seven: The applicant agreed to work  
18 with the Board's Engineer to make its best effort to  
19 divert more of the stormwater runoff from the  
20 municipal sewer system.

21                  Is that okay?

22                  CHAIRMAN HOLTZMAN: Right.

23                  The goal is to at least achieve the  
24 water that's falling on the new barrel roof.

25                  That's the goal.

1                   MR. TUVEL: Right. We would work with  
2 your engineer to try to get as much of the water off  
3 the barrel roof as possible into the detention  
4 system. That is fair.

5                   MR. GALVIN: Eight: The applicant is  
6 to cooperate with the Board Engineer to determine if  
7 the facade lighting --

8                   CHAIRMAN HOLTZMAN: Is adequate.

9                   MR. GALVIN: -- I was going to say  
10 needs to be upgraded.

11                   Is that okay?

12                   MR. TUBEL: Was the concern on both  
13 elevations or just the west elevation?

14                   COMMISSIONER MC KENZIE: No. I'm just  
15 talking about the Hudson Street elevation.

16                   MR. TUVEL: Hudson Street elevation.

17                   (Board members confer)

18                   MR. GALVIN: That is all I have.

19                   CHAIRMAN HOLTZMAN: All right.

20                   So that is eight conditions what Dennis  
21 read.

22                   Commissioner Graham?

23                   COMMISSIONER GRAHAM: I don't have a  
24 condition, but you opened up some issues that were  
25 sort in the back of my mind.

1                   I don't know whether, and perhaps  
2                   Stevens does, has a master plan of all of the  
3                   construction that it is doing, it seems like there  
4                   is a lot of potential and actual construction that's  
5                   going to be going on there in the next few years,  
6                   and is that too much for the neighborhood or is that  
7                   being worked on with the neighborhood?

8                   It sounds like from Ms. Choma's point  
9                   of view, that it is okay. But you talked about this  
10                  project, the Babbio Center, the other one that's a  
11                  potential in front of the Zoning Board. That is a  
12                  lot for a small area that's within a one or two  
13                  block area.

14                  CHAIRMAN HOLTZMAN: That is a wonderful  
15                  point, Commission Graham.

16                  Thank you for bringing that up.

17                  COMMISSIONER GRAHAM: Well, thank you,  
18                  Gary. I really appreciate it.

19                  CHAIRMAN HOLTZMAN: I hope, Mr. Tovel,  
20                  that you can take that under advisement,  
21                  Commissioner Graham's concerns, which is the concern  
22                  that this Board has had for some time with our  
23                  friends at Stevens, and perhaps you can provide us  
24                  with some type of a master plan or outline, so that  
25                  we can take all of these small elements that you

1 keep presenting to our multiple municipal boards and  
2 look at them in a little bit more of a holistic  
3 manner.

4 MR. TUVEL: What I was going to advise  
5 on the construction, what we have done with the  
6 Gateway so far is we did meet with the OEM manager  
7 of the city to see if he found it to be acceptable,  
8 the proposed construction management of the site,  
9 and I believe that he did.

10 We are going to do that as well for  
11 this project to ensure that what we are doing on the  
12 site is acceptable in the way that we are bringing  
13 materials here and things of that nature.

14 CHAIRMAN HOLTZMAN: That has nothing I  
15 don't think to do with what Commissioner Graham was  
16 talking about.

17 MR. TUVEL: I thought it was related to  
18 construction.

19 CHAIRMAN HOLTZMAN: Absolutely not.  
20 But it has to do with all of the different  
21 activities going on in Stevens, which each one by  
22 itself may be incrementally acceptable, but I think  
23 that there is no examination at least from the  
24 municipal boards' perspective as to what is the  
25 master plan, what is the end goal, where are all of

1       these different projects going.

2                   We are certainly happy to cooperate,  
3       and I think we have gotten off to a very good start  
4       here on the Planning Board, and it would be nice if  
5       we got the big story.

6                   So I hope that you can sit down with  
7       your client and maybe circle back with us one day in  
8       the future, and we welcome you back here to the  
9       Planning Board to present to us in an informal  
10      setting some type of a master long-term plan. It  
11      doesn't have to be a hearing, but more like a work  
12      session, conversational situation.

13                  MR. TUVEL: I will speak with them, and  
14      I think it is a good idea.

15                  CHAIRMAN HOLTZMAN: Thank you.

16                  Any other Commissioners have any  
17      questions or comments, or is there a motion to  
18      accept the eight recommendations?

19                  Yes, Councilman?

20                  COMMISSIONER DOYLE: Could Mr. Galvin  
21      please read back the seventh one or whichever one  
22      was the barrel roof one?

23                  CHAIRMAN HOLTZMAN: The barrel roof  
24      one?

25                  MR. GALVIN: Sure. The applicant

1       agreed to work with the Board's engineer to make its  
2       best effort to divert more of the stormwater runoff  
3       from the roof and away from the municipal sewer  
4       system.

5                   COMMISSIONER DOYLE:  I mean, there is  
6       three different roofs -- four different roofs, if  
7       you go -- the annex.

8                   I thought -- I mean, while I would love  
9       to get 100 percent, I thought the question was the  
10      barrel roof in particular.

11                  CHAIRMAN HOLTZMAN:  I think we are  
12      going to let the engineer figure out what is  
13      actually feasible, if you trust our engineering team  
14      to be able to do that.

15                  That is really the question, because we  
16      are not going to sit here tonight and figure out  
17      barrel roof versus flat roof versus the annex roof.  
18      We are not going to be able to get that solved.

19                  MR. GALVIN:  Well, Mr. Missey said --

20                  COMMISSIONER DOYLE:  This is predatory  
21      language.  It's just saying they are going to do the  
22      best they can to try to achieve, so we are already  
23      in a situation where we are not defining and  
24      dictating specifically information --

25                  CHAIRMAN HOLTZMAN:  Mr. Tuvel, can we

1 set a minimum that we have got a standard of 55  
2 percent that you are diverting currently, and that  
3 we're going to try to do better than 44 percent, but  
4 my 55 percent is locked in?

5 MR. TUVEL: Let me check with the  
6 engineer to make sure.

7 MR. SOBOLTA: Yes.

8 (Laughter)

9 MR. TUVEL: Okay. So we are good with  
10 that. They don't -- that's my authority --

11 (Board members confer)

12 MR. GALVIN: The representation Mr.  
13 Missey made was that he was going to try to increase  
14 the system -- he might be able to increase it 35  
15 percent.

16 Mr. Missey, I'm sorry.

17 Did you guys do it collectively?

18 You guys were talking about increasing  
19 it. You might be able to get up to 35 percent, is  
20 that a little bit too --

21 MS. MISSEY: No. I was going to just  
22 say I hope I don't have to guess, but it's --

23 MR. GALVIN: I am not asking you to  
24 guess.

25 I'm going to work you backwards, okay?

1 I am not asking you to guess.

2 I am saying, doing simple math, 35 and  
3 55 is 90. That is a pretty high percentage of the  
4 roof.

5 What do you think is realistic?

6 We are at 55 now.

7 Give me at least a percentage.

8 MS. MISSEY: I think 75, Mr. Galvin.

9 MR. GALVIN: Okay.

10 MR. TUVEL: We'll do our best.

11 MR. GALVIN: We'll try to achieve 75  
12 percent.

13 The applicant agreed to work with the  
14 Board with its best effort to divert more of this  
15 stormwater --

16 CHAIRMAN HOLTZMAN: We are at minimum a  
17 of 55, and we're going to attempt to achieve 75  
18 percent.

19 Good with that, Mr. Tuvel?

20 MR. TUVEL: I am fine.

21 CHAIRMAN HOLTZMAN: Thank you.

22 Is there is a motion on the floor to  
23 accept these conditions?

24 COMMISSIONER GRAHAM: So moved.

25 COMMISSIONER PEENE: Second.

1 CHAIRMAN HOLTZMAN: Pat?  
2 Was that Ryan for the second?  
3 COMMISSIONER PEENE: Yes.  
4 MS. CARCONE: Okay.  
5 Commissioner Magaletta?  
6 VICE CHAIR MAGALETTA: Yes.  
7 MS. CARCONE: Commissioner Stratton?  
8 COMMISSIONER STRATTON: Yes.  
9 MS. CARCONE: Commissioner Forbes?  
10 COMMISSIONER FORBES: Yes.  
11 MS. CARCONE: Commissioner Doyle?  
12 COMMISSIONER DOYLE: Yes.  
13 MS. CARCONE: Commissioner Graham?  
14 COMMISSIONER GRAHAM: Yes.  
15 MS. CARCONE: Commissioner Mc Kenzie?  
16 COMMISSIONER MC KENZIE: Yes.  
17 MS. CARCONE: Commissioner Pinchevsky?  
18 COMMISSIONER PINCHEVSKY: Yes.  
19 MS. CARCONE: Commissioner Peene?  
20 COMMISSIONER PEENE: Yes.  
21 MS. CARCONE: Commissioner Holtzman?  
22 CHAIRMAN HOLTZMAN: Yes.  
23 MR. TUVEL: Thank you very much.  
24 CHAIRMAN HOLTZMAN: Thank you, Mr.  
25 Tuvell. Thank you

1                   We are going to take a five-minute  
2       break for our stenographer and then we'll go on  
3       here.

4                   (Recess taken)

5                   (The matter concluded.)

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C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CCR, CRCR

-----  
PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300  
Notary Public of the State of New Jersey  
My commission expires 11/5/2015.  
Dated: 8/10/15  
This transcript was prepared in accordance with  
NJAC 13:43-5.9.

CITY OF HOBOKEN PLANNING BOARD

1  
 2       - - - - - X  
 RE: 51 Garden Street a/k/a 50       :  
 3 Bloomfield                        : August 4, 2015  
 Block 186, Lot 1                    : 8:30 p.m.  
 4 Applicant: Observer Park         :  
 Residential, LLC                    :  
 5 Amendment to Site Plan to expand a :  
 previously approved roof deck over :  
 6 the exposed roof of the 3rd parking :  
 level in the R-1 Zone               :  
 7       - - - - - X

8  
 Held At: 94 Washington Street  
 9                                   Hoboken, New Jersey

B E F O R E:

- 10  
 11 Chairman Gary Holtzman  
 12 Vice Chair Frank Magaletta  
 Commissioner Caleb Stratton  
 13 Commissioner Brandy Forbes  
 Commissioner Jim Doyle  
 14 Commissioner Ann Graham  
 Commissioner Caleb McKenzie  
 15 Commissioner Rami Pinchevsky  
 Commissioner Ryan Peene

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

- 16  
 17           David Glynn Roberts, AICP/PP, LLA, RLA  
 18           Board Planner  
 19           Joseph R. Venezia, PE, PP, CME, CPWM  
 Acting Board Engineer  
 20  
 21           Patricia Carcone, Board Secretary

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 25

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## I N D E X

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WITNESS

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MARC LANDOW

93 &amp; 142

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ERIK SABOTKA

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JOSEPH BADOLATO

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## E X H I B I T S

12

13

EXHIBIT NO.

DESCRIPTION

PAGE

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A-1

Aerial overhead

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Photograph

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Lighting Plan

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Photograph

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Photograph

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Landscape Plan

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Management Plan

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25

1                   CHAIRMAN HOLTZMAN:   Okay.  We are going  
2   to get started.

3                   Is this Mr. Rhatican?

4                   MR. TRAUTNER:   Actually this is Mr.  
5   Trautner.  My name is Thomas Trautner.  I'm an  
6   attorney at Jay's firm.  I am substituting tonight.  
7   Jay was fortunate enough to schedule vacation and  
8   leave this task to me.

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

11                  MR. TRAUTNER:   Sure.  It's Trautner,  
12   T-r-a-u-t-n, as in Nathan, e-r.

13                  MR. GALVIN:    All right.

14                  CHAIRMAN HOLTZMAN:  Great.

15                  Please proceed.

16                  MR. TRAUTNER:   Certainly.

17                  So, again, we are here for the  
18   applicant, Observer Park Residential, LLC.  We are  
19   here for an amended site plan approval with respect  
20   to certain replacement of existing improvements on  
21   an existing roof deck.

22                  It is an exposed roof on the third  
23   floor parking level of the building.  It's Block  
24   186, Lot 1.  It is commonly known as 51 Garden  
25   Street.

1                   As you will hear in testimony tonight,  
2                   as a result of the discovery of certain building  
3                   leaks in the membrane of the deck and a desire to  
4                   improve to remain competitive, it is an apartment  
5                   building at issue, and as well as to provide an  
6                   amenity for our residents.

7                   We are proposing to demolish and  
8                   replace existing improvements on the lower deck and  
9                   install a receiving area, a new glass railing,  
10                  create some lighting, some landscaping. Ultimately  
11                  we are not increasing the size of the roof deck.

12                  There was a suggestion, I think in the  
13                  agenda for this evening, but it is not an increase  
14                  in size. It's just a replacement of the existing  
15                  improvements on the deck. We are not seeking any  
16                  variances.

17                  In support of the application, you are  
18                  going to hear testimony tonight from Mr. Marc  
19                  Landow, the owner of Landow Associates, a  
20                  professional architect.

21                  Mr. Chairman, with your permission, I  
22                  will ask Mr. Landow to come up.

23                  MR. GALVIN: Raise your right hand.

24                  Do you swear to tell the truth, the  
25                  whole truth, and nothing but the truth so help you

1 God?

2 MR. LANDOW: I do.

3 M A R C L A N D O W, having been duly sworn,  
4 testified as follows:

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

7 THE WITNESS: Mark Landow, L-a-n-d-o-w.

8 MR. GALVIN: Okay. And your  
9 credentials?

10 THE WITNESS: I'm a partner at Landow &  
11 Landow Architects. I've been with the firm since  
12 1991.

13 I have a bachelor's degree and a  
14 master's degree in architecture from the University  
15 of Pennsylvania.

16 MR. GALVIN: Let me ask, are you  
17 licensed in New Jersey?

18 CHAIRMAN HOLTZMAN: Licensed in New  
19 Jersey?

20 THE WITNESS: Yes, I am.

21 MR. GALVIN: And give me three Boards  
22 that you appeared before recently.

23 THE WITNESS: I have appeared with  
24 members of my firm in Dobbs Ferry, New York,  
25 Huntington, New York, and several community boards

1 in Brooklyn, New York.

2 CHAIRMAN HOLTZMAN: Anything in New  
3 Jersey?

4 THE WITNESS: No.

5 CHAIRMAN HOLTZMAN: Okay.

6 MR. GALVIN: But he is licensed in New  
7 Jersey, so I recommend that we accept his  
8 credentials.

9 CHAIRMAN HOLTZMAN: I would agree.

10 Thank you.

11 Please proceed.

12 THE WITNESS: Thank you, Mr. Chairman.

13 MR. GALVIN: Now you can tell them  
14 Hoboken when you go to the next one.

15 CHAIRMAN HOLTZMAN: There you go. Now  
16 you got New Jersey in your hat.

17 (Laughter)

18 MR. TRAUTNER: Mr. Landow, are you  
19 familiar with the site that's the subject of  
20 tonight's application?

21 THE WITNESS: I am.

22 MR. TRAUTNER: And you visited the  
23 site?

24 THE WITNESS: Many times.

25 MR. TRAUTNER: And you are familiar

1 with the overall project?

2 THE WITNESS: Yes.

3 MR. TRAUTNER: Actually just to get  
4 things started, these, Mr. Landow, I would like to  
5 mark as Exhibit A-1. It is an aerial overhead of  
6 the proposed site.

7 (Exhibit A-1 marked.)

8 Mr. Landow, with your cooperation could  
9 you orientate the Board to the site of the proposed  
10 application?

11 THE WITNESS: Sure.

12 Observer Park is a 115-unit and a tall  
13 residential building. The first three floors of the  
14 building are parking, and then there's nine stories  
15 of apartments above. It is a U-shaped bordered on  
16 Garden Street and Bloomfield Street. The only  
17 adjacent neighbor is at Columbian Towers, which is  
18 an elderly housing building next door.

19 MR. TRAUTNER: Mr. Chairman, I will  
20 mark a second exhibit. It is a photograph that I  
21 believe was submitted with the Board packet.

22 (Exhibit A-2 marked.)

23 But I will make a representation, Mr.  
24 Landow, that this is a photograph.

25 CHAIRMAN HOLTZMAN: So that is A-2?

1 MR. TRAUTNER: It's been marked A-1.

2 Mr. Landow, are you familiar with the  
3 photograph?

4 THE WITNESS: I am. This is a  
5 photograph that I took in the last year from Garden  
6 Street, so the building on your right here is  
7 Columbian Towers --

8 VICE CHAIR MAGALETTA: On your left.

9 (Laughter)

10 THE WITNESS: -- my left -- my right,  
11 your left, and the towers in question is in this  
12 area here, which faces north towards the Columbian  
13 Towers' property.

14 MR. TRAUTNER: Mr. Chairman, with your  
15 permission, if anybody would like to see the  
16 photograph, I'll circulate it.

17 In order to move things along, Mr.  
18 Landow, why don't we move to I think the proposed  
19 construction plan?

20 If you could, this is the proposed  
21 construction plan submitted with the packet A-02.0,  
22 if you could describe the roof deck.

23 THE WITNESS: Sure.

24 The existing roof deck, which measures  
25 approximately 60 feet by 60 feet is opened on the

1 north end and surrounded by the building on the  
2 other three sides. There are two apartments on each  
3 side, and on the south end is the fitness center for  
4 the building and the laundry room for the building.

5 It was discovered that water was  
6 leaking into the building in the area of the fitness  
7 center as well as in several apartments.

8 An investigation was done by Consulting  
9 Associates of New York, a building envelope  
10 consultant, as well as probes, and they determined  
11 that the perimeter flashing, which was original to  
12 the building and had been modified during the time  
13 the building -- since the building was built in  
14 1991, that that perimeter flashing had failed, which  
15 was the cause of those leaks.

16 Also, during the probe it was  
17 determined that the waterproofing membrane covering  
18 the entire terrace, which was also original to the  
19 building from 1991, had outlived its useful life  
20 span and was also in need of repair.

21 The terrace is accessed from two doors,  
22 two out-swinging doors, one from the laundry room  
23 and one from the fitness center, and again, it's  
24 only open to the outside on the north side.

25 MR. TRAUTNER: Mr. Landow, could you

1 describe for the Board the proposed work that is  
2 intended with respect to the improvements?

3 THE WITNESS: So in terms of the  
4 failures of the waterproofing membrane and of the  
5 flashing, all of the perimeter flashing is going to  
6 be replaced, and in order to get to the waterproof  
7 membrane, we need to remove all of the overburdened  
8 improvements that are on the roof. That includes  
9 existing planters, existing pavers, the existing  
10 waterproofing membrane, the plant materials, the  
11 built-in benches, built-in lighting, so all of that  
12 needs to come off in order to replace the waterproof  
13 membrane.

14 There are three roof drains serving the  
15 terrace as well as two overflow scuppers on the  
16 north side.

17 MR. TRAUTNER: Now, if I might refer  
18 the Board now to the furniture and equipment?

19 THE WITNESS: Sure. A-04.

20 CHAIRMAN HOLTZMAN: So what sheet are  
21 you on?

22 THE WITNESS: It's A-04.0.

23 MR. TRAUTNER: Mr. Landow, again, if  
24 you could orientate the Board as to what is being  
25 proposed to be replaced after the demolition?

1                   THE WITNESS: The existing terrace,  
2                   which has built-in planting beds and an open area on  
3                   the north side, because of the fact that we need to  
4                   do this renovation to replace the existing  
5                   waterproofing and flashing, the owner wants to take  
6                   advantage of that opportunity by making the space  
7                   more usable for the residents of the building.

8                   At the time this building was built,  
9                   amenities, public amenities in the building for use  
10                  of the residents was not a popular item put into  
11                  buildings like this, but it has become popular and a  
12                  necessity in order for them to be competitive with  
13                  their neighbors, all of whom have these type of  
14                  public and usable amenities.

15                  So the plan is to create a turf lawn in  
16                  the center. This would be an artificial turf lawn.  
17                  Because the terrace faces north, there is very  
18                  little natural light even in the daytime. The  
19                  terrace is surrounded again by 90 foot walls on all  
20                  three sides, and the only open section is the north.

21                  So even deep into this space, there is  
22                  very little light during the day, so the artificial  
23                  turf lawn gives us the ability to have green without  
24                  having to worry about constantly replacing  
25                  landscaping, which is what they are going through

1 now.

2 We also have perimeter planters on both  
3 sides, and as a response to comments that we  
4 received during our preliminary meeting, we added  
5 additional planters. We removed some seating, so we  
6 added planters on each side of the seating areas.

7 We have some wood deck seating areas,  
8 four of them in the corners, as well as open seating  
9 here, and then two barbecue grills that will be fed  
10 with natural gas, which is also as a response to  
11 comments we received. We do have natural gas in the  
12 building, so the grills will be fed by natural gas.

13 MR. TRAUTNER: So just to clarify, Mr.  
14 Landow, so that will be a natural gas line?

15 THE WITNESS: Yes. We have natural gas  
16 in the laundry room, and we are going to extend that  
17 line to the grills.

18 MR. TRAUTNER: And, Mr. Landow, the  
19 work that's being done is consistent with the  
20 building code and the zoning ordinance, to your  
21 knowledge?

22 THE WITNESS: Yes. All the materials  
23 being used are fire treated or fire resistant  
24 materials. The wood decking is originally a  
25 hardwood called Epay, so it carries a Class A fire

1 rating. The pavers are all concrete pavers, so  
2 everything meets those aspects of the code.

3 We are required to have three feet  
4 around the egress areas, and we actually have five  
5 foot around each of the egress areas.

6 We are replacing the wrought iron  
7 railing that's in need of repair and replacing that  
8 with a 42-inch high glass railing.

9 As far as the other ordinances, we have  
10 lighting. All of our lighting, we have 15 LED  
11 energy efficient light columns on the perimeter.  
12 Each of those fixtures is a shielded fixture and  
13 currently shielded in the design is only a  
14 down-light component. There's no up-light  
15 component. They are made of the same Epay wood as  
16 the decking material.

17 And as a response to comments we  
18 received last time, we rotated the three fixtures 90  
19 degrees that face the open end of the terrace  
20 restricting the light that can spread beyond our  
21 property, and we also pulled those fixtures back by  
22 several feet away from it, so we have a new  
23 photometric diagram, which we'll show you. It shows  
24 that there's is no light spillage from this  
25 property.

1                   MR. TRAUTNER: And just to pick up on a  
2 point you had testified about a moment ago, you  
3 talked about the fact that there was difficulty  
4 maintaining the green areas because of the existing  
5 shade, the visible location of the deck within the  
6 structure.

7                   Is there a difficulty that was had in  
8 terms of being able to access --

9                   THE WITNESS: Yes. This terrace is only  
10 accessed through the small residential lobby and the  
11 single residential elevator on each side of the  
12 building, and then through residential hallways or  
13 through the fitness center or the laundry room.

14                   So for landscaping personnel to access  
15 this to bring in equipment or to bring in  
16 replacement plants became difficult and ultimately a  
17 real nightmare for them in terms of maintaining the  
18 landscaping.

19                   So working with Jim Landow, who is the  
20 landscape architect on the project, who  
21 unfortunately couldn't be here tonight, he selected  
22 species of plants that are designed to grow in low  
23 light shaded areas, that they are also readily  
24 available in all New Jersey nurseries, so if a  
25 replacement is needed, they are relatively small,

1 and they could easily be brought in and maintained.

2 MR. TRAUTNER: Before we get there  
3 actually, why don't we go to back the lighting and  
4 maybe we can mark for the Board the updated lighting  
5 plans to discuss it a little further.

6 THE WITNESS: So --

7 MR. TRAUTNER: Mr. Chairman, with your  
8 permission, I am going to mark this as Exhibit A-3.  
9 I believe this has been updated since the time of  
10 the last submission.

11 (Exhibit A-3 marked)

12 THE WITNESS: So when you take a closer  
13 look, I'm sure you can't see it from here, but you  
14 will see that our property line is five feet out  
15 from the building, and you see it is all zeros as  
16 far as the foot candles beyond that point in the  
17 property.

18 These are the three fixtures I  
19 mentioned earlier. They are rotated 90 degrees and  
20 pulled back.

21 The fixture that we selected, which is  
22 manufactured by a company called Structure, again,  
23 it has some intense light around the fixture, but  
24 three or four feet from the fixture, it is somewhat  
25 diffused. And if you look at the overall foot

1 candles, you see the center, this faces one, two,  
2 and three, so it is very poor light.

3 MR. ROBERTS: A question on that. I  
4 know it is effectively a light post.

5 THE WITNESS: Correct.

6 MR. ROBERTS: I am just thinking in  
7 terms of the folks that are in the neighboring  
8 senior building looking down towards the deck, do  
9 they see any exposed portion of the fixture?

10 THE WITNESS: None at all.

11 Actually here is a blowup of the  
12 fixture, but there is no up-light components.

13 MR. ROBERTS: Okay. That is what I  
14 thought I said. I just wanted to confirm for the  
15 record that the fixture is totally covered from the  
16 top.

17 MR. TRAUTNER: The top is solid and the  
18 light is inside --

19 MR. ROBERTS: There's no opening at the  
20 top?

21 THE WITNESS: No opening at the top  
22 whatsoever,

23 MR. TRAUTNER: Again, Mr. Landow, so if  
24 my understanding is correct, there is a zero light  
25 spillage that is coming over the side to the

1 neighboring property?

2 THE WITNESS: Right.

3 The other thing to point out, and I  
4 think we showed it in one of these photographs, but  
5 Columbian Towers has 24-hour lighting on their  
6 property adjacent to this, so they are already  
7 lighting that part of their property, but we are 30  
8 feet up in the air, and we're not spilling anything  
9 onto their property.

10 COMMISSIONER DOYLE: Is this -- may I  
11 ask a question?

12 CHAIRMAN HOLTZMAN: Sure. Go ahead.

13 COMMISSIONER DOYLE: These numbers are  
14 at 30 feet in the air?

15 THE WITNESS: That calculation is based  
16 upon --

17 COMMISSIONER DOYLE: Is it a plane?

18 THE WITNESS: -- the ground, so the  
19 manufacturer did a calculation, and in essence  
20 dropped the ground plain down to where it really is  
21 once you pass the building.

22 COMMISSIONER DOYLE: So if you are 30  
23 feet below this deck, you are not going to see the  
24 light --

25 THE WITNESS: Correct --

1 COMMISSIONER DOYLE: -- is what you are  
2 saying?

3 THE WITNESS: -- right. None of that  
4 light is going to reach the ground.

5 COMMISSIONER DOYLE: Okay.

6 MR. TRAUTNER: And just to give the  
7 Board perspective --

8 CHAIRMAN HOLTZMAN: Go ahead, Jim.

9 MR. TRAUTNER: -- I'm sorry.

10 COMMISSIONER DOYLE: But I am thinking  
11 about the third story of the building next door as  
12 opposed to somebody who is standing 30 feet down --

13 THE WITNESS: Yeah. Our building, if I  
14 could flip back -- their building is here. Our  
15 terrace is here, so our terrace actually faces their  
16 parking lot, and that yard doesn't actually face  
17 their building. There are no windows opposite our  
18 terrace.

19 COMMISSIONER DOYLE: Okay. Thank you.

20 MR. TRAUTNER: And actually I can mark  
21 another exhibit just to give the Board some  
22 orientation, it's actually two photos I'll mark as  
23 Exhibit A-4.

24 (Exhibit 4 marked)

25 CHAIRMAN HOLTZMAN: But I think,

1 Councilman, your point is well taken that the edge  
2 of the deck is approximately 20 feet to the edge of  
3 Columbian Towers.

4 And while there might not be a corner  
5 window on Columbian Towers, there certainly are  
6 windows on the first, second, third and fourth floor  
7 that are closer to this deck than the ground is.

8 COMMISSIONER DOYLE: Correct.

9 CHAIRMAN HOLTZMAN: And that is really  
10 what should be more considered than somebody  
11 standing in the backyard of Columbian Towers than  
12 somebody who lives in an adjacent building that is  
13 20 feet away.

14 VICE CHAIR MAGALETTA: It is in the  
15 sight line --

16 CHAIRMAN HOLTZMAN: Right.

17 MR. TRAUTNER: Mr. Chairman, with your  
18 permission, I marked an Exhibit A-3, which I will  
19 show you this and pass around.

20 CHAIRMAN HOLTZMAN: Thank you.

21 MR. TRAUTNER: I can represent that  
22 this is a photograph that was recently taken at  
23 night by our management company.

24 Mr. Landow, are you familiar with these  
25 two photographs?

1 THE WITNESS: Yes.

2 MR. TRAUTNER: Can you orientate for  
3 the Board what they depict?

4 THE WITNESS: Yes. These were taken  
5 looking over the railing and with these bright  
6 lights that you are seeing are the two light poles  
7 that we showed in the previous photograph.

8 MR. TRAUTNER: And those are on 24  
9 hours, correct?

10 THE WITNESS: To my knowledge, that's  
11 correct.

12 MR. TRAUTNER: And then also below that  
13 there's -- you can see the gazebo in the center  
14 photograph?

15 THE WITNESS: Yes, and also on  
16 Columbian Towers' property.

17 MR. TRAUTNER: And to respond to the  
18 Councilman's question, I think while obviously  
19 giving due consideration the fact that -- the  
20 question is the amount of the light spillage at the  
21 rail that spills to the neighboring property at the  
22 height of 30 feet, is that -- by way of contrast in  
23 the existing 24-hour light poles that are there,  
24 Is that --

25 THE WITNESS: Yeah. These are much

1 brighter. Ours are relatively low LED fixtures.

2 CHAIRMAN HOLTZMAN: Right. And there  
3 is a very different requirement for a senior citizen  
4 building versus your market rate rental building --

5 THE WITNESS: Right.

6 CHAIRMAN HOLTZMAN: -- so let's not try  
7 to compare the two. They are very different  
8 elements.

9 MR. TRAUTNER: Right. And they also  
10 eliminated their parking lot, which is completely  
11 different --

12 COMMISSIONER DOYLE: I'm sorry. But  
13 how is it then -- you are telling us with these  
14 photographs that you have Cleg lights that are  
15 showering a lot of light from the ground below, and  
16 yet this ground, you know, elevation of light is  
17 zero, zero, zero --

18 THE WITNESS: Our lighting consultant  
19 did not include Columbian Towers' fixtures --

20 COMMISSIONER DOYLE: This is what  
21 you're adding --

22 THE WITNESS: -- this is what we are  
23 adding or what we're doing to the property, not what  
24 Columbian Towers is doing.

25 COMMISSIONER DOYLE: Okay. Thank you.

1                   COMMISSIONER MC KENZIE: I have a  
2 question.

3                   Do you have an image of your fixture  
4 because maybe that would help them understand  
5 because if the fixture is like a pole that shoots  
6 light just down --

7                   CHAIRMAN HOLTZMAN: They have it.

8                   MR. TRAUTNER: I will mark that as  
9 Exhibit A-5.

10                  CHAIRMAN HOLTZMAN: Take your time, Mr.  
11 Trautner, no bleeding.

12                  (Laughter)

13                  (Exhibit A-5 marked.)

14                  Tear it off. Don't worry about it.

15                  MR. TRAUTNER: I was trying not to  
16 damage the picture or myself in the process.

17                  If I might hold it up and then we can  
18 pass it around.

19                  Mr. Landow, can you describe what is  
20 depicted in the photograph, which has been marked  
21 A-5?

22                  THE WITNESS: Sure.

23                  This is the pole light that we are  
24 using. Again, the light source itself is tucked up  
25 inside of the fixture. It is completely solid on

1 the top, so there is no open light component. You  
2 can see how the fixture casts light really primarily  
3 in front of and behind the fixture, but nothing  
4 going up at all, so it is shielded completely from  
5 above.

6 CHAIRMAN HOLTZMAN: Great. Thank you.

7 THE WITNESS: The other thing --

8 MR. TRAUTNER: I'm sorry. Go ahead.

9 THE WITNESS: -- I just wanted to point  
10 out is that these fixtures will be on a time clock,  
11 and they go off at ten o'clock at night, so after  
12 ten o'clock they will be off.

13 CHAIRMAN HOLTZMAN: And how do they go  
14 on?

15 Are they timed to go on, or is it a  
16 sensor or something?

17 THE WITNESS: They would be on a  
18 photovoltaic sensor --

19 CHAIRMAN HOLTZMAN: So the on is on a  
20 photovoltaic, but the off is a fixed time?

21 THE WITNESS: Yes. Regardless of the  
22 time used.

23 COMMISSIONER FORBES: If I may.

24 CHAIRMAN HOLTZMAN: Director.

25 COMMISSIONER FORBES: For the Columbian

1 Towers building, I mean, I understand that it is not  
2 directly facing that, but there is that corner piece  
3 that is facing -- are you saying that there aren't  
4 windows at all on that?

5 CHAIRMAN HOLTZMAN: Can we actually  
6 bring back that photograph that you showed that was  
7 shot from Garden Street looking up at the deck  
8 because it has Columbian Towers on the left-hand  
9 side of it.

10 THE WITNESS: Yeah. This one is just  
11 cut off --

12 MR. TRAUTNER: I may have passed it  
13 around.

14 CHAIRMAN HOLTZMAN: Yeah, there you go.

15 COMMISSIONER DOYLE: But it doesn't  
16 show the windows that --

17 CHAIRMAN HOLTZMAN: Well, it does.  
18 There are windows that are right here, so these  
19 windows on the third floor of Columbian Towers are  
20 15 feet from the deck.

21 COMMISSIONER FORBES: Right.

22 CHAIRMAN HOLTZMAN: Right?

23 So why don't we hand this back to --

24 COMMISSIONER DOYLE: What about the  
25 southern side of the Columbian Towers?

1                   THE WITNESS: This site plan I think  
2                   you can see from the edge of our deck and the edge  
3                   of the Columbian Towers basically align --

4                   CHAIRMAN HOLTZMAN: I'm sorry?

5                   THE WITNESS: -- the edge of our  
6                   terrace and the edge of the Columbian Towers  
7                   building basically align --

8                   COMMISSIONER FORBES: Right.

9                   So those windows that are west facing  
10                  at the very southern piece of the Columbian Towers  
11                  could actually view out on to your deck?

12                  CHAIRMAN HOLTZMAN: Most definitely.

13                  THE WITNESS: Yeah. If they look to  
14                  their left, they can see our terrace --

15                  CHAIRMAN HOLTZMAN: There are windows  
16                  on the south side of Columbian and certainly on the  
17                  western side as well.

18                  There isn't a corner window, but there  
19                  are windows on both facades of Columbian.

20                  COMMISSIONER FORBES: Uh-huh.

21                  MR. TRAUTNER: Mr. Landow, just  
22                  actually to clarify something.

23                  You testified a moment ago that the  
24                  lights automatically extinguish at ten p.m. There's  
25                  a seasonal operation of those lights, is there not?

1                   THE WITNESS: Well, there is a seasonal  
2 operation of the lights, but there's also this  
3 operation of the terrace itself --

4                   MR. TRAUTNER: But with respect to the  
5 seasonal operation, like what are the months that  
6 the lights extinguish at ten p.m.?

7                   THE WITNESS: My understanding is that  
8 those will go off at ten o'clock all 12 months a  
9 year. That is my understanding of the management  
10 plan.

11                  MR. GALVIN: And that is what my  
12 condition says, so let's leave it at that.

13                  VICE CHAIR MAGALETTA: Is there a  
14 control on the fuel, on the natural gas for the  
15 grill?

16                  THE WITNESS: Control?

17                  VICE CHAIR MAGALETTA: Like a timer  
18 control?

19                  THE WITNESS: Yes. The entire terrace  
20 has a control that we didn't get to yet, but the  
21 terrace will be locked. You need a key fob to get  
22 out there, and the terrace as well as access to  
23 those grills will be controlled by management, and  
24 we can give you the hours for that.

25                  MR. TRAUTNER: Mr. Landow, if I could

1 just represent, just to clarify Mr. Landow may have  
2 had a misunderstanding with the management company.  
3 From the months of November to March, the lights  
4 will actually -- I'm sorry -- from November to  
5 February, the lights will extinguish at seven p.m.

6 THE WITNESS: I'm sorry, yes.

7 CHAIRMAN HOLTZMAN: Do you got that?

8 MR. GALVIN: No.

9 CHAIRMAN HOLTZMAN: Please repeat that.

10 MR. TRAUTNER: So with respect to the  
11 operation of the lights, from March to September the  
12 lights will extinguish at ten p.m., and from  
13 November to February, the lights will extinguish at  
14 seven p.m.

15 CHAIRMAN HOLTZMAN: So what happens  
16 between September and November?

17 COMMISSIONER FORBES: What about  
18 October?

19 CHAIRMAN HOLTZMAN: What happened to  
20 the interim months? What happened to October?

21 MR. TRAUTNER: Let me see.  
22 March to October, ten p.m., March to October.

23 VICE CHAIR MAGALETTA: When you say  
24 those months, you mean March 1st?

25 MR. TRAUTNER: Yes.

1 VICE CHAIR MAGALETTA: And September  
2 1st?

3 MR. TRAUTNER: Yes.

4 MR. ROBERTS: October 30th? What  
5 happened to October 31st, Halloween?

6 (Everyone talking at once)

7 (Laughter)

8 CHAIRMAN HOLTZMAN: Do we have the  
9 whole 12 months covered now?

10 MR. GALVIN: Yeah.

11 CHAIRMAN HOLTZMAN: Okay, good.

12 MR. TRAUTNER: All right.

13 Well, I was going to move forward  
14 actually to the landscaping, if we could show the  
15 updated landscaping plan. I believe we already  
16 provided some testimony on that.

17 I am going to mark this as Exhibit A-6  
18 because I believe this may have been updated since  
19 the last time.

20 CHAIRMAN HOLTZMAN: Okay.

21 (Exhibit A-6 marked.)

22 MR. TRAUTNER: Mr. Landow, could you  
23 please describe this exhibit and orientate the  
24 Board?

25 THE WITNESS: Sure.

1                   This is a landscaping plan again  
2           prepared by Jim Landow, landscape architect for the  
3           project.

4                   The perimeter landscape planters and  
5           there's the new ones that we added on each side of  
6           the seating areas. Jim is using a Skimmia Japonica,  
7           which is a small evergreen shrub that thrives in low  
8           sunlight, and then there are six ornamental planters  
9           surrounding the lawn, and here he's using the small  
10          ornamental trees. The trees themselves, Jim has  
11          told us, can be pruned, so that we can keep them to  
12          a certain size, and there are six of these, and  
13          obviously these smaller planters are going to be  
14          around the perimeter.

15                   CHAIRMAN HOLTZMAN: Okay.

16                   Mr. Trautner, you need a couple more  
17          hands there it looks like.

18                   MR. TRAUTNER: Actually I think we're  
19          okay now.

20                   THE WITNESS: Why don't you submit this  
21          one because the other one is in color. I think you  
22          want to use that one instead.

23                   This is just the color --

24                   (Witness and counsel confer)

25                   CHAIRMAN HOLTZMAN: You guys failed the

1 Ragami, huh?

2 (Laughter)

3 MR. TRAUTNER: Yeah, we did.

4 THE WITNESS: The architect side is  
5 still intact, but I don't know about the lawyer.

6 (Laughter)

7 MR. TRAUTNER: All right.

8 Well, so now moving forward from the  
9 landscaping, and I think some of this has already  
10 been touched upon, but there was a lot of questions  
11 at the Subcommittee Meeting that we'd like to  
12 address, and let's start with this conversation.  
13 It's something I think you already testified to,  
14 which is how exactly residents access the terrace.

15 THE WITNESS: Right.

16 So, again, there are two doors to  
17 access the terrace. Management is putting a key fob  
18 system on each one. They are limiting the guests to  
19 two guests per resident in the building. Those  
20 guests have to sign in. The terrace is going to be  
21 limited to 50 occupants, and there will be closed  
22 circuit TV cameras --

23 CHAIRMAN HOLTZMAN: Let's take it one  
24 at a time.

25 Where would people sign in?

1                   THE WITNESS: People would sign in in  
2 the rental office, the management office.

3                   CHAIRMAN HOLTZMAN: Which is only open  
4 until what time?

5                   UNIDENTIFIED VOICE FROM THE AUDIENCE:  
6 Until six p.m.

7                   CHAIRMAN HOLTZMAN: Ahh, so here comes  
8 our first dilemma.

9                   There is no 24-hour staff in this  
10 building. There is no front desk. So I come in at  
11 6:05. All of the people from the management office  
12 have already left, and I come in with my 62 friends.

13                   MR. TRAUTNER: Well, I could let Mr.  
14 Landow --

15                   CHAIRMAN HOLTZMAN: But I will let you  
16 answer that. It sounds like you might need to  
17 confer with the rest of the team here, but I got  
18 actually a question for you on something that  
19 appears to be lacking from our plan, which I am sure  
20 you could not have helped but noticed this Board's  
21 obsession with stormwater management over the last  
22 hour and a half.

23                   And at our work session we discussed  
24 the fact that since you are increasing the  
25 impervious nature of this deck versus its current

1 form that it is in now, that there was an offer on  
2 the table that was agreed to, to create some type of  
3 a stormwater management system for the drains that  
4 are on this roof.

5 Unless I don't have the most up-to-date  
6 set of plans, or I somehow missed it, I didn't see  
7 that baked into my plan.

8 THE WITNESS: We are glad you asked.

9 MR. TRAUTNER: We're glad you asked  
10 because we have, too.

11 THE WITNESS: We have replaced the roof  
12 drains with flow control drains, and what they are  
13 being set to is to hold two inches of water on the  
14 roof because our new paver system is up on  
15 pedestals, we have two inches between our waterproof  
16 membrane, a drainage mat, and the underside of our  
17 pavers, so these drains, which have a Weir  
18 control --

19 CHAIRMAN HOLTZMAN: Wait. A  
20 trapezoidal what?

21 THE WITNESS: A Weir control, which  
22 means they could be rotated to control the flow of  
23 water into the drains, so they are being set to hold  
24 two inches of water on the roof.

25 Right now the roof doesn't hold any

1 water, and all water flows directly to the drains,  
2 even the planters drain directly through weep holes  
3 to the drains. We are going to be holding two  
4 inches of water before that water hits the drain, so  
5 we have actually a letter from the engineer saying  
6 that we are decreasing the burden on the city sewer  
7 supply --

8 CHAIRMAN HOLTZMAN: And the two inches,  
9 that won't be overflowed to scuppers at that point?

10 THE WITNESS: No. We are actually  
11 raising the height of the scuppers to accommodate  
12 for that, and our new details show that, but we  
13 raised those scuppers as well.

14 MR. TRAUTNER: Why don't we flip back  
15 and mark the details?

16 MR. GALVIN: Well, why don't we say  
17 this?

18 Why don't we say that the drainage plan  
19 is to be reviewed and approved by the Board's  
20 engineer?

21 Does that work?

22 Is that what you guys want to do, or do  
23 you want to look at the details?

24 THE WITNESS: We have the details here,  
25 if you want to see them.

1 MR. GALVIN: No, no. It is up to -- go  
2 ahead.

3 CHAIRMAN HOLTZMAN: Councilman?

4 COMMISSIONER DOYLE: Well, if the  
5 pavers mask themselves, obviously they don't absorb  
6 water.

7 Have you calculated what two inches of  
8 water in the interstitial space between the pavers  
9 is versus --

10 THE WITNESS: The pavers -- where as  
11 the existing pavers are grouted in, so that water  
12 can't flow between them, our pavers not grouted.  
13 There's spaces between them, so water flows through  
14 them in essence or between the pavers to the  
15 drainage mat below, and the two-inch space that we  
16 have between the drainage mat and the underside of  
17 the pavers will now --

18 COMMISSIONER DOYLE: Oh, so it is an  
19 actual two inches.

20 CHAIRMAN HOLTZMAN: So they create a  
21 little pond underneath the pavers.

22 THE WITNESS: Correct.

23 MR. ROBERTS: Do you have a --

24 (Everyone talking at once.)

25 THE WITNESS: The current pavers sit

1 directly into a sand setting bed, so there is no  
2 space between the paver and the water membrane. Our  
3 pavers now sit up two inches, so we have a two-inch  
4 air space in essence --

5 CHAIRMAN HOLTZMAN: So it's on one of  
6 those pedestal systems, right?

7 THE WITNESS: It's on a pedestal  
8 system, yes.

9 CHAIRMAN HOLTZMAN: Right. Okay.

10 So do we have a calculation on what the  
11 containment is of what that captures?

12 THE WITNESS: Well, it captures 3600  
13 square feet times two inches --

14 CHAIRMAN HOLTZMAN: Times two inches.

15 THE WITNESS: -- and we can give you  
16 that calculation.

17 CHAIRMAN HOLTZMAN: What it does,  
18 though, if I understand is actually -- Caleb, it  
19 delays it going into system --

20 COMMISSIONER STRATTON: Correct.

21 CHAIRMAN HOLTZMAN: -- but doesn't  
22 actually prevent it from going into our system,  
23 though.

24 Eventually it is still going into our  
25 sewer system.

1                   COMMISSIONER STRATTON: Delaying the  
2 water from entering the sewer system is better than  
3 entering it directly.

4                   My question is: What does a two-inch  
5 storm equal?

6                   Is that like a ten-year storm, Joe?

7                   MR. VENEZIA: Yes. That's  
8 approximately a ten-year storm.

9                   COMMISSIONER STRATTON: And the North  
10 Hudson Sewerage Authority requires retention of a  
11 ten-year storm in their design requirements now.  
12 Does that seem correct?

13                   That is what I remember from their  
14 design guidelines.

15                   MR. VENEZIA: I have to check, but I do  
16 think so --

17                   COMMISSIONER STRATTON: So this would  
18 be consistent with what they require for  
19 retention --

20                   MR. VENEZIA: Yes. I am going to need  
21 more information on the roof drain itself.

22                   COMMISSIONER STRATTON: Okay.

23                   MR. VENEZIA: They provided a detail.  
24 They indicated they have a letter from their  
25 engineer, and I have not seen that yet, regarding

1       how the water enters, how it is controlled.

2               I understand in discussing this  
3       previously, that it is twist controlled to control  
4       the rate in, but I don't have any details. I don't  
5       know how it is controlled, if it will be open or  
6       modified after it is installed, and that I think is  
7       going to be important to know.

8               MR. TRAUTNER: Mr. Chairman, certainly  
9       we have the letter. We can pass it up.

10              However, in fairness to the Board's  
11       Engineer going towards I think what, Mr. Chairman,  
12       you originally were suggesting is the concept that  
13       this is all going to be subject to the approval of  
14       the engineer in terms of these calculations.

15              CHAIRMAN HOLTZMAN: Right.

16              While this is certainly some attempt at  
17       storm delay, unfortunately, it still puts all of the  
18       water into our combined sewer system. So the best  
19       case scenario is if these three drains are somehow  
20       able to be rerouted into some type of a detention  
21       system or like one of those wonderful bioswales that  
22       our friends at Stevens are now building.

23              MR. TRAUTNER: Mr. Chairman, I am sure  
24       I could consult with my client, and we'd be happy to  
25       take a break, if necessary.

1 CHAIRMAN HOLTZMAN: Sure.

2 Why don't you take a moment with your  
3 client?

4 MR. TRAUTNER: In response, the  
5 existing deck obviously does not do any of those  
6 things. The drains are not changing as a part of  
7 this event and application. And what's been  
8 proposed in my understanding is it significantly  
9 improves beyond what was being achieved as a result  
10 of some plantings that we are replacing.

11 CHAIRMAN HOLTZMAN: Let's move on to  
12 something else.

13 MR. GALVIN: Yes. When we are done  
14 getting everything out.

15 CHAIRMAN HOLTZMAN: Yes, absolutely.

16 MR. TRAUTNER: So why don't we take a  
17 step backwards then.

18 And, Mr. Chairman, I think we are  
19 following up again on another question of yours,  
20 which was how exactly we would control the scenario  
21 where after hours, potentially a rogue resident  
22 decides to invite a large number of people to  
23 traverse onto the deck.

24 Mr. Landow, I believe -- actually I can  
25 mark an exhibit, and maybe Mr. Landow can speak to

1 something he has already I believe started to speak  
2 to, which is the surveillance and the management  
3 control of that surveillance.

4 I am going to mark this as Exhibit A-7.  
5 It is a copy of a proposed management plan, which I  
6 can pass up.

7 (Exhibit A-7 marked.)

8 So just to orientate, Mr. Landow, so I  
9 think what the Board is looking for is an  
10 understanding of how the security cameras would  
11 assist in monitoring violations of policy, and what  
12 actually happens if the policy is violated, which,  
13 as I understand it, is through the leases signed by  
14 the residential tenants.

15 THE WITNESS: So all of these rules  
16 that I'm going to discuss are all put into a  
17 resident's lease, so there are penalties that are  
18 put in there, so that if any of the residents  
19 violate the lease --

20 CHAIRMAN HOLTZMAN: I'm sorry to  
21 interrupt you, Mr. Landow.

22 Mr. Trautner, I have a question.

23 MR. TRAUTNER: Certainly.

24 CHAIRMAN HOLTZMAN: We certainly  
25 understand the credentials and the scope of what a

1 normal architect has done.

2 Building management, I would not think  
3 would be, while he may have been handed this sheet  
4 that you have just given to us prior to the meeting,  
5 so that he can give it back to us, is there somebody  
6 from management that is better to speak to this?

7 MR. TRAUTNER: If the Board prefers, I  
8 certainly can bring somebody from management. We  
9 have --

10 CHAIRMAN HOLTZMAN: It would seem to be  
11 somebody that's involved with the building  
12 management might have a better insight with regards  
13 to the -- with all due respect to our architect and  
14 his architectural professionalism.

15 MR. TRAUTNER: Mr. Chairman, with your  
16 consent, I will relieve Mr. Landow for a moment.

17 CHAIRMAN HOLTZMAN: Thank you.

18 MR. TRAUTNER: This is Mr. Erik Sabotka  
19 who will be sworn in.

20 MR. GALVIN: Raise your right hand.

21 Do you swear to tell the truth, the  
22 whole truth, and nothing but the truth so help you  
23 God?

24 MR. SABOTKA: I do.

25

1       E R I K   S A B O T K A, having been duly sworn,  
2       testified as follows:

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

5                   THE WITNESS:  Erik Sabotka,  
6       S-a-b-o-t-k-a.

7                   MR. TRAUTNER:  Mr. Sabotka, can you  
8       just briefly give the Board the benefit of your  
9       background and experience in the management of the  
10      building?

11                  THE WITNESS:  I am the Vice President  
12      for Bozzuto Management, so we oversee Observer Park  
13      for an ownership group and manage the property, and  
14      I have been over that property now for about two  
15      years.

16                  MR. TRAUTNER:  Now, Mr. Sabotka, in  
17      conjunction with this proposed project, were you  
18      asked to prepare a management plan that would  
19      address some of the concerns, which the Board has  
20      been articulating a few moments prior to now --

21                  THE WITNESS:  Correct, and I believe  
22      you all have this.

23                  This management plan basically in order  
24      to control occupancy, one of the biggest things on  
25      the deck is in every lease agreement that we have

1 with every resident, there are certain policies and  
2 controls that they have to abide by.

3 If anybody violates those policies, we  
4 absolutely go right to our legal department. We  
5 send a notice to cease, and then we will take legal  
6 action accordingly. We don't tolerate --

7 MR. TRAUTNER: And the legal action is  
8 accordingly eviction?

9 THE WITNESS: It will go up to and  
10 including eviction of a tenant, if it's needed.

11 Usually the letter goes out from the  
12 legal department, and the immediate response is  
13 ceased and stopped immediately.

14 MR. TRAUTNER: Now, just to orientate  
15 the Board through the management plan, which was  
16 submitted, what specifically is the policy as to  
17 what is prohibited from taking place on the deck?

18 THE WITNESS: No parties, no guests  
19 over two, or no guests more than two people, and no  
20 alcohol, no events. They can't privately rent it  
21 out. It is just for residents to come down and use  
22 every now and then.

23 MR. TRAUTNER: And no loud music, I  
24 understand?

25 THE WITNESS: Correct, and no noise.

1                   MR. TRAUTNER: Now, what are the hours  
2 that management is on site?

3                   I believe the Board Chairman has  
4 already --

5                   THE WITNESS: On site, what we are  
6 looking to do is from the end of March, so it would  
7 be the hours that we listed -- I'm sorry, let me  
8 refresh my memory here -- from ten to ten, so March  
9 to September, the end of September, and then October  
10 through February, we will have ten to seven.

11                  CHAIRMAN HOLTZMAN: That is the deck  
12 usage hours.

13                  THE WITNESS: Yes.

14                  MR. TRAUTNER: Obviously.

15                  And when a member of the -- or a staff  
16 member from management is physically on site --

17                  THE WITNESS: Oh, well, we have a  
18 24-hour emergency maintenance that's on call 24-7.  
19 The offices are open Monday to Friday nine a.m. to  
20 six p.m., and then Saturday ten a.m. to five p.m.

21                  MR. TRAUTNER: Now, Mr. Sabotka, a  
22 moment ago I think you referenced a 24-hour coverage  
23 and remote security cameras.

24                  Can you describe for the Board how  
25 exactly management intends to utilize those cameras

1 to ensure after six p.m. the scenario the Chairman  
2 painted, which is what happens if 60 people come on  
3 to the site --

4 THE WITNESS: Yeah.

5 We have 24/7 emergency maintenance, and  
6 as far as the deck will be installed with  
7 surveillance cameras that will operate 24/7.  
8 Basically they will be set on motion, so anybody who  
9 walks out there, that is when the camera turns on  
10 and starts recording.

11 These cameras will be viewable through  
12 a web based program, so emergency maintenance will  
13 be able to view it, if they are off site, and they  
14 will have a log in which they are required to fill  
15 out on viewing while they are on their on-call  
16 emergency maintenance, so the deck will be monitored  
17 during those hours.

18 Not to mention, we also have  
19 maintenance that comes on site on Saturday and  
20 Sunday to deal with trash and go through our trash  
21 rooms throughout the building, so we always have a  
22 presence of somebody in the building and throughout  
23 the building during the day every day.

24 CHAIRMAN HOLTZMAN: Go ahead, Brian.

25 COMMISSIONER PEENE: Now, for the

1 record, I live in a Bozzuto building, 1408 Clinton  
2 Street in the Artisan, and there is a rooftop deck  
3 up there, and my wife and I have a private cabana.

4 Now, the security procedures that are  
5 in this, are they different than the ones we have at  
6 the Artisan right now?

7 THE WITNESS: Yeah. They are going to  
8 be based on how that building was designed and  
9 implemented in the beginning, and then this is what  
10 we are implementing for this building now with the  
11 renovation.

12 COMMISSIONER PEENE: Okay. Because we  
13 have had some problems in the past with how my  
14 pregnant wife had a chair on the other side of the  
15 roof that was actually on the roof and thrown off,  
16 but it shows that things can get out of hand, if not  
17 policed correctly on the rooftops.

18 THE WITNESS: They will need to be  
19 monitored.

20 CHAIRMAN HOLTZMAN: Commissioner  
21 Graham?

22 MR. TRAUTNER: Is it fair to say --

23 CHAIRMAN HOLTZMAN: Hang on one second.  
24 Commissioner Graham?

25 COMMISSIONER GRAHAM: He can finish.

1 CHAIRMAN HOLTZMAN: Okay.

2 COMMISSIONER GRAHAM: Go ahead, finish.

3 MR. TRAUTNER: I apologize.

4 COMMISSIONER GRAHAM: No, go ahead,  
5 finish what you were saying.

6 MR. TRAUTNER: I was just going to say,  
7 Mr. Sabotka, is it fair to say that the intention in  
8 terms of the use of the deck by the residents, it's  
9 not an event space?

10 THE WITNESS: Correct. It is not for a  
11 private party. They can't rent it. They can't, you  
12 know, reserve it for themselves or anything. It is  
13 for whoever is a resident.

14 MR. TRAUTNER: The thought being  
15 perhaps a morning yoga class, something --

16 THE WITNESS: Correct.

17 Morning yoga classes is what we are  
18 looking at. We are looking at additional things or  
19 in the late evening more yoga classes as well,  
20 depending on the summer hours.

21 CHAIRMAN HOLTZMAN: Commissioner?

22 COMMISSIONER GRAHAM: Why do you have  
23 grills up there when you can't even -- okay. So you  
24 have a grill. I make a steak. So I can't eat up  
25 there, I can't enjoy a glass of wine up there?

1                   It just seems dissonant to me. Why  
2 would you put a grill up there, if you can't do  
3 anything up there? That's what --

4                   THE WITNESS: There is seating, and  
5 there are tables, so they can grill and eat, but no  
6 alcoholic beverages are going to be allowed up  
7 there.

8                   COMMISSIONER GRAHAM: I wouldn't  
9 want -- you're not going to have to worry about too  
10 many people up there. I mean, I sound like a lush,  
11 but I wouldn't want to be there.

12                   (Laughter)

13                   THE WITNESS: Well, it is a good  
14 selling point.

15                   (Laughter)

16                   MR. TRAUTNER: We are attempting to  
17 balance I think the concern that you expressed with  
18 the competing concern of wanting to not have this be  
19 an event space that could potentially become out of  
20 control, and we attempted to put forth a management  
21 plan, which we'll do everything that we can to  
22 police that and maintain that benefit to our  
23 residents.

24                   CHAIRMAN HOLTZMAN: So what is the  
25 procedure? It is 9:30 at night on a Saturday night.

1       There's nobody in the management office on site, and  
2       things are getting stupid out on the deck.

3                 So that's great that you got cameras  
4       that can remotely monitor, not just from onsite, but  
5       from some other maintenance location, which we are  
6       not sure where that is, but maybe you will fill us  
7       into that.

8                 What is it that you anticipate  
9       happening then?

10                Do you think that somebody in Apartment  
11       6B who calls up the maintenance department and says,  
12       Hey, there's a bunch of jerks on the deck making a  
13       whole lot of racket or doing something, or do you  
14       anticipate them just picking up the phone and  
15       calling the police department?

16                How do we resolve this?

17                THE WITNESS: I mean, honestly, it  
18       depends on the residents.

19                Most residents call the emergency  
20       maintenance line first because they want an  
21       immediate response, and they don't want to bring the  
22       police into it, so they are going to contact us.

23                Now, if they see a problem that they  
24       feel they need to call the police, they will call  
25       the police.

1                   CHAIRMAN HOLTZMAN: So where are your  
2 people off site that are monitoring this or have the  
3 potential to monitor this?

4                   THE WITNESS: One is three blocks down,  
5 and that's Jamie, and he is the maintenance  
6 supervisor. He lives in Hoboken three blocks away.

7                   CHAIRMAN HOLTZMAN: So he's able to --

8                   THE WITNESS: He can get there within  
9 (witness snaps fingers).

10                  CHAIRMAN HOLTZMAN: No, no. My point  
11 is he's viewing this at home?

12                  THE WITNESS: Correct. They all  
13 actually have a system of a phone in order to do  
14 work orders, and that phone is a web based program,  
15 which has like any phone with Safari to access the  
16 internet.

17                  CHAIRMAN HOLTZMAN: Okay.

18                  MR. TRAUTNER: Mr. Sabotka, I think  
19 maybe if I understand the Board's question, there is  
20 a requirement that a set number of people will be on  
21 call at any given shift on a 24-hour basis?

22                  THE WITNESS: 24/7 we have somebody --

23                  MR. TRAUTNER: And during their shift,  
24 they have an obligation to check into that camera  
25 and make a log --

1                   CHAIRMAN HOLTZMAN: Or if I am the guy  
2 who is on that night, and I get the phone call at  
3 9:30 at night before the lights go out at ten  
4 o'clock, and I can pick up my phone or my tablet,  
5 and I can look at the cameras, and go, yeah, that's  
6 pretty out of control. I guess we got to send  
7 somebody over there to -- then what is it that you  
8 guys do?

9                   Jamie runs down the block from three  
10 blocks away?

11                   What happens if Jamie is on vacation?

12                   Do you understand what I'm saying?

13                   THE WITNESS: Whoever is on call would  
14 either call the police or they are going to go  
15 depending on what they survey in that situation.

16                   If they see that there is a situation  
17 out of control, they would call the police. They  
18 have an emergency manual --

19                   MR. TRAUTNER: Mr. Sabotka, and if I  
20 understand correctly, now with the Fob system it  
21 creates -- you have a permanent log of who is  
22 accessing that deck, and there are multiple points  
23 of access you have to go through to get to the deck,  
24 is that correct?

25                   THE WITNESS: Correct. You fob in to

1 get on the deck, and you fob out to get off the  
2 deck.

3 MR. TRAUTNER: As well as -- is it also  
4 the fitness center and the laundry rooms as well?

5 THE WITNESS: Correct. You have to fob  
6 into the fitness center and fob into the laundry  
7 center.

8 MR. TRAUTNER: So is it your hope that  
9 the fact that the penalty for a violation of this,  
10 since there will be a lot of who specifically  
11 violated will be evicted from the building, that  
12 that is hopefully a sufficient disincentive for  
13 people to hopefully violate the policy?

14 THE WITNESS: Correct.

15 MR. ROBERTS: Just a follow-up question  
16 on the fobs.

17 You said you fob in and you fob out.  
18 At ten o'clock do the --

19 COMMISSIONER DOYLE: People are still  
20 on the deck.

21 MR. ROBERTS: -- does it go inactive,  
22 so you can't get out?

23 And if that happens, if you're on the  
24 deck, how do you get back in, or does your fob work  
25 no matter?

1                   THE WITNESS: If you are on the deck  
2 and you need to leave, you can use your fob. But if  
3 you are trying to get out, you can't get out.

4                   MR. ROBERTS: So it inactivates the  
5 out --

6                   THE WITNESS: Correct.  
7                   And then in case of an emergency, where  
8 the fire alarms are disengaged or engaged, the fob  
9 system disengages everything, so all doors become  
10 open --

11                   MR. ROBERTS: Right. That raises  
12 another question I thought about.

13                   Is that deck part of the -- in other  
14 words, is that an emergency exit, in other words, in  
15 case of a fire, you can't go out, so that is just  
16 locked down?

17                   THE WITNESS: Correct.

18                   COMMISSIONER DOYLE: I have a question.

19                   CHAIRMAN HOLTZMAN: Sure. Go ahead,  
20 Councilman.

21                   COMMISSIONER DOYLE: I think I am  
22 trying to help you here, but we discussed this  
23 earlier.

24                   You just testified about the hours of  
25 operation and which months. And you said March to

1 September, and then this says November to February.

2 Do you mean March through October and  
3 November through February, is that--

4 THE WITNESS: March through the end of  
5 September, and then October through the end of --  
6 starting October 1st --

7 COMMISSIONER DOYLE: So the November is  
8 wrong -- actually -- in October --

9 THE WITNESS: -- so all of October.

10 COMMISSIONER DOYLE: -- all of October  
11 is going at seven p.m.

12 THE WITNESS: Correct, basically kind  
13 of according to change of hours.

14 COMMISSIONER DOYLE: All right.

15 CHAIRMAN HOLTZMAN: If there were any  
16 desire to change the hours, or anything else, you  
17 would at least circle back to the Board, so that we  
18 can give this a discussion?

19 THE WITNESS: Yes, absolutely.

20 CHAIRMAN HOLTZMAN: Thank you.

21 COMMISSIONER GRAHAM: I have a  
22 question.

23 CHAIRMAN HOLTZMAN: Commissioner?

24 COMMISSIONER GRAHAM: Has Columbian  
25 Towers been informed of this?

1                   THE WITNESS: Yes. We had  
2                   communications with them about the construction.

3                   COMMISSIONER GRAHAM: And the fact that  
4                   there will be lights, and they don't have anyone  
5                   here from there?

6                   THE WITNESS: I want to say it was --

7                   MR. TRAUTNER: Actually for this  
8                   question, if I might, if I could bring Mr. Landow  
9                   back up.

10                  M A R C   L A N D O W, having been previously sworn,  
11                  testified further as follows:

12                   THE WITNESS: We had a meeting with  
13                   Columbian Towers, and we presented the project to  
14                   them, and they have actually agreed to let us use  
15                   their site for access to the property during  
16                   construction.

17                   They offered us two parking spaces to  
18                   store dumpsters and materials, so they have been  
19                   very amenable to helping us out.

20                   They like the fact we are increasing  
21                   the railing and cleaning things up, and we have a  
22                   very good relationship.

23                   COMMISSIONER GRAHAM: So as far as you  
24                   know, there is nobody -- no residents that are  
25                   objecting to this?

1                   THE WITNESS: No. As a matter of fact,  
2 they are in the process of negotiating a licensing  
3 agreement for this construction, so that we can use  
4 their property. So if they were opposed to it, they  
5 wouldn't be helping us out.

6                   COMMISSIONER GRAHAM: Okay.

7                   COMMISSIONER FORBES: Mr. Chair?

8                   CHAIRMAN HOLTZMAN: Yes.

9                   COMMISSIONER GRAHAM: So I know you  
10 mentioned that you are replacing that from, you  
11 know, just open -- more of an open railing to a  
12 glass panel.

13                   Does that have any sound barrier or  
14 buffer to that property?

15                   THE WITNESS: Not really. With sound,  
16 as long as there's an opening, obviously there's  
17 no -- 42 inches and above, it's not really going to  
18 make a difference.

19                   If there's someone who is below that 42  
20 inches, it might make a difference, but anything  
21 above it --

22                   COMMISSIONER FORBES: Have you  
23 considered going higher than the 42 inches?

24                   I mean, it's glass, so you can be seen  
25 through it either way.

1                   THE WITNESS: We actually looked at 60  
2 inches, but the problem is it becomes a very big  
3 cantilever, because it is only going to be supported  
4 on the bottom, and structurally with wind load, that  
5 just becomes -- when you use a somewhat taller piece  
6 of glass, it just becomes problematic, so we went  
7 with the 42-inch coated in the ordinance --

8                   CHAIRMAN HOLTZMAN: While we have Mr.  
9 Landow up here again, is there an occupancy that has  
10 been determined for this space?

11                   THE WITNESS: It is 50 people, and that  
12 is based upon the two out-swinging doors that the  
13 New Jersey building code will only allow 25 people  
14 per door because they don't swing in the direction,  
15 so we are limited to 50 people --

16                   CHAIRMAN HOLTZMAN: Okay.

17                   So we can assume that the occupancy for  
18 the people is 50 people, is that correct?

19                   MR. TRAUTNER: That's correct.

20                   CHAIRMAN HOLTZMAN: That's something  
21 that will be posted, I would assume, outside of the  
22 doors or inside the doors in the building --

23                   MR. TRAUTNER: That's correct.

24                   CHAIRMAN HOLTZMAN: -- so that also  
25 there is some recognition of that?

1 THE WITNESS: Yes.

2 MR. TRAUTNER: Yes.

3 CHAIRMAN HOLTZMAN: Did you have  
4 anything else for us, Mr. Roberts?

5 MR. ROBERTS: I think, Mr. Chairman,  
6 that covers it.

7 Obviously, the biggest concern that we  
8 had at the committee level is the potential  
9 occupancy. I think we had suggested that they  
10 prepare a management plan, which they presented.

11 I don't have any other questions on the  
12 management plan. I am not sure what else I could  
13 think of that they might be able to add to it.

14 CHAIRMAN HOLTZMAN: Joe, did you have  
15 any questions on the engineering of this?

16 I mean, obviously we need to get you  
17 some additional information with respect to how this  
18 system works and whether it's something that is said  
19 or needs to be checked, or we don't want it to be  
20 like, oh, well, we installed it, and two weeks later  
21 readjusted the screws, so that, you know, it is free  
22 flowing.

23 MR. VENEZIA: Exactly.

24 We will need more information on the  
25 drainage.

1                   We also asked them to verify the  
2 structural capacity of the roof --

3                   THE WITNESS: We did that, and we can  
4 give you a letter. John Barnello from Severed  
5 Associates, who is a structural engineer on this  
6 project, and they reviewed it based on the existing  
7 building structure and the two inches of water and  
8 determined that the structure is designed to hold  
9 that water load.

10                  MR. VENEZIA: Good.

11                  CHAIRMAN HOLTZMAN: Commissioner  
12 Magaletta, you had a question with regard to the  
13 barbecues, which I really don't think it was  
14 properly understood and maybe you can follow up on  
15 that?

16                  VICE CHAIR MAGALETTA: No. What I was  
17 trying to get at is you are saying it is a natural  
18 gas line. Everything is on a timer.

19                  Is that gas line on a timer as well  
20 because if somebody sneaks onto the deck, they could  
21 use the grill.

22                  I just want to make sure that the grill  
23 is shut off at ten o'clock.

24                  THE WITNESS: We have the ability to do  
25 that.

1                   VICE CHAIR MAGALETTA: You have the  
2           ability, but will you do that?

3                   Will you do it?

4                   THE WITNESS: Yes. We will do it.

5                   VICE CHAIR MAGALETTA: Thank you.

6                   CHAIRMAN HOLTZMAN: So I just want to  
7           understand.

8                   How does that happen?

9                   Is that somebody that needs to then  
10          manually do that at ten o'clock or --

11                  MR. LANDOW: No. That could be on a  
12          time clock, so that it shuts off the gas line.

13                  CHAIRMAN HOLTZMAN: So the gas line --  
14          there can be a timer on a gas line, is that correct?

15                  MR. SABOTKA: Every use of the grill,  
16          the resident will turn on a timer, so they have so  
17          much time to grill, and then the timer will turn it  
18          off, so they can't --

19                  (Laughter)

20                  THE WITNESS: That is in addition to  
21          controlling the gas line.

22                  VICE CHAIR MAGALETTA: Right, right,  
23          exactly.

24                  MR. TRAUTNER: What you are talking  
25          about is at ten o'clock, the gas line will --

1 VICE CHAIR MAGALETTA: Or seven

2 o'clock --

3 THE WITNESS: Whatever hours, there no  
4 longer will be gas flowing to that --

5 CHAIRMAN HOLTZMAN: We also don't want  
6 somebody to walk away from the grill, and the thing  
7 is on for the next 24 hours, right?

8 THE WITNESS: No. It will be  
9 controlled.

10 CHAIRMAN HOLTZMAN: Okay. So there's  
11 some type of -- I wasn't aware that there is a gas  
12 line timer.

13 Okay. That's good.

14 VICE CHAIR MAGALETTA: And metering.

15 CHAIRMAN HOLTZMAN: You can meter  
16 anything, I guess. That's right.

17 COMMISSIONER DOYLE: So does this get  
18 us back to the 600 square feet of water question,  
19 which I don't know how many gallons 3600 times two  
20 inches, is that, you know, how we deal with the  
21 capacity to detain or retain --

22 MR. ROBERTS: Right.

23 COMMISSIONER DOYLE: -- that amount?

24 What that represents, you are saying  
25 you think it is about a ten-year storm. Is that

1 what I heard?

2 CHAIRMAN HOLTZMAN: That's what  
3 Commissioner Stratton was working with his  
4 off-the-top of his head knowledge, yeah.

5 MR. GALVIN: Last night I heard that  
6 three inches is a 25-year storm, so it makes sense  
7 to me.

8 MR. VENEZIA: So approximately 600  
9 cubic feet, that is if it is a full two inches,  
10 that's either detained or retained up there, and  
11 again, that will depend on how that control actually  
12 functions.

13 THE WITNESS: Sure.

14 COMMISSIONER DOYLE: So does the Weir  
15 rotate down and -- I am thinking, do we want a swamp  
16 of mosquito breeding ground of two inches of  
17 water --

18 THE WITNESS: One of the reasons that  
19 we limited it to that two inches, besides the  
20 structural capacity of the existing building, is  
21 that we don't want water ponding above the top of  
22 the paver, to your point of a breeding ground, so  
23 this keeps the water level below the ground.

24 COMMISSIONER DOYLE: But once the storm  
25 is over, and the burden on the sewer system has

1           subsided --

2                         THE WITNESS:   Then the water will --

3                         COMMISSIONER DOYLE:  -- comes down and  
4           it flows out?

5                         THE WITNESS:  -- yes.

6                         VICE CHAIR MAGALETTA:  But how is that  
7           regulated?

8                                 When does the system know to allow that  
9           water to drain into the sewer system?  How is that  
10          regulated?

11                         MR. BADOLATO:  It could be --

12                         CHAIRMAN HOLTZMAN:  You got to come up.

13                         MR. GALVIN:  Raise your right hand.

14                                 Do you swear to tell the truth, the  
15          whole truth, and nothing but the truth so help you  
16          God?

17                         MR. BADOLATO:  Yes.

18          J O S E P H   B A D O L A T O, having been duly  
19          sworn, testified as follows:

20                         MR. GALVIN:  Could you state your full  
21          name for the record?

22                         MR. BADOLATO:  Joseph Badolato,  
23          B-a-d-o-l-t-o.

24                         MR. GALVIN:  Okay.  Go ahead, Joe.

25                         THE WITNESS:  So the point --

1 CHAIRMAN HOLTZMAN: Does Mr. Badolato  
2 have some --

3 (Everyone talking at once.)

4 MR. TRAUTNER: Just to sort of give the  
5 Board --

6 CHAIRMAN HOLTZMAN: Slow down.

7 MR. TRAUTNER: -- can you give the  
8 Board your background --

9 THE WITNESS: We are the waterproofing  
10 consultant. We were dealing basically with the  
11 waterproofing membrane, the flashing and the detail  
12 on that.

13 CHAIRMAN HOLTZMAN: Great.

14 VICE CHAIR MAGALETTA: Do you have  
15 experience with these valves?

16 THE WITNESS: Yeah. We use them in  
17 Brooklyn all of the time.

18 (Laughter)

19 Well, they have the same problems that  
20 you guys have here in Hoboken.

21 So what it does is it slows down that  
22 drain, and then you can also adjust --

23 COMMISSIONER GRAHAM: What is coming  
24 down? I'm sorry.

25 THE WITNESS: -- the drain to actually

1 release the water quicker into the system.

2 COMMISSIONER GRAHAM: What is coming  
3 down?

4 MR. GALVIN: Water.

5 COMMISSIONER GRAHAM: I know water, but  
6 what is slowing it down? I'm sorry. I didn't  
7 understand you.

8 THE WITNESS: I'm sorry?

9 COMMISSIONER GRAHAM: What is slowing  
10 it down?

11 CHAIRMAN HOLTZMAN: It is a valve that  
12 goes in the drain --

13 COMMISSIONER GRAHAM: Oh, a valve. I  
14 didn't get that --

15 THE WITNESS: -- so it is adjustable,  
16 right, so you can lower it. So if you have two  
17 inches of water, and you want to release it, you can  
18 lower it, and the water will start flowing more  
19 quicker.

20 And then if you just leave it there, it  
21 flows at a very slow rate going into the drain  
22 system.

23 CHAIRMAN HOLTZMAN: So it actually  
24 doesn't --

25 VICE CHAIR MAGALETTA: Stop it --

1 CHAIRMAN HOLTZMAN: -- stop it.

2 VICE CHAIR MAGALETTA: -- it's a drip.

3 THE WITNESS: Right. It's a drip.

4 CHAIRMAN HOLTZMAN: -- what it's doing,  
5 it's a drip system.

6 THE WITNESS: Right.

7 CHAIRMAN HOLTZMAN: And then if it  
8 keeps pouring, the water eventually goes out the  
9 scuppers --

10 THE WITNESS: So if it goes beyond two  
11 inches, you will hit the --

12 CHAIRMAN HOLTZMAN: The overflow --

13 VICE CHAIR MAGALETTA: The overflow --

14 CHAIRMAN HOLTZMAN: -- scuppers --

15 THE WITNESS: -- scuppers, and the  
16 water will go into the drain, because now you're  
17 above the --

18 CHAIRMAN HOLTZMAN: Oh, it cascades  
19 over the top, and then it's like free flowing at  
20 that point?

21 THE WITNESS: Yeah.

22 There is actually a cut sheet that they  
23 have that I think that they submitted to you guys.

24 MR. VENEZIA: A bit of my question is  
25 at the top of that drain is below two inches, it is

1 at the top or the bottom of the pavers from looking  
2 at the detail on your Sheet A03.1 --

3 CHAIRMAN HOLTZMAN: So just to jump  
4 in --

5 MR. VENEZIA: -- so I am not sure that  
6 we would get the full two inches. That is why I  
7 need clarification.

8 CHAIRMAN HOLTZMAN: -- okay. So we  
9 need that.

10 But also just to walk that back, so we  
11 don't end up with a mosquito or Legionnaires'  
12 disease breeding ground because the water doesn't  
13 actually stay there, it will flow out. Is that  
14 correct, professionals?

15 MR. LANDOW: Yes.

16 VICE CHAIR MAGALETTA: It will drain  
17 completely eventually, correct?

18 THE WITNESS: Correct.

19 So they have a little bit more than two  
20 inches here. We can get the drain to the -- the top  
21 of the drain to two inches.

22 MR. VENEZIA: Okay. Thank you.

23 Then my follow-up question of that:  
24 Who is going to do that?

25 Is that going to be the maintenance, or

1 is that your --

2 THE WITNESS: I would assume that that  
3 is the maintenance desk that is there every day that  
4 will do that. Maybe open that up that day --

5 MR. VENEZIA: How will they know how  
6 to --

7 CHAIRMAN HOLTZMAN: What maintenance --  
8 wait. I don't understand what maintenance is  
9 required.

10 I am under the impression that we have  
11 the professional here, that's the roofing guy.

12 Are you putting this mechanism in the  
13 drain?

14 THE WITNESS: No. The drain is  
15 installed. It's there --

16 CHAIRMAN HOLTZMAN: I got it.

17 THE WITNESS: -- so a maintenance guy  
18 from the building can adjust it, if they needed to  
19 allow the water --

20 CHAIRMAN HOLTZMAN: Are you putting it  
21 in on the first time when you are putting this whole  
22 system together?

23 THE WITNESS: I am not a contractor.  
24 I'm a consultant --

25 CHAIRMAN HOLTZMAN: Okay.

1                   THE WITNESS:  -- but, yes, the roofing  
2                   contractor would install it, and it would be  
3                   functional up to the two inches going into the  
4                   scupper --

5                   MR. TRAUTNER:  If I understand  
6                   correctly, no matter what, if no one ever touches  
7                   it, it will continue to --

8                   THE WITNESS:  It will maintain --

9                   MR. TRAUTNER:  -- maintain the drip  
10                  water out.

11                  If, in the event you needed to expedite  
12                  the release of the water back into the system,  
13                  somebody could manually activate --

14                  CHAIRMAN HOLTZMAN:  Would you actually  
15                  have to go and pick up pavers to get access to it?

16                  THE WITNESS:  They are loose laid  
17                  pavers --

18                  CHAIRMAN HOLTZMAN:  No, I understand  
19                  that --

20                  THE WITNESS:  -- yes.

21                  CHAIRMAN HOLTZMAN:  -- but it is not  
22                  something that's sticking up --

23                  THE WITNESS:  No.

24                  CHAIRMAN HOLTZMAN:  -- out of it, and  
25                  it's not between the pavers.

1                   You would have to lift the paver which  
2                   is sitting on a little pedestal thing --

3                   THE WITNESS:   Yes.

4                   CHAIRMAN HOLTZMAN:  -- and then fool  
5                   with the --

6                   THE WITNESS:   Yes.  So you wouldn't  
7                   have people that are sitting there --

8                   CHAIRMAN HOLTZMAN:  Can't screw around  
9                   with it, right?

10                  COMMISSIONER STRATTON:  Is it -- can I  
11                  make a suggestion --

12                  THE WITNESS:   And they probably  
13                  wouldn't even know where it is --

14                  CHAIRMAN HOLTZMAN:  Commissioner?

15                  COMMISSIONER STRATTON:  -- that you can  
16                  maybe identify the paver under which the Weir is  
17                  located, so that if you needed to clean it --

18                  THE WITNESS:   So they would have on  
19                  staff a drawing that shows the location of the  
20                  pavers --

21                  CHAIRMAN HOLTZMAN:  There you go.

22                  But there's no normal required ongoing  
23                  maintenance, and nobody is working the system to  
24                  make it do its thing.  It is does it by itself?

25                  THE WITNESS:   Yes.

1 MR. TRAUTNER: Any other questions?

2 CHAIRMAN HOLTZMAN: Any other questions  
3 from the Commissioners or concerns?

4 COMMISSIONER PINCHEVSKY: I have a  
5 question not regarding any of these topics --

6 CHAIRMAN HOLTZMAN: Oh.

7 MR. GALVIN: There you go.

8 MR. PINCHEVSKY: -- hum, just for  
9 clarification, the original Planning Board  
10 resolution states that the development is not  
11 subject to affordable housing. However, the  
12 developer is seeking credit in regard to the  
13 development -- I'm sorry -- 115 residential units  
14 provided will be affordable housing units for which  
15 the developer is seeking credit.

16 And I just want to know, it doesn't  
17 seem as though these units are currently affordable  
18 housing. I just wanted to see that if this plan  
19 with that language has any implication on where we  
20 are today, and if it had any implication on the --  
21 you know, what's before us on the application.

22 CHAIRMAN HOLTZMAN: Do you have any  
23 insight for this, Mr. Trautner?

24 MR. TRAUTNER: My client and the  
25 applicant are not actually the developer of the

1 property. Unfortunately, Mr. Chairman, without  
2 the -- I don't have the benefit of knowledge as to  
3 what may or may not have happened in the past in  
4 terms of whether or not the units were at some point  
5 supposed to be deemed restricted to affordable  
6 housing units, why deed restrictions weren't put in  
7 place --

8 CHAIRMAN HOLTZMAN: Is it your  
9 statement that they are currently not?

10 MR. TRAUTNER: They are currently not.

11 MR. SABOTKA: The affordability  
12 program actually expired for the building, and I  
13 don't know the exact date, but I could --

14 CHAIRMAN HOLTZMAN: Can you give me a  
15 ballpark as to when you think it expired?

16 MR. SABOTKA: It was several years ago.

17 CHAIRMAN HOLTZMAN: Several years,  
18 okay.

19 Right, because this was a redevelopment  
20 zone --

21 MR. SABOTKA: Right.

22 CHAIRMAN HOLTZMAN: -- and it had an  
23 agreement on it initially, and that expired --

24 MR. SABOTKA: Right.

25 CHAIRMAN HOLTZMAN: -- and then you

1 folks came in and purchased or are an investor in  
2 the property, correct?

3 MR. SABOTKA: Correct.

4 CHAIRMAN HOLTZMAN: So I'm happy to go  
5 further, but was there something specific?

6 COMMISSIONER PINCHEVSKY: No. That  
7 seems to make sense. I just wasn't sure. It  
8 expired I guess is a valid answer. I'm sure it's --

9 MR. GALVIN: I don't know about this  
10 program, but I can tell you that we have an  
11 accessory apartment program in Fairfield, New  
12 Jersey, that has a ten-year life.

13 So you have to have an affordable  
14 tenant for ten years, and after that ten years  
15 expires, then you don't.

16 I think in some of the Applied Housing  
17 projects, their limitation was 30 years, and a lot  
18 of those buildings have hit the 30-year limitation,  
19 and so that is going to create some issues for the  
20 community.

21 COMMISSIONER PINCHEVSKY: This would  
22 have been I guess '89, 1990, so we are just shy of  
23 the 30 years --

24 MR. GALVIN: Well, we don't know what  
25 the --

1                   COMMISSIONER PINCHEVSKY:  -- but, yeah,  
2                   you're absolutely right.

3                   (Everyone talking at once.)

4                   COMMISSIONER PINCHEVSKY:  Okay.  
5                   Understood.

6                   So I mean, if it expired, then  
7                   obviously there would be no implication, but I  
8                   figured it was worth bringing up for at least a  
9                   conversation.

10                  MR. GALVIN:  If it was 20, it sounds  
11                  like that might be right, because '89, 20 years,  
12                  2009, and it hasn't been on for a few years, so  
13                  something along those lines.  We don't know that.  
14                  It is not factual.

15                  CHAIRMAN HOLTZMAN:  Mr. Trautner, would  
16                  you be happy to provide for the Board after the fact  
17                  some documentation as to when the affordable housing  
18                  component or implementation expired, so that we can  
19                  at least document it for this hearing?

20                  MR. TRAUTNER:  Certainly, Mr. Chairman.  
21                  Although I will try not to give you too cagey an  
22                  answer, I may be required to seek that information  
23                  from Hoboken itself.  I assume there's an affordable  
24                  housing administrator, and they have that.

25                  To the extent it is not available

1 through the municipality, and we don't have it, I  
2 don't want to pool a promise and under-deliver, but  
3 I will do my level best to provide that information.

4 CHAIRMAN HOLTZMAN: Okay.

5 And you will provide that to our  
6 attorney, some answer on that.

7 COMMISSIONER DOYLE: I have a question.

8 CHAIRMAN HOLTZMAN: Yes, go ahead, Mr.  
9 Doyle.

10 COMMISSIONER DOYLE: I'm sorry.

11 MR. GALVIN: No, I'm good.

12 COMMISSIONER DOYLE: I am looking at  
13 your Investco real estate picture here, and the  
14 artificial grass square in the middle of the plaza  
15 or the roof deck or the rear deck, is there an  
16 opportunity here -- it looks like it is elevated --

17 MR. LANDOW: It is.

18 COMMISSIONER DOYLE: -- maybe 18 or 20  
19 inches?

20 MR. LANDOW: About 14 inches.

21 COMMISSIONER DOYLE: Is there an  
22 opportunity that we can take advantage of therefore  
23 water retention?

24 MR. LANDOW: We have mats below that,  
25 and the water drains through them.

1           I mean, the issue with the water  
2           retention concern that we have is that this  
3           structure wasn't designed to hold water, so there is  
4           a roof load that it was designed for, and we don't  
5           know whether it will hold more water.

6           The engineer did an analysis and  
7           determined that the two inches was something that  
8           the structure was designed for. Beyond that, I  
9           can't tell you without further analysis by the  
10          structural engineer whether it would hold additional  
11          water.

12          COMMISSIONER DOYLE: And I am wondering  
13          whether, you know, if you are going to be opening up  
14          this roof, is there any capacity in the space below  
15          for some form of a --

16          MR. LANDOW: The space below is a  
17          parking garage --

18          COMMISSIONER DOYLE: Right.

19          MR. LANDOW: -- so I can't tell you  
20          whether they can give up spaces --

21          CHAIRMAN HOLTZMAN: It is also  
22          concrete. It's poured concrete.

23          MR. LANDOW: It is a poured concrete  
24          structure.

25          COMMISSIONER DOYLE: All right. I'm

1 just thinking --

2 CHAIRMAN HOLTZMAN: You are fishing.

3 That is good. That's good. Got to keep trying.

4 Keep on, keeping on.

5 COMMISSIONER DOYLE: Okay. Thank you.

6 CHAIRMAN HOLTZMAN: Dennis, you have a  
7 couple of conditions. Can you please read them?

8 MR. GALVIN: Sure.

9 One: There are to be no propane tanks  
10 permitted on the roof.

11 Two: The gas line serving the gas  
12 grills will be on a timer and will be shut off when  
13 the deck is not in use.

14 Three: The decking is to be made of  
15 Epay.

16 Four: The deck furniture and surface  
17 shall be consistent with the plan shown to the Board  
18 and the testimony provided at the Board meeting of  
19 August 8th -- 4th --

20 COMMISSIONER GRAHAM: August 4th

21 MR. GALVIN: -- today is the 4th.

22 COMMISSIONER DOYLE: It's the 4th.

23 Do we have to come back here in four  
24 days?

25 MR. GALVIN: Maybe.

1                   A VOICE: That will be Saturday.

2                   (Laughter)

3                   MR. GALVIN: Five: The lighting will  
4 come on photovoltaically, but will shut off no later  
5 than ten p.m. from March through October -- I am  
6 thinking how long it is going to take me to get home  
7 without the Turnpike -- ten p.m. from March to  
8 October, and no later than seven p.m. from November  
9 to February --

10                  COMMISSIONER FORBES: No. If I may,  
11 they actually said through the end of September, so  
12 it would be March through September, and then  
13 October through March --

14                  CHAIRMAN HOLTZMAN: This month thing is  
15 going to be the hardest thing --

16                  (Everyone talking at once.)

17                  MR. TRAUTNER: I think it is March 1st  
18 through September --

19                  MR. GALVIN: No. I understood. We're  
20 just disagreeing --

21                  CHAIRMAN HOLTZMAN: Do we have a  
22 calendar consultant here?

23                  (Laughter)

24                  MR. TRAUTNER: I apologize, Mr.  
25 Chairman.

1                   CHAIRMAN HOLTZMAN: You brought the  
2 rest of the team here. You haven't introduced them  
3 all.

4                   MR. GALVIN: No later than seven p.m.  
5 from October to February.

6                   Sixth: Management promised that the  
7 deck usage would be limited to a maximum of 50  
8 people.

9                   Seven: Tenants are not permitted --

10                  CHAIRMAN HOLTZMAN: A usage or an  
11 occupancy, does it make a difference on the wordage  
12 or --

13                  MR. TRAUTNER: I think occupancy is  
14 probably the more precise language, if the Board --

15                  CHAIRMAN HOLTZMAN: And we are going to  
16 make sure that there is also a sign, that there's  
17 signage to that effect.

18                  MR. TRAUTNER: Yes.

19                  MR. GALVIN: And there will be a sign  
20 to that effect.

21                  CHAIRMAN HOLTZMAN: Oh, you're most  
22 eloquent.

23                  MR. GALVIN: No, it's not.

24                  (Laughter)

25                  Tenants are not permitted to have more

1 than two guests in the deck area at any time.

2 The deck rules will include no alcohol  
3 and no loud music.

4 The tenants' access and use of the deck  
5 is limited from ten a.m. to ten p.m. March through  
6 September, and ten a.m. to seven p.m. in the months  
7 of October through February.

8 These rules are to be included in all  
9 new leases, because I know you can't put them into  
10 the existing ones.

11 The applicant agreed to aggressively  
12 enforce these rules, which could include eviction in  
13 an appropriate case.

14 Eight: Access to the deck will be by  
15 means of a key fob.

16 Nine: The drainage plan is to be  
17 reviewed and approved by the Board's Engineer.

18 Ten: The applicant agreed that if it  
19 desires to change any of the deck rules or the hours  
20 of operation for the deck, it will seek the Board's  
21 approval of such changes.

22 CHAIRMAN HOLTZMAN: Any questions or  
23 comments on the conditions read by Dennis?

24 Okay. Is there a motion to accept  
25 these ten conditions?

1 COMMISSIONER MC KENZIE: I move.

2 CHAIRMAN HOLTZMAN: So moved.

3 COMMISSIONER DOYLE: Second.

4 CHAIRMAN HOLTZMAN: Is that a second  
5 from Councilman Doyle?

6 COMMISSIONER DOYLE: Second.

7 MS. CARCONE: Okay. Commissioner  
8 Magaletta?

9 VICE CHAIR MAGALETTA: Yes.

10 MS. CARCONE: Commissioner Stratton?

11 COMMISSIONER STRATTON: Yes.

12 MS. CARCONE: Commissioner Forbes?

13 COMMISSIONER FORBES: Yes.

14 MS. CARCONE: Commissioner Doyle?

15 COMMISSIONER DOYLE: Yes.

16 MS. CARCONE: Commissioner Graham?

17 COMMISSIONER GRAHAM: Yes.

18 MS. CARCONE: Commissioner McKenzie?

19 COMMISSIONER MC KENZIE: Yes.

20 MS. CARCONE: Commissioner Pinchevsky?

21 COMMISSIONER PINCHEVSKY: Yes.

22 MS. CARCONE: Commissioner Peene?

23 COMMISSIONER PEENE: Yes.

24 MS. CARCONE: Commissioner Holtzman?

25 CHAIRMAN HOLTZMAN: Yes.

1 Thank you, Mr. Trautner.

2 MR. TRAUTNER: Thank you, Mr. Chairman.

3 Thank you, members of the Board.

4 MR. GALVIN: Good luck, guys.

5 CHAIRMAN HOLTZMAN: Are there any other  
6 items on our agenda or new business that anyone  
7 needs for this evening?

8 Is there a motion to close our meeting?

9 VICE CHAIR MAGALETTA: So moved.

10 CHAIRMAN HOLTZMAN: Second?

11 COMMISSIONER PEENE: Second.

12 CHAIRMAN HOLTZMAN: All in favor?

13 (All Board members answered in the  
14 affirmative.).

15 Thank you.

16 (The meeting concluded at 9:45 p.m.)

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C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CCR, CRCR

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PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300  
 Notary Public of the State of New Jersey  
 My commission expires 11/5/2015.  
 Dated: 8/10/15  
 This transcript was prepared in accordance with  
 NJAC 13:43-5.9.