

CITY OF HOBOKEN  
PLANNING BOARD

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SPECIAL MEETING OF THE HOBOKEN : October 28, 2015  
PLANNING BOARD : 7:08 p.m.  
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Held At: Rue School  
301 Garden Street  
Hoboken, New Jersey

B E F O R E:

Chairman Gary Holtzman  
Vice Chair Frank Magaletta  
Commissioner Caleb D. Stratton  
Commissioner Brandy Forbes  
Commissioner Jim Doyle  
Commissioner Caleb McKenzie  
Commisioner Ryan Peene

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

Kristin Russell, AICP/PP  
Board Planner  
  
Andrew R. Hipolit, PE, PP, CME  
Board Engineer  
  
Patricia Carcone, Board Secretary

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CERTIFIED SHORTHAND REPORTER  
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1           A P P E A R A N C E S:

2                   DENNIS M. GALVIN, ESQUIRE  
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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, guys.  We are  
2                   going to get started.

3                   It is Wednesday, October 28th, 7:08  
4                   p.m.  This is the City of Hoboken Planning Board  
5                   Meeting.

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

14                  Pat, could you call the roll?

15                  MS. CARCONE:  Commissioner Holtzman?

16                  CHAIRMAN HOLTZMAN:  Here.

17                  MS. CARCONE:  Commissioner Magaletta?

18                  VICE CHAIR MAGALETTA:  Here.

19                  MS. CARCONE:  Commissioner Stratton?

20                  COMMISSIONER STRATTON:  Here.

21                  MS. CARCONE:  Commissioner Forbes?

22                  COMMISSIONER FORBES:  Here.

23                  MS. CARCONE:  Commissioner Doyle?

24                  COMMISSIONER DOYLE:  Here.

25                  MS. CARCONE:  Commissioner Graham is

1 absent.

2 Commissioner McKenzie?

3 COMMISSIONER MC KENZIE: Here.

4 MS. CARCONE: Commissioner Pinchevsky  
5 is absent.

6 Commissioner Peene?

7 COMMISSIONER PEENE: Here.

8 CHAIRMAN HOLTZMAN: Thank you.

9 So the first item on our administrative  
10 agenda here is the formal announcement that Mr. Ryan  
11 Peene, our Commissioner, has been moved up, bumped  
12 up, as you will, to a full Commissioner. The mayor  
13 performed that little --

14 (Applause)

15 CHAIRMAN HOLTZMAN: -- we are happy to  
16 have him. He has been a great asset to our Board.

17 MR. GALVIN: Yes. You haven't told him  
18 about the initiation ritual.

19 (Laughter)

20 COMMISSIONER DOYLE: Your pay is cut in  
21 half.

22 CHAIRMAN HOLTZMAN: That is right.

23 (Laughter)

24 So do we have any resolutions?

25 MS. CARCONE: No resolutions.

1                   CHAIRMAN HOLTZMAN: We don't have any  
2       resolutions today, correct?

3                   MS. CARCONE: No.

4                   CHAIRMAN HOLTZMAN: We will next month.

5                   (Continue on next page)

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CITY OF HOBOKEN  
PLANNING BOARD  
SPECIAL MEETING

----- X  
RE: 61-63 Fourteenth Street : October 28, 2015  
Case: HOP-15-14 :  
Block: 245, Lots 6-7 : 7:10 p.m.  
Applicant: Green Lantern, LLC :  
Minor Site Plan & Lot Coverage :  
Variance :  
----- X

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Hoboken, New Jersey

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9                   Hoboken, New Jersey 07030  
10                  (201) 659-0403  
11                  Attorney for the Applicant.

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## I N D E X

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WITNESS

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ANTHONY VANDERMARK

13 &amp; 76

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EDWARD KOLLING

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## E X H I B I T S

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EXHIBIT NO.

DESCRIPTION

PAGE

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A-1

Photo Board

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A-2

Rendering

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1                   CHAIRMAN HOLTZMAN: So the first item  
2 we are going to do is 61-63 Fourteenth Street.

3                   Mr. Matule, are we ready?

4                   MR. MATULE: We are ready.

5                   CHAIRMAN HOLTZMAN: Thank you.

6                   Since it is the Mr. Matule hour this  
7 evening apparently.

8                   MR. VANDERMARK: What would be the best  
9 location for this?

10                  MR. GALVIN: Any place where it is not  
11 dark.

12                  (Laughter)

13                  MR. MATULE: Good evening, Mr.  
14 Chairman, Board Members.

15                  Robert Matule, appearing on behalf of  
16 the applicant, Green Lantern, LLC.

17                  This is with respect to the property at  
18 61-63 Fourteenth Street, formerly the Liberty Bar  
19 and Grill.

20                  What we are here for tonight is to  
21 request minor site plan approval and a variance for  
22 lot coverage to add three residential floors to the  
23 existing one-story commercial building that is on  
24 the site.

25                  Basically I have two witnesses I will

1 be presenting tonight, Anthony Vandermark from  
2 Minervini Vandermark, and Ed Kolling, our planner.

3 We previously submitted our  
4 jurisdictional proofs.

5 MR. GALVIN: They are accepted. You  
6 are in good shape.

7 MR. MATULE: Okay. Great.

8 As we had indicated in our application,  
9 and I just want to put it on the record, this  
10 application or a similar application was previously  
11 presented to the Zoning Board under the prior zoning  
12 ordinance before the amendments. It was somewhat of  
13 a larger building, if you will, than we are  
14 presenting tonight, and that application was denied  
15 in April of 2015, and then the plans were revised  
16 and under the new ordinance, we are here.

17 So if we could have Mr. Vandermark  
18 sworn.

19 CHAIRMAN HOLTZMAN: Just hang on one  
20 second, please.

21 Mr. Magaletta, I know there were a  
22 couple of questions that you had for Mr. Matule at  
23 our completion meeting. There were some documents  
24 on some of the forms. I just wanted to make sure if  
25 any of those things were still outstanding, that you

1 got the things addressed.

2 VICE CHAIR MAGALETTA: Well, you know,  
3 I think they are fine.

4 It was just a question of consistency  
5 among the disclosures.

6 Are they even in here?

7 MR. MATULE: Generally they are not  
8 part of the application.

9 I think the question was identifying  
10 who the professionals were versus who the members of  
11 the applicant were. In this particular case, I  
12 think it is pretty straightforward.

13 CHAIRMAN HOLTZMAN: Okay.

14 Frank, are you okay with that?

15 VICE CHAIR MAGALETTA: I'm fine.

16 CHAIRMAN HOLTZMAN: Great. Thank you  
17 very much.

18 I'm sorry about that. Please proceed,  
19 Mr. Matule.

20 MR. MATULE: We agreed to try to do  
21 better in the future, check the right boxes.

22 CHAIRMAN HOLTZMAN: Thank you.

23 VICE CHAIR MAGALETTA: That's just  
24 paperwork.

25 MR. GALVIN: We're going to keep

1 looking, so we got to get it right.

2 Raise your right hand.

3 Do you swear or affirm the testimony  
4 you're about to give is true?

5 MR. VANDERMARK: I do.

6 A N T H O N Y V A N D E R M A R K, having been  
7 duly sworn, testified as follows:

8 MR. GALVIN: All right. You may  
9 proceed.

10 CHAIRMAN HOLTZMAN: Thank you.

11 MR. MATULE: And Mr. Minervini -- Mr.  
12 Vandermark has appeared before the Zoning Board and  
13 Planning Board. Are you accepting his  
14 qualifications?

15 (Laughter)

16 CHAIRMAN HOLTZMAN: Yes. We know him  
17 well.

18 Thank you.

19 MR. MATULE: Thank you.

20 Okay. Mr. Vandermark, if you would,  
21 and if we are going to refer to anything that is not  
22 in the plans, just let me know, and we will mark it  
23 accordingly.

24 But if you would, could you describe  
25 the existing site and the surrounding properties

1 with respect to the project?

2 THE WITNESS: Absolutely, and let's  
3 refer to an exhibit already.

4 Bob, let's mark this Exhibit A-1.

5 MR. MATULE: A-1.

6 (Exhibit A-1 marked.)

7 THE WITNESS: What I have here is a  
8 photo board taken by myself approximately five  
9 months ago.

10 MR. MATULE: Now, just again, I see you  
11 have two sides to that.

12 THE WITNESS: I do.

13 MR. MATULE: Should we identify it as a  
14 two-sided board, or do you want to mark it A-1 and  
15 A-2?

16 THE WITNESS: This will be a two-sided  
17 board. The second sheet is Sheet Z-8, which is  
18 already in your plan submission package, so it won't  
19 be an exhibit.

20 MR. GALVIN: That is fine. You are  
21 fine.

22 MR. MATULE: Continue.

23 THE WITNESS: Okay.

24 Good evening. Thank you for coming.

25 The proposal you have before you is for

1 the existing irregular nonconforming Liberty Bar  
2 site. It fronts 31.83 feet in width, and  
3 approximately 71.94 feet in depth, 2,290 square  
4 feet.

5 Now, although it is larger than your  
6 standard R-1 in width, it is larger in size.  
7 However, it is nonconforming in depth. Therefore,  
8 this is a preexisting nonconforming structure.

9 The existing one-story masonry  
10 structure measures 17 feet 8 from the sidewalk to  
11 the top of the parapet line, and I just want to go  
12 through the photographs from left to right here.

13 The building is situated on the site is  
14 situated on the southern side of Fourteenth Street  
15 between Washington Street and Hudson Street.

16 Right here, photo Exhibit 1, looking  
17 down the block to the east, we have the Shipyard  
18 complex, and we have a 13-story building to the  
19 northern side, and we have an 11-story building at  
20 the Shipyard to the southern side.

21 Here in the foreground is the existing  
22 four-story Hudson Tavern, which is a mixed-use  
23 structure, which is a bar/restaurant on the first  
24 floor and three residential structures above.

25 Again, Liberty Bar here is in the

1 center photograph.

2 The photograph to the right here is a  
3 five-story, 56 foot tall mixed-use building. We  
4 have commercial on the first floor and four floors  
5 of residential above it.

6 Across Fourteenth Street down below  
7 here is the City Bistro structure with Uptown Pizza  
8 next to it. They are currently undergoing  
9 construction of, I believe, another tall project  
10 here on the corner. That should range between six  
11 and 12 stories. I don't know the exact height that  
12 is fronting Fourteenth Street.

13 We have City Bistro directly across the  
14 street with the roof garden.

15 Here to the northern end, we have a  
16 three-story commercial building, which is the  
17 Applied Housing.

18 We have an aerial view here of the  
19 site, you know, indicating -- we have here on the  
20 corner the existing four-story Hudson Tavern  
21 building, very dense in coverage. It is  
22 approximately 90 percent coverage, and within this  
23 particular neighborhood here, and the next exhibit  
24 when I flip to that, you will see how dense and how  
25 tall the neighborhood is, and our proposal before

1       you, you know, fits right in with the existing  
2       heights.

3                       Here to the bottom right, the  
4       four-story Hudson Tavern. Our proposal is matching  
5       the principal roof structure of the Hudson Tavern  
6       structure exactly within four inches.

7                       We have, again, on the corner a taller  
8       56 foot tall, at 88 percent lot coverage, mixed-use  
9       building here, and ours is situated here.

10                      To the immediate east is a foot doctor.  
11       To the east of that is the post office, and the  
12       tanning salon to the east of that. They are all  
13       one-story, approximately 16 feet in height, but they  
14       all do cover 100 percent lot coverage at that first  
15       floor.

16                      Going to Sheet Z-8 in your submission  
17       package, the aerial photograph here in the upper  
18       right, the building here fronting Fourteenth Street  
19       on the corner of Washington, that would be to our  
20       west, is a five-story structure.

21                      Going south along Washington Street,  
22       another five-story structure and a six-story  
23       structure to that.

24                      Our proposal is here. The separation  
25       distance in between the structure on the corner on

1 Washington and our proposed structure is 12 foot.

2 Again, we have three one-story  
3 structures with three storefronts immediately to our  
4 east and, again, on the other corner is the  
5 four-story Hudson Tavern mixed-use structure.

6 Behind the Hudson Tavern going along  
7 Hudson Street, we have a six-story, a five-story and  
8 a five-story beyond that, and I am not giving  
9 planning testimony, but a four-story structure  
10 within this grouping of height, we feel is  
11 conforming.

12 Our proposal is 40 feet above design  
13 flood elevation --

14 MR. GALVIN: You meant "consistent"?

15 THE WITNESS: "Consistent."

16 Thank you. I couldn't find the word.

17 MR. GALVIN: That is all right.

18 THE WITNESS: Our proposal is 40 feet  
19 above design flood elevation. The design -- this  
20 building sits in the federal flood plain. We would  
21 have to elevate this structure 3.4 feet to NAVD 14.8  
22 feet in order to lift it out of the federal flood  
23 plain, and so we measured from 40 feet from design  
24 flood elevation to the principal roof height. We  
25 are not asking for a height variance.

1                   We are proposing a bulkhead obviously  
2                   for stair access to the fire department and the roof  
3                   deck for Unit Number 3 that we will get to later.

4                   And, again, it shows you the height in  
5                   relation to the Hudson Tavern building and the  
6                   five-story mixed-use structure on the corner of  
7                   Washington Street.

8                   CHAIRMAN HOLTZMAN: So the bulkhead is  
9                   that dotted line that's a little tough to see  
10                  obviously, especially tonight.

11                  THE WITNESS: The bulkhead is this  
12                  little triangle shape here, and this is our  
13                  relationship to the Hudson Tavern structure.

14                  We're actually -- it will appear  
15                  slightly smaller than the Hudson Tavern building  
16                  because of the cornice line. It is a very prominent  
17                  cornice on the Hudson Tavern. Our building is a  
18                  minimal modern industrial cornice line, and the  
19                  upper building here, the mixed-use structure, has a  
20                  larger cornice that is approximately five feet.

21                  MR. MATULE: So do you want to take us  
22                  through the drawings?

23                  THE WITNESS: I will take us through  
24                  the drawings.

25                  Sheet Z-1, a zoning tabulation chart,

1 again, a 2,290 square feet site. We are maintaining  
2 the same use on the first floor, which is a  
3 bar/restaurant, and we are proposing three  
4 residential units above.

5 Each -- we anticipate them to be  
6 three-bedroom, two-bath at approximately 13,006  
7 square feet.

8 Again, we are proposing 40 feet above  
9 design flood elevation. We are proposing a zero  
10 front yard setback, a zero side yard setback on both  
11 the eastern and western sides, and a 25 foot rear  
12 yard setback to the south.

13 We are proposing 65.25 percent lot  
14 coverage on the upper floors and the preexisting 100  
15 percent on the first floor.

16 We have two different roof decks, one  
17 on the second floor above the existing  
18 bar/restaurant space, and one on the upper roof  
19 level that we will get into later.

20 We are not proposing parking. Parking  
21 is not required in the R-1 zone, and we meet all  
22 facade calculations, and we do not require a  
23 variance for the facades.

24 Most importantly, the customer service  
25 area and occupancy is not changing. 1,364 square

1 feet was the existing bar/restaurant, and our  
2 proposal matches that at 1,364 square feet.

3 Sheet Z-2, we will give you a site  
4 plan.

5 The preexisting Liberty Bar/Restaurant  
6 is a hundred percent in lot coverage at the first  
7 floor.

8 Again, the structures immediately to  
9 our east, again, a hundred percent lot coverage at  
10 the first floor.

11 The five-story mixed-use commercial  
12 masonry building here is at 88 percent, and we  
13 anticipate this building, this building here to the  
14 western side, at approximately 80 feet in depth.

15 Our new proposal, we have an additional  
16 three floors over the 100 percent at 65.25 feet,  
17 1,493 square foot in floor plate area.

18 Again, we are proposing a 25-foot rear  
19 yard setback, and in addition, we are also lowering  
20 the actual roof level of the commercial  
21 bar/restaurant space.

22 So the existing roof is approximately  
23 17 -- 16 to 17 feet high because it is sloped. We  
24 are lowering that roof line down to 13 feet 4 inches  
25 to the first residential floor. So we are actually

1 lowering the height of that level, and also the back  
2 roof deck area lowers, and it lowers its impact on  
3 the adjacent structures and properties.

4 MR. MATULE: If I could, before you go  
5 to the next page, I just want to clarify. You had  
6 testified that the building to the west on  
7 Washington Street was approximately 88 percent lot  
8 coverage?

9 THE WITNESS: It's 88 feet in depth.  
10 It is a hundred percent at the first floor, and the  
11 separation distance between our structure and that  
12 structure is 12 feet. This one-story structure is  
13 12 feet in length.

14 MR. MATULE: Above the first floor?

15 THE WITNESS: Above the first floor.

16 MR. MATULE: Thank you.

17 CHAIRMAN HOLTZMAN: I don't think that  
18 is an accurate portrayal.

19 The building that you -- the Liberty  
20 Bar and Grill abuts the building that faces to  
21 Washington Street. It doesn't face the full  
22 five-story building, but there is a one-story  
23 extension. If you are standing on Fourteenth  
24 Street --

25 THE WITNESS: That's correct. There is

1 a one-story --

2 CHAIRMAN HOLTZMAN: -- so your building  
3 does abut it --

4 THE WITNESS: Okay. It abuts it --

5 CHAIRMAN HOLTZMAN: -- there isn't a  
6 12 -- there's a 12 foot wide one-story addition to  
7 that five-story building.

8 THE WITNESS: That is correct.

9 MR. MATULE: That is the point I was  
10 trying to clarify when I asked him the difference --

11 CHAIRMAN HOLTZMAN: Glad I could help.

12 MR. MATULE: -- between the upper  
13 floors and the lower floors.

14 But thank you, Chairman.

15 (Laughter)

16 Please continue, Anthony.

17 THE WITNESS: Thank you.

18 Sheet Z-3, existing footprint of the  
19 building to remain a hundred percent.

20 Again, we had to alter the shape of the  
21 customer service area, but it is not changing, 1,364  
22 square feet. At the first floor, we have our two  
23 means of egress for residential.

24 We have ADA compliant bathrooms for the  
25 restaurant space. To the southern part of the

1 restaurant space, we have the proposed kitchen.

2 We are proposing an accordion door  
3 system, also with a solid door panel, for entry to  
4 the bar/restaurant.

5 We are proposing one street tree, two  
6 wall sconces on the front facade, one to the rear  
7 that we'll get to later, and most importantly, we  
8 have a preexisting basement storage space, and the  
9 basement storage space is being vacated. They used  
10 it for, you know, their refrigerators, their  
11 freezers, and for, you know, dry storage.

12 As per the Flood Plain Administrator's  
13 request, that space is being abandoned, and we are  
14 going to take it one further and actually create a  
15 detentional vault in the existing basement space.

16 So this application actually makes this  
17 project better by vacating the space and creating a  
18 detention system that the previous structure did not  
19 have.

20 Sheet Z-4, again, 65.25 percent  
21 coverage on floors two, three, and four. We are  
22 proposing a rear deck above the commercial space at  
23 the second floor. It will be used solely for Unit  
24 Number 2.

25 We have a three-foot perimeter planter

1 strip that's located in detail number three.

2 Again, bushes should grow to  
3 approximately seven feet in height. What we are  
4 looking to do is create a privacy buffer in between  
5 these adjacent properties here to the west and our  
6 roof deck area here.

7 We have an upper roof deck, and we are  
8 proposing a 254 square foot roof deck.

9 We have one stair access from Unit  
10 Number 3 to that roof deck. Again, we have a  
11 perimeter of buffer zone of planters to the roof  
12 deck, and also a substantial extensive green roofing  
13 system.

14 There is some mechanical equipment that  
15 will be located to the southern part of the roof,  
16 and that is shown here in the plan.

17 COMMISSIONER DOYLE: Chairman?

18 CHAIRMAN HOLTZMAN: Yes, Jim.

19 COMMISSIONER DOYLE: Could you explain  
20 why you don't have on the lower deck, the perimeter,  
21 all the way around the perimeter?

22 THE WITNESS: It is a graphic error,  
23 and so if we go to sheet Z-6, it will indicate it  
24 correctly. This planter comes directly down here.

25 COMMISSIONER DOYLE: Okay. Thank you.

1                   MR. GALVIN: So the plan has to be  
2                   revised.

3                   THE WITNESS: This will be filed  
4                   subject to approval.

5                   Sheet Z-5 shows you the existing  
6                   basement vault, which will be converted into a  
7                   detention system.

8                   This is the existing bar/restaurant  
9                   layout of the Liberty Bar, which will since change  
10                  with the two means of egress and the reconfiguration  
11                  of the customer service area.

12                  Sheet Z-6, the first floor plan, which  
13                  was described previously, a second floor unit, again  
14                  with the 715 square foot terrace with the planter  
15                  extending down to the building line. 1,306 square  
16                  feet, again, a three-bedroom, two-bath proposal on  
17                  floors two and three.

18                  The upper unit gets slightly larger  
19                  because you have an open stair that goes to the  
20                  bulkhead, and that is 1,344, so we are proposing  
21                  three units at 65.25 lot coverage.

22                  We have a 25 foot rear yard setback,  
23                  which is greater than the 30 percent setback  
24                  requirement.

25                  MR. MATULE: And if I could, both the

1 lower roof deck and the roof deck that's up on the  
2 top are in conformance with the requirements of the  
3 roof deck ordinance?

4 THE WITNESS: Yes, yes.

5 Sheet Z-6.1, again, the existing  
6 Liberty Bar roof was approximately here.

7 What we are doing is we're actually  
8 lowering that roof line here and measuring from the  
9 design flood elevation of 40 feet to the principal  
10 roof line.

11 Again, you can see the bulkhead for  
12 both the fire department access and the Unit 3  
13 access. We are proposing a six-foot canopy  
14 extension above the accordion doors for the  
15 commercial space.

16 We have also added by the request of  
17 our engineer, storm drain calculation. The overflow  
18 scupper detail is on the drawings, and we also have  
19 the roof coverage listed in the roof coverage  
20 tabulation chart here.

21 Again, a 254 square foot roof deck,  
22 which is approximately 17 percent. The other  
23 additional green roof area at 766 square feet is at  
24 51 percent, and our total coverage for the  
25 mechanical equipment and bulkhead is 82 percent at

1 1,231.

2 MR. MATULE: Before you turn the page,  
3 you made reference to a canopy on the front of the  
4 building. Fourteenth Street is a county road,  
5 correct?

6 THE WITNESS: Correct.

7 MR. MATULE: And assuming you get  
8 approval from Hoboken, you would have to go to the  
9 Hudson County Planning Board?

10 THE WITNESS: Yes.

11 MR. MATULE: And, in your experience,  
12 does the county typically require for an  
13 encroachment like that, that the property owner  
14 enter into a franchise easement with the county?

15 THE WITNESS: Yes.

16 MR. MATULE: And if this is approved,  
17 the applicant would go through that process?

18 THE WITNESS: Yes.

19 MR. MATULE: Thank you.

20 (Loud buzzer noise)

21 MS. CARCONE: It's a doorbell.

22 MR. MATULE: I thought it was time to  
23 change class.

24 CHAIRMAN HOLTZMAN: That's it.

25 (Laughter)

1                   THE WITNESS: Sheet Z-7, exterior  
2 elevation, and, Bob, we are going to mark another  
3 exhibit here, and mark it as Exhibit A-2.

4                   (Exhibit A-2 marked.)

5                   MR. MATULE: All right. So we are  
6 marking this A-2.

7                   Would you just describe what it is for  
8 the record?

9                   THE WITNESS: What we have is a  
10 three-dimensional photorealistic rendering of the  
11 proposed structure, and it is infilled into an  
12 existing background photograph to show your  
13 relationships to the adjacent structures as well as  
14 for me to describe the materials of the proposed  
15 facade.

16                   We are proposing, again, a four-story  
17 structure, 40 feet above design flood elevation.

18                   The approximate height from the  
19 sidewalk to principal roof level is 43.4 feet.

20                   We are proposing again at the first  
21 level, an aluminum clad accordion door system for  
22 the bar/restaurant space with a principal entry door  
23 for the ADA compliancy.

24                   We have two residential entries located  
25 here to the eastern part of the first floor of the

1 structure.

2                   These are the two wall sconces that  
3 were described, and they meet all foot candle levels  
4 as required.

5                   We have a large cast stone band that  
6 runs vertically that signifies the residential  
7 entry, and then it wraps the base of the building.

8                   On the upper residential floors to the  
9 western part of the structure, we have a Hudson  
10 River red brick to pay homage to the existing  
11 industrial buildings in the neighborhood.

12                   We have large divided light and  
13 casement and awning windows here, here, here and  
14 here. Again, a very simple soldier course upper  
15 cornice line, very simple modern industrial building  
16 structure.

17                   On both facades, on both the western  
18 facade and the eastern facade, the facade treatment  
19 actually wraps the building eight feet in length  
20 because you are going to see both sides of the side  
21 elevation of the structure, so again, we wrap the  
22 cast stone eight feet, and then we have the Hardie  
23 Plank siding, cement board siding, that runs to the  
24 rear of the structure. The masonry here, the brick  
25 masonry, wraps to the western edge.

1                   Here, this black line is your six foot  
2                   industrial steel canopy with your tieback turnbuckle  
3                   structure.

4                   Back to Sheet Z-7 in your drawing  
5                   package, both side elevations have the wrap-around,  
6                   as previously mentioned.

7                   We have cement board siding for both  
8                   sides beyond that wrap-around, and the rear facade  
9                   also as cement board siding.

10                  These two lines here indicate the  
11                  exhaust for the kitchen of the proposed restaurant.

12                  Located above here to the rear and also  
13                  the front facade, as you can see the bulkhead  
14                  massing.

15                  So, again, we are 40 feet above design  
16                  flood elevation.

17                  The total building from the sidewalk is  
18                  43 feet four inches.

19                  MR. MATULE: And the exhaust equipment  
20                  and all the mechanicals for the mechanical space in  
21                  terms of HVAC are all going to be on the upper roof?

22                  THE WITNESS: Everything is located on  
23                  the upper roof to the southern edge of the upper  
24                  floor.

25                  MR. MATULE: Nothing, other than the

1 deck, that is on top of the existing ground floor,  
2 will be in the back?

3 THE WITNESS: That is correct.

4 MR. MATULE: Did you receive Mr.  
5 Hipolit's letters of October 21st?

6 THE WITNESS: Yes, I did.

7 MR. MATULE: Any issues addressing his  
8 comments?

9 THE WITNESS: No issues addressing his  
10 comments.

11 MR. HIPOLIT: I just have a question.  
12 What is the total building height from  
13 the sidewalk?

14 THE WITNESS: 43 feet -- actually five  
15 inches. It is 43.4 feet.

16 VICE CHAIR MAGALETTA: Does that  
17 include the part of the left-hand side as the  
18 stairwell?

19 THE WITNESS: The left-hand side here,  
20 which really signifies the entry an additional foot,  
21 but just to the parapet. The principal roof line  
22 remains at 43 feet 4 inches, which is how we measure  
23 height as per the zoning ordinance.

24 VICE CHAIR MAGALETTA: So not including  
25 the height of that?

1 THE WITNESS: Not including the height  
2 of that.

3 VICE CHAIR MAGALETTA: Okay.

4 MR. HIPOLIT: I just have, when the  
5 Chairman is ready, I have a few questions.

6 CHAIRMAN HOLTZMAN: Shoot.

7 MR. MATULE: Go ahead.

8 MR. HIPOLIT: If you could, just  
9 elaborate a little on the ADA access. You have a  
10 commercial building, and you have a residential  
11 building. Just for the Board's edification, could  
12 you just give us a little bit of the difference, the  
13 separation, that type of thing?

14 THE WITNESS: This was in the report.  
15 The first floor is fully ADA compliant.  
16 The commercial space, bar/restaurant,  
17 ADA compliant entry, ADA compliant unisex toilets,  
18 two in total.

19 As per the NJUCC and the IBC for a  
20 building of this height and type of renovation, an  
21 elevator is not required. Therefore, it is not  
22 proposed, and I have exhibits with me or examples  
23 that I could follow, you know, with you, or I could  
24 testify to them.

25 But, again, under both the IBC and the

1 NJUCC, the elevator is not required for this height  
2 and number of units in the structure.

3 MR. HIPOLIT: Right.

4 So for the number of units, just for  
5 the Board's clarification, the first floor is  
6 compliant, and it has to be. The upper three floors  
7 are not required, and you guys, you are not --

8 THE WITNESS: That's correct. However,  
9 the Hoboken Building Department is requiring that  
10 these units be ADA compliant with the kitchens and  
11 the bathrooms and so forth.

12 So although an elevator will not be  
13 required, these kitchens will be ADA compliant --  
14 excuse me -- the units will be ADA compliant.

15 VICE CHAIR MAGALETTA: Does that  
16 include the doorways as well?

17 THE WITNESS: Excuse me?

18 VICE CHAIR MAGALETTA: Does that  
19 include the doorways as well?

20 THE WITNESS: It does.

21 VICE CHAIR MAGALETTA: All throughout?

22 THE WITNESS: Yes.

23 CHAIRMAN HOLTZMAN: Okay.

24 Anything else, Mr. Hipolit?

25 MR. HIPOLIT: Yes. Hold on a second.

1                   CHAIRMAN HOLTZMAN: I saw that there  
2 was some additions to the packet with stormwater  
3 calculations.

4                   Did you have a chance to look at those?

5                   MR. HIPOLIT: I did, and for the  
6 purposes of the application, the applicant, which I  
7 think is a very great benefit to the application,  
8 the applicant is going to take their entire  
9 basement, remove any use down there, which we don't  
10 want anyway in Hoboken, and they are going to turn  
11 the basement into a stormwater detention system,  
12 which is great.

13                   But I would say for the Board, you will  
14 need some conditions in there that once you go  
15 through the process with North Hudson on that, that  
16 you will have to return to us, so we know what they  
17 are, if North Hudson approves them.

18                   But number two, I think most important  
19 is some type of maintenance of that system, so  
20 whatever can get in there, if they can or can't,  
21 somehow it needs to be inspected once a year. It  
22 can't be unmaintained, so for I think purposes of  
23 approval, we will need a maintenance manual for that  
24 space --

25                   COMMISSIONER DOYLE: Legionnaire's

1 disease?

2 THE REPORTER: I can't hear you, Jim.

3 (Laughter)

4 COMMISSIONER DOYLE: I'm sorry. I'm  
5 speculating about Legionnaires disease or standing  
6 water in the basement.

7 CHAIRMAN HOLTZMAN: Thanks. Thanks for  
8 being helpful, yes.

9 Did you actually have a question,  
10 Councilman?

11 I thought you --

12 COMMISSIONER DOYLE: I did, but I was  
13 letting Andy finish.

14 MR. HIPOLIT: You can ask it, and I  
15 will go back.

16 CHAIRMAN HOLTZMAN: Go ahead,  
17 Councilman.

18 COMMISSIONER DOYLE: I noticed that in  
19 the application, it talked about an occupancy in the  
20 restaurant of 99 -- of 150, and in your report it  
21 says 99. Do you know what --I mean, maybe it's --  
22 you are not changing that anyway, I guess --

23 THE WITNESS: We are not changing the  
24 occupancy or the customer service area.

25 MR. MATULE: Are you talking about the

1 impact report?

2 COMMISSIONER DOYLE: The impact report  
3 because it says 99, and on page one of the  
4 application, it says -- well, it talks about a 20 --  
5 July 20th, 2014 approval for 150 patrons, and I  
6 just --

7 MR. MATULE: Right.

8 The prior owner, and I think that is  
9 maybe where the disconnect is, and I will certainly  
10 let Mr. Vandermark reply, but it is my  
11 understanding, and I attached it to the original  
12 application, I believe the prior owner had gone  
13 before the Zoning Board, because there is, I guess,  
14 a separate process with the fact that it is a  
15 licensed premise. And I think the fire department  
16 gets involved to increase the occupancy load in the  
17 bar and restaurant, and the prior owner had done  
18 that.

19 We were just putting the information in  
20 there for the Board's edification, but conforming  
21 the fact that no part of this application is  
22 requesting to increase that occupancy. I don't  
23 think we are also seeking to propose to decrease it,  
24 but --

25 COMMISSIONER DOYLE: If the prior owner

1 sought and obtained approval for 150 patrons, and  
2 your impact says there's a maximum occupancy of 99,  
3 I'm just --

4 MR. MATULE: Yeah. I can't address  
5 that. Andy would have to address that.

6 THE WITNESS: You know, I think the  
7 previous occupancy was 99 before the up occupancy,  
8 you know, based on that area.

9 COMMISSIONER DOYLE: This would have  
10 been 11 years ago, so anyway --

11 MR. GALVIN: Well, I think we need to  
12 know what the outer marker is.

13 Is it 99 or is it 150?

14 MR. MATULE: The 150, if the Board  
15 approves it, that is what we are proposing.

16 MR. GALVIN: Is that compliant with the  
17 liquor license?

18 MR. MATULE: Yes. That is why they had  
19 to go through the process.

20 MR. GALVIN: And it's compliant with  
21 the fire department and the liquor --

22 MR. MATULE: And the ABC.

23 THE WITNESS: If we can just, we will  
24 amend our impact report for the larger number.

25 COMMISSIONER DOYLE: I'm just thinking

1       about how much noise, you know, 50 percent more  
2       people would make, not the --

3                   MR. HIPOLIT:  Can I piggyback on that  
4       question?

5                   So one of the things in my report is  
6       with the expansion of the building, what the effect  
7       of traffic is and where everybody will park.

8                   THE WITNESS:  Okay.  I am not a traffic  
9       expert --

10                  MR. HIPOLIT:  That is okay.

11                  THE WITNESS:  -- but what I can testify  
12       to is that three residential units, you know, and of  
13       course, the bar commercial use, you know, you are in  
14       close proximity to both the bus lines and the ferry  
15       service, and we do have three parking garages within  
16       two blocks.  We have two parking garages up at the  
17       Shipyard, and one also on Fourteenth and Bloomfield,  
18       I believe, so you know, I think the three units will  
19       have minimal impact, you know, on traffic.

20                  MR. HIPOLIT:  Right.

21                  And it's your anticipation that this  
22       site itself, if there are any cars that come through  
23       this area, they will use public parking?

24                  THE WITNESS:  They will not use street  
25       parking.  They would use a public garage parking.

1 MR. HIPOLIT: Correct. All right.

2 COMMISSIONER DOYLE: Okay. Then on  
3 Page 2 of your impact report, you talk about  
4 flashing store warning devices near all vehicle  
5 exits, and I --

6 MR. MATULE: That is an error  
7 obviously. There is no on-site parking.

8 COMMISSIONER DOYLE: Right. Okay.

9 MR. GALVIN: Good catch, though.

10 COMMISSIONER DOYLE: I'm just trying to  
11 make sure with flashing --

12 (Laughter)

13 MR. GALVIN: Well, it is the way to  
14 find the restaurant, so yeah, no, we don't want  
15 that.

16 (Laughter)

17 MR. MATULE: I don't think they are  
18 permitted under the sign ordinance.

19 MR. GALVIN: Not without a garage.

20 (Laughter)

21 COMMISSIONER DOYLE: So I mean, and I  
22 think this was alluded -- this question was alluded  
23 to by the Chairman a little bit ago.

24 But your testimony is that the  
25 structure fits in. It is consistent in the

1 neighborhood, but you have a one-story structure to  
2 the west, albeit 12 feet wide or a portion of a  
3 one -- 12 foot wide portion of a structure, and you  
4 have two structures to the east that are both one  
5 story.

6 So how do you -- how does that comport  
7 with your testimony is what I guess I'm asking?

8 THE WITNESS: I would -- again, I am  
9 not going to give planning testimony.

10 But our architectural testimony is that  
11 those three one-story commercial structures, or  
12 side-by-side commercial spaces are really an anomaly  
13 in Hoboken. They don't exist anywhere else, other  
14 than maybe one other location on Washington Street.

15 Any other residential district has a  
16 height of two, three, four, and five stories tall,  
17 and also the proposed structure with the remaining  
18 structures within this neighborhood and adjacent  
19 structures fits into context.

20 So, you know, I think those three  
21 commercial spaces are more of an anomaly or  
22 nonconforming as opposed to what we are proposing.

23 COMMISSIONER DOYLE: Okay.

24 Do you know the capacity of the  
25 detention vault of the basement, you know?

1           THE WITNESS: That will be provided.  
2           Engineering calculations will be provided subject to  
3           approval here.

4           MR. HIPOLIT: They're probably going to  
5           lose a little bit once they go through the approval  
6           process, so they're going to have to -- there is  
7           going to need to be a condition that they come back  
8           to us to make sure that they meet North Hudson  
9           requirements and then give us the actual -- so they  
10          will submit a report back to us as part of the  
11          conditional approval, if you approve it.

12          MR. MATULE: Minimally, they would meet  
13          North Hudson's requirements.

14          MR. HIPOLIT: Yeah, yeah.

15          COMMISSIONER DOYLE: Okay.

16          And the lower deck, it looks like there  
17          is sort a tile network.

18          Is this one of the systems, which also  
19          stores water to a point?

20          THE WITNESS: Well, there will be a  
21          pedestal system that the pavers will sit on, and  
22          yes, the water, you know, will be underneath. It  
23          will drain to the, you know, roof drains, and then  
24          to the detention tank and out to the municipal  
25          system.

1 COMMISSIONER DOYLE: Okay.

2 CHAIRMAN HOLTZMAN: I think what the  
3 councilman is getting at is on numerous projects  
4 that we have seen recently, we had a drain weir, I  
5 believe it is called, put in, so that the -- so that  
6 platform can retain some water as well and just sort  
7 of slow down the whole percolation process, so that  
8 is something that we should entertain.

9 Andy, is that something that's  
10 necessary, if they got the large retention vault, in  
11 addition to it?

12 Does it pay to just dump the water into  
13 the basement anyway?

14 Do we need to slow it down on the roof?

15 MR. HIPOLIT: They have the right  
16 detail. Again, I think the idea we were trying to  
17 meet is more better, so if they could add a little  
18 towards the roof, that's great. They have a green  
19 roof, take some water up there --

20 THE WITNESS: Right. I think we can  
21 certainly agree to doing that.

22 COMMISSIONER DOYLE: It is kind of like  
23 you have that. Okay.

24 CHAIRMAN HOLTZMAN: Andy, was there a  
25 question and a calculation on the roof deck

1 coverage, because we have the two roof decks, the  
2 lower one to the rear and the upper floor one, and I  
3 know that we do have a specific requirement in terms  
4 of how much coverage, and then there is a bonus  
5 capacity based upon a green roof coverage?

6 MR. HIPOLIT: I think Kristin will  
7 cover that.

8 CHAIRMAN HOLTZMAN: Okay.

9 MS. RUSSELL: The roof deck does  
10 comply. The standards in the zoning that were  
11 recently adopted in terms of setback for the lower  
12 roof deck is three feet from all property lines.

13 For the upper deck, it is three feet  
14 from the side and rear, and ten feet from the front,  
15 and they meet all of those.

16 In terms of the coverage, because their  
17 green roof on the upper roof deck is greater than 50  
18 percent, they can use the rest of the space for a  
19 roof deck and actually they have -- I forget what  
20 the exact number is, but it is certainly more than  
21 50 percent green roof.

22 MR. HIPOLIT: Yeah. It's more than  
23 50 --

24 MS. RUSSELL: Yes. So they comply with  
25 the roof deck ordinance.

1 CHAIRMAN HOLTZMAN: Okay.

2 COMMISSIONER DOYLE: And with regard to  
3 the street tree, I don't know if you -- you brought  
4 it up, so --

5 THE WITNESS: And we are providing one,  
6 yes.

7 COMMISSIONER DOYLE: And on a 31 foot  
8 wide lot, is one tree the norm, do you know?

9 CHAIRMAN HOLTZMAN: Well, we like to  
10 try to get them 20 inches -- we like to get them 20  
11 feet apart, if possible.

12 Is there a possibility of getting  
13 another tree out there?

14 THE WITNESS: I think the owner would  
15 agree to providing a second tree.

16 CHAIRMAN HOLTZMAN: Great.

17 MR. HIPOLIT: So you will provide a  
18 second tree?

19 THE WITNESS: We will provide a second  
20 tree.

21 COMMISSIONER DOYLE: Okay. And then --

22 CHAIRMAN HOLTZMAN: Mr. Vandermark, was  
23 there any more testimony from you or did you kind of  
24 conclude your --

25 THE WITNESS: No, sir. I am finished.

1                   CHAIRMAN HOLTZMAN: Okay. Great. I  
2                   just wanted to make sure we got all of your  
3                   testimony.

4                   Are there any other questions?

5                   MR. HIPOLIT: I have two more  
6                   questions.

7                   CHAIRMAN HOLTZMAN: Okay.

8                   MR. HIPOLIT: Lights. So you have two  
9                   lights in front of the building and one in the back?

10                  THE WITNESS: Correct.

11                  MR. HIPOLIT: Okay, that is fine.

12                  And then as far as utilities, are you  
13                  reusing existing or all new?

14                  THE WITNESS: I think based on the use,  
15                  I believe they are going to be new. We are going to  
16                  propose new utilities.

17                  MR. HIPOLIT: Okay.

18                  Then the last question: Are you going  
19                  to consolidate the lots?

20                  MR. MATULE: Yes. We will file a deed  
21                  of consolidation, assuming all of the approvals are  
22                  received.

23                  MR. HIPOLIT: Okay. I am done.

24                  CHAIRMAN HOLTZMAN: Kristin, did you  
25                  have anything else for us on Mr. Vandermark?

1                   MR. RUSSELL: We did issue a letter of  
2                   October 22nd outlining the project. As was  
3                   testified to this evening, the property currently  
4                   holds a one-story masonry structure with a vacated  
5                   restaurant, and they plan on turning that into a  
6                   four-story structure with three residential units on  
7                   top of the restaurant/bar space that is already  
8                   there.

9                   The intent is to keep the first floor  
10                  with a hundred percent lot coverage. However, a  
11                  variance is still needed for lot coverage on the  
12                  upper floors, where 60 percent is permitted, and  
13                  they are proposing 65.25 percent.

14                 There are also variances needed for  
15                  expansion of a nonconforming structure and  
16                  development on a nonconforming lot.

17                 I would just ask that the architect  
18                  give a little bit more testimony as to why the  
19                  project both on the lower floor, where you are  
20                  choosing to retain a hundred percent lot coverage,  
21                  but also on the upper floors where you are not  
22                  meeting the 60 percent coverage requirement there  
23                  either, why was that choice made?

24                 MR. MATULE: If you can address it,  
25                  sure.

1 THE WITNESS: That is more planning  
2 testimony. I mean --

3 MR. GALVIN: I agree that it is  
4 planning testimony.

5 CHAIRMAN HOLTZMAN: Let's take it from  
6 the planner then. That will be fine.

7 COMMISSIONER DOYLE: Chairman, I just  
8 have one last question

9 CHAIRMAN HOLTZMAN: Councilman?

10 COMMISSIONER DOYLE: And this may be  
11 more -- I am not -- earlier you testified that the  
12 lot was nonconforming because it is only 71 feet  
13 deep, and it's 30 whatever -- 31 feet wide.

14 I believe the change to the zoning  
15 ordinance has essentially eliminated the possibility  
16 of a nonconforming lot.

17 You are down to nonconforming  
18 structures, and I shouldn't do this, but -- so I  
19 just wanted to make it clear, it is the structure  
20 that is nonconforming and to --

21 CHAIRMAN HOLTZMAN: That the lot is not  
22 the trigger at this point.

23 COMMISSIONER DOYLE: That the lot is  
24 not the trigger, exactly. Our lots are what they  
25 are.

1                   But once you have a nonconforming  
2                   structure under the ordinance, even if this -- even  
3                   if this building were at 60 percent as opposed to  
4                   the proposed 65 percent additional stories, I think  
5                   you would still be here before us, and this is maybe  
6                   more of a point for the engineer as far as --  
7                   because we are dealing with a nonconforming  
8                   structure, check the box because of the initial  
9                   hundred percent lot coverage. Essentially any  
10                  expansion of that requires --

11                  CHAIRMAN HOLTZMAN: Correct.

12                  MR. MATULE: Yes, agreed.

13                  COMMISSIONER DOYLE: Anyway, I just  
14                  wanted to make the testimony clear.

15                  Thank you.

16                  CHAIRMAN HOLTZMAN: Any there other  
17                  questions for Mr. Vandermark?

18                  We can certainly circle back with him.

19                  We will take Ed, I guess, for the  
20                  planner's testimony.

21                  COMMISSIONER STRATTON: I just have a  
22                  question.

23                  CHAIRMAN HOLTZMAN: I'm sorry. Go  
24                  ahead, Caleb.

25                  COMMISSIONER STRATTON: Are you

1 planning to rebuild the entire first floor of the  
2 structure or are you keeping the existing structure?

3 THE WITNESS: We are proposing to  
4 maintain the two side yards and rear yard wall, and  
5 we will be rebuilding the front facade, too, as  
6 proposed, because there will be a change, you know,  
7 in openings and in some additional height there, so  
8 the front facade will be rebuilt.

9 We are looking to rebuild the structure  
10 within the perimeter walls on the other three  
11 facades.

12 CHAIRMAN HOLTZMAN: So let's hold Frank  
13 here -- I'm sorry -- Anthony here for a second.

14 (Laughter)

15 MR. MATULE: It's hard to be a little  
16 brother.

17 (Laughter)

18 CHAIRMAN HOLTZMAN: -- we'll see if  
19 there are any other -- it's hard to do, yeah. It's  
20 like they're twins or something, right?

21 (Laughter)

22 We will open it up to the public for  
23 questions of the architect, Mr. Anthony Vandermark.

24 THE WITNESS: Thank you.

25 COMMISSIONER HOLTZMAN: Are there any

1 members of the public that wanted to have any  
2 questions?

3 DR. FRIO: It's not a question. It's  
4 just --

5 CHAIRMAN HOLTZMAN: Sure.

6 Could you come forward, sir?

7 MR. GALVIN: You can't comment because  
8 we are not going to do that until another ten or 15  
9 minutes down the road.

10 DR. FRIO: Okay.

11 CHAIRMAN HOLTZMAN: If there are any  
12 specific questions, though, we can take that.

13 DR. FRIO: A question would be --

14 CHAIRMAN HOLTZMAN: So if there is a  
15 question, come on up.

16 DR. FRIO: The question I have is --

17 THE REPORTER: What is your name?

18 DR. FRIO: Dr. Dominic Frio.

19 MR. GALVIN: And spell your last name,  
20 Doctor.

21 DR. FRIO: F-r-i-o.

22 MR. GALVIN: And your street address?

23 DR. FRIO: Well, my home, 1321  
24 Washington Street.

25 CHAIRMAN HOLTZMAN: Good enough.

1 DR. FRIO: They are going to be  
2 changing the front. My concern is my structure  
3 here, that is my entrance for my tenants to go up --

4 CHAIRMAN HOLTZMAN: Anthony, can we put  
5 this up on the board, so we can see what the doctor  
6 is pointing to?

7 We have no idea.

8 THE WITNESS: I sure can.

9 MR. GALVIN: What you really want to  
10 say, you want to ask him if the new construction is  
11 going to impact the entrance of your tenants --

12 DR. FRIO: Right. Not the entrance,  
13 like the structure of my building. If they start  
14 banging --

15 CHAIRMAN HOLTZMAN: Show us what you  
16 are talking about, Doc. What are we looking at?

17 DR. FRIO: Okay.

18 My one-story is here --

19 CHAIRMAN HOLTZMAN: You are the  
20 one-story extension from the Washington Street  
21 building.

22 DR. FRIO: Right.

23 That's the entrance into the building,  
24 if you can walk up the steps, okay?

25 CHAIRMAN HOLTZMAN: Okay.

1 DR. FRIO: So if this structure is  
2 going to occur, my concern is the -- if there is  
3 going to be any damage or any problems to my  
4 property because it's right --

5 CHAIRMAN HOLTZMAN: Anthony, do we have  
6 a picture on your photo montage here --

7 VICE CHAIR MAGALETTA: The top right  
8 corner also.

9 MR. GALVIN: Right. But this is a  
10 question that's asked in every single project in  
11 Hoboken.

12 MR. HIPOLIT: I mean, I might be able  
13 to help.

14 MR. GALVIN: Go ahead.

15 CHAIRMAN HOLTZMAN: Andy?

16 MR. HIPOLIT: I am looking at the  
17 street side. Generally they are going to be  
18 building a building next to somebody's else  
19 building, and there are --

20 MR. GALVIN: Dr. Frio is not listening.

21 CHAIRMAN HOLTZMAN: Hold on a second.  
22 Hold on a second.

23 DR. FRIO: You can see here now.

24 CHAIRMAN HOLTZMAN: Go ahead.

25 DR. FRIO: This is the entrance

1 going -- this is the entrance to my tenants.

2 CHAIRMAN HOLTZMAN: Okay.

3 MR. GALVIN: Yeah.

4 DR. FRIO: So if he is going to be  
5 changing this whole facade here, that is butted up  
6 right against mine, and my concerns are if there is  
7 going to be any structural damage --

8 CHAIRMAN HOLTZMAN: Mr. Hipolit is  
9 going to respond to it.

10 Go ahead, Andy.

11 MR. HIPOLIT: So the building code in  
12 the Hoboken Building Department covers that.

13 If he is doing work next to your  
14 structure, he has to maintain the integrity of it.  
15 You share a common wall, so he can't do any damage  
16 to your property.

17 If they were to do damage, they would  
18 have to fix it, and they also can't -- once they  
19 remove -- I think they're keeping -- they say they  
20 are keeping the side wall, but once they remove  
21 their front wall, if they were to do any damage to  
22 that front facade, they have to fix it. It's their  
23 responsibility.

24 DR. FRIO: And that also goes to the  
25 roof?

1 MR. HIPOLIT: Yup.

2 DR. FRIO: For the one-story roof?

3 MR. HIPOLIT: Yes. And the Board can  
4 put something in the resolution to that effect, so  
5 that it is in there.

6 DR. FRIO: Okay.

7 MR. GALVIN: What am I putting in the  
8 resolution?

9 MR. HIPOLIT: You're going to put some  
10 language that says if there's any damage to the roof  
11 or sidewall or facade of the one-story structure to  
12 the west, that they will be responsible to repair it  
13 in accordance with the Hoboken Building Code.

14 MR. GALVIN: All right.

15 CHAIRMAN HOLTZMAN: Easy enough. Okay.

16 Are there any other members of the  
17 public that have any questions for architect?

18 Sure. Come on up.

19 MR. HIPOLIT: And you agree to that,  
20 Mr. Matule?

21 MR. MATULE: Pardon?

22 MR. HIPOLIT: You agree to that?

23 MR. MATULE: Yes.

24 MR. GALVIN: Name.

25 MR. TRICARICO: James Tricarico,

1 spelled T-r-i-c-a-r-i-c-o.

2 MR. GALVIN: Thank you.

3 And your street address?

4 MR. TRICARICO: 124 Madison Street.

5 MR. GALVIN: All right. Go ahead. Ask  
6 questions.

7 MR. TRICARICO: All right.

8 You were talking about a green roof at  
9 50 percent of the structure.

10 Is the architect -- who is the party  
11 responsible to make sure that a green roof is  
12 maintained and is -- experiences the benefit it is  
13 supposed to give?

14 MR. MATULE: If you can answer that  
15 question.

16 THE WITNESS: Well, whenever it is  
17 originally installed, of course, the zoning officer  
18 will make sure that it is installed as per the  
19 approval by either here, this Board, or the Zoning  
20 Board.

21 Post construction, when it is in, I  
22 don't have an answer for that, other than, you know,  
23 it will be maintained -- it will be maintained by  
24 the owner and the management company.

25 CHAIRMAN HOLTZMAN: Was there anything

1 else, James?

2 MR. TRICARICO: No, that's it.

3 CHAIRMAN HOLTZMAN: Okay. Thank you.

4 Are there any other questions for the  
5 architect at this point?

6 DR. FRIO: I'm sorry.

7 Are they condos, or are they going to  
8 be rentals -- the third stories first --

9 MR. MATULE: I don't know. I could  
10 check with the owner.

11 Excuse me.

12 MR. GALVIN: What I would comment on is  
13 regardless if they are going to be -- we really  
14 can't make decisions based on whether it is going to  
15 be rental or ownership, and I know why if I lived  
16 there, I would want it to be owner, I think.  
17 However, the law permits them to --

18 MR. FRIO: All right. I have no -- but  
19 then the question comes in: Who is going to  
20 maintain it, because usually --

21 MR. MATULE: I can --

22 MR. GALVIN: If it is a condo, the  
23 condo association will maintain it.

24 DR. FRIO: Right.

25 MR. GALVIN: If it's not a condo

1 association --

2 DR. FRIO: That is why I am asking  
3 you --

4 MR. GALVIN: -- then the owner is going  
5 to maintain it.

6 MR. MATULE: I can make a proffer about  
7 what the owner's intention is

8 The owner's intention is to make the  
9 building condominiums, and there would be a line  
10 item in the budget for the maintenance of the green  
11 roof, and the management company would have the  
12 responsibility of dealing with that on behalf of the  
13 condo association.

14 CHAIRMAN HOLTZMAN: Thank you.

15 Are there any other members of the  
16 public that have questions for the architect at this  
17 time?

18 Okay. So we will close the public  
19 portion for that for the time being.

20 I guess we will bring up our planner,  
21 Ed.

22 MR. GALVIN: Wait a minute.

23 CHAIRMAN HOLTZMAN: You got to get your  
24 paper out.

25 MR. GALVIN: It is going to take me a

1 while.

2 Do you swear or affirm the testimony  
3 you're about to give is true?

4 MR. KOLLING: Yes, I do.

5 E D W A R D K O L L I N G, having been duly sworn,  
6 testified as follows:

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

9 THE WITNESS: Edward Kolling,  
10 K-o-l-l-i-n-g.

11 MR. GALVIN: Mr. Chairman, do we accept  
12 Mr. Kolling's credentials as a planner?

13 CHAIRMAN HOLTZMAN: Yes.

14 MR. GALVIN: You may proceed.

15 CHAIRMAN HOLTZMAN: Thank you

16 MR. MATULE: Mr. Kolling, you are  
17 familiar with the zoning ordinance and the master  
18 plan of the City of Hoboken?

19 THE WITNESS: Yes, I am.

20 MR. MATULE: And you're familiar with  
21 the site and surrounding area?

22 THE WITNESS: Yes.

23 MR. MATULE: And obviously, you are  
24 familiar with the proposed project and the variance  
25 relief being requested?

1 THE WITNESS: Yes.

2 MR. MATULE: Could you give us your  
3 professional opinion regarding the requested  
4 variance relief, particularly the lot coverage?

5 THE WITNESS: Certainly.

6 I am not going to repeat a lot of what  
7 Mr. Vandermark mentioned.

8 I do want to emphasize, though, that  
9 this is an undersized lot in terms of lot depth. It  
10 is 71.94 feet, because I think that is important to  
11 our proofs.

12 You heard Mr. Vandermark's description  
13 of the proposed development, so I don't need to go  
14 through that.

15 Again, I agree with his representation  
16 of the block area. There are very many buildings of  
17 five and even six stories along Hudson Street, along  
18 Washington Street, and the buildings along  
19 Fourteenth Street, the one-story buildings are  
20 really an anomaly.

21 The one to the west is really an  
22 addition to a five-story building.

23 The others to the east are one-story  
24 commercial buildings, but it should be recognized  
25 that the permitted height for those buildings is the

1 same height that we are proposing, so it is  
2 reasonable to expect that those buildings will be 40  
3 feet in height as well, given that we are in the  
4 same zone and in a very similar situation.

5 The zoning is R-1, and the commercial  
6 is also permitted on the ground floor.

7 The master plan also recognizes  
8 Fourteenth Street as sort of a primary business  
9 street, retail street, as does the zoning ordinance,  
10 because there is no deduction necessary from the  
11 unit count along Fourteenth Street when you do your  
12 calculation for density, and our calculation for  
13 density yields a little over 3.5 units, so we are  
14 constructing three units over the commercial.

15 The intent of the district is to  
16 conserve the architecture, scale and grain of  
17 residential blocks and street patterns, to reinforce  
18 the residential character of the district, but the  
19 district also recognizes neighborhood retail  
20 businesses within the area.

21 Our variance that we are looking for is  
22 for lot coverage for the upper portion. We do have  
23 the expansion of the nonconforming structure, as  
24 well, which is really part and parcel of the  
25 expansion up, which is sort of kind of two sides of

1 the same variance.

2 MR. GALVIN: Can I just jump in there?

3 The question that was asked earlier was  
4 why. Why was it -- why can't you do 60, why did you  
5 do 64.5?

6 THE WITNESS: Why did we do 64.5?  
7 Okay.

8 That is really the point that I was  
9 going to make a little further around, but to hit  
10 that right up front is you have the hardship of the  
11 preexisting nonconforming depth.

12 In a typical zoning lot --

13 CHAIRMAN HOLTZMAN: How is that a  
14 hardship?

15 THE WITNESS: -- that's a hundred feet  
16 deep. You would have a building that would be 60  
17 feet deep at 60 percent.

18 We are shallower than that. We are a  
19 little less than 47 feet, so to try to create a  
20 building that has some sort of reasonable scale in  
21 terms of the building depth and unit configuration,  
22 we thought that 65 percent would be appropriate.

23 We exceed the rear yard setback  
24 required. It is a little over 21 feet, and we  
25 actually have 25 feet, so we actually exceed that.

1 Yet, we are still at 65 percent. So the rationale  
2 behind that is the hardship of the lot depth and  
3 trying to create a residential building arrangement  
4 that would be somewhat comparable to what you would  
5 have on a standard lot.

6 CHAIRMAN HOLTZMAN: The lot is 31 feet  
7 wide. Is that what we heard?

8 THE WITNESS: 31 feet wide, yes.

9 CHAIRMAN HOLTZMAN: By 72?

10 THE WITNESS: Yes, about.

11 CHAIRMAN HOLTZMAN: So 60 percent would  
12 put you at 42 feet?

13 THE WITNESS: Yes.

14 CHAIRMAN HOLTZMAN: Okay. Good. Thank  
15 you.

16 THE WITNESS: That was the rationale  
17 for that lot depth in terms of the hardship  
18 criteria.

19 In terms of maintaining the hundred  
20 percent coverage, we also think that maintaining  
21 that is a good thing. It's a proper thing for the  
22 commercial use that is there, and it always has been  
23 there. Allowing that to continue would not result  
24 in any substantial detriment to the zone plan or the  
25 public good because of its preexisting nature.

1                   But also in terms of the  
2       recommendations of the master plan and the economic  
3       development section, they do talk about allowing  
4       increases over a thousand square feet that is  
5       prevalent in most of the residential zones in this  
6       particular area because Fourteenth Street is  
7       considered a primary retail district, so we really  
8       promote that recommendation of the master plan by  
9       maintaining that.

10                  Also, I think to demolish it and to  
11       reconstruct would again be a hardship because the  
12       structure is something that affects the property and  
13       its use of this property, and its demolition would  
14       actually be contrary to one of the purposes of the  
15       Municipal Land Use Law, which is sub paragraph 2(m),  
16       that talks about promoting -- it talks about  
17       promoting -- to help to shape the development of the  
18       land with a view of the cost of such development and  
19       provide for the more efficient use of the land.

20                  So if you were going to demolish the  
21       structure, you are really doing something that is an  
22       inefficient use of the land. It's really contrary  
23       also to green development techniques because you  
24       wouldn't be reutilizing an existing structure. It  
25       results in more waste and such, so I think that the

1 continuation of the preexisting nonconforming  
2 commercial part of the structure is more beneficial  
3 than its demolition in that regard.

4 So I think that also the plan in terms  
5 of promoting the intent and purpose of the zone  
6 plan, we have permitted uses in terms of both their  
7 commercial use and the residential uses. Those are  
8 all considered to be beneficial aspects, if you  
9 promote the purposes of zoning.

10 I think the granting of the variance  
11 would be a municipal action, and therefore, that  
12 would provide a benefit to the public good.

13 It removes a building or a facade of  
14 the building that is now worn, unattractive and  
15 replaces it with a much more attractive building,  
16 that it emulates some of the former industrial  
17 architecture of the area, so that it also promotes  
18 sub paragraph 2(i).

19 I think that the building also and the  
20 project in general promotes sub paragraph 2(e),  
21 which talks about providing for an appropriate  
22 population density. We are consistent with the  
23 permitted density, and I think therefore we promote  
24 that purpose as well.

25 I already have gone through the visual

1 environment, so I think we promote several of the  
2 purposes of the Municipal Land Use Law, which again  
3 are also considered to be beneficial aspects.

4 The benefit of also taking the basement  
5 and turning it into a detention system, I think that  
6 that is a big improvement over the existing  
7 condition, as is the green roof and other green  
8 construction techniques. That is both consistent  
9 with the intent of the Municipal Land Use Law as  
10 well as with the recommendations of the master plan  
11 in that regard.

12 So I think that we have met both the  
13 C-1 and C-2 criteria in that the variances, granting  
14 the variances will not result in any substantial  
15 detriment to the zone plan. We actually promote the  
16 intent of the zone plan and will not result in a  
17 substantial detriment to the public good.

18 The commercial use has been there for  
19 years. Its continuation won't result in any  
20 substantial detriment, and the residential uses are  
21 in fact permitted, and it is, in my opinion, a  
22 rather modest adjustment to the lot coverage, which  
23 is further mitigated by the fact that we exceed the  
24 rear yard setback.

25 MR. MATULE: No further questions.

1 CHAIRMAN HOLTZMAN: Okay. Thank you.

2 Kristin, do you have a planner's  
3 report? Can you lead us off on that?

4 MS. RUSSELL: Sure.

5 I think I covered some of it  
6 previously, but to just touch on the variances that  
7 Mr. Kolling just went through, indeed, the lot is  
8 undersized in lot depth. However, it's oversized in  
9 lot width and lot area.

10 They do have a conforming rear yard, in  
11 fact, it's in excess of what is required. But as  
12 was said, there is a variance needed for lot  
13 coverage, where 60 percent is required, and they  
14 have just over 65 percent.

15 I think that if the only situation was  
16 the lot depth being insufficient, that there would  
17 be a little bit more room to argue that they cannot  
18 meet the lot coverage variance. But when the lot  
19 area is in excess of what is required, I am still  
20 not entirely sure why it is necessary to have a lot  
21 coverage variance.

22 That was the main concern that we had  
23 remaining from a planning perspective.

24 CHAIRMAN HOLTZMAN: Okay.

25 Any other questions, Councilman?

1 Did you -- no. I'm sorry.

2 COMMISSIONER DOYLE: I do have a  
3 question, but -- well -- the planning report itself  
4 that was submitted --

5 MR. MATULE: I don't think we submitted  
6 a --

7 MS. CARCONE: I think that was --

8 MR. MATULE: -- that was an old report  
9 from the Zoning Board --

10 MS. CARCONE: -- yeah, that was the  
11 Zoning Board report.

12 MR. MATULE: -- that was for the Zoning  
13 Board application.

14 We didn't submit a written report.

15 COMMISSIONER DOYLE: Okay.

16 Well, this was in the packet, and I  
17 have about 400 questions about this.

18 (Laughter)

19 Thankfully we don't have to do that.

20 THE WITNESS: That project was denied.

21 COMMISSIONER DOYLE: Yeah. Okay. So  
22 it was very confusing, and I guess that is my fault.

23 MR. MATULE: But you have a much better  
24 perspective of this application.

25 (Laughter)

1                   COMMISSIONER DOYLE: Well, yes, I guess  
2 it's hitting the toe with a hammer.

3                   But a couple of comments. But I mean,  
4 you said that the commercial is permitted on the  
5 first floor.

6                   It is a nonconforming use that is  
7 grandfathered in and --

8                   MR. GALVIN: No, no, no.

9                   MR. MATULE: No. I don't agree, but --

10                  MR. GALVIN: Tell us.

11                  MR. MATULE: Bars and restaurants are  
12 conditional uses in the zone.

13                  MR. GALVIN: And it complies with the  
14 conditions. Therefore, it is permitted.

15                  COMMISSIONER DOYLE: Okay. Thank you.

16                  MR. GALVIN: I looked at that very  
17 closely because I was concerned about this coming  
18 over from the Zoning Board, and I wanted to make  
19 sure we got it right.

20                  COMMISSIONER DOYLE: Thank you.

21                  Kristin just said about the conforming  
22 rear yard. The rear yard is zero, so --

23                  CHAIRMAN HOLTZMAN: That is correct.

24                  COMMISSIONER DOYLE: -- so it is  
25 clearly not conforming.

1                   I understand what you are saying. The  
2 deck from the back of the additional -- the proposed  
3 additional floors is conforming if it were on the  
4 ground, but --

5                   MR. MATULE: Well, the policy has been  
6 to do it on every level.

7                   For example, if we had a three-story  
8 building that had a five foot front yard setback and  
9 we wanted to add a fourth story to that building and  
10 have it match the five yard setback, we would have  
11 to ask for a front yard setback variance, even  
12 though we are up on the fourth floor --

13                   CHAIRMAN HOLTZMAN: Not any more,  
14 but that's okay.

15                   MR. MATULE: -- well, if we don't have  
16 to do that any more, that would be terrific.

17                   CHAIRMAN HOLTZMAN: We don't have to do  
18 that any more.

19                   We listened to you, and we fixed it  
20 because you told us it was bad.

21                   (Laughter)

22                   COMMISSIONER DOYLE: Exactly.

23                   So here at a hundred foot lot, there is  
24 a 30 foot setback. And you are only allowed to  
25 build 60 percent, which would mean a -- so there

1 would always be a 40 foot setback unless they are  
2 accessory structures, so I think it is misleading to  
3 say we exceed the setback with a 25 foot --

4 MR. MATULE: Well, I would like to  
5 respond to that.

6 COMMISSIONER DOYLE: Okay.

7 MR. MATULE: Two points.

8 Until the recent change, where you were  
9 no longer required to have a ten foot front yard  
10 setback, that was the whole paradigm, ten feet, 60  
11 feet, 30 feet.

12 That is why the ordinance only requires  
13 a 30 foot rear yard, but it is 30 feet or 30  
14 percent, whichever is less.

15 So at a 72 foot deep yard, we are  
16 supposed to have 21 point whatever feet, and we are  
17 at 25. That was the rationale for making the  
18 representation that we exceed the required rear  
19 yard.

20 COMMISSIONER DOYLE: Although it is not  
21 a yard.

22 CHAIRMAN HOLTZMAN: Right.

23 I think the point, Councilman, that you  
24 are trying to be very polite in making is that there  
25 is no setback on this building since it has 100

1 percent lot coverage on the grade level.

2 We can talk about setbacks for the  
3 upper floor, and we should, but let's not call the  
4 second floor above a bar or a restaurant a yard.

5 COMMISSIONER DOYLE: Thank you.

6 MR. GALVIN: It could be outdoor space.

7 CHAIRMAN HOLTZMAN: It could be outdoor  
8 space.

9 COMMISSIONER DOYLE: Yeah.

10 Okay. You talk about the hardship  
11 criteria.

12 THE WITNESS: Yes.

13 COMMISSIONER DOYLE: And, you know,  
14 when you say it is a hardship, if you have a  
15 property that's not a hundred feet deep, and I  
16 believe 45 percent of the properties in Hoboken are  
17 not a hundred feet deep.

18 So I don't know back to the earlier  
19 point about the nonconforming lots, the lots are  
20 what they are.

21 If my lot is 70 feet, then I just, you  
22 know, that is my lot in life, so to speak.

23 So I don't know that we should be  
24 making exceptions for hardships because, you know,  
25 this is just my view. But you are asking for more

1 lot coverage, and I don't know that that hardship of  
2 the dimensions of your property justifies that.

3 MR. GALVIN: Well, under the zoning  
4 law, under the MLUL, one of the ways you get a C  
5 variance is you have special reasons, one of the  
6 purposes of zoning, or you have a C1 variance, which  
7 is a hardship variance because of the unusual  
8 topography of the lot or an unusual condition  
9 affecting the lot, or due to the narrowness or shape  
10 of the lot.

11 So they are trying to make the argument  
12 that due to the undersized nature of the lot, that  
13 they have a hardship.

14 I also understand your point that based  
15 on the change in the zoning regulations, it is not  
16 the same thing as being in a zone in say Piscataway,  
17 where you have to have a hundred, and you don't, so  
18 then you're undersized, and you can't comply with  
19 the zoning ordinance.

20 VICE CHAIR MAGALETTA: We have to find  
21 there is a hardship.

22 COMMISSIONER DOYLE: Right.

23 MR. GALVIN: You could still grant  
24 this, though, under a special reasons analysis that  
25 you think the new building is really attractive for

1 the neighborhood, and therefore -- so you don't have  
2 to decide this based on a hardship.

3 MR. MATULE: That is why we are putting  
4 proofs in under both --

5 MR. GALVIN: Under both, because we  
6 always --

7 COMMISSIONER DOYLE: And so your  
8 testimony is to build a 42 foot building is a  
9 hardship, but to build a 46 foot building is not?

10 THE WITNESS: No.

11 The discussion really of the  
12 shallowness of the property. The term "shallowness"  
13 is actually in the C-1 criteria when you read the  
14 Municipal Land Use Law, so to comply is what creates  
15 the hardship. So we are asking for that to be  
16 varied for this particular building in order to  
17 build a building that is 47 feet deep, correct.

18 VICE CHAIR MAGALETTA: Again, that's  
19 preexisting -- that is too shallow --

20 COMMISSIONER DOYLE: So 31 by 42 is the  
21 hardship is what you're saying, as a dimension of  
22 the upper floors.

23 THE WITNESS: I guess you can look at  
24 it that way.

25 COMMISSIONER DOYLE: Okay.

1 Well, all right. Thank you.

2 CHAIRMAN HOLTZMAN: Commissioner  
3 Magaletta, do you have anything else?

4 VICE CHAIR MAGALETTA: I don't.

5 CHAIRMAN HOLTZMAN: Not at this time.

6 Thank you.

7 Any other Commissioners?

8 We will open it up for public comment  
9 for the planner's, if there's questions --

10 MR. GALVIN: Questions of the --

11 CHAIRMAN HOLTZMAN: -- questions or  
12 comments -- questions for the planner.

13 MR. GALVIN: Thank you.

14 CHAIRMAN HOLTZMAN: None. Okay.

15 Great.

16 Does that conclude the testimony, Mr.  
17 Matule?

18 MR. MATULE: Those are my witnesses,  
19 yes.

20 I will wait until the end of public  
21 comments to make my closing remarks.

22 MR. GALVIN: Correct. That's what  
23 should be done.

24 CHAIRMAN HOLTZMAN: Great. Thank you.

25 Commissioners, we will open it up for

1 opinions or any other comments or questions for any  
2 of the testimony that we heard from the architect or  
3 the planner.

4 No, nothing. Okay.

5 Do you want to say something, Mr.

6 Peene?

7 COMMISSIONER PEENE: Just a question  
8 for Mr. Vandermark.

9 A N T H O N Y V A N D E R M A R K, having been  
10 previously sworn and affirmed, testified further as  
11 follows:

12 COMMISSIONER PEENE: The ventilation  
13 system, you know, from the restaurant, it is  
14 being -- smells are being released to the roof,  
15 correct?

16 THE WITNESS: Correct.

17 COMMISSIONER PEENE: Correct.

18 Is that a high powered one?

19 Have they gotten into these kind of  
20 details?

21 Is this going to be New York City  
22 quality where it's --

23 THE WITNESS: It certainly will be at  
24 code or greater than code, and it will meet all  
25 criteria for venting, sure.

1 COMMISSIONER PEENE: Thanks.

2 MR. FRIO: I have a question on that.

3 CHAIRMAN HOLTZMAN: Sure. Just come  
4 up, sure, so we can hear you.

5 DR. FRIO: How far would that vent go?

6 MR. GALVIN: Dr. Frio, right?

7 DR. FRIO: Yes.

8 MR. GALVIN: Okay. Every time you come  
9 up, you got to tell us.

10 DR. FRIO: Oh, every time?

11 MR. GALVIN: Yes.

12 CHAIRMAN HOLTZMAN: You have to get it  
13 on the record.

14 DR. FRIO: All right. I am on the  
15 record.

16 Dr. Frio.

17 Would the vent be above mine?

18 THE WITNESS: No. The vent will be --  
19 it runs horizontally on our roof and be  
20 approximately three feet above our roof surface, the  
21 top of the vents.

22 DR. FRIO: So then my tenants would be  
23 smelling it, because they won't be above --

24 MR. GALVIN: They are going to get fat.

25 DR. FRIO: No. It's not a health --



1 will just go to the roof plan and describe this.

2           Again, we are traveling vertically up  
3 the rear facade and then horizontally back on our  
4 roof, and the fan system itself will be sitting on  
5 the upper roof approximately 43 feet up in the air.

6           The distance between the back of the  
7 Washington Street building, which is Dr. Frio's, you  
8 know, and where the fan vent is being proposed is  
9 approximately 30 feet, so it is a good distance  
10 away.

11           CHAIRMAN HOLTZMAN: And, Mr. Hipolit,  
12 is there some kind of a standard that we have on  
13 this for the ventilation system?

14           We always talk about this specific  
15 brand name, a Smog Hog. But is there some kind of  
16 numbers that we can put on this from an engineering  
17 standpoint of what is released or not released or  
18 how that works?

19           MR. HIPOLIT: I don't really have any  
20 numbers on it. The idea is that with that unit  
21 called the Smog Hog, it filters out all smells, so  
22 it takes away all smells, and that is really what it  
23 does.

24           CHAIRMAN HOLTZMAN: Okay.

25           MR. GALVIN: So can we have that?

1                   We can just say we are going to  
2                   eliminate all of the smells out of the exhaust, yes?

3                   Your client is nodding yes, Mr. Matule.

4                   MR. MATULE:    Yes.   That is a yes.

5                   MR. GALVIN:    Okay.   There you go.

6                   Good job.

7                   MR. MATULE:    So we will approve with  
8                   the existing conditions.

9                   CHAIRMAN HOLTZMAN:  Director, any  
10                  comments or questions?

11                  COMMISSIONER FORBES:  No.

12                  CHAIRMAN HOLTZMAN:  Mr. Stratton?

13                  COMMISSIONER STRATTON:  No.

14                  CHAIRMAN HOLTZMAN:  Caleb?

15                  COMMISSIONER MC KENZIE:  No.

16                  CHAIRMAN HOLTZMAN:  No, nothing.

17                  Mr. Magaletta, anything that you want  
18                  to move forward with or not move forward with?

19                  VICE CHAIR MAGALETTA:  I'll actually  
20                  make an application -- a motion to deny the  
21                  application.

22                  I think it fails to satisfy the  
23                  requirements of either the special reasons or for  
24                  the hardship reasons for the variance, and I think  
25                  the shape of it is not sufficient to grant the

1 variance.

2 That is my basis.

3 CHAIRMAN HOLTZMAN: So there is a  
4 motion on the floor to deny the application.

5 Is there a second for that motion?

6 A VOICE: We have comments --

7 MR. MATULE: I think with all due  
8 respect, Mr. Chairman, I think we are getting a  
9 little ahead of ourselves.

10 CHAIRMAN HOLTZMAN: I'm sorry, Mr.  
11 Matule. We have some closing comments, sure.

12 VICE CHAIR MAGALETTA: I'm sorry.

13 MR. MATULE: I don't think we finished  
14 the public comment. I think Dr. Frio was going to  
15 have more than that to say, and I would just like to  
16 make my closing remarks --

17 CHAIRMAN HOLTZMAN: Please do.

18 MR. MATULE: -- but I think we have to  
19 close the public portion first.

20 MR. GALVIN: Do you have anything else  
21 to say, Doctor?

22 DR. FRIO: Yes.

23 MR. GALVIN: Come on up and raise your  
24 right hand.

25 CHAIRMAN HOLTZMAN: And tell us who you

1 are one more time.

2 (Laughter)

3 DR. FRIO: I am Dr. Frio --

4 MR. GALVIN: Do you swear or affirm  
5 that --

6 DR. FRIO: -- I have been in Hoboken my  
7 whole life.

8 MR. GALVIN: I know, but that has  
9 nothing to do with it.

10 DR. FRIO: I know.

11 MR. GALVIN: Do you swear or affirm  
12 that the testimony you are about to give is the  
13 truth?

14 DR. FRIO: Yes. I just --

15 MR. GALVIN: Thank you.

16 That is what I have to do. That's my  
17 job. I do one thing.

18 DR. FRIO: I got it. I got it. I got  
19 it.

20 My job is to protect my tenants, so --

21 MR. GALVIN: Okay. Speak up so  
22 everybody can hear you.

23 DR. FRIO: This might be outdated, but  
24 this is a nonconforming lot, and we are treating  
25 this like a conforming lot. The square footage does

1 not measure up to density.

2 How can we change venue from the zoning  
3 that denied it, and now we're at the Planning Board.  
4 That is like getting a second bite at the apple.

5 Light and air qualifications are the  
6 reasons why the properties were never developed  
7 because of the light and air ordinance by the state,  
8 the MLA, which is the Municipal Land Use Act.

9 The density considerations, with all  
10 due respect, we are going against density and light  
11 and air qualifications. We need the Board to  
12 properly conduct business with the people's  
13 concerns, safety and health.

14 And that's also a detriment to my  
15 property and the concerns of my tenants because they  
16 will be ten feet away. Their window will be ten  
17 feet away, and I also have fire escapes coming down  
18 on that side, so take that into consideration for my  
19 tenants.

20 Thank you very much.

21 CHAIRMAN HOLTZMAN: Thank you, Doctor.

22 MR. GALVIN: Thanks.

23 CHAIRMAN HOLTZMAN: Great.

24 Are there any other members of the  
25 public that wish to comment on this application?

1 MR. GALVIN: The man to the right.

2 CHAIRMAN HOLTZMAN: James, sure. Come  
3 on up.

4 MR. GALVIN: Same thing, James.

5 Do you swear or affirm that the  
6 testimony you are about to give is true?

7 MR. TRICARICO: Yes.

8 MR. GALVIN: Tell us your name and then  
9 spell it again.

10 MR. TRICARICO: James Tricarico,  
11 T-r-i-c-a-r-i-c-o.

12 124 Madison.

13 MR. GALVIN: You are doing good.

14 MR. TRICARICO: Okay.

15 One of the Commissioners said public  
16 comment, so my comment is the term that's being used  
17 right now is density, like the current density is --  
18 they are saying that adding four floors of units,  
19 three floors, won't technically change the density.

20 Well, I have a big issue with that  
21 because I don't believe adding another person to the  
22 City of Hoboken does anything to provide better  
23 quality of life to the residents that are already  
24 living in the town.

25 That might seem like a really simple

1 point, but it changes the whole dynamic of the town  
2 because these people are going to drive somewhere at  
3 some point. And even if you provide parking, which  
4 I don't believe this building is, they are going to  
5 have a car. They are going to need to park it, and  
6 the roads don't get any bigger, so they are going to  
7 provide volume.

8 So to say that the density for this  
9 project doesn't do anything to the capacity of the  
10 density of the town, I think that is a false  
11 premise, so I think that has to be considered with  
12 the idea of adding any additional units to the flow  
13 of units that already exist in the town.

14 CHAIRMAN HOLTZMAN: Okay. Thank you,  
15 James.

16 Sure. Come on up, sir.

17 MR. GALVIN: Hi.

18 Raise your right hand.

19 Do you swear or affirm that the  
20 testimony you are about to give is true?

21 MR. KRON: I do.

22 MR. GALVIN: All right. You may  
23 proceed.

24 Give us your full name and spell your  
25 last name.

1 MR. KRON: William H. Kron, Jr.

2 K-r-o-n.

3 MR. GALVIN: All right. Your street  
4 address?

5 MR. KRON: Well, where I live is 5217  
6 Boulevard East in West New York.

7 CHAIRMAN HOLTZMAN: Okay. Great.

8 MR. GALVIN: Okay.

9 MR. KRON: And I own the property to  
10 the east of the proposed project here.

11 I own 59, 55 and also 57, the tanning  
12 salon, the post office and the doctor's office.

13 CHAIRMAN HOLTZMAN: Okay.

14 MR. KRON: My concern is about the  
15 variances. Some of these variances, the front is  
16 existing. I have no problem with that and the  
17 ground floor. But the roof coverage is going  
18 from -- the permitted is ten percent, and the  
19 proposed is 21.2 percent. I don't believe that is  
20 necessary.

21 Also, on the roof with the green areas,  
22 why can't they be conforming?

23 I had problems with this when they  
24 built the building on the east corner of Fourteenth  
25 and Hudson, the Hudson Bar, I believe.

1                   The construction debris and the snow  
2                   and everything, the building department required  
3                   that the builder of that building put a new roof on  
4                   my building because of the mess that they left from  
5                   the snow and everything else.

6                   Roof gardens, I am afraid of. I don't  
7                   know who is going to maintain them. They are going  
8                   to be condominiums.

9                   And if we have them, why can't they be  
10                  to the proposed requirements that are in the zoning  
11                  law already?

12                  CHAIRMAN HOLTZMAN: Do you want to get  
13                  a quick answer on that?

14                  MR. KRON: Please.

15                  CHAIRMAN HOLTZMAN: Okay.

16                  What they are proposing is not actually  
17                  like a roof garden. It is more so what is referred  
18                  to as a green roof, and that sounds like the same  
19                  thing --

20                  MR. KRON: Right.

21                  CHAIRMAN HOLTZMAN: -- but it is  
22                  specifically a technical thing that it's actually  
23                  small little sedum plants that absorb water, so that  
24                  the water doesn't go down the drain --

25                  MR. KRON: I understand. Okay.

1                   CHAIRMAN HOLTZMAN:  -- into the sewer  
2                   system.

3                   That is really what most of that is  
4                   proposing, and to try to get more green roofs in the  
5                   city, what we do is our ordinance allows that if  
6                   you make more of your roof a green roof that absorbs  
7                   water, we allow you to put a little more deck up  
8                   there --

9                   MR. KRON:  Okay.  Okay.  Well, that's  
10                  fine.

11                  CHAIRMAN HOLTZMAN:  -- so there's a  
12                  benefit to the town.

13                  MR. KRON:  So people aren't going to be  
14                  going on those roofs or anything like that?

15                  CHAIRMAN HOLTZMAN:  They wouldn't be on  
16                  the green roof.  They would destroy it.

17                  MR. KRON:  They'd destroy it?

18                  CHAIRMAN HOLTZMAN:  Yeah.  You can't  
19                  walk on that.

20                  MR. KRON:  Okay.

21                  I am worried about the whole density of  
22                  the whole project.  There is 300 units going up  
23                  across the street from me.  The whole waterfront is  
24                  built up.

25                  I don't know.  Do we need more up

1       there?

2                   I own property. I am not planning on  
3 building myself, okay, although I have been asked a  
4 number of times over the years.

5                   The traffic is very bad up there now  
6 also. It is very hard to get around. There's no  
7 parking for anybody. Half of my customers in my  
8 businesses, it is very hard for them to park.

9                   Other than that, I just think that we  
10 stay with what is allowed instead of getting  
11 hardship issues. There really is no hardship up  
12 there. Whatever is required or whatever is  
13 proposed, just stay with what is permitted.

14                   That is all I have to say.

15                   CHAIRMAN HOLTZMAN: Thank you.

16                   Are there any other members of the  
17 public that wish to comment on any part of the  
18 proposal?

19                   Okay. Seeing none, we will close the  
20 public portion.

21                   Mr. Matule, some closing comments?

22                   MR. MATULE: Yes. I do have some  
23 closing comments.

24                   First of all, I think some of the  
25 public comment was really based on the prior

1 application and the old ordinance. I don't know how  
2 relevant it is.

3 But we thought the additional three and  
4 a half feet of building depth was really pretty  
5 insignificant, but based on what we are hearing, the  
6 applicant is happy to amend the application and pull  
7 it back to a 60 percent compliant upper level.

8 So at that point the only variances  
9 before the Board are expansion of a -- expansion --  
10 a conforming expansion on a nonconforming structure,  
11 and on an apparently undersized, but nevertheless  
12 conforming lot.

13 So, first of all, we are requesting to  
14 amend the application to do that.

15 As far as traffic and density, density,  
16 we are within the permitted density. The ordinance  
17 permits it. There is a presumption that the Mayor  
18 and Council took that into consideration when they  
19 put that density calculation into the ordinance.

20 As far as traffic, we are talking about  
21 adding three apartments, maybe nine people. I don't  
22 think in the grand scheme of things that is going to  
23 have any impact on the city, notwithstanding the  
24 fact that I am sure there are some people who would  
25 like to see zero development in the city.



1 application, and I would ask the Board to approve  
2 it.

3 MR. HIPOLIT: Mr. Matule, your  
4 additional lot coverage is 60 percent, and you are  
5 going to add the Smog Hog --

6 MR. MATULE: The Smog Hog.

7 MR. HIPOLIT: -- which you currently  
8 don't have.

9 MR. MATULE: Pardon?

10 MR. HIPOLIT: The building currently  
11 does not have that system.

12 MR. MATULE: No. It just has a regular  
13 commercial exhaust system.

14 CHAIRMAN HOLTZMAN: Director, did you  
15 want to say anything?

16 COMMISSIONER FORBES: No.

17 COMMISSIONER DOYLE: Chairman, can I  
18 ask a question?

19 CHAIRMAN HOLTZMAN: Sure, of course,  
20 Councilman, go ahead.

21 COMMISSIONER DOYLE: You said with  
22 regard to the public benefits, you said something  
23 about lowering heights. What did that mean?

24 MR. MATULE: The existing building is  
25 17 feet high now, the existing commercial space.

1 That is being lowered now to 12 feet to make it more  
2 street friendly.

3 COMMISSIONER DOYLE: All right. Thank  
4 you.

5 CHAIRMAN HOLTZMAN: Mr. Magaletta?

6 VICE CHAIR MAGALETTA: So then what  
7 variance are we talking about now?

8 So there is one variance that you  
9 have --

10 MR. MATULE: Is what?

11 VICE CHAIR MAGALETTA: --- are there  
12 any variances left at issue?

13 MR. MATULE: Well --

14 CHAIRMAN HOLTZMAN: Dennis?

15 VICE CHAIR MAGALETTA: Yeah, exactly --

16 MR. GALVIN: No. I am saying we  
17 originally, and I am uncomfortable, and I am not a  
18 hundred percent sure, we had an expansion of a  
19 nonconforming structure relative to lot coverage,  
20 building depth and rear yard setback.

21 MR. MATULE: Well, that was -- yes, but  
22 now -- now that we are -- our addition is 100  
23 percent conforming, I don't know that we need --

24 MR. GALVIN: For development --

25 MS. RUSSELL: The current -- the way

1           that the ordinance is currently written, as I  
2           understand it, is that you still would need an  
3           expansion of a nonconforming structure variance.

4                        The only way you would not need that is  
5           if you eliminated the nonconformity on the ground  
6           floor --

7                        MR. MATULE: All right. So we are  
8           asking for a conforming expansion on a nonconforming  
9           structure.

10                      MR. GALVIN: Okay.

11                      CHAIRMAN HOLTZMAN: Wow. That is a  
12           mouthful.

13                      MR. GALVIN: Well, that is an  
14           interpretation also. I would say a variance for an  
15           expansion of a nonconforming --

16                      CHAIRMAN HOLTZMAN: That's an easier  
17           way to say it, yeah.

18                      CHAIRMAN HOLTZMAN: Was there any  
19           other --

20                      MR. GALVIN: No. I think the other  
21           ones are eliminated by the compliance with the 60  
22           percent lot coverage.

23                      CHAIRMAN HOLTZMAN: For the upper  
24           floors?

25                      MR. GALVIN: Yes. I think, unless

1 Kristin or somebody tells me that is not the case,  
2 but we are really beyond that point, sorry, you  
3 know.

4 VICE CHAIR MAGALETTA: I stand by my  
5 application -- by my motion with respect to the  
6 expansion of a nonconforming use on the lot --

7 MR. GALVIN: Nonconforming structure.

8 VICE CHAIR MAGALETTA: -- of a  
9 nonconforming structure. Excuse me.

10 MR. GALVIN: No, no. I'm helping you.

11 VICE CHAIR MAGALETTA: Thank you. I  
12 appreciate that.

13 CHAIRMAN HOLTZMAN: Okay. Is there a  
14 second for Commissioner Magaletta's motion?

15 MR. GALVIN: Or is there another  
16 motion?

17 CHAIRMAN HOLTZMAN: Or is there another  
18 motion?

19 COMMISSIONER DOYLE: I would move to  
20 approve.

21 COMMISSIONER PEENE: Second.

22 MR. GALVIN: I am going to rattle off a  
23 bunch of conditions. Is that okay?

24 CHAIRMAN HOLTZMAN: Uh-huh.

25 MR. GALVIN: Andy and Kristin, yell out

1 when I screw them up.

2 MR. HIPOLIT: Okay. I have them all  
3 here, so when you go, I'll check them off.

4 MR. GALVIN: All right.

5 1: The applicant is to comply with the  
6 comments of the Flood Plain Administrator.

7 2: The applicant is to comply with the  
8 review letters of the Board's Planner and Engineer.

9 3: The applicant is to file a deed of  
10 consolidation.

11 4: The applicant agreed to install two  
12 street trees and will consult with the Shade Tree  
13 Commission as to species and planting.

14 5: The lighting on the surface of the  
15 building will be limited to two sconces.

16 MR. VANDERMARK: Front facade, yes.

17 MR. GALVIN: Front facade. Okay.

18 MR. MATULE: And one in the back.

19 MR. VANDERMARK: And one in the rear.

20 MR. GALVIN: Right.

21 The plan is to be revised as discussed  
22 at the time of the hearing prior to memorialization.

23 I am talking specifically to the  
24 mistake in the plans, so you have to get that over  
25 to the planner and the engineer.

1                   7: The applicant is to supply a  
2 maintenance plan for the stormwater management  
3 system, which is to be supplied to the Board's  
4 Engineer for his review and approval.

5                   8: The applicant is to submit a plan  
6 to the Board's Engineer conforming the stormwater  
7 calculations, the sufficiency of the stormwater  
8 system, and the approval of North Hudson Sewer  
9 Authority.

10                  9: If any damage occurs to neighboring  
11 properties during construction, the applicant agreed  
12 that it will compensate that property owner.

13                  This shall not limit any rights that  
14 the adjacent property owners have under the  
15 ordinance.

16                  10: The green roof must be maintained  
17 during the life of the building by building  
18 management. In the event the condominium is  
19 created, the condominium governing documents will  
20 ensure the maintenance of the green roof.

21                  11: The restaurant fumes shall be  
22 exhausted at the fourth floor and will eliminate all  
23 smells from the restaurant.

24                  12: The green roof is not to be used  
25 for habitation, anybody, is that right?

1 CHAIRMAN HOLTZMAN: Recreation?

2 MR. GALVIN: Habitation means general  
3 outside stuff.

4 COMMISSIONER DOYLE: Recreation?

5 MR. GALVIN: I used -- then we are  
6 going to get into whether or not I meant tennis or  
7 not, you know.

8 It might mean parties. We don't want  
9 to have a party up there.

10 13: The applicant's plan is to be  
11 amended to reduce the upper floors to 60 percent,  
12 which will eliminate that variance. This amended  
13 plan must be submitted to the Board's Engineer and  
14 Planner for their review and approval prior to  
15 memorialization.

16 CHAIRMAN HOLTZMAN: Okay.

17 Any questions or comments on the --

18 MR. HIPOLIT: One more. The applicant  
19 is going to install all new utilities. We  
20 identified that.

21 CHAIRMAN HOLTZMAN: So that is the 14th  
22 one?

23 MR. GALVIN: Yes.

24 CHAIRMAN HOLTZMAN: Any questions or  
25 comments on the conditions as read by Dennis?

1                   COMMISSIONER DOYLE: Just one question.

2                   As much as I am in favor of James'  
3 point about maintaining the roof decks, I am just  
4 asking of the Board Attorney whether -- how an  
5 approval from the Planning Board is going to be  
6 binding upon, you know, in perpetuity, somebody  
7 maintaining a green roof.

8                   MR. GALVIN: I mean, would you like to  
9 do a deed restriction?

10                  COMMISSIONER DOYLE: No, I -- I --

11                  MR. GALVIN: We can do a deed  
12 restriction or we can require the recording of the  
13 resolution, and in more serious matters, I would  
14 certainly recommend that.

15                  But the owner of the building is going  
16 to have to comply now and for the foreseeable  
17 future.

18                  So you're right. If he sold it in a  
19 year, it might be -- I would still say that the  
20 zoning officer could enforce this on the next  
21 owner --

22                  COMMISSIONER DOYLE: Okay.

23                  MR. GALVIN: -- but it wouldn't be as  
24 good as having -- you could make the argument that,  
25 oh, I didn't know about it. I am not a bona fide

1 purchaser for value, so I don't know.

2 You know, I am a bona fide -- that is  
3 what I meant, that they didn't research it, and  
4 since we didn't put it in the record, so -- if you  
5 are asking me, I would record every resolution in  
6 the State of New Jersey.

7 CHAIRMAN HOLTZMAN: Okay.

8 So there's a motion on the floor and  
9 there's a second.

10 Pat, please call that vote.

11 MS. CARCONE: Commissioner Magaletta?

12 VICE CHAIR MAGALETTA: No.

13 MS. CARCONE: Commissioner Stratton?

14 COMMISSIONER STRATTON: Yes.

15 MS. CARCONE: Commissioner Forbes?

16 COMMISSIONER FORBES: Yes.

17 MS. CARCONE: Commissioner Doyle?

18 COMMISSIONER DOYLE: Yes.

19 MS. CARCONE: Commissioner McKenzie?

20 COMMISSIONER MC KENZIE: Yes.

21 MS. CARCONE: Commissioner Peene?

22 COMMISSIONER PEENE: Yes.

23 MS. CARCONE: Commissioner Holtzman?

24 CHAIRMAN HOLTZMAN: No.

25 Thank you.

1 MS. CARCONE: Five yes, and two no.

2 (The matter concluded.)

3 (Recess taken.)

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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: 11/1/15  
This transcript was prepared in accordance with  
NJAC 13:43-5.9.

CITY OF HOBOKEN  
PLANNING BOARD  
SPECIAL MEETING

RE: 502-504 Monroe Street : October 28, 2015  
Case: HOP-15-13 :  
Block: 66, Lot 32 : 8:45 p.m.  
Applicant: 502 Monroe, LLC :  
Minor Site Plan & C Variances :  
----- X

Held At: Rue School  
301 Garden Street  
Hoboken, New Jersey

B E F O R E:

- Chairman Gary Holtzman
- Vice Chair Frank Magaletta
- Commissioner Caleb D. Stratton
- Commissioner Brandy Forbes
- Commissioner Jim Doyle
- Commissioner Caleb McKenzie
- Commisioner Ryan Peene

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

- Kristin Russell, AICP/PP  
Board Planner
- Andrew R. Hipolit, PE, PP, CME  
Board Engineer
- Patricia Carcone, Board Secretary

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1                   CHAIRMAN HOLTZMAN: The next up will be  
2                   502 Monroe.

3                   Mr. Matule, are you ready for 502  
4                   Monroe?

5                   MR. MATULE: We are, and I will try to  
6                   be as expeditious as reasonably possible.

7                   CHAIRMAN HOLTZMAN: All right. Throw  
8                   Mr. Vance out, please.

9                   (Laughter)

10                  MR. MATULE: Good evening.

11                  Robert Matule, appearing for the  
12                  applicant.

13                  This is the property at 502-504 Monroe  
14                  Street. We were originally scheduled for October  
15                  6th, and we were carried to tonight's meeting.

16                  It is an application for minor site  
17                  plan approval and a variance for what we like to  
18                  think is de minimus lot coverage.

19                  We are proposing to construct a new  
20                  four-story building with seven residential units  
21                  over ground floor parking with five parking spaces.

22                  Mr. Bodnar will go into more detail,  
23                  but we are requesting a lot coverage variance to  
24                  accommodate an architectural feature, which are rear  
25                  bay windows.

1 I will have Mr. Bodnar testify and Mr.  
2 Ochab.

3 So, Mr. Bodnar, we will have you sworn.

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

7 MR. BODNAR: Yes, I do.

8 R U S S E L L B O D N A R, having been duly sworn,  
9 testified as follows:

10 MR. MATULE: Do you accept Mr.  
11 Bodnar's credentials as an architect?

12 MR. GALVIN: Do you want to accept his  
13 credentials?

14 CHAIRMAN HOLTZMAN: We accept Mr.  
15 Bodnar.

16 Thank you.

17 MR. MATULE: Mr. Bodnar, if you would,  
18 explain to the Board the existing site, what is  
19 there now, what is going to be removed, and what you  
20 are planning to replace it with.

21 THE WITNESS: Okay.

22 The existing site right is now on the  
23 south edge of Fifth Street and Monroe Street. It is  
24 the second building in, effectively a double lot.  
25 It is a 50 by a hundred lot.

1                   One of the lots, number 31, has a small  
2                   structure right now. It is about three stories  
3                   tall. That building is going to be demolished, and  
4                   our new building is going to be placed there on that  
5                   lot of 50 by a hundred.

6                   The only variance, as you can see on  
7                   our entire list here now, will be the rear, the lot  
8                   coverage, which consists of 61.7 percent, and the  
9                   lot coverage is for the rear bays in the back of the  
10                  building, and the rear bays consist of 83 square  
11                  feet. We are allowed to build 3,000 square feet, so  
12                  we are building on the upper structure just the  
13                  residential, 3,083 square feet, so we comply with  
14                  all other requirements --

15                  MR. GALVIN: So you are going to comply  
16                  with the rear yard setback, and you're going to  
17                  comply with the height.

18                  THE WITNESS: We comply with the height  
19                  and the rear yard setback, correct.

20                  CHAIRMAN HOLTZMAN: Just to be  
21                  specific, so the building itself is at 60 percent,  
22                  is that correct?

23                  Is that a correct statement?

24                  THE WITNESS: The ground floor is at 60  
25                  percent. The garage level is at 60 percent lot

1 coverage.

2 The upper structure, which is the  
3 residential portion of the top floors --

4 CHAIRMAN HOLTZMAN: Uh-huh.

5 THE WITNESS: -- has the rear bays that  
6 stick out, and they create the 1.7 percent increase.

7 CHAIRMAN HOLTZMAN: Great.

8 MR. MATULE: Russell, may I make a  
9 suggestion?

10 Would you go to that sheet?

11 VICE CHAIR MAGALETTA: Wait.

12 Are they bays or are they balconies?

13 THE WITNESS: They're bays, not  
14 balconies.

15 VICE CHAIR MAGALETTA: Thank you.

16 MR. MATULE: And we could get more  
17 specific, and this way you won't be speculating.

18 VICE CHAIR MAGALETTA: Thank you.

19 THE WITNESS: As you can see here on  
20 Sheet PB-4, all of our floors are very similar in  
21 nature. But as you can see here, we have a rear bay  
22 in the back of the building.

23 Each bay is -- one bay is two -- is  
24 eleven foot 8 by three feet, and the other bay is  
25 three foot by 16 foot zero.

1                   CHAIRMAN HOLTZMAN: Mr. Bodnar, do you  
2 have a rear elevation that you can show us that  
3 might be easier to look at?

4                   THE WITNESS: Yes.

5                   The rear elevation here is on Sheet  
6 PB-6. The only thing you can see of the bays here  
7 are this bay here, and that bay here.

8                   And on the bay, on the lowest level of  
9 the second floor, it has a staircase that leads down  
10 to its own private yard, and go back as well.

11                  CHAIRMAN HOLTZMAN: And the bay's  
12 extension from the -- let's say the original part of  
13 the building --

14                  THE WITNESS: Three feet from the  
15 distance going out, and 11 foot 8 is this one, and  
16 16 feet is that one.

17                  This is two feet from the property  
18 line, and that is about 12 feet from the property  
19 line on that side.

20                  For this project, the adjacent  
21 building, our neighboring properties are much wider.  
22 They are -- this property on the right-hand side of  
23 us is 70 feet deep. The property to the south of us  
24 is 62 and almost 63 feet, 62.8.

25                  CHAIRMAN HOLTZMAN: So that would sort

1 of -- the property to the south would then kind of  
2 line up with the edge of your bay?

3 THE WITNESS: Well, it would end up at  
4 the edge of the bay, but the bay is really - the bay  
5 itself is actually in about two feet, so actually we  
6 will be in and then out a little bit.

7 CHAIRMAN HOLTZMAN: You totally  
8 confused us there.

9 THE WITNESS: Okay.

10 VICE CHAIR MAGALETTA: The other  
11 question I have --

12 THE WITNESS: Let's go to -- let's go  
13 to --

14 MR. MATULE: If I might, the bay is not  
15 flush with the side of the existing building --

16 CHAIRMAN HOLTZMAN: I understand that.

17 MR. MATULE: -- there's a two foot  
18 offset.

19 VICE CHAIR MAGALETTA: Right.

20 THE WITNESS: As you see here on this  
21 plan, this is actually in from the existing  
22 building, so the bay goes in about two feet and then  
23 sticks out here.

24 VICE CHAIR MAGALETTA: So there's an  
25 air shaft --

1 THE WITNESS: They have an air shaft on  
2 the --

3 VICE CHAIR MAGALETTA: -- so it  
4 actually looks like it's about four feet from the  
5 neighboring building?

6 THE WITNESS: Yeah, when you're all  
7 said and done.

8 VICE CHAIR MAGALETTA: When you're all  
9 said and done, okay.

10 And is there a window?

11 What is over there?

12 THE WITNESS: Well, in here there is a  
13 window facing this way --

14 VICE CHAIR MAGALETTA: Facing south --  
15 facing west --

16 THE WITNESS: -- facing west, correct.

17 VICE CHAIR MAGALETTA: Okay.

18 CHAIRMAN HOLTZMAN: And those rear bays  
19 sort of mimic the front of the building as well?

20 THE WITNESS: That's correct.

21 Those mimic this look --

22 MR. MATULE: So why don't we mark this,  
23 Russell, and just tell us what --

24 CHAIRMAN HOLTZMAN: So we need to  
25 introduce it.

1                   MR. MATULE:  -- I am going to mark it  
2           A-1, and you can tell us what it is.

3                   THE WITNESS:  Okay.  Here.  I'll hold  
4           it.

5                   (Exhibit A-1 marked.)

6                   MR. MATULE:  Okay.

7                   THE WITNESS:  I will hold it.

8                   Yes.  Right here, as you can see here,  
9           is the elevation of the building.

10                   What we are proposing, it will be a  
11           brick building with some metal cladding on it.  We  
12           are trying to match it up to the neighboring  
13           buildings as well.

14                   The neighboring building to the right  
15           is actually four stories, but then has -- has a half  
16           story on first level, and so it is four and a half,  
17           and then they have it set back above that, so they  
18           are really five and a half stories.

19                   The building to the south of us is four  
20           stories, plus the lower level is more than a story  
21           and a half, so it is about four and a half, and  
22           they're a very large, older style building.

23                   So what we have is a simple brick and a  
24           metal clad building.

25                   MR. MATULE:  And those front bays, you

1 will have to go to the City Council and get an  
2 easement ordinance because they extend over the  
3 public right-of-way?

4 THE WITNESS: That is correct. We will  
5 be getting that as well, and those mimic the same  
6 concept.

7 We're trying to go with -- the only  
8 reason we are asking for the bays, if we go back to  
9 the floor plans on PB-4, they make a little bit  
10 better unit,

11 As you can see here, the unit is  
12 already designed. We are trying to get  
13 three-bedroom units back here.

14 Right now we have 1331 square feet.  
15 Taking away the bay would give us around 1250,  
16 1240-something square feet in the back, so we feel  
17 like the extra 83 square feet really does help to  
18 make those units a little bit nicer, and really I  
19 don't feel like it actually detracts anything,  
20 especially on this building, considering our  
21 building next to us is 70 feet, and the building on  
22 the south of us is like 63 as well.

23 CHAIRMAN HOLTZMAN: It also seems to  
24 serve a purpose, though, of internally making maybe  
25 a little bit more interesting space as opposed to

1 just a straight back wall.

2 THE WITNESS: Correct. Even from the  
3 rear facade, you still see something, other than  
4 just a 60 foot box going up.

5 Like I said, we talked about having our  
6 little staircase go down. At first, at one point,  
7 the staircase went directly into the backyard, and  
8 now we switched it, so now it's parallel with the  
9 building, and it goes down into its own private  
10 yard.

11 MR. MATULE: That stairway is no more  
12 than three feet wide to comply with the ordinance?

13 THE WITNESS: That's correct.

14 It complies with the ordinance, and it  
15 comes down and lands in its own rear yard here,  
16 which has artificial turf and some other amenities  
17 with a bunch of landscaping around it, and then we  
18 have a community area right adjacent to that.

19 CHAIRMAN HOLTZMAN: Mr. Peene, I know  
20 you had some questions about the rear yard.

21 COMMISSIONER PEENE: Yes,

22 I understand, you know, there are some  
23 times where artificial turf is permitted. I know we  
24 try to get away from that a lot of times because it  
25 is an impervious coverage most of the time.

1                   Why is it being used in this case?

2                   THE WITNESS: Well, actually we could  
3 design the whole drainage system underneath the  
4 impervious, so it will drain through, going through  
5 a rock system, and then create -- and make a better  
6 holding system for the water. I designed that, and  
7 we talked about that at the previous meeting, so we  
8 designed that, and I sent those details over.

9                   VICE CHAIR MAGALETTA: Is there an  
10 actual detention system or is it simply --

11                   THE WITNESS: It does hold a little  
12 detention water, not a great amount --

13                   VICE CHAIR MAGALETTA: -- okay.

14                   THE WITNESS: -- but we also do have a  
15 detention system that has -- that will be set back  
16 with some additional changes back to -- for --

17                   VICE CHAIR MAGALETTA: What is the  
18 percentage percolation on that?

19                   THE WITNESS: On the detention?

20                   VICE CHAIR MAGALETTA: Yeah.

21                   THE WITNESS: Well, the detention is  
22 like -- in Hoboken we have a holding system. It's  
23 not really a detention system.

24                   Like this, we just hold a little water,  
25 but you got to remember, Hoboken doesn't let water

1 out of it. So the other one is a detention system  
2 that slowly feeds water away from the site, and that  
3 would meet or exceed the requirement.

4 MR. MATULE: Russell, the backyard is  
5 going to be piped in to the main detention system?

6 THE WITNESS: That's correct.

7 MR. MATULE: And the roof as well?

8 THE WITNESS: The roof as well.

9 MR. MATULE: Okay.

10 THE WITNESS: So and then the roof has  
11 a small roof deck, which complies with the  
12 ordinance, and that is on Sheet PB-5, and we are  
13 providing an ample green roof area, as well as a  
14 small roof deck area with obviously two stairs have  
15 to up to the roof since it is a common area, and the  
16 elevator has to go to the roof as well for ADA  
17 access.

18 MR. HIPOLIT: Now, a hundred percent of  
19 the site is going to -- you said in your previous --  
20 it drains into the detention system --

21 THE WITNESS: Yes, correct. And then  
22 we will give you some information along the way as  
23 you request it.

24 CHAIRMAN HOLTZMAN: Mr. Hipolit, we  
25 have not received calculations on that --

1 MR. HIPOLIT: No.

2 CHAIRMAN HOLTZMAN: -- or have we?

3 THE WITNESS: No. I have provided the  
4 whole engineering on this --

5 MR. HIPOLIT: Right.

6 They testified, as we had the Site Plan  
7 Review Committee, they agreed to comply with North  
8 Hudson or even going a little above and beyond,  
9 creating a little detention system under the  
10 synthetic turf area, and also with the roof scuppers  
11 and the area of the roof to detain more water, which  
12 is adequate, in my opinion.

13 CHAIRMAN HOLTZMAN: Right.

14 So is this the standard that we are  
15 going with from here forward is that we are adding  
16 to those roof drains the roof weirs, so that it  
17 slows down the water into the system as well, so  
18 there is a little bit of a stall on the water  
19 hitting the system?

20 MR. HIPOLIT: Correct. Yes.

21 We get some water on the roof and that  
22 will evaporate or get sucked up by the green roof.

23 THE WITNESS: You have a question on  
24 here about this roof drain that I provided.

25 I have a regular type of roof drain,

1 but then I have a small overflow with a two-inch  
2 perimeter. If you want to go higher than that, I  
3 can do that as well.

4 MR. HIPOLIT: No. That's fine. It's  
5 great --

6 THE WITNESS: Because I was wondering  
7 if you had a question again about it, and I thought  
8 maybe --

9 MR. HIPOLIT: The two-inch perimeter is  
10 fine. We just want you to testify to it --

11 THE WITNESS: Oh, okay, fine.

12 CHAIRMAN HOLTZMAN: Mr. Hipolit, I know  
13 there was some -- we had looked at some various  
14 options on that, and I know there was -- I think you  
15 had found a more durable cast iron one or something  
16 like that, that we were using on one of the previous  
17 applications as opposed to the standard plastic,  
18 which is going to bust over time.

19 MR. HIPOLIT: Right. One of the other  
20 applicants came forward with a good cast iron --

21 THE WITNESS: Okay. We can put that  
22 in. That's not a big deal. I mean, it is just a  
23 standard roof drain with an encapsulation enclosure  
24 around it --

25 MR. GALVIN: Would that be a cast iron

1 roof weir?

2 THE WITNESS: Yeah.

3 MR. HIPOLIT: It's a roof scupper made  
4 out of cast iron.

5 THE WITNESS: It's like a weir  
6 flange --

7 MR. MATULE: You are confusing us  
8 lawyers.

9 (Laughter)

10 A scupper or a weir?

11 VICE CHAIR MAGALETTA: Well, a weir is  
12 a type of a valve, I guess, right?

13 THE WITNESS: Yeah.

14 CHAIRMAN HOLTZMAN: Right. The weir is  
15 the valve in the drain.

16 VICE CHAIR MAGALETTA: Does that help?

17 Say maybe.

18 (Laughter)

19 MR. GALVIN: I am just being the  
20 scrivener. You guys tell me what it is, and I will  
21 write it down.

22 The applicant is to add a cast iron  
23 roof scupper to create additional stormwater  
24 detention --

25 MR. HIPOLIT: On the roof.

1 MR. GALVIN: -- on the roof.

2 CHAIRMAN HOLTZMAN: Well, where else  
3 would the roof scupper be?

4 THE WITNESS: This one, actually the  
5 only other thing I saw in your report that was  
6 different is you were looking to go for the drains  
7 into the stormwater -- actually all of the drains to  
8 go into the --

9 CHAIRMAN HOLTZMAN: Right. There was a  
10 question about the downspouts.

11 THE WITNESS: Well, the downspouts were  
12 going to into that as well. That's not a problem.

13 We are going to provide that, and we're  
14 going to provide the engineering that shows all of  
15 that going in there, into the -- into the drainage  
16 system, the entire stormwater management system.

17 But on the basic utility plan, at one  
18 point Mr. Hipolit was looking to have there the --  
19 there's two new lines going out, one for storm and  
20 then one for sanitary. He was thinking of going  
21 down to the manhole.

22 I just think the manhole is really far  
23 away and -- or I could cross over. Do you see  
24 where --

25 MR. HIPOLIT: Your testimony --

1 THE WITNESS: -- I have to cross over  
2 in a weird way on the other side --

3 MR. HIPOLIT: -- your testimony is  
4 fine. Just testify to what you are doing, and I am  
5 okay.

6 THE WITNESS: Okay. Yeah, that's fine,  
7 because I was a little worried about --

8 MR. HIPOLIT: Whatever you have in the  
9 plan is fine.

10 THE WITNESS: Okay. That's fine.  
11 Perfect. I was a little worried about that.

12 (Laughter)

13 MR. MATULE: Mr. Hipolit, just so I am  
14 clear, if I might, my understanding is that the  
15 building has to be designed and built with separate  
16 lines coming out --

17 MR. HIPOLIT: Correct.

18 MR. MATULE: -- but once they come out,  
19 you can Y them into a single line to go to the  
20 combined sanitary and storm drain.

21 MR. HIPOLIT: Yes, you can.

22 MR. MATULE: Okay. Thank you.

23 THE WITNESS: Somebody -- I thought the  
24 new one was going straight out to it. They changed  
25 their minds many times I guess --

1 MR. HIPOLIT: It's really North Hudson  
2 controls it, but yeah, it is. The system is never  
3 separated, and it's easier to separate it at the  
4 building.

5 CHAIRMAN HOLTZMAN: Okay.

6 MR. MATULE: You received Mr.  
7 Hipolit's letters obviously --

8 THE WITNESS: Correct.

9 MR. MATULE: -- and you have addressed  
10 them, and you have no issues addressing anything in  
11 his letter?

12 THE WITNESS: No. Everything is good.

13 We also talked about lighting  
14 originally, and we had -- I put some notes on here  
15 saying that we will comply with all shielding on all  
16 lighting on this project, and all lighting will meet  
17 or exceed IES standards.

18 MR. GALVIN: Do you have that on the  
19 plan or not?

20 MR. HIPOLIT: Can you speak to the  
21 accessibility requirements or lack thereof of the  
22 requirements of the building?

23 THE WITNESS: Well, we have --

24 CHAIRMAN HOLTZMAN: I'm sorry, Andy. I  
25 couldn't hear you. What was that?

1                   MR. HIPOLIT: The accessibility  
2 requirements for the building, if there are any.

3                   THE WITNESS: Yes. We have -- we  
4 have -- we are total accessible across the board.

5                   We have an accessible level on the  
6 first level. When you come into the building, you  
7 are going to come into the main lobby, this level  
8 here, and go back to the elevator back in this  
9 portion.

10                  And you have an accessible access aisle  
11 here and an accessible parking space, and this  
12 entire area will be at 8 foot 2 clear from the front  
13 door to the parking space for van accessibility, and  
14 then the entire project is accessible from the  
15 elevator itself, and the elevator itself is a newer  
16 style gurney elevator with -- and according to the  
17 new code, you have to actually have -- it has to be  
18 on a generator and fully accessible at all times,  
19 including, if there is, let's say, a fire or you  
20 lose power, that an ADA person that might be in here  
21 still has the ability to go down the elevator, even  
22 if we don't have power.

23                  CHAIRMAN HOLTZMAN: And you mentioned  
24 the word "generator." So, Mr. Hipolit, did we get  
25 that resolved?

1 MR. HIPOLIT: The generator --

2 CHAIRMAN HOLTZMAN: There was a  
3 debate -- I'm sorry --

4 THE WITNESS: Yeah. I showed it --

5 CHAIRMAN HOLTZMAN: -- I'm sorry. I am  
6 still talking.

7 Thank you.

8 THE WITNESS: Sorry.

9 MR. GALVIN: Calm down.

10 (Laughter)

11 CHAIRMAN HOLTZMAN: There was a debate  
12 as to where the generator was originally located  
13 and/or the type of generator that was being used.

14 MR. HIPOLIT: Right. And you  
15 proposed --

16 THE WITNESS: Yes. We actually are  
17 proposing on the upper most roof, which is above the  
18 staircase, but now we are actually proposing this on  
19 the regular roof, and I will revise that drawing to  
20 put it on the roof deck itself, and it is a gas fed  
21 generator, so it is always --

22 CHAIRMAN HOLTZMAN: And we were given  
23 some direction in terms of a db rating or a class  
24 rating?

25 MR. HIPOLIT: Yes.

1                   You are going to use a Type 2  
2 enclosure?

3                   THE WITNESS: That's fine. I can have  
4 that --

5                   MR. GALVIN: What was that?

6                   MR. HIPOLIT: A Type 2 enclosure.

7                   CHAIRMAN HOLTZMAN: Thank you.

8                   Mr. Peene?

9                   COMMISSIONER PEENE: Just a question  
10 for Mr. Bodnar.

11                   I am looking at the illustration right  
12 there, and I see some tree plantings in front of the  
13 unit.

14                   I compared it to what I see on Google  
15 Maps there, and it is an area kind of devoid of  
16 street scape and landscape --

17                   THE WITNESS: Yeah.

18                   We are proposing two trees. I think in  
19 one mark -- notation here is I have to relocate one  
20 of these trees a little closer in. I believe the  
21 tree that's further down here, closer in, so it is  
22 not as far away --

23                   COMMISSIONER PEENE: Are these going to  
24 be street plantings on the sidewalk --

25                   THE WITNESS: Yes. We're going to have

1 street trees and also a series of street plantings  
2 along the front facade.

3 MR. MATULE: And that tree will be per  
4 the specifications of the Shade Tree Commission?

5 THE WITNESS: Yes. I actually picked  
6 something out that the Shade Tree does accept, so  
7 they will make sure that is accepted.

8 CHAIRMAN HOLTZMAN: Okay.

9 MR. GALVIN: Andy, did you look at the  
10 landscaping, other than the trees?

11 MR. HIPOLIT: I generally don't look at  
12 it.

13 MR. GALVIN: Normally Eileen would at  
14 the Zoning Board.

15 MR. HIPOLIT: Did you look at it?

16 MS. RUSSELL: There is perimeter  
17 landscaping in the two rear yard areas, and then the  
18 front yard landscaping encroaches into the  
19 right-of-way, and so it would be subject to Council  
20 approval.

21 And then the roof has green roof  
22 features, correct?

23 THE WITNESS: Correct.

24 MR. HIPOLIT: What I looked at is  
25 generally fine. I don't have any issues with it.

1 CHAIRMAN HOLTZMAN: Okay.

2 Was there any other presentation of Mr.  
3 Bodnar?

4 MR. MATULE: If the Board doesn't have  
5 any other questions --

6 VICE CHAIR MAGALETTA: I have a  
7 question --

8 CHAIRMAN HOLTZMAN: Sure, Mr.  
9 Magaletta.

10 VICE CHAIR MAGALETTA: On the height.  
11 What is the height?

12 THE WITNESS: We are 40 feet above  
13 design flood elevation.

14 Now, we are at 4.5 on the ground. We  
15 are allowed to be at Elevation 14, which is the  
16 first deck, so we are about nine and a half feet on  
17 this one.

18 My structural engineer came back with a  
19 concrete slab that we could actually make it work in  
20 that area, so I can still get the handicapped van to  
21 work, and we're basically -- that's what we're --

22 VICE CHAIR MAGALETTA: So it's not 40  
23 and a half feet --

24 THE WITNESS: 49 and a half, 49 and a  
25 half, a little bit more in the back because Ann

1 Holtzman wanted us to follow --

2 MR. GALVIN: The Flood Plain  
3 Administrator or Zoning Officer, okay?

4 THE WITNESS: Yes. Okay. Sorry about  
5 that.

6 MR. HIPOLIT: You should provide  
7 testimony on the warning light for the garage.

8 THE WITNESS: Yes. We are providing  
9 that. It is actually on the drawings, on sheet --

10 MR. HIPOLIT: Which type are you  
11 providing?

12 THE WITNESS: We have an LED spinner at  
13 the top like this above the garage.

14 MR. HIPOLIT: Okay.

15 VICE CHAIR MAGALETTA: You have a strip  
16 again like on the other project?

17 THE WITNESS: And I believe we have  
18 a -- yes. We are calling out for a strip as well on  
19 both sides of the door. I just haven't found the  
20 exact model number on that --

21 VICE CHAIR MAGALETTA: Getting back to  
22 my height question, a series of questions.

23 I am looking at the diagram --

24 THE WITNESS: Yes.

25 VICE CHAIR MAGALETTA: -- and also at

1 PB-6, and I'm trying to find out, is it exactly the  
2 same height as the neighbors or is it a little bit  
3 higher?

4 THE WITNESS: No. It is a little bit  
5 different because like if you look at PB-6, we are a  
6 little bit higher than the one on the southbound.  
7 It is a four-story building, but it has a very large  
8 first level, and these floors are a little bit  
9 larger than mine.

10 VICE CHAIR MAGALETTA: Okay.

11 THE WITNESS: The one on the right, we  
12 are larger in the front, but this is an entire  
13 mezzanine level that is set back about ten feet. I  
14 didn't get -- I couldn't see exactly all of the  
15 windows on this one. I didn't draw it in, but this  
16 building here is 50 feet tall, so basically we're  
17 trying to stay within that.

18 VICE CHAIR MAGALETTA: And there are  
19 three items on top of your building. Are they  
20 bulkheads or what are they?

21 THE WITNESS: That's bulkheads. A  
22 stair, stair, and then the elevator.

23 VICE CHAIR MAGALETTA: If you are  
24 standing across the street and you look up, can you  
25 see those?

1 THE WITNESS: No, because everything is  
2 set back. If you go back --

3 VICE CHAIR MAGALETTA: That is fine.

4 CHAIRMAN HOLTZMAN: Thank you, Frank.

5 VICE CHAIR MAGALETTA: Thank you.

6 MS. RUSSELL: Can I ask a quick  
7 question about the front elevation there?

8 The ground floor window that looks into  
9 the garage --

10 THE WITNESS: Yeah. This one?

11 MS. RUSSELL: Yeah.

12 Why was that not designed to mimic the  
13 portions of the windows above it?

14 THE WITNESS: Because when I come here  
15 to get this means of egress staircase to work, I had  
16 to move that doorway over, if you look at the first  
17 floor. I would have loved to make it work out  
18 perfect, but to get the parking and everything  
19 perfect to get in meant that door --

20 MS. RUSSELL: But it doesn't even match  
21 in height, or you don't even have like the bottom  
22 lights separated out. Was that --

23 THE WITNESS: I was trying to do  
24 something a little different there because it's like  
25 not -- like if you go here on the floor plan, I



1           there to make it look like it --

2                         THE WITNESS:  -- yeah, look a little  
3           bit more of what that is.  It's just --

4                         CHAIRMAN HOLTZMAN:  I would say let's  
5           give it a second thought.

6                         THE WITNESS:  Okay, not a problem.

7                         CHAIRMAN HOLTZMAN:  Mr. Hipolit, can  
8           you maybe bring the Board and the applicant up to  
9           speed on our earlier conversation with our friends  
10          at PSE&G Gas as to gas meter locations?

11                        MR. HIPOLIT:  I can do that.

12                        We met with PSE&G --

13                        THE WITNESS:  Okay.

14                        MR. HIPOLIT:  -- talking about  
15          locations of gas meters, and many applicants have  
16          testified that PS wants it to come through the wall,  
17          a front wall mount done, and that's it, it's all  
18          yours from there.

19                        But what we have come to realize is  
20          that PS is a little flexible.  Now we met with the  
21          white collar guys, so the white collar guys were  
22          different from the blue collar guys in the field.

23                        The white collar guys were going back  
24          to talk to their internal people about where and  
25          what the flexibility is.

1                   They believe as long as it's on the  
2 front wall, they don't necessary care what floor  
3 it's on. As long as they can read -- as long as  
4 they can read the meters, they don't necessarily  
5 care where they are, except they need access to  
6 them. So the issue really becomes what they will or  
7 will not approve for you.

8                   What we think we would like to do for  
9 the Board is put a condition in that says: We would  
10 like the meters elevated above the design flood  
11 elevation, as long as you can get it approved by  
12 PSE&G.

13                   THE WITNESS: All right. I can work  
14 with that. I know a lot of guys there.

15                   CHAIRMAN HOLTZMAN: And we have some  
16 friends in rather high places there, too, that came  
17 and met with us, and they assured us that they are  
18 very interested in being as flexible as possible to  
19 keep these gas meters out of flood's way --

20                   THE WITNESS: Okay.

21                   CHAIRMAN HOLTZMAN: -- so this is -- we  
22 are turning a page. We're moving forward in a good  
23 way, so we would like you to try to make you make  
24 sure that these gas meters are also out of harm's  
25 way, so please try to -- not "please" --

1                   THE WITNESS: I actually have spaces,  
2                   extra spaces in the building that would easily be  
3                   able to fit them, if I could --

4                   CHAIRMAN HOLTZMAN: Terrific

5                   THE WITNESS: -- where the elevator --  
6                   I have an extra electrical room that I'm not really  
7                   using for anything --

8                   CHAIRMAN HOLTZMAN: Great. We --

9                   MR. HIPOLIT: As long as you would  
10                  agree to a condition that says, if they approve it,  
11                  you will built it.

12                  THE WITNESS: Yeah, that's not a  
13                  problem. Sure.

14                  (Board members talking at once.)

15                  VICE CHAIR MAGALETTA: Talking about  
16                  water and flooding.

17                  On item number four of the Flood Plain  
18                  Administrator's September 21 letter, she talks about  
19                  wet flood proofing in the residential egress.

20                  Have you done that?

21                  THE WITNESS: Yeah.

22                  Actually I just did two jobs. I just  
23                  finished with dry proofing. I don't understand --  
24                  we also changed our mind to wet proof -- I  
25                  understand why, because it is kind of my own fault.

1 I brought up the fact like that once I put these  
2 panels in the way, the doors leaving, the people are  
3 pretty much trapped inside.

4 VICE CHAIR MAGALETTA: Right.

5 THE WITNESS: Like I just did 128  
6 Harrison Street.

7 So I said if I put the panels here, and  
8 the people have to get out, there is no way.

9 So then they were like, all right, I  
10 just want the elevator done now, so I guess -- I  
11 don't know --

12 MR. MATULE: So that is what you are  
13 doing, you're complying with the request --

14 THE WITNESS: With the new one, just  
15 putting in front of the elevator doors, there's  
16 going to be panels, and the rest of it is going to  
17 be wet proofed, so this way water comes in and goes  
18 out --

19 MR. MATULE: You are showing that on  
20 PB-3, you have a note?

21 THE WITNESS: -- and PB-3 --

22 CHAIRMAN HOLTZMAN: Do the drawings  
23 currently reflect that --

24 THE WITNESS: Yes, I believe the --

25 CHAIRMAN HOLTZMAN: -- the wet proofing

1 of the -- it needs to be of all of the residential  
2 egress.

3 THE WITNESS: Yes. This is all wet  
4 proofed, and this is all wet proofed as well, and  
5 then it's going to have flood vents through them,  
6 and the only flood gate I have here is this one back  
7 here.

8 Before I used to have flood gates here  
9 and flood gates in here, but then obviously, if you  
10 came down to the end of the building, and you put  
11 the flood gates, especially being at Elevation 13,  
12 that means you can't even jump over it. You  
13 basically blocked the whole entire facade.

14 MR. MATULE: So just the elevator is  
15 going to have a flood gate?

16 THE WITNESS: Yeah.

17 MR. MATULE: The other means of egress  
18 will be wet flood proofed --

19 THE WITNESS: That's correct.

20 MR. MATULE: -- and you have indicated  
21 that on your plans on PB-3?

22 THE WITNESS: Yes, that's correct.

23 CHAIRMAN HOLTZMAN: And the elevator  
24 needs to have some type of a programming that keeps  
25 it at the second floor with a water sensor --

1                   THE WITNESS: They have a water sensor  
2 switch that you can buy that goes in the pit, and in  
3 case there is ever any water, it stops it and sends  
4 it to the second floor.

5                   Actually the automatic recall, even for  
6 the fire, will be set at the second floor anyhow.

7                   CHAIRMAN HOLTZMAN: And that is built  
8 into the plan?

9                   THE WITNESS: Well, it is built into  
10 like when I do the shop drawings.

11                  CHAIRMAN HOLTZMAN: Great.

12                  MR. MATULE: You put a note on this  
13 plan?

14                  THE WITNESS: But I'll have it in  
15 there. I did it for the last project as well.

16                  CHAIRMAN HOLTZMAN: Okay.

17                  THE WITNESS: I will put it in the plan  
18 as well, if you need it.

19                  MR. MATULE: Yes. We need it.

20                  CHAIRMAN HOLTZMAN: Thank you. Okay.

21                  Anything else, Commissioners? Any  
22 other questions or comments for Mr. Bodnar?

23                  Okay.

24                  Do we have additional testimony, Mr.  
25 Matule, from --

1 MR. MATULE: Mr. Ochab.

2 For the record, the three people in the  
3 audience are applicants.

4 (Laughter)

5 MR. OCHAB: Good evening.

6 MR. GALVIN: Raise your right hand.

7 Do you swear or affirm that the  
8 testimony you are about to give is the truth?

9 MR. OCHAB: I do.

10 K E N N E T H O C H A B, having been duly sworn,  
11 testified as follows:

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

14 THE WITNESS: My name is Ken Ochab.  
15 That's O-c-h-a-b.

16 MR. GALVIN: Do we accept Mr. Ochab's  
17 credentials?

18 CHAIRMAN HOLTZMAN: We do.

19 Thank you, Mr. Ochab.

20 MR. MATULE: All right.

21 Mr. Ochab, you are familiar with the  
22 master plan and the zoning ordinance of the City of  
23 Hoboken?

24 THE WITNESS: Yes, I am.

25 MR. MATULE: And you are familiar with

1       this application as it has been amended to just have  
2       a variance for lot coverage?

3                   THE WITNESS: I am, yes.

4                   MR. MATULE: And you prepared a  
5       planner's report, dated 9/21, in support of the  
6       requested variance relief?

7                   THE WITNESS: I did.

8                   MR. MATULE: And obviously with these  
9       revisions, your report is going to change a little  
10      bit, right?

11                  THE WITNESS: Yes, it is.

12                  MR. MATULE: Could you give us your  
13      professional opinion regarding the requested  
14      variance relief?

15                  THE WITNESS: All right.

16                  So we are in the R-3 zone, and as was  
17      mentioned, we conform to the R-3 zone criteria with  
18      the exception of -- with the exception of the lot  
19      coverage due to the rear of the building.

20                  MR. GALVIN: Ken, stop for one second.

21                  CHAIRMAN HOLTZMAN: Hang on for one  
22      second.

23                  MR. MATULE: I want to mark it, but I  
24      don't know what I did with the stickers. Sorry,  
25      Phyllis.

1 MR. GALVIN: And our mime can't talk.

2 (Laughter)

3 CHAIRMAN HOLTZMAN: Now, we've marked  
4 this what, Mr. Matule?

5 MR. MATULE: A-1 -- A-2 actually. The  
6 rendering was A-1.

7 (Exhibit A-2 marked.)

8 THE WITNESS: Should I go back?

9 MR. MATULE: So I am going to mark your  
10 photo board A-2.

11 Who took the pictures and when?

12 THE WITNESS: I did.

13 I took these pictures actually last  
14 year. I have been back to the site last week just  
15 to verify that the conditions are still the same.

16 MR. MATULE: Okay.

17 THE WITNESS: So what we have is a  
18 series of three photographs on this board. They  
19 are -- the top photograph shows the site in  
20 question, including the center of the photograph,  
21 which is first a vacant lot on the south side of the  
22 property and then an existing two-story building on  
23 the north side.

24 This photograph also shows the adjacent  
25 building to the south, which is the corner of Monroe

1 and Fifth -- right, Monroe and Fifth -- and shows a  
2 four-story building, one, two, three, four.

3 The center photograph again shows the  
4 site in question on the left side of the photograph.  
5 Here is the two-story existing building on the  
6 subject property.

7 Then the adjacent building to the  
8 north, and the adjacent building to the north is a  
9 four and a half or five-story parking under four  
10 stories above, a hundred feet in frontage, and 70  
11 feet deep, so it is a substantial building. It  
12 covers a lot of ground. It covers a lot of frontage  
13 along Monroe, and we are adjacent to that, just to  
14 the south of that.

15 The photograph on the lower part of the  
16 board again just shows the extension as we move  
17 north from the center photograph on the same side of  
18 the street, basically just showing a series of four  
19 and five-story buildings, all pretty much new  
20 buildings. "New" being subsequent to 1990, but most  
21 of these are the year 2000, early 2000s for the most  
22 part.

23 MR. GALVIN: You know that makes them  
24 25 years old, right?

25 THE WITNESS: Yes --

1                   CHAIRMAN HOLTZMAN:  So they're  
2           antiques --

3                   THE WITNESS:  -- they are younger than  
4           me.  That is all that matters.

5                   (Laughter)

6                   I just lost my train of thought.

7                   MR. MATULE:  Another photo board, and I  
8           will mark this A-3.

9                   (Exhibit A-3 marked)

10                  THE WITNESS:  Okay.

11                  MR. MATULE:  And, if you would, just  
12           for the record, tell us what this is.

13                  THE WITNESS:  So A-3, I actually moved  
14           to the rear yard.

15                  So the top photograph shows standing in  
16           the rear yard of the subject property, looking  
17           north, and I am looking at the big substantial  
18           building to the north.

19                  In the foreground, the back of this  
20           cream colored building is actually our subject site,  
21           so the adjacent building is again 70 feet deep.  So  
22           our building basically is going to be just about  
23           where this shed portion of the extension is.  That  
24           generally is where the end of our proposed building  
25           will be, so this building to the north will actually

1 extend further into the rear yard than being  
2 proposed.

3 If I turn around and look to the west,  
4 and I'm looking across the yard, there is a building  
5 that actually fronts on Fifth, that has its rear  
6 wall about one or two feet off of our rear line, and  
7 that extends for the southern portion of our  
8 property.

9 And then beyond that, we have buildings  
10 with small balconies that front on the street to the  
11 west, and this lower photograph is just a different  
12 view of that showing more of the wall of the  
13 building that fronts on Fifth.

14 There is no windows on this wall. It  
15 is just one huge four-story wall, and then, again,  
16 the buildings, which front on the street to the  
17 west.

18 So in terms of the criteria, we meet  
19 the height criteria. There is obviously no D  
20 variances or else we wouldn't be here.

21 We are proposing a green roof and a  
22 roof deck, all of which meet the criteria under the  
23 new amended ordinance for percentage of area.

24 We have 42 percent green roof and a 7.5  
25 percent roof deck, which allows 30 percent.

1                   The setbacks are all in conformance,  
2           ten feet rear -- and actually more than ten feet  
3           rear. We have 23 feet from the front and rear part  
4           of the building, and three feet on the side, so we  
5           have total conformity with respect to the green roof  
6           area, and so the only variance here is the lot  
7           coverage of 1.7 percent in addition to what we have.

8                   And my take on the 1.7 percent increase  
9           is that it really is a C-2. It's not a C-1 variance  
10          because in a C-1 variance, we have to show hardship,  
11          and there really is no hardship, to be honest here,  
12          so it's --

13                   CHAIRMAN HOLTZMAN: We like honesty,  
14          Mr. Ochab.

15                   Thank you.

16                   (Laughter)

17                   THE WITNESS: So it is a design  
18          element. It's a C-2 criteria, basically supported  
19          by the Municipal Land Use Law in terms of the visual  
20          environment, for promoting a desirable visual  
21          environment by using creative development techniques  
22          and good zip design.

23                   What I mean by that is by varying the  
24          setback of the building, as opposed to what we have  
25          on the upper photograph of the brick building, which

1 is one flat wall, which runs along the rear of the  
2 property, we have a variation of setbacks on this  
3 building, and 50 foot in width, and that adds a  
4 certain design element, a visual design element  
5 particularly when you are looking at the building  
6 obviously from the rear yard.

7 The impact of that additional coverage  
8 is minimal to be sure, because the building to the  
9 north is not affected in one bit by that, by the  
10 varying setbacks, and the building to the south,  
11 although I don't have a photograph of it, if you  
12 look at your plan, it shows that our building is  
13 basically equivalent with that building as well.

14 That building is also about a foot and  
15 a half or two feet off the property line, so there  
16 is a little bit of a separation there.

17 We still provide a rear yard setback of  
18 37 feet to the building, and 26 and a half feet to  
19 the stairs that come down from the first residential  
20 level to the rear yard. And, again, those stairs  
21 are three feet wide in sort of a view shed of 50  
22 feet, so it is very minimal in terms of the impact  
23 looking at the stairs and the setback.

24 CHAIRMAN HOLTZMAN: I thought the  
25 stairs now ran along the building.

1                   Why is there such a discrepancy?

2                   MR. MATULE: I was just going to say,  
3                   Mr. Ochab --

4                   THE WITNESS: Oh, did you change the  
5                   stairs, too?

6                   MR. MATULE: -- yes, on the revised  
7                   plans, I was going to show you on Sheet PB-4 --

8                   THE WITNESS: Design on the fly --  
9                   (Laughter)

10                  MR. MATULE: -- that shows the new  
11                  stair configuration, and the depth from the stairs  
12                  is 30 --

13                  THE WITNESS: It should be about 34.

14                  MR. BODNAR: Yeah.

15                  THE WITNESS: Yeah, 34.

16                  MR. MATULE: 34 feet.

17                  THE WITNESS: So it's 34 feet to the  
18                  stairs, and 37 to the building. 30 feet is  
19                  required.

20                  So in terms of the impact, there is  
21                  generally no impact, and certainly this depth design  
22                  element certainly also supports the master plan's  
23                  goal of providing sufficient open space in the rear  
24                  yard and supporting the center block open space  
25                  element, basically the hole in the donut effect.

1                   So this is part of the donut. It is  
2 not on the corner, and it's not on the edge, so it  
3 is part of the center block open space, and we're  
4 providing again 37 feet of open space.

5                   So my view here is that the proposed  
6 lot coverage addition is supported positively by the  
7 C-2 criteria, and as far as the negative criteria is  
8 concerned, there would be no substantial impact or  
9 detriment to the public good, which means what's the  
10 impact of the additional coverage, which in my view  
11 would be minimal because of the positioning of the  
12 buildings surrounding us, and also from the  
13 standpoint of whether or not there is a substantial  
14 detriment or impairment to the zone plan.

15                   Again, 1.7 percent is not a huge amount  
16 of lot coverage addition, almost de minimis in my  
17 view, and it adds a certain architectural feature to  
18 the building, which basically will enhance that rear  
19 yard from a visual standpoint.

20                   So that is my testimony, and I will be  
21 happy to answer any questions.

22                   CHAIRMAN HOLTZMAN: Thank you.

23                   Any questions for Mr. Ochab?

24                   Director Forbes?

25                   COMMISSIONER FORBES: Yes.

1                   On the design, I know that you are  
2                   talking about the design feature of that additional  
3                   in the back and what's triggering this.

4                   What, you know, also stands out to me  
5                   is you have that as well in the right-of-way with  
6                   those bay windows, and so it is like not only the  
7                   extension of additional lot coverage, but now we're  
8                   talking about, you know -- and I understand that you  
9                   would have to apply and get the approval from City  
10                  Council, you know, but it is something that is in  
11                  that city's space.

12                  With that, I can't tell from the photos  
13                  from over here and the lighting in here, but are  
14                  there other bay windows on here?

15                  I see that the building adjacent does  
16                  not have those, but I just didn't know if there are  
17                  other bay windows that project out into the  
18                  roadway -- or into the right-of-way along that  
19                  frontage.

20                  THE WITNESS:    The building directly  
21                  adjacent to us had the first row of windows that do  
22                  project out.  They are bay windows, and then as we  
23                  move north, they are flush with the building.

24                  So the first set of windows on our  
25                  adjacent building to the north are bay windows, and

1 I believe on the opposite side of the street also,  
2 but I don't --

3 MR. MATULE: What is this here?

4 THE WITNESS: That is further north.

5 MR. MATULE: That is a different bay?

6 THE WITNESS: Yes.

7 (Board members confers)

8 THE WITNESS: Okay, yeah. So there  
9 are, to answer your question --

10 CHAIRMAN HOLTZMAN: Just give us a  
11 second.

12 (Board members confer)

13 CHAIRMAN HOLTZMAN: Okay.

14 THE WITNESS: I believe Dennis has  
15 answered the question.

16 CHAIRMAN HOLTZMAN: Thank you.

17 COMMISSIONER FORBES: He gave me the  
18 same picture, just closer.

19 CHAIRMAN HOLTZMAN: So we couldn't  
20 actually see it.

21 THE WITNESS: I'm sorry.

22 MR. GALVIN: I used Google, and I was  
23 able to turn it, so then you can see that there is a  
24 bay on both sides of the street in proximity to the  
25 building.

1 THE WITNESS: Okay. And there are bays  
2 as you move further north as well.

3 CHAIRMAN HOLTZMAN: Okay.

4 Any other questions for Mr. Ochab?

5 I don't think this is actually a  
6 planning question, but, Commissioner, you had a  
7 question about the -- I think we will bring Mr.  
8 Bodnar back perhaps, about the rear yard?

9 COMMISSIONER STRATTON: The rear yard  
10 drains that are going to be put in. Are those  
11 existing or proposed?

12 R U S S E L L B O D N A R, having been previously  
13 sworn, testified further as follows:

14 THE WITNESS: No, no. They're all new.

15 COMMISSIONER STRATTON: They're all  
16 new, so --

17 THE WITNESS: Yes.

18 COMMISSIONER STRATTON: -- are the two  
19 drains in the rear of the yard then connected to the  
20 sewer system?

21 THE WITNESS: They're connected to that  
22 stormwater management system, yes.

23 COMMISSIONER STRATTON: And the  
24 stormwater management system is then drained into  
25 the sewer --

1                   THE WITNESS:    Yes.  It collects a  
2                   series of water -- it collects the entire building  
3                   into a series of underground pipes.  Those pipes  
4                   hold the water and let water out at a slower pace  
5                   than they would if it just came in and went out.

6                   COMMISSIONER STRATTON:  So what would  
7                   the drainage situation be in the rear yard, if you  
8                   did not add these drains that are contributing to  
9                   the sewer system?

10                  THE WITNESS:  It would still drain.  It  
11                  wouldn't drain, you know -- I am trying to make it  
12                  drain better, just in case it won't drain.

13                  COMMISSIONER STRATTON:  The issue that  
14                  I have is you are taking pervious surface and making  
15                  it impervious, and then draining it to the sewer  
16                  system, which is counter to the green roof and the  
17                  other things --

18                  THE WITNESS:  Yeah.  It's still per --  
19                  it's like -- even though what I am doing, it's  
20                  making whatever pervious, I mean, even if I take the  
21                  grass, the artificial grass, water will seep through  
22                  there.  There is still a series of rocks and some  
23                  pipes in there.

24                  If whatever doesn't go into the ground  
25                  will go into the pipes, and then go into the thing,

1 so you are not looking at that much.

2 Let's say in a big massive storm, you  
3 will gain some water. It won't just puddle out  
4 there, and you will gain some water in, but most of  
5 the water will go into the gravel system and then  
6 drain through.

7 So it is not going to go into -- it's  
8 not going to go into the -- it's like I'm putting  
9 pavers -- that's why I didn't do pavers back there,  
10 because if you put pavers the whole way, then you  
11 are sitting and getting tons of -- you're getting  
12 any impervious --

13 CHAIRMAN HOLTZMAN: I will tell you why  
14 you didn't, because you wouldn't be allowed.

15 (Laughter)

16 MR. MATULE: Russell, if I might, just  
17 to clarify, the way the backyard is set up, even  
18 though you have this gravel system and this pipe  
19 system with the holes in it, a certain amount of the  
20 water that goes into that backyard is going to  
21 percolate down into the ground?

22 THE WITNESS: Correct.

23 MR. MATULE: But what doesn't percolate  
24 down --

25 MR. HIPOLIT: If it can.

1                   THE WITNESS:  If it can.  I see the  
2                   problem is some days, if it doesn't rain that much,  
3                   the water comes up into the soil, and you don't have  
4                   any -- there is nothing you can saturate, because if  
5                   you saturate it, it gets a puddle.  It will take a  
6                   while for it to go back down.

7                   So this way at least when I'm doing it,  
8                   it holds the water a little bit longer, you get a  
9                   puddle and it will take a while to go back in that  
10                  gravel space.  Some of it will percolate out, and  
11                  some of it will go into the drain and go into the  
12                  other system.

13                  CHAIRMAN HOLTZMAN:  I had a question  
14                  about some of the trees from some of the photographs  
15                  that we saw from Mr. Ochab.

16                  I know, it seemed like there was some  
17                  larger --- it is really a design element perhaps or  
18                  an existing condition.

19                  There seems like there is a large tree  
20                  in the rear yard behind the building that is being  
21                  demolished.  Is that going to be able to be kept?

22                  UNIDENTIFIED VOICE FROM THE AUDIENCE:  
23                  Yes.

24                  Because one of the things that's  
25                  always -- it's nice if we're maintaining the donut

1 in the backyards.

2 CHAIRMAN HOLTZMAN: One of the things  
3 that is always -- it is nice, if we are maintaining  
4 the donut in the backyards, and we always see these  
5 nicely sort of manicured new lightly shrubbed  
6 backyards, and I am wondering how we get some nice  
7 big hundred-year-old trees for the future to start  
8 growing there. I mean --

9 THE WITNESS: That is actually where  
10 this other tree was going to be proposed right  
11 there, so it's actually perfect.

12 CHAIRMAN HOLTZMAN: Right.

13 I believe we are saying that it is  
14 being kept, and we're making sure that we are saving  
15 the big tree, right?

16 MR. MATULE: The applicant is  
17 confirming that we are saving the big tree.

18 VICE CHAIR MAGALETTA: Thank you.

19 CHAIRMAN HOLTZMAN: Okay.

20 I think, you know, to follow up on the  
21 tree conversation, Mr. Peene pointed out previously  
22 that the street is kind of -- it's one of those  
23 blocks that is unfortunately terribly barren and  
24 devoid of trees, and I was wondering if there was  
25 any way that in addition to in front of the property

1       there was any other trees that maybe the applicants  
2       could help out with in terms of this street to try  
3       to beef up some of the shade tree on the street  
4       since we know it is such an important thing for  
5       stormwater management. It's a really important  
6       thing for just cooling, you know, helping to cool  
7       the block and creating some shade.

8                   MR. MATULE:    What the applicant is  
9       saying is that they will plant trees on the entire  
10      500 block on both sides to the extent the Shade Tree  
11      Commission wants them placed.

12                   Is that correct?

13                   UNIDENTIFIED VOICE:  Yes, six of them.

14                   MR. MATULE:  Huh?

15                   UNIDENTIFIED VOICE:  Six trees.

16                   MR. MATULE:  Six trees.

17                   Would that take up the whole street?

18                   MR. GALVIN:  But since you're --

19                   MR. MATULE:  I'm trying to find out.

20                   MR. GALVIN:  Wait.  Let's --

21                   MR. MATULE:  We will plant six  
22      additional trees, in addition to the two you're --

23                   UNIDENTIFIED VOICE:  Yes.

24                   MR. MATULE:  -- okay, so a total of  
25      eight trees.

1                   CHAIRMAN HOLTZMAN: That is a wonderful  
2 consideration. Thank you very much.

3                   UNIDENTIFIED VOICE: You are very  
4 welcome.

5                   CHAIRMAN HOLTZMAN: Any other questions  
6 for the applicant, for the planner, for the  
7 architect?

8                   Mr. Matule, any closing comments for  
9 us -- I'm sorry. I don't think there are any  
10 members of the public here any more. Is that right?

11                   No.

12                   MR. MATULE: That is correct.

13                   CHAIRMAN HOLTZMAN: Does anybody want  
14 to speak from the public about this?

15                   No.

16                   MR. MATULE: My only comment --

17                   CHAIRMAN HOLTZMAN: I think we've heard  
18 from your team.

19                   MR. MATULE: -- it is virtually a  
20 conforming project.

21                   The 1.7 percent lot coverage or  
22 whatever it is, is really driven by the design. It  
23 is above grade. The building still has a 60 foot  
24 footprint at grade.

25                   Obviously, there is a lot of positive

1 benefits, the stormwater management, the green roof,  
2 the fact that it is a new building.

3 Mr. Bodnar didn't touch on it, but  
4 there are also bicycle racks in the garage. There's  
5 a car charging station, you know, all of the typical  
6 things we like to see in a new modern building --

7 MR. GALVIN: And that we have been  
8 dragging out of you at the Zoning Board.

9 MR. HIPOLIT: It is shown on the plans.

10 MR. MATULE: Yes. It is on the plans.

11 And with the addition of now an  
12 additional six street trees on top of the two they  
13 were already planting, I think it is a tremendous  
14 public benefit for a de minimus expansion of what is  
15 permitted on the site.

16 VICE CHAIR MAGALETTA: And you're going  
17 to consolidate the lots, right?

18 MR. MATULE: And we will consolidate  
19 the lots, yes.

20 I mean, I am going to take that as a  
21 pretty standard condition going forward.

22 VICE CHAIR MAGALETTA: Thank you.

23 CHAIRMAN HOLTZMAN: Thank you, Mr.  
24 Matule.

25 Any other further questions or comments

1 from the Board?

2 If there is not, is there a motion on  
3 the floor to accept the application?

4 I am going to have Dennis read off --  
5 well, let's have Dennis read off the conditions that  
6 he's got here so far, please.

7 MR. GALVIN: 1. The applicant is to  
8 obtain permission from the governing body to  
9 encroach in the city right-of-way both for the bays  
10 and the front landscaping.

11 2: The applicant is to amend the plan  
12 to provide a cast iron roof scupper to create  
13 additional stormwater detention on the roof.

14 3: The revised and amended plans are  
15 to be submitted to the Board's Planner and Engineer  
16 prior to the issuance of a building permit.

17 4: The applicant is to comply with the  
18 review letters of the Board's Engineer and Planner.

19 5: The applicant is to comply with the  
20 comments of the Flood Plain Administrator.

21 6: The emergency generator is to be  
22 placed on the roof and is to have a Type 2 --

23 MR. HIPOLIT: Type 2 sound enclosure.

24 MR. GALVIN: What is it?

25 CHAIRMAN HOLTZMAN: Type 2 sound

1 enclosure.

2 MR. GALVIN: -- to have a Type 2 sound  
3 enclosure.

4 7: The applicant agreed to plant two,  
5 and I know I'm going to get the other six later  
6 on -- the applicant agreed to plant two street trees  
7 in accordance with the specifications of the Shade  
8 Tree Commission.

9 CHAIRMAN HOLTZMAN: Should we just put  
10 in front of their building? Does that make sense,  
11 to then differentiate from the other one that you're  
12 going to read?

13 MR. GALVIN: When I read the other one,  
14 it says: The applicant agreed to plant an  
15 additional six street trees along the 500 block in  
16 consultation with the Shade Tree Commission.

17 The green roof must be maintained  
18 during the life of the building by building  
19 management, and in the event a condominium is  
20 created, the condominium governing documents will  
21 ensure the maintenance of the green roof.

22 9: The gas meters are to be elevated  
23 above the DFE provided PSE&G approves. If in the  
24 event PSE&G denies the request, the Board's Engineer  
25 is to be alerted and be given an opportunity to

1 consult with representatives of PSE&G.

2 MR. HIPOLIT: Correct.

3 CHAIRMAN HOLTZMAN: Okay.

4 10: The tree in the rear yard is to be  
5 preserved.

6 And then 11 is the one I read  
7 previously about the additional trees.

8 CHAIRMAN HOLTZMAN: Any questions or  
9 comments on the conditions that Dennis has read?

10 MS. RUSSELL: Wasn't there also one  
11 that they would look at enhancing the ground floor  
12 window design?

13 MR. MATULE: Right.

14 CHAIRMAN HOLTZMAN: Yes.

15 MR. GALVIN: How are we going to do  
16 that?

17 MR. MATULE: We could submit it to the  
18 Board Planner before the resolution is signed --

19 MR. GALVIN: There you go.

20 MR. MATULE: -- for her review and  
21 approval --

22 CHAIRMAN HOLTZMAN: Great.

23 MR. MATULE: -- or I guess as the case  
24 may be.

25 (Laughter)

1 CHAIRMAN HOLTZMAN: Okay.

2 So any other questions or comments from  
3 the Board or the professionals?

4 MR. HIPOLIT: No.

5 CHAIRMAN HOLTZMAN: No.

6 Seeing none, is there a motion --

7 COMMISSIONER STRATTON: The meters --

8 CHAIRMAN HOLTZMAN: -- oh, I'm sorry,  
9 Caleb. Go ahead.

10 COMMISSIONER STRATTON: -- the PSE&G  
11 meters, was that part of it?

12 MR. HIPOLIT: Yes.

13 CHAIRMAN HOLTZMAN: Yes. We got that  
14 in there, yes.

15 MR. GALVIN: But that is all good,  
16 thank you, because sometimes we mess up.

17 CHAIRMAN HOLTZMAN: Thank you. Always  
18 double check. That is going to be a standard one  
19 from now on, so that's great.

20 Is there a motion to accept the  
21 application as per the 12 conditions as read by  
22 Dennis?

23 VICE CHAIR MAGALETTA: Yes.

24 COMMISSIONER MC KENZIE: I move --

25 CHAIRMAN HOLTZMAN: Is there a second?

1 COMMISSIONER MC KENZIE: -- I second  
2 that.

3 CHAIRMAN HOLTZMAN: Thank you.

4 Pat, please call the roll.

5 MS. CARCONE: Who made the motion? I  
6 can't see all the way down at the end.

7 THE REPORTER: I think it was Frank.

8 VICE CHAIR MAGALETTA: Sure.

9 (Laughter)

10 MS. CARCONE: Commissioner Magaletta?

11 VICE CHAIR MAGALETTA: Yes.

12 MS. CARCONE: Commissioner Stratton?

13 COMMISSIONER STRATTON: Yes.

14 MS. CARCONE: Commissioner Forbes?

15 COMMISSIONER FORBES: Yes.

16 MS. CARCONE: Commissioner McKenzie?

17 COMMISSIONER MC KENZIE: Yes.

18 MS. CARCONE: Commissioner Peene?

19 COMMISSIONER PEENE: Yes.

20 MS. CARCONE: Commissioner Holtzman?

21 COMMISSIONER HOLTZMAN: Yes.

22 Wonderful.

23 MR. MATULE: Great. Thank you.

24 CHAIRMAN HOLTZMAN: Okay. Let's take a  
25 five-minute break, please.

(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: 11/1/15  
This transcript was prepared in accordance with  
NJAC 13:43-5.9.

CITY OF HOBOKEN  
PLANNING BOARD  
SPECIAL MEETING

RE: 109-111 Monroe Street : October 28, 2015  
Case: HOP-15-10 :  
Block: 28, Lots 5 & 6 : 9:50 p.m.  
Applicant: Monroe St. Management, LLC:  
Minor Site Plan :  
(Carried from 10-6-15) :  
----- X

Held At: Rue School  
301 Garden Street  
Hoboken, New Jersey

B E F O R E:

- Chairman Gary Holtzman
- Vice Chair Frank Magaletta
- Commissioner Caleb D. Stratton
- Commissioner Brandy Forbes
- Commissioner Jim Doyle
- Commissioner Caleb McKenzie
- Commisioner Ryan Peene

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

- Kristin Russell, AICP/PP  
Board Planner
  
- Andrew R. Hipolit, PE, PP, CME  
Board Engineer
  
- Patricia Carcone, Board Secretary

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

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11                  Attorney for the Applicant.

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## I N D E X

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WITNESS

PAGE

RUSSELL BODNAR

172

1                   CHAIRMAN HOLTZMAN: Mr. Matule, good to  
2 see you this evening.

3                   MR. MATULE: Good evening, Mr.  
4 Chairman, and Board Members.

5                   (Laughter)

6                   CHAIRMAN HOLTZMAN: Three is a charm,  
7 right?

8                   MR. MATULE: Yes.

9                   This is an application for 109-111  
10 Monroe Street, and for the sake of expediency, it is  
11 very similar to the application we just presented at  
12 502-504 Monroe, except that we are amending the  
13 application.

14                   Mr. Vance, who is a neighbor, was here  
15 as an objector with counsel and with a planner. And  
16 the only variance we were requesting was the 1.7  
17 percent lot coverage for the rear bays on the floors  
18 two through five of the building.

19                   Mr. Vance was objecting to that, so we  
20 had agreed before he left that we would amend the  
21 application to take the rear bays off and just have  
22 a flat wall across the back of the building, and  
23 based upon that representation, he agreed to  
24 withdraw his opposition, if you will, and he and his  
25 planner and attorney left, again based on that

1 representation.

2 So I am respectfully requesting that we  
3 be permitted to amend the application to eliminate  
4 those rear bays and eliminate that lot coverage  
5 variance, which was the only variance we were asking  
6 for.

7 If the Board is good enough to accept  
8 that amendment, then I will not be presenting any  
9 planning testimony because at that point we are just  
10 asking for minor site plan approval, and I will have  
11 Mr. Bodnar testify.

12 VICE CHAIR MAGALETTA: Aren't you also  
13 asking for a building height variance?

14 MR. MATULE: No. The plans were  
15 revised to eliminate that.

16 VICE CHAIR MAGALETTA: I'm sorry. I am  
17 referring to Mr. Ochab's October 19th's report --

18 MR. MATULE: Yes. In that report,  
19 that was an error in his report. He and I discussed  
20 that earlier this evening.

21 VICE CHAIR MAGALETTA: Okay.

22 MR. MATULE: Again, for the same  
23 reason, that he was able to design the ground floor  
24 to lose that required --

25 VICE CHAIR MAGALETTA: Right. Because

1 in the application it's like it says 40 feet  
2 above --

3 (Board members talking at once.)

4 CHAIRMAN HOLTZMAN: One at a time,  
5 guys. Hold on.

6 Frank, you have the floor.

7 VICE CHAIR MAGALETTA: Yes.

8 There was a conflict because I saw that  
9 the report said 41, but then everything else in the  
10 report -- I'm sorry -- in the application, it showed  
11 40 above BFE, and that's what threw me off, and I  
12 wanted to clarify that.

13 MR. MATULE: Correct.

14 I think that probably as a result of  
15 the fact that the application was amended several  
16 times, and the final iteration is what you have  
17 before you tonight, which was filed within ten days  
18 of tonight's hearing showing just the 1.7 percent  
19 lot coverage request, which we are now removing.

20 VICE CHAIR MAGALETTA: Okay. Thank  
21 you.

22 MR. MATULE: So on that note, I will  
23 have Mr. Bodnar take you through the plans.

24 CHAIRMAN HOLTZMAN: Mr. Bodnar, raise  
25 your right hand.

1                   Do you swear or affirm that the  
2 testimony you are about to give is the truth?

3                   MR. BODNAR: Yes, I do.

4                   R U S S E L L   B O D N A R, having been duly sworn,  
5 testified as follows:

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

8                   THE WITNESS: My name is Russell, last  
9 name, Bodnar, B-o-d-n-a-r.

10                  MR. GALVIN: All right.

11                  Do we accept Mr. Bodnar's credentials  
12 as an architect?

13                  CHAIRMAN HOLTZMAN: We still do.

14                  MR. GALVIN: All right. You may  
15 proceed.

16                  MR. MATULE: Russell, if you would,  
17 describe the surrounding area, the neighborhood, and  
18 what we are proposing to put on the site.

19                  THE WITNESS: Yes.

20                  We're actually on Monroe Street further  
21 down than the previous project, which is between  
22 First and Second.

23                  We are on the eastern most side of the  
24 street. It is also a 50 by a hundred lot, very  
25 similar to the other project. We are in the R-3

1 Zone. We are doing seven units, and also we have  
2 five parking spaces on the first level.

3 We have no variances tonight. Our last  
4 variance was removed earlier tonight, and we will be  
5 providing drawings to reflect that removal, if this  
6 is approved.

7 As you see here, again, this is very  
8 similar to the other project we did previously. You  
9 have the same system of five parking spaces. The  
10 handicapped parking spaces are located further in  
11 the back.

12 We have the two street trees, a  
13 landscaped bed in the front of the project.

14 There is an elevator access. We have  
15 ADA access through the building from the garage, as  
16 well as from the front entrance way.

17 We do have a split lot in the rear  
18 again. We have a lot that has a community yard and  
19 a lot that is also for the private people as well on  
20 the left-hand side.

21 The building is 60 by 50 --

22 CHAIRMAN HOLTZMAN: Hang on one second,  
23 Mr. Bodnar.

24 I am noticing another nice big rear  
25 yard tree in the same exact place as the previous

1 one. Is that true, or did we do a little cut and  
2 pasting on this yard?

3 THE WITNESS: No. Actually we are  
4 doing a very similar design concept on this job as  
5 the other job. These trees are new. The other tree  
6 I thought was new, but we are actually keeping the  
7 old tree exactly where it was, so we just happened  
8 to be lucky on the other job.

9 As you can see here, we are doing the  
10 same artificial turf idea and details with pavers.  
11 We are having the same drainage concept in this job  
12 as the other job.

13 Our backyard slopes off as per the  
14 zoning --

15 MR. MATULE: Flood Plain --

16 CHAIRMAN HOLTZMAN: Flood Plain  
17 Administrator?

18 THE WITNESS: -- Flood Plain  
19 Administrator.

20 MR. GALVIN: Very good.

21 (Laughter)

22 THE WITNESS: She requested that we  
23 keep within grading, so actually our garage does  
24 slope from the front to the rear about one foot from  
25 the front to the rear. So to keep within that

1 grading, so when we come out the back yard, we have  
2 a grade system.

3 As you see here, we are removing the  
4 bays that are in the rear of the project. Our rear  
5 apartments that were 1331 will end up at around 1240  
6 square feet --

7 CHAIRMAN HOLTZMAN: So, Mr. Bodnar, can  
8 you just maybe draw on this plan for the Board where  
9 the back wall is now?

10 THE WITNESS: Yes.

11 (Witness complies)

12 VICE CHAIR MAGALETTA: This is on PB-4  
13 just for the record.

14 THE WITNESS: This is on PB-4. Our new  
15 wall is going to be here. We have lost 83 square  
16 feet.

17 Our stairs to the lower level will move  
18 in, and instead of having a 34 foot staircase, now  
19 it will be 37 from our rear yard to our property  
20 line to the edge of our staircase.

21 CHAIRMAN HOLTZMAN: Mr. Matule, maybe  
22 we can ask the applicant himself, I will throw out  
23 just a personal observation.

24 I have no idea if the Board supports it  
25 or not, but I know you were looking to eliminate the

1 objector and attempted to do that or have done that  
2 by knocking off the bays in the back.

3 I don't know if it is a reasonable  
4 solution. I thought the idea myself of sort of  
5 stepped back with the bays added interest to the  
6 back of the building, interest probably to the  
7 apartments themselves.

8 Is it worth examining the option of  
9 bringing the bay to the 60 percent line, and then  
10 sort of cutting in to create the same variegated  
11 rear of the building?

12 Is that -- I don't know if that is a  
13 possibility, if that is of interest. I just bring  
14 it up because I thought that it did add something to  
15 the property.

16 MR. MATULE: I am not an architect.  
17 Russell can comment --

18 THE WITNESS: The only thing is --

19 MR. MATULE: -- my initial reaction,  
20 though, would be that that would reduce the floor  
21 plate of the apartments even further unless --

22 THE WITNESS: Yeah, because we're going  
23 from 1200 to -- I think around from 1200, we're down  
24 to 1220 --

25 CHAIRMAN HOLTZMAN: I'm just trying to

1 keep some of the integrity of the design that's been  
2 built into this.

3 MR. MATULE: Would it make sense to put  
4 like Juliet balconies on the back, where those  
5 openings are? Would that --

6 THE WITNESS: Yeah. We could make a  
7 railing system, just where the windows were -- where  
8 the bay was, we could put a railing in front of  
9 those windows, and we could add some kind of appeal  
10 or some kind of design element to the rear of the  
11 property, so at least it is not as --

12 CHAIRMAN HOLTZMAN: I think we are  
13 getting into the danger zone of trying to design on  
14 the fly here.

15 MR. MATULE: No. I understand. But  
16 I'm just suggesting that there wouldn't be  
17 functional balconies. It would really be a design  
18 element.

19 VICE CHAIR MAGALETTA: I think you  
20 would diminish it if you put those Juliet balconies  
21 in there.

22 MR. MATULE: All right. So then we'll  
23 just --

24 CHAIRMAN HOLTZMAN: We'll draw the  
25 straight line.

1 MR. MATULE: -- draw the straight line.

2 THE WITNESS: Draw the straight  
3 lines --

4 VICE CHAIR MAGALETTA: With a nice big  
5 window.

6 THE WITNESS: I think we still have  
7 other apartments that are quite nice on the upper --  
8 on the upper apartment.

9 The other one that was like 2200 square  
10 feet will be now like 2100 and change, which was a  
11 four-bedroom, three-bath, so there will still be a  
12 very nice apartment for a family as well as the  
13 front apartment on the fourth floor. It will give  
14 us an 1800 square foot apartment.

15 MR. MATULE: One other thing, if I  
16 might, where the stairs have now moved three feet  
17 west, I guess --

18 THE WITNESS: Yes.

19 MR. MATULE: -- closer, so now we have  
20 37 feet to the stair. Before where you had 37 feet  
21 to the bay, you now have 40 feet to the rear wall of  
22 the building?

23 THE WITNESS: Correct.

24 MR. MATULE: Okay. Thank you.

25 THE WITNESS: So now our rear wall is

1 going to be at 40 feet.

2 As you can see here, if we go to the  
3 following page, we still have the same concept with  
4 our roof system.

5 We do have a roof terrace area up there  
6 that is serviced by two stairs, an elevator, and a  
7 little elevator vestibule that brings us out, so we  
8 do have handicapped ability to go to that roof, that  
9 rooftop terrace.

10 MR. MATULE: All right.

11 And then, again, if I might, I don't  
12 believe this plan was corrected, but this plan says  
13 that the generator is above the elevator shaft.  
14 That is not correct.

15 THE WITNESS: No. We are going to  
16 revise and amend this drawing and move the  
17 elevator -- the elevator generator adjacent to the  
18 other HVAC equipment.

19 MR. MATULE: And that would be a gas  
20 generator with a Type 2 enclosure?

21 THE WITNESS: Correct.

22 MR. MATULE: And you'll have a cast  
23 iron weir on the roof --

24 THE WITNESS: We will have a cast iron  
25 scupper --

1                   MR. MATULE:  -- or a cast iron scupper  
2                   and a weir, okay.

3                   THE WITNESS:  Yes.  So we will be  
4                   adding that as well to our design, and --

5                   MR. HIPOLIT:  The garage light, the  
6                   same thing?

7                   THE WITNESS:  The garage light, yes, we  
8                   will have the LED light, which was actually on the  
9                   other earlier drawing --

10                  MR. GALVIN:  As shown on the plan,  
11                  right?

12                  THE WITNESS:  Yes.  It's shown on the  
13                  plan as well as the light strips along the side of  
14                  the garage.

15                  We will also look at, since this is a  
16                  very similar facade elevation, we will look at the  
17                  window adjacent to the other window above to try to  
18                  mimic the upstairs area.

19                  MR. HIPOLIT:  Council approval for  
20                  everything in the right-of-way?

21                  THE WITNESS:  Yes.  We will look for  
22                  Council approval for the bays in the right-of-way,  
23                  and the main difference in this building as the  
24                  other is there is the cornices slightly --

25                  MR. MATULE:  And as per the prior

1 application, in terms of the Flood Plain  
2 Administrator's comments, with the exception of the  
3 flood gate in front of the elevator, the entrances  
4 will be wet flood proofed?

5 THE WITNESS: That's correct.

6 MR. MATULE: And you will still have  
7 also the car charging stations and the bike racks in  
8 the garage?

9 THE WITNESS: Correct.

10 We will amend all of our flood  
11 information and all of our stormwater management  
12 that has been designed by an engineer will be  
13 completely finished and returned back to the  
14 engineers for approval.

15 MR. MATULE: And you have Mr.  
16 Hipolit's letters and you have --

17 THE WITNESS: Correct.

18 MR. MATULE: -- no issue complying with  
19 those comments?

20 THE WITNESS: Correct.

21 CHAIRMAN HOLTZMAN: So I guess we need  
22 a revised set of plans unfortunately, Mister --

23 MR. MATULE: Pardon?

24 CHAIRMAN HOLTZMAN: We have to have a  
25 revised set of plans obviously, right?

1 MR. MATULE: Absolutely, absolutely.

2 THE WITNESS: Correct.

3 VICE CHAIR MAGALETTA: And you have to  
4 deal with the gas meter as well.

5 THE WITNESS: And if the gas meter can  
6 be located up there, I will show a location on the  
7 plan, which actually I have a location already that  
8 is serviceable right now. If we can do it, I'd like  
9 to -- we can move it upstairs.

10 MR. MATULE: What I would suggest we  
11 do is show it on the revised plan with a note,  
12 "Subject to PSE&G approval," something to that  
13 effect --

14 THE WITNESS: Correct.

15 MR. MATULE: -- with the same  
16 condition, that if they deny us, we will get Mr.  
17 Hipolit on the case.

18 CHAIRMAN HOLTZMAN: You got it.

19 MR. HIPOLIT: I'm on it.

20 (Laughter)

21 CHAIRMAN HOLTZMAN: And hopefully the  
22 applicant -- I'm sorry -- and hopefully the  
23 applicant will agree to the same condition as well,  
24 that since there is a bit of an encroachment, that  
25 Director Forbes likes to point out to me of the bay

1 windows into the public right-of-way, which there is  
2 an enhancement certainly to design of the building,  
3 but as a benefit to the neighborhood, would there be  
4 a option of a nice offset of some additional street  
5 trees for the block as well?

6 MR. MATULE: How many additional trees  
7 do you want there?

8 (Mr. Matule confers with client)

9 Six additional trees for a total of  
10 eight.

11 CHAIRMAN HOLTZMAN: Thank you very  
12 much.

13 Maybe Mr. Vance will like the trees as  
14 well. There is always a chance.

15 (Laughter)

16 MR. MATULE: Well put. Well put.

17 I think that is pretty much it unless  
18 the Board has any specific questions.

19 CHAIRMAN HOLTZMAN: Commissioners,  
20 professionals, are there any additional questions or  
21 comments for the applicant?

22 COMMISSIONER PEENE: I believe all of  
23 our concerns have been addressed.

24 VICE CHAIR MAGALETTA: Is it all six  
25 trees or --

1 MR. MATULE: Pardon?

2 VICE CHAIR MAGALETTA: Is there a total  
3 of six trees?

4 MR. MATULE: It's a total of eight  
5 trees. We are putting two in front of our property,  
6 and we will put six on the block per the Shade Tree  
7 Commission.

8 VICE CHAIR MAGALETTA: Thank you.

9 CHAIRMAN HOLTZMAN: Is there a  
10 motion -- I'm sorry, Dennis has some conditions.  
11 They are a little different than before. There were  
12 some elements that were not applicable to this.

13 MR. GALVIN: What about the ground  
14 floor windows, is that the same thing as the last  
15 one?

16 CHAIRMAN HOLTZMAN: Yes.

17 THE WITNESS: Yes. We will provide  
18 something and do that as well.

19 MR. GALVIN: The really only difference  
20 between the conditions was the tree in the rear  
21 yard.

22 MR. HIPOLIT: No variances.

23 MR. GALVIN: Right?

24 MR. HIPOLIT: And no variances is the  
25 only difference

1                   MR. GALVIN: No variances, but that is  
2 not a condition. I made a note that we have no  
3 variances. It is just a minor site plan and all  
4 the --

5                   CHAIRMAN HOLTZMAN: To complete the  
6 record, let's just go through the motion of please  
7 reading the conditions.

8                   MR. GALVIN: Okay.

9                   CHAIRMAN HOLTZMAN: Thank you.

10                  MR. GALVIN: No problem.

11                  The applicant is to obtain permission  
12 from the governing body to encroach into the city  
13 right-of-way both for the bays and the front  
14 landscaping.

15                  2: The applicant is to amend the plan  
16 to provide a cast iron roof scupper to create  
17 additional stormwater detention on the roof.

18                  3: The revised and amended plans are  
19 to be submitted to Board's Planner and Engineer, and  
20 I put "prior to the memorialization" showing the  
21 elimination of all variances. That is a difference.

22                  4: The applicant is to comply with the  
23 review letters of the Board's Engineer and Planner.

24                  5: The applicant is to comply with the  
25 comments of the Flood Plain Administrator.

1                   6: The emergency generator is to  
2 placed on the roof and is to have a Type 2 sound  
3 enclosure.

4                   7: The applicant agreed to plant two  
5 street trees in accordance with the specifications  
6 of the Shade Tree Commission.

7                   8: The green roof must be maintained  
8 during the life of the building by building  
9 management. In the event a condominium is created,  
10 the condominium governing documents will ensure the  
11 maintenance of the green roof.

12                   9: The gas meters are to be elevated  
13 above the DFE provided PSE&G approves. In the event  
14 PSE&G denies the request, the Board's Engineer is to  
15 be alerted and be given the opportunity to consult  
16 with representatives of PSE&G.

17                   10: The applicant agreed to plant an  
18 additional six street trees along the 500 block --  
19 along the 100 block in consultation --

20                   CHAIRMAN HOLTZMAN: See, that is why  
21 you have to read them.

22                   MR. GALVIN: -- you're right -- in  
23 consultation with the Shade Tree Commission.

24                   11: A revised ground floor window is  
25 to be submitted to the Board's Planner for his

1 review and approval prior to memorialization.

2 CHAIRMAN HOLTZMAN: Excellent.

3 Yes?

4 MR. MATULE: I don't know, I don't  
5 recall it coming out, and I don't know if you said  
6 it in the other one, but we had agreed on the record  
7 also to file a deed of consolidation for two lots,  
8 if you want to make it a condition.

9 MR. GALVIN: Okay.

10 CHAIRMAN HOLTZMAN: Did we have that in  
11 the previous?

12 MR. GALVIN: I have to check that. But  
13 if we didn't, we intended to.

14 MR. MATULE: We have no objections, I  
15 mean, we --

16 MR. HIPOLIT: You had the elevator  
17 stop --

18 MR. GALVIN: I don't have that.  
19 Is that with your review letter?

20 CHAIRMAN HOLTZMAN: It's in the Flood  
21 Plain Manager's review letter.

22 MR. GALVIN: If it is the Flood Plain  
23 Manager's review letter or your letter, it is  
24 covered.

25 MR. HIPOLIT: The elevator --

1                   CHAIRMAN HOLTZMAN:  What was that?  We  
2    didn't hear that.  If it was a response, I just want  
3    to make sure we heard what you said.

4                   MR. HIPOLIT:  -- the elevator will have  
5    a detector for flooding, so it stops at the second  
6    floor.  That's all.

7                   CHAIRMAN HOLTZMAN:  Is there a motion  
8    to accept these conditions as read by Dennis?

9                   VICE CHAIR MAGALETTA:  Yes.

10                  CHAIRMAN HOLTZMAN:  Is there a second?

11                  COMMISSIONER PEENE:  Second.

12                  COMMISSIONER MC KENZIE:  Yes.

13                  CHAIRMAN HOLTZMAN:  Pat, please call  
14    the vote.

15                  MS. CARCONE:  Commissioner Magaletta?

16                  VICE CHAIR MAGALETTA:  Yes.

17                  MS. CARCONE:  Commissioner Stratton?

18                  COMMISSIONER STRATTON:  Yes.

19                  MS. CARCONE:  Commissioner Forbes?

20                  COMMISSIONER FORBES:  Yes.

21                  MS. CARCONE:  Commissioner McKenzie?

22                  COMMISSIONER MC KENZIE:  Yes.

23                  MS. CARCONE:  Commissioner Peene?

24                  COMMISSIONER PEENE:  Yes.

25                  MS. CARCONE:  Commissioner Holtzman?

1                   CHAIRMAN HOLTZMAN:  Yes.

2                   MR. MATULE:  Thank you very much.

3                   CHAIRMAN HOLTZMAN:  Thank you, Mr.

4                   Matule.

5                   Mr. Matule, we did that in 17 minutes

6                   and one second.

7                   (Laughter)

8                   Let's see if we can keep all of your

9                   applications to 17 minutes.

10                  MR. MATULE:  I'll try to do better next

11                  time.

12                  (Laughter)

13                  (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

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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: November 1, 2015  
This transcript was prepared in accordance with  
NJAC 13:43-5.9.

CITY OF HOBOKEN  
PLANNING BOARD

----- X  
SPECIAL MEETING OF THE HOBOKEN : October 28, 2015  
PLANNING BOARD : 10 p.m.  
----- X

Held At: Rue School  
301 Garden Street  
Hoboken, New Jersey

B E F O R E:

- Chairman Gary Holtzman
- Vice Chair Frank Magaletta
- Commissioner Caleb D. Stratton
- Commissioner Brandy Forbes
- Commissioner Jim Doyle
- Commissioner Caleb McKenzie
- Commisioner Ryan Peene

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

- Kristin Russell, AICP/PP  
Board Planner
- Andrew R. Hipolit, PE, PP, CME  
Board Engineer
- Patricia Carcone, Board Secretary

PHYLLIS T. LEWIS  
CERTIFIED SHORTHAND REPORTER  
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5                   (732) 364-3011  
6                   Attorney for the Board.

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1                   CHAIRMAN HOLTZMAN: Commissioners,  
2 we're not leaving just yet.

3                   Is there a motion to close this  
4 meeting?

5                   COMMISSIONER PEENE: So moved.

6                   CHAIRMAN HOLTZMAN: A second?

7                   COMMISSIONER FORBES: Wait --

8                   MR. GALVIN: Oh, we don't have any  
9 other business?

10                  COMMISSIONER FORBES: -- just a  
11 reminder to everybody --

12                  CHAIRMAN HOLTZMAN: Oh, I'm sorry.  
13 Director Forbes, you have the floor.

14                  COMMISSIONER FORBES: -- you have the  
15 Neuman Leather's redevelopment plan. Please make  
16 sure to review it. It's something that our conflict  
17 planner is reviewing now. Even though it hasn't  
18 been officially introduced, we are expecting that to  
19 happen next Wednesday at the Council meeting, and  
20 that we will be considering it as a Planning Board  
21 then, if that is introduced and sent to us at the  
22 November 10th meeting.

23                  CHAIRMAN HOLTZMAN: Right.

24                  The reason for a little bit of like the  
25 expedited approach on this is, one, we have sort of

1 all been through the Neuman Leather thing for the  
2 last decade, so we should all be pretty familiar  
3 with what it is.

4 Two: We are basically dealing with one  
5 property owner for the whole redevelopment zone. I  
6 think there is technically two, but 98 percent of it  
7 is one property owner.

8 And the third is: After this has been  
9 introduced by the City Council within a given year,  
10 we need to actually complete the process within that  
11 year, otherwise the redevelopment designation would  
12 need to be reintroduced next year. So if we don't  
13 do something by December 31st, we have to start the  
14 process unfortunately all over in 2016.

15 So if everybody can kind of just keep  
16 it on their radar screen, and we will get through it  
17 quickly hopefully. I think it's a pretty tight  
18 plan.

19 So is there a motion to close the  
20 meeting?

21 COMMISSIONER PEENE: So moved.

22 CHAIRMAN HOLTZMAN: Second?

23 VICE CHAIR MAGALETTA: Second.

24 CHAIRMAN HOLTZMAN: All in favor?

25 (All Board members answered in the

1 affirmative.)

2 CHAIRMAN HOLTZMAN: Thank you,  
3 everybody.

4 (The meeting concluded at 10:15 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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