

CITY OF HOBOKEN
PLANNING BOARD

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SPECIAL MEETING OF THE HOBOKEN : May 26, 2016
PLANNING BOARD : 7:04 p.m.
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Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman Gary Holtzman
- Vice Chair Frank Magaletta
- Commissioner Caleb D. Stratton
- Commissioner Brandy Forbes
- Commissioner Jim Doyle
- Commissioner Ann Graham
- Commissioner Caleb McKenzie
- Commissioner Ryan Peene
- Commissioner Kelly O'Connor

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

- David Glynn Roberts, AICP/PP, LLA, RLA
Board Planner
- Andrew R. Hipolit, PE, PP, CME
Board Engineer
- Patricia Carcone, Board Secretary

PHYLLIS T. LEWIS
CERTIFIED SHORTHAND REPORTER
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6 Attorney for the Board.

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I N D E X

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HEARINGS

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1 CHAIRMAN HOLTZMAN: All right. Okay,
2 everybody. We are going to get started here.

3 Good evening.

4 It is May 26th. It is 7:05 p.m. This
5 is the Hoboken Planning Board Meeting.

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

14 Pat, please call the roll.

15 MS. CARCONE: Commissioner Holtzman?

16 CHAIRMAN HOLTZMAN: Here.

17 MS. CARCONE: Commissioner Magaletta?

18 VICE CHAIR MAGALETTA: Here.

19 MS. CARCONE: Commissioner Stratton?

20 COMMISSIONER STRATTON: Here.

21 MS. CARCONE: Commissioner Forbes?

22 COMMISSIONER FORBES: Here.

23 MS. CARCONE: Commissioner Doyle?

24 COMMISSIONER DOYLE: Here.

25 MS. CARCONE: Commissioner Graham?

1 COMMISSIONER GRAHAM: Here.

2 MS. CARCONE: Commissioner McKenzie?

3 COMMISSIONER MC KENZIE: Here.

4 MS. CARCONE: Commissioner Pinchevsky
5 is absent.

6 Commissioner Peene?

7 COMMISSIONER PEENE: Here.

8 MS. CARCONE: Commissioner Jacobson is
9 absent.

10 Commissioner O'Connor?

11 COMMISSIONER O'CONNOR: Here.

12 CHAIRMAN HOLTZMAN: Great.

13 Thank you.

14 Let's see. Do we have any resolutions
15 tonight? We do not.

16 MS. CARCONE: No resolutions.

17 CHAIRMAN HOLTZMAN: We do not have any
18 resolutions tonight. Excellent.

19 (Continue on next page)

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CITY OF HOBOKEN
PLANNING BOARD

RE: APPLICATION OF PT MAXWELL, LLC : May 26, 2016
For Extension of Vesting Final Site : 7:06 p.m.
Plan Approval for Block D in :
Maxwell Place on The Hudson :
1101-1125 Hudson Street :
Block 261.02, Lot 1 :
----- X

Held At: 94 Washington Street
Hoboken, New Jersey

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8 600 Campus Drive
9 Florham Park, New Jersey 07932
10 BY: GLENN S. PANTEL, ESQ.
11 Attorneys for the Applicant.

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1 Mr. Pantel, could you come on up?

2 MR. PANTEL: Yes. Good evening.

3 CHAIRMAN HOLTZMAN: Good evening.

4 I understand from Mr. Galvin that you
5 have brought three witnesses with you this evening.

6 MR. PANTEL: That's correct.

7 CHAIRMAN HOLTZMAN: Okay.

8 Our team also, I also learned from some
9 of our Commissioners, has done some research on the
10 property, on Toll Brothers, economic conditions and
11 things like that. I think this is not going to be a
12 quick conversation.

13 MR. PANTEL: It might not be.

14 CHAIRMAN HOLTZMAN: It will not be, I
15 can tell you that.

16 MR. PANTEL: Okay.

17 CHAIRMAN HOLTZMAN: So we want to give
18 you as much fair time as possible.

19 MR. PANTEL: All right.

20 CHAIRMAN HOLTZMAN: But as you can see,
21 we have three substantial items on our agenda, and
22 these applications are things that we also need to
23 address in a timely manner from a legal means.

24 MR. PANTEL: That is good.

25 MR. GALVIN: So I think I am

1 anticipating we are going to need at least an hour
2 and a half to two hours to do it.

3 MR. PANTEL: I think with Q and A, I
4 would agree with that, yes.

5 MR. GALVIN: Okay.

6 MR. PANTEL: I think my initial
7 presentation, without Q and A, is probably about 45
8 minutes.

9 MR. GALVIN: All right.

10 So, Pat, when do we have some
11 availability on our calendar?

12 MS. CARCONE: Okay. We have two
13 projects lined up for June 14th, which is our next
14 Regular Meeting.

15 We also haven't discussed yet maybe
16 adding a meeting on June 28th.

17 MR. GALVIN: I won't be available for
18 that, though. I think I should be here when we do
19 this.

20 MS. CARCONE: All right. So then the
21 next date is July 5th. It's on our next regular
22 meeting,

23 MR. GALVIN: Can you do that?

24 COMMISSIONER GRAHAM: That's a Regular
25 Meeting?

1 CHAIRMAN HOLTZMAN: That's a Regular
2 Meeting, correct.

3 MR. PANTEL: Could I check for a moment
4 with my team here?

5 CHAIRMAN HOLTZMAN: Sure, of course,
6 yes.

7 (Counsel confers)

8 COMMISSIONER GRAHAM: What else do we
9 have on July 5th, though?

10 MS. CARCONE: We have 256 lined up for
11 July 5th also --

12 MR. GALVIN: What is that?

13 CHAIRMAN HOLTZMAN: What do we have on
14 July 5th?

15 MS. CARCONE: We have 115-131 Grand and
16 462 Newark.

17 MR. GALVIN: This would be first, and
18 one of those is going to have an unhappy result.

19 MS. CARCONE: We have June 14th, and we
20 have 713-715 Hudson and 527-529 Monroe.

21 MR. GALVIN: It always matters who is
22 on the outer boundary of the time line, right?

23 MS. CARCONE: Okay.

24 MR. GALVIN: I assume sooner cases are
25 closer to the end of time.

1 MS. CARCONE: Yes. I don't have the
2 exact date with me when these guys are expiring, but
3 I am sure they are good or well within our 120 days,
4 so...

5 MR. GALVIN: What do you have?

6 MR. PANTEL: Yes. Our team is
7 available on July 5th.

8 MS. CARCONE: Okay.

9 MR. PANTEL: Two items I would like to
10 raise in that regard.

11 One: We would be number one on the
12 agenda that night?

13 MR. GALVIN: That is not my call.

14 What was your two?

15 (Laughter)

16 That is the Chairman's prerogative. I
17 don't think we have to do that.

18 MR. PANTEL: I am not suggesting you
19 had to, but since it is that far in advance, there
20 might be a chance of that.

21 MR. GALVIN: Go ahead.

22 What is number two?

23 MR. PANTEL: Number two is you
24 mentioned that your team has done a fair amount of
25 analysis, et cetera. I wondered if we should look

1 forward to some reports. I think that could help us
2 prepare for the hearing --

3 CHAIRMAN HOLTZMAN: And I was going to
4 say the same to you, Mr. Pantel.

5 Who are the three people that are going
6 to come in and entertain us?

7 MR. PANTEL: The three people are:
8 Number one, our engineer, who will testify as to the
9 comprehensiveness of the development and the extent
10 of infrastructure investment that has already been
11 made in this project.

12 In effect, this is a partially
13 completed building, if you will, with all of the
14 infrastructure that has gone into the Block D site,
15 including basically all of the electric, stormwater,
16 utility services, across the board it is all ready
17 to go. This is not your garden variety site where
18 an applicant comes before the Board for an extension
19 and does nothing, number one.

20 Number two: He will also testify to
21 the infrastructure investment upfront with respect
22 to over \$30 million having been invested in
23 demolition and environmental remediation by this
24 applicant to set the stage for this development as
25 well as over \$8 million in public road improvements,

1 et cetera.

2 This is a very comprehensive project.
3 It is a complex project --

4 CHAIRMAN HOLTZMAN: So that is person
5 number one.

6 MR. PANTEL: That is person number one.

7 Person number two is an economic
8 expert, Matt Krauser, who will testify as to the
9 economic conditions which support this request.
10 Bearing in mind, if the Board would please, that
11 this building has about 130,000 square feet of non
12 residential floor area, principally office space
13 above ground floor retail. It's a very different
14 market than the Board would be used to seeing for
15 residential development, number one, and for that
16 matter that you might be used to seeing for office
17 development in different locations.

18 We have an economic expert who will
19 testify as to economic conditions. It is obviously
20 one of the criteria set forth in the statute for the
21 grant of a site plan extension.

22 Then lastly, we have a land planner,
23 Kathryn Gregory, who will, just as you have in a
24 variance situation, testify as to whether or not the
25 application meets the criteria under the Municipal

1 Land Use Law for an extension.

2 She actually does work both on the
3 development side as well as representing Planning
4 Boards in her professional practice.

5 CHAIRMAN HOLTZMAN: So are there some
6 materials that you think that you should provide to
7 us, so that we and our professionals can review
8 them, so we may perhaps actually get this done in
9 one night as opposed to everybody sitting on the
10 side lines, saying, oh, now we need to do some
11 counter intelligence and counter analysis?

12 MR. PANTEL: Well, you know, as in a
13 typical application -- in the application we haven't
14 prepared, you know, reports, or you know, we have
15 not prepared reports.

16 As we do typically with our planning
17 testimony on a variance application, we work with
18 the professionals in advance, and she'll be prepared
19 to testify --

20 CHAIRMAN HOLTZMAN: I understand that
21 you haven't.

22 MR. PANTEL: -- I don't have reports --

23 CHAIRMAN HOLTZMAN: -- but perhaps you
24 would like to. You'll think of --

25 MR. PANTEL: We could consider

1 something --

2 CHAIRMAN HOLTZMAN: -- you will
3 consider something.

4 MR. PANTEL: -- yes. We'll consider
5 something in the way of summaries at least.

6 CHAIRMAN HOLTZMAN: That would be
7 terrific

8 MR. PANTEL: Okay. We'll consider
9 something in the way of summaries as opposed to
10 expert reports. I don't think we need expert
11 reports, but as opposed to some summaries --

12 CHAIRMAN HOLTZMAN: Give us some idea
13 of where people are going, so our team knows how to
14 be able to respond.

15 MR. PANTEL: But I would like, if we do
16 that within a reasonable period of time, I think I
17 would like to do that with the understanding that we
18 would get some comment back from the Board's
19 professionals.

20 CHAIRMAN HOLTZMAN: We will cross that
21 bridge when we get there.

22 MR. PANTEL: Well, I think we are
23 there. I mean, if we are being asked to submit
24 reports in advance to help, you know, the Board's
25 professionals review the application, I think it's

1 only fair that, you know, the Board commit to giving
2 us reports --

3 CHAIRMAN HOLTZMAN: We will certainly
4 get something back to you, absolutely.

5 MR. PANTEL: Okay.

6 CHAIRMAN HOLTZMAN: Have a happy July
7 4th.

8 MR. PANTEL: Thank you.

9 See you on July 5th.

10 (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 11/5/2020.
Dated: 5/27/16
This transcript was prepared in accordance with
NJAC 13:43-5.9.

CITY OF HOBOKEN
PLANNING BOARD
HOP-15-26

RE: 1000 Jefferson Street : May 26, 2016
Block: 99, Lot 1 : 7:15 p.m.
Zone: NW Redevelopment Zone :
Applicant: Jefferson Urban Renewal, LP:
Amended Site Plan Review :
(Continued from May 3, 2016) :
----- X

Held At: 94 Washington Street
Hoboken, New Jersey

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- Vice Chair Frank Magaletta
- Commissioner Caleb D. Stratton
- Commissioner Brandy Forbes
- Commissioner Jim Doyle
- Commissioner Ann Graham
- Commissioner Caleb McKenzie
- Commissioner Ryan Peene (Recused)
- Commissioner Kelly O'Connor

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10 Newark, New Jersey 07102
11 BY: GARY T. HALL, ESQ.
12 Attorneys for the Applicant.

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3 WITNESS PAGE

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12 EXHIBIT NO. DESCRIPTION PAGE

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1 CHAIRMAN HOLTZMAN: Mr. Hall, are you
2 ready for us with 1000 Jefferson?

3 MR. HALL: Yes.

4 CHAIRMAN HOLTZMAN: Three times is a
5 charm, my friend.

6 MR. HALL: Good evening.

7 Gary Hall for the 1000 Jefferson
8 property.

9 CHAIRMAN HOLTZMAN: Hang on one second,
10 Mr. Hall.

11 You're stepping off?

12 COMMISSIONER PEENE: Yes.

13 CHAIRMAN HOLTZMAN: Please let the
14 record show that Mr. Peene is stepping off for this
15 hearing.

16 (Commissioner Peene recused)

17 MR. HALL: Good evening.

18 Gary Hall for the 1000 Jefferson
19 property.

20 We were here three weeks ago. We
21 started, and we gave an initial overview.

22 Our architect, Tim Geitz, was sworn,
23 and he is back, and I think the focus tonight is
24 he'll review what we're proposing. It's a rooftop
25 project, and he'll focus on the management plan to

1 control use and access to the amenity area. So with
2 that, I will turn it over to Mr. Geitz.

3 CHAIRMAN HOLTZMAN: Great.

4 MR. GALVIN: And he remains under oath,
5 and you are good to go.

6 Go ahead.

7 T I M O T H Y A. G E I T Z, AIA, Geitz Design
8 Associates, LLC, 50 Riverside Avenue, Connecticut,
9 having been duly sworn, testified as follows:

10 THE WITNESS: Okay. So in the interest
11 of just saving time, I know that most of you were
12 here three weeks ago, so I am going to do a quick
13 review, maybe two or three minutes of the space that
14 we are proposing at the rooftop area.

15 We are locating the proposed roof
16 terrace on the proposed roof on the southeast corner
17 of the overall building footprint. The upper level
18 of the roof terrace is U-shaped.

19 To the east of us, this is where the
20 stadium is and off of Jefferson Street.

21 And to the west of what we are looking
22 at basically is our own parcel. We have a courtyard
23 here and a terrace area that we are proposing is in
24 this vicinity.

25 The existing terrace sits where, if you

1 can notice, the red dashed line. That is
2 approximately 897 square feet. When we are done
3 adding on to that, we will be up to a total of 3,086
4 square feet.

5 I want to point out one more time to
6 the Board that we had taken into consideration the
7 removal of several of the items that were initially
8 proposed during one of the completeness hearings,
9 which was a shuffleboard court, gaming areas, pool
10 table and so forth, and we simplified it for the
11 residents to simply socialize in this location.

12 MR. HALL: So those elements have been
13 removed?

14 THE WITNESS: They have been removed.

15 CHAIRMAN HOLTZMAN: What are the
16 elements that are still remaining?

17 THE WITNESS: So what we have today,
18 what we are proposing, okay, this is the elevator
19 vestibule. As you come off, you walk into a
20 lounge -- a sun bathing area, like with lounge
21 chairs. That area also has a couple of high top
22 tables. It has an exterior shower. It has, as you
23 move forward towards the north -- south of the
24 property, we have got one fire pit. We have got
25 some additional seating areas. We have got a raised

1 bar area, simply an upper counter to sit at and
2 socialize at.

3 We have got some lower seating more
4 towards the built-in grill area. So we have two
5 grills. We have a sink. We have a refrigerator and
6 an icemaker.

7 On the opposite side of the roof deck,
8 we simply have seating.

9 We are also providing the residents
10 with two exterior TVs, one located here and one
11 here.

12 Now, I would like to talk quickly about
13 the railings and the fencing --

14 CHAIRMAN HOLTZMAN: Could you give us a
15 rough count on the inventory list that you just went
16 through?

17 THE WITNESS: Oh, sure. Absolutely.

18 We have got nine lounge chairs.

19 We have got seven seating areas with
20 tables and chairs.

21 We have two exterior televisions.

22 CHAIRMAN HOLTZMAN: So how many chairs
23 is that?

24 So we got the nine lounge, and then we
25 have seven seating areas, but how many chairs does

1 it comprise in those seven areas?

2 THE WITNESS: Okay. I will have to
3 manually count those, I'm afraid. I'm sorry. I
4 didn't have that before.

5 CHAIRMAN HOLTZMAN: Are you keeping
6 track of this?

7 MR. HIPOLIT: I'm writing it down.

8 CHAIRMAN HOLTZMAN: We should make the
9 furniture count part of the record.

10 MR. HIPOLIT: Yes.

11 (Board members confer)

12 THE WITNESS: Approximately 45 chairs
13 in total.

14 VICE CHAIR MAGALETTA: We actually have
15 47 -- at the bottom of the sheet it has
16 calculations --

17 THE WITNESS: Oh, is it? Oh, 47. I
18 missed that, sorry.

19 CHAIRMAN HOLTZMAN: See, you did know.

20 THE WITNESS: I missed that, sorry.

21 CHAIRMAN HOLTZMAN: So nine lounge, 47
22 chairs --

23 THE WITNESS: Yes, that is right.

24 CHAIRMAN HOLTZMAN: -- and what else do
25 we got, fire pits?

1 THE WITNESS: Two fire pits.

2 CHAIRMAN HOLTZMAN: How many?

3 THE WITNESS: Two.

4 CHAIRMAN HOLTZMAN: Two.

5 THE WITNESS: Two grills.

6 CHAIRMAN HOLTZMAN: Two barbecue
7 grills.

8 THE WITNESS: Yup.

9 CHAIRMAN HOLTZMAN: Okay.

10 THE WITNESS: One sink, one
11 refrigerator --

12 CHAIRMAN HOLTZMAN: One sink, one
13 fridge --

14 THE WITNESS: -- and one icemaker.

15 CHAIRMAN HOLTZMAN: -- and one bar type
16 seating area, raised seating area?

17 THE WITNESS: Yes, that's correct.

18 CHAIRMAN HOLTZMAN: And a shower, one
19 shower.

20 THE WITNESS: One outdoor shower,
21 right.

22 CHAIRMAN HOLTZMAN: Right.
23 Two TVs.

24 THE WITNESS: Two TVs. Garbage areas
25 randomly --

1 CHAIRMAN HOLTZMAN: And garbage cans,
2 how many garbage cans do we got, because I know that
3 was a concern.

4 THE WITNESS: One, two, three, four,
5 five. Five sets, and we have one recycling. Five
6 sets meaning one garbage, one recycling in five
7 areas --

8 CHAIRMAN HOLTZMAN: Okay.

9 THE WITNESS: -- a total of ten bins.

10 CHAIRMAN HOLTZMAN: Ten bins. Got you.

11 Okay. Good. So we have got our
12 inventory list down.

13 COMMISSIONER DOYLE: If I could --

14 CHAIRMAN HOLTZMAN: Mr. Doyle?

15 COMMISSIONER DOYLE: -- I believe that
16 the seats, the 47 seats include the lounge chairs.

17 THE WITNESS: They do.

18 COMMISSIONER DOYLE: Thank you.

19 THE WITNESS: That is correct.

20 CHAIRMAN HOLTZMAN: Okay.

21 THE WITNESS: So one thing I wanted to
22 clarify is I wanted to talk for a moment about the
23 fencing, what we are calling the gate area or the
24 railing area.

25 So where we have the view, which is

1 towards Jefferson Street, this entire facade would
2 have a railing that is very similar to what's in
3 front of you tonight with the pickets, so you can
4 have full visibility.

5 It is at 42 inches high. But when you
6 go towards the interior of the space, where we are
7 wrapping around existing mechanical equipment, we
8 are going to be going with a taller system, so that
9 all pretty much around here towards the backdrop
10 here, so that it is a little more presentable to the
11 residents, and I can give you a quick view of what
12 that would look like.

13 So you can see here, this is the
14 example of an image, not exactly what we're doing,
15 but an image of what we are proposing to screen the
16 mechanical equipment towards the inner part of the
17 building or of the rooftop.

18 We are also proposing landscaping that
19 will --

20 VICE CHAIR MAGALETTA: Before you do
21 that, I'm sorry.

22 THE WITNESS: Yes.

23 VICE CHAIR MAGALETTA: You talked about
24 the railing on the east --

25 THE WITNESS: Yes.

1 VICE CHAIR MAGALETTA: -- 42 inches,
2 but there is also that seating area with the
3 barstools I guess. What is the height of that area,
4 the bar area?

5 THE WITNESS: I'm sorry. I am not
6 following you.

7 VICE CHAIR MAGALETTA: The bar area,
8 where your finger is pointing.

9 THE WITNESS: Oh, the bar area?

10 Okay. The counter top would also be at
11 bar height, which is 42 inches.

12 VICE CHAIR MAGALETTA: So you mean
13 somebody standing between the bar and the railing,
14 or does the bar come up to the railing?

15 THE WITNESS: It will come up to it.

16 VICE CHAIR MAGALETTA: Okay.

17 Is there anything above the bar?

18 THE WITNESS: No.

19 VICE CHAIR MAGALETTA: Okay. Thank
20 you.

21 THE WITNESS: Okay. So we have got
22 some planters that are placed throughout.

23 We are also using it as a backdrop to
24 assist in buffering the different areas to make the
25 seating areas a little more private.

1 The paver system that we are using is
2 an elevated system. They are porcelain pavers.
3 They are lightweight. They are fire rated. They
4 basically will sit approximately six or seven inches
5 above the current roof deck. We can adjust the
6 height of those, so that we get the pitch for our
7 drainage below.

8 In order to accommodate gas lines,
9 electric conduit and so forth, this is an example of
10 how that would work.

11 We have got some mounting brackets that
12 would be placed on the roof, and your gas piping or
13 electric conduits would be run across those, so
14 therefore, no water flow is affected.

15 COMMISSIONER DOYLE: And the 42-inch
16 measurement of height is from the surface of the
17 tile?

18 THE WITNESS: The finished surface of
19 the raised tile, that is correct. That's correct.

20 We had addressed with Maser the
21 spillage on the bollards, and this is an example of
22 the bollards that we are proposing.

23 And then the railing system itself, we
24 have been working with this company. They have done
25 a tremendous amount of work in New York City on

1 rooftop terraces, and they literally had to make a
2 visit to my office, and it is my first time using
3 this railing system, but they showed me several
4 projects in New York where they have this.

5 It is designed by PE and for it to be
6 structurally sound, and I have a handout here that I
7 am happy to submit just to give you an example of
8 how they do the system.

9 What they do is they -- it is designed
10 for 200 pounds per square foot of force, and then
11 they take into consideration wind load and so forth
12 on top of that. So, for example, they have these
13 composite weights that go on to each bracket that
14 goes underneath our roof deck or our raised pavers.

15 So depending on what is needed, they
16 would add one, two, three, or four, if not more, of
17 those counter weights to suffice any force on the
18 fencing.

19 MR. HALL: And then, Mr. Geitz, you are
20 going to need a building permit for all of this --

21 THE WITNESS: Exactly --

22 MR. HALL: -- to look at the structural
23 and everything else?

24 THE WITNESS: -- that is exactly right.

25 Let's see.

1 And then the fire pit areas, they are
2 decorative, but they also have a glass enclosure
3 around them. The enclosure is primarily for safety.
4 It is a visual, number one, to keep people away from
5 the flame, but also in our research for putting fire
6 pits on roofs, we have found that if you don't
7 screen them, what happens is the wind will catch the
8 flame.

9 So when the wind catches the flame, the
10 manufacturer stated to us that basically it could
11 blow much farther than the footprint of the fire
12 pit. So by having the glass screen around it, they
13 are containing that flame and not catching the gas
14 as it is coming out and being ignited, so we would
15 like to go forward with that, and that is about it.

16 CHAIRMAN HOLTZMAN: Okay. Good.

17 Any questions from the Commissioners
18 about the design?

19 COMMISSIONER FORBES: Yes.

20 CHAIRMAN HOLTZMAN: Director Forbes?

21 COMMISSIONER FORBES: On the glass
22 screens, are those things that like residents, if
23 they were up there, can remove or --

24 THE WITNESS: No. They're permanently
25 affixed to the fire pits.

1 CHAIRMAN HOLTZMAN: Mr. Stratton?

2 COMMISSIONER STRATTON: Is all of the
3 seating limited in where it is programmed, or can it
4 be moved?

5 THE WITNESS: It can be moved.

6 COMMISSIONER STRATTON: And so one
7 thing that we always want to be sensitive to is
8 creating any airborne projectiles --

9 THE WITNESS: Sure.

10 COMMISSIONER STRATTON: -- or, you
11 know, a hurricane area.

12 Is there a plan to secure the rooftop
13 furniture in the event of a hurricane or a storm?

14 CHAIRMAN HOLTZMAN: Or to remove it?

15 THE WITNESS: The management, I am
16 sure, would have staff come up and contain all the
17 furnishings and bring them potentially off of the
18 roof, if there were a severe storm approaching.

19 COMMISSIONER STRATTON: So I appreciate
20 your testimony, but I think that we would want to
21 have something else --

22 MR. HALL: That is a good point, and we
23 can make it a condition to flag it --

24 MR. GALVIN: Yes.

25 MR. HALL: -- as you deem appropriate.

1 COMMISSIONER FORCES: On the --

2 CHAIRMAN HOLTZMAN: Yup.

3 COMMISSIONER FORBES: -- on the fencing
4 you had mentioned a document that you had.

5 Can we enter that as an exhibit because
6 this was a concern I had about this fence and the
7 system, could it withstand --

8 THE WITNESS: Sure.

9 CHAIRMAN HOLTZMAN: So let's mark that
10 as an exhibit.

11 MR. HALL: I forget where we were with
12 numbers.

13 Dennis, I don't know if you know.

14 MS. CARCONE: I will look at the
15 transcript.

16 CHAIRMAN HOLTZMAN: Mr. Hipolit, are
17 you familiar with this railing system at all or --

18 MR. HIPOLIT: I am not.

19 CHAIRMAN HOLTZMAN: Okay.

20 MR. HIPOLIT: I mean, it is going to
21 have to be designed and certified by a professional
22 engineer.

23 MR. HALL: Yes.

24 MS. CARCONE: A-2.

25 (Exhibit A-2 marked)

1 CHAIRMAN HOLTZMAN: A-2.

2 MR. HALL: I marked it as A-2, and I am
3 handing it in.

4 CHAIRMAN HOLTZMAN: Okay. Good.

5 Commissioners, any other questions for
6 the architect?

7 COMMISSIONER FORBES: I have one more.
8 I am sorry.

9 CHAIRMAN HOLTZMAN: Go ahead, Director.

10 COMMISSIONER FORBES: I was looking at
11 the drawing, and the first page, and I don't know if
12 there is a page number on it. They're still showing
13 an outdoor activity area that looks like a
14 shuffleboard or something, one of the drawings --

15 MR. HALL: It is probably an old plan,
16 but we will check.

17 COMMISSIONER FORBES: The one that I
18 got most recently in the packet.

19 CHAIRMAN HOLTZMAN: What is it marked?
20 Is there a dating or marking on it?

21 COMMISSIONER FORBES: It's if you turn
22 to the first page, and I am just trying to see --
23 five --

24 CHAIRMAN HOLTZMAN: So, Mr. Hipolit,
25 and, Mr. Roberts, can we make sure that we make, and

1 let's put this on the conditions, obviously, there
2 were a number of drafts of these plans. Let's make
3 sure for gosh sakes that the final draft has
4 everything, because the Director obviously has what
5 is apparently an old plan sitting in front of her.

6 MR. HALL: If it's not, we agree it is
7 a mistake, and we are not doing shuffleboard.

8 CHAIRMAN HOLTZMAN: We got it. We got
9 it.

10 MR. HALL: Okay.

11 COMMISSIONER FORBES: It was only on
12 one of the sheets that I noticed it.

13 CHAIRMAN HOLTZMAN: Okay.

14 COMMISSIONER FORBES: That it had
15 the --

16 CHAIRMAN HOLTZMAN: Okay. So we have
17 to make sure that we check the whole deck to make
18 sure that there is not some stray sheet in there
19 that's still got other things on it.

20 MR. HIPOLIT: Well, the resolution
21 definitely needs to say no gaming components.

22 CHAIRMAN HOLTZMAN: No gaming
23 components, yes. That is a good idea.

24 MR. HIPOLIT: And I put a note as to
25 that.

1 CHAIRMAN HOLTZMAN: No gaming. No
2 betting at all.

3 (Laughter)

4 I will throw out a comment. I think
5 that you guys have made a -- and we certainly need
6 to hear about the management plan aspect of this. I
7 have one serious concern, which is the TVs --

8 THE WITNESS: Okay.

9 CHAIRMAN HOLTZMAN: -- which I can't
10 see being a positive thing.

11 THE WITNESS: Okay.

12 CHAIRMAN HOLTZMAN: I envision that
13 being a thing that is used Monday, Tuesday,
14 Wednesday, Thursday nights for Thursday -- for
15 Monday, Wednesday night football, and I picture 25
16 guys sitting up on the roof, and at eleven o'clock
17 at night still cheering and hooting and hollering
18 for their team.

19 We also have in terms of a noise
20 ordinance, we do not have -- we do not allow for
21 amplified noise out on the street --

22 THE WITNESS: Right.

23 CHAIRMAN HOLTZMAN: -- and I think the
24 same thing should apply for a rooftop because God
25 knows it is going to carry any noise from there as

1 well. No one is going to sit there and watch a game
2 without sound, so then someone is going to bring up
3 some type of a bluetooth setup or set of speakers or
4 whatever and sort of jury rig the thing. My
5 personal opinion is I think that the TVs is one step
6 too far.

7 I like the idea of the roof deck in
8 concept. I think the management plan is really
9 important to try to make sure it gets buttoned up,
10 but I also think that it should be more of a passive
11 space than an active space.

12 You have gotten rid of the plethora of
13 activities that it started with, but I think the TVs
14 is a little too far for me, but I will wait to voice
15 my opinion on the whole project certainly later.

16 THE WITNESS: May I speak to that for a
17 moment?

18 CHAIRMAN HOLTZMAN: Sure.

19 THE WITNESS: The TVs that we are
20 looking to use, they are -- what makes them
21 waterproof is the enclosure, okay?

22 So these are going to be exposed to the
23 elements. That means that no one without a key
24 would be able to get to the auxiliary jacks to plug
25 in any type of extra speakers, let's say. Okay?

1 I don't know what the decibels are of
2 the actual television from the manufacturer. It is
3 listed, and it was one of Maser's comments that, you
4 know, the TV -- and it does read it in the specs --
5 has the ability to plug in external speakers, but
6 you would not be able to do that in this case.

7 We have also taken care in the
8 placement of those by locating them indoors. And if
9 you look at the overall plan, this is inboard of our
10 own property and then inboard of the overall deck,
11 so we have tried. It's not -- we have tried --

12 MR. HALL: And one other comment: We
13 can get to the management plan, but there is a ten
14 o'clock shutoff, so they won't be up there at
15 eleven.

16 THE WITNESS: No overtime.

17 (Laughter)

18 MR. HALL: It's still within ten --

19 THE WITNESS: No overtime.

20 COMMISSIONER O'CONNOR: That is an
21 automatic shutoff?

22 MR. HALL: That is the next thing we're
23 going to get to. I don't want to jump the gun,
24 but --

25 THE WITNESS: What happens, if I could

1 technically explain that, is that all outlets and
2 lights are on a photo cell and a time clock, so
3 literally this thing just comes right down. Okay?

4 CHAIRMAN HOLTZMAN: So do you want to
5 delve into the management plan for us, or do you
6 have somebody else that's going to talk about that?

7 THE WITNESS: We have somebody here
8 from the property to talk to that.

9 CHAIRMAN HOLTZMAN: Sure.

10 MR. HALL: Mr. Antonelli, he was sworn
11 the last time briefly I think to give you the number
12 of apartment units, but --

13 MR. GALVIN: All right. Go ahead.

14 MR. HALL: Give us your name. The
15 reporter needs your name, I believe.

16 MR. ANTONELLI: The first name is Ryan,
17 and the last name is Antonelli.

18 THE REPORTER: How do you spell that?

19 MR. ANTONELLI: A-n-t-o-n-e-l-l-i,
20 R Y A N A N T O N E L L I, having been previously
21 sworn, testified as follows:

22 MR. HALL: And why don't you remind the
23 people of your relationship to the property?

24 THE WITNESS: I'm the regional property
25 manager for Gray Star.

1 MR. HALL: So you are responsible for
2 this building and other buildings?

3 THE WITNESS: Correct.

4 MR. HALL: Including other buildings in
5 Hoboken?

6 THE WITNESS: Not in Hoboken --

7 MR. HALL: Okay.

8 THE WITNESS: -- but we do have other
9 buildings in Hoboken under management.

10 So to control access, every entry point
11 to the roof deck is going to be controlled by a fob
12 access. The fob system will be activated at 8 a.m.
13 and it will deactivate at ten p.m. As Mr. Geitz
14 just explained, that will encompass the whole
15 system, outlets and things like that.

16 Also, we are going to be adding four
17 cameras up on top of the roof deck that could be
18 monitored through the office. It actually can be
19 monitored through a cell phone, where you have live
20 camera feed that we can play back, and just monitor
21 what is going on, on the top of the deck.

22 Additionally, our management team is on
23 site. We do have an on-site office as well, so
24 there is management personnel on staff seven days a
25 week. Our office hours are 9 to 6, and then we have

1 a cleaning staff that is from -- basically they
2 start from 9 to 4, and then they come back at night
3 from 6 to 9.

4 So how we would do it, we are going to
5 have sweeps of the building to control what's going
6 on as well up there. So during the day, our
7 management staff and the maintenance team can go up
8 and check what's going on.

9 After they leave at night, we do
10 another sweep at 9 p.m. daily, letting people know,
11 hey, this is going to be closing down at ten p.m.

12 At ten p.m. we do also have two on-site
13 personnel that live in the building, so they can do
14 the final sweep of what is going on at the deck.

15 CHAIRMAN HOLTZMAN: You said that they
16 can. The question is: Will they.

17 COMMISSIONER GRAHAM: Will they?

18 THE WITNESS: Yes.

19 CHAIRMAN HOLTZMAN: We'll have no
20 control over that. I mean, that needs to be sort of
21 like baked into the system, that there needs to be a
22 requirement that they actually make sure that it is
23 shut down.

24 THE WITNESS: Sure, and nobody can get
25 on the deck after ten p.m.

1 CHAIRMAN HOLTZMAN: Because the
2 objective here is not to have the Hoboken Police
3 Department be our enforcement arm for your property.

4 THE WITNESS: Right, right.

5 I understand completely, and we do have
6 a deck up there now, and there has never been a
7 problem.

8 MR. HALL: And the program that you
9 just described, that is in a document that we filed
10 with the Board, is that correct?

11 THE WITNESS: This is -- everything I
12 basically -- it's in the management plan.

13 Also, we are going to add a lease
14 provision to our lease, saying if you are in
15 violation of these rules, you are now in breach of
16 your lease.

17 We have other buildings with roof
18 decks, and you have to have a zero tolerance from
19 the start. If anyone breaks the rules, we shut it
20 down for a period of time, so people will get the
21 picture fairly quickly.

22 CHAIRMAN HOLTZMAN: How is it that you
23 can control the amount of people?

24 What is the occupancy that we have on
25 this deck again?

1 MR. GEITZ: 40 maximum.

2 CHAIRMAN HOLTZMAN: 40.

3 And so how is it that you control the
4 occupancy, since obviously this is, as we discussed
5 before, this is a very big building with somewhere
6 in the neighborhood of 500 people I think you said
7 that live in the building?

8 THE WITNESS: Roughly, sure. It's 217
9 apartments.

10 CHAIRMAN HOLTZMAN: 217 apartments, and
11 over 500 people live here in this building, so --

12 THE WITNESS: That is when we have to
13 control through the sweeps, and then you are only
14 allowed to bring one guest, and any guests that come
15 up have to sign out, and you have to get a guest
16 pass from the office.

17 CHAIRMAN HOLTZMAN: So how is it
18 that -- if everybody has a fob, who stops the 41st
19 person from going out on the deck?

20 How does that work?

21 THE WITNESS: We will have to come up,
22 you know, we'll have to do periodic checks of how
23 many people are on the deck, the management team.

24 CHAIRMAN HOLTZMAN: Okay.

25 COMMISSIONER GRAHAM: I have a few

1 questions, Mr. Chairman.

2 CHAIRMAN HOLTZMAN: Sure.

3 COMMISSIONER GRAHAM: You said -- why
4 is it necessary to have two TVs?

5 If I wanted to come up and read my book
6 and get some sun, and then there are two TVs blaring
7 at, you know, both ends, it just seems a little
8 excessive to me.

9 I am not sure I am supportive of the
10 TVs either, but to have two TVs blaring seems too
11 much. Maybe you can have just one TV, and a place
12 where it is a little quieter, and what if you want
13 to bring the kids and do something, you wouldn't
14 want them watching TV all afternoon. That's one
15 issue.

16 I am also concerned about noise at
17 night, and that's another major issue.

18 CHAIRMAN HOLTZMAN: Uh-huh.

19 COMMISSIONER GRAHAM: The control issue
20 as well, and I don't understand why you need a
21 shower up there. Everybody lives in this building.

22 What's the point of having a shower?
23 They can go down to their apartment.

24 MR. GEITZ: If I may, the shower was
25 just sort of a new amenity that has come about on

1 other buildings as well. It is really to cool down.

2 It's not to bathe.

3 COMMISSIONER GRAHAM: So you leave.

4 You go to your apartment and take a shower and rest
5 in the air-conditioning.

6 CHAIRMAN HOLTZMAN: Along those lines,
7 I think in one of the original plans, there were
8 misters also --

9 MR. GEITZ: Yes, that's correct.

10 CHAIRMAN HOLTZMAN: Those are gone?

11 MR. GEITZ: No. Those are still part
12 of it.

13 THE WITNESS: Correct.

14 CHAIRMAN HOLTZMAN: Oh, but see, you
15 didn't add those to your list.

16 THE WITNESS: I apologize.

17 CHAIRMAN HOLTZMAN: What else is
18 missing from your list --

19 VICE CHAIR MAGALETTA: I think when I
20 asked you at the SSP, you said it was to wash the
21 suntan lotion off your body.

22 MR. GEITZ: Well, pretty much just to
23 cool down.

24 VICE CHAIR MAGALETTA: Okay.

25 COMMISSIONER GRAHAM: No, I don't --

1 MR. GEITZ: The misters -- here is a
2 photograph of the misters. The idea is that they
3 will fasten -- the misting system will fasten along
4 the underside of the handrail only in the area of
5 the lounge chairs.

6 And this is the photograph of the
7 specified outdoor shower unit. It's a stand-alone,
8 freestanding unit. It only provides cold water, no
9 hot water.

10 COMMISSIONER GRAHAM: But what -- I'm
11 sorry, I lost my train of thought.

12 CHAIRMAN HOLTZMAN: What are you
13 thinking, it is MTV Jersey Shore?

14 What do you think?

15 (Laughter)

16 COMMISSIONER GRAHAM: Could be.

17 You know, if you live in the building,
18 you can go right downstairs and take a shower. It
19 just seems to be too much to add this, and I am not
20 sure why.

21 What prevents the noise from going to
22 other roofs, I mean, to the open windows of other
23 buildings?

24 Or the people that live in the
25 building, and they hear all of this noise on the

1 roof until ten o'clock at night, I mean, if you have
2 kids, that is late.

3 MR. GEITZ: The roof itself, I don't
4 know if you happen to know the property or have been
5 there, has a parapet wall around the entire
6 building, so that parapet wall system sits outside
7 of our fencing system or railing system.

8 In some instances, that parapet wall is
9 up to five and a half feet tall. It does vary in
10 height based on the elevation of the building --

11 COMMISSIONER GRAHAM: So a sound
12 barrier somewhat?

13 MR. GEITZ: -- but the lowest portion,
14 which happens to have, I think it's on the opposite
15 site, there are some railings there.

16 I think the lowest portion is about 18
17 inches, but the majority of it is 36 inches tall and
18 up to, like I said, five and a half feet.

19 So you have that buffer as well versus
20 noise just running right through the railing system.

21 And as far as the surrounding
22 buildings, I think we are going to hear a lot more
23 noise from the stadium than we are from our
24 building.

25 COMMISSIONER GRAHAM: Well, I think in

1 Hoboken, you know, we accept that we have public
2 schools, and that they have football games and
3 whatever, and that is part of life here, but this is
4 something different.

5 MR. GEITZ: Yes, understood.

6 CHAIRMAN HOLTZMAN: Director?

7 COMMISSIONER FORBES: Yeah.

8 I don't understand why are there TVs?

9 Like this is an outdoor deck, and it is
10 providing that -- I mean, everybody has a TV or
11 multiple TVs in their house. Like this is something
12 that is an amenity, an amenity for being outdoors,
13 and I am just not quite sure why.

14 Like, I mean, I don't think --

15 MR. GALVIN: I want to back you up, but
16 I think you are directing it to the wrong witness.

17 COMMISSIONER FORBES: Okay.

18 MR. GALVIN: Because if I were the
19 engineer, I got told what to do. I put it on the
20 plan, and I'm going to come in, and I'm going to
21 defend it to the end. So we have to kind of go this
22 way, and say, we have a couple of elements here that
23 aren't working out. So do you want to jeopardize
24 the whole project for two TVs and a shower?

25 CHAIRMAN HOLTZMAN: Let's get a little

1 bit more out on the table.

2 Ms. O'Connor?

3 COMMISSIONER O'CONNOR: Yeah. Well, I
4 have a question, but I also have an opinion.

5 CHAIRMAN HOLTZMAN: Sure, go ahead.

6 MR. GALVIN: No. Wait. Let me just
7 say -- let me just make the suggestion.

8 CHAIRMAN HOLTZMAN: Go ahead.

9 MR. GALVIN: Opinions should be kept
10 until we get to deliberations generally.

11 COMMISSIONER O'CONNOR: All right. Got
12 it.

13 COMMISSIONER O'CONNOR: I have a
14 question about the -- you had mentioned the power on
15 the TVs, the fire pits, the lights, et cetera, at
16 ten o'clock.

17 If there are people who are out on the
18 deck at ten o'clock, and the power goes down, is
19 there enough light up there for them to --

20 MR. GEITZ: The building --

21 COMMISSIONER O'CONNOR: -- or is there
22 emergency lighting?

23 MR. GEITZ: -- the building code
24 requires that any pathways be illuminated to a one
25 foot candle -- one foot candle -- or I'm sorry, I

1 don't know the exact -- the engineers will take care
2 of that.

3 COMMISSIONER O'CONNOR: That's okay.
4 Yeah, I was just making sure that they could find a
5 safe way out if they happened to be up there --

6 MR. GEITZ: Understood. No, that would
7 not be the case.

8 CHAIRMAN HOLTZMAN: So were there any
9 other aspects -- we kind of jumped in the middle of
10 you.

11 Were there any other aspects of that
12 management plan that you wanted to share with our
13 team here?

14 THE WITNESS: I'll just speak about the
15 lights. The lights will be on timers. In the
16 spring they will go on from 6 p.m. to ten p.m.

17 Summer 7 p.m. to 10 p.m.

18 And then in the winter and fall 5 p.m.
19 to 10 p.m.

20 CHAIRMAN HOLTZMAN: Okay.

21 So, Mr. Roberts?

22 MR. ROBERTS: Mr. Chairman, the two
23 main things that I think were left that we asked for
24 clarification on, one was hours of operation,
25 because we had noted in the transcript of the SSP

1 that we were referencing 10 a.m. to 10 p.m. In the
2 management plan, I believe it says 8 a.m. --

3 THE WITNESS: 8 a.m. to 10 p.m. would
4 be the hours. That would run with all of our other
5 outdoor spaces.

6 MR. ROBERTS: And then I guess the
7 second piece, Mr. Chairman, would be the occupancy.
8 It has been indicated to be 40. We have 47 -- a
9 seating capacity of 47.

10 And when I saw on the plan notes of the
11 fire code, it actually would allow 200 people.

12 THE WITNESS: We will be posting all
13 signage throughout.

14 Basically the people will come up
15 through an elevator, and there will be signs with
16 occupancy limits --

17 MR. ROBERTS: So I guess the final
18 question is: If your occupancy limit is 40, what is
19 the rationale for the seating capacity of more than
20 40 seats?

21 MR. GEITZ: In any instance, if you are
22 going up there alone, chances are you are not going
23 to want to sit next to someone specifically. You
24 want your own spot, so we would always provide a
25 percentage of extra chairs considering that nine of

1 them are lounge chairs. I think the variation is
2 acceptable. It is not for providing actual seats
3 for 47 people. It's giving people options.

4 Keep in mind, that some of those are
5 sofas.

6 MR. ROBERTS: Okay. I kind of thought
7 that was the case, but I thought we needed an
8 explanation on the furniture.

9 CHAIRMAN HOLTZMAN: Mr. Galvin, you had
10 some info about other outdoor decks that we worked
11 on, and the hours that we agreed to previously.

12 MR. GALVIN: In that other case that we
13 had, we had no later than 10 p.m. from March through
14 October, and no later than 7 p.m. from November to
15 February.

16 Can you live with that?

17 THE WITNESS: No later than 7 p.m.
18 November to -- yeah, I could live with it.

19 MR. GALVIN: Like when it is cold and
20 dark.

21 THE WITNESS: Yeah.

22 MR. GEITZ: I think your occupancy is
23 going to be a lot lighter in the cooler months.
24 That is automatic.

25 THE WITNESS: Yeah.

1 VICE CHAIR MAGALETTA: You also have
2 football games across the way. One of my issues --
3 not issues -- one of my concerns is because you have
4 that bar over there, and you create, you know, a
5 nice place to sit and watch the game, so -- and they
6 don't run that late anyway, but you addressed how
7 you will deal with it, so that was one of the
8 questions I had. You have addressed that question
9 already.

10 MR. GEITZ: Believe it or not, I've
11 stood up there, and where that is located, because
12 of how far we are set back from the parapets, you
13 can't look down that sharply.

14 VICE CHAIR MAGALETTA: I wondered about
15 that.

16 CHAIRMAN HOLTZMAN: Mr. Hall, is there
17 any additional testimony or anything?

18 MR. HALL: No.

19 I would just add that I think we have
20 agreed to performance standards. You have a noise
21 ordinance, et cetera, et cetera.

22 If there is a problem, we will be
23 violating our approval.

24 If there is not a problem, I am
25 concerned about saying, well, maybe this, maybe

1 that. The TVs, for example, I mean, they won't be
2 amplified. I don't know who is going to watch TV,
3 if they are on all of the time, but if noise becomes
4 an issue, we'll have a problem, and we will shut
5 them off.

6 But to say in case there might be a
7 problem, don't even do it, I think that is imagining
8 a problem that may never occur. If there is a
9 problem --

10 CHAIRMAN HOLTZMAN: Mr. Hipolit?

11 MR. HIPOLIT: I am not sure you have a
12 way to regulate noise on the TVs, because the State
13 noise ordinance, you would not violate that. Your
14 noise ordinance, if you had one, it is defaulted by
15 the State ordinance, and they're making changes to
16 that --

17 CHAIRMAN HOLTZMAN: Ours is fully
18 compliant with the State ordinance, I can assure you
19 of that.

20 MR. HIPOLIT: -- right.

21 So the TVs won't violate that. And if
22 they amplify their TVs or make them greater, I'm not
23 sure -- I don't know how you write something in
24 there that says -- I mean, a TV goes pretty loud.
25 My TV is loud at home, and it is a regular TV.

1 MR. GALVIN: I think there is a limit
2 to what any zoning enforcement official --

3 MR. HIPOLIT: Very limited on TVs.

4 CHAIRMAN HOLTZMAN: At ten o'clock at
5 night on the top of the building.

6 Okay. We will open it up to if there
7 are any members of the public that wish to speak on
8 or have questions for this applicant.

9 Okay.

10 Commissioners, any opinions or,
11 Director?

12 COMMISSIONER FORBES: I am still at
13 this -- I don't know where there is a need for TVs
14 in an outdoor amenity space. Like, that is just a
15 question that I have. I don't feel like there is an
16 answer to why are there TVs up there.

17 CHAIRMAN HOLTZMAN: Yeah. I will
18 second your concern about that.

19 COMMISSIONER GRAHAM: It becomes one
20 more yuppy thing that people think they need.

21 CHAIRMAN HOLTZMAN: I would like to
22 support this application, so that these folks could,
23 you know, add an enhancement to their property.

24 On the other hand, if the TVs stay, I
25 will not be supporting it. That is my opinion.

1 COMMISSIONER GRAHAM: Can we -- can
2 we --

3 CHAIRMAN HOLTZMAN: We're throwing out
4 opinions.

5 COMMISSIONER GRAHAM: -- I'm just
6 saying can we eliminate one? Can we only have one
7 TV? Why do we need two?

8 CHAIRMAN HOLTZMAN: We are having
9 conversation -- opinions --

10 COMMISSIONER GRAHAM: Okay. But I'm
11 just asking --

12 CHAIRMAN HOLTZMAN: Sure.

13 COMMISSIONER GRAHAM: -- what would
14 happen if we eliminated one TV?

15 MR. GEITZ: Well, I would like to also
16 respond. Our office has done several of these
17 rooftop terraces, and I have yet to find one that
18 does not have televisions.

19 It really is another amenity area, like
20 a club room in a building. So where you don't have
21 these outside spaces or indoor rooms, where you can
22 go and gather, this is doubling up as that, okay?

23 So I hate the terminology of the yuppy
24 sort of aspect of it, but it's --

25 MR. GALVIN: I don't know if we qualify

1 as yuppies any more.

2 MR. GEITZ: Okay, okay.

3 CHAIRMAN HOLTZMAN: Mr. Geitz, my
4 response to you will be very simply this --

5 MR. GEITZ: Yes.

6 CHAIRMAN HOLTZMAN: -- we don't have a
7 roof deck situation with TVs on it. I will not be
8 supporting it, if this is proposed as its first, but
9 that is only my opinion.

10 MR. GEITZ: Understood.

11 COMMISSIONER O'CONNOR: I have
12 something.

13 CHAIRMAN HOLTZMAN: Please.

14 COMMISSIONER O'CONNOR: I don't -- I
15 don't mind TVs. I think that we have many, many
16 decks in Hoboken. In fact, I live next to many of
17 them with people that have TVs on them. Sometimes
18 it is a little, you know, loud. The windows are
19 open, but at the same time, you know, they are not
20 violating noise ordinances.

21 People are enjoying life. People are,
22 you know, enjoying their space, and with the limited
23 amount of outdoor space that we have in Hoboken, I
24 think it is actually nice that they are looking to
25 improve and make bigger the space and make it

1 available to more people who live in that building,
2 and so I am fully supportive of what they are
3 proposing.

4 CHAIRMAN HOLTZMAN: That is great.

5 The thing that I would point out is I
6 think there is a very big difference from somebody
7 with a private deck versus a large building with 217
8 apartments and 500 people that live there and a
9 public deck. I view those two things very
10 differently.

11 COMMISSIONER O'CONNOR: But it is not a
12 public deck, is it?

13 CHAIRMAN HOLTZMAN: Sure, it is.

14 Not that it is open to the public, but
15 it is not like it's somebody's private roof deck on
16 top of, you know, for their apartment or on top of
17 their brownstone or something like that.

18 COMMISSIONER O'CONNOR: Okay.

19 Can I ask a question?

20 I thought I understood that each unit
21 got a fob. The unit was allowed to bring one guest.
22 They would have to go get a guest pass from the --

23 THE WITNESS: It's signing out and --

24 COMMISSIONER O'CONNOR: -- so it is not
25 as if a unit could have a massive party with

1 everybody in the neighborhood --

2 THE WITNESS: No. We are not designing
3 space for that at all.

4 COMMISSIONER O'CONNOR: I understand.

5 MR. GEITZ: I would like to point out
6 on Page A-0, just -- I am sure you guys know this
7 building. But if you look in your packet, it is a
8 very large building. I mean, if we're talking about
9 noise from a television trying to get down to the
10 street level, I think it is impossible.

11 VICE CHAIR MAGALETTA: It is not just
12 the street level --

13 COMMISSIONER O'CONNOR: No, it's not
14 just the street level --

15 VICE CHAIR MAGALETTA: -- but the
16 neighboring building.

17 Is there going to be a governor on the
18 volume --

19 THE WITNESS: Pardon me --

20 COMMISSIONER O'CONNOR: There's two
21 buildings that --

22 VICE CHAIR MAGALETTA: -- there's going
23 to be a governor on the volume on the TV, right?

24 MR. GEITZ: I don't personally know how
25 to control that. I mean, the TV has a certain

1 decibel level that it will get to --

2 VICE CHAIR MAGALETTA: Something to
3 control that, right?

4 MR. GEITZ: Yeah.

5 VICE CHAIR MAGALETTA: Okay.

6 CHAIRMAN HOLTZMAN: Caleb?

7 COMMISSIONER MC KENZIE: Yeah.

8 It is just my opinion that these TVs
9 would be better off in a club room, as you
10 mentioned, rather than out on the deck.

11 You know, I think it is a problem for
12 other people who are on the deck, who might not want
13 to be involved with the TV at all. I think it is
14 really not necessary.

15 MR. GEITZ: Okay.

16 COMMISSIONER DOYLE: I am assuming that
17 in the blazing sun, your TV won't -- during the day
18 be clear to see --

19 MR. GEITZ: They are designed --
20 they're actually designed --

21 COMMISSIONER MC KENZIE: No, you can
22 see them.

23 MR. GEITZ: -- that the LED televisions
24 are made for -- to be able to be viewed on the
25 sundeck --

1 COMMISSIONER DOYLE: I personally -- I
2 mean, I hear what Commissioner Forbes is saying, but
3 I don't know that I would use a TV, but I have no
4 problem with people wanting to use a TV, so I don't
5 see that issue.

6 COMMISSIONER STRATTON: Chairman?

7 CHAIRMAN HOLTZMAN: Yes.

8 COMMISSIONER STRATTON: I am in the
9 same camp as Jim. I don't have a problem with it.
10 I think it is an amenity.

11 Personally the shower for me, I think
12 having been on roof decks and having been out in the
13 summer in an urban area, I think it is really nice.
14 I think I would like to be able to cool off and use
15 the shower, so that's my --

16 MR. GEITZ: I am sorry I used the word
17 "shower," but they sell it as that. It's just that.
18 As the misting system, it's there to cool you down.
19 It's not down to wash your armpits.

20 (Laughter)

21 COMMISSIONER GRAHAM: On the shower
22 issue, there is a park right near that, Columbus
23 Park, where they have a shower basically in the
24 middle of the concrete area, and the kids just, when
25 it is hot, they just go crazy and they're running in

1 the water and they run, you know, it's a way to cool
2 them off.

3 When I think about a shower and then
4 perhaps having kids up there, and they are running
5 in the shower because it is fun, and kids love
6 water, like a fountain, you know, it makes me
7 nervous.

8 MR. GEITZ: It's actually within a five
9 foot by five foot space. I can just show you --

10 COMMISSIONER GRAHAM: Uh-huh. Kids
11 slip. You know, the water gets slippery --

12 MR. GEITZ: -- so it is located, and it
13 is surrounded on three sides by the taller five-foot
14 fence. I don't -- they are not going to run through
15 there. You are going to go into the space, cool
16 off, and step out.

17 VICE CHAIR MAGALETTA: At Columbus
18 Park, we're talking about how it sprays outward.
19 It's a different setup.

20 MR. GEITZ: Sure.

21 COMMISSIONER GRAHAM: But still, kids
22 love water, you know. They're not going to ignore
23 water. It's going to be hard to --

24 CHAIRMAN HOLTZMAN: Commissioner
25 O'Connor?

1 COMMISSIONER O'CONNOR: Is this the
2 type of thing, you know, where you are at the beach
3 and you push the shower, and it goes on for like 30
4 seconds and then goes off automatically, so that
5 there's not a --

6 MR. GEITZ: Not a constant --

7 COMMISSIONER O'CONNOR: -- and you have
8 to hold the --

9 MR. GEITZ: You are spot on. You're
10 spot on, yes.

11 COMMISSIONER O'CONNOR: -- okay.

12 CHAIRMAN HOLTZMAN: Dennis has put
13 together some conditions for us, so let's at least
14 hear what he has got for us.

15 MR. GALVIN: Yes.

16 Please let me know if I am making a
17 mistake or I got something wrong.

18 There are to be no propane gas tanks
19 permitted on the roof.

20 The other case had epoxy. You guys
21 don't have that --

22 CHAIRMAN HOLTZMAN: No. They have a
23 porcelain type of tile.

24 MR. GALVIN: We don't need to spell
25 that out. That would just be close to --

1 CHAIRMAN HOLTZMAN: Uh-huh.

2 MR. GALVIN: Two: The deck area is to
3 limited to 41 occupants, and there will be --

4 MR. HALL: 40.

5 MR. HIPOLIT: 40.

6 COMMISSIONER GRAHAM: Wasn't it
7 supposed to say as far as propane, also charcoal,
8 and also -- they could bring a charcoal hibachi up
9 there?

10 CHAIRMAN HOLTZMAN: Right. So no
11 propane gas tanks or charcoal grills.

12 THE WITNESS: Yeah, they are not
13 permitted in our building at all.

14 MR. GALVIN: Yeah. That doesn't mean
15 that somebody is not going to try to drag one out
16 there.

17 THE WITNESS: I've been there, yeah.

18 (Laughter)

19 MR. GALVIN: The natural gas -- all
20 right. Three: The natural gas line serving the gas
21 grills will be on a timer. The timer will shut the
22 gas grill off, if left on by mistake, and the
23 natural gas line to the gas grill will be shut off
24 when the deck is not in use.

25 CHAIRMAN HOLTZMAN: Is there a limit?

1 Is it like a 30-minute timer?

2 THE WITNESS: Yes. It's a 30 minute
3 timer.

4 CHAIRMAN HOLTZMAN: It's a 30 minute
5 timer?

6 MR. GEITZ: I believe it was -- hang on
7 one second. I think it is 60 minutes.

8 VICE CHAIR MAGALETTA: It is 60 --

9 MR. GEITZ: I believe it is 60. It has
10 20 minute increments, so it could be 20, 40, or 60
11 maximum.

12 CHAIRMAN HOLTZMAN: So you can turn it
13 on to 60 minutes?

14 THE WITNESS: Yes, maximum

15 CHAIRMAN HOLTZMAN: Okay. At least we
16 got a number.

17 MR. GALVIN: All right.

18 Four: The roof deck lighting will come
19 on photovoltaically, but will be shut off no later
20 than 10 p.m. from March to October, and no later
21 than 7 p.m. from November through February.

22 Five: Each tenant -- are you good?

23 Okay.

24 Five: Each tenant is permitted to have
25 no more than two guests in the deck area at any

1 time. The deck rules will include no alcohol and no
2 loud music. The tenants' access and use of the deck
3 is limited from -- I might have this wrong, so help
4 me -- 10 a.m. to 10 p.m. March through October, and
5 10 a.m. to 7 p.m. November through February.

6 THE WITNESS: It is 8. Our system is
7 going to be 8 a.m. to 10 p.m.

8 MR. GALVIN: Got it.

9 COMMISSIONER FORBES: Was it one guest?

10 COMMISSIONER O'CONNOR: I thought it
11 was one guest.

12 THE WITNESS: One guest --

13 COMMISSIONER GRAHAM: Per resident,
14 so --

15 CHAIRMAN HOLTZMAN: It's one guest, not
16 two.

17 COMMISSIONER GRAHAM: -- if I have me,
18 my husband, and two kids, I can have four guests?

19 THE WITNESS: I'm sorry. One guest per
20 unit.

21 COMMISSIONER GRAHAM: Per unit.

22 MR. GALVIN: I made it one guest per
23 unit. Okay.

24 Six: The deck furniture and surface
25 shall be consistent with the plans shown to the

1 Board, and the testimony provided to the Planning
2 Board, and will not exceed the following roof
3 elements.

4 This I know I don't have completely
5 correct, so somebody will have to correct me.

6 I have 47 chairs, two fire pits, two
7 barbecues, a shower, two TVs maybe, ten trash and
8 recycling receptacles, one counter top and a mister
9 and a partridge in a pear tree.

10 (Laughter)

11 MR. GEITZ: You got it.

12 COMMISSIONER GRAHAM: I think it's
13 dancing --

14 (Board members talking at once)

15 MR. GALVIN: Eventually.

16 Okay. Seven: All of the items on the
17 roof are to be removed in the event of a high wind
18 warning. The applicant is to supply their protocol
19 for the removal of all unattached roof fixtures
20 during high wind events, i.e., who will remove them,
21 and where will they be stored. Okay. That will be
22 provided --

23 COMMISSIONER STRATTON: Or secured -- I
24 would say --

25 MR. HALL: You said "all items," and

1 maybe you should reference the unsecured things?

2 They are not going to remove the
3 attached things. It is just a little awkward --

4 MR. GALVIN: I said "unattached." So
5 if it is attached, I think we're okay. If it's a
6 fixture --

7 MR. HALL: That's fine. I missed that.
8 I'm sorry.

9 MR. GEITZ: Is it acceptable in the
10 prior paragraph to mention the planters as well, or
11 does that come up somewhere else?

12 MR. HIPOLIT: Well, it's the laying of
13 landscaping. There's landscaping on the deck, no
14 planters --

15 MR. GALVIN: We don't need that.

16 MR. HIPOLIT: -- no, that's not an
17 amenity.

18 COMMISSIONER DOYLE: Caleb has a point.

19 COMMISSIONER STRATTON: Yeah, Gary --
20 or I'm sorry, Dennis --

21 MR. GALVIN: I added --

22 COMMISSIONER STRATTON: "Removed" is
23 maybe a little excessive, or just removed or
24 secured.

25 MR. GALVIN: -- well, where they will

1 be stored or secured. I added the word "secured,"
2 and to be reviewed and approved by --

3 CHAIRMAN HOLTZMAN: Or stored and
4 secured, either way, right?

5 MR. GALVIN: -- to be reviewed by Mr.
6 Hipolit, so --

7 MR. HIPOLIT: Hopefully not on a
8 Sunday.

9 (Laughter)

10 VICE CHAIR MAGALETTA: Dennis --

11 MR. GALVIN: Yes, Frank.

12 VICE CHAIR MAGALETTA: -- can you read
13 back the provision that the applicant will put a
14 clause in all leases that a violation of these rules
15 is a violation of the lease, or is that fine to
16 represent --

17 THE WITNESS: It would be --

18 VICE CHAIR MAGALETTA: -- you said --
19 you testified it would do that, but do we make it a
20 part of the resolution is the question.

21 COMMISSIONER FORBES: Or is that in the
22 management plan, and the management plan could be
23 referenced?

24 MR. ROBERTS: I actually was thinking
25 maybe we should attach the management plan to the

1 resolution.

2 CHAIRMAN HOLTZMAN: For sure. Yes,
3 definitely.

4 MR. ROBERTS: But I think the
5 management plan will need to be amended, because I
6 think that we agreed that the hours in the winter
7 would be to 7 p.m.

8 CHAIRMAN HOLTZMAN: Right. So the
9 management plan needs to be amended to begin with
10 because there has been some changes.

11 And what Mr. Magaletta is asking for is
12 if the rules and regs for the access to the roof
13 deck are violated, that --

14 VICE CHAIR MAGALETTA: It would be a
15 breach of the lease.

16 COMMISSIONER FORBES: Yeah.

17 VICE CHAIR MAGALETTA: Are you okay
18 with that, Mr. Hall?

19 MR. HALL: Excuse me?

20 CHAIRMAN HOLTZMAN: Did you follow
21 along with that, guys, or no? I don't think so.

22 So we need the management plan to be
23 undated because the hours have changed obviously --

24 MR. HALL: Right.

25 Who will be reviewing that, Mr. Galvin

1 or Mr. Roberts or --

2 MR. GALVIN: I would prefer if Mr.
3 Roberts and Mr. Hipolit did it.

4 MR. HALL: All right. I just want to
5 know who to send it to.

6 CHAIRMAN HOLTZMAN: But in addition to
7 that, Mr. Magaletta has offered that --

8 VICE CHAIR MAGALETTA: The resolution
9 should provide that a violation of the management
10 plan or the rules and regulations of the rooftop --
11 roof deck access will be considered a breach of the
12 lease --

13 MR. HALL: Right.

14 VICE CHAIR MAGALETTA: -- and put that
15 directly in the resolution --

16 CHAIRMAN HOLTZMAN: Or put it in the
17 management plan.

18 VICE CHAIR MAGALETTA: -- or in the
19 management plan.

20 MR. HALL: In the management plan, yes,
21 because we said that.

22 CHAIRMAN HOLTZMAN: So we want to add
23 that to the management plan.

24 MR. HALL: Yes.

25 COMMISSIONER DOYLE: Is it going to

1 be --

2 THE REPORTER: I can't hear you, Mr.
3 Doyle.

4 CHAIRMAN HOLTZMAN: It's going to be
5 what?

6 COMMISSIONER DOYLE: Unchangeable, I
7 would think five years from now, you might want to
8 amend the master plan, and I don't know if you want
9 to come back to the Planning Board to do that, but I
10 am just trying to put some flexibility without
11 making it, you know, too flexible, and it change to
12 midnight, you know, so any thoughts on that?

13 THE WITNESS: Hum...

14 CHAIRMAN HOLTZMAN: I think it seems
15 like reasonable that, you know, I mean, they don't
16 have to come back to represent the case of the deck
17 itself. Then it is just a matter of we are going to
18 review hours or access or occupancy or something
19 like that.

20 So I think if you give them an open
21 ended thing, that they can change their management
22 plan --

23 COMMISSIONER DOYLE: No. I didn't --

24 CHAIRMAN HOLTZMAN: -- then you don't
25 need one, and it is ridiculous to have one.

1 COMMISSIONER DOYLE: -- right --

2 COMMISSIONER FORBES: And I think that
3 this doesn't preclude them from having additional
4 rules that they might have on their deck that they
5 can change.

6 These are just the things that they are
7 saying we are absolutely willing to agree to, and I
8 think that the time, you know, the hours of
9 operation, the number of occupants, I think that
10 those things really do need to be spelled out --

11 COMMISSIONER DOYLE: Okay. Well, those
12 were in the conditions.

13 I'm just pretty sure Commissioner
14 Magaletta was talking about incorporating, you know,
15 incorporating by reference the management plan into
16 the resolution, if that is something that could be
17 changed periodically then --

18 MR. HALL: Excuse me.

19 Maybe no inconsistent amendments will
20 come back. I would think something like that, like
21 the hours -- I don't know if we need to file an
22 application. Maybe do it by letter. I don't know
23 how you want to handle that --

24 CHAIRMAN HOLTZMAN: Mr. Galvin, are
25 you --

1 MR. HALL: -- we could deal with it at
2 the time. We could reach out to Mr. Galvin or
3 whoever and say, how do you want to handle this --

4 MR. GALVIN: I think I heard some good
5 things.

6 What I heard is -- here's what I have:

7 The applicant is to include in the
8 tenants' leases that failure to comply with rules
9 outlined in the management plan may result in the
10 tenant's eviction.

11 I am going to come up with something,
12 but I think -- but these are the minimum rules --

13 MR. HALL: Right.

14 MR. GALVIN: -- and the landlord can
15 increase the rules, and the landlord cannot ignore
16 the rules that we have imposed.

17 MR. HALL: And if we want to, we can
18 come back in some fashion --

19 MR. GALVIN: You can come back to us.

20 MR. HALL: -- and we'll figure out at
21 the time what that would be --

22 MR. GALVIN: Right.

23 MR. HALL: -- we don't need to prejudge
24 it. Okay.

25 MR. GALVIN: Right.

1 MR. HALL: I understand.

2 CHAIRMAN HOLTZMAN: Okay. So you still
3 have management prerogative --

4 MR. HALL: Right.

5 MR. GALVIN: -- with the except --

6 MR. HALL: And you are calling out the
7 important ones that we can't change --

8 MR. GALVIN: Right.

9 MR. HALL: -- that is fine.

10 MR. GALVIN: Do you want to make a
11 dress code where they have to wear a suit and tie up
12 there, you could do that.

13 (Laughter)

14 MR. HALL: If we want to shorten the
15 hours, it's even better --

16 MR. GALVIN: You might. You might have
17 a need to do that, too. If it's bothering other
18 tenants in the building, you might.

19 All right. I have: The roof is to
20 have no gaming components, okay?

21 MR. GEITZ: Correct.

22 MR. GALVIN: And the TVs are not to be
23 amplified.

24 MR. GEITZ: Correct.

25 MR. GALVIN: That's all I have.

1 CHAIRMAN HOLTZMAN: Commissioners, any
2 final thoughts, questions, comments, additions,
3 subtractions?

4 COMMISSIONER GRAHAM: I would support
5 this if we eliminated one of the TVs, but otherwise
6 I won't. That is not --

7 CHAIRMAN HOLTZMAN: Director, any final
8 thoughts? I know that TVs is an issue for you as
9 well.

10 COMMISSIONER FORBES: Yeah.

11 I mean, it just doesn't jive for me
12 with what they are asking for with the roof deck
13 amenity.

14 CHAIRMAN HOLTZMAN: Okay.

15 COMMISSIONER FORBES: You know, that
16 being said, you know, I am not as concerned about
17 the implication. I just don't know that I really
18 got this feel for why it needs to be on a roof deck,
19 so...

20 COMMISSIONER GRAHAM: Just want one
21 quiet, quiet area --

22 COMMISSIONER FORBES: Uh-huh.

23 COMMISSIONER GRAHAM: -- would people
24 support eliminating one TV or is it two TVs or
25 nothing?

1 CHAIRMAN HOLTZMAN: I would support --

2 COMMISSIONER O'CONNOR: I would support
3 one or two --

4 CHAIRMAN HOLTZMAN: You would.
5 Okay.

6 Mr. Doyle, any final thoughts?

7 COMMISSIONER DOYLE: No.

8 CHAIRMAN HOLTZMAN: Okay.

9 Mr. Magaletta?

10 VICE CHAIR MAGALETTA: I am fine.

11 CHAIRMAN HOLTZMAN: You're fine.

12 Mr. McKenzie, any final thoughts?

13 COMMISSIONER MC KENZIE: One is okay
14 with me.

15 CHAIRMAN HOLTZMAN: Huh?

16 COMMISSIONER MC KENZIE: One is okay
17 with me.

18 CHAIRMAN HOLTZMAN: One is okay with
19 you.

20 Mr. Stratton, you are good either way?

21 COMMISSIONER STRATTON: I'm good either
22 way.

23 CHAIRMAN HOLTZMAN: Bring back the
24 shuffleboard you're saying, huh?

25 (Laughter)

1 COMMISSIONER DOYLE: As a procedural
2 question: If we were to -- if there were a motion
3 to keep both televisions, and it were to fail, would
4 that be it, or could we then reconsider?

5 CHAIRMAN HOLTZMAN: We could make
6 another motion.

7 COMMISSIONER DOYLE: Okay.

8 CHAIRMAN HOLTZMAN: We could make
9 another motion.

10 COMMISSIONER DOYLE: Okay, so --

11 MR. GALVIN: You know, the other thing,
12 too, is -- what do you think?

13 What do you want to do?

14 We could bifurcate the TVs.

15 MR. HALL: I am not sure what the count
16 is frankly, but --

17 MR. GALVIN: Me neither.

18 MR. HALL: -- let me just say one
19 thing.

20 I personally don't understand it
21 either, but I am not a designer. I am a lawyer. I
22 don't design what goes on a roof. I wouldn't myself
23 put one there, but if they want to put them there,
24 they must have a good reason --

25 CHAIRMAN HOLTZMAN: Okay.

1 So we have Mr. Hall's vote for no.

2 (Laughter)

3 I would like to make a motion to accept
4 the conditions as read by Dennis, but I have one
5 additional condition on my motion, which is to
6 remove both TVs.

7 Is there a second for that motion?

8 COMMISSIONER MC KENZIE: Yes, I will
9 second it.

10 CHAIRMAN HOLTZMAN: There is a second.

11 Okay. Pat, please call the vote.

12 MS. CARCONE: Okay. Commissioner
13 Magaletta?

14 VICE CHAIR MAGALETTA: No.

15 MS. CARCONE: Commissioner Stratton?

16 COMMISSIONER STRATTON: No.

17 MS. CARCONE: Commissioner Forbes?

18 COMMISSIONER FORBES: Yes.

19 MS. CARCONE: Commissioner Doyle?

20 COMMISSIONER DOYLE: No.

21 MS. CARCONE: Commissioner Graham?

22 COMMISSIONER GRAHAM: Yes.

23 MS. CARCONE: Commissioner McKenzie?

24 COMMISSIONER MC KENZIE: Yes.

25 MS. CARCONE: Commissioner O'Connor?

1 COMMISSIONER O'CONNOR: No.

2 MS. CARCONE: Commissioner Holtzman?

3 CHAIRMAN HOLTZMAN: Yes.

4 MR. GALVIN: What is the vote? I

5 lost --

6 MS. CARCONE: It's a tie. It's eight
7 voting. Four for and four against.

8 COMMISSIONER O'CONNOR: May I make a
9 motion?

10 MR. GALVIN: Yes, because here is the
11 thing: You have to have -- you need an affirmative
12 vote, which we don't have. A tie is not
13 affirmative, so it is denied.

14 CHAIRMAN HOLTZMAN: So it's a denial.
15 Okay.

16 Is there another motion on the floor?

17 COMMISSIONER O'CONNOR: I would like to
18 make a motion to approve the application with both
19 TVs and the conditions as stated.

20 VICE CHAIR MAGALETTA: Second.

21 CHAIRMAN HOLTZMAN: There's a second.

22 Pat, call the vote.

23 MS. CARCONE: Okay. So that was Kelly,
24 and Frank on the second?

25 All right. So both TVs.

1 Commissioner Magaletta?

2 VICE CHAIR MAGALETTA: The reason I
3 agree with Mr. Hall, I am not a design person. They
4 have the reasons, so I am going to vote yes.

5 MS. CARCONE: Okay. Yes for Frank.

6 MS. CARCONE: Commissioner Stratton?

7 COMMISSIONER STRATTON: Yes.

8 MS. CARCONE: Commissioner Forbes?

9 COMMISSIONER FORBES: No.

10 MS. CARCONE: Commissioner Doyle?

11 COMMISSIONER DOYLE: Yes.

12 MS. CARCONE: Commissioner Graham?

13 COMMISSIONER GRAHAM: No.

14 MS. CARCONE: Commissioner McKenzie?

15 COMMISSIONER MC KENZIE: No.

16 MS. CARCONE: Commissioner O'Connor?

17 COMMISSIONER O'CONNOR: Yes.

18 MS. CARCONE: Commissioner Holtzman?

19 CHAIRMAN HOLTZMAN: No.

20 MS. CARCONE: So we have another
21 denial.

22 MR. GALVIN: So now -- no, wait a
23 minute. We have another -- again, we are not
24 getting anywhere. However, I feel that Ms. Graham
25 is going to save us. Make a motion for one TV, Ms.

1 Graham.

2 (Laughter)

3 COMMISSIONER GRAHAM: Okay.

4 I make a motion for one TV and with all
5 of the other conditions.

6 CHAIRMAN HOLTZMAN: Is there a second
7 for Ms. Graham's --

8 COMMISSIONER DOYLE: I second.

9 MS. CARCONE: Was that Mr. Doyle?

10 CHAIRMAN HOLTZMAN: Yes.

11 MS. CARCONE: Okay. So, Commissioner
12 Magaletta, one TV?

13 VICE CHAIR MAGALETTA: Yes.

14 MS. CARCONE: Commissioner Stratton?

15 COMMISSIONER STRATTON: Yes.

16 MS. CARCONE: Commissioner Forbes?

17 COMMISSIONER FORBES: Yes.

18 MS. CARCONE: Commissioner Doyle?

19 COMMISSIONER DOYLE: Yes.

20 MS. CARCONE: Commissioner Graham?

21 COMMISSIONER GRAHAM: Yes.

22 MS. CARCONE: Commissioner McKenzie?

23 COMMISSIONER MC KENZIE: Yes.

24 MS. CARCONE: Commissioner O'Connor?

25 COMMISSIONER O'CONNOR: Yes.

1 MS. CARCONE: And Commissioner
2 Holtzman?

3 CHAIRMAN HOLTZMAN: Yes.
4 Thank you, Commissioner Graham.

5 MS. CARCONE: All right.

6 COMMISSIONER GRAHAM: Compromise.

7 A VOICE: The American way.

8 CHAIRMAN HOLTZMAN: Send her to the
9 U.N.

10 Thank you.

11 MR. HALL: Thank you.
12 Have a good night.

13 MR. GALVIN: I know it is not
14 fulfilling, but there you have it. Not satisfied.

15 (Laughter)

16 MR. GEITZ: If you want to come by for
17 cold showers sometime, just let me know.

18 (Laughter)

19 MR. GALVIN: Hey, sir, I could go home
20 for that.

21 (Laughter)

22 CHAIRMAN HOLTZMAN: Let's take a
23 five-minute break here.

24 (Recess taken)

25 (The matter was concluded)

C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CCR, CRCR

 PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300
 Notary Public of the State of New Jersey
 My commission expires 11/5/2020.
 Dated: 5/31/16
 This transcript was prepared in accordance with
 NJAC 13:43-5.9.

CITY OF HOBOKEN
PLANNING BOARD
HOP-16-3

- - - - - X
RE: 86, 88, 90 Jefferson Street : May 26, 2016
Block: 17, Lots 31, 32, 33 : 8:20 p.m.
Zone: R-3 Zone :
Applicant: 88 Jefferson Street, LLC :
Minor Site Plan Review & Variances :
- - - - - X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman Gary Holtzman
- Vice Chair Frank Magaletta
- Commissioner Caleb D. Stratton
- Commissioner Brandy Forbes
- Commissioner Jim Doyle
- Commissioner Ann Graham
- Commissioner Caleb McKenzie
- Commissioner Ryan Peene
- Commissioner Rami Pinchevsky
- Commissioner Kelly O'Connor

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

- David Glynn Roberts, AICP/PP, LLA, RLA
Board Planner
- Andrew R. Hipolit, PE, PP, CME
Board Engineer
- Patricia Carcone, Board Secretary

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10 Attorney for the Applicant.

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Kenneth Ochab

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1 CHAIRMAN HOLTZMAN: Okay, guys. We are
2 going back on the record here.

3 Mr. Matule, are you ready for us?

4 MR. MATULE: I am ready.

5 CHAIRMAN HOLTZMAN: You are ready.

6 Thank you.

7 You have the floor, sir.

8 MR. MATULE: Good evening, Mr.

9 Chairman, and Board members

10 Robert Matule appearing on behalf of
11 the --

12 (Board members confer)

13 CHAIRMAN HOLTZMAN: Oh, yes. I'm
14 sorry. I'm sorry.

15 Please let the record show Mr. Rami
16 Pinchevsky has joined us, and Mr. Peene is back on
17 the Board.

18 MR. MATULE: Robert Matule.

19 Hopefully I won't have to worry about a
20 tie.

21 (Laughter)

22 MR. GALVIN: Not any more.

23 MR. MATULE: This is an application for
24 86-90 Jefferson Street. We are seeking minor site
25 plan approval and a height variance, a height

1 variance for approximately I think one and a half
2 feet to construct a five-story building, eight
3 residential units, parking on the ground level.

4 I have two witnesses tonight, Ciaran
5 Kelly from Minervini Vandermark, and Mr. Ochab, our
6 planner.

7 We have already given the secretary our
8 jurisdictional proofs, so if we can have Mr. Kelly
9 sworn.

10 MR. GALVIN: Mr. Kelly, raise your
11 right hand.

12 Do you swear or affirm the testimony
13 you are about to give in this matter is the truth,
14 the whole truth, and nothing but the truth?

15 MR. KELLY: I do.

16 C I A R A N K E L L Y, RA, LEED, GA, having been
17 duly sworn, testified as follows:

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

20 THE WITNESS: Ciaran Kelly, K-e-l-l-y.

21 VICE CHAIR MAGALETTA: Excuse me.

22 Before we get going, there is one
23 question on jurisdiction stuff?

24 CHAIRMAN HOLTZMAN: Can we swear Mr.
25 Kelly in?

1 VICE CHAIR MAGALETTA: I'm sorry.

2 MR. GALVIN: Mr. Chairman, Mr. Kelly
3 has appeared before us as a licensed architect. I
4 would ask that we accept his credentials.

5 CHAIRMAN HOLTZMAN: We do.

6 Thank you.

7 THE WITNESS: Thank you.

8 CHAIRMAN HOLTZMAN: Please, Mr.
9 Magaletta.

10 VICE CHAIR MAGALETTA: I am sorry.

11 Mr. Matule, on the plans it shows the
12 applicant as Kevin Smith and Tom Jones, but on the
13 application that you submitted, there is no Tom
14 Jones.

15 Do you know who that is, why his name
16 is in there?

17 MR. MATULE: Yes, because I think --

18 VICE CHAIR MAGALETTA: Unusual --

19 MR. MATULE: -- Mr. Jones does not have
20 an ownership interest in the LLC, and let me just
21 grab the application.

22 VICE CHAIR MAGALETTA: Okay.

23 MR. MATULE: That might have just been
24 the architect's shorthand, but I just want to go to
25 the application to confirm the three principals are

1 Kevin Smith, Nelson Ferreira and Elisa Romeo.

2 VICE CHAIR MAGALETTA: All right. I
3 saw Tom Jones there, and if that's a disclosure --
4 if that -- if he doesn't have that ownership
5 interest, that is fine. That's fine.

6 MR. MATULE: All right.

7 VICE CHAIR MAGALETTA: Fine.

8 Thank you.

9 CHAIRMAN HOLTZMAN: Are we good, Mr.
10 Magaletta?

11 VICE CHAIR MAGALETTA: Yes, we are.

12 CHAIRMAN HOLTZMAN: Great. Thank you.

13 Please proceed, Mr. Matule.

14 MR. MATULE: Okay.

15 Mr. Kelly, if you would, please
16 describe the existing site and the surrounding area,
17 and then we'll get into the building itself.

18 THE WITNESS: I'm going to use, for the
19 purposes of describing the site, I am going to use
20 two exhibits, one of which was already submitted
21 with the drawing plans, but one is new, so perhaps
22 we should mark that.

23 MR. MATULE: Yes. I will mark that.

24 Which exhibit is the new one?

25 Okay. We are going to mark this A-1,

1 and if you could just explain it.

2 (Exhibit A-1 marked)

3 THE WITNESS: It is a photo board of
4 existing conditions.

5 CHAIRMAN HOLTZMAN: Mr. Kelly, can you
6 bring the easels a little closer to us, please?

7 THE WITNESS: Sure.

8 COMMISSIONER GRAHAM: Thank you.

9 CHAIRMAN HOLTZMAN: Great.

10 THE WITNESS: Is that better?

11 COMMISSIONER DOYLE: I still can't see.

12 (Laughter)

13 THE WITNESS: Okay.

14 So as Mr. Matule said in the opening,
15 this is a proposal for a five-story building with
16 four residential floors over parking. It is on a 75
17 by a hundred foot lot on the northern end of Block
18 17.

19 Just to clarify, graphically speaking,
20 this red square is the entire lot. That's the 75 by
21 a hundred, not the footprint of the proposed
22 building. The proposed building will be 60 percent
23 lot coverage, 60 foot deep on all floors, matching
24 the adjoining building to the south.

25 The existing property has a three-story

1 building on the southern side.

2 On the rest of the property, it has a
3 gravel asphalt surface for the residents, which
4 currently serves as a parking lot for approximately
5 ten cars.

6 In terms of the context and the
7 surrounding buildings, the building directly to the
8 south is 175 feet long. It is a six-story
9 residential building with parking on the ground
10 floor.

11 Directly to the north of our site is a
12 four-story residential building, 25 foot building.

13 And directly north of that on the
14 corner of First Street is a five-story residential
15 building, which in fact is the corner element of a
16 long development, which goes all the way from
17 Jefferson to Madison and turns the corner again.
18 The First Street side is a four-story wing, and then
19 it goes up to five stories again on the corner of
20 First and Madison.

21 Directly opposite this on the corner of
22 First and Jefferson is an eight-story residential
23 building, seven residential floors over parking.
24 That is the Carnegie Terrace building, and south of
25 that here is a five-story residential building, four

1 essential floors over parking.

2 So the building we are proposing I
3 think is certainly within context. It is a
4 five-story residential building, four floors over
5 parking.

6 Let me go to the plans.

7 So it is four residential floors with
8 eight units, two units per floor over the ground
9 floor. And to best illustrate what happens on the
10 ground floor, I am going to go directly to Sheet
11 Z-6, which is our circulation, lighting and
12 landscaping plan.

13 So on the ground floor, there is indoor
14 parking for ten parking spaces, the same number as
15 is currently accommodated in the lot on the site.

16 There is also the main residential
17 lobby and the secondary means of egress from the
18 unit above.

19 Also on the ground floor is access to
20 the 3000 square foot rear yard, which is subdivided
21 into four private rear yard spaces for Units 1 to 4.
22 That rear yard is fully landscaped, as is permitted
23 by the ordinance.

24 There is 30 percent coverage of pavers.
25 That is against the building edge after which point

1 it is grass and seeded area.

2 Around the entire perimeter is a
3 three-foot planter, and in between the individual
4 rear yard area again is a planter, and for privacy
5 above that planter to a six-foot height level is a
6 board-on-board fence.

7 The landscaping carries through on the
8 street, where along the front wall of the street we
9 are proposing two planter beds, one being eight foot
10 six long, and the other being 22 feet long. They
11 come out two foot six from the front of the
12 building, which is in line with the prominent fence
13 line of the building to the south, that 175 foot
14 residential building.

15 There is also three street trees. One
16 of which is existing, and the other two are proposed
17 new. Their entry by five tree grates, which have
18 the three sided -- which have three sided protected
19 rails.

20 In terms of the overall sidewalk, it is
21 16 feet wide. So if you have the two and a half
22 feet planter bed, you have the three foot tree pit,
23 you have ten foot clear between the two, whenever
24 they coincide.

25 The existing parking lot on the lot has

1 an approximately 38 foot long curb cut, which we are
2 going to remove. We are going to reconstruct the
3 entire sidewalk across the entire stretch, clearing
4 the curb, and we are going to install a new drive
5 aisle and curb cut, which is 12 feet, so we are
6 approximately regaining 22 feet of curb length for
7 street parking. It is not necessarily delineated,
8 but that's equivalent to about a space or a space
9 and a half, depending on how people park, so that is
10 what happens on the first floor.

11 From the second floor through the
12 third, fourth, and fifth, it is a typical
13 residential floor plan more or less, with the
14 exception of on the second floor we are providing
15 for small utility closets above DFE. But each
16 unit -- or sorry -- each floor plan -- this is
17 the -- any one of these -- this will do -- each
18 floor plan is bifurcated essentially by a demising
19 corridor, so that the units on either side, two
20 units per floor and each unit has -- I'll call it
21 street frontage and rear yard frontage.

22 The average unit size is 2,086. They
23 are slightly smaller on the second floor because of
24 that area we use for the meters, but that
25 equivalates to a four-bedroom, three-bathroom

1 layout, so that is up to the fifth floor.

2 Down on the roof, if I might introduce
3 another drawing, there was some misunderstanding, I
4 guess, as to how to apply the roof ordinance in
5 terms of the green roof and the bulkheads, and Mr.
6 Roberts was very good to make it very clear in a
7 recent report on another project, and so I have
8 taken the liberty of revising our roof plan, so that
9 there is no -- there is no green roof proposed on
10 any of the bulkheads.

11 And so essentially what we did is we
12 took the overall roof area, and we are giving
13 exactly 50 percent of that as green roof.

14 From the remainder, we are deducting
15 the bulkheads. All of our mechanical equipment from
16 the remainder that's left of usable roof area, once
17 we apply the setback requirements, 10 feet from the
18 street frontage, three feet from any adjoining
19 property, that remainder is a deck area, and it
20 brings the deck area number down to 1900 square
21 feet, which when we subdivide it into four for four
22 private decks for units four through eight, it is
23 475 square feet per unit.

24 If you wish, I have copies of that
25 revised plan that I could distribute. If not, I

1 will just keep them for now.

2 MR. MATULE: Why don't we call that
3 A-2.

4 (Exhibit A-2 marked)

5 THE WITNESS: Okay.

6 I have a large version of A-2, and I
7 have handouts.

8 MR. MATULE: So let's call the large
9 one A-2, and we'll hand those out to the Board
10 members, and that is replacing then Sheet Z-9?

11 THE WITNESS: Exactly.

12 Yes, it's the same sheet. It's just
13 updated, and perhaps the pertinent information just
14 for a quick reference would be the roof combination
15 directly above -- I'm sorry --

16 CHAIRMAN HOLTZMAN: Mr. Roberts, is
17 what Mr. Kelly just told us in keeping with what
18 your understanding is and what the position is of
19 the administration?

20 MR. ROBERTS: That is correct.

21 CHAIRMAN HOLTZMAN: Mr. Doyle, are you
22 in agreement with that?

23 I know this has often been a concern of
24 yours as well.

25 COMMISSIONER DOYLE: Yes, I am.

1 CHAIRMAN HOLTZMAN: Everybody is on the
2 same page for tonight.

3 COMMISSIONER DOYLE: Yes. Save some
4 time.

5 CHAIRMAN HOLTZMAN: That's great.
6 Wonderful.

7 Thank you, Mr. Kelly.

8 THE WITNESS: Thank you.

9 MR. MATULE: We're trying to be
10 proactive.

11 THE REPORTER: Mr. Kelly, can you just
12 slow down a little?

13 THE WITNESS: Absolutely. I apologize.
14 I'm just so eager.

15 (Laughter)

16 MR. GALVIN: I would say don't take
17 longer, though.

18 THE WITNESS: But it isn't that I don't
19 want to keep anybody here, so I'm trying to get it
20 all out at once.

21 COMMISSIONER DOYLE: Just skip every
22 third word.

23 THE WITNESS: Yes.

24 MR. MATULE: So, you were saying?

25 (Laughter)

1 THE WITNESS: Yes.

2 Okay. So I just described the roof
3 coverage and the landscaping on the upper roof.

4 The entire upper roof and also the rear
5 yard area will drain into a stormwater detention
6 tank, which is proposed beneath the first floor
7 parking spot.

8 The intent was to have a stormwater
9 management report and calculations ready.
10 Unfortunately, it wasn't ready on time.

11 We do, however, have a letter from our
12 civil engineer indicating that the report is
13 underway, and that based on preliminary numbers, we
14 will absolutely meet and exceed the requirements of
15 RSIS and NHSA, and we have the letter, if anybody
16 wants to see it.

17 CHAIRMAN HOLTZMAN: I am sure Mr.
18 Hipolit would like to see the letter.

19 MR. HIPOLIT: Yes.

20 THE WITNESS: Do you want it right now?

21 MR. MATULE: I believe I sent it to Mr.
22 Hipolit.

23 MR. HIPOLIT: I will look.

24 MR. MATULE: I will check my notes.

25 THE WITNESS: Okay.

1 Also, the property is within the flood
2 plain, and so we have to, you know, meet our flood
3 mitigation requirements. We have submitted drawings
4 to the Flood Plain Administrator.

5 So what we are doing is we are wet
6 flood proofing the entire first floor. It has a
7 footprint of 4500 square feet, so our vent
8 requirements are a 24 foot fence, and we are
9 providing them in six groups of four vents, you
10 know, flood vents.

11 We have three in the front and three in
12 the rear, and I can show them on the front facade
13 when we get to that.

14 So also, in addition to the green
15 roofs, and in addition to the stormwater detention
16 tank and the landscaping, we are providing a number
17 of green features. We are providing car charging
18 stations. We are providing high energy appliances,
19 high efficiency glazing, and closed cell insulation.

20 So at that point, I would like to talk
21 about the exterior design.

22 MR. MATULE: All right. So this is a
23 rendering. We are going to mark this as A-3.

24 THE WITNESS: Yes. It's an exterior
25 street rendering.

1 (Exhibit A-3 marked)

2 MR. MATULE: Thank you.

3 So just take the Board through that.

4 THE WITNESS: Okay.

5 So in terms of the facade design, it is
6 clearly a contemporary design, which has a limited
7 color pallet. The primary material is an off-white
8 glazed brick.

9 Incidentally, we would like to mark
10 this. This is a materials board.

11 MR. MATULE: I am going to mark that
12 A-4.

13 (Exhibit A-4 marked)

14 THE WITNESS: So the primary material
15 is an off-white brick that we have arranged in a
16 staggered pattern of vertical piers and horizontal
17 bands to create a herringbone effect, and that
18 herringbone pattern acts as the framework for the
19 whole composition.

20 Set into that, we are proposing four
21 small projecting bays. They are seven feet wide,
22 and they project two feet.

23 There is also an awning proposed over
24 the entry way, an entry canopy, as well as a cornice
25 projection. So obviously, any item projecting on

1 the property line is subject to a grant of agreement
2 and City Council approval. That would be the
3 cornice, the bays, the awning, and the planters.

4 The other materials would be -- the
5 bays are light faux zinc. The rest of the darker
6 metal that you see, which are these infill panels
7 and also the window frames are a dark faux zinc.

8 THE REPORTER: What are you saying,
9 faux zinc?

10 THE WITNESS: F-a-u-x zinc.

11 MR. GALVIN: She knew, but she wanted
12 to slow you down.

13 (Laughter)

14 CHAIRMAN HOLTZMAN: Hang on a second
15 there, Mr. Kelly.

16 Mr. Magaletta?

17 VICE CHAIR MAGALETTA: Yes.

18 For the door, the door leading to the
19 garage, not the garage door, but more in front of
20 car number one, what is that material?

21 THE WITNESS: The door?

22 VICE CHAIR MAGALETTA: The actual door.

23 THE WITNESS: The actual -- I'm sorry,
24 here?

25 VICE CHAIR MAGALETTA: No, no. The

1 other end. Keep going north -- no, no --

2 THE WITNESS: This?

3 VICE CHAIR MAGALETTA: -- there is a
4 door right there.

5 THE WITNESS: This?

6 VICE CHAIR MAGALETTA: Yes.

7 That door, what is that, glass or --

8 THE WITNESS: It is glass.

9 VICE CHAIR MAGALETTA: It is glass.

10 Okay.

11 THE WITNESS: Yes.

12 VICE CHAIR MAGALETTA: It says a glazed
13 metal, so I wasn't sure --

14 THE WITNESS: Oh, I'm sorry. Perhaps
15 the arrow is pointed -- if you are reading that from
16 a label on the plan, perhaps it pointed to a
17 wrong -- glazed -- yeah, it is a mistake. I mean,
18 you have glazing, and you have metal infill panels.
19 Obviously the glazing itself has a metal exterior
20 frame.

21 VICE CHAIR MAGALETTA: The question --
22 I'll ask you now as opposed to later.

23 If somebody is coming out of the
24 driveway, if someone's exiting the building in a
25 car, and they open the garage door, will they be

1 able to look through that door, through the glass in
2 the door to see if there is a pedestrian coming?

3 THE WITNESS: This is perhaps best --

4 VICE CHAIR MAGALETTA: Z-6 is a good
5 way to look at it. It's a good clean --

6 THE WITNESS: Okay.

7 VICE CHAIR MAGALETTA: In that door
8 right there, that's glass --

9 THE WITNESS: Yes. Just to clarify,
10 there is no door next to the garage door. It is a
11 solid panel.

12 VICE CHAIR MAGALETTA: Okay.

13 THE WITNESS: Okay?

14 Now, will you be able to see through
15 it?

16 Generally speaking, that glazing at
17 street level is tinted glazing. It's darkened, and
18 it's reflective from the street side, but you can
19 see through it from the interior.

20 VICE CHAIR MAGALETTA: Okay. So a
21 driver leaving the building can look through that
22 glass and possibly see a pedestrian walking by?

23 THE WITNESS: Absolutely.

24 VICE CHAIR MAGALETTA: That was all of
25 my questions.

1 Thank you.

2 THE WITNESS: Hum --

3 VICE CHAIR MAGALETTA: So you were
4 going to discuss the design of the rear of the
5 building.

6 THE WITNESS: Yes.

7 MR. MATULE: While you are on that
8 front of the building, are you going to have the
9 usual LED lights around the garage?

10 THE WITNESS: Yes. We are going to
11 have an LED strip in the sidewalk at the garage
12 threshold, and we also have an overhead flashing
13 pedestrian warning light.

14 MR. MATULE: Okay.

15 THE WITNESS: The rear facade continues
16 with the herringbone pattern, but in a different
17 material pallet. It is an anodized aluminum panel,
18 lighter and darker panel to create a very
19 herringbone effect --

20 CHAIRMAN HOLTZMAN: Mr. Kelly --

21 THE WITNESS: Yes.

22 CHAIRMAN HOLTZMAN: -- can you face us?

23 THE WITNESS: Sure.

24 CHAIRMAN HOLTZMAN: That would be
25 easier.

1 Thanks.

2 (Laughter)

3 THE WITNESS: -- lighter and darker
4 aluminum, again in the herringbone pattern. It is
5 quite a recognizable building, we believe, and it
6 should be so from the rear as well as the front.
7 Oftentimes, the rear facade is very generic, but in
8 this case we wanted it to be recognized.

9 This is a northern site elevation.
10 This is the portion of the building that you see
11 over the adjoining building to the north, and again,
12 that is a continuation of the anodized panels.

13 CHAIRMAN HOLTZMAN: Mr. Kelly, did your
14 office prepare sort of the outline of the building
15 shadow line that we requested?

16 THE WITNESS: No.

17 MR. ROBERTS: In this one, Mr.
18 Chairman, because it was a whole square, all
19 layout -- there is no differential, except for the
20 bay windows that project over the --

21 CHAIRMAN HOLTZMAN: Well, that was
22 exactly where I was going, Dave.

23 MR. ROBERTS: Okay.

24 CHAIRMAN HOLTZMAN: So what we asked
25 for from all of the applications is basically a

1 black and white kind of shadow line of the building
2 to see the outer edge of the building, and while you
3 cover 60 percent of the lot on your property --

4 THE WITNESS: Yes.

5 CHAIRMAN HOLTZMAN: -- you also come
6 and cover some of our property in the public
7 right-of-way with the bays.

8 Are there four bays?

9 Can we just go back to that rendering?

10 THE WITNESS: Yes, there are four bays.

11 CHAIRMAN HOLTZMAN: And these bays
12 project two feet?

13 THE WITNESS: Two feet.

14 CHAIRMAN HOLTZMAN: Okay.

15 As you know, Director Forbes needs to
16 then take this issue to the City Council always for
17 approval, and while everybody likes the idea of
18 certainly a nicely designed articulated front of the
19 building, there has always been some heated
20 discussion about how much of the right-of-way a
21 private property owner should take.

22 And I think it was on the previous
23 application, as opposed to a two foot bay, they had
24 reduced it to a one foot bay, and very often the
25 developer, as a good faith community neighborhood

1 attempt to balance the equation here of taking our
2 right-of-way, put something on the table to make
3 Director Forbes' job a little easier to sell to the
4 City Council.

5 Do we have anything along those lines?

6 Mr. Doyle?

7 COMMISSIONER DOYLE: Before you answer
8 that question, we have also seen not relatively
9 recently, but this is a 75 foot frontage, which is,
10 you know --

11 THE WITNESS: Yes.

12 COMMISSIONER DOYLE: -- we have seen
13 where the building was actually moved back two feet,
14 because you got plenty of distance in the back. If
15 there was a two foot setback, then you would, I
16 suspect, maybe your awning -- your front door might
17 still project more than two feet, but I don't know
18 architecturally whether the line on the street would
19 be -- I know the ordinance allows a building that is
20 50 feet or wider to not have to match up with the
21 line with the other buildings, so --

22 CHAIRMAN HOLTZMAN: Right.

23 So to further that, so basically the
24 bays would then be -- the outer most edge of the
25 bays would be at the property line, which then also

1 kind of has an interesting effect that then the
2 planters that they would have would then be on their
3 property as well.

4 It does definitely change in this case
5 if they were to move everything back two feet, it
6 changes the back of the building --

7 COMMISSIONER DOYLE: Or a foot if you
8 were --

9 CHAIRMAN HOLTZMAN: -- or a foot,
10 because in this case --

11 COMMISSIONER PINCHEVSKY: Would that
12 mean --

13 CHAIRMAN HOLTZMAN: -- let's wait till
14 we get it all out on the table before we, you
15 know --

16 MR. MATULE: Yes.

17 CHAIRMAN HOLTZMAN: -- so in this
18 case -- in this case, if they moved the building
19 back a foot or two, it then does not match up with
20 the building that is next to it, and goes a little
21 bit further into the donut hole.

22 So all of these are fair possibilities
23 and fair trade-offs. I just think we need to think
24 through which is the, you know, potentially better
25 solutions.

1 COMMISSIONER PINCHEVSKY: At that
2 point --

3 CHAIRMAN HOLTZMAN: Mr. Pinchevsky?

4 COMMISSIONER PINCHEVSKY: -- I think
5 you answered my question.

6 I was asking whether or not the back
7 would also shift the two foot. In that case then it
8 would require --

9 CHAIRMAN HOLTZMAN: A backyard.

10 COMMISSIONER PINCHEVSKY: -- no, a 60
11 percent lot coverage variance, right?

12 CHAIRMAN HOLTZMAN: No.

13 COMMISSIONER PINCHEVSKY: Why is that?

14 CHAIRMAN HOLTZMAN: Hold on.

15 No, because what they would
16 basically -- well, actually it would --

17 MR. MATULE: The bays create lot
18 coverage --

19 COMMISISONER PINCHEVSKY: Yeah --

20 MR. MATULE: -- if I might also just
21 remind the Board or point out that that 175 foot
22 building to our south has an existing fence line
23 that is out from the building, and there are also
24 bays on it. So it sort of established, if you will,
25 a pattern on that street.

1 We can certainly deviate from it, but
2 this is not like we have a bare sheet of paper, and
3 we are going to be the first one to be doing this.

4 We sort of have an established fence
5 line on that street already, and everything is going
6 to be within that fence line, notwithstanding the
7 fact that it is going to be an overhang --

8 CHAIRMAN HOLTZMAN: My counter to you
9 would be that Director Forbes still needs to take it
10 and present it to the City Council each and every
11 time, so we just need to weigh what the differences
12 are.

13 Your point is taken that it is not
14 setting a precedent on the street.

15 MR. MATULE: Correct. But we will have
16 that conversation. What I was going to suggest is
17 that Mr. Kelly --

18 CHAIRMAN HOLTZMAN: Absolutely. Let's
19 get it all out there.

20 MR. MATULE: -- when Mr. Kelly's
21 testimony is done, while Mr. Ochab is testifying, I
22 will let him explore the variables with the
23 applicant --

24 CHAIRMAN HOLTZMAN: Excellent.

25 MR. MATULE: -- and report back.

1 CHAIRMAN HOLTZMAN: Great.

2 COMMISSIONER DOYLE: I do think that
3 Mr. Pinchevsky makes a good point, that it probably
4 would be about a foot difference in the depth, if
5 you are taking into consideration the two foot --
6 you know, the square footage of the projections,
7 your 60 percent lot coverage would be ever so
8 slight --

9 MR. MATULE: Yes.

10 I think the bays are -- how wide are
11 the bays?

12 THE WITNESS: Seven feet.

13 MR. MATULE: So they're seven feet by
14 two feet --

15 COMMISSIONER DOYLE: Times four --

16 MR. MATULE: -- 14 times --

17 COMMISSIONER DOYLE: -- yeah, I suspect
18 it will be --

19 COMMISSIONER FORBES: Well, it's --

20 COMMISSIONER PINCHEVSKY: Times two --

21 COMMISSIONER FORBES: -- if I may --

22 CHAIRMAN HOLTZMAN: Hang on.

23 Director Forbes?

24 COMMISSIONER FORBES: -- it is on two
25 levels -- that may be four bays, but it is on two

1 levels -- but each bay is two floors --

2 MR. MATULE: But for lot coverage, we
3 are only looking at the overhead --

4 COMMISSIONER FORBES: No, no. I
5 understand.

6 But my point is: When you are getting
7 to what is the square -- it is 116 square feet of
8 additional livable space from those bays.

9 MR. MATULE: But that is not -- the
10 conversation we are having is how much additional
11 lot coverage is it --

12 COMMISSIONER DOYLE: Yeah, it would
13 only be --

14 CHAIRMAN HOLTZMAN: I think we are
15 having both discussions, but the Director makes a
16 fair point, which is: Right now as proposed there
17 is 116 square feet of livable space that is in the
18 public right-of-way.

19 COMMISSIONER FORBES: Uh-huh.

20 MR. MATULE: Versus 58 feet of lot
21 coverage.

22 CHAIRMAN HOLTZMAN: That is what we are
23 here for, Bob.

24 MR. MATULE: Well, he just has to
25 calculate --

1 MR. GALVIN: You have a catchall
2 provision in your notice --

3 MR. MATULE: Yes, I do.

4 COMMISSIONER DOYLE: It's 14 times
5 four.

6 MR. GALVIN: -- so we could do that, if
7 we want to.

8 MR. MATULE: Yes, yes --

9 CHAIRMAN HOLTZMAN: Mr. Kelly --

10 MR. MATULE: -- and we would still be
11 within the permissible rear yard.

12 CHAIRMAN HOLTZMAN: -- did you have
13 other --

14 THE WITNESS: No.

15 CHAIRMAN HOLTZMAN: Were you completed?
16 I wasn't sure.

17 I want to make sure you get it all out
18 there.

19 THE WITNESS: I got it all out.

20 Thank you.

21 COMMISSIONER PINCHEVSKY: I have a
22 question, if I may.

23 On the -- so you might have already
24 mentioned this, but on the front sidewalk, what is
25 the narrowest point?

1 THE WITNESS: Ten feet --

2 COMMISSIONER PINCHEVSKY: That's the
3 narrowest point --

4 THE WITNESS: -- between the edge of
5 the tree pit and the edge of the planter, proposed
6 planter, ten feet --

7 COMMISSIONER PINCHEVSKY: Narrowest --

8 THE WITNESS: -- at the narrowest
9 point.

10 COMMISSIONER PINCHEVSKY: Thank you.

11 MR. MATULE: And if the building is
12 moved back, will there be 12 feet?

13 THE WITNESS: Yes.

14 COMMISSIONER PINCHEVSKY: Okay.

15 CHAIRMAN HOLTZMAN: Does anyone else
16 have any additional questions for the architect?

17 We can certainly circle back with him,
18 but --

19 COMMISSIONER DOYLE: You can defer to
20 Mr. Ochab, but you mentioned there are ten existing
21 parking spaces.

22 THE WITNESS: They are not delineated.
23 It has been estimated that it has approximately ten
24 cars. I have not personally counted ten cars there,
25 but based on the size and based on an average

1 parking space of 350 square feet, the number is ten
2 parking spaces.

3 COMMISSIONER DOYLE: Okay. If Mr.
4 Ochab's report says 20 spots there -- I'm saying
5 presently --

6 THE WITNESS: Okay.

7 COMMISSIONER DOYLE: -- you know, so
8 then you -- in his report versus your report, your
9 firm's report, one says four bedrooms, and the other
10 says three bedrooms. Is that all of the units, are
11 they --

12 THE WITNESS: We have prepared an
13 interior floor plan, if you want to see it --

14 COMMISSIONER DOYLE: No, no.

15 THE WITNESS: -- I can show it to you,
16 but the unit has the capacity to lay out very well
17 as a four-bedroom unit.

18 COMMISSIONER DOYLE: Okay. So perhaps
19 yet to be determined.

20 MR. MATULE: But it could also be laid
21 out as a three-bedroom?

22 THE WITNESS: Oh, of course.

23 COMMISSIONER DOYLE: Okay. That is
24 fine.

25 And the bulkhead, I appreciate the new

1 map, you said that you would not be putting any
2 green growing media on the bulkhead --

3 THE WITNESS: Correct, yes.

4 And the thinking there is we could
5 provide it there, but if you provide it there, then
6 you also need to provide for maintenance. So you
7 have to provide a ladder and you have to provide a
8 railing.

9 My thinking is that the railing on top
10 of all of that is additional height --

11 COMMISSIONER DOYLE: That's fine.

12 Thank you.

13 That's it for me.

14 CHAIRMAN HOLTZMAN: Thank you.

15 Dave, did you have any outstanding
16 issues?

17 I know there was a concern. I don't
18 know that there still is, with regard to the depth
19 or percentage of the backyard?

20 MR. ROBERTS: Not at this point I don't
21 think, Mr. Chairman. I think really the only
22 variance still that we could find was the height --

23 CHAIRMAN HOLTZMAN: Okay.

24 MR. ROBERTS: -- so I think Mr.
25 Pinchevsky's point is well taken in terms of sliding

1 the building back, then you might have an issue with
2 coverage. But otherwise, I think this was actually
3 pretty clear.

4 CHAIRMAN HOLTZMAN: Mr. Hipolit, I know
5 we had a couple of things outstanding from the
6 previous meeting.

7 The gas meters, obviously they have
8 that relocated into the second floor.

9 MR. HIPOLIT: Correct.

10 CHAIRMAN HOLTZMAN: Sound enclosure for
11 the generator, testing schedule, that type of
12 regular standard stuff --

13 MR. HIPOLIT: Correct.

14 CHAIRMAN HOLTZMAN: -- and then also
15 were we waiting on and did we ever receive a Phase I
16 report on this property?

17 MR. HIPOLIT: We did. We received a
18 Phase I, which Joe from my office reviewed. It is
19 just generic historic fill --

20 CHAIRMAN HOLTZMAN: Okay.

21 MR. HIPOLIT: -- and any issues they
22 have, they're -- it is standard, so we can put the
23 standard language in that, you know, their LSRP or
24 their environmental professional can just do what he
25 has to do prior to any building permits being

1 issued.

2 CHAIRMAN HOLTZMAN: Okay.

3 So is that something we should add as a
4 condition?

5 MR. HIPOLIT: I think we should always
6 add that condition.

7 MR. GALVIN: What is that?

8 MR. HIPOLIT: You know, they have their
9 site -- either an LSRP or their environmental
10 professional should be at least engaged, because the
11 site does have historic fill on it, so any fill that
12 is removed from the property has to be removed as
13 contaminated or impacted or --

14 MR. MATULE: We would comply with
15 whatever the applicable regulations are regarding
16 historic fill.

17 MR. HIPOLIT: Perfect.

18 CHAIRMAN HOLTZMAN: Okay. Great.

19 MR. HIPOLIT: I still also need in my
20 letter, comment 17, they still need to submit the
21 actual stormwater report. They submitted a
22 letter --

23 CHAIRMAN HOLTZMAN: That they are
24 working on it.

25 MR. HIPOLIT: -- that they are going to

1 give it to us. They submitted a letter to exceed
2 RSIS and North Hudson, but we don't have the report.

3 CHAIRMAN HOLTZMAN: Mr. Kelly, do we
4 have any idea what is keeping this?

5 Is there any trouble?

6 THE WITNESS: Well, it just hasn't been
7 completed. I know it is in the works. I don't know
8 exactly the reason for the delay --

9 CHAIRMAN HOLTZMAN: Okay.

10 THE WITNESS: -- nor do I know exactly
11 when it will be done, but it will be done post
12 haste.

13 CHAIRMAN HOLTZMAN: We are not
14 anticipating that it's some unknown problem?

15 THE WITNESS: No, no problem at all.

16 MR. HIPOLIT: It shouldn't be.

17 CHAIRMAN HOLTZMAN: It shouldn't be?

18 MR. GALVIN: What is it that they are
19 providing?

20 MR. HIPOLIT: They need to provide the
21 actual stormwater report, the design --

22 CHAIRMAN HOLTZMAN: Stormwater
23 calculations.

24 And do we have an idea as to how this
25 is going to shake out in terms of its size relative

1 to the requirement?

2 THE WITNESS: Well, the goal is always
3 to provide double the capacity. He has said that he
4 will meet and exceed. That was his wording.

5 CHAIRMAN HOLTZMAN: You know, when Mr.
6 Minervini has come before us, he has sometimes
7 gotten us eight times, and he said it so many times
8 that --

9 THE WITNESS: Well, that man works
10 miracles. I can't. I don't know how he does it.

11 (Laughter)

12 CHAIRMAN HOLTZMAN: That is why he is
13 still the big boss, right?

14 THE WITNESS: That is why he earns the
15 big bucks.

16 MR. ROBERTS: Are you getting all of
17 that down, Phyllis?

18 THE REPORTER: Yes.

19 (Laughter)

20 COMMISSIONER DOYLE: How many, two?

21 CHAIRMAN HOLTZMAN: Minimum of two is
22 what Mr. Kelly is saying.

23 MR. GALVIN: And somehow it won't be in
24 there, unless he's going to work a miracle.

25 CHAIRMAN HOLTZMAN: Well, okay.

1 Are there members of the public that
2 have any questions for the architect at this time?

3 No, no members of the public.

4 Okay, Mr. Matule?

5 MR. MATULE: I have a question before
6 we start with Mr. Ochab, but just something Mr.
7 Kelly could bear in mind perhaps when he's
8 discussing sliding the building back with the
9 client.

10 My recollection is when we did this
11 with the Nike Swish building up on 7th and
12 Jefferson, there was a determination made that
13 because the portion of the building was still
14 touching the front property line, we satisfied the
15 zero front yard setback, and that we did not need a
16 variance, even though there were portions of the
17 building that were set back.

18 CHAIRMAN HOLTZMAN: What is your
19 concern here?

20 MR. MATULE: Well, my point is that if
21 we slide the building back --

22 CHAIRMAN HOLTZMAN: Is the planter
23 that's in the front --

24 MR. MATULE: The planters are going to
25 be at zero lot line and on a vertical plane. Our

1 bays will be on zero lot line, so I don't know that
2 we need the variance is all I'm talking about --

3 MR. GALVIN: Not for that, but you need
4 building coverage that you already figured out.

5 MR. MATULE: Well, the building
6 coverage we definitely need --

7 CHAIRMAN HOLTZMAN: Hang on one second.

8 Jim?

9 COMMISSIONER DOYLE: The ordinance was
10 changed, so you don't need a variance -- you have
11 flexibility. You can go back almost ten feet, if
12 you have 75 feet of frontage, so you are okay on
13 that as far as the variance.

14 CHAIRMAN HOLTZMAN: Okay. Great.

15 MR. MATULE: Okay. All right.

16 So I will have Mr. Ochab come up.

17 CHAIRMAN HOLTZMAN: Ms. Graham, did you
18 want to say something?

19 COMMISSIONER GRAHAM: No.

20 CHAIRMAN HOLTZMAN: I'm sorry.

21 Director?

22 Good.

23 THE WITNESS: Thank you.

24 (Witness excused)

25 MR. MATULE: Mr. Ochab.

1 CHAIRMAN HOLTZMAN: Mr. Ochab, good
2 evening.

3 MR. GALVIN: Please raise your right
4 hand.

5 Do you swear or affirm the testimony
6 you are about to give in this matter is the truth,
7 the whole truth, and nothing but the truth?

8 MR. OCHAB: Yes, I do.

9 K E N N E T H O C H A B, having been duly sworn,
10 testified as follows:

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

13 THE WITNESS: Ken Ochab, O-c-h-a-b.

14 MR. GALVIN: Mr. Chairman, do we accept
15 Mr. Ochab's credentials?

16 CHAIRMAN HOLTZMAN: Yes.

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

20 THE WITNESS: Yes, I am.

21 MR. MATULE: And you are familiar with
22 this project and the surrounding area?

23 THE WITNESS: Yes, I am.

24 MR. MATULE: And you prepared a
25 planner's report, dated January 17th, in support of

1 the requested variance relief?

2 THE WITNESS: I did.

3 MR. MATULE: And you also heard the
4 current testimony that we might need some additional
5 lot coverage to accommodate our faux bays?

6 THE WITNESS: I did hear that.

7 MR. MATULE: So could you give us your
8 professional opinion?

9 Go through your report and give us your
10 professional opinion regarding the height variance
11 the applicant is requesting.

12 THE WITNESS: Okay.

13 So we are in the R-3 zone. Very
14 quickly, and the proposal that you see in front of
15 you meets all of the zoning criteria with respect to
16 the R-3, except for the height. We exceed the
17 height by 1.5 feet. Where we are allowed 40 feet
18 above DFE, we are 41.5 feet above DFE.

19 All other aspects of the zoning are met
20 with respect to density and setbacks and the like,
21 and the only probable issue here is whether or not
22 we would exceed the lot coverage by the extra square
23 footage, if we moved the building back.

24 As far as the lot coverage is
25 concerned -- as far as the height is concerned,

1 first of all, let's go through the photographs here.

2 MR. MATULE: I will mark this A-5.

3 (Exhibit A-5 marked)

4 MR. MATULE: Describe what it is for
5 the record.

6 THE WITNESS: These were photographs
7 that were taken by me. They are photographs that
8 are in the report.

9 The upper photograph is a photograph of
10 the site.

11 The northern half of the site has the
12 parking lot in it. It is an unorganized half paved,
13 half stone, half rubbish area. I sort of
14 anticipated 20 spaces. Mr. Kelly said 10. There
15 are probably ten cars parked there, but probably
16 room for 20 when you start squeezing them in, but
17 extremely unorganized and mostly unkept for the most
18 part, and that is the upper photograph.

19 Then the middle photograph is a
20 photograph of the south portion of the site and the
21 building to the south of us.

22 So we have this being a three-story
23 building that will be razed, r-a-z-e-d, razed, and
24 then our building will butt up against the building
25 adjacent to it, which is one, two, three, four,

1 five, six, or five over one to the south.

2 The lower photograph is a photograph of
3 the building directly across Jefferson from the
4 site. We have a seven-story building at the -- from
5 the northern end or the left side, and a five-story
6 building on the south to the right.

7 Both buildings have parking garages on
8 the lower floor, and the middle photograph for the
9 building to the south of us has parking on grade as
10 well, so that is the first board.

11 The second board, do you want to mark
12 this, too?

13 MR. MATULE: A-6.

14 (Exhibit A-6 marked)

15 MR. MATULE: Okay. Do you want to tell
16 us what that is?

17 THE WITNESS: So A-6 is again
18 photographs taken by me.

19 The upper photograph is a photograph of
20 the rear of the property, so looking back towards
21 Madison, we have a building one, two, three, four,
22 five, one, two, three, four, five over one, which is
23 a long building, about 75 feet in width.

24 We have a second building --

25 CHAIRMAN HOLTZMAN: I think we have

1 that pretty clear, Mr. Ochab.

2 THE WITNESS: So we got that.

3 The middle photograph is the back of
4 the building --

5 CHAIRMAN HOLTZMAN: I think we got all
6 of these photos of the parking lot. I think we are
7 pretty cool here.

8 (Laughter)

9 MR. GALVIN: Do you think the benefits
10 outweigh the detriments?

11 THE WITNESS: So we have a foot and a
12 half -- a reasonable foot and a half height variance
13 to sort of utilize the parking -- the space on the
14 lower floor of the parking, which is now seven and a
15 half to eight, you know, just below eight feet.

16 So a foot and a half gets us to nine
17 and a half feet of usable space, so we can use that
18 as a parking garage, and it is clearly a C-2 issue,
19 so that we can utilize the lower floor, replace at
20 least ten of the spaces that were in the parking lot
21 to begin with, and also alleviate the demand for
22 on-street parking.

23 As Mr. Kelly indicated, it will also be
24 eliminating the wide, wide curb cut that exists here
25 now, and installing at least one more space on the

1 street, so it is a definite C-2 issue.

2 There is no negative substantial
3 negative impact in my view, because we are just
4 dealing with a height variance at one and a half
5 feet, and we're matching the building to the south
6 and the building to the north about a half a story
7 higher, really of no consequence.

8 MR. MATULE: Mr. Ochab, if I might, on
9 the issue of pulling the building back two feet, can
10 you opine on a .75 percent increase in lot coverage,
11 the impact that would have on the neighborhood?

12 THE WITNESS: Well, I agree that a .75
13 impact on lot coverage will be de minimus. There is
14 certainly a benefit in pulling the building back
15 with respect to shadowing on the sidewalk.

16 And as far as the rear is concerned, we
17 have a 40 foot rear yard, so it doesn't create a
18 setback -- or create a variance in the rear yard, so
19 it is all good.

20 CHAIRMAN HOLTZMAN: Mr. Roberts, are
21 you -- I am not sure if you caught what Mr. Ochab
22 was saying, but are you in concurrence with him?

23 MR. ROBERTS: Yes. One question on the
24 justification of the height variance, though, Mr.
25 Chairman.

1 In the past we have had some indication
2 that some -- there is some benefit to some of the
3 additional height of the ground floor based on
4 handicapped vans, meaning additional height.

5 THE WITNESS: Right.

6 MR. ROBERTS: You had mentioned that
7 the -- if I heard you correctly -- that the height
8 on the ground floor would be nine and a half feet?

9 THE WITNESS: I believe so, yes.

10 MR. ROBERTS: My recollection is that
11 is not high enough for a bay. Is that correct?

12 MR. KELLY: Yeah. Eight-four is the
13 requirement for a handicapped, non accessible and
14 height --

15 THE WITNESS: So that is an
16 additional --

17 MR. ROBERTS: I just wanted to be
18 clear. I know there has been a relationship between
19 that and the additional need for the height on the
20 ground floor, which usually bumps up that extra
21 foot, so this would be handicapped and accessible
22 access --

23 MR. KELLY: It would be accessible, and
24 I apologize, I missed the testimony, but I do not
25 believe that we will have a 9-6 clear.

1 We will have 8-6 clear on that lower
2 floor. We will have enough, so it's code compliant,
3 but we will always have slab thickness and a
4 transfer between the second floor and first floor
5 parking that's going to be in excess of the standard
6 eight-inch slab, so we do need the height.

7 MR. ROBERTS: Okay.

8 So if you had -- if you were to drop
9 that building down to the conforming 40 foot
10 height --

11 MR. KELLY: Exactly. We could not have
12 a parking deck.

13 MR. ROBERTS: I just wanted to make
14 sure that was clear.

15 CHAIRMAN HOLTZMAN: So the parking in
16 this building on the grade level accommodates a
17 handicapped van. Is that correct?

18 MR. ROBERTS: That is what I am
19 hearing, Mr. Chairman.

20 CHAIRMAN HOLTZMAN: And that is at
21 eight feet six inches of height, of clearance?

22 MR. MATULE: Clear space.

23 CHAIRMAN HOLTZMAN: Right?

24 MR. HIPOLIT: It sounds right, but I
25 mean I'll verify it, but that sounds right.

1 CHAIRMAN HOLTZMAN: Okay.

2 MR. ROBERTS: It's just I thought I had
3 remembered a different height on previous
4 applications, Mr. Chairman, and I just wanted to
5 make sure.

6 CHAIRMAN HOLTZMAN: So did I, and I
7 thought somebody talked us into ten or 12 feet,
8 so I'm not --

9 VICE CHAIR MAGALETTA: I think that was
10 Lee Levine in his application. He's an architect.
11 I think it was eight and a half feet, which is my
12 recollection.

13 CHAIRMAN HOLTZMAN: Eight and a half,
14 so we are in the right zone.

15 Mr. Pinchevsky?

16 COMMISSIONER PINCHEVSKY: Thank you.

17 Generally I like this application,
18 so -- but I wanted to comment on the benefit that
19 you mentioned in your letter being the -- and I'll
20 quote: This variance provides for off-street
21 parking for ten vehicles inclusive of one
22 handicapped space.

23 And you just mentioned, you know, you
24 just mentioned that it's replacing a lot that has at
25 least ten or more spots.

1 So I mean, I guess I view that as
2 adding more cars to the street because these ten --
3 these ten -- tenants of these parking spots are now
4 going to have to go elsewhere. They are not going
5 to be parking in the building because you are now
6 introducing eight more units that will be utilizing
7 those spots.

8 So I just -- I bring this up because I
9 don't agree with the fact that this is a benefit in
10 this specific -- the way you are laying it out, so I
11 was hoping maybe you could provide an additional
12 benefit that could be used to offset the detriment
13 of the variance request.

14 THE WITNESS: Well, the argument that
15 is made here is that, yes, we are not -- we are not
16 offering spaces to the people who are parking in the
17 lot now.

18 CHAIRMAN HOLTZMAN: Or should they
19 choose to buy an apartment here, they will.

20 THE WITNESS: Well, if they do, that is
21 correct, but it's not automatic.

22 But there would be a demand for spaces
23 with construction of eight units, and I say that
24 here a little bit -- it is a little bit unique here
25 because there is a lot of garages on the street and

1 a lot of off-street parking, so the design for
2 off-street parking on this building is not unusual
3 with respect to what is happening on the street on
4 Jefferson at this location.

5 So there would be some demand for
6 off-street parking. We would provide that demand,
7 and that would relieve additional stress or an
8 additional demand for parking on the street.

9 In addition, we would be removing, like
10 I said, the wide curb cut, which would in addition
11 to that create one -- at least one on-street parking
12 space on Jefferson.

13 COMMISSIONER PINCHEVSKY: You are
14 relieving the added stress for parking that is being
15 created by the additional units that are being
16 built --

17 THE WITNESS: Correct.

18 COMMISSIONER PINCHEVSKY: -- and you
19 are also adding one outside -- one spot on the
20 street.

21 However, you are adding to the demand
22 in terms of the folks, assuming that they don't buy
23 a unit there, which is an assumption, but they are
24 essentially going to have to go elsewhere to park on
25 the street.

1 THE WITNESS: Understood.

2 There are two things at play here.

3 There's the fact that in terms of density, we are
4 actually below the allowable density, which is, you
5 know, unusual to be honest.

6 And the other factor here is that now
7 that we have flood elevation heights, we have to put
8 the building at flood elevation heights, there is
9 this issue as to what to do with the ground floor,
10 which if we don't have sufficient height becomes
11 this space of storage and sort of half floor
12 scenarios in terms of how to utilize that space.

13 So here we have the opportunity to just
14 raise the building a foot and a half, provide a use,
15 which is compatible and accessory to the building
16 and the occupants, and that is the argument being
17 made.

18 COMMISSIONER PINCHEVSKY: Okay.

19 CHAIRMAN HOLTZMAN: So there is no
20 question the elephant in the room that I think you
21 want, Mr. Ochab, to say out loud is that they are
22 increasing the density, so there is a potential for
23 more cars, so we can't kind of -- where -- you can't
24 use his reason for both ways, and --

25 MR. MATULE: Well --

1 CHAIRMAN HOLTZMAN: -- that is fine.

2 But Mr. Peene has something to offer
3 from --

4 COMMISSIONER PEENE: Yes.

5 I am citing a Tweet by Councilman
6 Bhalla last week, not the one you are thinking of,
7 but he had stated that: Our municipal garages are
8 under capacity and under utilized --

9 MR. GALVIN: So we do have --

10 COMMISSIONER PEENE: -- and I think,
11 you know, parking is an option here, if you are
12 willing to walk --

13 CHAIRMAN HOLTZMAN: Okay. So let's
14 keep moving.

15 MR. MATULE: I would also like to point
16 out that whether we build this building with or
17 without parking, whoever is currently -- and my
18 client tells me there is only three people parking
19 there at this time -- but whoever is parking on that
20 site now would have to leave the site --

21 CHAIRMAN HOLTZMAN: Anyway.

22 MR. MATULE: -- either way --

23 CHAIRMAN HOLTZMAN: -- either way.

24 MR. MATULE: So I think the fact that
25 we are creating ten off-street parking spaces in the

1 grand scheme of things is a positive benefit.

2 That is all I am suggesting.

3 CHAIRMAN HOLTZMAN: Does Mr. Kelly want
4 to -- oh, I'm sorry.

5 Are there any other --

6 COMMISSIONER PINCHEVSKY: I have one
7 other question --

8 CHAIRMAN HOLTZMAN: Sure. Go ahead.

9 COMMISSIONER PINCHEVSKY: -- and I
10 don't know if this is for the planner or not.

11 But are these -- I am assuming is the
12 plan for these to be rental or condo?

13 MR. MATULE: The plan is for them to be
14 a condo, market conditions permitting.

15 COMMISSIONER PINCHEVSKY: Okay.

16 And then -- and then would these ten
17 spots, assuming it ends up being ten spots, or if
18 it's nine spots, whatever, would they be assigned to
19 residents of the building, deeded or somehow
20 assigned and therefore not -- I want to make sure
21 they are not being rented out to folks outside of
22 the building.

23 MR. MATULE: My understanding is that
24 they would be sold to the purchasers of the units in
25 the building.

1 I know in the past, this Board has put
2 in conditions that they could not be rented out to
3 people who didn't reside in the building, and I
4 don't think we would have any objections to a
5 condition --

6 CHAIRMAN HOLTZMAN: To keep the traffic
7 volume down, right.

8 MR. MATULE: -- and if I might just
9 while we are talking about it, Mr. Kelly did consult
10 with the client --

11 CHAIRMAN HOLTZMAN: Well, let's see if
12 there are any additional questions for Mr. Ochab
13 with regard to the planner's report.

14 No.

15 Are there any members of the public
16 that have any questions for the planner?

17 No. Okay.

18 (Witness excused)

19 Mr. Matule, Mr. Kelly wants to circle
20 back at us.

21 MR. MATULE: To address the Board's
22 concern --

23 CHAIRMAN HOLTZMAN: Sure.

24 MR. MATULE: -- we would amend the
25 application to pull the entire building back two

1 feet, so that our planters, the front edge of our
2 planters would be on the property line, and the rest
3 of the face of the building would be set back two
4 feet.

5 We would then have a 38-foot deep rear
6 yard, rather than a 40-foot deep rear yard, and our
7 lot coverage would be 60.75 percent with the
8 additional --

9 CHAIRMAN HOLTZMAN: So the planters and
10 bay align, so that the planters would be at the
11 property line and --

12 MR. KELLY: What we would do is the
13 planters are currently two foot six, but that is to
14 keep in line with the -- or the existing line to the
15 south, so what we would suggest is that the planter
16 depth gets reduced to two feet in line with the edge
17 of the bay, in line with any projection, including
18 the awning and the cornice, so that nothing projects
19 beyond the front face of the property.

20 CHAIRMAN HOLTZMAN: Director Forbes?

21 COMMISSIONER FORBES: That sounds
22 great.

23 CHAIRMAN HOLTZMAN: That sounds great.
24 I like that comment.

25 (Laughter)

1 COMMISSIONER DOYLE: If I could ask, I
2 mean, as you did the math, the .75, I mean, so you
3 are seeking a variance for 60.75 lot coverage rather
4 than just taking the building back nine inches and
5 have a 60 percent lot coverage, which includes
6 the -- do you follow me?

7 MR. MATULE: No.

8 The building without any projections is
9 60 percent lot coverage.

10 Are you talking about reducing --

11 COMMISSIONER DOYLE: I'm saying if you
12 pull it back two feet instead of moving the whole
13 building back two foot, move it back one foot three
14 inches, and then you won't need a variance for above
15 60 percent lot coverage.

16 MR. KELLY: Well, keep the rear wall
17 where it is?

18 MR. MATULE: No. I am not following
19 you.

20 COMMISSIONER DOYLE: So you have a
21 projection that is seven by --

22 MR. MATULE: Two.

23 CHAIRMAN HOLTZMAN: Two.

24 COMMISSIONER DOYLE: -- two, so you
25 have four of them, so that's 14 times 4 is 56 square

1 feet --

2 MR. MATULE: 56 square feet.

3 COMMISSIONER DOYLE: -- that is
4 current -- that would stick out over your lot.

5 If you move it back, and you take that
6 56 square feet and the back of the building, if you
7 subtract nine inches, now you have a lot coverage of
8 60 percent exactly, rather than 60.74, and you
9 wouldn't need a variance. You would just have 60
10 percent lot coverage.

11 I mean nine inches is what you're --

12 MR. MATULE: Well, I think the fact
13 frankly that we are pulling the building back two
14 feet and keeping everything within the property
15 lines, and I think a .75 percent lot coverage
16 variance is really de minimus to redesign the
17 building --

18 CHAIRMAN HOLTZMAN: As opposed to the
19 .75, which nobody understands, tell me in actual
20 terms, what does it mean to the back of the
21 building?

22 Can you show us on one of the plans,
23 Mr. Kelly?

24 MR. KELLY: Yeah. But if I understand
25 it correctly, I mean, this is as good a plan as any.

1 This front wall is set back two feet, but this rear
2 wall moves forward by nine inches from that two foot
3 mark, I mean.

4 COMMISSIONER DOYLE: Yes.

5 THE WITNESS: So that the overall
6 square footage doesn't increase, and you are still
7 at your 60 percent lot coverage.

8 COMMISSIONER DOYLE: Yes.

9 THE WITNESS: And I think what
10 Commissioner Doyle is saying is that overall that
11 wouldn't be a detriment to the unit side. I don't
12 know how my client would feel about it.

13 CHAIRMAN HOLTZMAN: How does it affect
14 the lineup of the back of the building?

15 Is the back of the building staying
16 exactly where it is in Jim's proposal?

17 THE WITNESS: It would mean now that
18 the back of the building would be 1.3 inches beyond
19 the rear wall of the building to the south.

20 CHAIRMAN HOLTZMAN: As opposed to two
21 foot or as opposed to lining up the way it was
22 originally proposed?

23 THE WITNESS: Correct.

24 CHAIRMAN HOLTZMAN: Okay.

25 Any other questions?

1 COMMISSIONER PINCHEVSKY: The back of
2 the building currently in the current proposal for
3 the two foot shift or the one foot three inch shift,
4 it already exceeds the neighboring building, right,
5 because --

6 MR. KELLY: It --

7 COMMISSIONER PINCHEVSKY: -- the
8 neighboring building to the north --

9 MR. KELLY: -- to the north?

10 COMMISSIONER PINCHEVSKY: Yeah.

11 MR. KELLY: And what we are talking
12 about is the building to the south, which is --

13 COMMISSIONER PINCHEVSKY: Lined up
14 exactly --

15 MR. KELLY: -- the 60 foot line.

16 The building to the north is not 60
17 feet deep.

18 COMMISSIONER PINCHEVSKY: Correct. It
19 was like 50 I think, right?

20 So if we shift it one foot three inches
21 or we shift it two feet, it is going to no longer
22 align with the southern neighboring building?

23 MR. KELLY: Correct.

24 CHAIRMAN HOLTZMAN: It will be further.

25 MR. GALVIN: That doesn't require a

1 variance.

2 COMMISSIONER PINCHEVSKY: That does not
3 require a variance.

4 Sure. I think we were just mentioning
5 that for clarification.

6 COMMISSIONER DOYLE: Well, it would
7 require a variance for that two feet because they're
8 at 60.74 --

9 MR. GALVIN: That is because it needs a
10 lot coverage variance, but not as --

11 COMMISSIONER DOYLE: But not pointed
12 out --

13 MR. GALVIN: Right.

14 With your clarification and my
15 clarification, I think we got it.

16 (Laughter)

17 Dave says we are both right.

18 CHAIRMAN HOLTZMAN: Mr. Magaletta,
19 anything to offer?

20 VICE CHAIR MAGALETTA: I would prefer
21 you keep it 60 percent lot coverage, so you keep it
22 consistent, and you don't need a variance, but it's
23 up to you --

24 MR. KELLY: May I suggest, that rather
25 than shift the building, I feel that it is -- I

1 think it is important to keep the continuation of
2 the front and rear walls, perhaps we reduce the
3 depth of the projection maybe to one foot. If that
4 was acceptable, we could certainly do that.

5 CHAIRMAN HOLTZMAN: So the projections
6 on the front bays would be one foot?

7 MR. KELLY: Would be one foot.

8 CHAIRMAN HOLTZMAN: And then the back
9 of the building would be able to match up with the
10 buildings --

11 MR. KELLY: It would align, correct.

12 MR. GALVIN: It wouldn't change.

13 VICE CHAIR MAGALETTA: And you would
14 keep it at 60 percent.

15 CHAIRMAN HOLTZMAN: And it would be at
16 60 percent?

17 MR. KELLY: Yes.

18 COMMISSIONER PINCHEVSKY: They're
19 keeping the front line up with the property line
20 now --

21 MR. KELLY: Yes.

22 COMMISSIONER PINCHEVSKY: -- so back to
23 the original --

24 COMMISSIONER DOYLE: Except for the
25 bays --

1 COMMISSIONER PINCHEVSKY: -- so the
2 bays are being brought back --

3 MR. KELLY: The bays are being brought
4 in.

5 CHAIRMAN HOLTZMAN: So that Dennis can
6 record this, can you just kind of walk us through
7 what we just discussed there?

8 MR. KELLY: Yes.

9 The proposal would be to keep the
10 footprint of the building exactly where it is at the
11 same size and same lot coverage.

12 We are currently proposing a number of
13 projections beyond the front property line at two
14 feet. We would now suggest that we reduce that
15 projection to one foot.

16 Specifically, I am talking about the
17 bays, the cornice and the entry canopy.

18 It is up to the Board how they feel
19 about the planters, because as you know, those
20 planters currently align with an existing fence
21 line. We would be more than happy to reduce them,
22 if you felt that it was a better option.

23 CHAIRMAN HOLTZMAN: So is the front of
24 the bay at the property line, but the bay is now one
25 foot?

1 MR. KELLY: No --

2 COMMISSIONER DOYLE: No. The front of
3 the bay would now protrude one foot --

4 VICE CHAIR MAGALETTA: Instead of two.

5 COMMISSIONER DOYLE: -- and get a
6 license from the City Council for one foot, instead
7 of two feet, and it would be presumably less
8 objectionable. But the building in the front and
9 the back, but for the bays, would line up with the
10 adjacent facade.

11 MR. MATULE: And we would remain at 60
12 percent.

13 COMMISSIONER FORBES: On the Council, I
14 don't have a vote on that, but, you know --

15 MR. KELLY: The only reason I raised
16 that is because that was the solution on a previous
17 application, and if it is not the case here, but --

18 COMMISSIONER FORBES: Well, I mean, it
19 definitely, you know, 116 square feet of public
20 right-of-way to be used for livable space seems a
21 bit excessive when you are reducing that down to
22 half of that. You know, it is not something where
23 you actually are going to be able to fit that little
24 table and chairs or whatever might be in that space.

25 With that being said, I am still not

1 going to be the one that -- like I can vote here,
2 but I can't go on voting at the Council.

3 MR. MATULE: If you are thin, you can
4 stand there and look out the window --

5 (Laughter)

6 MR. KELLY: But we think all that it
7 achieves --

8 COMMISSIONER FORBES: Which is what it
9 is it. It's a bay window.

10 MR. KELLY: Really all that it achieves
11 is more from the exterior, the articulation and, you
12 know, the depth of the facade. It really doesn't
13 give you any usable space.

14 CHAIRMAN HOLTZMAN: Commissioners, what
15 do we think here?

16 Do you think those are trade-offs?

17 MS. CARCONE: Can we bifurcate it and
18 have three votes?

19 (Laughter)

20 COMMISSIONER PINCHEVSKY: We can't use
21 a -- the bay window -- I mean, they're at 60
22 percent. The application before us is at 60
23 percent, and therefore, we can't use the bay windows
24 sticking out of the public property as a justifiable
25 reason to vote one way or the other, right, like

1 that's before the City Council. That's their
2 business, or am I mistaken?

3 CHAIRMAN HOLTZMAN: You could certainly
4 use that as a reason to say no.

5 COMMISSIONER PINCHEVSKY: Okay. I
6 thought that was for City Council and not for us.

7 COMMISSIONER FORBES: No. They still
8 have to get that approval, but the issue is, you
9 know, if you're not comfortable with them using the
10 public's right-of-way --

11 CHAIRMAN HOLTZMAN: Right, that is
12 correct.

13 COMMISSIONER PINCHEVSKY: Okay. I just
14 wanted clarity.

15 Thank you.

16 CHAIRMAN HOLTZMAN: That's right.

17 COMMISSIONER GRAHAM: I just have
18 another issue.

19 CHAIRMAN HOLTZMAN: Sure.

20 COMMISSIONER GRAHAM: I mean, this
21 affects this building, but it is more of a general
22 zoning planning issue, that we seem to be doing a
23 lot of four-bedroom units around town.

24 I don't know what the zoning mandates
25 as far as -- the family -- what I am concerned about

1 is dorms, you know, for Stevens, and how we keep a
2 family, or is there anything that prevents students
3 from crowding in all of these four-bedrooms, or --
4 that is just my question, just a theoretical
5 practical question.

6 CHAIRMAN HOLTZMAN: Mr. Kelly, how does
7 this break down in terms of what the bedroom sizes
8 would be?

9 MR. KELLY: So this is how the plan is
10 currently laid out. It may vary or it may change,
11 but there are proposed four-bedrooms. The smallest
12 bedroom is ten feet wide by 15 feet deep. The
13 master bedroom being the largest is 11 feet wide by
14 22 foot six. They are big bedrooms.

15 COMMISSIONER GRAHAM: Eight students
16 could crowd in there.

17 This is nothing specific --

18 MR. MATULE: I would just point out
19 there is nothing in the ordinance --

20 COMMISSIONER GRAHAM: -- against your
21 building. It's just a larger issue in this town
22 that we really have to address, and we just seem to
23 be approving building after building with a
24 four-bedroom minimum --

25 COMMISSIONER DOYLE: Well, I would add

1 that we are going to be doing a master plan reexam
2 this year, and the fact that we are looking through
3 the build-out analysis to see what the current --

4 COMMISSIONER GRAHAM: What's happening.

5 COMMISSIONER DOYLE: -- yes. And it
6 seems that I a hundred percent agree. I was going
7 to wait until the final comments section to point
8 out what you are saying. But they could build 11
9 units that were smaller and might be less expensive
10 and might be more accessible to people of lower
11 means, but I mean, it is their prerogative --

12 COMMISSIONER GRAHAM: Right. I
13 understand that. That is why I said this is not
14 against their building.

15 MR. GALVIN: Right, because we have to
16 be careful when you have a case that has so little
17 variance relief to start to go into an element that
18 we don't regulate, so --

19 COMMISSIONER GRAHAM: I understand.

20 CHAIRMAN HOLTZMAN: Mr. Galvin, you
21 have a number of conditions there.

22 Can you read them off for us?

23 MR. GALVIN: Sure.

24 One: The applicant is to obtain city
25 approval of all encroachments within the city

1 right-of-way.

2 Two: The plan is to be revised to show
3 a one foot reduction in the building's projections
4 into the city's right-of-way except for the
5 planters.

6 CHAIRMAN HOLTZMAN: "Planters."

7 MR. GALVIN: Planters, as opposed to
8 farmers, right.

9 Three: The applicant's LSRP is to
10 supervise the removal of historic fill.

11 Four: The applicant's engineer must
12 provide the stormwater report to the Board's
13 engineer for his review and approval. The report
14 must demonstrate that the building can retain two
15 times the NHSA standard for stormwater detention.

16 COMMISSIONER DOYLE: At least two?

17 MR. HIPOLIT: I think it was at least.

18 MR. MATULE: Minimum of two times.

19 COMMISSIONER DOYLE: Well, two is two.

20 MR. GALVIN: In my view, you know, if
21 the minimum is two, you are only getting two.

22 Five: The parking spaces within the
23 building shall only be available for sale or rent by
24 individuals who live within the building.

25 MR. MATULE: Can we just go back to the

1 historic fill?

2 MR. GALVIN: Yes.

3 MR. MATULE: I think that presupposes
4 that there is historic fill there, which there
5 probably is, but we don't know that for sure, so --

6 MR. HIPOLIT: Yeah, there is.

7 MR. MATULE: -- my suggestion would be
8 that if historic fill is present, that the
9 applicant's LSRP will comply with all applicable
10 regulations regarding the removal of some or
11 something to that effect.

12 Are you okay with that?

13 MR. HIPOLIT: That's fine.

14 MR. MATULE: Thank you, Mr. Hipolit.

15 MR. GALVIN: All right.

16 In the event that the Board's engineer
17 confirms that historic fill is present, then the
18 applicant will comply with DEP regulations --

19 MR. MATULE: The applicant -- the
20 Board's engineer?

21 No. All we are saying is our Phase I
22 says there may be historic fill present on the site,
23 and all I'm --

24 MR. GALVIN: Who is going to -- you
25 have to check in with somebody. Somebody has got to

1 check it.

2 MR. MATULE: Well, what I'm suggesting,
3 there are regulations that say if you are
4 excavating, and there is historic fill, that you
5 have to dispose of it according to these
6 regulations.

7 So all I am suggesting is that if
8 historic fill is present, the applicant will comply
9 with all the applicable regulations regarding the
10 removal or disposal of same.

11 CHAIRMAN HOLTZMAN: Could they let us
12 know?

13 MR. HIPOLIT: That would be great, and
14 they will let the Board know, yes.

15 CHAIRMAN HOLTZMAN: Okay. Dennis is
16 working on the language for that.

17 I guess if the Commissioners would like
18 to move forward on it, we also need to decide if
19 somebody would like to make a motion.

20 If they would like to make a motion as
21 per the latest version that Mr. Kelly has presented
22 to us, or if there is another version that the
23 team -- we asked, and nobody wants.

24 If there are Commissioners that have
25 opinions of setting the building back at the front

1 property line, currently the offer on the table is
2 one foot projections into the public right-of-way,
3 so we need some opinions, guys.

4 MR. GALVIN: Or a motion.

5 CHAIRMAN HOLTZMAN: Or a motion.

6 COMMISSIONER PEENE: Caleb?

7 COMMISSIONER STRATTON: I will make a
8 motion that we approve the plan with one foot bays.

9 COMMISSIONER PEENE: I'll second that
10 motion.

11 CHAIRMAN HOLTZMAN: There's a second.

12 MS. CARCONE: Commissioner Magaletta?

13 VICE CHAIR MAGALETTA: Yes.

14 MS. CARCONE: Commissioner Stratton?

15 COMMISSIONER STRATTON: Yes.

16 MS. CARCONE: Commissioner Forbes?

17 COMMISSIONER FORBES: Yes.

18 MS. CARCONE: Commissioner Doyle?

19 COMMISSIONER DOYLE: Yes.

20 MS. CARCONE: Commissioner Graham?

21 COMMISSIONER GRAHAM: Yes.

22 MS. CARCONE: Commissioner McKenzie?

23 COMMISSIONER MC KENZIE: Yes.

24 MS. CARCONE: Commissioner Peene?

25 COMMISSIONER PEENE: Yes.

1 MS. CARCONE: Commissioner Holtzman?

2 CHAIRMAN HOLTZMAN: Yes.

3 MR. GALVIN: Well, it's a tie. We need
4 another vote.

5 (Laughter)

6 MS. CARCONE: Commissioner Pinchevsky,
7 I forgot you came in.

8 COMMISSIONER PINCHEVSKY: Yes.

9 MR. MATULE: Thank you.

10 MR. KELLY: Thank you.

11 (The matter concluded at 9:30 p.m.)
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C E R T I F I C A T E

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3 I, PHYLLIS T. LEWIS, a Certified Court

4 Reporter, Certified Realtime Court Reporter, and

5 Notary Public of the State of New Jersey, do hereby

6 certify that the foregoing is a true and accurate

7 transcript of the proceedings as taken

8 stenographically by and before me at the time, place

9 and date hereinbefore set forth.

10

11 I DO FURTHER CERTIFY that I am neither

12 a relative nor employee nor attorney nor counsel to

13 any of the parties to this action, and that I am

14 neither a relative nor employee of such attorney or

15 counsel, and that I am not financially interested in

16 the action.

17

18 s/Phyllis T. Lewis, CCR, CRCR

19 - - - - -

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

21 Notary Public of the State of New Jersey

22 My commission expires 11/5/2020.

23 Dated: May 31, 2016

24 This transcript was prepared in accordance with

25 NJAC 13:43-5.9.

CITY OF HOBOKEN
PLANNING BOARD
HOP-16-7

RE: 118-120 Madison Street : May 26, 2016
Block: 28, Lot 25 : 9:30 p.m.
Zone: R-3 Zone :
Applicant: TST Madison, LLC :
Minor Site Plan Review & Variances :
----- X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman Gary Holtzman
- Vice Chair Frank Magaletta
- Commissioner Caleb D. Stratton
- Commissioner Brandy Forbes
- Commissioner Jim Doyle
- Commissioner Ann Graham
- Commissioner Caleb McKenzie
- Commissioner Ryan Peene
- Commissioner Rami Pinchevsky
- Commissioner Kelly O'Connor

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

- David Glynn Roberts, AICP/PP, LLA, RLA
Board Planner
- Andrew R. Hipolit, PE, PP, CME
Board Engineer
- Patricia Carcone, Board Secretary

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I N D E X

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1 CHAIRMAN HOLTZMAN: Okay. Well, now
2 that the boss is here, we can go back on the record.

3 Is everybody here?

4 MR. GALVIN: Are you good to go?

5 CHAIRMAN HOLTZMAN: Mr. Curley, are you
6 ready for us?

7 MR. CURLEY: Yes, we are ready.

8 MR. GALVIN: And now the main event.

9 (Laughter)

10 MR. CURLEY: Good evening, Mr.
11 Chairman, members of the Board, Board of
12 Professionals, John J. Curley, C-u-r-l-e-y, for the
13 applicant.

14 This is an application for a minor site
15 plan approval. It is for four dwellings of a
16 five-story building with the first floor to be used
17 for parking.

18 We are seeking two variances on this
19 application. One is for height similar to the
20 variance that was granted in the immediately
21 preceding application.

22 MR. GALVIN: Meaning one foot and a
23 half?

24 MR. CURLEY: Approximately.

25 MR. GALVIN: Okay.

1 MR. CURLEY: And the second variance is
2 for the facade.

3 Other than that, there were some
4 outstanding issues that we will address. In
5 particular, we have asked the LSRP, who is in charge
6 of this site for environmental purposes, to come and
7 testify to the Board tonight.

8 MR. HIPOLIT: I like that.

9 MR. CURLEY: So I would like to start
10 first with our architect, Mr. Kelly.

11 MR. KELLY: Hello again.

12 (Laughter)

13 MR. GALVIN: Raise your right hand.

14 Are you going to slow down a little?

15 THE WITNESS: I can go all night.

16 MR. GALVIN: That's okay.

17 (Laughter).

18 Do you swear or affirm the testimony
19 you are about to give in this matter is the truth,
20 the whole truth, and nothing but the truth?

21 MR. KELLY: I do.

22 C I A R A N K E L L Y, having been duly sworn,
23 testified as follows:

24 MR. GALVIN: State your full name for
25 the record and spell your last name.

1 THE WITNESS: Ciaran Kelly, K-e-l-l-y.

2 MR. HIPOLIT: Irish -- Italian descent.

3 MR. GALVIN: I was going to say all the
4 Irishmen, we can keep going.

5 (Laughter)

6 Do we accept his credentials as an
7 architect?

8 CHAIRMAN HOLTZMAN: We will carry him
9 forward, yup.

10 THE WITNESS: Okay.

11 So the application is for a five-story
12 building, four residential floors over parking.

13 The property is a 50 by 100 foot lot.
14 It is on the western side of Madison Street between
15 First and Second.

16 It is in the R-3 zone, and it is about
17 mid block on Block 28.

18 The predominant building height in the
19 area is four and a half, five stories.

20 Four buildings to the north, four and a
21 half stories, and the building directly to the south
22 is five at four and a half, the building beyond
23 that.

24 This aerial photograph is slightly out
25 of date. This is the photo board previously

1 submitted, and so I have added an additional
2 exhibit, if we want to mark it A-1.

3 (Exhibit marked A-1)

4 And this is just to show the curb
5 context in that the lots directly behind ours are
6 currently raised.

7 There is a five-story residential
8 building approved at 113 Madison. That is 125 feet
9 long, and there's currently the same building in
10 terms of height, five-story residential at 109 to
11 111 Monroe under construction.

12 These photographs were taken yesterday
13 to show the current condition. It is essentially a
14 vacant lot.

15 There is an existing chimney and
16 northern wall of an original building still on the
17 lot, which fit in this proposal we are proposing to
18 demolish. So we are proposing, as I said, a
19 five-story residential building that is four
20 residential floors. There are four units, two
21 duplex units and two units east and west on floors
22 two and three and the same above.

23 But on the first floor, we are
24 providing parking for five spaces, a residential
25 lobby, a second means of egress for the -- this is

1 Sheet Z-3 -- seconds means of egress for the
2 residents, as well as refuge and trash storage and
3 access to the rear yard.

4 The rear yard would be bifurcated in
5 two for the lower two duplex units. They would be
6 fully landscaped with a perimeter planter at grade
7 and a six foot board-on-board courtesy fence.

8 On the front of the building, we are
9 not proposing a planter in this case as we were in
10 the previous application. We are, however,
11 proposing two street trees for the 50 foot frontage.

12 We are actually replacing the entire
13 sidewalk from the extremities of the site frontage,
14 and we're proposing a 12-foot driveway for the
15 indoor parking.

16 The residential floors on two and
17 three, there is a duplex on the north side and a
18 duplex on the south side. They are both -- the one
19 on the south is 2,640 square feet total, and the one
20 on the north is 2,665 square feet total.

21 On floors four and five, again, the
22 duplexes, north and south. The southern one is
23 2,730 square feet, and the northern one is 2,750
24 square feet.

25 On the roof, once again, thank you to

1 Mr. Roberts, we now have a clear determination on
2 how to calculate the roof coverage, and so I have
3 done the same thing. I have prepared a new roof
4 coverage calculation sheet. I would like to mark
5 this A-2.

6 (Exhibit A-2 marked)

7 Again, I have handouts, and essentially
8 it is the same calculation applied to this building.

9 We have an overall -- so we have a
10 total roof area of 3,000 square feet. We are
11 providing exactly 1500 square feet of green roof,
12 and then when we deduct from the bulkheads, the HVAC
13 condensers, the elevators, et cetera, we are left
14 with two decks. They are each six -- sorry -- they
15 are 690 total, which is 335 square foot each. Those
16 decks serve the two duplex units directly below.

17 CHAIRMAN HOLTZMAN: So how does it work
18 out percentage-wise, do we have that?

19 THE WITNESS: In terms of the deck
20 coverage?

21 CHAIRMAN HOLTZMAN: Deck versus green
22 roof.

23 THE WITNESS: The green roof is 50
24 percent. The deck is 690 over 3000.

25 CHAIRMAN HOLTZMAN: Mr. Math, what is

1 it?

2 THE WITNESS: 690 square over 3000.

3 (Board members confer)

4 CHAIRMAN HOLTZMAN: 50 percent green
5 roof and --

6 (Board members confer)

7 COMMISSIONER DOYLE: 23 percent roof
8 deck.

9 CHAIRMAN HOLTZMAN: 23 percent roof
10 deck?

11 THE WITNESS: Yes, correct.

12 CHAIRMAN HOLTZMAN: Okay. Okay. Thank
13 you.

14 THE WITNESS: Okay. Thank you.

15 So the street facade -- I'm sorry, just
16 before I get there, I will just jump back
17 momentarily.

18 Again, in this building the decks in
19 the rear yard will drain into a stormwater detention
20 tank that is underneath the parking spot. That has
21 been fully designed and the calculations to the
22 Board have been submitted.

23 CHAIRMAN HOLTZMAN: Can you go back to
24 the street images also?

25 THE WITNESS: Yes.

1 CHAIRMAN HOLTZMAN: I don't think I
2 heard you say it, but I know there has been some
3 conversation about this at our previous meetings, I
4 believe that the chimney that originally was
5 attempted to be saved, and is that the northern
6 wall, are being removed, is that correct?

7 THE WITNESS: Yes. They are being
8 removed.

9 CHAIRMAN HOLTZMAN: Okay.

10 COMMISSIONER GRAHAM: Why?

11 THE WITNESS: There was extensive
12 measures made to save them. The northern wall is in
13 very bad condition, and it is bowing.

14 And the chimney, while it is
15 structurally stable currently, it is -- it is a very
16 difficult thing to save, and the original
17 application was based on the idea of saving the
18 original building. And as a result, the original
19 application was asking for an increase in lot
20 coverage. That is no longer the case. We are
21 asking for 60 percent lot coverage.

22 CHAIRMAN HOLTZMAN: So we're starting
23 from square one. We're starting from a gravel lot,
24 correct?

25 THE WITNESS: Correct.

1 CHAIRMAN HOLTZMAN: Okay.

2 COMMISSIONER PINCHEVSKY: Speaking of
3 60 percent lot coverage, do you mind if I interrupt
4 real quick?

5 THE WITNESS: Sure.

6 COMMISSIONER PINCHEVSKY: Thank you.
7 The stairs in the back --

8 THE WITNESS: Yes.

9 COMMISSIONER PINCHEVSKY: -- is that
10 part of the equation or no, is that a fire escape or
11 is that --

12 THE WITNESS: It is direct access from
13 the second floor units to their private deck.

14 It accounts for 1.68 percent, if it
15 were as coverage. Our understanding, though, is
16 that it is not, considering that it is one floor
17 direct and private connection, and that it
18 doesn't -- it is essentially cantilevered off the
19 back of the building. It only touches down as it
20 touches grade. There's no structure there. It is
21 not a solid structure. And as I understand it, the
22 current interpretation is that that is not counted
23 for lot coverage.

24 CHAIRMAN HOLTZMAN: Mr. Roberts?

25 MR. ROBERTS: I'm sorry, Mr. Chairman,

1 I was looking at the -- what was the --

2 CHAIRMAN HOLTZMAN: This is about the
3 stairs in the back, whether they add to the lot
4 coverage.

5 MR. ROBERTS: I believe if they are
6 over three foot high.

7 CHAIRMAN HOLTZMAN: That was my
8 understanding as well.

9 How wide is that?

10 THE WITNESS: They are not. They are
11 three feet wide.

12 CHAIRMAN HOLTZMAN: So three feet or
13 less, and they are okay?

14 MR. ROBERTS: I believe that is
15 correct, Mr. Chair.

16 COMMISSIONER PINCHEVSKY: Thank you for
17 clarifying.

18 THE WITNESS: Thank you.

19 CHAIRMAN HOLTZMAN: So that brings up
20 our next point.

21 We have application number two, so do
22 we have our nice lot coverage shadow line drawing
23 that we have asked for?

24 THE WITNESS: There are no projections
25 beyond the front property line.

1 CHAIRMAN HOLTZMAN: Except the one Mr.

2 Pinchevsky has just pointed out to us.

3 THE WITNESS: No.

4 COMMISSIONER PINCHEVSKY: Which ones?

5 CHAIRMAN HOLTZMAN: The stairs.

6 THE WITNESS: That is at the rear --

7 oh, excuse me, you're right.

8 Go ahead.

9 CHAIRMAN HOLTZMAN: What we asked for,
10 and we are going to continue to ask for is, and Mr.
11 Roberts, we definitely want this --

12 MR. ROBERTS: Uh-huh.

13 CHAIRMAN HOLTZMAN: -- whether it is
14 simple or not because it helps to just clarify these
15 types of issues that Mr. Pinchevsky just brought up,
16 is the outline, the complete outline of the building
17 with any extraneous pieces, parts that hang over any
18 kind of right-of-way, and that we just really need
19 to make that part of your packet going forward.

20 THE WITNESS: Understood.

21 CHAIRMAN HOLTZMAN: I know that Mr.
22 Italy seemed to be clear on that, but maybe we need
23 to reach out to him.

24 MR. ROBERTS: And, Mr. Chairman, just
25 for clarification, it wouldn't just be right-of-way.

1 it would be any prior perimeter.

2 CHAIRMAN HOLTZMAN: Anything. Just so
3 that there's an outer extreme edge of the building
4 and anything else, just so that we can address these
5 issues cleanly and visually very easily.

6 Okay. I'm sorry. Go ahead.

7 THE WITNESS: No, not at all.

8 CHAIRMAN HOLTZMAN: Go ahead.

9 THE WITNESS: So just to briefly
10 describe the case here.

11 The facade design, the original intent
12 was, of course, to maintain a facade of the original
13 structure, even though that it is no longer
14 existing, we still found it as valued and was a good
15 idea to pay homage to the original industrial nature
16 of the property by keeping the profile of the
17 original building and the chimney.

18 And so what we are doing is we are
19 replicating that with a reclaimed red brick, and
20 cast on caps, and then puncturing through that brick
21 facade we have modern staggered openings that adds
22 sort of a contemporary esthetic, but it also allows
23 for flexibility in the interior design of the layout
24 of these units.

25 The two floors on top are remaining

1 glass. However, we are providing exterior aluminum
2 fins, shading devices, so they both shade sun, but
3 also providing courtesy, so that as you are driving
4 down the street, you are not looking in, and you're
5 not seeing the treated glass.

6 In addition to those elements, there is
7 a maroon or a dark red metal accent band, and these
8 are black I-channel steel bands, and let me show you
9 the rear facade drawing.

10 VICE CHAIR MAGALETTA: Why this bright
11 red?

12 THE WITNESS: It's an esthetic choice
13 just to create a certain amount of pop.

14 VICE CHAIR MAGALETTA: It does that.

15 (Laughter)

16 THE WITNESS: Incidentally, I do have a
17 sample of that, if you want to see it.

18 So the exterior facade replicates the
19 kind of staggered contemporary style openings,
20 again, allowing for a certain flexibility with
21 interior layouts, but the material in this case is a
22 gray aluminum. It is a flat gray aluminum. It's
23 not a metallic gray, and it is a simple material.

24 These were the stairs that we were
25 referring to. There is no support in any of those

1 stairs. They only touch down -- the step touches
2 down. This is an overall block diagram showing in
3 relation to the other buildings on the street.

4 MR. ROBERTS: So currently one of the
5 relief that you need is on the percentage of the
6 masonry facade --

7 THE WITNESS: Correct.

8 MR. ROBERTS: -- so effectively the
9 masonry is being used as almost an articulation, so
10 there is less square footage of it --

11 THE WITNESS: Yes. And it's very much
12 to do with that original choice, an esthetic choice,
13 to replicate the profile of the original building
14 and limit ourselves to that outer extent, and then
15 because of the requirements obviously for daylight
16 and openings with that, we were left with X amount
17 of masonry, and it didn't meet the requirement.

18 We felt it would be a mistake to add
19 masonry above that profile because then you lose
20 that bold new esthetic.

21 COMMISSIONER DOYLE: Chairman?

22 CHAIRMAN HOLTZMAN: Yes, Mr. Doyle.

23 COMMISSIONER DOYLE: It seems curious
24 that you have the chim -- the faux chimney
25 terminating below the roof line.

1 I mean, I understand you are trying to
2 create the image of brick for the old portion --

3 THE WITNESS: Yes.

4 COMMISSIONER DOYLE: -- but seeing as
5 it's -- is the height that you have depicted --

6 THE WITNESS: Yes.

7 COMMISSIONER DOYLE: -- the actual
8 height of the --

9 THE WITNESS: Yes.

10 COMMISSIONER DOYLE: -- okay.

11 THE WITNESS: And I would also mention
12 there is a low parapet on this. We didn't add an
13 extended higher parapet on the front property line
14 in this case because sort of for that reason. We
15 wanted the chimney at least to come to, you know,
16 the apex of the building.

17 COMMISSIONER DOYLE: I mean, if you
18 made it just above the parapet, would that -- how
19 would that --

20 THE WITNESS: We certainly could.

21 COMMISSIONER DOYLE: -- I am just --

22 CHAIRMAN HOLTZMAN: Then we end up
23 triggering additional height issues.

24 If I may take the floor for a second,
25 Mr. Kelly, and supersede your wonderful design here

1 to try to potentially explain something.

2 I think some of the design influence is
3 to kind of go back to, yes, the chimney from the old
4 factory still exists. We have this masonry
5 three-story building with a big chimney that goes up
6 an additional two stories, which was originally sort
7 of what the profile, if you look at the historic
8 pictures, and then it is as if somebody came in and
9 helicoptered in a two-story penthouse to put on top
10 of the old factory building. That is kind of the
11 visual that I get.

12 COMMISSIONER DOYLE: Yes, and I get
13 that.

14 CHAIRMAN HOLTZMAN: Okay.

15 THE WITNESS: That is exactly the
16 intent.

17 COMMISSIONER DOYLE: All I was saying
18 is it looks like the chimney stops, you know, which
19 if you are rebuilding it from scratch, you could
20 make it up to the parapet without needing a height
21 variance, but that is your esthetic, you know,
22 prerogative.

23 CHAIRMAN HOLTZMAN: That is correct.

24 COMMISSIONER FORBES: Chair, I have a
25 quick question.

1 CHAIRMAN HOLTZMAN: Yes.

2 COMMISSIONER FORBES: In looking at the
3 images, I can't quite tell, are these just windows
4 on the front?

5 And I ask because like on Z-6, it looks
6 like there is some things that are swinging out, and
7 the one on the far left kind of has a door appeal to
8 it, and I just didn't know if that was the case.

9 THE WITNESS: Z-6, drawing number two
10 or three?

11 COMMISSIONER FORBES: Two and three
12 they have the --

13 THE WITNESS: Okay.

14 And are you talking about the dashed
15 lines?

16 COMMISSIONER FORBES: Yes.

17 THE WITNESS: That's an operable
18 section of the casement window --

19 COMMISSIONER FORBES: Okay.

20 THE WITNESS: -- so it doesn't need to
21 be here. It just shows --

22 COMMISSIONER FORBESa: They are just
23 windows. None of them are doors?

24 THE WITNESS: No, no.

25 COMMISSIONER FORBES: Okay. So that's

1 all --

2 CHAIRMAN HOLTZMAN: And it is not the
3 fins or anything else?

4 THE WITNESS: No, no. Nothing --

5 CHAIRMAN HOLTZMAN: It's a window
6 swing.

7 THE WITNESS: Exactly.

8 COMMISSIONER FORBES: Okay.

9 CHAIRMAN HOLTZMAN: So did we do the
10 roof?

11 Oh, yes. We got our handouts, and we
12 got our updated handouts. I know that was a big
13 one.

14 Mr. Roberts, did you have any follow-up
15 or you're --

16 MR. ROBERTS: I think the biggest
17 comment we had in the letter was about the roof, the
18 green roof, and that was kind of nipped in the bud
19 at the beginning.

20 CHAIRMAN HOLTZMAN: Okay.

21 And from what you have been able to
22 review on that, everything looks in line?

23 MR. ROBERTS: Yes.

24 CHAIRMAN HOLTZMAN: Okay.

25 Mr. Hipolit, any outstanding issues? I

1 know you seem very comfortable with now the LSRP
2 review on this?

3 MR. HIPOLIT: We do. We want to hear
4 the testimony.

5 CHAIRMAN HOLTZMAN: You certainly want
6 to hear his testimony. Absolutely.

7 Commissioners, anything else from Mr.
8 Kelly at this time?

9 We can circle back. Don't worry.

10 COMMISSIONER PINCHEVSKY: This is
11 the -- the two cars parked all the way at the end,
12 I saw the diagram that shows that they can get out,
13 but it seems so tight. Is that --

14 CHAIRMAN HOLTZMAN: Can we get that up
15 here?

16 THE WITNESS: Yes.

17 COMMISSIONER PINCHEVSKY: I don't know
18 if that was concerting to anyone, and if it
19 seemed -- I guess I was wondering if our Board --

20 CHAIRMAN HOLTZMAN: Mr. Hipolit, did
21 your engineering team have a chance to review that?

22 Does it work?

23 Is it --

24 COMMISSIONER PINCHEVSKY: It's like an
25 eight-point turn?

1 MR. HIPOLIT: It is tight.

2 Any driver can or cannot function
3 through it or work their way through it, and I know
4 people I know that can't make it through there,
5 but --

6 (Laughter)

7 COMMISSIONER DOYLE: The walls are
8 padded.

9 (Laughter)

10 MR. HIPOLIT: -- but I think I could do
11 it, but it is tight.

12 Do you agree it is pretty tight?

13 COMMISSIONER PINCHEVSKY: It's legit,
14 though?

15 THE WITNESS: Absolutely, but it is --
16 it does work.

17 MR. HIPOLIT: You can navigate it?

18 THE WITNESS: And the other point, of
19 course, that these are not people in a public garage
20 where they are parking. These are people who live
21 in the building that is their permanent space. Once
22 you have done this once or twice, it's --

23 COMMISSIONER GRAHAM: Depending on how
24 you can maneuver --

25 COMMISSIONER PINCHEVSKY: I am

1 concerned -- the reason I bring it up is I'm
2 concerned of two things.

3 One: Somebody just in those two spots
4 is backing up all the way into the street, or two,
5 from the street trying to reverse into the garage
6 and --

7 CHAIRMAN HOLTZMAN: Whoa.

8 COMMISSIONER PINCHEVSKY: -- I see
9 that --

10 A VOICE: That's exactly what I would
11 do.

12 COMMISSIONER PINCHEVSKY: -- but I
13 don't think that is the point. I don't think
14 that's -- I think we are trying to avoid that, so I
15 just wanted to make sure that what is being proposed
16 wouldn't result in that --

17 CHAIRMAN HOLTZMAN: So the handicapped
18 spot, the car is to the bottom side of the drawing,
19 and the handicapped drawing, the little handicapped
20 wheelchair figure drawing, that is to the top of it,
21 the handicapped spot takes up that entire space?

22 How does it --

23 THE WITNESS: Well, this is the
24 handicapped accessible space, and the requirement,
25 of course, is an eight foot section next to that

1 space.

2 CHAIRMAN HOLTZMAN: So that is the
3 section where a ramp would come out or --

4 THE WITNESS: Well, no. It's a clear
5 space. It's a requirement next to the handicapped
6 car, you can't park another car in it, for example.

7 CHAIRMAN HOLTZMAN: Right.

8 So there is not a conflict with the
9 backing up people in the two spots at the top of the
10 page?

11 THE WITNESS: No.

12 CHAIRMAN HOLTZMAN: Right.

13 COMMISSIONER DOYLE: But if it's
14 permissible, and the handicapped vehicle were parked
15 where the wheelchair is, you could back out of those
16 top two spots into that eight foot area and turn and
17 drive out, right?

18 THE WITNESS: No, no. That eight foot
19 area, you are not permitted to drive in it or drive
20 over it.

21 MR. HIPOLIT: No. It's supposed to be
22 non-drivable space. It should be a non-drivable
23 space. You should not be driving there --

24 CHAIRMAN HOLTZMAN: Okay.

25 MR. HIPOLIT: -- presuming somebody in

1 a wheelchair could be there at any time.

2 THE WITNESS: And the other thing is
3 that that person would not be able to drive into
4 that space because there is no drive aisle behind
5 that space to access it.

6 COMMISSIONER DOYLE: Oh, I see.

7 CHAIRMAN HOLTZMAN: Right.

8 MR. ROBERTS: Just a follow-up
9 question.

10 THE WITNESS: Yes.

11 MR. ROBERTS: I am guessing that we
12 probably might get into the same discussion on the
13 height issue that we got into before in terms of a
14 handicapped accessible van?

15 THE WITNESS: Yes.

16 MR. ROBERTS: Have you put a template
17 on there for the van to make sure that it could get
18 in and out of the handicapped --

19 THE WITNESS: Yes, absolutely.

20 And in fact, in terms of the height
21 variance we're asking for, in this case it is not
22 one foot six, it's one foot nine. The reason being
23 the grade is three inches higher there. DFE stays
24 where it is, and so in order to get that minimum
25 clearance, the eight foot four, the building has to

1 be an additional three inches higher in order to
2 make the parking to work.

3 MR. ROBERTS: But this being a tighter
4 garage, a van can still get in and out?

5 THE WITNESS: Absolutely. And the two
6 of them are not strictly related. If something
7 works in planning, it doesn't necessarily work in
8 section. In this case, the section is no problem at
9 all.

10 MR. ROBERTS: Okay.

11 CHAIRMAN HOLTZMAN: Mr. Hipolit, you
12 had an idea there?

13 MR. HIPOLIT: I mean, if the Board
14 doesn't like or has a concern about the two spaces
15 that head in, they are not optimal spaces. I mean,
16 it doesn't necessarily -- I mean, I don't know -- do
17 they have to provide five parking spaces by code?

18 No, it is a better layout without those
19 two spaces.

20 CHAIRMAN HOLTZMAN: On the other hand,
21 if somebody is driving a small car --

22 MR. HIPOLIT: Just put bike spaces
23 there.

24 COMMISSIONER PINCHEVSKY: Do they need
25 to drive -- do they need to provide a handicapped

1 spot?

2 MR. HIPOLIT: Yes.

3 VICE CHAIR MAGALETTA: If I may, even a
4 handicapped spot, that's tough. When you look at
5 that, and they back up, that is tough also.

6 In the past, we have had carousels.
7 I'm not saying you should put a carousel in there,
8 but that would make your life easier, a lot easier.

9 MR. HIPOLIT: Well, if they had the two
10 spaces that were heading in weren't there, the
11 handicapped space is very easy to maneuver now,
12 because there's plenty of space to get in and out,
13 so it's not an issue.

14 Really the two spaces, that is
15 squeezing as much as you can into that garage as you
16 can.

17 THE WITNESS: Can I make a suggestion?

18 CHAIRMAN HOLTZMAN: Sure.

19 THE WITNESS: What if we don't
20 eliminate two spaces?

21 What if we eliminate one space, and we
22 relocate the refuge and trash recycling room to this
23 location here, which is essentially dead space?

24 That way one of the spaces goes here,
25 and you have a complete 20 foot drive aisle all the

1 way back.

2 MR. HIPOLIT: That is way better.

3 THE WITNESS: So we eliminate one
4 parking space.

5 VICE CHAIR MAGALETTA: Actually I think
6 even better than that would be to move the
7 handicapped portion all the way back, and have one
8 of the other spots between the handicapped and the
9 entrance, because if you go against that wall, then
10 you have the same predicament of backing out. It's
11 still tough.

12 THE WITNESS: Yes, I agree.

13 CHAIRMAN HOLTZMAN: So the handicapped
14 would move to the back of the building.

15 COMMISSONER DOYLE: Shift west.

16 CHAIRMAN HOLTZMAN: Shirt west, right.

17 Okay. Great idea.

18 Any other questions for Mr. Kelly?

19 Okay.

20 Mr. Curley?

21 MR. CURLEY: No questions.

22 THE WITNESS: Thank you.

23 (Witness excused)

24 MR. CURLEY: I would like to call Mr.
25 Anderson.

1 CHAIRMAN HOLTZMAN: Okay.

2 MR. GALVIN: Raise your right hand.

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

6 MR. ANDERSON: I do.

7 J E F F R E Y A N D E R S O N, LSRP, Atlantic
8 Environmental Solutions, Inc., 5 Marine View Plaza,
9 Hoboken, New Jersey, having been duly sworn,
10 testified as follows:

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

13 THE WITNESS: Jeffrey Anderson,
14 A-n-d-e-r-s-o-n.

15 MR. GALVIN: All right. You are an
16 LSRP?

17 THE WITNESS: Yes.

18 MR. GALVIN: Have you testified before
19 Boards before?

20 THE WITNESS: Yes, many times.

21 MR. GALVIN: Could you give us three
22 Boards that you have appeared before, not including
23 Hoboken?

24 THE WITNESS: Netcong, cities in Long
25 Island --

1 CHAIRMAN HOLTZMAN: Good enough.

2 THE WITNESS: -- and another good one
3 is East Brunswick.

4 CHAIRMAN HOLTZMAN: That sounds great.

5 MR. GALVIN: Do you have your license
6 number?

7 THE WITNESS: Do I have my license
8 number?

9 No, I don't have that.

10 (Laughter)

11 MR. CURLEY: Mr. Anderson has testified
12 before Judge Gallipoli.

13 MR. GALVIN: Okay. And survived.

14 CHAIRMAN HOLTZMAN: Is that good or
15 bad?

16 MR. GALVIN: We accept your
17 credentials.

18 CHAIRMAN HOLTZMAN: We accept your
19 credentials, Mr. Anderson, please.

20 MR. CURLEY: Mr. Anderson, are you the
21 LSRP assigned to this property?

22 THE WITNESS: Yes, I am.

23 MR. CURLEY: Would you explain what an
24 LSRP is and what its function is?

25 THE WITNESS: Basically the LSRP is a

1 Licensed Site Remediation Professional, which is a
2 license that the state created officially in 2009,
3 and basically to --

4 CHAIRMAN HOLTZMAN: I am going to stop
5 you right there, Mr. Anderson.

6 This Board is very, very familiar with
7 LSRPs.

8 MR. HIPOLIT: We don't need all of
9 that.

10 CHAIRMAN HOLTZMAN: Let's get to the
11 testimony.

12 MR. CURLEY: Tell us about the history
13 of the site and the remediation.

14 THE WITNESS: Okay. There is not much
15 history of the site. There was a stove company
16 there that didn't seem to environmentally do very
17 much at all to the site.

18 There was an investigation done. There
19 was an underground storage tank found, and the
20 storage tank was removed.

21 The testing showed that the tank didn't
22 have discharge to the environment. The testing
23 showed that there was historic fill material at the
24 property, and thus there is capping engineering
25 controls that are required when you are going to

1 have a residence and historic fill material at the
2 property --

3 CHAIRMAN HOLTZMAN: What about the
4 other industrial uses that took place on this
5 property?

6 There have been numerous other tenants
7 and property owners short of the stove company and
8 one oil tank.

9 MR. HIPOLIT: I guess specifically the
10 carpet dying company.

11 THE WITNESS: The carpet dying company
12 was next door, and testing at the property, at the
13 subject property showed that there was no impact
14 from that operation from next door.

15 MR. HIPOLIT: Okay.

16 So you have done testing and it shows
17 that has not impacted you at all?

18 THE WITNESS: Correct.

19 CHAIRMAN HOLTZMAN: So this is actual
20 soil testing, bore test --

21 THE WITNESS: Soil testing, correct.

22 MR. CURLEY: Do you have a No Further
23 Action letter or a negative declaration on this --

24 THE WITNESS: There were No Further
25 Action letters and negative declaration letters

1 under ISRA, and there is also a No Further Action
2 letter for the tank.

3 And then there will be a response
4 action outcome after the engineering controls are
5 placed at the property.

6 MR. CURLEY: What is the proposed
7 remediation of the property?

8 THE WITNESS: The proposed remediation
9 action of the property is to basically record a deed
10 notice at Hudson County with engineering controls,
11 which will include basically three areas.

12 The sidewalk in the front, the building
13 foundation, and the backyard -- hum, backyard --
14 there will be backyard clean materials with pavers.

15 MR. HIPOLIT: When will that be done,
16 before or after CO?

17 THE WITNESS: That has to be done --
18 the deed notice has to be recorded when those
19 engineering controls are in place, and no -- cannot
20 be done before, and then you have to go to the
21 permits.

22 MR. HIPOLIT: I get that.

23 But the issue that we have as a Board
24 perspective is if that is done after CO. We have
25 now people living in the building.

1 THE WITNESS: That could be done before
2 CO. When it's done, when the materials have been
3 placed, it can be recorded.

4 MR. HIPOLIT: So maybe we can make it a
5 condition that the deed notice is filed before CO,
6 so the people moving into the building have it, and
7 we are covered, and we are good.

8 CHAIRMAN HOLTZMAN: We want to make
9 sure people are notified.

10 MR. CURLEY: I believe that is required
11 by DEP regulations.

12 MR. HIPOLIT: Perfect.

13 CHAIRMAN HOLTZMAN: Great.

14 Any other questions for Mr. Anderson,
15 Mr. Hipolit?

16 MR. HIPOLIT: No.

17 CHAIRMAN HOLTZMAN: Okay.

18 Board members, any questions for Mr.
19 Anderson?

20 COMMISSIONER PEENE: No.

21 CHAIRMAN HOLTZMAN: Great.

22 THE WITNESS: Okay. Thank you, Board.

23 (Witness excused)

24 MR. CURLEY: I would like to call Mr.
25 Kolling.

1 MR. GALVIN: Raise your right hand.

2 Do you swear or affirm the testimony
3 you are about to give in this matter is the truth,
4 the whole truth, and nothing but the truth?

5 MR. KOLLING: Yes, I do.

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

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

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

12 CHAIRMAN HOLTZMAN: Mr. Chairman, do we
13 accept Mr. Kolling's credentials?

14 CHAIRMAN HOLTZMAN: We do.

15 MR. GALVIN: You may proceed.

16 MR. CURLEY: Mr. Kolling, did you
17 prepare a memorandum that was made a part of the
18 application dealing with the justification for
19 variances?

20 THE WITNESS: Yes, I did.

21 MR. CURLEY: Would you please review
22 that memorandum and your opinion?

23 THE WITNESS: Okay.

24 As the Board knows, this property was
25 formerly an industrial site. The building is now

1 gone.

2 The proposed development is for a
3 residential building in a residential zone, the R-3
4 Zone.

5 A significant part of the improvements
6 will include a lot of environmental improvements,
7 such as the electric car charging station, a green
8 roof and several other things.

9 The zoning is R-3. The intent of the
10 R-3 District is to advance the achievement of a
11 viable residential neighborhood and to support
12 residential revitalization by a variety of housing
13 types, and I think this project does accomplish that
14 because of the type of building being constructed,
15 the residential replacement for the former
16 industrial uses.

17 The proposed use and accessory parking
18 are permitted. The only two variances we have are
19 for height, which is 21 inches, one foot nine inches
20 in height, and the facade materials, masonry
21 materials.

22 I think the project promotes many
23 purposes of the master plan, including the scale and
24 density of the building, the fact that the parking
25 is being hidden within the building, the amount of

1 open space that is now being provided as the
2 interior of the block, which is substantial, 40 by
3 50 feet. We have exactly 60 percent lot coverage,
4 so we are compliant.

5 A lot of, as I said, green
6 architecture, which is a recommendation of the
7 master plan as well, and the additional street
8 trees, plus the family-friendly housing.

9 In terms of the height variance, the
10 variance is for less than two feet. I think that's
11 rather de minimus.

12 The other buildings on the block are
13 five stories or four and a half stories, all within
14 reasonable heights.

15 There are many building there, so we
16 are keeping the character, so there is no
17 substantial detriment from the added height, plus
18 the height is what's necessary to allow us to
19 provide the parking underneath, as well as the ADA
20 parking, so that is also compliant with the
21 recommendation of the master plan to hide parking
22 within the building.

23 So in terms of the facade materials, I
24 think we meet the intent of that because we do use
25 masonry on the lower levels.

1 I also think the intent of that is that
2 the zoning ordinance does not want to have less
3 substantial or less substantial buildings --
4 building materials, such as stucco or wood or
5 something along that nature.

6 So even these materials that are being
7 used in connection or in addition to the cement
8 materials, the brick masonry, they still are very
9 durable and substantial materials, and so I think we
10 meet the intent of having those type of durable
11 materials on the building.

12 Also, I think in terms of the
13 architecture, this building is not a typical
14 railroad historic type of Hoboken style building
15 because of the intent to replicate the outline at
16 least of the industrial building.

17 So I think the benefit of that
18 outweighs any detriment of having somewhat lesser
19 masonry materials.

20 I think both variances can be granted
21 under the C-2 criteria. I believe we meet the
22 intent and purpose of the zone plan of the R-3
23 District. I think we meet several of the
24 recommendations of the master plan, as well as we
25 promote the purposes of the Municipal Land Use Law,

1 so therefore, I don't think we have any detrimental
2 impact on the zone plan, and because of the scale
3 and density of this building, we are actually below
4 the permitted density.

5 We are therefore comparable in terms of
6 the scale and permitted density within the area, so
7 there could be no substantial detriment in my mind
8 on the public good or the general welfare.

9 On the other hand, the benefits of the
10 promotion of the zone plan and the master plan are
11 substantial benefits, and therefore, again, the C-2
12 criteria would apply.

13 MR. CURLEY: I have no other questions.

14 CHAIRMAN HOLTZMAN: Any questions for
15 Mr. Kolling?

16 Mr. Roberts, anything?

17 MR. ROBERTS: No questions, Mr.
18 Chairman.

19 Just that in these two particular
20 variances, the fact that this building, especially
21 the chimney, was such a unique feature of it, that I
22 actually -- I feel the fact that that drove the
23 architecture is a benefit, and that we don't
24 normally get that.

25 When we get requests for relief from

1 the masonry requirements, it is usually because it
2 is a more contemporary design or what have you.

3 In this case it actually preserves that
4 outline of that original building, so I think that
5 is a pretty significant benefit, so I would agree
6 with Mr. Kolling on that.

7 Then the issue of the height normally
8 gets down to that eight foot magic number in the
9 bottom, and that is why I asked the question about
10 the van accessibility, so I am satisfied.

11 CHAIRMAN HOLTZMAN: Okay.

12 Any questions for Mr. Kolling on the
13 planner's report?

14 COMMISSIONER PINCHEVSKY: I have a
15 question.

16 Thank you very much.

17 The parking, do you know if the -- I
18 guess there are four spots now, and there is four
19 units.

20 Is it safe to assume that the four
21 spots will be one per unit?

22 THE WITNESS: Yes.

23 COMMISSIONER PINCHEVSKY: And then
24 further, assuming this is going to be a condo, is it
25 safe to assume or can we make it the case that the

1 four spots would be deeded one to each unit as part
2 of the sale of each of those units?

3 THE WITNESS: Yes. That could be a
4 condition, because that is the intent, that a space
5 would be deeded in each unit.

6 COMMISSIONER PINCHEVSKY: Okay. So
7 that would be a condition?

8 THE WITNESS: Yes.

9 COMMISSIONER PINCHEVSKY: Thank you
10 very much.

11 CHAIRMAN HOLTZMAN: Thank you,
12 Commissioner.

13 VICE CHAIR MAGALETTA: Mr. Curley,
14 excuse me.

15 Would it be -- would it be especially
16 limited -- would it be a limited common element, or
17 would it be actually part of the deed, if you know?

18 MR. CURLEY: I don't know. My
19 preference is to do a limited common element. It
20 works better, and it's easier to assign. But you
21 can have it in the deed as part of an appurtenance
22 to the condominium unit, or you can make it a
23 limited common element, which is more practical --

24 COMMISSIONER PINCHEVSKY: If the --

25 CHAIRMAN HOLTZMAN: I'm sorry. Go

1 ahead.

2 COMMISSIONER PINCHEVSKY: I apologize
3 for interrupting.

4 I was just hoping somebody could
5 explain the difference between the two.

6 MR. CURLEY: Well, a deeded unit might
7 be considered as a part of the condominium unit.
8 The unit is a residential unit, and the parking
9 space, that I would suggest is not practical in
10 comparison with a limited common element, where a
11 parking space is appurtenant to a unit and is
12 assigned to a specific unit, so when the unit sells,
13 the limited common element attached to that unit,
14 that parking space, goes with the title --

15 COMMISSIONER PINCHEVSKY: A follow-up
16 real quick, if you don't mind.

17 MR. CURLEY: -- you can't break them
18 apart.

19 COMMISSIONER PINCHEVSKY: You can't
20 break them apart. Somebody can't sell their spot to
21 someone else officially?

22 MR. CURLEY: No.

23 COMMISSIONER PINCHEVSKY: Thank you.

24 CHAIRMAN HOLTZMAN: Mr. Hipolit, did
25 have some insight, though, on the handicapped spot?

1 MR. HIPOLIT: You can't restrict the
2 handicapped spot -- anybody who has a handicapped
3 placard or plates can park in a handicapped spot, so
4 they can't just say, Dave, only this person can use
5 this.

6 They can't do that.

7 COMMISSIONER PINCHEVSKY: How does that
8 work?

9 CHAIRMAN HOLTZMAN: But you can't
10 assign the handicapped spot is what you are saying.

11 MR. HIPOLIT: I have seen some
12 instances in cities, where they put a street spot
13 associated with a building, but I am not sure that
14 holds muster on the federal regs, anybody can park
15 in a handicapped spot, if you're handicapped.

16 MR. CURLEY: We usually draft around
17 that. Mr. Hipolit, we make it so that if a
18 handicapped person comes and buys the unit, they
19 have bumping rights with respect to the others --

20 COMMISSIONER GRAHAM: Have what rights?

21 CHAIRMAN HOLTZMAN: Bumping.

22 MR. CURLEY: -- and it's set out in the
23 master plan --

24 COMMISSIONER PINCHEVSKY: Can you flip
25 to -- spots being flipped between two units?

1 MR. CURLEY: Yes. It is an amendment
2 that's done to the master deed.

3 COMMISSIONER PINCHEVSKY: And then if
4 nobody in the building is handicapped, the
5 handicapped logo is removed?

6 MR. CURLEY: Then the person has a
7 bigger space, but he has the risk of being bumped.

8 COMMISSIONER PINCHEVSKY: Understood.
9 Thank you for explaining that to me.

10 CHAIRMAN HOLTZMAN: Great.

11 Any other questions or comments,
12 Commissioners?

13 Any there members of the public that
14 wish to speak on this?

15 No. No members of the public.

16 Okay, Mr. Doyle?

17 COMMISSIONER DOYLE: I have just a
18 question for Mr. Curley actually.

19 I am disappointed that Commissioner
20 Magaletta didn't pick this up.

21 (Laughter)

22 In the disclosure statement, there
23 seems to be for Mr. Scott Darienco, the sheet is
24 blank, where as all of the other ones for the other
25 principals says none, and I don't know whether --

1 can I assume that it is blank meaning none, or just
2 because the other two were marked?

3 CHAIRMAN HOLTZMAN: Marked none.

4 Spell the last name of the person.

5 COMMISSIONER DOYLE: Oh, the last name
6 is D-a-r-i-e-n-c-o.

7 You can get back to us on that.

8 CHAIRMAN HOLTZMAN: Maybe we can make
9 it a condition of approval.

10 MR. CURLEY: The plan reads that there
11 are no contributions to the report. Any report --
12 any contribution, according to this form, any
13 contribution has to be recorded on this section.

14 COMMISSIONER DOYLE: If you look at the
15 one before and the one after, they say --

16 MR. CURLEY: If you run -- if you write
17 none after on that form, as I did on mine --

18 COMMISSIONER DOYLE: Okay.

19 MR. CURLEY: -- it is because it's that
20 lawyer thing about belts and suspenders.

21 VICE CHAIR MAGALETTA: Typically it is
22 filled out. I often ask the same question.

23 COMMISSIONER DOYLE: So, but you are
24 saying that the answer is no?

25 MR. CURLEY: The answer is no.

1 COMMISSIONER DOYLE: Okay. Thank you.

2 COMMISSIONER FORBES: I have a comment.

3 I just wanted to acknowledge that I
4 appreciate that there are not encroachments.

5 Thank you very much.

6 (Laughter)

7 MR. CURLEY: They were removed on
8 purpose.

9 COMMISSIONER DOYLE: We still want you
10 to move the building back.

11 (Laughter)

12 CHAIRMAN HOLTZMAN: Mr. Kelly, did you
13 have any kind of materials sheet on this one?

14 I thought you said you did, but I don't
15 recall seeing it.

16 C I A R A N K E L L Y, having been duly sworn,
17 testified further as follows:

18 THE WITNESS: I did have it.

19 These are the materials that I brought.
20 This is not the actual brick. The intent is to use
21 reclaimed brick from the site, from the remaining
22 walls.

23 CHAIRMAN HOLTZMAN: They will be actual
24 bricks, not a --

25 THE WITNESS: They will be actual

1 bricks, but this is a very good representation of
2 what the bricks look like.

3 This is the cast stone that will be the
4 capping band along the top of the brick and also the
5 chimney, and then this is the red metal.

6 I don't have a sample of the black
7 metal, but it is black metal.

8 VICE CHAIR MAGALETTA: And that is the
9 color they will be?

10 THE WITNESS: That's the color.

11 COMMISSIONER GRAHAM: That is the pop
12 color?

13 THE WITNESS: That's the pop color,
14 which is in actual fact, it looks a lot more pop on
15 the rendering. It's more supple in the --

16 COMMISSIONER GRAHAM: Good.

17 CHAIRMAN HOLTZMAN: And I know that the
18 stormwater counts were done on this.

19 Do you know, do you have that
20 information nearby?

21 Can we find out how they match up with
22 the North Hudson Sewerage Authority?

23 THE WITNESS: I don't personally have
24 them with us --

25 MR. CURLEY: We did get in the

1 studies --

2 (Everyone talking at once.)

3 CHAIRMAN HOLTZMAN: I'm sorry. There
4 were three people talking. I really didn't hear
5 anybody.

6 THE WITNESS: I am told that it is
7 double the capacity.

8 CHAIRMAN HOLTZMAN: It is double the
9 capacity. Okay.

10 THE WITNESS: Yes. The capacity is
11 double the requirement.

12 (Board members confer)

13 CHAIRMAN HOLTZMAN: Mr. Galvin, you had
14 some conditions there you were working on?

15 MR. GALVIN: Yes, Mr. Chairman.

16 I just got a late entry.

17 CHAIRMAN HOLTZMAN: Late entry, yes.
18 Okay.

19 MR. GALVIN: Here we go:

20 The green roof must be maintained as
21 shown on the plans for the life of this building by
22 the owner or any entity created to own the building.
23 This requirement is to be recorded as part of the
24 deed restriction to be recorded prior to the
25 issuance of a building permit. The deed restriction

1 is to be reviewed and approved by the Board's
2 attorney prior to recording.

3 Two: The plan is to be revised to
4 eliminate one parking space and shift the
5 handicapped space. The revised plan is to be
6 reviewed and approved by the Board's engineer.

7 Three: The applicant is to remediate
8 the property as described by the applicant's LSRP.

9 Four: The deed notice must be filed
10 prior to the issuance of the temporary or permanent
11 certificate of occupancy.

12 I heard some chatter here, and I think
13 there is a possibility that the house can be
14 conveyed on a temporary, and I want to make sure
15 that the deed notice is filed, even before
16 temporary, so that the homeowner is on notice of the
17 deed notice.

18 Five: The --

19 CHAIRMAN HOLTZMAN: But do you need to
20 be specific about the deed notice, about the
21 environmental issues?

22 MR. GALVIN: No. It's just about
23 recording it. It is a matter of the buyer being
24 aware that there is a deed notice on the property,
25 and if it's recorded prior to the issuance of the --

1 MR. HIPOLIT: It should be recorded per
2 DEP requirements.

3 MR. GALVIN: Right. But we want it.
4 It's from a lawyer's standpoint, you want to record
5 it before the sale is closed, and the sale wouldn't
6 be closed until the CO --

7 COMMISSIONER DOYLE: I believe the
8 Chairman is asking the substance of the notice, not
9 the timing of the notice.

10 MR. GALVIN: Before that I have: The
11 applicant is to remediate the property as described
12 by the applicant's LSRP --

13 MR. HIPOLIT: The substance of the
14 notice should be required as required by the DEP, so
15 they have to meet that requirement. You can't
16 change that.

17 CHAIRMAN HOLTZMAN: My point is that if
18 you take your point four in and of itself, it does
19 not specifically say what deed notice you are
20 talking about.

21 MR. GALVIN: Well, okay. We know, but
22 what do you want it to say?

23 COMMISSIONER DOYLE: Per the DEP regs?

24 MR. GALVIN: Required by the DEP?

25 MR. HIPOLIT: Yeah. I think that is

1 fine, for contaminated soils.

2 MR. GALVIN: Okay.

3 CHAIRMAN HOLTZMAN: Five?

4 MR. GALVIN: Five: The three
5 non-handicapped parking spaces will be deeded with
6 an assigned unit within the building.

7 Good?

8 And then six --

9 CHAIRMAN HOLTZMAN: I think the
10 handicapped cannot be assigned.

11 COMMISSIONER PINCHEVSKY: Wait a
12 minute. They are assigned, but there's bumping
13 rights --

14 MR. HIPOLIT: Can be assigned with
15 bumping rights.

16 MR. GALVIN: You are getting into the
17 weeds.

18 COMMISSIONER GRAHAM: They're not
19 deeded.

20 MR. GALVIN: That one is going to be
21 left as a limited common element. It's going to sit
22 there, and everybody is going to be able to use
23 that, if they have a handicapped person visiting
24 them, as opposed to the other three units, that will
25 be -- the way you described it is nobody can own it,

1 so it's got to be --

2 COMMISSIONER PINCHEVSKY: Dennis, I
3 don't know if I agree. If somebody with a
4 handicapped is visiting, no, all four -- each of the
5 four unit owners are going to own those spots, and
6 if they're a handicapped person --

7 MR. GALVIN: We can't designate a
8 handicapped space to one unit, because that person
9 is not necessarily handicapped.

10 He can't park his car there --

11 (Everybody talking at once)

12 MR. CURLEY: It would be assigned to a
13 unit --

14 CHAIRMAN HOLTZMAN: One at a time.

15 MR. GALVIN: Talk to me.

16 MR. CURLEY: -- it would be assigned to
17 a unit subject to bumping rights. It would have the
18 same assignment as every other unit. Each unit has
19 a limited common element, a parking space.

20 CHAIRMAN HOLTZMAN: We don't want to
21 get into --

22 MR. HIPOLIT: I don't think you want to
23 get into that detail with the handicapped space.
24 You don't want to be part of something that may or
25 may not be right.

1 MR. GALVIN: I am just trying to write
2 down what I hear. Okay?

3 The parking spaces will be deeded with
4 an assigned unit within the building.

5 CHAIRMAN HOLTZMAN: That is it. Leave
6 it alone.

7 MR. CURLEY: As a limited common
8 element.

9 MR. GALVIN: Okay.

10 COMMISSIONER PINCHEVSKY: And just real
11 quick, and three or four conditions ago, you said
12 just for being specific, you mentioned the
13 handicapped spot would be shifted, but I think one
14 of the four end parking spots are also being
15 shifted, so I think it's two shifts --

16 MR. GALVIN: But here is the thing.
17 When I do this kind of stuff, I am putting all on
18 the weight on Andy to double check the plan.

19 COMMISSIONER PINCHEVSKY: Okay.

20 MR. GALVIN: It doesn't need to be
21 specified with that level because --

22 COMMISSIONER PINCHEVSKY: That's fine.

23 MR. GALVIN: -- all right?

24 And finally: The stormwater detention
25 is to be double the NHSA requirement.

1 CHAIRMAN HOLTZMAN: NHTSA requirement.

2 COMMISSIONER PEENE: Or greater.

3 CHAIRMAN HOLTZMAN: At least double.

4 A VOICE: Sorry, guys.

5 (Laughter)

6 CHAIRMAN HOLTZMAN: Okay. So these are
7 the six conditions as read by Mr. Galvin.

8 MR. GALVIN: It needs to be stronger.

9 (Laughter)

10 CHAIRMAN HOLTZMAN: Are there any
11 additional additions, subtractions, comments,
12 opinions, motions?

13 COMMISSIONER FORBES: I make a motion to
14 approve with those conditions.

15 CHAIRMAN HOLTZMAN: A motion is on the
16 floor to accept with the six conditions.

17 COMMISSIONER DOYLE: Second.

18 CHAIRMAN HOLTZMAN: Second by Mr.
19 Doyle.

20 MS. CARCONE: Okay. Commissioner
21 Magaletta?

22 VICE CHAIR MAGALETTA: Yes.

23 MS. CARCONE: Commissioner Stratton?

24 COMMISSIONER STRATTON: Yes.

25 MS. CARCONE: Commissioner Forbes?

1 COMMISSIONER FORBES: Yes.

2 MS. CARCONE: Commissioner Doyle?

3 COMMISSIONER DOYLE: Yes.

4 MS. CARCONE: Commissioner Graham?

5 COMMISSIONER GRAHAM: Yes.

6 MS. CARCONE: Commissioner Mc Kenzie?

7 COMMISSIONER MC KENZIE: Yes.

8 MS. CARCONE: Commissioner Peene?

9 COMMISSIONER PEENE: Yes.

10 MS. CARCONE: Commissioner Pinchevsky?

11 COMMISSIONER PINCHEVSKY: Yes.

12 MS. CARCONE: Commissioner Holtzman?

13 CHAIRMAN HOLTZMAN: Yes.

14 MR. CURLEY: Thank you.

15 (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 11/5/2020.
Dated: 5/31/16
This transcript was prepared in accordance with
NJAC 13:43-5.9.

CITY OF HOBOKEN
PLANNING BOARD

----- X
SPECIAL MEETING OF THE HOBOKEN : May 26, 2016
PLANNING BOARD : 10:30 p.m.
----- X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman Gary Holtzman
- Vice Chair Frank Magaletta
- Commissioner Caleb D. Stratton
- Commissioner Brandy Forbes
- Commissioner Jim Doyle
- Commissioner Ann Graham
- Commissioner Caleb McKenzie
- Commissioner Ryan Peene
- Commissioner Rami Pinchevsky
- Commissioner Kelly O'Connor

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

- David Glynn Roberts, AICP/PP, LLA, RLA
Board Planner
- Andrew R. Hipolit, PE, PP, CME
Board Engineer
- Patricia Carcone, Board Secretary

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1 COMMISSIONER PEENE: Motion to adjourn.

2 CHAIRMAN HOLTZMAN: There is a motion
3 to adjourn.

4 MS. CARCONE: Can I talk about meeting
5 dates?

6 CHAIRMAN HOLTZMAN: Yes. Hold on a
7 second. The motion is denied. Ms. Carcone has the
8 floor.

9 Okay. Everybody, we have some serious
10 stuff coming up here in terms of the calendar, so
11 please pay attention.

12 MS. CARCONE: I sent an email out to
13 hold June 8th at 7:30 for Stevens to present their
14 master plan. It is going to be -- we have a work
15 session at 7, so we are going to meet at 7:30 after
16 the work session.

17 CHAIRMAN HOLTZMAN: Right.

18 MS. CARCONE: And I guess that is an
19 informal meeting.

20 COMMISSIONER GRAHAM: So this is an
21 informal review. We are just going to hear what
22 they have to say?

23 CHAIRMAN HOLTZMAN: Yes. They are
24 coming in prior to their application for a modular
25 building that they need to build, so that they can

1 eventually start the process of the Gateway Center
2 because they need to have new office and classroom
3 space to put people before they start doing any
4 demolition.

5 COMMISSIONER GRAHAM: That building
6 would come to us?

7 MR. GALVIN: Yes, it comes to us.

8 CHAIRMAN HOLTZMAN: The modular
9 building does, yes.

10 MR. GALVIN: It does not require a D
11 variance.

12 MS. CARCONE: Then Stevens has also
13 requested a special meeting for their modular
14 building, which they are now calling the North
15 Building. I guess they are throwing out that
16 modular name. I guess they didn't like the way it
17 sounded, like prefab or something. I don't know.

18 MR. GALVIN: Wasn't that a movie?

19 MS. CARCONE: What's that?

20 MR. GALVIN: Wasn't that a movie,
21 North?

22 MS. CARCONE: North

23 COMMISSIONER GRAHAM: "North By
24 Northwest."

25 MS. CARCONE: I said that's a very

1 descriptive name for a building, the North Building.

2 CHAIRMAN HOLTZMAN: A bunch of
3 engineers that couldn't come up with anything
4 creative.

5 (Laughter)

6 MS. CARCONE: But anyway, not to hold
7 everybody up, the 28th is the potential date for a
8 special meeting.

9 CHAIRMAN HOLTZMAN: So please get back
10 to Pat and confirm, guys.

11 MS. CARCONE: Yes. I'll send an email
12 out in the morning. I know our professionals are --

13 COMMISSIONER GRAHAM: The 28th of June?

14 MS. CARCONE: The 28th of June, the
15 last Tuesday.

16 COMMISSIONER DOYLE: Does the meeting
17 on the 8th, is that -- do we have to publicly notice
18 that?

19 MS. CARCONE: I was going to advertise
20 it as a --

21 CHAIRMAN HOLTZMAN: Yes.

22 COMMISSIONER DOYLE: -- but we are not
23 going to take any action, I assume?

24 MS. CARCONE: No action, right.

25 MR. GALVIN: We're just going to

1 listen.

2 CHAIRMAN HOLTZMAN: It is like a work
3 session type of a thing. They are going to come to
4 us. I think it's positive. They are being somewhat
5 forthcoming. We get to see the presentation
6 obviously and kind of give us an idea as to how this
7 thing that they are going to present to us two weeks
8 later is going to fit into the whole scheme of
9 things.

10 MR. GALVIN: At the Zoning Board -- I'm
11 sorry -- at the Zoning Board, we did meet, and they
12 kind of said they didn't have a plan, which was
13 unbelievable, so they must have a plan. Now they
14 have to come talk to us about the sketch --

15 COMMISSIONER GRAHAM: They came to us
16 for something else. It was too much going on.

17 MS. CARCONE: Four projects in the last
18 two or --

19 COMMISSIONER GRAHAM: So we are having
20 a special meeting just for Stevens?

21 MS. CARCONE: On the 28th, yes, because
22 they are in a hurry to get this done, so they can
23 get moving on Gateway.

24 COMMISSIONER MC KENZIE: Yes. We
25 requested it.

1 MR. GALVIN: It's causing us two
2 special meetings.

3 CHAIRMAN HOLTZMAN: It is causing us
4 two special meetings, yes.

5 MS. CARCONE: Yes.

6 CHAIRMAN HOLTZMAN: So please get back
7 to Pat, so that she knows how to keep score of where
8 the team is at.

9 MS. CARCONE: I will send an email out
10 just to make sure to remind everyone of the dates.

11 CHAIRMAN HOLTZMAN: Do you have
12 anything else for us, Pat?

13 MS. CARCONE: No.

14 CHAIRMAN HOLTZMAN: Okay.

15 COMMISSIONER PEENE: Notion to adjourn.

16 CHAIRMAN HOLTZMAN: Motion to adjourn.
17 Is there a second?

18 COMMISSIONER MC KENZIE: Second.

19 CHAIRMAN HOLTZMAN: All in favor?

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

22 CHAIRMAN HOLTZMAN: Thank you,
23 everybody.

24 (The meeting concluded at 10:40 p.m.)

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C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CCR, CRCR

PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300
Notary Public of the State of New Jersey
My commission expires 11/5/2020.
Dated: 5/31/16
This transcript was prepared in accordance with
NJAC 13:43-5.9.