

CITY OF HOBOKEN
PLANNING BOARD

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REGULAR MEETING OF THE HOBOKEN :July 1, 2014
PLANNING BOARD : 7:06 p.m.
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Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman Gary Holtzman
- Vice Chair Frank Magaletta
- Commissioner Stephen Marks
- Commissioner Ann Graham
- Commissioner Gill Mosseri
- Commissioner Rami Pinchevsky
- Commissioner Dan Weaver
- Commissioner Caleb McKenzie

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

- David Glynn Roberts, AICP/PP, LLA, RLA
Board Planner
- Patricia Carcone, Board Secretary

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BOARD BUSINESS

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RESOLUTION:

93 Grand Street

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HEARING:

Pier 13 (a/k/a Pier 3) at the Shipyard

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1 CHAIRMAN HOLTZMAN: All right. We are
2 going to call our meeting to order.

3 This is the Hoboken Planning Board. It
4 is July 1st, 2014. It is 7:06.

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

13 Pat, please call the roll.

14 MS. CARCONE: Commissioner Holtzman?

15 CHAIRMAN HOLTZMAN: Here.

16 MS. CARCONE: Commissioner Magaletta?

17 VICE CHAIR MAGALETTA: Here.

18 MS. CARCONE: Commissioner Marks?

19 COMMISSIONER MARKS: Present.

20 MS. CARCONE: Commissioner Forbes is
21 absent.

22 Commissioner Bhalla is absent.

23 Commissioner Graham?

24 COMMISSIONER GRAHAM: Here.

25 MS. CARCONE: Commissioner Mosseri?

1 COMMISSIONER MOSSERI: Here.

2 MS. CARCONE: Commissioner Pinchevsky?

3 COMMISSIONER PINCHEVSKY: Here.

4 MS. CARCONE: Commissioner Weaver?

5 COMMISSIONER WEAVER: Here.

6 MS. CARCONE: Commissioner Conroy is
7 absent.

8 Commissioner McKenzie?

9 CHAIRMAN HOLTZMAN: Soon to be
10 Commissioner McKenzie, right.

11 MS. CARCONE: Soon to be Commissioner
12 Mc Kenzie.

13 MR. MC KENZIE: Present.

14 CHAIRMAN HOLTZMAN: So I would like to
15 welcome Caleb Mc Kenzie to our Board. Caleb was
16 just recently appointed by the mayor, and I think he
17 is going to do a great job and hopefully give us
18 some insight on one of the things that you are
19 always focused on, Ms. Graham, which is lighting.
20 Caleb comes to us as a professional lighting
21 expert --

22 COMMISSIONER GRAHAM: That's great.

23 CHAIRMAN HOLTZMAN: -- so this should
24 be pretty interesting.

25 COMMISSIONER GRAHAM: Can I just ask

1 one question?

2 CHAIRMAN HOLTZMAN: Sure.

3 COMMISSIONER GRAHAM: Besides welcoming
4 Mr. McKenzie, why is he also listed as secretary?

5 MS. CARCONE: That was a typo.

6 COMMISSIONER GRAHAM: Okay.

7 (Laughter)

8 MS. CARCONE: You are the second person
9 that caught that.

10 COMMISSIONER GRAHAM: I thought, well,
11 we usually vote on it.

12 MS. CARCONE: Yeah, no. That was just
13 a stray text.

14 COMMISSIONER GRAHAM: Okay. All right.
15 Fine.

16 (Laughter)

17 CHAIRMAN HOLTZMAN: So we are going to
18 have Steve administer an oath of office here.

19 MR. GLEESON: Could you raise your
20 right hand, please, and repeat after me.

21 I, Caleb McKenzie --

22 MR. MC KENZIE: I, Caleb McKenzie --

23 MR. GLEESON: -- do solemnly swear --

24 MR. MC KENZIE: -- do solemnly swear --

25 MR. GLEESON: -- that I will

1 faithfully, impartially and justly perform --

2 MR. MC KENZIE: -- that I will

3 faithfully, impartially and justly perform --

4 MR. GLEESON: -- all of the duties of a
5 second alternate member --

6 MR. MC KENZIE: -- all of the duties of
7 a second alternate member --

8 MR. GLEESON: -- to the Hoboken
9 Planning Board --

10 MR. MC KENZIE: -- to the Hoboken
11 Planning Board --

12 MR. GLEESON: -- for the City of
13 Hoboken --

14 MR. MC KENZIE: -- for the City of
15 Hoboken --

16 MR. GLEESON: -- according to the best
17 of my ability --

18 MR. MC KENZIE: -- according to the
19 best of my ability --

20 MR. GLEESON: -- so help me, God.

21 MR. MC KENZIE: -- so help me, God.

22 MR. GLEESON: I, Caleb McKenzie --

23 MR. MC KENZIE: I, Caleb McKenzie --

24 MR. GLEESON: -- do solemnly swear --

25 MR. MC KENZIE: -- do solemnly swear --

1 MR. GLEESON: -- that I will support
2 the Constitution of the United States --

3 MR. MC KENZIE: -- that I will support
4 the Constitution of the United States --

5 MR. GLEESON: -- and the Constitution
6 of the State of New Jersey --

7 MR. MC KENZIE: -- and the Constitution
8 of the State of New Jersey --

9 MR. GLEESON: -- and that I will bear
10 true faith and allegiance --

11 MR. MC KENZIE: -- and that I will bear
12 true faith and allegiance --

13 MR. GLEESON: -- to the same --

14 MR. MC KENZIE: -- to the same --

15 MR. GLEESON: -- and to the governments
16 established in the United States --

17 MR. MC KENZIE: -- and to the
18 governments established in the United States --

19 MR. GLEESON: -- and in this state --

20 MR. MC KENZIE: -- and in this state --

21 MR. GLEESON: -- under the authority of
22 the people --

23 MR. MC KENZIE: -- under the authority
24 of the people --

25 MR. GLEESON: -- so help me, God.

1 MR. MC KENZIE: -- so help me, God.

2 MR. GLEESON: Okay. Welcome to the
3 Board.

4 CHAIRMAN HOLTZMAN: Congratulations.

5 (Applause)

6 Terrific.

7 The first item on our agenda today is a
8 resolution for 93 Grand Street.

9 Were there any comments or questions
10 from any of the professionals or our Commissioners
11 on this resolution?

12 Seeing there are no questions, is there
13 a motion to accept the resolution as presented?

14 COMMISSIONER MARKS: So made.

15 CHAIRMAN HOLTZMAN: And a second?

16 VICE CHAIR MAGALETTA: Second.

17 CHAIRMAN HOLTZMAN: Okay.

18 Pat, just call that vote.

19 MS. CARCONE: Commissioner Magaletta?

20 VICE CHAIR MAGALETTA: Yes.

21 MS. CARCONE: Commissioner Marks?

22 COMMISSIONER MARKS: Aye.

23 MS. CARCONE: Commissioner Graham?

24 COMMISSIONER GRAHAM: Yes.

25 MS. CARCONE: Commissioner Weaver?

1 COMMISSIONER WEAVER: Yes.

2 MS. CARCONE: And, Commissioner

3 Holtzman?

4 CHAIRMAN HOLTZMAN: Yes.

5 (Continue on next page.)

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CITY OF HOBOKEN
PLANNING BOARD

RE: Pier 13 (a/k/a Pier 3) at the Shipyard, Block 262.01, Lot 1 Amended Resolution dated 6/11/13 : July 1, 2014 : Tuesday : 7:15 p.m.

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman Gary Holtzman
- Vice Chair Frank Magaletta
- Commissioner Stephen Marks (Recused)
- Commissioner Ann Graham
- Commissioner Gill Mosseri
- Commissioner Rami Pinchevsky
- Commissioner Dan Weaver
- Commissioner Caleb McKenzie

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

- David Glynn Roberts, AICP/PP, LLA, RLA
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11 (973) 535-0500
12 BY: MEGHAN BARRETT BURKE, ESQUIRE
13 Attorney for the Applicant.

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1 CHAIRMAN HOLTZMAN: All right. And our
2 second item today is a hearing for Pier 13.

3 I see Meghan. Are you ready for us?

4 COMMISSIONER WEAVER: Is this a hearing
5 for Pier 13?

6 CHAIRMAN HOLTZMAN: Actually
7 technically it is a hearing. It has been publicly
8 noticed.

9 COMMISSIONER MARKS: Mr. Chairman?

10 CHAIRMAN HOLTZMAN: I'm sorry, go
11 ahead.

12 COMMISSIONER MARKS: Mr. Chairman,
13 because of ongoing litigation between the city and
14 the applicant, I am going to have to recuse myself.

15 CHAIRMAN HOLTZMAN: Okay. Thank you,
16 Commissioner.

17 COMMISSIONER MARKS: All right. So I
18 will see you.

19 (Laughter)

20 (Commissioner Marks recused)

21 CHAIRMAN HOLTZMAN: Frank, did you want
22 the floor?

23 VICE CHAIR MAGALETTA: No, no.

24 CHAIRMAN HOLTZMAN: I'm sorry, okay.

25 Yes. In order to make sure that all of

1 the public potential notifications were covered, the
2 applicant actually requested that there be a public
3 hearing. I believe that we can actually -- we could
4 have potentially done this administratively. They
5 requested it, so we accepted their request.

6 COMMISSIONER WEAVER: Did they provide
7 material for the public to review prior to the
8 meeting?

9 CHAIRMAN HOLTZMAN: Yes --

10 MS. CARCONE: They did notice.

11 CHAIRMAN HOLTZMAN: -- and they
12 noticed.

13 COMMISSIONER WEAVER: Was there a
14 package, though?

15 CHAIRMAN HOLTZMAN: A package?

16 COMMISSIONER WEAVER: A package for the
17 public to review.

18 CHAIRMAN HOLTZMAN: The package to
19 review is the resolution.

20 COMMISSIONER WEAVER: So we are having
21 a hearing only on the resolution?

22 CHAIRMAN HOLTZMAN: And it is not the
23 first time we are making this pass. This is on a
24 renegotiated resolution.

25 COMMISSIONER WEAVER: So the hearing is

1 actually to vote on the renegotiated resolution?

2 CHAIRMAN HOLTZMAN: That is correct.

3 COMMISSIONER GRAHAM: Why --

4 COMMISSIONER WEAVER: What -- go ahead.

5 CHAIRMAN HOLTZMAN: Sure, Ann, go
6 ahead.

7 COMMISSIONER GRAHAM: -- why did the
8 applicant request a hearing? I am just curious.

9 CHAIRMAN HOLTZMAN: Ms. Burke, would
10 you like to address that issue?

11 MS. BURKE: Sure.

12 The reason that we requested a hearing
13 was that there is some case law in New Jersey
14 that -- it's a case called Whispering Woods, that
15 requires a public hearing any time that there is a
16 settlement entered into between a Planning Board and
17 an applicant.

18 So although what is really happening
19 tonight is a request for a modification, a minor
20 modification of the conditions in the existing
21 resolution, out of an abundance of caution, the
22 Board Attorney and I decided it would be best to
23 notice it just in case anybody had anything else
24 that they wanted to share, and so the public is
25 fully aware of what is going on.

1 COMMISSIONER GRAHAM: Okay.

2 COMMISSIONER WEAVER: So we -- we had a
3 resolution, which unfortunately the Board at the
4 request of the applicant agreed not to waive the 30
5 days, right? I am taking you back a year, right?

6 At your recommendation and the Board's
7 agreement, we decided to waive that 30-day period
8 and allow them to open up their establishment
9 early --

10 CHAIRMAN HOLTZMAN: Uh-huh.

11 COMMISSIONER WEAVER: -- they then,
12 although they promised to do certain things, right,
13 they stood here in the room on the record and agreed
14 to certain modifications to the application --

15 CHAIRMAN HOLTZMAN: Conditions,
16 correct, yes.

17 COMMISSIONER WEAVER: -- conditions.

18 They then wanted to modify those. Even
19 though they agreed to them, they have taken them to
20 a judge. The judge has then upheld some and voided
21 others.

22 CHAIRMAN HOLTZMAN: Correct --

23 COMMISSIONER WEAVER: Right.

24 Now --

25 CHAIRMAN HOLTZMAN: -- and sent some of

1 going to agree to --

2 CHAIRMAN HOLTZMAN: To do more stuff.

3 COMMISSIONER WEAVER: -- to do stuff,
4 but then we don't know if they actually will be held
5 to that.

6 CHAIRMAN HOLTZMAN: Well, they are
7 going to be held to it. We don't know if they are
8 going to actually be good citizens and follow the
9 conditions that the Board sets forth.

10 COMMISSIONER WEAVER: Well, good
11 citizens -- so this could be a farce, so we can just
12 be wasting our time again. Is this true?

13 MS. BURKE: No, I would disagree with
14 that entire sentence.

15 To the extent that I am not sure
16 exactly what -- can you repeat your question?

17 COMMISSIONER WEAVER: Would you like me
18 to say it again?

19 MS. BURKE: Yes.

20 COMMISSIONER WEAVER: So certain things
21 were agreed to by you and your client in this
22 meeting on the record, right?

23 You agreed to them. There were certain
24 things, which were agreed to.

25 Now, you have gone back to the judge

1 and had some of them voided, right?

2 Now, you are going to agree to some of
3 them now on a negotiated resolution.

4 What is to say you are actually going
5 to not take these back to the judge and have these
6 voided as well?

7 MS. BURKE: I would submit that the
8 majority of the conditions that were in the original
9 resolution we did not agree to.

10 COMMISSIONER GRAHAM: That was our
11 condition of approval.

12 MS. BURKE: Yes.

13 COMMISSIONER GRAHAM: We wouldn't have
14 approved it, if you hadn't agreed, and we voted --

15 MS. BURKE: We don't necessarily -- an
16 applicant does not agree to every condition that's
17 imposed by a Board in a resolution. It is not a
18 negotiation --

19 COMMISSIONER GRAHAM: Then we would
20 have voted it down.

21 MS. BURKE: -- there may have been some
22 in there, where there were negotiations during the
23 hearing, certain discrete conditions, but not all of
24 them.

25 For example, the applicant never agreed

1 to -- never would have agreed to have the beverage
2 trailer not be allowed to be at the site. That was
3 the point of main contention.

4 But if I may, and the Board, of course,
5 is welcome to ask me whatever questions they want,
6 but the fact of the matter is that we did challenge
7 the approval, and the Court excinded a majority of
8 the conditions that we challenged, so they are out.

9 Now, there were two conditions that the
10 Court remanded to the Board for further discussion,
11 and in working with the Board Attorney, we came up
12 with a proposed settlement, quote, unquote,
13 settlement, or amended conditions, and those are
14 what are being subject to being voted on today.

15 As far as us doing what we agreed to
16 do, what is in this resolution, I mean, that is what
17 you have an zoning officer for, and I will stand
18 here and say that my client's intention is to comply
19 with all of these conditions to the letter.

20 We are very grateful to be moving
21 forward with our -- and putting this all behind us.
22 We hope to continue to enjoy a productive
23 relationship with the city, and we have no intention
24 of breaching any of these conditions. It is going
25 to be a recorded resolution, and that is our comment

1 on that.

2 CHAIRMAN HOLTZMAN: So I just wanted to
3 walk this back, because I appreciate the history
4 recap. I think it is relevant especially for the
5 public that has joined us here tonight.

6 I think one of the things that is
7 really important that we all had to go through this
8 learning process on, is that this pier, which is
9 technically private property, has a public access
10 aspect to it. And at the end of the day, we looked
11 at it as if it was public space, and we tried very
12 often to use like our outdoor cafe licensing and
13 other types of things that we in the city put as
14 conditions for outdoor use on this pier.

15 And to just try to relatively simplify
16 this thing is that basically the judge is telling us
17 that, no, this is absolutely private property, and
18 you and your cafe, outdoor cafe ordinance, does not
19 apply because this is private property. This is not
20 a sidewalk.

21 So a lot of the conditions that we put
22 on unfortunately were overturned based upon the
23 private versus public aspect of that.

24 COMMISSIONER WEAVER: Understood.

25 CHAIRMAN HOLTZMAN: You know, I was

1 talking to Rami earlier. He had a question, and I
2 mean, I think the Board did a terrific job when we
3 had these hearings. We had two nights of hearings.
4 It was a continual give and take. I think that this
5 Board at least in good faith came to a rather long
6 list, but a list of conditions that seemed like they
7 were workable and livable for this pier.
8 Apparently, they didn't think so.

9 COMMISSIONER WEAVER: Yeah.

10 I mean, what we tried to come to was
11 some way to facilitate greater public usage of the
12 pier, right, in a passive recreation way, right,
13 with fulfilling the intent of open space and public
14 access as is referenced by the 19 -- I am going to
15 say the 1997 resolution of the Planning Board of the
16 City of Hoboken for this site, as well as -- oh, I
17 really don't know how to describe this, but it is
18 the Coastal Management Rules, the Administrative
19 Code of the State of New Jersey, Section 7 --

20 CHAIRMAN HOLTZMAN: So it is a DEP
21 document or something?

22 COMMISSIONER WEAVER: Yeah.

23 7 -- hum, what is it -- 77(e)8.11,
24 which really goes to the intent of what the idea of
25 the space is.

1 I also think that -- and I would hope
2 that the Zoning Officer, Ms. Holtzman, was I think
3 very understanding in the beginning and was writing
4 letters to the applicant advising them of the
5 things, which they were in noncompliance of before
6 citing them. However, certain items in this list
7 have -- which they agreed to, which you have agreed
8 to, have still not been met.

9 As far as I know, we still do not have
10 a plan for when the 80 slips will be back in
11 service.

12 The trees are still not there.

13 On numerous occasions, the gate is not
14 open, as the hours stipulate, and I would like to go
15 on the record that I would hope that the Zoning
16 Officer would be less understanding and less
17 patient, because it has been an entire year, and
18 these things have still not been met.

19 And I, as a citizen of Hoboken, I mean,
20 I would just hope that although, you know, we are
21 trying to make this a better place, frankly, the
22 piers are under-utilized. Anything that we can do
23 to get them utilized by more public in a friendly
24 passive way I think is a great idea. Unfortunately,
25 I mean, I think some of these changes are working

1 against it, but sometimes that is the compromise
2 that we have to come to.

3 CHAIRMAN HOLTZMAN: Uh-huh.

4 COMMISSIONER WEAVER: Thank you.

5 VICE CHAIR MAGALETTA: I would second
6 that.

7 A couple of things that I was surprised
8 by was that it was very clear with the hours of
9 operation six a.m. to eleven p.m., and I have gone
10 by the pier on a Saturday afternoon, and it has been
11 locked. That's been disappointing.

12 One of the things that is really
13 troublesome is that I believe the applicant's
14 planner said at the hearing that there is an
15 eight-foot wide path down the middle, which is
16 supposed to remain unencumbered, and not every day,
17 but every weekend I go by there, and I see things
18 along the way. I see the food trucks that have
19 tails extending into this eight-foot safe
20 passageway, and that is a real problem.

21 I think that for your own sake, not for
22 your sake, but the applicant's sake, if somebody is
23 injured, and that pathway is not open, they'll have
24 bigger problems than violating this agreement to the
25 resolution, so I really hope to impress upon them

1 that they need to take care of that in particular.

2 Also, one other point, and I don't
3 know, maybe this is a procedural question. As far
4 as this Whispering Woods hearing, I don't know if
5 the parties agreed to it, but it is actually being
6 directed by the Appellate Division in the consent
7 order, which was the basis of this resolution, which
8 says that you shall conduct this public hearing, so
9 I don't know if I am parsing it, but I just wanted
10 to make sure that the record is clear that I don't
11 know if it was voluntary, but it has been ordered
12 that we have to do this, and that is why I think it
13 is a good thing, and it is also good for the public.

14 There are some people here from the
15 public. I know some emails were going around in
16 some public spots, so people know about this
17 hearing, and that is a good thing.

18 If people choose not to show up, that
19 is their prerogative. But we do have some people
20 here, and I think it is also very important to hear
21 what they have to say.

22 That's it.

23 CHAIRMAN HOLTZMAN: Yes. We are
24 definitely going to open it up to the public.

25 Thank you, Frank.

1 I think just to reiterate that path
2 that you've talked about and highlighted a couple of
3 times at some of the meetings is really important.
4 I think, you know, from a safety standpoint, I think
5 that is one of your concerns. But I think it's also
6 one of the concerns that if that pathway is open, it
7 also does not prevent somebody from sort of easily
8 strolling down the pier and using it as open public
9 space as opposed to them feeling like they have to
10 negotiate tables and chairs.

11 I know that Ms. Burke was with us when
12 we met out on the pier with the applicant. Dennis
13 and I went out there one day, about trying to locate
14 like the hostess stand off to the side, so that it
15 is not sticking out acting as like a gatekeeper-type
16 of a thing, so I am going to reiterate that as well,
17 Ms. Burke.

18 COMMISSIONER WEAVER: As far as the
19 hostess stand goes --

20 COMMISSIONER GRAHAM: Bouncer stand.

21 COMMISSIONER WEAVER: -- I mean, this
22 is not -- this is not a -- certainly no infractions
23 will be generated from the results of this meeting,
24 but I can tell you, you really need to counsel, you
25 need to counsel your client because I was actually

1 physically stopped when I crossed the hostess portal
2 and told that I had to have my I.D. checked.

3 MS. BURKE: When was that?

4 COMMISSIONER WEAVER: This was -- this
5 was -- I will get you the date.

6 MS. BURKE: Recently?

7 COMMISSIONER WEAVER: Oh, yes, within
8 like two weeks --

9 CHAIRMAN HOLTZMAN: I know that Frank
10 said one more --

11 COMMISSIONER WEAVER: -- it was an
12 African-American bouncer, and he stood there, and he
13 actually stopped me.

14 CHAIRMAN HOLTZMAN: Kind of
15 intimidating, whatever?

16 COMMISSIONER WEAVER: Yes. He touched
17 me, you know.

18 I said to one of -- finally, one of the
19 managers walked up, and I said, you got to tell your
20 guys, you can't be touching people.

21 I mean, this is going to get ugly, and
22 I mean, we are just warning you. This is not what
23 we intended for this -- this is supposed to be
24 public access.

25 Regardless of how the judge interprets

1 this, this is still my interpretation, and I just
2 wanted to go on the record, public access to the
3 pier means 100 percent of the pier in the hours that
4 it is open. It doesn't say not on holidays. It
5 doesn't say five times a year, which by the way, I
6 think your client did agree to on the record, and
7 now they are withdrawing that, which is again
8 disingenuous and disappointing.

9 COMMISSIONER PINCHEVSKY: When was
10 that?

11 CHAIRMAN HOLTZMAN: The number of --
12 five events a year.

13 COMMISSIONER WEAVER: They agreed to
14 that.

15 COMMISSIONER PINCHEVSKY: They didn't
16 actually agree -- they agreed to no events. They
17 actually not only agreed to it, they suggested it.

18 COMMISSIONER WEAVER: No private
19 events.

20 COMMISSIONER PINCHEVSKY: And, again,
21 they suggested it. It was their suggestion that
22 they would not do any private events.

23 VICE CHAIR MAGALETTA: Mr. Barry
24 stated, he didn't suggest it, he stated, no private
25 events, so --

1 COMMISSIONER PINCHEVSKY: And then he
2 turned around and sues, which is extremely
3 disingenuous on the applicant's behalf.

4 COMMISSIONER WEAVER: So I mean, we
5 want the pier to be more active. We want it to be
6 enjoyed by more public. Unfortunately, this is the
7 situation that we have.

8 CHAIRMAN HOLTZMAN: We can certainly
9 have some additional comments from the
10 Commissioners.

11 I would like to open it up to the
12 public. If there is anybody from the public that is
13 here that wishes to speak, please just stand up and
14 identify yourself, sir, and take all of the time you
15 need.

16 MR. STERN: My name is Arnold Stern,
17 Apartment 804, South Constitution. My apartment
18 looks directly over the pier.

19 I have personally no objection to the
20 pier. The pier is fine. It is fine the way it is
21 now operating, meaning there is no music. I have no
22 objection to music, but I don't want to hear it.

23 In other words, if they want to play
24 it, they don't have to amplify it. They seem to
25 feel the need to have an MC shouting at the top of

1 his lungs, music blasting out, and they don't give a
2 regard for anybody else.

3 Now, I want to point out --

4 CHAIRMAN HOLTZMAN: Mr. Stern, is that
5 recently that that happened?

6 MR. STERN: No, no. That was last
7 year.

8 CHAIRMAN HOLTZMAN: Okay.

9 MR. STERN: What I am concerned about
10 is they are planning to come back again.

11 In other words, if I understand what
12 Applied wishes to do, they want to reinstate music,
13 right?

14 They want to continue -- they want to
15 bring the microphones further west, so they will be
16 within 150 feet of our residence.

17 They plan to put -- have five affairs
18 which -- and there will be no control over those.

19 Let me also say something. You are
20 going to sign a contract with a company -- a family
21 that wants to put a marriage. Are you going to tell
22 that family, that, no, you can't have amplified
23 music?

24 No, you can't have an MC screaming his
25 lungs out?

1 The music, if you do have music, it has
2 to face west -- it has to face east rather than
3 west. Those are the restrictions, ma'am, okay?

4 Do you think Applied will issue a
5 contract like that?

6 No way. You know that. I know that.

7 So, therefore, they want five private
8 affairs -- I am jumping around -- five private
9 affairs, which will affect residents such as
10 ourselves.

11 On a personal note, I am having a 90th
12 birthday party in a couple of weeks.

13 COMMISSIONER GRAHAM: Congratulations.

14 MR. STERN: I am having over a hundred
15 guests. I am not inflicting it on the public.

16 I am having this affair indoors at the
17 Sheraton Hotel. I wouldn't dream of having music
18 outdoors, except if it were a park, a big open area.
19 But to affect the residents, how dare they have
20 that. How callus can they be, for the lousy buck
21 that he has to make?

22 You know, I am putting it on a personal
23 basis now.

24 I asked the -- would Applied executives
25 want this noise in front of their home?

1 Would any of the members of this
2 Planning Commission want that kind of noise in front
3 of their homes?

4 I doubt it. You know that you
5 wouldn't.

6 So why would we give permission to
7 these people to do that?

8 The park is running -- the pier is
9 running beautifully right now. They want to
10 increase the number of toilets.

11 Would they put that investment in, if
12 their tenants were slipping?

13 Obviously, the tenants are not
14 affected. So, therefore, why enhance it?

15 Why bring another element in that
16 affects us?

17 Would any Washington Street enterprise
18 or any retail store have the audacity to apply to a
19 city agency for permission to put a jukebox out in
20 front because it would entice customers?

21 So why do they get away with it?

22 Why should they get away with it?

23 In addition to which, when Applied
24 built our houses, the pier was not functioning
25 except as a ferry pier. In fact, it wasn't even

1 doing that. We got here first. They are coming in,
2 and they want to get in on our back?

3 They have no right to do this, and I am
4 asking the legal team, Ms. Burke, would you want
5 this kind of nonsense in front of your home?

6 I doubt it.

7 I am putting it on a very personal
8 basis, gentlemen, and lady.

9 Let the thing continue. It is only
10 right. I go down there. In fact, when I go down
11 there, I am royally treated because of my age, so it
12 is wonderful, but the music, no.

13 CHAIRMAN HOLTZMAN: Well, you have
14 brought up a number of different topics --

15 MR. STERN: Well, wait. One other
16 factor. Excuse me. One other factor.

17 They want to -- they want to extend the
18 hours. You know, I am so choked up with emotion
19 here. Their concern about the crowd being
20 dispersed.

21 Now, we have people milling about after
22 eleven when they close the pier at ten.

23 Now, they want to do it until twelve,
24 when people will be even more soused than they were
25 before, so we'll be listening to this noise-making

1 until one o'clock?

2 You know, if Michael Barry were here, I
3 would say to him, and it might be hurtful, have you
4 no decency, sir?

5 CHAIRMAN HOLTZMAN: Thank you, Mr.
6 Stern.

7 With regard to the noise, Mr. Stern --

8 MR. STERN: Yes.

9 CHAIRMAN HOLTZMAN: -- specifically the
10 noise and the music and everything else, that was
11 something that we attempted to limit and curtail
12 when we first passed our first set of conditions,
13 and we were overruled by the judge.

14 On the other hand, the city --

15 MR. STERN: I would like to play music
16 in front of the judge's house.

17 CHAIRMAN HOLTZMAN: Yes, I would agree
18 with that. For your party, we should do that.

19 But we still have in town a noise
20 ordinance that they must live within, and if they
21 violate that noise ordinance, the police can be
22 called, and hopefully the police can issue a
23 summons.

24 I think that Mr. Stern brings up a
25 really good point, though, and it is about, gee, if

1 there are five events a year, and they have some
2 type of private event with additional amplified
3 music, it is sort of immediately sounds like a red
4 flag type of an evening, so I am not sure how we
5 potentially deal with that, other than it falls
6 under the noise ordinance, and hopefully, if people
7 are being loud, and that the police can be called,
8 and hopefully the police will react.

9 MR. STERN: But that would be terrible
10 to have a wedding party, and the police come
11 charging in.

12 COMMISSIONER GRAHAM: That is the way
13 it is.

14 CHAIRMAN HOLTZMAN: Unfortunately, we
15 have been kind of overruled in our jurisdiction.

16 MR. STERN: Okay.

17 However, I would like to point out, and
18 we discussed this last year, if the judge has
19 overruled us, and the Barry family feels it is
20 absolutely necessary to have music, you know, God
21 forbid, that peace and quiet should prevail. I want
22 to make sure that the microphones face east. Let
23 New York have that pleasure.

24 I want the MC to keep his mouth down,
25 and I don't want the speakers west of the boathouse

1 at all, and I think we had discussed that with
2 McGinty, and he agreed last year. Now, I see they
3 want to reopen it, and that is not fair. Enough is
4 enough.

5 Any other questions?

6 CHAIRMAN HOLTZMAN: Thank you, sir.
7 Congratulations. Mazel Tov.

8 COMMISSIONER WEAVER: Happy birthday.

9 MR. STERN: Thank you.

10 COMMISSIONER PINCHEVSKY: You
11 congratulated him on his birthday, right?

12 CHAIRMAN HOLTZMAN: Yes. 90 years, I
13 think he deserves a congratulation.

14 Ms. Burke, you know, I think it is an
15 interesting point that Mr. Stern makes, which is,
16 you know, it never seemed a high bar for us to ask
17 for the speakers to be pointed to the east. It
18 certainly seems like a reasonable request.

19 Ma'am, you had something that you
20 wanted to say?

21 MS. LOWELL: I just wanted to --

22 CHAIRMAN HOLTZMAN: Could you just tell
23 us who you are?

24 MS. LOWELL: Barbara Lowell. I live on
25 Constitution Court.

1 THE REPORTER: How do you spell your
2 name?

3 MS. LOWELL: L-o-w-e-l-l.

4 I just wanted to say we cannot -- if we
5 want to go to sleep, say, and we open our windows so
6 we get fresh air, the noise of the people marching
7 around in the streets at ten or eleven or now twelve
8 o'clock at night is not very pleasant, if you are
9 trying to have a quiet evening, and so extending the
10 hours is going to make that even a noisier
11 situation.

12 And, of course, if we consider opening
13 our windows in the front of the -- facing the pier,
14 we can hear all of the noise and all of the music,
15 and we are not looking forward to that sound --

16 CHAIRMAN HOLTZMAN: Uh-huh.

17 MS. LOWELL: -- so...

18 VICE CHAIR MAGALETTA: May I?

19 CHAIRMAN HOLTZMAN: Sure, Frank, go
20 ahead.

21 VICE CHAIR MAGALETTA: Ms. Lowell, just
22 so you know, because they have a liquor license,
23 they have an interest in making sure that there is
24 no reason to call the police, because when the
25 police show up, the ABC, the people in charge of

1 liquor licenses, they keep track of when the police
2 are called for whatever the reason is, be it for a
3 violent incident, there's a noise violation, or
4 whatever it is.

5 When there is a certain number of
6 violations for whatever reason, you know, the owner
7 of the license gets called before the Board to
8 explain themselves.

9 So what I am suggesting to you, and
10 what I think Commissioner Holtzman is suggesting, if
11 there is a problem, or if there's a violation, that
12 you notify the proper authority or official. And if
13 a record is established that there is a problem,
14 then there are consequences to that.

15 So I am not telling you what to do, but
16 if there is a problem, you should do what is
17 appropriate and legal,

18 MS. LOWELL: Thank you.

19 VICE CHAIR MAGALETTA: You're very
20 welcome.

21 COMMISSIONER PINCHEVSKY: Are the times
22 being extended because --

23 COMMISSIONER WEAVER: The time is being
24 extended.

25 COMMISSIONER PINCHEVSKY: -- I see

1 eleven p.m. Wasn't it eleven p.m. before or is
2 it --

3 MR. ROBERTS: That is the public
4 access.

5 COMMISSIONER PINCHEVSKY: I was looking
6 at Item No. 6. Daily at 11 p.m.

7 COMMISSIONER WEAVER: No. It is
8 twelve. They stop serving at eleven.

9 COMMISSIONER PINCHEVSKY: Alcohol and
10 food service on pier must cease daily -- oh, okay.
11 They can stay open for another hour. I understand.

12 COMMISSIONER WEAVER: And they can keep
13 the music going until --

14 CHAIRMAN HOLTZMAN: Right.

15 COMMISSIONER PINCHEVSKY: Can they
16 serve someone ten beers at one minute to eleven p.m.
17 and then --

18 COMMISSIONER MOSSERI: Last call.

19 COMMISSIONER PINCHEVSKY: Last call is
20 at eleven p.m.

21 COMMISSIONER WEAVER: That is what last
22 calls means.

23 COMMISSIONER PINCHEVSKY: Okay.

24 (Laughter)

25 COMMISSIONER MOSSERI: To most of us.

1 CHAIRMAN HOLTZMAN: Yes, sir?

2 VICE CHAIR MAGALETTA: They run that
3 risk of consequences, if they act inappropriate.
4 That is all I am saying.

5 CHAIRMAN HOLTZMAN: Yes, sir.

6 MR. EVANS: My name is Hugh Evans,
7 E-v-a-n-s. I live at the South Constitution
8 Condominiums directly across Sinatra Drive from Pier
9 13.

10 I have three areas of concern. The one
11 I am most concerned about, you know, the increased
12 hazards to pedestrians in vehicles at the -- because
13 of the increased traffic congestion in that area.

14 I have a photograph I would be happy to
15 share with the Board.

16 May I submit that?

17 CHAIRMAN HOLTZMAN: Sure. Give it to
18 Pat, our Secretary.

19 MR. EVANS: I am going to talk about
20 that.

21 I illustrated in the photo, and that
22 one happened to have been taken on Sunday evening at
23 7:30 when I was walking around the neighborhood.

24 We have too many trucks that are
25 stopped in the northbound lane on Sinatra Drive.

1 There are industrial trucks delivering materials to
2 the pier. There are vendors selling frozen ice and
3 ice cream and dog treats that block the northbound
4 lane. On that part of Sinatra Drive, it is quite
5 narrow, and there is a dog leg curve, so there is
6 not a clear line of sight.

7 There are taxis standing idling waiting
8 to go pick up passengers. They double park in that
9 area, and this congestion forces the traffic to
10 depart from the normal pattern including, as
11 illustrated in the picture, the yellow cab is going
12 the wrong way in the north-southbound lane to get
13 around this concession.

14 And this is going to worsen because the
15 Neclume Restaurant is about to open in a few weeks
16 in that same area, and we had experience when there
17 was a restaurant there previously with the
18 automobile congestion, people dropping off and
19 picking up passengers, taxis coming, parking, valet,
20 so it is a very busy area. With all of this going
21 on, I think it is just a matter of time until an
22 accident happens.

23 My recommendation is that we need to
24 find a taxi drop-off zone and define it or carve it
25 out some place, where cars can sit and wait other

1 than in the roadway. It gets very busy during the
2 summer tourist season there.

3 CHAIRMAN HOLTZMAN: Is it Evans, Mr.
4 Evans, is that what it is?

5 MR. EVANS: Evans, yes.

6 CHAIRMAN HOLTZMAN: Just let me stop
7 you for one quick second.

8 MR. EVANS: Sure.

9 CHAIRMAN HOLTZMAN: Dave, I saw you
10 were taking some notes.

11 Were you specifically taking some notes
12 with regard to what Mr. Evans was telling us about?

13 MR. ROBERTS: Yes. Basically I'm
14 taking notes from everybody that speaks.

15 CHAIRMAN HOLTZMAN: That is great,
16 because one of the things that you should know that
17 this Board is also working on is, and Dave will pass
18 his notes along to the engineering part of the team,
19 is a redesign of Maxwell Place and some of the other
20 associated streets. So it is something that the
21 Board is working on with the property owner to try
22 to determine which way streets should go, should
23 everything be one-way, two-way, additional traffic
24 signals, the revising of the timing of those traffic
25 signals, so I hope to see you back here in September

1 when we have a meeting about that because it sounds
2 like you have got some good input for that, so I
3 just want you to know with regard to that, there is
4 a major project that we are working on.

5 MR. EVANS: That's good to hear.

6 I had a second topic. I am concerned
7 about the public toilets. The literature that was
8 put forth by your office said there was an agreement
9 to have nine, and there is only four portable
10 potties out there.

11 I looked at them, and their condition
12 is often terrible. That means people are going to
13 be seeking alternative ways to relieve themselves
14 because I wouldn't use the one that I looked at, at
15 eleven o'clock in the morning, which I think means
16 it was that dirty when they closed down the night
17 before, and it hadn't been cleaned yet to start up
18 the next day's noontime activity.

19 CHAIRMAN HOLTZMAN: Well, they do have
20 a requirement of additional facilities in the
21 boathouse.

22 VICE CHAIR MAGALETTA: I have a
23 question, Ms. Burke --

24 COMMISSIONER WEAVER: They do, so I
25 don't know why they're asking for more toilets --

1 VICE CHAIR MAGALETTA: -- because there
2 was a sign there last year that said, "Private,
3 Members Only," and that sign should not be there.
4 You can have access to those bathrooms.

5 MR. EVANS: They are locked at some
6 times. It's not clear. I haven't exhausted all
7 possibilities. Fortunately, I live in the
8 neighborhood, and I can go home to use the toilet,
9 but I am concerned about these people coming on the
10 bus, and, you know, then they need to relieve
11 themselves, and this is part of the public disorder
12 phenomena that we all try to avoid.

13 VICE CHAIR MAGALETTA: When we had a
14 hearing last time, there was a big discussion of how
15 many extra toilets they wanted to put in there for
16 the public access.

17 MR. EVANS: Right.

18 VICE CHAIR MAGALETTA: Now, that sign
19 that says, "Private use only" is inappropriate,
20 because it's misleading --

21 MR. EVANS: Yeah.

22 VICE CHAIR MAGALETTA: -- so I think
23 that should be corrected.

24 CHAIRMAN HOLTZMAN: I know when I went
25 past there one time, I know there was definitely

1 some additional toilets and expanded bathrooms being
2 worked on. I don't know where -- Ms. Burke, do you
3 have any idea what the status of that is?

4 MS. BURKE: I can't confirm the status
5 of that. Certainly I can find out for the Board.

6 When you and I were out there, I
7 believe we saw some additional toilets that were
8 being constructed, so...

9 CHAIRMAN HOLTZMAN: Could you follow up
10 on that and just maybe get us some kind of an update
11 or a memo on that?

12 MS. BURKE: I would. That would be
13 fine.

14 CHAIRMAN HOLTZMAN: Thank you.

15 MR. EVANS: My final and third final
16 point: It seems the original approved use of this
17 area was for a marina with 80 boats and a call for
18 membership only, but now it has evolved to a use
19 that is very much different than that involving a
20 large number of people, and that doesn't seem to be
21 right. That is my opinion.

22 I would be happy to answer any
23 questions that you have.

24 That is all I have.

25 CHAIRMAN HOLTZMAN: Do any of the

1 Commissioners have any questions?

2 COMMISSIONER WEAVER: To that issue,
3 sir, we were assured that the 80 slips would be put
4 back in service, and there was to be a plan
5 forwarded to us by the applicant, which we have not
6 received.

7 CHAIRMAN HOLTZMAN: Ms. Burke, could
8 you add that to your list?

9 MS. BURKE: I already added it.

10 CHAIRMAN HOLTZMAN: I thought you did.

11 Thank you.

12 MR. EVANS: So my point is: Even if
13 they had full occupancy at 80 slips, 80 boat owners
14 doesn't create the kind of congestion that is shown
15 in my photograph.

16 COMMISSIONER PINCHEVSKY: I think that
17 was also discussed --

18 CHAIRMAN HOLTZMAN: Hang on, hang on.
19 Go ahead, Rami.

20 COMMISSIONER PINCHEVSKY: -- I think
21 this specific point was discussed a year ago about,
22 you know, is this really an application for a beer
23 garden, or is this an application for an enhancement
24 to a boathouse or marina. And they specifically
25 mentioned that this is an application to enhance

1 membership, increase membership, and enhance the
2 whole aspect behind this marina, and they still
3 stand by that, although I think most of us could
4 certainly see your perspective as well.

5 MR. EVANS: If I could afford to have a
6 yacht there, I certainly wouldn't hang out there.

7 Good evening, gentlemen.

8 (Laughter)

9 CHAIRMAN HOLTZMAN: Thank you.

10 MR. STERN: Thank you, gentlemen.

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

13 Yes, come on up.

14 MR. FALKNER: Good evening.

15 My name is Chris Falkner, F, as in
16 Frank, a-l-k-n-e-r.

17 CHAIRMAN HOLTZMAN: Yes, Mr. Falkner.

18 MR. FALKNER: First, I wanted to say
19 thank you for taking a moment to listen to the
20 public. I appreciate that.

21 I would say I am one of those people,
22 who I do enjoy the pier. I go to the pier every so
23 often, and I do appreciate the amenities that it has
24 brought. I think it is a great outdoor space. I
25 think of it from when it was truly just a marina,

1 what was behind locked gates, I think it is an
2 enhancement. But I, like the other folks, and
3 forgive me, I probably will repeat some of their
4 concerns. I have several concerns.

5 I think that the addition of the large
6 beer truck, which it sounds like is a lost cause due
7 to some legal things, goes against what they are
8 saying, which is that it is supposed to be an open
9 space with great views of Manhattan, and a giant
10 beer truck blocking most of that seems to be counter
11 intuitive to that.

12 It was mentioned that it should be open
13 and make it accessible. I will note that my
14 understanding is that they are closing on July 4th
15 and charging to get in and charging for reserving
16 tables. I was unable to find it quickly on my own
17 phone, otherwise I would have provided you with
18 that.

19 COMMISSIONER WEAVER: I have seen it.
20 It is 150 per table, cash only.

21 MR. FALKNER: Cash only in advance.

22 My suspicion is that it would be closed
23 to anybody who doesn't pay to get in on the 4th.

24 CHAIRMAN HOLTZMAN: Right. It is our
25 understanding, and I just want to make sure that I

1 get agreement on this from Ms. Burke, that even
2 during a private event on the pier, that the pier
3 will be opened to the public up to the western edge
4 of the boathouse. So the only portion of the pier
5 that should be closed for any private event would be
6 from the boathouse going east.

7 Is that correct, Ms. Burke?

8 MS. BURKE: That is correct.

9 MR. FALKNER: So I am assuming then
10 that one of their five events of the year is the 4th
11 of July this year.

12 Thank you.

13 CHAIRMAN HOLTZMAN: Theoretically you
14 should be able to use the bathroom even during the
15 private event.

16 COMMISSIONER WEAVER: No, not
17 theoretically, but factually.

18 CHAIRMAN HOLTZMAN: You should be able
19 to. That's right.

20 COMMISSIONER WEAVER: You must be able
21 to.

22 MR. FALKNER: Well, I will jump to the
23 bathroom then, because I will tell you that I do
24 believe that they have added the additional -- I
25 don't know -- toilets, urinals, whatever it is.

1 However, there is absolutely no way that -- I
2 believe it is four stalls in the ladies room from
3 what my wife tells me, and based on the line of 20
4 or 30 people at all times on a Saturday, that those
5 are adequate.

6 My understanding is also -- I won't use
7 the colorful language that she chose to use about
8 the condition of those bathrooms, should you
9 navigate the line, and I think that the addition of
10 the four Porta Potties is very bad. They, as Mr.
11 Evans stated, are probably serviced, I would guess,
12 once a week, if we're lucky, and if you can imagine
13 what those are like on a warm day on call it a
14 Sunday after Wednesday, Thursday, Friday of usage.
15 I don't think that this goes to the conducive nature
16 of making this a public pier and making it good for
17 others to use. As my wife said, no woman could ever
18 step into a Porta Potty.

19 Also, another concern is this extension
20 of the hours from eleven to midnight. I mean, this
21 is a residential neighborhood, and you know, this
22 just delays the outflux of people that was
23 mentioned. Clearly last call, this seems to be the
24 only bar in town that we continue to allow to serve
25 highly intoxicated people.

1 We would never allow one public city
2 bistro, the Madison, to serve people until they get
3 to the point that they cannot even walk.

4 We were sitting outside last Wednesday.
5 Two women left the pier, fell in the middle of the
6 street and laid there, finally crawled off to the
7 site of the street before we could get to where they
8 were, but this happens continually. The amount of
9 intoxication coming out of this bar would just,
10 again, never be permitted at any of our other bars.

11 It sounds like this is an ABC thing,
12 and unfortunately, I don't think that the police are
13 very responsive to these calls. They, you know -- I
14 know that we called the police immediately when we
15 saw, you know, fearing for this woman's life laying
16 in middle of Sinatra Drive, and in the 15 minutes
17 that we were there, there was no police activity to
18 come and check this person.

19 CHAIRMAN HOLTZMAN: Just hang on one
20 second, Mr. Falkner. I have some personal
21 experience in dealing with --

22 COMMISSIONER WEAVER: With the police?
23 (Laughter)

24 CHAIRMAN HOLTZMAN: -- with the police
25 on more than one occasion, yes.

1 But please do take Commissioner
2 Magaletta's comments really to heart, and I hope
3 that you and your neighbors do as well. And if
4 there is ridiculous behavior, if there is egregious
5 behavior going on, it is always frustrating because
6 a lot of times when we have these public hearings,
7 we end up hearing about things en masse always after
8 the fact when there is no management to be done at
9 that point, and obviously these things need to be
10 dealt with when they are live time.

11 It is great that you picked up the
12 phone, and you called the police. I could tell you
13 that there is specifically a person in the police
14 department that deals with all of the ABC
15 violations. He has been there forever and a day.
16 His name is Lieutenant Ruff.

17 COMMISSIONER WEAVER: Spell it.

18 MR. EVANS: Lieutenant what?

19 CHAIRMAN HOLTZMAN: Ruff. I am not
20 sure how to spell it. It is not R-o-o-f.

21 COMMISSIONER WEAVER: It's not R-o-o-f.

22 MS. LOWELL: It sounds like that.

23 CHAIRMAN HOLTZMAN: It sounds like
24 that, yes.

25 I have spoken with Lieutenant Ruff.

1 Unfortunately, amazingly enough, he works more nine
2 to five, Monday through Friday, as opposed to when
3 ABC violations would normally go on, so he is not
4 your guy that you are calling on a daily basis at
5 eleven o'clock at night when there is some stupid
6 behavior going on that you are calling the regular
7 police department.

8 But maybe, it seems like you are a very
9 active, involved guy, and you care about what is
10 going on in your neighborhood. But on a Monday
11 afternoon, you pick up the phone, and you call the
12 police department, and you work your way through the
13 nonsense, and you communicate with this guy.

14 I had a problem with a bar that I lived
15 near, that I went and said, fine, the heck with it.
16 I am going to take the time, and I went and saw him,
17 and I explained the situation. And amazingly
18 enough, he was really responsive. I promise you I
19 was amazed.

20 MR. FALKNER: No, I appreciate --

21 CHAIRMAN HOLTZMAN: I promise you, I
22 was totally amazed, because I never figured it was
23 going to work this well.

24 At which point what I received was
25 actually he wrote up a violation for this bar, and

1 he gave me what they call a tavern -- they create
2 what is called a tavern sheet for anybody with a
3 liquor license.

4 At which point then when I called the
5 police department the next time at eleven o'clock at
6 night with the stupid behavior in my neighborhood, I
7 said: Hi. This is Gary Holtzman. I've spoken to
8 Lieutenant Ruff, and I'm talking about Tavern Sheet
9 No. 123, and all of a sudden, it was amazing that
10 two patrol cars showed up within 35 seconds.

11 MR. FALKNER: I appreciate that.

12 CHAIRMAN HOLTZMAN: So sometimes you've
13 got to --

14 MR. FALKNER: Absolutely.

15 COMMISSIONER WEAVER: You have to know
16 the system --

17 CHAIRMAN HOLTZMAN: And you also --

18 COMMISSIONER WEAVER: -- there is a
19 policy. There is a certain system --

20 CHAIRMAN HOLTZMAN: -- and you have to
21 make the effort.

22 COMMISSIONER WEAVER: Yes. You do have
23 to -- sir, who is your council person?

24 MR. STERN: But by the same token --

25 CHAIRMAN HOLTZMAN: Hang on one second,

1 Mr. Stern.

2 COMMISSIONER WEAVER: Oh, come on,
3 dude.

4 MR. FALKNER: Well, Beth Mason.

5 COMMISSIONER WEAVER: Okay. You have
6 to call Beth. You have to call Ms. Mason, and you
7 have to explain to her what your concerns are
8 because --

9 MR. FALKNER: I will happily do that.

10 COMMISSIONER WEAVER: -- because we
11 are --

12 COMMISSIONER GRAHAM: And your council
13 people as well --

14 COMMISSIONER WEAVER: -- and, again --

15 MR. FALKNER: We are constrained. Our
16 hands are tied --

17 THE REPORTER: Wait a second. You
18 can't all talk at the same time.

19 CHAIRMAN HOLTZMAN: One at a time,
20 guys.

21 THE REPORTER: Thank you.

22 CHAIRMAN HOLTZMAN: Hang on.

23 MR. FALKNER: I was honestly only
24 bringing this up in relation to the extension and
25 feeling that this behavior will get worse. Again, I

1 know that you are not the ABC Board, so I certainly
2 was not looking for you to pass any sort of
3 judgment. I was merely in reference to this
4 application and the extension of it pointing out
5 that I think this will increase the bad behavior, so
6 I apologize.

7 COMMISSIONER WEAVER: No. But my
8 point, and we say this to other people who come and
9 talk about any number of opportunities, which are
10 put in front of us, you know, applicants, but you
11 know, your responsibility is to call the people that
12 represent you in local government. If you have an
13 issue, you take it to them, because, you know,
14 whether it's calling about your noise ordinance
15 violation or an ABC problem, I mean, you know that
16 is what those people were elected for you, by you,
17 to have a voice for you, you know --

18 CHAIRMAN HOLTZMAN: I'm sorry.

19 Continue, Mr. Falkner.

20 MR. FALKNER: Thank you.

21 Another concern is crowd control around
22 this area. Again, perhaps this is not your
23 jurisdiction, but it seems like the application here
24 is to increase the size and scope of this.
25 Especially during inclement weather, the crowd

1 scatters and enters whatever building or other areas
2 are available to them, and again, I go back and say
3 that no other bar in this city would be allowed to
4 have all of its patrons run out and randomly run on
5 someone's front stoop, enter lobbies of a building
6 and stand there blocking the residents, and/or go
7 into a store and huddle in the entrance and not
8 allow customers to come in and out.

9 So I feel that this is, again, a
10 continued expansion of this brings up additional
11 problems. I will continue to follow the multiple
12 angles that you just mentioned on that.

13 The last thing I just wanted to mention
14 is I would say that my reading of this ordinance, I
15 am confused based on some of the discussion that you
16 had, because the first bullet, Romanette One, says:
17 The applicant shall be bound by all exhibits
18 introduced, all representations made, and all
19 testimony given before the Board in its meetings of
20 May 7th, 2013 and May 22, 2013, and it seems like --

21 VICE CHAIR MAGALETTA: What page is
22 that?

23 MR. FALKNER: I'm sorry. 13 of 16, if
24 I have the right version -- and it seems like some
25 of those include things that now are no longer, like

1 the noise, unless I am misreading your -- maybe
2 those weren't earlier testimony. Forgive me.

3 VICE CHAIR MAGALETTA: I'm sorry. What
4 is your question, about Paragraph 1?

5 MR. FALKNER: Yes.

6 VICE CHAIR MAGALETTA: Well, they
7 presented those exhibits, and they are bound by
8 those exhibits. That is all it means.

9 MR. FALKNER: It's just the exhibits?

10 VICE CHAIR MAGALETTA: Well, they are
11 saying that whatever they presented, they can't go
12 out beyond those exhibits. This is what they
13 presented to be bound by.

14 MR. FALKNER: Okay. So it doesn't
15 include the statements that like people swore to and
16 things like that.

17 VICE CHAIR MAGALETTA: Yes, it does.

18 COMMISSIONER MOSSERI: It does, but it
19 doesn't -- not all of the stipulations that we
20 discussed because they went to court and --

21 MR. FALKNER: Okay.

22 COMMISSIONER MOSSERI: -- but it is
23 based on the hearing that we heard.

24 MR. FALKNER: Okay.

25 COMMISSIONER MOSSERI: Those are the

1 exhibits.

2 VICE CHAIR MAGALETTA: Your point is
3 that the representations were made by the applicant
4 in the hearing, so how come they are not bound by
5 it?

6 MR. FALKNER: That's right, and that's
7 been --

8 VICE CHAIR MAGALETTA: We have the same
9 issue you do with them.

10 MR. FALKNER: -- and I think it is
11 confusing to the public, which may be why some of
12 the public is not here, because if you read this, it
13 looks like it is an all inclusive document, and it
14 now seems like some of the things that were
15 previously promised are being reneged on.

16 VICE CHAIR MAGALETTA: Not looks, is.

17 MR. FALKNER: Is. Okay.

18 VICE CHAIR MAGALETTA: This may be a
19 cold comfort, but with the beer truck, there was a
20 lot of discussion about that, and how it was not
21 appropriate, but it seems like we -- the Court just
22 wouldn't give us a chance. We tried to enforce it,
23 but it wasn't going to happen, so I just wanted to
24 let you know that we did fight for it.

25 MR. FALKNER: No, I appreciate that. I

1 do appreciate that, and I just want to say thank
2 you, and I appreciate it.

3 I sit on a condo board. I know this is
4 a thankless job 99.9 percent --

5 COMMISSIONER GRAHAM: Thank you for
6 coming.

7 MR. FALKNER: -- of the job -- of the
8 time, so I do appreciate your time and especially on
9 matters like this.

10 Thank you.

11 CHAIRMAN HOLTZMAN: Thank you.

12 MR. FALKNER: Thank you very much.

13 CHAIRMAN HOLTZMAN: I see we have one
14 more member of the public.

15 UNIDENTIFIED FEMALE VOICE: I go with
16 him.

17 CHAIRMAN HOLTZMAN: Oh, you go with
18 him, okay.

19 (Laughter)

20 UNIDENTIFIED FEMALE VOICE: I prepped
21 him.

22 CHAIRMAN HOLTZMAN: He did a great job.

23 UNIDENTIFIED FEMALE VOICE: Thank you.

24 CHAIRMAN HOLTZMAN: Okay.

25 If there is no one else from the

1 public, we will close the public portion.

2 Are there any more questions or
3 comments from the Commissioners?

4 COMMISSIONER PINCHEVSKY: I have a
5 couple.

6 CHAIRMAN HOLTZMAN: Sure, Rami, go
7 ahead.

8 COMMISSIONER PINCHEVSKY: So,
9 Ms. Burke, may I ask you a couple of questions --
10 actually -- yeah, just a couple of questions.

11 One was at the very beginning of this
12 evening, you mentioned that the applicant did not
13 agree to actually a majority -- I think you used the
14 word "majority" -- of the conditions, and I believe
15 there were a lot of conditions, 31, which would mean
16 they did not agree to 16 of them.

17 I was just wondering, besides that
18 beverage truck, if you could name five other ones
19 that they did not agree to verbally during the -- or
20 that they objected to, I would even say.

21 MS. BURKE: Okay. Can I get out the --

22 THE REPORTER: Can you please come over
23 here and speak, because I can't hear you from back
24 there.

25 CHAIRMAN HOLTZMAN: Yes, use the table.

1 MS. BURKE: -- I will have to take out
2 the original resolution, or I'm going to have to go
3 through them one by one.

4 COMMISSIONER PINCHEVSKY: Out of the
5 majority, can you name five real quick off the
6 top --

7 MS. BURKE: Off the top of my head?

8 COMMISSIONER PINCHEVSKY: Yes.

9 MS. BURKE: No. I'm going to have to
10 refer to my notes.

11 Number four, we did not agree with the
12 language that Dennis put in there, that we would
13 have to comply with the Affordable Housing Ordinance
14 of Hoboken.

15 COMMISSIONER PINCHEVSKY: No. These
16 were things that were objected to during the
17 meeting, like verbally objected to during the
18 meeting.

19 MS. BURKE: Yes. I objected to that
20 with Dennis. I apologize, if you don't recall.

21 The noise ordinance, we at all times --
22 in fact, I came back after the hearing when the
23 resolution was being adopted and specifically
24 interposed an objection to this, that we would
25 comply with Hoboken's noise ordinance, and that any

1 further regulation on that was beyond the Board's
2 authority.

3 We only challenged a certain amount, so
4 perhaps if you take issue with my language as to the
5 majority of the conditions, we didn't agree with
6 like quite a few of the conditions.

7 COMMISSIONER PINCHEVSKY: I mean, the
8 ones that you challenged, you had already agreed --
9 you agreed and even proposed some of those
10 conditions yourselves, you, the applicant, proposed
11 some of those conditions.

12 MS. BURKE: Not all of them.

13 COMMISSIONER PINCHEVSKY: But some of
14 them that you challenged, you were the one that
15 proposed them, and then you went off and challenged
16 them.

17 MS. BURKE: Specifically?

18 COMMISSIONER PINCHEVSKY: The no
19 special events. Mr. Barry specifically said -- when
20 we were discussing limiting them, he specifically
21 said no special events. That was his proposal,
22 which we accepted, and it was actually something
23 that we thought was reasonable, and therefore,
24 perhaps lenient on some other issues.

25 So I am just baffled by something that

1 you had proposed we would agree to, and then you
2 would challenge your own proposal.

3 MS. BURKE: Yeah. I would submit that
4 the record, of course, speaks for itself as to what
5 happened when we were in the situation, we were
6 challenging all of the conditions -- the certain
7 challenged conditions before the Court. We raised
8 all of the things that we thought the Board had
9 exceeded or was beyond the Board's jurisdiction

10 Had we known that some of these other
11 conditions would have ended up in the resolution, we
12 might not have agreed to make those concessions
13 during the course of the hearing. Those were
14 concessions made during the course of the hearing in
15 the applicant's view as part of a give and take --

16 COMMISSIONER PINCHEVSKY: Sure.

17 But concessions that were made on our
18 behalf by some of the conditions that the applicant
19 not only agreed to, but proposed, those are
20 essentially now being ignored --

21 MS. BURKE: Are you --

22 COMMISSIONER PINCHEVSKY: -- however, I
23 would ask, and I think this actually was what your
24 comment was that, you know, if the applicant
25 proposes something, a condition, that we then agree

1 to, and then goes off and challenges it in court, so
2 I mean, I would argue that that is disingenuous, and
3 you know, this whole process is in bad faith on
4 their behalf.

5 However, what is to say now that, you
6 know, other conditions that you are proposing here,
7 that you are agreeing to, and I am using air quotes
8 on that on the agreeing aspect, that you are not
9 going to challenge them later?

10 And I agree with you very much that I
11 cannot trust --

12 COMMISSIONER WEAVER: Well, ask our
13 attorney.

14 MS. BURKE: Well, if I may just quickly
15 respond, I was just going to say, Commissioner, is
16 that I think that part of what I wanted to just
17 remind everybody was that the reason that we are
18 here today, and I presume you are here for Mr.
19 Galvin's office --

20 MR. GLEESON: Mr. Galvin, yes.

21 MS. BURKE: -- is that this is part of
22 a settlement, so this is our way of resolving this,
23 because right now this is still in litigation. This
24 is in the Appellate Division. And if this is not
25 resolved tonight, then we are going to all be back

1 in court, and we're all going to incur further
2 litigation costs --

3 MR. GLEESON: Yes, yes --

4 COMMISSIONER GRAHAM: Please don't --

5 CHAIRMAN HOLTZMAN: Hold on one second.

6 MS. BURKE: -- so the reason that --
7 well, it is really within the Board's power, if you
8 approve this, this is a settlement that has been
9 worked out with the Board, and there has been
10 concessions made on both sides, and that this is
11 what we decided would be a fair and reasonable
12 approach.

13 So if it is not approved, it's the
14 Board's -- right now the Board has the appeal in the
15 Appellate Division, so we will all be proceeding,
16 and so that is why we are here tonight is to vote on
17 these specific two conditions that are being
18 resolved.

19 MR. GLEESON: Can I just say a few
20 things?

21 CHAIRMAN HOLTZMAN: Steve, go ahead.

22 MR. GLEESON: I know the Board is very
23 dissatisfied with some things, and the word
24 "disingenuous" keeps popping up, because I think a
25 lot of the members of the Board feel like, you know,

1 the applicant conceded to various things, and we,
2 you know, only granted approval based on those
3 concessions.

4 The problem is, though, that, you know,
5 we went into litigation. We had the -- the judge
6 issued this order, and the Board didn't quite get
7 the relief that it wanted, which would have been to,
8 you know, just overturn the approval, and then let
9 us sort of just redo everything. We didn't get
10 that.

11 The judge kicked it back and said, you
12 need to rework the conditions. The approval still
13 stands. You need to rework the conditions.

14 So that severely sort of limits now
15 what we can do, and that is when we, you know,
16 became engaged in these settlement discussions.

17 Dennis was, you know, very involved
18 with this and fought very hard for the Board, and
19 Dennis got what he thought is the best thing for the
20 Board, and Dennis was very concerned that if this
21 continued into further litigation --

22 VICE CHAIR MAGALETTA: Let's be
23 careful. Let's not get into attorney-client
24 communications. Don't go too far.

25 MR. GLEESON: Right.

1 Okay. So then I will just try to say
2 that Dennis worked with Ms. Burke for these
3 conditions to revise the conditions of 7, 9, as well
4 as 19, the former conditions, and Dennis thought
5 that this was possibly as good as it would get.

6 COMMISSIONER GRAHAM: I think he told
7 us that.

8 COMMISSIONER WEAVER: Yeah.

9 COMMISSIONER GRAHAM: We know that.

10 COMMISSIONER WEAVER: So are these
11 nonbinding?

12 MR. GLEESON: Nonbinding on the
13 applicant?

14 COMMISSIONER WEAVER: Yes.

15 MR. GLEESON: No. The applicant has to
16 abide by these conditions, and if they don't, then
17 that becomes an issue of enforcement with the Zoning
18 Officer.

19 COMMISSIONER WEAVER: Ms. Burke, so
20 these are binding conditions?

21 MS. BURKE: Conditions of a land use
22 approval are binding on the applicant.

23 COMMISSIONER WEAVER: Well, they are
24 unless --

25 MS. BURKE: Is that what you are

1 asking?

2 COMMISSIONER WEAVER: -- they are
3 unless you go and challenge them again, right?

4 MS. BURKE: Well, sure. I mean, anyone
5 has the right to file litigation. If the economy
6 dictates that, that's what they should. You can't
7 take away somebody's right to do, you know, to file
8 a lawsuit.

9 However, I can represent that we
10 certainly at this stage have no intention of filing
11 a lawsuit. That is the reason why we have come here
12 to try and resolve it, so that we can stop
13 litigating the matter.

14 CHAIRMAN HOLTZMAN: Rami?

15 COMMISSIONER PINCHEVSKY: Yeah.

16 So for whatever it is worth, I know
17 I've used the word "disingenuous" a couple of times,
18 and I certainly still stick by it.

19 MR. GLEESON: I am not saying you need
20 to change your words or anything.

21 COMMISSIONER PINCHEVSKY: That said, I
22 actually want to talk about Item No. 7, which is the
23 five events per year, and because I don't trust this
24 application or the applicant, I want to specify
25 what -- or define what a special event is, and go

1 back to our conversation to a year ago when we were
2 discussing this topic, which was giving the city
3 proper notice when a special event is going to
4 occur.

5 So I would like there to be a
6 definition perhaps stating that a special event
7 shall be no more than, you know, on a single day.

8 Therefore, you know, what is to stop
9 them from holding a week long Oktoberfest and
10 calling that a special event, counting as one of the
11 five?

12 VICE CHAIR MAGALETTA: Well, it is a
13 private event, and the last time it was 14 days
14 notice, and I actually wrote that down. I mean, the
15 14 days notice is reasonable I think.

16 And as far as a private event, it is
17 limited to a single day. I think that is also a
18 reasonable request.

19 COMMISSIONER PINCHEVSKY: So I think it
20 should be listed as a single day event.

21 The number of hours, I don't think
22 necessarily needs to be involved, but a single
23 calendar day event.

24 CHAIRMAN HOLTZMAN: Ms. Burke, does
25 that seem a reasonable request that an event is a

1 day, not an Oktoberfest, a day event?

2 COMMISSIONER PINCHEVSKY: They conceded
3 that --

4 MS. BURKE: Yes, a single day event.

5 My client is not here, but I believe
6 that I can agree that it will be a single day event.

7 I am hesitant because I don't have a
8 client representative with me, but I believe our
9 intention is that, so yes, we can amend that to be a
10 single day event.

11 CHAIRMAN HOLTZMAN: Five single day
12 events.

13 COMMISSIONER PINCHEVSKY: I would just
14 say special events --

15 MS. BURKE: Yes. Certainly I don't
16 think we were intending that it would be a week long
17 Oktoberfest or a party.

18 COMMISSIONER PINCHEVSKY: -- I would
19 just say it wouldn't have to be a whole day. It
20 would just have to be a single day. It wouldn't
21 have to be the entire day, not to exceed, you know,
22 a calendar day.

23 And then I don't want to micromanage
24 the stuff, so obviously, I would prefer that they
25 don't be consecutive. However, it is whatever it

1 is, but I do think that the notice is important. I
2 think that the city should be provided notice. That
3 was something we were discussing a year ago, and I
4 think everybody was in agreement until the no
5 special events suggestion by the applicant was made.

6 MS. BURKE: If I may, it does say here
7 that we will provide notice.

8 COMMISSIONER PINCHEVSKY: But how much
9 notice and how -- was that in there?

10 MR. GLEESON: It just says written
11 notice to the Board Secretary.

12 COMMISSIONER PINCHEVSKY: Okay.

13 Can we give a specified time on that,
14 and I know there's an event on July 4th--

15 CHAIRMAN HOLTZMAN: I know there was a
16 conversation about 14 days that Frank had mentioned.

17 COMMISSIONER PINCHEVSKY: Yes.

18 VICE CHAIR MAGALETTA: Or ten business
19 days.

20 CHAIRMAN HOLTZMAN: Do you recall that?

21 COMMISSIONER PINCHEVSKY: It's
22 certainly in the record.

23 MS. BURKE: I could say, just on the
24 record, that your attorney didn't raise that issue
25 when we negotiated this condition. On behalf of my

1 client, I think I could agree to a seven-day notice,
2 okay, that would give you --

3 CHAIRMAN HOLTZMAN: Seven-day notice --

4 COMMISSIONER PINCHEVSKY: Seven-day
5 notice time stamped City Hall?

6 What is seven-day notice, received by
7 City Hall?

8 CHAIRMAN HOLTZMAN: I would think if
9 they are going to have an event, just sort of
10 thinking out loud here, that if they are having some
11 event that is going to be of some scale, that it
12 is not going to get put together in a week.

13 COMMISSIONER PINCHEVSKY: Correct,
14 exactly. So if they are holding a wedding, they
15 know months in advance, so why not give the --

16 COMMISSIONER WEAVER: They know a year
17 in advance.

18 COMMISSIONER PINCHEVSKY: -- yes, so
19 why not give -- but my concern is this might give
20 some sort of relief to a member of the public, who
21 knows that there is an event going on, and they
22 could say, you know what, I've been meaning to go
23 see a show in the city. That's going to be our
24 date, and we're going to get out of the city.

25 So it just gives them enough

1 opportunity. I would actually rather have the two
2 weeks, if we can get a guaranteed one-week
3 concession here, then I certainly want that on the
4 record at least and have them agree to it.

5 CHAIRMAN HOLTZMAN: Seven days?

6 MS. BURKE: Seven days.

7 COMMISSIONER PINCHEVSKY: And that the
8 city would receive it within seven days.

9 CHAIRMAN HOLTZMAN: The Board Secretary
10 will receive it a minimum of seven days in advance.

11 COMMISSIONER PINCHEVSKY: All right.

12 That is all I have for now.

13 Thank you very much.

14 CHAIRMAN HOLTZMAN: Thank you.

15 Any other Commissioners have any
16 questions or comments?

17 Wonderful, I think.

18 That being said, is there a motion to
19 accept this resolution as it stands, this
20 renegotiated resolution?

21 VICE CHAIR MAGALETTA: With the
22 conditions we just mentioned.

23 CHAIRMAN HOLTZMAN: With the additional
24 conditions of --

25 VICE CHAIR MAGALETTA: Modifications.

1 MS. BURKE: To Condition No. 7,
2 modification to Condition No. 7.

3 CHAIRMAN HOLTZMAN: So is that a
4 motion, Frank?

5 VICE CHAIR MAGALETTA: Yes.

6 CHAIRMAN HOLTZMAN: Thank you.
7 Is there a second?

8 COMMISSIONER GRAHAM: Second.

9 CHAIRMAN HOLTZMAN: Thank you, Ann.
10 Pat, please call the vote.

11 MS. CARCONE: I have a question.
12 Does Mr. McKenzie vote on this?

13 CHAIRMAN HOLTZMAN: No.

14 COMMISSIONER WEAVER: It is a brand new
15 hearing. It is a hearing, isn't it?

16 COMMISSIONER PINCHEVSKY: Is it a new
17 hearing or is it a continued hearing?

18 MR. GLEESON: I mean, it is amending
19 the resolution, so I would say unless Mr. McKenzie
20 familiarized himself with all of the prior
21 hearings --

22 CHAIRMAN HOLTZMAN: Did you listen to
23 all nine hours of testimony at the hearings?

24 COMMISSIONER MC KENZIE: No.

25 CHAIRMAN HOLTZMAN: I think we will err

1 on the side of caution here.

2 Go ahead, Pat.

3 MS. CARCONE: Commissioner Magaletta?

4 VICE CHAIR MAGALETTA: Yes.

5 MS. CARCONE: Commissioner Graham?

6 COMMISSIONER GRAHAM: Yes.

7 MS. CARCONE: Commissioner Pinchevsky?

8 COMMISSIONER PINCHEVSKY: Yes.

9 MS. CARCONE: Commissioner Weaver?

10 COMMISSIONER WEAVER: No.

11 MS. CARCONE: Commissioner Holtzman?

12 CHAIRMAN HOLTZMAN: Yes.

13 Thank you.

14 Thank you, Ms. Burke.

15 COMMISSIONER GRAHAM: Can I just say,

16 Ms. Burke, that I really hope that the applicant
17 becomes a good neighbor with this pier and with all
18 of the acceptance that, you know, you have received
19 from the Court, and we've had to agree to, that
20 there is some kind of understanding that there are
21 neighbors there, and they're neighbors of the
22 buildings that actually could go --

23 MS. BURKE: I understand.

24 COMMISSIONER GRAHAM: -- and they ought
25 to have some respect for them.

1 MS. BURKE: I understand, and I will
2 pass on your comments.

3 COMMISSIONER GRAHAM: Okay.

4 CHAIRMAN HOLTZMAN: Well said,
5 Commissioner. Excellent.

6 CHAIRMAN HOLTZMAN: I just wanted to
7 ask Dave.

8 I had gotten a couple of phone calls
9 from some applicants and attorneys about some
10 concerns about escrow fees and timing on
11 applications, and people are always frustrated by
12 how long things take and how much they cost, but
13 sometimes they just have to take some time.

14 On the other hand, I was wondering if
15 you could just take a look at our Municipal Code and
16 see if there is -- if we are approaching it properly
17 from the MLUL, and if there is anything that we can
18 kind of do to perhaps streamline any of this process
19 for some of the applications that are coming through
20 the office in terms of, you know, just making sure
21 we are dealing with it as efficiently as possible.

22 MR. ROBERTS: Sure.

23 CHAIRMAN HOLTZMAN: I am not sure
24 really if it is -- if there is anything to
25 accomplish there, but maybe there is something we

1 can look at.

2 MR. ROBERTS: Okay.

3 What I will do is follow up with Pat
4 and get a better feel for, you know, how things come
5 through.

6 CHAIRMAN HOLTZMAN: Yeah. If it turns
7 out that there is not a lot that we can do, you
8 know, we have to live with it. The applicants have
9 to live with it.

10 On the other hand, even if it is small
11 changes to the code that helps solidify which
12 direction people are supposed to be going, zoning,
13 planning, and what the procedure is, you know, maybe
14 we can help people out.

15 MR. ROBERTS: Right.

16 I think my observation is probably one
17 thing that I noticed is that there is sometimes a
18 little bit of a gray area in terms of when something
19 is a conditional use and when it is not because of
20 the way it works and is set up.

21 We had a recent issue with one of those
22 applications, where we had to redirect it to the
23 Zoning Board, so maybe there is a way of
24 anticipating that sooner, so that applicants are not
25 kept in the lurch, you know, that they have to

1 direct clearly from the beginning, so I will take a
2 look at that and talk to Pat and see if maybe there
3 are some recommendations we can bring back to Board
4 at the next meeting.

5 CHAIRMAN HOLTZMAN: Great. Thank you.

6 If there is nothing else, is there is a
7 motion to close our meeting?

8 COMMISSIONER GRAHAM: Motion.

9 CHAIRMAN HOLTZMAN: Does anyone -- Ann
10 Graham?

11 COMMISSIONER GRAHAM: Yes.

12 CHAIRMAN HOLTZMAN: Second?

13 COMMISSIONER PINCHEVSKY: Second.

14 CHAIRMAN HOLTZMAN: Yes.1.

15 All in favor, yes?

16 (All Board members voted
17 affirmatively.)

18 CHAIRMAN HOLTZMAN: Thank you, folks,
19 for coming out tonight.

20 MS. BURKE: Thank you.

21 I will be in touch regarding the items
22 on my list.

23 CHAIRMAN HOLTZMAN: Thanks, Meghan.

24 MR. BURKE: Bye, guys.

25 (The meeting concluded at 8:15 p.m.)

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, CSR, CRR

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

Notary Public of the State of New Jersey

My commission expires 11/5/2015.

Dated: 7/2/14

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