

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

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REGULAR MEETING OF THE :
HOBOKEN ZONING BOARD OF : March 18, 2014
ADJUSTMENT : Tuesday 7:10 p.m.
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Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman James Aibel
- Vice Chair Elliot H. Greene
- Commissioner Michael DeFusco
- Commissioner Antonio Grana
- Commissioner Michael DeFusco
- Commissioner Tiffanie Fisher
- Commissioner Owen McAnuff
- Commissioner Richard Tremitedi

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

- Eileen Banyra, Planning Consultant
- Jeffrey Marsden, PE, PP
Board Engineer
- Patricia Carcone, Board Secretary

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I N D E X

1		
2		
3		PAGE
4		
5	Board Business	1
6		
7	RESOLUTIONS:	
8	526 Hudson Street	12
9	118-120 Madison Street	12
10	1300 Park Avenue	13
11		
12	109 Monroe - withdrawal	14
13		
14	HEARINGS:	
15		
16	301 Newark Street	17
17	1312-1318 Adams Street	39
18		
19		
20		
21		
22		
23		
24		
25		

1 CHAIRMAN AIBEL: Good evening,
2 everyone.

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

11 We are at a Hoboken Zoning Board of
12 Adjustment Regular Meeting. It is about 7:10.

13 We will start with the Salute to the
14 Flag.

15 (Pledge of Allegiance recited.)

16 CHAIRMAN AIBEL: Good evening,
17 everyone.

18 Before we start the work of the
19 evening, we have a few administrative matters to
20 take care of.

21 The first, and it is a --

22 MS. CARCONE: Do a roll call?

23 CHAIRMAN AIBEL: -- oh, let's do a roll
24 call.

25 Thanks, Pat.

1 MS. CARCONE: Commissioner Aibel?

2 CHAIRMAN AIBEL: Here.

3 MS. CARCONE: Commissioner Greene?

4 COMMISSIONER GREENE: Here.

5 MS. CARCONE: Commissioner Cohen is

6 absent.

7 Commissioner DeFusco?

8 COMMISSIONER DE FUSCO: Here.

9 MS. CARCONE: Commissioner Grana?

10 COMMISSIONER GRANA: Here.

11 MS. CARCONE: Commissioner Murphy is

12 absent.

13 Commissioner Branciforte is absent.

14 Commissioner Fisher?

15 COMMISSIONER FISHER: Yes, here.

16 MS. CARCONE: Commissioner Mc Anuff?

17 COMMISSIONER MC ANUFF: Here.

18 MS. CARCONE: Commissioner Tremitedi?

19 COMMISSIONER TREMITIEDI: Here.

20 CHAIRMAN AIBEL: Oh, good. Now we can

21 go to the pleasurable part of the business, which is

22 to welcome back Commissioner Tremitedi. It's

23 really great to have you back.

24 We are going to do the honors and swear

25 you in right now.

1 MR. GALVIN: All right. Please rise
2 and raise your right hand.

3 Do you solemnly swear that you will
4 faithfully, impartially and justly perform all of
5 the duties of a Board member to the Hoboken Zoning
6 Board of Adjustment for the City of Hoboken
7 according to the best of your ability, so help you
8 God?

9 COMMISSIONER TREMITIEDI: I do.

10 MR. GALVIN: And do you solemnly swear
11 that you will support the Constitution of the United
12 States, the Constitution of the State of New Jersey,
13 and that you will bear true faith and allegiance to
14 the same and to the governments established in the
15 United States and in this state under the authority
16 of the people, so help you God?

17 COMMISSIONER TREMITIEDI: I do.

18 MR. GALVIN: Congratulations. Welcome
19 aboard.

20 Welcome back.

21 COMMISSIOENR TREMITIEDI: Thank you.

22 (Applause)

23 CHAIRMAN AIBEL: The next item on our
24 agenda is the review of appointments and the review
25 of the Requests for Qualifications for the Board

1 Planner and the Board Engineer. And to perform this
2 administrative duty, what we are going to ask is to
3 go into closed executive session. We will ask
4 everybody to take, probably not more than a
5 15-minute break out in the hallway, including our
6 professionals, and we will hope to be back by
7 eight -- 7:25 at the latest.

8 MR. GALVIN: I have to read this notice
9 into the record.

10 Whereas, NJSA 10:4-12 of the Open
11 Public Meetings Act permits the exclusion of the
12 public from a meeting in certain circumstances set
13 forth in Paragraph B, and whereas this public body
14 is of the opinion that such circumstances presently
15 exist.

16 Now, therefore, be it resolved by the
17 Zoning Board of Adjustment of the City of Hoboken,
18 County of Hudson and State of New Jersey as follows:

19 1: The public shall be excluded from
20 the Board's discussion of the hereinafter specified
21 matters;

22 2: The general nature of the subject
23 matter to be discussed is as follows:

24 (I) matters involving employment,
25 termination, appointment or related employment

1 matters for the positions of engineer and planner,
2 pursuant to NJSA 10:4-12(b). It is anticipated at
3 this time that the above matters will be made public
4 within 30 days of appointment. This resolution
5 shall take effect immediately.

6 Now we are off the record.

7 (Executive Session held off the
8 record.)

9 CHAIRMAN AIBEL: Okay. It is 7:26. We
10 are back on the record.

11 Our first order of business is to
12 review the recommendation for the Board Planner.
13 Mr. Grana -- oh, my apologies, if you'd forgive me.

14 Tiffanie?

15 COMMISSIONER FISHER: We would like to
16 make a motion to approve --

17 CHAIRMAN AIBEL: Excuse me?

18 Thank you.

19 COMMISSIONER FISHER: -- a motion to
20 approve keeping Ms. Eileen Banyra for a year.

21 Do I have a second?

22 COMMISSIONER DE FUSCO: I will second
23 that.

24 COMMISSIONER FISHER: All in favor?

25 CHAIRMAN AIBEL: Do a roll call?

1 MR. GALVIN: Yes.

2 Who made the motion and who made the

3 second?

4 COMMISSIONER FISHER: I did.

5 MS. CARCONE: Tiffanie made the motion,

6 and Mr. De Fusco made the second.

7 MR. GALVIN: Roll call.

8 MS. CARCONE: Commissioner Greene?

9 VICE CHAIR GREENE: Yes.

10 MS. CARCONE: Commissioner DeFusco?

11 COMMISSIONER DE FUSCO: Yes.

12 MS. CARCONE: Commissioner Grana?

13 COMMISSIONER GRANA: Yes.

14 MS. CARCONE: Commissioner Fisher?

15 COMMISSIONER FISHER: Yes.

16 MS. CARCONE: Commissioner McAnuff?

17 COMMISSIONER MC ANUFF: Yes.

18 MS. CARCONE: Commissioner Tremitedi?

19 COMMISSIOENR TREMITIEDI: Yes.

20 MS. CARCONE: Commissioner Aibel?

21 CHAIRMAN AIBEL: Yes.

22 MS. BANYRA: Thank you.

23 CHAIRMAN AIBEL: Welcome back.

24 MS. BANYRA: Thank you.

25 MR. GALVIN: It is like you never left.

1 (Laughter)

2 CHAIRMAN AIBEL: Now, we will do the
3 recommendation for the Board Engineer.

4 COMMISSIONER GRANA: We would like to
5 make a motion that the Board retain H2M as the
6 Board's professional engineer.

7 VICE CHAIR GREENE: I will second that.

8 CHAIRMAN AIBEL: Great.

9 MS. CARCONE: Commissioner Greene?

10 VICE CHAIR GREENE: Yes.

11 MS. CARCONE: Commissioner DeFusco?

12 COMMISSIONER DE FUSCO: Yes.

13 MS. CARCONE: Commissioner Grana?

14 COMMISSIONER GRANA: Yes.

15 MS. CARCONE: Commissioner Fisher?

16 COMMISSIONER FISHER: Yes.

17 MS. CARCONE: Commissioner McAnuff?

18 COMMISSIONER MC ANUFF: Yes.

19 MS. CARCONE: Commissioner Tremittedi?

20 COMMISSIOENR TREMITIEDI: Yes.

21 MS. CARCONE: Commissioner Aibel?

22 CHAIRMAN AIBEL: Yes.

23 Welcome back, Jeff.

24 Now, do I have a motion for approval of
25 the Board Rules and Procedures?

1 VICE CHAIR GREENE: Did everybody have
2 a chance to read them?

3 CHAIRMAN AIBEL: I would say yes.

4 COMMISSIONER DE FUSCO: Yes.

5 VICE CHAIR GREENE: I will move their
6 approval as submitted.

7 CHAIRMAN AIBEL: Thank you.

8 Do I have a second?

9 COMMISSIONER FISHER: I'll second.

10 CHAIRMAN AIBEL: Thank you.

11 Roll call?

12 MS. CARCONE: Commissioner Greene?

13 VICE CHAIR GREENE: Yes.

14 MS. CARCONE: Commissioner DeFusco?

15 COMMISSIONER DE FUSCO: Yes.

16 MS. CARCONE: Commissioner Grana?

17 COMMISSIONER GRANA: Yes.

18 MS. CARCONE: Commissioner Fisher?

19 COMMISSIONER FISHER: Yes.

20 MS. CARCONE: Commissioner McAnuff?

21 COMMISSIONER MC ANUFF: Yes.

22 MS. CARCONE: Commissioner Tremittedi?

23 COMMISSIOENR TREMITIEDI: Yes.

24 MS. CARCONE: Commissioner Aibel?

25 CHAIRMAN AIBEL: Yes.

1 Thanks, everybody.

2 Now we will do our resolutions. We
3 will start with 526 Hudson Street.

4 MR. GALVIN: All right.

5 Mr. Greene, Mr. DeFusco, Mr. Grana and
6 Chairman Aibel.

7 Do I have a motion?

8 VICE CHAIR GREENE: Move it.

9 MR. GALVIN: Do I have a second?

10 COMMISSIONER GRANA: Second.

11 MR. GALVIN: Mr. Greene?

12 VICE CHAIR GREENE: Yes.

13 MR. GALVIN: Mr. DeFusco?

14 COMMISSIONER DE FUSCO: Yes.

15 MR. GALVIN: Mr. Grana?

16 COMMISSIONER GRANA: Yes.

17 MR. GALVIN: Chairman Aibel?

18 CHAIRMAN AIBEL: Yes.

19 MR. GALVIN: So that one is done.

20 TST Madison, LLC is 118 Madison Street.

21 Mr. Greene, Mr. DeFusco, Mr. Grana, Ms. Murphy, who
22 is not here, and Chairman Aibel.

23 Can I have a motion?

24 VICE CHAIR GREENE: Move approval.

25 COMMISSIONER GRANA: Second.

1 MR. GALVIN: We have a motion by Mr.

2 Greene and a second by Mr. Grana.

3 Mr. Greene?

4 VICE CHAIR GREENE: Yes.

5 MR. GALVIN: Mr. DeFusco?

6 COMMISSIONER DE FUSCO: Yes.

7 MR. GALVIN: Mr. Grana?

8 COMMISSIONER GRANA: Yes.

9 MR. GALVIN: And Chairman Aibel?

10 CHAIRMAN AIBEL: Yes.

11 MR. GALVIN: And the final matter is
12 1300 Park. Mr. Kantowitz will be very pleased that
13 this is getting approved.

14 Mr. Greene, Mr. DeFusco, Mr. Grana and
15 Chairman Aibel, can I have a motion?

16 COMMISSIONER GRANA: Motion to approve.

17 MR. GALVIN: We have a motion by Mr.

18 Grana.

19 COMMISSIONER DE FUSCO: I will second

20 it.

21 MR. GALVIN: A second by Mr. DeFusco.

22 Mr. Greene?

23 VICE CHAIR GREENE: Yes.

24 MR. GALVIN: Mr. DeFusco?

25 COMMISSIONER DE FUSCO: Yes.

1 MR. GALVIN: Mr. Grana?

2 COMMISSIONER GRANA: Yes.

3 MR. GALVIN: Chairman Aibel?

4 CHAIRMAN AIBEL: Yes.

5 MR. GALVIN: The resolutions are
6 satisfied.

7 CHAIRMAN AIBEL: Thanks.

8 Do you know anything about this?

9 MS. CARCONE: One application is
10 withdrawn.

11 MR. GALVIN: Why don't you tell us
12 about it?

13 MS. CARCONE: There was an application
14 for 109 Monroe. They submitted an application back
15 in 2010. They did not take any action on it, and
16 the ownership has been transferred, and they wish to
17 withdraw the application, so they can get their
18 escrow funds refunded.

19 MR. GALVIN: What I told Pat is that we
20 can't do that unless we take administrative action,
21 and I'll do a resolution, but we need a vote and a
22 second ratifying their withdrawal without prejudice.

23 CHAIRMAN AIBEL: Okay. Do we have a
24 motion?

25 MR. GALVIN: Is there a motion?

1 CHAIRMAN AIBEL: Motion to allow the
2 withdrawal?

3 COMMISSIONER FISHER: I motion.

4 CHAIRMAN AIBEL: Thank you.
5 Second?

6 COMMISSIONER MC ANUFF: Second.

7 CHAIRMAN AIBEL: There you go. Thanks,
8 Owen.

9 MS. CARCONE: Take a vote?

10 MR. GALVIN: Yes.

11 MS. CARCONE: Commissioner Greene?

12 VICE CHAIR GREENE: Yes.

13 MS. CARCONE: Commissioner DeFusco?

14 COMMISSIONER DE FUSCO: Yes.

15 MS. CARCONE: Commissioner Grana?

16 COMMISSIONER GRANA: Yes.

17 MS. CARCONE: Commissioner Fisher?

18 COMMISSIONER FISHER: Yes.

19 MS. CARCONE: Commissioner McAnuff?

20 COMMISSIONER MC ANUFF: Yes.

21 MS. CARCONE: Commissioner Tremitedi?

22 COMMISSIOENR TREMITIEDI: Yes.

23 MS. CARCONE: Commissioner Aibel?

24 CHAIRMAN AIBEL: Yes.

25 MR. GALVIN: Put that in the minutes.

1 You can do like a letter to the file, but I don't
2 think there is any reason to do a resolution that
3 will build the escrow, which I think will be real
4 silly.

5 (Continue on next page)

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HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

----- X
 301 NEWARK STREET, BLOCK 2.1, LOTS 5&6:
 Applicant: 301 Newark Street, LLC : March 18, 2014
 (Carried from 2/11/14) : Tuesday 7:45 p.m.
 Final Site Plan :
 ----- X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman James Aibel
- Vice Chair Elliot H. Greene
- Commissioner Michael DeFusco
- Commissioner Antonio Grana
- Commissioner Michael DeFusco
- Commissioner Tiffanie Fisher
- Commissioner Owen McAnuff
- Commissioner Richard Tremitedi

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

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

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WITNESS

PAGE

FRANK MINERVINI

21

1 CHAIRMAN AIBEL: Okay. Mr. Matule,
2 ready to start 301 Newark Street?

3 MR. MATULE: Good evening, Mr.
4 Chairman, and Board members.

5 Robert Matule appearing for the
6 applicant with respect to final site plan approval
7 for 301 Newark Street.

8 This application -- well, the matter
9 was originally approved back in April of 2012,
10 preliminary site plan approval with conditions.

11 We subsequently submitted an
12 application for amended preliminary and final site
13 plan approval. That application was further amended
14 to withdraw the amendments, and we are just going
15 forward with final site plan approval based upon the
16 original approvals.

17 I have Mr. Minervini here this evening
18 just to address some of the issues raised in the
19 professionals' reports.

20 When we submitted the revised
21 application, I included with it a copy of the Hudson
22 County site plan resolution, which was one of the
23 conditions. We have a North Hudson sewer hookup
24 approval, and we also have a soil erosion and
25 sediment control approval.

1 We have received Ms. Banyra's report of
2 3/17. One of the issues that was raised in her
3 report, and I confirmed it online today, and I can
4 submit it, if you wish, that the first quarter taxes
5 have been paid. The city's records show that they
6 have been paid --

7 MS. BANYRA: Great.

8 MR. MATULE: -- and also Mr. Marsden's
9 report of 12/17, which was revised January 23rd, I
10 can have Mr. Minervini talk to that, if we can have
11 him sworn in.

12 MR. GALVIN: Raise your right hand.

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

16 MR. MINERVINI: I do.

17 F R A N K M I N E R V I N I, having been duly
18 sworn, testified as follows:

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

21 THE WITNESS: Frank Minervini,
22 M-i-n-e-r-v-i-n-i.

23 MR. GALVIN: Mr. Chairman, do we accept
24 Mr. Minervini's credentials?

25 CHAIRMAN AIBEL: We do.

1 MR. GALVIN: You're good to go.

2 MR. MATULE: All right.

3 Mr. Minervini, you heard my comments,
4 but you received and reviewed Ms. Banyra's report of
5 March 17th and Mr. Marsden's report with the last
6 revision date of January 23rd?

7 THE WITNESS: I have.

8 MR. MATULE: And there were a couple of
9 points raised in Mr. Marsden's report. He wanted
10 the detention to be shown on the plan.

11 I know you already have your sewer
12 hookup approval, but can the signature set of plans
13 be revised to show that?

14 THE WITNESS: Yes.

15 MR. MATULE: And let's see what else.

16 Basically these are more technical in
17 nature, his comments. Can they be addressed on the
18 plan?

19 THE WITNESS: Yes. I discussed this
20 already with Mr. Marsden, all of the items that we
21 have been addressing.

22 MR. MATULE: The one thing I would
23 point out, Mr. Marsden, is in number 16 in your
24 letter talked about two handicapped spaces, if we
25 have 25 to 50 parking spaces, but we only have our

1 requirement, total requirement is 19.

2 MR. MARSDEN: Right.

3 MR. MATULE: We only have eight on
4 site, so we are only providing one handicapped.

5 MR. MARSDEN: Okay.

6 MR. MATULE: I just wanted to make
7 sure.

8 MR. MARSDEN: I just wanted to get
9 testimony on the record for that.

10 MR. MATULE: We are all on the same
11 page for that. Otherwise, everything else can be
12 addressed by Mr. Minervini.

13 I don't know -- I guess one of the
14 other issues that I have to speak with the Board
15 Attorney about is one of the conditions was that the
16 constituent documents for the condominium have
17 language in there about the windows being covered,
18 appropriate window covering, before a building
19 permit can be issued and --

20 MR. GALVIN: I got the answer for you
21 already. I just had this with Michael Ochs, who was
22 calling me, and he has the same thing. He was going
23 to do a condo. What you have to do is you have to
24 do a deed restriction now. Then when you eventually
25 do your master deed, you would be wise to make a

1 reference, but I am not going to check for the
2 master deed, if the deed restriction is recorded.

3 MR. MATULE: Fine.

4 MR. GALVIN: I gave you a choice -- in
5 this condition, I gave you a choice to pick either,
6 right?

7 MR. MATULE: Right, and we will do
8 that. I don't have an issue doing that. I can get
9 you something. Assuming the Board approves this, I
10 will get you something between now and when the
11 plans are signed --

12 MR. GALVIN: Or before you are going to
13 pull your building permit.

14 MR. MATULE: -- and before we pull the
15 building permit. We can talk about the language in
16 there, because I will probably put some language in
17 there which basically would say something to the
18 effect that in the event the building is dedicated
19 to the condominium form of ownership, that similar
20 language would be included in the constituent
21 documents.

22 MR. GALVIN: I think that is awesome.
23 That is even better.

24 MR. MATULE: Okay. So I mean, unless
25 there are any other issues, the Board or the Board

1 professionals need us to address, I think I pretty
2 much that is the story.

3 MR. MARSDEN: If I may, the new plan
4 still calls out 29.

5 THE WITNESS: Yes. We got a revised
6 survey.

7 MR. MARSDEN: Well, you got a revised
8 survey for 88, correct?

9 MR. MATULE: Right. NAVD.

10 MR. MARSDEN: NAVD 88, correct?

11 THE WITNESS: Yes.

12 MR. MARSDEN: But your plan still calls
13 out on the cover sheet, NGVD 29.

14 THE WITNESS: Yes. Well, our plans
15 were based on the regular survey, but I will be
16 happy to adjust it --

17 MR. MARSDEN: That is one thing that
18 has to be modified, because originally you did
19 modify it, and then you came back.

20 THE WITNESS: Yes.

21 MR. MARSDEN: Okay. That was the only
22 confusion.

23 MS. BANYRA: Mr. Minervini, I have a
24 few questions, if you don't mind.

25 So the revised plans that were

1 submitted appeared to be the ones that were approved
2 as part of the preliminary with the addition of the
3 flood plain information. Is that correct?

4 THE WITNESS: That is correct.

5 MS. BANYRA: So any of the revisions
6 are earlier reports in terms of the roof deck, the
7 green roof, the landscaping and everything. Can you
8 just kind of walk through for the Board, because if
9 everybody read the earlier reports, these plans are
10 not the same.

11 THE WITNESS: Want me to read your
12 report?

13 MS. BANYRA: No, no, no. Maybe you
14 could just walk through the changes because you went
15 back to your old plan, right?

16 THE WITNESS: I understand.

17 The changes aren't changes in the sense
18 that are different for the Board. The changes are
19 more specifics requested by you.

20 MS. BANYRA: No, I don't think so.
21 I think maybe I am not stating this correctly.

22 MR. GALVIN: Well, wait a minute. We
23 are talking about terms of art, because if you are
24 saying there is a change in the plan, they are going
25 to require an amended plan --

1 MS. BANYRA: No, no, no.

2 MR. GALVIN: -- so that is where I am
3 agreeing -- it's not often that I will agree with
4 Mr. Minervini over you, but in this instance --

5 (Laughter)

6 MS. BANYRA: So the latest plan --

7 MR. GALVIN: -- don't get used to that.

8 THE WITNESS: I won't.

9 (Laughter)

10 MS. BANYRA: -- the latest plan that
11 was submitted, the plan that -- the basis of that
12 plan was your preliminary approval, and you went
13 right to final with that.

14 So if anybody had read the reports or
15 looked at the plans, the intermediate plans,
16 everything is different than what is being
17 presented, because you went back to the original
18 approval, which you -- to avoid the affordable
19 housing obligation, correct?

20 THE WITNESS: Correct, yes. Well, that
21 is not --

22 MS. BANYRA: Not just -- I understand.

23 THE WITNESS: -- not a fair comment.

24 MS. BANYRA: -- no, I understand. I am
25 simplifying it.

1 So in terms of the green roof and
2 things that were shown in December, you went back to
3 the original approval from 2012.

4 MR. GALVIN: Well, condition number 8
5 of the resolution said: The applicant is to supply
6 a full green roof as depicted on the plans.

7 MS. BANYRA: They did. They did do
8 that.

9 THE WITNESS: I'm sorry. I understand.

10 MS. BANYRA: I just kind of wanted you
11 to go back to the original approval because if
12 anybody looked at the intermediate plans, then what
13 is coming here I think is a little bit confusing for
14 the Board, and I guess I tried to sum it up in my
15 report by just indicating that they are coming in
16 only for final approval.

17 Then basically it is just an
18 administrative act. You satisfy the resolution, the
19 conditions of the approval. If everything is
20 correct, you get your final approval, and I think
21 that is really what they are here before us for
22 tonight.

23 But what you had possibly read in
24 October, November, December, there were changes
25 being done to the plan and particularly some that

1 were probably positive in terms of green roofs and
2 landscaping and things, but those are all -- that is
3 all off of the table now. So I just wanted to -- I
4 don't know if the Board it aware of that or not,
5 so --

6 MR. GALVIN: Okay.

7 COMMISSIONER GRANA: That was clear in
8 your report.

9 MS. BANYRA: Okay, great.

10 THE WITNESS: I think some of the
11 comments, more of the major ones, was the
12 landscaping on the upper roof, and Sheet Z-8 clearly
13 shows that we are proposing an extensive green roof.

14 MS. BANYRA: Right.

15 THE WITNESS: Also, in terms of
16 landscaping, there is a lower roof section at the
17 second floor at Sheet Z-5. One of the comments was
18 to have it designed by a landscape architect, if
19 possible, and so then Sheet Z-5 reflects that.

20 MS. BANYRA: That was the revised one
21 with the revised landscaping?

22 THE WITNESS: Yes. I don't believe
23 this was part of the original proposal.

24 MS. BANYRA: Okay. That is just
25 relative to the landscaping plan?

1 THE WITNESS: To the landscaping.

2 In terms of the building itself, I
3 don't think there were any revisions.

4 MS. BANYRA: No, no, there is not. I
5 am agreeing with you on that. I just wanted to make
6 that clear.

7 So in terms of the things that were not
8 satisfied that I think -- and I think probably the
9 garage windows, I think need to be addressed.

10 THE WITNESS: Yes.

11 I did read your report, and I will
12 happily add a note saying that the glass, although I
13 don't understand why this is still part of the
14 regulations, that the small glass in the garage door
15 has to be smoked or frosted in some way. I will
16 happily add that.

17 MS. BANYRA: That is part of your
18 original approval.

19 THE WITNESS: Understood.

20 MS. BANYRA: Let's see.

21 COMMISSIONER GRANA: You also had steps
22 to the commercial space?

23 THE WITNESS: The steps were there,
24 yes.

25 MS. BANYRA: They were, yes.

1 THE WITNESS: The two sets of stairs
2 were there on the original plan set.

3 MS. BANYRA: And then the half width
4 paving, H2M report, that was as per preliminary?

5 Mr. Matule, did you just indicate that
6 you have county approval and NJDEP?

7 MR. MATULE: Yes. A resolution was
8 attached to the application, Hudson County.

9 MS. BANYRA: Okay.

10 One of the other conditions was the
11 affordable housing pursuant to the old regulations.
12 I think that was in the prior resolution that there
13 be some payment towards that.

14 MR. MATULE: I think the prior
15 resolution said that if the applicant was obligated
16 to contribute to a fund, he would have to.

17 As I understand it, there is no fund,
18 and that that old ordinance was stricken down by the
19 courts, so I don't know that there is really
20 anything for us to do there.

21 MR. GALVIN: What is that? I heard
22 "Court."

23 (Laughter)

24 MS. BANYRA: One of the conditions,
25 Condition 4 of approval, while they are not bound by

1 the new affordable housing ordinance, I don't know
2 how they are bound by the old one pursuant to the
3 old regulations.

4 MR. GALVIN: Well, what we put is if
5 the old ordinance is in compliance, you have to
6 comply.

7 If the Appellate Division reverses, you
8 are going to have to comply.

9 MR. MATULE: Right, but at this point
10 in time --

11 MR. GALVIN: They have not acted yet,
12 so we don't know what is going to happen. The Law
13 Division found against us, so I am monitoring that.
14 I have no idea when we will be heard.

15 MR. MATULE: So it's in there. If it
16 turns out, we have to comply, then we will comply.

17 MR. GALVIN: I agree. I think Ms.
18 Banyra pointed something out that is important.
19 That will be one of the conditions of this approval
20 that you are still going to comply, compliance with
21 the preliminary.

22 MR. MATULE: Right.

23 MR. GALVIN: That is in the preliminary
24 resolution that you would comply.

25 MS. BANYRA: Mr. Minervini, I didn't

1 understand one of the conditions, and maybe you
2 could -- which required about the large plate glass
3 windows, the window treatments, what was that from
4 the original preliminary approval? What did that
5 mean?

6 THE WITNESS: There was a concern by, I
7 don't remember which Board member, but it was a
8 concern about the large amount of glass.

9 MS. BANYRA: The amount of glass.

10 MR. MATULE: That is the condition Mr.
11 Galvin and I were just discussing about filing a
12 deed notice to be in the constituent documents, that
13 because there is so much glass, they want
14 appropriate window coverings on them.

15 MS. BANYRA: Okay.

16 VICE CHAIR GREENE: Is the addition of
17 the flood panels, because that was not part of the
18 original approval, was it?

19 MS. BANYRA: No.

20 THE WITNESS: That is the major
21 addition here is the flood panels, which will allow
22 us to get our NJ DEP approval.

23 VICE CHAIR GREENE: Does that
24 constitute a major change?

25 MS. BANYRA: There is no substantive

1 change to the number of units, the design, the
2 square footage or anything, so to me, that is
3 just -- what do they call it ex -- second -- other
4 party approval, what do they call that, Dennis?

5 What's that term of art?

6 MR. GALVIN: Well, sometimes an outside
7 agency approval can have a bigger effect. You guys
8 are finding it didn't have a bigger effect.

9 MR. MARSDEN: Yeah. Would it change
10 the elevation of the building or the location, that
11 I would say was a major, but --

12 MR. GALVIN: And in Condition 10, we
13 have: The final height of the building will be 74
14 feet, if the retail space is to meet the base flood
15 elevation. In the event the applicant receives a
16 waiver, which that ship has sailed --

17 THE WITNESS: Yes, correct.

18 MR. GALVIN: -- they would have been at
19 70, so you are 74 feet in height.

20 THE WITNESS: Yes.

21 MR. GALVIN: So I think it was kind of
22 contemplated that they would have to do what was
23 required to meet the FEMA requirements.

24 But if they had made an additional
25 change, if they had to go to 75 feet, then I think

1 it would have required an amended site plan.

2 MS. BANYRA: Okay. I just wanted to
3 go through a couple of those points.

4 And all of the conditions of the prior
5 approval, Mr. Galvin, will be --

6 MR. GALVIN: I have a condition for
7 that. I have two conditions at the moment.

8 The plan is to be revised to comply
9 with the Board engineer's review letter, and no
10 permits are to issue until the engineer issues a
11 letter to the zoning office indicating full and
12 complete compliance.

13 Two: The applicant is under the
14 continuing obligation to comply with the conditions
15 of the preliminary approval.

16 CHAIRMAN AIBEL: Okay.

17 MR. MARSDEN: They are going to revise
18 the plans to show the missing items that are on my
19 list.

20 MR. GALVIN: Or they shall not pass.

21 MR. MARSDEN: Okay. There was one
22 other thing.

23 I will remember sometime.

24 (Laughter)

25 MR. GALVIN: If it was in your review

1 letter, you are covered.

2 MR. MARSDEN: Okay.

3 MR. GALVIN: All right.

4 CHAIRMAN AIBEL: Okay.

5 Understanding that the Board's role
6 tonight is more or less ministerial, I would like to
7 open it up to the public, if anybody wishes to be
8 heard.

9 Seeing no one, a motion to close the
10 public portion?

11 VICE CHAIR GREENE: Move it.

12 COMMISSIONER MC ANUFF: Second.

13 CHAIRMAN AIBEL: Thank you, Owen.

14 All in favor?

15 (All Board members answered in the
16 affirmative.)

17 MR. GALVIN: Call for a vote.

18 As you said, it is a ministerial act to
19 get the final.

20 CHAIRMAN AIBEL: We need a vote to
21 approve the final site plan.

22 MR. GALVIN: For 301 Newark.

23 CHAIRMAN AIBEL: We need to have a
24 motion to approve the final site plan for 301 Newark
25 subject to the conditions.

1 VICE CHAIR GREENE: I will move it.

2 COMMISSIONER GRANA: Second.

3 CHAIRMAN AIBEL: Pat?

4 MS. CARCONE: Commissioner Greene?

5 VICE CHAIR GREENE: Yes.

6 MS. CARCONE: Commissioner DeFusco?

7 COMMISSIONER DE FUSCO: Yes.

8 MS. CARCONE: Commissioner Grana?

9 COMMISSIONER GRANA: Yes.

10 MS. CARCONE: Commissioner Fisher?

11 COMMISSIONER FISHER: Yes.

12 MS. CARCONE: Commissioner McAnuff?

13 COMMISSIONER MC ANUFF: Yes.

14 MS. CARCONE: Commissioner Tremitedi?

15 COMMISSIOENR TREMITIEDI: Yes.

16 MS. CARCONE: Commissioner Aibel?

17 CHAIRMAN AIBEL: Yes.

18 MR. MATULE: Thank you.

19 (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 prior 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: 3/21/14

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

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

----- X
 1312-1318 ADAMS STREET :
 BLOCK 113, LOT 23 :
 Applicant: 1323 Adams, LLC : March 18, 2014
 (Carried from 2/18/14) : Tuesday 8 p.m.
 Preliminary Site Plan, C&D Variances :
 ----- X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

Chairman James Aibel (Recused)
 Vice Chair Elliot H. Greene
 Commissioner Michael DeFusco
 Commissioner Antonio Grana
 Commissioner Michael DeFusco
 Commissioner Tiffanie Fisher
 Commissioner Owen McAnuff
 Commissioner Richard Tremitedi

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

Eileen Banyra, Planning Consultant

 Jeffrey Marsden, PE, PP
 Board Engineer

 Patricia Carcone, Board Secretary

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I N D E X

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WITNESS	PAGE
JEFFREY WHITE	44
FRANK MINERVINI	59
EDWARD KOLLING	129

E X H I B I T S

EXHIBIT NO.	IDENT.
A-1 through A-5	42

1 (Chairman James Aibel recused.)

2 (Exhibits A-1 through A-5 marked for
3 identification.).

4 VICE CHAIR GREENE: Are you ready?

5 As you may have noticed, Chairman Aibel
6 has left the room. He has recused himself, so we
7 are going to carry on without him.

8 Mr. Matule, you have the floor.

9 MR. MATULE: Thank you.

10 Good evening.

11 Robert Matule appearing on behalf of
12 the applicant.

13 This is an application for property
14 that we are commonly referring to as 1312 Adams
15 Street. It is actually a through-lot between Adams
16 and Jefferson. The applicant is seeking approval to
17 construct a new mixed-use building on a former
18 industrial site. We will get into more details as
19 we go along. But just as an overview, the building
20 will have 66 residential units, seven of which will
21 be affordable.

22 I will have the testimony of our
23 architect, Mr. Minervini; our planner, Ed Kolling;
24 our traffic engineer, Mr. Staigar. I don't know if
25 we will get through all of that tonight or not, but

1 we will see.

2 But before I have Mr. Minervini
3 testify, I would like to have the principal of the
4 applicant, Jeffrey White, sworn in to testify to
5 give the Board members, because he has the best
6 understanding of it, a brief history of the site,
7 what it was formally used for, the remediation of
8 the site, et cetera.

9 MR. GALVIN: The Chairman and I talked
10 about it -- the Vice Chairman and I talked about
11 that at ten o'clock will be when we are shooting to
12 stop tonight.

13 MR. MATULE: Okay.

14 MR. GALVIN: So we have six Board
15 members, and you know, it's less for the seventh
16 person to look at.

17 MR. MATULE: Very good.

18 MR. GALVIN: I mean, if you are
19 between, or if you are on a witness, we will figure
20 it out.

21 MR. MATULE: Okay.

22 Well, on that note, Mr. White, if you
23 want to come up and get sworn.

24 Obviously, Mr. White will be testifying
25 as a fact witness, not an expert witness.

1 MR. GALVIN: Raise your right hand.

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

5 MR. WHITE: I do.

6 J E F F R E Y W H I T E, 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: My name is Jeffrey White,
11 W-h-i-t-e.

12 MR. GALVIN: Thank you so much.
13 Your witness.

14 MR. MATULE: Mr. White, you are a
15 principal of the applicant for this application this
16 evening?

17 THE WITNESS: Yes, I am.

18 MR. MATULE: And you reside in Hoboken?

19 THE WITNESS: Yes, I do.

20 MR. MATULE: And you have been
21 developing property in Hoboken for some time?

22 THE WITNESS: Over 20 years.

23 MR. MATULE: And you have done multiple
24 projects around town?

25 THE WITNESS: Many dozens, scores, 30,

1 40 50 projects in Hoboken alone. I developed
2 properties all over the State of New Jersey as well.

3 MR. MATULE: Okay. And the particular
4 site where we are going to be developing, could you
5 give the Board members a brief history of the site,
6 what it was formally used as, and you know, how you
7 came about it?

8 THE WITNESS: Yes. This site was
9 formerly American Magnesium and had been for over 50
10 years. It was a family run business. They were a
11 foundry. They would cast parts for Sikorsky
12 Helicopters and other commercial aircraft.

13 During the three generations that ran
14 the company, they built up the business, which was
15 fairly significant for a time. I think they had as
16 many as 25 employees for a while.

17 MR. MATULE: Just, for the record, we
18 premarked this photo board as A-1, and I will have
19 Mr. Minervini identify it when he testifies, but
20 just for identification.

21 MR. GALVIN: You are good.

22 Please proceed.

23 Forget it. We know the site.

24 THE WITNESS: Yes. It sits in the
25 industrial zone, but for the past 15 years they lost

1 a significant amount of business. About three years
2 ago, Michael Cristello passed away. He was the
3 leader of the family and the last one to run the
4 operation there, and they had no more business left.
5 They were losing business anyway, and they tried to
6 retool, and they tried to change businesses to some
7 commercial grade, but their applications had all
8 moved away.

9 Sikorsky started die casting their own
10 parts, so they lost their biggest customer, and the
11 building itself had problems as well. As we say in
12 my business, the building has served its useful
13 life. It is significantly dilapidated and falling
14 down. To even repair the building in its state
15 would be incredibly expensive and probably not the
16 best thing to do with it anyway. So regardless of
17 what happens, this building has served its useful
18 life for sure. New everything, new electric, new
19 gas, new roof, new floors, everything would have to
20 be redone in the building.

21 And approximately two and a half years
22 ago, the Cristello family and I came together and
23 made plans to build what you see here, and I
24 acquired the property just fairly recently, but over
25 the past two years we have been remediating the

1 site. There was some -- I wouldn't say there was
2 significant contamination, but about a half a
3 million dollars worth of remediation.

4 There was soil remediation. There were
5 petroleum products in the ground and other
6 distillants, things they used for the process of the
7 casting and washing these parts. The concrete
8 itself from what the building was made, there was
9 asbestos, and there still is, that was removed. It
10 is almost all removed. This is about I'd say 95 to
11 97 percent remediated at this time. There are a few
12 things that have to be done, deed notice, and a few
13 other end things for the DEP, which will be done in
14 short order. The building has to be removed,
15 though, for that to happen and a few other things.

16 MR. MATULE: As part of the
17 remediation, does the property have to be capped?

18 THE WITNESS: Yes. As part of the DEP
19 mandate is a capping of the entire property.

20 This sits right next to the old Cognis
21 plant, which is now BASF. Their site is more
22 contaminated than this. I am fairly well versed on
23 their contamination.

24 But this one is virtually ready for
25 residential contact in terms of DEP parlance, except

1 it will need a cap on the entire property for
2 whatever goes on the site.

3 MR. MATULE: Okay. And as part of your
4 application, you will be providing moderate and low
5 income rental housing?

6 THE WITNESS: Oh, yes.

7 Among other things, we believe a
8 building like this on a site such as this.
9 particularly transitioning from an older industrial
10 use to what we believe is really the business of
11 Hoboken now, which are communities and housing, an
12 industrial site like this, which sort of sits in mid
13 block. To the north is a strip center. It's sort
14 of more of what I think is a suburban type of retail
15 strip where cars can pull up.

16 The only other parcels on the block are
17 to the south, which is for the park, the entire BASF
18 site, and that park has been proposed for many
19 years. We got some drawings sort of showing the
20 park there.

21 I believe that the City of Hoboken and
22 the northwest and the entire town has to have this
23 park regardless of what happens to this site to
24 anchor everything in the northwest, and this
25 building hopefully will help to service some areas

1 of that park.

2 I imagine that once this building is
3 built besides the 66 units, and we will talk about
4 the affordable housing and the people and the
5 families who will get that, but I imagine that some
6 day, I will have to come back before this Board and
7 hopefully the city council and be able to put space
8 in this building, which is now labeled as storage
9 for service to this future park.

10 Now, I am jumping way ahead, and I am
11 sure Councilman Galvin really has nothing to do with
12 this application. However, I'm going to show right
13 now that there's storage here. But I imagine that
14 this park is going to be here, and I want to put in
15 the future a bicycle shop here, maybe an ice cream
16 shop, something to service this future park.

17 So beyond the fact of all of the other
18 compliance and the FEMA rights that we now comply
19 with, the other major focus of this building for us
20 and which we are very proud of, that this is the
21 first proposed building under the new Hoboken
22 affordable housing ordinance.

23 It has taken me approximately a year to
24 get through this ordinance and to figure out how it
25 works and what has to be done, and I would like to

1 compliment the City Consultant, Shirley Bishop, for
2 without which there is no way I could have gotten
3 through it. But I hope this building in the future
4 stands as a template for other buildings to come in
5 Hoboken in terms of how a commercially driven
6 project can supply affordable housing amongst other
7 things in town and make the city and the street
8 scape better.

9 This building will receive not a dime
10 of federal, state, county or local money to be
11 built. It will not receive or request a PILOT,
12 Payment In Lieu Of Taxes, and with its commercial
13 ability pay for the housing for the seven affordable
14 and low income units, and hopefully other buildings
15 in the future will follow in this footsteps and this
16 template, because I believe that is the future for
17 housing in Hoboken and the rest of the state.

18 MR. MATULE: Okay.

19 THE WITNESS: My experts will talk
20 about more of the specifics and some of the other
21 things with the -- all of the other rights, and I am
22 glad to answer any other questions as well.

23 Thank you for your time.

24 VICE CHAIR GREENE: Do the Board
25 members have any questions?

1 COMMISSIONER FISHER: Can I ask a
2 question, if I might?

3 VICE CHAIR GREENE: Sure.

4 COMMISSIONER FISHER: You mentioned
5 that the adjacent site has contamination on it?

6 THE WITNESS: Yes.

7 COMMISSIONER FISHER: Is just the
8 capping of your site going to keep that
9 contamination from migrating in and up, so --

10 THE WITNESS: Yes.

11 Well, right now there has been no found
12 migration from the Cognis site to my site, or my
13 site -- there's no more contaminants on my site that
14 will be a source of contamination.

15 However, we have wells in the property,
16 that need to be eight-quarters of testing, but more
17 than likely there will be three or four testings to
18 finally cap the wells, but they will exist on the
19 property with the cap, and there is no migration
20 from their site. They have PCBs on their site.

21 This particular lot, though, is not
22 nearly as contaminated as the larger piece to the
23 south, which is this large piece. Apparently this
24 was more of an administrative, shipping building and
25 the contamination was limited here.

1 This site has some significant PCBs. I
2 have noticed some work going on on this site. There
3 are some drums, and they are doing some testing. I
4 have read their file in the past as well.

5 COMMISSIONER FISHER: Okay.

6 VICE CHAIR GREENE: Anybody else?

7 I just have one question.

8 THE WITNESS: Yes.

9 VICE CHAIR GREENE: When you refer to
10 "capping the property," can you describe what that
11 is and what that process is?

12 THE WITNESS: It is not a complicated
13 property -- it's not a complicated method.

14 It is basically a thick vapor barrier,
15 which is a heavy plastic, which is approved by the
16 DEP and then an engineered amount of either tarmac
17 or concrete, so it becomes fairly impervious for
18 anything to come up and out of.

19 There will also be a deed notice that
20 will say, you can't penetrate that, nobody can drill
21 holes in it without proper authority from the DEP
22 and prior approval. It is basically concrete.

23 VICE CHAIR GREENE: What kind of
24 drainage problems does that create?

25 THE WITNESS: None, because in this

1 will be full water retention and water detention,
2 engineered with all FEMA standards and all current
3 building codes and regulations, so that is actually
4 engineered into the capping. Those are basically
5 big concrete tubes and tubs that hold the water, and
6 that becomes part of the cap, and Jeff can speak
7 more to that.

8 MR. MARSDEN: The question is: You are
9 not going to match -- meet the infiltration
10 requirements. You are going to ask for a waiver for
11 that from DEP?

12 THE WITNESS: I don't think we are
13 going to ask for a waiver because we are going to
14 build this at a height on this first floor where I
15 won't need a waiver. That's the way it's planned
16 now.

17 MR. MARSDEN: No, no, for the
18 infiltration.

19 MR. MINERVINI: He's asking about the
20 garage --

21 THE WITNESS: On the water
22 infiltration?

23 MR. MINERVINI: I'm sorry.

24 THE WITNESS: I didn't understand the
25 question --

1 MR. MATULE: Come up, Frank.

2 MR. GALVIN: No, time out.

3 VICE CHAIR GREENE: If you don't know
4 the answer, if you are not an expert, then we will
5 talk to the expert.

6 MR. MARSDEN: Sorry about that.

7 VICE CHAIR GREENE: Anybody else?

8 MS. BANYRA: Yes. I had just a
9 question.

10 Mr. White, three years ago, I think you
11 said that the principal of the building -- the
12 original owners passed away.

13 THE WITNESS: Passed away. The family
14 still owns it.

15 MS. BANYRA: All right.

16 So the condition of the building three
17 years ago was --

18 THE WITNESS: Fairly similar to what it
19 is now. It was a mess. It was a wreck. Buckled
20 floors, leaking ceilings, structural failures in
21 some places, contamination --

22 MS. BANYRA: Is that the entire
23 building, or is the front different from the back?
24 Maybe you could just --

25 THE WITNESS: Significant all the way

1 through, through and through.

2 And in the back, this building sits on
3 about 10,000 square feet. The entire lot is 20,000
4 square feet, so approximately half was building, a
5 story and a half.

6 The rear portion of the building on
7 Jefferson Street, there's some pictures here. These
8 are gone now, part of the remediation. They had
9 storage trailers. They had die cast parts. They
10 had dies, all of that and the metals, metal
11 shelving, all of that was removed as part of the
12 remediation.

13 MS. BANYRA: So the building in the
14 front, I recall you having a for sale sign or a for
15 rent sign on it.

16 THE WITNESS: Yes, for a long time.

17 MS. BANYRA: Yes.

18 So was there an attempt to rent it?

19 Was there an attempt other than to move
20 it right into -- I think you indicated you
21 purchased --

22 THE WITNESS: I don't know if they
23 attempted to rent it. By the time it had come to
24 me, it was a for sale property, and I met with the
25 family and discussed what they wanted to do, and the

1 main thing that I did with them was the remediation.
2 They had no idea how to move through that. They did
3 get counsel. I advised them.

4 As a matter of fact, they used a
5 Hoboken company that I brought in, Atlantic
6 Environmental, to see them through.

7 MR. MARSDEN: Who did you bring in?

8 THE WITNESS: Atlantic.

9 MR. MARSDEN: Atlantic, and you -- when
10 this is done, you will have an NFA from DEP?

11 THE WITNESS: They don't issue NFAs any
12 more. What they issue is an RAL, a Remedial Action
13 Outcome Letter that supplants now the old NFA. I
14 will have an RAO with a deed notice.

15 MR. MARSDEN: And this isn't being
16 managed by an LSRP?

17 THE WITNESS: It is being managed by an
18 LSRP, yes, absolutely. Atlantic is the LSRP.

19 MR. MARSDEN: They are the LSRP?

20 THE WITNESS: Yes.

21 MS. BANYRA: Do you want to explain
22 that acronym for people who don't know what that
23 means, Jeff?

24 MR. MARSDEN: I'm sorry. Licensed
25 Remedial --

1 MR. MATULE: It is a Licensed Site
2 Remediation Professional, LSRP.

3 MR. MARSDEN: Thank you.

4 THE WITNESS: Basically the DEP --
5 (Everyone talking at once.)

6 MR. GALVIN: Whoa, whoa, whoa. Stop.
7 You have to respect the court reporter.

8 THE WITNESS: I can explain the
9 difference.

10 The Department of Environmental
11 Protection used to approve every environmental
12 action taken on a property. You would have to apply
13 to them. They would review it, send it back and
14 take action.

15 They now have a licensed remediation
16 specialist known as an LSRP that oversees every
17 action out in the field and can approve work to be
18 done.

19 They also still submit it to the DEP,
20 but the LSRP is an independent licensed remediation
21 expert, reviews and sees the entire process through.
22 It saves a lot of time.

23 A site like this would have taken,
24 instead of two years to get to this point, in my
25 estimation, because I have been involved in sites

1 like this before, five to six years, so it
2 significantly cuts down the time.

3 MS. BANYRA: If the building had been
4 just rented to somebody else, would you have had to
5 have gone through the remediation at that point or
6 probably not?

7 THE WITNESS: You know, under the
8 Industrial Site Recovery Act, I don't know. It is
9 possible. It depends on the changes of use.

10 The zoning officer of this town may
11 have made them do that. I don't know. There are
12 many things that can trigger that.

13 VICE CHAIR GREENE: Anybody else?

14 Okay. I guess we are done.

15 MR. MATULE: Thank you.

16 MR. GALVIN: Questions of the public,
17 questions of the public of this witness?

18 Seeing no questions.

19 VICE CHAIR GREENE: Seeing nobody.

20 Close public.

21 COMMISSIONER DE FUSCO: Motion to close
22 the public portion.

23 COMMISSIONER MC ANUFF: Second.

24 (Witness excused.)

25 MR. MATULE: Frank Minervini.

1 MR. GALVIN: Raise your right hand.

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

5 MR. MINERVINI: I do.

6 F R A N K M I N E R V I N I, having been duly
7 sworn, testified as follows:

8 MR. GALVIN: State your full name and
9 spell your last name.

10 THE WITNESS: Frank Minervini,
11 M-i-n-e-r-v-i-n-i.

12 MR. GALVIN: Do we accept Mr.
13 Minervini's credentials?

14 VICE CHAIR GREENE: I'm not sure. I
15 have to think about it, but I guess we will.

16 (Laughter)

17 THE WITNESS: Then you'll be getting
18 out of here early tonight.

19 MR. MATULE: Thank you, Mr. Greene.

20 Mr. Minervini, I previously mentioned
21 that we had premarked some of the boards, so as we
22 go through them, just call out the identification
23 reference on them for the record, and I will ask you
24 questions.

25 The board that has been marked A-1, the

1 photo board, all of those photos were taken by your
2 office?

3 THE WITNESS: By my office, as well as
4 I think we took some Google shots from the internet
5 service.

6 MR. MATULE: They accurately depict the
7 present conditions of the property?

8 THE WITNESS: Yes.

9 MR. MATULE: All right.

10 Would you please describe for the Board
11 and any members of the public who are here the
12 existing site and the surrounding area?

13 THE WITNESS: Mr. White did a great
14 job.

15 The site itself, I'm talking about
16 measurements, it is a through block. The property
17 is 200 feet deep, so it goes between Adams Street --
18 13th and 14th and Adams Street and Jefferson.

19 So the width, if we go back to the A-1
20 photo board, the width here is 100 feet. This is
21 along Adams Street. As mentioned before, we are
22 directly adjacent to a one and a half story
23 commercial building that houses, I think there is a
24 gym there, there is a restaurant and two day care
25 centers, so that is this building.

1 The site is 100 feet wide, and it is
2 200 feet deep, so it goes again a through block
3 between Adams and Jefferson.

4 The site directly to our south is part
5 of the BASF site, which is, and I will get to this
6 in more detail, which is part of the Northwest
7 Redevelopment Plan and slated to be a park.

8 That leads me to what in essence is
9 describing to this Board how the whole design of the
10 building came about. We have got not much context
11 in terms of residential use. We have a compliant
12 property owner or assumed to be property owner who
13 wants to put residential use here, so we had several
14 factors to deal with.

15 We knew that the property was going to
16 be capped. We knew that 100 percent of the property
17 was going to be covered in concrete, so that helps
18 us go in a direction. But the biggest driving
19 factor -- well, there are two big driving factors
20 here. The first is our proximity to the Northwest
21 Redevelopment Plan.

22 There is a building directly to our
23 east, the closest residential building, and it is
24 actually an entire block of buildings, and that is
25 this, and that is on the eastern side of Adams

1 between Jefferson -- I mean between 13th and 14th.

2 That building is within the Northwest
3 Redevelopment Plan. That is permitted to have 90
4 percent lot coverage on the ground floor, six
5 stories, and I don't know how many units are there,
6 but that property has an ordinance attached to it.

7 Our property is not within the
8 Northwest Redevelopment Plan, and the reason I say
9 that, and I got a little board here, A-2, and this
10 is my copy of that plan, everything that we colored
11 in blue is the Northwest Redevelopment Plan within
12 that plan. Yellow is our site.

13 What we have come to realize is that
14 our site was not included because at the time that
15 the map was drawn, this was a working foundry. So
16 to take that thought a bit further, the thinking was
17 that if this were not a working foundry at the time,
18 it would have been included in that plan, and I
19 think this graphically shows it and makes a certain
20 amount of sense.

21 This parcel and this parcel were also a
22 working chemical plant at the time, so I can pass
23 this around, but --

24 MR. GALVIN: The question is: Has
25 there been any effort to reach out to the city to

1 see if they want to include that in the
2 redevelopment plan?

3 MR. MATULE: No.

4 THE WITNESS: There is no redevelopment
5 plan that's been adopted for this site right now.
6 There are several, and I think Eileen knows much
7 more than I do about this --

8 COMMISSIONER FISHER: I think what
9 Dennis is suggesting is going to the city and asking
10 them to just move the boundary over a little because
11 of the spirit, you said it was a working foundry
12 before --

13 THE WITNESS: Understood.

14 I don't know if that has been done, but
15 we did the same in terms of our building design, so
16 we took that concept --

17 MS. BANYRA: Okay.

18 MR. GALVIN: Frank, I'm just going to
19 say: We have a lot of new Board members, and I want
20 them to understand that the fact that we are close
21 to another zone doesn't mean that we get to treat it
22 like the other zone.

23 You can take that into consideration,
24 the buildings and the neighborhoods and the effect,
25 but you are stuck with we have to look at this from

1 the I-1 -- this is an I-1, right?

2 THE WITNESS: This is within the I-1
3 zone, correct.

4 MR. GALVIN: Right. So residential
5 uses are permitted in the zone. It requires a D
6 variance --

7 THE WITNESS: Absolutely.

8 MR. GALVIN: -- just in the effect of
9 full disclosure, I want you to understand that, but
10 otherwise --

11 THE WITNESS: But, remember, I started
12 this part of my testimony discussing how the
13 building design came. I was not suggesting that --

14 MR. GALVIN: No, no. I know.

15 I think you are being very honest with
16 the way you are presenting it to us. I just want to
17 help them understand what their obligation is to
18 consider it.

19 THE WITNESS: Sure.

20 MS. BANYRA: Mr. Minervini, just going
21 back a little bit, because you are kind of bordering
22 on planning testimony, so I didn't know if you want
23 to leave some of that in terms of --

24 THE WITNESS: Yes. I won't speak to
25 that any longer.

1 MS. BANYRA: -- number one.

2 The other thing is what I did want to
3 ask you more about as the architect, if you could go
4 through the building. We heard from the owner in
5 terms of that, but as an architect, that is not
6 planning testimony to me. Maybe you can go through
7 the condition of the building and, you know, go
8 through what Mr. White as a fact witness, you are an
9 expert witness in this --

10 THE WITNESS: Yes, and I have walked
11 through the building --

12 MS. BANYRA: Great.

13 Could you kind of go through that with
14 the Board, and describe the condition of the
15 building because it is relevant to the hearing.

16 THE WITNESS: The building has got
17 administrative offices, but the majority of it, as
18 Jeff said, 10,000 square feet is open foundry space.
19 It is in very poor condition. I don't know how else
20 to say it.

21 If by some chance in the world, if
22 there was another foundry looking for space, this
23 would have to be significantly upgraded just to meet
24 any code requirements, even if it were not a change
25 of use. A new set of plans would require it to

1 conform to most portions of the prior building.
2 This building wouldn't do it. This building
3 certainly doesn't work as a residential building.

4 Well, of course, as the Board now
5 knows, once the site becomes residential, we have to
6 remediate and we have to cap it.

7 So I could talk about the building. I
8 am not a structural engineer, but I will tell you it
9 is in very, very poor condition. It is a
10 combination of three or four different buildings
11 built over probably 50, 60, 70 years, like many of
12 the old industrial buildings here in Hoboken were.
13 It is just, again, in very poor condition.

14 MS. BANYRA: Is that today, Mr.
15 Minervini, or was that three years ago? I'm just
16 curious.

17 THE WITNESS: I don't think it changed
18 much in three years, but there has been some more
19 water damage in three years, but the condition of
20 the building has been the same as far as I
21 understand.

22 MS. BANYRA: Were you retained three
23 years ago, two years ago? When did you start on the
24 project?

25 THE WITNESS: No. I looked at this

1 probably four years ago for another client,

2 So do I have knowledge of its
3 structural integrity at the time?

4 I have, based on visual inspection,
5 yes.

6 MS. BANYRA: Okay. That is great.
7 Thank you.

8 COMMISSIONER FISHER: I think what one
9 of the things that you said was important is in
10 order to make it residential, you have to cap the
11 site, so retaining this property is not possible --

12 THE WITNESS: It's not possible.

13 COMMISSIONER FISHER: -- no matter
14 what?

15 MS. BANYRA: For residential.

16 COMMISSIONER FISHER: For residential,
17 yes

18 THE WITNESS: For residential -- yes --

19 COMMISSIONER FISHER: Would capping not
20 be required for other uses?

21 MS. BANYRA: Not necessarily. That is
22 what I asked Mr. White. I am not that familiar, I
23 am not an expert in that, but I don't --

24 THE WITNESS: It depends on the
25 particular use.

1 MS. BANYRA: If it's an industrial use,
2 it may not be.

3 THE WITNESS: Yes.

4 Now, there were open contaminates here,
5 so remediation would have to be done anyway.

6 Would it have to be capped to that
7 extent? I don't know.

8 So anyway, the way we looked at this
9 project to design it, because there isn't a lot of
10 context, there is the building in the Northwest
11 Redevelopment Plan across the street that I
12 mentioned.

13 We have this map, but a significant
14 driving factor was the fact that the city had slated
15 as part of the western edge redevelopment plan, but
16 not yet adopted, that the two properties to our
17 south, both BSAF and Cognis are slated to be a park
18 area. So with that in mind, we designed a building
19 that would work very well with the park adjacent to
20 us.

21 So what we did, first, we made some
22 assumptions, and this is -- the Board has not seen
23 this. This is A-5. These are renderings of the
24 building, but the building placed on the site in
25 context with the adjacent buildings, and what we

1 think the proposed park may be.

2 So with that in mind, instead of
3 orienting the building like all the others in the
4 Northwest Redevelopment Zone, which would be --
5 these are plan set. The plans that you have, those
6 are not marked.

7 Here is our site. If this were the
8 Northwest Redevelopment Zone and not adjacent to a
9 future park, very simply what would have happened
10 was there would be a building here and a building
11 here. This is Adams. This is Jefferson, and a
12 one-story garage connecting the two.

13 Because our property has this area
14 slated to be a park, we changed the orientation of
15 the building. So what we have done instead, we
16 reduced this dimension and added a connecting wing
17 between what would have been two separate buildings.

18 What that allows is many more
19 apartments to have a vista of this potential future
20 park. We had to, of course, be concerned about the
21 property that we were in essence putting our back
22 to, but that we don't think is -- we haven't treated
23 that negatively because the property there is that
24 same commercial building we were talking about, that
25 is -- if I can find it -- in here, and it has a

1 parking lot.

2 So there is a building in the back, and
3 it has a parking lot in front of it, and then is the
4 viaduct, so there are no other structures there. So
5 we didn't think, and I am very competent to say that
6 we were putting our back to any building. As I get
7 to the floor plans, it will make more sense in terms
8 of the apartment layouts.

9 But the same board that I showed you,
10 these two walls we are proposing as green walls.
11 They are on the property line. They cannot have
12 windows, so we thought the best way to treat this
13 park and then eventually it would be treating this
14 park, so here is our property -- pardon me -- here
15 is our property, here's one BASF site, and here's
16 the second. So we oriented the building open
17 towards this park, two green walls to soften a very
18 hard edge.

19 The top of our garage, which is the
20 second floor, is common outdoor space, and I have a
21 landscape drawing to go over.

22 Of course, we also had to contemplate
23 if for some reason the city didn't go ahead with the
24 idea of a park, this building works just as well.
25 It works whether there is a building next to us or a

1 park next to us.

2 MS. BANYRA: Mr. Minervini, is that why
3 you said it because it is on the property line,
4 where it can't have windows?

5 THE WITNESS: Correct. That is our
6 property lines separating us from what would be --

7 MS. BANYRA: If it was a future
8 building. If it wasn't --

9 THE WITNESS: Even if the park is
10 there, we are not permitted to have windows on the
11 property line. Any property line that is shared and
12 not on a street frontage cannot have windows.

13 MS. BANYRA: Okay.

14 THE WITNESS: Unfortunately, that is
15 the case.

16 MS. BANYRA: Is that a building code?

17 THE WITNESS: That is a building
18 code -- yes, I'm sorry -- it's not a zoning code.
19 It's a construction code.

20 MS. BANYRA: Okay. And was that not
21 related to fire?

22 THE WITNESS: It is related to fire,
23 but the construction code doesn't contemplate what
24 is next to you. Whether it's a park or a building,
25 it contemplates the worst case scenario. So even

1 though it is a park, some day it possibly could be a
2 building, and that is what the construction code
3 contemplates, and it's very strict.

4 COMMISSIONER FISHER: How much of a
5 setback do you have to have to get windows?

6 THE WITNESS: The further back you are,
7 the more windows. So it could start at five feet,
8 you have a small five percent possibility of
9 windows. Then if you go to 15 feet, if it's past 15
10 feet, there is no limitation.

11 But the way the building is designed,
12 and I will get to the floor plans in terms of our
13 building and our apartments, windows are not needed
14 on that spot because, again, more often than not
15 there is a building adjacent to you on something
16 like this.

17 So I talked about the Northwest
18 Redevelopment Plan, how our property is a bit of an
19 orphan property, still, of course, within the I-1
20 zone now, but in terms of the city's future
21 planning, I talked about the park which helped us to
22 orient the building.

23 The third aspect of this design process
24 in this case was the number of units and the height.

25 So, again, back to the Northwest

1 Redevelopment Plan, which allows a ground floor
2 parking and five residential above, but that didn't
3 consider the affordable housing requirement. So
4 with this building, we have taken the same density
5 that would have been permitted across the street, or
6 if this property were within the Northwest Plan, and
7 added one floor, which is our seventh floor, which
8 would then allow for the seven affordable
9 residential units to be built, so that extra floor
10 here allows that, so the building can support the
11 seven residential units with this seventh floor.

12 The building at its total -- at its
13 highest point and the grade, it varies, is about 81
14 feet, although the zoning, I-1 zoning, doesn't
15 contemplate residential use. It does allow eight
16 feet in this area, so --

17 MS. BANYRA: Mr. Minervini, you know,
18 you are testifying as to why this is suitable, and
19 you are using the Northwest Redevelopment as a
20 suitability test --

21 THE WITNESS: That is not what I did.

22 MS. BANYRA: -- well, that is what it
23 sounds like. So just for the Board members, you are
24 indicating that this is the same except we are now
25 allowing one extra floor for the affordable units.

1 You are not permitted to have residential at all --

2 THE WITNESS: I think it is very clear
3 that this isn't industrial use. I think I have been
4 very clear that --

5 MS. BANYRA: I am reiterating for the
6 Board --

7 THE WITNESS: -- yeah, maybe I should
8 have done a better job.

9 MS. BANYRA: No, no, no. You're doing
10 a good job --

11 MR. GALVIN: No. We are not saying
12 that you are not being honest. I said that earlier.
13 I think you have been clear, but you are telling us
14 that you are looking towards the redevelopment that
15 is nearby for some of the standards that you want to
16 apply the standards of the nearby redevelopment zone
17 to create this building --

18 THE WITNESS: Not in terms of the
19 bigger planning sense. I am trying to make a
20 point --

21 MR. GALVIN: No, no. But you're
22 telling us what your design -- when you thought
23 about it, like what kind of a structure am I going
24 to put here, you looked to this redevelopment area
25 to come up with that idea.

1 What the Board needs to understand,
2 though, there is very specific zoning that is
3 required in this zone. There is no residential
4 zoning in this district, so you have a clean slate
5 here, a blank slate. You can do anything, and this
6 is your way.

7 THE WITNESS: Absolutely, and that is
8 part of the difficulty, and that's part of the
9 reason I have been explaining this, because it is a
10 clean slate, and where do you start?

11 You could have a developer, who would
12 want to put two high-rises here. Is that feasible?

13 Maybe it is.

14 But instead, we looked at context, a
15 reason -- a lot of context in terms of residential
16 use, but there is this building, which is right
17 across the street, part of the Northwest
18 Redevelopment Plan, and I only keep mentioning that
19 because it is our closest residential context. We
20 are absolutely not in that plan. We didn't use all
21 of its or abide by all of its regulations, but the
22 bulk of it was a guide for us placing a residential
23 use in an industrial zone.

24 That, of course, again, along with the
25 park, which is not there, it is something proposed,

1 but we I think are hopeful that it will be, and any
2 resident of Hoboken probably knows the story of
3 these two parks, so the building can safely work, if
4 the park is here or not.

5 As I get into the floor plan, I will
6 describe a bit more what Mr. White had mentioned.

7 MS. BANYA: Right.

8 MR. MATULE: Why don't you describe the
9 proposed building?

10 THE WITNESS: Yes.

11 MR. MARSDEN: One question.

12 On your plan when you show the
13 development inside of that, you know, horseshoe, it
14 shows a paper sidewalk coming out. That is totally
15 dependent on having the park next door, right?

16 THE WITNESS: You mean the sidewalk
17 coming out on the public property side?

18 MR. MARSDEN: Keep going. The one that
19 shows the actual layout of the interior of that main
20 horseshoe plan.

21 There you go, right there.

22 THE WITNESS: Here?

23 COMMISSIONER FISHER: That is on the
24 second floor.

25 THE WITNESS: That is the second floor.

1 COMMISSIONER FISHER: That's not the
2 ground floor.

3 THE WITNESS: Okay. And I will go
4 through that. It is not yet clear, but it will be
5 clear when I get through with the plan.

6 But as I mentioned, here's --

7 MR. GALVIN: Bad news. It smells like
8 something is on fire.

9 THE WITNESS: Yes, I smell it, too.

10 MS. BANYRA: Yeah, it stinks.

11 So when we're saying "it stinks,"
12 Frank, it's not your testimony.

13 MR. GALVIN: Does anybody have
14 marshmallows?

15 (Laughter)

16 (Discussion held off the record.)

17 THE WITNESS: Well, that is the exit
18 door, and as an architect, I can point everybody to
19 the exit door emergency light.

20 (Laughter)

21 All right. So I will continue.

22 VICE CHAIR GREENE: Please continue
23 until it gets unbearable with the smoke.

24 THE WITNESS: We have covered the first
25 floor of this building will have parking. There are

1 66 residential units that we are proposing. We are
2 proposing one commercial space, which is raised
3 above base flood elevation.

4 The main entry to the building is along
5 Adams Street. There is a secondary entry to the
6 building along Jefferson Street just for
7 convenience.

8 Parking, we have chosen to have ingress
9 and egress, two of them, on our 100 foot wide parcel
10 along Jefferson Street, so 61 cars will come in and
11 out off of Jefferson Street.

12 Oh, I do smell it now.

13 The main entry will be off of Adams,
14 because of the -- at the time the influx requirement
15 for the ABFE, what we have done is we have raised
16 our 1400 square foot commercial space -- yes --
17 commercial space to that 13 foot height, which is
18 just about one story above our sidewalk. It is
19 about an eight, eight and a half foot or so
20 sidewalk. That allowed us then to have parking
21 underneath it.

22 So, in essence, almost the entire
23 ground floor is parking.

24 This corner, at the -- we will call it
25 one and a half story section is a commercial space

1 of 1258 square feet, so now this plan is looking at
2 commercial space that is eight feet above sidewalk,
3 your lobby space here, and all of the rest is
4 parking.

5 Mr. White referred to our storage
6 space, so we proposed, again because the garage had
7 such a tall ceiling, we proposed a mezzanine space
8 that will be residential storage for the occupants.

9 But with the future in mind of the
10 park, we are then -- we are prepared to have some of
11 that mezzanine space, of course, with this Board's
12 approval, we'll have to come back to the Board, the
13 mezzanine space that is right along the property
14 line that separates us from the park, that could be
15 all commercial, small commercial stores serving the
16 park. And because of the height difference, we
17 would need stairs, so what we designed, and again,
18 this is just purely schematic because we don't know
19 if the park is coming, but if the park does come, we
20 are prepared for it. It would be grand stairs
21 coming from our building to the park and accessing
22 any of this commercial space.

23 MS. BANYRA: Mr. Minervini, I just
24 wanted to ask the attorney then. So this is not
25 part of the proposal. Is this appropriate to have

1 for the Board's review?

2 I'm just -- because I don't think it is
3 part of the application, so --

4 MR. GALVIN: The problem with this
5 presentation is that the city doesn't have a defined
6 plan for the park that we are talking about. It may
7 never happen, so --

8 THE WITNESS: And, of course, if the
9 park were to happen, we would have to come back to
10 this Board for approval of that mezzanine space.

11 MS. BANYRA: Understood.

12 But the only point I am making is it is
13 not part of this application, so I think by -- it's
14 almost -- I don't want to say it's misleading, but I
15 know what you are doing, but I think you just have
16 to stay with what you are asking for and what is
17 here right now.

18 THE WITNESS: I understand that. But
19 to look at the mezzanine space without knowing where
20 it came from, it would be completely out of context,
21 and it would look like what we are planning is lots
22 of storage space.

23 MS. BANYRA: That is what it says in
24 your application.

25 THE WITNESS: Of course, that is what

1 floor plan with 11 units, but now, of course,
2 instead of having your second floor outdoor space,
3 each of the apartments that are facing within the
4 courtyard have a small cantilevered balcony, and
5 that balcony accounts for the difference in our lot
6 coverage of about 4.9 percent. I will go through
7 the actual unit breakdown in a minute.

8 To get to the roof, we are proposing an
9 extensive green roof along the mechanicals, so the
10 building will have LEED certification. It will have
11 a green roof. We have a water detention system.

12 Some of the other details, assuming
13 with any luck this is approved, will be given to
14 this Board at the final site plan approval, but that
15 is what we can guarantee as of this -- with this
16 design.

17 So now, I will move to the outside of
18 the building that we are proposing.

19 The facades, I already described the
20 facade space to the south, which don't have windows,
21 but they will have -- it will be a green wall, so
22 these are some of the details on Board Z-4, and
23 there is another rendering on Board Z-3, and they
24 are shown here.

25 So as long as there is no structure

1 here, there will be a green wall here. Again, what
2 it does is it softens up what otherwise would have
3 been very a vertical and uninteresting elevation,
4 and it welcomes a potential park.

5 In terms of the building design --

6 MS. BANYRA: Frank, can you just go
7 back on that a little bit?

8 THE WITNESS: Yes.

9 MS. BANYRA: Can you just describe how
10 you are going to get the height on that green wall
11 in terms of the vegetation and everything?

12 THE WITNESS: Here are the
13 specifications of it given to us by the Green Room
14 Design, who would be the landscape architects here
15 in Hoboken, and in essence, it is a series of metal
16 channels attached to the building with a metal grid
17 insert. So the planting will start at the bottom,
18 of course, and then over time it will grow to the
19 roof.

20 MS. BANYRA: So the soil medium will be
21 at the bottom or --

22 THE WITNESS: Correct. No, no. It's
23 at the bottom. It's designed at the bottom.

24 We will account for the dimensional
25 change within our property.

1 Their drawings were part of our
2 drawings and many other applications, but they are
3 local landscape architects.

4 MS. BANYRA: Did they give you a time
5 frame on that?

6 I thought some of the green walls that
7 I've seen, Frank, that they show a soil medium
8 halfway up and that they have almost a suspended
9 system, where --

10 THE WITNESS: That may be the case, and
11 I can certainly get more information.

12 Again, as I mentioned, as part of our
13 final site plan, I am not making any assumptions, if
14 this were to be approved, that I would give that
15 information as well as more of the landscape details
16 that we got on the second floor garage.

17 In terms of the building design and
18 exterior esthetics, it's -- and thankfully our firm
19 is involved in a lot things, we have used a
20 traditional industrial design, which is a facade
21 made out of steel channels, of steel I-beams, but
22 with that we created a bit of roundness, and the
23 idea behind it is to take what could have been a
24 very traditional industrial building, with a modern
25 flair, but yet still show the roots of this

1 neighborhood, as well as the properties to the north
2 of the viaduct, and this is similar to some of those
3 buildings to the north of the viaduct have an
4 industrial history. I'm not trying to replicate a
5 building, but we're trying to use some of the
6 industrial cues to help show the history of this
7 area and of this entire zone actually.

8 So it is a modern interpretation.
9 There is no context in terms of residential
10 architecture again save for the building directly to
11 our east, which -- and I can show in the photograph
12 again -- Sheet Z-1 which is this building.

13 To my eye, it is something rather
14 ordinary and boring, and I think we had here an
15 opportunity to do something much more interesting
16 and much more rounded in its historical use.

17 MS. BANYRA: Frank, since you brought
18 that building up, what is the height or the stories
19 on the building across the street?

20 THE WITNESS: Yes.

21 As I mentioned before, that building is
22 within the Northwest Redevelopment Plan, so it is
23 permitted to be a six-story building, covering 90
24 percent of the lot.

25 MS. BANYRA: It's five over one?

1 THE WITNESS: It's five residential
2 over ground floor parking, and there is a corner --
3 several corner commercial spaces.

4 So, again, our design is of this day,
5 while still looking back to its industrial historic
6 past, we think that this building will help create
7 context, and we think it is a good buffer to what
8 will be with any luck, the city park, so that is
9 what both of these renderings show.

10 This is the facade along Jefferson
11 Street. This is the facade along Adams Street.
12 Here are some closeups of the recessed entry along
13 Adams Street, some of the closer window designs, and
14 what this shows is the articulation of the channels.
15 Here's the I-beams, again with the concept of tying
16 us back to an industrial use.

17 COMMISSIONER FISHER: Do you have any
18 pictures or renderings --

19 THE WITNESS: I believe I have two
20 dimensional drawings. I might not have shown it.

21 COMMISSIONER FISHER: My second
22 question --

23 THE REPORTER: I can't hear you.

24 COMMISSIONER FISHER: -- my second
25 question is: What is -- how does that steel perform

1 over time? Does it stay -- is there any type of,
2 you know, corrosion or any type of rusting?

3 THE WITNESS: This is all factory coded
4 steel. Although it is meant to look like it's
5 something that's supporting weight, it is not
6 supporting weight. It's just an esthetic applique,
7 but it is steel. It is factory -- when I say
8 "Factory," meaning not somebody with a paint roller
9 painting it, so maintenance should not be an issue.

10 We have used it in the past pretty
11 successfully, not quite in this context. This, of
12 course, in this context, it's kind or organized --

13 COMMISSIONER FISHER: So what does
14 then -- you said you don't have two dimensional ones
15 there?

16 THE WITNESS: No, I don't.

17 COMMISSIONER FISHER: So what does it
18 look like?

19 THE WITNESS: It will look like stucco.
20 I will give it a stucco -- when I say "stucco," it
21 may not be stucco, because it probably won't be --
22 it probably will be a composite board. I can
23 certainly bring it or provide it --

24 COMMISSIONER FISHER: Is it going to be
25 solid?

1 THE WITNESS: It's solid. We are not
2 permitted to put windows there either --

3 COMMISSIONER FISHER: So --

4 THE WITNESS: -- I'm sorry -- it's a
5 strange condition on that side, because we have
6 bordering us a one and a half story commercial
7 building, as Mr. White had mentioned, is very much a
8 suburban type commercial space. It is at one story.
9 You park around the side and enter it, and its back
10 wall is against our wall. So with that in mind, we
11 cannot put windows on that side.

12 It doesn't mean that we can't, as you
13 are suggesting, treat it and make it something
14 interesting. I think we should, and we will, and we
15 will provide that to this Board, if requested.

16 MS. BANYRA: Do you have a picture of
17 that from looking from the viaduct side at what
18 the -- well, no, your future look --

19 THE WITNESS: Yes. The closest I got
20 of that building is from the south, not the north.
21 So I think you are asking is there a view from the
22 viaduct looking south --

23 MS. BANYRA: Right.

24 COMMISSIONER FISHER: What about that
25 over there on the left-hand side --

1 MS. BANYRA: Yeah. On the bottom, the
2 third building, right where your thumb is.

3 COMMISSIONER FISHER: Right where your
4 thumb is.

5 THE WITNESS: I'm sorry. Thank you.

6 COMMISSIONER FISHER: So it would just
7 be this like tall, straight --

8 THE WITNESS: Yeah. What it will be is
9 this here. That is our building behind it.

10 Again, generally speaking, this is not
11 a condition that is often happening. So our
12 building, if it were in a residential zone, again,
13 this is an industrial zone. If we apply residential
14 standards, we cannot have the building off of the
15 side of the property line. We also cannot have
16 windows on the property line. It doesn't mean we
17 shouldn't treat it well. We will have to do that.

18 MR. GALVIN: Let the record reflect, what
19 exhibit was that?

20 THE WITNESS: This is A-1.

21 MR. GALVIN: So Mr. Minervini just drew
22 on the photo board on the third picture down from
23 the left.

24 THE WITNESS: And it's a very nice
25 drawing, isn't it?

1 (Laughter)

2 No. I will provide, if requested,
3 something much more substantive for that elevation.

4 MS. BANYRA: I guess that's what I was
5 going to ask you, if you had something in terms of a
6 rendering, Frank, looking south from --

7 THE WITNESS: Yeah. Unfortunately, I
8 don't, but I can. I can.

9 MR. MATULE: Frank, consider it
10 requested.

11 THE WITNESS: Understood. I suspected.

12 (Laughter)

13 VICE CHAIR GREENE: Are you asking for
14 what the view would be from the viaduct?

15 MS. BANYRA: Well, that is a separate
16 question.

17 I wanted to see both -- I actually
18 looked at it from both, and I think it is important
19 for the Board to see it looking south. You have the
20 viaduct, you have the building, and what is actually
21 going to be there in terms of the future building.

22 THE WITNESS: It is the building's
23 north elevation in essence.

24 MS. BANYRA: Exactly.

25 And from the viaduct it would be

1 probably not a bad -- the viaduct being done, so --

2 THE WITNESS: We can actually do that.

3 MS. BANYRA: -- yeah. Even looking at
4 it if you go up to by where -- what is the street
5 the car wash is on, 15th?

6 VICE CHAIR GREENE: 16th.

7 MS. BANYRA: So if you look even down
8 there, you know, shooting south, because the viaduct
9 now is actually becoming attractive, you know, the
10 face of it, it is kind of scary to say, but it's
11 actually not bad looking. So I looked across, and I
12 tried to imagine what that was, so I think that
13 would be a good, you know, exhibit for the Board to
14 see.

15 THE WITNESS: I understand the request,
16 and we will happily superimpose a modeled building
17 on a photograph. I will be happy to do that.

18 All right. So we're talking --

19 COMMISSIONER MC ANUFF: My question is
20 the material behind --

21 THE WITNESS: Yes. I'm sorry.

22 So this wall because it is part of a
23 fire rating, we have to have a fire rating on these
24 two outside walls, this wall and the other northern
25 wall, so whatever product we propose has to have

1 that in mind.

2 What we will do here, we will have a
3 composite board, which will be a cement board, which
4 we can make it look like anything. Most likely, it
5 will be a simple grid, a very neutral color, to
6 allow then the green of this green wall to be the
7 focus.

8 I did mention that these infill panels
9 are brick. It is a way of introducing some
10 residential to what is an industrial area, so you
11 can kind of reach back and connect to some of the
12 Hoboken residential buildings, and the color would
13 be a standard Hoboken Hudson River red, which is
14 very similar to many buildings here in Hoboken.

15 MS. BANYRA: Did you also say that that
16 is going to be flush with the metal?

17 THE WITNESS: No. There is a detail.
18 Let me find it.

19 Here. It is not flush with some of the
20 prominent pieces. If you look, these are more
21 prominent and slightly different plain.

22 This is set back, but this drawing,
23 pointing to A-4, I think does a very nice job of
24 describing that. I could pass this around, if
25 anybody wants to look at it in more detail.

1 COMMISSIONER GRANA: So a question:
2 The Hudson River red material once again is composed
3 of what, masonry?

4 THE WITNESS: It's brick, yes.

5 And this small drawing is of that, so
6 we have brick panels, small brick infill panels and
7 organized within a steel exterior superstructure
8 truly esthetic, as I mentioned before.

9 COMMISSIONER GRANA: So the primary
10 exterior materials will be steel and glass?

11 THE WITNESS: Steel, glass, brick and
12 aluminum composite panels, so some of these smaller
13 areas are composite panels. This is the actual
14 steel that I mentioned before, and all of these
15 panels are the brick. Everything else will be
16 glass.

17 COMMISSIONER DE FUSCO: Excuse me.

18 Frank, as always, a well thought-out
19 layout to a difficult property.

20 Did you give any thought to perhaps
21 somehow including the interior donut of the building
22 as part of the potential park that could be there?

23 Right now it is obviously elevated off,
24 you know, your green space is elevated a story up,
25 and this is all hypothetical, but --

1 THE WITNESS: Yes. We worked backwards
2 with the knowledge that we had to provide parking.
3 We are already at a deficit. Even if we weren't, to
4 have -- if we had half of it, we would need this
5 space for parking.

6 So could it have been at the small
7 grade?

8 Well, I guess in a completely different
9 design, it could have. It doesn't work with this
10 building, but keep in mind that we had to cap this
11 in concrete anyway, so I am not frankly sure how
12 landscaping would work on top of that pervious -- on
13 top of that impervious capping.

14 COMMISSIONER DE FUSCO: That is
15 interesting.

16 So presumably with the cap, you
17 presumably would not have been able to put green
18 space at grade?

19 THE WITNESS: I don't know the answer.
20 I don't know the answer.

21 COMMISSIONER DE FUSCO: Okay. I will
22 save that for the planner.

23 THE WITNESS: Yes.

24 COMMISSIONER DE FUSCO: The other
25 question I have is bikes. That is not something

1 that you hear me bring up often, but this seems like
2 a perfect property for a substantial bike closet.

3 THE WITNESS: Could I possibly have
4 forgotten bicycles?

5 Where is Mr. Branciforte?

6 COMMISSIONER DE FUSCO: I know. I have
7 to hold down the fort while he is gone.

8 (Laughter)

9 THE WITNESS: Well, if I have, I
10 certainly apologize for that, and I will make that
11 revision -- I'm sorry. Actually I didn't.

12 We have got much mezzanine space and
13 even in the future, that mezzanine space couldn't
14 all be all used for commercial use, so I could very
15 easily put some of that off for bicycles.

16 COMMISSIONER DE FUSCO: Absolutely. I
17 know we can't talk about the mezzanine space as
18 anything but mezzanine space, but if you could
19 indicate where the bike storage would be and show
20 what kind of egress those bikes would have to the
21 park space --

22 THE WITNESS: Yes, understood.

23 COMMISSIONER DE FUSCO: -- because
24 hypothetically this building would be -- the
25 attractiveness of this building would also be its

1 access to the park and its residents being able to
2 access it likewise.

3 And car chargers, since John is gone --

4 THE WITNESS: Yes, of course. My
5 apologies.

6 COMMISSIONER DE FUSCO: -- so that is
7 what I got.

8 MR. GALVIN: You are a good teammate.

9 (Laughter)

10 THE WITNESS: The building, I didn't
11 mention, it is going to be -- it will be
12 noncombustible. At this size, it is required to be
13 noncombustible. Of course, it's safer than if you
14 used wood. It will be sprinklered. It will be
15 completely ADA compliant. We are proposing street
16 trees on our portion of the property, which the side
17 of the street, there are some street trees on the
18 adjacent side of the curb that are rather
19 attractive, and I think to match them on our side
20 would be nice, and I think that is really the extent
21 of my --

22 COMMISSIONER FISHER: I have a
23 question.

24 THE WITNESS: -- conversation -- oh,
25 I'm sorry.

1 MR. MATULE: I just have one. You can
2 go head.

3 COMMISSIONER FISHER: You said -- this
4 is my own confusion that I didn't follow.

5 VICE CHAIR GREENE: Speak up, Tiffanie.

6 COMMISSIONER FISHER: I'm sorry. This
7 is my --

8 MR. GALVIN: Yes. You have to say it a
9 lot louder.

10 COMMISSIONER FISHER: -- my own
11 confusion that I didn't exactly follow.

12 How -- how -- where is the mezzanine
13 space relative to the parking?

14 Parking is on the --

15 THE WITNESS: I am trying to find the
16 best drawing that would help explain that.

17 Okay. I think I know --

18 COMMISSIONER FISHER: What prompted me
19 to ask is my understanding is the mezzanine space is
20 where the potential storage, you know, use for the
21 park ultimately would be --

22 THE WITNESS: Yes.

23 COMMISSIONER FISHER: -- so I would
24 think it would be at grade --

25 THE WITNESS: Well --

1 parking is at approximate grade level. The sidewalk
2 is at approximate grade level.

3 Our commercial space, which is accessed
4 from stairs or a handicapped ramp, a handicapped
5 accessible ramp, is at about eight feet above the
6 sidewalk. Connecting into this commercial space,
7 another two steps up, is our mezzanine space, so in
8 effect, the mezzanine is directly above the parking,
9 sections of the parking. So all of this mezzanine
10 space is directly above parking.

11 It is not a full floor. It is less
12 than one-third of the floor plate, so it is called a
13 mezzanine. What that means is that this is a tall
14 space. These are more standard ceiling heights.

15 What I can talk about is what is going
16 to be over here potentially the park, which is why
17 the mezzanine space is on this.

18 MS. BANYRA: But I can't talk about it.

19 (Laughter)

20 VICE CHAIR GREENE: Frank, I have a
21 couple questions for you.

22 The entry for the parking is at grade?

23 THE WITNESS: It's at grade.

24 VICE CHAIR GREENE: So what are we
25 doing about preventing stormwater infiltration?

1 THE WITNESS: Waivers are granted for
2 garages. Waivers are granted for garages.

3 VICE CHAIR GREENE: But during the
4 storm, how deep was the water on this lot, give or
5 take?

6 THE WITNESS: Well, I can tell you, it
7 won't be anecdotally because I live two blocks away.

8 We were about, and I actually know this
9 because the building directly to our west here,
10 which is right now -- I didn't mention this -- is a
11 parking garage. I should. Sorry. Thank you for
12 that.

13 I will answer that question, but here
14 is Jefferson Street. Directly to our west is an
15 indoor car park, and I know that during Sandy there
16 was about four feet of water in that building.

17 VICE CHAIR GREENE: So even though you
18 might get a waiver, you would be willing to build a
19 building with a garage where the cars will be under
20 water if we have another storm?

21 THE WITNESS: No. I don't think the
22 developer would have any problem putting up the --
23 proposing the flood barrier at any penetration point
24 of the building, so they have to alleviate the
25 concern.

1 VICE CHAIR GREENE: And speaking of
2 flood water, I don't know whether your expertise
3 lends itself to this question, if there is another
4 storm and it generates three or four feet of water
5 in the area, with the cap, is there a concern that
6 pressure from below could crack that cap?

7 THE WITNESS: There would be that
8 concern.

9 The cap as in any concrete slab, which
10 in this area will be on piles, our concrete slab,
11 which will be structural, our concrete gray beams,
12 which were the beams beneath the ground that support
13 all of these other pieces are all designed to take
14 into consideration hydrostatic uplift, so --

15 VICE CHAIR GREENE: So that's
16 engineered into it?

17 THE WITNESS: That's engineered into it
18 absolutely.

19 There are separate systems that we are
20 talking about. There is no piping in the building
21 that will penetrate that down into the ground below.
22 It's all kept within our envelope.

23 VICE CHAIR GREENE: Then the last --
24 maybe not the last question -- the last question for
25 now: When you were originally introducing the

1 building, you referred to the seventh floor --

2 THE WITNESS: Yes.

3 VICE CHAIR GREENE: -- so in order to
4 be able to provide affordable housing, what is the
5 correlation between the height of the building and
6 the affordable housing?

7 THE WITNESS: There is none only
8 inasmuch as I was trying to show the difference
9 between this and if it were to be in the Northwest
10 Redevelopment Plan.

11 So there we are permitted five stories
12 above parking, and here we have an additional floor.

13 VICE CHAIR GREENE: I am not quite sure
14 I follow.

15 So if you were in the zone, you would
16 be permitted five.

17 THE WITNESS: Five residential, six in
18 total.

19 VICE CHAIR GREENE: Five residential,
20 six in total.

21 You are proposing six residential,
22 seven in total?

23 THE WITNESS: Yes. Okay. I think I
24 understand --

25 VICE CHAIR GREENE: Well, what is the

1 correlation between the seventh and affordable
2 housing?

3 THE WITNESS: If we could -- if Mr.
4 Biden wants to speak to this, and he can certainly
5 speak to it in much greater detail than I can, there
6 is a cost to providing seven affordable units, a
7 cost that, as I understand it, a building without --
8 of a certain size couldn't afford, so just relative
9 to the adjacent properties, this additional floor at
10 81 feet, still seven stories, allows this building
11 to provide seven on site affordable apartments.

12 VICE CHAIR GREENE: If you didn't have
13 six residential stories, if you only had five
14 residential stories, how many affordable units would
15 you have to provide?

16 THE WITNESS: It is ten percent of the
17 total number of units, so here we have 66 --

18 VICE CHAIR GREENE: So it would be 71
19 lots --

20 THE WITNESS: -- to round up, it would
21 be seven, yeah, so it depends on the number of
22 units.

23 VICE CHAIR GREENE: But -- well, maybe
24 this is a planning question.

25 You are suggesting that the community

1 benefit is the affordable housing, and that would be
2 a reason for granting the variance for the height?

3 THE WITNESS: I am suggesting that. I am
4 suggesting that the site can absolutely accommodate
5 this height and this size building and anything more
6 than that --

7 MR. GALVIN: Mr. Minervini, with all
8 due respect, you know --

9 MS. BANYRA: I think that's for the
10 planner.

11 MR. GALVIN: -- with all due respect,
12 that is the planner's testimony.

13 VICE CHAIR GREENE: I had a feeling you
14 would say that.

15 I withdraw the question, and I will ask
16 Mr. Kolling.

17 MR. GALVIN: You are an awesome expert.

18 (Laughter)

19 VICE CHAIR GREENE: Any other Board
20 members have any questions of the architect?

21 Jeff?

22 MR. MARSDEN: Did you talk about the
23 drainage at all, as to how you are going to provide
24 the drainage and detention?

25 THE WITNESS: Schematically. It hasn't

1 been designed yet, but I probably didn't mention
2 that. But assuming this were to be approved, the
3 next step in coming back for final would have to
4 have more of those designs in greater detail.

5 MR. MARSDEN: Well, I am just concerned
6 that could be a more fatal flaw to this then because
7 how do you penetrate to get into the existing
8 combined sewer system discharge?

9 THE WITNESS: Well, the capping doesn't
10 have to be -- the capping can be below any of the
11 work that needs to be done.

12 MR. MARSDEN: That is my next question.
13 You are going to be estimating contaminated
14 material, removing it and putting the cap in?

15 THE WITNESS: That is the plan.

16 MR. MARSDEN: Okay. Okay.

17 Do you have it detailed on your cap and
18 the membrane?

19 THE WITNESS: It's premature. We can
20 certainly provide those things.

21 MR. MARSDEN: Okay. If you can do
22 that, I would appreciate that.

23 Well, yeah --

24 THE WITNESS: I'm sorry?

25 MR. MARSDEN: -- the question of

1 potential hydrostatic breach would be based on the
2 section of the type of membrane and the section of
3 the cap and how thick it is and so forth, so I would
4 have to see those details. But you don't have those
5 designed at this point?

6 THE WITNESS: Well, it's much -- again,
7 in my opinion, we are much too early in the project
8 to do that. We do know that it can be done and it
9 can be engineered, so again, assuming with any luck
10 this Board approves this building, that could be
11 provided as a condition of final --

12 MR. MARSDEN: Final, okay.

13 THE WITNESS: -- and then that is just
14 the same as if it were our water retention, which is
15 a North Hudson Sewerage Authority requirement, we
16 couldn't get our permits without any of these
17 things.

18 VICE CHAIR GREENE: But isn't that an
19 important enough element, given the location, that
20 it shouldn't wait until the final?

21 Isn't that something that you would
22 want to consider as to whether or not you --

23 MR. MARSDEN: I would like to see it.

24 THE WITNESS: But if I may, generally
25 speaking, the building is not engineered yet at this

1 point, and that would be certainly part of the
2 construction drawings, and a licensed engineer would
3 have to -- review or not, there's a review from the
4 building department.

5 Again, I'll happily provide it, if this
6 Board wants an engineered detail of the slab. I
7 guess we can provide it. I really don't understand
8 why it would be necessary to have somebody design it
9 yet when there are still so many unknowns, but we
10 can do that. Perhaps, give you something of a
11 standard detail that is used in similar situations.

12 VICE CHAIR GREENE: Maybe a little more
13 detail than you are providing without actually doing
14 all of the engineering.

15 THE WITNESS: Okay. Understood.

16 MS. BANYRA: Maybe I can just like
17 weigh in on that, so where it becomes important is
18 whether or not, and this is a question for our
19 engineer, whether or not that's relevant to the
20 ultimate design. If that has to be -- if that's a
21 point that might be critical to the design, then it
22 may be relevant now.

23 THE WITNESS: But I am testifying that
24 that will all be beneath our garage, so whether that
25 is there or not will not change any of this design

1 that I am presenting today.

2 MS. BANYRA: So what I'm saying, Frank,
3 is that if, for example, you testified to
4 hydrostatic pressure. If the engineer says, you
5 know what, if I don't see it, if you can't design it
6 because -- or the pressure is such that you have to
7 do something different, it may change the design, it
8 may be relevant at the time of the preliminary --

9 THE WITNESS: Understood. Yes.

10 MS. BANYRA: -- and that is what I am
11 just outlining for the Board. It may be relevant,
12 and that is really, you know, an engineering call.

13 THE WITNESS: If I may, would it be
14 suitable to have our structural engineer just
15 provide, and he is a licensed engineer, of course,
16 provide a letter stating that he has done similar
17 projects to this, and it could all be kept, based on
18 his experience, kept within this dimension? Would
19 that be suitable to the Board?

20 VICE CHAIR GREENE: That would be a
21 question for Mr. Marsden.

22 MR. MARSDEN: I think that would be
23 suitable, but he would have to get into what type of
24 a foundation, you know, is it going to be on
25 piles --

1 THE WITNESS: It is on piles. It is on
2 piles.

3 MR. MARSDEN: -- gray beams --

4 THE WITNESS: Pile caps.

5 MR. MARSDEN: Okay.

6 THE WITNESS: I only know that because
7 this area of town almost all parts of town are
8 required to have piles, so it hasn't been here, but
9 I know based on previous buildings, it is. Yes. I
10 can absolutely provide both of those.

11 MR. MARSDEN: Give a summary report of
12 the intent and how you would --

13 THE WITNESS: Yes, I understand.

14 MR. MARSDEN: -- it doesn't have to be
15 final --

16 THE WITNESS: I understand.

17 VICE CHAIR GREENE: Anyone else?

18 COMMISSIONER GRANA: Frank, one last
19 question.

20 The south walls are proposed to be
21 green walls. Is there any estimate given about the
22 amount of time before they actually become green
23 walls?

24 THE WITNESS: I don't have the answer,
25 and Ms. Banyra mentioned that, and I will have that

1 information for you.

2 COMMISSIONER GRANA: Thank you.

3 MS. BANYRA: Just a response for Mr.
4 DeFusco, when you asked about bike parking for the
5 residents, that is relevant to this. The testimony
6 that I was trying to say might not be relevant was
7 future commercial use that is going to be a benefit
8 to the residents of Hoboken because we may do this.
9 That is not what is presented, but anything that is
10 relevant to the residents of this building or
11 something that the Board likes to see, that is
12 relevant conversation to the application, yes.

13 VICE CHAIR GREENE: If the Board and
14 the professionals have no other questions, we will
15 open it up to the public.

16 Anybody have any questions of Mr.
17 Minervini?

18 Seeing no one.

19 COMMISSIONER DE FUSCO: Motion to close
20 the public portion.

21 COMMISSIONER GRANA: Second.

22 MR. EVERS: Is this the entire public
23 portion?

24 VICE CHAIR GREENE: No. This is just
25 for the architect and just questions regarding his

1 testimony.

2 MR. EVERS: Okay. Sorry. I was
3 sleeping.

4 VICE CHAIR GREENE: Speak now.

5 MR. GALVIN: No, you're not under oath.
6 Just state your name for the record and your
7 address.

8 MR. EVERS: Michael Evers, 252 Second
9 Street, Hoboken.

10 Mr. Minervini --

11 VICE CHAIR GREENE: Speak up.

12 MR. EVERS: -- Mr. Minervini --

13 MR. GALVIN: Thank you.

14 MR. EVERS: -- how many affordable
15 units did you say were in this building?

16 THE WITNESS: Seven.

17 MR. EVERS: Seven.

18 And are they all studio apartments?

19 THE WITNESS: No. I'm sorry. I thank
20 you for pointing that out. I will give you the
21 breakdown, and I should have given that to this
22 Board.

23 So to answer your question, the overall
24 building count for the building -- bedroom count,
25 let's call it, we have four, and this is inclusive

1 of the affordable, but I will get to those
2 specifically, is four one-bedroom -- pardon me --
3 there is four per floor, one-bedroom units. There's
4 five per floor two-bedroom units, and two per floor
5 three-bedroom units.

6 How that breaks down is we have 24
7 one-bedrooms, 30 two-bedrooms, and 12 three-bedroom
8 apartments.

9 In terms of the affordable breakdown,
10 we have one one-bedroom, four two-bedroom units, and
11 two three-bedroom units. The locations are marked
12 on the plan, and Mr. White -- Mr. White determined
13 with Ms. Bishop those locations, so they weren't
14 designed by me or Mr. White. There was help given,
15 and I think that is what you are asking.

16 MR. EVERS: So only one of the units is
17 a one-bedroom unit --

18 THE WITNESS: Correct.

19 MR. EVERS: -- and the rest are either
20 two or three-bedroom units that would be more
21 accommodating to families --

22 THE WITNESS: Exactly.

23 MR. EVERS: -- correct?

24 Okay. Thank you for pointing that out.

25 VICE CHAIR GREENE: Anybody else?

1 MS. BANYRA: Can I just ask a couple of
2 more questions?

3 VICE CHAIR GREENE: Well, should we
4 close the public first?

5 MS. BANYRA: Oh, I'm sorry, yes.

6 COMMISSIONER DE FUSCO: Motion to close
7 the public portion.

8 COMMISSIONER GRANA: Second

9 VICE CHAIR GREENE: Any objections?

10 Okay. Now, Ms. Banyra.

11 MS. BANYRA: Okay, I'm sorry.

12 So, Mr. Minervini, when you said the
13 mezzanine, is the mezzanine not serviced by the
14 elevator because you were talking about steps and
15 there were bikes, and I think the mezzanine has an
16 elevator. I don't know if there is an opening at
17 the top of your rendering, at the very top.

18 COMMISSIONER FISHER: The very top.

19 THE WITNESS: Yes. There is a
20 mezzanine -- there's an ADA compliant entry to the
21 mezzanine on the elevator to the west of the
22 property.

23 The steps I was referring to were just
24 a connection next to the commercial space and the
25 mezzanine, so the commercial space is about probably

1 18 or so inches below the mezzanine, so there is a
2 common hallway coming from Adams Street that
3 accesses the mezzanine space.

4 MS. BANYRA: Great.

5 The question Ms. Fisher asked was
6 whether or not, you know, how somebody would bring
7 their bike. I kind of gathered that --

8 THE WITNESS: There is an elevator
9 accessing --

10 MS. BANYRA: -- and they do the
11 elevator, right?

12 Your first floor commercial, have
13 you -- you didn't -- you know, this is one of the
14 first buildings that we are having a more
15 substantive commercial elevated out of the flood, so
16 maybe you can kind of talk about that elevation and
17 how you are marrying that back up with the street.

18 I know that there is an ADA compliant
19 ramp in front, but I'm sure you looked at -- like
20 how is that going to look because --

21 THE WITNESS: How is the ramp going to
22 look?

23 MS. BANYRA: Well, the ramp and the
24 commercial space relative to the street.

25 THE WITNESS: Okay. To answer that

1 graphically --

2 MS. BANYRA: I'm sure you looked at it,
3 because we haven't looked at -- you know, that is
4 going to be a concern in town, how we are bringing
5 it back down to street level.

6 THE WITNESS: Sure.

7 What we have done is we have recessed
8 that lower floor relative to the front property
9 line, and the ramp as well as the commercial entry
10 is off the property line.

11 So there isn't a handicapped ramp on
12 the property. If you are walking down sidewalk to
13 sidewalk, as it is now, will be as it is now, and
14 that is not going to change.

15 The requirement for a handicapped ramp
16 is there, and we have to provide it.

17 There is certainly a vertical, a small
18 disconnect between the commercial space and the
19 sidewalk. That will probably dictate who buys or I
20 should say rents that space.

21 I don't have any information on what
22 that would be.

23 VICE CHAIR GREENE: Do you have any
24 sense what you intend the program to be at that
25 location for the commercial space?

1 MR. WHITE: The mezzanine space or the
2 actual commercial space?

3 VICE CHAIR GREENE: No, no. The
4 commercial space.

5 MR. WHITE: As of this moment,
6 absolutely not. I would hope that it would be
7 something that would service both the building and
8 the neighborhood. I don't know. At this point
9 none -- no marketing or research, but retail there
10 for me enhances buildings and neighborhoods because
11 there are more eyes on the street.

12 I would think we might get a small
13 convenience store there. It could be an apothecary.
14 At this point I don't know.

15 VICE CHAIR GREENE: Thank you.

16 MS. BANYRA: So, Mr. Minervini, I think
17 maybe the challenge, you know, particularly for the
18 architect is probably a fun challenge, is again
19 marrying back up that street with that commercial
20 space.

21 THE WITNESS: Yes.

22 MS. BANYRA: It is atypical for
23 commercial to be elevated and certainly
24 successfully, you know, is the challenge, and I
25 think Jersey City, any of these communities are now

1 facing that. So to the extent that you can bring
2 that commercial space down visually or somehow with
3 your design, I think that that is going to be an
4 interesting -- you know, that's an interesting
5 challenge.

6 THE WITNESS: Our thought was to have
7 this facade recessed a bit, which also implies
8 entry, so that is something positive.

9 It takes the handicapped ramp, which is
10 a requirement, off the street, but we are not trying
11 to hide the handicapped ramp.

12 MS. BANYRA: No.

13 THE WITNESS: In essence, it is sort of
14 part of the architecture and part of the moving of
15 people within this lower colony, so you are moving
16 people virtually, and you're also moving people in
17 and out of the building at that point, and it is
18 certainly a challenge.

19 COMMISSIONER DE FUSCO: Do you mind if
20 I ask one more question?

21 VICE CHAIR GREENE: Sure, go right
22 ahead.

23 COMMISSIONER DE FUSCO: One more
24 question, Frank.

25 I see that you have a green roof at the

1 very top of the building. The second floor roof
2 promenade, if you will, is that a green feature?

3 Are those plantings hooked up to the
4 same kind of a green roof that we normally would
5 see?

6 THE WITNESS: No. This is a walkable
7 green roof. This is not extensive. This is
8 intensive, so this is made to be used by the
9 building's residents.

10 Although we are at a one story height
11 change relative to the park, it is our outdoor park,
12 our outdoor space.

13 COMMISSIONER DE FUSCO: Sure. But the
14 water is not -- the water is simply not running off
15 the brick and down your traditional --

16 THE WITNESS: No. Everything will be
17 kept within our building, and it is a requirement
18 from the construction code as well as zoning, yes.

19 COMMISSIONER DE FUSCO: Are there any
20 other green functions, waste water retention --

21 THE WITNESS: I don't know the answer
22 yet. We are not quite there yet.

23 What we know is that it will be a green
24 roof. We do know that we will have water retention
25 systems. Whether there's gray water, solar, those

1 things have yet to be sorted out. We are promising
2 a LEED certified building.

3 COMMISSIONER DE FUSCO: Cogeneration
4 also still indicated --

5 THE WITNESS: We don't know yet. That
6 is one of the things that we are looking into.

7 COMMISSIONER DE FUSCO: For a building
8 this size, it seems, especially in the location,
9 that those are all things that you probably would
10 want to consider.

11 THE WITNESS: Yes, and the developer
12 already has.

13 COMMISSIONER FISHER: Hum, so the
14 request for the 96 percent lot coverage stems back
15 to the fact that you have to cap the whole site?

16 THE WITNESS: That's part of the
17 reason. We are capping the site.

18 COMMISSIONER FISHER: Right.

19 THE WITNESS: So, again, when I
20 mentioned, this property is not within the Northwest
21 Redevelopment Plan, but we look for guidelines in
22 the context of buildings and the permitted lot
23 coverage here is 90 percent.

24 Our difference is really handicapped
25 ramps, so we are within the same contemplation that

1 the Northwest Redevelopment Plan had. And given,
2 again, our context and how our 100 percent is
3 slightly less than lot coverage, I don't see that to
4 be negative, considering we have a building wall on
5 one side, we have a potential park, which we have
6 addressed on the south, and the other two are street
7 facades.

8 COMMISSIONER FISHER: Thanks.

9 MR. MATULE: Can I ask just the
10 architect one or two more questions?

11 VICE CHAIR GREENE: Sure. He is your
12 witness. I guess you can.

13 (Laughter)

14 MR. MATULE: You received the H2M
15 letter of December 18th that was updated on July
16 10th?

17 THE WITNESS: I have.

18 MR. MATULE: And you have no issues
19 addressing the issues raised by Mr. Marsden?

20 THE WITNESS: No. I will happily
21 address them.

22 MR. MARSDEN: One of the questions I
23 had was the handicapped parking spaces. You only
24 showed two.

25 THE WITNESS: Let me look myself at the

1 parking plan.

2 MR. MARSDEN: I only saw one at each
3 elevator --

4 THE WITNESS: I have one, two. I am
5 showing two.

6 MR. MARSDEN: And you need three, but
7 that is part of my letter. I just --

8 THE WITNESS: I can very easily revise
9 that. I just wanted to make sure I didn't miss one.
10 I think we are showing two here. Very easily we
11 could put three.

12 MR. MARSDEN: And you would be willing
13 just to, if I email you this, you could then do a
14 response to me?

15 THE WITNESS: Yes, I could.

16 VICE CHAIR GREENE: Do you have any
17 further questions of your witness, Mr. Matule?

18 MR. MATULE: No, Mr. Greene. I am
19 finished.

20 Thank you.

21 VICE CHAIR GREENE: Thank you, Mr.
22 Matule.

23 We are going to take a ten-minute
24 break.

25 (Recess taken.)

1 VICE CHAIR GREENE: All right. We are
2 back in session.

3 Mr. Matule, if I may, I have a few
4 other questions for Mr. Minervini.

5 MR. MATULE: Yes. We have brought Mr.
6 Minervini back up.

7 VICE CHAIR GREENE: Mr. Minervini, we
8 were looking at A-5, and I don't recall any specific
9 testimony, but even if there was, it wasn't specific
10 to the question I am about to ask you.

11 In the bottom right where the building
12 is juxtaposed against the viaduct --

13 THE WITNESS: Yes.

14 VICE CHAIR GREENE: -- I can't really
15 tell from the perspective, do you know if you are
16 standing on the viaduct, what -- what elevation,
17 would you be looking at the fifth floor or would you
18 be looking over the roof?

19 I guess the question is: Is the
20 building as tall or taller than the viaduct is at
21 that point?

22 THE WITNESS: I can get you the exact
23 number.

24 This is generated -- we modeled the
25 viaduct based on the county's drawings on their

1 website. So the county has some very simple
2 schematic showing where it is at a low point, middle
3 and at its upper, where it meets Jersey City, so
4 that is what this is based on.

5 How is it exactly relative?

6 Well, again, as you suggested, you
7 can't tell the scale here, but I can get you the
8 information very easily because it is modeled. Just
9 based on this, I think it is about at the height of
10 our sixth floor.

11 Now, of course, the viaduct is sloping.
12 It is a pretty substantial slope, so it may be the
13 seventh by the time it is done, but I can get you
14 that information.

15 I do want to -- this is a drawing that
16 I should have pointed to when you had your question
17 before about how the mezzanine works.

18 What this is, it's a schematic
19 rendering showing the future park, of course, and
20 then our building sliced. So what you are looking
21 at here is the internals of all of these floors.

22 So here is the adjacent commercial.
23 Here is the parking for the adjacent space. There's
24 the viaduct. This is the volume of our garage, so
25 when we were talking about the mezzanine how it

1 works, you can see right here, the parking actually
2 goes underneath the mezzanine space, so that can
3 give you a sense of heights.

4 The garage sections here are taller,
5 where the mezzanine space is, the garage is shorter.
6 So what we did was we filled in this volume with
7 this mezzanine space, which could be storage or
8 perhaps some other future use.

9 COMMISSIONER FISHER: Thank you.

10 VICE CHAIR GREENE: Anything else as
11 long as we have Mr. Minervini up?

12 MS. BANYRA: Yeah. Go ahead, Jeff, and
13 then I will go.

14 MR. MARSDEN: Just to verify what we
15 just talked about a few minutes ago.

16 THE WITNESS: Yes.

17 MR. MARSDEN: You will be obtaining a
18 flood -- an area permit for parking below grade, and
19 in order to get that, you will need to have the
20 flood --

21 THE WITNESS: That's correct.

22 MR. MARSDEN: -- and drive flood
23 proof --

24 THE WITNESS: I mistakenly used the
25 term again "waiver" for the garage, but it is really

1 an individual permit for the garage, but we are
2 permitted to do it, which I think is the bigger
3 point.

4 MR. MARSDEN: Thanks.

5 THE WITNESS: Thank you.

6 MS. BANYRA: Then, Mr. Minervini, the
7 board that has the ramp and everything, a few of the
8 Board members were talking about -- yes, that one --
9 about the commercial space. So how far -- besides
10 the ramp -- in between the ramp and the sidewalk
11 how, far back is the commercial space?

12 THE WITNESS: I can give you the exact
13 dimension and refer you to the drawing.

14 Exactly ten feet, which coincidentally
15 is the requirement for a first floor setback in the
16 Northwest Redevelopment Plan.

17 VICE CHAIR GREENE: Just
18 coincidentally?

19 THE WITNESS: Yes.

20 (Laughter)

21 COMMISSIONER FISHER: For what?

22 MS. BANYRA: For landscaping.

23 THE WITNESS: In that case it is for
24 landscaping. In this case it's for some
25 landscaping, but also accommodating our handicapped

1 access.

2 COMMISSIONER FISHER: It's only a
3 partial setback, right?

4 THE WITNESS: Correct. In essence, it
5 creates a colonnade. We thought of it as an entry
6 draw.

7 MS. BANYRA: I don't believe you talked
8 about any landscaping on the street there, other
9 than the street trees.

10 Can you just talk about what is in
11 front of the ramp?

12 THE WITNESS: There's some small
13 planting areas shown here on Sheet Z-3 that in a
14 small way help to screen what is not very easily
15 screened in terms of the -- it's not shown here --
16 of the handicapped ramp, I am looking for a
17 particular drawing which shows it best.

18 MR. MATULE: Z-4, right?

19 THE WITNESS: Yes.

20 MR. MATULE: Z-4.

21 THE WITNESS: Where our setback is, we
22 have a small landscaped strip that softens that
23 connecting edge, and I think that might help answer
24 some of the -- help respond to some of the comments
25 about the visual here. If I show it in the

1 rendering, the planting in front may soften that
2 connection to the street.

3 MS. BANYRA: There is a width
4 requirement for the handicapped ramp, correct?

5 THE WITNESS: There is, yes.

6 MS. BANYRA: What is that, Frank, the
7 width --

8 THE WITNESS: It's 36 inches on each
9 run, so in this case it is a total of six feet, and
10 it's four feet at the turn-around --

11 MS. BANYRA: With a landing so to
12 speak --

13 THE WITNESS: -- it might be 39 inches,
14 I will have to confirm that.

15 MR. MARSDEN: You mean that is from
16 inside the rail or inside the rail width, maximum
17 passable?

18 THE WITNESS: Correct.

19 MS. BANYRA: So when we asked Mr.
20 Minervini, when I was asking about the commercial
21 space, that area in particular, I asked him to look
22 at that again in terms of how it relates to the
23 street, so hopefully he is going to put his thinking
24 cap on on that one.

25 THE WITNESS: I will do my absolute

1 best, but that is a tough one.

2 (Laughter)

3 MS. BANYRA: That is a tough one,
4 granted.

5 MR. MARSDEN: Frank, what is the width
6 on the ramp from landing to landing? It looks like
7 it is too long.

8 THE WITNESS: I don't have the
9 dimension. There may need to be a break in there --

10 MR. MARSDEN: Yeah, you might have to
11 put a landing in there.

12 THE WITNESS: I think that is
13 contemplated.

14 MR. MARSDEN: Okay.

15 Don't forget about it.

16 THE WITNESS: I don't mind. Okay.

17 Thank you.

18 (Laughter)

19 MR. MATULE: Is that it?

20 THE WITNESS: I'm sorry, I made the
21 assumption I was done.

22 VICE CHAIR GREENE: Do we have to
23 reopen it to the public since we --

24 MR. GALVIN: You can. Go ahead.

25 VICE CHAIR GREENE: We are going to

1 reopen it to the public in case any of our questions
2 encouraged other questions.

3 Seeing nobody.

4 COMMISSIONER DE FUSCO: Motion to close
5 the public portion.

6 COMMISSIONER MC ANUFF: Second.

7 VICE CHAIR GREENE: Thank you.

8 Any objections?

9 No, okay.

10 THE WITNESS: Thank you.

11 (Witness excused)

12 MR. MATULE: At this time I would like
13 to call our planner, Edward Kolling

14 MR. GALVIN: Want to do Mr. Staigar
15 first?

16 No. Okay.

17 Raise your hand, Mr. Kolling.

18 Do you swear to tell the truth, the
19 whole truth, and nothing but the truth, so help you
20 God?

21 MR. KOLLING: Yes, I do.

22 E D W A R D K O L L I N G, 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: Edward Kolling,
2 K-o-l-l-i-n-g.

3 MR. GALVIN: Mr. Chairman, do you
4 accept Mr. Kolling's credentials as a professional
5 planner?

6 VICE CHAIR GREENE: Yes, we do.

7 MR. GALVIN: You may proceed.

8 MR. MATULE: Thank you.

9 Mr. Kolling, you are familiar with the
10 master plan of the zoning ordinance of the City of
11 Hoboken?

12 THE WITNESS: Yes.

13 MR. MATULE: Obviously, you are
14 familiar with the project being proposed?

15 THE WITNESS: Yes.

16 MR. MATULE: Did you prepare a planning
17 report, dated October 3rd, 2012, which was
18 subsequently revised on June 28th, 2013 with respect
19 to this application?

20 THE WITNESS: Yes.

21 MR. MATULE: Could you go through your
22 report for the Board and give us your professional
23 opinion regarding the variances that are being
24 requested and how the application satisfies the
25 requirements for that?

1 THE WITNESS: Yes, certainly.

2 Actually Mr. Minervini did an excellent
3 job in setting the location, so I won't have to
4 repeat that. But it is a rather unique piece of
5 property in terms of its setting, being that -- I
6 was referring to it in my report as almost like an
7 orphaned piece of property.

8 It is zoned I-1, and it was the yellow
9 mark on Mr. Minervini's exhibit, and you can see
10 where the Northwest Redevelopment Plan is.

11 The block directly across the street
12 towards the west or across Jefferson is in the
13 western edge redevelopment area, which was found to
14 be an area in need of redevelopment, and the
15 redevelopment plan has not been adopted.

16 Then the other piece directly to the
17 south and the larger piece, which is the Hempel
18 site, is proposed in the master plan as a park, so
19 this is the last piece there that is really left as
20 industrial.

21 Within the western edge redevelopment
22 study area, the council passed a resolution in 2007
23 designating it as a redevelopment area, and in that
24 resolution they said that the study area is
25 primarily bounded by recent residential and

1 commercial development, so they recognized what was
2 going on. It said that the properties were
3 potentially valuable and useful to the public
4 welfare because they were adjacent to this
5 developing residential community, which would
6 indicate they are not looking at industrial uses in
7 the area.

8 It then went on to say that the reuse
9 of these properties as industrial or warehouse
10 facilities would be in conflict with the development
11 trends and land use policies for the study area and
12 adjacent areas, and such use would create excessive
13 truck traffic and/or pedestrian truck conflicts, and
14 this would be detrimental to community safety and
15 welfare.

16 So I think there is a recognition that
17 this area really shouldn't be industrial, or at
18 least heavily industrial, because of what is going
19 on in the transition, and that it would be really
20 contrary to the public health and safety.

21 So the reason why I am going there with
22 this is that this all goes to the particular
23 suitability of the site for some use other than
24 industrial, so you have to look at that, and you
25 look at the surrounding area as well.

1 As has been pointed out, we are not in
2 the Northwest Redevelopment Plan, and we are not in
3 the park. We are adjacent to a proposed park, but
4 that goes to recognizing that this property was
5 probably more suitable, and in my opinion is
6 particularly suitable for a residential type of
7 reuse, because that would be more compatible with
8 not just the adjacent areas, but what's anticipated
9 in the future based on the council's resolution and
10 findings.

11 So since the area is particularly
12 suitable for that, this use, I think that it does go
13 to promote the general welfare to grant this
14 variance for the residential because I think that
15 would be more compatible with the growing trend. It
16 would be more compatible with the existing land
17 uses, and I think it would promote the general
18 welfare by granting that variance.

19 I think also in granting the variance,
20 it would promote a more desirable visual
21 environment. Right now it is a dilapidated
22 industrial structure, as we pointed out. It has a
23 storage yard in the back, and that will all be taken
24 out.

25 The area will be also remediated, so

1 that goes to the public safety as well, so
2 therefore, you are also promoting the purposes of
3 zoning in terms of that desirable visual environment
4 and also in terms of promoting the public safety, so
5 I think that we promote the purposes of zoning in
6 that regard.

7 I don't see that there is a substantial
8 detriment by granting the use variance because,
9 again, the compatibility of the use, the lack of
10 suitability of the site to continue as industrial
11 uses, so there is no significant detrimental impact
12 to the zoned plan or to the general welfare or the
13 public good.

14 When you look at the bulk variances,
15 including height, and one of them is a D6 variance,
16 I think you look to what is the ability of the site
17 to accommodate the height without detrimental
18 impact.

19 Yes, the number of stories is higher
20 than it would be because four are permitted, but
21 that is as if it were an industrial building. And
22 as I have been discussing, it is not suitable for an
23 industrial use, so you can't really apply an
24 industrial standard to a residential use.

25 So having seven stories versus four I

1 think is reasonable and is subsumed really within
2 the use variance because to have a residential use,
3 you would have lower floors. You would have the
4 seven floors within there.

5 The overall height is only 81 feet - 81
6 and a half feet, I believe it is. Permitted in the
7 area is 80 feet, so I think that also goes to
8 demonstrating that the additional height can be
9 accommodated within what the envelope, the
10 anticipated envelope in the zone would be, so I
11 think that that goes to the proofs for what the D6
12 height variance and the C height variance is.

13 When you look at the bulk criteria,
14 which are the setbacks in the front and the side,
15 they are ten feet. Again, that is typical of the
16 industrial land uses. That's typical of having the
17 industrial uses ten feet off the property lines.

18 In a typical residential district,
19 again, and this is a residential use, I think you
20 have to look at what would be likely to be
21 accommodated, and typically there is a zero lot line
22 in Hoboken, and that is how Hoboken has been
23 developed.

24 You have side yard to side yard with a
25 continuous street scape, so this is subsumed within

1 the D variance, and if you are going to have
2 residential use, you should use something with more
3 residential standards, which would -- and then those
4 standards could include the Northwest standards
5 because those are the closest.

6 In court cases that I've -- there's a
7 recent court case out of Union City actually, and it
8 is to reinforce the idea of subsuming the bulk
9 standards within the use variance. It did say that
10 you can't just ignore bulk, but what you have to
11 look at is what would be appropriate for this use
12 since the use that you are proposing in a zone where
13 it's not permitted really doesn't have a standard in
14 that particular zone.

15 So I think you look at the other
16 surrounding area and you look and see, would this be
17 consistent with what you would find in close
18 proximity, and it would be, as Mr. Minervini has
19 pointed out, the ideas of lot coverage announced,
20 and the setbacks, and just the appearance of the
21 structure and the building and the use.

22 So I think in those regards, those
23 variances can be granted because the benefits would
24 substantially outweigh the detriments in terms of
25 consistency and capability with the existing

1 development and what you would anticipate the trends
2 to be in the future.

3 MR. MATULE: Just for the record,
4 because I don't think Mr. Minervini did in his
5 testimony, can we just call out the specific
6 variances?

7 Obviously, we have the residential use.
8 I don't know if you want to refer to the zone chart,
9 but just go through the specific variances that the
10 applicant is asking for.

11 THE WITNESS: Right.

12 Well, we do have the use, as was
13 pointed out.

14 We have building height both in terms
15 of number of stories, the seven versus the four, and
16 then the C variance for height in linear feet, which
17 is 81 and a half versus the 80 feet.

18 Then as you go down, well, we do have a
19 parking variance.

20 But going to the bulk variances, we
21 have the front yard, zero feet versus ten feet; side
22 yard, zero feet versus ten feet, and the rear yard,
23 which is also zero feet, but there is no rear yard
24 in a sense at all because we go through from one
25 street line to the other street line, so in effect

1 our rear yard would be in the middle.

2 Effectively we are turning our back on
3 the commercial strip center, which also has its back
4 to us, so that acts as sort of the rear yard, but in
5 effect, it is really a side yard.

6 Then we have our issues with the
7 parking spaces being provided, and I didn't address
8 that. In an industrial zone when you put in a
9 residential use, you need one to one parking. In a
10 residential zone, you would be exempted for the
11 first five spaces, so 61 spaces for 66 would be
12 correct. We are five short.

13 We also don't have the number of
14 parking spaces we would need for a commercial use.

15 In looking at that, and I am sure there
16 will be some testimony from the traffic consultant
17 as well, the size of the commercial use isn't going
18 to generate a lot of traffic to it. One of the uses
19 I thought might be possible, there might be a small
20 office use as well. You also have to look -- and in
21 that case, it could be shared parking between
22 residential uses of the 61 spaces and some use of
23 the commercial with the 61 spaces.

24 The other thing you look at is what is
25 the automobile ownership in Hoboken, and I believe

1 40 percent of the households in Hoboken have no
2 cars. Now, this may not be the case here, maybe
3 it's only 20 percent. But even if that was the
4 case, of 66 units, 61 more than fills that need, and
5 there should be spaces left over that could then be
6 shared with commercial uses.

7 So I think that although we are short
8 on parking, there should be no detriment because I
9 don't see that there would be that great of a demand
10 to fill all of those spaces necessarily, and there
11 is also the proximity to being able to walk to local
12 bus lines and things like that.

13 As we all know, Hoboken is a very
14 walkable city, and when people move here, a lot of
15 times they move here because they don't need a car,
16 and therefore, I don't think that the demand would
17 be such that those spaces would all be filled by
18 residents of the building.

19 MR. MATULE: Did you mention -- I don't
20 know if you mentioned the lot coverage variances.

21 THE WITNESS: The lot coverage, that is
22 true. The lot coverage is driven in part by the
23 need to cap the site. It is all pretty much
24 consistent with what you would find across the
25 street as well. The site has to be covered with

1 concrete anyway, whether it is enclosed as parking
2 or not, so there is no significant detriment there.

3 And one of the goals of the master plan
4 or recommendations of the master plan is not to have
5 exposed parking, to have it enclosed, and in this
6 way we can keep the parking enclosed, and we can
7 also have a usable landscaped area on top of that
8 area, which serves the current tenants, but also I
9 think is an esthetic improvement rather than having
10 say that interior part exposed to the air.

11 MR. MATULE: Then the last thing we are
12 talking about are the facade variances to allow the
13 design Mr. Minervini has designed for the facade of
14 the building.

15 THE WITNESS: Yes.

16 The facade standards, when you look at
17 the percentage of masonry, that's typical. It goes
18 to what you would call the typical Hoboken look. In
19 this area, there is not a typical Hoboken look
20 because it is a former industrial area, and there is
21 not a lot of other buildings in the area, other than
22 right directly across the street in the Northwest
23 Redevelopment Plan, so -- and in fact, when the --
24 there is another part of the master plan. It does
25 discuss maintaining or trying to revisit the more

1 industrial appearance that Hoboken had in the past
2 in some of these areas, it -- I think it even
3 suggests that it is inappropriate to repeat the
4 traditional Hoboken look in places where it never
5 occurred before.

6 So in that way, I think what Mr.
7 Minervini has done is tried to do a more
8 contemporary interpretation, where he used some of
9 the masonry to reflect what has been used in Hoboken
10 before, but also to incorporate contemporary
11 materials like steel and glass and aluminum panels
12 to present a more contemporary appearance.

13 MR. MATULE: Thank you.

14 I have no further questions.

15 VICE CHAIR GREENE: Board members, any
16 questions of the planner?

17 MS. BANYRA: I do.

18 VICE CHAIR GREENE: Professionals?

19 MS. BANYRA: Yes, I have a few.

20 Mr. Kolling, I didn't hear your -- I
21 may have missed it, because I was taking notes, your
22 negative criteria testimony.

23 THE WITNESS: Yes. It was kind of
24 sprinkled there in the middle.

25 In terms of a use variance

1 specifically, I brought it up that I didn't see any
2 substantial detriment to the zoned plan because I
3 think that it has been recognized that this area is
4 no longer suitable for industrial development.

5 So, therefore, granting a variance for
6 a residential use will not have a significant impact
7 on the zoned plan. There were -- and that goes to
8 the previous master plan prior to the -- the
9 reexamination report actually suggested that this
10 area transition from industrial.

11 The reexamination report, although it
12 does recommend that some of those recommendations be
13 reversed, in this particular area because of the
14 findings of the council as part of their designation
15 of the areas of the redevelopment plan, I think that
16 that counterbalances that, and therefore, it is not
17 suitable any longer for industrial use, and I don't
18 think it results in a substantial detriment.

19 Certainly it is not a substantial
20 detriment to the public good, because as was stated
21 in the council's resolution, their finding was that
22 further industrial development actually would be
23 detrimental. The residential development would be
24 consistent with the growing trends and recent
25 development in the area and therefore would not

1 serve to be detrimental whatsoever.

2 MS. BANYRA: But your closest neighbor
3 is a commercial entity, which is part of the -- one
4 of the Northwest Redevelopment areas, Zone 3, which
5 allows for commercial development.

6 Was there consideration given to
7 commercial development, maybe not industrial, but
8 commercial development, number one?

9 And then the second question going back
10 to the Northwest Redevelopment Plan, the Northwest
11 Redevelopment Plan you keep referencing didn't
12 indicate -- it may have indicated what the
13 industrial uses for the Northwest Redevelopment
14 area -- excuse me -- for the western edge may be
15 dated. It didn't refer to this particular property,
16 but it also -- you didn't speak to -- it didn't
17 identify whether or not it was going to be
18 residential either or it was going to be commercial,
19 so maybe you could talk to why commercial might not
20 be suitable, and/or why you feel residential is more
21 appropriate because literally your closest neighbor
22 is the redevelopment zone, Zone 3, industrial --
23 excuse me -- commercial development, which runs
24 along, that's I guess --

25 THE WITNESS: 14th Street.

1 MS. BANYRA: -- 14th Street.

2 Thank you, yes.

3 THE WITNESS: Yes.

4 Well, because it is our closest
5 neighbor, but that property turns its back on this
6 property. It is oriented towards 14th Street, and
7 the reason for that is there were other commercial
8 properties along 14th Street. 14th Street becomes
9 sort of the commercial corridor, which is an
10 extension of what 14th Street is as you go further
11 east.

12 So to take that commercial corridor and
13 then to begin to extend it to the south and into the
14 rest of the neighborhood, I just didn't think that
15 was what was being considered by the developer in
16 his analysis of the property, so that is why I
17 believe that it was thought to go towards
18 residential versus towards an extension of the
19 commercial.

20 I forgot the second part of that.

21 MS. BANYRA: The second question was
22 you were referring to the western edge resolution by
23 the council, I guess. I am assuming that the
24 resolution -- maybe you can tell me what resolution
25 that was to designate the area or was that to --

1 THE WITNESS: Yes.

2 MS. BANYRA: -- was that to do the
3 analysis of the area?

4 THE WITNESS: No. That was to
5 designate the area --

6 MS. BANYRA: The date of --

7 THE WITNESS: -- I'm sorry to interrupt
8 you --

9 MS. BANYRA: It's okay.

10 THE WITNESS: -- to designate the area
11 in following the Planning Board's public hearing,
12 that they made a recommendation to the council, and
13 yes, so it didn't necessarily say it had to be
14 residential. It did talk about that it was bounded
15 by recent residential and commercial development, so
16 you are correct, it did say that.

17 I think it was pretty clear in its
18 rejection of the industrial uses because of the
19 potential conflict caused by truck traffic and
20 pedestrian conflict and things of that nature.

21 So the reasons why I believe this
22 property was looked at as residential versus
23 commercial, again, was because the commercial
24 activity in the immediate vicinity at least as
25 concentrated along 14th Street, so that was thought

1 that would be where that should go, and then
2 residential would continue south of that. I think
3 residential also being immediately adjacent to the
4 proposed park is a better use as well.

5 MS. BANYRA: Although your proposed
6 bike storage and other things relative to the park,
7 I mean, I think that there are other commercial uses
8 that could have been considered also, and I guess
9 the question I have either the height for the
10 industrial is 80, the building height I think you
11 said was 81 feet --

12 THE WITNESS: I think it's 81.5.

13 MS. BANYRA: Great.

14 So while the height for an industrial
15 use, you indicate that that is not appropriate, but
16 it is appropriate for a residential use. I guess
17 we're going -- the height goes from the park to 81
18 feet down to probably 35 or 30 feet to the, you
19 know, commercial.

20 THE WITNESS: Whatever that is.

21 MS. BANYRA: Right.

22 So maybe you could talk about that in
23 terms of negative criteria and impacts on maybe the
24 commercial or maybe on the future park area.

25 THE WITNESS: When I talked about the

1 industrial and the height, it wasn't necessarily --
2 it was the heights of the floors. The height of 80
3 feet is permitted.

4 So if there was an industrial use there
5 and it was built to its full envelope, it would be
6 80 feet. So granting the variance for this is not
7 going to have a substantial detriment because that
8 would be what would be there if it was a permitted
9 use. But what I meant by the height, not being
10 appropriate, was the floor heights. Only putting
11 four floors into 80 feet means you have a 20 foot
12 floor to floor, which is meant for industrial uses,
13 and that is why there is only four floors in there.
14 But having that 80 feet accommodate a residential
15 use, obviously there could be additional floors in
16 there, and that is where the inappropriateness lies.
17 That is where the dichotomy or whatever you call it,
18 results.

19 The impact on the park, I don't see any
20 significant impact there because part of it is
21 mitigated by the green wall, but also this is north
22 of the park. So as the sun rises primarily to the
23 southeast, goes across the southern sky, and then
24 sets in the southwest, it is not going to impact
25 just for shade or for that matter at all.

1 On the other side, yes, it will cast a
2 shadow over the commercial property, but the
3 commercial property, that is what it is, commercial
4 property. It's not a residence or anything of that
5 nature. The commercial property has its back to
6 this property, and anybody who is accessing that
7 commercial property would access it from the 14th
8 Street side.

9 Mr. Minervini pointed out that the
10 exposed part of the facade above the roof line of
11 that one story building, or one and a half story,
12 whatever it ends up being, should be treated in some
13 way because it is going to be visible from people
14 looking beyond the building and from the viaduct,
15 but I don't see it being a significant impact. I
16 think that is the way that the -- that strip of 14th
17 Street has been developed and in part in conformance
18 with what is the Northwest Redevelopment Plan.

19 The next block to the east is the
20 cinema, and then the next block beyond that I think
21 is a little office building or whatever, so that
22 sort of a commercial corridor has been planned for,
23 and that is how it evolved.

24 COMMISSIONER FISHER: Can I ask a
25 question?

1 VICE CHAIR GREENE: Sure.

2 COMMISSIONER FISHER: Just I think
3 maybe relating -- sorry -- relating a little bit to
4 what Eileen said.

5 I mean, is there a possibility that the
6 reason why it has been orphaned is because it sits
7 between a park and a much shorter commercial space?

8 So it is contemplating, if you were to
9 work within the industrial zoning requirements and,
10 you know, setback requirements, et cetera, you
11 potentially end up with two small industrial
12 buildings that allow, you know, better visibility to
13 the park than 14th Street, et cetera. I mean, where
14 it was contemplated to just keep it within
15 industrial because of the constraints would not
16 allow for such a large giant island building in
17 between, you know, a flat park and a low commercial
18 space.

19 THE WITNESS: I don't think so because
20 I think it had more to do with the fact that it was
21 an operating industrial facility at the time.

22 If you read the Northwest Redevelopment
23 Plan, some of the prologue and everything to it, it
24 does discuss what the thought process was when they
25 were looking at what properties to include, and they

1 kind of just jumped around and excluded things that
2 may be still have been occupied.

3 The next block over, for instance, you
4 know, right across the street -- well, next to 14th
5 is the cinema, and then right behind that is a
6 six-story building.

7 So I think if this had been included in
8 that, say, for instance the Hempel site had not been
9 contaminated or was not being used at the time or
10 something, and it was included in the redevelopment
11 plan, I would have anticipated that probably what
12 would have happened is you would have the same kind
13 of commercial strip shown against the 14th Street
14 viaduct as the buffer, and then immediately behind
15 that you would have gone back up to the six-story
16 types of residential buildings and extended them to
17 the west -- to the south, I'm sorry. That's what I
18 would think would have happened.

19 VICE CHAIR GREENE: If I may follow up,
20 so if you grant that premise, you are not asking for
21 a six-story building. You are asking for a
22 seven-story building.

23 THE WITNESS: Yes.

24 VICE CHAIR GREENE: Justify it.

25 THE WITNESS: It's still within the 80

1 feet that would have been there.

2 Part of the justification is what we
3 were discussing before, that in the process of this
4 plan, the requirement for the seven additional --
5 not additional units -- the seven affordable units
6 came into being, so in trying to accommodate that,
7 in trying to have sufficient redevelopment, so that
8 the project could be viable and then support these
9 seven additional or these seven affordable units,
10 the project grew to another floor.

11 VICE CHAIR GREENE: So you couldn't put
12 six affordable units in a six-story building. You
13 need to have a seven-story building to put seven
14 affordable units?

15 THE WITNESS: I think the idea was also
16 to maintain the mixture of unit types, so as not to
17 have, you know, shrink the unit sizes, so it would
18 have the same mix of unit types, ones, twos and
19 threes, and to also accommodate ones, twos and
20 threes for affordable units as well.

21 VICE CHAIR GREENE: You would
22 proportionately, you lose one two-bedroom, if you
23 had a six-story --

24 COMMISSIONER FISHER: It's that
25 density, too.

1 VICE CHAIR GREENE: -- if you had
2 six -- if you required six affordable housing units,
3 so instead of four two-bedrooms, you would have
4 three two-bedrooms, no?

5 THE WITNESS: I don't know how to --
6 no, the math has to stay the same. You still have
7 to have the one --

8 VICE CHAIR GREENE: You would have one,
9 two and three. You would have one less, two
10 presumably.

11 COMMISSIONER FISHER: It is a density
12 issue we have run into where they want to build
13 bigger footprints for each residential type, and to
14 do that they say they have to build up as opposed --
15 to get the same number of units --

16 VICE CHAIR GREENE: Well, I am just
17 trying to reconcile.

18 It seems to me that there is cherry
19 picking going on. We are taking the elements of
20 each of the various zones and taking what works best
21 to suit the developer's and Mr. Minervini's ideas,
22 and I am not arguing with that, but I am trying to
23 reconcile whether or not it is appropriate that the
24 cherry picking goes on.

25 At some point in time you have to say,

1 result in a substantial detriment, and I don't think
2 it would because it still doesn't at least
3 significantly exceed the height. It is by a foot
4 and a half, so I don't think it results in a
5 substantial detriment.

6 It does result in a very worthwhile and
7 well thought out redevelopment of what is a
8 contaminated site and a former industrial use, where
9 it is no longer appropriate.

10 MR. MATULE: If I might, Mr. Greene, I
11 think the applicant could further address the
12 specifics about the number of units and the extra
13 floor.

14 MR. GALVIN: Well, let me stop you for
15 a second.

16 We said we would try to stop around
17 ten. I know that we want to finish asking the
18 questions of Mr. Kolling.

19 You are going to get carried to another
20 night. You can come back, and you can either think
21 about it and make changes, or you can come back and
22 explain to us when we are fresher. I mean, the
23 advantages -- let me just say, because I know Mr.
24 White is up and ready to go, and I respect that, but
25 what I am saying is just because you get information

1 that tells you what somebody is thinking, you know,
2 you got to work with that.

3 MR. MATULE: I think we are getting
4 away from planning, and I think the question is --

5 MR. GALVIN: No, no, no. I don't think
6 it got away from planning testimony at all --

7 MR. MATULE: Okay.

8 MR. GALVIN: -- but you are entitled --
9 respectfully, okay --

10 (Laughter)

11 MR. MATULE: But I think I can better
12 address Mr. Greene's concerns with testimony from
13 Mr. White, but we can do it the next time.

14 MR. GALVIN: That's what I'm saying. I
15 don't think it has to be done this second. We have
16 time to think this through, okay?

17 MR. MATULE: Okay.

18 VICE CHAIR GREENE: In fact, if there
19 are no other questions from the Board, I would like
20 to open it up to the public.

21 Anybody in the public have any
22 questions of the planner?

23 MR. DELLA FAVE: One quick question.

24 MR. GALVIN: Name and address.

25 MR. DELLA FAVE: Joseph Della Fave,

1 1025 Maxwell Lane.

2 THE REPORTER: How do you spell that?

3 MR. DELLA FAVE: Capital D-e-l-l-a
4 space F-a-v-e.

5 You referenced the master plan, and I
6 am not familiar with it, but I assume there is a
7 housing element as a component of this.

8 Does the housing element in the master
9 plan address affordable housing within the city, and
10 if it does, how does this project and the inclusion
11 of affordable housing address that or please comment
12 on it.

13 THE WITNESS: Well, every master plan
14 has to have a housing element, and it does, as does
15 Hoboken's, and it does discuss the ability -- or the
16 goal or the objective of creating housing that is
17 affordable to a wider range of income groups, so
18 this project would do that because it provides both
19 lower income and another income for units.

20 MR. DELLA FAVE: And in the
21 Northwest -- I think this is appropriate. If not,
22 I'll ask --

23 MR. GALVIN: Yes. I am paying
24 attention.

25 MR. DELLA FAVE: In the Northwest

1 Redevelopment Plan, is affordable housing mandated
2 as part of that at all?

3 THE WITNESS: No.

4 MR. GALVIN: Wait, time out.

5 The ordinance says that if you get a
6 variance, and you have to come before the Board, the
7 number of units they are providing is no more or no
8 less than is required by the ordinance.

9 There is not an ordinance for this
10 zone, but the overall ordinance for affordable
11 housing does cover this situation, and because they
12 are providing the minimum number of housing units
13 that are required, we don't treat them as an
14 inherently beneficial use. We just treat them as an
15 ordinary D-1 use variance, so they have to meet the
16 Medici standard.

17 THE WITNESS: To clarify, the
18 redevelopment plan doesn't specifically call for
19 affordable housing, but the ordinance says that if
20 the plan were to be amended to increase the density,
21 then it would trigger the affordable housing.

22 MR. DELLA FAVE: Okay.

23 Thank you.

24 MR. GALVIN: You're welcome.

25 VICE CHAIR GREENE: Anybody else?

1 MS. HARRIS: Yes.

2 If -- if --

3 MR. GALVIN: I'm sorry. First things
4 first. Give me your name.

5 MS. HARRIS: April Harris, 819 Park
6 Avenue.

7 MR. GALVIN: Thank you.

8 If the Northwest corridor part of our
9 city is only six stories, and it doesn't trigger the
10 affordable housing, doesn't that automatically mean
11 that it wouldn't be much affordable housing created
12 in the Northwest development?

13 MR. GALVIN: No. We don't get to think
14 that much. No. We have to apply the law, and since
15 the council has decided not to apply it everywhere,
16 but just in these instances where there are
17 variances, that's what we are doing.

18 MS. HARRIS: But the greater of the
19 community may be benefited by thinking that this
20 project is really a good one, because it does
21 trigger that. Wouldn't you say? I mean for the
22 general --

23 MR. GALVIN: Well, they could make the
24 entire project affordable housing, and then it would
25 absolutely be an inherently beneficial use, and then

1 we certainly would have to consider granting it.

2 MS. HARRIS: Okay. Fine.

3 Thank you.

4 VICE CHAIR GREENE: Anybody else,
5 anything further?

6 Mr. Evers?

7 MR. EVERS: Mike Evers, 252 Second
8 Street, Hoboken.

9 Mr. Kolling, is it fair to say that one
10 of the things that is called for in the existing
11 master plan is the increase of and the desire to
12 have more units, larger units, to accommodate
13 families in Hoboken?

14 THE WITNESS: Yes. That has been in
15 the master plan for a number of years now, yes.

16 MR. EVERS: Is it safe to say that
17 families below a certain income cannot be
18 accommodated by market rate larger units in Hoboken
19 that might cost seven or \$800,000?

20 THE WITNESS: Well, if you are below a
21 low certain income level, I don't know if I could
22 afford \$700,000, so yes, I agree with you.

23 MR. EVERS: Okay. Well, in that case
24 then is it fair to argue that the inclusion of
25 affordable units in a building like this is

1 consistent with the intent and purpose of the master
2 plan to provide housing, family-sized housing, for
3 those members of the community that are making money
4 or earning below the, you know, whose income would
5 qualify them as low income?

6 THE WITNESS: Yes, I would agree with
7 that.

8 MR. EVERS: Thank you.

9 VICE CHAIR GREENE: Anybody else?

10 COMMISSIONER DE FUSCO: Motion to close
11 the public portion.

12 VICE CHAIR GREENE: Do we have a
13 second?

14 COMMISSIONER MC ANUFF: Second.

15 VICE CHAIR GREENE: Any objections?

16 MR. GALVIN: Want to carry it?

17 MR. MATULE: Well, I can start with
18 another witness, but I get the impression you didn't
19 want to do that, so what are my options for
20 continuing?

21 MS. BANYRA: Pat, was it April 15th?

22 MS. CARCONE: April 15th is our regular
23 meeting. April 22nd is our special meeting. I have
24 been told that some people can't make it on April
25 15th, so --

1 COMMISSIONER FISHER: It's Passover,
2 the second night of Passover.

3 VICE CHAIR GREENE: In view of that, we
4 will be short at least three people.

5 MS. CARCONE: Three people. I don't
6 know about everybody else's availability.

7 MR. GALVIN: Did you guys hear that?

8 April 15th, so it might be sensible to
9 put it on April -- I am trying to get you on as
10 quickly as possible.

11 (Board members confer)

12 VICE CHAIR GREENE: Just so you know, I
13 won't be here on the 22nd. I have a business
14 obligation.

15 (Board members confer.)

16 MR. MATULE: Ms. Carcone, do you have
17 any idea if the Board generally is available for the
18 25th?

19 MS. CARCONE: The 22nd.

20 MR. MATULE: 22nd.

21 VICE CHAIR GREENE: Well, we can poll
22 the Board. I already indicated I have a work
23 obligation.

24 MR. GALVIN: That's not a good idea.
25 If Mr. Greene is not here, that is not a good idea.

1 VICE CHAIR GREENE: What about the 29th
2 of April?

3 MS. CARCONE: The 29th of April?

4 MS. BANYRA: Maybe we can skip the
5 special meeting on the 25th and move it to the 29th,
6 so we don't have back to back, three meetings.

7 VICE CHAIR GREENE: Oh, skip the 22nd
8 and do it the 29th instead?

9 MS. CARCONE: The 29th is the following
10 Tuesday.

11 VICE CHAIR GREENE: Yes.

12 MR. GALVIN: Does that work?

13 MR. MATULE: Obviously, we prefer to
14 come back on a night where we have a relatively
15 complete Board.

16 MR. GALVIN: That's what I am thinking.

17 What do you have left? You have Mr.
18 Staigar and --

19 MR. MATULE: I may have some additional
20 architectural testimony based on some of the
21 comments made here tonight and my traffic, and then
22 the public.

23 MR. GALVIN: So an hour or two?

24 MR. MATULE: Yes. I would say an hour
25 or two.

1 VICE CHAIR GREENE: Thoughts on the
2 29th?

3 COMMISSIONER DE FUSCO: I may not be
4 here.

5 COMMISSIONER GRANA: I plan to be here.

6 COMMISSIONER TREMITIEDI: I plan to be
7 here.

8 COMMISSIONER MC ANUFF: I plan to be
9 here.

10 COMMISSIONER FISHER: I plan to be
11 here.

12 VICE CHAIR GREENE: So if we can make
13 it the 29th, we should --

14 MS. CARCONE: Dennis, are you
15 available?

16 VICE CHAIR GREENE: -- and not have the
17 22nd.

18 MR. GALVIN: That's a Tuesday, right?
19 I think so.

20 VICE CHAIR GREENE: It is a Tuesday.

21 MR. GALVIN: Yes, I am available.

22 COMMISSIONER DE FUSCO: So the 15th
23 would still be the regular meeting?

24 MS. BANYRA: Yes.

25 VICE CHAIR GREENE: You have a regular

1 meeting the 15th.

2 MS. CARCONE: The 15th, and no special
3 meeting on the 22nd, and then the 29th.

4 MR. GALVIN: Not as of right now,
5 unless we have another reason to use it.

6 MS. CARCONE: So the only one who
7 couldn't make it on the 29th was Mike?

8 COMMISSIONER DE FUSCO: Correct.

9 MR. MATULE: So we will carry this to
10 the 29th with no further public notice?

11 MR. GALVIN: I'm sorry?

12 MS. CARCONE: The only one who couldn't
13 make it on the 29th is Michael DeFusco.

14 MR. GALVIN: Yes, ma'am.

15 MS. BANYRA: We may have other Board
16 members back, right, at that point?

17 MR. GALVIN: Is there a possibility
18 that could change?

19 COMMISSIONER DE FUSCO: Yes,
20 absolutely.

21 MR. GALVIN: Because I hate to leave
22 you out.

23 COMMISSIONER DE FUSCO: Right.

24 MR. GALVIN: Okay. We need a motion.

25 (Mr. Matule confers with clients.)

1 MS. CARCONE: The Planning Board is the
2 9th.

3 (Board members confer)

4 MR. GALVIN: Anything new?

5 We were trying to look for an earlier
6 date. We can't make the 8th because the Chairman is
7 not available on the 8th. We are trying to come
8 forward, so that Mike could be available also.

9 VICE CHAIR GREENE: It is a family
10 night.

11 Even on the 29th, I will have to
12 cancel. I have another -- I had a tentative
13 business obligation, but I will blow it off.

14 So are we okay for the 29th?

15 MR. MATULE: April 29th, yes.

16 MR. GALVIN: So we need a motion to
17 carry this matter to the April 29th meeting without
18 further notice.

19 VICE CHAIR GREENE: And we need a
20 waiver?

21 MR. GALVIN: Mr. Matule, do you waive
22 the time in which the Board has to act?

23 MR. MATULE: Through the 29th of April,
24 yes.

25 VICE CHAIR GREENE: So would somebody

1 like to move it?

2 COMMISSIONER FISHER: Motion to carry.

3 VICE CHAIR GREENE: Thank you.

4 Second?

5 COMMISSIONER DE FUSCO: Second.

6 VICE CHAIR GREENE: All in favor?

7 (All Board members voted in the
8 affirmative.)

9 MR. MATULE: Thank you.

10 MR. GALVIN: Any other business?

11 VICE CHAIR GREENE: Yes.

12 Before we break, you all have a package
13 for next week. There are three scheduled hearings,
14 and we will get to see Mr. Matule again, so don't
15 forget.

16 You gave everybody their envelope?

17 MS. CARCONE: I gave everybody a packet
18 tonight, and on the 25th there will be some emails
19 coming with additional documents.

20 COMMISSIONER DE FUSCO: Motion to close
21 the meeting.

22 COMMISSIONER FISHER: Second.

23 VICE CHAIR GREENE: Second.

24 COMMISSIONER GRANA: Second.

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

C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CSR, CRR

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

Notary Public of the State of New Jersey

My commission expires 11/5/2015.

Dated: 3/21/14
This transcript was prepared in accordance with
NJ ADC 13:43-5.9.