HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

- X
REGULAR MEETING OF THE : SPECIAL MEETING
HOBOKEN ZONING BOARD OF :November 18, 2014
ADJUSTMENT :Tuesday 7:10 p.m.
- 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
Commisioner Antonio Grana
Commissioner Carol Marsh
Commissioner Diane Fitzmyer Murphy
Commissioner John Branciforte
Commissioner Tiffanie Fisher

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

A P P E A R A N C E S:

LAW OFFICE OF DENNIS M. GALVIN
730 Brewers Bridge Road
Jackson, New Jersey 08527
(732) 364-3011
BY: DENNIS M. GALVIN, ESQ.
STEVEN M. GLEASON, ESQ.
Attorney for the Board.

I N D E X

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CHAIRMAN AIBEL: Good evening, everyone.

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

Please join me in saluting the flag.

(Pledge of Alliegance recited)

CHAIRMAN AIBEL: So we are at a Special Meeting of the Hoboken Zoning Board of Adjustment --

MS. CARCONE: It's a Regular Meeting.

CHAIRMAN AIBEL: -- I'm sorry, it's a Regular Meeting. It says "Special," but --

MS. CARCONE: Okay.

VICE CHAIR GREENE: Well, every meeting is special.

(Laughter)

CHAIRMAN AIBEL: Could you do the roll call, Pat?

MS. CARCONE: Commissioner Aibel?

CHAIRMAN AIBEL: Here.

MS. CARCONE: Commissioner Greene?

VICE CHAIR GREENE: Here.

MS. CARCONE: Commissioner Cohen is absent.

Commissioner DeFusco?

COMMISSIONER DE FUSCO: Here.

MS. CARCONE: Commissioner Grana?

COMMISSIONER GRANA: Here.

MS. CARCONE: Commissioner Marsh?

COMMISSIONER MARSH: Here.

MS. CARCONE: Commissioner Murphy?

COMMISSIONER MURPHY: Here.

MS. CARCONE: Commissioner Branciforte?

COMMISSIONER BRANCIFORTE: Here.

MS. CARCONE: Commissioner Fisher?

COMMISSIONER FISHER: Here,

MS. CARCONE: Commissioner McAnuff is absent, and Commissioner Trimitiedi is absent.

CHAIRMAN AIBEL: Great.

So we are going to start with a couple of administrative matters. We have review and adoption of minutes. The minutes are for June 17th, June 24th, July 15th, July 22nd, and August 19th, 2014.

Can I have a motion to approve the

minutes?

COMMISSIONER MURPHY: Motion to approve the minutes of June --

COMMISSIONER GRANA: Second.

CHAIRMAN AIBEL: Thank you.

COMMISSIONER GRANA: I'm sorry.

CHAIRMAN AIBEL: All in favor?

(All Board members answered in the affirmative.)

CHAIRMAN AIBEL: Any opposed?

Good.

Now, we have three resolutions to memorialize.

1137 Garden Street, Pat?

MS. CARCONE: 1137 Garden, voting is Eliott Greene, Antonio Grana, Carol Marsh, John Branciforte, Tiffanie Fisher, and James Aibel.

CHAIRMAN AIBEL: Is it a motion to approve or --

MS. CARCONE: It is a resolution of approval, so I need a motion to approve.

COMMISSIONER FISHER: Motion.

CHAIRMAN AIBEL: Second?

COMMISSIONER BRANCIFORTE: Second.

MS. CARCONE: Commissioner Greene?

VICE CHAIR GREENE: Yes.

MS. CARCONE: Commissioner Grana?

COMMISSIOENR GRANA: Yes.

MS. CARCONE: Commissioner Marsh?

COMMISSIONER MARSH: Yes.

MS. CARCONE: Commissioner Branciforte?

COMMISSIONER BRANCIFORTE: Yes.

MS. CARCONE: Commissioner Fisher?

COMMISSIONER FISHER: Yes.

MS. CARCONE: Commissioner Aibel?

CHAIRMAN AIBEL: Yes.

Now we have 211 Bloomfield.

MS. CARCONE: 211 Bloomfield, a resolution of approval. Voting are Commissioner Greene, Commissioner Grana, Commissioner Marsh, Commissioner Branciforte, Commissioner Fisher and Commissioner Aibel.

CHAIRMAN AIBEL: Motion to approve?

COMMISSIONER BRANCIFORTE: I will make a motion.

COMMISSIONER GRANA: Second.

CHAIRMAN AIBEL: Thank you.

MS. CARCONE: Commissioner Greene?

VICE CHAIR GREENE: Yes.

MS. CARCONE: Commissioner Grana?

COMMISSIONER GRANA: Yes.

MS. CARCONE: Commissioner Marsh?

COMMISSIONER MARSH: Yes.

MS. CARCONE: Commissioner Branciforte?

COMMISSIONER BRANCIFORTE: Yes.

MS. CARCONE: Commissioner Fisher?

COMMISSIONER FISHER: Yes.

MS. CARCONE: Commissioner Aibel?

CHAIRMAN AIBEL: Yes.

And finally, 316 Park Avenue.

MS. CARCONE: Voting are Commissioner Greene, Commissioner Grana, Commissioner Marsh, Commissioner Murphy, Commissioner Aibel for the resolution of approval for 316 Park.

CHAIRMAN AIBEL: Do we have a motion?

COMMISSIONER GRANA: Motion to approve 316.

COMMISSIONER MURPHY: Second.

CHAIRMAN AIBEL: Thank you.

MS. CARCONE: Commissioner Greene?

VICE CHAIR GREENE: Yes.

MS. CARCONE: Commissioner Grana?

COMMISSIONER GRANA: Yes.

MS. CARCONE: Commissioner Marsh?

COMMISSIONER MARSH: Yes.

MS. CARCONE: Commissioner Murphy?

COMMISSIONER MURPHY: Yes.

MS. CARCONE: Commissioner Aibel?

CHAIRMAN AIBEL: Yes.

Great. Thanks.

Now, we have several waivers to consider.

Jeff, do you want to read them down in order, 301 Garden, or do you have a different way to --

MR. MARSDEN: I have them all stapled together, so I am going in my order.

CHAIRMAN AIBEL: Go in your order then.

MR. MARSDEN: 301 Garden is the first one. They are requesting -- it is a site plan and variances. They are not requesting any waivers for site plans or -- okay.

Then they have C variances they're requesting. Number 25, stormwater management plan, I recommended that we grant that because they are showing the drainage, the existing and proposed facilities. They are just not providing the report until after the application is, you know, heard, because North Hudson approves all of the drainage reports and reviews them, so that would be a

condition of North Hudson then approving the design.

The D variances, they are also requesting stormwater management, number 34, drainage area map and soil erosion sediment control. It is too small to require SCS approval. Cost estimates for the actual construction of the site, Hoboken does not require them to put up bonds for construction estimates for that, and then off-track improvements, which myself, the Board Engineer, provides for them, so I recommend that you grant all of those, and the application would be deemed complete.

CHAIRMAN AIBEL: Okay.

MR. MARSDEN: Any questions?

CHAIRMAN AIBEL: Do we have a motion to accept the recommendation of our engineer?

COMMISSIONER GRANA: Motion to accept H2M's recommendation on the waiver.

COMMISSIONER FISHER: Second.

CHAIRMAN AIBEL: All in favor?

(All Board members voted in the affirmative.)

CHAIRMAN AIBEL: Thank you.

No opposed, okay.

MR. MARSDEN: The next one is 525

Jackson, and they requested number 25 on the C variance, which is the stormwater management plan, and it is the same issue as they are providing the information of the facilities. They're showing the detention basin. They are just not providing the actual report until they submit to North Hudson for review. I recommend granting those.

The D variances, they are requesting 34, which is the drainage area map, which is not required for this type of development, and also 35, which is the stormwater management plan, and for the same reason I recommend granting that as in the C variances.

They are also requesting soil erosion sediment control. It is not required. Cost estimates for the actual construction, as I indicated previously, Hoboken doesn't do that, so I recommend granting that and the off-site improvements, cost estimates I provide those, so I recommend that you grant all of those requests for variances.

CHAIRMAN AIBEL: Motion to accept the recommendation?

VICE CHAIR GREENE: I will move it.

CHAIRMAN AIBEL: Thank you.

Second?

COMMISSIONER FISHER: I will second.

CHAIRMAN AIBEL: Thank you.

All in favor?

(All Board members answered in the affirmative.)

MR. MARSDEN: Okay. The next one is 61-64 14th Street. It's a minor site plan. They have some variances. They are not requesting any site plan -- not variances -- waivers, and they have C variances.

They are requesting number 25 again, which is the stormwater management plan. They provided the facilities shown on the plan, but they basically want to get the waiver, so that they don't have to submit the actual report until after it is reviewed by the Board.

They have D variances. Again, it is 34, which is the drainage area map, which I recommend granting, stormwater management plan, and it is the same as the previous one.

Soil erosion sediment control is not required. Cost estimates for actual construction, I recommend granting that, and off-track improvements I provide the cost estimates for those. And

approval of other Government agencies, they want to make that a condition of approval, which I have no problem with granting.

This one will also need Hudson County approval.

CHAIRMAN AIBEL: Motion to accept the recommendation?

COMMISSIONER GRANA: Motion.

CHAIRMAN AIBEL: Second?

COMMISSIONER MURPHY: Second.

CHAIRMAN AIBEL: Thank you.

All in favor?

(All Board members voted in the affirmative.)

MR. MARSDEN: Then we have 502-510 Madison. I believe that is a preliminary site plan. It is major site plan. They don't request any waivers of all applications, but they are requesting numbers 34 and 35 on the major site plan.

34 is cost estimates and maintenance bond for the actual construction of the site, and 35 is the off-track improvement estimates, which I provide, so I recommend granting both of those.

They are C variances. They are asking for a description of exceptional topographic

features and conditions of the site.

I feel that the existing features of the site are necessary, and I don't think that that should be granted until they provide the existing features on the site. Some of them are on the survey, but they need to provide those into the site plan also, so that one, that particular one, I wouldn't grant. I would recommend against granting.

The D variances are 43 and 44, which again are cost estimate for the actual construction and off-track improvement cost estimates, which I would recommend granting both.

CHAIRMAN AIBEL: Motion to accept the recommendations?

COMMISSIONER FISHER: Motion to accept.

CHAIRMAN AIBEL: Can I have a second?

COMMISSIONER MURPHY: Second.

CHAIRMAN AIBEL: All in favor?

(All Board members answered in the affirmative.)

CHAIRMAN AIBEL: Thank you.

MR. MARSDEN: I believe the last one is 263 7th Street. This is just variances, and they only have C variances, and they are requesting no waivers, so I suggest they are complete because they

aren't requesting any waivers.

CHAIRMAN AIBEL: So we have no action we have to take?

MR. MARSDEN: No.

CHAIRMAN AIBEL: Perfect. Okay.

(Continue on next page.)

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

- X
RE: 914-930 Monroe : REGULAR MEETING
APPLICANT: Monroe Properties, LLC :November 18, 2014
Preliminary Site Plan Review and :Tuesday 7:20 p.m.
C & D Variances :
Continued from 9/30/14 :
- 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 Carol Marsh
Commissioner Diane Fitzmyer Murphy
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E X H I B I T S

EXHIBIT NO.	DESCRIPTION	PAGE
A-5	15-Page Set of Revised Drawings dated 11/18/14	23

CHAIRMAN AIBEL: Mr. Matule, 914-930 Monroe, the continuation.

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

Robert Matule appearing on behalf of the applicant.

This is a continuation of a hearing. We were here on September 30th. We presented the testimony of our architect and our landscape designer, and actually we had some testimony from one of the principals of the applicant also.

Tonight we are going to present the testimony of our traffic expert and our planner.

We also have our engineer here to just give some brief testimony in regard to Mr. Marsden's review letter.

But before we get to that, during the course of the hearing last time, some questions came up about some site planning issues and some design issues, and Mr. Marchetto has had an opportunity to go back and look at some of those things and address them, so what I would like to do before we start with any new witnesses is recall Mr. Marchetto, and just have him briefly recap his ability to look at some of the issues that were raised and how he

thinks the applicant can respond to them to the Board.

So on that note, Dean?

And for the record you are still under oath.

MR. MARCHETTO: Okay.

D E A N M A R C H E T T O, having been previously sworn, testified further as follows:

MR. MATULE: So if you could, Mr. Marchetto, just briefly recap the couple of issues that the Board had raised questions about, and what your investigation has revealed, and how you can respond to them.

THE WITNESS: Sure.

Thank you, Bob.

Again, my name is Dean Marchetto, architect for the project.

The last time that we were here, I presented a plan for approximately four acres of property on the west side of Monroe Street in the I-1 District of Hoboken, and I thought that I might just spend another two minutes just summarizing what we did, so you recognize where we left all.

The site is located here just north of 9th Street, between 9th and 12th, on the west side

of Monroe. It is right across the street from the ShopRite that you know uptown and the parking lot associated with the ShopRite.

This is a photograph of the building that is right behind us. This is the Doric apartments up in Union City. Again, one of the reasons I show this is because of its unsightly condition on the edge of the cliffs.

This here is a photograph, an existing photograph of the site, an aerial photograph.

Here is the Doric. You can see the site is located right in here.

There is a project that's going up now on this site. Since this photograph has been taken, it is almost completed. It is about seven or eight stories out of the ground. This is the Bijou property known as 900 Monroe, and the site goes from here just up to this location. It is approximately four acres. In fact, it is exactly four acres, and as a reminder, the project that we presented was designed to allow 10th Street to continue as a view corridor through the Palisades and break the project into three separate blocks. Two of the blocks are proposed for development. One of them is being proposed as a park.

In total, 1.7 acres of the property will be public open space out of the four acres, approximately 42 percent of the land will be public open space.

I presented a plan. There are two buildings, as I mentioned, a north building and a south building. Each one has retail. It's a mixed-use building. It has residential use, parking, and one of the buildings is nine stories, and one of the buildings is 10 stories, and just to put it in context, this is I guess an eleven-story building here, Bijou's building, and the Metro Stop just to the south is a ten-story building just to put it in context.

When we met last time, the Board raised several questions, concerns about some design issues on the plan, and what I would like to do is address them. There are six that I have written down.

One was electric charging stations. The other one was need for bicycles and bicycle storage. One was a place for dogs, dog runs. One was how to handle and manage trash and trash pickup, and the other one was residential loading, off-street loading and deliveries.

Then the sixth one was the green

circuit trail behind the building, between the building and the Palisades.

So I guess I should have done this a little sooner, but this was the proposal.

The site is there. The proposal for the nine-story and the ten-story, the view corridor through to take you from 10th Street to the Palisades, again walking behind the site being able to access the light rail on the public park behind it, and the Bijou project is shown in here.

Now, the last time that we presented this, I had the plans that were submitted to the Board. Tonight I am going to show some modifications to those plans, so it might be appropriate, Bob, to mark this as an exhibit.

MR. MATULE: I'm just trying to see. I believe we had --

MS. CARCONE: We are up to A-5.

MR. MATULE: -- we marked through A-4, so now the next exhibit will be A-5.

(Exhibit A-5 marked.)

THE WITNESS: These are revised drawings that are dated today, November 18th.

MR. MATULE: All right.

How many sheets are there, because I

would like to mark the whole set, if I could.

THE WITNESS: 15.

MR. MATULE: It is a set of 15 sheets, and the revision date is?

THE WITNESS: Today's date, 11/18.

MR. MATULE: 11/18. Thank you.

CHAIRMAN AIBEL: Mr. Matule, these have not yet been filed?

MR. MATULE: These have not been submitted to the Board.

THE WITNESS: I am submitting them, presenting them as exhibits to the Board. Assuming this moves forward, we will be sending -- sent in with any other changes you might have as a resolution set before you would sign them.

MR. MATULE: These are just for illustrative purposes to address the changes that he is testifying to right now?

THE WITNESS: Right.

I guess then I will proceed in the order that I mentioned.

With regard to the electric charging stations for automobiles in the parking garage, we have included several locations for electric charging stations that are located on the plans.

You can see the locations here and here that are -- it is a device, where there is a stanchion. It's like a bollard stanchion, and there are wires associated with it. You can pull the wire out and plug it into your car.

We are proposing that you would be able to handle about 30 or 40 cars with this, and we are certainly willing to adjust the plan as necessary as the technology changes.

So if more and more people are using electric cars, we are going to have the power and the panels on the floors, and we would extend it even further. But initially, we are showing electric charging stations against this wall, so this would be able to serve all of the cars in this area and here in this location, serving all of the cars in this area, and that happens on multiple floors, each floor of the parking garage.

In the south building, I have one, two, three, four here, and then there is one, two per floor on the north building, so there are six per floor. You can plug in 30, 40 cars with this, so that is part of our plan, and that is a modification.

The next one was the need for bicycle

storage. We have made some changes to the plan with regard to the first garage level, and I will go back to that floor.

You may recall that the garage floor in the elevation change from grade to the first parking level was an issue with a steep slope.

We had this floor up at elevation 13. We reduced this floor now to elevation 8. This floor and this floor is about three feet higher than the grade, so the slope is much less from the street up to the first floor.

That increases our head room in the first floor to 16 feet, so we certainly can handle a delivery truck, a box truck.

What we have done, we have come in with this, and you back in, and there is a loading zone located right here. This loading zone could be used to access the back of the elevators for residential loading, and it also can load the retail off street.

The same principle applies to the north building, to be able to drive in, 16 foot high ceiling on the ground floor. The first parking level is 16 feet high. You will be able to come in with a truck, back in here, and then you will be able to load the retail component through this

service corridor, and again, the retail component on the north building is not tenanted yet, so there is a total of 25,000 square feet there, plus the mezzanine, and depending on where the tenant break-ups would be, we have a service corridor here that will service both deliveries as well as trash.

I guess I am going through all of these at once, but we created a trash room here on the north end of the north building, and there is a trash chute associated with each floor. The trash would come down and be stored in a compactor room and be able to get right out to delivery right on the ground level.

By the same token at the same time, any retail tenant will be able to move the trash on a daily basis into this corridor from wherever, and come down and go right into the trash on that as well.

So it manages the trash right into a room that gets down to grade, so you can pick it up with a truck right outside on the street.

We did the same thing on the north building. There is a new room here called the trash room, and it is, if you recall, the trash chute is located right here. So what would happen, we would

have a gator or a maintenance person who would be able to pick up the trash and take it right into the back door from the service floor and take it right down into this lower level room, where it could be held until garbage pickup, so it is not outside, and it is very conveniently located with an overhead door at grade, so that it could be picked up and stored at that location.

There was an issue at the last meeting as to how that was all going to be operated, and so we thought about that, and we now have that solved for both buildings.

I started talking about bike storage. We now have two new rooms on the plan. There is a room here. As you come up the ramp and go on to the first level of the parking deck, you will see there is a room here underneath the ramp that goes up that stores 105 bicycles, and then here in the north building, there is also a room here that holds -- this one holds 125 bicycles. But we have also located bike racks in front of all of the parking spaces that are up against a wall location.

In the bicycle rooms, we have these vertical mounted bicycle racks that will be mounted on the wall, so you can get as many bikes in there

as the room would fit. And in front of each automobile that has a parking space in front of a wall, there is a rack that we would put in front of that on the wall, so that those particular cars would have a bike rack, one bike rack per parking space.

In total, we have 230 of these -- there is 230 of the hanging bike racks, and there is 155 parking spaces that have a bike rack in front of them associated with that parking space.

One of the other questions that had come up was a place for dogs, and we have two places included in the plan.

On the roof deck towards the back facing the train and the door, we created a dog run on that deck in the furthest corner. That dog run is 780 square feet, and it is accessed off of this recreation deck behind the office space on the, I guess that would be the third floor.

We also have a revised site plan, which I have here on the front page, where we are showing a dog run in the park block as well. So not only do you have one on the roof deck in the building for the tenants of the north building, but there is also one out in the proposed park, which is between 11th

and 12th in this triangular park.

I guess the last one was whether or not we would be able to build a green circuit trail that went behind the building. We looked into that. We don't have enough room to do it. I don't think it is a safe thing because of the narrowness and the condition, so we have elected not to do it. We don't have the room to do it, to create a bike trail, and I don't think it would be safe.

We talked about it, and we considered it, and unfortunately some of the lands that are back here were taken by imminent domain when the light rail was built, and there was some property back here that was between the light rail and the Mandelbaum property, but it has been taken by New Jersey light rail, and we don't have the space to make a trail.

We also think that, you know, as we mentioned at the last meeting, that there is a bike lane in Monroe, and that coming from the light rail it is proposed that you could come down the 10th Street view corridor and get back onto Monroe, and go north on Monroe, and then this narrow, narrow bike lane between the rail and the building, the parking garage of the building, would not be a safe

condition and a desirable place for a bike trail.

I believe that addresses the concerns that I heard at the last meeting, and I can answer any additional questions you may have.

CHAIRMAN AIBEL: Okay. Board members, questions for Mr. Marchetto?

COMMISSIONER MURPHY: So it looks like some of the loading zones that you are proposing in the parking -- or I guess they're called loading zones -- how much parking are you taking away?

So are the spots changing?

THE WITNESS: Yes. In the south building, we had 248 spaces. We now have 239 spaces, so I guess we lost nine spaces in the south building to create the loading zone.

In the north building, we had 283, and now we have 277, so we lost six spaces in the north building to create the loading zone.

So just to summarize we have now -- we used to have 531 parking spaces. Now we have 516 parking spaces.

COMMISSIONER MURPHY: Okay.

And then so for your trash and bicycle, it's really hard for me to read what is going on here. I think one of them was water.

So in the space that you put the stuff now, where did you put the stuff that was on the original plan?

THE WITNESS: We reconfigured some of the mechanical rooms right in the same area.

COMMISSIONER MURPHY: Okay. How about the other building, because that's where I was looking at.

THE WITNESS: Right here, yes.

COMMISSIONER MURPHY: So that's trash now, so I think you had water and something else in there?

THE WITNESS: Yes. We reconfigured the gas and the water, and we resized them and we made some elbow room, and we created a trash room that's directly accessible to the exterior.

COMMISSIONER MURPHY: Okay. That is it for now.

VICE CHAIR GREENE: I forget the number of new parking spaces, but how many of those continue to be tandem spots?

(Dennis Galvin, Esquire entered the hearing, and Steven M. Gleason, Esquire was excused.)

THE WITNESS: We did change it, but I

don't have the number at my fingertips. I can get it to you.

VICE CHAIR GREENE: So it's the same number -- my recollection is that one of the issues that was raised by Ms. Banyra was the prevalence of all of those tandem spots in a non valet garage. Am I correct in saying that?

THE WITNESS: Well, we complied to the ordinance with regard to the number of tandem and compact spaces that are permitted. Normally, it would go to one household.

MS. BANYRA: It was me that raised it?

VICE CHAIR GREENE: Yes.

MS. BANYRA: I don't remember raising that question.

VICE CHAIR GREENE: Okay.

THE WITNESS: You are allowed to have 40 percent compacts of which they could be tandem. We have 19 percent. We are less than half of the allowable number in the parking schedule of the ordinance.

VICE CHAIR GREENE: So then inform me, how does that work in a garage, where there isn't valet parking, and individuals control their own vehicles --

THE WITNESS: Yes.

VICE CHAIR GREENE: -- so you're the front half of the tandem, how do you get your car out when somebody is parked behind you?

THE WITNESS: Well, it is in the same household, so it would be --

VICE CHAIR GREENE: Oh, there would only be two spots to the same household?

THE WITNESS: Correct. Correct. Those spots would go to the same household, so that if you were -- if you had a partner or a husband or a wife, you would be able to coordinate who comes in first and who leaves first.

It is likely in a place like Hoboken, that those parking spaces probably would be used maybe on weekends. If you had two cars, you might have one in the front, and you know, maybe on Saturday you would take it out.

But living right on the light rail in a walkable city like Hoboken, I think the tendency for both of those cars to be going out every day, every morning and every night coming in, it is less likely than, let's say, some place in the suburbs than some place that was next to mass transit.

COMMISSIONER MURPHY: Were the tandem

spots supposed to be compact cars?

THE WITNESS: No. Compacts can be tandem. I believe that's --

COMMISSIONER MURPHY: Right. But you are not limiting it to only a compact car in a tandem space?

THE WITNESS: There is one, two, three, four, five, six tandems right at this location here. So there are six there, and then there are one, two, three, four, five, six, seven, eight, nine, ten on this building right here, and they're compacts. They are all compacts.

COMMISSIONER MURPHY: Okay.

COMMISSIONER MARSH: I have a slightly more basic question -- well, I have a couple of questions. But with the parking, where are you getting the regulations?

This is a commercial district --

THE WITNESS: Yes.

COMMISSONER MARSH: -- so where are the -- so there aren't rules about tandem parking because -- so where are you taking the tandem parking rules from?

THE WTINESS: Well --

COMMISSIONER MARSH: In the code book,

it's --

THE WITNESS: -- one parking space for every residential unit.

COMMISSIONER MARSH: In what district?

THE WITNESS: In any district.

MR. MATULE: We are following the residential standards --

COMMISSIONER MARSH: For R1, R2 and R3?

MR. MATULE: Correct.

COMMISSIONER MARSH: Where the maximum --

MR. MATULE: It is 196 I think 33 in the ordinance.

COMMISSIONER MARSH: So you are taking an ordinance and applying it to another --

MR. MATULE: Right, because there are no standards for residential parking in the industrial zone, so we are applying the residential standard as a guide.

COMMISSIONER MARSH: I just wanted to make sure that we are clear here, that there isn't an ordinance here. You are applying a standard that is meant for another zone to this zone.

MR. MATULE: Yes. I think in Mr. Marchetto's testimony that was a given because we

are not in a residential zone --

COMMISSIONER MARSH: Okay. I'm --

MR. MATULE: -- when he is talking about the parking standards for residential buildings and compacts and tandem, obviously it is for the residential standards in a residential zone.

COMMISSIONER MARSH: Right.

So in that zone -- I mean how -- in that zone, we are talking about buildings that are a maximum of -- what is the highest -- what's the maximum number of floors in those other residential zones?

THE WITNESS: In the residential zones?

COMMISSIONER MARSH: Right.

THE WITNESS: It depends on which residential zone.

COMMISSIONER MARSH: I am asking for a maximum, so --

MR. MATULE: Typically three over one.

COMMISSIONER MARSH: Typically three over one. Okay.

My other question is actually back to trash for a second.

You make any accommodations for recycling, because as I recall, the Board said

that --

THE WITNESS: Yes. There will be recycling inside of the trash room. Each floor has a trash room. You will be able to dumb your wet garbage in the trash compactor, and there will be a container for recycling.

COMMISSIONER MARSH: Like a container? I mean, we are talking about 515 people.

THE WTINESS: Whatever is the right sized container for 500. I don't have the size of the container figured out.

COMMISSIONER MARSH: But I believe that was actually one of the questions, that there must be guidelines for how much recycling 515 people produce, so we are curious how you arrived at the size of the room.

I know you made accommodations for the trash, and I didn't hear anything about recycling, which I believe was -- somebody on the Board said that that was actually a bigger problem.

THE WTINESS: Well, the trash room is huge. We have two huge trash rooms at the bottom of each compactor. If you want, you can see the size of them, and I can give you a number --

COMMISSIONER FISHER: How big are they?

COMMISSONER MURPHY: How big are they?

THE WITNESS: Excuse me?

COMMISSIONER FISHER: About how big are they?

THE WITNESS: One is 850 square feet. You can fit 76 to 10 dumpsters in there, and then the other one is 540 square feet and in the smaller building, and then --

COMMISSIONER FISHER: That's on -- that's on every floor or that's the one at the bottom --

THE WITNESS: That's the one at the bottom.

COMMISSIONER FISHER: How big are they on each floor?

THE WITNESS: Maybe five by ten feet.

COMMISSIONER FISHER: 35 by ten --

THE WITNESS: Five by ten.

VICE CHAIR GREENE: Five by ten.

COMMISSIONER FISHER: -- five by ten, that's not very big.

But I was thinking, like just with the Hudson Tea, which is 526 units, 10 stories or 12 stories, they are probably -- they are probably 8 by 15 feet, you know, 8 feet wide by 15 feet to

accommodate a similar number of people, so they're just a little small.

We have a compactor that you drop and, you know, and barrels to put things in, and it is fairly crowded when you go in there, so I would say they are a little small.

COMMISSIONER MARSH: I'm sorry. I had one other question about parking.

That was -- they are rental units, right? So deeded isn't it right word, but do the tenants have to rent them extra, or do they come with the apartment?

THE WITNESS: They are assigned.

COMMISSIONER MARSH: Okay. Automatically assigned?

THE WITNESS: They are assigned to the unit.

COMMISSIONER MURPHY: So if somebody has a unit without a car, then they still can just use the space because it goes with their apartment?

THE WTINESS: I don't know how that is going to be arranged. That is the lease --

COMMISSIONER MURPHY: So then there probably would be an extra charge for it.

THE WITNESS: The ordinance requires

that we provide the parking. It doesn't say how it's distributed, but you know, they are assigned. So if you rent Unit 6B, you are assigned to park in 6B, and that is your parking space.

CHAIRMAN AIBEL: Mr. Branciforte, do you have anything?

COMMISSIONER BRANCIFORTE: No. I was going to talk about tandem parking myself, and Carol Marsh discussed what I was going to bring up anyway. But I do have a question.

On my plans, I don't see it. How far is it from one end of -- on the north building, let's say -- if you go to one of the sheets with the actual, you know, apartments on it, with the parking.

So you have say the studio apartments on the north building, yeah, studio apartment there and then the trash is all the way down there?

THE WITNESS: Yes.

COMMISSIONER BRANCIFORTE: Just out of curiosity, what is the length of the building, 226 feet from the --

THE WITNESS: It's 226. That is 226 feet, so it is probably about 250 to the trash.

COMMISSIONER BRANCIFORTE: Okay. So I

was just curious, yeah.

I mean, Dean, honestly, Dean, if I lived in that north building in the west corner I guess, Unit 28 of 228 is it?

THE WITNESS: 2B, it's a two-bedroom.

COMMISSIONER BRANCIFORTE: And I had to walk all the way down to the trash compactor, I mean, it is just a matter of convenience to design it any way you want for your tenants, but that's kind of crazy.

THE WITNESS: Well, we located an elevator there as well, so you could use that as you went out.

COMMISSIONER BRANCIFORTE: No. I am just wondering if -- it is none of my business. Let's just continue. I'm good.

Thank you, Mr. Chair.

CHAIRMAN AIBEL: Board members, anybody else?

Quick question on your dog run on the deck.

THE WITNESS: Yes.

CHAIRMAN AIBEL: Where are the apartments? Are they right next to the dog run?

In other words, are there apartments

and windows right adjacent to the dog run?

THE WITNESS: No. There is a mechanical space in this corner, and then there's the amenity space in here.

There is a golf simulator on this location, so you come out, and it is not directly adjacent to any apartments.

CHAIRMAN AIBEL: Okay.

Anybody else?

Board members, professionals?

COMMISSIONER DE FUSCO: Mr. Chair, yeah.

Dean, when we approved the neighboring building to the south, security was a concern for that pocket park there, and as part of the resolution that there would be security cameras, and that seems to appease the Board.

Given that application, what makes you think and rule out a green circuit on security concerns?

THE WITNESS: Well, like I said, it is up against the fence of the light rail. There is a ten -- you know, you would have to create a ten-foot strip, and then you would have three-story parking garage right there, so it just didn't seem like it

would be a pleasant place to ride a bike.

COMMISSIONER DE FUSCO: I presume that you, with the list of things that you guys were looking for, considered scaling back the building, so that it would produce a larger alleyway.

THE WITNESS: Well, we didn't. You know, we looked at that, and because the property is so narrow at this point, it would become difficult if you cut that ten feet out of the property at that location, it would eliminate three rows of cars inside, so you would eliminate this on three floors -- four floors actually, so it didn't seem like it was a logical solution given what you could gain from it with that ten foot.

COMMISSIONER DE FUSCO: The community would gain a continuous path around the city on a perimeter that has yet to be developed, so I would just put that out there for you to consider.

THE WITNESS: Yes. We considered it, and this is what we --

COMMISSIONER DE FUSCO: Thank you, Dean.

CHAIRMAN AIBEL: Professionals?

MS. BANYRA: Dean, the tandem spaces are only for the compact cars, is that not correct?

THE WITNESS: Correct.

MS. BANYRA: So it is limited to the 40 percent. I think 40 percent is what is permitted.

THE WITNESS: Yes, and we have 19 --

COMMISSIONER BRANCIFORTE: Again -- I'm sorry, can I?

MS. BANYRA: Go for it.

COMMISSIONER BRANCIFORTE: Again, we are talking about tandem parking being permitted, nothing is permitted here because it is an industrial use.

So, you know, you can say, well, the City Council passed an ordinance saying that tandem parking or whatever should be at this level, but what happens if the Board says, you know what, we don't think that it is enough. 40 percent is too much. We don't agree with the City Council. It is up to us now to decide how this is going to be designed, so why can't we throw out the 40 percent?

I don't like the idea that people are saying, well, 40 percent is the ordinance. We have to remember there is no ordinance here.

THE WTINESS: Well, here is the thing. We are asking for a use variance. Once you ask for a use variance for a particular use, you apply the

standards for that use. You wouldn't apply --

MR. GALVIN: No, negatory. Sorry.

COMMISSIONER BRANCIFORTE: Please explain, Mr. Galvin.

MR. GALVIN: No, I'm just saying, I respect the job that you have to do when you have a use variance, and you are looking for standards to apply, and I agree with you that it is immensely logical to look to other residential zones in the community that we're in to look for guidance as to if this were in another zone. But we are not looking to change this from the industrial zone to the R1 zone or the R2 zone or the R3 zone.

You have to convince us that you are entitled to a use variance here, and that as part of that, you are coming up with a proposal, and your proposal says you are going to have a certain kind of parking. It's going to have tandem parking, and if we think that that's practical and wise as part of this development proposal, then we will approve it.

But I think the Board members are pushing back on your statement, and we mean no disrespect. We have a great respect for you, but that you are pushing back, kind of saying like,

well, this meets the standard.

Well, this meets the standard, if it were in another zone. But it is not in another zone, so let's just focus on why this is a good idea for this building,

How do you make your proofs?

How are you making your proofs?

THE WITNESS: Well, you know, we have enough parking for the building based on the use.

MR. GALVIN: I think you are good to stop there.

I mean, I think that problem is when you then say that we comply with the zone, it is like, no, you don't. That is what the guys are -- God bless you.

MS. CARCONE: Thank you.

MR. MATULE: With all due respect, Mr. Galvin, I think we are starting to get into a legal argument now. I think Mr. Marchetto has more than once explained why he was making that reference --

MR. GALVIN: I know. We gave him latitude.

MR. MATULE: -- and we hear what the Board is saying.

MR. GALVIN: The Board is giving him

latitude, but to continue to do it after we've said -- you know, it is not good idea.

COMMISSIONER FISHER: Can I just -- not touching on the legal argument, but when you say that it's 40 percent tandem, really 40 percent of 500 spots is 200, and if those tandem spots are generally assigned to one apartment, so one gets two spots effectively --

MR. MATULE: Well, if I might, we are not at 40 percent.

What Mr. Marchetto's testimony was, the ordinance --

COMMISSIONER FISHER: Said 40 percent --

MR. MATULE: -- talks about parking in residential zones. It says you can have up to 40 percent --

COMMISSIONER FISHER: Got it. How many --

MR. MATULE: -- we are at 19 percent.

THE WITNESS: And only half of those are tandem. It is like ten percent or less.

MR. MATULE: 19 percent is the amount of compact spaces we have versus 40 percent.

COMMISSIONER FISHER: I got it.

Okay. Sorry. Thank you.

MS. BANYRA: This is still asking for a variance for parking, so the 40 percent, 19 percent, you know, they are asking for a variance for parking.

MR. MATULE: As a matter of fact, as this plan is presented, we will still have to request an amendment to our parking variance because originally we were asking for a variance for -- and bear with me -- we needed a total of 670 spaces, and we are providing 531, and of course, our traffic expert will talk to that variance, but now we are providing 560 spaces with this iteration --

CHAIRMAN AIBEL: Let's keep moving, Board members.

Any other questions?

MR. MATULE: -- an additional 15 space variance into consideration --

VICE CHAIR GREENE: I have a question --

MR. GALVIN: What I am saying is I am disagreeing with our planner. I am not so sure that we -- I know you are calling it out as a variance, but there's no -- that is what the Board members are saying. I think they are saying it right, that

there is no standard for a residential zone, for a residential use in the I Zone. Therefore, there is no parking standard, but I understand why you are looking somewhere else, but whatever you do, do, because there's no variance. Do whatever is most effective. The overall variance is what applies, the D variance, the D-1 variance.

You guys got it?

COMMISSIONER FISHER: Yeah. I mean, the only thing I would say on parking is we all kind of think about that ratio that's established in so many places in Hoboken, so on parking in particular, I think we all think about that --

MR. GALVIN: And that is appropriate. If you were to grant this, then I think if you wanted to try to construct the most logical parking plan for Hoboken, I think looking at what the parking standards are in another zone is right, but we're not --

COMMISSIONER FISHER: It's not a variance --

MR. GALVIN: -- if they comply with them, they could say, if this was in the R1 zone, we comply with it. But if they don't comply with it, it's not a variance because it is subsumed in the

overall variance of the use variance.

THE WITNESS: I counted the actual tandems. There is 23 in the south building and 24 in the north.

COMMISSIONER MURPHY: Well, my only question also is about tandems are anything. If you are assigning them to a building, like how do you force somebody to have a compact car?

MR. GALVIN: You know, I think it must have happened some place, and people know that they're -- like if I bought two spots, and they were tandem, then I would know that I would have to go out first in the morning, if my wife was going to go out after me.

COMMISSIONER MURPHY: No, no, no. I get it.

But if this is a rental unit, and you have some compact spots being assigned to a building -- to an apartment, how do you -- how do you make somebody have a compact car?

Like, I mean the tandem thing, I get --

MR. GALVIN: You are not going to be able to put that --

COMMISSIONER MURPHY: -- I'm in that situation now, but they're not tandem cars --

COMMISSIONER FISHER: I don't think they're assigned. I just think --

COMMISSIONER MURPHY: -- I mean compact cars --

THE REPORTER: Wait a second. You can't all talk at once.

MR. GALVIN: I'm so sorry.

(Laughter)

COMMISSIONER FISHER: I don't think the parking spots are assigned is where we had gotten to.

MS. BANYRA: I think he testified to that.

COMMISSIONER FISHER: I think he then backed off of it. I think he backed off of it.

VICE CHAIR GREENE: I think he made a mistake --

COMMISSIONER FISHER: -- backed off of it after it --

THE WITNESS: Backed off of what?

COMMISSIONER FISHER: That they were very specifically out of the box assigned to a unit.

THE WITNESS: They are assigned to a unit. They are.

COMMISSIONER FISHER: Out of the box

so --

MR. MATULE: Mr. Mandelbaum could come up, who is more familiar with the operation of a size of a building like this, and perhaps address your question.

CHAIRMAN AIBEL: Do you want to continue this discussion?

COMMISSIONER MURPHY: No. We don't need to do this any more.

VICE CHAIR GREENE: I have something.

CHAIRMAN AIBEL: Elliot?

VICE CHAIR GREENE: The solution to the problem about the height and the slope of the ramp was lower the floor.

THE WITNESS: Correct.

VICE CHAIR GREENE: Does that create any other problems vis-a-vis flooding?

THE WITNESS: Well, no. You know, you have to get the waiver from the DEP, which we will have to get anyway for building in a flood zone. But as long as those residential parking spaces are not in the flood zone, you would be able to get -- you can't put any residential use. That is a strict and hard fast rule, any residential use below the BFE, but commercial uses can be dry and wet flood

proof, and flood proof parking could be dry and wet flood proof. Non residential uses can be dry or wet flood proofed.

The State recognizes that you are in a flood zone in a place like Hoboken. The whole city or a large part of the city is below, so you have to be able to get out of the flood zone, so they make you go in and drive up to a reasonable height, and then you have to flood proof it. Either you put gates or you let the water in and out.

VICE CHAIR GREENE: What are you proposing?

THE WITNESS: Flood gates.

VICE CHAIR GREENE: Okay.

COMMISSIONER BRANCIFORTE: One other question on the tandem parking.

Dean, you said there were nine tandem -- is it nine in the south building and 23 in the south --

THE WITNESS: There's 23 in the south and 24 in the north.

COMMISSIONER BRANCIFORTE: So that means 48 cars in the north will be parked tandem, and how many in the south?

THE WITNESS: 23 in the south.

COMMISSIONER BRANCIFORTE: So about 46 cars will be parked tandem in the south building --

THE WITNESS: No. 23 and 24.

COMMISSIONER BRANCIFORTE: How can you have 23 cars --

MR. MATULE: If you have 23 tandem spaces, there will be two cars in each one of those spaces.

THE WTINESS: But the one that is outboard is not considered tandem. It has free access to the island --

COMMISSIONER BRANCIFORTE: Sorry to bring this up, Mr. Matule --

THE WITNESS: -- so this parking space here is not a tandem parking space.

That parking space is tandem because it is locked in.

This parking space is a regular parking space that gets in and out every day. But the ones that are locked in behind them are the tandem spaces.

COMMISSIONER BRANCIFORTE: To me, it is the same thing.

THE WITNESS: I don't know how you say that.

COMMISSIONER BRANCIFORTE: Thank you.

MR. MATULE: It is what it is.

THE WITNESS: It is what it is.

CHAIRMAN AIBEL: Jeff?

MR. MARSDEN: Well, you answered I think part of my question on the charging stations. If it's is going to be wet flood proofed, then you won't be able to use bollards if it's going to flood. If you are going to dry flood proof it, then as long as the DEP approves it, I think you are good.

Lowering the floor, is the floor of the garage being lowered below the outside grade?

THE WITNESS: No.

MR. MARSDEN: Okay. So it's still above the outside grade?

THE WITNESS: It's about three feet higher than the outside grade.

MR. MARSDEN: Okay.

And the new ramps and stuff, I would really like to see turning templates showing what size truck you are going to use for loading.

THE WITNESS: We don't know what size truck is coming, but if you have a box truck, or you have a van, you can see here we have a backup space,

and 24-foot wide aisles. I mean, I don't have the exact radius put in there, but if you want to see the radius, we could do that.

MR. MARSDEN: I think you need -- there's a good chance that you will have 30-foot straight jobs in there for typical moving trucks, and that is a very tough turning template, so I would like to see turning templates on it.

COMMISSIONER FISHER: Maybe just -- first of all, I do think it is great because I know the loading zone is my issue, that you even attempted to accommodate it, as Mr. Matule probably knows more than anyone.

One question I had: If somebody does have a bigger truck, can you remind me, that it won't go inside, can you remind me generally where you think that truck is going to park?

Like what street it will end up parking on, and how things will get into the building?

THE WITNESS: If there was a truck coming that was a tractor trailer or a semi --

COMMISSIONER FISHER: Just bigger than a 30-foot, yeah.

THE WITNESS: -- it will probably park on Monroe Street.

In this particular north building, we put a loading area right out here, where you could actually pull in off Monroe Street, and you can see that there is a loading zone that looks like it is about a hundred feet long by ten feet wide right in here, for a truck to park in case there was a delivery for a retail user.

I don't think that we would get residential deliveries in a tractor trailer, but right now, believe it or not, the existing use there, I drive by there every day. You see tractor trailers there every day.

This use that is here, you can see the tractor trailers actually in the yard here, so I mean, we don't anticipate that that would continue. We don't think it should.

COMMISSIONER FISHER: I think you will definitely get them. You may not get them all the time, but, you know, you get those people that move across country, and they are part of a large giant -- I mean, we have them at Hudson Tea, where they come in, and they're the 50-foot long trucks or whatever, so I was just curious.

CHAIRMAN AIBEL: Okay. I am going to suggest we keep moving here.

Any other questions, Board members?

Seeing none, let me open --

COMMISSIONER BRANCIFORTE: Just one quick question.

Dean, have you designed a building like that north building in the area, like that scale in the area, that I could possibly go look at and just get an idea of the size?

THE WITNESS: Maybe Maxwell House. Maxwell House is 12 stories. This is ten, ten and nine, so --

COMMISSIONER BRANCIFORTE: Fine.

THE WITNESS: -- but you can see the building right here going up.

COMMISSIONER BRANCIFORTE: No. I'm just more curious to stand in front of the same building design and the same scale and take a look at it and get a real feel of what it is all about, but that's fine.

Thanks, Mr. Chair.

CHAIRMAN AIBEL: Thanks.

Let me open it up to the public.

Anybody have questions for Mr. Marchetto?

Please come forward.

MS. HEALEY: Leah Healey, 806 Park.

Mr. Marchetto, you mentioned the Bijou is 11 stories.

Was that a variance approval?

THE WITNESS: Yes.

MS. HEALEY: And would it surprise you that that was in 2005?

THE WITNESS: Would it surprise me?

MS. HEALEY: Yes.

THE WITNESS: I think we got it done in 2008.

MS. HEALEY: 2008.

And Metro Stop, do you know what kind of approval that was?

THE WITNESS: That was a permitted use. It was in the Northwest District, but I don't remember. It has been a long time, but it was a permitted use.

MS. HEALEY: Would it surprise you if I told you it was a redevelopment zone?

THE WTINESS: I know it is a redevelopment zone.

MS. HEALEY: So that where would that have occurred, that approval?

THE WITNESS: Where would it occur?

MS. HEALEY: How would it have occurred?

THE WITNESS: I don't understand the question.

MS. HEALEY: Would it require an agreement with the City of Hoboken in order to have that height?

THE WITNESS: There was a redevelopment plan, and we submitted a plan to comply with the redevelopment plan. I don't understand the question.

MS. HEALEY: My understanding is the law required that the agreement negotiated between the city government, not the Planning Board, but the city government and the developer in a redevelopment zone, do you know if that was done?

THE WITNESS: It probably was done.

MS. HEALEY: Are you familiar with the provision in the master plan that requires protection of the view of the Palisades?

THE WITNESS: We've extended the view corridor. I don't know specifically what it says there, but --

MS. HEALEY: Well, the master plan language talks about preserving the view of

Palisades from everything to the east of it.

Can you tell me how wide that view of the Palisades is that you created there?

THE WITNESS: Yes. This is the right-of-way of 10th Street, which is probably 50, 55 feet wide.

What we have done is separate the building in half, so from the intersection on 10th Street, you could look straight through to the Palisades.

MS. HEALEY: How wide is the corridor that you created between the two buildings?

THE WITNESS: 55 feet.

MS. HEALEY: So it takes up the entire street. It doesn't look like that on the picture, but you're saying the entire street with those two buildings?

THE WITNESS: Yes. Sure. You have to keep that opening, sure.

There is a bay window that pops into it that brings it down to 50 feet, and then it is 70 feet, so it is mostly 70 feet, but at this location it is down to 50, and that is the right-of-way.

MS. HEALEY: Okay.

You indicated that 1.7 acres and 42

percent of the land is public open space, and I wasn't here in September when you testified to that, but I was very curious when I heard the number.

What is public open space?

THE WITNESS: It is any place that the public can go to. It is this park in the back. There is a park on the next block, and there is this open right-of-way through the project.

MS. HEALEY: Through the center of the project?

THE WITNESS: Yes.

MS. HEALEY: Is that something that you are completely going to build out?

THE WITNESS: Well, certainly this we are going to build out.

I don't know how the city wants to do the park, which you don't see in Hoboken. Let me get it here.

I don't know if the developer is prepared to build this, but if the city wants to design it themselves, you know, I think that is a discussion that could be had.

Right now we are proposing this park. It shows a dog run, a sports court, a passive green area, a landscaped area, benches and paving, so that

is what we are proposing.

If the city has other designs on that property, I am sure the developer would entertain them.

MS. HEALEY: So when you say public open space, is that going to be deeded to the city?

THE WITNESS: Right now it's going to be -- it could be deeded or it could be an easement over private property that the city has a right to use for public space.

MS. HEALEY: How do you envision this determining how and when this is going to be decided whether it is the city, whether it's you, what would that process be?

THE WITNESS: I can't answer that question. Right now we are proposing this. That is beyond my pay grade knowing how that gets done.

MS. HEALEY: So as part of this application, though, you have not made the decision about whether it would be publicly deeded or not?

THE WITNESS: Like I said, I have drawn the park. It is being shown. We are proposing that park to be built by the developer.

If the developer wants to make it public open space, and there is a legal mechanism to

do that, I don't know the answer to that question.

MS. HEALEY: So the developer wants to make it public open space --

THE WITNESS: He's offering it as public open space.

MS. HEALEY: Okay. Are you aware of whether or not there is a corridor behind the Bijou property?

THE WITNESS: Yes.

MS. HEALEY: Is there a corridor behind Metro Stop?

THE WITNESS: Yes.

MS. HEALEY: So if we go back to this space issue that you have, I guess you indicated that the narrowness and the condition of that narrowness would not make it safe.

I believe you said there was a ten-foot clearance.

Could you show me where that ten-foot clearance is?

THE WITNESS: Well, I am showing the building on the property line right in here.

This is the parking --

MR. MATULE: I think his testimony was to create a bike path, he would have to create a

ten-foot corridor.

THE WITNESS: Right.

Well, there is a track here and there's a property line right in here, and the building goes up to the back property line in the north building.

In the south building, you come through here, and you have all of this behind it, and this is the Bijou park, and this is the Mandelbaum park, and then it turns and comes out to Monroe because at this point the property gets narrow. It gets very narrow.

MS. HEALEY: So the way in which you designed this building going right to the property line is the reason why you can't fit a green way.

THE WTINESS: I tried to make logical sense out of the shape of the building for this use.

MS. HEALEY: So are you going to be fencing off the area, so that nobody from the building can go back there, too?

How is that building going operate?

THE WITNESS: This is not developer's property back here. This is New Jersey Transit property in the back, so the building is right on the line.

MS. HEALEY: So the building is on the

line, and there is a fence there now on Transit property or not?

THE WITNESS: I think the building is on the line right now.

MS. HEALEY: Do you know how much property there is back there between your line and the tracks?

THE WITNESS: Well, the civil engineer is here who could describe that a little better in his testimony, but it must vary between ten and twenty feet to the tracks.

MS. HEALEY: My only other question is: Is there any other place in Hoboken where we have a dog park on top of a building?

THE WITNESS: I don't know. I don't know.

MS. HEALEY: I just had a question about how that works exactly, with dog pee and dog poop on top of a roof.

THE WITNESS: Well, it is a very large roof area on top of a garage, and it will be maintained.

It is like you have landscaped roofs, I know all over town, with pavers and grass and landscaping, and this is very doable.

MS. HEALEY: I just wondered if there was such a thing.

Thank you.

CHAIRMAN AIBEL: Anybody else in the public?

MR. EVERS: Yes.

CHAIRMAN AIBEL: Please come forward.

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

Just to make sure nothing changed since we last spoke, how many units are in this building?

THE WITNESS: Let me get that.

MR. EVERS: Take your time.

THE WITNESS: 515 units in the two buildings. One of them has 217 and one has 298.

MR. EVERS: Super.

How are you guys going to meet the affordable housing requirement?

THE WITNESS: There is an affordable housing component.

MR. MATULE: They're going to provide ten percent of affordable housing as per the ordinance.

MR. EVERS: Good.

Now, in figuring out the endless

struggle of how many units we can put in a spot, I would notice that in your discussions earlier, you kept referring to zoning codes being permitted.

Is it safe to say what you were really doing was trying to make what you were doing with this building compatible with the existing zoning code, you know, as if the building there were -- if that kind of building didn't require a use variance, you were trying to make it in effect to conform with the existing pattern of zoning in Hoboken as much as possible?

THE WITNESS: What I said at the last meeting and in a way to answer your question is that this has been considered twice before for a redevelopment plan called the Western Edge.

The city went through a blight study and determined this was no longer a site that was suitable for industrial use, and they produced two versions of a Western Edge Development Plan that recommended mixed use and residential use.

For lack of any other guidance here, we used that as a starting point, so my project proposed is about 3.0 floor area ratio for residential use, which is consistent with other redevelopment plans being converted from industrial

to residential use, and for lack of any other guidance, it seemed like that would be a good place to start.

So this is a 3.0, and if you look at what the Western Edge was proposing in terms of height and density, if you look at the Northwest District on the edge, it is very similar. If you look at the waterfront, and you look at the southwest, these are districts that are approximately redevelopment plans at around 3.0 FAR, and so we used that as a guide. Even though that plan has not been adopted, that is the best blight that we have.

MR. EVERS: Thank you.

In terms of guidance, one of the questions that always arises with any large development is the relative density of the property.

Pretending that this were a zone for residential use, how many units would be permitted on the existing calculation?

THE WITNESS: Well, it depends --

MR. GALVIN: Which zone?

THE WITNESS: There are all different zones. We think that this zone would be compliant --

MR. EVERS: Which zone were you basing that on to answer --

THE WITNESS: The Western Edge proposal or the --

MR. GALVIN: Wait, wait, wait, whoa, whoa, whoa. That is a redevelopment. How about like the R1, R2, R3 zone?

THE WITNESS: Well, let me tell you what the zoning densities are --

MR. GALVIN: Because we increased density when we are doing redevelopment because the community is benefiting from the redevelopment project. Here this is just a mere use variance request, not a redevelopment project.

THE WITNESS: Once you recognize that the zoning in the middle of town and the zoning around the edge are two different things, because of availability of lack of open space, and the zoning ordinance deals with that --

MR. EVERS: Could you answer that both ways, to keep me and the esteemed counselor happy?

THE WITNESS: I am going to.

I have here the densities for the different districts. The R2 and the R3 zone are 60 units per acre.

The Northwest Redevelopment zone is 120 units per acre.

The I-1(W) PUD is 139 units per acre, and the south waterfront is 216 dwelling units per acre. So that gives you a sense of what the middle of town is versus what the edge of town is, and so --

MR. EVERS: So using that 120 units per acre, how many -- pretending, of course, that that were there, what could you actually build?

THE WITNESS: This is planned at 128 --

MR. EVERS: And ten percent of those are affordable housing?

THE WITNESS: Yes.

MR. EVERS: And would you consider that a community benefit to have affordable housing?

THE WTINESS: I think it would be beneficial for sure.

MR. EVERS: Thank you.

I have no further questions.

COMMISSIONER FISHER: It's not a benefit. It's required.

CHAIRMAN AIBEL: Please come forward.

MR. GALVIN: You know, one thing is --

MS. HEALEY: It's just on testimony

just made. I didn't --

MR. GALVIN: -- listen, let's just say this to everybody.

We can ask questions of this witness as to what was said, but when we get to the end, and we get public comment, then if you don't agree with something that was said, that is the more appropriate time to tell us what your opinion is.

MS. HEALEY: One question.

MR. GALVIN: Sure.

MR. HEALEY: You testified about FAR from the proposed Western Edge.

THE WITNESS: Yes.

MS. HEALEY: What were the heights proposed in those plans?

THE WITNESS: Eight stories.

CHAIRMAN AIBEL: Okay. Seeing no further questions from the public, can I have a motion to close the public portion?

COMMISSIONER FISHER: Motion to close.

COMMISSIONER MURPHY: Second.

CHAIRMAN AIBEL: All in favor?

(All Board members answered in the affirmative.)

CHAIRMAN AIBEL: Mr. Greene?

VICE CHAIR GREENE: Mr. Marchetto, you just testified that the FAR was 3-0, but I believe your original testimony was that it was 3-3.

THE WITNESS: Well, I will check it and give you --

VICE CHAIR GREENE: I am pretty sure it is in the transcript more than once.

THE WITNESS: I will do the calculation during the next witness.

CHAIRMAN AIBEL: Okay.

COMMISSIONER MARSH: I'm sorry.

The numbers that you quoted for the Shipyard and the -- are those the allowable densities or are those the as-built densities?

THE WITNESS: Well, that is what it is allowed.

COMMISSIONER MARSH: That's what's allowed?

THE WITNESS: Right.

COMMISSIONER MARSH: They are all under-built, according to that standard.

Do you know what is actually built is what I'm asking?

THE WITNESS: I don't know exactly what's built there, no.

I just looked at the zoning ordinance and tried to determine what the density per acre is for comparison purpose.

COMMISSIONER MARSH: Right. But you are comparing it to what is allowable, not what is built?

THE WITNESS: Correct. I don't know what exactly is built.

COMMISSIONER MARSH: Okay.

CHAIRMAN AIBEL: Okay.

Thank you, Mr. Matule.

Let's move it along.

(Witness excused)

MR. MATULE: Sure.

Mr. Dipple.

I am just going to present Mr. Dipple from L2A. He's our site engineer really just to give some brief testimony to respond to Mr. Marsden's letter report. I don't think it is appropriate to get through all of the site engineering at this point.

MR. GALVIN: You know, that is one of the things that I kind of had a sidebar with our professionals, and they are concerned about the number of changes and being able to pick up. Let's

see how things go tonight.

MR. MATULE: Sure.

MR. GALVIN: And one of the things we could do is, we may be, and I think the Board should consider the possibility of bifurcating the site plan, if we get to that point, so that we can finish all of the details that are out.

Am I correct, Jeff?

You have some concerns?

MR. MARSDEN: Yes. I see significant grading changes, ramp changes, and I really would like to be able to see those in detail. I have not seen the plans.

MR. GALVIN: I mean, if you want to take a crack, go ahead, and let's see --

MR. MATULE: Yes. I understand what you are saying, and I appreciate Mr. Marsden's comments because I am just seeing this for the first time, and you are just seeing it for the first time,

MR. GALVIN: Right.

MR. MATULE: Obviously there are conditions there. But this was really more to try to address the questions that were raised at the last hearing.

So anyway, I am going to briefly have

Mr. Dipple --

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

MR. DIPPLE: I do.

M I C H A E L E. D I P P L E, PE, L2A, having been duly sworn, testified as follows:

MR. GALVIN: State your fall name for the record and spell your last name.

THE WTINESS: Michael Dipple, D-i-p-p-l-e.

MR. GALVIN: And you are a licensed engineer, and you've prepared the plans?

THE WITNESS: Yes.

MR. GALVIN: Can you give us three Boards that you've appeared before in the not to distant past?

THE WTINESS: Recently Englewood, Lakewood, and Ridgewood.

CHAIRMAN AIBEL: You like the woods, do you?

(Laughter)

THE WTINESS: Yes. It certainly has a way of doing that.

Really probably 150 to 200 towns.

MR. GALVIN: I believe you. Your name sounds familiar to me also.

THE WITNESS: Thank you.

MR. GALVIN: Mr. Chairman, do we accept Mr. Dipple's credentials?

CHAIRMAN AIBEL: We do, yes.

MR. MATULE: Mr. Dipple, you are obviously familiar with the site because you have done the engineer site work, correct?

THE WITNESS: I have.

MR. MATULE: And you have previously submitted a complete stormwater management report to Mr. Marsden?

THE WITNESS: Yes, I have.

MR. MATULE: Did you receive a copy of Mr. Marsden's initial review letter of July 11th, 2014 --

THE WITNESS: I did.

MR. MATULE: -- where he addressed at great length the plans, the engineering plans?

THE WITNESS: Yes.

MR. MATULE: And you prepared a response, dated September 19th, 2014?

THE WITNESS: That is correct.

MR. MATULE: And to the extent you are

able to respond at this point in the design, is it your opinion that you addressed the questions raised by Mr. Marsden to the extent that you can address them now?

THE WITNESS: Yes.

There were a significant number of comments touching on all sheets. It was very thorough, very comprehensive. We, I believe, put together a very thorough response.

There are a few things that Mr. Marsden asked for further analysis. A lot of it deals with some existing storm sewers and some other things.

With existing conditions and the utility capacity and things like that, that we have said and stated in our letter that we will provide testimony to that, and this is an application for preliminary site plan approval that we would come back and finish up all of those analyses that he has requested, and there are a number of items with regard to maintenance and protection of traffic, green roof design, the final design for the ice skating rink, structural retaining wall calculations.

We have a few small walls on the plan, fire department connections and things of that

nature, things that we received the comments on. He wanted to hear testimony. We do need to provide a little bit more design and final when all of these plans come together, and that is where we stand.

MR. MATULE: So would it be fair to say, assuming we get to the next stage with this application between the granting of preliminary site plan approval and coming back for final site plan approval, you would then, you know, further engineer the design, so that you could specifically address any of those open items?

THE WITNESS: Yes, absolutely. A lot of it works with the architecture, so as the architecture gets finalized and things get finalized, so will the engineering.

MR. MATULE: Fine.

Thank you.

CHAIRMAN AIBEL: Board members, questions?

CHAIRMAN AIBEL: Mr. Marsden?

MR. MARSDEN: Mr. Dipple, two of my big concerns are the existing pipes that we are tying into, and we have no information on those. I think they could turn into fatal flaws potentially and find out you can't add water to them because they

are overcharged already.

How do you propose handling that?

I am concerned about preliminary approval, and then hitting final and finding that you need to redesign because of something like that.

Is there any possibility that you will be able to come up with capacity, drainage areas, and you know, find out where those pipes are coming from and what loading they have?

THE WTINESS: Yes. I think we can do the analysis.

The piles that Mr. Marsden is referring to, there are a number of truck lines that come through the site. They are existing truck lines. They are quite large. They carry flow from this site, and they carry flow from off site back by the transit right-of-way, the cliff in the back.

I think it is important to note that this site reduces the amount of impervious surface. The existing site is completely impervious. It's covered by building, covered by asphalt in its entirety. I mean, it is around a hundred percent impervious.

This site proposes not only the park to the north, but a significant amount of green space

scattered throughout, so just by the nature of the site we see a reduction in stormwater runoff, just by putting all of this green space on there.

We also provided the design for -- and in my report it describes an underground detention system, and that is required by the North Hudson Sewerage Authority that you have to reduce the amount of flow coming from your site from the ten-year down to the two-year, I believe if my memory serves me right. I am sure you hear this all of the time.

So not only do we reduce the flow, but we also provide this very large, very expensive underground detention system.

So while I don't say that the analysis isn't necessary, I just point to the fact that whatever is there now is going to be better when this site is built. If there is further analysis that Mr. Marsden requests, the applicant is prepared to do so.

Usually we are going to get into large drainage things and chase the tail for a long time trying to figure out what flows to it. It is a very comprehensive study, and I think that is where he is going with that question, could that be done.

I think it could be done within a reasonable degree of accuracy.

But, again, I lean back to what is at hand, and that is an improvement just by the very nature of the site.

MR. MARSDEN: I agree with you.

I think that -- I guess one of my questions is: Did you try to collect that information from North Hudson, because that is their facility.

And the other question is: I am concerned that as a city engineer, a few years back I was the city engineer for a couple of years, and I have seen sewer lines break that were under surcharge because they are not cleaned. They have got debris in them, and you know sediment and stuff in them, and when you break it open, all of a sudden, you have a little giser coming up, so those are some of the concerns and why I am asking those questions, because you don't want to start a construction site and find out, you know, this whole thing is a problem.

THE WITNESS: You are absolutely right.

The short answer is yes. The analysis can be provided by the applicant. I felt it was

necessary to add that, you know, the piece of the design.

Did we ask North Hudson?

No.

It is very typical also, as you know, when you come on to a site to do construction, the first thing you do is clean a lot of the storm sewers. That is a typical request. It's written into a lot of municipal ordinances as one of the first things that you do.

So if there is concern about blockage and things like that, which there could be a lot of sediment from flooding and other things, that would be something that the applicant would undertake, and I think it would behoove the applicant also to bring residential to the site and make sure everything works, so yes.

CHAIRMAN AIBEL: Ms. Banyra?

MS. BANYRA: Can I just ask one question?

So, Jeff, I am not a hundred percent understanding. They've met a minimum threshold, do you feel, in terms of what the conversation was here as to what is represented?

MR. MARSDEN: I guess I am still a

little uncomfortable with providing -- saying yes, we get a preliminary approval, if the information hasn't been at least investigated through North Hudson to find out what the flows -- where the stuff -- if it is coming from up the cliff, God only knows what kind of surcharge it could be.

So, you know, if you could just try to get some of that information. I am not saying do the whole study, but try to collect some of that information, so that we feel a little bit more comfortable.

MS. BANYRA: I guess my comment is that in the preliminary, and, Mr. Dipple, maybe you could comment on this, at preliminary while it's called preliminary, we do almost all site design for almost every application at the time of the preliminary. So if there is a threshold issue, you know, I think we should know about it at preliminary, and we don't approve something and then hope to get to final and find out something different.

So I guess the question is if you feel that you are at a threshold, you have met the threshold to make it past preliminary. We still need details at preliminary. I guess that is what the conversation was about, and I am not a hundred

percent clear if it has been resolved.

THE WITNESS: I believe I am. We prepared this report. It is done exactly as it is done for preliminary or final. In fact, I accidentally had "final" on the plans before I realized we were only filing for just preliminary.

So, yes, I think it is. It is not uncommon for, you know, the municipal engineer to request additional analyses, and I see that all of the time, so -- but, no, I think the report is complete. It is comprehensive. It does propose all of the details of this detention system that we are proposing, so --

MR. MARSDEN: I agree with that. The report circulates around just the facility itself. It doesn't address the existing infrastructure that is there, which you are discharging into.

I think the report you did was very good, and it handles the design and so forth, and North Hudson is going to review it anyhow, so I don't have a problem with the report.

I am concerned about the existing infrastructure and the amount of flows to it and the condition of it.

THE WTINESS: Understood.

MR. MARSDEN: Just to make it clear for the Board.

Thank you.

CHAIRMAN AIBEL: Okay.

Board members, we are all okay?

Let me open it up to the public. Anybody wish to ask a question?

MS. HEALEY: Leah Healey, 806 Park.

Are you familiar with the city's flood resiliency plan?

THE WITNESS: I am familiar not only with that, not the specifics of it, but the DEP, you know, flood hazard area process. I have gone through it many times.

MS. HEALEY: This is actually a plan that just received $230 million of funding, so you know what plan I am talking about.

THE WITNESS: Okay.

MS. HEALEY: Do you know what the plan says about the rear of this property?

THE WITNESS: No, I do not.

MS. HEALEY: It actually says that there needs to be some greening to add to the Transit property for flood mitigation purposes, but that is not part of this plan, is it?

THE WITNESS: No. Well, we are providing green space here. I don't know specifically where the greening is supposed to take place. We are providing green space on the north side, but no.

MS. HEALEY: Thanks.

CHAIRMAN AIBEL: Thanks.

Seeing no other member of the public, can I have a motion to close public portion?

COMMISSONER FISHER: Motion to close.

CHAIRMAN AIBEL: Second?

COMMISSIONER GRANA: Second.

CHAIRMAN AIBEL: All in favor?

(All Board members answered in the affirmative.)

MR. MATULE: Thank you, Mr. Dipple.

While Mr. Dipple was testifying, as he said he would do, Mr. Marchetto has revisited his calculations, and he would just like to correct the record.

MR. MARCHETTO: It is 3,000 --

MR. MATULE: It's what?

MR. MARCHETTO: It is 3.3.

CHAIRMAN AIBEL: Mr. Greene is an accountant.

(Laughter)

MR. MATULE: The FAR is 3.3.

MR. MARCHETTO: Yes.

MR. MATULE: Okay.

Mr. Polyniak?

MR. GALVIN: Raise your right hand.

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

MR. POLYNIAK: I do.

D O U G L A S P O L Y N I A K, PE, having been duly sworn, testified as follows:

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

THE WITNESS: Douglas Polyniak, P, as in Peter, o-l-y-n-i-a-k.

MR. MATULE: Mr. Polyniak, you are an employee with Dolan & Dean?

THE WITNESS: Dolan & Dean Consulting Engineers. We are a consulting firm.

MR. GALVIN: I am familiar with that firm.

Could you just give us three Boards that you appeared before recently?

THE WITNESS: Sure.

Lakewood with Mr. Dipple. I have been before Bridgewater. Let's see, Rivervale, Oradell.

MR. GALVIN: Wait, wait. That is more than three. I know you are not an accountant, but --

(Laughter)

-- Mr. Chairman, do you accept --

CHAIRMAN AIBEL: We do.

MR. GALVIN: All right.

MR. MATULE: Thank you.

Mr. Polyniak, you are familiar with this site and the proposed project, correct?

THE WITNESS: Correct.

MR. MATULE: Your firm prepared a traffic impact and assessment for the proposed development, dated February 6th, 2014?

THE WTINESS: We did.

MR. MATULE: You also heard testimony this evening about the proposed revisions to the plan, which would reduce the number of parking spaces by 15 parking spaces?

THE WITNESS: Yes.

MR. MATULE: Taking that into account, could you go through your report for the Board and discuss the traffic generated by the proposed

project and give us your professional opinion regarding the impact of same?

THE WITNESS: Sure.

What we did is we performed your standard traffic impact assessment for a development of this type, which is we went out and did the traffic peak hour counts in the morning and evening peak periods when traffic would be highest through the area.

We counted the Monroe Street intersections with 9th Street, 11th Street, 12th, and the ShopRite access points as they are directly across from the site.

We found that the morning peak hour occurs from 8 to 9 a.m. and evening peak hour occurred from 4:15 to 5:15 p.m.

We then estimated the traffic associated with the proposed development using ITE data. The Institute of Transportation Engineers has a manual, a trip generation manual, for similar land uses. We used their land use for high-rise apartment for the residential units, general office for the office space, and shopping center for the retail portion of the site.

Based on those estimates, we anticipate

the site would do about a hundred vehicles in and out in the morning peak hour and about 180 vehicles during the evening peak hour.

We took our existing traffic volumes, and we developed a future condition.

First, we established a future no-build condition, which is the region -- we chose 2017 as a build year. There's a four-year build-out in a no-built condition.

To establish that, we took the NJ DOT growth factor of one percent for background traffic. We applied that for the exiting volumes for four years, and then we added traffic associated with some development in the area. The Bijou project that's currently under construction, as well as the Applied project that is being contemplated, but I don't think it is being advanced for approval.

After we established our no-build volumes and took the trip generation, as I mentioned, we routed it through the roadway network. Because of the one-way configurations in the region, traffic volumes entering the site, you need to come from the east as 11th Street and 12th Street are westbound one-way roadways only, and Monroe Street is a southbound one-way street only.

So we took our volumes throughout the site, and we performed a level of service analysis for the no-build and build condition to do a direct comparison with or without subject development.

What we found was that they are both peak hours. Based on these analyses, movements at the site driveways will operate at Level of Service B. For movements at the adjacent intersection, it will operate at a Level Service of C or better, so there is capacity of the site to handle the traffic that is anticipated to be generated by the subject property.

It is also important to note that we have taken credit for the existing use that previously operated on site. It is an industrial manufacturing type of use, generated a substantial amount of historical traffic, mostly heavy vehicles, trucking traffic, so this is a less impactful development when you look at the site with respect to the heavy vehicle truck traffic.

We then reviewed parking. It seems to be an issue of discussion. There is 516 parking spaces proposed for the subject development.

We looked at it conservatively. We assumed that the requirement, the ordinance

requirement for the retail and the office would peak at the same exact time. It was a 99-space requirement for the retail and 64 spaces for the office, leaving a total of 353 spaces for the 515 residential units. That comes out to a parking ratio of .69 parking spaces per unit.

It is important to note that that doesn't include a shared parking analysis. That doesn't take into account the fact that when the residents need the parking spaces in the evening, the retail and office will be closed and not operating. And vice versa during the day, when the office needs parking spaces, the residents are out at their own office managing their parking spaces.

Additionally, the Hoboken special standards, special area standards for Hoboken, generally require one space per unit for -- for the R District -- I'm sorry -- for the I District. However, for the waterfront redevelopment area, it requires a parking ratio between .5 spaces and one space, and that was established because of the availability of mass transit in the area with the waterway and the Path.

This site would have similar availability to mass transit with the light rail

located immediately, you know, to the south of the site, so I think it is safe that you could apply the waterfront parking standard of one space per unit to this development, where for residential you have .69 spaces per unit.

Additionally, our office has done some surveys, checked out some leasing agreements, and done some accounts at Metro Stop, as well as the Sky Club. We found that based on those studies, residents approximately -- we found a ratio of about a third of a car per unit with respect to parking as well as trip generation, so we are proposing approximately half of the amount of the parking spaces that those newer developments are requiring for their residential units.

So based on those calculations, I feel there is sufficient parking for the development.

MR. MATULE: Thank you.

CHAIRMAN AIBEL: Okay.

MR. MATULE: Yes. I have no further questions.

CHAIRMAN AIBEL: Great.

Board members, let me open it up.

COMMISSIONER FISHER: I have a couple.

Can you say what you said the build

assumptions were again?

I got -- in terms of what were included in the build?

THE WITNESS: To establish our future case?

COMMISSIONER FISHER: Yeah.

THE WITNESS: Our existing peak hour volumes, and then four years of growth at 1 percent, so we took 1 percent, and we applied it for four years, and then added traffic associated with the Bijou property directly to the south, and then there was an Applied project of IronState that is being contemplated further to the south, but I don't know if the application was made yet at this time. I know it hasn't gained approval.

COMMISSIONER FISHER: How big is that one, and how did you incorporate those, if it is to the south, I'm more curious?

THE WITNESS: I believe it is 200 residential units, and we have run the trip generation and we've run it through the neighborhood past our site.

COMMISSIONER FISHER: The couple questions that I have, and one is: When you are determining level of service, how -- I am not

familiar with it very specifically how that is calculated. But when I think of Monroe, that part of Monroe, there is no stop signs on the southbound traffic. It is effectively a ring road, right?

Like once you turn right in front of ShopRite to go down 12th, and then you turn left on Monroe, it is like a clear shot all the way down to the southern part of Hoboken with one or two stop signs --

THE WITNESS: Right, the 9th Street --

COMMISSIONER FISHER: -- because I take it all the time.

So how would the calculation of level of service be for a road with no stop signs versus if there were some stop signs, and where I am going with this is pedestrian safety.

So when you look at this, and you think of those cars going really fast, and the volumes are pretty big for an hour, probably bigger than we seen in almost every application. I have not seen that number in a really long time, so when you see that volume, like the 500 plus, and you only see a B or a C, I am not sure how those two relate, but what I do know is those cars go fast, and I don't know how the people are going to cross the street and all of the

strollers and the nannies and kids and all of that.

THE WITNESS: Well, levels of service are calculated based on delay per vehicle, so it is time based, and there are many factors that go into it, the type of vehicle, the grade of the roadway,

Where the delay occurs is where there is stop controls, so you are not going to have a level of service calculated for Monroe Street vehicles because they have the right-of-way, and there's no stopping, so there's no delay. They are just consistently flowing, as you said, southbound.

Where there are stop signs on 12th, 11th, say ShopRite traffic at 9th Street, that is where you calculate a level of service, because those vehicles are required to stop and incur delay based on the volume of traffic on the street, so that's how the level of service is calculated for those type of intersections.

With respect to --

COMMISSIONER FISHER: If I can just interject, so with -- that is conceptually what I thought.

So, again, looking at those volumes, and I think it is a lot of cars going through at high speed. The level of service you are saying is

capacity, but really there is going to be 526 families, whether they are individuals or families with children, whatever the number of units, and all of the people trying to get to the retail trying to cross Monroe Street in the throes of that traffic with no traffic control devices.

THE WITNESS: Oh, there are crosswalks provided to the north and south. Certainly this project is providing a crosswalk at 12th, and I think also at the 11th Street crossing.

COMMISSIONER FISHER: Okay. People hate it when I use this: I live in the Hudson Tea. We have a huge issue on 15th Street where we don't -- all we have is crosswalks. We begged to get those little signs in the crosswalks, and we have more incidents. It is a disaster, and it is on record a disaster, not me just saying that. It is on record, and the city is looking at it.

So I just struggle, and I am concerned about safety issues having that be a thoroughfare, no real traffic control, and yet the traffic -- you know, and there is nothing wrong with your report. Your report based on it being southbound is suggesting it is a "C" when the reality is it should have traffic control. You have all of this volume.

Your 1 percent growth rate is not reflective of Hoboken. We've had this conversation in other applications. I mean, the growth in that area of Hoboken, a 1 percent means we are going to have five more units a year, and this is 500 -- I mean, I don't think this 1 percent is realistic, so when you combine all of that, I am concerned about the traffic and safety.

THE WITNESS: To address the growth factor, we actually have done a lot of work in Hoboken and in the county. We worked on the Bijou property ourselves --

COMMISSIONER FISHER: I know.

THE WITNESS: -- and we did those counts back in 2010, and our most recent counts for this project were done, you know, mid 2013, and through that process we didn't see a lot of growth along Monroe Street, so we actually felt that the 1 percent for four years was actually conservative because we weren't finding more percent in growth rate over the course of those three years, so --

COMMISSIONER FISHER: And to be fair, that may be right, because I am speculating just generally because those are all just north of it, forgetting Applied to the south, but the spaces --

I'm sorry. I am not asking questions, right? That is what you are saying?

MR. GALVIN: Well, I am not really saying anything, but what I will say, and I will give you advice on is: I think we should ask questions of witnesses that get us the answers that we want. I don't think we have to reveal everything that we are thinking at this point, and we can save what we think until the end, you know.

Sometimes you want to expose what you are thinking because you want to help them modify their case. Like if you are looking for that crosswalk, I thought that was really good information to give them. But at some point just to keep having a dialog back and forth is probably not the best.

COMMISSIONER FISHER: I'm sorry.

MR. GALVIN: That's all right.

THE WITNESS: With respect to the pedestrian crossing, it is not much different than any other unsignalized intersection throughout the city. I mean --

COMMISSIONER FISHER: It is a density issue. It's a high -- it's just a volume of people, right?

A lot of intersections in Hoboken are, you know, the three over one, and you just have less people around it.

This is vertical density in a small area, which brings different issues, and one of them is safety on the street.

THE WTINESS: I can't say that Monroe Street in this area is much more highly traveled than the other north-south thoroughfares. ShopRite generates lot of traffic. You see a lot of in and out coming through those driveways, so that introduces some of the -- actually the majority of traffic along Monroe Street at this time.

COMMISSIONER FISHER: Okay.

CHAIRMAN AIBEL: Okay. Let's keep going.

Mr. Grana?

COMMISSIONER GRANA: Thank you.

Currently, I don't know if you have the answer. There is stop control at 11th and stop control at 12th?

THE WITNESS: Correct.

COMMISSIONER GRANA: Okay. This property opens up a new pedestrian corridor on 10th Street, at the end of 10th Street, 10th and Monroe?

THE WITNESS: Between the build --

COMMISSIONER GRANA: I'm sorry. So let me get my streets right.

The view corridor is on 10th, is that correct?

THE WITNESS: Yes.

COMMISSIONER GRANA: So we are opening a new pedestrian access point there, correct?

We will have a number of pedestrians flowing through that opening now between the two buildings, is that fair to say?

THE WITNESS: Between two buildings, sure.

COMMISSIONER GRANA: Do you think that it is possible that the pedestrians are going to now flow across the street into the ShopRite to use either that side or just continue up 10th Street?

THE WITNESS: Sure. I imagine some residents will walk to ShopRite.

COMMISSIONER GRANA: Okay. Is there any stop control at that intersection?

THE WITNESS: The ShopRite driveway is under stop control.

COMMISSIONER GRANA: But there isn't a stop control at Monroe?

THE WITNESS: No.

COMMISSIONER GRANA: Thank you.

CHAIRMAN AIBEL: Mr. Greene?

VICE CHAIR GREENE: On your Table 1, where you show 130 vehicles exiting during the peak in the morning --

THE WITNESS: Yes.

VICE CHAIR GREENE: -- where are those 130 vehicles going?

Are they going south?

Are they going west?

In other words, are they exiting town by way of Observer or exiting by way of 495?

Are they are going into the Lincoln Tunnel?

THE WITNESS: It's all of those. I mean, it's a variety.

I mean, because Monroe is a southbound roadway, in order to do this, they have to head south on Monroe until they get to 9th Street where they head to the east or they can continue back south --

VICE CHAIR GREENE: Now, from 9th Street, how would they get to, let's say, the Lincoln Tunnel approach or the 495 approach?

THE WTINESS: They have to cut east through town and head up north.

VICE CHAIR GREENE: Would it be fair to say that they probably are going to make a left on Willow -- can they make a left on Willow up by 9th?

They have to actually go north and then to -- have you studied any intersections -- let's call them exits -- have you ever studied any of the exit intersections, where these vehicles will flow into the outbound traffic thoroughfares, face whatever that be, Willow, Park or what is the other one --

THE WITNESS: No. The limit of our report was Monroe, 9th, 11th and 12th.

VICE CHAIR GREENE: So this really doesn't address the impact on what is by any measure already an overcrowded exodus during the rush hour --

THE WITNESS: Hum --

VICE CHAIR GREENE: -- r does it, and if it does, how?

THE WITNESS: -- I mean, we certainly didn't analyze it. But if you review some of our site generation traffic distributions, we do have a majority of the site traffic heading south towards

Observer, so you have people heading towards the Turnpike. You have people heading towards the tunnel, but like I said, we didn't go beyond the area.

The traffic is going to dissipate as it leaves the site, so while the greatest impact is 9th, because you have all of this traffic as you head south, and you head east, there will be much less traffic at those intersections where you will get a less impact than it was directly at 9th.

CHAIRMAN AIBEL: Thank you.

Mr. Branciforte?

COMMISSIONER BRANCIFORTE: I am a little concerned about the actual study how you collected your data.

You said that you collected it at the morning peak from 8 a.m. to 9 a.m.

THE WITNESS: 7 a.m. to 9 a.m. I imagine.

COMMISSIONER BRANCIFORTE: I am looking at figure 5. It's 8 a.m. to 9 a.m.

THE WITNESS: That is the peak hour. What we do is we study 7 to 9, do a count, and from those counts we calculate what the highest hour of traffic is during the morning, and it happened to be

8 to 9 for this corridor.

COMMISSIONER BRANCIFORTE: But people are leaving earlier than say 7 to 8?

THE WITNESS: Yes.

COMMISSIONER BRANCIFORTE: Perhaps even -- I wouldn't say too many people are leaving after 9, but still people --

THE WITNESS: Yeah.

Well, what we do is we study the peak hour because that is when the capacity is the most constraining. That's when it's the highest amount of volume on the site, and that is when the site itself is going to be generating the highest amount of traffic.

So you take the highest ambient street traffic and you take the highest site traffic, you put them together, and the program that we run is the level of service is based on the highest hour.

So if you looked at 7 to 8 based on the counts, the traffic on the street is the lowest, where the site may be doing an amount of similar traffic during the 7 to 8 hour as it does during the 8 to 9 hour, the background traffic on the street is lower, so it is not as constraining. It's just more capacity at that time --

COMMISSIONER BRANCIFORTE: But in your exit on figure one, I didn't see what -- so figure one is based on 8 to 9?

THE WITNESS: Figure 2.

COMMISSIONER BRANCIFORTE: Figure one.

MR. MATULE: Which?

COMMISSIONER BRANCIFORTE: Table 1.

THE WITNESS: Table 1 is our trip generation table, and that is the anticipated traffic generated to and from the proposed development from 8 to 9.

COMMISSIONER BRANCIFORTE: In the morning, and then 4:15 to 5:15 in the afternoon?

THE WITNESS: Correct.

COMMISSIONER BRANCIFORTE: Okay.

You went out and collected the data yourself?

I mean, who goes out and collects this data?

Who sits there with a counter?

THE WITNESS: Employees from our firm.

The traffic in Table 1 was calculated based on data collected by the Institute of Transportation Engineers, so they collected that across the nation, and we apply that data to

estimate or project how much the site would do.

The roadway volumes were collected by our company.

COMMISSIONER BRANCIFORTE: Have you ever, just out of curiosity sake, have you ever gone to one of these buildings -- have you ever been hired to go to one of these buildings after it is built and in full operation and went out and done an exit and entrance study to see how close this is to reality?

THE WITNESS: Yes.

As I said before, our firm went out and did studies on parking and traffic at Metro Stop, and we found that the surveys -- actually two, we found that somewhere along the lines of about 65 percent -- I want to get it right -- 65 percent using mass transit, 30 percent were using their own vehicles, and I think it was five, or however the number works out, walked.

So yes, in that instance, we found that based on the units it was only .3 people using a vehicle.

So it is safe to say that with the apartments generating 144 trips, it is in line with the 515 units of somewhere around 30 percent, so it

is in that vicinity. There has been double checks, yeah, to make a long story short.

COMMISSIONER BRANCIFORTE: I think that was it.

So in the afternoon, it is the same deal from 4:15 to 5:15 generated the most traffic on Monroe?

THE WITNESS: Correct.

COMMISSIONER BRANCIFORTE: Okay. I am good.

COMMISSIONER FISHER: I have one more question.

COMMISSIONER MARSH: I have some, too.

COMMISSIONER FISHER: I'm sorry.

COMMISSIONER MARSH: The study you just quoted, where was that?

COMMISSIONER FISHER: Metro Stop.

COMMISSIONERA MARSH: That was Metro Stop?

THE WITNESS: We've done some studies at Metro Stop.

COMMISSIONER MARSH: No. The one you just quoted, was that Metro Stop? You said the 30 percent?

THE WITNESS: Yes.

COMMISSIONER MARSH: Okay. So I have a couple questions.

Where -- the mass transit that people are going to take, did you look at that at all?

I mean, that is near a light rail stop, and that light rail goes to the Hoboken terminal, right, and then north it goes fairly close to the station that's in Weehawken?

THE WITNESS: I believe so.

COMMISSIONER MARSH: Right.

I am just honestly curious.

I mean, are those -- do -- you read a lot of stories about the Path being crowded and the ferry being crowded.

Did you do any studies there at all, what the capacity was at those places?

THE WITNESS: Regarding the Path or the ferries?

No, no. Just the fact that the site is located near the light rail station or light rail stop, we anticipated it would have similar characteristics to Metro Stop with respect to people using mass transit and walking and their own vehicles --

COMMISSIONER MARSH: Right. But you

didn't do any studies about the effect on the mass transit system?

THE WITNESS: No.

COMMISSIONER MARSH: No.

Buses?

THE WITNESS: No.

COMMISSIONER MARSH: No. Okay. And that is all. Thank you.

COMMISSIONER FISHER: May I ask a question?

How do you take into consideration like the services that residents in this building will be using, so things like Fresh Direct and Poland Spring and all of the, you know, deliveries?

THE WITNESS: Those are typically -- the data that we use from the Institute of Transportation is collected at similar sites, so it was collected at apartment complexes, which use these same amenities, have mail service, refuse service, like you said, any kind of deliveries, food deliveries, landscaping, maintenance men.

So all of those trips are taken into account because the data is monitored at those facilities. They don't split it out and say, you know, the numbers in our study are residents. It is

the rate calculated per that size facility and it is applied to --

COMMISSIONER FISHER: I say that because I am curious as to what those comparables are.

You know, Hoboken is probably not dissimilar to other urban areas adjacent to New York City, but are definitely different than a suburban high-rise, you know, in the suburbs. Just the nature of the people that live there, the nature of how they use services, and the counts are pretty excessive, and we have, again, we have 2500 Fresh Direct deliveries a year at our building, and I am just curious how your numbers would factor that into it.

THE WITNESS: I mean, it is not a lot of highlights in suburban locations, so the studies are typically taken in urban areas for a high-rise building, and those are taken into account.

COMMISSIONER FISHER: I'm good.

CHAIRMAN AIBEL: Mr. Grana?

COMMISSIONER GRANA: I have a follow-up question on Commissioner Marsh's question.

So just to be clear, there is no measurement done about the estimated number of

pedestrians that will come from this facility and use mass transit facilities. That is not within the your report, is that correct?

THE WITNESS: No. It is not within this report.

If I am getting your question right, there is not an approximation of pedestrians generated by the development in our report.

COMMISSIONER GRANA: Yes.

How many people do you anticipate associated with the facility are going to use mass transit facilities, and that is within determining the estimated number of pedestrians that won't drive, but will use transit, is that part of any of your analysis?

THE WITNESS: I would apply approximately 60 percent of residents who use mass transit somewhere around 60 to 70 percent.

COMMISSIONER GRANA: And without determining that is bus or light rail, whatever, it's just an estimate?

THE WITNESS: Yes, based on our experience in Hoboken.

CHAIRMAN AIBEL: Mr. Branciforte?

COMMISSIONER BRANCIFORTE: You were

saying before that it is pretty unlikely that there would be overlap, you know, people go to work in the morning and then retail people come in the afternoon, or as the retail is coming in, people are leaving the residential spots.

THE WITNESS: With respect to parking.

COMMISSIONER BRANCIFORTE: Yeah, with respect to parking.

But what happens say on Saturdays or during the holidays when people are home, and the residents are still home, and the retail is still open, I mean, where do those people go then?

THE WITNESS: Well, it is two-fold.

First, my initial calculations included the ordinance requirement for the retail and office, so when I said that the residential parking would be at .69 per unit rate, .69 parking spaces per unit, that was conservative as to office and the retail won't be peaking at the same time.

So, for example, on Saturday, yeah, you are going to have a lot more people at home during the day, and you may have some people shopping, but the office is going to be closed, so you are going to pick up those parking spaces. It is very rare for all three of those type of uses to be operating

at full capacity --

COMMISSIONER BRANCIFORTE: How do we know the professional offices, you know, like dentistry, and doctors seeing patients on Saturdays?

THE WITNESS: I imagine they could. But like I said, if you were to a apply the parking ratio of the retail component and the office component, you are left with .69 parking spaces per residential unit, which I feel is sufficient in this area based on the discussions we had with mass transit and the light rail and our studies performed in the area.

COMMISSIONER BRANCIFORTE: Do you know, will there be a shuttle taking people -- taking people from this building down to the Path train every morning or --

THE WITNESS: I don't know that, no.

COMMISSIONER BRANCIFORTE: The other question, too, is: Some retail probably requires more parking than others. Is that true or not?

Let me put it this way: A Starbucks is going to have a lot more people double parked in front of it every day than a nail salon.

A nursery school is going to have more people double parked in front of it every day than a

nail salon. Is that fair to say or --

THE WITNESS: Well, I wouldn't consider nursery school a retail use. I don't know if that falls within the ordinance as a retail use, but the calculations that we did were based on the ordinance.

I don't recall the exact calculation. I think it was one space per 400 square feet, but that is straight from the ordinance, and the ordinance takes into account general retail that could be a Verizon Wireless store, you know, 7/11, a nail salon, or CVS or --

COMMISSIONER BRANCIFORTE: This might be a better question for the planner, but when you say "the ordinance," I am wondering is the ordinance the same blanket for whatever zone it is in?

I mean, is parking for retail the same in an I-1 than --

MS. BANYRA: I'm not sure what he's testifying to right now, the one to 400 you're saying that's relative to what is on Washington Street basically?

I am not sure what you are testifying to, or what the nature of the question is.

THE WITNESS: I think just on the

parking that was calculated for the site, the requirement that is on the site plan was earlier testified to that the requirement was somewhere in the 600 and some odd spaces --

COMMISSIONER BRANCIFORTE: I am just looking at the retail now. I'm not --

(Everyone talking at once.)

THE WITNESS: One parking space --

(Everyone talking at once.)

MR. GALVIN: John, the fair answer is there is no standard. Again, they are looking to another zone to give you a standard.

COMMISSIONER BRANCIFORTE: Going back to my question, I am a little bit worried about the nature of the retail, and you know, maybe the calculation you are doing is correct for a nail salon or a hair salon or something, but I am more worried about the traffic on the street, double parking, the traffic is going to be created by say a Starbucks or a --

THE WITNESS: I mean, some uses tend to be busier, but then sometimes you have a lower use like a nail salon or a store, where it bounces out, and that is why generally you have an ordinance for general retail --

COMMISSIONER BRANCIFORTE: Thank you.

CHAIRMAN AIBEL: Anybody else, Board members?

Diane?

COMMISSIONER MURPHY: In terms of this parking, have we -- do we know anything about the ShopRite parking lot?

Is it private property?

Can I park there and walk across to retail across the street, or would I be illegally parking at ShopRite or vice versa?

Hum, I mean, if it's is going to be retail area, I see parking -- am I going to pay for parking in your building?

And if I am paying for parking in your building, then maybe I could park across the street and just walk?

I mean, I am not -- I am a little confused about all of this, I am not sure it is under your report, but there is a huge parking lot right there.

THE WITNESS: Typically for a private property, I don't know if ShopRite would want people parking on their property and using other uses. I don't know in this instance if that's been

established, if there's signage saying "ShopRite Parking Only" but --

COMMISSIONER MURPHY: Well, there is nothing else around there, so yeah, so...

COMMISSIONER FISHER: I have one small question.

In your level of service again, did you factor in pedestrian crossings of Monroe Street into those calculations?

THE WITNESS: Yes. We did pedestrian counts as well. They were not very high at those crossings, you know, a handful of four to five pedestrians per movement per hour. They weren't very high.

COMMISSIONER FISHER: So in the morning, like during school 7 or 8 or 8 to 9, there is only going to be four or five people crossing in the morning?

THE WITNESS: No. I'm sorry. Existing when we did our counts.

COMMISSIONER FISHER: Okay. But in the build level of service --

THE WITNESS: We didn't predict pedestrians at those crossings.

CHAIRMAN AIBEL: Are we okay, Board

members?

COMMISSIONER BRANCIFORTE: Did you take into account the Bijou building when you did your --

COMMISSIONER FISHER: Yes.

THE WITNESS: Yes.

COMMISSIONER BRANCIFORTE: Okay, thanks.

CHAIRMAN AIBEL: Jeff?

MR. MARSDEN: One of the things I find when I look at traffic in different areas and all of the major DOT jobs and stuff I have done is typically, I'd say this is atypical if you don't have a bunch of lights in this area, but you do have a bunch of stops. Lights will generate platooning traffic to allow the side traffic that are on stops to get out and to facilitate the movement,

How are you going to generate those gaps -- how will those gaps be generated for vehicles and the crossings and, you know, the pedestrian crossings, the vehicles turning out of side streets, have you considered that?

And number two is: Have you looked at the cue lengths on the stops, how far they back up during the peak hours and so forth, and if you did, how come they weren't included in your report?

THE WITNESS: I will try and go backwards.

The cues I looked at, and because we had such good levels of service at B and C, the cues are minimum.

The calculations that we performed with the highway capacity software, calculating level of service based on delay, which also calculates 95 percentile cues.

We looked at a no build to build comparison for level of service, some of the movements went from B to C, which is an acceptable and efficient level of service with respect to delay, but we looked at the cue increase as well based on the review that I provided.

The one location where the largest cue occurred was at the westbound 12th Street approach to Monroe. I believe a 95th percentile cue was calculated in the no-build condition to be like .65 vehicles, so you know, one vehicle, and based on this development that cue increase would go to about like 2.3.

So it was like about 1.7 vehicle car cue, which you could round up to about a two car cue, but that is the 95th percentile, so you know,

the most you would see is an additional one or two cars at westbound 12th Streetmaking a left onto Monroe.

At the other locations we are finding cue increases of less than one vehicle.

MR. GALVIN: So you didn't include it because you didn't think it was necessary based on your findings?

THE WITNESS: Right. Typically we don't include cue calculations --

MR. GALVIN: Let me stop you. That's good.

What was your first question, Jeff?

MR. GALVIN: I don't like asking three questions in a row because then you forget them. But we got two answers.

THE WITNESS: I can't -- the first one --

MR. MARSDEN: Well, the fact that I mean typically roadways that are straight and narrow, you have the metering, the platooning of traffic that makes it easier for vehicles and pedestrians to make crossings.

As it stands right now, sometimes folks will get out those side streets, and with the

addition of the Bijou building and this building, and who knows what else is coming down the road, is there any way to provide -- let me put it this way:

Is there any way to provide some traffic calming devices to allow for that, or, you know, advance pedestrians signs or -- because I am just concerned about the safety of pedestrians crossing at this point, because we are having a view corridor right downtown, and people will walk downtown to go to the ShopRite. There's a lot of potential. I mean, you are looking at a lot of people here, so I mean, I think you have to do something to increase safety, not just look at the counts and say they fit.

THE WTINESS: Yeah. If you look -- this is Exhibit A-4, which Dean put together, I mean, there are crosswalks here at ShopRite.

I mean, we would essentially -- similar situation, you know. This crossing is on Madison and crossings on 10th. I mean, we are not introducing anything -- anything abnormal here with respect to, you know, pedestrian crossings at intersections. That is kind of where you want your pedestrians most often to cross at intersections.

MR. MARSDEN: I don't disagree, but in

this particular case, you're adding a lot of units, a lot of pedestrians, who most likely will use the view corridor, including people walking down the greenway, and having to turn, because it doesn't continue behind the building to the north, so you may be attracting a lot of people there that will want to continue to cross the street, and I think you should consider some sort of traffic calming to assist and make it a little safer.

THE WITNESS: We can look into signage for pedestrians or, you know, come up with something --

MR. MARSDEN: Yeah. Maybe preactivated signs for "slow ahead," "pedestrian crossing" or something. You need to look at something in my opinion to make it safer.

CHAIRMAN AIBEL: Okay.

Let's close up the Board questioning.

Let me open it up to the public.

Anybody have a desire to question the witness?

CHAIRMAN AIBEL: Ms. Healey.

MS. HEALEY: Leah Healey, 806 park.

The Metro Park survey, how did you do that?

THE WITNESS: We had done some face-to-face surveys.

MS. HEALEY: Can you elaborate?

THE WITNESS: Yes.

We asked people how they travel to their place of employment, if they had vehicles.

MR. HEALEY: Did you go inside the building?

THE WITNESS: No.

MS. HEALEY: So how did you know you were talking to people who lived in the building?

THE WITNESS: They came out of the building.

MS. HEALEY: How many people did you talk to?

THE WITNESS: I don't have those numbers with me. I don't have the correct volume of interview of people.

MS. HEALEY: So has this survey information been supplied to the Board?

THE WITNESS: No, it's not.

This was something that we did for another client within Hoboken, so it wasn't part of this application, but it was data that we had collected.

MS. HEALEY: You can't even tell me how many people that you spoke to?

THE WITNESS: At this moment, no, I cannot.

CHAIRMAN AIBEL: Anybody else in the public have questions for the witness?

Seeing none, can I have a motion to close?

MR. MATULE: I have a couple more questions, if I might.

CHAIRMAN AIBEL: Okay. We are going to close the public portion.

MR. MATULE: Well, I don't know if you want to keep it open until I ask my questions or --

CHAIRMAN AIBEL: Go ahead, Mr. Matule.

MR. MATULE: I just wanted to clarify a few points, Mr. Polyniak.

Mr. Marsden, when he asked you questions, he said it is difficult to get out of the side streets in that area.

As I understand your testimony, you indicated that based on all of your traffic counts and your studies and applying the trip generation information from the IPE Manual, that the most difficult intersection you saw from a cuing point of

view was 11th Street -- 12th Street westbound going to Monroe --

THE WITNESS: Yes.

MR. MATULE: -- and that you were talking about a cue of two cars and a Level of Service C?

THE WITNESS: C.

MR. MATULE: And a Level of Service C, I know you measure in seconds, how many seconds a vehicle has to wait to enter the flow of traffic --

THE WITNESS: Yes.

MR. MATULE: -- what is Level of Service C?

THE WITNESS: Similar to like 20 or 25 seconds.

MR. MATULE: 20 to 25 seconds, okay.

And is it typical in most municipalities when a newer project like this gets built, that, you know, conditions are monitored, and the municipality then looks to see if there is the need to take any further traffic control measures, such as putting in speed bumps or traffic lights, things of that nature?

I mean, that is not something that would be generated by an applicant per se, would it?

THE WITNESS: Hum, I mean, not unless it is good levels of service. I mean, sometimes there is -- a Board can request some post development studies to assure things that are operating appropriately.

MR. MATULE: And when you testified about your survey at Metro Stop being approximately .3 --

THE WITNESS: Yes.

MR. MATULE: -- percent of the people -- .30 percent use their vehicles?

THE WITNESS: Correct.

MR. MATULE: I'm just trying to understand contextually in that you are saying we are providing like .69 parking spaces here --

THE WITNESS: Yes.

MR. MATULE: -- whereas there is actually a lower requirement?

THE WITNESS: Correct.

MR. MATULE: So we are almost at twice that level of parking for the residential portion of the building?

THE WITNESS: That's correct.

MR. MATULE: Thank you.

MR. MARSDEN: If I may.

MR. GALVIN: Sure. No debate, though.

MR. MARSDEN: I just -- are you familiar with county highway designs or county road designs and DOT roadway designs?

This is going towards Mr. Matule's question about asking for improvements.

Have you been familiar with that, and the requests for counties and DOT to do improvements based on the increased percentage of traffic that you were generating on the roadway before any studies are done after it is built?

THE WITNESS: Yeah. But each county has its own standards and DOT ---

MR. MARSDEN: Is it not --

THE WITNESS: -- it's actually a different standard than --

THE WITNESS: -- regular and routine for the county and DOT to ask for off-site improvements or roadway improvements to help mitigate the traffic impacts?

THE WITNESS: Yes, depending on the impact, and sometimes it is not necessarily a roadway improvement as much as it's a fair share contribution based on the traffic at the intersection.

MR. MARSDEN: Agreed.

But it is not unusual for that to occur, whether it be an improvement or a donation towards a future improvement?

THE WITNESS: Yes, that could happen.

MR. MARSDEN: Okay. And you are -- under the existing traffic heading south on Monroe, you have 295 in the evening, and you are going to be adding 180 in the evening, is that right?

THE WITNESS: I'll take your word for it, but no. I know we have approximately 180 exiting vehicles.

MR. MARSDEN: So you're talking what, a 40 plus percent in traffic volume on that road based on your development?

THE WTINESS: At 9th Street, yes.

MR. MARSDEN: Would you not consider increasing the traffic levels 40 percent something that may require improvements and safety improvements?

THE WTINESS: I would base it more on the results of the analysis more than on the percentage of traffic, only because you would have a road with five vehicles and increase it 40 percent, you're only increasing it two vehicles, I wouldn't

improve the roadway because of that. I would check out to make sure it was operating properly, and if there is, what certain delay criteria that's being violated in that deference to --

MR. MARSDEN: But --

THE WITNESS: -- improvement, it wouldn't be so much based on the volume of traffic as much as it would be on the impact.

MR. MARSDEN: -- isn't that leaving it for the last guy in?

THE WITNESS: No, because that's where --

MR. MARSDEN: Yes, it is.

THE WITNESS: -- in that instance, you know, if you have to -- you have the municipality, county, the jurisdiction had an improvement project or improvement district written into its ordinance, there are instances that had a calculation for a contribution for roadway improvement based on the percentage or based on the delay incurred, so it is everybody that goes through that area would contribute something.

MR. MARSDEN: But in this case you are saying that is not appropriate for your development?

THE WITNESS: I am only saying it is a

not appropriate because the level of service impact is from a B to a C, which is not a great impact, in my opinion, level of service wise.

If we were creating delays, if we were creating a delay, I believe approximately at the maximum five seconds, that's almost negligible, you know, to the driver.

MR. MARSDEN: I understand that.

I just wanted to make the point that if everybody does that, then the last guy goes to Level of Service F, he's going to be to, "Oh, wow, you went to "F," and you're destroying the -- so I will leave it at that.

CHAIRMAN AIBEL: Okay. I want to make sure everybody is finished with this witness.

I think we are ready for a break.

VICE CHAIR GREENE: I think we need to close the public.

CHAIRMAN AIBEL: I think we closed -- did we close the public portion?

A VOICE: No.

CHAIRMAN AIBEL: Motion to close the public portion, please.

COMMISSIONER MURPHY: Motion to close the public portion.

COMMISSIONER GRANA: Second.

CHAIRMAN AIBEL: All in favor?

(All Board members answered in the affirmative.)

MR. MATULE: I just have a couple of comments I want to make about the ordinance and the parking requirements.

MR. GALVIN: Sure. Fire away when we come back.

MR. MATULE: I will do that after the break.

CHAIRMAN AIBEL: 9:30 we want to get started. At the spot of 9:30, please.

(Recess taken)

CHAIRMAN AIBEL: Okay. We're ready to go.

MR. MATULE: Can I have a couple more minutes?

MR. GALVIN: Yes.

Mr. Chairman, is that all right?

Please, let's give a professional courtesy.

CHAIRMAN AIBEL: Two more minutes.

(Recess taken)

CHAIRMAN AIBEL: Mr. Matule?

MR. MATULE: Thank you for your indulgence. I know the break was a lot longer.

I have been talking with my professionals and with the applicant. Basically we are at the point, where we hear what the Board is saying. We would like the opportunity to carry the matter and make further revisions to the plan, give the Board professionals an adequate amount of time to look at them, and then come back, so we are formally making that request.

If that is not the pleasure of the Board, then we will put in the rest of our testimony this evening.

CHAIRMAN AIBEL: Do you want to open it up for discussion?

VICE CHAIR GREENE: Maybe counsel should weigh in.

MR. GALVIN: Yes.

I have nothing to offer you. I think that it is the Board's call, I think that the matter was carried from another meeting night, changes were made to the plan, and you know, you have to decide yourselves what your policy is going to be, because I think one of the things -- how many cases do we have pending, do you know, on our docket?

MS. BANYRA: A lot.

MS. CARCONE: I have a list right here.

MR. GALVIN: What do you got there, Pat?

Why don't you give me the answer, Pat?

MS. CARCONE: We have complete applications right now, pending hearings, one, two, three, four, five, six, seven, eight, nine -- we have nine complete pending hearings.

We have one, two, three, four, five, six that are incomplete, probably for smaller reasons, so that is like 15 applications.

MS. BANYRA: Is that including today's completeness ones, Pat?

MS. CARCONE: Yeah.

17, 18, 19, 20, 23. We have 23 applications, let's say, in the cue.

COMMISSIONER MURPHY: Does that include the ones that we already carried over?

MS. CARCONE: Yes, like the 720 -- we have about 23 applications.

MR. GALVIN: But the best we can do is three a night, so you know, we have a very, very heavy workload.

Plus, I wasn't here, but we have to

hear 258. Is that on your list?

MS. CARCONE: Yes, it is.

MR. GALVIN: You know, I think what you have to wrestle with, because we have such a heavy workload, if every case we have we're going to get "We want to make changes," you know, you learned what you don't like in the first round, and now we want to make changes, well, these projects are big.

This is a very, very big project where our professionals need a fair amount -- like we had other projects, and I don't mean this case, so I'm not -- and this is a very good citizen, so nothing negative here. But we had other cases where we are basically getting a major overhaul to the plan within 10 days, and our guys just don't have enough time to like carefully look at it.

Even when if it doesn't involve a major change to the outside of the building, it still requires some critical thought.

And when we start --if this case were withdrawn and reset, when it came back in, we would be able to evaluate it fairly to make sure that we can do our reports, and then we would get a whole new 120-day time period, you know, that's --

CHAIRMAN AIBEL: Let me ask this: Do

you want to discuss what a bifurcation would do for us?

MR. GALVIN: No. Wait one second.

Do you have something?

MR. MATULE: My client would like to comment, if the Board would indulge us.

MR. GALVIN: Oh, I thought maybe you had a solution, like maybe we should carry you, and then you will give us 120 days from when you resubmit.

MR. MATULE: I could certainly discuss that. I don't think my client would be adverse to that based on the case load of the Board.

But, you know, one of the problems here is, and I realize that the Board doesn't want to be the planning agency for the city, you know, there is nowhere else to go. You are it.

MR. GALVIN: Under the North Brunswidk case, we cannot usurp the authority of the governing body, and it may be that some Boards may have, but not this Board.

So we are treating every one of these cases fairly based on the proofs that you submit. We have not heard your planning testimony yet, and we don't know what outcome we are going to conclude.

MR. MANDELBAUM: The only comment I wanted to make is that --

THE REPORTER: Can I just have your name, please?

MR. MANDELBAUM: I'm sorry. Jeff Mandelbaum.

You know, my family has had this property, as I said last time, for 30 years. It has been zoned industrial. We've been waiting for Hoboken to do things. Buildings near us have gotten variances. We continue to sit as industrial. It is a big burden to try to continue to operate as industrial.

We worked off the redevelopment plan that's been -- and other criteria, and we have tried to put something that makes sense for this area that puts a park for the neighborhood, that brings in retail, that has adequate parking, and that really has a great amenity set.

You know, we think the plan is a very strong plan, and because there are no standards and this is, you know, we're in front of you for a variance, it is a of bit of a partnership, and I know it's a little difficult, but there are some tweaks. You know, we hear you, and we would like to

make and address your concerns, so that this is something that you also feel makes sense for the area.

You know, that is the reason we want to ask for it, because we think there are some things that we can do to maybe relook at some items and really make this building fit what you want, so that all of these community benefits can happen. You know, they are not major changes. This isn't reevaluating everything, but we think there are some minor things that are very important, and that is why, you know, if we can have another date, just tweak up the plan a little bit, you know, because again, we come in, and there aren't standards on parking. There aren't standards on height.

You know, is it taller?

Yes, but that is because we are giving a park.

You know, is the parking ratio adequate?

No.

All of these things we've covered, you know, we adjusted the trash and other things, and we're really, you know, so it is not on the curb, and we are trying to respond to everything because

there aren't standards and guidelines on this. It's really your gut on does this building make sense.

So that is why we are asking to be able to make these changes, so that hopefully when we come in next time, it would be short testimony. It is a plan that you guys like, and maybe you like what we have now, and we think we can still improve on it, and that this can finally move forward because this is not an industrial area any more, and we are just stuck here because of the way the politics are, and that is our only outlet.

CHAIRMAN AIBEL: Let me just say in response, and I don't mean this with any disrespect, I am not sure tweaks on this plan is what we need here. We have some serious use variances. It is a very, very major application.

I don't know if you want to comment on --

MR. GALVIN: I didn't hear you what you said.

CHAIRMAN AIBEL: I am suggesting that, you know, there are use variances that are very major, and I don't think tweaks are --

MR. GALVIN: Well, right now you are speaking as a Board member, not for the whole Board.

CHAIRMAN AIBEL: That's correct.

COMMISSIONER GRANA: Yes, that is right.

MR. GALVIN: Listen, do you have anything else to say?

MR. MANDELBAUM: No.

MR. GALVIN: All right. The only thing I will say in response is that I am also the Planning Board attorney, and I know that we are going to be -- you know, one of the big questions in Hoboken is, you know, will the governing body act, and I know that they are in the process of acting.

They just passed the initial ordinance for the redevelopment plan for Railroad Square, and that is coming to the Planning Board, and I am fairly certain that the plan is almost together for Neumann Leather properties, and our planner indicated to me that even this area --

MS. BANYRA: Western Edge, I think the plan is I'm going to complete, at least in a draft form.

MR. GALVIN: But the Board is not to consider that, and I just wanted to tell you that the Board is not supposed to consider that, and we are not going to consider that. We have to look at

the zoning. We have to look at the proofs that you're putting in here, that you are asking us to grant a variance for this location, for this use, as you are providing it to us, so -- and that is what we are left with, and we have to act on the zoning law as it exists. We're not allowed to make policy. We are not allowed to be the land use board.

So anyway, if you want to proceed, we will listen to your planner testimony at this time, unless the Board would like to adjourn this matter to another day.

CHAIRMAN AIBEL: Let me open it up.

Anybody have comments?

COMMISSIONER FISHER: You mentioned two hours ago or whenever they originally said that they were going to introduce these new plans, even though they haven't formally submitted them, that we are doing a bifurcation?

MR. GALVIN: Correct.

COMMISSIONER FISHER: I'm not sure we understood what that meant.

MR. GALVIN: You are very wise. Thank you for bringing it up.

What I would suggest is, and again, if the Board listens to the planner, you will make a

decision. If you make a negative decision, nothing to be concerned with.

If you make a positive decision, then what I would suggest to the Board, and I have already suggested to Mr. Matule, that we would like to then bifurcate this case and separate the site plan. This way we can then make some tweaks to the plan at the time of the site plan.

COMMISSIONER MARSH: Separate site plan from what?

MR. GALVIN: From the use variance.

So you either grant the use variance or you don't. If you deny the use variance, the site plan application is gone.

If you approve the use variance, then it is not uncommon to separate a site plan from the use variance, and then we can put parameters of what we expect for the site plan application, and then we get a new site plan application, and then we could take a look at those in the course of time that it provided --

COMMISSIONER MURPHY: And do you still have --

COMMISSIONER FISHER: Just --

(Commissioners talking at once.)

MR. GALVIN: One at a time.

Who wants to go first?

COMMISSIONER MURPHY: I do.

Do you still have to do that within the time frame of 120 days?

MR. GALVIN: I think it is a slightly different time frame. It might be 95 days instead of 120.

COMMISSIONER MURPHY: Extra?

MR. GALVIN: They have to file a new application for a site plan --

COMMISSIONER MURPHY: Okay. Gotcha, gotcha.

MR. GALVIN: Or maybe -- yes, I guess.

Do you agree with that?

MS. BANYRA: Yes. I don't think that that is necessarily true. I don't know what the time frame is, but I think as long as we are mutually agreeing on continuing --

MR. GALVIN: But when I done it before, when I bifurcated it this way before, they had to make their application for the site plan.

COMMISSIONER MARSH: I'm sorry.

But you're saying -- if you approve a use variance, you are saying residential is okay,

and then they could submit a site plan that is anywhere between five and 5,000 apartments?

MR. GALVIN: Absolutely not. Absolutely not.

What I am saying is they have showed you a plan. This is the plan, but if you want to establish a couple parameters for changing it --

COMMISSIONER MARSH: But their use variance stands, whether you approve it preliminarily or not --

MR. GALVIN: Then -- then --

MS. BANYRA: Subject to the site plan approval generally --

COMMISSOINER MARSH: I don't think that's --

MR. GALVIN: -- listen -- listen.

You are taking me to a place that I am not really going, okay?

I am in no way suggesting that we are creating a new zoning for this, where they can do a residential X.

I am saying if you said -- you would have to have some specific things that you wanted to impose on it. In other words, if we want this bike path that I have been hearing about, we can say that

we want the plan to reflect the bike path, and they should change the building in some context in order to provide the bike path. That wouldn't necessarily have to change the numbers at all. It would be the same numbers. They would just have to redesign the building in a way to make it work.

COMMISSIONER FISHER: Dennis, I think maybe a more specific question is: If you bifurcate it -- if you bifurcate it, and we are approving a use variance -- or whatever --

MR. GALVIN: Based on --

COMMISSIONER FISHER: Let's assume that --

MR. GALVIN: You guys have made this a lot harder for me than I ever imagined, okay?

(Laughter)

COMMISSIONER FISHER: What are we -- what are we approving?

MR. GALVIN: You would be approving the plan that you see right there. You would be approving the plan that they've shown you. The parking that they've shown you. The plan that they showed you unless you make specific conditions that require them to make changes to it.

I don't think -- we haven' had a chance

to look at the plumbing, at the stormwater figures and things like that, so that is what you would do on the site plan.

I am thinking the site plan is more about the shrubbery and the sidewalk and what the drainage calculations are that are mostly engineering details that you would handle at a Planning Board, not the question, is it going to be ten units or 15 units. The number of units is set.

But that is what I meant. I meant for the technical -- and if you looked at it, so if you don't like it, and you are not voting for it, then you don't have to worry that the site plan is going to be about the details.

I did the best I could.

MR. MATULE: Thank you.

MR. MANDELBAUM: So do they want to hear the testimony or carry it to the next date?

MR. GALVIN: What's the Board's feeling?

COMMISSIONER MARSH: I thought there was some discussion about carrying it 120 days.

MR. GALVIN: They didn't show any interest in that.

COMMISSIONER MARSH: I thought he said

he wouldn't have any objection to that.

MR. MATULE: No. I think the request I made of the Chair is to allow us to carry it, to make the changes, and the Chair's response was -- and I certainly appreciate it, he was just speaking on his own behalf and not for the Board, that he is of the opinion that we are talking about more than tweaks here, which I interpret as to what end do we carry it.

VICE CHAIR GREENE: If it matters, I share that sentiment.

MR. GALVIN: Which sentiment?

VICE CHAIR GREENE: The Chairman's sentiment.

COMMISSIONER MARSH: If it is not a tweak --

MR. GALVIN: Time out. Let's do this. Let's do this.

Is the Board in favor of carrying this matter?

Somebody make a motion to carry this matter for 120 days from the submission, or is there a motion not to permit this to be carried?

Why don't you get a motion. Let's leave them out of it. Let's get a motion on the

floor. This is my professional advice. Let's figure out if we want to carry it or not carry it.

If we don't want to carry it, then they are going to put their planner on. Then let's say we're not going to carry it, and let's get their planner on.

If we want to carry it, then somebody should make a motion to carry it for 120 days from when they make their submission.

COMMISSIONER FISHER: What are we anticipating would be in their submission, a minor or --

MR. GALVIN: Oh, we don't care. It doesn't matter, whatever that is.

COMMISSIONER FISHER: It's almost like --

COMMISSIONER MARSH: We do --

(Everybody talking at once.)

MR. GALVIN: One person at a time.

Let's see who is going first. All right.

CHAIRMAN AIBEL: I think they heard what we have --

MR. GALVIN: No. Tiffanie is asking me, so I don't know, it would give them free

latitude to do whatever. I mean, maybe they could take a story off the building, maybe they could reconfigure -- I would, you know, put the bike lane in the back, whatever. You know, I don't know. Consult with the city to see if they really want the park or not, you know, the things that are, you know, kind of open.

COMMISSIONER MARSH: I don't understand what the ramifications are, if you are saying they are going to have 120 days from the time that they submit, what is the difference between that and submitting a new application?

MR. GALVIN: Money. They would have put all new fees and all new escrows.

The only thing --

COMMISSIONER MARSH: But aren't you going to --

MR. GALVIN: -- as long as I can get the time, I am worried about our professionals, and not me, having sufficient time to evaluate this change, plus we have all of these cases pending. We have a big workload. And if every single big case comes in, here's what we like and we don't like, and want to change, we double our workload. We don't have 27 cases. We have 54 cases.

COMMISSIONER MARSH: May I?

MR. GALVIN: I'm sorry.

COMMISSIONER MARSH: I didn't understand. The answer made no sense, so perhaps I am missing something.

MR. GALVIN: Okay.

COMMISSIONER MARSH: If we say, okay, carry it, and they go away and they come back with a plan, I assuming that the Board professionals are going to put the same amount of energy into that that they would have into a new plan, or we are going to say, no, go ahead, and hear it, and we will, you know, vote it up or vote it down, and then they are going to resubmit it or not --

MR. GALVIN: Correct.

COMMISSIONER MARSH: -- and then you are going to put the same amount of energy in, so I don't understand the ramification -- honestly, what's the difference --

MR. GALVIN: No. But you're missing -- there is something that you are missing that I would like to talk to you about for a while after the meeting, but I think that there is some policy here that you are encouraging people to come in, test our defenses, see what you like and what you don't like

and revise the plan.

These are, you know, and then that is -- that takes up time, and we have a heavy docket and we are accused of not getting our workload done efficiently.

So if I were in Freehold, where I have no cases, I kind of don't have a problem at all, because we could see them any time they are ready. But here, it is not that easy.

And you're right, it could be said it is similar, except I think at some point you are encouraging that.

COMMISSIONER MARSH: In that case I agree with the Chair.

MR. GALVIN: Okay.

COMMISSIONER FISHER: I mean, the only offset I think is what he was saying, which is because of the unfortunate situation in our environment, the only feedback they have is coming here to see if it sticks and making a change.

I am just saying that, like there is truth to that, right, that -- or they just resubmit and they come back in six months because they have just gotten it to the end of the line.

So I guess the question is: Is it 120

days or is it six months -- is it four months or six months before they potentially come back?

COMMISSIONER MARSH: They can come back whenever they --

COMMISSIONER FISHER: No, I'm just saying --

COMMISSIONER GRANA: I had one --

THE REPORTER: One person can speak at a time.

CHAIRMAN AIBEL: Go ahead, Mr. Grana.

COMMISSIONER GRANA: I think the question is -- let me just try it, Dennis.

I think the question is: If somebody who wants to motion to carry this, would in fact adjustments, you know, create a situation where it's going to have any change on voting on the use variances, which is the real heavy lift, and we have not yet heard that testimony.

So it is really, if it's not going to have any effect on that, I am not saying how people are going to vote, that is really the issue here, and we should just move on tonight, hear the planner's testimony, and vote it up or down. Unless you don't see that is the case --

MR. GALVIN: Again, I don't know what

is in the Board members' minds, so I don't know, you know, what you are thinking, and we haven't heard the planner yet. But there are times when, you know, there are times when you look at a case and you go, I know we want this change, and if they made that change, I think we should give them that.

But do you want to say something?

COMMISSIONER BRANCIFORTE: No. I don't think you are too far off from what I was thinking, Dennis.

I am getting tired of people showing up with these plans and saying, well, things are not going our way, let's get this application out of here and change it right away.

And Mr. Matule has said, well, we heard the Board's comments, and now we want to make changes.

I am not even done with half of my comments, because I have not heard the planner yet. The planner needs to convince that this thing meets the criteria, and it's -- you know, I hate to say prejudicial to say at this point I am against it because I can't see it and --

MR. GALVIN: You shouldn't because no one should be for or against it.

COMMISSIONER BRANCIFORTE: -- I didn't hear the testimony yet.

So to just assume that the Board is going to be against this thing right now at this point, we have not heard all of the testimony or asked the questions.

So when he says we want to make changes, he doesn't know what changes we are looking for, if we are looking for changes.

COMMISSIONER GRANA: I agree with Commissioner Branciforte.

MR. MANDELBAUM: Would we be able to put the planner on and hear some additional comments and then come back for a very quick last meeting? I mean, that --

COMMISSIONER BRANCIFORTE: I don't know if there is going to be anything like a quick last meeting.

MR. MANDELBAUM: Listen, it is a big project for Hoboken or anybody, and it is important that it is done right, and we want it done right, so if it makes sense, then we will continue with the testimony.

CHAIRMAN AIBEL: Well, it is really your application, Mr. Matule.

MR. MATULE: No, I understand. Quite frankly, with all due respect to Mr. Branciforte, I think in terms of the physical parameters of the application, all of that testimony is in, and you know, obviously we will put our planning testimony in, but, you know, at that point it is what it is.

CHAIRMAN AIBEL: So --

VICE CHAIR GREENE: I guess we are hearing from the planner?

MR. GALVIN: The planner.

COMMISSIONER GRANA: I think -- do we need a motion?

CHAIRMAN AIBEL: No.

MR. GALVIN: If they are going to proceed, we don't need to do anything.

MR. GALVIN: Raise your right hand, please.

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

MR. KOLLING: Yes, I do.

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

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

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

MR. GALVIN: Mr. Chairman, do you accept his credentials?

CHAIRMAN AIBEL: Yes.

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

THE WITNESS: Yes, I am.

MR. MATULE: And you are familiar with the proposed project?

THE WITNESS: Yes.

MR. MATULE: And you are aware of the recent changes Mr. Marchetto made reducing the parking by 16 spaces?

THE WITNESS: Yes, I am.

MR. MATULE: Did you prepare a planner's report, dated March 11th, 2014, in support of the requested variance relief?

THE WTINESS: Yes.

MR. MATULE: Could you go through the report for the Board members and give us the benefit of your professional opinion regarding the variance relief being requested and whether or not you think it will meet the positive and negative criteria?

THE WITNESS: Yes.

As the Board has heard, the property is located on the western side of Hoboken. It runs from just north of 9th Street up to 12th Street. It's right along the light rail. It is about four acres in area. It has nearly 1200 linear feet of frontage along Monroe.

The surrounding area, you've heard Mr. Marchetto describe it. There is the ShopRite across the street, which is in the northwestern redevelopment plan area. Just to the south is an approved and under construction, I believe, it is an 11-story building.

If you continue to the south, you are in the northwest redevelopment plan area as well, and there is a mixture of mid-rise and high-rise buildings. One is 13 stories. There is a six-story building, and across 9th and Jackson Street there is a high-rise of 11 stories, and another 11-story residential building as you are continuing.

So the area is an area under redevelopment for the most part, the surrounding area within the northwest redevelopment area with mid-rise to high-rise structures. We are in close proximity to the light rail station.

And what we are proposing is something that would continue that type of redevelopment, again going from industrial to a mixed residential commercial project, or similar size and scale, 515 residential units, as Mr. Marchetto described. One building is nine stories and the other is 10 stories, so we are that same range of heights that we were just discussing.

The project is also providing a great deal of open space. As Mr. Marchetto pointed out, it is about 40 percent of the site.

One of the things that will occur is opening the visual corridor of 10th Street, also creating an open space to the west of the property surrounding that building to the south, and then connecting it into the open space of the Bijou property.

As you would continue north along Monroe, that sidewalk is being widened in places, and so it is kind of a green street and then connecting into a larger park at the bottom.

The intention is for the spaces open to the public and become amenities for the surrounding community.

I won't go through a full description

of the building. You heard Mr. Marchetto's explanation, the green roof aspects, the water detention systems, the ground floor commercial that activates the street scape, and in my opinion, will provide for a safer, more viable pedestrian environment.

We all know the zoning is the I-1 zoning district, and that the uses are not permitted. The residential mixed-use with the commercial.

Also, in terms of height, we need a D variance because the permitted height is 80 feet and four stories.

Commercial, industrial buildings always have taller floors, and we are proposing 115 feet and nine stories on one building, and 127 feet and 10 stories on the other building.

You heard some discussion about the Western Edge redevelopment area, and that was designated as a redevelopment area in July of 2007, and it was designated as an area in need of redevelopment by resolution of the City Council, but redevelopment plans have not been adopted. To my knowledge, at least two were reviewed, and neither have been adopted.

The area in need of redevelopment resolution recognized that the industrial uses were no longer appropriate in this area. It said that the area was within a greater area identified by the master plan as the part of Hoboken with the most potential to be transformed.

It also said that the area was potentially valuable and useful for the public welfare because they are adjacent to a developing residential community and are serviced by or approximate to the Hudson Bergen Light Rail Station.

So it went on to say, that the reuse of these properties as industrial or warehouse facilities would be in conflict with development trends and land use policies of the study area and adjacent areas, and such use would create excessive truck traffic and/or pedestrian truck conflicts, and this would be detrimental to the community safety and welfare.

I think that sort of presents a policy statement on the part of the City of Hoboken that says pretty clearly, that this area shouldn't be industrial any longer and that a mixed-use residential/commercial development similar to this would be more appropriate.

The master plan that was adopted in 2004 set this as an industrial transition area, which was more or less consistent with what the 2007 resolution was talking about. Of course, since that time, there has been the 2010 master plan review, and that pretty much reversed almost everything that was discussed in terms of industrial transition and the use of the I-1 Zone.

The master plan reexamination report made a statement that over the past six years, there has been no action to change the zoning, and that might be true in some other industrial areas in Hoboken, but in this particular area, as I just mentioned, there have been efforts to change the zoning.

In 2007, the area was designated at a redevelopment area. There was a recognition that this was no longer appropriate for industrial uses, and there has been an attempt at least to create a redevelopment plan that would accommodate these types of uses. So I think in this particular location, that the reversal of the recommendations of the master plan may not have been appropriate.

Along those lines, though, in terms of looking at the other recommendations of the original

master plan, it talks about promoting compatibility in scale, density, design and orientation, between new and existing development. I think that's what been going on here. We are a similar scale to the other residential and mixed-use developments that occurred in the area. Obviously, if we were developing it for an industrial use, that would not be the case.

There is a recommendation about having buildings oriented to the street. I have used that argument or comment in different applications, probably too many, but in this case, it is a significant orientation to the street. The open space is oriented towards the street. There's a lot of commercial activity, widening of the sidewalk, so this goes beyond just having, you know, the front door on the sidewalk.

Continuing to hide parking within the building. That's being done here. It is done in a way, where actually the facades along the street have active uses both on the ground floor and above, so I think it goes beyond your typical "Let's just stick the parking under the building."

It has green architecture involved in this. It talks about it reduces the stormwater

runoff, all by virtue of the green roof, the reduction in the impervious service, the detention system, so these are all beneficial things of this project that I think promote the general welfare.

Street scape design, the master plan talks about street trees, and again, this goes well beyond that. Monroe Street becomes a green street, which is something that the master plan also discusses. It eliminates a surface parking area. Where there is trucks and loading going on now, that will be removed and replaced actually by a park.

It eliminates some of the curb cuts. There are curb cuts there for trucks and loading and et cetera, and once this happens, it would be one single driveway off Monroe Street, and another one that will be off the extension of 11th Street, I believe it is, so there are many of those recommendations of the master plan.

We have provided diversity in types of housing. There is a great mix of housing styles here, studio apartments, one bedrooms, two-bedrooms, three-bedrooms, and work-live units as well.

For other recommendations in the housing section, it talked about requiring minimum average unit size, and that is what happens here,

where we have an average unit size that's higher, because we have larger units as well as smaller units.

A recommendation is also to provide additional open space and community facilities as development occurs. That is what is going on here. 40 percent of the site is actually going to be public open space.

The master plan also said to involve the private sector in creating open space. This is truly a public private partnership going on here. It is not the municipality creating public space, it is a private development creating a public amenity, that is the essence of a private public partnership.

I mentioned there is the issue of creating park corridors or green streets, which is also the recommendation in the master plan, and we also talked already this evening about creating the green circuit in the city to link recreation of all these amenities. This would extend to what is the beginning of a green circuit at the Bijou building.

So I think that when you put all of those together, I think the use variance can be granted. This area is particularly well-suited for this type of redevelopment. It has been recognized

by the municipal council, that the area is no longer appropriate for industrial development, so I think we definitely meet that site suitability test, and I think that the document and by the actions of the City Council, also by its close proximity to the light rail station, smart growth planning techniques, trans-oriented development would dictate that higher intensity development be located in close proximity to mass transit, because it supports mass transit, and studies really have shown that residential development is within a half a mile or a quarter of a mile of the station is one of the more intense ways or better ways of providing mass transit ridership.

I think also that the proposed project advances the general welfare because of the construction of the public open space. I mean, this is going to be an open space that does not exist today and will be provided by the project, and that is definitely a public amenity and promotes the general welfare.

The project I think also promotes a recommendation of the master plan in terms of economic development, mixed-use building design, street scape design, a mixture of housing types,

green architecture, all of the ones I mentioned, so I think we meet the positive criteria because we do promote the general welfare, because the site is particularly well suited for this purpose, and in terms of how -- this use has not been accommodated within the zone, because the zoning is antiquated. It has been recognized that it's been antiquated, and the city just hasn't quite taken the steps yet, so I don't think that the granting of the variance is a substantial detriment to the intent and purpose of the zone plan, because it has already been recognized that the intent or purpose of the zone plan as an industrial zone is not appropriate.

In terms of height, I think that goes to the same exact issue. The height that is permitted is for industrial development, and this area has been recognized as not being suitable for industrial development.

The heights that are proposed are comparable to and similar to the other high-rise buildings that are in close proximity to the light rail station as you extend towards the south, and then south of the light rail station.

So I think that the height is in keeping with the emerging character of the area and

that granting a variance for the height would not result in a substantial detriment.

The site is also able to I think accommodate the height because of its larger size. The buildings could be arranged in such a way to provide substantial open space, to provide adequate air and light, and also the location of the light rail directly behind it means that there will not be future development right there. It also provides additional air and light to the rear of the building.

The C variances for front yard, side yard and rear yard, again, those are for industrial development. We actually meet the front yard on one of the buildings because it is pushed back ten feet to provide additional green space.

The other one, the southern one really, is aligned, so that it will line up with the Bijou building, so I think that maintains the character of the street scape.

The rear, we talked about as joining the light rail station -- light rail tracks, I'm sorry. That buildings needs a variance for rear yard, and the other one meets it by providing the open space in the back. But, again, because of the

light rail being there, the purpose of having the rear yard, i.e., the light and air issue is accommodated because of the railroad right-of-way.

So then we have one side yard on the Bijou side that meets the variance. But, again, it is a continuous of that street scape. I think it's a better approach to development.

The other side, obviously, there is a significant side yard because of the open space that's being provided, so I think the C variances could be granted because in each case, the design is a better approach to the design. There is no substantial detriments by granting the variances. The amount of open space that results is a substantial benefit that would substantially outweigh any minor detriment by granting those C variances.

The parking variance, you heard the testimony of the traffic engineer, and I agree with him completely. Having shared parking usage is really an urban planning positive, because you are getting a multiple use out of the parking areas.

The master plan, the census data, says that 35 percent of the people in Hoboken don't even own a car. In the area this close to mass transit,

that percentage might be expected to be higher, but in line with the general perspective of 35 percent means that a .65 ratio should be sufficient, and even if you parked, daily use is at a hundred percent, as you heard the traffic engineer say, it would be .69, and that does not take into account the other shared usage.

The parking standards that are within the zoning ordinance apply throughout the city. They are not zone by zone. It is by use, not by district, and they were developed quite a long time ago prior to the light rail even being developed, so that the parking standards that are there are probably more than sufficient and are more than sufficient, and that the granting of the variance because of the proximity to the light rail transit station would be appropriate and a better approach to development, more effective, more efficient use of resources.

So there were some comments about the view to the Palisades, and I agree wholeheartedly with the idea of opening up view corridors. That is the typical approach in planning and in urban planning. The view corridors are usually in the public realm. They are street corridors. Opening

up corridors to private property is really not something that is done. This is private property, but maintaining public corridors is the way to do it.

This project actually goes well beyond that, because right now that corridor is closed, so it will open a new corridor that doesn't exit.

In addition, by taking the open space and attaching it to the corridor to the south, that is about 200-foot length, and counting the corridor it's like 250 or 260, that now is new public space that has a direct view of the Palisades.

To the south, the same thing, what is now a truck storage and parking and loading area gets turned into a public park that then will be in the public domain and allows for unobstructed views and air.

So, in fact, this project is taking some properties that are now in the private domain and putting them in the public domain to open them up to the view of the Palisades. Actually it is opening up in excess of 50 percent of the length of that property to have public view of the Palisades, so I think that is another benefit.

So I don't want to repeat all of the

conclusions I have already made, but I think it is clear that in terms of the use variance that we've met the burden of proof both in terms of the positive and the negative criteria.

We have met with the burden of proof with the height variance by a D-6, although I think you could also look at that being subsumed within the use, because of the character of the area and similarly with the C variance for the front and side rear yards and the parking, so all of the benefits outweigh the detriments, and I think the proofs have been made.

I guess the last thing to talk about is there has been some discussion about the stormwater and the sewer system and things of that nature. I think it is important to remember that the all of the combination of the green roof, creating this additional pervious - right now everything is almost or everything is impervious - creating the open space, all of these things affect the degree of stormwater runoff and reducing that, and that reduction as well, in my opinion, is a public benefit.

MR. MATULE: Thank you.

CHAIRMAN AIBEL: Thank you, Mr.

Kolling.

Board members, open it up. Anybody wish to kick off?

COMMISSIONER FISHER: I have one technical question that you referenced, but I am not sure you're the one that will ultimately answer it, but you mentioned the shared parking which is still confusing me.

How is it shared if the residential is assigned?

It sounds like from what people are saying, both yourself and I believe maybe the traf -- the architect or somebody, that it is implying that if a resident assigned a spot leaves, your spot could be used by somebody else, like one of the retail or office or whatever?

THE WITNESS: Yes. You could do it that way. What you could do is --

COMMISSIONER FISHER: Well, I guess how is it being calculated because from a practical standpoint, I have a question as to how that would actually work.

THE WITNESS: I can't give you exactly how it would work tonight, but other large projects that I worked with, there is a parking management

plan that is developed, particularly there being a staff person who is actually supervising or running the parking facility.

This building, you know, the office tenant and the retail tenant and the residential tenant all have to abide by whatever the set of rules would be in the parking management plan, and then there are people who specialize in doing that, and you implement the plan, and the person might only have rights to that parking space between certain hours, for instance. That might be one way of addressing it. Then you would have another person who has rights to that parking space during other hours and different days, so it needs to be worked on, and it needs to be supervised, but it is functional and possible.

CHAIRMAN AIBEL: Mr. Greene?

VICE CHAIR GREENE: A couple questions for you.

In planning, as it pertains to mass transit, what comes first, the mass transit or the development, which is better planning?

THE WITNESS: It is the old chicken and the egg.

I worked in many urban areas. I was

the Director of Planning for Jersey City 30 years ago, and the difficulty was in having -- trying to convince the State to put in the light rail system prior to it being enough development to sustain it.

And when the development starts to come in, in some ways what we did then is that you created the development or begin to create the development because then the problems became more apparent, and then the idea of expediting the mass transit becomes more imperative, so they kind of like go back and forth.

There is no magic. If you had a magic wand, or you had unlimited funds, you just build the train line, and if you build it, they will come, and that is what you are seeing along this light rail line, not just in Hoboken, but in Bayonne and in Jersey City and in other communities as well.

That location nearest mass transit, nearest to these light rail stations are now becoming centers for newer development.

VICE CHAIR GREENE: Now, do you have any idea what percentage of capacity the light rail is running particularly as it pertains to the 9th Street station?

THE WITNESS: You know, I did not look

that up at this time.

I know that in general, the line has been running at greater numbers than they had originally anticipated. It has become quite successful actually, but you can always put more and do what makes the light rail or any mass transit system successful and less economically burdensome to the taxpayer is the increasing ridership.

VICE CHAIR GREENE: But is it possible given the size, the number of units, and the projected population, that that station could be swamped with additional potential users just as --

THE WTINESS: No.

VICE CHAIR GREENE: -- your response was no?

THE WITNESS: Right.

If you look at -- you can reduce head ways between trains, which means you will have more trains coming through the station at any given hour.

I know that New Jersey Transit is already looking at ways to increase car length. They can't fit more than two cars on any particular platform these days, but they have been looking at -- there is a smaller car that fits in the middle of the two car lines, and that increases capacity a

little bit as well.

Then they already began to look at extending platforms lengths, where they can.

You will see during the day trains running on that particular line, that are a single car train, and they had more double train cars.

If there are peak hours, where you are running double car trains already, you can reduce head ways between the trains running on the same line, so there is a lot of ways to increase capacity on that line before you are going to reach the point where you are going say --

VICE CHAIR GREENE: Now, one of the -- one of the points that you made pertains to the master plan. Just let me quote it.

Recommendation Number 1: Promote compatibility in scale, density, design and orientation.

Now, what is meant by "scale"?

THE WTINESS: Basically primarily the height, the bulk of the buildings.

I think in looking at the building under construction, the Bijou building, and looking at some of the other buildings heading south that have been approved and are being built or have been

rebuilt going to the western redevelopment area, they are in that same range. Some of the smaller ones are six stories. Some of them are 13 stories, 11 stories, so you are in the same range with this, which is 9 and 10.

VICE CHAIR GREENE: Okay. Would linear dimension be part of scale?

THE WITNESS: Well, yeah, and I think what is done here, and by opening up the view corridor is that instead of having this one block that runs 1200 feet and having the other -- the Bijou piece on it is more like 1400 or 1600. By breaking it up and bringing it through 10th Street, and then breaking it up again by stopping at 11th Street and then having the view space, what you have there are standard Hoboken block lengths that are roughly 400 or 425 feet long, which is the standard Hoboken block length, so I think that promotes capability of scale.

VICE CHAIR GREENE: There are other buildings along Monroe Street that are 425 feet long?

THE WITNESS: There are other buildings that are in the area that are 400 feet long. Yes, I don't know if they are right on Monroe Street, but a

lot of things in the northwest redevelopment area that have been developed are like a full block development, where you have -- the Hoboken donut in the middle type of thing and --

VICE CHAIR GREENE: Are those 11 stories?

THE WITNESS: No.

VICE CHAIR GREENE: The buildings you are referring to?

THE WTINESS: No.

VICE CHAIR GREENE: So this is 425 feet by 11 stories, and you are saying that the scale is similar to other buildings in the area?

THE WITNESS: Yes.

This building, for instance, and I have to look at it, too, it is not a 400 feet long building. There is a taller building at this end, a taller building at this end, at the north and south ends, instead of saying "this."

The portion in the middle is a different character, and it's dropped down lower, and then the taller part of the building is pushed back. That is not a 400 foot long 11-story -- ten-story slab. That's broken up into different pieces.

The 11-story building that's here is narrower here, but it runs back 200 feet or so, so it has 200 feet of slab.

This across here, that is probably close to three or 400 feet, so yes, it gets consistent in the scale, in my opinion.

VICE CHAIR GREENE: Then one last question.

In your conclusions, granting the variance will guide the appropriate use and development of this site in a manner that would promote the general welfare consistent with 40:55D-2(a). What do you mean by "guide"?

THE WITNESS: Well, when you grant the variance, you are guiding the use of the development to the property. You're granting a variance for that to happen. I think that in guiding -- and I believe this is the appropriate use in development of the property based on the -- when everything gets done that's in the report that I discussed, the recommendations in the master plan, the findings of the City Council, in the resolution designating this as a redevelopment area, I think those items show what the appropriate use and development of this site is, and I think mixed-use residential

commercial use is the appropriate use of the development.

VICE CHAIR GREENE: Despite the fact that zoning says it is not?

THE WITNESS: The zoning is wrong, and the City Council recognized that.

VICE CHAIR GREENE: But has the City Council acted on it?

THE WTINESS: They haven't had the opportunity to act yet, or whatever they have done, quite frankly, that is disturbing to the point where you begin to wonder if the zoning in Hoboken is valid.

VICE CHAIR GREENE: But do you view the Zoning Board as the body that should be dictating what the zoning is?

THE WITNESS: This is the only venue, where we are not asking you to dictate the zoning in general. We are giving you the rationale that we think this particular piece of property is suited for this development.

VICE CHAIR GREENE: Okay. Thank you.

I will give the others a chance.

COMMISSIONER MARSH: I have a couple of questions.

And I recognize that this open space is open to the public because it is sideways, right?

In many cases, you have about 60 percent lot coverage. In many cases in Hoboken, that 60 percent lot coverage is on the interior of the block --

THE WITNESS: Yes.

COMMISSIONER MARSH: -- so this becomes public open space by virtue of the fact that it's not surrounded by buildings, right?

THE WTINESS: Well, it lends itself to that --

COMMISSIONER MARSH: Lends itself to open space, yes.

THE WITNESS: -- but it would be open to the public because that is what the developer is suggesting.

There's no reason why, and it couldn't be private space --

COMMISSIONER MARSH: Sure. He could fence it up, that's true.

But my question is: How did you arrive -- did you do any analysis of how much open space 500 -- the people who are going to move into 515 units would need?

THE WITNESS: I didn't. I could tell you it is less than 40 percent of the site.

COMMISSIONER MARSH: Well, I mean, most of the residential sites are at least 30 percent, and that is for buildings half of the size, right?

The R3, I believe, allows 70 percent lot coverage, is that true?

THE WITNESS: Well, that is not public open space. That is private space.

COMMISSIONER MARSH: That's just for the residents, right?

So the law in R3 assumes that the people who live in those four stories over parking buildings need 30 percent of the lot for their own private open space, correct?

That is the premise of the law.

THE WTINESS: I don't know if that is the whole rationale for having --

COMMISSIONER MARSH: No, but it is the law.

THE WITNESS: -- I think it is for providing the air and light to the buildings as well --

COMISSIONER MARSH: But it is the law, correct?

THE WITNESS: Excuse me?

COMMISSIONER MARSH: It is the ordinance. That's what the ordinance states.

THE WITNESS: The ordinance has a 60 percent lot coverage in the R1 zone and the R2 zone, and the R3 zone --

COMMISSIONER MARSH: So this is actually less open space just for the residents of the building than is provided for in other residential districts?

THE WITNESS: I would disagree with that because we use also rooftops. There are upper roofs that are green. There are lower roofs that provide recreation space. There is a lot of other amenities that are being provided, not just on the ground.

COMMISSIONER MARSH: How much square footage on the rooftop then?

THE WITNESS: I can't tell you. I guess the architect would have to calculate it all up.

COMMISSIONER MARSH: Okay. That is all I have.

CHAIRMAN AIBEL: Mr. Grana?

COMMISSIONER GRANA: Mr. Kolling --

COMMISSIONER MARSH: Oh, I'm sorry -- I did.

COMMISSIONER GRANA: Go ahead.

COMMISSIONER MARSH: First off, yeah, there are laws that I don't like, and I tend to go to the legislature, whatever particular body it is to change the law.

It is a privilege I think that people in the development community have this avenue, because most other laws don't have this at all. Your only choice is to go to the governing body. That is it.

If you want to change a law about -- wasn't there a public question about setting bail?

Your only choice is to go to the governing body. That's it. I just wanted to make that small point. But nobody says what the governing body is going to change the zoning to. There are other options between industrial and residential, are there not?

THE WITNESS: There are, but that is not what is in the resolution.

The resolution I think, you know, clearly talked about the surrounding residential and commercial development that was emerging, and I

think it implied pretty clearly to me that that was the type of development that was being considered to be extended into this area. The basic major uses are residential, commercial and industrial --

COMMISSIONER MARSH: Thank you

COMMISSIONER BRANCIFORTE: Go ahead.

COMMISSIONER GRANA: Mr. Kolling, you testified that one of the important considerations of the site is the fact that it is within one quarter mile of the light rail station.

THE WITNESS: Yes.

COMMISSIONER GRANA: The light rail station, call it a major investment, is it a different -- is there something special about the fact that it is a light rail station or some other form of transit, a bus stop or a van service, what's different about the fact that it is a light rail station?

THE WITNESS: Well, you have the fixed rail. It is a designated location and station. Typically a fixed type of mass transit is more attractive than say using a bus. Buses are in the same flow of traffic as an automobile with stop signs and the traffic lights and everything else.

Light rail, because it's on its on

dedicated right-of-way, has a clearer path of travel, less stops. It's more efficient, so people are more drawn to it, so it is a more desirable form of mass transit than say a bus.

COMMISSIONER GRANA: So it is more desirable, and it has an attractive element.

Is the reason why that capability couldn't lend this site to say more commercial or more, you know, because you got a commercial component in here, is there a reason why it needs to be this mix of uses, if you are linking it to that, to the benefits of that transportation?

Is there a reason why we couldn't put, for example, a Class A office building here and take advantage of --

THE WITNESS: Yes, because the Class A office building would not be in character with what is there now. It is a residential development, residential area. We're in an industrial zone. We're right across from the northwest redevelopment. You are in industrial.

Also, the office building will attract ridership primarily in peak hours, not so much during the middle of the day nor the evening, when you have mixed use and especially with the

residential, people coming and going more frequently, so you would have greater ridership and distributed more evenly throughout the day.

With the amount of retail that's here, you might get people who come to shop at retail at the same time you have residential people leaving, say leaving the site and then coming home, so I think the residential mixed use is a better use of the train station than simply an office center.

COMMISSIONER GRANA: Thank you.

Is there any reason that the physical location of this property and the -- he testified earlier, I think it was the architect, to the confines of the particular lot couldn't continue to function as an industrial site?

THE WITNESS: Well, I think you heard the applicant saying that it is becoming more difficult for him to function.

I think the demand for industrial properties in this area is diminishing. Difficulty in getting larger trucks in and out is one aspect. but also I think as the City Council resolution identified, it actually is becoming detrimental.

When this area was all industrial and the truck traffic was passing through industrial

neighborhoods, no big deal. You are an industrial user. You have an industrial neighbor.

But when you are an industrial user, and your neighbors are residents who are walking on the streets and things like that, the industrial traffic, the truck traffic, becomes detrimental, and that is what the City Council recognized in its ordinance.

COMMISSIONER GRANA: So it is your testimony that this particular property as an industrial use is in conflict with the uses that are around it?

THE WITNESS: Yes. Well, the growing residential and commercial neighborhood, yes, and that is what, as I said, that is what the City Council put in its resolution.

COMMISSIONER GRANA: Thank you.

CHAIRMAN AIBEL: Mr. Branciforte?

COMMISSIONER BRANCIFORTE: Before a member of the public, Ms. Healey, was talking about -- actually I guess Dean Marchetto, the architect, was talking about what the proposed plan in front of the City Council calls for, six stories, and correct me if I am wrong, the proposed plan called for six stories, and this is at 11.

Why is 11 better than six?

THE WITNESS: I think he said eight. Eight stories, but it's different than 11. I don't think we're at 11. We are at nine and ten.

COMMISSIONER BRANCIFORTE: Nine and ten stories?

MR. MATULE: Yes.

THE WITNESS: Nine and ten, so eight, nine, ten, it is not like we're going from six to twelve. It is eight, nine, ten.

I think the extra floor -- one of them is two floors is in part because it is compressed somewhat the development parcel because we kept 40 percent as open space.

COMMISSIONER BRANCIFORTE: Yeah, I am lost. You still have to convince me that the extra story, you know, does anything for the community by having an extra story or two stories. What is the benefit to the neighborhood?

THE WITNESS: It's 40 percent open space.

COMMISSIONER BRANCIFORTE: What is the benefit to the community of having a ten-story building versus an eight-story building?

THE WTINESS: It permits the 40 percent

open space.

COMMISSIONER BRANCIFORTE: You are saying it could cut off two stories, and you could have 40 percent open space?

THE WTINESS: I am not saying that, but that is what is before us.

COMMISSIONER BRANCIFORTE: You know, the other thing, too, the other question I have is what Mr. Greene brought up was the question of scale, and I am trying to think of any building running north-south on any of the avenues that are ten or eleven stories that can cover the entire block.

MR. MANDELBAUM: Are you asking me?

COMMISSIONER BRANCIFORTE: I am asking the question of him, so --

THE WITNESS: Oh, I thought it was just a statement.

What was the question?

COMMISSIONER BRANCIFORTE: Are there any other buildings in this neighborhood running north-south on the avenue, running north-south, that are ten or eleven or nine or ten stories high that cover an entire, you know, 300, 400 foot length of the block?

THE WITNESS: Well, I think I described what is there.

I don't know -- first of all, most of Hoboken is four stories, five stories tall, so to look for another ten-story building, there is not that many around --

COMMISSIONER BRANCIFORTE: See, this is the problem I have in your testimony that we heard in previous applications, that you never have a problem when we go for height of picking out other buildings in the neighborhood to compare it to and justify it, but here, I am asking you, you know, other residential buildings, like for instance, on the east side of ShopRite, I mean, they are not eight or nine stories high, and they run the entire block --

THE WITNESS: Right --

COMMISSIONER BRANCIFORTE: -- you know, they face this building across the parking lot.

THE WITNESS: -- there are --

COMMISSIONER BRANCIFORTE: -- I see that scale, and I think, boy, that scale is a lot better there than that proposed building.

Am I wrong to think that?

THE WTINESS: Yes. The six-story

buildings, and they are six, I believe, and they take up 400 feet. If you are on the sidewalk, it's a 400 foot slab, 425 foot slab, whether it's six stories or it's eleven stories.

As I tried to point out, though, what was done here is that what relates to the sidewalk over the majority of the frontage is much smaller, like it is four stories or five stories along the frontage of Monroe, and then the height, visual height, is brought to the edges. I don't see that as being an overwhelming building.

COMMISSIONER BRANCIFORTE: You're pointing to the north building. You still have a south building you're talking about --

THE WITNESS: The south building is not 400 foot long. The whole block is 400 feet long, and you have the Bijou building at the south end. This takes up just a portion of the block, so it is not a 400 foot slab in that location, maybe 250, I'm just eyeballing it here, which is not too different than the side facing the Bijou or the north-south face -- I don't know what this building is called -- that's closer to the light rail station.

If you are asking me is there specifically a ten-story building somewhere in

Hoboken that is 400 feet long, no.

COMMISSIONER BRANCIFORTE: Thanks.

COMMISSIONER DE FUSCO: So in regards to the break-up of the units, the master plan also calls for larger family-friendly. I don't know if it is one application that we mentioned the word family-friendly, and that is a little surprising, considering the size of the building, so I have 49 studio, 284 one-bedrooms, that's -- that's a lot. In my opinion, that's a lot.

How does that work with the master plan, in your opinion?

THE WITNESS: Well, the percentage is lower obviously, but there are still a certain number of three-bedroom units that have been created. This particular building, judging by the market mix, is not geared primarily to families. It does accommodate that percentage within the 25 units or so that I think are there, but it also is geared towards small families, singles by the unit mix.

COMMISSIONER DE FUSCO: So it is not in line with the master plan in regards to encouraging a family-friendly requirement?

THE WITNESS: It's not especially in

line with it, no.

Some of the other projects that you've seen here are primarily three-bedroom units, and those are geared more exclusively to families, but the project does accommodate family-friendly units, but it's a lower mix.

COMMISSIONER DE FUSCO: So the reexamination report in 2010 called for the green circuit, which runs around the perimeter of Hoboken.

How is it open space slash beneficial to the community, that this green circuit is routed back to the public thoroughfare, back to the street and the sidewalk?

How is that beneficial planning for pedestrians and specifically for bikers?

THE WITNESS: Well, it's not uncommon to do that.

I reviewed a Morris Canal greenway plan in Jersey City recently. The same thing was occurring there. Some parts of the old Morris Canal are accessible publicly, so they are able to use it or if it's not, it gets shifted off to the sidewalk, and you move it back and forth.

In fact, the approach that was taken in the most recent Western Edge redevelopment plan

draft was almost identical to this, a suggestion of the green park towards the northern end by 12th Street, pulling the greenway in and running it down Monroe and then pulling it back. Actually in that plan, it got pulled back between the Bijou site and this side.

I think that this plan is superior because it brings it back to the edge quicker, and it has the dual benefit of opening up a view corridor of 10th Street, so it can come in and out, and I think that that's still beneficial especially because what happened in this location, too, and what this plan did was widen the sidewalk by an extra ten feet here, so it becomes more of a green street for the look area where it's pulled out to the front --

COMMISSIONER DE FUSCO: I don't mean to be too literal about, you know, what the definition of perimeter is.

I mean, you know, working this proposed circuit in and out is totally okay. But to me, it seems actually completely severed by a staircase, which does not encourage anything on wheels, for instance, which is one of the main -- many folks here in Hoboken use bikes and other skate boards,

roller blades to get around, and you know, I am going to throw this out to you.

How does this encourage those modes of transportation?

THE WITNESS: Well, I have to agree with you. That mode of transportation, you continue on Monroe. For instance, let's say your destination was the Main Street light rail station, if you were on that mode of transportation, you would not cut in through the view corridor. You would probably continue down Monroe and turn on Ninth --

COMMISSIONER DE FUSCO: And I am sure you heard the traffic engineer's, you know, testimony, which was that the -- there is going to be a nearly 40 percent increase in traffic along Monroe Street. You heard our Board's engineer also indicate that it appears for pedestrian safety, so now this plan is trying to route more pedestrians, so I am just trying to find a way that this open space is actually, one, open space, and two, beneficial to the community, because I thought about this long and hard, and I just can't seem to find it, so please, if you have some light to shed on that.

THE WITNESS: Well, it's definitely

geared more towards the pedestrian than a bicycle, for instance, and there are two kinds -- there's more than two, but the primary two types of cyclists are people with the skinny wheels, and they are not going on any little meandering path. They are on the street because they're going to go fast, and maybe not even in Hoboken, because you are going as fast as the cars or faster.

Then you have the fat wheels that people leisurely use as recreational, and you are going find that you're caught up and you're going slow, so this might accommodate --

COMMISSIONER DE FUSCO: You know, maybe 50 percent of the community.

Thank you.

COMMISSIONER FISHER: One question as a follow-up to Commissioner Greene.

When he was mentioning earlier about the transportation and how that goes in with planning, it was kind of specific I think to the light rail, but just generally, when you think of planning, how -- how important is just -- especially in Hoboken is just general access to public transportation in planning for a development of this size?

THE WITNESS: Well, in an urban environment, any access to public transportation is beneficial because you don't want to have to rely on cars all of the time. You don't want to contribute to the additional traffic, so it's beneficial everywhere. But the problem is in a dense urban area, it is hard to add different lanes of travel because you can't widen the streets. You can't add --

COMMISSIONER FISHER: Right.

THE WITNESS: -- and the cost is very expensive. So in a place like Hoboken, you are going to rely primarily on your feet. You're going to rely on the light rail, and luckily the town is not that wide, so the walking distance to the light rail station is never all that far.

COMMISSIONER FISHER: Do you think -- I think the numbers that the traffic consultant had, and correct me if I'm wrong, based on I think the Metro Stop was, I think the expectations were about 60 percent that take public transportation -- maybe 30 percent rode and five percent walk or whatever --

THE WITNESS: Yes.

COMMISSIONER FISHER: -- so if 60 percent of this building takes public transaction,

do you think the public transportation is sufficient to support that?

THE WITNESS: Yes.

As I said, the light rail is not anywhere near capacity, and its capacity can be increased very easily.

COMMISSIONER FISHER: Well, I understand. But even more specifically, where the light rail goes in two directions. One direction takes you to the Path, and I actually don't remember the cost of the light rail, but I know it's -- costs of the light rail, costs of the Path.

The other direction, at best, it takes you to the ferry, which is the cost of the light rail and a very significant cost of the ferry to get into midtown, and just really expensive forms of transportation, if you're going to go north.

And when you look at the bus, the bus is kind of uptown going into the Port Authority or at capacity. I mean, during those rush hours from 7th and up, you wait for four buses go by, and now you are going to put 60 percent of 500, potentially 300 people, give or take, into this, you know, within an hour and a half, two hours.

VICE CHAIR GREENE: It's not 50 --

COMMISSIONER FISHER: It's not what?

VICE CHAIR GREENE: -- I'm sorry. It is not 60 percent of 500 people. It is 60 percent of 12 or 14 --

COMMISSIONER FISHER: -- yeah, it could be, and it's probably more -- yeah.

So, again, I mean, unfortunately, within Hoboken, we have these stresses. We have insufficient everything to accommodate increased volumes, but I'm just curious what your thoughts are, if that is part of what your planning is.

THE WITNESS: The population of the building, I did calculate that. I looked at the unit sizes.

As a rental, it would be about 960 people. That would include some number of children --

COMMISSIONER FISHER: Yeah, of course.

THE WITNESS: -- but let's just say it is 900 adults, 60 percent of that is --

COMMISSIONER FISHER: 500 --

THE WITNESS: -- you know, maybe 600 people. And if they went into the system, the best outcome of having more people on the bus line would be they are on the buses --

COMMISSIONER FISHER: Okay, or rumor has it.

MR. GALVIN: Well --

THE WITNESS: -- we have New Jersey Transit --

COMMISSIONER FISHER: Yeah, yeah, I'm sorry.

Go ahead.

I am done.

MR. GALVIN: Okay.

COMMISSIONER BRANCIFORTE: You know, the evidence that you present, though, the evidence that has been put into the record, that I talked about the drawings, it has calculations saying there is going to be 2,029 people living in the building.

THE WITNESS: That is not a population projection -- that's not a demographic population projection. That number is used for whatever purposes of sewer calculations, sizing sewer pipes, sizing things of that nature. It is not a demographic population projection.

COMMISSIONER BRANCIFORTE: I don't understand the difference, to be quite honest with you.

So I have to go by, you know, the

calculations that were given to me, not the calculations that are coming off the top of your head --

THE WITNESS: They're not coming off the top of my head. There is a book that was produced by Rutgers University, the Center for Urban Planning Research, which is titled: "Who Lives in New Jersey," and they have multipliers for different unit types and unit styles, whether they be single, two-family homes, townhouses, apartment buildings, one-bedrooms, two-bedrooms, and things of that nature, and it has all been done through demographic research, and then these numbers are numbers that anybody in the profession uses to project population growth.

CHAIRMAN AIBEL: Board members?

Ms. Banyra, do you have anything?

MS. BANYRA: No.

CHAIRMAN AIBEL: Let me open it up to the public.

Anybody in the public have questions for Ms. Kolling?

MS. HEALEY: Leah Healey, 806 Park.

You referred a couple times to a resolution, and I'm sorry if I didn't hear it, but

what resolution are you talking about?

THE WITNESS: There was a resolution passed by the City Council of Hoboken designating the Western Edge redevelopment area as an area in need of redevelopment.

MS. HEALEY: So you are saying that in that resolution, it's saying what the area should ultimately be used for or not be used for?

THE WITNESS: It doesn't get specific. It doesn't say it should be used for buildings of this size or this height, or you know, this density, but it talks about the fact that industrial uses are no longer appropriate in the area.

It talks about the inherent conflict between pedestrian traffic and truck traffic. It specifically calls it the reuse of the area for industrial and warehouse space as being detrimental.

It does make reference to the surrounding area, and it mentions specifically residential, commercial mixed use, so it is pretty clear to me what the intent of it is.

MS. HEALEY: Do you know anything about redevelopment designation resolutions?

THE WITNESS: Yes.

MS. HEALEY: And is there something in

the redevelopment law that requires City Council to opine on what is or isn't going -- what is in conflict or isn't -- isn't that resolution about whether it meets the criteria in the statute for being a redevelopment area?

THE WITNESS: Yes, it does. But these were --

MS. HEALEY: Thanks. That is all I need to know.

THE WITNESS: -- these were in findings of fact --

MS. HEALEY: Just answer the question.

It has to meet the criteria, correct?

THE WITNESS: Well, if it doesn't meet the criteria, then the resolution would be inappropriate.

MS. HEALEY: Right.

The criteria talks about what the property's existing conditions are.

THE WITNESS: Yes, they do.

MS. HEALEY: So that anybody who wants to challenge that resolution would be looking as to whether or not the criteria were met?

THE WTINESS: Yes.

MS. HEALEY: That are set forth in

the --

THE WITNESS: Absolutely.

MS. HEALEY: Okay.

Can a redevelopment plan be inconsistent with the master plan?

THE WITNESS: Yes.

MS. HEALEY: And you referred, I believe, to the Western Edge plan, and I think you probably heard Mr. Marchetto talk about the stories in that.

THE WITNESS: Yes.

MS. HEALEY: And I heard him say eight.

THE WITNESS: Yes.

MS. HEALEY: And I think that's incorrect, that one of the buildings was going to be eight stories, or were all of the buildings going to be eight stories in that proposal?

MR. MATULE: I don't know if he can answer that question --

THE WITNESS: I don't know

MR. MATULE: -- answer, if you can.

THE WITNESS: I don't know.

MS. HEALEY: You don't know. Okay.

So you are not familiar then with what that proposed plan for the Western Edge also said

about the mix between commercial and residential?

THE WITNESS: I read it some time ago. There were things in that plan that talked about a certain percentage of office space, a certain percentage of commercial, a certain percentage of residential, but I can't remember exactly what the mix was.

MS. HEALEY: Would it surprise you if I told you it was 60 percent commercial?

THE WITNESS: No.

MS. HEALEY: And my last question is: Were you ever asked to look at this from a land use perspective for anything else other than residential?

THE WITNESS: No.

MS. HEALEY: Thank you.

CHAIRMAN AIBEL: Anybody else in the public wish to ask Mr. Kolling question?

MR. EVERS: Yes.

CHAIRMAN AIBEL: Please come forward.

MR. EVERS: Mike Evers, 252 Second Street.

Mr. Kolling, one of the questions that some of these esteemed Commissioners have asked have to do with the Zoning Board apparently making law or

ignoring the will of the City Council in making a resolution, or at least that is how I heard it.

Now, my question for you is this: If the current zoning plan in the City of Hoboken for the R1 and R2 districts certainly stipulate that the building should be three stories tall, is that correct?

THE WITNESS: Yes.

MR. EVERS: So when the Zoning Board makes a decision, as it frequently does here, like almost all of the time, to change the height of the number of stories of a building from three to four, it would also be in the same manner going against the will of the City Council and making the law, wouldn't you say?

THE WITNESS: I don't know. I can't answer that.

(Laughter)

MR. EVERS: You don't want to touch that with a ten foot pole?

THE WITNESS: No.

MR. EVERS: Fair enough. Fair enough.

(Laughter)

MR. EVERS: Okay. Well, I don't want to pressure you into answering that question.

Thank you.

CHAIRMAN AIBEL: Anybody else in the public wish to ask Mr. Kolling questions?

COMMISSIONER BRANCIFORTE: Motion to close the public portion.

COMMISSIONER MURPHY: Second.

CHAIRMAN AIBEL: All in favor?

(All Board members answered in the affirmative.)

MR. MATULE: Should I just come up now?

CHAIRMAN AIBEL: I think we're ready for that, right?

MR. GALVIN: No. Public portion.

CHAIRMAN AIBEL: My apologies.

Okay. Let me open it up to the public for comments.

Here is our public.

(Laughter)

MR. GALVIN: Raise your right hand, Ms. Healey.

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

MS. HEALEY: Yes, I do.

MR. GALVIN: State your full name for

the record and spell your last name.

MS. HEALEY: Leah Healey, 806 Park Avenue, H-e-a-l-e-y.

MR. GALVIN: You may proceed.

MS. HEALEY: Thank you.

I was here many, many years ago when this property was amongst other properties that the city was attempting to do a deal called the Northwest Green.

That deal eventually got overturned because the community organization I was involved with actually went to court and said you are not following the law.

So I sat through a number of hearings on both 9th and Monroe, and, in fact, this property owner was involved in that litigation when 9th and Monroe was seeking to get their approval. But it's very -- what I keep coming back to in a lot of these applications is that the experts stand up and point to the various buildings that are around and say, that is a reason why you should give us this height, because the building here is -- and all of the buildings that they are pointing to, including what I just heard the architect state, Sky Club, were variance applications.

So I give -- pointing to those buildings as something you should follow has absolutely no precedent, as far as I am concerned, for the reason why you should go ahead and do this.

So I am really concerned every time I hear that argument being made. I don't think this Board goes along with that, but nevertheless, I just wanted to make that point.

While I certainly appreciate the fact there is green space that's being provided in this, and I would be the first one to say that I think it is a benefit.

I was asking some questions because green space is only green space as long as there are some controls on it, and I was at those Maxwell hearings, and we all thought when that project was before you as a PUD -- I think it was a PUD -- no, it might have been a redevelopment area -- PUD, that we are getting public open space, and the final design of that project is anything but that.

So I am very concerned that there is a lot of talk about 40 percent open space, but when it gets down to the details and how it is designed, that is when really there is a determination made about it.

Let's be frank. There is not a whole lot you could do a with that little sliver of property. I don't know what design they had for that, but I don't know how many buildings were going to fit on that piece of property anyway, so I am not sure how much is really being given up here.

I know the developer is saying it is a big trade-off, but if there is a possibility of developing on that land, and bringing the building down, and that hasn't been explored, I don't know.

And yes, the city is moving forward with the development plan, and I know they have been moving forward with it a lot, but the last redevelopment plans that I've looked at have never been anything on this scale at all, and to have something this dense go here, my concern is: You approve this, when everybody else comes in for the rest of the zoning applicants, guess what they are going to be pointing at?

This building and saying it is okay.

Lastly, with respect to the view corridor, the master plan is actually pretty clear. We are trying to preserve the view of the Palisades, and we fought this fight and lost it under the previous Zoning Board for the Bijou building

Now, Mr. Bijou was not in control of that property at the time, but there were a lot of people that actually came from the other side from Jersey City to those hearings and had a lot to say about the height of those buildings looking this way. But I said, our master plan says we are trying to protect our view that way, and what you got in the northwest zone are people's view that's totally going to be obliterated by this building.

Right now, they look over the top of the industrial building, and they see the Palisades. There's not going to be any view.

The only view of the Palisades is going to be from standing in the middle of the street.

Now, it doesn't only talk about view corridors. It talks about the view of the Palisades, and I think there is a distinction here. We lost a lot of it already, but we will see.

My overriding concern is I have not heard the community benefit that is really being put forth to this scale, and I have heard some testimony tonight, particularly with respect to Metro Stop and how many people -- what percentage of what -- and when I probed that, I think I found that this thing, this survey of Metro, this understanding of how the

existing building is being used was not supported at all, and yet I heard it over and over again.

So I have real concerns about an expert that keeps talking about some studies and relying upon some study, and then doesn't have the study, and then really doesn't have any knowledge of the study, and I think, you know, if you bring something up like that, you better have the support for it.

So I can't support this project in its present configuration, because I think it is far too dense, and what this Board has to be worried about is the next application in front of you.

So I appreciate your time.

Thank you.

CHAIRMAN AIBEL: Thank you.

Anybody else in the public wish to comment?

MR. EVERS: Yeah.

CHAIRMAN AIBEL: Please come forward.

MR. EVERS: Do I have to swear in again?

MR. GALVIN: Now you do. This is the first time.

MR. EVERS: Oh.

MR. GALVIN: Do you swear to tell the

truth, the whole truth, and nothing but the truth, so help you God?

MR. EVERS: Yes, I do.

You know who I am, right?

I got to tell you that, you know, I always come down here for the affordable housing bit. You turned down a lot better projects than this one, quite frankly. This one is nice, but it doesn't -- it isn't terrific. But I have to tell you something: I fought many war in the days of Dominick Lisa and all of those wonderful people that used to sit on this Board, okay?

I don't see you people behaving in any less arbitrary or capricious manner than they have.

As I asked Mr. Kolling before, if people blithely disregard the intent of this master plan that you've repeatedly cited here tonight, to justify questions, I heard because couldn't see you from behind the screen over there, I even listened and heard a Commissioner say, gee, well, you know, it is really not up to us to change the law of the city, and yet how many times have you granted variances for floors, which are D variances, variances for height, which are D variances. You do this all of the time, okay?

What you really need to do, in my opinion, is stop crapping around and do --

CHAIRMAN AIBEL: Mr. Evers, Mr. Evers, do you have a comment on this matter before us tonight?

MR. EVERS: Yes. I was about to make it before you interrupted me.

CHAIRMAN AIBEL: Well, why don't you make the comment instead of castigating us?

MR. EVERS: In fact, I would argue that everything I just said was entirely germane to what's going on here.

CHAIRMAN AIBEL: Well, let's hear something germane, okay?

You have criticized past Boards. You've criticized us. Now, let's go on, and let's hear your view on the application.

MR. EVERS: Am I going to be allowed to speak without you interrupting me?

CHAIRMAN AIBEL: I'm not sure. Let's go.

MR. EVERS: As I said, arbitrary and capricious.

Now, the criticisms of this project are things like, well, gee, it is really dense.

Then focus on that. Don't come up with all of these kinds of inconsistent and capricious criticisms of a project. Be consistent when you do this. Okay?

If you feel the project is too dense, it's too dense, which is really what you have all been driving at. But don't take it apart with all of these little silly things, because quite honestly, you are doing a disservice to the public and to these folks.

They are here. They are trying to do a development project. They obviously want to make as much money as possible. That's what developers do. Don't waste their time, and I would suggest not wasting the public's time as well, because if you just were more straightforward in what you would consider and what you wouldn't consider, you wouldn't have this big backlog of projects coming back again, and again, and again to change a little bit of this and change a little bit of that, which you criticized. All right?

I frankly wonder at a situation, and then I will leave, in which I listened to the counsel for the Zoning Board signal to a Commissioner that there is really something they

would like to talk to them about, not in a public hearing in the middle of a public hearing. This kind of stuff undermines the project, and quite honestly, I don't understand how you can continue to do this without running the risk of one of these developers eventually filing that lawsuit for you folks engaging in capricious behavior.

Now, with regard to this particular project, I don't see it has such wonderful merit that you might want to proceed with this more than any of the other ones. It doesn't impress me. I wouldn't be surprised if you turned it down, but I think there are a lot more straightforward and honest ways of going about it than this Board has done.

CHAIRMAN AIBEL: Thank you, Mr. Evers.

Mr. Matule?

Well, let me make sure there is nobody else who wants to make a comment.

(Laughter)

VICE CHAIR GREENE: Seeing no one, I move we close the public portion.

COMMISSIONER GRANA: Second.

CHAIRMAN AIBEL: All in favor?

(All Board members answered in the

affirmative.)

CHAIRMAN AIBEL: Mr. Matule?

MR. MATULE: Thank you, Mr. Chairman.

Where to begin. We have been all over the place with this application.

Mr. Marchetto testified that his guideline for the initial design of this project was the prior plan that was attempted to be adopted by the city for this site. My client has testified that he has been waiting almost ten years for the city to do something with this site.

I can't honestly believe any of the Board members would seriously entertain the thought of continuing to have this site used for heavy industrial use.

Mr. Kolling's testimony about the language in the ordinance designating it as an area in need of redevelopment, I think is very germane.

Unfortunately, my client has no other avenue of relief. You may not wish to be it. We all wish there was another way to go about this, but you are sort of the court of last resort here. The city can't seem to do it by way of a redevelopment plan. They can't seem to be doing it by way of rezoning. And frankly, I have been doing this a

long time in this town, and I think it is just a lot more convenient to pass the buck to the Zoning Board. Whether that is a good idea or not, I won't opine on. But nevertheless, I think that is the facts that we have to deal with in the situation we have to work with.

We've heard comments about the fact that the planner always points to the higher buildings that are in the neighborhood and uses that as a rationale, and that that is precedent, and I think most of us know that it is not precedent, but context is relevant when a planner is giving testimony, and you have to look at the context of what is in the surrounding area.

As far as the open space goes, I find it interesting that we have an application here, where somebody wants to provide over an acre of park space, and instead of that being a positive thing, it is being denigrated as no big deal, because they probably couldn't do much with it anyway.

The applicant certainly is willing and would prefer that he could turn that over to the city after it was developed, and the city can do what it chooses. But in the absence of the city electing to do that, nevertheless, it is going to be

there.

We heard comments about the view corridors, and the fact that there is supposed to be more than just view corridors, they're supposed to be views, and the view behind our ten-story building is the parking garage for the Doric, and the Doric itself.

Would that view be any better, if the building were six stories high or eight stories high?

I would think not.

Part of what's driving that height is the fact like most conceptually thought out high-rise buildings, you are talking what you would otherwise have spread out on the site and stacking it up vertically.

Mr. Marchetto testified that in most of the perimeter development in the city, that is where the height is, that is where the floor area ratios are running around three percent or so.

Something no one has talked about, other than Mr. Evers, is the fact that in addition to providing all of that open space, which is certainly a public benefit and a community benefit, there are going to be 52 affordable housing units in

this project, which is also a tremendous public benefit, and that is required by the ordinance, but the quid pro quo for that is the ability to put residential in this zone, otherwise the ordinance wouldn't be enforceable.

The traffic expert has testified that there is not going to be any significant traffic impact. I don't think it is really -- I can certainly appreciate the concern, but when we start talking about the impact this is going to have on the ferry or the Path train, I mean, really, you know, other than having no further development in the city, I don't know what you do with that.

This is a good project. It is an appropriate project. It is a timely project. The applicant has been a good neighbor for many, many years.

Mr. Grana raised a question about Class A office space, I believe when we were first here, and Mr. Mandelbaum testified that his family has been in this business for generations, and he testified about why Class A office space wouldn't work there, and it wouldn't make sense here, and the fact that it would generate a lot more vehicle traffic and a lot more trips on a daily basis, if

they were there.

The fact that it is close to the light rail is significant. The whole concept of transit villages and the whole planning concept of concentrating density and having higher density than you would normally have in areas that are close to the public transit is a relevant and accurate planning concept, and that is what the applicant has tried to do here.

Again, I know that this Board would prefer if the city fathers did their job and went about this the right way, but the reality is that is not happening. It hasn't been happening, and property owners, such as this applicant, have no choice but to come before this Board.

I believe Mr. Kolling has sufficiently testified that the applicant has met the positive and negative criteria to grant the requested variance relief.

As far as site plan questions go, this is only preliminary. Those things can all be sorted out in the course of final site plan approval.

So all things considered, while although quite frankly, I am not optimistic, I think this is a good project, and I ask the that the Board

approve it.

Thank you.

CHAIRMAN AIBEL: Thank you, Mr. Matule.

Board members?

MR. GALVIN: Do you want me to go first?

CHAIRMAN AIBEL: Go ahead, if you want to go first.

MR. GALVIN: I think one of the things that needs to be in focus is the fact that this request is for a use variance, and a use variance has got to meet the Medici standard, which means that they have to show you some benefit to the community, and then they have to reconcile, then they have to tell you about the negative impact. They have to talk about the negative impact on the surrounding property owners and point out if there are any substantial negative impacts, and then they have to reconcile this with the master plan. You know, why didn't the governing body include this use in the zoning ordinance and the master plan.

And I think after you do that, then you have to do this weighing process, where you weigh the benefits versus those impacts on the master plan.

Use variances are one of the most difficult variances to get. It's a completely radically different thing to be asking for a use that's not permitted in the zone, than to be asking for a height variance, which was suggested earlier. A height variance is something that we do based on whether or not the site can accommodate the increase in height, which is a totally and completely different standard than the Medici standard for a use variance.

I think the uses in the zone -- Eileen, can you tell us what the uses in the zone are?

MS. BANYRA: What are permitted?

MR. GALVIN: Yes. What are the permitted uses in the zone?

And the reason why I am bringing this out is because we were talking about we keep using the term "industrial," and I think to be fair, it is a little bit more expansive than just industrial.

MS. BANYRA: Well, it's manufacturing, processing, office buildings, research laboratories, warehouses.

CHAIRMAN AIBEL: Right. But I am saying you guys have to weigh that out.

One of the arguments that's being put

forth is that there are not any uses that could be made of this site, so you have to weigh out whether you agree with that. But ultimately, keep in mind the fact that you don't have a right to rezone. You don't have the right to make policy. You don't have the right to say, this is where one use should go, and you should go in another location. That would be arbitrary and unreasonable. You would be making policy, which you are not supposed to do, and you might be usurping the authority of the governing body in accordance with the North Brunswick case.

So you have to be careful, and you have make sure that it falls into this Medici test, and they have to be able to reconcile the deviation from the master plan. You have to determine that.

On the issue of all of the different types of variances in this case, what I said earlier, and I will stand by what I said earlier, which is that since this use wasn't considered by the governing body and wasn't put in the zone, there are no standards. And so what the applicant has done is they made their best effort at imagining what the governing body might put here, if it were to allow residential uses here, but we don't know what the governing body would do.

All right. A use variance requires five affirmative votes.

COMMISSIONER FISHER: One more legal question.

We had the situation before, where I saw it, and correct me if I am wrong, where when you have a building of scale like this, that requires a use variance, that there may be implications on actually changing the zoning for the area, if we allow it, or something like that?

Is that not the case?

MR. GALVIN: No. I wasn't coming across well before.

When we grant a use variance, we are not changing the zoning of the property.

COMMISSIONER FISHER: No. But I thought -- I thought there was a concern if it was a certain scale or something, that that may --

MR. GALVIN: Oh, that is a good point. That's a good point.

I don't know how many -- and I didn't consider this -- but it could be spot zoning. If you have a -- if you are going to have a relatively large area in a zone that you are changing, then that is another kind of negative term to consider is

that that -- like if you are granting a -- like when we take a house somewhere, think about a 25 by 100 lot in the R1 zone that is kind of vast, and we were to turn that into a --

COMMISSIONER FISHER: A restaurant.

MR. GALVIN: -- a bar, let's say, for whatever reason, or a little bordega, that is a use variance. Maybe you can find some way to reconcile it, or like an internet cafe. An internet cafe isn't on Washington -- isn't on Washington, but the governing body didn't know about that at the time they created the ordinance.

Had they known about it, you know, they probably would have included this with the other list of retail uses. That's a good use of a D variance, but it certainly wouldn't be spot zoning because it is a just a very small portion of the zone.

But if you have a zone that's only a couple blocks big, and you're going to take a whole block of that, yes, at some point that does start to become spot zoning.

The concern is, any time you are going to do a major project, or approve something, you could be invading the province of the governing

body. That's the point.

COMMISSIONER GRANA: So let's arrange a motion here.

MR. GALVIN: I have given you my advice. You have to determine whether or not they have given you adequate special reasons to convince you that the benefits of this project or the site suitability outweigh the negative impacts, and the potential negative impacts on the master plan. But I am saying the negative impact on the master plan is substantial. You know, it has to really be -- when I'm saying "substantial," not in this case, but in all cases, it takes a lot of effort to overcome that.

COMMISSIONER MARSH: I just want a clarification here.

When you said that the use variance is the biggest one --

MR. GALVIN: In my view, it is the only one.

COMMISSONER MARSH: -- well, there's also a height variance here --

MR. GALVIN: No, negatory.

COMMISSIONER MARSH: -- there's not a height variance?

MR. GALVIN: No, not in my opinion. Okay.

I know that we noticed for that, and we talked about that the whole way, but there is a height limitation if you are an industrial use in the zone, but there is no industrial use being offered here. This is a residential use. Therefore, there are no standards.

But if it were an industrial building, they would probably still need a height variance.

COMMISSIONER MARSH: Okay. But somebody decided along the way that 80 feet was a good height, and now they are asking for 127.

MR. GALVIN: Okay. Sure. I got what you are saying, that even if you were to consider it with -- even if this was going to be an office building in the zone, it wouldn't have been higher than 80 feet, and I think that is understandable. You know, that's good logic. I agree with that.

But I am just saying I wanted you to understand the concept that there is no height limitation for residential because there is no residential permitted.

COMMISSIONER MARSH: It doesn't mean you shouldn't take it into consideration. It is

tall.

MR. GALVIN: You could find that. You could also -- there are other things you could find, even if you want -- if you want to compare it to the -- they are suggesting that you look at it in regard to the redevelopment areas, but you could just as easily look at just in the R1 zone, and then if this was in the R1 zone, there would be a big density variance.

CHAIRMAN AIBEL: Okay. Board members, anybody want to kick off?

VICE CHAIR GREENE: Don't we need a motion first before we discuss?

CHAIRMAN AIBEL: We usually discuss and then --

COMMISSIONER MARSH: I can make a comment, but does it have to be my last comment?

(Laughter)

I actually found, I would say one of the more troubling statements was that, "Oh, traffic dissipates after three or four blocks."

On Monroe Street driving south at rush hour, it doesn't dissipate anywhere. It funnels. It's actually kind of difficult to get to 9th and Monroe and 11th and Monroe. There are very few ways

to get there. But at 8th Street, it is a whole other ball game. I don't think you would find a C intersection there. I mean, I'm not a traffic expert, but I found that statement difficult, and to me, it changed -- it colored the whole testimony.

CHAIRMAN AIBEL: Mr. Grana?

Thank you.

COMMISSIONER GRANA: I'm going to take a crack at this and look at Dennis a lot.

(Laughter)

Okay. I guess I will start -- I have to look at my notes here -- so I guess I will start with: There have been a lot of comments back and forth, you know, about different testimony and the applicant, and I don't really think that that for me, that should not come into it, in my particular perspective, so I will give this one Commissioner's perspective.

I think this is a good project in that I think that the applicant has come seeking relief and has tried to build a project or design an application that has benefits to the community.

So obviously, there is profit motive in this, but that includes residential. That also includes a mix of uses, which Mr. Kolling has

pointed out, has been expressed in different points by this council as something that's designed in this area, so I think the applicant is attempting that along with open space as a community benefit.

There are some potential negative impacts. There is a lot of density. We have an engineer who has testified that that density is not that big from a traffic standpoint. You could disagree with it.

The types of units are not the complete family-friendly flavor we'd like to see. There are economics involved in that, and there is a greenway that would benefit the public, which we do not see.

But in terms of those negative impacts, they are abstract because there is no, what I could see, any direct negative impact on neighbors. There's industrial properties, and there's another property going up. There are potential impacts to the community, but they are not direct impacts, negative impacts to anyone at the site from what I could see.

The public benefits of this are it has nothing to do with the buildings that are around it. The applicant is proposing that there be amenities in providing new commercial services, providing open

space, providing these other things, and one way to achieve that is through increased height in density. That is just a reality. It's one way to get it, through private dollars and not public dollars. I think that lot at the end would be hard to develop.

But this specific site, I don't want to harp too much on the transit element, but this specific location is very well suited to the fact that there has been, you know, a regional investment made in transportation, but the municipality benefits, and this is a way to increase that benefit.

It returns a benefit to the public and the community, and I think that it allows this development to occur on this specific location with a heavy emphasis on driving the use on the public transit, and I think that that is a benefit for the community, even though we don't own that asset.

As far as the view corridor, I don't believe that is a negative impact. I hear the concern, but, you know, when I go and look at that site, it is obliterated by the view of the Doric, and it is not -- I agree with that element of testimony.

So I think that its relationship, you

know, to transit and the fact that the applicant, I believe, is trying to bring public amenities to the city through the use of private dollars is the public benefit, and I think that the negative impacts, while they are there, are offset by that.

So that was lengthy.

Thank you, Dennis. I didn't look too much in your direction.

That's one point of view.

MR. GALVIN: Good job.

CHAIRMAN AIBEL: Thank you.

COMMISSIONER FISHER: Can I be second?

CHAIRMAN AIBEL: Please.

COMMISSIONER FISHER: Only because I want to first start out by saying that I think Commissioner Grana did a great job of capturing the project, and even probably highlighted a few things that I hadn't fully thought through, but I generally agree with 95 percent of what you said, and your interesting take on what falls into the community benefit in kind of the attachment to the light rail. You know, the one car use as a benefit is a negative to cover up the Doric parking lot. I agree with you. I go by that. You know, covering it up isn't necessarily a bad thing.

I do think that the developer really has tried to come up with a kind of a composite of benefits for the community, and quite frankly, the park on the end is probably not developable, but, you know, some of the most interesting parks that I've seen are actually odd-shaped parks, and like what you can do with that space, so I think that's a nice, you know, public benefit.

I think for me that where I might have a point of departure is with regard to the safety on the streets, some of it is from my own personal experience living in a comparable sized building.

I don't think the traffic report, notwithstanding it was done by an expert, captured all of information that is really relevant to this. He indicated that they included, you know, five pedestrians crossing Monroe Street when they were doing their level of service.

If anybody is driving in, forget Hoboken for a second, if you need to drive into New York City, and you're going to turn right on any avenue, you know, you get stuck with 50 pedestrians going, so I think there potentially is a meaningful impact on those levels of service. Really the result just being that there should be some sort of

investment in the traffic calming devices, et cetera.

So I actually think that is such a significant challenge that the benefits don't outweigh the negatives.

With regard to the use, I actually go -- I point a little bit to we think about, although I know it's currently zoned -- the most relevant data point for me is the recent survey they did in advance of the Western Edge planning process, where they got input from 1200 residents, and the majority from Hoboken, and what they really wanted for the Western Edge.

I think this project checks not all of the boxes. It doesn't check the ring road that was kind of -- no, not the ring road -- the green -- you know, not at all, and I think that is hugely important, but I actually think it checks a lot of the boxes.

You know, in terms of height, 70 percent wanted ten stories or less and 85 percent wanted six stories or less, but you know, that is the majority. That is a big compelling number.

The uses that they wanted were mixed use, residential with not a big box, like grocery

stores, but kind of retail, et cetera, on the bottom, and it seems like they are doing that.

They also wanted a number of, you know, outdoor space, like a park. They wanted dog parks. They wanted other types of activities, and this actually captures a lot of it.

So I think -- I just want to -- I am not sure where this will go. But if it doesn't go the way the developer wants, I think it is important that there are a lost of positives about this project, and that's feedback that they should hear, so to the negatives to me, though, outweigh the positives.

CHAIRMAN AIBEL: Anybody else?

VICE CHAIR GREENE: Well, if I may, no project that has come before us is either all good or all bad, and this certainly falls in that category, and I have no doubt that the owner of the property, the developer, is frustrated by the actions and inactions of our governing body, and to that frankly, I am quite sympathetic, and I understand the developer's desire to maximize the value of his property, but I am not convinced that the criteria have been met.

I think that the -- as you may know, I

am not quite as parochial as some of my colleagues when it comes to providing for a use variance, but what makes the difference for me here is I just think the scale is too big. It is too dense. To me, it appears to be this monolith, you know, and that turns the corner for me in terms of allowing this particular use.

I also think about from a planning perspective, if you extrapolate this site around the rest of the perimeter, and you consider that you might be adding 15 to 20,000 new residents without the infrastructure to be able to accommodate it, people, whether it be mass transit, or roads and intersections, and I prefer to leave these decisions to professional planners and to the governing body and not to us as providing spot zoning.

So in that sense, although I regret saying it, I can't support it.

CHAIRMAN AIBEL: Anybody else, Board members?

COMMISSIONER MURPHY: I appreciate better having listened to all of this why they want to change it from industrial.

First hearing it, I was kind of confused because it is a working industrial site

now. He's owned the property for a long time. He basically has said it has been paid off. It's not, you know, they are just kind of waiting for the town for it to be right.

I kind of agree with Elliot in that I feel that it is just too dense, and I really also feel that, you know, if you start with an open slate, they could have worked harder to make a green belt go along the back, whether it's a different kind of a building plan, be more creative, and I think it was important for that green belt to stay on the perimeter and not necessarily come into a pedestrian walkway, even with it being widened.

I am concerned about the impacts of the traffic overall. I understand the traffic report for the area, but unfortunately, you know, 500-some new cars to that area, I don't know. I just don't know. I am not sure how Hoboken is going to deal with that overall, and which adds to the problem of it just being very dense.

Also, I am not happy with the number of smaller apartments in there. I think larger apartments would be better.

I realize that something has to go here, but I think that the scale just has to be

brought down some, so...

CHAIRMAN AIBEL: Thank you.

COMMISSIONER DE FUSCO: You know, I have done a lot of listening the last two meetings on this, and I think the entire Board brought up a number of good points.

Antonio has done a fantastic job summarizing it, and Elliot as well. I agree in terms of one main thing, believe it or not, not that you're the circuit for me, its density.

You know, we've -- because this is a potential transit community, it should come under -- it should be more highly scrutinized. Because there is so much potential in here, we should be paying more attention to this area, and because of where it is located, it has a lot of very special needs, so I think it should be part of a larger plan for the area.

I think that the height does not bother me, but the density does.

I think that there is an opportunity to connect the green circuit together. This does not do that.

I don't think it is fair to say that this park is all they can do with this space. I

have seen a lot done with smaller spaces, and I think a developer can easily develop that, if given the opportunity to.

I think it is a beautiful pocket park. I think there should be more of it, and I think if comments were listened to from the first meeting, my vote might be different. The comments were very, very, very pronounced in the first meeting, and I was surprised that changes weren't made with the exception of a couple of additions to the bike racks and to charging stations.

So although close, I will not be voting in the affirmative.

COMMISSIONER FISHER: Can I make one follow-up comment because I feel compelled given that was my issue?

I do want to say that the fact that they made an off-street loading dock or a loading area and for trash is a huge positive and necessary for large scale projects like this, so I would put that not as a benefit to the community, but just an improvement to the project from the last time to this one.

VICE CHAIR GREENE: They should have done it in the first place.

CHAIRMAN AIBEL: Mr. Branciforte?

COMMISSIONER BRANCIFORTE: Well, Michael brought up a good point.

You know, in the last, you know, few years that this Board has been going on about approaching these projects, it is sort of just a given at this point that the electric car chargers and bicycle storage is a given. I mean, any project of any size is going to have to accommodate that, because that is what the Board wants.

Frankly, the fact that the project can came to us without these two things that we have been asking for the last few years kind of shows me that the design is just out of touch with the way this Board has been approaching projects in the last few years.

And so that said, listen, I think I might be confusing the floor to area ratio with the number of people there, and it is not so much the floor area ration that I am concerned with. It is the number of people that we are adding.

It's the same with cars. It is great that they are providing all of this parking, but it is not the ratio of parking I am concerned about, it is the number of cars going into that building every

day.

Traffic engineers can get up and speak as much as they want about, you know, not everyone is going to be using their cars every day, but, you know, come Saturday, and you are going to see it in the next couple of weeks. On Saturdays and Sundays as the holidays approach, you won't be able to drive down Washington Street, because everyone is going to be out in the next few weeks running errands, and we deal with that for two months out of the year.

Friday morning I went to ShopRite. I just happened to park my car and was pointing west towards this project, and the long building, and I was sitting there and looking at it and I was trying to imagine a ten-story building there, and I just can't do it.

It is going to be big, and I wish there was a better design, but there isn't, so we have to vote on what the application says, and that's what we are going to vote on tonight, so....

CHAIRMAN AIBEL: Okay.

My last quick comment: I can't find that the property is particularly suited or unique to this particular residential use. If that were the case, I would say the rest of the Western Edge

would be similar, and other properties in the I-1 would be similar.

There is no showing that this can't be developed for other uses in the zone. I think in my mind, and it's been a consistent point of view, that this would represent spot zoning to have us as a Board, a Zoning Board, approve 515 residential units in an I-1 zone, it would be usurping, in my view, the legislative rights of the City Council.

I am empathetic, and I wish there were a quick action, but this is a property that represents about 40 percent of the Western Edge, and, you know, let's hope that the Western Edge plan will be developed in a way that will allow this owner/developer to benefit and benefit the city.

At this point, in my view, it is far too massive. The scale is out of, you know, just much too large.

The property that is the anchor, the 900 Monroe property, 912 Monroe was a variance granted in 2005. There were battles about that particular area. It was the decision of the Board then that it was appropriate, but there was also a recognition by that Board that the rest of the industrial zone would not be affected by that

particular decision, and I think here we have found sort of the consequence. We are not asked to say because 912 Monroe is going up, why not us.

912 Monroe I also think is about a quarter of the size of this particular project, so we are talking about something that is multiple in terms of scale of the project that was approved in 2005.

So I hope that the City Council will promptly address this area and some of the other areas that we've had to look at, but Block 112 was in the Western Edge, and we as a Board at that point concluded that that was not something that we ought to be taking from the City Council, and here I feel strongly that the same logic applies.

So does anybody wish to make a motion?

COMMISSIONER BRANCIFORTE: I will make a motion to deny.

CHAIRMAN AIBEL: Can I have a second?

VICE CHAIR GREENE: I will second.

MS. CARCONE: Commissioner Greene?

VICE CHAIR GREENE: Yes.

MS. CARCONE: Commissioner DeFusco?

COMMISSIONER DE FUSCO: Yes.

MS. CARCONE: Commissioner Grana?

COMMISSIONER GRANA: No.

MS. CARCONE: Commissioner Marsh?

COMMISSIONER MARSH: Yes.

MS. CARCONE: Commissioner Murphy?

COMMISSIONER MURPHY: Yes.

MS. CARCONE: Commissioner Branciforte?

COMMISSIONER BRANCIFORTE: Yes.

MS. CARCONE: Commissioner Aibel?

CHAIRMAN AIBEL: Yes.

Thank you, gentlemen.

MR. MATULE: Thank you.

COMMISSIONER BRANCIFORTE: Do we have any other business, or should I make a motion to close?

VICE CHAIR GREENE: Yes. We have to wish everybody a good Happy Thanksgiving.

(Discussion held off the record.)

COMMISSONER BRANCIFORTE: Motion to close.

COMMISSIONER GRANA: Second.

(All Board members answered in the affirmative.)

(The meeting concluded at 12:15 p.m.)

C E R T I F I C A T E

I, PHYLLIS T. LEWIS, a Certified Court Reporter, Certified Realtime Court Reporter, and Notary Public of the State of New Jersey, do hereby certify that the foregoing is a true and accurate transcript of the 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, CCR, CRCR

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PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300
Notary Public of the State of New Jersey
My commission expires 11/5/2015.

Dated: 11/24/14

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