

CITY OF HOBOKEN
PLANNING BOARD

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REGULAR MEETING OF THE HOBOKEN :October 7, 2014
PLANNING BOARD : 7:07 p.m.
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Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman Gary Holtzman
- Vice Chair Frank Magaletta
- Commissioner Stephen Marks
- Commissioner Brandy Forbes
- Commissioner Ravi Bhalla
- Commissioner Ann Graham
- Commissioner Rami Pinchevsky
- Commissioner Sasha Conroy
- Commissioner Caleb McKenzie

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

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

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705 CLINTON STREET 36

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

3 Are you guys good?

4 (Board members confer.)

5 It is 7:07. We are going to get
6 started. This is Tuesday, October 7th. This is the
7 City of Hoboken Planning Board Meeting. We are
8 going to call the meeting to order at 7:07.

9 Pat, could you call the roll, please?

10 MS. CARCONE: Commissioner Holtzman?

11 CHAIRMAN HOLTZMAN: Here.

12 MS. CARCONE: Commissioner Magaletta?

13 VICE CHAIR MAGALETTA: Here.

14 MS. CARCONE: Commissioner Marks?

15 COMMISSIONER MARKS: Present.

16 MS. CARCONE: Commissioner Forbes?

17 COMMISSIONER FORBES: Here.

18 MS. CARCONE: Commissioner Bhalla?

19 COMMISSIONER BHALLA: Here.

20 MS. CARCONE: Commssioner Graham?

21 COMMISSIONER GRAHAM: Here.

22 MS. CARCONE: Commissioner Mosseri is
23 absent.

24 Commissioner Pinchevsky?

25 COMMISSIONER PINCHEVSKY: Here.

1 MS. CARCONE: Commissioner Weaver is
2 absent.

3 Commissioner Conroy?

4 COMMISSIOENR CONROY: Here,

5 MS. CARCONE: Commissioner McKenzie?

6 COMMISSIONER MC KENZIE: Here.

7 CHAIRMAN HOLTZMAN: I seemed to have
8 misplaced my Open Public Meetings Act statement.
9 I'm sorry.

10 (Board members confer)

11 MS. CARCONE: I would like to advise
12 those present that notice of this meeting has been
13 provided to the public in accordance with the Open
14 Public Meetings Act, and that notice of this meeting
15 was published in The Jersey Journal, The
16 Star-Ledger, The Record, and also placed on the
17 bulletin board in the lobby of City Hall, and also
18 placed on the city website.

19 CHAIRMAN HOLTZMAN: That's it.

20 MR. GALVIN: If anybody has any
21 objections to this Open Public Meeting statement,
22 state it now.

23 (Laughter)

24 CHAIRMAN HOLTZMAN: I'm glad we have a
25 team effort here tonight.

1 Thank you, everybody, for that.

2 We have a couple of administrative
3 things to take care of this evening. The first item
4 on our agenda is a resolution memorializing the
5 review and recommendations to the City Council
6 regarding this ordinance for the revision of the
7 Northwest Redevelopment Plan.

8 Director, did you want to give us a
9 very quick little recap on that?

10 COMMISSIONER FORBES: Yes.

11 This is a property that is in the
12 Northwest Redevelopment Area.

13 It is a property that is an undersized
14 lot, and it came in with a proposal to the City
15 Council. It is in the redevelopment area, so the
16 process would be for the City Council to approve
17 that project that is proposed and enter into a
18 redevelopment agreement, and then that project would
19 come before the Planning Board.

20 The redevelopment agreement that they
21 came to required some amendments to the
22 redevelopment plan. These are the amendments to the
23 redevelopment plan, so these need to be adopted
24 before the applicant can come before the Planning
25 Board with an application. These redevelopment plan

1 amendments are in accordance with what the
2 redevelopment agreement was.

3 CHAIRMAN HOLTZMAN: Okay.

4 And this is specifically assigning a
5 specific owner to redevelop this property, where
6 that had not been assigned before.

7 COMMISSIONER FORBES: That is what the
8 redevelopment agreement did. It designated the
9 developer for that particular property.

10 CHAIRMAN HOLTZMAN: Right. That was
11 the critical key there.

12 Are there any comments from the
13 professional team on that?

14 Dave, I know you sent a letter out on
15 that.

16 MR. ROBERTS: Yes. We did do a memo,
17 Mr. Chairman. Basically it was to describe the
18 nature of the amendments.

19 Basically there was a new sub area
20 created just for this block and lot in the Northwest
21 Redevelopment area because the lot is 5,000 square
22 feet, and the closest parallel in the sub area one,
23 I think where the minimum lot size is 10,000 square
24 feet, so it changes, you know, basically the
25 setbacks and everything else are kind of sized down

1 on a 5,000 square foot lot. And the end result
2 would be a development that would include maybe two
3 or three apartments above parking, relatively
4 similar to one of the other applications that we
5 have on tonight, but it would be based on an
6 existing 5,000 square foot lot, 50 by a hundred.

7 Really, the thrust in terms of the link
8 to the master plan is that these would be larger
9 apartments that would be more conducive for
10 families, and that is one of the things that the
11 city has been making a conscious effort to try to
12 encourage. Right now the plan doesn't allow for
13 that on a lot less than the 10,000 square foot, so
14 this would rectify that for this one block.

15 CHAIRMAN HOLTZMAN: Great. Thank you.

16 Do any Commissioners have any questions
17 or comments on this amendment that is before us?

18 VICE CHAIR MAGALETTA: I have a few
19 questions.

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

22 VICE CHAIR MAGALETTA: I think it says
23 that the building height would be 67 feet, correct?

24 MR. ROBERTS: Yes. That is the total,
25 which is I believe in sub area one, it is 71 feet,

1 but with the bonuses --

2 VICE CHAIR MAGALETTA: Because I think
3 the bonus is 79 feet.

4 COMMISSIONER FORBES: Yes, with the
5 bonus.

6 VICE CHAIR MAGALETTA: What is the
7 surrounding properties next to it?

8 How tall are they?

9 MR. ROBERTS: I would imagine that they
10 are larger lots, 10,000 square foot or larger. They
11 would be in that same general height.

12 VICE CHAIR MAGALETTA: Do we have
13 anything to substantiate what that might be?

14 Would the ordinance say what they are,
15 what the special sub areas are, how tall they go?

16 COMMISSIONER FORBES: The ordinance
17 would have -- like what would be adjacent to it is
18 what's in sub area one. I want to say that with the
19 bonus, it was around 65 feet. I am not a hundred
20 percent on that --

21 VICE CHAIR MAGALETTA: So this may be
22 about 14 feet higher than the surrounding area.

23 With the parking ratio, it says one to
24 one, but actually there's 11 spots with ten units,
25 so it's a 1.1 to 1 ratio.

1 MR. ROBERTS: -- I think it's the whole
2 zone was industrial initially --

3 COMMISSIONER FORBES: It was
4 industrial, but in the Northwest Redevelopment Plan,
5 there are three different types of zones, and one of
6 them is existing residential, and this is one of
7 those.

8 VICE CHAIR MAGALETTA: Okay. And
9 then --

10 CHAIRMAN HOLTZMAN: Just to be
11 specific, Frank, in terms of this, I am fairly
12 certain, and Dave can check me on this, that Zone 1
13 was changed in this redevelopment zone to be
14 residential, and that this was the only property
15 within the zone that was still industrial or
16 commercial, so it is kind of making sense to bring
17 it certainly into the residential aspect.

18 VICE CHAIR MAGALETTA: Well, I agree.
19 I mean, it was industrial, and now it is
20 residential, and that is fine. I just wanted to
21 know what it was specified.

22 Also, I don't know if this is part of
23 our determination here, but I know Mr. Marasitti's
24 letter touched upon it.

25 The 40,000 for affordable housing, is

1 that consistent with the master plan?

2 MR. ROBERTS: \$40,000?

3 VICE CHAIR MAGALETTA: Yeah.

4 MR. ROBERTS: Well, the master plan
5 doesn't get into the dollar amounts, but the city
6 has an ordinance that just basically says a minimum
7 10 percent. So the \$40,000 I am sure was just a
8 negotiated amount that the city was comfortable with
9 in terms of complying with the affordable housing
10 obligation.

11 VICE CHAIR MAGALETTA: Is there
12 anything in writing from the city that says that
13 they accepted the 40,000?

14 I mean, what was the process that came
15 up with this?

16 COMMISSIONER FORBES: The redevelopment
17 agreement is what establishes that.

18 With this being -- in the affordable
19 housing ordinance, if it is -- if a development is
20 ten or fewer units, it is exempt from providing
21 affordable housing. That said the City Council, and
22 Councilman Bhalla was on that City Council
23 subcommittee, negotiated with the developer,
24 reviewed the pro forma for the project. There are a
25 lot of special features to this particular project

1 that are going to be passive house certified. They
2 are going to be a high level of LEED
3 certification --

4 VICE CHAIR MAGALETTA: Going for
5 platinum, right --

6 COMMISSIONER FORBES: -- yes.

7 So with that, those dollar amounts and
8 costs for that kind of development were built into
9 it. Even with that, however, we had the financial
10 analyst determine that they could afford up to
11 \$40,000 in a contribution, and that was what the
12 City Council negotiated.

13 CHAIRMAN HOLTZMAN: I think just to
14 follow up on Frank's point, and there is something
15 that is a contract to that effect that was signed
16 off by the parties?

17 COMMISSIONER FORBES: Yes.

18 The redevelopment agreement has already
19 been executed, and in order for them to actually
20 come in with an application, they have to have the
21 amendment --

22 VICE CHAIR MAGALETTA: Right. I
23 understand how the process --

24 COMMISSIONER FORBES: -- that
25 redevelopment agreement has that dollar amount

1 negotiated into it.

2 VICE CHAIR MAGALETTA: All right.

3 COMMISSIONER PINCHEVSKY: You are
4 saying that ten or fewer units would be exempt from
5 the affordable housing, and this is ten units, so
6 they didn't even have to contribute at all --

7 COMMISSIONER FORBES: Correct.

8 COMMISSIONER PINCHEVSKY: -- to the
9 affordable housing, so that is just on top of
10 everything else?

11 COMMISSIONER FORBES: Yes.

12 COMMISSIONER PINCHEVSKY: Just a side
13 question then, if you don't mind, just 30 seconds.

14 You said that there was a financial
15 analyst that determined what the amount would be
16 that would make it feasible, and he came up with
17 \$40,000. What does that typically include?

18 Like I'm not -- is there -- is there a
19 report, or is that just something someone spoke --

20 COMMISSIONER FORBES: No. There is a
21 report that is, you know, for the City Council
22 that's not in the purview of the Planning Board. I
23 mean, it was something in negotiating that
24 redevelopment agreement itself, not in
25 establishing --

1 COMMISSIONER PINCHEVSKY: I don't need
2 it, but I was curious what it entails --

3 COMMISSIONER FORBES: -- yes. There is
4 an actual report from the consultant that did the
5 review.

6 COMMISSIONER PINCHEVSKY: -- and it
7 backs into the \$40,000 amount?

8 COMMISSIONER FORBES: Uh-huh.

9 COMMISSIONER PINCHEVSKY: Interesting.
10 Thank you.

11 VICE CHAIR MAGALETTA: Then one other
12 question I have, and this is really a design
13 question.

14 If you go to the urban design, bay
15 windows, it says encroach a maximum of 40 feet into
16 the street right-of-way -- I'm sorry --

17 CHAIRMAN HOLTZMAN: No.

18 VICE CHAIR MAGALETTA: -- before that,
19 it says: Bay window encroachment to the north-south
20 street setback area may be below a height of ten
21 feet above grade.

22 Does that mean that the bay windows can
23 be below ten feet --

24 MR. ROBERTS: Uh-huh.

25 VICE CHAIR MAGALETTA: -- how far below

1 ten feet can they go?

2 MR. ROBERTS: I guess it just gives
3 them an exemption of the ten feet. That's probably
4 a requirement in some of the other sub areas --

5 VICE CHAIR MAGALETTA: So it could be
6 six feet, and is that only right-of-way -- I mean is
7 it too low?

8 I am trying to find out, is it too low,
9 or is that something that I am just missing?

10 MR. ROBERTS: It's probably -- I mean,
11 it wouldn't be able to sit on grade because then it
12 would be counted in the setback, so it could be
13 anywhere from grade to ten feet.

14 VICE CHAIR MAGALETTA: Is that in the
15 right-of-way is the question I had.

16 CHAIRMAN HOLTZMAN: And we are going to
17 get a pass at this one when the application comes
18 before us --

19 MR. GALVIN: No. The answer is when we
20 have this at the Zoning Board, they are encroaching
21 into the -- normally they are encroaching into the
22 right-of-way and they need to get an easement from
23 the city to do that --

24 VICE CHAIR MAGALETTA: Right, okay.

25 MR. GALVIN: -- there is, you know,

1 because you are impacting the right-of-way when you
2 do that. But we do it pretty often, but it's
3 usually above the ten feet, though.

4 VICE CHAIR MAGALETTA: Okay. That is
5 what caught me where it says below ten --

6 CHAIRMAN HOLTZMAN: The bay window
7 thing also has to do with that whole redevelopment
8 zone, which most of those properties up there in
9 that zone were set back off of their lot line
10 significantly with sort of like the little garden
11 fronts with the big stoops, so that way the bay
12 window is sort of within that zone that didn't
13 really encroach on the right-of-way. But, again,
14 another Board will get a pass looking at those
15 specifics on it.

16 VICE CHAIR MAGALETTA: Okay.

17 CHAIRMAN HOLTZMAN: Was there anything
18 else, Frank?

19 VICE CHAIR MAGALETTA: That's it.

20 CHAIRMAN HOLTZMAN: Any other questions
21 or comments?

22 Ann?

23 COMMISSIONER GRAHAM: Is anyone keeping
24 track of what we are building in the Northwest
25 Redevelopment? I'm not sure if someone is.

1 It seems like we are preparing this lot
2 for a specific builder, a specific developer, and so
3 I mean we still have the right to look at what he is
4 doing. But are we keeping track of the amount of
5 residential, the amount of density that is happening
6 in that area in looking at whether that is what we
7 want in that?

8 There are so many things that we wanted
9 in that Northwest Redevelopment area. The retail,
10 the swimming pool, you know, all of these different
11 things that I don't see happening, and I am just
12 wondering how we are judging that or how we are
13 assessing that.

14 COMMISSIONER FORBES: The redevelopment
15 plan is an established plan, and there are several
16 agreements that are in place.

17 I can't speak to the past approvals or
18 past agreements and, you know, why they did or
19 didn't include certain things, but I do know that
20 moving forward, you know, as the City Council is
21 negotiating new redevelopment agreements, they are
22 making sure to ask for things that are actual
23 give-backs to the community.

24 COMMISSIONER GRAHAM: Like what?

25 What give-backs have there been?

1 COMMISSIONER FORBES: I can't speak to
2 negotiations.

3 COMMISSIONER GRAHAM: It doesn't seem
4 like there were too many that I can recall, but I
5 could be wrong.

6 MR. GALVIN: We have not really had
7 that much this year, though, right?

8 COMMISSIONER GRAHAM: I have certainly
9 seen some in the past. I am just asking if we are
10 keeping abreast of that. That's all.

11 MR. GALVIN: I think there's a lot
12 of --

13 CHAIRMAN HOLTZMAN: Just a minute,
14 Dennis.

15 Councilman, I am sure Commissioner
16 Graham's concern is something that you hear at the
17 City Council and take into consideration when you
18 are speaking about these redevelopment zones in your
19 subcommittee.

20 COMMISSIONER BHALLA: Correct.

21 CHAIRMAN HOLTZMAN: Okay.

22 Any insight or anything that you want
23 to give Commissioner Graham?

24 COMMISSIONER BHALLA: Specifically
25 towards the Northwest Redevelopment Zone, you know,

1 off the top of my head, I can think of one
2 settlement where there was a substantial six-figure
3 give-back related to affordable housing with a trust
4 fund.

5 You know, I am not in a position to
6 give you more information, but I would be happy to
7 get back to you at the next meeting after consulting
8 more with Director Forbes, but right now, that is
9 the only thing that comes to mind right now.

10 CHAIRMAN HOLTZMAN: Are there any other
11 questions, Commissioner?

12 No.

13 Thank you.

14 Is there a motion on the floor to
15 accept the resolution as it is presented?

16 VICE CHAIR MAGALETTA: I will so move.

17 CHAIRMAN HOLTZMAN: And is there a
18 second?

19 COMMISSIONER MARKS: Second.

20 COMMISSIONER BHALLA: Chairman?

21 CHAIRMAN HOLTZMAN: Yes.

22 COMMISSIONER BHALLA: Mr. Galvin, is it
23 permissible for me to vote on this resolution since
24 it was -- the originating resolution referring it
25 was sponsored by me, and I just want to make sure

1 there is no impediment or --

2 MR. GALVIN: Let me say this: It is
3 generally my feeling that both the Council person
4 and the mayoral representative can vote on these
5 things, but why don't we just not vote in this
6 particular instance, just as a matter of, you know,
7 I don't want it coming back. It is too important --

8 COMMISSIONER MARKS: I will withdraw my
9 second.

10 MR. GALVIN: -- it's not positive --

11 COMMISSIONER BHALLA: I just don't want
12 to be charged with frivolous allegations that are --

13 MR. GALVIN: No, no, no, no.

14 The Planning Board member on the Board,
15 and there are probably some instances where it's a
16 conflict, I really didn't give this any
17 consideration, but if we have enough people to vote,
18 then I think we should vote without you guys.

19 COMMISSIONER MC KENZIE: Second.

20 CHAIRMAN HOLTZMAN: Great.

21 There is a motion on the floor from
22 Frank Magaletta, and there's a second from Caleb.

23 MS. CARCONE: From Caleb, and then
24 Stephen and Ravi are not voting?

25 MR. GALVIN: Not voting, correct.

1 CHAIRMAN HOLTZMAN: They'll recuse.

2 That's correct.

3 So, Pat, please call the vote.

4 MS. CARCONE: Commissioner Magaletta?

5 VICE CHAIR MAGALETTA: Yes.

6 MS. CARCONE: Commissioner Forbes?

7 COMMISSIONER FORBES: Yes.

8 MS. CARCONE: Commissioner Graham?

9 COMMISSIONER GRAHAM: Yes.

10 MS. CARCONE: Commissioner Pinchevsky?

11 COMMISSIONER PINCHEVSKY: Yes.

12 MS. CARCONE: Commissioner Conroy?

13 COMMISSIONER CONROY: Yes.

14 MS. CARCONE: Commissioner Mc Kenzie?

15 COMMISSIONER MC KENZIE: Yes.

16 MS. CARCONE: Commissioner Holtzman?

17 CHAIRMAN HOLTZMAN: Yes.

18 MR. GALVIN: I didn't say you had a
19 conflict. I just wanted to be careful.

20 CHAIRMAN HOLTZMAN: All right.

21 The second item on our agenda is more
22 administrative issues. This has to do with a new
23 resolution memorializing some changes to the
24 redevelopment rehabilitation designation of what we
25 refer to as the Neumann Leather properties.

1 Dave, I know that you prepared a report
2 for us that had some additional comments with regard
3 to environmental concerns.

4 Can you give us a quick recap on it?

5 MR. ROBERTS: Sure.

6 I know we didn't have a lot of time to
7 put it together, and I know you didn't have a lot of
8 time to review it, but just to boil it down for you,
9 really the findings with regard to the water and
10 sewer utilities, the age and the condition, which
11 would mean the fact that they are in need of repair
12 and substantial maintenance because of their age was
13 pretty much the same findings that the Board made in
14 2011 based on the report that the Board Planner and
15 Board Engineer gave you at that time, however, so we
16 were able to obviously confirm that.

17 The nuance really came from the fact
18 that because the original resolution said "or"
19 instead of "and," that the an Appellate Division was
20 not able to discern how much was based on the age
21 and how much was based on the need for repair and
22 substantial maintenance.

23 So we tried to kind of refocus on the
24 repair and substantial maintenance aspect because it
25 was pretty clear based on work that Andy had done

1 back in 2011, that the sewer infrastructure, which
2 is really the combined sewer and water
3 infrastructure goes back at least a hundred years,
4 and that the water infrastructure goes back even
5 further than, probably 142 or better, because they
6 are pulling out, when they do repairs, they are
7 pulling out sections of pipes that have dates on
8 them, and the oldest date was 1857, so you know that
9 it at least goes back that far, so we know we have
10 old infrastructure.

11 The question was: How can we document
12 the need for repair and substantial maintenance.

13 We had Sandy that happened since 2011
14 when this Appellate Division decision was being
15 made, and so I was able to pull in some information
16 about the injector pumps, and the interesting thing
17 about that was that that was already going on before
18 Sandy.

19 The issue of water getting into the
20 sewer lines and having overflows was going on
21 already with the flooding that happened before
22 Sandy, and Sandy just kind of slammed the door shut
23 on the whole thing, so we were able to show that in
24 the report.

25 That left the water lines, and I know

1 that Director Forbes provided you with a map, I
2 believe -- we got it today from United Water, that
3 showed the -- where the main breaks have occurred
4 and where the main leaks have occurred throughout
5 the city. But what I tried to do in order to put
6 this report together, because we didn't have the
7 information at the time, so we are providing it as
8 kind of an appendage, was that I remember coming to
9 a meeting in Hoboken in 2013 -- actually 2014,
10 earlier this year, when the main at Marin Boulevard
11 and Observer Highway broke, a 24-inch main, that
12 closed all of the streets in that general area,
13 because I had to go all the way around to get into
14 the city. It took me two hours to get into the city
15 from the Holland Tunnel.

16 So I Googled that and I was able to
17 find basically evidence, you know, just from
18 newspaper articles, that happened, every time there
19 is a water main break and there's a road closer,
20 that this happens all of the time. It is a chronic
21 problem in the city, and it is actually to the point
22 where the mayor had some research done, and based on
23 the agreement with United Water, there is about
24 \$350,000 a year that United Water is required to
25 spend on the infrastructure, on the water

1 infrastructure here in Hoboken, and 80 percent of
2 that is on repairs.

3 So we were able to document that there
4 is a problem with the infrastructure in terms of
5 needing routine and regular repairs because of all
6 of the water main breaks and maintenance because the
7 cast iron pipes are 140-something years old. It is
8 not just the Neumann Leathers area, it's everywhere
9 in the city. But clearly, we were able to show that
10 even in the Neumann Leathers area that this occurs,
11 because it occurs every year.

12 The other thing that happened is in
13 September, exactly a year ago, September of 2013,
14 the statute changed, and there was additional
15 criteria added to the rehab area designation, one of
16 which was that environmental contamination is
17 discouraging investment in the area.

18 So based on the fact that there was a
19 Zoning Board hearing with Neumann Leathers back in
20 2009, and there was a lot of testimony given
21 regarding the contamination of the site, I found a
22 letter in that information on the environmental
23 aspects from the DEP that I put into the appendix
24 and referenced, because there were instances of
25 underground storage tanks and other ground water

1 contamination including mercury that was documented
2 as a condition that DEP was enforcing. As long as
3 that condition exists, it is going to, in the
4 absence of a redevelopment plan, it could discourage
5 public investment in that property.

6 So I pulled that in, and then what I
7 would recommend to the Board is that even though the
8 resolution that you got from the Council doesn't
9 reference the environmental contamination, that in
10 your recommendation back to them, based on the
11 report and the documentation that we provided, that
12 you would recommend that that be added to the
13 resolution, and that is the resolution that your
14 attorney drafted, and it actually references that.

15 CHAIRMAN HOLTZMAN: Right.

16 So starting on basically what we are
17 adding here pursuant to your additional
18 environmental study information that you added to
19 the report, we are changing the second "Whereas"
20 clause on Page 2, and we are adding recommendations
21 including any modifications or consideration --
22 where is this here -- Whereas, the Board's Planner
23 prepared a report, dated October 3, describing and
24 analyzing the proposed area in need of
25 rehabilitation and the statutory criteria necessary

1 for City Council to make a determination thereof.

2 I don't think this one has it that I am
3 reading. Does it? No --

4 MR. GALVIN: It's right here.

5 CHAIRMAN HOLTZMAN: -- oh, sorry.

6 "Whereas" --

7 COMMISSIONER FORBES: It's the one
8 right after it.

9 CHAIRMAN HOLTZMAN: It is the one right
10 after it.

11 MR. GALVIN: All three of those
12 "Whereas" clauses really run to that issue of the
13 environmental --

14 CHAIRMAN HOLTZMAN: Basically we are
15 adding: Whereas, the Planner's report in addition
16 to the reasons previously expressed in favor of a
17 finding of the area being in need of rehabilitation
18 also points out that the property contains adverse
19 environmental conditions, which further supports the
20 findings that the area is in need of rehabilitation.
21 And the Board conducted a review of the proposed
22 resolution designating the property as an area in
23 need of rehabilitation and recommended that the City
24 Council consider the environmental status of the
25 proposed area in need of rehabilitation as

1 additional grounds for determination.

2 So we just wanted to add that
3 additional language, add your report to it, and I
4 think that is pretty much it.

5 MR. ROBERTS: It's kind of a redo, kind
6 of a re-affirmation, but in the meantime, there is
7 an additional criteria that we can use that we
8 didn't have before.

9 CHAIRMAN HOLTZMAN: Okay.

10 Were there any other questions?

11 Frank?

12 VICE CHAIR MAGALETTA: I have a
13 question.

14 In addition to what you said, shouldn't
15 there also be an affirmative statement that the
16 Planning Board found that the pipes were 50 years
17 old and in need of substantial repair because there
18 should be a specific finding in there --

19 MR. HIPOLIT: That's in the report.

20 VICE CHAIR MAGALETTA: -- but should it
21 be in this resolution?

22 I understand it's in the report, but
23 should it be in the resolution expressly stated?

24 MR. ROBERTS: I saw that, too, Frank,
25 and I got the sense that the wording that says that

1 the prior determination is reaffirmed effectively, I
2 know it didn't come out and say that the Board
3 affirmatively finds that --

4 VICE CHAIR MAGALETTA: It just says,
5 "further supports the finding."

6 I think it should be expressed whose
7 findings and what findings.

8 I mean, just one sentence, and that way
9 we are covered, and the record is clear.

10 MR. ROBERTS: I think that's certainly
11 something that would help. You know, it would make
12 the resolution more specific. But, yes, I think it
13 was referenced, you know, kind of referenced that we
14 were also reaffirming that it is "and," and we are
15 also saying that there is another criteria, but
16 certainly we could make it more specific.

17 VICE CHAIR MAGALETTA: I mean, if you
18 say we don't need it, that's --

19 MR. GALVIN: I really don't think you
20 need it. I think in this particular instance, when
21 I say this to you, in all candor, the law says when
22 the pipes are over 50 years old, and they are in
23 poor condition, somehow in the resolution done at
24 the city level by a prior attorney, it said "or"
25 instead of "and."

1 It really is as simple as that. They
2 have changed their resolution to say the pipes are
3 more than 50 years old "and" are also decrepit, and
4 we know that they are decrepit --

5 VICE CHAIR MAGALETTA: And by virtue of
6 the fact that the typo sent this back to court, I
7 don't want another typo to bring us back to court.
8 I just want to be careful.

9 MR. GALVIN: But I am exceptionally
10 confident that this resolution will get the job
11 done. Okay?

12 In fact, what we did is we have added
13 extra because Mr. Roberts here went beyond the call
14 of duty, and he is correct, it is something that
15 should have been considered in the past and
16 wasn't --

17 MR. ROBERTS: It couldn't have been
18 because it wasn't in the statute until last year.

19 MR. GALVIN: Okay. Well, there you go.

20 VICE CHAIR MAGALETTA: I understand
21 what he is doing. I am just saying I just want to
22 be careful. That's all I want to do.

23 MR. GALVIN: I think we are good.
24 Trust me on this one. I don't think you need to add
25 it.

1 VICE CHAIR MAGALETTA: Okay. It is on
2 the record.

3 MR. GALVIN: It's on the record.

4 COMMISSIONER BHALLA: Same question as
5 the prior one --

6 MR. GALVIN: I would like you guys to
7 recuse yourselves on that one also, and I promise
8 the next time we meet, I will make sure one way if
9 you can or you can't. I believe you can, but I am
10 just going to have you not for safety purposes.

11 MS. CARCONE: Should the report be an
12 exhibit to the resolution?

13 MR. GALVIN: Yes --

14 MR. HIPOLIT: It's lot of paper.

15 MR. GALVIN: -- wasn't that report
16 already given to the governing body?

17 MR. ROBERTS: It was given to the Board
18 as a basis of the finding.

19 MR. GALVIN: Yes. I think we should
20 attach it as an exhibit.

21 MS. CARCONE: Okay.

22 CHAIRMAN HOLTZMAN: Great.

23 Given your full faith in Dennis Galvin
24 as our attorney, Mr. Magaletta, do I have a motion
25 on the floor to accept the resolution?

1 (Laughter)

2 MR. GALVIN: This isn't getting
3 appealed.

4 MR. ROBERTS: They wouldn't dare.
5 (Laughter)

6 VICE CHAIR MAGALETTA: All right,
7 Dennis, I so move.

8 CHAIRMAN HOLTZMAN: You so move.
9 We have a motion.
10 Is there a second on the floor?

11 COMMISSIONER CONROY: Second.

12 CHAIRMAN HOLTZMAN: Sasha seconds.
13 MS. CARCONE: Sasha isn't voting.

14 COMMISSIONER CONROY: Oh, I'm not
15 voting.

16 CHAIRMAN HOLTZMAN: Sasha is not
17 voting?

18 MR. GALVIN: These guys are going to
19 recuse again.

20 MS. CARCONE: Oh, they're recused
21 again?

22 MR. GALVIN: Yes.

23 MS. CARCONE: Oh, okay. Then Sasha is
24 voting. I'm sorry.

25 MR. GALVIN: Sasha is voting.

1 COMMISSIONER CONROY: So second.

2 CHAIRMAN HOLTZMAN: Take your time.

3 (Laughter)

4 MS. CARCONE: Sorry, Sasha.

5 CHAIRMAN HOLTZMAN: Second from Sasha.

6 MS. CARCONE: Commissioner Magaletta?

7 VICE CHAIR MAGALETTA: Yes.

8 MS. CARCONE: Commissioner Forbes?

9 COMMISSIONER FORBES: Yes.

10 MS. CARCONE: Commissioner Graham?

11 COMMISSIONER GRAHAM: Yes.

12 MS. CARCONE: Commissioner Pinchevsky?

13 COMMISSIONER PINCHEVSKY: Yes.

14 MS. CARCONE: Commissioner Conroy?

15 COMMISSIONER CONROY: Yes.

16 MS. CARCONE: Commissioner Holtzman?

17 CHAIRMAN HOLTZMAN: Yes.

18 MR. GALVIN: Let me just say: Even if
19 the Planning Board had not acted at all, it wouldn't
20 undue the --

21 VICE CHAIR MAGALETTA: Right. But we
22 made the findings. That is why I am saying, and I
23 agree with you, but they are based upon what we
24 found.

25 MR. GALVIN: Understood.

1 MS. CARCONE: I'm sorry, I missed

2 Commissioner McKenzie.

3 COMMISSIONER MC KENZIE: Yes.

4 MS. CARCONE: I'm sorry.

5 (Continue on the next page)

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CITY OF HOBOKEN
PLANNING BOARD
REGULAR MEETING

RE: 705 CLINTON STREET :October 7, 2014
APPLICANT: 705 Clinton Street, LP :
C Variances - Lot & Roof Coverage : 7:30 p.m.

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman Gary Holtzman
- Vice Chair Frank Magaletta
- Commissioner Stephen Marks
- Commissioner Brandy Forbes
- Commissioner Ravi Bhalla
- Commissioner Ann Graham
- Commissioner Rami Pinchevsky
- Commissioner Sasha Conroy
- Commissioner Caleb McKenzie

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

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

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9 Hoboken, New Jersey 07030
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I N D E X

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WITNESS

PAGE

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FRANK MINERVINI

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KENNETH OCHAB

66

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9

E X H I B I T S

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11

EXHIBIT NO.

DESCRIPTION

PAGE

12

13

A-1

Two-sided photo board

41

14

A-2

Rendering

41

15

A-3

Sheet Z-2

48

16

A-4 & A-5

Photo boards

67

17

18

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1 CHAIRMAN HOLTZMAN: Okay. The next
2 item on our agenda is our hearing for 705 Clinton
3 Street.

4 Mr. Matule, are you ready for us?

5 MR. MATULE: I am ready for you.

6 CHAIRMAN HOLTZMAN: Thank you, sir.

7 MR. MATULE: Good evening.

8 Robert Matule appearing on behalf of
9 the applicant.

10 I will let Mr. Minervini get organized
11 for a moment.

12 While Mr. Minervini is setting up, if I
13 could just make some opening remarks.

14 This is an application for site plan
15 approval and bulk variances to add three residential
16 floors to an existing one-story garage at 705
17 Clinton Street.

18 I am going to have two witnesses,
19 basically Mr. Minervini, our architect, and Mr.
20 Ochab, our planner.

21 We have already submitted our
22 jurisdictional proofs to the Board Secretary.

23 MR. GALVIN: They were found to be
24 adequate.

25 MR. MATULE: So having said that, we

1 would like to have Mr. Minervini sworn.

2 MR. GALVIN: Raise your right hand.

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

6 MR. MINERVINI: I do.

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

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

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

13 MR. GALVIN: Mr. Chairman, do we accept
14 Mr. Minervini's credentials?

15 CHAIRMAN HOLTZMAN: Yes.

16 Please proceed.

17 MR. GALVIN: There you go.

18 MR. MATULE: Thank you.

19 If you could, Mr. Minervini, describe
20 the existing site and the surrounding area, and if
21 we are going to refer to exhibits, I need to get
22 some stickers to put on them.

23 So why don't we premark these just --

24 THE WITNESS: Two photo boards, and a
25 colored facade. We can call it a rendering.

1 MR. MATULE: The photo board is a
2 two-sided photo board.

3 Do you want to just mark it Exhibit
4 A-1, Mr. Galvin?

5 MR. GALVIN: Yes. That's fine. A-1 or
6 Applicant's 1.

7 (Two-sided photo board marked Exhibit
8 A-1.)

9 MR. MATULE: Then the rendering we will
10 mark Exhibit A-2.

11 (Rendering marked Exhibit A-2.)

12 So if you would, Mr. Minervini, just
13 for the record, tell us what A-1 is.

14 THE WITNESS: A-1 is a board with
15 photographs on either side. The front side, the
16 side I'm holding, is a bird's eye view taken from an
17 internet site, from Google Earth.

18 On the rear are photographs taken by me
19 or people in my office in the last three or four
20 months. Some were taken today.

21 MR. MATULE: Okay.

22 THE WITNESS: I will go through all of
23 the photographs, but first I will give a description
24 of the site.

25 So we are talking about 705 Clinton

1 Street. The site is a 35-by-100 parcel. Actually
2 it's 35.1 by 99.73, for 3500 square feet of lot
3 area. It is on the east side of Clinton Street
4 between 7th and 8th.

5 I will go through the context in the
6 adjacent buildings in a bit.

7 It is within the R-2 zoning district.

8 Currently existing is a one-story
9 structure covering 100 percent of the lot, and prior
10 to the applicant purchasing the property, it was
11 used as a parking garage for 13 cars. Sometimes
12 they squeezed a bit more, but 13 cars were
13 delineated in terms of the striping.

14 The construction of the building is
15 about 100 years old. The existing building is
16 constructed of cinder block sidewalls and blue stone
17 gray beams and timber piles, so it is a very common,
18 but rudimentary structural system that was used very
19 often 100 years ago. We are proposing to keep that
20 existing structure and add three stories to it.

21 I will go through that in more detail
22 as I get into the plans, but the concept here is to
23 keep the existing structure.

24 We will structure the internal part of
25 it, and I have a drawing to reflect that, and then

1 add three stories to it, so that at the end of the
2 project, if approved, we got a four-story building
3 with ground floor parking and three residential
4 units. One on the second floor, one on the third
5 floor, and one on the fourth floor on a parcel of
6 land that is permitted five residential units,

7 So I will go through the context now.

8 So starting in the left-hand corner, this is looking
9 from the east, so this is looking from the rear of
10 the property, Willow Avenue, Clinton Street, 7th and
11 8th.

12 Directly next to us to the north --
13 excuse me -- to the south is a -- it is a project --
14 it's an existing residential building that will
15 receive renovation, and I know that because we are
16 doing the plans for it currently. It has a front
17 building and a back building, and again, I have --
18 on my drawing set, I will describe that in a bit
19 more detail.

20 So that has got two buildings on the
21 lot, one to the front of the property and one to the
22 rear of the property.

23 The front is three stories tall at
24 about 35 feet. The rear is one story tall at about
25 20 feet in height. This is directly to the south of

1 our property.

2 Directly to the north is the ambulance,
3 Hoboken Volunteer Ambulance Corps building. That is
4 three stories tall, and that goes back about 82 feet
5 from the property line.

6 As we move towards the north, we got a
7 seven-story residential building and then two
8 five-and-a-half story residential buildings moving
9 towards the north, a parking lot and then a
10 one-story industrial building.

11 So I am pointing this out from the rear
12 of the property, but it might be better showing the
13 site from the east -- that's the same view.

14 Okay. Using this, looking from the
15 south, here is Clinton Street. Here's 7th Street.
16 On the corner is a one-story structure, which right
17 now contains a gym. This is the building I referred
18 to. It is what will be a three-unit residential
19 building. Two units in the front of the building,
20 which is three stories high, one unit in the back
21 building, which is one-story high currently, but
22 will be two stories within the existing volume of 20
23 feet.

24 Here is our structure, which covers 100
25 percent of the lot. In terms of height, as it

1 exists, at its highest point on the inside, it is 16
2 feet, which is about 17 and a half feet on the
3 exterior, and 13 feet on the front and rear, which
4 is about 14 plus feet on those two facades.

5 To our north is the three-story
6 building I referred to before, the Hoboken Ambulance
7 Corps. That building is 82 feet in depth.

8 As we go further north, there is a
9 seven-story residential building, two
10 five-and-a-half story residential buildings, and
11 then a one-story industrial building.

12 So in terms of context -- and I should
13 describe the buildings on Willow Avenue. These are
14 more standard formatted Hoboken-type buildings at
15 zero lot line in the front, all between four and
16 five stories and some semblance of garden space,
17 although the buildings, as you go further north,
18 they are pretty deep. They are a bit more shallow
19 here at about 60 feet on Willow Avenue.

20 The reason I point this out
21 specifically other than just giving you a general
22 context is in terms of what we are proposing, and
23 its relative effect on the adjacent properties, they
24 really are minimal because of the existing
25 conditions. I will describe it in more detail.

1 Switching to the other side, these are
2 photographs taken, some today, some a few months
3 back, and that is what the structure looks like now.
4 It has got two garage bays and an entry door -- what
5 is known as an entry door within a garage bay. This
6 was a third. Somewhere along the way that was
7 walled up.

8 The ambulance corps as I described.

9 This is, and I think it's called the
10 Belmont, a seven-story residential building.

11 To our south, this is a three-story
12 structure and a one-story gym.

13 Across the street are five and
14 six-story buildings, mostly residential.

15 Further to the north, the buildings are
16 being converted -- well, there is an application at
17 the Zoning Board of Adjustment for what is now an
18 entry property to be converted to a residential use,
19 so that is the context.

20 I should go through the floor plans
21 now.

22 Again, just as an overall, we are
23 asking for a building or asking for approval for a
24 building that is four stories in height, which is a
25 one-story garage with three stories of residential

1 space above it. Each of those residential floors
2 will have one apartment, and I will go through the
3 sizes.

4 Again, we are proposing three where
5 five are permitted. Because of the lot's width and
6 depth, we are permitted five residential units.

7 The city map, so this describes our
8 property, which shows our property and then all of
9 the other properties within 200 feet, and you, of
10 course, have these drawings. You can see the
11 outlines of all of the adjacent properties in the
12 area and the relative depths compared to our
13 project, of course.

14 The street elevation, showing what the
15 proposed building will look like in context with the
16 existing street. Here is 7th Street. Here's two
17 sections of Willow Terrace.

18 This is a seven-story building I
19 described, two five-and-a-half story residential, a
20 parking lot, and a one-story that will be the
21 subject of a Zoning Board application.

22 In terms of variances, and Mr. Ochab,
23 our planner, will go through it in much more detail
24 than I, but what we are asking for in the world of
25 variances is lot coverage, although our building's

1 main structure is 60 percent, we are asking for an
2 additional 2.7 percent for cantilever balconies off
3 the back of the apartments just to give it some
4 semblance of an outdoor space.

5 We're also asking for a roof coverage
6 variance. Some of that has to do with the green
7 roof, which we are proposing, which I will again get
8 into, so that is Sheet Z-1.

9 Sheet Z-2, I have -- you have this
10 drawing, but not with my handy coloring.

11 MR. GALVIN: So we will mark that A-3.

12 MR. MATULE: We will mark that A-3.

13 (Exhibit A-3 marked.)

14 MR. GALVIN: Yes.

15 THE WITNESS: So what I have done here,
16 and this is based on measuring this adjacent
17 building and then based on the survey of the
18 adjacent building to our south, I have drawn in with
19 measurements, which I will give you, the relative
20 depths of the adjacent buildings.

21 So our proposed structure, the newer
22 portion of the structure is 60 feet in depth. It's
23 five feet off the front property line. It goes back
24 60 feet, and the remaining 35 feet is rear yard --

25 CHAIRMAN HOLTZMAN: The remaining is

1 not a rear yard, Frank.

2 THE WITNESS: -- well, yes,
3 technically, it is not a rear yard because we have a
4 hundred percent lot coverage. I am speaking
5 specifically of floors three, four and five. It's
6 not a rear yard, because it is not constructed on
7 either.

8 The balconies are five feet in depth.
9 The floor plans will help tell the story more --

10 CHAIRMAN HOLTZMAN: Let's be specific
11 to correct the language, just so all of the
12 Commissioners can follow along at home.

13 We have a building that is taking you
14 from the front lot line, five feet off of the front
15 lot line?

16 THE WITNESS: The existing structure is
17 at zero lot line, 10 feet in height, one-story, and
18 it goes approximately 100 feet in depth. The
19 property is actually 99.73 --

20 CHAIRMAN HOLTZMAN: Correct.

21 THE WITNESS: -- so it's 100 percent of
22 the lot. It covers the existing structure that is
23 there today.

24 We are proposing to remove a section of
25 height of those walls, because those walls that are

1 existing are higher than ten feet, and that would be
2 then our second floor.

3 The new structure above the existing,
4 floors two, three, and four, which is colored in
5 here, is set back five feet from the front property
6 line, which is also five feet from the front face of
7 the existing building, and it goes back 60 feet in
8 depth.

9 The remaining dimension is not
10 structure. It is open space. If you don't want me
11 to call it a yard, I certainly won't, but my point
12 is there is no structure on it. That is on floors
13 two, three, and four, certainly at ground level.
14 This is all 100 percent lot coverage.

15 The building to our south is -- the
16 property to our south actually has two structures,
17 so this front structure, which is 37.2 feet deep, is
18 three stories at about 35 feet in height. It will,
19 when the renovation is completed, contain two
20 residential units.

21 There is an 18-foot courtyard in
22 between the front and rear, and then we got a 44.5
23 foot, one-story block is what it's called here on
24 the survey. The reality is it's a 20-foot high
25 building that will have two residential floors

1 within it, and that is not changing.

2 So our roof of the one-story structure,
3 which is the roof of the garage, and I will get to
4 the plans. We are proposing some outdoor space on
5 there for use by the owners. That height is ten
6 feet. It's floor height, and I say that, so you
7 have a relative height differential between that 10
8 feet height to this 20 feet height to this 30 feet
9 height.

10 So I also have a -- oh, yes -- so Sheet
11 Z-2, I also show a plan --

12 CHAIRMAN HOLTZMAN: Mr. Minervini, hang
13 on one second.

14 Rami, did you have a question?

15 It looked like you might have a
16 question or do you just want to walk through that
17 again? It is a little tricky.

18 THE WITNESS: Yes.

19 COMMISSIONER PINCHEVSKY: No. I mean,
20 please continue, and then maybe we will circle back
21 around.

22 THE WITNESS: Sure.

23 This is a plan describing schematically
24 what we are proposing in terms of the structure, so
25 we are again proposing to keep the existing

1 structure at 100 percent lot coverage. The back
2 wall of the proposed building, which is 65 feet off
3 the property line, 60 feet in depth, from that point
4 forward, the building will be restructured as I am
5 going to describe.

6 New concrete columns. Each of those
7 columns will have a support foundation, which will
8 consist of a concrete pile cap with screw piles,
9 helical piles. The reason we use a helical pile in
10 this case is that they don't create much vibration,
11 so they work very well when you are trying to keep
12 an existing condition from falling, of course, and
13 they work very well, where the adjacent buildings
14 are in poor shape, so often we use a helical pile,
15 which is again a screw-type system as opposed to the
16 banging which we have all become used to here in
17 Hoboken.

18 So the short of it is: Within this
19 part of the building, the new super structure to
20 support the three stories above it. Here, there
21 will be some slight reinforcing required, but not
22 very much, because we are not adding much additional
23 load, just an additional load for the outdoor space
24 as proposed. That is Sheet Z-2.

25 Sheet Z-3, I will go through quickly,

1 but it is more technical drawings showing utilities
2 and layout, and what is important about this
3 particular drawing is that we are proposing a
4 stormwater detention system, which certainly is not
5 there on the existing.

6 Sheet Z-4, we are describing some of
7 the lighting within that garage, and I have a bigger
8 garage plan, so I am skipping through this quickly.

9 We also show a flood panel system.

10 This was for what was originally proposed as a dry
11 flood proofing structure. I had a conversation with
12 the flood plain administrator, Ann Holtzman, here in
13 Hoboken, and we are going to revise this to her --
14 to the city's newer specifications, which are
15 different.

16 Just quickly, and I had this discussion
17 at the appointments review, this project was
18 originally at the Zoning Board of Adjustment. It
19 was determined that this was the proper Board to be
20 heard at.

21 This drawing, this flood panel system
22 is specifically here because, and we have come to
23 find incorrectly, that the Board wants these
24 projects to be dry flood proofed.

25 The problem becomes when the building

1 department doesn't want that in the northeast city
2 in terms of the flood plain administrator because it
3 impedes egress, so the solution is that this will be
4 changed to the wet flood proofing system, which
5 allows water to enter the lower portions of the
6 building, but also allows then people to leave in
7 case there is water in the building. There is
8 equalized pressure in and out. It is frankly a much
9 better system than the flood panels.

10 So anyway our drawings, if, of course,
11 approved, we will get Ann Holtzman's permission.

12 So here are the bigger floor plans
13 describing the garage, floors two, three, and
14 then -- so, again, the existing structure is to
15 remain, 100 percent lot coverage.

16 Currently -- well, prior to this
17 applicant purchasing the property, there were 13
18 parking spaces here. We are proposing five within
19 the same volume. Of course, we are expanding the
20 egress. But in short, the vehicular entry is on the
21 north side of the building, the garage here, two
22 parallel parking spaces, which are both compact.
23 And at the rear, there are three parking spaces all
24 conforming in terms of width. This one to the
25 right, as I pointed to, is a handicapped parking

1 space or has the additional size space aisle
2 requirement.

3 Back up, we got 22 feet. The
4 requirement here in Hoboken is 20 feet. That part
5 of the ordinance, we have an exemption from the
6 residential improvement standards.

7 We provided large closet space for
8 refuse and recycling.

9 The building will be served by an
10 elevator, as well as the two means of egress.

11 We are showing gas and electric meters
12 here. They may have to be relocated above the flood
13 plain. We are very close to it now, so it may
14 slightly change, but it won't affect the actual
15 layout.

16 Floor two is a proposed three-bedroom
17 apartment of 1860 square feet. It is set back five
18 feet off the property line on this front wall, as I
19 described before. We are proposing to have some
20 outdoor space at that five-foot setback, which is in
21 effect the garage roof at this small section.

22 There are two means of egress here on
23 the right portion, which is the southern side of the
24 building, as well as an elevator, which opens
25 directly into the apartment.

1 To the rear, we have a 35 foot open
2 space, which is the roof of the garage, 19 and a
3 half feet of that we are proposing to be used by the
4 owner or occupant - I'm not sure if it's condo or
5 not - occupant of Unit No. 1.

6 That is outdoor space for them, and the
7 remaining area will be an extensive green roof,
8 which I am sure this Board is very familiar with.
9 It is a non walkable type green roof. It's
10 basically a roof system that provides sedum within
11 these two-by-two modules.

12 Up to the third floor, part of the
13 layout is the same. No longer is there an outdoor
14 space in the front of the building because there is
15 no longer, of course, a roof to the garage.

16 But what we have done here that's
17 different is we are proposing two nine-foot by
18 five-foot cantilever balconies. There's no actual
19 structure supporting them. Again, it's just a way
20 of providing some semblance of an outdoor space, and
21 in this case, combined only 90 square feet, that an
22 apartment of this size occupants generally would
23 like, as anywhere in Hoboken would like outdoor
24 space.

25 The fourth floor, similar to the third

1 floor, what we have done, and I will get to the rear
2 when I show you the elevation, so you understand, we
3 have just shifted the balconies, and that's just to
4 create a different architectural effect on the rear
5 of the rear facade.

6 The main roof of the building, we're
7 not proposing any uses, other than mechanical, and
8 the required stair for common access. The majority
9 of the remaining roof section will be for the
10 extensive green roof.

11 Here is a three-dimensional drawing
12 showing the appurtenances at the roof level, so you
13 see the stair coming up here, the roof -- the
14 elevator roof. The elevator by the way is going to
15 be a machineless type, so there is no piston. In
16 terms of green, it is about as green as you can get
17 in an elevator, using just an electric motor that is
18 at the side of the car, very little sound, and very
19 little vibration and very efficient.

20 I have a rendering, which I will get
21 to. But in terms of height, we got 10 feet floor to
22 floor, so the building is 40 feet high. What you
23 see here is a parapet, the rear facade, the same 40
24 feet, and as I described before, the cantilever, 45
25 square foot balconies -- we don't need any variances

1 in terms of material. We meet the material
2 requirements.

3 We put together a colored facade to
4 show what we were thinking in terms of colors and
5 materials. Again, we are not asking for any
6 variances for materials.

7 The majority is brick. There is some
8 metal cladding, but there's brick here, a gray brick
9 section here, which is meant to delineate the entry
10 way, and then red brick for the base.

11 Also keep in mind that this section of
12 the facade is set back five feet from this section,
13 hence the glass railings. So these glass rails are
14 just for the Juliet style balconies. There's no
15 actual outdoor space there.

16 You can pass this around, if anybody
17 would like.

18 As part of this proposal, the sidewalks
19 will all be redone. There is a stormwater detention
20 system, new street trees, obviously curbs and any
21 repair work that's required in the street are part
22 of it.

23 But a bigger proposal here is to keep
24 the existing building, restructure it, where needed,
25 add three floors of residential above it, and

1 propose -- as part of the proposal three residential
2 apartments, again, where five are permitted and five
3 parking spaces at the ground level.

4 MR. MATULE: If I could, Frank, just
5 going back to the garage, you indicated on the plans
6 the garage will have car chargers?

7 THE WITNESS: Yes. My apologies.
8 There's a couple of things that I should have
9 described here.

10 There will not be a charging station,
11 but each of the spaces will be wired for potential
12 use. So in case somebody buys an electric car, the
13 station can be put there, and that space will be
14 prewired for it.

15 We are also proposing that -- we will
16 call it the nose of each parking space -- a wall
17 mounted bicycle rack. Those are lockable. These
18 two spaces are parallel, so we couldn't put it
19 there, so we added them there, so each of the --

20 MR. GALVIN: I'm sorry. Does the plan
21 show the conduit for the car chargers?

22 THE WITNESS: Yes. It's noted, yes.

23 MR. GALVIN: Okay. So I don't need to
24 add that as a condition.

25 THE WITNESS: Yes.

1 Again, I got a detail, if anybody is
2 interested, on the actual bike racks themselves, but
3 they are wall mounted, lockable, and they can hold
4 two bikes each.

5 MR. MATULE: And you have used them in
6 other projects?

7 THE WITNESS: Many times.

8 And obviously, I should mention anyway
9 that whoever is parking, using that parking space,
10 they will have access to that bicycle rack. Nobody
11 else will.

12 MR. MATULE: And the stormwater
13 retention system, assuming the project is approved,
14 that then has to be designed by your engineer and
15 submitted to North Hudson?

16 THE WITNESS: Yes.

17 Assuming approval, the owner will have
18 to, and we, the architects, will have to get a
19 consulting engineer to design for us the stormwater
20 detention system. That will have to be submitted to
21 the North Hudson Sewerage Authority as part of their
22 approval process.

23 With that approval, then we can go to
24 the construction office and try and obtain permits,
25 but without that approval, we cannot get permits.

1 MR. MATULE: So the stormwater
2 retention system would have to be designed and
3 approved before any actual construction can start?

4 THE WITNESS: Yes.

5 CHAIRMAN HOLTZMAN: Well, that's
6 important.

7 MR. GALVIN: Well, I have: The
8 applicant's plan must comply with the Hoboken flood
9 plain ordinance, and that plan is to be submitted to
10 the flood plain coordinator for her review and
11 approval.

12 CHAIRMAN HOLTZMAN: It's Flood Plain
13 Manager.

14 MR. GALVIN: Flood Plain Manager.

15 MR. HIPOLIT: And North Hudson Sewerage
16 Authority.

17 THE WITNESS: The way the process
18 works, and I'm sure the Board is familiar with it,
19 we would have to get North Hudson Sewerage Authority
20 approval prior to submitting plans to the
21 construction office. There are several things that
22 we need to submit a set of construction plans --

23 MR. GALVIN: But you need it
24 specifically for the --

25 THE WITNESS: North Hudson Sewerage

1 Authority approval.

2 MR. GALVIN: -- because I am going to
3 list all of the other outside agency approvals.

4 THE WITNESS: Yes.

5 MR. GALVIN: Okay.

6 MR. MATULE: You received Mr. Hipolit's
7 review letter for this project?

8 THE WITNESS: I have.

9 MR. MATULE: Specifically, there were a
10 couple things about outside agencies, you don't need
11 to get a --

12 CHAIRMAN HOLTZMAN: Mr. Matule, hang on
13 one second, please.

14 Commissioner Marks, did you have
15 something that you wanted to go with now?

16 COMMISSIONER MARKS: Just the
17 stormwater retention plan, you said it has to be
18 designed by the engineer --

19 THE WITNESS: By an engineer.

20 COMMISSIONER MARKS: -- by an engineer.
21 So what would that look like, I mean, in terms of --

22 THE WITNESS: I have it
23 diagrammatically shown just based on previous
24 projects we have done, and we took an estimate of
25 the size.

1 If you look at Sheet Z-3, beneath the
2 concrete slab of the garage will be a retention
3 tank. It is generally designed as a large tank, as
4 well as some piping, some very large piping.

5 The simple idea is that any building,
6 stormwater runoff from the roofs or anywhere on the
7 site, will be held in this tank to slow down its
8 movement into the Hoboken's storm system. Hoboken
9 has a combined storm and sanitary system, so the
10 idea is in the course of the rainfall, that
11 everything will be kept on site.

12 COMMISSIONER MARKS: And that is
13 designed for the ten-year storm, or what is that
14 designed for?

15 THE WITNESS: You know, I don't know
16 the answer. Andy may know that better than I.

17 MR. MATULE: I think a hundred.

18 MR. HIPOLIT: I think it is the two,
19 the ten and the hundred. It's designed for all
20 three storms.

21 COMMISSIONER MARKS: How many gallons
22 would this hold approximately?

23 THE WITNESS: I don't know. It has to
24 be designed --

25 COMMISSIONER MARKS: I'm just curious.

1 THE WITNESS: -- but based on buildings
2 of this size that we have worked on before, what you
3 see graphically is about the area that it will take
4 up underneath the slab.

5 COMMISSIONER MARKS: Thank you.

6 CHAIRMAN HOLTZMAN: Andy, how do we
7 designate that, so that we make that a proper
8 condition in terms of what it is that we need to
9 note on that, or is that the flood plain manager
10 will handle sizing that correctly?

11 How does that work?

12 MR. HIPOLIT: Actually I think what
13 they are going to do is their engineer is going to
14 design it. They would submit it at the same time to
15 both the city and North Hudson.

16 Once North Hudson approves it, then the
17 city will have it, and they can make whatever
18 comments they want, if they need to or not. It
19 should probably come to both us and the flood plain
20 manager at the same time.

21 CHAIRMAN HOLTZMAN: Okay.

22 MR. MATULE: Then as far as a soil
23 erosion and sediment control plan, because this
24 site --

25 THE WITNESS: Yes --

1 MR. MATULE: -- it will be less than
2 5,000 square feet that will not be applicable --

3 THE WITNESS: -- yes, that is correct,
4 and that includes the exterior space will be
5 disturbed, but we won't be hitting the 5,000 square
6 foot threshold.

7 MR. MATULE: Then I guess the other two
8 things Mr. Hipolit raised before were the preview
9 work approval and the flood hazard area permit, do
10 you know if they are going to be required?

11 THE WITNESS: They are both related to,
12 as I talked about prior. North Hudson Sewerage
13 Authority will determine whether the DEP is required
14 for an approval.

15 Chances are we will need DEP approval
16 here, and that is part of the NJSA approval as well.
17 The approvals we need here are, of course, are this
18 body, and we need North Hudson Sewerage Authority
19 which I described. We need DEP, most likely, and
20 that happens in conjunction with the North Hudson
21 Sewerage Authority, and then the construction
22 office, but you can't get to the construction office
23 without those prior approvals.

24 MR. MATULE: And do you have any other
25 issues with addressing anything that Mr. Hipolit has

1 raised in his letter?

2 THE WITNESS: No.

3 MR. MATULE: Okay. I will open it up
4 to the Board at this point.

5 CHAIRMAN HOLTZMAN: So we are going to
6 take the testimony from your planner now as well,
7 Mr. Matule?

8 MR. MATULE: Do you want to take the
9 planner and then --

10 MR. GALVIN: What about questions of
11 the public?

12 (Board members confer.)

13 MR. MATULE: Okay.

14 THE WITNESS: Thank you.

15 CHAIRMAN HOLTZMAN: Thank you.

16 MR. GALVIN: Mr. Ochab, raise your
17 right hand.

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

21 MR. OCHAB: I do.

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

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

1 THE WITNESS: Kenneth Ochab, O-c-h-a-b.

2 We have done this before.

3 (Laughter)

4 MR. GALVIN: Thank you.

5 Mr. Chairman, do we accept Mr. Ochab's
6 credentials?

7 CHAIRMAN HOLTZMAN: Yes, sir.

8 MR. MATULE: Thank you, Mr. Chairman.

9 MR. GALVIN: We have two boards with
10 pictures on them.

11 They are going to become -- what are we
12 up to?

13 MR. MATULE: A-4 and A-5.

14 (Exhibits A-4 and A-5 marked.)

15 So, if you could, Mr. Ochab, before we
16 get into your testimony, could you just for the
17 record, tell us what A-4 and A-5 are?

18 THE WITNESS: Okay. Both A-4 and 5 are
19 a series of photographs. There are four photographs
20 on A-4, and three on A-5.

21 Typically what I do in preparation for
22 testimony on every application is to take
23 photographs of the site and the surrounding area and
24 get as much information as I can relative to the
25 testimony, which is obviously concerned with the

1 variances.

2 So if we look at A-4, the upper left
3 photograph and the upper right photographs are
4 photographs of the site and the conditions to the
5 north and to the south.

6 The upper left shows the site on the
7 right side of the photograph, which is a
8 single-story building, and just to the left of that
9 is the ambulance building, and to the left of that
10 is the residential building called the Belmont 711.
11 711 is a seven-story building, with parking on the
12 first level, and of course, the ambulance building
13 is the ambulance building, and our site.

14 Moving in the other direction, again,
15 on the upper right photograph, the left side shows
16 our site again, single-story building.

17 Next to that, the three-story building
18 with a garage parking, and then next to that is the
19 gym that I call it on the corner, a seven-story
20 building.

21 The lower left photograph is a better
22 photograph of the Belmont, which is really the
23 dominant building on the street because it is, first
24 of all, so large. It has about a hundred feet of
25 frontage, and it's seven stories high, so clearly

1 it's a dominant building in terms of their
2 residential street scape and sort of the fabric of
3 Clinton Street in that area.

4 Directly across the street from us is
5 another building, which is one, two, three, four,
6 five stories. Again, parking on the first level,
7 and that is immediately across from us, so that is
8 the general conditions in the area.

9 The next photograph or the next panel,
10 A-5, is three photographs. One is an aerial
11 photograph I downloaded from Bings Maps, showing the
12 site, which is in the blue dot -- I'm sorry about
13 the size, it is a strain to see it -- but basically
14 it is showing the building locations on the block.

15 So along the bottom, we have 7th
16 Street, and then Clinton, which is labeled on the
17 left side, and Willow on the right side. It is
18 basically showing the southern portion of the block.

19 You have quite a few buildings that are
20 just about a hundred percent building coverage, a
21 small one on 7th, the corner building on 7th and
22 Clinton.

23 Then we have, of course, the two
24 buildings structure, which is adjacent to us to the
25 south, which the architect discussed, and then our

1 building here, which is a single-story building, the
2 ambulance building, again, which is about 85 feet in
3 depth. Then, again, the Belmont, which again is
4 this massive structure, which also has a significant
5 lot coverage area on the first level because they
6 have a first level garage, which goes back to the
7 rear yard. I am not sure if it is a hundred percent
8 or 90 percent, but it is a significant amount of
9 building coverage there.

10 And what occurs, if you look across,
11 there is a series of three buildings on Willow,
12 residential buildings, two of which, which face the
13 back area of our site and the ambulance site, and
14 then the third and fourth buildings on Willow, which
15 again, are larger and deeper, and so there is really
16 a restriction between the Belmont and these areas
17 with respect to this open space concept in the
18 center of the block, which we always try to
19 accommodate. It is really sort of like cut off
20 right here, because I mean, if you had to walk
21 through them, you probably couldn't get from the
22 small area south of these buildings to the north
23 area, so it is limited in terms of the open space
24 concept.

25 It is unusual from other blocks, where

1 we have done work, where you have buildings that are
2 shallower, and you have a clear open space view of
3 the center of that block, and it is more meaningful.

4 So within that context, we are keeping
5 the lower level of our building, which is again at a
6 hundred percent coverage.

7 The other two photographs are because I
8 can't get up high enough, it is an attempt to at
9 least get some view from 7th looking up the block as
10 to what we are dealing with.

11 So if I am standing on 7th Street
12 looking north, I am looking at the corner building
13 here, which is, as I said, about a hundred percent
14 coverage.

15 The next building is the building to
16 our south, which, again, is the building that Mr.
17 Minervini indicated he was working on.

18 You can't actually see our building
19 because it is too low, so it is depressed below this
20 building, and again, you can't see the ambulance
21 building either because of the angle, and this is
22 the Belmont, which again is the seven-story
23 building. You can see directly across the buildings
24 from Willow coming back to almost meet them at the
25 center block level.

1 The lower photograph is a little bit
2 different angle. I'm kind of looking more towards
3 the Willow Street side.

4 Here you have the first three buildings
5 along Willow Street, the backs of those buildings,
6 and again, the big apartment building that comes
7 back just to get sort of a reference point as to
8 where we are.

9 MR. MATULE: And as I typically ask
10 you, you are familiar with the zoning ordinance and
11 the master plan of the city?

12 THE WITNESS: I certainly hope so, yes.

13 MR. MATULE: And obviously you are
14 familiar with the site and the proposed project
15 based on your testimony?

16 THE WITNESS: Yes.

17 MR. MATULE: And you've prepared a
18 planner's report, dated March 22nd, in support of
19 this application?

20 THE WITNESS: I did.

21 MR. MATULE: And, of course, that was
22 originally prepared when the project was being
23 submitted to the Zoning Board, correct?

24 THE WITNESS: That is correct.

25 MR. MATULE: And you also received Mr.

1 Roberts' report of September 30th?

2 THE WITNESS: I did.

3 MR. MATULE: Okay.

4 So could you just for the Board members
5 and any public that's here go through your report
6 and give us the benefit of your professional opinion
7 regarding the variances that the applicant is
8 requesting?

9 THE WITNESS: So we have several C
10 variances, which is why we are here, as opposed to
11 the other Board, and no D variances

12 We have a variance for lot coverage,
13 again a single level, lower level building,
14 preexisting condition. We are proposing three
15 stories on top of that, and the building itself is
16 at 60 percent coverage, but what we have done for
17 the two units on the upper floors, this would be the
18 second residential level and the third residential
19 level, in the rear we put two balconies for each
20 level, and those balconies result in a lot coverage
21 of 2.57 percent, and that brings us over the 60
22 percent lot coverage.

23 They are very small balconies. They
24 are not really decks. I wouldn't call them decks in
25 the sense that they are usable for major events.

1 They are just basically little sitting areas outside
2 of the rear windows.

3 So we have a variance for lot coverage.
4 With respect to that, these upper units don't have
5 any outdoor space or an outdoor passive recreation
6 area or sitting area. These areas would provide for
7 that, again, without having to go outside, and the
8 reason for that is because we don't have a rear
9 yard, a backyard, in terms of outdoor space.

10 So they would provide that space, and
11 certainly that is a positive element of this
12 application, and in my view, would meet the C2
13 criteria, which I will go through in more detail.

14 The other variance that we have is for
15 rear yard setback. Again, on the proposed
16 construction side, we have a rear yard setback of 15
17 feet to the terrace area on the second floor.

18 If I could just use Frank's plan, okay,
19 so I am looking at Z-5 now for the record. In the
20 center of Z-5 is the second floor plan. It shows
21 the residential unit, the deck and the green roof.

22 So with respect to the setback
23 requirement, the building itself meets the setback
24 requirement, which actually is like 29.91 feet
25 because it is 30 percent of the lot depth, which is

1 here -- oh, no, you have a hundred -- sorry about
2 that -- so it is 30 feet. So we have a 30 foot
3 setback. We're at 35 feet to the building line.

4 Typically when we have a deck, we would
5 measure that setback to the deck line, so we are
6 calling this a deck. The deck actually sits on the
7 roof of the lower parking level, so we have -- I
8 don't generally call that a deck, I usually call
9 that a terrace. A deck is usually something that is
10 extended out beyond the back of the building and
11 above the ground with nothing underneath it. But
12 nevertheless, it is called a deck, so technically we
13 measure to the edge of the deck right here, which is
14 15 feet.

15 And so what we are providing here is
16 some outdoor space, some outdoor passive living
17 space for this unit in particular, and together with
18 the green roof, so we measure that area as 15 feet
19 instead of 35, so it is really technical.

20 The deck is again on the roof. In my
21 view, this is another positive element of this
22 application. Mostly from a visual perspective
23 because if you are living in the surrounding area,
24 again, from a planning perspective, what would you
25 rather be looking at, a black roof area, a garage

1 area, or something more imaginative and more
2 esthetic?

3 So my view here is that the deck not
4 only provides space for the people living in the
5 unit, but also provides an esthetic amenity for the
6 surrounding buildings, which will be looking down at
7 this area.

8 The deck is not -- does not extend to
9 the edges of the building. There is about a
10 five-foot edge along each side. These sides are
11 adjacent to the south and north buildings anyway, so
12 there is no visibility of the deck immediately from
13 the adjacent properties because the buildings go
14 beyond the edge of the deck.

15 So the deck area is only visible from
16 the back. We have about maybe 50 to 60 feet from
17 this point back to the next building on Willow
18 Street -- to the backs of the buildings on Willow
19 Street. So from a visual perspective and from an
20 esthetic perspective, I think this is a positive
21 element of the allocation as well.

22 The other variance, which is related to
23 this is roof coverage. While roof coverage is
24 allowed to be ten percent, we have 5.4 percent
25 coverage on our mechanical equipment, which is on

1 the upper roof.

2 What has been happening is that we have
3 been adding decks or terraces to the roof coverage
4 calculation. So when we do that, that brings our
5 roof coverage to 27.2 percent, so we are over the 10
6 percent relative to that.

7 It is pretty common that we have done
8 this before, where, again, providing this amenity
9 and allowing a rooftop, particularly a lower rooftop
10 to be designed in this way as an amenity as opposed
11 to just a roof area, again, it is a benefit to the
12 surrounding area.

13 I think that that covers the basic
14 variances. I know the report talked about a 35-foot
15 driveway cut or I'm sorry -- driveway curb cut on
16 the property, which is 35 feet in width, which we
17 have. Again, that is a preexisting condition.

18 I would only comment about that
19 relative to my experiences out on the site, which is
20 to say, I think it is an excellent idea to have
21 parking on this site because -- in some of the
22 photographs that were taken, maybe these don't
23 actually do it justice, but the most prominent thing
24 that you see it shows up in some of the photographs
25 are ambulance vehicles, and they park on the street.

1 Some of the days that I was there, they
2 were using quite a bit of the street area, including
3 small emergency trailers that were parked on the
4 street, so because of their presence, there clearly
5 is a scarcity of on-street parking, so I think
6 that -- I don't know whether it was planned that
7 way, but every one -- every major development on
8 Clinton has off-street parking, and maybe I
9 shouldn't be so generous as to think they actually
10 thought about this, but I do think with respect to
11 where we are, which is adjacent to the ambulance
12 corps, it is better to get our cars off the street
13 and into the garage, so I think the driveway would
14 be I think a positive element.

15 From a negative criteria, two prongs of
16 negative criteria. One is whether or not there is a
17 substantial detriment, if the variances are granted.
18 But what that means generally, is there a major
19 impact on the surrounding area from granting the
20 variances.

21 Based on the dialogue that I just went
22 through, I don't think there would be a substantial
23 detriment to the public good relative to passing the
24 variances.

25 And with respect to the zone plan, the

1 Board needs to find that there is no substantial
2 impairment of the zone plan relative to granting the
3 variances. And here, again, I think for the most
4 part, they are either minor in nature or de minimus
5 in nature, or with respect to the rear yard roof
6 coverage, there is actually a benefit here relative
7 to the existing conditions on the site, which would
8 be good planning and certainly a better planning
9 alternative with respect to the use of that space.

10 So I will stop there and answer your
11 questions.

12 MR. MATULE: Thank you.

13 I have no further witnesses.

14 CHAIRMAN HOLTZMAN: Great.

15 Thank you, Mr. Matule.

16 Yes, Commissioner Graham?

17 COMMISSIONER GRAHAM: Yes.

18 Just on the issue of the ambulances, I
19 walk by there a lot, and today -- most of the time,
20 but today there are ambulances parked right in front
21 of this property.

22 So what are you proposing to do about
23 it?

24 Will there be "no parking" signs
25 because the ambulances don't have anywhere else to

1 go?

2 They park in front of its property, and
3 I think it is great that you are going to improve
4 the property. It is not a beautiful place right
5 now, so I think it would be great, but I am
6 wondering where the ambulances are going to go to.

7 MR. MINERVINI: I will have to ask that
8 question to somebody from the ambulance corps, but
9 obviously they can't park any longer where our
10 garage will be.

11 We are proposing to give back one
12 space -- not that we're proposing -- as a result of
13 this design, there is one extra space returned to
14 the street, because as pointed out, the entire
15 frontage of the street now is curb cut. So once you
16 subtract the space that we need to get in and out,
17 there is one space left.

18 We got that drawn on one of the plans.
19 Now, there are spaces -- the ambulances are there
20 now. They are not supposed to be, but there will be
21 one space given back and they can.

22 COMMISSIONER GRAHAM: Is the property
23 empty now?

24 MR. MINERVINI: It is used for small
25 storage for the property owner, but it's empty of

1 cars, yes.

2 COMMISSIONER GRAHAM: Okay.

3 MR. MINERVINI: One of the drawings
4 shows the car back here on Sheet Z-2. We are
5 describing what will be able to be used as an
6 on-street parking space.

7 CHAIRMAN HOLTZMAN: So I know we have
8 some extensive professional reports on this, and I
9 wanted to work our way through that.

10 Andy, did you want to take a lead on
11 it, or, Dave?

12 MR. ROBERTS: I guess, Mr. Chairman,
13 since Frank is up, I know that Ken has addressed the
14 issue of the treatment of the roof of the existing
15 building beyond -- basically the rear yard portion
16 of it, because he talked about the rear yard setback
17 variance for the deck that would be the amenity for
18 the first residential unit on the second floor as
19 needing a setback variance.

20 I guess my follow-up question to Frank
21 was, because you are putting that on top of an
22 existing hundred-year-old garage and structural
23 reinforcement is really being focused on the portion
24 of the garage to hold up the three-story addition,
25 just looking at the conditions, it looked like it

1 was cinder block with brick face.

2 Is that going to be able to hold the
3 weight of that?

4 MR. MINERVINI: No. It will need some
5 reinforcement, not nearly the extensive reinforcing
6 of the front, but we do show it on this drawing,
7 Sheet Z-2, to a lesser extent.

8 MR. ROBERTS: So there will be another
9 pile in the rear to support the rear wall?

10 MR. MINERVINI: Yes.

11 MR. ROBERTS: Then you are using the
12 corner piles of that section --

13 MR. MINERVINI: Yeah, in this section
14 here.

15 MR. ROBERTS: -- of this section for
16 the weight, and then there's one in the middle?

17 MR. MINERVINI: The code requirement
18 for your roof is 30 pounds per square foot of a live
19 load, which is a movable load. For an outdoor space
20 like this, it is 40 pounds.

21 So assuming that the roof was
22 originally built in accordance with the code, we
23 have to increase the capacity by ten pounds per
24 square foot.

25 MR. ROBERTS: Because in the back I

1 think you would see the facade --

2 MR. MINERVINI: Correct --

3 MR. ROBERTS: -- but you are showing
4 some substantial plant material on the deck, which
5 is going to create a lot of load --

6 MR. MINERVINI: -- absolutely, and that
7 will all be structurally redesigned as required.

8 MR. ROBERTS: Right.

9 Now, the second question, Mr. Chairman,
10 on that back section is in the facade drawing in the
11 back of the building, you show -- what I think you
12 are showing is the fact there was parking that is
13 coming up to that back wall, and what would be the
14 actual appearance of that rear facade?

15 MR. MINERVINI: Well, this rear section
16 is sitting on the property line, so it has to be
17 something non-combustible, and in this case it would
18 probably be a stucco finish --

19 MR. ROBERTS: Because right now it is a
20 red wall --

21 MR. MINERVINI: Yeah.

22 MR. ROBERTS: -- and so I guess the
23 question is: What are the folks -- the rear yards
24 of the folks from Lot 21 say on Willow, what will
25 they be looking at?

1 MR. MINERVINI: Well, I mean it is
2 possible I think to keep visually the brick. I
3 think that might be the best solution.

4 The wall that is there now is taller
5 than the wall we are proposing, excuse me, by about
6 four feet. So we will cut down that wall down about
7 four feet, and I'm just looking at the property --
8 keeping that as brick might be a better solution
9 than stucco.

10 MR. ROBERTS: Right.

11 MR. MINERVINI: And then the structure
12 will be then be inside of that.

13 MR. ROBERTS: I guess, Mr. Chairman,
14 the reason for some of these follow-up questions is
15 what we had suggested in the report, which is that
16 the nature of the property, which is undersized to
17 have a garage in the first place, because if it was
18 a vacant lot, they wouldn't be able to have a curb
19 cut because it's less than 50 feet in width. If
20 they couldn't have a curb cut, they couldn't have a
21 garage.

22 So a lot of the application hinges on
23 retaining basically two -- three out of the four
24 walls, if I understand the drawing correctly,
25 because the front wall is going to be new.

1 MR. MINERVINI: Yes.

2 MR. ROBERTS: It's a structural wall of
3 the addition. So what is left of the garage will be
4 the two side walls and the rear wall, which will
5 have to be significantly reinforced in order to
6 support the weight of the addition --

7 MR. MINERVINI: Yes.

8 MR. ROBERTS: -- so they're relying on
9 a nonconformity of a building that is going to be
10 substantially removed in order to be able to modify
11 it to support the weight, not that that can't be
12 done, but the concern that we had in the report is:
13 Are we going to end up with nothing left of the
14 original building by the time they have to do those
15 modifications, which would effectively remove the
16 nonconformity of the lot coverage.

17 CHAIRMAN HOLTZMAN: Right.

18 So I would like to try to walk through
19 for the team up here basically sort of a
20 hypothetical --

21 MR. MATULE: But before we do that, can
22 I have Mr. Minervini respond to the planner's
23 comments?

24 At some point I would like to have him
25 respond.

1 MR. GALVIN: Yes, at some point you
2 can, but not at this point. We are not going to
3 play tennis.

4 (Laughter)

5 All right.

6 Go ahead, Mr. Chairman.

7 CHAIRMAN HOLTZMAN: Thank you.

8 I would like you to walk the
9 Commissioners through basically a hypothetical of
10 this lot because we have a very unusual situation
11 here from what I understand.

12 First, we have a lot that does not meet
13 our 50-foot minimum for having a curb cut and then a
14 garage, so it is less than that.

15 We also have an existing situation
16 where we have a building, a one-story, 100-year-old
17 garage storage building that takes up 100 percent of
18 the lot.

19 If this building fell down to the
20 ground, and this applicant came in with this gravel
21 lot that was 35 by a hundred or thereabouts, they
22 would have to conform straight ahead with our zoning
23 codes as they are written with regard to lot
24 coverage and height and things of this nature.

25 So if they did it, and we had a blank

1 slate to work from, they would be -- if they were
2 completely complying, they would set back from the
3 front property line, and then they could cover 60
4 percent of their lot. Is that correct?

5 MR. ROBERTS: That is correct.

6 CHAIRMAN HOLTZMAN: Okay.

7 So here we have an unusual situation,
8 where they have a garage that covers 100 percent of
9 the lot.

10 What they are asking is to say, we want
11 to save that existing thing, and then we want to put
12 three more stories basically on the front 60 percent
13 of it, so it is a combination of using the old and
14 adapting this -- putting this new use on top of it.

15 Our municipal code tells us that you
16 need to substantially keep the old structure that
17 you are changing, rehabilitating, whatever it is
18 that you want to call it, specific language.

19 So it gets into the problem that we
20 don't have any specific percentage of that
21 underlying structure that we need to keep. It just
22 says "substantial."

23 Is that correct?

24 MR. GALVIN: Yes.

25 I think one of the mistakes that we

1 make sometimes is that if we look at the -- nobody
2 has an entitlement -- you are entitled to have a
3 preexisting nonconforming structure, and you are
4 entitled to keep it for as long as you would like to
5 maintain it, and it is not demolished or abandoned.

6 But at some point, if you want to add
7 on to a nonconforming structure or to -- here you
8 don't have uses, but here, you want to add on to a
9 nonconforming structure. Nothing says that they
10 have an entitlement to keep the nonconforming part
11 of this building. If they want a new variance, you
12 know, it could be anything. I mean, we could -- we
13 are not -- I know you are questioning me --

14 MR. MINERVINI: I am.

15 MR. GALVIN: -- but I am positive, I'm
16 positive that I'm right. Okay?

17 CHAIRMAN HOLTZMAN: Thank you.

18 MR. MATULE: I understand that you and
19 I don't agree on that point, and we've agreed to
20 disagree.

21 MR. GALVIN: But you don't have any
22 entitlement to keep portions of a nonconforming
23 structure and to keep the parts you like and then
24 build new parts on to it.

25 The Board can agree with you that it's

1 a sensible plan, that having parking here is a good
2 idea, that there is no donut nearby.

3 You know, you have the first aid trucks
4 nearby. But if the Board doesn't like the idea of
5 it being a hundred percent, and you want to come up,
6 and there are other variances that you now need,
7 they could say, no, we want you to do this instead
8 of that, and you got to get rid of that portion of
9 the building.

10 MR. MINERVINI: Understood.

11 MR. GALVIN: Okay.

12 CHAIRMAN HOLTZMAN: So I just want
13 everyone to -- again, it is kind of complicated.
14 Dennis unfortunately has had to take me through it
15 more than a couple more times in walking me through
16 this, but we need to sort of look at this two ways.

17 Do we think what they are proposing is
18 a good solution to the piece of property?

19 And you can have a varying degree on
20 that. Ann made a great point, which is obviously
21 what is there is not too pretty, and it's not too
22 good, and it's not too useful, so doing something
23 with it certainly seems like a smart idea.

24 On the other hand, they seem to want to
25 have a little bit of both. Have their cake and eat

1 it, too, and that is keeping the back, because if
2 they came in with this application straight away, I
3 don't even think Frank would have the chutzpah to
4 come to us to propose a hundred percent lot coverage
5 for parking.

6 MR. GALVIN: Oh, no, he does.

7 (Laughter)

8 MR. MINERVINI: No, I would not.

9 CHAIRMAN HOLTZMAN: So he would come to
10 us with a building that covered 60 percent or 62
11 percent when you add the decks in, that type of
12 proposal.

13 So what I want to just throw out there
14 for consideration and to make sure that everybody is
15 making the calculation in their own head correctly
16 is: Do we think this 30 feet of backyard, 40 foot
17 of backyard garage is a good thing to let them keep
18 and accept on this proposal, as opposed to if
19 somebody came in tomorrow with a gravel lot, they
20 would build up to 60 percent, and our community
21 would be able to capture 40 feet times 35 feet of
22 the donut hole that is currently being occupied by a
23 hundred-year-old garage.

24 I think that is as plain as day in
25 terms of sort of the trade-offs here. I really

1 don't want to say that one is better than the other.

2 COMMISSIONER BHALLA: No. Thanks for
3 framing the issues in that way. It is a good way to
4 put it.

5 So to that end, I am not sure who I
6 would ask, but does the additional 30 to 40 feet
7 that creates the hundred percent lot coverage, is
8 that required for the number of parking spaces that
9 you are seeking, and that is the first question.

10 And number two is: If you didn't have
11 that additional space, how many fewer parking spaces
12 would you have?

13 MR. OCHAB: It's 35 feet we're talking
14 about. The building is set back -- so everyone is
15 clear, it's set back five feet from the property
16 line, and we are permitted 60 feet, if there was
17 nothing there, if we were starting from scratch like
18 you said.

19 VICE CHAIR MAGALETTA: Excuse me. Just
20 a point of order.

21 Should we have public comments first?

22 MR. GALVIN: We're asking --

23 CHAIRMAN HOLTZMAN: No. We are still
24 asking questions. We are going to open it up,
25 absolutely, no question.

1 MR. GALVIN: There are different ways
2 to do this. We have elected to hold off questions
3 and comments to the end.

4 COMMISSIONER BHALLA: How does it
5 impact parking on that floor?

6 MR. MINERVINI: I'll show you the
7 property line and describe it that way, and I will
8 turn it towards you, so you can see.

9 VICE CHAIR MAGALETTA: Z-5.

10 MR. MINERVINI: This is the back wall
11 at 100 feet, 100 percent.

12 This line is the building above. What
13 we would lose is two parking spaces, and it is more
14 than just the number of parking spaces because --

15 CHAIRMAN HOLTZMAN: You would lose two.

16 MR. MINERVINI: -- yes, but you also
17 would lose the ability to turn around within the
18 garage. As it is now, this width allows us the
19 proper amount of back-up space, which includes then
20 the turn-around space to leave nose forward.

21 If we remove this section, the only way
22 to get out is to back out of the garage, and there
23 have been many buildings in the past built at 25
24 feet in width with tandem parking spaces, and they
25 don't work very well.

1 But this condition, and of course, we
2 are here because it's existing, allows us to three
3 wide in the back as well as handicapped, and the
4 proper amount of back-up space, turn-around space.

5 COMMISSIONER BHALLA: So the benefit is
6 that you have three less cars on the street?

7 MR. MINERVINI: Well, I don't think
8 there would be any parking without this back section
9 because --

10 COMMISSIONER BHALLA: Well, that's what
11 I'm saying, and if you place these cars on the
12 property --

13 MR. MINERVINI: Yes. My --

14 COMMISSIONER BHALLA: -- those
15 residents wouldn't be parking on the street, and
16 that would free up three additional spaces for the
17 rest of the community.

18 MR. MINERVINI: -- I understand. I
19 think it is more than that. I think it is actually
20 five parking spaces, because if we remove this, then
21 we are left with three tandem spaces, which then you
22 would have to, in a rather unsafe manner, back out.

23 COMMISSIONER BHALLA: You would keep
24 those, right?

25 MR. MINERVINI: Well, that is up to

1 this Board to decide. I don't know if they'd work
2 or be usable --

3 COMMISSIONER BHALLA: You would seek to
4 keep those?

5 MR. MINERVINI: I don't know.

6 CHAIRMAN HOLTZMAN: Councilman, that is
7 also one of the reasons why the requirement is that
8 the building be 50 foot wide to have a curb cut, so
9 that the building is also sufficiently wide enough
10 that there's the ability to turn around in it.

11 This building being only 35 feet wide
12 is already giving them a compromising situation on
13 being able to turn the cars around in this garage.

14 MR. MINERVINI: If I may, that is not
15 really true, because we can and we do have the
16 proper turn-around space as designed using 100
17 percent of the lot.

18 What this rear section adds is an open
19 space. If it were a 50-foot building, which is
20 conforming, and 60 feet in depth, you don't have
21 this similar open space, but you have the width just
22 to back out of your parking space and turn around
23 that way. You haven't got that width here.

24 I guess maybe I didn't do a good enough
25 job, but of course, we are proposing to use existing

1 walls and get parking onto the site.

2 The thought is that people who will be
3 moving here will have cars, and this street in
4 particular is one that's very difficult to park.
5 The ambulance corps, as great as we all know they
6 are, and we need them, takes up a lot of those
7 spaces. So if it's not here, these cars are on the
8 street, and we thought this was a very nice solution
9 considering that it already had a 13 parking space
10 garage, to continue that, the impact that these ten
11 foot walls have is we think negligible.

12 As Mr. Ochab and I discussed, this is a
13 unique situation -- not unique -- but it's not an
14 uncommon situation in that there isn't all of these
15 gardens or yards related to us or adjacent to us.
16 It is remnants of what was an industrial park --

17 CHAIRMAN HOLTZMAN: Hang on one second.

18 Thank you, Frank.

19 Dave, I think that you had some
20 additional photographs in your follow-up letter as
21 well that actually the buildings that are directly
22 behind there did have some yards and outdoor
23 space --

24 MR. ROBERTS: Yes.

25 CHAIRMAN HOLTZMAN: -- so I definitely

1 want to make sure that, you know, we can take into
2 consideration that there are two residential
3 buildings directly behind this building that do have
4 backyards, and as opposed to them having a -- so
5 there is an option right now. So there is a
6 conversation about having a garage wall that is on
7 the property line or perhaps not.

8 Commissioner Pinchevsky, you had a
9 question?

10 COMMISSIONER PINCHEVSKY: Yeah.

11 Before we just get there, back to the
12 parking, the turn-around space, if the three cars in
13 the back are occupied -- the three spots in the back
14 are occupied, can the front two cars -- are they
15 able to go in there and turn around?

16 MR. MINERVINI: Yes. That 22 feet --
17 Hoboken's requirement is 20 feet, so they could go
18 straight in this way, turn here and come back out,
19 nose first, so they wouldn't be backing out.

20 MR. HIPOLIT: Have you done a rundown
21 on the turn template?

22 MR. MINERVINI: I don't have to run it.
23 I experienced it.

24 Any of these parking garages, even the
25 ones that the city permits, and their 18-foot depth

1 parking space, eight and a half feet width and
2 20-foot backup space, which is also your island,
3 it's very difficult to use.

4 The difference here is residential use,
5 and one of the reasons why Hoboken has gotten an
6 exemption from the RSIS is that the thought is that
7 the same people will be parking in the spaces, and
8 therefore, very used to this condition, unlike if it
9 were a store, somebody comes in and it becomes a
10 problem. That is not the case here.

11 Is it the easiest solution?

12 No.

13 Would it be better if this was 75 feet?

14 Well, yes, but this works.

15 VICE CHAIR MAGALETTA: Well, another
16 option is they just back into the space off the
17 street, and they pull right out --

18 MR. MINERVINI: They can.

19 CHAIRMAN HOLTZMAN: That's a bad
20 option.

21 MR. MINERVINI: And -- to --

22 VICE CHAIR MAGALETTA: -- we have rear
23 angle parking right now as it is --

24 MR. MINERVINI: -- that point, two cars
25 can park in that that are compact size --

1 VICE CHAIR MAGALETTA: You could get
2 three cars in there then if you did that --

3 MR. MINERVINI: Yeah. So these
4 three -- this is a generally easier condition to
5 turn because you are backing up in 22. What Mr.
6 Hipolit was referring to I think in particular with
7 these two cars, but they are compact --

8 COMMISSIONER PINCHEVSKY: Would the
9 parking be deeded to the units?

10 MR. MINERVINI: I don't know if it is
11 rental or condo, but the parking will be assigned to
12 a unit.

13 CHAIRMAN HOLTZMAN: Well, we have the
14 applicant and the property owner in the room.

15 Can we get some insight on that?

16 COMMISSIONER PINCHEVSKY: So we're not
17 sure if it's going to be condos or --

18 MR. MINERVINI: I am going to guess
19 that depends on the market conditions usually is the
20 answer --

21 CHAIRMAN HOLTZMAN: I think Mr. Matule
22 is asking them right now. Why don't we give it a
23 second?

24 MR. MATULE: If I might, Mr. Chairman,
25 I inquired of the applicant --

1 CHAIRMAN HOLTZMAN: Thank you.

2 MR. MATULE: -- the intention of these
3 three units are to be residential condominium units,
4 and the five parking spaces would be divided up
5 among those two units -- three units, however they
6 were sold. But they would be specifically --
7 typically in a condominium situation rather than
8 making them, quote, unquote, units, there are
9 limited common elements that are assigned to a
10 specific condominium unit.

11 MR. HIPOLIT: Would they ever rent them
12 out?

13 CHAIRMAN HOLTZMAN: You're talking
14 about the spaces or the apartments?

15 MR. HIPOLIT: Parking spaces --

16 MR. MATULE: Again, in my experience,
17 the condominium documents have language in them that
18 they could only be used by the residents of the
19 building --

20 MR. HIPOLIT: Because in this case it
21 would have to be that way.

22 MR. MATULE: -- it becomes a security
23 question.

24 Yes. I mean, should the Board see fit
25 to approve it, we certainly would not have any

1 objections to a condition that the constituent
2 documents for the condominium provide that the
3 parking spaces could be only used by the residents
4 of the unit.

5 CHAIRMAN HOLTZMAN: Commissioner
6 Graham?

7 COMMISSIONER GRAHAM: If there are three
8 units, why five spaces? Why can't you just keep
9 three spaces?

10 You are assuming that somebody will
11 have two cars --

12 MR. MINERVINI: No, no --

13 COMMISSIONER GRAHAM: -- maybe I
14 misunderstood.

15 MR. MINERVINI: -- the five spaces are
16 a result very simply of using this additional garage
17 space. Without this, there are really no parking
18 spaces.

19 Without this section, the width here,
20 because we also have to take up some of the space
21 with our means of egress, our elevator, and those
22 things, those two parking spaces, there is then not
23 enough space to turn around and go out nose first.

24 Right now as designed, these cars can
25 go here to this larger space and do a K-turn and

1 come back.

2 But without this, parking doesn't work.

3 COMMISSIONER CONROY: You are not
4 saying there's always going to be five cars in
5 there. You're just saying there's five spots there,
6 three are regular and two are compact.

7 I mean, you're not saying there's going
8 to be parking there. It's just what can be there --

9 MR. MATULE: If I might, also, I mean,
10 the intention is that these are large units and the
11 expectation is there will probably be people with
12 two cars --

13 COMMISSIONER GRAHAM: They will --

14 MR. MATULE: -- and, you know, that's
15 an amenity that would make it attractive to them.

16 CHAIRMAN HOLTZMAN: Commissioner
17 Pinchevsky?

18 COMMISSIONER PINCHEVSKY: Yes.

19 I didn't understand what you said
20 before about there are limited --

21 MR. MINERVINI: Limited access common
22 area, the parking spaces --

23 MR. MATULE: In a condominium
24 structure, there are the units, and then there is
25 what they call common elements, typically like a

1 backyard. I guess the best example would be a yard.
2 The entire lot that the condominium building is on
3 is a common element.

4 Quite often, with the row home type
5 buildings, where the only way to get into the rear
6 yard is through the ground floor apartment, they
7 make that ground floor rear yard a limited common
8 element. It is still a common element, and it's
9 owned by the condominium association, but it has a
10 limitation that it can only be used by the person
11 who lives on that floor, because you couldn't create
12 an undersized lot and sell it to the person and say,
13 we are selling you the rear yard. So this legal
14 fiction is created to give them the essential
15 benefit of owning it, but it's still the condo
16 association, and typically with a roof deck also.

17 The condo association owns the roof,
18 but they designate a portion of it as a limited
19 common element for a specific unit owner.

20 So in this case, we divide the garage
21 up in to sections and therefore limited common
22 elements. Typically when we file the master deed,
23 this would say unit one, unit one, unit two, you
24 know, unit two, and unit three. It would designate
25 who could park where, so they're like assigned

1 spots.

2 COMMISSIONER PINCHEVSKY: Okay.

3 Understood.

4 So the idea of perhaps the three units
5 being apartments or condo units being sold, and then
6 tenants of those units being required to rent a
7 spot --

8 MR. MATULE: No --

9 COMMISSIONER PINCHEVSKY: -- it is not
10 possible?

11 MR. MATULE: -- well, again, I want to
12 be clear. I don't want to say it is not possible.
13 If the sponsor chose --

14 MR. GALVIN: Can I help?

15 MR. MATULE: -- to keep ownership of
16 the parking spaces, he could rent them out, but
17 that's not where we are going.

18 CHAIRMAN HOLTZMAN: Hang on.

19 Dennis?

20 MR. GALVIN: Here is what I propose:

21 The applicant is to file a deed
22 restriction -- I know you might go condo and you
23 might not, but you will have the deed restriction.
24 You would certainly work with it if you decide to
25 condo the building.

1 The applicant is to file a deed
2 restriction limiting the use of the building's
3 parking spaces to occupants of the building and will
4 establish which unit will utilize which parking
5 space.

6 So you say, spaces one and two are
7 Apartment A, three and four are for B, and five is
8 for C.

9 Then if they decide to get tricky and
10 rent it out, and then if it came to the discovery of
11 the zoning officer, she would be able to enforce
12 this.

13 COMMISSIONER PINCHEVSKY: I'm looking
14 at it in a different way.

15 I live in a condo building, where we --
16 and there is a parking garage that shares our name,
17 but it's not part of -- it's not deeded to us, and
18 therefore, we have to pay 200-something dollars a
19 month in order to use it. And as a result, half of
20 the building parks in the street, so it goes against
21 the intent.

22 So I'm not worried about someone having
23 it deeded to them or however it may be, and then
24 renting it out to a neighbor who lives across the
25 street.

1 I'm worried about tenants not using it
2 because the owner of the building wants to make more
3 money --

4 MR. GALVIN: I said the occupants of
5 the building --

6 CHAIRMAN HOLTZMAN: And that's what
7 this condition --

8 COMMISSIONER PINCHEVSKY: -- but if the
9 occupants of the building don't want to use it, and
10 it goes empty because they don't want to pay \$300 a
11 month, I'm sure the market will adjust the rate, but
12 I don't want people parking outside because part of
13 the purpose is what you're saying, and that was my
14 next question.

15 MR. MATULE: Yes. You would have an
16 assigned parking --

17 CHAIRMAN HOLTZMAN: Right, and there is
18 a deed restriction --

19 COMMISSIONER PINCHEVSKY: And if it's
20 rentals --

21 CHAIRMAN HOLTZMAN: -- and that the
22 parking space is assigned as part of the ownership
23 of that unit --

24 COMMISSIONER PINCHEVSKY: -- right,
25 understood. But I am unclear how it works with

1 rentals, though.

2 MR. MATULE: Well, if it were rentals,
3 then I think Mr. Galvin's dead restriction --

4 MR. GALVIN: The language still works.

5 MR. MATULE: -- that says, only
6 occupants of the building can use those parking
7 spaces --

8 COMMISSIONER PINCHEVSKY: Correct. But
9 if it is rentals, you don't own it, and therefore,
10 you have to pay the \$300 a month to park there.
11 Whoever wants to pay is going to pay. And if nobody
12 from the building wants to pay that, then it goes
13 empty, and they're parking on the street.

14 COMMISSIONER CONROY: If it's rentals,
15 it is going to be up to whoever owns it and is
16 renting it out to somebody. It is out of our
17 purview. We can't be dictating what an owner is
18 going to do if they rent out their apartment.

19 COMMISSIONER PINCHEVSKY: No.
20 Understood.

21 But if one of the perks of this garage
22 is that it takes people off the street, and my
23 comment is not necessarily --

24 VICE CHAIR MAGALETTA: Actually you can
25 put it in the condo master deed and bylaws, that

1 whoever occupies it, you know, work it into the
2 documents, so you can require it to be done by the
3 tenant, but that is up to how you --

4 MR. MATULE: Well, that is what I think
5 Mr. Galvin's deed restriction does.

6 VICE CHAIR MAGALETTA: -- I agree. I
7 am just saying, what he is requesting is possible.

8 CHAIRMAN HOLTZMAN: Did you have
9 anything else, Dennis?

10 MR. GALVIN: No.

11 CHAIRMAN HOLTZMAN: I think that you
12 might need to beef up the language on it, but I
13 think you got a good start on that.

14 COMMISSIONER PINCHEVSKY: That's all
15 the parking questions I have.

16 CHAIRMAN HOLTZMAN: For the moment, no
17 problem.

18 Andy, could you have address the issue
19 of how much of the building will be taken down, can
20 be taken down, and how we would sort of deal with
21 that?

22 Would we need to monitor that?

23 Is it important to us?

24 MR. HIPOLIT: Well, I guess for the
25 Board's purposes, and Frank could weigh in where he

1 wants, they are saying they are leaving the existing
2 building and modifying it and going upward to add
3 the additional stories.

4 Really, the first question I have for
5 Frank is: Explain to me or characterize for me what
6 substantially leaving the existing building is.

7 So if I am taking the entire roof of it
8 off, if I'm taking off some portion of the walls in
9 the back, reconstructing the front wall, do you
10 consider the building substantially still there?

11 CHAIRMAN HOLTZMAN: Redoing the
12 foundation.

13 MR. MINERVINI: The foundation is
14 remaining. The existing foundation is remaining.

15 MR. HIPOLIT: Right. But in a
16 percentage-wise, what percent of the building --

17 MR. MINERVINI: I don't think that the
18 ordinance -- that the MLUL as we're referring to it
19 considers it percentage-wise of roof structure. It
20 is considered I think in plan, so if you look at it
21 in plan at least in terms of walls --

22 MR. HIPOLIT: Where do you get that
23 from?

24 MR. MINERVINI: That has been my
25 experience at almost every Zoning Board that I dealt

1 with and the Planning Board as well, of course.

2 But, nevertheless, that doesn't help us
3 nor hurt us, but in our case we are proposing to
4 keep three of the four walls, and the one wall
5 that's being removed is a 37 foot wall. We are
6 keeping two 100 deep foot walls, as well as the 37
7 to the rear.

8 In terms of the physical structure, the
9 majority is staying. If you're going --

10 MR. HIPOLIT: I guess, again, you made
11 a statement, you are saying the majority is staying.

12 The entire roof is coming off. Some
13 height of the entire walls is coming off. The
14 entire front wall is coming off, and I'm assuming --

15 MR. MINERVINI: The front wall doesn't
16 have to get --

17 MR. HIPOLIT: -- I am assuming the
18 entire floor is going to come out --

19 MR. MINERVINI: -- wait, this becomes
20 an issue --

21 THE REPORTER: Wait a second. You
22 can't talk at the same time.

23 MR. MINERVINI: I'm sorry. My
24 apologies.

25 MR. HIPOLIT: -- and I'm assuming the

1 entire floor is going to come up because you're
2 putting tiles in, and you're ripping the whole thing
3 up, so --

4 MR. MINERVINI: It will be removed
5 where it need be to accommodate grade beams and the
6 retention system, yeah.

7 MR. HIPOLIT: I don't know how you
8 characterize -- I mean, we definitely have a
9 difference of opinion on it.

10 I don't know how you characterize
11 substantially remaining versus substantially --

12 MR. MINERVINI: Well --

13 CHAIRMAN HOLTZMAN: Unfortunately, the
14 MLUL does not give us a percentage, so it is not
15 like counting bricks or square footage of a building
16 that's left --

17 MR. HIPOLIT: -- well, "substantial" to
18 me has always meant -- it's the 50 percent mark.
19 When you are at 51 percent remaining, you are
20 substantially remaining. If you're at --

21 MR. GALVIN: Well, the testimony --

22 MR. MATULE: If I might --

23 CHAIRMAN HOLTZMAN: Dennis, what do you
24 got here for us?

25 Hang on a second, Mr. Matule. Hang on

1 a second, Mr. Matule.

2 Thank you.

3 MR. GALVIN: I'm sorry.

4 I am reading from Motley versus
5 Seaside. It's a 2013 Appellate Division published
6 case --

7 MR. MATULE: Yes. I'm very, very
8 familiar with it.

9 MR. GALVIN: -- yes.

10 And part of it says -- and I don't
11 believe we are reaching this. I don't believe this
12 issue is in this case because we are not talking
13 about destruction or whether or not the building
14 could be rebuilt, but using it for guidance for us.

15 The test of whether or not a conforming
16 use or structure may be restored or repaired is
17 whether there has been some quantity of destruction
18 that surpasses mere partial destruction.

19 So in this case, if this was like a
20 fire had destroyed, you know, the roof of the
21 garage --

22 MR. MATULE: That's exactly where I was
23 going.

24 MR. GALVIN: -- you know, we would
25 think it's more than part -- Andy is saying, and I

1 think I agree with him, that we would think it is
2 more than partial.

3 Then this case goes on to not give us a
4 percentage, but whether the destruction is so
5 substantial in nature, qualitatively, if not
6 quantitatively to surpass the partial threshold that
7 the statute expresses.

8 In that case they had taken it all the
9 way down to the concrete. I used to think that you
10 had to remove the concrete, so I think this was, you
11 know, a signal to municipalities that it doesn't
12 have to be that far. But that's for whether or not
13 you lose the right -- you have a right to have this
14 nonconforming -- even if we deny you, you have a
15 right to continue this nonconforming structure. You
16 can go out there and modify it somehow and keep it.
17 But if you need new variances, now you are before
18 the jurisdiction of the Board, and now we have to
19 consider what new form we want this building to have
20 and what variances you can keep and what new
21 variances we are going to grant you.

22 MR. HIPOLIT: Right.

23 If you're using in terms of a fire, if
24 you had a fire in your building, and the entire roof
25 collapsed, and the front wall collapsed, and part of

1 the side walls collapsed, you would go to the
2 building department, and they would say your
3 building was substantially destroyed, take it down
4 and make it conforming.

5 MR. MATULE: Well --

6 MR. HIPOLIT: I mean, you'd be fighting
7 it in court --

8 CHAIRMAN HOLTZMAN: Hang on one second,
9 Mr. Matule. Hang on one second, Mr. Matule.

10 Thank you.

11 MR. MATULE: At some point am I going
12 to be allowed to speak?

13 MR. GALVIN: Yes, I promise you.

14 CHAIRMAN HOLTZMAN: Yes. You have only
15 spoken for a substantial part of the evening, so
16 give somebody else a chance.

17 Thank you.

18 MR. MINERVINI: Is that 50 percent?

19 (Laughter)

20 CHAIRMAN HOLTZMAN: Commissioner Marks,
21 did you have something you wanted to interject with?

22 COMMISSIONER MARKS: No.

23 CHAIRMAN HOLTZMAN: Thank you.

24 Mr. Matule?

25 MR. MATULE: The point, and I just

1 think it is a mischaracterization when we are
2 talking about demolishing the building when Mr.
3 Minervini's testimony was in the rear portion of the
4 building where the wall is currently 17 feet high,
5 they are going to bring it down to ten feet --

6 MR. MINERVINI: Fourteen to ten.

7 MR. MATULE: -- that doesn't impact the
8 lot coverage one way or the other, and it makes for
9 a better project.

10 So all I am suggesting is that I have a
11 bit of an issue with that being somehow a negative,
12 and I think that is the way it is being
13 characterized.

14 MR. HIPOLIT: I am not trying to make
15 it a negative.

16 What I am trying to get to is this
17 "substantial" word.

18 So literally, in my opinion, if we use
19 "substantial," I used 50 percent.

20 If you have 51 percent remaining, you
21 are substantially remaining.

22 If you're at 49 percent remaining,
23 you're substantially removed.

24 When I put together all of the same
25 elements, forgetting negative or positive, I am not

1 trying to characterize negative or positive, when I
2 put together all of those items, all you are doing
3 is you are going to support some portion of three
4 walls, if you can. I don't know if you can without
5 them falling down, and then you are going to rebuild
6 the entire building because you have to reinforce --
7 the remaining walls will have to be reinforced --

8 MR. MINERVINI: Well -- I'm sorry --

9 MR. MATULE: When you are inside of
10 that garage when this project is finished, you are
11 going to see the walls that are there now.

12 MR. MINERVINI: Yes.

13 MR. HIPOLIT: That's not what he
14 testified to. The back three walls are going to be
15 reinforced --

16 MR. MINERVINI: By a column structure
17 as the drawing shows.

18 If I may, what we are thinking is the
19 brick walls will remain. New columns within those
20 walls, and the exiting walls will be tied to them.
21 Perhaps I should --

22 CHAIRMAN HOLTZMAN: Hang on one second,
23 Frank.

24 So new columns -- I want you to explain
25 to our team here what new columns in those walls

1 mean.

2 So that means I got a masonry wall
3 here. I need to now break the wall --

4 MR. MINERVINI: No.

5 CHAIRMAN HOLTZMAN: -- sure, it does.

6 MR. MINERVINI: -- no. The drawing
7 reflects it. It's on the inside of that wall.

8 MR. MATULE: Go to the drawing.

9 MR. MINERVINI: If I may, it's on Sheet
10 Z-2.

11 That is one way to do it, which is to
12 cut the wall section --

13 CHAIRMAN HOLTZMAN: To cut the wall,
14 you put a new pile in, screw pile --

15 MR. MINERVINI: -- yeah -- you are
16 going to put a column -- if I may, if that were a
17 brick wall, and this is within the garage. The
18 column we are proposing would be right here. This
19 will not be touched other than to be leveled off at
20 a particular height, but the wall itself will
21 remain, and this wall will be tied to the new column
22 to keep it structurally sound, make it more
23 structurally sound than it's existing.

24 But perhaps to your point, I should
25 rephrase this and discuss a substantial portion of

1 the wall system is remaining.

2 My apologies. When I think of this, I
3 think of it in plan, which has been my experience in
4 front of the Boards. Happily I can describe it as
5 substantial sections of the walls will be remaining.

6 CHAIRMAN HOLTZMAN: Commissioner
7 Magaletta?

8 VICE CHAIR MAGALETTA: I want to say --
9 I mean, I hear Andy saying at 50 percent, but I
10 don't even think it is a 50 percent analysis. I
11 think it's are you changing the structure, and you
12 are because you are getting rid of the roof. You're
13 cutting the back down, and you're changing the
14 front.

15 I think -- you are changing some -- I
16 guess you're putting these screw footings in or
17 whatever you're doing with that. I think you are
18 changing the structure.

19 50 percent is I guess, you know,
20 something to think about, but I don't think it's
21 determinative. I think it's do we think, do I think
22 that what you're doing is really changing this
23 building. So I think that's -- that's simply a
24 number, that's a gestalt, if you will.

25 CHAIRMAN HOLTZMAN: Thank you.

1 Andy, also, I think one of the things
2 that you pointed out to me was that that in your
3 history here in Hoboken and in other municipalities,
4 it wouldn't be unusual that we have an application
5 that comes before a Board, gets an approval to do an
6 enhancement, an improvement, a redevelopment of
7 their building with the idea that they are keeping a
8 substantial part of it, and then mysteriously
9 enough, during the time that construction is
10 transpiring, all of the walls seem to fall down, and
11 they have to start all over from square one.

12 MR. HIPOLIT: Right.

13 I think the problem that you have with
14 an application like this is the building is old.

15 How old is the building?

16 CHAIRMAN HOLTZMAN: Over a hundred
17 years old is their testimony.

18 MR. MINERVINI: Over a hundred years
19 old.

20 MR. HIPOLIT: Right.

21 So most likely, and I'm not a building
22 sub code official, most likely when you go out there
23 to modify his walls, your sub code official is going
24 to go, yeah, this wall is not good, take it down and
25 replace it. And it's out of your jurisdiction at

1 that point. He has mandated it.

2 So now they come to you, and they've
3 testified over the process, three of these walls are
4 going to remain, but your sub code guy says take it
5 down, so it's now they would have needed a different
6 variance for this.

7 MR. MINERVINI: Well, back to this
8 Board. You can control that I think within the
9 resolution --

10 MR. HIPOLIT: I don't think anybody
11 ever comes back to the Board for that. I've never
12 seen it.

13 MR. GALVIN: Well, I'm going to say
14 this. I agree with Mr. Minervini, they should be
15 coming to this Board when that goes wrong.

16 MR. HIPOLIT: They should come back --

17 MR. GALVIN: -- when that goes wrong.

18 MR. MATULE: If I might also, I mean,
19 just to address those comments, I know of situations
20 where that has happened in Hoboken --

21 CHAIRMAN HOLTZMAN: None of your
22 clients, of course, Mr. Matule.

23 MR. MATULE: -- and I also know of many
24 other situations, where that is what was represented
25 to the Board, and in fact, that is what was done.

1 In my experience, how that is typically
2 handled again is by a condition. It is just like
3 when we are before the Board, and a great deal of
4 the emphasis and the public benefit for approving a
5 project is that an old building is going to be
6 historically preserved or restored.

7 Quite typically, the language in
8 memorializing the resolution says that if for any
9 reason, it can't be done or you run into structural
10 problems, or what you represented here can't be
11 built, then you must come back to this Board, and
12 that is built into the resolution, which then gives
13 the zoning officer, you know, power to enforce that.

14 CHAIRMAN HOLTZMAN: We also have an
15 engineering team that can visit the site and make
16 something to that. At the lack of -- I'm sorry.

17 Go ahead, Mr. Pinchevsky.

18 COMMISSIONER PINCHEVSKY: Actually I
19 have a question, and it's not to necessarily push us
20 along --

21 CHAIRMAN HOLTZMAN: Sure.

22 COMMISSIONER PINCHEVSKY: -- because I
23 think is an important conversation.

24 But if we as the Board deem that an
25 existing -- this is not -- no longer an existing

1 condition, and that, you know, they are materially
2 changing the building, are we still willing to
3 discuss, you know, even with that being said, the
4 merits of this application and perhaps grant it or
5 not grant it, or is it that if we deem that this is
6 a material change, therefore -- and therefore, no
7 longer an existing condition, that we are not going
8 to hear it any further?

9 CHAIRMAN HOLTZMAN: Yeah. I think we
10 need to make that decision if it is a fatal flaw in
11 the argument, and then how do we proceed. I'm going
12 to get there in a minute.

13 Thank you, though.

14 COMMISSIONER PINCHEVSKY: Okay.

15 CHAIRMAN HOLTZMAN: At the risk of
16 dragging you, Commissioner Graham, into the
17 conversation, I'm going to bring up something you
18 said previously, which is: If there is anything
19 that I learned from my fellow Commissioners, there
20 is absolutely nothing that drives them madder than
21 when we have an applicant before us that makes the
22 case for one thing and really wants to do something
23 else.

24 The disingenuous nature of some of the
25 applications that come before us is so absurdly

1 transparent, yet they stand there on the other side
2 of the bar and lie through their teeth as to what it
3 is that they are proposing --

4 MR. GALVIN: I think you didn't mean to
5 say "lying." You mean, you know, I think you can
6 find another characterization for that.

7 CHAIRMAN HOLTZMAN: Choose your own
8 word. I am going with lying.

9 (Laughter)

10 On the other hand, I'm not saying that
11 that is necessarily what I see before me this
12 evening --

13 MR. MINERVINI: Necessarily -- I
14 hopefully can respond to it.

15 CHAIRMAN HOLTZMAN: -- but I can
16 tell -- necessarily, I chose that one specifically.
17 That is right.

18 MR. MINERVINI: -- I noticed. Yes. If
19 I might, hopefully I can respond to that --

20 CHAIRMAN HOLTZMAN: I'll certainly give
21 you time. That's right.

22 But what normally this Board and the
23 Commissioners appreciate is a straightforward honest
24 application, and I think that there might be a lot
25 of merit, and I am going to take a straw poll among

1 the team here as to perhaps this is an application
2 that does merit the way that you are proposing it,
3 but maybe as opposed to going through this charade
4 of attempting to keep this hundred-year-old
5 building, you come back to us with a proposal as to
6 what it is that you are actually seeking to build,
7 so that as opposed to --

8 MR. MATULE: I have to object at this
9 point.

10 CHAIRMAN HOLTZMAN: -- as opposed to
11 this engineering sort of like, are we going to
12 monitor the building of the construction of the
13 rear 30 feet of the yard, maybe you can just come
14 back with an application that seeks to do what it is
15 that you are attempting.

16 MR. MINERVINI: Chairman, what you are
17 specifically speaking to, and I can hear it in your
18 voice, is my comments at the completeness review,
19 that we would certainly prefer to knock down this
20 building. So you and I discussed that. I thought a
21 better solution would be to knock this building down
22 and rebuild it as you see it.

23 After that meeting, I spoke to the
24 owner, and we walked through the site again, and
25 because of its condition, the building as it exists

1 adjacent to the two properties, even if this Board
2 were to say, given what you have just said, okay,
3 knock it down, build it anew, we would prefer to do
4 this.

5 I'm not being disingenuous, and frankly
6 I am insulted that you implied that, because you
7 did. Not being disingenuous, what you have here is
8 exactly what we are proposing, and this Board has
9 the power to determine if, of course, it has its
10 merits, but if we don't build it as seen here, our
11 approvals are voided, and the zoning officer could
12 control that.

13 I am not here to play a shell game.
14 The applicant is not here to play a shell game,
15 that we're going to do this and then come back later
16 and say we couldn't build it because this happened
17 or that happened.

18 What you see is what we want to build,
19 what we have determined can be built, what has been
20 built many times in the city without the -- the
21 condition that we talk about, the two projects that
22 have had the issues that you are talking about are
23 all that everybody remembers.

24 There is 30 of these that I have been
25 involved with since 1988 when I came to this city.

1 30 of these that work perfectly.

2 So I am suggesting to you what we are
3 proposing is exactly what we want to do, and we
4 think it's a good solution. We think structurally
5 it makes perfect sense considering the side wall
6 condition relative to the adjacent properties.

7 CHAIRMAN HOLTZMAN: Thank you.

8 MR. GALVIN: Any questions from the
9 Board?

10 Then if we get beyond that, I think we
11 should have questions from the public and comments
12 from the public, and then we can figure out where we
13 are going.

14 CHAIRMAN HOLTZMAN: Okay.

15 VICE CHAIR MAGALETTA: I'm sorry,
16 but --

17 CHAIRMAN HOLTZMAN: Go ahead, Frank.

18 VICE CHAIR MAGALETTA: -- what is going
19 to be done with respect to --if this application is
20 approved -- to the windows on the neighboring side?

21 MR. MINERVINI: Yes. One of the
22 photographs -- there are two floors of windows on
23 the ambulance side, and I could only get them here.

24 This is the upper section of windows.
25 There's two floors, so this is the third floor and

1 the second floor. The second floor is already
2 blocked up. The existing conditions are blocked up.

3 These will be blocked up as well up to
4 that 65 foot depth, and the applicant will be
5 responsible for finishing that on the interior in a
6 reasonable manner.

7 VICE CHAIR MAGALETTA: So those windows
8 will be blocked from the north --

9 MR. MINERVINI: Because, of course,
10 they are not permitted any longer on the property
11 line as it exists.

12 CHAIRMAN HOLTZMAN: It is fair to say
13 that those windows on that opposing building are
14 illegal. Is that correct?

15 MR. MINERVINI: Yes, given today's
16 standards.

17 CHAIRMAN HOLTZMAN: Right.

18 So it's not like we're taking away
19 something from somebody that they legally have any
20 entitlement to.

21 VICE CHAIR MAGALETTA: Well, they're
22 preexisting.

23 MR. MINERVINI: Yes.

24 VICE CHAIR MAGALETTA: So they're
25 entitled by a preexisting use?

1 MR. MINERVINI: But they're not
2 entitled to have us stop construction where we are
3 permitted because they are preexisting.

4 VICE CHAIR MAGALETTA: Right. If
5 you're permitted.

6 MR. MINERVINI: Yes.

7 VICE CHAIR MAGALETTA: Okay.

8 COMMISSIONER PINCHEVSKY: Is that
9 considered a detriment to that neighbor?

10 MR. GALVIN: You know, it is kind of
11 typical for Hoboken. You know, we have zero lot
12 line, so every time a building goes up, and they
13 have a right to go up, if there are windows
14 existing, they will be blocked. It is generally --
15 it's accepted. That's what we have to do.

16 COMMISSIONER PINCHEVSKY: So it's a
17 generally accepted detriment?

18 MR. GALVIN: The neighbors aren't going
19 to like it. They're not going to accept it well,
20 but that is what happens.

21 CHAIRMAN HOLTZMAN: It's also a
22 detriment. But given the fact that their windows
23 were illegally installed, those windows were
24 probably installed after that building was built,
25 and somebody cut those windows in.

1 COMMISSIONER PINCHEVSKY: Is that the
2 case, or did they get permission 60 years ago?

3 VICE CHAIR MAGALETTA: Are we sure they
4 are illegal? That's his question.

5 MR. HIPOLIT: There would be no records
6 or no codes back then.

7 CHAIRMAN HOLTZMAN: Windows on the lot
8 line like that are illegal by our construction code.
9 Windows like that on the opposing building are
10 illegal as per our construction code and our zoning
11 code.

12 COMMISSIONER PINCHEVSKY: As of when?

13 CHAIRMAN HOLTZMAN: 1974 when it was
14 written.

15 COMMISSIONER PINCHEVSKY: So what if
16 the windows were put in in 1973?

17 MR. GALVIN: That's an excellent
18 comment.

19 CHAIRMAN HOLTZMAN: That's a fair
20 question.

21 MR. MINERVINI: I can answer that based
22 on my experience with this local construction
23 office, as well as both planning and zoning.

24 Those windows are not permitted to be
25 revised, changed in any way as long as there is an

1 empty space next to you.

2 If somebody were to come in and
3 renovate that apartment, those windows have to be
4 removed.

5 COMMISSIONER PINCHEVSKY: Okay. But do
6 we have any documentation?

7 I think the onus would be on you to
8 prove that it is an illegal window or that it has
9 been renovated since whenever the law was written --

10 MR. HIPOLIT: Let me step in.

11 I don't think they have to do that,
12 the reason being is their property line extends
13 upward, so what they would do is they would just
14 build the building they were going to build, and
15 they would put a brick wall there. You can't have a
16 window that opens up to a brick wall. It's all
17 kinds of hazards. Whether it be an escape hazard or
18 a fire hazard, you can't have that, so it voids it.

19 So they have the right, whether those
20 windows were put in legally or not back in 1850 or
21 whatever it was, they still have to block them up.

22 COMMISSIONER PINCHEVSKY: I am just
23 trying to determine whether or not this is a
24 detriment to the neighbor, and if they were put in
25 legally 50 years ago --

1 MR. HIPOLIT: It wouldn't matter. It
2 wouldn't matter.

3 CHAIRMAN HOLTZMAN: And the applicant
4 is going to --

5 MR. HIPOLIT: There are a lot of
6 cases --

7 CHAIRMAN HOLTZMAN: -- brick up and do
8 the masonry work on their building and do the
9 interior repair to whatever windows there are.

10 COMMISSIONER PINCHEVSKY: Okay. I'm
11 done with this topic.

12 MR. MATULE: That's what I just was
13 going to say. The applicant has already had a
14 conversation with the people at the ambulance corps,
15 and I know there is a representative here tonight to
16 discuss with them, assuming this application were
17 approved, they are aware of the fact that those
18 windows have to be bricked up.

19 The applicant would brick them up and
20 also re-sheet rock and do whatever it needs
21 cosmetically inside, so it looks like there wasn't a
22 window there. But historically that is what has
23 been typically done.

24 CHAIRMAN HOLTZMAN: Colmmissioner?

25 COMMISSIONER FORBES: With that, is

1 that something that's inspected then by the
2 construction code office?

3 MR. MATULE: I would think.

4 MR. HIPOLIT: They would repair and
5 require it. If you said no, you're leaving them, it
6 would be required. You can't create this -- back in
7 the old days, you used to create like this alleyway
8 that went up and left a foot. It was really just a
9 fire tunnel and create a fire that would rush up the
10 side of the building, so you can't have that.

11 COMMISSIONER HOLTZMAN: Rami?

12 COMMISSIONER PINCHEVSKY: I think you
13 testified that the lot coverage of the surrounding
14 building was pretty close -- most of the buildings
15 were pretty close to a hundred percent.

16 I just wanted to get clarification that
17 was indeed -- if I heard that correctly.

18 MR. OCHAB: I think you heard that
19 correctly.

20 To the south of us, the two buildings
21 to the south of us are either at a hundred percent
22 or pretty close.

23 The building immediately to the south
24 is two buildings. There is a front building and a
25 back backing with a 15 foot section between the two

1 of them. It's very odd, but basically the back
2 building goes all the way back to the property line.

3 COMMISSIONER PINCHEVSKY: On Clinton
4 and 7th?

5 MR. OCHAB: And on 7th, yeah. I used
6 this aerial photograph to exhibit the corner lot is
7 a hundred percent coverage.

8 The lot to the south of us is about 85
9 percent coverage with the holes in the middle of the
10 property, so it is very unusual.

11 We are at a hundred. The ambulance
12 corps is at 85 essentially, and then the building,
13 the big building, the Belmont, you know, I can't
14 tell for sure, it looks like close to a hundred,
15 maybe 90, 95.

16 COMMISSIONER PINCHEVSKY: Okay.

17 Then the two buildings to the east?

18 MR. OCHAB: To the east, that again is
19 about 90, somewhere from 90 to a hundred.

20 COMMISSIONER PINCHEVSKY: To the east
21 of your --

22 MR. OCHAB: Of the Belmont.

23 COMMISSIONER PINCHEVSKY: -- no, no,
24 no. Of the --

25 MR. OCHAB: Oh, to the east of us?

1 Those buildings are --

2 CHAIRMAN HOLTZMAN: 60 percent.

3 MR. OCHAB: -- they're older buildings.
4 They are 60 percent.

5 COMMISSIONER PINCHEVSKY: Okay.

6 But a lot of them on Clinton are close
7 to or at a hundred percent?

8 MR. OCHAB: Yeah. Actually the corner
9 building on Clinton has no rear yard because it is
10 backed up by the smaller building on 7th, and then
11 the next two do have rear yards, and then we get to
12 the --

13 COMMISSIONER PINCHEVSKY: Okay. Thank
14 you.

15 Then the front setback, I know that the
16 current existing condition is right on the property
17 line.

18 What is the front setback for most of
19 the neighboring buildings?

20 MR. OCHAB: The neighboring buildings,
21 as I can tell from visually, they are at zero, all
22 on the street line.

23 MR. MINERVINI: If I may to that point,
24 we are proposing our new structure to be five feet
25 set back. It conforms with the code, but our

1 problem is that there is a high tension wire system
2 running on that side of Front Street going
3 north-south, so by setting that building back in
4 accordance with the code allows us to construct the
5 building --

6 COMMISSIONER PINCHEVSKY: You want the
7 second floor and above --

8 MR. MINERVINI: -- yeah, exactly.

9 COMMISSIONER PINCHEVSKY: That is all I
10 have at the moment.

11 CHAIRMAN HOLTZMAN: Thank you.

12 Let's take just a quick second here.

13 I know we have a couple members of the
14 public here. If there is anyone that wants to speak
15 in any regard to this application or the surrounding
16 neighborhood.

17 Sure. Come up. Just give us your name
18 for the record, for the court reporter here.

19 MR. GALVIN: Raise your right hand.

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

23 MR. MOLTA: I do.

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

1 MR. MOLTA: Thomas Molta, M-o-l-t-a.

2 I come tonight as the President of the
3 Hoboken Volunteer Ambulance Corps.

4 Our building is at 707 Clinton.

5 It is funny you said 1973 for the
6 windows, because that is when they were put in.

7 (Laughter)

8 The ambulance corps moved to that
9 building in '73. We do have a window on the second
10 floor that we use. It's for an office.

11 And then across the top floor, our
12 south facing windows, there is about six of them,
13 one of them, the one that would be the far west side
14 of our building, closest to Clinton Street, that is
15 a classroom, and that's the window we use for an air
16 conditioner.

17 The front window of our building won't
18 accommodate an air conditioner, because of the way
19 the window is configured, and there's a flag pole
20 there, so that is a big issue with us, the windows
21 being blocked in.

22 I listened to what you guys had to say.
23 If it's the law, it's the law --

24 MR. HIPOLIT: Well, the applicant can
25 volunteer to put new air in your building for you.

1 They are allowed to volunteer that.

2 MR. MOLTA: We work on donations.

3 (Laughter)

4 The other issue I have is our south
5 facing wall is his north wall. It is a party wall,
6 and there is rafters that go into his wall.

7 The other day he was at -- I'm sorry.
8 I forget your first name.

9 A VOICE: Steve.

10 MR. MOLTA: He was at the building with
11 a tape measure, and he measured from inside our
12 building and outside of our building, and it was
13 like an 18-inch difference --

14 A VOICE: 12.

15 MR. MOLTA: -- so we don't know if it's
16 is double block, or if it's double brick, triple
17 brick. But when they start taking that building
18 apart, if he is going to take the roof off that
19 building, I got a serious concern. Those rafters
20 are a hundred years old. Our building is just as
21 old. I'm afraid it's going to come down.

22 CHAIRMAN HOLTZMAN: Andy?

23 MR. MOLTA: Nobody drilled a hole
24 through the wall to see do those rafters come all
25 the way into the other side of my brick. I mean --

1 CHAIRMAN HOLTZMAN: Mr. Minervini, do
2 you have any insight on this construction?

3 MR. MINERVINI: Based on myself and the
4 owner's inspection of measurements, there are two
5 walls. So in my experience in buildings exactly of
6 this size and age, these are two walls, not a party
7 wall.

8 Party walls happen when two -- are
9 constructed when two buildings of similar size and
10 similar use and similar floor levels were built at
11 the same time. That's when the party wall -- they
12 would use the same wall just to save money.

13 Surveys would reflect it as well,
14 whether it's a party wall or not. It's not the case
15 on our survey, and based on the measurements that
16 Mr. McFarland and the applicant took, there is a
17 section of wall left that would be --

18 CHAIRMAN HOLTZMAN: Can you explain to
19 Mr. Molta what he is seeing that maybe he is not
20 necessarily understanding?

21 MR. MINERVINI: If I heard you
22 correctly, you don't see the joists going through,
23 but you are concerned that they do.

24 MR. MOLTA: Right.

25 The other concern I have is there is a

1 sink in our building. When you first come in,
2 there's a sink. Behind that is cinder block.

3 When they bought our building in '73,
4 that was an opening that went through to that
5 building. I don't know how many -- I mean, I joined
6 the ambulance corps in 1980, so I don't know how
7 many rows of cinder block we have. It could be one.
8 It could be two. It could be four. Nobody checked.

9 MR. MINERVINI: In terms of our
10 application, that is irrelevant.

11 We are keeping those existing walls.
12 We have to maintain it to our wall, and if there are
13 holes through this wall, as you are suggesting, they
14 have to be fixed.

15 MR. MOLTA: There's cinder block
16 there --

17 MR. MINERVINI: You're suggesting that
18 it's our cinder block, not yours. Is that what you
19 said?

20 MR. MOLTA: No. I didn't say that.

21 What I said to you is there is cinder
22 block there, and I don't know if it is one row of
23 cinder block or multiple rows of cinder block.

24 Having said that, that cinder block is
25 flush with your brick, meaning up to those rafters

1 could be in my brick.

2 MR. MINERVINI: The way that we would
3 deconstruct this building, even if it were, as
4 you're suggesting, if it were the case, each of the
5 rafters get cut. They get cut, so that the majority
6 of them are removed. Low bearing points are still
7 in place as to not have any wall fall down.

8 If it's determined that that rafter was
9 further into the wall, we will have to rectify that.
10 We will have to rectify that. It would have to be
11 removed. The wall would have be patched, and our
12 fire rated wall continued.

13 COMMISSIONER PINCHEVSKY: What's a
14 rafter?

15 MR. MINERVINI: A rafter is a roof
16 joist. It is the roof beam. It's a beam system.

17 COMMISSIONER CONROY: It's for
18 structural support.

19 MR. MOLTA: Now, if that is a party
20 wall, doesn't that negate his entire application
21 because he's saying that that wall is his wall?

22 It's my wall, too.

23 If he is taking that wall down, he is
24 taking down half of my building.

25 MR. MINERVINI: No. None of our

1 proposal is taking the wall down. The gist of this
2 proposal is to keep the wall.

3 MR. HIPOLIT: It would be a problem.
4 If that happened, and it would be sad for the owner,
5 they would be under construction, and they would
6 have to stop the entire project, redesign it, and
7 come back in front of this Board and start
8 construction a year later. It would be a disaster
9 for them. It would be a bad, bad problem.

10 MR. MINERVINI: Again, we are proposing
11 to keep that wall. We are proposing as part of this
12 application, if anything changes, the Board
13 controls, and we have to come here, to keep that
14 wall as it is.

15 MR. MOLTA: And what happens to the
16 windows? That is no good?

17 MR. HIPOLIT: Your windows?

18 MR. MOLTA: Yes.

19 MR. HIPOLIT: What is going to happen
20 to your windows, and there is a lot of silence on
21 this side of the room over here, is your windows are
22 going to get blocked up, but you have an air
23 conditioning problem.

24 I am just a professional. I would
25 suggest that the applicant come up with a volunteer

1 to put a new air conditioning system in that room,
2 and I did not hear a response to that yet. The
3 Board may not want to require that. That would be
4 my suggestion.

5 MR. MINERVINI: That to me, and the
6 applicant can speak for himself, I think that is
7 just an awful solution. That window should not be
8 there.

9 Forget about the window. The unit that
10 goes over the property --

11 MR. HIPOLIT: It is a volunteer
12 ambulance squad.

13 MR. MINERVINI: -- well, you brought it
14 up, and I'm responding to --

15 MR. HIPOLIT: I know I brought it up.
16 You are also asking for a lot of
17 variances.

18 MR. MINERVINI: Not that many.

19 MR. HIPOLIT: Okay.

20 CHAIRMAN HOLTZMAN: Did you have
21 anything else for us, Mr. Molta?

22 MR. MOLTA: No. I think that's it.

23 My biggest concern is just I don't want
24 to stop anybody from building a building. That's
25 not why I'm here. I'm not here to stop anybody.

1 I am just very concerned. Our building
2 is really old. It was built in like 1888, I think
3 the deed says, and it was an old dairy farm. They
4 had horse carts in there.

5 MR. MINERVINI: Our building as well.

6 MR. MOLTA: I am just worried that when
7 they start taking theirs down, I'm going to be
8 sitting in my office, and all of a sudden, I'm going
9 to have a window, because my wall is not going to be
10 there any more.

11 CHAIRMAN HOLTZMAN: I am sure you will
12 be in touch, Mr. Molta, if that happens.

13 (Laughter)

14 MR. MOLTA: Oh, yeah.

15 CHAIRMAN HOLTZMAN: Just hang on one
16 second.

17 Commissioner Marks?

18 COMMISSIONER MARKS: So, Mr. Molta, is
19 your organization a 501(c), non profit, charitable?

20 MR. MOLTA: Yes.

21 COMMISSIONER MARKS: So hypothetically
22 speaking, if the applicant were to make a donation
23 towards your air conditioning, you could accept
24 that, and it would be tax deductible for the
25 applicant --

1 MR. MOLTA: Yes.

2 MR. GALVIN: You know --

3 COMMISSIONER MARKS: -- hypothetically
4 speaking?

5 MR. GALVIN: -- I just wanted to say, I
6 think that that is something that has to be offered
7 by the applicant.

8 If the applicant is not offering that,
9 you know --

10 MR. MATULE: Do you want to offer it?

11 MR. MINERVINI: I would love to offer
12 it.

13 MR. GALVIN: -- no, I'm just saying, I
14 don't want it to even seem like -- we don't know
15 what we are going to do with this approval yet.

16 MR. MATULE: I can represent to the
17 Board that I raised the question with the applicant,
18 and the applicant said he would be happy to solve
19 Mr. Molta's air conditioning issue, assuming this
20 application is approved.

21 MR. GALVIN: I'll say this for the
22 record: It seems equitable since they are a non
23 profit organization, and they are taking care of the
24 city, and they are losing their windows, and they're
25 losing their ability to have an air conditioning

1 unit, but again, I don't want a reviewing court to
2 look at this and for one minute think that anybody
3 here is suggesting that one thing is required to do
4 the other thing, because it's not.

5 MR. MATULE: I will also proffer, I
6 know my client has had conversations with
7 representatives of the ambulance corps, another
8 issue that was raised, and Mr. Molta hasn't raised
9 it, was that their antenna when our building goes up
10 40 feet high, it is going to block the south view,
11 if you will, of their antenna, and my client has
12 already offered them that if they want to put their
13 antenna up on the roof of the new building or attach
14 it to the side of the new building, however it is
15 affixed, that is fine with him, and he would make
16 that space available to him.

17 CHAIRMAN HOLTZMAN: Mr. Molta, how big
18 is this antenna that you folks have?

19 MR. MOLTA: Six feet.

20 CHAIRMAN HOLTZMAN: And what's the
21 width?

22 MR. MOLTA: It's small.

23 It's what they call a diebold antenna.
24 It's for our repeater system. It is directional, so
25 it has to point southwest. It has to point to the

1 Hudson County Administration Building, because that
2 is where our repeater system is.

3 If his building was up that high, it
4 would block the antenna, but we already -- Steve
5 already said -- when I talked to you last week, he
6 said no problem, put the antenna up there. I didn't
7 even think I could have said that --

8 CHAIRMAN HOLTZMAN: No. I am glad that
9 it got brought up, because then we can make it as
10 part of the conditions, so we make sure that you
11 guys are covered for sure.

12 MR. HIPOLIT: Just call it the repeater
13 antenna, which would be allowed to be mounted on the
14 current applicant's building.

15 CHAIRMAN HOLTZMAN: Mr. Molta, some
16 people previously brought up some conversation about
17 the ambulances and stuff on the street. Obviously
18 we understand it is a problem.

19 You know, is there anything that you
20 can offer there in terms of a response as to how to
21 deal with the ambulances on the street, how many you
22 can get in your building?

23 Can you give us any insight on that?

24 MR. MOLTA: Parking on that block is
25 atrocious. I mean, before there were residences on

1 that block, before the building was next door to our
2 north and across the street, parking was hideous.

3 Having said that, normally we have two
4 fly cars. One is the chief's car and the other one
5 is a special operations car.

6 There are four parking spaces
7 designated for the ambulance corps on the west side
8 of Clinton Street literally in front of like 704 to
9 706, just before --

10 MR. MATULE: In front of Doggy Day
11 Care?

12 MR. MOLTA: Well, just south of the
13 Doggy Day Care.

14 So we try to keep our two vehicles
15 there. But occasionally, you will see ambulances.
16 If we have to get -- you can fit three ambulances in
17 a row in our building. So if we need to get the
18 last ambulance out, obviously we have to move the
19 other two. We got to park them wherever we can
20 until we can get the third one out.

21 We go through a rig rotation. Every
22 day the ambulance changes. So having said that, you
23 know, sometimes the ambulances would be on the
24 street.

25 We try to get them back in as soon as

1 we can. There is one big truck. It's actually in
2 your picture right there. This is a roll up door
3 truck, and that takes up the last two spots for our
4 parking, so we have the -- the spots that they are
5 in are designated spots for the Hoboken Volunteer
6 Ambulance Squad.

7 We try not to take up anybody's parking
8 spaces, and we also have a deal worked out with A&P.
9 So if our crews are on duty, we usually park our
10 cars in the A&P lot. He lets us park in the back
11 wall like facing Willy McBride's. So we try and be
12 nice neighbors. We are noisy, but we try and be
13 nice neighbors.

14 (Laughter)

15 CHAIRMAN HOLTZMAN: I think everybody
16 appreciates your service.

17 Thank you, Mr. Molta.

18 MR. MOLTA: Thank you for your time. I
19 appreciate it.

20 MR. HIPOLIT: Thank you.

21 CHAIRMAN HOLTZMAN: There was another
22 member of the public?

23 Sure. Come on up.

24 MR. GALVIN: Raise your right hand.

25 MR. TENNARO: Sure.

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

4 MR. TENNARO: I do.

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

7 MR. TENNARO: Michael Tennaro,
8 T-e-n-n-a-r-o.

9 I reside at 609-613 Jefferson Street,
10 Apartment 4C in Hoboken.

11 I am here in support of the
12 application. I think from what I heard tonight and
13 reviewing the plans and reviewing the proposal, it
14 is a very nice project. It is taking a
15 hundred-year-old garage, and it's turning it into a
16 multi-residential new building with a lot of
17 amenities including parking.

18 One of the things when you're taking an
19 old building and you're making it nice and
20 everything, it improves the neighborhood and it
21 makes it nicer for everyone.

22 But the biggest thing I see is I have
23 three small children, and when I was looking for
24 these types of apartments, when I was trying to
25 upgrade, they weren't available. You had a lot of

1 one-bedrooms and a lot of two-bedrooms.

2 But what Mr. McFarland and his team is
3 proposing are these larger units that families will
4 be able to have kids and larger families and stay in
5 Hoboken. I think, as we talked about earlier, that
6 is something that we are trying to enforce and
7 encourage within town, so I think this is a very
8 nice project, and I would be in support of it.

9 CHAIRMAN HOLTZMAN: Thank you.

10 COMMISSIONER PINCHEVSKY: Can I add one
11 thing to that?

12 CHAIRMAN HOLTZMAN: Absolutely, Mr.
13 Pinchevsky.

14 COMMISSIONER PINCHEVSKY: So there's
15 actually a lot of elements to this project that I
16 like as well. One of them is the exact aspect that
17 was just mentioned in terms of the three-bedroom
18 units. I think all three of them are three-bedroom
19 units.

20 I don't think it is a condition that we
21 are allowed to apply, but I think an important
22 factor in really maximizing that aspect is making
23 these condos, not rentals.

24 Speaking as somebody who moved to
25 Hoboken right out of college, a three-bedroom unit

1 is where I went because of a rental to go with other
2 guys, and it is a different atmosphere than a condo,
3 where it's purchased and it becomes more of a family
4 building and something that I think that the
5 gentleman that just spoke was looking for, and
6 something I know I would like to see more of in
7 Hoboken --

8 MR. GALVIN: You can't control it.

9 COMMISSIONER PINCHEVSKY: We cannot
10 control it, so I just want to --

11 MR. GALVIN: They can go either way.

12 They can tell us it's going to be a
13 condo, and then rent them, or they could be condos,
14 and then rent them anyway.

15 COMMISSIONER PINCHEVSKY: Sure.

16 But any -- any positive aspect about
17 this being a three-bedroom, which I agree with, I
18 think, in my opinion, is negated if it's a rental,
19 not a condo.

20 So that is why, you know, if that is
21 the way it is being sold, it is a positive
22 attribute, then I think it needs to come along with
23 the fact that, yes, it's also going to be a condo.
24 Otherwise, I'm going to personally ignore the fact
25 that it is a three-bedroom.

1 CHAIRMAN HOLTZMAN: Okay.

2 Any other questions or comments from
3 the Commissioners?

4 COMMISSIONER FORBES: I have a couple
5 comments.

6 CHAIRMAN HOLTZMAN: Sure. Please go
7 ahead, Director.

8 COMMISSIONER FORBES: One is, you know,
9 the question was about the -- or the point was
10 brought up about the properties to the east, that do
11 have that backyard space.

12 One thing I recognized is they already
13 have a 14 foot wall right now as it is. So, no, it
14 is not taking that down completely, but it is
15 reducing that height of that wall. I mean, that is
16 something that is existing. We are not just saying
17 go ahead and now build out to the whole site.

18 As well, you know, when you look at
19 what would happen if this wasn't there, would this
20 be a yard, would it be impervious. Those are things
21 that I was thinking about.

22 The point that it is still going to be
23 covered, you know, that hundred percent coverage,
24 the fact that they are putting those rain gardens
25 in, the roof gardens, you know, it really addresses

1 that, you know. It does the same impact that a
2 pervious surface would have, so it is bringing that
3 into that storm drainage and addressing that.

4 The parking is such an issue that
5 maintaining, you know, parking spaces for that,
6 where that wouldn't normally be able to fit in
7 there, I think it is a benefit to the community.

8 CHAIRMAN HOLTZMAN: Thank you.

9 COMMISSIONER PINCHEVSKY: Is the rain
10 garden referring to the portion on top of those last
11 35 feet, that's not the green roof?

12 COMMISSIONER FORBES: It's the green
13 roof. I'm sorry. I misspoke.

14 COMMISSIONER PINCHEVSKY: It's the
15 green roof that shares the back -- okay -- the back
16 portion of the garage --

17 COMMISSIONER FORBES: That, and they
18 had proposed the green roof on the entire top
19 portion.

20 MR. GALVIN: Where are we at at this
21 point?

22 Do we have any additional questions for
23 the attorney or for his professionals?

24 VICE CHAIR MAGALETTA: I do not.

25 MR. GALVIN: Is everybody exhausted?

1 MR. ROBERTS: I have one follow-up.

2 CHAIRMAN HOLTZMAN: Sure. Go ahead,
3 Dave.

4 MR. ROBERTS: I think it was Frank's
5 testimony regarding the turn-around space in the
6 garage.

7 If I heard you correctly, you said
8 that, I guess it is around 20 feet or so beyond
9 the -- if you were to go from the back wall of the
10 new addition in the garage --

11 MR. MINERVINI: Here.

12 MR. ROBERTS: -- underneath -- right,
13 you said if you had the space, and I think it is 22
14 feet --

15 MR. MINERVINI: Uh-huh, 22.

16 MR. ROBERTS: -- that you would then be
17 able to turn around. In other words, you wouldn't
18 have to back all of the cars out of the garage --

19 MR. MINERVINI: I was responding to a
20 particular question.

21 The question was: If this section were
22 removed, what would happen to this parking.

23 My response was that the parking
24 doesn't work because we don't have that dimension to
25 do the turn-around any longer.

1 These are all requirements of the
2 building, means of egress, elevator, as well as the
3 refuse, which we could slightly reconfigure, but we
4 couldn't reconfigure this enough to get that
5 dimension and do a turn-around, where as now the
6 results of using the spaces, this car can go
7 forward, turn in, and come back this way and come
8 out.

9 MR. ROBERTS: Okay. So I didn't hear
10 it quite that way, but I think that the answer is
11 that the two cars in the front can also use the
12 space, not just the three in the back.

13 MR. MINERVINI: Yes, correct.

14 MR. ROBERTS: And that would be how,
15 that 20 feet, about how far from the front wall?

16 MR. MINERVINI: Well, it is probably --
17 well, it's 60 feet -- no, less, it's about 55.

18 MR. ROBERTS: No, but to the back --

19 MR. MINERVINI: From here to here --

20 MR. ROBERTS: Yes.

21 MR. MINERVINI: Oh, I'm sorry. So this
22 is 60 at this point, it's probably another -- well,
23 it's another 18 feet or so.

24 MR. ROBERTS: About 80 feet?

25 MR. MINERVINI: About from the front

1 wall.

2 MR. ROBERTS: And the depth of the
3 ambulance squad you said I think was about --

4 MR. MINERVINI: 82 feet.

5 MR. ROBERTS: -- 82 feet.

6 So it would effectively bring the back
7 wall up to the back wall of the ambulance corps?

8 MR. MINERVINI: Approximately.

9 MR. ROBERTS: And you would then be
10 able to turn cars around?

11 MR. MINERVINI: We would have two
12 parking spaces to turn around --

13 MR. ROBERTS: Maybe you could get three
14 if you tandem them.

15 MR. MINERVINI: Well, the tandem then
16 would then negate the turn-around space.

17 MR. HIPOLIT: In the two-car scenario,
18 the two cars are compact, so that makes my
19 concern --

20 MR. MINERVINI: Yes. I'm not sure if I
21 pointed it out.

22 MR. HIPOLIT: Yes, you did.

23 MR. ROBERTS: The reason I asked the
24 question is: Hypothetically, if you align the back
25 wall of the ground level with the back wall of the

1 ambulance squad, you would gain about a 20-foot rear
2 yard, which would pull the rear yard garage away
3 from the property line --

4 CHAIRMAN HOLTZMAN: That's a great
5 idea.

6 MR. ROBERTS: -- backyards of the
7 properties facing Willow, so that -- because I am
8 even thinking when they are working on this
9 building, they will have to trespass on the
10 property, so I don't see how you could work on that
11 back wall of that building, even if you took off the
12 top the two feet without -- I don't know how you
13 would do that. But would it pull it away enough,
14 even though it doesn't make a considerable
15 contribution to the donut, it does provide a small
16 courtyard for the three residents that would be
17 living in the new property.

18 What I was trying to get to the bottom
19 with, Frank, is: Does the garage function with that
20 extra 20 feet in terms of being able to get the cars
21 to turn around and come out the front?

22 MR. MINERVINI: It does. It reduces it
23 from five to two.

24 MR. ROBERTS: I was kind of hoping we
25 could get three, one per unit.

1 So that was just a suggestion because
2 at least you have the wall of the ambulance squad to
3 line up with.

4 CHAIRMAN HOLTZMAN: Right. So we would
5 be creating at least some donut, and the response
6 was?

7 MR. ROBERTS: I think the response is
8 you would lose three parking spaces.

9 CHAIRMAN HOLTZMAN: You would still
10 lose them.

11 Andy, are you sort of -- any reduction
12 of the back wall, it sounds like at least in their
13 configuration, you lose the spaces.

14 MR. HIPOLIT: You lose them all. You
15 can't reduce it at all. Either they are going to
16 get that parking or they're not going to get it.

17 CHAIRMAN HOLTZMAN: Or they could
18 potentially have two spaces maybe --

19 COMMISSIONER PINCHEVSKY: Wouldn't they
20 have three, if they got rid of the back garage
21 because there would be one here?

22 CHAIRMAN HOLTZMAN: No. The problem
23 gets into --

24 MR. HIPOLIT: There is not enough
25 space. The problem --

1 COMMISSIONER PINCHEVSKY: The front --

2 CHAIRMAN HOLTZMAN: -- the problem gets
3 into the safety issue.

4 COMMISSIONER PINCHEVSKY: -- you back
5 out --

6 COMMISSIONER CONROY: You can't back
7 out --

8 MR. GALVIN: One voice at a time, so
9 Phyllis doesn't have to work so hard.

10 CHAIRMAN HOLTZMAN: -- it gets into the
11 safety issue of yes, they physically could back out,
12 but that is the not the way that any of the
13 engineers from a safety standpoint are telling us
14 that we should do this.

15 MR. GALVIN: They have to be able to
16 turn around.

17 MR. HIPOLIT: Right.

18 One of the things that I think Frank
19 has done very well in this application, he has done
20 other things good, too, but he has created a parking
21 layout that works, so the parking layout works.

22 If you guys like or approve the lot
23 coverage issue for existing lot coverage, his
24 parking lot, he is maximizing it the best he could.
25 He didn't really scrimp or scrape on it. He did it

1 well. So if you make any changes, you are going to
2 disrupt and blow up the whole thing, and he won't be
3 able to do that.

4 COMMISSIONER PINCHEVSKY: In order to
5 maintain not backing out?

6 MR. HIPOLIT: Correct. You don't want
7 to back out.

8 CHAIRMAN HOLTZMAN: Dennis?

9 MR. GALVIN: Is everybody good?

10 MR. HIPOLIT: That was it.

11 MR. GALVIN: Okay. Here is where I
12 think we are at. There have been a couple of
13 suggestions for modifying the plan.

14 Is it the applicant's decision to have
15 the Board vote on the plan as was submitted?

16 MR. MATULE: Yes.

17 MR. GALVIN: Okay.

18 Now, understand this: You have options
19 here, but I think you have to vote on the plan as
20 they submitted it.

21 As I was saying earlier, we got into a
22 lot of discussion about whether or not that back
23 part of the building is going to be preserved or not
24 preserved. I think you should look at it in the
25 sense that it doesn't matter whether or not it is

1 going to fall apart when they build it. You are
2 approving it right now as a hundred percent on the
3 first floor and then three apartments above it.

4 Yes?

5 COMMISSIONER GRAHAM: What kind of
6 position does that put us in in the future if we say
7 yes, fine, this is great, do it, and then it does
8 fall, and then what does that --

9 MR. GALVIN: That is what I am saying
10 to you. I think the best way to look at this is --
11 you know, the other thing, too, is it's a
12 hundred-year-old building. I am not hearing anybody
13 saying it has any historic value, so we're not
14 trying to preserve it for that reason.

15 The applicant is saying they think that
16 they need parking in this location because of the
17 first aid squad. This provides it on the first
18 floor. So if you are okay with that dynamic, and I
19 mean, maybe on other blocks you are not okay with
20 that dynamic. I mean, this is a unique case --

21 COMMISSIONER GRAHAM: But we're setting
22 precedent --

23 MR. GALVIN: You're not setting -- we
24 never --

25 CHAIRMAN HOLTZMAN: No --

1 MR. GALVIN: -- when we're in -- there
2 are times when you might set precedence on a Board,
3 but not when we are reviewing development
4 applications. We take each case on its own unique
5 facts and circumstances, and this one has a lot of
6 different unique facts and circumstance.

7 What I was trying to get to, though, if
8 you don't want a hundred percent building coverage,
9 I don't want you to feel like you have to approve
10 because they have the building that covers a hundred
11 percent.

12 I am telling you, no, if you don't like
13 this configuration, you could say no, and they will
14 have to come back with another plan. They might
15 need some of the same variances to have the four
16 stories without the hundred percent coverage.

17 But they are trying to make the
18 argument to you that it has been covered a hundred
19 percent for a hundred years --

20 CHAIRMAN HOLTZMAN: For a hundred
21 years.

22 MR. GALVIN: -- and that somehow it is
23 not causing any harm, and why not leave it, so you
24 have to make that determination.

25 Let me say this also. I see your point

1 about apartments versus condos. I try to pay
2 attention to that. I believe it should matter to
3 you as a Board member whether it's an apartment or a
4 condo, but you have to factor that as in a lesser
5 place. It's not -- when you are weighing the
6 positives and negatives, you really can't turn
7 something down or vote for something because you are
8 being told it is going to be a condo or it's going
9 to be an apartment, because we could be told
10 anything at this point, and I mean no dishonesty in
11 this whatsoever, but they have a right to change
12 their mind later on.

13 They could come in and say, we are
14 going to do apartments, and then somebody else buys
15 the building, and then they condo it, and to condo
16 the building wouldn't even require them to come back
17 to the Board. You just file a master deed, and
18 bang, you're a condo, okay, especially if you are
19 under nine units.

20 COMMISSIONER PINCHEVSKY: Hum --

21 CHAIRMAN HOLTZMAN: Go ahead.

22 COMMISSIONER PINCHEVSKY: -- thank you.

23 I guess one thing that I'm concerned
24 about is you said you can't -- you know, we judge
25 every case on its own merits, which is great, and I

1 agree with you.

2 But if we ignore the preexisting
3 conditions here, if we say it is not a preexisting
4 condition and we're essentially giving a variance
5 for a hundred percent lot coverage --

6 MR. GALVIN: No. I just want to --

7 CHAIRMAN HOLTZMAN: Let him finish.

8 MR. GALVIN: -- well, okay. I --

9 COMMISSIONER PINCHEVSKY: -- which is
10 an argument that's being made or has been made at
11 least, and defended as well. But if I ignore that,
12 if I say, I don't believe that this is a preexisting
13 condition, they are essentially tearing it down,
14 most of it, and therefore, they are asking for a
15 hundred percent variance, and if I grant that, how
16 do I -- I understand it is another application that
17 can't base that --

18 MR. GALVIN: I got the answer. I got
19 the answer, because you are seeing it. Even though
20 you're saying -- even though I'm telling you to make
21 a decision suspended as if it, you know, didn't
22 matter that this building is there, physically it is
23 there.

24 I am going to include that in the
25 resolution that this building has been there for a

1 hundred years in this location, and that there's not
2 much -- if you were to vote for this, that is not
3 much adjacent donut here or we're not really
4 impacting the donut as we would on other blocks in
5 the city because it is a unique thing in a unique
6 location, and you are trying to preserve some of the
7 structure that's there.

8 What do you want to do?

9 You guys have to decide whether you
10 like this proposal or you don't like this proposal.

11 I think the argument is we got an
12 existing structure, and they want to use it. The
13 problem that I see is that -- and I think it was
14 expressed by several of us -- that so often we are
15 told something is an existing condition, and when we
16 really get into the field, and we start working on
17 it, then it falls apart, and it's got to be
18 replaced. And if we knew it was going to be
19 replaced, and you had just a 35 foot wide lot that's
20 this long, what kind of building would you put on
21 here, how close should it be to conform with the
22 ordinance.

23 But, again, I don't think this is an
24 easy matter. I think you have to weigh out what the
25 existing conditions are. The testimony that's been

1 given to you that they are going to basically keep
2 the structure that's there, or that they want to
3 keep that structure. I'm just saying I don't want
4 you to be going like people come in here and say, I
5 have a nonconforming structure, and we have to
6 maintain it.

7 No, we don't. If we have good zoning
8 reasons for not maintaining it, then we wouldn't.

9 CHAIRMAN HOLTZMAN: And if the Board
10 was to -- I like your comparison as if you are
11 looking at your first option, which was to approve
12 the application as is, sort of accept the fact that
13 regardless of what happens on the first floor, it is
14 going to be a hundred percent lot coverage and sort
15 of accept that as part of the overall conditions of
16 what they are proposing.

17 My question to you is: If the Board
18 decides that it does not like the structure of the
19 application the way it is, what would be the
20 applicant's option in terms of coming back to the
21 Board?

22 MR. GALVIN: Great question.

23 I think right now where we're at, the
24 reason why I asked Mr. Matule if he wanted to amend
25 the plan, and he said no in this instance --

1 CHAIRMAN HOLTZMAN: Uh-huh.

2 MR. GALVIN: -- is you vote up or down
3 on the plan that we got.

4 Now, if we were to vote no on this
5 plan, that's not the end of the trail for the
6 developer. They will go back. They will reexamine
7 the slot, and they will come back in with another
8 plan that makes it work, more likely than not. That
9 is my opinion.

10 The reason most people get concerned
11 when something gets turned down is the document res
12 judicata that says you can't bring the same
13 application twice.

14 But what I am saying is: Based on what
15 they learned here tonight, they would probably come
16 in with a different project, or instead of going for
17 four stories, they might go five, you know, another
18 story up, and then you wouldn't see it, and then
19 they would go to the Zoning Board. You know, I
20 don't know.

21 CHAIRMAN HOLTZMAN: Dennis, you also
22 had a couple of conditions. Can you --

23 MR. GALVIN: Sure.

24 CHAIRMAN HOLTZMAN: -- let's just read
25 through those.

1 MR. GALVIN: One: The applicant's plan
2 must comply with the Hoboken Flood Plain Ordinance,
3 and that plan is to be submitted to the Flood Plain
4 Manager and the North Hudson Sewer Authority for
5 their review and approval.

6 Two: The Board's engineer and planner
7 are to submit a memo to be attached as an exhibit to
8 the resolution identifying all unmet conditions or
9 technical comments made during the hearing.

10 That is our new thing we are going to
11 do at the Planning Board and Zoning Board.

12 Three: The following outside agency
13 approvals are to be obtained. I only have North
14 Hudson Sewer Authority and DEP. But, again,
15 whatever Andy tells me, I will add additional --

16 MR. HIPOLIT: That's fine, and the
17 building department.

18 MR. GALVIN: -- all right.

19 The Board Engineer is to inspect all
20 bonded items.

21 Did we bond anything?

22 MR. HIPOLIT: They'll be bonding for
23 their public room and sidewalks --

24 MR. GALVIN: Okay. I'm going to use
25 the language that Andy sends over to me for that.

1 I have: "The Board's Engineer is to
2 review that," and I have no idea what that is, so I
3 am deleting that.

4 Five: The applicant is to file a deed
5 restriction limiting the use of the building's
6 parking spaces to occupants of the building and will
7 establish which unit will utilize which parking
8 spaces. The deed restriction is to be reviewed and
9 approved by the Board's Attorney and recorded prior
10 to the issuance of the building permit. So then I
11 would hope that it would then be incorporated into
12 the condo documents, if a condo is done.

13 Six: If the rear portion of the
14 building is demolished in any way beyond that which
15 was shown in the plan, the applicant must return to
16 the Board to seek the direction of the Board.

17 Again, if that happens, I don't know
18 what we are going to do, because probably more
19 likely than not, you know, we're left with what?

20 We are going to have them just close it
21 down, we're going to lose the parking?

22 I am just saying that, but I want you
23 to keep this in mind, because there are other
24 instances where this was important. We had a
25 building that was like one of those hundred-year-old

1 buildings that we did want to preserve. We were
2 told that the architecture would be preserved, and
3 then in the field there was a problem with it, and
4 then it wasn't preserved. I think that was a
5 mistake that that didn't come back to the Board and
6 have the Board supervise the changed front of that
7 building, so I think this kind of language is
8 important. In this case I think it is less
9 important --

10 COMMISSIONER PINCHEVSKY: Is this the
11 rear portion of it --

12 MR. GALVIN: Yes. That we --

13 COMMISSIONER PINCHEVSKY: -- or the
14 side --

15 MR. GALVIN: -- well, we know that a
16 portion of this building -- Frank is going to
17 manipulate this building, so that he can put up the
18 new structure. So, you know, the question was: Are
19 they rear walls, when they take them down to ten
20 feet, are they going to tip over.

21 If they tip over, then they will have
22 to come back to us and talk to us about it, but I'm
23 saying, this is not like the front facade of the
24 Wonder Bread building that maybe you want them to
25 restore -- you might say, oh, no, you have to

1 restore that. Okay? Here we may not care.

2 COMMISSIONER PINCHEVSKY: Why would you
3 add the side walls, if he takes down the roof and
4 the side walls fall down, why wouldn't that be part
5 of the resolution?

6 MR. GALVIN: We already know that he is
7 taking down the roof --

8 COMMISSIONER PINCHEVSKY: No, no. You
9 said just the rear walls. If the rear walls start
10 crumbling --

11 CHAIRMAN HOLTZMAN: No, no. It just
12 says if there's anything additional -- go ahead,
13 please read it again.

14 MR. GALVIN: All I had was: If the
15 rear portion of the building is demolished in any
16 way beyond that which was shown in the plan.

17 In other words, if the plan shows the
18 roof comes off, they showed us that. But if the
19 back wall or the side walls are supposed to stay up
20 and they tip in, then they have to come talk to us
21 about it.

22 COMMISSIONER PINCHEVSKY: Okay. I see
23 what you're saying. I got it.

24 MR. GALVIN: That's all I'm saying.

25 As opposed to saying we are going to

1 take the whole thing down and just build a new base
2 floor, okay?

3 COMMISSIONER PINCHEVSKY: Understood.

4 Thanks.

5 MR. GALVIN: The applicant's new
6 building will block the signal of the first aid
7 squad's repeater antenna. In order to resolve this
8 condition, the applicant agreed to permit the
9 ambulance squad to mount their repeater antenna on
10 this roof. The applicant agreed to record an
11 easement to the first aid squad to permit them to
12 place and maintain their repeater antenna on this
13 building.

14 So there is some mild discussion that
15 has to go on between the first aid squad and the
16 owner, but I think just the repeater antenna, it's
17 probably not causing anything. It's a good deed
18 also.

19 That is all I have.

20 MR. HIPOLIT: I have actually more.

21 MR. GALVIN: Okay. Go ahead.

22 Well, you have to put it in your memo,
23 but go ahead.

24 MR. HIPOLIT: Just for the Board so
25 everybody knows.

1 MR. GALVIN: Sure.

2 MR. HIPOLIT: The building is going to
3 be wet proofed, not dry proofed.

4 Gas and electric meters need to be
5 elevated above the flood plain.

6 They are going to use helical piles for
7 the building.

8 Stormwater detention design to be
9 resubmitted, if you approve it, post approval.

10 Obviously, the Maser letter, which they
11 testified they would comply with my letter.

12 The applicant has offered to solve the
13 air conditioning problems --

14 MR. GALVIN: Go ahead, Bob.

15 Bob, go ahead.

16 MR. MATULE: I just was going to say
17 one other thing with the ambulance squad, that the
18 applicant was going to address the air conditioning
19 situation.

20 MR. HIPOLIT: The applicant is going to
21 address the air conditioning problems in that
22 meeting room.

23 That is the only other ones I had that
24 you didn't mention.

25 COMMISSIONER PINCHEVSKY: Andy, is it

1 still your opinion that there are -- after the final
2 back and forth, is it still your opinion that the
3 building is being materially changed or have you --
4 is that still your professional opinion?

5 MR. GALVIN: I didn't hear it.

6 Can you repeat it, please?

7 COMMISSIONER PINCHEVSKY: I was asking
8 if it's still Andy's professional opinion that the
9 building is being materially changed or
10 significantly changed.

11 MR. HIPOLIT: I think what I -- I hope
12 I didn't mislead the Board. I hope you didn't think
13 I made an opinion. I didn't make an opinion on
14 whether the building was being substantially
15 destroyed or not destroyed or taken down.

16 What I asked Frank, the architect, was
17 did he think it was substantially being taken down,
18 and he said no.

19 The only thing I said is I didn't
20 really have like a calculation to back that up.
21 However you'd measure substantially being removed,
22 there is really no -- the odd part about this is the
23 Municipal Land Use Law doesn't come up with a
24 substantial definition.

25 MR. GALVIN: Ultimately decisions like

1 that are made by the Board, not by its
2 professionals.

3 MR. HIPOLIT: Correct.

4 MR. GALVIN: Okay?

5 In this case it didn't give us a lot of
6 guidance. It says it's a qualitative decision. But
7 that case doesn't really even apply to this. It is
8 not like a building that was destroyed by a storm or
9 a fire, and that's an issue. That is not the issue.
10 They are building a new building. They're just
11 asking for a new variance.

12 COMMISSIONER PINCHEVSKY: Yeah. I
13 guess that is actually like the key point, right?
14 And that's why I was looking for guidance, because
15 you said it's up to the Board members, so what do I
16 use to make a decision?

17 MR. GALVIN: Well, what I'm saying is:
18 Does it seem practical to keep a building that's
19 been there -- to keep part of the building that has
20 been there for a hundred years --

21 CHAIRMAN HOLTZMAN: Right. I think
22 it -- I think it needs to -- I think your word of
23 "qualitative" is the key thing to focus on, and that
24 is maybe why the MLUL doesn't specify it, because if
25 it gave it a formula, then we would have to ask Andy

1 to give us a brick-by-brick calculation as to how
2 many bricks are gone and how many are staying kind
3 of a thing.

4 Here I think it is a situation where we
5 are looking at a one-story brick garage versus in
6 other examples that have come before different
7 Boards in the city, where you have something like a
8 historic church that has a front that is a beautiful
9 front on the street that everyone's had for 150
10 years, and you might look at that and easily say,
11 gee, that is certainly worth something, regardless
12 of where my substantial is, but we have to keep the
13 front of that thing no matter what we do.

14 COMMISSIONER PINCHEVSKY: So if we
15 don't think it's qualitative, then we need to add a
16 variance to this, right, because they're not --
17 would we need to add a hundred percent lot coverage
18 variance because it's not --

19 MR. GALVIN: No, no, listen.

20 One of the variances you're granting
21 here is a hundred percent --

22 COMMISSIONER PINCHEVSKY: Okay. For
23 preexisting -- I got it --

24 MR. GALVIN: -- I am going to treat
25 this as a variance for a hundred percent lot

1 coverage.

2 COMMISSIONER PINCHEVSKY: -- okay --

3 MR. HIPOLIT: I listed that in my
4 letter also.

5 COMMISSIONER PINCHEVSKY: -- then thank
6 you.

7 CHAIRMAN HOLTZMAN: Are there any other
8 questions?

9 COMMISSIONER BHALLA: That doesn't set
10 a precedent because of the unique nature of this
11 property, correct?

12 MR. GALVIN: I agree. I think this is
13 a unique property and a unique condition. You might
14 feel differently if the donut was next to this on
15 both sides, and this is our opportunity to capture
16 that space back and enhance the donut.

17 But each case goes on its merits.
18 Again, what they are saying to us is we got a
19 building. It seems practical for us to continue to
20 use the building that's out there.

21 But you guys could be hard core about
22 it and say no, you know, right?

23 COMMISSIONER PINCHEVSKY: I mean, other
24 members -- the roof antennas, every -- every
25 application, of course, is unique --

1 MR. GALVIN: Correct --

2 COMMISSIONER PINCHEVSKY: -- so --

3 MR. GALVIN: -- we take each case on
4 its own facts.

5 But I'm saying this one, there were
6 facts introduced that could support that finding, if
7 that is where you went.

8 I'm not telling you. You guys have to
9 decide, you know.

10 CHAIRMAN HOLTZMAN: Thank you.

11 Mr. Magaletta, did you have something?

12 VICE CHAIR MAGALETTA: I would like to
13 make a motion to deny the application as currently
14 formed --

15 CHAIRMAN HOLTZMAN: Okay.

16 Is there a second for that motion?

17 COMMISSIONER BHALLA: As what?

18 VICE CHAIR MAGALETTA: -- as presently
19 submitted.

20 CHAIRMAN HOLTZMAN: Is there a second
21 for that motion?

22 COMMISSIONER PINCHEVSKY: I will second
23 it.

24 CHAIRMAN HOLTZMAN: Okay.

25 Pat, please call the vote for that.

1 MS. CARCONE: Commissioner Magaletta?

2 VICE CHAIR MAGALETTA: Yes.

3 MS. CARCONE: Commissioner Marks?

4 COMMISSIONER MARKS: No.

5 MS. CARCONE: Commissioner Forbes?

6 COMMISSIONER FORBES: No.

7 MS. CARCONE: Commissioner Bhalla?

8 COMMISSIONER BHALLA: No.

9 MS. CARCONE: Commissioner Graham?

10 COMMISSIONER GRAHAM: No.

11 MS. CARCONE: Commissioner Pinchevsky?

12 COMMISSIONER PINCHEVSKY: Yes.

13 MS. CARCONE: Commissioner Conroy?

14 COMMISSIONER CONROY: No.

15 MS. CARCONE: Commissioner McKenzie?

16 COMMISSIONER MC KENZIE: No.

17 MS. CARCONE: Commissioner Holtzman?

18 CHAIRMAN HOLTZMAN: No.

19 MR. GALVIN: All right. So the motion

20 to deny has been defeated.

21 Do we have now an alternate motion?

22 COMMISSIONER CONROY: Yes. I'll make

23 an alternate motion to accept it.

24 MR. GALVIN: With the conditions that

25 were suggested?

1 COMMISSIONER CONROY: With the
2 conditions that were suggested.

3 MR. GALVIN: Is there a second to that
4 motion?

5 COMMISSIONER GRAHAM: Second.

6 CHAIRMAN HOLTZMAN: Pat, call that
7 vote.

8 MS. CARCONE: Commissioner Magaletta?

9 VICE CHAIR MAGALETTA: No.

10 MS. CARCONE: Commissioner Marks?

11 COMMISSIONER MARKS: Yes.

12 MS. CARCONE: Commissioner Forbes?

13 COMMISSIONER FORBES: Yes.

14 MS. CARCONE: Commissioner Bhalla?

15 COMMISSIONER BHALLA: Yes.

16 MS. CARCONE: Commissioner Graham?

17 COMMISSIONER GRAHAM: Yes.

18 MS. CARCONE: Commissioner Pinchevsky?

19 COMMISSIONER PINCHEVSKY: No.

20 MS. CARCONE: Commissioner Conroy?

21 COMMISSIONER CONROY: Yes.

22 MS. CARCONE: Commissioner McKenzie?

23 COMMISSIONER MC KENZIE: Yes.

24 MS. CARCONE: Commissioner Holtzman?

25 CHAIRMAN HOLTZMAN: Yes.

1 MS. CARCONE: Okay. It's approved.

2 CHAIRMAN HOLTZMAN: Thank you.

3 MR. MATULE: Thank you.

4 COMMISSIONER GRAHAM: Good luck.

5 MR. HIPOLIT: Good luck, guys.

6 (Laughter)

7 (Discussion held off the record)

8 (The matter concluded at 9:45 p.m.)

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C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CCR, CRCR

PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300
Notary Public of the State of New Jersey

My commission expires 11/5/2015.

Dated: 10/9/14

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

CITY OF HOBOKEN
PLANNING BOARD

----- X
REGULAR MEETING OF THE HOBOKEN :October 7, 2014
PLANNING BOARD : 9:45 p.m.
----- X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman Gary Holtzman
- Vice Chair Frank Magaletta
- Commissioner Stephen Marks
- Commissioner Brandy Forbes
- Commissioner Ravi Bhalla
- Commissioner Ann Graham
- Commissioner Rami Pinchevsky
- Commissioner Sasha Conroy
- Commissioner Caleb McKenzie

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

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

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6 Attorney for the Board.

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1 CHAIRMAN HOLTZMAN: There are no other
2 items on our agenda this evening.

3 Is there a motion to close this
4 meeting?

5 MR. GALVIN: We don't want to have to
6 vacate this decision.

7 CHAIRMAN HOLTZMAN: Commissioner
8 Graham, you have a question for us?

9 The meeting is still open, folks.

10 COMMISSIONER GRAHAM: I would just like
11 to ask what the status is on the zoning ordinances
12 that we were revising in Hoboken. We were supposed
13 to get someone to help us with that. I just
14 wondered if you heard about hiring a firm. I just
15 wondered what the status was.

16 CHAIRMAN HOLTZMAN: Director Forbes?

17 COMMISSIONER FORBES: I can address
18 that.

19 We had --

20 (Everyone talking at once)

21 CHAIRMAN HOLTZMAN: Hey, guys.

22 COMMISSIONER FORBES: -- we had -- when
23 the budget was adopted, there was not the funding in
24 place for that. However, the funding we had for a
25 couple of other projects, we were able to get some

1 grants, so we have freed that up. We are working on
2 an RFP for that, and we expect to be going out for
3 an RFP and hopefully making that award.

4 COMMISSIONER GRAHAM: What's their
5 scope of work?

6 COMMISSIONER FORBES: That's what we're
7 working on.

8 CHAIRMAN HOLTZMAN: Time out.

9 Phyllis can't hear you. That's the
10 only thing that happened.

11 Ann asked what was their scope of work.

12 COMMISSIONER FORBES: I said that's
13 what we are working on.

14 COMMISSIONER GRAHAM: Can I see that
15 when you --

16 COMMISSIONER FORBES: And we're working
17 on that with the City Council subcommittee on that.
18 Certainly I can forward that to you when we have
19 that finalized.

20 COMMISSIONER GRAHAM: Thank you.

21 CHAIRMAN HOLTZMAN: Okay. If there's
22 nothing else -- oh, Commissioner Marks?

23 COMMISSIONER MARKS: I would like to
24 bring to everybody's attention tonight is
25 Commissioner McKenzie's birthday, so I would like to

1 wish him happy birthday.

2 (Applause and cheering)

3 CHAIRMAN HOLTZMAN: That phone call was
4 the dinner reservations going out the window?

5 (Laughter)

6 Is there a motion to close the meeting?

7 COMMISSIONER MARKS: So made.

8 CHAIRMAN HOLTZMAN: Second?

9 COMMISSIONER CONROY: Second.

10 CHAIRMAN HOLTZMAN: All in favor, aye?

11 (All Board members answered in the
12 affirmative.)

13 (The meeting concluded at ten p.m.)

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C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CCR, CRCR

- - - - -

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

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