

CITY OF HOBOKEN
Subdivision & Site Plan Review

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SUBDIVISION AND SITE PLAN REVIEW : March 9, 2016
COMMITTEE MEETING OF THE :
CITY OF HOBOKEN : 7:02 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 Ryan Peene

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
Michael O'Krepky, PE CME
Board Engineers

Daisy Amato, Acting Board Secretary

PHYLLIS T. LEWIS
CERTIFIED COURT REPORTER
CERTIFIED REALTIME COURT REPORTER
(732) 735-4522

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

2 LAW OFFICE OF DENNIS M. GALVIN
3 730 Brewers Bridge Road
4 Jackson, New Jersey 08527
5 (732) 364-3011
6 BY: ANDREW T. LEIMBACH, ESQUIRE
7 Attorney for the Board.

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I N D E X

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

4 It is 7:02 p.m. on Wednesday, March
5 9th. This is the City of Hoboken Subdivision and
6 Site Plan Review Committee.

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

15 Daisy, please call the roll.

16 MS. AMATO: Holtzman?

17 CHAIRMAN HOLTZMAN: Here.

18 MS. AMATO: Magaletta?

19 VICE CHAIR MAGALETTA: Here.

20 MS. AMATO: McKenzie?

21 CHAIRMAN HOLTZMAN: Not here.

22 MS. AMATO: Peene?

23 COMMISSIONER PEENE: Here.

24 CHAIRMAN HOLTZMAN: Thank you.

25 (Continue on next page)

CITY OF HOBOKEN
Subdivision & Site Plan Review
HOP-15-16

- - - - - X
RE: 306-308 Park Avenue : March 9, 2016
Block: 166, Lots 34.01 & 34.02 :
Applicant: Fig Tree Development, LLC : 7:05 p.m.
Review Request by Applicant to Replace:
Brick Facade :
- - - - - X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

Chairman Gary Holtzman
Vice Chair Frank Magaletta
Commissioner Ryan Peene

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

David Glynn Roberts, AICP/PP, LLA, RLA
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8 ROBERT C. MATULE, ESQUIRE
9 Two Hudson Place (5th Floor)
10 Hoboken, New Jersey 07030
11 Attorney for the Applicant.

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I N D E X

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WITNESS

PAGE

JENSEN VASIL

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1 CHAIRMAN HOLTZMAN: The first item on
2 our agenda is 306 Park Ave.

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

5 CHAIRMAN HOLTZMAN: Good evening, Mr.
6 Matule.

7 MR. MATULE: Robert Matule, appearing
8 on behalf of the applicant.

9 This is 306-308 Park Avenue. This
10 matter was before the Board in December, and we
11 received approvals to renovate an existing six
12 residential unit building with a restaurant on the
13 ground floor into four residential units.

14 The plan was to rehab and reuse the
15 existing brick facade on the building.

16 As Mr. Vasil indicated in his letter,
17 they ran into some problems once they took the
18 brickface covering that was on top of there off, but
19 I think it would be better if we get him under oath,
20 and he can give you the specifics.

21 CHAIRMAN HOLTZMAN: Okay.

22 MR. LEIMBACH: Please raise your right
23 hand.

24 Do you swear to tell the truth, the
25 whole truth, and nothing but the truth, so help you

1 God?

2 MR. VASIL: I do.

3 J E N S E N V A S I L, having been duly sworn,
4 testified as follows:

5 MR. LEIMBACH: Please state your name
6 for the record.

7 THE WITNESS: Jensen Vasil.

8 MR. LEIMBACH: Please spell your last
9 name.

10 THE WITNESS: V, as in Victor, a-s-i-l.

11 MR. LEIMBACH: Thank you.

12 MR. MATULE: Mr. Vasil, you were the
13 architect for this project when it was presented to
14 the Board?

15 THE WITNESS: Correct.

16 MR. MATULE: And can you just give the
17 members a little background as to exactly what is
18 occurring here and what the proposed solution is?

19 THE WITNESS: Sure.

20 So there was a brickface that was
21 applied over the original brick, and in past
22 projects we have had some success when removing it
23 to get the brick to be restored. However, in this
24 particular instance, the face of the brick was
25 pretty deteriorated. In fact, it was beyond repair.

1 So when the brickface came off, the face of the
2 brick came off with it.

3 The bricks themselves, structurally
4 they are fine, but the base of the brick is
5 improper, so we were not able to restore it.

6 There is another picture from the
7 side --

8 CHAIRMAN HOLTZMAN: And just so we can
9 make sure the record is clear, Mr. Vasil is showing
10 us some images from his letter that we received, it
11 looks like February 12th. There is a letter that we
12 received from Jensen Vasil, and this is to the
13 Hoboken Planning Board, just so we can reference
14 what he's referring to.

15 MR. HIPOLIT: That is also attached and
16 referenced in my letter, in my February 17th, 2016
17 letter.

18 CHAIRMAN HOLTZMAN: Okay. Great.
19 Thank you.

20 MR. MATULE: So what is the proposal?

21 THE WITNESS: So we were able to take
22 this to a masonry yard and actually get a brick that
23 is virtually identical to the same brick. So what
24 we would like to do is to remove the brick that
25 cannot be salvaged and to replace it with a brick

1 that is identical in color, size, texture, and
2 otherwise virtually indistinguishable from the
3 original.

4 CHAIRMAN HOLTZMAN: Mr. Hipolit, you
5 had a response letter to the architect's letter?

6 MR. HIPOLIT: I did.

7 So we did a letter, again, dated
8 February 17th, 2016. It was really for resolution
9 compliance. There was a few items we answered, but
10 nothing that was a big flag, and then their report
11 came in.

12 So the report kind of covered this
13 issue, and we were a little bit unsure of how you
14 would rectify the issue because leaving that
15 brickface was part of your approval.

16 I think really the issue is how the
17 Board views replacing that brickface with a brand
18 new brickface. When they take off the brick that
19 was there, plus the brick facing, and then build a
20 new brick facade in front of it.

21 How is the structure behind it?

22 THE WITNESS: The structure behind it
23 is fine. It's just the face brick that's a problem.
24 So this is two sides of the brick. It is three and
25 five at the lowest floor, and then two up above.

1 MR. HIPOLIT: Two back to back?

2 THE WITNESS: Two that interlocked,
3 pretty typical of that row house style.

4 MR. HIPOLIT: Do you have to take both
5 bricks out?

6 THE WITNESS: We can keep the working
7 core as the face, but what we prefer to do, if
8 possible, is to replace it with block and a face
9 brick, which is a better method, more modern method
10 to do it.

11 MR. HIPOLIT: I think the issue, it is
12 really a Board issue, but I think the issue is, my
13 remembrance of the original testimony was you were
14 keeping this face as part of the building, and then
15 because of all of the variances and other issues you
16 had on this site were going to remain because you
17 were kind of keeping this building intact, and just
18 kind of doing a rehabilitation of it.

19 The question really is for you guys, if
20 you are now taking this front wall in its entirety
21 out, it may be a planning issue, are you actually
22 rehabbing the building any more or are you actually
23 building a new building.

24 MR. MATULE: Well, I mean --

25 MR. HIPOLIT: I mean, how does that

1 vary with their variances?

2 MR. MATULE: -- I have to let the
3 architect respond to that because there are still
4 other parts of the building, a lot of other parts of
5 the building that I understand are still being used,
6 the sidewalls.

7 And I know the floor-to-floor heights,
8 are they being changed?

9 THE WITNESS: Changed.

10 MR. MATULE: They are being changed.

11 But I mean, the other alternative we
12 looked at would be taking all of the brickface off
13 and then stuccoing over this and putting like a faux
14 brownstone or something on there.

15 CHAIRMAN HOLTZMAN: Yes, but that is
16 not what was approved, Mr. Matule.

17 MR. MATULE: But we don't want to do
18 that either. We don't think that that is a -- I
19 mean, that would save the existing brick, but I
20 mean --

21 CHAIRMAN HOLTZMAN: Right. The problem
22 is really quite simple I think. You are unable at
23 this point to comply with the conditions of your
24 approval.

25 MR. MATULE: Correct, several of them.

1 CHAIRMAN HOLTZMAN: So while you might
2 volunteer to do these other things, they would also
3 not be within the scope of what was approved,
4 additional brickface or some other suggestions that
5 you were making.

6 MR. MATULE: Correct.

7 CHAIRMAN HOLTZMAN: I say that your
8 architecture suggestions should stay tempered for
9 sure.

10 But if you can't comply with the
11 conditions of this approval, I will throw this to my
12 Commissioners as well, I think what we have is you
13 are dead in the water, and you need to go back to
14 square one, design a new building, and make a new
15 application because you cannot proceed because you
16 are telling us it is impossible to comply.

17 MR. MATULE: Well, I understand, but
18 respectfully, I think we have a solution that can
19 get us to effectively to what was presented to the
20 Board without going back to square one.

21 CHAIRMAN HOLTZMAN: Commissioners?

22 MR. MATULE: I mean, we are not going
23 to tear the whole building down, and we're not going
24 to create a vacant lot there.

25 MR. HIPOLIT: But you're taking --

1 you're taking -- in the approval you are taking the
2 floors out because you are changing your floor
3 heights, right?

4 MR. MATULE: The floor heights, we're
5 changing.

6 MR. HIPOLIT: So your floors are coming
7 out.

8 MR. MATULE: Right.

9 MR. HIPOLIT: The roof is coming out.
10 Now the front wall is coming out also.

11 MR. MATULE: Well, a portion of it.
12 The lower portion is going to remain.

13 THE WITNESS: Correct. Yes, the lowest
14 level is --

15 MR. MATULE: The lowest level is going
16 to remain unchanged. This is just on the upper
17 floors.

18 VICE CHAIR MAGALETTA: Yeah. But if
19 the idea is to save that brickface, you cannot save
20 that brickface, so part of that, which I think is a
21 significant portion of the rehab, is gone. So I
22 think you may have -- I think I would agree with
23 Commissioner Holtzman that it is a new application I
24 think.

25 I understand what you are going to do.

1 I really do, and I understand you're trying to be
2 creative, but it's a different app -- it's a
3 different creature now which you are creating I
4 think.

5 UNIDENTIFIED VOICE: It's the exact
6 same brick.

7 MR. MATULE: Well, I would agree
8 that --

9 VICE CHAIR MAGALETTA: It's not the
10 same brick. It's a different brick.

11 MR. MATULE: -- perhaps we could come
12 back to the Board, to the full Board, you know, for
13 an amended approval --

14 CHAIRMAN HOLTZMAN: Mr. Peene, did you
15 want to offer any --

16 MR. MATULE: -- of what was previously
17 approved. But I just think to go back to square one
18 as if we had an empty lot there at this point seems
19 excessive.

20 CHAIRMAN HOLTZMAN: So what is it that
21 you would like to do?

22 You would like to come to the Board to
23 pitch your case?

24 MR. MATULE: I think based on the
25 comments I am getting, we will come to the Board.

1 We will explain what happened, and we will ask for
2 amended approvals to replace the face of the
3 building with the new brick.

4 CHAIRMAN HOLTZMAN: Mr. Peene?

5 COMMISSIONER PEENE: I am with Frank,
6 Commissioner Magaletta and Commissioner Holtzman
7 here. It just seems like it is an entirely new
8 building without -- outside the scope of the
9 resolution.

10 I just have a question for Mr. Vasil.
11 How did this not come up throughout your due
12 diligence on this building prior?

13 THE WITNESS: We successfully restored
14 brickface off of, you know, a brick so, you know, we
15 didn't take it off until we started -- we actually
16 had approvals for construction. We didn't really
17 know the conditions of it --

18 CHAIRMAN HOLTZMAN: So you didn't do
19 any due diligence on this building, but you were
20 relying on, well, historically, we have done it, and
21 it's been okay.

22 THE WITNESS: Yeah. I mean, I would
23 say there is a pretty good track record of buildings
24 in Hoboken, even historic buildings, where we've
25 taken brickface off, and it's been fine --

1 CHAIRMAN HOLTZMAN: So let's, just to
2 be clear, you did no research prior to deciding to
3 keep all of the building walls in this specific
4 case?

5 THE WITNESS: That is correct.

6 CHAIRMAN HOLTZMAN: Right.

7 My problem with this whole thing is, I
8 think that some place between either your
9 incompetence or the developer trying to pull one
10 over on the Board, some place in the middle of that
11 is the truth.

12 So I am not sure what we will do here,
13 but perhaps we will contact you through our attorney
14 and decide whether we would like you to come to the
15 Board to plead your case. But as it stands now, you
16 are unable to proceed since you are unable to comply
17 with the conditions of your resolution.

18 MR. MATULE: I understand your
19 position.

20 CHAIRMAN HOLTZMAN: Thank you.

21 MR. MATULE: Thank you.

22 (The matter concluded.)

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C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CCR, CRCR

 PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300
 Notary Public of the State of New Jersey
 My commission expires 11/5/2020.
 Dated: 3-10-16
 This transcript was prepared in accordance with
 NJAC 13:43-5.9.

CITY OF HOBOKEN
Subdivision & Site Plan Review
HOP-15-26

- - - - - X
RE: 1000 Jefferson Street : March 9, 2015
Block 99, Lots 1 :
Applicant: Jefferson Urban Rnwl, LP : 7:25 p.m.
Amended Site Plan Review :
- - - - - X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

Chairman Gary Holtzman
Vice Chair Frank Magaletta
Commissioner Ryan Peene

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
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Board Engineers

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4 Jackson, New Jersey 08527
5 (732) 364-3011
6 BY: ANDREW T. LEIMBACH, ESQ.
7 Attorney for the Board.

8 MC CARTER & ENGLISH, ESQS.
9 100 Mulberry Street
10 Newark, New Jersey 07102
11 By: GARY T. HALL, ESQUIRE
12 Attorney for the Applicant.

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1 CHAIRMAN HOLTZMAN: Next up is 1000

2 Jefferson.

3 Mr. Hall?

4 MR. HALL: Yes. Good evening.

5 Unfortunately I got a call from my
6 architect. He is running late. I would ask if you
7 could put somebody ahead of us. I mean, we were
8 here before, which is the main thing. But I do have
9 people from the management company --

10 CHAIRMAN HOLTZMAN: Let's do it one
11 time.

12 Please sit down.

13 MR. HALL: So, thank you.

14 (Continue on the next page)

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CITY OF HOBOKEN
Subdivision & Site Plan Review
HOP-16-2

- - - - - X
RE: 713-715 Monroe Street : March 9, 2016
Block 82, Lots 7 and 8 :
Applicant: 713-5 Monroe Street, LLC : 7:25 p.m.
Minor Site Plan Review & Variances :
- - - - - X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

Chairman Gary Holtzman
Vice Chair Frank Magaletta (recused)
Commissioner Ryan Peene

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
Michael O'Krepky, PE CME
Board Engineers

Daisy Amato, Acting Board Secretary

PHYLLIS T. LEWIS
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1 A P P E A R A N C E S:

2 LAW OFFICE OF DENNIS M. GALVIN
3 730 Brewers Bridge Road
4 Jackson, New Jersey 08527
5 (732) 364-3011
6 BY: ANDREW T. LEIMBACH, ESQUIRE
7 Attorney for the Board.

8 JAMES J. BURKE, ESQUIRE
9 235 Hudson Street
10 Hoboken, New Jersey 07030
11 Attorney for the Applicant.

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1 CHAIRMAN HOLTZMAN: 713 Monroe, Mr.

2 Burke.

3 MR. BURKE: Thank you, Mr. Chairman.

4 Good evening.

5 Jim Burke representing the applicant.

6 We were here last month --

7 CHAIRMAN HOLTZMAN: Yup.

8 MR. BURKE: -- and there was a review

9 letter prepared by Mr. Hipolit.

10 (Background noise from the audience)

11 CHAIRMAN HOLTZMAN: Let's let everybody

12 settle down for a second.

13 I go first.

14 VICE CHAIRMAN MAGALETTA: I'm --

15 CHAIRMAN HOLTZMAN: Mr. Magaletta?

16 VICE CHAIR MAGALETTA: -- I am recused

17 on it, so I am going to sit this out, this part of

18 it.

19 CHAIRMAN HOLTZMAN: Okay. Great.

20 So Frank is stepping off for this item.

21 VICE CHAIR MAGALETTA: Yes.

22 (Vice Chair Magaletta recused)

23 CHAIRMAN HOLTZMAN: So this is 713

24 Monroe, and you were here last month. And

25 unfortunately, you brought us your information and

1 did what our Board Secretary has to refer to as the
2 Jim Burke Drop and Run on March 1st. That is when
3 we received this information from you guys.

4 So our professionals have not had
5 substantial -- enough time to review this, so this
6 is now deemed incomplete, and we will see you next
7 month.

8 MR. BURKE: Okay.

9 CHAIRMAN HOLTZMAN: Thank you.

10 MR. BURKE: Thank you, Mr. Chairman.

11 (The matter concluded)

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C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CCR, CRCR

- - - - -

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

CITY OF HOBOKEN
Subdivision & Site Plan Review
HOP-16-3

- - - - - X
RE: 86,88,90 Jefferson Street : March 9, 2016
Block: 17, Lots 31, 32, 33 :
Applicant: 88 Jefferson Street, LLC : 7:30 p.m.
Minor Site Plan Review & Variances :
- - - - - X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

Chairman Gary Holtzman
Vice Chair Frank Magaletta
Commissioner Ryan Peene

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

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7 Attorney for the Board.

8 ROBERT C. MATULE, ESQUIRE
9 Two Hudson Place (5th Floor)
10 Hoboken, New Jersey 07030
11 Attorney for the Applicant.

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1 CHAIRMAN HOLTZMAN: 86 Jeff.

2 MR. MINERVINI: Mr. Matule is still
3 outside, but I think he is on his way in.

4 MR. MATULE: Excuse me. I apologize.

5 CHAIRMAN HOLTZMAN: Welcome back, Mr.
6 Matule.

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

8 Robert Matule, appearing on behalf of
9 the applicant.

10 This is an application for property at
11 86-90 Jefferson Street to construct four residential
12 floors over one floor of parking, eight residential
13 units with ten parking spaces.

14 The applicant is only requesting one C
15 variance for 18 inches for height to achieve
16 clearance in the garage.

17 We have received the Flood Plain
18 Manager's review letter, and I have provided Mr.
19 Hipolit with a copy of the -- I just provided it
20 today, for the record -- a copy of the Phase I
21 report. There were no conditions that were called
22 out as a result of the report.

23 MR. HIPOLIT: Are you going -- are you
24 going to be able to comply with the Flood Plain
25 Manager's letter?

1 MR. MINERVINI: Yes.

2 MR. HIPOLIT: And then I know you only
3 received my letter today, we did not review the
4 LSRP, the Phase I report.

5 Did you look at my letter?

6 MR. MINERVINI: Yes.

7 MR. HIPOLIT: Do you have any issues
8 with the letter because there wasn't --

9 MR. MINERVINI: No. All of those
10 issues could be amended -- addressed --

11 CHAIRMAN HOLTZMAN: Mr. Minervini, that
12 is a rather extensive review letter that our
13 engineer presented to you with I think a record
14 breaking 50 callouts.

15 Are you trying to set a personal record
16 here?

17 MR. MINERVINI: I could go through each
18 one now, if you prefer.

19 CHAIRMAN HOLTZMAN: I certainly do
20 not --

21 MR. MINERVINI: No, neither do I.

22 CHAIRMAN HOLTZMAN: -- but I am
23 troubled by the fact that there are so many callouts
24 on this letter.

25 MR. MINERVINI: Well, there don't have

1 to be as many. There are -- some of those things
2 that are minor, and they don't have to be called
3 out, but that is what the engineer decided.

4 CHAIRMAN HOLTZMAN: Mr. Hipolit?

5 MR. HIPOLIT: Generally on this
6 application, they actually were in pretty good
7 shape. We did call out of it. A lot of it more is
8 for the full-blown hearing and some of the stuff to
9 kind of tie it together, if you guys were actually
10 going to act to improve on it at the hearing.

11 In this letter, there is nothing that's
12 fatal, so nothing really for completeness. There
13 are a lot of issues. There is some stuff you got to
14 get together, but there's nothing crazy in this
15 letter --

16 VICE CHAIR MAGALETTA: Is there
17 anything significant or substantial?

18 MR. HIPOLIT: It's normal, regular
19 almost stuff, more for --

20 VICE CHAIR MAGALETTA: Okay. So in
21 your opinion, it could be done within a reasonable
22 time?

23 MR. HIPOLIT: They could do all of this
24 within the time period. I don't know what day, but
25 that's my --

1 CHAIRMAN HOLTZMAN: Mr. Roberts?

2 MR. ROBERTS: Mr. Chairman, I think we
3 had six planning comments. Some of them had to do
4 with things to reconcile the tabulation table or
5 things maybe something on the zoning table.
6 Probably I would think the most significant thing is
7 probably something that they could easily correct,
8 which is the floor plans, at least to us, it looked
9 like there was a difference between the patterns of
10 the bays on the elevations versus the floor plans.

11 The floor plans, it looked like to us
12 like the third, fourth and fifth floor plans were
13 shown as identical, but there were bays shown on the
14 elevations that looked like they weren't shown on
15 the floor plans.

16 So assuming that that does not require
17 any relief, it is a matter of changing or fixing
18 those plans, and I would think that is something
19 that could be done in time for the hearing.

20 CHAIRMAN HOLTZMAN: So these are things
21 that seemed to have just dropped through the cracks,
22 Mr. Minervini?

23 MR. MINERVINI: That is not fair.

24 Actually the floor plans show two bays.
25 Now, what is kind of odd about this or not typical

1 is that each floor has two bays, but they shifted
2 it. So instead of shifting and you have them
3 showing each floor plan making it look confusing, we
4 showed it just in one location. So each floor, it
5 is accurate, has two bays, but they shift a bit on
6 successive floors.

7 CHAIRMAN HOLTZMAN: Uh-huh.

8 MR. MINERVINI: I can try and make that
9 more clear.

10 CHAIRMAN HOLTZMAN: Okay. That sounds
11 like it's easy to fix, right?

12 MR. MINERVINI: Yes.

13 CHAIRMAN HOLTZMAN: Okay.

14 Commissioners?

15 VICE CHAIR MAGALETTA: Quick
16 question -- two questions.

17 Will you have a stormwater calculation
18 for us?

19 MR. MINERVINI: Yes.

20 VICE CHAIR MAGALETTA: Okay.

21 And number two: I have one question
22 because I am confused with respect to the building
23 depth. Is it 70 feet or 60 feet, because I read two
24 different places, one was 70 and one was 60.

25 Can you answer that, please?

1 MR. MINERVINI: The building is
2 absolutely 60 feet, yes.

3 VICE CHAIR MAGALETTA: Okay.

4 MR. MINERVINI: Absolutely, and now we
5 will have to correct these tabulation charts, I
6 think that is one thing that Dave was referring to
7 in his report --

8 VICE CHAIR MAGALETTA: Thank you. All
9 right, because that was the thing I --

10 MR. MINERVINI: -- it is absolutely 60
11 feet.

12 VICE CHAIR MAGALETTA: -- all right.
13 Thank you.

14 And you will just correct them on the
15 plan?

16 MR. MINERVINI: Yes.

17 VICE CHAIR MAGALETTA: Okay. That's
18 all I have.

19 CHAIRMAN HOLTZMAN: Mr. Peene,
20 anything?

21 COMMISSIONER PEENE: No. No problem
22 with them moving on.

23 CHAIRMAN HOLTZMAN: Okay.

24 I did see just one small thing that if
25 you tell me it is okay, I am okay with it. But when

1 I was looking at the grade level plan, it looked
2 like the trash and recycling rooms were really kind
3 of on the small side, and it looks like there is
4 probably the ability to do something else with them,
5 but with the amount of -- I don't know about
6 everybody else -- but recycling is more than the
7 trash in my apartment building now at this point,
8 which is a good thing, but I think we need to just
9 make sure we are accommodating for it.

10 MR. MINERVINI: Fair point.

11 And as I looked at the floor plan, I
12 got space beneath the stairs that that closet could
13 easily extend to, and I will correct that.

14 CHAIRMAN HOLTZMAN: Okay. If you say
15 so, I mean, I'll take your lead on it, but it just
16 looked small to me.

17 MR. MINERVINI: I understand the point.

18 CHAIRMAN HOLTZMAN: Commissioners, do
19 you feel this application is sufficiently complete
20 to move forward?

21 VICE CHAIR MAGALETTA: I do. I make a
22 motion.

23 COMMISSIONER PEENE: Yes, second.

24 CHAIRMAN HOLTZMAN: Okay. So I am not
25 sure how we are doing with the scheduling.

1 Daisy, did Pat give you any kind of
2 input here in terms of our calendar?

3 MS. AMATO: No.

4 VICE CHAIR MAGALETTA: It wouldn't be
5 until April anyway. Sometime late in April, right?

6 MR. HIPOLIT: It's going to be April.

7 CHAIRMAN HOLTZMAN: So I think what we
8 need to do is: This application is deemed complete,
9 but I don't want to guess as to what kind of a date
10 we can give you, because Pat is the master of this
11 absurd calendar.

12 MR. MATULE: I was going to suggest we
13 will wait for her return.

14 CHAIRMAN HOLTZMAN: Thank you.

15 MR. MATULE: As I understand it, there
16 is a meeting later this month, and I believe the
17 first week of April is the Regular Meeting, and I
18 think they may already be spoken for, so --

19 MR. HIPOLIT: I think they're both
20 full.

21 VICE CHAIR MAGALETTA: That is right.
22 That is why I suggested maybe late April, early May.
23 If we have a Special Meeting in April, possibly --

24 MR. MATULE: Right.

25 VICE CHAIR MAGALETTA: -- but we have

1 to see where we are.

2 MR. MATULE: We will work that out. I
3 will work that out with Ms. Carcone when she
4 returns.

5 CHAIRMAN HOLTZMAN: Okay. Thank you.

6 (The matter concluded.)

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C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CCR, CRCR

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

CITY OF HOBOKEN
Subdivision & Site Plan Review
HOP-16-5

- - - - - X
RE: 527-529 Monroe Street : March 9, 2016
Block: 67, Lots 14 and 15 :
Applicant: 527 Monroe Street, LLC : 7:40 p.m.
Minor Site Plan Review & Variances :
- - - - - X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

Chairman Gary Holtzman
Vice Chair Frank Magaletta
Commissioner Ryan Peene

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
Michael O'Krepky, PE CME
Board Engineers

Daisy Amato, Acting Board Secretary

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

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

ROBERT C. MATULE, ESQUIRE
Two Hudson Place (5th Floor)
Hoboken, New Jersey 07030
Attorney for the Applicant.

1 CHAIRMAN HOLTZMAN: Next, what have we
2 got here, 527 Monroe?

3 MR. MATULE: Yes, Mr. Chairman.

4 Good evening again.

5 CHAIRMAN HOLTZMAN: Good evening.

6 MR. MATULE: 527-531 Monroe, again,
7 this is an application.

8 The site is approximately 6,750 square
9 feet, and the applicant is looking to construct an
10 eight residential unit building with ten parking
11 spaces. I believe under the density ordinance, ten
12 residential units are permitted. The applicant is
13 requesting a 3.4 percent lot coverage variance for
14 balconies.

15 CHAIRMAN HOLTZMAN: Let me just pause
16 there for a second, Mr. Matule.

17 Dave, in looking at the plan and in
18 reading your review letter, I think the callout was
19 a 64 percent lot coverage.

20 MR. ROBERTS: Right.

21 CHAIRMAN HOLTZMAN: And I just want to
22 make sure we are doing the math right, because I saw
23 in one place a callout of 3.4 percent for balconies,
24 but that left .6 percent for --

25 MR. ROBERTS: Right. I think that's --

1 CHAIRMAN HOLTZMAN: -- it just didn't
2 add up, so that's what I'm trying to question.

3 MR. ROBERTS: -- 64 percent, but
4 normally take that right off the zoning schedule.

5 MR. MATULE: That is what is on the
6 zoning table, but I think where that is coming from,
7 and Frank could talk to it more, but I know the
8 first time I looked at this plan, I was confused
9 because along the -- I believe it is the south
10 property line -- we have a full width building, the
11 full lot width, but then the four residential floors
12 are slid over five feet because the building to the
13 south of us has all lot line windows, and the
14 applicant wants to allow the neighbor to keep them
15 there. So consequently the residential portion of
16 the building got a little narrower, but also --

17 CHAIRMAN HOLTZMAN: The residential
18 portion, you mean like from the second floor up,
19 is that what you mean?

20 MR. MATULE: The four residential
21 floors as opposed to the ground floor where the
22 parking garage is.

23 CHAIRMAN HOLTZMAN: Right. But lot
24 coverage is based upon the grade level.

25 MR. HIPOLIT: Right, grade level.

1 CHAIRMAN HOLTZMAN: It is, period.

2 MR. MATULE: Yes, and I think that is
3 where the 64 percent is coming from, but you can
4 speak to that --

5 CHAIRMAN HOLTZMAN: No, but my question
6 was, there was a different -- the math isn't adding
7 up to the what the callouts are.

8 At one point it says -- it is a matter
9 of .6 percent, but it says 64 percent, and then
10 there is 3.4 percent counted for balconies.

11 MR. MATULE: What that is all about is
12 the ground floor is 64 percent, but then when you
13 take the second through fifth floors that are 60
14 feet deep, but only 55 -- 45 feet wide
15 approximately -- you know, I am not using hard
16 numbers -- because that building is slid over five
17 feet, the amount of lot coverage on the floors
18 change.

19 CHAIRMAN HOLTZMAN: Let's hear from
20 him. Let's hear from him.

21 MR. MINERVINI: This design is purely
22 in response -- a response to an existing condition,
23 and our last sheet has photographs, so the building
24 adjacent to us to the north, if you look at this
25 particular photograph, its entire wall is filled

1 with windows.

2 So what we have done, as opposed to the
3 standard what we normally do in Hoboken is have two
4 side walls at the property line, we have our ground
5 floor covering the additional lot coverage, which is
6 65, point 6 of a difference, because there is no
7 windows on the ground floor.

8 So at ground floor our building is
9 bigger than it needs to be with the exception that
10 we didn't want to leave an open void.

11 Floors, two, three, four, and five we
12 set in off of the property line that has the
13 windows --

14 CHAIRMAN HOLTZMAN: I got it. I got
15 it.

16 MR. MINERVINI: -- yes -- we didn't
17 have to do that. This is I think in response --

18 CHAIRMAN HOLTZMAN: No, no. I
19 understand. That is a good response to the
20 neighbors. That is appreciated.

21 MR. MINERVINI: -- but that point six
22 is the difference between what the first floor lot
23 coverage is at 65 and then --

24 MR. MATULE: 64.

25 MR. MINERVINI: -- I'm sorry -- 64.6,

1 and then you get to two, three, four, and five --

2 CHAIRMAN HOLTZMAN: Okay.

3 MR. MINERVINI: -- if the building is
4 60, the additional --

5 CHAIRMAN HOLTZMAN: I want to believe
6 you, but I would like to have our planner double
7 check the math on this, just to make sure that we
8 are adding it up correctly, and if we are signing
9 off on a variance or not, that we get the number
10 right for gosh sakes.

11 MR. ROBERTS: The ground floor -- I
12 think the footprint of the ground floor is
13 definitely a bit larger than the upper floor, so --
14 and we'll double check that.

15 MR. HIPOLIT: Did you -- did you guys
16 turn in your certification of taxes, your disclosure
17 statement?

18 MR. MATULE: I actually pulled them off
19 the internet today, off the city's website.

20 MR. HIPOLIT: What about the disclosure
21 statement?

22 MR. MATULE: Pardon?

23 MR. HIPOLIT: Contribution, disclosure
24 statement?

25 MR. MATULE: Yes, they were filed.

1 That's a checklist item.

2 MR. HIPOLIT: The survey, we have
3 didn't have a good seal on it. Can you get
4 another --

5 MR. MATULE: Survey?

6 MR. HIPOLIT: -- can we get a better
7 one with a good seal on it?

8 You don't have to give it to us now.
9 if you have it, just --

10 MR. MATULE: Yeah. I mean --

11 MR. HIPOLIT: -- Pat just needs one for
12 the file. That's it.

13 MR. MATULE: -- I have to tell
14 Caulfield to squeeze a little harder.

15 (Laughter)

16 MR. HIPOLIT: Tell him to spend the 50
17 bucks to get a better seal.

18 MR. MATULE: But, yes, we can get you a
19 better sealed survey.

20 MR. ROBERTS: I guess, Mr. Chairman,
21 this would be a question for Frank.

22 On number seven on our letter, I am
23 wondering if this has to do with setbacks.

24 We asked about the roof appurtenances
25 because there is really like a three foot setback,

1 that's set back from the property line.

2 Is that because the building is inset?

3 MR. MATULE: Because the building is
4 over five feet --

5 MR. MINERVINI: Already five feet --

6 MR. ROBERTS: So you will reply?

7 MR. MINERVINI: Yes, we --

8 CHAIRMAN HOLTZMAN: Also the setback
9 does not refer -- I mean, because we have had a
10 conversation about this previously. I don't know if
11 that is relative to this application. But like
12 stairwell appurtenances or elevator bulkheads or
13 things like that are okay on the side lot line
14 lot --

15 MR. ROBERTS: On the side.

16 CHAIRMAN HOLTZMAN: -- right?

17 Because we had some issues where there
18 was a question about that previously.

19 MR. ROBERTS: That had happened -- that
20 had come up relatively recently on another
21 application.

22 CHAIRMAN HOLTZMAN: Yeah. On another
23 application. That's not what we are talking about
24 here?

25 MR. ROBERTS: No, I don't think so.

1 CHAIRMAN HOLTZMAN: Okay.

2 MR. ROBERTS: I think it was based on
3 the fact that the appurtenances were right at the
4 roof line, but the roof line is set back five feet
5 from the property line, so they're actually
6 complying with the ordinance.

7 CHAIRMAN HOLTZMAN: Okay.

8 MR. MATULE: It is the confusion by
9 that ground floor design he's on --

10 MR. MINERVINI: Again, it is purely in
11 response to the adjacent building. It would be much
12 easier to come to this -- to design a building that
13 is just rectangular and conforms in every way. In
14 this case, we think it's is a better solution given
15 the site condition.

16 CHAIRMAN HOLTZMAN: I think there was a
17 callout on the curb cut, because obviously this is
18 not going to be a scenario where we got traffic
19 coming in and out simultaneously, so obviously we
20 would like to keep the curb cuts to the minimum of
21 ten feet, if possible --

22 MR. MINERVINI: Yes.

23 CHAIRMAN HOLTZMAN: I think we can do
24 ten. We can do ten as a single.

25 MR. HIPOLIT: Yeah. What we really

1 want is we want to keep the curb cuts as small as
2 you can by maximizing the on-street parking, so --

3 MR. MINERVINI: Understood.

4 MR. HIPOLIT: -- if you show that on
5 your plan --

6 CHAIRMAN HOLTZMAN: Stormwater calcs
7 will be delivered?

8 MR. HIPOLIT: Yes.

9 MR. MINERVINI: Yes.

10 CHAIRMAN HOLTZMAN: Stormwater calcs
11 will be delivered, yes?

12 MR. MINERVINI: Yes.

13 MR. MATULE: If I might, also there was
14 a callout about an alleyway agreement shown on the
15 survey. As a practical matter, when the ownership
16 of all of the lots go into one person, there is a
17 merger, and that goes away --

18 MR. HIPOLIT: Somehow you have to tie
19 that together for us.

20 MR. MATULE: -- yes, we will.

21 And you also asked about the -- there
22 was a note on the survey about Riparian, and my
23 understanding is that there is an application being
24 processed with the Tide Lands Commission for a
25 Riparian grant by the former owner's title insurance

1 company, because apparently somebody missed it in
2 the chain of title --

3 MR. HIPOLIT: Missed it, okay, so --

4 MR. MATULE: -- but it is being -- it's
5 being processed with the State now.

6 MR. HIPOLIT: Yeah. I mean, on both of
7 those items -- that's number nine in our letter --
8 on both of those items, just when you come to the
9 Board, bring that information to the Board, testify
10 to it, or present it in writing, or however you
11 want.

12 We just want to make sure it doesn't
13 get lost in any approval that is given, because that
14 stuff just disappears.

15 MR. MATULE: Okay.

16 CHAIRMAN HOLTZMAN: Phase I?

17 MR. HIPOLIT: I don't -- did you send
18 in a Phase I for this today or not?

19 I don't have a Phase I.

20 MR. MATULE: Yes, I did.

21 CHAIRMAN HOLTZMAN: So it is in the
22 file in transit?

23 MR. MATULE: I emailed it to you
24 earlier and copied the Board Secretary --

25 CHAIRMAN HOLTZMAN: All right. All

1 right. So it hasn't made the distribution then.

2 Okay. All right.

3 MR. MATULE: -- but there were no
4 recognized areas of concern.

5 CHAIRMAN HOLTZMAN: And, Dave, I think
6 there was a callout on your letter of there is a
7 requirement of three parking spots, but there is
8 ten?

9 Did I get that right, or did I write it
10 down wrong?

11 MR. ROBERTS: We have the -- it just
12 says if there is a -- the curb cut for ten spaces
13 seemed excessive, so not necessary --

14 CHAIRMAN HOLTZMAN: So three is the
15 requirement, and ten is what is being proposed?

16 MR. MATULE: That's correct.

17 VICE CHAIR MAGALETTA: Three is
18 required, and you are providing ten.

19 MR. MINERVINI: And there is a reason
20 for that as well.

21 VICE CHAIR MAGALETTA: Yeah.

22 MR. MINERVINI: The building is
23 permitted to have ten units, so when initially the
24 lot coverage was designed via this actual ordinance
25 and parking spaces contribute 200 or so square feet

1 per, the idea was that at 60 percent, you could fit
2 a number of -- at least one to one.

3 Here we have already got a reduction in
4 unit count from ten to eight, but still the larger
5 footprint at ground level.

6 The additional lot coverage that we've
7 got at ground level doesn't add our parking count.
8 If you look at the floor plan, it is basically just
9 a hallway and storage for those parking spaces, so
10 within the 60 percent, even if our ground floor was
11 at 60 percent, we would have ten spaces, so it
12 doesn't seem logical to us to have less parking
13 where we can fit it in without any variances.

14 CHAIRMAN HOLTZMAN: Okay.

15 MR. MATULE: And you can't put anything
16 else there anyway.

17 CHAIRMAN HOLTZMAN: Can't put anything
18 else there anyway, right.

19 VICE CHAIR MAGALETTA: That's for the
20 Board to decide, but thank you for the explanation.

21 MR. MINERVINI: Understood.

22 CHAIRMAN HOLTZMAN: No, that is good.

23 VICE CHAIR MAGALETTA: Before you go --

24 CHAIRMAN HOLTZMAN: Go ahead.

25 VICE CHAIR MAGALETTA: You are looking

1 for a few variances -- a few waivers -- excuse me --
2 hum -- on 31, a soil erosion and control plan, do
3 you want to make that a condition of the signoff, is
4 that what you want to do?

5 MR. MATULE: Yes.

6 VICE CHAIR MAGALETTA: Is that
7 something we usually do?

8 MR. HIPOLIT: No, that's normal.

9 VICE CHAIR MAGALETTA: I don't remember
10 seeing it. That's why I asked.

11 Also, for number 39, conditions for --
12 I'm sorry -- plan for off tract improvements, make
13 that a condition of signoff as well.

14 That is not a big deal, though, right?

15 MR. HIPOLIT: No.

16 So anything that the Board requires,
17 off tract will be a condition of approval, so they
18 don't necessarily know how much we are going to ask
19 for yet.

20 VICE CHAIR MAGALETTA: Okay.

21 MR. MATULE: Yeah. We typically ask at
22 this point for a waiver because we don't know what
23 our off tract improvement obligation will be at this
24 point.

25 VICE CHAIR MAGALETTA: That is why I

1 to have a separation.

2 CHAIRMAN HOLTZMAN: Great.

3 Frank, anything else?

4 VICE CHAIR MAGALETTA: No, that is it.

5 CHAIRMAN HOLTZMAN: Mr. Peene, anything
6 else?

7 COMMISSIONER PEENE: No.

8 CHAIRMAN HOLTZMAN: Okay.

9 And there were some callouts about the
10 generator, which is all standard stuff, which we
11 will address, right?

12 No big issue there.

13 Could you take me quickly through this,
14 and it's more of a hearing type of an issue, but it
15 is eight units, each one is four bedrooms?

16 MR. MINERVINI: The apartments have not
17 been designed, but at 1870 square feet, they can be
18 four-bedrooms --

19 CHAIRMAN HOLTZMAN: Okay.

20 MR. MINERVINI: Just given our width of
21 the property.

22 CHAIRMAN HOLTZMAN: So this is stuff
23 that's not detailed yet from your --

24 MR. MINERVINI: No, and generally, we
25 don't give you a floor plan of the inner.

1 We would suggest it is the most dense
2 use within that apartment. There may be
3 three-bedrooms.

4 VICE CHAIR MAGALETTA: In your
5 write-up, you said there will be four units, so that
6 may change --

7 MR. MINERVINI: Unit change --

8 VICE CHAIR MAGALETTA: -- I mean, I'm
9 sorry, four-bedroom units.

10 MR. MINERVINI: Yeah. At its maximum,
11 so everything that we write is at a maximum. If it
12 is three, and if someone presents and wants giant
13 bedrooms, then I think that should be a fair option
14 to have.

15 VICE CHAIR MAGALETTA: So when you come
16 before the full Board, will you have a determination
17 if it is three-bedroom or four-bedroom?

18 MR. MINERVINI: If the Board wants me
19 to, I can certainly talk to the applicant and have a
20 determination.

21 VICE CHAIR MAGALETTA: I think we need
22 that.

23 MR. HIPOLIT: Yeah. The one thing you
24 can't have is an eight-unit building that now you
25 split it up and make it a nine-unit building.

1 MR. MINERVINI: Understood. Certainly
2 I understand this long enough, and I have been doing
3 this long enough to know we would be back here --
4 no, we wouldn't be here actually, we'd be at the
5 Zoning Board.

6 COMMISSIONER PEENE: Knowing some of
7 the Commissioners, they like the details of how many
8 bedrooms in each unit. You are experienced in that.

9 CHAIRMAN HOLTZMAN: So is it that you
10 are kind of keeping it in flux because it is going
11 to be a condominium type building, and you might
12 have an owner that wants to change the layout or
13 something?

14 MR. MINERVINI: I just gave that as a
15 possibility that has happened in the past.

16 There is no particular reason that it
17 couldn't be four-bedrooms, and it just may be.

18 CHAIRMAN HOLTZMAN: Okay.

19 MR. MATULE: Historically, it has been
20 the recommendation of the prior Board's planners
21 that we don't detail that stuff because --

22 CHAIRMAN HOLTZMAN: And generally, you
23 know that we generally don't drill down into the
24 micro managing on that. Other things we will micro
25 manage to death for sure.

1 But I guess my only concern is, and I
2 think this is important for your presentation about
3 this to the Board is that we are also not creating a
4 building of dormitory rooms, which I am sure that we
5 are not.

6 MR. MINERVINI: At 1870 square feet,
7 even at four bedrooms, you're not going to --

8 CHAIRMAN HOLTZMAN: But I think you
9 need to kind of walk us through --

10 MR. MINERVINI: Understood.

11 CHAIRMAN HOLTZMAN: -- this isn't six
12 bedrooms that are, you know, a hundred square feet
13 each or something like that.

14 MR. MINERVINI: No, understood.

15 And if you would like, I could bring a
16 very simple sketch of a typical apartment, if that
17 helps.

18 CHAIRMAN HOLTZMAN: There you go.

19 MR. MINERVINI: Okay.

20 CHAIRMAN HOLTZMAN: Does that sound
21 like a good --

22 VICE CHAIR MAGALETTA: That is fine
23 with me.

24 CHAIRMAN HOLTZMAN: Anything else,
25 gentlemen?

1 VICE CHAIR MAGALETTA: No.

2 CHAIRMAN HOLTZMAN: Andy?

3 Dave?

4 MR. HIPOLIT: No.

5 MR. ROBERTS: No, they're all --

6 CHAIRMAN HOLTZMAN: Everything seems
7 fairly in order?

8 MR. HIPOLIT: Yes.

9 MR. ROBERTS: I think really everything
10 in the letters are addressed, and we would be ready
11 for it.

12 MR. HIPOLIT: We agree, too.

13 VICE CHAIR MAGALETTA: I think we will
14 deem them complete.

15 COMMISSIONER PEENE: Second.

16 CHAIRMAN HOLTZMAN: Okay.

17 MR. MATULE: Very good. Thank you.

18 As in the previous application, I will
19 check in with Ms. Carcone --

20 CHAIRMAN HOLTZMAN: We will await Ms.
21 Carcone's --

22 MR. MATULE: -- when she returns.

23 (The matter concluded)

24

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C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CCR, CRCR

- - - - -

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

CITY OF HOBOKEN
Subdivision & Site Plan Review
HOP-15-26

- - - - - X
RE: 1000 Jefferson Street : March 9, 2015
Block 99, Lots 1 :
Applicant: Jefferson Urban Rnwl, LP : 7:25 p.m.
Amended Site Plan Review :
- - - - - X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

Chairman Gary Holtzman
Vice Chair Frank Magaletta
Commissioner Ryan Peene

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
Michael O'Krepky, PE CME
Board Engineers

Daisy Amato, Acting Board Secretary

PHYLLIS T. LEWIS
CERTIFIED COURT REPORTER
CERTIFIED REALTIME COURT REPORTER
(732) 735-4522

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

2 DENNIS M. GALVIN, ESQUIRE
3 730 Brewers Bridge Road
4 Jackson, New Jersey 08527
5 (732) 364-3011
6 BY: ANDREW T. LEIMBACH, ESQ.
7 Attorney for the Board.

8 MC CARTER & ENGLISH, ESQS.
9 100 Mulberry Street
10 Newark, New Jersey 07102
11 By: GARY T. HALL, ESQUIRE
12 Attorney for the Applicant.

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1 CHAIRMAN HOLTZMAN: Next up is 1000

2 Jefferson.

3 Mr. Hall?

4 MR. HALL: Yes. Good evening.

5 Unfortunately I got a call from my
6 architect. He is running late. I would ask if you
7 could put somebody ahead of us. I mean, we were
8 here before, which is the main thing. But I do have
9 people from the management company --

10 CHAIRMAN HOLTZMAN: Let's do it one
11 time.

12 Please sit down.

13 MR. HALL: So, thank you.

14 (Other matters heard before the Board)

15 MR. HALL: Mr. Chairman, our witness is
16 now here.

17 CHAIRMAN HOLTZMAN: Who is that?

18 VICE CHAIR MAGALETTA: 1000 --

19 MR. HALL: 1000 Jefferson Street.

20 CHAIRMAN HOLTZMAN: Okay. Sure.

21 Why don't you guys come on up?

22 Just give me a second here for some
23 paperwork.

24 (Board members confer)

25 CHAIRMAN HOLTZMAN: Okay. So we are

1 back to 1000 Jefferson. This is Mr. Hall, correct?

2 MR. HALL: Yes. Thank you, and thank
3 you for your understanding.

4 We were here back in December. We
5 heard your input. In response, we obtained a review
6 of the materials for the 57 Garden Street project
7 that was different, but it was a tough project.

8 We revised the plans, submitted
9 revisions a couple of weeks ago, and hopefully we
10 think we addressed everything that you raised and
11 asked, and I have my architect here again.

12 CHAIRMAN HOLTZMAN: Okay.

13 MR. HALL: I did speak with Mr. Roberts
14 early on briefly and counsel, but I will defer to
15 him.

16 CHAIRMAN HOLTZMAN: Sure.

17 Mr. Roberts, can you start us off with
18 your review letter?

19 MR. ROBERTS: Yes, Mr. Chairman.

20 Mr. Hall has not received a copy of
21 this in advance probably because we were sending
22 them out in bulk, rather than trying to send out
23 review letters to individual attorneys, unless they
24 ask for it.

25 But I did go over some of the comments

1 I had, and basically what had happened is they in
2 their submission, their revised submission, they had
3 letters from the architect, that Mr. Geitz that went
4 through all of our review letters item by item, and
5 so I went through and checked those items.

6 There are a couple of things that we
7 asked for clarification on, like an ownership
8 disclosure letter. There are a number of
9 organizations listed, and we wanted to -- we asked
10 for them to identify anyone that owned ten percent
11 in that, but for the most part --

12 CHAIRMAN HOLTZMAN: Was there some
13 problem in getting that information?

14 I know that went back and forth. Was
15 that --

16 MR. ROBERTS: Well, we did get the
17 ownership disclosure letter, but we were looking for
18 some additional information --

19 CHAIRMAN HOLTZMAN: Right. We got some
20 information, but it seems not a hundred percent?

21 MR. HALL: Well, I just didn't say
22 there is no other -- there are no others, so I think
23 it was just --

24 CHAIRMAN HOLTZMAN: Let's make sure --

25 MR. HALL: -- the form said disclose

1 the first level, the second level, and there is only
2 one level, so we can confirm that for you.

3 CHAIRMAN HOLTZMAN: Let's just confirm
4 it, just so we make sure that we're --

5 MR. HALL: That's fine. But that's a
6 misunderstanding I think. That's all.

7 MR. ROBERTS: And we did, Mr. Chairman,
8 ask for a number of things that had to do with the
9 percentage of the coverage of the roof and a lot of
10 the things that we have been checking on lately.
11 Given the size of this building and the size of the
12 roof, and we did ask for things, for example, like
13 string dimensions, so we could calculate those
14 areas, and we were able to calculate in our letter
15 some of the numbers that we didn't have, so I think
16 we have a much better idea of how big this deck is.
17 It was reduced in size from the original proposal,
18 how it is being laid out, and how it is being
19 accessed.

20 There was also a management plan that
21 we had requested at the last SSP meeting that gets
22 into operational and access to the hours of
23 operation and things like that.

24 So in terms of information that the
25 Board would need to be able to evaluate this

1 application, I think we were satisfied that they
2 have responded to our initial points.

3 CHAIRMAN HOLTZMAN: Okay.

4 I know the first time we saw them there
5 was an issue also with the pergola. Is the pergola
6 gone?

7 MR. HALL: It's gone, yes.

8 CHAIRMAN HOLTZMAN: Right?

9 MR. HIPOLIT: It's gone.

10 MR. HALL: I don't think there is any
11 height issue now.

12 CHAIRMAN HOLTZMAN: I know that the --
13 I won't try to be too snarky about this, but we got
14 fire pits, grills, sinks, ice makers, bar seating, a
15 misting system, shuffleboard, fooseball, billiards,
16 outdoor showers and TVs, and I saved that one for
17 last because we definitely have an issue with
18 amplified sounds outside.

19 So there's going to be TVs with no
20 sound or --

21 MR. GEITZ: Just to --

22 CHAIRMAN HOLTZMAN: -- so before we
23 even get any further down the line with the TVs --

24 MR. GEITZ: -- sure.

25 If I could, the redesign of what we

1 have come up with has done a number of things.
2 Gaming has been taken out of the venue, okay? So no
3 shuffleboard, no pool table, no fooseball tables.
4 It is literally lounge socialization space.

5 We have reduced the footprint by 647
6 square feet. In doing that, we have --

7 CHAIRMAN HOLTZMAN: So what are we at
8 now?

9 MR. GEITZ: We are at 3,086. We were
10 at 3733 in our first review.

11 We have omitted the light posts because
12 they were related to the shuffleboard court. We
13 were trying to illuminate that, so that is no longer
14 part of the project. We are only proposing bollard
15 lighting, which is down low, as you know, and it is
16 strictly to code for egress as well.

17 We have omitted one of the fire pits
18 that we had before. We had three. We are proposing
19 two right now.

20 CHAIRMAN HOLTZMAN: Okay. Let's stop
21 right there.

22 Mr. Hipolit, I think in your review
23 letter there was a specific callout about timers --

24 MR. HIPOLIT: Yes.

25 CHAIRMAN HOLTZMAN: -- and 30 minutes

1 versus hour timers, and you guys saw that in the
2 review letter?

3 MR. GEITZ: Yes. We have addressed
4 that --

5 CHAIRMAN HOLTZMAN: Is that -- do we
6 know where --

7 MR. GEITZ: -- yes, we have addressed
8 that.

9 CHAIRMAN HOLTZMAN: Okay. Which would
10 be the same thing on timers on barbecues or anything
11 else, right?

12 MR. GEITZ: Exactly, exactly.

13 CHAIRMAN HOLTZMAN: Okay.

14 The specifications, we submitted
15 engineering documents that also had cut sheets on
16 the timers, both grills and fire pits, as part of
17 our package that went in.

18 CHAIRMAN HOLTZMAN: Okay.

19 MR. GEITZ: And in regards to the
20 televisions, the televisions are still proposed at
21 this time. The sound that would come from them is
22 simply from the televisions themselves. They are
23 inboard on the roof. They are set at eye level for
24 viewing at this type of distance, and that is what
25 is still proposed at this time.

1 We don't see that as anything up on the
2 roof with the parapet walls all around us as any
3 issue of noise being let go to other properties that
4 might be bordering us.

5 MR. HIPOLIT: I think if the TVs are
6 left, and the Board so sees fit, there would need be
7 a condition about no modifications to the speakers
8 or amplification --

9 MR. GEITZ: I agree.

10 MR. HIPOLIT: -- so a regular TV
11 doesn't get that loud, but if you added other
12 speakers, like an O-System or something like that, I
13 could make my TV a hundred times louder, so that's
14 where the problem is.

15 CHAIRMAN HOLTZMAN: Yeah. I believe it
16 is in conflict with our noise ordinance.

17 MR. HIPOLIT: It's definitely.

18 MR. HALL: I'm sorry. I didn't hear
19 you.

20 CHAIRMAN HOLTZMAN: I believe it is in
21 conflict with our noise ordinance about amplified
22 music, or sound or anything else. Because what I --
23 and the Board can make the decision, but this is my
24 opinion. I think it is in conflict with our noise
25 ordinance. We will have our planner pull it out to

1 the letter of the law to review it.

2 Because what I can envision up here is
3 a bunch of guys sitting up there for a game, and
4 what ends up happening is like we have in some of
5 our outdoor cafes that have the TVs, the crowd
6 hanging around, and the cheering and shouting and
7 yelling is louder than the TV, and now this is
8 sound, and everything else coming off the rooftop of
9 a deck.

10 MR. HALL: We will revisit that.

11 CHAIRMAN HOLTZMAN: That's my personal
12 opinion.

13 MR. HALL: I understand. I understand.

14 CHAIRMAN HOLTZMAN: Mr. Peene?

15 COMMISSIONER PEENE: I just wanted to
16 state for the record that I live at the corner of
17 11th Street and Adams -- and Jefferson Street. My
18 apartment is really 1100 Adams, and I live at that
19 corner, and I look up on that rooftop, so I wanted
20 to appreciate you going with the lower lighting --

21 MR. GEITZ: Sure.

22 COMMISSIONER PEENE: -- and anything
23 that can be done to mitigate the effects in the area
24 would be greatly appreciated for the neighbors.

25 MR. HIPOLIT: How are you handling the

1 trash and recycling on the roof?

2 MR. GEITZ: Excuse me?

3 MR. HIPOLIT: Trash and recycling on
4 the roof.

5 MR. GEITZ: That would be through the
6 management plan. We happen to have somebody here
7 from --

8 MR. HIPOLIT: No, we don't need to --

9 CHAIRMAN HOLTZMAN: No, we don't
10 want --

11 MR. HIPOLIT: -- necessarily have
12 testimony. We just need some locations for
13 receptacles.

14 MR. GEITZ: Receptacles are in fact
15 located on the furniture plan, and management would,
16 of course, take care of that on a daily basis.

17 MR. HIPOLIT: Okay.

18 CHAIRMAN HOLTZMAN: Have we seen this
19 management plan yet?

20 MR. HALL: It was submitted several
21 weeks ago. I'm sorry, I don't know when it went
22 out.

23 CHAIRMAN HOLTZMAN: Okay. I don't
24 remember seeing a copy of it, but I think we need to
25 make a fairly good compare and contrast with some of

1 the other management plans that we looked at for
2 apartment buildings, outdoor decks, so if we can
3 kind of be prepared for that.

4 Mr. Magaletta, anything else?

5 VICE CHAIR MAGALETTA: No. I just
6 wanted to make sure -- I understand you are trying
7 to answer all of the questions of the engineers, and
8 to have it in completely blue print, it was tough
9 for me to follow, but if they are satisfied, I think
10 we are okay.

11 Are you?

12 MR. HIPOLIT: Yeah. I think the
13 dominant issue is like testimony for you, so that
14 they testify to operations, how they control people
15 getting on and off, shutting off the grills and
16 turning them up, how you're picking up the garbage
17 and trash, how you are controlling a crowd that gets
18 too irate and noisy up there. You know, they need
19 that. The operation of the deck is more of a
20 problem than the functional design.

21 I mean, I think they have answered a
22 lot of your hard questions.

23 VICE CHAIR MAGALETTA: And those
24 responses will be -- my problem is this, because
25 when the Board members see there is a couple of

1 different sheets that have, you know, a couple of
2 different responses, will there be one document to
3 answer all of those questions?

4 MR. HIPOLIT: Should be.

5 MR. HALL: And there could be notes on
6 the plan. That's perhaps a common way to pull it
7 together.

8 VICE CHAIR MAGALETTA: Exactly. That's
9 what I'm looking for.

10 MR. HIPOLIT: You can put notes with a
11 little bubble around it or put a cloud around them,
12 so the Board knows what they are.

13 Again, and I think I told you this
14 before, we don't want our police department or fire
15 department --

16 MR. HALL: We don't want that either.

17 MR. HIPOLIT: -- to have to control the
18 noise, and everything that you do to show us that,
19 whether it be like patrolling like your grills and
20 gas things, your TV -- whatever it may be, the more
21 you can put on there, so we are not your police, the
22 better.

23 MR. HALL: Understood.

24 VICE CHAIR MAGALETTA: Okay.

25 MR. GEITZ: The management plan that

1 was submitted is quite detailed --

2 VICE CHAIR MAGALETTA: No, that I saw.

3 MR. GEITZ: Okay.

4 VICE CHAIR MAGALETTA: I don't mean
5 that -- I mean on your reports in response to their
6 reports, you put in blue print where your response
7 is, and again, it is a lot to try to piece together
8 what they said going back and forth --

9 MR. GEITZ: Sure.

10 VICE CHAIR MAGALETTA: -- I like it in
11 one spot, so when I read it, it is clear. It's
12 linear. That's all.

13 MR. HALL: You prefer it on the plan
14 and in the document or --

15 MR. HIPOLIT: Yeah, the more -- yes,
16 the more you put on the plan, the better because --

17 MR. HALL: Yes, I know --

18 MR. HIPOLIT: -- the management plan
19 will get lost when it comes to the outside --

20 MR. HALL: -- everything else gets
21 lost, I know.

22 MR. HIPOLIT: -- right. The plans are
23 always there. So when we pull them from the
24 building department, the zoning --

25 MR. HALL: Exactly.

1 MR. HIPOLIT: -- so the more you can
2 put on there for control purposes, the better.

3 CHAIRMAN HOLTZMAN: You are saying like
4 put them in a little bubble cloud?

5 MR. HIPOLIT: A bubble or a cloud,
6 yeah.

7 MR. HALL: To call them out for the
8 purposes of your --

9 MR. HIPOLIT: Absolutely.

10 MR. GEITZ: Okay. No problem.

11 MR. HALL: I understand.

12 MR. ROBERTS: Mr. Chairman, just in
13 response to your question, the management plan was
14 prepared by Gray Star, who is the management
15 company, dated February 19th, 2016, and it consists
16 of about two and half pages itemized per item --

17 CHAIRMAN HOLTZMAN: Okay. All right.

18 MR. HALL: They have other buildings in
19 town that are listed there --

20 CHAIRMAN HOLTZMAN: Okay. And they --

21 MR. HALL: -- and one last thing real
22 quickly.

23 I think the one thing, and I tried to
24 bring it up last time, we requested a waiver of
25 doing the traffic plan. I don't think anybody

1 specifically said --

2 MR. HIPOLIT: No. I think what has to
3 happen is because you have a roof deck, and the roof
4 deck is for the use of your residents --

5 MR. HALL: Right.

6 MR. HIPOLIT: -- but unless you testify
7 to that, and you talk about that, we don't know that
8 you are not renting this deck out to somebody else.

9 MR. HALL: Okay. I understand. The
10 people only --

11 MR. HIPOLIT: Right. You need to
12 testify it's for your group only in your building,
13 and that you're not going to have outside parties
14 there, and that there will be no change in traffic.
15 That's --

16 MR. HALL: I understand.

17 CHAIRMAN HOLTZMAN: No wedding
18 receptions, right?

19 (Laughter)

20 MR. HALL: I just wanted to make sure
21 for technical completeness reasons --

22 CHAIRMAN HOLTZMAN: No, no, no. Don't
23 worry about it --

24 MR. HIPOLIT: If you were going to rent
25 the deck out to outside agencies, it might have a

1 traffic impact.

2 MR. HALL: And even if you give us a
3 waiver, obviously if an issue comes up, that doesn't
4 prevent you from asking for us to do something.

5 CHAIRMAN HOLTZMAN: Okay.

6 MR. HALL: It's just so we can get to
7 the full Board. That's all.

8 Thank you.

9 CHAIRMAN HOLTZMAN: Yup.

10 So are we okay with moving them
11 forward, gentlemen?

12 VICE CHAIR MAGALETTA: I am, yes.

13 CHAIRMAN HOLTZMAN: Mr. Peene?

14 COMMISSIONER PEENE: I just wanted to
15 state for the record, I should probably abstain from
16 this application given my --

17 CHAIRMAN HOLTZMAN: Well, recuse
18 yourself, yes.

19 MR. HALL: This isn't a formal hearing,
20 so --

21 (Commissioners talking at once)

22 CHAIRMAN HOLTZMAN: No, no, don't worry
23 about it --

24 COMMISSIONER PEENE: -- right. I know,
25 but in the future, while I was not noticed, I know

1 I'm definitely within the --

2 (Commissioners talking at once.)

3 CHAIRMAN HOLTZMAN: So you are somewhat
4 aware of our crazed calendar and that --

5 MR. HALL: I heard about it from the
6 other --

7 CHAIRMAN HOLTZMAN: -- our secretary is
8 not here at the moment. She's on vacation --

9 MR. HALL: So we should check with her?

10 CHAIRMAN HOLTZMAN: -- so we are going
11 to probably have -- you should check with her.

12 Daisy, when does Pat get back?

13 MS. AMATO: I believe tomorrow.

14 CHAIRMAN HOLTZMAN: Oh, she's going to
15 be up to her ears, I'm sure.

16 But, yeah, please check back with Pat.

17 MR. HALL: She has been very
18 cooperative and responsive.

19 CHAIRMAN HOLTZMAN: Yeah, and I don't
20 want to guess as to where things would fall on the
21 calendar.

22 MR. HALL: That's fine. We'll check
23 with her.

24 CHAIRMAN HOLTZMAN: Great.

25 Thank you, gentlemen.

1 MR. HALL: Thank you.

2 Have a good night.

3 CHAIRMAN HOLTZMAN: There was -- they
4 had responded -- Andy and Dave, they had responded
5 specifically, and I pulled it out with a response
6 from the fire department. It was like one of their
7 responses to fire marshal approval, where they
8 attempted to get fire marshal approval, but they
9 said that the fire marshal said we don't approve
10 this.

11 MR. HIPOLIT: The fire marshal said in
12 that email that we will review and approve it once
13 the -- when the application for the building is
14 submitted, we won't do it now.

15 CHAIRMAN HOLTZMAN: Okay. So can we
16 just make sure we make a note of that during the
17 hearing and address that issue as to how that gets
18 followed up on and whose jurisdiction that is?

19 MR. HIPOLIT: It would be fire marshal
20 approval and jurisdiction, so when they submit an
21 application -- every application that comes from the
22 city is reviewed by the fire marshal a hundred
23 percent.

24 CHAIRMAN HOLTZMAN: Okay.

25 And also, we wanted -- I think we were

1 working on some different issues regarding the
2 occupancy.

3 MR. ROBERTS: 40 versus -- you know --

4 CHAIRMAN HOLTZMAN: Right? Let's make
5 sure we --

6 MR. ROBERTS: That is in the master
7 plan as well, 40 --

8 CHAIRMAN HOLTZMAN: -- pin that down,
9 so that's a hundred percent.

10 MR. HIPOLIT: He could put that on the
11 plan, so it is more clear.

12 (The matter concluded)

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C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CCR, CRCR

 PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300
 Notary Public of the State of New Jersey
 My commission expires 11/5/2020.
 Dated: 3-10-16
 This transcript was prepared in accordance with
 NJAC 13:43-5.9.

CITY OF HOBOKEN
Subdivision & Site Plan Review

----- X
SUBDIVISION AND SITE PLAN REVIEW : March 9, 2016
COMMITTEE MEETING OF THE :
CITY OF HOBOKEN : 7:02 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 Ryan Peene

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
Michael O'Krepky, PE CME
Board Engineers

Daisy Amato, Acting Board Secretary

PHYLLIS T. LEWIS
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A P P E A R A N C E S:

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

1 CHAIRMAN HOLTZMAN: We're going to call
2 an audible here for a second.

3 Could I ask Mr. Minervini and Mr.
4 Matule to come up for a second?

5 MR. MINERVINI: You're taking a project
6 or --

7 CHAIRMAN HOLTZMAN: No, just for your
8 lovely selves.

9 THE REPORTER: Is this on the record?

10 CHAIRMAN HOLTZMAN: Yeah, sure. Why
11 not?

12 From the two previous applications that
13 were deemed complete, there was -- I am not trying
14 to be a pain in the neck, a lot of things on the
15 review letters, so what we are having a problem with
16 the Commissioners and with our professionals and
17 also other people that are picking these things up
18 is how are we keeping track of what is actually
19 getting addressed and what is not.

20 I am told that you do a pretty good job
21 of it because you put the things in the bubble as to
22 what is changing --

23 MR. MINERVINI: Yes, I do.

24 CHAIRMAN HOLTZMAN: -- and I just want
25 to make sure that we are doing that, so that

1 everybody isn't seeing three versions of the same
2 plans and getting lost in the sauce as to what was
3 done, what wasn't done and trying to keep their own
4 personal checklists.

5 MR. HALL: If I might add to that, what
6 Mr. Minervini's office generally does, besides
7 calling out the changes in the bubbles, is sometimes
8 listing them on the first sheet of the plans, and
9 they generally accompany it with a standalone memo
10 that lists --

11 CHAIRMAN HOLTZMAN: Okay.

12 MR. HIPOLIT: Are you guys going --

13 CHAIRMAN HOLTZMAN: I just wanted to
14 make sure that we continue to do that because it is
15 all getting to be a little too much for everybody.

16 Thank you.

17 MR. MATULE: Okay.

18 Thank you.

19 (Continue on next page)

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CITY OF HOBOKEN
Subdivision & Site Plan Review
HOP-16-6

- - - - - X
RE: 462 Newark Street : March 9, 2016
Block: 18, Lot 2 :
Applicant: 462 Newark Street, LLC : 7:50 p.m.
Minor Site Plan Review & Variances :
- - - - - X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

Chairman Gary Holtzman
Vice Chair Frank Magaletta
Commissioner Ryan Peene

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

David Glynn Roberts, AICP/PP, LLA, RLA
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Board Engineers

Daisy Amato, Acting Board Secretary

PHYLLIS T. LEWIS
CERTIFIED COURT REPORTER
CERTIFIED REALTIME COURT REPORTER
(732) 735-4522

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

2 LAW OFFICE OF DENNIS M. GALVIN
3 730 Brewers Bridge Road
4 Jackson, New Jersey 08527
5 (732) 364-3011
6 BY: ANDREW T. LEIMBACH, ESQUIRE
7 Attorney for the Board.

8 ROBERT C. MATULE, ESQUIRE
9 Two Hudson Place (5th Floor)
10 Hoboken, New Jersey 07030
11 Attorney for the Applicant.

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1 CHAIRMAN HOLTZMAN: Where are we?

2 We are at 462 Newark.

3 MR. MATULE: Good evening, Mr.

4 Chairman.

5 CHAIRMAN HOLTZMAN: Mr. Matule.

6 MR. MATULE: Robert Matule, appearing
7 on behalf of the applicant.

8 This is an application for actually
9 demolition of an existing building and construction
10 of a new building with four residential units over
11 the existing commercial space, and Domino's is going
12 to return to the space, assuming it is rebuilt.

13 CHAIRMAN HOLTZMAN: Okay.

14 Where to start with this one, this one
15 is a difficult one.

16 Mr. Hipolit, would you like to start us
17 off at some point?

18 MR. HIPOLIT: If you want me to.

19 So you have our March 4th letter?

20 MR. MATULE: Pardon?

21 MR. MC NEIGHT: Yes.

22 MR. MATULE: I have your March 4th
23 letter, and I have Mr. Roberts' March 3rd letter,
24 and I also have the Flood Plain Administrator's
25 March 2nd letter, all of which indicate some tidying

1 up is in order.

2 CHAIRMAN HOLTZMAN: That would be an
3 understatement, Mr. Matule.

4 MR. HIPOLIT: Yeah. There are a number
5 of items.

6 CHAIRMAN HOLTZMAN: The thing that
7 struck me that was most troubling was the complete
8 disregard for our flood hazard mitigation ordinance
9 in the planning and design of this building
10 whatsoever. It would seem that Mr. McNeight either
11 chose to ignore it or has not brushed up yet on our
12 flood ordinance.

13 MR. MATULE: I will let Mr. McNeight
14 respond to that.

15 MR. MC NEIGHT: We will address the
16 flood coordinator's comments.

17 MR. MATULE: I know my client has had
18 some conversations with the Flood Plain
19 Administrator about a couple of the items in her
20 letter that are moving targets right now in terms of
21 like the things under the stairwell and that, and
22 they are working those out.

23 CHAIRMAN HOLTZMAN: Well, the complete
24 lack of any flood design issues for retail space,
25 specifically a restaurant space, whether it was

1 going to and would need to be dry flood proofed for
2 a restaurant.

3 Also, the fact that we have to have our
4 professionals call out that the architect even got
5 the scale wrong on the plans, I would think that was
6 day one in architecture school to get that right.

7 MR. MATULE: I understand.

8 MR. HIPOLIT: I think -- I think
9 different than some of the applications that you
10 just had five minutes ago, if you look at some of
11 the other plans we saw and some of the other
12 applications, a lot of this stuff is tied together
13 from the Flood Plain Manager's comments, they're
14 relatively minor, a lot of our comments are there,
15 but they are all addressable.

16 These comments are a lot from her
17 letter to our letter and I'm sure Dave's letter, the
18 comments are a lot bigger. I think you need to --
19 in my opinion, I think you need to address these
20 before being heard. The calendar is full anyway.

21 CHAIRMAN HOLTZMAN: Well, the other
22 problem is that the callouts here on all three of
23 our professionals' letters are substantial enough,
24 where to resolve --

25 MR. HIPOLIT: Right. It could

1 change --

2 CHAIRMAN HOLTZMAN: -- callouts, they
3 definitely are going to. Not maybe --

4 MR. HIPOLIT: Yeah.

5 CHAIRMAN HOLTZMAN: -- they are going
6 to change the design of the building --

7 MR. HIPOLIT: I agree.

8 CHAIRMAN HOLTZMAN: -- otherwise, this
9 thing doesn't got off first base.

10 MR. HIPOLIT: I agree with that.

11 MR. MATULE: Yes. I think we definitely
12 need to revise the plans to respond to these letters
13 and come back to the work session next month --

14 CHAIRMAN HOLTZMAN: Okay.

15 Thanks.

16 VICE CHAIR MAGALETTA: Thank you.

17 MR. MATULE: -- which we will do.

18 Thank you.

19 CHAIRMAN HOLTZMAN: Thank you.

20 (The matter concluded.)

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C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CCR, CRCR

- - - - -

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

CITY OF HOBOKEN
Subdivision & Site Plan Review
HOP-16-7

- - - - - X
RE: 118-120 Madison Street : March 9, 2015
Block 28, Lots 25-26 :
Applicant: TST Madison, LLC : 8 p.m.
Minor Site Plan Approval & Variances :
- - - - - X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

Chairman Gary Holtzman
Vice Chair Frank Magaletta
Commissioner Ryan Peene

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
Michael O'Krepky, PE CME
Board Engineers

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6 BY: ANDREW T. LEIMBACH, ESQ.
7 Attorney for the Board.

8 JOHN J. CURLEY, LLC
9 Harborside Financial Center
10 1202 Plaza Ten
11 Jersey City, New Jersey 07311
12 BY: JOHN J. CURLEY, ESQ.
13 Attorney for the Applicant.

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1 CHAIRMAN HOLTZMAN: 118 Madison.

2 Mr. Curley, good evening.

3 MR. CURLEY: Good evening.

4 John J. Curley, C-u-r-l-e-y, for the
5 applicant.

6 Chairman, we are back with the same
7 property with a different design.

8 It is a 50 by 100 lot. The proposal is
9 to have four dwelling units on it with parking on
10 the lower level.

11 There are two variances being sought.
12 One has to do with the facade ordinance, and the
13 second one has to do with the height and the
14 accessibility of the handicapped van, the need for a
15 little bit of head room to park it.

16 CHAIRMAN HOLTZMAN: Uh-huh.

17 MR. CURLEY: Other than that, I think
18 that the application is complete.

19 We have not yet received any comment
20 letters.

21 MR. HIPOLIT: You didn't get our March
22 4th letter?

23 MR. CURLEY: Excuse me?

24 MR. HIPOLIT: You didn't get our March
25 4th letter?

1 MR. MINERVINI: I didn't get a March
2 4th letter.

3 CHAIRMAN HOLTZMAN: I have three
4 professional review letters on this application.

5 MR. MINERVINI: I do have the Flood
6 Plain Administrator's.

7 MR. CURLEY: That is the only one I
8 have.

9 CHAIRMAN HOLTZMAN: Mr. Roberts?

10 MR. ROBERTS: Again, Mr. Chairman, I
11 think we sent all of these letters out in bulk, all
12 of the letters that we did for this entire meeting.
13 We did copy Pat, but we didn't put every single
14 attorney on that email because then they would get
15 all of the letters --

16 CHAIRMAN HOLTZMAN: Okay.

17 MR. ROBERTS: -- we did do a letter,
18 but --

19 CHAIRMAN HOLTZMAN: Mr. Minervini, if
20 you are just receiving it, please don't try to read
21 through it at this point.

22 MR. MINERVINI: As you were speaking, I
23 thought I would catch up.

24 (Laughter)

25 CHAIRMAN HOLTZMAN: Unfortunately, this

1 letter has -- all of the letters have it seems a
2 great deal of concern, and I think in this case it
3 might actually be sloppy work because what it seems
4 like in Mister --

5 MR. MINERVINI: I don't believe it.

6 CHAIRMAN HOLTZMAN: -- right. I don't
7 believe it either.

8 MR. MINERVINI: I really don't believe
9 it --

10 CHAIRMAN HOLTZMAN: I believe that it
11 is -- well, from the professionals' letters that I
12 read, it seems like what we have is a scenario where
13 we took the last application, and we did a lot of
14 chopping and cutting and pasting, and a lot of the
15 things from the previous application still got left
16 on the page.

17 MR. MINERVINI: And what point
18 specifically makes you think that?

19 I have not read this yet, so --

20 MR. HIPOLIT: I think if you look more
21 to the latter letter, like in the 30s pages, let's
22 go back to like page 7 and keep going there. There
23 is just a lot of inconsistency. It's nothing crazy,
24 but a lot of stuff that is just inconsistent.

25 Again, at least in my opinion, I think

1 with reference to this application, you have
2 enough -- your agenda is so busy --

3 VICE CHAIR MAGALETTA: I mean, he is
4 just getting the letters now.

5 MR. HIPOLIT: Right. He's just getting
6 the letter now --

7 CHAIRMAN HOLTZMAN: And he is just
8 getting the letters now. It is not fair to them.

9 MR. HIPOLIT: -- it's not fair to them.
10 And I think if they just schedule it for the next
11 work session, they could clean this up, at least
12 from my perspective, and I don't know what Dave's
13 perspective is, and you can clean it up with respect
14 to Ann's letter, the Flood Plain Administrator's
15 letter, I think it would be good. And I think you'd
16 be able to schedule it for a hearing right away.

17 CHAIRMAN HOLTZMAN: Well, your letter
18 goes into a great deal of concern regarding
19 environmental issues.

20 MR. HIPOLIT: Right.

21 CHAIRMAN HOLTZMAN: And we never got
22 that far the last time we were dealing with this
23 property.

24 So what is it that we need to resolve
25 here because this was -- obviously this is

1 acknowledged as a previous industrial site of a
2 couple of different uses of the site, and there are
3 reports that show --

4 MR. HIPOLIT: Yeah. There's a --

5 CHAIRMAN HOLTZMAN: -- definite
6 contamination of different issues like lead and --

7 MR. HIPOLIT: Yeah.

8 Comment 28 in our letter covers some
9 pretty tough stuff on this site. I'm not saying you
10 can't -- you can't hurdle it, but I think it would
11 be great for the board to have a little more detail
12 on what that is, because it covers everything from
13 lead to all kinds of good stuff in there, and we
14 have --

15 MR. CURLEY: I don't recall which
16 reports you got the last time.

17 Have you kept them or do you need new
18 ones?

19 MR. HIPOLIT: Joe -- you know, you met
20 Joe Torlucci from our office, and then Joe Torlucci
21 from our office, our LSRP, reviewed it. He had some
22 concerns. There's definitely -- we outlined it in
23 (a) through (g) in this letter, so it would be 28(a)
24 through (g).

25 I think you guys really should look

1 into that and come back with that, at least some
2 more information. I think you need -- it looks like
3 you needed a more detailed environmental report for
4 this site, in my opinion, but I mean, the comments
5 are there. You can clarify them --

6 CHAIRMAN HOLTZMAN: And come back to
7 us. We have had sites previously, where there was
8 still serious contamination, but there were
9 obviously solutions with capping, so the Board is,
10 you know, pretty well versed in this, and we have
11 got a team that is very well versed in this and --

12 MR. HIPOLIT: You may have -- you know
13 what ISRA is, ISRA issues, you may have some ISRA
14 issues on that site. You might have some issues
15 with that with respect to what you actually followed
16 or didn't follow and were supposed to follow or not.

17 MR. CURLEY: I think perhaps if you
18 could send me an email telling me what reports you
19 have.

20 MR. HIPOLIT: I have that in the letter
21 I just gave him. I believe he calls it out, but let
22 me -- I will get you that. I'll get it.

23 MR. CURLEY: See, we didn't get far
24 enough into the environmental the last time. There
25 were other reports.

1 MR. HIPOLIT: Okay.

2 VICE CHAIR MAGALETTA: So what did you
3 say? You didn't get far enough -- and what was
4 that?

5 MR. CURLEY: Excuse me?

6 VICE CHAIR MAGALETTA: I didn't hear
7 the rest of that sentence. What did you say?

8 You didn't get far into the hearing --

9 MR. CURLEY: We didn't get far enough
10 to go through the environmental at the last
11 application. There are additional reports that I
12 don't think Mr. Hipolit has.

13 VICE CHAIR MAGALETTA: Thank you.

14 CHAIRMAN HOLTZMAN: Right.

15 And the professional's letter calls out
16 issues of previously gas and oil tanks on the site,
17 a carpet dyeing concern, and lead in the soil, so we
18 need to figure out what this is, and if there is
19 capping that is required.

20 MR. HIPOLIT: And how do you cap it and
21 why.

22 CHAIRMAN HOLTZMAN: Show us and tell
23 us, yeah.

24 MR. HIPOLIT: I mean, Joe looked at
25 this. He had a Phase I for the site, so he looked

1 at the Phase I provided by you guys, I'm assuming.
2 I'll look in here and see if we have it, and then he
3 also -- Joe would go onto the DEP websites and go
4 through all of the OPRA cases you have on it, so he
5 talked about all those, too. There is a lot. I
6 mean, actually this is the most we ever had for any
7 site, other than Hoboken Cove. That is the most we
8 had.

9 CHAIRMAN HOLTZMAN: Okay. So we need
10 to really get that buttoned up.

11 What about this wall that still stands,
12 that doesn't seem to serve, unless there is
13 something that I am missing, that does not seem to
14 serve any purpose since it doesn't make your
15 previous argument of retaining some part of the
16 structure, that ship has sailed. We are on to a new
17 application, so let's try to treat it as such.

18 MR. MINERVINI: The thought process
19 with this application was after hearing at the last
20 hearing the adjacent neighbor to the north coming
21 and really wants us to keep that section of the
22 brick wall, that is her -- right now it's her
23 privacy, but it is a 20 foot high wall, we thought
24 we would keep it just to be a good neighbor, but we
25 certainly don't have to, and there is no requirement

1 to.

2 CHAIRMAN HOLTZMAN: Right. The fence
3 maximum height is six feet.

4 MR. MINERVINI: Understood.
5 Understood.

6 CHAIRMAN HOLTZMAN: So would that then
7 mean that it makes everybody's life easier, and the
8 wall goes away?

9 MR. MINERVINI: I think it would
10 certainly make the applicant's life easier, and the
11 architect's life easier, yes.

12 CHAIRMAN HOLTZMAN: And the
13 construction official as well, who doesn't like the
14 way it smells either.

15 MR. MINERVINI: Yes.

16 CHAIRMAN HOLTZMAN: So the chimney
17 still stands, and this becomes more of an esthetic
18 issue I guess at this point.

19 MR. MINERVINI: Purely esthetic.

20 MR. CHARTIER: Can I say something?

21 CHAIRMAN HOLTZMAN: Sure.

22 VICE CHAIR MAGALETTA: Identify
23 yourself, please.

24 MR. CHARTIER: The chimney and the
25 walls are planned to be demolished. We were just

1 waiting for direction from you guys.

2 CHAIRMAN HOLTZMAN: Okay. That makes
3 the LSRP's concern easier also because his concern
4 was that you had a chimney and what the heck got
5 burned up in it, and what's underneath the chimney,
6 you know, soil and things like that, so that makes
7 everybody's life easier.

8 MR. ROBERTS: Mr. Chairman, if that is
9 the case, then I have a question because the
10 funnelation appeared to be very similar or if not
11 exactly the same as the last application --

12 MR. MINERVINI: It's staying as is.
13 The plan is to -- not the chimney --

14 MR. CHARTIER: No. We are demolishing
15 it.

16 MR. MINERVINI: -- yes, I understand.
17 The elevation is staying the same. We
18 are planning to design it, so that as if the chimney
19 were still there.

20 CHAIRMAN HOLTZMAN: So the brick that
21 we see on the elevation plan is like a simulated
22 chimney?

23 VICE CHAIR MAGALETTA: It's brand new?

24 MR. MINERVINI: It's all new.

25 CHAIRMAN HOLTZMAN: But it's not an

1 actual chimney.

2 MR. MINERVINI: It's not an actual
3 chimney, purely architectural.

4 CHAIRMAN HOLTZMAN: So it's simulating
5 what was there --

6 MR. MINERVINI: Correct.

7 CHAIRMAN HOLTZMAN: -- to give some
8 reflection to the past, right?

9 MR. MINERVINI: Correct. That is the
10 concept.

11 CHAIRMAN HOLTZMAN: Okay.

12 MR. ROBERTS: So then our points
13 before, which Frank obviously hasn't seen yet, has
14 the chimney, and we can disregard that because now
15 we know it is not being --

16 MR. MINERVINI: Okay.

17 MR. HIPOLIT: The report we have is
18 Atlantic Environmental, July 2013, Phase I, so Joe
19 will have that report and then he pulled off the DEP
20 website a whole host of --

21 CHAIRMAN HOLTZMAN: So have you guys
22 provided them with the same references from what
23 these open DEP cases are?

24 MR. HIPOLIT: Joe's letter outlines
25 them all.

1 CHAIRMAN HOLTZMAN: Joe's letter
2 outlines them all.

3 MR. HIPOLIT: Joe outlines them.

4 If you want more information, I can put
5 you in touch with Joe, and your guy can talk to him
6 directly, but I mean, I have 20 files in my server,
7 where he pulled stuff off of the DEP tracking.
8 There is a lot of them.

9 CHAIRMAN HOLTZMAN: Okay.

10 MR. ROBERTS: Mr. Chairman, just one
11 more thing. I will give my letter to Frank as well.
12 Again, my apologies to you, with Pat not being here,
13 a lot of follow-up with the applicants didn't happen
14 that normally does.

15 But there was really only one callout
16 that I thought I would make while they're here, and
17 that had to do with the green roof and the deck
18 calculations, and that's why -- especially since we
19 have an application for the Hoboken Cove, which we
20 spent a lot of time talking about the roof, the
21 green roof over the mechanical penthouse.

22 Frank had proposed and actually broken
23 out, there are green roofs over the bulkhead. There
24 is also a green roof on the upper deck -- on the
25 upper roof. He has calculated them separately, and

1 I just wanted to confirm that 52 percent in the
2 calculation, it was much more helpful than we had at
3 Hoboken Cove, is whether it includes the bulkhead
4 roof or that bulkhead calculation is separate from
5 the --

6 MR. MINERVINI: That is included in the
7 total 52 percent.

8 MR. ROBERTS: Okay. Because we kind of
9 came to a conclusion at the last hearing that
10 anything that is not on the upper roof surface, even
11 though it might be green, whether that would be
12 counted or not. I think the Board kind of moved
13 towards we should not count it.

14 MR. MINERVINI: I, of course, was at
15 that meeting. What I took out of that meeting, and
16 by the way, these plans were certainly in much
17 before that meeting --

18 CHAIRMAN HOLTZMAN: Uh-huh.

19 MR. MINERVINI: -- and what I took out
20 of that meeting was in that particular case, where
21 the bulkheads were used for more than just
22 mechanical uses, then they should not be allowed to
23 be used, but in this case they are the appurtenances
24 that are required. You got the roof for the
25 elevator as well as the single stair. Also, I --

1 CHAIRMAN HOLTZMAN: Frank, we're
2 talking about like two per -- is it 50 percent on
3 the roof and two percent on the bulkheads?

4 MR. MINERVINI: It's slightly more than
5 that, but not much more than that.

6 And just to continue, when we started
7 doing these calculations, I had a discussion with
8 the Zoning Officer, because I wasn't very clear, and
9 this was the direction that was given, and I think
10 it still makes sense with this type of a project. I
11 certainly get the Board's interpretation to a
12 project where it's is not really a bulkhead. It's
13 living space.

14 CHAIRMAN HOLTZMAN: Right.

15 MR. ROBERTS: So I guess the issue is
16 to make sure this is nailed down before the hearing,
17 so that we know because I believe you have more than
18 30 percent roof deck.

19 MR. MINERVINI: Yes, we do.

20 MR. ROBERTS: So we want to make sure
21 that you have 50 percent.

22 CHAIRMAN HOLTZMAN: Right.

23 We have some Commissioners that are
24 very focused on this, as you saw that evening, so it
25 would be great to make sure that you are within your

1 comfort on this, if there is 50 percent on the roof
2 deck itself.

3 Is that a possibility?

4 I mean, we are talking about then
5 potentially needing to reduce your decks by two
6 percent. Is that too much to ask?

7 Because I would rather not have the
8 darn conversation about it at the hearing, so if you
9 come to us with it laid out, that it's 50 percent on
10 the roof deck, and we got a bonus of an extra two or
11 three percent on the appurtenances, that is going --

12 MR. HIPOLIT: It's easy.

13 CHAIRMAN HOLTZMAN: -- that makes it
14 easy.

15 MR. MINERVINI: I will have that
16 discussion with the applicant, and he's heard
17 everything you said.

18 MR. CHARTIER: Yes.

19 CHAIRMAN HOLTZMAN: That makes it easy.
20 Let's make it easy.

21 MR. MINERVINI: So for future
22 reference, I am not -- we architects are not to
23 include any bulkheads as part of that calculation?

24 VICE CHAIR MAGALETTA: You should avoid
25 that, yes.

1 MR. ROBERTS: Effectively what that
2 does, Frank, it is like it's so close, that it
3 becomes an issue.

4 MR. MINERVINI: Well, these aren't
5 decisions I get to make, but effectively what it's
6 going to do is the reality is that you will lessen
7 the green roof. That is going to be the reality. I
8 don't control those things, but I think --

9 CHAIRMAN HOLTZMAN: That's correct.
10 And the other part -- the other deal that is in
11 motion, our ordinance is being drafted and defined
12 so these things can be worked out.

13 MR. MINERVINI: Got it.

14 CHAIRMAN HOLTZMAN: So I would rather,
15 and I think you would rather the hearing be
16 easier --

17 MR. MINERVINI: Yes.

18 CHAIRMAN HOLTZMAN: -- and then we can
19 decide how it goes in the future.

20 MR. MINERVINI: Understood. I get the
21 picture.

22 CHAIRMAN HOLTZMAN: Okay.

23 I do think there are a considerable
24 number of callouts on these review letters, and you
25 know the seriousness of the environmental concerns

1 with our Board, and I personally think this
2 application needs to be deemed incomplete at this
3 point.

4 My main concern is not that these
5 things are not solvable, barring the environmental
6 issue, which I think you need to get with Andy's
7 team and get this squared away. Because if the
8 environmental issues become substantial, that may
9 have some very serious impact on the design of this
10 building.

11 So we will deem these guys incomplete.
12 Is that in agreement, Commissioners?

13 COMMISSIONER PEENE: Correct.

14 VICE CHAIR MAGALETTA: Correct.

15 CHAIRMAN HOLTZMAN: Okay.

16 Thank you, guys.

17 (Board members confer).

18 (The matter concluded)

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C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CCR, CRCR

- - - - -

PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300
Notary Public of the State of New Jersey
My commission expires 11/5/2020.
Dated: 3-10-16
This transcript was prepared in accordance with
NJAC 13:43-5.9.

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CITY OF HOBOKEN
PLANNING BOARD
HOP-16-8

- - - - - X
RE: 1313-19 Jefferson Street & :March 9, 2016
1312-1318 Adams Street :
Applicant: 1312 Adams Storage, LLC :
Preliminary Site Plan Review : 8:10 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 Ryan Peene

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

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1 CHAIRMAN HOLTZMAN: Mr. Burke, 1313
2 Jefferson, which this always messes me up because
3 then it's 1312 Adams Storage.

4 I keep picking it up and thinking I got
5 the wrong file.

6 1312, 1313, I'm like it's opposite
7 sides of the street. How is that possible?

8 Good evening, Mr. Burke.

9 MR. BURKE: Thank you, Mr. Chairman.

10 Jim Burke representing the applicant.

11 As the Board knows, this application
12 was approved for preliminary site plan approval and
13 a number of C variances, and now the submission has
14 been made for final site plan.

15 CHAIRMAN HOLTZMAN: So I have a
16 question for you first, and perhaps any of the other
17 legal team or executives from your applicant as to
18 we can't figure out why you are here.

19 We can't figure out why we did not have
20 an application that was a preliminary and a final at
21 the same time. This is certainly not some type of a
22 phased buildout or housing subdivision type of a
23 thing. So now our team, our professionals, and your
24 applicant, it looks like to me, have only spent more
25 money and spent another three months, so can you

1 help me understand this?

2 MR. BURKE: There were a number of
3 conversations about whether final and preliminary
4 should be applied for at one time, which it was
5 decided not to primarily because there were a number
6 of issues involved, including the contamination of
7 the site and other factors, which it was decided to
8 apply for preliminary and see if the C variances --

9 CHAIRMAN HOLTZMAN: This is you and
10 your team? You and your applicant?

11 MR. BURKE: My team, yes, yes.

12 CHAIRMAN HOLTZMAN: Okay.

13 MR. BURKE: And then to apply for final
14 after, to secure preliminary site plan, and as the
15 Chairman knows, you know, you do not have to apply
16 simultaneously. You can apply separately, so --

17 CHAIRMAN HOLTZMAN: You can apply
18 separately. On the other hand, it is our normal
19 course of business here in Hoboken, since we would
20 like to try to be as business friendly as possible,
21 to try to expedite these types of things.

22 MR. BURKE: Well, I appreciate that,
23 Mr. Chairman, but there were a number of variables
24 that in essence, if we had done that, I think we
25 would have had a number of hearings and now we have

1 achieved one step, and we are here for the second
2 step.

3 CHAIRMAN HOLTZMAN: Yet, there are no
4 changes in the second step.

5 MR. BURKE: Well, there are.

6 I mean, there were a number of issues
7 that had to be resolved and a number of conditions
8 that had to be met and --

9 CHAIRMAN HOLTZMAN: But there are no
10 changes. All you are doing is you are meeting the
11 conditions of your approval, which you would have to
12 do any way.

13 MR. BURKE: Well, that's correct. But
14 I don't think we would have been given preliminary
15 site plan approval whether the Board liked it or not
16 because of the number of conditions that were in the
17 application based on concerns that were expressed
18 about the environment, the status of the environment
19 in the ground and other factors, such as the green
20 wall and the mural. So it was a decision to secure
21 preliminary site plan approval first and then come
22 back to the Board.

23 CHAIRMAN HOLTZMAN: Anything to offer,
24 Mr. Magaletta, or I've made my point?

25 VICE CHAIR MAGALETTA: That's fine. It

1 is just the process they have chosen. It is their
2 choice.

3 CHAIRMAN HOLTZMAN: Thank you.

4 All right. What do you have for us,
5 Mr. Burke?

6 MR. BURKE: Well, we have received a
7 letter from Mr. Hipolit pointing out a number of
8 items that needed to be addressed, and the project
9 team is here. Those items we have addressed, I
10 believe most, if not all, and we had submitted that
11 letter back to the Board and back to Mr. Hipolit.

12 MR. HIPOLIT: Yeah.

13 So I think the issues or the items you
14 draw from the letter from the preliminary to the
15 final could all be addressed, so I don't think
16 that's an issue. I think it could be scheduled from
17 that perspective.

18 What I would really like to talk is the
19 bonding issue.

20 Myself and Mr. Burke had a conversation
21 about the mural and about how it would be bonded.

22 We have thrown out some numbers out
23 there, and they threw back a number of \$15,000 for
24 the mural.

25 We initially, don't fall over, we

1 initially thought it was about a hundred.

2 We have since then done some more
3 investigation and found that number would be closer
4 to \$50,000 for a mural of that size based on what we
5 could research.

6 MR. BURKE: I will let -- I'll let Jeff
7 speak to that, but yes, the number -- the number --

8 MR. HIPOLIT: Their issue really is, is
9 whether the Board is going to want the mural bonded
10 or just have them cover it as part of their approval
11 and be a maintenance agreement and an agreement to
12 keep it forever.

13 We tend to think, and it's just me,
14 that because it was such a major part of the
15 application, we should get it bonded to guarantee it
16 ends up on that wall, and then once it's bonded,
17 they get their money back and then the maintenance
18 agreement be carried forward in perpetuity.

19 Mr. Burke doesn't agree with that.
20 That's the -- we are on two different sides. They
21 believe that their approval requires them to put it
22 up, and then the maintenance agreement carries it
23 through, and I think we should discuss that here.
24 That's really the biggest issue I have.

25 CHAIRMAN HOLTZMAN: Okay.

1 MR. LYNCH: So we also did further
2 investigation --

3 THE REPORTER: I'm sorry. Could I just
4 have your name?

5 MR. LYNCH: I'm sorry. Christopher
6 Lynch with Storage Deluxe.

7 We also did an investigation afterwards
8 into the cost of the mural, and we consulted with
9 several mural people that have done work in the
10 area, and we agree the cost is more closer to
11 \$50,000 than \$15,000.

12 MR. HIPOLIT: Okay. So we're on the
13 same page then.

14 MR. LYNCH: You know --

15 CHAIRMAN HOLTZMAN: Right, because this
16 particular site has some unusual constraints that
17 Ms. Fallo was certainly not aware of, which is, this
18 isn't a scenario where you can prop up a ladder
19 against the wall. It gets a lot more complicated
20 real quick. I think that's going to make it that
21 much more impactful and iconic on the side of your
22 building, but it certainly makes it a lot more
23 complicated.

24 MR. LYNCH: It is very large mural, and
25 we worked with the design team. We furthered our

1 design of the building to design a carrier rail
2 system and a way for the artist to come and do the
3 mural in every directive, so we figured out the
4 system, and we factored all of these costs into it.

5 CHAIRMAN HOLTZMAN: Okay.

6 So do you want to address yourself
7 personally to Mr. Hipolit's concern, because
8 obviously the Board and the city wants to believe
9 that you are a great corporate citizens, and we
10 don't have to have guarantees, but then there is the
11 real world, and we got to have guarantees.

12 So how do we make this work for
13 everybody?

14 MR. LYNCH: We have no issue posting,
15 including the cost of the mural and the bond work
16 that we're going to do with the street.

17 CHAIRMAN HOLTZMAN: Okay.

18 So then it's a green light, right, Mr.
19 Hipolit?

20 MR. HIPOLIT: Green light.

21 CHAIRMAN HOLTZMAN: Any issues,
22 gentlemen?

23 VICE CHAIR MAGALETTA: No.

24 COMMISSIONER PEENE: No.

25 CHAIRMAN HOLTZMAN: So then we'll -- as

1 you heard previously, we will have you talk to Pat.
2 Pat will circle back with you guys to get you on the
3 agenda, but we can't give you a date off the top of
4 our heads. We don't want to be, you know,
5 misleading.

6 MR. HIPOLIT: So what I would say to
7 you guys is, we know we had a discussion between us
8 about the bond, and what I would do is I would get
9 confirmation that the bond we agreed to, you're
10 going to post it as part of your final, and then you
11 can post it after you receive your final, and you
12 post it -- you don't need to post it before, but
13 let's get the items you're posting.

14 I would even submit the bond estimate
15 as part of this submission for the hearing, so you
16 can have it in your package, and we are good.
17 There's no more discussion of it.

18 CHAIRMAN HOLTZMAN: So here is how I
19 envision this going, so it's easy for everybody, is
20 we had your hearing, and we memorialized your
21 resolution as well, and I am hoping that this
22 basically just gets to be basically a second
23 memorialization for all intents and purposes, and
24 that we are not going to start from square one. We
25 don't want to hear about the project that we already

1 approved.

2 And there are additional callout items
3 on the professionals' letters, so let's do
4 everything possible to make sure that when you come
5 back before the whole Board, it is basically tidying
6 up some loose ends.

7 You guys can make testimony as to this
8 was called out by the engineer. It's resolved.
9 This was called out. There is a bond posted, call
10 the vote, and let's get the heck out of here.

11 MR. LOYNCH: I like the way that
12 sounds.

13 MR. BURKE: Mr. Chairman, just for the
14 rules, because I just want to understand, my
15 understanding under the Municipal Land Use Law is
16 notice is not required for final site plan, and I
17 checked the Hoboken ordinance, and I don't see it
18 spelled out. So my understanding is if it's not
19 specifically spelled out in the local ordinance,
20 then you do not have to notice.

21 CHAIRMAN HOLTZMAN: We will have our
22 attorneys just double check that, and Andrew will
23 get with Dennis, and let's make sure that we send
24 Mr. Burke a confirmation of that.

25 MR. HIPOLIT: Sure.

1 CHAIRMAN HOLTZMAN: It sounds like he
2 is correct, but let's just make sure --

3 MR. HIPOLIT: That's what I understand
4 but I will double check.

5 MR. BURKE: And as far as the
6 appearance, I agree, Mr. Chairman, if everything has
7 been done, it should be a fairly brief presentation
8 for the final.

9 CHAIRMAN HOLTZMAN: It sure better be,
10 Mr. Burke.

11 (Laughter)

12 CHAIRMAN HOLTZMAN: We will deem that
13 complete, and pending you will get with our Board
14 Secretary when she returns to get you guys
15 scheduled.

16 MR. HIPOLIT: Just use our March 1st
17 letter as your guide, for us --

18 MR. BURKE: Yes.

19 MR. HIPOLIT: -- that's all you need.

20 MR. BURKE: All right. Thank you.

21 CHAIRMAN HOLTZMAN: So let's just, I
22 know I am beating a dead horse here, but let's just
23 make sure there is zero questions from Mr. Hipolit,
24 from Mr. Roberts or from anybody else

25 MR. BURKE: Well, along those lines, if

1 there is anything, we have addressed it in writing,
2 we'd like to button it up in writing, so that there
3 is no misunderstanding.

4 MR. HIPOLIT: We have nothing further
5 than the March 1st letter -- the March 1st letter,
6 so that letter is that.

7 So if you can cover that letter,
8 respond to it --

9 CHAIRMAN HOLTZMAN: If there's a
10 question about that letter, Mr. Burke --

11 MR. HIPOLIT: Get it to us right away.

12 CHAIRMAN HOLTZMAN: -- please call Mr.
13 Hipolit.

14 MR. BURKE: Well, we did, but
15 unfortunately it was just given yesterday, but it
16 was a March 8th letter from AKRF, and all of the
17 issues you raised were addressed, and I spoke to Mr.
18 Roberts earlier, so if there's anything else, please
19 just let me know succinctly --

20 MR. ROBERTS: Yes.

21 And, Mr. Chairman, just for the record,
22 we had actually signed off on -- per the planning
23 comments and in terms of the comments that were
24 raised at hearing for preliminary. They had
25 addressed the comments that we raised several months

1 ago, so we had signed off for a resolution of
2 compliance, and considering the final submission is
3 basically the same submission, I don't anticipate
4 that we really need to -- we won't have any
5 additional comments to raise, and really at this
6 point, there are really Andy's issues that are still
7 open issues, and I think that that's why there
8 wasn't a second round to this application.

9 MR. BURKE: All right. Thank you.

10 CHAIRMAN HOLTZMAN: Okay.

11 I will ask you also to please be
12 cognizant of making sure that the Board Secretary
13 and our professionals get these things with plenty
14 of comfort room before the hearing that it's
15 scheduled for.

16 We just have -- you see what we're
17 dealing with here. Everybody has got too much on
18 their plate. They need to have adequate time to
19 make sure these things are buttoned up.

20 I know that you have people that travel
21 from far and wide to get here to make this, so let's
22 make sure when we get you guys scheduled, that there
23 are absolutely no surprises.

24 MR. BURKE: Of course. We will attend
25 to that, Mr. Chairman.

1 CHAIRMAN HOLTZMAN: Thank you.

2 MR. LYNCH: Thank you.

3 MR. HIPOLIT: Thanks, guys.

4 (The matter concluded)

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I, PHYLLIS T. LEWIS, a Certified Court Reporter, Certified Realtime Court Reporter, and Notary Public of the State of New Jersey, do hereby certify that the foregoing is a true and accurate transcript of the 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

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

CITY OF HOBOKEN
Subdivision & Site Plan Review

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SUBDIVISION AND SITE PLAN REVIEW : March 9, 2016
COMMITTEE MEETING OF THE :
CITY OF HOBOKEN : 8:15 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 Ryan Peene

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
Michael O'Krepky, PE CME
Board Engineers

Daisy Amato, Acting Board Secretary

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1 CHAIRMAN HOLTZMAN: While we are still
2 on the record, Dave and Andy, we had a couple of --
3 I mean, we had a number of applications here this
4 evening that had egregiously long review letters.
5 The review letters weren't egregious, the
6 applications were egregious. I want to make sure
7 that we're clear about that, and I appreciate both
8 of your teams frustratingly going through these
9 things and calling all of these things out.

10 I believe that Mr. Minervini will do a
11 good job of responding to it. I don't think all of
12 the applicants here, though, tonight are going to do
13 a good job of responding in an organized fashion,
14 and I am going to ask somebody, I guess this is
15 Andy, to reach out to everybody to make sure. Let's
16 set a standard, whether it is the --

17 MR. HIPOLIT: I'll do it.

18 CHAIRMAN HOLTZMAN: -- bump out little
19 clouds or it's the responding to the review letter
20 line by line, because there was an awful lot of
21 things on this list.

22 Like Frank said, you have four
23 different letters here. You can't keep it straight.
24 There are 40 or 50 items. There are 50 items on
25 some of these review letters, so it is not your

1 fault, but we need to make sure that we are being
2 organized, so that we don't get snowed in, and
3 something falls through the cracks.

4 VICE CHAIR MAGALETTA: Yeah. I mean,
5 what I have seen in the past is that on the first
6 page of the plan is a renovation, so there is a
7 chart, which shows everything that was updated, and
8 that is helpful to have that in the beginning as
9 well as throughout the plan, so --

10 MR. HIPOLIT: You know, what I said to
11 Mr. Bob Matule and Frank, when they give us a
12 response letter, it is great for us, and it's good
13 for you. You're here and you can read the letter.

14 Once it leaves here and your approval
15 goes upstairs for building and construction, they
16 never see that letter. So we would rather see -- we
17 want the letter for the hearing and for the Board,
18 but we want the plans to reflect the information
19 right on there.

20 CHAIRMAN HOLTZMAN: Because that's the
21 only thing that's in the file.

22 MR. HIPOLIT: That's all the building
23 guy sees or the girl sees.

24 CHAIRMAN HOLTZMAN: And I can't tell
25 you how, you know, the zoning officer picks up

1 something that was approved 20 years ago, and she is
2 looking at a plan, and I cannot tell you how many
3 times this happens, that the plan that is in the
4 file does not reflect the building that got built.

5 I'm talking about there's a difference
6 of floors. There's a difference of setbacks.
7 There's a difference of square footage. It is
8 staggering, so it just makes it a mess.

9 If there's nothing further, we'll --

10 VICE CHAIR MAGALETTA: That is it.

11 Motion to adjourn.

12 CHAIRMAN HOLTZMAN: We have a motion to
13 adjourn.

14 COMMISSIONER PEENE: Second.

15 CHAIRMAN HOLTZMAN: All in favor, aye?

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

18 CHAIRMAN HOLTZMAN: Thank you.

19 (The meeting concluded at 8:30 p.m.)
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C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CCR, CRCR

PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300
Notary Public of the State of New Jersey
My commission expires 11/5/2020.
Dated: 3-10-16
This transcript was prepared in accordance with
NJAC 13:43-5.9.