

CITY OF HOBOKEN
Subdivision & Site Plan Review

- - - - - X
 SUBDIVISION & SITE PLAN : April 13, 2016
 REVIEW COMMITTEE MEETING : 7:07 pm
 OF THE CITY OF HOBOKEN : Wednesday
 PLANNING BOARD :
 - - - - - 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 Hipolit, PE, PP, CME
Board Engineer

Patricia Carcone, Board Secretary

PHYLLIS T. LEWIS
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6 Attorney for the Board.

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I N D E X

1		
2		
3		PAGE
4		
5	Board Business	1 & 68
6		
7	901-903 Hudson Street	5
8		
9	713-715 Monroe Street	11
10		
11	462 Newark Street.	20
12		
13	118-120 Madison Street	36
14		
15	115-131 Grand Street	48
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

1 CHAIRMAN HOLTZMAN: All right. Good
2 evening, everybody.

3 We are going to get started. It is
4 7:07 on Wednesday, April 13th.

5 This is the City of Hoboken Site Plan
6 Review Committee Meeting.

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.

13 Copies were also provided to The
14 Star-Ledger, The Record, and also placed on the
15 bulletin board in lobby of City Hall.

16 Pat, please call the roll.

17 MS. CARCONE: Commissioner Holtzman?

18 CHAIRMAN HOLTZMAN: Here.

19 MS. CARCONE: Commissioner Magaletta?

20 VICE CHAIR MAGALETTA: Here.

21 MS. CARCONE: And, Commissioner Peene?

22 COMMISSIONER PEENE: Here.

23 CHAIRMAN HOLTZMAN: Thank you.

24 (Continue on next page)

25

CITY OF HOBOKEN
Subdivision & Site Plan Review
HOP-15-29

- - - - - X
Applicant: 901-903 Hudson Street : April 13, 2016
Block 238, Lot 1 : 7:10 pm
Applicant: Road, LLC : Wednesday
Minor Subdivision :
- - - - - 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

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

1 CHAIRMAN HOLTZMAN: So the first item
2 on our agenda tonight is 901 Hudson.

3 Mr. Matule, do you have some
4 information about this for us?

5 MR. MATULE: I do.

6 Good evening, Mr. Chairman.

7 Robert Matule appearing on behalf of
8 the applicant.

9 This was the subdivision of the
10 property at 901-903. We had previously requested an
11 extension and extended the time within which the
12 Board could act through April 5th.

13 I reached out to my clients. They are
14 still working on the drawings, and they asked that I
15 request an additional extension.

16 I see the next meeting --

17 CHAIRMAN HOLTZMAN: Mr. Matule, let me
18 ask you a quick question.

19 We don't want the applicant to go
20 through some major hoops to produce information for
21 us. On the other hand, we did want to kind of
22 complete our aspect of the file.

23 Shouldn't there be drawings of these
24 buildings that they just recently constructed?

25 MR. MATULE: Well, I think part of the

1 delay was they were completing the construction, and
2 they wanted to get that finalized, and then be able
3 to do -- although we had the footprints of the
4 building, I think they wanted to finalize all of the
5 sewer hookups and everything, some of the issues
6 that Mr. Hipolit had raised.

7 I don't anticipate any issues, but it
8 is just a question of the timing.

9 CHAIRMAN HOLTZMAN: Okay.

10 MR. MATULE: So I was looking on your
11 calendar. The next -- I believe the next work
12 session is May 11th, but then there is also a work
13 session on June 8th, which would normally be after
14 the June meeting, but apparently the June meeting is
15 June 14th because of some --

16 MS. CARCONE: Primary election.

17 MR. MATULE: -- so --

18 MR. GALVIN: Now it is going to be on
19 Flag Day.

20 (Laughter)

21 MR. MATULE: -- to be prudent, I am
22 requesting that it be carried to the work session on
23 June 8th.

24 CHAIRMAN HOLTZMAN: Sure.

25 MR. MATULE: And we will extend the

1 time within which the Board has to act through June
2 14th.

3 MR. GALVIN: But you are waiving the
4 time? You know, we are supposed to act on this
5 within a certain period --

6 MS. CARCONE: But it's deemed
7 incomplete.

8 MR. MATULE: It was deemed incomplete.

9 MR. GALVIN: So you're still
10 incomplete, okay.

11 MS. CARCONE: It's still incomplete.

12 CHAIRMAN HOLTZMAN: Okay.

13 MR. MATULE: But we're the clock
14 ticking. We waive the time within which the Board
15 has to act.

16 CHAIRMAN HOLTZMAN: Great.

17 Thank you, Mr. Matule.

18 MR. GALVIN: Thank you.

19 MR. MATULE: Thank you for your
20 courtesies.

21 (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: 4-14-16
 This transcript was prepared in accordance with
 NJAC 13:43-5.9.

CITY OF HOBOKEN
Subdivision & Site Plan Review
HOP-15-29

- - - - - X
Applicant: 713-715 Monroe Street : April 13, 2016
Block 82, Lots 7 and 8 : 7:15 pm
Applicant: 713-715 Monroe Street, LLC: Wednesday
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 Hipolit, PE, PP, CME
Board Engineer

Patricia Carcone, Board Secretary

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5 (732) 364-3011
6 Attorney for the Board.

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

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1 CHAIRMAN HOLTZMAN: Mr. Burke, are you
2 ready for us for 713 Monroe?

3 MR. BURKE: Yes, we are, Mr. Chairman.
4 Jim Burke representing the applicant.
5 Good evening.

6 This application is for minor site plan
7 and one variance, one C variance.

8 VICE CHAIR MAGALETTA: Hold on. I am
9 going to recuse on this, so --

10 CHAIRMAN HOLTZMAN: Okay.

11 VICE CHAIR MAGALETTA: -- as I have in
12 the past, I will do it again today.

13 CHAIRMAN HOLTZMAN: No problem. Okay.

14 (Vice Chair Magaletta recused)

15 MR. BURKE: We received review letters
16 from the Board Engineer and the Board Planner. We
17 believe we have addressed all of the concerns.

18 If there are any issues or questions,
19 we can answer them here.

20 CHAIRMAN HOLTZMAN: Hang on one second.

21 Mr. Burke, I understand that you have
22 been an outstanding attorney for your applicant here
23 and really going above and beyond the call of duty
24 to get our Board professionals everything that they
25 needed, so we greatly appreciate that.

1 Thank you.

2 MR. BURKE: Oh, you are welcome, Mr.
3 Chairman.

4 CHAIRMAN HOLTZMAN: There were a couple
5 of things I saw in the revised letters that were of
6 concern.

7 One was some note about a footing that
8 was beyond the property line.

9 MR. HIPOLIT: Yes. There's -- we just
10 need confirmation when they get to the hearing, if
11 there is a planting bed footing that goes over the
12 property, you know, but that is just something they
13 could clarify between now and the hearing.

14 MR. BURKE: There will not be.

15 MR. HIPOLIT: That is all.

16 MR. GALVIN: That would be a bad idea.

17 (Laughter)

18 MR. BURKE: The lot is vacant, and
19 they're building -- the architect can state this on
20 the record, but he will correct that in the
21 resubmission.

22 MR. HIPOLIT: And that was our
23 discussion.

24 CHAIRMAN HOLTZMAN: And it was only a
25 footing for a planting bed, so it didn't have

1 anything to do with the building --

2 MR. HIPOLIT: Right, that's all. It's
3 not a big deal --

4 CHAIRMAN HOLTZMAN: -- right. Okay.

5 The other one that caught my eye was
6 quite a bit more substantial, which was we did
7 receive some environmental information, but there
8 seemed like that was an awful lot of questions still
9 open, so where are we with that, Mr. Hipolit?

10 MR. HIPOLIT: So we reviewed it. It is
11 not an issue that would hold them up.

12 We probably should get some testimony
13 from you on the oil tank, and that is the only
14 issue, other than historic fill that you have.

15 MR. BURKE: Uh-huh.

16 MR. HIPOLIT: I think -- in
17 reviewing -- Joe reviewed it and gave me some
18 comments, but there is nothing earth shattering, but
19 there was a tank --

20 CHAIRMAN HOLTZMAN: Okay. But it is
21 only limited to a tank?

22 MR. HIPOLIT: That is it.

23 CHAIRMAN HOLTZMAN: Which is --

24 MR. HIPOLIT: Yes, an oil tank.

25 CHAIRMAN HOLTZMAN: -- within the scope

1 of --

2 MR. HIPOLIT: Yes. Nothing out of the
3 scope that is crazy.

4 CHAIRMAN HOLTZMAN: Okay. Great.
5 Mr. Roberts?

6 MR. ROBERTS: Yeah.

7 Mr. Chairman, just one thing that I
8 actually spoke to Jim about, which is there was --
9 one of the changes to the plan was a stairway that
10 was over three feet in width, and we called out
11 whether that would affect the building coverage.

12 What I understand from Mr. Burke is
13 that they will make sure that the application is at
14 60 percent, so they will not need that variance.

15 Is that correct?

16 MR. BURKE: That's correct. The
17 stairwell length will be reduced to three feet --

18 CHAIRMAN HOLTZMAN: The stair width?

19 MR. BURKE: The stair width, yes.

20 MR. ROBERTS: So that was my -- we had
21 talked about it, and I spoke to Mr. Burke about
22 this, the idea of starting to include a sheet that
23 shows a kind of a top-down view of all of the
24 building floors. It has to do with the physical
25 limits language in the definition of building

1 coverage.

2 My understanding, Mr. Burke, is that
3 this particular building is perfectly square on all
4 facades, so I would leave that up to the committee
5 as to whether they would ask for that. But we are
6 going to start asking for that as a matter of
7 course.

8 CHAIRMAN HOLTZMAN: Uh-huh.

9 MR. ROBERTS: This building apparently
10 doesn't have any unusual projections to it.

11 MR. BURKE: There are no bay windows in
12 this application.

13 CHAIRMAN HOLTZMAN: Okay.

14 So it seems pretty straightforward.

15 Any other callouts, Dave?

16 MR. ROBERTS: That was it. There
17 was -- all of the other things that we had
18 mentioned, either they were already provided, or
19 they were provided again to us.

20 CHAIRMAN HOLTZMAN: Great.

21 Mr. Hipolit, anything else?

22 MR. HIPOLIT: No.

23 Mr. Burke did an excellent job.

24 CHAIRMAN HOLTZMAN: That's good to
25 hear.

1 Thank you.

2 Mr. Peene, any concerns or questions?

3 COMMISSIONER PEENE: The only concern
4 was addressed already. The only concern I had was
5 regarding what Andy already addressed regarding the
6 environmental concerns, and I would vote to deem
7 this application complete.

8 CHAIRMAN HOLTZMAN: Great.

9 I will as well, so we will advance you
10 folks.

11 Ms. Carcone, where are we on our
12 scheduling?

13 MS. CARCONE: June 14th.

14 MR. BURKE: June 14th.

15 CHAIRMAN HOLTZMAN: June 14th.

16 MR. BURKE: June 14th. All right.

17 Thank you very much.

18 MR. HIPOLIT: Great job.

19 (The matter concluded)

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C E R T I F I C A T E

I, PHYLLIS T. LEWIS, a Certified Court Reporter, Certified Realtime Court Reporter, and Notary Public of the State of New Jersey, do hereby certify that 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: 4-14-16
 This transcript was prepared in accordance with
 NJAC 13:43-5.9.

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

- - - - - X
Applicant: 462 Newark Street : April 13, 2016
Block 18, Lot 2 : 7:20 pm
Applicant: 462 Newark Street, LLC : Wednesday
Minor Site Plan Review & Variance :
- - - - - 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 Hipolit, PE, PP, CME
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5 (732) 364-3011
6 Attorney for the Board.

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

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1 CHAIRMAN HOLTZMAN: The next
2 application on the agenda we have is 462 Newark
3 Street.

4 MR. MATULE: Good evening, Mr.
5 Chairman.

6 Robert Matule appearing on behalf of
7 the applicant.

8 This is our second review with respect
9 to the property at 462 Newark Street.

10 I know Mr. Mc Neight had submitted
11 revised plans and a rather extensive response to the
12 Board of Professionals.

13 I believe we have addressed most, if
14 not all, of their comments.

15 CHAIRMAN HOLTZMAN: Mr. Hipolit, can
16 you get us going here?

17 I know there was an additional
18 follow-up letter from you, from Mr. Roberts, as well
19 as from the Flood Plain Administrator, and there
20 was -- definitely it seemed like, to my quick
21 review, a pretty fair amount of still outstanding
22 items that were also from a design standpoint to
23 comply with the flood ordinance might be
24 problematic.

25 MR. HIPOLIT: So the flood ordinance,

1 we did get a letter. There are some things that
2 need to take place with respect to the Flood Plain
3 Administrator --

4 MR. MATULE: If I might just interject,
5 was that a letter, a second letter from the Flood
6 Plain Administrator?

7 CHAIRMAN HOLTZMAN: Yes, that's
8 correct.

9 MR. MATULE: The original one I believe
10 was March 2nd or March 3rd.

11 MR. HIPOLIT: There was another one on
12 March 16th --

13 MR. MATULE: Yes.

14 MR. HIPOLIT: -- and there was a recent
15 letter.

16 CHAIRMAN HOLTZMAN: There was a recent
17 letter that I have --

18 MR. MATULE: Unfortunately --

19 CHAIRMAN HOLTZMAN: -- I will tell you,
20 the 7th?

21 VICE CHAIR MAGALETTA: April 7th.

22 CHAIRMAN HOLTZMAN: The 7th?

23 MS. CARCONE: 4/7.

24 CHAIRMAN HOLTZMAN: Yes.

25 MR. MATULE: We have not unfortunately

1 had the benefit of seeing that.

2 CHAIRMAN HOLTZMAN: Okay. I have a
3 copy here. You should make sure you get a copy of
4 that. It's dated April 7th, and there are two
5 pages.

6 MR. HIPOLIT: Yeah.

7 I think, you know, based on that, in
8 our letter they have addressed literally a good
9 portion of our items.

10 We need a maintenance plan for the
11 green roof, but that's not a completeness item.

12 When we get to the actual drainage
13 calcs, they have accommodated what we need on that.

14 There are some comments in number 41 of
15 our April 6th letter, which is talking about
16 utilities and light, not that they're necessarily
17 completeness items, but just things that will have
18 to be provided for the hearing.

19 And most of the rest of the stuff was
20 really complied with. It's really just the Flood
21 Plain Manager's letter at this point.

22 CHAIRMAN HOLTZMAN: Right.

23 I mean, one of the things that we are
24 also trying to take into consideration on buildings
25 like this, where we have a commercial space that

1 very well might have food service in it again, is
2 Andy, you were giving us some feedback about trying
3 to incorporate the exhaust vent that needs to get
4 all of the way to the roof somehow into the building
5 structure or into some type of a design element as
6 opposed to just getting bolted onto the back after
7 the fact?

8 MR. HIPOLIT: Correct.

9 MR. MC NEIGHT: We show it attached to
10 the back wall, but inside of the hard surfaced -- it
11 is not exposed. It is concealed on the back of the
12 building.

13 MR. HIPOLIT: Is that included in your
14 lot coverage numbers?

15 MR. MC NEIGHT: Yes.

16 MR. HIPOLIT: Yes.

17 VICE CHAIR MAGALETTA: But it is --

18 CHAIRMAN HOLTZMAN: Go ahead.

19 VICE CHAIR MAGALETTA: -- but it's
20 outside of the footprint, is it not?

21 Mr. McNeight, it is outside of the
22 footprint it looks like, or am I looking at the
23 wrong --

24 MR. MC NEIGHT: It's outside of the
25 footprint --

1 VICE CHAIR MAGALETTA: The main
2 building?

3 MR. MC NEIGHT: -- of the main
4 building, correct.

5 VICE CHAIR MAGALETTA: I think it's
6 that thing back there.

7 CHAIRMAN HOLTZMAN: Uh-huh.

8 MR. HIPOLIT: That is the shaft --

9 MR. MC NEIGHT: Yes.

10 MR. HIPOLIT: Okay.

11 CHAIRMAN HOLTZMAN: Dave, is this a
12 project with regard to the shape of it that --

13 MR. ROBERTS: I was just -- you read my
14 mind, Mr. Chairman.

15 I think this one might be, because
16 there are some extensions above the ground level.

17 Mr. Mc Neight, we had -- we have been
18 talking about, in order to get the building coverage
19 issue done quickly, do you have an actual overhead
20 shot that would show any outer physical limit of the
21 building on any floor --

22 MR. MC NEIGHT: Uh-huh.

23 MR. ROBERTS: -- because that is what
24 the definition of building coverage uses to
25 calculate coverage. So if that could be a sheet

1 that you could add, that would help us --

2 MR. MC NEIGHT: Okay.

3 MR. ROBERTS: -- because we could just
4 go right to that sheet when the Board is looking at
5 building coverage and get that matter taken care of.

6 MR. MC NEIGHT: Including the stairway
7 to the backyard?

8 MR. ROBERTS: Any portion of the
9 building --

10 MR. MC NEIGHT: Okay. Thank you.

11 CHAIRMAN HOLTZMAN: So kind of like a
12 black and white shadow thing. It doesn't need to
13 have -- it would probably be better if it didn't
14 have any building or rooftop detail or anything
15 else, sort of like a black shadow of the outline of
16 the building on the --

17 MR. MC NEIGHT: Yeah. If you take the
18 second floor plan --

19 MR. MATULE: Yeah, that's right --

20 CHAIRMAN HOLTZMAN: -- or something
21 like that, just to keep it really simple, so it is
22 real visual also for the other Commissioners as
23 well.

24 MR. MC NEIGHT: Okay. No problem.

25 MR. ROBERTS: And I think that was

1 pretty much everything.

2 There are variances that we talk about
3 in our letter that they have, so they can address
4 them.

5 CHAIRMAN HOLTZMAN: Okay.

6 MR. MC NEIGHT: There is a conflict
7 between the planner and the engineer whether or not
8 we need a variance for parking --

9 MR. HIPOLIT: I would defer to Dave on
10 that, so follow Dave on that.

11 MR. GALVIN: Whether or not you need
12 what?

13 MR. MC NEIGHT: A variance for parking.

14 MR. HIPOLIT: That's Dave.

15 Dave, that is your --

16 MR. MATULE: Yes. This is, for lack of
17 a better word, an anomaly in our ordinance, where
18 parking is not permitted on a lot less than 50 feet
19 wide --

20 MR. ROBERTS: It's required for
21 commercial --

22 MR. HIPOLIT: It's required --

23 MR. MATULE: -- it's required because
24 we have a commercial use.

25 The Board's Planner is of the opinion

1 that we need to ask for a parking variance for the
2 parking that we are not providing.

3 MR. ROBERTS: Because you can't provide
4 it --

5 CHAIRMAN HOLTZMAN: Because you can't.

6 MR. MATULE: Not only can we not
7 provide it, but we are not permitted to provide it.

8 But be that as it may, I think I would
9 like to say more of an academic issue --

10 MR. GALVIN: Whenever we hit the
11 academics, I always say put it in, and let's be
12 conservative.

13 MR. MATULE: Exactly.

14 MR. HIPOLIT: Yeah, I agree.

15 MR. MATULE: We will ask it.

16 MR. GALVIN: It won't sink your
17 battleship, but if we don't have it, it could cause
18 a problem up here.

19 CHAIRMAN HOLTZMAN: There were a number
20 of callouts on the Flood Plain Manager's review
21 letter, and I just want to make sure that we're
22 going to get this buttoned up a hundred percent --

23 MR. MATULE: Well, I would ask that --

24 CHAIRMAN HOLTZMAN: -- obviously you
25 haven't gotten it, so you're at a detriment. We

1 understand that.

2 MR. MATULE: I am in the dark, but
3 maybe the Board Secretary could email it to me
4 tomorrow.

5 CHAIRMAN HOLTZMAN: I'm sure she can.

6 VICE CHAIR MAGALETTA: I thought it was
7 emailed to you, but -- the copy shows it was
8 emailed, but if you don't have it, you don't have
9 it --

10 MS. CARCONE: There's a lot of paper
11 going around.

12 MR. GALVIN: It's 462?

13 MR. MATULE: 462 Newark.

14 CHAIRMAN HOLTZMAN: 462 Newark.

15 MR. GALVIN: Let me see if I have it.

16 CHAIRMAN HOLTZMAN: It doesn't matter.
17 They don't have it unfortunately.

18 MR. GALVIN: I don't have it either.

19 CHAIRMAN HOLTZMAN: Okay. So there is
20 some -- we will make sure it gets around to
21 everybody.

22 Gentlemen, I know there were some
23 callouts that are concerns. I don't know what your
24 thoughts are on it.

25 I will open it up to the floor.

1 VICE CHAIR MAGALETTA: Well, other than
2 the flood plain, and what else do we really need on
3 this?

4 Are you guys satisfied?

5 MR. HIPOLIT: Yes.

6 CHAIRMAN HOLTZMAN: Okay.

7 VICE CHAIR MAGALETTA: All right.

8 So when you get the Flood Plain
9 Administrator's letter, you will address it.

10 If it's a problem, we will come back.

11 If you address it to the
12 satisfaction --

13 CHAIRMAN HOLTZMAN: Well, I guess the
14 concern is if in the effort of addressing it, if
15 they have to make any design changes to the
16 building --

17 MR. MATULE: I am sure we can
18 address --

19 VICE CHAIR MAGALETTA: That's what I'm
20 saying. If you have to make changes, then you got
21 to come back. But I'm saying if you can address it
22 without making changes --

23 MR. HIPOLIT: You should be a little
24 bit careful with that, and we had applications
25 before who -- I am not telling you to deem it

1 complete or not --

2 VICE CHAIR MAGALETTA: Fine, no --

3 MR. HIPOLIT: -- but we had
4 applications before who have said that they could
5 comply, and then it changes their whole design, and
6 they end up coming in front of you with something
7 you have never seen before, and you end up sending
8 them back to the work session. It's kind of
9 backwards.

10 VICE CHAIR MAGALETTA: Well, that's
11 what I am saying. If they change it, then they have
12 to come back before us.

13 If they're not going to change it,
14 then --

15 MR. GALVIN: What do you think? You
16 have that look.

17 VICE CHAIR MAGALETTA: -- go through
18 it -- but why don't you come back and make it easy?

19 MR. MATULE: What I was going to
20 suggest is it is my understanding that your May
21 dance card is --

22 VICE CHAIR MAGALETTA: Full.

23 MR. MATULE: -- full already --

24 CHAIRMAN HOLTZMAN: Right. There you
25 go.

1 MR. MATULE: -- so --

2 CHAIRMAN HOLTZMAN: A man reading the
3 cards. That is right.

4 MR. GALVIN: So come back in May.
5 We'll hold you off. Go see if you can --

6 CHAIRMAN HOLTZMAN: Make sure it's a
7 100 percent.

8 MR. MATULE: Come back on the May 8th
9 meeting, and assuming that we are good to go on May
10 8th, we will be on the June 14th public hearing?

11 CHAIRMAN HOLTZMAN: There you go.

12 MR. GALVIN: I don't think it is a
13 guarantee, but I think it's more likely than not.

14 CHAIRMAN HOLTZMAN: And Ms. Carcone --

15 MR. MATULE: Well, I just want to get
16 my dibs in early so to speak.

17 (Laughter)

18 CHAIRMAN HOLTZMAN: -- and Ms. Carcone
19 will make sure that you get a copy of the letter
20 tomorrow morning.

21 MR. MATULE: Yes. I --

22 CHAIRMAN HOLTZMAN: So Dennis needs a
23 copy, Mr. Matule and Mr. Mc Neight need a copy.

24 MR. HIPOLIT: Send it to all of us.

25 MS. CARCONE: Okay.

1 CHAIRMAN HOLTZMAN: Not to me.

2 MS. CARCONE: You don't have it either,

3 Andy?

4 MR. HIPOLIT: I couldn't find it in my

5 email.

6 MR. MATULE: Okay. Thank you.

7 CHAIRMAN HOLTZMAN: Thank you.

8 (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: 4/14/16
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 : April 13, 2015
Block 28, Lots 25-26 :
Applicant: TST Madison, LLC : 7:40 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
Board Engineer

Patricia Carcone, Board Secretary

PHYLLIS T. LEWIS
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7 JOHN J. CURLEY, LLC
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9 1202 Plaza Ten
10 Jersey City, New Jersey 07311
11 BY: JOHN J. CURLEY, ESQ.
12 Attorney for the Applicant.

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1 CHAIRMAN HOLTZMAN: Mr. Curley, We have
2 118 Madison.

3 MR. CURLEY: Good evening, Mr.
4 Chairman, members of the Board, and Mr. Galvin.

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

7 This is an application for minor site
8 plan approval. Two variances are being sought. One
9 has to do with the facade and the other has to do
10 with the height.

11 And the height variance is essentially
12 to create enough overhead room for such things as
13 emergency vehicles.

14 CHAIRMAN HOLTZMAN: We got all of that.
15 Let's jump into the letters.

16 Mr. Hipolit, I think that your letter
17 had some serious issues of concern with regard to
18 the environmental review that we got that seemed to
19 be a little superficial.

20 MR. HIPOLIT: Right.

21 They are going to need to provide
22 testimony to the Board at some point of how they are
23 going to deal with any environmental issues they
24 have above and beyond historical fill, although I
25 don't think there was anything that Joe looked at

1 that would stop them from going forward, but they
2 should at least testify to it. I would almost say
3 they should have an environmental professional, but
4 somebody should testify to that.

5 CHAIRMAN HOLTZMAN: Uh-huh.

6 MR. CURLEY: The environmental expert
7 is prepared to testify that the site, with the
8 exception of historic fill, has been fully
9 remediated.

10 VICE CHAIR MAGALETTA: I'm sorry. What
11 was that?

12 With the exception of what?

13 MR. CURLEY: With the exception of
14 historic fill, it has been fully remediated.

15 MR. HIPOLIT: Right.

16 We want to hear that -- I mean, we want
17 to hear that testimony and also see documentation
18 for that.

19 MR. CURLEY: And the --

20 MR. GALVIN: NFA.

21 MR. CURLEY: -- the slab will be the
22 cap, and there will be a deed notice --

23 MR. HIPOLIT: I mean, I don't think --

24 MR. CURLEY: -- and these are design
25 issues.

1 MR. HIPOLIT: -- right. I don't think
2 there is anything that keeps you from not being
3 complete, in my opinion --

4 MR. CURLEY: I agree.

5 MR. HIPOLIT: -- in this case.

6 CHAIRMAN HOLTZMAN: So the person that
7 will be testifying with regard to the environmental
8 issues will be an LSRP, or who are we bringing in?

9 MR. CURLEY: It will probably be the
10 LSRP. No reason not to have him come. He has the
11 ultimate responsibility for compliance.

12 MR. GALVIN: And my recommendation
13 would be if you have paperwork, get it over to Andy
14 in advance, so his guy can go through it.

15 MR. CURLEY: I think a lot of the
16 paperwork was delivered.

17 MR. HIPOLIT: It was. But Joe -- Joe
18 had some questions. So it's okay, if they talk, we
19 can have them talk between time?

20 MR. CURLEY: Certainly.

21 MR. HIPOLIT: I'll have them phone -- I
22 don't think -- like I said, Joe would be saying the
23 same thing that, like some other sites we had, it's
24 probably going to need a cap. It's probably going
25 to need some things done to it, and they should

1 testify that they are going to do it, so we have it
2 on the record, but it is stuff that we know will be
3 done.

4 CHAIRMAN HOLTZMAN: Right.

5 The same way that we have dealt with it
6 previously, we are going to need also some testimony
7 for the team in terms of, you know, what additional
8 soil is removed from the site, how are the trucks
9 cleaned and stabilized, air monitoring, like we have
10 done elsewhere, so let's make sure we are doing the
11 right thing here.

12 The reason I am bringing it up now is
13 we don't want to go through this at a hearing, where
14 it takes the better part of a hour and a half to
15 hash this out, so let's try to get this kind of
16 stuff buttoned up between the LSRPs, so that we can
17 make this presentation to the team, and we don't
18 have an hour and a half of questions.

19 MR. HIPOLIT: Right.

20 And what would be real easy for your
21 guy to do is if he gave -- you could send it to me,
22 but you got Joe, a list of here's exactly what we
23 are going to do. So we're doing bing, bing, bing,
24 cap, remove soil, taking it off site, and they're
25 going to a landfill as hazardous or whatever it may

1 be, here's your tabulation. We're putting in a
2 liquid boot, and we're putting a vapor barrier in,
3 whatever --

4 THE REPORTER: Andy, can you slow down?

5 MR. GALVIN: Can you go faster?

6 (Laughter)

7 MR. HIPOLIT: -- so that would really
8 be -- that would cut you down from testifying for an
9 hour over it and getting painful questions of what's
10 a liquid boot and what's a vapor barrier, you know,
11 and that's all --

12 CHAIRMAN HOLTZMAN: Right.

13 MR. HIPOLIT: -- how are you going to
14 deal with it when you get to construction.

15 CHAIRMAN HOLTZMAN: I mean, Mr.
16 Minervini is well versed in recently having gone
17 through a serious environmental issues that was able
18 to be resolved.

19 I think we did a little bit too much of
20 that on the fly at the hearing. I think we could
21 all do a better job of getting that stuff buttoned
22 up ahead of time.

23 MR. HIPOLIT: And we could just say we
24 reviewed your letter, and we reviewed it, and we
25 agree with it, and it would just be part of the

1 resolution.

2 MR. MINERVINI: Not a problem.

3 CHAIRMAN HOLTZMAN: Okay.

4 Mr. Roberts, any other callouts or
5 anything on this one?

6 MR. ROBERTS: I would say -- I was
7 going to ask Frank.

8 Frank, I know on some of the buildings
9 you had, you've had some fluctuations on per floor
10 projections and things like that. Is this a square
11 building --

12 MR. MINERVINI: This is not the same
13 case --

14 MR. ROBERTS: -- that's what it looked
15 like. It was like it was like a 50-by-60 box --

16 MR. MINERVINI: This is very
17 straightforward.

18 MR. ROBERTS: -- okay. Because the
19 same concern as the last one.

20 And then the other thing, Mr.
21 Chairman --

22 CHAIRMAN HOLTZMAN: Well, I spoke to
23 Mr. Minervini about this idea of the shadow line for
24 it, and I want to thank him because he immediately
25 said, absolutely, this is easy to do, no problem,

1 and they are going to make it a part of their packet
2 from now on.

3 MR. ROBERTS: That's great.

4 But as for this particular application,
5 Mr. Chairman, I am fine. I think it is a box
6 basically, 60 percent coverage.

7 And the only other thing, Frank, is we
8 had, now saying that the 50 percent --

9 MR. MINERVINI: It has to be revised,
10 so the calculation --

11 (Mr. Minervini and Mr. Roberts speaking
12 at the same time)

13 MR. ROBERTS: -- so that is it, Mr.
14 Chairman.

15 MR. HIPOLIT: Just one other thing. So
16 you did a great job, you know, with meeting the
17 comments in our letter, so again, I commend you on
18 that.

19 I have a few minor comments on
20 stormwater drainage. I'd rather just -- but they're
21 more detail stuff. I will send you a quick email on
22 it.

23 MR. MINERVINI: You can.

24 Since then, we have a full design, and
25 I could send that to you.

1 MR. HIPOLIT: Perfect. They're like --
2 we are talking about engineering, so it's okay --

3 (Mr. Minervini and Mr. Hipolit talking
4 at the same time)

5 MR. MINERVINI: No problem.

6 CHAIRMAN HOLTZMAN: Any concerns, Mr.
7 Magaletta?

8 VICE CHAIR MAGALETTA: No, I am fine
9 with it.

10 CHAIRMAN HOLTZMAN: Mr. Peene?

11 COMMISSIONER PEENE: None.

12 Just any time you see the word
13 asbestos --

14 MR. HIPOLIT: They have to remediate.

15 COMMISSIONER PEENE: --, it's an
16 eye-opener, but I am sure some of the applicants
17 will ask about the abatement of that part of --

18 MR. MINERVINI: Unfortunately, it is a
19 very common occurrence in Hoboken.

20 MR. HIPOLIT: They have to abate
21 asbestos in every building. They have no choice.

22 MR. MINERVINI: Yeah.

23 CHAIRMAN HOLTZMAN: Okay. So it looks
24 like it is completed,

25 Is that in agreement, gentlemen?

1 VICE CHAIR MAGALETTA: Yes.

2 COMMISSIONER PEENE: Yes.

3 CHAIRMAN HOLTZMAN: Yes. Okay.

4 Ms. Carcone?

5 MS. CARCONE: We could put you on for

6 June 14th.

7 CHAIRMAN HOLTZMAN: Great. Thanks,

8 guys.

9 MR. CURLEY: Thank you.

10 MR. MINERVINI: Thank you.

11 MR. HIPOLIT: Great job.

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: 4-14-16
This transcript was prepared in accordance with
NJAC 13:43-5.9.

CITY OF HOBOKEN
Subdivision & Site Plan Review
HOP-16-9

- - - - - X
Applicant: 115 Grand Street : April 13, 2016
Block 32, Lots 8-16 : 7:40 pm
Applicant: Chanti 3, LLC : Wednesday
Preliminary Site Plan & Variance :
- - - - - 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 Hipolit, PE, PP, CME
Board Engineer

Patricia Carcone, Board Secretary

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6 Attorney for the Board.

7 ROBERT C. MATULE, ESQUIRE
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9 Hoboken, New Jersey 07030
10 Attorney for the Applicant.

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1 CHAIRMAN HOLTZMAN: So the next item on
2 our agenda is, Mr. Matule, 115 Grand.

3 MR. MATULE: Good evening, Mr.
4 Chairman.

5 Robert Matule, appearing on behalf of
6 the applicant.

7 This is an application with respect to
8 the property at 115-131 Grand for preliminary site
9 plan approval and variances for a 32-unit
10 residential building.

11 I have, I believe, indicated in my
12 application, but I will spread it on the record
13 again. This was previously before the Zoning Board,
14 and it was a much more dense application, and it was
15 denied. Different owners, different applicants --

16 MR. MINERVINI: Different architect.

17 (Laughter)

18 MR. MATULE: -- hopefully a better
19 project.

20 CHAIRMAN HOLTZMAN: So a less dense
21 team?

22 MR. MINERVINI: That depends who you
23 ask.

24 (Laughter)

25 CHAIRMAN HOLTZMAN: I saw a callout

1 from the Flood Plain Manager's letter that concerned
2 me, because it might have some additional impact,
3 which was I think it is point two on her letter,
4 which was regarding the lowering of the sidewalk
5 height, which struck me as sort of an odd thing to
6 begin with.

7 So do you have her letter there?

8 Do you want to read that --

9 MR. MATULE: I do.

10 CHAIRMAN HOLTZMAN: -- and take a look
11 at that?

12 MR. MATULE: The Flood Plain
13 Administrator said she would prefer to see the lobby
14 storage and parking floor raised to 5.0 feet sloping
15 to drains in the yard at 4.5 or lower --

16 CHAIRMAN HOLTZMAN: So what it seems
17 like is you're currently at X elevation, and you are
18 reducing it in your new elevation for the building,
19 for the new building, so the question is: Why would
20 you do that.

21 Was there something you were trying to
22 achieve here?

23 MR. MINERVINI: The curbing is as it
24 was. I am looking through this. So that is the
25 same.

1 If we take our two percent slope,
2 whatever that number is, is where the first floor of
3 the lobby came out to be. So if you take your two
4 percent going from the top of the curb towards the
5 building --

6 CHAIRMAN HOLTZMAN: Is it maybe an
7 issue? I think it is a matter of six inches.

8 Do we have a six percent pitch, no, on
9 the sidewalk, no --

10 MR. MINERVINI: It's two percent.

11 MR. MATULE: Maybe in the elevations --

12 MR. HIPOLIT: They would have to make
13 up the six inches in the building and slope it
14 inside of the building.

15 CHAIRMAN HOLTZMAN: Right. That's the
16 question, why is there a difference, or maybe
17 something is mismarked on a plan or something like
18 that.

19 MR. MINERVINI: That's possible. I
20 don't think that is the case nor the intention, and
21 I will confirm and I will speak to the Flood Plain
22 Manager. But if that is the case, and I don't see
23 it here, I can make that accommodation difference in
24 the lobby.

25 CHAIRMAN HOLTZMAN: Okay. So --

1 MR. MINERVINI: I will have a
2 conversation with the Flood Plain Manager.

3 CHAIRMAN HOLTZMAN: Okay. That is
4 great.

5 While we are on her review letter,
6 there was also a callout about locating the gas
7 service, which I don't think is detailed.

8 MR. MINERVINI: Let's see. So I
9 believe --

10 VICE CHAIR MAGALETTA: I think there
11 was gas service above DFE, but it is on the first
12 level, though. Is that right?

13 CHAIRMAN HOLTZMAN: Oh, that was what
14 the problem was? Okay.

15 MR. MINERVINI: I think it works in
16 this case, if I could give you a detail showing
17 that --

18 MR. MATULE: You know, my understanding
19 is as long as it is above elevation 14 --

20 MR. HIPOLIT: Yeah. It has to be above
21 14.

22 MR. MINERVINI: Not even 14. It's 13.

23 VICE CHAIR MAGALETTA: Well, you also
24 have space above it for access to work on --

25 MR. MINERVINI: Correct. Two feet.

1 VICE CHAIR MAGALETTA: -- yeah, a
2 couple of things --

3 CHAIRMAN HOLTZMAN: You have to have a
4 platform because it can't be --

5 MR. MINERVINI: I will confirm that.
6 I think it works as it is, but I will confirm it.

7 CHAIRMAN HOLTZMAN: Okay.

8 Then it is certainly something for the
9 Board as a whole to determine, but I did see that --
10 I think called out in Mr. Roberts' letter as well,
11 that the retail space on this was a rather small 800
12 square feet, which is something that we are on
13 previous applications been trying to get it to a
14 little bit more of a usable space, so it is not the
15 corner drop shop or nail salon or something like
16 that. So I don't know if you can take a look at
17 that, but I would certainly anticipate that as a
18 question from the team.

19 MR. MINERVINI: I'll have to --

20 VICE CHAIR MAGALETTA: You have two
21 parking spaces for your retail, which is a small
22 retail. Would it be just for employees, is that who
23 it would be for?

24 MR. MINERVINI: Yes. We are expecting
25 as designed to be a neighborhood shop of some sort,

1 so nobody is really driving to it. But I could have
2 a conversation with the applicant and see how he
3 feels about expanding it. Understood.

4 VICE CHAIR MAGALETTA: Thank you.

5 MR. HIPOLIT: Just two different
6 issues. Traffic, we have a bunch of comments, which
7 can be addressed in testimony, so --

8 MR. MATULE: I spoke with Mr. Staigar,
9 and he said that he felt he could address them in
10 testimony and would not be amending his report.

11 MR. HIPOLIT: You can testify to them,
12 so I'm okay with that.

13 The environmental issues, so there are
14 some environmental issues very similar to what I
15 think you just heard before. I don't think Joe
16 believes that they are unsurmountable. There is not
17 mercury on the site, but there's product possibly --

18 MR. MATULE: Well, let me address that.

19 The tank was abandoned in place in I
20 believe 1996 --

21 MR. HIPOLIT: It's not that long ago.
22 It sounds like a long time, but in environmental, it
23 is not long.

24 MR. MATULE: -- and with an NFA letter
25 issued by the state --

1 MR. HIPOLIT: Yes.

2 MR. MATULE: -- as part of the current
3 owner's due diligence, notwithstanding the NFA
4 letter, they took soil borings, around six borings
5 around the tank, and had that analyzed.

6 Of the six borings, three did not go
7 deep enough because they hit concrete or whatever.

8 The three that did go deep enough, two
9 came back as non detectable. One came back over the
10 1,000 preliminary level, but less than 1500, which
11 required additional -- two additional tests, which
12 were done, and they came back within residential
13 standards, so that was all good.

14 MR. HIPOLIT: So all we are looking for
15 you to do, and I think we have come to a pretty good
16 situation here where you can provide us with how you
17 are dealing with it --

18 MR. MATULE: Okay. Because the plan --

19 MR. HIPOLIT: -- so provide it in
20 writing to us, so Joe can review it.

21 Here is what we have. Here is the
22 results, and this is how we plan to deal with it.

23 We don't really want to go backwards in
24 history. We know what the history is. How are you
25 dealing with it in construction.

1 MR. MATULE: Right, and I will get you
2 that. But the plan is, assuming the application is
3 approved, that the building is going to be razed --

4 MR. HIPOLIT: Great.

5 MR. MATULE: -- and as part of that,
6 this tank that is now full of gravel or sand, or
7 whatever it is full of under the sidewalk is going
8 to be pulled out of the ground, which will then give
9 us an actual visual of what is there.

10 It is anticipated there will not be
11 anything there of any consequence, but obviously if
12 there is, it will be done.

13 MR. HIPOLIT: Great.

14 The rest of the stuff in the letter you
15 could address. There is nothing earth shattering.

16 CHAIRMAN HOLTZMAN: So, Mr. Hipolit,
17 could you just expand upon what Mr. Matule just
18 said, which is if they find something else there, it
19 will be dealt with?

20 MR. HIPOLIT: They have to deal with
21 it.

22 CHAIRMAN HOLTZMAN: Yeah. We always
23 like the "have tos."

24 So who makes the have to, have to?

25 MR. HIPOLIT: They are going to have to

1 have an LSRP engaged. When they raze the building,
2 they are going to remove that tank that was filled
3 some time ago. They're going to have to do testing
4 around that tank, because it will be filed with the
5 building department. They will determine whether
6 any additional work has to be done.

7 An LSRP will have to tell them what to
8 do, and they'll have to do it, and then they'll have
9 to cap -- they probably will have to cap the site is
10 what will happen obviously.

11 CHAIRMAN HOLTZMAN: Okay. Because it
12 seemed in reading your letter that, you know, the
13 issue of the tank is within the scope of a
14 relatively low threshold of dealing with --

15 MR. HIPOLIT: Correct.

16 CHAIRMAN HOLTZMAN: -- I guess the
17 bigger question was: What is the unknown because of
18 some of the previous uses from different tenants
19 throughout the year.

20 They had this one tenant that was in
21 the waste removal business, one in a hazardous waste
22 removal business. We don't know if it was stored on
23 site or maybe they had an office there. We don't
24 know the answer to that, right?

25 MR. HIPOLIT: No. We don't know the

1 answer, and they probably don't know the answer.
2 That is why they have tests, so they are going to be
3 doing tests to determine that.

4 CHAIRMAN HOLTZMAN: Okay.

5 MR. HIPOLIT: It is a process they have
6 to go through.

7 MR. MATULE: I mean, the only thing I
8 would add is when we are pulling the tank, we have
9 an LSRP engaged to do that.

10 If they discover that there has been a
11 discharge, they have to then open a case number with
12 the DEP, and then we have to do whatever we have to
13 do. We are not anticipating that eventuality, but
14 if that is what it turns out to be, that is how it
15 is going to unfold.

16 CHAIRMAN HOLTZMAN: If I'm repeating --
17 I think I am going to repeat myself, but I just want
18 to make sure we are on the same page.

19 I think that we are all pretty much
20 understanding how tanks get dealt with, and that's
21 what I said was I thought it was a pretty low
22 threshold that we all understood.

23 MR. HIPOLIT: Sure.

24 CHAIRMAN HOLTZMAN: The question is:
25 What is it that we don't know, or what comes up in

1 the history of the additional -- of the other uses
2 that were on the site, so -- and you're saying they
3 are going to do additional testing on the site, not
4 just at the tank. Is that what -- I'm trying to
5 understand it.

6 MR. HIPOLIT: So they're going to, at
7 least the way I understand it from talking to Joe,
8 when they take this tank out, they are going to do
9 some tests. Those tests will involve visual and
10 soil testing.

11 If those tests show nothing, don't come
12 up with anything else, other than tank stuff, you
13 really have nothing else to deal with on that
14 site --

15 CHAIRMAN HOLTZMAN: Okay.

16 MR. HIPOLIT: -- that would verify that
17 if there were other uses there, whatever they were,
18 they didn't contaminate the property, other than the
19 traditional Hoboken historic fill. There is enough
20 investigation that's going to take place, where you
21 don't really need to worry about it.

22 CHAIRMAN HOLTZMAN: Great.

23 MR. HIPOLIT: As to the items in my
24 letter. I would just ask you to address them --

25 MR. MINERVINNI: Yes.

1 MR. HIPOLIT: -- there's nothing
2 that's --

3 MR. MINERVINI: Yes.

4 MR. HIPOLIT: -- just, you know,
5 callouts.

6 MR. MINERVINI: Yes.

7 MR. ROBERTS: Same thing, Mr. Chairman.
8 I think Frank would be a good one for that shadow,
9 overhead shadow sheet, and then I think the
10 sheets -- the only thing we called out in the letter
11 from last week, usually you show us -- I think it is
12 required in the checklist --

13 MR. MINERVINI: It is.

14 MR. ROBERTS: -- you have an elevation
15 of the -- the building is pretty wide, so it's wider
16 than you usually have --

17 MR. MINERVINI: No. I'm sorry. I see
18 that, and I will correct that.

19 MR. ROBERTS: And that was it, Mr.
20 Chairman.

21 CHAIRMAN HOLTZMAN: Right, because the
22 front of the building has a bit of a sawtooth kind
23 of, so --

24 MR. ROBERTS: Yeah. There are some
25 different decks and stuff, but I think the --

1 CHAIRMAN HOLTZMAN: Right. So this
2 will be a good --

3 MR. ROBERTS: -- and the other thing,
4 too, Mr. Chairman, is this one is similar to last
5 week's because it has that one deck, one lot or two
6 lots, that is only 70 feet deep or whatever, and
7 that is where you get your zero rear yard and your
8 zero setback because it is a short -- it's a
9 nonconforming lot, so this is what happened last
10 time, so this will be a good situation --

11 MR. MINERVINI: I will have effective
12 photographs showing existing conditions.

13 CHAIRMAN HOLTZMAN: Mr. Magaletta, any
14 issues or concerns?

15 VICE CHAIR MAGALETTA: Not for this
16 purpose, no.

17 MR. HIPOLIT: If you decide to deem it
18 complete, and it goes to the 6-14 meeting, the only
19 thing I would ask is you would get the revisions to
20 us in enough time so we can just take our letters
21 and strike them --

22 MR. MINERVINI: Yes.

23 MR. HIPOLIT: -- the Board can see the
24 letters struck, and they will know how those were
25 addressed, and they get them more in advance time,

1 so I am not sending them a letter on 6-11 for a 6-14
2 meeting.

3 MR. MINERVINI: Yes. There is nothing
4 on these letters that I can't address quickly.

5 MR. HIPOLIT: If you get a letter back
6 to the Board for May, that will be great, so they
7 will have two or three weeks to look at it, and
8 we're not rushing them.

9 CHAIRMAN HOLTZMAN: Mr. Peene, any
10 concerns or callouts?

11 COMMISSIONER PEENE: No comments or
12 concerns.

13 CHAIRMAN HOLTZMAN: Okay.

14 If not, gentlemen, we will deem this
15 one complete. Is that correct?

16 VICE CHAIR MAGALETTA: Yes.

17 COMMISSIONER PEENE: That's correct.

18 MR. MINERVINI: Okay. Thank you.

19 CHAIRMAN HOLTZMAN: Oh, scheduling,
20 don't go so fast.

21 MS. CARCONE: It is up to you, Bob. I
22 mean, you said 462 Newark, you might want to put
23 that on the 14th, if you are complete on May 11th?

24 MR. MATULE: It's an older application.

25 MS. CARCONE: And hold that, and then

1 that would put this one into July then because we
2 have three projects already lined up.

3 MR. MATULE: So you already have your
4 June booked up?

5 MS. CARCONE: June 14th, the one
6 meeting in June is booked up, and we don't have a
7 second meeting right now.

8 MR. MATULE: All right. So what is the
9 meeting in July?

10 MS. CARCONE: July 5th.

11 MR. HIPOLIT: Wow, that's really --
12 thanks, Pat.

13 (Laughter)

14 MS. CARCONE: I know that's a tough
15 date.

16 MS. CARCONE: Well, do you want me to
17 reorder the calendar? I'll change the calendar
18 around.

19 MR. ROBERTS: Yes. Change Independence
20 Day, can you do that?

21 (Laughter)

22 MS. CARCONE: The 4th of July is a
23 Monday, yes. July 5th.

24 MR. HIPOLIT: I will call you from the
25 beach.

1 (Laughter)

2 MS. CARCONE: Well, we can think about
3 that date, huh?

4 (Everyone talking at once)

5 MR. HIPOLIT: That's all right. We'll
6 be here.

7 MS. CARCONE: We'll be here?

8 VICE CHAIR MAGALETTA: Where else are
9 you going to be?

10 CHAIRMAN HOLTZMAN: Where else are you
11 going to be?

12 MR. MATULE: All right. So, Mr.
13 Minervini, when do you think you could get the --
14 because the next work session is May 8th, I don't
15 know if we need to come to that or --

16 MR. HIPOLIT: No, you are good.

17 MR. MINERVINI: Two weeks?

18 MR. ROBERTS: Unless you want to come.

19 MR. MATULE: But you want to be able to
20 report back to the Board on May 8th?

21 MR. HIPOLIT: No. What I don't want to
22 do is this meeting is June 6th, on June 1st I don't
23 want to be sending a letter to the Board --

24 MR. MINERVINI: July.

25 MR. HIPOLIT: -- July 1st, I don't want

1 to be sending a letter to the Board with a lot of
2 strike-outs, so they get it four days before the
3 meeting.

4 Get them to us sooner, rather than
5 later, or get it to Pat, so she has her letter, and
6 she's got her copies made. It's well done in
7 advance. There's nothing that you can't address.

8 MR. MINERVINI: In two weeks, I will
9 have it to you.

10 MR. MATULE: Okay. Thank you.

11 CHAIRMAN HOLTZMAN: Thank you.

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: 4/14/16
 This transcript was prepared in accordance with
 NJAC 13:43-5.9.

CITY OF HOBOKEN
Subdivision & Site Plan Review

- - - - - X
 SUBDIVISION & SITE PLAN : April 13, 2016
 REVIEW COMMITTEE MEETING : 7:50 pm
 OF THE CITY OF HOBOKEN : Wednesday
 PLANNING BOARD :
 - - - - - 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 Hipolit, PE, PP, CME
Board Engineer

Patricia Carcone, Board Secretary

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1 CHAIRMAN HOLTZMAN: So we're going to
2 have one more discussion, so don't run away just
3 yet.

4 (Discussion held off the record.)

5 CHAIRMAN HOLTZMAN: So Dennis has the
6 floor, and this is about -- this is a conversation
7 about extensions and a letter that we received.

8 (Board members confer)

9 CHAIRMAN HOLTZMAN: Okay. So, Dennis,
10 you have the floor.

11 MR. GALVIN: Here is what we are going
12 to do. We are not going to discuss any individual
13 applicant, okay? But we are going to try to bring
14 you guys up to speed on what Andy, Dave and I know
15 about extensions.

16 VICE CHAIR MAGALETTA: So is this a
17 policy question, so this is a policy discussion?

18 MR. GALVIN: Yes, in general.

19 MR. MATULE: I am just going to step
20 out for one minute, Mr. Chairman.

21 MR. GALVIN: It's an open meeting. You
22 don't have to.

23 (Laughter)

24 You know, as I was trying to tell the
25 guys, it has been eight years. For eight years, we

1 had the permit extension in play, which basically
2 gave all developers in the state this protection
3 from losing their approvals.

4 Generally speaking, if you have a site
5 plan approval, and there is no change in zoning,
6 your approval continues indefinitely whether it's
7 extended or not.

8 The risk for builders is that you
9 granted them an approval. Time went by, and now you
10 get a great idea. We don't want residential in that
11 location, now we want commercial. You guys enact a
12 zoning ordinance. They are screwed, and they lose
13 their valuable approval unless they run out, and
14 they pull their permit right away.

15 The other thing is because eight years
16 have gone by, to be honest, I got rusty. I forget
17 how to do this. Do you charge a fee, do you have an
18 escrow, you know, how much do you have to put people
19 through to see, and 40:55D-52 talks about final
20 approval, A, B, C, D, E. And I have gone through it
21 several times and even taught it this weekend, but
22 I'm still not a hundred percent. And it seems to me
23 that at some point, you're entitled to -- if there
24 were no Permit Extension Act, and your approval runs
25 out, that you can come before the Board, and you can

1 get between a one and three years extension.

2 If I were a developer, I would ask for
3 three. If I were a Board, maybe I'd grant one,
4 bring them back next year.

5 If you had 50 of these you're dragging
6 behind you like a bunch of mines, you might not want
7 to do that. You might want to put them off for
8 three years and just say the hell with this. But I
9 don't know what the administration's feeling is
10 right now, if whether or not it wants to change any
11 of the zones or do something different than to
12 compromise the approvals.

13 MR. HIPOLIT: But they should come back
14 to the Board.

15 MR. GALVIN: No matter what, they have
16 to come to the Board, but let me say a couple of
17 more things.

18 One: You don't want to be -- if you
19 turn it down, and there is a potential that you
20 might have to rehear the case at some point, if you
21 don't grant them the extension, you know.

22 COMMISSIONER PEENE: I mean, the law
23 was also written to give developers a lot of time
24 after the crash of '08 through '10, and you know,
25 you look around here and we see what is happening

1 and what is coming up at our meetings.

2 I mean, I don't foresee in my humble
3 opinion that there will be another extension passed
4 June 18th --

5 MR. HIPOLIT: It's not going to --

6 MR. GALVIN: We already know there is
7 not going to be. Everybody is trying to deal with
8 it.

9 COMMISSIONER PEENE: -- and some people
10 are pushing for it, you know, like, you know, the
11 Nyops and the --

12 VICE CHAIR MAGALETTA: But the market
13 force, which brought about this extension act, are
14 no longer viable. They don't exist here.

15 COMMISSIONER PEENE: Because they're no
16 longer there. I agree.

17 VICE CHAIR MAGALETTA: They didn't
18 exist in Hoboken to begin with.

19 (Laughter)

20 CHAIRMAN HOLTZMAN: I want to
21 interject.

22 I was under the impression, and if I am
23 wrong, let's get it cleared up, that the Permit
24 Extension Act was when you had a normal permit
25 outstanding in a regular zone --

1 MR. GALVIN: There were exceptions --

2 CHAIRMAN HOLTZMAN: -- and there are
3 different conditions if something is in a
4 redevelopment zone or a PUD.

5 MR. GALVIN: I have to go back and
6 analyze that. I don't remember, and I don't know
7 that it matters.

8 Here is --

9 CHAIRMAN HOLTZMAN: What I am saying is
10 it is my impression that then what would supersede
11 the permit or it's --

12 VICE CHAIR MAGALETTA: The general
13 application.

14 CHAIRMAN HOLTZMAN: -- or life would be
15 the contract, the developer's agreement in a
16 redevelopment zone, because that contract, the city
17 with a property owner or the redeveloper, is not
18 always the same thing, as we all know, might have a
19 sunset clause in it, might have a cancellation date,
20 might have phasing schedules and other things like
21 that.

22 MR. HIPOLIT: But you really ought to
23 apply both things, wouldn't you, so you have that
24 standard and you have the other -- I mean, both
25 would apply, whichever one kills it first would be

1 the one that --

2 CHAIRMAN HOLTZMAN: I don't think that
3 is an accurate statement. I think what supersedes
4 it is your developer agreement.

5 MR. ROBERTS: Yeah. I think that part
6 of it is the PUD is not -- if it was a large enough
7 project, it would be --

8 MR. GALVIN: I didn't --

9 MR. ROBERTS: -- then you get 20 years
10 vesting. That is pretty really --

11 MR. GALVIN: -- I didn't see 20. I saw
12 five.

13 MR. ROBERTS: -- but, no, I don't think
14 it was general development. I think it was just a
15 straight PUD, but usually with PUDs there's still --
16 it gets broken down into, you know, you have the PUD
17 approval for the general massing, density, building
18 location, whatever, and then each one comes in for
19 its own preliminary and final site plan.

20 And when you come in, that PUD might
21 have a time phasing schedule in it, but within that
22 schedule, when they go for their entitlement, they
23 get their preliminary, they have three years to get
24 the final after they get the preliminary. They have
25 one for two years to get their permits after they

1 get their finals, so I think that the Permit
2 Extension Act wouldn't apply for the PUD agreement.
3 I agree with you there.

4 It might apply to the individual
5 preliminary or final, and really in this case the
6 final site plan approval.

7 CHAIRMAN HOLTZMAN: Dave, you are going
8 to give us a review letter on what it is that you
9 find --

10 MR. ROBERTS: In the agreement.

11 CHAIRMAN HOLTZMAN: -- in the developer
12 agreement to see if there are any specific time
13 lines or --

14 MR. GALVIN: In any development
15 agreement, if anybody is asking us for that.

16 MR. ROBERTS: Yeah. I've seen -- I am
17 pretty sure we have the Maxwell one because we
18 looked at it I think for Maxwell Place to see if
19 there was anything in it that would affect the
20 direction --

21 MR. GALVIN: Right. But I don't want
22 to discuss the specific case in this discussion.

23 MR. ROBERTS: Right. Got you.

24 MR. GALVIN: No, we weren't.

25 CHAIRMAN HOLTZMAN: Standard operating

1 procedure to find out in a contract if there was any
2 cancellation clauses or anything else.

3 MR. ROBERTS: So you need a memo in
4 time for the next Board meeting, right, and we will
5 get it obviously to you before that.

6 MR. GALVIN: And the other thing, look,
7 that everybody needs to understand is I don't have
8 clear guidance on some of this stuff. It is like I
9 am not a hundred percent sure.

10 I mean, I have gone through Cox's book,
11 and I read it, and I started going (indicating).
12 You know, it just wasn't getting it done for me,
13 okay?

14 And I think one of the things that is
15 clear to me is that 52 encourages you to grant
16 extensions when it is appropriate provided they can
17 show you what the delay is.

18 So if you have somebody who is making
19 no effort whatsoever or has no explanation
20 whatsoever, I think that they are not going to
21 develop the property, and that is not what everybody
22 is talking about.

23 If a developer is legitimately trying
24 to pursue their development plan, and they have
25 obstacles that are keeping them, and you could

1 understand that, and you agree with that, I think
2 that is a good reason to give them a little bit of
3 extra protection.

4 Let me just say this. You know, you
5 don't have to agree to me on a case by case basis,
6 but if I were teaching this, I would be saying that
7 the general philosophy is to grant extensions where
8 appropriate.

9 The other thing the law even allows you
10 to, like I screwed up, I didn't come in on June
11 30th, I figured it out, I messed up, and it is now
12 October. They could still come and make a request
13 for us for the extension.

14 If you grant it, it goes retroactive to
15 the expiration, so the law even allows for that.
16 That's what I'm saying. I think the general spirit
17 of it is, you know, I think if we have some good
18 reasons that we want to change the zoning, I think
19 that is something that we need to be mindful of.

20 If we don't, it is okay to grant -- to
21 be cooperative --

22 CHAIRMAN HOLTZMAN: That is good.

23 VICE CHAIR MAGALETTA: As long as they
24 satisfy the statute, that's fine. Unless they ask
25 for it, they don't get it.

1 MR. GALVIN: Put it this way --

2 VICE CHAIR MAGALETTA: You are giving
3 the impression that we should lean -- we want to
4 lean one way or the other, it comes in and we look
5 at it --

6 MR. GALVIN: No --

7 VICE CHAIR MAGALETTA: -- I am not
8 inclined to say because you asked for it, we will
9 give it to you. You got to satisfy the statute,
10 to my estimation.

11 MR. GALVIN: My --

12 CHAIRMAN HOLTZMAN: And let me throw
13 out something also --

14 MR. GALVIN: -- my recollection --

15 CHAIRMAN HOLTZMAN: -- one of the
16 things that you always counsel us against is we are
17 not supposed to be making decisions with regard to
18 an application based upon financial concerns.

19 On the other hand, the reason the
20 applicant is asking for an extension is for their
21 financial concerns.

22 MR. GALVIN: No. I don't know that
23 that is the qualifier. The delay should be that
24 they're having trouble getting -- like they have to
25 do the pier, and they can't get the approval they

1 need from the DEP, or they can't get the cleanup
2 resolved or they -- you know, if you really want to
3 hold them --

4 CHAIRMAN HOLTZMAN: How about if it is
5 not one of those types of things, and they could
6 start on the project tomorrow, but they would like
7 to spread it out for their own financial gain?

8 MR. GALVIN: I think you are right that
9 that is a less -- I don't think that you --

10 MR. HIPOLIT: You could say no.

11 MR. GALVIN: -- listen, and the other
12 thing, too is, Hoboken is in a great spot. You guys
13 are in a great spot.

14 You know, if somebody were to tell me,
15 well, you know, the economy hasn't been good, blah,
16 blah, blah, my response to them would be --

17 CHAIRMAN HOLTZMAN: Welcome to Hoboken.

18 MR. GALVIN: -- maybe not in Somerville
19 or some place like that, but, you know, and that is
20 one of my towns, we have been like looking for work.
21 I'm like running out on the street with an ice cream
22 sandwich board, saying, "Please come to the Zoning
23 Board."

24 (Laughter)

25 So, you know, I think that that is a

1 factor. The question is, though, I think there is a
2 general philosophy that the courts, I think from my
3 past experience, the way I viewed it before, eight
4 years ago, ten years ago, was that you generally
5 should consider granting like, let's say somebody
6 got a site plan approved today. They have two years
7 to come back.

8 When they come back in two years, if
9 it's a somewhat big project, and they ask you for
10 like a year extension, I think you should grant it.
11 That is what I always advised Boards before, that
12 you should grant it unless you had a solid reason
13 not to. I don't -- I cannot advise you --

14 CHAIRMAN HOLTZMAN: And my counter to
15 you is you should have a solid reason to extend.

16 VICE CHAIR MAGALETTA: Yeah. You are
17 saying we should gravitate towards yes without --
18 unless -- no. The burden is on them to demonstrate
19 that they are entitled to an extension. It's not on
20 us to say, well, maybe -- we'll give it to you. We
21 shouldn't think of a reason why they can't give it,
22 they have to prove that they are entitled to it --

23 MR. GALVIN: I realize --

24 VICE CHAIR MAGALETTA: -- and when you
25 looked at the statute eight years ago, it was a

1 different market. It was a different market. So
2 maybe back then it was an inclination, okay, let's
3 help these developers out, because the economics is
4 not their fault. The economics is everyone around
5 them. This situation, it is the particular
6 applicant and his economics and his -- so that is
7 what we are looking at.

8 It is different than what you are
9 talking about eight years ago.

10 MR. GALVIN: No, but it also helps the
11 locality. You're trying to develop your town.
12 You're Somerville. You have a big project. You
13 don't want to scare them away. You want them to do
14 it --

15 VICE CHAIR MAGALETTA: But we are not
16 saying that --

17 MR. GALVIN: -- I'm just saying -- I
18 know. I know we are having a general discussion
19 about it.

20 VICE CHAIR MAGALETTA: I know.

21 MR. GALVIN: The other thing that you
22 need to know is, if my instincts about this are
23 right, then let's say we take a -- because we have
24 been very successful, we say, you must show us the
25 reason for your delay or we are not going to grant

1 you this extension, and we go hard core with that.

2 That is fine, but then we might go to
3 court, and I cannot tell you that your opinion will
4 be the same opinion that the court or the Appellate
5 Division will share.

6 VICE CHAIR MAGALETTA: I am okay with
7 that.

8 CHAIRMAN HOLTZMAN: I am okay with that
9 also.

10 I think that if, Commissioners, please
11 let me know if you agree with me, I think we should
12 direct our attorney to advise any applicants that
13 come to us with a request for an extension, that
14 they should be prepared to come to a hearing of the
15 full Board and make their case as to what is their
16 hardship, what is their reason, tell us what the
17 story is, other than we just want one.

18 VICE CHAIR MAGALETTA: I agree.
19 The burden is on the applicant.

20 CHAIRMAN HOLTZMAN: Okay. That is it.

21 MR. GALVIN: My purpose tonight was to
22 get your input and educate you, because some of us
23 know, it is easier to tell the whole Board --

24 CHAIRMAN HOLTZMAN: So, Mr. Galvin,
25 should we receive a request for an extension, please

1 let our applicant know that.

2 (Laughter)

3 MR. GALVIN: Yes. I may have already
4 suggested that to them.

5 (Laughter)

6 CHAIRMAN HOLTZMAN: If there is nothing
7 further, gentlemen, we'll motion to close --

8 MR. GALVIN: No. The other thing is,
9 just so you know --

10 CHAIRMAN HOLTZMAN: -- I'm sorry. Go
11 ahead.

12 MR. GALVIN: -- the other thing is at
13 some point we need to get the administration to give
14 Ms. Carcone some guidance because if we are going to
15 have a review, we are going to have them come to a
16 meeting, do we want to charge a fee for that --

17 MS. CARCONE: Well, actually it is on
18 our fee schedule. I misspoke when I --

19 CHAIRMAN HOLTZMAN: She's got it.

20 MR. GALVIN: No problem. Good.

21 CHAIRMAN HOLTZMAN: So should we
22 receive a letter, the method would be Dennis will
23 reach out to the applicant and coordinate what the
24 request is that the Board is going to need in terms
25 of input, and you will coordinate with the secretary

1 to schedule when they sort of satisfied putting
2 their --

3 MR. GALVIN: Outlining their reason,
4 and then we will just schedule them for a meeting
5 when we can, right? Just put them on.

6 I mean, like if you put them on a May
7 meeting, or you put them on for a June meeting, the
8 assumption is it is going to take ten or 15 minutes,
9 but with us, it will probably take a half-hour or 45
10 minutes, but that is the way to do it.

11 MS. CARCONE: Is there an engineering
12 review of these projects?

13 MR. GALVIN: I don't see why there
14 would be.

15 MR. ROBERTS: Yes. It depends on the
16 Board. Sometimes they ask for one, sometimes they
17 don't. It's been a long time --

18 MR. GALVIN: Same thing, right?

19 MR. ROBERTS: -- but I think that
20 generally --

21 CHAIRMAN HOLTZMAN: If a review was not
22 really required, I can't see where --

23 MR. HIPOLIT: A review --

24 CHAIRMAN HOLTZMAN: -- I'm sorry -- it
25 is not going to give the Board some additional

1 insight. I don't think that we need to go through
2 the time and energy and expense for our applicants.

3 MR. HIPOLIT: Yeah, I agree.

4 CHAIRMAN HOLTZMAN: On the other hand,
5 Mr. Galvin, if you think that it is relevant to
6 prepare some type of a legal review letter that
7 gives the Board a little bit of a discussion and
8 back story as to what this hearing for an extension
9 is all about, that might be useful, and we can
10 figure out if that makes sense.

11 MR. GALVIN: I think I need to give the
12 Board their instructions on how we evaluate these
13 things, and we are disagreeing a little bit, so I am
14 saying that I think it is a gentler process, and we
15 are saying that we want to be a little firmer about
16 it.

17 So we will have that discussion with
18 the Board, and then the applicant should be
19 submitting a letter telling you what they want, and
20 then they can come and talk to us, and then you guys
21 will decide yes or no.

22 CHAIRMAN HOLTZMAN: Great.

23 Anything further, Mr. Hipolit?

24 MR. HIPOLIT: No.

25 CHAIRMAN HOLTZMAN: Good.

1 MR. ROBERTS: I was just going to say
2 that in most cases it's a presentation to the Board
3 pretty much like you got from the city on the
4 firehouse issues, and things like that.

5 CHAIRMAN HOLTZMAN: Brave new world.

6 Mr. Peene, anything else?

7 COMMISSIONER PEENE: No.

8 CHAIRMAN HOLTZMAN: Mr. Magaletta?

9 VICE CHAIR MAGALETTA: Nope.

10 CHAIRMAN HOLTZMAN: There's a motion to
11 close the meeting.

12 COMMISSIONER PEENE: So moved,

13 CHAIRMAN HOLTZMAN: Second?

14 VICE CHAIR MAGALETTA: Second.

15 CHAIRMAN HOLTZMAN: All in favor?

16 (All Board members answered in the
17 affirmative)

18 CHAIRMAN HOLTZMAN: Thank you,
19 gentleman, and Pat and Phyllis.

20 (The meeting concluded at 8:05 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: 4-14-16
This transcript was prepared in accordance with
NJAC 13:43-5.9.