

CITY OF HOBOKEN PLANNING BOARD
SUBDIVISION & SITE PLAN REVIEW
COMMITTEE MEETING

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REGULAR MEETING OF THE CITY OF : July 8, 2015
HOBOKEN SUBDIVISION & SITE PLAN : 7:07 p.m.
REVIEW COMMITTEE MEETING :
----- 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
CERTIFIED COURT REPORTER
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5 732-364-3011
6 BY: STEVEN M. GLEASON, ESQ.
7 Attorneys for the Board.

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1 CHAIRMAN HOLTZMAN: Okay. We are going
2 to get started, everybody.

3 Everybody is good.

4 Okay. Good evening, everybody.

5 This is the City of Hoboken Planning
6 Board Meeting. This is the SSP Site Plan Review
7 Committee. It is Wednesday, July 8th. It is 7:07
8 pm.

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

17 Pat, please call the roll.

18 MS. CARCONE: Commissioner Holtzman?

19 CHAIRMAN HOLTZMAN: Here.

20 MS. CARCONE: Commissioner Magaletta?

21 VICE CHAIR MAGALETTA: Here.

22 MS. CARCONE: Commissioner Peene?

23 COMMISSIONER PEENE: Here.

24 CHAIRMAN HOLTZMAN: Thank you.

25 (Continue on next page)

CITY OF HOBOKEN PLANNING BOARD
SUBDIVISION & SITE PLAN REVIEW
COMMITTEE MEETING

- - - - - X
RE: 711 Hudson Street : July 8, 2015
Stevens Institute Davidson : 7:10 p.m.
Laboratory Building :
Applicant: Stevens Institute of :
Technology :
Minor Site Plan Review to renovate :
the ABS Laboratory :
- - - - - X

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730 Brewers Bridge Road
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732-364-3011
BY: STEVEN M. GLEASON, ESQ.
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GIBBONS, PC
One Gateway Center
Newark, New Jersey 07102
BY: JASON R. TUVEL, ESQ.
Attorney for the Applicant

1 CHAIRMAN HOLTZMAN: Okay. The first
2 item on our agenda this evening is 711 Hudson,
3 Stevens.

4 MR. TUVEL: Good evening, Mr. Chairman.
5 Jason Tuvel from the law firm of
6 Gibbons, PC on behalf of Stevens Institute of
7 Technology.

8 CHAIRMAN HOLTZMAN: Good evening.

9 MR. TUVEL: We are here on the ABS
10 project, 711 Hudson Street.

11 We were here last month where we talked
12 about some issues. Since then we did resubmit plans
13 that addressed, I believe, the ADA compliance in
14 connection with the first and second levels of the
15 building. We also submitted an elevation facing
16 straight on for Hudson Street, which the Board had
17 asked -- which the Committee had asked for.

18 The final item, which is the biggest
19 item that we are going to have a discussion on this
20 evening, is the rain garden issue right in front of
21 the project.

22 We found out about two days ago, and I
23 reached out to your professionals on this issue,
24 that the groundwater at the levels there are
25 relatively high, and we are actually fairly

1 surprised about that, and because of that we don't
2 think that the rain garden that we proposed in the
3 plans that we resubmitted to you will function as
4 well as we would like.

5 And what I would like to do and get
6 some feedback from your professionals and from the
7 committee is have Andy Missey, our site engineer,
8 talk about the results of that groundwater sampling
9 and some alternatives that he proposes that would
10 achieve the same stormwater management goals and
11 objectives that I know the committee is looking to
12 achieve, while at the same time having the plantings
13 and some of the esthetic features that I know we
14 also wanted as part of the project.

15 CHAIRMAN HOLTZMAN: Okay.

16 MR. TUVEL: So I would like Andy Missey
17 to come up. He's our site engineer from Lapatka
18 Engineering --

19 MR. MISSEY: Good evening.

20 CHAIRMAN HOLTZMAN: Good evening.

21 MR. TUVEL: -- and have him talk about
22 the groundwater and some of the alternatives that we
23 are exploring.

24 MR. MISSEY: Very briefly --

25 CHAIRMAN HOLTZMAN: Let's go one step

1 at a time. Let's take hopefully what are the easy
2 ones.

3 You got some additional materials from
4 them with regards to the ADA compliance as well.

5 MR. HIPOLIT: Based on our original
6 letter, they complied with it. The only thing we
7 have left really is this rain garden.

8 CHAIRMAN HOLTZMAN: Okay. So you are
9 good in terms of any other issues that are
10 outstanding?

11 MR. HIPOLIT: Yes.

12 CHAIRMAN HOLTZMAN: Okay. Great.
13 Thank you.

14 Go ahead.

15 MR. MISSEY: Very briefly, as part of
16 this project last summer in August, Langan
17 Engineering from Elmwood Park was brought out to do
18 a geotechnical investigation for what is going on
19 inside of the four walls of the ABS Lab.

20 They did two borings inside, and they
21 dug a test pit to the rear between the athletic
22 fields and the back of the lab building, and then
23 they dug a test pit in the front immediately
24 basically directly towards the building from the
25 gate. They dug down to a depth of about five feet.

1 The ground there at the building base is Elevation
2 37.

3 At Elevation 32, they hit groundwater.
4 They pumped the groundwater out, and it refilled, so
5 during the course of this pit being opened in the
6 month of August last summer, that was the situation
7 there.

8 VICE CHAIR MAGALETTA: How quickly did
9 it refill?

10 MR. MISSEY: What?

11 VICE CHAIR MAGALETTA: How quickly did
12 it refill?

13 MR. MISSEY: That wasn't explained in
14 the report, but I would tell you that typically test
15 pits would be open for three hours, you know, before
16 you backfill.

17 VICE CHAIR MAGALETTA: Do you know if
18 it rained, how much rain came before that, the day
19 before or two days before?

20 MR. MISSEY: I will check the weather
21 records because, you know, of course, the logs are
22 updated.

23 VICE CHAIR MAGALETTA: Right.

24 MR. HIPOLIT: But the groundwater was
25 at Elevation 32, which is five feet deep. That is

1 good news.

2 MR. MISSEY: That is typically good
3 news --

4 MR. HIPOLIT: That's good news.

5 MR. MISSEY: -- but another way to look
6 at this is that this area is surrounded by the
7 concrete wall that separates you from the sidewalk
8 area, and the top of that curb is Elevation 35-70,
9 so that means three and a half feet below that, if
10 you are standing on the wall, they encountered
11 groundwater in the past in the summer months.

12 That is not quite so deep, because we
13 had proposed to put the bottom or at least the top
14 surface layer of the rain garden itself at Elevation
15 34-7. So all of a sudden, that says that our soil
16 media in the rain garden could only be about seven
17 inches deep, at the most eight inches deep, let's
18 say, and typically with rain gardens, you want to be
19 at least 18 inches.

20 It depends on the soils. In some soils
21 where it is loamier, sandier, you are going to not
22 need quite so much depth. That is not the case
23 where the soils are silty, so that means the soils
24 need to be supplemented, both with coarse material,
25 and that would be sand, and then topsoil-like

1 materials, so the whole combination there of soils
2 is not particularly favorable.

3 It doesn't throw us under the bus yet.
4 However, we are on the west side of the building,
5 the shady side, so that limits our exposure to the
6 sunlight. So just the fact that we are not on the
7 easterly side is not particularly in our favor.

8 There are a couple of other issues that
9 are surmountable. One has to do with the downspouts
10 here for this portion of the Davidson Labs.

11 This has a gable roof, where as the
12 balance of the building to the north, the tank, the
13 toe tank group has a pitched roof and goes to a
14 gutter and downspout system. So we are different,
15 we are drained differently. We were built at a
16 different time. That is surmountable.

17 But really, I think ultimately when we
18 provide this rain garden for the benefit of
19 stormwater management, it is very difficult for us
20 to predict its short-term or long-term success. It
21 is not quantifiable, in other words. Qualitatively,
22 it is a good thing, there is no question.

23 But those are impediments at this
24 location, and I think one of the natural
25 inclinations would be, well, put it on the easterly

1 side. That is a better exposure. But in that case
2 it is the sloping fields up to the athletic field,
3 so that is why that is not a feasible location or
4 alternative.

5 There is -- this isn't all negatives,
6 though, okay?

7 We can install an underground detention
8 system here and achieve better runoff reduction and
9 more volume of storage for basically the equivalent
10 cost, so that is good, because that meets or exceeds
11 the city's flood damage prevention ordinance, as
12 well as the North Hudson Sewerage Authority
13 detention requirements, because we have a detention
14 requirement regardless of whether we have this
15 surface stormwater facility that is part of the
16 Hudson -- North Hudson connection requirement.

17 Neither the groundwater or the silty
18 soils are an impediment to the underground system
19 and the location is not, the shady nature of the
20 location.

21 If we put all of our stormwater
22 management for this ABS project below grade, we can
23 remove and replace the three trees that are out
24 there now in the area between the sidewalk and the
25 building. That is doable because we can plant them

1 in such a manner that they won't interfere with
2 stormwater management's function of the system
3 below, and we can put shade tower landscaping around
4 those and actually achieve a better -- a more
5 landscaped look to this particular upgrade for ABS
6 Labs, so that is really what I wanted to tell you.

7 I have been speaking for a couple of
8 minutes. I think I should listen.

9 MR. TUVEL: So I guess just to sum up,
10 we think that if we do this underground detention
11 system, it will achieve the same goals in terms of
12 reductions in stormwater management that I know the
13 committee is trying to achieve, while at the same
14 time we can replant the area, beef up the
15 landscaping, and make it look a lot nicer from an
16 esthetic point of view and replant the trees, so we
17 just wanted to get everyone's feedback on that and
18 have a discussion and hopefully resolve it in a
19 final plan that we can submit.

20 CHAIRMAN HOLTZMAN: Andy, do you have
21 some commentary for us?

22 MR. TUVEL: And I know I have to submit
23 the geotech reports.

24 MR. HIPOLIT: So they have some
25 restrictions with soils and with groundwater.

1 They're evident, and I haven't seen the report yet,
2 but they have restrictions.

3 I just think there is an in-between. I
4 mean, we are trying to accomplish as much as we can.
5 Obviously, Stevens is a leading institution. They
6 do stuff on rain technology. They want to be very
7 innovative in how they approach different
8 curriculums they have.

9 So the idea that this could be used as
10 something that's innovative, you could be a lot more
11 innovative. Where you have, I don't know, a hundred
12 and some odd feet of frontage, if not more, this
13 building that has a green area in front of it, you
14 know, some type of mix between underground and at
15 least maybe a small bioswale or something that is
16 maybe a foot deep, you can do something there.

17 I understand there are costs involved
18 to the institution. I get that. But what I am
19 looking for is the institution to come up a little
20 more innovative that they really can use.

21 MR. MISSEY: Okay. Bioswales will work
22 here. That would work here.

23 CHAIRMAN HOLTZMAN: I think one of the
24 important things to consider is a calculation that
25 we need from the engineering in terms of capturing

1 the water that is falling on this building at least
2 at a minimum.

3 MR. HIPOLIT: Yeah. They can meet the
4 stormwater requirements in some type of underground
5 system.

6 CHAIRMAN HOLTZMAN: Right. So we need
7 to also have that proved out for us.

8 MR. MISSEY: We can do that.

9 MR. HIPOLIT: Right, and they can prove
10 that. They can prove that.

11 You know, being forward thinking says
12 that the underground storage and capturing water
13 underground is kind of archaic in some manners, and
14 we heard last night in our hearing last night, you
15 can take that water and recapture it, reuse it.
16 There's a lot of things you can do with it.

17 CHAIRMAN HOLTZMAN: Right.

18 MR. HIPOLIT: I can't tell Stevens what
19 to do, saying that, there is a lot they could do
20 here to possibly mix their underground. They could
21 use the water to water their plants --

22 CHAIRMAN HOLTZMAN: Gray water usage.

23 MR. HIPOLIT: -- with some kind of
24 bioswale. There's a lot of things they could do.
25 It's just they have to want to do it.

1 MR. TUVEL: And I am not saying that we
2 don't. We are just proposing something that meets
3 your goal.

4 We understand that we are at a high
5 point and the rest of the city is at a low point,
6 and then we know that we can facilitate some
7 stormwater management by putting something there,
8 and so that is why we thought of this underground
9 system. But I wanted this feedback to see what
10 else, what other thoughts you had.

11 We think that the rain garden, although
12 we initially thought it was a good idea, we have
13 some of these impediments with respect to soil.
14 So now, what's the next step?

15 We have this detention system. But if
16 there can be some combination between plantings and
17 the system to capture the amount of runoff that we
18 have to, and we can quantify that to show that
19 there's going to be a benefit, we are happy to do
20 that. We just want to make sure that we are all on
21 the same page and we're getting it done right.

22 MR. HIPOLIT: If I could make one thing
23 clear at least for the Board and the public.

24 Kind of my goal or vision is, and
25 literally I got out of my car and parked there,

1 double parked, and kind of walked around there --

2 MR. TUVEL: You double parked?

3 MR. HIPOLIT: I did. I double parked
4 on the record --

5 (Laughter)

6 -- and it's tired up there. It is old.
7 It is tired. It doesn't reflect a growing
8 innovative university --

9 MR. TUVEL: We want to beef up the
10 landscaping, I agree with you on that.

11 MR. HIPOLIT: -- I mean, that whole
12 frontage of that building, it just reminds me of
13 something that they built in World War I, and they
14 probably did, but I mean it is time to take it and
15 fix it.

16 I am not saying refix the building.
17 I'm not saying redo it, but you could probably do a
18 lot of things with landscaping and some type of
19 bioswales and detention.

20 CHAIRMAN HOLTZMAN: I think also the
21 idea was of you getting to the point of bringing
22 Stevens and a technology aspect into it, that this
23 could also serve like an exhibition space.

24 MR. HIPOLIT: Yeah. It can be a
25 classic. You can have the kids design it.

1 CHAIRMAN HOLTZMAN: Exactly.

2 It's like an exhibition event of this
3 is what you can do with rain gardens, water
4 detention, bioswales, almost like a give us one from
5 every column kind of a thing.

6 We also at a minimum, we have to make
7 sure that we are good on the calculation for
8 rainwater management, but I think it would behoove
9 you as well on the block that you guys have facing a
10 beautiful residential area to not just enhance it
11 with, you know, more of grandma's azaleas which are
12 there now --

13 MR. HIPOLIT: Really.

14 CHAIRMAN HOLTZMAN: -- literally, but
15 to create some kind of a technology aspect to it
16 that is not also just underground that nobody sees,
17 and there is no story to tell.

18 MR. TUVEL: Okay.

19 MR. HIPOLIT: I don't think we want you
20 to go broke on this either.

21 We understand the school gets their
22 money from tuition. The goal is not to go broke.
23 The goal is to balance what you are required to do
24 for stormwater drainage versus what we could do
25 to --

1 MR. TUVEL: No. When you requested the
2 rain garden or recommended that at the last meeting,
3 we designed it. Unfortunately, we didn't know the
4 results of the geotechnical report at that time.

5 MR. HIPOLIT: Right. We get that.

6 CHAIRMAN HOLTZMAN: We get that.

7 MR. TUVEL: So now we are back here,
8 and that's why we wanted to talk about it.

9 CHAIRMAN HOLTZMAN: One of the
10 professors from Stevens is also one of our local
11 architects, Mr. John Nastasi --

12 MR. TUVEL: Yes.

13 CHAIRMAN HOLTZMAN: -- who was here
14 last night giving us a presentation on this
15 magnificent passivhaus building called Lorien Lofts
16 that I think you can heat the whole place with three
17 candles or something like that. It's so amazing.

18 MR. TUVEL: At least John sold it in
19 that vein.

20 (Laughter)

21 CHAIRMAN HOLTZMAN: And you know he
22 will get the certification for it, though.

23 MR. HIPOLIT: Gold. He wants to make a
24 gold building, which is phenomenal.

25 (Laughter)

1 CHAIRMAN HOLTZMAN: That's right.

2 He has technology built into that for
3 stormwater management and water recycling to use on
4 any of the plantings and all types of things that I
5 mean this guy is literally one of your professors,
6 and at the slightest invitation, a flood of
7 information will come from him.

8 But in addition to that, it seems like
9 these guys are kind of grasping at straws or looking
10 for additional options.

11 Do we have some additional information
12 that we could provide to them in terms of what are
13 other things like a bioswale or what are other
14 options that work?

15 MR. HIPOLIT: Their best option here
16 based on our look at it is some type of a bioswale
17 system with some underground detention, because they
18 need it, and then a relandscaping of the area to
19 kind of match it and blend that bioswale into the
20 area.

21 You know, the option of -- I mention
22 it, but it costs money, the option of replacing that
23 whole sidewalk is another option. The Board should
24 evaluate that. It wouldn't be a bad idea.

25 Is it a big expense?

1 There's no doubt about it.

2 Is it required?

3 It is not required, but it is not a bad
4 idea. You might as well just finish the area now.

5 CHAIRMAN HOLTZMAN: Also, there is
6 additional damage.

7 MR. HIPOLIT: Yeah.

8 CHAIRMAN HOLTZMAN: We are under the
9 impression that, you know, you are obviously going
10 to do some fair amount of construction. There is
11 going to be an additional damage to the sidewalks,
12 the fencing.

13 Who do we got now?

14 MR. TUVEL: This is Ed Christian. He
15 works with Mr. Maffia at Stevens, and I just wanted
16 him to address some of the comments that were made.

17 CHAIRMAN HOLTZMAN: Sure.

18 MR. CHRISTIAN: As part of our Gateway
19 application, we have done a lot of research into the
20 great water systems and rain gardens, with the
21 understanding that the city wants to encourage the
22 retention of stormwater on the site and lessen the
23 burden on the infrastructure of the city.

24 CHAIRMAN HOLTZMAN: We don't encourage
25 it. We require it.

1 (Laughter)

2 MR. CHRISTIAN: So as part of that, you
3 know, in that application we were using the
4 detention system, and while it may not be a sexy
5 technology, it is very effective and it does address
6 the need.

7 So I mean, I understand it would be
8 great to have something that could be a teaching
9 tool in the front yard of the building, but at the
10 same time we are trying to make sure that we do the
11 right thing for the project.

12 While a rain garden would have been a
13 nice option, you know, these suggestions, Andy had
14 proven that that would not work, but we have
15 explored that option.

16 I am very curious about the bioswale
17 option, so I mean, I think we will go back and look
18 into that.

19 Just for my own edification, what would
20 that involve?

21 Is that essentially a high moisture
22 planting area?

23 MR. HIPOLIT: It is a swale. It does
24 allow for some water to percolate, if it does
25 happen. Saying that water meanders through a swell

1 system of plantings, and eventually works its way at
2 a much longer time for concentration than it would
3 if it just ran off the grass. So it increases time,
4 so it allows the downstream flooding to alleviate
5 while that sits and uses your property --

6 CHAIRMAN HOLTZMAN: It sounds like
7 there needs to be a combination of things to make it
8 work, right?

9 I mean, that is the bottom line.
10 That's the bottom line.

11 MR. CHRISTIAN: The first thing that
12 went through my mind is the narrow front yard space
13 that we have and my concern about the ability of
14 that amount of land to actually accommodate much
15 water retention --

16 MR. HIPOLIT: They build bioswales on
17 curb lines.

18 MR. ROBERTS: Yes. And tree lawns in
19 smaller spaces --

20 MR. HIPOLIT: It's made for smaller
21 spaces.

22 MS. MISSEY: In a compact situation,
23 they were made for bioswales.

24 CHAIRMAN HOLTZMAN: So just explain how
25 seriously we take this here. This is one of those

1 classics. There is no silver bullet and every
2 gallon counts. So the entire length of First Street
3 is in the process of having curb extensions put in,
4 and on every other one of the corners also either be
5 some type of rain garden or bioswale because each
6 one of them is not very big by itself, but again,
7 that is the whole story --

8 MR. TUVEL: Yeah, not a problem.

9 CHAIRMAN HOLTZMAN: -- so that is why
10 we are trying to get incrementally every little
11 piece of this puzzle.

12 MR. TUVEL: Okay.

13 MR. ROBERTS: The other thing is that
14 the renderings that were provided in the revised
15 plan show a landscaped treatment or at least depict
16 the plants that were based on the Rain Garden Manual
17 from Rutgers.

18 MR. TUVEL: Right.

19 MR. ROBERTS: My sense is that you
20 probably are going to end up with a very similar
21 planting in the bioswale, if not the exact same
22 thing. But the other thing I would look at is that
23 if you are going to have times when the water table
24 comes up and those plants might get wet feet, there
25 might be some modifications.

1 Right now the center of the swale has a
2 facultative selection, I think it's a soft grass.
3 You might mix in some plants as well that are used
4 to having wet feet more often, and it might just be
5 an adjustment for the plant materials recognizing
6 that even though you have the underground system,
7 that the soil would get wet more often, and those
8 plants can handle it, and that can still be a
9 teaching tool.

10 MR. CHRISTIAN: And one concern we had,
11 though, we heard repeated comments from the
12 neighborhood about sprucing up the frontage of the
13 building and making sure that it did not look
14 unkept.

15 And from what I've seen in rain gardens
16 and from my experience, because I mean, I'm a
17 registered architect as well, they always have a
18 natural look to them that could be perceived as
19 unkept. So it is a balance here that we are trying
20 to strike, and I want to make sure we satisfy the
21 requirement and do our part to help take the burden
22 off the system.

23 At the same time I think we might be
24 opening ourselves up a little bit to criticism that
25 we are replacing one messy landscape with another,

1 and I want to, you know --

2 MR. HIPOLIT: I think your best example
3 for the bioswale example is Philadelphia. They put
4 them down to street size, literally run right down
5 the sidewalks, and they look great. I mean, you
6 have to institute the right type of plantings, the
7 right type of scaping inside. You could do it.
8 It's just -- again, there is some cost involved.

9 MR. ROBERTS: There may be a little bit
10 of maintenance involved, too, to keep them from -- a
11 lot of times if they look unkept, it's because they
12 are not planted at the right density to keep the
13 weeds out. So either you got to make sure that the
14 ground cover really covers the ground and no weeds
15 can get up, or you're going to have to go in there
16 and weed the beds from time to time.

17 MR. CHRISTIAN: I mean, I personally
18 visited the one at Stockton University recently
19 where they had their new student center, and it had
20 to actually be pointed out to me that it was a rain
21 garden because it kind of just looked like an unkept
22 area, and I think that's the concern.

23 So I mean, the more we can learn about,
24 the better --

25 CHAIRMAN HOLTZMAN: So is there some

1 technical support that you guys need? Is it
2 something --

3 MR. MISSEY: Oh, no. We've done it --

4 CHAIRMAN HOLTZMAN: Is this something,
5 Andy, that you guys need to help them with or --

6 MR. HIPOLIT: Literally one of the
7 experts is sitting right here.

8 CHAIRMAN HOLTZMAN: Yeah, I know.

9 MR. HIPOLIT: Dave can jump in at any
10 time now. I mean, he carries this around with him.
11 Who doesn't?

12 (Laughter)

13 MR. ROBERTS: Only for tonight.

14 MR. TUVEL: So just to recap, and this
15 has been very helpful, which is why I wanted to have
16 this meeting with the Board, we will provide Andy
17 with the geotech report, just so he can see what the
18 soils are --

19 MR. HIPOLIT: I mean, he testified to
20 it --

21 MR. TUVEL: -- no, that would be
22 helpful. I think it would be helpful for you to
23 have an understanding of what's going on. That's
24 number one.

25 Number two: We will have some

1 combination of the bioswale and the retention
2 system, and we will also submit I guess a drainage
3 report and calculations that demonstrates that we
4 are reducing the runoff rates to an acceptable
5 level.

6 And we'll also provide some plantings
7 out there that also spruce up the area along the
8 frontage in combination with all of that.

9 MR. ROBERTS: Just one more question.

10 In my short review letter for tonight
11 just to respond to the revised plans, I noticed
12 there seemed to be a couple small trees in that
13 space. They didn't look like they were -- and I
14 have not examined them to see whether they are
15 salvageable or not --

16 MR. TUVEL: The three that were planted
17 along there --

18 MR. ROBERTS: Yes. They are not street
19 trees. They clearly were more --

20 MR. TUVEL: Sure.

21 MR. ROBERTS: -- so that it appears
22 that if you can either retain them or relocate them
23 in the plantings, they already have the size. That
24 might give you that more, you know, to allow a
25 counterbalance, the informal look with something

1 more formal.

2 MR. CHRISTIAN: And one of the issues
3 that we have is that those trees are kind of
4 overgrown and have built up against the building
5 now, so maintaining them during construction will be
6 extremely difficult to the point where if we have to
7 prune them enough to build the project, it might
8 kill them. Plus, I am worried about any kind of
9 loads that gets placed near, the roof will fall --

10 MR. HIPOLIT: They won't. They
11 won't --

12 MR. CHRISTIAN: -- maybe they'll die
13 ten years from now.

14 MR. ROBERTS: Yes. Maybe you can look
15 into -- I mean, if they are not worth saving, that
16 is one thing, but maybe have some information at the
17 hearing about whether the plants are worth saving
18 and whether they could be relocated somewhere else
19 on the campus.

20 CHAIRMAN HOLTZMAN: Most of the stuff
21 looked like it was pretty scraggly and overgrown.

22 MR. TUVEL: Yes, I know.

23 CHAIRMAN HOLTZMAN: So it looks like we
24 are in pretty good shape. I ask that you guys, you
25 know, don't operate in a vacuum. I know that you

1 are not going to. Reach out to Dave. He has a
2 wealth of knowledge, so let's put it all on the
3 table.

4 MR. TUVEL: He knows I am not shy.

5 (Laughter)

6 MR. ROBERTS: He has my cell phone.

7 CHAIRMAN HOLTZMAN: Andy is good with
8 his completion letter. Dave is good with his, and
9 we will take a quick vote here with the
10 Commissioners to deem you guys complete.

11 Is everybody in favor of deeming the
12 application complete?

13 COMMISSIONER PEENE: Yes.

14 VICE CHAIR MAGALETTA: Yes.

15 CHAIRMAN HOLTZMAN: Okay. Great.

16 MR. TUVEL: I think we talked about
17 August 4th at the last meeting as a date, so what we
18 will do is we will work over the next few weeks to
19 get them in ten days ahead of time. That's
20 acceptable for you guys --

21 MR. HIPOLIT: I will be away August
22 4th, but I will have somebody here.

23 CHAIRMAN HOLTZMAN: Hopefully you are
24 going to see something from them before that, so
25 that you guys can at least --

1 MR. TUVEL: We will talk about it, and
2 we will be prepared to address them.

3 CHAIRMAN HOLTZMAN: Great. Super.

4 All right. Guys, thanks for your time.

5 MR. TUVEL: 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 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 11/5/2015.
 Dated: 7-9-15
 This transcript was prepared in accordance with
 NJAC 13:43-5.9.

CITY OF HOBOKEN PLANNING BOARD
SUBDIVISION & SITE PLAN REVIEW
COMMITTEE MEETING

RE: 51 Garden Street a/k/a 50 :
Bloomfield : July 8, 2015
Block 186, Lot 1 : 7:30 p.m.
Applicant: Observer Park :
Residential, LLC :
Amendment to Site Plan to expand a :
previously approved roof deck over :
the exposed roof of the 3rd parking :
level in the R-1 Zone :
----- 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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1 CHAIRMAN HOLTZMAN: Our second item
2 this evening is 51 Garden Street.

3 MR. RHATICAN: Good evening.

4 My name is Jay Rhatican. I'm an
5 attorney with the firm of Chiesa, Shahinian &
6 Giantomasi.

7 I am here on behalf of the applicant,
8 Observer Park Residential, LLC.

9 You have seen the application package.

10 Well, first of all, I want to say thank
11 you to Pat and to Dave. I know Dave especially did
12 a yeoman's effort getting his review done before the
13 holiday weekend, so we could be on this agenda, so
14 thank you very much for that.

15 We are here for what is essentially an
16 amended site plan application with respect to the
17 Observer Park property at 51 Garden. That is a
18 project, a residential project, 12 stories, 115
19 residential units. It was constructed in 1990, and
20 it has been a nice addition to the community. The
21 landlord has been a nice neighbor in town for about
22 25 years, and it has been a successful project.

23 Due to the discovery of a leaking
24 membrane in a roof deck within the property, and you
25 can see it here, our outline, we have this aerial

1 photo. The property is in a bit of a U-shape, and
2 the terrace is right in the middle of that within
3 the U-shape.

4 There was a leaking membrane discovered
5 very recently within that terrace, which has caused
6 some internal leaks, and so that had to be fixed,
7 and really like any good landlord, they used the
8 opportunity to make or are using the opportunity to
9 make some capital improvements and make this a
10 better project for their residents, and frankly to
11 make it more competitive than the other projects
12 around, so the intent is to not only fix the leak in
13 the terrace, but also to make some really cosmetic
14 improvements to it.

15 So I have here with us tonight Marc
16 Landow, who is the architect, and who will describe
17 the project in a bit more detail.

18 We are here obviously hoping to be
19 declared complete. We did ask for a few submission
20 waivers, and I think that should be clear from the
21 application, but I will run through them now very
22 briefly largely because, again, this is really in
23 the grand scheme of things not a very substantial
24 project. The overall structure of the project is
25 not changing in any regard other than the decking

1 materials and membrane material on this roof deck.

2 Oh, by the way, I should add, and I
3 discussed it with Mr. Roberts last week, the city as
4 you may know has a new ordinance, which deals with
5 among others things roof decks, so we feel, and you
6 will hopefully agree, that this fully complies with
7 that ordinance in all respects.

8 But with respect to the submission
9 requirements, we have first a resolution of the
10 redeveloper designation by the City Council. This,
11 although it is in a redevelopment area, the
12 redevelopment project was completed many years ago.
13 The current owner is not the designated redeveloper
14 because the designated redeveloper constructed its
15 project and has moved on, so we feel it is not
16 necessary for this application.

17 A signed and sealed survey, we did
18 submit a survey, not signed and sealed. There's
19 nothing here dealing with the property boundaries or
20 any dimensions of any kind, so we ask for a
21 submission waiver on that matter.

22 An elevation certificate and a flood
23 plain administrator review letter, likewise really
24 not at issue here, and finally a traffic study and
25 circulation plan. This is, again, really a cosmetic

1 change primarily, and it is not going to affect
2 traffic or circulation at all in any respect, so we
3 are asking for submission waivers for those five
4 items.

5 VICE CHAIR MAGALETTA: And you also
6 want a zoning compliance table waiver, too, right?

7 MR. RHATICAN: I'm sorry?

8 VICE CHAIR MAGALETTA: A zoning
9 compliance table waiver also?

10 MR. RHATICAN: Yes. I think -- well,
11 that is not on the plans, so we would need that as
12 well.

13 VICE CHAIR MAGALETTA: Yes. Just for
14 the record, that is why I am saying it out loud.

15 MR. RHATICAN: Yes, that's why. So you
16 are right.

17 Having said that, I'll turn it over to
18 the architect who can describe --

19 VICE CHAIR MAGALETTA: Can I ask you a
20 question before you get to that?

21 CHAIRMAN HOLTZMAN: Yes. Let's slow
22 down a second.

23 VICE CHAIR MAGALETTA: Who was the
24 owner of the property? Is it the retirement or is
25 it the --

1 MR. RHATICAN: No. I will point this
2 out, so you can understand.

3 There is a retirement community here on
4 Bloomfield Street, and I believe it is called
5 Columbian --

6 VICE CHAIR MAGALETTA: No. I
7 understand that as a Hawaii retirement system --

8 MR. MR. RHATICAN: Oh, yes, yes, okay.

9 VICE CHAIR MAGALETTA: -- so I want you
10 to clarify that, because I understand how it works,
11 but I want you to just clarify it for the record.

12 MR. RHATICAN: Yes. They are
13 ultimately the owners. The LLC is the name or the
14 entity that I identified for you earlier.

15 VICE CHAIR MAGALETTA: Right. But the
16 retirement system owns -- is a member of the LLC,
17 correct?

18 MR. RHATICAN: They have the ownership
19 in the LLC.

20 VICE CHAIR MAGALETTA: Sole ownership.

21 MR. RHATICAN: I think that's the case.
22 That's correct.

23 VICE CHAIR MAGALETTA: Okay. I just
24 wanted to --

25 MR. RHATICAN: I think that is in the

1 application forms in the way of disclosure, but --

2 MR. HIPOLIT: And they own the entire
3 building?

4 MR. RHATICAN: Correct.

5 VICE CHAIR MAGALETTA: It's a rental.

6 MR. ROBERTS: Jay, you had mentioned in
7 the application, it was 115 units and 139 parking
8 spaces, but it is three floors above the -- is it
9 three floors -- the building is obviously much
10 bigger --

11 MR. RHATICAN: Correct. I believe
12 there's three floors of parking, and that is where
13 the terrace is at that level, and then throughout
14 the entire U-shape, you see the residential units
15 continue above that.

16 MR. ROBERTS: So it's the entire
17 building is 115 units? It seemed like there was a
18 lot more units.

19 Is the building divided into several
20 entities or is that the whole building --

21 MR. RHATICAN: No. It is all under a
22 single ownership.

23 MR. ROBERTS: All right. I just wanted
24 to make sure I wasn't misreading it.

25 MR. RHATICAN: No, no. And I should

1 add, too, despite this aerial photo, there is no
2 gold coast operating there, so that's --

3 (Laughter)

4 -- I can't explain that, so --

5 CHAIRMAN HOLTZMAN: Okay. We do not
6 need the architect to run through the plan, so let's
7 take it a different way.

8 You guys had a chance to review the
9 application and took a look at it, and you get the
10 gist of what it is?

11 VICE CHAIR MAGALETTA: Yes.

12 CHAIRMAN HOLTZMAN: Andy, you had some
13 issues that you wanted to point out for us?

14 MR. HIPOLIT: Yeah. So I guess the
15 first question I have is: What is the current
16 occupancy of that deck as it exists today?

17 MR. RHATICAN: Well, it was constructed
18 originally as part of the original redevelopment
19 plan and the original project as just an outdoor
20 terrace area for the residents. And so we do have a
21 photo that I think was submitted with the
22 application package that shows it's got some
23 lighting, some exterior lighting. It's got some
24 landscaped spaces. There are chairs out there for
25 the use of the residents, and there is one grill, I

1 believe, out there.

2 MR. HIPOLIT: What is the total? What
3 is the maximum person --

4 MR. RHATICAN: The occupancy, that's a
5 code issue, and the architect will probably address
6 that.

7 MR. LANDOW: There are two out-swinging
8 doors. Each door can accommodate 25 people, so the
9 total occupancy is 50 people.

10 MR. HIPOLIT: What would it be of the
11 new deck?

12 MR. LANDOW: The same. We're not
13 changing the doors, so we can't change the
14 occupancy.

15 MR. HIPOLIT: When you look at the
16 layout of it, it is laid out to handle a
17 significantly larger number of people. You are
18 basically taking away all of the green space.

19 MR. LANDOW: Well, we not taking away
20 all of the green space. We have a large lawn in the
21 center, and we have plantings on the outside --

22 MR. HIPOLIT: But it is synthetic turf.

23 MR. LANDOW: Well, it's synthetic turf
24 because it is easier to maintain because there's no
25 access to the terrace --

1 MR. HIPOLIT: That is not green space.
2 Synthetic turf is by state standards, it's
3 impervious space, it's not green space.

4 MR. LANDOW: No, it's not green space.
5 But from an occupancy standpoint, we
6 can accommodate 50 people by code.

7 MR. RHATICAN: Yes. I think the issue
8 is without regard to whether something is classified
9 as green space or not, there is still a code limit
10 based on the egress and ingress.

11 MR. HIPOLIT: And how does the city
12 enforce it?

13 MR. RHATICAN: Like it does any other
14 roof deck, terrace, or any other code issue.

15 MR. HIPOLIT: Any other way to enforce
16 it?

17 MR. RHATICAN: No more so than it does
18 now, and I'll tell you sometimes --

19 MR. HIPOLIT: Well, it's set up --
20 well, the problem is, at least for me, and I am only
21 an engineer, it is set up very different than it is
22 now. So it is set up now to be much more of a
23 passive, kind of like to meander with my wife or
24 hang out and have a cup of coffee.

25 In the new setup, it's not like that.

1 In the new setup, you got lounge areas. The green
2 area is not green. It's like a lawn, kind of like
3 almost like the pier, where you can lay out. I
4 mean, that deck can hold a significantly larger
5 number of people out there than what you have.

6 I don't know if it can handle more
7 people or not. I don't know if the structure could
8 handle it. It probably can, but it is a totally
9 different layout.

10 If you say it's 50, and in the middle
11 of the building, other than noise, how would the
12 city ever enforce it, and then how would they get
13 out there to enforce it?

14 By the time they got there, everybody
15 would disappear.

16 MR. RHATICAN: And I would say that
17 that is no different than the current situation, so,
18 for example --

19 MR. HIPOLIT: No. They couldn't fit
20 out there in the current situation.

21 MR. RHATICAN: -- well, I think you
22 could get more than 50 people out there, but that is
23 the load, or that's the maximum number of people
24 that could occupy that space.

25 And prior to, by the way, there have

1 been some improvements made. I don't know exactly
2 when, maybe Mr. Landow does. At one point those
3 doors swung inward, and at that point your code
4 would permit -- the building code would permit up to
5 300 people to be on that deck.

6 So the door is independent of this
7 project. It has been already been reconstructed to
8 swing outwards. That in and of itself will limit
9 the occupancy. It will be a lot --

10 MR. HIPOLIT: I would think --

11 MR. RHATICAN: -- it's no different
12 than a bar or a restaurant or any other place
13 where --

14 MR. HIPOLIT: It is a little different.
15 I mean, I got -- I have people around it.

16 So, if I have -- you know, in your
17 existing condition, obviously in these planted
18 areas, people are not standing on them, or people
19 can't stand. And if they do, they would be pretty
20 uncomfortable. So you limit your occupancy of that
21 deck with actual real green space.

22 In your new deck, you have no way to
23 limit your occupancy, so the city is going to have
24 to either -- the city is going to have to try their
25 best to enforce it, or I mean realistically, if

1 somebody wanted to have a party with 350 people out
2 there, they could. The only thing is noise. Noise
3 would kick it out. It is laid out similar to a lot
4 of the piers, just laid out to handle a lot of
5 people.

6 There is no way, you're not -- at least
7 in my opinion, you are not trying to control the
8 occupancy with areas that are not comfortable to sit
9 on --

10 MR. RHATICAN: Well, in the end, the
11 point is to activate the space and make it more
12 attractive, but there are inherent limits in the
13 space just given the size and dimensions, given the
14 code requirements, limited by the way the doors
15 function to the extent, and I think the suggestion
16 that there is a concern about neighbors, we are
17 sensitive to that. The applicant has been very
18 sensitive to that.

19 There already have been multiple
20 communications with the Columbian Towers ownership.
21 They have no objection to this. In fact, there was
22 already a dialogue about how we are going to get
23 temporary access to their site to make some of the
24 improvements, so they are fully aware, and they have
25 no objection --

1 MR. HIPOLIT: I don't necessarily
2 think -- you know, we have all been in Hoboken a
3 long time, and I don't think it is about your
4 neighbors objecting or not objecting.

5 It is about how the city can or cannot
6 control what you testified to. So if you testified
7 to 50 people maximum on the deck, how is it
8 controlled?

9 If you go over 50, then the neighbors
10 complain, you guys are not the bad guys. We are.
11 So we are not enforcing -- we have to stick a cop
12 out there every day or an enforcement officer out
13 there every day, and it is hard to enforce something
14 that's inside of a cove like that. There's no way
15 to see it, so the city becomes the bad guy.

16 At least what I am asking is for your
17 architect or for an engineer, somebody to be a
18 little more innovative of taking the space, which is
19 a nice space, and break it up with different
20 amenities, like different plantings and stuff that
21 allow for a good passive with some activity space,
22 but also limits it to the number of people that you
23 say would be out there, 50.

24 MR. LANDOW: Remember, that this
25 terrace is only available to the 115 units that are

1 in this building. It's not open to the public.

2 MR. HIPOLIT: Right.

3 My yard where I live in my house is
4 only available to the people who live in it, but if
5 I want to have a 300-person party, I can.

6 MR. RHATICAN: But you don't share your
7 yard with 115 people.

8 MR. HIPOLIT: I can, though. I have
9 the ability to --

10 MR. LANDOW: Everybody who has a yard
11 has the ability to do that --

12 MR. HIPOLIT: Right. But what you are
13 telling me is that the deck can only handle 50
14 people.

15 MR. LANDOW: It is designed that way.
16 There's no more than 50 seats out there. There's
17 actually 48 seats out there.

18 VICE CHAIR MAGALETTA: I can get a lawn
19 chair.

20 MR. LANDOW: We are giving the tenants
21 of the building the opportunity to lay out on the
22 lawn, to sit on a comfortable lounge chair or to sit
23 at a dining table and have dinner. We're giving
24 them a variety of opportunities.

25 MR. HIPOLIT: Right. But if there's 50

1 seats, right? Say you wanted to have an area for
2 them to sit on the lawn. Yeah, I get it. I don't
3 want to cut the grass. He wants synthetic turf. A
4 big part of this is a designed synthetic turf, so I
5 get it.

6 Why can't this big walkway be all
7 plantings?

8 Why can't it be green space, so that
9 people sitting here have green space, and they don't
10 necessarily have to hear the conversation of the
11 people sitting over here?

12 I mean, I'm not an architect. I'm not
13 the designer, but this is a big space. I could put
14 a lot of people on there, if I really wanted to have
15 a party on the Fourth of July for the fireworks in
16 New York City.

17 I have a big party space, and I am not
18 trying to be the bearer of bad news. I'm just the
19 engineer. The Board has to debate it. But what I
20 have experienced over the number of years I've been
21 in Hoboken, which is a long time, is a deck space
22 like this, it becomes like a Pier 13.

23 So we were told by Pier 13, we're only
24 going to have a few hundred people, and we're going
25 to have big walkways. The next thing you know,

1 there are 4,000 people on this pier, and we have no
2 way to control it. No way to control it.

3 MR. LANDDOW: The building can control
4 it.

5 MR. HIPOLIT: There's no way to control
6 it.

7 MR. LANDOW: It's the same way as
8 controlling it in your own home. That is what we
9 are talking about. It's someone's home --

10 MR. RHATICAN: It is a responsible
11 ownership.

12 MR. LANDOW: -- it is not a public
13 pier.

14 COMMISSIONER PEENE: I have a question.

15 CHAIRMAN HOLTZMAN: Sure.

16 COMMISSIONER PEENE: Is there a
17 management company who manages the Board, or is it
18 solely --

19 CHAIRMAN HOLTZMAN: It is not a Board.
20 It's a rental property.

21 COMMISSIONER PEENE: It's a rental
22 property, so there is a management company?

23 MR. RHATICAN: We have a representative
24 of the management here as well as ownership here
25 with us this evening, but it is managed. It is

1 managed pretty meticulously, and I think that is the
2 responsibility of management to make sure that these
3 types of activities are restricted or limited in a
4 way that is code compliant.

5 So, you know, look, I do a lot of this
6 work, and it seems that every application that goes
7 before any Board anywhere in New Jersey requires
8 some measure of -- any project requires some measure
9 of compliance by a municipality, but there is a
10 partnership in that with the ownership of a project
11 like this.

12 It is not a condo association. It is a
13 rental property. The management can manage this.
14 You know, there are families that live here, and
15 so -- but we are not trying to make this like spring
16 break. That is not the purpose here. We are trying
17 to make it a very activated usable space for the
18 existing residents.

19 We are proposing and offering to limit
20 the operation and the use of the deck to certain
21 hours, because we are sensitive to the neighbors and
22 to the community at large.

23 VICE CHAIR MAGALETTA: I wanted to ask
24 you about the hours.

25 Now, there's going to be grills. Are

1 there four grills up there that you are proposing?

2 MR. LANDOW: Two.

3 VICE CHAIR MAGALETTA: Two grills?

4 Okay. How they are going to be -- what
5 is the fuel source going to be?

6 MR. LANDDOW: Propane tank.

7 VICE CHAIR MAGALETTA: Propane.

8 On site or some place else?

9 MR. LANDDOW: No. Attached to the
10 grill.

11 VICE CHAIR MAGALETTA: Okay. Because
12 my concern is that after ten o'clock, somebody can
13 just go out there and fire up the grill.

14 How do you control that, the same way?

15 Because people do things like that all
16 of the time.

17 MR. RHATICAN: Yes. It will be -- I
18 think the plan is to have it card activated, so that
19 the doors will be locked, so you cannot access --

20 MR. LANDDOW: That is my understanding,
21 so access to the entire terrace will be
22 restricted --

23 MR. RHATICAN: I can tell you, the
24 applicant is the one to say, we will prohibit
25 private parties, so that's not the intent.

1 No one is going to be able to sign up
2 and use this and reserve this terrace for private
3 parties. That was never the intent. That's not the
4 intent, and the management company will make sure
5 that that's implemented.

6 CHAIRMAN HOLTZMAN: I just want to back
7 up a second on something that you just said that I
8 think has an emergency egress issue, which is that
9 the door could be perhaps programmed to be not open
10 after ten o'clock or something like that.

11 However, if there is somebody that's
12 out on the deck, obviously they need to be able to
13 try to get off the deck.

14 MR. LANDOW: The door would be locked
15 on the inside, but it is never prevented from
16 opening it from the outside.

17 MR. RHATICAN: Right. They would have
18 to allow them to --

19 CHAIRMAN HOLTZMAN: Right. Obviously,
20 there has to be an emergency egress if somebody gets
21 stuck out there --

22 VICE CHAIR MAGALETTA: What if somebody
23 wants to get out there in an emergency?

24 MR. LANDOW: There is always an
25 override. The management would have a key to

1 override that.

2 VICE CHAIR MAGALETTA: Okay. But if
3 there was no time to go to the management, say there
4 was a fire. I'm just asking the question. I mean,
5 these are worst case scenarios.

6 MR. LANDOW: If there's a fire, there's
7 glass doors, and then the fire department is going
8 to break them.

9 VICE CHAIR MAGALETTA: If you're in the
10 hallway, you break --

11 CHAIRMAN HOLTZMAN: There are also
12 resident units that face directly into the deck as
13 well, so that they might use that as a secondary
14 egress, if there was a fire in their apartment.

15 VICE CHAIR MAGALETTA: Okay.

16 MR. ROBERTS: I guess my only -- just
17 to kind of -- you can kind of get a feel for what
18 the concern is because obviously the design
19 originally was an outdoor courtyard that you could
20 walk around. It's effectively a pathway leading
21 from the two doors to the edge of the deck itself
22 with a circular planting area in the middle, and
23 they are all beds.

24 So the actual area that you could walk
25 around in and occupy is much less, and now it is

1 being basically expanded right out to the edges, so
2 the floor space, if you will, of that area is being
3 increased quite a bit, and I think what you said as
4 far as activating the space is kind of what's
5 causing the concern here is that how are we going --
6 and I think I tried to sort of throw that out for
7 you to think about in the letter, which is light,
8 noise, and those types of impacts, which the
9 ordinance actually has provisions to protect
10 adjacent property owners.

11 In this case you got a senior residence
12 right behind the deck, so that's really -- the
13 senior residence is obviously the immediate cause of
14 concern, and obviously we have noise ordinances and
15 things like that.

16 But I noticed, or I had asked for, and
17 I don't know, Mr. Chairman, I probably should have
18 started out with this, but there were a couple of
19 things that were requested in the letter that have
20 been provided over the last couple of days.

21 One of those was a lighting detail of
22 the light fixture, and it is a very modern fixture,
23 and one of the things I was looking at was the fact
24 that there are several of them along the edge, the
25 outer exposed edge of the terrace, which fronts

1 where the Colulmbia Towers is essentially opposite
2 it.

3 The lighting diagram, the footcandle
4 diagram, showed some pretty high levels around those
5 fixtures and kind of out over the back of the
6 terrace, a little bit of a spillage it looked like,
7 and that is why we asked for the Isolex.

8 I haven't had a chance, and Andy I
9 don't think has even seen the Isolex staff diagram
10 yet, but that is going to be another thing that I
11 think the Board is going to be concerned about, too,
12 is lighting spillage.

13 So light, noise, and just we have had
14 experiences elsewhere, where it starts to become an
15 enforcement issue for the city.

16 MR. LANDDOW: Can we address the
17 lighting issue now? Would that be appropriate?

18 MR. ROBERTS: Sure. Well, subject to
19 the Chairman.

20 CHAIRMAN HOLTZMAN: Please.

21 MR. LANDDOW: We did submit the
22 lighting that you referenced.

23 The lighting fixtures are set
24 approximately two feet in from the edge of the
25 building. Our building is five feet from the

1 property line, the neighbor's property, so our
2 fixtures are seven feet. So if you are seven feet
3 out, and we did provide photometrics beyond our
4 building wall to show you what they would be, and
5 they are all somewhere in the neighborhood of .3, .4
6 footcandles in that area. If you look --

7 MR. HIPOLIT: Where are they on the
8 roof deck?

9 MR. LANDOW: Excuse me?

10 MR. HIPOLIT: What's the levels going
11 to be on the roof deck?

12 MR. LANDOW: The levels on the roof
13 deck vary seven to ten on the roof deck.

14 MR. HIPOLIT: Why so bright?

15 MR. LANDDOW: They are very bright at
16 the area of the fixtures, and then they dissipate
17 from the fixture. These fixtures are only around
18 the perimeter. So if you look at the fixtures, they
19 are very bright at the fixture, but in between
20 fixtures, they are not as bright.

21 If you look behind the fixtures here,
22 you can see that these fixtures are about seven feet
23 high. When you go that far out, it is dark behind
24 the fixtures, so no light is going to spill out
25 seven feet out, which is the neighbor's property.

1 MR. HIPOLIT: Yeah. But you still
2 have -- we get involved in a lot of lighting issues.

3 The confusing message is, again, I have
4 a roof deck for 50 people. It's just an amenity for
5 the building. It is going to close by ten o'clock.
6 It is more passive than active, not for big parties.

7 So when I think of that, I think of a
8 roof deck that is very low lit. It's going to be
9 used mostly in the summertime, so it's pretty light
10 until nine o'clock anyway, so the hour between nine
11 and ten, it is still pretty light. It's light out
12 still, so you are lighting the deck with seven to
13 ten footcandles, which doesn't make sense.

14 MR. LANDDOW: Well, we're not lighting
15 it with seven to ten footcandles.

16 If you look at the photometrics, you
17 will see that overall it's significantly less than
18 seven to ten immediately at the fixture --

19 MR. RHATICAN: It's far less.

20 MR. LANDDOW: -- far less --

21 MR. HIPOLIT: I mean, there are better
22 lighting alternatives to light this more passively,
23 and there is better shielding also.

24 MR. LANDOW: There are a different
25 type. Better, with all due respect, is

1 subjective --

2 MR. HIPOLIT: I am shooting again, and
3 I'm giving you an opinion, I'm shooting for a roof
4 deck that is more a passive amenity to the residents
5 than an active amenity, and that is maybe my
6 confusion versus your confusion.

7 Again, what I see in the layout and
8 what I see in the lighting is a more active thing.

9 I think the original intent of it was
10 to have a more passive deck. So, again, if I wanted
11 to go outside with my wife and have a cup of coffee
12 at nine o'clock at night, I have about an hour to do
13 it, I don't need a lot of light. We can sit and
14 talk. It's like going to the restaurant. You're
15 lucky if you get a --

16 MR. RHATICAN: You know, I was very
17 contingent to the original approval of this project.
18 I mean, we submitted -- you may have seen the
19 original approval, the resolution --

20 MR. HIPOLIT: I was here when it got
21 approved. I was on the Board.

22 MR. RHATICAN: Okay.

23 (Laughter)

24 But, in any event, the point is there
25 is no restriction or limitation in either the

1 approval or the redevelopment plan as to the level
2 of activity or passivity for the use of this deck,
3 and there is no restriction --

4 MR. HIPOLIT: I am not saying there is,
5 but I want to be careful how we slice the apple up.

6 The first thing you guys said is the
7 deck has a maximum capacity of 50, and a maximum
8 capacity of 50 with an amenity of just for the
9 people in the building is not that big of a use. It
10 literally is just an amenity.

11 Could somebody go out there and play
12 four square on it?

13 I guess they could. You know, they
14 could bring the kids out and play a game of four
15 square.

16 Could they set up a ping pong table and
17 play ping pong?

18 Probably. But that is different than
19 300 people coming out there to celebrate the Fourth
20 of July.

21 It is a huge difference there, and
22 again, what we are concerned about as a Board,
23 because we get this rammed down our throats all of
24 the time is how do you enforce it.

25 So your management company says, you

1 know what, I don't care. Go out there. It can hold
2 maybe structurally, so you can put 500 people out
3 there. The only way to control it is to design it
4 so it can't handle 500 people.

5 MR. RHATICAN: I don't think it is any
6 different than probably any other project that goes
7 before any other Board in the state, and I was --

8 MR. HIPOLIT: And they are all
9 problems.

10 MR. RHATICAN: -- with all due respect,
11 what you are proposing is to corral 50 people into a
12 small area of this, and that is not the intent.

13 The intent is to say, all right, if you
14 got a group of two people that want to sit alone and
15 have a private conversation, or maybe four or five
16 people who want to maybe stand about in a circle and
17 have a conversation or play a game, or lay out, then
18 you have the opportunity to have isolated private
19 conversations and isolated activities within a
20 larger area.

21 I think if you look at the existing
22 deck and the way it is laid out, probably the reason
23 it is not used a whole lot is for that very reason.
24 There is not a lot of congregating area for people
25 who want to use it. People would be on top of one

1 another.

2 MR. HIPOLIT: But you could make some
3 congregating areas, but also limit just the generics
4 of the open space.

5 Again, it is a bad example for you
6 guys. We sat at multiple hearings when Pier 13 came
7 in, and Pier 13 was going to have a few hundred
8 people in a year, just members, a nice fluffy area,
9 lay out in the grass, have a lot of fun.

10 Go by there on a Friday night, and
11 there are 4,000 people on the pier. It is a
12 disaster for the city.

13 With all due respect to you guys, it is
14 hard for me to believe that you are going to design
15 a deck this big, with this much open space, and
16 limit it to 50 people. You have no way to control
17 it. You'd have to have somebody standing there.

18 CHAIRMAN HOLTZMAN: So we are going to
19 take a break here for a second.

20 Dave, you said for the most part you
21 received the additional items that you requested?

22 MR. ROBERTS: Yes.

23 I think we can follow up with a report
24 to the Board based on the testimony that we got
25 tonight about the light fixtures. There might be

1 some suggestions on how we can --

2 CHAIRMAN HOLTZMAN: I did have one
3 specific call-out. I noticed in the documents that
4 there was mention that there was wood decking, and I
5 believe that our ordinance specifically calls out
6 that wood decking is not allowed.

7 VICE CHAIR MAGALETTA: Fire resistant
8 materials.

9 MR. LANDDOW: The ordinance says fire
10 treated. All of the decking is a Class A fire
11 rating --

12 CHAIRMAN HOLTZMAN: Okay. So you will
13 provide some testimony or documentation to that
14 effect?

15 MR. LANDOW: Absolutely.

16 VICE CHAIR MAGALETTA: Actually, I have
17 another question.

18 As far as drainage and things like
19 that, is there any kind of retention system, or is
20 it going straight into our sewers?

21 MR. LANDOW: There are three roof
22 drains and two overflow scuppers on the roof now
23 serving it. We are not adding any additional
24 surface area, so those three drains and the two roof
25 scuppers are adequate to handle what is there now.

1 MR. HIPOLIT: The answer is no.

2 VICE CHAIR MAGALETTA: Yes. That is
3 what I heard. Okay.

4 CHAIRMAN HOLTZMAN: So you were here in
5 the room obviously for the previous application,
6 where we take water management pretty seriously here
7 in town.

8 So would you guys be willing to
9 entertain, and you can certainly take your time and
10 talk amongst yourselves or come back and give us an
11 answer, as to putting some type of a water detention
12 or retention system on this roof deck, so at least
13 we are capturing the water and not putting that into
14 our combined sewer system?

15 MR. RHATICAN: Yes. We can explore
16 that.

17 CHAIRMAN HOLTZMAN: So at least, you
18 are opening up this -- you are removing whatever is
19 there. You have to take up all of the flashing and
20 sub surface and everything else, maybe there is some
21 capacity of getting those drains, putting them into
22 some type of detention system, so at least we will
23 take this 3500 square feet or whatever the heck the
24 number is, and off the top of my head, I don't
25 remember --

1 MR. RHATICAN: You were close.

2 CHAIRMAN HOLTZMAN: -- and at least
3 retain that water.

4 MR. LANDDOW: Is there an amount of
5 water you are looking for us to retain?

6 CHAIRMAN HOLTZMAN: Every drop we can.
7 You don't want that answer, right?

8 COMMISSIONER PEENE: Especially in this
9 area.

10 CHAIRMAN HOLTZMAN: We will take your
11 top roof also and everything else if we could get
12 it, but we know you are working on this one, so
13 let's take it one step at a time.

14 It would be a nice addition. You can
15 show the community that you are, in addition to
16 trying to improve your property, trying to go the
17 extra mile, giving us a net benefit in terms of
18 water management.

19 MR. LANDDOW: We will definitely speak
20 to the owner about it.

21 CHAIRMAN HOLTZMAN: Great. That will
22 be terrific.

23 And if you put something like that
24 together, make sure that you get that obviously to
25 Mr. Hipolit as soon as possible.

1 MR. LANDOW: Of course.

2 CHAIRMAN HOLTZMAN: That being said,
3 gentlemen, we're okay, that this application looks
4 like it is complete to move along. Is that correct?

5 VICE CHAIR MAGALETTA: I think the
6 waivers are fine as requested.

7 MR. ROBERTS: Gary, Mr. Chairman --
8 (Laughter)

9 CHAIRMAN HOLTZMAN: Yes.

10 MR. ROBERTS: -- Mr. Chairman, one
11 other thing I would suggest is you made reference to
12 a couple of different management techniques that
13 could potentially be employed like the card.

14 I would suggest maybe an organized
15 strategy for dealing with the obvious concern about
16 the number of people that will be on the deck that
17 could be used. You could use management mechanisms
18 in order to put in place that you could actually
19 present to the Board, because I think you are going
20 to hear more of that when you have more Board
21 members here, that's obviously going to be a concern
22 by a lot of people.

23 So if you have that already
24 orchestrated, and you are willing to put that into
25 place, that could be made a condition of the

1 approval, and that would make people feel more
2 comfortable I think.

3 CHAIRMAN HOLTZMAN: I think that is a
4 very good call-out, Dave, and just to give you a
5 flavor of what you should anticipate with regards to
6 the full Board, if you think that Mr. Andy Hipolit
7 was asking you questions, you haven't heard anything
8 yet from the rest of my team.

9 (Laughter)

10 MR. HIPOLIT: I'm just helping. I am
11 really trying to help you.

12 MR. RHATICAN: We appreciate it.

13 CHAIRMAN HOLTZMAN: So I would come
14 loaded for bear in terms of what Mr. Roberts is
15 saying in terms of what are the specific actual on
16 the ground systems and controls that you can have in
17 place to manage this space, and that is going to be
18 very critical.

19 MR. RHATICAN: Certainly. All right.

20 CHAIRMAN HOLTZMAN: Thank you, guys.

21 MR. RHATICAN: Well, thank you.

22 We appreciate your time.

23 MR. HIPOLIT: Good luck, guys.

24 MR. RHATICAN: You know what, I'm
25 sorry. I should ask, will this be on your next

1 agenda for the Planning Board?

2 CHAIRMAN HOLTZMAN: I am sorry.

3 Pat, what do you have lined up for
4 these guys?

5 MS. CARCONE: August 4th is the next
6 meeting date.

7 MR. RHATICAN: So the 4th then, we can
8 count on that?

9 MS. CARCONE: Excuse me?

10 MR. RHATICAN: So we can count on the
11 4th then?

12 MS. CARCONE: The 4th, yes.

13 MR. RHATICAN: Okay. Very good.

14 Thank you, all.

15 CHAIRMAN HOLTZMAN: Thank you.

16 We need a motion to close.

17 VICE CHAIR MAGALETTA: Motion.

18 CHAIRMAN HOLTZMAN: And a second?

19 COMMISSIONER PEENE: Second.

20 CHAIRMAN HOLTZMAN: All in favor?

21 (All Board members voted in the
22 affirmative.)

23 (The meeting concluded at eight p.m.)

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

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PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300
Notary Public of the State of New Jersey
My commission expires 11/5/2015.
Dated: 7/9/15
This transcript was prepared in accordance with
NJAC 13:43-5.9.