

CITY OF HOBOKEN
PLANNING BOARD

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REGULAR MEETING OF THE HOBOKEN :April 1, 2014
PLANNING BOARD : 7:09 p.m.
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Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

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

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

- Daniel N. Bloch, PP, AICP
Board Planner
- Andrew R. Hipolit, PE, PP, CME
Board Engineer
- Patricia Carcone, Board Secretary

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Board Business

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93 Grand Street (Carried to 5/6/14)

41

1400 Hudson, Hudson Tea Building E

43

Executive Session

251

1 CHAIRMAN HOLTZMAN: We are going to get
2 started here. It is 7:09 on Tuesday, April 1st.
3 Happy April Fools' Day to everybody. This is the
4 Hoboken Planning Board.

5 Pat, could you call the vote -- call
6 the roll?

7 MS. CONROY: We're done.

8 (Laughter)

9 MS. CARCONE: Commissioner Holtzman?

10 CHAIRMAN HOLTZMAN: Here.

11 MS. CARCONE: Commissioner Magaletta?

12 VICE CHAIR MAGALETTA: Here.

13 MS. CARCONE: Commissioner Marks?

14 COMMISSIONER MARKS: Present.

15 MS. CARCONE: Commissioner Forbes?

16 COMMISSIONER FORBES: Here.

17 MS. CARCONE: Commissioner Bhalla?

18 COMMISSIONER BHALA: Here.

19 MS. CARCONE: Commissioner Graham?

20 COMMISSIONER GRAHAM: Here.

21 MS. CARCONE: Commissioner Mosseri is
22 going to be absent.

23 Commissioner Pinchevsky --

24 CHAIRMAN HOLTZMAN: Said he was on his
25 way.

1 MS. CARCONE: -- on his way.

2 Commissioner Weaver?

3 COMMISSIONER WEAVER: Here.

4 MS. CARCONE: Commissioner Conroy?

5 COMMISSIONER CONROY: Here.

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

15 The first thing that we have on our
16 agenda is Commissioner Magaletta was working on the
17 bylaws for us.

18 Frank, can you just give us a quick
19 update as to where we are?

20 VICE CHAIR MAGALETTA: Yes.

21 Basically I have a couple of comments.
22 I have incorporated them, but I am waiting until
23 Chapter 44 is passed by the City Council to make
24 sure that there are no inconsistencies.

25 Once that is done, I assume after this

1 meeting, I am sure it will be done at the next
2 hearing or the next City Council meeting, once that
3 is done, I will incorporate it, and I will pass it
4 around through Pat for to all of the members to take
5 a final review.

6 Any more comments, I will incorporate
7 them, and we'll vote on them at the next meeting.

8 CHAIRMAN HOLTZMAN: Terrific. Thank
9 you.

10 Okay. The second item on our agenda is
11 an ordinance. We were sent an ordinance from the
12 City Council amending Chapter 44 updating and
13 consolidating the process and procedure for land use
14 boards.

15 Director Forbes, can you just give us a
16 brief review of this?

17 I know we have seen this before, and
18 why it is back at us, can you get us up to speed?

19 COMMISSIONER FORBES: Yes.

20 Last year I know that we had reviewed
21 this revised ordinance. This had a few tweaks to
22 it, nothing significant from what we saw last year.

23 If you recall, it was introduced by
24 Council, came to the Planning Board, but Council did
25 not end up adopting it, so we are going to take

1 another crack at it, and hopefully the Council will
2 adopt it. This is Chapter 44, which is the
3 administrative chapter for the land use boards, the
4 Planning Board and the Zoning Board.

5 What this does is it doesn't convey any
6 additional powers to those boards that are not
7 already permitted through the MLUL. Basically it
8 spells out the makeup of the regular and alternate
9 members. The fee and escrow structure is the same,
10 but what this does is it takes where there are
11 things on both boards and puts that into one
12 combined section. It takes -- there was some
13 that -- some areas where the Zoning Board was found
14 in both Chapter 44 and 196, so this just brings it
15 all into one location.

16 And this is -- it addresses for the
17 appeals, it spells that out in detail, and it makes
18 sure that the Planning Board and Zoning Board
19 sections mirror each other in format in a more
20 consistent language.

21 What I think probably the biggest thing
22 that we are going to see a difference in is it does
23 change the application checklist, and it streamlines
24 that. That was something that I know we went over
25 in a lot of detail last year, and we really went

1 through and reviewed that, so this is going to make
2 that a much more streamlined process, so that it is
3 more one application rather than an application for
4 every variance, and so you are not doing the
5 application for multiple variances.

6 CHAIRMAN HOLTZMAN: Right. A lot of
7 this seems like it's making it much more user
8 friendly for the applicant.

9 COMMISSIONER FORBES: Yes.

10 CHAIRMAN HOLTZMAN: If I remember, the
11 original application started out like an incredible
12 60 pages or something silly like that, right?

13 COMMISSIONER FORBES: Yes.

14 CHAIRMAN HOLTZMAN: Okay, great.

15 Did you have something for us, Andy?

16 MR. HIPOLIT: Just on the, you know,
17 when this went through last year, we had obviously
18 gone over it, and I think what we had noticed was
19 the user-friendliness of it, so we reviewed it. We
20 are great with it, and we think it is a big
21 improvement, and it's much easier.

22 CHAIRMAN HOLTZMAN: Great.

23 Did any Commissioners have any
24 questions or comments with regard to Chapter 44?

25 VICE CHAIR MAGALETTA: Yeah, I have a

1 couple of questions.

2 CHAIRMAN HOLTZMAN: Sure.

3 VICE CHAIR MAGALETTA: Surprise.

4 (Laughter)

5 VICE CHAIR MAGALETTA: We are getting
6 to 144-105(3). It talks about D variances for
7 conditional uses, and that goes to the Zoning Board
8 wholly. Does that mean -- is that something that we
9 had the authority to do before, because if there is
10 a use variance combined with --

11 MR. GALVIN: No. Let me just say, when
12 all of the conditions of a conditional use are
13 complied with, the use is considered permitted, and
14 then we would hear it as the Planning Board.

15 VICE CHAIR MAGALETTA: Okay.

16 MR. GALVIN: When any of the conditions
17 of the conditional use is not complied with, then it
18 requires a D-3 variance, and it has to go to the
19 Zoning Board. They are just following the language
20 from 40:55(d)-7.

21 VICE CHAIR MAGALETTA: I just wanted to
22 make sure, because then J-1 talks about conditional
23 uses, but then it's a C variance, so it confused me.

24 MR. GALVIN: Again, do we really need
25 to list all of that? You know, I don't know that we

1 have to.

2 It all follows the statute. I looked
3 at it --

4 VICE CHAIR MAGALETTA: Okay.

5 MR. GALVIN: -- and, you know, it was
6 one of those things where I might make a suggestion
7 to reorganize it, just like you are to make it more
8 consistent with the statute, but, you know, for the
9 people in staff internally, they are okay with it,
10 and you know, I am going to look to the MLUL anyway.
11 I am not going to be limited by our ordinance.

12 VICE CHAIR MAGALETTA: All right.
13 That's fine, because 107(b) I think is the same
14 issue, because you are mixing Cs and Ds.

15 And then one of the things that we
16 dealt with last time, and you know, it is the same
17 here, as far as when something is deemed complete,
18 who has the authority and discretion to do that?

19 Right now the way it's phrased and the
20 way we do it now is that, you know, Pat, as the
21 Secretary, she will certify that it is complete in
22 conjunction with the committee, the SS -- Site
23 Review Committee.

24 Should we leave it that way or should
25 we say, look, you know, the committee should deem it

1 complete, and there should be a section in the
2 checklist for the committee to say, yeah, here it
3 is?

4 Because my question is, and I don't
5 have a problem with Pat, I understand she does a
6 good job, but what if somebody doesn't know what
7 they are doing?

8 My concern is that giving that person
9 discretion, you know, how tight does their
10 connection --

11 COMMISSIONER FORBES: If I may --

12 VICE CHAIR MAGALETTA: -- absolutely.

13 COMMISSIONER FORBES: That was a
14 question that came up at the Planning Board last
15 year when we reviewed it --

16 VICE CHAIR MAGALETTA: Right, right.

17 COMMISSIONER FORBES: -- and we made
18 the recommendation in consultation with the Board
19 professionals and with the applicable Commissions --

20 VICE CHAIR MAGALETTA: Committees.

21 COMMISSIONER FORBES: -- so we -- I
22 kept it as the language, I made sure that when this
23 was being, you know, reviewed again this year, that
24 I wanted to make sure that we had that language that
25 the Planning Board had recommended last year, so I

1 went back and found that and put that exactly in
2 here and made sure it was in every single spot where
3 that would be reviewed.

4 So the Board Secretary will be
5 reviewing that in consultation with the Board
6 professionals. So, you know, if there is
7 something -- ultimately if they have everything on
8 their checklist, even if something isn't, you know,
9 the best looking drawing, or if they have the
10 drawing there, that is required to be there, if they
11 have the survey that is supposed to be there, if
12 they have different things that are supposed to be
13 submitted that is on the checklist, even if it is
14 something that is going to end up be revised as it
15 goes through the subcommittee and as it goes to the
16 Board, ultimately it still has to be deemed complete
17 if they have submitted everything.

18 VICE CHAIR MAGALETTA: I agree with
19 you.

20 I just wondered if there's -- where the
21 discretion should be, who should be the actual
22 person signing off on the checklist, because then
23 there is a box for it, for the person's signature.
24 Should it be the secretary or should it be the Chair
25 or whoever is on the committee reviewing the site

1 plan?

2 COMMISSIONER FORBES: It is actually --
3 we have it established as the secretary --

4 VICE CHAIR MAGALETTA: Okay.

5 COMMISSIONER FORBES: -- in the
6 ordinance.

7 VICE CHAIR MAGALETTA: Right.

8 CHAIRMAN HOLTZMAN: Dennis, do you have
9 something for us?

10 MR. GALVIN: I don't want to cloud
11 anything. I want to be supportive of what we are
12 doing, but there are two different procedures that
13 are happening. It's what is happening at the Zoning
14 Board and what's happening at the Planning Board.

15 At the Zoning Board what has just been
16 described is exactly 100 percent on the money for
17 what we need, because the Board professionals are
18 not me -- I mean, I'm part of that team, but really
19 the planner and the engineer are verifying
20 everything, and then they tell Pat that we have
21 everything on the checklist, and it is deemed
22 complete.

23 The procedure is slightly different at
24 the Planning Board where we are coming to the SSP,
25 and, you know, so I --

1 COMMISSIONER FORBES: That is what we
2 are doing now. This is proposing to do it where the
3 Board Secretary in consultation with -- and that was
4 based on the recommendations last year --

5 MR. GALVIN: So what would happen to
6 the SSP then, their role would change?

7 COMMISSIONER FORBES: That committee
8 would still be there.

9 CHAIRMAN HOLTZMAN: That would be the
10 consultation.

11 COMMISSIONER FORBES: But it wouldn't
12 be deeming it complete.

13 VICE CHAIR MAGALETTA: See, that is my
14 question.

15 I think that the subcommittee -- I'm
16 sorry, I keep saying that -- I think the committee
17 should make that determination because we had
18 applications where the person who has waivers, I
19 don't think the professionals -- the professionals
20 could give advice whether or not the waivers are
21 appropriate from the checklist, but the secretary
22 should not have that discretion.

23 I mean, again, I don't think it should
24 be -- the burden should not be put on the secretary
25 to make that call whether there should be a waiver

1 of any of the requirements on the checklist, and I
2 just want to make sure that we are protecting
3 ourselves.

4 MR. GALVIN: Let me say also, I think
5 one of the things I remember, Andy, if you remember
6 this, we were talking about being able to expedite
7 looking at these things, because we have a certain
8 number of days that we have to review when we get a
9 package, and the advantage of having the
10 professionals look at it with the secretary is we
11 are not waiting for the SSP meeting that's coming up
12 once a month.

13 MR. HIPOLIT: The idea was that in
14 every town, the way the Municipal Land Use Law is
15 set up is the professionals will look at the
16 applications with the secretary just to make sure
17 what is supposed to be submitted is submitted.

18 If somebody wants to get a waiver from
19 a checklist requirement, it is still going to go to
20 the secretary. She is still going to get what the
21 professionals say, and she is going to say, okay,
22 based on this grouping, that it should be deemed
23 complete by the Board, and it will go to the full
24 Board and discuss it and deem it complete or not
25 complete. The Board, the full Board, should deem it

1 complete or not when we discuss it, not really the
2 committee. That was the discussion. Most towns or
3 all towns I work in, the full Board does the
4 completeness.

5 VICE CHAIR MAGALETTA: This ordinance
6 says that the SSP makes the determination as to
7 completeness when they do the review, so I think
8 that's, you know, I think it is inconsistent.
9 Again, we had this discussion last year what
10 discretion does the secretary have.

11 You are right, the professionals, the
12 engineer and the planner will look at it, and I am
13 on the sub -- I'm on the committee, and we get these
14 reports from them, and then we make a determination
15 and we make a motion, and then Pat will, you know,
16 put on the checklist whether or not it is denied --
17 whatever it is, she will put it on there.

18 But it is a problem in that what if we
19 have a rogue secretary, who says, you know what, let
20 me just take care of this. We'll get it through,
21 and if there's something that the secretary
22 missed -- I was just -- you're not a rogue
23 secretary --

24 MR. GALVIN: Yeah.

25 (Laughter)

1 VICE CHAIRMAN MAGALETTA: -- again, I'm
2 sending you praise for that --

3 CHAIRMAN HOLTZMAN: So what is the
4 exact language here as it stands?

5 VICE CHAIR MAGALETTA: The
6 consultation, and I will get it.

7 Chapter 44-106(b): That the Secretary
8 shall certify an application as complete in
9 consultation with the Planning Board professionals
10 and any applicable municipal commissions and
11 administrators.

12 CHAIRMAN HOLTZMAN: So the question
13 that I think you have, Frank, which is a great
14 question, but does the word "in consultation with"
15 prevent what Frank is trying to protect against,
16 which is the secretary just randomly or taking it
17 upon themselves to approve completion on something?

18 MR. GALVIN: If that were to happen,
19 which I don't see it as likely, then you might have
20 to authorize me to go make a motion or something and
21 go to court, unless the applicant is willing to
22 cooperate and understand that we're --

23 VICE CHAIR MAGALETTA: And I agree. I
24 don't see it as being very likely to happen, but it
25 certainly could happen --

1 CHAIRMAN HOLTZMAN: But "in
2 consultation with" does at least add language.

3 COMMISSIONER FORBES: That was
4 specifically what the Planning Board added last
5 year.

6 CHAIRMAN HOLTZMAN: That's I think what
7 we dwelled on, yes.

8 VICE CHAIR MAGALETTA: "In
9 consultation" can be, you know, what does that mean,
10 a phone call?

11 I mean, in our practice, it is a
12 letter --

13 MR. GALVIN: I think it is going to be
14 the same thing, which is going to be for us.
15 Consultation is going to be -- Pat is going to wait
16 until we have, if she can, wait to the SSP meeting
17 and --

18 VICE CHAIR MAGALETTA: Well, I don't
19 know why she wouldn't because it is 45 days --

20 MR. GALVIN: She could deem it -- well,
21 I am just saying, our thought process never was that
22 she would deem it complete without us agreeing.

23 What you want to do is you want to deem
24 it incomplete, if there are things that are lacking,
25 and if for some reason we weren't able to act, we

1 don't want to get an automatic approval, so we
2 actually are thinking along the same lines. We
3 want -- it is a protective thing.

4 COMMISSIONER FORBES: Right.

5 The concern was we had had that happen
6 previously, where just when an application came in
7 and when -- and it is a rare occasion, but it has
8 happened, and where the Site Plan Committee had --
9 when their next meeting was, there was something
10 where a schedule had to change or it was around a
11 holiday, something along those lines, where it ended
12 up being by the time they reviewed it, it was beyond
13 that time frame, so it was automatically deemed
14 complete.

15 VICE CHAIR MAGALETTA: Right.

16 COMMISSIONER FORBES: The concern was
17 it actually had some problems with it, and it wasn't
18 complete, so those are the things that we were
19 trying to address with, you know, not having to wait
20 until that, you know, what if the subcommittee
21 members can't make it, what if there's a storm or
22 something like that, that we don't end up having
23 that meeting. Now, it's, all of a sudden, deemed
24 complete, and it may not be complete.

25 MR. HIPOLIT: The other item is

1 completeness, although I know a lot of Boards take
2 it differently, is not whether the items submitted
3 are correct or not --

4 VICE CHAIR MAGALETTA: Right. I
5 understand --

6 MR. HIPLIT: -- it is just whether they
7 submitted it or not, and then the recommendation
8 goes to the Board to actually ratify the
9 completeness. That was the idea behind it. You
10 wouldn't miss that step again ever --

11 (Commissioner Pinchevsky present)

12 VICE CHAIR MAGALETTA: -- no, I
13 understand. It has to go before the full committee,
14 the full Board, excuse me, but I wanted to make sure
15 that it doesn't fall through the cracks. That is
16 really my concern.

17 Maybe a way to fix it is to say, well,
18 how about a checklist as opposed to having the
19 secretary sign off on it, the SSP Committee member,
20 the Chair, whoever that --

21 CHAIRMAN HOLTZMAN: I think the idea
22 was that they were trying to balance it, that there
23 was both ways, is that basically "in consultation
24 with" means there is going to be a meeting, and the
25 secretary is going to be in consultation with the

1 Commissioners and the professionals.

2 On the other hand, if for some reason,
3 like the Director was saying, like we had a rare
4 occasion, there is some reason why it doesn't occur,
5 the Board Secretary can at least keep the ball
6 moving, so we are covered legally.

7 Dan, I think you said you had -- did
8 you have a question or a comment?

9 COMMISSIONER WEAVER: I did.

10 The quorum that we have for the -- we
11 always tried to stay away from a number of the SSPR
12 Committee, too many people, that we would actually
13 have a quorum, but the quorum is five people for a
14 full Board meeting. Is that true?

15 CHAIRMAN HOLTZMAN: I believe so, yes.

16 COMMISSIONER WEAVER: So at four, we
17 are below the quorum, so it's not a full Board
18 meeting.

19 MR. GALVIN: Yes. You know, the
20 problem we have is there are some courts that have
21 taken the position that, you know, if you only had a
22 quorum of five, having even only three people could
23 possibly be, you know, a problem.

24 And the way we manage it with the SSP,
25 though, which I am comfortable, I didn't realize it

1 at first, but I feel much more comfortable now that
2 I settled on this, is we notice it, so it is an open
3 public meeting, so we are not doing anything wrong.

4 But if you have any other kind of
5 subcommittees even where you have a three people
6 meeting, I understand what the logic is, that if you
7 have three or four, it is less than a quorum, you
8 should be okay. But like I said, I do know of one
9 judge down somewhere in Central Jersey that found
10 that even three could potentially be a problem.

11 So I would like to, you know, I don't
12 know what to do with that. I don't have enough
13 clear information.

14 VICE CHAIR MAGALETTA: Well, I thought
15 in this it says that a quorum is three, and you are
16 right. We notice it, and we have a reporter, so --

17 MR. GALVIN: So we are fine --

18 VICE CHAIR MAGALETTA: -- we are
19 fine --

20 MR. GALVIN: -- a hundred percent on
21 SSP. Anything -- any subcommittee that you are
22 going to have, any committee you are going to have,
23 as long as you notice, you meet the Open Public
24 Meeting Act's requirement, you can do it, except you
25 can't be deciding cases in advance of the full

1 Board.

2 VICE CHAIR MAGALETTA: We're fine.

3 CHAIRMAN HOLTZMAN: Dan?

4 COMMISSIONER WEAVER: One more.

5 44-106, is there any way to get some
6 language in here about electronic copies of what
7 they are submitting?

8 Because, I mean in this day and age, it
9 is actually a hassle sometimes to print out hard
10 copies, right?

11 So I mean, I would rather have an
12 electronic copy. It would be great, and we talked
13 about this with Chairman Furman a year and a half
14 ago, I don't think it ever came to pass, but that we
15 would put -- there would be electronic copies of
16 applications available on the website that people
17 could go to, if they wanted to, before the meeting
18 to actually look and see what was there.

19 CHAIRMAN HOLTZMAN: I know that the new
20 application is being developed, so that it could be
21 filled in electronically online and submitted that
22 way to the secretary.

23 Is that what you are speaking about?

24 COMMISSIONER WEAVER: No -- I mean, yes
25 and no. It would also be all of their plans, like I

1 mean --

2 CHAIRMAN HOLTZMAN: All of the
3 materials, yeah.

4 COMMISSIONER WEAVER: -- yeah, I am an
5 architect. Everything I do is digital. I don't
6 draw by hand anymore, so for me to actually have to
7 scan something is -- if it is eight and a half by
8 eleven, it is fine. If it is bigger than eight and
9 a half by eleven, it is coming out of my computer
10 anyway, so I don't think it is a hardship at all to
11 ask them to give us -- it also makes --

12 CHAIRMAN HOLTZMAN: Since they are
13 probably developing it that way anyway.

14 COMMISSIONER WEAVER: Exactly.
15 I mean, you know, maybe at first for
16 now, if we did want to provide that to the public,
17 it would just be for information only, but it is
18 not, you know, to see the real document, to see the
19 legal binding document, they would actually need to
20 do an open records search, and we could -- in case
21 there was a change between when they provided it to
22 Pat, and when it went on the website, so we could
23 put a disclaimer there, but the idea is --

24 CHAIRMAN HOLTZMAN: The best case is
25 your suggestion to have all of the documents for an

1 application be submitted electronically --

2 COMMISSIONER WEAVER: Exactly.

3 CHAIRMAN HOLTZMAN: -- right?

4 That is the best case.

5 COMMISSIONER WEAVER: Yes.

6 CHAIRMAN HOLTZMAN: Okay. Dennis, I
7 mean, what is the practical world application of
8 that? I mean, it sounds like a reasonable request.

9 COMMISSIONER WEAVER: Well, they could
10 do electronic and hard copy.

11 I mean, what we get -- I don't know.
12 How many do we request now for an application?

13 Do we make all of the copies or do they
14 provide us with these copies?

15 MS. CARCONE: They provide us with --

16 MR. GALVIN: Eleven sets.

17 MS. CARCONE: -- yes.

18 COMMISSIONER WEAVER: Well, they can
19 still provide us with eleven sets, but they need to
20 provide us with a thumb drive with electronic
21 versions of all of those same documents.

22 MR. GALVIN: Which wouldn't be a
23 problem for any major developer doing major, you
24 know -- I guess 90 percent of the people we are
25 dealing with, it's not a problem, but there are

1 probably ten percent mom and pops, but they could
2 ask for waiver of the electronic requirement.

3 COMMISSIONER WEAVER: Sure. I mean,
4 and frankly, it is really not -- it's not that big.
5 If you're making -- Dennis --

6 MR. GALVIN: Yes, I'm sorry.

7 COMMISSIONER WEAVER: -- I'm just
8 speaking from personal experience, you know, as a
9 professional, a design professional, if you are
10 making eleven copies, right, of something, of some
11 drawings or whatever, to create an electronic
12 version, they have to create an electronic version
13 nowadays, and then we're to print those eleven
14 copies, even if they drew it by hand --

15 MR. GALVIN: I agree.

16 COMMISSIONER WEAVER: -- even for mom
17 and pops, it's not a hardship.

18 MR. GALVIN: I don't scan the fold-out
19 plans because I don't have the equipment for that,
20 but everything else that Pat sends over, we scan --
21 everything or every application we get, I just scan.

22 COMMISSIONER WEAVER: For your records,
23 right?

24 MR. GALVIN: Yes.

25 COMMISSIONER WEAVER: Because you don't

1 want to keep mountains of paper.

2 MR. GALVIN: I'm not keeping paper any
3 more.

4 MR. HIPOLIT: When we met to talk about
5 this ordinance, there was actually a second layer,
6 which we didn't get to, and the discussion was let's
7 address the completeness and the process of
8 procedure, the basic checklist stuff, with the next
9 step being to address exactly what you are talking
10 about. Can we get everything electronically and how
11 it would work for like one renter in a store versus
12 the Hoboken code for that developer, how would you
13 do that, and we never -- I don't think we got that
14 far.

15 COMMISSIONER WEAVER: I'm sorry. I
16 think it is just one sentence.

17 CHAIRMAN HOLTZMAN: Director?

18 COMMISSIONER FORBES: I was going to
19 say also, I think the point was it can go to the
20 Site Plan Subcommittee and then have some revisions
21 before it actually comes before the Board.

22 So I think the point was, you know, how
23 many -- at what point are we going to have those
24 electronic copies, so are we having -- you know, and
25 who is -- because if we have to hold on to, you

1 know, I guess we really only have to hold on to the
2 hard copies, but just making sure that what
3 electronic copy is being made available --

4 MR. HIPOLIT: It was a different
5 problem at least when we initially discussed it, it
6 was like a year ago. It was a different problem for
7 the city. It's how do you store all of the
8 documents and actually have them all electronically,
9 and where do you store them all server-wise versus
10 paper.

11 They're both a problem. Paper exists
12 as a problem, and the storage of electronic
13 documents, I don't think the city --

14 COMMISSIONER FORBES: Paper was
15 required --

16 MR. HIPOLIT: -- when we looked at it
17 was capable of storing the documents it would have
18 had to electronically. That was the issue I think.

19 MR. GALVIN: Well, I think we have to
20 contact the -- the other issue of whether we have to
21 keep the paper, we have to contact the Government
22 Records Council and find out. There has to be some
23 pressure that people are going digitally, and at
24 some point we got to be able to -- as long as we
25 have that image captured, it's the same -- I think

1 it is the same as you used to be able to -- what was
2 it -- oh, boy -- microfiche, going back to the old
3 days. You would microfiche and you would get rid of
4 the paper. It has to be the same procedure. We
5 just have to find out what that procedure is from
6 the GRC.

7 COMMISSIONER WEAVER: I seem to
8 remember that I've actually gone onto our website
9 and pulled down documents from the ZBA of someone's
10 application. I remember seeing a sidewalk detail
11 for a house on Hudson Street, so I don't know how
12 they are putting things up there yet, I know, and we
13 are not --

14 MS. CARCONE: There is nothing that I
15 am aware of for the Zoning Board that's online.

16 CHAIRMAN HOLTZMAN: Okay. So I think
17 this is definitely something that is a worthwhile
18 investigation that is going to save everybody time
19 and energy, but it doesn't sound like we are
20 resolving that also either because we need a legal
21 ruling on this as well --

22 MR. GALVIN: Well, no, what I would
23 suggest --

24 CHAIRMAN HOLTZMAN: -- I would like to
25 basically take this, and we can make adjustments to

1 this ordinance and make suggestions to changing this
2 ordinance in the future, correct?

3 COMMISSIONER FORBES: Yes.

4 CHAIRMAN HOLTZMAN: So let's set up a
5 committee that basically looks into what the legal
6 ramifications of this are.

7 You know, your point is totally well
8 taken. It is a complete waste of this and maybe you
9 would rather -- would you rather -- would you be the
10 guy that says, don't bother sending me the hard
11 copy, I will just take electronic?

12 COMMISSIONER WEAVER: Yes.

13 CHAIRMAN HOLTZMAN: And then you will
14 come with a pad to the meeting or whatever?

15 COMMISSIONER WEAVER: Yeah. I'm just
16 tired of talking -- we were talking about this for a
17 year and a half, and Furman dropped the ball on us
18 frankly, and we are still nowhere, so we can have
19 another subcommittee and we can talk about it again.
20 I just, you know --

21 CHAIRMAN HOLTZMAN: I just want to make
22 sure that we are doing it legally as well. I don't
23 want to make a suggestion to the City Council that
24 Dennis is saying --

25 COMMISSIONER WEAVER: I'm sure --

1 MR. GALVIN: Let me jump in -- let me
2 jump in -- let me jump in and help.

3 I totally endorse this idea. I think
4 it is the right way to go, but I don't want to get
5 ahead of the existing law, and I don't know exactly
6 what it is, and I do think we need to check with the
7 Government Records Council and make a couple of
8 adjustments.

9 I would like to see us do this, even if
10 Hoboken is the first place to do it, I think it's an
11 innovation that its time has come, but I understand
12 what Gary is saying. We don't want to hold up this
13 reorganization of these chapters while we figure
14 that out and get waylaid.

15 What we need is -- what I think we
16 ought to do is tell the governing body that we are
17 in support of this proposed change, but that we are
18 recommending that in the very short future, that we
19 should add a means by which we are going to start
20 getting applications by digital to come into the
21 21st Century.

22 VICE CHAIR MAGALETTA: I'm sorry.

23 So, Dan, are you saying it should
24 require digital as well as paper hard copies?

25 COMMISSIONER WEAVER: Yes.

1 VICE CHAIR MAGALETTA: Okay.

2 COMMISSIONER WEAVER: I mean, we do
3 this as matter of course every time we look at a
4 piece of legislation, right?

5 We put down -- we pass it or we
6 recommend it or we don't recommend it, and sometimes
7 we include recommendations, and I think it is well
8 within their legal department's ability to research
9 whether this is actually legal or not.

10 VICE CHAIR MAGALETTA: I am agreeing.
11 I just want to make sure what exactly you want to
12 make, I mean, what changes, to make sure it is
13 mandated. I'm fine with that.

14 COMMISSIONER WEAVER: Yeah. I am just
15 saying we put it on there as a recommendation, if
16 everybody can agree to it, that, yes, it is
17 something that they should do --

18 CHAIRMAN HOLTZMAN: But basically kick
19 it back to the City Council to say --

20 COMMISSIONER WEAVER: You haven't gone
21 far enough --

22 CHAIRMAN HOLTZMAN: -- you haven't gone
23 far enough, and this is our suggestion that it needs
24 to be -- the applications need to be a hundred
25 percent digital in the future.

1 COMMISSIONER WEAVER: Exactly.

2 CHAIRMAN HOLTZMAN: Do you see any
3 conflict with that, Director?

4 COMMISSIONER FORBES: No.

5 COMMISSIONER CONROY: But wait, just to
6 be clear.

7 So we are recommending, that yes, we
8 are fine approving -- we recommend that you approve
9 this change, but we also think you should take a
10 look at maybe making it electronic as well. We're
11 not saying our rule is predicated on that
12 electronically. I think that is the difference --

13 CHAIRMAN HOLTZMAN: Okay. Go ahead.

14 COMMISSIONER FORBES: Just so you are
15 all aware, there is now a subcommittee of the City
16 Council that directly is looking at, you know, doing
17 zoning ordinances and other ordinance revisions, so
18 they will end up seeing that recommendation, and
19 that subcommittee can start working on that.

20 CHAIRMAN HOLTZMAN: Commissioner Marks,
21 is there anything that you've got for us on this
22 regarding sort of city procedures?

23 COMMISSIONER MARKS: I think you
24 touched on all of the relevant issues.

25 It is definitely something worthwhile.

1 We have an electronic platform, special data logic,
2 which is basically geared toward electronic
3 submissions. Whether, you know, it is legally
4 permissible and whether the Government Records
5 Council, you know, how it treats those records.

6 We have -- as an administrative issue,
7 we have a real challenge keeping whether it's
8 electronic copies, which would seem like it would be
9 a lot easier to manage, or paper copies, where if
10 anybody hasn't been to the third floor of City Hall,
11 we are drowning in paper, and it is a real issue, so
12 I totally agree with you. We have to cut down on
13 the amount of paper, but we want to subscribe to the
14 law, and we want to make sure that whatever we keep
15 in perpetuity, I don't think -- these are permanent
16 records as far as I understand, and we can't throw
17 them away, but if we could keep an electronic
18 copy --

19 MR. GALVIN: I could contribute the
20 following thing.

21 I teach a class where I am forced to
22 look at some of the materials on this, and we only
23 have to keep approvals for seven years, but you
24 can't get rid of it until you contact the GRC, okay,
25 and denials are three years.

1 Now, on the other hand, I think it
2 would be useful for the city to have, you know, we
3 have never had in Hoboken a good solid record base,
4 and we really need to establish that. Maybe we just
5 have to start now.

6 CHAIRMAN HOLTZMAN: Councilman, do you
7 think some of the City Council is prepared to accept
8 and move forward with it?

9 COMMISSIONER BHALLA: The ordinance as
10 it stands?

11 CHAIRMAN HOLTZMAN: Well, specifically
12 what Commissioner Weaver is bringing up, which is
13 moving this document --

14 COMMISSIONER BHALLA: Sure. I think it
15 should -- I think Director Forbes is correct. We
16 have specifically a zoning subcommittee within the
17 City Council. Councilman Doyle, I believe, is the
18 Chair of that committee, and at first blush, it
19 seems perfectly logical in moving the progression
20 of, you know, technological advances, so I see no
21 problem with it standing alone, but I don't sit on
22 that committee, but I think it should be referred to
23 that committee, though, for review.

24 CHAIRMAN HOLTZMAN: So is there
25 anything specific on the language that you wanted to

1 put in there, Dan?

2 COMMISSIONER WEAVER: No.

3 CHAIRMAN HOLTZMAN: Okay.

4 MR. GALVIN: So the Board recommends
5 that all applications should be submitted digitally
6 and electronically -- or electronically --

7 COMMISSIONER WEAVER: PDF format.

8 Color, where necessary.

9 (Laughter)

10 CHAIRMAN HOLTZMAN: We knew you had
11 more for us.

12 COMMISSIONER WEAVER: You knew I did.

13 VICE CHAIR MAGALETTA: Brandy -- I'm
14 sorry, Commissioner Forbes, just a quick question on
15 the checklist.

16 When you look at a checklist for
17 subdivision applications, if you go to the back of
18 it, it talks about, for example, the checklist for
19 subdivision applications. If you go to Box 9, it
20 says plat maps and plans shall include the
21 following, and it lists 10 through 29.

22 And then the paragraph under that says:
23 In addition to documents 1 through 28 --

24 COMMISSIONER FORBES: Yeah, I think
25 that should be a correction.

1 VICE CHAIR MAGALETTA: -- 2 to 29 --

2 COMMISSIONER FORCES: -- and I don't
3 think that is going to be a substantive change --

4 VICE CHAIR MAGALETTA: No, it's not.

5 MR. GALVIN: That is a non substantive.

6 VICE CHAIR MAGALETTA: That is in a few
7 places, so I could show you later. I just wanted to
8 make sure. I was just reading it.

9 COMMISSIONER FORBES: Would you mind
10 adding that as a recommendation for a correction --

11 MR. GALVIN: Say it again.

12 CHAIRMAN HOLTZMAN: Just call it out
13 specifically what it is.

14 On which?

15 VICE CHAIR MAGALETTA: Checklist for
16 subdivision applications, checklist for site plan
17 applications, checklist for variance applications,
18 and checklist for conditional use and wireless
19 telecom applications. All of them have to be
20 corrected.

21 MR. GALVIN: Let's do it again.

22 Subdivision, site plan --

23 VICE CHAIR MAGALETTA: Subdivision,
24 site plan, variance, and conditional use and
25 wireless applications. Just check the numbering,

1 because they all have it. I can show you where they
2 are at --

3 COMMISSIONER FORBES: Where it says:
4 In addition to documents number 1 through X, I'm
5 just making sure that the X is the correct number.

6 VICE CHAIR MAGALETTA: Brandy, there
7 are a couple typos. We will deal with that later.
8 It's not relevant. It's not a substantive issue, so
9 that is it.

10 COMMISSIONER FORBES: Okay.

11 VICE CHAIR MAGALETTA: That's all I
12 have.

13 CHAIRMAN HOLTZMAN: Good otherwise?

14 Thank you.

15 MR. GALVIN: Very good.

16 CHAIRMAN HOLTZMAN: Any other
17 Commissioners, any other questions or comments on
18 Chapter 44?

19 Great. So, Dennis, can you just recap
20 for us really quickly the two conditions that we've
21 drafted off?

22 MR. GALVIN: Right.

23 The Board recommends that all
24 applications should be submitted in a PDF digital
25 format with color, where appropriate.

1 The second one is: A correction needs
2 to be made to the numbering, in parentheses, 1
3 through X of the checklist for subdivision, site
4 plan, variance, conditional use and wireless.

5 VICE CHAIR MAGALETTA: I'm sorry,
6 Commissioner.

7 You made a point. The question I had
8 is, as far as the PDF forms, they can be filled out
9 online. Is that correct?

10 Are we definitely going to have that or
11 is that something we'll work on in the future?

12 MR. GALVIN: You know what, I don't
13 think that is limited to -- I don't think that has
14 anything to do with the ordinance, though, whether
15 it goes up or down. That is something
16 technological.

17 VICE CHAIR MAGALETTA: I know, but that
18 is a recommendation I'm saying --

19 COMMISSIONER FORBES: That is something
20 that we will definitely look at on the
21 administrative side of that, and I will coordinate
22 with Pat on that.

23 VICE CHAIR MAGALETTA: I think it would
24 make everybody's life easier, if we could just type
25 it right up.

1 CHAIRMAN HOLTZMAN: Sure. Okay.

2 COMMISSIONER WEAVER: I think at least
3 we looked at Princeton's website, and I think
4 Princeton you could -- when we were back looking at
5 websites, and our website, and how we could make it
6 more open and user friendly, and I think Princeton,
7 New Jersey, you actually can actually download all
8 of the forms.

9 Can we download the forms?

10 (Board members confer.)

11 A VOICE: They're on the website now.

12 COMMISSIONER WEAVER: So at least you
13 can -- maybe you can't fill it out online, but you
14 can download it, print it, fill it out, and do
15 whatever and then scan it and upload it --

16 COMMISSIOENER FORBES: Once this is
17 adopted, we will make sure to have the form itself
18 up online, and then we will work on that electronic
19 format of the form.

20 CHAIRMAN HOLTZMAN: Okay.

21 VICE CHAIR MAGALETTA: Thank you.

22 CHAIRMAN HOLTZMAN: Great. Thank you.

23 So is there a motion on the floor to
24 accept the Chapter 44 --

25 VICE CHAIRMAN MAGALETTA: I make a

1 motion to accept Chapter 44 as amended with the
2 conditions that were noted during the hearing.

3 COMMISSIONER WEAVER: Second.

4 CHAIRMAN HOLTZMAN: Pat, can you call a
5 vote?

6 MS. CARCONE: Commissioner Magaletta?

7 VICE CHAIR MAGALETTA: Yes.

8 MS. CARCONE: Commissioner Marks?

9 COMMISSIONER MARKS: Aye.

10 MS. CARCONE: Commissioner Forbes?

11 COMMISSIONER FORBES: Yes.

12 MS. CARCONE: Commissioner Bhalla?

13 COMMISSIONER BHALLA: Yes.

14 MS. CARCONE: Commissioner Graham?

15 COMMISSIONER GRAHAM: Yes.

16 MS. CARCONE: Commissioner Pinchevsky?

17 COMMISSIONER PINCHEVSKY: Yes.

18 MS. CARCONE: Commissioner Weaver?

19 COMMISSIONER WEAVER: Yes.

20 MS. CARCONE: Commissioner Conroy?

21 COMMISSIONER CONROY: Yes.

22 MS. CARCONE: Commissioner Holtzman?

23 CHAIRMAN HOLTZMAN: Yes.

24 Thank you.

25 Okay. The next item on our agenda was

1 a hearing for 93 Grand Street.

2 We did receive communication from the
3 architect, Jensen Vasil, earlier today that says,
4 and I will read this into to the record:

5 "Dear Members of the Hoboken Planning
6 Board:

7 "On behalf of the applicant, Mr.
8 Alfredo D'Innocenzo, we state that we failed to
9 notice for the April 1st, 2014 meeting and that we
10 will notice for the May 6th, 2014 meeting. We also
11 hereby waive time limitations that Board has to act.

12 "Thanks for your understanding.

13 "Jensen."

14 So that is moving right along.

15 (Continue on next page.)

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CITY OF HOBOKEN
PLANNING BOARD

- - - - - X
 1400 Hudson, Hudson Tea Building E :April 1, 2014
 Block 269.03, Lot 1 :
 Applicant: Toll Brothers, Inc. :
 (Carried from 2/4/14) :
 Amended Final Site Plan : 7:45 p.m.
 - - - - - X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

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

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

- Daniel N. Bloch, PP, AICP
Board Planner
- Andrew R. Hipolit, PE, PP, CME
Board Engineer
- Patricia Carcone, Board Secretary

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12 Attorneys for the Applicant.

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I N D E X

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3 WITNESS PAGE

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5 THOMAS S. CARMAN 48

6

7 TODD M. HAY 68

8

9 MICHAEL MARIS 102

10

11 E X H I B I T S

12

13 EXHIBIT NO. PAGE

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16 A-15 50

17 A-16 68

18 A-17 106

19 A-18 109

20 N-2 215

21

22

23

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25

1 CHAIRMAN HOLTZMAN: Then we have Mr.
2 Pantel for 1400 Hudson.

3 Are you ready for us, sir?

4 MR. PANTEL: Yes, we are.

5 CHAIRMAN HOLTZMAN: I am sure you are.

6 MR. PANTEL: Thank you.

7 MR. GALVIN: Sorry for the delay, but
8 we wanted to give you a full Board.

9 MR. PANTEL: Not a problem. We
10 appreciate it.

11 As I said, we definitely are ready. Is
12 the Board ready?

13 CHAIRMAN HOLTZMAN: Yes, sir.

14 MR. PANTEL: Great.

15 You recall that we last left off with
16 the testimony from our landscape architect, Tom
17 Carman. We had already presented testimony from him
18 in large part, as well as from our architect and
19 site engineer.

20 So we have Mr. Carman with us tonight
21 to continue the wrap-up of his testimony and
22 importantly to respond to some of the points that
23 were raised by the Board and the members of the
24 public with respect to the landscape plan.

25 You will see that we have made a number

1 of changes to the plan to be as responsive as we can
2 to the issues raised by the members of the public,
3 as well as by the Planning Board.

4 You will see that with respect both to
5 the landscape plan, and you will see that with
6 respect to some additional testimony that we would
7 like to offer from our engineer this evening
8 regarding a staging plan specifically pertaining, of
9 course, to construction of the project and the
10 relationship of the project construction to closure
11 of Hudson Street.

12 Lastly, the Board also asked for
13 testimony from our traffic consultant, and we have
14 done that. We have taken additional traffic counts
15 to confirm whether or not the initial projected
16 volumes are consistent with the volumes that we are
17 experiencing today, and he will testify to that. In
18 fact, you will hear from him that the volumes
19 projected in the last study submitted to the Board
20 are, in fact, higher than the levels of traffic that
21 we're actually experiencing today, so that the
22 traffic improvement previously proposed and
23 constructed do work, and we will continue to address
24 any impacts associated with our project.

25 So what I would like to do at this

1 point is call Tom Carman, our landscape architect.
2 Rather than me taking the additional time and
3 stealing his thunder, he will get right into the
4 heart of exactly what we have done in response to
5 the points raised by the Board.

6 MR. GALVIN: Mr. Carman, you are still
7 under oath, so you may proceed.

8 T H O M A S S. C A R M A N, LLA, Melillo &
9 Bauer Associates, 200 Union Avenue, Brielle, New
10 Jersey, having been previously duly sworn, testified
11 as follows:

12 THE WITNESS: Good evening, everybody.

13 This evening I would like to review
14 four different items that we have since revised from
15 our last meeting, where I provided testimony at the
16 street level and the various rooftops.

17 So the exhibit I put up here is A-8
18 from last month, and that is the composite plan, the
19 comprehensive plan that shows the street level, the
20 third floor and the upper rooftops all on one graph.

21 And for comparison purposes, I have a
22 second graphic, will be oriented the same way, and I
23 will mark this one. We have north pointing up.
24 Again, we have Hudson, Washington Street and 15th,
25 so --

1 MR. PANTEL: That is A-14.

2 (Exhibit A-14 marked.)

3 THE WITNESS: So the areas that I will
4 be discussing are the street level as well as the
5 fourth floor, and these are all based on the
6 discussions and recommendations from the Board, some
7 revisions that we have made.

8 So starting at the rain garden at the
9 intersection of 15th and Hudson, one of the
10 recommendations were that we redesign it to provide
11 a greater opportunity for the public to engage this
12 space, and one of the recommendations had been to
13 rotate the platform 90 degrees, which we have done.

14 So now what we are doing is providing
15 really an opportunity for pedestrians to cut that
16 corner and really engage that space as opposed to
17 how it was previously providing direct access to the
18 front of the building.

19 We are still providing an access from
20 that platform to the front door, but we have
21 provided on that platform, again, a bench, and we
22 have, based on further comments, tried to create a
23 little more inviting space and provide some seating
24 opportunities for the public.

25 We have the seat wall in the back that

1 Mr. Roberts had recommended, and then also right
2 prominently located right at the intersection, we
3 have a seat wall also at the corner of 15th and
4 Hudson.

5 What I will show you is the same
6 graphic from last time. This is that perspective
7 graphic looking from the intersection back at the
8 building. It is A-9, and I will mark this one as
9 A-15. This is the same vantage point.

10 (Exhibit A-15 marked.)

11 So what we see now is, as opposed to
12 previously, where it was providing the direct access
13 to the front door, we are allowing pedestrians to
14 now cut that corner, so to speak, and then also out
15 at the street scape there provide a seat wall,
16 seating opportunities.

17 The second item has to do with the
18 street trees along Hudson --

19 CHAIRMAN HOLTZMAN: Can you hang on one
20 second?

21 Could you just put the two renderings
22 up one more time?

23 THE WITNESS: Sure.

24 CHAIRMAN HOLTZMAN: I have a question
25 for our engineer, Mr. Hipolit.

1 With the seat wall there, I mean, it is
2 really attractive I think on the sidewalk and
3 everything else. I know one of the main concerns is
4 the bio retention swale being able to have the water
5 get into it. So it looks like we kind of created a
6 wall getting into it from any kind of water that
7 might accumulate on this all to oftenly flooded
8 corner.

9 Does it make sense to maybe make that
10 somehow that it is perforated or there's some kind
11 of water that can pass through it on the sidewalk
12 level?

13 MR. HIPOLIT: Yes. What the engineer
14 can do is he can just add some weep holes through
15 the base of the wall, a little check curb there, to
16 allow the water to pass through from both sides.
17 It's an easy fix.

18 THE WITNESS: Also this is pervious
19 pavement.

20 VICE CHAIR MAGALETTA: While you on
21 that, on A-14, you show an access to that from that
22 corner, but on A-15, I don't see where that third
23 entry way is.

24 Am I misreading that?

25 THE WITNESS: No. You know, it is

1 obscured by this tree right here in the view. It
2 does go back.

3 VICE CHAIR MAGALETTA: Okay. Thank
4 you.

5 CHAIRMAN HOLTZMAN: Thanks.

6 THE WITNESS: Any other questions?

7 So the next item is the street trees
8 along Washington Street.

9 At the last meeting, Commissioner
10 Weaver, you had mentioned the resolution from 2004,
11 and actually after the meeting I was able to go back
12 and look at that, and that Item No. 24 states that
13 large specimen trees of a caliper of four and a half
14 inches will be located at the end of Washington
15 Street and at focal points within the project.

16 So at the end of Washington Street,
17 part of the previous construction and on that
18 original landscape plan, there are those large over
19 four and a half inch caliper trees that are located
20 right there, so that has been done in that
21 previous -- that other application. However, the
22 other second part of that comment or within other
23 focal points --

24 MR. PANTEL: That was Comment No. 24
25 from --

1 THE WITNESS: It was Comment No. 20 in
2 the 2004 resolution.

3 MR. PANTEL: Okay.

4 THE WITNESS: So the second part, and
5 that focal point within the project, so to further
6 create an inviting public space at the corner of
7 Hudson and 15th, we are recommending that those
8 three trees be the focal point trees that get
9 increased to that larger caliper size.

10 The next item has to do with the --
11 there was a recommendation by Chairman Holtzman to
12 submit the plans to the Shade Tree Commission, and
13 we reached out to Chairman Tracarico and submitted
14 those plans to him on March 24th. He reviewed those
15 plans. I spoke with him on the phone the other day.
16 He is going to be meeting with the full Commission
17 on April 14th. He said that from his -- everything
18 looked in order.

19 I spoke with him about the varieties.
20 All of the varieties we have proposed are in keeping
21 with the Hoboken Shade Tree Commission's list of
22 recommended species and all of the caliper sizes are
23 in excess of the minimum size that they require.

24 The last item has to do with the fourth
25 floor. So the fourth floor is located central to

1 the building, and then you can see how it has been
2 graphically, it looks a bit different. We listened
3 to the comments previously having to do specifically
4 with the lawn and the lawn's use of irrigation,
5 fertilization and such and how much an environmental
6 impact that could have.

7 So what we have done is we redesigned
8 that rooftop, and we have eliminated the lawn, the
9 traditional lawn, that would require the excessive
10 irrigation and fertilization, and also in doing so
11 we have revised the hard scape treatment a bit. We
12 still have the seating area on the north side. We
13 have a smaller set of benches, two benches located
14 here, again, an area with some seeding.

15 As you move to the south with some
16 chaise lounges, residents in that would have
17 possibly laid on the lawn. Here we are providing an
18 opportunity for them to have some chaise lounges and
19 then some additional benches below.

20 The hard scape and planting, we kept
21 the square footages the same, just reduced some of
22 it in this area and moved some of it down. So the
23 planting within the area that was lawn is now still
24 an intensive landscaped deck in that the soil
25 profile is still thicker or deeper, but it is native

1 grasses, ornamental grasses of taller varieties, and
2 then sedum planting as well in areas.

3 So we feel that what we had originally
4 was a good plan, and it was -- we were greening the
5 rooftops and creating a strong street scape and with
6 these recommendations, the plan is a further
7 improvement.

8 MR. PANTEL: Isn't that a drought
9 resistant species that you will be using?

10 THE WITNESS: That is correct.

11 So that concludes my testimony for the
12 changes that we made since the previous meeting.

13 CHAIRMAN HOLTZMAN: Any questions or
14 comments?

15 Is there any more to the landscape
16 testimony?

17 THE WITNESS: That is it. My testimony
18 previously, I concluded at that meeting, and this
19 was just the updates to what we have done.

20 CHAIRMAN HOLTZMAN: Any comments or
21 questions from the Commissioners?

22 COMMISSIONER BHALLA: Chairman, I just
23 think the change to the entrance is a substantial
24 improvement to your credit.

25 My concern was that it wasn't really a

1 public space because the ingress and egress was for
2 residents only, but now what you appear to have done
3 is created two points of entry and exit that could
4 be used not just by residents, but also by the
5 public as well, so that I think that is a
6 substantial improvement.

7 CHAIRMAN HOLTZMAN: Great.

8 MR. PANTEL: Thank you.

9 CHAIRMAN HOLTZMAN: Are there any
10 questions now that the landscape architect has
11 finished his presentation, are there any questions
12 or comments from the public?

13 Sure, Ms. Tiffanie.

14 MS. EDELMAN: I just wanted to ask --

15 CHAIRMAN HOLTZMAN: Sure. Just come up
16 and give us your name.

17 MS. EDELMAN: Laura Edelman.

18 CHAIRMAN HOLTZMAN: Spell it for the
19 stenographer.

20 MS. EDELMAN: E-d-e-l-m-a-n.

21 CHAIRMAN HOLTZMAN: Great, thanks.

22 MS. EDELMAN: I wanted to ask the
23 seating wall, what is it made out of?

24 THE WITNESS: To be a material that
25 would complement the architecture, it would be

1 and broad question, but one of the requirements of
2 the --

3 CHAIRMAN HOLTZMAN: Tiffanie, can you
4 just kind of talk towards us, so that we can hear
5 you?

6 MS. FISHER: Yes.

7 One of the requirements on the 2004
8 approval, the PUD approval, requirement number ten
9 was an accommodation for pets, so I am asking you
10 because it doesn't really fit in with any of the
11 other -- and when we think about pets and
12 accommodations, it is going to be some sort of a
13 grassy area, so I am curious as to how you are
14 thinking about accommodating pets, how it would fit
15 into the scheme as and when it is required.

16 MR. PANTEL: I can respond.

17 CHAIRMAN HOLTZMAN: Mr. Pantel?

18 MR. PANTEL: Sure.

19 You're correct. It was not part of the
20 landscape testimony, but the prior resolution of
21 approval indicates that the applicant would simply
22 coordinate with the city regarding appropriate
23 measures to accommodate pets.

24 What we have done is dedicated to the
25 city an area of parkland, a substantial area,

1 comprising a total of about an acre in combination
2 with the city's land just to the north as part of
3 Hudson Tea planned unit development, which has been
4 partly oriented and developed as parkland. It would
5 be a substantial additional green area developed
6 there, and the city is certainly free to include an
7 area there to accommodate pets, if it so chooses.

8 We also understand that at 1600 Park
9 that there may be a similar area in the immediate
10 vicinity of the project.

11 CHAIRMAN HOLTZMAN: Can you be specific
12 as to which parcel of land was dedicated to the
13 city, Mr. Pantel?

14 MR. PANTEL: Yes, certainly. I could
15 give you lot and block, but it is where you have
16 what we call Building A, which is as you face the
17 existing buildings at Hudson Street, there is a tot
18 lot that's been developed, and immediately above
19 that tot lot -- including the tot lot and then lands
20 above it have been dedicated to the city for use as
21 public park. It was a very significant piece of
22 dedication. Certainly otherwise could have been
23 developed right on the waterfront, and it really
24 ties into the city's overall master plan to have
25 this very attractive green belt right along the

1 river of very usable property.

2 MS. FISHER: When was that done?

3 MR. PANTEL: It was done in connection
4 with the earlier development of the project.

5 MS. FISHER: Right.

6 So earlier development gets the
7 conditions that they put in in 2004 was subsequent
8 to that contribution, so it was more of a going
9 forward requirement from 2004 --

10 MR. PANTEL: No. That actually is not
11 correct.

12 MS. FISHER: -- so when was it --

13 MR. PANTEL: No. The dedication was
14 made after that, and it was, as I said, a very
15 significant piece of the overall project.

16 MS. FISHER: So the result is how have
17 pets been accommodated with the building of every
18 single one of the buildings that were built and pets
19 in it, and no pets have been accommodated there.
20 There is no pet dog park, nothing in the north end
21 whatsoever.

22 And was it specifically part of the
23 arrangement when you gave the land to the city to
24 include a pet accommodation or are you now
25 speculating?

1 MR. PANTEL: The city is free to --

2 MS. FISHER: I understand. But since
3 you are working with the city, you're accommodating,
4 did you accommodate pets -- there is no pet --

5 MR. PANTEL: Absolutely --

6 MS. FISHER: -- there's no pet
7 accommodations.

8 MR. PANTEL: -- there is more than
9 ample ground --

10 MS. FISHER: That's not a pet
11 accommodation --

12 (Ms. Fisher talking over Mr. Pantel.)

13 THE REPORTER: Wait a second.

14 CHAIRMAN HOLTZMAN: One at a time,
15 please.

16 MR. PANTEL: There is no specific
17 requirement that we include a pet area as part of
18 the plan. You need to coordinate with the city. We
19 have made a very, very substantial dedication worth
20 frankly a staggering sum, if it were to otherwise be
21 developed for residential units, which is not the
22 case.

23 I gather that there may be some
24 discomfort with maybe some of the existing residents
25 regarding pets using the small lawn area in front of

1 the existing buildings. If that is the case, I
2 would strongly suggest that the existing condominium
3 association could readily police that and prevent
4 pets from using that area with perhaps a small
5 modest amount of some fencing, some strong signage
6 and some enforcement. Word gets out quite quickly
7 and people have to pick up after their pets.

8 I have had a dog for over 15 years, but
9 unfortunately, I just had to put him down this past
10 weekend, but we have always picked up after our
11 animal, and I think responsible pet owners should do
12 that. But we have certainly not proposed at any
13 point in the development of the project that there
14 be a, you know, confined dog run as part of this
15 project.

16 MS. FISHER: What was proposed, and it
17 has been a condition that this Board --

18 MR. PANTEL: Excuse me.

19 I believe this is a time for questions,
20 not comments.

21 MS. FISHER: No, I agree, but I am
22 trying to clarify that the condition and every
23 single one of the approvals, number ten says,
24 basically subsequent to this approval, you will work
25 with the city to accommodate --

1 MR. GALVIN: Time out -- time out --

2 MS. FISHER: -- the building went up in
3 '09, and a building went up last year, and a
4 building is about to go up now, and it's still a
5 condition there.

6 So if the Board deems that it has been
7 satisfied, and it is just okay to have no pet
8 accommodations on the northern end, then say that.
9 But right now it is still a condition that you are
10 counting on in every single application --

11 MR. GALVIN: Then add at the end,
12 "Isn't that true" --

13 MS. FISHER: Isn't that true?

14 MR. GALVIN: -- because you are asking
15 questions at this point. You're not commenting yet.

16 MS. FISHER: Isn't that true?

17 My apologies.

18 MR. GALVIN: You already had Mr.
19 Pantel's answer. It's not going to change.

20 The Board is going to reflect on it,
21 and when we get towards the end of the meeting, we
22 will figure out what we are doing.

23 CHAIRMAN HOLTZMAN: Are there any other
24 questions from the public?

25 Michael?

1 MR. HENDERSON: I just had a question
2 of the --

3 CHAIRMAN HOLTZMAN: Sure. Just give us
4 your name, Michael, for the record.

5 MR. HENDERSON: Mike Henderson, 1500
6 Hudson Street.

7 CHAIRMAN HOLTZMAN: Thank you.

8 MR. HENDERSON: Is there another entry
9 to the front there other than that fenced in
10 walkway?

11 THE WITNESS: There is an entry to the
12 lobby in this location and in this location right
13 here.

14 MR. HENDERSON: Okay.

15 THE WITNESS: So this is the platform
16 that allows pedestrians to now cut that corner.
17 Previously this connection just went out there and
18 didn't allow them --

19 MR. HENDERSON: It comes in here as
20 well?

21 I am just talking about emergency
22 responders for stretchers and things like that.

23 THE WITNESS: Sure.

24 MR. HENDERSON: Thank you.

25 CHAIRMAN HOLTZMAN: Anybody else from

1 the public?

2 Okay. Mr. Pantel, I know there was
3 some discussion as well about the potential for a
4 loading zone.

5 MR. PANTEL: Our engineer --

6 CHAIRMAN HOLTZMAN: That's going to be
7 the engineer who is going to testify to that?

8 MR. PANTEL: Absolutely, yes.

9 CHAIRMAN HOLTZMAN: Thank you.

10 THE WITNESS: Thank you.

11 CHAIRMAN HOLTZMAN: Thank you.

12 (Witness excused)

13 MR. PANTEL: Next I would like, if it
14 is okay to with the Board, to have our traffic
15 consultant address pedestrian safety and --

16 CHAIRMAN HOLTZMAN: That seems like it
17 is going to be lengthy.

18 Does the engineer have anything else
19 other than the loading zone? Maybe we could sneak
20 that in quick.

21 MR. PANTEL: Great, no problem. We can
22 do that.

23 MR. MITTAL: Can I quickly ask one
24 question?

25 CHAIRMAN HOLTZMAN: I'm sorry. Go

1 ahead.

2 Sure, come on up. Just give us your
3 name for the record.

4 MR. MITTAL: Vic Mittal, last name,
5 M-i-t-t-a-l, 1500 Hudson.

6 Is there any way to enter into the
7 record that it will be easier to put a fence up in
8 the Tea Buildings going forward, if for whatever
9 reason, the tenant -- the homeowners association
10 comes back and says, there is a lot of pets running
11 around here, they are all over the lawn?

12 Is that another process that we'll have
13 to go through?

14 CHAIRMAN HOLTZMAN: We have a hearing
15 here specific to this application, which is 1400
16 Hudson, so I am not sure that we have any
17 jurisdiction for what happens across the street,
18 even though I understand it is a neighborhood
19 situation, but we are just dealing -- our legal
20 obligation is to deal with this application with
21 regard to what is referred to as Block E.

22 MR. MITTAL: I understand that. But
23 with respect to the unintended consequences of Block
24 E, is there going to be any memorandum or anything
25 commemorating the fact that for certain members of

1 the community that have issues potentially that may
2 arise going forward, the unintended consequences?

3 CHAIRMAN HOLTZMAN: I think your point
4 is completely valid and needs to be heard, but it
5 needs to be heard I think before the correct Board.

6 MR. MITTAL: Which Board would that be?

7 CHAIRMAN HOLTZMAN: Well, we have
8 jurisdiction tonight with regard to this
9 application, and we don't have jurisdiction across
10 the street.

11 On the other hand, there is a piece of
12 property that Mr. Pantel referred to that the city
13 was given by this applicant, by this property owner,
14 and there are other neighborhood issues that some of
15 them that we are going to see in the future,
16 probably with regard to traffic that again don't
17 have to necessarily deal with this block, but have
18 to do with the neighborhood, and I think those might
19 be better directed to our City Council to be able to
20 take that on as a neighborhood-type of an approach
21 on a regional scale.

22 MR. MITTAL: Okay. Great. Thank you.

23 MR. PANTEL: Our engineer, Todd Hay,
24 who will address staging and additional loading
25 space.

1 T O D D M. H A Y, PE, CPWM, CME, Pennoni
2 Associates, Inc., 106 Fieldcrest Avenue, Edison, New
3 Jerser, having been previously duly sworn, testified
4 as follows:

5 THE WITNESS: Good evening, Mr.
6 Chairman.

7 What I have before you in addressing
8 your comment earlier and the Board's comment was
9 with respect to the loading zone on 15th Street.

10 What I have before you is an exhibit,
11 which essentially the last exhibit that you saw,
12 which was A-2, this exhibit now, which probably
13 should be marked, Counselor, would be pertaining to
14 Sheet No. CS-1002. The latest revision was April
15 1st, 2014.

16 CHAIRMAN HOLTZMAN: Okay. So what are
17 we up to, Pat?

18 MS. CARCONE: A-16.

19 CHAIRMAN HOLTZMAN: A-16.

20 (Exhibit A-16 marked)

21 THE WITNESS: Mr. Chairman, what this
22 is happens to be again the turning template exhibit
23 that you had seen before previously in my previous
24 testimony one month ago.

25 What is shown is essentially again the

1 loading zone is proposed on Washington Street with a
2 design vehicle, an SU-40 Astro design vehicle, which
3 is shown to basically go more northerly on
4 Washington Street, enter into a loading zone.

5 The loading zone now has been
6 appropriately marked. It will be marked with signs
7 also with striping, which has loading zone signs, no
8 parking between designated hours. So there would be
9 designated hours that would be worked out obviously
10 with the city and obviously with the Board and then
11 also with the applicant to establish what those
12 hours would be for loading and non loading hours.

13 The same thing applies, also in my
14 testimony prior with Hudson Street as well with the
15 loading zone located adjacent to the easterly face
16 of the building and more of the garage entrance way.
17 Again, an SU-40 Astro design vehicle shown to
18 meander into a spot, and that design vehicle again
19 has not changed, and again, we could designate that
20 area as well with the same type of signage and
21 appropriate striping.

22 Now, what we have shown and what is new
23 on this plan is also a new loading zone along 15th
24 Street. There are currently two existing
25 handicapped spaces that are located on the

1 northeasterly face of 15th Street, the corner of the
2 building along 15th Street. We would propose taking
3 out approximately five parking stalls, diagonal
4 parking stalls, and those parking stalls would
5 essentially accommodate this new loading area along
6 15th Street.

7 What we have also shown is, we have
8 shown again the same design vehicle being able to go
9 easterly on 15th Street and then basically access
10 that loading area on that side of 15th Street.

11 So essentially five parking stalls
12 would be taken out, and again, we would have loading
13 zone signage designated no parking for specific
14 hours, and that is essentially the only change on
15 this particular plan, Mr. Chairman, addressing the
16 comments and the concerns of the Board before.

17 CHAIRMAN HOLTZMAN: And this seems to
18 be the advantage to 15th Street, and this located
19 obviously right across the street from our friends
20 at the Tea Building, who we know have no loading
21 zone, so hopefully this is some situation where this
22 could be used by both sides of the street?

23 THE WITNESS: Yes, Mr. Chairman.

24 It is also happens to be located just
25 adjacent to our front door entrance for the

1 residential units along 15th Street.

2 CHAIRMAN HOLTZMAN: Andy, did you have
3 any input on this?

4 I know that you had a chance to look at
5 it.

6 MR. HIPOLIT: Right.

7 I took a look at it, and I drove the
8 area a number of times since the last meeting.
9 There definitely are loading problems out there.
10 There is no doubt about it. There is really nowhere
11 for people to load out there.

12 Using this block that's here for the
13 application with the loading spot on Washington, I
14 know it is still a walk away and the one on 15th
15 Street could serve as a cover for this building and
16 also the building adjacent to it that's just north
17 of it. It does really help the situation a lot. It
18 gets the vehicles on 15th Street out of the road, so
19 cars aren't swerving around it to miss a car that
20 might be parked --

21 CHAIRMAN HOLTZMAN: I wish we had Gill
22 here tonight.

23 Any questions from the Commissioners?

24 Councilman, are you familiar with the
25 area? I know you are very familiar with the area.

1 Was there anything that you wanted to put in there?

2 COMMISSIONER FORBES: I have a
3 question.

4 CHAIRMAN HOLTZMAN: Director Forbes?

5 COMMISSIONER FORBES: Are those
6 currently metered spaces?

7 THE WITNESS: No, they are not metered
8 spaces.

9 MR. HIPLIT: No.

10 COMMISSIONER CONROY: Are you leaving
11 the handicapped spaces?

12 THE WITNESS: Yes, we are.

13 COMMISSIONER PINCHEVSKY: How are
14 loading zones enforced?

15 And just more of a general question:
16 Could you say it is going to be from a specific time
17 in the morning to a specific time in the evening,
18 and it is for someone outside -- you know, someone
19 across the street could essentially use this?

20 Is it something where you could load
21 up, where a loading process could take, you know, a
22 half a day, or -- this is more of a general question
23 than this application. I am just not sure how this
24 works.

25 MR. HIPOLIT: They are going to need --

1 if the loading zones are approved by the Board, for
2 the police to enforce it, you are going to need an
3 ordinance for it, so the City Council will have to
4 undertake an ordinance on how to legalize these
5 loading zones, or else the police won't be able to
6 enforce it. They'll move a car along --

7 COMMISSIONER PINCHEVSKY: Well, also I
8 am wondering, you know, if this is going to be used
9 for a rush direct delivery or someone that's moving
10 in and out that one could be a 30-minute parking,
11 and one could be a six-hour parking.

12 MR. HIPOLIT: It's going to be used for
13 all of the above.

14 CHAIRMAN HOLTZMAN: It is something
15 that they are going to need to work out with the
16 parking utility. I think it is something that if we
17 want to try to move forward hopefully if we think
18 this is a good idea to make the suggestion, but we
19 certainly don't have final jurisdiction --

20 COMMISSIONER PINCHEVSKY: So this is
21 just a discussion regarding a big parking spot --

22 CHAIRMAN HOLTZMAN: -- and we are
23 making this a suggestion and moving it on to the
24 appropriate part of the administration, which is the
25 parking utility and the administration to hash it

1 out.

2 COMMISSIONER PINCHEVSKY: I think,
3 Commissioner Weaver, you mentioned last -- at the
4 last meeting something about -- or you I guess maybe
5 had some thoughts about having inside the garage a
6 loading zone, or am I confusing it?

7 COMMISSIONER WEAVER: No, no. I made
8 that comment. I mean, an interior loading bay is
9 probably more appropriate and completely doable to
10 the site. However, our predecessors on the Planning
11 Board who approved this project originally, which
12 the only one who comes to the mind is Chris Campos
13 because his signature was on one of the documents,
14 they approved this with street loading, and they are
15 not -- if they wanted to come to us and say, we want
16 to do an interior loading bay, I mean that would be
17 up to us to allow that.

18 They are not suggesting that. They
19 apparently don't want to do it, and I don't think
20 there is any way we could actually make them do it.
21 This would never fly --

22 CHAIRMAN HOLTZMAN: By current
23 standards, right?

24 COMMISSIONER WEAVER: -- by current
25 standards in my experience. I mean, this is

1 effectively what is commonly referred to as a lay-by
2 lane, and there is a number of these, which are very
3 useful, you know, in the city. You know, sometimes
4 at apartment houses -- you know, I typically work in
5 Manhattan. You want to almost have a hydrant in
6 front of your building, so you have basically
7 drop-off.

8 When you say lay-by lane, it's really
9 meant that you are not allowed to leave your vehicle
10 there, you know, unmanned, and you would be ticketed
11 if you are, so I mean there are rules to enforce
12 that in the city for that.

13 We would then, of course, would need to
14 do that here to be able to accommodate this type of
15 a loading situation. I don't know -- if you go by
16 the Shipyard, you see they have tons of lay-by
17 lanes. They are heavily used. I mean, they are
18 very useful. Unfortunately, there is not -- the
19 Starbucks on the corner of 12th and --

20 CHAIRMAN HOLTZMAN: Hudson.

21 COMMISSIONER WEAVER: -- Hudson, right.

22 I mean, they would benefit from a
23 lay-by lane in front of their apartment building,
24 because that right-hand lane, there is always
25 somebody sitting there with their blinkers on

1 forcing people to go across the double yellow line
2 into oncoming traffic and proceed westbound in order
3 to make that left or right-hand turn on to Hudson.

4 So I mean, I appreciate what they are
5 doing. They are trying to manage traffic. There is
6 no way we could make them put a loading bay inside
7 of their building.

8 CHAIRMAN HOLTZMAN: Frank, did you have
9 something?

10 VICE CHAIR MAGALETTA: Just make a
11 comment. The people in the Tea Building could use
12 it or if anybody else could use it --

13 MR. HIPLIT: Anybody --

14 VICE CHAIR MAGALETTA: -- if the
15 neighbor could use that as loading space, how would
16 they know they could do that, other than this
17 meeting right now?

18 CHAIRMAN HOLTZMAN: Again, it is a
19 jurisdiction of the parking utility, but it could be
20 signed that it is a loading zone, and if there is a
21 loading zone on Washington Street, which there are a
22 number of, which are used in the early morning for
23 retail deliveries and things like that, they are not
24 exclusively the use of McDonald's or whomever, so I
25 think it probably works out somehow on a first come

1 first serve.

2 COMMISSIONER BHALLA: So, Chairman,
3 this is a public loading zone. It is not
4 exclusively for the use of the residents of this
5 building, but --

6 CHAIRMAN HOLTZMAN: That is correct.

7 MR. PANTEL: But as a practical
8 matter --

9 CHAIRMAN HOLTZMAN: And it's in the
10 public right-of-way and it's --

11 COMMISSIONER BHALLA: -- as a practical
12 matter, the residents will use it, but there is a
13 very high probability that the residents at 1500
14 Hudson will use it as well.

15 CHAIRMAN HOLTZMAN: Right. The
16 advantage being that it is as close as possible to
17 them as opposed to Hudson Street or Washington
18 Street, so at least it is right across 15th from
19 there.

20 COMMISSIONER BHALLA: Where is the
21 garage entrance to this building?

22 CHAIRMAN HOLTZMAN: On Hudson.

23 THE WITNESS: Right here.

24 COMMISSIONER BHALLA: And there is no
25 loading zone there?

1 THE WITNESS: Loading is right here.

2 COMMISSIONER BHALLA: And there is
3 another one on Washington Street?

4 THE WITNESS: Yes.

5 MR. PANTEL: Yes.

6 COMMISSIONER BHALLA: Is there a garage
7 entrance, too?

8 THE WITNESS: No, just right here.

9 COMMISSIONER BHALLA: What is the
10 entrance area on the Washington Street side?

11 THE WITNESS: The entrance area for the
12 Washington Street side, well, there is multiple
13 entrances for the retail. They are just for
14 retail --

15 MR. PANTEL: Storefront retail.

16 MR. WOODARD: -- storefront retail.

17 MR. HIPLIT: Just one thing I think is
18 important, so the Commissioners understand,
19 especially Council members, if this is approved, it
20 is very important that the Council pass an ordinance
21 designating these loading zones and designating
22 public loading zones --

23 CHAIRMAN HOLTZMAN: Make sure that's on
24 our list.

25 THE WITNESS: -- and I think it needs

1 to be captured in the resolution, and it is
2 important because you don't want it to ever have
3 signs that say loading zone for this building only.
4 That would be a disaster. Loading zones are to keep
5 cars from double parking on the 15th Street side,
6 which is a problem, and right now it is a huge
7 problem --

8 CHAIRMAN HOLTZMAN: Okay.

9 THE WITNESS: -- which also I will add
10 to what you are also basically to finalize what the
11 hours of operation of the loading zone will be to
12 help us, guide us in what we have to designate on
13 the signage.

14 CHAIRMAN HOLTZMAN: Okay.

15 Questions from the public?

16 Tiffanie.

17 MR. PANTEL: Actually we hadn't
18 finished Mr. Hay's testimony. He was going to also
19 address the staging unless you wanted to limit the
20 questions to loading and --

21 CHAIRMAN HOLTZMAN: Let's get it one at
22 a time, so let's focus on the loading zone.

23 MS. FISHER: Tiffanie Fisher again,
24 1500 Hudson --

25 THEE REPORTER: I can't hear you.

1 CHAIRMAN HOLTZMAN: Tiffanie, you've
2 got to talk towards us.

3 MS. FISHER: 1500 Hudson.

4 First of all --

5 CHAIRMAN HOLTZMAN: Talk to us. He
6 will hear you.

7 MS. FISHER: -- first of all, I'm
8 really excited that you guys are even supportive of
9 adding a loading zone in this area anywhere near our
10 building because we have said early on, the more,
11 the better.

12 One question is: Is it at all
13 possible -- I am going to be greedy -- to move that
14 loading zone just to the other end, so to move it
15 from here to here?

16 From our perspective, if our buildings
17 are kind of here and here, having it here lets
18 people cross -- the big issue is when people move,
19 right?

20 You know, Fresh Direct, whatever, you
21 know, 15, 30 minutes is not a big deal, but when you
22 have a full day and a big giant truck, they are
23 moving a lot of things. They have to go into the
24 back elevator, which is on the back side of our
25 building. This is 1500 Hudson, and then this is

1 1500 Washington, and they go on the front side into
2 the freight elevator, so literally just moving it to
3 this -- five spaces on this end as opposed to this
4 end, it is kind of a win, win, win -- a better win,
5 win, win for the neighborhood, so if that is at all
6 possible.

7 THE WITNESS: Well, I will try to
8 respond.

9 The reason obviously we wanted to put
10 the loading zone here is obviously so that we
11 could -- and I don't want to sound like, you know,
12 being greedy -- but we wanted to obviously access in
13 the front or have an accessibility for the front
14 door for the residential area.

15 Now, in refuting what you had said, the
16 other reason why this was more advantageous was
17 because you have a much wider sidewalk operation
18 that you will have with this loading zone as opposed
19 to here, where your sidewalk is less than, gee,
20 almost 12 feet in this area, you are going to have a
21 sidewalk that's almost 15 to 20 feet that you could
22 come up to the new handicapped ramp and get across
23 15th Street over to the other side.

24 MS. FISHER: Yeah. The only flip side
25 is for you -- I know you want access, but if you are

1 parking right here, you are kind of blocking, you
2 know, the esthetics and the beauty of this little
3 pocket park, so --

4 CHAIRMAN HOLTZMAN: Andy, can you --

5 MS. FISHER: -- do you know what I
6 mean?

7 MR. HIPOLIT: Yes. I understand your
8 comment.

9 Todd, in my opinion, I think if you
10 move it up there, I think if one satisfies both
11 residential buildings, you never had it proposed
12 originally, so I think if you can move it up there,
13 I think it's fine, and it will work.

14 COMMISSIONER CONROY: How many spots
15 are we talking about?

16 MR. HIPOLIT: Five.

17 COMMISSIONER CONROY: I mean, how big
18 is the move -- no, the whole section.

19 THE WITNESS: Well, for five parking
20 spaces and what have you, you are talking
21 approximately 40 to 45 feet.

22 COMMISSIONER CONROY: No, but in that
23 area how many total regular spots --

24 MR. HIPOLIT: 17 spaces.

25 COMMISSIONER CONROY: So really if we

1 move it up, it is not like a massive move. It's
2 just --

3 MR. HIPOLIT: No, it's not. It just
4 brings it closer to the other side of the
5 crosswalks. It works. It's fine.

6 CHAIRMAN HOLTZMAN: Give us a ballpark
7 in terms of feet. What are we talking about?

8 THE WITNESS: Well, approximately, Mr.
9 Chairman, let's say about 40 feet, if you move it --

10 CHAIRMAN HOLTZMAN: What do you say,
11 Todd, yes or no?

12 THE WITNESS: I don't have --

13 CHAIRMAN HOLTZMAN: It is not your
14 call?

15 THE WITNESS: Mr. Chairman, if you
16 stipulate that, it is not an issue. It's just more
17 of an issue for obviously the residents going into
18 the building, so I --

19 CHAIRMAN HOLTZMAN: You guys already --
20 we got one more -- you guys got one more zone than
21 you had before we started this whole day, right?

22 MR. PANTEL: We will move it.

23 CHAIRMAN HOLTZMAN: Great.

24 Any other comments from the public?

25 MR. GALVIN: The loading plan is to be

1 moved how many feet, four feet to the north?

2 MR. HIPOLIT: To be moved to the corner
3 of Washington and 15th.

4 CHAIRMAN HOLTZMAN: Going to move west.

5 THE WITNESS: Mr. Chairman, that would
6 be adjacent to the two handicapped spots on the
7 other end. We would not -- you can't take them out.

8 CHAIRMAN HOLTZMAN: Yes, Michael.

9 MR. HENDERSON: So there's no loading
10 zone on Hudson anymore?

11 CHAIRMAN HOLTZMAN: No. We still got
12 that.

13 MR. HIPOLIT: There's three zones --

14 MR. HENDERSON: Okay.

15 CHAIRMAN HOLTZMAN: Don't ever come
16 back and tell us that we have too many loading
17 zones, Michael.

18 (Laughter)

19 MS. EDELMAN: Laura Edelman.

20 I just was curious because the
21 architect was saying about doing the interior
22 loading zone.

23 Did you guys consider doing that, and
24 is it something that you wouldn't consider because
25 you don't -- I don't understand why you wouldn't.

1 It sounds like such a great idea.

2 CHAIRMAN HOLTZMAN: It is a terrific
3 idea, and if we were working on this plan from
4 scratch today in 2014, I can assure you, it would be
5 an internal loading zone because Commissioner Weaver
6 would certainly hold the line on that to the nth
7 degree.

8 On the other hand, this was a proposal
9 and a plan that was accepted a decade ago, and it is
10 not part of the original approval, and unless this
11 applicant decides to give up thousands of square
12 feet of their internal building --

13 MS. EDELMAN: That is why.

14 CHAIRMAN HOLTZMAN: -- we can't in any
15 way, shape or form --

16 MS. EDELMAN: Oh, that's too bad.

17 (Laughter)

18 CHAIRMAN HOLTZMAN: -- we will get them
19 next time.

20 MS. EDELMAN: Come on, be a pal.

21 (Laughter)

22 MR. HIPOLIT: Next time.

23 THE WITNESS: Thank you.

24 CHAIRMAN HOLTZMAN: Any other questions
25 from the public with regard to specifically the

1 loading zone testimony?

2 Okay, great. Oh --

3 MR. HENDERSON: I just have one --
4 sorry.

5 I know in the original resolutions,
6 there were supposed to be 42 parking spaces along
7 the south end, and I am just wondering if that was
8 factored in. I have seen it dropped. There is only
9 like 26 I think on there now.

10 CHAIRMAN HOLTZMAN: Which side are you
11 talking about, the 15th Street side?

12 MR. HENDERSON: The south side of 15th
13 Street.

14 The original resolution said there was
15 supposed to be 42 angled parking spaces, and I know
16 the loading zone is great. I'm just wondering if
17 somebody is factoring in somewhere, where some of
18 that parking will get picked up.

19 THE WITNESS: The loading area is going
20 to double for parking. It is essentially not going
21 to change your parking count. The loading zone will
22 be designated during hours that the parking
23 authority and the City Council stipulates to. We
24 are not sure what that is yet, but whatever they do,
25 we will comply with.

1 CHAIRMAN HOLTZMAN: Right.

2 So there is no removal. It's not like
3 we took five parking spots, and we're trying to find
4 a home for them some place else, because they are
5 going to be parking spots at night.

6 MR. HENDERSON: Your original
7 resolution from the corner of Bloomfield to 15th
8 said there should be 42 angled parking spaces.

9 CHAIRMAN HOLTZMAN: How many are there?
10 I'm sure you counted it.

11 MR. HENDERSON: There's 46 or 47 --

12 THE WITNESS: Well, right now, Mr.
13 Chairman --

14 MR. HIPOLIT: While he is thinking, I
15 think the changes from the original resolution to
16 now, there have been a number of other developments
17 approved, and it has changed that parking count.

18 MR. HENDERSON: That is what I am
19 asking. I didn't see that tracked anywhere.

20 MR. HIPOLIT: I am not sure. It
21 probably wasn't tracked very well, but what is out
22 there now is approved and maybe including this
23 change --

24 MR. HENDERSON: My question just
25 related to the parking that they are putting for

1 this building is inside, I think they are reducing
2 from three to two. Is that going to be adequate for
3 the neighborhood?

4 And I don't know if that just gets
5 restricted to what your zoning is and the
6 requirement, but the real world is, there will
7 probably be more usage with the building that is
8 looking to get --

9 CHAIRMAN HOLTZMAN: And we also have a
10 block away a relatively new huge parking structure.

11 MR. HENDERSON: Which is pretty far,
12 and the Shipyard Little Man Parking is full, and the
13 one at the Starbucks two blocks south is full,
14 overflowing.

15 CHAIRMAN HOLTZMAN: Thank you.

16 Todd, do you have any additional
17 testimony for us?

18 THE WITNESS: Yes, Mr. Chairman.

19 One of the things that I also wanted to
20 come back to the Board with was the discussion of
21 the staging plan. I had discussions with Andy
22 concerning what I should put on the record with
23 respect to staging.

24 We understand there most likely will be
25 a condition for the staging plan to be added in as

1 part of the resolution for compliance plans. My
2 client is fine with that. Thought I would talk
3 about based on this plan discussion of how this
4 would be staged. As we had discussed before in
5 previous testimony, this location down here, which
6 Toll Brothers owns, Lot 1 -- Lot 3.1 Block 264 would
7 essentially be the staging area.

8 What would happen is that with the
9 building, most likely it will be pile driven, and
10 there will be a pile cap that will exist over the
11 entire footprint of the building. Okay?

12 Once that is actually in place and in
13 conjunction with this staging area, what will end up
14 happening is that we will end up bringing an
15 interior crane into the building, very similar to
16 what happened in the past with the Maxwell
17 buildings, where you have an interior tower crane,
18 and that tower crane would essentially work on the
19 easterly side first of the building and then work
20 again from the inside out, okay, with the easterly
21 side and then progressing basically from east to
22 west with the building.

23 Now, the reason for that is because
24 what we are looking to do is once we stage this area
25 here, okay, this empty parking lot, and we end up

1 doing this area here, which would be completely
2 encircled with obviously appropriate fencing
3 predicated by the building official, okay, we would,
4 of course, show that staging plan, make sure that we
5 get it approved and we will have approved entrance
6 ways, and it would also be in conformance with the
7 soil erosion plan.

8 What would happen is that we would
9 proceed with basically a closure, and that closure
10 would be a temporary closure of Hudson Street
11 between 14th and 15th Street.

12 My previous testimony has suggested
13 that there were several items that predicated us
14 doing that closure, that being first the electrical
15 line that runs outside of the southeast corner of
16 the building directly down to the 14th Street, which
17 is in the center line of the road. Also, two
18 cut-ins from the easterly center portion of the
19 building, which are both the gas line and the
20 sanitary line, which happens to be across the
21 street, so we would have to go ahead and do a
22 closure to accommodate that.

23 In addition to the catch basins, the
24 storm drains and also the Filtera system as well as
25 the sidewalks, because keeping in mind we are going

1 to be basically starting with this sidewalk first,
2 getting that done, and then raising the road as well
3 with additional fill and bringing it up to a rough
4 grade.

5 Typically in construction what happens
6 is that you will go ahead and you will have this
7 sidewalk corded off, and once this wall is built,
8 this sidewalk would then be finished as well and be
9 made accessible to the pedestrians and to the
10 public. Okay?

11 The one thing that would not be done as
12 a finish coat on the asphalt is essentially the top
13 coat of the asphalt, so at the end of the bond,
14 which I discussed with Andy, we would come back in,
15 and we would put a final coat on the street, and
16 that would be at the end of the job once the job has
17 been accepted by the building department, we would
18 then go ahead and do that top part and then ask for
19 release of our bond.

20 That process in terms of the entire
21 construction, which I mentioned, it would be
22 approximately two years. The process with the
23 actual roadway, which I spoke to Andy, we are hoping
24 is going to be about 90 days, plus or minus 30 days.
25 The reason for that is because, first of all, the

1 gas company, and then the electric company, because
2 we don't know when we would be able to get
3 appropriate, I want to say inspections and
4 appropriate approvals to be able to make those
5 cut-ins, so it is usually plus or minus 30.

6 I am thinking plus 30, because of
7 PSEG's track record, we are going ahead and doing
8 the work. I think Andy would agree with me on the
9 record that that's typically what we see is in terms
10 of sequence of construction for this type of
11 project.

12 MR. HIPOLIT: I think what the Board
13 should consider in their approval is that staging
14 for the building construction is done on Toll's
15 properties, so whatever they have to stage to do
16 their buildings in staging their properties, they
17 don't use the street.

18 There will be short-term disruptions to
19 traffic via delivery or a crane coming in or some
20 type of objects coming in to get their stuff off the
21 site, off the road, but that would be short term,
22 you know, hours.

23 I think what we need to understand is,
24 and I'll meet with them one more time, I think you
25 need to understand that there is probably going to

1 be about a six-month period when Hudson Street is
2 closed, because to try to get all of the utilities
3 companies to come in and make their cuts and do the
4 road is very difficult. So I think if you give them
5 a time frame of about six months to allow Hudson
6 Street closed, I think you are safe, and that covers
7 everybody.

8 MR. GALVIN: Now, are you comfortable
9 with the Board, both the closure plan and the
10 staging plan, leaving it to be in consultation with
11 yourself?

12 MR. HIPOLIT: Yes. It will be in
13 consultation with myself and the building
14 department.

15 MR. GALVIN: And then you will do
16 something, you know, add a plan or something to the
17 site plan indicating and spelling it out?

18 MR. HIPOLIT: We would approve it as
19 part of their reconstruction being as part of the --

20 MR. GALVIN: Okay.

21 THE WITNESS: Mr. Chairman, in
22 discussions with Andy again, we would also have a
23 worst case scenario for a -- which was also going to
24 be a condition from my notes at the last meeting,
25 would be the traffic control plans. You have two

1 aspects of the traffic control plan. One is the
2 pedestrian traffic control plan that is necessary
3 for the sidewalk or the betterment of the public and
4 pedestrians.

5 The second is the vehicular. We will
6 have to look at the vehicular closely with the
7 county as well, which I discussed with Andy. That
8 will have to be most likely approved by county
9 engineering.

10 MR. HIPOLIT: Because it is a county
11 road.

12 THE WITNESS: It's a county road.

13 CHAIRMAN HOLTZMAN: Any questions or
14 comments with regard to the staging plan and traffic
15 and things of that nature?

16 Any questions or comments from the
17 public, other than, of course, we would like the
18 road to be closed for the least time as possible?

19 VICE CHAIR MAGALETTA: Is there any
20 time of year that's better than another? I mean, I
21 don't know that there is, but is there?

22 THE WITNESS: I'm sorry?

23 VICE CHAIR MAGALETTA: Is there
24 sometime of year, where the six-month period would
25 be better served in the spring, the winter --

1 THE WITNESS: Yeah. And Andy will
2 review this -- again, it is not predicated on us.
3 Obviously, if we are going to do asphalt work, you
4 know, you're going to do grade work, you can only do
5 it between the times of April 15th through the end
6 of November, so that you can't do.

7 As far as utilities are concerned, so
8 many utilities we're looking at, ideally you want to
9 stay out of the winter through December, January and
10 February, but they can be done.

11 Concrete work can be done at a
12 temperature of over 40 degrees, and the temperature
13 that asphalt could be done at a temperature of 32
14 degrees ambient or higher.

15 MR. HIPOLIT: We would need to have a
16 good winter. When I say "good winter," where the
17 temperatures are really mild. It would be the best
18 time to do it, but you just can't dictate that
19 because that's what we learned this year. It is not
20 reality.

21 CHAIRMAN HOLTZMAN: Thank you, Todd.

22 Oh, is there a question from the
23 public?

24 Go ahead, sure. Come on up.

25 Just give us your name for the record,

1 please.

2 MR. KORDALIS: Dean Kordalis,
3 K-o-r-d-a-l-i-s, 1500 Hudson.

4 Regarding the staging, I know that the
5 plot of land that the Toll Brothers owns currently
6 half of that is just wrought iron bars right now
7 covering that down here.

8 And right now, Maxwell Place, all of
9 the workers have been parking in this empty lot as
10 we are seeing more spots keep disappearing, where I
11 guess you will stage your equipment here, but where
12 are the workers going to park?

13 THE WITNESS: Okay. In answer to that,
14 Mr. Chairman, we did discuss that with Toll's
15 construction arm to make sure we got a better
16 understanding, because we do know that this lot is
17 opened, and Andy and I parked in this lot before,
18 and it is wide-open. As part of the staging plan,
19 we will show that it will be fenced in and obviously
20 we'll work with the construction -- not just Andy --
21 but also your construction official to make sure it
22 is totally secured for not only the equipment, but
23 also for the workers and workers' vehicles.

24 CHAIRMAN HOLTZMAN: Anything else from
25 the public?

1 Sure.

2 MS. FISHER: I'm sorry. Tiffanie
3 Fisher, 1500 Hudson.

4 When it is closed for those six months,
5 what are you thinking is going to be the detour?

6 Is it going to go up and around?

7 MR. HIPLIT: What is going to happen to
8 the detour plan is they will present a plan to us
9 and the building department and the county at the
10 same time, and everybody is going to agree on it and
11 come up with some approval with the county police
12 and also I think the Hoboken Police Department will
13 also weigh in.

14 Once everybody agrees this is the
15 safest method, it will be installed, designed, and
16 it will work. If at any time it is not working, all
17 of the groups will get together again to make it
18 work, so the traffic control plan is a living
19 document -- you know, it's living.

20 MS. FISHER: It is traffic, and then it
21 is also the parking because there is, as Mike was
22 saying earlier, not only do we have a loading issue
23 up there, we have a parking issue up there.

24 I mean, every morning at seven o'clock
25 in the morning, there is a line of construction

1 workers outside of the big parking garage that's
2 part of this PUD just waiting to get in because the
3 sign is already full there, and every parking garage
4 around is full. This is more than just an
5 observation.

6 So when you close Hudson Street, you
7 are probably removing 40 spots -- 35, 40 spots,
8 where people, you know, in the neighborhood park,
9 and there is no really alternative for them to park
10 because all of the lots are full.

11 MR. HIPOLIT: You are going to lose
12 those spaces for that time. The idea is to have
13 Toll be efficient with their construction workers
14 and give them parking, so we don't have that
15 problem.

16 MS. FISHER: Can we also turn down the
17 construction workers for the Bijou Property ones, so
18 they --

19 MR. HIPLIT: No.

20 (Laughter)

21 MS. FISHER: -- it is a disaster. Not
22 the property, it is going to be a traffic and
23 parking problem.

24 CHAIRMAN HOLTZMAN: Yes.

25 Anything else for Todd?

1 Here we go.

2 MR. MITTAL: Hi.

3 Vic Mittal, M-i-t-t-a-l, 1500 Hudson.

4 Is there on record a schedule and
5 timetable of when construction will start, estimated
6 time period for each of these, or that has yet to be
7 determined?

8 CHAIRMAN HOLTZMAN: Yet to be
9 determined.

10 MR. MITTAL: Will there be another
11 public hearing for that?

12 MR. GALVIN: No.

13 The Municipal Land Use Law gives them
14 some time even after we give them the approval, and
15 I forgot if it is two or three years, but --

16 MR. MITTAL: I'm sorry?

17 MR. GALVIN: -- they have two or three
18 years. They can do anything they want. I mean, I
19 believe that they are doing this to build it, but we
20 can't force them to build it. The Permit Extension
21 Act right now at the state level, every single
22 permit in this state pretty much has an unlimited
23 open window to be constructed based on the poor
24 economy.

25 MR. MITTAL: Is there a contemplated

1 schedule for approval?

2 MR. GALVIN: Contemplated for what?

3 MR. MITTAL: For approval, so that they
4 can break ground if they so chose --

5 MR. GALVIN: If we finish hearing the
6 matter tonight, and we come to a resolution in their
7 favor, they have paperwork to do here. They have to
8 go to the Council. They have to get things. They
9 wouldn't be able to stick a shovel into the ground
10 for at least 60 days I think -- 30 days --

11 MR. PANTEL: Plus we have to get
12 building permits.

13 CHAIRMAN HOLTZMAN: You need to get
14 building permits.

15 MR. GALVIN: What I'm saying is before
16 you get the building -- but once you get through
17 this hurdle, they have to go to the City Council and
18 the Parking Authority. I think that they could do
19 it relatively quickly, if they wanted to, but the
20 memorialized resolution will take 30 days.

21 So from that point on, they could
22 pretty much start doing things.

23 MR. MITTAL: Okay. Great. Thank you.

24 MR. GALVIN: I don't know that they
25 will.

1 Do you have an idea, Glenn? Is there
2 anything --

3 MR. PANTEL: No.

4 MR. GALVIN: -- you know, any
5 speculation?

6 THE WITNESS: We have to get a DEP
7 permit as well.

8 MR. HIPOLIT: They got to.

9 MR. GALVIN: That tells us a lot
10 because we have difficulty getting things out of the
11 DEP, so it might take them a while to get to it.

12 CHAIRMAN HOLTZMAN: Who is up next, Mr.
13 Pantel?

14 (Witness excused)

15 MR. PANTEL: The next witness is Mike
16 Maris, our traffic consultant.

17 Mr. Maris.

18 (Board members confer.)

19 MR. PANTEL: Mr. Maris has not
20 testified previously, so --

21 MR. GALVIN: Correct.

22 Please raise your right hand.

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

1 MR. MARIS: Yes, I do.

2 M I C H A E L M A R I S, Michael Maris Associates,
3 Inc., 125 State Street, Hackensack, New Jersey,
4 having been duly sworn, testified as follows:

5 MR. GALVIN: Kindly state your full
6 name for the record and spell your last name.

7 THE WITNESS: Michael Maris, M-a-r-i-s.

8 MR. GALVIN: Thank you, Mr. Maris.

9 Mr. Maris, could you give us three
10 Boards you have appeared before in the near past?

11 THE WITNESS: Hoboken, Weehawken, North
12 Bergen, West -- I have appeared in Hoboken at least
13 a dozen times.

14 MR. GALVIN: I'm sorry. Probably not
15 when I was here, so that is okay, so the Board
16 accepts your credentials.

17 Please proceed.

18 MR. PANTEL: Could you please describe
19 for the Board the nature of your analysis with
20 respect to your review of pedestrian safety and your
21 review of total traffic volumes in light of some
22 questions that were raised at the last Planning
23 Board meeting?

24 THE WITNESS: Okay.

25 Can I spend a few minutes to just give

1 some quick history because I heard some comments?

2 I have been involved with this project
3 since 1997, and in 1997 we prepared the traffic
4 impact study that was part of the approval. And
5 that approval required that a follow-up monitoring
6 study be done when the first phase of the
7 development was completed.

8 In 2002, the first phase was completed
9 and occupied, and we did the follow-up study in
10 2002. That is why the approval in 2002 did not
11 require a follow-up study.

12 The 2002 study, very quiet improvements
13 recommended in the 1997 study, and those
14 improvements were on county roadways.

15 The approval in 2002 required that we
16 work with the county to get the approvals, which we
17 did, and that is why we had that recommendation.
18 That approval said work with the county, and we did.
19 We worked. They approved it. The signals were
20 installed, and the county has accepted them.

21 Now, to get to this particular project,
22 we were asked to do two tasks. One is to verify
23 that our projections that we did in 2002 were
24 included in our traffic study, and those
25 improvements that were based on those projections

1 are still valid.

2 We had done a letter report in February
3 that looked at the specific proposed development
4 today and compared it to 2002 and concluded that the
5 proposed development would generate less traffic.

6 What we did this time was we went out
7 there and counted traffic and compared it to our
8 estimates in 2002. Since the improvements were
9 based on the 2002 estimates, if the current traffic
10 is equal or less, than those improvements are still
11 valid.

12 The one location that is critical to
13 the operations in the area and to 15th Street is
14 Park Avenue and 15th Street. That was looked at in
15 2002, and we went out, and we counted.

16 I went out personally and counted on
17 March 12th, Wednesday, March 12th, and then I sent
18 my crews out there to count again one week later on
19 Wednesday, March 19th.

20 What I have here is a comparison of the
21 traffic volumes. The top in black are the numbers
22 we estimated in 2002 and on which the improvements
23 are based for that intersection.

24 In 2002, we estimated that in the
25 morning about 2200 cars would pass through the

1 intersection, and in the evening about 2700.

2 When we counted in 2014, we actually
3 saw in the morning 1800 cars. That is approximately
4 300, 400 less than we had estimated. In the
5 evening, currently it is about 800 cars less than we
6 had estimated.

7 So what this says is that our 2002
8 estimates were high, and the reason they were high
9 is very common. When we do traffic projections, we
10 do, among other things, we use an annual growth to
11 reflect general growth in the area and then where
12 the traffic or proposed developments is. Well,
13 those proposed developments are what caused the
14 growth, so basically we account for those
15 developments twice. As a result, when we do
16 projections, we end up with high numbers.

17 As you can see, the numbers were much
18 higher than we estimated back then, and since our
19 improvements were based on the high numbers, it is
20 our conclusion and opinion that those improvements
21 are still valid.

22 MR. PANTEL: I would like to mark as
23 Exhibit A-17, the 15th Street and Park Avenue
24 traffic volume comparison to which Mr. Maris just
25 referred.

1 THE WITNESS: Should I put the date on,
2 too?

3 MR. PANTEL: Yes, please.

4 (Exhibit A-17 marked.)

5 CHAIRMAN HOLTZMAN: Mr. Maris, can you
6 just recap for us what hours this evaluation took
7 place in the a.m. and the p.m.?

8 THE WITNESS: Yes.

9 The a.m. hours we counted from seven to
10 9:30, because that is the commuter period. That's a
11 big commuter period.

12 And in the evening we counted from four
13 to 6:30, which is the evening commuter period.
14 Those are the hours when traditionally traffic is at
15 its highest.

16 CHAIRMAN HOLTZMAN: And this was on
17 Wednesday, March 16th --

18 THE WITNESS: These are --

19 CHAIRMAN HOLTZMAN: -- 12th?

20 THE WITNESS: -- March 19th, and the
21 reason we did them on Wednesday was because the 2002
22 counts were also done on a Wednesday.

23 MR. PANTEL: So Wednesday, March 12th,
24 and Wednesday, March 19th.

25 CHAIRMAN HOLTZMAN: Okay.

1 THE WITNESS: So we wanted to be
2 consistent and compare it.

3 VICE CHAIR MAGALETTA: What was the
4 weather those days, do you remember?

5 CHAIRMAN HOLTZMAN: Mr. Maris,
6 Commissioner Magaletta asked, is there a record of
7 what the weather was on those days in your report?

8 THE WITNESS: In 2002 or recently?

9 CHAIRMAN HOLTZMAN: Just recently. I
10 don't think we need 2002.

11 THE WITNESS: The weather was good.
12 There was no problem. I was there, as I said, on
13 the 12th, and there was no problem.

14 On the 19th, there was no problem. It
15 was one of the few days there was no snow.

16 (Laughter)

17 VICE CHAIR MAGALETTA: That was my
18 point.

19 MR. HIPOLIT: You want to do traffic
20 counts on Tuesday, Wednesday or Thursday. You
21 wouldn't pick a Monday, Saturday or Sunday unless
22 there is a specific reason to do that, and then you
23 want to do it when it is not a snowy day obviously
24 or some crazy anomaly that would make traffic not go
25 there or too traffic going there. And then because

1 they counted on Wednesday, it was a good idea they
2 counted on Wednesday -- the way they did the process
3 was according to the Traffic & Standards Manuals,
4 so --

5 CHAIRMAN HOLTZMAN: Is there any other
6 insight that you have for us, Andy, on this?

7 MR. HIPOLIT: Yes.

8 It is a little further than Mr. Maris'
9 testimony. I don't know if you will get to it. As
10 we discussed last time, there were some concerns
11 from the residents on traffic safety or accidents in
12 the area.

13 THE WITNESS: That is my next point.

14 CHAIRMAN HOLTZMAN: Okay. Let's let
15 Mr. Maris introduce it.

16 THE WITNESS: The next task we were
17 asked to look at was whether there was a safety
18 problem along 15th Street.

19 Again, I visited the site during
20 morning hours, midday hours and evening hours and
21 weekend hours. I just went and sat there and maybe
22 some people thought I was looking to rob somebody,
23 while I sat there for a few hours.

24 (Laughter)

25 CHAIRMAN HOLTZMAN: So this is A-18?

1 MS. CARCONE: A-18.

2 CHAIRMAN HOLTZMAN: A-18 is correct.

3 (Exhibit A-18 marked.

4 THE WITNESS: What I observed were two
5 problems.

6 There is first the pavement is in poor
7 condition. That needs to be repaved. Poor
8 condition pavement creates the driver pays more
9 attention to the pavement than to the people, and
10 the pavement should be fixed, all right, aside from
11 hitting potholes and all of those wonderful things
12 that happen with that. So the first problem we saw
13 was repave the roadway.

14 The second problem we saw --

15 CHAIRMAN HOLTZMAN: Mr. Maris, this
16 just says, "15th Street Traffic Safety
17 Observations." Is there a specific section of 15th
18 Street that we are taking into consideration for
19 your observations here?

20 THE WITNESS: My observations were from
21 Hudson all the way to the Park Avenue section.

22 CHAIRMAN HOLTZMAN: Great, thank you.

23 THE WITNESS: The second problem
24 surprised me, because normally when we see a safety
25 problem, it's usually the drivers. Unfortunately,

1 in this case it was the pedestrians.

2 (Laughter)

3 We have solutions for drivers. We
4 don't have too many solutions for pedestrians.

5 What happened was people cross in the
6 middle of the block. Hoboken has an excellent
7 program for traffic coming. You should consider
8 doing the same thing for pedestrians, because if
9 pedestrians were crossing in the middle of the
10 block, going diagonally, you also got a very good
11 idea when the ferry was going to leave in the
12 morning because, all of a sudden, you saw 30 people
13 walking to the ferry --

14 (Laughter)

15 -- and you could tell who was late
16 because they were running.

17 I am not -- I am not trying to be
18 funny, but that is what --

19 MR. GALVIN: But keep going because at
20 this time of night we like that.

21 (Laughter)

22 THE WITNESS: What needs to be done is
23 to get people to cross at the pedestrian crossings.
24 That is what they are there for.

25 There are signs out there that say

1 yield to pedestrians or stop for pedestrians in the
2 crosswalk.

3 Now, those signs are put on the side of
4 the road. Those signs are designed to be put in the
5 center of the road. That is why they are only one
6 foot wide and three feet high. They should be put
7 in the yellow line in the center. I understand why
8 they are put on the side, because every time we put
9 them in the center, somebody runs over them. So
10 they were put on the side, but they really should be
11 in the center.

12 We recommend that signs be installed
13 along 15th Street facing the sidewalk saying, "Cross
14 at the Crosswalk." It does not force anybody to
15 cross at the crosswalk, but it does remind them that
16 there is a crosswalk over there.

17 The other thing that we saw is there is
18 a need to upgrade the handicapped ramps. The ADA
19 changes the handicapped regulations almost every
20 year, and I believe these need to be upgraded. They
21 don't meet the latest standards.

22 That's about it in terms of safety
23 issues.

24 MR. GALVIN: Okay.

25 CHAIRMAN HOLTZMAN: Andy?

1 MR. HIPLIT: What we did based on the
2 public request and the Board's request is we tried
3 to get a hold of -- and Commissioner Marks helped
4 us -- to get a hold of the traffic records and
5 accident records for the last five years.

6 What we did find was this area has a
7 high incident of accidents with both pedestrians and
8 cars.

9 Looking at the traffic data, I agreed
10 with Mr. Maris, that the traffic data anticipated
11 versus the traffic data that's existing, he's right,
12 it is a lot less than was ever anticipated I hear.

13 What is happening is the pedestrians
14 are definitely not crossing at the crosswalks. That
15 is a huge problem.

16 The loading and unloading is taking
17 place illegally causing cars to go around parked
18 cars, and that causes other problems. And what is
19 happening is with illegal parking and illegal
20 crossing, and the number of cars that come through
21 the area, you are getting both rear-ends,
22 side-swipes, pedestrian hits. I mean, literally in
23 five years, there was over a hundred accidents. In
24 the last three years there was almost 50 accidents.
25 That is a high accident area.

1 With the application, I think a loading
2 zone is a tremendous improvement.

3 I think when it comes to some of Mr.
4 Maris' other suggestions, they're great, and I think
5 they can be taken under advisement by the Council,
6 but these are things that both the Council and the
7 safety committee police should look at and see how
8 they want to improve people crossing and trying to
9 get people back in the crosswalks.

10 It's a big problem. You should not be
11 crossing, especially in that area, not in the
12 crosswalk, and you should not be parked on the
13 eastern side of 15th to try to load and unload,
14 because you don't have a loading zone, and they are
15 forcing cars to cross the yellow line, so it is a
16 diaster right now, so with the new loading zone and
17 law enforcement, you might take care of a lot of
18 your problems and reduce accidents.

19 CHAIRMAN HOLTZMAN: Commissioner Marks,
20 did you have any insight on that? I know you were
21 working on that.

22 COMMISSIONER MARKS: So we got five
23 years of accident data from the police department.

24 So, Mr. Hipolit, are there any other --
25 so for the intersections that were examined, I think

1 were 15th and Washington, 14th and Washington, 14th
2 and Hudson, and 15th and Hudson, do any of those
3 intersections meet warrants for any traffic control
4 devices?

5 MR. HIPLIT: Just based on the number
6 of accidents, they call -- so what would have to
7 happen is the Council would have to look at some
8 type of overall traffic plan even outside of that to
9 see how you are moving traffic through there, how
10 you want to move it, whether you want to install a
11 signal or not install a signal, whether you want to
12 institute more pedestrian -- or there are a lot of
13 things that you can do. You know, you could
14 institute what it is called a high accident traffic
15 zone designation and apply to the NJDEP for funding
16 for these things. There are a lot of things you can
17 do there, but you just need to look at it on a
18 larger scale.

19 MR. PANTEL: Just to clarify one
20 question: With respect to repaving the roadway, the
21 area that you are focusing on again is between
22 Washington and Hudson for repaving?

23 THE WITNESS: The roadway is in poor
24 condition throughout there.

25 CHAIRMAN HOLTZMAN: Commissioner

1 Graham, sure.

2 COMMISSIONER GRAHAM: Maybe I missed
3 this, but going back to the number of the traffic
4 study of cars, the reduction in cars from 2004, why
5 did you pick 15th and Park?

6 I understand you did everything
7 according to the way it should be done, but why 15th
8 and Park in comparison to 15th and Hudson or 15th
9 and Washington?

10 THE WITNESS: In 2002, we looked at
11 about eight intersections. We looked at a lot of
12 intersections. 15th Street did not exist at that
13 time.

14 COMMISSIONER GRAHAM: I know.

15 THE WITNESS: 15th Street was basically
16 a driveway to a parking garage on the corner, so we
17 never analyzed 15th Street. The issue here is 15th
18 Street and the one location where we had data from
19 2002 that was left out there was Park and 15th.

20 COMMISSIONER GRAHAM: I see.

21 CHAIRMAN HOLTZMAN: Any other questions
22 for Mr. Maris at this time?

23 Are there any questions from the public
24 with regard to Mr. Maris' traffic presentation?

25 Tiffanie?

1 MS. FISHER: Again, Tiffanie Fisher,
2 1500 Hudson.

3 First, I'm just really happy with all
4 of the observations and work, just on behalf of all
5 of the residents at Hudson Tea.

6 I guess the one question I have is, do
7 you -- there is probably two intersections -- just
8 so you are aware, I am the president of the
9 association up there.

10 THE WITNESS: I believe I have seen
11 some of your emails.

12 (Laughter)

13 MS. FISHER: Oh, yes. All of my
14 emails, I am sure you got them --

15 CHAIRMAN HOLTZMAN: He's a character.

16 (Laughter)

17 MS. FISHER: The two intersections that
18 I would tell you are the biggest concerns for
19 residents are the intersection of Hudson and 15th --

20 THE WITNESS: Right.

21 MS. FISHER: -- and then the
22 intersection of Bloomfield and 15th, the one that
23 goes into the parking garage.

24 You know, where the majority of people
25 coming from the north end go, they go this way

1 towards the ferry looking south, and they go into
2 the parking garage, and there is, you know, just a
3 lot of people.

4 What is your observation?

5 Our observation is they just don't have
6 enough stop signs or they don't look enough like an
7 intersection that has the appropriate stops, and you
8 know, whatever signaling there, and I feel like to
9 your point, if they looked more like a real
10 intersection, maybe people would cross at the
11 intersections --

12 THE WITNESS: Well, of course, Hudson
13 and 15th, that is close to where 15th Street turns
14 around --

15 MS. FISHER: Exactly.

16 THE WITNESS: -- when the ferry is
17 coming, people -- there must be a coffee shop over
18 there, because people are holding coffee cups coming
19 out of the building and run diagonally, you know, it
20 is human nature, and cars are coming around the
21 corner. That is not a good situation. All right?

22 I don't believe that it is that the
23 people don't know there is an intersection. These
24 are residents there, and they know exactly where the
25 intersection is. I just think, like human nature,

1 everybody wants to take the shortest route.

2 I actually observed women with baby
3 carriages, and I am not picking on women --

4 (Laughter)

5 -- I saw men with baby carriages cross
6 in between. It was only a few feet to the corner,
7 because those are not long blocks. All you had to
8 do was walk one way or the other way for a few feet
9 and cross. Stop signs at Washington and 15th, you
10 got four-way stop signs, all right? Four-way stop
11 signs work very well.

12 The problem is when the people make a
13 left hand turn, whoever has the right of way to make
14 the turn, as soon as they make the turn, they are
15 confronted by a pedestrian, and they have to stop.

16 So what you normally have vehicular
17 conflicts, now you have vehicular conflicts,
18 pedestrian conflicts, et cetera.

19 At the other streets, the minor
20 streets, have the stop sign, which is correct. So I
21 don't think it is a problem of identifying the
22 intersection. I think it is a problem of human
23 nature, where we want to take a straight line.

24 MS. FISHER: You just mentioned
25 something -- the minor streets have stop signs.

1 When you think about Hoboken and all of the
2 intersections of Hoboken, they alternate, right?
3 Because, you know, you go down -- with the exception
4 of like Bloomfield, but for the most part, like one
5 corner, you are going north-south, and one corner
6 has a stop sign, and the next corner doesn't, and
7 the next corner has a stop sign. Some of the ones
8 in Hoboken have three two-way stop signs.

9 So I am curious, like as part of the
10 study, one of the things people talked about is not
11 putting this -- the stop for pedestrian sign because
12 most people think it is ineffective or it hasn't
13 been as effective as it should be, and just making a
14 hard stop, right -- I think it is a three-way stop
15 sign right at that corner --

16 MR. HIPOLIT: I can address it --

17 MS. FISHER: -- and also a flow
18 issue -- okay.

19 MR. HIPOLIT: -- if you go back to what
20 I said --

21 MS. FISHER: Yeah.

22 MR. HIPOLIT: -- the incidence of
23 accidents is so high in that area, you are beyond
24 having a developer or somebody just say, let's throw
25 a stop sign here, or let's make a three-way stop

1 here.

2 You are way beyond that. I think
3 Commissioner Marks said it best. The City needs to
4 look at that and say, could we have warrants for the
5 signals or we have warrants for changes for other
6 things. You just can't just throw a stop sign up.
7 You need to have a study and make a change that
8 makes sense, because a change could make it work. I
9 mean, it is something that needs a larger global
10 study for those four or five streets, all the way
11 from Park and all the way to Hudson --

12 CHAIRMAN HOLTZMAN: So let's continue
13 with Commissioner Marks.

14 Commissioner Marks, where do we take
15 this to, since obviously it is not within the scope
16 of this application really, but it's really, as we
17 are finding out, this is a regional issue for this
18 corner of Hoboken.

19 COMMISSIONER MARKS: I would like to
20 hear from the attorney what our options are and what
21 our rights are.

22 I mean, if you have a have high
23 traffic, high accident neighborhood, and you have a
24 development application that is proposing to add
25 hundreds of more residents and hundreds of more cars

1 to the mix, what can we ask of the developer or of
2 the applicant to fix the situation?

3 MR. GALVIN: You know, I do a lot with
4 teaching, and this question comes up a lot. The
5 problem is when you have a use variance case, the
6 Board could probably take traffic impacts into
7 consideration. But when you have a site plan case,
8 the court is not going to look very kindly on us
9 turning down an application as a result of traffic
10 impacts, no matter -- like not the kinds that are
11 being described here. It would have to be -- you
12 know, even though it is a high level of traffic
13 accidents, it would concern me, but I think what I
14 hear Andy saying is the same thing that I think the
15 court would be saying, so we can refer to him to as
16 Judge Hiplit, is that they are going to look for a
17 wider solution to this, that it is not something
18 that can be -- again, if we could see something that
19 we could request, if Andy or the traffic expert or
20 their engineer said we could add a speed reduction
21 lane or a stop sign or anything that would improve
22 this, I think that we could impose that as a
23 condition of approval.

24 But if you are asking me, can we kill
25 this application based on the information that I

1 have heard here tonight, no, I don't believe we
2 would be successful in court.

3 COMMISSIONER MARKS: I wasn't asking to
4 kill it.

5 But what can we do to compel the
6 applicant to address the serious nature of all of
7 the traffic accidents in the area? I mean --

8 MR. PANTEL: I think --

9 CHAIRMAN HOLTZMAN: Hang on.

10 MR. PANTEL: -- I'm sorry.

11 CHAIRMAN HOLTZMAN: Go ahead,
12 Commissioner.

13 COMMISSIONER MARKS: -- so what are the
14 tools, what are the resources that we have at our
15 fingertips there?

16 MR. GALVIN: I am telling you that I
17 don't think that you have much that we can do at
18 all. You know, I am sorry to be the bearer of that
19 news.

20 COMMISSIONER CONROY: Isn't it really a
21 question for City Council to look at? You know,
22 maybe have a traffic study of that area outside of
23 this development, you know --

24 MR. GALVIN: To be fair to Director
25 Marks, it is not -- I don't think there is any quick

1 or easy solution.

2 I think what we have to do, and my
3 associate and I were having this -- maybe it wasn't
4 with you today -- I was having a conversation today
5 with somebody who was recently to Chicago, and they
6 said when they were in Chicago -- it was you. It
7 was Mr. Pantel. See, he stuck it into my head.
8 That is good lawyering.

9 (Laughter)

10 You got to tell us. Tell us what you
11 told me today about Chicago.

12 MR. PANTEL: I will tell you what
13 happened. I will share that with you.

14 I happened to be there about a year ago
15 for several days during the week at business
16 meetings, and I just -- it was a remark to Mr.
17 Galvin, that when Midwest people with a little bit
18 of different mentality, it could be during rush
19 hour, when people come up to a busy intersection in
20 the middle of downtown Chicago, traffic volumes
21 comparable to what you see in New York City,
22 everybody comes to that light, and as soon as it is
23 yellow, all of the pedestrians stop and they wait,
24 and there could be no cars perhaps even in sight,
25 and they wait, and wait and wait. And when that

1 light turns, and if there are any cars that are
2 within, you know, 40 or 50 feet of that
3 intersection, and they see it is yellow, they come
4 to a stop, almost like they shut their engines off,
5 and it was just a very different mentality.

6 MR. HIPOLIT: Can I --

7 MR. GALVIN: Yes, go ahead.

8 MR. HIPOLIT: -- I think to maybe
9 somewhat answer Commissioner Marks' question.

10 This is a PEV. It was approved, and it
11 was preplanned, the traffic numbers, it was all
12 preplanned, so to say to the developer, we have this
13 problem, it is all of your burden, it's probably
14 you're -- at the end you would lose that battle in
15 court. As I think we said before, if the developer
16 recognizes there is a problem there, and they want
17 to contribute some dollar amount to help solve the
18 problem and give the Council some monies to help to
19 do a traffic study, they can volunteer that. That
20 is something that can happen. I have not heard it
21 yet, but it can happen.

22 (Laughter)

23 MR. PANTEL: Well, what I would like to
24 point out, though, this particular application is an
25 application for amended preliminary and final site

1 plan approval, and we are not increasing any new
2 traffic as a result of this application, so it is
3 not as if we are coming in with a new application
4 that's going to add a few hundred trips and arguably
5 worsen an existing situation. We are not adding any
6 additional trips with these amendments.

7 Nevertheless, I think you did hear that
8 (a) the proposed additional loading space along 15th
9 Street will, as pointed out earlier by Mr. Hipolit,
10 it will help to alleviate some of the traffic safety
11 issues that have otherwise been experienced out
12 there.

13 Then secondly and thirdly, we have
14 proposed repaving 15th Street between Hudson and
15 Washington, as well as introducing these other
16 measures to help enhance pedestrian safety in the
17 area, so it is not as if we just stood on ceremony
18 at the last meeting and said, we are not going to
19 address this at all. So we did undertake the effort
20 to address it, and these are the recommendations
21 that we have come up with.

22 COMMISSIONER MARKS: So from Mr.
23 Hipolit looking at the accident records for five
24 years would -- at least there is already a traffic
25 signal at 14th and Washington. There is no traffic

1 signal at 15th and Washington, correct?

2 CHAIRMAN HOLTZMAN: No.

3 COMMISSIONER MARKS: And there is no
4 traffic signal at 15th and Hudson -- so with the
5 unsignalized traffic intersections, do they meet the
6 warrants for a traffic signal?

7 MR. HIPOLIT: Yes.

8 COMMISSIONER MARKS: So if you have two
9 unsignalized intersections that meet the warrants of
10 a traffic signal, could we ask or compel the
11 applicant to pay a pro rata share of the cost of
12 traffic signals at those intersections?

13 MR. GALVIN: What do you say?

14 MR. GALVIN: No, I don't think that you
15 can, because this application, as I said, is not
16 introducing additional traffic to the roadway
17 system.

18 We did initially introduce additional
19 traffic to the roadway system, and we as a result of
20 that traffic and the analyses that were done, we
21 were responsible for a whole host of offsite traffic
22 signal improvements and the like, so those have been
23 installed at considerable expense. I think you
24 heard from Mr. Maris that those improvements
25 remained valid, in his words, that is, that they do

1 accommodate the traffic impact from our project.

2 So if you have safety issues that are
3 out there otherwise, even after we have undertaken
4 mitigation, traffic mitigation associated with our
5 project, it is not the applicant's responsibility to
6 address that. But as I just pointed out, it is not
7 as if we are going to sit back and do nothing.

8 We have undertaken this additional
9 analysis, and we do have the recommendations that we
10 are prepared to implement regarding the additional
11 loading space, which would also not just alleviate
12 loading space congestion issues, but will help
13 improve safety on 15th Street as shown on that
14 exhibit before you, address some roadway pavement
15 between Washington, Hudson, as well as enhance
16 pedestrian safety.

17 CHAIRMAN HOLTZMAN: Mr. Pantel, did you
18 want to -- I appreciate your presentation, and Mr.
19 Maris has given us terrific additional information
20 here as well.

21 Do you want to take a moment to perhaps
22 consult with the applicant on this? Do you need a
23 moment on that?

24 MR. PANTEL: Yes, I would be glad to do
25 that.

1 CHAIRMAN HOLTZMAN: Thank you very
2 much.

3 COMMISSIONER WEAVER: I have one
4 question.

5 CHAIRMAN HOLTZMAN: Sure. Go ahead,
6 Dan.

7 COMMISSIONER WEAVER: I'm looking at
8 Page 12 of the old agreement. I just want to
9 confirm that -- Item No. 23, Michael Maris, the
10 applicant's traffic expert, was sworn, qualified,
11 and I just wanted to make sure all of this was done.

12 (A) -- you had testified that (A) the
13 construction of 15th Street was significant because
14 it diverts traffic from 14th Street, which I think
15 we -- (B) an updated traffic signal is to be
16 installed at Washington Street.

17 Do you know if that took place?

18 THE WITNESS: Washington and 14th or
19 Washington and 15th?

20 COMMISSIONER WEAVER: It doesn't say.

21 CHAIRMAN HOLTZMAN: Just at Washington
22 it says --

23 THE WITNESS: Because we put all brand
24 new signals all along 14th Street, including
25 Washington --

1 MR. PANTEL: Including Washington --

2 THE WITNESS: -- yes. Washington we
3 put a brand new one, even though it was signalized
4 before, we put a new one.

5 COMMISSIONER WEAVER: (C) the timing
6 and phasing of all of the traffic signals in the
7 project area are to be revised to better serve the
8 traffic demand. And since our demand is less than
9 what was originally proposed or estimated --

10 THE WITNESS: The work was done.

11 COMMISSIONER WEAVER: -- then a new
12 traffic signal will be installed at Park and 15th,
13 which is correct, right?

14 THE WITNESS: Correct.

15 (Board members confer)

16 CHAIRMAN HOLTZMAN: Let's take a
17 five-minute break here.

18 MR. PANTEL: Okay.

19 CHAIRMAN HOLTZMAN: Great. Thank you.

20 (Recess taken)

21 CHAIRMAN HOLTZMAN: Okay. Guys, we are
22 going to get started here again.

23 Mr. Pantel, are you ready for us?

24 MR. PANTEL: Yes.

25 CHAIRMAN HOLTZMAN: So as we left it,

1 you were going to have a little consultation with
2 your team.

3 MR. PANTEL: Yes.

4 I did talk to my team about suggestions
5 that had been raised regarding monetary contribution
6 for traffic improvements.

7 I think it is important to point out
8 that we have already expended over a million dollars
9 on traffic improvements associated with this project
10 based upon the requirements imposed under the
11 earlier approvals, number one.

12 Number two: We have throughout the
13 hearings tried to be as accommodating as we can to
14 various questions and concerns raised by members of
15 the public and the Board, and I think you have seen
16 the results of some of that this evening.

17 Thirdly: I think it is very important
18 to bear in mind that this application is not --
19 while it is not introducing any additional traffic,
20 we are prepared to implement the recommendations
21 that you heard earlier from Mr. Maris. And let's
22 not also forget that upgrading the handicapped ramps
23 at various intersections is not inconsequential.
24 There is a substantial number of those ramps that
25 will be upgraded to ADA standards, probably upwards,

1 depending upon how you count the specific ADA
2 requirements, it could be easily a dozen or possibly
3 more.

4 So there is a lot of effort and
5 investment that has gone into this already, and so
6 our position is that we are prepared to do what we
7 have offered, and we are certainly pleased to be
8 able to offer some of the other amenities that we
9 talked about earlier this evening with respect to
10 the landscaping improvements.

11 CHAIRMAN HOLTZMAN: Okay.

12 Yes. Mr. Pantel, I think we would all
13 agree that you and the applicant have been very
14 cooperative and very helpful with all of that.

15 With that being said, Andy, could you
16 just give us a rough estimate as to how much the
17 traffic signals that Commissioner Marks was asking
18 about cost?

19 MR. HIPOLIT: I can, but I just wanted
20 to key in on something Mr. Pantel said.

21 CHAIRMAN HOLTZMAN: Sure.

22 MR. HIPOLIT: You are going to
23 implement those improvements right there?

24 MR. PANTEL: Yes.

25 MR. HIPLIT: Okay. That is

1 significant. I mean, that's a big contribution and
2 to repave the road and do the signing --

3 CHAIRMAN HOLTZMAN: Can we just be
4 specific, if we are going to say repave the roadway,
5 exactly what specifically that means?

6 MR. PANTEL: Yes. Between 15th Street,
7 between Washington Street and Hudson.

8 MR. HIPOLIT: I think Mr. Maris was
9 talking about between Park and Hudson Street.

10 MR. PANTEL: Well, I think he had
11 observed various conditions along the roadway, but
12 what we are prepared to improve at our expense, sole
13 expense, is the segment of 15th between Washington
14 and Hudson.

15 MR. HIPOLIT: Okay. That is a
16 significant improvement.

17 CHAIRMAN HOLTZMAN: And also the
18 pedestrians --

19 MR. HIPOLIT: The crosswalk signs,
20 signs on the sidewalk, so people don't cross at --
21 they cross at the intersections, and they are
22 upgrading the handicapped ramps, and we asked them
23 to do that.

24 As far as signals, you know, let's say
25 a signal is installed at 15th and Washington, those

1 signals are a quarter of a million dollars, if not
2 more, so it is a significant improvement.

3 CHAIRMAN HOLTZMAN: Any other questions
4 or comments from the Board at this time?

5 I'll open it up to the public --

6 COMMISSIONER GRAHAM: Can I just say --

7 CHAIRMAN HOLTZMAN: Go ahead,
8 Commissioner Graham.

9 COMMISSIONER GRAHAM: Unfortunately,
10 there is not much we can do about what happened a
11 decade ago, but I just hope that, you know, this
12 Board is much more conscientious about the density
13 that we are putting into the city, and to use a
14 phrase by one of the members of the public, you
15 know, thinking about the unintended consequences
16 that are happening with the development that is
17 approved, and that is all I wanted to say.

18 CHAIRMAN HOLTZMAN: Great. Thank you.

19 Is there anyone from the public who
20 wants to speak with regards to Mr. Maris' traffic
21 presentation?

22 Sure, Tiffanie.

23 MS. FISHER: Is he done or does he have
24 more pages?

25 CHAIRMAN HOLTZMAN: Mr. Maris, did you

1 complete your presentation?

2 THE WITNESS: I am finished.

3 MS. FISHER: Okay. The question I
4 have -- sorry -- Tiffanie Fisher, 1500 Hudson.

5 The question that I have generally is
6 how do pedestrian traffic or how is pedestrian
7 traffic taken into consideration when you are doing
8 traffic studies?

9 THE WITNESS: We count pedestrians
10 crossing the street at the intersection, and the
11 analysis that we do reflect the number of
12 pedestrians that we counted.

13 MS. FISHER: But you didn't count
14 pedestrians this time, I don't think, right? You
15 just counted the cars at 15th and Park?

16 THE WITNESS: Correct.

17 MS. FISHER: So I mean, the underlying
18 concern we had, and the reason why we requested a
19 new traffic study is because, you know, anecdotally
20 after living there and living in Hoboken for as long
21 as we have, the types of pedestrians, the number of
22 pedestrians have changed significantly since your
23 original study in 2002. The building was built, the
24 first two Hudson Tea buildings were only, you know,
25 two-bedrooms and two people in it, and now the

1 two-bedroom has two adults and two kids in there,
2 and a nanny, right, so the volume of pedestrians has
3 changed as well as the amenities on the north end
4 including your observation of the ferry that didn't
5 exist back then at the time, and it just started
6 very few people used it -- and the fact that you
7 didn't -- the fact that you -- or because of all of
8 that, we thought it merited a new traffic study,
9 so I am curious as to why you didn't think there was
10 a new traffic study warranted.

11 THE WITNESS: The issue is not to do a
12 traffic study for the sake of doing a traffic study.
13 I mean, I would be very happy to do all of the
14 studies as long as my client pays me.

15 (Laughter)

16 The issue was: Is a new traffic study
17 needed, and what we came up with is that our 2002
18 study overestimated everything, and a new study
19 would only find out that a 2002 study overestimated.

20 MS. FISHER: Except that you said your
21 study takes into consideration pedestrian counts,
22 which you didn't do before and now --

23 THE WITNESS: Well, that --

24 MS. FISHER: -- actually in your
25 observations you are seeing the impact of the change

1 in the demographics in the north end --

2 THE WITNESS: -- the capacity analysis
3 includes pedestrians, includes the full volume of
4 pedestrians, so the pedestrians are reflected.

5 What is not reflected is when they
6 cross mid block, because what happens is a car makes
7 a turn, and all of a sudden, the place of
8 pedestrians. That's the analysis of the
9 intersection which reflects pedestrians at the
10 intersection.

11 I have done studies in other places of
12 Hoboken with pedestrians a lot more down by the Path
13 station over there, a lot more than here, and it
14 didn't make that much of a difference whether I used
15 the full value or the actual numbers, and there the
16 numbers went into the dozens and hundreds.

17 So for me to do another study, I could
18 assure you, I am going to find out that the 2002
19 study was extremely conservative and extremely
20 overestimated.

21 MS. FISHER: But if you were to do a
22 traffic study today, you would take into
23 consideration not only the numbers of pedestrians,
24 but how they are using the roads?

25 THE WITNESS: There is no way in the

1 program to assume that somebody walks in the middle
2 of the intersection --

3 MS. FISHER: I know, but you had --

4 THE WITNESS: -- that's really a
5 policing issue. It is not a traffic issue.

6 MS. FISHER: It just seems like there
7 should have been a full traffic -- I mean,
8 everything that you are raising, Andy, it sounds
9 like it's suggesting that there will be a full
10 analysis. But going back to, you know, what a
11 taxpayer is going to pay and what a developer is
12 going to pay, you would think a full traffic study
13 would be done with the developer because time has
14 passed and because there is a safety issue, and I
15 think you have a safety condition carve-out in all
16 of your approvals that allows you to require an
17 applicant to do something different, if it is a
18 safety concern.

19 You would think that that combined
20 would allow the Board to either require them to do a
21 full traffic study and contribute into this analysis
22 or to pay for something more than that, like
23 traffic -- even something like -- what you do you
24 call it -- speed bumps, you know, anything that
25 could -- it may not be the permanent long-term

1 solution, but is there something on a temporary
2 basis that part of the paving, et cetera, could be
3 done to just help alleviate it or help address it
4 before they put what is it -- 230 units, so, let's
5 say, another 600 people in that corner just
6 averaging three people per, you know -- some could
7 be one or some could be five, but it just -- I don't
8 know -- it just seems --

9 MR. GALVIN: I have to jump in and be
10 the heavy here.

11 MS. FISHER: Sorry. That's okay. I am
12 done.

13 MR. GALVIN: Let me say, I think that
14 we are under some pressure here because we have what
15 is basically a plan that we have to approve at some
16 point. That is what everybody has to understand,
17 and like our role at the Planning Board is different
18 than the Zoning Board, and I think sometimes that
19 gets lost, especially in the City of Hoboken.

20 You know, in this case there has been a
21 lot of long-term planning here, a lot of things that
22 have already occurred that sometimes we are stuck
23 with that we can't undo, or maybe this group would
24 maybe do some things differently than our
25 predecessors have done. I think that a good faith

1 effort has been made here to try to take a look at
2 the traffic.

3 I think some suggestions have been
4 made. I think some offers for improvements have
5 been made, possibly more than we might have been
6 able to get if we tried to impose them. That is
7 what I am always struck with when I do this job.

8 You know, we just had a case that we
9 are going to talk about tonight, where we tried to
10 get more conditions than we could reasonably impose,
11 and the judge blew us out of the water on almost all
12 of them and said, no, you didn't have a right to ask
13 for that. So it is like my job to be the bad news
14 guy and tell us what we can't do.

15 I think what Andy was suggesting to the
16 city is that we developed a situation there where we
17 are going to have to start thinking outside of the
18 box and start to encourage people to respect the
19 crosswalks and have the cars respect the people, and
20 that might require some effort on the police
21 department, and then the problem with that is, if I
22 was a police officer, I am more concerned with doing
23 real police work than having to do traffic, but I
24 think that is something that we all have to work on
25 together and try to improve the spirit.

1 MS. FISHER: We are not suggesting not
2 to improve it -- this is more -- we didn't --

3 MR. GALVIN: But even to ask them to do
4 another traffic study, if I had to go defend this to
5 a judge, I think I would have a hard time doing
6 that.

7 MS. FISHER: I think we're just saying
8 contribute into a traffic study. If you identify
9 that there are risks and there are incidents because
10 of the density and everything on this end, the
11 unintended consequence --

12 MR. HIPOLIT: Again, just so we are on
13 the same page, nothing that I have said is saying
14 that the density of this development has caused the
15 traffic problems. If somebody needs to look at it
16 globally and find out why there are problems here,
17 the development was originally approved with the
18 traffic plan, with the density, and with all of the
19 above, it was anticipated by some other Boards years
20 ago, it was all okay.

21 Now you have a problem. You can't just
22 go in and throw a speed bump in or go and throw
23 another stop sign in, because the consequence from
24 that could be very fatal, and it is not a good
25 thing, so someone needs to look at it from a global

1 level, and the only people who can do that is the
2 Council.

3 MR. PANTEL: I just would like to note
4 that we have 145 fewer units now than were approved
5 in --

6 CHAIRMAN HOLTZMAN: Mr. Maris, can you
7 just flip your panel over to the next page, please?

8 Sure.

9 MS. EDELMAN: Laura Edelman.

10 So you are a traffic expert, right?

11 THE WITNESS: That is what they say.

12 (Laughter)

13 MS. EDELMAN: So I am concerned because
14 it has been talked about maybe that we need to do a
15 study for traffic signals, red, green and yellow.

16 I just wanted your opinion because I
17 think that I'm afraid of traffic signals because
18 when it is green, they are going to zoom. And when
19 it yellow, they are going to zoom even faster. And
20 wouldn't it be cheaper and easier to put in speed
21 bumps, and is that an option and so cheap, and then
22 everybody is always going at a nice even slower
23 speed?

24 THE WITNESS: No. The problem with
25 speed bumps, and Andy just said you have to be

1 careful what you do --

2 MS. EDELMAN: Right. I know that,
3 but --

4 THE WITNESS: -- the problem with speed
5 bumps is it is designed to slow cars. We don't have
6 cars speeding here. We need to slow pedestrians.

7 MS. EDELMAN: Well, living there, I
8 have to say that is -- there are cars zooming down
9 that road really fast.

10 MR. HIPOLIT: I think I could add,
11 because I have been involved in this discussion in a
12 number of municipalities, let's say we take your
13 suggestion and put speed bumps on 15th. The
14 unintended consequence could be all cars now go to
15 14th and cause massive traffic accidents there. You
16 just can't -- when you make a change in traffic
17 especially in an area there was accidents --

18 MS. EDELMAN: You'd have to do both
19 roads --

20 MR. HIPOLIT: -- it could move that
21 problem just one block over and cause a fatality or
22 something at that level.

23 So you just don't -- although it sounds
24 great, and I know people say, you can't just throw
25 in a speed bump or throw a stop sign in or throw in

1 a signal, you need to study it.

2 The state and the higher authorities
3 that approve these type of items make you study it
4 before you do it. So the city's -- this is at like
5 the next level.

6 MS. EDELMAN: Right. I was just
7 concerned because I really believe that a traffic
8 signal would make it worse --

9 MR. HIPOLIT: That's why it needs to be
10 studied. It needs a study.

11 MS. EDELMAN: Okay.

12 THE WITNESS: Let me just add one more
13 thing.

14 The City of Hoboken has an excellent
15 traffic program, and I believe I read the program,
16 and I believe that program would prohibit speed
17 bumps.

18 MS. EDELMAN: Oh, it would?

19 THE WITNESS: Yes, because the
20 intersections are too close. It has to be a certain
21 distance. It says it should not be in an area where
22 there are a lot of intersections, et cetera.

23 MS. EDELMAN: Oh, that's too bad.

24 MR. HIPLIT: I'm sorry.

25 People think they are very good and

1 they slow cars down. They do a lot of negative as
2 much as positive, if they put in the wrong place.

3 MS. EDELMAN: Okay. I had that
4 concern, so I thought I would ask.

5 CHAIRMAN HOLTZMAN: Thank you.

6 MR. WISNIEWSKI: My name is Joe
7 Wisniewski. I live at the 1500 Washington building.

8 MR. GALVIN: We are asking questions at
9 this point. We are asking questions of this witness
10 on traffic. Probably in about five minutes, we are
11 going to be asking for comments from the public.

12 MR. WISNIEWSKI: So I can't ask him
13 questions?

14 MR. GALVIN: You can ask him a
15 question, but just not a comment.

16 CHAIRMAN HOLTZMAN: On traffic.

17 MR. WISNIEWSKI: Okay. So my first
18 question is: Do you live in Hoboken?

19 THE WITNESS: No.

20 MR. WISNIEWSKI: So the traffic study
21 that you have done in 2002, is that the last one you
22 did?

23 THE WITNESS: No.

24 MR. GALVIN: No. You came in late.

25 THE WITNESS: I have done about 150

1 different studies -- no, let me put it 50 different
2 studies in developments in Hoboken.

3 MR. WISNIEWSKI: Okay. The most recent
4 one up town that we are concerned about at 15th and
5 Washington?

6 THE WITNESS: Well, I looked at that
7 earlier this year in February. I looked at it 2007.
8 I looked at it in 2002, going back --

9 MR. WISNIEWSKI: When you say "looked,"
10 what do you mean by "looked at," what does that
11 mean?

12 Were you standing there with binoculars
13 and looking or were you --

14 THE WITNESS: No. I stood on the
15 corner of Washington --

16 MR. WISNIEWSKI: You stood there, but
17 how long?

18 THE WITNESS: -- I went --

19 MR. WISNIEWSKI: How long?

20 CHAIRMAN HOLTZMAN: Mr. Wisniewski --

21 MR. PANTEL: Excuse me. Please let the
22 witness answer the question and don't badger him.

23 MR. WISNIEWSKI: Okay. I am not a
24 lawyer, so I'm just asking.

25 MR. GALVIN: If you were a lawyer, you

1 would be an aggressive lawyer. Just relax a little.

2 MR. WISNIEWSKI: I'm just somebody that
3 almost got hit by a car several times and --

4 MR. GALVIN: Just wait for one second.

5 One of the things that he testified to
6 earlier, and I don't think that you were here when
7 he testified to it, he said that he had people out
8 there on March 16th --

9 THE WITNESS: For traffic counts --

10 MR. GALVIN: Yes.

11 THE WITNESS: -- I was personally there
12 on March 12th and March 19th.

13 MR. GALVIN: Right.

14 And he observed the traffic between
15 seven o'clock and 9:30 in the morning, and then four
16 o'clock until 6:30, which is the accepted protocol
17 for evaluating traffic. He has done everything
18 according with the way we would expect him to do.

19 MR. WISNIEWSKI: So I am just asking
20 him how long -- you were standing on the corner
21 yourself for hours?

22 THE WITNESS: I had police come up to
23 me and asking me what I am doing sitting there.

24 MR. WISNIEWSKI: The point I am making
25 is that with the comments that were made here

1 regarding you making comments about people walking
2 and implying that there may be some people
3 jaywalking, that is true in town. But the reality
4 of it is, is myself I have crossed that traffic -- I
5 walk in that pathway, and I have almost gotten
6 killed two or three times. I am not saying hit by a
7 car, and I was just telling Tiffanie, I very rarely
8 come to these type of meetings. I don't want a
9 street renamed after me after I am dead, so that's
10 why I'm here --

11 CHAIRMAN HOLTZMAN: That is a safe
12 bet --

13 MR. WISNIEWSKI: -- and I think that
14 the comment to me about people being killed, if
15 there is, but I think going back to the studies and
16 stuff like that, I drive my bicycle around town
17 almost everyday, and I walk, and I had almost three
18 or four incidents.

19 So I think that there is something -- I
20 don't know anybody on the Planning Board, but I
21 think it is your responsibility to take taxpayers
22 that are here to address the situation, and kindly
23 the way I feel about it, and I'm just calling it --
24 it seems like it is just going through the motions,
25 and you said yourself, well, this was already done,

1 and there's not much we could do by going in front
2 of a judge, there's not much I could do --

3 MR. GALVIN: Correct. That is the law.

4 MR. WISNIEWSKI: -- which I think that
5 you should go there and battle for us.

6 Where is Dawn at? How come she's not
7 here today?

8 I voted for her, and she is not here.

9 MR. GALVIN: Uh-huh.

10 MR. WISNIEWSKI: I don't want to get
11 killed, and I'm telling you right now, I almost got
12 killed twice crossing in the crosswalk. Cars flew
13 right by, and they were texting.

14 You don't live in town, and you don't
15 live in town, so you don't see it everyday. I do.
16 And I have to cross that street every single day,
17 and I am afraid to cross that street sometimes. I
18 am surprised that parents aren't here with their
19 carriages and everything like that. I am just one
20 person, and I had incidents where I got almost
21 killed. This is a life and death situation.
22 It is not a situation, oh, well, if we do this, or
23 we do this.

24 What's going to have to happen?

25 Is someone's cousin going to have to

1 got killed or a relative of someone?

2 Oh, we should have done that.

3 MR. PANTEL: This is a time for
4 questions, sir, not comments.

5 MR. WISNIEWSKI: I made my point.

6 COMMISSIONER BHALLA: Chairman,
7 Chairman --

8 CHAIRMAN HOLTZMAN: Yes, Councilman.

9 COMMISSIONER BHALLA: -- if I may,
10 Chairman.

11 You bring up great points.

12 Incidentally, the exact reason why, you know, our
13 current mayor got involved in city government was
14 because her father-in-law was the victim of a hit
15 and run accident. Had there been a speed bump, that
16 could have been prevented. So the city government
17 is very sensitive to exactly what you are talking
18 about, not just on a policy level, but on a very,
19 very personal level.

20 We confronted a similar situation in my
21 old neighborhood, the Shipyard, at the corner of
22 Hudson and 13th, I believe, where there was no
23 crosswalk. There was no signaling. There was no
24 speed bumps. And for years we tried to figure out a
25 solution, and we did a study. We had, you know, the

1 signs, we had the speed bumps. Now we have a
2 traffic signal, but I think the point that Dennis
3 was making is that legally the Planning Board's
4 authority is somewhat limited as to what we can and
5 cannot do. However, that doesn't mean that we
6 shouldn't battle for the residents of the city.
7 The means to fight that battle is means other than
8 through this application right here.

9 So, for example, one thing that we can
10 do is work with the Park and Transportation
11 Department to actually fund a study, figure out what
12 the problems are, and figure out how to fund the
13 solutions.

14 At 16th and Park, we have a traffic
15 signal that is part of the development of 1600 Park,
16 you know, Ms. Edelman had expressed a concern that
17 maybe a traffic signal isn't the correct solution
18 for that area.

19 I don't know. Maybe it is. But all of
20 you are absolutely correct, the ultimate
21 responsibility belongs to the City of Hoboken, that
22 being the Council and the mayor, and any appropriate
23 divisions to get to a solution.

24 So I fully agree with you, but I just
25 want you to know that it is not something that we

1 are dismissive of just because, you know, at this
2 forum, we don't have necessarily the legal
3 jurisdiction to do that --

4 MR. WISNIEWSKI: Well, I don't know if
5 this is appropriate --

6 COMMISSIONER BHALLA: -- there will be
7 a comment section, where you can make further
8 comments, but I just wanted to react to your
9 remarks.

10 CHAIRMAN HOLTZMAN: Excellent. Thank
11 you, Councilman.

12 Any other questions from the public?

13 Okay.

14 Does the Board have any other questions
15 for Mr. Maris, other than when his next performance
16 is at the Comedy Cellar?

17 (Laughter)

18 Thank you, sir.

19 (Witness excused)

20 MR. GALVIN: Any other witnesses?

21 MR. PANTEL: No.

22 MR. GALVIN: We should open it up to
23 the public then before he makes his closing
24 arguments.

25 CHAIRMAN HOLTZMAN: Do you want to

1 recap your conditions or --

2 MR. GALVIN: We can do the public,
3 unless the public wants to hear the conditions.

4 Do you want to hear the conditions?

5 CHAIRMAN HOLTZMAN: Sure. Why don't we
6 open the conditions.

7 So Dennis has put together a list of
8 conditions that were started at the last meeting and
9 some additional ones from this evening, so we will
10 read these and open them up. Just give us a second.

11 MR. GALVIN: All right. We are
12 actually going to start off with something that's
13 difficult.

14 The first thing that we had, and I know
15 that the developer doesn't agree with this, I had:
16 The applicant is to enter into an agreement to
17 maintain the drainage components of the city
18 right-of-way.

19 I don't think that -- do you remember
20 that?

21 All right. Here we go --

22 MR. PANTEL: Would you like me to
23 summarize?

24 (Laughter)

25 MR. GALVIN: Well, I didn't say

1 anything yet. Why don't you wait until I speak.

2 MR. PANTEL: Okay, sure.

3 MR. GALVIN: The applicant is to
4 maintain -- what I had written down is that we were
5 looking for the drainage components within the city
6 right-of-way --

7 MR. HIPOLIT: It was me that said it.

8 The applicant needs to be responsible
9 for maintenance and cleaning of that proposed
10 stormwater system under the city's right-of-way.
11 They are putting in a detention system, which we
12 don't want to maintain and don't have the personnel
13 to do it.

14 CHAIRMAN HOLTZMAN: Right.

15 MR. GALVIN: All right.

16 Now, Mr. Pantel, you can be heard on
17 that.

18 MR. PANTEL: Yes.

19 On that point we believe that we should
20 be responsible for maintaining the sidewalks and the
21 tree beds, but following completion of the drainage
22 improvements in the two-year maintenance bond, the
23 stormwater facilities will really just become part
24 of the city's stormwater sewer system, so I don't
25 think that we should be maintaining the stormwater

1 sewer system within the city's right-of-way. They
2 maintain the inlets and pipes just like any other
3 aspect of the city's stormwater sewer system, so we
4 would agree that there would be responsibility for
5 maintenance of the sidewalks and tree beds, but the
6 stormwater sewer system after the two-year
7 maintenance bond is up should be maintained by the
8 city.

9 CHAIRMAN HOLTZMAN: And you are
10 directing us that you believe this -- because also
11 there is a technical knowledge that is required to
12 maintain this system, it is not within the scope of
13 what the city has at its fingertips.

14 MR. HIPLIT: Right.

15 They are putting in the detention
16 system under the road for their benefit, even though
17 it is in the road, so there should be some type of
18 agreement back and forth between the applicant and
19 the city that says, yeah, we will allow you to put
20 this in, but you have to maintain it.

21 That would be my take.

22 COMMISSIONER FORBES: I just want to
23 get the clarification for the Filtera system. Is
24 that in the roadway, or is that under the side --

25 MR. HIPOLIT: It's in the roadway.

1 COMMISSIONER FORBES: -- that's in the
2 roadway.

3 Yes. I mean, that's not something that
4 the city is familiar with or that maintenance of it.
5 It's not something that we had in place before.

6 MR. HIPOLIT: No. It is for the
7 benefit of their application. You would not accept
8 it --

9 COMMISSIONER MARKS: Mr. Chairman,
10 Hoboken has a combined sewer system, and we rely on
11 the North Hudson Sewerage Authority to maintain and
12 operate our sewer system.

13 I understand this particular area is, I
14 mean, a simply separate stormwater system that feeds
15 I guess whatever stormwater runoff feeds directly to
16 the Hudson River. However, we just don't have the
17 capacity, our environmental services or
18 environmental services department, to my knowledge
19 and understanding, really doesn't have the
20 maintenance regime to take care of stormwater,
21 especially for stormwater systems that we have no
22 familiarity with, so I would just strongly encourage
23 that we keep that as a condition of approval.

24 MR. PANTEL: But bear in mind that
25 these will be condominium units, which will be sold.

1 What you are really saying is that you
2 want future residents of condominium associations to
3 maintain these systems, and I really don't think
4 that that is the right solution to this. I mean, if
5 it is -- first of all, you know, there is going to
6 be far more -- this is maybe one of the first ones
7 being put in the city, but it is being done in
8 conformance with DEP and the city ordinance
9 requirements. The city has to develop the expertise
10 to maintain these over time.

11 I don't think we are talking about
12 rocket science by the way. I'm sure there is
13 perhaps maybe a different type of maintenance
14 routine that should be implemented as opposed to,
15 you know, an older storm sewer system, but I don't
16 think you really want to see throughout the city
17 condominium associations or private landlords for
18 that matter maintaining these types of facilities.
19 I really think it is going in the wrong direction.

20 MR. HIPOLIT: You have the option, but
21 you are choosing not to, to put it on your site.
22 There are plenty of developments in Jersey that
23 maintain their sewer systems. I could name probably
24 ten of them right now.

25 You are putting it in the street

1 because the city is cooperating and letting you do
2 that. You could put it on your site.

3 CHAIRMAN HOLTZMAN: Todd?

4 MR. PANTEL: Could Todd be heard on
5 that?

6 MR. HAY: Mr. Chairman, I want to just
7 make sure I reiterate some of the testimony I made
8 before, and I will make sure I make this clear to
9 the Board as well as Andy.

10 You know, what I had said before was
11 that this municipality is one of several
12 municipalities that has been chosen to be looked at
13 for green stormwater infrastructure within their
14 right-of-ways, okay?

15 What that means is that there is a
16 pilot program in Hoboken, there's a pilot program in
17 Paterson, and there's a pilot program in Trenton,
18 and they are all trying to emulate some model.
19 There really hasn't been a lot of, I'm going to say,
20 direction in that model, but we have taken an
21 example, which Andy is very aware of, for the City
22 of Philadelphia.

23 The City of Philadelphia has started
24 putting in green infrastructure stormwater systems,
25 such as the system that we introduced at the last

1 hearing and discussed this evening, okay, relative
2 to the water quality initiative that's used with the
3 Filtera system and the round piping and then also
4 alleviating the flood problem that we discussed with
5 the Board before that is entirely within the
6 roadway.

7 Now, my point and my counter point to
8 Andy, and I know Andy is not going to like what I am
9 going to have to say, is the fact is that this
10 benefit is really for the municipality. It's not
11 just our benefit, but there is more of a benefit for
12 the municipality because, number one, we are
13 spending \$1 million on the right-of-way
14 improvements.

15 Number two: It is part of a pilot
16 program. We would not come to you, if we did not
17 know that there was a green infrastructure
18 stormwater -- a green stormwater infrastructure
19 initiative okayed in the state.

20 Number three: The municipality, which
21 I said before, which is the City of Philadelphia, I
22 am quite sure we could come to an agreement as to
23 who would have operation and maintenance of that
24 system after a two-year maintenance bond. It is my
25 understanding in the City of Philadelphia that the

1 burden is not on the developer. Yes, the cities do
2 take the initiative to have that maintenance and
3 take over that maintenance and operation of that
4 system. This system requires a very low operation
5 and very low maintenance. It does not require
6 anything that is above and beyond that that would be
7 difficult for a city to maintain.

8 Now, I think we could come to an
9 agreement looking at what the City of Philadelphia
10 has offered, but I can't tell you what developers
11 have done adjacent to their properties, not only
12 controlling their stormwater within their
13 properties, which we have done, and we have gone
14 above and beyond, as you are all aware. But also
15 within adjacent right-of-ways coming up with a
16 system that is easy for a municipality to maintain.

17 MR. PANTEL: I think it is also
18 possible that you could have --

19 CHAIRMAN HOLTZMAN: Thank you, Mr.
20 Pantel. Hang on one second.

21 Commissioner Marks?

22 COMMISSIONER MARKS: So I think there
23 is a material difference between the City of Hoboken
24 and the City of Philadelphia.

25 Number one: We are trying to live

1 within the two percent cap that the State of New
2 Jersey has imposed. Councilman Bhalla, as a Council
3 person, has been going through the budget workshop
4 process. It is a real challenge for the city to
5 live within our means when you have increases in
6 health insurance of 7 percent a year and increases
7 with contract employees and bargaining units to take
8 on any more responsibility.

9 The major difference between the City
10 of Hoboken and the City of Philadelphia is the City
11 of Philadelphia is legally authorized to have a
12 stormwater utility fee that they charge to their
13 property owners. That fee is illegal for
14 municipalities in the State of New Jersey, so that
15 is not a recourse. That is not something that the
16 City of Hoboken can do at this time.

17 If that was available, having a
18 stormwater impact fee based on your square footage
19 or amount of impervious coverage, I think the city
20 would be very much interested in that. We don't
21 have that, and that is not a resource that we have
22 at our disposal.

23 CHAIRMAN HOLTZMAN: All right.

24 Yes, Director Forbes?

25 COMMISSIONER FORBES: You know, we have

1 North Hudson Sewerage Authority, as Commissioner
2 Marks had mentioned, that do a lot of that
3 operations and maintenance of our stormwater and
4 sanitary in Hoboken.

5 Have you reviewed the Filtera system
6 with North Hudson Sewerage Authority?

7 MR. HAY: We have not as of yet. We
8 have looked at, however, obviously the sewerage
9 loads and the stormwater loads, and they have
10 already said on the sewerage end, we are in full
11 compliance. We are going to be getting a letter out
12 of them for that. We already discussed that with
13 them actually as late as last week.

14 The stormwater, however, is a little
15 bit of a different issue. The stormwater being a
16 completely separate system, we do have to speak to
17 them, because they do have the right of obviously
18 reviewing it and then offering suggestions with
19 respect to the operation and maintenance.

20 I can tell you, and you know, I did
21 listen to what was discussed, that is for
22 properties, I am a very aware of that because I am
23 involved in that, and that is for properties for
24 developers that are within their properties
25 maintaining their own stormwater, the existing

1 systems.

2 Outside of that within right-of-ways,
3 it's a little bit different of a situation. The
4 situation being that this system, from my
5 understanding and from my research and looking at
6 what has been done in Philadelphia and in the
7 right-of-ways, the amount of maintenance and the
8 amount of operation is very minimal at best. It is
9 almost a non structural means, which means that you
10 are not looking at a mechanical means or a
11 mechanical separator for water quality, but it's a
12 little different than that --

13 CHAIRMAN HOLTZMAN: So, Todd, I am torn
14 here just listening because I don't know the
15 specifics of what the maintenance is actually
16 required on this.

17 In one breath you are saying to me,
18 that, you know, you don't think it is their
19 responsibility, and Mr. Pantel doesn't think it is
20 the responsibility of this piece of property,
21 whether it's in the developer's hands or a condo
22 association's hands to maintain this.

23 On the other hand, this investment that
24 you are making in this stormwater mitigation issue
25 that is underneath our street benefits your property

1 greatly, no question about that as well.

2 Then you say in the same breath that it
3 is really minimal maintenance that is actually
4 required. So if it is such minimal maintenance from
5 a very large building that has a full-time staff for
6 the future, I am not sure why it is that we are
7 fighting so much over the minimal maintenance.

8 MR. HAY: Because we actually -- Mr.
9 Chairman, the difference is that we are actually --
10 that extension in terms of the Filtera system, the
11 system of redoing the sidewalks, putting in the tree
12 beds, putting in the Filtera system, it actually
13 extends across the street, and it is in the areas
14 that are adjacent, okay, such as the Shipyard
15 buildings, where they would have to maintain it.

16 It is a little bit different situation.
17 We are actually doing above and beyond our frontage
18 and going into a property that is actually adjacent
19 to it, and they would have to --

20 CHAIRMAN HOLTZMAN: Is there a life
21 expectancy on this type of system?

22 MR. HAY: From what I understand, it is
23 20 to 25 years, as long as it is maintained, and we
24 have again put together an operations maintenance
25 manual, which Andy asked for which --

1 CHAIRMAN HOLTZMAN: Does somebody have
2 a ballpark number as to what this costs to maintain
3 on a yearly basis?

4 MR. HAY: No. As a matter of fact, I
5 don't have that, but I could provide that as part
6 of --

7 CHAIRMAN HOLTZMAN: Because if we are
8 certainly arguing about \$5,000 here, for God's sake,
9 let's stop.

10 MR. HIPOLIT: I don't think it's that
11 much --

12 MR. HAY: Mr. Chairman, I don't -- I'm
13 not --

14 CHAIRMAN HOLTZMAN: I don't know what
15 we are arguing over.

16 MR. HAY: -- it is not even an
17 argument. It is a philosophical question --

18 CHAIRMAN HOLTZMAN: Andy, what are you
19 saying?

20 MR. HIPOLIT: I would think \$5,000 is
21 probably the high end.

22 CHAIRMAN HOLTZMAN: To the high end?

23 MR. HIPOLIT: I don't think it is very
24 expensive --

25 CHAIRMAN HOLTZMAN: Right. I think we

1 are going to move along to condition two.

2 MR. HAY: Thank you.

3 MR. GALVIN: It doesn't mean you're
4 successful. It means you're not successful.

5 (Laughter)

6 MR. HAY: I wanted to make the argument
7 because it is a right-of-way, a public right-of-way.

8 CHAIRMAN HOLTZMAN: Thank you, Todd.

9 MR. GALVIN: Right. But it is a
10 facility that's benefiting the developer, not
11 necessarily benefiting the city. It could have been
12 done on your own property.

13 MR. HAY: Well, I'm sorry. I beg to
14 differ.

15 MR. PANTEL: Could you respond one last
16 time to that point about the benefit?

17 MR. HAY: The benefit is within the
18 public right-of-way. The benefit is to essentially
19 meet what the green stormwater initiative is. It is
20 a pilot program that DEP has promulgated, that the
21 mayor of Hoboken from what I understand, is actually
22 encouraging developers to look at. This is the
23 first of its kind --

24 MR. PANTEL: And the public benefit is
25 more specifically?

1 MR. HAY: The public benefit is better
2 water quality into -- essentially into the Hudson
3 River.

4 MR. GALVIN: No, no. I get all of that
5 part, and every property that I deal with all over
6 the State of New Jersey has to maintain their
7 stormwater management on their property.

8 What I thought I heard Andy say is we
9 are not maintaining our stormwater management on our
10 property, we need to borrow some of the city's
11 property to be able to store that stormwater
12 management.

13 MR. HAY: No, not necessarily, Counsel.

14 The fact is that we separated our
15 systems. We have a system that's on site, okay, for
16 our building, which we came for an application for.
17 That is stormwater rules that we have met and we
18 have gone above and beyond --

19 MR. PANTEL: On site.

20 MR. HAY: -- on site.

21 We have to meet your stormwater
22 management requirements. We also have to meet DEP's
23 requirements. It is very, very clear, especially
24 when we are applying for a Flood Hazard Act
25 individual permit.

1 The separation between the building,
2 which I testified before last time, the right-of-way
3 is a different situation. The right-of-way, we have
4 to raise the road to alleviate a local flooding
5 condition. And yes, there is a benefit, there's an
6 added benefit, not just for our building, but a
7 benefit for the public.

8 You are removing essentially a local
9 flooding condition, and we also discussed the
10 traffic issue now in terms of some sighting
11 problems, which I discussed with Andy tonight, which
12 were also eliminated. So by doing that, and then
13 also going in encouraging this green stormwater
14 infrastructure, we are now introducing a water
15 quality measure, which no street in Hoboken has, so
16 it is the first of its kind, and it has been
17 approven in other municipalities, but the benefit
18 really -- the majority of the benefit, that is why I
19 differ, is found within the city.

20 MR. GALVIN: Okay. Respectfully, we
21 disagree.

22 CHAIRMAN HOLTZMAN: Thank you, Todd.

23 MR. GALVIN: Second: The applicant is
24 to record a deed restriction requiring that the rain
25 garden be maintained by the building owner or any

1 future association, and further indicating that the
2 public shall have the right to make use of and have
3 access to the rain garden and its seating area. The
4 deed restriction is to be reviewed and approved by
5 the Board's Attorney prior to recording, and it must
6 be recorded prior to the issuance of a building
7 permit.

8 Three: All elements constructed within
9 the city right-of-way shall be bonded and shall be
10 constructed in accordance with the site plan.

11 Four: The road closure plan is to be
12 reviewed and approved by the Board's Engineer. The
13 particulars of the road closure plan are to be added
14 to the site plan.

15 Five: The Washington Street loading
16 area will be used for residential parking overnight.
17 The specifics are to be resolved in consultation
18 with the Board's engineer. The agreed hours of
19 parking shall be posted on signage, and this signage
20 is to be added to the site plan.

21 In addition, the applicant is to obtain
22 City Council approval and the parking authority
23 approval of the proposed street parking and street
24 loading.

25 Six: The Board's engineer shall review

1 and approve a construction staging plan, which must
2 be consistent with the road closure plan.

3 Seven: The plans are to be reviewed to
4 show weep -- can you spell that again?

5 MR. HIPLIT: W-e-e-p, like I am
6 weeping.

7 MR. GALVIN: -- to show weep holes
8 along the wall around the garden.

9 Eight: The loading plan to be moved --
10 the loading plan --

11 MR. HIPOLIT: The loading zone.

12 MR. GALVIN: -- the loading zone is to
13 be moved --

14 CHAIRMAN HOLTZMAN: The 15th Street
15 loading zone, since there are two -- there are three
16 loading zones.

17 MR. GALVIN: -- I described it 40 feet
18 to the corner of Washington and 15th Street.

19 MR. HIPOLIT: Perfect.

20 MR. GALVIN: Okay. The loading zone --
21 the plan is to be revised to show the loading zone
22 be moved 40 feet to the corner of Washington and
23 15th Street --

24 MR. HIPOLIT: 40 feet west.

25 MR. GALVIN: -- 40 feet west.

1 Thank you.

2 Nine: The approval is subject to the
3 Board professionals' letters.

4 Ten: The plan is to -- oh, here you
5 go -- the plan is to show flood walls will be
6 installed manually --

7 CHAIRMAN HOLTZMAN: Flood gates.

8 MR. GALVIN: -- flood gates -- we were
9 originally looking for automatic, but we agreed with
10 the applicant that they will be difficult to
11 maintain.

12 MR. HIPLIT: Right.

13 MR. GALVIN: Flood gates --

14 CHAIRMAN HOLTZMAN: It would be manual
15 flood gates, not -- it is actually -- Dennis,
16 there's actually no change from what was originally
17 proposed, so I don't know that it needs to be a
18 condition.

19 MR. GALVIN: So we can just delete that
20 as a condition.

21 CHAIRMAN HOLTMAN: Yes.

22 MR. PANTEL: Yes.

23 MR. GALVIN: Thank you.

24 CHAIRMAN HOLTZMAN: Thank you, Mr.
25 Pantel.

1 MR. GALVIN: Ten: The pool deck above
2 the tenth floor is to operate only between the hours
3 of ten a.m. and nine p.m., and the roof deck above
4 the 12th floor shall be operated only between the
5 hours of nine a.m. and midnight.

6 CHAIRMAN HOLTZMAN: I did have some
7 additional thought, and that was -- Mr. Pantel, did
8 you also have a -- do you want to leave that alone?

9 I thought about the hours that we had
10 in terms of the condition, and I do want to
11 consider -- we should consider what about holiday
12 events, holiday weekends, and things like that, like
13 the Fourth of July, Memorial Day or Labor Day, and
14 if this is sort of a ridiculous constraint upon
15 using the outdoor deck and the pool.

16 MR. GALVIN: That is the Board's call.
17 I'm just reading it out loud.

18 MR. PANTEL: And I also would like to
19 add that these hours would be the case as long as
20 the applicant is in control of the building, because
21 subsequently the condominium --

22 MR. GALVIN: They need to be imposed.
23 No. When we do a condition like this, it needs to
24 be imposed not only when the applicant is in
25 control, but it needs to be possibly a deed

1 restriction, but --

2 CHAIRMAN HOLTZMAN: Does anybody else
3 have any additional thoughts?

4 Dennis, could you just read the hours
5 that you originally proposed?

6 MR. GALVIN: The tenth floor is to
7 operate only between -- the pool deck above the
8 tenth floor is to operate only between the hours of
9 ten a.m. and nine p.m., and the roof deck above the
10 12th floor shall be operated only between the hours
11 of nine a.m. and midnight.

12 MR. PANTEL: Yes. I think Mr. Holtzman
13 makes a good point that for, you know, certain
14 holidays and the like, you may want to go after nine
15 p.m., the pool deck, and past midnight on the roof
16 deck --

17 COMMISSIONER CONROY: How do we select
18 these hours, because they seem a little arbitrary?

19 I mean, you know, I feel like I always
20 say this, but we do have noise ordinances in this
21 town. We have lots of laws out there.

22 Is it really in our purview to delegate
23 when they decide to have these spaces open?

24 Isn't this really something that is
25 outside of our --

1 MR. GALVIN: I am just reading it.

2 COMMISSIONER CONROY: -- reach?

3 MR. GALVIN: Well, we have concerns
4 about the noise out on the pool deck, right?

5 COMMISSIONER CONROY: I understand that
6 we have concerns, but I also think that there are
7 many layers of legislation out there that address
8 those concerns, and perhaps those concerns aren't
9 something that we should be arbitrarily assigning
10 hours to from this Board's perspective.

11 CHAIRMAN HOLTZMAN: Commissioner
12 Graham?

13 COMMISSIONER GRAHAM: I apologize. I
14 didn't bring this up before, just hearing these
15 hours again.

16 How big is the swimming pool?

17 MR. PANTEL: What is the size of the
18 pool?

19 (Counsel confers.)

20 MR. PANTEL: 20 by 50.

21 COMMISSIONER GRAHAM: If I was an
22 adult -- I mean, I am an adult --

23 (Laughter)

24 -- if I were an adult that lived in
25 that building, I would want to get up in the morning

1 and swim. I am a swimmer, and I would want to swim.

2 MR. PANTEL: Very good point.

3 COMMISSIONER GRAHAM: I think that I
4 would say: No children at ten p.m. until ten
5 o'clock in the morning, but adult, lap swim only,
6 could start early in the morning.

7 COMMISSIONER CONROY: But, again, the
8 same kind of thing. If I was an eight-year-old
9 trying to be an awesome swimmer, I might think I
10 would want to lap swim at six a.m., too, so --

11 COMMISSIONER GRAHAM: No. Nobody under
12 16 or 18. No kids. No kids. I am a swimmer. I
13 don't want any kids in there, so if you let me come
14 and use the pool --

15 CHAIRMAN HOLTZMAN: That would be only
16 if you are an adult.

17 (Laughter)

18 COMMISSIONER GRAHAM: -- I would
19 suggest changing that.

20 COMMISSIONER CONROY: I would suggest
21 deleting those two restrictions.

22 CHAIRMAN HOLTZMAN: Anybody else want
23 to make a comment on the pool hours?

24 I personally think it falls under the
25 micro managing part of this.

1 COMMISSIONER WEAVER: I agree.

2 CHAIRMAN HOLTZMAN: Commissioner
3 Forbes?

4 COMMISSIONER FORBES: Yes.

5 My point is: Who is enforcing that?

6 Like if it is something where you are
7 calling the police and saying, you know, it is nine
8 a.m. and there are people in the pool, and the
9 police are going to say, well, that is not our
10 problem.

11 You know what I mean?

12 How are they going to know that this
13 was a stipulation of this Board, you know, of this
14 approval, so to me, I think that the enforcement of
15 it isn't practical.

16 CHAIRMAN HOLTZMAN: Pretty tough.

17 I make a straw poll here to remove the
18 conditions on the pool hours.

19 COMMISSIONER CONROY: I would agree
20 with that.

21 CHAIRMAN HOLTZMAN: Anyone opposed?

22 MR. GALVIN: It is not straw poll, but
23 I will just delete that condition.

24 (Laughter)

25 MR. GALVIN: Ten --

1 VOICE FROM THE AUDIENCE: Just for the
2 record --

3 MR. GALVIN: You are still going to
4 have an opportunity to speak. I am just listing the
5 conditions now. Okay?

6 Ten: The applicant is to add signage
7 in the rain garden bio-detention area, and this is
8 Robert's dispute, describing its environmental
9 benefits and the types of vegetation utilized.

10 Eleven: The plan is to add a few seat
11 walls, but they have already done that, so let's
12 take that out.

13 COMMISSIONER WEAVER: Do you have a
14 height on that seat wall?

15 CHAIRMAN HOLTZMAN: Do we have a height
16 on the seat wall, Mr. Landscaper?

17 MR. CARMAN: 18 inches.

18 MR. GALVIN: Is that a good seating
19 height?

20 MR. CARMAN: It is.

21 COMMISSIONER WEAVER: Good.

22 MR. GALVIN: Well, Dan said good.

23 COMMISSIONER WEAVER: A chair is 19, so
24 at 18 it's fine.

25 MR. GALVIN: Okay.

1 Eleven: The proposed trees are to be
2 planted in consultation with the Shade Tree
3 Commissioner --

4 CHAIRMAN HOLTZMAN: Take that out.

5 MR. GALVIN: You want to take that out
6 also?

7 CHAIRMAN HOLTZMAN: You did that as
8 well, correct, Mr. Pantel?

9 MR. PANTEL: Yes.

10 MR. GALVIN: Okay.

11 Condition No. 11: The applicant will
12 repave 15th Street between Washington and Hudson and
13 will install pedestrian signage as described to the
14 Board by Mr. Maris on the night of April 1st, 2014.

15 COMMISSIONER FORBES: On that one can
16 we actually reference the exhibit?

17 MR. PANTEL: A-18.

18 CHAIRMAN HOLTZMAN: What is it, A-18?

19 Exhibit A-18.

20 Any questions or comments from the
21 Board on the 11 conditions from Dennis?

22 COMMISSIONER WEAVER: I have a question
23 about number two.

24 COMMISSIONER PINCHEVSKY: Handicapped
25 ramps --

1 CHAIRMAN HOLTZMAN: It is already on
2 the plan.

3 MR. PANTEL: Then could I prevail upon
4 you, Dennis, to read number two again quickly?

5 MR. GALVIN: Sure.

6 The applicant is to record a deed
7 restriction requiring that the rain garden be
8 maintained by the building owner or any future
9 association, and further indicating that the public
10 shall have a right to make use of and have access to
11 the rain garden and seating area.

12 Then I go on to say that I have to
13 review and approve it before it gets --

14 MR. PANTEL: Could you say deed
15 restriction or easement?

16 MR. GALVIN: Dan, what was your
17 question?

18 COMMISSIONER WEAVER: Well, the
19 question was: Before the Board has developed
20 signage, which indicates that it is, you know, some
21 of these areas have come up before where it is
22 privately owned, you know, public open space,
23 something that's consistent.

24 The idea was that it would eventually
25 be adopted throughout the entire city so that the

1 general public would have an idea of -- and would
2 the reconfiguration of the walkway, which we did
3 specifically to encourage the public to use the
4 space, that it doesn't just look like the front door
5 of the building, if we could have them install that
6 signage as one of the conditions.

7 CHAIRMAN HOLTZMAN: I think that is one
8 of the conditions.

9 MR. GALVIN: It is, but Dan is saying
10 it's not connected.

11 COMMISSIONER WEAVER: No. He said
12 there's signage in describing the rain garden --

13 CHAIRMAN HOLTZMAN: And what it does.

14 COMMISSIONER WEAVER: -- not saying
15 that it's privately owned public open space.

16 CHAIRMAN HOLTZMAN: Oh, I see what
17 you're saying.

18 Okay. So sort of an acknowledgement on
19 the sign that this is open public space. This is
20 public space.

21 COMMISSIONER WEAVER: Well, on the
22 signage that is consistent with what we developed.

23 MR. GALVIN: You were talking. You
24 weren't following us, were you?

25 Say it again, Dan. Tell him what you

1 want to do.

2 CHAIRMAN HOLTZMAN: So on the sign that
3 describes that there is a rain garden and what the
4 attributes of the rain garden are and the plants
5 that are planted there, there is another aspect as
6 well that this is private land --

7 COMMISSIONER WEAVER: Privately owned,
8 public open space.

9 MR. PANTEL: I think that is fine.

10 CHAIRMAN HOLTZMAN: I am sure we can
11 add that to the line. Right, of course.

12 COMMISSIONER WEAVER: And we have
13 signage which we have developed, which we would like
14 you to use.

15 MR. PANTEL: I am sure we can work that
16 out.

17 CHAIRMAN HOLTZMAN: Thank you.

18 Any other questions from the Board?

19 MR. GALVIN: I will make that an
20 additional condition. Is that okay?

21 CHAIRMAN HOLTZMAN: Well, it is part of
22 the same sign. We are not making multiple signs.
23 We have one sign. I think it should be the same
24 condition.

25 COMMISSIONER WEAVER: As long as it's

1 consistent with the signage we imposed.

2 CHAIRMAN HOLTZMAN: I am going to open
3 it up to the public for general comments or
4 questions.

5 MS. FISHER: I will go first.

6 MR. GALVIN: Now, raise your right
7 hand, too.

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

11 MS. FISHER: I do.

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

14 MS. FISHER: Tiffanie Fisher,
15 F-i-s-h-e-r.

16 MR. GALVIN: And your street address?

17 MS. FISHER: 1500 Hudson Street.

18 MR. GALVIN: Okay. You may proceed.

19 MS. FISHER: I notice in your
20 conditions that there is nothing relating to the pet
21 accommodations, so I was curious as to where the
22 Board is coming out with regard to this continuous
23 condition that is in every one of their
24 applications.

25 CHAIRMAN HOLTZMAN: Anybody have any

1 comments or questions for Tiffanie?

2 CHAIRMAN HOLTZMAN: We will take your
3 comment under advisement.

4 Thank you.

5 Go ahead, Councilman.

6 MS. FISHER: I want to -- just before
7 Councilman Bhalla, I want to just clarify something
8 that you had said earlier.

9 I am looking at the 2004 PUD approval,
10 which is where that long list of conditions is, and
11 when they put their applications in, they have a
12 compliance worksheet that says one through 30 or
13 whatever.

14 The comment was made that the developer
15 had contributed significant spaces to the city as
16 open space, and apparently that is going to check
17 the box.

18 Well, in the 2004 PUD approval, that
19 contribution was already done, so it is number 14
20 that says that the land has already been indicated
21 as public space. The space that he's talking about
22 in particular behind Harborside is dedicated as open
23 space.

24 After that, in the same PUD approval,
25 there is this condition on a go-forward basis, if

1 the buildings have pets, that they have to work with
2 the city to accommodate them.

3 So that series of events or the
4 sequence of events suggests that the contribution
5 occurred prior to the condition, so the condition
6 was just a condition that was established and said,
7 there is no pets right now. We acknowledge this is
8 potentially going to be an issue. You will have to
9 come back to the city and accommodate it.

10 So one series of events suggested it is
11 a condition that needs to be met, has not been
12 complied with in any of the applications I can tell
13 you, because I read them all. I live up there. I
14 know every single building has pets. We all have
15 pets. It's never been complied with.

16 And two: Even if for some reason what
17 he is suggesting that this contribution somehow
18 leads to a pet accommodation, I want to know what a
19 pet accommodation is. He has basically shifted the
20 responsibility from the applicant to the city,
21 saying it is up to the city to comply. Yet, every
22 application, it still is on their compliance. It's
23 not been waived before. It's not -- you know, they
24 even respond to it, saying just no response
25 necessary at this time.

1 So it is really, really important. You
2 know, we are going to be looking at putting a fence
3 or something around our front lawn, just so we have
4 all people who have kids can come and use it. It's
5 not a combination of two-year-olds and dogs that
6 have soiled on the front lawn. There is a lot of
7 open space up there, and there's a lot of space that
8 quite frankly is space that's not even being fully
9 utilized.

10 It may have some esthetic, you know,
11 values. There is the, you know, the walkway I think
12 it's called the Colonnade or whatever, that extends I
13 think at Bloomfield up to the water. There is a lot
14 of space that you could just put a simple dog park
15 in there, and it is adjacent to all of the
16 buildings, and people know it is a dedicated space
17 that all of the dogs can go to.

18 But there's not one -- there's going to
19 be how many -- 1200 units up here. If you just
20 assume 15 percent, that's almost 200 dogs, and no
21 dedicated dog park anywhere. So it seems to me that
22 it actually has been a requirement. It's never been
23 complied with. It's never been enforced. This is
24 the time that we are begging you guys to do this,
25 because if you don't do it now, we will never get

1 one up there.

2 VICE CHAIR MAGALETTA: What about the
3 dog park in Maxwell Park?

4 MS. FISHER: I mean, I don't know if
5 you have a dog. I actually don't have a dog. I
6 grew up with dogs. But Maxwell is three blocks
7 away, right? From a logistic standpoint around this
8 area, Maxwell works for the majority of Maxwell, but
9 for our building it is a long ways away to get
10 there.

11 COMMISSIONER BHALLA: Chairman, if I
12 may --

13 CHAIRMAN HOLTZMAN: Councilman.

14 COMMISSIONER BHALLA: -- yes. I think
15 we, you know, I was in the neighborhood of the
16 community for about 12 years, and we had the same
17 problem with the absence of pet accommodations. I
18 believe, if I am not mistaken, there is a dog run
19 there near the 12th Street pier, right in front of
20 the South Constitution, there is a dog run that was
21 created --

22 MS. FISHER: On the pier or --

23 COMMISSIONER BHALLA: -- near Pier 13
24 actually, just south of Pier 13. However, that was
25 created I think as a result of the need for pet

1 accommodations in that portion of the neighborhood.

2 You know, I would suggest, I don't
3 know, Director Forbes, if this is appropriate, but
4 Mr. Pantel indicated that there is some portion of
5 the property that was dedicated to the city just --
6 is it just east of --

7 MR. PANTEL: Just north of the original
8 Tea Buildings along the waterfront.

9 (All Board members conferring and
10 talking at once.)

11 MR. PANTEL: North of the Tea
12 Building --

13 (Everybody talking at once.)

14 COMMISSIONER BHALLA: My point is
15 whether it's Hoboken Cove or --

16 MR. PANTEL: It is above the Tea
17 Buildings. As you are walking along the water
18 heading north, along the water there is a big open
19 space there that's dedicated --

20 MS. FISHER: Is it west of the Tea --

21 MR. PANTEL: North. You can say
22 northwest, because right along the water above the
23 Tea Buildings --

24 (Audience all talking at once.)

25 MS. FISHER: Oh, you're saying it's

1 above Harborside --

2 COMMISSIONER BHALLA: Okay.

3 So my general point is that within the
4 City Council we have a new North Hoboken Community
5 Development Subcommittee. The responsibility of
6 that subcommittee is to entertain needs such as the
7 one you are discussing to see what solutions we can
8 identify with respect to development options.

9 You know, maybe, Director Forbes, we
10 can raise this issue with Councilman Cunningham, who
11 is the chair of that subcommittee, and I suggest
12 that maybe you email Councilman Cunningham and
13 myself, and we can see whether or not there are any
14 options for the community with respect to pet
15 accommodations on land that the city controls.

16 MS. FISHER: Which I think would be
17 great, which is a great solution. I guess I am just
18 curious as to -- it is a condition, and so what you
19 are saying is the Board is perfectly fine saying
20 that the condition will never be met.

21 Just on the record, the Planning Board
22 is saying, we put a condition in place, and we are
23 perfectly fine not ever enforcing this on the
24 developer.

25 COMMISSIONER BHALLA: I would be

1 interested in knowing what specific options we have
2 as a Board to impose a condition. I have not heard
3 any tonight. That is the problem I have.

4 MR. PANTEL: It is not fair to say that
5 it is a condition that there would be a dog run per
6 se.

7 There is language in the resolution
8 indicating there should be coordination with the
9 city regarding possible pet accommodation. I
10 explained our position based upon that language that
11 there has been dedication of a very significant
12 piece of land now owned by the city, as part of this
13 plan unit development, which the city could readily
14 provide accommodation for pets in a convenient
15 location at a low cost, if the city were so inclined
16 to do so.

17 I appreciate your comments, Councilman.
18 I think that the follow-up that you suggested could
19 be a good way of the city implementing that.

20 CHAIRMAN HOLTZMAN: Dennis, is it fair
21 to say that, unfortunately, a lot of this has to do
22 with this original contract of the PUD that was
23 written, but just not specific enough?

24 MR. GALVIN: No. You know, I am going
25 to read it out loud, okay?

1 Although pets are not currently allowed
2 in the buildings, if the tenants are permitted to
3 have pets in the apartment in the future, the
4 applicant will work with the city to take
5 appropriate measures to accommodate pets.

6 The problem with a condition like this
7 is it doesn't give specifics. It doesn't tell us
8 where it is going, how it is going, and I hate this
9 kind of a condition, and I never let either Board do
10 this in my tenure --

11 MS. FISHER: It does say -- it does say
12 that the applicant has to work with the city to come
13 up with something appropriate. The applicant has
14 not done it. The city is not required, and there is
15 nothing.

16 So -- it may not be a dog park, but as
17 I mentioned, there is this great area that all you
18 have to do is put a nice little fence. It probably
19 costs \$25,000 to put a dog park in. We can see it.
20 There is a lot open space, that there's a logical
21 place for it, or just something, but there is
22 nothing, and that condition is there. And every
23 time they put an application in, the compliance
24 sheet basically says, no action required at this
25 time. Well, it is because the building hasn't been

1 built --

2 MR. GALVIN: Excuse me --

3 MS. FISHER: -- the tenants aren't in
4 there --

5 MR. GALVIN: -- excuse me.

6 With all due respect, I don't see it as
7 a clear condition. I am not challenging the words
8 at all. I respect your opinion, but I think the
9 Board could require -- we could ask and we could
10 discuss it, but I don't see that as being as clear
11 of a condition. It is a lot of -- it's some fluff
12 that they're going to do this and they are going to
13 work with us.

14 I don't like that kind of condition. I
15 think it should have established what they were
16 specifically required to do, and I wonder if a court
17 would enforce that if we took that to court to see
18 if we could get it done.

19 On the other hand, I don't know what
20 the Board wants to do.

21 CHAIRMAN HOLTZMAN: Rami?

22 COMMISSIONER PINCHEVSKY: It doesn't
23 seem completely unclear. I guess I would say, it
24 does seem a little clear in terms of -- and the
25 applicant agreed to those conditions, and it

1 doesn't -- let me make sure I am getting everything
2 straight.

3 The applicant agreed in that condition
4 that they will work with the city in the future to
5 accommodate pets --

6 MR. GALVIN: It says there's no dogs in
7 the building. At the time they're doing this, that
8 they had no plans for dogs in the building.

9 COMMISSIONER PINCHEVSKY: Right. At
10 some point in the future.

11 MR. GALVIN: So that already starts you
12 down a bad path --

13 MS. FISHER: This is what James Belsy,
14 the landscape architect, which is why I raised it,
15 current landscape architect, was sworn, qualified
16 and testified, and what he said at page -- so their
17 own expert -- own expert said they would
18 implement --

19 MR. GALVIN: If that changed, they
20 would take appropriate measures.

21 COMMISSIONER PINCHEVSKY: -- I think --

22 CHAIRMAN HOLTZMAN: Councilman --

23 COMMISSIONER BHALLA: Yes. I think
24 Commissioner Pinchevsky raises a fair point, and I
25 have a question for legal counsel.

1 Essentially what he is saying is that,
2 you know, what is stopping the developer or the
3 applicant from working with the city to identify
4 solutions that would accommodate pets, especially if
5 it says that they are supposed to do that.

6 So my question for legal counsel is:
7 Can we place a condition in there that adds more
8 teeth to what was in there ten years ago, stating
9 that within 60 days, for example, the applicant will
10 meet with city officials, appropriate city
11 officials, and identify options for the
12 accommodation of pets?

13 This is just a suggestion. I don't
14 know if that's legal, or we can do that, but it
15 seems like it could comply with the spirit of what
16 was in there ten years ago, but just add a bit more
17 teeth.

18 MS. FISHER: Their actual expert says
19 it will be implemented, so this actually states that
20 they will pay for it. Their expert says should that
21 change -- the applicant's attorney indicated -- the
22 attorney, so not you, but the one at the time --
23 indicated that dogs are not currently allowed in the
24 existing buildings, but should that change,
25 appropriate measures will be implemented.

1 Bhalla is suggesting that we're saying, okay, you
2 guys want to talk to the city again and see if you
3 can figure something out, that's great, but what we
4 can't do is make them have to figure something out.

5 MS. FISHER: Why can't we -- why can't
6 we --

7 COMMISSIONER BHALLA: We can work
8 closely and try to come up with a solution.

9 COMMISSIONER PINCHEVSKY: It seems as
10 through credit is being taken for some land that was
11 granted over to the city at some point.

12 My question is: Is it clear that this
13 land -- is this land that was given to the city
14 before this --

15 MS. FISHER: 2004 PUD --

16 COMMISSIONER PINCHEVSKY: -- before the
17 2004 PUD, the land was given over to the city. It
18 has no bearing or anything to do with future
19 considerations. Is that correct or not correct, or
20 can they then link back and say, oh, we did --

21 MR. GALVIN: No. They have given us
22 the land. It is the city's land --

23 COMMISSIONER PINCHEVSKY: Correct. So
24 has any land --

25 COMMISSIONER FORBES: I would like some

1 clarification --

2 COMMISSIONER PINCHEVSKY: -- been
3 granted over to the city since --

4 CHAIRMAN HOLTZMAN: Director Forbes?

5 COMMISSIONER FORBES: -- I would like
6 some clarification about the properties, because
7 there are two properties that have been deeded over
8 to the municipality.

9 The first one is what you are
10 mentioning, which is the developed park area.

11 The area that Mr. Pantel is mentioning
12 is what we have been referring to as the Hoboken
13 Cove area for, you know, lack of an actual park
14 name, that we are looking to develop. That was
15 deeded over to the city in 2011. That deed did not
16 happen until 2011.

17 Whether that is -- I mean, that was a
18 requirement of the development, but that was deeded
19 over in 2011.

20 COMMISSIONER PINCHEVSKY: Is the
21 applicant now saying that part of the reason it was
22 deeded over was for -- you know, because of this
23 future consideration to deal with pets?

24 MS. FISHER: And when you say --

25 COMMISSIONER FORBES: I can't speak for

1 that --

2 COMMISSIONER PINCHEVSKY: It seems as
3 though it has been met. If not --

4 MS. FISHER: -- no -- but when you say
5 it was required as part of this overall development,
6 when was it required, in 2011 or required or
7 required back in '97 --

8 COMMISSIONER FORBES: No. It was
9 required back at the approval --

10 MS. FISHER: -- I'm saying --

11 COMMISSIONER FORBES: -- I just want to
12 make the clarification of there are two properties
13 and when they were deeded over.

14 COMMISSIONER BHALLA: Thank you.

15 COMMISSIONER PINCHEVSKY: Both part of
16 the approval, previous approvals --

17 CHAIRMAN HOLTZMAN: Tiffanie, do you
18 have anything else for us?

19 MS. FISHER: No.

20 CHAIRMAN HOLTZMAN: Thank you.

21 MS. FISHER: Do you have copies?

22 MR. GALVIN: No, thank you.

23 CHAIRMAN HOLTZMAN: No. We have copies
24 ourselves, yes.

25 Anybody else from the public to make

1 comments?

2 Sure.

3 MR. GALVIN: Raise your right hand.

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

7 MR. KORDALIS: I do.

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

10 MR. KORDALIS: Dean Kordalis,
11 K-o-r-d-a-l-i-s, 1500 Hudson.

12 MR. GALVIN: Thank you so much.

13 You may proceed.

14 MR. KORDALIS: I am speaking as a
15 citizen, a taxpayer and a voter.

16 We rely on the Board here to act on our
17 behalf. While we make purchases and investments
18 into this community, I specifically purchased my
19 apartment in 1500 Hudson based on the plans that
20 were submitted earlier by Toll Brothers. I
21 purchased from Toll Brothers, and I purchased a
22 higher unit floor because of the eighth floor, sort
23 of balconies and stuff going on there, and now they
24 are raising it, and now it is going to start
25 interfering into my sort of investment and what I

1 put in.

2 It seems as if the Planning Board --
3 it's not the first time I have come across or
4 confronted the Planning Board because it seems as if
5 these developers can just come in, make some sort of
6 plan, get it approved, and then come back and change
7 the terms of the deal.

8 You know, you seen it with the Monarch.
9 You've seen that now here with this.

10 I am just curious with what the Board
11 can do to sort of -- listen, we are making
12 investments and we're making decisions based on
13 plans and agreements they had made with Hoboken, and
14 now for people to change the script at the last
15 minute, it is not fair for the taxpayers or the
16 residents.

17 MR. GALVIN: Well, look, I see this is
18 completely different than the Monarch case. The
19 Monarch case is a complete change from what they
20 came to us and presented to us for over a decade.

21 In this instance, this developer has
22 pretty much come in with an original plan and stayed
23 pretty close to the original plan, and we
24 understand, though, when we do a big project like
25 the PUD, that there are going to have to be

1 adjustments and justifications. And what Mr. Panel
2 has told us from the beginning is that the number of
3 units that they told us and the parking that they
4 told us, the end game is pretty close or under what
5 they originally promised us.

6 So from a development standpoint, they
7 have been a good neighbor, and they have done what
8 they are supposed to do, and it changed. The reason
9 why they are here for the amendment, if I understood
10 it correctly, was because they needed to make this
11 improvement to the roadway to correct the flooding
12 situation, so they are really not getting anything.

13 Like normally when a developer comes
14 before us, and I would agree with you that I don't
15 like it, they want to come in and they want to get
16 one more floor. They want to get ten more units.

17 That is not the case here. They came
18 in to make an improvement that actually benefits --

19 COMMISSIONER CONROY: I think also it's
20 important to note, and correct me if I am wrong,
21 because I might be misremembering this, but I feel
22 like they were originally approved to actually go
23 higher than they are going --

24 MR. HIPOLIT: Up to 125 feet.

25 COMMISSIONER CONROY: -- so I feel like

1 they are actually below what they were originally
2 approved for. So, yes, their blueprint for the
3 project has changed, but they have not gone above
4 the original plan limits. I think it's important,
5 unlike the Monarch situation, which is a obviously a
6 completely different situation.

7 CHAIRMAN HOLTZMAN: That's totally
8 different.

9 MR. GALVIN: Completely different.

10 MR. HIPOLIT: They could go 30 feet
11 high.

12 MR. KORDALIS: I agree with that, but
13 Toll Brothers, when they were selling the units to
14 us had their models in the sales office saying, this
15 is what we plan on doing. We are not deviating, and
16 now, all of a sudden, they are adding floors and
17 moving a pool, which was supposed to be in the
18 middle, and now they are moving it to the roof right
19 in front of me, and they are saying, well, we are
20 moving it from the middle because it is going to be
21 too loud for our residents, but we're going to put
22 it on the roof, so it's loud for everybody else --

23 MR. GALVIN: There's different levels.
24 It is a level of what you think you have from a real
25 estate contract standpoint, and you can discuss it

1 with your lawyer, if you think, you know, it was
2 unfair or unjust or fraudulent.

3 I am not suggesting that, Mr. Pantel.

4 Then there is what we have to do here
5 as a land use board, and the law certainly allows --
6 the reason why you see developers come in all of the
7 time and ask for changes is because the Municipal
8 Land Use Law allows them to make those changes or to
9 come to seek amendments.

10 In this case, the more reasonable the
11 change is, the harder it is for us to impose the
12 conditions, so some of the things that the public
13 would like us to do, the traffic concerns, there may
14 be things that we can do some, but we can't do
15 everything that you're asking us to do because we
16 just don't have the power. That's my answer.

17 MR. KORDALIS: As far as the pool
18 hours, I have a three-year-old and one on the way,
19 so the earlier you can close down that pool, the
20 better.

21 CHAIRMAN HOLTZMAN: Anybody else from
22 the public?

23 MR. GALVIN: Mr. Wisniewski, raise your
24 right hand.

25 Do you swear to tell the truth, the

1 whole truth, and nothing but the truth, so help you
2 God?

3 MR. WISNIEWSKI: Correct.

4 CHAIRMAN HOLTZMAN: Let me jump in here
5 first --

6 MR. GALVIN: Wait a minute.

7 State your name and spell your last
8 name.

9 MR. WISNIEWSKI: Joe Wisniewski,
10 W-i-s-n-i-e-w-s-k-i.

11 MR. GALVIN: Okay. And your street
12 address?

13 THE WITNESS: 1500 Washington.

14 MR. GALVIN: Now, you're good to go,
15 but the Chairman has got a question.

16 CHAIRMAN HOLTZMAN: Joe, you are among
17 friends, so --

18 MR. WISNIEWSKI: I don't feel like I
19 am, to be honest with you.

20 CHAIRMAN HOLTZMAN: -- you are among
21 friends. You are among fellow Hobokenites, so just
22 take it slow, take it easy, and we will all get
23 through this together.

24 MR. WISNIEWSKI: Okay.

25 Well, like I said, one of the major

1 concerns I told you is that what brought me here is
2 because I had a couple of situations where I almost
3 got hit by a car. That's like one of the main
4 reasons. I don't normally come to these meetings --

5 CHAIRMAN HOLTZMAN: Just slow down a
6 little bit. We have to get the court reporter to be
7 able to record you. You talk real fast, so just
8 take it slow.

9 MR. WISNIEWSKI: Okay.

10 So take that into consideration. I
11 walk in the crosswalk. I beg to differ with the
12 studies, and I'm sure everyone that lived in town,
13 it happens, but there was one time one was just
14 doing like 40 miles, so even though they have that
15 sign that says you're supposed to yield, I am afraid
16 to cross the street, and it's going to get a lot
17 worse.

18 My question is: What is the benefit of
19 this building?

20 Like I know what the building is going
21 to be. That's imminent. But what is the benefit to
22 the city?

23 Is there any benefit?

24 Like what is the benefit of this
25 building being built?

1 Can anybody tell me that?

2 Like is there a benefit?

3 Are we going to get -- are the taxes
4 going to go down?

5 I am confused on like this building
6 being built. Like how does it benefit the city?

7 CHAIRMAN HOLTZMAN: Well, it benefits
8 the people mostly that own the property obviously.
9 There's no question about that, right?

10 So they bought this piece of property
11 and they came to the city and signed a redevelopment
12 contract to build this building over a decade ago.

13 So what is the city getting from it?

14 We have something that used to be a
15 decrepit piece of property that's a new building.
16 Some people think that that's a benefit. Some
17 people would rather have a building than a parking
18 lot or an empty paved lot. There's also certainly
19 the taxes that the building will pay and the
20 residents of the building will pay, so that is
21 potentially a benefit.

22 Not that I am looking to pump any smoke
23 up Mr. Pantel's and the applicant's skirt over here,
24 but on the other hand --

25 MR. GALVIN: Can you say that?

1 (Laughter)

2 CHAIRMAN HOLTZMAN: -- it is already
3 out.

4 They have done some things that are a
5 benefit to the neighborhood like this little corner
6 bio swell sitting area type of thing, and they have
7 done a really great job actually in terms of trying
8 to build water and stormwater retention and
9 detention systems into their plan to make it so that
10 neighborhood and our neighborhood is better in terms
11 of not flooding as much.

12 So those are some of the benefits.
13 That is the trade-off, right?

14 But you don't get those things unless
15 somebody gets to build their building.

16 MR. WISNIEWSKI: Understood.

17 Now, the point I'm making is I've
18 spoken to numerous people around town, not people
19 who just live uptown, and there's not one person
20 that feels that this is going to help the
21 neighborhood in that area. Everybody is like, "Oh,
22 my God, the neighborhood is so crowded already, and
23 they are building this building over here. Another
24 building, are you kidding me?"

25 And that is kind of like what everybody

1 is saying. I think that most of the people here on
2 the Planning Board, I almost think that you guys
3 would feel the same way, and I feel like, well,
4 there is nothing we could do about it.

5 MR. GALVIN: If there is a limit to
6 that, yes. You got a good point.

7 If the Board were to say, no, we are
8 going to draw the line here, and we agree with Mr.
9 Wisniewski, and we say no, then we are going to go
10 to Jersey City, and they are going to spend money on
11 me to defend the case, and it is not even a good
12 possibility, it's a certainty, that the judge is
13 going to reverse us because the law is so clear that
14 these guys are entitled to this property.

15 Now, going back twelve years ago, we
16 could have decided we didn't want to put a building
17 of this height on this. We could have put smaller
18 buildings, but there was a decision made that that
19 is what the city needed to do.

20 You know, people have to look back at
21 all of the good decisions that have been made in the
22 City of Hoboken, and there's been a lot of good
23 that's happened there. That is why they want to
24 come build here, because they made it exciting.
25 They made it a good place. I used to come here in

1 the seventies and, you know, you didn't want to be
2 here.

3 MR. WISNIEWSKI: Well, right now I feel
4 the quality of life is going to suffer uptown.

5 I think right now as bad as it is, and
6 I would think that you guys can go to the City
7 Council and whoever is on the council, and say, hey,
8 listen, this study, just because the study -- oh, we
9 did a study in 2002, and so forth, but there are so
10 many cars that are coming by, and they are all going
11 to Route 3. This is like the back road highway,
12 Route 3 and the Holland Tunnel. That's where
13 everyone is going, if no one realizes it. So they
14 are flying by. They are taking the back roads.
15 That's what they are doing. So that study was done
16 so many years ago, and I think that there is more
17 emphasis should be put into it and urge the Council
18 and say, hey, listen, we need to take one more look
19 at this before we finalize this.

20 COMMISSIONER CONROY: I think it is
21 important to note, though, that we all agree the
22 traffic up there is horrendous --

23 MR. WISNIEWSKI: And it's going to get
24 worse.

25 COMMISSIONER CONROY: -- and trust me,

1 I have been almost hit many times running over
2 there --

3 MR. WISNIEWSKI: Thank you.

4 COMMISSIONER CONROY: -- it is
5 horrible.

6 But that being said, this is not
7 something that we can -- when we are looking at
8 this, this is already an approved plan, so it is
9 nothing we can say, all right, you can't move
10 forward with this plan. It has been approved for
11 years.

12 Really at this point all we can do is
13 try to make sure that the new building that goes up
14 is the best possible building that we can get them
15 to build. We can't say, no, you can't have this,
16 you can't do this any more.

17 It is out of our control. It is
18 something that, even if we maybe agree with you, it
19 has been approved for a decade.

20 MR. WISNIEWSKI: And that's kind of the
21 feeling I get. I feel, hey, listen, this is where
22 it is. But I think at some point somebody could
23 say, listen, the traffic study was done back in
24 2002. Let's evaluate it one more time and see what
25 else can be done because there are a lot of issues.

1 COMMISSIONER CONROY: I think earlier
2 we got our wonderful Councilman down there to say
3 you are going to look at the traffic. We are going
4 to try to get the government to look at the traffic
5 situation as a whole. But that's definitely out of,
6 unfortunately, out of our purview.

7 MR. WISNIEWSKI: I understand that.

8 Just to bring up the other parts about
9 the dog park, that's an issue. I mean, I have a
10 dog. I think it is very important to have something
11 that's a little bit closer and take a look at that.

12 The sewerage thing, I know nothing
13 about it, but I think you brought up a valid point
14 because we don't want to be the guinea pig for
15 what's going on in another area or what's going on
16 in Philadelphia. The laws pertain to the State of
17 New Jersey. I think someone should look at that and
18 make them pay for it, and not us have to pay it.

19 Two years goes by fast. What happens
20 after two years? Then what?

21 Oh, well, who approved this?

22 Everybody is gone. Nobody is on the
23 Board, and no one is to be found.

24 COMMISSIONER WEAVER: I'll be quick.

25 I want to thank you very much for

1 coming because you said earlier that you don't
2 usually come to these things.

3 (Laughter)

4 MR. WISNIEWSKI: That's correct.

5 But I almost got hit by a car, and
6 that's the reason why I'm here. This is a life and
7 death situation, and no pun intended.

8 When you come close to a car that --
9 sometimes you don't get a second chance in life. I
10 don't want no street named after me after I get
11 killed by a car. I am addressing this now, so if
12 something does happen, and I get killed by a car, I
13 am on the record to tell you guys there was a
14 problem.

15 COMMISSIONER WEAVER: I tell my son
16 when he's crossing the street - he is eleven years
17 old - I tell him, pretend the cars are trying to hit
18 you.

19 MR. WISNIEWSKI: I do. I look both
20 ways, and I still look again.

21 COMMISSIONER WEAVER: Thank you for
22 coming, number one.

23 Number two: Although we can go to City
24 Council, I know you have only been to one of these,
25 it helps if you go to City Council --

1 MR. WISNIEWSKI: I will.

2 COMMISSIONER WEAVER: -- and whether
3 we're talking about dog parks, you know, I went to
4 the Hoboken Cove meetings, where we talked about
5 programming for Hoboken Cove, and what would be over
6 there, whether it is a dog park or whether it is a
7 boathouse --

8 MR. WISNIEWSKI: Maybe both.

9 COMMISSIONER WEAVER: -- you know,
10 maybe some of the people here tonight were there,
11 and maybe they weren't there, but that is another
12 forum where you can get involved and you can say
13 your peace. You know, whether it's complaining
14 about traffic, the noise ordinance. We have these
15 things in place. We try to protect the public, but
16 you guys have to take responsibility for it, too,
17 and need to complain and you need to call your
18 councilman, and you need to say to them, you know,
19 there is a problem here. You need to be the squeaky
20 wheel. I mean, I am a squeaky wheel. That's kind
21 of why I'm here.

22 MR. WISNIEWSKI: Well, do you report to
23 the mayor?

24 CHAIRMAN HOLTZMAN: That's a difficult
25 question.

1 MR. WISNIEWSKI: I'm confused. I mean,
2 I've shown up. Does the Planning Board report to
3 the mayor or no?

4 MR. GALVIN: No. We are independent.

5 MR. WISNIEWSKI: Okay. It's
6 independent. She gets a review of the whole meeting
7 of what happens, and then you guys --

8 CHAIRMAN HOLTZMAN: Sure --

9 MR. WISNIEWSKI: -- recommend to her
10 what should be done or what should not be done?

11 CHAIRMAN HOLTZMAN: We recommend
12 directly to the City Council.

13 MR. WISNIEWSKI: Okay. That's fair
14 enough.

15 But, again, I understand what you're
16 saying. There should be more input from everybody,
17 but I just think the quality of life is going to
18 suffer a lot. I understand that there is nothing
19 much that could be done, but on the other hand, I
20 think that there is a little more that could be done
21 especially going back to the report of 2002. We are
22 talking a decade ago, and cars are flying by all the
23 time, and I didn't want to confront the gentleman
24 here, but I mean, you know, these studies, what is a
25 study? What does it mean?

1 You know, I think there is something --
2 hey, it is 2014, and there's more cars on the road
3 than ever before.

4 CHAIRMAN HOLTZMAN: Joe, thank you. I
5 think you should take Commissioner Weaver's comments
6 to heart.

7 MR. WISNIEWSKI: I will.

8 COMMISSIONER BHALLA: There is a
9 meeting tomorrow night by the way.

10 CHAIRMAN HOLTZMAN: Just in case you
11 have nothing else to do, right?

12 (Laughter)

13 Michael?

14 MR. GALVIN: Raise your right hand.

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

18 MR. HENDERSON: I do.

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

21 MR. HENDERSON: Michael W. Henderson,
22 Jr.

23 MR. GALVIN: Spell the last name.

24 MR. HENDERSON: H-e-n-d-e-r-s-o-n, 1500
25 Hudson Street.

1 MR. GALVIN: You may proceed.

2 MR. HENDERSON: I want to thank the
3 applicant for listening to some of the concerns we
4 had with the loading zones. I think that really is
5 going to help us. I would like to see them work
6 with us as well on the pet area. There are
7 definitely some things that could be done up there.

8 With all due respect, I don't think
9 that the applicant intended to give off that piece
10 of property to the north as a pet compensation. It
11 just doesn't wash.

12 There are areas on that stretch that
13 Tiffanie spoke about between 15th Street and the
14 Cove. It a very wide walkway area, and there are
15 unutilized spaces to the left and to the right of
16 it, and I have some pictures for you that I would
17 just like to submit.

18 MR. GALVIN: Sure. Show Mr. Pantel
19 first.

20 MR. PANTEL: What are these pictures
21 of?

22 MR. HENDERSON: This is the Hoboken
23 Cove walkway from 15th Street heading up to the
24 Cove.

25 MR. PANTEL: Okay.

1 MR. HENDERSON: So you have a very wide
2 area, and you have very underutilized spaces to the
3 left and to the right of it.

4 Look at the size of the spaces.

5 Do you want to take these?

6 MR. GALVIN: Why don't you give them to
7 Pat.

8 Pat, mark these as -- do we have any B
9 exhibits -- I mean N exhibits, for neighbor?

10 MS. CARCONE: We do. We had N-1.

11 MR. GALVIN: So this will be N-2, N for
12 Neighbors, neighborly, as opposed to Objector.

13 (Laughter)

14 (Exhibit N-2 marked.)

15 MR. HENDERSON: So the proximity to the
16 buildings, that's this area in between 1500
17 Washington Street, 1500 Garden Street, and 1450
18 Washington Street, so we come into play for all
19 three of those areas.

20 COMMISSIONER FORBES: Can you email
21 those to me, Mike, just because I will be working
22 with that subcommittee that Councilman Bhalla had
23 mentioned on what possibilities there are for that.
24 So if you could email those to me, that would be
25 great.

1 MR. HENDERSON: That will be great.

2 I can do that.

3 Over at the Maxwell park area, which is
4 a big development area there, you have a dog run.

5 At the Shipyard park, you have a dog
6 run. This PDU -- PUD doesn't have any facilities
7 for dogs. All the dogs are running across the lawn,
8 and it is easy for Mr. Pantel to say, you need to
9 police it, but it is a public open space. Nobody is
10 out there, and we have to hire a security guard to
11 sit out there all night.

12 One thing that I would also like to add
13 is I am not sure that the developer has completed
14 their landscaping for that park that is in front of
15 1500 Washington Street, and there are some old
16 trans -- I'm sorry -- there's some old meter boxes
17 that were removed and some transformers that were
18 just recently removed, and there's some old
19 landscaping that was used to shield that temporary
20 power source there.

21 CHAIRMAN HOLTZMAN: Where is this?
22 Where specifically is this?

23 MR. HENDERSON: That's right on the
24 front lawn of 1500 Washington Street.

25 CHAIRMAN HOLTZMAN: Okay.

1 MR. HENDERSON: So that is part of the
2 public open space that was part of this PUD
3 agreement. There are some dead trees out there, and
4 I think the applicant needs to look at their
5 landscaping plan, if we could have the planners look
6 at that as well, their original landscaping plan for
7 that.

8 MS. FISHER: Clean it up.

9 MR. HENDERSON: If you could just clean
10 it up, and the other thing is it needs to be a safe
11 area as well. It was conditioned to make it a
12 public area, and it is really not safe at all.

13 So Mr. Pantel says possibly some
14 fencing could be put around, and I think the
15 developer should be involved with that. It is not
16 expensive for a developer the size of Toll Brothers
17 to pay for that and make it a secure area. Okay.

18 MR. GALVIN: Thank you.

19 CHAIRMAN HOLTZMAN: Thank you.

20 MR. GALVIN: Next?

21 Raise your right hand.

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

25 MS. EDELMAN: Yes.

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

3 MS. EDELMAN: Laura Edelman,
4 E-d-e-l-m-a-n.

5 MR. GALVIN: Street address?

6 MS. EDELMAN: 1500 Hudson Street.

7 MR. GALVIN: Thank you.

8 MS. EDELMAN: I have like a few things
9 that I want to just sort of say.

10 One is that I think I am a little
11 frustrated because the original plan was that the
12 pool was going to be on the fourth floor. Then they
13 wanted to move it to the roof, because they didn't
14 want to inconvenience or disturb their residents
15 with the noise of the pool on the fourth floor, so
16 they are putting it on the roof. But they didn't
17 take into consideration that it being on the roof
18 instead of the fourth floor will now inconvenience
19 the whole neighborhood. That is one thing that I
20 wanted to just get out.

21 Another thing is -- I know this might
22 seem like really little -- but sometimes I see those
23 little low seating walls. They are really ugly.
24 They are like concrete painted. They are so gross.
25 If they are going to build that, I mean, it could be

1 great, but it could be horrible, and I would like --
2 I would love to see it be done in a way that was
3 nice.

4 Like the landscaper said, he didn't
5 know how it was going to be yet, that he didn't have
6 a plan for it yet, so can we ask them to make it
7 like, you know, brick with a nice top or something
8 that's not concrete painted or something?

9 Hum, I also wanted to ask if the garage
10 is going to be parking for just the residents of
11 that building, or is it a parking garage that
12 anybody can use? How is that --

13 MR. GALVIN: Stop for a second.

14 CHAIRMAN HOLTZMAN: Mr. Pantel, with
15 regard to the parking.

16 MR. PANTEL: Yes. It won't be a public
17 garage. It will be for use of residents within the
18 entire planned unit development.

19 MS. EDELMAN: So 1500 Hudson and 1500
20 Washington can use it also?

21 MR. PANTEL: Yes.

22 MS. EDELMAN: That's good. Thanks.

23 MR. PANTEL: Excuse me, no, I am sorry.

24 (Laughter)

25 (Counsel confer)

1 MR. GALVIN: Go easy on him. It's
2 late.

3 MR. PANTEL: On the last point, more
4 likely than not, the spaces will probably be taken
5 by the residents in that building, but it is within
6 the planned unit development if there happened to be
7 excess spaces, then they could be used by other
8 residents within the planned unit development. It's
9 not a public parking garage, but more likely than
10 not, it will be used by the residents.

11 MR. GALVIN: Right. You want to make
12 it clear that it is a first come first serve for the
13 building that it is, so when you are saying that
14 other people can use it, it doesn't become
15 competitive that way.

16 MR. PANTEL: Exactly.

17 MS. EDELMAN: So another sort of
18 section of that question is: Are there any spots
19 allocated for say public parking?

20 Like, do you have a lot of retail
21 spaces --

22 MR. PANTEL: Yes.

23 MS. EDELMAN: -- you have thousands and
24 thousands of square feet of retail space. Where are
25 all of those people parking?

1 MR. PANTEL: The parking count for the
2 project as a whole is reflected on the plans that we
3 submitted, which do reflect parking for the retail
4 space. That is all placed into the parking numbers,
5 and it is compliant with that --

6 MS. EDELMAN: Do you know how many
7 spots there are that will be like sort of open to
8 the public, paid by the hour or whatever?

9 MR. PANTEL: On the zoning tables, I
10 don't have the numbers right in front of me, but the
11 zoning tables do clearly show the number of spaces
12 allocated for commercial space. It's all in
13 compliance. We have not ignored the commercial
14 spaces at all. Whatever the formula is, it is in
15 there.

16 MS. EDELMAN: That's good to know. I
17 was just curious.

18 Thank you.

19 Those were my main things.

20 Thank you.

21 MR. GALVIN: You did good getting them
22 out,

23 MR. PANTEL: Thank you.

24 CHAIRMAN HOLTZMAN: Somebody else from
25 the public?

1 MR. GALVIN: Raise your right hand.

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

5 MR. VAN DOORN: Yes.

6 MR. GALVIN: State your full name for
7 the record.

8 MR. VAN DOORN: Van, second word,
9 D-o-o-r-n. First name is Jam-Willem, J-a-m hyphen
10 W-i-l-l-e-m.

11 MR. GALVIN: Thank you so much.

12 And your street address?

13 MR. VAN DOORN: 1500 Hudson.

14 MR. GALVIN: All right. You may
15 proceed.

16 MR. VAN DOORN: I have been living in
17 the Hudson Tea Building since 2001, so I seen the
18 whole development come to fruition.

19 I have a concern about the changes
20 that's being proposed now to this building,
21 particularly moving the pool to the ninth floor and
22 also the common area for the roof deck. So it seems
23 that all of the common areas are being moved from a
24 lower floor to a higher floor to the outside, so the
25 burden of the noise that is coming more to the

1 public or to 1500 Hudson Street or 1500 Washington
2 Street, and that is a concern that I just wanted to
3 share with you.

4 I don't know what I can do, but I just
5 wanted to make sure that I was being heard.

6 CHAIRMAN HOLTZMAN: Thank you.

7 MR. GALVIN: Anybody else?

8 CHAIRMAN HOLTZMAN: Okay. We will
9 close the public portion.

10 And so we have how many conditions
11 here, Dennis, 11 was it?

12 COMMISSIONER WEAVER: Can I ask a
13 question of the landscape architect?

14 CHAIRMAN HOLTZMAN: Of course.

15 MR. GALVIN: Eleven, yes.

16 COMMISSIONER WEAVER: What was the
17 material of that wall, generally speaking?

18 MR. CARMAN: Generally speaking, it is
19 a masonry wall. It would either be a precast
20 material or brick that would complement the
21 building.

22 COMMISSIONER CONROY: Can we say it's
23 something that would complement the building?

24 MR. CARMAN: Yes. It will complement
25 the building.

1 COMMISSIONER WEAVER: Architecturally.

2 MR. CARMAN: It will complement the
3 building.

4 CHAIRMAN HOLTZMAN: Terrific.

5 MR. HENDERSON: With built-in benches?

6 CHAIRMAN HOLTZMAN: These are the
7 benches in the --

8 COMMISSIONER WEAVER: Yes. That's the
9 built-in bench on the edge of the public open
10 space --

11 CHAIRMAN HOLTZMAN: Thank you.

12 COMMISSIONER PINCHEVSKY: Mr. Chair?

13 CHAIRMAN HOLTZMAN: Yes.

14 COMMISSIONER PINCHEVSKY: I am having a
15 hard time just wrapping my mind around this. But
16 did we ever settle the condition about the future
17 pets?

18 I understand it has been said that
19 there is not really much teeth to it. And if that
20 is the case, that is the case, but it is hard for me
21 to look at something that was agreed upon as a
22 condition, and then possibly -- I'm not saying it
23 was -- but possibly ignored since, and for us to sit
24 here and completely ignore it.

25 Now, there appears to be two lands that

1 were deeded over to the city, both of which were
2 agreed upon before any changes to the dog status of
3 the building took place.

4 Now, that a change of dog status took
5 place, so some consideration is supposed to be made,
6 and I would just like to see where that has been
7 made. I would love to have someone point and say,
8 that is where it was made. I am not saying any
9 consideration in terms of a dog walk is the only
10 answer, but I just don't see it, and I think it is
11 very clearly laid out before us, that -- and I was
12 hoping it could either be -- or just -- well, I will
13 leave it at that.

14 What consideration has been given?

15 CHAIRMAN HOLTZMAN: Well, let's deal
16 with specifically what we have before us to today.

17 So we have an application for this
18 Block E, and this Block E has always been planned as
19 a building that has 100 percent lot coverage.

20 So that being said, there is obviously
21 no room on the earth to have dog park for the dogs,
22 other than them deciding to take a cut out of their
23 building to then accommodate it, which I don't think
24 they are going to walk that backwards. I don't
25 think we are going to get there.

1 Across the street at the Tea Building,
2 there is a lawn that there is obviously a problem
3 with kid usage and dog usage. I guess it is
4 interesting that there is this lawn in front of the
5 building. There is the property Mr. Pantel was
6 talking about that is sort of to the west of the Tea
7 Building and around the corner at the Cove, that
8 seems like there is some open space there that could
9 be used, that could be fenced properly, so that
10 there could be some accommodation for the dogs.

11 The Councilman has said that he is
12 willing to sort of help to foster a conversation in
13 the neighborhood to see where something could be
14 placed. I don't think that it is the condition
15 necessarily of this building to solve that. It is
16 the condition of the neighborhood to solve it.

17 The problem is everybody has kicked the
18 can down the street, and we are getting to the end
19 of the street and there's no more space to kick it
20 to.

21 So we have folks from across the street
22 at 1500. I have not heard anybody offer it. I was
23 loathe to suggest it up until this point, but I am
24 not sure why a piece of that lawn that the kids and
25 dogs like to use, why some portion of it can't

1 certainly be sectioned off for dog usage, so that it
2 is very obvious as to where the dog usage is, and
3 the rest of the lawn is for kid and people usage. I
4 am not sure if that is a possibility or not.

5 COMMISSIONER PINCHEVSKY: Chairman
6 Holtzman, I don't want to say I care less, but the
7 specifics behind it are really an issue here right
8 now. It's just -- straight up, yes, we had a
9 conversation. Okay. Consideration was made, and
10 that hasn't even happened --

11 CHAIRMAN HOLTZMAN: It hasn't. You are
12 right.

13 COMMISSIONER PINCHEVSKY: -- so there's
14 conditions in things that we approve, and then they
15 get ignored, then why are we even here?

16 I mean, so --

17 CHAIRMAN HOLTZMAN: We are here, and
18 unfortunately, what we are dealing with, which is
19 all too common, which is we are inheriting a
20 document that has Swiss cheese holes in it, and it
21 is a document that has no teeth in terms of what the
22 specifics are to that.

23 I will ask Dennis to jump in here in a
24 second, which is basically to tell us, if you hold
25 somebody's hand to the fire on that, you know what

1 happens here at this Board. You have been here long
2 enough. We will end up in court in 15 minutes.

3 COMMISSIONER BHALLA: Chairman, maybe
4 this question is better directed at legal counsel.

5 Why can't the Planning Board place a
6 condition that simply tracks the language of the
7 prior approval indicating that the applicant will
8 work with the city to -- I don't know the exact
9 language -- but track the language or add additional
10 language stating that they will work with the city
11 to identify options for the development of pet
12 accommodations and report back within 60 days of
13 approval of the application, if approved?

14 COMMISSIONER CONROY: I feel like the
15 first part we can tell them to do. Again, it is
16 also very loosey goosey and really doesn't mean
17 much, but I feel like the second part, report back
18 to us, why would they be reporting back to us?

19 COMMISSIONER WEAVER: What recourse do
20 we have?

21 COMMISSIONER CONROY: If they have the
22 conversation, they have the conversation --

23 COMMISSIONER BHALLA: Well, the
24 application is to work closely. I don't know what
25 that means exactly. That is a very subjective

1 terminology.

2 So I am asking legal counsel, what kind
3 of condition we can have to make sure they meet that
4 obligation, to work closely with the city to
5 identify what options we have.

6 I am saying that, you know, maybe one
7 option is to put more teeth in there to say that
8 they will meet with city officials who can interpret
9 "work closely" as to have a meeting to discuss the
10 issue, and maybe Director Forbes or some appropriate
11 official can identify whether or not this condition
12 has been met in 60 days to work closely. I don't
13 know.

14 Mr. Galvin?

15 MR. GALVIN: Well, I want to see what
16 Mr. Pantel offers, because I have already --

17 COMMISSIONER BHALLA: Would you be
18 willing to meet with us to talk about the issue?
19 Not you specifically, but --

20 MR. PANTEL: Yes, I understand.

21 One point, though, just to take a half
22 of a step back on the pet issue, it seems that the
23 problem is people walking their dogs. I doubt that
24 they are really running wild generally. I think
25 there are people probably walking their dogs and

1 letting them go on the lawn areas without picking up
2 or letting them go on the lawn areas, period. I
3 think that is really what is going on. If you
4 have --

5 CHAIRMAN HOLTZMAN: I don't think that
6 is what is going on, Mr. Pantel.

7 MR. PANTEL: You don't think so?

8 CHAIRMAN HOLTZMAN: No, I don't think
9 that's what is going on at all.

10 MR. GALVIN: That is not helping me
11 either. No disrespect.

12 MR. PANTEL: I wasn't trying to be
13 disrespectful.

14 CHAIRMAN HOLTZMAN: I'm sorry?

15 MR. GALVIN: We are both talking to you
16 at the same time. We're saying two different
17 things.

18 MR. PANTEL: Okay.

19 MR. GALVIN: I'm saying, I was looking
20 for some -- I was trying to see if you could help
21 me, but you don't have anything to help me with.

22 (Laughter)

23 So I have to give you the answer. The
24 answer is: When I quickly look at this document
25 that Ms. Fisher provided me, I do see a condition,

1 but I don't see it as a bona fide condition, because
2 it really doesn't tell us what we are going to do
3 and how we are going to enforce it. It's something
4 nebulous, like we will work together, and in --

5 COMMISSIONER WEAVER: Appropriate
6 measures.

7 (Laughter)

8 MR. GALVIN: -- appropriate measures.

9 The other problem with this case is we
10 have from Point A to Point B, and we have made all
11 kinds of changes and got them to spend all kinds of
12 money that we think is necessary to improve streets
13 and improve pedestrian ways, to relocate things and
14 do things, and now at the end, we are saying, okay,
15 now you have to give us a dog park here, and it
16 is --

17 COMMISSIONER PINCHEVSKY: Hum --

18 MR. GALVIN: -- no, no, but that's
19 what -- you have to balance it, right?

20 COMMISSIONER PINCHEVSKY: -- Dennis,
21 that's fine. First of all, I am not asking for a
22 dog park, and I don't --

23 MR. GALVIN: No, no. Your point is
24 that you think the conditions that are said in the
25 resolution should be enforceable.

1 COMMISSIONER PINCHEVSKY: The
2 conditions aren't a dog park, so then fine. Let me
3 just ask this.

4 Without citing the two lands that were
5 deeded because they were for something completely
6 different, does the applicant right now -- is the
7 applicant saying that appropriate measures have been
8 implemented?

9 If they say not, then we can --

10 MR. GALVIN: Okay. That's a fair
11 question --

12 COMMISSIONER PINCHEVSKY: -- move on --

13 MR. GALVIN: -- but I can tell you that
14 Mr. Pantel has said --

15 COMMISSIONER PINCHEVSKY: -- without
16 citing those two lands -- without citing the deeding
17 of the two lands, which have absolutely nothing to
18 do with the future considerations. Have appropriate
19 measures been implemented in terms of the pet
20 situation?

21 MR. GALVIN: Mr. Pantel?

22 MR. PANTEL: Yes. I believe that they
23 have. I believe you cannot divorce dedication of
24 the parkland from the ability of the city to
25 accommodate pets. I believe that Maxwell Place is

1 relevant because I think what you are talking about,
2 the issue that the neighbors have apparently is that
3 dogs are soiling on the lawn, and people are not
4 picking up.

5 If you have a so-called doggie park and
6 doggie run area, it doesn't solve that problem.
7 People are going to get out, and they are going to
8 walk their dog. If it's cold rainy night or
9 whatever, they are going to walk their dog sometimes
10 for as short a period of time as possible, so the
11 dog could do its business, and they go back in their
12 apartment.

13 That is not solved by a dog run area or
14 a doggie park, and so we are really mixing apples
15 and oranges, and I believe that we have done what is
16 required under the resolution.

17 I think it also obviously is not
18 something --

19 COMMISSIONER BHALLA: Mr. Pantel, I
20 apologize for interrupting.

21 MR. PANTEL: Right, sure.

22 COMMISSIONER BHALLA: -- but we can
23 talk about dogs all day --

24 MR. PANTEL: Right.

25 COMMISSIONER BHALLA: -- and no one

1 wants to.

2 Is your client willing to sit down with
3 the city and have a meeting to discuss what
4 accommodations can be made to -- what we could do to
5 work that out?

6 Just ask your client and get back to
7 us, please --

8 MS. FISHER: I just have one
9 question --

10 MR. PANTEL: Yes.

11 COMMISSIONER BHALLA: -- so we can move
12 on to the next --

13 MR. GALVIN: Shush, shush.

14 (Counsel confers.)

15 MR. PANTEL: Yes.

16 COMMISSIONER BHALLA: Yes. Thank you.

17 MR. GALVIN: Wait, wait.

18 COMMISSIONER BHALLA: So we have a
19 condition.

20 MR. GALVIN: Let's walk backwards.
21 Help me out.

22 What is the condition?

23 COMMISSIONER BHALLA: The condition is,
24 and tell me if you disagree, that the applicant will
25 work closely with the City of Hoboken, including,

1 but not limited to sitting down and meeting with an
2 appropriate city official --

3 CHAIRMAN HOLTZMAN: Let's not be vague.

4 COMMISSIONER BHALLA: -- to identify --

5 CHAIRMAN HOLTZMAN: Who are they going
6 to meet with seriously?

7 Who are they meeting with?

8 COMMISSIONER BHALLA: -- I said an
9 appropriate city official of the city's choosing.

10 COMMISSIONER CONROY: Let's just say --

11 COMMISSIONER BHALLA: Okay. I'm not
12 going to -- let me get my condition, and we can
13 discuss it.

14 It could be Director Forbes or it can
15 be the BA, but I think the city should have the
16 flexibility to choose who is going to meet with the
17 applicant.

18 CHAIRMAN HOLTZMAN: Do any of the city
19 officials here want to volunteer for this?

20 COMMISSIONER BHALLA: I don't think we
21 need to choose a city official. I think the city
22 should have that flexibility, but move it forward
23 with an appropriate city official of the city's
24 choosing to identify what the options are for the
25 accommodation of pets in the development.

1 Mr. Pantel, do you have a problem with
2 that condition? Ask your client, please.

3 (Counsel confers.)

4 CHAIRMAN HOLTZMAN: They are agreeing
5 to a meeting.

6 MR. PANTEL: It's obviously similar to
7 a --

8 (All Board members talking at once.)

9 COMMISSIONER CONROY: This is something
10 simple, like they will meet with a designated city
11 official to discuss options --

12 MR. PANTEL: We are prepared to meet.

13 COMMISSIONER BHALLA: Right.

14 Unfortunately, the original condition
15 is very loose, and we don't have that much
16 flexibility to tie that much more than I tried right
17 now.

18 CHAIRMAN HOLTZMAN: Then insisting that
19 they sit down and have a conversation --

20 COMMISSIONER BHALLA: Sit down and
21 discuss the issue.

22 COMMISSIONER PINCHEVSKY: The purpose
23 of the conversation would be to?

24 COMMISSIONER BHALLA: To identify
25 appropriate measures for pet accommodations.

1 CHAIRMAN HOLTZMAN: Whatever that
2 means.

3 COMMISSIONER BHALLA: Okay.

4 THE AUDIENCE: And to pay for it.

5 MR. PANTEL: No, no, no.

6 Sit down and meet in good faith.

7 COMMISSIONER BHALLA: That's for
8 later -- that's for the meeting --

9 MR. PANTEL: Sit down and meet in good
10 faith.

11 THE AUDIENCE: It is \$30,000.

12 COMMISSIONER BHALLA: We can't impose
13 that condition, I'm sorry

14 CHAIRMAN HOLTZMAN: Let's keep it easy,
15 guys.

16 (Everyone talking at once.)

17 CHAIRMAN HOLTZMAN: Michael, please.
18 Henry, everybody.

19 MS. FISHER: There's a condition in the
20 current application --

21 THE REPORTER: Is this on the record?
22 I can't hear her.

23 (Audience all talking at once.)

24 CHAIRMAN HOLTZMAN: We can't have this.
25 Dennis, do you have a condition?

1 MR. GALVIN: The applicant will work
2 closely with the city, including, but not limited to
3 meeting with the designated city official of the
4 city's choosing to identify appropriate
5 accommodations for providing a dog park.

6 COMMISSIONER CONROY: It's not
7 providing the park. It's providing accommodations.

8 MR. PANTEL: It wasn't providing a dog
9 park, no, but to accommodate pets.

10 COMMISSIONER CONROY: To accommodate
11 pets.

12 COMMISSIONER BHALLA: Appropriate
13 measures to accommodate pets.

14 MR. GALVIN: To identify appropriate
15 measures to accommodate pets.

16 COMMISSIONER BHALLA: Correct.

17 COMMISSIONER PINCHEVSKY: All right.
18 Am I just speaking what everybody is thinking?

19 Councilman, I appreciate that,
20 especially since I'm the one I think raising the
21 alarm here, but I think it is pretty much the exact
22 same vague language as before, and I don't think
23 nothing is really being accomplished from it,
24 although I sincerely appreciate, you know --

25 COMMISSIONER CONROY: I think that is

1 the original point, though. Really there is not
2 much we can do to accomplish it. They hopefully
3 will have a talk with them and hopefully they will
4 get somewhere --

5 COMMISSIONER PINCHEVSKY: Fine.

6 Listen, it seems to me that nothing
7 could be done here. There is no way to hold them
8 accountable. This is an applicant that we see
9 plenty of, and I think this is something that we
10 need to keep in mind next time they come before us,
11 and we have anything that we could hold over --

12 COMMISSIONER WEAVER: Dennis, strange
13 legal interpretation here. The Tea Building was
14 originally part of this PUD, right?

15 When the original owners of the PUD,
16 right, the original applicant of the PUD sold those
17 units, right, presumably it is a condo now, right?
18 Are they also held to these same stipulations?

19 CHAIRMAN HOLTZMAN: The condo
20 association?

21 COMMISSIONER WEAVER: Yes.

22 COMMISSIONER CONROY: I.E., could the
23 condo association meet with the city to see if they
24 could find some appropriate accommodations for the
25 dogs?

1 CHAIRMAN HOLTZMAN: They seem like they
2 should be included.

3 COMMISSIONER WEAVER: They are still
4 bound by this.

5 MR. GALVIN: Hum, yes and no. Yes and
6 no. There are situations where they are and
7 situations where they are not.

8 COMMISSIONER WEAVER: Because their
9 building didn't have dogs, and now it does have
10 dogs, then they need to take responsibility.

11 MR. GALVIN: I hear you, but again, I
12 think that you --

13 COMMISSIONER WEAVER: I mean, this is
14 the worm hole -- this is the worm hole that we are
15 now in.

16 (Everyone talking at once.)

17 MR. HENDERSON: To allow dogs when they
18 converted to condo --

19 (Everyone talking at once.)

20 MR. GALVIN: I understand what you are
21 saying. I think that the answer is what is called
22 the bona fide purchaser doctrine. I don't know that
23 they would have been aware of the resolution of
24 approval. They would be aware of anything that was
25 recorded against the property, so if that was

1 recorded against the property, then I think it would
2 be binding on the subsequent owners in the Tea
3 Building, but I think based on the fact that the
4 resolution was not recorded, I don't believe it's
5 binding on them.

6 COMMISSIONER CONROY: Perhaps at this
7 late hour, they have agreed to meet. We are all
8 happy with that. Let's just go forward on that.

9 MR. GALVIN: I just want everyone to
10 understand that I don't think that that condition
11 should have been in the original resolution, with
12 all due respect, or it should have been more
13 thorough, and it should have said exactly what was
14 going to occur.

15 I think you have to understand there
16 are times when -- everything that an applicant says
17 while I have been your Board Attorney, I have marked
18 down, and we discussed it, and we made sure that we
19 got a specific condition that goes with it.

20 That condition is not specific. It is
21 kind of generalized, and I think those kind of
22 generalized conditions are always problematic, and
23 they seldom result in us getting what was said. At
24 the time it was made, everybody felt good, and we
25 got the approval.

1 Right now I am having to be the bad
2 news guy telling you, I don't think we can get that,
3 and I don't know that we want to go the extra step,
4 and I think the Councilman's offer is a very
5 responsible offer, and there are two things here
6 that are going to require the city's concern and
7 effort.

8 One is the traffic conditions in
9 general, and the other one is the dog park. I
10 believe you have trust in the other part of the
11 government, that the city can do that, and provide a
12 remedy.

13 COMMISSIONER PINCHEVSKY: Sure. I
14 mean, the fact that it was a provision that was
15 agreed to is troubling, but the --

16 MR. GALVIN: What I am telling you is
17 it's a questionable promise.

18 COMMISSIONER PINCHEVSKY: -- sure, and,
19 you know, it's shameful that the applicant is able
20 to weasel their way out of that, but it is what it
21 is --

22 MR. GALVIN: That's a pie crust
23 promise, easily made, easily broken.

24 COMMISSIONER PINCHEVSKY: Sure. So I
25 think we definitely move on.

1 What is the -- what is the -- hum --
2 what's the bullet point for the maintenance? Have
3 we decided that or no?

4 COMMISSIONER GRAHAM: Yes, that was
5 decided.

6 CHAIRMAN HOLTZMAN: Yes, we are pretty
7 decided on that.

8 COMMISSIONER PINCHEVSKY: Okay.

9 MR. GALVIN: Yes. We didn't agree with
10 them on that one. Everything else we have agreed
11 on. That's the only point that we don't agree, but
12 we are going to do what we are going to do.

13 CHAIRMAN HOLTZMAN: Any other questions
14 or comments from the Board?

15 COMMISSIONER MARKS: Did they hear
16 anything about traffic coordination with the county
17 and the county engineer?

18 MR. GALVIN: No. The reason why you
19 didn't hear anything on that is because every
20 application comes with them having to comply with
21 outside governmental agencies, and they need to get
22 the county approval, so --

23 MR. HIPOLIT: My letter talks about the
24 staging, so also it would be contingent on my
25 letter.

1 COMMISSIONER MARKS: So Mr. Pantel said
2 that this was previously approved by the county ten
3 years ago or whatever, so --

4 MR. GALVIN: This change in roadway has
5 got to go to the county, right?

6 MR. HIPOLIT: Yes.

7 COMMISSIONER MARKS: What change in the
8 roadway?

9 MR. GALVIN: Totally rebuilding.

10 MR. HIPOLIT: With the raising the
11 road, it affects the --

12 CHAIRMAN HOLTZMAN: Drainage.

13 MR. PANTEL: Well --

14 COMMISSIONER MARKS: That part of
15 Hudson is a municipal street. It's not a county
16 street, so the only county road that you are
17 physically touching is 14th --

18 CHAIRMAN HOLTZMAN: 14th.

19 COMMISSIONER MARKS: -- and if you
20 already received county approval, you may think you
21 may not have to go back, but because of the Frank
22 Sinatra Drive rehabilitation and reconstruction
23 project, where Frank Sinatra Drive will be closed
24 for six months, I absolutely do not want Hudson
25 Street closed at the same time that Frank Sinatra

1 Drive is to be closed --

2 MR. GALVIN: So why don't we add that.
3 Hudson --

4 COMMISSIONER MARKS: -- absolutely not.

5 MR. GALVIN: -- Hudson is not to be
6 closed at the same time as Sinatra Drive.

7 MR. PANTEL: Well, why don't we --
8 since that is county jurisdiction, why don't we
9 indicate that we will coordinate with the county
10 regarding that road closure vis-a-vis Sinatra Drive?

11 COMMISSIONER MARKS: Subject to the
12 approval of the county engineer?

13 MR. PANTEL: County engineer or county
14 planner.

15 MR. GALVIN: Somebody has to repeat
16 that. I didn't hear -- I don't know what you are
17 saying.

18 CHAIRMAN HOLTZMAN: I think I liked
19 Stephen's original idea, which is that Hudson Street
20 is not to be closed at the same time as Sinatra
21 Drive is closed. I think that makes it really
22 simple, but we can't have those two access points
23 closed.

24 COMMISSIONER MARKS: And the applicant
25 shall coordinate their detour plan or traffic plan

1 with the county engineer.

2 CHAIRMAN HOLTZMAN: Yes.

3 MR. PANTEL: If those are both county
4 roads, it is really up to the county to decide how
5 to deal with the road closure --

6 MR. GALVIN: Well, these are more like
7 statements that we are going to do what is
8 appropriate.

9 MR. HIPOLIT: You know, the city -- I
10 mean, I said it during the hearing that the city can
11 say that they don't want two roads closed at the
12 same time --

13 COMMISSIONER CONROY: You said it the
14 last time we were here.

15 MR. HIPOLIT: -- yes. I said it the
16 last time we were here.

17 Realistically with your DEP approvals
18 and your other approvals, the county is moving
19 forward with their project, so it shouldn't be a
20 problem. It shouldn't happen. They will be done
21 before you.

22 MR. GALVIN: They should have their
23 traffic plan what by the county?

24 MR. HIPOLIT: As reviewed and approved
25 by the county and the city --

1 COMMISSIONER FORBES: The detour plan?

2 MR. HIPLIT: -- the detour plan -- as
3 you said before, the detour plan needs to be
4 reviewed and approved by the county, the city --

5 MR. GALVIN: Well, I called it a road
6 closure plan.

7 MR. HIPOLIT: -- that's fine -- road
8 closure detour plan.

9 CHAIRMAN HOLTZMAN: We are up to 14
10 now.

11 MR. GALVIN: All right.

12 The applicant shall have their road
13 closure and detour plan reviewed and approved by the
14 city and the county.

15 CHAIRMAN HOLTZMAN: Thank you, Stephen.
16 Anything else?

17 COMMISSIONER BHALLA: I would like to
18 make a motion to approve the amended site plan
19 submitted by Hoboken Cove, LLC subject to the
20 conditions identified by Board counsel.

21 CHAIRMAN HOLTZMAN: Is there a second?

22 COMMISSIONER WEAVER: Second.

23 CHAIRMAN HOLTZMAN: Pat, please call
24 the vote.

25 MS. CARCONE: Commissioner Magaletta?

1 VICE CHAIR MAGALETTA: Yes.

2 MS. CARCONE: Commissioner Marks?

3 COMMISSIONER MARKS: Aye.

4 MS. CARCONE: Commissioner Forbes?

5 COMMISSIONER FORBES: Yes.

6 MS. CARCONE: Commissioner Bhalla?

7 COMMISSIONER BHALLA: Yes.

8 MS. CARCONE: Commissioner Graham?

9 COMMISSIONER GRAHAM: No.

10 MS. CARCONE: Commissioner Pinchevsky?

11 COMMISSIONER PINCHEVSKY: Yes.

12 MS. CARCONE: Commissioner Weaver?

13 COMMISSIONER WEAVER: Yes.

14 MS. CARCONE: Commissioner Conroy?

15 COMMISSIONER CONROY: Yes.

16 MS. CARCONE: Commissioner Holtzman?

17 CHAIRMAN HOLTZMAN: Yes. Thank you.

18 MR. PANTEL: Thank you very much. I
19 appreciate your attention.

20 CHAIRMAN HOLTZMAN: Thank you, Mr.
21 Pantel.

22 Thank you to the members of the public
23 that came out. It is really great to have folks to
24 come out and let us know what is going on out there.

25 Thank you.

(The matter concluded at 11:20 p.m.)

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

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

s/Phyllis T. Lewis, CSR, CRR

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PHYLLIS T. LEWIS, C.S.R. XI01333 C.R.R. 30XR15300
Notary Public of the State of New Jersey
My commission expires 11/5/2015.

Dated: 4/7/14

This transcript was prepared in accordance with NJ ADC 13:43-5.9.

CITY OF HOBOKEN
PLANNING BOARD

----- X
REGULAR MEETING OF THE HOBOKEN :April 1, 2014
PLANNING BOARD (EXECUTIVE SESSION) : 11:20 p.m.
----- X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

Chairman Gary Holtzman
Vice Chair Frank Magaletta
Commissioner Ann Graham
Commissioner Rami Pinchevsky
Commissioner Dan Weaver
Commissioner Sasha Conroy

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

Patricia Carcone, Board Secretary

PHYLLIS T. LEWIS
CERTIFIED SHORTHAND REPORTER
CERTIFIED REALTIME REPORTER
Phone: (732) 735-4522

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

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

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1 MR. GALVIN: We are going to move into
2 executive session now.

3 CHAIRMAN HOLTZMAN: Hey, guys, we have
4 an executive session, so if we can ask you to just
5 clear the room relatively sooner rather than later.

6 COMMISSIONER MARKS: I have to excuse
7 myself.

8 CHAIRMAN HOLTZMAN: You do?

9 COMMISSIONER MARKS: I do.

10 (Board members confer)

11 CHAIRMAN HOLTZMAN:

12 MR. GALVIN: WHEREAS, NJSA 10:4-12 of
13 the Open Public Meetings Act permits the exclusion
14 of the public from a meeting in certain
15 circumstances set forth in Paragraph (b); and

16 WHEREAS, this public body is of the
17 opinion that such circumstances presently exist.

18 NOW, THEREFORE BE IT RESOLVED, by the
19 Planning Board of the City of Hoboken, County of
20 Hudson, State of New Jersey, as follows:

21 The public shall be excluded from the
22 Board's discussion of the hereinafter specified
23 matter.

24 The general nature of the subject
25 matter to be discussed is litigation involving

1 Shipyard's Pier 13, pursuant to NJSA 10:4-12(b)(7).

2 It is anticipated at this time that the
3 above matter will be made public once this
4 litigation and any appeal are concluded. This
5 resolution shall take effect immediately.

6 Gary needs to sign this, and then we
7 can go off the record.

8 (Executive Session held off the
9 record.)

10 COMMISSIONER CONROY: Motion to close
11 the meeting.

12 CHAIRMAN HOLTZMAN: So we are out of
13 Executive Session, and we are back on the record.

14 Is there a motion?

15 COMMISSIOENR CONROY: Motion.

16 VICE CHAIR MAGALETTA: Second.

17 COMMISSIONER WEAVER: Aye.

18 CHAIRMAN HOLTZMAN: Aye.

19 Thank you.

20 (The meeting concluded at 11:40 p.m.)

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C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CSR, CRR

- - - - -

PHYLLIS T. LEWIS, C.S.R. XI01333 C.R.R. 30XR15300
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My commission expires 11/5/2015.

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