

CITY OF HOBOKEN
PLANNING BOARD

----- X
Subdivision and Site Plan Review : April 8, 2015
Committee Meeting : 7:07 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 Caleb McKenzie

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

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

Andrew R. Hipolit, PE, PP, CME
Board Engineer

Patricia Carcone, Board Secretary

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6 Attorney for the Board.

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RE: 732 WASHINGTON STREET :
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10 Attorney for the Applicant.

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

3 It is 7:07 on Wednesday, April 8th.
4 This is the City of Hoboken Planning Board SSP
5 Completion Meeting.

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

14 Pat, please call the role.

15 MS. CARCONE: Commissioner Holtzman?

16 COMMISSIONER HOLTZMAN: Here.

17 MS. CARCONE: Commissioner Magaletta?

18 VICE CHAIR MAGALETTA: Here.

19 MS. CARCONE: Commissioner McKenzie?

20 COMMISSIONER MC KENZIE: Here.

21 CHAIRMAN HOLTZMAN: Thank you.

22 Okay. So the first item we are going
23 to take on our agenda is 732 Washington Street.

24 Mr. Matule, are you ready for us?

25 MR. MATULE: I have to apologize. I

1 have a lawyer's nightmare, laryngitis.

2 CHAIRMAN HOLTZMAN: A lawyer's
3 nightmare.

4 (Laughter)

5 MR. MATULE: Mr. Severino is the
6 architect for the project --

7 MR. GALVIN: And he is going to do most
8 of the talking on this one.

9 MR. MATULE: -- and he's going to do
10 most of the talking.

11 (Laughter)

12 It's an application for a conditional
13 use for an eat-in, take-out pita restaurant. We
14 have Mr. Roberts' report. It seems pretty
15 straightforward.

16 We went to the Historic Commission
17 Monday night. We have to go back with some color
18 changes on the sign, but otherwise, that is pretty
19 straightforward.

20 MR. GALVIN: So that is called a
21 re-pita.

22 (Laughter)

23 VICE CHAIR MAGALETTA: Mr. Matule, one
24 question. There was a tax certificate, a tax paid
25 certificate, but it wasn't signed.

1 Were the taxes paid on this?

2 MR. MATULE: We submit them when we
3 file the application. I haven't gotten it back, but
4 I will check.

5 VICE CHAIR MAGALETTA: Okay. That's
6 fine. I mean, I obviously don't need it today,
7 but--

8 MR. MATULE: I'll check before the
9 hearing.

10 VICE CHAIR MAGALETTA: -- yes, okay.
11 Thank you.

12 CHAIRMAN HOLTZMAN: Dave, did you want
13 to give us a quick recap on your letter?

14 MR. ROBERTS: Yes.

15 As far as the -- I mean, the property
16 has some preexisting nonconformity conditions in
17 terms of lot size, lot width, et cetera, but it is
18 preexisting.

19 This is really just a conditional use
20 application. It is, as you know, it is up on
21 Washington Street in the historic R1 his -- H. We
22 looked at the difference between the R1 and the H
23 requirements, and there didn't seem to be really any
24 change in terms of the preexisting conditions, so it
25 really comes down to those three basic parameters

1 that we always look at, is there another business or
2 two on the block, is it less than a thousand feet of
3 customer service area, and is it on the upper -- on
4 the ground floor of a multi-unit building, and it
5 meets all three of those conditions, so it's pretty
6 straightforward.

7 CHAIRMAN HOLTZMAN: Andy, was there --
8 so you are satisfied in terms of completion?

9 MR. ROBERTS: Yes.

10 CHAIRMAN HOLTZMAN: Was there any
11 callouts or anything, Andy, on yours?

12 MR. HIPOLIT: No. Just it's just a
13 conditional use, so we really didn't review them.

14 CHAIRMAN HOLTZMAN: I did notice one
15 thing, and maybe you can direct this to the
16 architect, which is on the rear elevation, the
17 venting seems to be coming out of the second floor.

18 MR. SEVERINO: Yes, on two counts.

19 THE REPORTER: I'm sorry. What is your
20 name?

21 MR. SEVERINO: William G. Severino,
22 architect, S-e-v-e-r-i-n-o.

23 CHAIRMAN HOLTZMAN: Which it seems from
24 the plans that we were provided with that this the
25 restaurant is only on the grade level. Is that

1 correct?

2 MR. SEVERINO: From the rear elevation,
3 the backyard comes out at the basement level, which
4 is one story below the first floor, so although it
5 looks like the second floor from the rear, that is
6 the first floor from the front.

7 CHAIRMAN HOLTZMAN: Oh, there you go.

8 MR. SEVERINO: Now, with that, since
9 those drawings were submitted, we had full
10 mechanical, electrical and plumbing drawings done.
11 The rear elevation equipment is revised, and I have
12 six sets of drawings that show that revision with me
13 tonight that I can easily give you.

14 It does remove the large duct from the
15 rear of the building, so that is gone completely, so
16 it is just a couple of small louvers that are coming
17 off the back.

18 CHAIRMAN HOLTZMAN: So where is the
19 duct going?

20 MR. SEVERINO: It's going to be a
21 ventless exhaust system that is proposed.

22 VICE CHAIR MAGALETTA: How does that
23 work?

24 CHAIRMAN HOLTZMAN: Andy, ventless --

25 MR. HIPOLIT: The ventless, well, it

1 should really go -- anything that you vent should go
2 to the roof, but the ventless ones, I mean, I am not
3 that familiar with them. I don't know how well they
4 work, but --

5 CHAIRMAN HOLTZMAN: Well, this is a
6 pita restaurant, is that correct?

7 MR. SEVERINO: Pita restaurant --

8 CHAIRMAN HOLTZMAN: So I am assuming
9 there is going to be frying going on?

10 MR. SEVERINO: There is one grill. It
11 has a filtered hood that is above the grill --

12 MR. HIPOLIT: And where is it -- if it
13 is ventless --

14 MR. SEVERINO: It takes in fresh air,
15 and it recirculates it and filters it and puts the
16 air back to avoid the duct off the back of the
17 building.

18 CHAIRMAN HOLTZMAN: Which is already an
19 existing situation, but it's not usable, or that was
20 proposed?

21 MR. SEVERINO: No. The duct was
22 proposed. The duct and chase up the back of the
23 building --

24 MR. HIPOLIT: How often do you change
25 the filter?

1 MR. SEVERINO: However often it needs
2 to be. I'm not sure on the specifics here. I need
3 to check and see.

4 MR. MATULE: We can get the specs and
5 supply them to you.

6 MR. HIPOLIT: That would be great.

7 Do you have any places where a ventless
8 one is installed?

9 MR. SEVERINO: There have been a
10 couple. It was actually suggested to us by the pita
11 franchise, that they use it frequently for their
12 restaurants, so they have come back and suggested
13 that we use it for this application as well.

14 MR. HIPOLIT: Is there anything we can
15 go check out, like something that's within 40 miles
16 of here?

17 MR. SEVERINO: I could check. I'm not
18 sure. I don't have that information at this time.

19 CHAIRMAN HOLTZMAN: Is that something
20 that they recommend in an urban setting, where we
21 have people living on both sides and above, both
22 sides, left and right and above the restaurant in
23 the front and in the back?

24 MR. SEVERINO: They had suggested, and
25 I understand that it has been used in previous

1 applications, but I don't know the density of those
2 applications.

3 CHAIRMAN HOLTZMAN: All right.

4 MR. HIPOLIT: What is the name of the
5 system?

6 MR. SEVERINO: It is -- let me check on
7 the drawing.

8 CHAIRMAN HOLTZMAN: Andy, what is the
9 name of the system --

10 MR. HIPOLIT: Smog Hog.

11 CHAIRMAN HOLTZMAN: -- Smog Hog.

12 That's a specific brand name, though.

13 MR. HIPOLIT: That goes up.

14 VICE CHAIR MAGALETTA: So it circulates
15 and goes back out or it stays inside --

16 MR. SEVERINO: These are the six or
17 five sets --

18 CHAIRMAN HOLTZMAN: We haven't figured
19 that out yet --

20 MR. SEVERINO: -- and they would show
21 basically what is off the back and --

22 MR. MATULE: Do you want this revised
23 sheet?

24 CHAIRMAN HOLTZMAN: No.

25 MR. HIPOLIT: You don't know the name

1 of it?

2 CHAIRMAN HOLTZMAN: Okay. So you are
3 going to need to get back to our engineer with some
4 additional information for sure --

5 MR. SEVERINO: Okay.

6 CHAIRMAN HOLTZMAN: -- with regards to
7 what this exact brand is and where we can visit it,
8 and I guess --

9 MR. HIPOLIT: I mean, I have seen
10 ventless --

11 CHAIRMAN HOLTZMAN: -- and we'll ask
12 you guys to review it. But on the other hand, we've
13 been --

14 MR. HIPOLIT: I'd just like to see a
15 location it is in.

16 CHAIRMAN HOLTZMAN: -- we have been
17 pretty demanding in terms of, you know, not really
18 making a new restaurant be an encumbrance --

19 MR. MATULE: There is no exhaust --

20 CHAIRMAN HOLTZMAN: -- on the
21 neighborhood.

22 MR. MATULE: -- I am just asking the
23 architect, as I understand it, there is no exhaust
24 from this system. There is just intake.

25 MR. SEVERINO: The fresh air will take

1 it and --

2 CHAIRMAN HOLTZMAN: Well, that just
3 doesn't seem possible, so you are going to have to
4 sell us on it.

5 MR. HIPOLIT: Well, I mean, they have
6 ventless hoods for homes, but I mean, this is my
7 personal experience, they are okay for a very short
8 period of time. One or two good events, and that is
9 it. They are not catching anything, so you have to
10 keep changing the filters a lot. So what I am
11 worried about is it is a business --

12 CHAIRMAN HOLTZMAN: Commercial.

13 MR. HIPOLIT: -- right. They are not
14 going to want -- I mean, it's money to keep
15 changing -- those filters are a lot more than
16 residential. I would prefer to say, hey, listen,
17 Pita Factory, whatever it is, give me a spot, and I
18 will drive to it and check it out. Just do a
19 surprise visit.

20 MR. SEVERINO: I could show you this,
21 if you would like. That is the cut sheet on the
22 drawing.

23 MR. HIPOLIT: Just pass it to Dave.

24 MR. ROBERTS: Thanks.

25 CHAIRMAN HOLTZMAN: So were there any

1 other questions or concerns, I mean, other than the
2 exhaust system, which is obviously substantial, but
3 we are taking a look at this from a completion
4 standpoint.

5 VICE CHAIR MAGALETTA: I think when you
6 come to the Planning Board, the full meeting, have
7 more detail on the kitchen as far as burners and
8 things like that, just detail --

9 MR. SEVERINO: Yes. We have an
10 equipment list on the construction documents.

11 VICE CHAIR MAGALETTA: Okay. Because
12 this plan I have here is a little light on that.

13 MR. SEVERINO: Right.

14 VICE CHAIR MAGALETTA: And as far as
15 the office, it will be downstairs, correct?

16 MR. SEVERINO: Yes.

17 VICE CHAIR MAGALETTA: Is there any
18 kind of flood issue with respect to Washington
19 Street?

20 MR. HIPOLIT: No.

21 VICE CHAIR MAGALETTA: Even the
22 basement is okay. Okay.

23 I don't have any other questions.

24 CHAIRMAN HOLTZMAN: Caleb, anything?

25 COMMISSIONER MC KENZIE: No.

1 VICE CHAIR MAGALETTA: Oh, I'm sorry.

2 I do have another question.

3 What is the signage going to be?

4 CHAIRMAN HOLTZMAN: They literally just
5 addressed this on Monday at Historic, and they need
6 to make some revisions.

7 VICE CHAIR MAGALETTA: Okay.

8 And the glass will have -- will there
9 be signs on the glass at all or lettering?

10 MR. SEVERINO: We're just proposing the
11 one sign above the entry.

12 MR. MATULE: I can show you what was
13 presented to Historic.

14 VICE CHAIR MAGALETTA: My concern is
15 that you just show this to the Planning Board.

16 CHAIRMAN HOLTZMAN: So we are going to
17 need to incorporate that into your plans for the
18 full presentation.

19 VICE CHAIR MAGALETTA: That's fine.

20 MR. MATULE: That is the color they
21 turned town. That is all.

22 MR. ROBERTS: Yes. I just have one
23 more thing --

24 CHAIRMAN HOLTZMAN: Sure, Dave.

25 MR. ROBERTS: For the Planning Board,

1 too, just be prepared to talk about the sidewalk
2 cafe as referenced on the plan I think in terms of
3 the condition of the sidewalk. I see there is a
4 street tree already in front of the building, but
5 just in case, just more detail on it.

6 MR. MATULE: Yes.

7 The intention is to make an application
8 for the --

9 MR. ROBERTS: For the license --

10 MR. MATULE: -- for the license once we
11 get through the conditional use.

12 CHAIRMAN HOLTZMAN: Yes.

13 I just drove by there, and there is a
14 nice street tree on there and everything else. What
15 I would ask is if you could perhaps ask your
16 applicant, Mr. Matule, if they would be willing with
17 the big improvements that they are putting on this
18 property, perhaps to put one of the tree grates
19 around this, which there is a full set of
20 specifications on what the Shade Tree Commission has
21 that you can get from Pat. That would be a nice
22 thing to add, if they were so willing.

23 COMMISSIONER MC KENZIE: I just have
24 one question. On the sign, and I know that you just
25 went through changes on it, how is it illuminated?

1 MR. MATULE: There are existing goose
2 neck lamps on the building now. We are going to
3 reuse them.

4 COMMISSIONER MC KENZIE: Okay.

5 (Board members talking at once)

6 (Laughter)

7 CHAIRMAN HOLTZMAN: So, Andy, are you
8 comfortable with moving forward with the
9 application, or do you think it is substantial
10 enough that you need to get this information before
11 we can move to the Board?

12 MR. HIPOLIT: I am okay moving forward
13 with it.

14 VICE CHAIR MAGALETTA: I want you to
15 have the information. I mean, you don't have to
16 come back, but I want you to have the information
17 before the next meeting --

18 MR. HIPOLIT: He has given me a cut on
19 it. I'm looking at it now --

20 VICE CHAIR MAGALETTA: Okay.

21 MR. HIPOLIT: But, again, what I really
22 want to try to find out, and we'll work together, is
23 to find a spot where this is installed. I want to
24 see it.

25 VICE CHAIR MAGALETTA: Right, to see it

1 in action.

2 MR. HIPOLIT: Yes, that's all, to see
3 how they are maintaining it and see how often it has
4 to be maintained, so I am okay with moving forward.
5 That's fine with me.

6 CHAIRMAN HOLTZMAN: Okay.

7 VICE CHAIR MAGALETTA: And I guess one
8 other question I have, that always happens.

9 Are there any issues with respect to a
10 bike rack?

11 I mean, it is a pretty wide sidewalk.
12 Is there any intention of putting a bike rack there?

13 It is in the middle of the city. I'm
14 just curious.

15 CHAIRMAN HOLTZMAN: Yes.

16 The city has a thing that they have
17 now, and they have got a standard on it, where they
18 basically put one stanchion like at the curb level,
19 so that people can just --

20 MR. MATULE: Like a parking meter
21 stanchion.

22 CHAIRMAN HOLTZMAN: -- yeah. They kind
23 of like jury rigged it off of some of the old
24 parking meter stanchions, so that would certainly be
25 a nice addition as well, right?

1 VICE CHAIR MAGALETTA: Yes. Either
2 that, or maybe like a multi, like a three or --
3 like -- I don't know, but it is something to
4 consider.

5 MR. SEVERINO: Well, we have a --

6 CHAIRMAN HOLTZMAN: Otherwise people
7 end up chaining their bike to the tree, which we
8 don't want, right, which is why we need the tree
9 grate.

10 MR. SEVERINO: Right.

11 It's about a 24 foot wide sidewalk
12 there approximately. We are going to be taking
13 seven for the proposed cafe enclosure, and it should
14 leave us the balance of 17. If it is okay to put
15 one on the curb, if that's --

16 CHAIRMAN HOLTZMAN: Yeah, and the city
17 has a standard on that. You can check with Caleb
18 Stratton in the Planning Department or Ryan in the
19 Traffic Department, and I'm sure Pat can put you in
20 touch with those guys, and they have a specific
21 standard that they already have set up.

22 MR. SEVERINO: Okay.

23 VICE CHAIR MAGALETTA: I am fine.

24 CHAIRMAN HOLTZMAN: Caleb, good?

25 Okay. So we will say that the

1 application is complete and --

2 VICE CHAIR MAGALETTA: Conditioned upon
3 information regarding the ventless vent. Other than
4 that --

5 CHAIRMAN HOLTZMAN: The ventless,
6 right.

7 So, Pat, that would put us when with
8 these guys?

9 MS. CARCONE: May 5th.

10 CHAIRMAN HOLTZMAN: Oh, that's going to
11 be a fun night, huh?

12 Do we have anything else, or we may
13 have Maxwell tentatively, right?

14 MS. CARCONE: Maxwell tentatively, and
15 then this would be our second application.

16 CHAIRMAN HOLTZMAN: Okay.

17 MR. GALVIN: Or this one first.

18 CHAIRMAN HOLTZMAN: Get your voice back
19 soon, Mr. Matule.

20 Thank you. Feel well.

21 MR. MATULE: I will work on it.

22 (Laughter)

23 CHAIRMAN HOLTZMAN: Just sort of an
24 off-line thing, can you make sure that you circle
25 back with us with Steve and Mr. Minervini with

1 regard to Clinton?

2 MR. MATULE: Yes, it is on my agenda.

3 VICE CHAIR MAGALETTA: Yes, please.

4 CHAIRMAN HOLTZMAN: Thank you.

5 (The matter concluded.)

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C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CCR, CRCR

 PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300
 Notary Public of the State of New Jersey
 My commission expires 11/5/2015.
 Dated: 4/10/15.
 This transcript was prepared in accordance with
 NJAC 13:43-5.9.

CITY OF HOBOKEN
PLANNING BOARD

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Subdivision and Site Plan Review : April 8, 2015
Committee Meeting : 7:30 p.m.
RE: 327 ADAMS STREET :
- - - - - X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

Chairman Gary Holtzman
Vice Chair Frank Magaletta
Commissioner Caleb McKenzie

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7 CHASAN, LEYNER & LAMPARELLO, PC
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9 Secaucus, New Jersey 07094
10 BY: JAMES F. DRONZEK, ESQUIRE
11 Attorney for Applicant.

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1 CHAIRMAN HOLTZMAN: The second item we
2 will have is 327 Adams.

3 Good evening.

4 MR. DRONZEK: Good evening.

5 I am here on behalf of the applicant,
6 which is the 327 Adams Street Condominium
7 Association.

8 We are here today with an application
9 for preliminary presentation to the Board to
10 reconstruct a building, which was damaged in a fire
11 in December of 2013. All of the interior of the
12 structure, the delineation of the floors still
13 exists. The exterior of the structure still exists.

14 And when the applicant went for a
15 building permit, they were given a denial of zoning
16 certification by the zoning officer indicating that
17 the building, which was located in a special flood
18 hazard area, was substantially damaged and
19 reconstruction of the units would exceed 50 percent
20 of the value of the structure prior to the damage,
21 and consequently they had to comply with the city's
22 flood damage prevention ordinance, which sets a
23 certain base elevation.

24 We originally thought we were going to
25 the Board directly as almost a hybrid application

1 for a variance and an appeal, but we were then told
2 by the Board Secretary to come here to the SSR for a
3 committee for a determination, I guess, of how you
4 wanted to proceed with this application, since it is
5 the first of its type, I understand, under this
6 ordinance for this type of a building.

7 Just so the Board -- so the members
8 understand, this is a nine-unit residential
9 condominium, so we don't have a unitary ownership,
10 where one person can make decisions about what they
11 want to do with the building, and we have nine
12 separate owners of units in these buildings, and
13 only two of the units are below the base flood
14 elevation, which is actually the advisory base flood
15 elevation.

16 Just so I think we are all on the same
17 page --

18 CHAIRMAN HOLTZMAN: Just to stop you
19 right there just for a second, Hoboken has adopted a
20 base flood elevation, plus one foot of free board,
21 which is actually referred to as our design flood
22 elevation, and so it is not advisory. It is written
23 in the code.

24 MR. DRONZEK: I understand. But what I
25 didn't understand was when you got to that point,

1 and maybe there is some misunderstanding, the
2 elevation at this point I think is 13 feet, the one
3 that we have to comply with, which is the 12 feet,
4 which was determined as the advisory base flood
5 elevation at one point when FEMA I guess was
6 preparing the maps, plus the one foot of free board.

7 So that is how we get -- and that is so
8 the city was allowed to adopt the advisory base
9 flood elevation determined by FEMA, and now the
10 ordinance then permits -- your ordinance has an
11 extra foot of free board, and that is how you get to
12 the 13. Previously it was, I believe, ten before
13 the revision of the ordinance, plus the one foot of
14 free board for eleven.

15 Now, just as a matter --

16 CHAIRMAN HOLTZMAN: You understand we
17 are not here tonight to debate the base flood
18 elevation.

19 We are here this evening to take a look
20 at your application --

21 MR. DRONZEK: Correct.

22 CHAIRMAN HOLTZMAN: -- so that you can
23 hopefully move on to a Board hearing. That is not
24 what this is this evening.

25 What this is, is that we need to take a

1 look at this application, so that before it gets
2 before our nine-member Board, we have a complete
3 application, so that the Commissioners can make a
4 fair and reasonable judgment call based upon all
5 aspects of this application, because what you are
6 asking for is nothing short of a variance from our
7 flood ordinance.

8 So now we need to take a look at the
9 entire application, and we are happy to do that, and
10 we are happy to entertain that, and the team will
11 give you a fair pass for sure, but we need to
12 basically, and that is why we are here tonight, just
13 like on the previous application, we need to make
14 sure you got all of the parts and pieces here, so
15 that the team can make a fair evaluation.

16 MR. DRONZEK: Well, let me just ask
17 you, Mr. Chairman, and I did have some confusion,
18 and maybe I have to supplement the application, but
19 I don't know frankly how the zoning officer came to
20 a conclusion that the ordinance applies to this
21 property.

22 You have a definition in the ordinance
23 of -- there is a requirement in the ordinance that
24 you comply with it, if you have new construction or
25 substantial improvement, and within the definition

1 of "substantial improvement" is a definition of
2 "substantial damage," and substantial damage is
3 defined as damage of any origin sustained by a
4 structure, whereby the cost of restoring the
5 structure to its before damaged condition would
6 equal or exceed 50 percent of the market value
7 before the damage occurred.

8 Now, I don't know, and I don't know who
9 the Board wants to put the burden on of whether that
10 definition applies to this particular property,
11 because the zoning officer didn't give us any
12 calculations of how that -- how she came to the
13 conclusion that the ordinance even applies to this
14 particular building --

15 CHAIRMAN HOLTZMAN: Hang on a second.

16 MR. DRONZEK: -- I want to know --

17 (Board members confer)

18 MR. GALVIN: There is a fine level
19 between repealing a decision or are we seeking a
20 variance.

21 CHAIRMAN HOLTZMAN: They are seeking a
22 variance. There's no question about it.

23 I mean, I don't know how you could
24 seriously stand there and hilariously try to argue
25 the fact that there is a building that is gutted

1 completely to the rafters and to the floor boards,
2 and say that that doesn't probably -- you don't need
3 an engineer's calculation on the cost of every
4 kitchen, bathroom, pipe, piece of wire and sheet
5 rock in the place to think that you probably hit the
6 50 percent threshold. You are probably at 98
7 percent.

8 MR. HIPOLIT: Right.

9 What is the cost of your improvement?

10 They have to evaluate it by --

11 MR. DRONZEK: I think it was the
12 cost -- I think the building plans submitted were
13 about \$900,000.

14 MR. HIPOLIT: What is the assessed
15 value of the property? That is how it is done.
16 It's a very simple calculation.

17 MR. DRONZEK: Well, let me tell just
18 tell you there is a little bit of a glitch there,
19 because the property -- the property was reassessed
20 after the fire, so that the value of the structure,
21 they broke down the value of the -- they broke down
22 the value of the property for assessment purposes by
23 each individual unit.

24 Now, the property having been damaged,
25 when they reassessed, from what I understand,

1 throughout Hoboken, they came up with an assessed
2 value for each unit of \$10,000. But that, as I read
3 it, is at variance with how the ordinance defines
4 how you determine whether it applies or not because
5 it talks about the value of the structure before the
6 damage occurred.

7 So the question is: What was the
8 assessed value of these units before the fire and --

9 MR. HIPOLIT: Well, you guys, you
10 should know that. I mean --

11 MR. DRONZEK: Well, I know -- let me
12 put it this way. You are talking about -- if we are
13 going to go just using the assessments, the
14 assessments never represented true value. I think
15 they --

16 MR. HIPOLIT: No. But you calculate it
17 backwards, so if -- I don't know in Hoboken how they
18 assess it, 80 or a hundred. The town I live in is a
19 hundred. Hoboken may be 80, but I don't know what
20 it is.

21 MR. DRONZEK: It was 30 percent at the
22 time of -- before the fire.

23 So let me just say, I understood and I
24 came here for a determination as to how we are going
25 to proceed, whether we are going to do just strictly

1 a variance or a hybrid of an appeal and a variance.

2 If the Board is telling me it is
3 strictly a variance, so be it, but I think there are
4 issues that the Board has to determine when we have
5 a hearing as to certain -- as to the applicability
6 of this ordinance.

7 MR. GALVIN: I have nothing.

8 MR. HIPOLIT: I mean, I will take a
9 shot at it.

10 Again, in the flood plain world, we
11 have a flood plain manager. It's very simple. You
12 take the assessed value. You take it at the time
13 before it was on fire. That would be fair. You
14 look at the assessed value. You bring it to a
15 normal valuation, wherever that may be, and there's
16 calculations, and the tax assessor can provide that,
17 and you take the cost of the improvements, and
18 subtract the two, and if it is more than 50 percent,
19 the ordinance applies.

20 MR. DRONZEK: Well, then let me put it
21 this way. I don't want to get into a debate about
22 it tonight, but I would like to reserve for the time
23 of the hearing any type of proofs that I want to put
24 in at that point --

25 MR. HIPOLIT: Well, you do it here --

1 CHAIRMAN HOLTZMAN: Well, you can
2 submit it ahead of time, so we can review it, sure.

3 MR. DRONZEK: That's fine. Okay.
4 Maybe that is the way I will do it then rather --

5 VICE CHAIR MAGALETTA: In fact, we
6 should have it ten days before the hearing --

7 MR. DRONZEK: No, I understand.

8 VICE CHAIR MAGALETTA: -- and I think
9 you are right to submit those proofs ahead of time,
10 so we can look at it.

11 MR. HIPOLIT: I am just the engineer.

12 I think for the Board's purpose, you
13 guys should be doing that here at the Site Plan
14 Review Committee, not at the Board hearing, so --

15 CHAIRMAN HOLTZMAN: To see if there is
16 a reason for it to move forward.

17 MR. HIPOLIT: Right. There's a
18 question. They are questioning here whether it's a
19 variance, a variance and a waiver combination, which
20 I never heard of that, but I guess that's something
21 you can evaluate, or nothing at all. So I mean, you
22 don't even know how you are moving forward, how you
23 move forward, right?

24 VICE CHAIR MAGALETTA: Well, I guess
25 the question is: Does that require expert

1 testimony.

2 MR. DRONZEK: It may.

3 MR. HIPOLIT: It may.

4 VICE CHAIR MAGALETTA: It may, right.

5 So if it does, I think we have to have
6 our own expert.

7 MR. DRONZEK: Perhaps.

8 MR. HIPOLIT: Well, your expert will be
9 just simply getting the information from the tax
10 assessor. It is very simple.

11 VICE CHAIR MAGALETTA: Well, you say it
12 is simple, but you want to be very careful when
13 you're talking about experts, because expert opinion
14 has a certain value.

15 If they are going to appeal this to the
16 Superior Court, the proofs should be before the
17 Court, not just one sided, so my concern is that
18 whatever proofs there are, that they are complete,
19 and expert proof as well as factual proof.

20 Maybe you're right. We should come
21 back for another meeting and argue that and discuss
22 these numbers. Maybe you are right.

23 MR. HIPOLIT: Right. The valuation
24 from the city is based on your tax records. That is
25 how they pay their taxes. That's how they generate

1 their value --

2 VICE CHAIR MAGALETTA: I understand.

3 MR. HIPOLIT: -- so if they
4 unfortunately had a very low value and are paying
5 low taxes, that is going to hurt them in this case,
6 but that's the way it works. That's the way FEMA
7 looks at it, and that's the way the flood plain
8 managers look at it. That's pretty standard.

9 CHAIRMAN HOLTZMAN: I think we need to
10 take a look at the components of the application and
11 advise this applicant where they owe us information.

12 MR. HIPOLIT: I agree.

13 CHAIRMAN HOLTZMAN: So can you take the
14 lead on that, Andy?

15 You have a letter here?

16 MR. HIPOLIT: My letter is really
17 wrapped around the flood plain stuff. Maybe you
18 want to start with Dave first.

19 CHAIRMAN HOLTZMAN: Sure.

20 MR. ROBERTS: Actually really all I was
21 really just focusing on was the fact that if, in
22 fact, this is subject to the flood damage prevention
23 ordinance, the variance relief that is being
24 requested is going to impair the city's CRS rating,
25 which is critical to the whole city.

1 So obviously, it is a very difficult
2 variance for this Board to grant because they are
3 the gatekeeper of that to make sure that CRS is as
4 maximum as it can be. So I think that is my point
5 number one. Really from a planning standpoint, that
6 is really the issue.

7 I am also thinking that, and it hadn't
8 come up until this issue of how do you determine
9 what the 50 percent level is, but if there is a
10 question as to that, it would seem to me that there
11 is also the ability to go back to the zoning officer
12 with more information and say, I can prove that it's
13 not 50 percent, because that would then avoid the
14 variance.

15 I think the main thing that this Board
16 is concerned about is not being in a position where
17 you need to grant the variance because it is the
18 variance that FEMA looks at, and FEMA is going to
19 count against the city's CRS --

20 MR. HIPOLIT: If not drop their rating.

21 MR. ROBERTS: Right.

22 So I think the best thing to do would
23 be to avoid the variance at all costs one way or
24 another, either by changing the use of the ground
25 floor, which we have put in our letter as a

1 suggestion, or trying to be qualified.

2 As the Chairman mentioned, and we
3 showed in the report, it is basically gutted,
4 and it's \$900,000 to do all of that work, and those
5 units are valuable units, maybe it is exempt, but I
6 am hearing from Andy that they used assessed value
7 as opposed to market value, so --

8 MR. HIPOLIT: That's right.

9 Well, the assessed value into market
10 value, so -- every town is different. Some are a
11 hundred percent valuation, and some are not a
12 hundred percent. You take your valuation of your
13 town, back it into what would be a market value, and
14 you subtract the cost. If it's 50 percent or more,
15 you need a variance. If the city doesn't uphold
16 that, then their CRS rating for the whole city is in
17 jeopardy, and then everybody's flood insurance will
18 go up. It would be a disaster.

19 MR. ROBERTS: Right.

20 Well, what it sounds like to me is that
21 that level of calculation has never been provided to
22 the flood plain manager or flood plan administrator.
23 For her to be able to make the determination in the
24 absence of that information, she is going to say, I
25 am looking at a building that is gutted --

1 VICE CHAIR MAGALETTA: It sounds to me
2 like give the calculation to us again, and then
3 after that, then we look at it I think. That is
4 what it sounds like to me --

5 CHAIRMAN HOLTZMAN: Yes. There are --
6 you know --

7 VICE CHAIR MAGALETTA: -- because you
8 may be -- maybe it's like Dave was saying, Mr.
9 Roberts, that you can avoid the whole variance
10 application.

11 MR. DRONZEK: I understand. I just --

12 VICE CHAIR MAGALETTA: I know you do.

13 MR. DRONZEK: -- that was one thing I
14 was trying to avoid. I just -- you know, the
15 Chairman said, I'm hilariously making this argument.

16 I am not so sure that the ordinance
17 isn't somewhat ambiguous because at times it talks
18 about, you know, as I understood from the zoning
19 officer, what she did was to determine the market
20 value of the structure, she looked and said, okay,
21 what is the value of all of the bricks and mortar
22 and boards. Let's put that all in a pile and
23 determine it.

24 I am not so sure that is the way you do
25 it when it talks about market value.

1 Does market value mean the market value
2 of what somebody would pay for it?

3 Market value typically means what a
4 buyer or seller would pay.

5 MR. HIPOLIT: How many units does the
6 building have again?

7 MR. DRONZEK: Nine -- well, it is
8 ten -- go ahead.

9 MR. GALVIN: I think the way this works
10 normally, and there are complications here that I
11 don't want to speak to, okay?

12 MR. DRONZEK: Okay.

13 MR. GALVIN: You're going to have to
14 put in proofs, so we are going to have to talk about
15 it some more, and that's why I was have been quiet
16 so far.

17 But let's take another building. Let's
18 say it is a building a block away, and they had some
19 damage, and I think the one that I looked at, you
20 have to look at the fair market value of the
21 building, which was in this other case was like a
22 million dollars, and then the assessor said that the
23 land value was about \$600,000.

24 So the actual structure on this other
25 imaginary lot that I have was about \$400,000.

1 So in that scenario, if that is the value of the
2 structure, if you did an improvement that was
3 \$200,000, that would subject you to compliance with
4 the FEMA regulations and the elevation of the
5 building.

6 So we kind of need to know some of that
7 information, so you have a right to kind of give us
8 some proofs. Like make an argument, hire an
9 appraiser, tell us something about that. You know,
10 put it in a letter.

11 In this other case that I had, the
12 person was going to do \$500,000 worth of
13 improvements, and was arguing with me that he didn't
14 have to comply with the law, and clearly that person
15 did.

16 So I don't know what \$900,000 stacks up
17 here, you know, improvement wise, then it would go
18 the opposite way, right, gaining backwards it would
19 have to be 1.8 million, the structure, not counting
20 the land value, and then probably what you needed to
21 know is what all nine condo units were worth before,
22 and that is where, you know, nine times those
23 condos, you know, the nine condo units added up came
24 to a value, minus the land value, and you have to do
25 some work and make that computation, if you want to

1 make the argument that this isn't a 50 percent
2 improvement.

3 The other thing is the language says:
4 Any reconstruction, rehabilitation, addition or
5 other improvements of a structure, the cost of which
6 exceeds 50 percent of the market value of the
7 structure before the start of construction of the
8 improvement.

9 I am not sure, I am not a hundred
10 percent what that means. I don't mean -- does it
11 mean what it was before the fire or does it mean --

12 VICE CHAIR MAGALETTA: Or current.

13 MR. GALVIN: -- what it was after the
14 fire, or its current condition, and that is what the
15 Board is going to have to make that determination,
16 or the Zoning Board is going to have to make that
17 determination. Someone will have to make it.

18 All right. This term includes
19 structures, which have incurred substantial damage
20 regardless of the actual repair work performed,
21 you know, so --

22 MR. DRONZEK: And I think, so just --
23 there is a separate definition for substantial
24 damage --

25 MR. GALVIN: I am reading you the

1 definition of "substantial damage."

2 MR. DRONZEK: No. You were reading the
3 definition of "substantial improvement," and there
4 is a separate definition above that for "substantial
5 damage."

6 MR. GALVIN: Okay. Yes, you are
7 correct.

8 Substantial damage: Damage of any
9 origin sustained by a structure, whereby the cost of
10 restoring the structure to its before damaged
11 condition would equal or exceed 50 percent of the
12 market value of the structure before the damage
13 occurred. Okay.

14 MR. DRONZEK: So there, I think you are
15 comparing the building in its undamaged state, in
16 other words, before the fire occurred, with no
17 damage to it at all, and whether the cost of
18 restoring --

19 MR. GALVIN: We have to find out where
20 those words are in the other ordinance, but --

21 MR. HIPOLIT: Well, what was the value
22 of the building before?

23 MR. DRONZEK: Well, I only know what
24 the assessed value was, and at that point --

25 MR. GALVIN: No. You need the pre.

1 You need the pre.

2 When you have a fire, they mark you
3 down to \$10,000, because that is what the state
4 does. It is a nominal value for fire distressed
5 buildings, but there would have been an assessment
6 prior in time or you get an appraiser to help you
7 out.

8 MR. HIPOLIT: The tax assessor will
9 have it. They have the old assessed value.

10 MR. GALVIN: They may or may not. But
11 I'm saying in other cases that I have had,
12 applicants were able to get an appraiser to come
13 tell us, and then the assessor can help us by
14 telling us what the land value is. I wouldn't be
15 surprised if the land value is based on other
16 lots --

17 MR. HIPOLIT: Right.

18 MR. DRONZEK: Well, I mean, I have the
19 assessed values before the fire.

20 MR. GALVIN: Okay.

21 MR. DRONZEK: But I just said, they
22 were not true -- they were not market value. They
23 were the --

24 MR. GALVIN: Well, you know, what we do
25 is, again, I do tax appeal work also. What we do is

1 we use the ratio and go backwards and it tells you
2 the values.

3 MR. DRONZEK: The ratio, Dennis, as I
4 understood it, was like 30 percent --

5 MR. GALVIN: So you do it backwards.
6 You divide that number back, and it gives you what
7 we effectively think the market value is.

8 MR. HIPOLIT: Well, what was the values
9 that you had from before?

10 MR. GALVIN: I mean, it's actual value,
11 though. We are using the assessment. I don't see
12 anywhere in here that says that we have to use
13 the -- it says market value, so even though we are
14 looking for the tax assessor's office, it is market
15 value, so any appraiser could give you what the
16 market value is.

17 VICE CHAIR MAGALETTA: Yeah. I think
18 that the assessor's value is not market value.

19 CHAIRMAN HOLTZMAN: It's not.

20 VICE CHAIR MAGALETTA: It is not, so --

21 CHAIRMAN HOLTZMAN: You don't have to
22 think it. It's not.

23 VICE CHAIR MAGALETTA: -- yeah, it's
24 not, so I think, I mean, respectfully, I think it is
25 two different numbers.

1 MR. DRONZEK: I'm sorry?

2 VICE CHAIR MAGALETTA: I think it is
3 two different numbers, assessed and market value,
4 and you can try to work it backwards from that, but
5 I don't think it is market value.

6 MR. GALVIN: But if everybody has done
7 everything right on a tax appeal world, although if
8 you are 30 percent, you're not right, you're not
9 close to right probably.

10 VICE CHAIR MAGALETTA: That's what I
11 mean.

12 MR. GALVIN: If you are 85 percent or
13 95 percent, and you do the mathematical equation,
14 the building is probably worth what the assessor is
15 saying. When it's at 30 percent, it's probably
16 not -- it's probably less --

17 VICE CHAIR MAGALETTA: You can get an
18 appraisal dated before the fire. I mean, we have
19 done that.

20 MR. DRONZEK: Okay. Well --

21 CHAIRMAN HOLTZMAN: So you are going to
22 do some homework and get us some justification on
23 all of this analysis.

24 MR. GALVIN: They can even present that
25 to the flood plain administrator, if he could prove

1 to her that the damage is less than 50 percent --

2 MR. ROBERTS: My suggestion is if you
3 can convince her that you meet the --

4 MR. HIPOLIT: Then you don't come back
5 here --

6 CHAIRMAN HOLTZMAN: Let me just throw
7 out a hypothetical that has nothing to do with this
8 application, but maybe something similar.

9 There is the opportunity to have a use
10 change on units that would be below base flood
11 elevation, and we had people in town do that
12 previously, where they converted those units into
13 some other use, commercial use.

14 There is also the option, which the
15 flood plain code gives you, which is if you have to
16 raise up your building to get the first habitable
17 floor out of the danger zone, you are then given a
18 ten percent or ten foot gain in the height of your
19 building to offset that.

20 So maybe there is the potential to
21 somehow balance that out in this equation, is that
22 there is an additional floor added to this building,
23 or the floors are restructured in some different way
24 to get the building and the habitable space out of
25 the danger zone.

1 I want to make sure that we are all on
2 the same page since obviously you have brought a
3 whole team of folks here with you this evening.

4 The purpose of the Planning Board
5 attempting to strictly enforce this flood hazard
6 ordinance is for people to be safe and for property
7 not to be damaged in the future.

8 So even if you sometimes have the
9 ability to somehow split hairs and get away with it,
10 most of the people that have come before us since
11 Superstorm Sandy have chosen to err above and beyond
12 the side of caution to get their businesses and
13 their residential space out of the danger zone.

14 MR. DRONZEK: Your word is not going on
15 deaf ears, believe me, and the owners of these units
16 who are here tonight were not brought by me. They
17 obviously wanted to see, you know. They have been
18 out of their homes for over a year. It took a year
19 to get the insurance money, and now they -- having
20 been ready in November to start, they then were
21 faced with this problem.

22 MR. GALVIN: How many units are here?

23 MR. DRONZEK: There's nine units.

24 MR. GALVIN: I think the property --
25 shows eight --

1 MR. DRONZEK: Well, I know there's
2 nine.

3 MR. GALVIN: -- and I'm looking it up
4 on Zillow, and it only shows eight.

5 MR. DRONZEK: There are two -- there
6 are two units that form a duplex, and when you look
7 at the building, it's like, it's like what I would
8 call an old apartment, where there's two units on
9 each floor, five stories, and two of the units I
10 think are joined as an upstairs -- as a duplex.

11 MR. GALVIN: That's odd, too, but it's
12 not showing -- but, again, I'm am only looking at
13 Zillow, but it is not showing --

14 MR. HIPOLIT: You should verify with
15 the city and their records book, the taxability that
16 you are allowed to have nine units. You should do
17 that, too.

18 MR. DRONZEK: Well, they are assessed
19 at nine units. I mean, I know that. I looked at
20 the assessment cards, and there are nine units in
21 the building.

22 MR. HIPOLIT: Okay.

23 MR. DRONZEK: Well -- and as far as Mr.
24 Roberts made a suggestion in his report about
25 converting two units on the ground floor to a

1 commercial use, that is obviously something that
2 only those two people can decide whether they want
3 to do or not --

4 MR. HIPOLIT: I mean, you understand
5 the danger of leaving those residential units there.
6 The dry proofing is only so good. I mean, there's
7 no guarantee. Those units are in definite danger,
8 and people's lives could be lost. It's not -- dry
9 proofing around the country fails. People die that
10 way --

11 CHAIRMAN HOLTZMAN: And there was
12 something else that I wanted to just highlight,
13 because, again, I think that there is sort of like
14 this false hope that the first floor, if approved,
15 would still be a safe zone, and it wouldn't be a
16 safe zone also for the utilities that are proposed
17 to go there.

18 I saw that the water heaters and some
19 of the furnaces and things like that were moved up
20 to the first floor. Even though they are moved up
21 to the first floor from the basement, they are still
22 within the flooding zone. They would need to be
23 moved to at least the one and a half floor, and that
24 included the gas meters, the electrical main, the
25 furnaces, and all of those other types of -- and

1 life safety equipment, you know, because you are
2 going to have the whole building that's going to be
3 wired for, you know, fire suppression. The
4 sprinkler system is now code also.

5 So that brings up another subject,
6 which is the flood ordinance is something that is
7 relatively new to all of us and seems to get
8 everybody's attention to attempt to -- it doesn't
9 apply to me. It doesn't -- I am going to somehow
10 get away with it.

11 Yet, we don't have the same arguments
12 with people when they say, the building department
13 and the zoning code calls for a hundred percent
14 sprinkler coverage in the building, and hard wired
15 smoke detectors and central fire alarm systems and
16 current electrical systems. Nobody argues with
17 those things, but so be it.

18 This is a relatively new sort of area
19 that we are here with the zoning issue and obviously
20 with the impact in Hoboken.

21 MR. DRONZEK: So do I take it that you
22 want me to, if I am going to pursue the argument
23 about the applicability of the ordinance, is to
24 present proofs to the zoning officer, and then have
25 her make a re-determination as to whether it does or

1 does not apply?

2 MR. GALVIN: I think that might make
3 sense, although, like I said, I am trying to run
4 through this right now. I know you are telling me
5 it's nine units, and then that is, I don't know, if
6 the reality is that it's nine units, I don't know
7 if -- we know it was nine units, but I don't know.
8 I don't know. When I look at this, it's --

9 CHAIRMAN HOLTZMAN: Well, the bottom
10 line is we still need the financial analysis.

11 MR. GALVIN: Right. With the financial
12 analysis, it might still be a close call.

13 CHAIRMAN HOLTZMAN: Then, you know,
14 again, you need to do what your clients direct you
15 to do, but maybe there's the option to entertain
16 some of these other things.

17 Maybe, and it's obviously problematic.
18 It is not a rental building. It's not one owner.
19 We understand that. We are sympathetic to that. We
20 are happy to try to work with you in whatever wiggle
21 room we have on this thing. So maybe if those unit
22 owners that are affected by this are able to convert
23 them, perhaps there is a way to then add space on
24 top of the building, so the people have residential
25 space. I mean, we are interested in entertaining

1 it.

2 What we can't do, though, unfortunately
3 before a whole hearing, is to kind of workshop these
4 concepts. That is why we want to keep you here, so
5 we can kind of try to figure out what makes the most
6 sense before we present it to the whole Board.

7 MR. DRONZEK: Okay.

8 VICE CHAIR MAGALETAT: Mr. Dronzek, the
9 question I had is: Where is the homeowners
10 association? Should they be part of this
11 application or not?

12 MR. DRONZEK: Well, I made the
13 application on behalf of the condominium association
14 as a whole, 327 Adams Street Condominium
15 Association. They have a unity of interest at this
16 point, all of the owners.

17 There may come a point, and this is not
18 your problem, where there may be a conflict between
19 two of the unit owners and the balance of them, if
20 those two units owners have to now essentially go to
21 a commercial. I don't know if that's going to
22 increase the value of their units or decrease it. I
23 suspect it's going to decrease it, and then there
24 may be some -- again, these are not matters that are
25 necessarily within your province, but there may be

1 some issues there that, you know, you have to
2 resolve and --

3 CHAIRMAN HOLTZMAN: Let me --

4 MR. DRONZEK: -- let me say this.

5 Maybe Mister -- is it my understanding, though, that
6 the preliminary FEMA map has lowered the elevation
7 now to --

8 MR. HIPOLIT: It is irrelevant.

9 Hoboken adopted 13, so it's irrelevant.

10 All of those numbers you were giving
11 earlier, that is why the Chairman stopped you.
12 They're irrelevant. Hoboken made an adoption.

13 MR. DRONZEK: Okay.

14 MR. ROBERTS: It was intentional based
15 on sea level and all kinds of other reasons --

16 MR. HIPOLIT: It was based on actual
17 flooding.

18 CHAIRMAN HOLTZMAN: Right.

19 What they are trying to do is the FEMA
20 maps are always, by the time they get advisory, by
21 the time they work through that, they get adopted,
22 and then they usually get rolled back and kicked
23 around a little bit more. Before they get signed
24 off on, it's another five years. So what they are
25 trying to say is there has always been a five-year

1 lag in this thing, let's try to get ahead of the
2 curve a little bit --

3 MR. HIPOLIT: In most towns --

4 CHAIRMAN HOLTZMAN: -- and let me
5 conclude with one other thing, sir, and I really do
6 mean this respectfully.

7 The Board is, and I don't speak for the
8 whole Board, this is not a hearing. This is just --
9 the Board is pretty fierce, though, about its
10 defense of the flood ordinance.

11 On the other hand, the Board is very
12 open to people who come to it that are offering some
13 alternative work around --

14 MR. DRONZEK: Okay. The message wasn't
15 lost, and I had the message beforehand.

16 But I have been aware of that message
17 for a while, but I mean, obviously there are -- and
18 while I appreciate the other things you have been
19 saying about people don't complain about having to
20 upgrade their buildings for electric violations,
21 whatever, this one, though, is a little bit more of
22 the alternatives other than maybe converting the two
23 units to a commercial use are quite expensive, and
24 involve potentially raising floors --

25 CHAIRMAN HOLTZMAN: That's an option,

1 right, yes.

2 MR. DRONZEK: -- but those options are
3 not necessarily, you know, they are expensive. I
4 mean, I think I have gotten an estimate already that
5 raising the floors for each of the -- each floor is
6 like \$30,000 per floor, so you are talking about
7 \$150,000 right there, that obviously it's an
8 expensive cost and --

9 MR. HIPOLIT: I mean no disrespect by
10 this --

11 MR. DRONZEK: -- you don't have to
12 worry about disrespect --

13 MR. HIPOLIT: -- if I told you, you had
14 to spend \$150,000 not to get killed in flooding, you
15 would do it right now, and that is the problem with
16 that issue.

17 VICE CHAIR MAGALETTA: What's the
18 ceiling height per unit or per floor, I should say?

19 MR. DRONZEK: Nine, I think.

20 VICE CHAIR MAGALETTA: And what is it,
21 one foot between the ceiling and the next floor?

22 CHAIRMAN HOLTZMAN: They would have to
23 move all of the floors up.

24 MR. FELDMAN: They'd have to raise all
25 of the windows also.

1 VICE CHAIR MAGALETTA: No. I

2 understand that.

3 MR. DRONZEK: I'm sorry. That was the
4 other thing. The exterior of the building when you
5 raise the floors, you have to then elevate, which
6 may require actually pulling off the front of the
7 building eventually and then actually destroying --
8 when you have a facade there now that is usable, you
9 may have to pull that all off.

10 MR. FELDMAN: You have to rebuild the
11 whole building basically.

12 VICE CHAIR MAGALETTA: Thank you.

13 MR. GALVIN: I just want to chip in. I
14 looked at -- I have some tax information. It is
15 showing that everybody is being assessed about
16 \$151,000 for the land.

17 MR. DRONZEK: Now, now.

18 MR. GALVIN: Right.

19 MR. DRONZEK: Before I think it was
20 like maybe 15,000 each, which I think they are
21 raising the --

22 MR. GALVIN: I doubt it. It shouldn't
23 have changed. It should not have changed. It
24 should be the same value.

25 MR. DRONZEK: Mr. Galvin, I can pull it

1 out and show you, and I don't mean any disrespect to
2 you, but the value --

3 MR. GALVIN: The improvement value is
4 reduced to \$10,000 for the structure because the
5 structure is not usable, but they are still charging
6 all of the individual owners \$151,000 for their
7 portion of the land value of this lot.

8 MR. DRONZEK: I understand that. Yes.
9 I thought you were saying --

10 MR. GALVIN: Okay. So --

11 MR. DRONZEK: -- I'm saying before the
12 fire, that was not the case --

13 MR. GALVIN: -- if the homes were
14 \$300,000 before, it's saying effectively that -- and
15 I'm saying that a thing that I'm saying is accurate,
16 I'm just giving you a rough -- a guesstimate kind
17 of, all right?

18 So if the houses were worth \$300,000,
19 and the land value is 150, each of those apartments
20 or condos had a structural value of 150.

21 If you take the \$900,000 divided by the
22 nine units, again, I am just playing with the
23 numbers, and you divide it to each apartment by a
24 hundred-thousand, each of these units would be more
25 than the 50 percent --

1 MR. FELDMAN: That's the assessed
2 value.

3 MR. GALVIN: No. Market value. Don't
4 complicate it. It's market value.

5 It doesn't matter, if you want to
6 disagree with me, go ahead. But, you know, I am
7 trying to give you the mental framework, and I
8 didn't know -- I didn't know the land value before,
9 and it still might be wrong. I don't know. Okay?

10 But it does look like it might be 50
11 percent. You might have trouble with the variance,
12 and therefore, what the Board is trying to tell you
13 is you might want to try to come up with Plan C.

14 MR. DRONZEK: Are we going to then
15 schedule this for another presentation or go right
16 to the Board or how --

17 MR. GALVIN: Well, I think what we are
18 saying is if you want to pursue the variance
19 request, and I think that's where our focus should
20 be, I think you should do two things.

21 I think you should take a look at the
22 math again and go back to the zoning officer and see
23 if you can provide her new information that might
24 convince her to the contrary.

25 MR. HIPOLIT: Yeah. If you prove it's

1 not 50 percent, you're going to come back --

2 MR. GALVIN: But what I'm saying is I
3 don't want to give you false hope because --

4 CHAIRMAN HOLTZMAN: Just to make sure
5 we are thinking that through a hundred percent, so
6 then they would be able to reconstruct their
7 building as of right, is that correct?

8 MR. GALVIN: If she reversed herself,
9 yes --

10 CHAIRMAN HOLTZMAN: Okay. I just
11 wanted to make sure we're clear --

12 MR. GALVIN: -- if she had more
13 information that led her to believe that her initial
14 decision was incorrect.

15 CHAIRMAN HOLTZMAN: So that's Option A.
16 They're going to investigate that.

17 MR. GALVIN: But from our standpoint,
18 what we are going to do for you right now is we're
19 going to make sure that you are ready for your
20 variance application, and again, that's what I think
21 the Chairman was trying to do for you by getting you
22 on tonight.

23 But I think this is significant,
24 though, and I think it may hurt a little bit as to
25 your argument. It's more valuable than I realized.

1 CHAIRMAN HOLTZMAN: Okay. Good.

2 So did you want to take some input in
3 terms of any additional information that the Board
4 would need prior to a full application?

5 MR. DRONZEK: Sure.

6 MR. HIPOLIT: The only other input that
7 I have, other than the flood plain stuff in my
8 letter, is it's a nine-unit building, so if you are
9 reconstructing the entire inside, and you have to
10 come back to the Board, and it's not an as of right,
11 you are going to also need to meet the American
12 Disabilities Act, the ADA requirements.

13 The reason I mentioned that is that ADA
14 requirement is going to throw the whole design of
15 the building into a complete cloud of which you will
16 end up redoing everything anyway. You might be
17 looking at an elevator. You might be looking at a
18 lot of stuff, different entrance ways, so you need
19 to keep your money.

20 If you can't get past the flood plain
21 manager with the assessment when you come back here,
22 you're going to have to look at ADA requirements,
23 and that blows up all of the floors. It blows up
24 everything.

25 MR. DRONZEK: Including conversion of

1 the first two units to a commercial use?

2 CHAIRMAN HOLTZMAN: No, it could still
3 be a possibility.

4 MR. HIPOLIT: It is all possible, but
5 you have to have -- the American Disabilities Act
6 applies to the access to the building, to go up the
7 stairs and down the stairs, so that's a different
8 scenario, so you have to keep that in mind.

9 MR. DRONZEK: Okay.

10 CHAIRMAN HOLTZMAN: With regard to the
11 utilities that I called out --

12 MR. HIPOLIT: They have to be above
13 elevation 13.

14 CHAIRMAN HOLTZMAN: So even if there
15 was some recalculation, utilities would still have
16 to be moved up.

17 MR. HIPOLIT: Yes. The utilities have
18 to be above elevation 13.

19 CHAIRMAN HOLTZMAN: Right. Currently
20 they are not.

21 MR. ROBERTS: So they have to be
22 reinstalled.

23 MR. HIPOLIT: All of them.

24 MR. DRONZEK: Can I ask one other
25 question?

1 If they were to take the first two
2 units completely out of use and devote them to
3 storage --

4 CHAIRMAN HOLTZMAN: Yes.

5 MR. DRONZEK: -- I'm just -- would that
6 require then any reconstruction of the building to
7 be still be ADA compliant?

8 MR. HIPOLIT: Then it would be seven
9 units. You have to look at the code, the ADA code.
10 ADA, when it talks about residential, it talks about
11 number of units. Nine to seven might drop you below
12 the requirements for ADA upgrade. I think eight
13 might be the number of units, but I will look it up
14 for you. Your architect can look it up, too.

15 CHAIRMAN HOLTZMAN: So keep us
16 informed.

17 MR. DRONZEK: I am going to go then and
18 communicate with Ms. Carcone as to where I want to
19 go after this.

20 CHAIRMAN HOLTZMAN: Yes.

21 MR. DRONZEK: And assuming for a moment
22 that I don't go back to the flood plain
23 administrator, give up the ship on that issue, would
24 we then have a complete application for going
25 forward to the Board?

1 CHAIRMAN HOLTZMAN: We do, but there
2 are quite a number of problems that you would need
3 to address. The purpose of this is not to flush out
4 those things, but you need to be able to take some
5 of that input with regard to the utilities, and you
6 should probably fix those things here before you get
7 to the full hearing. Otherwise, the Commissioners
8 are going to be tying themselves up in knots about
9 those issues.

10 MR. DRONZEK: Do you want me to come
11 back again with redrawn plans that were ADA
12 compliant, if need be or --

13 CHAIRMAN HOLTZMAN: And what the plan
14 is for those units. Is it to take them out of use,
15 as storage, is it to convert them to office or
16 commercial space --

17 MR. DRONZEK: Maybe Mr. Galvin can tell
18 me, and I don't mean to take up your time, but if we
19 were to come back to take up Mr. Roberts' suggestion
20 and convert those units to commercial space, would
21 the Board be entertaining that as part of an amended
22 application?

23 MR. ROBERTS: In terms of approving a
24 change of use?

25 Actually I am not sure that it -- the

1 real essence of this application is really a flood
2 plain issue, so that would really be -- I mean, it
3 is certainly something that the Board can entertain,
4 but it probably would be a different type of
5 application.

6 MR. GALVIN: No. But let's say we
7 figure it out. We're saying, look, be commercial --

8 MR. HIPOLIT: For storage.

9 MR. GALVIN: -- well, storage doesn't
10 give them any value, right?

11 If they go commercial, they can buy out
12 the unit owners that they can't restore or something
13 like that. If it's just storage, then it's not,
14 there's not much help with that.

15 So what he is saying is if they wanted
16 to convert it to commercial, is it permitted, can we
17 do it. Why not change the application and come
18 straight for that?

19 MR. ROBERTS: Well, actually I thought
20 about that. It is in the R2 zone. I just don't
21 have --

22 MR. DRONZEK: It's a conditional use, I
23 believe.

24 MR. ROBERTS: -- you would have to
25 include that information. I don't have that

1 information to make that call now, but --

2 MR. GALVIN: I'm saying what we are
3 trying to do right now is we are trying to do an
4 appeal and a variance and stuff, because we are
5 trying to find any way we can to save this.

6 So if the new way to save it is we will
7 convert those bottom units to commercial, and then
8 we don't have to worry --

9 CHAIRMAN HOLTZMAN: So your main
10 question, Dave, is if there's anything else on the
11 street?

12 MR. ROBERTS: Yes. In other words, if
13 they were to convert this application to a
14 conditional use approval for the ground floor, we
15 don't have enough information now to be able to know
16 whether they meet the three conditions --

17 CHAIRMAN HOLTZMAN: Do you happen to
18 know if there are any commercial or retail uses on
19 the street? I don't recall.

20 MR. DRONZEK: There are. There are
21 some retail. There's a dry cleaners and a couple of
22 other things. I mean, they are on the ground floor.
23 There might be a small bordega delicatessen. I know
24 in that area there are a couple of retail uses.

25 CHAIRMAN HOLTZMAN: But would it still

1 be within the Planning Board's jurisdiction to
2 grant --

3 MR. ROBERTS: Yes.

4 CHAIRMAN HOLTZMAN: -- even if it did
5 not have --

6 MR. GALVIN: If it complies with the
7 three conditions of a conditional use standard,
8 which we have to figure out.

9 CHAIRMAN HOLTZMAN: Otherwise, he would
10 need a variance.

11 MR. GALVIN: And then you have to go to
12 the Zoning Board.

13 MR. ROBERTS: Actually, you know what,
14 Mr. Chair, this came up with a different -- one of
15 the conditional uses that we originally had on the
16 agenda tonight, and the way that the R1, R2 is set
17 up, if it's a retail use that is covering that
18 definition, that covers a lot of different retail
19 uses, then we have to meet those three standards,
20 and they are not conditions. They are basically
21 just additional standards, because retail uses are
22 not -- they are a principal permitted use, but then
23 you get referred to those three standards if they're
24 three. If it's a restaurant, then the restaurants
25 are a conditional use, and those three standards

1 become conditions.

2 If it is a commercial use, like maybe
3 an office or an instructional use, like we had in
4 one of our other applications, and it's permitted as
5 a conditional use, then the only condition then
6 becomes performance conditions, like it doesn't
7 permit excessive noise, dust or whatever.

8 So you might find that the conversion
9 to a commercial space, depending on the commercial
10 use that goes in there, there may not need to be
11 another retail use or two retail uses on the block.
12 You know, those kind of conditions may not apply,
13 so --

14 MR. GALVIN: Do you have those three
15 like ready? Do you have the other file with you?

16 MR. ROBERTS: Well, the three
17 conditions would be a customer service area less
18 than a thousand square feet. It has to be on the
19 ground floor of a mixed-use building, and there has
20 to be at least I think one or two other -- I don't
21 remember the -- one or two on the same block,
22 commercial uses on the same block.

23 CHAIRMAN HOLTZMAN: So it seems like it
24 might be --

25 MR. GALVIN: It might be because there

1 is a restaurant on that corner.

2 CHAIRMAN HOLTZMAN: I mean -- yes --

3 MR. ROBERTS: I mean, I think it is a
4 pretty good shot, and the other application we have
5 on tonight is on the same street, and it's for a
6 conditional use.

7 MR. DRONZEK: All right. I will let
8 you know.

9 Thank you.

10 CHAIRMAN HOLTZMAN: Thank you.

11 MS. CARCONE: You deemed that
12 incomplete, that application?

13 CHAIRMAN HOLTZMAN: Yes.

14 (The matter concluded.)

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C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CCR, CRCR

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PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300
Notary Public of the State of New Jersey
Dated: 4/10/15
My commission expires 11/5/2015.
This transcript was prepared in accordance with
NJAC 13:43-5.9.

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CITY OF HOBOKEN
PLANNING BOARD

----- X
Subdivision and Site Plan Review : April 8, 2015
Committee Meeting : 7:50 p.m.
RE: 420 ADAMS STREET :
----- X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

Chairman Gary Holtzman
Vice Chair Frank Magaletta
Commissioner Caleb McKenzie

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

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

Andrew R. Hipolit, PE, PP, CME
Board Engineer

Patricia Carcone, Board Secretary

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10 Jersey City, New Jersey 07302
11 Attorneys for the Applicant.

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1 CHAIRMAN HOLTZMAN: All right. Last,
2 but not least, 420 Adams.

3 Good evening. How are you?

4 MR. FEINBLOOM: Good evening. I'm
5 good.

6 My name is Matthew Feinbloom for the
7 owner/applicant, Al Croce.

8 This is a conditional use application
9 at 420 Adams Street.

10 Last March, the property was approved
11 for a conditional use as a children's gymboree, and
12 now the applicant now seeks to occupy the property
13 as a real estate management office.

14 CHAIRMAN HOLTZMAN: Okay.

15 Dave, you had a letter for us, some
16 concerns?

17 MR. ROBERTS: Yes.

18 What I first thought was an office, Mr.
19 Chairman, I thought that there might be an issue,
20 but in the definition of retail business, services
21 and businesses includes business and professional
22 offices as one of those items.

23 So then that kicked it to those three
24 requirements, which we already know the application
25 meets because we just approved it for the gymboree

1 not too long ago, so --

2 CHAIRMAN HOLTZMAN: Right.

3 MR. ROBERTS: -- from a use standpoint,
4 there didn't really seem to be any issues. But my
5 understanding was that this is the same street of
6 the application we just heard, so there are -- there
7 is -- there was a request for a waiver of flood
8 certificate, and we thought because of where it was
9 located, that probably would be not something we
10 would recommend, and that is really the gist of
11 my --

12 CHAIRMAN HOLTZMAN: So they are
13 requesting a waiver from that. Is that correct?

14 VICE CHAIR MAGALETTA: Can we just back
15 up?

16 Is it a thousand retail -- how much
17 space, how much floor space will the retail space
18 be?

19 MR. CROCE: It's got a bathroom in
20 back, so it's about 700 usable space, square feet.

21 MR. ROBERTS: It's about 700 square
22 feet just for the office. The rest of it is
23 bathrooms and stuff.

24 MR. GALVIN: Wait a minute. I just got
25 yelled at. What's your name?

1 MR. CROCE: Oh, I'm sorry. I

2 apologize.

3 MR. GALVIN: We all know you, but --

4 MR. CROCE: I didn't mean to yell out.

5 CHAIRMAN HOLTZMAN: The court reporter

6 just needs to get your name for the record, Al.

7 MR. CROCE: Alfred Croce, C-r-o-c-e.

8 CHAIRMAN HOLTZMAN: Thank you.

9 Dave, you confirm that?

10 MR. ROBERTS: Yes, that's what the

11 floor plans show.

12 CHAIRMAN HOLTZMAN: Your main concern

13 is that they are asking for a waiver --

14 MR. ROBERTS: Flood hazard certificate,

15 which we --

16 CHAIRMAN HOLTZMAN: Am I right, that I

17 see that they are actually asking for, in addition

18 to a waiver, from the flood hazard ordinance, they

19 are asking for a waiver of a survey as well?

20 MR. ROBERTS: The property, but I think

21 we --

22 MR. HIPOLIT: It's probably a survey.

23 CHAIRMAN HOLTZMAN: Or a waiver on the

24 elevation survey maybe?

25 MR. ROBERTS: Elevation certificate --

1 (All Board members talking at once.)

2 MR. HIPOLIT: I don't know --

3 CHAIRMAN HOLTZMAN: I thought I saw
4 that when I was reading --

5 MR. HIPOLIT: -- I don't want to sound
6 like the bad guy, but I don't think you should waive
7 that.

8 VICE CHAIR MAGALETTA: No, no. The
9 application, they want a waiver of the elevation
10 certification.

11 MR. HIPOLIT: You should not waive
12 that.

13 VICE CHAIR MAGALETTA: I agree. I
14 don't think we can, and that is a problem for me.

15 MR. HIPOLIT: The other thing is I
16 think just for clarity, do the tax records have two
17 owners of the property?

18 MR. CROCE: Well, my wife.

19 MR. HIPOLIT: The application I have
20 doesn't have consent of both owners on it. It only
21 has consent of one owner.

22 MR. CROCE: She went to the office to
23 sign it --

24 MR. HIPOLIT: Pat, do you have two
25 owners' consent or just one?

1 MS. CARCONE: I had a conversation with
2 Mr. Cherami, yes, about him submitting a revised
3 set.

4 Is that what you have there?

5 There was another owner, yes.

6 CHAIRMAN HOLTZMAN: So what do we got?

7 MS. CARCONE: Okay. There is the
8 authorization of the owner from Mr. Croce --

9 MR. CROCE: Yes.

10 MS. CARCONE: -- and is that your wife?

11 MR. CROCE: Yes.

12 CHAIRMAN HOLTZMAN: And then the
13 other --

14 VICE CHAIR MAGALETTA: Al Croce and
15 Veronica Lues, L-u-e-s.

16 CHAIRMAN HOLTZMAN: That's it, right?

17 MR. CDROCE: Yes, my wife,

18 VICE CHAIR MAGALETTA: Okay.

19 MR. HIPOLIT: And then the other thing,
20 the flood plain issue is an issue. Again, for the
21 Board's purpose, I don't recommend waiving the flood
22 elevation certificate. In any case, that again
23 would go into the CSR rating. If the State wants
24 that, if FEMA wants that, you receive funding,
25 residents receive discounts on their flood

1 insurance, and it would be a bad move.

2 We still have the issue with respect to
3 the American Disabilities Act again on this
4 application. You are converting it to a commercial
5 business, which has -- I went by today -- it has
6 stairs in front of it. We do have a picture here.
7 I took a picture of it.

8 How do I get in there, if I am a person
9 with disabilities?

10 So you need to address disabilities and
11 how you get into there, and then you still need to
12 address the whole issue of flooding, so the flood
13 elevation is significantly above your front floor,
14 where is your utilities, how are you dry proofing
15 it, how are you managing it during a flood?

16 Those are the major issues. You can't
17 waive it.

18 MR. CROCE: You know, did this come up
19 for the last time when it was approved about five or
20 six months ago? Because I know I had flood
21 insurance. I am pretty sure I had the elevation
22 certificate done. In fact, the gentleman in Hoboken
23 did the renovations certificate.

24 CHAIRMAN HOLTZMAN: Then you will
25 provide it as part of the application.

1 MR. GALVIN: The burden is always on
2 the applicant.

3 CHAIRMAN HOLTZMAN: You guys need to
4 come to us with a completed application, and maybe
5 that point is not being made clear enough.

6 MR. FEINBLOOM: Okay.

7 CHAIRMAN HOLTZMAN: So it would be good
8 if you wrote something down that indicates that
9 maybe you understand us.

10 MR. ROBERTS: The other thing, too, Mr.
11 Chairman, is that this flood damage ordinance was
12 only amended recently, and the CRS is something the
13 city is working towards. We are at the starting
14 point now, so it's very possible that the last time
15 you were here, it wasn't in the same position that
16 we are in now --

17 CHAIRMAN HOLTZMAN: Or it made an
18 adoption or something like that. It has been
19 something that has been in the works for quite some
20 time.

21 MR. ROBERTS: But the city, as you
22 probably felt tonight, is pretty serious about that.

23 MR. CROCE: I thought when I got the
24 flood insurance, that they made me do a flood
25 certificate or the elevation certificate --

1 CHAIRMAN HOLTZMAN: If you have it,
2 then it's easy to provide, and we got it. No
3 problem, but that is issue number one. Let's make
4 sure we are on the same page here.

5 You need to provide that certification
6 of the elevation of the building as part of the
7 checklist that accompanies your application, period.

8 MR. CROCE: Yes, sir, absolutely.

9 CHAIRMAN HOLTZMAN: The next item is:
10 After we have that, then our engineer is going to
11 look at it, and go, hey, the thing that we all know
12 is the truth, but that will tell us is the truth is
13 this building and its utilities are all within the
14 flood zone,

15 And it's great that you have flood
16 insurance, we would like to try to make it lower.
17 The way we are going to do that is to make all of
18 our buildings safer in the future.

19 So you can do two things: You can come
20 and make your application, and not make those
21 improvements to meet up with our current code, and
22 the Commissioners will determine what they want, or
23 you can come back to us and show us a plan that says
24 how you are going to address those issues to take
25 those utilities out of harms way.

1 MR. HIPOLIT: And by FEMA, you have to
2 understand, the city has a very large pressure on it
3 from FEMA. So if you were to come here and say,
4 listen, I can't move these utilities, there is a
5 cost associated, and there's all of these things,
6 and you make your argument to the Board, what the
7 Board is going to hear from me is: I understand
8 your argument. I understand it's a problem for you,
9 saying that, FEMA saying to the city, make people
10 move the utilities or else we are not going to fund
11 it, and we're going to take your CRS rating away,
12 and flood insurance may go up --

13 CHAIRMAN HOLTZMAN: People don't know
14 what the CRS rating is.

15 the CRS rating is very simply the
16 rating that FEMA gives to our entire town, so each
17 time our Board, Zoning Board, Planning Board,
18 Construction Office let's something go that is below
19 the FEMA standard, everybody's insurance in Hoboken
20 goes up --

21 MR. CROCE: I know what it costs me --

22 CHAIRMAN HOLTZMAN: -- so you're going
23 to have to explain that to 50,000 other people, Al,
24 why everybody's insurance went up because of you.

25 MR. CROCE: -- I know the cost. I

1 think it is amazing how much they're charging.

2 MR. HIPOLIT: Well, if applicants like
3 you don't make the necessary changes, it would go up
4 10 to 15 percent.

5 MR. ROBERTS: On the other hand, if the
6 city can get its rating approved, it goes down.

7 MR. HIPOLIT: So the more they keep
8 utilities out of the flood plain, the better change
9 to have the CRS rating actually go down, which is
10 going from nine to eight to seven, and then your
11 flood insurance gains another 10 percent --

12 MR. CROCE: Right.

13 MR. HIPOLIT: -- off everybody, so the
14 city can't -- I mean, I am only the engineer, but
15 you should not waiver from that stuff.

16 CHAIRMAN HOLTZMAN: This Board is happy
17 to work with you, Al. We did in the past --

18 MR. CROCE: Yeah, I know.

19 CHAIRMAN HOLTZMAN: -- we want you to
20 be able to use your property for a good purpose and
21 everything else.

22 MR. CROCE: One question about
23 grandfathering. Is that something that has to be
24 changed, if you are changing the property or doing
25 work?

1 VICE CHAIR MAGALETTA: This is a new
2 use, so --

3 MR. HIPOLIT: There's no
4 grandfathering. You're not grandfathering flood or
5 ADA. It's a changing use.

6 MR. CROCE: Okay, thank you.

7 VICE CHAIR MAGALETTA: With respect
8 to -- you said there is a property management
9 company coming in, right?

10 MR. CROCE: Right.

11 VICE CHAIR MAGALETTA: Is there any
12 kind of signs or any kind of illustration of what
13 it's going to look like?

14 MR. CROCE: It's just going to have
15 desks inside.

16 VICE CHAIR MAGALETTA: But on the
17 outside, the exterior, is it going to be painting,
18 or are there going to be signs?

19 What's it going to be?

20 MR. CROCE: Their plan was to just
21 clean it up. They were to make their application
22 after this, just to refurbish it and keep it the way
23 it is --

24 VICE CHAIR MAGALETTA: Could you maybe
25 just have an illustration of that?

1 MR. CROCE: I will get that for you.

2 VICE CHAIR MAGALETTA: That would be
3 helpful.

4 Thank you.

5 CHAIRMAN HOLTZMAN: So let's try to --
6 we need to get some additional documentation from
7 you guys, and then maybe address some of these
8 issues with regard to your plan, and then we are
9 happy to bring it back to the Board.

10 VICE CHAIR MAGALETTA: One other thing.

11 Andy, I think it was your letter that
12 said about the NJDEP permit.

13 MR. HIPOLIT: They may or may not need
14 one. It depends on what they are proposing. I'm
15 not sure they need one, but they at least need to
16 evaluate whether they need one or not.

17 Definitely, I think the more pertinent
18 one is that our flood plain management ordinance
19 applies. They are going to need review of our flood
20 plain manager as part of their application, and they
21 should do that right away.

22 CHAIRMAN HOLTZMAN: So the flood plain
23 manager is also our zoning officer, so you should
24 make an appointment to --

25 MR. HIPOLIT: Right away.

1 CHAIRMAN HOLTZMAN: -- sit down with
2 her and see what you guys can do to get into
3 compliance with these things.

4 MR. HIPOLIT: They are doable. You
5 just have to do it.

6 MR. CROCE: Not a problem. That's not
7 the question.

8 It's just I have to know where to go,
9 what to do, and get it done. That is why I am here.

10 CHAIRMAN HOLTZMAN: Sure.

11 And as soon as you get that stuff lined
12 up, you know, we'll shoot you right through.

13 VICE CHAIR MAGALETTA: So at this point
14 you are deemed not complete, but you will do
15 everything and come back --

16 CHAIRMAN HOLTZMAN: And then you will
17 come back to another meeting next month and
18 hopefully we will get this all squared away.

19 MR. CROCE: The point is, these things
20 are a technicality, but it is okay to use it, and
21 get this to be done, right?

22 CHAIRMAN HOLTZMAN: The purpose that
23 you want to do with it, yes.

24 MR. CROCE: Right, good.

25 Thank you.

1 CHAIRMAN HOLTZMAN: So the end game is
2 we are going to get there.

3 MR. CROCE: Thank you.

4 I will get that flood thing --

5 CHAIRMAN HOLTZMAN: Right.

6 Did you have any other questions or
7 anything else?

8 MR. CROCE: No, that's it.

9 MR. FEINBLOOJM: No.

10 Thank you.

11 CHAIRMAN HOLTZMAN: Thank you.

12 (The matter concluded at 8:15 p.m.)

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C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CCR, CRCR

PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300
 Notary Public of the State of New Jersey
 My commission expires 11/5/2015.
 Dated: 4/10/15
 This transcript was prepared in accordance with
 NJAC 13:43-5.9.