

HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

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REGULAR MEETING OF THE :
HOBOKEN ZONING BOARD OF : June 17, 2014
ADJUSTMENT : Tuesday 7:05 p.m.
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Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman James Aibel
- Vice Chair Elliot H. Greene
- Commissioner Phil Cohen
- Commissioner Antonio Grana
- Commissioner Diane Fitzmyer Murphy
- Commissioner John Branciforte
- Commissioner Tiffanie Fisher
- Commissioner Owen McAnuff

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

- Eileen Banyra, Planning Consultant
- Jeffrey Marsden, PE, PP
Board Engineer
- Patricia Carcone, Board Secretary

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1 CHAIRMAN AIBEL: Gentlemen, Thank you.

2 Good evening, Everyone.

3 It is about a little past seven. We
4 are at a Hoboken Zoning Board of Adjustment Regular
5 Meeting, June 17th, 2014.

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

14 If you could all stand and join me in
15 the Pledge of Allegiance.

16 (Pledge of Allegiance recited.)

17 CHAIRMAN AIBEL: Thanks, Pat.

18 Do a roll call first.

19 MS. CARCONE: Commissioner Aibel?

20 CHAIRMAN AIBEL: Here.

21 MS. CARCONE: Commissioner Greene?

22 VICE CHAIR GREENE: Here.

23 MS. CARCONE: Commissioner Cohen?

24 COMMISSIONER COHEN: Here.

25 MS. CARCONE: Commissioner DeFusco is

1 absent.

2 Commissioner Grana?

3 COMMISSIONER GRANA: Here.

4 MS. CARCONE: Commissioner Murphy?

5 COMMISSIONER MURPHY: Here.

6 MS. CARCONE: Commissioner Branciforte?

7 COMMISSIONER BRANCIFORTE: Here.

8 MS. CARCONE: Commissioner Fisher?

9 COMMISSIONER FISHER: Here.

10 MS. CARCONE: Commissioner McAnuff is

11 not here yet.

12 Commissioner Tremittedi is absent.

13 CHAIRMAN AIBEL: Great.

14 Good evening, Everyone.

15 We will start with a little bit of

16 administrative business. We have three resolutions

17 that are ready for approval.

18 The first is 522 Hudson. It's a

19 resolution confirming a zoning certification.

20 MR. GALVIN: Okay. You have Mr. Grana,

21 Ms. Murphy, Mr. Branciforte, Ms. Fisher, and

22 Chairman Aibel.

23 Do we have a motion?

24 COMMISSIONER FISHER: Motion.

25 MR. GALVIN: We have a motion by

1 Ms. Fisher.

2 Do we have a second?

3 COMMISSIONER MURPHY: Second.

4 MR. GALVIN: Thank you.

5 A second by Ms. Murphy.

6 Mr. Grana?

7 COMMISSIONER GRANA: Yes.

8 MR. GALVIN: Ms. Murphy?

9 COMMISSIONER MURPHY: Yes.

10 MR. GALVIN: Mr. Branciforte?

11 COMMISSIONER BRANCIFORTE: Yes.

12 MR. GALVIN: Ms. Fisher?

13 COMMISSIONER FISHER: Yes.

14 MR. GALVIN: Chairman Aibel?

15 CHAIRMAN AIBEL: Yes.

16 MR. GALVIN: The next matter is 1312

17 Adams. It was 1312 Adams. It's a resolution of

18 denial.

19 Mr. Grana, Ms. Murphy, Mr. Branciforte,

20 Ms. Fisher, and Mr. Greene.

21 Do I have a motion?

22 COMMISSIONER GRANA: Motion to deny

23 1312.

24 MR. GALVIN: Do I have a second?

25 COMMISSIONER BRANCIFORTE: Second.

1 MR. GALVIN: Thank you.

2 Mr. Grana?

3 COMMISSIONER GRANA: Yes.

4 MR. GALVIN: Ms. Murphy?

5 COMMISSIONER MURPHY: Yes.

6 MR. GALVIN: Mr. Branciforte?

7 COMMISSIONER BRANCIFORTE: Yes.

8 MR. GALVIN: Ms. Fisher?

9 COMMISSIONER FISHER: Yes.

10 MR. GALVIN: Chairman Greene?

11 VICE CHAIR GREENE: Yes.

12 MR. GALVIN: 14 Paterson Avenue, again

13 another resolution of denial.

14 Mr. Greene, Mr. Grana, Ms. Murphy, Mr.

15 Branciforte and Chairman Aibel.

16 Do I have motion?

17 VICE CHAIR GREENE: I will move it.

18 MR. GALVIN: I have a motion by Mr.

19 Greene.

20 Do I have a second?

21 COMMISSIONER GRANA: Second.

22 MR. GALVIN: All right. Second by Mr.

23 Grana.

24 Mr. Greene?

25 VICE CHAIR GREENE: Yes.

1 MR. GALVIN: Mr. Grana?

2 COMMISSIONER GRANA: Yes.

3 MR. GALVIN: Ms. Murphy?

4 COMMISSIONER MURPHY: Yes.

5 MR. GALVIN: Mr. Branciforte?

6 COMMISSIOENR BRANCIFORTE: Yes.

7 MR. GALVIN: And Chairman Aibel?

8 CHAIRMAN AIBEL: Yes.

9 (Continue on next page)

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HOBOKEN ZONING BOARD OF ADJUSTMENT
CITY OF HOBOKEN

----- X
 1300-1330 Jefferson Street : REGULAR MEETING
 Block 112, Lot 1-32 :
 Applicant: Just Block 112, LLC : June 17, 2014
 Preliminary Site Plan & Variances : Tuesday 7:15 p.m.
 (Continued from May 20, 2014) :
 ----- X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman James Aibel
- Vice Chair Elliot H. Greene
- Commissioner Phil Cohen
- Commissioner Antonio Grana
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1 CHAIRMAN AIBEL: Yes.

2 Okay. So we are going to start off
3 with our hearings. The first on our agenda is
4 1300-1330 Jefferson Street, also known as Just Block
5 112.

6 Mr. Matule?

7 COMMISSIONER BRANCIFORTE: Oh, I was
8 absent, but I read the transcript, and I have given
9 the Board Secretary a certification that I read the
10 transcript.

11 CHAIRMAN AIBEL: Thanks, John.

12 COMMISSIONER COHEN: And I have done
13 the same.

14 COMMISSIONER GRANA: And I have done
15 the same.

16 MR. GALVIN: Thank you, all three of
17 you, for doing that.

18 MR. MATULE: Good evening, Mr.
19 Chairman, Board Members.

20 Robert Matule appearing on behalf of
21 the applicant, Just Block 112, LLC.

22 CHAIRMAN AIBEL: Mr. Matule, let me cut
23 you off, because I want to have you address a
24 procedural issue before we get going.

25 MR. MATULE: Okay.

1 CHAIRMAN AIBEL: Is that okay?

2 MR. MATULE: Sure.

3 CHAIRMAN AIBEL: Okay.

4 You know, basically we received on June
5 6th a letter from Mr. Minervini's office that
6 basically detailed a series of very substantial
7 changes to the application.

8 In summary, the changes provided that
9 height would be reduced from 158 feet to 138 feet.

10 Second: Stories would be reduced from
11 thirteen stories to eleven stories.

12 Three: Lot coverage would be reduced
13 from a hundred percent to 93.4 percent.

14 (Commissioner McAnuff present.)

15 Number four: A 2700 square foot entry
16 plaza had been added.

17 Number five: Total residential units
18 were reduced by 9 percent from 296 to 270.

19 And number six: The unit mix changed
20 to include 23 work-live units.

21 Number seven: The total commercial
22 space was reduced by about 14 percent from 54,000
23 square feet to 46,650 square feet.

24 A 10,540 square foot Montessori school
25 has been added.

1 The number of parking spots have been
2 reduced by 9 percent from 443 to 403.

3 Roof coverage was reduced to 48
4 percent. Four loading bays have been added.

5 Mr. Minervini's office submitted
6 revised drawings that stated: "Revision clouds have
7 been added where possible. However, in the case of
8 the first floor and site plan, they have been
9 omitted for clarity due to the extent of the
10 changes."

11 We have looked at the changes. We
12 believe they are major and constitute a new plan.
13 They were not delivered to the Board and its
14 professionals to allow time for a careful and full
15 review.

16 Site plan issues are complicated and
17 require additional scrutiny to ensure the plans are
18 correct, and there are no mistakes.

19 The new plans will require at least
20 additional architectural testimony. There will be
21 additional testimony required from your planner. I
22 don't know whether the addition of the Montessori
23 school will require additional traffic evidence.

24 But long story short, at the end of the
25 last session, we agreed to hear the planner tonight,

1 and we were eager to reach a vote. We are still
2 ready to do that, and what we would like to suggest,
3 and it is something that you may want to consider or
4 consider with your clients, we are prepared to go
5 forward this evening on the old application, hear
6 the planning testimony and reach a vote. But if you
7 prefer, the Board might consider treating the
8 amendments as an amended plan, and you know, set a
9 new hearing date, provided the applicant was
10 prepared to waive the time for us to act, and we had
11 additional time to have our professionals do a
12 professional review.

13 MR. MATULE: Well, thank you for that
14 consideration.

15 In the first instance, I will say that
16 as far as I understood, the revisions that were made
17 were based upon feedback that we received during the
18 course of the hearing. They were submitted in a
19 timely fashion under the MLUL.

20 Having said that, I certainly
21 appreciate the Board's concern, and it is certainly
22 within the purview of the Board to make a
23 determination as to whether or not the changes are
24 so substantial as they constitute either a new
25 application or a substantially amended application.

1 What I would like to do, if I could
2 have your indulgence, is take five minutes and
3 discuss what you just laid before me with my clients
4 and see what their preference is.

5 CHAIRMAN AIBEL: That is fine. But let
6 me just ask my professionals whether I hit the
7 spirit of the concerns or whether you need to give
8 some additional information to counsel.

9 MR. GALVIN: No. I think you said it
10 correctly. I think you should get the five minutes
11 to talk to your people, and let's figure out what we
12 are going to do.

13 MR. MATULE: Sure.

14 CHAIRMAN AIBEL: Thanks.

15 We will go into a five-minute recess.

16 (Recess taken)

17 CHAIRMAN AIBEL: Back on the record.

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

19 I had the opportunity to discuss the
20 situation with my clients, and quite frankly, they
21 have a room full of people here tonight, and they
22 had a room full of people here last month that we
23 were not able to get to.

24 They thought the amendments they were
25 making made the project as presented a better

1 project, but I can certainly appreciate the Board's
2 concern that it is a substantial change, and given
3 that position, my clients will proceed with the
4 previous matter without the amendments.

5 CHAIRMAN AIBEL: Great.

6 MR. MATULE: So we will put our
7 planning testimony in and go from there.

8 MR. GALVIN: Go ahead.

9 CHAIRMAN AIBEL: Thanks.

10 MR. MATULE: So on that note, Mr.
11 Kolling.

12 MR. GALVIN: Everybody ready?

13 Mr. Kolling, raise your right hand.

14 Do you swear to tell the truth, the
15 whole truth, and nothing but the truth, so help you
16 God?

17 MR. KOLLING: Yes, I do.

18 E D W A R D K O L L I N G, PP, AICP, having been
19 duly sworn, testified as follows:

20 MR. GALVIN: State your full name for
21 the record and spell your last name.

22 THE WITNESS: My name is Edward
23 Kolling, K-o-l-l-i-n-g.

24 MR. GALVIN: Mr. Chairman, of course,
25 we accept Mr. Kolling's credentials.

1 CHAIRMAN AIBEL: We do.

2 MR. GALVIN: You may proceed.

3 MR. MATULE: Thank you, Mr. Galvin.

4 Mr. Kolling, you are familiar with the
5 zoning ordinance and the master plan of the City of
6 Hoboken?

7 THE WITNESS: Yes, I am.

8 MR. MATULE: And you are familiar with
9 the site, and when I use the term, "proposed
10 project," just for the record, we are talking about
11 the project that was presented to the Zoning Board
12 last month on May 20th, the testimony of Mr.
13 Minervini.

14 THE WITNESS: Yes.

15 MR. MATULE: And you prepared a
16 planner's report, dated May 7th, 2013, which
17 reflected that plan that was presented, correct?

18 THE WITNESS: I believe so. The plan
19 has gone through several iterations, but, yes,
20 primarily that is correct.

21 MR. MATULE: But it reflected the most
22 recent modifications --

23 THE WITNESS: Yes.

24 MR. MATULE: -- prior to the set of
25 plans that were submitted with the revision date of

1 6/5/14?

2 THE WITNESS: Yes. It did not reflect
3 those revisions.

4 MR. MATULE: All right.

5 So just for the record, we are talking
6 about the plans with the latest revision date of
7 5/12/14.

8 All right. Well, if you would be good
9 enough then to go through your report for the Board
10 and give us your professional opinion regarding the
11 requested variance relief.

12 THE WITNESS: Okay.

13 MS. BANYRA: Pardon me.

14 Mr. Matule, can I please get the date,
15 Mr. Kolling, the date of your revised -- your last
16 report?

17 MR. MATULE: It's the date it was
18 originally submitted May 7th. It was not a revised
19 report.

20 MS. BANYRA: May 7th of what?

21 MR. MATULE: May 7th, 2013.

22 MS. BANYRA: Okay. Thank you.

23 I thought I heard you indicate that it
24 was the revised report, so that I am scrambling
25 looking for a revised report.

1 Okay. Thank you.

2 CHAIRMAN AIBEL: 2013.

3 Mr. Matule, we have a date stamp of May
4 13th, 2014.

5 COMMISSIONER GRANA: The bottom says
6 May 7th --

7 CHAIRMAN AIBEL: I understand. I
8 understand that.

9 So it was simply resubmitted and --

10 MS. CARCONE: It was submitted to be
11 distributed to the Board in the packets.

12 CHAIRMAN AIBEL: Okay.

13 MR. MATULE: Yes, it must be. That is
14 the only report unless it was a typo.

15 THE WITNESS: I don't recall revising
16 it.

17 MR. GALVIN: Let me just, I am going to
18 speak, and we are going to end it and move on, okay?

19 The report said -- the report is dated
20 May 7th, 2013. We have a date stamp from the Zoning
21 Board of Adjustment saying it was received May 13,
22 2014. It doesn't really matter if it was done in
23 2013 or 2014. We accept it as your report submitted
24 in this case, and please feel free to testify as to
25 that. We are not going to make that an issue. All

1 right?

2 THE WITNESS: Thank you.

3 MR. MATULE: Go ahead, Mr. Kolling, if
4 you would.

5 THE WITNESS: Okay. Well, you heard
6 the description of the building from Mr. Minervini.
7 I think he was quite clear in what was being
8 proposed.

9 We have a substantial commercial
10 portion of the project at the southern end. The
11 current proposal is for a recreational commercial
12 use there, which is the rock climbing facility,
13 gymnastic type facility.

14 The northern end of the building is
15 considered for a bowling alley type of use. There
16 are other commercial uses around on the ground
17 floor.

18 The residential portion of the project
19 would be centrally located. There are two taller
20 portions of the building on -- also in that center
21 part, and they rise to a total of, I believe it is
22 13 stories, when you take into account the
23 commercial ground floor and the parking and all of
24 that.

25 There is a wide variety of unit sizes

1 that have been described, three-bedrooms and
2 two-bedrooms, work-live, one-bedroom units that are
3 all included within the project.

4 The surrounding area is industrial to
5 the west and primarily vacant, underutilized a lot
6 of it.

7 Across the street is the old Cognis
8 site, which is vacant completely. That is
9 designated as a park in the master plan. This
10 building itself was vacant for a very long time. It
11 is being used as parking within there right now.

12 Just to the east is an industrial
13 structure that was here before. This hearing or a
14 hearing or two ago, which was -- that was the denial
15 that you were referring to earlier, one of the
16 denials, and also there is a part of the Northwest
17 Redevelopment Plan, which is immediately to the
18 east. That would include the strip commercial right
19 on the adjacent block, as well as the movie theater
20 and the residential on the following block.

21 The county is completing work now on
22 the Viaduct just to the south, and they are
23 installing some of the public improvements
24 underneath, which will constitute recreational uses.

25 I was there recently and saw the base

1 or the beginnings of the location for the basketball
2 court going in, and there will also be a playground
3 facility a little further to the west end from that,
4 and there are other paving -- paving going in, and
5 you can see some of the lighting features and things
6 of that nature.

7 The zoning is I-1, and the -- as has
8 been previously mentioned, a portion of the block to
9 the east is also within the Northwest Redevelopment
10 area. And the zoning, the purpose of the I-1 zoning
11 obviously, is to establish standards for industrial
12 activity.

13 The proposed building is going -- is
14 now at I think 13 stories and 158 feet. A height
15 variance is therefore necessary because industrial
16 allows 80 feet and four stories.

17 The lot coverage required is 65
18 percent, and the building as currently before the
19 Board is at a hundred percent, and we also need a
20 setback for front yard.

21 So the variances are primarily use,
22 height, and lot coverage, and front yard setbacks.
23 Everything is essentially front yard since the
24 project takes up the entire block.

25 I also want to point out that this

1 property was one of several that was included in a
2 2007 resolution passed by the City Council
3 designating this area as an area in need of
4 redevelopment, and in that resolution, the City
5 Council basically said that this area, including
6 Block 112, "is primarily bounded by recent
7 residential and commercial development," and that
8 the properties, including again Block 112, "are
9 potentially valuable and useful to the public
10 welfare, because they are adjacent to" this
11 "Developing residential community."

12 The City Council resolution also stated
13 that the "reuse" of these properties "as industrial
14 or warehouse facilities would be in conflict with
15 the development trends and land use policies for the
16 study area," and went on to say that "Such use would
17 create excessive truck traffic and/or pedestrian
18 truck conflicts," and that "This would be
19 detrimental to community safety and welfare."

20 I think what this really is saying, it
21 is more or less a municipal policy, governmental
22 policy, that recognizes that this area is no longer
23 suited for commercial development, and that in fact,
24 it would be detrimental.

25 It recognized that this area is

1 surrounded by residential and commercial
2 development, and I believe that this indicated that
3 the Council was moving in the direction of making
4 this a mixed-use residential commercial area.

5 The master plan was adopted in 2004 and
6 talked about this area as being an industrial
7 transition and would have been similar to what the
8 Council found in their resolution.

9 In 2010, the Reexamination Report
10 essentially recommended reversing a lot of the land
11 use recommendations that were previously made for
12 turning some of the I-1 and I-2 districts into other
13 zones such as the industrial transition underbridge
14 economic development zone and things of that nature.

15 But the Reexamination Report also
16 referred to a comment that, quote: "Over the past
17 six years, there has been no action taken to change
18 the zoning," and that might be true. In general, in
19 the industrial zones, I didn't look at all of the
20 industrial zones. However, in this particular case,
21 I think that there was a specific action taken on
22 this particular block and on some of the adjacent
23 blocks that were included in the study area, to move
24 towards something other than industrial. So
25 therefore, I think that the initial recommendations

1 of the earlier master plan still hold weight in this
2 particular area on this particular block.

3 Now, I think that in that regard, the
4 proposal does advance the purposes -- certain of the
5 recommendations of the master plan. I think it does
6 "Promote compatibility in scale, density design and
7 orientation between new and existing development,"
8 because the new development will be mixed-use and
9 residential in nature.

10 The Northwest Redevelopment Plan, which
11 is the most recent redevelopment plan in that
12 particular area with these types of mixed uses,
13 allows for both mid rise six-story buildings and
14 high-rise, which are taller buildings. There are
15 buildings of taller height, which have been
16 approved, for instance, at 900 Monroe Street, and
17 then further south in the Northwest Redevelopment
18 Plan itself.

19 I believe that the recommendation
20 number two talks about: "Require buildings to be
21 oriented to the street." This project has
22 residential lobbies on the street. It has a lot of
23 commercial activity on the street. It has the
24 proposed bowling alley and the rock climbing
25 facility. All of these things are intended to

1 activate the street, and I think it advances that
2 purpose.

3 There is also a recommendation to
4 "Continue to hide parking" within the building, and
5 this building does that. It has both self-parking
6 facilities that are at the lowest level. It also
7 has stacked parking, which are hidden behind the
8 commercial uses that front onto the streets, so I
9 think it promotes that.

10 I believe that it provides open space
11 on the interior of the block, although it is up on
12 an upper level because -- and the reason why it
13 can't do it at the lower level is because certain
14 portions of this building are being reused. The
15 industrial portions at either end are being reused,
16 which in and of itself will also promote one of the
17 recommendations of the master plan, which I will get
18 to as I go through my report.

19 The project also would "Enact green
20 architecture requirements for new construction,"
21 which is built into how the plan is to be
22 constructed, which is a recommendation in the master
23 plan.

24 In terms of street scape design, it is
25 providing additional street trees. It's also

1 restricting new curb cuts and reducing some of the
2 curb cuts that are already there because of how the
3 curb cuts were there for former industrial use.

4 It provides a diversity in types of
5 housing with all different types of unit sizes as
6 well as work-live, so it promotes those purposes
7 within the housing section.

8 And it also promotes "redevelopment
9 that is more industrial in character," meaning the
10 architecture. That is what that was referring to,
11 that particular recommendation.

12 It talks about "Reuse existing" or
13 "Older buildings in the area when possible," and to
14 say even highlight remaining industrial features.
15 Particularly, the northern end has the large
16 industrial structure, with the peaked roof, and that
17 is going to be preserved and utilized for the
18 bowling alley facility, and on the south end that
19 industrial structure will also be reused.

20 So you have an interesting combination
21 of architecture, where you are reusing some of the
22 industrial components and also introducing newer
23 architecture in places where the residential and
24 other commercial uses are going to be.

25 So I think that in terms of supporting

1 the existing use variance, that the site is
2 particularly well suited for this type of mixed-use
3 development. The resolution referred to that
4 created the Western Edge Redevelopment area
5 recognized that industrial uses were no longer
6 appropriate. It recognized that the surrounding
7 area was developing as residential commercial, and
8 this block would be able to therefore be able to
9 accomplish what the resolution was envisioning in
10 terms of its recommendation that this area be an
11 area in need of redevelopment.

12 I think because of that particular
13 suitability, these commercial and residential uses
14 that were here will advance the general welfare,
15 will advance the public good. They advance the
16 recommendations of the master plan, and I think
17 further, if there is a reuse for industrial purposes
18 would actually be detrimental in terms of public
19 safety, conflicts between trucks and pedestrian
20 traffic.

21 For instance, my recent site visit, as
22 well as looking at how the streets were
23 reconfigured. The streets are being narrowed
24 underneath the Viaduct and adjacent to where the
25 recreational facilities are. There is two-way

1 north-south traffic in those vicinities, and to put
2 additional truck traffic on those streets that have
3 just been reconstructed to accommodate this
4 pedestrian activity, I think would certainly be
5 detrimental.

6 So I think that we have, therefore,
7 proved that the site is particularly well suited. I
8 think we have shown that these types of uses would
9 be consistent with the character of the area or the
10 emerging character of the area, and therefore,
11 promotes the general welfare.

12 It also promotes certain of the
13 purposes of the Municipal Land Use Law in that
14 granting the variance would guide the appropriate
15 use of development of this site in a manner that
16 will promote the general welfare consistent with
17 NJSA 40:55D-2(a), given the site's again location
18 near the Northwest Redevelopment Plan and the newest
19 recommendations in the master plan, which are being
20 advanced.

21 I believe that the density is suitable
22 for its location. It will promote the establishment
23 of an appropriate population density because of the
24 emerging type of residential development that is
25 occurring.

1 I believe that the project provides
2 sufficient space in an appropriate location for this
3 combination of uses.

4 The ability to reuse some of the
5 industrial structures for the commercial
6 recreational facilities is a unique opportunity, and
7 it is still the area to the center, which will allow
8 for the residential development.

9 I also think that the project promotes
10 a desirable visual environment by taking what is now
11 a very rundown structure that has very marginal use,
12 reusing and improving portions of it and replacing
13 the rest with a very handsome and attractive
14 residential building.

15 I don't see how there will be a
16 substantial detriment to the zone plan, and it has
17 already been recognized that the industrial zoning
18 is out of place, as I previously discussed, and nor
19 do I see a substantial detriment to the public good,
20 because the proposed uses will actually be more
21 consistent with the surrounding and emerging
22 residential uses than would an industrial use.

23 In terms of height, what the
24 development has done is to take what would be a
25 permitted 80-foot tall building, which would cover

1 65 percent of the site and instead reuse two of the
2 portions, so that they are basically compressed and
3 therefore take some of that height and then put it
4 more towards the center.

5 I think that that is an innovative
6 approach. I think that is a better approach to the
7 idea of height on the area because of them being
8 able to reuse the industrial structures, which is
9 consistent with the recommendation of the master
10 plan that I discussed previously, so I think that
11 that can be -- that variance can also be granted.

12 The height is consistent or similar to
13 the high-rise heights permitted within the Northwest
14 Redevelopment Plan, especially for the southern end
15 near to Main Street and below, and therefore, I
16 don't think it would be significantly out of
17 character, and I don't think there would be any
18 result in any substantial detriment to either the
19 zone planned or to the public welfare.

20 The lot coverage permitted is 65
21 percent. The existing building is a hundred
22 percent. We will continue to have that hundred
23 percent or nearly 100 percent coverage.

24 Again, one of the reasons why this
25 occurs is we are trying to reuse those former

1 industrial structures on either side. Everything is
2 wiped clean, and you try to put in a new building,
3 and there is more flexibility, but that would be
4 contrary to what the recommendations and intent of
5 the master plan is, and that is to reuse those
6 industrial buildings. So I think that the benefits
7 of granting that variance would substantially
8 outweigh any detriment.

9 Similarly, with the front yard, we have
10 an existing building, which covers a hundred percent
11 of the site. There are no front yards there now,
12 and to meet that criteria we would have to remove
13 the buildings in totality and then rebuild
14 everything. That would be really contrary to what
15 the goal is of preserving some of those industrial
16 structures, and again, in that instance, the
17 benefits of granting the variances would
18 substantially outweigh any detriment.

19 So, again, with those variances, I
20 don't see where the detriment would be since the
21 building has existed there since I believe 1918, if
22 my recollection is correct, continuing that, so the
23 condition into the future wouldn't change any of the
24 impacts in my opinion.

25 So, therefore, I think that we have met

1 our proofs for granting the variances, both in terms
2 of the use and height, as well as the bulk criteria,
3 and both the positive and negative criteria.

4 MR. MATULE: Thank you, Mr. Kolling.

5 I have no further questions.

6 CHAIRMAN AIBEL: Thanks.

7 Let me open it up to the Board.

8 Anybody want to start?

9 Well, I will get the ball rolling.

10 Mr. Kolling, you testified that the I-1
11 basically permits industrial uses. There are other
12 uses that are permitted in the zone. Is that
13 correct?

14 THE WITNESS: There is office use.
15 That's one of the uses, yes.

16 CHAIRMAN AIBEL: Research laboratories,
17 warehouses, and related office buildings, and public
18 services?

19 THE WITNESS: Yes. Research
20 laboratories, warehousing, manufacturing as
21 industrial versus office, which would be, I guess
22 you would call it, a commercial office use.

23 CHAIRMAN AIBEL: Is there any reason
24 why the property couldn't be developed for one of
25 those purposes, permitted uses?

1 THE WITNESS: I think developing it for
2 those uses would be substantially detrimental versus
3 the other. For instance, if you were trying to put
4 a manufacturing use there or a lab use, you would
5 have additional traffic. You would have additional
6 types of traffic. You would have trucking activity.

7 An office building that would go there
8 would be, assuming a gross measurement of 65 percent
9 coverage on an 80,000 square foot lot and four
10 stories would be well over 200,000 square feet. You
11 would have over a thousand employees. You would
12 have -- the peak hours would be pretty specific, and
13 I think that it would have a greater impact than the
14 mixed-use that is being proposed.

15 CHAIRMAN AIBEL: Okay.

16 Anybody else want to jump in here?

17 John?

18 COMMISSIONER BRANCIFORTE: Could you
19 discuss again why you think the height is
20 appropriate?

21 You were comparing it to heights in
22 other parts of town.

23 THE WITNESS: Yeah. Because there is
24 not an immediate -- a building immediately adjacent
25 that is 13 stories, but there are other buildings

1 that have been approved and constructed in other
2 parts of the Northwest Redevelopment Plan, so it is
3 not inconsistent with that character.

4 Also, if you go to the PUD portion of
5 the I-1 District, there are buildings of this
6 character there.

7 What happens here, and the reason why
8 we are asking for that height is the added height
9 allows the development potential to be concentrated
10 towards the center of the lot, thereby allowing us
11 to preserve and conserve the north and south ends of
12 it, preserving the industrial structures and
13 reutilizing them.

14 COMMISSIONER BRANCIFORTE: I wanted to
15 talk about the live-work -- work-live units.

16 You know, we, not too long ago, the
17 Board approved another building that had work-live
18 space in it. And when I see this building
19 advertised in the paper, it doesn't advertise
20 work-live space. And even when I -- we talked to
21 someone that lived in the building, I said, you
22 know, who is utilizing that work-live space. And he
23 didn't even know there was work-live space in the
24 building.

25 So I mean, how do we know that this is

1 actually going to be work-live space, and you are
2 just going to take the space and turn it into a
3 bigger one-family unit or into a two-bedroom, into a
4 three-bedroom unit?

5 I mean, what guarantees do we have?

6 THE WITNESS: I don't know if I could
7 answer that. I think that the developer would have
8 to answer that. But there could be ways that could
9 be restricted in some way or fashion or form. It is
10 more of a thing of a legal issue than a planning
11 issue on how that can be accomplished.

12 COMMISSIONER BRANCIFORTE: And also,
13 because I wasn't here to ask Mr. Minervini this
14 question, so I am going to ask you instead.

15 How many people are living -- I mean,
16 how many people are expected to live in this
17 building?

18 We know what the mix of one, two,
19 three-bedrooms are, but what are the number of
20 residents exactly?

21 If you can't answer it, maybe Mr.
22 Minervini can do the calculation a little bit later.

23 THE WITNESS: Yes. I have to stop and
24 do a calculation. I couldn't do it off the top of
25 my head.

1 COMMISSIONER BRANCIFORTE: That's fine.

2 Right now, Mr. Chair, I don't have
3 anything else.

4 VICE CHAIR GREENE: I do.

5 CHAIRMAN AIBEL: Go ahead.

6 VICE CHAIR GREENE: Mr. Kolling, you
7 talked about -- well, let me go back a second.

8 Talk, if you would, about the lots that
9 are contiguous to this lot. Is there any
10 development on any of those lots?

11 THE WITNESS: Well, this is -- this
12 block is surrounded by rights-of-way, so the
13 adjacent blocks, there is an industrial structure to
14 the west across --

15 CHAIRMAN AIBEL: Madison.

16 COMMISSIONER MURPHY: Madison.

17 THE WITNESS: -- Madison Street, and
18 that was there.

19 Across the street to the south across
20 13th is a vacant parcel, very large, literally two
21 blocks, which is the Cognis site that is there.

22 Across the street to the east is a
23 block, where the northern most section is a strip
24 center, commercial, and then there is a vacant
25 industrial structure, and then another, then closer

1 to 13th Street is a vacant lot, which is also I
2 believe part of the Cognis or sometimes called the
3 Hinkle site, and to the north is the Viaduct, which
4 has the recreational uses being installed now
5 underneath.

6 VICE CHAIR GREENE: So when you talk
7 about emerging residential in the area, what area
8 are you talking about?

9 THE WITNESS: It is a larger area than
10 just the adjacent blocks, and that was a quote from
11 the study or the resolution that identified this
12 area as an area in need of redevelopment.

13 It was talking about, I believe, for
14 the most part, the Northwest Redevelopment Plan,
15 which partially adjoins the site, although the
16 portion right next to this property is a commercial
17 development, which would join the commercial
18 development being proposed for this block.

19 But as you go to the next block south,
20 that is mostly residential, except for the theater,
21 which is not, you know, it is not minor, that fronts
22 onto 14th Street. And as you extend south and then
23 west, the Northwest Development Plan has a mixture
24 of uses, six-story residential and then high-rise
25 residential, as well as the ShopRite.

1 VICE CHAIR GREENE: But this isn't in
2 the Northwest Redevelopment zone, is it?

3 THE WITNESS: No. This is in the
4 Western Edge Redevelopment Area, which when the
5 resolution adopted it, it referred to the emerging
6 mixed-use residential and commercial in the
7 surrounding area, so it wasn't my words only.

8 VICE CHAIR GREENE: Okay. But the
9 zoning for this particular site hasn't been changed?

10 THE WITNESS: No, it hasn't been
11 changed.

12 VICE CHAIR GREENE: I am good for now.

13 CHAIRMAN AIBEL: And when you testified
14 that you believed this is a unique or particularly
15 suited site for this type of development, how is
16 that -- why is the property immediately adjacent to
17 it not also particularly suited for this sort of
18 development?

19 THE WITNESS: Well, this is within --
20 well, I think that the area -- when you say "the
21 area near it or adjacent to it," do you mean --
22 which direction? Do you mean east, west or any one
23 of the areas?

24 CHAIRMAN AIBEL: Anything not in the
25 northwest, yeah.

1 THE WITNESS: Well, I think that they
2 are, because there were four parcels that were
3 identified within the study area known as the
4 Western Edge Redevelopment Area, and all of them
5 were identified as being obsolescent in terms of
6 industrial use, and all of them are identified as
7 having the ability to serve the public purpose in a
8 better manner. They were considered to be valuable,
9 and therefore, you know, so they could be. This
10 particular block is closest to the Northwest
11 Redevelopment Plan to the east.

12 There is another portion of the block
13 of that study area, as you swing towards the west
14 into the south that is also in close proximity to
15 the Northwest Redevelopment Area, so I think the
16 study area was identified because of its location
17 and the particular street for emerging commercial
18 and residential development.

19 CHAIRMAN AIBEL: What is the status of
20 the Western Edge Plan?

21 THE WITNESS: Excuse me?

22 CHAIRMAN AIBEL: What is the status of
23 the Western Edge Plan?

24 THE WITNESS: I don't know.

25 I know that in the past there were

1 plans that were prepared. They were reviewed. They
2 may have even been introduced to the Council. None
3 have been approved as of this date, and that is
4 going back to 2007.

5 CHAIRMAN AIBEL: Were you involved in
6 some of those public discussions?

7 THE WITNESS: I did not prepare any
8 plans. I was there during some of the public
9 discussions. I may have even given some opinions,
10 not at the official meetings, but at some of the
11 community input meetings.

12 CHAIRMAN AIBEL: Was there discussion
13 about high-rise development?

14 THE WITNESS: No. I can't recall what
15 the heights were within those other plans. I didn't
16 look at them.

17 They were certainly more than four
18 stories, but I can't remember what the actual
19 heights and distributions were.

20 CHAIRMAN AIBEL: Have you calculated a
21 FAR for this particular proposal?

22 THE WITNESS: Calculated a what?

23 CHAIRMAN AIBEL: A FAR.

24 MR. GALVIN: Floor Area Ratio.

25 THE WITNESS: A Floor Area Ratio?

1 CHAIRMAN AIBEL: I'm sorry.

2 THE WITNESS: I have not, maybe the
3 architect can --

4 (Witness confers.)

5 THE WITNESS: -- I am informed that it
6 is three.

7 CHAIRMAN AIBEL: Have you calculated
8 it?

9 MS. BANYRA: I have. I have to pull it
10 out, but it is not three. I didn't come up with
11 three. I think it is four-something, but I will
12 look it up.

13 CHAIRMAN AIBEL: Mr. Cohen?

14 COMMISSIONER COHEN: Yes.

15 The testimony at the hearing last week
16 referred to the Brooklyn Bowl concept, and they
17 referred to the fact that there was interest in the
18 community of having a music scene, which was
19 important to the members of the community, and I am
20 wondering if you are familiar with that from the
21 testimony that took place.

22 THE WITNESS: Only from what I heard in
23 the testimony. I am not really familiar with that
24 facility.

25 COMMISSIONER COHEN: Okay. Because I

1 was curious to know, I mean, it looked to me, like I
2 looked into the Brooklyn Bowl concept, and it seemed
3 that music was actually an important part of that
4 scene in Brooklyn, and it sounds like it was
5 something that came up, but I noticed in your
6 testimony you did not refer to that aspect of the
7 development.

8 Is that something that you are aware of
9 as being part of the plan for the benefits to the
10 community?

11 Is that something that you looked at as
12 a planner?

13 THE WITNESS: I didn't look at it in
14 terms of it, like you say, a community benefit
15 necessarily because it is really a commercial
16 activity, but I am aware that, you know, bowling
17 alleys have more than just bowling. They have
18 restaurants. They have taverns. They have party
19 rooms for kids' parties or for social events and
20 things of that nature. So that what I picked up
21 from the testimony is that would be part of the
22 operation of the bowling alley.

23 COMMISSIONER COHEN: Okay.

24 That is all I have.

25 CHAIRMAN AIBEL: Ms. Fisher?

1 COMMISSIONER FISHER: I have a
2 question.

3 It doesn't look like you are asking for
4 a variance for number of parking spaces, because you
5 created a certain number of parking spaces that are
6 greater than what would be required for the building
7 with the type of use, so the number of residential
8 times one, plus the retail.

9 I guess my question is: If you were to
10 create a building that was within the zoning
11 allowance, you know, industrial, all of the uses
12 that Chairman Aibel just discussed with you, what
13 would the maximum number of parking be allowed to
14 put forth, whether it's industrial -- it sounds like
15 a ratio of one to 1500 or office at one to 400 up to
16 the height of the building, I would think you --
17 your number is significantly greater than what the
18 maximum would be permitted for either one of those
19 uses.

20 The direction that I am going -- it
21 seemed that, right?

22 If at 80 feet, you are to accommodate
23 at a couple hundred-thousand square feet of either
24 one, you are going to have to have a couple of
25 floors of parking in there, so you are going to take

1 away -- you're going to take away from the actual
2 industrial or office, and you have a much lower
3 number of parking, so therefore, your 400 and --
4 your 400-plus parking spaces is going to be a
5 significant multiple of what that site can
6 accommodate.

7 So the reason why I say this is because
8 if you are going to build up -- if you're going to
9 build up the density or that bar, and you have to
10 have that amount of parking to support that height,
11 it is like you are asking for a variance to support
12 another variance, and --

13 COMMISSIONER COHEN: Is that a
14 question?

15 COMMISSIONER FISHER: -- it's almost
16 circuit -- does that make sense?

17 COMMISSIONER COHEN: Is that a
18 question?

19 COMMISSIONER FISHER: No. I just --
20 I'm curious because have you looked into the
21 parking, the maximum parking that would be allowed
22 within a building that would -- that would meet the
23 zoning requirements --

24 THE WITNESS: Well, I didn't do sort of
25 a structural or physical layout, you know, but you

1 could have an office building there of 200,000
2 square feet, and you would have to provide 200,000
3 by 400 --

4 COMMISSIONER FISHER: 500?

5 THE WITNESS: -- 500 spaces.

6 COMMISSIONER FISHER: Within an 80-foot
7 building, so within an 80-foot building, you are
8 going to have that parking that is going to chew it
9 up, so you're going to actually have a smaller
10 office building --

11 THE WITNESS: I didn't do a structural
12 or physical analysis to see --

13 COMMISSIONER FISHER: -- this may be a
14 parking variance as well required, and we should
15 have them do that calculation.

16 THE REPORTER: Wait a second. You were
17 talking when he was talking.

18 What did you say?

19 COMMISSIONER FISHER: Sorry. It may
20 just be that there is a parking variance as well
21 required, and we should have them do that
22 calculation.

23 MR. MATULE: Certainly if the
24 architect -- I don't think it is --

25 MR. GALVIN: Well, normally the planner

1 comments if there is a variance or not, but he
2 wouldn't -- I agree the way we present this case is
3 that the underlying experts tell us whether or not
4 there should be a parking variance --

5 MR. MATULE: Correct.

6 MR. GALVIN: -- it's not Mr. Kolling's
7 responsibility --

8 COMMISSIONER FISHER: Well, the
9 reason --

10 MR. GALVIN: -- to calculate that,
11 but --

12 COMMISSIONER FISHER: -- the reason why
13 I am raising it is back to the point: Can the site
14 accommodate the height.

15 Well, it can only accommodate height,
16 if you can provide the parking. But if you need a
17 variance to get to those parking numbers, then the
18 site may not be able to accommodate height, and that
19 is just one of the -- that's the reason why I am
20 raising it.

21 MR. GALVIN: Yes, go ahead.

22 MR. MATULE: Well, I think that is
23 certainly your opinion, and you can express it, but
24 I don't think that is a legal discussion. I don't
25 think that is how zoning works.

1 MR. GALVIN: Here is how we're going.

2 I think what Ms. Fisher means to do is
3 ask the question of whether or not there is a
4 variance for parking.

5 So if there is no variance for parking,
6 that's significant.

7 If there is a variance for parking, we
8 are asking for Mr. Kolling's opinion on it.

9 So is there a variance or isn't there a
10 variance?

11 A little help, anybody?

12 MR. MATULE: There is no variance for
13 parking.

14 MR. GALVIN: There is no variance for
15 parking. There is no variance for parking. So
16 unless the Board determines that there -- is there a
17 variance for parking?

18 MS. BANYRA: No. I didn't think of it
19 from that. That is an interesting point that she's
20 raised.

21 I was just calculating the Floor Area
22 Ratio again, but we don't usually have maximums.
23 You know, we really have a minimum parking
24 requirement, so it is an interesting question. I
25 didn't -- I never thought of it from that

1 perspective --

2 MR. GALVIN: Well, okay.

3 MS. BANYRA: -- I don't know how to --
4 a hundred percent how to answer that question.

5 MR. GALVIN: Okay.

6 MR. MATULE: I believe the application
7 that is before you now is calling for, I believe,
8 443 parking spaces, and I think the testimony last
9 month was there is approximately 350 or 400 cars
10 parking there right now, so it is a commercial
11 parking garage.

12 MS. BANYRA: If I could kind of go back
13 on that.

14 So the ordinance requires minimums. It
15 doesn't really require maximums, so if there is more
16 parking -- so there is a minimum requirement, so I
17 think that the question is whether or not there is a
18 variance, and I would say there's probably not a
19 variance. Whether or not there is an impact, that
20 is a different question.

21 Just I think, Chairman Aibel, you had
22 asked me what the Floor Area Ratio was, so the
23 original project, I think I came up with about a
24 five, Floor Area Ratio of five, and that would be
25 the residential -- the way I calculated it, so the

1 architect can recalculate it, because we are
2 calculating it on the fly.

3 So it is 320 -- 338,000 -- 338,000 plus
4 a mezzanine of another 10,000, plus approximately I
5 think it was 54,000 square feet of commercial, so
6 when you add those up and divide it by the 80,000,
7 that comes out to approximately a FAR of five.

8 THE WITNESS: Okay.

9 MR. MATULE: Frank, did you --

10 MR. MINERVINI: Yes. Just to
11 acknowledge --

12 VICE CHAIR GREENE: As opposed to
13 what's permitted --

14 CHAIRMAN AIBEL: Mr. Kolling, what's --

15 MR. MATULE: If I could have your
16 indulgence, just on this issue of Floor Area
17 Ratio --

18 VICE CHAIR GREENE: Okay.

19 CHAIRMAN AIBEL: That's okay --

20 MR. MINERVINI: I agree. It is about
21 five.

22 MS. BANYRA: Okay.

23 I don't know if the testimony was
24 three. Somebody said three, but, yes, it is five.

25 MR. MINERVINI: I certainly didn't say

1 three.

2 MS. BANYRA: Okay.

3 CHAIRMAN AIBEL: What is the FAR in the
4 zone?

5 MS. BANYRA: There is no requirement --

6 MR. MINERVINI: There is no maximum --
7 there's no requirement period for FAR.

8 MR. GALVIN: One of the things that
9 needs to be understood when we are going to do a use
10 that is not permitted in the zone, there is really
11 no variance criteria.

12 Sometimes we will look at it, and we'll
13 say, look, the height of a building in the
14 industrial zone is X. It is going to exceed that or
15 it's not going to exceed that. But when you are
16 doing a use that is not permitted, there is no --
17 there are no other bulk variance requirements. We
18 are comparing it by analogies. If you're approving
19 use, you are approving all of the other related
20 variances that go along with it.

21 MR. MINERVINI: If I may answer Mr.
22 Branciforte's question from before.

23 As you see the project, there is 1,096
24 occupants in the residential portion at its maximum,
25 and that's calculated with two persons per bedroom.

1 Conversely, the as of right building,
2 the actual square footage estimated is 337,000. So
3 if it were a commercial building, the gross
4 requirement is one person per 100 square feet of
5 occupancy gross. So in that case the occupancy
6 could be well over 3,000, if it were a commercial
7 building, just for comparison sake.

8 MS. BANYRA: Okay.

9 Well, can I ask you a question then?

10 How recently have you seen an office
11 building that had one person per a hundred square
12 feet?

13 Is that what you just testified to?

14 MR. MINERVINI: That is what is allowed
15 to be built.

16 MS. BANYRA: That's the capacity.
17 Okay. That's like a bar in Hoboken, though --

18 (Laughter)

19 MR. MINERVINI: That is much higher
20 than a bar in Hoboken.

21 MS. BANYRA: -- so that would be more
22 of a fire code capacity thing as opposed to
23 realistically an office use --

24 MR. MINERVINI: Well, this is one
25 person per ten square feet -- per 100 square feet, a

1 room. That's how it is generally calculated.

2 MS. BANYRA: Right. But relative to
3 design, and how an office building is calculated,
4 that number really doesn't make any sense. That's
5 not -- an office building isn't calculated -- isn't
6 built at one person per a hundred square feet --

7 MR. MINERVINI: Well, that's --

8 MS. BANYRA: -- a modern office --

9 MR. MINERVINI: -- that is what is
10 permitted in terms of -- and this is the
11 construction code I am speaking of --

12 MS. BANYRA: Right.

13 MR. MINERVINI: -- in terms of --

14 MS. BANYRA: I understand that --

15 MR. MINERVINI: -- there are certainly
16 areas of an office building that is much more
17 intense than that --

18 MS. BANYRA: Right.

19 MR. MINERVINI: -- and there's other
20 areas that aren't, so the average winds up being
21 about that.

22 MS. BANYRA: Okay.

23 COMMISSIONER BRANCIFORTE: So, I'm
24 sorry --

25 CHAIRMAN AIBEL: Go ahead.

1 COMMISSIONER BRANCIFORTE: -- so I
2 think in the traffic report, you talk about an
3 annual growth of like 2.5 percent, because I think
4 that's what we've agreed on --

5 MR. MINERVINI: That's Mr. Staigar, if
6 you want to ask him about his report --

7 COMMISSIONER BRANCIFORTE: -- so I'm
8 wondering how if this building is approved with a
9 thousand people, how the population increase, you
10 know, really compares to the normal expected growth,
11 you know --

12 MR. MINERVINI: The increase of this
13 building, or are you asking of the greater --

14 COMMISSIONER BRANCIFORTE: -- no. You
15 know what? I'm thinking out loud.

16 The calculation I suppose I would have
17 to do on my own, and I have a feeling we will be
18 hearing from the traffic engineer anyway, so let me
19 just throw that out --

20 MR. MINERVINI: Understood.

21 COMMISSIONER BRANCIFORTE: -- so maybe
22 you will understand it later on, I might ask that
23 question --

24 MR. MINERVINI: I think the point that
25 I didn't make as strong as I should have last time

1 is that there is existing a 400-car parking garage
2 on the site, that is often at its maximum --

3 COMMISSIONER BRANCIFORTE: Gotcha.

4 MR. MINERVINI: -- so the comparison,
5 although we are talking about 400 cars as part of
6 our project, it shouldn't be 400 cars versus
7 nothing. It should be 400 cars versus what can be
8 built as we just discussed in terms of office
9 perhaps or what is there now, which is a 400-parking
10 space garage.

11 COMMISSIONER BRANCIFORTE: Maybe Mr.
12 Kolling -- maybe this is a question for Mr. Kolling.

13 I mean, when you do your calculations
14 on growth and stuff like that for Hudson County, is
15 it usually a 2.5 percent annual growth that you work
16 with?

17 THE WITNESS: Well, I don't do it for
18 traffic. But I think going back to your ratio about
19 how many people might live in this building, when
20 Mr. Minervini calculates it, he is doing that for
21 water demand, sewer, things like that, so he uses
22 two persons per bedroom.

23 Just as Ms. Banyra said, with the
24 commercial, you are not going to get probably ten
25 people per thousand in a typical office building,

1 COMMISSIONER BRANCIFORTE: -- it's
2 taking the worst case scenario and then preparing
3 for it?

4 THE WITNESS: No, not with something
5 like when you are projecting population.

6 When you are looking at the sewer, the
7 infrastructures in the ground can't be easily
8 changed. To plan for a worst case scenario, you
9 wouldn't be able to build anything.

10 If you're going to say, well, like in a
11 shopping center, on Christmas Eve there's ten times
12 more cars than all during the year, if you did that,
13 nothing would be built.

14 COMMISSIONER BRANCIFORTE: No. I
15 understand that. I mean, when you build a shopping
16 center, you have to make sure there is enough
17 parking for Christmas, not just, you know, for the
18 middle of dead summer. I understand that.

19 But anyway, I wanted to ask you a
20 question about Ms. Banyra's report, which I am
21 guessing you have a copy of.

22 THE WITNESS: Yes. I do have one.

23 COMMISSIONER BRANCIFORTE: I guess I am
24 using it from May 20th, Section 5, zoning and
25 statutory -- statutory requirements --

1 THE WITNESS: Yes.

2 COMMISSIONER BRANCIFORTE: -- I guess
3 it is Page 3 --

4 THE WITNESS: Yes, it's Page 3.

5 COMMISSIONER BRANCIFORTE: -- the
6 second -- the third paragraph down, I am not going
7 to read it out loud.

8 Could you read it out loud instead?

9 THE WITNESS: Is it the second
10 paragraph or the next paragraph?

11 COMMISSIONER BRANCIFORTE: "When
12 evaluating..."

13 THE WITNESS: "When evaluating
14 variances"?

15 COMMISSIONER BRANCIFORTE: Yes.

16 THE WITNESS: -- and then the testimony
17 in support thereof, the Board should bear in mind
18 that the legislative preferences for planning by
19 ordinance, rather than variance, and that use
20 variances may be granted only in exceptional
21 circumstances. This is --

22 COMMISSIONER BRANCIFORTE: Okay. Well,
23 if you want to keep reading, go ahead, but I am okay
24 with that. Hum -- maybe you should read it all.
25 Maybe you should just keep going.

1 THE WITNESS: "This is further
2 reflected in the statutory language authorizing the
3 grant of a D variance in particular cases for
4 special reasons. As a result, it is important to
5 review the case law and the statutory requirements
6 on which to evaluate the testimony relative to the
7 type of variances requested, particularly in the
8 case of a D-1 or use variance."

9 COMMISSIONER BRANCIFORTE: So do you
10 agree with that or do you disagree?

11 Do you have any opinion on that, on her
12 opinion?

13 THE WITNESS: That is pretty standard
14 planning language, yes.

15 COMMISSIONER BRANCIFORTE: So what are
16 the exceptional circumstances in this --

17 THE WITNESS: Well, I think in this
18 particular case, you know, what I pointed out, that
19 the Council has actually passed a resolution
20 recognizing that the industrial uses in this area
21 are obsolete. It is an actual municipal action and
22 that goes beyond many of the other cases that are
23 before this Board, where you can support that in
24 testimony, and I am trying to support it in
25 testimony as well, but my testimony includes what I

1 have found to be a municipal action that also
2 supports that.

3 COMMISSIONER BRANCIFORTE: Okay.

4 MS. BANYRA: Can I just respond to
5 that?

6 So, Mr. Kolling, what you are, I guess,
7 are failing to acknowledge is that language I think
8 that you cited was from 2007 --

9 THE WITNESS: Yes.

10 MS. BANYRA: -- I believe was from
11 2007, as the resolution of the governing body, and
12 since that time the master plan was -- the
13 Reexamination was amended -- excuse me -- was
14 prepared, and at that time you prepared a new land
15 use plan, which was adopted by -- after multiple
16 meetings of the Planning Board and multiple hearings
17 on that, and a new land use plan was adopted, which
18 is a municipal action.

19 So the most current action, which you
20 aren't mentioning is that the Reexamination Report
21 and the land use plan was adopted pursuant to that,
22 would that be more accurate or --

23 THE WITNESS: Yes and no, because I did
24 recognize that the 2010 master plan review was
25 adopted by the Planning Board.

1 The Municipal Council has done nothing
2 to undo their previous resolution. I think the
3 Council action is superior to the Planning Board
4 action, quite frankly, but also in the master plan
5 there was a statement in the master plan
6 Reexamination Report, there was a statement that
7 there had been no action on the part of city to move
8 in that direction --

9 MS. BANYRA: Right.

10 THE WITNESS: -- and I found that to be
11 incongruous with what was actually happening in
12 2007.

13 MS. BANYRA: Okay. Well, let me just
14 go through that because I am the author of that
15 plan.

16 So in 2010, that language referred to
17 there was no official language -- no official action
18 to change the zoning ordinance or adopt a
19 reexamination plan, which I think you would agree
20 with.

21 There was no -- there was a resolution
22 that you are citing from 2007, which is relative to
23 a redevelopment finding --

24 THE WITNESS: Yes.

25 MS. BANYRA: -- it was pursuant to a

1 redevelopment investigation and a finding, and your
2 language, while those are the words, they very
3 specifically relate to a redevelopment plan and an
4 action of a municipal body relative to a
5 redevelopment area.

6 So since that redevelopment area was
7 designated, there were no actions by the -- there
8 were plans developed, didn't get adopted twice,
9 2000 -- up to 2010, there were redevelopment plans
10 proposed for that area and didn't get adopted for
11 various reasons, and looking at the record on that,
12 one of the reasons was relative to scale, and I
13 believe you -- I think you even testified or made
14 some comments at that meeting, and I think the first
15 meeting, the redevelopment plan failed relative to
16 some of the comments were density and scale, and I
17 think that was one of the ones that you were at.
18 Those weren't your comments, but that was really why
19 the first one failed. The second one -- I mean
20 failed for lack of public support.

21 The second one came before the City
22 Council and had multiple hearings on it as late, I
23 think it was the last plan, I think it was September
24 2010, and then I believe there was some economic
25 analysis done, and the results of the economic

1 analysis were never revealed, and I think it could
2 be construed that maybe that plan wasn't viable for
3 other reasons.

4 So municipal actions that actually
5 happened on that -- that is what my reexamination
6 report was referring to, there has been no municipal
7 action to change the zoning in that area. Would
8 you -- with that clarification, would that make
9 sense to you?

10 THE WITNESS: There were no actions to
11 rezone it, but I don't think that the facts on the
12 ground have changed. I still think that it is
13 accurate that industrial development in that area
14 would be detrimental. That area is not appropriate
15 for industrial development.

16 MS. BANYRA: But that is your opinion,
17 and I'm going to again go back, that is an opinion
18 from a planner. But the opinion of the municipality
19 via a reexamination report was to maintain an
20 industrial development, i.e., a new industrial
21 development.

22 It was never construed that we were
23 going back to something like smelting or whatever we
24 used to have in the early 1900s, but the nature of
25 all of our meetings relative to industrial

1 development was that they were going to be looking
2 at maybe a new type of industrial that would be more
3 similar to things that are happening. I am going to
4 use like Neumann Leather, and Newmann Leather being
5 artisan industrial and specialty type industrial, so
6 that actually was an adopted document, and 2007 --
7 and proceed -- you know, it came up after the
8 municipal document, and in context, you know,
9 without pulling out the context that industrial
10 development isn't appropriate, that was a municipal
11 document adopted by the Planning Board and with
12 public input, so I think that is the document that
13 stands that is the most current document and hasn't
14 been negated at this point.

15 That is it.

16 CHAIRMAN AIBEL: Can I just follow up
17 now on a question, because I am struggling with a
18 resolution that apparently was adopted and approved
19 by City Council sometime in 2010 reversing the
20 granting of D variances, granted by the Zoning Board
21 of Adjustment with respect to 511-521 Newark Street,
22 known as Kane Properties.

23 Are you familiar with that?

24 THE WITNESS: I've heard of it. I
25 thought it was subject of a Corp case as well -- is

1 that on Observer Highway or Newark Street?

2 CHAIRMAN AIBEL: It's Newark Street
3 yeah.

4 You're not familiar with the
5 resolution?

6 THE AUDIENCE: We can't hear you.

7 CHAIRMAN AIBEL: You're not familiar
8 with the resolution?

9 THE WITNESS: I don't think I ever seen
10 the resolution, no. But I think the other end of
11 town is not related to our project.

12 CHAIRMAN AIBEL: No. But it in very,
13 very strong language it's laid out why the Zoning
14 Board should not be granting in effect variances
15 that change zoning, and it was in the I-2 Zone, sort
16 of a comparable situation, basically a 72
17 residential dwelling unit, 78 parking spaces, and a
18 12-story, 125-foot high building on Newark, and the
19 Zoning Board in 2010 granted those D variances, and
20 it was soundly reversed by the City Council, so I am
21 looking at a resolution that is several years after
22 the 2007 resolution you referred to and questioning
23 why we should ignore this.

24 THE WITNESS: Well, the 2007 resolution
25 I was referring to did not deal with that area of

1 town.

2 That 2007 resolution dealt specifically
3 with this block and three other parcels within the
4 general immediate vicinity.

5 CHAIRMAN AIBEL: Thank you.

6 Any other questions, Board members?

7 COMMISSIONER COHEN: Just one question.

8 Would the appeal of a governing body of
9 a different application relate to the facts of that
10 application as opposed to this one?

11 THE WITNESS: My understanding is that
12 every variance has to stand on its own merits and be
13 granted on its own merits, and then if the Council
14 reverses it, another reso -- another approval, it
15 really is irrelevant to this case because those
16 facts are those facts, and these facts are the facts
17 related to this case.

18 CHAIRMAN AIBEL: Thank you.

19 Any other Board members have questions?

20 MS. BANYRA: You know, I am just
21 looking at some notes.

22 So, you know, the other fact that I
23 think is relevant is, you know, the 2007 resolution
24 that you cite is also from a previous Council, and
25 it has not been since the Zimmer administration.

1 That was pre-Zimmer administration as well. I think
2 that is correct. Where as the 2010 master plan is
3 pursuant to the current administration.

4 So I think that that may -- that may
5 be -- it is still designated a redevelopment area,
6 and again, I think -- I am not sure you can just
7 pull out words and make it fit. I understand, you
8 know --

9 MR. GALVIN: I just want to say --

10 MS. BANYRA: -- what you're suggesting,
11 but, no --

12 MR. GALVIN: -- I just want to say that
13 Mr. Kolling is entitled to. He is presenting his
14 case --

15 MS. BANYRA: Yeah.

16 MR. GALVIN: -- and he's making an
17 argument. You know, at some point if you disagree,
18 when you get to deliberations --

19 MS. BANYRA: Yeah.

20 MR. GALVIN: -- the same thing with our
21 planner, if you disagree and you want to comment, we
22 can cue you up and you can say something. But to go
23 back and forth, it is not going to achieve anything
24 at this point.

25 CHAIRMAN AIBEL: I don't see any

1 questions from the Board members, so let me open it
2 up to the public.

3 Does anybody from the public wish to
4 ask questions of the planner?

5 Please come forward.

6 Just to remind everybody, we are asking
7 questions now. We are not giving our opinions.

8 So kindly state your name for the
9 record.

10 MR. SILVERBROOK: My name is Sean
11 Silverbrook. I live at 1325 Adams Street.

12 THE REPORTER: How do you spell your
13 last name?

14 MR. SILVERBROOK: It's
15 S-i-l-v-e-r-b-r-o-o-k.

16 I live at 1325 Adams Street, Unit 603.
17 It faces west and stares at the industrial units
18 that are currently there, so if anybody has an issue
19 with it, I think I would be --

20 MR. GALVIN: You're going to ask a
21 question now, right?

22 MR. SILVERBROOK: Yes. I'm going to
23 ask a question.

24 MR. GALVIN: Thanks.

25 MR. SILVERBROOK: You know, I see that

1 you guys are trying to propose that it be changed
2 back to industrial. I don't see how you can see how
3 that suits the residents, which is mainly populated
4 with young up and coming people with children, you
5 know, to have children walking back there in an
6 industrial setting --

7 VICE CHAIR GREENE: This is supposed to
8 be questions.

9 MR. GALVIN: I'm sorry. I'm sorry.

10 Do you have a question of Mr. Kolling?

11 MR. SILVERBROOK: I have a question for
12 you guys.

13 MR. GALVIN: No. It doesn't work like
14 that. This is like a court --

15 MR. SILVERBROOK: I've never been here
16 before.

17 MR. GALVIN: -- no, no, time out.

18 MR. SILVERBROOK: I am not in court.

19 I am not getting arrested, so no, you guys are
20 making it sound like a court.

21 MR. GALVIN: I know. No, no, no, no,
22 no. I'm not making it like a court. It is a court.
23 We are a quasi-judicial body --

24 MR. SILVERBROOK: Yeah, I understand
25 that.

1 MR. GALVIN: -- so the way it works is,
2 and again, since you had a suit on, I thought maybe,
3 you know, you were a lawyer, so --

4 (Laughter)

5 MR. SILVERBROOK: No. I am not a
6 lawyer.

7 I'm just a concerned citizen that
8 thinks that the area should be redeveloped.

9 MR. GALVIN: The way it works is we ask
10 questions of the witness. We are like basically
11 cross-examining the witness --

12 MR. SILVERBROOK: Yes.

13 MR. GALVIN: -- they are almost done
14 with their witnesses. Mr. Kolling is their last
15 witness. They may call one or two more people up to
16 solidify their testimony so far.

17 When they are all done, we are going to
18 then open it to the public for comments --

19 MR. SILVERBROOK: Okay. If you guys
20 could speak up and bring some microphones in, it
21 would be great.

22 MR. GALVIN: I'm sorry. I am talking
23 now, so I am sure you can hear me.

24 MR. SILVERBROOK: No, I can hear you,
25 but it would be helpful.

1 MR. GALVIN: I know. It is 85 degrees,
2 you know --

3 MR. SILVERBROOK: I got it.

4 CHAIRMAN AIBEL: Anybody have questions
5 for Mr. Kolling?

6 MR. GALVIN: Aren't you related to --
7 you're related to the --

8 MR. SORRES: No, I'm not. I'm not.

9 CHAIRMAN AIBEL: We are going to have
10 this lady's question first.

11 MR. SORRES: I had my hand up first.

12 (Laughter)

13 MS. HOWARD: Leslie Howard,

14 L-e-s-l-i-e, H-o-w-a-r-d.

15 1200 Grand, 1200 Grand, 1301 Adams, so
16 we are neighbors.

17 My question is: Whose responsibility
18 would it be, the developer's, the county's, the
19 city's, to prepare the infrastructure, particularly
20 the sewers for this development?

21 Currently, the intersection between
22 13th and Jefferson -- well, 13th between Adams and
23 Madison is a giant flood zone. Any time we get
24 rain, there is easily six inches of water that
25 settles at that intersection.

1 Who would remedy that related to this
2 development?

3 THE WITNESS: I think the architect
4 would have to address it in more detail. However,
5 in terms of the impacts from this particular site,
6 right now it is a hundred percent coverage with an
7 impervious surface, and the water from this site
8 floods into there immediately.

9 What this developer would have to do
10 when you're going through a water detention and
11 retention plan that would hold back the stormwater,
12 they have got several mechanisms they are going to
13 put in place. There are some green building type of
14 things, where they would detain water, green roofs,
15 underground water retention as well, and then
16 depending on the conditions of the utilities in the
17 street, they might get direction from the utility
18 authority on what other improvements need to be made
19 in order for them to hook up into it.

20 MS. HOWARD: All right.

21 So does that mean that it is -- the
22 impact is completely on the developer, and the
23 county or the city do not undertake expansion of the
24 sewers in that area or --

25 THE WITNESS: I don't know if there is

1 any requirement on the city or county to do anything
2 additional.

3 CHAIRMAN AIBEL: Any other questions
4 for Mr. Kolling?

5 MR. SORRES: For the record, I am not
6 related to the developer.

7 MR. GALVIN: Okay. We thought you
8 were.

9 MR. SORRES: He and I are not cousins
10 or brothers.

11 My question is --

12 CHAIRMAN AIBEL: State your name and
13 address.

14 MR. SORRES: Oh. Tony Soares, Hoboken,
15 New Jersey.

16 The planner has said tonight -- the
17 city planner has said tonight that this can be used
18 for industrial purposes.

19 Would a trucking company then be
20 allowed in this current situation, and would that
21 traffic impact be far worse than or better or less
22 than what is there now in its current zoning?

23 Because right now there is no -- there
24 is no redevelopment plan. You have to go by what is
25 here. It is just like as if they are going to

1 legalize marijuana next month. If I was caught with
2 it tonight, I would be going to jail. The judge
3 can't say, they may clear it next month.

4 So my question is -- to you is: In
5 this current -- do you believe the industrial impact
6 would be greater, the traffic greater, worse, or
7 less than the proposed --

8 THE WITNESS: I think I actually
9 already testified to that. But if we had an office
10 use there, the square footage would be significant,
11 and the number of parking spaces required would be
12 significant, and because the impacts would occur at
13 certain peak travel hours, the impacts would be
14 significant.

15 In other industrial type uses that use
16 truck traffic, the Council resolution found that the
17 conflict between that type of heavy commercial
18 traffic and pedestrians on these narrow streets
19 would be substantially detrimental, and I do believe
20 that.

21 And after going out and walking the
22 area, specifically underneath the Viaduct now, where
23 certain improvements have been made, that narrow the
24 streets, that put in speed bumps, and do all of the
25 those other types of things, to put heavy commercial

1 traffic through that area that is now being
2 developed to accommodate greater pedestrian activity
3 and recreational activity really would be a
4 negative -- a negative impact.

5 MR. SORRES: So if I had a client that
6 wanted to lease this space for a milk trucking
7 company -- a milk company, Creamland Dairy, a place
8 like that, that would be allowed in this current
9 zone, and would something like that have a negative
10 impact, a far more negative impact than on what is
11 being proposed tonight?

12 THE WITNESS: In my opinion, yes.

13 MR. SORRES: Thank you.

14 CHAIRMAN AIBEL: Any questions for
15 planner?

16 Please come forward.

17 State your name and address.

18 MS. HEALEY: Lea Healey, 806 Park.

19 THE REPORTER: Can you talk louder?

20 VICE CHAIR GREENE: You have to speak
21 up.

22 MS. HEALEY: I'm terrible. I'm sorry.
23 Just keep telling me to.

24 You spoke about the industrial
25 transition zone as put forth in the master plan, and

1 then you spoke about the master plan reexamination,
2 and in the context of that, I believe you talked
3 about how both of those things promoted or made it
4 consistent with providing a mixed-use development
5 here. But my review of the industrial transition
6 zone in the master plan, nowhere does it use the
7 words, mixed-use.

8 I am trying to figure out why you think
9 that it supported mixed use here to begin with.

10 THE WITNESS: Well, it did talk about a
11 variety of different uses, including they talked
12 about some limited industrial uses. They talked
13 about office uses. They talked about commercial
14 uses. They talked about residential uses,

15 I don't know if it said "mixed," the
16 word "mixed" in the same sentence. But to me that
17 is what it implies, that you will have a mixture of
18 uses. You are not going to have this use on that
19 block, and another use on the other block. You
20 would typically have mixed used development, and
21 that is really how Hoboken has evolved over time.

22 Yes, you have other exclusively
23 residential buildings, but if you go along
24 Washington Street or the newer redevelopment areas,
25 mixed redevelopment is encouraged.

1 MS. HEALEY: So would it surprise you
2 if it said, that limited industrial use should be
3 continued to be used on a limited basis?

4 THE WITNESS: I just mentioned that,
5 yes. That is one of the things it said.

6 MS. HEALEY: So your thought is that if
7 you have an office use and an industrial use, that
8 is a mixed use?

9 THE WITNESS: Yes.

10 MS. HEALEY: And then are you aware of
11 the provision in the industrial transition zone that
12 says increased building heights and densities should
13 be permitted only if amenities such as public
14 parking or cultural facilities are provided?

15 THE WITNESS: Yes. I recall reading
16 that.

17 MS. HEALEY: So you would only be able
18 to have a residential use with those other uses, if
19 it met requirements, of those cultural facilities
20 and public parking?

21 THE WITNESS: No, because the word
22 "Such as" means that those are examples of, and
23 maybe there would be other things that could be
24 provided that would also be beneficial.

25 MS. HEALEY: Like what would that be?

1 THE WITNESS: For instance, in this
2 case, in the way the building is being designed and
3 being able to preserve the industrial architecture
4 of the two ends and to provide the recreational
5 commercial activities, I think that those would, you
6 know, add a certain vibrancy and vitality to the
7 community that would otherwise be lacking.

8 So I think allowing for the additional
9 height, to allow that to occur, when that occurs,
10 you can't put height over that because you are
11 preserving the industrial character.

12 So taking that height and then
13 concentrating it to the middle would be, in my
14 opinion, an appropriate trade-off.

15 MS. HEALEY: So when you go forward
16 from the industrial transition zone from the 2004
17 master plan to the 2010 reexamination plan, you are
18 aware that basically the master plan reexamination
19 uses the words, "eliminate the previously
20 recommended industrial transition zone"?

21 THE WITNESS: Yes. I think I actually
22 mentioned in my report that the 2010 plan basically
23 reversed almost every recommendation that was in the
24 2004 plan. I don't know why they did it that way,
25 but they did.

1 MS. HEALEY: What you just told me
2 about the projects in the industrial transition
3 zone, if the master plan eliminates that, why do you
4 suppose that is consistent now with what the city
5 would want?

6 THE WITNESS: Because that wasn't the
7 master plan. It is the reexamination report, and as
8 I testified before, it described a lack of action in
9 revising the zoning since the last master plan.

10 However, I felt that the passing of the
11 resolution designating this area as an area in need
12 of redevelopment, the findings that that resolution
13 had in it were municipal actions that were going --
14 tending towards implementing a redevelopment plan of
15 more mixed use.

16 So after I thought that in this
17 particular case, in this particular area, that
18 statement was not applicable.

19 MS. HEALEY: And do you consider an
20 adoption of a resolution designating an area in need
21 of redevelopment to be a zoning action?

22 THE WITNESS: No. It is not a zoning
23 action.

24 MS. HEALEY: Okay.

25 Skipping down to the other section of

1 the reexamination plan, it states: However, changes
2 to the industrial zoning definition in ordinances
3 are recommended to include uses such as industrial
4 arts and artisans, many of which are currently not
5 recognized in the ordinance.

6 That is in the same section as the
7 language that proposes to eliminate the industrial
8 transitioning development.

9 THE WITNESS: I have not read it very
10 recently, but my recollection was that was related
11 to other portions of the existing industrial zones,
12 more specifically towards the southern end, the
13 Neumann Leather building, for instance, and
14 structures such as that, and not necessarily the
15 heavy industrial structures or vacant land that were
16 found in the other industrial zones.

17 MS. HEALEY: So that is your
18 interpretation of this land?

19 THE WITNESS: Yes.

20 MS. HEALEY: Okay.

21 You testified that if it was an office
22 development, there could be a thousand employees,
23 which would have a greater impact than what you are
24 proposing?

25 THE WITNESS: Yes.

1 MS. HEALEY: Are you talking about a
2 greater traffic impact?

3 THE WITNESS: Primarily yes,

4 MS. HEALEY: And why do you say that is
5 a greater traffic impact?

6 THE WITNESS: Because first, let's just
7 say in a residential or a commercial development,
8 where people may come and go in different hours,
9 where there are different peaks for when residents
10 leave or when commercial, you know, picks up, we
11 have a better balance of development comings and
12 goings.

13 On office typically starts at a given
14 hour, so the times immediately prior to that start
15 time and maybe a little bit after will have an
16 extreme peak, and similarly in terms of the evening
17 when they leave, it would have more of an extreme
18 peak.

19 MS. HEALEY: For a thousand employees,
20 what is your expectation, or maybe you are not
21 supposed to answer this because you're a planner,
22 but is it your expectation that there is a thousand
23 cars going in and out of the building?

24 THE WITNESS: There is a requirement of
25 one parking space for every 400 square feet, so I

1 think if with any more sizability, I think you could
2 get 200,000 square feet there by my calculations, so
3 you would have 500 cars.

4 MS. HEALEY: It is your expectation
5 that everybody is going to drive in and out of this
6 building, hypothetical building?

7 THE WITNESS: Well, if there were 500
8 cars -- I am just going by the requirement.

9 MS. HEALEY: Okay.

10 You also mentioned that there were
11 taller height buildings at 900 Monroe.

12 Are you aware of whether -- of how that
13 approval was granted?

14 THE WITNESS: By variance.

15 MS. HEALEY: And 800 you mentioned
16 also, I believe.

17 THE WITNESS: I didn't mention the
18 address specifically, because I don't know the
19 address specifically, but I just know from traveling
20 the area and driving around the area, that there are
21 some of the taller buildings further south, and 800
22 Jackson sounds like it would be in the location.

23 MS. HEALEY: Would it surprise you if I
24 told you that was a redevelopment area?

25 THE WITNESS: No. I believe that is a

1 redevelopment. I think it is part of the Northwest
2 Plan.

3 MS. HEALEY: Hum, there's one other
4 question.

5 The amenities in the building that --
6 and I am assuming this is something for you to
7 answer, but if somebody else is coming up.

8 The bowling alley and climbing wall and
9 music area, if this Board were to approve this
10 project with those uses in it, and a year from now
11 the bowling alley goes out of existence or the
12 climbing wall, there is a fire or something else
13 happens, and those uses are no longer there, do you
14 have to come back to this Board when you put a new
15 use in there?

16 THE WITNESS: That could be possible,
17 depending on how specific the resolution was
18 drafted. If it were criteria within the resolution
19 that the space at the northern end could only be a
20 bowling alley, then yes. To put a different use in
21 what is currently being proposed as a bowling alley
22 probably requires an additional submission to this
23 Board.

24 MS. HEALEY: Have you ever in your
25 experience seen that done, that you come back to the

1 Board when a use that has been approved by this
2 Board has changed?

3 Is there a precedence to that?

4 THE WITNESS: I don't know that I ever
5 had to come back to this Board on a situation like
6 that, but I really can't draw on a specific example.
7 But I don't think that would be unusual or
8 extraordinary.

9 MS. HEALEY: And under what
10 circumstance would you be doing that?

11 What kind of application would you make
12 to do that?

13 THE WITNESS: You would make up a new
14 use variance application. You would already have
15 the space there, but because you were
16 substituting -- unless you were putting in a
17 permitted use.

18 If you were in a zone, and you got a
19 use variance for a specific area, and the use
20 variance was contingent upon that specific use, and
21 if that use was gone, and then you would want to put
22 in another use that was not permitted, you would
23 need to make a new use variance application
24 possibly, and I don't know the exact specifics for
25 each case. But possibly, if it were a permitted use

1 you are now looking to put into that space, maybe
2 you wouldn't have to come back for a use variance.
3 Perhaps you could just go for site plan approval.

4 MS. HEALEY: So if the bowling alley
5 became a CVS drugstore, would you have to come back
6 to this Board?

7 THE WITNESS: I don't think CVS
8 drugstores are permitted in the industrial zone, no,
9 so you would need to come back to the Board, yes.

10 MS. HEALEY: Okay. So if you are
11 awarded a use, such as a bowling alley as part of a
12 variance, then that use must be maintained forever
13 otherwise you have to come back to this Board, is
14 that the case?

15 MR. MATULE: I am going to object.

16 First of all, I don't know where this
17 is going.

18 But, secondly, I don't think it is
19 really a question for cross-examination for the
20 planner based on his testimony.

21 We are now getting into a hypothetical
22 discussion of zoning law, and I just don't
23 understand the whole point.

24 MR. GALVIN: Do you have any comment on
25 that?

1 MS. HEALEY: Yeah.

2 If a variance must be supported by some
3 benefit to the community that outweighs the
4 detriment to the community, I am just questioning
5 whether or not the proposed benefits to the
6 community of a bowling alley and a music space and a
7 climbing wall are enforceable after this Board acts,
8 if the use changes, and if there's no longer a
9 benefit to us --

10 MR. GALVIN: Well, you should -- why
11 don't you also --

12 MS. HEALEY: -- and I --

13 MR. GALVIN: -- wait -- you can almost
14 do that on comments, rather than doing it through
15 questions, right?

16 MS. HEALEY: Okay. I guess I got my
17 answer so far, so --

18 MR. MATULE: Yes.

19 I mean, my point is I think that is
20 really something for the Board to weigh in their
21 decision-making process, number one, and to, you
22 know, tie it up as tightly or loosely as they
23 choose.

24 MR. GALVIN: Yes.

25 This is the current plan. If it is

1 possible that if one of the things that they
2 propose, they don't work out, they don't get that
3 tenant, it's not uncommon for them to submit an
4 amended plan, you know, six months down the road or
5 a year down the road, and say, this one
6 particular -- I was going to have a supermarket
7 here, and the supermarket is not working out, so now
8 we are going to have a book store.

9 If that happens, you know, then we
10 would have to deal with it.

11 I think it is a non conforming use, so
12 any changes to the building would probably require
13 the Board's action. I didn't agree with Mr.
14 Kolling, but...

15 MS. HEALEY: Thank you.

16 CHAIRMAN AIBEL: Questions for Mr.
17 Kolling?

18 MR. GALVIN: If everyone can just keep
19 in mind, we are almost done.

20 Do you have a lot more to do, Mr.
21 Matule?

22 MR. MATULE: Hum --

23 MR. GALVIN: I mean, if you want to
24 comment, it's better to just wait for a comment
25 section.

1 Okay.

2 MS. HOWARD: Leslie Howard again.

3 1200 Grand.

4 It seems like this project designed a
5 big assumption or a dependency is an assumption that
6 there is esthetic or desirable -- a desire to keep
7 the existing structures for esthetic reasons, if not
8 economic reasons.

9 Was there research or evidence that
10 indicates that the city finds those structures
11 intact a benefit to the community?

12 THE WITNESS: Well, what I took it from
13 was the 2004 master plan, which did reference the
14 recommendation to try to conserve some of Hoboken's
15 industrial history.

16 MS. HOWARD: But not those two
17 buildings in particular?

18 THE WITNESS: They didn't mention any
19 specific buildings, no.

20 MS. HOWARD: Thank you.

21 CHAIRMAN AIBEL: Last call. Any
22 further questions, please come forward.

23 MR. EVERS: My turn?

24 CHAIRMAN AIBEL: Yes, sir.

25 Your name and address.

1 MR. EVERS: Mike Evers 252 Second
2 Street, Hoboken.

3 A question for you: Is it safe to say
4 that the current industrial zone uses are things
5 like factories, office spaces, commercial uses, like
6 places to store trucks, that sort of thing?

7 THE WITNESS: Similar, yes.

8 MR. EVERS: Okay. Surrounding this
9 area are residential buildings, correct?

10 THE WITNESS: Primarily those within
11 the --

12 MR. EVERS: Within three blocks.

13 THE WITNESS: -- yes -- the Northwest
14 Redevelopment area primarily, and yes, residential
15 structures and mixed-use structures.

16 MR. EVERS: Okay.

17 So now we have the existing zoning that
18 suggests factories, office spaces and trucks, and we
19 have this project, which suggests in addition to
20 affordable housing, residential space and a variety
21 of commercial spaces that arguably can be used by
22 people living in Hoboken in the way that factories
23 and trucking centers would less likely to appeal to
24 the broad population, is that correct?

25 THE WITNESS: Yes, that's correct.

1 MR. EVERS: Could we argue therefore
2 that the people actually living in Hoboken right now
3 would probably draw a great benefit from the kind of
4 project your client is proposing than the
5 alternatives currently available under the existing
6 zoning code?

7 THE WITNESS: Yes. I agree that has
8 been my testimony.

9 MR. EVERS: Thank you.

10 No other questions.

11 CHAIRMAN AIBEL: Anyone else?

12 Seeing no further questions --

13 COMMISSIONER COHEN: Motion to close
14 the public portion to this witness.

15 CHAIRMAN AIBEL: Can I have a second?

16 COMMISSIONER MC ANUFF: Second.

17 CHAIRMAN AIBEL: All in favor?

18 (All Board members answered in the
19 affirmative.)

20 (Witness excused)

21 MR. MATULE: I have no further direct
22 testimony to present.

23 I have my traffic expert here, if the
24 Board has any further questions, but I think we
25 pretty much got through his testimony last time.

1 MR. GALVIN: Anybody have any other
2 questions they want to ask of the professionals
3 before we go to --

4 VICE CHAIR GREENE: I have a question
5 for Mr. Minervini.

6 CHAIRMAN AIBEL: Okay.

7 F R A N K M I N E R V I N I, having been
8 previously sworn, testified further as follows:

9 VICE CHAIR GREENE: On Z-16A --

10 CHAIRMAN AIBEL: The next step would be
11 public comment.

12 MR. GALVIN: The next step would be
13 public comment. That's what I'm saying, so I wanted
14 to make sure we get all of this out of the way.

15 VICE CHAIR GREENE: You call out in a
16 number of locations signage --

17 THE WITNESS: Yes.

18 VICE CHAIR GREENE: -- on top of the
19 bowling alley I think and along the building.

20 THE WITNESS: Yes.

21 VICE CHAIR GREENE: What exactly is
22 that signage?

23 THE WITNESS: That's above all of the
24 commercial spaces.

25 So, for example, the one above the

1 bowling alley is to indicate the bowling alley, and
2 that applies as well, because in one case on the
3 upper part of the sheet, Jefferson Street, it's one
4 of the commercial spaces along Jefferson Street, as
5 well as along Madison, so each would have, depending
6 on how we broke it up, they would have a sign
7 indicating where it is.

8 VICE CHAIR GREENE: So there is no
9 thinking that that might be a rental signage, a
10 billboard for lack of a better term?

11 THE WITNESS: No. Absolutely not.

12 This is signage just for this space --

13 VICE CHAIR GREENE: Appropriate for the
14 space --

15 THE WITNESS: -- it wouldn't be
16 permitted otherwise.

17 VICE CHAIR GREENE: Okay.

18 Now, the signage over the bowling
19 alley, is that going to be a neon sign, an animated
20 sign?

21 How is that light going to be
22 contained?

23 THE WITNESS: We would -- there is a
24 sign ordinance, of course, and it can be lit, but it
25 wouldn't be allowed to be neon.

1 If this Board wanted and were approved,
2 and we would come back for final site plan approval,
3 we could then show more detail when we'd have a
4 better sense of the name of this actual
5 establishment.

6 VICE CHAIR GREENE: Okay. Thank you.

7 COMMISSIONER BRANCIFORTE: I have a
8 question.

9 COMMISSIONER FISHER: I have a
10 question.

11 CHAIRMAN AIBEL: We'll start with Ms.
12 Fisher.

13 COMMISSIONER FISHER: I will ask Frank
14 to follow up on something you said earlier.

15 The existing building that is there has
16 400 cars.

17 THE WITNESS: Yes.

18 COMMISSIONER FISHER: Where are they
19 going to park?

20 Where are they going to park once
21 they're displaced?

22 THE WITNESS: This building, the timing
23 would be such that there are new parking lots --
24 parking garages being built. They is Park on Park,
25 very near where -- a space you are very familiar

1 with --

2 COMMISSIONER FISHER: Yeah.

3 THE WITNESS: -- and there are others
4 as well.

5 A VOICE: Oh, Willow.

6 THE WITNESS: Oh, yes, of course.

7 On Willow, there is 400 cars, and then,
8 oh, of course, the city has a tentative plan for
9 where the park is going to be, and there will be
10 parking there.

11 COMMISSIONER FISHER: What was the one
12 on Willow that you mentioned -- I'm sorry -- the
13 second one?

14 THE WITNESS: 14th and Willow, that was
15 approved here.

16 COMMISSIONER FISHER: Okay.

17 CHAIRMAN AIBEL: John, do you have
18 something?

19 COMMISSIONER BRANCIFORTE: You know, I
20 read the transcript pretty well, but I may have
21 missed it, so if I repeat myself, excuse me.

22 You know, in the past, Frank I've been
23 bringing up this question of safety, pedestrian
24 safety, at these exits and entrances for garages.

25 THE WITNESS: Yes.

1 COMMISSIONER BRANCIFORTE: I've noticed
2 that on this drawing it doesn't mention any sort of
3 a warning device, visual or whatever.

4 THE WITNESS: We had discussed it
5 curing the last meeting. As a matter of fact,
6 even -- well, one of the comments was, and we didn't
7 get a chance to do it, was to revise the entry and
8 exit strategy for the garage spaces. But as part of
9 this, we would certainly implement the illuminated
10 warning signal as we talked about many times, and
11 even since this has been submitted, you and I and we
12 all had a discussion about the convex mirrors that
13 could be installed.

14 COMMISSIONER BRANCIFORTE: I am just
15 curious, you know, to avoid this conversation in the
16 future, can't we just -- can't you just include
17 these sort of things in the plans --

18 THE WITNESS: Of course, and this
19 was --

20 COMMISSIONER BRANCIFORTE: -- so we can
21 wipe --

22 THE WITNESS: -- submitted prior to any
23 of those things coming up.

24 COMMISSIONER BRANCIFORTE: Okay. Fine.
25 I have nothing else.

1 Thanks, Mr. Chair.

2 Thank you.

3 CHAIRMAN AIBEL: Before we go to public
4 comments or to Mr. Matule's closing, Eileen, could I
5 ask you to comment on the status of any Council
6 redevelopment plans?

7 MS. BANYRA: Yeah.

8 Just in terms of the Western Edge, the
9 proposal or a request for proposals went out. I
10 forget when it was went out. It was awarded, and
11 there is actually a meeting on the Western Edge
12 Redevelopment Plan preparation of that next week,
13 and I happen to be one of the consultants that had
14 been selected to participate in that, so I mention
15 that now, because I forgot to bring it up earlier.

16 CHAIRMAN AIBEL: Thank you.

17 Mr. Matule?

18 MR. MATULE: That is all I have for my
19 testimony. Once the public portion is closed, I
20 will make my closing remarks.

21 CHAIRMAN AIBEL: Great.

22 Let me open it up to the public.

23 Anybody wish to make a comment?

24 MR. GALVIN: I am confused. You are
25 the developer. Mr. Matule can call you if he wants.

1 MR. AHMED: Please.

2 (Counsel confers)

3 MR. MATULE: All right. May I ask Mr.
4 Ahmed a few questions?

5 MR. GALVIN: I think that's the right
6 thing to do, as long as you are okay with it, but
7 just to --

8 MR. MATULE: I am. I just had to
9 explain to Mr. Ahmed that I have to ask him
10 questions, and he can answer them as opposed to
11 coming up and just making general comments.

12 MR. GALVIN: You can just ask him what
13 he thinks and let him go. I will be all right with
14 that.

15 (Laughter)

16 MR. MATULE: That's pretty much where
17 we are going.

18 MR. GALVIN: Sorry.

19 H A N Y A H M E D, having been previously sworn,
20 testified further as follows:

21 MR. MATULE: Mr. Ahmed, you have been
22 sitting here listening to comments from several
23 members of the public regarding the impact on the
24 infrastructure, the impact on the parking, the
25 impact on traffic, what the developer's

1 responsibility will be in terms of contributing
2 towards any off-site improvements.

3 Can you respond to those questions that
4 were raised by the general public, members of the
5 general public specifically?

6 THE WITNESS: Yes, I can.

7 I am going to start out with we had
8 some local questions on the flooding that is going
9 on and the puddles, and I will give you some
10 background on it and some color.

11 First of all, I want to thank everybody
12 for coming tonight. I know you have sat through a
13 grueling long meeting the last time, and for being
14 patient, but to go on to the point.

15 MR. MATULE: Please.

16 THE WITNESS: We had -- when we first
17 purchased this property, we were in contract about
18 two years ago, and we had puddles that literally
19 almost met from one curb to the other curb, and we
20 couldn't understand why these puddles were forming.
21 They were probably about a hundred feet in length
22 and about 16 feet wide on both sides of the street.
23 The city neglected this part of town for a long
24 time.

25 Now, I thought it was the pitch of the

1 street. At first, I thought, okay, we just have
2 major grading issues.

3 What I mean by that is the normal
4 street crowns in the center. Water runs off to the
5 ends, and you have your sewer and catch basins at
6 the end of the block. This puddle was formed from
7 the corner to almost the mid center of the block.
8 It turns out, there were catch basins in, but they
9 just hadn't been cleaned out in a decade.

10 When I called Hudson United -- I mean
11 North Hudson Sewer, they weren't even aware the
12 catch basins were there. I found them on the
13 survey, so we cleaned them out ourselves. We didn't
14 have to. We cleaned it out, unloaded these basins,
15 and then the drainage problem went away.

16 The problem that our neighbor was
17 mentioning is between Jefferson Street and Madison
18 on 13th. That is a pitching error there. The
19 street is pitching the wrong way, and you know,
20 puddles are constantly forming there, but we have no
21 curb left. This area of town was neglected for
22 decades, and multiple people in this room know this,
23 and we made the improvements we can. We plan on
24 making much more improvements. It is a nuisance to
25 us, too.

1 In the winter it freezes. It is
2 annoying to watch somebody trying to cross the
3 street, slip and fall, and it's on both sides. It's
4 not just our side of the street. It is on Cognis'
5 side, too.

6 The history with Cognis is they were
7 asked to leave the town. It was an industrial
8 functioning plant, so when the planner, Eileen
9 Banyra, talks about the industrial section of town,
10 as we are all familiar with, the City of Hoboken
11 asked them to leave. They were a functioning
12 profitable business. It was Hinkle. Then it was
13 bought off by Cognis, and then it was bought off by
14 BASF. We asked them to leave because we thought it
15 was a great idea at the time to replace it and put a
16 new high school there.

17 Then, lo and behold, earmarked money
18 promises the new high school is to be there, and
19 they ran out of money. You know, BASF -- Cognis
20 left the area, and we got left with an empty parcel.

21 To go on past that point, when we got
22 this building here, we have a building that goes
23 back to 1922. It was a pipe manufacturing facility.
24 It is an 80,000 square foot building, a hundred
25 percent lot coverage on over two to three stories in

1 certain sections. We struggled what to do with this
2 building.

3 This building took six feet of water
4 during Sandy. There was an enormous amount of water
5 back there. So we were looking at this thing going,
6 you know, it's not really going to work too well for
7 a trucking company or somebody else right now.
8 There's a lot of water that could come back in.

9 So when we bought this site, it was
10 under current litigation from a former plant. We
11 bought it with the litigation. We had an
12 opportunity to meet with the city in mediation, and
13 the city made it clear to us, including the mayor
14 and the director, Director Forbes, and there was an
15 attorney there on their behalf. They made it clear
16 that the industrial use wasn't something that they
17 wanted to see back there.

18 They made it clear that they wanted to
19 see a mixed use. They made it clear to not continue
20 the monotony of the Northwest Redevelopment Plan.
21 This was a -- for those of you who don't know -- it
22 was a six-story district in the entire zone of
23 probably about 16 or 17 blocks that was built
24 repetitive, one block after another. We were told
25 do not continue that.

1 So when we hired our professionals
2 right from the beginning, our planners, our traffic
3 engineers, we sat there and said, look, these are
4 the goals. These are the goals. They want
5 mixed-use development. The mayor said it in three
6 state of the city addresses. They want mixed-use
7 development in this part of town.

8 We didn't get this -- you know, I
9 didn't pull it out of a hat, so we came up with,
10 okay, what would work here.

11 We found a bowling operator. It took a
12 while to find a bowling operator to come in. We
13 found a rock climbing gym, and we started with
14 the -- these should remain on their own, and we're
15 not going to build above them. So the density that
16 we proposed to pay for these uses, we stacked in the
17 center of town, and we spent a lot of time on this
18 project trying to figure out how it would work.
19 Pre-Sandy, post-Sandy, we had to figure all of this
20 out, and we came up with this plan.

21 The public, we hope -- we had a public
22 meeting on it. No one asked us to do it. We did it
23 on our own, and we got great reception from it. We
24 have, you know, hundreds, if not, to the point of
25 almost thousands of emails of people supporting this

1 project. They are excited about it.

2 They are not excited about an
3 industrial zone, so when we talk about that, it is
4 almost disingenuous to say that we want to go back
5 in time. We live here. I live here, and I develop
6 here, and I live here.

7 When we bought the Beer Garden here, we
8 were told to hold off. We were told, hey, guys,
9 there is going to be a plan, a beautiful plan built
10 on the Viaduct. Don't waste time, and we were told
11 to wait. This was 2003 I am talking about.

12 And since then, I sat on that building
13 vacant for seven years with nothing going on. I
14 gave up. I gave up, and I came to the Zoning Board
15 and asked for seven variances, seven variances that
16 a very brave Board gave me. They looked at us like,
17 well, you have a lot of stuff going on here, and,
18 you know, how do we approve this, and luckily they
19 got it.

20 Now, it is a great inclusive
21 development that many here enjoy, that many go with
22 their families, their loved ones, their babies and
23 grandparents and have beers and enjoy themselves.
24 This is what we are trying to do here. We are not
25 trying to pull the wool on anybody.

1 And to answer Ms. Healey's question
2 from before, I can see her concern. I know the
3 concerns in a developed community that people are
4 going to put up a pretty bowling alley and a pretty
5 rock gym, and then it just disappears in six months.

6 We are going to put ten million into
7 that bowling alley. This isn't, you know, give it a
8 try for one year and get out of town. That's a lot
9 of money to put into a building.

10 And I went on the record the last time
11 I was here, and I will say it again, we were serious
12 about we are going to build the recreation first. I
13 am not going to build a single residential unit at
14 all until the recreation is over, and then we will
15 come back in and address the residential portion.
16 But this is going to be a building that we're
17 serious about it. We are going to put five or six
18 million into a rock climbing gym, so we are not
19 doing this for giggles and, you know, to try to pull
20 something on somebody. We are serious about it when
21 we say we are going to put recreation in first.

22 You know, I hope this Board gets it. I
23 hope that we don't get too fixated on this zoning by
24 variance thing. That is our only option. When
25 people say the plan is going to be made, a

1 redevelopment plan is going to be made, understand
2 they're not talking years. It goes decades.

3 The last successful redevelopment plan
4 that we saw built goes back to 1997. It doesn't go
5 back six weeks ago. It is 1997. It was the
6 Northwest Redevelopment Zone. Every zone since then
7 has either failed through litigation or through some
8 other derailment, through public litigation or
9 through actually the developer unwilling to do it.

10 So the fact we are here, there are only
11 two windows for the public that doesn't understand.
12 As a developer, we can only be in this room with the
13 Zoning Board or in another room with the Planning
14 Board. Right now, I am not allowed with this
15 application at the Planning Board. You do not have
16 a plan on record. There is no plan. There is talks
17 of a plan, and by God, I hope you do.

18 But waiting for it, their children will
19 be in college, if you keep waiting for this stuff.
20 We are serious about doing it now, and we hope the
21 Board understands our seriousness that takes our
22 reputation into account, that we do environmentally
23 friendly buildings. We do community friendly
24 establishments, and we hope you take that into
25 account.

1 I am asking you to step up and vote
2 with us, so that we can start this. I want to go
3 start this project. I don't want to discuss it any
4 more. I want to get the permission to start this.

5 So with all due respect, the public,
6 you know, should chime in at this point.

7 Thank you, Mr. Matule.

8 Thank you, Board.

9 MR. MATULE: Thank you.

10 (Applause)

11 CHAIRMAN AIBEL: Is that the public
12 comment?

13 (Laughter)

14 MR. GALVIN: All right. Who is up?

15 Raise your right hand, sir.

16 Do you swear to tell the truth, the
17 whole truth, and nothing but the truth, so help you
18 God?

19 MR. GOLD: I sure do.

20 MR. GALVIN: State your name.

21 MR. GOLD: My name is Leon Gold, 823
22 Washington Street.

23 MR. GALVIN: Please proceed.

24 MR. GOLD: Before I begin, I have to
25 tell the truth, right?

1 One of the developers is a friend of
2 mine, in spite of the fact that I don't think we
3 agree on anything political, so --

4 (Laughter)

5 -- believe me, I know we don't. But I
6 am going to speak in favor of this for three reasons
7 that have nothing to do with your expertise.

8 Actually at the end, I am going to rely
9 on your expertise because that's what I am depending
10 on.

11 I lived here 38 years, and I never went
12 into the Northwest place except when I was trying to
13 run away from somebody. But as time goes on, with
14 the Pilsener Haus, with the Carp Diem, with the Bow
15 Tie Cinema, that used to be the flea market, I began
16 to go more and more into that area, and I enjoyed
17 it.

18 All of a sudden, Hoboken opened up, and
19 there were more things to do, there were more places
20 to walk. There were more places to ride my bike.

21 Actually, a policeman once told me when
22 they were building the Pilsener Haus, I can't
23 believe they are building that. No one will ever go
24 there. Now, unfortunately, it is hard to get in.
25 So the fact is people are enjoying it, and it is

1 adding something to the community. Hopefully as
2 more things get built, there will be more things
3 added to the community and more places to go.

4 I actually like old things being old.
5 I like architecture that is crumbling, and actually
6 it adds a lot to the culture or to the environment.
7 So the fact that they want to use a mixed-use
8 system, I think makes a lot of sense. It is nice to
9 see a dilapidated building with something modern in
10 it. It's nice to see some beams exposed.

11 I remember the old propeller place.
12 You would go down there and the propellers were
13 still there. Maybe they will take some propellers
14 and throw them around. So it's nice, I think that
15 the idea of a mixed architecture, some urban
16 archeology makes sense.

17 But most importantly, I like the fact
18 that they are proposing something for the community,
19 a bowling alley, rock climbing. It appears to have
20 complete age range. Everybody likes to bowl. I
21 liked in Akron. You could be old. You could be
22 young. The fact is it is two wonderful things, so I
23 like it because it expands Hoboken. I think it adds
24 a very interesting architectural element, and I
25 think it is a resource for the community.

1 Having said that, they are developers.
2 You are the Zoning Board that protects Hoboken. You
3 know what Hoboken needs. I take them at their word
4 or else I wouldn't be here. I really wouldn't be.
5 But if they say they are going to build a bowling
6 alley, then they should build a bowling alley.

7 If they say they are going to build
8 rock climbing, they should build rock climbing.

9 If they promised mixed use in terms of
10 artists, low income housing, three-bedrooms, then
11 they should have that. In other words, you need a
12 way to enforce what they say they are going to do.
13 and if you do that, I think it is a wonderful
14 project.

15 So, I know how hard it is to be on
16 Boards. It is really tough. You have to listen to
17 a lot of people. You have to do what you think is
18 right, but you also have to use your power.

19 So hopefully, if you do grant this, you
20 will put in place the checks and balances that will
21 ensure that what they are saying they want to do
22 will be done.

23 So I am very for this, but I am very
24 for you exerting your power to make sure what is
25 proposed is being done.

1 So thank you for listening to me.

2 CHAIRMAN AIBEL: Thank you.

3 (Applause)

4 This gentleman, come on up.

5 MR. WUILLAMEY: Thank you.

6 MR. GALVIN: Raise your right hand.

7 Do you swear to tell the truth, the
8 whole truth, and nothing but the truth, so help you
9 God?

10 MR. WUILLAMEY: I do.

11 MR. GALVIN: State your full name for
12 the record and spell your last name.

13 MR. WUILLAMEY: Will Wuillamey. W-u-i-l-l-a-m-e-y.

14 Good evening. I apologize in
15 advance --

16 MR. GALVIN: What is your street
17 address?

18 MR. WUILLAMEY: 1239 Garden.

19 MR. GALVIN: Okay.

20 MR. WUILLAMEY: I wanted to add my two
21 cents. Public speaking is not my forte at all. I'm
22 likely to forget half of what I want to say, so I
23 just jotted down some notes, and I will read them.
24 I hope you don't mind. I apologize.

25 So I wanted to add my voice of support

1 for this project proposal. I am a resident of
2 Hoboken since 1968 -- excuse me -- 1998. I live on
3 12th and Garden.

4 MR. GALVIN: Yes. I was going to say
5 you look great.

6 (Laughter)

7 MR. WUILLAMEY: That is the year I was
8 born.

9 I live on 12th and Garden with my wife
10 and two sons, ages six and three. We love Hoboken.
11 We enjoy the dynamic social scene along Washington
12 Street. We appreciate the various parks and open
13 space along the waterfront.

14 But as far as the west side of town,
15 there is no reason for us as a family to venture
16 back there. It is pretty much a dead zone as far as
17 we are concerned. You have block after block of
18 condo complexes with parking garages underneath.
19 There are no stores, no cafes, no restaurants, no
20 destinations of interest whatsoever. To me, it is
21 kind of like an empty Hollywood movie lot or a scene
22 from the twilight zone. It is just dead. It's
23 dead. There's no reason to go back there.

24 So among the few exceptions are the
25 movie theater and the Beer Garden, which my family

1 and neighbors love and appreciate the beer parties.
2 It is a great place to meet with family and friends
3 over a couple of beers or a giant pretzel, and it is
4 kid friendly, and the large shared picnic tables
5 promote a sense of community, which we appreciate.

6 So I was at the Beer Garden a few weeks
7 ago when the developers of that building were
8 presenting this new proposal, and that is how I
9 found out about it. They were presenting it to the
10 public, and I think it is a great proposal, and
11 essentially because of its mixed use approach.

12 As you know, it proposes recreation
13 with a bowling alley and rock climbing wall. It
14 proposes retail space, space for a cafe or
15 restaurant, office and residential space.

16 So if realized as such, it would
17 definitely be a desirable destination for my family,
18 and I think many others.

19 So I don't understand the complexities
20 of this process, frankly. A lot of it is technical
21 talk. It's going way over my head, but I understand
22 the area is a redevelopment zone and currently part
23 of a comprehensive development plan. I fully
24 respect the idea of a comprehensive development
25 plan, especially that prevents more of these empty

1 Hollywood movie lots that are just kind of devoid of
2 life.

3 I don't know what the status of the
4 current plan is, but my point would be that this
5 proposal is essentially a comprehensive
6 redevelopment plan in miniature, again, due to its
7 mixed-use concept. It would nicely fit into or be
8 absorbed by any conceivable broader plan, in my
9 opinion.

10 How could a rock climbing wall or
11 bowling alley or a sidewalk cafe clash, detract or
12 hinder any larger vision for that area?

13 I don't believe it can.

14 As for the proposed residential
15 structure, I think the design has architectural
16 interest and merit. It is not cookie cutter, like
17 most of the development you see in town. I like the
18 way it's tapered to lessen the visual impact from
19 the street.

20 I think this and the proposal as a
21 whole generates genuine public consideration and
22 interest on the part of the developers.

23 So I would say in closing that if this
24 requires a variance on your part, I would strongly
25 urge you to grant it, and I would also thank you for

1 your service.

2 Thank you very much.

3 CHAIRMAN AIBEL: Thank you.

4 (Applause)

5 MR. GALVIN: Raise your right hand.

6 Do you swear to tell the truth, the
7 whole truth, and nothing but the truth, so help you
8 God?

9 MS. MAC DERMOTT: Yes, I do.

10 MR. GALVIN: State your full name for
11 the record and spell your last name.

12 MS. MAC DERMOTT: Julie M. MacDermott,
13 M-a-c-D-e-r-m-o-t-t.

14 MR. GALVIN: Street address?

15 MS. MAC DERMOTT: 515 Court Street,
16 Hoboken, New Jersey.

17 MR. GALVIN: You may proceed.

18 MS. MAC DERMOTT: Thank you.

19 I would like to voice my support for
20 this project as well. Although I am a lawyer and
21 actually a former Council member from another
22 jurisdiction, I lived in Hoboken now for some time.

23 I am here really as a mother of three
24 children in their twenties and a neighbor of many
25 young people in their twenties and early thirties,

1 and I am also a mentor with the True Mentor Program
2 in Hoboken, and I have to tell you that Hoboken
3 desperately needs a project like this.

4 I can't think of anything that I would
5 rather my children do than go to an area of Hoboken
6 where they can attend a movie, go bowling, rock
7 climbing, rather than going up and down First Street
8 and Washington Street and drink all night, and this
9 town does not provide anything for younger single
10 people who are over 21 than to go to a bar or jog
11 along the river.

12 We are really very, very limited in our
13 options, and I know that the mayor has spoken quite
14 a bit about, you know, wanting to build parks, et
15 cetera.

16 The way I see this is this is merely an
17 extension of what the mayor has been looking at in
18 providing activities, healthy, recreational
19 activities for children. I drive through the north
20 side of Hoboken frequently, and right now it is not
21 a very attractive area.

22 The one thing I should say, I have done
23 a little bit of research. I think what is very
24 different about this project and about the
25 developers, referring to Mr. Gold, is that the

1 developers of this project also live in Hoboken. It
2 is not like that they are located outside of the
3 city, and nobody could ever find them. We can find
4 them if we have to --

5 (Laughter)

6 -- and frankly, I am really delighted
7 that somebody who has invested their money and time
8 in Hoboken has had the foresight and the vision to
9 not provide something with includes housing, but
10 provides something that includes recreational
11 activity, and that side of Hoboken really has so
12 many opportunities to blossom in that way,
13 particularly, you know, with the mayor's plans, the
14 new Viaduct and the movie theater.

15 So I would really hope that you would
16 see the beauty and the value for all ages in Hoboken
17 to approve this project.

18 Thank you.

19 (Applause)

20 CHAIRMAN AIBEL: Anybody else wish to
21 comment?

22 Sir?

23 MR. GALVIN: Raise your right hand.

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

1 God?

2 MR. PENCHANSKY: I do.

3 MR. GALVIN: State your full name for
4 the record and spell your last name.

5 MR. PENCHANSKY: Michael Penchansky,
6 P-e-n-c-h-a-n-s-k, a resident of 1200 Grand.

7 I came tonight honestly just to like
8 hear what is going on, and I am actually more
9 confused than beforehand, but I actually support
10 this project. I want to make that clear.

11 I am a frequent visitor of the Beer
12 Garden. I think what they have done to the
13 neighborhood is incredible. I do think our area is
14 in complete need of redevelopment. I am going to
15 address this kind of from a different approach,
16 which I haven't heard tonight at all, which is my
17 only concern about this project, and this is not
18 really this project, but it's more for the Zoning
19 Board on the entire neighborhood.

20 We have a public transportation system
21 that is completely passed right now. Recently they
22 just moved the bus stop on 14th Street like from the
23 gas station all the way to the end of the block,
24 because it can't house this many people any more.
25 You can't get a bus uptown any more. You can't, and

1 this is a big problem.

2 I don't think it has anything to do
3 with this developer, but the Zoning Board really
4 needs to consider not in the mixed-use space, I
5 think that's incredible, but what is happening going
6 forward in terms of how many units you guys are
7 allowing to continue to come into Hoboken.

8 It is a great place to live. People
9 should be able to come here and buy a unit, but the
10 higher you go -- it is not even about the height. I
11 could care less if it was 12 stories, 14 stories,
12 whatever. But how many units are going to be
13 planned to go in this area, and how taxing is that
14 on the public transportation system, which has
15 attracted so many people to come to this area.

16 Literally, if you don't live downtown,
17 and you don't get on the Path, which by the way you
18 can't get on any more either, you have a very hard
19 time getting to the city. And tonight I am
20 concerned that everybody addressed only parking,
21 only, you know, traffic, trucks.

22 Who cares if it's trucks or cars, who
23 cares?

24 We are all trying to get to work. You
25 know, how is the Zoning Board going to make sure

1 that developers are working with public
2 transportation to make that happen?

3 That's my only concern.

4 Other than that, I am in support of the
5 mixed use a hundred percent.

6 Thank you.

7 CHAIRMAN AIBEL: Thank you.

8 (Applause)

9 MR. VANCE: I will affirm.

10 MR. GALVIN: Raise your right hand.

11 Do you swear or affirm that what you
12 are about to say is true?

13 MR. VANCE: I affirm.

14 MR. GALVIN: You affirm.

15 You're set to go.

16 Just give us your full name.

17 MR. VANCE: My name is James Vance.

18 I live at 107 Monroe Street, and I will
19 attempt to tell the truth, but this is not
20 testimony, so it is really opinion.

21 The area of this project proposed is a
22 dangerous fallow, an unpleasant part of town. Not
23 very long ago, Hoboken's waterfront was in the same
24 sort of condition, and you can see what appropriate
25 development has done for the waterfront, and we

1 really dearly need to do something about this end of
2 town.

3 With regard to the structure itself,
4 you know, all around to the south and the east are
5 the donut buildings. I call them donut buildings
6 because they gobble up the whole block. They have
7 garages on the first floor level. It is as dead as
8 it could be. It is unpleasant. It's uncivil. It is
9 a mistake.

10 What we have proposed here is a risky
11 venture. We are talking about retail of sorts on
12 the first floors around this whole block. Its
13 attempt is to give life to the block, but these
14 people are putting their money where their mouth is,
15 and there is no guarantee, but they are willing to
16 go this direction because I believe, and I have
17 known Mr. Villamar since I moved to this town in
18 1980. He lived across the street. I believe he has
19 the best interest of the city at heart. He has
20 invested his money, and Hany invested his money.
21 They are not doing this because they don't want the
22 city to advance, and I admire them for it.

23 A different subject, and that is not
24 necessarily this project, but parking. Since I
25 lived in this town, we had a policy of requiring

1 parking of all new structures, and we had parking
2 and more parking and more parking. The more parking
3 you have, and I live on 107 Monroe Street, you know,
4 30 years ago, you would have a problem parking on
5 the street. We built all these buildings with all
6 of these parking garages, and now there's no place
7 to park, and not only that, but there's no way to
8 get in and out of the town any more.

9 So I would suggest in New York City,
10 you have to get a variance to put in parking. I
11 would like to see, if anything different on the
12 project, is that the parking be greatly reduced.

13 Thank you.

14 (Applause)

15 MR. GALVIN: Raise your right hand.

16 There you go. See, I didn't even do it
17 to you.

18 Do you swear to tell the truth, the
19 whole truth, and nothing but the truth, so help you
20 God?

21 MS. LOVER: I certainly do.

22 MR. GALVIN: State your full name for
23 the record and spell your last name.

24 MS. LOVER: Sure. It's Marott Lover,
25 L-o-v-e-r. I live at 1325 Adams.

1 And this past weekend, unfortunately a
2 car was broken into right outside of my building,
3 and the apartment at 1301 Adams was vandalized,
4 and I believe having this development will be not
5 just a valuable addition to our community that so
6 desperately needs this, but also a deterrent for
7 crimes like that in the future, so I really implore
8 you guys to consider approving this.

9 So thank you.

10 (Applause)

11 MR. GALVIN: Raise your right hand.

12 Do you swear to tell the truth, the
13 whole truth, and nothing but the truth, so help you
14 God?

15 MS. HOWARD: Yes.

16 MR. GALVIN: State your full name for
17 the record and spell your last name.

18 MS. HOWARD: Leslie, L-e-s-l-i-e,
19 Howard, H-o-w-a-r-d.

20 1200 Grand, Hoboken.

21 In regard to each of the variances, I
22 am all for the use that is being proposed, the mixed
23 use, the commercial residential mixed use. I am all
24 for what they are doing with the lot size and the
25 setbacks.

1 My concern, which relates to those is
2 hard to separate is the density of the building. By
3 my estimation, this building would end up being one
4 of the largest in Hoboken in terms of residential
5 units, and because, as we all agree, there is no
6 argument that part of town was overlooked for so
7 long, I fear what that addition in the absence of
8 the city and/or county making improvements to the
9 infrastructure in terms of public transportation,
10 the road conditions, the sewers, the water supply.

11 We have water main breaks. Luckily, we
12 have not had one in a while, but for a while there
13 we had them literally once a month. And so while
14 the Pilsener Haus has been excellent neighbors, I am
15 concerned that when I look at Bow Tie, they seem to
16 be teetering. I don't know how they are still in
17 business. They staff that place most nights with
18 two people, one working the candy stand slash
19 tickets and one who cleans the theaters and does
20 security.

21 If the bowling alley -- I hope it
22 succeeds, but if the bowling alley does not prove to
23 be economically viable, then we end up with these
24 two dense residential buildings that were predicated
25 because we wanted to keep space for the bowling

1 alley, so those are my concerns.

2 I would love to see the complex and the
3 project built with lower density, where as the
4 density or the height and slash density isn't
5 because there is a belief that everybody is going to
6 climb on these rock walls and everybody is going to
7 use the bowling alley, because I must -- I know it
8 is a different activity, passive, not active, but
9 they're not doing great for Bow Tie now.

10 Thank you.

11 (Applause)

12 CHAIRMAN AIBEL: Thank you.

13 MR. GALVIN: Raise your right hand.

14 Do you swear to tell the truth, the
15 whole truth, and nothing but the truth, so help you
16 God?

17 MR. PALMAR: Yes.

18 MR. GALVIN: Thank you.

19 State your full name for the record.

20 MR. PALMAR: Nate Palmar, P-a-l-m-a-r.
21 907 Hudson Street.

22 So I have been a Hoboken resident with
23 my wife for the past six years and my two kids, and
24 I am hoping to start a business here in Hoboken and
25 specifically in this area of Hoboken.

1 To comment on what you said, we need a
2 careful balance of mixed use. You have to have some
3 residential, but you also have to have residential
4 to support it, right?

5 I don't want the bowling alley either,
6 but we do need, you know, residential there for
7 businesses like for what I am hoping to do in the
8 area to support the businesses.

9 So I am in massive favor of having this
10 careful balance that what has been developed here, a
11 good amount of residential use, but also a good
12 amount of commercial use, and this is the type of
13 thing that Hoboken needs.

14 If we just make it industrial or just
15 commercial, that is not where I want to put my
16 business. I want these type of businesses supported
17 by residential use, too.

18 So, also the location, like you guys,
19 the whole 13-story or whatever thing is a bit of an
20 issue, but this is the area of Hoboken, where we
21 should live, right?

22 I mean, it is right up near the cliffs
23 up there with the Viaduct. I mean, this is the type
24 of area in Hoboken we should put it rather than
25 putting it in other areas of Hoboken.

1 That is about it.

2 (Applause)

3 MR. GALVIN: Thank you.

4 CHAIRMAN AIBEL: Any other comments?

5 Sir?

6 MR. GALVIN: Raise your right hand.

7 Do you swear to tell the truth, the
8 whole truth, and nothing but the truth, so help you
9 God?

10 MR. SILVERBROOK: Yes, I do.

11 MR. GALVIN: State your full name.

12 MR. SILVERBROOK: Sean Silverbrook,
13 1325 Adams Street.

14 MR. GALVIN: Thank you, sir.

15 MR. SILVERBROOK: I apologize for the
16 beginning.

17 MR. GALVIN: No, no. We are fine. We
18 are all good.

19 MR. SILVERBROOK: To speak to my
20 neighbor's concerns, as a resident of I guess the
21 Northwest it's called, you know, she spoke about how
22 the movie theater is on the brink, and I think that
23 speaks to the area.

24 I mean, people are still reluctant to
25 head back to that area unless you live back there.

1 You know, the old, "If you build it, they will
2 come," if they mix in and if there is more
3 development back there, there's more reasons to go
4 back there, and things will stay vibrant and active
5 because there's more development back there.

6 Right now the only reason is to go see
7 movies, so if an exciting movie isn't out, people
8 aren't going to go back there.

9 But if there are other things to do,
10 retail, bowling, rock climbing, it is going to
11 attract more people, more activities. It's going to
12 keep, you know, for my neighbor's fear, future
13 vandalism and things of that nature because
14 typically riffraff stays away.

15 But in industrial zones, they turn off
16 the lights off at five p.m., and then when the
17 lights are off at five p.m. and it's dark outside,
18 people will wander back there, you know.

19 And you often see in industrial zones,
20 you see a lot of graffiti and things of that nature
21 versus a vibrant mixed-use residential, you know,
22 where it is vibrant and people are active, you know,
23 upwardly mobile human beings operating in that area,
24 which I think is good for the area and good for the
25 economics, and I want to support that and say I am

1 all for it.

2 (Applause)

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 MS. HEALEY: I do.

8 MR. GALVIN: State your full name for
9 the record.

10 MS. HEALEY: Lea Healey, 806 Park.

11 MR. GALVIN: Thank you.

12 MS. HEALEY: I am friendly with the
13 developer. I have a lot of respect for the
14 developers. I know what else they have done in
15 town, but what I am concerned about tonight is what
16 is actually going on on this piece of property,
17 because I am friendly with a lot of developers in
18 town, and a lot of developers have promised things
19 to this community over the years, and they haven't
20 been delivered.

21 Now, I am happy to hear the testimony
22 of this developer that he plans to put the public
23 benefit elements of this in first, so that would
24 probably be a very good thing to have in a
25 resolution approving this, and a performance bond on

1 those elements, if that is possible.

2 But I still am concerned that if this
3 particular benefit disappears, I am not quite sure
4 what the process is down the road for us all to be
5 coming back here to decide what the next public
6 benefit is that is going to go in place of those
7 uses, so I am not entirely clear on how we protect
8 ourselves.

9 There has been a lot of charter school
10 offerings by the Zoning Board applications that
11 never materialize, and it really comes down to what
12 is enforceable, which is why I am in favor of a
13 redevelopment zone being applied to this area,
14 rather than a zoning by variance for a project of
15 this magnitude, and I realize that the city's record
16 with respect to the Western Edge is pretty abysmal,
17 but the first time we attempted to do a Western Edge
18 Plan, it wasn't done very well.

19 The second time we attempted to do a
20 residential -- a redevelopment plan for the Western
21 Edge, there was a lot more commercial recommended
22 than is being recommended in this plan.

23 The difficulty that I have with this
24 plan is the density of the development that is being
25 proposed here, the level of height and the level of

1 density that is being proposed here, because I see
2 it as setting a precedent by this Board that you are
3 willing to provide such incredible density in
4 exchange for these benefits, and so I am wondering
5 what the rest of the Western Edge is going to look
6 like, because if I were a developer, I would be in
7 here tomorrow for the rest of those pieces to get
8 just the kind of height you are asking for here.

9 So what is the precedent?

10 And you are going to provide that
11 height on the most rectangular piece of property
12 that exists in the Western Edge, so why shouldn't
13 everybody else be able to get even more height, if
14 they have an irregular-shaped property, so I am very
15 concerned with the density.

16 And that brings me to another issue,
17 which is near and dear to my heart, which has been
18 near and dear to my heart since I started dealing
19 with the properties in the Western Edge, 900 Monroe.
20 There is no park space or open space associated with
21 this plan. That is truly public open space, and
22 therefore, we are going to have an additional --
23 we're going to have additional density, additional
24 people that is going to add to something that you
25 well know, which is an extreme park deficit, and I

1 don't think that this development can point to the
2 Cognis site and say that takes care of our problem
3 because Cognis has been in the city's park plan to
4 make up the deficit we already have, so new
5 developments like this at the very least should be
6 proposing some open space with this kind of density.

7 And even the previous Zoning Board
8 application that I attended, because I have been
9 coming to this same Zoning Board when it wasn't even
10 this development, it was a prior development, even
11 that had open space in it, it wasn't great, but it
12 was 10,000 square feet of open space, and here it is
13 nothing.

14 Now, I realize that people can go in,
15 and they can play. You know, they can bowl and they
16 can climb a wall, and that is a recreational
17 activity, but it is not public. It costs money to
18 do those things, and it is private space, so it is a
19 little bit different than what was being offered the
20 last time we had a Zoning Board application, which
21 was truly space that anybody in the public, whether
22 they could afford it or not, could be on.

23 And the other concern I had, which was
24 part of the testimony from the last time we were
25 here is affordable housing. The regs have just

1 changed. October -- April 30th, the new regs just
2 came out, so I am very concerned about how if there
3 is affordable housing in this project, and we didn't
4 hear a lot about that from the planner, how is that
5 going to be enforced. Are we meeting the
6 regulations?

7 It was a little bit sketchy the last
8 time, and if that is truly a community benefit, I
9 want to know how it's going to be enforced.

10 And lastly, we heard a lot about the
11 green elements of this plan, and I felt that that
12 testimony was very sketchy, and I realize that it
13 will get more specific as we go forward. But when I
14 add up the supposed public benefits or community
15 benefits of this project versus the variance, I feel
16 that based upon the testimony that you had, that
17 those community benefits are somewhat sketchy in
18 exchange for the type of density and height we are
19 talking about here, and that is where I am really
20 concerned.

21 I appreciate your time.

22 Thank you.

23 CHAIRMAN AIBEL: Thank you.

24 MR. GALVIN: Do you swear to tell the
25 truth, the whole truth, and nothing but the truth,

1 so help you God?

2 MR. SORRES: Yes.

3 Tony Sorres.

4 You have a really tough decision here
5 tonight. It is not easy. I was in Mr. Aibel's seat
6 when Ms. Healey was here once before and was against
7 that project, too.

8 I was on the City Council in 1999 when
9 the redevelopment studies were happening.

10 I was on the City Council in 2001 when
11 we hired Ms. Healey to re-examine the redevelopment,
12 so every single time this city has attempted
13 redevelopment, it has failed every time. It is not
14 different now.

15 We have a new administration, one I
16 personally think is fantastic. However, we have
17 been listening to plans to pick out lights for
18 Washington Street for three years already.

19 The public is here tonight saying, we
20 want this plan. The public is the planner. The
21 public is who elects the Council. The Council
22 appoints the Zoning Board. The Zoning Board is a
23 body of politics, which is us. The majority of
24 people who chose to be here tonight are speaking in
25 favor of this project. Open space and community

1 give-backs are not just -- is not just defined by
2 grass.

3 We can't say, don't approve this
4 tonight because we are still working on Cognis at
5 the City Council, and then like Ms. Healey just
6 said, you can't use Cognis, on the other hand,
7 because it is not really approved.

8 What is it?

9 What you have to base it on is your
10 instincts, the public's input, in my opinion, and
11 the plan before you.

12 If the Zoning -- if the City Council
13 decides in this next few months to come up with a
14 plan, which it probably won't, and between the time
15 the kids start school and graduate high school,
16 comes up with a new plan, you can just keep it the
17 way it is.

18 A developer could also in these areas
19 lease it out, because I will be honest with you, I
20 am a real estate agent, not on this project. I get
21 calls every day, trucking companies, cement mixing
22 companies, all types of industrial uses. You want
23 to know about impact, how about trucks barreling
24 down these streets 24-7?

25 Without a redevelopment zone, you have

1 to do it this way. This is the only place to be. I
2 hear what Mr. Ahmed said, and I agree with that.

3 Zoning variances are not a bad thing.
4 They are a vehicle to play, and I think that this is
5 a great project. I think that when I was sitting in
6 that chair, and Mr. Ahmed said, I don't want more
7 cars in Hoboken when I do the Beer Garden, and he
8 didn't bring us more cars. He created a 400-car
9 parking garage that's being used right now because
10 Park on Park was demolished based on variances by
11 this very body.

12 I am watching the City Council and the
13 mayor at ribbon cuttings, at buildings just as high,
14 just as dense, with no community events in them.
15 They are beautiful designs. They're green
16 buildings, outstanding developer, they are giving
17 nothing back. You can't have a birthday party
18 there. You can't go bowling there. You can't do
19 anything.

20 This building is attractive. It could
21 be the centerpiece, and then the City Council, when
22 they do the plan and hire the planners, maybe it
23 will be Ms. Banyra, but they could say, okay, here
24 is where the density is, and then now everything
25 else has to be lower. You take into consideration

1 what has been done and what is planned when you do a
2 plan. You don't stop all planning that's currently
3 before you.

4 Like I said earlier, maybe a little bit
5 more clumsy, if you hear about a law that's coming
6 down for sitting on, you know, on the floor of the
7 Senate, you don't say, well -- you know, if you are
8 a jury, well, we have to worry about what might be
9 happening, so we can let this guy go. It is what is
10 in front of you.

11 It's a great plan. It's a great
12 design. I am a member of this community just as
13 much as if I was real estate agent or whatever I do.
14 I lived here for 25 years. I have seen no action on
15 redevelopment. I've just seen so many people come
16 up saying let's wait for the redevelopment studies,
17 and there has been way too many studies. So, again,
18 your kids will be out of college, you know, before
19 they find out what will be built here.

20 I think it is really important to use
21 your own judgment and to listen to what the people
22 here were just applauding about because nobody is
23 paying them to do that.

24 Thank you.

25 (Applause)

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 MS. EHRGOTT: I do.

6 MR. GALVIN: State your full name for
7 the record.

8 MS. EHRGOTT: Kristen Ehgott,
9 E-h-r-g-o-t-t.

10 MR. GALVIN: Street address?

11 MS. EHRGOTT: 51 Ninth Street.

12 MR. GALVIN: Terrific. Please proceed.

13 MS. EHRGOTT: So I have a personal and
14 a professional interest.

15 Personally I live in the neighborhood,
16 Ninth and Jefferson. I have a 13-year-old stepson.
17 His choices for recreation after school is the park,
18 the movie theater, and they hang out at Panera. I
19 don't think his childhood should be, you know,
20 hanging out at Panera, you know, after school
21 because that is the only recreation available to
22 him.

23 You know, there is only so many parks.
24 Parks are the same. You know, they play basketball,
25 and they do the same thing.

1 You know, a bowling alley, a rock
2 climbing gym, this is something that would give the
3 kids a place to go, give them something to do, you
4 know. For that reason, I am in favor of it.

5 Professionally, I just opened up a
6 residential real estate office, and I opened up in
7 this neighborhood, which is the first residential
8 real estate office to open in this neighborhood. My
9 office is in 1422 Grand above Pilsener Haus, and I
10 really believe in this neighborhood. I believe in
11 the future development of it. I am really
12 supportive of that.

13 You know, part of the reason why I
14 opened up there was to support that community and to
15 show my support and help it to grow, and for that
16 reason, I am in favor of this project.

17 Thank you.

18 (Applause)

19 MR. GALVIN: Raise your right hand.

20 Do you swear to tell the truth, the
21 whole truth, and nothing but the truth, so help you
22 God?

23 MS. MANOGUE: I do.

24 MR. GALVIN: State your full name for
25 the record.

1 MS. MANOGUE: Helen Manogue,
2 M-a-n-o-g-u-e.

3 Am I speaking loudly enough?

4 MR. GALVIN: Yes, I hear you perfectly.

5 MS. MANOGUE: I have a terrible ear
6 infection, and I can barely hear, and that's why.

7 MR. GALVIN: No. You're doing fine.

8 MS. MANOGUE: I live at 904 Jefferson
9 Street.

10 I am here this evening actually to
11 speak on behalf of the Hoboken Quality of Life
12 Coalition. We are very interested in this project,
13 and we are also at the same time torn about it.

14 There are so many things about this
15 that we like, and I had the whole list of things
16 here that we like, the activity on the ground floor
17 for this area, which is so dark and empty at night.

18 We like the introduction to family
19 recreation activities, such as the bowling alley and
20 all of the other things we have been hearing about.

21 We appreciate the recession of the two
22 floors, the two lower floors of the building, so
23 that this building doesn't appear as a giant slab
24 like so many of the others do around the Viaduct.

25 Of course, we admire the LEED

1 construction, the detention and retention systems
2 that will be a blessing.

3 We like the reuse of the older
4 buildings in town, which we think is really very,
5 very important for the entire City of Hoboken.

6 We applaud a touch of greenery that I
7 thought was part of a centerpiece for the block. I
8 may be mistaken on that, but we thought there was
9 going to be some greenery out there, and we also
10 appreciate the fact that the developers seemed to
11 have been so willing to come down as far as the
12 height was concerned.

13 Now, all of these things that I just
14 mentioned to you, Lea Healey was talking before
15 about community benefits. We see green roofs,
16 detention and retention of water and LEED
17 construction as being community benefits. Those
18 benefit us as well, just like everybody in the
19 entire community.

20 We, however, had concerns, as Lea
21 Healey had as well, and that was about the height.
22 The 13-story height is actually, as Lea said, and we
23 felt also we brought this up at a meeting the other
24 evening, this becomes a precedent for this area, and
25 that is a problem, because we don't want to see all

1 of these 13-story buildings around, and we feel that
2 as soon as you give an approval for that, you are
3 going to see every other developer in the world who
4 is going to be coming in here with 13 stories before
5 you.

6 So, as I say, we were torn, but I think
7 in retrospect, I have to say after listening to all
8 that you guys came up with this evening, and you
9 really gave this a raking over, I congratulate you
10 on your good questions and the things that you were
11 asking about, but I think there is something else
12 here, too. That area, as a lot of people have said,
13 is really a very dangerous area in the city. It is
14 dark. It is damp. It is desolate up there. Here
15 we have an opportunity to go in almost right away
16 and to start changing that area.

17 As far as quality of life is concerned,
18 I think that is an important aspect also, that we
19 move when we have the opportunity to do it.

20 We got that opportunity in hand for the
21 city, for the benefit of the city, but also for us
22 taxpayers that we can get more on the tax rolls that
23 some of us could get some relief for our taxes as
24 well, so you've got these opportunities in hand
25 right now.

1 Are we going to wait forever for the
2 city to come up with a new plan, a redevelopment
3 plan for the area?

4 I really believe that this project
5 will, in fact, fit very well into redevelopment
6 zone, and it will provide all of the things that we
7 are looking for, an attractive building site, a
8 reuse of an era of old buildings in town, and all of
9 the benefits, the green benefits, that we are going
10 to get with it.

11 So I urge you, please, the time is
12 right. Let's say yes to this, please.

13 (Applause)

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. IVANOV: I do.

19 MR. GALVIN: State your full name for
20 the record.

21 MR. IVANOV: Andy Ivanov, I-v-a-n-o-v,
22 residing at 555 Zeller Road, Long Valley, New
23 Jersey.

24 MR. GALVIN: Long Valley, New Jersey?

25 MR. IVANOV: Long Valley, New Jersey.

1 MR. GALVIN: It's just over the bridge?

2 (Laughter)

3 Go ahead.

4 MR. IVANOV: I am one of the providers
5 of the Beer Garden, and thank you so much for the
6 opportunity to present their vision for this
7 project.

8 We have already been inspired by a
9 community meeting that we held at Polar Club on May
10 13th this year, and which over probably 150
11 residents have attended, and we hope to convey the
12 excitement that we felt.

13 We discussed with our neighbors and
14 residents here, which seems to be a great project
15 and an opportunity to create a really exciting
16 center for the community and for the families in
17 this portion of the town.

18 To describe the Beer Garden's success
19 would be meaningless. We took our chances, and we
20 built, and we came, and you see the results.

21 As also came up at the meeting was
22 really a need for, number one, for the -- just
23 family-friendly on the place which is reasonably
24 priced, and I mean is also -- and it is also
25 developed for the bigger groups.

1 We also -- do we need -- we have to
2 increase all of the dining options in our town.
3 With this venue, which is not just a bowling alley,
4 it is also the restaurant, and it is also the
5 performance venue, which we are trying -- we will
6 try to create in this -- in this -- in this portion
7 of the town.

8 So with the exiting of the Maxwells, we
9 believe we can reestablish Hoboken as a destination
10 for the -- to see the good acts, and to see the
11 events and to see the great performances, and we
12 believe that with this balanced approach, which is,
13 again -- which provides all of these green features
14 and all other great stuff.

15 We believe it is a great project. We
16 believe the community will benefit, and please use
17 your good common sense, and thank you for listening
18 tonight.

19 MR. GALVIN: Thank you.

20 (Appause)

21 MR. GALVIN: Come up.

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

25 MS. CHARTIER: I do.

1 MR. GALVIN: State your full name for
2 the record.

3 MS. CHARTIER: Meredith Chartier,
4 C-h-a-r-t-i-e-r. 70 Monroe Street, Hoboken, New
5 Jersey.

6 I am going to apologize. I am going to
7 refer to my notes because I have like factual
8 information that I want to make sure it's correct.

9 MR. GALVIN: Yeah, yeah. That's all
10 right.

11 MS. CHARTIER: First of all, I would
12 like to say thank you to Mr. Villamar and Mr. Ahmed
13 for presenting this project. The Beer Garden is
14 incredible. I, myself, have enjoyed it multiple
15 times, as well as my family members, who come to
16 visit from out of town.

17 I also want to commend them on the
18 community initiatives that they put into their
19 building right next door on Grand Street. They
20 didn't have to, but they did, and they spent an
21 exorbitant amount of money -- I'm sorry -- not an
22 exorbitant amount of money -- but they spent above
23 and beyond what they needed to in order to improve
24 the infrastructure in that area and in their
25 building.

1 For example, Geothermal, which I don't
2 know if many people know what that is, but it's how
3 they are heating and cooling the building using the
4 air -- using the temperature of the underground
5 space beneath the building.

6 All right. So I also want to point out
7 for those -- there are many new faces here, for
8 those not here -- excuse me --

9 COMMISSIONER BRANCIFORTE: I am sorry,
10 Mrs. Chartier. Are you related to Tom Chartier?

11 MS. CHARTIER: Yes, I am. I am his
12 wife.

13 COMMISSIONER BRANCIFORTE: His wife. I
14 mean, I am sorry --

15 MR. GALVIN: It's not a conflict. She
16 can do this --

17 COMMISSIONER BRANCIFORTE: -- all
18 right -- I just wanted to double check --

19 MR. GALVIN: -- she is a citizen.

20 COMMISSIONER BRANCIFORTE: -- but I
21 wanted to make sure it wasn't a conflict.

22 MR. GALVIN: -- you are related to the
23 expert who testified as to the green building,
24 though?

25 MS. CHARTIER: Correct.

1 MR. GALVIN: Okay.

2 COMMISSIONER BRANCIFORTE: Okay. Good.
3 I'm sorry to interrupt. I just wanted to clear that
4 up.

5 MS. CHARTIER: Okay.

6 MR. GALVIN: That's all right. Just
7 we'll let her finish.

8 COMMISSIONER BRANCIFORTE: Thanks.

9 MS. CHARTIER: So for those of you who
10 were not able to make the last Zoning Board meeting,
11 I just wanted to touch on a few things.

12 The building is slated to achieve LEED
13 gold certification. It will reduce water
14 consumption by more than 50 percent. It will
15 collect rainwater and reuse it in order to keep it
16 out of the sewer, and they are generating
17 electricity on site.

18 The mayor has praised other developers
19 specifically developing in this neighborhood many
20 times for implementing similar features at recently
21 approved projects, for example, 900 Monroe Street.

22 Height concerns were an issue.
23 Personally, I have no issue with the height concern.
24 Right now, as you are traveling south -- north on
25 the Viaduct, the only thing you have a view of are

1 overgrown weeds, as well as two billboards
2 advertising Mc Donald's and Geico.

3 And to further support that point,
4 drivers and pedestrians should be focused on the
5 traffic and the walkways in front of them, not so
6 much what they are looking at. In fact, by creating
7 an open view, you are almost creating a hazard in
8 terms of pedestrians walking around and traffic
9 flow.

10 In terms of this whole -- this project
11 creating an issue with traffic, Hoboken is a city.
12 Manhattan is part of New York City. I don't think
13 anybody here expects to drive into Manhattan, get to
14 their proposed designation in a timely fashion, and
15 find parking immediately, and I think these are
16 things that the Zoning Board should consider when
17 talking about planning in Hoboken especially for
18 parking, and I support what Mr. Vance said, that
19 if anything, you take away parking, and you have to
20 get a variance to provide parking and to encourage
21 people to use public transportation or to use their
22 bikes or to walk.

23 Hoboken is one square mile. There is
24 no need to use your car in town unless, of course,
25 you are like delivering heavy packages or something.

1 I think the development supports the
2 effort and the money that the city is using
3 currently to develop the recreation space under the
4 viaduct. If this project is not developed, who
5 really is going to bring their children to a park
6 under the Viaduct?

7 This group is providing the people that
8 are going to use this park, and I would also like to
9 point out that we live in the northeast. This
10 winter is total proof. Our parks are not usable for
11 most months out of the year due to the snow and that
12 poor snow removal.

13 So when we are talking about like
14 putting up more park space and creating more park
15 space, let's be reasonable here and realize that
16 this indoor rock climbing facility, the indoor
17 bowling facility, and this indoor music venue
18 creates year-round recreation space for the
19 community.

20 (Appause)

21 I would also like to point out that
22 because the area is zoned industrial use, there are
23 few limitations on to what industrial use this could
24 be. For example, this could be a uranium treatment
25 facility --

1 (Laughter)

2 -- so, again, who is going to bring
3 their children to a park across the street in the
4 same vicinity as this industrial use building?

5 Approving this development ensures the
6 success of the city's development of recreation
7 space. It will also support the proposed green belt
8 from the rebuilt designed project by OMA for the
9 resist store discharge. The southwest park site was
10 just awarded a taxpayer funded grant for \$230
11 million, which will have a resist store delay water
12 system under the park.

13 This project that is being proposed
14 tonight will have -- will store 250 gallons of
15 water, which is 50,000 gallons more than what the
16 southwest park is proposing, so this project is
17 without taxpayer money. That \$230 million that is
18 funding the southwest park is taxpayer money. So
19 these gentlemen right here are offering to
20 drastically improve the City of Hoboken footing the
21 bill for it completely, and not asking the taxpayers
22 for anything.

23 As a taxpayer, as a resident, and as a
24 business owner, I commend them. They have the
25 ability to do this. We should allow them to do

1 this. Clearly, this room is showing you this is
2 what the community wants.

3 Thank you.

4 (Appause)

5 MR. GALVIN: Raise your right hand.

6 Do you swear to tell the truth, the
7 whole truth, and nothing but the truth, so help you
8 God?

9 MR. WALSH: I do.

10 MR. GALVIN: State your full name for
11 the record.

12 MR. WALSH: Tim Walsh.

13 MR. GALVIN: Tim, spell your last name.

14 MR. WALSH: W-a-l-s-h.

15 MR. GALVIN: Street address?

16 MR. WALSH: 364 Cupsaw Drive, Ringwood,
17 New Jersey.

18 MR. GALVIN: Okay.

19 MR. WALSH: I am the co-founder of
20 Gravity Vault, and we operate currently in Bergen
21 County, Morris County and Monmouth County. We are
22 also in development in Lehigh Valley in
23 Pennsylvania.

24 MR. GALVIN: Are you in this location?

25 MR. WALSH: We are not yet. We are

1 talking to Hany and Mark about being in --

2 MR. GALVIN: Is that why they didn't
3 present you as part of their case as opposed to on
4 the closing arguments?

5 MR. WALSH: No. Gravity Vault is --

6 CHAIRMAN AIBEL: I'm sorry?

7 MR. GALVIN: Do you have a climbing gym
8 as part of this application?

9 MR. MATULE: Yes.

10 MR. GALVIN: Why isn't it getting
11 presented as part of your case?

12 MR. MATULE: Because I didn't know --

13 (Laughter)

14 MR. GALVIN: Okay. You didn't know he
15 was coming. Okay.

16 MR. WALSH: I just wanted to make a
17 simple point here tonight that, you know, as far as
18 recreation in the City of Hoboken, you know, we have
19 been trying to bring rock climbing to this city for
20 six or seven years.

21 I have a letter of intent from the
22 original guys from Monroe Center for seven years
23 now. And, you know, a lot of developers that we sit
24 down with and a lot of property owners, they won't
25 even talk to us because, you know, indoor recreation

1 can't afford, you know, what property values in
2 Hoboken, you know, now call for in a price per
3 square foot basis.

4 So the one thing I wanted to point out
5 is that Mark and Hany, these developers, have been,
6 you know, open to us, and I think they are the real
7 deal when it comes to trying to bring indoor
8 recreation to the City of Hoboken, so, you know, I
9 just ask that you vote favorably for the
10 application.

11 MR. GALVIN: Thank you.

12 CHAIRMAN AIBEL: Thank you.

13 (Applause)

14 (Board members confer.)

15 MR. GALVIN: Do you swear to tell the
16 truth, the whole truth, and nothing but the truth,
17 so help you God?

18 MR. TARTAGLIA: I do.

19 MR. GALVIN: State your full name for
20 the record and spell your last name.

21 MR. TARTAGLIA: Mark Tartaglia,
22 T-a-r-t-a-g-l-i-a.

23 MR. GALVIN: Street address?

24 MR. TARTAGLIA: 1408 Clinton Street.

25 MR. GALVIN: You may proceed.

1 MR. TARTAGLI: So I recently moved into
2 the neighborhood. I am right in the middle of the
3 Beer Garden and the Viaduct and the movie theater,
4 and I could not think of a better use for this
5 property. It borders the Viaduct. It does not
6 block any views, so I don't see any problem with 13
7 stories.

8 I know the last meeting we discussed
9 views being blocked from the heights. I went up
10 into the heights. It is all trees there. You can't
11 see the city from the sidewalk or any building
12 there. There are no views being blocked.

13 I think it is wonderful for another
14 building in Hoboken to have views of Manhattan, and
15 these six-story buildings with a parking garage on
16 the first floor, where it can be amazing retail, I
17 think that is old news at this point, and this is
18 something different and useful.

19 I also took the liberty of hopping on
20 the L Train and went out to Williamsburg last week,
21 and I checked out Brooklyn Bowl. I mean, what a
22 cool venue. Music, bowling, great food. I mean,
23 this is -- I am not worried about this thing going
24 out of business. That's for sure. I would suggest
25 to everybody to go check out Brooklyn Bowl.

1 As far as the developers are concerned,
2 I mean, these are the guys you want to build
3 something like this, guys with a track record in
4 town.

5 Look at the Beer Garden. Look at the
6 operators of the Beer Garden. It is clean. The
7 food is good. It is a wonderful place to go to, and
8 there is a line to get in now. People are walking
9 to the Beer Garden from downtown, so I am in full
10 support of this project.

11 Thank you.

12 (Applause)

13 MR. GALVIN: Thank you.

14 Anybody else?

15 CHAIRMAN AIBEL: I think you should
16 have a conversation with him.

17 MR. GALVIN: No. I said it before, and
18 I'm going to say it again --

19 COUNCILMAN MELLO: Could you just
20 explain to me on the record why?

21 MR. GALVIN: Yes. I think that it's --
22 I am explaining it on the record, but --

23 COUNCILMAN MELLO: I just -- I need to
24 hear it, and I think members of the public need to
25 hear it on the record --

1 MR. GALVIN: Sure.

2 COUNCILMAN MELLO: -- and there might
3 be an acceptable reason --

4 MR. GALVIN: Sure.

5 COUNCILMAN MELLO: -- but I do want it
6 on the record why --

7 MR. GALVIN: Okay.

8 COUNCILMAN MELLO: -- people who get
9 involved in elected office because of land use
10 issues would be precluded from speaking their mind
11 on certain land use issues.

12 MR. GALVIN: Right. Because you
13 appoint the members to the Board. That is one
14 factor. That the Board members may feel compelled
15 to vote for or against an application based on the
16 position that you take.

17 Somebody on appeal would raise that, so
18 if the applicant gets an approval here, and you
19 speak in favor, well, that is fine for them, but an
20 objector who is opposed to this case, who may not
21 even be in the room, would then raise the issue that
22 you came in here, and that you unduly influenced the
23 Board members and caused them to change their vote
24 to vote the way that you want them to do, and that
25 could cause us a problem on appeal, so it is not a

1 good procedure.

2 The second thing is, this is a use
3 variance. If we grant a use variance, the appeal is
4 to the governing body. If we deny it, it doesn't go
5 to the governing body. But if we approve it --

6 COUNCILMAN MELLO: If it's denied, it
7 does not go to the governing body.

8 MR. GALVIN: If we deny it, it does not
9 go to the governing body.

10 COUNCILMAN MELLO: That's an important
11 distinction to make.

12 MR. GALVIN: I know it is important.

13 If we approve it, it does go to the
14 governing body. If it goes to the governing body,
15 then since you have spoken here, you will not be
16 able to participate at that point because you will
17 have a conflict of interest because you have already
18 stated a position on the case.

19 COUNCILMAN MELLO: If it's appealed.

20 MR. GALVIN: If it's appealed.

21 So assuming again that we approve it,
22 and that somebody else in the room decides to appeal
23 from the governing body, like they did in the Kane
24 Properties case, then it comes before the governing
25 body, that would be an issue for you.

1 COUNCILMAN MELLO: I would really want
2 to put it then towards the developers as to whether
3 or not they would prefer that I not speak my mind on
4 this or speak my mind on it, because they would be
5 the ones who would be appealed, if their application
6 were to be approved here tonight.

7 MR. AHMED: There's eight more Council
8 members. If Mr. Mello has to abstain, and there is
9 an objector, and we have to move forward to the
10 Council, we are okay with the eight members that are
11 there.

12 MR. GALVIN: Yes. I just want to say
13 that I think one of the reasons why everyone asked
14 me to come to this town and to help is because we
15 want to try to follow the best practices.

16 In my view, it is not beneficial for us
17 to have Council people at the Zoning Board or to try
18 to affect the outcome of the Zoning Board's outcome.
19 On the other hand --

20 COUNCILMAN MELLO: So even if -- you
21 don't think it is advisable for them to even attend
22 the meetings?

23 MR. GALVIN: I generally don't like it
24 when Council people do occasionally attend meetings.
25 I think the best practice is to stay at the back of

1 meeting and to observe. And even sometimes it makes
2 Board members in other communities nervous, that
3 councilmen or mayors do come to the meeting, and
4 they are worried about the outcomes, and they are
5 worried about being influenced.

6 I can't speak for these Board members.
7 I don't know how they feel, but I am just telling
8 you based on my experience, and I just think that
9 you can review the transcripts. In a lot of towns
10 they record these things where you can watch, and we
11 are supposed to be here to take the heat for you,
12 so --

13 COUNCILMAN MELLO: Well, I do want to
14 put on the record that I disagree with your point
15 about attending meetings because we do have an
16 obligation to appoint and reappoint members of the
17 Zoning Board who we think who are properly going to
18 reflect the intentions of the community, and if we
19 don't observe what those Zoning Board members do in
20 their deliberations, observe firsthand the issues
21 that they are deliberating, I don't know how I could
22 adequately make those decisions as a person with a
23 vote on either reappointing a Zoning Board member
24 or --

25 VICE CHAIR GREENE: Read the

1 transcripts.

2 COUNCILMAN MELLO: -- because that's my
3 opinion on that, and I will refrain from speaking,
4 if that is fine with you.

5 MR. AHMED: I appreciate Mr. Mello
6 being here. If the Board is uncomfortable with it,
7 we respect the Board's opinion --

8 MR. GALVIN: No. Listen --

9 MR. AHMED: -- we don't want to put
10 anybody in a weird situation.

11 MR. GALVIN: -- Guys, look, again, I
12 really am, I am being as sincere as I can be. I am
13 trying to look out for everybody.

14 I am also looking out for people's
15 reputations, and you know, it could be said later
16 on, that you are affecting the outcome, and that
17 could be negative for you, and that is why in the
18 past, I have taken Council people outside the
19 chambers --

20 COUNCILMAN MELLO: I will take a seat,
21 and I will refrain from speaking.

22 But one other thing: If a person does
23 speak or attend meetings, it in no way precludes
24 them as a member of the Redevelopment Agency from
25 them participating in the redevelopment process,

1 does it?

2 MR. GALVIN: Now, you are confusing me
3 a little bit.

4 Which Redevelopment Agency are we
5 talking about?

6 COUNCILMAN MELLO: The Redevelopment
7 Agency of the City of Hoboken, which the City
8 Council is, so it doesn't preclude you from being a
9 participating member of the Redevelopment Agency, if
10 something is denied, and then it ends up in front of
11 a Redevelopment Agency --

12 MR. GALVIN: I would have to give that
13 some thought also.

14 Wait, because there was -- wait a
15 minute. I had, just so you understand, again, I am
16 trying to do everything to the best of my ability.
17 I had a Planning Board member who came here who
18 wanted to speak on this case, and I took her aside,
19 and I said, "Please don't speak on this" --

20 COUNCILMAN MELLO: I saw you do that.

21 MR. GALVIN: -- because I wanted to
22 preserve her right to sit on this, if in the future,
23 either this or some other version of this property
24 wound up at the Planning Board. And in my
25 conversation I know that they weren't even going to

1 speak for or against the thing, but regardless I got
2 them to not participate.

3 So I don't think the Planning Board
4 members should be participating at the Zoning Board,
5 and I don't think Zoning Board members should be
6 participating at the Planning Board because we never
7 know when an application comes before one of those
8 Boards, and then finds it way to the Board in the
9 not too distant future, and then that Board member
10 would be conflicted in an action on that.

11 And I had two Board members here who I
12 suggested not to speak on the Boards, and despite my
13 best advice, they got up and spoke anyway --

14 (Laughter)

15 -- so the bottom line is, if you want
16 to speak, go ahead, don't hate me, but I know I am
17 giving you the straight skinny on what the rules
18 are.

19 CHAIRMAN AIBEL: Let me just add --

20 A VOICE: We're not going to ask him to
21 speak --

22 CHAIRMAN AIBEL: -- let me just add, I
23 think Mr. Mello has indicated a view of the matter,
24 and I am perfectly prepared now to have you tell us
25 what you think. So you have gotten this far. We

1 have discussed it now for ten minutes on the record.
2 Let's move on and hear what you have to say, and we
3 can try to get to a vote.

4 MR. GALVIN: He doesn't have to.

5 CHAIRMAN AIBEL: He doesn't have to. I
6 am saying I don't have a problem.

7 COUNCILMAN MELLO: I am going to sit
8 down, but I do want to have it on the record that I
9 disagree with some of the points you made because I
10 feel it would pretense and it would be not
11 transparent. If I sent my best friend here to speak
12 words that are obviously my views on this situation,
13 as the Chair of the Community Development Committee,
14 and I have been on that committee for five years
15 now, we have a say on these matters. We obviously
16 have a say appointing Zoning Board members. I think
17 it would be absolutely foolish and almost a
18 desertion of our duties to watch how this body act
19 and to ascertain for ourselves whether we think this
20 body is meeting the needs of the public at large.

21 That being said, I will not comment any
22 further on this project.

23 (Applause)

24 MR. GALVIN: Anybody else want to be
25 heard?

1 Can I ask a favor?

2 How many more people want to be heard

3 on this matter?

4 Okay. Just one more person --

5 A VOICE: No, many others.

6 A VOICE: There's one over there, one

7 over there --

8 MR. GALVIN: You were already heard.

9 A VOICE: Two.

10 MR. GALVIN: Oh, okay. Who do you got?

11 Seriously, guys, I want to count, so I

12 know how long we have to wait before going to

13 bathroom.

14 (Laughter)

15 How many do we got?

16 A VOICE: Four.

17 MR. GALVIN: Wait a minute.

18 I see one, two, three -- wait a minute.

19 I see one, two.

20 Are you trying to confuse me? You are

21 putting up five fingers.

22 MR. EVERS: Well, I can't take the

23 fingers off my hand.

24 (Laughter)

25 MR. GALVIN: All right. Just one over

1 there, right?

2 Again, okay, come on up.

3 Did you testify here?

4 MR. DELANEY: I asked the planner some
5 questions.

6 MR. GALVIN: Okay. I apologize to you.

7 Raise your right hand.

8 Do you swear to tell the truth, the
9 whole truth, and nothing but the truth, so help you
10 God?

11 MR. DELANEY: Yes.

12 MR. GALVIN: State your full name for
13 the record and spell your last name.

14 MR. DELANEY: Ned Delaney,
15 D-e-l-a-n-e-y.

16 I reside at 1426 Willow Avenue. It's
17 the corner of 14th -- or 15th and Willow, so down
18 the street from the Beer Garden.

19 I am also a Stevens graduate, so I am
20 vaguely familiar with the terms and designs going on
21 here.

22 I live in the northwest portion of the
23 town. Specifically to see this kind of development,
24 I have been in Hoboken for a couple of years now,
25 and this end of town has really taken off in the

1 last couple of years, so I am really excited to see
2 what is happening in this area.

3 And I understand, and I could be wrong
4 about this, but I understand that 15th Street is
5 still supposed to be a commercial zone, and this is
6 additional commercial uses just off 15th Street,
7 which will draw people off it when that area
8 eventually gets built up.

9 With the addition of this, we are going
10 to have a bowling alley, a movie theater, which is
11 currently never used, and the Beer Garden as three
12 anchor tenants to really build up this area. I am
13 shocked at the amount of people that just walk down
14 15th Street even in the crummy condition that it's
15 in to go to the Beer Garden.

16 To make another point that all of the
17 residential buildings that are currently existing in
18 the back end of town along Madison, across the
19 street from ShopRite, they are either inward facing
20 with plazas like the Crowman Club or some of the
21 other -- or they are raised up. The first floor is
22 above the street level, and there is nothing going
23 on. If you walk along those streets, it is
24 completely vacant.

25 Since Hurricane Sandy, now we are

1 required to build everything above the first floor,
2 so having some sort of commercial ground use is
3 going to really rejuvenate this area. Otherwise,
4 you just have parking on the first floor, and then
5 residential uses above it, and that is just not
6 allowed anymore because of the flood zones.

7 I am pretty sure that this is still a
8 preliminary application, so if we give them the
9 parameters to design, then they can move forward
10 with the full design, and I think they have to come
11 back and then this can be reapproved, correct -- for
12 the final design --

13 MR. GALVIN: Well, no, not really. I
14 mean, there is going to be issues that are going to
15 be corrected at final, but we are approving what we
16 are approving. We're not -- I have a whole list of
17 things they have to do between now and final, but
18 they are more like details, not the actual plan.

19 If they say they are going to do 296
20 units, that is what they are getting. It's not
21 going down, unless we have a conversation about that
22 at the end.

23 MR. DELANEY: Okay. And I think that
24 is all I have to say.

25 Thank you.

1 Yes. That's all I have.

2 Thank you.

3 (Applause)

4 MR. GALVIN: We are going to save the
5 best for last.

6 MS. OROZCO: My name is Rose Orozco.
7 I live at 155 Fifth Street.

8 MR. GALVIN: Spell your last name.

9 MS. OROZCO: O-r-o-z-c-o.

10 MR. GALVIN: Raise your right hand.
11 Do you swear to tell the truth, the
12 whole truth, and nothing but the truth, so help you
13 God?

14 MS. OROZCO: Yes.

15 MR. GALVIN: Please proceed.

16 MS. OROZCO: Okay. I listened to it a
17 lot tonight, and I -- the two things that I really
18 am happy about with this project is the affordable
19 housing that I have been told that ten percent of
20 the units will be affordable.

21 And in the past, there has been
22 affordable housing that was promised, but it was
23 never followed through, and it was never done, so
24 the only thing that I would like -- other things I
25 would like, but for this, that that would be

1 assured, that those units absolutely do come to
2 fruition.

3 And I have been here, everybody tells
4 me about the stories, but I have been here for,
5 it's hard to believe, 38 years. And when I came to
6 Hoboken, that everything was mixed. Everybody lived
7 next to each other. You never asked who this one
8 was or that one was, and the idea of having mixed
9 use and mixed units is that recreating that mix that
10 we always had, and the idea of preserving our
11 architecture.

12 I was recently up in Deblow,
13 Massachusetts, and what they have done there with
14 their old factories and the mills, where they kept
15 the exteriors and they kept the interiors, some have
16 been transformed again to artist space, to lofts,
17 and also to housing some upper and some affordable.

18 Anyhow, just the idea of it is like
19 fresh air. You feel as if you were getting fresh
20 air and light in that corner, which is part of the
21 reason I think with the theater is that there's been
22 so much construction going on, that it was not
23 really conducive to wander around there. It is not
24 a place to wander, but you can get off the first
25 bus -- coming in from New York, you could get off

1 the first stop and get to the -- and I like the -- I
2 can't think of it now -- Pilsener --

3 MR. GALVIN: The Beer Garden.

4 MS. OROZCO: -- it's nice. It is
5 beautiful.

6 MR. GALVIN: Thank you.

7 MS. OROZCO: Thank you.

8 (Applause)

9 MR. GALVIN: Mr. Evers, raise your
10 right hand.

11 Do you swear to tell the truth, the
12 whole truth, and nothing but the truth, so help you
13 God?

14 MR. EVERS: I do.

15 MR. GALVIN: You may proceed.

16 MR. EVERS: Our esteemed planner made a
17 comment earlier on about how this plan was approved
18 during the prior administration or council, and I
19 think that is an important point to dwell on,
20 because the fact is that however long one
21 administration is in power, it is not in power
22 forever, and the composition of Boards, both here
23 and at the City Council, which appoints you, can
24 change and will change unless the laws of politics
25 are suspended somehow.

1 I ask you to keep that in mind that the
2 decisions that you make now to how this area is
3 developed may be different than the ones that are
4 made down the road, and they may not be as
5 attractive as the things that are being offered
6 right now.

7 The second fact I would ask you to
8 consider, the Carlin Club recently sold for \$125
9 million, okay? And I mention that number to you to
10 give you some notion, if you have not thought about
11 it, of the kind of economic pressures that are going
12 to be brought to bear in terms of developing all of
13 that land up there in the northwest territory so to
14 speak, okay?

15 So this brings me -- I ask you to think
16 of this, whether projects like this, whether you
17 want to fall victim to letting the perfect be the
18 enemy of the good. Okay?

19 MR. GALVIN: General Patton.

20 MR. EVERS: You have the ability to
21 make this decision now to develop this property,
22 okay?

23 If you don't approve this, well, you
24 don't really know what is going to be put in its
25 place, and you don't really know if you are going to

1 be the folks in a position to make that decision
2 because, you know, it could take a couple of years
3 for them to come back. It may be a totally
4 different Zoning Board, a totally different
5 composition.

6 Now, there were a couple of questions
7 asked specifically that I think are errors in
8 thought.

9 Ms. Healey talked about how will the
10 affordable housing units be administered, okay?

11 The affordable housing ordinance, which
12 you should read, is very specific. The units
13 can't -- the market rate units have to be built at a
14 specific ratio to the affordable units. Who gets to
15 live in them, that is the responsibility of the City
16 of Hoboken, not these developers. That is a matter
17 of ordinance, okay?

18 I wouldn't say it is something that you
19 shouldn't worry about, but it is not an issue for
20 this particular Board.

21 Somebody else mentioned transport. I
22 think you got it backwards. Public transport gets
23 developed and rooted in the plan based on population
24 demands. I mean, sometimes they are forward
25 thinking, but most of the time they are not. So the

1 question of will there be more buses, et cetera, is
2 going to be more likely be driven by what is there
3 than by what might be there, okay?

4 Finally, you know, I was on this Board
5 when the Beer Garden was approved, and somebody on
6 the Board, not me, pointed out that, you know, we
7 want to develop this area in a good and attractive
8 way, and we should not make it so hard for the
9 pioneers who go in there to do this, okay?

10 This project looks like a great anchor
11 tenant for the area. It doesn't mean you have to
12 build everything just like it. There is no law
13 written that because one project is built that has
14 made a tall skinny building in the middle to provide
15 all sorts of public amenities, that you have to do
16 all of them that way. But it is a great anchor
17 tenant, and I go back to that point, again, is it
18 perfect?

19 Would somebody like it to have lower
20 density?

21 I would like it to have lower density,
22 but the fact is that the perfect shouldn't be the
23 enemy of the good.

24 This is one of the best projects I have
25 seen come down the road.

1 Do you really want to roll the dice
2 that five years down the road, you will get better?

3 I'm not so sure you will.

4 There is one negative I will mention,
5 of course, which is that it will block the view of
6 the cliffs, okay? That is really what that height
7 is going to do.

8 Thank you very much.

9 (Applause)

10 CHAIRMAN AIBEL: Seeing no other public
11 comments, I would like a motion to close the public
12 portion.

13 COMMISSIONER COHEN: Motion to close
14 the public portion.

15 COMMISSIONER MC ANUFF: Second.

16 CHAIRMAN AIBEL: All in favor?

17 (All Board members answered in the
18 affirmative)

19 CHAIRMAN AIBEL: Okay. We are closed.

20 MR. GALVIN: Let's take a recess or --
21 (Board members confer.)

22 CHAIRMAN AIBEL: Before we take a
23 recess, we have another application on tonight.

24 Mr. Matule, we have another application
25 on tonight, and I am looking at 10:10, and we will

1 start again at 10:20. We will have deliberations.
2 I don't see us concluding until quarter of 11 or 11,
3 so I think if you wanted to release your second
4 application, that is probably safe.

5 Does anybody disagree?

6 COMMISSIONER COHEN: How long would it
7 be?

8 CHAIRMAN AIBEL: The second
9 application?

10 MR. MATULE: I have my planner and my
11 traffic guy, if you need to hear from them.

12 (Laughter)

13 MS. BANYRA: I just -- we have -- since
14 this application was already started, you know, I
15 would move them -- you know, we have applications
16 cued up, but none of them have started, so we can
17 maybe move this to next week, and then just get
18 through what we can get through next week, if that
19 is good.

20 MR. MATULE: The 24th?

21 CHAIRMAN AIBEL: Does anybody want to
22 stay here until one o'clock?

23 VICE CHAIR GREENE: No.

24 COMMISSIONER MURPHY: No.

25 (Board members confer)

1 CHAIRMAN AIBEL: Mr. Matule?

2 MR. MATULE: My witnesses are available
3 next Tuesday, if that's the Board's preference.

4 MR. GALVIN: The only thing is I have a
5 conflict where I have two meetings. I was going to
6 send my associate in next week.

7 I think the other meeting I am going to
8 attend would be over about like 8:30 or nine, and
9 maybe I could get here in time, you know, you could
10 do something before this case.

11 MS. BANYRA: We can maybe get through a
12 couple of -- they are smaller --

13 MR. MATULE: I know there is a couple
14 smaller, you know, fourth floor extensions --

15 MR. GALVIN: I will stay in touch.
16 Everyone will know what I'm doing and how quickly I
17 can get here.

18 MR. MATULE: Can we make -- I know we
19 are getting out of order here, but if we are going
20 to do that, can we make a public announcement now,
21 and they can figure it out --

22 MR. GALVIN: Yes. Let's do that.

23 CHAIRMAN AIBEL: I need a motion to
24 adjourn until June 24th without further notice.

25 MS. BANYRA: The application for 307

1 Newark.

2 COMMISSIONER BRANCIFORTE: Motion to
3 carry 307 Newark to next Tuesday, the 24th, without
4 further notice.

5 COMMISSIONER GRANA: Second.

6 CHAIRMAN AIBEL: Pat?

7 MS. CARCONE: Commissioner Greene?

8 VICE CHAIR GREENE: Yes.

9 MR. MATULE: Thank you.

10 MR. GALVIN: Do you waive the time in
11 which we have to act?

12 MR. MATULE: Absolutely. We waive the
13 time in which the Board has to act through the 24th
14 of June.

15 MS. CARCONE: Commissioner Cohen?

16 COMMISSIONER COHEN: Yes.

17 MS. CARCONE: Commissioner Grana?

18 COMMISSIONER GRANA: Yes.

19 MS. CARCONE: Commissioner Murphy?

20 COMMISSIONER MURPHY: Yes.

21 MS. CARCONE: Commissioner Branciforte?

22 COMMISSIONER BRANCIFORTE: Yes.

23 MS. CARCONE: Commissioner Fisher?

24 COMMISSIONER FISHER: Yes.

25 MS. CARCONE: Commissioner Aibel?

1 CHAIRMAN AIBEL: Yes.

2 Okay. We will resume at 10:20.

3 (Recess taken)

4 CHAIRMAN AIBEL: Thanks, everybody.

5 (Board members confer.)

6 MR. MATULE: Closing remarks?

7 First of all, I would like to thank you
8 all for your time. I know this has gone on much
9 longer than anybody would have preferred or
10 anticipated, but just, you know, not to beat it to
11 death, but this is a very creative reuse of the
12 existing buildings.

13 The mixed-use project really brings
14 badly needed commercial recreation components to the
15 city, where there is very little or non existing.

16 The residential portion is well
17 integrated into the project. As others have said,
18 the commercial space on the street will bring life
19 into the area. It is going to be a LEED certified
20 building. It is going to have 30 affordable units.

21 I know there was some concern about
22 traffic, but the building is currently used to park
23 350 or 400 cars now. The traffic testimony was
24 pretty much that the impact would be negligible.

25 The existing building, especially the

1 north building, is unique, as the testimony last
2 month stated, in terms of the fact that it has got
3 this huge open span and lends itself to use as a
4 bowling alley.

5 I certainly appreciate and acknowledge
6 the philosophy that it is better to zone by planning
7 than by variance, but the other side of the coin is
8 this Board at this time is the only game in town.
9 And I said this before, and I will say it again for
10 the record, there is nothing negative to be inferred
11 for asking for variances. It is a full-fledged
12 legal right. If the applicant satisfies the burden
13 of proof, than he is entitled to those variances,
14 and there is nothing wrong with that, despite
15 comments from the council in the resolution that was
16 quoted.

17 As I am sure Mr. Galvin will tell you
18 or has told you, the Municipal Land Use Law changed
19 recently, where we now have a time of application
20 rule as opposed to a time of decision rule, so even
21 though this property may be identified as something
22 in a redevelopment plan at some point in the future,
23 we have to go with the zoning that is currently in
24 place.

25 I appreciate the fact that the Board

1 made a decision that the application that we
2 submitted, the amended plans were substantially
3 different, and you did not want to proceed with
4 that. But, on the other hand, I really don't want
5 to throw the baby out in the bath water. There have
6 been concerns expressed about height and about
7 density, and in that revised plan that was
8 submitted, two floors were taken off the building.
9 20 feet in height was taken off the building, and 20
10 units were taken out of the building. And I know it
11 is not this Board's practice to negotiate or let's
12 make a deal, especially when a case is in, but I
13 just think it is important for the Board members, I
14 want you to know that that is still on the table, if
15 those concerns are there.

16 So I know you heard a lot of comments,
17 and I would just ask that you consider this all very
18 carefully and grant the requested relief. It is
19 only preliminary.

20 Thank you.

21 CHAIRMAN AIBEL: Thanks, Mr. Matule.

22 All right.

23 We are at the point now where the Board
24 deliberates. We will express our comments and
25 potential reasoning on the record after we all have

1 a chance to, you know, weigh in and give our, you
2 know, our own views.

3 Counsel will lay out conditions in the
4 event that an approval were obtained by I think it
5 is five affirmative votes for the D variances,
6 Dennis?

7 MR. GALVIN: Yes.

8 CHAIRMAN AIBEL: So if, you know, that
9 is the case, then Mr. Galvin can go through and read
10 the conditions to the approval. But I guess I drew
11 the short straw and because I am paid the big bucks
12 as the, quote, Chairman, I will lead off, and I will
13 start by saying these are my own views. My
14 colleagues may not, you know, feel the way I feel
15 about it.

16 Mr. Matule just said we have to go with
17 the zoning currently in place, and I think that
18 forms, you know, my view on this particular
19 application.

20 I don't think the application -- the
21 applicant met its burden of proof, and that is
22 because it is a very, very high strict legal
23 standard that we are obliged to apply as Zoning
24 Board members.

25 You know, when we came here, you know,

1 our oath was to apply the laws and the rules that
2 govern zoning. What we need to do is perform those
3 duties as Zoning Board members, not as planners, not
4 as the Redevelopment Authority for the City Council,
5 and sort of at a high level.

6 You know, I listened very carefully to
7 a large group of people and an applicant that feel
8 very passionately about their plan and the way this
9 property should be developed.

10 On the other hand, that is one man's
11 view, and my view is I am not the Redevelopment
12 Authority. We are not the Redevelopment Authority.
13 That is the jurisdiction domain of the City Council,
14 and to call us the only game in town, I think
15 disregards the fact that the City Council is
16 available, and as our planner said, is actively
17 working on this, and I think it overstates the
18 powers of the Zoning Board.

19 So, again, I don't want anyone to think
20 that either personally or as a Board, we are looking
21 to install industrial uses back into this zone. At
22 the end of the day, I have two separate concerns,
23 and I will sort of go through them right now to make
24 the record.

25 The first is we have permitted uses in

1 this zone. It is industrial. It is office
2 buildings. It is research. It is laboratories.
3 It's warehouses and related buildings, and there
4 really has been no showing or evidence that this
5 property couldn't be developed in accordance or
6 consistent with a permitted use.

7 There is nothing particularly unique or
8 special about the property in my view. It is a
9 very, very large chunk of the Northwest. It is no
10 different from the other I-1 properties in the
11 Northwest.

12 I felt moved by the argument that if we
13 approve variances of the, you know, very dramatic
14 sort that are being requested tonight on this
15 property, there would be no reason, logical reason,
16 we could deny the next group who came along. So,
17 you know, we are talking about very substantial
18 deviations from the permitted uses and the bulk
19 requirements in the zone.

20 The zone allows four stories in 80
21 feet. The proposal is 14 or 13 or 11 stories at 158
22 or 138 feet. In my view, they are excessively high,
23 over two times the permitted height and about three
24 times the permitted number of stories. That is just
25 a massive development, and it translates into a very

1 dense development, which again, one could argue is
2 going to set the precedent for this particular zone.

3 And I am going to keep repeating
4 myself, those issues I think ought to be considered
5 in due course by the City Council as the
6 Redevelopment Authority. I feel passionately that
7 we will create a very wonderful new environment in
8 the Northwest, but I don't think it should be done
9 on one off application by the Zoning Board.

10 I think there were comments that the
11 buildings would not be too high in context. My own
12 view of the proofs was that at 158 feet or 138 feet,
13 almost as high as the Viaduct, and with a very large
14 100 percent lot coverage building built across a
15 full block of 200 feet, there will be a mass right
16 above the proposed park, and it will set I think,
17 you know -- it would be a detriment I think to the
18 views and to the overall light and air that would be
19 affected by buildings of this size. I appreciate
20 the attempt to try to create the powers in the
21 middle of the block -- the property.

22 At the end of the day, my sense is that
23 these properties are right smack dab in the north
24 end of town and will create a huge, huge edifice
25 that, you know, might not be what we all want after

1 it is built, particularly if the rest of the
2 properties are built in the same manner.

3 We have, again, I think the proofs show
4 a substantial detriment to the public good because
5 in truth, the City Council has set out the zoning.
6 It has not changed the zoning. It has had
7 opportunities to. There have been multiple
8 discussions about it. You know, for us to, in
9 effect, take that authority and exercise it tonight
10 basically is a detriment to the public.

11 You know, I think my personal view is
12 what we are doing here is saving the development
13 decisions and the redevelopment decisions for City
14 Council. It's not that we don't want to do it. I
15 don't think it is our job to do it. I think it is
16 the job of the City Council, and I think probably
17 the next step for an application, if it were denied,
18 and again, other people might feel differently,
19 would be to have the City Council do what it has
20 been talking about doing and creating appropriate
21 plans.

22 I think it is just difficult, if not
23 impossible, to reconcile the substantial changes in
24 the zoning that are proposed here with the master
25 plan or the zoning ordinance. There is just, in my

1 view, no way they can be reconciled.

2 About four years ago we sat on an
3 application by a prior owner of this particular
4 property. We denied the application at that time.

5 Recently, the Board denied a similar
6 request to change the I-1 zoning immediately to the
7 east of this property at 1312 Adams, and there are
8 reasons that were stated in the resolution there as
9 well.

10 But going back to our decision four
11 years ago on, again, an application that had
12 six-story buildings proposed, open space in the
13 middle, which again, I think is a fair point, there
14 is no open space in this particular proposal, the
15 Chairman of the Board at the time I thought laid out
16 exactly the reasons why it was appropriate not to
17 act then and why I think I feel, you know, very
18 strongly that it would be inappropriate for the
19 Board to act now.

20 And he said: This is an extensive
21 development. This is quite a bit away from what the
22 current zoning is, and the city fathers or the city
23 leaders have not acted. It has been several years,
24 have not acted on rezoning this area.

25 And I think that says to me that we

1 should not be rezoning this matter on an applicant's
2 desire, but we should be rezoning it based on the
3 will of the people, and the people have said through
4 their elected officials that this area is not ready
5 to be rezoned or changed until there is further
6 exploration, whether that is zoning by variance, or
7 it is an admonition that we should not be creating a
8 precedent that would in effect affect the ability of
9 the City Council to plan for the western edge and
10 the I-1 zone in the north. I leave it to everybody,
11 but I take it as an appropriate caution, and you
12 know, for those reasons, it would be very difficult
13 for me to support the application.

14 So I don't know if anyone else wants to
15 jump in.

16 VICE CHAIR GREENE: I'll jump in.

17 COMMISSIONER COHEN: I would like to.

18 VICE CHAIR GREENE: Go ahead, Phil.

19 COMMISSIONER COHEN: I strongly
20 disagree with the Chairman on this, strongly.

21 (Applause)

22 Let me say that I think that typically
23 the Chair speaks last, so he gets to hear the
24 benefit of the other Commissioners instead of
25 speaking first. I'm not sure.

1 CHAIRMAN AIBEL: Well, I am not exactly
2 sure --

3 COMMISSIONER COHEN: Can I -- can I,
4 please --

5 CHAIRMAN AIBEL: No. I will question
6 why you are asking that and --

7 COMMISSIONER COHEN: Because I think it
8 is unusual.

9 CHAIRMAN AIBEL: Well, whether it is
10 usual or not, I exercised my prerogative to do it,
11 so why don't you go ahead and make your comments.

12 COMMISSIONER COHEN: Okay. But I think
13 it is also disrespectful of the other Commissioners
14 in not giving them the benefit of hearing them
15 before speaking as the Chair.

16 CHAIRMAN AIBEL: I have no super
17 majority, so my vote is equal to yours, Mr. Cohen.

18 COMMISSIONER COHEN: Okay.

19 The standard that we talked about for
20 granting D variances was for exceptional
21 circumstances, and the Chairman stated his view that
22 burden of proof hasn't been met, and I disagree.
23 I think the burden of proof has been met.

24 Let me talk -- first, I think that we
25 have come a long way with respect to the Block 112

1 application. The one that was rejected had really
2 token commercial space available. Yes, it did have
3 a park, but it was sort of the way that Mr. Vance
4 spoke about it, as a large fortress like filling of
5 a block with a donut in the center, but did not
6 really have any interesting design elements like
7 this one does, and doesn't have the extraordinary
8 opportunity of having the Hoboken Bowl concept or
9 the Gravity Vault climbing area.

10 I mean, I think we have seen what this
11 applicant has done.

12 I remember Mr. Matule on the
13 application for the Pilsener Haus when we heard that
14 application, and we heard about Radegast Hall. I
15 remember it distinctly about this was a vision of
16 something that happens in Brooklyn that has been an
17 incredible addition to the community there and has
18 changed the street life and has changed the
19 activity, and that this could happen here in
20 Hoboken, and we passed that application, and that is
21 one of the proudest votes that I had as a
22 Commissioner of having the Pilsener Haus and seeing
23 how that has transformed the community.

24 So when you talk about public good,
25 when you talk about exceptionally positive aspects

1 for our community, you have to start with the
2 Pilsener Haus, because this is the same team that
3 gave that presentation.

4 There are questions as to whether they
5 are going to follow through, and I think there are
6 legitimate questions. There are legitimate
7 concerns, but I think we have to look at this
8 applicant and their proposal and their track record,
9 because what they have done with respect to that
10 variance, that we granted on a lot of ideas and a
11 lot of plans, has made an enormous difference in our
12 community.

13 I think that we talk about safety. We
14 talk about street life. We talk about having people
15 come into the community and feeling safe. We heard
16 about break-ins in the neighborhood. One member of
17 the community talked about how they felt like if
18 this was this sort of development in their
19 community, that they would be safer in their homes,
20 that they wouldn't be so worried about their cars
21 being broken into, because by creating street life,
22 by inviting families to come into this community and
23 having family-friendly developments, you are
24 changing our community in extremely positive ways.

25 So are there negative impacts to this

1 application?

2 Absolutely, there are. There are, and
3 no one is going to deny that.

4 I appreciate the fact that the
5 applicant is still willing to talk about the
6 reduction of density. I think that is important,
7 and it shows good faith of the applicant to do that
8 despite the fact that it at the beginning of this
9 meeting, we suggested that we wouldn't be able to
10 proceed today otherwise, so I appreciate the fact
11 this they went through this.

12 But I think that the question of public
13 safety and having an active vibrant street life and
14 an active street scape is not a small benefit to the
15 community. I think it is an extraordinary benefit
16 to the community, okay, number one.

17 Number two: When you look at the
18 design elements of this application, you are talking
19 about a beautiful extraordinary interesting design
20 application. You're not talking about a fortress
21 development, like you see so much in the Northwest,
22 where things go up to the lot line and it's just
23 boring. Yes, it's six stories, but it's not
24 interesting to look at.

25 This is a vibrant interesting street

1 scape that people are going to be drawn to, that
2 people are going to say yes, this is cool. There
3 are good things happening in our city, and this is
4 where people want to move to, and this is where
5 people want to bring their families when they come
6 to visit us, and this is a really cool thing.

7 Brooklyn Bowl is described in New York
8 Magazine -- in The New York Times as it has a lot to
9 offer that no other local rock club can offer. The
10 Rolling Stones says about it, It blows our minds,
11 one of the most incredible places on earth.
12 Brilliant, New York Magazine.

13 I mean, this is an extraordinary
14 concept for our community. This is not some second
15 rate idea from someone who doesn't have a track
16 record, where we are buying a pig in a poke and
17 saying, well, this might work out, it might not.
18 We'll find out when it gets here.

19 Number -- again, I want to talk about
20 adoptive reuse. You look at the Pilsener Haus. You
21 see a historic warehouse that has been transformed.
22 We spent so much time in these meetings concerning
23 how the industrial history is being destroyed and
24 being wiped out, and it's cheaper and easier to
25 rebuild with a flat space, and you just start from

1 the ground up.

2 This applicant is not doing that. This
3 applicant is investing in historic industrial
4 structures and building it, and building starting
5 from there, and we should be applauding that. We
6 should be encouraging that, okay? And we should not
7 be abdicating our responsibility pointing the finger
8 at the City Council, saying that someone else should
9 be responsible.

10 We are the Zoning Board. We are
11 working here. We should be the ones making these
12 decisions. That is why I am doing this work. That
13 is why I am here at quarter of eleven at night,
14 you know. This is important stuff for our
15 community, and we should be making the decision.

16 I think that Mr. Ahmed is right. It is
17 not right to have property developers invest in
18 these ideas to, work on these ideas, try and work
19 with the community as they have done, and then to be
20 told that they are in the wrong place, go down the
21 street.

22 (Applause)

23 VICE CHAIR GREENE: I want--

24 COMMISISONER COHEN: I think -- I'm not
25 done.

1 VICE CHAIR GREENE: -- oh, I'm sorry.

2 The Commissioner is not finished.

3 COMMISSIONER COHEN: I think we should
4 be working with applicants like this. I think that
5 we should be working with them, and we should be
6 trying to make the best possible application for our
7 community, and not passing the buck and not
8 abdicating responsibility and acting affirmatively.

9 So can we have a vibrant music scene?

10 Can we have a family-friendly venue?

11 Can we bring people to this part of our
12 city?

13 Yes, we can, and I think we should, and
14 I fully and wholeheartedly support this application.

15 Thank you.

16 (Applause)

17 VICE CHAIR GREENE: On the other hand,
18 there is no question in my mind that this is a very
19 interesting and seductive application,

20 The private public uses proposed, the
21 bowling alley, the rock climbing indoor facility, I
22 think would be a huge addition to the community, and
23 as many of you have expressed, some of you, of
24 course, with particular vested interest and others
25 just interested.

1 But in my view, that is not really
2 enough. If this application were about a bowling
3 alley and a climbing wall and some parking space and
4 some commercial space, my view would be much
5 different.

6 I think that architecturally it is very
7 interesting, but it is not the Pilsener Haus. It is
8 300 residential units in an area that is zoned
9 industrial, and to me, that makes a difference.

10 I agree with a number of things that
11 Mr. Cohen said, but frankly, I agree more with the
12 Chairman and his views of what zoning is about. And
13 I will say, and I think that most of you made your
14 comments in a very heartfelt way, but also in a
15 naive way, not understanding the rules under which
16 we operate, what zoning is about.

17 We understand it a little bit, our
18 attorney understands it a lot. Our planner
19 understands it a lot. I would very much like to say
20 that I support the application because of the
21 elements that I like, but I think that on the whole
22 there is more that is not good than there is that is
23 good, so we are not throwing out the good for the
24 sake of the perfect. I think we are throwing out
25 the mediocre for the sake of the good, and that is

1 my view.

2 CHAIRMAN AIBEL: Antonio?

3 COMMISSIONER GRANA: On the other
4 hand --

5 (Laughter)

6 VICE CHAIR GREENE: Well said.

7 COMMISSIONER GRANA: -- so I guess I
8 look at this from a balance.

9 What we as a Zoning Board need to look
10 at satisfied with our D variances, both negative and
11 positive prongs.

12 I would state for the record it is not
13 perfect. I think the height of these buildings is
14 something we are going to look at in the future and
15 hope that it is, if it gets built and it is
16 approved, that we hope that it was the right thing,
17 that that is the right kind of development for that
18 neighborhood, and I don't think we should pretend
19 that other people are not going to come back and see
20 that as a precedent and ask for similar things. So
21 I think the height is a challenge. Architectural
22 attempts have been made here to mitigate the impacts
23 of that height.

24 There was also the impact of traffic,
25 which we are also not all going to solve here

1 tonight, and I think there have been statements made
2 about existing use, the potential use, and this use,
3 that I do think at least somewhat mitigate that.

4 I have seven positives to the community
5 that I heard through both reading the transcript, as
6 well as listening to the testimony tonight:

7 Adaptive reuse, mix of housing types, adding
8 population and vitality, quality of civic
9 improvement, some people call it architecture,
10 introducing green technology, mitigating flood
11 impact, and in fact, from the plans that I read,
12 shifting the potential use of parking, which isn't
13 discussed that much to an automated format that
14 gives us more room for the ground level services.

15 I think it is difficult. There are
16 negatives here.

17 I also think that the community,
18 particularly the west side and this part of town,
19 but also the west side in general, we talked about
20 this at previous Zoning Boards, historic for this
21 kind of improvements, and we have talked at length
22 that reducing the level of non commercial traffic
23 use, introducing commercial into these neighborhoods
24 is actually something that is a critical
25 decision-making factor for us as a Board.

1 So while I think that it is certainly
2 not perfect, I think that a number of positive
3 elements of the prongs of the proofs is satisfied,
4 and I support it.

5 (Applause)

6 COMMISSIONER FISHER: Are you going
7 around?

8 CHAIRMAN AIBEL: Well, let me just
9 comment. If you don't have additional comments, you
10 can wait and exercise your vote, so again, it is not
11 an obligation --

12 MR. GALVIN: Well, I prefer if they
13 want to comment, they can.

14 COMMISSIONER MURPHY: Go ahead.

15 COMMISSIONER BRANCIFORTE: Are you
16 sure?

17 COMMISSIONER MURPHY: Yes.

18 COMMISSIONER BRANCIFORTE: Well, Tony
19 has pointed out seven -- seven good points about --
20 positive points about this project.

21 The negatives, though, I mean, let's
22 face it, a six -- a five -- a ratio of five, I
23 believe, Floor Area Ratio, you know, the
24 redevelopment zone is three. R-1 is somewhere about
25 2.4 for a four-bedroom -- a four-unit building in

1 the R-1 one has a Floor Area Ratio of 2, 2.1,
2 somewhere in that area. The redevelopment zone has
3 three. This has five. That is incredibly density.

4 And I wonder, you know, do people
5 understand when they are sitting in traffic trying
6 to get out of town?

7 I mean, that stuff didn't appear
8 overnight, because, you know, it is there. You are
9 sitting in traffic, because there are buildings
10 being approved that have a Floor Area Ratio of six.

11 This eventually will become
12 residential. I have no doubt about that. This is
13 not the project for this spot because of the
14 density.

15 The height is also a huge problem for
16 me, and it always cracks me up when people come to
17 this Board and they say, here is the application.
18 Trust me, it is a great application. And then they
19 say, well, you know, but after hearing all the
20 objections, we could even make it better.

21 Why don't you just come with a better
22 application in the first place, and we wouldn't have
23 to go through all of this?

24 If there is a substantial -- if the
25 developer could make substantial changes to this

1 plan, he has every right to resubmit the application
2 to this Board, and the Board will hear a
3 substantially different application.

4 If we vote no tonight, and this is
5 voted down, people have this -- people may
6 misunderstand that they have every right to come
7 back to this Board again and ask for something
8 smaller with less density. That is their right.

9 If we vote no tonight, they don't
10 disappear forever, and this thing doesn't get
11 developed. It will probably get developed probably
12 by this developer, maybe not.

13 I don't know if anyone else on this
14 Board has been to Brooklyn Bowl. I have. I have
15 been there at least three or four times to hear
16 bands. Blue Ribbon Sushi runs the place. I
17 actually met the owner of Blue Ribbon. He loves
18 working the place. I congratulated him on the great
19 menu and great food.

20 I have been there, and I said, boy, I
21 wish we could have something like this in Hoboken,
22 especially now that Maxwell is gone, and I hope that
23 Brooklyn Bowl, the concept does come to Hoboken.
24 But 13-story towers, two 13-story towers, we are
25 talking about a thousand-ninety-six people, that's

1 almost a year's worth of growth in one building.

2 You know, we have to think about these things.

3 The height is a problem for me. The
4 use isn't so much a problem for me, because I know
5 it is going to get residential mixed use eventually
6 anyway. I have to agree with Mr. Greene and
7 Chairman Aibel on this.

8 And as far as passing the buck, you
9 know, talk about, oh, well, we are just passing the
10 buck to the Council, I think the Council has passed
11 the buck to us. I mean, we have been asking them
12 for years. I have been on this Board since 1999,
13 and for years --

14 UNIDENTIFIED VOICE FROM THE AUDIENCE:

15 Too long.

16 COMMISSIONER BRANCIFORTE: -- too long?

17 I'm sorry. I wasn't reappointed by
18 Dave Roberts because I disagreed with him.

19 This Council decided to reappoint me.
20 And, you know, we have been asking the Board since
21 1999 to Council, to please make changes to the
22 planning and zoning laws. Nothing.

23 You know, you say that we are passing
24 the buck back to them, I think they have been
25 passing the buck to us because they don't want to

1 make changes. So it is not up to us, you know, to
2 decide the give and take between their planner and
3 our planner, I am not quite sure about. I
4 understand that the use is going to be changed
5 eventually, but this building is the wrong design
6 for this spot.

7 That is all.

8 Thank you, Mr. Chair.

9 CHAIRMAN AIBEL: Thanks.

10 Diane?

11 COMMISSIONER MURPHY: I am conflicted.
12 I share the views of many of you.

13 I think the height is the biggest
14 problem I have. I think we are deciding that it is
15 okay to have high-rises in an area that probably
16 should only have, you know, seven floors at the most
17 maybe, 80 feet.

18 You know, if we had stayed within that
19 80-foot range of the industrial or close to it in
20 some way, it would have been more appealing to me.

21 On the other side, I really feel like
22 the commercial development of this particular land
23 is a community give-back of some sort, because I
24 think it is desperately needed in this town, and
25 there were a lot of things, the repurposing of the

1 building I liked.

2 Then the other part of the conflict is
3 the whole zoning by variance, which has been
4 discussed here, so at the moment I am conflicted.

5 CHAIRMAN AIBEL: Tiffanie?

6 COMMISSIONER FISHER: So similarly,
7 just going last, I probably share the views of
8 literally every single other Board member.

9 You know, it is a great design.
10 Esthetically it's a great design of the building. I
11 can see the appeal to the community, the community
12 aspects of it.

13 I can see why everyone here is excited
14 about the community aspects of it. You know, one
15 thing I find interesting is everyone pointed out the
16 community aspects of it and how exciting it would be
17 to have a bowling alley, et cetera, and really I
18 don't think with a couple exceptions, no one really
19 mentioned the impact of having a thousand extra
20 residents in one block. In just one block out of a
21 whole area, that is going to be like 30 blocks, so
22 that aspect of it is exactly what the Board has to
23 take into consideration. So it's not just the
24 community appeal, but it's really kind of the impact
25 on the community today, you know, going forward.

1 The thing with development is you have
2 one chance to get it right, so we are really focused
3 on getting this right, because no matter what, it is
4 going to impact the development and beyond.

5 As I said in other meetings and I said
6 last week, my big concern is we just don't know
7 enough about the impact of this development and
8 continued development on the infrastructure.

9 One mentioned the public
10 transportation, and whether you build it, and the
11 transportation comes or vice versa. I think that is
12 an issue.

13 I'm very concerned about coming in and
14 out of Hoboken. An additional 500 plus cars,
15 whatever the number is, that will be here. Just one
16 garage out of many that is going to be coming up
17 over the next, you know, year or so.

18 We have not done that type of study.
19 That is the point of doing a plan. That is the
20 point of the City Council working with the Planning
21 Board to come with what those requirements are.

22 What are the educational requirements,
23 if we add these thousand people and then ten more
24 thousand people, do we have schools to support all
25 of those kids?

1 Do we have -- you know, what are the
2 other infrastructure needs to support that
3 significant growth?

4 I mean, Hoboken has 50,000 people, and
5 someone mentioned tonight, this one building
6 increases the population by two percent, just one
7 building, one city block, and that's just one
8 building, and we know that that whole area is going
9 to be redeveloped over the next ten years -- or say
10 the next ten years, so what do we need to do as a
11 community?

12 People are saying, you know, we want to
13 get some additional taxpayers in.

14 Well, guess what?

15 Put the infrastructure in there to
16 support all that population growth, those are tax
17 dollars, you know. This isn't -- this isn't free
18 just putting in some new taxpayers.

19 The only other thing I did want to
20 mention is, you know, someone indicated it is great
21 that the developer is bringing these community
22 benefits. Other developers haven't done that
23 because of the value of land in Hoboken, and that is
24 exactly what we are talking about. The density
25 required to support, that they're asking for, the

1 vertical height, the FAR five, residential, two cell
2 rent, whatever it is, they are asking for that to
3 effectively pay for the community benefits.

4 I mean, it is not free. Hoboken is
5 very expensive. The land is very expensive. It
6 costs a lot to develop, and I am guessing they need
7 that vertical height to pay for those community
8 benefits, so in fact, the community is going to be
9 paying for it. It is not -- it's not something that
10 comes for free.

11 So notwithstanding I sound more
12 negative, I think it is incredibly creative. I
13 agree with Commissioner Branciforte that I just
14 don't think this is the right project for that site
15 right now, so that's my comments.

16 COMMISSIONER MC ANUFF: I'm the last
17 speaker.

18 Although I am not a voting member
19 tonight, I will share my thoughts on the project.

20 I am for the project. I think the
21 benefits outweigh any detriments to it.

22 I heard tonight testimony from the
23 other Commissioners that they would like the use of
24 the recreational facilities, but it is not the time.
25 It's not the place for the project.

1 My question is: If we don't do this
2 now, when are we going to do it?

3 When is something like this going to
4 happen to Hoboken?

5 The recreational facilities will
6 provide year-round use for the community, unlike the
7 parks.

8 I personally don't have a problem with
9 the height or the density of the residential section
10 of the building. We do live in an urban area, and
11 that is the nature of living in an urban area.

12 The building will provide much needed
13 commercial space to the area, and we are also going
14 to preserve some of the architecture by reusing the
15 industrial building, which is a big thing for the
16 Board in past discussions.

17 We do have the benefits of a green
18 building, LED features or I should say LEED
19 features, affordable units, and hopefully it will
20 revitalize some of the businesses up in the town.
21 Like people said, the movie theater currently isn't
22 being used. It could direct a new crowd towards the
23 movie theater.

24 As far as it setting any precedent, I
25 think you have to roll the dice and say, it may set

1 a precedent, and it may not. It may affect the
2 proposed park. It may not. We don't know, and if
3 we don't take a risk, we will just never know.

4 If we are looking for perfection, we
5 are just never going to find it. The building may
6 not be perfect the way it is now, but if we wait
7 until perfection, we are never going to get done
8 with anything.

9 That is all I have to say.

10 CHAIRMAN AIBEL: Thank you.

11 All right. I guess we are ready.

12 Do you want to do conditions first?

13 MR. GALVIN: I don't think there is a
14 need to do that, so just make motion for or against
15 it.

16 CHAIRMAN AIBEL: Can I have a motion?

17 COMMISSIONER BRANCIFORTE: Motion to
18 deny the application. Motion to deny the
19 application.

20 CHAIRMAN AIBEL: Thank you.

21 Do I have a second?

22 COMMISSIONER FISHER: Second.

23 CHAIRMAN AIBEL: Pat?

24 MS. CARCONE: Commissioner Greene?

25 VICE CHAIR GREENE: Yes.

1 MS. CARCONE: Commisisoner Cohen?
2 COMMISSIONER COHEN: No.
3 MS. CARCONE: Commisisoner Grana?
4 COMMISSIONER GRANA: No.
5 MS. CARCONE: Commissioner Murphy?
6 COMMISSIONER MURPHY: Yes.
7 MS. CARCONE: Commissioner Branciforte?
8 COMMISSIONER BRANCIFORTE: Yes.
9 MS. CARCONE: Commissioner Fisher?
10 COMMISSIONER FISHER: Yes.
11 MS. CARCONE: Commissioner Aibel?
12 CHAIRMAN AIBEL: Yes.
13 UNIDENTIFIED VOICE FROM THE AUDIENCE:
14 You dropped the bowl again, guys. You dropped the
15 ball. It would have made a great community.
16 MR. GALVIN: Is there any other
17 business before the Board?
18 (Board members confer.)
19 CHAIRMAN AIBEL: Motion to close the
20 meeting.
21 COMMISSIONER MC ANUFF: Second.
22 CHAIRMAN AIBEL: Motion to close?
23 COMMISSIONER MURPHY: Motion to close
24 this meeting.
25 COMMISSIONER BRANCIFORTE: Second.

1 CHAIRMAN AIBEL: All in favor?

2 (All Board members answered in the
3 affirmative.).

4 (The meeting concluded at 11:05 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

Notary Public of the State of New Jersey

My commission expires 11/5/2015.

Dated: 6/18/14

This transcript was prepared in accordance with NJ ADC 13:43-5.9.