

CITY OF HOBOKEN
Subdivision & Site Plan Review
HOBOKEN PLANNING BOARD

- - - - - X
RE: Regular Meeting of the City of : August 10, 2016
Hoboken Subdivision & Site Plan Review: 7:03 p.m.
Committee :
- - - - - X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

Chairman Gary Holtzman
Vice Chair Frank Magaletta
Commissioner Caleb McKenzie
Commissioner Ryan Peene

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

Kristin Russell, AICP
Acting Board Planner

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

Patricia Carcone, Board Secretary

PHYLLIS T. LEWIS
CERTIFIED COURT REPORTER
CERTIFIED REALTIME COURT REPORTER
(732) 735-4522

1 A P P E A R A N C E S:

2 DENNIS M. GALVIN, ESQUIRE
3 730 Brewers Bridge Road
4 Jackson, New Jersey 08527
5 (732) 364-3011
6 Attorney for the Board.

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I N D E X

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1 CHAIRMAN HOLTZMAN: All right,
2 everybody. Good evening. We are going to get
3 started.

4 MR. GALVIN: All right. We are going
5 to get started now.

6 CHAIRMAN HOLTZMAN: Thank you.
7 It is Wednesday, August 10th, 7:03 p.m.

8 This is the Hoboken Planning Board
9 Subdivision and Site Plan Review Committee Meeting.

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

18 Pat, please call the roll.

19 MS. CARCONE: Commissioner Holtzman?

20 CHAIRMAN HOLTZMAN: Here.

21 MS. CARCONE: Commissioner Magaletta?

22 VICE CHAIR MAGALETTA: Here.

23 MS. CARCONE: Commissioner McKenzie?

24 COMISSIONER MC KENZIE: Here.

25 MS. CARCONE: Commissioner Peene?

1 COMMISSIONER PEENE: Here.

2 CHAIRMAN HOLTZMAN: Thank you.

3 (Continue on next page)

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CITY OF HOBOKEN
Subdivision & Site Plan Review
HOP-16-17

- - - - - X
RE: 117-119 Harrison Street : August 10, 2016
Block 26, Lots 11 and 12 :
Applicant: Kyle Enger & Anthony Sabia : 7:03 p.m.
Amendment to Approved Minor Site Plan :
- - - - - X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

Chairman Gary Holtzman
Vice Chair Frank Magaletta
Commissioner Caleb McKenzie
Commissioner Ryan Peene

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

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4 Jackson, New Jersey 08527
5 (732) 364-3011
6 Attorney for the Board.

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

8 Frank Minervini, Architect

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1 CHAIRMAN HOLTZMAN: So our first item
2 on our agenda is 117-119 Harrison.

3 Mr. Minervini is pinch hitting for Mr.
4 Matule this evening.

5 MR. MINERVINI: Mr. Matule is on
6 vacation.

7 CHAIRMAN HOLTZMAN: Good for him.

8 MR. GALVIN: Is he in Cape May?

9 (Laughter)

10 MR. MINERVINI: No, Long Beach Island.

11 MS. CARCONE: He's in Barnegat Light.

12 CHAIRMAN HOLTZMAN: Close enough.

13 MR. HIPOLIT: You can drive there for
14 the day.

15 (Laughter)

16 CHAIRMAN HOLTZMAN: Good evening, Mr.
17 Minervini.

18 MR. MINERVINI: Good evening.

19 Shall I start or --

20 CHAIRMAN HOLTZMAN: Sure.

21 MR. MINERVINI: 117 Harrison is a
22 50-by-100 lot that received approvals from this
23 Board six or eight months ago, and as part of our
24 original plan set, we had small balconies, which are
25 on the plans in front of you. And as part of that

1 approval, we agreed to remove them.

2 We are back here asking to have them
3 reinstated. We understand it is a variance. We
4 understand it is a bit of a heavy lift. We think we
5 can offer some very positive items that may help
6 sway the decisions.

7 But in terms of the paperwork, I read
8 Mr. Dave Roberts' report. There is nothing there
9 that we can't deal with, other than larger
10 philosophical issues. But paperwork-wise, I think
11 there is nothing here that I am worried about in
12 terms of satisfying.

13 VICE CHAIR MAGALETTA: I never saw
14 Dave's report.

15 CHAIRMAN HOLTZMAN: I'm sorry?

16 VICE CHAIR MAGALETTA: I never saw
17 Dave's report, Mr. Roberts' report.

18 CHAIRMAN HOLTZMAN: Okay. There was
19 one.

20 MS. RUSSELL: Here.

21 CHAIRMAN HOLTZMAN: They did come in a
22 little late, so they got mailed out after the
23 packets were sent.

24 VICE CHAIR MAGALETTA: I think for the
25 purposes of this, it may not be that important, but

1 I am just surprised to have not seen it. That's
2 all.

3 CHAIRMAN HOLTZMAN: Okay.

4 Was there anything in the planner's
5 review that we wanted to highlight or anything?

6 MS. RUSSELL: In terms of the
7 completeness and the actual submission paperwork
8 that they gave us, we really didn't have a whole lot
9 of comments.

10 Our real issue is what was alluded to,
11 the philosophical idea that this was a condition of
12 approval that the balconies be eliminated, and now
13 they're asking us to rescind that, and put the
14 balconies back on.

15 CHAIRMAN HOLTZMAN: Sure.

16 Mr. Hipolit, anything from your point
17 of view?

18 MR. HIPOLIT: No. We didn't do a
19 letter on it.

20 CHAIRMAN HOLTZMAN: Nothing to review,
21 right?

22 MR. HIPOLIT: We didn't do a letter.

23 CHAIRMAN HOLTZMAN: Commissioners, any
24 questions, comments, or issues as to why this would
25 not be deemed complete?

1 Nothing.

2 VICE CHAIR MAGALETTA: I have a
3 question.

4 CHAIRMAN HOLTZMAN: Sure.

5 VICE CHAIR MAGALETTA: On the
6 application -- I don't know if you can answer this.

7 It shows Mr. Enger and Mr. Sabia as the
8 applicants, but then on the disclosures it has them
9 as owners.

10 Are they owners, applicants,
11 developers?

12 It doesn't matter --

13 MR. MINERVINI: I don't know the
14 answer --

15 VICE CHAIR MAGALETTA: I figured you
16 wouldn't.

17 MR. MINERVINI: -- I will tell you that
18 I know they were the applicants under contract --

19 VICE CHAIR MAGALETTA: Uh-huh.

20 MR. MINERVINI: -- whether they have --
21 that contract has been closed, I don't know.

22 VICE CHAIR MAGALETTA: Okay.

23 Well, please advise Mr. Matule just to
24 have that clarified.

25 MR. MINERVINI: Yes, understood.

1 MR. GALVIN: You know, that is actually
2 a good point, though. If you had an owner and an
3 applicant, you would have to have the --

4 VICE CHAIR MAGALETTA: The consent.

5 MR. GALVIN: -- consent, and if you
6 don't have consent, you are not complete, so...

7 CHAIRMAN HOLTZMAN: Make a note of it,
8 please, and we will make sure we button that up.

9 MR. MINERVINI: Yes, yes.

10 CHAIRMAN HOLTZMAN: Is Mr. Sabia still
11 here, or did he --

12 MR. MINERVINI: No, he has left.

13 VICE CHAIR MAGALETTA: Yeah. I was
14 looking for him before I asked you.

15 I would have asked him before, if I had
16 known he was not --

17 MS. RUSSELL: But there was an
18 authorization of owner --

19 MS. CARCONE: There is.

20 MS. RUSSELL: -- is that what you're
21 looking for?

22 CHAIRMAN HOLTZMAN: I'm sorry. There
23 was or there was not?

24 MS. RUSSELL: There was --

25 MS. CARCONE: There is.

1 MS. RUSSELL: -- there is.

2 CHAIRMAN HOLTZMAN: There was. Okay.

3 MS. RUSSELL: So even if they are not
4 the same person, it was signed off.

5 MS. CARCONE: The owner --

6 VICE CHAIR MAGALETTA: There is one for
7 Mr. Opica (phonetic). There is a -- his disclosure
8 is in the packet also, so I was just --

9 MR. HIPOLIT: They might have a
10 contract to purchase.

11 VICE CHAIR MAGALETTA: Yeah.

12 CHAIRMAN HOLTZMAN: Just make sure Mr.
13 Matule addresses it very simply --

14 MR. MINERVINI: Yes, I will.

15 CHAIRMAN HOLTZMAN: -- with two
16 sentences at the beginning of the hearing.

17 VICE CHAIR MAGALETTA: Well, exactly,
18 exactly.

19 And I don't know if I am confusing this
20 one with another one.

21 Was there one where there was a DEP
22 disclosure, which now is required, which was not
23 required before?

24 I may be thinking of a different
25 application, and I apologize if I'm doing that.

1 CHAIRMAN HOLTZMAN: This is the one
2 that is a paved lot.

3 Was there anything like that, Andy?
4 I don't recall that.

5 MR. HIPOLIT: I don't think so.

6 VICE CHAIR MAGALETTA: Oh, no. I'm
7 sorry. It was the one -- I take it back. It is the
8 next one.

9 CHAIRMAN HOLTZMAN: So if there are no
10 other objections, we will deem the application
11 complete.

12 VICE CHAIR MAGALETTA: Yes.

13 COMMISSIONER PEENE: Yes.

14 COMMISSIONER MC KENZIE: Yes.

15 CHAIRMAN HOLTZMAN: Pat?

16 MS. CARCONE: I am going to work with
17 Mr. Matule when he gets back from vacation to
18 schedule it and see how these other --

19 CHAIRMAN HOLTZMAN: Sure. That makes
20 sense.

21 MS. CARCONE: -- projects shake out.

22 CHAIRMAN HOLTZMAN: Okay. Great.

23 Thank you.

24 MR. MINERVINI: Thank you very much.

25 CHAIRMAN HOLTZMAN: Thank you, Frank.

(The matter concluded)

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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, CCR, CRCR

- - - - -

PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300
Notary Public of the State of New Jersey
My commission expires 11/5/2020.
Dated: August 10, 2016
This transcript was prepared in accordance with
NJAC 13:43-5.9.

CITY OF HOBOKEN
Subdivision & Site Plan Review
HOP-16-18

- - - - - X
RE: 502-510 Madison Street : August 10, 2016
Block 67, Lots 28, 29, 30, 31 & 32 :
Applicant: 502 Madison Street, LLC : 7:15 p.m.
Final Site Plan Review :
- - - - - X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

Chairman Gary Holtzman
Vice Chair Frank Magaletta
Commissioner Caleb McKenzie
Commissioner Ryan Peene

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

Kristin Russell, AICP
Acting Board Planner

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

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4 Jackson, New Jersey 08527
5 (732) 364-3011
6 Attorney for the Board.

7 MC DONALD & ROGERS, ESQS.
8 181 W. High Street
9 Somerville, New Jersey 08876
10 BY: JOHN MC DONALD, ESQ.
11 Attorneys for the Applicant.

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1 CHAIRMAN HOLTZMAN: The next item on
2 our agenda is 502-510 Madison.

3 MR. MC DONALD: Good evening.

4 John P. McDonald, McDonald & Rogers,
5 Somerville, New Jersey.

6 CHAIRMAN HOLTZMAN: Good evening.

7 MR. MC DONALD: I have Antonio Aiello,
8 our architect.

9 We are here before the subcommittee on
10 our final site plan. We have been through the
11 preliminary site plan a number of months ago. The
12 resolution has passed.

13 We submitted the revisions from both
14 our architect and our engineer.

15 There are no substantial changes at
16 all. We are in pretty good shape, and we're ready
17 to go.

18 CHAIRMAN HOLTZMAN: Kristin, anything
19 to call out here?

20 MS. RUSSELL: No.

21 CHAIRMAN HOLTZMAN: Nothing.

22 Mr. Hipolit?

23 MR. HIPOLIT: I mean, our letter, dated
24 August 4th, really looks more from a resolution
25 compliance review --

1 CHAIRMAN HOLTZMAN: I'm sorry. Looks
2 like what?

3 MR. HIPOLIT: -- looks more towards a
4 resolution compliance review because as a final
5 approval, they got to meet certain criteria --

6 CHAIRMAN HOLTZMAN: Right.

7 MR. HIPOLIT: -- so we outlined all of
8 those in this letter. There are no issues. They
9 just have to provide all of the information, and I
10 think that they can get --

11 CHAIRMAN HOLTZMAN: Anything that --

12 MR. HIPOLIT: -- on some things like
13 that --

14 CHAIRMAN HOLTZMAN: -- Mr. Mc Donald,
15 anything that Mr. Hipolit highlighted there that is
16 of any concern or any problems?

17 MR. MC DONALD: No, no. We are working
18 on everything. We're working on everything.

19 CHAIRMAN HOLTZMAN: I know that the
20 folks in the neighborhood, there was a fair amount
21 of consideration also given by the property owner
22 here to maintain and stabilize that wall in the
23 back.

24 MR. MC DONALD: That is correct.

25 MR. HIPOLIT: And we've outlined that

1 they need to provide that --

2 CHAIRMAN HOLTZMAN: And you guys
3 outlined that in your letter --

4 MR. HIPOLIT: Yes.

5 CHAIRMAN HOLTZMAN: -- and
6 everything -- everybody is on the same page here?

7 MR. MC DONALD: We are going to get a
8 report on that also and make sure it's structurally
9 sound.

10 CHAIRMAN HOLTZMAN: Okay.

11 All right. Commissioners, any --

12 VICE CHAIR MAGALETTA: Yeah, a couple
13 of things.

14 CHAIRMAN HOLTZMAN: Frank?

15 VICE CHAIR MAGALETTA: On the deed
16 restriction --

17 MR. MC DONALD: Yes.

18 VICE CHAIR MAGALETTA: -- I guess the
19 question I have is should -- it's a bit general and
20 vague.

21 Should it be more detailed as far as
22 maybe there should be attachments specifying the
23 size of it and what it is going to be, because it is
24 very general, and I just don't know if that's -- if
25 it's too general.

1 MR. MC DONALD: I know we sent it to
2 counsel.

3 CHAIRMAN HOLTZMAN: The deed
4 restriction refers to what aspect?

5 VICE CHAIR MAGALETTA: The rain garden.

6 It is just very general, and I just
7 wondered if that is sufficient to make clear what
8 the size of it should be and that kind of stuff --

9 MR. MC DONALD: I believe we made
10 reference to the resolution --

11 VICE CHAIR MAGALETTA: It doesn't
12 reference -- I didn't see it. It doesn't reference
13 the plans --

14 CHAIRMAN HOLTZMAN: Are the details for
15 the rain garden on the plan?

16 COMMISSIONER PEENE: It just says on
17 5C: There will be a rain garden in the rear of the
18 property.

19 CHAIRMAN HOLTZMAN: Okay. So it is
20 really simple in terms of what the resolution says.

21 The question really, it's okay if -- I
22 mean, the deed restriction is different than the
23 resolution. If the resolution is simple, that is
24 okay --

25 VICE CHAIR MAGALETTA: Right.

1 CHAIRMAN HOLTZMAN: -- as long as it is
2 baked into the plan.

3 VICE CHAIR MAGALETTA: I'm fine with
4 that. That's exactly right. The resolution is
5 fine, but the deed restriction itself, the actual
6 document that has been presented --

7 CHAIRMAN HOLTZMAN: Okay.
8 Did we draft this deed restriction or
9 did they?

10 MR. MC DONALD: No.

11 MR. GALVIN: They did. I looked at it.
12 I thought it was adequate --

13 MR. MC DONALD: We do reference I
14 think --

15 MR. GALVIN: -- but if you want more,
16 we can do more in these things.

17 CHAIRMAN HOLTZMAN: Is there something
18 specific that you wanted to suggest?

19 VICE CHAIR MAGALETTA: I just wanted to
20 make sure that whatever is in there, they can't say,
21 well, the rain garden is one foot by one foot as
22 opposed to what is being contemplated.

23 COMMISSIONER PEENE: Well, in our
24 resolution it says: The proposed plans will create
25 27 percent greenery open space.

1 MR. HIPOLIT: Right.

2 I mean, you know, they have a plan that
3 is relatively detailed --

4 CHAIRMAN HOLTZMAN: So it sounds like,
5 Mr. Magaletta, you would like some details from the
6 plans baked into the deed restriction --

7 VICE CHAIR MAGALETTA: Yeah.

8 CHAIRMAN HOLTZMAN: -- just so there's
9 some more specificity on it, as to what the size is
10 or where it is located --

11 VICE CHAIR MAGALETTA: You can
12 reference the plan.

13 MR. MC DONALD: We can reference the
14 final --

15 CHAIRMAN HOLTZMAN: You can reference
16 the plan, reference the details --

17 MR. MC DONALD: -- final site plan --

18 MR. HIPOLIT: I mean, the plan -- the
19 plan is really specific. It gives specific sizes.
20 I think the plan --

21 VICE CHAIR MAGALETTA: The
22 representation -- all it says is that we will have a
23 rain garden. Just say, just reference the plan --

24 CHAIRMAN HOLTZMAN: As referenced in
25 the plan, and maybe you can add a paragraph that

1 just details that --

2 VICE CHAIR MAGALETTA: Yeah, as to the
3 details --

4 CHAIRMAN HOLTZMAN: -- just to --

5 MR. MC DONALD: So the deed restriction
6 references the plan --

7 CHAIRMAN HOLTZMAN: Give it three more
8 sentences, and we got a couple.

9 VICE CHAIR MAGALETTA: Yeah.

10 On the waiver request for the site plan
11 application checklist, you are looking for waivers
12 of 11, 12, 13 and 34.

13 I am fine with 12, 13 and 34, but my
14 question is: On 11, which is you don't want to do a
15 Phase I because it wasn't required at the time you
16 did the preliminary.

17 My question to Dennis is: Can we waive
18 that, and then my question to Dennis -- to Mr.
19 Hipolit is: Is what is being requested now similar
20 to what was requested before.

21 MR. GALVIN: Why don't you come back
22 and ask me my part again, so I can answer it.

23 VICE CHAIR MAGALETTA: Yeah.

24 Do we have the power to waive that
25 because it seems like --

1 MR. GALVIN: To waive what?

2 Say it again.

3 VICE CHAIR MAGALETTA: Section -- 11,
4 the requirement that there is a Phase I study.

5 Do we have the power to waive that?

6 MR. GALVIN: We don't have the power to
7 take away their obligation to get a Phase I, if they
8 have to get Phase I. But if our checklist says,
9 provide us a Phase I, we can waive anything --

10 CHAIRMAN HOLTZMAN: We can waive
11 anything on our checklist, if we showed the --

12 MR. GALVIN: -- if we think it is
13 responsible.

14 VICE CHAIR MAGALETTA: Okay.

15 CHAIRMAN HOLTZMAN: The question is, I
16 thought we had documentation on this anyway --

17 VICE CHAIR MAGALETTA: Yeah. I think
18 we did --

19 CHAIRMAN HOLTZMAN: -- so I don't think
20 that they even need a waiver from us, because I
21 think we have it --

22 VICE CHAIR MAGALETTA: That's what I'm
23 asking --

24 MR. MC DONALD: It was provided on the
25 preliminary.

1 MR. HIPOLIT: So even if they don't
2 provide it --

3 VICE CHAIR MAGALETTA: They're fine --

4 MR. HIPOLIT: -- we do a search of the
5 property now, so --

6 VICE CHAIR MAGALETTA: -- that's
7 what --

8 (Vice Chair Magaletta and Mr. Hipolit
9 speaking at the same time.)

10 THE REPORTER: Wait a second. You're
11 both talking at the same time.

12 CHAIRMAN HOLTZMAN: Andy, just finish
13 that.

14 MR. HIPOLIT: For every application
15 that comes forward, we just do a quick GOM search of
16 it to see if we find anything crazy on the property
17 as far as contamination.

18 CHAIRMAN HOLTZMAN: Previous uses.

19 MR. HIPOLIT: They did provide
20 information. We didn't highlight anything that was
21 of concern here other than --

22 CHAIRMAN HOLTZMAN: Can you make sure
23 at the hearing that we just from the applicant and
24 the engineering review, that we just make sure of
25 that, because I was -- I am fairly positive that we

1 had -- they had presented us with some documentation
2 on this.

3 VICE CHAIR MAGALETTA: In fact, you
4 said that you submitted an environmental report
5 summary on the preliminary site plan approval --

6 CHAIRMAN HOLTZMAN: Right.

7 VICE CHAIR MAGALETTA: -- and my
8 question is, if that is the same information, then I
9 am fine.

10 CHAIRMAN HOLTZMAN: Okay. Great.

11 MR. MC DONALD: Thank you.

12 CHAIRMAN HOLTZMAN: Let's make sure
13 we --

14 VICE CHAIR MAGALETTA: That answers all
15 of my issues -- my questions.

16 CHAIRMAN HOLTZMAN: Gentlemen, anything
17 else?

18 COMMISSIONER PEENE: Nothing else,
19 Chairman.

20 CHAIRMAN HOLTZMAN: If there are no
21 objections, I imagine we can deem this one complete
22 as well.

23 COMMISSIONER PEENE: So moved.

24 VICE CHAIR MAGALETTA: Yes.

25 COMMISSIONER MC KENZIE: Yes.

1 MS. CARCONE: We have two projects
2 lined up for September 6th, which is our next
3 regular meeting.

4 CHAIRMAN HOLTZMAN: What do we have on
5 that?

6 MS. CARCONE: 302 Garden and 527-529
7 Monroe. 527, that is coming back to us after a
8 denial in July, so in that it is final, we could
9 possibly schedule it for the 6th.

10 MR. HIPOLIT: I am not here on the
11 6th --

12 MS. CARCONE: You're not here on the
13 6th?

14 MR. HIPOLIT: -- but it doesn't matter.
15 I will have somebody else.

16 CHAIRMAN HOLTZMAN: This is a pretty
17 simple review.

18 MR. HIPOLIT: It's not an issue.

19 CHAIRMAN HOLTZMAN: Mr. Mc Donald, is
20 that good for you guys?

21 MR. MC DONALD: That's great.

22 Thank you.

23 CHAIRMAN HOLTZMAN: Okay.

24 MR. MC DONALD: See you on the 6th.

25 CHAIRMAN HOLTZMAN: Thank you, folks.

1 MR. MC DONALD: Thank you very much.

2 (The matter concluded)

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C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CCR, CRCR

 PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300
 Notary Public of the State of New Jersey
 My commission expires 11/5/2020.
 Dated: August 10, 2016
 This transcript was prepared in accordance with
 NJAC 13:43-5.9.

CITY OF HOBOKEN
Subdivision & Site Plan Review
HOP-16-18

- - - - - X
RE: 527 Washington Street : August 10, 2016
Block 216, Lot 15 :
Applicant: 1 Chu U, Inc. : 7:25 p.m.
Conditional Use Review :
- - - - - X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

Chairman Gary Holtzman
Vice Chair Frank Magaletta
Commissioner Caleb McKenzie
Commissioner Ryan Peene

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

Kristin Russell, AICP
Acting Board Planner

Andrew R. Hipolit, PE, PP, CME
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A P P E A R A N C E S:

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1 CHAIRMAN HOLTZMAN: Our third item on
2 our agenda this evening is 527 Washington Street,
3 and apparently we have a note here from Mr. Burke,
4 and I will read this into the record, dated August
5 10th:

6 "Please be advised that I have been
7 retained by the above-referenced applicant. I will
8 be making the appearance tonight at the Subcommittee
9 Hearing.

10 "Very truly yours,

11 "Mr. James Burke."

12 Good evening, sir.

13 MR. BURKE: Thank you, Chairman, as
14 well as the Board.

15 I was retained recently, as the letter
16 reads --

17 CHAIRMAN HOLTZMAN: Congratulations.

18 (Laughter)

19 MR. BURKE: Thank you.

20 These gentlemen came into town, and
21 they fell victim to not knowing the local law.

22 So what happened was a lease was
23 signed. They had probably advice of counsel, but
24 not local counsel, hired an architect, who is
25 standing next to me, a New York architect.

1 After they signed the lease, and after
2 the architect then drafted plans to go down to the
3 zoning office and get a letter of zoning approval to
4 go to the building department found out that, oops,
5 you know, there is a conditional use application
6 that is required.

7 CHAIRMAN HOLTZMAN: There's also a
8 historic review that is required.

9 MR. BURKE: There is, yes. Yes, there
10 is.

11 So unfortunately, they were not aware
12 of that. They weren't trying to circumvent
13 anything. They just came from the outside and did
14 not understand that that was a requirement. So they
15 hustled to get everything to you as best they could.

16 Again, I was just retained, but this is
17 really just for a conditional use approval, which is
18 a three-prong test.

19 Now, I recognize the plans that were
20 submitted have some deficiencies, and they do not at
21 this time have a survey, which, you know, can cost
22 \$800. They are trying to get one from the landlord
23 to see if they could update it, and we are here
24 tonight to just talk about what they are going to do
25 and then just answer the questions the Board has.

1 CHAIRMAN HOLTZMAN: Sure. Great.

2 We will go through it in some detail.

3 We are going to try make this as hopefully
4 relatively painless and expedited for everybody as
5 possible, but we definitely need to tighten up this
6 application because there are definitely some
7 problems.

8 MR. BURKE: Understood. Understood.

9 CHAIRMAN HOLTZMAN: I would expect, Mr.
10 Burke, that we are all going to do everything
11 possible to make this a one and done. We are doing
12 this one time, right?

13 MR. BURKE: That is right.

14 CHAIRMAN HOLTZMAN: Okay. You're not
15 going to come back and ask us for food in six
16 months.

17 (Laughter)

18 MR. BURKE: Well, actually that may
19 happen with Kung Fu Tea, but I have to say one night
20 I left here, and I walked home. It was like 10:30
21 at night. I walked into Kung Fu Tea, and if you
22 have not been there --

23 CHAIRMAN HOLTZMAN: The place is
24 packed.

25 MR. BURKE: -- it's packed, and it's

1 the disclosure.

2 (Everyone talking at once)

3 MR. GALVIN: Whoa, whoa, whoa.

4 CHAIRMAN HOLTZMAN: Too many people
5 talking.

6 THE REPORTER: I'm sorry. Can you
7 spell your name?

8 MR. TAN: T-o-n-g, Tong, Min, M-i-n,
9 and then Tan is T-a-n.

10 CHAIRMAN HOLTZMAN: There you go.
11 That's it. That's easy.

12 MR. BURKE: And this gentleman is
13 Edward Wu, and he is the franchiser, because this is
14 a franchise, so he is here to answer questions in
15 general because he has knowledge of the product that
16 they are going to sell, and then the architect, of
17 course, is here to answer any other questions that
18 you might have about the --

19 MR. GALVIN: Right. But we are not
20 going to do the substance of the case.

21 MR. BURKE: I know that, yeah. But I
22 just said questions, not --

23 CHAIRMAN HOLTZMAN: Right. There are
24 quite a number of issues on the callouts.

25 MR. HIPOLIT: Did you see our August

1 8th letter?

2 MR. BURKE: I did. I did.

3 MR. HIPOLIT: I don't know if anything
4 is earth shattering, but it needs to be cleaned up.

5 CHAIRMAN HOLTZMAN: I thought there
6 were a couple things that were significant. The
7 most that I saw is potentially problematic was the
8 exhaust system.

9 MR. HIPOLIT: Right. They are going to
10 need an exhaust system. They're going to need to
11 provide a Smog Hog or an eletrostatic air scrubber.

12 CHAIRMAN HOLTZMAN: Right.

13 MR. GALVIN: A Smog Hog?

14 MR. HIPOLIT: That's what it's called.
15 The trade name is Smog Hog.

16 CHAIRMAN HOLTZMAN: That's a trade
17 name, but yes.

18 MR. GALVIN: Now we get to use the tool
19 box.

20 CHAIRMAN HOLTZMAN: That's correct.
21 Now we have our tool box.

22 But what my concern was is that the
23 exhaust system, the way that it is detailed on the
24 architectural rendering --

25 MR. HIPOLIT: Doesn't work.

1 CHAIRMAN HOLTZMAN: -- well, I don't
2 know if it functionally works. I would assume that
3 the architect made it so that it works, but it
4 looked like it was a heck of a long run all the way
5 to the back of the building to go -- and if it works
6 from an engineering standpoint, that is not my
7 zone --

8 MR. HIPOLIT: Correct.

9 CHAIRMAN HOLTZMAN: -- my concern was
10 it looked -- it's how does the exhaust system
11 function on the back of the building, which from
12 what are we going to need for the hearing.

13 We are going to need some photos of the
14 back of the building -- of the whole building, not
15 just the back door that we were provided with --

16 MR. HIPOLIT: No.

17 CHAIRMAN HOLTZMAN: -- because my
18 concern is how is this going to run up the back of
19 the building with all of the residential windows.

20 The second concern was the way that it
21 is drafted, it looked like to me it was over the
22 property line in the rear. That is obviously not
23 going to happen, so there needs to be some
24 significant --

25 MR. HIPOLIT: We don't have a survey.

1 CHAIRMAN HOLTZMAN: -- we don't have a
2 survey, so that becomes -- you know, it is not like
3 we are looking to make you spend money for a survey,
4 but that's obviously the reason for it, right?

5 MR. BURKE: Right.

6 CHAIRMAN HOLTZMAN: So that is my two
7 cents quickly on that.

8 You had a number of things, though, in
9 your letter, Mr. Hipolit.

10 MR. HIPOLIT: I do.

11 CHAIRMAN HOLTZMAN: It seems that this
12 application came in in a couple parts --

13 MR. HIPOLIT: Yes.

14 CHAIRMAN HOLTZMAN: -- because when I
15 was reviewing my packet, I didn't have a front
16 elevation of this.

17 I had a picture, I think it was in our
18 review letter, and then I think there was a set of
19 photos that were attached also --

20 MR. HIPOLIT: Correct.

21 CHAIRMAN HOLTZMAN: -- but I don't have
22 an architectural front elevation, so that's
23 definitely something that we need. And here is why
24 this is going to be really important, because this
25 also has to go to historic preservation. And if you

1 are not familiar with this building, it was a Boost
2 Mobile. Unfortunately, it is a storefront that at
3 one time probably had some design character to it,
4 which has been just chopped apart and is kind of a
5 junky aluminum storefront at this point.

6 So I certainly am not going to get into
7 the historic preservation review of it, but I would
8 anticipate that you should probably be prepared to
9 come to the table with something of more of a --
10 some element, some design element.

11 That doesn't necessarily mean that it
12 should look like some historic building, which is no
13 longer there, so we don't want to create a faux
14 parity of something --

15 VICE CHAIR MAGALETTA: Pastiche.

16 CHAIRMAN HOLTZMAN: -- a pastiche, but
17 I am sure they are going to question you about that,
18 and so you should be prepared.

19 MR. LAM: Can I ask the Board a
20 question?

21 So just a clarification, the existing
22 storefront is something that would not be accepted
23 if they were to, let's say, keep the existing
24 storefront?

25 CHAIRMAN HOLTZMAN: I do not know the

1 answer to that, nor am I going to offer an opinion
2 on it. But I know that I can't imagine from the
3 architect's eyes, that you would look at it and go,
4 "Yeah, it's pretty nice," because it is really
5 pretty junky, right?

6 MR. LAM: I mean, it's one from my
7 perspective, quite another for an owner's
8 perspective.

9 CHAIRMAN HOLTZMAN: Right. And some
10 place in the middle is going to be reality, right?

11 MR. LAM: Yes.

12 CHAIRMAN HOLTZMAN: But I would
13 anticipate some questioning about that, so I am just
14 trying to give you a little heads up. That's all.

15 MR. BURKE: The question I have, the
16 interplay between the Historic Commission and the
17 Planning Board, chicken and egg. Who goes first and
18 who --

19 MR. GALVIN: Let me say how it should
20 go.

21 MR. BURKE: Yeah.

22 MR. GALVIN: You go there, and then you
23 come here. It's advisory. They should be giving us
24 in every case that they look at a letter telling us
25 why they think the building was historical, and

1 whether or not they think whatever you are proposing
2 to do is consistent with the zone --

3 CHAIRMAN HOLTZMAN: Or not.

4 MR. GALVIN: -- or not --

5 CHAIRMAN HOLTZMAN: Because what we
6 don't want --

7 MR. GALVIN: We don't have to --

8 CHAIRMAN HOLTZMAN: -- I'm sorry, go
9 ahead.

10 MR. GALVIN: -- we don't have to, as
11 you may have found out once at least at the Hoboken
12 Zoning Board, we didn't agree with the Historical
13 Commission, and we got a whole different look of the
14 building than the Historic Commission.

15 MR. BURKE: Right. But in that case,
16 that was 300 Washington, the Zoning Board ruled that
17 we take precedence and --

18 MR. GALVIN: The Zoning Board takes
19 precedence.

20 MR. BURKE: -- right, which was key in
21 that. I was afraid we would go back and forth
22 between the Boards trying to please both, but that
23 ended. The Historic Commission --

24 CHAIRMAN HOLTZMAN: We are not going to
25 go back and forth.

1 MR. GALVIN: In every town of New
2 Jersey, the Historic Commission is advisory, just
3 like the Environmental Commission is advisory.

4 MR. BURKE: Yeah.

5 MR. GALVIN: So it is nice that we
6 listen to them, and when we can, we should try to
7 respect their recommendations, but --

8 CHAIRMAN HOLTZMAN: Here is what I
9 don't want to have happen is the bouncing around, so
10 I don't want you guys to come here, and for us to
11 go, yeah, it is okay, and then for them to offer
12 design changes that make you then come back here.

13 So you should go there first and make
14 sure that that is dialed in because you don't want
15 to have to come back here a second time because
16 there are some design elements that changed.

17 MR. BURKE: Okay.

18 CHAIRMAN HOLTZMAN: That is the right
19 way to do it.

20 That way we can take their advice under
21 advisement, and this Board can make its own
22 determination.

23 MR. BURKE: Yes, that's true.

24 MR. HIPOLIT: I would say the other
25 thing, you know, in letters, things they have to

1 provide, so they are going to clean all of this up,
2 so it's going to take some time.

3 CHAIRMAN HOLTZMAN: Right.

4 Have you folks had an opportunity to
5 review -- to see the review letters that you
6 received from our professionals?

7 MR. BURKE: Yes.

8 MR. WU: Yes.

9 CHAIRMAN HOLTZMAN: Okay.

10 MR. BURKE: Now, I have to say
11 something. With Dave Roberts' letter, it is pretty
12 clear, and we understand that those are deficiencies
13 that have to be corrected.

14 I just got this today I think, but a
15 lot of these, Andy, relate to things that the tenant
16 has no control over.

17 They can't do anything to a sewer
18 system. They can't -- so a lot of these points
19 involve site plan and/or issues that would involve
20 the landlord. This is not a new building.

21 MR. HIPOLIT: So what happens with,
22 let's take North Hudson, you are changing the use to
23 a restaurant use. That could, only "could" impact
24 the flow of sewerage from the property, and then
25 North Hudson may not be in agreement.

1 MR. BURKE: Right, right.

2 MR. HIPOLIT: I don't think that would
3 be the case, but somewhere you need one of your
4 professionals or a letter from North Hudson that
5 says the use and the increased flow is okay.

6 MR. BURKE: Yeah.

7 MR. HIPOLIT: I don't think it's a big
8 lift, it just takes time --

9 MR. BURKE: No. I understand that, but
10 I would just point one thing out to you.

11 Install a back flow preventer, they
12 can't do that, you know, unless North Hudson says it
13 is mandated, then the landlord is going to have to
14 do that, but they can't do that. The tenant can't
15 do that.

16 MR. GALVIN: My problem in any building
17 where there are tenants coming in to make a request
18 is that --

19 MR. HIPOLIT: It opens the building up.

20 MR. GALVIN: -- it opens the building
21 up. And if we, and any Board in any town, if we
22 find things aren't right, that will be -- that will
23 hurt the tenant. I mean, it has to be done. If the
24 landlord is not willing to do it, then it is a deal
25 breaker.

1 MR. HIPOLIT: Right. So let's take the
2 back flow matter.

3 The purpose of it is if there is a
4 backup in their street, and it doesn't ruin their
5 business --

6 MR. BURKE: Right.

7 MR. HIPOLIT: -- if the landlord
8 doesn't want to do it or they feel it is not
9 required, you can come to me and say, "We don't
10 think it's required or we don't need it or we
11 already have it."

12 MR. BURKE: Yeah.

13 MR. HIPOLIT: The benefit of it is
14 significant. Some places have it, and some places
15 don't. It's just more with North Hudson slash owner
16 slash landlord.

17 MR. BURKE: Yeah. No, I understand.

18 MR. HIPOLIT: Yeah.

19 MR. BURKE: They only have certain
20 power in their lease to do certain things, and if
21 goes beyond that, they can't --

22 MR. GALVIN: Then the deal is off, and
23 they will have to find another building where the
24 landlord is going to be more cooperative.

25 MR. BURKE: Well, but candidly and

1 unfortunately, again, they signed the lease, so what
2 it basically means is that they will be in
3 litigation with the landlord --

4 MR. GALVIN: I guess.

5 MR. BURKE: -- and that would be
6 unfortunate.

7 CHAIRMAN HOLTZMAN: Or you might find
8 that if you ask the question, Mr. Burke, that the
9 landlord is cooperative, so we won't know until we
10 get there.

11 MR. BURKE: I happen to know the
12 landlord, and I would love to think that, but
13 anyway --

14 MR. GALVIN: We are not going to bend.
15 He better.

16 MR. HIPOLIT: Let's just go back to the
17 back flow for a minute.

18 We need to know if you are proposing a
19 new connection, or are you using the existing one.

20 If you're using the existing one, you
21 don't have to do anything --

22 MR. BURKE: Okay.

23 MR. HIPOLIT: -- so you're good.

24 If you are proposing a new connection,
25 you have to put one in.

1 MR. BURKE: Okay.

2 MR. HIPOLIT: So I am kind of walking
3 you through it, but that's stuff you guys need to
4 decide on your side.

5 MR. BURKE: Right, right, okay.

6 CHAIRMAN HOLTZMAN: That didn't seem to
7 go well.

8 I think the message we need to make
9 sure that you understand is that we need an answer
10 to Mr. Hipolit's questions.

11 MR. HIPOLIT: All of them.

12 CHAIRMAN HOLTZMAN: If the answer is
13 no, we can't do it, that may not be the end of the
14 road, but we just need to understand why --

15 MR. HIPOLIT: Correct.

16 CHAIRMAN HOLTZMAN: -- or why it is not
17 required --

18 MR. HIPOLIT: Correct.

19 CHAIRMAN HOLTZMAN: -- or what the
20 issue is --

21 MR. HIPOLIT: Correct.

22 CHAIRMAN HOLTZMAN: -- but we are not
23 dealing with it because that is the landlord's
24 building. That answer is not going to work.

25 MR. BURKE: Understood.

1 CHAIRMAN HOLTZMAN: Okay. I just
2 wanted to make sure we are clear. I want to get
3 this done. I want to try to be helpful here.

4 MR. LAM: Can I ask the Board a
5 question?

6 CHAIRMAN HOLTZMAN: Sure.

7 MR. LAM: For these objections that you
8 made, is this --

9 MR. HIPOLIT: They are not objections.
10 They're just questions.

11 MR. LAM: Oh, just questions. Okay.

12 (Laughter)

13 MR. HIPOLIT: I don't object to the
14 application.

15 MR. LAM: Okay. No problem.

16 But those are questions that I answer
17 during the plan review or is it something that --

18 MR. HIPOLIT: See, you have two ways
19 you can do it. What we prefer is between now and
20 the time you are scheduled for a hearing, you get in
21 your revised plan with as many answers as you can,
22 so when you show up at the hearing, my letter is two
23 pages --

24 MR. LAM: Got it.

25 MR. HIPOLIT: -- and they're off the

1 table.

2 Sometimes we have applicants and
3 architects that come in and go "We're just going to
4 address them in testimony," and that can go good or
5 it can go bad, depending on what the answer is.

6 MR. GALVIN: It is never that good.

7 MR. HIPOLIT: Right.

8 We recommend getting it done ahead of
9 time.

10 CHAIRMAN HOLTZMAN: Some people will
11 take the format of taking Mr. Hipolit's letter and
12 literally going point by point and offering the
13 response --

14 MR. HIPOLIT: Email me, and I will send
15 you a Word document, and I'll give it to you.

16 CHAIRMAN HOLTZMAN: -- right -- and
17 this is the response to it, and we have updated this
18 on the plan --

19 MR. HIPOLIT: Right.

20 CHAIRMAN HOLTZMAN: -- and knock them
21 out.

22 MR. LAM: So it can be done prior to
23 the meeting, so --

24 MR. HIPOLIT: Yeah.

25 CHAIRMAN HOLTZMAN: It should be done

1 prior, right. We want to have as many of these
2 questions completely addressed, so by the time we
3 get to the next hearing, Andy has got two questions
4 left --

5 MR. HIPOLIT: Email me, and I'll send
6 it over --

7 CHAIRMAN HOLTZMAN: -- and they're
8 easy --

9 MR. HIPOLIT: -- I'll send you the Word
10 document. You just take it and put a response like,
11 look --

12 MR. LAM: Perfect. Thank you.

13 MR. HIPOLIT: -- and make it easy for
14 you.

15 CHAIRMAN HOLTZMAN: What else do you
16 have, Andy?

17 MR. HIPOLIT: That is it.

18 CHAIRMAN HOLTZMAN: That is it?

19 MR. HIPOLIT: Yes.

20 CHAIRMAN HOLTZMAN: Did you want to --

21 COMMISSIONER PEENE: Yes.

22 While this may seem like a very small
23 thing, and this is a question that I wanted to ask
24 Dennis, this involves nothing about exhaust. This
25 involves notary stamps.

1 You know, since we're on the issue of
2 completeness, whether a notary stamp being approved
3 by a notary in the State of New York would have
4 jurisdiction over this application as opposed to one
5 in the state -- a public notary from the State of
6 New Jersey, because I did a little research on it,
7 and quoted the National Association -- does it have
8 to do with where the document is signed, or does it
9 have to do -- because this is a legal document in
10 New Jersey.

11 MR. BURKE: It can go both ways.

12 My understanding is that you take the
13 notary. The notary is where you are. So if you are
14 in New York, you take a New York notary.

15 However, if you're a New Jersey notary,
16 and you are living in Saudi Arabia, you can also
17 take a New Jersey notary in Saudi Arabia, but it is
18 one or the other.

19 So it is proper, in my opinion, to have
20 a notary done where you are signing it, unless you
21 find a New Jersey attorney or a New Jersey notary,
22 and that person can also take it for that state.

23 MR. GALVIN: Well, if we were closing a
24 property in Hoboken, and you were in my office in
25 Ocean County, on the jurat we put that you are

1 actually signing in Ocean County. So it would say
2 "State of New Jersey, Ocean County," came before me
3 this day.

4 The other issue that you are raising,
5 that's kind of like whoa is: I won't let anybody
6 appear before this Board who is not a licensed New
7 Jersey architect, engineer or lawyer.

8 You raised an interesting question,
9 though, can you notarize a document. Can a New York
10 notary or a New York attorney notarize a document
11 that's being submitted to our Board, and I kind of
12 think they can.

13 VICE CHAIR MAGALETTA: I don't think
14 they can because it was signed in New York.

15 MR. BURKE: They are not an expert
16 testifying --

17 MR. GALVIN: Yeah, I think they can.

18 VICE CHAIR MAGALETTA: -- that's my
19 understanding --

20 MR. GALVIN: But I am saying that is as
21 far as the New York influence can go here, so
22 everything else has to be NJ --

23 MR. BURKE: This gentleman is a New
24 Jersey architect.

25 MR. GALVIN: Okay.

1 VICE CHAIR MAGALETTA: It is
2 unreasonable to have somebody in New York have to
3 come into New Jersey just to sign a piece of paper.
4 It makes no sense.

5 COMMISSIONER PEENE: Yeah.

6 My question was really because this is
7 a city document, State of New Jersey, we operate
8 under a completely different set of land use laws --

9 VICE CHAIR MAGALETTA: There are
10 certain documents that have to be notarized by a New
11 Jersey notary in New Jersey, such as election
12 documents, but this is not such a thing.

13 CHAIRMAN HOLTZMAN: Good callout, Mr.
14 Peene. Thank you.

15 So I made a couple of quick notes here.
16 Most of it has to do with exterior design issues,
17 the exhaust system that we talked about, the front
18 elevation, the views of the rear of the building,
19 and if there was going to be any attempt to fix up
20 that rear door and the rear, the secondary egress,
21 or it is going to be used because I am sure they're
22 going to probably -- they may take deliveries in the
23 back, or there is going to be trash, so the rear
24 door looked like it needed some attention paid on
25 it.

1 It seems like if I got the back of this
2 building figured out, there is sort of like two
3 five-story segments and then a one-story height in
4 between, so it kind of makes like a little U-shape,
5 if you are looking at it from the back.

6 My concern was if there is going to be
7 any exhaust system, HVAC equipment, condensers for
8 the refrigerators and everything else on that roof,
9 that is probably a no-no, because you have
10 residential windows all around that air shaft there,
11 so we need to take that into consideration, and that
12 is something that the Board takes really seriously.

13 It is not that we don't want to have
14 this business. It sounds like it's very nice. It
15 looks like there is going to be a very serious
16 investment here, and it's going to be a business.
17 But we are really concerned also with the people
18 that are living next door to it, and that there are
19 no adverse impacts, right, so that is the balance we
20 are going to try to strike. So any kind of noise,
21 any kind of additional equipment, any kind of fumes,
22 things of this nature.

23 I didn't see that there was any mention
24 of an outdoor cafe, which we don't necessarily have
25 and deal with here in at this Board. That is

1 something that you would deal with at the zoning
2 office, but it might be something that you want to
3 just include in the plan because you are doing such
4 a nice comprehensive plan.

5 Is there going to some type of fencing?

6 You might just want to include it, so
7 that your design elements are all consistent, and
8 the zoning office can provide you with the
9 information, and I'm sure it's online as well, as to
10 how big an outdoor cafe is able to be, and the
11 fencing systems need to be temporary, so that they
12 are broken down at night.

13 There was a callout I think, Andy,
14 about the garbage, where it is put, where it's
15 located, recycling and things like that, so let's
16 make sure that that, you know, is addressed with the
17 architect's additional information.

18 Then I think we needed a roof plan,
19 right, because we certainly need a roof plan. I
20 would say we need two roof plans, if there's a roof
21 plan --

22 MR. HIPOLIT: We need a roof plan for
23 all of the roofs.

24 CHAIRMAN HOLTZMAN: For all of the
25 roofs.

1 The lower roof, if there is anything
2 going on with that, if there's any changes
3 whatsoever, and then the upper roof, where the
4 exhaust is going to terminate.

5 That is all I have.

6 Gentlemen, any other additional --

7 MS. RUSSELL: Is the back door that
8 heads out towards Court Street, without a survey I
9 wasn't able to tell, does that abut Court Street, or
10 is it like in mid lot between the front building and
11 some rear back house?

12 MR. LAM: Yeah. There is like a small
13 alley between the two buildings.

14 MS. RUSSELL: But does that door open
15 onto Court Street --

16 MR. LAM: No.

17 MS. RUSSELL: -- it's in the back. You
18 wouldn't necessarily see it from Court Street?

19 MR. LAM: No.

20 MS. RUSSELL: Okay.

21 CHAIRMAN HOLTZMAN: Okay.

22 So it seems like you have a fair amount
23 of homework here to get buttoned up.

24 MR. LAM: Just for clarification, so
25 once I answer these questions, if I maybe have a

1 suggestion on like, you know, if you were talking
2 about a Smog Hog, if I was going to put it on the
3 roof, and I say I was going to put it on the roof,
4 you would me know or you would just --

5 MR. HIPOLIT: No. You definitely need
6 one.

7 MR. LAM: We definitely need one.
8 Okay.

9 MR. HIPOLIT: You are going to have to
10 have one.

11 MR. LAM: Okay.

12 CHAIRMAN HOLTZMAN: It doesn't need to
13 be that brand. It just needs to have -- we have a
14 set of standards, which we put into the review
15 letter as to what the exhausting standards are.

16 MR. HIPOLIT: Correct.

17 COMMISSIONER PEENE: The technology
18 that provides for 95 percent --

19 MR. HIPOLIT: Yeah.

20 The trade name is Smog Hog.

21 MR. LAM: Yeah, I installed them
22 before.

23 MR. HIPOLIT: Right, and they work
24 great.

25 CHAIRMAN HOLTZMAN: Right. Because the

1 last thing that we want to have also is you have the
2 very definite possibility that there are neighbors
3 who are going to show up at the hearing and/or ten
4 minutes after you turn the exhaust on, they are
5 going to show up in City Hall, if these exhaust
6 fumes are not taken care of.

7 So sometimes it looks like an
8 additional expense on the front side, which you
9 would probably be better off in the long run just to
10 kind of take these things off the potential problem.

11 MR. GALVIN: Can I mention another
12 thing?

13 Are there any variances here? Do we
14 know? Does anybody know?

15 MS. RUSSELL: No. I didn't find any.

16 MR. HIPOLIT: Right now, no.

17 CHAIRMAN HOLTZMAN: Great. That is
18 great. That makes it a lot easier.

19 So you guys need to get this
20 application buttoned up. You also need to get your
21 historic review, so I guess we will see you next
22 month and make sure that everything is a hundred
23 percent here.

24 MR. HIPOLIT: So it's not complete.

25 CHAIRMAN HOLTZMAN: Not complete.

1 COMMISSIONER PEENE: Second.

2 CHAIRMAN HOLTZMAN: Mr. Magaletta?

3 VICE CHAIR MAGALETTA: Yes.

4 CHAIRMAN HOLTZMAN: Caleb?

5 COMMISSIONER MC KENZIE: Yes.

6 CHAIRMAN HOLTZMAN: Thank you, guys.

7 Really, we will make every effort to

8 kind of kick it along. We promise.

9 MR. LAM: Thank you.

10 CHAIRMAN HOLTZMAN: And for the
11 architect and anybody else that's dealing with it,
12 you know, don't be a stranger to Mr. Hipolit and his
13 office, and they can, you know, I am sure what he
14 doesn't want is if there is 18 points, he doesn't
15 want 18 separate emails --

16 MR. HIPOLIT: No.

17 CHAIRMAN HOLTZMAN: -- but try to not
18 get it to him piecemeal. Try to at least get it to
19 him in bulk.

20 MR. BURKE: Andy, when you send out the
21 Word document, we did that before and that works
22 great.

23 MR. HIPOLIT: That's great. That works
24 for me.

25 MR. BURKE: Yeah, yeah, and it is on

1 one piece of paper.

2 CHAIRMAN HOLTZMAN: Great.

3 Thank you, Mr. Burke.

4 Thanks, guys.

5 MR. GALVIN: Good luck.

6 COMMISSIONER PEENE: Any other
7 business, Mr. Chairman?

8 CHAIRMAN HOLTZMAN: No other business,
9 no.

10 COMMISSIONER PEENE: Motion to adjourn.

11 CHAIRMAN HOLTZMAN: Second?

12 COMMISSIONER MC KENZIE: Second.

13 CHAIRMAN HOLTZMAN: All in favor, aye?

14 (All Board members voted in the
15 affirmative)

16 CHAIRMAN HOLTZMAN: Thank you.

17 (The meeting concluded)

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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, CCR, CRCR

- - - - -

PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300
Notary Public of the State of New Jersey
My commission expires 11/5/2020.
Dated: August 10, 2016
This transcript was prepared in accordance with
NJAC 13:43-5.9.

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