

CITY OF HOBOKEN
PLANNING BOARD

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REGULAR MEETING OF THE HOBOKEN : October 4, 2016
PLANNING BOARD : 7:06 p.m.
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Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

Chairman Gary Holtzman
Vice Chair Frank Magaletta
Commissioner Caleb D. Stratton
Commissioner Brandy Forbes
Commissioner Jim Doyle
Commissioner Caleb McKenzie
Commissioner Tom Jacobson
Commissioner Kelly O'Connor

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

David Glynn Roberts, AICP/PP, LLA, RLA
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1 CHAIRMAN HOLTZMAN: Let's get started.

2 Okay. We are going to get started here.

3 Thank you.

4 Mr. Burke, can you do us a favor and
5 close the door in the back, please?

6 Thank you.

7 Good evening, everybody.

8 It is Tuesday, October 4th, 2016. It
9 is 7:06 p.m.

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 role.

19 MS. CARCONE: Commissioner Holtzman?

20 CHAIRMAN HOLTZMAN: Here.

21 MS. CARCONE: Commissioner Magaletta?

22 VICE CHAIR MAGALETTA: Here.

23 MS. CARCONE: Commissioner Stratton?

24 COMMISSIONER STRATTON: Here.

25 MS. CARCONE: Commissioner Forbes?

1 COMMISSIONER FORBES: Here.

2 MS. CARCONE: Commissioner Doyle?

3 COMMISSIONER DOYLE: Here.

4 MS. CARCONE: Commissioner Graham is
5 absent.

6 Commissioner McKenzie?

7 COMMISSIONER MC KENZIE: Here.

8 MS. CARCONE: Commissioner Pinchevsky
9 is absent.

10 Commissioner Peene is not here.

11 Is he coming?

12 CHAIRMAN HOLTZMAN: Mr. Peene is on the
13 way he just told me.

14 MS. CARCONE: Okay. He is going to be
15 late.

16 Commissioner Jacobson?

17 COMMISSIONER JACOBSON: Here.

18 MS. CARCONE: Commissioner O'Connor?

19 COMMISSIONER O'CONNOR: Here.

20 CHAIRMAN HOLTZMAN: Great. Thank you.

21 Okay. So we have three resolutions for
22 memorialization today.

23 Councilman Doyle, and, Mr. Magaletta,
24 thank you very much for your input and helpful
25 corrections.

1 We've got the first one, which is 302
2 Garden.

3 Are there any additional questions or
4 comments on that resolution?

5 If there are none, is there a motion to
6 accept it?

7 COMMISSIONER DOYLE: Motion.

8 CHAIRMAN HOLTZMAN: Okay. Second?

9 COMMISSIONER MC KENZIE: Second.

10 CHAIRMAN HOLTZMAN: Thank you.

11 Pat?

12 MS. CARCONE: Okay. Commissioner

13 Magaletta?

14 VICE CHAIR MAGALETTA: Yes.

15 MS. CARCONE: Commissioner Stratton?

16 COMMISSIONER STRATTON: Yes.

17 MS. CARCONE: Commissioner Doyle?

18 COMMISSIONER DOYLE: Yes.

19 MS. CARCONE: Commissioner McKenzie?

20 COMMISSIONER MC KENZIE: Yes.

21 MS. CARCONE: Commissioner Jacobson?

22 COMMISSIONER JACOBSON: Yes.

23 MS. CARCONE: And Commissioner

24 Holtzman?

25 CHAIRMAN HOLTZMAN: Yes.

1 Thank you.

2 The next one is 527-529 Monroe.

3 Any additional questions or comments,

4 Commissioners?

5 If not, is there a motion to accept?

6 COMMISSIONER JACOBSON: Move.

7 CHAIRMAN HOLTZMAN: Thank you.

8 Second?

9 COMMISSIONER DOYLE: Second.

10 COMMISSIONER MC KENZIE: Second.

11 CHAIRMAN HOLTZMAN: Okay.

12 MS. CARCONE: Commissioner Magaletta?

13 VICE CHAIR MAGALETTA: Yes.

14 MS. CARCONE: Commissioner Stratton?

15 COMMISSIONER STRATTON: Yes.

16 MS. CARCONE: Commissioner Doyle?

17 COMMISSIONER DOYLE: Yes.

18 MS. CARCONE: Commissioner McKenzie?

19 COMMISSIONER MC KENZIE: Yes.

20 MS. CARCONE: Commissioner Jacobson?

21 COMMISSIONER JACOBSON: Yes.

22 MS. CARCONE: And Commissioner

23 Holtzman?

24 CHAIRMAN HOLTZMAN: Yes.

25 And the last one is 502-510 Madison.

1 Any additional questions or comments?
2 If there are none, is there a motion to
3 accept?

4 VICE CHAIR MAGALETTA: Motion.

5 CHAIRMAN HOLTZMAN: Thank you.

6 COMMISSIONER JACOBSON: Second.

7 CHAIRMAN HOLTZMAN: Thank you.

8 MS. CARCONE: Commissioner Magaletta?

9 VICE CHAIR MAGALETTA: Yes.

10 MS. CARCONE: Commissioner Stratton?

11 COMMISSIONER STRATTON: Yes.

12 MS. CARCONE: Commissioner McKenzie?

13 COMMISSIONER MC KENZIE: Yes.

14 MS. CARCONE: Commissioner Jacobson?

15 COMMISSIONER JACOBSON: Yes.

16 MS. CARCONE: And Commissioner

17 Holtzman?

18 CHAIRMAN HOLTZMAN: Thank you. Yes.

19 The first item on our agenda is the
20 review of an ordinance being sent to us from the
21 City Council.

22 Councilman, can you give us an
23 introduction on this?

24 COMMISSIONER DOYLE: Yes.

25 CHAIRMAN HOLTZMAN: Thank you.

1 COMMISSIONER DOYLE: I think Mr.
2 Roberts did a fine job in the summary that he
3 provided us, but I will reiterate it.

4 It is an ordinance, which requires
5 residential people, who are seeking a demolition
6 permit in any of the 3 R districts, residential
7 zones in the city or in the central business
8 district, which is essentially Washington Street, if
9 they are seeking a demolition permit to partially or
10 fully demolish a structure, and I should say it is
11 qualified by -- where is it -- all structures that
12 are residential and that share a property line with
13 another residential use. So it is not every
14 structure in 80 percent of the city, but it is
15 undoubtedly many.

16 And if people are seeking to demolish
17 the structures, they would go to the Historic
18 Preservation Commission, and they would make their
19 case, and the Historic Preservation Commission would
20 apply some criteria that is currently in the
21 Historic Preservation Code and make a recommendation
22 whether they feel it is that it's appropriate that
23 the building should be demolished.

24 Obviously, if the property owner is
25 going to the Zoning or Planning Board for some form

1 of variance relief, then they would not have to go
2 to the Historic Preservation Commission. That would
3 be, you know, an exception to the rule, but
4 admittedly probably a more rigorous exception, so --

5 CHAIRMAN HOLTZMAN: So the idea is to
6 get every property that has the potential or the
7 request to be demolished before one of our public
8 Boards?

9 COMMISSIONER DOYLE: Not every
10 property. A residential property --

11 CHAIRMAN HOLTZMAN: I'm sorry. Go
12 ahead.

13 COMMISSIONER DOYLE: -- that is next to
14 another residential property.

15 CHAIRMAN HOLTZMAN: Right.

16 COMMISSIONER DOYLE: So the genesis is
17 partially because of the tear-downs that have been
18 occurring of historical properties, as well as some
19 of the structural issues that have arisen with
20 regard to some of the tear-downs.

21 So among the requirements is the
22 requirement to get an engineer to make sure that
23 there will be no structural damage to either of your
24 neighbors, which is why the adjacent residential
25 component is included, but it is to protect

1 historical buildings and to protect public safety
2 and structures.

3 CHAIRMAN HOLTZMAN: Great. Thank you.

4 Mr. Roberts, could you give us a recap
5 on your review letter?

6 MR. ROBERTS: Yes.

7 It was really just effectively Jim kind
8 of outlined it. It is indicating what the purpose
9 of the proposed ordinance would be and referencing
10 the fact that it is targeted to protect -- we have a
11 lot of historic neighborhoods and we have a lot of
12 historic districts in our CBD that focuses on those,
13 on preserving those buildings, and also we have had
14 some experience with some issues here at the Board,
15 where even partially salvaged buildings ended up not
16 being salvaged, so it is just one more kind of check
17 and balance that is being proposed.

18 As far as the Board's review, the
19 relationship to the master plan is really I think
20 pretty well-known. It has always been to preserve
21 the historic character of the Hoboken neighborhoods
22 and the historic district, and also to the extent
23 that it allows for the continued reuse of existing
24 buildings or portions of buildings, certainly more
25 sustainable, so I would say it certainly is

1 consistent with the master plan.

2 CHAIRMAN HOLTZMAN: Okay.

3 Dennis, could you just give us a brief
4 as to what the scope of the Board's review and what
5 it is -- what we are charged with?

6 MR. GALVIN: Right.

7 What happens is any time that you have
8 a zoning ordinance, and this is constituted as a
9 zoning type ordinance, the matter has to be referred
10 to the Planning Board.

11 If the Planning Board doesn't act, then
12 it goes back to the governing body, and the
13 governing body can act on it anyway.

14 The purpose of sending it over to the
15 Planning Board is because we create the master plan
16 is to say whether or not we think it is consistent
17 with the master plan.

18 I will tell you, and I don't know if
19 Dave agrees with this, but the master plan itself
20 covers all of the special reasons in zoning, and one
21 of the special reasons in zoning is to preserve
22 historical structures. That's Section J, I believe.

23 So in light of that, I think that the
24 Board could make a finding that this ordinance is
25 consistent with the master plan.

1 Now, the other thing that you have a
2 right is if you could see a way to make an ordinance
3 better, you can make a recommendation to the
4 governing body to have them take it into
5 consideration, but this doesn't feel to me to be
6 that kind of an ordinance.

7 You know, if they were changing a zone
8 or changing a setback, if there was something that
9 you could contribute, that would be more likely the
10 case.

11 So in this case what I would recommend
12 to the Board is that if you agree that you think it
13 is consistent with the master plan, just make a
14 motion and a second, and we'll move it back to the
15 governing body and leave it to them. The wisdom of
16 the ordinance is the governing body's province.

17 CHAIRMAN HOLTZMAN: Commissioners,
18 questions or comments?

19 COMMISSIONER JACOBSON: One technical
20 question on scope is: Would this apply to the
21 R-1(e) District?

22 MR. ROBERTS: I believe it is all the R
23 zones.

24 COMMISSIONER DOYLE: R-1 includes R-1,
25 so yes.

1 COMMISSIONER JACOBSON: Okay. Because
2 Dave's letter spelled out R-1, R-2, R-3.

3 MR. ROBERTS: Right. R-1 includes all
4 of the -- yeah, you're right, but R-1 includes all
5 the Es and the CSs and all that. It's all of the R
6 zones.

7 COMMISSIONER JACOBSON: All right.

8 CHAIRMAN HOLTZMAN: Anything else,
9 Commissioners?

10 We will circle back. We will see if
11 there are any members of the public that wish to
12 give us an opinion.

13 Sure. Come on up.

14 MS. SCHWARTZ: Hi.

15 My name is Olivia Schwartz.

16 I read through this ordinance, and I am
17 very happy that we have an ordinance like this in
18 place, and I just have some questions because I
19 don't understand it fully, and I wanted to
20 understand it better.

21 Can I start with the real simple
22 question?

23 MR. GALVIN: Can we have your street
24 address, please?

25 MS. SCHWARTZ: Sure. 1234 Bloomfield

1 Street.

2 MR. GALVIN: Okay. And I don't know to
3 what extent we will be able to answer questions,
4 but go ahead.

5 Because really, as I was saying, the
6 way the process is supposed to work, I know the
7 Chairman is saying to you come on up and tell us
8 what you think, but the right way that this is
9 supposed to work is the governing body comes up with
10 an idea on first reading. They send it to the
11 Planning Board.

12 The Planning Board without public input
13 reviews whether or not they think it is consistent
14 with the master plan. Then it goes back to the
15 governing body.

16 On second reading, there is a public
17 hearing on second reading, and that is really where
18 you really want to be to set forth your opinion. So
19 this is good practice, but it is not going to be
20 final, okay?

21 MS. SCHWARTZ: Okay. So I missed the
22 second reading?

23 MR. GALVIN: No, no.

24 CHAIRMAN HOLTZMAN: No, it didn't
25 happen yet.

1 MR. ROBERTS: At the Council meeting.

2 MR. GALVIN: No. It is coming up.

3 MS. SCHWARTZ: Oh, oh, oh, oh, okay.

4 MR. GALVIN: I am not being rude. I am
5 trying to tell you the process.

6 MS. SCHWARTZ: No, no, no, yeah, yeah,
7 yeah, no, no, no. That is great.

8 Okay. This is a quick question I hope.

9 When it is located in the residential
10 and central districts, what is it excluding?

11 MR. ROBERTS: Well, I guess I will take
12 a shot at that.

13 You are right, there is a lot, a lot of
14 the city is one of those 3R zones, and CBD, there is
15 all of the industrially zoned portions of the city,
16 there are a number of other industrial zones that
17 have PUDs in them, so it is actually quite a large
18 percentage of the city that's now --

19 MS. SCHWARTZ: So is there a reason why
20 the whole city isn't part of this?

21 Is there a reason why like -- you
22 wouldn't want, for example, to preserve old
23 industrial or something --

24 MR. ROBERTS: Right --

25 MS. SCHWARTZ: -- places, too --

1 MR. ROBERTS: -- as the Board Attorney
2 said, we didn't create the ordinance, so I am going
3 to suspect that the governing body's intent was to
4 target the zones where most of the historical are
5 located, which would be the residential zones and
6 along Washington Street, which would be a CBD --

7 MS. SCHWARTZ: And is it essential?

8 I thought somebody said somebody only
9 if it occurs sharing a property line with a
10 residential building, or did I misunderstand that?

11 COMMISSIONER DOYLE: Correct.

12 MS. SCHWARTZ: So say if there was a
13 freestanding church, for example, that would be --
14 and it was a historical church? I am just making
15 something up. Then that would be exempt. It
16 wouldn't fall under this?

17 COMMISSIONER DOYLE: That is correct.

18 MS. SCHWARTZ: So that kind of -- I'm
19 just wondering if it could just be --

20 MR. GALVIN: That is what I am saying,
21 we are not in the position to answer it --

22 MS. SCHWARTZ: Got it.

23 MR. GALVIN: -- because we didn't
24 create it.

25 MS. SCHWARTZ: Okay. Okay.

1 MR. ROBERTS: The only thing I will
2 mention to that, though, that it is very possible,
3 if it is an old historic church, it is considered a
4 historic site, and it would be covered by the
5 Historic Preservation Commission anyway.

6 CHAIRMAN HOLTZMAN: There you go.

7 MS. SCHWARTZ: Thank you.

8 So I have a whole bunch of questions.
9 Would they even -- does it make sense to even ask
10 the questions?

11 COMMISSIONER DOYLE: Maybe email me,
12 and then I can make sure you know when the second
13 reading is as well --

14 MS. SCHWARTZ: Okay. Because I don't
15 want to take everybody's time with all of my
16 questions, but that is basically what they are, and
17 it is ways that I'm thinking of really trying to see
18 if we could strengthen it.

19 So, for example, I know that there was
20 a building once, where they had the facade, okay,
21 and they were going to keep it. And they were like,
22 Yeah, we are going to keep it.

23 And then: Yeah. We'll keep it. We
24 get to go a little higher, you know, with the
25 variance, because we're going to keep this facade.

1 But then there was the oops factor.
2 The oops factor is like, oops, it fell down, but I
3 still got my variance and I still get to go high.

4 So that is kind of what I wish were in
5 here, were some of the things that people don't do
6 what they are supposed to say that and such, that
7 there is a way that --

8 CHAIRMAN HOLTZMAN: Let me answer that,
9 because that is a situation that --

10 MR. ROBERTS: We're trying to
11 address --

12 CHAIRMAN HOLTZMAN: -- it has occurred
13 in the past. I am certainly not going to not deny
14 that it has occurred.

15 However, under modern times in the
16 Planning Board, all of our resolutions that are
17 approving something to move forward, if part of the
18 deal was you are keeping part of it, and you are
19 getting something else, and there was a trade-off
20 going on. If the wall or part of the building that
21 was supposed to be saved falls down on the oops
22 moment, which we know it was like wink, wink, oops,
23 right?

24 MS. SCHWARTZ: Right.

25 CHAIRMAN HOLTZMAN: They have to start

1 all over again.

2 MS. SCHWARTZ: They do? Okay.

3 CHAIRMAN HOLTZMAN: That is what we
4 make them do.

5 I don't want to revisit what happened
6 before modern times, right?

7 MS. SCHWARTZ: Right. But that would
8 be a great thing to put in this or if it already
9 exists some place else --

10 CHAIRMAN HOLTZMAN: We make it as part
11 of the conditions of the approval.

12 MS. SCHWARTZ: Okay.

13 So what prevents an owner from
14 deliberately neglecting his property in order to
15 avoid preservation?

16 Because that was one of the things. If
17 property gets runs down, well, let's just say, you
18 know what, I'll let it get run down because then I
19 can tear it down --

20 MR. ROBERTS: I think there is some
21 language. I think that's usually called demolition
22 by neglect.

23 MS. SCHWARTZ: Yeah. It said you could
24 do that, and I wanted to like not make it not so
25 easy to do that.

1 MR. ROBERTS: Yeah. Again, it's --

2 CHAIRMAN HOLTZMAN: Dave --

3 MR. GALVIN: Well, you don't know that
4 because you don't work with it.

5 MS. SCHWARTZ: Right.

6 MR. GALVIN: No, no. I am talking to
7 Dave.

8 MR. ROBERTS: Right.

9 MR. GALVIN: Because there is a
10 property maintenance code --

11 MR. ROBERTS: Right.

12 MR. GALVIN: -- so there is a
13 certain -- if a building is deteriorating, the grass
14 isn't cut, it's overgrown --

15 MS. SCHWARTZ: Okay. So it's
16 something --

17 MR. GALVIN: -- there is a regulation
18 somewhere. You would go to the enforcement official
19 and you would discuss it with them.

20 MS. SCHWARTZ: Okay.

21 Does the application --

22 MR. GALVIN: Hold on.

23 I have to admit, you know, when a tree
24 starts growing out of the gutter, you know, it is
25 problematic, but it's not necessarily going to cause

1 the structure to fall down, so --

2 MS. SCHWARTZ: Okay. If there's
3 something --

4 MR. GALVIN: -- I get your meaning,
5 yes.

6 MS. SCHWARTZ: Exactly.
7 There is something called an applicant
8 can apply for relief, and I didn't know what that
9 meant, and I didn't know if that was a loophole --

10 MR. GALVIN: I think everybody, you
11 know, in the right circumstances and the right
12 structure, it should be demolished. You know what,
13 I think that that is what the intent was --

14 MS. SCHWARTZ: Like I don't know -- it
15 almost seemed like, oh, it's too hard for me --

16 MR. GALVIN: Same thing -- no, same
17 thing.

18 Send it to Councilman Doyle and let him
19 respond to that --

20 MS. SCHWARTZ: Okay.

21 MR. GALVIN: -- okay?

22 But I would think that in this process,
23 if you say no one can ever demolish --

24 MS. SCHWARTZ: Oh, no, no, no, no --

25 MR. GALVIN: -- I think the courts will

1 be difficult --

2 MS. SCHWARTZ: -- oh, no. I just
3 think -- I just want to avoid loopholes because you
4 are dealing with a legal document, and you have the
5 opposition, whoever the opposition would be, that
6 they want -- you can always have two sides. One
7 person wants to do one thing, and one person wants
8 to do another, so you always kind of -- you try and
9 think of like how do you not make it so easy for the
10 other person --

11 COMMISSIONER DOYLE: Everyone loves
12 Sara Lee.

13 (Laughter)

14 MS. SCHWARTZ: Pardon?

15 COMMISSIONER DOYLE: Everyone loves
16 Sara Lee.

17 (Laughter)

18 MS. SCHWARTZ: Okay. Anyway, I will
19 send all of the other questions to Commissioner
20 Doyle.

21 CHAIRMAN HOLTZMAN: Thank you.

22 MS. SCHWARTZ: Okay. Thank you.
23 Appreciate it.

24 MR. GALVIN: Good luck.

25 MS. SCHWARTZ: Thank you.

1 CHAIRMAN HOLTZMAN: Any other members
2 of the public?

3 Come on up.

4 MS. KELLY: Good evening.

5 Mary Kelly, 925 Bloomfield Street.

6 I am only commenting briefly to your
7 point, Mr. Galvin, that the Planning Board can help
8 City Council improve this ordinance before second
9 reading.

10 And some of the things that I noticed
11 in the ordinance are some inconsistencies, and as we
12 know, it makes for a much stronger position by the
13 city, if things are drafted with specificity.

14 MR. GALVIN: It's not our job to
15 oversee the governing body. We work for them, not
16 the other way around.

17 MS. KELLY: But from the point of view
18 of helping --

19 MR. GALVIN: Go ahead, Mary. Tell us
20 what you got, but --

21 MS. KELLY: All right.

22 Well, for example, the purpose of the
23 ordinance is to safeguard the culture and historical
24 heritage by preserving resources and particularly
25 historic buildings. But then when you get into the

1 actual verbiage, it does not restrict application of
2 this law to historic properties under dash two of
3 the ordinance.

4 Dash two of the ordinance also begins
5 with the heading that it applies to land, and I
6 don't believe that there is an intent, perhaps I
7 misread it, to apply this to land.

8 And to Councilman Doyle's point that
9 this ordinance is to be restricted to properties
10 that are for residential use and adjacent to or
11 abutting other residential properties, the section
12 under dash two between cap B and cap C have the
13 disjunctive of "or," and says that all applicants
14 for partial demolition, all applicants are covered
15 under this.

16 So I think that there is some fine
17 tuning that, if possible, the Planning Board could
18 suggest might be worth revisiting.

19 MR. GALVIN: I really think a better
20 way to handle this is for you to go to the second
21 reading and tell them what their ordinance --
22 because that is really not what we should be telling
23 them --

24 MS. KELLY: Okay. Then let me --

25 MR. GALVIN: -- we should be telling

1 them, if it was a three-story building in the R-1
2 zone, and they want to go to four stories, we have
3 some experiences. We can say it needs to be set
4 back a few feet. This is not the kind of, you
5 know --

6 MS. KELLY: I misunderstood your
7 suggestion --

8 MR. GALVIN: -- no, no --

9 CHAIRMAN HOLTZMAN: That's fine.

10 MR. GALVIN: -- that's fine.

11 MS. KELLY: -- so cool.

12 All right. Thank you for your time.

13 CHAIRMAN HOLTZMAN: Thank you, Mary.

14 MR. GALVIN: Thank you, and I
15 appreciate your patience with me.

16 Thank you.

17 CHAIRMAN HOLTZMAN: Anybody else from
18 the public?

19 Mr. Kratz?

20 It's good to see you, our local New
21 York Times historian.

22 (Laughter)

23 MR. KRATZ: Thank you.

24 Allen Kratz, K-r-a-t-z, A-l-l-e-n.
25 1245 Bloomfield Street.

1 Thank you.

2 And in the spirit of recommending or
3 speaking about the consistency of this ordinance
4 with the master plan, I think that the ordinance
5 would be strengthened -- first of all, I very much
6 appreciate and I'll save my appreciation for City
7 Council's second reading, but I do appreciate the
8 spirit of this ordinance, and I think that the
9 Section 2, which says that this chapter shall apply
10 to all properties located in the R residential zones
11 and essential business district, I would like to see
12 this perfected by including a reference to the
13 master plan and all properties that are listed in
14 the master plan, specifically those listed on Pages
15 126 to 133. I think that would give an additional
16 clarity to the ordinance and that would give more
17 guidance to the Historic Preservation Commission as
18 it reviews the --

19 CHAIRMAN HOLTZMAN: Allen, for those of
20 us that haven't brushed up on the master plan
21 recently --

22 (Laughter)

23 -- do you want to enlighten us as to
24 those pages?

25 MR. KRATZ: Yes.

1 It is in the Historic Preservation
2 Element, and I have a version here that it is in
3 Section VIII, and in that section there are several
4 identified historic districts that were identified
5 in 1991 as part of the Environmental Impact
6 Statement that New Jersey Transit was doing. These
7 were actually cited by Mary Delaney Krugman in
8 preparing the Historic Preservation Element in 2004
9 and codifying those and referring to those in this
10 ordinance I think would be very helpful and show
11 that the ordinance is fully consistent with the
12 master plan.

13 There are four tables in the Historic
14 Preservation section that identify historic
15 properties. I think there's about a hundred of them
16 altogether. Some of them are residential, and they
17 might not fall within the residential zone. There
18 are some outliers, and to the extent that they wish
19 to save industrial buildings for residential use,
20 for adaptive reuse, I think citing those would be
21 fully consistent with the objective of this Planning
22 Board.

23 CHAIRMAN HOLTZMAN: Director Forbes,
24 any input on that?

25 COMMISSIONER FORBES: It is going to go

1 back to the point of it's the City Council --

2 CHAIRMAN HOLTZMAN: Sure.

3 Councilman, any --

4 COMMISSIONER DOYLE: Well, that's very
5 interesting --

6 CHAIRMAN HOLTZMAN: We can't hear you
7 with your hand, sir.

8 Thank you.

9 COMMISSIONER DOYLE: Sorry, Dad.

10 (Laughter)

11 CHAIRMAN HOLTZMAN: Touche.

12 COMMISSIONER DOYLE: That is -- I like
13 the suggestion. I think it is intriguing.

14 One question I would have is table --
15 as you indicated, there are four tables in Chapter
16 VIII, and the first one is properties that are
17 listed under the National Register properties, so
18 are those already protected?

19 MR. KRATZ: Those are already listed on
20 the National Register, and they are listed and they
21 are called out in the ordinance that you adopted at
22 City Council in 2012, in August of 2012.

23 COMMISSIONER DOYLE: Right.

24 So my question would be if we're -- I
25 mean, I said, I am intrigued. The notion of

1 including these additional properties expressly in
2 the ordinance, which would be slightly expanding the
3 list because many of these are not residential, it
4 may very well be a laudable goal, but my question
5 is: Aren't the ones on Table 1 already covered --

6 MR. KRATZ: I would say pretty much at
7 Table 4, there is an outlying residential property
8 on Paterson Plank Road, for instance, and I just
9 think it makes sense to make sure we don't miss
10 anything by including a reference to Tables Roman
11 Numeral VIII, 1, 2, 3, and 4.

12 COMMISSIONER DOYLE: So it may be belts
13 and suspenders --

14 CHAIRMAN HOLTZMAN: I think Dennis
15 wants to jump in for a second.

16 MR. GALVIN: Yes.

17 You know, General Patton, the enemy of
18 the good is the great. And I think one of the
19 urgencies that the Council is facing is that there
20 has been a lot of demolitions, and they want to get
21 something on the books right now to throw the brakes
22 on. And my advice would be to the Council not to go
23 into our document, and maybe that is what they are
24 intending. But it's to get an ordinance in place
25 that gives us some protection now and then revisit

1 it and improve it.

2 But what I would say is this: If we
3 have a first reading -- what I said is: We have a
4 first reading. It comes to the Planning Board, and
5 then it goes back for the second reading, and there
6 is a hearing.

7 If they were to substantially change
8 the ordinance from the first reading, say to include
9 this, and I am not saying that the attorney for the
10 governing body will say that this is a substantial
11 change. But if it was to be determined to be a
12 substantial change, we have to restart the process.
13 It has to go back to a first reading, and then come
14 back to us and -- it might not have to come back to
15 us, but it would definitely have to be a new first
16 reading before they could go to the second
17 reading --

18 MR. KRATZ: I'm aware of the question,
19 material change, and it is a benefit cost analysis
20 and a strategic decision --

21 MR. GALVIN: No, no.

22 MR. KRATZ: -- and the Council will
23 make -- and the governing body will make that
24 decision. I am just putting it out here as --

25 CHAIRMAN HOLTZMAN: I think the

1 question that the Councilman is getting at, though,
2 and I am not sure, you guys were kind of talking
3 through it before Dennis jumped in, are the
4 properties that are listed there, are they also
5 already protected, so that we --

6 COMMISSIONER DOYLE: I think that --

7 CHAIRMAN HOLTZMAN: -- don't have to --
8 from a legal standpoint, we might not have to go
9 back to the first reading?

10 Does that make sense?

11 Am I making that clear?

12 COMMISSIONER DOYLE: I think clearly
13 for Tables 2, 3 and 4, they are not current.

14 You know, 2 is eligible, which is yet
15 to be acted upon, so there would be a change.

16 But I was wondering whether if we were
17 to make a recommendation that the Council consider
18 this, which I don't know, you know, the Council
19 doesn't have to accept it, even if it is a
20 recommendation that says you must do it, they could
21 disregard it. But I think it would be -- it carries
22 weight with the Council, and if the difference is
23 here, instead of just limiting it to residential
24 structures, it would be a specific list that
25 somebody with historic preservation expertise drove

1 around the city and said, these hundred buildings or
2 however many there are, are noteworthy, and many of
3 them are not residential, so it may be --

4 CHAIRMAN HOLTZMAN: So perhaps we could
5 send it with a -- maybe not for --

6 COMMISSIONER DOYLE: -- a watered
7 down --

8 CHAIRMAN HOLTZMAN: -- immediate use,
9 but for a long-term alteration.

10 Director, you had --

11 COMMISSIONER FORBES: Well, what I was
12 going to say, you know, to Dennis's point is if you
13 are making that -- if the Planning Board is making
14 that recommendation, and they make that as a
15 material change, they are taking into consideration
16 the Planning Board's recommendation, and then it
17 doesn't have to come back to the Planning Board to
18 be reintroduced, so it's just something to bear in
19 mind --

20 CHAIRMAN HOLTZMAN: That's a good
21 point.

22 COMMISSIONER FORBES: -- especially
23 when it is something based on the master plan.

24 COMMISSIONER DOYLE: It clearly is the
25 master plan, which is what our consistency test

1 is --

2 MR. KRATZ: That's the consistency
3 test --

4 CHAIRMAN HOLTZMAN: So, Mr. Kratz, in
5 your professional opinion, would you rather see
6 something sooner or perhaps pause and start this
7 process over a little bit with another first reading
8 to make it better?

9 MR. KRATZ: I would prefer given the
10 rate of demolition, I think it is important to move
11 ahead, and I think the compromised position is that
12 this body makes a recommendation to the City Council
13 for their action and perfecting it later on, but get
14 something on the books now.

15 CHAIRMAN HOLTZMAN: Excellent. Thank
16 you.

17 MR. KRATZ: Thank you for your time.

18 CHAIRMAN HOLTZMAN: Anybody else from
19 the public have any questions or comments?

20 Okay. Commissioners, any follow-up,
21 any additional opinions?

22 We had very interesting additional
23 information from Mr. Kratz. I think, in my opinion,
24 it seems like it is a worthwhile addition to
25 recommend that to the City Council. They can see

1 fit to act on it either immediately or perhaps take
2 it under advisement for a long-term alteration of
3 this ordinance.

4 Is there agreement to add that as a
5 recommendation?

6 I would like to hear from the
7 Commissioners.

8 COMMISSIONER FORBES: I think it is a
9 good recommendation, and it is based on the master
10 plan itself, which is what our task is here.

11 CHAIRMAN HOLTZMAN: Okay. All right.

12 COMMISSIONER O'CONNOR: As I was
13 looking at this and hearing some of the comments
14 from the public, and I was also wondering why it was
15 limited the way it was, and so I think this is a
16 good recommendation as well because it builds in
17 buildings that we have already identified.

18 CHAIRMAN HOLTZMAN: Dennis put together
19 sort of a quick little resolution here for us.

20 MR. GALVIN: Does somebody want to put
21 that into words?

22 COMMISSIONER DOYLE: I would say that
23 maybe the Council should consider the inclusion of
24 those properties listed in Table Roman Numeral VII,
25 1-4 of the city master plan. I think that does it,

1 the public portion?

2 CHAIRMAN HOLTZMAN: Yes.

3 COMMISSIONER DOYLE: Okay.

4 If I could, I did want to just make it
5 clear to the public or to Mary and others, the
6 intention is to have a master plan reexam conducted
7 early next year, which would result in a more
8 comprehensive analysis, so this ordinance to the
9 extent that people are saying why aren't the
10 churches included, you know, why aren't the, you
11 know, the idea here is sort of a first step to try
12 the same things in the short term and then do a more
13 thorough review with more professionals involved
14 within the next six months or so, so it is not that
15 we don't care about the other side.

16 But I do take issue, and I heard this
17 before, that the purpose section versus the 2A, I
18 think, are thoroughly consistent because we don't
19 have, with the exception of these hundred properties
20 on this list, we don't have R-2 and R-3 mapped out
21 the way the master plan looked really at R-1, so the
22 purpose is to make you go to the Historic
23 Preservation and have them tell you, yes, you are
24 right, this is not historic.

25 It is not an oversight that the purpose

1 says preserve historic structures, and then the
2 second says: All of these properties have to go to
3 the preservation for them to tell you whether it's
4 historic.

5 So I mean, I recognize it is a burden,
6 but it may be a short-term burden until we cure the
7 situation.

8 COMMISSIONER FORBES: And if I may, I
9 just wanted to stand on that as we do go through
10 that master plan reexamination process, the Historic
11 Preservation Commission, some of the Commissioners
12 have been working very diligently on evaluating the
13 expansion of the historic district and making
14 recommendations on that, so I think that as we go
15 through that process, you know, it is very critical
16 for us to make sure to include them and their input
17 in our process.

18 CHAIRMAN HOLTZMAN: Great.

19 Thank you.

20 MR. GALVIN: So I have: The Board
21 recommends to the Council that it should consider
22 amending this ordinance in order to include those
23 properties listed in Tables Roman Numeral VIII-1
24 through Roman Numeral VIII-4.

25 CHAIRMAN HOLTZMAN: Mr. Kratz, do you

1 have something for us?

2 MR. KRATZ: I do.

3 Phyllis can correct me if I misspoke,
4 but I think what I said was all of the properties on
5 Pages 126 to 133, and that includes those eligible
6 historic districts that Councilman Doyle mentioned,
7 so it is not just the properties on those four
8 tables. It is all of the properties listed in those
9 pages of the Historic Preservation of the master
10 plan --

11 CHAIRMAN HOLTZMAN: Okay.

12 COMMISSIONER DOYLE: Can you explain
13 what that is because I am more comfortable with a
14 specific list of properties and streets?

15 MR. KRATZ: I will give you the
16 relevant pages.

17 COMMISSIONER DOYLE: You just said what
18 they were.

19 MR. KRATZ: Mr. Roberts --

20 CHAIRMAN HOLTZMAN: Mr. Roberts, turn
21 around.

22 MR. ROBERTS: Okay.

23 MR. KRATZ: It starts at the bottom of
24 Page 126, and it goes to the next page.

25 COMMISSIONER DOYLE: You can look at

1 it.

2 MR. KRATZ: This includes the
3 properties that were also identified by the State
4 Historic Preservation Office. You will see that at
5 the bottom of Page 127, and that goes to 128.

6 MR. ROBERTS: It looks like the actual
7 properties start to be listed like at the midway
8 point of Page 127, correct?

9 MR. KRATZ: Yes, right.

10 MR. ROBERTS: These are the districts?
11 It starts with the districts?

12 MR. KRATZ: They have been determined
13 eligible by the State Historic Preservation Office.

14 VICE CHAIR MAGALETTA: I just have a
15 question.

16 Is that an accurate reproduction of the
17 master plan?

18 MR. KRATZ: I'm sorry?

19 VICE CHAIR MAGALETTA: That's an
20 accurate reproduction of the master plan?

21 MR. KRATZ: Yes. It is the one I
22 downloaded from the city's website, and it is right
23 here.

24 COMMISSIONER DOYLE: So do you just
25 want a description of what the districts are?

1 MR. KRATZ: Yes. You can cite to the
2 master plan. That is what this is. It's
3 consistency with the master plan, Pages 126 to 133.

4 COMMISSIONER DOYLE: Well, we have not
5 read it.

6 I mean, do you guys all want to vote on
7 something you haven't read?

8 Because the lists themselves are very
9 objective and they have -- and for most of the
10 pages, that is what it is. But as far as the
11 descriptions of what proposed districts are in the
12 future, I don't know --

13 MR. GALVIN: I think at the moment, I
14 think, and I do apologize to you, I am not saying it
15 is not a great idea.

16 I am saying it is beyond our
17 prerogative. This is stuff that has to be brought
18 to the governing body's attention.

19 It's like, we are agreeing with you
20 that it is there. That is how we are reaching the
21 conclusion that it is consistent with the master
22 plan --

23 MR. KRATZ: And I am saying that --

24 MR. GALVIN: -- but if we start getting
25 into the -- we really don't belong in the middle of

1 this.

2 I think that what the goal right now is
3 to get a stop gap action against these demolitions,
4 which seem to be happening often, and it needs some
5 longer term planning.

6 MR. KRATZ: My whole point was that the
7 governing body I think very much respects the
8 expertise of this Board.

9 CHAIRMAN HOLTZMAN: Thank you, Allen.

10 So I think --

11 COMMISSIONER JACOBSON: I was going to
12 clarify from an actions perspective that we're
13 recommending, I thought I heard amend the resolution
14 or the ordinance --

15 COMMISSIONER DOYLE: As opposed to
16 consider.

17 COMMISSIONER JACOBSON: -- is our
18 recommendation to adopt the ordinance as written and
19 subsequently amend, so that if they adopt it as
20 written, they are not going against what we have
21 recommended that they do?

22 Because I thought I heard we want to
23 get something in now, which would be the resolution
24 as written.

25 COMMISSIONER FORBES: I think it would

1 be consider adding those properties on those lists
2 as a part of the ordinance.

3 Whether they consider to do that now or
4 they consider to do that in the future, that would
5 be the choice of the City Council.

6 But if they do it either time, then
7 they can adopt it, you know, if it's a substantive
8 change, they don't have to bring it back to the
9 Planning Board, if they are making just that change.

10 MR. GALVIN: Okay.

11 COMMISSIONER DOYLE: So is "consider"
12 slipped in there?

13 "Consider to amend" as opposed to --
14 however you want --

15 COMMISSIONER FORBES: "Consider" --

16 COMMISSIONER DOYLE: -- yeah, however
17 you want to --

18 MR. GALVIN: I will read it again, so
19 everybody feels comfortable. It's only a few words.

20 The Board recommends to the Council
21 that it should consider amending its ordinance.

22 So by saying "amending its ordinance,"
23 it is not really saying make the change now. But if
24 they think it is a great idea, they can make the
25 change now.

1 And to include those properties listed
2 in Tables Roman Numeral I verus -- through Roman
3 Numeral IV --

4 VICE CHAIR MAGALETTA: Of the master
5 plan.

6 COMMISSIONER DOYLE: That would be
7 2014.

8 CHAIRMAN HOLTZMAN: Okay. That's the
9 one that's adopted.

10 COMMISSIONER MC KENZIE: Yes.

11 MR. GALVIN: I'm good.

12 CHAIRMAN HOLTZMAN: Okay. Good.

13 Do we have a motion to accept this
14 resolution and this recommendation to our City
15 Council?

16 COMMISSIONER MC KENZIE: Yes, I move.

17 CHAIRMAN HOLTZMAN: Great.

18 Is there a second?

19 COMMISSIONER FORBES: Second.

20 CHAIRMAN HOLTZMAN: Great.

21 Pat?

22 MS. CARCONE: Commissioner Magaletta?

23 VICE CHAIR MAGALETTA: Yes.

24 MS. CARCONE: Commissioner Stratton?

25 COMMISSIONER STRATTON: Yes.

1 MS. CARCONE: Commissioner Forbes?

2 COMMISSIONER FORBES: Yes.

3 MS. CARCONE: Commissioner Doyle?

4 COMMISSIONER DOYLE: Yes.

5 MS. CARCONE: Commissioner Mc Kenzie?

6 COMMISSIONER MC KENZIE: Yes.

7 MS. CARCONE: Commissioner Jacobson?

8 COMMISSIONER JACOBSON: Yes.

9 MS. CARCONE: Commissioner O'Connor?

10 COMMISSIONER O'CONNOR: Yes.

11 MS. CARCONE: And Commissioner

12 Holtzman?

13 CHAIRMAN HOLTZMAN: Yes.

14 Thank you.

15 Thank you, folks, that came out to
16 speak tonight. We appreciate your efforts.

17 MS. CARCONE: Dennis, are you going to
18 email that to me now?

19 MR. GALVIN: I am working on it right
20 this second.

21 MS. CARCONE: Okay.

22 MR. GALVIN: I keep getting
23 interrupted, though. I can add one more word to it,
24 if you want.

25 MS. CARCONE: Okay.

1 CHAIRMAN HOLTZMAN: Do you want to take

2 a second and do that?

3 MR. GALVIN: No, no. Go ahead.

4 CHAIRMAN HOLTZMAN: Okay.

5 (Continue on the next page)

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CITY OF HOBOKEN
HOBOKEN PLANNING BOARD
HOP-16-20

RE: 521 Washington Street : October 4, 2016
Block 216, Lot 12 :
APPLICANT: Broja Corp :
Minor Site Plan, Conditional Use and : 7:45 p.m.
Variance 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 D. Stratton
- Commissioner Brandy Forbes
- Commissioner Jim Doyle
- Commissioner Caleb McKenzie
- Commissioner Tom Jacobson
- Commissioner Kelly O'Connor

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

- David Glynn Roberts, AICP/PP, LLA, RLA
Board Planner
- Patricia Carcone, Board Secretary

PHYLLIS T. LEWIS
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9 Hoboken, New Jersey 07030
10 Attorney for the Applicant.

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WITNESS	PAGE
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E X H I B I T S

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1 CHAIRMAN HOLTZMAN: Mr. Matule, do you
2 want to start us off with 521?

3 MR. MATULE: Good evening, Mr.
4 Chairman, and Board Members.

5 Robert Matule, appearing on behalf of
6 the applicant, Broja Corp.

7 This is an application for property at
8 521 Washington Street for conditional use approval
9 and minor site plan approval to open a sushi-type
10 restaurant in the existing commercial space at 521
11 Washington Street.

12 I will have our architect confirm it in
13 testimony, but my understanding is the matter was
14 before the Historic Commission last night, and the
15 application with some minor tweaks, which the
16 architect can address, was approved, including the
17 signage.

18 We have submitted our jurisdictional
19 proofs already to the Board.

20 Before I put in my architectural
21 testimony, though, I would like to have the
22 applicant testify with respect to the business plan
23 and the day-to-day operation of the facility, what
24 is going to be going on there, and what the
25 intention of the use of this space is.

1 MR. GALVIN: I just want to say your
2 client might think that I was sandbagging him,
3 trying to send him out for pizza. I thought we
4 weren't going to reach him until like ten o'clock.

5 (Laughter)

6 Raise your right hand.

7 Do you swear or affirm the testimony
8 you are about to give in this matter is the truth,
9 the whole truth, and nothing but the truth?

10 MR. RAND: Yes.

11 B R A N D O N R A N D, having been duly sworn,
12 testified as follows:

13 MR. GALVIN: State your full name for
14 the record and spell your last name.

15 THE WITNESS: One more time?

16 MR. GALVIN: Your full name.

17 THE WITNESS: Brandon Rand.

18 MR. GALVIN: And then spell your last
19 name.

20 THE WITNESS: R-a-n-d.

21 MR. MATULE: Mr. Rand, you are the
22 principal of the applicant, Broja Corp?

23 THE WITNESS: Yes.

24 MR. MATULE: And you currently lease
25 the space at 521 Washington Street?

1 THE WITNESS: That is correct.

2 MR. MATULE: And at this time it is
3 under renovation pursuant to a zoning certificate
4 issued by the city to renovate the space to an
5 Asian-type of market?

6 THE WITNESS: Yes.

7 MR. MATULE: And we are now before the
8 Board because you would like to amend that use to
9 have a restaurant operation, correct?

10 THE WITNESS: Yes.

11 MR. MATULE: Can you describe for the
12 Board members the type of restaurant that you are
13 talking about, what kind of food will be served, how
14 it will be prepared, et cetera?

15 THE WITNESS: Sure.

16 So the name of the restaurant is Makai
17 Poke Co. Poke is a Hawaiian raw fish dish, and we
18 are serving it in a fast casual format, so it is
19 something similar to a Honey Grove or a homemade
20 style, where you build your own bowl format.

21 It is a little different than a classic
22 restaurant in the sense of we do not have
23 traditional restaurant equipment. We're mainly raw,
24 so we have, you know, we are fish and vegetable, raw
25 fish and vegetable base, so it is mostly prep.

1 The only restaurant equipment we do
2 have is the rice cookers and this oven we are trying
3 to get approved by the Board.

4 Our hours of operation are from 11 to
5 10, and on Fridays and Saturdays from 11 to 11.

6 MR. MATULE: And because you are on
7 Washington Street, and you don't have any on site
8 parking, should the Board approve the proposed use,
9 you would participate in the Park and Shop Program
10 with the Parking Authority?

11 THE WITNESS: That is correct.

12 MR. MATULE: And now you are saying you
13 don't have traditional restaurant type of equipment.

14 On the plan in the basement it
15 indicates, I believe it says, prep kitchen, but in
16 fact that is a prep area, correct?

17 THE WITNESS: Correct. It's simply an
18 area to dice and cube the fish and prepare the
19 vegetables for service.

20 MR. MATULE: There's no grills or ovens
21 or stoves or proposed cooking equipment --

22 THE WITNESS: There's absolutely no
23 cooking equipment in the basement.

24 MR. MATULE: And on the main floor, you
25 testified, other than the rice cookers, do you have

1 any kind of warming equipment or a warming drawer?

2 THE WITNESS: Oh, correct. A warming
3 shelf, which will be used to simply warm, not cook,
4 and that is all.

5 MR. MATULE: And the piece of equipment
6 that you are proposing, this -- I will call it, I
7 believe it is called a rational self-cooking center,
8 the purpose of this is to basically cook chicken
9 breasts?

10 THE WITNESS: Correct. Simply chicken
11 breasts and potentially tofu or vegetables.

12 MR. MATULE: Okay. And maybe you could
13 explain to the Board in a little more detail, and I
14 also have handouts here, if you want to mark them
15 Exhibits A and B. They are the spec sheets from the
16 manufacturer, how this -- what is your understanding
17 of how this self-contained unit works?

18 CHAIRMAN HOLTZMAN: I can't see that
19 being helpful, Mr. Matule.

20 MR. MATULE: Pardon? No? Okay.

21 CHAIRMAN HOLTZMAN: I don't think the
22 Commissioners are going to sit there and read an
23 engineering stat sheet from an oven.

24 MR. GALVIN: You can put it into
25 evidence, though.

1 CHAIRMAN HOLTZMAN: You can put it into
2 evidence, sure.

3 MR. MATULE: Well, I'll have the client
4 testify --

5 CHAIRMAN HOLTZMAN: It is part of the
6 original documents that you provided.

7 MR. MATULE: Yes.

8 So the device you are talking about is
9 electric?

10 THE WITNESS: Correct.

11 MR. MATULE: And according to the
12 manufacturer, it does not require any outside
13 venting or exterior venting?

14 THE WITNESS: Correct.

15 MR. MATULE: It has an integral hood
16 over it that captures any steam or anything that
17 comes out when you open the door?

18 THE WITNESS: Yes.

19 MR. MATULE: And the hood that is
20 integral to that unit is not meant as a general
21 exhaust hood for a kitchen, it is just for this
22 particular piece of equipment?

23 THE WITNESS: Correct.

24 CHAIRMAN HOLTZMAN: But it is an oven,
25 because we are cooking chicken breasts, right?

1 MR. MATULE: That's correct. It is an
2 electric oven.

3 CHAIRMAN HOLTZMAN: Because the
4 testimony initially was that there was no cooking,
5 so I just wanted to make sure that we are being
6 somewhat consistent.

7 MR. MATULE: The testimony earlier this
8 evening was that there was no cooking?

9 CHAIRMAN HOLTZMAN: Correct.

10 COMMISSIONER MC KENZIE: Yes.

11 MR. MATULE: I think the testimony was
12 that 90 percent of it was raw, but I suppose we
13 could go back and look at the record.

14 MR. GALVIN: Is the chicken cooked off
15 site?

16 MR. MATULE: No. The health department
17 doesn't permit that.

18 MR. MATULE: Is there an alternate way
19 to do this, if you didn't use a machine like this?

20 THE WITNESS: One alternate method for
21 the chicken breasts would be a sous vide method.

22 MR. MATULE: Can you explain for the
23 cooking challenge, what exactly that means?

24 THE WITNESS: It is vacuum sealed
25 cooking. It's submerged under water effectively,

1 and I think it would eliminate the odor concern I
2 believe because it is cooked in a vacuum sealed
3 container, so there is no smell being emitted.

4 CHAIRMAN HOLTZMAN: Right. In that
5 case all you have is boiling water.

6 THE WITNESS: Right.

7 MR. MATULE: So if -- because I mean,
8 part of why we are going through this process is it
9 has been suggested that if you are going to have a
10 device like this, it would require exterior venting
11 and, again, for lack of a more technical term, a
12 Smog Hog type of scrubber on it, and part of why you
13 looked into this equipment and now why we looked at
14 an alternative sous vide type would be to avoid the
15 expense and --

16 THE WITNESS: That is the case --

17 MR. MATULE: -- and effort of doing
18 that?

19 THE WITNESS: -- if I were to take on
20 the Smog Hog and the exhaust and all of the other
21 components, it is not financially feasible for this
22 project, and it would really eat into my cash flow.

23 MR. MATULE: But if the Board were to
24 see a way fit to allow you to do the sous vide type
25 of preparation, that would be adequate for your

1 purposes?

2 THE WITNESS: It would be.

3 MR. MATULE: All right. Very good.

4 CHAIRMAN HOLTZMAN: So I had a chance
5 to review some of the materials that you sent along,
6 and there was a link to some videos from the oven
7 manufacturer, and there were two things that I
8 thought were curious and concerned me.

9 One: In every single one of the six
10 videos that I watched, even though this system is
11 perhaps not required to have an exhaust system, the
12 unit was shown and featured under an exhaust system.
13 I thought that was curious.

14 The second is: One of the huge
15 advantages of this piece of equipment, which it
16 seems like it's a technical marvel oven that can do
17 virtually anything, it can cook. It can saute. It
18 can bake bread in a humid atmosphere like a
19 professional baking type of an oven to make
20 croissants. It can fry. It can do virtually
21 anything, and that is the huge advantage of it is
22 that with this one piece of equipment, you can have
23 a kitchen's worth of equipment.

24 So the concern that I have is while we
25 have the applicant himself here is: How is that,

1 without trying to completely micro manage a
2 restaurant operation, how do we make sure that there
3 is not a spillover of what looks like a fantastic
4 asset to our town into the neighbors that abut you
5 above, to the left, to the right and behind?

6 That is my personal concern. It always
7 is on these applications. I would love to go to
8 this place. It sounds really great. My concern is
9 what is the neighborhood impact, or how do we manage
10 or deal with that, again, without completely micro
11 managing the world?

12 MR. MATULE: And I guess what the
13 applicant and I am suggesting to the Board to try to
14 allay that concern even though based on all of the
15 information we have provided from the manufacturer
16 of this piece of equipment, that that shouldn't be a
17 concern because the way to make it empirically not a
18 concern is not to have that piece of equipment in
19 there, with the understanding that we could
20 accomplish the same thing through the sous vide
21 process.

22 And hopefully, if the Board is amenable
23 to that, then that will allay that concern about
24 frying or baking bread or doing all of these things
25 that this one machine can do, and the applicant is

1 amenable to having parameters drawn in any
2 resolution clarifying that point, that there would
3 be, other than a sous vide type of piece of
4 equipment and the rice cookers and a warming tray,
5 there would be no other cooking equipment in the
6 premises. And if at some point in the future they
7 wanted to modify that, they would be required to
8 come back to the Board and address that issue.

9 CHAIRMAN HOLTZMAN: So, Mr. Matule, did
10 you want to proceed with your architect or --

11 MR. MATULE: Yes, sure.

12 CHAIRMAN HOLTZMAN: -- unless any of
13 the Commissioners have any questions specifically of
14 the applicant while we have him up here, to the
15 business owner?

16 THE WITNESS: I just have one --

17 COMMISSIONER JACOBSON: I would like to
18 understand more about whether there is going to be
19 outdoor cafe seating and/or anything associated to a
20 liquor license with this?

21 MR. MATULE: Pardon me?

22 CHAIRMAN HOLTZMAN: Hang on. Hang on.
23 Just one second.

24 Dennis has -- let's try to finish up
25 one topic. Dennis has a condition with what Mr.

1 Matule just said --

2 MR. GALVIN: Although the applicant
3 represented that it will not utilize grills, stoves
4 or other cooking, other than a sous vide, that it --
5 other than a sous vide -- I have to move that one.
6 It is in the wrong place.

7 CHAIRMAN HOLTZMAN: How about we circle
8 back to you?

9 MR. GALVIN: No. I got it. I got it.

10 CHAIRMAN HOLTZMAN: Okay.

11 MR. GALVIN: Will not utilize grills,
12 stoves or other cooking that will cause smells and
13 fumes and will only use a sous vide --

14 CHAIRMAN HOLTZMAN: Sous vide.
15 You didn't take French in high school.

16 MR. GALVIN: No, I'm not close.

17 MR. MATULE: And a rice cooker.

18 VICE CHAIR MAGALETTA: Sous vide type
19 vent.

20 (Board members confer)

21 COMMISSIONER JACOBSON: So I was
22 interested in what are your plans for outdoor
23 seating, and will there be a liquor license attached
24 to this establishment?

25 THE WITNESS: No liquor license.

1 Outdoor seating maybe.

2 MR. MATULE: Yes. The architect will
3 testify to that, a typical outdoor cafe.

4 CHAIRMAN HOLTZMAN: Anything
5 specifically to the applicant, or we can get him up
6 here later?

7 Okay. Let's move forward with the
8 architect.

9 MR. MATULE: Just one more quick
10 question just for the record.

11 The non fish component of the menu
12 comprises approximately how much of the operation?

13 THE WITNESS: Ten percent of the
14 operation.

15 So in reference to the, you know, the
16 equipment in the videos being seen with exhaust,
17 most of those are large commercial type kitchens,
18 where 90 percent more cooking is occurring.

19 But in this operation it is not as
20 much, so the smell and the odor would not be on that
21 level.

22 CHAIRMAN HOLTZMAN: So it is not really
23 a sushi restaurant it seems like as well, since
24 we're not going to have like what we normally get at
25 a sushi restaurant of smoked eel and shrimp and --

1 THE WITNESS: There will be shrimp.
2 There will be salmon, but it's not served as a sushi
3 roll. It's served more as a sushi bowl.

4 CHAIRMAN HOLTZMAN: So those items
5 would be cooked as well, though. Is that correct?

6 THE WITNESS: Say that again.

7 CHAIRMAN HOLTZMAN: Those items would
8 be cooked as well?

9 THE WITNESS: The shrimp?

10 CHAIRMAN HOLTZMAN: Right.

11 THE WITNESS: The shrimp comes cooked.

12 CHAIRMAN HOLTZMAN: The shrimp comes
13 cooked. Okay.

14 MR. MATULE: The salmon is raw?

15 THE WITNESS: The salmon is raw,
16 correct.

17 (Laughter)

18 Salmon, tuna, yeah, the fish is all
19 raw. It is sushi quantity fish.

20 COMMISSIONER DOYLE: Can I ask, do you
21 have a preference between the sous vide and the --

22 THE WITNESS: Yes.

23 My preference is the oven because I
24 hired a restaurant consultant specifically to deal
25 with the equipment side of things, and he suggested

1 the oven produces a better product, so that would be
2 my optimal.

3 MR. MATULE: That's it.

4 CHAIRMAN HOLTZMAN: Okay. Let's take
5 it one at a time. Great. Thanks.

6 MR. MATULE: Okay.

7 Mr. Caramia?

8 MR. CARAMIA: Good evening.

9 MR. MATULE: You have to be sworn and
10 qualified.

11 MR. GALVIN: Raise your right hand.

12 Do you swear or affirm the testimony
13 you are about to give in this matter is the truth,
14 the whole truth, and nothing but the truth?

15 MR. CARAMIA: I do.

16 MR. GALVIN: Thank you.

17 I G N A T I U S C A R A M I A, ICOM Architects,
18 LLC., 258 Newark Street, Hoboken, New Jersey, having
19 been duly sworn, testified as follows:

20 THE WITNESS: Ignatius Caramia, ICOM
21 Architects. I-g-n-a-t-i-u-s, C-a-r-a-m-i-a.

22 MR. GALVIN: Can we have three Boards
23 not in Hoboken that you have appeared before
24 recently?

25 THE WITNESS: I have Passaic, Clifton,

1 and Paterson.

2 MR. GALVIN: That is three.

3 Mr. Chairman, do we accept his
4 credentials?

5 CHAIRMAN HOLTZMAN: Yes.

6 MR. GALVIN: You may proceed.

7 THE WITNESS: As Mr. Matule has already
8 indicated, this is actually presently being fit out
9 as an Asian market, and we would like to take it one
10 step further and finally convert it to a fully
11 operational restaurant, albeit without any major
12 cooking. We were before the Historic Commission
13 last night.

14 We did make some changes subsequent to
15 our last meeting with you folks. There was a
16 retractable storefront that we had initially
17 proposed that we did away with. We have a more
18 conventional or traditional storefront now that was
19 approved by the Historic along with the signage, the
20 lighting, and the entries.

21 To answer the gentleman's question,
22 there is a component for cafe dining out there.

23 COMMISSIONER MC KENZIE: Could you hold
24 that up?

25 THE WITNESS: Cafe dining.

1 So this was the Historic Board with the
2 sign and all.

3 If I can regroup, we have cafe dining
4 for about 12 seats, and restaurant dining for 34
5 seats within the restaurant. Fully renovated, two
6 new bathrooms, again, a prep kitchen in the
7 basement, and a dining and service area on the
8 ground floor, and new finishes throughout.

9 MR. MATULE: In addition to eliminating
10 the folding door in the front, one of the other
11 questions raised by H2M in their review letter is
12 they wanted more definition as to where the
13 recyclables and trash were going to be stored?

14 THE WITNESS: We have a courtyard
15 adjacent to the building or tucked into the
16 building, which the neighbors also use for a similar
17 purpose. We have an air conditioning condenser in
18 that courtyard, and we would actually like to store
19 our recyclables and trash there.

20 MR. MATULE: They will be stored in
21 sealed containers and put out nightly?

22 THE WITNESS: Nightly, correct.

23 MR. MATULE: And one other issue was
24 ADA compliance under the rehabilitation code --

25 THE WITNESS: We made it as ADA

1 compliant as possible, which is to say it is 100
2 percent ADA compliant with the slight exception of
3 the front entry, which is somewhat infeasible
4 according to the rehab sub code. There is a section
5 of the rehab code, I think it is 6.6 under
6 alterations, that if it is disproportionately
7 costly, you have to make it as accessible as
8 possible, which we have done.

9 CHAIRMAN HOLTZMAN: So --

10 COMMISSIONER JACOBSON: What does that
11 mean?

12 CHAIRMAN HOLTZMAN: I agree. What does
13 that mean?

14 Because the first part of the testimony
15 was that it was compliant as possible, but then it
16 is not, so can we be specific about that?

17 THE WITNESS: Well, sure.

18 Everything we have control over, we
19 have made compliant. The whole interior is
20 completely accessible and traversable.

21 CHAIRMAN HOLTZMAN: Except you just
22 can't get in the front door.

23 (Laughter)

24 THE WITNESS: Well, the front entry
25 presents us with a step, which would force us to

1 redo the sidewalk, redo the stairs to the basement
2 to get that elevation raised, and it also --

3 CHAIRMAN HOLTZMAN: Well, that is the
4 testimony that you need to provide to us, so we
5 understand why you are not in compliance with the
6 federal ADA, so can you walk us through specifically
7 what that is?

8 THE WITNESS: I am not getting it --

9 CHAIRMAN HOLTZMAN: Do you understand
10 what I am asking?

11 MR. MATULE: I think what the Chairman
12 is asking is --

13 CHAIRMAN HOLTZMAN: What is the
14 justification?

15 MR. MATULE: -- not just that you're --
16 my understanding is you are not required to be in
17 compliance.

18 THE WITNESS: That's correct.

19 CHAIRMAN HOLTZMAN: So please tell us
20 why.

21 MR. MATULE: Explain in effect what you
22 would have to do to be in compliance and why that is
23 not feasible.

24 THE WITNESS: Well, we are required to
25 be in compliance to the fullest extent possible is

1 what the rehab code tells us, and this is what we
2 are striving for.

3 MR. MATULE: Okay.

4 And so there is a disconnect between
5 the fullest extent possible and the extent possible?

6 THE WITNESS: Right.

7 MR. MATULE: So what is that, and what
8 would you have to do?

9 Would you have to raise the sidewalk up
10 approximately ten inches --

11 THE WITNESS: Correct, about eight
12 inches.

13 MR. MATULE: -- or build a ramp?

14 THE WITNESS: Correct.

15 It would force us to raise the sidewalk
16 eight inches.

17 It would also force us to redo the
18 Bilco doors on the stairs, and we have an issue with
19 the proximity to adjacent property owners, where we
20 can't ramp off, you know, from our door drastically
21 in order to get back to their, you know, back to
22 their level.

23 MR. MATULE: Okay. I think that is a
24 good answer.

25 A couple of other points that H2M

1 raised. In fact, I know one of the things Mr.
2 Hipolit raised in his report was about having a fat,
3 oil and grease trap. There is one in the system
4 now, correct?

5 THE WITNESS: There is a grease trap.

6 MR. MATULE: You have that installed
7 and that has passed the plumbing code?

8 THE WITNESS: Correct.

9 MR. MATULE: As far as your existing
10 water lines and sewer lines, you are going to
11 continue to use them, correct?

12 THE WITNESS: We are going to continue
13 to use the service that's coming in and out of the
14 building. However, all of our plumbing for the
15 restaurant is being provided new.

16 MR. MATULE: In the interior?

17 THE WITNESS: Within the interior.

18 MR. MATULE: But you are using all of
19 the existing utility connections to hook up to the
20 existing sewer system and the existing water main?

21 THE WITNESS: Correct, correct. Yes --

22 MR. MATULE: I'm sorry --

23 THE WITNESS: -- with the exception of
24 the electric, which is being upgraded.

25 MR. MATULE: But where I am going with

1 this is there was a lot, I had written a very
2 extensive response to Mr. Hipolit's report, because
3 a lot of the issues were raised, almost anticipating
4 that this was like new construction, about the sewer
5 line and the stormwater detention on the site, and
6 none of that is anticipated, correct?

7 THE WITNESS: Right.

8 MR. MATULE: Everything that is
9 existing now will remain in the context of tying
10 into the existing utilities?

11 THE WITNESS: Correct.

12 MR. MATULE: Okay.

13 And you said the signage and the
14 lighting were approved by Historic last night?

15 THE WITNESS: That's correct.

16 MR. MATULE: And you did refer to a
17 second sheet on here, H-1.

18 Is that what was submitted to Historic?

19 THE WITNESS: Yes, it was.

20 MR. MATULE: All right.

21 So, again, what I would like to do with
22 the permission of the Chair is to mark that sheet
23 A-1 --

24 CHAIRMAN HOLTZMAN: So that's an
25 updated --

1 MR. MATULE: -- so it would be part of
2 the record of what we testified about here tonight.

3 And that shows the signage and the
4 fixed window in the front as opposed to the folding
5 storefront, is that correct?

6 THE WITNESS: Correct.

7 (Exhibit A-1 marked.)

8 MR. MATULE: And could you just flip
9 back to your Z-1, I believe it is, and just indicate
10 on the drawing itself where the outdoor seating is?

11 THE WITNESS: The outdoor seating is in
12 the front. There is a rail around the perimeter, a
13 removable rail, if you will, demarcating it from the
14 apartment entry.

15 MR. MATULE: And that will be operated
16 in accordance with the outdoor cafe regulations and
17 application?

18 THE WITNESS: Correct.

19 MR. MATULE: Okay. I have nothing
20 further.

21 CHAIRMAN HOLTZMAN: Okay.

22 any questions from Mr. Roberts?

23 MR. ROBERTS: Mr. Chairman, I guess --
24 well, I will try to kind of gel together both the
25 engineering and planning.

1 One of the -- from the planning
2 standpoint, obviously we were able to confirm that
3 it is a conditional use and it meets the three
4 requirements for a restaurant.

5 Those three requirements that there
6 have to be at least two other businesses on the
7 block, it is on the ground floor in the basement,
8 and it has to be less than a thousand square feet or
9 a thousand square feet or less of customer floor
10 area, so we confirmed with the drawings that it
11 meets all three of those requirements.

12 One of the other issues that was
13 addressed, which was brought up, was the retractable
14 storefront, which they indicated they changed.

15 They also got -- and we did get a copy
16 of the Historic Preservation approval from the
17 Zoning Officer this afternoon, so we confirmed that.

18 So the questions we had about signage
19 and things like that are addressed now by that.

20 So I think the only outstanding issue
21 from Andy's report, I think we spent the first part
22 of this discussion about, which had to do with the
23 vents and the research that his folks did pretty
24 much. Some of the similar research that you
25 mentioned, Mr. Chairman, as far as the videos and

1 things that they looked at, and I think that has
2 already been addressed, so I think we pretty much
3 got our comments covered.

4 We did ask for testimony in Andy's
5 letter on things that Mr. Matule just asked the
6 architect in terms of the sewer capacity and some of
7 the other things, so I think we pretty much covered
8 our questions.

9 CHAIRMAN HOLTZMAN: Okay.

10 Commissioners, any questions for the
11 architect?

12 COMMISSIONER MC KENZIE: Well, I don't
13 know if this is necessarily a question.

14 But I do have a problem with the
15 fact -- and I understand your constraints -- but I
16 do have a problem when people with disabilities
17 either have problems or can't get into the
18 restaurant at all. And I do see you have a party
19 space in the back, so it would eliminate anybody
20 getting back there at all.

21 I mean, that is just my feeling. I
22 think that is a very negative thing.

23 CHAIRMAN HOLTZMAN: Dave, we heard the
24 architect's justification that it would be
25 difficult, but not impossible to make the entrance

1 handicapped accessible because we have had instances
2 where people have also not had the ability to put a
3 ramp outside, but they could use some of their
4 exterior space to create an entrance ramp and kind
5 of created a little foyer or vestibule or something
6 like that.

7 Where does this sort of shake out on
8 the ADA scale?

9 MR. ROBERTS: That's a good question,
10 because it is only one step, but it is a high step,
11 and it is a very narrow lot. So they have -- I
12 think if the Bilco door wasn't there, they might be
13 able to figure out a solution, and I think the Bilco
14 door is the entrance to their basement area where
15 they are going to have food prep, and I don't know
16 whether there is another way of getting down there,
17 other than the Bilco door, but I imagine that that
18 is constricted.

19 So other than having a ramp come
20 straight out from the front door, which could
21 potentially be a trip hazard for pedestrians, I am
22 not sure what other options there are for a property
23 this narrow that is --

24 CHAIRMAN HOLTZMAN: So what is the
25 threshold as to when somebody is required to provide

1 access, and when is too much or too much of an
2 expense or too much of an effort the ability to say,
3 no, it is okay, they are not in compliance, and the
4 requirement is waived?

5 MR. ROBERTS: I think normally that is
6 handled through the construction office as part of
7 the construction code with ADA for rehab, and they
8 will probably look to see if there is a solution and
9 there may be a --

10 MR. GALVIN: I heard, too, before it
11 has to be more than 50 percent of the building has
12 to be rehabbed. Isn't there a bright line test,
13 do you know?

14 THE WITNESS: This is. I am not sure
15 if it is 50 for handicapped requirements.

16 MR. GALVIN: If it's a major rehab of
17 the building, you got to comply with ADA --

18 CHAIRMAN HOLTZMAN: A storefront rehab
19 is not hitting the threshold.

20 MR. GALVIN: No. It's definitely --
21 it's never going to hit the threshold.

22 CHAIRMAN HOLTZMAN: Okay. So then that
23 is an answer. That's a good answer -- not a good
24 answer, but it's an answer.

25 COMMISSIONER DOYLE: Is there a

1 possibility of a temporary ramp that's sort of
2 tapered on either side, so, you know, you could pull
3 it in at night or even --

4 MR. GALVIN: Let me just say this also:

5 The ADA has a way for people who feel
6 that they are being unjustly kept out of a facility,
7 and they can bring a lawsuit, so it makes sense for
8 anyone serving the public to make sure that you have
9 ways and means to get handicapped people into your
10 business.

11 THE WITNESS: Yes. I recognize that
12 and I made that clear to my client as well. It is a
13 human rights law frankly, your know, and that is why
14 we try to get there, you know, as best as we can.

15 MR. GALVIN: So we are not the final
16 destination on this, if there is a real concern.

17 MR. ROBERTS: Yeah.

18 Actually one thought that I think
19 Commissioner Doyle -- that kind of made me wonder
20 about this.

21 You have in your application that the
22 deliveries are taken into the front, correct?

23 The deliveries are all coming in from
24 the front?

25 THE WITNESS: As in the --

1 MR. MATULE: The Bilco door?

2 MR. RAND: Yes.

3 MR. ROBERTS: Okay. Now, oh, through
4 the Bilco door.

5 So would there be any situations where
6 you would need a ramp for deliveries, or are they
7 all going down the basement?

8 I guess my question is: If you have a
9 situation where you could put a temporary ramp in
10 for a delivery, you could also put a temporary ramp
11 in for a wheelchair.

12 COMMISSIONER MC KENZIE: Yes.

13 MR. MATULE: You're still under oath.

14 You heard the question. Can you
15 address that?

16 Are the deliveries going down into the
17 basement?

18 MR. RAND: I think the ones -- I don't
19 know. It is not fully decided yet.

20 We were using the Bilco doors for
21 deliveries, but we also have capability to take
22 products down through the staircase inside, but it
23 is much easier through the Bilco doors.

24 MR. MATULE: But as far as getting into
25 the restaurant space itself, do you have the ability

1 to get a hand truck up over that step, if somebody
2 is making a delivery from the outside?

3 I don't know how high that step is. Do
4 you know?

5 MR. RAND: I do not know.

6 CHAIRMAN HOLTZMAN: Just hang on one
7 second.

8 Ms. O'Connor?

9 COMMISSIONER O'CONNOR: Can we consider
10 making a condition, if there is an approval, to have
11 a ramp, a removable ramp on site that could be
12 stored somewhere, maybe in the basement or something
13 like that, so that if a person with disabilities
14 came to the restaurant and wanted to get in, you
15 could pull that out and make it accessible for the
16 time being, and then, of course, avoid the tripping
17 hazard because you could pull it back in?

18 CHAIRMAN HOLTZMAN: That sounds like a
19 great idea. It needs to be something that's
20 professionally --

21 COMMISSIONER O'CONNOR: I had --

22 CHAIRMAN HOLTZMAN: -- one at a time --
23 it needs to be --

24 COMMISSIONER O'CONNOR: -- I'm sorry.
25 May I please add to the record?

1 COMMISSIONER DOYLE: No, no.

2 (Laughter)

3 CHAIRMAN HOLTZMAN: Go ahead.

4 COMMISSIONER O'CONNOR: No, that is
5 fine.

6 MR. MATULE: And, Mr. Caramia, that is
7 feasible to have some kind of a ramp?

8 THE WITNESS: It is feasible, and it's
9 a wonderful idea in that it allows us, as I said
10 earlier, to spill off one side or gradually spill
11 off one side and perhaps have to have a rail on the
12 other, which precludes you from falling off, you
13 know.

14 CHAIRMAN HOLTZMAN: Let's not make it
15 too complicated.

16 Can we have some type of a
17 professionally manufactured ramp that is available
18 for handicapped people's access?

19 THE WITNESS: Yes, but I need to warn
20 the Board that it may encroach on the right-of-way.
21 We need to --

22 CHAIRMAN HOLTZMAN: It is a temporary
23 thing that isn't there all of the time --

24 THE WITNESS: Correct.

25 CHAIRMAN HOLTZMAN: -- but it's some --

1 MR. ROBERTS: It's an accommodation.

2 CHAIRMAN HOLTZMAN: -- it is an
3 accommodation. The applicant is required to get
4 something manufactured that is not more than a
5 couple of two-by-fours nailed together, something
6 that's professionally built, that is on site.

7 MR. MATULE: Yes. I have seen aluminum
8 ones made --

9 CHAIRMAN HOLTZMAN: Right.

10 MR. MATULE: -- and with the
11 understanding that if the need arises, it can be put
12 in place temporarily --

13 CHAIRMAN HOLTZMAN: And removed.

14 MR. MATULE: -- and when the need goes
15 away, it will be removed and put back into storage,
16 and we have no issues with a condition like that.

17 MR. GALVIN: The applicant is to have a
18 temporary ramp to accommodate the handicapped. It
19 is not to be left in place, but is to be available
20 on site.

21 MR. MATULE: Fine.

22 COMMISSIONER STRATTON: I prefer the
23 word "deployable."

24 CHAIRMAN HOLTZMAN: "Deployable" as
25 opposed to what?

1 COMMISSIONER STRATTON: "Temporary."

2 CHAIRMAN HOLTZMAN: Okay.

3 COMMISSIONER MC KENZIE: That it can be
4 removed.

5 MR. MATULE: Deployable?

6 (Laughter)

7 I don't want to start splitting hairs,
8 but to me "deployable" ---

9 CHAIRMAN HOLTZMAN: But you are going
10 to.

11 MR. MATULE: -- I have to because
12 "deployable" to me implies that it is a permanent
13 fixture there in the front of the building, and you
14 do something to deploy it, like push a lever or pull
15 a button or do something, as opposed to having two
16 bus boys go down the basement and drag this thing up
17 and put it in the front of the one step going into
18 the restaurant.

19 CHAIRMAN HOLTZMAN: I think we are
20 going to figure out the language.

21 MR. MATULE: Okay.

22 CHAIRMAN HOLTZMAN: We don't need to
23 trip on this one too much. Okay?

24 (Laughter)

25 MR. MATULE: Okay. Very good.

1 CHAIRMAN HOLTZMAN: Any other questions
2 for the architect, Commissioners?

3 COMMISSIONER STRATTON: Were the fire
4 suppression systems updated as part of the
5 renovation?

6 THE WITNESS: No, it's not required.

7 COMMISSIONER STRATTON: Were they
8 performed as part of it?

9 THE WITNESS: We have smoke -- a fire
10 alarm system within the building, but not fire
11 suppression.

12 CHAIRMAN HOLTZMAN: Okay.

13 Any members of the public that have any
14 questions for the architect?

15 VICE CHAIR MAGALETTA: I have a
16 question.

17 CHAIRMAN HOLTZMAN: Oh, Mr. Magaletta,
18 sorry.

19 VICE CHAIR MAGALETTA: For the awning,
20 the retractable awning, it extends eight feet,
21 correct?

22 THE WITNESS: Correct.

23 VICE CHAIR MAGALETTA: And once it is
24 extended, if there is outdoor seating, it goes all
25 the way to the out most edge of the exterior

1 seating?

2 THE WITNESS: It covers everyone that's
3 seated.

4 VICE CHAIR MAGALETTA: Bear with me.
5 There are balconies in front of the
6 structure, and I assume -- well, I will get to that
7 next -- if something falls off, how durable is this
8 awning?

9 If somebody has a glass or a pint of
10 something, and it falls off accidentally --

11 CHAIRMAN HOLTZMAN: A plant.

12 VICE CHAIR MAGALETTA: -- will slow
13 down, what kind of protection is there for somebody
14 down below, if you know?

15 THE WITNESS: I am thinking quickly
16 here.

17 I will say those balconies are only
18 projecting out a foot from the face of the building,
19 but yes, it is a thing to think about.

20 VICE CHAIR MAGALETTA: If something
21 falls off, I mean, my question is from the top
22 floor, how much -- again --

23 CHAIRMAN HOLTZMAN: Well, what is the
24 material?

25 VICE CHAIR MAGALETTA: That is what I

1 am trying to find out.

2 THE WITNESS: Oh, it is a canvas
3 awning. It's a canvas. I am sure it is fiber
4 reinforced canvas.

5 VICE CHAIR MAGALETTA: Okay.

6 You don't know this probably, but for
7 the purpose of operation, when the outdoor seating
8 is used, will that canopy be extended all of the
9 time? I mean, that is for the owner, the applicant
10 to come forward.

11 Did you hear my question?

12 MR. RAND: Yes, I did.

13 Is that a requirement of the Board?

14 VICE CHAIR MAGALETTA: It might be,
15 because my concern is, you know, safety for your
16 customers actually more than anything else. You
17 might want to do it.

18 MR. RAND: Understood.

19 Is an awning a requirement of cafe
20 sitting?

21 VICE CHAIR MAGALETTA: Not that I am
22 aware of.

23 COMMISSIONER MC KENZIE: No.

24 MR. RAND: Then I am not really -- I
25 think it would be more up to --

1 VICE CHAIR MAGALETTA: To the moment.

2 MR. RAND: Yes, to the moment, correct.

3 VICE CHAIR MAGALETTA: All right.

4 Thank you.

5 CHAIRMAN HOLTZMAN: Commissioners, any
6 additional questions of the architect?

7 Mr. Matule, do you have any other
8 witnesses or --

9 MR. MATULE: No, that is all I have.

10 CHAIRMAN HOLTZMAN: Okay.

11 MR. MATULE: I would like to think it
12 is a reasonably straightforward application.

13 As Mr. Roberts said, we meet the
14 conditions of the ordinance for restaurant use,
15 which are basically the 196-33 conditions, a
16 separate entrance, ground floor and basement and not
17 more than 1000 square feet of customer service area,
18 and as I said, we are going to participate in the
19 Park and Shop Program to address any parking
20 requirement.

21 CHAIRMAN HOLTZMAN: Mr. Roberts,
22 anything additional?

23 MR. ROBERTS: I think that pretty
24 much -- that was the one thing I didn't mention,
25 which is the Park and Shop.

1 We did say that because it was an
2 intensification of use, a minor site plan is
3 required. That is probably the one minor site plan
4 issue, the parking, and that has been addressed by
5 Park and Shop, so --

6 CHAIRMAN HOLTZMAN: Okay.

7 COMMISSIONER FORBES: I also want to
8 make sure that we add that the conditions of the
9 Historic Preservation Commission are complied with.

10 CHAIRMAN HOLTZMAN: We can add an
11 additional copy of the report that we received from
12 them to our documents.

13 COMMISSIONER DOYLE: Okay.

14 MR. GALVIN: I asked.

15 COMMISSIONER DOYLE: Oh, you did.

16 Any additional questions, comments or
17 opinions, Commissioners?

18 COMMISSIONER O'CONNOR: I have a
19 question. It's back on the oven slash sous vide
20 preparation.

21 Maybe this is a question for Mr.
22 Roberts regarding the requirements for venting, et
23 cetera, or not venting.

24 I am just not fully clear on what the
25 requirements are for the oven and whether or not the

1 application meets those requirements in your
2 opinion.

3 MR. ROBERTS: Well, I think there is no
4 real requirements in the ordinance.

5 I think as far as a conditional use
6 when you are introducing a use that is traditionally
7 permitted in a residential zone, you are trying to
8 protect the principal permitted residential use and
9 odors from a restaurant is really the thing you
10 normally focus on, so that is why the attention has
11 been given on the venting system.

12 The research that we were able to
13 determine is that particular oven that was proposed
14 reduces the odors, but doesn't eliminate them, so
15 that means there is still a possibility that there
16 could be an impact, so that is what I think led to
17 the discussion.

18 COMMISSIONER O'CONNOR: I got it.

19 CHAIRMAN HOLTZMAN: I think there is an
20 important second part of it, which is to install an
21 exhaust system and an electrostatic scrubber, is
22 that what it is or something like that?

23 MR. ROBERTS: Yes.

24 CHAIRMAN HOLTZMAN: Right?

25 MR. ROBERTS: Yes.

1 CHAIRMAN HOLTZMAN: Is a considerable
2 expense. So I think it seems like it is a fair
3 trade-off.

4 If you want to do cooking, and you
5 don't want to put the exhaust system on, then I
6 think the sous vide method seems like it's logical.
7 Then you don't run into the trouble of needing the
8 potential for exhaust.

9 Other than just the application
10 tonight, I also think it is important for us to
11 consider what happens in the future and, you know,
12 it went from being a beauty salon or whatever I
13 think was in here previously or a clothing store or
14 something to a restaurant.

15 All of a sudden, as we know,
16 constituents like to all of a sudden start smelling
17 everything when there is something that is changed
18 in their neighborhood, so I think that's an
19 important thing to consider.

20 I think their consideration to change
21 their cooking methodology, so that there isn't any
22 exposure, it seems to make sense to me.

23 Dennis, you have four conditions.
24 Could you read them for us?

25 MR. GALVIN: Okay.

1 One: Although the applicant
2 represented that it will only use a sous vide and a
3 rice cooker, and that it will not utilize grills,
4 stoves or other cooking devices, that will cause
5 smells and fumes -- smells and odors --

6 COMMISSIONER O'CONNOR: Odors and
7 fumes, not smells and fumes.

8 CHAIRMAN HOLTZMAN: This is the most
9 difficult --

10 MR. GALVIN: -- smells or socks, huh?

11 In the event grills -- in the event
12 grills, stoves or other cooking devices are
13 introduced in this operation that cause odors and
14 fumes --

15 CHAIRMAN HOLTZMAN: Oh, Lord.

16 MR. GALVIN: -- the applicant must
17 install a Smog Hog or a similar system to eliminate
18 the smells and fumes.

19 So if you decide to change the cooking
20 operation, or you sell it and somebody else takes
21 over, and they change the cooking operation, we got
22 to fix that problem, okay?

23 Two --

24 CHAIRMAN HOLTZMAN: You got to fix that
25 paragraph, too, but that is okay.

1 (Laughter)

2 MR. GALVIN: -- the applicant agreed to
3 participate in the Park and Shop Program.

4 How is that one? Is that all right?

5 (Laughter)

6 Three: The applicant is to have a
7 deployable ramp to accommodate the handicapped on an
8 as-needed basis. It is not to be left in place, but
9 it is to be available somewhere on site.

10 CHAIRMAN HOLTZMAN: There you go.

11 MR. GALVIN: Then you are not saying
12 where on site, okay?

13 "Does anybody know where you put that
14 damn deployable ramp?"

15 (Laughter)

16 Four: The conditions of the Historic
17 Commission are to be complied with and are to be
18 attached as Exhibit A.

19 CHAIRMAN HOLTZMAN: Okay.

20 Commissioners, any additional
21 questions, comments?

22 Any additional conditions you want to
23 add to this, or if not, is there a motion to accept
24 these four conditions for approval?

25 COMMISSIONER MC KENZIE: I move.

1 CHAIRMAN HOLTZMAN: You move for a
2 motion to accept.

3 COMMISSIONER MC KENZIE: Yes.

4 CHAIRMAN HOLTZMAN: Thank you.

5 COMMISSIONER DOYLE: Second.

6 CHAIRMAN HOLTZMAN: Second from Mr.
7 Doyle.

8 MS. CARCONE: Commissioner Magaletta?

9 VICE CHAIR MAGALETTA: Yes.

10 MS. CARCONE: Commisioner Stratton?

11 COMMISSIONER STRATTON: Yes.

12 MS. CARCONE: Commissioner Forbes?

13 COMMISSIONER FORBES: Yes.

14 MS. CARCONE: Commissioner Doyle?

15 COMMISSIONER DOYLE: Yes.

16 MS. CARCONE: Commissioner McKenzie?

17 COMMISSIONER MC KENZIE: Yes.

18 MS. CARCONE: Commissioner Jacobson?

19 COMMISSIONER JACOBSON: Yes.

20 MS. CARCONE: Commissioner O'Connor?

21 COMMISSIONER O'CONNOR: Yes.

22 MS. CARCONE: Commissioner Holtzman?

23 CHAIRMAN HOLTZMAN: Yes.

24 Thank you.

25 MR. MATULE: Thank you. I appreciate

1 it.

2 (Laughter)

3 CHAIRMAN HOLTZMAN: We will a take
4 ten-minute break, everybody.

5 (The matter concluded)

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C E R T I F I C A T E

I, PHYLLIS T. LEWIS, a Certified Court Reporter, Certified Realtime Court Reporter, and Notary Public of the State of New Jersey, do hereby certify that the foregoing is a true and accurate transcript of the 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: 10/5/16
 This transcript was prepared in accordance with
 NJAC 13:43-5.9.

CITY OF HOBOKEN
HOBOKEN PLANNING BOARD
HOP-16-17

- - - - - X
RE: 117-118 Harrison Street : October 4, 2016
Block 26, Lots 11 and 12 :
APPLICANT: 374 Seventh Realty, LLC :
Amendment to Approved Site Plan and : 8:50 p.m.
C Variance :
- - - - - X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman Gary Holtzman
- Vice Chair Frank Magaletta
- Commissioner Caleb D. Stratton
- Commissioner Brandy Forbes
- Commissioner Jim Doyle
- Commissioner Caleb McKenzie
- Commissioner Ryan Peene
- Commissioner Tom Jacobson
- Commissioner Kelly O'Connor

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

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

- Patricia Carcone, Board Secretary

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I N D E X

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3 WITNESS

PAGE

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5 Ciaran Kelly

100

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E X H I B I T S

8

9 EXHIBIT NO.

DESCRIPTION

PAGE

10

11 A-1

Two aerial photographs

101

12

A-2

Preliminary Landscape Plan

101

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1 CHAIRMAN HOLTZMAN: All right. Okay,
2 and we are back on the record.

3 Please let the record show that
4 Commissioner Ryan Peene has joined us.

5 COMMISSIONER PEENE: Indeed.

6 CHAIRMAN HOLTZMAN: The next item on
7 our agenda is 117 Harrison, Mr. Matule.

8 MR. MATULE: Good evening, Mr.
9 Chairman, and Board members.

10 Roberts Matule appearing on behalf of
11 the applicant.

12 Before we begin, I would just like to
13 put on the record I have provided the Board
14 Secretary with a letter amending the application.
15 Between the time we filed the application and this
16 evening, the applicant, who was not the owner, has
17 now become the owner.

18 The applicant was filed under the name
19 of Kyle Enger and Anthony Sabia. The owner for the
20 record is now 374 Seventh Realty, LLC, a New Jersey
21 liability limited company, which is owned 50 percent
22 each by Mr. Enger and Mr. Sabia.

23 I have given the Board Secretary a
24 letter, which sets all of that forth, and I have
25 also supplied a contribution disclosure form for the

1 new LLC because they are already on file for Mr.
2 Sabia and Mr. Enger.

3 CHAIRMAN HOLTZMAN: Okay.

4 MR. MATULE: I know that was a question
5 that came up at the work session, and I wanted to
6 have the answer.

7 So we were here in October of 2015 for
8 site plan approval and variances to construct a new
9 five-story, seven-unit building with eight parking
10 spaces.

11 At the time we received variance
12 approval for 70 percent lot coverage, the project as
13 originally proposed had 71.2 percent with rear
14 balconies and four units in the rear of the
15 building. During the course of the hearing, the
16 applicants agreed to remove them.

17 The matter was approved, and the
18 applicant has subsequently started work on the
19 building. In light of the surrounding buildings,
20 which are quite similar and all have balconies, the
21 applicant is now seeking to amend the previous
22 application to add 5-by-12 balconies on the rear
23 four units and increase the lot coverage by 1.2
24 percent.

25 As a result of that request, you know,

1 taking a vertical plane, if you will at the rear of
2 the building, our rear yard will now only be 25 feet
3 deep as opposed to 30 feet deep even, though at
4 grade we will have a clear 30 feet to the back wall
5 of the building. I think the architect will get
6 into more detail about what is driving this request
7 and give the Board a better insight as to what that
8 donut looks like back there.

9 So having said that, I would like to
10 have Mr. Kelly sworn and have him testify.

11 MR. GALVIN: Do you swear or affirm the
12 testimony you are about to give in this matter is
13 the truth, the whole truth, and nothing but the
14 truth?

15 MR. KELLY: I do.

16 C I A R A N K E L L Y, having been duly sworn,
17 testified as follows:

18 MR. GALVIN: State your full name for
19 the record and spell your last name.

20 THE WITNESS: Ciaran Kelly, K-e-l-l-y,
21 C-i-a-r-a-n.

22 MR. MATULE: And, Mr. Kelly, you have
23 appeared before the Planning Board --

24 MR. GALVIN: Time out.

25 We will accept Mr. Kelly's credentials.

1 CHAIRMAN HOLTZMAN: Yes, we will.

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

3 Okay. If you would, and if we are
4 going to refer to anything that is not in the plans,
5 let's mark it.

6 THE WITNESS: I have the drawings which
7 were submitted, and I have two exhibits.

8 MR. MATULE: Okay.

9 So why don't we mark the first exhibit
10 as A-1, and if you would just describe for the Board
11 what it is.

12 (Exhibit A-1 marked)

13 THE WITNESS: Yes.

14 This is two aerial photographs of the
15 existing conditions of the donut on this block.

16 MR. MATULE: Okay.

17 THE WITNESS: The second exhibit is a
18 preliminary landscaping plan for the rear portion of
19 Jackson Street Park, which I will describe later.

20 MR. MATULE: Okay. So we will mark
21 that A-2.

22 (Exhibit A-2 marked)

23 MR. MATULE: Okay. So, if you would,
24 Mr. Kelly, describe the existing site and the
25 surrounding properties for the Board.

1 THE WITNESS: Yes.

2 So it is a 50-by-100 foot lot --

3 MR. GALVIN: Hello. I'm sorry. No
4 offense, but --

5 CHAIRMAN HOLTZMAN: Yes, let's take a
6 pause for a second.

7 Commissioners, this is something we
8 reviewed in the recent future.

9 Does anyone need the architect to start
10 at square one of reviewing the site plan, or can we
11 expedite this review?

12 What would people like?

13 COMMISSIONER PEENE: I'd just like --

14 CHAIRMAN HOLTZMAN: Feel free.

15 COMMISSIONER PEENE: -- I would just
16 like to talk about the balconies.

17 THE WITNESS: Yeah.

18 CHAIRMAN HOLTZMAN: Okay.

19 MR. GALVIN: Let me just say this.

20 In what we an approved in November --

21 MR. MATULE: Fine.

22 MR. GALVIN: -- if it's not going the
23 right way, you can stop, and we can do something
24 else, okay?

25 THE WITNESS: That is all I was going

1 to do.

2 MR. GALVIN: Okay.

3 MR. MATULE: So why don't you

4 describe --

5 MR. GALVIN: You don't --

6 CHAIRMAN HOLTZMAN: Hang on. One at a
7 time.

8 MR. GALVIN: -- I'm sorry. I am trying
9 to be helpful maybe.

10 CHAIRMAN HOLTZMAN: Okay.

11 MR. GALVIN: In condition number 12 of
12 the resolution of approval in November, we said:
13 The plan is to be revised to show the balconies as
14 recessed, and that no part of the building will
15 exceed 30 feet in the rear yard setback except for
16 stairs.

17 Is that what is being changed?

18 THE WITNESS: Yes.

19 MR. MATULE: Yes.

20 MR. GALVIN: So all of the other
21 conditions of approval will still be met?

22 THE WITNESS: I don't have all of the
23 conditions in front of me --

24 MR. MATULE: Yes.

25 THE WITNESS: -- yes.

1 MR. MATULE: I will represent yes.

2 (Laughter)

3 MR. GALVIN: All right.

4 So what we need to test out is what is
5 the variance relief that we need because of the new
6 balconies.

7 MR. ROBERTS: It's a 1.2 percent
8 increase in lot coverage and a setback of five feet.

9 MR. GALVIN: Okay.

10 So give us some proofs as to the 1.2
11 percent.

12 THE WITNESS: Yes.

13 I just wanted to illustrate basically
14 the abundance of outdoor space on the interior of
15 this particular block.

16 This is a view looking west from above
17 at the two existing buildings adjoining ours.

18 This is 109 to 115 Harrison.

19 This is 122-127 Harrison.

20 Our building as approved matches both
21 of these buildings in terms of lot coverage, rear
22 lot line and also height.

23 Both of these buildings have balconies
24 at the rear. In both cases those balconies project
25 five feet off of the rear wall of the building.

1 These balconies here are five feet by
2 19. These are 5-by-8.

3 Also, if we look directly from above,
4 we can see the other side of that interior donut
5 space, and there are consistently either decks,
6 balconies or fire escapes on all the buildings.

7 The exception, of course, there's this
8 hole in the donut, which is the Jackson Street bar.

9 MR. MATULE: Okay. And can you
10 describe what the balconies will look like and how
11 they will integrate into that donut?

12 THE WITNESS: Absolutely.

13 Well, the balconies that we are
14 proposing are five feet deep off the rear face of
15 our building. They are 12 feet wide, so it's 60
16 percent or 60 feet of outdoor space on the rear of
17 our building. They are stacked vertically, so that
18 accounts for the 1.2 percent additional lot
19 coverage.

20 If I show a rear facade elevation, on
21 Sheet Z-8, the drawing on the left-hand side is the
22 proposed rear facade.

23 These are these balcony projections.
24 They would have glass railings with a steel
25 handrail, and the balcony at the second floor would

1 also have an access stair to the private rear yard
2 for that second floor unit.

3 MR. MATULE: And approximately how far
4 do they sit in off the north and south side of the
5 building?

6 THE WITNESS: In both cases 19 feet off
7 the side property line.

8 MR. MATULE: And then looking, I guess
9 it would be east, is the rear yard going to be
10 landscaped?

11 THE WITNESS: Yes.

12 The rear yard is subdivided. This is
13 on the original approval. It's subdivided into two
14 private rear yard spaces, and both at 750 square
15 feet.

16 The one on the northern side is being
17 deeded to Unit 2A. The one on the southern side to
18 2B.

19 So they are landscaped. We have a
20 combination of cast stone pavers. We have cedar
21 clad planters. We have epy seating. We also have
22 small outdoor kitchens in both.

23 The perimeter on all three sides would
24 be a six foot high masonry privacy wall, which backs
25 on to the rear line of the Jackson Street project.

1 MR. MATULE: And is the applicant
2 proposing to do anything with respect to the rear of
3 the Jackson Street Park?

4 THE WITNESS: Yes.

5 What we are proposing in a way to
6 mitigate the effect of these balcony projections,
7 there is an existing space at the back of Jackson
8 Park, which is kind of a no man's land. It's a
9 seven foot six deep space.

10 As you know, Jackson Street Park is a
11 kind of a wall garden. It's a park within the
12 existing wall of an older building, but there is
13 this space at the rear that is currently just kind
14 of -- I won't say it's overgrown, because the
15 planting there isn't even taking real hold, but it
16 is because it is not maintained, and there's really
17 no access to that space.

18 What we would be proposing would be to,
19 in conjunction with the city, however they would
20 like to see this area planted, would be to come in
21 and landscape and beautify that area, and that would
22 be accessed and maintained from the park, so
23 essentially, adding additional public landscaped
24 space.

25 MR. MATULE: And in effect, offset that

1 five feet that we're losing by enhancing --

2 THE WITNESS: Exactly, yes.

3 MR. MATULE: -- our adjoining property?

4 THE WITNESS: Yes.

5 So our balcony projections are five
6 feet, and this would be 7 feet 6, and in terms of
7 square footage, the overall outdoor space that we
8 would be gaining in the balconies is 240 square
9 feet. This is 375 square feet of outdoor space.

10 CHAIRMAN HOLTZMAN: If I remember
11 looking at the sketch there, you will be putting
12 new fencing around the Jackson Street Park --

13 THE WITNESS: Yes. That --

14 CHAIRMAN HOLTZMAN: -- that rear area
15 behind the actual building that the park is in?

16 THE WITNESS: Correct, yes.

17 So that space is currently a chain link
18 fence there. So we would be removing it on the
19 western side where we have our proposed privacy
20 wall, and then on the north and south side we can
21 either continue that same treatment or we can do any
22 other treatment that the city required.

23 CHAIRMAN HOLTZMAN: Right.

24 So this is a nice amenity for the park?

25 THE WITNESS: I believe so, yes.

1 CHAIRMAN HOLTZMAN: Yes.

2 Great.

3 Thank you.

4 Any questions for the architect?

5 COMMISSIONER JACOBSON: Could you
6 describe more about what the landscaping in that
7 space would be, since it is going to be surrounded
8 by a number of walls in the middle of the donut?

9 THE WITNESS: Yes.

10 In truth, we don't have a landscaping
11 plan proposed. We will happily work with the city,
12 or we can introduce and we can get a landscape
13 architect to propose a plan for that space, given
14 the shading, as you described --

15 COMMISSIONER JACOBSON: Yeah.

16 THE WITNESS: -- but currently we
17 haven't proposed a specific species.

18 COMMISSIONER JACOBSON: Okay.

19 CHAIRMAN HOLTZMAN: I know that they
20 have communicated with Leo Pellegrini, who is the
21 Director of Environmental Services, who maintains
22 the park, and they were kind of figuring out what
23 would be the appropriate thing, so the
24 administration is already in talks with them to
25 figure out what is appropriate and, you know, to

1 make sure it obviously has a chance of surviving
2 back there, right.

3 MR. GALVIN: So the landscape plan is
4 being provided to whom for their review and
5 approval?

6 I would normally say Mr. Roberts,
7 but --

8 MR. ROBERTS: It sounds like it's
9 the --

10 CHAIRMAN HOLTZMAN: The Director of
11 Environmental Services, who administers the park.

12 Okay?

13 COMMISSIONER DOYLE: Mr. Kelly, in the
14 photograph you pointed out the decks on the west
15 back of the west buildings, which is the ones
16 adjacent to your -- no, that is the east I think --

17 THE WITNESS: Yes. I'm sorry.

18 Here?

19 COMMISSIONER DOYLE: So those buildings
20 are all 70 feet deep?

21 THE WITNESS: Correct.

22 COMMISSIONER DOYLE: And then you
23 pointed out that the decks on the east, the back of
24 the east side, the lower photo, are those buildings
25 also seven feet deep?

1 THE WITNESS: I don't know, but -- no,
2 actually I believe these are 60 feet deep.

3 COMMISSIONER DOYLE: Okay.

4 THE WITNESS: Yes. I know it because
5 we do have this drawing dimension from our survey.

6 COMMISSIONER DOYLE: Okay.

7 And you said that the seven foot -- it
8 is a 50 foot wide lot, five-zero, correct?

9 THE WITNESS: Yes.

10 COMMISSIONER DOYLE: Okay.

11 So the seven feet that you are
12 proposing to fix --

13 THE WITNESS: Yes. It is 7 foot 6,
14 yes.

15 COMMISSIONER DOYLE: 7 foot 6.

16 Thank you.

17 I was figuring how was it not 350
18 square feet, but the 6 does that.

19 THE WITNESS: Yes.

20 COMMISSIONER DOYLE: Okay. Thank you.

21 Well --

22 CHAIRMAN HOLTZMAN: Do you have
23 something else, Jim?

24 COMMISSIONER DOYLE: No. I mean, the
25 decks on the back side of the donut obviously are

1 not encroaching, as they are beyond the 60 foot,
2 which is the allowed 60 percent lot coverage, so
3 they are also of -- they must have been either
4 grandfathered or obtained variances in the past, but
5 I was just wondering whether the whole donut had 75
6 feet of, you know, 70 foot buildings, plus five foot
7 of decks, and it turns out the back side doesn't, so
8 that's --

9 CHAIRMAN HOLTZMAN: Okay.

10 MR. ROBERTS: Mr. Chairman, just a
11 follow-up question.

12 I don't know if, Ciaran, you had
13 checked the setbacks in the -- because one of the
14 issues here is the balcony requires variances to the
15 rear yard, which is one of the things the Board was
16 looking to reduce. The last time it was cut down,
17 the number of variances, and I think that was one of
18 the reasons why the balconies were recessed.

19 It looks to me, just to follow up on
20 Councilman Doyle's question, that the side where the
21 buildings are 60 feet --

22 THE WITNESS: Yes.

23 MR. ROBERTS: -- that the rear yard
24 setbacks may comply with those balconies.

25 In other words, it looks like that

1 because the buildings are 60 instead of 70, the rear
2 yards probably comply. But on the side where the
3 buildings are 70 feet, it looks like they may also
4 have nonconforming, if you were to measure the rear
5 yard to those balconies --

6 THE WITNESS: Yes, I would agree.

7 Now, I can't say specifically in this
8 case because without actually physically going out
9 there to measure --

10 MR. ROBERTS: I didn't know whether you
11 had checked those dimensions or not. That was
12 pretty much the question.

13 THE WITNESS: No.

14 MR. ROBERTS: But that is what it looks
15 like.

16 THE WITNESS: Yeah.

17 CHAIRMAN HOLTZMAN: Thank you.

18 COMMISSIONER DOYLE: So you indicated
19 that since going out and starting construction, has
20 the building been partially constructed or where
21 does it stand --

22 THE WITNESS: I believe the foundation
23 is in the ground --

24 UNIDENTIFIED VOICE: No. We are doing
25 excavation.

1 COMMISSIONER DOYLE: Okay.

2 I was just wondering whether it was a
3 fait accompli that the building was built, and it
4 was just yes or no for the decks versus --

5 CHAIRMAN HOLTZMAN: Did you want the
6 demolition ordinance to apply here?

7 (Laughter)

8 MR. GALVIN: Historic preservation.

9 (Laughter)

10 COMMISSIONER DOYLE: No. I was
11 thinking if you took a foot off the back of the
12 building, you would not need a variance for the
13 71 -- well, I guess you still would need a variance
14 anyway. Okay.

15 CHAIRMAN HOLTZMAN: Any other
16 questions, Commissioners?

17 Dennis has a couple of conditions. He
18 can read his conditions.

19 MR. GALVIN: All right.

20 This project was previously approved by
21 the Hoboken Planning Board, Application HOP-15-9,
22 which memorialized on November 5th, 2015.

23 Condition number 12 of that resolution
24 is hereby excised and thereby permits the applicant
25 to provide a rear balcony as shown to the Board at

1 the time of the hearing on October 4, 2016.

2 All other conditions of that resolution
3 remain in full force and effect.

4 Two: The applicant agreed to provide
5 additional landscaping to benefit the city and
6 agreed to provide its landscape plan to the Director
7 of Environmental Services, who administers the park
8 for his review and approval.

9 CHAIRMAN HOLTZMAN: Anything, Director?

10 COMMISSIONER FORBES: I just had a
11 comment.

12 When this was before us before, I know,
13 you know, a standard comment is about the bay
14 windows, you know, the extension out into the
15 right-of-way, and if I recall, that was one of my
16 issues on this particular application. But when
17 those balconies were brought within the framework of
18 the building and recessed into the building, to me,
19 it was something to off set that, okay, you are
20 asking for something additional in the back, and you
21 are asking for something additional in this bay
22 projection.

23 I just wanted to put that out there
24 because it is still a concern for me that there are
25 these bay windows in the front, and I know that that

1 is not what they're asking for a change on, but it
2 is something that I had considered when we saw this
3 application at first.

4 I do appreciate the proposal for, you
5 know, making some positive impacts to that park, and
6 I just wanted to put that comment out there.

7 CHAIRMAN HOLTZMAN: Okay.

8 COMMISSIONER DOYLE: The park
9 renovation, is that a one-time, you know, cleanup of
10 this area, and the city will maintain it? I'm
11 not --

12 MR. MATULE: Yes.

13 THE WITNESS: Yes.

14 MR. MATULE: That is the plan.

15 COMMISSIONER DOYLE: -- I'm not asking
16 for it. I just wanted to make sure that I
17 understood.

18 THE WITNESS: And the access is through
19 the park. There's no access from our side --

20 COMMISSIONER DOYLE: But you have a six
21 foot wall between you and that, correct?

22 THE WITNESS: Correct.

23 COMMISSIONER DOYLE: So you could walk
24 over it.

25 (Laughter)

1 COMMISSIONER PEENE: No. I think from
2 a marketability perspective given that all of the
3 buildings in the area do have balconies, and you are
4 proposing a new construction, I don't have a bias
5 towards balconies resulting in the back of the
6 building. I think they are being done very
7 conservatively so to speak.

8 You know, balconies can mean many
9 different things to many different people. I see
10 people sometimes have gardens on their balconies.
11 They are not always places where people go to party,
12 so I think the way in which they are constructed
13 here in the center and the improvements being done
14 to the park next door, I am okay with everything.

15 CHAIRMAN HOLTZMAN: All right.

16 Anything else, Commissioners, or is
17 there a motion to accept with the two conditions
18 that Dennis read off to us?

19 COMMISSIONER PEENE: So moved.

20 CHAIRMAN HOLTZMAN: Okay. Is there a
21 second?

22 COMMISSIONER MC KENZIE: Second.

23 CHAIRMAN HOLTZMAN: Okay.

24 MS. CARCONE: Commissioner Magaletta?

25 VICE CHAIR MAGALETTA: No.

1 MS. CARCONE: Commissioner Stratton?

2 COMMISSIONER STRATTON: Yes.

3 MS. CARCONE: Commissioner Forbes?

4 COMMISSIONER FORBES: Yes.

5 MS. CARCONE: Commissioner Doyle?

6 COMMISSIONER DOYLE: Yes.

7 MS. CARCONE: Commissioner McKenzie?

8 COMMISSIONER MC KENZIE: Yes.

9 MS. CARCONE: Commissioner Peene?

10 COMMISSIONER PEENE: Yes.

11 MS. CARCONE: Commissioner Jacobson?

12 COMMISSIONER JACOBSON: Yes.

13 MS. CARCONE: Commissioner O'Connor?

14 COMMISSIONER O'CONNOR: Yes.

15 MS. CARCONE: Commissioner Holtzman?

16 CHAIRMAN HOLTZMAN: Yes.

17 MS. CARCONE: It's approved.

18 CHAIRMAN HOLTZMAN: Thank you.

19 MR. MATULE: Thank you.

20 (The matter concluded)

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C E R T I F I C A T E

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3 I, PHYLLIS T. LEWIS, a Certified Court

4 Reporter, Certified Realtime Court Reporter, and

5 Notary Public of the State of New Jersey, do hereby

6 certify that the foregoing is a true and accurate

7 transcript of the proceedings as taken

8 stenographically by and before me at the time, place

9 and date hereinbefore set forth.

10

11 I DO FURTHER CERTIFY that I am neither

12 a relative nor employee nor attorney nor counsel to

13 any of the parties to this action, and that I am

14 neither a relative nor employee of such attorney or

15 counsel, and that I am not financially interested in

16 the action.

17

18 s/Phyllis T. Lewis, CCR, CRCR

19 - - - - -

20 PHYLLIS T. LEWIS, C.C.R. XI01333 C.R.C.R. 30XR15300

21 Notary Public of the State of New Jersey

22 My commission expires 11/5/2020.

23 Dated: 10/5/16

24 This transcript was prepared in accordance with

25 NJAC 13:43-5.9.

CITY OF HOBOKEN
HOBOKEN PLANNING BOARD
HOP-16-19

RE: 527 Washington Street : October 4, 2016
Block 216, Lot 15 :
APPLICANT: 1 Chu U, Inc. :
Conditional Use Review for a proposed : 9 p.m.
Quick Serve Crepe Restaurant :
----- X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman Gary Holtzman
- Vice Chair Frank Magaletta
- Commissioner Caleb D. Stratton
- Commissioner Brandy Forbes
- Commissioner Jim Doyle
- Commissioner Caleb McKenzie
- Commissioner Ryan Peene
- Commissioner Tom Jacobson
- Commissioner Kelly O'Connor

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

- David Glynn Roberts, AICP/PP, LLA, RLA
Board Planner
- Patricia Carcone, Board Secretary

PHYLLIS T. LEWIS
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6 Attorney for the Board.

7 JAMES J. BURKE, ESQUIRE
8 235 Hudson Street
9 Hoboken, New Jersey 07030
10 Attorney for the Applicant.

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WITNESS

PAGE

Kendrick Lam

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1 CHAIRMAN HOLTZMAN: Okay, Mr. Burke,
2 527 Washington Street.

3 MR. BURKE: Thank you, Mr. Chairman.
4 Jim Burke, representing the applicant.

5 As it turns out, the application that
6 you heard before, this is on the same block, so some
7 of the issues might be similar, except this
8 application involves only a conditional use approval
9 and does not involve a variance or any site plan.

10 That being said, I just have one
11 witness. There are other people here, if questions
12 come up, but the witness will be the architect, who
13 is Mr. Lam, Kendrick Lam.

14 MR. GALVIN: Raise your right hand.
15 Do you swear or affirm the testimony
16 you are about to give in this matter is the truth,
17 the whole truth, and nothing but the truth?

18 MR. LAM: Yes.
19 K E N D R I C K L A M, having been duly sworn,
20 testified as follows:

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

23 THE WITNESS: Kendrick Lam, L-a-m, as
24 in Mary.

25 MR. BURKE: All right. You are a

1 licensed architect in the State of New Jersey, is
2 that correct?

3 THE WITNESS: Correct.

4 MR. BURKE: But your office is in New
5 York?

6 THE WITNESS: Yes, oh, I'm sorry --

7 MR. GALVIN: That's all right.

8 You're licensed in New Jersey. Give me
9 three Boards that you have appeared before in New
10 Jersey, not Planning in Hoboken.

11 THE WITNESS: Just Jersey City.

12 MR. GALVIN: Okay.

13 Mr. Chairman, I recommend that we
14 accept his credentials.

15 CHAIRMAN HOLTZMAN: We accept Mr. Lam's
16 credentials, yes.

17 MR. GALVIN: Now you can say Jersey
18 City and Hoboken.

19 THE WITNESS: Thank you.

20 (Laughter)

21 MR. BURKE: Okay.

22 MR. GALVIN: Skip that.

23 MR. BURKE: All right.

24 Just quickly, what was there prior to
25 this proposed use?

1 THE WITNESS: There was an existing
2 Boost mobile store, a cell phone store.

3 MR. GALVIN: That's why it's not there
4 any more.

5 (Laughter)

6 MR. BURKE: True.

7 So describe what the proposed use is.

8 THE WITNESS: We are proposing a food
9 take-out that specializes in crepes.

10 MR. BURKE: All right. And there will
11 be light cooking, correct?

12 THE WITNESS: Very light cooking.

13 MR. BURKE: All right.

14 So with the light cooking, there will
15 be a vent system and an auto cleaning system,
16 correct?

17 THE WITNESS: Correct.

18 MR. BURKE: Would you give the Board
19 some of the details to that system, because that was
20 brought up in one of the letters.

21 THE WITNESS: Yes.

22 So from the first plans that I
23 submitted, we had revised the venting system.

24 Now we are proposing to go through the
25 first floor roof, align with the existing exterior

1 wall the second and third floor and terminate at the
2 very top of the roof, where the exhaust and the
3 cleaning system, which is an electrostatic
4 precipitation device that was suggested by the Board
5 to be installed.

6 MR. BURKE: All right.

7 The issue of smells and so forth, you
8 believe that system will address it properly?

9 THE WITNESS: Yes.

10 MR. BURKE: Okay.

11 And how about the noise ordinance?

12 THE WITNESS: The noise does conform
13 with the noise ordinance of 133.

14 MR. BURKE: So it meets the
15 ordinance --

16 THE WITNESS: Correct.

17 MR. BURKE: All right.

18 And just describe the interior of the
19 space, what you intend to do.

20 THE WITNESS: Sure.

21 The space is 630 square feet.

22 The front of the house is where people
23 enter on Washington Street. It is approximately 200
24 square feet.

25 The remaining 400 square feet is the

1 kitchen prep area and storage. Basically dividing
2 the space is the serving counter.

3 There is also a new handicapped
4 accessible bathroom that's located between the
5 customer area and the kitchen area.

6 MR. BURKE: And the interior is ADA
7 compliant?

8 THE WITNESS: Yes.

9 MR. BURKE: But the same issue has come
10 up with the prior application, correct?

11 THE WITNESS: Correct.

12 MR. BURKE: With a lip or something
13 like that?

14 THE WITNESS: There is about a five to
15 six-inch step in the front.

16 MR. BURKE: Okay.

17 So if the Board as a requirement would
18 ask this applicant, you are happy to do the same to
19 create a portable --

20 THE WITNESS: Temporary --

21 MR. BURKE: -- temporary system to
22 allow a handicapped person in, that would be
23 amenable?

24 THE WITNESS: Yes, yes.

25 MR. BURKE: Okay.

1 Now, describe the time of the operation
2 of the facility, the hours.

3 THE WITNESS: From Sunday to Thursday
4 from 10 to 11, 10 a.m. to 11 p.m.

5 Fridays and Saturdays from 10 a.m. to
6 12 a.m.

7 MR. BURKE: All right.

8 And then similarly, there were a number
9 of issues that came up in the report involving North
10 Hudson Sewer.

11 Did you make inquiry into North Hudson
12 Sewer Authority as to what requirements they would
13 have?

14 THE WITNESS: Yes.

15 So I had a phone conversation with
16 North Hudson Sewer. I had described the proposed
17 space, the proposed equipment, and the proposed
18 alterations to the sewer.

19 They had informed me that there was no
20 application that I had to submit to them or any
21 approvals.

22 MR. BURKE: So they did not exercise
23 any jurisdiction over this application?

24 THE WITNESS: No.

25 MR. BURKE: Okay.

1 CHAIRMAN HOLTZMAN: Dave, is that
2 what's in our -- I didn't understand Mr. Burke's
3 question, because I know that Andy had some
4 questions about that with regards to the sewer
5 hookup and other issues, and Mr. Lam's testimony is
6 that there is no application or no requirement
7 required.

8 I just want to make sure we're --

9 MR. ROBERTS: I think my understanding
10 is that they just wanted to verify that the
11 operation wasn't going to change any particular flow
12 on the existing hookup, and I am hearing that it is
13 not.

14 THE WITNESS: It is not.

15 CHAIRMAN HOLTZMAN: Okay. Great.

16 MR. BURKE: All right.

17 And then is there any use of the
18 backyard or the basement?

19 THE WITNESS: Not at this time, but
20 within the lease, they do have the option to use the
21 cellar space.

22 MR. BURKE: A piece of the cellar or
23 the entire cellar?

24 THE WITNESS: The entire cellar.

25 MR. BURKE: And that would be for

1 storage?

2 THE WITNESS: Correct.

3 MR. BURKE: Okay. All right.

4 Now, as Mr. Roberts points out in his
5 review letter, it is basically a three-prong test to
6 determine whether the Board can pass the conditional
7 use.

8 You are familiar with those three
9 criteria?

10 THE WITNESS: Yes.

11 MR. BURKE: Can you explain it?

12 THE WITNESS: Yes.

13 So within the block frontage, there
14 should be at least two other stores, which we do
15 have.

16 If there was residential use within the
17 building, that the commercial use would be on the
18 ground floor, which we are at, and that the space,
19 the customer area, be under a hundred square feet,
20 and we are approximately 200 --

21 MR. BURKE: You mean a thousand square
22 feet.

23 THE WITNESS: -- oh, I'm sorry, a
24 thousand square feet, but we are approximately 200
25 square feet.

1 MR. BURKE: All right.

2 So, in your opinion, you meet the
3 criteria?

4 THE WITNESS: Yes.

5 MR. BURKE: Okay. I have no other
6 questions.

7 CHAIRMAN HOLTZMAN: Okay.

8 MR. ROBERTS: Mr. Chairman, I think
9 from a conditional use standpoint, I think it is
10 pretty straightforward.

11 There was one question that Andy had
12 raised regarding a survey, and I think there has
13 been some discussion, Mr. Burke, about that.

14 MR. BURKE: Yes.

15 MR. ROBERTS: In particular, we know
16 that there was an air fan proposed at the rear
17 exterior wall. There was a question whether it
18 would be on -- we just wanted to make sure it wasn't
19 encroaching on the adjacent property because the
20 wall is right on the property line.

21 So I don't know, I think our suggestion
22 would be that as a condition of approval, that would
23 be based on a survey being provided prior to the
24 vote on the resolution.

25 Our recommendation is that we know for

1 sure that there is not going to be an encroachment
2 before we actually vote on the application. I don't
3 think you have it tonight.

4 MR. BURKE: Yes, that was ordered.
5 That was agreed to, and the delay was most times a
6 landlord will have a survey, so the applicant, who
7 in this case is a tenant, did not want to spend the
8 \$2000 to get new survey.

9 unfortunately, the landlord informed us
10 he bought the property without a survey. We found
11 that out last week.

12 The survey was ordered, and so I made a
13 request to Pat Carcone to allow us to proceed, and I
14 was told that we could do that with the condition
15 that the survey would be -- if Caulfield was doing
16 the survey, they would provide it, and if there is a
17 problem with the survey or an issue, then that
18 would, you know, have an impact on the approval.

19 MR. ROBERTS: The reason we want to
20 make sure, if it has to be relocated, so there is no
21 encroachment, that we know about that.

22 CHAIRMAN HOLTZMAN: So what does it
23 look like from the plans?

24 MR. ROBERTS: It looks like we can't
25 determine definitively one way or the other. It's

1 right on the wall.

2 The question is if the wall is on the
3 property line, does it project out over the adjacent
4 property, or is it within the property itself. We
5 don't have a survey at all, so we can't make that
6 determination without it.

7 CHAIRMAN HOLTZMAN: Okay.

8 MR. GALVIN: What are we going to do,
9 if there is an encroachment?

10 MR. ROBERTS: I would think that we
11 should try to -- I mean, the makeup air fan, it is
12 my understanding, it is proposed to be located at
13 the rear wall, so you would have to move it.

14 THE WITNESS: Correct.

15 MR. BURKE: The air fan was the only
16 issue that might be problematic with the survey --

17 MR. GALVIN: So right now we'll leave
18 it at: The applicant is to supply a survey to the
19 Board's Engineer between now and memorialization
20 that will confirm that there is no encroachment.

21 If there is, we will deal with it that
22 night.

23 MR. BURKE: Acceptable.

24 MR. GALVIN: You'll figure it out.

25 CHAIRMAN HOLTZMAN: Do we have any more

1 presentation from the architect in terms of the --

2 MR. BURKE: I do not.

3 CHAIRMAN HOLTZMAN: Excuse me?

4 MR. BURKE: I do not.

5 MR. GALVIN: I have a couple quick
6 things.

7 May I?

8 CHAIRMAN HOLTZMAN: Yes, sure.

9 MR. GALVIN: The Historic Commission,
10 did you guys go to the Historic Commission?

11 MR. BURKE: Yes.

12 MR. GALVIN: And the same thing, we
13 should attach the conditions that we did in the last
14 one.

15 MR. BURKE: The Historic Commission did
16 approve it.

17 MR. GALVIN: It didn't come up, but I
18 am sure Dave would have thought about it in a
19 second, I have the Park and Shop Program.

20 You guys are in that, is that what --

21 MR. ROBERTS: That hasn't been brought
22 up in this application, but it is a legitimate, you
23 know, because it is very small space.

24 MR. BURKE: The space is small.

25 How many tables and chairs do you

1 propose?

2 THE WITNESS: There's only three tables
3 and there's room for standing customers --

4 MR. GALVIN: So take that out?

5 MR. ROBERTS: Yes, I think so.

6 MR. GALVIN: I was just making sure
7 that the two applications to the extent that I can,
8 I have treated them similarly. Okay?

9 MR. BURKE: The difference was that the
10 other application was more of a restaurant --

11 MR. GALVIN: No, you're done. You're
12 done. Don't oversell. Okay?

13 MR. BURKE: Okay.

14 MR. GALVIN: And the applicant is to
15 have a deployable ramp to accommodate the
16 handicapped on site and on an as-needed basis. It
17 is not to be left in place, but it is to be
18 available somewhere on site.

19 COMMISSIONER DOYLE: Can we call it a
20 Stratton ramp?

21 (Laughter)

22 MR. GALVIN: Well, we will after
23 tonight. You've got to use it at least three times
24 before it becomes that.

25 (Laughter)

1 CHAIRMAN HOLTZMAN: Outdoor cafe?

2 THE WITNESS: No.

3 CHAIRMAN HOLTZMAN: None anticipated

4 or --

5 THE WITNESS: Not anticipated.

6 MR. BURKE: No.

7 CHAIRMAN HOLTZMAN: Okay.

8 Commissioners, any additional
9 questions, comments?

10 COMMISSIONER PEENE: I just would like
11 to thank the applicant for taking some of our
12 comments, Chairman Holtzman's and Vice Chairman
13 Magaletta's and myself, that we gave during the
14 Subdivision Site Plan Commission meeting.

15 This application has come a long way,
16 and I think it is a testament to the applicant and
17 the Board here, so I'm comfortable.

18 MR. GALVIN: Mr. Lam did a good job,
19 right?

20 VICE CHAIR MAGALETTA: I would agree
21 with that.

22 THE WITNESS: Thank you.

23 CHAIRMAN HOLTZMAN: Okay.

24 COMMISSIONER STRATTON: Gary, I'll make
25 a motion to approve the application.

1 CHAIRMAN HOLTZMAN: Sure.

2 Let's read the conditions that Dennis
3 has first. Let's see to make sure if there's
4 anything we need to do.

5 MR. GALVIN: Well, first, there is the
6 Stratton ramp.

7 (Laughter)

8 That is intended to accommodate the
9 handicapped on an as-needed basis and is not to be
10 left in place, but is to be available somewhere on
11 site.

12 Two: The conditions of the Historic
13 Commission are to be complied with and are to be
14 attached as Exhibit A.

15 And three: The applicant is to supply
16 a survey to the Board's Engineer between now and the
17 memorialization that will confirm that there is no
18 encroachment.

19 If there is, you'll have to come up
20 with something --

21 COMMISSIONER STRATTON: I would change
22 it and say it's actually the O'Connor ramp, because
23 I think that was Kelly's idea.

24 MR. GALVIN: You know, it's too much
25 humility.

1 COMMISSIONER O'CONNOR: I was building
2 on Commissioner Doyle's earlier comments.

3 CHAIRMAN HOLTZMAN: Sorry, Stratton,
4 you own it.

5 (Laughter)

6 Mr. Stratton, does your motion still
7 stand to accept the conditions as read by Mr.
8 Galvin?

9 COMMISSIONER STRATTON: Yes.

10 CHAIRMAN HOLTZMAN: Thank you.

11 Is there a second?

12 COMMISSIONER FORBES: Second.

13 CHAIRMAN HOLTZMAN: Pat?

14 MS. CARCONE: Commissioner Magaletta?

15 VICE CHAIR MAGALETTA: Yes.

16 MS. CARCONE: Commissioner Stratton?

17 COMMISSIONER STRATTON: Yes.

18 MS. CARCONE: Commissioner Forbes?

19 COMMISSIONER FORBES: Yes.

20 MS. CARCONE: Commissioner Doyle?

21 COMMISSIONER DOYLE: Yes.

22 MS. CARCONE: Commissioner McKenzie?

23 COMMISSIONER MC KENZIE: Yes.

24 MS. CARCONE: Commissioner Peene?

25 COMMISSIONER PEENE: Yes.

1 MS. CARCONE: Commissioner Jacobson?

2 COMMISSIONER JACOBSON: Yes.

3 MS. CARCONE: Commissioner O'Connor?

4 COMMISSIONER O'CONNOR: Yes.

5 MS. CARCONE: Commissioner Holtzman?

6 CHAIRMAN HOLTZMAN: Yes.

7 Thank you, Mr. Burke.

8 MR. BURKE: Thank you all.

9 CHAIRMAN HOLTZMAN: Thank you, Mr. Lam.

10 (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: 10/5/16
 This transcript was prepared in accordance with
 NJAC 13:43-5.9.

CITY OF HOBOKEN
PLANNING BOARD

----- X
REGULAR MEETING OF THE HOBOKEN : October 4, 2016
PLANNING BOARD : 9:15 p.m.
----- X

Held At: 94 Washington Street
Hoboken, New Jersey

B E F O R E:

- Chairman Gary Holtzman
- Vice Chair Frank Magaletta
- Commissioner Brandy Forbes
- Commissioner Caleb McKenzie
- Commissioner Ryan Peene
- Commissioner Tom Jacobson
- Commissioner Kelly O'Connor

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

- David Glynn Roberts, AICP/PP, LLA, RLA
Board Planner
- Patricia Carcone, Board Secretary

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6 Attorney for the Board.

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1 (Discussion held off the record.)

2 CHAIRMAN HOLTZMAN: Okay. Back on the
3 record.

4 In the meantime we put together a list.
5 Pat sent around a note asking people if they were
6 interested in working on the master plan reexam, and
7 we have got some folks that want to do that, so we
8 will be in contact very shortly to try to set up
9 some meetings to, you know, to get ideas, some
10 suggestions, and to start that process.

11 MR. GALVIN: All right. We got to go
12 into executive session to discuss -- we have two
13 pending matters that we're going to discuss. It's
14 800 Monroe and the Shipyards case.

15 "WHEREAS, NJSA 10:4-12
16 of the Open Public Meetings Act permits the
17 exclusion of the public from a meeting in certain
18 circumstances set forth in paragraph (b); and

19 "WHEREAS, this public body is of the
20 opinion that such circumstances presently exist.

21 "NOW, THEREFORE BE IT RESOLVED by the
22 Planning Board of the City of Hoboken, County of
23 Hudson, State of New Jersey as follows:

24 "1. The public shall be excluded from
25 the Board's discussions of the hereinafter specific

1 matters.

2 "2. The general nature of the subject
3 matter to be discussed is as follows: Matters
4 concerning pending litigation with regard to 800
5 Monroe and Shipyard properties, where in the Board
6 is a party pursuant to NJSA 10:4-12(b)(7).

7 "It is anticipated at this time that
8 the above matter will be made public once this
9 litigation and any appeal are concluded. This
10 resolution takes effect immediately."

11 Mr. Holtzman will sign this resolution.

12 We need a motion and a second to move
13 into executive session.

14 COMMISSIONER PEENE: So moved.

15 COMMISSIONER JACOBSON: Second

16 MR. GALVIN: Thank you.

17 All in favor?

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

20 MR. GALVIN: All right. We will now go
21 off the record.

22 (Closed Session takes place off the
23 record until 9:50 p.m.)

24 CHAIRMAN HOLTZMAN: On the record.

25 VICE CHAIR MAGALETTA: Yes.

1 CHAIRMAN HOLTZMAN: Back on the record,
2 Ms. Phyllis. Okay.

3 Mr. Galvin, you have the floor.

4 MR. GALVIN: We have just been
5 discussing the potential settlement of litigation
6 involving the --

7 CHAIRMAN HOLTZMAN: Should we get Mr.
8 Doyle back in here?

9 MR. GALVIN: No. We are going to close
10 the meeting without him.

11 -- regarding Applied, and the agreement
12 is still confidential, so we cannot discuss it on
13 the record. It is still pending.

14 But is there a motion to give -- the
15 governing body wanted to know if we would support
16 them in the potential settlement of this matter.

17 VICE CHAIR MAGALETTA: I will make a
18 motion. The motion is made as follows: Although I
19 am hesitant to enter into a settlement agreement, I
20 support the governing body's efforts to settle
21 this -- resolve this matter.

22 I will support whatever they do. I
23 would also make it part of this motion that we
24 instruct counsel to approach the attorney for the
25 governing body to negotiate and discuss additional

1 terms to the settlement.

2 CHAIRMAN HOLTZMAN: Okay.

3 COMMISSIONER PEENE: Second.

4 CHAIRMAN HOLTZMAN: All in favor?

5 (All Board members answered in the

6 affirmative)

7 MR. GALVIN: Any opposed?

8 CHAIRMAN HOLTZMAN: Any opposed?

9 MR. GALVIN: Let's do a roll call

10 instead.

11 CHAIRMAN HOLTZMAN: Okay. I'm sorry.

12 Call the roll.

13 MR. GALVIN: I'm sorry.

14 MS. CARCONE: Commissioner Magaletta?

15 VICE CHAIR MAGALETTA: Yes.

16 MS. CARCONE: Commissioner McKenzie?

17 COMMISSIONER MC KENZIE: Yes.

18 MS. CARCONE: Commissioner Peene?

19 COMMISSIONER PEENE: Yes.

20 MS. CARCONE: Commissioner Jacobson?

21 COMMISSIONER JACOBSON: Yes.

22 MS. CARCONE: Commissioner O'Connor?

23 COMMISSIONER O'CONNOR: Yes.

24 MS. CARCONE: And Commissioner

25 Holtzman?

1 CHAIRMAN HOLTZMAN: Yes.

2 Thank you.

3 MR. GALVIN: The only thing I have to
4 caution the Board is although we are discussing the
5 terms, it is really one of those things where you
6 really want to discuss it with other people, but you
7 have to consider it confidential, and you can
8 discuss it with each other, you know, but not in a
9 group, okay, but you cannot discuss it with the
10 public or I don't know what you -- my wife can't
11 stand the fact that I don't talk to her about
12 anything.

13 (Laughter)

14 CHAIRMAN HOLTZMAN: Okay. All right.

15 Any other business, Commissioners?

16 Mr. Galvin, anything else?

17 MS. CARCONE: I have something.

18 CHAIRMAN HOLTZMAN: Oh, Ms. Carcone?

19 MS. CARCONE: Yesterday I got the
20 application for Monroe Center Phase III that came
21 into my office.

22 CHAIRMAN HOLTZMAN: Yes.

23 MR. ROBERTS: In a box.

24 MS. CARCONE: What's that?

25 MR. ROBERTS: In a box.

1 MS. CARCONE: In a big box.

2 Meryl Gonchar immediately asked if it
3 could get on the work session for next Wednesday,
4 and that's not happening. They're in a big hurry.

5 MR. GALVIN: No. I am saying no.

6 CHAIRMAN HOLTZMAN: I'm sorry. You
7 said in a box. Is it some huge application?

8 MR. ROBERTS: Yes.

9 MS. CARCONE: It's the building. It's
10 the theater -- is it the theater? It's a gym.

11 MR. ROBERTS: I didn't even take
12 anything out of the box yet.

13 CHAIRMAN HOLTZMAN: So the answer is
14 no.

15 MR. GALVIN: Wait a minute. Time out.

16 What are we talking about? What
17 property? Give me the street address.

18 MS. CARCONE: It's like four addresses.
19 700 Jackson --

20 MR. ROBERTS: It's the whole thing --

21 VICE CHAIR MAGALETTA: Oh, we need more
22 than five days.

23 MS. CARCONE: Okay. Yes. We have said
24 no, but they have asked for a special meeting. That
25 is the only reason I bring it up, that they want to

1 be heard as soon as possible.

2 CHAIRMAN HOLTZMAN: The answer is no.

3 We will do it one step at a time. We
4 will have a completion meeting.

5 MS. CARCONE: We will have a completion
6 meeting in November and hear them possibly in
7 December then and keep it with our regular schedule?

8 MR. GALVIN: Not necessarily.

9 CHAIRMAN HOLTZMAN: Not necessarily.

10 MR. GALVIN: I have no comment.

11 MS. CARCONE: You have no comment.

12 CHAIRMAN HOLTZMAN: Anything else,
13 Ms. Carcone?

14 MS. CARCONE: No, that's it.

15 CHAIRMAN HOLTZMAN: Great.

16 Is this meeting adjourned?

17 COMMISSIONER PEENE: So moved.

18 CHAIRMAN HOLTZMAN: Second.

19 COMMISSIONER MC KENZIE: Second.

20 CHAIRMAN HOLTZMAN: All in favor?

21 (All Board members answered in the
22 affirmative)

23 CHAIRMAN HOLTZMAN: Okay.

24 (The meeting concluded at 10 p.m.)

25

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: 10/5/16
 This transcript was prepared in accordance with
 NJAC 13:43-5.9.