

Hoboken, New Jersey, July 27, 2005

A special meeting of the Hoboken Planning Board was held on the above date in the Conference Room, City Hall, Hoboken, New Jersey. Chairman Mooney called the meeting to order at 7:05 p.m. and stated that the provisions of the Open Public Meetings Act have been complied with.

**ROLL CALL:**

Present: Chairman Mooney, Vice-Chairman Monaco, Mr. DeTrizio, Ms. Tyrell, Mr. Orsini.

Absent: Mr. Peluso, Ms. Fox, Ms. Falco, Mr. Forrest.

Also present were: Dennis Galvin, Esq., Attorney to the Planning Board, Elizabeth Vandor, Board Planner, Kerry Sheldon, Board Planner, Glenn Lines, Board Engineer and Cathy DePalma, Secretary to the Planning Board.

Ms. DePalma declared a quorum present.

**1200-1222 GRAND STREET**

John J. Curley appeared on behalf of the applicant for Final Site Plan Approval. The applicant is also requesting an amendment to the Preliminary Site Plan Approval due to changes in the stoop design attributable to field conditions, and relief for requirements that there be windows every ten feet along the base of the building.

Bruce Englebaugh was sworn and his credentials as an architect were accepted by the Board. Mr. Englebaugh described the building as doughnut shaped with a center courtyard, with five stories of residential over one level of parking. Mr. Englebaugh reviewed the floor plans, building elevations, and facade calculations. The architect explained that the stoops were changed from the original plans. There was not enough room to run the stoops straight out while keeping them within three feet of the property line.

Mr. Englebaugh explained that the space between the base floor windows exceeded 10 feet in certain places. Four windows were eliminated where the interior walls would T into the windows. Mr. DeTrizio remarked that this problem had been encountered with another structure. Mr. Curley noted that, in that circumstance, the Board had requested a false window with opaque glass be used. Ms. Vandor commented on the importance of windows under the urban design guidelines and asserted that the windows must be restored, even if it required the use of false windows.

Ms. Vandor requested photographs of the stoops and inquired why the ground elevations were not calculated by the engineer. Mr. Englebaugh responded that it was an incorrect assumption. Ms. Vandor informed of the seriousness of the error and noted that the stoops used are discouraged by the Board. Mr. Curley commented that the stoop issue was raised in October 2004 and they were advised to wait until the end, rather than amending Preliminary Site Plan

Approval. Photographs of the conditions were marked as Exhibits A-1 and A-2.

Mr. Monaco inquired about the size of the wall coming between the window and asked if the windows could be moved a few inches either way. Mr. Englebaugh explained that it is a 3 1/2 inch stud and 1/2 inch drywall on each side. Although the windows could be moved, he opined it was best to center the line of the windows. Two dummy windows would be preferable, with two real windows into the retail.

Ms. Vandor discussed the Board's preference for a closed corridor while the fire department required that it be open. Mr. Englebaugh reviewed the fire department's access requirements. Ms. Vandor noted that the project received bonus floor area for separate corner buildings and that the full block building does not qualify for the corner bonus.

Andrew Missey was sworn and his credentials as a planner were accepted by the Board. Mr. Missey stated that the building is almost complete, all permits have been issued and the transformers have been installed underground. The applicant will comply with all of the comments in the Birdsall report and coordinate with Mr. Englebaugh to address the Burgess report.

Mr. DeTrizio inquired if any problems were encountered while putting the transformers underground. Mr. Missey responded that there were not. Mr. DeTrizio commented that it is much more attractive underground and that it should have been done in other projects.

Thomas Carman was sworn and his credentials as a landscape architect were accepted by the Board. Mr. Carman reviewed the streetscape. Per the recommendation of the Shade Tree Commission, the tree variety was modified along 12<sup>th</sup> and 13<sup>th</sup> Streets and a decorative concrete paver band was installed. The height of the pole lights was reduced to 10 feet and wattage reduced to 70 watts. The applicant has complied with the comments in both the Burgess and Birdsall reports and a summary of the revisions will be provided to the Board.

Ms. Tyrell asked if there would be problems with the tree roots breaking up the sidewalks. Mr. Carman explained that they followed the Shade Tree Commission's recommendation for a smaller tree. He noted the variety selected works well in these situations and he did not anticipate any problems. Mr. Carman reviewed the dimensions from the stoops to the street trees.

Mr. Monaco remarked that problems have been encountered in other areas with the open jointed pavers utilized in this project. Mr. Carman noted that the pavers were recommended by the Shade Tree Commission. There is a possibility that weeds could eventually grow through the pavers, but there will be a landscaping company to maintain the property. Ms. Vandor was unclear as to whether the Board is bound by the recommendations of the Shade Tree Commission. Mr. Galvin clarified that the Shade Tree Commission is intended to advise the Board, but the Board is not bound by their recommendations. Mr. Galvin noted that the applicant in this matter was referred to the Shade Tree Commission by the Board prior to Preliminary Site Plan Approval.

Mr. Monaco inquired about the height of the light poles. Mr. Carman explained that the height and wattage were reduced to avoid glare into the residential units. The poles are more of a pedestrian scale, decorative light. The taller cobra head lights still exist on the street. Mr. Monaco wondered about the esthetics of having two different types of lights.

Chairman Mooney called for questions from the public. Hearing no comments, the public portion was closed.

A motion to close the hearing was made by Mr. Monaco, seconded by Ms. Tyrell, and adopted by unanimous vote.

A motion to approve the application was made by Mr. Monaco, with the conditions that: (1) a revised stoop facing is to be submitted to the planner and construction official for their review and approval; and (2) the applicant will install two false windows and two translucent windows to replace the four windows that cannot be provided, as required by the ordinance. The false windows shall be hulled and opaque glass installed. The motion was seconded by Ms. Tyrell and adopted by the following votes:

Yes: Chairman Mooney, Vice Chairman Monaco, Mr. DeTrizio, Ms. Tyrell, Mr. Orsini.

**ADJOURNMENT:**

There being no further business to attend to, this meeting adjourned at 8:13 p.m.

Respectfully submitted,

AudioEdge Transcription

Matthew D. Hoffman  
Manager of AudioEdge

MDH/jar

Hoboken, New Jersey, August 2, 2005

The regular meeting of the Hoboken Planning Board was held on the above date in the Conference Room, City Hall, Hoboken, New Jersey. Chairman Mooney called the meeting to order at 7:04 p.m. and stated that the provisions of the Open Public Meetings Act have been complied with.

**ROLL CALL:**

Present: Chairman Mooney, Vice-Chairman Monaco, Mr. Cammarano, Mr. DeTrizio, Ms. Falco, Mr. Forrest, Mr. Orsini.

Absent: Mr. Peluso, Ms. Tyrell, Ms. Fox.

Also present were: Dennis Galvin, Esq., Board Attorney, Eileen Banyra, Board Planner, Chaz Holloway and Andrew Hipolit, Board Engineers, and Cathy DePalma, Secretary to the Planning Board.

Ms. DePalma declared a quorum present.

**800 JACKSON STREET**

James Burke, Esq. appeared on behalf of the applicant.

Dean Marchetto was sworn and his credentials as an architect were accepted by the Board. The architect described the project location and surroundings. Mr. Marchetto stated that the lot presented a hardship as it is trapezoid shaped and faces the light rail. To make the project compatible with the Master Plan, they have moved the project into the most narrow section of the lot and kept it below the height of the Palisades, thereby generating bulk variances.

Chairman Mooney announced that Mr. Forrest joined the meeting. Mr. Marchetto reviewed the brief testimony presented.

Mr. Marchetto testified the project will have a landscaped green roof. Also, the restaurant, café and lobby will have glass sides, making the building transparent and pedestrian friendly. Parking will be located below grade and on the second floor, and retail will be located on the first floor. The third through tenth floors will be residential. A color site plan rendering was marked as Exhibit A-1.

Mr. Marchetto discussed the materials used in the building facade and the recessed balconies. A rendering of the Jackson Street elevation was marked as Exhibit A-2. A rendering of the elevation facing the light rail was marked as Exhibit A-3. A ground floor close-up was marked as Exhibit A-4. Three-dimensional views from the south and north were marked as Exhibit A-5. The project contains 113 residential units, 96 parking spaces, 4,132 square feet of customer service area in the restaurant, 2,145 square feet of customer service in the café, and 1,000 square

feet of retail on Jackson Street. Mr. Marchetto stated that the building was moved forward to the property line on Jackson Street to create a 10 foot green circuit behind the building, with a paved bicycle path. This shift generated a front yard variance.

Responding to an inquiry from the Board, the architect stated that there will not be a parking space for each unit, which requires a variance. There was a hardship in trying to accomplish the parking and also get the public open space. Mr. Holloway questioned the architect about the flood elevation and below grade parking. Mr. Marchetto reviewed the waterproofing measures in the parking area. Mr. Holloway stated that all of the issues raised in the engineering letter have been discussed and some will be addressed at Final Site Plan Approval.

Ms. Banyra asked if the pedestrians coming off the light rail at night can walk through the building. Mr. Marchetto anticipated that the restaurant and café will be open into the night. Pedestrians will be able to see from one side of the building to the other, but not to actually walk through it. Mr. Marchetto described the outdoor seating, landscape plan, lighting and public open space. Additional site renderings were marked as Exhibit A-6, A-7 and A-8.

Mr. Monaco commented on the potential problems with weed growth in the proposed pavers. Mr. Forrest requested that the existing street lighting be reviewed and possibly reducing the proposed wattage in the plan.

Ms. Banyra requested a description of the project signs. Mr. Marchetto reviewed the signs over the lobby entrances. Also, a ticker tape sign will go around the restaurant with such things as time, temperatures and stocks to create an atmosphere of a transit stop. A variance is required for moving signs. Mr. Forrest commented that the sign may be distracting and wondered if it might deter certain types of restaurants from leasing the space. Mr. Burke stated that the applicant would withdraw the sign. Exhibit A-9 depicted the withdrawn sign.

The meeting was opened to the public. Hearing no questions, the public portion was closed.

Scott Parker was sworn and his credentials as a traffic engineer were accepted by the Board. Based on traffic counts performed, eight planned developments and the transit accessibility, Mr. Parker testified that there would be 42 vehicles generated during peak commuter hours. There would be a *de minimus* increase in stop delay at the intersections associated with the site.

Chairman Mooney announced that Mr. DeTrizio joined the meeting at 8:05 p.m.

Mr. Parker discussed the parking garage dimensions, access and circulation. It is anticipated that parking spaces will be sold and assigned as separate units. Ms. Banyra inquired about building access and security from the garage level. Mr. Parker explained that there would be electronic access to the garage. Ms. Falco inquired if the spaces would be sold or rented to nonresidents. Mr. Parker stated that the spots could be purchased by nonresidents, though he expected unit owners to purchase the majority. The spaces will not be made available to the general public until all of the residential units have been sold. Tandem spaces will be sold as one unit. The Board members discussed adding bump-outs on the corners.

The meeting was opened to the public. Hearing no questions, the public portion was closed.

Ken Ochab was sworn and his credentials as a planner were accepted by the Board. There is a total of eight C variances requested for this project. Mr. Ochab stated that there are four variances dealing with setback and building location. These include a front yard setback, rear yard setback, minimum distance from street line to rear of building, and side yard variance. Mr. Ochab testified that in the Amendment to the Redevelopment Plan, it mentions that the Planning Board should favorably consider these types of variances in consideration of the shape, size, location and configuration of the property relative to public open space. Mr. Ochab stated that the building is shifted to the north to accommodate the public open space, making it difficult for the applicant to conform with the requirements.

A variance is required for 4,500 square feet of customer service area where 1,000 square feet are permitted. Mr. Ochab opined as to the public benefit of promoting of pedestrian activity around the light rail and public open space.

Commissioner Orsini left the hearing.

Additional variances are required for no parking for the retail space and required number of spaces for the residential units. Mr. Ochab referred back to the Amendment to the Redevelopment Plan and the special consideration that should be provided when public open space is provided. Mr. Ochab stated that the residential parking is five spaces short of the requirement. He anticipated that not all of the unit owners would have parking spaces. The last variance related to the size of the residential sign, which are letters over the building canopy.

Mr. Ochab testified that the project by and large significantly conforms to the redevelopment ordinance and amendments. Further, the benefits of granting the variances outweigh any detriment. He did not see any negative impact or substantial detriment to the public good.

Ms. Banyra commented on the 13 stacked parking spaces and inquired about additional parking available in the area. Mr. Ochab expected that there would be sufficient parking for the residents, and noted that additional parking is available within walking distance at Monroe Center.

Mr. Holloway wondered if a post-construction traffic report related to the tandem parking spaces could be requested from the applicant to get feedback on the situation. Mr. Galvin was unclear how this could be enforced, but advised that the Board could visit the site.

Ms. Falco asked about the lack of parking for the restaurant and the expectation that the customers would be coming from the light rail. Mr. Ochab anticipated that most customers would walk or take the light rail. Ms. Banyra noted the availability of hourly parking at Monroe Center. Further, the applicant could have built another level of parking, but instead created open space.

The meeting was opened to the public. Hearing no questions, the public portion was closed.

A motion to approve the project with the variances was made by Mr. Forrest, with the following conditions: (1) a landscape plan will be provided at Final Site; (2) storm water plan and drainage details will be provided at Final; (3) the applicant will address street versus pedestrian lighting at Final; (4) parking spaces will be offered for sale to unit owners first; (5) the applicant will address bump-outs at Final; and (6) residential signage variance will be added to plan. The motion was seconded by Mr. Monaco, and adopted by the following votes:

Yes: Chairman Mooney, Vice-Chairman Monaco, Mr. Cammarano, Ms. Falco, Mr. Forrest.

A short recess was taken.

### **1500 BLOOMFIELD AVENUE/2A-2B-2C**

Mr. Holloway left the meeting and was replaced by Mr. Hipolit for the application. Mr. Cammarano also left the meeting. Glen Pantel, Esq. appeared on behalf of the applicant for Final Site Plan Approval for Building A.

Christopher Cowan was sworn and his credentials as a designer were accepted by the Board. The lighting and landscape plan was marked as Exhibit A-1. A rendering of the west elevation was marked as Exhibit A-2. Mr. Cowan testified that the number of units has been reduced from 180 to 116. The size of the units has increased and the number of parking spaces has been reduced.

Mr. Cowan stated that the building is highly visible from the west and reviewed enhancements that were made to the facade. A rendering of the north/south facade was marked as Exhibit A-3 and a rendering of the east elevation was marked as Exhibit A-4. The ground floor plan was marked as Exhibit A-5. Responding to an inquiry from Mr. Monaco, Mr. Cowan reviewed the bulkheads located on the roof. The mechanical equipment will be in compliance with the 15 foot limitation under the ordinance.

Ms. Falco stated that the applicant has addressed the planning issues raised in her report and a developer's agreement has been provided.

Mr. Hipolit asked about the waterfront development permit, modifications to the TWA and if there were any bonding requirements for the site. Tom Creelman was sworn and his credentials as an engineer were accepted by the Board. Mr. Creelman stated that the permit has been approved and the TWA has been modified and submitted. Mr. Creelman further indicated that there were no bonding requirements. Mr. Hipolit made a recommendation regarding retrofitting the drainage system to stop flowables and solids from going into the river. The applicant agreed to comply with the modification.

A motion to approve the project was made by Mr. DeTrizio with the following conditions: (1) retrofit existing inlets to prevent solids and flowables, and (2) TWA approval will be provided to

the Board. The motion was seconded by Mr. Forrest and adopted by the following votes:

Yes: Chairman Mooney, Vice-Chairman Monaco, Mr. DeTrizio, Ms. Falco, Mr. Forrest, Mr. Orsini.

### **1500 BLOOMFIELD STREET/COVE**

Ms. Banyra informed that the Subcommittee referred the *de minimus* application changes to the full Board. Glen Pantel, Esq. appeared on behalf of the applicant.

Christopher Cowan was sworn and his credentials as a designer were accepted by the Board. Mr. Cowan summarized the revisions made to the project. The location plan was marked as Exhibit A-1 and existing site photos were marked as Exhibit A-2. A photo of the southeast corner from Building C was marked as Exhibit A-3. Mr. Cowan testified that the applicant has added a serpentine wooden bench and brick pavers at the corner. A partial ground floor plan of the southeast corner of Building C was marked as Exhibit A-4. Also, awnings will be added on the south elevation and banners on the side of the building. The modifications were made to make the space more inviting to the public.

Mr. Cowan stated that several way-finding signs will be added throughout the site and way-finding icons were marked as Exhibit A-6. Mr. Orsini questioned the inclusion of banners on the building. Ms. Banyra explained that it was done to make the public walkway more welcoming and eye-catching. Mr. DeTrizio found the banners preferable to fixed signage. A rendering of the historic images to be displayed throughout the site was marked as Exhibit A-7.

A motion to accept the *de minimus* change was made by Mr. DeTrizio, seconded by Mr. Monaco, and adopted by the following votes:

Yes: Chairman Mooney, Vice-Chairman Monaco, Mr. DeTrizio, Ms. Falco, Mr. Forrest, Mr. Orsini.

### **APPROVAL OF THE MINUTES**

A motion to approve the minutes of July 5, 2005 was made by Mr. Monaco, seconded by Mr. Forrest, and adopted by the following votes:

Yes: Chairman Mooney, Vice-Chairman Monaco, Mr. DeTrizio, Ms. Falco, Mr. Forrest, Mr. Orsini

### **ADJOURNMENT:**

There being no further business to attend to, this meeting adjourned at 9:50 p.m.

Respectfully submitted,

AudioEdge Transcription

Matthew D. Hoffman  
Manager of AudioEdge

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Hoboken, New Jersey, October 4, 2005

A meeting of the Hoboken Planning Board was held on October 4, 2005 in the Conference Room, City Hall, Hoboken, New Jersey. Chairman Thomas Mooney called the meeting to order at 7:08 p.m. Chairman Mooney noted for the record that the provisions of the Open Public Meetings Act had been complied with.

**ROLL CALL**

Present: Chairman Mooney, Vice-Chairman Monaco, Mr. Cammarano, Mr. DeTrizio, Ms. Tyrell, Mr. Forrest, Mr. Orsini.

Also present: William Netchert, Esq., Board Attorney, Michael Butler, Esq., Eileen Banyra, Board Planner, Ann Brown, Board Engineer, Ms. DePalma, Secretary to the Planning Board.

Ms. DePalma declared a quorum present.

**BOARD ATTORNEY**

Chairman Mooney stated that the first item on the agenda is a resolution for the Planning Board to find a counsel to the Board. The terms of the new contract will call for a cap of \$30,000 with an hourly rate of \$440 per hour.

Mr. Forrest stated there was an RFP that the Board responded to. The RFP was done by the Corporation of Counselor's Office.

Board Attorney Netchert stated that he is a Senior Partner in the Law Firm of Netchert, Dineen & Hillman located at 280 Baldwin Avenue, Jersey City. Attorney Netchert also stated that he was the attorney for Jersey City for 14 years, effectively representing the Board of Adjustment in North Bergen.

Vice-Chairman Monaco made a motion to accept the resolution.

Mr. Forrest seconded the motion.

Roll call: Unanimous vote of yes.

Attorney Netchert thanked the Planning Board and said he looked forward to a long and good relationship with the Board. Attorney Netchert also made the Board aware that Attorney Michael Butler from his office was present and would be filling in for him at some point in the meeting as he had to leave early to go to Chicago.

## **MINUTES**

Approval of the minutes of the June 8, 2005 meeting was unanimous.

## **RESOLUTIONS**

### **1000 JEFFERSON STREET:**

Preliminary Site Plan Approval

Chairman Mooney stated that the Planning Board was given copies of the resolution for review.

Vice-Chairman Monaco made a motion to memorialize the actual resolution.

Ms. Tyrell seconded the motion.

Quorum of 6 voted yes. Mr. Forrest did not vote on this resolution.

### **1500 BLOOMFIELD STREET**

Amended Preliminary and Final Site Plan

Chairman Mooney noted that he has a letter requesting a postponement.

Ms. Tyrell made a motion to postpone the resolution to the November meeting.

Vice-Chairman Monaco seconded the motion.

Quorum voted yes.

### **MAXWELL PLACE**

Amended Final Site Plan Development, Block B

Chairman Mooney noted that copies of the resolution have been supplied to all the members for review.

Vice-Chairman Monaco stated for the record that he was stepping down from this resolution.

Eileen Banyra, Planner, made a motion to the Board that the copies provided by the applicant's attorney, Dennis Galvin, have some strikeouts on them. Ms. Banyra stated that she spoke to

Attorney Galvin and the copies of the resolution that the Board members have, are the corrected copies. The Board noted that the corrections were minor.

Mr. Cammarano stated that he will also step down from this resolution.

Ms. Tyrell made a motion to memorialize this resolution.

Mr. Orsini seconded the motion.

Roll call: Mr. Forrest voted no. Vice-Chairman Monaco and Mr. Cammarano did not vote. The rest of the Board voted yes.

## **HEARINGS**

### **223 CLINTON STREET**

#### Minor Site Plan

For the record, Vice-Chairman Monaco and Mr. Cammarano are both back on.

Attorney Robert Matule appeared on behalf of the applicant, Paraic Monagban, owner of the third floor condominium. Attorney Matule provided Proof of Publication as well as Proof of Service. Attorney Matule stated that at the request of the Board there were corrections made and gave the Board members corrected plans. A corrected survey was also submitted to the Board on September 6th.

Architect Frank Minervini was sworn in and testified as to the description of the above-mentioned structure and the adjoining properties. He supplied the Board with photographs taken today of the current site conditions. The current site is three residential units, wood-frame building, approximately 30 feet in height and three stories. The proposed site is for a fourth floor addition with one more residential unit, 39 feet and 10 inches in height above the basement elevation and 15 feet below the two taller adjacent buildings. The ordinance is three stories within 40 feet height and applicant is requesting four stories within 40 feet height. Architect Minervini was able to answer the Board member's questions satisfactorily.

There were no public questions or comments.

Vice-Chairman Monaco made a motion to approve the application with slight improvements. Mr. DeTrizio seconded the motion.

Mr. Forrest made a comment regarding his disapproval of this application. He stated it takes an ugly three story building and make it an ugly four story building that doesn't give back to the neighborhood. He didn't feel it was aesthetically pleasing in any way and that parking is also a problem.

Roll call: Mr. Forrest voted no. All other Board members voted yes.

**WIRELESS:**

**1203-1219 WILLOW AVENUE**

Minor Site Plan

Attorney Judith Babinski spoke on behalf of the applicant, Cingular Wireless. Attorney Babinski stated that the applicant is looking to place antennas at the above-mentioned address. Attorney Babinski also had a Radio Frequency Engineer, a Civil Engineer, a Planner and a health expert available to answer any questions of the Board and/or the public.

The Radio Frequency Engineer, Bernard Morgan, gave a brief history of his educational and professional background. He is employed by Bectel (phonetic) who is contracted with Cingular for new site building. Mr. Morgan gave a presentation on the proposed application. He stated that a total of 12 antennas would be placed at this site.

There were no questions from the Board members.

Lisa Biase, private citizen, asked who the other carrier is at this location for the preexisting antenna and when was that approved by the Board.

Attorney Babinski responded that Cingular did not know who the other carrier was.

Ms. Biase felt that this application did not serve the public health, safety or welfare of the community for several reasons. At this point, Ms. Biase was advised by the Board that this portion of the meeting was for questions only and she may make comments later in the meeting at the appropriate time.

There was discussion amongst the Board members and Attorney Babinski regarding the existing antenna. Nobody seemed to know when the antenna was installed or where it came from.

The next witness to testify was the Civil Engineer, Ronald Peterson. Mr. Peterson gave a brief history of his education and background. Mr. Peterson then testified regarding the energy and frequency power of the antennas. He stated the exposure level is below the FCC safety levels.

A Board member asked how settled the science was and if there has been any easily verifiable testing on animals or humans.

Mr. Peterson said that at these levels there would be no effect. Also, that there is a long history of studies performed and still being performed.

Board Engineer Eileen Banyra asked Attorney Babinski to provide for the public a little bit of background on the case law that the Planning Board has to deal with relating to public health.

Attorney Babinski responded that the Supreme Court and Federal Court have ruled that the amount of energy output by one of these sites is completely under the jurisdiction of the FCC.

David Alter, private citizen, asked if there was anything the citizens could do about any health issues and concerns.

A Board member responded that basically the Board's hands are tied when it comes to the health issues.

Attorney Netchert answered that the Board was not authorized to supercede the FCC.

Richard DelBoccio, Councilman and citizen asked on behalf of citizens and particularly one elderly gentleman if there was any health or safety issue that the citizens needed to be worried about long range. He stated that just like taking medicine that helps one illness but creates another is what we have here. Mr. DelBoccio stated that there might be studies that are contrary to what the public is hearing today and he needs to know how to respond to the citizens.

The response to Mr. DelBoccio's questions was that yes there are always contrary studies. But what needs to be done is to look at all the studies and weigh them, the quality of them, the evidence and the other factors. The bottom line is that people that are exposed to radio frequency energy at levels below the standards which have a large margin of safety built into them are not affected.

Ms. Biase, citizen, questioned the fact that Mr. Peterson was opining simply on the impact the Cingular application would have on the community and not including the existing antenna. Ms. Biase also questioned that the other antenna, owned by Sprint, was not inspected by Mr. Peterson and that he was assuming that they have some level of output and combining that assumption with Cingular's application.

Mr. Peterson responded that he does reports for other carriers and they're really no different from what Cingular is offering.

David Alter, citizen, asked if there would be any eyesore of antennas from other companies all over this building.

Mr. DeTrizio responded that usually companies select different structures.

Glen Scherer, witness, was sworn in and testified on behalf of the applicant. Mr. Scherer stated that this building consumes almost the entire block. He also spoke about the location of the proposed antennas on the building.

Councilman DelBoccio questioned why these antennas could not be in more industrial areas or

office buildings on the outskirts and perimeter of the city instead of in residential areas.

Mr. Morgan responded that the intention was to cover where people live and provide maximum capacity to the people there.

Attorney Babinski confirmed that the FCC doesn't allow them to not provide coverage in residential areas but to only do it in business areas. She also confirmed that if they went into a commercial area they would be able to provide only limited coverage to the residential area.

Mr. Alter asked why technology could not be improved so antennas could be put on the outskirts of town.

Mr. Morgan responded that they are using the most up to date technology available.

Mr. DelBosio asked whether an antenna could be built from the ground up instead of from a building and serve the same purpose.

Mr. Morgan responded that would be a monopole which is done in more rural areas where there are no buildings to mount to.

Mr. Tolischus, planner, was sworn in and testified on behalf of the applicant. Mr. Tolischus used photographs to depict the stealth that would enclose the antenna which would be painted to look like a brick chimney.

Councilman DelBoccio asked if knew what the empty space was in between 1219 and 1221 Willow Avenue. Councilman DelBoccio went on to state that it was a children's park that they were planning to put antennas over.

During the public comments Ms. Biase stated that the expert paid by Cingular did not examine the other tower already there and made a presumption that it's output would not adversely affect the residents of Hoboken. Ms. Biase also spoke about the difference in applications for cell towers in the suburbs as opposed to cities. Ms. Biase went on to speak in opposition of this application.

Mr. Alter, citizen, thanked the Board for hearing the citizens tonight. Mr. Alter asked who was notified about this application. He was advised by several Board members that notification goes to property owners only and not tenants. Mr. Alter spoke about the majority of the public not being made aware of this application. He also said that night was a big religious holiday and a lot of people could attend the meeting because of that. Mr. Alter did have a petition with signatures opposing the application.

Attorney Babinski objected to the petition.

Mr. Alter was informed that the Board cannot accept the petition because the applicant is entitled to cross-examine people who oppose the application and those individuals that signed the petition were not present at this meeting. Mr. Alter said that in that case these people should be

given a chance to come to another meeting regarding this application.

Board member Forrest spoke the fact that if antennas are placed on the outskirts of town then cell phone companies would have to put more antennas up to accommodate the public as opposed to putting fewer antennas in more densely populated areas. Mr. Forrest also stated that cell phones are more dangerous than the antennas. He felt that the applicant has addressed the issues successfully.

Board member Cammarano agreed with Mr. Forrest.

At this point, the public already being angry became vocal and a Board member stated that they will be removed if they continued. Some of the public left the meeting at this time.

Attorney Netchert made a statement that his job was to protect and advise the Board and he thinks that was the right thing to do. Attorney Netchert also stated that they have to balance the rights of both the applicant and the people who come here to object.

Mr. Forrest made a motion to approve the application with the condition that the existing antenna owned by Sprint be looked into by Cingular.

Vice-Chairman Monaco seconded the motion.

Roll call: Ms. Tyrell voted no. All other Board members voted yes.

Attorney Butler replaced Attorney Netchert after the break.

### **409 FIRST STREET**

Minor Site Plan

Not heard. Carried to the next meeting.

### **70 HUDSON STREET**

Minor Site Plan

Attorney Babinski stated that Cingular's antennas are already at this location and that two sectors are stealth and one is flush mounted so the antennas don't show. The equipment is located on the rooftop of this location.

Mr. Morgan the Radio Frequency Technician was sworn in again and testified for the applicant. Mr. Morgan stated that antennas were in a commercial area and used exhibits to show the area where the equipment is located.

Neither the Board nor the public had any questions for this witness.

Glen Scherer, Civil Engineer, testified for the applicant. Mr. Scherer stated that they spoke with the Historic Commission regarding this application.

Again, neither the Board nor the public had any questions for this witness.

Mr. Peter Tolischos was sworn in and testified for the applicant. Mr. Tolischos used exhibits to show what would be seen from the street after the antenna towers are installed.

Board Planner Eileen Banyra requested a copy of a letter from the Historic Commission for their records regarding the meeting with the Historic Commission.

Vice-Chairman Monaco made a motion to close this hearing.

Mr. Cammarano seconded the motion.

Unanimous vote of aye by the Board.

Vice-Chairman Monaco made a motion to grant the application subject to the Board getting the letter from the Historic Commission.

Mr. Forrest seconded the motion.

Roll call: Ms. Tyrell voted no. All other Board members voted yes.

**ADJOURNMENT:**

Mr. Cammarano made a motion to adjourn the meeting.

Vice-Chairman Monaco seconded the motion.

Unanimous vote of aye by the Board.

The meeting adjourned at 10:19 p.m.

Respectfully submitted,

Matthew D. Hoffman  
Manager of AudioEdge



A meeting of the Hoboken Planning Board was held on November 1, 2005 in the Conference Room, City Hall, Hoboken, New Jersey. Chairman Thomas Mooney called the meeting to order at 7:10 p.m. Chairman Mooney noted for the record that the provisions of the Open Public Meetings Act had been complied with.

### **ROLL CALL**

Present: Chairman Mooney, Vice-Chairman Monaco, Mr. Peluso, Mr. Cammarano, Mr. DeTrizio, Ms. Falco, Mr. Forrest (late), Mr. Orsini.

Also present: Michael Butler, Esq., Board Attorney, Eileen Banyra, Board Planner, Ann Brown, Board Engineer, Ms. DePalma, Secretary to the Zoning Board.

### **MINUTES**

Approval of the minutes of the July 14, 2005 and September 8, 2005 meetings were unanimous.

### **RESOLUTIONS**

#### **223 CLINTON STREET:**

Minor Site Plan Application

Mr. Monaco made the motion to approve.

Mr. DeTrizio seconded the motion.

Roll Call: Unanimous vote of yes.

#### **1203-1219 WILLOW AVENUE:**

Minor Site Plan Application

Mr. Monaco made the motion to approve.

Mr. Peluso seconded the motion.

Roll Call: Unanimous vote of yes.

#### **70 HUDSON STREET:**

Minor Site Plan Application

Mr. Monaco made the motion to approve.

Mr. DeTrizio seconded the motion.

Roll Call: Unanimous vote of yes.

**1500 HUDSON STREET (HOBOKEN COVE):**

Amended Preliminary and Final Site Plan (Sect. 5A)

Mr. DeTrizio made the motion to approve.

Mr. Peluso seconded the motion.

Roll Call: Chairman Mooney, yes; Mr. Monaco, yes; Mr. Peluso, yes; Mr. Cammarano, abstain; Mr. DeTrizio, yes; Ms. Falco, yes; Mr. Orsini, yes.

**CORRESPONDENCE**

Board Planner Eileen Banyra spoke on the matter of her consistency review dated November 1, 2005 and it's regarding the three ordinances forwarded to the Planning Board on October 6, 2005 from the City Council. Ms. Banyra briefly went through the three ordinances and there were no comments or questions for the Board at this time.

Chairman Mooney stated a motion was in order for the Board to advise the City Council of the findings of the Planning Board that is inconsistent with their Master Plan.

Ms. Falco made the motion.

Mr. DeTrizio seconded the motion.

Roll Call: Unanimous vote of yes.

**HEARINGS**

**THE GORMAN PROJECT:**  
**1320-22 ADAMS STREET**  
**1321-31 JEFFERSON STREET**  
**451 14TH STREET**

Preliminary Site Plan

Attorney Richard Venino spoke on behalf of the applicant Michael Gorman. Attorney Venino stated that this is a commercial application for a large scale retail in Zone 3 of the redevelopment plan. Attorney Venino asked for this matter to be moved to the December 6th calendar since the

architect could not be present tonight. Attorney Venino stated that the additional time will be used wisely and that they have been working with Ms. Banyra on the design of the facade.

Attorney Butler asked if that could be done by the next subcommittee meeting.

Attorney Venino said he would talk to his client, but it would be a good idea to attend with the revised plans.

Ms. Banyra stated that this application was deemed complete so there is no need to go back to the subcommittee.

Mr. Monaco made a motion to carry this application to the committee meeting of November 10, 2005.

Roll Call: Unanimous vote of aye.

### **CALABRO ELEMENTARY SCHOOL**

#### Concept Review - Swing Space for 200 Students

Architect Gary Calligaro of Salinsky Sullivan Architects was sworn in and testified that Salinsky Sullivan Architects was retained by New Jersey School Construction Corporation to assist in developing plans for the Hoboken district to provide temporary swing space for elementary students. Mr. Calligaro stated this project was to provide temporary educational space for 200 students during the construction/renovation project at Calabro School. Mr. Calligaro stated that those 200 students are scheduled to be segregated into two different locations. 120 students, grades 1 through 4, will be at the St. Francis Parish Center's building and the remaining 80 students, which would be 5th graders, will be in temporary classroom units located in the Wallis School parking lot.

Chairman Mooney noted for the record that Commissioner Forrest has arrived at the meeting at 7:35 p.m.

Using exhibits, Mr. Calligaro went on to summarize what minor modifications were proposed for the St. Francis Parish Center which would hold 120 students. Still using exhibits, Mr. Calligaro next summarized how the balance of 80 students will be housed in the temporary classroom units in the parking area of Wallis School and the modifications proposed there.

Planning Board Planner Eileen Banyra asked how long this project will take?

Mr. Calligaro responded three years at which time, since the NJSCC owns the temporary classroom units, they will be moved to another district upon completion.

Several Planning Board members inquired about the parking that will be eliminated and Mr. Calligaro advised the members on that issue.

There were no public questions at this time.

Planning Board Attorney Michael Butler stated that a memorandum to the City Council will be prepared that the Planning Board accepts the concept review.

Mr. DeTrizio made the motion to accept.

Mr. Cammarano seconded the motion.

Roll Call: Unanimous vote of aye.

### **409 FIRST STREET**

Minor Site Plan

Attorney Judy Babinski spoke on behalf of the applicant, Cingular Wireless.

Radio Frequency Engineer Bernard Morgan was sworn in and testified, using maps, as to minor modifications made to this proposal since the last time they were before the Planning Board. Mr. Morgan said this site was needed to fill in the gap in Hoboken.

Mr. Morgan responded to Board members' questions.

There were no public questions of Mr. Morgan.

Mr. Peter Tolisches, a licensed, professional planner, was sworn in. Using exhibits, Mr. Tolisches testified as to the visual aspect of the antennas to the public eye. Mr. Tolisches continued to use exhibits to show the stealthing proposed for the antennas.

Mr. Morgan responded to a Board member's inquiry as to why the antennas cannot be mounted onto the facade.

Mr. Glen Scherer, a licensed professional engineer, was sworn in and testified on behalf of Cingular as to the proposed stealthing.

Mr. Chaim Wolf was sworn in and testified that he was hired by Cingular Wireless to locate and lease cell sites for Cingular Wireless. Mr. Wolf explained to the Planning Board the process for leasing this site. Mr. Wolf explained how the landlords are contacted by telephone and mail by Mr. Wolf to obtain use of their building. Some landlords refused and some of the surrounding buildings would not be suitable sites.

Mr. Scherer again spoke on behalf of Cingular Wireless regarding this particular site plan. Mr. Scherer answered Planning Board members' questions regarding the antenna locations.

Mr. Tolisches, Mr. Morgan and Mr. Scherer took turns responding to various Planning Board members' questions and all three also discussed the proposal in length with the Board members.

Attorney Babinski suggested that this be carried to the December 6, 2005 Planning Board meeting so she can come back with plans on the roof and anything else they can come up with regarding the equipment on the roof.

There were no questions or comments from the public at this time.

**ADJOURNMENT**

There being no further business to attend to, this meeting adjourned at 8:55 p.m.

Respectfully submitted,

AudioEdge Transcription

Matthew D. Hoffman  
Manager of AudioEdge

MDH/ryn

Hoboken, New Jersey, December 6, 2005

A meeting of the Hoboken Planning Board was held on December 6, 2005 in the Conference Room, City Hall, Hoboken, New Jersey. Chairman Thomas Mooney called the meeting to order at 7:00 p.m. Chairman Mooney noted for the record that the provisions of the Open Public Meetings Act had been complied with.

## **ROLL CALL**

Present: Chairman Mooney, Vice-Chairman Monaco, Mr. Cammarano, Mr. Detrizio, Ms. Falco.

Also present: Michael Butler, Esq., Board Attorney, Eileen Banyra, Board Planner, Chaz Holloway, Board Engineer, Ms. DePalma, Secretary to the Planning Board.

Ms. DePalma declared a quorum present.

## **MINUTES**

Mr. Monaco made a motion to approve of the minutes of the following meetings: August 2, 2005, October 4, 2005, October 13, 2005, November 1, 2005 and November 10, 2005, with changes to the November 10, 2005 meeting regarding 801-803 Monroe Street.

Mr. Cammarano seconded the motion.

Roll Call: Unanimous vote of aye.

## **RESOLUTIONS**

Attorney Butler noted that there was a change to the agenda tonight. The change was the Planning Board's recommendation to the Calabro Elementary School Swing Space concept review meeting. Attorney Butler said the resolution was reviewed by the Board, accepted, and there are no recommendations.

Mr. Monaco made the motion to approve.

Mr. Detrizio seconded the motion.

Roll Call: Unanimous vote of aye.

## **CORRESPONDENCE**

**THOMAS G. CONNORS PRIMARY SCHOOL**

Mr. Michael Messinger, an architect with Perkins Eastman Architects of New York, stated that he was at the meeting to present alterations and renovations to the Thomas G. Conners Primary School, which is located at 2nd Street and Monroe Street. Mr. Messinger gave a brief history of the building stating it was built in 1908 and has always been utilized as a school.

Mr. Messinger stated that the proposal for work at the school is largely for the interior of the school as the exterior was restored within the last four years. In addition, some minor site work around the building was proposed.

Mr. Messinger stated the site work would consist of adding 12 new street trees around the perimeter of the building which would be a small piece of Madison Street, a good portion of 2nd Street and a portion of Monroe Street. Additional site work will consist of replacing all the sidewalks and paved surfaces on the lot itself. Also, a rubber surface in the play area will be replaced and a new play structure will be installed.

Mr. Messinger stated there will be three parking spaces on the lot along 2nd Street which is where the entrance to the yard is, to accomplish this, it's possible that there will be one less parking space along 2nd Street.

Mr. Messinger also stated there will be new trash enclosures at the corner of the lot, and a generator will be added in the back with an above ground fuel tank.

Mr. Messinger also stated the other item that will affect the rear yard is a stage house added to the back of the gymnasium which would allow the gymnasium to function also as an auditorium. Because the gymnasium is on the second floor, the addition will also be on the second floor and the first floor underneath both will remain open space. There will be six columns holding up the building.

Mr. Messinger stated that the only renovations planned on the facade would be on the Monroe Street side and they plan on removing the five steps and the stoop which actually puts you in the building on the second floor. A new entrance would be installed on the ground level, which would mean lowering the door about three feet. The new masonry would blend in with the existing masonry and ideally it would look like it was built this way. The existing masonry on Monroe Street and 2nd Street have been cleaned up a little bit but, otherwise, have not been changed. On the north side of the building a synthetic stucco system has been added in the last few years. For the new addition they would like to use a type of metal panel which is more durable than the stucco but still keeps in character of what has been put on the building.

Mr. Detrizio asked why the three parking spaces were needed.

Mr. Tmm Caligy responded that it is a DCA requirement to have two handicapped and one visitor parking spot. The only other alternative would be to put handicap parking spots on the street, which creates a problem with the fire department not having open access to the school.

Board Planner, Eileen Banyra, asked about the metal panels they planned on using. She also stated that there is a Shade Tree Commission and they should coordinate the tree selection with that Commission. Ms. Banyra also asked if the play area was going to be fenced in and she was

told that it would be.

Mr. Monaco noted that there were street trees planned for Monroe Street and 2nd Street but nothing on the Madison Street side and questioned if this was because trees were inside the fence. The response was yes. Mr. Monaco was told that it could be looked into but there is only so much area they have to work with.

Mr. Holloway asked about the need for the generator and he was told that it was a requirement to power the elevator in case of a power failure.

Mr. Caligy said it would also be used to power the building in the event of a power failure. Mr. Caligy also stated that the building will be designated in the City's OEM plan as an evacuation site in case of an emergency. He also stated that the generator is a dual source as it can be either gas or propane powered. At this point, there was some discussion regarding the dangers of propane.

A Board member asked about access to the elevator after the new entranceway is installed. By using exhibits, it was pointed out that the elevator is right inside the entrance and that a new larger cab will be installed to accommodate a wheelchair which it cannot do now.

Mr. Monaco made the motion to adopt the concept with the recommendation that the Shade Tree Commission be consulted and that street trees be put on Madison Street also.

## **ADOPTION OF THE 2006 YEARLY CALENDAR**

Ms. Banyra stated that there is a Housing Plan that needs to be adopted before the end of the year and the Board should consider a special meeting for December 19, 2005. After some discussion it was agreed to schedule a special meeting for December 19, 2005.

Mr. Cammarano made the motion to adopt the calendar as amended.

Mr. Detrizio and Mr. Monaco both seconded the motion.

Roll Call: Unanimous vote of aye.

## **HEARINGS:**

### **409 1ST STREET/WIRELESS**

#### **Minor Site Plan**

Attorney Judith Babinski spoke on behalf of the applicant, Cingular Wireless. Attorney Babinski stated that she was at this meeting to talk about keeping the equipment in the backyard because the landlord did not want it on the roof. However, as they were sitting here this evening the landlord has reconsidered and the equipment will be going on the roof as originally intended.

Attorney Babinski stated that due to the fact that the plans were changed tonight she is unable to provide site plans to the Board for review. However, since there will be a special meeting where the Board doesn't want anything else added, and in January there might be new Board members, which would mean Attorney Babinski would have to start over again, she is asking the Board to consider approving the application tonight, and they would work with the Board engineer and planner or even appear again before the subcommittee until everyone is satisfied with the plans.

Ms. Banyra asked Attorney Babinski to reiterate what she was asking the Board as the Board members might not remember the wireless application at this point in time.

Attorney Babinski responded that there are 12 antennas to be placed on the roof. Previously, the Board asked about stealthing, Attorney Babinski had shown pictures of the proposed stealthing and everyone like the way the antennas were explained. The equipment was supposed to be in the backyard but this was a problem because there is a deck there and the backyard is very small. Attorney Babinski also stated that there was no resolution to the equipment in the backyard because nobody like it there.

Attorney Babinski also stated that because the equipment will be on the roof there is no need for the rear and side yard variances.

Mr. Monaco asked what the final alignment on the roof was.

Attorney Babinski produced the pictures to show the Board and stated the antennas in the front are lined up behind each other so from the front view only one antenna is visible.

Attorney Babinski and the Board members discussed stealthing. Previously, it was discussed to cover each antenna or one big cover for all the antennas, and Attorney Babinski believes it was suggested to not have stealthing as it was too massive.

Attorney Butler stated that the discussion about the massive stealthing was before the subcommittee and not the whole Board.

Attorney Babinski apologized and said she had her meetings mixed up. She did use the pictures to show what the stealthing would look like. Attorney Babinski said they proposed putting the equipment in the rear of the building and then work with the engineer and planner until they were happy with it.

Mr. Cammarano noted that the pictures did not include the equipment on the roof.

Attorney Babinski said the equipment could be placed inside the stealthing so it is not visible and the stealthing would be almost the width of the building.

Mr. Detrizio asked to see what the antennas would look like without the stealthing.

Attorney Babinski provided pictures without stealthing that were taken in the parking lot behind the building. Attorney Babinski stated that if the equipment was placed behind the stealthing it would not be visible.

Mr. Glen Scherer produced a preliminary sketch of the roof plans.

When asked by a Board member what she wanted Attorney Babinski stated she did not want to take this to the January meeting as she would have to start all over at that point. She stated that she is asking the Board for approval tonight and that they refer her to work with the engineer and planner for an exact design.

Attorney Babinski was asked about what variances she discussed previously and if all the required variances were discussed. Attorney Babinski responded that with the equipment in the rear yard she needed a front yard setback and a rear yard setback. She said they exceeded the maximum lot coverage and the maximum roof coverage. And, that they were within 500 feet of a residential building. With the equipment on the roof, Attorney Babinski said she would not need a rear yard setback. She would still need the front yard setback because it's for the antennas on the roof. Also, maximum lot coverage would not be needed because the equipment would be on the roof. But she would need the maximum roof coverage.

Mr. Glen Scherer, architect, spoke on behalf of the applicant. He stated that the steel beams would be crossing approximately 24 feet across the span of the roof. The cabinets on the steel frame would be approximately nine feet above the top of the roof deck. The cabinets are approximately six and a half in height, two feet square and gray in color. Mr. Scherer went on to explain how the antennas would blend in with the surroundings. However, the equipment would now be in view. Mr. Scherer explained that the platform will be approximately six to eight feet from the edge of the roof. The cabinets themselves, sitting on top of the platform, would be another five or six feet back.

Mr. Scherer was asked if the cabinets could be placed more in the center of the roof. Mr. Scherer responded that this could not be done because there is a roof hatch and a skylight in that area and it would entail major renovations. Mr. Scherer said if the concern was seeing the equipment from the street what they could do is put fiberboard shielding in that area and paint it to match the color of the building.

Mr. Monaco made the motion to approve subject to the changes presented.

Mr. Detrizio seconded the motion.

Roll call: Unanimous vote of yes.

## **801-831 MONROE STREET/800-830 MADISON STREET**

Amended Final Site Plan Approval

Attorney John Curley spoke on behalf of the applicant for amended site plan approval. Attorney

Curley stated this project is for 220 residential units and some retail uses on the first floor, and it covers the entirety of Block 88 with the northwest redevelopment area. Attorney Curley stated that he had previously obtained minor site plan approval with approximately three minor variances. Which is the setback on the east-west street about 40 feet, the setback for a canopy on the north-south street, and a variance with respect to the facade.

Attorney Curley stated that since then he has obtained final site plan approval but because there have been design changes to the interior of th building he felt the need to come back to amend the final site plan approval.

Architect Michael Gelfand was sworn in and testified on behalf of the applicant. Mr. Gelfand went through the list of changes with the Board as they were supplied with a list also. Mr. Gelfand said the original plan had, on the frontage of 9th and 8th Streets, apartment that would go all the way through the building, but the corridor did not pass from east to west. The Fire Marshall requested that the three through apartments be eliminated and an internal passage be created that interconnects. Also, originally, the concept was to have four different and separate entries to the building which were not continuous. The Fire Marshall requested that they make the corridors continuous throughout the building. Mr. Gelfand said they have continued to maintain a break in the corridors with a series of fire doors so there are still four individual corridors although they are connected by fire doors on the ground floor.

Mr. Gelfand stated that plan changes generated a change in the elevation. The side streets have not changed but the frontage on 9th Street has changed.

Mr. Gelfand stated that one of the concerns of the Board previously was some large expanses of glass, so some of the glass was reduced and the brick facade was increased.

A Board member noted that there were some modifications to the stoop design to provide additional steps and an outside landing along the north-south streets.

Mr. Gelfand responded that the change was recessing the doors to create a recessed entry rather than a landing, entrance and another landing. So the front stoop was slightly changed to allow for more articulation at the entryway. And, the stoops have retained the straight vertical design down to the street.

Ms. Banyra noted that at one of the previous meetings there was discussion about the different building styles. She said that one of the concerns of the Board was the internal and external facade and look of each building was distinct. She noted that the new rendering seems to be modified. Ms. Banyra asked Mr. Gelfand to elaborate on that.

Mr. Gelfand responded that the side streets have not changed and that there was one change of eliminating some glass.

There was some discussion about the roof line being changed. Mr. Gelfand stated that this project has not been changed and there is no intention in changing it. Mr. Gelfand also stated

that the Board's comments are directed toward aesthetic considerations which he feels is outside of the Board's jurisdiction.

Ms. Banyra stated that the architectural treatments are considered in the variance and the passage weighs into the consideration of the Board.

Ms. Banyra asked about the Deed that was submitted to consolidate the property and that needs to be submitted to the Board Attorney for review.

Attorney Curley stated that the Deed will be submitted once they have secured the Title. At this point, the property is still owned by the Tannenbaum interest and he is expecting to close Title in January. Attorney Curley also stated that one of the parcels that is part of this is still owned by the City of Hoboken and was acquired by condemnation.

Ms. Banyra stated that another condition of approval that was discussed with the subcommittee was the transformer and it's location above ground. She asked what the resolution of that was.

Attorney Curley said that there have been problems with PSE&G in getting them to do a below ground installation. He said the Board has been pressing them to get a written statement from PSE&G which they finally received. The letter dated November 7, 2005 was sent out to the Board on November 23, 2005. Attorney Curley says that PSE&G indicated its policy in that letter and, essentially, unless PSE&G wishes to do it, they will not do the below ground installation for the applicant.

Attorney Butler agreed that PSE&G will only do what they want to do.

Attorney Curley stated that in other projects that he is involved with they are doing below ground installation. And, it was not even a requirement of the approval but they decided to do it for aesthetic reasons.

There was discussion again on the facade of the building. One of the Board members stated that he did not like what he saw. The same member indicated that according to Mr. Curley the Board has no right to say or vote on what that looks like.

Attorney Butler responded that as long as they were following the ordinance and not asking for variances then there is nothing the Board can say about the aesthetics of the building.

Discussion continued regarding the aesthetics of the building and how it seemed to have changed since the previous rendition submitted.

Ms. Banyra stated that she met with the construction official and the way it was described to her was it had something to do with the joining of parking underneath the building and if you tried to make them look different the firemen would be confused as to which building to go into. Ms. Banyra stated that she did not understand what this meant. She stated that the construction official also described it as a building code issue.

Mr. Gelfand stated that the attempt to address that was with the smoke and fire doors. The doors create the separation and are intended to remain closed. He stated that visually the doors are tucked around the side of the corridors so you don't even realize that the corridor continues.

Ms. Banyra responded that by separating them into four smaller sections it gives the feel of a neighborhood as opposed to one that you can enter on four different sides.

The Board members discussed what exactly was being approved at this meeting.

Ms. Banyra stated that the options were to let the applicant go back and make sure that each building looks different or approve the plans tonight.

Mr. Monaco made a motion to table this applicant till the next regular meeting in January.

Mr. Detrizio seconded the motion.

Roll call: Unanimous vote of yes.

**1320-22 ADAMS STREET**  
**1321-31 JEFFERSON STREET**  
**451-57 14TH STREET**

Amended Site Plan

Attorney Richard Venino spoke on behalf of the applicant, Michael Gorman, for a preliminary site plan application.

Architect George Johns was sworn in and testified on behalf of the applicant. Mr. John stated that the property borders on 14th Street, Jefferson Street and Adams Street and the building is conforming in all areas. Mr. Johns said that after the Board's comments about the rendering the rendering was revised. He stated that by planning the facade this way they did is very much in keeping with the styling in Hoboken. Mr. Johns went on to say that the windows have a black Lucite on them that actually does not penetrate the building. He stated there are nine retail units of varying size.

When asked Mr. Johns stated that the facade design was positively received by the Preservation Sit Plan Committee, and that this was the second plan submitted. When asked by Attorney Venino about the rear of the building, Mr. Johns said they did some redesigning on the rear of the building even though it was not required.

Mr. Johns briefly went through the landscaping design noting that it was designed by someone else.

In discussing the sidewalks Mr. Johns stated that everything looks level but there is a very gentle grade to the corner that conforms to the engineer's department.

Mr. Monaco asked if all the trees were on 14th Street and Mr. Johns responded that most of the trees are but there are others sporadically located around the perimeter. Mr. Johns noted that the details would be noted in the engineer's drawing.

A Board member asked what the elevation from the street was. Mr. Johns explained that he did not have the engineer's drawing, but there is a pitch upwards of about eight inches in some areas and level in others. Also, that there were no steps.

Mr. Monaco complimented Mr. Johns on the design as it was the first time he had seen it since the initial design.

There were no public questions at this time.

Andrew Missey, the engineering planner for the applicant, was sworn in and testified on behalf of the applicant. Mr. Missey gave a brief description of the area and its surroundings. Mr. Missey stated that this is the first redevelopment on this block.

Attorney Venno confirmed that the only variance being requested is for the minimum lot size, which is 40,000 square feet, for the large scale retail.

Mr. Missey stated that in Zone 3, for large scale retail, the requirement is 40,000 square feet, but this is only 30,000 square feet.

Attorney Venino also confirmed that this area is surrounded by streets on three sides and a different zone on the fourth side.

Mr. Missey stated that by looking at the renderings it's possible to see how 30,000 square feet dimension renders a certain efficiency to creating a retail space with surface parking. Mr. Missey used the drawings to explain the efficiency of the 30,000 square feet.

Mr. Missey next explained that all the public utilities have sufficient capacity to accommodate the retail development. Also, that as a retail development on a single story there is no need for a lot of water usage, nor does it generate a lot of sewage.

When asked by Attorney Venino about the letters of availability for all the utilities involved Mr. Missey responded that they have received work forward letters from all public utilities for the proposals on this site.

Mr. Missey reiterated what Mr. Johns had stated as far as the engineering designs.

Mr. Missey next spoke about the specifics of landscaping and lighting proposed.

When asked, Mr. Missey stated that he has reached out to the City Director, Mr. Peluso, in a letter, following the Sub-Committee meeting, advising him of the dimensions of the loading area, and projection of the type of vehicle that would be making deliveries to the unit. Mr. Missey, as

of this date, has not received a written correspondence back from Mr. Peluso, but he feels the loading area is adequately designed.

Mr. Missey stated that the soil erosion plan was approved by this Board and Hudson/Essex/Passaic Shore Conservation District.

Mr. Missey used a drawing to show where the recycling area could be located.

A Board member asked about the applicant being asked to make a contribution to help the City defray the cost of upgrading the roads, and if there have been any discussions with the City or Developer's Agreement in place, or has any consideration been given to upgrading the roads in front of the property.

The response was no to the first part of the question and as to the second part, there is a Developer's Agreement in place. Mr. (Indiscernible) has been designated as the developer and has already signed the Developer's Agreement.

Ms. Banyra stated that it's pursuant to ordinance number 196-63.1, and it requires an off-track improvement for any site plan application that comes before the Board.

A Board member stated that what the Board has been approving is that the applicant be responsible for their share of the improvements along the roadways.

It's a pro rata share depending upon the traffic volume. Ms. Banyra stated that it is discussed between the two engineers as to what's an appropriate pro rata share.

Attorney Venino was asked if he submitted for Count approval and he replied that it's scheduled after this hearing.

Mr. Scott Koenig, the landscape architect, was sworn in and testified on behalf of the applicant. Using renderings to outline the landscaping plans. He stated that the proposed landscaping on Adams Street calls for four street trees along the street frontage spaced approximately 25 feet apart. Along the building foundation, they are proposing low foundation type planting treatment.

Mr. Koenig stated that on 14th Street they are proposing two rows of trees. The first row of street trees would follow the same Adams Street for a total of seven trees. In the lawn area to the south of above, between the sidewalk and parking area, eight trees are proposed, again, 25 feet apart. And, the balance of the area, from the sidewalk south, will be continuous shrub planting at two and a half to three feet in height for the purpose of buffering the front to the cars from the street. South of that area where there is a break up of parking spaces, Mr. Koenig proposes flowering shrubs. To the west, off the Jefferson Street frontage, Mr. Koenig is proposing three street trees with 25 feet spacings. North of the building is proposed six flowering trees at regular intervals with the building facade.

Mr. Koenig stated that overall 29 trees are proposed. The types of trees proposed are Cherry

trees, plain trees, Flowering Pear trees and Linden trees. Also, the entire landscaped area will be serviced with an underground irrigation system.

Ms. Banyra asked Mr. Koenig if he discussed the tree selection with the Shade Tree Commission.

Mr. Koenig responded that he has not. But, he did state that the tree selection is mirrored from other constructed sites in Hoboken.

Ms. Banyra also asked why the choice of lawn as opposed to a vegetated cover that didn't require any maintenance.

Mr. Koenig responded that the proposed lawn area is in the front are of the building and this was for snow storage for plowing purposes rather than risk damaging plant material.

Mr. Koenig next spoke about the proposed site lighting. Mr. Koenig stated that the proposed lighting would involve decorative pole fixtures, with the poles being 14 feet high and the ornamental fixtures approximately three feet in height, for a total height of 17 feet. The fixtures proposed lights are 150 watt high pressure sodium lights. Mr. Koenig stated they propose 15 poles throughout the street frontages and the parking area.

Ms. Banyra stated that the Board has reduced wattage down to 70 watts on almost every site in town.

Mr. Koenig responded that this area does not have much lighting provided through existing street type lighting. For this fact the 150 wattage was proposed.

Ms. Banyra said that this proposal is one of the first commercial sites in the redevelopment are that the Board has seen in a while and maybe the Board can reevaluate that.

A Board member asked if the wattage became a change would it effect changing the fixture or just the bulb.

Mr. Koenig responded that there would have to be minor modification to placement of the poles so there is adequate coverage. And, in some areas, it may require additional poles to get proper coverage.

There were a few more questions by Board members regarding the lighting which Mr. Koenig responded to.

The last witness was Joseph Staigar, a professional planner, who was sworn in and testified on behalf of the applicant. Mr. Staigar said he was asked to do a study on the traffic for this project, which he did, and he summarized his report for the Board.

Mr. Staigar stated that there was not much traffic in this area, but he did account additional

traffic in his study. He stated the main factor in this development is that it is going to be a neighborhood retail center that would draw from the immediate area. Mr. Staigar stated that with all things considered they are still working within relatively good levels of service. Level of service ranges from A to F and in this area the service ranged at an A to C level. Mr. Staigar also stated that this site will not have a negative impact of the roadway network itself.

Mr. Staigar stated another aspect that he looked at was the site and how it would work. He said it was a simple site with 2 two-way driveways, one on Jefferson Street and one on Adams Street with one-way traffic northbound on Adams Street and primarily southbound traffic on Jefferson Street.

As far as the 40 parking spaces, Mr. Staigar felt that this was more than adequate to accommodate the parking needs.

There were no public questions at this time.

Mr. Detrizio made a motion to approve with conditions.

Mr. Cammarano seconded the motion.

Roll call: unanimous vote of aye.

### **ADJOURNMENT**

There being no further business to attend to, Mr. Cammarano made a motion to adjourn the meeting at 10:02 p.m.

Ms. Falco seconded the motion.

Respectfully submitted,

AudioEdge Transcription, LLC  
Matthew D. Hoffman  
Manager of AudioEdge

MDH/ryn

Hoboken, New Jersey, December 19, 2005

A special meeting of the Hoboken Planning Board was held on December 19, 2005 in the Conference Room, City Hall, Hoboken, New Jersey. Chairman Thomas Mooney called the meeting to order at 7:10 p.m. Chairman Mooney noted for the record that the provisions of the Open Public Meetings Act had been complied with.

## **ROLL CALL**

Present: Chairman Mooney, Mr. Peluso, Mr. Cammarano, Mr. Detrizio, Mr. Forrest.

Also present: Michael Butler, Esq., Board Attorney, Eileen Banyra, Board Planner, Ms. DePalma, Secretary to the Planning Board.

Ms. DePalma declared a quorum of five present.

## **REVIEW AND ADOPTION OF HOUSING ELEMENT AND FAIR SHARE PLAN**

Ms. Banyra said at this meeting two gentlemen, Richard Preiss and Matt Jakubowski, from the consulting firm of Phillips Preiss Shapiro Associates will be speaking on the City of Hoboken Third Round Housing Element and Fair Share Plan which was prepared by them. Ms. Banyra said the Plan had to be submitted to the Council on Affordable Housing (COAH) by the deadline for submission of tomorrow, December 20, 2005.

Mr. Richard Preiss made a presentation on the above-mentioned plan. Mr. Preiss explained that under the New Jersey Fair Housing Act all communities in the State of New Jersey are obligated to provide for their fair share of low and moderate income housing. Mr. Preiss explained, in the first two rounds, because Hoboken was an urban aid municipality the COAH regulations exempted Hoboken from having to provide any new units of low and moderate income housing. Which, also, is why Hoboken did not file a plan in the first and second round. However, in the third round that changes.

Mr. Preiss said the third round obligations consist of three parts. The first part is called the Rehabilitation Share, which is a certain number of low and moderate income housing units occupied in the City of Hoboken have to be rehabilitated in the 10 year period forward from January 1, 2004 to December 31, 2013. He said in other words there has to be a demonstration that Hoboken is capable of assisting those residents by rehabilitating their units.

The second part is that COAH says that communities have to provide for their remaining fair share of housing from the first two rounds. Mr. Preiss said this doesn't apply to Hoboken

because they didn't have a fair share obligation in the first two rounds.

The third part is what is called a Growth Share obligation. Mr. Preiss explained that COAH says if you allowed residential and nonresidential development a certain percentage of that has to be provided for affordable housing. Mr. Preiss explained the formula as for every nine units of residential units built or for certificates of occupancy granted in the 10 year period one unit has to be a low or moderate housing unit. And, for every nonresidential development that produces jobs, one affordable housing unit has to be created for each 25 jobs created.

Mr. Preiss referred everyone to page 15 of the Plans as he explained how the calculations are done. Mr. Preiss explained that COAH says the local metropolitan planning organization (MPO), in this case the North Jersey Transportation Planning Authority (NJTPA), has produced projections for residential, population and employment growth in certain areas of the State. Then each community, based on historical growth and their own projections, has to indicate how much growth they think is going to occur in that 10 year period. Then it is required that the two be compared. If the community's growth projection is equal to or greater than the MPO's projections then COAH says that is presumed valid. If the community's projections are lower, then COAH will ask you to make a rationalization and indicate why those projections should be lower.

The next part of the Plan is an indication of how, in the next 10 years, that number of units is going to be built. Mr. Preiss said on page 15 he has indicated what the MPO projections are. He said, essentially, the indication is that there will be an increase of 2,140 households in the next 10 years. Mr. Preiss explained if you take the ratio of 1 for 9 that has to be affordable that creates an obligation of 238 affordable units.

In terms of employment growth, Mr. Preiss said the MPO projects 1,430 additional jobs in Hoboken in the 10 years, and using the formula of 25 to 1 that is an additional 57 affordable housing units. So, the total obligation according to this MPO projection is 295 affordable units.

A Board member asked what Hoboken has complied with so far.

Mr. Preiss responded Hoboken has to conduct its own projections and compare it to the MPO's projection. Mr. Preiss also said despite the fact that it didn't have to provide any affordable housing, the records indicate that over 900 affordable housing units have been built since 1980, and for which Hoboken is eligible for credit. So, whatever the projections are and as long as it's less than 938, the presumption is that Hoboken will have met its obligations for the next 10 years by relying on the fact that it already created those units.

Mr. Preiss explained that COAH requires that you look at the past 10 years of growth and you indicate what projections are despite the fact of what MPO has come up with. Mr. Preiss said he made projections based on residential projects, either proposed or have been approved or are likely to occur in the next 10 years, and those projections are on page 19 of the Plan. He said the total projected municipal growth share from the 6,599 units included within the development

projection are 733 affordable units.

Likewise, with the nonresidential growth, there is approximately a million and a half square feet of nonresidential growth projected to occur in the next 190 years. Mr. Preiss explained that COAH provides a series of formulas of a number of jobs per square foot. Examples are: retail, 2 jobs per 1,000 square feet; storage and warehousing, 1 job per 125,000 square feet. Mr. Preiss explained he applied those formulas and came up with a projection of 1,278 jobs and 51 additional affordable housing units as part of the growth share obligation. So, adding the 733 units from the residential and 51 from the nonresidential and the obligation is 784 affordable units. Mr. Preiss went on to explain that since Hoboken's projection of 784 exceeds the MPO's projection of 295 they can be presumed to be valid. In other words, COAH will not question it.

Mr. Preiss said based on the 2002 Hoboken Master Plans there was a detailed accounting of the number of qualified affordable housing units built in Hoboken since 1980 and that is 974. At this point in time, Hoboken has not only met its growth share obligation but Hoboken will actually carry a surplus of 190 units into the next round, assuming there is a fourth round.

A Board member asked how far back a community was allowed to go.

Mr. Preiss responded you're allowed to go back to April 1, 1980 and there are two cycles where you can get credit. He said each cycle is slightly different as to what you're allowed to count.

Mr. Preiss said that COAH requires annual monitoring reports be provided and they will review the whole fair share program at the third, fifth and eighth years. If a community falls short of their goal, it may require an adjustment in the plan. Mr. Preiss feels that if the growth does take place as projected it will probably be in the third or eighth year where any kind of adjustments will have to be made.

Mr. Forrest asked if the law is that you can't go back a certain number of years but literally back to 1980.

Mr. Preiss responded at this point you can get credit for housing units that were built since 1980. Mr. Preiss also said Hoboken was very fortunate by being an urban aide municipality and not having any obligation. So, instead of applying those credits in the first and second round Hoboken gets to carry them and count against the third round obligation.

A Board member asked Mr. Preiss to again define the first, second and third rounds.

Mr. Preiss responded the first round was the period from 1987 to 1993 and the second round was 1993 to 1999. The third round is essentially 2004 to 2014. He said the missing five year period was because COAH decided they wanted to wait for the 2000 Census to come out before they did a projection of the third round. Then there was some controversy as to what those numbers were so it took a few years before they finally released the numbers. The numbers were released a year ago and COAH basically said everybody has to meet new obligations for the third round and file a fair share plan by December 20, 2005.

Mr. Mooney asked who monitors the program.

Mr. Preiss responded the Council on Affordable Housing (COAH) does this.

Mr. Mooney asked if the City has an obligation.

Mr. Preiss responded yes, the City is required to file a monitoring report every year to COAH just to update them as to the number of affordable units.

A Board member asked if that was the reason for the meeting tonight.

Mr. Preiss responded what is being done tonight is the adoption of Hoboken's Housing Elements and Fair Share Plan. Mr. Preiss also said to the extent that Hoboken does this it would be immune from "Builders Remedy" lawsuits. To the extent that Hoboken has not filed and doesn't comply there is a possibility that a builder who wants to build affordable housing and other developments would sue the City and say you haven't complied with your obligations and I want to build this project and it will have a certain number of affordable housing units. Mr. Preiss said that will then be transferred to the Courts and if the Courts find in the builder's favor the builder may get to build that particular project or a respective of what the zoning for that particular parcel was. So, the idea is to protect Hoboken against that "Builder's Remedy" lawsuit and file the Plan.

Mr. Preiss said even though Hoboken's projections indicate Hoboken will meet its obligation but carry a surplus it's possible the growth will exceed the projections provided. Or, in the intervening period of time there may be additional projects toward the end of the period which will create an obligation in the fourth round. So, even though Hoboken is in a very good position now, to the extent they don't do anything in the 10 year period, they may fall short of the obligation either within the 10 year period or some time thereafter.

Mr. Preiss also said the whole formula is based on the fact that COAH has said if you grow a certain percentage has to be provided for affordable housing.

Mr. Preiss said what he has done in other communities he has worked in is adopted a growth share ordinance. The growth share ordinance say if you are a residential or nonresidential project and are proposing a project that add square footage or adds housing units to the housing stock and that creates an obligation that you help to provide to that obligation. As an example, Mr. Preiss said if someone came in for a 90 unit housing project that would then create an obligation for Hoboken to provide 10 affordable housing units.

In the growth share formula it also indicates that it's up to Hoboken to determine if they want that developer to provide the housing there or to provide a fee in lieu of providing those units. That fee would go into a fund which would be used to provide affordable housing elsewhere.

Mr. Preiss explained that rehabilitation share in Hoboken in the next 10 years is 275 units.

However, any unit that has been rehabilitated where a cost of over \$10,000.00 was spent, from April 1, 2000, can be credited against that number. There are no statistics at this point but Mr. Preiss believes there were a number of units rehabilitated. When that number is found out it will be sent to COAH and COAH will be asked to credit against that rehabilitation share.

On a miscellaneous note, Mr. Preiss said the Hoboken Housing Authority, in 2006, will be the recipient of a \$10,000,000.00 grant which they will use for rehabilitation. Based on the amount of money that is available, Mr. Preiss believes there will be sufficient funding available to the Housing Authority to pay for additional rehabilitation to make up for the 275 units.

One of the Board members asked if the developers with five or six units are exempt from this.

Mr. Preiss responded no. Mr. Preiss said in the growth share ordinance there would be a specification of what their obligation is. Mr. Preiss also said in that type of situation the developer could contribute money in lieu of providing the affordable housing, or to pay development fees into a fund so half the units could be built some place else.

A Board member stated Hoboken at the present time does not have that kind of ordinance in effect.

Mr. Preiss responded no they don't. He said it is unique to the third round. In the first and second rounds a number of municipalities adopted a development fee ordinance which is charging a fee to be used for various purposes. A growth share ordinance is different in that it requires if there is any development either affordable housing is provided or funding in lieu of providing the units.

A Board member asked if there was a dollar figure set up for small developers.

Mr. Preiss responded it was up to the community to make determinations on that.

The same Board member asked if it was up to the City Council to make that or would it go by the selling price of the units if they were condominiums.

Mr. Preiss responded it may, and in different towns it is done in different ways. COAH say if you are charging a development fee it is two percent of the equalized assessed value of the development itself. Residential use to be one percent and nonresidential use to be two percent, but it has gone up to where residential is two percent and nonresidential is slightly higher. Mr. Preiss said there are guidelines but he did not elaborate.

An unidentified individual said what Hoboken would be doing is if a small developer was putting up five units at a cost of \$500,000.00 they would be asked to put \$150,000.00 or \$200,000.00 into a fund for affordable housing.

Mr. Preiss agreed. Mr. Preiss also said it was up to Hoboken what they wanted to do. Hoboken could provide exemptions or lesser fees also.

A Board member opined that this would be a good way to get developers to scale down their projects.

Mr. Cammarano asked which government body does the growth share ordinance.

Mr. Preiss responded it is legislative. It is like the adoption of a zoning ordinance. The City Council would do it. But the Planning Board's function is the plan and recommendation to adopt.

A Board member asked if the use of surplus is time barred or are they there to point back to and say we have satisfied our obligations.

Mr. Preiss responded every time COAH reviews it they change the rules. So far COAH has not changed the rules in terms of what units can be credited.

Mr. Forrest opined that at the same time it is extremely unrealistic, especially in Hoboken's case, which had an unprecedented amount of affordable housing built from the early '70s to the early '80s.

At this point, a few Board members shared discussion on Hoboken's recent development of affordable housing.

Mr. Forrest said at what point is it going to finally wear out to do that, because a lot of the rules and a lot of those affordable housing are starting to get close to expiring or having to be renewed.

Mr. Preiss responded when the restrictions on affordability expire and if the community renews them they are eligible for additional credit at that point in time.

A Board member asked what happens when they don't get renewed or that they're supposed to expire over the course of this next 10 year period. He said, technically, it's great, Hoboken has fulfilled the requirements of the law but it seems the law is not going to serve the people as it goes down the road.

Mr. Preiss said the problem is that there is a very wide range of communities such as urban, rural and suburban of which some have done a lot and some have done nothing and yet there is one set of rules that apply to everybody. He said Hoboken is in a very unique situation where they are an urban aide municipality, didn't have an obligation, and built affordable housing.

A Board member asked how low and moderate income is defined.

Mr. Preiss responded it is defined as there is a four county region comprising of Hudson, Bergen, Sussex and Passaic Counties. According to COAH this is called Region One, and COAH defines what the medium income is for different sizes of households. Moderate income is housing that is affordable to people who make between 50 percent to 80 percent of the medium. Low income is anybody who makes less than 50 percent of the medium. Mr. Preiss also said

there is a formula to determine what people afford.

A Board member said he understood it to be a low income unit but it is actually the income of the occupants of the unit.

Mr. Preiss agreed. He said it is two things. One would be the people who occupy the unit would have to qualify as either low or moderate income. He said in a particular community COAH rules say half the units built have to be for low income and half would have to be for moderate income.

Mr. Preiss said there is also an addendum distribution in terms of how many bedrooms are provided. As an example, Mr. Preiss said if there are 1,000 units not more than 20 percent of them could be one bedroom units. Thirty percent have to be three bedrooms. The remaining 50 percent would have to be two bedroom units. Mr. Preiss said that is part of the formula.

The sales price for the rent that is paid, depending on what tenure it is, is based on a formula of what should be paid by that particular family. Mr. Preiss said he will not go into that formula at this time as it is kind of complicated.

Mr. Forrest asked if they use a similar formula for the four counties to determine what an average rent is.

Mr. Preiss responded no. As an example, Mr. Preiss said if a particular household earns \$60,000.00 the rules require the medium sales price is 52 percent of the medium income. If that particular family is buying a unit the COAH formula basically says they can spend up to 30 percent of their income on housing, which would be \$20,000.00. That \$20,000.00 would have to pay for mortgage and interest. If it's a condominium association they would have to pay homeowner's fees and taxes. So, if you take that \$20,000.00 and figure out what goes to taxes and homeowners association fees the rest would go to mortgage and interest.

A Board member asked if it would then be up to the developer if he wanted to provide an affordable rental unit as opposed to an affordable sales unit.

Mr. Preiss responded it typically is.

The same Board member said he assumed this was all about rental units.

Mr. Preiss said it is not always. A part of the COAH rules also require at least 25 percent of the units built in the community have to be rental units.

Ms. Banyra asked Mr. Preiss if his office prepared a growth share ordinance.

Mr. Preiss responded he didn't know if they prepared one for Hoboken. But, his office basically uses one of the model ordinances that have been developed. There is a particular one that COAH likes and Mr. Preiss assumes that will be the one adopted here.

Ms. Banyra asked if that will be sent tomorrow with the Plan.

Mr. Preiss responded he didn't know if it would be ready to be sent down tomorrow. He said when COAH receives it there may be some additional documents or info they want and Mr. Preiss is assuming the draft growth share ordinance would be one of those documents. He said his office would anticipate preparing it for submission to COAH at some point in time, probably in January.

Ms. Banyra asked if Mr. Preiss could indicate to her what is going to be sent tomorrow.

Mr. Preiss said the procedure works as follows: assuming the Board adopts this as their Fair Share Plan tonight there is a standard resolution that goes along with that. Plus, a resolution would have to be prepared by the governing body endorsing the Plan and petitioning for substandard certification. Those are the three documents Mr. Preiss' office will be forwarding. He said there may be other documentation that would go subsequently.

Mr. Matt Jakubowski of the consulting firm of Phillips Preiss Shapiro Associates, Inc. said he was here Friday gathering the tax maps, the Master Plan, the zoning map and the zoning ordinance to also be sent down tomorrow. Mr. Jakubowski said depending on the situation the list of affordable sites mentioned also.

Ms. Banyra asked Mr. Jakubowski if he also put together the service list.

Mr. Jakubowski said he would need to get that information. Ms. Banyra said they will send that over.

Ms. Banyra explained to the Board the procedure for tonight would be the adoption of the resolution. She said the attorney did prepare the resolution for tonight. Ms. Banyra said the Council will be forwarding their resolution as well.

Mr. Jakubowski said it needs to be a certified resolution and Ms. Banyra replied okay.

At this point the Board took time to read the resolution. There was minor discussion. Mr. Mooney opened the meeting to the public and there were no public questions or comments.

Mr. Forrest made a motion to close the hearing. Mr. Detrizio seconded the motion.

Mr. Forrest made a motion to accept the Housing Element and Fair Share Plan. Mr. Detrizio seconded the motion.

Roll call: Unanimous vote of yes.

Ms. Banyra said the Board will sign the resolution and the Board secretary is certifying that it is an original, so the Board will hand Mr. Preiss the original. Ms. Banyra also asked Mr. Preiss to

fax back a copy tomorrow.

**ADJOURNMENT:**

Mr. Detrizio made a motion to adjourn. Mr. Forrest seconded the motion.

Roll call: Unanimous vote of aye.

This meeting adjourned at 7:50 p.m.

Respectfully submitted,  
AudioEdge Transcription, LLC

MDH

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Matthew D. Hoffman  
Manager of AudioEdge