

CITY OF HOBOKEN  
PLANNING BOARD

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SPECIAL MEETING OF THE HOBOKEN : February 11, 2020  
PLANNING BOARD : 7 p.m.  
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Held At: 94 Washington Street  
Hoboken, New Jersey

B E F O R E:

- Chairman Frank Magaletta
- Commissioner Gregory Francese
- Commissioner James Doyle
- Commissioner Anne Lockwood
- Commissioner Jonathan Otto
- Commissioner Atif Qadir
- Commissioner Thomas Jacobson (1st Alternate)
- Commissioner Joan Allman (2nd Alternate)

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

NISHUANE GROUP  
By: George Wheatle Williams,  
Board Planner

BOSWELL ENGINEERING  
By: Christopher Nash,  
Board Engineer

Patricia Carcone, Board Secretary

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PAGE

B-239 Review

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HEARING

89-91 Park Avenue

42

1                   CHAIRMAN MAGALETTA:  Let's get started.

2                   This is to advise all of those present  
3                   that notice of the meeting has been provided to the  
4                   public in accordance with the provisions of the Open  
5                   Public Meetings Act, and that notice was published  
6                   in The Jersey Journal and city's website.  Copies  
7                   were also provided in The Star-Ledger, The Record,  
8                   and also placed on the bulletin board in the lobby  
9                   of City Hall.

10                  Please call the roll.

11                  MS. CARCONE:  Commissioner Lockwood?

12                  COMMISSIONER LOCKWOOD:  Present.

13                  MS. CARCONE:  Commissioner Qadir?

14                  COMMISSIONER QADIR:  Here.

15                  MS. CARCONE:  Chairman Magaletta?

16                  CHAIRMAN MAGALETTA:  Here.

17                  MS. CARCONE:  Commissioner Francese?

18                  COMMISSIONER FRANCESE:  Here.

19                  MS. CARCONE:  Commissioner Doyle?

20                  COMMISSIONER DOYL:  Present.

21                  MS. CARCONE:  Commissioner Allman?

22                  COMMISSIONER ALLMAN:  Here.

23                  MS. CARCONE:  Commissioner Otto?

24                  COMMISSIONER OTTO:  Here.

25                  MS. CARCONE:  Commissioner O'Connor is

1 absent.

2 Commissioner Cloud is absent.

3 Commissioner Jacobson?

4 COMMISSIONER JACOBSON: Here.

5 CHAIRMAN MAGALETTA: All right.

6 On the agenda we had three ordinances  
7 for review. Two are being pulled. That is B-241  
8 and B-242, so on the agenda the only ordinance for  
9 review is the ordinance amending the redevelopment  
10 plan for the Hoboken Yard Redevelopment Area, and  
11 that is B-239.

12 Mr. Williams, you had a chance to  
13 review this proposed amendment and issue a report.

14 Could you please tell us your  
15 conclusions, or your findings and conclusions?

16 MR. WILLIAMS: Yes.

17 Thank you, yes, Mr. Chairman.

18 Good evening, Commissioners.

19 I did have that opportunity. I am  
20 going to change my presentation a little bit for  
21 this particular amendment because of the history  
22 reviewed by this Board and the governing body.

23 So for our new members, in particular,  
24 but for all of the members in general, you will  
25 recall that a master plan consistency review is

1 required by the Municipal Land Use Law, and the  
2 intent is to make sure that amendments to our code  
3 don't go contrary to the master plan.

4 So the example is don't put a prison in  
5 a residential district, you know, because somebody  
6 wants to do that. Don't amend your code to do that.  
7 Our master plan clearly would say not to do that.

8 And so this Board has the jurisdiction  
9 and responsibility under the Municipal Land Use Law  
10 to review all changes to the zoning code to make  
11 sure they are consistent with the master plan.

12 Now, in the memo it talks about a few  
13 qualifiers, if you will. The first qualifier, if it  
14 is not crystal clear that it is substantially  
15 consistent with the zoning, with the master plan,  
16 the Board should find at a minimum that it is not  
17 inconsistent with the master plan, or that it is  
18 does not substantially or materially undermine the  
19 master plan, so that is the backdrop.

20 The other qualifier is that no matter  
21 what we say, the governing body has the authority to  
22 go forward with the amendment despite our  
23 recommendations about consistency, but they are  
24 required to explain why they would choose not to  
25 consider or accept our recommendations or findings.

1                   For the history, most of the Board  
2                   members are aware that this redevelopment plan has  
3                   been reviewed at least twice in 2019. The  
4                   amendments differed slightly, but each of the  
5                   amendments require this Board to look at whether the  
6                   changes to that redevelopment plan, that  
7                   redevelopment plan being the Hoboken Yard  
8                   Redevelopment Plan, would still be consistent with  
9                   the master plan.

10                   And as our new members know having  
11                   received the award winning master plan of 2018, Land  
12                   Use Element and Reexamination Report, it makes that  
13                   comparison a bit easier.

14                   Before I go into the findings, Mr.  
15                   Chairman, I'll just say quickly that our master plan  
16                   I think intentionally does not seek to make very  
17                   specific recommendations to any of the redevelopment  
18                   plans. So it acknowledges that we have  
19                   redevelopment plans. It suggests that the  
20                   redevelopment plans be captured in our zoning map.  
21                   It suggests that they be included in our zoning  
22                   ordinance, but it doesn't seek in large part to  
23                   offer specific changes to any of the redevelopment  
24                   plans, certainly not to the Hoboken Yard  
25                   Redevelopment Plan, so that is the broad context.

1                   In terms of the specific amendments  
2                   under B-239 or specific changes under the B-239  
3                   amendment, Director Brown offered a memo that I  
4                   thought was very helpful in terms of capturing the  
5                   changes under B-239 and giving some context for  
6                   those changes in the Redevelopment Plan. He  
7                   actually includes pagination, et cetera.

8                   So to make the review process easier  
9                   for myself and for all of you, I exerted almost in  
10                  total Director Brown's memo included in my review,  
11                  consistency review analysis, and just commented as  
12                  you go through the changes captured in his memo  
13                  about whether they are consistent with the master  
14                  plan, inconsistent or materially undermine the  
15                  master plan.

16                  Parenthetically you will note that  
17                  Director Brown's memo includes the whole chronology  
18                  of reviews and changes to the Hoboken Yard  
19                  Redevelopment Plan.

20                  I focus in my consistency review on  
21                  those changes that were made in 2020, because in  
22                  point of fact, this Board had reviewed two prior  
23                  amendments in 2019, and they are listed in my memo.

24                  That being said, I will move on to the  
25                  final. I will start with the conclusion actually.



1                   It is my professional opinion, and I  
2                   recommend to the Board that the proposed changes in  
3                   B-239 are either substantially consistent with the  
4                   master plan or do not materially undermine the  
5                   master plan or are inconsistent with the master  
6                   plan.

7                   What I tried to do, as I mentioned in  
8                   my introductory comments, is look through the memo  
9                   prepared by Director Brown and comment specifically  
10                  on each of those changes, and so I will walk through  
11                  those very quickly.

12                  Reduced parking ratio, again, the  
13                  master plan does not have anything specific about  
14                  parking ratios for the redevelopment plan, but it  
15                  generally speaks about the need for a transit  
16                  oriented development and the reduction in auto  
17                  dependency, so in that context I would say that the  
18                  proposed change for reduced office parking ratio is  
19                  consistent with the plan and certainly would not  
20                  undermine the plan.

21                  That takes us to the January 22nd  
22                  Special Council Meeting, which talked about the RBD  
23                  No Build Zone, permitted uses. Again, here no  
24                  specific recommendations from the Land Use Element  
25                  or Reexamination Report, but in the context of the

1 plans discussion about increased open space, enhance  
2 connectivity, certainly the proposed change is not  
3 inconsistent with the master plan, and I would argue  
4 that it is consistent with the master plan.

5 Number two: Under B, B-2 talks about  
6 Hudson Place access and traffic study to explore  
7 indoor drop-offs. The Land Use Element does  
8 acknowledge that the opportunity to improve  
9 pedestrian conditions and to improve and expand and  
10 increase public open space, enhance connectivity,  
11 and address resiliency needs is important.

12 And given that the proposed amendment  
13 includes a requirement of a traffic study to  
14 decrease vehicular pedestrian conflicts and to  
15 reduce the traffic impact on the surrounding  
16 neighborhood, it may be considered consistent with  
17 the master plan, once again, in keeping with the  
18 master plan's overall intention for TOD Development  
19 in general.

20 Number 3, bus terminal encroachment,  
21 the Land Use Element generally promotes improved  
22 circulation throughout the city. The proposed  
23 amendment to minimize encroachments and require a  
24 circulation would effectuate the purpose of the  
25 master plan and the amendment again here does not

1        seem inconsistent or would not materially undermine  
2        the plan.

3                    Number 4, the same as above, the  
4        amendment effectuates the purpose of the Land Use  
5        Element and does not undermine the plan.

6                    Number 5, which is about the bicycle  
7        shower facility clarification, again, it is an  
8        administrative fix. In my opinion, it just perfects  
9        the plan by clarifying, and it also makes clear that  
10       the bicycle shower facility is a permitted use, all  
11       of which contribute to transporting development and  
12       efforts to decrease dependency on automobile trips,  
13       and therefore, consistent with the master plan.

14                   Number 6: The corrected square footage  
15       maximums, and there may be a comment following about  
16       this, but in terms of the amendment, it is really  
17       administrative. It corrects the arithmetic here, so  
18       no impact on the master plan.

19                   Finally, number 5, Site Number 2  
20       Feasibility Study Language, the Land Use Element  
21       acknowledges that the Hoboben Yard Redevelopment  
22       Plan includes a focus on mixed-use development, but  
23       it does not preclude designating commercial use.

24                   What is important to note here, in my  
25       opinion, is that the residential component is not a

1 foregone conclusion. If there is a feasibility  
2 study that says it makes sense, then you can still  
3 have the residential component.

4 And that concludes the consistency --  
5 oh, I'm sorry.

6 On the final pages of the memo, most of  
7 which come almost directly from the prior  
8 consistency reviews, I attempted to take excerpts  
9 from the Land Use Element and Reexamination Report  
10 that show additional consistency between the Hoboken  
11 Yard Redevelopment Plan and the Land Use Element and  
12 Reexamination Report.

13 In conclusion, I would submit to the  
14 Board that based on that analysis, B-239 is  
15 consistent with the Hoboken master plan. I could  
16 not identify any inconsistencies with the Hoboken  
17 master plan, and I certainly did not find any  
18 evidence that B-239 in part or in whole would  
19 materially undermine the Hoboken master plan.

20 So here we are at the part where the  
21 Board should be aware this is an opportunity to  
22 think about my analysis, add additional comments  
23 and/or recommendations to the governing body, but  
24 based on my analysis, I think I would advise the  
25 Board could recommend to the governing body that

1           they adopt B-239.

2                       CHAIRMAN MAGALETTA: Thank you, Mr.  
3 Williams. Very thorough.

4                       Do any Board members have any comments  
5 or questions regarding B-239, Mr. Williams'  
6 presentation?

7                       COMMISSIONER JACOBSON: Yes.

8                       CHAIRMAN MAGALETTA: We'll start with  
9 you and then we'll go --

10                      COMMISSIONER JACOBSON: Okay.

11                      In your memo you also referenced the  
12 previous ordinances. Would all aspects of those  
13 previous ordinances be made moot or overruled by  
14 this new ordinance, or would those also carry over  
15 unless explicitly changed by the provision of the  
16 new ordinance?

17                      MR. WILLIAMS: If I understand your  
18 question, it is the latter.

19                      COMMISSIONER JACOBSON: Okay. So in  
20 particular, in a scenario where I think it's Parcel  
21 2 or Site 2 was allowed to have residential  
22 development, would the affordable housing  
23 requirement that had been included -- I had it  
24 marked in my thing. It was one of the prior.

25                      MR. WILLIAMS: Yeah.

1                   COMMISSIONER JACOBSON:  Would that  
2                   still be then applicable to that residential --

3                   MR. WILLIAMS:  So let me qualify my  
4                   answer.

5                   COMMISSIONER JACOBSON:  That was B-209  
6                   for clarity.

7                   MR. WILLIAMS:  209.  That is an  
8                   interesting point, and I may ask for an assist from  
9                   Commissioner Doyle.

10                  What I can tell you is the Planning  
11                  Board adopted a resolution memorializing their  
12                  decision for B-209 and B-194.

13                  What I don't recollect is whether the  
14                  Council incorporated everything that we sent in  
15                  those two resolutions.

16                  If they did, my answer to you would be  
17                  yes, it stays the same.

18                  What I need the assist on is,  
19                  Commissioner Doyle, do you know if the Council  
20                  accepted our recommendations, B-194 and B-209?

21                  COMMISSIONER DOYLE:  Well, the changes  
22                  that were made to the plan as a result of this  
23                  ongoing process were many, so I can't say that I  
24                  know.  Certainly the Council -- well, the fact of  
25                  the matter is the Council never voted on the second

1 reading on any of those.

2 To your question, Commissioner  
3 Jacobson, obviously in 2014 there was an ordinance  
4 that was passed, that was the old plan, but there  
5 have been a series of ordinances that have been  
6 proposed on first reading and that have never come  
7 up for second reading. But after the first reading,  
8 we, the Planning Board, reviewed them and commented,  
9 and then they never got acted upon, so there was  
10 no -- they were not acted on.

11 But as George has indicated, he is  
12 looking at this plan, which is what it is, and  
13 regardless of whether the last two or three versions  
14 had things, such as, you know the 20 percent  
15 affordable housing is in this plan, and there were  
16 earlier versions where I believe it was 15 percent  
17 and it was 10 percent, so this is the only thing.  
18 The new plan is the only thing that we are looking  
19 at today.

20 COMMISSIONER JACOBSON: And you said  
21 that the 20 percent is in the new plan?

22 COMMISSIONER DOYLE: Yes. As George's  
23 memo lays out, as one of the changes to the 2014  
24 plan, which is really what George has focused on.  
25 Yes, it helped us by focusing on the differences

1 from 2014 to today, to what is before us today.

2 COMMISSIONER JACOBSON: Okay.

3 CHAIRMAN MAGALETTA: Anything else?

4 COMMISSIONER JACOBSON: No.

5 CHAIRMAN MAGALETTA: Mr. Doyle?

6 COMMISSIONER DOYLE: Yes.

7 I have just a handful of questions.

8 First of all, I don't think that there  
9 is any issue, I am not questioning whether the  
10 proposed ordinance is inconsistent, but I am opening  
11 up for some discussion for us to consider whether to  
12 make some recommendations.

13 They are sort of in two categories, one  
14 deals with just language edits, because I think some  
15 of the text in the ordinance is very -- in the plan,  
16 which is the ordinance, is very weak.

17 Then the other is just a couple of  
18 arithmetic questions, and you know, obviously it is  
19 up to us to decide whether these recommendations can  
20 or cannot be put in.

21 But with regard to the text, there are  
22 four places where I think the language is not  
23 particularly clear or strong enough. The first is  
24 in the description of this area, where the Rebuild  
25 By Design wall is going to go, the name has changed



1 repeatedly in these various versions. Initially it  
2 said yet to be developed -- it's something to the  
3 effect of yet to be developed area.

4 Then many people in the public, there  
5 were public meetings, said, you know, we don't want  
6 this area to be developed. Yet to be developed  
7 sounds like it will be developed.

8 And we were told, no, we have no  
9 intentions of developing it.

10 So they changed it to constrained  
11 district, which sounds like it is difficult to  
12 develop, and they had language saying that, you  
13 know, it is not sufficient in size to be developed.  
14 But there is nothing in that language that says it  
15 cannot be developed, and I think if -- substantively  
16 there may be no difference because if we say it  
17 cannot be developed or recommend that the language  
18 be stronger and say that, they will have to come  
19 back and get an amendment in the future to develop  
20 there, whether it says it is a constrained district  
21 or it is a prohibited development district.

22 But I think the concerns of many in the  
23 public were: We would like some kind of assurance  
24 that it will never be developed, and there is no  
25 assurance. Obviously anything can be amended, but I

1 do think that they failed to use strong enough  
2 language with regard to -- to address the concern  
3 that this area will be developed with a million  
4 square feet of future development.

5 CHAIRMAN MAGALETTA: So I guess the  
6 question is, how do you say, the development is  
7 prohibited on this area, is that how you word it?

8 COMMISSIONER DOYLE: I would say a  
9 recommendation or a suggestion that text be included  
10 to clearly indicate that it is not a question of  
11 just constraints or engineering difficulties to  
12 build here, but it's prohibited, you know.

13 CHAIRMAN MAGALETTA: Okay.

14 COMMISSIONER DOYLE: Anything other  
15 than the uses that are outlined, they allow for  
16 public art. They allow for open space. Those uses  
17 are fine. But saying any development of this  
18 portion, even saying it once in the plan will be  
19 enough, so that it could be pointed to at some  
20 point.

21 CHAIRMAN MAGALETTA: Okay.

22 COMMISSIONER DOYLE: The second point  
23 is there are two feasibility studies alluded to in  
24 the plan. One is if it is site one, there is a 200  
25 foot high commercial building that is allowed, and

1 if it is demonstrated that that is not economically  
2 feasible through a feasibility study, there is the  
3 possibility that the Council could approve an  
4 additional hundred feet to 300 feet.

5 CHAIRMAN MAGALETTA: 300 or 330, I'm  
6 sorry.

7 COMMISSIONER DOYLE: 300 is Site 1.  
8 330 is Site 2.

9 CHAIRMAN MAGALETTA: Okay.

10 COMMISSIONER DOYLE: So the text with  
11 regard to the feasibility study, although it was  
12 somewhat tightened up, is not crystal clear that it  
13 is the city's feasibility study and the city's  
14 determination as a result of the feasibility study.

15 It could be construed that the  
16 developer will do a feasibility study and submit it  
17 to the city and --

18 CHAIRMAN MAGALETTA: That is how I  
19 interpreted it, so I think --

20 COMMISSIONER DOYLE: -- so we have an  
21 interim cost agreement, so we would be able to hire  
22 somebody to do a feasibility study, which would be  
23 at no expense to the city, and we, the City Council,  
24 and it will -- you know, it wouldn't come back to  
25 us, to the Planning Board, unless we determined to

1 go up another hundred feet or something.

2 So I think making clear that the  
3 feasibility study is the city's study and the city's  
4 determination as a result of the study would be  
5 helpful.

6 The other instance of the feasibility  
7 study is with the 330 foot high building, which now  
8 says, you know, it is wishy-woshy language about, we  
9 hope that it will be commercial, but if a  
10 feasibility study determines that commercial is not  
11 feasible, then it can be residential.

12 Again, it almost says -- it is not  
13 clearly saying it will be commercial unless a  
14 feasibility study conducted by the city with a  
15 determination by the city that commercial is not  
16 feasible, then it could be residential.

17 The third thing is, and this may be for  
18 George to weigh in, but in the C/MU area, which is  
19 the area three, which is to the far west, it is  
20 supposed to be a commercial area, and in the  
21 description it says, "This zoning is preliminary in  
22 nature," which I don't know what that means. You  
23 know, either it is zoned commercial or it isn't, but  
24 it says it is one thing to say using preliminary for  
25 something like you need preliminary approval, but

1 describing the zoning in Site 3, it is C/MU as  
2 preliminary, I think should be stricken because --  
3 or some more text should be provided to explain what  
4 that means because it is -- I think it is pretty  
5 clear in the plan that this is zoned commercial. It  
6 will be commercial. So why you would throw in this  
7 question mark. It is on page -- I see Mr. Jacobson  
8 looking -- it's on page -- where did I put this?  
9 Comment number -- my comment number six -- on Page  
10 48 of the plan, and it is on page -- well, you  
11 wouldn't really see it unless you look at the plan,  
12 so anyway that is my third suggestion.

13 Then the last is I am not really sure,  
14 you know, it deals -- I believe that there is a  
15 construct -- there is language in three places, Page  
16 21, Page -- sorry -- 23, 61 and 107 that all talk  
17 about the historic structures, and it says in two of  
18 those three places, that an essential component of  
19 the plan is to preserve these four or five historic  
20 structures, the actual train station. There is a  
21 YMCA building. These buildings, especially The  
22 Records building, which has been the subject of some  
23 concern is excluded from the MDA, the Master  
24 Developer Agreement between the developer and New  
25 Jersey Transit.

1           So the developer has no control or  
2           authority to do anything with The Records building,  
3           and the plan has nothing to do with The Records  
4           building.

5           So I am just questioning,  
6           characterizing it as a central component of our plan  
7           is to preserve The Records building when the plan  
8           doesn't have anything to do with it. The developer  
9           can't do anything.

10           If New Jersey Transit decides to tear  
11           it down, it has nothing to do with the redevelopment  
12           plan, you know, not that that is a good thing, but  
13           all I am saying is I don't know how it would be an  
14           essential component of the plan, if there is no  
15           control over what happens to that.

16           CHAIRMAN MAGALETTA: If the plan  
17           doesn't touch those buildings.

18           COMMISSIONER DOYLE: That's correct.

19           MR. CARLSON: All of those buildings or  
20           just The Records building?

21           COMMISSIONER DOYLE: The other -- I  
22           don't know -- I mean, the terminal itself, I mean,  
23           if New Jersey Transit chooses to tear it down its  
24           terminal, I don't know that we can stop them.

25           So I just would say looking at the

1 designated historic buildings to determine whether  
2 characterizing it as a central component of the plan  
3 is an accurate statement considering I don't know  
4 the jurisdiction or the purview of the plan.

5           And then the three arithmetic  
6 questions, number one, and Mr. George was talking  
7 about the correction of the footage maximums, and I  
8 couldn't understand why if you look at number six in  
9 Mr. Brown's comments, and it would probably be  
10 number six again on Page 6 of George's memo, it says  
11 that there was a correction, and because they  
12 omitted one floor, the square footage went from  
13 365,000 square feet give or take to 412, which  
14 leaves you with of an increase of about 46,000  
15 square feet.

16           But then they say also if the building  
17 goes up more, it will go from 605 to 630, which  
18 means the change, if allowed to go taller, would be  
19 only 30,000 square feet, and it doesn't make sense  
20 why one would be 46 and one would be 30, but maybe  
21 that is too much in the weeds. I don't really care  
22 about that point, I guess, unless somebody else  
23 does.

24           The figure 16 in the plan, which is on  
25 Page -- which is reprinted on Page 3 of Mr.

1 Brown's -- Director Brown's document, you know, it  
2 sites to a maximum square footage of 1.312 million  
3 square feet, and yet, the text on that page says the  
4 maximum is 1.391 million square feet. So there is a  
5 79,000 square foot differential, and I didn't have  
6 time to read the whole plan yet again to determine  
7 whether there is text that says somewhere else, but  
8 if the depiction of the figure that says it's one  
9 thing, it should consistent.

10 MR. CARLSON: What were those two  
11 numbers again?

12 COMMISSIONER DOYLE: One is 1,391,000  
13 square feet versus 1,312,000 square feet, and that  
14 is Figure 16 in the plan is where it's depicted.

15 MR. CARLSON: Got it.

16 COMMISSIONER DOYLE: And I think the  
17 last thing, maybe I will spare you all -- oh, the  
18 last thing is if you look at number two in Mr.  
19 Brown's memo, it talks about -- at the end of that  
20 paragraph, it talks about site three proposes a 140  
21 foot high office building above lower story parking,  
22 where as in the plan at Page 48 where it is  
23 discussed, there is no mention of the parking and of  
24 the additional height. It doesn't say how many  
25 parking spots, how many floors of parking.



1                   So just my question is, you know, is it  
2                   145 feet plus another 30 feet or 40 feet, or just  
3                   you would think that it would lay out what the  
4                   actual maximum height would be.

5                   I don't think they are digging down to  
6                   put subterranean, you know, parking there, because  
7                   it is in the flood zone, you know, the water table  
8                   is too shallow.

9                   So maybe these, you know, some of  
10                  these, they may be able to say you missed on Page  
11                  37, it addresses this, and that is fine. But I have  
12                  read the thing through cover to cover in January,  
13                  and so these are some of the questions that I had  
14                  then and I didn't really see addressed here.

15                 MR. CARLSON: What is the area that the  
16                 parcel that has the 140 foot --

17                 COMMISSIONER DOYLE: This is area  
18                 three, the C/MU district which is described. It is  
19                 on Page 48 is where it is discussed in the actual  
20                 plan.

21                 CHAIRMAN MAGALETTA: Mr. Otto, go  
22                 ahead.

23                 Oh, I'm sorry. Hold on. Are you done?

24                 COMMISSIONER DOYLE: I'm done.

25                 CHAIRMAN MAGALETTA: Go ahead, Mr.

1 Otto, please.

2 COMMISSIONER OTTO: So I am in  
3 agreement with all of the 14 points of  
4 clarification. I think we should address those.  
5 Two of them that I heard I think may have been  
6 addressed, or I feel may be addressed. One was for  
7 site two.

8 I think the updated plan indicates that  
9 the feasibility study will be conducted by the city.  
10 Again, there are multiple feasibility studies.

11 COMMISSIONER DOYLE: It is mentioned,  
12 you know, multiple times. You are right.

13 COMMISSIONER OTTO: So for that  
14 specific one, I think they did enhance the language,  
15 but I am fine expressing --

16 COMMISSIONER DOYLE: Well, then it  
17 could be, you know, stated clearly that the  
18 determination is the city's. That is kind of where  
19 I want to come down.

20 What page are you on?

21 COMMISSIONER OTTO: It is referenced on  
22 Page 12 in the plan, Page 46 in the plan, and  
23 page -- those are the two pages that clarify the  
24 city's --

25 COMMISSIONER DOYLE: Page 12?

1                   COMMISSIONER OTTO:  -- conducted by the  
2                   city must determine that commercial office use is  
3                   not feasible on the site, so Page 38 to me clearly  
4                   lays it out.

5                   COMMISSIONER DOYLE:  I don't have that  
6                   on Page 12 of the plan at all, that I am looking at  
7                   now, but unless we have different versions, but,  
8                   yes, the feasibility study is on 38 --

9                   COMMISSIONER OTTOT:  Mine is  
10                  electronic.

11                  COMMISSIONER FRANCESE:  Talking about  
12                  the plan page --

13                  COMMISSIONER OTTO:  So, again, it will  
14                  be 4 and 38.

15                  COMMISSIONER DOYLE:  Well, actually to  
16                  my point, if you look at Page 38, it says, quote:  
17                  As it is the city's goal to stimulate commercial  
18                  activity and economic growth around the terminal, it  
19                  is the city's preference that applications for  
20                  development consist of a commercial development  
21                  program.

22                  Yet, we are saying we are zoning it  
23                  commercial, and to say it is a preference is not  
24                  exactly -- yeah, is somebody going to say, well,  
25                  it's only a preference, you know, we should be -- it

1       should be clear one way or another, so but I am not  
2       going to do a red line through the whole thing, the  
3       whole document, but if it is in there one place at  
4       least maybe it will off set the other places where  
5       it says something that's --

6                   CHAIRMAN MAGALETTA: Well, I was going  
7       to say, look, make it consistent throughout the  
8       document that it looks clear that the city's  
9       feasibility study and make the determination as to  
10      whether or not -- let's say the use of the property,  
11      so make that --

12                   MR. CARLSON: The language I put, and  
13      we will go through it later.

14                   It should be clarified that the City of  
15      Hoboken, not the developer or another party, will  
16      conduct any feasibility study referenced in the  
17      ordinance.

18                   COMMISSIONER DOYLE: If that is the  
19      intent, I guess we should say -- yeah, that is fine  
20      the way it is written.

21                   CHAIRMAN MAGALETTA: All right.

22                   COMMISSIONER OTTO: So the other one  
23      was The Records building specifically.

24                   Nothing I saw in the revised plan -- I  
25      saw it as, you know, an issue, the way I read most

1 of it was again the encouragement, but not the  
2 requirement. It was always phrased with something  
3 to indicate that it wasn't a requirement.

4 I don't see the harm given the --  
5 again, the historic nature of it. Obviously on  
6 public feedback, it has been received at the Council  
7 meetings with the concern of that building. How it  
8 is currently noted in the plan, I don't see any  
9 issue with, but --

10 COMMISSIONER DOYLE: And I said this  
11 one, I may -- I just feel that the developer is in a  
12 bind because it can't -- you know, if there is a  
13 plan that somebody is going to point to and say the  
14 central point of our plan is that we preserve this,  
15 and it is going to be torn down, and, you know, the  
16 developer can do nothing to stop that. Therefore,  
17 you know, it is just -- it is just a question of  
18 wording, but I don't know if we don't want it in,  
19 that is fine.

20 Because you are correct, that it would  
21 be watering it down making it sound like it is okay  
22 to tear these buildings down.

23 COMMISSIONER OTTO: Yeah. Maybe the  
24 only place I see the language, as you noted, it may  
25 be a little hard for the developer to work around is

1 page -- well, it is 107 --

2 COMMISSIONER DOYLE: 107 and 61 are the  
3 two --

4 COMMISSIONER OTTO: -- Appendix D --  
5 that is probably the worst one.

6 (Laughter)

7 COMMISSIONER DOYLE: Well, I think is  
8 cut and pasted from Page 61, so it is the exact same  
9 language.

10 CHAIRMAN MAGALETTA: Yes, Mr. Williams?

11 MR. WILLIAMS: So --

12 CHAIRMAN MAGALETTA: Hold on.

13 COMMISSIONER OTTO: That one is  
14 different, again, that it supports the preservation,  
15 it looks like shall -- well, yeah, the argument the  
16 is the same across both.

17 CHAIRMAN MAGALETTA: Yes.

18 Go ahead, Mr. Williams.

19 MR. WILLIAMS: I mean, I think the last  
20 issue is perhaps the most interesting one. The  
21 prior issues are awfully good. I think the more  
22 clarity we provide, the better for the city, the  
23 better for the redeveloper, the better for the  
24 residents.

25 The latter might be addressed in a

1 couple of ways. One might be to change the  
2 language, as Commissioner Doyle is suggesting, or to  
3 footnote, so that it is clear somewhere in the  
4 redevelopment plan, that the redeveloper does not  
5 have control of those buildings and acknowledge  
6 where control lies, which could be with the State,  
7 so --

8 COMMISSIONER DOYLE: Yes, and I am a  
9 little nervous about us -- I mean, me interpreting  
10 that to be perfectly honest with you, because I  
11 don't know categorically.

12 I have not read the master developer  
13 agreement. I don't know what New Jersey Transit and  
14 Elcor have --

15 CHAIRMAN MAGALETTA: How about just  
16 making a recommendation that the amendment clearly  
17 states that the importance and relationship of the  
18 structures to the plan --

19 COMMISSIONER DOYLE: Making it a desire  
20 that historic, you know, versus -- well, you know  
21 what? We can just take it out if you want. That is  
22 fine, if we want to have it removed.

23 CHAIRMAN MAGALETTA: My point is if  
24 you're looking for clarification, we can make a  
25 recommendation to clarify --

1                   COMMISSIONER DOYLE: I am nervous for  
2                   us saying you should make it clear that the  
3                   developer has no authority to do that when, you  
4                   know, I don't know what the developer's arrangements  
5                   are and --

6                   CHAIRMAN MAGALETTA: Do you want to  
7                   withdraw that?

8                   COMMISSIONER DOYLE: Yes. Why don't we  
9                   just take that out, and we'll protect the buildings  
10                  and make it a central component even though there is  
11                  nothing we can do about it.

12                  (Laughter)

13                  CHAIRMAN MAGALETTA: I have one  
14                  question. I don't know if this is even something  
15                  anybody can answer in this room.

16                  The reduced open space requirements, it  
17                  was reduced a little over three acres, and it gives  
18                  the reason being because the development footprint  
19                  also shrank.

20                  Is that three acres or a little over  
21                  three acres being made up anywhere at all, or is it  
22                  simply going from four and a half to 1.45?

23                  Does anybody know the answer to that?

24                  COMMISSIONER DOYLE: You're talking  
25                  about the open space?



1                   CHAIRMAN MAGALETTA: Yes.

2                   COMMISSIONER DOYLE: No. The idea is,  
3 and actually I could have a question on that, too,  
4 but the language as you see in here, it says they  
5 are required to have one point whatever.

6                   It says required only to have 1.45.  
7 They can go beyond it clearly. It's not that you  
8 are prohibited from giving up more open space.  
9 But the idea is the acreage that is now removed, the  
10 constrained area, the proportional reference, you  
11 know, they were going to provide us four acres when  
12 they were going to have X acreage, so they have lost  
13 X amount of acres, then an obligation for open space  
14 commensurately is reduced.

15                  CHAIRMAN MAGALETTA: I mean, that's the  
16 first -- if it explains it that way, okay, now that  
17 make more sense.

18                  Thank you.

19                  Anybody else have any questions or  
20 comments regarding the B-239?

21                  MR. CARLSON: Okay. Councilman Doyle,  
22 can you just help me o one of these, and it's the  
23 one regarding figure 16 of the plan citing to a  
24 maximum. I have the numbers, but what is that  
25 referencing, a million point three square feet for

1       what --

2                   COMMISSIONER DOYLE:   Square foot of  
3       development.

4                   MR. CARLSON:   In that district.   Okay.

5                   COMMISSIONER DOYLE:   Yes.   Actually  
6       that is the entire plan.   It is all three.   But,  
7       yes, that is the total in the plan according to that  
8       figure, and then the number is 79,000 higher.   I  
9       think if building two becomes residential, the floor  
10      plates are shorter, so you can fit more square  
11      footage in the building.   The answer is that I think  
12      1.391 is the correct number, but I think maybe the  
13      figure should be corrected.

14                  CHAIRMAN MAGALETTA:   All right.

15                  Mr. Carlson.

16                  MR. CARLSON:   Okay.   I'll take it one  
17      by one.

18                  First:   The ordinance should be revised  
19      to replace the phrase, quote, constrained district,  
20      end quote, with a phrase that better communicates  
21      that no development shall take place in the  
22      referenced area.

23                  Two:   It should be clarified that the  
24      City of Hoboken, not the developer or another party,  
25      will conduct any feasibility study referenced in the

1 ordinance --

2 CHAIRMAN MAGALETTA: And make the  
3 determination.

4 MR. CARLSON: -- and make the  
5 determination.

6 A feasibility determination?

7 CHAIRMAN MAGALETTA: Yes.

8 MR. CARLSON: I am just going to say,  
9 clarify that the City of Hoboken or its contractor,  
10 apparently the city is not doing it itself.

11 Three: References to the zoning being  
12 preliminary in area three of the C/MU, see Page 48  
13 of plan, should be stricken.

14 Four: Figure 16 of the plan sites to a  
15 maximum of 1.391 million square feet of development,  
16 but the text on that page says 1,312,000 square  
17 feet.

18 COMMISSIONER DOYLE: I think it is the  
19 other way.

20 MR. CARLSON: So I will flip them.

21 The Council should confirm that this is  
22 not an error.

23 CHAIRMAN MAGALETTA: As long as you put  
24 the right number.

25 MR. CARLSON: Well, as Councilman Doyle

1       said, perhaps there is a reason there's a  
2       discrepancy --

3                   COMMISSIONER DOYLE:  Yeah.  I know the  
4       reason actually, but I think the figure should be  
5       accurate is what I guess I am saying.

6                   MR. CARLSON:  And corrected as  
7       necessary.

8                   Five:  On Page 48 of the plan, it is  
9       noted that in area three of the C/MU District, a 140  
10      foot high building above parking shall be permitted,  
11      but no height or other description of the parking is  
12      provided.  The Council should consider if this  
13      requires further clarification.

14                   CHAIRMAN MAGALETTA:  Anything else?

15                   COMMISSIONER DOYLE:  The first one, the  
16      only thing I would suggest is to soften it to say in  
17      the constrained district, I don't know that you have  
18      to necessarily change the title throughout the  
19      document, the table of contents and everything else.  
20      But just say or provide text to clarify that it is  
21      prohibited.  You know, even if they just put it in  
22      one or two places, that might be enough.

23                   COMMISSIONER JACOBSON:  But to that  
24      point, would stating no development exclude  
25      development of open space, because open space

1 doesn't just happen. Improved open space just  
2 doesn't happen by itself. It has to be developed.  
3 I mean, I think we are talking about buildings, you  
4 know, commercial, residential, mixed-use buildings,  
5 but open space would certainly be an encouraged  
6 development --

7 CHAIRMAN MAGALETTA: You said exclusion  
8 of permitted uses such as --

9 COMMISSIONER DOYLE: I mean, when I was  
10 describing it, I said except for the uses that the  
11 plan -- the plan specifically says you can have open  
12 space there, so --

13 COMMISSIONER JACOBSON: No development  
14 except --

15 COMMISSIONER DOYLE: You can say  
16 development of structures, because it could be  
17 either residential --

18 MR. CARLSON: No development, comma,  
19 aside from that contemplated by the plan.

20 COMMISSIONER DOYLE: That is great.

21 CHAIRMAN MAGALETTA: Okay. Anything  
22 else?

23 Is there a motion with respect to this  
24 ordinance, the conclusions of whether or not it is  
25 substantially consistent with the master plan land

1 use?

2 COMMISSIONER DOYLE: Motion to find  
3 that the plan slash ordinance is consistent with the  
4 master plan and the Land Use Element.

5 CHAIRMAN MAGALETTA: With those  
6 recommendations as read by Mr. Carlson?

7 COMMISSIONER DOYLE: Yes.

8 CHAIRMAN MAGALETTA: Is there a second?

9 COMMISSIONER OTTO: Second.

10 CHAIRMAN MAGALETTA: Pat, please?

11 MS. CARCONE: Commissioner Francese?

12 COMMISSIONER FARNCESE: Yes.

13 MS. CARCONE: Commissioner Doyle?

14 COMMISSIONER DOYLE: Aye.

15 MS. CARCONE: Commissioner Lockwood?

16 COMMISSIONER LOCKWOOD: Yes.

17 MS. CARCONE: Commissioner Otto?

18 COMMISSIONER OTTO: Yes.

19 MS. CARCONE: Commissioner Qadir?

20 COMMISSIONER QADIR: Yes.

21 MS. CARCONE: Commissioner Jacobson?

22 COMMISSIONER JACOBSON: Yes.

23 MS. CARCONE: Commissioner Allman?

24 COMMISSIONER ALLMAN: Yes.

25 MS. CARCONE: Chairman Magaletta?

1                   CHAIRMAN MAGALETTA:  Yes.

2                   All right.  Thank you very much.

3                   It is 8:15.  We will come back at 8:25  
4 and get to the next hearing.  Okay.

5                   (Recess taken)

6                   CHAIRMAN MAGALETTA:  Back on the  
7 record.

8                   Go ahead.

9                   COMMISSIONER JACOBSON:  Mr. Carlson, on  
10 point number four, just a point of grammar.

11                   The second sentence:  The Council  
12 should confirm that this, the pronoun -- where the  
13 pronoun is pointing is not obvious, because you  
14 reference two different numbers.

15                   MR. CARLSON:  Okay.  This discrepancy  
16 is not an error.

17                   COMMISSIONER JACOBSON:  I think we --  
18 well, which do we think is right?

19                   CHAIRMAN MAGALETTA:  How about this,  
20 that this discrepancy should be corrected, if  
21 necessary.  How about that?

22                   MR. CARLSON:  Okay.

23                   (Board reviews document)

24                   CHAIRMAN MAGALETTA:  Okay.

25                   Number 5, also sticking with the

1 pronoun problems, the second sentence, Paragraph 5:  
2 The Council should consider if this requires further  
3 clarification.

4 Maybe this lack of description or lack  
5 of --

6 MR. CARLSON: I think --

7 CHAIRMAN MAGALETTA: Yes.

8 MR. CARLSON: -- I'll put  
9 description --

10 COMMISSIONER DOYLE: Mr. Carlson, and  
11 in number 5, the number is 145, not 144. That is  
12 the height.

13 CHAIRMAN MAGALETTA: Okay.

14 Any other questions, comments or  
15 changes?

16 MR. CARLSON: I will probably send it  
17 to you, so you can put it in the first thing  
18 tomorrow --

19 CHAIRMAN MAGALETTA: Or tonight?

20 MS. CARCONE: Uh-huh.

21 CHAIRMAN MAGALETTA: All right. With  
22 those changes we discussed, is there a motion with  
23 respect to the form of the resolution concerning the  
24 proposed Ordinance B-239 amending the Hoboken Yard  
25 Redevelopment Area?



1                   COMMISSIONER DOYLE: Motion to approve  
2           the resolution as drafted.

3                   CHAIRMAN MAGALETTA: Is there a second?

4                   COMMISSIONER OTTO: Second.

5                   MS. CARCONE: Mr. Otto?

6                   CHAIRMAN MAGALETTA: Yes.

7                   MS. CARCONE: Want a vote?

8                   CHAIRMAN MAGALETTA: Yes.

9                   MS. CARCONE: All in favor or --

10                  CHAIRMAN MAGALETTA: Yes, that is fine.

11                  MS. CARCONE: All in favor?

12                               (All Board members voted in the  
13           affirmative)

14                  MS. CARCONE: Anybody opposed?

15                               None.

16                  CHAIRMAN MAGALETTA: Okay. Good. All  
17           right. Congratulations.

18                               (Continue on next page)

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CITY OF HOBOKEN  
PLANNING BOARD  
HOP-19-14

- - - - - X  
RE: 89-91 Park Ave : February 11, 2020  
Block: 176 Lot 11.02 : 8:20 p.m.  
Zone R-1 :  
Applicant: 89-91 Park Ave, LLC :  
Variances: Lot Coverage, Rear Yard :  
Setback, Roof Coverage, Roof Deck :  
Setback :  
Continued from 2-4-11 :  
- - - - - X

Held At: 94 Washington Street  
Hoboken, New Jersey

B E F O R E:

- Chairman Frank Magaletta
- Commissioner Gregory Francese
- Commissioner James Doyle
- Commissioner Anne Lockwood
- Commissioner Jonathan Otto
- Commissioner Atif Qadir
- Commissioner Thomas Jacobson (1st Alternate)
- Commissioner Joan Allman (2nd Alternate)

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

NISHUANE GROUP  
By: George Wheatle Williams,  
Board Planner

BOSWELL ENGINEERING  
By: Christopher Nash,  
Board Engineer

Patricia Carcone, Board Secretary

PHYLLIS T. LEWIS  
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9           Hackensack, New Jersey 07601  
10          BY: DUNCAN M. PRIME, ESQ.  
11          Attorneys for the applicant.

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WITNESS

PAGE

JOHN NASTASI

49

E X H I B I T S

EXHIBIT NO.

DESCRIPTION

PAGE

A-9

Plan

81

1                   CHAIRMAN MAGALETTA: Next is the  
2 continued hearing of 89-91 Park Avenue, HOP-19-14.  
3                   Appearance, please.

4                   MR. PRIME: Yes.

5                   Mr. Chairman, Duncan Prime from the  
6 firm of Prime & Tuvel. I am pinch hitting for my  
7 partner, Jason Tuvel, who was here on this  
8 application a few different times, the most recently  
9 last week.

10                  CHAIRMAN MAGALETTA: Correct.

11                  So you made some changes based upon the  
12 last hearing?

13                  MR. PRIME: So I did. I don't think I  
14 need to bore you with the location of the property  
15 or the zone or the block and lot. I think we are  
16 all familiar with it.

17                  The conversation centered at the end of  
18 the last meeting, as well as the end of the prior  
19 meeting, to the rear of the property and the lot  
20 coverage. Specifically there was an issue regarding  
21 the percentage and what we could possibly do to make  
22 it better.

23                  We took this week, and John worked with  
24 his team, and we have a plan that we think is  
25 substantially better than the one you saw last month

1 and better than the one you saw last week.

2 So I'll turn that over to John to  
3 present that plan. I think it's being passed out to  
4 you right now, and we should mark it. I think based  
5 on a review of the transcript, we were up to Exhibit  
6 A-8. I would ask this to be marked A-9.

7 (Board members confer)

8 CHAIRMAN MAGALETTA: You are probably  
9 right, but just give us a second.

10 MS. CARCONE: A-9.

11 (Exhibit A-9 marked)

12 MR. PRIME: Yes. Thank you.

13 CHAIRMAN MAGALETTA: Just wanted to  
14 confirm, you know, verify.

15 (Laughter)

16 MR. PRIME: That is Jason's influence  
17 on me.

18 CHAIRMAN MAGALETTA: Okay. Go ahead.

19 J O H N N A S T A S I, Architect, having been  
20 previously sworn, testified as follows:

21 MR. PRIME: Okay.

22 Mr. Nastasi, you were previously sworn.

23 Is your license still in good standing  
24 as of last week?

25 THE WITNESS: Yes, it is.

1 MR. PRIME: John, go ahead.

2 THE WITNESS: Okay.

3 So I handed out a set of 11-17s, and  
4 it's sheets -- it's a subset of the set that I gave  
5 you last week, and it is Sheets 1, 2, 7, 8, 9, and  
6 these are the things that have been updated, and the  
7 other sheets are the exactly the same, so I did not  
8 reissue them.

9 So if we look at Sheet 1, the first  
10 thing we looked at, and, of course, I don't want to  
11 go back over all of the stuff we have done, so I  
12 just want to get into the changes.

13 But what I did was I went back to the  
14 drawing board and literally pushed the entire  
15 project back eight feet off the property line and  
16 really just created light and air and open space and  
17 plantings for all of the contiguous neighbors.

18 The neighbor to the east, who is here  
19 with us again tonight, and also the neighbor to the  
20 south because I think a point was brought up that  
21 there is a balcony here on the second floor  
22 currently that's looking at the side of our existing  
23 building, and I wanted to make sure that with these  
24 additional setbacks, that the view from that balcony  
25 is also unobstructed.

1                   So if we go back and look at the  
2 street -- the aerial again, you can see that here is  
3 our property. This green zone is our eight foot  
4 setback, which now goes across the entire property  
5 really south to north, and then the balcony is over  
6 here.

7                   Again, to reiterate, this is a  
8 compressed block in the R-1, and the projects built  
9 all along Garden Street are built on 60 foot lots,  
10 actually 59.9 foot lots. Ours is a 48 foot 10 inch  
11 lot, so our lot is plus or minus 20 percent smaller  
12 than those small lots.

13                   The numbered lots that run east-west in  
14 town are also 60 feet deep. We are 20 percent  
15 smaller than a small lot in town.

16                   I even went to Willow Terrace, which is  
17 the workers' housing for the Stevens family turn of  
18 the century. Those are 50 foot lots. This is a 48  
19 foot 10 lot, so this is a bona fide small lot,  
20 smaller than the small lots in Hoboken --

21                   CHAIRMAN MAGALETTA: Well, it is not as  
22 deep, but it's certainly wider.

23                   THE WITNESS: But it's also -- the  
24 width gives you a density of two units, which we are  
25 proposing.



1           So needless to say, I tried not to look  
2           too much in the context, and really just pressed  
3           this thing back, so that I am just carving out  
4           space, light and air for the contiguous neighbors.

5           So I do as an architect feel that we  
6           have really not spoken about the facade, the beauty  
7           of the building, the contextual fabric of the  
8           building, the fact that we are putting a very  
9           nice -- we are proposing a very nice residential  
10          building in the R-1 that has a certain amount of  
11          stature. We kind have not spoken about that since  
12          the first meeting, but I am going right to the back  
13          again.

14          Here is the existing condition. Again,  
15          two stories on the property line, a bunch of windows  
16          that look right down into Janice's --

17                 CHAIRMAN MAGALETTA:  Patio.

18                 THE WITNESS:  -- backyard --

19                 CHAIRMAN MAGALETTA:  Patio.

20                 THE WITNESS:  -- patio.

21                 Thank you, sir.

22                 (Laughter)

23                 Then here I have the before and after.  
24                 So this is the existing condition, which is Page 8,  
25                 and then I will toggle to the proposed.

1                   So before, this is existing, this is  
2                   proposed, and you can see the entire building is  
3                   pushed way back. There is a continuous eight foot  
4                   backyard. This terrace on the second floor, which  
5                   is looking at the side of our existing building now,  
6                   now has a view corridor out.

7                   CHAIRMAN MAGALETTA: The windows above,  
8                   they're lined up, right, the windows on the top  
9                   floor?

10                  THE WITNESS: They are aligned, yes.

11                  CHAIRMAN MAGALETTA: Okay. That is  
12                  also a straight view out, right?

13                  THE WITNESS: Yes.

14                  And I also, just to, you know, further  
15                  bring that point home, I know we talked about this  
16                  last week, so I set up some views because,  
17                  Commissioner Magaletta, you had asked me about,  
18                  well, show me that view from the balcony.

19                  I set those camera views up.

20                  CHAIRMAN MAGALETTA: Yes.

21                  THE WITNESS: So this is existing.

22                  These are the windows that look over  
23                  into Janice Levine's yard, and then this is what we  
24                  are proposing now.

25                  So even from last week, even from last

1 week, we were a hundred percent lot coverage here by  
2 the parking lot.

3 We are pushed back. Even this  
4 cantilever is gone. Everything is pushed back to  
5 eight feet, so you can see from last week we have a  
6 before and an after. So a before and an after, it  
7 is all pushed back.

8 If we look at it from the aerial, last  
9 week, this week, all right?

10 So it is pushed back, and then one more  
11 thing -- I am sorry -- two more things.

12 So this is the view looking straight at  
13 that balcony and window.

14 Here is our facade, no cantilevers,  
15 pushed back eight feet. That is your eight foot  
16 dimension. These windows have a clear view.

17 Then one more camera view from that  
18 balcony, and that balcony now has not only a view of  
19 our greenery, but a long view north across Janice's  
20 rear property, our plantings, the parking lot and a  
21 view all the way across, so it is an unobstructed  
22 view from that balcony.

23 The stormwater detention --

24 CHAIRMAN MAGALETTA: Hold on. I'm  
25 sorry.

1 Mr. Nash, go ahead.

2 MR. NASH: And the stairway to the back  
3 is three feet or less?

4 THE WITNESS: It's not less. It can't  
5 be less. It's three feet, and it doesn't count as  
6 lot coverage. It's a three foot platform and a  
7 straight run stair, which --

8 CHAIRMAN MAGALETTA: It is your access.

9 THE WITNESS: -- yes, it's the access.  
10 The backyard doesn't count as lot coverage, but it  
11 can't be bigger, which it won't be.

12 MR. NASH: It can't be greater than  
13 three feet?

14 THE WITNESS: It can't be greater than  
15 three feet, right.

16 MR. NASH: I think that is the  
17 language.

18 THE WITNESS: Yes, yes, correct.

19 Thank you.

20 MR. NASH: All right.

21 CHAIRMAN MAGALETTA: Continue, please.

22 THE WITNESS: Then all of the other  
23 components, the rain screen facade, the green roofs,  
24 the stormwater detention, all of those components  
25 and upgrades to the property and the housing stock

1 are still in play.

2 CHAIRMAN MAGALETTA: Okay.

3 Anything else?

4 Want to talk about the facade?

5 THE WITNESS: The facade is still

6 beautiful, nicely designed.

7 (Laughter)

8 CHAIRMAN MAGALETTA: If you say so

9 yourself.

10 (Laughter)

11 MR. PRIME: Is that your professional

12 opinion?

13 (Laughter)

14 CHAIRMAN MAGALETTA: Anything else, Mr.

15 Nastasi?

16 THE WITNESS: No, I am done.

17 MR. PRIME: Thank you.

18 CHAIRMAN MAGALETTA: Okay. Thank you.

19 Any public questions for Mr. Nastasi on

20 his testimony?

21 Okay. Seeing none, closed.

22 Any Board members have any questions of

23 Mr. Nastasi based on his testimony right now this

24 evening?

25 COMMISSIONER DOYLE: I do have a

1 question.

2 CHAIRMAN MAGALETTA: Go ahead.

3 Mr. Nastasi, you talked about the  
4 Garden Street properties, and you indicated that  
5 they are -- what is the lot coverage as opposed to  
6 the size of the lots, do you know that roughly?

7 CHAIRMAN MAGALETTA: Yes. You were  
8 just trying to find that out.

9 THE WITNESS: Yes. I --

10 COMMISSIONER DOYLE: Yes, not on the  
11 corners --

12 THE WITNESS: I received several --  
13 just a couple of resolutions. Density variance and  
14 a lot coverage variance, a hundred percent lot  
15 coverage, old building, a hundred percent lot  
16 coverage new building, density variance, and then no  
17 resolutions for that. So these guys have received  
18 lot coverage variances and --

19 COMMISSIONER DOYLE: From whom --

20 THE WITNESS: -- but if you look at --

21 COMMISSIONER DOYLE: -- do you know?

22 I only ask that because if it is more  
23 than ten percent --

24 THE WITNESS: If it's density, it has  
25 to be zoning --

1 COMMISSIONER DOYLE: I'm sorry. Okay.

2 THE WITNESS: Density is zoning.

3 COMMISSIONER DOYLE: Okay.

4 THE WITNESS: So, look, if it is 9.83  
5 on a 59.9 -- but I wasn't -- at the Board's  
6 recommendation, I didn't want to stress too much  
7 about other people's variances, because I didn't  
8 want to make it seem like I was saying they got a D  
9 variance, I want a D variance.

10 I am not taking that path.

11 CHAIRMAN MAGALETTA: Right. Thank  
12 you.

13 COMMISSIONER DOYLE: By the way, you  
14 don't have to do the math then. That's fine.

15 But you did say your lot is smaller,  
16 and those lots are 60 by 20, and your lot is 48 by  
17 32, and one of them is 1200, and one is 1500 and  
18 something.

19 THE WITNESS: But the one thing in all  
20 due respect, the depth is really what matters  
21 because the density we are allowed is two units. So  
22 we are a double lot for two units, and all of those  
23 are single-family homes.

24 So a double lot gives you two units --  
25 it is almost like if you drew a line here. Each of

1 these two halves is 20 percent smaller than those --

2 COMMISSIONER DOYLE: So if it were 100  
3 feet wide and 20 feet deep --

4 THE WITNESS: It is not.

5 COMMISSIONER DOYLE: -- would you say  
6 you needed a variance for depth?

7 THE WITNESS: I don't know if I could  
8 answer that.

9 COMMISSIONER DOYLE: Okay.

10 CHAIRMAN MAGALETTA: Anybody have any  
11 questions for Mr. Nastasi?

12 Okay.

13 Anything else, Mr. --

14 MR. PRIME: Prime.

15 CHAIRMAN MAGALETTA: -- Prime?

16 MR. PRIME: No.

17 I would ask the Board to consider the  
18 fact of what Mr. Nastasi testified to earlier, the  
19 improvement on the site, not just a comparison to  
20 other properties in the city, but the actual  
21 improvement here on site, what it is going to look  
22 like. I believe we didn't focus on it. Jason Tuvel  
23 told me we didn't focus on it, and I asked Mr.  
24 Nastasi to focus on it tonight. The actual  
25 improvement you'll see on the facade.



1                   CHAIRMAN MAGALETTA: Okay.

2                   THE WITNESS: And a quick math, those  
3 guys are approximately 84, 85 percent lot coverage,  
4 and our math is 83 percent lot coverage, so we have  
5 less lot coverage as a percentage --

6                   CHAIRMAN MAGALETTA: It is less, and I  
7 appreciate that.

8                   Just technically, we had more  
9 testimony. Is there any public comment with respect  
10 to this application?

11                   Anybody?

12                   Okay. Close the public portion.

13                   All right. That is it?

14                   MR. PRIME: Yes.

15                   CHAIRMAN MAGALETTA: All right.

16                   We are back where we were last week in  
17 deliberations. Is there any comment to be made  
18 regarding this application before we vote?

19                   Anybody?

20                   Mr. Carlson, do you have any conditions  
21 that you gathered while we were here last?

22                   MR. CARLSON: Only two, because I think  
23 most of the Board's concerns have been incorporated  
24 as we have gone on with this.

25                   One: The applicant shall provide

1 as-builts showing no more than now 83 percent lot  
2 coverage.

3 We had something that the rear face was  
4 to be set at six feet from the property line, but  
5 that has now changed.

6 MR. NASTASI: It's eight feet now.

7 MR. CARLSON: Eight feet.

8 CHAIRMAN MAGALETTA: Now it's eight  
9 feet.

10 MR. CARLSON: And two: The plantings  
11 will be selected in consultation with the Board  
12 Engineer consistent with testimony provided and to  
13 the satisfaction of the Board Engineer.

14 CHAIRMAN MAGALETTA: All right.

15 Are there any further questions or  
16 comments that any Board members have with respect to  
17 this application?

18 COMMISSIONER JACOBSON: To clarify, the  
19 G-103 shows a setback of eight foot three inches.

20 Is that because of the impact of fencing or  
21 something, just so that we make sure that we get the  
22 record correct and --

23 MR. NATASI: It is because my draftsman  
24 is going to be strangled by me.

25 (Laughter)

1                   It is eight feet. It's eight feet. It  
2 is easier in the field to set it at eight feet. I  
3 am sorry. It shouldn't have inches like that on the  
4 plan.

5                   CHAIRMAN MAGALETTA: So notwithstanding  
6 that, are there any deliberations with respect to  
7 this application, because obviously there was a lot  
8 of discussion last time.

9                   Is there any further additional  
10 discussion? I want to make sure I have a full  
11 hearing on this.

12                   Anybody?

13                   COMMISSIONER DOYLE: I mean, you know,  
14 I don't think there is much -- I think the record  
15 has a fair amount of the discussion. I think that,  
16 you know, the fact that it is ten percent less  
17 doesn't change my view with regard to the 23 percent  
18 more than the allowable lot coverage.

19                   CHAIRMAN MAGALETTA: Okay.

20                   Anybody else?

21                   Is there a motion with respect to this  
22 application?

23                   Yes, go ahead.

24                   COMMISSIONER OTTO: Before we do that,  
25 I just wanted to note that I did read the transcript

1 from February 4th, and I did sign the certification.

2 CHAIRMAN MAGALETTA: Thank you.

3 COMMISSIONER DOYLE: What about the  
4 first hearing?

5 MS. CARCONE: And January 7th.

6 COMMISSIONER OTTO: And January 7TH.

7 CHAIRMAN MAGALETTA: Okay. Good.

8 Thank you.

9 MR. PRIME: If I could briefly respond  
10 to the Councilman's comment.

11 CHAIRMAN MAGALETTA: Scott, is that all  
12 right or is this out of order?

13 MR. CARLSON: It's up to you.

14 CHAIRMAN MAGALETTA: Go ahead.

15 MR. PRIME: My client appreciates the  
16 opportunity to come back here again and have this  
17 discussion we had at multiple meetings, and it is  
18 very much appreciated.

19 This is the last score on it for us.  
20 There's not much -- we've been told -- I even told  
21 John, we're told the project is not feasible at this  
22 point moving further with any further reductions or  
23 alterations, so we are looking forward to doing the  
24 project like this.

25 I know my client, I just talked to him

1 in the hallway, he is eager to do it.

2 If it is something that the Board is  
3 not inclined to do, we would appreciate, you know,  
4 the heads-up now before the vote. We will  
5 reconsider and move on, but we would really like to  
6 do this, but there is no next week for us or next  
7 month at this point, so --

8 CHAIRMAN MAGALETTA: I understand that.

9 MR. PRIME: Thank you very much,  
10 Chairman.

11 CHAIRMAN MAGALETTA: Yes, sure.

12 MR. PRIME: And, Councilman, thank you  
13 for your comments.

14 CHAIRMAN MAGALETTA: Thank you for  
15 understanding. It is a comment with respect to, you  
16 know, he reads the code and follows the code, and  
17 there is a reason why it is there.

18 MR. PRIME: Absolutely.

19 CHAIRMAN MAGALETTA: You know, I was  
20 torn as well last week, and 80 percent is certainly  
21 better, and you get the neighbor to get a nice  
22 view -- a better view, excuse me, but I, too, am  
23 still torn.

24 I don't know what the other Board  
25 members feel. I am happy to give you guys a

1 heads-up. You know, it is not any desire to jam you  
2 up and bind you, but I do not know how anybody is  
3 going to vote. I haven't discussed it with anybody,  
4 so --

5 MR. PRIME: That is totally fine,  
6 Chairman. Thank you.

7 CHAIRMAN MAGALETTA: -- but the  
8 question is out there.

9 Does somebody want to make a motion and  
10 nobody has made a motion, so I don't know if that is  
11 your suggestion or whatever.

12 Go ahead.

13 COMMISSIONER JACOBSON: Well, I was  
14 prepared to make a motion when counsel asked.

15 CHAIRMAN MAGALETTA: Okay.

16 COMMISSIONER JACOBSON: So I will make  
17 a motion to approve the project as presented and  
18 subject to the conditions as read by Mr. Carlson.

19 CHAIRMAN MAGALETTA: Okay.

20 Is there a second?

21 COMMISSIONER FRANCESE: I will second.

22 CHAIRMAN MAGALETTA: Okay.

23 MS. CARCONE: Commissioner Francese?

24 COMMISSIONER FRANCESE: Yes.

25 MS. CARCONE: Commissioner Doyle?

1 COMMISSIONER DOYLE: No.

2 MS. CARCONE: Commissioner Lockwood?

3 COMMISSIONER LOCKWOOD: No.

4 MS. CARCONE: Commissioner Otto?

5 COMMISSIONER OTTO: No.

6 MS. CARCONE: Commissioner Qadir?

7 COMMISSIONER QUADIR: Yes.

8 MS. CARCONE: Commissioner Jacobson?

9 COMMISSIONER JACOBSON: Yes.

10 MS. CARCONE: Commissioner Allman?

11 COMMISSIONER ALLMAN: No.

12 MS. CARCONE: Commissioner Magaletta?

13 CHAIRMAN MAGALETTA: No.

14 MR. PRIME: Okay. Chairman, thank you.

15 CHAIRMAN MAGALETTA: Thank you.

16 MR. PRIME: Thank you, guys. Thank you

17 very much.

18 CHAIRMAN MAGALETTA: Thank you.

19 All right. Any further business?

20 Is there a motion?

21 Is there a motion to close?

22 COMMISSIONER DOYLE: Motion.

23 CHAIRMAN MAGALETTA: Is there a second?

24 COMMISSIONER JACOBSON: Second.

25 CHAIRMAN MAGALETTA: All of those in

1 favor, yes?

2 (All Board members answered in the  
3 affirmative)

4 CHAIRMAN MAGALETTA: Those opposed?  
5 Thank you.

6 (The matter concluded at 8:45 p.m.)

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C E R T I F I C A T E

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

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

s/Phyllis T. Lewis, CCR, CRCR

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