

CITY OF HOBOKEN
PLANNING BOARD

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REGULAR MEETING OF THE HOBOKEN : May 5, 2020
PLANNING BOARD : 7 p.m.
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MEETING CONDUCTED BY WAY OF ZOOM

B E F O R E:

- Chairman Frank Magaletta
- Commissioner Gregory Francese
- Commissioner James Doyle
- Commissioner Lea Cloud
- Commissioner Anne Lockwood
- Commissioner Kelly O'Connor
- Commissioner Atif Qadir
- Commissioner Thomas Jacobson (1st Alternate)
- Commissioner Joan Allman (2nd Alternate)
- Commissioner Dini Ajmani

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
CERTIFIED SHORTHAND REPORTER
CERTIFIED REALTIME REPORTER
(732) 735-4522

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6 Attorney for the Board.

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PAGE

Board Business

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95 Hudson Street (carried)

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HEARING

410 Monroe Street

8

1 CHAIRMAN MAGALETTA: Okay. Let me get
2 started. Okay. Here we go, folks.

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

11 This meeting is a judicial proceeding.
12 Any questions or comments must be limited to the
13 issues of what the Board may legally consider in
14 reaching a decision, and the decorum appropriate to
15 a judicial hearing must be maintained at all times.

16 Okay. Thank you.

17 With that, Pat, please call the roll.

18 MS. CARCONE: Commissioner Ajmani?

19 COMMISSIONER AJMANI: Here.

20 MS. CARCONE: Okay. Commissioner --

21 CHAIRMAN MAGALETTA: Hold on. Here you
22 go. Okay. Go ahead.

23 MS. CARCONE: Commissioner Francese?

24 COMMISSIONER FRANCESE: Here.

25 MS. CARCONE: Commissioner Doyle?

1 COMMISSIONER DOYLE: Present.

2 MS. CARCONE: Commissioner Cloud?

3 COMMISSIONER CLOUD: Here.

4 MS. CARCONE: Commissioner Lockwood?

5 COMMISSIONER LOCKWOOD: Here.

6 MS. CARCONE: Commissioner Magaletta?

7 CHAIRMAN MAGALETTA: Here.

8 MS. CARCONE: Commissioner O'Connor?

9 COMMISSIONER O'CONNOR: Here.

10 MS. CARCONE: Commissioner Otto is
11 absent.

12 Commissioner Qadir?

13 COMMISSIONER QADIR: I am here. I just
14 wanted to note that I have to leave at 7:45 because
15 of Ramadan, so --

16 MS. CARCONE: I'm sorry. I didn't hear
17 that.

18 COMMISSIONER QADIR: I just wanted to
19 give you a heads-up that I will need to leave at
20 7:45 because of Ramadan.

21 CHAIRMAN MAGALETTA: Okay. Thank you.

22 MS. CARCONE: Commissioner Jacobson?

23 COMMISSIONER JACOBSON: Present.

24 MS. CARCONE: Commissioner Allman?

25 COMMISSIONER ALLMAN: Here.

1 MS. CARCONE: Okay. We have a quorum.

2 CHAIRMAN MAGALETTA: Great. Thank you
3 very much.

4 All right. The first item on our
5 agenda --

6 MS. CARCONE: Getting over to the
7 outline.

8 CHAIRMAN MAGALETTA: -- yes -- is 95
9 Hudson Street. There is an adjournment for a
10 request and -- hold on a second -- I got to move
11 something over here -- okay. So this is the --
12 again, 95 Hudson Street. The file is HOP-19-8.

13 We have a letter, dated April 27th,
14 2020, from the applicant's attorney. His name is
15 William Sullivan.

16 The letter states as follows: Based
17 upon -- they're waiting for the Council to act on an
18 ordinance, and because it has not yet acted -- as
19 follows, quote: We respectfully request that our
20 hearing be adjourned to the June 4, 2020 meeting,
21 and that the public be advised that no further
22 notice will be required. We consent to an extension
23 of the deadline for automatic approval until June 4,
24 2020, period, close quote.

25 So there is a request to adjourn this

1 application until June 4th. This is the request.

2 Is there a motion with respect to this
3 adjournment request?

4 Anybody?

5 COMMISSIONER JACOBSON: Make a motion
6 to adjourn this request to the June 4th meeting with
7 no further public notice.

8 COMMISSIONER DOYLE: Second. That is
9 Jim.

10 MS. CARCONE: Doyle?

11 CHAIRMAN MAGALETTA: Thank you.

12 COMMISSIONER DOYLE: Yes.

13 MS. CARCONE: All in favor?

14 CHAIRMAN MAGALETTA: All those in
15 favor?

16 (All Board members answered in the
17 affirmative)

18 CHAIRMAN MAGALETTA: Any opposed?

19 Okay.

20 (Continue on the next page)

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CITY OF HOBOKEN
PLANNING BOARD
HOP-19-6

- - - - - X
RE: 410 MONROE STREET : May 5, 2020
Block 57, Lot 19, Zone R-3 :
Applicant: BDA Hoboken, LLC : 7 p.m.
Four-story addition onto the rear of :
the building :
Variances: Minor Site Plan, Lot :
Coverage :
- - - - - X

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10 One Speedwell Avenue
11 Morristown, New Jersey 07960
12 BY: FRANK J. VITOLO, ESQ.
13 Attorneys for the Applicant.

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WITNESS	PAGE
Jeffrey Lewis	27
Rodolpho Vazquez	67

E X H I B I T S

EXHIBIT NO.	DESCRIPTION	PAGE
A-1	Existing Site Plan	29

1 the principal for the attorney -- for the company
2 that is the applicant here is an individual named
3 Anthony Mehran. I want to put on the record that I
4 did represent Mehran in a completely unrelated
5 proceeding with regard to an unrelated property
6 several years ago. That matter is closed. There
7 are no remnants of that meeting -- of that
8 representation still existing. All bills have been
9 paid, et cetera, that the matter has been closed for
10 several years.

11 I do not feel I have a conflict in
12 representing the Board. I just wanted to disclose
13 that on the record, and I would like the applicant
14 to confirm that they acknowledge that, and that they
15 don't have any issue.

16 CHAIRMAN MAGALETTA: Okay.

17 Mr. Vitolo?

18 MR. VITOLO: Yes. We do acknowledge
19 that, and I have disclosed that to my client, and he
20 doesn't believe there is a conflict, and that we can
21 continue with this matter.

22 CHAIRMAN MAGALETTA: Frank and --
23 and -- yes, Mr. Carlson, as you stated, you know,
24 that dime is resolved. You have been paid. There's
25 nothing due and outstanding from anybody to anybody,

1 correct?

2 MR. CARLSON: Absolutely not.

3 MR. VITOLLO: No.

4 CHAIRMAN MAGALETTA: Okay. Thank you.
5 With that, I think we can move forward.

6 Yes, Mr. Doyle.

7 COMMISSIONER DOYLE: I was going
8 through the documents as best I could, and I think I
9 saw somewhere, where there was a contribution to --
10 it was in quotes -- "EFO" Ravi Bhalla made by -- it
11 may have been Mr. Vitolo, no?

12 MR. VITOLLO: That was a contribution
13 that was made by a partner of mine at Riker Danzig.
14 We have about 44 partners, and he had written a
15 contribution I guess during the last election
16 before, you know, I ever got involved in this case.

17 COMMISSIONER DOYLE: Well, I mean, I am
18 not -- I am not asking for you as much as for me.

19 MR. VITOLLO: Yes.

20 COMMISSIONER DOYLE: I don't know what
21 the date of that contribution was, whether it was
22 2017 or 2019, and I don't know what "EFO" stands
23 for, but I ran with Mayor Bhalla in 2017, so I --
24 not knowing the date, I assume that there is no
25 problem for me to participate in this, but --

1 MR. CARLSON: Commissioner, if I may --
2 if I may, certainly not. It is -- notwithstanding
3 the fact that you ran together, it is unrelated to
4 your sitting here tonight, and by the way "EFO" is
5 "Election Fund Of."

6 COMMISSIONER DOYLE: Okay.

7 And I mean, I know that the mayor has
8 fundraisers beyond, you know, not just at election
9 time, so it is, you know, one of my questions was if
10 it were subsequent to the fall of 2017, then it
11 would have nothing to do with me. But if it were in
12 that election cycle, someone could arguably say
13 that, you know, but that might be beyond.

14 It is two-year period from the last
15 municipal election, I believe, and he had won in
16 November of '19, so I think it is beyond the
17 timetable anyway. I'm just in an abundance of
18 caution pointing that out.

19 MR. CARLSON: Thank you.

20 CHAIRMAN MAGALETTA: Okay. Thank you.

21 Before we get to the application, is
22 there any other prefatory stuff that we need to get
23 to?

24 Okay. Mr. Vitolo, you have the floor.

25 MR. VITOLO: Thank you very much, Mr.

1 Chairman.

2 I just wanted to thank everyone again
3 for the opportunity to do this meeting virtually. I
4 know we are all in unchartered territory here.

5 While I have had a few Planning Board
6 meetings, this is the first hearing that I have been
7 involved in, but it is going to be one of many. I
8 have two more in the month of May, so we will take
9 it slow. And, you know, and with the exhibits, if
10 at any time you have difficulty viewing the
11 exhibits, you know, please let us know. We will try
12 to adjust it, zoom in to make it more
13 understandable.

14 This is an application --

15 CHAIRMAN MAGALETTA: Hold on.

16 Before --

17 MR. VITOLLO: -- yes.

18 CHAIRMAN MAGALETTA: -- that is a good
19 question -- that's a good point.

20 So as far as the exhibits, are you
21 going to put them on the board, or are you going to
22 ask Pat to put them on the board and make them
23 visible? How are you going to focus -- how do we
24 make this happen?

25 MR. VITOLLO: Yeah. So each of our

1 experts has the ability to share their screen. We
2 did test it --

3 CHAIRMAN MAGALETTA: Okay.

4 MR. VITOLLO: -- a couple of days ago,
5 and it worked, so we are expecting it is going to
6 work again.

7 (Laughter)

8 CHAIRMAN MAGALETTA: Fingers crossed,
9 because you never know. No, because I wasn't sure
10 if you had the sharing capability. I thought you
11 had to have permission, but whatever. All right.
12 So you will do that.

13 And just so everybody knows, there are
14 some documents, which the applicant produced Friday,
15 late Friday, so what we are going to do today, this
16 evening, is get as much done as we possibly can. I
17 suspect because -- I think because of the ten-day
18 rule, and members of the public have to have an
19 opportunity to review these documents, I don't know
20 that we can complete it tonight for that reason, but
21 we are going to get started and do as much as we
22 possibly can. Okay?

23 Having said that, Mr. Vitolo, go ahead.

24 MR. VITOLLO: Yeah, and I certainly do
25 appreciate that.

1 Just, you know, for the record, we did
2 receive additional comments from the Board
3 professionals about six days ago, and as soon as we
4 received those, we turned around a response in two
5 days, which was really quick. And I did notice that
6 the responses that we submitted on May 1st were on
7 the website for the Planning Board, so I checked
8 this morning.

9 We did have one or two additional items
10 that we did submit this afternoon. The engineer did
11 take a little while longer. It is more complicated
12 to send in plans, but we are prepared tonight to
13 provide testimony responding to all of the questions
14 and comments that we received from the Board
15 professionals.

16 CHAIRMAN MAGALETTA: Okay. And the
17 only reason, I don't mean to delay you, just that
18 because of the ten-day requirement and the public
19 having a right to review those documents, I don't
20 think it would be appropriate to decide the matter
21 tonight.

22 But, again, I appreciate the fact -- I
23 know why you did it, because you turned it around as
24 quick as you could, but notwithstanding that, we
25 have some limitations here, and you know, I hate to

1 jam you up, as you know, but we may have to just
2 adjourn for the final decision. But go ahead,
3 please.

4 MR. CARLSON: Mr. Vitolo, if I can, I
5 would agree with that.

6 Any documents that are subject to
7 approval by the Board, so other than reports,
8 exhibits, et cetera, but, you know, specifically the
9 plans need to be final and, you know, in their final
10 form and in the Board's possession ten days prior to
11 the hearing. So given that the plans were revised
12 and, you know, within this ten-day period, the Board
13 is really unable to act tonight.

14 MR. VITOLO: Yes.

15 I would just say that we do on many
16 occasions have revisions to plans that occur during
17 testimony, and the approval is subject to the
18 submission of the final plan set.

19 You are going to see tonight as we go
20 through the testimony, that the building that we
21 proposed almost a year ago now in July of 2019
22 really hasn't changed much at all. There has been
23 some tweaks, and I am going to walk through this.
24 There was a coverage variance that is no longer
25 there.

1 So I am hopeful, you know, and the
2 owner is on call, that once we get through the
3 testimony, you know, there may be some items that
4 could be subject to or conditions on approval on a
5 final plan set review. Again, that is your
6 prerogative. That's your discretion. I completely
7 understand that. We normally get the comments, you
8 know, well before the ten days. We got them six
9 days before, and we got them in within two days.

10 So, you know, as everyone knows on this
11 call, the COVID pandemic has touched every real
12 estate deal in the state, and so time is really
13 precious with these deals. You never know what is
14 going to happen week to week, and so I really
15 respectfully, you know, would ask tonight that if we
16 finish up, we would be, you know, so, so happy
17 because, like I said, you know, when we come out of
18 this pandemic, we need projects like this and others
19 to really provide jobs, give people hope and get
20 business moving, so -- but with that, I understand
21 the Board's position, and so let me just take you
22 through this application.

23 This application was filed, like I
24 said, in July of 2019. It relates to 410 Monroe, an
25 existing four-unit building that this owner

1 initially was going to renovate and put an addition
2 onto the back with some porches and make the
3 building a little bit bigger.

4 You know, we have had a lot of back and
5 forth with the Board professionals since that time.
6 We initially trimmed back the building and then we
7 got rid of the porches and eventually -- it had a
8 fire escape that we have now trimmed back all to
9 avoid a coverage variance.

10 We understand the Board's sensitivity
11 to coverage variances, so now we come to you with an
12 application that is relatively clean. It really is
13 just dealing with some comments and questions that
14 came in, but you know, it is a building that's
15 compliant. It's a four-unit building.

16 If you looked at any of the pictures of
17 the existing conditions, you would see that the
18 building is deteriorating. I wouldn't go so far as
19 to say it is a blighted building, but it's
20 certainly -- the work that needs to be done here is
21 the upgrade, and it is going to make a beautiful
22 addition to the block.

23 I will disclose to the Board we did
24 receive one phone call from the neighbor, and aside
25 from asking that we trim back a tree, they are

1 supportive of the project. They think it is going
2 to be a marked improvement in this neighborhood.

3 So I just want to briefly address
4 before we get to the testimony, we did get the
5 latest round of comments from the engineer, and what
6 we did to address the fire -- what happened was the
7 fire escape was included in the coverage calculation
8 because of its size, and because of the fact --
9 (audio broke up on Zoom).

10 So as a result, we are trimming back
11 the building. We are talking about the depth of the
12 building, we are trimming it back by about two feet,
13 and we are also reducing the size of the fire escape
14 from 19 feet to 12 feet 8, and that gets us, we
15 believe, compliant, and we don't need any coverage
16 variance to continue with the application, and my
17 architect will walk you through this analysis in a
18 few minutes after he describes the building and the
19 floor plates, et cetera.

20 So the coverage that we are showing
21 right now in this application is 59.88.

22 So with that, let me give you a road
23 map for this evening. We are going to start with
24 Jeff Lewis. Jeff works with me. Naval also has
25 appeared in this matter of Hampton Architects, and

1 he is going to take you through the design of the
2 building, and he's going to address the fire
3 escapes, and he's going to answer some of the
4 comments that we received from the Board Engineer
5 and the Planner.

6 And then we are going to hear from Rudy
7 Vazquez. Rudy is the project engineer. He is going
8 to take you through the water detention system.
9 He's going to show you structurally how this
10 building will be built, and then he will describe
11 the site.

12 One of the things that we have heard on
13 this application as well that I want to make sure I
14 address this evening is that we are going to keep
15 certainly with this building the footings, the
16 foundation and certain of the exterior walls, and
17 we're going -- and I believe there were some
18 comments from the Flood Administrator about her
19 comfort level with that construction, and so our
20 engineer this evening is going to be talking about
21 why we are doing that type of construction, and that
22 it is in his opinion safe and flood resistant and
23 worthy of approval by the administrator, the Flood
24 Administrator.

25 So with that, Mr. Chairman, I would

1 in Mr. Kolling's -- the portion for Mr. Kolling also
2 didn't identify what state and city.

3 So -- and my other and last comment on
4 the application would be that there were either
5 blanks or incorrect dates of the last municipal
6 election. And I only mention that because I believe
7 the 6/4/19, you know, people are attesting to
8 contributions based on time from the date on the top
9 of the sheet, and if the dates are wrong, then
10 attestations may be wrong, and I don't believe -- I
11 think, you know, municipal elections are not the
12 same as an election in the municipality obviously.
13 Maybe it is not obvious, and so some of them were
14 blank. Some of them were -- had this 6/4/19 date,
15 which I think is a Primary date.

16 So I will just leave it at that. I
17 mean, I'm not -- whether they need to be updated, I
18 suspect that many of the people that made no
19 contribution, so it is not an issue, but just to
20 make sure that at least the dates are filled in.

21 On Page 20, it was blank, and on Page
22 22 it was blank as to the triggering date for when
23 contributions had not been made since is what I am
24 saying. Okay? And I am sorry to be -- sorry to be
25 a pain.

1 MR. VITOLO: No. I appreciate the
2 comment. It is a good question.

3 You know, because this application has
4 been in since July of '19, we've actually had to
5 supplement and change our disclosure statement a
6 couple times, so it got a little confusing, and if
7 we don't have the most updated one in, which I think
8 we do, we will certainly get you the most updated
9 disclosure.

10 (Audio on the Zoom broke up)

11 MR. VITOLO: Before we start with Mr.
12 Lewis, just some housekeeping --

13 THE REPORTER: Frank, Frank, your voice
14 is cutting out. Frank?

15 MR. VITOLO: It's cutting out?

16 THE REPORTER: Yes. Your voice is
17 cutting out.

18 CHAIRMAN MAGALETTA: Can you start
19 over, Mr. Vitolo?

20 MR. VITOLO: Yeah. Okay. Can you hear
21 me now?

22 THE REPORTER: Yes.

23 CHAIRMAN MAGALETTA: Yes.

24 MS. CARCONE: Everybody should turn off
25 their mikes, if they are not speaking.

1 MR. VITOLO: Okay.

2 Yeah. So just -- and I am glad you
3 raised that, because -- let me just do a little
4 housekeeping and tell you what we resubmitted on May
5 1st. I think this would help.

6 Mr. Kolling submitted a revised
7 planning report on May 1st, which was corrected and
8 updated with current information.

9 We also provided a TFM with all of the
10 plans you requested. As I told you, a revised
11 application was submitted, and it corrected the
12 information that you just noted. A Page 1 was
13 provided. There was a set of plans that I
14 circulated to the professionals for that report.

15 The neighborhood impact report was
16 resubmitted and corrected, and so there was a
17 laundry list of things because since July '19, and
18 we've converted this from a coverage to a
19 noncoverage case, and so we believe all of that has
20 been updated and is now correct, and I just -- and
21 that is kind of the work we have been doing the last
22 two weeks.

23 COMMISSIONER DOYLE: Okay. Thank you.

24 MR. VITOLO: Yes, and thank you,
25 Commissioner Doyle, I appreciate it.

1 So we are ready to call Mr. Lewis.

2 CHAIRMAN MAGALETTA: Okay. And what
3 kind of a witness is he?

4 MR. VITOLO: Mr. Lewis is a project
5 architect.

6 CHAIRMAN MAGALETTA: Okay. Could you
7 just give us a voir dire of his credentials, please?

8 MR. CARLSON: Can I swear him first,
9 Mr. Chairman? Can I --

10 CHAIRMAN MAGALETTA: Yeah, sure. Go
11 ahead. I'm sorry, Mr. Carlson.

12 Go ahead.

13 MR. CARLSON: Mr. Lewis, do you swear
14 the testimony you're about to provide is the truth,
15 the whole truth, and nothing but the truth?

16 MR. LEWIS: Yes.

17 J E F F R E Y L E W I S, having been duly sworn,
18 testified as follows:

19 MR. CARLSON: Now, as the Chairman
20 requested, would you please provide the Board with
21 the benefit of your qualifications and experience?

22 THE WITNESS: Yes. Actually I don't
23 believe I presented to the Hoboken Board before.

24 I graduated from NJIT with a degree in
25 architecture in 2005. I received my license in the

1 State of New Jersey in 2009. That license is
2 current today.

3 I have presented in front of many
4 Boards in the state, including most notably last
5 week in front of the virtual Jersey City Zoning
6 Board or Planning Board. Actually kind of all --

7 (Laughter)

8 -- so I also have done other -- many
9 other Planning Boards in Newark and cities in New
10 Jersey --

11 CHAIRMAN MAGALETTA: That's fine. You
12 are accepted. Thank you.

13 THE WITNESS: Thank you.

14 CHAIRMAN MAGALETTA: Mr. Vitolo, please
15 proceed.

16 MR. VITOLO: Okay. And just for --
17 again for housekeeping and for the record, we have
18 with these witnesses both the May 1st set of plans
19 that we submitted, and we also have the prior
20 revision date plans. So, you know, we would like to
21 work off of the May 1 plan, but I leave it up to the
22 Board.

23 CHAIRMAN MAGALETTA: No. May 1st
24 plans. Those -- that's the ones we were voting
25 upon. Please deal with the May 1 plan --

1 MR. VITOLO: Right. Perfect. Okay.

2 Very good.

3 CHAIRMAN MAGALETTA: -- and put them on
4 the board, if you can, please, obviously.

5 MR. VITOLO: All right. Mr. Lewis, if
6 you would like to begin and give the Board the
7 benefit of your review of this project.

8 THE WITNESS: Okay. I think someone
9 needs to unshare, so I can share.

10 MS. CARCONE: Well, I'll stop it there.
11 Okay.

12 THE WITNESS: Thank you.

13 CHAIRMAN MAGALETTA: Go ahead.

14 THE WITNESS: I am bringing it up.

15 All right. Okay. Great.

16 So I am going to start with the
17 existing site plan that we have down here.

18 So, of course, 410 Monroe Street is an
19 existing four-story, four-unit building, and we are
20 proposing to keep it that way --

21 CHAIRMAN MAGALETTA: One question
22 before you begin. So have you premarked this as A-1
23 for identification, Mr. Vitolo, is that right?

24 MR. VITOLO: Yes, yes.

25 (Exhibit previously marked A-1 for

1 identification)

2 CHAIRMAN MAGALETTA: Okay. Thank you.

3 Please proceed. Thank you.

4 THE WITNESS: Okay. Good.

5 So looking at the site plan, you can
6 see we have this shaded area that is our building.
7 It's about 45 feet by 25 feet, the width of the lot,
8 and then you can see the addition to our building is
9 about 17 feet in total, and of that 17 feet, 12 and
10 a half feet of that is a four-story building
11 addition, and then 4 foot 6 of that is the fire
12 escape that we had been discussing.

13 And the lot coverage has been noted, so
14 I can go past that.

15 Looking at the rear yard, we can see
16 that there is a six-inch (sic) vinyl privacy fence
17 around the entire rear yard, and then inside that we
18 have a 10-by-25 foot concrete pad right when you
19 come out of the building. And then after that we
20 have 800 square feet of planted area. That planted
21 area consists of a central lawn area, and then a
22 three and a half foot planter around the entire yard
23 that is going to be --

24 CHAIRMAN MAGALETTA: Where are you
25 exactly right now?

1 THE WITNESS: Oh, I'm sorry. Around
2 the entire backyard --

3 MR. VITOLO: Jeff, why don't you zoom
4 in on that section?

5 CHAIRMAN MAGALETTA: Yes. Thank you.

6 THE WITNESS: Sure. Let's see. Where
7 are we?

8 CHAIRMAN MAGALETTA: You mentioned lot
9 coverage. Why don't you state how much the lot
10 coverage is? I know you said it's --

11 THE WITNESS: My lot coverage -- sure,
12 our lot coverage right now is 59.88 percent.

13 CHAIRMAN MAGALETTA: Okay.

14 THE WITNESS: Okay.

15 So here is our rear yard. You can see
16 this is the concrete pad right when you exit the
17 building, and then we have a central lawn area with
18 a planter around it that's filled with shrubs and
19 bushes to provide some additional buffer.

20 And then lastly you can see underneath
21 the lawn, we do have somewhat of a detention system.
22 I am not going to go into that, but the engineer is
23 here, and he will testify as to its usage.

24 Looking at the front yard, you can
25 see -- sorry about that -- you can see that our

1 building is located directly on the front lot line,
2 which most of the buildings on this street are.
3 However, our front entry is actually about 6 feet
4 above grade, which means we have this stair that's
5 coming from our -- from our entry down in the public
6 right-of-way, 6 or 7 feet of the public
7 right-of-way.

8 The rest of the space around it, this
9 dashed line here is a wrought iron fence, here and
10 here. It's extending the closeness of the yard.
11 This is actually fairly common on this street, but
12 obviously not ideal.

13 With this plan we are actually
14 proposing to relocate the building entry to be at
15 grade, which means we can remove this stair, remove
16 this fence and restore this area with new a
17 sidewalk. This, of course, is our right-of-way.

18 Moving on, this is the lighting plan.
19 I'm going to skip this. We can come back to this if
20 anyone has questions.

21 And these are our floor plans and --

22 CHAIRMAN MAGALETTA: Again, Page A-100
23 is the page, just for the record. I mean, I know we
24 have a visual here, but there is a transcript as
25 well to go along with this. So if you can, just

1 note what page you are going -- you're talking
2 about.

3 THE WITNESS: Okay.

4 CHAIRMAN MAGALETTA: Thank you.

5 THE WITNESS: So we skipped over to
6 A-100, and these are the floor plans for what we are
7 calling the ground level and the first floor plan.

8 And so what we are talking about here,
9 the ground floor, and we see just what's proposed
10 next to each other.

11 The existing ground floor is actually a
12 couple feet below grade and the existing first
13 floor, as we mentioned, is 6 feet above grade. You
14 can see on the left, this is the entry with the
15 stair coming down.

16 And now what we are proposing, now,
17 this first floor being at 6 foot above grade is a
18 problem for us, because the design base flood
19 elevation that we have to meet, which is the --
20 where the first floor meets the base is actually
21 about 8 feet above the first floor. It's at
22 elevation 13, and we are proposing elevation 11.

23 So what we are proposing to do is
24 actually to move the floors of our building up.
25 It's 18 inches we have to move these floors up, so

1 that the first floor is going to be just about 8
2 feet above grade, which with the 7-foot ceiling for
3 our ground floor puts it almost exactly at grade.

4 So you can see that to the right at our
5 proposed ground level plan, it's going to come in a
6 little bit here, too.

7 Where you can see -- you can see the
8 new entry lobby, and then now this is for the base
9 flood elevation, so there is not much that we can do
10 in this case, very little we can put here, but we
11 are putting a new trash room in the front. And then
12 we have four storage spaces, one for each unit.
13 There are no walls for these storage spaces. It's
14 just a wire mesh enclosure. Hum -- and then you can
15 see we have --

16 CHAIRMAN MAGALETTA: Wait. What is the
17 height -- hold on. What is the height in the lobby
18 area? It's also 7 feet?

19 THE WITNESS: It's 7 feet. This entire
20 area will be a 7-foot ceiling height.

21 CHAIRMAN MAGALETTA: Okay.

22 George, maybe -- hold on a second --
23 George, is there any variance required for that?

24 Can it be 7 feet even though -- I mean,
25 it is not a residential area. It's just for the

1 entrance for storage. Do we need to have any kind
2 of height, specific height for that?

3 That is a little low. That is the only
4 reason I ask.

5 MR. WILLIAMS: Yeah. I am double
6 checking now. My recollection is --

7 CHAIRMAN MAGALETTA: Okay.

8 MR. WILLIAMS: -- since it's not a
9 residential (audio breaking up) -- but give me two
10 more minutes, and I'll come back -- I'll chime back
11 in in a second.

12 CHAIRMAN MAGALETTA: Yeah. While he's
13 doing that, Mr. Lewis, please continue.

14 THE WITNESS: Okay. Thank you, and it
15 is a good question.

16 And then obviously we've got a new
17 stair and a new elevator access off this space, and
18 then below the -- below the new addition, it is just
19 an open room that will have access to the backyard
20 and the storage as well.

21 Lastly, you can see we have new flood
22 vents that are required in the rear, in the
23 existing, the old existing wall here. In the front
24 wall --

25 CHAIRMAN MAGALETTA: Hold on a

1 second --

2 THE WITNESS: -- and then the bathroom
3 wall --

4 CHAIRMAN MAGALETTA: -- okay. In the
5 crawlspace, what is that? Is it literally just
6 crawlspace and nothing is going on over there, it's
7 just going to be --

8 THE WITNESS: No. There's nothing
9 allowed in this space.

10 CHAIRMAN MAGALETTA: Okay. And that is
11 also 7 feet height on that, or what is the height on
12 that?

13 THE WITNESS: Everything on this floor
14 has a 7-foot ceiling height.

15 CHAIRMAN MAGALETTA: Okay. All right.
16 Thank you.

17 COMMISSIONER DOYLE: Mr. Chairman?

18 CHAIRMAN MAGALETTA: Yes, yes.

19 COMMISSIONER DOYLE: I thought -- I
20 thought I read somewhere that there was something
21 about the lowest floor being filled two feet, or was
22 that --

23 THE WITNESS: That is being -- it's
24 being -- it's being raised about, just a little less
25 than two feet. It's closer to 18 inches, so we'll

1 have just a -- like a basic (audio breaking up).

2 The engineer can testify to what he is doing.

3 Yes, that's correct. This floor, which
4 is the ground floor, is being raised roughly 18
5 inches. It's going to be almost at grade on the
6 right-hand side, being an inch or two below, hum,
7 and then just grade throughout --

8 CHAIRMAN MAGALETTA: So it will be --
9 it will be -- it will be filled to grade is what you
10 are telling us? I'm sorry.

11 THE WITNESS: Right.

12 Well, the way we got here is we put the
13 first floor at exactly the base flood elevation, and
14 then we did a 7-foot ceiling height, you know, one
15 foot for structure, and a 7-foot ceiling height
16 below that, and that brought us exactly to this
17 point, which is between two and six inches below
18 grade depending on where you are.

19 COMMISSIONER DOYLE: But you are saying
20 you -- but you are elevating that fourth floor up
21 16, 18, whatever inches from what it is --

22 THE WITNESS: Correct --

23 COMMISSIONER DOYLE: -- correct?

24 THE WITNESS: -- we are elevating all
25 of the floors 18 inches.

1 COMMISSIONER DOYLE: All right. I get
2 that part. You are lifting it.

3 But the basement or cellar or whatever,
4 it is the basement I suspect, you are going to --
5 you're -- instead of having a 9-foot ceiling in
6 there, you are going to create a floor that will be
7 two feet higher than the existing floor so that
8 it's --

9 THE WITNESS: Well, we -- we needed to
10 do this because we need to provide ADA
11 accessibility, and that means that we need to be
12 able to get a wheelchair to the elevator, which is
13 all the way in the back there.

14 COMMISSIONER DOYLE: Okay. Yeah. I am
15 not getting to motives. I am just asking --

16 THE WITNESS: No, no --

17 COMMISSIONER DOYLE: -- you are raising
18 the lowest floor to two feet or 18 inches, correct?

19 THE WITNESS: About 18 inches. That's
20 correct, yes.

21 COMMISSIONER DOYLE: Thank you.

22 CHAIRMAN MAGALETTA: Mr. Williams, do
23 you have a -- hold on a second.

24 Mr. Williams, do you have an answer for
25 us?

1 No, okay.

2 Go ahead, Mr. Lewis, continue.

3 THE WITNESS: Okay. That is actually
4 the ground floor.

5 Going up to the stair to the floor, we
6 come to our first apartment, and give me a second.
7 This is a 1,085 square foot ADA adaptable apartment.
8 You can see in the center of the building, you will
9 enter from either the stair or elevator into a
10 central lobby.

11 Looking to the rear of the building,
12 you have a large living-dining-kitchen great area,
13 an ADA adaptable kitchen with a dishwasher and a
14 large -- a large open island. The dining area has
15 sliding glass doors that open out to -- onto the
16 fire escape and a large living room.

17 Then there is a bathroom in the center
18 of the building with two sinks.

19 And then walking -- you'll find a
20 walk-in closet in the bedrooms. Before you get to
21 the bedrooms, you go past the common closet, then a
22 furnace that provides air-conditioning and forced
23 hot air heat for the building or for the unit,
24 individual to each unit, and also individual to each
25 unit, this is a closet with a water heater and a

1 stackable washer-dryer.

2 You can see to the left is the master
3 bedroom. It's a large bedroom with a walk-in closet
4 and its own ADA adaptable bathroom.

5 And then the second bedroom, and I left
6 this bedroom for last for a reason because our floor
7 plans are exactly the same on every floor except for
8 this small area.

9 Here we have a small two-bedroom -- a
10 small second bedroom, and that is because what we
11 needed to do is off of the stairway, we have the
12 electric meters, the gas meters and the water
13 sprinkler room, and that is, again, because these
14 are building items that need to be above the base
15 flood elevation. We could not put these at that
16 ground floor level, so we are bringing them up to
17 the first floor.

18 So, as I said, the second floor, third
19 floor and fourth floor are all exactly the same,
20 everything, until you get to this bedroom number
21 two, which you can see is a larger bedroom with a
22 nice closet and --

23 CHAIRMAN MAGALETTA: Okay. You are
24 referring to Page A -- hold on --

25 THE WITNESS: -- I'll stop --

1 CHAIRMAN MAGALETTA: -- you're
2 referring to Page A-120, right?

3 THE WITNESS: -- I'm sorry. And yes,
4 that is on Sheet A-120. I apologize.

5 CHAIRMAN MAGALETTA: Okay. That is
6 okay.

7 THE WITNESS: And lastly, you know, on
8 this plan, it is -- this brings the unit size to
9 1,154 square feet.

10 Then looking at the roof plan, there is
11 not much on the roof. We have just air-conditioning
12 condensers, four of them in the back. These are
13 located -- they are on sound insulation pads. They
14 are surrounded by a 42-inch high barrier, which
15 provides for sound proofing and screening.

16 Besides that, it's a flat roof. We
17 have the elevator bulkhead and then the stair -- we
18 have a stair that comes to the roof by code. You
19 need to have a stair that goes to the roof, so this
20 has to come here because this is not -- this is not
21 going to be a roof deck --

22 CHAIRMAN MAGALETTA: Okay. So stay on
23 that for a second.

24 So there will be no common area on the
25 roof, correct?

1 THE WITNESS: That is correct.

2 CHAIRMAN MAGALETTA: Okay. I think
3 initially it was a green roof proposed, but now
4 that's been withdrawn, correct?

5 THE WITNESS: Yes. The green roof was
6 problematic, yes, that's correct. The green roof
7 was problematic because you needed to provide ADA
8 access to the green roof, and that meant you had to
9 bring the elevator to the green roof, and it created
10 many more problems.

11 CHAIRMAN MAGALETTA: You can have a
12 green roof without having public access. It gives
13 you -- it would just improve the stormwater
14 retention and also improve the -- I think the
15 climate of the building, but I understand your
16 reason for withdrawing it now that you have stated
17 it.

18 Go ahead, please.

19 THE WITNESS: Sure.

20 COMMISSIONER DOYLE: Chairman, yeah, to
21 echo your point, but you are saying the roof deck is
22 what necessitated the elevator, not the green roof.
23 Is that correct?

24 THE WITNESS: Yeah. That's right.
25 Having -- having people -- having accessibility to

1 the roof is what -- yes, that is right.

2 COMMISSIONER DOYLE: So you could in
3 theory have a green roof that did not invite the
4 residents to use, you know, recreationally, not a
5 deck in other words.

6 THE WITNESS: Oh, sure. I mean, that
7 is something that could be done. I personally don't
8 know the reason that would come up -- I would say
9 personally from my point of view, they are kind of
10 overrated as far as what they provide for a
11 building. If you want better insulation in your
12 building, you are better off insulating the
13 building, and insulation is a much better insulator
14 than a green roof.

15 And if you want a --

16 MR. VITOLO: Yeah, but, so --

17 THE WITNESS: -- and a stormwater
18 detention system is just a million times better, I
19 do understand that it is a great amenity. I think
20 it works great when you have -- when you can
21 appreciate it, but I think it is something we can
22 probably talk about.

23 CHAIRMAN MAGALETTA: Okay.

24 MR. VITOLO: Can I also -- can I also
25 make a comment?

1 CHAIRMAN MAGALETTA: Sure.

2 MR. VITOLO: You know, initially when a
3 green roof was proposed, we were speaking of a
4 coverage variance, so part of our thinking was put
5 some green on the roof that we are losing as a
6 result of the coverage variance. But now that we
7 are giving -- you know, we've given back the
8 variance that we are going to have more green, you
9 know, in the donut area, so -- and so when you look
10 at the economics and all of the issues that Mr.
11 Lewis mentioned, you know, we decided just to go
12 with, you know, a standard roof.

13 COMMISSIONER DOYLE: Well, if I may
14 ask, I don't recall -- Mr. Lewis stated that in
15 order to have -- well, he did state this -- but in
16 order to have a roof deck, you have to have ADA
17 access.

18 Is that because it is a four-unit
19 building, or because that's -- that's -- I am not
20 sure that I am familiar with the requirement.

21 THE WITNESS: Sure. I can -- I can
22 clear that up.

23 This is a -- it is a building code
24 issue. So if you are -- if you're a four-unit
25 building, that's what triggers an ADA, and your

1 building needs to be ADA adaptable, and there are
2 two ways you can do that. You can either just make
3 what is on your ground floor adaptable, and then the
4 rest can be whatever, or if you put an elevator in
5 your building, that means you have to make your
6 entire building ADA adaptable. And if you make your
7 entire building ADA adaptable, that means any
8 amenity in that building needs to be accessible to
9 anyone, you know, an ADA accessible roof, which
10 meant that if we were going to have an accessible
11 roof deck, that that elevator needed to get to that
12 roof deck.

13 COMMISSIONER DOYLE: So what you are
14 saying is if you just had a traditional staircase
15 that you'd have to climb, you would not -- you could
16 have a roof deck without an elevator, but by
17 introducing an elevator into the building, it has to
18 go to the roof, if you were to have a roof deck?

19 THE WITNESS: Well, if we were able to
20 meet the ADA, you know, something with a base flood
21 elevation 8 feet above grade, it is impossible.

22 COMMISSIONER DOYLE: All right. Well,
23 I am not sure I follow that, but that I think --

24 THE WITNESS: Well, you understand if
25 we had an apartment right at grade, where someone

1 could roll their wheelchair right into that
2 apartment on the first floor, we would be gold. We
3 would be set, but that is impossible here because of
4 the base flood elevation.

5 COMMISSIONER DOYLE: Okay. So you are
6 saying a four-unit building, because that triggers
7 ADA compliance, you need an elevator in this
8 building?

9 THE WITNESS: Yes.

10 COMMISSIONER DOYLE: Okay. And once --
11 okay, thank you.

12 THE WITNESS: If we weren't --

13 CHAIRMAN MAGALETTA: Mr. Lewis, give me
14 five -- do me a favor, Mr. Lewis -- Mr. Lewis, you
15 are fine, but speak -- just slow down a little bit
16 for the reporter, so she can take down everything
17 better, please.

18 THE WITNESS: I'm sorry. I do talk
19 fast.

20 CHAIRMAN MAGALETTA: That's quite all
21 right. We do it all the time. Go ahead. Please
22 continue.

23 THE WITNESS: Okay.

24 So switching to the elevation, you can
25 see we are proposing a new brick facade. This is

1 going to be a red-maroon brick finish.

2 Then we are proposing cast stone as a
3 complement to that, as it's going to be a dark gray
4 cast stone, and that is for -- that's for all of the
5 lintels, all of the sills, as well as the 12-inch
6 band at the flood line.

7 Okay. Then you can see the new door.
8 It is a black wood entry door with -- with side
9 panels, and then all windows are wood, but they're
10 black aluminum -- black aluminum wrapped wood frame
11 windows.

12 Then lastly going up to the cornice and
13 the decorative panels also framed out of wood and
14 wrapped in black aluminum.

15 And then you can see also lastly we
16 have -- you can see on the front and one of the
17 insets to mimic the windows from above.

18 Looking to the rear elevation to the
19 right, you can see we are proposing a dark gray
20 Hardie Plank -- Hardie Plank siding, and then on the
21 bottom a stucco finish also painted gray. All of
22 the doors and windows are a black vinyl, and the
23 fire escape is also painted black, and then --

24 CHAIRMAN MAGALETTA: Hold on before --
25 wait, while you are on that page --

1 (The witness speaking at the same time
2 as Chairman Magaletta)

3 THE WITNESS: -- and this would be --
4 this was Sheet A-200. I apologize, yes.

5 CHAIRMAN MAGALETTA: Okay. That's
6 fine.

7 So just one quick question I have for
8 you, and I think I saw it from the drawings. With
9 respect to the fire escape, the platform outside of
10 the doorway, what are the dimensions of that, of
11 that area?

12 THE WITNESS: I think it is four --
13 sorry -- four-six or so?

14 CHAIRMAN MAGALETTA: By five you said?
15 What is the width?

16 THE WITNESS: I am going to get it for
17 you.

18 CHAIRMAN MAGALETTA: I think it is
19 five, but I want to make sure.

20 COMMISSIONER CLOUD: That's what the
21 plans say.

22 THE WITNESS: It is four feet by five.
23 That's correct.

24 CHAIRMAN MAGALETTA: Okay. And then
25 the platform between floors, what is the width of

1 that, or what are dimensions of that little section
2 as well?

3 THE WITNESS: That one is three foot by
4 four-six.

5 CHAIRMAN MAGALETTA: Three by four,
6 okay. I just wanted to get that on the record. All
7 right. Thank you.

8 Go ahead. Please continue.

9 THE WITNESS: So that was A-200 with
10 the front and rear elevations.

11 Now, I am just going to go to --
12 sorry -- the sides we can go through actually pretty
13 briefly.

14 You will see this is all right up
15 against the building, so there is really nothing to
16 see there.

17 And then here, everything indicated in
18 the dark is next -- right up against the building
19 next to us. There is a top section you can see
20 here, and this is going to be just a gray stucco.

21 And actually this is on Sheet A-220,
22 and it's the left elevation, and that is actually
23 the end of the presentation of the architectural
24 drawings.

25 Would you prefer to do questions at the

1 end of everyone, or do you want to do them one by
2 one, or do you kind of do them at the end?

3 CHAIRMAN MAGALETTA: Well, the question
4 I have with you, and we will do one at a time at the
5 end of every professional.

6 Mr. Williams has his hand up for a
7 comment he wants to make. Please go ahead.

8 (Laughter)

9 MR. WILLIAMS: So, Mr. Chairman, thank
10 you.

11 You were pretty close to on the mark
12 when you offered your thoughts on that height.

13 So, Mr. Lewis, the citation
14 196-16(e)(5)(a), and if I remember correctly from
15 your first floor or your cover page, below the
16 design elevation really couldn't be anything above
17 design elevation having to be ten feet floor --
18 floor-to-ceiling height -- you're below, correct?

19 THE WITNESS: That's correct, yes. But
20 we are below, so we comply with that 100 percent.

21 MR. WILLIAMS: Yes.

22 So, Mr. Chairman, I think you said non
23 residential. I think it is semantics, but, yes, but
24 they are below the BFE and because there are no
25 residential units there, I think they are fine with

1 the 7 foot.

2 CHAIRMAN MAGALETTA: Okay. All right.
3 Great. Thank you. I just wanted to get that
4 buttoned up.

5 All right. So for Mr. Lewis, are there
6 any members of the public that have any questions?

7 Or, Pat, has anyone commented that they
8 wanted to question Mr. Lewis?

9 We will give it a minute or so.

10 THE WITNESS: Sure, and I am not going
11 anywhere. You can ask me later.

12 (Laughter)

13 CHAIRMAN MAGALETTA: Well, you better
14 not find a mask.

15 (Laughter)

16 And we will give it a few seconds.

17 Did anybody raise their hand for this?

18 Seeing none, I am going to close the
19 public portion.

20 Any Board members have any questions
21 for Mr. Lewis at this time regarding his testimony?

22 Anybody?

23 COMMISSIONER FRANCESE: Yes, I do.

24 MR. NASH: I do.

25 CHAIRMAN MAGALETTA: Yes, Mr. Francese,

1 and Mr. Nash next.

2 COMMISSIONER FRANCESE: I just have a
3 question regarding the -- it looks like the ceiling
4 height in the front of the ground floor is different
5 where the door is. Could you --

6 THE WITNESS: Sure. I can get into
7 that. It was going to be tricky to get into, but I
8 could probably get into that.

9 That's going to be -- the floor there
10 is about two inches higher than the rest of the
11 floor. As a matter of fact, you can meet grade
12 because we're going to be two inches below grade.
13 But what we are able to do is the structure above us
14 in that section is actually going to be two inches
15 taller. Instead of using 12-inch joists, we're
16 going to use 10-inch joists, and we can do that
17 structurally, so we will still have a 7-foot ceiling
18 in the (audio breaks up) --

19 COMMISSIONER FRANCESE: Thanks.

20 CHAIRMAN MAGALETTA: Mr. Lewis, could
21 you put the microphone a little closer to your
22 mouth, so we can hear you a little better?

23 THE WITNESS: Oh, I am actually talking
24 through my phone. It's not coming through clearly?

25 CHAIRMAN MAGALETTA: It is a little

1 distant. I mean, if you could raise it up a little
2 bit or get it closer to your mouth.

3 THE WITNESS: Is this any better?

4 MS. CARCONE: Much better.

5 CHAIRMAN MAGALETTA: Much better.

6 Thank you.

7 COMMISSIONER DOYLE: Yeah, it's better.

8 CHAIRMAN MAGALETTA: Okay. Mr. Nash
9 and then Mr. Jacobson.

10 Go ahead, Chris.

11 Go ahead. You're muted, Chris. Go
12 ahead, unmute. Chris, come on. You're an engineer.

13 (Laughter)

14 MR. NASH: Sorry.

15 George sent me a text. He wants to
16 know where Mr. Lewis gets his ties, but --

17 THE WITNESS: Bowties in Vermont.

18 (Laughter)

19 MR. NASH: Can we circle back to the
20 roof?

21 THE WITNESS: Yes.

22 MR. NASH: Did you give any thought to
23 having the roof just accessed by the fourth floor
24 resident? Does that change any of your thoughts on
25 what to put on the roof --

1 THE WITNESS: Well, I actually -- I
2 actually think that was proposed by us at one point
3 and rejected, if I remember correctly.

4 Is that right, Frank? Do you remember?

5 CHAIRMAN MAGALETTA: Well, we don't
6 reject anything at SSP, but go ahead.

7 THE WITNESS: Not you, no, no, not
8 you.

9 CHAIRMAN MAGALETTA: I know which Frank
10 you meant.

11 (Laughter)

12 MR. VITOLO: Yeah, no. I do recall
13 there was an issue with that -- with that scheme,
14 and that we had to move to what we have presently.

15 CHAIRMAN MAGALETTA: I'm sorry. What
16 was that, Frank? What did you say? I didn't hear
17 you.

18 MR. VITOLO: No, I do believe, and I
19 have to look back, like I said, because there have
20 been so many iterations in these plans on what the
21 specific issue was, but I think we had a little
22 problem with that as a result of a town or a city
23 professional comment, and now we have what we have
24 on the current plan. But I can't, you know, sitting
25 here recall exactly what that comment was, but I do

1 believe it moved us in the direction we are in right
2 now.

3 CHAIRMAN MAGALETTA: Okay.

4 MR. NASH: Because the applications
5 we've seen in the past year, the applicants are
6 trying to put as many amenities on the roof as they
7 can, you know, decks and barbecue grills and things
8 like that, so --

9 MR. VITOLO: Right. And again we --

10 MR. NASH: -- so I don't know where --
11 I don't know where it went. At some point you did
12 have it, and it is not no longer being proposed.

13 THE WITNESS: Right.

14 Again, you are right. We did have it
15 originally, but the ADA access was a problem, and
16 then I can't remember why, but at a second point I
17 know, like Frank, that we did -- we did have it just
18 accessible from the upper apartment, and there was a
19 problem with that as well, and I can't remember what
20 it was for the life of me.

21 CHAIRMAN MAGALETTA: Anything else, Mr.
22 Nash?

23 MR. NASH: No.

24 CHAIRMAN MAGALETTA: Okay. Mr.
25 Jacobson and then Mr. Doyle.

1 Go ahead, Tom.

2 COMMISSIONER JACOBSON: Thank you.

3 I am just curious or interested in the
4 implications of the 7-foot ceiling height in the
5 ground floor on the design or specifications for the
6 elevator.

7 So I presume that means it is going to
8 have a maximum height, door height of 7 feet. I
9 used to go in and out of elevators all of the time
10 on business travel. I have not done that in a
11 while, so I forget, and I am 6 foot 3. So, you
12 know, my perspective of an elevator door opening
13 might be a little bit different than other folks.

14 So the 7-foot opening seems perhaps a
15 little small, but that doesn't necessarily suggest a
16 7-foot ceiling in the elevator. So could you just
17 walk us through a bit in terms of what the design or
18 configuration of the elevator is going to be, and
19 are there any ADA issues that come into play because
20 of that 7-foot restriction on the door opening?

21 THE WITNESS: Sure.

22 No. The 7-foot door is actually not a
23 problem at all for the ADA.

24 The elevator is designed to comply with
25 the ADA as far as roll-in and fitting a structure

1 and whatnot, and I would argue that while the door
2 height is -- you're right, that the size in the cab
3 is more important, and it is probably more important
4 to get an extra tall cab. That is where you are
5 really going to feel the difference, especially
6 doing things like moving in and out furniture and
7 whatnot, but the door is accessible by building
8 code.

9 COMMISSIONER JACOBSON: Okay. That is
10 fine.

11 Thank you.

12 CHAIRMAN MAGALETTA: All right. Mr.
13 Doyle, please.

14 COMMISSIONER DOYLE: Thank you.

15 No. I just wanted to make another plug
16 for -- I mean, I am thinking about the roof, and I
17 am thinking about a staircase that is accessible to
18 all of the residents, notwithstanding the fact that
19 you are saying it would not be a green roof --
20 excuse me -- it would not be a deck. It would not
21 be inviting people, you know.

22 There is no railing on the front.
23 There is a flat roof. There is no railing on the
24 back, you know, should people find their way up
25 there, so that is one point.

1 But the other point is I don't know
2 that I agree with you about the value and the
3 benefits of a green roof.

4 I will defer to you with regard to, you
5 know, our values of insulation of, you know, soil
6 and seedum versus, you know, rigid, rigid orange,
7 you know, panels of insulation, but it also, you
8 know, collects water. You know, there are many
9 functions in energy efficiency, et cetera.

10 So I don't know whether your client
11 would consider some portion of the green roof --
12 excuse me -- some portion of the roof being
13 dedicated to a green roof element, whether it is,
14 like whatever percentage might be considered. That
15 is all.

16 MR. VITOLLO: And if I might, I will,
17 you know, in the interim when we are having other
18 testimony, I can check with my client and see what
19 his thoughts are on that.

20 I also would say, though, and I am sure
21 everyone on the Board is aware that, you know, as of
22 six weeks ago, you know, half of the people aren't
23 paying their rent any more. So, you know, we don't
24 know what this is going to look like post COVID with
25 rentals and how long it is going to take us to get

1 back.

2 So, you know, I am not saying that that
3 really impacted this decision all that much because,
4 you know, the change was kind of made before all of
5 this. But, you know, if the builder had the amenity
6 building right now, it is a little bit risky. Maybe
7 adding an amenity further on, but, you know, the
8 rental market is really taking a beating, and, you
9 know, no one purports to know when or how long it is
10 going to take to recover, but I will, Commissioner
11 Doyle, hook up with my client on the phone as we do
12 the engineering testimony to get this feedback on
13 that. Okay?

14 COMMISSIONER DOYLE: Okay. Thank you.

15 I am sensitive to that, and I'm not --
16 I am just thinking, I am hoping this building, if
17 and when constructed, it will be around for, you
18 know, 50 plus years. So, you know, I get there are
19 short-term issues, and then there are long-term
20 implications, but thank you.

21 MR. VITOLLO: Thank you.

22 CHAIRMAN MAGALETTA: Okay. Ms. Cloud,
23 go ahead.

24 COMMISSIONER CLOUD: Thank you,
25 Chairman.

1 I had a question relative to the
2 elevator.

3 Does the elevator actually, given that
4 you are indicating that the ADA requires amenities
5 for over four stories, does it go to the level of
6 the ground in the back, to the yard in the back?

7 THE WITNESS: No, no --

8 COMMISSIONER CLOUD: So ADA --

9 THE WITNESS: -- the ground is
10 actually --

11 COMMISSIONER CLOUD: -- so is that an
12 amenity?

13 THE WITNESS: No. ADA actually when
14 it -- no -- actually the ADA doesn't require you to
15 get out to the backyard of the building. It only
16 requires one -- one means of egress into or out of
17 the building, and I know the backyard does seem like
18 an amenity, but that's actually kind of considered
19 just the yard.

20 COMMISSIONER CLOUD: Right.

21 I guess I asked the question because of
22 the green roof. I would agree with Commissioner
23 Doyle that the green roof offers, as a fellow
24 architect, I would say it actually does offer many
25 things to the surrounding community, and so I was

1 just balancing the green roof and the green yard,
2 but I think that the green roof does offer the --
3 you know, there is lots of research that attests to
4 it alleviates the urban heat island effect in
5 communities like ours, which are very dense
6 residential areas, and there is not a lot of
7 permeable soil, so that is a huge issue for us. So
8 I think in general I do think that I would agree
9 that the green roof is a real asset to -- in terms
10 of alleviating some of the impacts of the
11 environmental issues.

12 CHAIRMAN MAGALETTA: Yes, Mr. Lewis.
13 That is what I was referring to before. I said
14 there's a community benefit to it, and not something
15 to the building, but Mr. Vitolo will speak to his
16 client and let us know.

17 MR. WILLIAMS: Mr. Chairman --

18 CHAIRMAN MAGALETTA: Yes, yes.

19 MR. WILLIAMS: -- you have two people
20 in the cue. I saw Kelly in at least one of the
21 first pictures --

22 CHAIRMAN MAGALETTA: Yes.

23 By the way, whoever wants to speak, do
24 me a favor. I can't see everybody's image, so if
25 you hit the button below that says "raise your

1 hand," it is much easier for me to see who is there
2 and who wants to speak.

3 So I think you said Kelly and who else?

4 COMMISSIONER DOYLE: Is that in the
5 participants' box, Frank?

6 COMMISSIONER O'CONNOR: Yeah. I
7 don't -- I actually was looking for that. I
8 couldn't find it, so should I --

9 CHAIRMAN MAGALETTA: Yes.

10 MR. WILLIAMS: In the participants'
11 box. You are right, Commissioner Doyle.

12 CHAIRMAN MAGALETTA: Yes. I mean, I
13 looked there, but -- okay. All right.

14 All right. Ms. O'Connor, go ahead. It
15 is your turn.

16 COMMISSIONER O'CONNOR: Great. I just
17 raised my hand.

18 (Laughter)

19 CHAIRMAN MAGALETTA: Yes.

20 COMMISSIONER O'CONNOR: So I have
21 really two questions, kind of following on a little
22 bit to Commissioner Cloud's question.

23 First of all, can you explain how and
24 who is able to access the yard?

25 And then secondly, there are couple of

1 trees that I can see in the photo that you got on
2 Sheet A-220, and I just wanted to understand the
3 size of those, and it looks like they are going to
4 be taken out, so what is the replacement plan in
5 terms of the landscaping that's back there?

6 It is sort of building on the question
7 around the heat island effect that Commissioner
8 Cloud talked about.

9 THE WITNESS: Sure.

10 Hum, well, I would say the trees in the
11 back would have to be removed to accommodate the
12 stormwater detention system --

13 COMMISSIONER O'CONNOR: Yep.

14 THE WITNESS: -- and I guess that would
15 be the trade-off, that we have the yard with a
16 stormwater detention system to take up for that.

17 What was the first question? I'm
18 sorry.

19 COMMISSIONER O'CONNOR: So the first
20 question --

21 CHAIRMAN MAGALETTA: Mr. Lewis -- Mr.
22 Lewis, move the microphone a little closer to your
23 mouth, please, if you can.

24 I'm sorry, Kelly, I apologize.

25 COMMISSIONER O'CONNOR: Sure.

1 The first question was access to the
2 yard, and the second question is surrounding the
3 actual sort of replacement of the trees.

4 THE WITNESS: Oh, sure.

5 So access -- access to the yard would
6 again just be on the ground floor through -- through
7 that rear addition, through the back room and a
8 couple of stairs down to the rear yard.

9 COMMISSIONER O'CONNOR: Okay. I am
10 looking at the plan. It says "crawlspace" on there
11 so I guess --

12 THE WITNESS: They didn't know what --
13 they didn't know what to call it. It is a space
14 that we just can't use for anything.

15 COMMISSIONER O'CONNOR: Okay. But it
16 is big enough, high enough for people to walk
17 through it?

18 THE WITNESS: Correct.

19 COMMISSIONER O'CONNOR: Okay.

20 CHAIRMAN MAGALETTA: That is it?

21 COMMISSIONER O'CONNOR: Second
22 question --

23 CHAIRMAN MAGALETTA: Kelly, you're
24 done?

25 Okay, go ahead.

1 COMMISSIONER O'CONNOR: -- about the
2 trees, I didn't hear the answer on the trees.

3 THE WITNESS: All right.

4 Well, on the trees, the trees are going
5 to -- they have to be removed because we have a
6 stormwater detention system beneath the lawn, so we
7 can't have the trees and the stormwater detention
8 system.

9 COMMISSIONER O'CONNOR: I understand
10 that. I'm trying to ask what is sort of the
11 replacement plan for the trees that need to be
12 removed in the yard?

13 I see there is landscaping in the yard.
14 Is that intended to be replaced with shrubs, with
15 trees?

16 THE WITNESS: It's like shrubs.
17 There's about -- what is it, about 28 or 30 shrubs
18 that we're proposing to plant around the rear yard?

19 It is cut off. You can see more of the
20 landscaping plan, if I go up two more. Sorry.

21 COMMISSIONER O'CONNOR: Which page is
22 that?

23 THE WITNESS: Up to the title sheet,
24 T-100. I'm sorry. I should have left it on share
25 for me. I apologize.

1 COMMISSIONER O'CONNOR: So there are no
2 trees that are going to be replanted, if I am
3 hearing that correctly. The trees that --

4 THE WITNESS: No.

5 COMMISSIONER O'CONNOR: -- are going to
6 be removed --

7 THE WITNESS: No.

8 COMMISSIONER O'CONNOR: -- are going to
9 be replaced with shrubs?

10 THE WITNESS: That's correct. Again,
11 we just can't because of the stormwater detention
12 system, there is no room for the whole tree and root
13 structure.

14 COMMISSIONER O'CONNOR: Okay. Thank
15 you.

16 CHAIRMAN MAGALETTA: Okay, Mr.
17 Williams?

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

19 Just a quick follow-up to Commissioner
20 Doyle's and Commissioner Cloud's and Chris Nash's
21 comments about the green roof, and I apologize to
22 the Commissioners. Normally I would have included a
23 reference to the master plan on the infrastructure,
24 but I forgot they took out the green roof.

25 So for the planner and the applicant

1 team, just be aware that our master plan actually
2 does speak directly to a preference for green
3 infrastructure including green roofs, and I think
4 that is where both Commissioner Cloud and
5 Commissioner Doyle were going, less as a green
6 amenity and more of a post benefit amenity. So that
7 was part of our master plan of the strength of your
8 application that reports are to be included.

9 CHAIRMAN MAGALETTA: All right. Thank
10 you, Mr. Williams.

11 Any other questions for Mr. Lewis?

12 I don't see any more.

13 Mr. Vitolo, your next witness, please.

14 MR. VITOLO: Yes. We call Rudy
15 Vazquez.

16 CHAIRMAN MAGALETTA: Okay.

17 MR. VITOLO: I'm sorry. Let me get my
18 screen set here.

19 CHAIRMAN MAGALETTA: Okay.

20 MR. VITOLO: Do you want to swear in
21 Mr. Vazquez?

22 MR. CARLSON: Yes. Is the witness
23 here?

24 MR. VITOLO: Yes, the witness is here.

25 MR. CARLSON: Sure.

1 Do you swear that the testimony you're
2 about to provide is the truth, the whole truth, and
3 nothing but the truth?

4 MR. VAZQUEZ: Yes, I do.

5 R O D O L F O V A Z Q U E Z, Flex Engineering
6 Group, LLC, 3131 Central Avenue, Union City, New
7 Jersey, having been duly sworn, testified as
8 follows:

9 MR. CARLSON: Would you state and spell
10 your name for the record, please?

11 THE WITNESS: Rodolfo, R-o-d-o-l-f-o,
12 Vazquez, V-a-z-q-u-e-z. I go by Rudy, though.

13 MR. CARLSON: Thank you.

14 Would you give the Board the benefit of
15 your qualifications and experience, please?

16 THE WITNESS: I am a professional
17 engineer. I graduated from Stevens Institute of
18 Technology in 1997. I am licensed in three states.
19 I'm a principal in Flex Engineering Group, LLC. I
20 have appeared before all of the Boards. Hum --

21 CHAIRMAN MAGALETTA: You said you're
22 licensed in three states. Are you licensed in New
23 Jersey?

24 THE WITNESS: Yes, absolutely, New
25 Jersey and New York and --

1 CHAIRMAN MAGALETTA: Okay. And you
2 appeared -- name three Boards you appeared before in
3 New Jersey, please.

4 THE WITNESS: I have appeared -- well,
5 Union City, West New York and South -- hum -- South
6 Paterson.

7 CHAIRMAN MAGALETTA: Okay. Mr.
8 Vazquez, thank you.

9 You have been accepted as an engineer
10 for this application.

11 Mr. Vitolo, go ahead.

12 MR. VITOLO: Mr. Vazquez, you prepared
13 the plans that were submitted in connection with
14 this application?

15 THE WITNESS: That is correct. We are
16 in the -- we have a 25 by a hundred lot in which
17 there is a four-story building in the front, which
18 will be slightly extended toward the back, and in
19 the rear of the property we will create a water
20 detention system, which I will share on my screen
21 shortly.

22 CHAIRMAN MAGALETTA: Come on, the
23 architect did it. Shame on you. You are an
24 engineer. There you go.

25 (Laughter)

1 MR. VITOLLO: Yeah, there you go.

2 CHAIRMAN MAGALETTA: Can you zoom in a
3 little, please?

4 THE WITNESS: Okay. So can you guys
5 see it? Okay. Good.

6 So this is the water detention system
7 in the rear of the property. It has got three main
8 HDPE, polyethylene tanks, roof water, rainwater
9 coming from the roof also goes into the tanks, as
10 you can see here. There is a pump system to pump
11 the water into the city main.

12 CHAIRMAN MAGALETTA: By the way, this
13 is Page C-1 of the water detention drawings, right?

14 THE WITNESS: Yes, and I will --

15 CHAIRMAN MAGALETTA: Okay. That is
16 fine. I just wanted to put it on the record, but go
17 ahead. Please continue with your testimony.

18 THE WITNESS: Okay.

19 CHAIRMAN MAGALETTA: So it is pumped
20 into the city main. Go ahead.

21 THE WITNESS: It's pumped into the city
22 main. Below the sidewalk in the front, it is joined
23 with the sanitary from coming out of the building.
24 The sanitary has a back flow prevention device, and
25 when the mixed water comes out of the building, it

1 goes into a six inches by three feet free combined
2 sewer that is the existing main on the street.

3 This system goes under the existing
4 slab, and we providing sleeves, so that the other
5 pipes go where there is an existing or a proposed
6 footing.

7 CHAIRMAN MAGALETTA: Mr. Doyle, do you
8 have a question for Mr. Vazquez?

9 Commissioner Doyle?

10 COMMISSIONER DOYLE: Yes. Thank you.

11 CHAIRMAN MAGALETTA: Go ahead. Go
12 ahead.

13 COMMISSIONER DOYLE: And thank you for
14 muting me.

15 (Laughter)

16 Mr. Vazquez --

17 THE WITNESS: Yes.

18 COMMISSIONER DOYLE: -- are -- do you
19 know whether the sanitary and the rainwater --
20 stormwater, I should say, systems will be segregated
21 coming out of the building, so that in the future,
22 if the CSO situation is alleviated, that there will
23 be the opportunity to segregate the two?

24 THE WITNESS: That is correct. They
25 are completely independent until they exit the

1 building, and then they are joined outside of the
2 building. If there are any future changes to the
3 infrastructure, we could separate them back.

4 COMMISSIONER DOYLE: Thank you.

5 CHAIRMAN MAGALETTA: Okay. Continue,
6 please.

7 Mr. Vazquez, is there anything else?

8 THE WITNESS: That is all I have for
9 the water detention system.

10 Is there any further questions?

11 This is based on requirements of North
12 Hudson Sewerage Authority, and as far as I
13 understand, it meets all of the engineering
14 requirements that --

15 COMMISSIONER DOYLE: One time the
16 requirements or two times, or what is the capacity?

17 THE WITNESS: The capacity --
18 chu-chu-chu...

19 CHAIRMAN MAGALETTA: What is the date
20 of that -- of those detention plans you have?

21 Is that April 30, 2020, is that
22 correct?

23 THE WITNESS: April 30th, yes.

24 CHAIRMAN MAGALETTA: Okay.

25 Okay. And you're looking -- what are

1 you looking for right now to make the determination
2 as to whether or not -- the Sewerage Authority's
3 relation to in response to Mr. Doyle's question?

4 THE WITNESS: Hum, the total length of
5 pipe is 62 feet, but I am looking for a total
6 capacity --

7 CHAIRMAN MAGALETTA: Okay.

8 THE WITNESS: -- 305 feet, cubic feet.
9 I will have to compare that into balance.

10 COMMISSIONER DOYLE: Well, yeah, we --
11 we often have heard, and obviously, you know, the
12 dimension of the yard can dictate the size of a
13 detention system, but we often hear as a metric for
14 this that the system is, you know, 1.5 times the
15 North Hudson Sewerage or two times the North Hudson
16 Sewerage Authority's requirement.

17 So what I am asking I guess is how does
18 the capacity of this detention system compare to the
19 minimum requirement from the North Hudson Sewerage
20 Authority? Is it one-to-one, two-to-one, et cetera?

21 THE WITNESS: It's slightly over. I
22 would say about two, three percent over because we
23 have extras on the corners, but we use the
24 requirements from the North Hudson Sewerage
25 Authority, and they provide an Excel spreadsheet,

1 which gives you a number and the length.

2 COMMISSIONER DOYLE: Okay. So
3 you're --

4 THE WITNESS: So we have to only meet
5 the requirements of the --

6 COMMISSIONER DOYLE: -- you're meeting
7 the requirements, but not particularly exceeding it
8 beyond a couple of percentage is what you are
9 saying.

10 THE WITNESS: That's correct. We're
11 not -- yeah.

12 CHAIRMAN MAGALETTA: Anything else?

13 Mr. Doyle, you're done. Okay.

14 Mr. Nash, your hand is up, please.

15 MR. NASH: Yeah. Just a couple
16 questions for Mr. Vazquez.

17 The elevations in view of the first
18 sheet in your exhibit --

19 THE WITNESS: Okay.

20 MR. NASH: -- the elevations in the
21 rear yard, the grade of the rear yard differs from
22 the architect's plans by approximately a foot.

23 Actually, you know what? If you look
24 at the cross-section, I'm sorry, on the second
25 sheet, the elevations are easier shown on the second

1 sheet.

2 CHAIRMAN MAGALETTA: That is C-2.

3 MR. NASH: Okay.

4 So the grade in the rear, the
5 furthestmost part of the year yard, it says 2.35.

6 The architect's plan says 1.35. So do you know why
7 there is a difference?

8 THE WITNESS: At this time, no, I do
9 not.

10 CHAIRMAN MAGALETTA: Also I guess while
11 we are on it, right next to the green, it says the
12 elevation is 2.17. That's -- it looks like it's --
13 how could that be, if that is above elevation 2.35?
14 Am I misreading that?

15 THE WITNESS: No, you're not. I think
16 this was all changed, but I don't see it changed
17 here.

18 CHAIRMAN MAGALETTA: Okay.

19 MR. NASH: Anyway, so I don't expect
20 you to figure it out on the fly here. I do have a
21 couple of other questions on the system.

22 Did you take any soil borings?

23 THE WITNESS: There were no soil
24 borings, no.

25 MR. NASH: Do you know where the water

1 surface elevation is, groundwater surface elevation?

2 THE WITNESS: We do not.

3 MR. NASH: Because you are
4 approximately 8 feet below grade at the pump invert,
5 so is that --

6 CHAIRMAN MAGALETTA: Working all day.

7 MR. NASH: -- is that going to take in
8 water all of the time?

9 Like, I think you would need to know
10 where the groundwater elevation is because maybe
11 even your detention pipe is going to take water in
12 all of the time.

13 I think you would need to know where
14 the groundwater table is in your backyard because
15 you are so low.

16 THE WITNESS: We will have to get a
17 full report and get the water table revision.

18 CHAIRMAN MAGALETTA: Okay.

19 MR. NASH: And I don't mean to
20 elaborate --

21 CHAIRMAN MAGALETTA: How quickly can
22 you do that?

23 One second, Chris.

24 Mister -- Rudy, how quickly could you
25 get a soil report?

1 THE WITNESS: I think I might do it
2 within the week. I mean, I don't know now with the
3 virus, but --

4 CHAIRMAN MAGALETTA: Okay. That is
5 fine. Okay. I just wanted to make sure we look at
6 the timing of this.

7 Okay. I'm sorry, Mr. Nash. Continue,
8 please.

9 MR. NASH: Okay. Those are my
10 questions on the detention system.

11 On the building itself, you are
12 proposing to keep the existing foundation. What
13 methodology did you utilize to determine the
14 adequacy of the footings for the building, the new
15 building, you are adding height to it, you are
16 adding more weight to it.

17 THE WITNESS: We used the history of
18 the building, and we lowered the weight on the
19 footings.

20 We will be adding new footings in the
21 middle, and we will be adding footings for the
22 elevator and for some of the internal walls, as far
23 as both the two outer -- the outside wall and the
24 rear wall.

25 The internal walls, I believe is

1 more -- hum, I would rather keep them, so that we
2 don't disturb the soil below that. It is proof that
3 it's held, and I don't want to disturb it. We are
4 lowering the weight on it somewhat because the roof
5 is actually held on new columns.

6 We are also reinforcing the building
7 and creating cross-bracing, which would make it
8 stronger overall, plus hopefully the new footings
9 would hold all the new proposed items.

10 MR. NASH: So you are comfortable that
11 the existing outside foundation walls will hold up
12 the new building?

13 THE WITNESS: Yes, I am, absolutely.
14 With the assistance of the new constructed items,
15 with the new footings in the center and the outside
16 footing for the columns, yes. We are actually
17 lowering the weight on those walls now.

18 MR. NASH: I see. Thank you.

19 THE WITNESS: You are welcome.

20 CHAIRMAN MAGALETTA: Okay. Thank you,
21 Mr. Nash.

22 Mr. Jacobson, you had your hand up.

23 COMMISSIONER JACOBSON: Yes, and just
24 to build on Mr. Nash's questions about the level of
25 the water table in the rear yard area where the

1 stormwater detention system is.

2 This setup is a little bit different
3 than we have seen with some others that this is a
4 system of pipes as opposed to a fixed tank, so I
5 don't think we are talking about a scenario of a
6 tank floating, but with these perforated pipes, I
7 guess the implication would be if there is a
8 significant amount of groundwater, that would
9 compromise the volume, the effective volume of the
10 system and not provide the available capacity for
11 the NHSA requirements.

12 Is that what you were getting at, Mr.
13 Nash?

14 MR. NASH: Well, the pipes are not
15 corrugated.

16 THE WITNESS: These pipes are.

17 MR. NASH: They are?

18 THE WITNESS: Yes.

19 MR. NASH: Why are they corrugated?

20 THE WITNESS: HDPE.

21 MR. NASH: Well, corrugated --

22 CHAIRMAN MAGALETTA: What does that
23 mean? What does HDPE mean by the way?

24 MR. NASH: -- well, I see what you
25 mean. Okay. It is not perforated.

1 THE WITNESS: No, it's not.

2 MR. NASH: It's not perforated, but
3 it's going to be. What -- perforated would be water
4 would be coming in, the groundwater -- the
5 groundwater would be able to come into the pipes.

6 THE WITNESS: Yeah. If you go through
7 the perforation, so that would be a retention rather
8 than detention.

9 MR. NASH: No, I understand, yeah.

10 CHAIRMAN MAGALETTA: What does HDPE
11 mean?

12 Hold on. What does HDPE stand for?

13 THE WITNESS: High Density
14 Polyethylene.

15 CHAIRMAN MAGALETTA: All right. Mr.
16 Nash, continue.

17 MR. NASH: Is there any need for the
18 buoyancy issue that Mr. Jacobson was referring to
19 that you need to strap these down?

20 THE WITNESS: I will look into that and
21 see if we need to strap them down and look at the
22 buoyancy potential.

23 MR. NASH: Okay.

24 COMMISSIONER DOYLE: So that ties into
25 the issue of the groundwater table, correct?

1 THE WITNESS: Yes.

2 MR. NASH: Yeah. If the pipes are
3 empty and the groundwater comes up, the pipes will
4 float in essence.

5 THE WITNESS: Understood. We will
6 provide -- we will provide mitigation for that.

7 CHAIRMAN MAGALETTA: Okay.

8 All right. Anything else, Mr.
9 Jacobson?

10 COMMISSIONER JACOBSON: No, sir.

11 CHAIRMAN MAGALETTA: Okay. Anybody
12 else have any questions for Mr. Vazquez?

13 All right. Oh, I'm sorry. Does the
14 public have any questions for Mr. Vazquez?

15 I will give that a couple of seconds to
16 see if anybody sticks their hand up.

17 MR. CARLSON: Frank, do we have any
18 members of the public present?

19 CHAIRMAN MAGALETTA: Well, there are
20 two iPhones.

21 MR. CARLSON: Okay.

22 CHAIRMAN MAGALETTA: I don't who they
23 are, so I am just going to give them an opportunity.

24 MR. CARLSON: Sure.

25 CHAIRMAN MAGALETTA: All right. No one

1 is raising their hand for this.

2 So, Mr. Vazquez, I think we are done
3 unless Mr. Vitolo -- or do any of the Board members
4 have any more questions for him, this witness,
5 anybody?

6 No.

7 Okay. Mr. Vitolo, next witness,
8 please.

9 MR. VITOLO: Well, that ends -- that
10 concludes our presentation.

11 CHAIRMAN MAGALETTA: Okay.

12 MR. VITOLO: Well, I would say that,
13 you know, as promised, I did speak to the client
14 about the Board's questions about a green roof and
15 because of the, you know, when I started my
16 presentation, because of the cost in carrying this
17 so long, et cetera, he would agree if we could have
18 a vote tonight with conditions and one of them being
19 the additional data that Mr. Vazquez needs to
20 provide, he would do a 25 percent green roof.

21 CHAIRMAN MAGALETTA: Well, the problem
22 I had, as I said to you in the beginning, was that
23 it's a public opportunity. It's not simply the
24 Board.

25 Now, I understand your concern about,

1 you know, getting this thing going. I mean, I would
2 say this thing has been sitting around for a year,
3 and there was some time where things were not being
4 presented, and we were waiting and waiting. But
5 that being said, realistically if we voted today,
6 the resolution would be in June anyway. So what I
7 think we can do is we can wait until the June 4th
8 meeting.

9 While that is happening, we could put
10 together a resolution, and then we can then have a
11 meeting on the 4th and vote on it, and then a week
12 later at the SSP, we could then vote on the
13 resolution, and then you would have a one-week
14 difference between now versus next month.

15 So I would rather do that and make sure
16 that we fulfill our obligation of the ten-day and
17 that the public can look at it. I think that solves
18 your issues, your client's concerns about how much
19 more delay can he handle, and us satisfying our due
20 process concerns.

21 So -- and I think the idea of a week is
22 enough, and I think that maybe that 25 percent green
23 roof, you know, I think that would be something that
24 should be satisfied and would meet your client's
25 concerns as well. Okay?

1 So what do you think about that?

2 MR. VITOLO: I think that's very --
3 look, Mr. Chairman, I think that is very fair, but,
4 you know, I would say that we would, you know,
5 really like to hold to that additional week, you
6 know, that it is only going to be an additional
7 week, and we think that's a great way to deal with
8 it.

9 CHAIRMAN MAGALETTA: Okay. Is Mr.
10 Kolling going to testify, your planner?

11 MR. VITOLO: No, he's not, because of
12 the -- because we no longer have the coverage
13 variance, we do not really need to have planning
14 testimony unless, you know, the Board thinks so, but
15 we don't believe we need planning testimony.

16 CHAIRMAN MAGALETTA: Okay. No, no.
17 It's your application. If you think you're okay,
18 then I agree. You don't have any variances, so that
19 is okay.

20 So why don't we do that. This way --
21 and by the way, this gives everybody a little more
22 time to look at the stuff. It's kind of -- I
23 understand why the timing of its production, I am
24 not criticizing you for that, all right, but I still
25 have my obligation as well.

1 So we will do that. Your client is
2 amenable to 25 percent since we are going to have
3 this vote next time, and then a week later we will
4 vote on the resolution. I am just reiterating, so
5 that there is no confusion.

6 I think that might be it then.

7 Does anybody else have any -- Mr.
8 Carlson, do you have any issues or concerns with the
9 way we are going to proceed on this?

10 MR. CARLSON: Not at all. I think that
11 makes perfect sense.

12 Am I unmuted here?

13 CHAIRMAN MAGALETTA: Yes.

14 MR. CARLSON: Good.

15 I think that makes perfect sense. I
16 will start preparing a resolution. We will hear
17 this.

18 Mr. Vitolo, if you can please have your
19 witnesses available at the June meeting in case
20 there are any public questions. I doubt there will
21 be, but just in case.

22 CHAIRMAN MAGALETTA: Right.

23 MR. CARLSON: If you could have them
24 available at that time, and then either at our next
25 meeting, which is generally an SSP meeting, I'm sure

1 we can get a quorum, and I'll have the resolution
2 prepared for that time.

3 MR. VITOLLO: Sounds great. Thank you.

4 COMMISSIONER DOYLE: Mr. Chairman?

5 CHAIRMAN MAGALETTA: Mr. Doyle, go
6 ahead.

7 COMMISSIONER DOYLE: Just two thoughts.
8 One was, and I don't know if we missed the notice
9 requirement, but we are meeting on the 12th, and if
10 Mr. Vazquez can get a groundwater number for the
11 12th, might not we finish up then, and then be able
12 to have a resolution for the June 4th, save a week,
13 but anyway, I am just throwing that out there.

14 CHAIRMAN MAGALETTA: I thought about
15 the 12th, but the problem is by the 12th we will
16 have -- it is a fairly busy meeting, and I don't
17 want to -- because we have two redevelopment -- I'm
18 sorry -- two in need of redevelopment applications.
19 I want to deal with those. Those are a priority.

20 COMMISSIONER DOYLE: Okay.

21 CHAIRMAN MAGALETTA: So I think this
22 one week -- it is a difference of one week anyway,
23 so I think we are okay.

24 COMMISSIONER DOYLE: All right.

25 Then the second question was, I have to

1 say I am happy with the fact that there are four
2 units in this building and not fewer, and the 3.78
3 density number, which if it weren't an existing use
4 might necessitate a larger unit, only three units,
5 and I am actually very -- I am pleased by the fact
6 that there will be four and allowing slightly
7 smaller units.

8 But my question is -- pertains to the
9 nonconforming use question and whether -- I know
10 that in a circumstance where say there is a building
11 that has got what, hypothetically has a hundred
12 percent lot coverage, and if it is torn down, you
13 can't build the replacement building of a hundred
14 percent lot coverage based on the grandfathering.
15 But, you know, notwithstanding the fact that you can
16 keep the building, if you don't tear it down, and I
17 am just -- I'm just thinking about, you know, we are
18 talking about a gut rehab of a building, and at what
19 point does the fact that a nonconforming use get,
20 you know, is that -- is the slate clean, and wiped
21 clean such that somebody could say, well, now it is
22 a gut rehab. You have added an addition on the
23 back.

24 But I am just wondering whether the
25 applicant should be asking for relief, which we

1 could grant, rather than leaving the question out
2 there. But, you know, I apologize to George for not
3 bringing this up before the meeting because I try to
4 do that rather than blindside you, but --

5 CHAIRMAN MAGALETTA: Well, Mr. Vitolo,
6 I think you're -- I'm sorry. Mr. Doyle, are you
7 done? I apologize.

8 COMMISSIONER DOYLE: I'm done. I'm
9 done.

10 CHAIRMAN MAGALETTA: Okay.

11 Mr. Vitolo, I mean, I guess I assume
12 your notice says "and any potential variances that
13 may arise," correct?

14 MR. VITOLO: Yeah --

15 CHAIRMAN MAGALETTA: So you have a
16 little bit of time to think about it if you want
17 to -- if you want to, you know, come back and give
18 us -- and we can address it at the next meeting
19 because we have time, if you want to do that. I
20 think that Mr. Doyle's point is well taken. So is
21 that okay with you, Mr. Vitolo?

22 MR. VITOLO: Hum, yeah. I mean, I
23 would have to -- I mean, I think it is a significant
24 issue that we don't think arises in this case.

25 CHAIRMAN MAGALETTA: Okay. Well, think

1 about it. I am not saying you have to do it. I am
2 saying just think about it.

3 MR. VITOLO: I was just starting to
4 like Commissioner Doyle.

5 (Laughter)

6 CHAIRMAN MAGALETTA: He has that effect
7 on people. He starts out good and then --

8 (Laughter)

9 MR. CARLSON: You are the first one.

10 (Laughter)

11 CHAIRMAN MAGALETTA: -- that is his
12 style. Anyway --

13 MR. VITOLO: I should always bring an
14 Irishman with me to these things.

15 (Laughter)

16 CHAIRMAN MAGALETTA: Okay. Anything --
17 so we have to act -- you will have to -- you will
18 extend the time within which the Board can act to
19 June 4th, Mr. Vitolo?

20 MR. VITOLO: Yes.

21 CHAIRMAN MAGALETTA: Okay. Is there a
22 motion with respect to carrying this?

23 MS. CARCONE: Frank, we have some
24 raised hands.

25 CHAIRMAN MAGALETTA: Oh, there were?

1 Where were they?

2 MS. CARCONE: Mr. Vazquez and Mr.
3 Williams.

4 CHAIRMAN MAGALETTA: Oh, I'm sorry.
5 Okay. Mr. Vazquez, why don't you go
6 first. Yeah.

7 THE WITNESS: I go first?

8 CHAIRMAN MAGALETTA: Yes. Go ahead,
9 Mr. Vazquez, please.

10 THE WITNESS: Yes. Okay.

11 If I applied the worst case scenario
12 for the buoyance problem instead of doing a test for
13 the water table, can we proceed with plans based on
14 the worst case scenario?

15 CHAIRMAN MAGALETTA: Mr. Nash, what is
16 your view?

17 You are muted, Chris.

18 MS. CARCONE: You're muted, Chris.

19 MR. NASH: I was also thinking, so it
20 is hard to see the (indicating).

21 (Laughter)

22 CHAIRMAN MAGALETTA: Yeah. You'd have
23 the light bulb bubble.

24 MR. NASH: Yes.

25 CHAIRMAN MAGALETTA: Go ahead.

1 MR. NASH: I think that would address
2 it, but I still -- isn't water still going to get
3 into that -- to the pump tank?

4 THE WITNESS: Yes, but we will -- no.
5 If the pump tank is enclosed, and it has pipes on
6 top, so we -- we would take the casing all the way
7 to the top and just make it completely enclosed and
8 weight it heavy enough, so that it won't flow off,
9 provided there is water from the bottom, and the
10 same with the tanks. If I do the worst case
11 scenario, we would still get the test, but just so
12 that the test doesn't leak on the --

13 MR. NASH: Yeah, that's fine.

14 THE WITNESS: That would be acceptable?

15 CHAIRMAN MAGALETTA: That's okay.

16 Thank you, Chris. I appreciate that.

17 Mr. Williams, what was your comment,
18 please?

19 MR. WILLIAMS: Thanks, Mr. Chairman.

20 I will get a written response to
21 Commissioner Doyle's green question and make sure
22 Mr. Kolling gets the benefit of that well in
23 advance. I think we are okay, but I want to confirm
24 that with everybody.

25 CHAIRMAN MAGALETTA: Okay. That sounds

1 fine.

2 Any other concerns that you have?

3 MS. CARCONE: Are you talking to me,
4 Frank?

5 CHAIRMAN MAGALETTA: Yes, Pat. You are
6 Pat, right? Any other concerns? Any other --

7 MS. CARCONE: I don't see any other
8 hands raised.

9 CHAIRMAN MAGALETTA: Okay.

10 Any other housekeeping issues you are
11 worried about? No?

12 MS. CARCONE: No. So we are going to
13 carry this matter to June 4th. It is a Thursday.

14 CHAIRMAN MAGALETTA: Well, once we have
15 a motion, yeah.

16 Is there a motion to carry it to June
17 4th without further notice?

18 COMMISSIONER DOYLE: A motion to carry
19 this to June 4th.

20 CHAIRMAN MAGALETTA: Without further
21 notice.

22 COMMISSIONER DOYLE: And without
23 further notice.

24 CHAIRMAN MAGALETTA: Okay. Pat, why
25 don't you call the vote, please?

1 MS. CARCONE: Is there a second?

2 COMMISSIONER CLOUD: I can second.

3 CHAIRMAN MAGALETTA: Yes, sorry. Lea,
4 I'm sorry, I apologize. Okay. Lea, I apologize.
5 Lea is the second.

6 MS. CARCONE: Okay. Commissioner
7 Ajmani?

8 Hello, Commissioner Ajmani?

9 COMMISSIONER CLOUD: Everybody is
10 muted.

11 CHAIRMAN MAGALETTA: She may have left
12 the meeting?

13 No, she's there.

14 Yeah, you have to unmute yourself.

15 MS. CARCONE: She is here.

16 COMMISSIONER CLOUD: You can unmute her
17 actually.

18 CHAIRMAN MAGALETTA: Working the bugs.

19 MS. CARCONE: Dini?

20 I just unmuted her, but I'll unmute
21 her --

22 CHAIRMAN MAGALETTA: I can't unmute
23 her.

24 COMMISSIONER O'CONNOR: You lost
25 control.

1 (Laughter)

2 MS. CARCONE: All right. Commissioner

3 Ajmani?

4 (No response)

5 MS. CARCONE: Commissioner Francese?

6 COMMISSIONER FRANCESE: Yes.

7 MS. CARCONE: Commissioner Doyle?

8 COMMISSIONER DOYLE: Aye.

9 MS. CARCONE: Commissioner Cloud?

10 COMMISSIONER CLOUD: Aye.

11 MS. CARCONE: Commissioner Lockwood?

12 CHAIRMAN MAGALETTA: Anne, you're

13 muted.

14 MS. CARCONE: Commissioner Lockwood?

15 COMMISSIONER LOCKWOOD: Yes

16 MS. CARCONE: Commissioner O'Connor?

17 COMMISSIONER O'CONNOR: Yes.

18 MS. CARCONE: Commissioner Jacobson?

19 COMMISSIONER JACOBSON: Yes.

20 MS. CARCONE: Commissioner Allman?

21 COMMISSIONER ALLMAN: Yes.

22 MS. CARCONE: Commissioner Ajmani?

23 CHAIRMAN MAGALETTA: She is still

24 muted.

25 MS. CARCONE: Yes. Okay. Chairman

1 Magaletta?

2 CHAIRMAN MAGALETTA: Yes.

3 All right. We have enough to carry.

4 It is a technical problem, but that's okay, we have
5 enough votes to carry it, so we will do that.

6 Anything else? Any other concerns?

7 Mr. Vitolo, thank you.

8 (Audio feedback on the Zoom)

9 MR. VITOLO: I also want to thank --

10 CHAIRMAN MAGALETTA: What is that?

11 MR. VITOLO: -- I also wanted to thank
12 everyone again for your patience this evening and
13 for allowing us the virtual meeting. I thought it
14 went relatively smooth, and we look forward to
15 seeing you on June 4th.

16 Thank you again.

17 CHAIRMAN MAGALETTA: Thank you.

18 COMMISSIONER DOYLE: I'm not --

19 CHAIRMAN MAGALETTA: Commissioner

20 Doyle, what was that?

21 COMMISSIONER DOYLE: -- I am not clear
22 when you're calling the meeting, or whether George
23 is going to give us a redevelopment on 101 or where
24 do we stand?

25 CHAIRMAN MAGALETTA: Well, the 101,

1 that's not really -- I mean, Pat -- I should say,
2 Scott, do we need to have that as part of the public
3 meeting, or are we -- can we proceed without -- can
4 we close the meeting and then have the 101, or what
5 are we doing here?

6 MR. CARLSON: I don't see any need to
7 close the meeting. We may as well continue.

8 CHAIRMAN MAGALETTA: Okay.

9 MR. CARLSON: Those that do not need it
10 are certainly not required to stay. I think that
11 this is directed to new members or members that
12 might be curious about this, so --

13 CHAIRMAN MAGALETTA: Okay. All right.

14 So then we will proceed to the next
15 part. The next part of our agenda is the
16 redevelopment overview class.

17 Mr. Williams?

18 MR. CARLSON: Well, Frank, I am going
19 to strike that, because if we're going to give
20 people permission to leave, we might end up with a
21 lack of a quorum to adjourn, so perhaps we should
22 adjourn the public meeting and then continue that.

23 CHAIRMAN MAGALETTA: Okay. Is there a
24 motion to adjourn the public meeting?

25 COMMISSIONER DOYLE: Motion.

1 COMMISSIONER O'CONNOR: I will make a
2 motion, this is Kelly, to adjourn the public
3 meeting.

4 CHAIRMAN MAGALETTA: Thank you, Kelly.
5 Is there a second? Is there a second?

6 COMMISSIONER DOYLE: Second.

7 COMMISSIONER CLOUD: Second.

8 CHAIRMAN MAGALETTA: Lea.

9 MS. CARCONE: All in favor?

10 (All Board members answered in the
11 affirmative)

12 MS. CARCONE: Anyone opposed? Okay.

13 CHAIRMAN MAGALETTA: Okay. So that is
14 it then. The meeting is adjourned.

15 George, why don't you give us the
16 primer, please --

17 THE REPORTER: Do you want this on the
18 record or you don't, Frank?

19 CHAIRMAN MAGALETTA: No. We don't need
20 this -- we do not need this on the record.

21 THE REPORTER: Okay. Thank you. Then
22 I will see you guys next time.

23 CHAIRMAN MAGALETTA: All right. Thank
24 you. Thank you, Phyllis.

25 COMMISSIONER DOYLE: Good night,

1 Phyllis.

2 MR. CARLSON: Good night, Phyllis.

3 CHAIRMAN MAGALETTA: Have a great
4 night. Bye-bye.

5 THE REPORTER: Thank you.

6 MS. CARCONE: Thank you, Phyllis. Bye.

7 THE REPORTER: Bye.

8 (The Zoom meeting concluded at 8:45
9 p.m.)

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