

CITY OF UNION CITY
HUDSON COUNTY, NEW JERSEY
PLANNING BOARD

REGULAR MEETING : TRANSCRIPT OF RECORDED
: PROCEEDINGS
:
:

City Hall
3715 Palisade Avenue
Union City, New Jersey

Tuesday, February 23, 2016
Commencing at 6:11 p.m.

M E M B E R S P R E S E N T:

PETER C. DOUMAS, Zoning Board Member,
(Arrived at 6:20 p.m.)
CELIN VALDIVIA, Commissioner,
(Arrived at 6:18 p.m.) (Recused, Left at 6:19 p.m.)
YDALIA GENAO, Mayor's Designee
ALICIA MOREJON, (Recused, Left at 6:19 p.m.)
RUDY RIVERO
JAY SHAH
ALEJANDRO VELAZQUEZ, Alternate No. 1,
(Recused, Left at 6:19 p.m.)
JOSE GUARENO, Alternate No. 2,
(Recused, Left at 6:19 p.m.)
JEANNE KOEHLER, Vice Chairperson
DIANE CAPIZZI, Chairperson,
(Recused, Left at 6:19 p.m.)

M E M B E R S A B S E N T:

BRIAN P. STACK, Mayor
CAROLINA FERNANDEZ
FRANKLIN MEDINA

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

CARLOS VALLEJO, SECRETARY TO THE BOARD

BRIAN E. EYERMAN, ESQ.,
Attorney for the Board

DAVID SPATZ, Consultant, (Left at 7:08 p.m.)
Community Housing & Planning Associates, Inc.

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

JAMES P. RHATICAN, ESQ.,
Attorney for Applicant, PBG Realty Associates, LLC

I N D E X

	<u>PAGE</u>
CALL TO ORDER	6
SALUTE TO FLAG	6
ROLL CALL	7/20
Election of Chairperson	8
Election of Vice Chairperson	10
RESOLUTIONS	12/15
HEARINGS	
PBG Realty Associates, LLC	18
ADJOURNMENT	133

I N D E XPBG Realty Associates, LLC - 2207 Summit AvenueWITNESS PAGE

Jerome Gippetti	27/88
Anthony C. Vandermark, Jr.	32
George Gloede	96
Justin Taylor	104

SWORN PUBLIC

Larry Price	66/102/115
Asgar Ali	110

E X H I B I T S

<u>NO.</u>	<u>DOCUMENT</u>	<u>PAGE</u>
A-1	Redevelopment Agency Resolution	25
A-2	Display Board	35
A-3	Larger Scale Aerial	37
A-4	Rendering	44
A-5	Board of Sample Materials	46
A-6	Rendering (Entire Building)	53
A-7	Redevelopment Agreement with Fourth Amendment	79
A-8	Mounted Survey, Prepared by J. Peter Borbas, dated 9/24/07	90
O-1	Tax Record	83

1 THE SECRETARY: May I have your attention,
2 please?

3 Please take notice that on Tuesday,
4 February 23, 2016, at six p.m., a Regular Meeting
5 is scheduled for the City of Union City Planning
6 Board to be held in the Municipal Chambers of the
7 City Hall, 3715 Palisade Avenue, Union City, New
8 Jersey.

9 MR. EYERMAN: This is a meeting called in
10 compliance with Chapter 231, Public Law 1975, of
11 the Open Public Meeting Act.

12 Adequate notice of this meeting has been
13 provided as follows:

14 Notice of this meeting, setting time --
15 forth the time, date, location and the agenda, to
16 the extent known, was forwarded to The Jersey
17 Journal, The Record, and The Hudson Reporter, has
18 been posted on the bulletin board in the City
19 Hall, and has been made available to the public
20 in the Office of the Municipal Clerk.

21 Before we call roll call for this evening,
22 please kindly rise and salute the flag.

23

24 (Whereupon, the Pledge of Allegiance was
25 said by all.)

1

2 **ROLL CALL:**

3

4

THE SECRETARY: Roll call for tonight's
meeting.

5

Mayor Brian P. Stack? Absent.

6

Ydalia Genao?

7

MS. GENAO: Yes.

8

9

THE SECRETARY: Commissioner Valdivia?
Absent.

10

Alicia Morejon?

11

MS. MOREJON: Yes.

12

THE SECRETARY: Diane Capizzi?

13

MS. CAPIZZI: Here.

14

15

THE SECRETARY: Carolina Fernandez?
Absent.

16

Rudy Rivero?

17

MR. RIVERO: Here.

18

THE SECRETARY: Jay Shah?

19

MR. SHAH: Yes.

20

21

THE SECRETARY: Franklin Medina? Absent.
Jeanne Koehler?

22

MS. KOEHLER: Here.

23

THE SECRETARY: Alejandro Velazquez?

24

MR. VELAZQUEZ: Here.

25

THE SECRETARY: Jose Guareno?

1 MR. GUARENO: Here.

2 THE SECRETARY: Let the record indicate
3 there are eight present, so we have a Board made
4 up of eight members.

5

6 **ELECTION OF CHAIRPERSON:**

7

8 THE SECRETARY: We happen to have on
9 tonight's agenda the organization meeting to
10 elect Chair and Vice Chairperson.

11 Can I have a motion to nominate a
12 Chairperson?

13 MR. RIVERO: Diane Capizzi.

14 MS. MOREJON: Make a motion.

15 MS. KOEHLER: Nominate Diane Capizzi.
16 She's already --

17 THE SECRETARY: Motion to nominate Mrs.
18 Capizzi as the Chairperson --

19 MR. EYERMAN: She's already person. You're
20 nominating her for the next year.

21 MS. KOEHLER: Oh, yes. Yes. Nominate.

22 MS. MOREJON: For the Chair.

23 MS. KOEHLER: Yes.

24 THE SECRETARY: -- by Mrs. Koehler.

25 MR. EYERMAN: Is there a second?

1 MR. VELAZQUEZ: I second.

2 THE SECRETARY: Second by?

3 MR. VELAZQUEZ: I second.

4 THE SECRETARY: Second by Alejandro
5 Velazquez.

6 MR. EYERMAN: Vote, please.

7 THE SECRETARY: Roll call on the motion.
8 Ydalia Genao?

9 MS. GENAO: Yes.

10 THE SECRETARY: Alicia Morejon?

11 MS. MOREJON: Yes.

12 THE SECRETARY: Diane Capizzi?

13 MS. CAPIZZI: Yes.

14 MR. EYERMAN: You're stuck. Got to vote
15 for yourself.

16 THE SECRETARY: Rudy Rivero?

17 MR. RIVERO: Yes.

18 THE SECRETARY: Jay Shah?

19 MR. SHAH: Yes.

20 THE SECRETARY: Jeanne Koehler?

21 MS. KOEHLER: Yes.

22 THE SECRETARY: Alejandro Velazquez?

23 MR. VELAZQUEZ: Yes.

24 THE SECRETARY: Jose Guareno?

25 MR. GUARENO: Yes.

1 THE SECRETARY: Motion carries. Eight in
2 favor.

3 Congratulations, Mrs. Capizzi.

4 MS. MOREJON: Um hum. Congratulations.

5 CHAIRPERSON CAPIZZI: Thank you.

6

7 **ELECTION OF VICE CHAIRPERSON:**

8

9 THE SECRETARY: We are going to --

10 MR. EYERMAN: Motion to nominate --

11 THE SECRETARY: Any nomination for the Vice
12 Chairperson?

13 Is there any nomination for a Vice
14 Chairperson?

15 MR. VELAZQUEZ: Make a motion.

16 THE SECRETARY: Motion to -- name, please,
17 sir?

18 MR. VELAZQUEZ: Mrs. Koehler.

19 THE SECRETARY: Who?

20 MR. GUARENO: Jeanne Koehler.

21 THE SECRETARY: Can't hear.

22 MR. VELAZQUEZ: Mrs. Koehler.

23 THE SECRETARY: Mrs. Koehler?

24 MR. VELAZQUEZ: Jeanne -- yeah.

25 THE SECRETARY: Sorry.

1 Motion by Alejandro Velazquez.
2 Any second?
3 MS. MOREJON: Second.
4 THE SECRETARY: Second by Alicia Morejon.
5 Roll call on the motion.
6 Ydalia Genao?
7 MS. GENAO: Yes.
8 THE SECRETARY: Alicia Morejon?
9 MS. MOREJON: Yes.
10 THE SECRETARY: Diane Capizzi?
11 CHAIRPERSON CAPIZZI: Yes.
12 THE SECRETARY: Rudy Rivero?
13 MR. RIVERO: Yes.
14 THE SECRETARY: Jay Shah?
15 MR. SHAH: Yes.
16 THE SECRETARY: Jeanne Koehler?
17 MRS. KOEHLER: Yes.
18 THE SECRETARY: Alejandro Velazquez?
19 MR. VELAZQUEZ: Yes.
20 THE SECRETARY: Jose Guareno?
21 MR. GUARENO: Yes.
22 THE SECRETARY: Motion carries. Eight in
23 favor.
24 Congratulations, Mrs. Koehler.
25 MS. MOREJON: Congratulations.

1 **RESOLUTIONS:**

2

3 (1) Tati's Small World - 130-140 32nd Street,
4 Block 197, Lot 9-14. Rehearing by Superior Court
5 of New Jersey. Applicant proposes to convert an
6 existing office space/warehouse into a child
7 daycare center. Approved.

8

9 THE SECRETARY: We have four Resolutions on
10 tonight's agenda.

11 On the first Resolution is Tati's Small
12 World, 130-140 32nd Street.

13 And the only person who could vote on this
14 Resolution because of conflict of interest at the
15 previous meeting, Ydalia Genao to --

16 Can I have a motion to adopt Tati's Small
17 World Resolution?

18 VICE CHAIRPERSON KOEHLER: Motion to --
19 motion to adopt -- can we do all in one, because
20 they're all -- we all heard --

21 THE SECRETARY: The only persons can -- can
22 vote in this -- in this Resolution is --

23 MR. EYERMAN: Just as a point of legal
24 order, you have --

25 THE SECRETARY: Ydalia Genao?

1 MS. GENAO: Yes.

2 MR. EYERMAN: -- you have more people
3 sitting here than --

4 THE SECRETARY: Rudy Rivero?

5 MR. RIVERO: Yes.

6 THE SECRETARY: Jay Shah?

7 MR. SHAH: Yes.

8 THE SECRETARY: Mrs. Koehler?

9 VICE CHAIRPERSON KOEHLER: Yes.

10 THE SECRETARY: Before -- before anything,
11 I need to have a motion to adopt this Resolution.

12 Motion by?

13 VICE CHAIRPERSON KOEHLER: Motion by Jeanne
14 Koehler.

15 THE SECRETARY: Motion by Jeanne Koehler.

16 Second by?

17 Rudy Rivero.

18 Roll call on the motion.

19 Ydalia Genao?

20 MS. GENAO: Yes.

21 THE SECRETARY: Rudy Rivero?

22 MR. RIVERO: Yes.

23 THE SECRETARY: Jay Shah?

24 MR. SHAH: Yes.

25 THE SECRETARY: Jeanne Koehler?

1 VICE CHAIRPERSON KOEHLER: Yes.

2 THE SECRETARY: Motion carries. Four in
3 favor.

4 * * *

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1 **RESOLUTIONS:**

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3 (2) Anthony D. Katsaras - 311 18th Street,
4 Block 89, Lot 10. Legalization of an existing
5 basement apartment, to go from a two family to a
6 three family. Approved.

7 (3) Claudia Tavares, 808 23rd Street, Block
8 131, Lot 33. Legalization of an existing ground
9 floor apartment. Convert a two family into three
10 family building. Approved.

11 (4) Shriji 218, LLC - 2107 Bergenline
12 Avenue, Block 114, Lot 4. Proposes of a three
13 story structure, first floor retail space and
14 four residential apartments. Approved.

15

16 THE SECRETARY: Now, we are going to the
17 other three Resolutions.

18 Second Resolution on tonight's agenda is
19 Anthony D. Katsaras, 311 18th Street.

20 VICE CHAIRPERSON KOEHLER: Motion to --

21 THE SECRETARY: The next Resolution,
22 Claudia Tavares, 808 23rd Street.

23 Fourth Resolution, Shriji 218, LLC, 2107
24 Bergenline Avenue.

25 Can I have a motion to adopt these three

1 Resolutions?

2 MS. MOREJON: Motion.

3 MR. EYERMAN: Just one thing, does anybody
4 have a --

5 THE SECRETARY: Motion by Alicia Morejon.

6 MS. MOREJON: Yes.

7 THE SECRETARY: Second by?

8 MR. VELAZQUEZ: I second it.

9 THE SECRETARY: Second by Mr. Velazquez.
10 Roll call on the motion.

11 Ydalia Genao?

12 MS. GENAO: Yes.

13 THE SECRETARY: Alicia Morejon?

14 MS. MOREJON: Yes.

15 THE SECRETARY: Diane Capizzi?

16 CHAIRPERSON CAPIZZI: Yes.

17 THE SECRETARY: Rudy Rivero?

18 MR. RIVERO: Abstain.

19 THE SECRETARY: Abstain?

20 MR. RIVERO: Yeah. Abstain.

21

22 (Whereupon, Commissioner Celin Valdivia
23 arrived at 6:18 p.m.)

24

25 THE SECRETARY: Jay Shah?

1 MR. SHAH: Yes.

2 THE SECRETARY: Jeanne Koehler?

3 VICE CHAIRPERSON KOEHLER: Yes.

4 THE SECRETARY: Alejandro Velazquez?

5 MR. VELAZQUEZ: Yes.

6 THE SECRETARY: Jose Guareno?

7 MR. GUARENO: Yes.

8 THE SECRETARY: Motion carries. Seven in
9 favor, one abstain.

10 Thank you.

11 Allow me one second.

12 Let the record indicate that Commissioner
13 Valdivia joined the meeting.

14 (Whereupon, there was a pause in the
15 proceedings.)

16 * * *

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1 **PBG Realty Associates, LLC - 2207 Summit Avenue:**

2

3 THE SECRETARY: All right. We have one
4 application on tonight's agenda, PBG Realty
5 Association (sic), LLC, 2207 Summit Avenue.

6 I think few Board member do have conflict
7 of interest with the Board of Education, they
8 have to abstain.

9 MR. EYERMAN: I would agree.

10 THE SECRETARY: Mr. --

11 MR. EYERMAN: They'd have to -- they'd have
12 to abstain and leave the dais. It's a comment --
13 it's a comment --

14 THE SECRETARY: Yes.

15 MR. EYERMAN: -- session so --

16 THE SECRETARY: Okay.

17 MR. EYERMAN: -- they can't take part in
18 the comment.

19 THE SECRETARY: They're going to be --
20 Commissioner Valdivia, you have to abstain?

21 COMMISSIONER VALDIVIA: Yes, I abstain.

22 THE SECRETARY: You can recuse yourself.

23 CHAIRPERSON CAPIZZI: Recuse ourselves.

24 MR. EYERMAN: And recuse yourself.

25 THE SECRETARY: Huh?

1 MR. SPATZ: Yeah, they have to --

2 THE SECRETARY: You have -- you have to
3 leave the --

4 Alicia Morejon, Diane Capizzi --

5 CHAIRPERSON CAPIZZI: I recuse myself.

6 THE SECRETARY: -- Alejandro Velazquez,
7 Jose Guareno.

8 You guys can recuse yourself.

9 Thank you.

10 Have a good night. Yup.

11

12 (Whereupon, Chairperson Diane Capizzi, Jose
13 Guareno, Celin Valdivia, Alicia Morejon and
14 Alejandro Velazquez were recused and left the
15 meeting at 6:19 p.m.)

16

17 (Whereupon, there was a pause in the
18 proceedings.)

19

20 (Whereupon, Peter Dumas, Zoning Board
21 Member, arrived at 6:20 p.m.)

22

23 THE SECRETARY: Now, we are going to join
24 one Board member from the Zoning Board, Mr. Peter
25 Dumas, please.

1 Thank you, Mr. Doumas.

2 Let the record indicate now that there are
3 five members present.

4 (Whereupon, there was a pause in the
5 proceedings.)

6 MR. RHATICAN: Are we ready?

7 MR. EYERMAN: Yup.

8 MR. RHATICAN: Okay.

9 Good evening to the lucky few who get to
10 stay for the meeting.

11 My name is James Rhatican. I'm an attorney
12 with the law firm Chiesa, Shahinian, Giantomasi,
13 here on behalf of the applicant, PBG Realty
14 Associates.

15 This is new to you. It's about ten years
16 in the making for us.

17 MR. EYERMAN: Counsel, let me just cut you
18 off for a second.

19 MR. RHATICAN: Yeah.

20

21 **ROLL CALL:**

22

23 MR. EYERMAN: Mr. Secretary, why don't we
24 do a roll call, because we did have some --

25 MR. RHATICAN: Oh.

1 MR. EYERMAN: -- switch-ins.

2 THE SECRETARY: All right. We have five
3 Board members.

4 Okay. Let's -- let the roll call for this
5 Board member present.

6 Ydalia Genao?

7 MS. GENAO: Yes.

8 THE SECRETARY: Rudy Rivero?

9 MR. RIVERO: Yes.

10 THE SECRETARY: Jay Shah?

11 MR. SHAH: Yes.

12 THE SECRETARY: Mrs. Koehler?

13 VICE CHAIRPERSON KOEHLER: Yes.

14 THE SECRETARY: Peter Doumas --

15 MR. DOUMAS: Yes.

16 THE SECRETARY: -- from the Zoning Board of
17 Adjustment.

18 Five members present.

19 MR. EYERMAN: Constituting a quorum.

20 Is that correct?

21 THE SECRETARY: Yeah, that's the complete
22 quorum, sir.

23 MR. RHATICAN: Thank you.

24 And tell you what, before we really get
25 underway as well, I do have, if it pleases the

1 Commissioners, the original of the Affidavit of
2 Proof of Notification by certified mail, which we
3 had submitted by email.

4 I also have an updated, as of today,
5 Certification that taxes have been paid. Since
6 this has been carried previously, I just wanted
7 to make sure you had notice that first quarter
8 taxes have been paid. So --

9 As I was saying, this project is about ten
10 years in the making. The principal of PBG
11 Realty, Jerry Gippetti, who's here, and you'll --
12 you'll hear some brief testimony from him, owns
13 the property in question. His entity, PBG
14 Realty, has been designated as redeveloper of the
15 property.

16 The property previously housed Mr.
17 Gippetti's family business for -- for many, many
18 years, was a successful local business, employed
19 a number of local people.

20 And then, the site was designed for
21 redevelopment. A redevelopment plan was adopted.
22 It was amended in 2006. It was part of the high
23 school and the high school parking lot project.
24 You're probably familiar with that.

25 The high school parking lot was constructed

1 using two of Mr. Gippetti's, or PBG's former
2 lots. He had, pursuant to his redevelopment
3 agreement, conveyed two parcels to the City to
4 permit the construction of the redevel -- I'm
5 sorry -- the construction of the parking deck for
6 the school.

7 The City conveyed to him a couple of
8 parcels. Mr. Gippetti went out and bought a
9 couple parcels on his own to assemble this
10 development site.

11 And again, it is all within a redevelopment
12 area. Mr. Gippetti and PBG, they have a
13 redevelopment agreement in place.

14 The redevelopment agreement, I should note,
15 would allow a much larger building than what
16 we're proposing. In fact, the redevelopment
17 agreement and the redevelopment plan would permit
18 a building up to 22 or more stories, with 260
19 residential units.

20 This project is a reduction of that, based
21 on some discussions with the City over the years.
22 So, we've brought it down in scale.

23 But again, it is a fully compliant project,
24 fully compliant with the redevelopment plan. We
25 are not asking for any variances, we're here

1 simply for site plan approval.

2 The Redevelopment Agency did approve this,
3 and pass it on to the Board. There was
4 resolution of the UCRA, Resolution number 627.

5 Maybe we should mark this, since I made
6 reference to it. A-1, I suppose.

7 MR. EYERMAN: Do you have the newspaper
8 notification, also?

9 MR. RHATICAN: I do.

10 Oh, I -- do you want to mark it or --

11 MR. EYERMAN: Yeah, have her mark it.

12 (Whereupon, there was a pause in the
13 proceedings.)

14 MR. EYERMAN: I guess we'll call it
15 applicant A.

16 THE COURT REPORTER: A-1?

17 MR. EYERMAN: A-1. No, just -- just A or 1
18 whatever -- A or 1.

19 MR. DILLON: A-1's fine.

20 MR. EYERMAN: Okay. Well, applicant.

21 MR. DILLON: What is the document?

22 MR. EYERMAN: Oh, it's a -- I think it's
23 the approval of the --

24 THE COURT REPORTER: So, I'll just mark it
25 as --

1 MR. EYERMAN: Applicant 1.

2 THE COURT REPORTER: Applicant 1?

3 MR. EYERMAN: A-1, yes.

4

5 (Whereupon, Redevelopment Agency Resolution
6 was received and marked as Exhibit A-1.)

7

8 MR. EYERMAN: What did we mark it, as A --

9 MR. RHATICAN: Well, that was the
10 Redevelopment Agency Resolution --

11 MR. EYERMAN: Resolution approving.

12 MR. RHATICAN: -- passing it on to the
13 Board that I'm handing to --

14 THE SECRETARY: Thank you, sir.

15 MR. RHATICAN: That's the notice, proof of
16 publication.

17 THE COURT REPORTER: You want to mark the
18 notice? We marking the notice?

19 MR. EYERMAN: No. We're keeping it.

20 MR. RHATICAN: And that's just for the --
21 the Commissioners' reference.

22 Again, this -- this project was approved by
23 the Redevelopment Agency, acknowledged by the
24 Redevelopment Agency as being fully compliant
25 with the plan, and passed onto the Board.

1 There's a couple of suggestions, but they
2 did approve it.

3 Finally, we have seen the report from your
4 planner, David Spatz. In our view, a very
5 favorable report. Makes pretty basic
6 observations about the project and note -- said
7 it is -- it is compliant. So, we don't have any
8 problem or quarrel with anything in Mr. Spatz's
9 report.

10 With that, we have four witnesses tonight.
11 We do hope to be fairly brief.

12 Mr. Gippetti, who's just going to say a few
13 words about the history of the site, and his --
14 his transactions that I described a moment ago
15 with the Redevelopment Agency.

16 We have the architect, who's going to
17 probably provide the bulk of the testimony,
18 describing the project and its compliance with
19 the plan.

20 We have a site engineer, who will discuss
21 storm water very briefly.

22 And we have a traffic engineer, who will
23 provide his analysis of the project.

24 So, with that, we'll start with Mr.
25 Gippetti.

1 If you'd come up?

2 MR. GIPPETTI: Yeah.

3 MR. RHATICAN: You're going to swear him
4 in?

5 MR. DILLON: Please raise your right hand.

6 Do you swear the testimony you're about to
7 give this Board is the whole truth?

8 MR. GIPPETTI: Yes.

9 MR. DILLON: State your name and spell it
10 for the record.

11 MR. GIPPETTI: Jerome, J-E-R-O-M-E,
12 Gippetti, G-I-P-P-E-T-T-I.

13 MR. DILLON: Thank you.

14 MR. RHATICAN: Thank you.

15 Mr. Gippetti, you're the principal of PBG
16 Realty Associates?

17 MR. GIPPETTI: I am.

18 MR. RHATICAN: And PBG Realty Associates
19 owns the property?

20 MR. GIPPETTI: Yes. Outright.

21 MR. RHATICAN: Right.

22 And -- and how long has -- has that
23 property, the property in question here, been
24 owned either through that entity or -- or your
25 family and other -- and other --

1 MR. GIPPETTI: Since 1980.

2 MR. RHATICAN: And you operated a business
3 there?

4 MR. GIPPETTI: Yes, for 35 years.

5 MR. RHATICAN: Okay.

6 And the City, at some point, as you
7 understand it, put the property within a
8 redevelopment area.

9 MR. GIPPETTI: That's correct.

10 MR. RHATICAN: And the City -- the City
11 approached you about conveying a couple parcels
12 for the construction of the -- to permit the
13 construction of the parking deck for the school?

14 MR. GIPPETTI: That is correct.

15 MR. RHATICAN: And -- and you conveyed
16 those properties to the City.

17 MR. GIPPETTI: I did.

18 MR. RHATICAN: And, in fact, then, you went
19 out and acquired a couple of other parcels to
20 assemble this development lot.

21 MR. GIPPETTI: That's correct, because of
22 the transfer density and height that we were
23 given by virtue of the selling of the property to
24 the City.

25 MR. RHATICAN: And you're making reference,

1 now, to the redevelopment plan that --

2 MR. GIPPETTI: That's correct.

3 MR. RHATICAN: -- provides a transfer of
4 density.

5 MR. GIPPETTI: That's correct.

6 MR. RHATICAN: And, in fact, the City --
7 the Redevelopment Agency acquired a parcel for
8 you through condemnation, to facilitate this
9 whole project, and conveyed it to you.

10 MR. GIPPETTI: Yes, they did.

11 MR. RHATICAN: At your cost.

12 MR. GIPPETTI: Yes. Of course. We had to
13 pay for both the court cost, --

14 MR. RHATICAN: Right.

15 MR. GIPPETTI: -- the cost to the City, as
16 well as the purchase of the property.

17 MR. RHATICAN: Thank you.

18 And PBG Realty was designated as
19 redeveloper for the property.

20 MR. GIPPETTI: That is correct.

21 MR. RHATICAN: Okay.

22 And -- and you entered into a redevelopment
23 agreement for that, for this project.

24 MR. GIPPETTI: Yes, with the City. Um hum.

25 MR. RHATICAN: And you understand that this

1 project is compliant with that redevelopment
2 agreement.

3 MR. GIPPETTI: Fully compliant. Yes.

4 MR. RHATICAN: That's all I have for the
5 witness.

6 MR. EYERMAN: Questions from the Board?
7 Public questions.

8 VICE CHAIRPERSON KOEHLER: Any questions
9 from the public?

10 No? Okay.

11 MR. EYERMAN: Sir, thank you.

12 MR. PRICE: Question. Are you going to
13 take --

14 MR. DILLON: Mr. Price, come forward.

15 THE COURT REPORTER: Just identify
16 yourself.

17 MR. PRICE: -- questions witness by
18 witness, or --

19 MR. EYERMAN: Mr. Price, yeah. It's a
20 pretty light night, so we'll just do them witness
21 by witness, if that's okay?

22 MR. PRICE: Well, the normal procedure was
23 all questions from the public at the end, for all
24 witnesses. I mean, it doesn't --

25 MR. EYERMAN: Well, it's probably just

1 | easier to do it one by one, I think, tonight.

2 | THE COURT REPORTER: Can you identify
3 | yourself for the record?

4 | MR. PRICE: Excuse me?

5 | THE COURT REPORTER: Can you identify
6 | yourself for the record?

7 | MR. PRICE: Oh, Larry Price.

8 | THE COURT REPORTER: Thank you, Mr. Price.

9 | MR. RHATICAN: Okay. So, nothing for the
10 | witness then?

11 | That's all I have.

12 | VICE CHAIRPERSON KOEHLER: Thank you.

13 | MR. RHATICAN: And we'll bring up --
14 | Thanks. You can take a seat.

15 | VICE CHAIRPERSON KOEHLER: Thank you.

16 | MR. GIPPETTI: Sure. I'd just like to
17 | thank the Board for having the time to take -- to
18 | see our project this evening, on such a rotten
19 | night.

20 | Thank you very much.

21 | MR. RHATICAN: We have our architect, Mr.
22 | Vandermark.

23 | (Whereupon, there was a pause in the
24 | proceedings.)

25 | MR. DILLON: Please raise your right hand.

1 Do you swear the testimony you're about to
2 give this Board is the whole truth?

3 MR. VANDERMARK: I do.

4 MR. DILLON: State your name and spell it
5 for the record.

6 MR. VANDERMARK: Sure.

7 That is Anthony C. Vandermark, Jr.
8 Vandermark, V as in Victor, A-N-D-E-R-M-A-R-K.

9 MR. DILLON: Okay.

10 Thank you.

11 MR. VANDERMARK: You're welcome.

12 VICE CHAIRPERSON KOEHLER: Need to be
13 qualified before the Board?

14 MR. RHATICAN: Mr. Vandermark --

15 MR. EYERMAN: Has -- have you ever
16 testified before this Board before?

17 MR. VANDERMARK: Yes, I have.

18 MR. EYERMAN: Okay. How many times?

19 MR. VANDERMARK: Oh, probably five or six
20 times.

21 MR. EYERMAN: And you've been qualified
22 before this Board before?

23 MR. VANDERMARK: Yes, I have.

24 VICE CHAIRPERSON KOEHLER: That's good.

25 MR. EYERMAN: Okay. Go ahead.

1 MR. RHATICAN: I was going to do the same
2 thing.

3 MR. EYERMAN: Okay.

4 MR. RHATICAN: I think we can qualify him,
5 unless there are questions.

6 VICE CHAIRPERSON KOEHLER: Yes.

7 MR. EYERMAN: That's fine.

8 MR. RHATICAN: Okay. All right.
9 Thank you.

10 So, having qualified you now, Mr.
11 Vandermark, in the field of architecture.

12 Let's start with your -- tell us, you are
13 an architect, and what firm do you work for?

14 MR. VANDERMARK: I am a principal with the
15 architectural firm of Minervini Vandermark
16 Architecture. And we are located at 360 14th
17 Street, Hoboken, New Jersey.

18 MR. RHATICAN: Thank you.

19 And you're familiar with this project site?

20 MR. VANDERMARK: Yes, I am.

21 MR. RHATICAN: How large is the site?

22 MR. VANDERMARK: The site is 26,328 square
23 feet.

24 MR. RHATICAN: And what's the zoning for
25 the property?

1 MR. VANDERMARK: The property itself is
2 based in the Roosevelt Stadium Redevelopment
3 Plan, which is the zone DRSA. Block 120 is
4 permitted for medium rise construction. However,
5 with the transfer development rights, high rise
6 is permitted.

7 MR. RHATICAN: Thank you.

8 Can you describe, very briefly, the
9 neighborhood around the project site?

10 MR. VANDERMARK: Sure.

11 Subject site is at the southwest corner of
12 23rd Street and Summit Avenue.

13 MR. RHATICAN: And Mr. Vandermark, you're
14 referring to sheet Z1 of your plan set.

15 MR. VANDERMARK: That's correct. And these
16 plans are dated 2/1/16.

17 Subject site, again, is 26,328 square feet
18 at the southwest corner of 23rd and Summit Avenue.

19 I'm going to use an exhibit. What's called
20 -- that's Exhibit A-3, because you already have
21 two exhibits already.

22 MR. RHATICAN: I think it's just -- we only
23 marked the one item. We did not mark the --

24 MR. VANDERMARK: A-2?

25 MR. EYERMAN: No. You only have two.

1 Yeah.

2 MR. RHATICAN: A-2.

3 MR. VANDERMARK: Okay. This will be
4 Exhibit A-2.

5

6 (Whereupon, Display Board was received and
7 marked as Exhibit A-2.)

8

9 MR. VANDERMARK: Subject property here is
10 highlighted in red. Again, Summit Avenue running
11 north/south, 23rd Street running from east to
12 west. Again, the red outline is subject
13 property.

14 We had a series of three masonry
15 structures. All of them are approximately one
16 story in height. They range from 12 feet to 18
17 feet in total.

18 Here, in this upper right hand corner, on
19 the corner, subject property, on 22nd Street,
20 again on Summit Avenue, we have a four story,
21 mixed use structure.

22 This is looking down Summit Avenue.
23 Subject property is here to the left, northern
24 part of the photograph.

25 MR. RHATICAN: You're looking at photograph

1 4 on --

2 MR. VANDERMARK: Photograph 4.

3 MR. RHATICAN: -- A-2.

4 MR. VANDERMARK: Summit Avenue looking
5 northeast. We have, across the street now is
6 Summit Avenue, again, a four story, mixed use
7 structure. And in the foreground, a four story,
8 mixed use structure to the southern corner.

9 Photograph number 6, Summit Ave, looking
10 southwest toward 22nd Street. Our subject
11 property is here on the right hand side.

12 This billboard, and that sliver of property
13 that holds the billboard is part of the subject
14 property. The billboard and the structures
15 behind it are being razed, demolished for the new
16 construction of our project.

17 We have here, in the distance, is the 15
18 story Altessa structure, residential. We have
19 two story residential here in the foreground, on
20 Summit Avenue. And again, the mixed use
21 structure that we described in photograph 4.

22 Photograph 5, intersection at 23rd and
23 Summit Avenue, looking northeast. We have a one
24 story commercial structure, across 23rd Street.
25 Our subject property is here on the left, on

1 Summit Avenue. And here is a two story, mixed
2 use structure to the east.

3 I'm going to flip it over very quickly.
4 We're going to mark this exhibit A-3.

5
6 (Whereupon, Larger Scale Aerial was
7 received and marked as Exhibit A-3.)

8
9 MR. VANDERMARK: Let's talk a little bit
10 just about the neighborhood in which it's going
11 into.

12 You have the 23rd Street corridor right
13 here. We have the -- over here, at West Street
14 and 23rd, you have the Buena Vista, which is a 24
15 story, masonry structure.

16 We have another six story structure here,
17 right along Central Avenue. Our subject property
18 is number 3. Again, Summit Ave, 23rd Street.

19 The five to six story municipal garage is
20 right immediately to our west.

21 And we have the high school property, which
22 is exhibit 6, on Kerrigan Avenue and 23rd.

23 The Altessa is number 4, which is around
24 the corner on 22nd Street. Again, 15 stories.

25 And here is a height comparison of those

1 structures and the subject property.

2 MR. RHATICAN: And that Altessa property or
3 project is less than a block, or just really
4 across 22nd Street from the project site.

5 MR. VANDERMARK: That's correct.

6 MR. RHATICAN: Okay.

7 Thank you.

8 MR. VANDERMARK: You're welcome.

9 MR. RHATICAN: And I think you said it, but
10 all the existing improvements on the project site
11 are to be demolished for the project in question.

12 MR. VANDERMARK: That's correct. All the
13 structures are going to be demolished to make way
14 for the new construction that we're presenting
15 here this evening.

16 MR. RHATICAN: And just describe for us
17 what -- what we are proposing.

18 MR. VANDERMARK: Okay.

19 We are proposing an 18 story, with roof
20 amenity, 198 feet tall mixed use, residential
21 structure.

22 The subject property on Summit Avenue,
23 fronts Summit Avenue 227 linear feet. And on 23rd
24 Avenue, go from east to west, we have 131 linear
25 feet.

1 Again, we are proposing 18 stories, 260
2 residential units. That is 234 one bedrooms and
3 26 two bedrooms. We have two commercial units,
4 both of them totaling 5,709 square feet.

5 We are proposing 307 parking spaces. And
6 they are located on the first five floors of the
7 property. And when I go through the plans, I'll
8 describe them at length.

9 MR. RHATICAN: With respect to parking,
10 this is a fully parked or adequately parked
11 project?

12 In other words, it meets parking
13 requirements.

14 MR. VANDERMARK: We are fully compliant and
15 we actually have a surplus of parking.

16 MR. RHATICAN: And this is -- this is a
17 permitted use within the redevelopment plan.

18 MR. VANDERMARK: This is a fully permitted
19 use within the redevelopment plan.

20 MR. RHATICAN: Does the plan require
21 setbacks?

22 And -- and if so, what -- what setbacks are
23 we proposing?

24 MR. VANDERMARK: The plan does and now, I'd
25 like to take the Board to Sheet Z2.

1 The building in the redevelopment plan
2 requires the structure to be set back at certain
3 levels, at certain distances -- you know, for
4 light and air for the adjacent properties.

5 The structure and -- you know, we'll get to
6 the exterior design, is built like a wedding
7 cake.

8 After the first four stories of the parking
9 garage, you're required to have a five foot
10 setback at both street frontages, which we have
11 provided at both 23rd Street and Summit Avenue.

12 You're required to have another side yard
13 setback at the fifth story, which is provided.
14 The side yard setback is here to the south of the
15 property.

16 The building, then, tiers at floors 10, 15,
17 18, and at the rooftop amenity, five feet, five
18 feet, and so forth as it goes up through the
19 structure.

20 Again, setbacks are fully compliant with
21 the redevelopment plan.

22 MR. RHATICAN: Thank you.

23 You know, I asked about parking earlier.
24 What about loading spaces? Are there any
25 provided? And if so, does that comply with the

1 plan?

2 MR. VANDERMARK: We are providing one
3 loading dock, and it is fully compliant with the
4 plan.

5 That curb cut, we have 16 foot wide curb
6 cut, located off of 23rd Street. There's an
7 existing loading zone there now. So, we are
8 utilizing that existing location for a new 16
9 foot wide curb cut off of 23rd Street for loading,
10 and for both the commercial spaces, and the
11 residential move-ins above.

12 On Summit Avenue, we are providing a 16
13 foot wide curb cut for the residential units.
14 Again, that will access the multi-level parking
15 garage. That's approximately 44 feet from the
16 intersection of 22nd and Summit Avenue.

17 MR. RHATICAN: Thank you.

18 MR. VANDERMARK: Sure.

19 MR. RHATICAN: Do you have -- excuse me --
20 unless there's something else you want to explain
21 on that, do you have any renderings to show the
22 various elevations of the building?

23 MR. VANDERMARK: I do.

24 Let me -- let me describe the --

25 MR. RHATICAN: Oh, is there some --

1 MR. VANDERMARK: Let's go through the first
2 floor plan, and then, I'll -- I'll work backwards
3 into the renderings.

4 I'd like to take the Board to Sheet Z3.

5 Sheet 3 shows our first floor plan. Let's
6 start all the way to the south. We'll work our
7 way from south to north, and then east to west.

8 Again, the residential curb cut, is located
9 approximately 44 feet from the intersection, 16
10 feet in width. We have both ingress and egress
11 for the residential here at the southern portion
12 of the structure.

13 We have a 3,139 square foot commercial
14 space adjacent to that curb cut. Just for the
15 record, we are providing a linear LED strip and a
16 warning indicator light for pedestrians, for
17 pedestrian safety.

18 We are proposing six new street trees along
19 Summit Avenue. One, two, three through six. We
20 are proposing a 700 square foot residential
21 lobby, with a multi-service elevator bank. We
22 are providing four elevators as part of this
23 project. Three for the residents and one service
24 elevator, so that makes four.

25 We are provising -- providing -- excuse me

1 -- pedestrian paver, or a decorative paver at the
2 residential lobby, here at the set in.

3 And commercial space number two, here on
4 the corner, is 2,567 square feet, both of them
5 totaling 5,709.

6 What we did was we chamfered the corner of
7 commercial space number 2 here, 14 feet in both
8 directions for a better view corridor for the
9 drivers around this corner here.

10 Okay. So you can actually look -- you
11 know, past the side of the building, as opposed
12 to trying to look through it.

13 On 23rd Street now, as we go around the
14 corner, we have a proposed loading dock, 18 feet
15 in width, that accesses this elevator lobby and
16 service corridor.

17 Behind the loading dock, we have a trash
18 room, we have trash chute that services the
19 building above.

20 We have a mechanical space. We anticipate
21 there being transformer from electric and
22 different services, and providing a generator for
23 the structure here at the western portion of the
24 structure.

25 The footprint of the first floor is 99.37

1 percent, which is 26,217 square feet.

2 Behind the commercial spaces and the
3 residential service corridor here, we have 26
4 parking spaces. We are providing four ADA
5 compliant, that access the elevator bank right
6 here. You come through right here.

7 And through the residential curb cut, you
8 have the option to go down ramp. We have a
9 basement with additional parking, or you actually
10 come through a two way vehicular traffic aisle
11 and you come up the ramp to the upper levels
12 above.

13 So, that's the first residential floor.

14 Jay would like to now introduce another
15 exhibit, I believe we're looking at Exhibit A-5?

16 MR. RHATICAN: A-4.

17 MR. VANDERMARK: A-4?

18 MR. DILLON: A-4.

19

20 (Whereupon, Rendering was received and
21 marked as Exhibit A-4.)

22

23 MR. VANDERMARK: In a few minutes, I'll get
24 into the materials of the structure itself, but
25 what you're looking at is a -- a perspective,

1 three dimensional colored rendering of the main
2 lobby area. The main lobby area is a double
3 height space. So, that's on floors one and two.

4 Again, we'll have some down lighting with a
5 steel cantilevered entry canopy. And we have
6 commercial space one here in the foreground.
7 Commercial space two here in the background. And
8 again, we're proposing six street trees.

9 The building itself will be predominantly
10 masonry. We have a cast stone water table, cast
11 stone banding, and predominantly a large format
12 masonry unit, or brick.

13 VICE CHAIRPERSON KOEHLER: I'm sorry. Can
14 you repeat that?

15 You said, cast stone.

16 MR. VANDERMARK: It will be a water table.

17 VICE CHAIRPERSON KOEHLER: A water --

18 MR. VANDERMARK: Which is this lower band.

19 VICE CHAIRPERSON KOEHLER: And what is
20 that?

21 MR. VANDERMARK: It's a -- it's a stone
22 material.

23 VICE CHAIRPERSON KOEHLER: Um hum.

24 MR. VANDERMARK: Which will be this color
25 here that --

1 VICE CHAIRPERSON KOEHLER: What is that
2 made out of? I'm sorry.

3 MR. VANDERMARK: It is -- it's made out of
4 a -- it's a colored concrete material.

5 VICE CHAIRPERSON KOEHLER: Okay.

6 MR. VANDERMARK: And this is the brick unit
7 for the principal building structure.

8 VICE CHAIRPERSON KOEHLER: And that's --
9 that's brick.

10 MR. VANDERMARK: All brick.

11 VICE CHAIRPERSON KOEHLER: Right. Okay.

12 MR. VANDERMARK: Yup. And --

13 MR. RHATICAN: You'll mark that as A-5.

14 MR. VANDERMARK: That's A-5.

15

16 (Whereupon, Board of Sample Materials was
17 received and marked as Exhibit A-5.)

18

19 MR. RHATICAN: We're making reference now
20 to --

21 MR. VANDERMARK: Yup.

22 MR. RHATICAN: -- A-5, which is a sampling
23 of some of the proposed building materials.

24 MR. VANDERMARK: And I apologize. We lost
25 the mortar, but here's the mortar color that's

1 going to be going with the brick.

2 We have different accent banding around the
3 windows, and also horizontally, to try to break
4 the scale of the building down. That's this
5 metal Alucobond color, which is a satin mica.

6 And the windows -- all the windows are
7 going to be black aluminum clad.

8 Just going back, very briefly, through the
9 floor plans themselves.

10 Go directly to Sheet Z5. Z4 is just some
11 drainage details with trees.

12 Sheet Z5 shows that we actually have a
13 basement -- partial basement covering 75.6
14 percent. That's 13,924 square feet of floor
15 area. And we are providing 35 parking spaces.

16 Below the basement parking level, we are
17 providing a water detention tank and system.

18 We have civil engineer, Mr. Gloede, is
19 going to be describing that later.

20 Again, all four elevators will be accessing
21 this level. All drive aisles and ramp are fully
22 compliant with the Redevelopment Ordinance in
23 width and in length.

24 We have the first floor that I just went
25 through, above.

1 Let's go to Sheet Z6. Sheet Z6, graphic
2 number one, second floor plan.

3 Same footprint area from second floor,
4 third floor, fourth floor, 26,328 square feet,
5 which is a hundred percent, which is the site
6 area.

7 On floor number 2, we're providing 63
8 parking spaces. What's different from floor 2 to
9 floors 3 and 4 is that we have this large, double
10 height opening to the lobby space. So, you will
11 have a 20 -- 21 foot high lobby space when you're
12 walking in.

13 All drive aisles and everything are fully
14 compliant.

15 We are proposing an area for residential,
16 probably storage spaces. That's at the lower
17 southern and eastern portion of the plan.

18 Floors 3 and 4, again, cover 26,328 square
19 feet, which is a hundred percent. And we're
20 providing 64 spaces on the third, 64 spaces on
21 the fourth level. That's totaling 128.

22 Sheet Z7. We're introducing our first
23 street façade setback, which is at five feet,
24 which is compliant with the Redevelopment
25 Ordinance. That is 22,218 square feet in

1 footprint area, 84.4 percent. We're proposing 55
2 parking spaces at this level.

3 So, I have a total, over five levels of
4 parking, plus the basement, of 307 parking
5 spaces. Eight ADA compliant. Of that 307
6 spaces, we are providing 75 compact in that
7 arrangement.

8 MR. EYERMAN: No access to that walk
9 around.

10 Right?

11 MR. VANDERMARK: Excuse me?

12 MR. EYERMAN: No access to that five --
13 that five foot setback area. There's no --

14 MR. VANDERMARK: No, there's not.

15 MR. EYERMAN: None.

16 MR. VANDERMARK: It's just building.
17 Excuse me. Just air.

18 Sheet Z8, we begin the residential floors
19 on the structure. Again, they are both complying
20 with that five foot setback, providing a 25 foot
21 rear yard setback here to the south. Again, 25
22 foot rear yard setback to the south, 15 feet, and
23 another ten feet, which is to the west.

24 The footprint area on floors 6 through 10
25 are 19,318 square feet, which is 73.4 percent.

1 We're proposing 21 units per for (sic) -- excuse
2 me -- 21 units per floor; 18 of them are one
3 bedrooms, and they range from 650 square feet to
4 880 square feet. And we're pro -- three two
5 bedrooms, which is 1,000 to 1,050 square feet.
6 And that's floors six through ten.

7 Floors 11 through 15, again, additional
8 setbacks that are compliant with the
9 Redevelopment Ordinance. That additional five
10 foot setback at the lower level, which is floor
11 11, will be a five foot balcony area that's open
12 to the units facing both 23rd Street and Summit
13 Avenue.

14 Floors 11 through 15, 16,818 square feet,
15 which is 63.9 percent. We are proposing 19 one
16 bedrooms that range from 600 to 800 square feet
17 in size. And two two bedrooms that range from
18 870 to 900 square feet in size.

19 Each floor, again, is serviced by a trash
20 room. Each trash room will have a trash chute
21 that accesses the trash chute in the garage
22 itself.

23 Sheet Z10, which is floors 16 and 17.
24 Again, an additional five foot setback is
25 required as per the Redevelopment Ordinance. We

1 are providing 14,418 square foot of footprint
2 area at 54.8 percent in size.

3 We are providing 17 one bedrooms that range
4 from at 650 square feet to 800 square feet.

5 Eighteenth floor, the only thing is that we
6 changed the graphic. We are providing a 14,418
7 square foot footprint, again at 54.8 percent.

8 We have 16 units per floor, 15 one
9 bedrooms, at 650 to 800 square feet in size, and
10 one two bedroom at 1400 square feet in size.

11 Above the 18th floor, we are providing a
12 rooftop amenity level. This level is within the
13 198 foot height.

14 We are providing 6,000 square foot rooftop
15 amenity space. That's going to include a gym, a
16 2500 square foot pool area. We have a mechanical
17 area with screening. We have a garden area. We
18 have a bunch of landscaping around the perimeter
19 of the pool and lounge area. We have some
20 upstairs pergolas, and some decking material for
21 congregation of people. It's a rooftop amenity
22 for the whole entire building to use.

23 Sheet Z13, which is the upper roof
24 elevator. Really, you have bulkheads for both
25 the elevator systems.

1 More importantly, we are providing an
2 extensive green roof on the upper roof itself.
3 And what this does is this actually holds and
4 retains a little bit of water, where rainfall
5 hits the roof, and it fully dissipates back down
6 the leader systems, into Mr. Gloede's detention
7 tank, that he'll be describing later.

8 Extensive green roof. It's not walkable.
9 It's a series of trays. It's a moss.

10 VICE CHAIRPERSON KOEHLER: I'm sorry. Walk
11 me through this.

12 Where is this? I'm --

13 MR. VANDERMARK: This is the upper roof
14 that's accessed --

15 VICE CHAIRPERSON KOEHLER: The top? The
16 very top.

17 MR. VANDERMARK: -- all the way -- all the
18 way up top.

19 VICE CHAIRPERSON KOEHLER: Um hum.

20 MR. VANDERMARK: Accessed by a one service
21 stairwell. And all it is is a series of roof
22 trays that are moss.

23 VICE CHAIRPERSON KOEHLER: Um hum.

24 MR. VANDERMARK: They're not walkable. No
25 one's going to be up there using it for football,

1 or anything like that.

2 It's -- it's simply an area that's going to
3 collect rainwater. It also cuts down on heat
4 island effect.

5 VICE CHAIRPERSON KOEHLER: Um hum.

6 MR. EYERMAN: Oh, so the pool's indoors?

7 MR. VANDERMARK: Excuse me?

8 MR. EYERMAN: The pool is indoors.

9 MR. VANDERMARK: The pool is actually
10 indoors. Yes.

11 MR. EYERMAN: Oh, indoors. Okay.

12 MR. VANDERMARK: But we have an accordion
13 door system that --

14 MR. EYERMAN: That does --

15 MR. VANDERMARK: -- you know, you have the
16 option to have an indoor/outdoor kind of space.
17 But this is on the upper roof.

18 VICE CHAIRPERSON KOEHLER: Yeah.

19 MR. VANDERMARK: Sheet Z14. We already
20 introduced A-5, which was the materials.

21 A-6 is the larger format rendering.

22

23 (Whereupon, Rendering (Entire Building) was
24 received and marked as Exhibit A-6.)

25

1 MR. VANDERMARK: Okay. Proposed structure
2 is 198 feet in total height. Eighteen stories,
3 plus the rooftop amenity that you cannot see in
4 this rendering.

5 Again, we have a cast stone water table.
6 We have brick masonry on both street facades, and
7 also around -- facades around both the side yard,
8 and also the rear.

9 We have corner glazing, floor to ceiling
10 windows, and also the last three floors actually
11 act as a glass cap to the building.

12 Again, we wanted the -- we wanted the
13 building to actually start to kind of dissipate,
14 appear lighter as the building moves upward.

15 We envision some planters around each
16 balcony section, as well. And hopefully, it'll
17 -- they will have some green that trickles over
18 the edge.

19 We are proposing, again, 198 feet in total
20 height. Eleven foot floor to floor on the first
21 floor.

22 Parking. The parking levels are nine foot
23 floor to floor, and each residential level is ten
24 foot eight floor to floor.

25 Again, totaling -- topping out to the

1 amenities level, 198 feet in height.

2 That is all.

3 MR. RHATICAN: Thank you for that
4 comprehensive description.

5 MR. VANDERMARK: Sure.

6 MR. RHATICAN: If you would flip back to, I
7 think it was Z7, there was a depiction of what I
8 think was signage for the interior of the parking
9 area.

10 Is that right?

11 MR. VANDERMARK: That's correct.

12 MR. RHATICAN: And I want to just point
13 that out because the Redevelopment Agency asked
14 about that in its -- in its review of the
15 application.

16 So, in your view, there will be adequate
17 signage and directional signage to -- for safe
18 circulation and pedestrian traffic within the
19 parking area.

20 MR. VANDERMARK: Absolutely. There will be
21 proper pedestrian striping. There will be arrow
22 striping for vehicular traffic. Of course, there
23 will be handicap signage, bumpers for car
24 stoppers, protection bollards at locations around
25 the elevators.

1 Everything that you would see in an urban
2 garage.

3 MR. RHATICAN: Thank you.

4 MR. VANDERMARK: Yes.

5 MR. RHATICAN: Also, we talked earlier --
6 you spoke earlier about the loading dock.

7 Is that where trash and refuse will be
8 collected?

9 MR. VANDERMARK: Trash and refuge (sic)
10 will be collected. We go back to Sheet -- I'm
11 sorry -- Sheet Z3.

12 Trash room. We have a compactor here, and
13 then the trash will simply be brought out to the
14 loading dock. And you know, I'm guessing that
15 we're going to have a maintenance company pick
16 this up at -- at different times, off peak.

17 MR. RHATICAN: Thank you.

18 And then, finally, again, only because the
19 Redevelopment Agency asked this, and I presume I
20 know the answer from your testimony, but does
21 this project comply with the urban design
22 objectives and requirements in Section 7 of the
23 redevelopment plan?

24 MR. VANDERMARK: Yes, it does. And I wrote
25 a brief blurb just to describe that. We are in

1 compliance with that.

2 One of the questions from Mr. Spatz was, or
3 one of the requests was to provide testimony for
4 the urban design objectives.

5 We are providing access point from Summit,
6 which we feel is the best curb cut location for
7 the residential.

8 We are providing an abundance -- over
9 abundance of parking.

10 The building uses quality materials, such
11 as brick masonry, cast stone, glass floor to
12 ceiling windows -- you know, to reduce the scale
13 of the building itself.

14 It is very pedestrian scale attractive. We
15 are providing six new street trees. We are
16 providing decorative pavers at the entry lobby.
17 We're providing wall sconces on both pedestrian
18 street facades.

19 And again, we are Energy Star compliant and
20 fully ADA and suppressed structure.

21 This will be -- and also included is the
22 urban design objectives, is the large double
23 height space, and what we think is a -- is a
24 nicely designed project.

25 MR. RHATICAN: I would concur.

1 MR. VANDERMARK: Thank you.

2 MR. RHATICAN: Thank you, Mr. Vandermark.

3 I have no further questions for this
4 witness.

5 VICE CHAIRPERSON KOEHLER: I have a couple
6 questions.

7 Anybody else have some questions?

8 No?

9 Other than the green roof, what -- what
10 other L-E-E-E-E-E-E-D (sic) amenities or add-ons
11 do you have for the building?

12 MR. VANDERMARK: We have -- we will be
13 providing, in certain areas, LED lighting.

14 VICE CHAIRPERSON KOEHLER: Okay.

15 MR. VANDERMARK: Okay? Energy Star --
16 Energy Star appliances.

17 VICE CHAIRPERSON KOEHLER: Um hum.

18 MR. VANDERMARK: Energy Star lighting. We
19 are providing low E glazing. Again, Energy Star
20 --

21 VICE CHAIRPERSON KOEHLER: The windows --

22 MR. VANDERMARK: -- type windows.

23 VICE CHAIRPERSON KOEHLER: -- you mean?

24 MR. VANDERMARK: Yes.

25 VICE CHAIRPERSON KOEHLER: The glazing.

1 MR. VANDERMARK: Yeah.

2 VICE CHAIRPERSON KOEHLER: Okay.

3 MR. RHATICAN: Yeah, I would also just note
4 that one of the elements to be considered in LEED
5 certification is redevelopment, so you're
6 redeveloping a site that arguably is not being
7 put to its highest and best use. That is a LEED
8 component.

9 VICE CHAIRPERSON KOEHLER: Um hum.

10 MR. RHATICAN: It's in addition to the
11 architectural --

12 MR. VANDERMARK: Right.

13 MR. RHATICAN: -- elements.

14 MR. VANDERMARK: And one of the things that
15 I did forget, which is probably really important,
16 that we'll get to as testimony --

17 VICE CHAIRPERSON KOEHLER: Um hum.

18 MR. VANDERMARK: -- in a minute, is the
19 large detention tank.

20 Right now, the water basically hits this
21 100 percent impervious lot --

22 VICE CHAIRPERSON KOEHLER: Um hum.

23 MR. VANDERMARK: -- and it goes right out
24 to the municipal system.

25 VICE CHAIRPERSON KOEHLER: Um hum.

1 MR. VANDERMARK: What's going to happen is,
2 is that water now is going to collect on this
3 property, and slowly release itself to the
4 municipal system.

5 So, that's a big bonus.

6 VICE CHAIRPERSON KOEHLER: Okay.

7 I had a -- oh, the -- can you talk about
8 the setbacks, as well?

9 You have -- how many setbacks do you have,
10 on how -- how many levels?

11 I see three. Am I correct?

12 MR. VANDERMARK: We're providing one, two,
13 three --

14 VICE CHAIRPERSON KOEHLER: Um hum.

15 MR. VANDERMARK: -- and four.

16 VICE CHAIRPERSON KOEHLER: Four setbacks.

17 And what is the surface? What's on the
18 surface of those setbacks?

19 MR. VANDERMARK: We -- we think we'll be --
20 it will be a pervious paver, and landscape
21 system.

22 VICE CHAIRPERSON KOEHLER: Um hum.

23 MR. VANDERMARK: Okay?

24 So, there will be some landscaping on that
25 setback, and also some pervious paver that will

1 allow water to actually hit it, collect to the
2 roof drain, and then go back into the detention
3 system.

4 Everything is going to be collected on-
5 site. You're not going to get any runoff that's
6 actually running off the building --

7 VICE CHAIRPERSON KOEHLER: Okay.

8 MR. VANDERMARK: -- onto the sidewalks.

9 VICE CHAIRPERSON KOEHLER: And are those
10 being used as balconies, the entire setback? And
11 are they accessed from the apartments? Will
12 there be access from the apartments facing the
13 setbacks?

14 MR. VANDERMARK: There will be access from
15 the apartments, facing the setbacks.

16 VICE CHAIRPERSON KOEHLER: And is that --
17 is that okay, Mr. Spatz? Is that --

18 MR. SPATZ: Yes. I believe that's
19 permitted --

20 VICE CHAIRPERSON KOEHLER: Yeah.

21 MR. SPATZ: -- within the redevelopment
22 plan. Yes.

23 VICE CHAIRPERSON KOEHLER: Okay.

24 MR. VANDERMARK: And what you're going to
25 have is, you're going to have a parapet wall, a

1 solid parapet wall.

2 VICE CHAIRPERSON KOEHLER: Remind me what
3 that is.

4 MR. VANDERMARK: It will be a wall that
5 comes up 42 inches in height. It's about as high
6 as this railing system itself.

7 VICE CHAIRPERSON KOEHLER: Okay.

8 MR. VANDERMARK: So you know, that acts as
9 both a protection railing --

10 VICE CHAIRPERSON KOEHLER: Um hum.

11 MR. VANDERMARK: -- and also, kind of a
12 screen from anything that anyone would have on
13 that actual setback balcony itself.

14 VICE CHAIRPERSON KOEHLER: Um hum.

15 MR. VANDERMARK: Okay? So, it acts as --
16 it's a twofold thing.

17 VICE CHAIRPERSON KOEHLER: Um hum.

18 Hopefully, no suicidal folks --

19 MR. VANDERMARK: I sure hope not.

20 VICE CHAIRPERSON KOEHLER: -- will live up
21 there.

22 Okay.

23 MR. RHATICAN: The views will be inspiring,
24 so --

25 MR. VANDERMARK: Sure.

1 VICE CHAIRPERSON KOEHLER: And will it --
2 will it be -- will each -- pardon me -- so, I see
3 one long setback. One long balcony. Will they
4 all be --

5 MR. VANDERMARK: Typically --

6 VICE CHAIRPERSON KOEHLER: -- separated, so
7 that --

8 MR. VANDERMARK: -- there will be dividers
9 at each --

10 VICE CHAIRPERSON KOEHLER: -- you don't
11 have kids --

12 MR. VANDERMARK: -- at each apartment.

13 VICE CHAIRPERSON KOEHLER: -- running back
14 and forth.

15 MR. VANDERMARK: Correct.

16 VICE CHAIRPERSON KOEHLER: And then, I
17 understand it's just a site plan. Things change.
18 But you have 234 one bedroom units and 26 two
19 bedroom units.

20 Your demographic is a commuter.

21 Is that right? I don't -- I don't know.
22 Who is your demographic?

23 MR. RHATICAN: I don't --

24 VICE CHAIRPERSON KOEHLER: Who would I --

25 MR. RHATICAN: I don't that --

1 MR. VANDERMARK: Yeah. I -- I --

2 MR. RHATICAN: I don't know either. I
3 mean, the demographic is going to be as the
4 market dictates.

5 We -- I think, as a lay person, I would
6 expect, and I think the applicant expects --

7 VICE CHAIRPERSON KOEHLER: Um hum.

8 MR. RHATICAN: -- a lot of commuters. And
9 -- and some local -- local --

10 MR. VANDERMARK: Yeah. And -- and I'm not
11 a professional planner, but I would say you're
12 probably going to have young professionals here,
13 or a young couple looking to start out.

14 VICE CHAIRPERSON KOEHLER: Because I was
15 going to recommend some three bedroom apartments
16 to the developer.

17 MR. GIPPETTI: Sorry?

18 VICE CHAIRPERSON KOEHLER: I was going to
19 recommend some three bedroom apartments to the
20 developer, because it's a very family oriented
21 city, made of families.

22 MR. GIPPETTI: Yes. Very much so. I would
23 agree with you.

24 VICE CHAIRPERSON KOEHLER: Right. Okay.

25 MR. GIPPETTI: But this is the scheme that

1 we're putting forward for the plan.

2 MR. DILLON: Can you come forward?

3 MR. GIPPETTI: Again, this could be changed
4 based on the demographics, because the apartments
5 are very generous.

6 MR. EYERMAN: We need you to come forward.

7 MR. RHATICAN: You want to come -- come on
8 up here, Jerry, because they need to hear you.

9 MR. GIPPETTI: Yes. To your question, I
10 agree with you.

11 VICE CHAIRPERSON KOEHLER: Right.

12 MR. GIPPETTI: I agree with you, because
13 I've lived the city for the last 35 years, so I
14 know it's very -- you know, a very family
15 oriented.

16 We have a wonderful high school down the
17 street. We have a middle school on the other
18 side. Public library.

19 So, it really lends itself to that. And
20 the -- the apartments are very generous, so they
21 could very easily be made into three bedroom.
22 We've just designed it in this manner because
23 we're really not sure of the demographic --

24 VICE CHAIRPERSON KOEHLER: Got it.

25 MR. GIPPETTI: -- as we go into it.

1 VICE CHAIRPERSON KOEHLER: Got it.

2 MR. GIPPETTI: But we're going to sell into
3 the market and then redesign the interior. As
4 long as we don't exceed the 260 --

5 VICE CHAIRPERSON KOEHLER: Um hum.

6 MR. GIPPETTI: -- you know, and we have all
7 the parking.

8 VICE CHAIRPERSON KOEHLER: Perfect.

9 MR. GIPPETTI: I think it will be fine
10 either way. But I do agree with you, yes.

11 VICE CHAIRPERSON KOEHLER: Um hum.

12 MR. RHATICAN: Thank you.

13 VICE CHAIRPERSON KOEHLER: Thank you.
14 Thank you very much.

15 MR. GIPPETTI: Yes. My pleasure.

16 VICE CHAIRPERSON KOEHLER: That's all.

17 Anyone else?

18 Anyone from the public?

19 MR. PRICE: Larry Price, 1006 Palisade
20 Avenue.

21 MR. DILLON: Be sworn in. Please raise
22 your right hand.

23 Do you swear -- do you swear the testimony
24 is going to be the whole truth?

25 MR. PRICE: I do.

1 MR. DILLON: State your name, again, for
2 the record.

3 MR. PRICE: Oh, again?

4 MR. RHATICAN: It's still Larry.

5 MR. PRICE: It's still Larry Price and it's
6 still 1006 Palisade.

7 Could you turn to Z3, please?

8 Okay, this is the street level.

9 Correct?

10 MR. VANDERMARK: That's correct.

11 MR. PRICE: Okay. This is 23rd Street.

12 This is the mechanical space.

13 Correct?

14 MR. VANDERMARK: Correct.

15 MR. PRICE: These are parking spaces.

16 Correct?

17 MR. VANDERMARK: Correct.

18 MR. PRICE: Okay. I invite your attention
19 to -- on page 8 of the -- whatever -- the part of
20 the redevelopment plan that says any parking
21 garage level equal to street level shall not
22 contain any parking or mechanical floor area
23 adjacent to the sidewalk street frontage.

24 Atrium, lobby, and/or retail space shall
25 occupy these spaces.

1 Aren't you violating this?

2 MR. VANDERMARK: Can you cite the number
3 again?

4 MR. PRICE: Page 8.

5 MR. VANDERMARK: Sure. Number?

6 MR. PRICE: Would be C1.

7 MR. VANDERMARK: Mechanical floor area
8 adjacent to the sidewalk, street frontage,
9 atrium, lobby or retail space shall occupy these
10 areas.

11 What I'm saying is that the lobby and both
12 commercial space occupy the pedestrian way at --
13 at street level. You've got mechanical area.
14 With the excess space, you could potentially had
15 another commercial unit there, but we don't feel
16 that -- we feel that we're in compliance with the
17 redevelopment plan.

18 MR. PRICE: Wait a minute. Wait a minute.

19 I just read you --

20 MR. VANDERMARK: Yeah.

21 MR. RHATICAN: Let him -- let him --

22 MR. VANDERMARK: Good.

23 MR. RHATICAN: -- finish his answer.

24 MR. VANDERMARK: We feel that based on the
25 redevelopment plan, even this item one, we have

1 both commercials at the street frontage, the
2 lobby, the mechanical area, the loading dock all
3 at street frontages.

4 You're talking about three parking spaces
5 up against the generator in between the
6 mechanical area.

7 MR. PRICE: But they are adjacent to the
8 street.

9 Correct?

10 MR. VANDERMARK: They're adjacent to a
11 small portion of the street.

12 MR. PRICE: Okay.

13 MR. VANDERMARK: The majority of the street
14 frontage on 23rd, with the loading dock, the
15 commercial area, --

16 MR. PRICE: Okay.

17 MR. VANDERMARK: -- and on Summit, the
18 lobby, and the commercial --

19 MR. PRICE: And you feel --

20 MR. VANDERMARK: -- area itself.

21 MR. PRICE: -- this is not a violation.

22 MR. VANDERMARK: I feel this is not a
23 violation.

24 MR. PRICE: Why or why not?

25 MR. VANDERMARK: Because again, the

1 majority of the principal street frontage, at 23rd
2 Street, is for the uses that are requested here
3 in item number one.

4 MR. PRICE: But doesn't it -- it doesn't
5 say that. It says shall not contain any parking
6 or mechanical floor area adjacent to the street
7 frontage.

8 MR. RHATICAN: I'm sorry, Mr. Price. Can
9 you just tell me again what section you're
10 referring to?

11 MR. PRICE: C1, page 8.

12 MR. RHATICAN: Thank you.

13 MR. VANDERMARK: It's -- it's something if
14 the Board sees fit, that these parking spaces
15 could be eliminated on that street wall, and we
16 would still be fully compliant with the project.

17 It's for the Board to make a decision on
18 whether they -- if they want to eliminate these
19 three parking spaces, because they feel like in
20 the gray area within this item number one, it
21 would be required.

22 MR. PRICE: Well, you'd have to move the
23 mechanical space, as well.

24 MR. VANDERMARK: No, you would not.

25 MR. EYERMAN: If the Building Inspector

1 comes and says, listen -- you know, looking at
2 the statute, looking at the safety of the
3 building, those three spots can't be there.

4 MR. PRICE: No. This is not a safety
5 issue, it's a zoning issue.

6 MR. EYERMAN: Well, let's just say that
7 there's a safety issue, just go to my point,
8 you'll -- you'll move them.

9 Right?

10 MR. VANDERMARK: We'll certainly comply.
11 But you also have to understand that both
12 transformers and gas service has to be adjacent
13 to the exterior building line.

14 MR. PRICE: I'm not arguing. I'm just
15 saying this is a provision of the redevelopment
16 plan --

17 MR. VANDERMARK: Um hum.

18 MR. PRICE: -- that you're not complying
19 with.

20 Okay? You've got an application that says
21 no variances are required. Well, a variance is
22 required. It's a very small one. I don't care
23 about it.

24 MR. VANDERMARK: It -- it's not even a
25 variance. It would be called a deviation.

1 Variances are -- it's not a -- it would not be a
2 term that you would use in a redevelopment plan.
3 It would be called a deviation, if so be it.

4 MR. PRICE: Okay. Well --

5 MR. VANDERMARK: And we -- we certainly
6 have permission to -- to ask for a deviation in
7 front of this Board this evening, if that's the
8 case.

9 MR. RHATICAN: I'll ask, if I may, Mr.
10 Vandermark, to -- I will presume -- and let me
11 ask you your interpretation, Mr. Vandermark, that
12 --

13 MR. VANDERMARK: Sure.

14 MR. RHATICAN: -- the reason for this is
15 one of aesthetic. That -- that the -- in
16 drafting this, the City, the Redevelopment
17 Agency, wants to ensure that one does not walk
18 along the street front of the building and see
19 cars parked there, or see mechanical equipment
20 through windows, or otherwise.

21 As I see in the elevation, which I think we
22 marked as A-6 --

23 MR. VANDERMARK: That's correct.

24 MR. RHATICAN: -- that location is designed
25 in a way, it appears to me anyway, to be very

1 | conducive to an attractive street front.

2 | Just offer your thoughts on that specific
3 | issue.

4 | MR. VANDERMARK: Yes. You'll have a series
5 | of opaque glazing in the same rhythm of openings
6 | on 23rd Street façade, which will be west of the
7 | loading dock itself.

8 | MR. EYERMAN: Can you define opaque?

9 | MR. VANDERMARK: Opaque being there will be
10 | glazing there. However, you will not be able to
11 | see behind the glazing itself.

12 | MR. EYERMAN: A frosted glass kind of
13 | thing.

14 | MR. VANDERMARK: It will be frosted glass.

15 | MR. RHATICAN: So, does that -- would that
16 | suggest to you that this complies at least with
17 | the spirit of the -- of the redevelopment plan?

18 | MR. VANDERMARK: I do.

19 | MR. RHATICAN: And if -- if, in fact, the
20 | Board deems that a waiver or deviation is
21 | required, with regard to that provision, that --
22 | that it can be granted for those reasons?

23 | MR. VANDERMARK: I do.

24 | MR. RHATICAN: Thank you.

25 | MR. PRICE: Okay. Now, moving -- I

1 understood you to say the site contains 26,328
2 square feet.

3 MR. VANDERMARK: Correct.

4 MR. PRICE: Is that correct?

5 MR. VANDERMARK: Correct.

6 MR. PRICE: Okay. You're allowed one unit
7 -- one dwelling unit for each 200 square feet.

8 Correct?

9 MR. VANDERMARK: This was done via transfer
10 of development rights.

11 MR. PRICE: No, no. No.

12 MR. VANDERMARK: And it's --

13 MR. PRICE: Please --

14 MR. VANDERMARK: -- included in the
15 redevelopment --

16 MR. PRICE: No, please -- please --

17 MR. RHATICAN: Let him, Mr. Price, please
18 let him --

19 MR. PRICE: -- answer the question --

20 MR. RHATICAN: -- finish his answer.

21 MR. PRICE: -- that I asked.

22 MR. RHATICAN: This is not a courtroom --

23 MR. PRICE: Which is --

24 MR. RHATICAN: -- Mr. Price. Let him
25 answer his question.

1 MR. PRICE: He's not answering my question.

2 MR. RHATICAN: Well, you didn't let him
3 finish.

4 MR. EYERMAN: I've lost the question. What
5 was the question?

6 MR. RHATICAN: Can you cite -- can you cite
7 --

8 MR. PRICE: Okay. The question --

9 MR. RHATICAN: -- the section of the --

10 MR. PRICE: -- simply --

11 MR. RHATICAN: -- redevelopment plan?

12 MR. PRICE: -- is the redevelopment plan
13 provides that you can have one dwelling --

14 THE SECRETARY: Can I have a second,
15 please?

16 Can we have a five minute break?

17 MR. EYERMAN: Yeah.

18 VICE CHAIRPERSON KOEHLER: I'm sorry.

19 THE SECRETARY: Go ahead, Mrs. Koehler.

20 VICE CHAIRPERSON KOEHLER: Five minute --

21 THE SECRETARY: It's okay.

22 VICE CHAIRPERSON KOEHLER: Two minutes
23 actually.

24 THE SECRETARY: Yeah. Five minutes. Okay.
25 Five minute break.

1 Thank you.

2

3 (Whereupon, David Spatz left the meeting at
4 7:08 p.m.)

5

6 (Whereupon, the Board recessed from 7:08
7 p.m. to 7:14 p.m.)

8

9 THE SECRETARY: Mr. Rhatican, we're going
10 back in business.

11 Thank you.

12 (Whereupon, there was a pause in the
13 proceedings.)

14 THE COURT REPORTER: Are we back on the
15 record?

16 VICE CHAIRPERSON KOEHLER: Yes.

17 THE COURT REPORTER: Counsel?

18 MR. RHATICAN: Well, I think Mr. Price was
19 asking a question.

20 MR. PRICE: I think I've asked the
21 question.

22 MR. VANDERMARK: Can you repeat the
23 question, please?

24 MR. PRICE: Okay. The question is, is it
25 not correct that the -- the redevelopment plan

1 provides that there will be one unit allowed for
2 each 200 square feet of land?

3 MR. VANDERMARK: Yes.

4 MR. PRICE: Okay. So, you said there was
5 26,328 square feet.

6 MR. VANDERMARK: Correct.

7 MR. PRICE: So, on the -- based on the 200
8 foot -- whatever -- and that ownership of that
9 land, you are entitled to 131 units.

10 Correct?

11 MR. VANDERMARK: Correct.

12 MR. PRICE: Okay. So, you basically need a
13 transfer of 127 units.

14 MR. VANDERMARK: Correct.

15 MR. PRICE: Okay. Do you know -- okay.
16 What -- what evidence do you have of that
17 transfer, and is it correct?

18 MR. VANDERMARK: A hundred and twenty-nine
19 units. Just want to correct you on that.

20 MR. PRICE: Sorry. Hundred and twenty --
21 yes.

22 MR. VANDERMARK: Thank you.

23 MR. PRICE: Got it. Yes.

24 And is it correct?

25 MR. VANDERMARK: Repeat the question.

1 MR. PRICE: You -- you're claiming a
2 transfer of 129 units as a result, basically,
3 from the parking garage.

4 Their entitlement -- they surrender to you.
5 And you're saying it's 129 units. Therefore,
6 you're entitled to 260.

7 MR. VANDERMARK: What I'm saying on the
8 transfer development rights, as per the
9 redevelopment agreement, Schedule C, we are
10 permitted the 260 units.

11 MR. PRICE: I'm sorry. What are you
12 referring to?

13 MR. VANDERMARK: The redevelopment
14 agreement.

15 MR. RHATICAN: If I may, maybe we should
16 mark this as A-7?

17 I do have a copy --

18 MR. EYERMAN: The redevelopment agreement?

19 MR. RHATICAN: Yeah. At least the one that
20 was available in my file tonight. So this is --
21 this is a copy of the redevelopment agreement
22 between the Redevelopment Agency and PBG Realty
23 Associates, LLC.

24 I also have -- because there have been
25 amendments, I have amended or appended to it,

1 | which we can just mark, I think, as a single
2 | exhibit, the fourth amendment.

3 | I don't have the first three amendments,
4 | but I have the fourth, which is the most current
5 | amendment.

6 | We want to mark this as A-7, then I'll show
7 | Mr. Price the operative language of the
8 | agreement.

9 | MR. EYERMAN: And you'll certify that's a
10 | true and accurate copy --

11 | MR. RHATICAN: Yes.

12 | MR. EYERMAN: -- of the redevelopment
13 | agreement?

14 | MR. RHATICAN: Yes.

15 | MR. EYERMAN: And its amendments?

16 |
17 | (Whereupon, Redevelopment Agreement with
18 | Fourth Amendment was received and marked as
19 | Exhibit A-7.)

20 |

21 | MR. PRICE: This becomes part of the
22 | record.

23 | Correct?

24 | MR. EYERMAN: It does.

25 | MR. RHATICAN: Again, this is what I had in

1 my files.

2 MR. EYERMAN: This is a true and accurate
3 copy, as far as you know.

4 MR. RHATICAN: This may not be -- it
5 certainly hasn't been altered. It is official.
6 It is, I should say, an accurate copy.

7 Exhibit B -- I'm sorry -- Schedule C, which
8 is the project description, and I'll read it into
9 the record, and show Mr. Price, because it's very
10 brief.

11 The project description, on Schedule C,
12 says approximately 260 market rate residential
13 units, and first floor commercial uses, totaling
14 approximately 10,000 square feet, within a 17
15 story building, atop and not including, a five
16 story parking deck.

17 So, 17 stories on top of five.

18 That's, if Mr. Price cares to see it,
19 that's what it says, in terms of defining the
20 project. And this is from 2006.

21 MR. PRICE: Okay. My question is, have you
22 done any -- they're transferring 129 units to
23 you.

24 Have you done any independent calculations
25 to determine that they have that right?

1 MR. VANDERMARK: I'm not required to.
2 There's a legal document telling me that I can.

3 MR. PRICE: Okay.

4 Okay. So, you -- the answer to the
5 question is, you've done no independent
6 calculation.

7 MR. VANDERMARK: That's correct.

8 MR. PRICE: Okay. Okay. Fine.

9 MR. RHATICAN: Let me just -- I'll say, and
10 this is not Mr. Vandermark's testimony, this
11 calculation was done ten years ago. So, as, I
12 think, Mr. Vandermark and I stand here, I don't
13 know that either one of us has the base numbers
14 that went into the calculation. But clearly, it
15 was a calculation that was agreed to ten years
16 ago.

17 MR. EYERMAN: But -- but what you're
18 building is compliant with what's in the
19 agreement, as the agreement is written today.

20 MR. RHATICAN: Absolutely is compliant with
21 what the Redevelopment Agency forwarded over, as
22 well.

23 MR. PRICE: But the redevel -- the point
24 that I would make here, and I'm about to --
25 whatever -- is that the Redevelopment Agency, or

1 the school authority, or whatever it may be, has
2 no -- you know, additional authority or right to
3 density, other than what's contained in the
4 redevelopment.

5 In other words, they're bound by the same
6 one unit for 200 square feet.

7 Okay. So, the garage -- so, the size of
8 the garage next door is key. Okay.

9 I went to the tax records --

10 MR. EYERMAN: Isn't -- isn't -- wouldn't
11 that be the argument for the Redevelopment
12 Authority, and -- in their agreement in what --
13 in the numbers they presented to the redeveloper?

14 Isn't your objection with the Redevelopment
15 Authority, in -- in that argument, rather than
16 this Board?

17 MR. PRICE: Well, they don't have the right
18 to convey something that they don't have.

19 MR. EYERMAN: But what they're presenting
20 here is what was conveyed.

21 MR. PRICE: They don't have the right to
22 convey something they don't have, is what I'm
23 saying.

24 MR. EYERMAN: I hear.

25 MR. PRICE: Okay.

1 So, I went to the tax records to find out
2 how large that site, containing the garage next
3 door, was. Okay. And the tax records would
4 indicate -- you want one?

5 By the way, I would like to enter this into
6 -- O-1.

7 MR. EYERMAN: That's fine.

8 MR. PRICE: O-1.

9

10 (Whereupon, Tax Record was received and
11 marked as Exhibit O-1.)

12

13 MR. PRICE: You have to share. You all
14 went to kindergarten so --

15 MR. DILLON: Mr. Price, what's the
16 description of it?

17 THE COURT REPORTER: O-1, objector one.

18 MR. DILLON: Not O-1, but the -

19 (Whereupon, there was a pause in the
20 proceedings.)

21 MR. PRICE: Okay. This is the -- actually,
22 it basically comes from the Hudson County tax
23 system, but this is the Union City Tax Records
24 for the garage site that belongs to the Board of
25 Education next door.

1 And if you look carefully there, it
2 describes the acreage as being 0.3567. That's
3 the size of the lot.

4 And you see my calculations down at the
5 bottom that is equivalent to 15,538 square feet.
6 If you divide that by 200 feet, which is the
7 entitlement per -- for a unit, per square foot,
8 you come up with an entitlement of 77 units.

9 That's what they can transfer to PBG. And
10 PBG is entitled to 131. We've agreed on that.

11 So, you add those up. It's 208 units.
12 They want to build 260.

13 They don't have the right to do so. That's
14 the simple -- it's too many units.

15 (Whereupon, there was a pause in the
16 proceedings.)

17 MR. EYERMAN: The -- the Board's heard your
18 testimony, sir. There's not much more I can say
19 to that.

20 MR. PRICE: Say again?

21 MR. EYERMAN: The Board's heard your
22 testimony.

23 MR. PRICE: Okay.

24 And I would point out, of course, we're
25 talking density and the Board -- this Board

1 | couldn't grant that variance in any case, because
2 | it's a density variance. It's a D variance.

3 | They also can't grant it because the -- the
4 | -- the redevelopment plan specifically says that
5 | nothing can be -- the Board of Adjustment can't
6 | be accessed. The Board of Adjustment would be
7 | the board that would normally grant a D-5 density
8 | variance. They can't be accessed.

9 | So -- you know, you -- you can't grant the
10 | variance and they can't go to the Board of
11 | Adjustment.

12 | VICE CHAIRPERSON KOEHLER: Why are we
13 | talking about Lot 21?

14 | MR. PRICE: Why are we talk --

15 | Lot 21? Well, that's the beginning.

16 | This is Lot 20, which is the end lot, if
17 | you will, for PBG. Then, Lot 21 is the first lot
18 | for the garage.

19 | VICE CHAIRPERSON KOEHLER: Lot 21 is not a
20 | part of this presentation.

21 | MR. PRICE: No.

22 | VICE CHAIRPERSON KOEHLER: Am I right?

23 | MR. PRICE: It's part of the garage -- the
24 | -- that's the Board of Education garage. The six
25 | foot high --

1 VICE CHAIRPERSON KOEHLER: So, but I don't
2 really --

3 MR. EYERMAN: The ques --

4 VICE CHAIRPERSON KOEHLER: What does that
5 have to do with this?

6 MR. PRICE: They need the entitlement that
7 that garage has, which will be transferred to
8 PBG.

9 PBG, by itself, can only build 131. They
10 can build half the units that they want.

11 MR. EYERMAN: Part of the agreement.

12 VICE CHAIRPERSON KOEHLER: Of the
13 redevelopment --

14 MR. EYERMAN: Redevelopment agreement is
15 we're giving you our right to build certain
16 properties.

17 VICE CHAIRPERSON KOEHLER: Oh.

18 MR. EYERMAN: To -- to the builder.

19 VICE CHAIRPERSON KOEHLER: And in -- in the
20 fourth amendment? They -- they convey -- they
21 said 260 residential units was okay?

22 Is that correct?

23 MR. EYERMAN: Yeah.

24 VICE CHAIRPERSON KOEHLER: So, if the
25 fourth amendment says 260 residential units is

1 okay, then, what do we, as a Planning Board,
2 have?

3 MR. EYERMAN: We have -- that --

4 VICE CHAIRPERSON KOEHLER: We have no --

5 MR. EYERMAN: And --

6 VICE CHAIRPERSON KOEHLER: -- jurisdiction.

7 MR. EYERMAN: And that's my -- my question,
8 I guess, and -- and the issue I take is that I
9 think your objection isn't with this Board. I
10 think it would be with the Redevelopment Agency.

11 MR. PRICE: Oh, yes it is. Absolutely.
12 Because you're going to give approval to 260
13 units.

14 VICE CHAIRPERSON KOEHLER: We're not --
15 we're just --

16 MR. PRICE: You're not entitled to do so.

17 VICE CHAIRPERSON KOEHLER: Well, just
18 listening --

19 MR. PRICE: You're not entitled.

20 VICE CHAIRPERSON KOEHLER: -- to everybody
21 like today. Yeah.

22 MR. RHATICAN: If I could offer one thing?

23 VICE CHAIRPERSON KOEHLER: Yes.

24 MR. RHATICAN: Which -- which -- and I
25 apologize for interrupting --

1 VICE CHAIRPERSON KOEHLER: Please. Um hum.

2 MR. RHATICAN: -- you, Mr. Price, I can
3 say, now we don't have anything this evening, but
4 there were multiple lots conveyed by PBG or Mr.
5 Gippetti, one of his entities, at the time prior
6 to the construction of this parking deck.

7 Lot 21 was one of those lots. So, my -- my
8 recollection, as I stand here, is that it was Lot
9 21 and 22, and there may have been a third lot.

10 So, again, these are calculations that were
11 performed ten years ago.

12 VICE CHAIRPERSON KOEHLER: Um hum.

13 MR. RHATICAN: I would argue that Mr.
14 Price's reliance only on Lot 21 is inappropriate,
15 because it's only part of the property that was
16 conveyed to the Redevelopment Agency. Therefore,
17 only part of the equation.

18 MR. GIPPETTI: If I may?

19 VICE CHAIRPERSON KOEHLER: Yes.

20 MR. RHATICAN: Mr. Gippetti?

21 MR. GIPPETTI: What was conveyed to the
22 City, actually, runs this way. And it ran all
23 the way down to here.

24 MR. RHATICAN: Well, let's -- let's say,
25 Jerry, what you're looking at.

1 Right now -- and we'll mark this in a
2 moment.

3 VICE CHAIRPERSON KOEHLER: I can't --

4 MR. RHATICAN: This is -- this is a --

5 MR. GIPPETTI: Okay. So, in other words,
6 to put the parking lot in, this is where the --
7 this is where you have the Boski (phonetic)
8 School.

9 VICE CHAIRPERSON KOEHLER: Um hum.

10 MR. GIPPETTI: At the end of the block.

11 MR. RHATICAN: Hold on, Jerry. Time out
12 here.

13 So, we have to mark this and we have to say
14 what you're talking about.

15 We'll mark this as A-8. And for the
16 record, it's a survey -- it's a mounted survey,
17 prepared by J. Peter Borbas, dated September 24,
18 2007.

19 And this depicts the project site, in a
20 bolder outline --

21 VICE CHAIRPERSON KOEHLER: Um hum.

22 MR. RHATICAN: -- and the surrounding
23 properties. Obviously, the entire tax --

24 MR. EYERMAN: These are -- these are the
25 tax -- this is the tax map for the portion of the

1 property and the work area.

2

3 (Whereupon, Mounted Survey, Prepared by J.
4 Peter Borbas, dated 9/24/07, was received and
5 marked as Exhibit A-8.)

6

7 MR. GIPPETTI: Yeah. Yeah.

8 MR. RHATICAN: Yeah.

9 MR. GIPPETTI: It's basically what you're
10 looking at there.

11 MR. EYERMAN: And the block.

12 MR. GIPPETTI: But I just -- just --

13 In the old days, there was Louis'
14 Restaurant, which we all used to really like to
15 go to -- you know, which was on the corner here.

16 MR. RHATICAN: In --

17 MR. GIPPETTI: Okay?

18 MR. RHATICAN: In the corner of Kerrigan
19 and 23rd.

20 VICE CHAIRPERSON KOEHLER: Oh, it's a pizza
21 shop --

22 MR. GIPPETTI: On the corner of 23rd.

23 VICE CHAIRPERSON KOEHLER: -- now, right?

24 MR. GIPPETTI: What?

25 MR. EYERMAN: No, it's a school.

1 VICE CHAIRPERSON KOEHLER: It's not? No.

2 MR. GIPPETTI: No, no, no. I'm look --
3 looking down Kerrigan.

4 VICE CHAIRPERSON KOEHLER: Oh, yeah. Okay.

5 MR. GIPPETTI: The high school is sitting
6 right here.

7 VICE CHAIRPERSON KOEHLER: Yup. Got it.

8 MR. GIPPETTI: And Kennedy Boulevard is
9 over here.

10 VICE CHAIRPERSON KOEHLER: Okay. Yup.

11 MR. GIPPETTI: All right? Okay.

12 So, Louie's Restaurant was down here.

13 VICE CHAIRPERSON KOEHLER: Um hum.

14 MR. GIPPETTI: There was a parking lot next
15 to Louis' Restaurant.

16 VICE CHAIRPERSON KOEHLER: Um hum.

17 MR. GIPPETTI: That I sold the City.

18 VICE CHAIRPERSON KOEHLER: Um hum.

19 MR. GIPPETTI: Next to the parking lot was
20 a two family house --

21 VICE CHAIRPERSON KOEHLER: Hmm.

22 MR. GIPPETTI: -- which I sold the City.
23 Then I sold them half of my building.

24 VICE CHAIRPERSON KOEHLER: Um hum.

25 MR. GIPPETTI: All right? So, it was all

1 of this property back in here.

2 VICE CHAIRPERSON KOEHLER: Um hum.

3 MR. GIPPETTI: Mr. Price is talking about a
4 sliver.

5 VICE CHAIRPERSON KOEHLER: Um hum. Um hum.

6 MR. GIPPETTI: Okay. So, that's what he's
7 missing.

8 MR. EYERMAN: So, at one point, part of the
9 redevelopment plan -- this is just my question --
10 was Lots 21, 22 --

11 MR. GIPPETTI: Yeah. Well, I can --

12 MR. EYERMAN: -- 23 --

13 MR. GIPPETTI: -- show you what it is.

14 MR. RHATICAN: No. Yeah. Let's be clear.
15 That was not part of the redevelopment plan.

16 MR. EYERMAN: Okay.

17 MR. RHATICAN: But it -- it involved the --
18 well, I'm sorry. Not part of this project --

19 MR. EYERMAN: Um hum.

20 MR. RHATICAN: -- I should say.

21 Those are the lots that were transferred to
22 the City, the Redevelopment Agency, that
23 effectuated the transfer of development rights
24 that we see in the redevelopment plan.

25 MR. EYERMAN: Without going into specifics,

1 | you're saying it's -- when you take all of those
2 | together is how you get the ability to build the
3 | 260 number.

4 | MR. RHATICAN: Correct.

5 | MR. GIPPETTI: May I -- may I show you
6 | this, sir?

7 | MR. RHATICAN: Well, that's -- I think -- I
8 | think we've answered the question.

9 | MR. PRICE: Well, I don't think we have.

10 | MR. EYERMAN: Okay.

11 | MR. PRICE: Okay? You're assuming because
12 | the tax record says Lot 21, that the 15,000
13 | square feet refer only to Lot 21.

14 | That's not the case at all. Lot 21, as you
15 | can see, is essentially a 25 by a hundred, I
16 | think, slightly larger lot. It contains roughly
17 | -- the tax records, when it says Lot 21 and
18 | basically says, that's the first lot in that
19 | aggregation. There are, in fact, six lots there.
20 | And that's how you come up with 15,538 square
21 | feet.

22 | And that's -- that's the site for the
23 | garage. Okay? It's not just Lot 21. Don't --
24 | that's not -- you're not reading the tax record
25 | correctly if you say that.

1 VICE CHAIRPERSON KOEHLER: Umm.

2 MR. PRICE: It is, in fact, six lots.

3 Okay?

4 (Whereupon, there was a pause in the
5 proceedings.)

6 MR. EYERMAN: We've heard your testimony,
7 sir.

8 MR. PRICE: What?

9 MR. EYERMAN: We've heard your testimony.
10 I'm -- I'm not commenting anymore.

11 MR. PRICE: Okay.

12 By the way, and the last part is you seem
13 to think that they convey -- that the city or the
14 agency can convey more than they're entitled to.
15 That is not the case, either.

16 I mean, I refer the Board members to page
17 -- you know, 13 of the redevelopment plan. Okay.
18 Where it says, transfer of development rights.

19 When a property or properties is developed
20 with a parking structure whose principal purpose
21 is to provide off-street parking for uses located
22 in the school redevelopment zone of this plan,
23 then the permitted density, otherwise available
24 to this property may be transferred to another
25 property.

1 That's the key phrase. Permitted density.
2 They have the same permission that everybody else
3 in Zone A has, which is -- you know, one unit for
4 every 200 square feet.

5 They've got 15,000 square feet. They've
6 got -- they've got -- have an entitlement to 77
7 units. That can be transferred to PBG, and
8 that's what they intend to do. But that's all
9 they can transfer. They don't -- they don't have
10 -- you know, an -- an extra entitlement. That's
11 what your redevelopment plan said. And that's
12 what this Board is required to enforce.

13 I am before the right Board. Don't --
14 okay.

15 So, the entitlement is, basically, from
16 what I can see, Mr. Vandermark will correct me,
17 of course, if I'm wrong, 208 units, not 260.

18 And you don't have the right to approve a
19 260 unit project --

20 MR. RHATICAN: Okay. I think we were still
21 going through cross examination of Mr.
22 Vandermark. I don't know --

23 MR. PRICE: No. I think we're done. I --
24 we've --

25 MR. RHATICAN: If the Board has --

1 MR. EYERMAN: You have any more questions?

2 Do you have more questions for Mr. Vandermark?

3 MR. PRICE: No.

4 MR. EYERMAN: Okay.

5 VICE CHAIRPERSON KOEHLER: Thank you.

6 MR. RHATICAN: I've got my next witness.

7 MR. EYERMAN: Okay.

8 VICE CHAIRPERSON KOEHLER: Yes.

9 Thank you. Thank you.

10 MR. RHATICAN: Mr. Gloede?

11 (Whereupon, there was a pause in the
12 proceedings.)

13 MR. RHATICAN: For the Board's information,
14 Mr. Gloede's going to testify in his capacity as
15 a civil engineer, so I'll have him qualified as
16 such. And he's going to testify really only on
17 storm water issues.

18 So, why don't we start?

19 MR. GLOEDE: Good evening.

20 MR. DILLON: Please raise your right hand.

21 Do you swear the testimony you're about to
22 give this Board is the whole truth?

23 MR. GLOEDE: I do.

24 MR. DILLON: State your name and spell it
25 for the record.

1 MR. GLOEDE: My name is George Gloede,
2 G-L-O-E-D-E.

3 MR. DILLON: D-E?

4 MR. GLOEDE: E-D-E.

5 MR. DILLON: Thank you.

6 MR. GLOEDE: Um hum.

7 MR. RHATICAN: Mr. Gloede, you a licensed
8 engineer in the State of New Jersey?

9 MR. GLOEDE: Yes, I am.

10 MR. RHATICAN: Would you give us the
11 benefit of your educational background, please?

12 MR. GLOEDE: I'm a graduate of New Jersey
13 Institute of Technology, with a Bachelor of
14 Science in civil engineering.

15 And I've been licensed by the State of New
16 Jersey as an engineer since 1986. And also as a
17 licensed professional planner in New Jersey.

18 I'm also a licensed professional engineer
19 in the State of New York. And --

20 MR. EYERMAN: Has he ever testified before
21 this Board?

22 Have you ever testified before this Board,
23 sir?

24 MR. GLOEDE: Yes, I have.

25 MR. EYERMAN: You've been qualified before

1 | this Board?

2 | MR. GLOEDE: Yes, I was.

3 | MR. EYERMAN: And have any of your
4 | qualifications changed or -- or in -- in the time
5 | between you've testified in front of the Board,
6 | between now?

7 | MR. GLOEDE: No. Nothing's changed.

8 | MR. EYERMAN: Still licensed --

9 | MR. GLOEDE: Same.

10 | MR. EYERMAN: -- within the State, as you
11 | are licensed then.

12 | MR. GLOEDE: Yes, sir.

13 | MR. EYERMAN: You can continue.

14 | MR. RHATICAN: All right. So, the Board is
15 | --

16 | MR. EYERMAN: Well, we'll --

17 | MR. RHATICAN: Yeah. Okay.

18 | MR. EYERMAN: We'll stipulate that he's a
19 | -- he's qualified to testify.

20 | MR. RHATICAN: Thank you very much.

21 | MR. EYERMAN: In the area.

22 | MR. RHATICAN: All right. Mr. Gloede, you
23 | -- you designed the storm water system for this
24 | project, did you not?

25 | MR. GLOEDE: Yes, I did.

1 MR. RHATICAN: Would you just describe it
2 for the Board, please?

3 MR. GLOEDE: Sure. We just flip over.

4 These -- my plans were submitted as part of
5 the application. And since we already talked
6 about the -- the survey before, I'm not going to
7 go back to that one, but I'm just going to go
8 directly to the storm water management.

9 MR. RHATICAN: You lost -- George, you lost
10 your mic.

11 MR. GLOEDE: Yup.

12 (Whereupon, there was a pause in the
13 proceedings.)

14 MR. RHATICAN: So, I'm sorry. Why don't
15 you just pickup where you left off?

16 MR. GLOEDE: Okay.

17 As -- as Mr. Vandermark stated -- you know,
18 the location of the building is at the corner of
19 23rd Street and Summit Avenue. The site consists
20 of .6 acres, which comes to 26,328 square feet.
21 And that is as shown as the dashed outline on the
22 plan.

23 What we're proposing is the entire roof
24 drainage of the building will be going into the
25 detention system.

1 The detention system consists of two
2 parallel 80 foot long, 36 inch diameter high --
3 high density polyethylene pipe, which are
4 connected at both ends, and then go into a -- an
5 outlet structure, which will control the outlet
6 by use of a three inch orifice at the bottom. At
7 a higher stage, is a six inch orifice.

8 From that point of the detention system,
9 the outlet structure will tie into the existing
10 combined sewer line in 23rd Street, with a six
11 inch diameter PVC pipe.

12 The predevelop -- according to the -- the
13 Residential Site Improvement Standards, and in
14 accordance with the North Hudson Sewage
15 Authority, we're required to reduce the
16 predevelopment conditions, rain flow, for the
17 two, ten and hundred year storm, by 50, 75 and 80
18 percent, which we have done.

19 We've taken whatever our predevelopment
20 rain flow off the entire site, which was
21 primarily almost all entirely impervious cover.
22 And we're back -- going back with impervious
23 cover. So, now, we're just basically reducing
24 the predevelopment by those conditions that I
25 stated.

1 As far -- that's pretty much it for the --
2 for the storm sewer.

3 We're providing a sanitary sewer system
4 line coming out to the center -- out into Summit
5 Avenue, where the existing line is.

6 That would be a -- probably a ten inch PVC
7 line coming into that.

8 Water will be connected from -- I believe
9 from 23rd and from Summit in a couple of different
10 locations.

11 And we will also be submitting the -- the
12 plans to the North Hudson Sewage Authority for a
13 treatment works application, which will also be
14 submitted to the State of New Jersey, since we
15 are over the -- the allowable 8,000 gallons per
16 day.

17 That's it.

18 MR. RHATICAN: Thank you, Mr. Gloede.

19 And that's all I have for this witness.

20 VICE CHAIRPERSON KOEHLER: Any questions
21 from the Board?

22 MR. SHAH: No.

23 VICE CHAIRPERSON KOEHLER: Any --

24 MR. GLOEDE: Mine was easy.

25 VICE CHAIRPERSON KOEHLER: Any questions

1 from the public?

2 MR. PRICE: Still Larry Price.

3 Question. Are you required to get advance
4 approval from the North Hudson Sewage Authority
5 that -- as to availability?

6 MR. GLOEDE: As far as like will serve
7 letters for the building?

8 MR. PRICE: Yeah.

9 MR. GLOEDE: I believe we have them.

10 Didn't we -- we receive those, for will
11 serve for utilities?

12 MR. RHATICAN: No. I don't think we have
13 them right now, but it's -- it's not required as
14 part of this approval.

15 MR. PRICE: Okay. Just --

16 MR. GLOEDE: Okay.

17 MR. PRICE: Just --

18 MR. GLOEDE: Yeah, we will be submitting to
19 North Hudson for sewage -- you know, for the
20 amount of sewage going into the line, and for the
21 storm water.

22 MR. PRICE: Correct.

23 MR. GLOEDE: Yes.

24 MR. PRICE: Okay. But you haven't gotten
25 them yet?

1 MR. GLOEDE: No. We have not done that
2 yet.

3 MR. PRICE: Okay.

4 MR. GLOEDE: We were still waiting to find
5 out the unit count, because the required flow for
6 sanitary sewer, depending upon whether there's
7 how many two bedroom, one bedroom, or in some
8 cases, maybe three bedroom units.

9 So, once we get that final determination of
10 the type, the number of units, then we'll be able
11 to submit that application to the -- to North
12 Hudson.

13 And then, once they endorse it, the City
14 endorses, the -- the consent forms, and we submit
15 the whole project to the DEP.

16 Okay?

17 MR. PRICE: Thank you.

18 VICE CHAIRPERSON KOEHLER: Thank you.

19 Thank you very much.

20 MR. RHATICAN: That's it for Mr. Gloede.

21 Our final witness, Justin Taylor, who's our
22 traffic consultant.

23 Yeah. Well, while he's trading the mic,
24 the Board should have gotten a -- an updated
25 traffic report that was dated -- I see nodding

1 your head, yeah -- so dated February 8.

2 There's some more recent traffic counts and
3 makes -- makes an accounting for a change in the
4 location of the exit. So --

5 THE SECRETARY: Right hand side. The black
6 and white one.

7 VICE CHAIRPERSON KOEHLER: Yeah.

8 MR. EYERMAN: Yup, Got it.

9 MR. DILLON: Please raise your right hand.

10 Do you swear the testimony you're about to
11 give this Board is the whole truth?

12 MR. TAYLOR: I do.

13 MR. DILLON: State your name and spell it
14 for the record.

15 MR. TAYLOR: Justin Taylor, T-A-Y-L-O-R.

16 MR. DILLON: Thank you.

17 MR. RHATICAN: Let's run through your
18 qualifications, first, Mr. Taylor.

19 MR. EYERMAN: Have you ever testified in
20 front of this Board?

21 MR. TAYLOR: I have not been before you
22 guys. I have been before the Zoning Board here
23 in Union City.

24 MR. EYERMAN: Let's quality him.

25 MR. RHATICAN: Yeah. Of course.

1 MR. TAYLOR: All right.

2 MR. RHATICAN: Give us the benefit of your
3 education --

4 MR. TAYLOR: Yeah.

5 MR. RHATICAN: -- and background, please.

6 MR. TAYLOR: I have a Bachelors in Science
7 from the University of Delaware. I'm a
8 professional engineer in the State of New Jersey,
9 as well as Pennsylvania.

10 I'm also a certified professional traffic
11 operations engineer, by the Institute of
12 Transportation Engineers.

13 And I've been practicing traffic planning
14 for approximately the past 15 years.

15 MR. RHATICAN: And have you been qualified
16 as an expert in the field of traffic analysis,
17 traffic engineering, by other boards? You
18 mentioned Zoning Board in town here.

19 MR. TAYLOR: Yes.

20 MR. RHATICAN: But other boards within --

21 MR. TAYLOR: Absolutely.

22 MR. RHATICAN: -- the State of New Jersey?

23 MR. TAYLOR: I've testified before dozens
24 of boards throughout the State of New Jersey, as
25 well as we're the Board Engineer in Fort Lee.

1 MR. RHATICAN: Oh, you -- you are the Board

2 --

3 MR. TAYLOR: Yes.

4 MR. RHATICAN: -- Engineer. Okay.

5 With that, I would proffer Mr. Taylor as an
6 expert in the field of traffic --

7 MR. EYERMAN: The Board --

8 MR. RHATICAN: -- traffic engineering.

9 MR. EYERMAN: -- will recognize him as
10 such.

11 MR. TAYLOR: Thank you.

12 MR. RHATICAN: Thank you very much.

13 You're familiar with this project, I -- I
14 trust, Mr. Taylor.

15 MR. TAYLOR: Yes, I am.

16 MR. RHATICAN: Why don't you just tell us
17 about -- and you've reviewed the traffic impacts,
18 you're familiar with the report that your firm
19 prepared.

20 Correct?

21 MR. TAYLOR: Yes, I am.

22 MR. RHATICAN: Just tell us about the
23 traffic impacts, if you would, please?

24 MR. TAYLOR: Yes. Absolutely.

25 Basically, our task was to take a look at

1 whether the surrounding roadways have the
2 capacity to handle the additional traffic from
3 this development, as well as determine whether
4 the parking will be sufficient for the site.

5 We have submitted the report. What we did
6 was do background traffic counts at the adjacent
7 intersections, and then surcharge on traffic
8 associated with the proposed 260 units and the
9 retail, to come up with what our build-out levels
10 of service at these intersections would be.

11 What we find is, at both the intersection
12 of Summit Avenue and 23rd Street, and Summit
13 Avenue and 22nd Street, what we anticipate is
14 levels of service D or better, with the addition
15 of the traffic.

16 I would also say, when we generated this
17 traffic, we really took a look at a conservative
18 approach.

19 We took the trip generation rates from the
20 Institute of Transportation Engineers and just --
21 just generated for that. Took no credit for any
22 mass transit, no walking credit, no interaction
23 between the retail and the residential component,
24 because we really wanted the worst case look at
25 this project.

1 And again, what I said, as I said
2 previously, is what we found was level of service
3 D or better at both of those intersections, with
4 the additional traffic.

5 The other thing we looked at, as I said,
6 was the parking. The project, as proposed,
7 requires 240 parking spaces. And we are
8 proposing 307, which gives us in excess of 67
9 parking spaces, which in Union City, I think is a
10 blessing.

11 So, based on that, it's my professional
12 opinion that the development of the site will
13 have no detrimental traffic impacts to the
14 surrounding roadway network, and that the parking
15 is sufficient to support the demand of the
16 project.

17 MR. RHATICAN: I'll add that the applicant
18 has -- this had come up before the Redevelopment
19 Agency, applicant has been in discussions with a
20 service that will provide either like a jitney or
21 shuttle service to various points, to facilitate
22 mass transit to and from the building.

23 And that -- we will stipulate that would be
24 a condition of any approval, should you decide to
25 approve the project.

1 Mr. Taylor, I would assume that only has a
2 benefit to your analysis, in terms of traffic
3 impacts.

4 MR. TAYLOR: Yes, that's correct. That
5 would only reduce the amount of traffic to and
6 from the site.

7 MR. RHATICAN: Okay. All right.

8 That's all -- all I have for Mr. Taylor.

9 VICE CHAIRPERSON KOEHLER: Any questions
10 from the Board?

11 MR. SHAH: No.

12 VICE CHAIRPERSON KOEHLER: Quick question.

13 The parking. It sounds like you have ample
14 here.

15 Will the retail tenant also be allowed to
16 use parking for their --

17 MR. TAYLOR: Yes. That's the intent.
18 There's no intent to actually dedicate or assign
19 spaces in the garage, so that they will be
20 available for the retail tenants, as well as the
21 residential tenants.

22 VICE CHAIRPERSON KOEHLER: Okay. Well,
23 that helps.

24 MR. EYERMAN: Yeah.

25 VICE CHAIRPERSON KOEHLER: Yes?

1 From the public, questions. Please.

2 MR. ALI: I'm just curious --

3 MR. DILLON: You need to come forward.

4 MR. EYERMAN: Come forward. State your
5 name, sir.

6 VICE CHAIRPERSON KOEHLER: Come forward.
7 Yes.

8 MR. DILLON: Excuse me?

9 I need you -- I need to get your name on
10 the record.

11 VICE CHAIRPERSON KOEHLER: You have to come
12 to the microphone.

13 MR. DILLON: Please raise your right hand.

14 MR. ALI: Okay.

15 MR. DILLON: Please raise your right hand.

16 Swear the testimony you're about to give
17 this Board is the whole truth?

18 MR. ALI: Yes, sir.

19 MR. DILLON: State your name and spell it
20 for the record.

21 MR. ALI: Asgar Ali, A-S-G-A-R, Ali, A-L-I.

22 MR. DILLON: Thank you.

23 MR. ALI: Sure.

24 I'm just curious, within the proposals and
25 the -- the models that you made, if you did an

1 analysis to actually get numbers as to what the
2 current traffic is versus proposed, in the future
3 state?

4 And reason I ask, and you can answer it all
5 together, currently, on 22nd and Summit, there's a
6 elementary or a -- or preschool, I believe. And
7 the high school is right there on 23rd, 24th
8 Street.

9 So, given the amount of foot traffic and
10 commercial, or car traffic in the mornings, it's
11 already a hassle.

12 And I live on 22nd Street, and we have a
13 shuttle that provides mass transit in the
14 mornings. One percent of our building uses that
15 option.

16 So, when you estimate 260 units, maybe
17 seven, 800, 900 people total, there's going to be
18 a -- a material impact to the traffic in that
19 area.

20 It's already proven to be an issue where
21 there's police in the morning helping to direct
22 traffic.

23 So, I'm just curious if you have hard
24 numbers supporting before and after?

25 MR. TAYLOR: Absolutely.

1 As I stated, we did conduct traffic counts
2 at 22nd and Summit, and 23rd and Summit, to get
3 what's out -- what's out there today.

4 MR. ALI: Um hum.

5 MR. TAYLOR: And then, the Institute of
6 Transportation Engineers, we go to, we look for
7 the high rise apartment land use that we're
8 using. And we look for the retail component that
9 we're using. Right?

10 And they -- there are trip generation rates
11 that are gathered throughout this -- throughout
12 the country and published by the ITE.

13 And the development, as proposed, would
14 generate 88 trips in the morning. That's 26
15 entering trips, and 62 exiting trips during that
16 morning peak hour, during the busiest peak hour
17 of that development.

18 In the evening, we're talking about 127
19 trips, which is 27 returning, people coming back
20 from work, and 35 -- 55 -- excuse me -- exiting.

21 So, those are the numbers that, then, we
22 put on top of the traffic that's already out
23 there, to do our calculations for our build
24 analysis.

25 MR. RHATICAN: If I may, Mr. Ali, I'll just

1 ask a question. I don't mean to cut you off --

2 MR. ALI: No.

3 MR. RHATICAN: -- by any means.

4 You mention the ITE, that modeling, that's
5 widely used and accepted in your industry, in
6 your field.

7 Is that correct?

8 MR. TAYLOR: Yeah, that's correct.

9 MR. RHATICAN: Okay.

10 MR. TAYLOR: It's really the traffic
11 engineer bible, is where we go for all our trip
12 generation rates for -- for developments.

13 MR. RHATICAN: Okay.

14 MR. ALI: No. I'm just -- I'm just cur --
15 I'm not familiar with the grading system and so
16 forth, so I'm -- you know, that's -- that's one
17 of the biggest issues in the area that we have
18 right now, parking aside.

19 MR. TAYLOR: Um hum.

20 MR. ALI: It's really just the traffic
21 that's going to be going out during the day,
22 especially during the week.

23 Not as many people as you think will use
24 the mass transit option or the -- the shuttle
25 services.

1 There will be a lot of people walking to
2 that preschool, to the high schools, and so it's
3 one of the things that we --

4 MR. TAYLOR: Yeah.

5 MR. ALI: -- want to keep in mind.

6 MR. TAYLOR: It's one of those concerns
7 that we have. That's why we look at it.

8 VICE CHAIRPERSON KOEHLER: And also, that's
9 why Union City puts officers --

10 MR. ALI: Right.

11 VICE CHAIRPERSON KOEHLER: -- near the
12 schools, for safety, not because there's -- you
13 know, there's anything abnormal afoot. All of
14 the schools --

15 MR. ALI: No, no. Understood.

16 VICE CHAIRPERSON KOEHLER: Yeah.

17 MR. ALI: Completely understood, but --

18 VICE CHAIRPERSON KOEHLER: -- have that.

19 MR. ALI: -- the officers are helping to
20 control a traffic jam that's already bad.

21 VICE CHAIRPERSON KOEHLER: Sure. But
22 that's --

23 MR. ALI: So --

24 VICE CHAIRPERSON KOEHLER: -- at every
25 school, and every --

1 MR. ALI: Sure.

2 VICE CHAIRPERSON KOEHLER: -- even low
3 residential areas.

4 MR. ALI: Right. And I get it. I see them
5 on Kennedy, as well, and those schools.

6 VICE CHAIRPERSON KOEHLER: Yeah. Um hum.

7 MR. ALI: It's just in this specific area,
8 there's been -- it's a known issue. In the
9 mornings, there's just a backlog, especially
10 because 22nd Street goes all the way through.

11 MR. TAYLOR: Um hum.

12 MR. ALI: So, thank you.

13 VICE CHAIRPERSON KOEHLER: Thank you, sir.
14 Anyone else?

15 Mr. Price?

16 MR. PRICE: Larry Price.

17 Okay. Mr. Taylor, for the updated traffic
18 report, you took traffic counts on the 2nd of
19 February.

20 MR. TAYLOR: Yes. That's correct.

21 MR. PRICE: The one day.

22 MR. TAYLOR: Yes. That's correct.

23 MR. PRICE: Morning and afternoon.

24 MR. TAYLOR: That's correct.

25 MR. PRICE: Okay. Whatever. That was a

1 Tuesday.

2 Do you know if that was a school day?

3 MR. TAYLOR: Yes. I believe it was a
4 school day.

5 MR. PRICE: It was a school day.

6 VICE CHAIRPERSON KOEHLER: My kids were in
7 school. Yes.

8 MR. PRICE: Okay. Now, question.

9 Figure 2 of Appendix A --

10 MR. TAYLOR: Um hum.

11 MR. PRICE: -- has the basic counts.

12 MR. TAYLOR: Um hum.

13 MR. PRICE: Now, it refers to 2015 existing
14 traffic volumes.

15 MR. TAYLOR: That's a typo.

16 MR. PRICE: It should be -- these are the
17 traffic counts --

18 MR. TAYLOR: That we just --

19 MR. PRICE: -- for the 2nd of February.

20 MR. TAYLOR: That's correct.

21 MR. PRICE: Okay. And, basically, what
22 that shows is 283 going between 22nd Street and --
23 sorry -- 20 -- 23rd Street, there are 283 in a
24 southbound direction, 179 in a northbound
25 direction, a total of 462 for the -- for the peak

1 hour in the morning.

2 MR. TAYLOR: That's correct.

3 MR. PRICE: Okay. Okay. Now, I have two
4 questions about this.

5 Okay. Your -- as you already testified, in
6 the morning, and that's what I'm mostly -- the
7 afternoon is probably less of a concern, because
8 you have the school peak and -- in the morning,
9 you have a school peak and you have a regular
10 peak, and they coincide.

11 In the afternoon, the school lets out at
12 whatever it lets out, three o'clock, and people
13 come home from regular jobs at five o'clock, so
14 they're not coincident. So, I'm less concerned
15 with the afternoon. But the morning is since
16 they're coincident, is little bit more of a
17 concern.

18 You said that the existence of this unit,
19 or this whatever we call it, will create, in the
20 morning, 88 new trips; 26 inbound, coming into
21 the unit, and 62 going out.

22 MR. TAYLOR: That's correct. That's what
23 was utilized in our analysis.

24 MR. PRICE: Okay. The first question I
25 have is, and in the traffic study, the 62 going

1 out are assumed to go 31 to the right and 31 to
2 the left.

3 MR. TAYLOR: That's correct.

4 MR. PRICE: Okay. And you say it's service
5 level B, indicating a delay getting out of the
6 garage of --

7 MR. TAYLOR: Fifteen seconds or under.

8 MR. PRICE: -- 15 seconds or under. Okay.

9 And I'm kind of questioning that, because
10 we had earlier testimony, the entrance to that --
11 for the 31 going south, which is to say toward
12 22nd Street --

13 MR. TAYLOR: Um hum.

14 MR. PRICE: -- we -- the early testimony
15 that the entrance to the garage is approximately
16 40 feet from the intersection, which is two car
17 lengths.

18 MR. TAYLOR: Okay.

19 MR. PRICE: Okay?

20 Okay. And that intersection has problems,
21 we'll address those problems later, but how --
22 how can you be assured that 15 second delay is
23 most -- you know, when you've -- you've got only
24 a short distance -- you've only got two cars in
25 there in the queue. The queue is no longer than

1 two cars. And it's a slow intersection now, how
2 can you be assured that the -- the delay exiting
3 the garage will only be 15 seconds?

4 MR. TAYLOR: Well, we take a look at, we
5 have a simulation model that we put this into.

6 And that 15 seconds, that B level of
7 service, is the average delay during that peak
8 hour.

9 That's not to say that somebody comes up
10 and doesn't sit for a minute. And that's not to
11 say that somebody doesn't come up and wait for --
12 doesn't wait at all, because there's nobody --
13 there's no -- nobody coming.

14 So, when we run that -- that 31 vehicles is
15 a car every two minutes.

16 MR. PRICE: Correct.

17 MR. TAYLOR: And average delay over that,
18 for those vehicles exiting, given the -- the
19 traffic conditions along Summit Avenue, calculate
20 out to an average delay of that -- I can tell you
21 exactly what it is. Approximately 13 seconds.

22 MR. PRICE: Okay.

23 Okay. Now, my last question would be on
24 page 6 of your report --

25 MR. TAYLOR: Okay.

1 MR. PRICE: Okay. I guess it would be the
2 same question.

3 I'm looking at the -- the a.m. peak hour.

4 MR. TAYLOR: Um hum.

5 MR. PRICE: I'm looking in terms of Summit
6 Avenue and 22nd Street.

7 MR. TAYLOR: Um hum.

8 MR. PRICE: Okay. We're going to be adding
9 31 cars.

10 MR. TAYLOR: Um hum.

11 MR. PRICE: Okay. We -- we know that.
12 Okay. We had 31 the other way.

13 My -- my first question is, in terms of
14 southbound, right now, it's D service level.

15 MR. TAYLOR: Um hum.

16 MR. PRICE: And it's a 51 second delay.
17 And when we add the 31 cars, we go to service
18 level E, and it's an average of 76 seconds delay.

19 MR. TAYLOR: Yes. That's correct.

20 MR. PRICE: Okay. Now, my question really
21 is, if we turn the other way, and look
22 northbound, for the morning, it's service level
23 A.

24 MR. TAYLOR: Um hum.

25 MR. PRICE: A four second delay. We add 31

1 cars and it's still only a four second delay.

2 Why does 31 cars have almost no impact in
3 the north direction, and a major, major impact in
4 the southern direction?

5 MR. TAYLOR: It has to do with the capacity
6 of that intersection, and the capacity of the two
7 intersections.

8 Once -- when you're in the upper bounds,
9 As, Bs, there's more capacity to absorb that
10 traffic without a real -- without a large impact
11 to the delay.

12 As you drop down further, if it's closer to
13 closer to capacity, and -- and the -- it starts
14 to slow down through that, and so, you end up
15 with a greater increase in delay with the same
16 amount of volume.

17 So, that -- that's what's represented here
18 in that 76. So, you're starting at a D, of 51,
19 and we're ending at an E, of 76.

20 MR. PRICE: Six. Okay. Then, I'll go back
21 to my earlier question and say, okay, we have a
22 car exiting, headed south, 31 an hour is one
23 every two minutes.

24 But the cars out there in the morning now
25 are queued to get through that intersection 51

1 seconds, and once this thing is in place, it will
2 be 76 -- whatever.

3 In other words, there -- there are cars --

4 MR. TAYLOR: Um hum.

5 MR. PRICE: I mean, and we only have two
6 car lengths to the intersection. And I guess I'm
7 voicing some skepticism that, oh, yeah, you only
8 have a car every two minutes trying to go in that
9 direction. There are a lot of cars out there
10 that they're trying to get into, because it's
11 almost a minute and a quarter.

12 MR. TAYLOR: Um hum.

13 MR. PRICE: Seventy-six seconds to --

14 MR. TAYLOR: And again that's --

15 MR. PRICE: That means --

16 MR. TAYLOR: That's an average delay.

17 MR. PRICE: That means a lot of cars are
18 backed up. That queue has to go past the exit
19 from your garage.

20 MR. TAYLOR: Yup.

21 MR. PRICE: Correct?

22 MR. TAYLOR: Yup. Yes.

23 MR. PRICE: And so, basically, the cars
24 going south have to muscle their way into line.

25 MR. TAYLOR: Or they wait until the queue

1 | that's stacked there clears the site driveway,
2 | and then pull out behind it.

3 | And that's where we get the average. So,
4 | the guy that comes up when the light's red, and
5 | the queue is backed up, he may wait 45 seconds,
6 | 60 seconds. Right?

7 | As that queue comes through, the guy behind
8 | him now only waits for a second, because he shows
9 | up when there's no queue.

10 | And so, when it equals out, it averages
11 | out, that's where we get -- we get the 15 seconds
12 | of delay.

13 | MR. PRICE: Okay.

14 | MR. TAYLOR: And it's -- I mean, we -- we
15 | put this into a simulation model that takes into
16 | account the adjacent signals, and how the whole
17 | corridor is operating.

18 | MR. PRICE: Right. I'm a little --

19 | Okay. I'm a little leery, but --

20 | MR. TAYLOR: I mean, that -- this is --
21 | this is how we calculate the capacity.

22 | MR. PRICE: How you calculate.

23 | MR. TAYLOR: And it does interact with the
24 | adjacent signals.

25 | Now, the other thing to look at in that,

1 | really, we're talking about residents that live
2 | in the building. If it's difficult to make a
3 | right, and there's capacity at the northern
4 | intersection, they'll learn that, and they'll go
5 | north. And it will be a self-regulating type of
6 | exit from the driveway. But --

7 | MR. PRICE: Yeah. Okay. I'll accept that.
8 | Yes.

9 | Okay. Thank you.

10 | MR. TAYLOR: Welcome.

11 | VICE CHAIRPERSON KOEHLER: Thank you.

12 | MR. RHATICAN: Mr. Taylor, the modeling
13 | that you described, again, like the IT, I assume
14 | this modeling is commonly used in your
15 | discipline, when preparing these types of
16 | reports?

17 | MR. TAYLOR: Absolutely. We use either the
18 | HCS, which is the Highway Capacity Software, or
19 | Synchro -- Synchro 9 modeling, which is the two
20 | traffic industry's software programs to analyze
21 | it.

22 | MR. RHATICAN: And you have found those to
23 | be reliable in your experience?

24 | MR. TAYLOR: Yes, I have.

25 | MR. RHATICAN: Thank you.

1 So that's all I have for this witness.

2 VICE CHAIRPERSON KOEHLER: Thank you.

3 Any questions from the Board?

4 MR. DOUMAS: No.

5 Thank you.

6 VICE CHAIRPERSON KOEHLER: Thank you very
7 much.

8 Thank you, guys.

9 MR. RHATICAN: I think Mr. --

10 MR. PRICE: Yeah. Usually they mark off
11 the --

12 (Whereupon, there was a pause in the
13 proceedings.)

14 MR. TAYLOR: Do you have another witnesses
15 coming up?

16 MR. RHATICAN: No. No.

17 So, I've got nothing else. I don't know if
18 you want to open it to the public.

19 I know Mr. Price -- I don't know if you've
20 said your peace, if you have anything else to
21 add, or anyone else in the public has any other
22 comments, before I make my final remarks?

23 MR. EYERMAN: Open to the public. Open to
24 the public.

25 And generally, other comments or questions?

1 MR. RHATICAN: Okay.

2 MR. EYERMAN: Then we'll close it to the
3 public.

4 MR. RHATICAN: Good.

5 VICE CHAIRPERSON KOEHLER: Yes.

6 MR. RHATICAN: Good.

7 VICE CHAIRPERSON KOEHLER: Closed to the
8 public.

9 Okay.

10 MR. RHATICAN: Well, thank you for your
11 patience. We do appreciate it. We know we've
12 been here for a couple of hours.

13 As I said, from our standpoint, it's been a
14 ten year process, so an extra hour or so is
15 really of no moment. We do appreciate your
16 listening and your -- and your thoughtful review
17 of this application.

18 Again, as I said at the outset, it's our
19 position that this is a fully compliant
20 application in all respects.

21 We did hear from Mr. Price, in particular,
22 a couple of comments that -- that I want to
23 respond to.

24 And one deals with a requirement in the
25 redevelopment plan that space on the -- that

1 abuts the street or sidewalk should be,
2 effectively, retail or lobby.

3 And -- and you heard the testimony from our
4 -- our architect, who was interpreted that
5 provision to really deal with matters of
6 aesthetic. And -- and the way this project has
7 been designed, we feel that it is compliant with
8 that particular provision, at least in spirit.

9 To the extent the Board feels that a
10 deviation from that is required, whether it's
11 considered a deviation or a design waiver, in the
12 context of a redevelopment plan, we would ask
13 that -- for that relief.

14 Our notice contained the typical kind of
15 catchall provision saying, if necessary, we -- we
16 would amend the application on the fly.

17 And -- and so we do ask for that relief, if
18 the Board deems it required. We feel it's not
19 required, but if the Board wants to be
20 conservative and find that it is, we -- we do
21 think that it can be granted, given the proofs
22 that we've presented.

23 The only aspect that I'll address is that
24 dealing with the -- the unit count, the density.

25 We feel that we've adequately demonstrated

1 to the Board that the density is appropriate,
2 that it is permitted. It's, of course, in the
3 redevelopment agreement, expressly.

4 You saw Mr. Spatz's report, your own
5 planner, who addresses it.

6 And of course, the Redevelopment Agency,
7 who's charged with interpreting the redevelopment
8 plan and determining whether the project is
9 compliant, had said that it is.

10 So, I don't know that this Board needs to
11 go through the exercise of determining whether,
12 in fact, that unit count is appropriate.

13 We submit it is, of course. And we think
14 there's enough proof in front of you to -- to
15 submit -- to decide that it is.

16 But that's really the jurisdiction and the
17 ultimate decision of the Redevelopment Agency.

18 I will just note, for the record, what Mr.
19 -- sorry -- Price marked as O-1. It does
20 identify and describe Lot 21. And you heard Mr.
21 Price, say, well, it's not really Lot 21. It's
22 really more than Lot 21.

23 But you know, it's his document and it, on
24 its face, describes Lot 21 and --

25 But I don't want to belabor that particular

1 aspect of the record. We think that it's very
2 clear, based on the documents in front of you,
3 that the unit count is appropriate, and that you
4 can grant the relief in the form of simple site
5 plan approval, with, if you deem it appropriate,
6 the one deviation or design waiver.

7 So with that, again, thank you for your
8 time. And I'll leave it to your good judgement.

9 Thank you very much.

10 VICE CHAIRPERSON KOEHLER: Thank you.
11 Thank you very much.

12 I would like a motion for a site plan
13 approval, based on the redevelopment agreement
14 between the Agency and PBG Realty.

15 It's just a site plan approval, and that's
16 all.

17 My motion to approve the site plan.

18 Do I get a second?

19 THE SECRETARY: Any second on the motion
20 for site plan approval?

21 VICE CHAIRPERSON KOEHLER: Oh, with the
22 design waiver.

23 MR. EYERMAN: Or deviation regarding the
24 three parking spots located on the -- as the
25 architect -- just got to get this right, this is

1 the -- which -- which side?

2 MR. RHATICAN: Twenty-third, which would be
3 -- that's the northern side of the building.

4 MR. EYERMAN: The northern side of the
5 building. On the first floor, northern side.

6 Correct?

7 MR. RHATICAN: First floor, northern side,
8 three parking spaces and mechanical area and area
9 --

10 MR. EYERMAN: Just give everyone a specific
11 direct --

12 MR. RHATICAN: Specific. Yeah.

13 MR. EYERMAN: Yeah. Between the two
14 mechanical spots.

15 Correct?

16 MR. RHATICAN: Yeah. And -- and we can
17 even include those two mechanical areas, because
18 again, the language is a little vague. We just
19 want to make sure that's included.

20 MR. EYERMAN: Okay.

21 VICE CHAIRPERSON KOEHLER: And it's the
22 three parking spaces.

23 MR. EYERMAN: Three parking spaces, and two
24 mechanical --

25 MR. RHATICAN: Two mechanical.

1 MR. EYERMAN: -- two mechanical rooms,
2 located on the northern side of the first floor
3 of the building.

4 MR. RHATICAN: Yes.

5 MR. EYERMAN: Good.

6 THE SECRETARY: Motion to approve the site
7 plan by Mrs. Koehler.

8 Second by?

9 MR. DOUMAS: Second.

10 THE SECRETARY: By Mr. Doumas.

11 Roll call on the motion.

12 Ydalia Genao?

13 MS. GENAO: Yes.

14 THE SECRETARY: Rudy Rivero?

15 MR. RIVERO: Yes.

16 THE SECRETARY: Jay Shah?

17 MR. SHAH: Yes.

18 THE SECRETARY: Mrs. Koehler?

19 VICE CHAIRPERSON KOEHLER: Yes.

20 THE SECRETARY: Mr. Doumas?

21 MR. DOUMAS: Yes.

22 THE SECRETARY: Motion carries. Five in
23 favor.

24 MR. EYERMAN: To clarify again, that was a
25 motion for site plan approval, with deviation as

1 described.

2 MR. RHATICAN: Thank you very much.

3 VICE CHAIRPERSON KOEHLER: Okay. Thank you
4 everybody.

5 Thank you.

6 MR. RHATICAN: Thank you very much.

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1 **ADJOURNMENT :**

2

3 THE SECRETARY: There being no other
4 application on tonight's agenda, can I have a
5 motion to end tonight's meeting?

6 VICE CHAIRPERSON KOEHLER: Yes.

7 THE SECRETARY: Mrs. Koehler.

8 VICE CHAIRPERSON KOEHLER: Yes.

9 THE SECRETARY: Second by Mr. Doumas.

10 MR. DOUMAS: Yes.

11 THE SECRETARY: All in favor?

12 VICE CHAIRPERSON KOEHLER: All in favor?

13

14 (Whereupon, there was a chorus of ayes.)

15

16 THE SECRETARY: The ayes have it.

17 Thank you.

18 Let the record show that the meeting has
19 ended.

20 Thank you.

21 Good night everyone.

22

23 (Whereupon, the proceedings were concluded
24 at 8:03 p.m.)

25

1 STATE OF NEW JERSEY :

2 :

3 COUNTY OF ESSEX :

4

5

6 I, DEBRA A. KASZNIAK, assigned transcriber,
7 do hereby affirm that the foregoing is a true and
8 accurate transcript in the matter of the REGULAR
9 MEETING of the UNION CITY PLANNING BOARD heard on
10 Tuesday, February 23, 2016 and digitally
11 recorded.

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24 Monitored by: Kevin Dillon, Jr.

25 Proofread by: Deborah Dillon