

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

STATE OF NEW JERSEY  
COUNTY OF HUDSON  
FEBRUARY 11, 2014  
SPECIAL MEETING  
COMMENCING AT 7:10 P.M.

HOBOKEN ZONING BOARD OF : TRANSCRIPT  
ADJUSTMENT : OF  
----- PROCEEDINGS

B O A R D M E M B E R S P R E S E N T :

- JAMES AIBEL, CHAIRMAN
- ELLIOT GREENE, VICE CHAIRMAN
- PHIL COHEN, COMMISSIONER
- MIKE DeFUSCO, COMMISSIONER
- ANTONIO GRANA, COMMISSIONER
- DIANE FITZMYER MURPHY, COMMISSIONER
- JOHN BRANCIFORTE, ALT. #1
- TIFFANIE FISHER ALT. #2
- OWEN McANUFF, ALT. #3

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

GALVIN LAW FIRM  
By: DENNIS M. GALVIN, ESQUIRE  
Attorney for the Board

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

- EILEEN BANYRA, P.P.,  
Board Planner
  
- JEFF MARSDEN, P.E.,  
Board Engineer
  
- PATRICIA CARCONE,  
Board Secretary

ROSENBERG & ASSOCIATES, INC.

Certified Court Reporters & Videographers

425 Eagle Rock Ave., Ste 201 250 Park Ave., 7th Fl.

Roseland, NJ 07068 New York, NY 10177

(973) 228-9100 1-800-662-6878 (212) 868-1936

www.rosenbergandassociates.com



1 the oath by the Board Attorney.)

2 CHAIRMAN AIBEL: The next item on our  
3 agenda is reorganization of the professionals, the  
4 planner for the board and the board engineer. We're  
5 going to defer that to next week or when we're ready  
6 to make those appointments. And Mr. Cohen is leading  
7 the review committees, so I know he has it well in  
8 hand and we'll put it on, on either next week's  
9 agenda or a subsequent agenda.

10 COMMISSIONER COHEN: Okay.

11 CHAIRMAN AIBEL: Then we have one  
12 resolution; it's the appointment of the Galvin Law  
13 Firm as zoning board attorney.

14 Do I have a motion to appoint the Galvin  
15 firm as zoning board attorney?

16 COMMISSIONER GREENE: I move that we  
17 appoint the Galvin Law Firm as zoning board attorney.

18 CHAIRMAN AIBEL: Do we have a second?

19 COMMISSIONER COHEN: Second.

20 CHAIRMAN AIBEL: Do the roll call.

21 MADAM SECRETARY: Commissioner Greene.

22 COMMISSIONER GREENE: Yes.

23 MADAM SECRETARY: Commissioner Cohen.

24 COMMISSIONER COHEN: Yes.

25 MADAM SECRETARY: Commissioner DeFusco.

1 COMMISSIONER DeFUSCO: Yes.

2 MADAM SECRETARY: Commissioner Grana.

3 COMMISSIONER GRANA: Yes.

4 MADAM SECRETARY: Commissioner Murphy.

5 COMMISSIONER MURPHY: Yes.

6 MADAM SECRETARY: Commissioner

7 Branciforte.

8 COMMISSIONER BRANCIFORTE: Yes.

9 MADAM SECRETARY: And Commissioner

10 Aibel.

11 COMMISSIONER AIBEL: Yes.

12 Does everyone vote on that?

13 MR. GALVIN: Just the seven regular

14 members and two alternates.

15 MADAM SECRETARY: That's seven.

16 CHAIRMAN AIBEL: Congratulations.

17 So, Board Members, before we break up

18 this evening, I'd like everybody to hang for another

19 minute or so to check attendance for next week and

20 for a possible special meeting on February 25th.

21 Let's do that at the end of the evening, if that's

22 okay.

23 That brings us to -- is there any other

24 new business?

25 MR. GALVIN: No.



## C E R T I F I C A T E

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

I, JOANNE M. OPPERMANN, a Certified  
Court Reporter and Notary Public of the State of New  
Jersey, do hereby state that the foregoing is a true  
and accurate transcript of my stenographic notes of  
the within proceedings, to the best of my ability.

---

JOANNE M. OPPERMANN, C.C.R.

License No. XI01435



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

STATE OF NEW JERSEY  
COUNTY OF HUDSON  
FEBRUARY 11, 2014  
SPECIAL MEETING

:  
118-120 MADISON STREET, BLOCK: TRANSCRIPT  
28, LOT 25 : OF  
Minor Site Plan/C & D : PROCEEDINGS  
Variances :

-----  
B O A R D M E M B E R S P R E S E N T :

- JAMES AIBEL, CHAIRMAN
- ELLIOT GREENE, VICE CHAIRMAN
- PHIL COHEN, COMMISSIONER
- MIKE DeFUSCO, COMMISSIONER
- ANTONIO GRANA, COMMISSIONER
- DIANE FITZMYER MURPHY, COMMISSIONER
- JOHN BRANCIFORTE, ALT. #1
- TIFFANIE FISHER ALT. #2
- OWEN McANUFF, ALT. #3

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

GALVIN LAW FIRM  
By: DENNIS M. GALVIN, ESQUIRE  
Attorney for the Board

ROBERT C. MATULE, ESQUIRE  
Attorney for the Applicant

ROSENBERG & ASSOCIATES, INC.

Certified Court Reporters & Videographers

425 Eagle Rock Ave., Ste 201 250 Park Ave., 7th Fl.

Roseland, NJ 07068 New York, NY 10177

(973) 228-9100 1-800-662-6878 (212) 868-1936

www.rosenbergandassociates.com

1       A L S O   P R E S E N T:

2               EILEEN BANYRA, P.P.,

3               Board Planner

4

5               JEFF MARSDEN, P.E.,

6               Board Engineer

7               PATRICIA CARCONE,

8               Board Secretary

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

## 1 INDEX TO WITNESS

2 WITNESS PAGE

3 FRANK MINERVINI 4

4 TOM CHARTIER 44

5 EDWARD KOLLING 72

6

## 7 INDEX TO EXHIBITS

8 EXHIBIT DESCRIPTION PAGE

9 A-1 Photo board (3 photos) 6

10 A-2 Rendering of street 8

11 elevations

12 A-3 Colored rendering of the 16

13 facade of the building

14 A-4 Sustainability Design 45

15 Strategy report

16 (Exhibits retained by counsel.)

17

18

19

20

21

22

23

24

25

1                   CHAIRMAN AIBEL: We're back on the  
2 record. It's 8:15. We have 118-120 Madison Street  
3 up.

4                   MR. MATULE: Yes. Good evening,  
5 Mr. Chairman, Board Members. Robert Matule,  
6 appearing on behalf of the applicant.

7                   This is an application to renovate and  
8 put an addition on an existing, I guess I'll call it  
9 an industrial building, at 118-120 Madison Street.  
10 We're going to have the testimony of Mr. Minervini,  
11 our architect, Tom Chartier, our LEED consultant who  
12 has testified here in the past, but just in the  
13 interest of full disclosure, he's also the principal  
14 of the applicant in this case.

15                   So he might be testifying with different  
16 hats on this evening. And Mr. Kolling, our planner.  
17 We're going to have additional exhibits to hand  
18 around, the LEED sustainability handout and  
19 streetscape, but we'll get to them in due course.

20                   I can start with Mr. Minervini, if you  
21 want to start in Ms. Banyra's absence.

22 F R A N K M I N E R V I N I, having been duly sworn,  
23 testifies as follows:

24                   MR. MATULE: Mr. Chairman, will you  
25 accept Mr. Minervini's credentials as an architect?

1                   CHAIRMAN AIBEL: We do.

2                   MR. GALVIN: You may proceed.

3                   MR. MATULE: Thank you. As usual, Mr.  
4 Minervini, whenever you're going to refer to  
5 anything, other than the plans that have been  
6 submitted, we need to mark it for the record.

7                   So would you describe, for the board and  
8 any members of the public who might be here for this  
9 application, the existing site and the building  
10 that's on it and the adjoining building?

11                   THE WITNESS: The existing site is a  
12 50-by-100 parcel between First and Second Street on  
13 Jefferson, just about centered in the block on the  
14 west side of the street.

15                   What currently exists is a three-story  
16 industrial building that covers 94 percent of the  
17 lot. What we're proposing to do is keep the majority  
18 of that building, we'll be rebuilding some of the  
19 front facade but I'll get to that in a bit, and add  
20 two floors. Those two floors would be within the 60  
21 percent, so again I'll get to the actual divisions of  
22 the spaces but the concept here is to add two floors  
23 to the existing three-story building and provide  
24 proposed six residential apartments where seven are  
25 permitted.

1                   CHAIRMAN AIBEL: Did you misspeak? Your  
2 building is not on Jefferson.

3                   COMMISSIONER GREENE: It's on Madison.

4                   THE WITNESS: Madison, pardon me. Yes,  
5 it's Madison.

6                   MR. MATULE: So, you have an exhibit  
7 here we can mark A-1.

8                   THE WITNESS: Yes.

9                   (Whereupon, Exhibit A-1 received and  
10 marked into evidence.)

11                  MR. MATULE: Could you describe what it  
12 is for the record?

13                  THE WITNESS: This is a photo board  
14 consisting of three photographs taken from the  
15 Internet and one taken by my office.

16                  MR. MATULE: And that's a relatively  
17 recent photo of the site?

18                  THE WITNESS: Yes, this is within the  
19 last month.

20                  As I mentioned, the existing building is  
21 three stories in height and this is the existing  
22 structure, it's a bit deceiving but this is all part  
23 of the structure (indicating.)

24                  So, although we've got this swath that's  
25 about 40-plus feet, there's also the small two-story

1 section that is wood frame. It's all part of the  
2 same structure. The most recent use was for an  
3 appliance repair shop, so people who had gas stoves  
4 back in the '70s, and even the '80s, would get their  
5 stoves to be repaired here. Signage is actually  
6 still there; it was called "Attilio's."

7 The building is in disrepair. We'll  
8 have to rebuild portions of this facade. The  
9 internals are of structural timber, so much of that  
10 will have to be replaced with steel. But what we're  
11 proposing to do is add two stories, this section  
12 right here, at 60 feet in depth, as well as squared  
13 off here (indicating.)

14 In terms of context, the building  
15 directly to our south is a five-story structure,  
16 which would be the same height. The building to our  
17 north is a four-story structure.

18 And it's probably a good time now to  
19 pass out the street elevations which I normally put  
20 on the bigger set but didn't do it this time.

21 MR. MATULE: We're going to mark that  
22 A-2. For the record, that's a street elevation of  
23 the entire block.

24 THE WITNESS: Correct. They are all the  
25 same here.

1                   MR. MATULE: We'll save this one for the  
2 record.

3                   (Whereupon, Exhibit A-2 received and  
4 marked into evidence.)

5                   THE WITNESS: Obvious purpose of that  
6 drawing, you can make your determination but we think  
7 that the facade and the bulk of the building fits in  
8 nicely with the adjacent properties.

9                   Before I get to the drawings, I'll  
10 describe the existing building in a bit more detail.  
11 It goes back a full 95 feet, so it's got a bit more  
12 than 5 foot as a rear yard, and I'll get to that.

13                   As part of your proposal, we got a nice  
14 mix in units, all relatively large size. We've got  
15 two three-bedroom units, one at 2,010 square feet,  
16 one at 2,730 square feet; two two-bedroom units, one  
17 of 1,425 square feet and one at 1,440 square feet;  
18 and two four-bedroom units, one at 2,730 square feet  
19 and one at 2,950 square feet.

20                   What we have done here is we have  
21 designed a building that's got, although all large  
22 and, to use the term again, family-friendly, there's  
23 a bit of a mix within that realm.

24                   We have also not proposed the maximum  
25 allotted density, so we're asking for a fifth floor

1 but we're also asking for less units than permitted.

2 So I'll go to Sheet Z-2, because I think  
3 this building's existing shape needs a bit of help in  
4 terms of describing.

5 So the existing building, at the first  
6 floor, is this --

7 CHAIRMAN AIBEL: Mr. Minervini.

8 Mr. Marsden, do you have a question.

9 MR. MARSDEN: What's the most recent  
10 revised date on your plans?

11 THE WITNESS: I've got October 10th,  
12 2013.

13 MR. MARSDEN: I thought there might have  
14 been a newer set but --

15 THE WITNESS: No.

16 MR. MARSDEN: Thank you very much.

17 Sorry to interrupt.

18 THE WITNESS: So the first floor covers  
19 94 percent of the lot. It's got a bit less than a 5  
20 foot rear yard, a small side yard and this strange  
21 little light wall that's on the second floor.

22 The second and third floors are this.

23 So this becomes a roof section, this becomes three  
24 stories. What we're proposing, and this drawing

25 helps, is a 60-foot addition on the fourth and fifth

1 floors. The fourth floor, it's permitted. We're  
2 asking for a variance for the fifth floor.

3           So if you look at this drawing, Drawing  
4 #2, our proposed site plan, this section of the  
5 building is five stories, this section of the  
6 building is three stories, and this section is two.

7           So, in essence, we're keeping the bulk  
8 of the building as it was save for this 60-foot  
9 addition on the two floors. We're not changing  
10 anything in the rear.

11           Back to the context, there's something  
12 that just occurred to me.

13           I did mention the height of the adjacent  
14 buildings and I handed out that elevation, but it's  
15 also important to note that the building -- two  
16 buildings directly behind us, one has a 50 foot rear  
17 yard, and the reason I bring that up is so that the  
18 board understands that between our 40 foot setback  
19 and that 50 feet, there's 90 feet between the  
20 adjacent building to our west along Monroe Street and  
21 the back of our addition. To the south of that  
22 property, right here approximately, is an industrial  
23 building, the old Mar-Oil. It's mostly parking lot  
24 with a small one-story structure.

25           Again the obvious reason, as I see it,

1 I'm telling you this, is because the impact of this,  
2 we have really thought it out and it's negligible in  
3 the adjacent buildings. What is incorrect -- on  
4 Sheet Z-2, as you look at it, this four-story frame  
5 is, in reality, built to 60 feet to here  
6 (indicating.)

7 The survey is incorrect and I know this  
8 because my firm designed and built this building. So  
9 the adjacent building directly to our north is 60  
10 feet in depth with a 10 foot rear yard. So the  
11 adjacent structure of the adjacent building goes back  
12 a full 70 feet, not as far as we are proposing.  
13 We're proposing that at 60 feet, but the deck goes  
14 further back.

15 I can pass this around if anyone wants  
16 to look at it more closely.

17 So, that's Sheet Z-2. I'll skip to Z-3.  
18 Z-3 is our ground floor plan.

19 The existing building is about a foot  
20 and a half -- the existing first floor, pardon me, is  
21 about a foot and a half to 2 feet below grade level.  
22 As it exists, this entire floor level is beneath the  
23 level of the sidewalk. We're proposing to raise that  
24 up, there's still enough ceiling height so that we  
25 can accommodate it given where the second floor is,

1 and construct a parking garage, as well as lobby, of  
2 nine parking spaces.

3           So the vehicular entry will be here,  
4 which is on the north side of the facade, residential  
5 entry is here on the south side of the facade, and  
6 you've got one, two, three, four, five, six, seven,  
7 eight, nine parking spaces, ample room for bicycle  
8 storage, as well as a few car-charging stations. The  
9 strange diagram is showing the schematic location for  
10 a water detention system.

11           Back wall of the building stays as it  
12 was; same dimensions; none of that changes. Again,  
13 the existing building here, actually goes to this  
14 point (indicating.)

15           So that's the garage. I've got it, as  
16 well, on Sheet Z-5.

17           The second floor plan, two apartments,  
18 you'll see an interesting little towards the back for  
19 the rear apartments. Apartment #1, the front is a  
20 two-bedroom of 1,440 square feet. The rear is a  
21 three-bedroom, plus den, of 2,730 square feet. What  
22 we have done here, the addition above is, at that  
23 point, we have carved out an area, in essence, a  
24 light wall, to provide light and some ventilation to  
25 these internal spaces. Two apartments on the second

1 floor.

2                   We get to the third floor. This is the  
3 perimeter of the existing building, this section. So  
4 the existing roof we're proposing to be a garden and  
5 outdoor space for this Unit 302, which is 2,010  
6 square feet. The front apartment is a two-bedroom,  
7 two-bath, of 1,425 square feet.

8                   Fourth floor, this is new construction  
9 now. So this section of the fourth floor is new  
10 construction, I should point out, as well as this  
11 section on this third floor.

12                   Fourth floor, 60 feet in depth, conforms  
13 to the requirement. We're at zero lot line, which  
14 matches the front facade of the existing structure,  
15 as well as an outdoor space for this Unit 401. This  
16 unit is large, four bedrooms, big bath, at 2,730  
17 square feet.

18                   I mentioned this at the last meeting of  
19 a similar building, not exactly the same, but we  
20 mainly attempted here to provide large apartments but  
21 with those large apartments, the need for outdoor  
22 space. We tried to take advantage of any roof area,  
23 that would have gone to waste otherwise, to provide  
24 outdoor space to the apartments. That's down here on  
25 the third floor and the fourth floor.

1                   These are mislabeled, this is actually  
2                   the fifth floor and that's the roof plan. So keep  
3                   that in mind.

4                   So, the fifth floor, new construction as  
5                   well, at 50 feet by 60. It matches the adjacent  
6                   building. And at this part, it's 2,950 square feet.  
7                   Fifth floor roof, we're proposing outdoor space as  
8                   well as some solar panels.

9                   The building is going to be, if approved  
10                  as designed, LEED Platinum. Mr. Chartier, our LEED  
11                  consultant, will describe exactly how we'll get to  
12                  that, how we can achieve that.

13                  So again on the roof, you've got an  
14                  elevator which takes you to this private space.  
15                  Prior to this meeting starting, I spoke to Mr.  
16                  Chartier and after many discussions with this board  
17                  and learning that this bulk of the elevator has  
18                  become an issue, it will be removed from this plan.

19                  So, although the stair requirement is  
20                  still there, for the fire department, we're proposing  
21                  to amend our drawing and remove this elevator. I'll  
22                  describe what impact that has on the elevation.

23                  So here, Sheet Z-8, are the front and  
24                  rear elevations. To remind the board, this is what  
25                  the building looks like currently, it's a majority of

1 brick. The dominant feature on this facade is this  
2 large chimney.

3 We're proposing to rebuild the majority  
4 of the brick, because the new windows will eat up  
5 most of what's there, but we are going to save this  
6 chimney and this section of it.

7 So as architecturally speaking, the most  
8 dominant feature that the building had prior, we're  
9 going to keep, so there's still some relation to the  
10 past.

11 In terms of the addition, this area is  
12 what the addition is. That's all the addition  
13 (indicating.) Actually there's two -- actually, this  
14 board has seen, as I've designed many times, a way of  
15 making an existing building seem more prominent is to  
16 design the addition with a "modern flare," let's call  
17 it. So that's exactly what we have done.

18 We have introduced an addition that is  
19 mostly that ceiling glass on this swath that is  
20 currently just frame, this section, and vinyl siding,  
21 acts as a buffer to the adjacent five-story  
22 buildings, also keeps a clear line in definition of  
23 where the existing building was. The top portion is  
24 a metal panel and mostly glass as well, with some  
25 solar screens. All these vertical lines are solar

1 screens and shades. Within this area here, I  
2 introduced new windows in a more modern fashion. The  
3 rear fashion would be reconstructed as need be. It  
4 will look like this, simple windows, at the existing  
5 structure, same treatment to the rear facade, modern  
6 materials to distinguish very clearly between the new  
7 and the old.

8 We're not asking for any facade  
9 variances. We meet the glazing requirement and we  
10 meet the masonry requirement on the front.

11 Back to what I mentioned before about  
12 the elevator we're moving. This section at the top  
13 of the roof, although set back, the outline is of the  
14 stair penetration and elevator.

15 This will no longer be there. So by  
16 removing that elevator access to the roof terrace,  
17 roof deck, this section isn't here. Again I think  
18 reducing the impact.

19 They don't have this.

20 MR. MATULE: Mark that A-3 and describe  
21 what it is for the record.

22 (Whereupon, Exhibit A-3 received and  
23 marked into evidence.)

24 THE WITNESS: This is a  
25 computer-generated rendering of what we think this

1 facade will look like in color, of course. Happy to  
2 pass it around, but as I described, it's the existing  
3 brick, we'll save as much as we can, the chimney will  
4 be saved, the glass, the buffer to the adjacent  
5 five-story building, and then the top section will be  
6 glass, as well, with the solar screens. Pass it  
7 around.

8                   What we have done, we have taken an old  
9 industrial building, repurposed it for residential  
10 use. We have kept as much as the existing structure  
11 as we can, we're going to restore the facade and  
12 retain the most prominent feature, in terms of  
13 architectural character, that it's got. We're  
14 proposing to construct six, very-large-size  
15 apartments, which is something that the city needs.  
16 This board has pushed and made that recommendation  
17 many times, as well as the master plan.

18                   So, I think the design, in the sense of  
19 relative to adjacent properties, it meets the  
20 requirement of family-friendly, although it's a very  
21 loose requirement. We've got parking onsite, we've  
22 got outdoor spaces and we've got elevator access to  
23 all the units.

24                   The building will have a water detention  
25 system so the new structure will limit the amount of

1 water runoff going to the sewer relative to what's  
2 there. The building will be, if approved will have a  
3 LEED Platinum certification, which is the top  
4 certification. Mr. Chartier will go through how we  
5 plan to meet that. And similar to the project that I  
6 mistakenly referred to when I called this Jefferson  
7 Street, we're also proposing, on this property, the  
8 flood barrier system at the front of the building.

9 Sheet Z-5 has a brief description what  
10 it is. In essence, it's a series of columns that  
11 will be put in place, set in place prior to a flood,  
12 and panels will be dropped in by -- as we discussed,  
13 by most likely the management company. But this is  
14 dry flood-proofing at its best. No water will get in  
15 once this is constructed.

16 The building will be fully sprinklered,  
17 meet all the ADA requirements. We're proposing to  
18 redo the sidewalk and curbing, as well as two new  
19 street trees.

20 I think that's it.

21 MR. MATULE: Frank, just a question for  
22 clarification. Those flood panels are 6 feet high?

23 THE WITNESS: Yes, the elevation  
24 drawings show where the flood level is -- it's about  
25 6 feet high.

1                   MR. MATULE: And that's to bring it up  
2 to the elevation 13?

3                   THE WITNESS: Yes. The floor structure  
4 would have to be at 13 but it will be 12 feet.

5                   MR. MATULE: I have no further  
6 questions.

7                   CHAIRMAN AIBEL: You're finished with  
8 your principal testimony?

9                   THE WITNESS: I am finished.

10                  COMMISSIONER FISHER: About those flood  
11 panels, I can't remember on the last building but  
12 what is it -- especially this building because it's  
13 flush with the buildings on either side. What does  
14 it look like in the ground before you put the  
15 columns? Like, what does the sidewalk look like to  
16 be able to take the columns?

17                  THE WITNESS: Recessed plate within the  
18 sidewalk, it will be colored the same as the sidewalk  
19 that then the column will drop in.

20                  COMMISSIONER FISHER: The panels just  
21 slide in?

22                  THE WITNESS: Exactly.

23                  COMMISSIONER FISHER: When you put them  
24 in, what does it look like in front of the buildings,  
25 is it squared off or flat to the building?

1                   THE WITNESS:  It's flat, with the  
2                   exception of the thickness of the column.  So there's  
3                   a small return around the site just to accommodate  
4                   the column.  This is something new for all of us and  
5                   I haven't used it yet, but based on our research and  
6                   what we've learned, this is the most effective way to  
7                   stop water from entering the building during the  
8                   flood.  It's been used in other parts of the country,  
9                   in Florida mostly.

10                  COMMISSIONER FISHER:  Is it on the ends,  
11                  is it modular enough that when the building next to  
12                  it gets rebuilt, or whatever, they can put it in and  
13                  just connect to it?

14                  THE WITNESS:  No, they won't be able to  
15                  connect to ours, no.

16                  MR. GALVIN:  You're going to have to  
17                  obtain the city's permission.

18                  THE WITNESS:  Probably would.  I hadn't  
19                  thought of that, but, yes, that makes perfect sense.

20                  COMMISSIONER FISHER:  For the sidewalk,  
21                  like putting stuff in the ground.

22                  THE WITNESS:  I don't expect that would  
23                  be a problem though.

24                  COMMISSIONER MURPHY:  Where is the  
25                  entrance to the garage?

1 THE WITNESS: The entrance to the  
2 garage, looking at the front facade, is on the  
3 northern section right here (indicating,) to the  
4 right.

5 COMMISSIONER MURPHY: I see.

6 THE WITNESS: Which is approximately  
7 where it is now if you look at the photographs.

8 CHAIRMAN AIBEL: Mr. Greene.

9 COMMISSIONER GREENE: I take it that the  
10 chimney is a nonworking chimney?

11 THE WITNESS: Correct.

12 COMMISSIONER GREENE: It's going to just  
13 be an architectural feature?

14 THE WITNESS: Correct.

15 COMMISSIONER GREENE: Now, can you  
16 describe the architectural styles of the buildings  
17 that are adjacent to this one?

18 THE WITNESS: Yes, I can.

19 COMMISSIONER GREENE: I think you  
20 testified that you designed one of them.

21 THE WITNESS: I designed the one to --  
22 yeah, I'm trying -- the one to the right is a --  
23 something you would expect from my firm to have  
24 designed, it's a modern building. One to the left is  
25 probably about eight years old, it's got a mixture of

1 some contemporary features as well as some more  
2 traditional but I think overall I would call it more  
3 contemporary.

4 COMMISSIONER GREENE: Now, the building  
5 to the right, as I'm looking at it, it's this  
6 building.

7 THE WITNESS: I know that building very  
8 well. We did directly to the right, directly to the  
9 north.

10 COMMISSIONER GREENE: It's a very narrow  
11 building.

12 THE WITNESS: It's 25 feet. It's  
13 combined.

14 COMMISSIONER FISHER: It's combined.

15 COMMISSIONER GREENE: And the rest of  
16 the block?

17 THE WITNESS: It's a mixture of designs,  
18 Madison Street on this part wasn't -- traditionally  
19 Hoboken, we have all come to learn, certain sections  
20 of Hoboken, all the buildings are brick. The further  
21 west you went, more commonly the corner buildings  
22 were brick. Then the infill was wood. The intent  
23 was that the corner buildings would hold everything  
24 else from moving side to side. And because of  
25 that -- that really was the engineering thought.

1 Sometimes successful. As you got further to the  
2 west, that was more likely. This street is really a  
3 hodgepodge, I used that word before. As you go  
4 further to the south, there's two other smaller, new  
5 buildings that don't look like something Hoboken,  
6 Hoboken was perhaps in the 1920s.

7 So I think again, similar to the last  
8 project that I described, at 401 Jefferson Street,  
9 it's a perfectly appropriate location for something  
10 more contemporary and we were still sensitive to what  
11 was there prior.

12 COMMISSIONER GREENE: Thank you.

13 CHAIRMAN AIBEL: While you're describing  
14 the streetscape, how would you describe, I guess, the  
15 east side of Madison?

16 THE WITNESS: East side of Madison,  
17 directly across the street is two five-story  
18 buildings that are brick. Might be stucco now but I  
19 think it's covering brick.

20 Let me get it exactly.

21 And then there's another stucco building  
22 to our north of it, parking lot, a building, another  
23 parking lot, but you've got one, two, three buildings  
24 that are probably 100 years old directly across from  
25 us. To the right of that, which is this, is a

1 building that was built in the last 10 years, that's  
2 50 feet in width. These two, I'm not very sure of.  
3 Buildings get smaller here, parking lot here, this is  
4 a stucco building, another parking lot there. This  
5 section of Madison Street has yet to be developed in  
6 a modern way. I don't mean modern in terms of  
7 architecture, I mean modern in terms of construction.

8 CHAIRMAN AIBEL: Any other board  
9 members?

10 COMMISSIONER COHEN: Mr. Minervini, the  
11 height from the chimney that exists at the top of the  
12 roof, what is the additional height? Because we had  
13 that existing height and I'm wondering --

14 THE WITNESS: This? I didn't mention  
15 it, but I've got a total of 52 feet overall height of  
16 the building and that's about 4 feet below that.  
17 It's about 48.

18 COMMISSIONER COHEN: And also, looking  
19 at this site picture, that you did, the building, I  
20 guess to the south of yours, is also a five-story  
21 structure?

22 THE WITNESS: Correct.

23 COMMISSIONER COHEN: It appears to be  
24 slightly higher than your structure.

25 THE WITNESS: Including the parapet.

1                   COMMISSIONER COHEN: Including the  
2 parapet?

3                   THE WITNESS: Yes. We're not proposing  
4 the parapet.

5                   COMMISSIONER COHEN: It's built to the  
6 same height as the building to the north but it  
7 doesn't include a parapet which makes that appear  
8 higher from the street.

9                   THE WITNESS: Correct.

10                  COMMISSIONER COHEN: Thanks.

11                  COMMISSIONER DeFUSCO: Frank, question  
12 for you: Talking about the entire block as a whole,  
13 this is probably more a planner's question but I'm  
14 going to ask you, also architectural. 94 percent lot  
15 coverage?

16                  THE WITNESS: Yes.

17                  COMMISSIONER DeFUSCO: What else is that  
18 large on the block? You mentioned another factory  
19 space.

20                  THE WITNESS: No, on this side of the  
21 street, I don't think there's any other -- if we  
22 start from First Street, there's a building that is  
23 facing First Street, has the garage, three-car  
24 garage, that's probably about 40 feet in depth, then  
25 there's a new four-story building, two smaller three

1 stories, four-and-a-half-story, then the five stories  
2 next to us --

3 COMMISSIONER DeFUSCO: But none of them  
4 are nearly close to 100 percent lot coverage.

5 THE WITNESS: No. That is an existing  
6 condition we're not proposing to change. What we're  
7 adding is, of course, conforming.

8 COMMISSIONER DeFUSCO: Correct. I mean,  
9 architecturally speaking, what are we gaining by  
10 practically using up the entire lot, which is  
11 strategically located in the middle of the block,  
12 thus impeding onto the doughnut?

13 THE WITNESS: Well, I don't think it's a  
14 fair way to look at it, that we're impeding on the  
15 doughnut. Doughnut is not there at that location.  
16 What we're doing is repurposing an existing  
17 structure.

18 COMMISSIONER DeFUSCO: Because the  
19 building is currently --

20 THE WITNESS: Correct, the existing  
21 building will still be there.

22 COMMISSIONER DeFUSCO: Unless you want  
23 to build on top of it.

24 THE WITNESS: Yes.

25 COMMISSIONER DeFUSCO: So

1 architecturally -- this is a better question: How  
2 much of the original facade do you actually think  
3 you're going to be able to save or is it structurally  
4 sound or are you going to --

5 THE WITNESS: The front facade, we won't  
6 be saving as much as the other three walls. The  
7 three walls, the north, south, and western walls,  
8 will be saved. The front facade isn't in great  
9 condition but the reality of puncturing new openings  
10 means what's left is not so structurally sound.  
11 We'll be using the same brick and reframing for those  
12 windows.

13 COMMISSIONER DeFUSCO: So the rear walls  
14 which would be the -- correct me if I'm wrong, the  
15 west-facing walls --

16 THE WITNESS: Yes.

17 COMMISSIONER DeFUSCO: -- those are going  
18 to be dismantled and then recreated using the same  
19 brick?

20 THE WITNESS: No, these walls are --

21 COMMISSIONER DeFUSCO: Are structurally  
22 sound?

23 THE WITNESS: Yeah. We're not proposing  
24 to structure such large new openings.

25 COMMISSIONER DeFUSCO: Great. Thank

1 you, Frank.

2 CHAIRMAN AIBEL: Just focusing on the  
3 diagram you're looking at.

4 THE WITNESS: The rear facade.

5 CHAIRMAN AIBEL: The rear facade, the  
6 smaller-story building is a frame?

7 THE WITNESS: This (indicating)?

8 CHAIRMAN AIBEL: Yes.

9 THE WITNESS: It's brick as well.

10 CHAIRMAN AIBEL: It shows an existing --

11 THE WITNESS: Frame means the way it's  
12 built, not the veneer of the real facade.

13 CHAIRMAN AIBEL: But the three-story is  
14 a stone, full stone masonry?

15 THE WITNESS: Correct, the three-story  
16 building is masonry with timber structure.

17 CHAIRMAN AIBEL: I guess pointing out,  
18 the five-story to the south also has a one-story  
19 extension that you say is taking up --

20 THE WITNESS: I should have mentioned  
21 that. The five-story to the south also has -- it  
22 covers 100 percent of the lot and that's all garage.

23 COMMISSIONER BRANCIFORTE: It's only one  
24 story?

25 THE WITNESS: Correct.

1                   CHAIRMAN AIBEL: Let me ask you to go to  
2 the extension on the top in the front facade. I'm  
3 having a little trouble visualizing the sun panels.  
4 Are you showing them closed right now; are they  
5 vertical slots?

6                   THE WITNESS: I didn't hear, I'm sorry.  
7 You're visualizing -- the solar panels?

8                   CHAIRMAN AIBEL: Are they sun --

9                   THE WITNESS: They are just vertical --

10                  CHAIRMAN AIBEL: Are they blinds?

11                  THE WITNESS: They are built to the  
12 exterior of the building. Really, it's an  
13 architectural feature that limits the amount of sun  
14 that comes in. It is honestly more for architectural  
15 purposes than solar shading but it does also work for  
16 that. But behind it is the same glass system that we  
17 see everywhere else, these are really an application  
18 to the facade.

19                  CHAIRMAN AIBEL: At night, for example,  
20 I would see the frame of windows?

21                  THE WITNESS: At night you'll see the  
22 windows behind it. They are small enough, that light  
23 can still filter around and be very -- you wouldn't  
24 really see them much. I don't think seeing them much  
25 is a bad thing.

1                   CHAIRMAN AIBEL: I'm just having trouble  
2 with the visualization.

3                   THE WITNESS: The rendering maybe does a  
4 better job describing it than my drawings.

5                   COMMISSIONER GREENE: They are fixed,  
6 right?

7                   THE WITNESS: They are fixed.

8                   COMMISSIONER GREENE: They are not  
9 louvers?

10                  THE WITNESS: No.

11                  COMMISSIONER GREENE: They don't open  
12 and close?

13                  THE WITNESS: They are not louvers that  
14 will follow the sun's angle.

15                  The rendering does a better job, it's  
16 much less, in terms of the facade, intrusive than it  
17 looks in 2D.

18                  CHAIRMAN AIBEL: You're raising what  
19 looks like a sort of a mass sitting on top of the  
20 more light and airy brick.

21                  THE WITNESS: I think it's the opposite,  
22 I think that what's atop is light, because it's  
23 almost entirely glass. I'd like to continue to  
24 explain that you have the reason for the glass.  
25 Because, generally speaking, glass, as you mentioned,

1 is lighter. Below, the predominant sections of the  
2 existing facades which are brick.

3 COMMISSIONER FISHER: The impression is  
4 it's a solid-gray, heavy-metal top, I agree.

5 THE WITNESS: We could have actually  
6 done that in a color that -- in at least in terms of  
7 sign light, would have made it look less heavy, but  
8 the reality is it's not heavy, it's glass.

9 MS. BANYRA: Mr. Chair, can I ask a  
10 couple questions?

11 I had just a couple of point of  
12 qualifications, Frank. You used two things that I  
13 want to clarify for the board.

14 One, you said, I think you said when you  
15 started out your presentation, that when you were  
16 doing your upper floors, they were as of right.

17 THE WITNESS: No, that's not what I  
18 said.

19 MS. BANYRA: That's number one. The  
20 second one, you said it was permitted. So, can you  
21 just go back on that?

22 THE WITNESS: I mentioned that we're  
23 adding two floors, the fourth and fifth floors.  
24 Fourth floor is permitted to be 60 feet. What is not  
25 permitted on the fourth floor is that we're at zero

1 lot line, the requirement is to have that front  
2 facade 5 foot set back and the fifth floor is what  
3 we're here for the variance for.

4 MS. BANYRA: Then I'm going to explain  
5 it, then, a little differently.

6 So, when you have a nonconforming, a  
7 preexisting nonconforming structure, anything that  
8 happens on that has to come before the board. So  
9 there will be nothing as of right on a nonconforming  
10 structure.

11 I just want to make sure if everybody  
12 understands that. I guess I misunderstood Frank.  
13 You may not have said that but that's what I guess I  
14 interpreted that. When you have something that is  
15 100 percent lot coverage, anything that is done with  
16 that building has to come in before the board.

17 THE WITNESS: I certainly didn't mean  
18 that we can build whatever we want here.

19 COMMISSIONER FISHER: When you were  
20 saying that you can do the fourth floor, it's because  
21 generally, if it was not nonconforming, you'd be able  
22 to have four floors?

23 THE WITNESS: Yes.

24 MS. BANYRA: Sixty percent lot coverage  
25 and he's matching that.

1                   COMMISSIONER FISHER: You're setting on  
2 something that is nonconforming.

3                   THE WITNESS: The existing structure,  
4 obviously. It's been there for how long.

5                   MS. BANYRA: For the new board members,  
6 I identified this before, when you're looking at the  
7 elevation and you see four stories, four stories,  
8 three, five stories, four and a half. I did identify  
9 this for the board at different points, but the  
10 ordinance changed in 1998, where the building heights  
11 in town went from six stories to five stories. In  
12 '99, they went from five stories to four stories in  
13 different parts of town. Then, in 2002, they went  
14 from four stories to three stories.

15                   So, when you see sometimes like a  
16 pattern of development that is four and a half  
17 stories, you go, well, is it new, is it old,  
18 whatever. Often it's old, but 'cause the ordinance  
19 was changed it was coming down.

20                   So I just wanted to, as a point of  
21 clarification. I think whether it fits contextually  
22 is something else, but I just wanted to let you know  
23 how that works in terms of the ordinance.

24                   THE WITNESS: If I can add to that,  
25 that's on a 25-foot lot. On a 50-foot lot, 40 feet

1 is what's permitted.

2 I should also mention that the two  
3 adjacent buildings, 2004, this four-story was built;  
4 2003, this five-story was built.

5 MS. BANYRA: Via zoning board approval?

6 THE WITNESS: I don't know.

7 MS. BANYRA: I'm going to suggest that  
8 that --

9 THE WITNESS: Probably zoning board,  
10 probably.

11 CHAIRMAN AIBEL: The front of the  
12 building, are there any balconies?

13 THE WITNESS: No.

14 CHAIRMAN AIBEL: Is Mr. Kolling going to  
15 talk about the impacts of the decks in the rear?

16 MR. MATULE: I would think so.

17 MR. GALVIN: Now he is.

18 THE WITNESS: I'm relieved?

19 MS. BANYRA: I have a couple more  
20 questions. Frank, I don't know if you addressed  
21 either my report or Jeff's report. I guess you  
22 indicated the elevator is now going away; correct?

23 THE WITNESS: It is no longer going to  
24 stop at the roof.

25 MS. BANYRA: So it's going to stop on

1 the --

2 THE WITNESS: Fifth floor.

3 MS. BANYRA: -- fifth floor. Then, will  
4 there be --

5 THE WITNESS: There's a 5 foot overrun  
6 to the roof.

7 MS. BANYRA: Right. Will there be a  
8 structure up there? On one of your plans it shows a  
9 structure too.

10 THE WITNESS: Yes, there's a --

11 MS. BANYRA: Private roof lobby?

12 THE WITNESS: No. Now, there will only  
13 be the fire stair going to the roof, nothing else, by  
14 removing that elevator.

15 MS. BANYRA: I see. So on the fifth  
16 floor where the elevator comes up -- the elevator is  
17 going to come up to the fifth floor and then -- okay,  
18 it's in here, I'm sorry. Okay.

19 THE WITNESS: Yeah, exactly.

20 MS. BANYRA: Your garage door, would you  
21 plan on adding fenestration to your garage door?  
22 It's something I called out.

23 THE WITNESS: We certainly could. I  
24 don't know if it's architecturally necessary  
25 considering the amount of penetration we're providing

1 already. If it's something that the board wanted to  
2 do, we could do that.

3 MS. BANYRA: I think it's a requirement  
4 of the ordinance.

5 THE WITNESS: I'm sure it is.

6 MS. BANYRA: Whether you're going to be  
7 asking for a variance or whether you're  
8 providing --

9 THE WITNESS: We'll propose  
10 a fenestration into the garage door.

11 MS. BANYRA: The walkway, I guess it was  
12 unclear to me, the roof deck and whether or not  
13 there's a walkway around and if it's for maintenance  
14 purpose and I guess we don't have any detailing on  
15 the solar array in terms of the height or how the  
16 solar array is attached to the roof structure and  
17 those are plan details that would have to be --

18 THE WITNESS: Tom Chartier can describe  
19 that in more detail.

20 But to answer your first question, we  
21 have recessed the roof space, roof decks, off of the  
22 two side property lines as well as the front. The  
23 area that's left over is access walkway just for  
24 maintenance.

25 MS. BANYRA: So the line just inside

1 that walkway is vegetation?

2 THE WITNESS: That's vegetation. So  
3 this area here is vegetation, for screening purposes.

4 MS. BANYRA: And the rest is decking?

5 THE WITNESS: Yeah. The details are  
6 here.

7 COMMISSIONER GREENE: Is there going to  
8 be water sewers on the roof?

9 THE WITNESS: Yes, this will all be  
10 irrigated.

11 COMMISSIONER GREENE: It's a lot of  
12 shrubbery.

13 THE WITNESS: It's a lot of shrubbery.  
14 This board, in the past, has wanted a lot of  
15 screening, so that's what we have done.

16 MS. BANYRA: I was going to say it's a  
17 big deck.

18 COMMISSIONER GREENE: I think there's 70  
19 plants shown.

20 CHAIRMAN AIBEL: Mr. Minervini, I  
21 understand you're going to remove the elevator  
22 bulkhead, but what of the stair bulkheads will we see  
23 from both the street and from the rear of the  
24 building?

25 THE WITNESS: Looking at the front

1 facade, what we'll see, and remember, it's set back  
2 almost to the middle of the building, is this  
3 section. This will no longer be constructed. So  
4 this is what you will see and that is a function of  
5 the fire code.

6 MR. MATULE: Just for the record, Frank,  
7 are you going to have any pop-up, at all, for the  
8 elevator overrun on the fifth floor?

9 THE WITNESS: Yeah, the elevator is  
10 about 4 feet. I'll show you exactly where it is.

11 Yes. So I exaggerated a bit with this,  
12 that should be smaller. Then we'll have this.

13 I'll do this again so it's more  
14 readable. So this box will be the elevator, this is  
15 the stair (indicating.)

16 MS. BANYRA: Do you have a sideline or  
17 how far back is that from the --

18 THE WITNESS: It is -- I'm certain I can  
19 draw it if the board requests.

20 MS. BANYRA: You shouldn't be able to  
21 see it, correct.

22 COMMISSIONER FISHER: I'm sure you'll  
23 see it.

24 THE WITNESS: It's about 25 feet back  
25 off the front of the building.

1 CHAIRMAN AIBEL: At 15 from the rear?

2 THE WITNESS: Yeah, approximately. A  
3 little bit more. About 15.

4 CHAIRMAN AIBEL: Anyone else have  
5 anything for Mr. Minervini?

6 COMMISSIONER MURPHY: Are they planters  
7 on the side of the building?

8 THE WITNESS: On the lower section or  
9 the upper section?

10 COMMISSIONER MURPHY: I think it's on  
11 the lower section.

12 THE WITNESS: Yeah, I'm sorry. You're  
13 talking about at grade level? Yes, if you look at  
14 Sheet Z-4 --

15 COMMISSIONER McANUFF: It's on the  
16 elevations.

17 THE WITNESS: This section?

18 COMMISSIONER MURPHY: Higher.

19 THE WITNESS: It's just an architectural  
20 graphic, there's no planting there. Often, that's a  
21 way of showing a slight setback and change of  
22 materials. I will testify that there are no plants  
23 at that point.

24 COMMISSIONER GREENE: I think they  
25 appear on your rendering.

1                   THE WITNESS: On the rendering as well.  
2                   We've got our projections, at 8 inches or so, that  
3                   could be planted. It's a way of softening up an  
4                   elevation. I'm guessing the board doesn't like it  
5                   and we can happily remove it.

6                   MS. BANYRA: So, Frank, your plan, they  
7                   are sedum box, planter box, right?

8                   THE WITNESS: Yeah. They are no longer  
9                   part of the proposal. I understand. I'm not doing  
10                  that in response to you necessarily. Sometimes we  
11                  architects take things a bit too far and I think I've  
12                  identified that on the spot. There will still be  
13                  greenery and planting at the sidewalk level, that's  
14                  not proposing to change. We're not proposing that to  
15                  change.

16                  COMMISSIONER GRANA: Was the original  
17                  purpose of the elevator to grant common access to the  
18                  roof?

19                  THE WITNESS: No, no. And I think we  
20                  clearly labeled that as private deck. Private rear  
21                  deck, yes.

22                  COMMISSIONER GRANA: So the current  
23                  plan, I'm trying to -- there will be a private roof  
24                  deck?

25                  THE WITNESS: Yes, for the unit below.

1 COMMISSIONER GRANA: For the unit below?

2 THE WITNESS: Correct.

3 COMMISSIONER GRANA: On the roof?

4 THE WITNESS: Correct, that's what we're  
5 proposing.

6 COMMISSIONER McANUFF: Why is the  
7 elevator being eliminated?

8 THE WITNESS: It's not a requirement for  
9 private deck and, post this being submitted, I've had  
10 many discussions with this board and that additional  
11 height that the bulkhead adds has been a concern.

12 COMMISSIONER BRANCIFORTE: Do you really  
13 need a roof deck that big on the fifth floor? You  
14 can't scale it back?

15 THE WITNESS: This is part of the  
16 proposal. It's perfectly proportioned to the size of  
17 the unit below.

18 COMMISSIONER BRANCIFORTE: I mean --

19 MS. BANYRA: When somebody said that is  
20 a deck, I said -- and Frank knows, I'll always ask  
21 for more landscaping than decking. To me, more  
22 landscaping is better and I'd rather see the whole  
23 roof covered to the extent possible. I understand,  
24 people want a deck, but, you know...

25 THE WITNESS: Your point there is

1 generally for the green aspect of the building. This  
2 building is going to be LEED Platinum, which is the  
3 highest level that can be achieved.

4 MS. BANYRA: So, green literally and  
5 figuratively. I like the literal, real plants, green  
6 as well as the green building.

7 MR. MARSDEN: I got a couple questions.  
8 Type of flood wall, have you looked at sample flood  
9 walls and how they install?

10 THE WITNESS: I've seen this installed,  
11 yes.

12 MR. MARSDEN: The question I have is,  
13 are they installed on old construction buildings and  
14 how do you construct it around the planting box in  
15 the front? Because you show the wall behind the  
16 planter box.

17 THE WITNESS: I haven't figured out that  
18 detail yet. Depending on the city council, of  
19 course, we could go around that section.

20 MR. MARSDEN: And the other question is,  
21 you're going to have 5 to 6 feet of water out there  
22 during the 100-year flood, if it occurs again, which  
23 I'm sure it will sometime; how is the existing sides  
24 of the building going to resist the water, because  
25 it's an existing structure? Typically it's very

1 pervious, the materials are very pervious.

2 THE WITNESS: You're saying the existing  
3 structure isn't going to be structurally enhanced  
4 where needed?

5 MR. MARSDEN: I think we need to add  
6 that note to the plan, that the walls will be  
7 structurally enhanced to resist the permeability of  
8 the water.

9 THE WITNESS: Yes. Certainly I'm happy  
10 to do that, but in order to get this building built,  
11 we have to get approval from the DEP and that's one  
12 of the requirements of the DEP anyway.

13 MR. MARSDEN: I know, but just for the  
14 record purpose.

15 THE WITNESS: Understood.

16 MR. MARSDEN: Also, the flood walls,  
17 they are pretty effective, from what I've researched,  
18 also leak. So you will, I assume, have a pump  
19 associated with -- typically they recommend putting a  
20 pump in to cycle the water out that does leak into  
21 the building.

22 THE WITNESS: Yes.

23 MR. MARSDEN: Okay. The reuse -- I  
24 guess your LEED guy is going to be proposing --  
25 explaining rainwater and stuff like that?

1 THE WITNESS: Yes.

2 MR. MARSDEN: I guess that's it for me  
3 right now.

4 Oh, and the fact that you did address  
5 the comments that I had in my letter, when responding  
6 in writing, and you don't have any other issues with  
7 any of the other items I brought up?

8 THE WITNESS: No.

9 CHAIRMAN AIBEL: We'll open it up to the  
10 public. Any questions for Mr. Minervini?

11 Seeing none.

12 COMMISSIONER GREENE: Motion to close  
13 the public.

14 COMMISSIONER COHEN: Second.

15 CHAIRMAN AIBEL: All in favor?

16 T O M C H A R T I E R, having been duly sworn,  
17 testifies as follows:

18 MR. MATULE: Mr. Chair, do we accept his  
19 credentials as an expert in LEED certification?

20 CHAIRMAN AIBEL: Yes, we do.

21 MR. MATULE: I want to state, for the  
22 record, again, that Mr. Chartier is one of the  
23 principals of the applicant also, just to make it  
24 clear.

25 Mr. Chartier, you prepared a

1 sustainability design strategy for the building that  
2 you're going to be referring to tonight?

3 THE WITNESS: Yes.

4 MR. MATULE: So I will mark that A-4,  
5 into evidence, but here's copies, if the board  
6 members could pass them around. There's 10 copies  
7 there. I'll hand these in to you at the end of the  
8 night, Madam Secretary.

9 MR. GALVIN: I usually say on these I  
10 need to know what you're actually going to do.  
11 Normally the LEED is kind of like you got choices.

12 There you go.

13 (Whereupon, Exhibit A-4 received and  
14 marked into evidence.)

15 MR. GALVIN: Do you have a copy of that?

16 THE WITNESS: This is sort of a summary  
17 of what's in the design strategy.

18 MR. GALVIN: Thank you, sir.

19 MR. MATULE: Why don't you discuss the  
20 sustainability design for the board and how you're  
21 going to achieve Platinum. I think, perhaps the  
22 earlier submission spoke about Gold but now that's  
23 been upgraded to Platinum. If you could take the  
24 board through that.

25 THE WITNESS: Sure. Handout that we

1 just gave you kind of goes through what I'm about to  
2 talk about in more detail and on the last page  
3 there's our LEED checklist. Checklist actually shows  
4 the points that we're going to be going for to  
5 achieve LEED Platinum certification, which is the  
6 highest level. I'm going to go over the bullet  
7 points that really address Hoboken's specific  
8 concerns with regard to environmental sustainability  
9 and resiliency, especially post-Hurricane Sandy.

10 So, in addition to achieving the  
11 Platinum certification, the intent is to provide some  
12 sort of onsite power generation year-round that would  
13 also act as an emergency backup system and also  
14 provide sort of over a zillion means of  
15 transportation, work hand in hand with the power  
16 generation.

17 Right now we show on the plans, rooftop  
18 solar array, but we're also exploring installation of  
19 a cogeneration plant which is a gas-fired, diesel  
20 generator, it acts just like a traditional generator  
21 but it runs year-round and we capture the waste from  
22 it and we use it to heat the building and provide  
23 domestic hot water and it provides a minimum of 50  
24 percent of all the electricity that the building is  
25 going to consume annually, and then, of course,

1 during Hurricane Sandy-like events, it's going to  
2 act as a source of power not just for the building,  
3 but because I live about two blocks away, I've been  
4 there for about nine years and I suffered through two  
5 of these big flood events and lost power and the idea  
6 is to provide a means of power source for kind of the  
7 whole neighborhood, charge cell phones, it will run  
8 refrigerators. Essentially it will run the entire  
9 building, but for the neighborhood they could come  
10 and sort of be a community center. We'll have an  
11 electric vehicle charging station in the garage, with  
12 the intent that our residents will own electric  
13 vehicles. My partner is finishing up a project at  
14 10th and Jefferson, Tribeca West, and some of his  
15 purchasers are actually using electric vehicles.  
16 We're starting to see that there's actually the  
17 demand now for electric vehicles and we're going to  
18 provide charging stations for them.

19 Building is also going to provide  
20 bicycle storage for all of the residents. Every --  
21 the main roof and also the roof setbacks are all  
22 going to be what we kind of generally call "green  
23 roofs." It's going to have an Energy Star-rated,  
24 white, TPO-reflective roof and then, of course, a  
25 vegetated roof. To get LEED Platinum certification

1 requires that a minimum 50 percent of the roof area  
2 has to be vegetated. So that's what we're showing on  
3 the plans now.

4 We're intending to reduce water  
5 consumption in the entire building by a minimum 40  
6 percent and in addition to putting in a storm  
7 detention system, which North Hudson Sewerage  
8 Authority requires, we're putting in a stormwater  
9 retention system. So the idea is not only to hold  
10 back water during some of the worst storm events but  
11 during normal operation we're actually going to  
12 capture rainwater and use it to flush toilets. We're  
13 going to reduce water consumption by an additional 50  
14 percent used for flushing toilets.

15 The building is also designed using  
16 what's becoming a little more prevalent in Europe and  
17 in this country, called "Passive House Standards."  
18 Meaning that it's going to be a very airtight  
19 building, it's going to be super-insulated and we're  
20 using triple-pane windows and closed cell spray foam,  
21 eliminating thermal bridging. Again the idea is  
22 during -- not only reducing energy consumption by a  
23 minimum 40 percent, just from efficiency and  
24 conservation, but during an electrical blackout, loss  
25 of power, it's designed to maintain comfort for days

1 on end, during the winter, at 68 degrees, during the  
2 winter.

3 As far as material resources go, we're  
4 rehabilitating an existing dilapidated building, we  
5 wanted to restore the existing structure. During  
6 construction we're going to divert a minimum 75  
7 percent of all the construction waste from the  
8 landfill to be recycled offsite and we're going to be  
9 using a combination of low-embodied energy material,  
10 such as aluminum, and materials that contain recycled  
11 content.

12 The air quality in the building is  
13 designed to sort of been what we call 30 percent  
14 better than your code-compliant building. We'll use  
15 lower and nontoxic materials throughout the entire  
16 construction and each residence is equipped with a  
17 energy recovery ventilator. So it's constantly,  
18 24/7, bringing in a fresh supply of outside air and  
19 then it captures the energy from the exhausted air  
20 and it's sort of an energy-saving device.

21 And we're proposing three additional  
22 community benefits to the neighborhood. We're  
23 proposing to install street trees on both sides of  
24 the block, between First and Second, on Madison,  
25 wherever there's a gap in the tree cover canopy.

1 We're proposing to install an electric vehicle  
2 charging station, either at an existing Hertz corner  
3 location, or a new location if the city and Hertz  
4 sees that there's a need to provide a new location.  
5 And we're also proposing to install what we call a  
6 "rain garden" at most likely one of the intersections  
7 on the block. On page 3 of the handout, we give  
8 some -- an illustration and a schematic of what that  
9 would look like. The idea behind the rain garden is  
10 to capture rainwater runoff coming down the street.  
11 This is at the lower part of Hoboken, from an  
12 elevation point of view, so you get the rainwater  
13 coming down almost from Washington Street and this  
14 would actually intercept it, absorb a certain  
15 quantity of rainwater, filter it, because it's coming  
16 off the street carrying contaminants, and it's sort  
17 of helping to manage stormwater in the neighborhood.

18 MR. MATULE: And you're confident you  
19 can achieve a Platinum rating based on your check  
20 list there?

21 THE WITNESS: Yes, this would be our  
22 fourth LEED Platinum certified building.

23 MR. MATULE: Okay. Questions?

24 CHAIRMAN AIBEL: Board members? Mr.  
25 Greene.

1                   COMMISSIONER GREENE: Couple of  
2 questions for you. This is probably the least  
3 important. You said that you provide some sort of  
4 regional charging center in the event of a Sandy-type  
5 event. How would people get in with all the -- with  
6 the --

7                   COMMISSIONER FISHER: This is --

8                   COMMISSIONER GREENE: With the  
9 floodgates.

10                  THE WITNESS: The residents will stick  
11 around, obviously, they'll have power throughout,  
12 they'll have a backup power system. Idea really is  
13 after the water subsides -- I mean during Sandy it  
14 took about 36 to 48 hours, in this area, for the  
15 water to subside and then the whole neighborhood was  
16 without power, the cell phones, computers and all,  
17 the batteries had all died. We're designing our  
18 buildings to sort of act as that center, enabling  
19 center. They'd have to wait --

20                  COMMISSIONER GREENE: But more  
21 importantly, you talk about cogen. I didn't see any  
22 provision for it on the plans. So where would this  
23 be?

24                  THE WITNESS: It's most likely going to  
25 either go on the roof where we are currently showing

1 the solar array, sort of towards the rear of the  
2 building. Or we'll elevate it in the garage out of  
3 the floodplain. We'll probably hang it from the  
4 ceiling.

5 COMMISSIONER GREENE: From the ceiling  
6 of the garage?

7 THE WITNESS: Yes.

8 COMMISSIONER GREENE: And where would  
9 the exhaust be vented?

10 THE WITNESS: Wherever code lets us.  
11 Most likely we'll go up through the roof or we could  
12 go out the rear.

13 MR. MINERVINI: We'll go through the  
14 roof.

15 COMMISSIONER GREENE: You can't go  
16 through the chimney.

17 MR. MINERVINI: Correct. Towards the  
18 rear of the building, we would penetrate where the  
19 building isn't 50 feet, it's only 20 feet in this  
20 section, 30 feet that section, so one of those sites  
21 is where we would put it.

22 COMMISSIONER GREENE: I would suggest  
23 that if you're going to propose that, we should see  
24 it on the drawings.

25 THE WITNESS: It is something relatively

1 new to the application.

2 COMMISSIONER GREENE: You just found out  
3 about it?

4 THE WITNESS: No, I've worked on a few  
5 buildings in New York City, that are highrises, where  
6 we have put this type of system in, but they are  
7 250-unit buildings. We're just now getting to the  
8 point where they have products off the shelf that can  
9 serve buildings of this size and we've been designing  
10 them into other similar sized buildings. We just  
11 became confident that we could put it in this  
12 building.

13 COMMISSIONER GREENE: Would this also  
14 function as the backup generator for the emergency  
15 lighting and for the elevator?

16 THE WITNESS: Everything, everything.

17 COMMISSIONER GREENE: Thank you.

18 COMMISSIONER BRANCIFORTE: Tell us about  
19 the structure, for the solar array.

20 THE WITNESS: So, it will most likely be  
21 inclined to face south. The total height is probably  
22 about, I'm going to say, 5 feet from the structure up  
23 to the top of the panels.

24 COMMISSIONER BRANCIFORTE: It's built on  
25 over the air condensers, air conditioner condensers?

1                   THE WITNESS: Right now we're showing it  
2 that way. If we did that -- and that's sort of why  
3 we're leaning in the direction of cogen, to be  
4 honest, because there's much smaller footprint.  
5 Yeah, the idea was to built sort of a canopy over the  
6 condensers, of steel, and then mount the panels to  
7 the steel beams.

8                   COMMISSIONER BRANCIFORTE: How many  
9 panels altogether are going to be on the building?

10                  THE WITNESS: We're looking to provide  
11 about 30,000 kilowatt hours to the building. A cogen  
12 plan would do more than that and the footprint is  
13 about 5 feet by 3 feet. The PV is probably going to  
14 be --

15                  COMMISSIONER BRANCIFORTE: PV?

16                  THE WITNESS: Solar, sorry. Probably  
17 have it at 20 pounds, 20 or 30 pounds. That's why  
18 we're leaning towards cogen.

19                  COMMISSIONER BRANCIFORTE: I'm having a  
20 hard time hearing you. Speak up.

21                  So again, where is the cogenerator  
22 going; attached to the ceiling?

23                  THE WITNESS: It will be ceiling mounted  
24 in the garage. It's not very big, it's maybe 4 to 5  
25 feet tall. It's about 5 feet wide by 3 feet deep.

1 They can be mounted outside, it's an  
2 all-weather-tight enclosure.

3 COMMISSIONER BRANCIFORTE: Let me ask,  
4 though, why did you decide to go with a solid  
5 impervious deck on top instead of doing more green  
6 roof?

7 THE WITNESS: I believe the original  
8 design actually had a lawn, like, a much larger green  
9 lawn.

10 COMMISSIONER FISHER: I think it said 50  
11 percent, that doesn't look like 50 percent.

12 THE WITNESS: That's what we're going to  
13 have to meet. We can eliminate a lot of the actual  
14 decking with actual, like, sedum.

15 COMMISSIONER BRANCIFORTE: I'm asking,  
16 is there an advantage to not putting sedum there?

17 THE WITNESS: No, not really.

18 COMMISSIONER BRANCIFORTE: Are we going  
19 to capture a lot more rainwater with more sedum?

20 THE WITNESS: Not a lot, we're sizing  
21 this tank to cover at least 50 percent of the entire  
22 building, for toilet-flushing needs. We size it for  
23 about a two-week drought at a minimum. So that  
24 really captures the majority of our water needs. And  
25 then we have the detention tank, which is even

1 bigger, that handles, like, a 10-year storm.

2 COMMISSIONER BRANCIFORTE: I must have  
3 missed this, are you saying that you use gray water  
4 too?

5 THE WITNESS: Yes, just collected  
6 rainwater to flush toilets. So you understand, we'll  
7 most likely change most of that deck to vegetation.

8 COMMISSIONER BRANCIFORTE: The reason I  
9 would like to see it is just the heat island kind of  
10 effect. Also the rainwater but you're saying you're  
11 okay collecting rainwater.

12 THE WITNESS: Yeah, we have a very large  
13 tank to hold rainwater. I mean the sedum head is  
14 maybe point one gallon per square foot whereas the  
15 tank is going to hold thousands of gallons.

16 CHAIRMAN AIBEL: So the solar panels are  
17 going to add another couple feet in height to the  
18 bulkhead?

19 THE WITNESS: Yeah, it's probably about  
20 5 feet. It's probably 5 feet from the bottom of the  
21 steel. I would say 4 to 5 feet.

22 MR. MARSDEN: If I may, though, the  
23 solar panels have to be probably paired 8 inches off  
24 the top of it and then it's going to have a 4 to 5  
25 foot height above that. So you're probably going to

1 be at 5 or 6 feet the way I see these things being  
2 installed.

3 COMMISSIONER FISHER: Above his 4 feet  
4 that's already there.

5 THE WITNESS: Right.

6 COMMISSIONER FISHER: You're at 10 feet  
7 as well as the staircase.

8 THE WITNESS: We could move the solar  
9 panels to the front, that way they are raised above  
10 the condensers.

11 MR. MINERVINI: That would reduce the  
12 size of the decking as well.

13 COMMISSIONER GRANA: Where are they  
14 currently intended to be positioned?

15 MR. MINERVINI: At the rear.

16 CHAIRMAN AIBEL: On top of the bulkhead?

17 MR. MINERVINI: On top of the bulkhead  
18 and above the condensers, but listening to this  
19 concern, just mentioned to Tom, maybe it makes more  
20 sense to put them right there at the fifth floor roof  
21 deck as opposed to the bulkhead roof.

22 COMMISSIONER FISHER: When you come up  
23 the fire stairs, where do you enter the roof deck?

24 MR. MINERVINI: (Indicating.)

25 COMMISSIONER FISHER: On that end?

1                   COMMISSIONER BRANCIFORTE: You exit  
2 right underneath the solar panel.

3                   MR. MINERVINI: At the original  
4 location, but as Tom just mentioned -- they are no  
5 longer going to be at that height, and, frankly, I  
6 forgot they were there. We're proposing now to put  
7 them in this location, at the lower roof level.

8                   COMMISSIONER FISHER: Where is the  
9 bulkhead then?

10                  MR. MINERVINI: The bulkhead is behind  
11 it. So this is the bulkhead, here's the front of the  
12 building, and what we have now is -- and that's  
13 spaced between, it's probably about 16, 17 feet of  
14 decking, as Tom had mentioned. It no longer will be  
15 impervious deck, we'll have some kind of green  
16 walkable area, but in this location we won't have  
17 decking, we'll have the solar panels.

18                  COMMISSIONER FISHER: When you walk up  
19 the stairs and you turn right, how do you get onto  
20 the -- how do you access the area?

21                  MR. MINERVINI: It will have to be  
22 designed based on what we're talking about. Probably  
23 be just a walkway right here (indicating.)

24                  COMMISSIONER BRANCIFORTE: The question  
25 now becomes, if you move those to the front of the

1 building, do we see the panels from the street? They  
2 are sitting 4 feet high, probably.

3 MR. MARSDEN: Could be up to five or  
4 six, depends.

5 MR. MINERVINI: The question whether you  
6 see them, in terms of this discussion, at the  
7 bulkhead roof or at the lower roof. I would think  
8 it's the lower roof.

9 COMMISSIONER DeFUSCO: Why couldn't they  
10 all be mounted in the central part of the roof? It  
11 certainly would minimize the square footage of the  
12 deck.

13 MR. MINERVINI: A shadow overcast by  
14 this section (indicating.)

15 COMMISSIONER FISHER: Over to the right.

16 MR. MINERVINI: Yeah, that's fine as  
17 well. If the concern is seeing it from the street,  
18 certainly. A shadow will be cast there. No worries.

19 THE WITNESS: No.

20 MR. MARSDEN: You said you're going to  
21 mount probably 20, 30 panels to get 30 kilowatts.  
22 That sounds small.

23 THE WITNESS: We've been focusing on the  
24 cogen so much that we didn't show how many paths will  
25 be on there. That's part of the problem, they take

1 up such a big footprint.

2 MR. MARSDEN: I don't know if the board  
3 understands -- is it okay if I explain the issue with  
4 LEED is that this is the type of thing you have to  
5 evaluate as you go and you look at this and say, oh,  
6 wait a second, this will get me more points if I get  
7 rid of this. Problem the board has is that the board  
8 has to understand that the issuance of the LEED  
9 doesn't occur until after the building is built,  
10 okay, and sometimes, most times, occupied.

11 So what the board needs is -- if you're  
12 going to put in solar, tell us how much, where it is  
13 going to be. If you're going to put in cogeneration,  
14 tell me how much you're going to be generating for it  
15 and what size the generators are going to be, how  
16 that's going to operate. Because the board saying,  
17 well, we might put in solar panels, we might put in  
18 cogen, really doesn't have anything to bank on with  
19 their approval. And they are always -- you're always  
20 presenting a LEED building, which I think is  
21 fabulous, my firm is what, 29 certified LEED  
22 professionals, but the problem we have is we need to  
23 basically say, oh, this is the approach we're going  
24 to take, not maybe, so that we can actually have some  
25 conditions to say you're going to do this, this,

1 this. I mean we can't have the entire LEED  
2 checklist, you know, guaranteed. I think you need to  
3 tell us what you're really going to do.

4 THE WITNESS: What we're proposing is --

5 MR. GALVIN: Can we have a time out?  
6 Can I read you what I heard you say and you tell me  
7 if I got it right or not? Although I think the solar  
8 array is a little bit in flux right now, okay? Let's  
9 put that in a box for the moment and we'll come back.

10 I have a cogenerator, and then I've  
11 added the generator, only to be tested weekdays  
12 between noon and --

13 MS. BANYRA: It's a different generator.

14 MR. MARSDEN: Cogenerator will supply  
15 the power to the building full-time.

16 MR. GALVIN: It runs full-time, okay.  
17 It doesn't have to be tested? I'm wrong. So the  
18 building will have a cogenerator. Building is to  
19 have an electric vehicle charging station. Building  
20 will have bike storage, white reflective roof, and  
21 minimum 50 percent of the roof will be ventilated.  
22 Building will have a stormwater retention system to  
23 capture rainwater which will be used to flush  
24 toilets.

25 MR. MATULE: If I can, Mr. Galvin, as I

1 understand it, the 50 percent vegetative roof is of  
2 the total roof surface, because there's multiple roof  
3 surfaces there. It's going to be more than just the  
4 top roof.

5 MR. GALVIN: Okay. Good? Okay. It's  
6 been explained on the record. All right?

7 MR. MATULE: Okay.

8 MR. GALVIN: F, building is to be  
9 airtight with fresh air circulated in the building.

10 With the solar arrays, we need to know  
11 how many and what they are doing and it sounds to me,  
12 at this point, that you're saying that --

13 THE WITNESS: I include it on page 2 but  
14 I didn't include it in the bullet point. Our goal is  
15 to provide at least 50 percent of the building's  
16 total electricity, generate 50 percent of the total  
17 electricity onsite.

18 MR. GALVIN: That's not helping us  
19 though. I think we need to know -- what's that?

20 MR. MATULE: Tell them how you're going  
21 to generate it.

22 MR. GALVIN: You're telling us you're  
23 going to have a cogenerator, we got that. Solar  
24 arrays, you're going to do 5, 10, 15, 20? What if  
25 your whole roof became a solar array, we might think

1 it's attractive, I don't know. That's another  
2 factor.

3 THE WITNESS: So the tricky part is that  
4 the cogen, right now we're proposing to put in a 5kw  
5 rated cogen unit.

6 MR. GALVIN: I'm actually cutting you a  
7 break here and not actually putting a level sizing  
8 for the cogenerator. You might be sizing it  
9 incorrectly, you might need something larger.

10 THE WITNESS: So, we're going to be  
11 providing a large portion of the building's  
12 electrical load. So you get to the point, you have  
13 to sort of balance heat load and electrical load and  
14 what we may find out --

15 MR. GALVIN: Let me stop you. We  
16 need -- if we are in a different community, you came  
17 in just with solar arrays, we'd spend the whole night  
18 trying to figure out if they were going to work in  
19 the location you were picking and whether or not they  
20 were attractive.

21 MR. MINERVINI: That's Tom's field of  
22 expertise. What he's doing now is calculating how  
23 much, worst-case scenario, we would need for solar.

24 MR. GALVIN: We'd like to see the plan.

25 MR. MINERVINI: Understood.

1                   CHAIRMAN AIBEL: Can I ask a question  
2 while Mr. Chartier is doing some work? Is there any  
3 way you can reduce the floor heights to provide for a  
4 parapet and be able to hide some of the solar panels?

5                   MR. MINERVINI: We could provide a  
6 parapet that's set back from that front facade. Our  
7 floor heights are all the standard 10 feet except for  
8 an existing floor structure which is 12. So to do  
9 what you're suggesting would mean, at the newest  
10 parts of the building, having low ceilings and at the  
11 part of the building where it is 12 feet,  
12 restructuring the building. The idea is to use as  
13 much as we can. To achieve the same thing, we can  
14 put a screening system, that will be off the front  
15 facade, prior to the solar panels.

16                  CHAIRMAN AIBEL: So you understand my  
17 concern?

18                  MR. MINERVINI: Yes, you got it.

19                  THE WITNESS: I think we are looking at  
20 13 actual solar panels.

21                  MR. MARSDEN: How many square feet?

22                  THE WITNESS: It's about 115 square  
23 feet.

24                  COMMISSIONER GREENE: On the roof,  
25 you've got 70 plantings in a box.

1                   MR. MINERVINI: Which is no longer going  
2 to be there because Tom just testified we're going to  
3 get rid of the deck and propose green roof, walkable.

4                   COMMISSIONER GREENE: You're not going  
5 to have the green screened around the perimeter?

6                   THE WITNESS: I guess we still could.

7                   COMMISSIONER GREENE: Couldn't that do  
8 the same thing that Mr. Aibel was suggesting and  
9 provide the screening for the solar panels?

10                  THE WITNESS: It could, yeah. Or  
11 something similar. As designed -- yeah, it would do  
12 exactly the same. We wouldn't have the solar panels  
13 at the front facade. We'd set them back as if we  
14 were constructing the deck anyway.

15                  COMMISSIONER GREENE: You replace the  
16 deck with the solar panels?

17                  THE WITNESS: Exactly.

18                  MS. BANYRA: Tom, I have a question for  
19 you. I understood that in order to get your HVAC and  
20 your heating system, that you have to commission a  
21 building to get it certified. Correct?

22                  THE WITNESS: Yes.

23                  MS. BANYRA: How do you occupy the  
24 building if you're commissioning it? I thought that  
25 you can't occupy the building because when you're

1 commissioning it you can't actually occupy it and  
2 most of the things they come in and give C/Os and you  
3 can't really do an air exchange or whatever.

4 THE WITNESS: We do what's called "Air  
5 Leakage" testing and that's done before they occupy  
6 the building. I normally -- I've been doing it for  
7 about 12 years now, normally do sort of a preliminary  
8 test to make sure that it's airtight long before even  
9 the finishes go in.

10 MS. BANYRA: I guess and you go -- I was  
11 referring more to the HVAC systems.

12 THE WITNESS: The commissioning involves  
13 coming in to do regular checks while pipes are being  
14 installed, ductwork and the units are being  
15 installed. As soon as you have power in the  
16 building, you test.

17 MS. BANYRA: You do that actually before  
18 it's occupied?

19 THE WITNESS: Yes.

20 COMMISSIONER COHEN: I think you  
21 indicated that you built four LEED Platinum  
22 buildings; is that correct?

23 THE WITNESS: Yes.

24 COMMISSIONER COHEN: How many of them  
25 are in Hoboken?

1                   THE WITNESS: One of them is built and  
2 we're looking at -- one of them is built and two  
3 others are under construction.

4                   COMMISSIONER COHEN: What's the location  
5 of the one that is built?

6                   THE WITNESS: 130 Park; and 930  
7 Jefferson is most likely the next one.

8                   MS. BANYRA: I have another question.  
9 Did you have to get special permits from DEP in terms  
10 of using your rainwater for the -- using it for your  
11 flushing of your toilets?

12                  THE WITNESS: No, no.

13                  COMMISSIONER DeFUSCO: Part for personal  
14 identification and part because it pertains to the  
15 project, did you have a passive building as you  
16 mentioned before?

17                  COMMISSIONER FISHER: Does that change  
18 the thickness of the walls in terms of the climate  
19 that we have here? There's a certain thickness that  
20 you need to build the walls out to maintain that.

21                  THE WITNESS: It can. These walls are  
22 most likely not going to be any thicker than your  
23 typical walls.

24                  COMMISSIONER DeFUSCO: Perfect.

25                  MS. BANYRA: Because of the insulation

1 you're using?

2 THE WITNESS: Right.

3 COMMISSIONER BRANCIFORTE: When you  
4 attach that cogeneration thing to the ceiling, do you  
5 need to keep the area underneath clear; do you need  
6 to partition it with a fence or something, a high  
7 voltage?

8 THE WITNESS: No, it's not high voltage,  
9 not necessarily. I mean it's --

10 COMMISSIONER BRANCIFORTE: People can  
11 still walk underneath it?

12 THE WITNESS: Yeah.

13 COMMISSIONER BRANCIFORTE: Not going to  
14 get electrocuted if they touch it or something.

15 Other question, too, if the city council  
16 does give you permission to put in the green garden  
17 corner, who maintains that; are you taking  
18 responsibility to maintain it or are you handing it  
19 back to the city?

20 THE WITNESS: Most likely we'll hand it  
21 over to the city.

22 MR. MARSDEN: The rain garden, basically  
23 that is going to be a bump-out?

24 THE WITNESS: That's personally what I'd  
25 like to see.

1                   MR. MARSDEN: That's the detail you show  
2                   and that's what you plan to sell to the city which  
3                   the city doesn't really like that much from what I  
4                   understand. They don't want bump-outs typically. So  
5                   if you could inset it a little bit, that might be  
6                   something that might be more palatable.

7                   MS. BANYRA: It's dependent on who is in  
8                   charge of environmental services at the time. That's  
9                   how I recall it.

10                  THE WITNESS: Idea of the bump-out is to  
11                  sort of physically impede someone from parking too  
12                  close to the crosswalk. I'm part of the city's green  
13                  team and we've been working on installing a rain  
14                  garden at Fourth and Garden. I believe it's going in  
15                  this spring. That's really what we're going to  
16                  mimic.

17                  MR. MARSDEN: Okay.

18                  COMMISSIONER BRANCIFORTE: I was going  
19                  to ask, didn't we see another plan, similar to this  
20                  one, with a green bump-out curb? I've seen this  
21                  before in one of your plans.

22                  THE WITNESS: On another project?

23                  MS. BANYRA: The church one I think.  
24                  Wasn't that the church?

25                  COMMISSIONER BRANCIFORTE: Is that the

1 one you're talking about now?

2 THE WITNESS: No, this is actually a  
3 city project at Fourth and Garden, it's right by  
4 Church Square.

5 MS. BANYRA: Tom, I think you showed  
6 this detail on the one that was like the church  
7 facade. Weren't you offering to do a rain garden on  
8 that one as well and you showed detail?

9 MR. MATULE: I was the attorney for that  
10 application and my recollection, that the applicant  
11 had offered to meet with the city to see if they  
12 could put one at one of the nearby intersections. I  
13 don't know where that's gone at this point. But it  
14 was not going to be in the front of the site, it was  
15 going to be at an intersection.

16 MS. BANYRA: I know. John said he saw  
17 it before and I'm wondering if that's when he saw it.

18 COMMISSIONER BRANCIFORTE: I was  
19 wondering if the city council approved it and where  
20 it went, you know, if it ever went anywhere, the rain  
21 garden corner.

22 MR. MATULE: I'll try to get an answer  
23 for you. I'll reach out to the client.

24 CHAIRMAN AIBEL: Would that be a city  
25 maintenance issue? That would be a city maintained

1 rain garden?

2 COMMISSIONER FISHER: That's what he was  
3 saying, that he would hand it over to the city.

4 CHAIRMAN AIBEL: That would be the idea?

5 THE WITNESS: There really shouldn't be  
6 that much maintenance to it. Cleaning out garbage  
7 occasionally.

8 MR. GALVIN: Can I just -- the solar  
9 arrays shall consist of no more than 13 solar panels,  
10 and at their highest point will not exceed the height  
11 of the stair bulkhead. Does that sound right?

12 MR. MARSDEN: Yes.

13 MR. GALVIN: That's the highest --

14 COMMISSIONER FISHER: You're going to  
15 ask for a plan anyway, aren't you?

16 CHAIRMAN AIBEL: We'll have to see a  
17 plan.

18 MR. GALVIN: Agreed, agreed.

19 So everybody is on the same page, is  
20 that there's been a lot of changes proposed tonight.  
21 We may need to see those changes before we act on  
22 this plan. Just so you know.

23 CHAIRMAN AIBEL: I'll just add, for  
24 everybody's -- the new people's benefit, by virtue of  
25 the fact that we're collecting conditions does not

1     presuppose an outcome. Approval is not already done,  
2     but our counsel is collecting potential conditions.

3                     Anybody else have questions for Mr.  
4     Chartier?

5                     COMMISSIONER BRANCIFORTE: I want to  
6     say, I'm not saying that you can't have some sort of  
7     impervious wood structure on the roof, roof deck, I'm  
8     just wondering if it wasn't more sedum. I'm not  
9     saying that you should have all sedum and no roof  
10    deck. I wanted to keep that in mind.

11                    CHAIRMAN AIBEL: Anything else for Mr.  
12    Chartier? I'll open it up to the public. Anybody in  
13    the public have questions for this witness?

14                    Do I see anybody?

15                    Seeing none, may I have a motion?

16                    COMMISSIONER GREENE: Motion.

17                    COMMISSIONER COHEN: Second.

18                    CHAIRMAN AIBEL: All in favor?

19    E D W A R D K O L L I N G, having been duly sworn,  
20    testifies as follows:

21                    MR. MATULE: Mr. Chairman, will you  
22    accept Mr. Kolling's credentials?

23                    CHAIRMAN AIBEL: Yes, we will.

24    EXAMINATION BY MR. MATULE:

25                    Q. Mr. Kolling, you are familiar with the

1 zoning ordinance and the master plan of the City of  
2 Hoboken?

3 A. Yes, I am.

4 Q. You are familiar with this, the project  
5 site and the proposed building that the architect has  
6 testified to?

7 A. Yes.

8 Q. You prepared a report, dated May 31st,  
9 in support of the requested variance relief?

10 A. Yes.

11 Q. Could you go through that report for the  
12 Board, discuss the several variances being requested  
13 and give us your professional opinion regarding them?

14 A. As the board has heard in this  
15 application, what we're looking for, really there's  
16 height variances involved for both number of feet and  
17 for number of stories, and then we have the front  
18 yard variance because the existing building is at  
19 zero, and because we're going up to two stories at  
20 also zero, that zero is a variance. The requirement  
21 is for 5 feet to 10 feet from the front, so that's a  
22 variance. And then we have roof coverage which is  
23 caused in part by the decks that are on the different  
24 levels of roofs and which act as outdoor living  
25 space, terrace, if you will, for the units.

1                   I think that the building, the way it's  
2                   designed, and the site, can accommodate the  
3                   additional site without substantial detriment to the  
4                   zone plan or to the surrounding area.

5                   As Mr. Minervini testified to, the block  
6                   is rather eclectic in terms of the styles of the  
7                   buildings and the heights of the buildings. The  
8                   building adjacent is five stories; this height will  
9                   actually be a little bit below that building and if  
10                  you look at the elevations, it's not far out of line  
11                  with many of the older four-story buildings. A lot  
12                  of them have stoops that go up and then the four  
13                  stories above it, so they are more like four and a  
14                  half stories. I think it fits in with the character  
15                  and with the eclectic nature of the heights in the  
16                  area. And the height isn't intended to intensify the  
17                  proposed use. The number of units will actually be  
18                  one below what is permitted in the area. The height  
19                  is there with the additional story for the purpose of  
20                  creating enough floor area to allow for the larger,  
21                  family-oriented units as Mr. Minervini discussed.

22                  So I think if you look at it on balance,  
23                  there's no substantial detriment from the additional  
24                  height and by allowing additional height you get the  
25                  benefit of promotion of the master plan in terms of

1 the provision of the family-sized units.

2 Also, it is part of the rationale for  
3 the decks as well, because the decks provide outdoor  
4 living space. Once you start having families within  
5 the buildings, there's the need for outdoor living  
6 space is increased and therefore these decks will  
7 address that need.

8 In terms of the front setback, I think  
9 it's a better approach to design, in keeping the  
10 building in one plane and in the same plane with the  
11 adjoining buildings. I think it creates a better  
12 streetscape. I think that the setback is mitigated  
13 because if you look at the design of the facade, and  
14 this also addresses the apparent height of the  
15 building, the current building has different heights  
16 that are roughly three stories or so and it has the  
17 chimney go out the front. That portion of the  
18 building is going to be accentuated in the design by  
19 maintenance of that masonry and then the upper  
20 stories are more neutral design and have the  
21 appearance of drifting more into the background. So  
22 you get this -- the building itself gives the  
23 impression of both a three-to-five-story building,  
24 similar to the way the block has the various heights.  
25 So I think it mitigates that, the height variance and

1 the front setback variance.

2           There are many other benefits from this  
3 project. You know, the project is I think in keeping  
4 with the scale of the block because it is such an  
5 eclectic type of block and in the master plan it  
6 talks about promoting compatibility and scale,  
7 density, design, and orientation.

8           So in terms of design, he's maintaining  
9 what he can of the industrial -- the preexisting  
10 industrial type of design. The scale I think is  
11 correct in terms of height and proportions. The  
12 density, of course, is correct because it's actually  
13 below what is permitted. The building is oriented to  
14 the street, which is another one of the  
15 recommendations of the master plan. And all the  
16 parking is contained within the existing structure on  
17 the ground floor so it's hidden and that's another  
18 thing that the master plan suggests.

19           The provision of street trees is a  
20 recommendation of the master plan and then there's  
21 all the different concepts of providing the family  
22 housing type units, providing a diversity of housing  
23 types; we have two, three and four units; quality  
24 housing model to both new and rehabilitated housing  
25 which would encourage larger type units in terms of

1 the number of bedrooms. The idea requiring a minimum  
2 average unit size which if you play with that at the  
3 average unit size, you'll have some that are larger  
4 and some smaller and all of these units are really of  
5 the size that could accommodate families of different  
6 sizes.

7                   So, use are permitted within the zone,  
8 the R-3 zone, and I think that's really another  
9 benefit in that the current building is an industrial  
10 structure, the most recent use was an industrial use.  
11 It's still listed on the tax record as an industrial  
12 use. So removing an industrial use and then  
13 inserting a residential use, really promotes the  
14 intent and purpose of the zone plan which is also a  
15 benefit to the community.

16                   So I think that for all those reasons, I  
17 think that we meet the positive and negative  
18 criteria, there should be no substantial detriment to  
19 the public good or general welfare.

20                   In terms of addressing the decks, I know  
21 that the chairman had mentioned about the decks and  
22 possibly some potential detriments from those. The  
23 lowest deck, which I believe is on the top of the  
24 second floor roof, at the third floor residence, to  
25 the west -- no, to the south and that overlooks a

1 one-story addition or one-story section of the  
2 adjoining property, it doesn't overlook any yards or  
3 anything of that nature. It's also set back from the  
4 property line about 2 and 1/2 feet. It's along the  
5 rear property line, it would overlook what's now a  
6 parking lot, but there's also landscaping along that  
7 rear side so the intention is to have the active  
8 areas more centrally located in that roof and not  
9 adjoin the back where it might cause a detrimental  
10 impact.

11           The next level up, that rear deck or  
12 terrace on that next floor above, does overlook the  
13 rear yard behind it which, as Mr. Minervini said, is  
14 about a 50 foot depth, but the rear facade is about 4  
15 and 1/2 feet set back, there's also landscaping along  
16 that edge so that the people don't go all the way to  
17 the edge.

18           On the north side, as well, there's a  
19 rear yard but again it's the way it's oriented,  
20 there's a grill along the property line and  
21 landscaping and the idea is to internalize that and  
22 not have it impact, necessarily, the adjoining  
23 properties. Of course, on the upper deck, that's  
24 being reconfigured as we speak. That deck is going  
25 to be more oriented towards the central part and

1 won't be overlooking any yards or be visible from the  
2 street.

3                   So I think that any impacts will be  
4 rather minor from the decks and the positive aspects  
5 of those decks is that they do provide outdoor living  
6 spaces for the families that would expect to inhabit  
7 these uses.

8                   So I think, on the whole, we have met  
9 both the positive and negative criteria in terms of  
10 the (d)(6) height variance.

11                   In terms of the (c) variances for the  
12 roof decks, I think -- and the front facility -- the  
13 front setback, I think that the benefits of this  
14 project, and there are many, as outlined by the  
15 previous witnesses, would substantially outweigh any  
16 detriment, and, so, on that level, those (c)  
17 variances could be granted.

18                   MR. MATULE: Thank you, Mr. Kolling.

19                   COMMISSIONER COHEN: Mr. Kolling, it  
20 sounds like we're going to be seeing future plans  
21 with respect to some of those changes.

22                   THE WITNESS: Yes.

23                   COMMISSIONER COHEN: I did hear Mr.  
24 Minervini's testimony, regarding the 50 foot distance  
25 between the rear yard, but I do think it would

1 probably be helpful if you could also present  
2 pictures of the rear of the yard and the impact on  
3 the adjacent properties. I understand Mr.  
4 Minervini's testimony but I think when we're granting  
5 variances that impinge upon the rear property lines  
6 of other neighbors, it's helpful to actually  
7 visualize that. So I would request that we get that.

8 THE WITNESS: We could probably do two  
9 things, one is to get an aerial, with the property  
10 lines overlaid on that possibly, and the other thing,  
11 maybe to get up on the roof of the buildings that are  
12 there now and shoot down.

13 COMMISSIONER COHEN: That would be  
14 great. Maybe when you're taking a picture of the  
15 roofs, probably it would also be helpful to get a  
16 sense of what the height of the solar panels would be  
17 relative to the other structures that would be on the  
18 roof.

19 THE WITNESS: They are going to be on  
20 the new roofs, I'm not sure how we'll do that. Maybe  
21 we can do a cross-section or something.

22 COMMISSIONER COHEN: Something. Thank  
23 you.

24 CHAIRMAN AIBEL: I think what I would  
25 like to see is photos of the adjoining buildings at

1 the rear so I can understand how the decks will  
2 relate to the windows immediately adjacent to them.

3 THE WITNESS: The existing roofs that  
4 are there, where the two lower decks would be,  
5 probably take pictures back toward the rear of the  
6 adjoining buildings.

7 COMMISSIONER DeFUSCO: I'd actually like  
8 to see the entire block. This is 94 percent lot  
9 coverage and just to echo my concerns from before,  
10 that if approved, the building will then set a  
11 precedent for development in the future. So my  
12 curiosity lies in how this lot coverage impacts the  
13 entire block.

14 So, do you think it's possible that you  
15 bring an aerial --

16 THE WITNESS: Yeah, the aerial could  
17 show the entire block. I would disagree, in terms of  
18 setting precedence, because this is a preexisting  
19 structure.

20 COMMISSIONER BRANCIFORTE: Understood.  
21 But you testified earlier that it used to be an  
22 industrial region and now it's residential. So I  
23 would, you know, slightly contest that, it's a  
24 different use. So perhaps that much lot coverage  
25 isn't necessary anymore.

1                   THE WITNESS: Right. The residential --  
2 the area wasn't industrial, just this particular  
3 structure.

4                   COMMISSIONER BRANCIFORTE: Now you're  
5 proposing a residential structure?

6                   THE WITNESS: Proposing a residential.

7                   COMMISSIONER BRANCIFORTE: What's your  
8 opinion on the beneficial criteria for 94 percent lot  
9 coverage?

10                  THE WITNESS: Well, it's a preexisting  
11 condition, so I don't think that you can give it the  
12 same weight or have to deal with the same proofs,  
13 because it is there, it does not have to be removed,  
14 it can continue to be there.

15                  COMMISSIONER BRANCIFORTE: Playing  
16 devil's advocate, yes, true, but the two stories that  
17 you are asking for are not there.

18                  THE WITNESS: True. The two stories are  
19 only going to cover 60 percent and be all the way  
20 towards the front. So you wouldn't -- you would  
21 never -- you should never, people might, propose to  
22 continue the 94 percent coverage for the rest of the  
23 building, you would definitely want to bring it back.  
24 But, at the same time, to remove an existing  
25 structure that could be reused, repurposed for a

1 conforming use, I don't think is practical or  
2 appropriate.

3 COMMISSIONER DeFUSCO: You testified  
4 before, that the doughnut, it has been a beneficial  
5 criteria for other --

6 THE WITNESS: Yes.

7 COMMISSIONER DeFUSCO: You don't agree  
8 on this application?

9 THE WITNESS: No, the doughnut is  
10 something that is common in Hoboken and it's  
11 something that you should try to continue and to  
12 perfect over time, but this is already -- the  
13 doughnut here does not exist. What is happening here  
14 instead is, in what would be the doughnut, on the  
15 second and third level, we're proposing green.  
16 Substituting green on the roof versus green on the  
17 ground.

18 COMMISSIONER DeFUSCO: This might be an  
19 opportunity to perfect that doughnut moving forward.  
20 Let me take a look at the aerial views when you guys  
21 come back. I'd love to see how it impacts the rest  
22 of the neighborhood. I think it's a great plan but  
23 I'm curious to see what kind of standard it sets.

24 THE WITNESS: Okay, understood.

25 COMMISSIONER BRANCIFORTE: Out of

1 curiosity, what did they used to do in this building?

2 THE WITNESS: What was testified to is  
3 that most recently what was done, it was a gas stove  
4 repair location.

5 COMMISSIONER BRANCIFORTE: How long ago  
6 was that?

7 COMMISSIONER FISHER: Twenty or thirty  
8 years ago, right?

9 COMMISSIONER BRANCIFORTE: There's no  
10 question they have abandoned their industrial use.

11 THE WITNESS: No.

12 MR. MINERVINI: If I may, there's no  
13 question that company is no longer in there.

14 MR. MATULE: Building is still on the  
15 tax records as an industrial building.

16 COMMISSIONER BRANCIFORTE: I was trying  
17 to pin you down because I'm wondering if someday  
18 you're going to come back and say we never abandoned  
19 the industrial use so therefore --

20 MR. GALVIN: As we grant this approval,  
21 I make that a condition of the approval. That's a  
22 great point.

23 MR. MATULE: As someone who's been in  
24 town a long time, I think Attilio went out of  
25 business because nobody has gas stoves anymore.

1 There's probably a dozen left in the whole city.

2 MR. GALVIN: It's a point that is well  
3 made. There's some case law recently that says that  
4 if you are giving up a preexisting use that is  
5 nonconforming, probably makes sense that you are  
6 giving up the right to go back to that.

7 MR. MATULE: That wouldn't be an issue  
8 as condition of approval.

9 COMMISSIONER FISHER: Is there any  
10 environmental concerns in the building given the  
11 prior use?

12 MR. MATULE: I wouldn't think so but I  
13 could ask Mr. Chartier. Any environmental concerns  
14 based on the prior use of the building?

15 MR. CHARTIER: No. We did a Phase I.

16 COMMISSIONER FISHER: You did do a Phase  
17 I?

18 MR. CHARTIER: Yes.

19 MS. BANYRA: Going back to your aerial  
20 photographs, I think it would be great if you could  
21 superimpose the height. I didn't hear you testify on  
22 the building directly north. So if you could  
23 superimpose what the five stories will be relative to  
24 the building to the north. Whatever you could show,  
25 probably come up with a rendering to kind of show

1 what's happening with the added height on the  
2 building relative to the adjacent properties. And  
3 the property I'm looking at, it says four-story, I  
4 think it's four-and-a-half-story to the north.

5 THE WITNESS: To the right side.

6 COMMISSIONER BRANCIFORTE: Looking at it  
7 to the right, yeah. Because it looks like this  
8 building goes back an additional, I don't know, 10  
9 feet and it's now going to be an additional 10 feet  
10 higher.

11 MR. MINERVINI: This building?

12 MS. BANYRA: Yes.

13 MR. MINERVINI: As I mentioned during  
14 the testimony, the survey is incorrect, and I know it  
15 because I designed the building directly to the  
16 north. That building is 60 feet in depth, as well,  
17 plus a 10-foot deck. I can bring photographs of  
18 that, as well as original drawings, if the board  
19 wants.

20 MS. BANYRA: At least 10 feet and maybe  
21 12 feet lower.

22 MR. MINERVINI: Ten feet lower.

23 MS. BANYRA: I think that would be great  
24 to show what that added height will be relative to  
25 the adjacent properties.

1 MR. MINERVINI: Understood.

2 CHAIRMAN AIBEL: Anyone else have  
3 questions for Mr. Kolling?

4 I'll just sum up or add that I actually  
5 agree with Mr. DeFusco's concern about the  
6 intensification of the use. We've got a 94 percent  
7 lot coverage that is existing, that's there, but  
8 we're now also building out a 94 percent of the use  
9 of the upper floors with roof decks. So, in some  
10 sense, that is an intrusion on the doughnut, in my  
11 view, and we have to give it due consideration.

12 So, more of a statement than a question.  
13 Anybody else have anything?

14 COMMISSIONER GRANA: One other thing.  
15 Before, you were talking about the height, and how  
16 they've been downgraded over the years and lowered.

17 MS. BANYRA: Yes.

18 COMMISSIONER GRANA: Did we have this  
19 discussion? I mean, how do you justify a five-story  
20 structure knowing what Mr. Marsden said about the  
21 downgrading of the heights through the years? Are  
22 you comparing the height of this building to the  
23 buildings next door to it and testifying in height  
24 that way?

25 THE WITNESS: You don't justify the

1 height because of the other buildings in the area.  
2 What you're showing is that there are other buildings  
3 in the area as well, so that it's not out of  
4 character. It goes more towards the negative  
5 criteria than the positive criteria.

6 COMMISSIONER BRANCIFORTE: I think I  
7 understand.

8 MS. BANYRA: I guess the counter to that  
9 would be part of the negative criteria is impairment  
10 of the zoning ordinance and zone plan. Zoning  
11 ordinance has been downgraded. What they are asking  
12 you to do is look at the whole package and see  
13 whether or not what's proposed here, and again, Mr.  
14 Kolling, you can correct me, what is proposed here  
15 warrants that extra story. It goes to the negative  
16 criteria, but not as impairment to the zoning  
17 ordinance, by requesting an additional height when it  
18 has been -- the code has been reduced over the years.

19 THE WITNESS: I think the other thing  
20 that I would throw in there or discuss as well as, is  
21 that as the master plan has now evolved, and this is  
22 the first new master plan that's been adopted in a  
23 while, and then the reexamination report, is that the  
24 discussion of family-friendly units and larger units  
25 and things of that nature.

1                   So as the buildings have come down in  
2 overall height, and also the number of stories,  
3 density has also come down. We try to put that  
4 density into the envelope that's now permitted and  
5 then reconcile it with the master plan's  
6 recommendations, and it might be time to sort of  
7 revisit that and decide how the master plan and the  
8 zoning ordinance can now be reconciled together -- or  
9 the zoning ordinance is reconciled with the master  
10 plan recommendations.

11                   CHAIRMAN AIBEL: That sounds like an  
12 argument for the city council.

13                   MR. GALVIN: Zoning board doesn't make  
14 policy.

15                   COMMISSIONER FISHER: But going to  
16 John's point, it's a family-friendly building and the  
17 question is that one, extra four-bedroom apartment on  
18 the top floor, is it necessary to approve a fifth  
19 floor for that one, extra family-friendly unit. The  
20 rest of the building is still family-friendly.

21                   CHAIRMAN AIBEL: I don't think you can  
22 make family-friendly units out of a five-story  
23 building. The point, I'm not sure that the argument  
24 that you need the fifth floor to create an additional  
25 family-friendly unit is a winning one by itself.

1                   MR. MATULE: The project was presented  
2 as a package. There's a lot of pluses and minuses in  
3 the overall package.

4                   CHAIRMAN AIBEL: Understood. Anything  
5 else for Mr. Kolling? Open it up to the public.  
6 Anybody have questions for Mr. Kolling?

7                   MR. MATULE: I have no further  
8 witnesses.

9                   CHAIRMAN AIBEL: I guess we'll open it  
10 up to the public for comment.

11                   MR. GALVIN: Sure.

12                   CHAIRMAN AIBEL: Anybody in the public  
13 wish to make a comment?

14 T O N Y S O A R E S, having been duly sworn,  
15 testifies as follows:

16                   MR. SOARES: Tony Soares, 551 Observer  
17 Highway.

18                   I might be the only people on this side  
19 of the rail that live near this and walk my dog  
20 passed it everyday. I've lived in this neighborhood  
21 since 1991, and I've seen cool old factories get  
22 bulldozed in the name of an ugly, stucco, bland,  
23 building. This building is one that everyone in the  
24 neighborhood talks about, oh, I hope we can keep  
25 Attilio, this is a cool building, it's got that

1 smokestack, it's interesting, it's one of the last  
2 industrial vestiges of that part of Hoboken.

3           One day I was walking to a client of  
4 mine who owned a space on the corner of Second and  
5 Monroe, 200 Monroe. Her cafe, there was a sign for a  
6 community meeting for the exact application. Reached  
7 out to the developer, developer was reaching out to  
8 the community, got community feedback, is doing  
9 nothing, that we always say we want developers to do.  
10 People came, people didn't come.

11           I don't see too many objectors here.  
12 But in terms of the scope of the project, from what I  
13 want to say -- ask a question of the planner, Ms.  
14 Banyra, if I'm not mistaken, aren't the buildings --  
15 you can go to 40 feet if the prevailing height on the  
16 two buildings on either side, you can at least go up  
17 and meet that height?

18           MS. BANYRA: Yeah, there's a provision  
19 in the ordinance, and I don't remember it off the top  
20 of my head right now, but there's a provision that  
21 you can match adjacent heights.

22           MR. SOARES: So they can go to 40 feet  
23 as of right. Then they have to get a variance to go  
24 to fourth floor and fifth floor -- or fifth floor.

25           So what I'm saying is -- there was a

1 question about do you need the fifth floor. In my  
2 opinion, I mean I do pro formas for buildings quite a  
3 bit lately, maybe you don't need it but there's other  
4 things that that extra apartment is going to be  
5 paying for. I have no interest in this project  
6 financially, I'm just a neighbor, but I do know that  
7 if you take off a fifth floor, oh, well, that could  
8 be your green roof. You take off the fourth floor,  
9 where do you have your electric charging station.  
10 Everything pays for everything and it's a delicate  
11 act.

12                   What is the impact of the neighborhood,  
13 is a question I ask myself as neighbor and when I  
14 look at the project I'm like, well, it's preserving  
15 the context of the old smokestack, things that we  
16 lose in Hoboken all the time. I think it's an  
17 interesting reuse of a landmark, keeping a good part  
18 of it, and combining and making an iconic  
19 neighborhood building in a neighborhood where if you  
20 looked at the other side of the street, and I hope  
21 all the zoning board members did walk the  
22 neighborhood before they reviewed the project and saw  
23 right across the street, very bland, nondescript new  
24 buildings that fit with very little variance but  
25 aren't very interesting or attractive to keep people

1 staying in Hoboken.

2 My last comment, roof decks. I work in  
3 Jersey City with developers all the time. Roof decks  
4 are something the public wants, not party, not Saint  
5 Patrick's Day kids to throw beer cans off of it, but  
6 families. Hoboken is like the number one family  
7 community in the state and in the area and I really  
8 believe that having roof deck adds to the green  
9 value. It is permeable, water runs through it so the  
10 water can go over to the grassy area, it can run  
11 down. And also, as a person who is also on the  
12 sewerage authority, a project like this is helpful to  
13 us because we're now putting green roof on the  
14 buildings, you're doing water retention, doing  
15 plantings, that will actually be less of an impact on  
16 the sewer system. All those things are being done  
17 without -- there's no obligation, right? Right now  
18 it's not in the zoning, it's not in the planning.  
19 But I went to the mayor's inauguration, she talked  
20 about family-size units, the council people talked  
21 about the family-size units, talked about green  
22 architecture, talked about electric cars, talked  
23 about all these things. It's here, it just has to  
24 have a way of in its current use or even in its  
25 current zoning, unfortunately you can't get those,

1 those numbers don't add up, you can't fit 100 pounds  
2 in a 50-pound box, you kind of have to get a little  
3 bit bigger box.

4 In terms of the extension off the back,  
5 you don't want five stories protruding, but it's  
6 preexisting, if you don't expand that or only go up  
7 one more floor, but the doughnut isn't there now on  
8 the lower floors. I agree, you should preserve it at  
9 the top floor and I think they are doing that.

10 That's all I have to say. I think it's  
11 a very cool project. I saw it before, only because  
12 Mr. Chartier had a community meeting for it and I  
13 attended that and I spoke to him over the phone and  
14 he responded to all my questions. I was curious  
15 about the project, I liked it and that's why I'm  
16 here.

17 Thank you very much.

18 CHAIRMAN AIBEL: Anybody else have  
19 anything, any comments?

20 Motion to close the public portion.

21 COMMISSIONER GREENE: So moved.

22 COMMISSIONER COHEN: Second.

23 CHAIRMAN AIBEL: All in favor?

24 MR. MATULE: I guess the question is  
25 we're going to carry this. I assume that's the

1 board's pleasure but I don't know. I guess you have  
2 to have that discussion.

3 MR. GALVIN: Well, there's a lot of  
4 moving parts here and we can get them back relatively  
5 quickly. How long do you need to make the changes?

6 MR. MINERVINI: A week.

7 MR. MATULE: I heard some talk earlier  
8 about maybe having a meeting on the 25th.

9 MR. GALVIN: We wanted to get as many  
10 meetings in when it was only, like, 10 degrees out,  
11 so...

12 MR. MATULE: I'm only raising that  
13 because I think we could certainly -- you have to  
14 have everything in by the 15th.

15 MR. MINERVINI: I could do it.

16 MR. MATULE: You'd have to have it in by  
17 Friday, basically.

18 MR. MINERVINI: We'll do it.

19 MR. MATULE: I leave it up to you.

20 CHAIRMAN AIBEL: We have a meeting next  
21 week, Board Members.

22 (Whereupon, a discussion is held off the  
23 record.)

24 MS. BANYRA: Maybe if I could suggest to  
25 you, Mr. Chair, 1300 Park, I spoke to the attorney

1 today about that and he's sending a letter, his  
2 plans, his revised plans came in today, he sent a  
3 letter requesting that they still be heard because  
4 they are de minimis changes. So that's going to be  
5 up for discussion. That's what I said maybe they  
6 should go next week, or so, if, you know...

7 CHAIRMAN AIBEL: Is there an appetite  
8 for yet another meeting?

9 COMMISSIONER DeFUSCO: This has been on  
10 the books since apparently October, I think we should  
11 hear it. We have a full board, there's no reason why  
12 we shouldn't.

13 Eileen, anything else teed up for the  
14 25th?

15 MS. BANYRA: We didn't have anything  
16 teed up for it, so to speak. So we have next -- next  
17 week we have two applications. 1312-1318, they have  
18 a compliance plan that Shirley Bishop is reviewing.  
19 She's the housing specialist for the city. So I  
20 don't know what her time frame is, maybe she's going  
21 to get back to me, maybe she won't right away, but  
22 nothing -- I would expect that 1312-1318 will go a  
23 couple of meetings and nothing can be approved anyway  
24 until the compliance plan comes back. I believe  
25 that's what the ordinance states.

1                   So there may be some wiggle room next  
2 week or we can use the 25th which nothing is  
3 scheduled right now.

4                   CHAIRMAN AIBEL: Mr. Matule, could you  
5 be ready by next week; is that what we heard?

6                   MR. MATULE: It's up to the board  
7 professional. Mr. Minervini said he can have the  
8 revised plans filed by this Friday.

9                   MS. BANYRA: I think we have gone  
10 through all the changes. Some of the changes were  
11 requested in our earlier memos that didn't get --  
12 that -- to me, a lot of these changes are kind of  
13 cleanups now. We have already heard --

14                   COMMISSIONER GREENE: We're really  
15 talking about the roof.

16                   CHAIRMAN AIBEL: We'll put it on for  
17 next week, I suggest.

18                   COMMISSIONER GREENE: I agree.

19                   COMMISSIONER FISHER: If it's the third  
20 one and the first one doesn't take that long, we can  
21 do something we have done before, right, which is --

22                   CHAIRMAN AIBEL: I think two of the  
23 three applications are Mr. Matule's clients, so what  
24 I would propose is starting with this application,  
25 try to finish off.

1                   MR. MATULE: To come back to the next,  
2 we'll just finish this and start the big one.

3                   COMMISSIONER GREENE: Frank, I think  
4 it's really important to see what the roof is going  
5 to look like, what it's going to look like from the  
6 various exposures including the street and the  
7 backyards. It needs to be convincing. If the  
8 arborvitae are going to be there, we should see them  
9 from the elevations, if they are not, we should see  
10 what we're going to see.

11                  MR. MINERVINI: I understand.

12                  COMMISSIONER GREENE: I move that we  
13 carry the application to the February 18th meeting,  
14 with no prior notice and assuming that we get the  
15 appropriate waivers.

16                  COMMISSIONER COHEN: Second.

17                  MR. MATULE: We'll waive the time with  
18 which the board has to act.

19                  CHAIRMAN AIBEL: All in favor?

20                                 Unanimous.

21                  COMMISSIONER DeFUSCO: Motion to close  
22 the meeting.

23                  CHAIRMAN AIBEL: Motion to close.

24                  COMMISSIONER DeFUSCO: Second.

25                  CHAIRMAN AIBEL: All in favor?

1                                   (Whereupon, the proceedings are  
2 adjourned.)

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

C E R T I F I C A T E

I, JOANNE M. OPPERMANN, a Certified  
Court Reporter and Notary Public of the State of New  
Jersey, do hereby state that the foregoing is a true  
and accurate transcript of my stenographic notes of  
the within proceedings, to the best of my ability.

---

JOANNE M. OPPERMANN, C.C.R.  
License No. XI01435



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

STATE OF NEW JERSEY  
COUNTY OF HUDSON  
FEBRUARY 11, 2014  
SPECIAL MEETING

:  
301 NEWARK STREET, BLOCK 2.1 : TRANSCRIPT  
LOT 5 & 6 : OF  
Amended Site Plan & Variance : PROCEEDINGS  
-----

B O A R D M E M B E R S P R E S E N T :

- JAMES AIBEL, CHAIRMAN
- ELLIOT GREENE, VICE CHAIRMAN
- PHIL COHEN, COMMISSIONER
- MIKE DeFUSCO, COMMISSIONER
- ANTONIO GRANA, COMMISSIONER
- DIANE FITZMYER MURPHY, COMMISSIONER
- JOHN BRANCIFORTE, ALT. #1
- TIFFANIE FISHER, ALT. #2
- OWEN McANUFF, ALT. #3

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

- GALVIN LAW FIRM
- DENNIS M. GALVIN, ESQUIRE
- Attorney for the Board
  
- ROBERT C. MATULE, ESQUIRE
- Attorney for the Applicant

ROSENBERG & ASSOCIATES, INC.

Certified Court Reporters & Videographers

425 Eagle Rock Ave., Ste 201 250 Park Ave., 7th Fl.  
Roseland, NJ 07068 New York, NY 10177  
(973) 228-9100 1-800-662-6878 (212) 868-1936

www.rosenbergandassociates.com

1       A L S O   P R E S E N T:

2               EILEEN BANYRA, P.P.,

3               Board Planner

4

5               JEFF MARSDEN, P.E.,

6               Board Engineer

7               PATRICIA CARCONE,

8               Board Secretary

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1                   CHAIRMAN AIBEL: 301 Newark.

2                   MR. MATULE: Robert Matule, appearing on  
3 behalf of the applicant.

4                   We've had quite a bit of activity on  
5 this file since early this morning. This is an  
6 application for amended preliminary and final site  
7 plan approval for a project that was approved, I  
8 believe last April, which predates the affordable  
9 housing set-aside ordinance.

10                   A question was raised this morning as to  
11 whether or not, by applying for amended preliminary,  
12 which is primarily driven by trying to address some  
13 of the DEP regulations that have changed since  
14 Superstorm Sandy, this opens the matter up to the new  
15 ordinance, as opposed to the statutory protections  
16 that you get with preliminary site plan approval  
17 under the Municipal Land Use Law.

18                   Being the conservative counsel that he  
19 is, the board attorney believes that it would open it  
20 up to compliance with the ordinance. I'm not taking  
21 a position on that, at this time, but I have  
22 discussed it with the architect and the applicant  
23 and, under the circumstances, we believe we can  
24 revisit the design and bring it back to the board for  
25 final site plan approval within the parameters of the

1 original approval, which would result in withdrawing  
2 that portion of the application that's now before you  
3 for amended preliminary.

4                   So what I am asking the board's  
5 indulgence, especially in light of the extremely  
6 brief notice that we've had to deal with this, is  
7 that we carry the matter to the meeting of -- I  
8 believe it's March 18th, give us an opportunity --  
9 give the architect the opportunity to revisit the  
10 plan and we'll then notify the board accordingly,  
11 that we're either going to proceed and comply with  
12 the ordinance and submit a compliance plan, or we'll  
13 withdraw that portion of the application for amended  
14 preliminary and just come back to the board for final  
15 as per the original approvals from last April.

16                   CHAIRMAN AIBEL: I think Mr. Matule said  
17 it correctly. I think it's possible they might be  
18 able to reconfigure what they are doing out there. I  
19 don't know, the FEMA regulations may allow for some  
20 of this and some of that and that might work, and if  
21 it doesn't work, then they'll have to submit a  
22 compliance plan. I'd like the compliance plan at  
23 least 10 days in advance of the hearing so we have a  
24 chance to --

25                   MR. MATULE: Either way, we'll submit

1 either a compliance plan or amended plans and amended  
2 application at least 10 days before the meeting, as  
3 per the Municipal Land Use Law.

4 MR. GALVIN: Just so the board  
5 understands, under the time of application rule, when  
6 somebody applies, they are protected from changes in  
7 the law. And there's also the Permit Extension Act,  
8 that protects them from changes in the law.

9 The problem, in my opinion, once they go  
10 to an amended preliminary approval, that opens them  
11 back up. What I did is I went back and I looked at  
12 when the affordable housing ordinance was passed and  
13 it was in October 2012 and this application -- the  
14 amended case came in well after October 2012. If  
15 they don't amend it, then they have their rights from  
16 their prior preliminary which predates the ordinance.

17 MR. MATULE: April of 2012.

18 CHAIRMAN AIBEL: So we can carry it  
19 without notice?

20 MR. GALVIN: If that's your pleasure,  
21 yes. If Mr. Matule will waive the time in which the  
22 board has to act.

23 MR. MATULE: I waive the time in which  
24 the board has to act. As a general rule, if we are  
25 coming back for final, with no changes, there's no

1 requirement for public notice.

2 MR. GALVIN: Right.

3 MR. MATULE: So what I'm suggesting is  
4 that if we are coming back for amended --

5 MR. GALVIN: I don't think we have to  
6 get into that. I think it's academic. You've  
7 noticed for everything and we'll carry it -- I would  
8 recommend that we carry it to March 18th without  
9 notice. I think, as a general rule, usually you do  
10 notice even though you don't have to; right; for  
11 final?

12 MR. MATULE: If it's an application  
13 where issues may come up during the course of the  
14 hearing, we do. If it's really just checking the  
15 boxes, we generally don't.

16 MR. GALVIN: In this case, you've  
17 already noticed and I think we'll carry your notice.  
18 I think that would be a wise thing to do.

19 MS. BANYRA: And, Mr. Matule, if you're  
20 changing your plan, if you can give both myself and  
21 the engineer more than 10 days, if possible.

22 MR. MATULE: We'll give you as much  
23 advance -- I have to defer to the architect, but --

24 MS. BANYRA: Understood. Even if it's  
25 an e-mail, that would be -- a PDF, and then we can

1 report to the board. Thank you.

2 COMMISSIONER COHEN: Mr. Chair, I don't  
3 know that it matters, I just want to state that I'm  
4 not going to be present on March 18th.

5 COMMISSIONER MURPHY: Either am I.

6 CHAIRMAN AIBEL: Okay. Do we have a  
7 motion to carry this without notice?

8 COMMISSIONER GREENE: I move.

9 CHAIRMAN AIBEL: Do we have a second?

10 COMMISSIONER COHEN: I'll second.

11 MADAM SECRETARY: Commissioner Greene.

12 COMMISSIONER GREENE: Yes.

13 MADAM SECRETARY: Commissioner Cohen.

14 COMMISSIONER COHEN: Yes.

15 MADAM SECRETARY: Commissioner DeFusco.

16 COMMISSIONER DeFUSCO: Yes.

17 MADAM SECRETARY: Commissioner Grana.

18 COMMISSIONER GRANA: Yes.

19 MADAM SECRETARY: Commissioner Murphy.

20 COMMISSIONER MURPHY: Yes.

21 MADAM SECRETARY: Commissioner

22 Branciforte.

23 COMMISSIONER BRANCIFORTE: Yes.

24 MADAM SECRETARY: Commissioner Aibel.

25 COMMISSIONER AIBEL: Yes.



## C E R T I F I C A T E

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

I, JOANNE M. OPPERMANN, a Certified  
Court Reporter and Notary Public of the State of New  
Jersey, do hereby state that the foregoing is a true  
and accurate transcript of my stenographic notes of  
the within proceedings, to the best of my ability.

---

JOANNE M. OPPERMANN, C.C.R.  
License No. XI01435



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

STATE OF NEW JERSEY  
COUNTY OF HUDSON  
FEBRUARY 11, 2014  
SPECIAL MEETING

526 HUDSON STREET :  
BLOCK 216.01, LOT 25 : TRANSCRIPT  
C & D Variances : OF  
PROCEEDINGS

-----  
B O A R D M E M B E R S P R E S E N T :

- JAMES AIBEL, CHAIRMAN
- ELLIOT GREENE, VICE CHAIRMAN
- PHIL COHEN, COMMISSIONER
- MIKE DeFUSCO, COMMISSIONER
- ANTONIO GRANA, COMMISSIONER
- DIANE FITZMYER MURPHY, COMMISSIONER
- JOHN BRANCIFORTE, ALT. #1
- TIFFANIE FISHER, ALT. #2
- OWEN McANUFF, ALT. #3

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

GALVIN LAW FIRM  
DENNIS M. GALVIN, ESQUIRE  
Attorney for the Board

CONNELL FOLEY, LLP  
BY: JOSEPH MURPHY, ESQUIRE  
Attorneys for the Applicant

ROSENBERG & ASSOCIATES, INC.

Certified Court Reporters & Videographers

425 Eagle Rock Ave., Ste 201 250 Park Ave., 7th Fl.

Roseland, NJ 07068 New York, NY 10177

(973) 228-9100 1-800-662-6878 (212) 868-1936

www.rosenbergandassociates.com

1       A L S O   P R E S E N T:

2               EILEEN BANYRA, P.P.,

3               Board Planner

4

5               JEFF MARSDEN, P.E.,

6               Board Engineer

7               PATRICIA CARCONE,

8               Board Secretary

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

## 1 INDEX TO WITNESS

2

3 WITNESS PAGE

4 JENSEN C. VASIL 5

5

## 6 INDEX TO EXHIBITS

7 EXHIBIT DESCRIPTION PAGE

8 A-5 Photo 5

9 A-6 Architectural details 5

10 diagram

11 A-7 Streetscape diagram 7

12 A-8 Photo 8

13 A-9 Photo 8

14 A-10 Photo 9

15 A-11 Photo 10

16 A-12 Photo 10

17 A-13 Photo 11

18 A-14 Photo 11

19 A-15 Photo 12

20 (Exhibits retained by counsel.)

21

22

23

24

25

1                   CHAIRMAN AIBEL: That brings us to our  
2 hearings. 526 Hudson Street, we're going to resume  
3 that from a couple weeks ago.

4                   Mr. Murphy.

5                   Mr. Murphy, before we get started, I  
6 want to make sure that Mr. DeFusco has had a chance  
7 to review the transcript and has certified?

8                   COMMISSIONER DeFUSCO: Yes.

9                   MR. MURPHY: Again, my name is Joe  
10 Murphy, with the law firm of Connell Foley, and I'm  
11 here tonight representing, as you may recall, the  
12 owners of 526 Hudson Street, which has a rear yard on  
13 Court Street. It is Lot 25 in Block 216.01 and it is  
14 located in the R-1 Court Street zone.

15                   As you may also recall, this application  
16 was first presented to you on January 28th and it was  
17 continued to this evening to permit the presentation  
18 of some renderings and visual aids in response to  
19 some questions that were raised at the last meeting.

20                   So, at this point, I would just call our  
21 architect.

22                   MR. GALVIN: You're still under oath.

23                   What was the last number, Pat?

24                   MADAM SECRETARY: We're up to -- A-4 is  
25 our last exhibit.

1 MR. MURPHY: We'll mark this as A-5.

2 (Whereupon, Exhibit A-5 received and  
3 marked into evidence.)

4 J E N S E N C. V A S I L, having been previously  
5 sworn, testifies as follows:

6 THE WITNESS: It's a photo of the  
7 existing property as it exists now, showing basically  
8 it's a hollowed-out shell, with a concrete apron in  
9 the front that's in disrepair.

10 EXAMINATION BY MR. MURPHY:

11 Q. Is that, more specifically, the  
12 garage/carriage house at the rear of the property?

13 A. That's correct.

14 Q. Facing Court Street?

15 A. Yes.

16 MR. MURPHY: I'll label this A-6.

17 (Whereupon, Exhibit A-6 received and  
18 marked into evidence.)

19 Q. If you could walk us through, in detail,  
20 the architectural details of what we're proposing  
21 tonight?

22 A. Sure. This is the proposed rear or  
23 Court Street elevation for the carriage house, some  
24 modifications from the last time you were here, but  
25 there's archways -- half arches, eyebrow arches, at

1 the first floor level (interruption.)

2           There's half arches or eyebrow arches at  
3 the first floor level for the garage door. The  
4 garage door has lighted panels at the top, single  
5 panels but it looks like a traditional carriage house  
6 door. And then the door to the staircase, with a  
7 unit above, also has a similar stock to it.

8           On the second floor, there's full top  
9 arch windows, double-hung, that are -- that basically  
10 cross the second floor. At the top, there's a brick  
11 detail with the stretchers pulling in and out at the  
12 headers; and on the left-hand side there's a long  
13 door, which would have been a traditional hay door in  
14 carriage houses, with a Juliet gate in front of it so  
15 the door would swing in.

16           On the top floor, also the circle tops,  
17 with a raised archway that comes -- that steps out  
18 from the building about two inches, and then that  
19 goes all the way up to the parapet.

20           Some of the details in here are from  
21 around Court Street. This detail is actually two  
22 doors down in another three-story building, they have  
23 one center window that has a circle type, that has  
24 that sort of detailed lintel. I have a picture of  
25 that. This detail is a fairly simple detail and just

1 creates an end to the building at the top.

2 On the side of the building we continue  
3 with the brick around and with false windows which  
4 mimic the front, because it's a party wall you can't  
5 actually have -- but there's a herringbone brick  
6 pattern inlaid inside of those, so it looks like  
7 there were windows there at one time, they were just  
8 filled in due to circumstances. The back is the same  
9 thing, there's another carriage house that mimics the  
10 front and circle top windows in the back as well with  
11 a similar brick detail.

12 This is a bluestone band, existing.  
13 Right now the first floor of the building is over the  
14 property line by 0.6 feet, so we're going to want to  
15 keep whatever is there but the new would step back so  
16 this new stone band helps to bring that up.

17 You want me to move on to the next?

18 Q. Sure.

19 A. The next sheet --

20 MR. MURPHY: We'll mark that A-7.

21 (Whereupon, Exhibit A-7 received and  
22 marked into evidence.)

23 A. Correct. This is a streetscape diagram,  
24 one looking west in Court Street and one looking  
25 east. This is our building looking east, the lot is

1       labeled.  So on the west side there's five  
2       three-story buildings; on our side, there's two right  
3       now; and a four-story at the corner.

4                       So it's towards this corner, it's quite  
5       a bit higher in height, generally, than the other  
6       part -- than the rest of Court Street.

7                       So this is a panoramic look at our  
8       building and then down the alleyway towards Sixth  
9       Street, showing this is a new three-story building,  
10      there's a couple on the east side and then ours would  
11      be in that area.

12                      MR. MURPHY:  We'll label that as A-8.

13                      (Whereupon, Exhibit A-8 received and  
14      marked into evidence.)

15                      THE WITNESS:  And as I prepare some --  
16      this would be the height in that same photograph, be  
17      consistent with the other three-story, that is only  
18      one or two buildings down, and also with the  
19      buildings across from it.

20                      MR. MURPHY:  That is going to be A-9.

21                      (Whereupon, Exhibit A-9 received and  
22      marked into evidence.)

23                      Q.       Just to clarify, here you've shown, in  
24      rendering to the picture, how the end carriage house  
25      will actually -- once constructed, will actually

1 appear on the street?

2 A. Correct. Also, we propose to repair the  
3 front apron, the concrete apron, the asphalt apron.  
4 The way it is now, it's in complete disrepair, so we  
5 would take all of that apron back, propose a new  
6 sloped concrete apron, because there's a four,  
7 five-inch building between one side of the building  
8 and the other. So it would be sloped in the  
9 building. We keep it inside of our property line and  
10 then repair the -- reinstall the existing  
11 cobblestones, where we can, and repair, patch them  
12 in, all the way in front of the building. So you  
13 have a more uniform look in the front of the  
14 pavement.

15 MR. MURPHY: I'll label that A-10.

16 (Whereupon, Exhibit A-10 received and  
17 marked into evidence.)

18 THE WITNESS: I don't know if we have to  
19 label this as an exhibit, but this an example of the  
20 detail above the window and, so, it's got stretchers  
21 and headers protruding out. It's only done at the  
22 second floor and at the third floor it's fully come  
23 out and I think it was a little bit too repetitive to  
24 have it all the way up. It seemed like it was a very  
25 nice detail at the second floor. That detail is

1 also --

2 MR. MURPHY: We'll label that A-11.

3 (Whereupon, Exhibit A-11 received and  
4 marked into evidence.)

5 Q. Where is this property located?

6 A. This is actually New York City.

7 Q. Okay.

8 A. This is two doors down. This has the  
9 same detail on a much bigger window but it's  
10 protruding a little bit further, it looks a tiny bit  
11 garish so this one looked a little nicer.

12 MS. BANYRA: Can you hold that up?

13 THE WITNESS: Surely. That's the same  
14 detail over that arch.

15 MR. MURPHY: We'll label that A-12.

16 (Whereupon, Exhibit A-12 received and  
17 marked into evidence.)

18 THE WITNESS: They had the circle top  
19 windows but they filled them in with a grate at the  
20 top and we're having the circle go up. It's a pretty  
21 consistent -- well, I should say, that circle top  
22 window is fairly common amongst carriage houses so  
23 that's why it was chosen versus a straight 90 square  
24 top.

25 And these are just other pictures of the

1 buildings on Fifth Street. Starting on the west  
2 side, this is at the corner, this is an existing  
3 four-story. This is the next building as a  
4 three-story, again more squarish. As you get down to  
5 508, they have the carriage house door, the small  
6 arch top windows that go up.

7 This also has the arch tops further in  
8 the middle of the block, which is 516 and 518.

9 Then, across from us is -- this image I  
10 don't have the address, but it has a large circle top  
11 at the top.

12 And this building, which is all the way  
13 at the end, it's a four-story -- sorry, that's the  
14 same one as this (indicating.)

15 MR. MURPHY: This will be A-13.

16 (Whereupon, Exhibit A-13 received and  
17 marked into evidence.)

18 THE WITNESS: And this was just a  
19 housekeeping issue. I added the note about the  
20 repair of the apron and the paving in that property  
21 line in the front.

22 MR. MURPHY: I'll label this A-14.

23 (Whereupon, Exhibit A-14 received and  
24 marked into evidence.)

25 MR. MURPHY: I believe the next thing

1 you have is the landscaping plan?

2 THE WITNESS: Yes, a landscaping plan  
3 between the buildings, the main Hudson Street  
4 building is here, there are a few steps going down to  
5 the patio area, which is only about 5 feet long, and  
6 then there's synthetic grass with paving stepper  
7 stones into the carriage house and a planted area  
8 along the south property line.

9 MR. MURPHY: We'll label that A-15.

10 (Whereupon, Exhibit A-15 received and  
11 marked into evidence.)

12 I believe that's the last of the  
13 presentation we have for tonight.

14 THE WITNESS: Yes.

15 CHAIRMAN AIBEL: I'll open it up to the  
16 board members.

17 Mr. Greene.

18 COMMISSIONER GREENE: Can you discuss  
19 the construction and the operation of the carriage --  
20 the garage door?

21 THE WITNESS: Sure. It's going to be a  
22 full wood door and it's actually a square door in an  
23 eyebrow opening and then behind it, it comes up with  
24 a regular -- with electric lock gear magnets.

25 COMMISSIONER GREENE: The door will roll

1 up into the garage as opposed to being a bifold?

2 THE WITNESS: It's going to roll up,  
3 correct.

4 COMMISSIONER GREENE: You said it is  
5 wood?

6 THE WITNESS: Yes, correct.

7 COMMISSIONER GREENE: And as far as the  
8 landscaping, is there -- you said the grass is going  
9 to be artificial?

10 THE WITNESS: Correct.

11 COMMISSIONER GREENE: Is there going to  
12 be any provision for drainage?

13 THE WITNESS: There will be.

14 COMMISSIONER GREENE: Is it porous?

15 THE WITNESS: Yes, it is. And we  
16 typically do about 4 inches of P-Gravel underneath  
17 it.

18 COMMISSIONER GREENE: Thank you.

19 COMMISSIONER FISHER: Can I ask one  
20 question?

21 CHAIRMAN AIBEL: Yes.

22 COMMISSIONER FISHER: Don't take this  
23 the wrong way; is it required that the garage  
24 function as a garage or alternatively it could be  
25 closed up and that could be a living room, like part

1 of the living space, or is there something that  
2 requires it --

3 THE WITNESS: It has to be on the garage  
4 on the first floor, I believe that's part of the zone  
5 plan.

6 COMMISSIONER GREENE: Even further, it  
7 has to be a garage bay used by the people living  
8 above it, right?

9 THE WITNESS: That's correct.

10 COMMISSIONER BRANCIFORTE: The very  
11 first photo, I don't know what exhibit it was --

12 MR. GALVIN: A-5?

13 COMMISSIONER BRANCIFORTE: Is it A-5?  
14 A-5, I have to ask, I walked by the site on Saturday  
15 or Sunday and this doesn't seem like the same  
16 addition. When was this picture taken?

17 THE WITNESS: That picture was taken in  
18 August maybe. This was taken -- I have one that was  
19 taken today or yesterday.

20 COMMISSIONER BRANCIFORTE: You took it  
21 or --

22 THE WITNESS: Yeah, I took it. Correct.

23 COMMISSIONER GREENE: All the other  
24 pictures, they were all taken in August?

25 THE WITNESS: No, these are taken --

1 these were taken either this week, they have the snow  
2 on the ground. We have one that's -- I do have one  
3 that I haven't printed but it's there. I can  
4 print -- show you on my iPad.

5 COMMISSIONER BRANCIFORTE: If it's not,  
6 it's not all that important right now. I just wanted  
7 to clarify, it's not the condition that -- the  
8 question I have, the reason I bring it up is because  
9 as I look at the property, I was there the other day,  
10 I saw it looked like new cinder block that went up.

11 THE WITNESS: In the back, correct.

12 COMMISSIONER BRANCIFORTE: Is that  
13 reflected on the plans right now?

14 THE WITNESS: Yes, it is.

15 COMMISSIONER BRANCIFORTE: That's within  
16 code?

17 THE WITNESS: Correct.

18 COMMISSIONER BRANCIFORTE: So you didn't  
19 push the wall out or anything?

20 THE WITNESS: No, we didn't.

21 COMMISSIONER BRANCIFORTE: You just  
22 replaced what was there?

23 THE WITNESS: Correct.

24 COMMISSIONER BRANCIFORTE: I don't have  
25 anything else.

1                   CHAIRMAN AIBEL: Other questions from  
2 the board?

3                   Question about the backyard; are there  
4 going to be fences on either side of the backyard?

5                   THE WITNESS: Yes, we have indicated a 6  
6 foot tall fence although we haven't done the design  
7 yet but I imagine it will be a wood -- good-neighbor  
8 fence.

9                   MR. MARSDEN: I believe Elliot asked  
10 about the grass. Are you showing, in your detail,  
11 some sort of piping system that's going to collect  
12 the water from the gravel underneath it, connecting  
13 into the drain system?

14                  THE WITNESS: Seems like to be such a  
15 small area, there's not a lot of clay there. The  
16 percolation, it's about 167 square feet that it could  
17 drain in natural percolation, we didn't think we  
18 would need a natural. It would be gravel and then  
19 have natural ground.

20                  MR. MARSDEN: About 4 to 6 inches of  
21 gravel?

22                  THE WITNESS: Yes, that's correct.

23                  CHAIRMAN AIBEL: The greenery that you  
24 show on your plan, that's natural plants?

25                  THE WITNESS: Yes, these would be sort

1 of arborvitae, anything that is evergreen along that  
2 wall. There's going to be a fence behind it but it  
3 gives it some natural piece so it's not all synthetic  
4 in the back.

5 CHAIRMAN AIBEL: And I think one of the  
6 things that I'd be focused on is what you're adding  
7 to the backyards for your neighbors and I would  
8 encourage nice-neighbor fences and very nice  
9 plantings.

10 THE WITNESS: Certainly.

11 MS. BANYRA: Is that represented on the  
12 site plan right now or that's proposed and then your  
13 site plan would be revised?

14 THE WITNESS: That's correct.

15 MS. BANYRA: And to reflect the rest of  
16 what's being discussed tonight?

17 THE WITNESS: That's correct.

18 MR. MARSDEN: All your leaders and  
19 gutters are all tied into the drainage system?

20 THE WITNESS: That's correct.

21 MR. MARSDEN: Nothing will discharge  
22 aboveground?

23 THE WITNESS: That's correct.

24 MR. MARSDEN: Okay.

25 CHAIRMAN AIBEL: Seeing no questions

1 from the board members, let me open it up to the  
2 public. Does anybody in the public have questions  
3 for Mr. Vasil?

4 COMMISSIONER COHEN: Motion to close the  
5 public portion.

6 CHAIRMAN AIBEL: Second?

7 COMMISSIONER BRANCIFORTE: Second.

8 CHAIRMAN AIBEL: Thank you, Mr. Vasil.  
9 Mr. Murphy.

10 MR. MURPHY: I would like to thank you  
11 all for giving us the opportunity to come back here  
12 tonight and provide some visual detail that hopefully  
13 has answered some of the questions that you had  
14 raised at the last meeting and presents a clearer  
15 picture of the project that my clients hope to  
16 complete on the property they purchased. I think it  
17 will be a good improvement to the neighborhood,  
18 visually appealing, as well as a place where they  
19 hope to raise their family.

20 Thank you.

21 CHAIRMAN AIBEL: Thanks. Let me open up  
22 to the public for any comments.

23 Seeing none.

24 COMMISSIONER COHEN: Motion to close the  
25 public portion.

1 COMMISSIONER DeFUSCO: Second.

2 CHAIRMAN AIBEL: All in favor?

3 Open it up to the board for

4 deliberation.

5 Mr. Cohen.

6 COMMISSIONER COHEN: I think we liked  
7 the application two weeks ago but the thing that was  
8 missing was the design for the carriage house, I  
9 think that was the big stumbling block to why we  
10 didn't vote on it two weeks ago. I think that it's a  
11 beautiful design and I think it's a good application  
12 and I support it.

13 CHAIRMAN AIBEL: Any other comment?

14 COMMISSIONER GREENE: I'd just like to  
15 comment that I appreciate the responsiveness to our  
16 questions and concerns and I think it looks very  
17 nice.

18 CHAIRMAN AIBEL: Mr. Branciforte.

19 COMMISSIONER BRANCIFORTE: But we have  
20 to consider the fact that we're still looking at the  
21 fourth floor addition to the Hudson Street building.

22 COMMISSIONER GREENE: Right.

23 COMMISSIONER BRANCIFORTE: The  
24 conversation, the back and forth I had with the  
25 planner, Mr. Ochab, about that extension on the

1 fourth floor, blocking the light and air to the  
2 fourth floor of the neighbor. And Mr. Ochab said:  
3 Well, don't worry, it's only a north wind anyway,  
4 nobody wants a north wind blowing into that  
5 apartment.

6 I thought that was really discounting  
7 the concerns that I have for the neighbors and their  
8 light and their air. Just because it's to the north,  
9 the building is going to the north and the  
10 neighbors -- doesn't mean that the sun is coming from  
11 the south, doesn't mean they're still going to not  
12 lose light and there's still light to be seen from  
13 the north when you look out the window. I can't  
14 approve an application where someone is going to walk  
15 up to the window today and be able to look to the  
16 north and look to the south and see the backyard and  
17 then tomorrow have half of their view cut off because  
18 these people want a bigger study. Just doesn't make  
19 sense. God bless them, they want a bigger study, but  
20 that's not a benefit to the neighborhood and it's a  
21 substantial detriment to the neighborhood in terms of  
22 light and air.

23 So I'm going to vote against it just on  
24 that.

25 The other problem I had with Mr. Ochab's

1 testimony, when I went back and read it again, was he  
2 says that this new design for the Court Street  
3 building is discussed extensively in the master plan.  
4 I've read the master plan a few times and I can't  
5 remember them talking really much about Court Street.  
6 I went through it again, I searched it two or three  
7 times, and the only thing I came up with was the fact  
8 that they say that we need to -- I want to read it, I  
9 have it printed out -- that we need to preserve  
10 what's on Court Street right now. You can save the  
11 heights the way they are rather than increase the  
12 heights and increase the -- I'm sorry, I have to find  
13 it, it's really important that we read it straight  
14 out.

15 But, if you want, we'll come back.

16 I can't vote on this project for the  
17 main reason of that fourth-story addition. And the  
18 true fact is, I mean the fact is that they don't need  
19 a variance to renovate that carriage house, they can  
20 renovate it and make it into a nice little apartment  
21 for a Stevens student, grad student, apartment for  
22 someone that comes in town two or three days a week,  
23 and they can do it without the (c) variance.

24 That's all I have to say. I do want to  
25 come back, if I find the printout that I have, and

1 read it out loud for the record.

2 CHAIRMAN AIBEL: Any other commissioners  
3 who wish to comment?

4 COMMISSIONER MURPHY: I have a question.  
5 I thought that they did need a variance because they  
6 were going from a two-floor to a three-floor even  
7 though they were staying within the height range.

8 COMMISSIONER FISHER: I think he's  
9 saying they don't need it if it just did the two.

10 COMMISSIONER BRANCIFORTE: Maybe, Ms.  
11 Banyra can speak a little more on what I was saying  
12 and then about the master plan and the (c) variance  
13 on the height and the stories.

14 MS. BANYRA: The master plan, John, you  
15 would like me to corroborate on what it says  
16 regarding Court Street.

17 I think you've already indicated that it  
18 doesn't say a lot about Court Street and I confirm  
19 that that's true. The zoning ordinance, within the  
20 purpose of this zone, does speak to Court Street and  
21 talks about preserving the integrity. I didn't find  
22 the quote that you said that Mr. Ochab said, I don't  
23 know if that was testimony or that was in his report.

24 COMMISSIONER BRANCIFORTE: It was  
25 testimony.

1 MS. BANYRA: Okay. But it's clear that  
2 the master plan does not extensively talk about Court  
3 Street. It does talk about historic preservation in  
4 the master plan, it talks about preserving character,  
5 it also speaks to -- not replicating historic  
6 structures -- not mimicking historic structures.

7 When you look at the zoning ordinance,  
8 the zoning ordinance itself, the -- the master plan  
9 also talks about preserving the historic overlay  
10 zones, which Court Street is an overlay zone.

11 So I think that while it might not  
12 specifically say Court Street, there's certainly some  
13 inferences to Court Street. I can't -- I don't know  
14 what Mr. Ochab -- I can't say what he was talking  
15 about, or not, but there certainly is some strong  
16 language regarding historic preservation and other  
17 parts of the master plan talk about cobble streets.  
18 Most of the cobble street area that it was talking  
19 about, I think was 14th Street, but it also talks  
20 about, I think it's Willow Terrace is also a cobble  
21 street in town and then the other one would be Court  
22 Street. So we do talk about preserving the cobble  
23 streets.

24 Regarding the variance, this does need a  
25 variance. As we indicate, it's not a (d) variance,

1 because it's an accessory structure, it does meet the  
2 height limitation but it does not meet the number of  
3 stories. It's permitted two stories for a carriage  
4 house and this is three stories.

5 As you recall, I write in my report,  
6 everyday there's a court case, City of Hoboken  
7 versus, maybe Evers, I think that's what it was,  
8 which actually the judge ruled that the number of  
9 stories constitutes a (d) variance and we should look  
10 at it under the statutory 70(d)(6) as you would as a  
11 height variance.

12 So, this does meet the height, it  
13 doesn't meet the number of stories, it isn't a  
14 principle structure, so it needs a (c) variance.

15 Does that hit it?

16 COMMISSIONER MURPHY: Yes.

17 COMMISSIONER FISHER: But, Mr.

18 Branciforte, what you were suggesting was they could  
19 still build something smaller, right? If we don't  
20 approve this, they still have a structure that has a  
21 garage that would meet the need of a student terrace  
22 or something. Is that what you were suggesting?

23 COMMISSIONER BRANCIFORTE: Yes. Correct  
24 me if I'm wrong, certainly it's up to the applicant  
25 to correct me if I'm wrong too, but they don't need a

1 variance to rebuild what's allowable by law, they can  
2 just, you know, go with that.

3 MS. BANYRA: They can build a two-story  
4 structure 30 feet in height, yes. And they are  
5 asking for a three-story structure, correct.

6 COMMISSIONER MURPHY: I'll comment that  
7 I tend to agree with you on the building of the main  
8 structure. I feel like it's blocking light and air  
9 in general, the property, you know, having a building  
10 at the end -- I know that's the nature of the lot,  
11 but it's too dense.

12 CHAIRMAN AIBEL: Anyone else wish to  
13 comment?

14 COMMISSIONER GRANA: I have a question.  
15 Just to clarify, the extension on the fourth floor in  
16 the principal structure is going to require what  
17 variance?

18 MS. BANYRA: That requires a (d)  
19 variance, a (d)(6). It's a (d)(6) for height, under  
20 the height, yes.

21 COMMISSIONER GRANA: I have the same  
22 challenge with the project. I think the carriage  
23 house has been presented very well. I think it will  
24 compliment the intent of the improvement of Court  
25 Street. I do believe that the variance on the fourth

1 floor, having visited the site, is going to have  
2 negative impact on light and air and I'm struggling  
3 with this project myself.

4 CHAIRMAN AIBEL: Michael. Go ahead.

5 COMMISSIONER DeFUSCO: Here's the thing,  
6 is that I think that this project -- first of all,  
7 reading the transcript, everyone made very good  
8 points. It's a tough project. To me the extension  
9 into the backyard on the primary structure is  
10 infringing on a space that I'm very cautious about, a  
11 green space. They are, by right, allowed to build  
12 the three stories that they have. I don't believe,  
13 however, that the fourth story is going to be such an  
14 adverse impact on the neighbors that their air, their  
15 light and their quality of life is going to be  
16 outweighed by all of the benefits that this project  
17 is bringing. One of those primary benefit is a  
18 substantial improvement to Court Street, which is a  
19 historical street, and the applicants have gone above  
20 and beyond offering up a project, at probably great  
21 expense, to make it historical in nature and of the  
22 day, of the time, using the proper materials.

23 So, you know, I'm between approving this  
24 project because of the quality of the construction.  
25 I'm on the fence, about weighing the detrimental

1 impact that that fourth story will do. If there were  
2 neighbors, which I'm not, I would wish for the facade  
3 improvements and all of the other improvements that  
4 they are doing over that fourth story. I like the  
5 project, I think it compliments the community and  
6 I'll be voting for it.

7 COMMISSIONER GREENE: I don't really  
8 have the same concerns about infringing on the light  
9 and air. We do live in an urban environment and I  
10 don't see that -- the impact of that addition, in my  
11 view, is not material.

12 I will note that there were no objectors  
13 here, certainly none was provided and they would have  
14 the opportunity to object if they did. I'm -- my  
15 bigger concern happened to be the Court Street part  
16 of the project and those concerns have been responded  
17 to, I think, very nicely. So I'm going to support  
18 the project.

19 COMMISSIONER COHEN: I just want to echo  
20 Commissioner Greene. With respect to the  
21 fourth-story addition, remember, there already are  
22 four stories here on this property and the three  
23 stories going up, that exist now. So all you're  
24 really doing here is bringing the fourth story up to  
25 the height of the rest of the building. It's not as

1 if there's an empty space behind this building,  
2 that's a green space, that's bringing in a lot of  
3 light into the neighborhood, we're talking about  
4 bringing up square the back of the building to the  
5 front of the building. Which again, for the quality  
6 of the project, for the beauty that's being restored  
7 to Court Street, I mean, is there an impact? Yes, I  
8 think there's an impact, but I think the benefits of  
9 the project outweigh the impact. I think the impact  
10 is not that significant.

11 COMMISSIONER BRANCIFORTE: Am I missing  
12 something here? Because everyone thinks that they  
13 can't build a two-story carriage house as pretty as  
14 that one right there. It's very pretty, it's very  
15 nice, but it doesn't fit in with the historic  
16 preservation of Court Street and --

17 COMMISSIONER COHEN: They need a  
18 variance for that carriage house.

19 COMMISSIONER BRANCIFORTE: Right, (c)  
20 variance.

21 COMMISSIONER COHEN: Right.

22 COMMISSIONER BRANCIFORTE: To build a  
23 two-story carriage house they don't need --

24 COMMISSIONER COHEN: To build what they  
25 are building they need a variance.

1                   COMMISSIONER BRANCIFORTE: That's a  
2 three-story.

3                   COMMISSIONER COHEN: That's the  
4 application in front of us.

5                   COMMISSIONER BRANCIFORTE: I'm saying,  
6 if we turn down the (c) variance for that carriage  
7 house, they can still go to the building department  
8 and get zoning --

9                   COMMISSIONER COHEN: Right.

10                  COMMISSIONER BRANCIFORTE: And get  
11 something for two-story.

12                  COMMISSIONER COHEN: We're voting on  
13 this application.

14                  COMMISSIONER BRANCIFORTE: My point,  
15 though, Phil, if we turn this down, it's not going to  
16 keep them from building something nice, just as nice  
17 as this and just as pretty and it's going to improve  
18 Court Street.

19                  MS. BANYRA: Can I make a comment,  
20 though? I want to make a clarification. If someone  
21 is going to pull a building permit, that's not party  
22 to an application, they don't have any other  
23 restrictions put on them. So they can -- they might  
24 do that, but they might not do that.

25                  So, I mean, when we're approving

1 something, they are not -- they could restore that  
2 building and do two stories. You would hope somebody  
3 is going to choose that, because it's beautiful.

4 COMMISSIONER BRANCIFORTE: I misspoke  
5 when I said they can pull a building permit, what I  
6 meant, they can go and get a zoning approval to build  
7 two stories and make a very nice two-story carriage  
8 house and I will approve it.

9 MS. BANYRA: But there's no guarantee  
10 that hypothetically it will be very nice. In terms  
11 of, if you like this picture and you say, okay, if we  
12 deny, we're going to do the same thing, there's no  
13 guarantee of that.

14 Just for the new board members, when  
15 there's an approval, there's restrictions that go  
16 along with that approval. If there's something as of  
17 right, they have lots of -- there's lots of other  
18 choices.

19 COMMISSIONER BRANCIFORTE: Let me put it  
20 this way, then: I'm less worried about what it's  
21 going to look like, I'm more worried about the fact  
22 that there's three stories on Court Street.

23 COMMISSIONER GREENE: They can build it  
24 that high whether it's two or three stories. The  
25 height is not subject of the variance, it's the fact

1 that, instead of having a lot of space, they're going  
2 to have two floors. The height will look the same.

3 COMMISSIONER BRANCIFORTE: Well, I think  
4 it will look much different with -- I think it would  
5 look different as a one-story building and they need  
6 to do this to make it a more rentable space and I  
7 don't agree with that.

8 COMMISSIONER FISHER: I'm not voting.

9 MR. GALVIN: Let me make that clear.  
10 Alternate, when you're here, even if you're not  
11 voting, you can still participate in the comments.

12 COMMISSIONER FISHER: I want to go back  
13 to something Dennis said.

14 MR. GALVIN: I would suggest, if it's  
15 going to be a close call, that you not suggest what  
16 your outcome would be. You can tell us what you like  
17 and you dislike, but don't kind of cast your vote if  
18 you're in the objector's spot. Because what happens  
19 is somebody will -- a winner or loser, either an  
20 objector or an applicant, if they look, they'll try  
21 to knock out one of the other board members that  
22 voted, to possibly reach the alternate. But  
23 otherwise you can participate.

24 COMMISSIONER FISHER: But otherwise --

25 MR. GALVIN: Go for it.

1                   COMMISSIONER FISHER: I'm going to go  
2 back to something that Dennis said at the last  
3 meeting, which was my first meeting, which was, just  
4 confirming, if this is declined, if it's declined,  
5 for one reason or the other, whether it's the fourth  
6 floor or the third floor of the carriage house, let's  
7 say it's the fourth floor, they can come back and put  
8 the application in just for the carriage house.

9                   MR. GALVIN: Right. They can't do the  
10 same application, because that would be res judicata,  
11 but they can come back for a different application.

12                   COMMISSIONER FISHER: Right. And so,  
13 for all intents and purposes, both of these are value  
14 added to them. Putting a third floor on the carriage  
15 house is more valuable to them, more lucrative and  
16 putting a fourth floor on their overall house is a  
17 positive. They have an opportunity and they probably  
18 will come back and still beautify that building  
19 because it's in everyone's best interest to do that.  
20 Is that the wrong way to look at it?

21                   COMMISSIONER DeFUSCO: I don't know if  
22 it's right or wrong, but it's a small property owner,  
23 it's a family that's trying to establish its roots in  
24 Hoboken and I don't feel we should be dragging people  
25 through the bureaucratic process all the time.

1 That's just my take on it. Could they do something?  
2 Absolutely. Would they come back with a project that  
3 has the same aesthetic appeal as this one? Maybe,  
4 maybe not. You could argue it both ways.

5 COMMISSIONER MURPHY: I don't think we  
6 saw any kind of pictures, and maybe we don't need  
7 them, of what they are proposing to do with the  
8 fourth floor, the top. So, if I remember correctly,  
9 the third floor has like a kind of big picture  
10 window. So, are they doing the same kind of thing on  
11 that fourth floor?

12 CHAIRMAN AIBEL: Counsel, you want to  
13 come up and help us?

14 COMMISSIONER BRANCIFORTE: I don't think  
15 they gave us any pictures.

16 COMMISSIONER MURPHY: The third floor in  
17 that house now is not like that, it's four windows  
18 together in a row, it's one big picture window, like  
19 four panels, no brick between them, above I guess  
20 what is the second floor is two windows, I don't have  
21 a picture of the first. That's an old picture,  
22 because it doesn't have an extension, so here is two  
23 windows and this has four brand-new windows in the  
24 new extension.

25 This is now out, right? This part

1 that's built here right now, what they already had  
2 approval for, has two windows here and then these are  
3 four big windows here. They are connected, there's  
4 no brick between them.

5 THE WITNESS: The top floor, we have two  
6 windows similar to the second floor.

7 MR. MURPHY: Correct, the third floor  
8 has four connected windows across, and the top would  
9 just be back to the two. This is actually four  
10 together.

11 CHAIRMAN AIBEL: Mr. Vasil, you're  
12 pointing out the way it will appear as-built?

13 THE WITNESS: Correct.

14 COMMISSIONER MURPHY: So that third  
15 floor, that he just put his hands over, doesn't  
16 actually look like that?

17 THE WITNESS: That's correct.

18 COMMISSIONER MURPHY: It looks like this  
19 (indicating.)

20 CHAIRMAN AIBEL: Tony.

21 COMMISSIONER GRANA: Just to summarize  
22 the discussion I'm hearing, at least for me that --

23 CHAIRMAN AIBEL: Don't summarize yet.

24 COMMISSIONER GRANA: Sorry, I'll do it  
25 for myself. Is the substantial contribution that the

1 small property owner wants to make to the improvement  
2 of Court Street, which I do believe is an asset  
3 offset by the what I think are the negative impacts  
4 of the fourth floor, the fourth floor?

5 COMMISSIONER BRANCIFORTE: One other  
6 quick thing. I am so against -- someone stopped me  
7 on the street last week and ripped into me and said  
8 the zoning board doesn't treat the little guy fairly,  
9 and I said to that person, no, we treat everyone --  
10 everyone has equal protection under the law, whether  
11 you're a big guy or a little guy, you get the same  
12 considerations from the zoning board.

13 So, you know, this little guy/big guy  
14 thing, you're discriminating, you're saying we're  
15 discriminating against the big guys versus little  
16 guys and it shouldn't be that way. We just heard the  
17 oath to uphold the Constitution, equal protection  
18 under the law, and that's all I have to say.

19 Sorry. I'm sorry, Phil, got a kick out  
20 of that.

21 CHAIRMAN AIBEL: Here are a few  
22 comments: I think the Court Street improvement at  
23 three stories within the height restriction doesn't  
24 bother me at all, and, in truth, it's a 14 foot wide  
25 building so a single unit at 14 feet by 20 is I think

1 marginal at best.

2                   So I think the nature of the property is  
3 driving the two floors and so I'm okay with that.  
4 I'm also okay with that and I think the proofs were  
5 pretty compelling that there are other three-story,  
6 like buildings on Court Street. I frankly think that  
7 the architect did a fine job in trying to create a  
8 match for the three-story at the north end of the row  
9 of two-story buildings in between, so I think that's  
10 going to actually create a very, very beautiful  
11 visual on Court Street.

12                   On the rear yard extension, I share some  
13 of Mr. Branciforte's concerns, but there's loss of  
14 light and air for people on the first three floors of  
15 the adjacent building because at three floors they  
16 are building as of right.

17                   I may be persuaded, because this board,  
18 not too long ago, did grant a similar extension and  
19 it's the nature of building by right at some point  
20 that drives this.

21                   In the other case, my recollection is  
22 that there's one side only but it was -- the  
23 extension that we approved was at the south side of a  
24 four-story building so that, in effect, it was  
25 perhaps not quite the same impact that I think we all

1 recognize will exist in this property in between. On  
2 the other hand, at some point, there will be a  
3 beautiful four-story extension built in between these  
4 two properties. On balance, I guess I'm moving  
5 toward feeling supportive of the application.

6 I hope I got the last word in. Again, I  
7 don't know whether we want to take a break and talk  
8 to counsel or just bring it to a vote?

9 COMMISSIONER COHEN: Let's vote.

10 COMMISSIONER GREENE: Can we get a  
11 reading of the conditions?

12 MR. GALVIN: I only have three at this  
13 point.

14 One, plan has to be amended to show that  
15 the garage apron will be rebuilt.

16 Two, the carriage house is to be built  
17 as shown and described to the board at final hearing  
18 night of February 11th, 2014; and, in particular, I'm  
19 referring to the architectural drawing and the  
20 explanation given to us.

21 And, three, the applicant is to provide  
22 the landscape plan as presented to the board at the  
23 hearing.

24 MS. BANYRA: So the plan will be  
25 amended, as per the testimony, with the 6-foot fences

1 on the site and I think they were wooden fences with  
2 the attractive side and probably both sides but I  
3 think he testified that it was going to be  
4 good-neighbor fences. So I don't think we have those  
5 plans.

6 MR. GALVIN: Six foot high, wooden,  
7 good-neighbor fences.

8 MS. BANYRA: And a 6-inch P-Gravel  
9 underneath the artificial turf. So that plan detail  
10 should also be represented, again as testified.

11 MR. GALVIN: How many inches of  
12 P-Gravel?

13 MR. MARSDEN: Four to six. Put in six,  
14 I like six.

15 COMMISSIONER DeFUSCO: Six is a good  
16 number.

17 MR. GALVIN: Underneath the artificial  
18 grass which is to be porous.

19 I got it, okay. Let me remind the board  
20 that this is a (d) variance, it requires five  
21 affirmative votes.

22 COMMISSIONER COHEN: Make a motion to  
23 approve the four conditions identified by counsel.

24 COMMISSIONER DeFUSCO: I'll second that.

25 CHAIRMAN AIBEL: Pat.

1 MADAM SECRETARY: Commissioner Greene.

2 COMMISSIONER GREENE: Yes.

3 MADAM SECRETARY: Commissioner Cohen.

4 COMMISSIONER COHEN: Yes.

5 MADAM SECRETARY: Commissioner DeFusco.

6 COMMISSIONER DeFUSCO: Yes.

7 MADAM SECRETARY: Commissioner Grana.

8 COMMISSIONER GRANA: Yes.

9 MADAM SECRETARY: Commissioner Murphy.

10 COMMISSIONER MURPHY: No.

11 MADAM SECRETARY: Commissioner

12 Branciforte.

13 COMMISSIONER BRANCIFORTE: No.

14 MADAM SECRETARY: Commissioner Aibel.

15 COMMISSIONER AIBEL: Yes.

16 MADAM SECRETARY: Five affirmative.

17 (Whereupon, the proceedings are

18 adjourned.)

19

20

21

22

23

24

25

## C E R T I F I C A T E

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

I, JOANNE M. OPPERMANN, a Certified  
Court Reporter and Notary Public of the State of New  
Jersey, do hereby state that the foregoing is a true  
and accurate transcript of my stenographic notes of  
the within proceedings, to the best of my ability.

---

JOANNE M. OPPERMANN, C.C.R.  
License No. XI01435

