

1 CITY OF HOBOKEN
2 ZONING BOARD OF ADJUSTMENT

3 IN RE:)
4 153 THIRD STREET,) TRANSCRIPT
5 Applicant.) OF
6 -----) HEARING

6 Place: 94 Washington Street
7 Hoboken, NJ 07030

8 Date: December 9, 2014

9 BEFORE:

10 ZONING BOARD OF ADJUSTMENT MEMBERS:

11 JIM AIBEL, Chairman
12 ELLIOT GREENE, Vice Chairman
13 OWEN McANUFF, Commissioner
14 MIKE DeFUSCO, Commissioner
15 PHIL COHEN, Commissioner
16 JOHN BRANCIFURTE, Commissioner
17 ANTONIO GRANA, Commissioner
18 DIANE MURPHY, Commissioner
19 CAROL MARSH, Commissioner
20 TIFFANIE FISHER, Commissioner
21 EILEEN BANGRA, Planner
22 JEFF MERSDEN, Engineer

23 APPEARANCES:

24 DENNIS GALVIN, ESQ.
25 Attorney for the Board

STEPHEN SPECTOR, ESQ.
Attorney for the Applicant

Ranee Casier, Transcriptionist
AUDIOEDGE TRANSCRIPTION SERVICES
425 Eagle Rock Ave., Ste. 201
Roseland, NJ 07068
www.audioedgetranscription.com
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Recording Operator: Jonathan Rosenberg

1 1) Meeting Called to Order at 7:12 p.m.

2 2) Open Public Meeting Statement

3 3) Flag Salute

4 CHAIRMAN AIBEL: Thank you, everybody. We
5 are at a Zoning Board of Adjustment. Are we at a
6 special meeting, Pat?

7 BOARD SECRETARY: This is a special meeting,
8 yes.

9 CHAIRMAN AIBEL: A special meeting, December
10 9th. We have no administrative business to conduct, so
11 we can jump right into the first application. We have
12 a very heavy schedule tonight, so we hope everybody can
13 be very efficient. Mr. Spector.

14 BOARD SECRETARY: We're going to do roll
15 call.

16 (Roll Call Taken)

17 BOARD SECRETARY: Commissioner Termattiti
18 (phonetic) is absent.

19 CHAIRMAN AIBEL: Okay. 153 Third Street.

20 ATTORNEY SPECTOR: Yes, good evening, Mr.
21 Chairman. Stephen Spector, 25 Rockwood Place,
22 Englewood, New Jersey. I am here representing the
23 applicants in this matter; a smaller, single-family
24 dwelling on Third Street that they're looking to add
25 some space to so that they can raise their family in

1 the city; upgrade the property.

2 The property, as you can see from the
3 application, is on a 20- by 25-foot lot. It's one of
4 those odd configurations they must have created a long
5 time ago. What I'd like to do, if I can -- I know I
6 already sent these in to the Board Secretary -- at
7 least I think I did. I have my affidavit of
8 publication and my affidavit of --

9 BOARD SECRETARY: I have them.

10 CHAIRMAN AIBEL: And we find them in order,
11 so please proceed.

12 ATTORNEY SPECTOR: I have three witnesses; I
13 have the architect, a planner, and the applicant would
14 like to make a statement to the board. So, without
15 further ado, I present Mr. Nastasi, who is the
16 architect, you can swear him in.

17 ATTORNEY GALVIN: Sure.

18 J O H N N A S T A S I, ARCHITECT, SWORN.

19 ATTORNEY GALVIN: State your full name for
20 the record. Spell your last name.

21 THE WITNESS: John Nastasi, N-a-s-t-a-s-i.

22 ATTORNEY GALVIN: Mr. Chairman, will you
23 recognize Mr. Nastasi?

24 CHAIRMAN AIBEL: We do.

25 ATTORNEY GALVIN: You may proceed.

1 ATTORNEY SPECTOR: Thank you, I think I'd
2 like to try to mark the boards that are already up if I
3 can.

4 UNIDENTIFIED FEMALE VOICE: They're down
5 there, under your cell phone, right there.

6 ATTORNEY SPECTOR: Okay. Thank you. Yeah, I
7 have, also, a package which is our representative of
8 our --

9 UNKNOWN SPEAKER: We'll take this.

10 ATTORNEY SPECTOR: I don't know how many is
11 there, but you can have them.

12 CHAIRMAN AIBEL: Mr. Spector, one second.
13 Is anybody here in the public to look at 153 Third
14 Street? I know we have the applicants here; is there
15 anybody else who's here for that application? Fine.

16 MR. SPECTOR: There's three boards, if I can
17 represent to the board, are -- is the --

18 UNKNOWN SPEAKER: -- existing --

19 ATTORNEY SPECTOR: -- existing plan that was
20 submitted as part of the application.

21 CHAIRMAN AIBEL: But now, it's colorized?

22 ATTORNEY SPECTOR: Yes.

23 CHAIRMAN AIBEL: It wasn't when you submitted
24 it, okay. That's fine. We'd mark it. No, I'm saying,
25 my rules are; if you submitted it, we don't mark it.

1 If you colorized it, then we would mark it.

2 ATTORNEY SPECTOR: Okay. Do you want me to
3 mark it, sir?

4 CHAIRMAN AIBEL: Yes, please.

5 ATTORNEY SPECTOR: I'll mark it A-1. And
6 that's the submitted plan.

7 BY MR. SPECTOR:

8 Q And can you describe A-2, Mr. Nastasi, for a
9 second before you talk about plan?

10 A A-2 is an aerial view of the site, and A-3 are the
11 front facade renderings.

12 Q Now, Mr. Nastasi, were you retained by the --
13 it's A-1, A-2, A-3, dated today. Were you retained by
14 the property owners for the purposes of drawing a plan
15 for the expansion of their dwelling?

16 A Yes, I've been retained by the Dworzanski family.

17 Q Okay. And did you in fact prepare a plan?

18 A Yes, I have.

19 Q Would you describe to the board what you have
20 planned and showing as best you can on these exhibits,
21 what your plan --

22 A I've planned a modest expansion of the existing
23 single-family residence, and I will briefly and
24 concisely go through what we're proposing. And I would
25 start with the first page of the 11/17 handout, which

1 is also -- it's on this board, marked A-2. And this
2 model shows the context; where we are, 153 Third
3 Street, where the Dworzanski residence is situated
4 right here, one block in off of Bloomfield. That's
5 their existing two-family residence.

6 And you can see; it's a two-story building on
7 this street, and you can see its relationship to what
8 we like to refer to at the Zoning Board is the doughnut
9 or the backyard. And what we're proposing to do is to
10 modestly add a third floor into that empty space of the
11 backyard. And the lower image down below shows the
12 partial roof terrace added, and you can see that in
13 relationship to the backyard, it doesn't protrude into
14 the doughnut; it really can't be seen by anybody. It
15 actually occupies -- if this is the doughnut, that's
16 probably the armpit of the backyard, because it's just
17 in the back corner up against two existing walls.

18 BY MR. SPECTOR:

19 Q Just for one second; it's a single-family
20 dwelling; I heard two family. I just want to make sure
21 that's -- a single family dwelling.

22 A The second page of the 11/17 handout shows an
23 aerial view close up before and after the proposal,
24 where you can see the existing two-story residence on
25 Page 2 of that handout, and you can see the roof

1 adjacent to the building that's under construction
2 which was recently approved by the zoning board. And
3 then, the image below it shows the expansion of the
4 third floor and the modest terrace that tucks behind
5 the addition that's now under construction.

6 And that -- kind of between the macro of the
7 backyard and then, the closeup, you can see the
8 magnitude of the massing. And then, the third page of
9 the 11/17 shows a two-story, sided facade as it exists,
10 and then, the three-story brick facade as we're
11 proposing. And it is adjacent to the building that is
12 in construction, which is the old Holland Deli
13 (phonetic), which is now being renovated. What we're
14 showing is the Minervini design that was approved and
15 is under construction.

16 If I were to run through the floor plans, you can
17 see the house is a small piece of property that
18 occupies 100 percent of the lot. And the way we're
19 proposing this expansion is that on the ground floor
20 will be the Dworzanski's living room, dining room,
21 kitchen, and it's a small open layout because of its
22 footprint, with an air lock and a stair.

23 And on the second and third floor, we're
24 developing the bedroom suite on the second floor, with
25 a bathroom and a guest room. And then, on the third

1 floor, we're getting another bedroom/bathroom suite and
2 an exercise room. So that the Dworzanski's and their
3 son can then each have their own bedrooms and their own
4 bathrooms.

5 As we move up to the roof, we have to step back
6 from the street. The stair comes up. And we're
7 proposing a 10-foot by 15-foot private roof terrace for
8 them. They don't have a backyard. They don't have
9 exterior space. So, this will give them some outdoor
10 space to sit up there. And that's what I'm depicting
11 on the page that we recently talked about, which is
12 that space here.

13 We're not changing the footprint of the building;
14 we're just coming up one story. And then we're asking
15 for a roof coverage variance for that.

16 Q And you're putting on a facade on the
17 building?

18 A Yes, the building currently has an atypical siding
19 -- a siding which doesn't match well, and we're going
20 to strip that down, and then, build up a new brick
21 facade, which is an indigenous or vernacular facade
22 that matches Hoboken street scape.

23 Q And I believe A-3, I'm stumped about A-3.

24 A The A-3, I talked about already, the 11/17, that's
25 the front facade before and after.

1 Q Now, based upon your experience and your
2 expertise, is this in any way going to interfere,
3 architecturally, with the buildings surrounding it and
4 overwhelm them or anything else similar to that?

5 A I actually think this project would be a unique
6 example, where it contributes to the street scape,
7 where it brings back a vernacular Hoboken row house
8 facade. And this project, coupled with the renovation
9 going on next-door, it seems to be a major improvement
10 to this street at this point in time.

11 Q And this will also bring the building in
12 conformity with any additional new codes that are in
13 effect as of now?

14 A Yes, the building will be completely up to code.
15 As a matter of fact, there is a small abutment,
16 existing abutment on the back that is six inches over
17 the property line; and it's existing. We are going to
18 rebuild it and get it back on our side of the property
19 line.

20 Q Do you have anything else you want to present
21 at this time?

22 A That's all I have at this point.

23 Q Now, were you provided with a copy of the
24 letter from the H2M Engineering?

25 A Yes, I received that.

1 Q I show you what has been dated December 2nd,
2 2014.

3 A Yes.

4 Q Do I need to mark this, Mr. Gowen?

5 CHAIRMAN AIBEL: I'm sorry, I didn't hear
6 you.

7 ATTORNEY SPECTOR: This is the letter from
8 the engineer as to --

9 CHAIRMAN AIBEL: No, it wouldn't have to be
10 marked; it would be part of the Board's file in the
11 event we went to court.

12 ATTORNEY SPECTOR: Thank you.

13 BY MR. SPECTOR:

14 Q And you have seen this letter before?

15 A Yes, I have.

16 Q And have you read it and do you have any
17 problems with it?

18 A I don't have any problems with it.

19 Q So, it's your understanding that your plans
20 will conform with whatever is being required in here?

21 A Yes, they do.

22 MR. SPECTOR: I have nothing further of Mr.
23 Nastasi, Mr. Chairman.

24 CHAIRMAN AIBEL: Thank you. Board members,
25 any questions?

1 COMMISSIONER FISHER: Just a quick question;
2 on the -- on the back, the -- in the cap that you sent
3 through, the picture, looking at the house from the
4 back, I just want to clarify something.

5 THE WITNESS: Sure.

6 COMMISSIONER FISHER: If you look -- on the -
7 - if you look on the left side and the right side, you
8 look at the fire escapes on the other building; on the
9 picture on the left, there is no upper level windows.
10 The picture on the right actually shows some upper
11 level windows; are they in this -- or are they in the
12 building --

13 THE WITNESS: In the red brick?

14 COMMISSIONER FISHER: There's two on the
15 bottom in the red brick; if you go up to what would be,
16 like, the third floor. The picture on the right hand
17 side, you see on the beige, there's a window?

18 THE WITNESS: Those are the windows from the
19 stairway of the Dworzanski residence.

20 COMMISSIONER FISHER: Okay. So that is --
21 that is newly built --

22 THE WITNESS: Yes.

23 COMMISSIONER FISHER: It's not -- all right.
24 So, there's no windows -- there's no widows on the side
25 of that structure that -- there's no windows on the

1 side of the existing neighbor structure that this --

2 THE WITNESS: No, the four-story building
3 has no windows, right.

4 COMMISSIONER FISHER: -- might encroach on.
5 All right. That's all I have.

6 UNKNOWN SPEAKER: Exactly. What we're
7 building is up against like walls of two neighbors.

8 CHAIRMAN AIBEL: Board members, anything
9 else?

10 COMMISSIONER COHEN: Just a quick comment is
11 that; I had questions, and these pictures are very
12 helpful in showing what's going on. So, I think we
13 could have many other applications that would have gone
14 quicker if we had gotten pictures like this. So --

15 FEMALE VOICE: These are great.

16 COMMISSIONER COHEN: -- I just want to thank
17 the applicant for putting these together.

18 CHAIRMAN AIBEL: Take a bow now, huh?

19 (Laughter.)

20 CHAIRMAN AIBEL: Okay. Anything else? Okay.
21 Let me open it up to the public; anybody in the public
22 have questions for Mr. Nastasi?

23 FEMALE VOICE: Jeff Morrison has something.

24 CHAIRMAN AIBEL: Sorry. Jeff, go ahead.

25 MR. MERSDEN: I'm sorry. One quick question:

1 You show the mechanicals in the basement; are you
2 actually moving mechanicals down there or putting them
3 down there?

4 THE WITNESS: They're existing down there.

5 MR. MERSDEN: Okay. Because you might have a
6 problem with a slight issue of, you know, water
7 occupying that area.

8 THE WITNESS: I do know that my clients were
9 here during "Sandy", and did not get water in their
10 basement; they're not in the flood zone. So -- and
11 it's existing.

12 MR. MERSDEN: That was really my only
13 question.

14 COMMISSIONER BANGRA: I have a question, too.

15 CHAIRMAN AIBEL: Eileen?

16 COMMISSIONER BANGRA: Yeah, Mr. Nastasi, is
17 there ability to put a street tree in front of the
18 building?

19 UNKNOWN VOICE: Isn't there always an ability
20 to put a street tree --

21 UNKNOWN VOICE: There's no -- there's no
22 trees on that entire street, so I just don't
23 necessarily think that it would be -- have one tree
24 coming out of the ground. There's no -- I -- the
25 person next-door who's doing a renovation is not

1 putting trees in, and there's none to the -- the left
2 side of the property. So, if they want -- you know, if
3 the board wants a tree, we'll put a tree in. I don't
4 know whether or not it's going to --

5 COMMISSIONER BANGRA: Okay. I wasn't sure
6 relative to the telephone pole and, you know, if
7 there's other -- if there's other impediments there
8 relative to wires, telephone poles, things like that.

9 UNKNOWN VOICE: I know that there's existing
10 street vaults underneath that sidewalk, both with the
11 property next-door and in that property --

12 COMMISSIONER BANGRA: Well, I knew that the
13 property next-door couldn't because of them. They were
14 actually required to do a street tree unless they
15 couldn't because of other physical --

16 UNKNOWN VOICE: I know we have a mechanical
17 system -- the utilities coming in, and I there is a
18 vault under there, and I think that would probably
19 prohibit us from putting in a tree. As much as I would
20 be more than supportive of doing it, I don't think it
21 could be done.

22 MR. MERSDEN: Mr. Chairman, just one more
23 quick question. You indicated it's not in the flood
24 plain, but the survey shows elevation 11.1 in front,
25 and the ADFE in this area is 12. So, it really is in

1 the flood plain. So, you may need the jurisdictional
2 determination, but as long as you abide by my letter,
3 you should be fine. Thank you.

4 THE WITNESS: Thank you.

5 CHAIRMAN AIBEL: Okay? We're okay?

6 COMMISSIONER BANGRA: Yeah.

7 CHAIRMAN AIBEL: I open it up to the public;
8 anybody in the public have questions? Seeing none, can
9 I have a motion?

10 COMMISSIONER GREENE: I move to close the
11 public portion.

12 CHAIRMAN AIBEL: All in favor?

13 (All in favor)

14 CHAIRMAN AIBEL: Thank you.

15 ATTORNEY SPECTOR: David Spatz, please.

16 ATTORNEY GALVIN: Raise your right hand.

17 D A V I D S P A T Z, APPLICANT'S WITNESS, SWORN.

18 ATTORNEY GALVIN: Say your full name for the
19 record; spell your last name.

20 THE WITNESS: David Spatz, S-p-a-t-z.

21 CHAIRMAN AIBEL: All right.

22 ATTORNEY SPECTOR: Mr. Chairman, Mr. Spatz
23 appeared many times as an expert.

24 CHAIRMAN AIBEL: We accept his credentials.

25 ATTORNEY SPECTOR: Thank you.

1 DIRECT EXAMINATION BY MR. SPECTOR:

2 Q Mr. Spatz, were you contacted by my office to
3 look at an application in connection with this matter?

4 A Yes, I was.

5 Q And were you retained for the purpose of
6 preparing a report to deal with any variances or any
7 waivers that were required?

8 A Correct, yes.

9 Q Okay. And you have prepared a report; is
10 that correct?

11 A I have and it was submitted as --

12 Q Okay. And I show you a document that is
13 dated April 1st, 2014; is that the report that you
14 submitted?

15 A That's the report that was submitted, yes.

16 Q Okay. Would you describe to the board
17 exactly what you have found; what variances are needed,
18 and your opinion with regard to same?

19 A Certainly. There are a number of variances
20 associated with the lot and with the existing building.
21 The property is 20 by 25, 500 square feet, and the zone
22 requires 2,000 square feet. So, we're 1500 square feet
23 short. The building itself, the existing building
24 covers the entire property. So, it doesn't meet the
25 front yard, side yard and lot coverage requirements.

1 What we're doing is going directly straight up.
2 So, obviously, the lot and the lot area and width
3 cannot be increased in any way, as the properties are
4 developed all surrounding us. Technically, because we
5 are going up and we're meeting the same setbacks as
6 currently exist, the addition requires the same
7 variances. But there are truly pre-existing
8 conditions.

9 The only new variances generated by -- well, there
10 are actually two variances, in that we are expanding a
11 non-conforming structure by going up. That is a C
12 Variance. And then, rooftop coverage; the zone permits
13 10 percent, and we're at 67 percent. That's really
14 generated by the fact that the building is on such a
15 small lot and actually has such an ultimately small
16 footprint, to get any facilities on the roof, it has to
17 exceed that 10 percent.

18 So, we really, the primary variances are sought
19 under the C-1 standard; that we have a hardship. We
20 have a building that legally exists on a legal lot; no
21 ability to expand it in any way. So, the variance is
22 just carried through.

23 The C-2 standard would apply for the roof
24 coverage, and again, as described by the project
25 architect; there are no buildings -- no windows on the

1 adjacent buildings that are being blocked, so there's
2 no impact from that as well.

3 We meet the Master Plan as it relates to
4 construction. There are several goals and objectives
5 that would certainly meet, promote and enhance
6 Hoboken's historic character and design image. The
7 architect described what's being done. The facade of
8 the building is actually being brought back to meet
9 more of the street scape that currently exists on the
10 property, and then, also promote compatibility and
11 scale, density, design and orientation between new and
12 existing development.

13 The block is primarily three- and four-story
14 buildings. Directly to our left, to the east is a
15 four-story building; next to us is two stories, and
16 then, an addition. And then, the rest of the buildings
17 are all three stories. So, we're actually bringing our
18 building in conformity with the street scape that
19 currently exists.

20 I don't really believe that there are any negative
21 impacts from what we're proposing. There are no
22 windows being blocked.

23 As the architect described; the doughnut of open
24 space between the buildings is not affected in any way
25 by what we're proposing. No additional parking is

1 required by what we're doing. So, we're not having a
2 negative impact on property adjacent to us or in the --
3 itself.

4 I think really, all in all, there are so many
5 preexisting conditions on this property that can't be
6 overcome, the positive impact by what's being done, I
7 think clearly out-weighs any minor negative impacts
8 that might exist.

9 Q And it's your professional opinion that the
10 granting of these requested variances will not
11 interfere with any of the intent and purpose of the
12 Master Plan and/or the municipal land use lot --

13 A No, I think, in fact, what we're proposing
14 actually brings the property more in line with what the
15 Master Plan suggests for the Borough of Hoboken, and
16 certainly does not have any negative impact.

17 ATTORNEY SPECTOR: I have nothing further of
18 this witness.

19 CHAIRMAN AIBEL: Questions for the planner?

20 ATTORNEY SPECTOR: Oh, I'm sorry.

21 CHAIRMAN AIBEL: Go ahead.

22 BY MR. SPECTOR:

23 Q I show you a document dated October 18th,
24 2014; have you seen that document previously?

25 A Yes, I have.

1 Q That's a report from the board's planner?

2 A Yes.

3 Q Have you reviewed it?

4 A I think in fact a slightly updated version --

5 UNIDENTIFIED FEMALE VOICE: Yes.

6 THE WITNESS: -- was generated this evening,
7 and yes, we've reviewed it, and there's nothing in it
8 that would impact what we're proposing.

9 BY MR. SPECTOR:

10 Q And you've had conversations with their
11 planner concerning her concerns and her comments?

12 A Yes, and I believe everything has been addressed
13 in testimony. I believe that has been provided to
14 answer those questions.

15 Q Thank you.

16 ATTORNEY SPECTOR: Nothing further.

17 CHAIRMAN AIBEL: Thanks, Mr. Spatz. Board
18 members? No? Professionals?

19 COMMISSIONER BANGRA: I just have -- Mr.
20 Spatz, just for the record, could you -- I have
21 identified I think seven variances, C Variances,
22 technical variances relative to the expansion, and I
23 just wanted to see that you concurred; the front yard
24 setback, rear yard setback, the yard coverage because
25 you're expanding the non -- all of this is because even

1 if you're going up --

2 THE WITNESS: Right.

3 COMMISSIONER BANGRA: -- even the existing
4 situation --

5 THE WITNESS: Correct.

6 COMMISSIONER BANGRA: -- the number of
7 stories, but you're still expanding a non-conforming
8 structure, and then, the rooftop coverage; is that
9 correct?

10 THE WITNESS: Yes, that's correct, the number
11 of stories is treated as that expansion of the non-
12 conforming structure, certainly, the height of both the
13 other stories, that does include what the ordinance
14 allows.

15 COMMISSIONER BANGRA: Okay. And from your
16 observation of the front of the building, I'm looking
17 at a survey, if the board, if it is possible, and it
18 would have street trees in there if the vault wasn't
19 there?

20 THE WITNESS: You know, there are other things
21 in the way. I think, you know, there's new
22 construction and none of them have street trees, but
23 certainly, providing street trees is important in urban
24 areas; if it were possible to do, I think it certainly
25 would be something that we would recommend.

1 COMMISSIONER BANGRA: Just, that would be my
2 recommendation for it. I'm not sure that it is
3 possible. I think there is -- you know, there may be
4 an issue there, but we have recommended that before,
5 and let them go to the Shade Tree Commission, and find
6 out if there is, like, a vault in the ground. And
7 then, that would be -- remove that condition. But we
8 did require it for the adjacent restaurant; I believe
9 they did have an issue with the vault underground. It
10 very well may be the same condition here.

11 So, it may be a moot point, but if you could
12 get a street tree there, I think we should always look
13 for street trees where we can. That's my only
14 question.

15 COMMISSIONER GREENE: Even if there aren't
16 any other on the street.

17 COMMISSIONER BANGRA: Well, you only get a
18 street tree if there's an activity on the street,
19 unless the town comes through with a program. So, this
20 would be the second one. We did recommend one next
21 door, and it was in the board's approval, but because
22 of an underground vault, it wasn't possible. That very
23 well may be the condition here, and maybe that's why
24 there are no street trees. But, you know, nothing
25 ventured, nothing gained is just my point. And that's

1 the only comment that I have.

2 CHAIRMAN AIBEL: Are we okay? Can we open it
3 up to the public; any questions for Mr. Spatz? Seeing
4 none --

5 COMMISSIONER GRANA: Motion to close.

6 COMMISSIONER DeFUSCO: Second.

7 CHAIRMAN AIBEL: All in favor?

8 (All in favor)

9 ATTORNEY SPECTOR: I would like to bring the
10 applicant up if I may, just for -- unless you don't
11 want -- you're satisfied with the application as
12 submitted, Mr. Chairman.

13 CHAIRMAN AIBEL: I guess we're ready for a
14 closing.

15 UNKNOWN: No, I think you have to open it to
16 the public.

17 CHAIRMAN AIBEL: I'm sorry, we open it up to
18 the public for comment. This is your opportunity to
19 comment on the application.

20 MICHAEL CARACAPPA: My name is Michael
21 Caracappa. I have the property right adjacent.

22 UNKNOWN: Could we have your street address?

23 MICHAEL CARACAPPA: Excuse me?

24 UNKNOWN: Your street address?

25 UNKNOWN: And spelling of your name, please?

1 MICHAEL CARACAPPA: I can't hear you.

2 UNKNOWN: Spelling of your name?

3 MICHAEL CARACAPPA: Oh, Michael Caracappa, C-
4 a-r-a-c-a-p-p-a.

5 UNKNOWN: Now your street address.

6 MICHAEL CARACAPPA: 615 Bloomfield Street.

7 ATTORNEY GALVIN: Okay. Raise your right hand.

8 M I C H A E L C A R A C A P P A, MEMBER OF THE
9 PUBLIC, SWORN.

10 CHAIRMAN AIBEL: Okay. You may proceed.

11 THE APPLICANT: Mr. Chairman, if I just might,
12 just for the record; Mr. Caracappa is a client of mine,
13 but I did not ask him to come tonight. So, I just want
14 the board --

15 CHAIRMAN AIBEL: We know he has an interest.
16 Go ahead.

17 MICHAEL CARACAPPA: I have the project, 155
18 the building right next door. I don't oppose this
19 project at all. In fact, redoing the building, I
20 benefit from it, the whole block benefits from it. The
21 people are good people; they're not asking for --
22 they're asking for space for themselves; they're not
23 asking for rental space or anything like that. I know
24 it's needed by them; they have a young child, and the
25 property is fairly small. I support the project.

1 CHAIRMAN AIBEL: Thank you. Anybody else
2 wish to comment? Seeing none --

3 COMMISSIONER GREENE: Move to close the public
4 portion.

5 COMMISSIONER GRANA: Second.

6 CHAIRMAN AIBEL: All in favor? (All in
7 favor.) Thank you.

8 ATTORNEY SPECTOR: I believe everything's been
9 said with regard to this variance, I submit it to the
10 board for its consideration.

11 CHAIRMAN AIBEL: Okay. Board members, we
12 open it up for discussion; anybody want to kick off?

13 COMMISSIONER DeFUSCO: Yeah, I'll start. I
14 don't see any reason that this is going to be blocking
15 my air or the general atmosphere of the doughnut. that
16 was my initial concern. Tiffanie, I think, you know,
17 put her finger on the dot with that window; it's
18 clearly part of the building. I think this promotes
19 stoop life. It is in the character of the city. It's
20 what the natural plan calls for, so it appears to be
21 good to me.

22 CHAIRMAN AIBEL: Anyone else wish to comment
23 on it?

24 COMMISSIONER GRANA: I'll comment. I think
25 this is a classic C-1 hardship application. You know,

1 that the lot does not conform, but that's a historical
2 legacy. I think that the applicant has proposed an
3 addition that fits right in with the street scape; does
4 not have negative impact elsewhere, and will generally
5 quite improve the existing street scape. So, I think
6 it's a lot of positive benefits. I support it.

7 CHAIRMAN AIBEL: Anyone else?

8 COMMISSIONER COHEN: I agree with the other
9 commissioners. You know, sometimes, we talk about roof
10 decks and have a concern about them. I think this was
11 sensibly designed towards the back of the property, and
12 for a property where there is no backyard space, but
13 the -- is completely over the property, this is a good
14 example of why a roof deck would actually make sense.
15 So, I also support this project.

16 CHAIRMAN AIBEL: Thank you.

17 COMMISSIONER BRANCIFORTE: Could I make a
18 motion to approve?

19 CHAIRMAN AIBEL: We're all okay?

20 COMMISSIONER BRANCIFORTE: Motion to approve?

21 FEMALE VOICE: Second.

22 UNKNOWN VOICE: Do we have any conditions on
23 this?

24 VOICE: Yes.

25 CHAIRMAN AIBEL: The only one is; the

1 applicant is to plant a street tree, unless the Shade
2 Tree Commission determines that a tree cannot be
3 planted in this location.

4 COMMISSIONER BANGRA: Maybe I just said the
5 applicant should meet with the Shade Tree Commission to
6 determine --

7 CHAIRMAN AIBEL: So, that's what --

8 COMMISSIONER BANGRA: Okay.

9 CHAIRMAN AIBEL: -- I gave it some thought, I
10 mean --

11 COMMISSIONER BANGRA: Okay. Either way.

12 ATTORNEY GALVIN: -- the Shade Tree
13 Commission is going to ask to put a tree in, if they
14 agree with you that they can't put it in, then you're
15 off the hook.

16 VOICE: No problem.

17 COMMISSIONER COHEN: I make a motion.

18 COMMISSIONER GRANA: Second.

19 CITY CLERK: Commissioner Greene?

20 COMMISSIONER GREENE: Yes.

21 CITY CLERK: Commissioner Cohen?

22 COMMISSIONER COHEN: Yes.

23 CITY CLERK: Commissioner DeFusco?

24 COMMISSIONER DeFUSCO: Yes.

25 CITY CLERK: Commissioner McAnuff?

1 COMMISSIONER McANUFF: Yes.

2 CITY CLERK: Commissioner Marsh?

3 COMMISSIONER MARSH: Yes.

4 CITY CLERK: Commissioner Murphy?

5 COMMISSIONER MURPHY: Yes.

6 CITY CLERK: Commissioner Aibel?

7 COMMISSIONER AIBEL: Yes.

8 Thank you very much.

9 (Proceedings adjourned 8:51:31.)

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CERTIFICATION

I, Ranee Casier, the assigned transcriber, do hereby certify the foregoing transcript of proceedings on Courtsmart is prepared in full compliance with the current Transcript Format for Judicial Proceedings and is a true and accurate non-compressed transcript of the proceedings as recorded, and to the best of my ability.

Ranee Casier _____

Date: 1-14-15

Ranee Casier, AOC #632

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425 Eagle Rock Avenue, Ste. 201
Roseland, NJ 07068

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